

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 1 FEBRUARY 2012, COMMENCING AT 6.30 PM AND CONCLUDING AT 7.30 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), Acting Group Manager Finance and Administration (L Johnson), 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: DISCLOSURE OF INTEREST

Councillor Martens declared a significant non-pecuniary conflict of interest in Item 6.2.6 about the Temporary Workers Accommodation Draft DCP in that she is a member of the Joint Regional Planning Panel and that an application by the Mac Group will be referred to the Panel to be considered in accordance with this DCP policy.

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.25 about the Target Country Progress Report in that he is a contractor for this project.

ITEM 3: CONFIRMATION OF MINUTES

1/12

MOTION: Martens/Shelley

That the Minutes of the Ordinary Meeting held on 21 December 2011 (Minute Nos. 515/11 to 548/11) be taken as read and confirmed with an amendment under Minute No. 530/11 which should read that Councillor Martens donated \$250 to the Kandos Pensioners Association as well as the Rylstone Pensioners Association for their seniors lunch.

The motion was put and carried.

ITEM 4: MATTERS IN PROGRESS

2/12

MOTION: Holden/Walker

That Min. No. 21/11 be endorsed as completed.

The motion was put and carried.

3/12 **MOTION:** **Weatherley/Lang**

That Items 3 & 4 of Min. No. 375/11 be endorsed 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**

6.1.1 **DISABLED TOILETS AT BILLY DUNN AND VICTORIA PARK**
OVALS

A0100035, A0100055, F0650047 F0650124

4/12 **MOTION:** **Thompson/Walker**

That Council consider in the 2012/13 budget initiatives, the construction of disabled toilets at Billy Dunn Oval and Victoria Park, Gulgong.

The motion was put and carried.

6.2 **REPORTS TO COUNCIL**

6.2.1 **DA0197/2012 ALTERATIONS AND ADDITIONS TO SOUTH**
MUDGEES SURGERY, LOT 1 DP 865631, 11 OPORTO ROAD,
MUDGEES

A0100055, P1140962

5/12 **MOTION:** **Walker/Webb**

- A. That the report by Council's Senior Statutory Planner regarding DA 0197/2012 for alterations and additions to South Mudgee Surgery Lot 1 DP 865631, 11 Oporto Road, Mudgee be noted,**
- B. That Council resolves to determine DA 0197/2012 2012 for alterations and additions to South Mudgee Surgery Lot 1 DP 865631, 11 Oporto Road, Mudgee by way of consent subject to the following conditions;**

APPROVED PLAN

1. Development is to be carried out in accordance with stamped plans 106.11- sheets 1 to 5 dated 16.11. 2011, prepared by Preferred Design and Drafting and forming part of DA 0197/2012 received by Council 06.12. 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.

HEALTH AND BUILDING

2. 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.
3. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
4. All building work must comply with the requirements of the National Construction Code 2011, Volume Two, 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.
5. 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.
6. 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.

7. 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.
8. Prior to the occupation of a new additions, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the additions.
9. 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.
10. 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.
11. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)
12. 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. No work is to commence until a copy of a Home Owners Warranty or Owner/Builders Permit have been submitted to Council.
13. All stormwater is to discharge to the street water table by the use of non-flexible kerb adapters
14. Erosion and sediment control measures being implemented prior to the commencement of works and must be maintained during the period of construction to prevent sediment and other debris from the site. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

15. 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 give at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
16. Adequate yard drainage together with appropriately sized sumps must be provided for the collection and disposal of ground surface waters to prevent a nuisance from these waters being caused to the property and/or adjoining properties. The disposal of ground surface waters must discharge to the street gutter or interallotment drainage easement. The ground water drainage system must be separate to the roof water drainage system. Full details must be submitted with the Construction Certificate application.
17. A Registered Surveyors Certificate showing the boundaries of the site and the proposed buildings plotted there on being submitted to the Principal Certifying Authority prior to the commencement of construction.
18. Prior to the occupation of the building a written statement must be submitted to the council confirming the installation/completion of those commitments.

