

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 20 November 2013, commencing at 5.56pm and concluding at 7.56pm.

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

IN ATTENDANCE General Manager (WL Bennett), Director Mid-Western Operations (B Cam),
Director Development and Community Services (C Van Laeren), Corporate
Communications Officer (P Goldsmith).

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

The Mayor congratulated Catherine Van Laeren, Director Development and Community Services, who was recently honoured as a Fellow of the Planning Institute of Australia.

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.1.1 as he is the owner of the subject land.

Councillor White declared a pecuniary conflict of interest in Item 6.2.16 as she is employed in the tourism industry and MRTI is a financial member of the organisation she is employed by.

Item 3: Confirmation of Minutes

457/13 MOTION: Cavalier / Shelley

That the Minutes of the Ordinary Meeting held on 6 November 2013 (Minute Nos. 424/13 to 456/13) be taken as read and confirmed.

The motion was put and carried.

Item 4: Matters in Progress

458/13 MOTION: Shelley / Cavalier

That Minute nos. 192/13, 193/13 and 194/13 be noted as completed.

The motion was put and carried.

459/13 **MOTION:** **Cavalier / Shelley**

That Minute no. 328/13 be noted as completed.

The motion was put and carried.

Item 5: Mayoral Minutes

There was no Mayoral Minute.

Item 6: General Business

460/13 **MOTION:** **White / Cavalier**

That Council consider Notice of Motion 6.3.1 as the first item of General Business.

The motion was put and carried.

6.3 NOTICES OF MOTION

6.3.1 WATER SECURITY WINDAMERE DAM

GOV400029, GOV400022

461/13 **MOTION:** **Cavalier / Walker**

That:

- 1. Council adopt as a policy position its strong opposition to the release of water from the Windamere Dam and the Cudgegong Valley to the Burrendong Dam;**
- 2. Council acknowledges that the current drought conditions show no sign of relief as the long-term weather forecast does not give any indication that any substantial quantity of rain will relieve these drought conditions, and thus raiding the Windamere Dam of a base load of water is highly inappropriate;**
- 3. Council as a matter of urgency organise a meeting with the Member for Orange, the Member for Dubbo, the Water Security Committee and senior representatives from NSW Office of Water to discuss the release of water from the Windamere Dam which forms part of the Water Sharing Plan for the Macquarie & Cudgegong Regulated Rivers Water Source and the future of water licences held by Cobbora Holding Company;**
- 4. Council seeks clarification on the use of the water supply from Dunn Swamp for the Windamere Dam.**

The motion was put and carried.

462/13**MOTION: Thompson / Martens**

That Council invite representatives of the NSW Office of Water to address Council on the water sharing agreement between Burrendong and Windamere Dams.

The motion was put and carried.

6.1 RESCISSION MOTIONS**6.1.1 PLANNING PROPOSAL – ULAN ROAD**

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.1.1 that he is owner of the property subject to the rescission motion, vacated the Chair and left the meeting at 6.07pm and did not participate in discussions or vote in relation to this matter. In his absence Councillor Cavalier assumed the Chair.

GOV400029, GOV400022

463/13**MOTION: Walker/Cavalier****That:**

- 1. the report by the Manager Strategic Planning on the Planning Proposal – 220 Ulan Road Mudgee be received;**
- 2. Council prepare an amending Local Environmental Plan for 220 Ulan Road to provide for residential development;**
- 3. the Planning Proposal under section 55 of the Environmental Planning and Assessment Act for 220 Ulan 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.**

AMENDMENT: White/Martens

That consideration of this matter be deferred to permit preparation of a more detailed report including a study into the impact on adjoining land.

The amendment was put and lost. The motion was put and lost on the casting vote of the Chairperson.

be and is hereby rescinded.

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

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

464/13

MOTION: Walker / Shelley

That:

1. Council prepare an amending Local Environmental Plan for 220 Ulan Road to provide for low density residential development with a minimum lot size of 2000m²;
2. the Planning Proposal under section 55 of the Environmental Planning and Assessment Act for 220 Ulan Road Mudgee be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination;
3. a further report be presented to Council upon the completion of the exhibition addressing any submissions.

AMENDMENT: Thompson / Martens

That an independent study of this immediate area be undertaken by an independent consultant on the cost of water, sewerage, Ulan Road, AREC and the airport, to ratepayers of this development, and a report be brought back to Council.

