

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 16 March 2016, commencing at 6.40pm and concluding at 7.16pm.

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

IN ATTENDANCE General Manager (Brad Cam), Director Operations (Daryl Colwell), Director Development (Julie Robertson), Director Community (Simon Jones) and Executive Assistant (Mette Sutton).

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor D Kennedy declared a pecuniary conflict of interest in item 8.3 as he is the owner of the subject land, and a non-pecuniary conflict of interest in item 8.4 as he is a neighbour.

Councillor MB Walker declared a pecuniary conflict of interest in item 6.1 as he is the owner of the subject land.

Councillor L White declared a significant non-pecuniary conflict of interest in items 7.1 and 9.5 as she is employed in the tourism industry.

Councillor P Cavalier declared a significant pecuniary conflict of interest in item 6.2 as part of the funding requested is for the purpose of funding signage which his business has provided quotes on.

Item 3: Confirmation of Minutes

42/16 MOTION: Shelley / Weatherley

That the Minutes of the Ordinary Meeting held on 17 February 2016 be taken as read and confirmed.

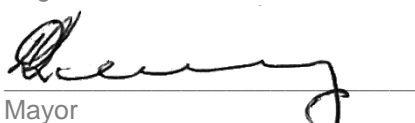
The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Nuclear Waste Dump at Sally's Flat

LAN900062

43/16 MOTION: Shelley / Weatherley


Mayor


General Manager

That Minute no. 423/15 be noted as completed.

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Councillor Walker declared a pecuniary conflict of interest in item 6.1 as he is the owner of the subject land, left the Chambers at 6:43pm and did not participate in discussion or vote in relation to this matter.

Councillor Thompson left the Chambers at 6:43pm.

6.1 PLANNING PROPOSAL FOR ROBERT HODDLE DRIVE
BOMBIRA

GOV400054, GOV400023

MOTION: Webb / Martens

We, the undersigned Councillors, give notice of our intention that the resolution of the Council Meeting on 17 February 2016 in relation to:

Item 8.3 Council's decision to support the Planning Proposal at 33 Robert Hoddle Drive Bombira

be and is hereby rescinded.


In the event that this Rescission Motion is carried, we propose to move the following motion:

the Planning Proposal for Robert Hoddle Drive Bombira be refused until the identified criteria for the Development be met and can be justified in terms of supply and demand.

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

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

Councillor Walker and Councillor Thompson returned to the Chambers at 6:48pm.


Mayor


General Manager

Councillor Cavalier declared a significant pecuniary conflict of interest in item 6.2 as part of the funding requested is for the purpose of funding signage which his business has provided quotes on, left the Chambers at 6:48pm and did not participate in discussion or vote in relation to this matter.

6.2 RED HILL COMMITTEE

GOV400054, P0860011

44/16

MOTION: Thompson / White

That Council allocate an additional \$20,000 to the Red Hill Development Project.

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

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

Councillor Cavalier returned to the Chambers at 6:52pm.

Councillor White declared a significant non-pecuniary conflict of interest in item 7.1, left the Chambers at 6:52pm and did not participate in discussion or vote in relation to this matter.

Item 7: Office of the General Manager

7.1 MRTI QUARTERLY REPORT OCTOBER TO DECEMBER 2015

GOV400054, F0770077

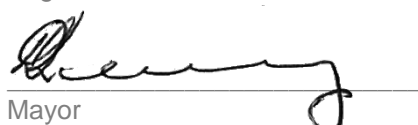
45/16

MOTION: Webb / Cavalier

That Council receive the report by the General Manager on the MRTI Quarterly Report October to December 2015.

The motion was carried with the Councillors voting unanimously.

Councillor White returned to the Chambers at 6:53pm.



Mayor



General Manager

Item 8: Development

8.1 DA0165/2015 - PAINTBALL FACILITY (RECREATION FACILITY, OUTDOOR) - 142 WINCHESTER CRESCENT, COOKS GAP

GOV400054, DA0165/2015

46/16

MOTION: Thompson / Shelley

That the Development Application for the paintball facility be refused on the grounds of impacts from dust, noise and traffic on the amenity of the area.