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

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

6.2.2 DA0207/2012 ATTACHED DUAL OCCUPANCY AND
SUBDIVISION, LOT 2 DP 1143747, 3 INVERNESS AVENUE,
MUDGEE

A0100055, P2036661

6/12

MOTION: Walker/Holden

- A. That the report by Council's Senior Statutory Planner regarding DA 0207/2012 be noted,
- B. That Council resolves to determine DA 0207/2012 for detached dual occupancy and subdivision, Lot 2 DP 1143747, 3 Inverness Avenue, Mudgee by way of consent subject to the following conditions;

APPROVED PLAN

- 1. Development is to be carried out in accordance with stamped plans 124.11, sheets 1 to 5 dated 30.11.2011, prepared by Preferred Design and Drafting and forming part of DA 0207/2012 received by Council 13.12.2011 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.
- 2. Clothes drying screens and the dividing fence between the private open spaces of the two units are to be 1800mm in height, and of lap and cap timber construction.
- 3. Landscaping is to consist primarily of semi-mature, drought resistant native trees.

DESIGN ENGINEERING

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- 4. The developer shall obtain a *Certificate of Compliance* under the Water Management Act. This will require:
 - Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$3,803.00
Sewerage Headworks	\$3,300.00
Total Payable	\$7,103.00
 - 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.

ENGINEERING CONSTRUCTION

5. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.
6. 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.
7. 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
 - Practical Completion

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

8. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
9. 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.
10. 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

Section 94 Contributions

Transport Management	
Traffic Management	\$1076.83
Open Space	
Local Open Space	\$1691.06
District Open Space	\$2,295.01
Community Facilities	
Library Buildings	\$220.92
Library Resources	\$264.71
Administration	
Plan Administration	\$516.57
Total Payable	\$6,065

NOTE: 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.

- 11. **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;**
 - **as to the security to be given to Council that the works will be completed or the contribution paid, and**
 - **as to when the work will be completed or the contribution paid.**
- 12. **The applicant is to provide separate water and sewer reticulation services to each lot.**
- 13. **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.**
- 14. **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 1 x \$1,100.00 = \$2,200.00

NOTE: Council does not permit other bodies to insert new junctions into ‘live’ water mains.

- 15. **The developer is to provide a sewer junction for lot 2 in the subdivision. This can be achieved by making a payment to Council of \$1,100.00 per new junction to cover the cost of Council installing a junction in an existing main.**

TOTAL PAYABLE 1 x \$2,200.00 = \$1,100.00

NOTE: Council does not permit other bodies to insert new junctions into “live” sewer mains.

16. 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.
17. 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.
18. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.

HEALTH AND BUILDING

19. 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.
20. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
21. All building work must comply with the requirements of the National Construction Code 2011, Volume Two, 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.
22. 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.

23. **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.
24. **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.**
25. **Prior to the occupation of a new building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.**
26. **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.**
27. **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.**
28. **The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)**
29. **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. No work is to commence until a copy of a Home Owners Warranty or Owner/Builders Permit have been submitted to Council.**
30. **All stormwater is to discharge to the street water table by the use of non-flexible kerb adapters**

31. Erosion and sediment control measures being implemented prior to the commencement of works and must be maintained during the period of construction to prevent sediment and other debris escaping from the site. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
32. 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 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.
33. Adequate yard drainage together with appropriately sized sumps must be provided for the collection and disposal of ground surface waters to prevent a nuisance from these waters being caused to the property and/or adjoining properties. The disposal of ground surface waters must discharge to the street gutter or interallotment drainage easement. The ground water drainage system must be separate to the roof water drainage system. Full details must be submitted with the Construction Certificate application.
34. A Registered Surveyors Certificate showing the boundaries of the site and the proposed buildings plotted there on being submitted to the Principal Certifying Authority prior to the commencement of construction.
35. The requirements of the submitted BASIX Certificate, number 407236S and 407251S, both issued on 06 December 2011, must be installed and/or completed in accordance with the commitments contained in that Certificate.
Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council prior to the commencement of the alteration/s.
36. Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of those commitments.

