

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 20 February 2013, commencing at 6.37 pm and concluding at 8.25 pm

PRESENT Cr D Kennedy (Mayor), Cr P Cavalier, Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr JK Weatherley, Cr JR Webb (Deputy Mayor), Cr L White.

IN ATTENDANCE General Manager (WL Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Development and Community Services (C Van Laeren), Manager Statutory Planning (G Bruce), Group Manager Finance and Administration (C Phelan), Manager Governance (I Roberts)

MEDIA REPRESENTATIVES Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Helden).

Item 1: Apologies

An apology was received for the absence of Councillor Walker.

48/13 MOTION: Thompson/Webb

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

The motion was put and carried.

Item 2: Disclosure of Interest

Councillor White declared a pecuniary conflict of interest in Items 6.2.15 and 6.2.16 in that she is employed in the tourism industry.


The Group Manager Development and Community Services advised that she has a pecuniary conflict of interest in Item 6.2.1 and that she has had no part in the preparation of the report on this matter.

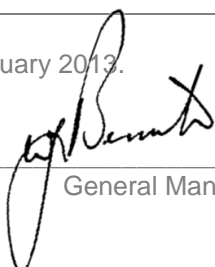
Item 3: Confirmation of Minutes

49/13 MOTION: Shelley/Weatherley

That the Minutes of the Ordinary Meeting held on 6 February 2013 (Minute Nos. 1/13 to 47/13) be taken as read and confirmed.

The motion was put and carried.


Mayor


General Manager

Item 4: Matters in Progress

Riverside Memorial Walk

50/13 **MOTION: Cavalier/Shelley**
That Minute No.55/11 be noted as completed.

The motion was put and carried.

Temporary Signage

51/13 **MOTION: Shelley/Cavalier**
That Minute No.50 /11 be noted as completed.

The motion was put and carried.

Minimum Rural Lot Size

52/13 **MOTION: Shelley/Cavalier**
That Minute No.32 /10 be noted as completed.

The motion was put and carried.

Land Use Strategy – Council land off Madeira Road

53/13 **MOTION: Shelley/Cavalier**
That Minute No.74 /10 be noted as completed.

The motion was put and carried.

Land Use Strategy – 520AHD in Mudgee


54/13 **MOTION: Shelley/Cavalier**
That Minute No.75 /10 be noted as completed.

The motion was put and carried.

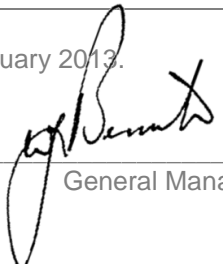
Mudgee Motor Cross Track

55/13 **MOTION: Shelley/Cavalier**
That Minute No.COR52 /10 be noted as completed.

The motion was put and carried.



Mayor



General Manager

Camping at Mudgee Showground

56/13

MOTION: Shelley/Cavalier

That Minute No.304 /12 be noted as completed.

The motion was put and carried.

Item 5: Mayoral Minutes

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 DEVELOPMENT APPLICATION NO. 0181/2013 – PROPOSED
TEMPORARY WORKERS ACCOMMODATION, 100
DURRIDGERE ROAD, TURILL

A0100056, P2111761

The Group Manager Development and Community Services declared a pecuniary conflict of interest in this matter and that she has had no part in the preparation of the report, left the meeting at 6.40 pm and had no part in the debate on this matter.

57/13

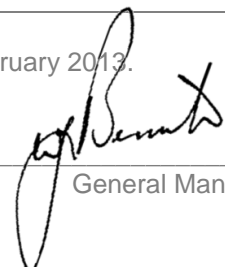
MOTION: Webb/Shelley

That:

1. the report by the Manager Statutory Planning on the Development Application No. 0181/2013 – Proposed Temporary Workers Accommodation, 100 Durridgere Road, Turill be received;
2. Development Application No. 0181/2013 for the Proposed Temporary Workers Accommodation, 100 Durridgere Road, Turill be approved in accordance with the following conditions of consent;

APPROVED PLANS

1. Development is to be carried out generally in accordance with the approved plans (Site and Locality Plan) drawn by Moolarben Coal dated 21/09/2012 and building plans by MBS modular building systems dated 15/06/2012 and statement of Environmental Effects prepared by Parsons Brinckerhoff dated October 2012 and



Addendum by Moolarben Coal Operations dated January 2013 except as modified 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. Accessible units are to be provided within the development site in accordance with AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code.
3. All communal facilities are to be provided with accessible features in accordance with the AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the Principal Certifying Authority (PCA) issuing a Construction Certificate. The conditions are required to satisfy the PCA that the proposal is consistent with the applicable development consent, the Building Code of Australia and any Australian Standards that are relevant.

4. The applicant is to demonstrate that the additional water supply required by the development can be satisfactorily provided through the licensed bore prior to the issue of the Construction Certificate. Full details including evidence of an appropriate license from the NSW Office of Water for a minimum of 8 mega litres is required.
5. Separate written application must be made under Section 68 of the Local Government Act 1993, as amended, to Council for all water supply, sewerage and drainage work associated with the development. Full details of the method of disposal of the sewerage/grey water must be submitted to the Council for approval prior to the issue of the Construction Certificate.
6. The proposed sewerage treatment system and irrigation areas are to comply with the Environmental Guidelines – Use of Effluent for Irrigation by the Department of Environment and Conservation. A report shall be prepared and submitted to Council for approval with the application under Section 68 of the Local Government Act for an onsite sewage management system.
7. A registered Surveyors Certificate showing the boundaries of the site and the proposed building plotted thereon being submitted to the Principal Certifying Authority before construction is commenced.


8. Details of the engineered designed footings, wall and roof framing structural components of the building must be submitted with the required Construction Certificate.
9. 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:

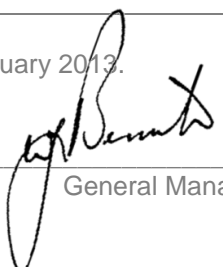
The levy is: \$95,000.00 based on the estimated cost of development of \$9,500,000.00.

10. The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.
11. If the Construction Certificate is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.

A site supervisor is to be nominated by the applicant prior to issue of the Construction Certificate.

12. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid Western Regional Council prior to any work commencing. Contractor's insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid Western Regional Council as an interested party.
13. Complete landscaping plans are to be submitted to Council for approval prior to issue of a Construction Certificate. The site is to be provided with landscaped grounds for the use and enjoyment of the residents. All landscaping is to be established prior to occupation of the development and consist of advanced trees and shrubs. Tree and shrub species should be endemic to the Mid-Western Regional Local government Area, require minimal watering and be salt resistant.
14. The applicant is to carry out an Environmental assessment and remediation where necessary of the subject site prior to issue of the Construction certificate. The Environmental Assessment must stipulate that the land is suitable for the proposed accommodation village.


Mayor


General Manager

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are required to ensure that the site is ready for construction works to commence and satisfy the provisions of the Environmental Planning and Assessment Act 1979 and the Building Code of Australia.

15. 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.
16. 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 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.
17. 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.
18. 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.
19. 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;
 - a) Section F2.4 -Facilities for people with disabilities.
 - b) Part D3 - Access for people with disabilities.
 - c) Section E - in particular, E1 Fire fighting equipment, specifically the provision of fire hydrants and fire hose reels compatible to on-site water storage for fire fighting.
 - d) E4 Emergency lighting and exit signs.
 - e) Section J - Energy efficiency (offices)

f) Section C - Fire resistance, in particular Type C Fire Resisting Construction of walls

20. A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties.

BUILDING CONSTRUCTION

These conditions are provided to ensure that adequate standards are being observed during the construction phase of the development.


21. 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. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. Council encourages the separation and recycling of suitable materials.

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

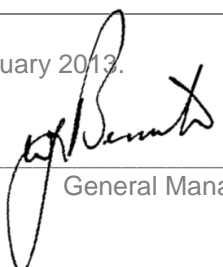
22. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
- stating that unauthorised entry to the work site is prohibited, and
 - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
23. The strength of the concrete used for the development must be 25MPa (N25)
24. 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 noise is permitted on Sundays or Public Holidays.

25. All building work must comply with the requirements of the National Construction Code 2013, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
26. 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.



Mayor




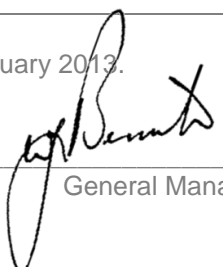
General Manager

27. 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.
28. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
29. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
30. The development must be provided with car parking spaces and with adequate means of access for persons with disabilities in order to comply with Australian Standard 2809.6 – 2009 (Parking facilities – Off street parking for people with disabilities) the Building Code of Australia and the Access to Premises Code. Full details must be provided with the Construction Certificate.
31. The development must be provided with sanitary facilities for people with disabilities in order to comply with Australian Standard 1428 2009 (Design for access and mobility), the Building Code of Australia and the Access to Premises Code. Full details must be provided with the required Construction Certificate
32. 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.
33. The rainwater tanks used as a potable water supply for human consumption, in particular, the supply to the amenities within the building, must be protected from contamination from industrial and urban traffic emissions, dead animals, mosquitoes, dust, pesticides, bushfires and any other form of contamination.
34. Details of the method of protection of the water supply from contamination and the method of the subsequent implementation of a testing regime of the water supply must be designed by an approved hydraulic engineer and submitted to Council's Health & Building section prior to the issue of an Occupation Certificate.

ENGINEERING CONSTRUCTION

35. The developer is to upgrade Durridgere Road from the Ulan Road/ Durridgere Road intersection to the proposed access in accordance with Austroads and the following minimum specifications:
 - a) Carriageway width – 9m
 - b) sealed width 7m
 - c) seal type – 14/7 mm double-double


Mayor


General Manager

- d) standard cross-section with 3% fall and max 7% superelevation
- e) Pavement thickness – min 150mm (Pavement design to be submitted with construction certificate plans to confirm pavement thickness.

A Construction certificate is to be lodged with Council for the proposed works and include consultation with the Roads and Maritime Services (RMS).

35A. The developer is to upgrade Ulan Road from the Ulan mine underground entrance to the intersection with Durrigere Road in accordance with the following specifications:

- (a) carriageway width 11m
- (b) sealed width 7m
- (c) seal type – 14/7 mm double-double
- (d) standard cross-section with 3% fall and max 7% superelevation
- (e) pavement thickness – min 150mm (pavement design to be submitted with construction certificate plans to confirm pavement thickness.)
- (f) the bridge over the Goulburn River (adjacent to The Drip entrance) to be widened by 2 metres (1 metre either side).


36. The intersection of Durrigere Road and Ulan Road should be upgraded to include a basic Left Turn (BAL) and a channelized Right Turn Treatment Short [CHR(s)] facilities in Ulan Road in accordance with Figures 8.2 & 7.6 Part 4A Austroads 2010 respectively.

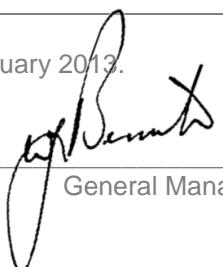
A Construction certificate is to be lodged with Council for the proposed works and include consultation with the Roads and Maritime Services (RMS).

37. The access from Durrigere Road servicing the development should be constructed in accordance with Austroad Guide to Road Design: Part 4 Figure 7.4 'standard rural property access' (copy attached) and any relevant RMS Supplements. The access should be sealed a minimum of 10 meters from the edge of the travel lane in Ulan Road, match existing road levels and not interfere with existing road drainage.

38. To provide suitable storage capacity for the largest class of vehicle accessing the proposed development, any gate, grid or similar structure installed in the access should be setback appropriately (20m for single articulated and 30m for B Double) from the edge of the road.

39. Upgraded intersection and accesses should be provided with laybys on the departure side for school bus stops in accordance with Figure 7.4 Part 4 Austroads 2010. Extensions to the


Mayor



General Manager

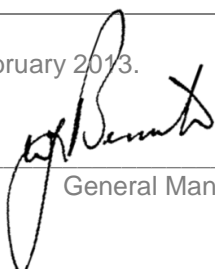
departure side should be a minimum length of fifteen meters plus tapers to accommodate school buses;

40. Proposed access treatments should be in accordance with Austroads Guide to Road Design 2010 and RMS Supplements including safe intersection sight distance.