The amendment was put and lost with Councillors voting as follows:

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

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

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

Councillor Kennedy returned to the meeting at 6.36pm and resumed the Chair.

6.2 REPORTS TO COUNCIL

6.2.1 PLANNING PROPOSAL – MOTEL 16 SYDNEY ROAD MUDGEE GOV400029, A0420246

465/13 MOTION: Walker / Weatherley

That:

- 1. the report by the Environmental Town Planner on the Planning Proposal Motel 16 Sydney Rd be received;**
- 2. Council proceed to amend the MWRC LEP 2012 to include a Motel as a Schedule 1 Use on the site 16 Sydney Rd, Mudgee.**

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 Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

6.2.2 DA0043/2014 – SUBDIVISION (1 LOT INTO 2 LOTS), 6
AVISFORD COURT MUDGEES, LOT 2 DP 1175532

GOV400029, A0100056, P21689

466/13

MOTION: Walker / Thompson

That:

1. **Development is to be carried out in accordance with stamped plan:**
 - **Plan of Subdivision of Allotment 2 DP 1175532, Surveyor Gregory David Monk, Surveyors Ref 19919_L01 and Statement of Environmental Effects both prepared by Barnson and forming part of the development application received by Council on 01 August 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.**
2. **The subdivision must be undertaken in accordance with the Bushfire Safety Authority issued by the NSW RFS on 16 September 2013, Ref D13/1931.**

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE – FUTURE DEVELOPMENTS

3. **Consent granted under Section 68 of the Local Government Act 1993 is to be obtained from Council prior to the carrying out of any future plumbing and drainage works.**
4. **All future plumbing and drainage works must be carried out by a licensed Plumber and Drainer and are to comply with the Plumbing Code of Australia and associated Australian Standards.**

Note: this includes achieving adequate separation between services.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE – PRIVATE WATER SUPPLY

5. **Details of the proposed private water supply system are to be provided to Council with the application for Construction Certificate. The proposed allotments will not have access to an urban reticulated water supply.**

Note: the system is to include a restriction of connection that limits the potable water reticulated supply to 2.5L/minute per allotment. The restrictor is to be provided on the Council side of the water meter and is to be installed by Council.

6. A Construction Environmental Management Plan (CEMP) for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". The CEMP is to at a minimum address the following points:
 - Single strip of turf to be laid behind kerb and gutter.
 - Saving available topsoil for reuse in the revegetation phase of the subdivision;
 - Using erosion control measures to prevent on-site damage;
 - Rehabilitating disturbed areas quickly;
 - Maintenance of erosion and sediment control structures;
 - A schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage;
 - Details of fill including source material and compaction methods;

PRIOR TO THE COMMENCEMENT OF WORKS

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

ENGINEERING CONSTRUCTION

9. 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.
10. Interallotment drainage is to be provided to remove stormwater from any allotments that cannot discharge to the street in accordance with AusSpec #1. An easement not less than 1.0m shall be created in favour of the upstream allotments for any interallotment drainage.
11. 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 in residential or commercial allotments shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
12. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.

WATER AND SEWER

- 13. 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.**
- 14. The applicant is to provide separate water and sewer services to each allotment.**
- 15. The developer is to extend and meet the full cost of water/ sewerage reticulations to service the new allotments 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.**
- 16. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.**

INSPECTIONS

- 17. The subdivision works are to be inspected by the Council (or an *Accredited Certifier* on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:**
 - Installation of sediment and erosion control measures**
 - Water and sewer line installation prior to backfilling**
 - Water and sewer line testing**
 - Practical Completion**

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

- 18. The private water supply systems for each allotment are to be constructed at the applicants expense such that a future dwelling or development on the site can connect directly to them.**
- 19. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.**
- 20. 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.**

21. 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.
22. 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.
23. Following completion of the subdivision works, one full set of work-as-executed plans, in pdf and dwg format, which is "Autocad compatible" is to be submitted on disk to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
24. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- (a) A certificate from an Energy supplier indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - (b) A certificate from Telecommunications provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
25. In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

Catchment 2 – 1 Additional Allotment

Program	Total \$
<i>Transport Management</i>	
Traffic Management	\$1,137.30
<i>Open Space</i>	
Local Open Space	\$1,786.20
District Open Space	\$2,424.20
<i>Community Facilities</i>	
Library Buildings	\$233.70
Library Resources	\$280.20
<i>Administration</i>	
Plan Administration	\$545.30
PAYABLE per allotment	\$6,406.90
TOTAL PAYABLE	\$6,406.90

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

(a) Payment of a contribution for water and sewerage head works at the following rate:

Water Head works	\$12,051.00 per allotment = \$12,051.00
Sewerage Head works	\$3,852.00 per allotment = \$ 3,852.00

27. The developer is to provide a water service and meter for each allotment in the subdivision. This can be achieved by making a payment to Council of \$1,650.00 per allotment to cover the cost of installing both the service and a 20mm meter on the water main.

