

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 19 November 2014, commencing at 5.34pm and concluding at 6.09pm

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 (B Cam), Director Operations (D Colwell), Director
Development (C Van Laeren), Director Community (S Jones), Acting
Director Corporate (L Johnson), Corporate Communications Officer
(P Goldsmith).

MEDIA REPRESENTATIVES Mudgee Guardian / The Weekly (E Watson and D Snyder), Radio 2MG (M
Heldon)

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillors Weatherley and Walker declared a non-pecuniary conflict of interest in Item 6.2.5 as they are committee members of the Mudgee Race Club.

The Mayor spoke briefly about the recent presentation of an Annual Wollemi Award to the Kandos Centenary Committee and recognised the hard work of the Committee members and Councillor Martens for the Kandos Centenary.

Item 3: Confirmation of Minutes

498/14 MOTION: Cavalier / Martens

That the Minutes of the Ordinary Meeting held on 5 November 2014 (Minute Nos. 474/14 to 497/14) 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 was no Mayoral Minute.

Item 6: General Business

6.1 NOTICES OF MOTION

6.1.1 CRICKET PITCH PRACTICE NET

GOV400022, GOV400038

499/14

MOTION: Shelley / Cavalier**That:**

1. Council fund and construct a Cricket practice net not exceeding \$15,000 from Capital reserves;
2. Funds not required be returned to Capital reserves;
3. Net to be located adjacent to Sammy's Flat Cricket pitch; and
4. Council continue to apply for grant funding to offset cost to ratepayers.

AMENDMENT: Thompson / Martens

That Council defer this matter and seek grant funding to construct the cricket practice nets.

The amendment was put and lost 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		✓

The motion was put carried with Councillors voting unanimously.

6.2 REPORTS TO COUNCIL**6.2.1 DA0359/2014, STAGED SUBDIVISION - TORRENS TITLE - 3 INTO 9 LOTS AT WINDARRA 132 OLD GRATTAI ROAD, ERUDGERE**

GOV400038, DA0359/2014

500/14**MOTION: Walker / Shelley****That:**

- 1. the report by the Senior Town Planner on the DA0359/2014, Staged Subdivision - Torrens Title - 3 into 9 Lots - Windarra 132 Old Grattai Road, Erudgere be received;**
- 2. Development Application DA0359/2014 for the Staged subdivision - 3 into 9 Lots - Windarra 132 Old Grattai Road ERUDGERE be approved with the following conditions;**

APPROVED DEVELOPMENT

- 1. Development is to be carried out generally in accordance with stamped plans and Statement of Environmental Effects dated April 2014 by Insites – Development Consultants 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.
 - a. Job No. I751MU, Dwg No. I751-001e Issue E**
 - b. Job No. I751MU, Dwg No. I751-003b Issue B**
 - c. Job No. I751MU, Dwg No. I751-004b Issue B****

GENERAL CONDITIONS

- 2. A restriction as to user shall be created over lots 4, 6, 8, 9 and 10. The restriction on user shall be created in accordance with the relevant section of the Conveyancing Act incorporating a notation which identifies the building envelopes as depicted on the approved plans. The restriction is to have the effect of limiting future development for the purpose of dwelling houses and outbuildings to the building envelope areas due to culturally sensitive areas. Mid-Western Regional Council is to be nominated as the varying authority over all lots.**
- 3. A restriction as to user shall be created over all lots. The restriction on user shall be created in accordance with the relevant section of the Conveyancing Act incorporating a restriction excluding any building over the area identified as High Biodiversity Sensitivity. Mid-Western Regional Council is to be nominated as the varying authority over all lots.**

ENGINEERING CONSTRUCTION

- 4. Prior to development the applicant shall advise Council's Development 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 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.**
- 6. 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.**

STORMWATER DRAINAGE

- 7. 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.**

ROADS, KERBS AND VEHICULAR ACCESS

- 8. The construction of an all-weather vehicle access to all lots fronting Old Grattai Road, in accordance with the following minimum guidelines:**
 - a) Council's Access Policy, AUSTRROADS Part 4A and any other relevant RMS supplements**
 - b) a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from the edge of the traffic lane of the public road.**
 - c) a minimum 4.0 metre wide hard-standing access**
 - d) Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of Austroads Guide to Road Design 2010 and relevant Roads and Maritime Supplements shall be provided in both directions at the vehicular access points servicing the proposed lots from Old Grattai Road. For a 100 km/h speed zone the minimum SISD is 250 metres.**
- 9. Vehicular access from Hill End Road to proposed lots 8 and 9 shall be via a combined single access point. The amended plan shall be submitted to Council for approval prior to the lodgement of the subdivision certificate.**