When the access is complete, Council must be contacted to inspect the access and assign a rural road number.

41. 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 storm water occur on adjoining land as a result of this development.
42. Vehicular entrances comprising concrete driveways and footway crossings are to be provided to the development. These should be constructed in accordance with Aus-Spec #1 and Council standard drawing M525-Rural Access, as outlined in Council's "Access to Properties Policy".
43. A total of 325 car parking spaces are to be provided within the site of the development and comply with the following requirements:
- Each parking space is to have minimum dimensions of 5.5m x 2.6m;
 - Each disabled car parking space is to be in accordance with the provisions of Councils Development Control Plan – Design for Accessibility.
 - All car parking spaces are to be line-marked and provided with a two coat bitumen seal and must be maintained in a satisfactory condition at all times;
 - Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking.
44. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority (RTA) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.
45. Internal Roads shall be sealed with a minimum of 6 metres for two way traffic and 3.5 for one way. Turning heads shall be a minimum radius of 8.5 m. Provision of Kerb and Gutter is optional for internal access roads, but if provided shall comply with Council's Residential Standards.
46. Internal roads shall be designed to a 40km/h minimum speed. Actual speed limits within the development should be limited to 10km/hr for shared zones and signposted accordingly. Traffic regulatory, warning and guide signs throughout the development should be in accordance with AS1742.


Mayor


General Manager

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE


The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

47. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building. An application for an Occupation Certificate must be set out in the form of the relevant part of Form 12 of the Environmental Planning and Assessment Regulations and must be accompanied by the relevant information required by Form 12.
48. On completion of the building work, the owner/agent of the building must cause the Council to be provided with a Final Fire Safety Certificate from a competent person with respect to each essential service nominated in the Fire Safety Schedule issued with the Construction Certificate.
49. 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.

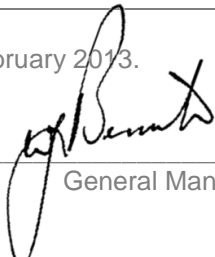
GENERAL

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

50. This approval is limited to five (5) years from the issue of the Occupation Certificate and the facility shall be decommissioned in accordance with the approved Decommissioning Plan within six (6) months of the closure of the facility.
51. The development is to be operated in a manner such that the residents of the temporary workers accommodation facility (the construction workforce) must utilise the bus service to and from the mine site. This is to be a part of their contract to stay at the facility. Evidence is to be submitted prior to issue of the Occupation certificate that this is the case.
52. The development is to only occur in conjunction with the construction of Stage 2 of the Moolarben Coal Project and is only to be used to house these construction workers.




Mayor

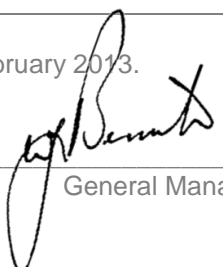


General Manager

53. Within 6 months of the commissioning of the temporary workers' accommodation facility, Council will be provided with a lux diagram (light spillage) and noise assessment of the operating facility to demonstrate that the facility complies with the relevant Australian standard (AS 4282) and Industrial Noise Policy.
54. The proposed development is not to rely on any other water supply other than water generated from onsite. This may include roof water capture, reuse of treated water and licensed bore water.
- Should the development run out of water, then it will close down until water supplies have been supplemented by further rain fall or bore water.
- Alternatively, the piping of water to the site from Ulan Coal Mine Limited would also be considered satisfactory providing there was a legal agreement to access water and this agreement was for the same period of time that the temporary workers accommodation facility was approved.
55. A Decommissioning Plan in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.
56. A Plan of Management, including the identification and amelioration of social impacts, in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development. The Plan of Management is to include to the following matters;
- Security and management of residents onsite;
 - Rules regarding alcohol consumption and the wet mess;
 - Off limit areas of the site and surrounding locality;
 - Provision of a physical barrier around the village;
 - Isolation and maintenance of the identified cultural heritage items;
 - Use of the bus service to and from the mine site/ camp;
57. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.
58. All loading and unloading in connection with the premises shall be carried out wholly within the site.
59. 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".



Mayor



General Manager

60. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.
61. Rural fencing is to be provided to the perimeter of the village site to act as a visual barrier for the occupants. Full details of proposed fencing and location are to be included on the landscaping plan.
62. Adequate facilities being 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 being made for the regular removal, recycling and disposal of waste.
63. 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.
64. A public address system or sound amplifying equipment shall not, without the consent of Council, be installed in or upon the premises so as to cause or permit the emission of sound onto any public place or nearby residential area.
65. The proposed sewerage treatment plant and effluent disposal area are to be a minimum of 250 metres from a bore and 100 metres from a prescribed creek or water way.
66. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified. (Note: A suitably qualified person would be required to be present during earthworks to identify whether any artefacts were uncovered).

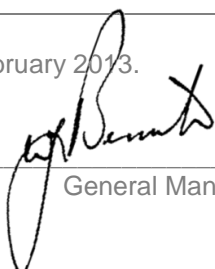
The motion was put and carried on the Mayor's casting vote, with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Cavalier		✓
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson		✓
Cr Weatherley	✓	
Cr Webb	✓	
Cr White		✓

The Group Manager Development and Community Services returned to the meeting at 7.05 pm.



 Mayor



 General Manager

6.2.2 DA0149/2013 – PROPOSED INDUSTRIAL SHED AND LIGHT INDUSTRIAL USE, LOT 16 DP 1165148, 53-57 DEPOT ROAD MUDGEE

A0100056, P2106461

58/13

MOTION: Shelley/Martens

That the application for a proposed industrial shed and light industrial use on lot 16 DP1165148, 53-57 Depot Road be refused for the following reasons:

- i. The proposal is not consistent with the definition of light industry;
- ii. The proposed building is excessive in scale and is likely to have a detrimental impact of the visual amenity of the area;
- iii. The proposed use has a reasonable prospect of disrupting the neighbourhood amenity;
- iv. The proposal does not provide appropriate access arrangements.

