

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 17 August 2016, commencing at 5.48pm and concluding at 6.47pm.

PRESENT Cr J Weatherley, Cr J Webb, Cr L White, Cr P Shelley, Cr D Kennedy, Cr E Martens, Cr J Thompson, Cr M Walker, Cr P Cavalier.

IN ATTENDANCE General Manager (Brad Cam), Director Operations (Daryl Colwell), Director Community (Simon Jones), Director Development (Julie Robertson), Chief Financial Officer (Leonie Johnson), Governance Coordinator (Tim Johnston), Executive Manager, Human Resources (Michele George) and Executive Administration Assistant (Melanie Nelson).

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Cr White declared a non-pecuniary conflict of interest in 9.7 due to her role in the Tourism Industry and a pecuniary conflict of interest in 9.8 as she is a paid employee of Bathurst Council.

Cr Kennedy declared a pecuniary conflict of interest in 8.1 as previous owner of property.

Cr Walker declared a pecuniary conflict of interest in 8.7 as as he is the owner of the land.

Item 3: Confirmation of Minutes

208/16 MOTION: Shelley / Cavalier

That the Minutes of the Ordinary Meeting held on 10 August 2016 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

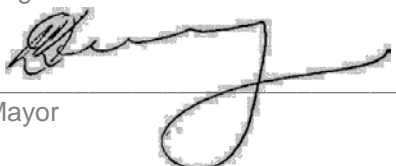
Item 4: Matters in Progress


Rural Fire Service Precinct Development

209/16 MOTION: Thompson / Walker

That Minute no. 44/15 be noted as completed.

The motion was carried with the Councillors voting unanimously.


Mayor


General Manager

Tender for Cleaning Services for Council Buildings in the Mudgee/Gulgong Region

210/16 **MOTION:** Cavalier / Thompson

That Minute no. 572/14 be noted as completed.

The motion was carried with the Councillors voting unanimously.

Establishment of a Lawn Cemetery at Rylstone Cemetery

211/16 **MOTION:** Cavalier / Weatherley

That Minute no. 138/16 be noted as completed.

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

5.1 COUNCIL MEETING TO ELECT MAYOR AND DEPUTY
 MAYOR

GOV400054, GOV400020

212/16 **MOTION:** Kennedy

That Council hold within 7 days of the declaration of the 2016 Local Government Elections a meeting to elect the Mayor and Deputy Mayor and Committees.

The motion was carried with the Councillors voting unanimously.

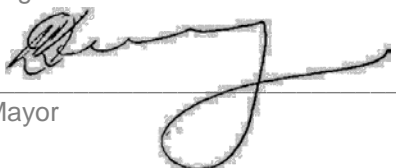
Item 6: Notices of Motion or Rescission

Nil


Item 7: Office of the General Manager

Nil

Cr Kennedy declared a pecuniary conflict of interest in item 8.1 as he was the previous owner of the land. He left the Chambers at 5.54pm and did not participate in discussion or vote in relation to the matter.



Mayor



General Manager

Deputy Mayor, Cr Paul Cavalier proceeded to chair the meeting.

Item 8: Development

8.1 MA0033/2016 - MODIFICATION OF CONSENT DA0152/105 - TORRENS TITLE SUBDIVISION - 220 ULAN ROAD, BOMBIRA

GOV400054, MA0033/2016

213/16 MOTION: Cavalier / Weatherley

That Council:

- A. Receive the report by the Town Planner on the MA0033/2016 - Modification of Consent DA0152/105 - Torrens Title Subdivision - 220 Ulan Road, Bombira; and
- B. Approve MA0033/2016 - Modification of Consent DA0152/105 - Torrens Title 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 23949-NL01 Proposed Lot Plan (Revision a)
 - 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

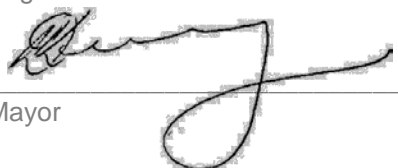
and the Application received by Council on 4 November 2014 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

(AMENDED MA0016/2016)

(AMENDED MA0033/2016)

- 1a. The battleaxe access as shown on Barnson Drawing 23949-NL01 will not be permitted, with the land to be transferred to proposed Lot 8b.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – CIVIL

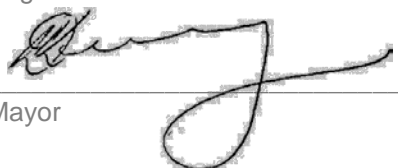


Mayor



General Manager

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.
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



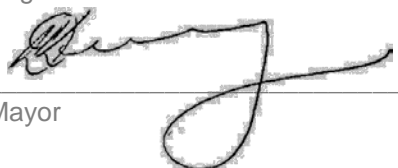
Mayor



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.~~
(DELETED MA0033/2016)
- 11a. As there are known aboriginal objects upon, or within the immediate vicinity of proposed lots 8a, 8b, 8c and Lot 44 that will be or are likely to be harmed from future residential development, prior to the release of the Subdivision Certificate for any of these lots, an Aboriginal cultural heritage assessment report must be prepared and submitted to Council for approval.