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

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

8.2 DA0323/2015 (82A REVIEW OF DETERMINATION) - SIGNAGE - 21 ROBERTSON STREET, MUDGEES (GOLF CLUB)

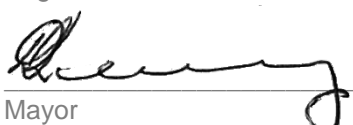
GOV400054, DA0323/2015

47/16

MOTION: White / Shelley

That:

- A. Council receive the report by the Town Planner on the DA0323/2015 (82A Review of Determination) - Signage - 21 Robertson Street, Mudgees (Golf Club);**
- B. Council refuse DA0323/2015 (82A Review of Determination) - Signage - 21 Robertson Street, Mudgees (Golf Club) for the following reasons:**
- 1. The proposed size, height, illumination and flashing sign is inconsistent with Section 4.4 (a), (b), (c) and (e) of the DCP.**
 - 2. The proposed sign located adjoining the R1 General Residential is inappropriate and therefore inconsistent with Section 79C(1)(c).**


Mayor


General Manager

The motion was carried with the Councillors voting unanimously.

Councillor Kennedy declared a pecuniary conflict of interest in time 8.3 as he is the owner of the subject land, left the Chambers at 6:58pm and did not participate in discussion or vote in relation to this matter.

Deputy Mayor, Councillor Cavalier, occupied the role of Chairperson.

8.3 MA0016/2016 - MODIFICATION OF CONSENT (DA0152/2015)
- 135 LOT SUBDIVISION - 220 ULAN ROAD, BOMBIRA
GOV400054, MA0016/2016

48/16

MOTION: Shelley / White

That:


- A. Council receive the report by the Town Planner on the MA0016/2016 - Modification of Consent (DA0152/2015) - 135 lot Subdivision - 220 Ulan Road, Bombira;**
- B. Council approve MA0016/2016 - Modification of Consent (DA0152/2015) - 135 lot Subdivision - 220 Ulan Road, Bombira 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 (Revision B)**
 - **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.
(AMENDED MA0016/2016)**

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**



Mayor

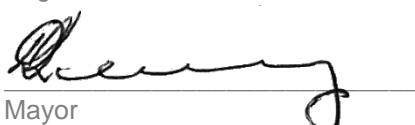


General Manager

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.
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


Mayor

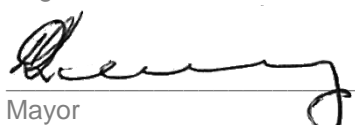

General Manager

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.
12. 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



Mayor



General Manager

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.

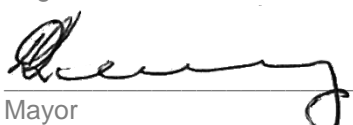
INFRASTRUCTURE

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


Mayor


General Manager

Note: Results from MUSIC modelling or equivalent shall be supplied with Construction Certificate Issue plans demonstrating that the design meets the above criteria.

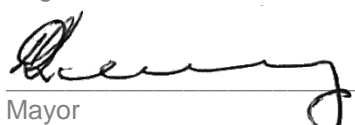
- 22. All internal roads shall comprise roll back concrete kerb and gutter. Sub-surface drainage is required where gutter flows exceed 2.5m width during minor events (1 in 5yr ARI). If required, sub-surface drainage shall be located behind the kerb.**
- 23. Interallotment drainage is to be provided to 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 Austroads 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 Austroads 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
-------------	--------------------


Mayor


General Manager

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



Mayor


General Manager

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



 Mayor



 General Manager

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 \$6,851.00 (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

\$1216.00


Mayor


General Manager

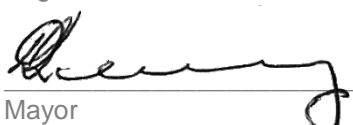
Open Space	
Local Open Space	\$1910.00
District Open Space	\$2592.00
Community Facilities	
Library Buildings	\$250.00
Library Resources	\$300.00
Administration	
Plan Administration	\$583.00
Total per lot	\$6851.00

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.

(AMENDED MA0016/2016)

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:



 Mayor



 General Manager

- 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.

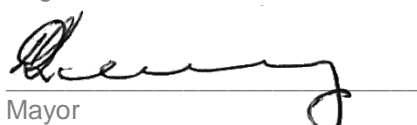
51. The applicant shall repair in accordance with Aus-Spec# 1 and Council Standard Drawings any part of Council's property damaged during the course of this development.

