

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEES ON WEDNESDAY 5 OCTOBER 2011, COMMENCING AT 6.02 PM AND CONCLUDING AT 6.39 PM.

Present: Cr D Kennedy (Mayor), 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 Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Development and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Management Accountant (L Johnson), Manager Statutory Planning (G Bruce) (departed 6.20pm), Manager Governance (I Roberts).

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

ITEM 1: APOLOGIES

An apology was received for the absence of Councillor Holden.

278/11 **MOTION:** Weatherley / Shelley

That the apology for the absence of Councillor Holden be accepted and leave of absence be granted.

The motion was put and carried.

ITEM 2: DISCLOSURES OF INTEREST

Councillor Kennedy declared a pecuniary interest in Items 6.2.2 and 6.2.3 as he is an adjoining property owner in relation to both applications.

ITEM 3: CONFIRMATION OF MINUTES

279/11 **MOTION:** Shelley / Lang

That the Minutes of the Ordinary Meeting held on 21 September 2011 (Minute Nos. 211/11 to 275/11) be taken as read and confirmed.

The motion was put and carried.

ITEM 4: MATTERS IN PROGRESS

Noted.

280/11 **MOTION:** Shelley / Lang

That Res.25/11 be noted as completed.

The motion was put and carried.

281/11

MOTION: Weatherley / Shelley

That Point 2 of Res.140/11 be noted as completed.

The motion was put and carried.

ITEM 5: MAYORAL MINUTE

There was no Mayoral Minute.

ITEM 6: GENERAL BUSINESS

6.1 NOTICES OF MOTION

There were no notices of motion.

6.2 REPORTS TO COUNCIL

6.2.1 DA0036/2012 - GOLF CLUBHOUSE – LOT 182 DP 1125697, 21
ROBERTSON STREET, MUDGEE

A0100052, P2107861

282/11

MOTION: Walker / Shelley

- A. That the Report of the Senior Statutory Planner relating to the new clubhouse at Lot 182 DP 1125697, Mudgee Golf Club, 21 Robertson Street Mudgee be noted;**
- B. That Development Application No. 0036/2012 for a new clubhouse at Lot 182 DP 1125697, Mudgee Golf Club, 21 Robertson Street Mudgee be approved in accordance with the following conditions:**

APPROVED PLAN

- 1. Development is to be carried out in accordance with stamped Statement of Environmental Effects, including stamped plans DAD 1.00A to 1.04A, undated, prepared by Nicholas Associates Architects, forming part of application 0036/2012 received by Council 10.08.2011 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.**

AMENDMENTS

- 2. The development is to be fully accessible and compliant with the standards of the Disability Discrimination Act, including an accessible path of travel and pedestrian crossing from the car park to the clubhouse.**

3. A total of two (2) accessible car parking spaces, consistent with Council's Design for Accessibility DCP, are to be provided within the formalised car park.
4. Electric lighting and shade trees, consistent with Council's Car Parking DCP, are to be provided to the formalised car park, the purpose being to provide safe passage at night, sun control during the day and increased amenity at all times.

HEALTH AND BUILDING

5. 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.
6. All building work must comply with the requirements of the Building Code of Australia 2011, Volume One, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
7. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority must be carried out during the relevant stages of construction.
8. 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 is permitted on Sundays and Public Holidays.
9. 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.
10. Prior to the occupation of the new building, an Occupation Certificate must be obtained from the Principal Certifying Authority appointed for the erection of the building.

11. During construction temporary toilet facilities are to be provided at or in the vicinity of the nominated work site and for this purpose provide either a standard flushing toilet or an approved sewage management facility.
12. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - stating that unauthorised entry to the work site is prohibited, and
 - 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.
13. All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to the occupation of the premises.
14. The building must be provided with access for persons with disabilities through the main public entrance and to and within all other areas normally used by the occupants in order to comply with Australian Standards 1428.1 – 2009, 1428.4 – 1992, the Building Code of Australia and the Disability Discrimination Act.
 - Full details must be provided with the required Construction Certificate.
 - In this regard, the applicant must submit a design detail which has been certified by a qualified Accredited Access Advisor* with the application for the Construction Certificate.

