

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 17 December 2014, commencing at 5.56pm and concluding at 7.37pm.

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.
IN ATTENDANCE	General Manager (B Cam), Director Operations (D Colwell), Acting Director Development (G Bruce), Director Corporate (C Phelan), Director Community (S Jones), Corporate Communications Officer (P Goldsmith).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (E Watson), Radio 2MG (M Heldon).

Item 1: Apologies

An apology was received for the absence of Councillor White.

539/14 MOTION: Cavalier / Martens

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

The motion was carried with Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.3.2 as he is the owner of the property.

Councillor Walker declared a non-pecuniary conflict of interest in Item 6.3.15 as he is the owner of the land.

Councillor Thompson declared a non-pecuniary conflict of interest in Item 6.3.5 as he has an association with the Gulgong Race Club.

Item 3: Confirmation of Minutes

540/14 MOTION: Walker / Webb

That the Minutes of the Ordinary Meeting held on 3 December 2014 (Minute Nos. 519/14 to 538/14) be taken as read and confirmed, with the recording of minute number 537/14 be amended to read as follows:

537/14 MOTION: White / Cavalier**That:**

1. the report on Regional Aviation Services be received;
2. Council approve in principle financial assistance for the establishment of an RPT service between Mudgee and Sydney including:
 - \$195,000 as a financial grant to help cover initial establishment costs (in 3 monthly instalments of \$95,000, \$50,000 and \$50,000 commencing in February 2015)
 - 12 x monthly payments of \$15,000 in the first 12 months of operations to support the employment of relevant staff as required by CASA regulations
 - In-kind marketing and promotional activities to the value of \$12,000 related to the launch of the service over the first 3 months
 - Exemption from paying landing fees for the first 12 months (estimated income amount of \$60,000)
 - Provision of check-in and ground handling staff to facilitate ground operations at Mudgee airport (estimated expense of \$115,000 per annum) for the first 24 months
3. Council places the intention to provide financial assistance as outlined above on public exhibition from 12 December 2014 to 23 January 2015;
4. The General Manager or his delegate prepares a further report back to Council following the exhibition period to consider the financial assistance proposal.

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	✓	

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 RESCISSION MOTION****COUNCIL MEETINGS – CHANGE TO ONE PER MONTH**

GOV400023, GOV400038

MOTION: Thompson / Martens

That the Council's decision on 3 December 2014 to:

1. Council trial a new way of administering Council business, and that two sessions be planned monthly for a period of five months in 2015 as outlined below:

Ordinary Council meetings to be held once per month on the following dates:

Wednesday, 18 February 2015
Wednesday, 18 March 2015
Wednesday, 15 April 2015
Wednesday, 20 May 2015
Wednesday, 17 June 2015

And that Council acknowledges that from time to time, extraordinary Council meetings may need to be called for matters of urgency, and that these be held where possible on the first Wednesday of each month.

2. Council run monthly Strategic Policy Workshops on the same day as the Ordinary Council meeting:
3. Council invite members of the public to address Council prior to the beginning of all Council Meetings.
4. Council increase the delegation to the General Manager to \$2,000,000 in order to minimise any impact on DA processing times.

be and is hereby rescinded.

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

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

MOTION:

That any alteration to the number of Council meetings, times and dates be advertised for public comment.

As the rescission motion was lost, this item was not debated.

6.2 NOTICES OF MOTION**6.2.1 AIR SERVICE DUE DILIGENCE**

GOV400022, GOV400038

MOTION:

That Council conduct due diligence to ensure that the proposed air service company is sustainable and will be a genuine solution for air services in our region.

The item was withdrawn.

6.2 REPORTS TO COUNCIL

6.3.1 DA 0129/2015 - DEMOLITION AND RECONSTRUCTION OF EXISTING BP SERVICE STATION INCLUDING NEW SHOP BUILDING, NEW CANOPY & SIGNAGE, REPLACEMENT OF FUEL TANKS AND UPGRADING OF FORECOURT AREA AT LOT 41 DP 998528, 77 CHURCH STREET MUDGE

GOV400038, DA012915

541/14**MOTION: Walker / Weatherley****That:**

- 1. the report by the Statutory/Strategic Planner on the DA 0129/2015 - Demolition and Reconstruction of Existing BP Service Station Including New Shop Building, New Canopy & Signage, Replacement of Fuel Tanks and Upgrading of Forecourt Area at Lot 41 DP 998528, 77 Church Street Mudgee be received;**

2. **DA 0129/2015 - Demolition and Reconstruction of Existing BP Service Station Including New Shop Building, New Canopy & Signage, Replacement of Fuel Tanks and Upgrading of Forecourt Area at Lot 41 DP 998528, 77 Church Street Mudgee** 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 17 October 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 DESCRIPTION	DRAWING NO.	REVISION	DRAWN BY	DATED
Existing Site Plan	SK-08933-A001	A	Meinhardt Australia Pty Ltd	23.09.14
Demolition Plan	SK-08933-A002D	A	Meinhardt Australia Pty Ltd	30.10.14
Proposed Site Plan	SK-08933-A003	A	Meinhardt Australia Pty Ltd	03.10.14
Proposed Elevations A & B	SK-08933-A004	A	Meinhardt Australia Pty Ltd	30.09.14
Proposed Elevations C & D	SK-08933-A005	A	Meinhardt Australia Pty Ltd	30.09.14
Signage Details	SK-08933-A006	A	Meinhardt Australia Pty Ltd	30.09.14
BP Shop Plan & Elevations	SK-08933-A007	A	Meinhardt Australia Pty Ltd	23.09.14
19m B-Double Tanker Path	SK-08933-A008	A	Meinhardt Australia Pty Ltd	30.09.14
Garbage Truck & Car Turning Path	SK-08933-A009	A	Meinhardt Australia Pty Ltd	30.09.14
Sedimentation & Erosion Control Plan	SK-08933-A010	A	Meinhardt Australia Pty Ltd	30.09.14
Drainage Plan	SK-08933-A011	A	Meinhardt Australia Pty Ltd	30.09.14

GENERAL CONDITIONS

2. Plant species used in the landscaping in the north-east corner appropriately advanced trees and shrubs, be drought/frost tolerant and generally endemic to the Mid-Western region. The landscaping is to be established prior to occupation.
3. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
4. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
5. The air conditioning unit/s must be operated in accordance with the requirements of the Protection of the Environmental Operations Act (Noise Control) Regulation 2008.
6. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.