28. The developer is to provide a sewer junction for each allotment in the subdivision. This can be achieved by making a payment to Council of \$1,450.00 per allotment to cover the cost of installing the junction.

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

29. A Restriction as to user is to be placed on the title of each new allotment in accordance with the Conveyancing Act which states that all buildings are to be within the prescribed building envelope depicted on the approved subdivision plan.

30. Each allotment in the subdivision is to be provided with frontage to the public road network such that the access handle shall be split into two equal parts and equally owned by each allotment. A reciprocal right of carriageway shall be created over each of the allotments.

31. **A Positive covenant is to be placed on the title of each new allotment in accordance with the Conveyancing Act which states that while the allotments are connected to the reticulated water supply system, the level of service cannot be guaranteed. The positive covenant shall also state that the restrictor placed on the water meter is not to be removed. Council is to be a benefitting authority.**

AMENDMENT: Martens / Webb

That:

1. the report by the Environmental Town Planner on the DA0043/2014 - Subdivision (1 Lot into 2 Lots) 6 Avisford Court Mudgee be received;
2. the Development Application DA0043/2014 the DA0043/2014 - Subdivision (1 Lot into 2 Lots) 6 Avisford Court Mudgee be refused for the following reasons:
 - a) The proposed lots do not meet the requirement for reticulated water services in order to activate the Area B Minimum Lot Size requirements specified in Clause 4.1(3A) of the MWRC LEP 2012.
 - b) Adequate justification under Clause 4.6 Exception to Development Standards of the MWRC LEP 2012 that the requirement for reticulated water services is unreasonable or unnecessary in the circumstances has not been provided.
 - c) The non-provision of reticulated water services will erode water pressures in the vicinity to unacceptable pressures in a suburban area of Mudgee where continuous water at reasonable pressures is expected by residents.
 - d) The holding tank and single user water pump stations arrangements proposed will not provide reliable water services to future dwellings and cause 3 adjoining lots to rely on such systems. Pressure will be placed on council to take up, upgrade, and maintain these systems by future residents.
 - e) The proposed lots will not have essential services under Clause 6.9 of the MWRC LEP 2012 in respect of supply of water in that it will not have reticulated water supply, or suitable road access in that Lot 202 will not have direct road frontage to Avisford Court.
 - f) The non-provision of 6m wide direct road frontage to Avisford Court for Lot 202 does not comply with the requirements of Clause 7.1 of the Development Control Plan 2013. It will create a 3 way contested driveway arrangement that will cause conflict between traffic from three lots and future owners in respect of maintenance.

- g) The subdivision does not integrate with existing residential area as required by Clause 7.1 of the Development Control Plan 2013 in that the lots will not be provided with reticulated water supplies or have direct street frontage.
- h) The 5m wide battle-axe handle and services easement provided a minimal width for the provision of water, sewer and stormwater lines from future dwellings to council infrastructure in Avisford Court. This arrangement will cause conflict during construction and maintenance of the lines required between future owners.
- i) The subdivision contravenes the conditions of DA0304/2011 and the covenants on the existing lots title made by council. The Conditions and Covenants prohibit further subdivision of the lot and construction of dual-occupancies. The application will subdivide the lot and facilitate two dwellings on the lots having the same impacts on visual amenity and water pressures etc, as a dual occupancy on the existing lot.