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

Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens	✓	
Cr Shelley	✓	
Cr Thompson	✓	
Cr Weatherley		✓
Cr Webb		✓
Cr White		✓

6.2.3 DA0251/2013 RESIDENTIAL FLAT BUILDING (20 UNITS – AFFORDABLE RENTAL HOUSING) AND COMMUNITY TITLE SUBDIVISION.

A0100056, P2168561

59/13

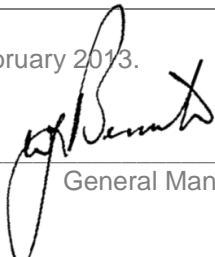
MOTION: Shelley/Cavalier

That:


- 1. The report by the Environmental Town Planner on Development Application No. 0251/2013, Proposed Multi Dwelling Housing Development (20 Units – Affordable Rental Housing) and Community Title Subdivision, 37- 41 George Street, Mudgee be received;
- 2. Development Application No. 0251/2013 , Proposed Multi Dwelling Housing Development (20 Units – Affordable Rental Housing Residential Flat Building (20 Units – Affordable Rental Housing) and Community Title Subdivision, 37- 41 George Street Mudgee be approved subject to the following conditions and notes:



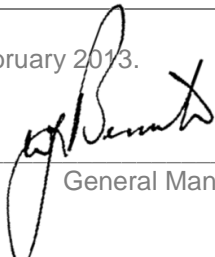
 Mayor



 General Manager



Mayor



General Manager

APPROVED PLANS

1. Development is to be carried out generally in accordance with:
 - (a) stamped plans prepared by A & N Design Sydney:
 - Post-Development Plan, 20-11-2012, A18693-DA, Sheet 2, Rev C
 - Site Analysis, Site Plan & Ground Floor Plan, 20-11-12, A18693-DA, Sheet 3, Rev C
 - Elevations & Sections, 20-11-12, A18693-DA, Sheet 4, Rev C
 - Typical Plans Type 1, 20-11/2012, A18693-DA, Sheet 5, Rev C
 - Typical Plans Type 2, 20-11/2012, A18693-DA, Sheet 6, Rev C
 - Typical Plans Type 3, 20-11/2012, A18693-DA, Sheet 7, Rev C
 - Typical Plans Type 4, 20-11/2012, A18693-DA, Sheet 8, Rev C
 - Typical Plans Type 5, 20-11/2012, A18693-DA, Sheet 9, Rev C
 - Subdivision Plan, 20-11/2012, A18693-DA, Sheet 1, Revision A
 - (b) Stamped plans prepared by Jocelyn Ramsay & Assoc. Pty Ltd:
 - Landscape Plan, 27-11-12, DWG-No 12-043, Rev 1
 - (c) Stamped plans prepared by INSITES:
 - Stormwater Concept Plan, 16-11/2012, I256MU, DWG No C1, Issue A
 - (d) the Application received by Council on 03 December 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.
2. For 10 years from the date of the issue of the occupation certificate all dwelling units will be used for the purposes of affordable rental housing and be managed as affordable rental housing by a registered community housing provider.
3. A restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the following, as specified above, will be carried out:

For 10 years from the date of the issue of the occupation certificate all dwelling units will be used for the purposes of affordable rental housing and be managed as affordable rental housing by a registered community housing provider.


4. Prior to the issue of the construction certificate the site will be remediated and certification from a qualified person provided to council to this effect in accordance with the recommendations made in the Preliminary Contamination Investigation prepared by Envirowest Consulting dated 4 February 2012
5. Prior to the issue of the occupation certificate the power pole in George street foot path preventing direct vehicle access to the garage of Unit 4 will be relocated and a straight concrete driveway with council standard crossover will be provided.
6. All landscaping is to be established prior to occupation of the development and consist of appropriately advanced trees and shrubs. Tree and shrub species should be endemic to the Mid-Western Regional Local government Area, require minimal watering and be salt resistant. Alternatively, smaller plan sizes will be considered if irrigation systems are implemented.

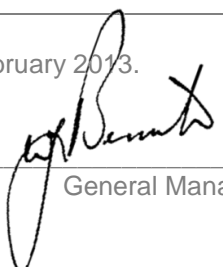
GENERAL

7. 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".
8. A 1.8 metre high screen fence is to be provided to all side and rear boundaries prior to occupation of the development. All fencing is to be provided at full cost to the developer.
9. A 1.8 metre high screen fence or landscaping screen is to be provided between the private open space areas of the units, prior to occupation of the development.
10. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation.
11. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings.
12. Private open space areas for all units are to be provided with a level surfaces to at least 50% of the open space area.

BUILDING

13. 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.


Mayor


General Manager

14. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
15. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
16. All building work must comply with the requirements of the National Construction Code 2012, Volume Two, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
17. 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.
18. Construction work noise that is audible at other premises is to be restricted to the following times.
 - Monday to Saturday -- 7.00am to 5.00pm
 - No construction work is permitted on Sundays and Public Holidays.
19. 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.
20. 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.
21. 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.
22. 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.

23. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)
24. 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.

25. All stormwater is to discharge to the street water table with the use of non-flexible kerb adaptors.
26. 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.
27. 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. 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.

28. The requirements of the submitted BASIX Certificates:

- 458621M, Issued 28 November 2012
- 454256S, Issued 29 November 2012
- 454261M, Issued 29 November 2012
- 454522M, Issued 29 November 2012
- 454528M, Issued 29 November 2012
- 454264M, Issued 29 November 2012
- 454592M, Issued 29 November 2012
- 454594S, Issued 29 November 2012
- 454596M, Issued 29 November 2012
- 454078M_2, Issued 28 November 2012

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.