7. All loading and unloading in connection with the premises shall be carried out wholly within the site.
8. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
9. No display or sale of goods is to take place from public areas or footpaths fronting the premises.
10. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.
11. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
12. The signage is to be securely affixed and is not to flash, move or be objectionably glaring.
13. Illumination of the canopy fascia is not permitted under this consent.
14. The boundary fence proposed along the eastern boundary of the site (adjoining Lot 1 DP 199187) is to be solid (i.e. no gaps), 1.8 metres in height and constructed of either colorbond steel or be lapped and capped timber fencing.
15. The removal and installation of the underground petroleum storage tanks is to be carried out as per the requirements of the Protection of the Environment Operation (Underground Petroleum Storage Systems) Regulation 2008.
16. As the existing premises with a refuelling point will be refurbished, in accordance with the NSW Office of Waters' requirements, the discharge from this area must be disconnected from Council's sewerage system. Where the premises do not have other trade waste discharges (eg. from a restaurant, vehicle wash, mechanical workshop), trade waste fees and charges would no longer apply.
17. A Notice of Completion for the remediation work is to be provided to Council within 30 days after the completion of work and shall include the following details prescribed by State Environmental Planning Policy 55 – Remediation of Land:
 - a) be in writing prepared and signed by the person who carried out the work, and

- b) provide the person's name, address and business telephone number, and
 - c) provide details of the person's qualifications to carry out the work, and
 - d) specify, by reference to its property description and street address (if any), the land on which the work was carried out, and
 - e) provide a map of the location of the land, and
 - f) state when the work was completed, and
 - g) specify the uses of the land, and the substances, that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment, and
 - h) specify the uses of the land immediately before the work started, and
 - i) briefly describe the method of remediation used in the work, and
 - j) specify the guidelines that were complied with in the work, and
 - k) specify the standard of remediation achieved (in the light of the use proposed for the land), and
 - l) show in what manner the work (if a category 1 remediation work) complied with the conditions of the relevant development consent, and
 - m) state what action must be maintained in relation to the land after the completion of the remediation work if the standard of remediation achieved is to be maintained.
18. Closed-Circuit Television (CCTV) cameras are to be installed around the site in locations that are able to capture the registration plates of all vehicle entering and exiting the site. The cameras should provide adequate coverage of the premises and forecourt areas.
19. Independent security officers are to be employed by the operators of the service station between the hours of 12am till 5am Saturday and Sunday.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

20. Development Consent number DA 0504/2013 is to be surrendered to Council in accordance with clause 97 of the Environmental Planning & Assessment Regulation 2000 prior to the issue of a Construction Certificate.
21. A floor plan of the control building, including floor layout, internal partitioning, room sizes and intended uses for each part of the building, is to be submitted to Council for approval prior to the issue of a Construction Certificate.
22. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority 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 1.5 year event. All storm water detention details including analysis shall be included with the drainage report.

- 23. 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.**
- 24. 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.**
- 25. A registered Surveyors Certificate showing the boundaries of the site and the proposed building plotted thereon being submitted to the Principal Certifying Authority before construction is commenced.**
- 26. 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

- 27. 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.**

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- 28. The site shall be provided with a waste enclose (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

- 29. 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.**

ENGINEERING CONSTRUCTION

30. The developer must install sewer chambers where the current sewer line intersects the north and south of the property boundary. The current vitrified clay pipe must be replaced with class 8 uPVC of at least equal internal diameter. The replacement pipe must be concrete encased as per WSAA 02-2002 drawing SEW-1205. Saw cuts must be provided 1.5m either side of the replacement pipe within the proposed concrete area.

NOTE: Any work on live sewer mains must be done by Council.

31. Raised kerbing is to be constructed around the site, as per the approved site plan, to separate pedestrian traffic from vehicles manoeuvring within the forecourt area.
32. Car parking spaces are to be provided within the site, as per the approved plans, and comply with AS 2890.1: 2004 and the following requirements:
- a) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - b) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009.
 - c) All car parking spaces are to be line-marked and provided with a hard standing, all weather compacted gravel surface and must be maintained in a satisfactory condition at all times;
 - d) Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.
33. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.
34. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors. Please note this can be achieved by connecting to existing stormwater lines.

BUILDING CONSTRUCTION

35. All building work is to comply with the requirements of the Access to Premises Standard
36. 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.
37. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.

- 38. 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.**
- 39. 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.**
- 40. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-**
- a) Demolition work is not be undertaken until:
Council has been provided with a copy of any required Hazardous Substances Management Plan;
The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;**
 - b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001**
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;**
 - d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.**
- 41. 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.
- 42. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa
 - 43. If the work involved in the erection/demolition of the building;
 - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place
 - 44. A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
 - 45. The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.
 - 46. 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.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- 47. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
- 48. All car parking and associated forecourt works are to be completed prior to occupation of the development.
- 49. 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.

The motion was carried with Councillors voting unanimously.

6.3.2 DA0152/2015 – PROPOSED STAGED 135 LOT LOW DENSITY SUBDIVISION – LOT 1 DP 1000182 – 220 ULAN ROAD MUDGEE

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.3.2 as he is the owner of the property, left the meeting at 6.12pm and did not participate in any discussion or vote in relation to this matter. In his absence, the Deputy Mayor assumed the Chair.

GOV400038, DA0152/2015

542/14 MOTION: Walker / Weatherley

That:

- 1. the report by the Town Planner on Development Application 0152/2015 – Proposed Staged 135 Lot Low Density subdivision – Lot 1 DP 1000182 – 220 Ulan Road Mudgee be received;**
- 2. Development Application 0152/2015 – Proposed Staged 135 Lot Low Density subdivision – Lot 1 DP 1000182 – 220 Ulan Road Mudgee be approved subject to the following conditions:**

APPROVED PLANS

- 1. Development is to be carried out generally in accordance with stamped plans**
 - Drawing Number 22225-C00 Cover Sheet**
 - Drawing Number 22225-C01 Existing Site Plan**
 - Drawing Number 22225-C02 Proposed Lot Plan**
 - Drawing Number 22225-C03 Proposed Staging Plan**
 - Drawing Number 22225-C04 Proposed Services Plan - Sewer**
 - Drawing Number 22225-C05 Proposed Services Plan - Water**
 - Drawing Number 22225-C06 Proposed Services Plan - Stormwater**

and the Application received by Council on 4 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.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – CIVIL

- 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: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered).

3. Demonstration through provision of an Engagement Letter that the Subdivision has been registered with Telstra Smart Communities prior to issue of the Construction Certificate.
4. 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) 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.
5. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
6. A Construction Certificate is required for, but not limited to, the following civil works;
 - Water and sewer main infrastructure
 - Stormwater drainage such as inter-allotment drainage, detention basins,
 - Road construction
 - Footpath and kerb & gutter
 - Landscaping of public reservesNote: No works can commence prior to the issue of the Construction Certificate.
7. 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 prior to the issue of a *Construction Certificate*.
8. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a *Construction Certificate*. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

9. Where the development requires access to private land, the developer shall provide Council with documentary evidence that an agreement has been entered into with the landholder prior to issue of a Construction Certificate. If utilities are to be located within the private land, an easement is to be created prior to release of the Construction Certificate.
10. 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.
11. Confirmation from Mudgee Local Aboriginal Land Council is to be provided stating that the identified aboriginal camp site has been contained wholly within proposed lot 26 prior to the issue of Construction certificate for stage 1.

Any registered easements or restrictions applicable to the site are to be removed from the title prior to the issue of a construction certificate for that stage to which the easement or restriction may apply.

PRIOR TO THE COMMENCEMENT OF WORKS

13. A Traffic Control Plan (TCP) completed by a "Certified Person" for the implementation during works is to be submitted to Mid Western Regional Council prior to any work commencing
14. Contractor's public liability 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. Public Liability Insurance is to include Mid-Western Regional Council as an interested party and a copy of the insurance policy including the Certificate of Currency is to be provided to Mid Western Regional Council prior to the commencement of work. All work is to be at no cost to Council.
15. 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.