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

Councillors	Ayes	Nayes
Cr Holden	✓	
Cr Kennedy	✓	
Cr Lang	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson	✓	

Councillors	Ayes	Nayes
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	

6.2.3 DA0253/2009 – PROPOSED CHILD CARE CENTRE - COURT ST MUDGEES – SECTION 94 CONTRIBUTIONS

A0100055, P1172364

7/12

MOTION: Walker/Holden**That:**

1. the report by Environmental Town Planner on the Development Application No. 0253/2009 be received;
2. Council resolve to apply the provisions of the Catchment 2 Mudgee Residential Area (equating to \$4,500) in lieu of the Mudgee Town Centre catchment provisions of the Mid-Western Regional Council Section 94 Plan to the development subject of DA0253/2009.

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

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

6.2.4 MA0026/2012 NEW CLUBHOUSE, MUDGEES GOLF CLUB (MODIFICATION OF CONSENT DA0036/2012) LOT 182 DP 1125697, 21 ROBERTSON STREET, MUDGEES

A0100055, P2107861

8/12

MOTION: Walker/Shelley

- A. That the report by Council's Senior Statutory Planner regarding MA0026/2012 for a new clubhouse (being a modification of DA0036/2012 granted consent 05 October 2011) upon Lot 182 DP 1125697, Mudgee Golf Club, 21 Robertson Street Mudgee, be noted,

- B. That Council resolves to determine MA0026/2012 for a new clubhouse (being a modification of DA0036/2012 granted consent 05 October 2011) upon Lot 182 DP 1125697, Mudgee Golf Club, 21 Robertson Street Mudgee by way of consent subject to the following conditions;

APPROVED PLAN

1. Development is to be carried out in accordance with the stamped Statement of Environmental Effects dated August 2011, prepared by Nicholas Associates Architects and forming part of application DA0036/2012 received by Council 10.08.2011, and the stamped, plans DAD 1.02 B and 1.04 B, undated, prepared by Nicholas Associates Architects and forming part of application MA0026/2012 received by Council 05.12.2012 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 formalised car park to the new 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 10 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 with an approved mechanical ventilation and/or air conditioning system complying with Australian Standard 1668, Parts 1 and 2.

PRIOR TO THE ISSUE OF ENGINEERING 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
<i>Cr Holden</i>	✓	
<i>Cr Kennedy</i>	✓	
<i>Cr Lang</i>	✓	
<i>Cr Martens</i>	✓	
<i>Cr Shelley</i>	✓	
<i>Cr Thompson</i>	✓	
<i>Cr Walker</i>	✓	
<i>Cr Weatherley</i>	✓	
<i>Cr Webb</i>	✓	

6.2.5 DRAFT NSW PLANNING GUIDELINES – WIND FARMS

A0100055, A0420225

9/12

MOTION: Thompson/Martens

That consideration of this matter be deferred to permit input into the submission from the community.

The motion was put and carried.

6.2.6 TEMPORARY WORKERS ACCOMMODATION DRAFT DEVELOPMENT CONTROL PLAN

A0100055, A0420084

Councillor Martens declared a significant non-pecuniary conflict of interest in that she is a member of the Joint Regional Planning Panel and that the matter of the Temporary Workers Accommodation Draft DCP is expected to be a consideration for a planning application that may be referred to the Panel, left the meeting at 6.44 pm and did not participate in discussions or vote in relation to this matter.

10/12

MOTION:

Webb/Weatherley

That:

1. the report by Group Manager Development and Community Services on the Draft Development Control Plan – Temporary Workers Accommodation be received;
2. the Draft Development Control – Temporary Workers Accommodation as amended and attached to this report be approved in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000;
3. the Draft Development Control Plan be notified in the Local Newspaper in accordance with the requirements of the Environmental Planning and Assessment Regulations 2000 with the DCP to come into effect on the date that the notice is published in the newspaper.

The motion was put and carried.

