

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 5 November 2014, commencing at 6.37pm and concluding at 7.41pm.

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb, Cr L White.
IN ATTENDANCE	General Manager (B Cam), Director, Development (C Van Laeren), Director, Operations (D Colwell), Director, Community (S Jones), Acting Director Corporate (L Johnson), Manager, Strategic Planning (E Densley), Corporate Communications Officer (P Goldsmith).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Heldon).

Item 1: Apologies

An apology was received for the absence of Councillor Shelley.

474/14 MOTION: Cavalier / Thompson

That the apology for the absence of Councillor Shelley be received and leave of absence granted.

The motion was carried with Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillor Walker declared a non-pecuniary conflict of interest in Item 6.2.11 as he is the owner and developer of the Riverside Estate subdivision.

Councillor Thompson declared a non-pecuniary conflict of interest in Item 6.2.14 as he is a committee member of one of the organisations which has requested Events Assistance.

John O'Malley from Intentus Chartered Accountants addressed Council and provided an overview of the 2013/14 Financial Statements and audit findings.

Item 3: Confirmation of Minutes

475/14 MOTION: Weatherley / Cavalier

That the Minutes of the Ordinary Meeting held on 15 October 2014 (Minute Nos. 459/14 to 473/14) be taken as read and confirmed.

The motion was carried with Councillors voting unanimously.

Item 4: Matters in Progress

Noted.

Item 5: Mayoral Minute

There is no Mayoral Minute.

Item 6: General Business

6.1 NOTICES OF MOTION

There are no Notices of Motion.

6.2 REPORTS TO COUNCIL

6.2.1 ALTERATIONS AND ADDITIONS TO THE EXISTING SWIM FACILITY AND CHANGES TO CONDITIONS OF OPERATION, LOT 2 DP 1035495, 87 SHORT STREET MUDGEE

GOV400038, DA0075/2015

476/14 MOTION: Weatherley / Cavalier

That:

1. the report by the Statutory/Strategic Planner on the Alterations and Additions to the Existing Swim School Facility and Changes to the Conditions of Operation be received;
2. the development application for Alterations and Additions to the Existing Swim School Facility and Changes to the Conditions of Operation be approved subject to the following conditions of consent:

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans identified in the table below and the Application received by Council on 3 September 2014 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.

Plan Name	Sheet No/Plan No.	Revision	Prepared by
Locality Plan	Sheet 1 of 6 20644-A01	B	Barnson
Safe Design of Structures	Sheet 2 of 6	B	Barnson

Notes	20644-A02		
Site Plan & Notes	Sheet 3 of 6	B	Barnson
	20644-A03		
Floor Plan & Notes	Sheet 4 of 6	B	Barnson
	20644-A04		
Ambulatory Facility Details	Sheet 5 of 6	B	Barnson
	20644-A05		
Accessible Facility Details	Sheet 6 of 6	B	Barnson
	20644-A06		

2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy.

AMENDMENT

3. Approved operating times are from 9.30am till 6pm Monday to Friday, and 9.30am till 1pm on Saturdays. No classes are permitted on Sundays or public holidays. Class times are to be generally in accordance with the following table:

AM Classes:

At the discretion of the operator with no more than 10 swimmers and 2 instructors in each class, with 15 minute breaks between all sessions.

PM Classes:

At the discretion of the operator with no more than 12 swimmers and 3 instructors in each class with 15 minute breaks between all sessions.

4. No more than 20 non-swimming persons are permitted on site at any one time.

GENERAL CONDITIONS

5. There is not to be any interference with the amenity of the neighbourhood by reason of the emission of any offensive noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
6. Noise associated with the use of mechanical plant and equipment must not give rise to any one of the following:
 - (a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver;
 - (b) A sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15 minutes) noise level by more than 5dB. The background noise level must be measured in the

absence of noise emitted from the use in accordance with Australian Standard AS1055.

