

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on Wednesday 7 August 2013, commencing at 6.08 pm and concluding at 6.46 pm

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

IN ATTENDANCE General Manager (WL Bennett), Director Mid-Western Operations (B Cam), Director Finance and Administration (C Phelan), Manager Statutory Planning (G Bruce), Manager Governance (I Roberts)

MEDIA REPRESENTATIVES Mudgee Guardian / The Weekly (R Murray) Radio 2MG (C Bassett).

## Item 1: Apologies

There were no apologies.

## Item 2: Disclosure of Interest

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.1, 6.6.2(a), 6.2.2(b) and 6.2.5 as he or members of his family had carried out work on these sites or had put in a tender to undertake work.

## Item 3: Confirmation of Minutes

291/13

**MOTION: Weatherley/Shelley**

**That the Minutes of the Ordinary Meeting held on 24 July 2013 (Minute Nos. 252/13 to 290/13) be taken as read and confirmed.**

*The motion was put and carried.*

## Item 4: Matters in Progress

Noted.

## 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 DA 0438/2013 – PROPOSED MULTI DWELLING HOUSING DEVELOPMENT AND TORRENS TITLE SUBDIVISION, LOT 3 DP 1182129, 14 DUNPHY CRESCENT, MUDGEE**

A0100056, P2206661

Councillor Walker declared a pecuniary conflict of interest as he had carried out work on this site, left the meeting at 6.10pm and did not participate in discussions or vote in relation to this matter.

292/13

**MOTION: Shelley/Weatherley**

**That:**

- 1. the report by the Statutory Planner regarding DA 0438/2013 – Proposed multi-dwelling housing and Torrens title subdivision to create 16 single dwellings and 3 vacant lots at Lot 14 DP1182129, 14 Dunphy Crescent Mudgee be received;**
- 2. development application for multi-dwelling housing and Torrens title subdivision to create 16 single dwellings and 3 vacant lots at Lot 14 DP1182129, 14 Dunphy Crescent Mudgee be approved subject to the following conditions of consent;**

**APPROVED DEVELOPMENT**

**Development is to be carried out generally in accordance with stamped plans (MD215-12 prepared by Maretta Design) and the Application received by Council on 1 May 2013 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.**

**All of the subdivision construction works required by consent number MA0038/2013 including road construction, water and sewer infrastructure, telecommunications and electricity and inter-allotment drainage works are to be completed and work-as-executed plans are to be submitted to Council prior to the commencement of the construction works approved under this consent.**

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

3. 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	\$84,828.00
Sewerage Headworks	\$58,352.00
Total Payable	\$143,180.00

(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.

4. 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: \$20,400.00 based on the estimated cost of development of \$2,040,000.00

- 4(a). Cut and fill associated with the development is not to exceed a combined total of 600mm which is consistent with the Development Control Plan 2013. Details are to be provided with the application for construction certificate.

**BUILDING CONSTRUCTION**

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.
6. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
7. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
8. 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.

9. 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.
10. 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.
11. 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.

12. 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.
13. 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.
14. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)
15. 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.
16. All stormwater is to discharge to the street water table by the use of non-flexible kerb adapters. Alternatively, stormwater can connect to the inter allotment drainage system if it is available.

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. 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.
19. 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.
20. 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.
21. The requirements of the submitted BASIX Certificate, number 421388S\_02 issued on 22 March 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.

#### **PRIOR TO OCCUPATION**

22. 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.
23. Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/ completion of those commitments.

#### **ENGINEERING CONSTRUCTION**

24. No Construction is to commence before a Construction Certificate is issued for the subdivision works (water main, sewer main extension or roadworks). The works are to be constructed in

accordance with the plans and specifications referred to in The Construction Certificate.

**Note: The Construction Certificate may be issued by Council or an Accredited Certifier. Council's fee for this service is set out in Council's fees and Charges.**

25. 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;
26. 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.
27. 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**

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

Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an "AutoCAD compatible" work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

30. 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)**

31. 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.**

32. Prior to issue of the *Subdivision 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 adjustment of existing services or installation of new services and metres, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.
34. 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.
35. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and the appropriate Council standard drawings including M524-Urban Access, M525-Rural Access, M526-Industrial Access, M594-Kerb & Gutter Layback, as outlined in Councils "Access to Properties Policy".

**Which states;-**

**Inspections - 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.**

36. The applicant is to provide separate water and sewer reticulation services to each lot.

37. 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.