NOTE: 1) A qualified Access Advisor is a current member of
Association of Consultants in Access Aust Inc 326 Autumn Street,
HERNE HILL, VIC. 3218
Ph (03) 5221 2820 www.access.asn.au

2) A qualified Access Advisor should carry current and relevant public liability and professional indemnity insurances for the practice of their profession.
15. The building must be provided with sanitary facilities for persons with disabilities in order to comply with Australian Standard 1428 (Design for access and mobility), the Building Code of Australia 2011 and the Commonwealth Disability Discrimination Act.
 - Full details must be provided with the required Construction Certificate and in accordance with the requirements of condition 14 regarding an Access Advisor.
16. Adequate facilities are to be provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements made for the regular removal and disposal of same.

17. The proposed method(s) of compliance with the Building Code of Australia are to be clarified by documentation to be submitted with the Construction Certificate Application. In this regard, it appears that the Development Application plans do not comply with the following deemed-to-satisfy provisions of the BCA.
 - Section F2.4 -Facilities for people with disabilities.
NOTE: Australian Standard 1428.1 – 2009 applies to this development.
 - Section E - in particular, E1 Firefighting equipment, specifically the provision of hydrant(s), fire hose reels, emergency lighting and exit signs and portable fire extinguishers. (see condition 14)
 - Australian Standard 2890.6 – 2009 Parking Facilities – Part 6: Off-street parking for people with disabilities.
 - Section D3.2 Access to buildings – number and location of accessways into the building for persons with a disability.
 - Section J – Energy Efficiency
 18. The Construction Certificate application for this development must include a list of fire safety measures proposed to be installed within the development and/or on the land.
 19. A copy of the Final Fire Safety Certificate is to be provided to the Commissioner of NSW Fire Brigades and a further copy of the Certificate is to be prominently displayed in the building.
 20. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification.
 21. Application may be made to Council or to an Accredited Certifier for the issue of a Construction Certificate and to be the Principal Certifying Authority monitoring compliance with the approval and issuing any relevant documentary evidence or certificate(s).
 22. 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:
 - Council is to 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.
 23. 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.
 24. All areas not provided with natural ventilation in accordance with the provisions of the Building Code of Australia being provided
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with an approved mechanical ventilation and/or air conditioning system complying with Australian Standard 1668, Parts 1 and 2.

ENGINEERING REQUIREMENTS

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

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

a) Payment of a contribution for water and sewerage headworks:

Water Headworks	\$	2,229
Sewerage Headworks	\$	1,017
Total	\$	3,246

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.

26. Onsite water reticulation must be in compliance with the Australian Standards for onsite fire hydrant design AS3500.1 (metering requirements only) and AS2419.1:2005 – Fire Hydrant Installations which provides advice regarding onsite hydrant installation (i.e. not street hydrants) and details the requirements for plumbing installations for hydrant services.

27. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of:
Traffic Management, Road Works, Open Space, Community Facilities and Plan Administration.
The levy is: \$28,000 based on the estimated cost of development of \$2,800,000.

28. The following conditions must be complied with prior to the Principal Certifying Authority issuing a Construction Certificate.

- Approval for discharge of liquid trade waste to the sewer is required prior to the issue of a Construction Certificate. An application form is to be submitted for this purpose, including discharge rate and site plan details.

29. A security deposit of \$2000 shall be lodged with the Council prior to the submission of the Construction Certificate. The deposit shall be refunded where no damage has occurred.

30. 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 run off from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.
31. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - Saving available topsoil for reuse in the revegetation phase of the subdivision;
 - Using erosion control measures to prevent on-site damage;
 - Rehabilitating disturbed areas quickly;
 - Maintenance of erosion and sediment control structures;

ENGINEERING CONSTRUCTION

32. 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.
33. The applicant shall repair any part of Council's property damaged during the course of this development in accordance with Aus-Sec #1 and any relevant Australian Standard.
34. The adjustment of any existing utility services or installation of new services is to be at the full cost of the developer.