16. Prior to commencement of works, the submission of possible street/road names in order of preference, for the proposed new roads within the subdivision, are to be submitted to Council for approval.
17. 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.
18. 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.
19. Prior to the commencement of subdivision works, the following actions are to be carried out;
 - A site supervisor is to be nominated by the applicant;
 - Council is to be provided with two (2) days notice of works commencing.

INFRASTRUCTURE

Stormwater Drainage

20. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Runoff (2001) 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.
21. The trunk drainage system must be designed such that discharge from the subdivision satisfies the following water quality targets:
Post Development Stormwater Pollution Reduction Targets

 - Total Suspended Solids (TSS) – 85% reduction of the typical annual load
 - Total Phosphorus (TP) – 65% reduction of the typical annual load
 - Total Nitrogen (TN) – 45% reduction of the typical annual load
 - 90% of gross pollutant loads, oil and grease retained on-site

Note: Results from MUSIC modelling or equivalent shall be supplied with Construction Certificate Issue plans demonstrating that the design meets the above criteria.
22. All internal roads shall comprise roll back concrete kerb and gutter. Sub-surface drainage is required where gutter flows

exceed 2.5m width during minor events (1 in 5yr ARI). If required, sub-surface drainage shall be located behind the kerb.

23. Interallotment drainage is to be provided to remove stormwater from any lots 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.
24. One (1) roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of the installation of the kerb and gutter.
25. 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.
26. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

ROADS

27. The intersection of the new road within the subdivision and the Ulan Road is to be designed and constructed to comprise;
 - A full length Rural Channelised T-junction – Full length (CHR) is to be provided in accordance with Figure 7.7 of *Austrroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalled and Signalled Intersections and RMS Supplements*;
 - A Rural Auxiliary Left Turn Lane Treatment (AUL) on the major road is to be provided in accordance with Figure 8.4 of *Austrroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalled and Signalled Intersections and RMS Supplements*;
 - All existing and proposed utility services shall be located clear of existing road pavements.
28. All internal roads within the subdivision must be designed and constructed to the following standards:

Road 1 and 2

Item	Requirement
Full Road Pavement Width	13 m (2 x 3.5m travel lanes and 2 x 3m sealed shoulders/parallel parking lanes)
Nature Strip	2 x 4.5m
Concrete Footpaths	2.5m Wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required

Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb

Road 5, 6 and 8

Item	Requirement
Full Road Pavement Width	11 m (2 x 3.5m travel lanes and 2 x 2m sealed shoulders)
Nature Strip	2 x 4.5m
Concrete Footpaths	1.2m Wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb

Road 3, 4, 9, 10 and 14

Item	Requirement
Full Road Pavement Width	8m (2 x 4m travel lanes)
Nature Strip	2 x 4m
Concrete Footpaths	Nil
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb

Road 7, 11, 12 and 13

Item	Requirement
Full Road Pavement Width	9 m (2 x 3.5m travel lanes with 2x1m sealed shoulders)
Nature Strip	2 x 4.5m
Concrete Footpaths	1.2m
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb

29. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.
30. All electrical, telecommunication and water service crossings are to be perpendicular to the road centreline and performed prior to the addition of the base course and installation of kerb and gutter.

31. All stormwater, water and sewer main infrastructure road crossings must be installed prior to the addition of the base course and installation of kerb and gutter.
32. All water mains and associated fittings/valves should not be installed underneath a concrete structure such as the footpath.
33. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
34. 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.
35. All internal roads must be designed with design speed of 60km/hr.
36. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
37. A Give Way sign is required to be installed on the internal subdivision road at the junction with Ulan Road.
38. 50km/hr speed restriction signs, duplicated both sides of the road, are to be installed on Road 1 at the entry to the subdivision. These signs must also indicate 80km/hr for traffic leaving the subdivision.
39. The proposed internal road network should have sufficient width to accommodate the turning paths for service vehicles (e.g. rubbish collection and removalist vehicles). Particular attention should be given to cul de sac finishing points.

WATER AND SEWER

40. An application for a Compliance Certificate under the *Water Management Act, 2000* is to be submitted to Council as the Water Supply Authority and approved prior to the issue of a Subdivision Certificate for each stage of the development.

Note: This will include (but is not limited to) the requirement to alter and extend services, upgrade and install ancillary infrastructure such as sewer pump stations and the payment of section 64 developer contributions.

41. Three metre wide easements, including associated Section 88B of the Conveyancing Act 1919 instruments, are to be created in favour of Council over any existing or newly constructed water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

Note: where an easement is proposed over private land for the purpose of servicing this subdivision, Council will require

evidence that the easement has been created prior to release of the Construction Certificate.

42. The proposed sewer pump station to be located on proposed lot 103 is to be constructed above the probable maximum flood level. Details to be provided with the relevant Construction Certificate stage.

EARTHWORKS

43. 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.

Contributions and other charges

44. In accordance with the provisions of s.94 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Developer Contributions Plan, the developer will contribute a contribution per lot of \$6,737.00 (excluding house lot). The contributions are to be paid at the lodgement of the Subdivision Certificate for each stage.

Catchment 2

Section 94 Contributions

Transport Management	
Traffic Management	\$1196.00
Open Space	
Local Open Space	\$1878.00
District Open Space	\$2549.00
Community Facilities	
Library Buildings	\$246.00
Library Resources	\$295.00
Administration	
Plan Administration	\$573.00
Total per lot	\$6737.00

NOTE: Developer Contributions and all other fees and charges are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Development Department regarding any adjustments.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

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

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

46. 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.
47. 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 an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - (b) A letter from Telstra indicating that they accept acquisition of the infrastructure provision of telecommunication services to the subdivision.
48. 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; be paid to Council in accordance with this condition for the purpose of:
 - 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.
49. Following completion of all engineering works, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council for a twenty four month (24) period to ensure that any defects in such works are remedied by the developer.

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.

50. 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 (24) month period, less the estimated cost of any outstanding works.

51. 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.

GENERAL

52. The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
- (a) Installation of sediment and erosion control measures
 - (b) Water and sewer line installation prior to backfilling
 - (c) Establishment of line and level for kerb and gutter placement
 - (d) Road pavement construction
 - (e) Road pavement surfacing
 - (f) Practical completion

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.