The amendment was put and lost with Councillors voting as follows:

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

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 Walker	✓	
Cr Weatherley	✓	
Cr Webb		✓
Cr White		✓

6.2.3 DA0054/2014 – SUBDIVISION (1 LOT INTO 42 LOTS), LOT 11
DP 841146, 54 MELTON ROAD, MUDGEE

GOV400029, DA0054/2014

467/13

MOTION: Walker / Weatherley

That:

1. **The report by Environmental Town Planner on the DA 0054/2014 – Subdivision (1 into 42), Lot 11 DP 841146, 54 Melton Road, Mudgee be received:**
2. **That Development Application No. 0054/2014 – Subdivision (1 into 42), Lot 11 DP 841146, 54 Melton Road, Mudgee be granted development consent subject to the following conditions or consent be granted in accordance with the following conditions with the deletion of Condition 2(a) subject to the satisfactory negotiated agreement between Council and the developer as to the provision of a open space area (including playground equipment) within the locality:**

APPROVED PLANS

1. **Development is to be carried out generally in accordance with stamped plans:**
 - **Proposed Development Urban Subdivision, DWG No.19917_C02 Rev.G, Drawn 7 November 2013 by BARNSON and the application received by Council on 8 August 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.

AMENDMENTS

2. **The plans are to be amended in the following manner:**
 - a) **The General Manager be delegated authority to negotiate with the developer on a contribution towards playground equipment**
 - b) **A 'restriction as to user' is to be included over Lot 29, 34, 41 & 42 in favour of Transgrid in accordance with Condition No.**

PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE

3. Development Consent DA0116/2013 – Residential Subdivision (1 into 24 lots) be formally surrendered in accordance with Clause 97 of the Environmental Planning and Assessment Regulations 2000.
4. Development Consent DA0099/2014 – Demolition, and all remediation and validation is completed and a validation report submitted to Council stating that the land is suitable for residential purposes.
5. The applicant is to obtain and provide to Council an Aboriginal Heritage Impact Permit under the National Parks and Wildlife Act 1974 from the NSW Office of Environment and Heritage.
6. The requirements of the General Terms of Approval Ref.9057331 issued by the NSW Office of Water be satisfied, and a copy of the Controlled Activity Approval provided to Council.
7. The requirements of stormwater quality, as specified in the DCP 2013, shall be addressed in the stormwater design prior to the issue of a Construction Certificate. Output of MUSIC modelling, or equivalent, is to be supplied to Council demonstrating that the strategy or devices so designed are adequate.

GENERAL

8. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the Mudgee Local Aboriginal Land Council and National Parks and Wildlife Service are to be notified.

WATER AND SEWER INFRASTRUCTURE

9. The applicant is to provide separate water and sewer reticulation services to each lot.
10. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
11. 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.

12. 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.

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

13. 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 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE 39 x \$1650 = \$64350

OR

14. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$370 per lot to cover the cost of a 20mm meter and installation.

TOTAL PAYABLE 39 x 370.00 = \$14430

STORMWATER

15. 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.
16. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.
17. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.

18. 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:
- drainage reserves are to be turfed.
 - single strip of turf to be laid behind kerb and gutter.
 - saving available topsoil for reuse in the revegetation phase of the subdivision;
 - using erosion control measures to prevent on-site damage;
 - rehabilitating disturbed areas quickly;
 - maintenance of erosion and sediment control structures;
 - a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.
19. 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.
20. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil, to ensure sediment from the whole site is captured.

ROAD WORKS

21. The developer is to reconstruct Melton Road and Bruce Road for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Footpath Width	4.5 m,
Concrete Footpaths	1.2 m wide
Half Road Pavement Width	5.5 m @ 3% cross fall
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

22. The new roads in the subdivision are to be constructed in accordance with the following:

Item	Requirement
Road Reserve width	18m
Pavement Width	9 m
Footpath Width	4.5 m
Concrete Footpaths	1.2 m wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

23. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
24. Any existing vehicular crossings not utilised by the development shall be removed and the area restored to match the adjoining section of kerb and gutter prior to occupation of the development.
25. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 Council standards.
26. The engineering design plans for road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate. All road pavements shall be designed by a Professional Civil Engineer and based upon soil tests performed by a registered NATA soils Laboratory and the traffic loading in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council).
27. Street tree landscaping is to be provided within the proposed road reserves and Melton/ Bruce Roads. A plan for the proposed planting is to be submitted for approval by Council prior to the issue of a subdivision certificate. All landscaping is to consist of appropriately advanced trees in accordance with Clause 7.4 Street Design of the Mid Western Regional Council Residential Development Control Plan amended October 2009.