10. Vehicular access from Hill End Road to proposed lot 10 and the combined vehicular access to proposed lots 8 and 9 shall be constructed in accordance with Figure 7.4 Part 4 Austroads Guide to Road Design 2010. Accesses shall be sealed a minimum of 10 metres from the edge of the westbound travel lane in Hill End Road, match existing road levels and not interfere with existing road drainage. Accesses shall be formed so to provide a lay-by on the departure side of the access for use as a school bus stop/mail service shelter.
11. Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of Austroads Guide to Road Design 2010 and relevant Roads and Maritime Supplements shall be provided in both directions at the vehicular access points servicing the proposed lots from Hill End Road. For a 100 km/h speed zone the minimum SISD is 250 metres.

Note: To achieve SISD vegetation slashing, pruning and maintenance in Hill End Road reserve may be required.

12. To provide suitable storage capacity for the largest class of vehicle accessing the proposed lots, any gate, grid or similar structure installed in the accesses shall be setback appropriately (20m for single articulated) from the edge of the pavement in Hill End Road.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

13. 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
14. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
15. 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.
16. Electricity and telecommunications are to be supplied to the subdivision.
17. 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 stating that they accept control/acquisition of the telecommunications infrastructure for the development.
 - 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.
18. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
19. 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	STAGE 1	STAGE 2	TOTAL
Traffic Management	\$2,643	\$1,321	\$3,964
Open Space			
Local Open Space	\$0	\$0	\$0
District Open Space	\$10,192	\$5,096	\$15,288
Community Facilities			
Library Buildings	\$979	\$489	\$1,468
Library Resources	\$1,179	\$590	\$1,769
Administration			
Plan Administration	\$2,295	\$1,148	\$3,443
TOTAL	\$17,288	\$8,644	\$25,932

The motion was carried with Councillors voting unanimously.

6.2.2 DA0147/2015 – PLACEMENT OF BALL MILL AT KANDOS
MUSEUM – LOT 9 SEC 1 DP 8161

GOV400038, DA0147/2015

501/14

MOTION: Shelley / Martens

That:

1. **the report by the Town Planner on Development Application 0147/2015 – Placement of Ball Mill at Kandos Museum – Lot 9 Sec 1 DP 8161, 20-24 Buchanan Street, Kandos be received;**
2. **Development Application 0147/2015 – Placement of Ball Mill at Kandos Museum – Lot 9 Sec 1 DP 8161 at 20-24 Buchanan Street, Kandos be granted subject to the following conditions:**

APPROVED PLAN CONDITIONS

1. **Development is to be carried out generally in accordance with stamped plans Drawing A – Site Plan, Drawing B – Elevation Plan and Drawing C – Cross Sections and the Application received by Council on 28/10/2014 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. **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.**
3. **The structure is to be securely fixed to the ground prior to the area being accessible by the general public.**
4. **A fence of suitable design and height is to be erected around the structure to prevent unauthorised entry to the mill.**
5. **The existing items located upon the site are to be relocated on the site in an orderly fashion so as to not interfere with the amenity of the area and address the issue of public safety including fencing where considered necessary.**

PRIOR TO COMMENCEMENT OF WORKS

6. **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.**

7. 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.
8. The development site is to be managed for the entirety of work in the following manner:
 - 1) 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;
 - 2) Appropriate dust control measures;
 - 3) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - 4) 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.
9. 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.

CONSTRUCTION WORK

10. 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.
11. 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.
12. 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 developer should contact a suitably qualified person to determine the necessary steps to protect aboriginal heritage.
13. All works are to be undertaken at no cost to Council.

The motion was carried with Councillors voting unanimously.

6.2.3 MONTHLY STATEMENT OF INVESTMENTS AND BANK BALANCES AS AT 31 OCTOBER 2014

GOV400038, A0140304

502/14 MOTION: Cavalier / Martens**That:**

- 1. the report by the Acting Director, Corporate on the Monthly statement of investments and bank balances as at 31 October 2014 be received;**
- 2. the certification of the Responsible Accounting Officer be noted.**

The motion was carried with Councillors voting unanimously.