This report is to be prepared in accordance with the Office of Environment and Heritage's Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW. As per the Guide, the report is required to determine what Aboriginal cultural heritage is in the area, why it is important, what the likely impacts of development will be, and how the impacts can be avoided, minimised or not avoided.



Mayor

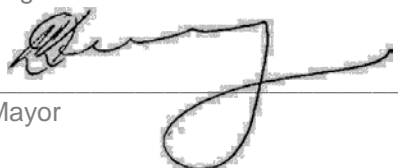


Where the impacts cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) is to be obtained.
(AMENDED MA0033/2016)

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 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;



Mayor



- 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.

Note: Post development flows must not exceed pre-development flows up to and including the 100 year ARI event. Any additional works required to satisfy this condition will be entirely at the developers cost.

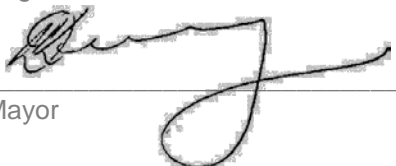
21. The trunk drainage system must be designed such that discharge from the subdivision satisfies the following water quality targets:


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.


Mayor


General Manager

- 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

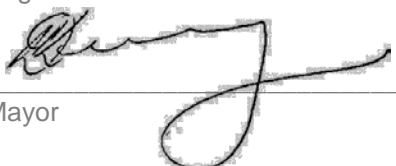
- 27. The intersection of the new road within the subdivision and the Ulan Road is to be designed and constructed to comprise;
 - A full length Rural Channelised T-junction – Full length (CHR) is to be provided in accordance with Figure 7.7 of Austroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalled 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
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



 Mayor



 General Manager

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

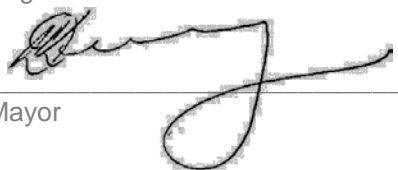
Road 3, 4, 9, 10 and 14

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.



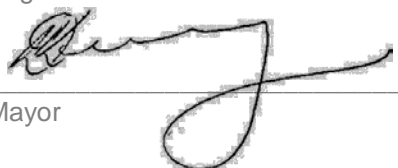

32. All water mains and associated fittings/valves should not be installed underneath a concrete structure such as the footpath.
33. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
34. A Traffic Control Plan (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



Mayor



General Manager

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 \$7,022.00 (excluding house lot). The contributions are to be paid at the lodgement of the Subdivision Certificate for each stage.

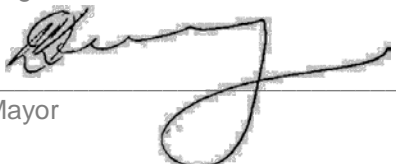
Catchment 2

Section 94 Contributions


Transport Management	
Traffic Management	\$1247.00
Open Space	
Local Open Space	\$1957.00
District Open Space	\$2657.00
Community Facilities	
Library Buildings	\$256.00
Library Resources	\$307.00
Administration	
Plan Administration	\$598.00
Total per lot	\$7022.00

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)
(AMENDED MA0033/2016)



Mayor



General Manager

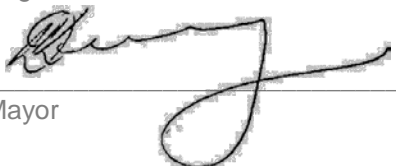
PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

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



Mayor



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:

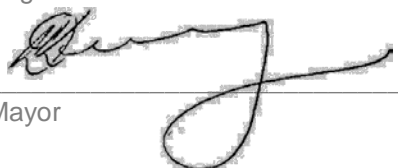
- (a) Installation of sediment and erosion control measures
- (b) Water and sewer line installation prior to backfilling
- (c) Establishment of line and level for kerb and gutter placement
- (d) Road pavement construction
- (e) Road pavement surfacing
- (f) Practical completion

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.

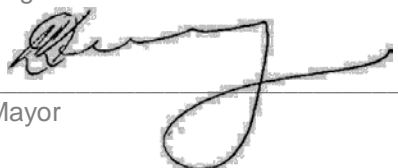
- 53. If the Subdivision Certificate is not issued within the financial year of the date of determination, then the charges and contributions contained in this consent will be increased to the current rate at the time of payment.

- 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~~ 1, 3, 5, 12, 13, 16, 55, 56, 57, 58, 59, 60 stating that no direct access to Ulan Road is permitted.
(AMENDED MA0033/2016)
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~~ 55 to 60 inclusive restricting further subdivision of



Mayor

General Manager

the land to assist in preserving the rural amenity of the northern gateway entrance into Mudgee.
(AMENDED MA0033/2016)

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.
66. Construction of road 12 must be completed prior to the registration of proposed lots 44 and 8c.