Councillor Martens returned to the meeting at 6.45 pm.

6.2.7 WILPINJONG COAL MINE – REVIEW OF SUBMISSION TO 2011 MODIFICATION APPLICATION TO PROJECT APPROVAL

A0100055, A0420169

11/12

MOTION:

Holden/Shelley

That:

1. the report by Senior Environment Officer on the review of the submission to the 2011 Modification application to the Project Approval for Wilpinjong Coal Mine be received;
2. Council confirms its submission lodged with the Department of Planning & Infrastructure on 21 November 2011.

The motion was put and carried.

6.2.8 ULAN ROAD STRATEGY

A0100055, R9208006, R9214003

12/12

MOTION: **Holden/Weatherley**

That:

1. **the report by the General Manager on the Ulan Road strategy be received;**
2. **Council endorses the submission (attachment to this report) in response to the Ulan Coal Mine Ltd, Moolarben Coal and Wilpingjong Coal- Ulan Road Strategy and that the response be forward to the Director General of the Department of Planning and Infrastructure;**
3. **Council seeks an immediate meeting with the Minister of Planning and Director General of the Department of Planning and Infrastructure to present Council's position on the upgrade needs of Ulan Road;**
4. **Council notes that the State Government also has a responsibility to fund the upgrade of this road as it secures mining royalties and taxes from the Coal Mines and some of those funds should contribute to the upgrade of this road**

The motion was put and carried.

6.2.9 SUBMISSION TO DESTINATION 2036

A0100055, A0310010

13/12

MOTION: **Webb/Walker**

That:

1. **the report by General Manager on the submission to the Destination 2036 document be received;**
2. **Council endorse the submission to *Destination 2036* forwards that submission to the Destination 2036 Project Team with the removal of reference to national Parks in paragraph 3.2 of the submission.**

The motion was put and carried.

6.2.10 TENDER 2011/11 CULVERT REHABILITATION - CULVERT
248768, HW18

A0100055, A0411111

14/12

MOTION: Walker/Martens

That:

1. the report by Business Manager Works on the Tender 2011/11 Culvert Rehabilitation – Culvert 248768, HW18 be received;
2. Council accepts the tender from ITS Trenchless Pty Ltd for the provision of services for the rehabilitation of Culvert 248768 on Highway 18, Castlereagh Highway at a cost of \$159,700 plus GST and to be executed under Council's Road Maintenance Council Contract with the Roads and Maritime Services.
3. Council approves the General Manager to authorise variations up to 5% of the contract value.

The motion was put and carried.

6.2.11 PLANNING RESOURCES

A0100055, A0383000, A0149935

15/12

MOTION: Webb/Shelley

That:

1. the report by the General Manager on the need for additional planning resources be received;
2. the employment of an additional professional planner be included as a budget initiative in the 2012/13 operational plan and budget.

The motion was put and carried.

6.2.12 BARIGAN REGIONAL CROWN RESERVE AND CURRENT
ABORIGINAL LAND CLAIMS

A0100055, A0420218

16/12

MOTION: Holden/Walker

That:

1. the report by Senior Environment Officer on the Barigan Regional Crown Reserve and current Aboriginal land Claims be received;
2. the Minister for Lands be advised that when the claims were lodged Council's records indicated that other parties other than the Crown had an interest in the claimed land as per the table attached to this report,

3. the Minister for Lands be advised that when the claims were lodged the claimed land is not needed or likely to be needed for residential purposes and is not needed or likely to be needed for an essential public purpose.

The motion was put and carried.

6.2.13 BYLONG RURAL FIRE SERVICE

A0100055, P1419511

17/12

MOTION: Shelley/Holden

That:

1. the report by the Manager Revenue and Property on the Bylong Rural Fire Service shed extension and proposed road closure be received;
2. Council apply to the Department of Primary Industries to close the section of unformed road reserve adjoining Lot 91 DP722302 for the purpose of extending the existing Bylong Rural Fire Service facilities;
3. The Common Seal of Council be affixed to all necessary documentation for the closing of the road reserve, and the registration of the new survey plan;
4. Council classify the road reserve as Operational land upon closure.