6.2.4 ANNUAL REPORT 2014

GOV400038, GOV300028, COR400008

503/14 MOTION: Weatherley / Cavalier**That:**

- 1. the report by the Acting Director Corporate on the Annual Report 2014 be received;**
- 2. Council adopt the draft Annual Report 2014 and authorise it for release by the General Manager following finalisation of the Regional State of the Environment Report.**

The motion was carried with Councillors voting unanimously.

6.2.5 FINANCIAL ASSISTANCE APPLICATIONS

GOV400038, A0140201

Councillors Weatherley and Walker declared a non-pecuniary conflict of interest in Item 6.2.5 as they are committee members of the Mudgee Race Club. Walker and Weatherley left the meeting at 5.44pm and did not participate in any discussion or vote in relation to this matter.

504/14 MOTION: Thompson / Cavalier**That:**

- 1. the report by the Financial Accountant on the Financial Assistance Applications be received;**
- 3. Council provide financial assistance of \$2,500 to the Mudgee Race Club Inc 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.

Councillors Weatherley and Walker returned to the meeting at 5.45 pm.

6.2.6 FINANCIAL RESERVES POLICY

GOV400038, A0070010, A0140326

505/14 MOTION: Cavalier / White

That:

- 1. the report by the Acting Director Corporate on the Financial Reserves Policy be received;**
- 2. Council adopt the revised Financial Reserves Policy.**

The motion was carried with Councillors voting unanimously.

6.2.7 WRITE OFF OF DEBTS 21/2/2014 TO 3/11/2014

GOV400038, A0140197, A0340005

506/14 MOTION: Cavalier / Shelley

That:

- 1. the report by the Revenue & Property Manager on the Write Off of Debts 21/2/2014 to 3/11/2014 be received;**
- 2. Council note the write offs totalling \$594.18 made under delegated authority for the period 21/2/2014 to 3/11/2014 and;**
- 3. Council authorise the write off of those debts greater than \$2,500 as stipulated in Attachment 1 to this Report totalling \$7,378.25.**

The motion was carried with Councillors voting unanimously.

6.2.8 LEASE TO GULGONG PRE-SCHOOL INC.

GOV400038, P0453311

507/14 MOTION: Thompson / Cavalier

That:

- 1. the report by the Revenue & Property Manager on the Lease to Gulgong Pre-School Inc. be received;**
- 2. Council enter into a formal Lease agreement with Gulgong Pre-School Inc. for an initial term of five years commencing from 1 July 2014, with two 5 year options, at a rental of \$400 plus GST per annum, with annual rent review in line with CPI;**
- 3. Council agrees to the registration of such a Lease with a registered Plan of Subdivision (subject to approval);**
- 4. Council give its consent to Gulgong Pre-School Inc. to the registration of a Mortgage of Lease on title for a period not**

- exceeding ten (10) years from the date of registration of the proposed plan;
5. Council give its consent to the Caveat registered on title of the site for a period not exceeding ten (10) from the date of registration of the proposed plan;
 6. Gulgong Pre-School Inc. will be responsible for initiating, progressing and finalising processes and documentation in relation to all aspects of the proposed Lease agreement, Mortgage of Lease and Caveat on title and will also be responsible for all costs incurred in relation to these processes and documentation, including the payment of Council's reasonable legal costs;
 7. Council authorise the General Manager to negotiate with Gulgong Pre-School Inc. on any aspect of the proposed Lease agreement, Mortgage of Lease and Caveat on title that may arise during the course of these processes;
 8. Council authorise the General Manager and Mayor to sign necessary documentation in relation to the proposed Lease agreement, Mortgage of Lease and Caveat on title;
 9. Council authorises the Common Seal of Council to be affixed to all documentation necessary in relation to the proposed Lease agreement, Mortgage of Lease and Caveat on title.

The motion was carried with Councillors voting unanimously.

6.2.9 NAMING OF AN UNNAMED LANE OFF DABEE ROAD

GOV400038, R0790141

508/14

MOTION: Martens / Cavalier

That:

1. the report by the Revenue & Property Manager on the Naming of an unnamed lane off Dabee Road be received;
2. Council formally approve the name of Bloodsworth Lane for the unnamed lane off Dabee Road.

The motion was carried with Councillors voting unanimously.