53. If the Subdivision Certificate is not issued within the financial year of the date of determination, then the charges and contributions contained in this consent will be increased by CPI at the time of payment.
54. 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 2.2.3 of AS2870 - 1996. Results are to be submitted to Council prior to issue of the *Subdivision Certificate*.
55. The development is to be provided with completed drainage, pollution traps and open space areas as detailed in the approved landscape plans for each stage of the development. Any drainage or open space area within or adjacent to a stage is to be completed prior to the release of the *Subdivision Certificate* for that stage.
56. Street trees are required at a rate of two (2) trees per lot and are to be planted prior to the issue of the *Subdivision Certificate*. The trees are to be semi- mature and barricaded for protection
57. All open space areas are to be levelled, top soiled, turfed with the installation of an in ground irrigation system prior to the release of the *Subdivision Certificate*. The developer will maintain these areas for a period of two (2) years from the release of the *Subdivision Certificate*.
58. A shared Pedestrian/bicycle path is to be provided from the new entrance to the Southern boundary on Ulan Road. Engineering

- details of the access are to be provided with the construction certificate documentation for stage 3. The access is to be completed prior to the issue of subdivision certificate for stage 3.
59. An acoustic assessment be prepared by a qualified acoustic engineer and that any recommendations arising from the report be required to be implemented during construction.
 60. A Restriction as to User is to be registered on the title of proposed lots 37, 39, 40, 41, 42, 43, 44, 45, 60, 63, 69 and 70 stating that no direct access to Ulan Road is permitted.
 61. The landscaped buffer along Ulan Road is to be extensively landscaped to provide a visual separation between Ulan Road and the subdivision. The landscaping is to incorporate both low and high growing species. Landscaped plans are to be submitted with the Stage 1 Construction Certificate and works completed prior to the issue of subdivision certificate for stage 1.
 62. A detailed contamination site investigation is to be undertaken of the diesel tank and included with the construction certificate documentation for Stage 4. Any remediation measures included in the assessment must be completed prior to the issue of subdivision certificate for stage 4.
 63. A Restriction as to User is to be placed on proposed lots 40 to 45 inclusive restricting further subdivision of the land to assist in preserving the rural amenity of the northern gateway entrance into Mudgee.
 64. Proposed lot 103 (detention basin) is to incorporate a passive recreation area in accordance with the provisions of Mid-Western Regional Development Control Plan 2013. Details of this are to be provided with the construction certificate documentation for stage 1. The recreation area is to be completed to the satisfaction of Council prior to the issue of subdivision certificate for stage 5.
 65. The existing shed is to be lawfully demolished prior to the issue of subdivision certificate for stage 4.

AMENDMENT: Thompson / Martens

That:

1. the report by the Town Planner on Development Application 0152/2015 – Proposed Staged 135 Lot Low Density subdivision – Lot 1 DP 1000182 – 220 Ulan Road Mudgee be received;
2. Development Application 0152/2015 – Proposed Staged 135 Lot Low Density subdivision – Lot 1 DP 1000182 – 220 Ulan Road Mudgee be deferred until after the investigation into this Council is complete.

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		✓

Councillor Thompson left the meeting at 6.44pm.

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

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

Councillors Thompson and Kennedy returned to the meeting at 6.45pm and Councillor Kennedy assumed the Chair.

6.3.20 KANDOS BICENTENNIAL INDUSTRIAL MUSEUM – PROPERTY TRANSFER

GOV400038, P1553611, A0360015

543/14 MOTION: Shelley / Walker

That item 6.2.20 be brought forward on the meeting agenda to be dealt with by Council immediately.

The motion was carried with Councillors voting unanimously.

544/14 MOTION: Shelley / Cavalier

That:

- 1. the report by the Director, Community on the Kandos Bicentennial Industrial Museum Property Transfer be received;**
- 2. Council note the submissions received in relation to the property transfer to the Kandos Bicentennial Industrial Museum Incorporated Association;**
- 3. Council transfer the possession of the real property of the Kandos Bicentennial Industrial Museum (being 20-24 Buchanan Street Kandos L9 L10 & L11 Sec 1 DP816), land, buildings,**

- contents and collection to the Kandos Bicentennial Industrial Museum Incorporated Association;**
- 4. the General Manager be authorised to exercise delegated authority to deal with matters arising out of the transfer process so as to ensure continuous and smooth running of the transfer process;**
 - 5. the General Manager be authorised to execute any contract documents on behalf of Council in relation to the property transfer;**
 - 6. the Common Seal of Council be affixed to all documentation necessary to facilitate the transfer;**
 - 7. Council provide \$15,000 per annum in financial support for a period of three years to the Kandos Bicentennial Industrial Museum Incorporated Association;**
 - 8. Council provide financial assistance to cover land rates for a period of three years, from 2015/16 to 2017/18, to the Kandos Bicentennial Industrial Museum Incorporated Association;**
 - 9. Council meet the cost of insurances for the Kandos Bicentennial Industrial Museum Incorporated Association to the maximum cost of \$6,600 per year for three years;**
 - 10. the Operational Plan 2014/15 be amended to increase the Kandos Bicentennial Industrial Museum operating budget by \$5,000 funded from unrestricted general fund cash.**

AMENDMENT: Martens / Thompson

That:

1. the report by the Director, Community on the Kandos Bicentennial Industrial Museum Property Transfer be received;
2. Council note the submissions received in relation to the property transfer to the Kandos Bicentennial Industrial Museum Incorporated Association;
3. Council lease the building for three years to the Incorporated Association at a nominal charge of \$1 per year;
4. Council provide \$15,000 per annum in financial support for a period of three years to the Kandos Bicentennial Industrial Museum Incorporated Association;
5. Council provide financial assistance to cover land rates for a period of three years, from 2015/16 to 2017/18, to the Kandos Bicentennial Industrial Museum Incorporated Association;

6. Council meet the cost of insurances for the Kandos Bicentennial Industrial Museum Incorporated Association to the maximum cost of \$6,600 per year for three years;
7. the Operational Plan 2014/15 be amended to increase the Kandos Bicentennial Industrial Museum operating budget by \$5,000 funded from unrestricted general fund cash.

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	✓	

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	✓	

6.3.3 DA0146/2015, TWO STOREY DWELLING, DETACHED SHED WITH TEMPORARY RESIDENTIAL OCCUPATION AND ASSOCIATED RETAINING WALLS - 4A AVISFORD COURT MUDGEES NSW 2850

GOV400038, DA0146/2015

545/14

MOTION: Cavalier / Weatherley

That:

1. the report by the Senior Health and Building Surveyor on the DA0146/2015, Two Storey Dwelling, Detached Shed with Temporary Occupation and associated Retaining Walls at Lot 201 DP1200562 4A Avisford Court MUDGEES NSW 2850 be received;
2. the restriction on the use of land referred to as 'R' on DP1200562 be varied for the purposes of this development application.

3. DA0146/2015, Two Storey Dwelling, Detached Shed with Temporary Occupation and associated Retaining Walls at Lot 201 DP1200562 4A Avisford Court MUDGEES be approved subject to the following conditions;

APPROVED PLANS

1. The development is to be carried out in accordance with the approved stamped plans, except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

Plan / Supporting Document	Reference	Prepared by	Date
Amended Architectural Plans	Project No. 102.14 Dwg No's 1-12 of 12	Preferred Design and Drafting	Issue 'D' dated 1 December 2014
BASIX Certificate	548548S	Preferred Design and Drafting	22 August 2014
Amended SOEE	4A Avisford Court Mudgee	Preferred Design and Drafting	December 2014

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

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE - BUILDING

3. 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.
4. The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) 19 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for the Dwelling Construction Certificate demonstrating compliance with this requirement and are to include the provision of gutter guarding to the lower level gutters and valleys.
Please note: Compliance with the requirements of Planning for Bush Fire Protection 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.
5. Amended plans are to be provided to the PCA confirming that surface waters from the driveway will be collected and discharged into Council's infrastructure without being directed onto the adjoining property.

