

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on 21 February 2018, commencing at 6:22pm and concluding at 7.14pm.

PRESENT Cr P Shelley, Cr D Kennedy, Cr E Martens, Cr JP Thompson, Cr P Cavalier,  
Cr S Paine, Cr A Karavas, Cr J O'Neill, Cr R Holden.

IN ATTENDANCE General Manager (Brad Cam), Director Community (Simon Jones), Director  
Development (Julie Robertson), Director Operations (Garry Hemsworth),  
Chief Financial Officer (Leonie Johnson), Manager Governance (Tim  
Johnston) and Executive Assistant (Mette Sutton).

## Item 1: Apologies

There were no apologies.

## Item 2: Disclosure of Interest

Councillor Cavalier declared a pecuniary conflict of interest in item 8.9 as his company provided a quote on sign writing work addressed in this report. He also declared a significant pecuniary conflict of interest in item 8.2 as he has a business relationship with one of the objectors, and a significant pecuniary conflict of interest in item 8.1 as the proponent is a client of his.

Councillor Holden declared a pecuniary conflict of interest in item 7.5 as he has business connections with one or more of the directors of MRTI. He also declared a pecuniary conflict of interest in item 8.8 as he has business connections with the applicant's representative.

Councillor Karavas declared a significant non-pecuniary conflict of interest in item 8.2 as the applicant manages a part of real estate that he owns.

Councillor Kennedy declared a pecuniary conflict of interest in item 8.6 as he has a business and family relationship with the applicant. He also declared a pecuniary conflict of interest in item 8.7 as he is the owner of the business.

Councillor O'Neill declared a pecuniary conflict of interest in item 8.3, 8.6 and 8.7 as he conducts business with all applicants of these development applications.

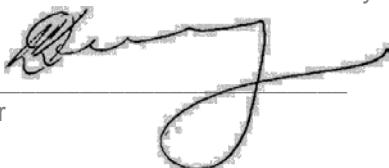
Councillor Paine declared a pecuniary conflict of interest in item 8.6 as he is undertaking business for the applicant.

Councillor Thompson declared a conflict of interest in item 8.1 as the applicants were sponsors of prizes for the Gulgong Cup and he is the President of the Gulgong Race Club.

## Item 3: Confirmation of Minutes

01/18 MOTION: Cavalier / Thompson

**That the Minutes of the Ordinary Meeting held on 13 December 2017**



**be taken as read and confirmed.**

*The motion was carried with the Councillors voting unanimously.*

**Item 4: Matters in Progress**

**Quarry Road Kandos**

**02/18 MOTION: Holden / Martens**

**That Quarry Road Kandos be noted as complete.**

*The motion was carried with the Councillors voting unanimously.*

**Item 5: Mayoral Minute**

5.1 MAYORAL MINUTE: SUPPORT FOR NSW JUNIOR STATE  
SOCCER TITLES

GOV400066

**03/18 MOTION: Kennedy**

**That Council:**

1. **acknowledge the efforts of Mudgee Wolves FC Inc in staging the Football NSW State Titles in September 2017;**
2. **provide an additional \$5,000 in events assistance to Mudgee Wolves FC Inc and amend the 2017/18 Operational Plan to increase the events assistance budget by \$5,000, funded from unrestricted cash; and**
3. **consider changes to the fees and charges for the use of Glen Willow for the 2018/19 financial year for week long, mid-week bookings.**

*The motion was carried with the Councillors voting unanimously.*

**Item 6: Notices of Motion or Rescission**

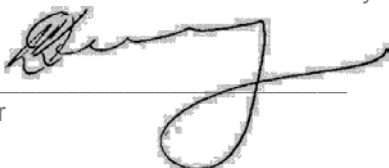
6.1 RV FRIENDLY TOWN

GOV400066, PAR300027

**04/18 MOTION: O'Neill / Cavalier**

**That Council staff:**

1. **identify potential sites in Gulgong and Rylstone to enable**



**the status of an 'RV Friendly Town'; and**

- 2. provide costings as to what is required to provide the services required for this to happen.**

*The motion was carried with the Councillors voting unanimously.*

6.2 2018 NEW YEARS EVE FIREWORKS

GOV400066, REC800007

MOTION: Karavas

As written

The motion lapsed for want of a seconder.