ENGINEERING DETAILS

28. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
29. A detailed engineering design with plans, and an "AutoCAD compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of a *Construction Certificate*.
30. A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.
31. 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.
32. Contractor's insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid Western Regional Council as an interested party.
33. Existing and proposed contours, including areas of fill are to be shown on detailed engineering plans.
34. 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 in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
35. 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.
36. Following completion of all engineering works, a bond of 5% of the value of such works (not carried out by Council) or a minimum of \$2000.00, whichever is the greater, shall be lodged with Council.

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

37. The developer is to ensure that all defects in the works that become apparent within twenty four (24) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification.

Note: Any unspent bond money will be returned to the developer at the end of the twenty four (12) month period, less the estimated cost of any outstanding works.

38. No construction is to commence before a *Construction Certificate* is issued for the subdivision works. The works are to be constructed in accordance with the plans and specifications referred to in the *Construction Certificate*.

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.

39. The subdivision works are to be inspected by the Council (or an *Accredited Certifier* on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- installation of sediment and erosion control measures;
 - water and sewer line installation prior to backfilling;
 - establishment of line and level for kerb and gutter placement;
 - road Pavement construction;
 - road Pavement surfacing;
 - practical Completion.
40. Upon inspection of each stage of construction, the Council (or an *Accredited Certifier* on behalf of Council) is also required to ensure that adequate provisions are made for the following:
- sediment and erosion control measures;
 - traffic control measures;
 - maintenance of public areas free from unauthorised materials, waste or other obstructions.

The developer is to grant Council (or an *Accredited Certifier* on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.

41. Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained for each stage and lodged with Council prior to the issue of the *Subdivision Certificate*.
42. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
43. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision. 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.
44. The applicant shall repair in accordance with Aus-Spec# 1 and Council Standard Drawings any part of Council's property damaged during the course of this development.

PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE

45. 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.
46. 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.

47. Three metre wide easements, including associated Section 88 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.

48. Restrictions as to user, including associated 88 instruments, are to be created in favour of Transgrid over the title of lots 29, 34, 42 & 41 to the effect that Transgrid have permission to enter the property and maintain the transmission line at any time and that all future structures and fences must be located and designed to reasonably facilitate this access.

S94 CONTRIBUTIONS

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

Transport Management	Rate	No of Lots	Total
Traffic Management	1137.33	39	44356.02
Open Space			
Local Open Space	1785.46	39	69632.79
District Open Space	2424.23	39	94544.86
Community Facilities			
Library Buildings	233.69	39	9113.94
Library Resources	280.45	39	10937.44
Administration			
Plan Administration	545.29	39	21266.26
TOTAL PAYABLE	6406.44	39	249,851.30

SECTION 64 CONTRIBUTIONS

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

(a) Payment of a contribution for water and sewerage headworks for 39 Lots at the following rate:

Water Headworks	301,236.00
Sewerage Headworks	139,200.00
Total	440,436.00

(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.

GOV400029, DA0054/2014

AMENDMENT: Thompson / Martens

That the development application be deferred pending the General Manager negotiating with the developer on contributions towards the playground.

The amendment was put and lost with Councillors voting as follows:

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

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 Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

6.2.4 ABORIGINAL SENSITIVITY MAPPING AND ON-GROUND WORKS PROJECT

GOV400029, A0100056, A0420248

468/13 MOTION: Shelley / Cavalier**That:**

- 1. the report by the Environmental Town Planner on the Aboriginal Sensitivity Mapping & On Ground Works Project be received;**
- 2. the report by the Environmental Town Planner on the Aboriginal Sensitivity Mapping & On Ground Works Project be noted.**

The motion was put and carried.

6.2.5 PLANNING PROPOSAL – NEWSON DWELLING ENTITLEMENT

GOV400029, A0100056, LAN900041

469/13 MOTION: Webb / Walker**That:**

- 1. the report by the Manager Strategic Planning on the Planning Proposal – Newson Dwelling Entitlement be received;**
- 2. the Planning Proposal be forwarded the Department of Planning and Infrastructure for determination by the Gateway highlighting the preferred mechanism for achieving the intent of the proposal is an inclusion in Schedule 1; and**
- 3. the cost of this application fee being \$3186 being funded from the Council's financial grants.**

AMENDMENT: Thompson / Shelley**That:**

- 1. the report by the Manager Strategic Planning on the Planning Proposal – Newson Dwelling Entitlement be received;**
- 2. the Planning Proposal be forwarded the Department of Planning and Infrastructure for determination by the Gateway highlighting the preferred mechanism for achieving the intent of the proposal is an inclusion in Schedule 1; and**
- 3. the cost of this application fee being \$3186 being funded as follows: \$1593 by the applicant and \$1593 from the Council's financial grants.**

The amendment was put and lost with Councillors voting as follows.