- 29. Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of those commitments.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

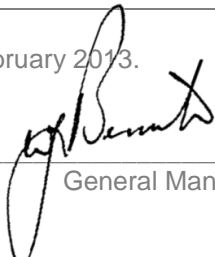
Transport Management	Rate	No of Lots	Total
Traffic Management	\$1,110	17	\$18,870
Open Space			
Local Open Space	\$1,742	17	\$29,614
District Open Space	\$2,365	17	\$40,205
Community Facilities			
Library Buildings	\$228	17	\$3,876
Library Resources	\$274	17	\$4,658
Administration			
Plan Administration	\$532	17	\$9,044
TOTAL PAYABLE	\$6,251	17	\$106,267

- 31. 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.
- 32. Underground electricity, street lighting and telecommunications are to be supplied to the development. Prior to issue of the Construction Certificate, Council is to be supplied with:
 - (a) A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - (b) A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
- 33. 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	\$69,289
Sewerage Headworks	\$60,306



 Mayor



 General Manager

Total Payable \$129,595

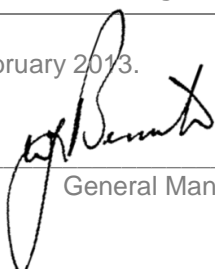
- (b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.
34. Council will assess the need of upgrading the sewer main crossing the mid of the property at the Construction Certificate stage. Engineering plans of any mains extensions and upgrade are to be submitted to and approved by Council prior to the issue of a Construction Certificate. All costs associated with this work shall be borne by the developer.
35. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to Council for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff 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.
36. 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

37. 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 development;
 - Using erosion control measures to prevent on-site damage;
 - Rehabilitating disturbed areas quickly;
 - Maintenance of erosion and sediment control structures;
38. 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.
39. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work



Mayor



General Manager

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: Internal fire fighting reticulation systems must be separately metered at full cost to the developer.

40. The construction of sewer mains such that there is a separate and distinct sewer connection located wholly within the boundary of each proposed allotment, in accordance with the Local Government (Water, Sewerage and Drainage) Regulation and the WSA 02-2002 Sewerage Code of Australia at full cost to the developer.

Note: Engineering plans of any mains extensions are to be lodged with Council and approved prior to the commencement of any construction.

Note: Council will quote on connecting any sewer or water main extension to the existing “live” main on receipt and approval of engineering plans. Council does not permit other bodies to insert new junctions into ‘live’ sewer mains.

41. 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 development.
42. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.
43. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each dwelling at a suitable location. These should be constructed in accordance with Aus-Spec #1 and the appropriate Council standard drawings including M524-Urban Access, M594-Kerb & Gutter Layback, as outlined in Council’s “Access to Properties Policy”. The vehicular entrance shall have the following minimum characteristics:
- a minimum of 6m width for the entry/Exit;
 - Including 2 passing lanes with a minimum formed width of 6m and length of 6m along the driveway.


Note: Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Technical Services Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty

four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

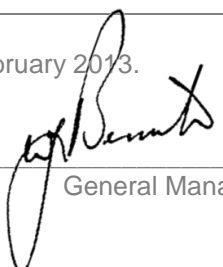
44. All vehicles are required to enter and leave the site in a forward direction at all times.
45. Visitors parking spaces within the site of the development to comply with the following requirements:
 - Each parking space is to have minimum dimensions of 5.5m x 2.6m;
 - Each disabled car parking space is to be in accordance with the provisions of Councils Development Control Plan – Design for Accessibility.
 - All car parking spaces are to be line-marked and provided with a hard standing, all weather compacted gravel surface and must be maintained in a satisfactory condition at all times;
 - Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking.
46. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority (RTA) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.
47. 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.

PRIOR TO OCCUPATION

48. 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.
49. Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of those commitments.
50. Prior to issue of the Occupation 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 development.
 - b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the development.



Mayor




General Manager

PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE

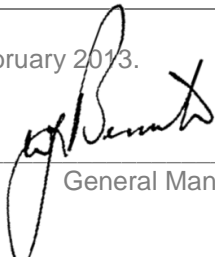
- 51. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.
(Note: The fee to issue a Subdivision Certificate is set out in Council’s Fees and Charges)
- 52. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
- 53. 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.
- 56. 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.

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

Councillors	Ayes	Nays
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens	✓	
Cr Shelley	✓	
Cr Thompson	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	



 Mayor



 General Manager

6.2.15 CONTRACT RENEWAL – MUDGEES REGION TOURISM INC

A0100056, A0820020

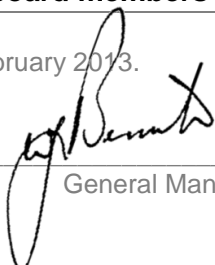
Councillor White declared a pecuniary conflict of interest as she is employed in the tourism industry, left the meeting at 7.21 pm and did not participate in discussions or vote in relation to this matter.

60/13

MOTION: Shelley/Cavalier**That:**

1. the report by the General Manager on the Contract Renewal – Mudgee Region Tourism Inc be received;
2. Council confirm its intent to enter into a 3 year contract of service with the Mudgee Region Tourism Inc, for the delivery of tourism services;
3. the contract to include the following key performance indicators:
 - i) Monitor key indicators that measure tourist numbers to the LGA including the number of visitors attending each visitor centre, where they are from and how they have heard about the LGA and conduct a bi-annual targeted campaign for participation in surveys about visitor experience in the Region
 - ii) Provide all tourism related businesses in the Region, whether a member of MRTI or not, with the opportunity to have a free website listing
 - iii) Attend and promote the Region at at least 4 events per year held outside the Region to increase the number of domestic tourists to the Region (at least 2 events to be held in new target markets)
 - iv) Ensure monthly marketing communication with subscriber database with Council to be provided with relevant data on a quarterley basis
 - v) Promote Council events in MRTI marketing material without normal membership limitations, where the event benefits the Region
 - vi) Ensure at least 15% of the Region's media coverage (achieved through PR activity) represents tourism businesses and attractions in Kandos, Rylstone and Gulgong
 - vii) Ensure at least 2-3 different or new tourism businesses or attractions are pitched to media outside the Region each quarter
 - viii) Ensure all major events in the Region are featured in What's On and Events Calendar
 - ix) Develop an annual marketing plan which provides the specific details of all marketing and promotional activities that will be undertaken on a monthly basis to actively promote the Region as a tourism destination and provide opportunity for Council input
 - x) Undertake with Council a review of the current process of selecting, assessing and appointing new board members



Mayor

General Manager

4. **Council authorises the General Manager to enter into the 3 year contract with Mudgee Region Tourism Inc at a payment amount of \$360,000. Included in the contract is an amount to be invoiced to Mudgee Region Tourism Inc for a peppercorn rental of \$1 for the lease of the Council owned property in Market Street Mudgee;**
5. **Council accepts the Mudgee Regional Tourism Inc commitment that they will change the constitution to give one Council representative full Board Status and the General Manager or his/her representative observer status at all Board meetings and that this constitutional change will occur prior to the 30th June 2013;**
6. **Council accepts the Mudgee Regional Tourism Inc commitment that they will review the selection criteria for the appointment of Board members prior to the 30th June 2013 and thus this matter does not need to be a Key Performance Indicator.**