**05/18 MOTION: Holden / Cavalier**

**That in the event that Council is approached, as it has in the past, to support a New Year's Eve Fireworks event by a private organisation that staff be empowered to bring back a report to Council.**

*The motion was carried with the Councillors voting unanimously.*

6.3 ENVIRONMENTAL FLOWS FROM RYLSTONE DAM AND DUNNS SWAMP INTO THE CUDGEGONG RIVER SYSTEM

GOV400066, GOV400066, F0780128

**06/18 MOTION: Shelley / Holden**

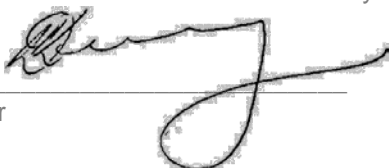
**That Council:**

- 1. urgently seek approval, if required, from NSW Department Primary Industries, WaterNSW or any other relevant authority or private owner, and actions the increase of environmental flows from Dunns Swamp Dam and Rylstone Dam into the Cudgegong river system; and**
- 2. assess, proceed and monitor the release to minimise risk to water security and maximised environmental release.**

*The motion was carried with the Councillors voting unanimously.*

**Item 7: Office of the General Manager**

7.1 JOINT ORGANISATION OF COUNCILS



GOV400066, GOR00030

**07/18**                    **MOTION: Shelley / Martens**

**That Council:**

1.            receive the report by the Director Community on the Joint Organisation of Councils;
2.            endorse that, for the purposes of the resolution passed by this Council on 13 December 2017 (Min 368/17) concerning the approval of councils that are being included in the joint organisation's area, that – in addition to those council areas prescribed in the previous resolution – Council endorse the areas of the Bourke Shire Council, Brewarrina Shire Council, Cobar Shire Council and Walgett Shire Council being included in the area of the joint organisation; and
3.            endorse that before 28 February 2018, the General Manager provide the Minister of Local Government with a copy of this resolution including the date on which Council made this resolution.

*The motion was carried with the Councillors voting unanimously.*

## 7.2 MUDGEE BICENTENARY CELEBRATIONS

GOV400066, CMR200039

**MOTION: Holden**

**That Council:**

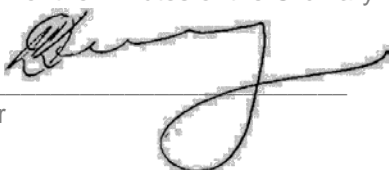
1.            receive the report by the Director Community on the Mudgee Bicentenary Celebrations;
2.            determine that the gazettal of Mudgee as a town in 1821 is the best date available for historic periodic celebrations; and
3.            explore the option through the budget process of providing funding to the Camping Tree for the enhancement of this area in recognition of the early pioneering days.

The motion lapsed for want of a seconder.

**08/18**                    **MOTION: Shelley / Cavalier**

**That Council:**

1.            receive the report by the Director Community on the



**Mudgee Bicentenary Celebrations;**

- 2. **determine that the gazettal of Mudgee as a town in January 1838 is the best date available for historic periodic celebrations; and**
- 3. **explore the option through the budget process of providing funding to the Camping Tree for the enhancement of this area in recognition of the early pioneering days.**

AMENDMENT: Holden / Thompson

That Council:

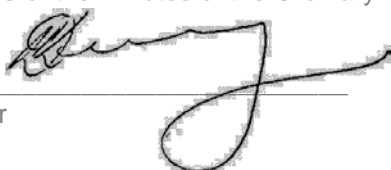
- 1. receive the report by the Director Community on the Mudgee Bicentenary Celebrations;
- 2. determine that the date to be celebrated is December 1821; and
- 3. explore the option through the budget process of providing funding to the Camping Tree for the enhancement of this area in recognition of the early pioneering days.

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

Councillors	Ayes	Nayes
Cr Shelley		✓
Cr Kennedy		✓
Cr Martens	✓	
Cr Thompson	✓	
Cr Cavalier		✓
Cr Paine		✓
Cr Karavas		✓
Cr O'Neill		✓
Cr Holden		✓

*The motion on being put was carried with Councillors voting as follows:*

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson		✓
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden		✓




The following recommendations (item 7.3 to item 7.4) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Martens and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.09/18 and concluding with Resolution No. 10/18.