The motion was put and won on the casting vote of the Chair with Councillors voting as follows:

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

Cr Kennedy returned to the Chambers at 5:58pm.

8.2 POST EXHIBITION REPORT FOR WILPINJONG EXTENSION PROJECT - DEED OF AMENDMENT TO PLANNING AGREEMENT BETWEEN MWRC AND WILPINJONG COAL PTY LTD

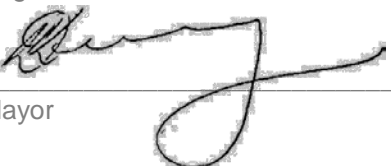
GOV400054, A0420169, GOV400054


214/16

MOTION: Walker / Weatherley

That Council:

1. receive the report by the Director Development on the Post Exhibition Report for Wilpinjong Extension Project - Deed of Amendment to Planning Agreement between MWRC and Wilpinjong Coal Pty Ltd;
2. endorse the amendments to the Voluntary Planning Agreement as proposed by the Deed of Amendment to


Mayor


General Manager

Planning Agreement; and

3. **authorise the General Manager to finalise and execute the Deed of Amendment; and**
4. **That Council give in principle support to the Wollar Progress Association.**

The motion was carried with the Councillors voting unanimously.

215/16 SUPPLEMENTARY MOTION: Shelley / Thompson

That Council amend the 16/17 Operational Plan to allocate \$15,000 financial support funded from VPA to the Wollar Progress Association as per previous resolution.

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

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

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. 215/16 and concluding with Resolution No. 218/16.

8.3 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

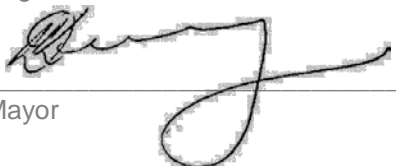
GOV400054, GOV400043, A100055, A100056

216/16 MOTION: Shelley / Cavalier


That Council receive the report by the Director Development on the Monthly Development Applications Processing & Determined.

The motion was carried with the Councillors voting unanimously.

8.4 FOOD INSPECTION PROGRAM



Mayor



General Manager

GOV400054, GOV400043, A0130009

217/16 MOTION: Shelley / Cavalier

That Council receive the report by the Manager, Health and Building on the Food Inspection Program.

The motion was carried with the Councillors voting unanimously.

8.5 END OF TERM REPORT 2016

GOV400054, COR400124

218/16 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Director Development on the End of Term Report 2016; and
2. endorse the End of Term Report to be included as an attachment to the 2015-16 Annual Report.

The motion was carried with the Councillors voting unanimously.

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

GOV400054, GOV400043, ENV200046

219/16 MOTION: Shelley / Cavalier

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.

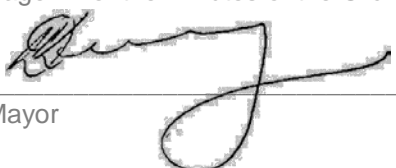
The motion was carried with the Councillors voting unanimously.

Cr Walker declared a pecuniary conflict of interest in item 8.7 as he is the owner of the business. He left the Chambers at 6.21pm and did not participate in discussion or vote in relation to the matter.


8.7 CRITERIA FOR 2HA RURAL RESIDENTIAL DEVELOPMENT

GOV400054, A0420203

220/16 MOTION: Shelley / Cavalier



Mayor



General Manager

That Council:

1. receive the report by the Director Development on the Criteria for 2ha Rural Residential Development;
2. place the proposed amendment to the Comprehensive Land Use Strategy to include criteria for 2ha Rural Residential Development on public exhibition for a period of 28 days; and
3. receive a further report at the completion of the public exhibition period.

The motion was carried with the Councillors voting unanimously.

Cr Walker returned to the room at 6:21pm

8.8 FLYPELICAN UPDATE AND EXEMPTION OF LANDING FEES

GOV400054, ECO800028

221/16

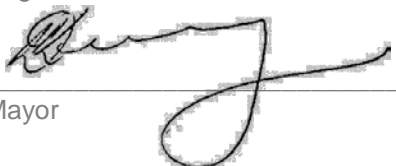
MOTION: White / Cavalier**That Council:**


1. receive the report by the Director Development on the FlyPelican Update and Exemption of Landing Fees;
2. provide in-principle agreement to exempt FlyPelican from paying landing fees for a further 12 months, unless target passenger numbers are met, as per the Air Service Start Up Support Agreement dated 5 February 2015;
3. place its intention to waive the landing fees for FlyPelican on public exhibition for a period of 28 days;
4. amend the 2016/17 Operational Plan to reduce income received from landing fees by \$55,000, to be funded from unrestricted cash, if no submissions are received; and
5. receive a further report, if any public submissions are received.

The motion was carried with the Councillors voting unanimously.