GENERAL

35. All parking and maneuvering areas are to be sealed with a hard standing, all weather material prior to occupation of the development, and must be maintained in a satisfactory condition at all times.
36. All vehicles to enter and leave the site in a forward direction at all times.
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".

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Lang	✓	
Cr Martens	✓	
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	

6.2.2 DA0339/2011 - RURAL SUBDIVISION – LOT 341 DP 1094093, 27 ROBERT HODDLE GROVE, MUDGEE

A0100052, P1952761

Councillor Kennedy declared a pecuniary interest in that he is an adjoining property owner, vacated the Chair and left the meeting at 6.06pm and did not participate in discussions of vote in relation to this matter. In his absence, Councillor Walker assumed the Chair.

283/11

MOTION: Weatherley / Lang

- C. That the Report of the Environmental Town Planner relating to the proposed subdivision of Lot 341 DP 1094093, Mudgee be noted;**
- D. That Development Application No. 0339/2011 for a two lot rural subdivision at Lot 341 DP 1094093, be approved in accordance with the following conditions:**

APPROVED PLAN

- 1. Development is to be carried out in accordance with stamped plan Drawing No. H083MU, Dated 19/5/2011 and Statement of Environmental Effects, Dated 19 May 2011 amended 18 August 2011, prepared by Whelans Insites and forming part of the development application received by Council on 31.05.2011 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 THE SUBDIVISION CERTIFICATE

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

3. 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.
4. 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.
5. A Restriction as to user is to be placed on the title of the new allotment in accordance with the Conveyancing Act which states that no dwelling house is permitted to be erected or remain within proposed lot 1. Council is to be a benefitting authority.

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

Councillors	Ayes	Nayes
Cr Lang	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb		✓

Councillor Kennedy did not return to the meeting at the close of this Item as he had declared an interest in the following Item.

6.2.3 DA0366/2011 - MULTI-UNIT DEVELOPMENT AND COMMUNITY TITLE SUBDIVISION - LOT 2 DP 1121596, 20 BURRUNDULLA ROAD, MUDGEE

A0100052, P1965561

Councillor Kennedy had already declared a pecuniary interest in this Item as well as the previous Item in that he is an adjoining property owner, had vacated the Chair and left the meeting at 6.06pm and did not participate in discussions of vote in relation to this matter. In his absence, Councillor Walker had assumed the Chair.

284/11

MOTION: Weatherley / Shelley

- E. That the Report of the Senior Statutory Planner relating to the Multi Unit Housing development and subdivision at Lot 2 DP 1121596, 20 Burrundulla Avenue Mudgee be noted;
- F. That Development Application No. 0366/2011 for a Multi unit Housing Development and community title subdivision at Lot 2 DP 1121596, 20 Burrundulla Road, Mudgee be approved in accordance with the following conditions:

APPROVED PLAN

1. Development is to be carried out in accordance with stamped plans 0246-A01 rev.B and 0246-A02 to 0246-A19 rev.A, dated 9/11 and Mar. 11 respectively, prepared by Inline Design Solutions, forming part of application 0366/2011 received by Council 15.06.2011 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.

BUILDING DESIGN

2. All ensuite, bathroom and WC windows are to consist of frosted, translucent glass; the purpose being to prevent overlooking from the windows of opposing units and public or communal spaces, thereby enabling compliance with Council's Residential Development Control Plan 5.7
3. Skylights/skytubes or similar roof-mounted devices are to be installed above the laundry and WC of units 8 and 9, the laundry and kitchen of unit 10, and the kitchen of units 1, 3, 4, 5, 6, 8 & 9, being a total of thirteen (13) devices in all; the purpose being to improve amenity, conserve energy and compensate for limited exposure to natural light, thereby enabling compliance with Council's Residential Development Control Plan 5.2