The motion was put and carried.

6.2.14 CULTURAL DEVELOPMENT COMMITTEE – NOVEMBER 2011 AND JANUARY 2012

A0100055, A042017

18/12

MOTION: Lang/Shelley

That:

1. the report by the Manager Community Development be received;
2. Council note the minutes of the Cultural Development Committee meetings held on 21st November 2011 and 16th January 2012;
3. Council accept the nomination of Leanne Wicks to be a member of the Cultural Development Committee.

The motion was put and carried.

6.2.15 LAND ACQUISITION AND ROAD DEDICATION

A0100055, P1989911

19/12

MOTION: Lang/Holden

That:

1. the report by the Manager Revenue and Property on the proposed land acquisition and road dedication be received;
2. Council authorise the acquisition of Lot 3 DP 1013363 known as 43 Castlereagh Highway Mudgee for the continued purpose as a public road;
3. Council authorise the use of the Common Seal of Council to be affixed to all necessary documentation to facilitate the land acquisition and dedication as public road;
4. Council classify Lot 3 DP 1013363 as Operational land

The motion was put and carried.

6.2.16 MUDGEE SALEYARDS MANAGEMENT COMMITTEE

A0100055, A0100047, F0720036

20/12

MOTION: Webb/Weatherley

That:

1. The report by Group Manager Operations on the Mudgee Saleyards Management Committee Meeting be received;
2. That the minutes for the Mudgee Saleyards Management Committee ordinary monthly meeting held on 19 December 2011 be noted;

The motion was put and carried.

6.2.17 NAME TO BE INCLUDED IN PRE-APPROVED STREET/ROAD NAMES LIST

A0100055, R0790141

21/12

MOTION: Shelley/Holden

That:

1. the report by Manager Revenue and Property on the inclusion of a name in the pre-approved street/road names list be received;
2. Council approve the inclusion of Ern Webster in the pre-approved street/road names list for use at a later date

The motion was put and carried.

6.2.18 NAMING OF CUL-DE-SAC OFF MELTON ROAD

A0100055, R0790141

22/12

MOTION: Weatherley/Martens

That:

1. the report by the Manager Revenue and Property on the naming of the cul-de-sac off Melton Road be received;
2. Council endorse the proposed street name "Chappell Close" for the cul-de-sac that runs east off Melton Road, Mudgee.

The motion was put and carried.

6.2.19 FLIRTATION HILL, GULGONG – TELSTRA LEASE

A0100055, A0010008, P1203511

23/12

MOTION: Martens/Holden

That:

1. the report by General Manager on the Telstra Lease – Flirtation Hill Gulgong be received;
2. that Council approves the lease of land at Flirtation Hill Gulgong to Telstra Corporation Ltd for a annual lease amount of \$10,000 plus GST to be adjusted by 5% per annum
3. That the Common Seal of Council be affixed to all necessary documentation for the leasing of land at Flirtation Hill, Gulgong to Telstra.

The motion was put and carried.

6.2.20 MID-WESTERN REGIONAL YOUTH COUNCIL

A0100055, A0060048

24/12

MOTION: Shelley/Weatherley

That:

1. the report by the Manager Community Development be received;
2. Council note the minutes of the Mid-Western Regional Youth Council held on 29 November 2011;

The motion was put and carried.

6.2.21 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL BANK BALANCES AND INVESTMENTS AS AT 31 DECEMBER 2011

A010055, A0140304

25/12 **MOTION:** Lang/Shelley

That the Investment Report as at 31 December 2011 by the Acting Group Manager Finance be received and the certification by the Responsible Accounting Officer noted.

The motion was put and carried.

6.2.22 2012 COUNCIL ELECTION

A0100055, A0121200

26/12 **MOTION:** Shelley/Lang

That the report by the Manager Governance on the 2012 Council elections be received.

The motion was put and carried.