38. 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 \$1,650.00 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

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

39. The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,425.00 per new junction to cover the cost of Council installing a junction in an existing main.

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

#### GENERAL CONDITIONS RELATING TO THE DEVELOPMENT

40. 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.

41. 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.

42. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation.

43. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings.

44. Private open space areas for both unit 1 and unit 2 are to be provided with a level surface to at least 50% of the open space area.

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nays</b>
<i>Cr Cavalier</i>	✓	
<i>Cr Kennedy</i>	✓	
<i>Cr Martens</i>	✓	



<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
<i>Cr Shelley</i>	✓	
<i>Cr Thompson</i>	✓	
<i>Cr Weatherley</i>	✓	
<i>Cr Webb</i>	✓	
<i>Cr White</i>	✓	

Councillor Walker did not return to the meeting at the conclusion of this Item.

6.2.2(a)MA0005/2014 MODIFICATION APPLICATION FOR 53-57  
DEPOT ROAD, LOT 16 DP 1165148 DA 0149/2013 FOR A  
INDUSTRIAL SHED – WELDING BUSINESS

A0100056, P2106461

Councillor Walker declared a pecuniary conflict of interest as he had carried out work on this site, left the meeting prior to this Item at 6.10pm, remained out of the meeting during consideration of this matter and did not participate in discussions or vote in relation to this matter.

Councillor White indicated that she did not receive the reports in relation to 6.2.2(a) & (b) and left the meeting as she felt that she could not be involved in debate on these matters.

293/13

**MOTION:**                    **Thompson/Weatherley**

**That:**

1. **the report by the Director, Development and Community Services on the Variation to Depot Road DA 0149/2013 Consent be received.**
2. **That Pursuant to section 96 (1) of the Environmental Planning and Assessment Act, 1979 relating to Modification Application 005/2014, Lot 16 DP 1165148, 53-57 Depot Road, Mudgee that the following conditions of consent be modified**

**CONDITION 3**

**The approved plans are amended in the following manner;**

- **The door on the western elevation of the main building is to be deleted and the wall made flush to the awning of the storage area, and The wall height of the main building is to be no greater than 7.0m above natural ground level.**
- **Privacy screens are to be attached to the windows and balcony of the second storey along the western elevation so as to obscure any view lines from these areas to the nearby residential development, and**
- **Details of the measures depicted in the recommendations of the Noise Impact Statement Prepared for Commtech P/L and submitted by the Applicant, and**
- **Landscaping is to be provided the entire frontage of the earthen mound.**

- The developer is to provide on top of the existing earth mound a 2.1m high lapped and capped timber fence.

Plans incorporating the above amendments are to be submitted to Council prior to the release of the Construction Certificate.

#### CONDITION 18

A registered Surveyors Certificate showing height of the building frame members upon erection. Wall heights are to be no more than 7.0m above 483.6 AHD and the ridge height is to be no higher than 8.4m above 483.6 AHD.

And the following conditions be added to the consent

#### CONDITION 50

That the cut and fill required on site to achieve the finished floor level of 483.6 AHD for the building be limited to 400 mm of cut and 400mm of fill across the building pad area

#### CONDITION 51

All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed on the lot shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

#### CONDITION 52

A geotechnical report, certifying that the fill has been compacted in accordance with the Australian Standard is to be submitted to Council prior to the issue of the construction certificate for the building.

3. That the remainder of the conditions of development consent 0149/2013 remain unaltered and apply to the development of an Industrial Shed – Welding Business

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nays</b>
<i>Cr Cavalier</i>	✓	
<i>Cr Kennedy</i>	✓	
<i>Cr Martens</i>		✓
<i>Cr Shelley</i>	✓	
<i>Cr Thompson</i>	✓	
<i>Cr Weatherley</i>	✓	

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
<i>Cr Webb</i>		✓

Councillors Walker and White did not return to the meeting at the conclusion of this Item.

6.2.2 (b) MA0006/2014 MODIFICATION APPLICATION FOR 47-51  
DEPOT ROAD, LOT 17 DP 1165148 DA 0200/2013 FOR A  
INDUSTRIAL WORKSHOP OFFICE

A0100056, P2106361

Councillor Walker declared a pecuniary conflict of interest as he had carried out work on this site, left the meeting prior to this Item at 6.10pm, remained out of the meeting during consideration of this matter and did not participate in discussions or vote in relation to this matter.