PRIOR TO THE COMMENCEMENT OF WORKS - BUILDING

6. **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 the date on which work will commence.**
 - b) **Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.**
7. **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

8. **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.**
9. **With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Act 1979 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.**
10. **If the work involved in the erection/demolition of the building;**
 - a) **is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place**
 - b) **A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.**
11. **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.

12. 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;

BUILDING CONSTRUCTION

12. 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.
13. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
14. Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
15. 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.
16. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
 - a) the method of protection; and
 - b) the date of installation of the system; and
 - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - d) the need to maintain and inspect the system on a regular basis.
17. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa
18. The requirements of BASIX Certificate number 548548S issued on 22 August 2014 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration

to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s

19. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors.
20. 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.
21. Fill material shall not raise the existing surface level within the dedicated easement/s.
22. Temporary occupation of the detached shed is granted for a period of 6 months commencing from completion of the shed. After this time the shed is to be converted back to a non-habitable building by the removal of kitchen facilities.
24. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the subdivision works including the erection of any fences or hoardings.
25. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.

PROPERTY ACCESS

26. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and Council's "Access to Properties Policy.

Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice.

Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

27. 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.
28. The private water supply system is to be provided by way of a boosted domestic supply from a feeder tank that is fed from

Council's main at the available pressure. There is to be no booster between the water meter connection and the feeder tank.

Note: the owner is to be aware that the existing water pressure available to supply the dwelling at the proposed AHD levels cannot be guaranteed.

29. Where a sewer manhole exists within a property, access to the manhole shall be made available at all times. Before during and after construction, the sewer manhole must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

30. 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.
31. All batters, terraces or unprotected embankments must be regenerated with turf or landscape plantings prior to the issue of an Occupation Certificate. Surface waters are not to be redirected onto adjoining properties.

GENERAL

32. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.

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		✓

6.3.4 DA 0183/2015 – AMENITIES BUILDING – LOT 1 DP 737226,
1858 CUDGEGONG ROAD, CUDGEGONG

GOV400038, DA0183/2015

546/14

MOTION: Shelley / Martens

That:

1. the report by the Town Planner on Development Application 0183/2015 – Amenities building – Lot 1 DP 737226, 1858 Cudgegong Road, Cudgegong be received;
2. Development Application 0183/2015 – Amenities building at Cudgegong Waters Caravan Park – Lot 1 DP 737226 at 1858 Cudgegong Road, Cudgegong be approved subject to the following conditions:

APPROVED PLAN CONDITIONS

1. Development is to be carried out generally in accordance with stamped plans.

Plan Title	Plan Reference	Prepared by	Date
Site Plan	Not stated	MWRC	Printed 28/11/14
Floor and Roof Plan	Project 4101 Sheet A101 Rev B	Sara Buhl	27/11/14
Elevations	Project 4101 Sheet A102 Rev B	Sara Buhl	27/11/14
Section	Project 4101 Sheet A104 Rev B	Sara Buhl	27/11/14

and the Application received by Council on 02/12/2014 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.

PRIOR TO COMMENCEMENT OF WORKS

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 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.**
5. **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.**
6. **Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 for drainage and connection to the On Site Sewer Management System is to be obtained from Mid Western Regional Council.**

CONSTRUCTION WORK

7. **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.**
8. **All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.**
9. **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.
10. **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.**
11. **The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.**
12. **All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect adjoining buildings.**
13. **This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.**

14. All building work is to comply with the requirements of the Access to Premises Standard.
15. 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.

PRIOR TO ISSUE OF 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.

16. 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.

The motion was carried with Councillors voting unanimously.

6.3.5 MA0021/2015 (DA0341/2014) – PROPOSED USE OF FOUR ACCOMMODATION CABINS FOR TOURIST AND VISITOR ACCOMMODATION – LOT 2 DP871401, 939 HENRY LAWSON DRIVE, EURUNDEREE

Councillor Thompson declared a non-pecuniary conflict of interest in Item 6.3.5 as he has an association with the Gulgong Race Club, left the meeting at 7.08pm and did not participate in any discussion or vote in relation to this matter.

GOV400038, MA0021/2015

547/14 MOTION: Walker / Weatherley

That:

1. the report by the Town Planner on MA0021/2015 (DA0341/2014) – Proposed Use of Four Accommodation Cabins for Tourist and Visitor Accommodation – Lot 2 DP871401, 939 Henry Lawson Drive, Eurunderee be received;
2. MA0021/2015 (DA0341/2014) – Proposed Use of Four Accommodation Cabins for Tourist and Visitor Accommodation – Lot 2 DP871401, 939 Henry Lawson Drive, Eurunderee be approved as a Deferred Commencement Consent and the following conditions:

DEFERRED COMMENCEMENT CONDITION/S

- A. The applicant is to apply for and obtain individual Building Certificates issued under the Environmental Planning and Assessment Act, 1979 for each of the four accommodation units.

(Note: The fee to issue a Building Certificate is set out in Council's Fees and Charges)

- B. An Approval to operate issued under Section 68 of the Local Government Act 1993 for the onsite sewage management facility is to be obtained from Council.

These are deferred commencement conditions in accordance with Section 80(3) of the Environmental Planning and Assessment Act 1979 and this consent shall not operate until it has been complied with to the satisfaction of Council.

These conditions are to be complied with within six (6) months of the date of determination.

APPROVED PLANS

1. Development is to be carried out generally in accordance with the document titled "Submission for S.82A application – Tourist and Visitor Accommodation – Revised Proposal dated July 2014" and Revised plan Drawing Number 21040-GIO1 Revision B dated 2 July 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.
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: A suitably qualified person is required to be present during earthworks to identify

PROPERTY ACCESS

3. Deleted vide MA0021/2015
4. Deleted vide MA0021/2015
5. The right of carriageway is to be upgraded to a sealed road from the point of the internal access road from the subject site intersecting with the right of carriageway to the 2 cabins at the rear of the site to reduce nuisances associated with increased traffic movements. Details of the design, location and proposed sealing treatment are to be provided to Council for approval prior to works commencing.

GENERAL

6. 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.
7. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
8. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, traffic generation or otherwise as a result of the proposed development.
9. The accommodation units are to be used for short stay visitor accommodation only (not Temporary Workers Accommodation or Multi Unit Dwelling for permanent accommodation). Occupants are limited to a maximum stay of 12 weeks.
10. A Certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the development is to be submitted to Council prior to the issue of the Occupation Certificate.
11. An Occupation Certificate is to be obtained for all of the buildings prior to the use of the buildings for tourist and visitor accommodation purposes.
12. Accommodation building no.1 as shown on the Approved Plan is to be removed prior to the issue of Occupation Certificate.

SIGNAGE

13. Any signage proposed on the site to identify the Tourist and Visitor accommodation is subject to a separate Development Application.