FENCING AND GATES

4. As per the agreement reached between Council and the applicant during a meeting held 15.08.2011 and as indicated on site plan 0246-A01 rev.B, the fencing of Lochiel lane is to be of a total height no greater than 1500mm, the purpose being to improve the amenity, activation, and passive surveillance of Lochiel Lane, thereby enabling compliance with Council's Residential Development Control Plan 3.2. The fencing is to comprise 1500mm high rendered masonry columns joined by a 1200mm high rendered masonry wall topped by 300mm of horizontal timber slates, being a total height no greater than 1500mm.
5. Fences adjoining communal spaces are to be of a total height no greater than 1500mm, as indicated on site plan 0246-A01 rev.B, the purpose being to improve the amenity, activation, and passive surveillance of communal space. The fencing is to comprise 1500mm high rendered masonry columns joined by a 1200mm high rendered masonry wall topped by 300mm of horizontal timber slates, being a total height no greater than 1500mm.
6. Fences between individual units are to be 1800mm in height, as indicated on site plan 0246-A01 rev.B, the purpose being to

maintain the privacy of the individual units and enable compliance with Council's residential development control plan 5.7.

7. Gates, as indicated on site plan 0246-A01 rev.B and no greater in height than 1500mm, are to be provided to each unit, the purpose being to ease the transporting of waste containers from the yards of the individual units to collection points on Burrundulla Ave and Lochiel Lane, thereby enabling compliance with Council's Residential Development Control Plan 5.10.

LANDSCAPING AND LIGHTING

8. A detailed landscaping plan, consistent with section 5.4 of Council's Development Control Plan for Residential Development is to be prepared and approved by Council prior to the commencement of works, the objectives of Council landscaping policies being to reduce the impact of the development, provide a harmonious environment, and maintain privacy. The landscaping plan is to include electric lighting of the internal access way, pedestrian walkway and visitor car parks.

CLOTHES DRYING FACILITIES

9. Clothes drying facilities are to be wall or post mounted and placed in accordance with site plan 0246-A01 rev.B, the purpose being to screen from view of the public (as opposed to communal) space and main (as opposed to internal) frontage of the development, thereby enabling compliance with Council's Residential Development Control Plan 3.1 & 3.8.

MAIL BOXES

10. The multi-unit development is to be provided with a single structure for mail delivery, the purpose being compliance with the delivery requirements of Australia Post, thereby enabling compliance with Council's Residential Development Control Plan 3.8.

ENGINEERING REQUIREMENTS

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. 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 run off from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water

detention details including analysis shall be included with the drainage report.

12. Engineering plans of any mains extensions are to be submitted to and approved by Council prior to the issue of a *Construction Certificate*.
13. 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.
14. The developer shall obtain a *Certificate of Compliance* under the Water Management Act. This will require:
 - (a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$50,156
Sewerage Headworks	\$24,432
Total Payable	\$74,588
 - (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.
15. Onsite water reticulation must be in compliance with the Australian Standards for onsite fire hydrant design AS3500.1 (metering requirements only) and AS2419.1:2005 – Fire Hydrant Installations which provides advice regarding onsite hydrant installation (i.e. not street hydrants) and details the requirements for plumbing installations for hydrant services.

ENGINEERING CONSTRUCTION

16. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.
17. The developer is to upgrade Lochiel Lane for the full width of the road from Denison Street to the southern boundary of the development site. The upgrade is to include stormwater drainage and details are to be submitted to Council for approval with the Engineering Construction Certificate.
18. 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.

- 19. 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
- Sewer line installation prior to backfilling
- Interallotment drainage line installation prior to backfilling
- Sewer line acceptance testing
- Practical Completion

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

- 20. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
- 21. 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 is \$280 at the date of determination.

- 22. 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**

Mudgee Catchment 1-2

Transport Management	
Traffic Management	\$10,756.70
Open Space	
Local Open Space	\$16,910.90
District Open Space	\$22,959.90
Community Facilities	
Library Buildings	\$2,209.20
Library Resources	\$2,2656.30
Administration	
Plan Administration	\$5,154.80
Total Payable	\$60,647.80

- 23. 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.

24. 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.
25. The applicant is to provide separate water and sewer reticulation services to each lot.
26. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lot 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.

Note: Council will undertake connection of approved sewerage reticulations to the existing 'live' sewerage system at full cost to the developer. Upon issue of Construction Certificate, the applicant is advised to submit to Council a request to obtain quotation for the connection works to be undertaken by Council. Any request for quotation shall include a full set of approved construction plans and a proposed schedule of works.