7. Any demolition works are to be carried out in accordance with Australian Standard AS2601 – The Demolition of Structures.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE - BUILDING

The following conditions must be complied with prior to Council or an accredited Certifier issuing a Construction certificate for the proposed building

8. All building work is to comply with the requirements of the Access to Premises Standard.
9. Trade Waste Application will be required to be submitted and approved for the proposed public pool prior to occupation.
10. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

11. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - (a) the appointment of a Principal Certifying Authority and
 - (b) the date on which work will commence.
 - (c) Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
12. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.
NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE
13. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
 - (a) stating that unauthorised entry to the work site is prohibited, and

- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - (c) the name, address and telephone number of the principal certifying authority for the work,
 - (d) The sign shall be removed when the erection or demolition of the building has been completed.
14. Prior to the commencement of works on site, the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property.
15. The development site is to be managed for the entirety of work in the following manner:
- (a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - (b) Appropriate dust control measures;
 - (c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - (d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

PRIOR TO THE COMMENCEMENT OF WORKS - ENGINEERING

16. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.

BUILDING CONSTRUCTION

17. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
18. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
19. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm

No construction work noise is permitted on Sundays or Public Holidays.

20. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
21. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
22. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

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

23. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
24. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
25. Twenty (20) rear to kerb angled car parking spaces are to be provided between the eastern boundary of the subject property and Cox Street. The car parking spaces are to be:
 - line marked,
 - appropriate parking signs to be installed in the street; and
 - “No-Parking” signs provided adjacent to the site and adjoining driveway cross-overs.

All works are to be done at full cost to the developer. All car parking and associated driveway works are to be completed prior to occupation of the development.

26. Prior to the issue of an occupation certificate for the internal alterations, all outstanding items listed on the deferred building certificate letter dated 29th October 2013 are to be completed. These include, but are not limited to:
- Certification is required from an Accredited Certifier stating the whole of the building (including the pool and associated structures) meets the requirements of the National Construction Code for a Class 9 (b) building. This certification is to include a fire safety schedule.
 - Certification is required from an accredited Certifier stating that the pool and associated building meets the requirements of the Swimming Pools Act 1992.
 - Certification is required from a practising Structural Engineer stating that the whole of the building (including the pool and associated structures) is structurally adequate for its intended use.
 - The building and associated amenities are to comply with the requirements of Division 3 of the Public Health Act 2010, Part 3 of the Public Health Regulation 2012 and Schedule 1 of the Public Health Regulation 2012.
 - A geotechnical report will be required that assesses the adequacy of the footings to support the structure. In particular, the report should address the capacity of the embankment that forms the part of the drainage channel and its suitability to support the building without risk of failure in a saturated condition.
 - Due to roof discharge outlets contributing to the scour of the embankment, measures will need to be implemented to prevent such scour to ensure that the bearing capacity of the embankment is not compromised in the future. Advice regarding this matter is to be obtained from a structural engineer.
 - An engineering consultant is to assess and report (including a detailed plan) on the location of the sewer main in relation to the structure and any foundations/piers that may be present. There shall be no structural loading allowed within the zone of influence of the sewer main. If this is not currently achieved, the engineers report shall provide design to achieve this requirement.
 - In addition to the above, a CCTV inspection recording of the sewer main internal between maintenance chamber NB_01 and maintenance chamber E_03, carried out in accordance with Sewerage Code of Australia WSA02 2002, clause 22.7 is required. Any defects in the area of structural loading will require rectification at your cost.

- **All electrical work is to be signed off by a licensed electrician to ensure that it complies with the relevant Australian Standards.**

AMENDMENT: Thompson / Martens

That:

1. the report by the Statutory/Strategic Planner on the Alterations and Additions to the Existing Swim School Facility and Changes to the Conditions of Operation be received;
2. the development application for Alterations and Additions to the Existing Swim School Facility and Changes to the Conditions of Operation be approved subject to the following conditions of consent:

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans identified in the table below and the Application received by Council on 3 September 2014 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.

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2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy.

AMENDMENT

3. Approved operating times are from 8.30am till 7.30pm and 9.30am till 1pm on Saturdays. No classes are permitted on Sundays or public holidays. Class times are to be generally in accordance with the following:

AM Classes:

At the discretion of the operator with no more than 15 swimmers and 2 instructors in each class, with 15 minute breaks between all sessions.

PM Classes:

At the discretion of the operator with no more than 15 swimmers and 3 instructors in each class with 15 minute breaks between all sessions.

4. No more than 20 non-swimming persons are permitted on site at any one time.

GENERAL CONDITIONS

5. There is not to be any interference with the amenity of the neighbourhood by reason of the emission of any offensive noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
6. Noise associated with the use of mechanical plant and equipment must not give rise to any one of the following:
 - (a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver;
 - (b) A sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15 minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.
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water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.