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:

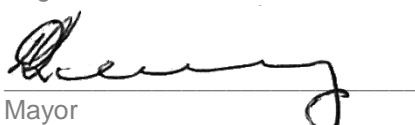
- (a) Installation of sediment and erosion control measures
- (b) Water and sewer line installation prior to backfilling
- (c) Establishment of line and level for kerb and gutter placement
- (d) Road pavement construction
- (e) Road pavement surfacing
- (f) Practical completion

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.


Mayor


General Manager

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 to the current rate 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 provided 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.



Mayor



General Manager

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.

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

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

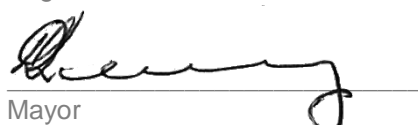
- 8.4 DEVELOPMENT APPLICATION DA0109/2016 - 45 LOT RESIDENTIAL SUBDIVISION LOT 15 DP 1194019 ULAN ROAD AND 66 EDGELL LANE, BUCKAROO
GOV400054, DA0109/2016

49/16

MOTION: Shelley / Weatherley

That:

- A. Council receive the report by the Senior Town Planner on the Development Application 0109/2016 45 lot residential subdivision Lot 15 DP 1194019 Ulan Road and 66 Edgell Lane, Buckaroo;


Mayor


General Manager

- B. Council approve Development Application 0109/2016 45 lot residential subdivision Lot 15 DP 1194019 Ulan Road and 66 Edgell Lane, Buckaroo subject to the following conditions:**

Approved plans

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

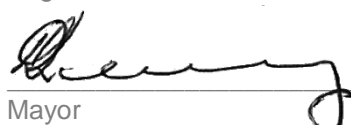
Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Subdivision Plan	BK228 Sheet 3	A	1 March 2016	Jabek Pty Ltd
Statement of Environmental Effects (Including Appendices)	N/A	1	September 2015	Minespex

Engineering Construction

2. 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.
3. 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.
4. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- Installation of sediment and erosion control measures
 - Water and sewer line installation prior to backfilling
 - Establishment of line and level for kerb and gutter placement
 - Road Pavement construction
 - Road Pavement surfacing
 - Practical Completion

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

5. 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


Mayor


General Manager

Development Control Plan and the Standards referenced within Appendix B and D.

Construction Certificate is required for, but not limited to, the following civil works;

- **Water and sewer main extensions**
- **Stormwater drainage such as inter-allotment drainage, detention basins,**
- **Road construction**
- **Footpath and kerb & gutter**
- **Landscaping of public reserves**

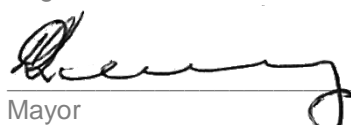
Note: No works can commence prior to the issue of the Construction Certificate.

- 6. Where the development requires access to private land, the developer shall provide documentary evidence that an agreement has been entered into with the landowner prior to the issue of a Construction Certificate. If stormwater drainage, or utilities are to be located within the private land, an easement is to be created prior to release of the Construction Certificate.**
- 7. The Developer is to provide evidence of an Engagement Letter that the Subdivision has been registered with Telstra Smart Communities prior to the issue of the Construction Certificate.**
- 8. 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 100 year event. All storm water detention details including analysis shall be included with the drainage report.**
- 9. 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
--

- | |
|---|
| <ul style="list-style-type: none">• 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.



Mayor



General Manager


10. Where the trunk drainage system crosses through private land 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 stormwater drainage 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 the release of the Construction Certificate.

11. 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.
12. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
13. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over inter-allotment drainage in favour of upstream allotments.
14. 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 installation of the kerb and gutter
15. 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.
16. All internal roads within the subdivision must be designed and constructed to the following standards:

Road 1

Item	Requirement
Full Road Pavement Width	13 m (2 x 3.5m travel lanes with 2x3m 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


Mayor


General Manager

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 2

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 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


Item	Requirement
Full Road Pavement Width	8 m (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

17. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.

18. 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 the kerb and gutter.

19. 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.

20. All water mains and associated fittings/valves should not be installed underneath a concrete structure such as the footpath.