AMENDMENT: Webb / Martens

That:

1. the report by the Town Planner on MA0021/2015 (DA0341/2014) – Proposed Use of Four Accommodation Cabins for Tourist and Visitor Accommodation – Lot 2 DP871401, 939 Henry Lawson Drive, Eurunderee be received;
2. MA0021/2015 (DA0341/2014) – Proposed Use of Four Accommodation Cabins for Tourist and Visitor Accommodation – Lot 2 DP871401, 939 Henry Lawson Drive, Eurunderee be approved as a Deferred Commencement Consent and the following conditions:

DEFERRED COMMENCEMENT CONDITION/S

- A. The applicant is to apply for and obtain individual Building Certificates issued under the Environmental Planning and Assessment Act, 1979 for each of the four accommodation units.

(Note: The fee to issue a Building Certificate is set out in Council's Fees and Charges)

- B. An Approval to operate issued under Section 68 of the Local Government Act 1993 for the onsite sewage management facility is to be obtained from Council.

These are deferred commencement conditions in accordance with Section 80(3) of the Environmental Planning and Assessment Act 1979 and this consent shall not operate until it has been complied with to the satisfaction of Council.

These conditions are to be complied with within six (6) months of the date of determination.

APPROVED PLANS

1. Development is to be carried out generally in accordance with the document titled "Submission for S.82A application – Tourist and Visitor Accommodation – Revised Proposal dated July 2014" and Revised plan Drawing Number 21040-GIO1 Revision B dated 2 July 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.
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: A suitably qualified person is required to be present during earthworks to identify

PROPERTY ACCESS

3. The construction of a new all-weather vehicle access for Units 4 and 5, to be wholly located on Lot 2 DP871401 off Henry Lawson Drive in accordance with the following minimum guidelines;
 - (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'.
- 4. Access to any of the Accommodation units is not to be via the right of carriageway located on Lot 1 DP871401.
- 5. The new access road is to be provided with dust suppression to reduce amenity issues for the adjoining buildings. Details of the design, location and proposed dust suppression method are to be provided to Council for approval prior to works commencing.

GENERAL

- 6. 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.
- 7. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
- 8. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, traffic generation or otherwise as a result of the proposed development.
- 9. The accommodation units are to be used for short stay visitor accommodation only (not Temporary Workers Accommodation or Multi Unit Dwelling for permanent accommodation). Occupants are limited to a maximum stay of 12 weeks.
- 10. A Certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the development is to be submitted to Council prior to the issue of the Occupation Certificate.
- 11. An Occupation Certificate is to be obtained for all of the buildings prior to the use of the buildings for tourist and visitor accommodation purposes.
- 12. Accommodation building no.1 as shown on the Approved Plan is to be removed prior to the issue of Occupation Certificate.

SIGNAGE

- 13. Any signage proposed on the site to identify the Tourist and Visitor accommodation is subject to a separate Development Application.

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

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

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

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

Councillor Thompson returned to the meeting at 7.14pm.

6.3.6 MID-WESTERN DEVELOPMENT CONTROL PLAN 2014 - AMENDMENT NO.2

GOV400038, LAN900014

548/14

MOTION: Shelley / Cavalier

That:

- 1. the report by the Acting Director, Development on the Mid-Western Development Control Plan 2014 -Amendment No.2 be received;**
- 2. that the Mid-Western Development Control Plan be adopted and that an advertisement be place in the local paper for commencement of the Development Control Plan in accordance with the requirements of the Environmental Planning and Assessment Act.**

The motion was carried with Councillors voting unanimously.

6.3.7 PLANNING PROPOSAL – SMALL LOT AVIATION/RESIDENTIAL SUBDIVISION ASSOCIATED WITH AIRPORT – LOT 63 DP 18063, GEORGE CAMPBELL DRIVE

GOV400038, LAN900050

549/14

MOTION: Cavalier / Weatherley

That:

- 1. the report by the Manager Strategic Planning on the Planning Proposal – Small lot aviation/residential subdivision associated with Airport – Lot 63 DP 18063, George Campbell Drive be received;**
- 2. Council support in principle the intent of the Planning Proposal with an additional requirement that the site be zoned SP2 Infrastructure which will ensure that residential development will only be permissible where it can be demonstrated that it occurs in association with a hanger or aviation-related development; and**
- 3. the Planning Proposal be forwarded to the Department of Planning and Environment Gateway for determination**

The motion was carried with Councillors voting unanimously.

6.3.8 PLANNING PROPOSAL – CHANGE TO MINIMUM LOT SIZE IN BROADHEAD ROAD

GOV400038, LAN900049

550/14 MOTION: Walker / Thompson

That:

- 1. the report by the Manager Strategic Planning on the Planning Proposal – Change to Minimum Lot Size in Broadhead Road be received;**
- 2. Council approve the Planning Proposal to amend the Minimum Lot Size to 2,000m² for Lot 9 DP 1150667, Broadhead Road Mudgee;**
- 3. the Planning Proposal be forwarded to the Department of Planning and Environment Gateway for determination.**

The motion was carried with Councillors voting unanimously.

6.3.9 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

GOV400038

551/14 MOTION: Cavalier / Shelley

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

The motion was carried with Councillors voting unanimously.

6.3.10 MONTHLY STATEMENT OF INVESTMENTS AND BANK BALANCES AS AT 30 NOVEMBER 2014

GOV400038, A0140304

552/14 MOTION: Cavalier / Weatherley**That:**

- 1. the report by the Manager Finance on the Monthly statement of investments and bank balances as at 30 November 2014 be received;**
- 2. the certification of the Responsible Accounting Officer be noted.**

The motion was carried with Councillors voting unanimously.

6.3.11 FINANCIAL ASSISTANCE APPLICATIONS

GOV400038, A0140201

553/14 MOTION: Shelley / Cavalier**That:**

- 1. the report by the Financial Accountant on the Financial Assistance Applications be received;**
- 2. Council provide a donation of \$500 to the Rylstone Uniting Church 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.

6.3.12 CLASSIFICATION OF LAND – LOT 1 DP 1199604 & LOT 10 DP 1199604 DRAINAGE RESERVES AT 42 MELTON ROAD AND 9A HUGHSON AVENUE MUDGEE

GOV400038, P2301711, P2302711

554/14 MOTION: Cavalier / Webb**That:**

- 1. the report by the Revenue & Property Manager on the Classification of land – Lot 1 DP 1199604 & Lot 10 DP 1199604 Drainage Reserves at 42 Melton Road and 9A Hughson Avenue Mudgee be received;**
- 2. Council notify the public of its intention to classify Lot 1 DP 1199604 and Lot 10 DP 1199604 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.

6.3.13 NAMING OF A PARK OFF DOUG GUDGEON DRIVE IN MUDGEE

GOV400038, PAR300020, P2215711

555/14 MOTION: Weatherley / Webb**That:**

- 1. the report by the Revenue & Property Manager on the Naming of a Park off Doug Gudgeon Drive in Mudgee be received;**
- 2. Council supports the name of Norm King Park.**

The motion was carried with Councillors voting unanimously.

Councillor Walker declared a non-pecuniary conflict of interest in Item 6.3.15 as he is the owner of the land, left the meeting at 7.22pm and did not participate in any discussion or vote in relation to this matter.

6.3.14 NAMING OF THE STREET IN THE SOUTHERN HEIGHTS ESTATE SUBDIVISION

GOV400038, R0790141, P0586811

556/14 MOTION: Shelley / Thompson**That:**

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

The motion was carried with Councillors voting unanimously.