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 \$1,100.00 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE 12 x \$1,100.00 = \$13,200.00

Note: 1. Council does not permit other bodies to insert new junctions into 'live' water mains.
2. Internal fire fighting reticulation systems must be separately metered at full cost to the developer.

28. 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.

29. 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.
30. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.

HEALTH AND BUILDING

31. 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.
32. Separate application must be made under Section 68 of the Local Government Act 1993, as amended, to Mid-Western Regional Council for all water supply, sewerage, and stormwater drainage work associated with the development.

Full details must be submitted to the Council for approval prior to the issue of the Construction Certificate by the Principal certifying Authority.
33. All building work must comply with the requirements of the Building Code of Australia 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.
34. The proposed methods of compliance with the Building Code of Australia are to be clarified by documentation to be submitted with the Construction Certificate application. In this regard the

Development Application plans do not contain details of the following deemed-to-satisfy provisions of the BCA.

- a) Part 3.7.1 Fire Separation - separating walls between Class 1 buildings.
 - b) Part 3.8.6 Sound Insulation requirements for separating walls between Class 1 buildings.
35. The separating walls must have a fire resistance level of 60/60/60 in order to achieve compliance with the Building Code of Australia's requirements for fire separation between two class 1 buildings on the same lot and also achieve the required sound insulation requirements for separating walls.
 36. The requirements of the submitted BASIX Certificates must be installed and/or completed in accordance with the commitments contained in those Certificates. Any alteration to those commitments will require the submission of an amended BASIX certificate/s to the Council prior to the commencement of the alteration/s.
 37. 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.
 38. The applicant complying with the requirements of clause 2.5 "Building in Saline Environments" contained in Council's Development Control Plan for Residential Development" 2008 relating to the measures that must be implemented for the construction of house slabs and footings.
 39. With the exception of work where there is in force an exemption under clause 187 or 188 of the Environmental Planning & Assessment Act 1979, all building work that involves residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.
 40. No work is to commence until a copy of a Home Owners Warranty or Owner/Builders Permit has been submitted to Council.
 41. Should the development require the site to be "cut or filled" to allow for the provision of a reinforced concrete floor slab, the cut and/or fill must not exceed 1000mm. Any cut or fill must be retained by a method approved by Council.
 42. Adequate yard drainage together with appropriately sized sumps must be provided for the collection and disposal of ground surface waters to prevent a nuisance being caused to the subject

property and/or adjoining properties.

43. The disposal of this water must discharge to the street gutter or interallotment drainage easement. The ground water drainage system must be separate to the roofwater drainage system. Full details must be submitted with the Construction Certificate application.
44. 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 is permitted on Sundays and Public Holidays.
45. 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.
46. Prior to the occupation of a new building, an Occupation Certificate must be obtained from the Principal Certifying Authority appointed for the erection of the building.
47. During construction, temporary toilet facilities are to be provided at or in the vicinity of the nominated work site and for this purpose provide either a standard flushing toilet or an approved sewage management facility.
48. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - a) stating that unauthorised entry to the work site is prohibited, and
 - 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.
49. Runoff and erosion controls must be installed prior to clearing the site and incorporate:
 - a) diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
 - b) sediment control fences at the downslop[e 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.
- 50. All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to the occupation of the premises.
 - 51. Adequate facilities being provided in a screened location within the development for the storage of garbage and arrangements being made for the regular removal and disposal of same. Full details are to be included in documentation for a Construction Certificate application.
 - 52. 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.
 - 53. Application may be made to Council or to an accredited certifier for the issue of a Construction Certificate and/or to be the Principal Certifying Authority monitoring compliance with the approval and issuing any relevant documentary evidence or certificate(s).
 - 54. 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.
 - 55. A Construction Certificate application must include working drawings of the structural elements of the proposed buildings within the development, prepared and certified by a practising Professional Structural Engineer. Full details being provided with the Construction Certificate application.

- 56. 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.
- 57. All areas not provided with natural ventilation in accordance with the provisions of the Building Code of Australia being provided with an approved mechanical ventilation system complying with Australian Standard 1668, Parts 1 and 2. Full details being provided with the Construction Certificate application.
- 58. 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.