Councillor White indicated that she did not receive the reports in relation to 6.2.2(a) & (b) and had left the meeting previously as she felt that she could not be involved in debate on these matters.

294/13

**MOTION:** Weatherley/Shelley

**That:**

1. That the report by the Director, Development and Community Services on the Variation to Depot Road DA 0200/2013 Consent be received;
2. That pursuant to section 96(1) of the Environmental Planning and Assessment Act, 1979 relating to Modification Application 0006/2014, Lot 17 DP 1165148, 47-51 Depot Road, Mudgee that the following conditions of consent be modified:

**CONDITION 14**

A registered Surveyor's Certificate showing the height of the building frame members upon erection. Wall heights are to be no more than 7.0 metres above the 483.5 AHD and the ridge height is to be no more than 8.4 metres above 483.5 AHD

**CONDITION 45**

All security fencing is to be pre-coloured or powder-coated and transparent in design. The fencing is to be located behind the building line. The fence must not exceed 2.0 metres in height as required by DCP 2013

**CONDITIONS 46**

A 2.1metre high lapped and capped timber fence is to be constructed along the top of the earth bunded acoustic barrier to provide additional noise attenuation and to further screen the development from residential areas. The fence is to be constructed of overlapping timber palings, and is to be erected prior to the commencement of any work on site.

**And the following condition be added to the consent:**

**CONDITION 49**

That the cut and fill required on site to achieve the finished floor level of 483.5 AHD for the building be limited to 500 mm of cut and 500mm of fill across the building pad area

**CONDITION 50**

All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed on the lot shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

**Condition 51**

A geotechnical report, certifying that the fill has been compacted in accordance with the Australian Standard is to be submitted to Council prior to the issue of the construction certificate for the building.

3. That the remainder of the conditions of development consent 0200/2013 remain unaltered and apply to the development of an Industrial Workshop and Office

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

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

Councillors Walker and White returned to the meeting at 6.19 pm.

**6.2.3 PLANNING PROPOSAL LOTS 16 & 17 DP 756897 HILL END ROAD MUDGEE**

A0100056, LAN900015

295/13

**MOTION:** Shelley/Cavalier

**That:**

1. the report by the Director, Development and Community Services on the Planning Proposal Lots 16 & 17 DP 756897 Hill End Road Mudgee be received;

2. Council prepare an amending Local Environmental Plan for Lots 16 & 17 DP 756897 Hill End Road Mudgee to provide for general industrial development with a minimum lot size of 3,000m<sup>2</sup>;
3. the Planning Proposal under section 55 of the Environmental Planning and Assessment Act for Hill End Road Mudgee be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination;
4. a further report be presented to Council upon the completion of the exhibition addressing any submissions.

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

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

#### 6.2.4 AFFORDABLE HOUSING POLICY

A0100056, A0420252

296/13

**MOTION:** Cavalier/White

**That:**

1. the report by the Manager, Community Services on the Affordable Housing Policy be received;
2. the Affordable Housing Policy be adopted.

The motion was put and carried.

#### 6.2.5 AFFORDABLE HOUSING

A0100056, A0420252

Councillor Walker declared a pecuniary conflict of interest as his family had put in a tender to undertake work for Housing Plus, left the meeting at 6.22 pm and did not participate in discussions or vote in relation to this matter.

The Director of Mid-Western Operations left the meeting during consideration of this Item.

297/13                    **MOTION:**                    **Shelley/Weatherley**

**That:**

1. the report by the General Manager on Affordable Housing;
2. Council allocates \$100,000 from the externally restricted reserve account called "Community Tenancy Scheme" as a grant to Housing Plus for their affordable housing program at George Street, Mudgee.

*The motion was put and carried.*

Councillor Walker returned to the meeting at 6.23 pm.

The Director of Mid-Western Operations returned to the meeting at the conclusion of this Item.

#### 6.2.6 DRAFT RECREATION STRATEGY REVIEW OF SUBMISSIONS

A0100056, A0420239

298/13                    **MOTION:**                    **Weatherley/Cavalier**

**That:**

1. the report by the Manager Strategic Planning on the Draft Recreation Strategy Review of Submissions be received;
2. the Recreation Strategy be adopted as amended.