Item 9: Finance

9.1 ADDITIONAL SUPPLIER - RFT 2013/04 GENERAL CONTRACTORS PREFERRED SUPPLIER - JOHN THE



Mayor

General Manager

PLUMBER (JOHN RILEY)

GOV400054, A0412910, COR400089

222/16

MOTION: Martens / Cavalier**That Council:**

1. receive the report by the Procurement Manager on the Additional Supplier - RFT 2013/04 General Contractors Preferred Supplier - John the Plumber (John Riley); and
2. accept the additional supplier for Tender 2013/04 for the provision of General Contractors:

Contractor: John the Plumber (John Riley)
Services Provided: Plumber

The motion was carried with the Councillors voting unanimously.

9.2 CRUDINE RIDGE WIND FARM P/L - REQUEST FOR AGREEMENT OVER PART OLD CRUDINE ROAD ROAD RESERVE

GOV400054, A0420255

223/16

MOTION: Shelley / Weatherley**That Council defer this matter.**

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. 222/16 and concluding with Resolution No. 225/16.

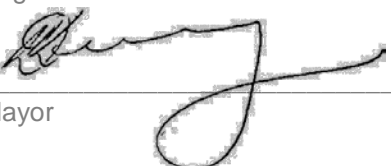
9.3 STREET NAMING - OFF HONE CREEK DRIVE


GOV400054, R0790141, R0790041, P2353611

224/16

MOTION: Shelley / Cavalier**That Council:**

1. receive the report by the Property Support Officer on the Street Naming - off Hone Creek Drive; and
2. name this road Meramie Street.



Mayor

General Manager

The motion was carried with the Councillors voting unanimously.

9.4 ASSOCIATION OF MINING RELATED COUNCILS

GOV400054, A0100006

225/16

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Financial Accountant on the Association of Mining Related Councils;
2. continues membership with the Association of Mining Related Councils for the 2017 financial year; and
3. endorses the Mayor (and in his unavailability the Deputy Mayor) and the General Manager (or his delegate) to be Councils delegates at the Association of Mining Related Councils.

The motion was carried with the Councillors voting unanimously.

9.5 DRAFT FINANCIAL STATEMENTS 2015/16

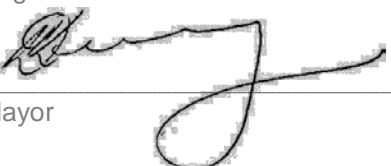
GOV400054, FIN300114

226/16


MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Chief Financial Officer on the Draft Financial Statements 2015/16;
2. authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statement by Councillors and Management on its opinion of the General Purpose Financial Report 2015/16 and Special Purpose Financial Report 2015/16;
3. authorise the General Manager to issue the 2015/16 Financial Reports immediately upon receipt of the Auditors Report, subject to there being no material audit adjustments or audit issues; and
4. authorise the General Manager to finalise the date at which the Auditors Report and Financial Statements for 2015/16



Mayor



General Manager

are to be presented to the public.

The motion was carried with the Councillors voting unanimously.

9.6 MONTHLY STATEMENT OF INVESTMENT AND BANK
BALANCES AS AT 31 JULY 2016

GOV400054, FIN300053

227/16 MOTION: Shelley / Cavalier

That Council:

1. **receive the report by the Manager, Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 July 2016;**
2. **note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

Cr White declared a non-pecuniary conflict of interest in item 9.7 due to her role in the Tourism Industry and a pecuniary conflict of interest in item 9.8 as she is a paid employee of Bathurst Council. She left the Chambers at 6.23pm and did not participate in discussion or vote in relation to these matters.

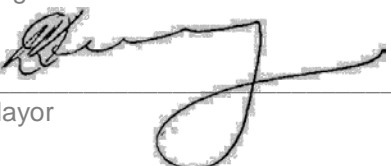
9.7 MRTI CONTRACT 2016/17

GOV400054, F0770077


228/16 MOTION: Shelley / Weatherley

That Council:

1. **receive the report by the Chief Financial Officer on the MRTI Contract 2016/17;**
2. **authorise the additional \$50,000 (GST exclusive) amount as a separate item on the contract, due to the intent that it be a one off payment;**
3. **authorise the revision of MRTI Key Performance Indicators to be:**
 - 3.1 **Measure tourism numbers to the LGA and where they are from**
 - 3.2 **Provide all tourism related businesses in the LGA whether a member of MRTI or not, with the**



Mayor



General Manager

opportunity to have a free website listing

- 3.3 Attend and promote the region at four (4) events outside the region
 - 3.4 Provide monthly marketing communication to subscriber database, report on social media reach and website visitation statistics
 - 3.5 Promote all tourism-related council and major regional events
 - 3.6 Develop annual marketing plan providing details of all marketing and promotional activities planned to be undertaken on a monthly basis to promote LGA as a tourism destination and provide quarterly updates
4. authorise the General Manager to sign the contract for tourism services for 2016/17

The motion was carried with the Councillors voting unanimously.