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

Councillors	Ayes	Nayes
Cr Lang	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	

Councillor Kennedy returned to the meeting at 6.20pm. Councillor Walker vacated the Chair which was resumed by Councillor Kennedy.

6.2.4 NON-CLAIMANT NATIVE TITLE DETERMINATION

A0100052, A0420218, P1920111

285/11

MOTION: Shelley / Martens

That:

- 1. the report by Senior Environment Officer on the matter of the Non-Claimant Native Title Determination be received;
- 2. the lodging of the 'Notice of Intention to become a Party to an Application' with the National Native Title Tribunal be endorsed;

The motion was put and carried.

6.2.5 RYLSTONE KANDOS AND VILLAGES SEWERAGE AUGMENTATION

A0100052, F0780048

286/11

MOTION: Shelley / Lang

That:

1. the report by the Manager Water & Waste Strategies on the Rylstone Kandos and Villages Sewerage Augmentation be received;
2. Council approves a variation to vary the design of the Kandos Sewage Treatment Plant Disinfection System for the sum of \$21,000.00 plus GST.

The motion was put and carried.

6.2.6 NAMING OF KAURI LANE EXTENSION

A0100052, R0790141

287/11

MOTION: Lang / Shelley

That:

1. the report by the Manager Governance about the naming of an un-named lane between Kauri Lane and Church Street Mudgee be received;
2. Council proposes to name the unnamed lane between Kauri Lane and Church Street as shown on the attached map as Kauri Lane;
3. the proposal be advertised in the Community News and notices of the proposal be served on the relevant statutory authorities inviting submissions in writing within 21 days; and
4. a further report be presented to Council at the expiration of that period.

The motion was put and carried.

6.2.7 NAMING OF BEDES LANE AND PARISH LANE, WOLLAR

A0100052, R0790141

288/11

MOTION: Webb / Weatherley

That:

1. the report by the Manager Governance about the naming of two un-named lanes in Wollar be received;
2. Council proposes to name the, as yet unnamed lanes in Wollar as depicted on the attached map as Bedes Lane & Parish Lane;

3. notices of the proposal be served on the relevant statutory authorities inviting submissions in writing within 21 days; and
4. a further report be presented to Council at the expiration of that period.

The motion was put and carried.

6.2.8 COUNCIL LAND – LION'S DRIVE AND DEPOT ROAD, MUDGEES

A0100052, A0010006

289/11

MOTION: Walker / Lang

That consideration of this matter be deferred to Confidential Session.

The motion was put and carried.

6.2.9 LOCAL TRAFFIC COMMITTEE MINUTES 13 SEPTEMBER 2011

A0100052, R0790060

290/11

MOTION: Webb / Walker

That:

1. the minutes for the Traffic Advisory Committee meeting held on 13 September 2011 are noted;
2. That parking is altered for approximately 45 metres in front of ADA Cottage, 93-95 Angus Ave, Kandos from parallel to reverse angle parking with an allocation of a reverse angle disabled parking space and 6m of 2 hour parking spaces closest to the facilities driveway.
3. That a "Disabled Parking" space and associated signage be installed at the Mudgee Public School, to the west side of the vehicle access in Denison St, as well as a disabled car space at Mudgee High School on the Southern side of the road 32m East of Douro St at the pedestrian entrance to Mudgee High School.
4. That the event – "A Day on the Green" at Robert Oatley Vineyards, 5 November 2011" – be classified as a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events Version 3.4" and proceeds with the following conditions:
 - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
 - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - c. Controlling noise as required by the *Protection of The Environment Operations (Noise Control) Regulation 2000*;

- d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. A Traffic Control Plan (TCP), certified by a person with a "Worksite Traffic Control Certificate" be included in the TMP;
 - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
 - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
 - j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
 - k. Maintain a four-metre wide emergency vehicle lane;
 - l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date; and
 - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.
 - n. The event organiser apply to the RTA for a direction to restrict the speed limit as proposed.
 - o. A copy of the TMP including the TCP be forwarded to the Traffic Operations Manager at the Regional RTA Office in Parkes, for information.
5. That the event – "Rylstone Street Feast", 19 November 2011 – be classified as a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events Version 3.4" and proceeds with the following conditions:
- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
 - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - c. Controlling noise as required by the *Protection of The Environment Operations (Noise Control) Regulation 2000*;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;