6.2.23 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

A0100055, A0110024

27/12 **MOTION:** Holden/Shelley

That:

- 1. the report by General Manager on the Constitutional Recognition of Local Government be received;**
- 2. Council considers as part of the 2012/13 budget and Operational Plan the additional fee of \$20,178.45 to be paid in three equal annual instalments to the Local Government Association of NSW to fund the national advertising campaign for constitutional recognition of local government.**

The motion was put and carried.

6.2.24 FINANCIAL ASSISTANCE – TIER 2 APPLICATIONS

A0100055, A0140201

28/12 **MOTION:** Weatherley/Shelley

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 2, subject to those requirements being met, with the funding from the general financial assistance vote:

Gulgong Health Service	\$110.00
NAIDOC Week 2012 School Initiatives	\$450.00
Riding for the Disabled Association NSW	\$1000.00

3. the rates currently outstanding in respect of the Rylstone Racecourse and payable by the Rylstone District Trainers Group amounting to \$552.50 be met from Councillor Walker's discretionary vote.
4. Council adds a new fee category in the 2012-13 Operating Plan Fees and Charges to provide the Mudgee Showground grassed area at no cost to Riding for the Disabled Association NSW once a week, effective from 1 July 2012 after the 2012-13 Operating Plan is approved.
5. The following amounts be distributed from the Councillor discretionary votes:

Youth Council for youth week activities	Cr Weatherley	\$1,000
	Cr Kennedy	\$500
	Cr Holden	\$500

The motion was put and carried.

6.2.25 TARGET COUNTRY PROGRESS REPORT – DECEMBER 2011

A0100055, P0199811

Councillor Walker declared a pecuniary conflict of interest in that he is a contractor for this project, left the meeting at 7.02 pm and did not participate in discussions or vote in relation to this matter.

29/12

MOTION: Weatherley/Shelley

That the report by the Group Manager - Operations on the Target Country Progress Report – December be received.

The motion was put and carried.

Councillor Walker returned to the meeting at 7.04 pm.

6.2.26 ROADS TO RECOVERY PROGRAM SUPPORT

A0100055, R0790005

30/12

MOTION: Thompson/Martens

That:

1. the report by Business Manager Works on the Roads to Recovery Program Support be received;
2. Council confirms its strong support for the Roads to Recovery program and the General Manager write to the Local Federal Member indicating this Councils strong support of the Roads to Recovery programme.

The motion was put and carried.

6.2.27 BASE DATE 1 JULY 2011 GENERAL REVALUATION SUMMARY

A0100055, A0340046, A0340047, A0340003

31/12

MOTION: Webb/Lang

That:

1. the report by Manager Revenue & Property on the Base Date 1 July 2011 general revaluation summary be received and noted;

The motion was put and carried.

6.2.28 REVENUE POLICIES

A0100055, A0340046 A0340047, A0340005, A0340007, A0140326

32/12

MOTION: Holden/Weatherley

That:

1. the report by the Manager Revenue & Property on the Hardship Provisions – Rates and Charges policy, the Debt Recovery policy and the Categorisation As Residential For Rating Purposes policy be received; and
2. Council adopt the following revised policies:
 - Hardship Provision – Rates and Charges
 - Debt Recovery
 - Categorisation As Residential For Rating Purposes

The motion was put and carried.

6.2.29 WATER CONSUMPTION – PROPERTY NUMBER 2200

A0100055, P0220011

33/12

MOTION: Walker/Weatherley

That:

1. The report by Manager Revenue & Property on the request for financial assistance for water consumption at Property Number 2200 be received;
2. Council accepts that there is an unexplained error in this water account and sets the water account fee for the period July 2011 to October 2011 at \$312.00;
3. Authorise the General Manager to write off the account of \$2947.20 because the water usage to generate the income was not used

The motion was put and carried.