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- Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
20. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
21. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
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- line marked,
 - appropriate parking signs to be installed in the street; and
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 - A geotechnical report will be required that assesses the adequacy of the footings to support the structure. In particular, the report should address the capacity of the embankment that forms the part of the drainage channel and its suitability to

support the building without risk of failure in a saturated condition.

- Due to roof discharge outlets contributing to the scour of the embankment, measures will need to be implemented to prevent such scour to ensure that the bearing capacity of the embankment is not compromised in the future. Advice regarding this matter is to be obtained from a structural engineer.
- An engineering consultant is to assess and report (including a detailed plan) on the location of the sewer main in relation to the structure and any foundations/piers that may be present. There shall be no structural loading allowed within the zone of influence of the sewer main. If this is not currently achieved, the engineers report shall provide design to achieve this requirement.
- In addition to the above, a CCTV inspection recording of the sewer main internal between maintenance chamber NB_01 and maintenance chamber E_03, carried out in accordance with Sewerage Code of Australia WSA02 2002, clause 22.7 is required. Any defects in the area of structural loading will require rectification at your cost.
- All electrical work is to be signed off by a licensed electrician to ensure that it complies with the relevant Australian Standards.

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

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

AMENDMENT: Kennedy / Thompson

That:

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2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy.

AMENDMENT

3. Approved operating times are from 9.30am till 7pm and 9.30am till 5pm on Saturdays. No classes are permitted on Sundays or public holidays. Class times are to be generally in accordance with the following table:

AM Classes

9.30am to 10.00am	No more than ten (10) swimmers and two (2) instructors
10.00am to 10.30am	No more than 10 swimmers and 2 instructors Fifteen (15) minute break
11.15am to 11.45am	No more than 10 swimmers and 2 instructors
11.45am to 12.15pm	No more than 10 swimmers and 2 instructors
12.15pm to 12.45pm	No more than 10 swimmers and 2 instructors
12.45pm to 1.15pm	No more than 10 swimmers and 2 instructors

PM Classes

3.45pm to 4.14pm	No more than fifteen (15) swimmers and three (3) instructors.
	Fifteen (15) minute break
4.30pm to 5.10pm	No more than 15 swimmers and 3 instructors Fifteen (15) minute break

5.25pm to 6.00pm	No more than 15 swimmers and 3 instructors
	Fifteen (15) minute break
6.15pm to 7.00pm	No more than 15 swimmers and 3 instructors

4. No more than 20 non-swimming persons are permitted on site at any one time.

GENERAL CONDITIONS

5. There is not to be any interference with the amenity of the neighbourhood by reason of the emission of any offensive noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
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21. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
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or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

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- "No-Parking" signs provided adjacent to the site and adjoining driveway cross-overs.

All works are to be done at full cost to the developer. All car parking and associated driveway works are to be completed prior to occupation of the development.

26. Prior to the issue of an occupation certificate for the internal alterations, all outstanding items listed on the deferred building certificate letter dated 29th October 2013 are to be completed. These include, but are not limited to:

- Certification is required from an Accredited Certifier stating the whole of the building (including the pool and associated structures) meets the requirements of the National Construction Code for a Class 9 (b) building. This certification is to include a fire safety schedule.
- Certification is required from an accredited Certifier stating that the pool and associated building meets the requirements of the Swimming Pools Act 1992.
- Certification is required from a practising Structural Engineer stating that the whole of the building (including the pool and associated structures) is structurally adequate for its intended use.
- The building and associated amenities are to comply with the requirements of Division 3 of the Public Health Act 2010, Part 3 of the Public Health Regulation 2012 and Schedule 1 of the Public Health Regulation 2012.
- A geotechnical report will be required that assesses the adequacy of the footings to support the structure. In particular, the report should address the capacity of the embankment that forms the part of the drainage channel and its suitability to support the building without risk of failure in a saturated condition.
- Due to roof discharge outlets contributing to the scour of the embankment, measures will need to be implemented to prevent such scour to ensure that the bearing capacity of the embankment is not compromised in the future. Advice regarding this matter is to be obtained from a structural engineer.