6.2.10 EVALUATION OF EXPRESSIONS OF INTEREST FOR DESIGN AND CONSTRUCTION OF THE RYLSTONE PEDESTRIAN BRIDGE

GOV400038, COR400077

MOTION: Shelley / Walker

That:

1. the report by the Senior Works Engineer on the Evaluation of Expressions of Interest for Design and Construction of the Rylstone Pedestrian Bridge be received;
2. Council accepts the recommendation of the Senior Works Engineer to request the following companies to tender for the work:
 - Waeger Constructions Pty Ltd
 - Steelworks Engineering Pty Ltd
 - Fleetwood Urban Pty Ltd
 - J&R Industries Pty Ltd
 - Wagners CFT Manufacturing Pty Ltd
3. The unsuccessful applicants be notified that their applications were unsuccessful.

509/14

AMENDMENT: White / Cavalier**That:**

1. **the report by the Senior Works Engineer on the Evaluation of Expressions of Interest for Design and Construction of the Rylstone Pedestrian Bridge be received;**
2. **the 2014/15 Operational Plan be amended to reduce the budget for the Rylstone Pedestrian Footbridge by \$200,000;**
3. **an internal reserve for 'Airline Support' be created in the 2014/15 Operational Plan to set aside funds to support the establishment of an airline for the region**
4. **the \$200,000 be transferred from 'Unrestricted Cash' to the 'Airline Support' reserve in the 2014/15 Operational Plan.**

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

6.2.11 WATER MAIN CLEANING SERVICES

GOV400038, WAT500032

510/14

MOTION: Cavalier / Thompson**That:**

1. the report by the Business Manager Services on the Water Main Cleaning Services be received;
2. the 2014/15 Operational Plan be amended to increase the current water main operation and maintenance budget by \$300,000 excluding GST to allow for completion of a water main cleaning program, funded from Water Fund unrestricted cash.
3. Council accepts the proposal from Degremont Proprietary Limited in accordance with the Schedule of Rates detailed within the proposal without going to Tender, as there is an unavailability of competitive tenderers which would result in an unsatisfactory result should tenders be called.
4. the General Manager be authorised to execute the contract with Degremont Proprietary Limited up to an amount of \$300,000 excluding GST; and
5. the common seal of Council be affixed to the contract if required.

The motion was carried with Councillors voting unanimously.

6.2.12 PROPOSED REVERSE AUCTION TENDER FOR SUPPLY OF ELECTRICITY TO CONTESTABLE SITES AND STREET LIGHTING

GOV400038, GOR500017

511/14

MOTION: Cavalier / Martens**That:**

1. the report by the Financial Accountant on the proposed reverse auction tender for supply of electricity to contestable sites and street lighting be received;
2. Council commence the process of a reverse auction for supply of electricity from 1 July 2015 to 31 December 2017 for contestable metered sites and street lighting.

The motion was carried with Councillors voting unanimously.

6.2.13 RED HILL RESERVE WORKING PARTY

GOV400038, P0860011

512/14

MOTION: Walker / White

That:

- 1. the report by the Director, Development on the Red Hill Reserve Working Party be received;**
- 2. note the minutes of the Meeting of the Red Hill Reserve Working Party meeting held on 29 August 2014 and 24 September 2014.**

The motion was carried with Councillors voting unanimously.

6.2.14 WILPINJONG COAL MINE EXTENSION PROJECT - SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

GOV400038, P0420169

513/14 MOTION: Thompson / Cavalier

That:

- 1. the report by the Statutory/Strategic Planner on the Wilpinjong Coal Mine Extension Project - Secretary's Environmental Assessment Requirements Wilpinjong Coal Mine Extension Project - Secretary's Environmental Assessment Requirements be received; and**
- 2. Council provide a submission into the SEARs in accordance with attachment 2.**

The motion was carried with Councillors voting unanimously.

Item 7: Urgent Business Without Notice

7.1 POLICE STAFF NUMBERS IN THE REGION

GOV400029, EME9000019

514/14 MOTION: Cavalier / 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.

515/14 MOTION: Shelley / Cavalier

That:

- 1. Council verify with Mudgee Local Area Command that Police from Gulgong, Kandos, and Rylstone are being rostered in Mudgee because of staff shortages and leaving Gulgong, Kandos and Rylstone without any Police rostered on, particularly over the weekends;**

2. Council in the first instance, contact and express our concern to our local Members of Parliament and support our local Police;
3. The Mayor and General Manager meet with the Local Area Command to discuss the issue.

The motion was carried with Councillors voting unanimously.