6.2.30 GLEN WILLOW REGIONAL SPORTS GROUND - ADDITIONAL FUNDING

A0100052, F0650108

34/12

MOTION: Walker/Lang

That:

1. The report by the Group Manager Operations on the Glen Willow Sports Ground – additional funding be received.
2. Council authorises the completion of Glen Willow Regional Sports Facility at an additional cost of \$220,000 to be funded from Section 94 contributions;
3. the 2011/12 Management Plan be amended accordingly.

The motion was put and carried.

6.2.31 TENDER ASSESSMENT – 2011-13 GLEN WILLOW REFURBISHMENT FROM FLOOD DAMAGE

A0100055, A0411113

35/12

MOTION: Holden/Lang

That:

1. Council accepts Sustainable Turf Renovations and Equipment for tender 2011-13 for the provision of refurbishment of playing fields at Glen Willow at a cost of \$242,400 plus GST and that Council enter into a contract with Sustainable Turf Renovations and Equipment in accordance with clause 178 of the *Local Government (General) Regulation 2005*;

2. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Sustainable Turf Renovations and Equipment for 2011-13 for the provision of refurbishment of playing fields at Glen Willow;
3. Council authorises the General Manager or his delegate the authority to approve variations to the contract up to 10% in value;
4. the unsuccessful tenderer(s) be notified that their tenders were unsuccessful.

The motion was put and carried.

6.2.32 MUDGEE SHOWGROUND PAVILION

A010055, F0650007

36/12

MOTION: Webb/Shelley

That:

1. The report by Group Manager Operations on the Mudgee Showground Pavilion be received;
2. Council accepts the need for this additional furniture and fittings and consider the items at a cost of \$120,000 as a budget initiative in the 2012/13 Operational Plan.

37/12

AMENDMENT: Walker/Weatherley

That:

1. The report by Group Manager Operations on the Mudgee Showground Pavilion be received;
2. Council accepts the need for this additional furniture and fittings and consider the items as a budget initiative in the 2012/13 Operational Plan.

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

6.2.33 MONTHLY MANAGEMENT PLAN REPORTING

A0100055, A014993

38/12

MOTION: **Holden/Weatherley**

That:

1. **the December 2011 Quarterly Budget Review be received;**
2. **the 2011/12 Management Plan be amended in accordance with the variations as listed on pages 13 to 16 of the December 2011 Quarterly Budget Review;**
3. **the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure, be noted.**

The motion was put and carried.

6.2.34 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE

A0100055, A0310010, A0110033

39/12

MOTION: **Walker/Weatherley**

That:

1. **the report by the General Manager on the Australian Local Government Women's Association Conference 2012 be received;**
2. **Council approves Councillor Esme Martens to attend the Australian Local Government Women's Association Conference 2012 in Dubbo from the 22nd to 24th March 2012.**

The motion was put and carried.

6.2.35 VILLAGE AND TOWN FORUMS

A0100055, A0100046

40/12

MOTION: **Shelley/Webb**

That:

1. **the report by the General Manager on the Village and Town Forums be received;**

2. Village Forums for 2012 be scheduled as follows:

11 April 2012	Hargraves	11.00am
	Pryamul	1.00pm
	Windeyer	2.30pm
	Meroo	4.30pm
9 May 2012	Wollar	2.30pm
	Cooyal/Botobolar	4.30pm
	Cooks Gap	6.00pm
10 October 2012	Yarrabin/Beragoo	2.00pm
	Goolma	4.00pm
14 November 2012	Ilford	1.00pm
	Bylong	3.00pm
	Lue	5.00pm

3. Town Forums for 2012 be scheduled as follows:

10 October 2012	Gulgong in the Gulgong Memorial Hall at 6.00pm
14 November 2012	Rylstone/Kandos in the Rylstone Town Hall at 6.00pm.

The motion was put and carried.

Councillor Martens requested that her name be recorded as having voted against this motion.

ITEM 7: URGENT BUSINESS WITHOUT NOTICE

There was not Urgent Business Without Notice.

ITEM 8: CONFIDENTIAL SESSION

There were no matters in Confidential.

ITEM 9: OPEN COUNCIL**CLOSURE**

There being no further business the meeting concluded at 7.30 pm.