- An engineering consultant is to assess and report (including a detailed plan) on the location of the sewer main in relation to the structure and any foundations/piers that may be present. There shall be no structural loading allowed within the zone of influence of the sewer main. If this is not currently achieved, the engineers report shall provide design to achieve this requirement.
- In addition to the above, a CCTV inspection recording of the sewer main internal between maintenance chamber NB_01 and maintenance chamber E_03, carried out in accordance with Sewerage Code of Australia WSA02 2002, clause 22.7 is required. Any defects in the area of structural loading will require rectification at your cost.
- All electrical work is to be signed off by a licensed electrician to ensure that it complies with the relevant Australian Standards.

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

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

6.2.2 MA0008/2015 – MODIFICATION OF CONSENT FOR
SUBDIVISION AT SHEPHERDS LANE, GULGONG

GOV400038, DA0344/2014

477/14

MOTION: Thompson / Martens

That:

1. the report by the Statutory/Strategic Planner on the MA0008/2015 – Modification of Consent for Subdivision at Shepherds Lane, Gulgong be received;
2. the modification be approved to amend the lot layout with condition 6 amended to seal the road to the access point of each lot, subject to the following conditions of consent:

CONDITIONS

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans (Drawing Number 21167P-01 Revision B Sheet 1 of 1) and the Application received by Council on 28 April 2014 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.

GENERAL CONDITIONS

2. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.
Note: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.

PRIOR TO THE COMMENCEMENT OF WORKS

3. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
 - (a) stating that unauthorised entry to the work site is prohibited, and
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - (c) the name, address and telephone number of the principal certifying authority for the work,
 - (d) The sign shall be removed when the erection or demolition of the building has been completed.

ENGINEERING CONDITIONS

4. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
5. The construction of an all-weather vehicle access to each of block in the subdivision, in accordance with the following minimum guidelines as per RTA Road Design Guide (see attached drawing):
 - (i) a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) from the boundary of the land with the public road;
 - (ii) a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
 - (iii) a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it.
 - (iv) the access shall be located such that adequate sight distances are achieved, as specified in the Austroads publication 'Intersections at Grade'.
6. The developer must upgrade Shepherds Lane to the access point for proposed Lots 2 and 3 to the following standard:

Item	Requirement
Road Pavement	Width
Nature Strip	4m
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

7. 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*.

8. 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.
9. 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.
10. 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 line installation prior to backfilling
 - Practical Completion
11. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
12. 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.
13. All accesses must comply with Council's Access Policy, AUSTROADS Part 4A and any other relevant RMS supplements.
14. 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 within Council's road reserve.
15. A detailed engineering design supported by 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*.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

16. **Statutory Declarations from previous land owners are to be submitted to Council to provide evidence that no contaminating land uses have previously occurred on the subject land. In the event contamination is reported to have occurred, the land is to be tested by a suitably qualified person to ascertain the extent of the contamination. Any subsequent remediation required is to occur prior to the issue of a subdivision certificate.**
17. **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**
18. **A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.**
19. **If the *Subdivision Certificate* is not issued, for any reason whatsoever, by the end of the financial year immediately following 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.**
20. **Electricity and telecommunications are to be supplied to each lot in the subdivision.**
21. **Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:**
 - **A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.**
 - **A certificate from Telstra/NBN indicating that they have acquired and accept all infrastructure constructed as part of the subdivision.**
 - **all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or**
 - **an agreement be made between the developer and Council;**
 - **as to the security to be given to Council that the works will be completed or the contribution paid, and**
 - **as to when the work will be completed or the contribution paid.**
22. **In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in**

accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

Transport Management	
Traffic Management	\$657
Open Space	
Local Open Space	\$0
District Open Space	\$2549
Community Facilities	
Library Buildings	\$247
Library Resources	\$296
Administration	
Plan Administration	\$573
TOTAL	\$4322

The motion was carried with Councillors voting unanimously.

6.2.3 MUDGEE AND GULGONG URBAN RELEASE STRATEGY CONSIDERATION OF SUBMISSIONS

GOV400038, LAN900042

478/14 MOTION: White / Cavalier

That:

1. the report by the Manager Strategic Planning on the Mudgee and Gulgong Urban Release Strategy Consideration of Submissions be received;
2. the Draft Urban Release Strategy be amended to:
 - (a) correct the figures as they relate to the published Lot Size Map;
 - (b) adjust the timing of release of the 2ha developments at George Campbell Drive and Burrundulla to account for the error in the interpretation of the Lot Size Map;
 - (c) provide an explanation as to the relationship between the URS and other planning documents ;
3. the amended Draft Urban Release Strategy be adopted by Council and forwarded to the Department of Planning and Environment for endorsement;
4. that a report be presented to Council on a quarterly basis to monitor demand and supply of residential land in Mudgee and Gulgong:
5. a further report be presented to Council to amend the Comprehensive Land Use Strategy including the Mudgee Town Structure Plan to incorporate options for future urban expansion including identification of opportunities for rural residential development.