6.3.15 NAMING OF THE NEW STREETS IN THE RIVERSIDE ESTATE SUBDIVISION

GOV400038, R0790141

557/14 MOTION: Thompson / Martens**That:**

- 1. the report by the Revenue & Property Manager on the Naming of the new streets in the Riverside Estate subdivision be received;**
- 2. Council formally approve the name of Loy Avenue and Costigan Court for the new streets in the Riverside Estate subdivision.**

The motion was carried with Councillors voting unanimously.

Councillor Walker returned to the meeting at 7.23 pm.

6.3.16 NAMING OF A PLANNED PARK IN CAERLEON ESTATE SUBDIVISION

GOV400038, PAR300020, P2230211

558/14 MOTION: Shelley / Cavalier**That:**

- 1. the report by the Revenue & Property Manager on the Caerleon Estate subdivision be received;**
- 2. Council support the name of Caerleon Park.**

The motion was carried with Councillors voting unanimously.

6.3.17 NAMING OF A PARK IN HARGRAVES

GOV400038, PAR300020, P2022011

559/14 MOTION: Shelley / Cavalier**That:**

- 1. the report by the Revenue & Property Manager on the Naming of a Park in Hargraves be received;**
- 2. Council support the name of Pioneer Park.**

The motion was carried with Councillors voting unanimously.

6.3.18 NAMING OF A PARK IN RYLSTONE

GOV400038, PAR300020, P1466411

560/14 MOTION: Shelley / Cavalier**That:**

- 1. the report by the Revenue & Property Manager on the Naming of a Park in Rylstone be received;**
- 2. Council support the name of Rylstone Rotary Park.**

The motion was carried with Councillors voting unanimously.

6.3.19 ADDITIONAL SUPPLIER –GENERAL CONTRACTORS AND ADDITIONAL SUPPLIER –NOXIOUS WEED SPRAYING

GOV400038, A0411304, COR400049

561/14 MOTION: Thompson / Webb**That:**

- 1. the report by the Procurement Manager on the Additional Supplier – General Contractor and Additional Supplier – Noxious Weed Spraying be received;**

2. Council accepts the additional supplier for the provision of General Contractors;

Contractor: Jungle Mowing
Services Provided: Lawn mowing, heavy duty brush cutting and associated services.

3. Council accepts the additional supplier for the provision of Noxious Weeds Spraying.

Contractor: MJ & S NAISMITH
Services Provided: Noxious Weed Spraying

The motion was carried with Councillors voting unanimously.

6.3.21 MUDGEE TOWN HALL CINEMA 2014 ACTIVITY REPORT

GOV400038, REC800016

562/14

MOTION: Shelley / Martens

That:

1. the report by the Manager, Community Services on the Mudgee Town Hall Cinema 2014 Activity Report be received;
2. that the significant community patronage, fundraising activity and Rotary volunteer contribution be noted by Council;
3. that a letter be written to both Mudgee Rotary organisations on behalf of the community thanking them for their volunteer efforts with the Mudgee Town Hall Cinema partnership.

The Mayor congratulated the Rotary Clubs and Council staff for their efforts in relation to the Mudgee Town Hall Cinema.

The motion was carried with Councillors voting unanimously.

6.3.22 HOME MODIFICATIONS – SERVICE PROVIDER PANE

GOV400038

563/14

MOTION: Shelley / Martens

That:

1. the report by the Manager, Community Services on the Home Modification, Service Provider Panel be received;
2. Council accepts the Service Provider Panel for Home Modifications in accordance with clause 178 of the Local Government (General) Regulation 2005 as listed below.

Provider: John W Campbell

Services provided: Home modification and maintenance work
Provider: Eclipse Electrical
Services provided: Home modification and maintenance work

3. **Council allow further service providers to be accepted to the panel in the future on approval.**

The motion was carried with Councillors voting unanimously.

6.3.23 NEVELLS RD CLANDULLA

GOV400038, R9041001

564/14 MOTION: Walker / Cavalier

That:

1. **the report by the Senior Works Engineer on Nevells Rd Clandulla be received;**
2. **Council continue to maintain 4.5km of Nevells Rd Clandulla.**

The motion was carried with Councillors voting unanimously.

6.3.24 RURAL FIRE SERVICE HEAD QUARTERS AND MUSEUM

GOV400038, A0150046, REC800003

565/14 MOTION: Webb / Cavalier

That:

1. **the report by the Business Manager Plant & Facilities on the Rural Fire Service Head Quarters and Museum be received;**
2. **Council approve in principle to allocate 7,100 square metres of land at the Mudgee Airport to be utilised for the new Rural Fire Service Head Quarters and Museum.**
3. **The General Manager be authorised to continue negotiations with the Rural Fire Service in order to subdivide the necessary 7100sm of land and negotiate an agreement for the timing, design and funding of the Rural Fire Service head quarters and museum at Mudgee.**

The motion was carried with Councillors voting unanimously.

6.3.25 NOXIOUS WEEDS ADVISORY COMMITTEE

GOV400038, ENV200017

566/14 MOTION: Shelley / Walker

That:

1. **the report by the Noxious Weeds Administrator on the Noxious Weeds Advisory Committee be received;**

2. that a letter be sent to the Minister Katrina Hodgkinson with copies to Troy Grant MP, Andrew Gee MP and the Natural Resources Commission, requesting further consideration that it be made compulsory for a Section 64 Weed Certificate to be attached to the Contract for Sale for the purchase of all rural properties greater than 1 hectare similar to the Section 149 Planning Certificate.

The motion was carried with Councillors voting unanimously.

6.3.26 CULTURAL DEVELOPMENT COMMITTEE MINUTES

GOV400038, A0420172

567/14

MOTION: Shelley / Walker

That:

1. the report by the Manager, Community Services on the Cultural Development Committee Minutes be received;
2. Council note the minutes of the Cultural Development Committee meeting held on 12 November 2014.

The motion was carried with Councillors voting unanimously.

6.3.27 RED HILL RESERVE WORKING PARTY

GOV400038, P0860011

568/14

MOTION: Shelley / Walker

That:

1. the report by the Manager, Health and Building 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 3 November 2014.

The motion was carried with Councillors voting unanimously.

6.3.28 GULGONG SPORTS COUNCIL

GOV400038, A0360003

569/14

MOTION: Shelley / Walker

That:

1. the report by the Director, Operations on the Gulgong Sports Council be received;
2. That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 8 October 2014 be noted.

The motion was carried with Councillors voting unanimously.

6.3.29 MUDGEE & GULGONG ACCESS COMMITTEE MINUTES

GOV400038, A0060008

570/14

MOTION: Shelley / Walker

That:

- 1. the report by the Manager, Community Services on the Mudgee and Gulgong Access Committee Minutes be received;**
- 2. Council note the minutes of the Mudgee & Gulgong Access Committee meeting held on 2 December 2014.**

The motion was carried with Councillors voting unanimously.