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

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 Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

Councillor Shelley requested that his name be recorded as having voted against the amendment.

6.2.6 STRATEGIC PLANNING PROGRAM

GOV400029, A0100056, A0420109

470/13

MOTION: Cavalier / Weatherley

That:

- 1. That the report by the Director, Development and Community Services on the Strategic Planning Program be received;**
- 2. That the amended Strategic Planning Program as attached to this report be adopted.**

The motion was put and carried.

6.2.7 MONTHLY STATEMENT OF BANK BALANCES AND INVESTMENTS AS AT 31 OCTOBER 2013

GOV400029, A0100056, A0140304

471/13 MOTION: Shelley / Cavalier**That:**

- 1. the report by the Financial Accountant on the monthly statement of bank balances and investments as at 31 October 2013 be received;**
- 2. the certification of the Responsible Accounting Officer be noted.**

The motion was put and carried.

6.2.8 NAMING OF A NEW UNNAMED ROAD OFF BLUE SPRINGS ROAD

GOV400029, A0100056, R0790041

472/13 MOTION: Weatherley / Cavalier**That:**

- 1. the report by the Revenue & Property Manager on the Naming of a New Unnamed Road off Blue Springs Road be received;**
- 2. Council name the new road reserve off Blue Springs Road, Stubbo - Rissler Road.**

The motion was put and carried.

6.2.9 WATER USAGE CHARGES – UNDETECTED LEAKS POLICY REVIEW

GOV400029, A0100056, A0340048, F0780062

473/13 MOTION: White / Cavalier**That:**

- 1. the report by the Revenue & Property Manager on the Water Usage Charges – Undetected Leaks Policy Review be received;**
- 2. Council adopt the revised Water Usage Charges – Undetected Leaks Policy.**

The motion was put and carried.

6.2.10 ECONOMIC DEVELOPMENT AND EVENTS PLAN 2013/2014

GOV400029, A0100056, A0820020

474/13 MOTION: Cavalier / Walker**That:**

- 1. the report by the Economic Development Officer on the Economic Development and Events Plan 2013/2014 be received;**
- 2. Council endorses the Economic Development and Events Plan 2013/2014 as set out in this report and the General Manager provides quarterly updates on progress against this plan.**

The motion was put and carried.

6.2.11 ECONOMIC DEVELOPMENT AND EVENTS UPDATE Q3 2013

GOV400029, A0100056, A0820020

475/13 MOTION: Weatherley / Walker**That the report by the Economic Development Officer on the Economic Development and Events Update Q3 2013 be received.***The motion was put and carried.*

6.2.12 COUNCIL INVOLVEMENT IN EVENTS MANAGEMENT

GOV400029, A0100056, ECO800009

476/13 MOTION: Cavalier / Walker**That the report by the General Manager on the Council involvement in Events Management be received, the Gulgong Camel Races be shown as a separate event in the schedule and leave be given to the Kandos Centenary Committee to make a further funding application.***The motion was put and carried.*

6.2.13 ASSOCIATION OF MINING RELATED COUNCILS

GOV400029, A0100056, A0100006

477/13 MOTION: Cavalier / Walker**That:**

- 1. the report by the General Manager on the Association of Mining Related Councils be received;**
- 2. Council applies for membership of the Association of Mining Related Councils for the 2014 year. The Council delegates be the Mayor (and in his unavailability the Deputy Mayor) and the General Manager (or his delegate).**

3. **That Council make an adjustment to the December quarterly budget review to allow for the membership of the Association of Mining Related Councils.**

AMENDMENT : Thompson / Martens

That:

1. the report by the General Manager on the Association of Mining Related Councils be received;
2. Council applies for membership of the Association of Mining Related Councils for the 2014 year. The Council delegates be the Mayor (and in his unavailability the Deputy Mayor) and Councillor Martens.
3. That Council make an adjustment to the December quarterly budget review to allow for the membership of the Association of Mining Related Councils.

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

6.2.14 QUARTERLY REPORT ON THE WORKERS COMPENSATION PREMIUM

GOV400029, A0100056, A0205004

478/13 MOTION: Cavalier / Walker

That the report by the Manager People & Culture being a quarterly report on the Workers Compensation Premium be received.