The motion was carried with Councillors voting unanimously.

6.2.4 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING &
DETERMINED

GOV400038

479/14 MOTION: Cavalier / White

That the report by the Director, Development on the Monthly Development Applications Processing & Determined be received.

The motion was carried with Councillors voting unanimously.

6.2.5 QUARTERLY BUDGET REVIEW SEPTEMBER 2014

GOV400038, FIN300062

480/14 MOTION: Cavalier / Martens**That:**

- 1. the report by the Acting Director, Corporate on the Quarterly Budget Review September 2014 be received;**
- 2. the 2014/15 Operational Plan be amended in accordance with the variations as listed in the quarterly budget review attachments; and**
- 3. the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure, be noted;**
- 4. a new Internally Restricted Reserve called the Future Fund Reserve be created in order to set aside funds in order to invest and support alternate economic development, for a long term response to reduced coal industry within the Mid-Western region;**
- 5. a new Externally Restricted Reserve called the Ulan Road Strategy Reserve be created in order to set aside funds as prescribed in the mine funding agreements;**
- 6. Ulan Road Strategy Fund be closed and the funds be managed in accordance with the grant funding agreement and mine funding agreement.**

The motion was carried with Councillors voting unanimously.

6.2.6 PRESENTATION OF FINANCIAL STATEMENTS 2013/14

GOV400038, FIN300028

481/14 MOTION: Cavalier / Walker

That the report by the Acting Director, Corporate on the Presentation of Financial Statements 2013/14 be received.

The motion was carried with Councillors voting unanimously.

6.2.7 NEW AND AMENDED 2014-15 FEES AND CHARGES

GOV400038, FIN300062

482/14

MOTION: Weatherley / Martens**That:**

1. the report by the Acting Director, Corporate on the New and Amended 2014-15 Fees and Charges be received;
2. the following new fees and charges be added as written;

Fee/Charge Area	New Fee	New fee amount
Under All Other MWRC Sports Complexes excluding Glen Willow, Facility Hire	Other Event	\$150.00
Mudgee Showground - Casual Hirers	Animal Stall	\$94.00
Rylstone Showground - Security Bonds	Canteen	\$100.00
	Bar	\$100.00
Rylstone Showground - Regular Hirers	Canteen	\$94.00
	Bar	\$97.00
Glen Willow Sports Complex - add Soccer/Touch Clubhouse - Business & Government Hire	Half day	\$110.00
	Full Day	\$215.00
	Weekly	\$800.00
Glen Willow Sports Complex - add Soccer/Touch Clubhouse - Private Hire	Half day	\$75.00
	Full Day	\$146.00
	Weekly	\$400.00
Glen Willow Sports Complex - add Soccer/Touch Clubhouse - Community Hire	Half day	\$50.00
	Full Day	\$80.00
	Weekly	\$215.00
Glen Willow Sports Complex - add Soccer/Touch Clubhouse - Security Bonds		\$550.00
Glen Willow Sports Complex - add Netball Clubhouse - Business & Government Hire	Half day	\$110.00
	Full Day	\$215.00
	Weekly	\$800.00
Glen Willow Sports Complex - add Netball Clubhouse - Private Hire	Half day	\$75.00
	Full Day	\$146.00
	Weekly	\$400.00
Glen Willow Sports Complex - add Netball Clubhouse - Community Hire	Half day	\$50.00
	Full Day	\$80.00
	Weekly	\$215.00
Glen Willow Sports Complex - add Netball Clubhouse - Security Bonds		\$550.00
Financial Services - Process Filing and Issue Fees	Examination Order - \$0.01 to \$100,000	\$80.00
	Writ of Execution - \$0.01 to \$100,000	\$78.00
	Warrant of Apprehension	\$78.00
	On-line Business or Company Searches	\$50.00
	Location Searches	\$50.00
	Title Searches	\$50.00

Fee/Charge Area	New Fee	New fee amount
Financial Services - Professional Costs - Enforcement after Judgement – Amount of Claim \$0.01 to \$100,000	Attend and Examine - non-appearance	\$190.00
	Application to Set Aside Default Judgement	\$150.00