6.3.30 TENDER FOR DESIGN AND CONSTRUCT EARLY CHILDHOOD CENTRE – SALEYARDS LANE, MUDGEE

GOV400038, COR400079

571/14

MOTION: Shelley / Cavalier

That:

- 1. the report by the Manager, Health and Building on the Tender for Design and Construct Early Childhood Centre – Saleyards Lane, Mudgee be received;**
- 2. In accordance with clause 178 of the Local Government (General) Regulation 2005, Council accept the tender from Lynch Building Group to design and construct an early childhood centre located at Saleyards Lane, Mudgee at a tendered price of \$842,744.**
- 3. Council authorises the General Manager to finalise and execute the contract on behalf of Council for the design and construction of an Early Childhood Centre, RFT 2014/09;**
- 4. The unsuccessful tenderers be notified that their tender submissions were unsuccessful.**

The motion was carried with Councillors voting unanimously.

6.3.31 TENDER FOR CLEANING SERVICES FOR COUNCIL BUILDINGS IN THE MUDGEE/GULGONG REGION

GOV400038, COR400080

572/14

MOTION: Weatherley / Walker

That:

1. **The report by the Manager, Health and Building on the Tender for Cleaning Services for Council Buildings in the Mudgee/Gulgong Region be received;**
2. **Council not accept any tenders and delegate authority to the General Manager to negotiate with the tenderers as necessary.**

The motion was carried with Councillors voting unanimously.

6.3.32 TENDER 2014-14 GPS EQUIPMENT

GOV400038, COR400084

573/14

MOTION: Walker / Shelley

That:

1. **the report by the Senior Works Engineer on Tender 2014-14 GPS Equipment be received;**
2. **Council accepts Position Partners Pty Ltd tender for the Supply & Installation of Grader GPS Machine Control being tender number 2014-14 and that Council enter into a contract with Position Partners Pty Ltd in accordance with clause 178 of the Local Government (General) Regulation 2005.**
3. **Council authorises the General Manager to finalise and execute the contract on behalf of Council with Position Partners Pty Ltd for tender 2014-14 for the Supply & Installation of Grader GPS Machine Control for the sum of \$255,374.**
4. **Council authorises the General Manager to approve variations to this contract of up to 5% from the tendered amount**
5. **The unsuccessful tenderer(s) be notified that their tenders were unsuccessful.**

The motion was carried with Councillors voting unanimously.

6.3.33 DA0164/2015 – PROPOSED COMMERCIAL ALTERATIONS & ADDITIONS AND BOUNDARY ADJUSTMENT – LOTS 1 & 2 DP732911 AND LOT 1 DP995458 – 6 LEWIS STREET MUDGEE

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.3.2 as he is the owner of the property, left the meeting at 7.29 pm and did not participate in any discussion or vote in relation to this matter. In his absence, the Deputy Mayor assumed the Chair.

GOV400038, DA0164/2015

574/14

MOTION: Shelley / Walker

That consideration of this item be deferred.

The motion was carried with Councillors voting unanimously.

Councillor Kennedy returned to the meeting at 7.30 pm and assumed the Chair.

Item 7: Urgent Business Without Notice

7.1 Reverse Auction Tender for Supply of Electricity to Contestable Sites and Street Lighting

GOV400038, GOR500017

575/14 MOTION: Shelley / Cavalier

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.

576/14 MOTION: Walker / Cavalier

That:

- 1. the report by the Financial Accountant on the reverse auction for supply of electricity to contestable sites and street lighting be received;**
- 2. the tender from ERM Power to supply Council with energy to its contestable sites for a period of 30 months be accepted with contract to commence from 1 July 2015 at an estimated total value of \$421,027 excluding GST**
- 3. the tender from AGL to supply Council with energy for street lighting (Mudgee & Gulgong) for a period of 30 months be accepted with contract to commence from 1 July 2015 at an estimated total value of \$129,855 excluding GST**
- 4. the General Manager be authorised to execute any necessary contract documentation.**

The motion was carried with Councillors voting unanimously.

GOV400038, DEV700015, PER400074

577/14 MOTION: Martens / Cavalier

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.

7.2 General Manager's Delegations in relation to the Demolition of Heritage Buildings

578/14 MOTION: Martens / Cavalier

That the General Manager's delegation be amended to delete the demolition of heritage listed buildings.

The motion was carried with Councillors voting unanimously.

Item 8: Confidential Session

579/14 MOTION: Cavalier / Martens

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: Sale of land to recover overdue rates and charges – chapter 17, part 2, division 5, section 713 of the Local Government Act

The reason for dealing with this matter confidentially is that it relates to the personal hardship of any resident or ratepayer, in accordance with Section 10A(2) (b) of the Local Government Act.

Subject: General Manager's Performance Agreement 2014/15

The reason for dealing with this matter confidentially is that it relates to personnel matters concerning particular individuals (other than councillors) 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 carried with Councillors voting unanimously.

8.1.1 Sale Of Land To Recover Overdue Rates And Charges – Chapter 17, Part 2,
Division 5, Section 713 Of The Local Government Act 1993

GOV400038, A0340011, RAT700040

580/14

MOTION: Walker / Cavalier

That:

1. the report by the Revenue & Property Manager on the sale of land to recover overdue Rates And Charges be received;
2. Council agree to sell under Chapter 17, Part 2, Division 5, Section 713 of the Local Government Act 1993, the lands held under the following Property Numbers: 4196, 5294, 6387, 10390, 13024, 13159, 13846, 14426, 14427, 18861, 19972, 19979;
3. Council approve Saturday 9 May 2015, as the date for the Auction;
4. the General Manager be authorised to appoint an Auctioneer and determine the time and venue for the Auction on 9 May 2015;
5. the General Manager be authorised to arrange the publication of the mandatory advertisement;
6. the General Manager be authorised to exercise delegated authority to deal with matters arising out of the sale process so as to ensure continuous and smooth running of the Sale process;
7. the General Manager be authorised to determine any reserve prices;
8. the General Manager be authorised to negotiate the sale of any property that fails to sell at the Auction on 9 May 2015 by private treaty;
9. the General Manager be authorised to consider arrangements for payment of rates and charges and to withdraw properties from the Auction where satisfactory arrangements have been accepted or where a property no longer meets the requirements under Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act 1993;
10. the General Manager be authorised to execute the contract documents on behalf of Council in relation to all properties that are sold at the Auction on 9 May 2015;
11. the General Manager be authorised to take such action (including court proceedings if necessary) as may reasonably be required to give vacant possession of any properties sold at the Auction on 9 May 2015;
12. the General Manager and Mayor be authorised to sign all documentation necessary to facilitate the processes under

Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act 1993;

- 13. the Common Seal of Council be affixed to all documentation necessary to facilitate the processes under Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act 1993;**
- 14. Council appoint Mr Stephen Flynn of Flynn's Solicitors as Council's legal representative in this matter.**

The motion was carried with Councillors voting unanimously.

8.1.2 General Manager's Performance Agreement 2014 -2015

GOV400038, A0381418

581/14**MOTION: Walker / Webb****That:**

- 1. the report by the General Manager on the General Manager's Performance Agreement 2014 -2015 be received;**
- 2. Council adopts the attached General Manager's Performance Agreement for the Financial Year 2014/2015.**

The motion was carried with Councillors voting unanimously.

Item 9: Open Council**582/14****MOTION: Martens / Cavalier****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 7.37pm.