- g. A Traffic Control Plan (TCP), certified by a person with a "Worksite Traffic Control Certificate" be included in the TMP;
- h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
- i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
- j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
- k. Maintain a four-metre wide emergency vehicle lane;
- l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date; and
- m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.
- n. A copy of the TMP including the TCP be forwarded to the Traffic Operations Manager at the Regional RTA Office in Parkes, for information.

- 6. That Abattoirs Rd Mudgee from the Castlereagh Highway for its entire length of 1km be approved for Higher Mass Limits.

The motion was put and carried.

6.2.10 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE – JUNE 2011

A0100052, P0210911, A0100012

291/11

MOTION: Webb / Lang

That:

- 1. the report by Group Manager Operations on the Mudgee Showground Management Committee Meeting be received;
- 2. the minutes for the Mudgee Showground Management Committee ordinary monthly meeting held on 7 June 2011 be noted.

The motion was put and carried.

6.2.11 GULGONG MEMORIAL HALL COMMITTEE MEETING –
SEPTEMBER 2011

A0100052, P0453311

292/11

MOTION: Webb / Lang

That:

1. the report by the Administration and Building Maintenance Coordinator on the Gulgong Memorial Hall Committee Meeting be received;
2. the minutes of the Gulgong Memorial Hall Committee held on the 13 September 2011 be received.

The motion was put and carried.

6.2.12 GULGONG SPORTS COUNCIL MINUTES – AUGUST 2011

A0100052, A0360003

293/11

MOTION: Webb / Walker

That:

1. the report by Group Manager Operations on the Gulgong Sports Council minutes be received;
2. the minutes for the Gulgong Sports Council ordinary monthly meeting held on 10 August 2011 be noted.

The motion was put and carried.

6.2.13 KANDOS BICENTENNIAL MUSEUM COMMITTEE - AUGUST 2011

A0100052, A0060123

294/11

MOTION: Webb / Walker

That:

1. the report by the Manager Community Development on the Kandos Museum Committee be received;
2. Council note the minutes of the Kandos Bicentennial Industrial Museum meeting held on 18 August 2011;
3. Council endorse the Kandos Bicentennial Museum Collection Policy.

The motion was put and carried.

6.2.14 KANDOS CENTENARY COMMITTEE

A0100052, a0310010

295/11

MOTION: Martens / Webb

That:

1. the report by the Manager, Community Development on the Kandos Centennial Working Party be received;
2. Council accept the nominations of Pam O'Connor, Leanne Wicks, Marie Ford, Peg Butler and Bruce Fleming to be members of the Kandos Centenary Working Party.

The motion was put and carried.

6.2.15 MID-WESTERN REGIONAL YOUTH COUNCIL – SEPTEMBER 2011

A0100052, A0060048

296/11

MOTION: Webb / Lang

That:

1. the report by the Manager Community Development on the Youth Council Meeting be received;
2. Council note the minutes of the Mid-Western Regional Youth Council held on 6th September 2011.

The motion was put and carried.

6.2.16 MUDGEE AND GULGONG ACCESS COMMITTEE – AUGUST AND SEPTEMBER 2011

A0100052, A0060008

297/11

MOTION: Shelley / Webb

That:

1. the report by the Manager Community Development on the Mudgee and Gulgong Access Committee be received;
2. Council note the minutes of the Mudgee and Gulgong Access Committee meetings held on 2 August 2011 and 6 September 2011.

The motion was put and carried.

6.2.17 FINANCIAL ASSISTANCE – TIER 1 APPLICATIONS

A0100052, A0140201

MOTION: Shelley / Lang

That:

1. the report by the Financial Accountant on financial assistance applications be received;
2. Council provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy – Tier 1, subject to those requirements being met, with the funding from the general financial assistance vote:

Mudgee Show Society Inc.	\$2,000
Hill Top Arts Exhibition	\$1,000
3. the application from Mudgee Gulgong FM be considered as a budget initiative for the during the 2012/13 budgeting process;
4. Council underwrite the Gulgong Folk Festival for up to a further \$3,000 that Council will pay only, if the at the end of the event, the financial records indicate that the event ran at a loss. Council will pay only that amount of the loss up to a value of \$3,000.