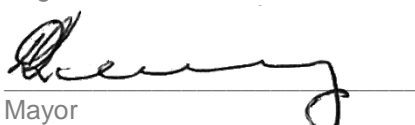


 Mayor



 General Manager

21. All required earthworks for roads associated with the subdivision must have compacting testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
22. 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.
23. All internal roads must be designed with design speed of 50km/hr.
24. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
25. A Give Way sign is required to be installed on the internal subdivision road at the junction with Ulan Road.
26. 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.
27. The proposed internal road network should have sufficient width to accommodate the turning paths for service vehicles (eg. Rubbish collection and removalist vehicles). Particular attention should be given to cul de sac finishing points.
28. Street tree landscaping is to be provided within the proposed road reserve on Ulan Road and internal subdivision roads. A plan for the proposed planting is to be submitted for approval by Council. All landscaping is to consist of appropriately advanced trees in accordance with Clause 7.1 Urban Subdivision of the Mid-Western Regional Council Development Control Plan amended December 2014.
29. 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.



Mayor

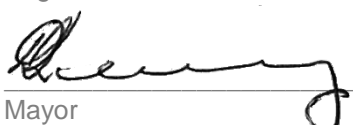


General Manager

- 30. 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.**
- 31. The proponent shall obtain a Section 91 Activity Approval under the Water Management Act 2000 should drainage or other works be carried out in within 40m of a prescribed watercourse or creek. Note: Please contact the NSW Office of Water for more information in relation to this matter.**
- 32. 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)**
- 33. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots prior to the release of the Subdivision Certificate. Each lot must be provided with separate water and sewer services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act,1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.**
- 34. Three metre wide easements, including associated Section 88B 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 any 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 the release of the Construction Certificate.**
- 35. The proposed sewer pump station is to be located and constructed on proposed lot 34. Details to be provided at Construction Certificate stage.**
- 36. All water mains associated fittings/valves shall be clockwise close.**

Prior to commencement of works



Mayor



General Manager

37. 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.
- Council is to be notified in writing of any existing damage to Council's infrastructure

Note: Failure to comply with these conditions will result in damage to Council's infrastructure being rectified by the applicant and at the applicant's cost.

38. Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be sighted and 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.

39. 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.

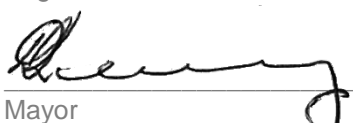
40. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.

41. The development site is to be managed for the entirety of work in the following manner:

- Appropriate dust control measures;
- Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
- 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.

GENERAL TERMS OF APPROVAL (NSW Roads and Maritime Service)

42. The intersection of the proposed public road and Ulan Road is to be constructed to include an Auxiliary Left Turn Treatment Short [AUL(S)] and Channelised Right Turn Treatment [CHR] on a major road in accordance with Figures 8.3 & 7.7 Part 4A Austroads Guide to Road Design respectively (copies enclosed)



Mayor



General Manager

and Roads and Maritime supplements. The intersection treatment is to incorporate and make allowances for the existing rural property access from Ulan Road opposite the proposed new intersection. The intersection is to be formed as to provide lay-bys on the departure sides for use as a school bus stop shelter.

43. All intersection works are to be designed and constructed to accommodate the largest vehicle accessing the intersection and for the current speed zone of 80km/h, match existing road levels and not interfere with existing road drainage.
44. A suitable barrier is to be provided on the subject land to prevent vehicles from entering/exiting Ulan Road from/to the subject land other than via the proposed public road.

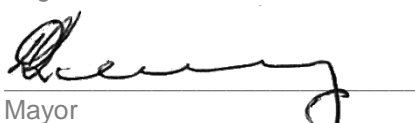
Prior to the issue of the subdivision certificate

45. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.

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

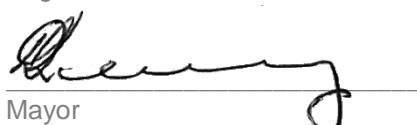
#. The final inspection report shall be submitted to Council with the Subdivision Certificate application.

46. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
47. If the Subdivision Certificate is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
48. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats;
 - a. PDF
 - b. Dwg format or "Autocad compatible"
 - c. Map Information FilesAll 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.
49. Underground electricity and telecommunications are to be supplied to the subdivision.
50. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.