The motion was put and carried.

6.2.15 REVIEW OF INVESTMENTS

GOV400029, A0100056, A0140304

479/13 MOTION: Cavalier / Weatherley

That:

1. **the report by the General Manager on the Review of Investments be received;**
2. **Council not make changes to current investment policy or investment operational plan.**

The motion was put and carried.

6.2.16 MUDGEE REGIONAL TOURISM INC QUARTERLY REPORT – SEPTEMBER 2013

Councillor White declared a pecuniary conflict of interest in Item 6.2.16 as she is employed in the tourism industry, and MRTI is a financial member of the organisation she is employed by, and left the meeting at 7.22pm and did not participate in discussions or vote in relation to this matter.

GOV400029, A0100056, F0770077

480/13 MOTION: Shelley / Cavalier

That:

- 1. the report by the General Manager on the Mudgee Regional Tourism Inc Quarterly Report – September 2013 be received;**
- 2. the Quarterly Report to 30 September 2013 from the Mudgee Regional Tourism Inc be noted.**
- 3. Council notify the Mudgee Regional Tourism Inc in writing that it approves that the accounts of MRTI be reviewed by an honorary auditor.**

The motion was put and carried.

Councillor White returned the meeting at 7.24pm.

6.2.17 2014 MEETING PROGRAMME

GOV400029, A0100004, A0100046

MOTION: Webb / Walker

That:

- 1. the report by the Manager Governance on the 2014 Meeting Programme be received.**
- 2. Council Meetings for 2014 be scheduled as follows:**

Wednesday, 5 February 2014
Wednesday, 19 February 2014
Wednesday, 5 March 2014
Wednesday, 19 March 2014
Wednesday, 2 April 2014
Wednesday, 16 April 2014
Wednesday, 7 May 2014
Wednesday, 21 May 2014
Wednesday, 4 June 2014
Wednesday, 18 June 2014
Wednesday, 16 July 2014
Wednesday, 6 August 2014
Wednesday, 20 August 2014
Wednesday, 3 September 2014
Wednesday, 17 September 2014

Wednesday, 8 October 2014
 Wednesday, 22 October 2014
 Wednesday, 5 November 2014
 Wednesday, 19 November 2014
 Wednesday, 3 December 2014
 Wednesday, 17 December 2014

3. Council continue with Town and Village Forums in their present form.
4. Village Forums for 2014 be scheduled as follows:

9 April 2014	Hargraves	11.00am
	Pyramul	1.00pm
	Windeyer	2.30pm
	Meroo	4.30pm
14 May 2014	Wollar	2.30pm
	Cooyal/Botobolar	4.30pm
	Cooks Gap	6.00pm
15 October 2014	Yarrabin/Beragoo	2.00pm
	Goolma	4.00pm
12 November 2014	Ilford	1.00pm
	Bylong	3.00pm
	Lue	5.00pm

5. Town Forums for 2014 be scheduled as follows:

15 October 2014 Gulgong in the Gulgong Memorial Hall at 6.00pm
 12 November 2014 Rylstone/Kandos in the Kandos Town Hall at 6.00pm.

481/13

AMENDMENT: Shelley / Cavalier**That:**

1. **the report by the Manager Governance on the 2014 Meeting Programme be received.**
2. **Council Meetings for 2014 be scheduled as follows:**

Wednesday, 5 February 2014
Wednesday, 19 February 2014
Wednesday, 5 March 2014
Wednesday, 19 March 2014
Wednesday, 2 April 2014
Wednesday, 16 April 2014
Wednesday, 7 May 2014
Wednesday, 21 May 2014
Wednesday, 4 June 2014
Wednesday, 18 June 2014
Wednesday, 16 July 2014

Wednesday, 6 August 2014
Wednesday, 20 August 2014
Wednesday, 3 September 2014
Wednesday, 17 September 2014
Wednesday, 8 October 2014
Wednesday, 22 October 2014
Wednesday, 5 November 2014
Wednesday, 19 November 2014
Wednesday, 3 December 2014
Wednesday, 17 December 2014

3. Community Forums for 2014 be scheduled as follows:

15 October 2014 **Gulgong in the Gulgong Memorial Hall at
6.00pm**
12 November 2014 **Rylstone/Kandos in the Kandos Town Hall at
6.00pm.**

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

Councillors Martens, Webb and Thompson requested that their names be recorded as having voted against the amendment.