*The motion was put and carried.*

#### 6.2.7 RYLSTONE AERODROME – SECTION 94 CONTRIBUTION AND RATES

A0100056, P1463461

299/13                    **MOTION:**                    **Shelley/Martens**

**That:**

1. the report by the Director, Development and Community Services on the Rylstone Aerodrome – Section 94 Contribution and Rates be received;
2. consideration of request by the developer for deferment of the payment of Section 94 contributions and rates be deferred subject to a further report from staff with options.

*The motion was put and carried.*

## 6.2.8 FINANCIAL ASSISTANCE APPLICATIONS

A0100056, A0140201

300/13

**MOTION: Webb/Martens****That:**

1. the report by the Financial Accountant on the Financial Assistance Applications;
2. Council provide financial assistance to Ayden Toovey for \$250.00 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.
3. The following amounts be distributed to Ayden Toovey from the Councillor discretionary votes:

<b>Cr Cavalier</b>	<b>\$300</b>
<b>Cr Shelley</b>	<b>\$250</b>
<b>Cr White</b>	<b>\$250</b>

*The motion was put and carried.*

## 6.2.9 LOCAL PREFERENCE POLICY

A0100056, A0140326

301/13

**MOTION: Martens/Shelley****That:**

1. the report by the General Manager on the Local Preference Policy;
2. Council endorse the amended Local Preference Policy.

*The motion was put and carried.*

## 6.2.10 TENDER 2013-10 - REDBANK CREEK DAM STRUCTURAL UPGRADE

A0100056, A0411310

302/13

**MOTION: Webb/Cavalier****That:**

1. the report by the Director, Mid-Western Operations on the Tender 2013-10 - Redbank Creek Dam Structural Upgrade;
2. subject to receiving the confirmation on the final design from the Dam Safety Committee, Council accepts Leed Engineering and Construction Pty Ltd for Tender 2013-10 for the Tender 2013-10 - Redbank Creek Dam Structural Upgrade and that Council enter into a contract with Leed Engineering and Construction Pty Ltd in

accordance with clause 178 of the Local Government (General) Regulation 2005;

3. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Engineering and Construction Pty Ltd for Tender 2013-10 Redbank Creek Dam Structural Upgrade for the sum of \$548,900 (incl GST) and the Council authorises the General Manager to approve variations to this contract of up to 5% from the tendered amount;
4. the unsuccessful tenderers be notified that their tenders were unsuccessful.

*The motion was put and carried.*

Councillors Martens and Thompson requested that their names be recorded as having voted against this decision.

#### 6.2.11 UPDATED ROBERTSON PARK MANAGEMENT PLAN

A0100056, A0820020

The Manager Statutory Planning left the meeting during consideration of this Item.

303/13

**MOTION:** Shelley/Weatherley

**That:**

1. the report by the Economic Development Officer on the Updated Robertson Park Management Plan;
2. Council adopt the Updated Robertson Park Management Plan.

*The motion was put and carried.*

The Manager Statutory Planning returned to the meeting at the conclusion of this Item.

#### 6.2.12 2013/2014 SWIMMING POOL SEASON HOURS

A0100056, A0640002

**MOTION:** Cavalier/Martens

**That:**

1. the report by the Director, Mid-Western Operations on the 2013/2014 Swimming Pool Season Hours be received;
2. that the swimming pool season for 2013/14 starts on the 28th September 2013 and closes on 27th April 2014 with the following opening and closing times;

28th September to 25th October

Weekdays: 6.00am to 8.00am reopen at 9.30am to 12.30pm



Weekends 6.00am to 8.00am reopen at 9.30am to 6.00pm

26th October to 31st December

6.00am to 8.00am reopen at 9.30am to 7.00pm

Pool closes at 6pm on Tuesday nights

1st January to 31st January

6.00am to 8.00am reopen at 9.30am to 8.00pm

Pool closes at 6pm on Tuesday nights

1st February to 31st March

6.00am to 8.00am reopen at 9.30am to 7.00pm

Pool closes at 6pm on Tuesday nights

1st April to 27th April

Weekdays: 6.00am to 8.00am reopen at 9.30am to 12.30pm

Weekends 6.00am to 8.00am reopen at 9.30am to 6.00pm

Public Holidays

Closed Christmas Day, Good Friday,

Opens 1pm Anzac Day

Opens 10am Boxing Day and New Years Day

3. that the Director Operations has authority to vary these hours to allow the pool to be closed early during inclement weather if there are no swimming patrons;
4. that the Mudgee Amateur Swimming Club be charged \$400 plus GST for the exclusive use of the swimming facility on club nights (Tuesday) and that this charge be included in Councils fees and charges for future years.