AMENDMENT: Webb/

That:

1. the report by the General Manager on the Contract Renewal – Mudgee Region Tourism Inc be received;
2. Council confirm its intent to enter into a 3 year contract of service with the Mudgee Region Tourism Inc, for the delivery of tourism services;
3. the contract to include the following key performance indicators:
 - i) Monitor key indicators that measure tourist numbers to the LGA including the number of visitors attending each visitor centre, where they are from and how they have heard about the LGA and conduct an annual targeted campaign for participation in surveys about visitor experience in the Region
 - ii) Provide all tourism related businesses in the Region, whether a member of MRTI or not, with the opportunity to have a free website listing
 - iii) Attend and promote the Region at at least 4 events per year held outside the Region to increase the number of domestic tourists to the Region (at least 2 events to be held in new target markets)
 - iv) Ensure monthly marketing communication with subscriber database
 - v) Promote Council events in MRTI marketing material without normal membership limitations, where the event benefits the Region
 - vi) Ensure at least 15% of the Region's media coverage (achieved through PR activity) represents tourism businesses and attractions in Kandos, Rylstone and Gulgong
 - vii) Ensure at least 2-3 different or new tourism businesses or attractions are pitched to media outside the Region each quarter

- viii) Ensure all major events in the Region are featured in What's On and Events Calendar
 - ix) Develop an annual marketing plan which provides the specific details of all marketing and promotional activities that will be undertaken on a monthly basis to actively promote the Region as a tourism destination and provide opportunity for Council input
 - x) Undertake with Council a review of the current process of selecting, assessing and appointing new board members
4. Council authorises the General Manager to enter into the 3 year contract with Mudgee Region Tourism Inc at a payment amount of \$360,000. Included in the contract is an amount to be invoiced to Mudgee Region Tourism Inc for \$13,000 for the lease of the Council owned property in Market Street Mudgee.
 5. Council accepts the Mudgee Regional Tourism Inc commitment that they will change the constitution to give one Council representative full Board Status and the General Manager or his/her representative observer status at all Board meetings and that this constitutional change will occur prior to the 30th June 2013;
 6. Council accepts the Mudgee Regional Tourism Inc commitment that they will review the selection criteria for the appointment of Board members prior to the 30th June 2013 and thus this matter does not need to be a Key Performance Indicator.

This amendment lapsed for want of a seconder.

AMENDMENT: Thompson/Weatherley

That:

1. the report by the General Manager on the Contract Renewal – Mudgee Region Tourism Inc be received;
2. Council confirm its intent to enter into a 3 year contract of service with the Mudgee Region Tourism Inc, for the delivery of tourism services;
3. the contract to include the following key performance indicators:
 - i) Monitor key indicators that measure tourist numbers to the LGA including the number of visitors attending each visitor centre, where they are from and how they have heard about the LGA and conduct a bi-annual targeted campaign for participation in surveys about visitor experience in the Region
 - ii) Provide all tourism related businesses in the Region, whether a member of MRTI or not, with the opportunity to have a free website listing
 - iii) Attend and promote the Region at at least 4 events per year held outside the Region to increase the number of domestic tourists to the Region (at least 2 events to be held in new target markets)
 - iv) Ensure monthly marketing communication with subscriber database

- v) Promote Council events in MRTI marketing material without normal membership limitations, where the event benefits the Region
 - vi) Ensure at least 15% of the Region's media coverage (achieved through PR activity) represents tourism businesses and attractions in Kandos, Rylstone and Gulgong
 - vii) Ensure at least 2-3 different or new tourism businesses or attractions are pitched to media outside the Region each quarter
 - viii) Ensure all major events in the Region are featured in What's On and Events Calendar
 - ix) Develop an annual marketing plan which provides the specific details of all marketing and promotional activities that will be undertaken on a monthly basis to actively promote the Region as a tourism destination and provide opportunity for Council input
 - x) Undertake with Council a review of the current process of selecting, assessing and appointing new board members
4. Council authorises the General Manager to enter into the 3 year contract with Mudgee Region Tourism Inc at a payment amount of \$340,000. Included in the contract is an amount to be invoiced to Mudgee Region Tourism Inc for \$13,000 for the lease of the Council owned property in Market Street Mudgee;
 5. Council accepts the Mudgee Regional Tourism Inc commitment that they will change the constitution to give one Council representative full Board Status and the General Manager or his/her representative observer status at all Board meetings and that this constitutional change will occur prior to the 30th June 2013;
 6. Council accepts the Mudgee Regional Tourism Inc commitment that they will review the selection criteria for the appointment of Board members prior to the 30th June 2013 and thus this matter does not need to be a Key Performance Indicator.

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

Councillor White did not return to the meeting at the end of this Item.

6.2.16 MRTI QUARTERLY REPORT DECEMBER 2012

A0100056, F0770077

Councillor White had before the previous Item declared a pecuniary conflict of interest as she is employed in the tourism industry, left the meeting at 7.21 pm and did not participate in discussions or vote in relation to this matter.

61/13

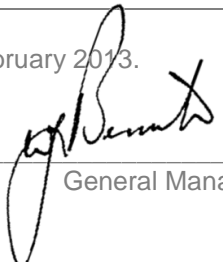
MOTION: Shelley/Cavalier

That the report by the General Manager on the MRTI Quarterly Report December 2012 be received.

The motion was put and carried.

Councillor White returned to the meeting at 7.47 pm.