### 7.3 ASBESTOS MANAGEMENT POLICY

GOV400066, GOV400029, A0100056, A0250000

**09/18 MOTION: Shelley / Martens**

**That Council:**

- 1. receive the report by the Executive Manager, Human Resources on the Asbestos Management Policy; and**
- 2. adopt the updated Asbestos Management Policy.**

*The motion was carried with the Councillors voting unanimously.*

### 7.4 ANNUAL CODE OF CONDUCT COMPLAINTS STATISTICS

GOV400066, A0170031

**10/18 MOTION: Shelley / Martens**

**That Council receive the report by the Manager Governance on the Annual Code of Conduct Complaints Statistics for period 1 September 2016 – 31 August 2017.**

*The motion was carried with the Councillors voting unanimously.*

Councillor Holden declared a pecuniary conflict of interest in item 7.5 as he has business connections with one or more of the directors of MRTI, left the Chambers at 6:37pm and did not participate in discussion or vote in relation to this matter.

### 7.5 MRTI QUARTERLY REPORT - OCTOBER 2017 TO DECEMBER 2017

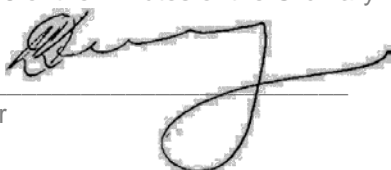
GOV400066, F0770077

**11/18 MOTION: Paine / Karavas**

**That Council receive the report by the General Manager on the MRTI Quarterly Report - October 2017 to December 2017.**

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens	✓	




Cr Thompson	✓
Cr Cavalier	✓
Cr Paine	✓
Cr Karavas	✓
Cr O'Neill	✓

Councillor Holden returned to the Chambers at 6:38pm.

## Item 8: Development

Councillor Cavalier declared a significant pecuniary conflict of interest in item 8.1 as the proponent is a client of his. He also declared a significant pecuniary conflict of interest in item 8.2 as he has a business relationship with one of the objectors, left the Chambers at 6:38pm and did not participate in discussion or vote in relation to these matters.

The Mayor advised that the applicant of MA0002/2017 had requested that the development application be withdrawn from the meeting.

**12/18 MOTION: Shelley / Holden**

**That item 8.1 of the business paper being MA0002/2017 - modification to DA0330/2012 - Bylong Quarry expansion and concrete batch plant - 8346 Bylong Valley Way, Bylong be withdrawn from the meeting.**

*The motion was carried with the Councillors voting unanimously.*

Councillor Karavas declared a significant non-pecuniary conflict of interest in item 8.2 as the applicant manages a part of real estate that he owns, left the Chambers at 6:39pm and did not participate in discussion or vote in relation to this matter.

8.2 DA0034/2017 - 38 HILL END ROAD - INDUSTRIAL  
SUBDIVISION

GOV400066, DA0034/2017

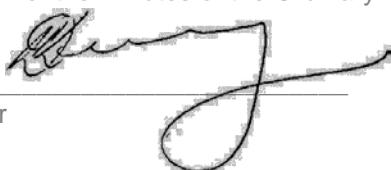
**13/18 MOTION: Holden / Shelley**

**That Council:**

- A. receive the report by the Senior Town Planner and Manager, Statutory Planning on the DA0034/2017 - 38 Hill End Road - Industrial Subdivision;
- B. approve DA0034/2017 - 38 Hill End Road - Industrial Subdivision subject to the following conditions:

<b>APPROVED PLANS</b>
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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.

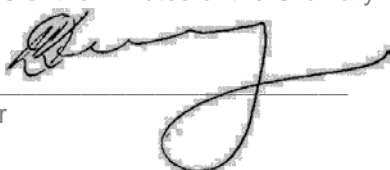
Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Proposed Lot Plan	Dwg Number 19196-CD03	B	20/06/2017	Barnson Pty Ltd
Landscape Plan	Project 160617 Dwg L.01	A	N/A	APS Landscape Architecture
Statement of Environmental Effects	19196-P01	N/A	August 2016	Barnson Pty Ltd

2. The following amendments are to be made to the lot layout.
  - The Right of Way (ROW) providing access to lot 6 is to be deleted, with the land to be included in the road reserve and constructed accordingly.
  - A portion of lot 16 is to be afforded to lot 15 to ensure lot 15 achieves a road frontage of 30m.
  - A portion of lot 28 is to be afforded to lot 29 to ensure lot 29 achieves a road frontage of 30m.
3. Lots 1 and 27 are to be provided with restrictive building envelopes to ensure adequate truck turning circles can be achieved, allowing trucks to enter and exit in a forward direction. The building envelopes are to be incorporated into the 88b instrument with Council nominated as the Authority to vary or release.
4. A Restriction as to User is to be registered on all lots with a boundary to Hill End Road stating that no direct access to Hill End Road is permitted.

**PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – CIVIL**

5. The development as proposed is currently “out of sequence” with Council’s Water Supply Servicing Strategy. Should the developer/applicant proceed “out of sequence” prior to the installation of necessary distribution infrastructure to service the West Mudgee area the applicant/developer is to design and construct at no cost to Council the necessary infrastructure to service the development meeting Council’s Levels of Service and any other applicable standards relating to pressure and flow.

Depending on the timing of the delivery of essential distribution assets which will service this development, Council may agree to the installation of a temporary arrangement (such as a booster pump station) to meet the






servicing requirements of the development at no cost to Council. Alternatively, Council may approve the construction of essential assets (such as the trunk main and reservoir) ahead of time to service the proposed development. In such a case, the assets will be sized by Council in accordance with the requirements of the Development Servicing Plan, and the full capital cost would initially be met by the developer.

Essential distribution assets funded by the developer will serve other future development, as such the developer may be reimbursed for the capital cost when Council collects developer charges from the future development it serves. Prior to proceeding with this option, the developer must enter into an agreement with Council stating how the developer will be reimbursed in the future.

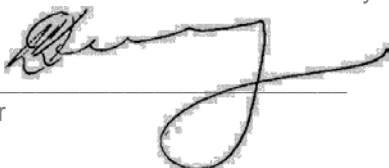
6. The development proposes to connect and discharge raw sewage from the developed site to a pump station on the Landfill site for transfer to the Sewage Treatment Plant. The Landfill site is currently subject to design modification which may change the point of connection as proposed. Prior to lodging an application for a Construction Certificate the developer/applicant is to seek formal advice from Council on the point of and method of connection.

Council may seek reimbursement of costs incurred for the additional provisions of servicing the development. Prior to proceeding the developer may need to enter into an agreement with Council stating how Council may be reimbursed in the future.

7. 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 (DCP).
8. A Construction Certificate is required for but not limited to the following civil works;
  - Water and sewer main extensions;
  - Stormwater drainage such as interallotment drainage, detention basins;
  - Road construction;
  - Footpath and kerb & gutter; and
  - Landscaping of public reserves.

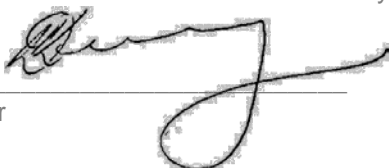
**Note:** No works can commence prior to the issue of the Construction Certificate.

9. The applicant is to submit a Drainage Report as part of the detailed design 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 the 1% Annual Exceedance Probability . All storm water detention and water quality details including analysis/modelling shall be included with the drainage report.

10. The applicant is to submit engineering design plans for all road works and shall include pavement and wearing surface investigation and design in accordance with Austroads Guide to Pavement Technology Part 2, Pavement Structural Design and applicable RMS Supplements.
11. All finished surface levels are to 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.
12. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
  - Saving available topsoil for reuse in the revegetation phase of the development;
  - Using erosion control measures to prevent on-site damage;
  - Rehabilitating disturbed areas quickly;
  - Maintenance of erosion and sediment control structures;
13. Prior to approval of Construction Certificate the applicant/developer is to provide Council with a copy of the Controlled Activity Approval in accordance with the Department of Primary Industries GTA's.
14. Prior to approval of Construction Certificate the applicant/developer is to provide Council with a copy of the Works Authorisation Deed and Road Occupancy Licence with RMS in accordance with the conditions of concurrence.
15. A detailed landscape plan prepared by a suitably qualified landscape architect, prepared generally in accordance with the approved Landscaping Plan, is to be prepared and



lodged with Council for approval prior to the issue of a Construction Certificate. The landscape plan is to further detail planting within the development site and confirm suitability of each species for the climate and their intended purpose.

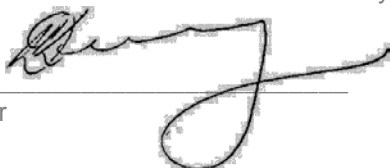
The landscape plan is to include a 5 year maintenance schedule to ensure optimum growth and survival.