AMENDMENT: Kennedy/Walker

That:

1. the report by the Director, Mid-Western Operations on the 2013/2014 Swimming Pool Season Hours be received;
2. that the swimming pool season for 2013/14 starts on the 28th September 2013 and closes on 27th April 2014 with the following opening and closing times;

28th September to 25th October

Weekdays: 6.00am to 8.00am reopen at 9.30am to 12.30pm

Weekends 6.00am to 8.00am reopen at 9.30am to 6.00pm

26th October to 31st December

6.00am to 8.00am reopen at 9.30am to 7.00pm

Pool closes at 6pm on Tuesday nights

1st January to 31st January

6.00am to 8.00am reopen at 9.30am to 8.00pm  
Pool closes at 6pm on Tuesday nights

1st February to 31st March  
6.00am to 8.00am reopen at 9.30am to 7.00pm  
Pool closes at 6pm on Tuesday nights

1st April to 27th April  
Weekdays: 6.00am to 8.00am reopen at 9.30am to 12.30pm  
Weekends 6.00am to 8.00am reopen at 9.30am to 6.00pm

Public Holidays  
Closed Christmas Day, Good Friday,  
Opens 1pm Anzac Day  
Opens 10am Boxing Day and New Years Day

3. that the Director Operations has authority to vary these hours to allow the pool to be closed early during inclement weather if there are no swimming patrons.

*This amendment was put and lost.*

304/13                      **AMENDMENT:              Webb/Cavalier**

**That:**

1. **the report by the Director, Mid-Western Operations on the 2013/2014 Swimming Pool Season Hours be received;**
2. **that the swimming pool season for 2013/14 starts on the 28th September 2013 and closes on 27th April 2014 with the following opening and closing times;**

**28th September to 25th October  
Weekdays: 6.00am to 8.00am reopen at 9.30am to 12.30pm  
Weekends 6.00am to 8.00am reopen at 9.30am to 6.00pm**

**26th October to 31st December  
6.00am to 8.00am reopen at 9.30am to 7.00pm  
Pool closes at 6pm on Tuesday nights**

**1st January to 31st January  
6.00am to 8.00am reopen at 9.30am to 8.00pm  
Pool closes at 6pm on Tuesday nights**

**1st February to 31st March  
6.00am to 8.00am reopen at 9.30am to 7.00pm  
Pool closes at 6pm on Tuesday nights**

**1st April to 27th April  
Weekdays: 6.00am to 8.00am reopen at 9.30am to 12.30pm  
Weekends 6.00am to 8.00am reopen at 9.30am to 6.00pm**

**Public Holidays****Closed Christmas Day, Good Friday,****Opens 1pm Anzac Day****Opens 10am Boxing Day and New Years Day**

3. that the Director Operations has authority to vary these hours to allow the pool to be closed early during inclement weather if there are no swimming patrons;
4. that the Mudgee Amateur Swimming Club be charged \$200 plus GST for the exclusive use of the swimming facility on club nights (Tuesday) and that this charge be included in Councils fees and charges for future years.

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

**6.2.13 LOCAL TRAFFIC COMMITTEE MINUTES - 9 JULY 2013**

A0100056, R0790009

305/13

**MOTION: Walker/Shelley****That:**

1. the report by the Development Engineer on the Local Traffic Committee Minutes - 9 July 2013;
2. a "Bus Zone" sign be installed 20m north of the existing tree on Perry Street within the existing bus zone parking area between Horatio and Denison Streets in Mudgee;
3. Council consult with the local community to ascertain where disabled access is required in the Kandos CBD area.
4. the "Give Way" signs at the intersection of Windeyer Road and Hill End Road; and at the intersection of the Mudgee Waste Depot Entrance Road and Hill End Road, remain without change;
5. a 15 minute parking zone, from 8:30am to 6pm Monday to Friday and 8.30am to 12:30pm on Saturdays, be installed in front of the hospital shop at 97 Lewis Street Mudgee for a distance of 10m from the northern corner to the southern corner of the hospital shop;
6.
  - a. "Reduce Speed Now" warning sign be installed on Queens Pinch Road 200m prior to the intersection of Bocoble Road and Queens Pinch Roads;
  - b. a "Reduce Speed Now" warning sign be installed on Bocoble Road 200m prior to the intersection of Bocoble Road and Queens Pinch Roads;