Mayor


General Manager

6.2.4 PLANNING PROPOSAL – GENERAL AMENDMENTS

A0100056, A0420254

62/13

MOTION: Shelley/Webb**That:**

1. the report by the Manager Strategic Planning on the Planning Proposal – General Amendments be received;
2. Council prepare a Planning Proposal for a General Amendment to the Mid-Western Regional Local Environmental Plan 2012 for the following;
 - (a) Amendment to the R5 zone at Grattai – Lot 153 and 162 DP 756880,
 - (b) Extension of the B3 Commercial Core zone over Lot 100 DP 1080880 (Mitre 10),
 - (c) Insert the Environmentally Sensitive Land – Water Map ,
 - (d) Clarify dwelling provisions as they relate to split parcels on the Rylstone Lot Size Map ,
 - (e) Insert a Farm Adjustment Clause ,
 - (f) Amend anomalies in the heritage schedule,
 - (g) Clarification of clause 4.2 A – dwellings on rural land,
 - (h) Subdivision of land below MLS for a non-agricultural purpose,
 - (i) Clarification of the 2 ha minimum lot size on Lot 1 DP 1166658,
 - (j) Reclassify drainage reserves from Community to Operational Land,
 - (k) Reclassify surplus land in Gulgong being Lot 2 DP 718061 and Lot 3 DP 626037 as Operational Land,
 - (l) Permissibility of camping in RE1 Public Recreation zone,
 - (m) Rezoning land from R1 General Residential to B4 Mixed Use in Inglis St Mudgee,
 - (n) Rezoning land from IN2 Light Industrial to B4 Mixed Use on Lots 1 & 2 Section 49 DP 758721 Inglis St Mudgee, for determination by the Gateway.

The motion was put and carried.

6.2.5 MONTHLY STATEMENT OF MID-WESTERN REGIONAL
COUNCIL BANK BALANCES AND INVESTMENTS AS AT 31
JANUARY 2013

A0100056, A0140304

63/13

MOTION: Cavalier/Shelley**That:**

- 1. the report by the Manager Financial Planning on the Monthly statement of Mid-Western Regional Council bank balances and investments as at 31 January 2013 be received;**
- 2. the certification by the Responsible Accounting Officer be noted.**

The motion was put and carried.

6.2.6 QUARTERLY BUDGET REVIEW - DECEMBER 2012

A0100056, A0149935

MOTION: Webb/White**That:**

1. the report by the Manager Financial Planning on the Quarterly Budget Review - December 2012 be received;
2. the 2012/13 Operational Plan be amended in accordance with the variations as listed on pages 12 to 21 of the December 2012 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: and,
4. an additional variation be included in the 2012/13 Operational Plan to increase Roadside Spraying by \$50,000, funded by reducing the budget on Entrance Signage by \$50,000 and transferring the corresponding Reserve funding across to the Urban Reseals program as listed on page 5 of the December QBR.

64/13

AMENDMENT: Shelley/White**That:**

- 1. the report by the Manager Financial Planning on the Quarterly Budget Review - December 2012 be received;**
- 2. the 2012/13 Operational Plan be amended in accordance with the variations as listed on pages 12 to 21 of the December 2012 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; and
4. if required, for additional roadside spraying, the 2012/13 Operational Plan be amended to include \$50,000 for Roadside Spraying, funded by reducing the Compliance budget within the Weeds cost centre.

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

6.2.7 FINANCIAL ASSISTANCE - APPLICATIONS

A0100055, A0140201

65/13

MOTION: Weatherley/Cavalier

That:

1. the report by the Financial Accountant on the 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, subject to those requirements being met, with the funding from the general financial assistance vote:

Rylstone Kandos Preschool	\$1,000
---------------------------	---------
3. Subject to development approval of the storage facilities at Mudgee Showground Council provide financial assistance to:

Mid Western Working Horse Association	\$452.01
---------------------------------------	----------
4. Council give consideration at the 2013/14 Budget and Operational Plan a grant to Lifeskills for the development of their new premises at Mudgee.
5. The following amounts be distributed from the Councillor Discretionary votes:

Ilford Public School	Cr Shelley	\$250
	Cr Martens	\$250
	Cr Thompson	\$100
	Cr Webb	\$100
Gulgong Sports Council Presentation	Cr Thompson	\$300

AMENDMENT: Martens/White

That:

1. the report by the Financial Accountant on the 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, subject to those requirements being met, with the funding from the general financial assistance vote:

Rylstone Kandos Preschool	\$1,000
Iford Public School	\$3,000
3. Subject to development approval of the storage facilities at Mudgee Showground Council provide financial assistance to:

Mid Western Working Horse Association	\$452.01
---------------------------------------	----------
4. Council give consideration at the 2013/14 Budget and Operational Plan a grant to Lifeskills for the development of their new premises at Mudgee.
5. The following amounts be distributed from the Councillor Discretionary votes:

Iford Public School	Cr Shelley	\$250
	Cr Martens	\$250
	Cr Thompson	\$100
	Cr Webb	\$100
Gulgong Sports Council Presentation	Cr Thompson	\$300

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

6.2.8 CRUSHING AND SCREENING TENDER 2010/12 ADDITIONAL CONTRACTOR

A0100056, A0411012

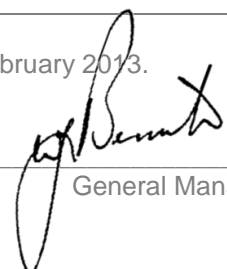
66/13

MOTION: Shelley/Cavalier

That:

1. **the report by the Business Manager Works on the Crushing and Screening Tender 2010/12 Additional Contractor be received;**
2. **Council accepts the additional contractor for tender 2010/12 for the provision of Crushing and Screening in accordance with clause 178 of the Local Government (General) Regulation 2005 as listed below for incorporation into Councils Preferred Suppliers List for Crushing and Screening services.**

The motion was put and carried.