#### **PRIOR TO WORKS COMMENCING (NSW ROADS & MARITIME SERVICES REQUIREMENTS)**

16. Prior to the commencement of construction work, a Channelised Right (CHR) turn lane facility in accordance with Figure 7.7 Part 4A of Austroads Guide to Road Design and relevant Roads and Maritime supplements, is to be provided on Hill End Road at its intersection with the proposed public road. The intersection works are to be designed and constructed for a 100km/h speed zone and be able to accommodate the largest vehicle accessing the intersection.
17. Prior to the commencement of construction work, a sealed Basic Left (BAL) turn treatment as shown in Figure 8.2 Part 4A of Austroads Guide to Road Design and relevant Roads and Maritime supplements, is to be provided at the intersection of the proposed public road and Hill End Road.
18. Safe Intersection Sight Distance (SISD) in accordance with Part 4A of Austroads Guide to Road Design and relevant Roads and Maritime supplements is to be provided at the intersection of the proposed public road and Hill End Road.

#### **ENGINEERING CONSTRUCTION**

19. The subdivision works are to be inspected by 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.
20. Prior to the commencement of construction works the applicant needs to comply with the requirements of the Local Government Act 1993, section 634 which requires



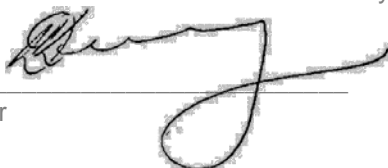
that

- (1) a person must not do any water supply work, sewerage work or stormwater drainage work unless the person;
- (a) is the holder of an endorsed licence or supervisor certificate in force under the [Home Building Act 1989](#) authorising the holder to do (and to supervise) work of the kind concerned, or
  - (b) is the holder of a tradesperson certificate in force under the [Home Building Act 1989](#) authorising the holder to do that kind of work under supervision and does that work under the general supervision of the holder of a licence or certificate referred to in paragraph (a), or
  - (c) does the work under the immediate supervision of a person referred to in paragraph (a).

(2) A person who employs (or uses the services of) another person to do any water supply work, sewerage work or stormwater drainage work is guilty of an offence if the person knows that the other person, in doing the work, contravenes subsection (1).

Documented evidence is required to be supplied prior to commencement of construction along with a Certificate of Currency for Public Liability and Professional Indemnity.

21. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the subdivision works including the erection of any fences or hoardings.
22. 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.
23. 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.
24. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.
25. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street. Easements not less than 1m wide shall be created over inter-allotment drainage in favour of upstream allotments.



26. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.

27. The new roads in the subdivision are to be constructed in accordance with the following:

Item	Requirement
Road Reserve	24 m
Carriageway Width	13 m
Concrete Footpaths	1.2m wide
Pavement Design	Designed in accordance with Austroads Guide to Pavement Technology Part 2, Pavement Structural Design and applicable RMS Supplements
Kerb & Gutter	Roll back concrete kerb and gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

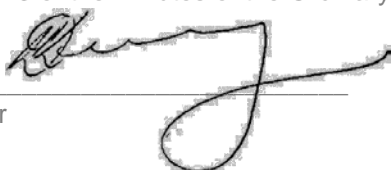
28. The connection to Council's water reticulation network is to occur near the entrance to the Caerleon Subdivision, with all works associated with the connection to be at the full cost of the developer. Council does not permit other bodies to insert new connections into 'live' water mains, subsequently the developer/applicant will need to enter into a Private Works Agreement for Council to undertake the works required.

29. The developer is to provide a water service and meter for each lot in the subdivision. In the case of any lots that will be serviced by a water main being constructed by the developer, a full water service is not required and the developer can elect to pay for a meter assembly only at a cost in accordance with Council's Fees and Charges for the supply and installation of a 20 mm water meter.

**Note: Council does not permit other bodies to insert new connections into 'live' water mains.**

30. All water supply infrastructure is to be designed and constructed in accordance with the WSAA Water Supply Code of Australia V3.1

31. Fire hydrant spacing, sizing and pressures are to comply with AS2419.1-2005.




32. The design of the sewer pump station is to comply with the WSAA Sewage Pumping Station Code of Australia.
33. In the case of any lots that will be serviced by a sewer main constructed by the developer the sewer junctions required to service the proposed lots must be installed by the developer wholly within the lot to be serviced with the boundary riser extended to above the proposed FSL of the site.
34. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
35. Any construction work must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

**PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE**

36. 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.