298/11

AMENDMENT: Webb / Thompson

That:

1. the report by the Financial Accountant on financial assistance applications be received;
2. Council provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy – Tier 1, subject to those requirements being met, with the funding from the general financial assistance vote:

Mudgee Show Society Inc.	\$3,000
Hill Top Arts Exhibition	\$1,000
3. the application from Mudgee Gulgong FM be considered as a budget initiative for the during the 2012/13 budgeting process;
4. Council underwrite the Gulgong Folk Festival for up to a further \$3,000 that Council will pay only, if the at the end of the event, the financial records indicate that the event ran at a loss. Council will pay only that amount of the loss up to a value of \$3,000.

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

6.2.18 FINANCIAL ASSISTANCE – TIER 2 APPLICATIONS

A0100052, A0140201

299/11

MOTION: Walker / Thompson

That:

1. the report by Financial Accountant on the financial assistance be received;
2. Council provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy – Tier 2, subject to those requirements being met, with the funding from the general financial assistance vote:

Mudgee Mental Health Team	\$500 per annum for a period of three years
Gulgong High School	\$100
Gulgong Golf Club Inc.	\$841

3. The additional amount of \$200 be distributed to Gulgong High School from Councillor Kennedy's discretionary vote.

The motion was put and carried.

6.2.19 REGISTER OF RETURNS DISCLOSING INTERESTS OF COUNCILLORS AND DESIGNATED PERSONS

A0100052, A0110004

300/11

MOTION: Shelley / Walker

That:

1. the report by Manager Governance on the completion and lodgement of Returns disclosing interests of councillors and designated persons be received;
2. the Register of Returns disclosing interests of councillors and designated persons be tabled and it be noted that with the exception of Mr Andrew Drummond, who is presently incapacitated, all Returns were submitted by the return date.

The motion was put and carried.

6.2.20 INTERNAL AUDIT COMMITTEE

A0100052, A0100048

301/11

MOTION: Walker / Shelley

That:

1. the report by the Manager Governance on the Central Tablelands Alliance Internal Audit Committee be received;

2. Council note the minutes of the meeting of the Central Tablelands Alliance Internal Audit Committee held on Friday 2 September 2011; and
3. Council note the report on the Mid-Western Regional Council Review of Development Assessment, Section 64 and Section 94 Revenue and Expenditure by IAB Services and that all recommendations of the Audit have been actioned.

The motion was put and carried.

6.2.21 MONTHLY MANAGEMENT PLAN REPORTING – AUGUST 2011

A0100052, A0149935

302/11

MOTION: Walker / Shelley

That:

1. the Management Plan 2011/12 reports by the Management Accountant for the month ended 31 August 2011 be received;
2. the variations as listed in the August 2011 Monthly Reporting be adopted.

The motion was put and carried.

ITEM 7: URGENT BUSINESS WITHOUT NOTICE

There was no urgent business without notice.

ITEM 8: CONFIDENTIAL SESSION

303/11

MOTION: Walker / Lang

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: Council Land – Lions Drive and Depot Road Mudjee

The reason for dealing with this matter confidentially is that it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, in accordance with Section 10A(2)(c) of the Local Government Act, 1993.

Disclosure of this matter in an open meeting would be contrary to the public interest as it involves contractual financial offers in respect of the subject land.

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.

6.2.8 COUNCIL LAND – LION'S DRIVE AND DEPOT ROAD, MUDGEE

A0100052, A0010006

The General Manager informed the Council that earlier today, he had been contacted by a two Real Estate Agents making offers in respect of the residential blocks.

304/11

MOTION: Walker / Lang

That the General Manager be authorised to negotiate in respect of the residential blocks and report back at the Council Meeting on 19 October 2011.

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 6.39 pm.