- c. "Transverse rumble strips" be installed on Bocoble Road from its intersection with Queens Pinch Road on an extension of 100m south of intersection;
  - d. the damaged mirror be replaced;
  - e. the 'T' intersection advance warning signs on Queens Pinch Road be replaced with 'Y' advance warning signs; and
  - f. the intersection of Queens Pinch Road and Bocoble Road be listed on the roads program for future RMS funding.
7. the event – "Flavours of Mudgee Street Festival", 28 September 2013 – be classified as a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events Version 3.4" and proceeds with the following conditions:
  - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
  - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
  - c. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
  - d. Reimbursing Council for the cost of damage repairs;
  - e. Complying with Council's Law Enforcement Officers' reasonable directives;
  - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
  - g. A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify' or a 'Design and Audit' Certificate be included in the TMP;
  - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
  - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
  - j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
  - k. Maintain a four-metre wide emergency vehicle lane;
  - l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date; and
  - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.
8. the event – "Rainbow Day", Thursday 19 September 2013" – be classified as a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events Version 3.4" and proceeds with the following conditions:
  - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and

- Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
- b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
  - c. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
  - d. Reimbursing Council for the cost of damage repairs;
  - e. Complying with Council's Law Enforcement Officers' reasonable directives;
  - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
  - g. A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify' or a 'Design and Audit' Certificate be included in the TMP;
  - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
  - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, the Roads and Maritime Service and NSW Police are indemnified against any possible action as the result of the event;
  - j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
  - k. Maintain a four-metre wide emergency vehicle lane;
  - l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
  - m. A copy of the TMP including the TCP is to be forwarded to the Traffic Operations Manager at the Regional RTA Office in Parkes for approval;
  - n. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review;
  - o. the Traffic Control Plans supplied be revised to include:
    - prepare to stop, traffic controller ahead' signage
    - there be one traffic controller at the entry and one traffic controller at the exit of each collection site
    - a clear zone must be provided on the approach to each site
  - p. all people involved are required to wear retro-reflective vests.
9. the event "Back to Gulgong Weekend 2013", 5 October 2013 – be classified as a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events Version 3.4" and be recommended for approval in principal and subject to the addition of the following condition:
- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;

- b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
- c. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
- d. Reimbursing Council for the cost of damage repairs;
- e. Complying with Council's Law Enforcement Officers' reasonable directives;
- f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- g. A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify' or a 'Design and Audit' Certificate be included in the TMP;
- h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
- i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, the Roads and Maritime Service and NSW Police are indemnified against any possible action as the result of the event;
- j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
- k. Maintain a four-metre wide emergency vehicle lane;
- l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
- m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and
- n. the organiser consult with the Gulgong Chamber of Commerce to confirm its support of this event, and that confirmation to be provided to Council prior to the event.

*The motion was put and carried.*

#### 6.2.14 GULGONG SPORTS COUNCIL

A0100056, A0100056

306/13

**MOTION:** Shelley/Cavalier

**That:**

1. the report by the Director, Mid-Western Operations on the Gulgong Sports Council be received;
2. That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 19 June 2013 be noted.

*The motion was put and carried.*

6.2.15 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE

A0100056, F0650007

307/13 **MOTION:** **Webb/Martens**

**That the report by the Director, Mid-Western Operations on the Mudgee Showground Management Committee be received.**

*The motion was put and carried.*

6.2.16 MUDGEE SPORTS COUNCIL

A0100056, A0100013

308/13 **MOTION:** **Shelley/Webb**

**That:**

- 1. the report by the Director, Mid-Western Operations on the Mudgee Sports Council be received;**
- 2. That the minutes for the Mudgee Sports Council ordinary monthly meeting held on 30 June 2013 be noted.**

*The motion was put and carried.*

6.2.17 BANNER POLES IN GULGONG

A0100056, A0100032

309/13 **MOTION:** **Webb/Weatherley**

**That:**

- 1. the report by the General Manager on the Banner Poles in Gulgong be received;**
- 2. Council purchase 10 banner poles for Gulgong at a cost of \$10,000 to be funded from the strategic projects provisions. The poles to be located on the Castlereagh Highway – 5 on the southern entrance from Mudgee and 5 on the north-west entrance from Dunedoo.**

*The motion was put and carried.*

There being no further business the meeting concluded at 6.46 pm.