3. the following 2014-15 fee and charge descriptions be amended as written;

Fee/Charge Area	New Description
Under All Other MWRC Sports Complexes excluding Glen Willow	All bookings, including bookings made by Schools, for sporting fields other than Glen Willow are to be made through the relevant Sports Council, excluding Rylstone/Kandos.
Mudgee Showground - Security Bonds	Bar Shelter Poultry Pavilion Cattle Pavilion Major Event - hire of entire showground Minor Event - a large portion of the showground Sheep Pavilion - full day Sheep Pavilion - half day Woodworkers Shed Wool Shed
Mudgee Showground - Casual Hirers	Bar Shelter Poultry Pavilion Cattle Pavilion Kitchen and Hall Sheep Pavilion - full day Sheep Pavilion - half day Woodworkers Shed Wool Shed
Mudgee Showground - Casual Hirers - Conditions	Per Day
Rylstone Showground - Security Bonds	Major Event, add Condition: Entire Showground. Rate is per day, inclusive of camping, plus power and restoration charges.
Financial Services	Professional Costs - Amount of Claim \$20,000.01 to \$100,000 Professional Costs - Enforcement after Judgement – Amount of Claim \$0.01 to \$100,000
Financial Services - Professional Costs - Enforcement after Judgement – Amount of Claim \$0.01 to \$100,000	Writ of Execution Examination Order Attend and Examine Warrant of Apprehension

4. the following 2014-15 fee and charges be amended as written; and

Fee/Charge Area	Amended Fee	New fee amount
Financial Services - Process Filing and Issue Fees	Civil Claims - \$0.01 to \$10,000 - Standard General Claims - \$10,000.01 to	\$93.00 \$228.00

Fee/Charge Area	Amended Fee	New fee amount
	\$100,000 - Standard	
	General Claims - \$10,000.01 to \$60,000 - Corporation	Delete fee line
	Service Fee, previously Service by post	\$68.00
	Service by Post - Corporation	Delete fee line
	Certified Copy of Order or Judgment - Standard	Delete fee line
	Certified Copy of Order or Judgment - Corporation	Delete fee line
	Registration of Interstate Judgement - Standard	Delete fee line
	Registration of Interstate Judgement - Corporation	Delete fee line
Financial Services - Miscellaneous Debt Recovery Fees	Certificate of Judgement, previously Copy of Certificate of Judgment or Order - Standard	
	Copy of Certificate of Judgment or Order - Corporation	Delete fee line
Financial Service - Sheriff Service or Execution Process	Service of Document	Delete heading line
	Writ Property/Delivery	Delete fee line
Financial Service - Professional Costs - Amount of Claim \$0.01 to \$1,000	Default Judgment - Liquidated	\$108.00
	Default Judgment - Unliquidated	Delete fee line
Financial Services - Professional Costs - Amount of Claim \$1,000.01 to \$5,000	Default Judgment - Liquidated	\$162.00
	Default Judgment - Unliquidated	Delete fee line
Financial Services - Professional Costs - Amount of Claim \$5,000.01 to \$20,000	Default Judgment - Liquidated	\$216.00
	Default Judgment - Unliquidated	Delete fee line
Financial Services - Professional Costs - Amount of Claim \$20,000.01 to \$100,000	Default Judgment - Liquidated	\$270.00
	Default Judgment - Unliquidated	Delete fee line

5. the new 2014-15 fees and charges be advertised for 28 days before taking effect.

The motion was carried with Councillors voting unanimously.

6.2.8 FINANCIAL ASSISTANCE APPLICATIONS

GOV400038, A0140201

483/14 MOTION: Webb / Cavalier**That:**

- 1. the report by the Financial Accountant on the Financial Assistance Applications be received;**
- 2. Council amend the amount approved for in-kind support to Mudgee Young Driver Program approved on 6th August 2014, Minute 309/14, from \$2,188 down to \$400 and return the saving of \$1,788 to the financial assistance budget; and**
- 3. Council provide a further \$1,200 of in-kind support to the Mudgee Young Driver Program in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met.**

The motion was carried with Councillors voting unanimously.

6.2.9 INVESTMENT POLICY

GOV400038, A0140201

484/14 MOTION: Weatherley / Cavalier**That:**

- 1. the report by the Financial Accountant on the Investment Policy be received;**
- 2. Council adopt the revised Investment Policy.**

The motion was carried with Councillors voting unanimously.