Item 7: Urgent Business Without Notice

7.1 None

Item 8: Confidential Session

482/13 MOTION: Cavalier / Thompson

I move that pursuant to the provisions of Section 10 of the Local Government Act, 1993, the meeting be closed to the public.

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

Subject: *Mudgee Town Structure Plan*

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

Discussion of this matter in an open meeting would be, on balance, contrary to public interest as it involves discussion on staffing matters.

Subject: General Manager's Performance Review 2013-14

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

Discussion of this matter in an open meeting would be, on balance, contrary to public interest as it involves discussion on staffing matters.

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

The motion was put and carried.

8.1.1 MUDGEE TOWN STRUCTURE PLAN

GOV400029, A0100056, LAN900044

MOTION: Cavalier / Walker

That:

1. the report by the Manager Strategic Planning on the Mudgee Town Structure Plan be received;
2. the Amendment to the Mudgee Structure Plan be adopted as a Draft with the preferred future residential investigation area being Option 1 Menah; for the following reasons:
 - Proximity to the STP reducing the duplication of infrastructure and cost associated with sewer provision; \$2.4M as opposed to \$11M for sewer at Spring Flat
 - It is not as constrained by drainage as Option 2 Springflat which requires a significant upfront drainage solution
 - As infrastructure provider, having growth in one direction, rather than multiple directions has advantages in terms of ongoing operation and maintenance
 - The site is less constrained by fragmentation with a limited number of land owners. The primary site is under a single ownership and two tiles providing a more viable opportunity for development
 - There is an opportunity for the Hill End Road land to be incorporated at a later stage, particularly providing industrial land opportunities;
3. the Hill End Road area be identified as an opportunity for future urban development (industrial/residential) beyond Menah;
4. the sites at Burrundulla/Spring Flat and the former Abattoir site be identified as investigation areas for low density residential development 2-10ha subject to provision of reticulated water and preparation and consideration of detailed planning proposals;

5. the Putta Bucca area be identified on the Mudgee Town Structure Plan Map as an opportunity for expansion of the Low Density Residential zone with a minimum lot size of 2000m²-4000m² subject to the outcomes of the Urban Release Strategy; and
6. Council forward the Mudgee Town Structure Plan documentation to the Department of Planning and Infrastructure for endorsement and following that proceed to public exhibition for a period of 28 days.

AMENDMENT: Webb / Martens

That:

1. the report by the Manager Strategic Planning on the Mudgee Town Structure Plan be received;
2. the Amendment to the Mudgee Structure Plan be adopted as a Draft with the preferred future residential investigation area being Option 2 Spring Flat.
3. the Hill End Road area be identified as an opportunity for future urban development (industrial/residential) beyond Menah;
4. the sites at Burrundulla/Spring Flat and the former Abattoir site be identified as investigation areas for low density residential development 2-10ha subject to provision of reticulated water and preparation and consideration of detailed planning proposals;
5. the Putta Bucca area be identified on the Mudgee Town Structure Plan Map as an opportunity for expansion of the Low Density Residential zone with a minimum lot size of 2000m²-4000m² subject to the outcomes of the Urban Release Strategy; and
6. Council forward the Mudgee Town Structure Plan documentation to the Department of Planning and Infrastructure for endorsement and following that proceed to public exhibition for a period of 28 days.

Both the motion and the amendment were withdrawn.

483/13 MOTION: Thompson / Webb

That the matter of the Mudgee Town Structure Plan be deferred pending a Council workshop.

The motion was put and carried.

8.1.2 GENERAL MANAGER'S PERFORMANCE AGREEMENT

GOV400029, A0100056, A0381421

484/13

MOTION: Cavalier / Walker**That:**

1. **the report by the General Manager on the General Manager's Performance Agreement for the first four months of the 2013/14 be received.**

2. **Council amends strategic goal 1.2 to read:-**

Manage investments as dictated in Council's Investment Policy, and provide monthly reports detailing Councils investments, the interest rates achieved and the banking institutions used.

Review available investment rates, at least quarterly, and make recommendations to Council on any planned change to the current portfolio.

3. **Council amend KPI 2.5 to read:**

Ensure full Councillor input to the works program included in the 2014/2017 Delivery Plan and 2014/2015 Operational Plan.

The motion was put and carried.

The General Manager announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 7.56pm.