Mayor


General Manager

- A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
 - all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent.
51. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
52. 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
53. To mitigate the impacts of traffic noise upon Lots 1 – 8 and 45, an acoustic assessment is required to be prepared by an appropriately qualified and experienced acoustic engineer. This assessment report must be submitted to and approved by Council prior to the release of the subdivision certificate. Any recommendations arising from the report are required to be implemented during construction of a dwelling upon that lot.
54. A Restriction as to User is to be registered on the title of proposed lots 1 – 8 and 45 stating that no direct access to Ulan Road is permitted.
55. A Restriction as to User is to be place on Lot 34 restricting the location of any future dwelling to area zoned R2 Low Density Residential.
56. A shared Pedestrian/bicycle path is to be provided and constructed along the Ulan Road frontage.
57. 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 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 the sewer pump station and the payment of section 64 developer contributions.**
58. In accordance with the provisions of section 94 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Developer



Mayor



General Manager

Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

Transport Management	
Traffic Management	\$53,504
Open Space	
Local Open Space	\$84,040
District Open Space	\$114,048
Community Facilities	
Library Buildings	\$11,000
Library Resources	\$13,200
Administration	
Plan Administration	\$25,652
TOTAL	\$301,444

Prescribed condition

59. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and**
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and**
- (c) stating that unauthorised entry to the work site is prohibited.**


Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been

completed.

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

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

Councillor Kennedy returned to the Chambers at 7:00pm.



 Mayor



 General Manager

8.5 WILPINJONG COAL MINE EXPANSION

GOV400054, A0420169

50/16 MOTION: Webb / Cavalier

That:

1. **Council receive the report by the Statutory / Strategic Planner on the Wilpinjong Coal Mine Expansion;**
2. **Council forward the submission onto the Department of Planning & Environment for consideration.**
3. **Council ask the General Manager to obtain a written agreement of the verbal agreement from Wilpinjong to maintain the community facilities at the Wollar village.**

The motion was carried with the Councillors voting unanimously.

8.6 LAND & HOUSING SUPPLY MONITOR SECOND QUARTER 2015/16

GOV400054, GOV400043, LAN900042

51/16 MOTION: Cavalier / Martens

That Council receive the report by the Manager, Strategic Planning on the Land & Housing Supply Monitor Second Quarter 2015/16.

The motion was carried with the Councillors voting unanimously.

8.7 UPDATE ON THE NUMBER OF MATTERS DEALT WITH UNDER THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

GOV400054, GOV400043, ENV200046

52/16 MOTION: Shelley / Weatherley

That Council receive the report by the Manager, Health and Building on the Update on the Number of Matters Dealt with under the Protection of the Environment Operations Act 1997.

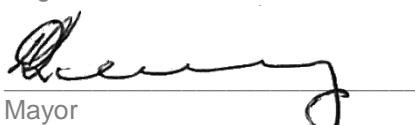
The motion was carried with the Councillors voting unanimously.

8.8 VOLUNTARY PLANNING AGREEMENT CAERLEON - AMENDMENT 2

GOV400054, GOV0420236, A0420236

53/16 MOTION: Cavalier / White

That:

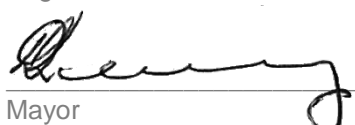

Mayor


General Manager

1. Council receive the report by the Manager, Strategic Planning on the Voluntary Planning Agreement Caerleon - Amendment 2;
2. Council endorse the amended VPA to the extent that it relates to the deferment of contributions for water and sewer until 31 August 2016 or the release of the 100th lot whichever comes first;
3. Council further amend the VPA to the extent that the cycleway adjacent to the railway corridor and extending to the Isbester property be completed within 3 months of the final form of the Spine Road being completed or as agreed to by the parties;
4. Council place the amended VPA on public exhibition for a period of 28 days in accordance with the requirements of the Environmental Planning and Assessment Act;
5. following the exhibition of the documentation, if there are no submissions received in relation to the amendment, the General Manager be given the express delegation to endorse the legal documents;
6. Council receives a further report for consideration if submissions are received in relation to the VPA;
7. Council amend condition 42 of the development consent 0428/2013 under section 96 of the Environmental Planning and Assessment Act and M10015/2016 to the extent that it is consistent with the VPA.