6.2.10 CLASSIFICATION OF LAND – LOT 1 DP 1178967, 45 ROUSE STREET, GULGONG

GOV400038, P1973511

485/14 MOTION: Cavalier / Thompson**That:**

- 1. the report by the Revenue & Property Manager on the Classification of Land – Lot 1 DP 1178967, 45 Rouse Street, Gulgong be received;**
- 2. Council notify the public of its intention to classify Lot 1 DP 1178967 as Operational by exhibiting the proposal for 28 days and should there be no submissions from the public, the lands be so classified as Operational.**

The motion was carried with Councillors voting unanimously.

6.2.11 NAMING OF UNNAMED STREETS IN THE RIVERSIDE ESTATE SUBDIVISION

GOV400038, A0790141

Councillor Walker declared a non-pecuniary conflict of interest in Item 6.2.11 as he is the owner and developer of the Riverside Estate subdivision, left the meeting at 6.24pm and did not participate in any discussion or vote in relation to this matter.

486/14 MOTION: Weatherley / Martens

That:

- 1. the report by the Revenue & Property Manager on the Naming of unnamed streets in the Riverside Estate subdivision be received;**
- 2. Council name road no 1 Loy Avenue and road no 2 Costigan Court.**

The motion was carried with Councillors voting unanimously.

Councillor Walker returned to the meeting at 6.25pm.

6.2.12 NAMING OF THE UNNAMED STREET IN THE SOUTHERN HEIGHTS ESTATE SUBDIVISION

GOV400038, A0790141

487/14 MOTION: White / Weatherley

That:

- 1. the report by the Revenue & Property Manager on the naming of the unnamed street in the Southern Heights Estate subdivision be received;**
- 2. Council name the street Ray Gooley Drive.**

The motion was carried with Councillors voting unanimously.

6.2.13 LUE ROAD HAVILAH ROAD CLOSURE

GOV400038, R0790197

488/14 MOTION: Webb / Cavalier

That:

- 1. the report by the Revenue & Property Manager on the Lue Road Havilah Road Closure be received;**
- 2. Council apply to the NSW Trade & Investment Crown Lands for the formal closure of the section of Lue Road Havilah traversing Lot 29 in DP 1194728;**

3. that Council authorise the transfer of the section of closed road to the owner of Lot 29 DP 1194728;
4. that the Common Seal of Council be affixed to all necessary documentation to facilitate the road closure and transfer.

The motion was carried with Councillors voting unanimously.

6.2.14 EVENTS ASSISTANCE FOR JANUARY TO JUNE 2015 EVENTS

GOV400038, A0820020

Councillor Thompson declared a non-pecuniary conflict of interest in Item 6.2.14 as he is a committee member of one of the organisations which has requested Events Assistance, left the meeting at 7.25pm and did not participate in any discussion or vote in relation to this matter.

489/14 MOTION: Cavalier / Walker

That:

1. the report by the Economic Development Officer on Events Assistance for January to June 2015 Events be received;
2. Council provide Events Assistance to:

Mudgee Fine Foods	\$500
Eurunderee Provisional School Inc	\$500
Gulgong Bowling & Sporting Club	\$500
Kandos Returned Services Community Club	\$500
Cudgegong Valley Antique Machinery Club	\$555
Gulgong Turf Club	\$1,000
Kandos Events	\$1,000
Polo in the Paddock	\$1,000
Mid-Western Dance Festival	\$1,118
Gulgong Prince of Wales Eisteddfod	\$1,360
Mudgee Bike Muster	\$2,500
Henry Lawson Festival Gulgong	\$2,500
Kandos Street Machine Show	\$2,500

The motion was carried with Councillors voting unanimously.

Councillor Thompson returned to the meeting at 7.26pm.