9.8 REQUEST FOR LEGAL ASSISTANCE - BATHURST & COWRA COUNCILS

GOV400054, A0280030

229/16

MOTION: Shelley / Weatherley

That Council:

1. receive the report by the Chief Financial Officer on the Request for legal assistance;
2. contribute \$487.03, GST inclusive, to Cowra Shire Council for legal costs incurred in McCudden v Cowra Shire Council [2016] NSWLEC 14; and
3. contribute \$893.22, GST inclusive, to Bathurst Regional Council for legal costs incurred in an appeal to the Supreme Court regarding Adrenaline Pty Ltd v Bathurst Regional Council.

The motion was carried with the Councillors voting unanimously.

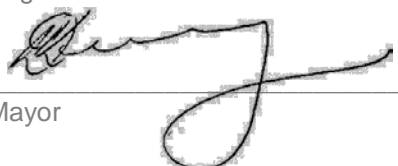
Cr White returned to the room at 6:24pm

9.9 QUARTERLY BUDGET REVIEW JUNE 2016

GOV400054, FIN300064

230/16

MOTION: Martens / Cavalier



Mayor



That Council:

1. receive the report by the Manager, Financial Planning on the Quarterly Budget Review June 2016;
2. reduce actual transfers to the Land Development Reserve for the financial year ended 30 June 2016 by \$120,000 in order to retain the sale proceeds of Lot 233 DP 1099677 1 Medley Street Gulgong within Water Fund; and
3. note the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council.

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 RURAL FIRE SERVICE FUNDING AND PRECINCT DEVELOPMENT

GOV400054, EME900015

231/16 MOTION: Thompson / Cavalier**That Council:**

1. receive the report by the Manager, Plant and Facilities on the Rural Fire Service Funding and Precinct Development; and
2. approve leasing the 7,100 square metres of land at the Mudgee Airport to be utilised for the new Rural Fire Service Head Quarters and Museum.

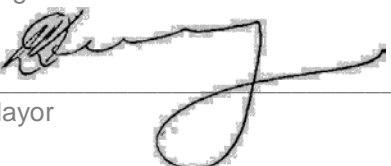
The motion was carried with the Councillors voting unanimously.


10.2 ROADS ASSET MANAGEMENT PLAN

GOV400054, A0010002

232/16 MOTION: Walker / White**That Council:**

1. receive the report by the Manager, Works on the Roads Asset Management Plan; and
2. adopts the Roads Asset Management Plan.



Mayor

General Manager

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

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

Item 11: Community

11.1 LGNSW ANNUAL CONFERENCE 2016

GOV400054, A0040005, COR400021

233/16

MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Director, Community on the LGNSW Annual Conference 2016; and
2. approve the Mayor and General Manager to attend the Local Government NSW annual Conference in Sydney between Sunday 16 October – Tuesday 18 October, 2016.

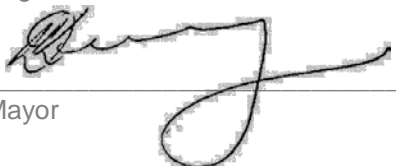
AMENDMENT: Thompson


That the Mayor and two others attend the LGNSW Annual Conference.

The amendment lapsed for want of a seconder.

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

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


 Mayor


 General Manager

11.2 ESTABLISHMENT OF A LAWN CEMETERY AT RYLSTONE

GOV400054, PAR300033

234/16

MOTION: Walker / Cavalier**That Council:**

1. receive the report by the Director, Community on the Establishment of a Lawn Cemetery at Rylstone; and
2. not proceed with the establishment of a Lawn Cemetery at Rylstone Cemetery.

AMENDMENT: Martens/Thompson

That Council consider including the establishment of a Lawn Cemetery in Rylstone in the 2017/18 budget process.

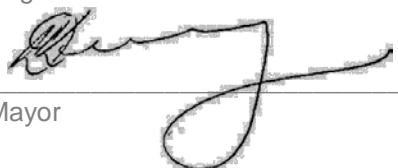
The amendment was put and lost with Councillors voting as follows:

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

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

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

The following recommendations were adopted as a whole, being moved by Cr Cavalier, seconded by Cr White and carried with Councillors voting unanimously. Each recommendation is recorded




with a separate resolution number commencing at Resolution No. 232/16 and concluding with Resolution No. 234/16.

11.3 LIBRARY SERVICES-QUARTERLY REPORT

GOV400054, FO620020

235/16 MOTION: Cavalier / White

That Council receive the report by the Director, Community on the Library Services-Quarterly Report.

The motion was carried with the Councillors voting unanimously.