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

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


 Mayor


 General Manager

Item 9: Finance

The following recommendations were adopted as a whole, being moved by Cr Shelley, seconded by Cr Walker and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution no.55/16 and concluding with Resolution no.56/16.

9.1 MONTHLY BUDGET REVIEW JANUARY 2016
GOV400054, FIN300062

54/16 MOTION: Shelley / Walker

That Council receive the report by the Manager, Financial Planning on the Monthly Budget Review January 2016.

The motion was carried with the Councillors voting unanimously.

9.2 MONTHLY STATEMENT OF INVESTMENT AND BANK
BALANCES AS AT 29 FEBRUARY 2016
GOV400054, FIN300053

55/16 MOTION: Shelley / Walker

That:

- 1. Council receive the report by the Manager, Financial Planning on the Monthly Statement of Investment and Bank Balances as at 29 February 2016;**
- 2. Council note the certification of the Responsible Accounting Officer.**


The motion was carried with the Councillors voting unanimously.

9.3 TRANSFER OF SECTIONS OF CLOSED ROAD AT CRUDINE
TO ADJOINING OWNERS - LOTS 7-12 DP 705353
GOV400054, P2099411

56/16 MOTION: Martens / Weatherley

That:

- 1. Council receive the report by the Revenue and Property Manager on the Transfer of Sections of Closed Road at Crudine to Adjoining Owners - Lots 7-12 DP 705353;**
- 2. Council approve the transfer of Allotments 7-12 DP 705353 from the Crown to Council and approve the subsequent transfer of Allotments 7-12 DP 705353 from Council to the adjoining owners;**



Mayor



General Manager

3. Council requires all costs in relation to the transfer of Allotments 7-12 DP 705353 from the Crown to Council and the subsequent transfer of Allotments 7-12 DP 705353 from Council to the adjoining owners, be borne by the adjoining owners;
4. Council authorises the General Manager to sign all documents necessary to transfer Allotments 7-12 DP 705353 from the Crown to Council and all documents necessary to transfer Allotments 7-12 DP 705353 from Council to the adjoining owners;
5. Council authorises the affixing of the Common Seal to all documents necessary to transfer Allotments 7-12 DP 705353 from the Crown to Council and all documents necessary to transfer Allotments 7-12 DP 705353 from Council to the adjoining owners.

The motion was carried with the Councillors voting unanimously.

9.4 NAMING OF A PARK ON THE CORNER OF BANJO
PATERSON AVENUE & ELEANOR DARK COURT, MUDGEE
GOV400054, PAR300020 P2270111

57/16

MOTION: Cavalier / Kennedy

That Council:

1. Receive the report by the Property Support Officer on the Naming of a Park on the corner of Banjo Paterson Avenue & Eleanor Dark Court, Mudgee;
2. support the name of Matilda Park;
3. include the name of Dunnachie in Council's Pre-Approved Names List for future use.

The motion was carried with the Councillors voting unanimously.

Councillor White declared a non-significant pecuniary conflict of interest in item 9.5 as she is employed in the tourism industry, left the Chambers at 7:06pm and did not participate in discussion or vote in relation to this matter.

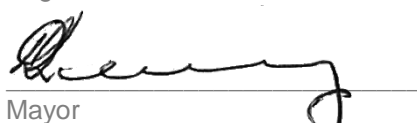
9.5 EXTENSION OF MRTI CONTRACT

GOV400054, F0770077

58/16

MOTION: Cavalier / Shelley

That:


Mayor


General Manager

1. Council receive the report by the Chief Financial Officer on the Extension of MRTI Contract;
2. Council agree not to invite tenders for the procurement of tourism services in the Mid-Western Regional LGA, per Section 55 (3) (i), due to the unavailability of competitive or reliable tenderers that are suitable for the specialised services of tourism and familiar with this regions marketable qualities;
3. Council agree to enter into a contract with Mudgee Region Tourism Inc. for the period 1 July 2016 to 30 June 2017, for the delivery of tourism services;
4. Council approve the value of the contract for the existing sum (\$377,120 excluding GST), increased by Consumer Price Index All Groups (Sydney) for the proceeding 12 month period;
5. Council accepts the Mudgee Region Tourism Inc. commitment that they will change the constitution to give the General Manager or his/her representative full Board Status, should the Mayor be unable to attend any board meeting as Councils representative;
6. Council authorise the General Manager to negotiate an additional sum of up to \$50,000, should this request be approved as part of the 206/17 budget process;
7. Council require all other contract items be maintained, per the existing contract terms;
8. Council authorises the General Manager to enter into the contract and sign on behalf of Council.