6.2.15 KANDOS BICENTENNIAL INDUSTRIAL MUSEUM –
PROPERTY TRANSFER PROPOSAL

GOV400038, P1553611, AO360015

490/14

MOTION: Webb / Cavalier

That:

1. **the report by the General Manager on the Kandos Bicentennial Industrial Museum – Property Transfer Proposal be received;**
2. **Council place on public exhibition for 28 days, its intentions as outlined below:**
 - **To transfer the possession of the real property of the Kandos Bicentennial Industrial Museum, land, building, contents and collection, to the Kandos Bicentennial Industrial Museum Incorporated Association**
 - **To provide \$15,000 per annum in financial support for a period of 3 years to the Kandos Industrial Museum Incorporated Association**
 - **To provide land rate relief for a period of 3 years Kandos Industrial Museum Incorporated Association**
 - **To meet the cost of insurances for the Kandos Bicentennial Industrial Museum Incorporated Association, to the maximum cost of \$6,600**

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

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

6.2.16 COUNCIL MEETING SCHEDULE 2015

GOV400038, GOV400020

491/14

MOTION: Weatherley / Cavalier**That:**

1. the report by the Director, Community on the Council Meeting Schedule 2015 be received;
2. Council Meetings for the 2015 calendar year be scheduled as follows:
 - Wednesday, 4 February 2015
 - Wednesday, 18 February 2015
 - Wednesday, 4 March 2015
 - Wednesday, 18 March 2015
 - Wednesday, 1 April 2015
 - Wednesday, 15 April 2015
 - Wednesday, 6 May 2015
 - Wednesday, 20 May 2015
 - Wednesday, 3 June 2015
 - Wednesday, 17 June 2015
 - Wednesday, 15 July 2015
 - Wednesday, 5 August 2015
 - Wednesday, 19 August 2015
 - Wednesday, 2 September 2015
 - Wednesday, 16 September 2015
 - Wednesday, 7 October 2015
 - Wednesday, 21 October 2015
 - Wednesday, 4 November 2015
 - Wednesday, 18 November 2015
 - Wednesday, 2 December 2015
 - Wednesday, 16 December 2015;
3. Community Forums for 2015 be scheduled as follows:
 - 14 October 2015 Gulgong in the Gulgong Memorial Hall at 6.00pm
 - 11 November 2015 Rylstone/Kandos in the Rylstone Memorial Hall at 6.00pm.

The motion was carried with Councillors voting unanimously.

6.2.17 LOCAL TRAFFIC COMMITTEE MINUTES OF MEETINGS 16
SEPTEMBER 2014 AND 14 OCTOBER 2014

GOV400038, A0100009

492/14

MOTION: Martens / Cavalier

That the report by the Director, Operations on the Local Traffic Committee Minutes of Meetings 16 September 2014 and 14 October 2014 be received and items 14/29 to 14/41 be received, accepted and endorsed.

The motion was carried with Councillors voting unanimously.

6.2.18 KANDOS CENTENARY WORKING PARTY MINUTES

GOV400038, P1553611

493/14

MOTION: Walker / Cavalier**That:**

1. **the report by the Manager, Community Services on the Kandos Centenary Working Party Minutes be received;**
2. **Council note the minutes of the meeting held on 13th and 20th October 2014, and the accompanying Income and Expenses and Budget reports**

The motion was carried with Councillors voting unanimously.

6.2.19 MUDGEESALEYARDS MANAGEMENT COMMITTEE

GOV400038, F0720036

494/14

MOTION: Webb / Cavalier**That:**

1. **the report by the Director, Operations on the Mudgee Saleyards Management Committee be received;**
2. **that the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 9th October 2014 be noted.**

The motion was carried with Councillors voting unanimously.

6.2.20 MUDGEESHOWGROUND MANAGEMENT COMMITTEE

GOV400038, F0650007

495/14

MOTION: Webb / Cavalier**That the report by the Director, Operations on the Mudgee Showground Management Committee be received.**

The motion was carried with Councillors voting unanimously.

Item 7: Urgent Business Without Notice

7.1 FINANCIAL ASSISTANCE FOR RYSLTONE KANDOS CHRISTMAS FESTIVAL

GOV400029, A0140201

496/14

MOTION: Thompson / White**That this matter be dealt with as urgent business without notice.**

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

497/14 **MOTION: Webb / Cavalier**

That:

- 1. Council waive the bond of \$1,600.00 for the use of the Rylstone Showground for the Rylstone/Kandos Christmas Carnival;**
- 2. Council waive the bond of \$550.00 for the use of Kandos Hall for the annual Christmas Carols by Candlelight; and**
- 3. If any repairs or additional cleaning is required after each event due to damage from these events, Council will invoice the Rotary Club of Rylstone-Kandos for these costs.**

The motion was carried with Councillors voting unanimously.

Closure

There being no further business the meeting concluded at 7.41pm.