11.4 GULGONG AND KANDOS POOLS SEASON OPENING TIME

GOV400054, FO640004

236/16 MOTION: Cavalier / White

That Council:

1. **receive the report by the Open Space Coordinator on the Gulgong and Kandos Pools Season Opening Time;**
2. **note that the all three Council pools are due to open on Saturday 24 September, however, delays to the opening of the Gulgong and Kandos Pools is likely due to the wet weather since May delaying works; and**
3. **authorise the General Manager to open the Gulgong and Kandos Pools as soon as possible after the works have been completed.**

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees

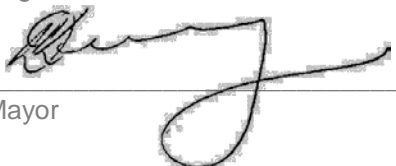
12.1 LOCAL TRAFFIC COMMITTEE MINUTES

GOV400054, A0100009

237/16 MOTION: Cavalier / White

That Council:

1. **receive the report by the Director, Operations on the Local Traffic Committee meeting held 15 July 2016;**
2. **note the minutes of the Local Traffic Committee meeting**



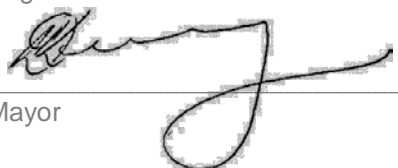
Mayor



General Manager

held 15 July 2016;

3. approve the event – Rainbow Day, 22 September 2016 – be classified as a Class 3 Event under the Guide to Traffic and Transport Management for Special Events Version 3.4 and proceeds with the following conditions:
- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
 - b. Events are to be undertaken in accordance with the requirements of the notation;
 - c. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
 - h. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
 - i. Maintain a four-metre wide emergency vehicle lane;
 - j. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
 - k. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review;
 - l. The organiser is to notify NSW Fire and Rescue and the NSW Ambulance Service of the event.
 - m. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, the Roads and Maritime Service and NSW Police Force are



Mayor



indemnified against any possible action as the result of the event;

n. The organiser to submit a contingency plan relating to traffic control in the event that their authorised traffic controllers are not available at short notice;

o. All people interacting with vehicles are to wear reflective high visibility vests.

4. reduce the length of the bus zone to the west of the pedestrian crossing on Fleming Street, Kandos, from 39.5m to 20m and install new signage
5. install a new morning drop off zone next to the new bus zone at 19.5m long to the west of the pedestrian crossing on Fleming Street, Kandos, and install new signage 'no parking
6. replace non-compliant signage and install new signage on Fleming Street, Dangar Street and Jacques Street, Kandos;
7. replace non-compliant signage and install new 'No Stopping' signage on Mudgee Street, Rylstone, by the pedestrian crossing;
8. relocate the Give-Way sign on Mudgee Street at the intersection of Mudgee Street and Dabee Street to the centre of the road in a concrete median in Rylstone;
9. place bus zone signage on Mudgee Street, Rylstone;
10. install 'trucks turning' signage 100m either side of Henry Lawson Drive, Mudgee;
11. investigate warrants for a pedestrian crossing at Douro Street, south of the rail crossing
12. install signage indicating right of way for Putta Bucca Road and Tinja Lane intersection and renew linemarking.

The motion was carried with the Councillors voting unanimously.

12.2 GULGONG MEMORIAL HALL COMMITTEE

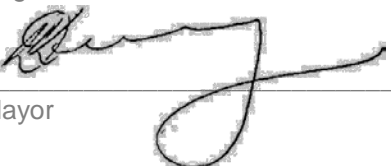
GOV400054, A0100024

238/16


MOTION: Cavalier / Weatherley

That Council:

1. receive the report by the Manager Customer Services on



Mayor



General Manager

the Gulgong Memorial Hall Committee; and

2. note the minutes from the Gulgong Memorial Hall Committee meetings held on 6 June and 11 July 2016.

The motion was carried with the Councillors voting unanimously.

Item 13: Urgent Business Without Notice

239/16 MOTION: Weatherley / Cavalier

That DA0310/2016 - Industrial Building - 9 workshop sheds at 80-82 Depot Road, Mudgee be considered as urgent business without notice.

The motion was carried with the Councillors voting unanimously.

8.9 DA0310/2016 - INDUSTRIAL BUILDING - 9 WORKSHOP SHEDS AT 80-82 DEPOT ROAD, MUDGEE

GOV400054, DA0310/2016, GOV400054

240/16 MOTION: Weatherley / Walker

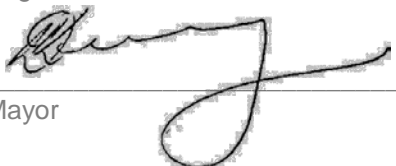
That Council:


1. receive the report by the Director Development on the DA0310/2016 - Industrial Building - 9 workshop sheds at 80-82 Depot Road, Mudgee;
2. approve DA0310/2016 9 workshop sheds at 80-82 Depot Road Mudgee, subject to the following conditions:

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 10 May 2016 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.