The motion was carried with the Councillors voting unanimously.

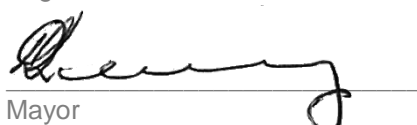
Councillor White returned to the Chambers at 7:06pm.

Item 10: Operations

Nil

Item 11: Community

The following recommendations were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution no.60/16 and concluding with Resolution no.62/16.


Mayor


General Manager

11.1 PROPOSED PUBLIC ART INSTALLATION SITES

GOV400054, REC800020

59/16

MOTION: Shelley / Cavalier

That:

1. **Council receive the report by the Manager, Community Services on the Proposed Public Art Installation Sites;**
2. **Council endorse the proposed installation site recommendations.**

The motion was carried with the Councillors voting unanimously.

11.2 INTERACTIONS BETWEEN COUNCILLORS AND STAFF POLICY

GOV400054, GOV400054

60/16

MOTION: Shelley / Cavalier

That:

1. **Council receive the report by the Governance Coordinator on the Interactions Between Councillors and Staff Policy;**
2. **Council adopt the Interactions Between Councillors and Staff Policy in accordance with the Code of Conduct sections 6.2 (c), 7.3 and 7.4.**

The motion was carried with the Councillors voting unanimously.

11.3 PARKS PLANS OF MANAGEMENT

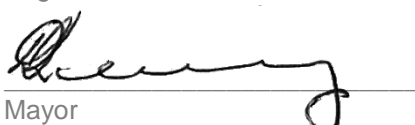
GOV400054, A0310010

61/16

MOTION: Shelley / Cavalier

That:

1. **Council receive the report by the Open Space Coordinator on the Parks Plans of Management;**
2. **Council place the draft Plans of Management for Anzac Park, Robertson Park and Lawson Park on public exhibition for 28 days;**


Mayor


General Manager

3. Council adopt the Plans of Management for Anzac Park, Lawson Park and Robertson Park, if no public submissions are received during the exhibition period.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

Nil

Item 13: Urgent Business Without Notice

Councillor Martens left the Chambers at 7:09pm.

13.1 MUDGEE TRIATHLON CLUB

62/16 MOTION: Kennedy / Shelley

That Council waiver the Mudgee Swimming Pool hire fees for the Mudgee Triathlon Club 2015/16 season.

The motion was carried with the Councillors voting unanimously.

Councillor Martens returned to the Chambers at 7.09pm.

Item 14: Confidential Session

63/16 MOTION: Cavalier / Thompson

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

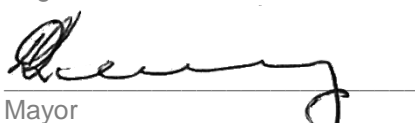
Following the motion to close the meeting being moved and seconded, the General Manager announced that the following matters would be considered in confidential session and the reason why it was being dealt with in this way.

14.1 General Manager's Performance Agreement 2015 - 2016

The reason for dealing with this report 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 the public interest as it involves discussion of Personnel matters concerning particular individuals (other than Councillors).

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.


Mayor


General Manager

Councillor Shelley asked that it be noted that he had a current legal matter with Council and confirmed with Council that it was appropriate for him to remain for discussion of item 14.1.

14.1 GENERAL MANAGER'S PERFORMANCE AGREEMENT 2015 - 2016

GOV400054, A0381418

64/16 MOTION: Cavalier / White

That:

1. **Council receive the report by the General Manager on the General Manager's Performance Agreement 2015 - 2016;**
2. **Council note the six monthly review of the Performance Agreement.**

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Nil.

Item 16: Open Council

65/16 MOTION: Cavalier / White

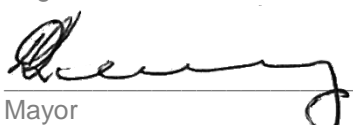
That: Council move to Open Council.

The motion was carried with the Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

Item 17: Closure

There being no further business the meeting concluded at 7.16pm.



Mayor



General Manager