Item 8: Confidential Session

516/14 MOTION: Cavalier / White

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: MA0030/2015 - Proposed Subdivision, Lot 1 DP 1136192, Lots 65, 66 and 67 DP 755434, lot 168 DP 1145165, 96 Bergalin Road Gulgong

The reason for dealing with this matter confidentially is that it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege, in accordance with Section 10A(2)(g) 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 of advice concerning litigation.

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 carried with Councillors voting unanimously.

8.1.1 MA0030/2015 - Proposed Subdivision, Lot 1 DP 1136192, Lots 65, 66 and 67 DP 755434, lot 168 DP 1145165, 96 Bergalin Road Gulgong
GOV400038, P2090761

517/14 MOTION: Cavalier / Walker

That:

1. the report by the Manager, Statutory Planning on the MA0030/2015 – Proposed Subdivision, Lot 1 DP 1136192, Lots 65, 66 and 67 DP 755434, lot 168 DP 1145165, 96 Bergalin Road Gulgong be received;
2. MA0030/2015 – Proposed Subdivision, Lot 1 DP 1136192, Lots 65, 66 and 67 DP 755434, lot 168 DP 1145165, 96 Bergalin Road

Gulgong be approved in accordance with the following conditions;

APPROVED PLANS

- 1. Development is to be carried out generally in accordance with stamped plans and the Application received by Council on 3 November 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.**

ENGINEERING CONSTRUCTION

- 2. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:**
 - Saving available topsoil for reuse in the revegetation phase of the subdivision;**
 - Using erosion control measures to prevent on-site damage;**
 - Rehabilitating disturbed areas quickly;**
 - Maintenance of erosion and sediment control structures;**
- 3. 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.**
- 4. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:**
 - Installation of sediment and erosion control measures**
 - Practical Completion**

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- 5. A detailed engineering design of the proposed road works and intersection supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications is to be prepared in accordance with AUS-Spec#1 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.**

CONSTRUCTION REQUIREMENTS

6. All works are to be constructed at the full cost of the developer, in a manner consistent with AustRoads, MWRC Development Control Plan 2013 and Council's standard drawings.
7. DELETED vide MA0010/2015 October 2014
8. DELETED vide s.82A application February 2014
9. Intersection and accesses shall be provided with lay-bys on the departure side for school bus stops.
- 10 Give Way Signs are to be installed on the proposed internal road at the intersection with Bergalin Road.
11. A 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone at the intersection of Bergalin Road and the proposed internal road in the subdivision, having the table drain directed through it.
12. DELETED vide MA0010/2015 October 2014
13. The developer is to construct the proposed internal road in accordance with Council's Development Control Plan 2013 and Austroads standards to a Rural Sealed Road and the following minimum specifications:
 - formation width 9.0m.
 - sealed width 6.0m.
 - seal type – 14/7 mm double-double.
 - standard cross-section with 3%.
 - pavement thickness – 150-300 mm.
 - pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.
 - Minimum compaction:
 - sub base 96% MDD
 - base course 98% MDD
 - Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.
14. DELETED vide s.82A application February 2014
15. The construction of an all-weather vehicle access to each lot in the development. The accesses from the proposed loop road servicing the development shall be constructed in accordance with Austroads Guide to Road Design: Part 4 Figure 7.4 'standard rural property access' and any relevant RMS Supplements. The access shall have the following minimum specifications:
 - a) a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from edge of the traffic lane of the public road;

- b) 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;
 - c) 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.
 - d) The access should be sealed a minimum of 10 metres from the edge of the travel lane to minimise mud on through road, match existing road levels and not interfere with road drainage.
 - e) Safe Intersection sight distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant RMS supplements should be provided in both directions at the vehicular access point servicing the proposed lots.
16. 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:
- Road pavement construction
 - Installation of vehicle accesses
 - Practical Completion
17. 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.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

18. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by Council's Authorised Officer.
19. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.

NOTE: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.

20. 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**

All Other Areas

Section 94 Contributions

Transport Management

Traffic Management

\$3948

Open Space

Local Open Space	\$0
District Open Space	\$15,288
Community Facilities	
Library Buildings	\$1,482
Library Resources	\$1,776
Administration	
Plan Administration	\$3,438
Total Payable	\$25,932

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 electronically 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 provider indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
25. DELETED vide MA0030/2015.
- B. That Council includes a notation on the 149 (5) Certificate to the effect that Council will not be sealing Bergalin Road.

The motion was carried with Councillors voting unanimously.

Item 4: Open Council

518/14 MOTION: Cavalier / White

That the Council move to Open Council.

The motion was carried with Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 6.09pm.