<i>Plan Name</i>	<i>Dwg No.</i>	<i>Rev</i>	<i>Dated</i>	<i>Prepared by</i>
Site Plan	3417-A01	C	01/07/2016	Giselle Denley


Mayor

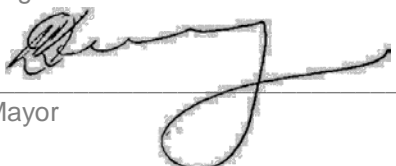

General Manager

Proposed Workshops	3417-A02	C	01/07/2016	Giselle Denley
Proposed Workshops	3417-A03	B	19/04/2016	Giselle Denley
Proposed Workshops	3417-A04	B	19/04/2016	Giselle Denley


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.**

GENERAL CONDITIONS

3. **The premises shall be used for the purposes of light industry as defined pursuant to Mid-Western Regional Local Environmental Plan 2012. Any change of use (except exempt development) will require the consent of Council.**
4. **Hours of operation are restricted to 7am to 6pm Monday to Friday and 8am to 5pm Saturdays only.**
5. **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.**
6. **Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.**
7. **All loading and unloading in connection with the premises shall be carried out wholly within the site.**
8. **All vehicle movements associated with the premises shall be carried out wholly within the site.**
9. **Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping prior to the issue of an occupation certificate.**
10. **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'.**
11. **All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization &**



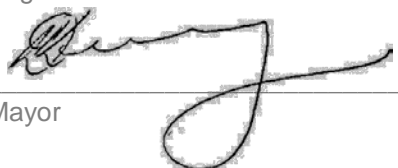
 Mayor



 General Manager

Management Act 1995.

12. **No signage is permitted under this consent. All signage is to be the subject of a separate development application.**
13. **The use of the premises must incorporate facilities that will prevent the discharge of any pollutant, which may degrade the environment or be prejudicial to its inhabitants including but not limited to:**
 - a) **All pollution control devices (including drainage systems, sumps and traps) must be regularly maintained;**
 - b) **All liquid wastes must be collected and disposed of in a manner which does not pollute the stormwater system;**
 - c) **Detergents used to clean vehicles, mechanical parts or workshop floors are to be quick-break type only;**
 - d) **Oil spills should be dry cleaned prior to washdown;**
 - e) **All storage areas where spillages may reasonably occur shall be bunded. The capacity of the bunded area shall be calculated as being equal to 110% of the largest vessel or container in the area or 10% of the total volume of vessels/containers accommodated in the area, whichever is greater. All bunded areas shall be graded to a blind sump to facilitate testing of collected wastewater and provide a low point for the pump out. Bunded areas shall be suitably treated to prevent the ingress of water; and**
 - f) **The repair, servicing and maintenance of all vehicles must take place in a bunded work bay, drained holding tank or like device so that any liquid wastes produced from such repair, servicing and maintenance can be either:**
 - i) **Retained for recycling; or**
 - ii) **Disposed of in accordance with the requirements of the relevant water authority.**
14. **All the excavated and filled banks must be suitably retained or stabilised (totally within the site boundaries) as necessary to prevent the movement of soil and in accordance with appropriate professional standards.**
15. **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.

16. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

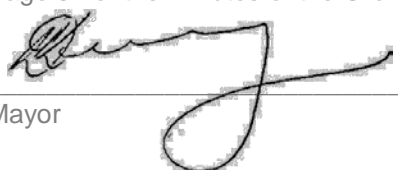
PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE – BUILDING

17. All building work is to comply with the requirements of the Access to Premises Standard.
18. Prior to the commencement of works, 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.
19. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
20. Complete landscaping plans are to be submitted for approval prior to issue of a Construction Certificate. All landscaping is to consist of appropriately advanced trees and shrubs. All landscaping is to be established prior to occupation of the development. Tree and shrub species should require minimal watering and be salt resistant. Alternatively, smaller plant sizes will be considered if irrigation systems are implemented.

PRIOR TO COMMENCEMENT OF WORKS

21. 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



Mayor



Council at least two (2) days before work commences.

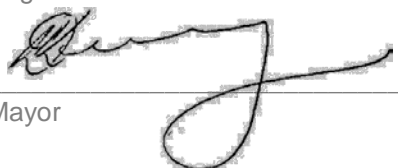
22. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to 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

23. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out;
- a) stating that unauthorised entry to the work site is prohibited;
 - 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; and
 - d) the sign shall be removed when the erection or demolition of the building has been completed.
24. 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,

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.

25. Prior to development the applicant shall advise Council's Operations Directorate, 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



Mayor

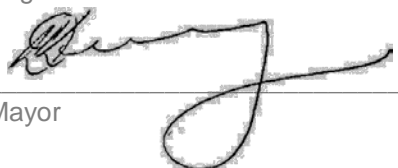


Australian Standards.

26. 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.
27. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.

BUILDING CONSTRUCTION

28. 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.
29. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
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. Fill material shall not raise the existing surface level within the dedicated easement/s.
32. The development must meet the water quality requirements pursuant to Council's Development Control Plan and Appendix B. Details of the measures are to be provided with the Construction Certificate documentation.
33. The premises shall be provided with adequate toilet facilities and wash basins for each sex in accordance with the provisions of the National Construction Code. Full details are to be included in the documentation submitted with the Construction Certificate application.