6.2.9 WET AND DRY PLANT HIRE TENDER 2010/05 ADDITIONAL CONTRACTORS

A0100056, A0411005

67/13


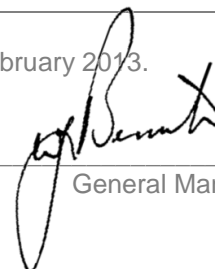
MOTION: Shelley/Weatherley**That:**

1. the report by the Business Manager Works on the Wet and Dry Plant Hire Tender 2010/05 Additional Contractors be received;
2. Council accepts the additional contractors for tender 2010/05 for the provision of Wet and Dry plant hire in accordance with clause 178 of the Local Government (General) Regulation 2005 as listed below for incorporation into Councils Preferred Suppliers List for Wet and Dry Hire:

Pybar Mining Services – Plant Description	Make/Model
Dozer	CatD6K
Dozer	CatD6R
Dozer	CatD6T
Dozer	CatD8R
Excavator	5T Kubota
Excavator	5T CAT
Excavator	12T CAT
Excavator	20 T Case
Excavator	20t Cat
Excavator	20T Komatsu
Excavator	21T Hyundai
Excavator	30 T Volvo
Excavator	40T Komatsu
Excavator	45 Cat
Excavator	70T Volvo
Rock hammer	12-20t
Rock hammer	5 - 8T
Grader	CAT16G
Grader	140H
Grader	Komatsu 655
Grader	12H
Skid steer	CAT 257B (TRACKED)
Skid steer	CASE SR200 (RUBBER TYRED)
Skid steer	CAT 256C (RUBBER TYRED)
Skid steer	CAT 216BIII (RUBBER TYRED)
Skid steer	CASE 440CT (TRACKED)
Skid steer	CASE T320 (TRACKED)
Loader	CAT924G
Loader	VOLVO L120F
Loader	CAT 966GII
Loader	KOMATSU WA470
Backhoe	Case 580K

Pybar Mining Services – Plant Description	Make/Model
Tractor with attachments	
Compactor	815B
Roller	Padsfoot
Roller	Smooth Drum
Scraper	Cat 623
Service truck	4500LTR
Service truck	13000LTR
Light vehicle	
Truck	Quad Axle Float
Truck	Tri Axle Float
Truck	45ft Drop Deck
Tipper	Truck & Dog (34t)
Tipper	Side Tipper
Tipper	Truck (13t)
Tipper	Isuzu (8T)
Tipper	Moxy 40T
Tipper	Moxy - Cat 25T
Tipper	Moxy Cat 30T
Tipper	Moxy Volvo 25T
Tipper	Moxy Volvo 30T
Water cart	18,000ltr
Water cart	15,000ltr
Biglift Cranes – Plant Description	Make/Model
Franna	20 tonne - at20
Franna	20 tonne - at20
Franna	20 tonne - at20
Franna	20 tonne - at20
Franna	25 tonne - mac25
Franna	25 tonne - mac25
Franna	25 tonne - mac25
Franna	25 tonne - mac25
Slew	70 tonne - ltm10704.1
Slew	100 tonne - ltm1100.5.2
Slew	100 tonne - ltm1100.5.2
Slew	130 tonne - ltm1130.51
Slew	130 tonne - ltm1130.51
Crawler	100 tonne - ltr1100
Slew	250 tonne - ltm1250.61
Truck	Kenworth - k104
Truck	Western star - 2010
Truck	Kenworth - k104
Truck	Volvo - fl7
Truck	Volvo - fl10

The motion was put and carried.

6.2.10 MUDGEE SEWERAGE AUGMENTATION PROGRESS REPORT
A0100056, F0740001

68/13

MOTION: Shelley/Cavalier

That the report by the Business Manager Services on the Mudgee Sewerage Augmentation Progress Report be received.

The motion was put and carried.

6.2.11 SEWER LINE EXTENSION, RIFLE RANGE ROAD TO BELLEVUE

A0100056, P1309361

MOTION: Martens/White

That:

1. the report by the General Manager on the Sewer line extension, Rifle Range Road to Bellevue be received;
2. Council not contribute towards the capital costs of installing a sewer main line between Rifle Range Road and the railway line.

69/13

AMENDMENT: Shelley/Weatherley

That:

1. the report by the General Manager on the Sewer line extension, Rifle Range Road to Bellevue be received;
2. Council contributes the sum of \$146,060 exclusive of GST towards the capital costs of installing a sewer main line between Rifle Range Road and the railway line, and the work be undertaken by the developers associated with the subdivisions in this vicinity.

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

6.2.12 NAMING OF A SECOND BRIDGE OVER CARWELL CREEK

A0100056, R0790041, R9001001

70/13

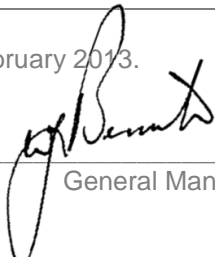
MOTION: Shelley/Weatherley

That:

1. the report by the Revenue & Property Manager on the naming of a second bridge over Carwell Creek be received;
2. Council name this bridge Cuth Foster Bridge.



Mayor



General Manager

AMENDMENT: Martens/Thompson

That:

1. the report by the Revenue & Property Manager on the naming of a second bridge over Carwell Creek be received;
2. Council name this bridge Nevell Bridge.

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

6.2.13 NAMING OF RESERVE OFF LIONS DRIVE

A0100056, R0790041, P2174811

71/13

MOTION: Cavalier/White

That:

1. the report by the Revenue & Property Manager on the Naming of Reserve off Lions Drive be received;
2. Council support the name of Sam Bateman Reserve.

The motion was put and carried.

6.2.14 FOOD SAFETY PROGRAM UPDATE

A0100056, A0130004

72/13

MOTION: Shelley/Weatherley

That the report by the Manager Health and Building on the Food Safety Program Update be received.

The motion was put and carried.

Item 7: Urgent Business Without Notice

7.1 Local Land Services Submission

A0100055, A03100010

73/13

MOTION: Thompson/Shelley

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

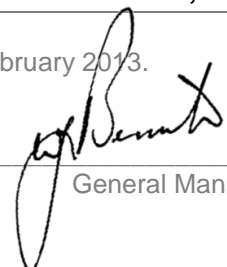
The Mayor having ruled the matter to be of great urgency, the motion was put and carried.

74/13

MOTION: Thompson/Webb

That:

1. the report of the Group Manager Development and Community Services on the Local Land Services Submission be received;



2. Council make a submission in accordance with submission attached to the report; and
3. Council write to the Minister for Primary Industries to express concern regarding the proposed Local Land Services boundary that will divide Mid-Western Regional Council in accordance with the letter attached to the report.

The motion was put and carried.

Councillor Shelley requested that his name be recorded as having voted against this decision.

Item 8: Confidential Session

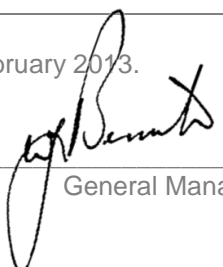
There were no decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 8.25 pm.



Mayor



General Manager