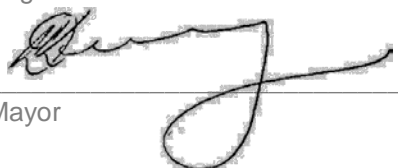




34. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
35. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
36. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.
37. Building envelopes are not to extend greater than 90m from the nearest hydrant.
38. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
39. 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; and
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE – CIVIL

40. 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



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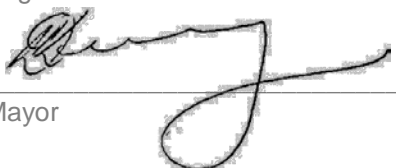
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A Construction Certificate is required for but not limited to the following civil works;

- Stormwater drainage system; and
- Road construction, including kerb & gutter and driveway crossover.

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

41. 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 based on a Design Average Recurrence Interval of 10 years. All storm water treatment details including analysis shall be included with the drainage report.
42. Prior to release of the Construction Certificate, approval is to be obtained from Mid-Western Regional Council pursuant to *Section 68, Part B* of the *Local Government Act, 1993* to;
 - 1) Carry out water supply work;
 - 2) Draw water from a council water supply or a standpipe or sell water so drawn;
 - 3) Install, alter, disconnect or remove a meter connected to a service pipe;
 - 4) Carry out sewerage work;
 - 5) Carry out stormwater drainage work; and
 - 6) Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer
43. Prior to release of the Construction Certificate, approval is to be obtained from Mid-Western Regional Council pursuant to *Section 138* of the *Roads Act 1993* for the construction of 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" for industrial crossovers.



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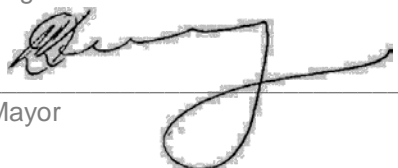


Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Development Directorate between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice.

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

ENGINEERING CONSTRUCTION

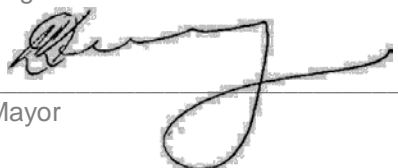
44. A total of 9 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:
- Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - Each disabled car parking space is to be in accordance with the provisions of AS 2890.6:2009;
 - All car parking spaces and manoeuvring areas are to be sealed and line-marked and must be maintained in a satisfactory condition at all times; and
 - Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.
45. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.
46. Any existing vehicular crossings not utilised by the development shall be removed and the area restored to match the adjoining section of kerb and gutter prior to occupation of the development.
47. The 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;



Mayor



- Installation of stormwater infrastructure;
 - Installation of water and sewer mains; and
 - Practical Completion
48. 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.
49. 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.
50. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.
- Note: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.**
51. Runoff and erosion controls shall be installed prior to clearing and incorporate:
- sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
 - maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.
52. 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.
53. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water



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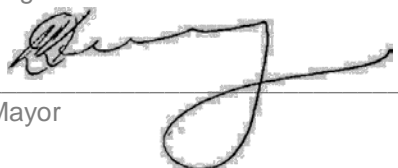


Supply Authority under the Local Government Act,1993) and in accordance with the National Specification – Water Supply Code of Australia.

- 54. 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 adjoining private properties as a result of this development.**

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- 55. 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.**
- 56. 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.**
- 57. All car parking, associated driveway works and landscaping are to be completed prior to occupation of the development.**
- 58. 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, at the applicants full cost prior to issue of the Occupation Certificate.**
- 59. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Developer Contributions Plan, a contribution equal to 1% of the development cost shall be paid to Council.**



Mayor



SUBJECT TO CPI INCREASE**TOTAL COST = 1% x \$220,000 = \$2,200**

The motion was carried with the Councillors voting unanimously.

Item 14: Confidential Session**241/16 MOTION: Shelley / Cavalier**

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

The motion was carried with the Councillors voting unanimously.

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 Review 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 a particular individual (other than Councillors).

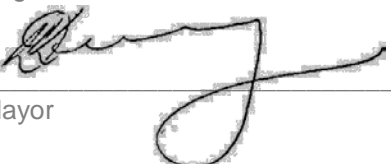
Following an enquiry from the Mayor, the General Manager advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

14.1 GENERAL MANAGER'S PERFORMANCE REVIEW 2015 - 2016


GOV400054, GOV400043, A0381418

242/16 MOTION: Webb / Cavalier**That Council:**

- 1. receive the report by the Executive Manager, Human Resources on the General Manager's Performance Review 2015 - 2016; and**
- 2. assess the General Manager's Performance for the year ending 30 June 2016 be assessed at 2.5 in accordance with the assessment scale included in the General Manager's**



Mayor



General Manager

Performance Agreement; and

3. **approve an increase to the General Manager's total remuneration package to \$300k per annum.**

The motion was carried with the Councillors voting unanimously.

Item 15: Urgent Confidential Business Without Notice

Item 16: Open Council

243/16 MOTION: White / Cavalier

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 6.47pm.