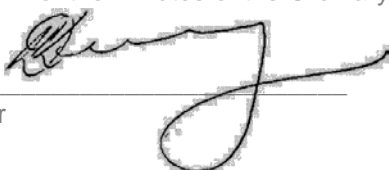
**Note:** The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges).

**Note:** The final inspection report shall be submitted to Council with the Subdivision Certificate application.

37. 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 subdivision.
38. Following completion of all engineering works, a defect liability bond of 5% of the value of such works shall be lodged with Council for a twelve (12) month period to ensure that any defects in such works are remedied by the developer

**Note:** The bond may be provided by way of monetary deposit with the Council or an unconditional bank guarantee.

39. A defects liability bond must be submitted to the Council,



with the Subdivision Certificate application. For the purpose of defining the defects liability period, the works (or the part of works in the subject stage) are considered to be “completed” when the Subdivision Certificate is registered.

40. The developer is to ensure that all defects in the works that become apparent within the twelve (12) months of Defects Liability Period, that these defects are rectified to Council’s satisfaction. If defects are not rectified, Council may use the bond money to rectify defective works.

**Note:** Any unspent bond money will be returned to the developer at the end of the twelve (12) month period, less the estimated cost of any outstanding works or works undertaken by Council in rectifying works.

41. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:

- PDF;
- Dwg format or “Autocad compatible”;
- MapInfo.

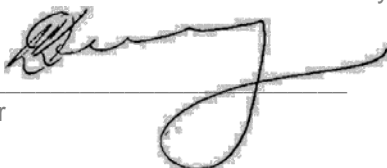
This will also require the completion of an Asset Data Spreadsheet (which will be provided by Council upon request) for all Developer Contributed Assets. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

42. The developer shall obtain a Certificate of Compliance issued under Section 64 of the Local Government Act 1993 exercising functions under Division 5 of Part 6 of the Water Management Act 2000. This will require:

- a) Payment of a contribution for water and sewerage headworks in accordance with the Development Servicing Plan.
- b) The adjustment of existing services or installation of new services and metres, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.

**Note:** Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Council’s Planning and Development Department regarding any adjustments.

43. All landscaping identified in the landscaping plan including mulching is to be established to the satisfaction of Council

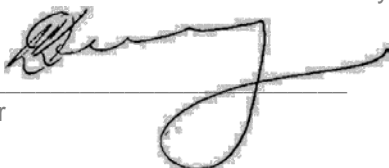


prior to the issue of a Subdivision Certificate.

44. The development is to meet all requirements of the Bushfire Safety Authority issued by the NSW Rural Fire Service dated 26 September 2016.
45. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- a) A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
  - b) Satisfactory evidence that arrangements have been made for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose.
  - c) An agreement from a carrier that they are satisfied with the provision of fixed-line telecommunications infrastructure in the fibre ready facilities to all individual lots.
  - d) Confirmation that all contributions have been paid to Council and all works required by the consent have been completed in accordance with the consent.
46. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision in accordance with the relevant authorities standards.
47. The developer must provide Council and land purchasers with a site classification for each vacant 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 AS 2870 - 1996. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
48. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title are to be complied with. Easements are to be provided for the essential energy power lines.

#### ADVISORY NOTE

Essential assets to service the development with water are currently not available. They do form part of the overall Servicing Strategy for the West Mudgee reticulation area and are included in Council's 10 year Capital Works Program for 2024/25.





The development is considered “out of sequence” and as such Council may approve the construction of essential assets ahead of time to service the proposed development. If Council were to approve this, the essential assets will be sized by the Council in accordance with the requirements of the Development Servicing Plan, and the full capital cost would initially need to be met by the developer.

As the essential assets funded by the developer will serve other future development, the developer may be reimbursed when Council collects developer charges from the future development it serves. Prior to proceeding the developer is advised to enter into an agreement with Council stating how the developer will be reimbursed.

Depending on the timing of the delivery of essential assets, Council may agree to the installation of a temporary arrangement (such as a booster pump station) to meet the servicing requirements of the development at no cost to Council.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens	✓	
Cr Thompson	✓	
Cr Paine	✓	
Cr O'Neill	✓	
Cr Holden	✓	

Councillor Karavas and Councillor Cavalier returned to the Chambers at 6:43pm.

Councillor O'Neill declared a pecuniary conflict of interest in item 8.3 as he conducts business with all applicants of these development applications, left the Chambers at 6:43pm and did not participate in discussion or vote in relation to this matter.

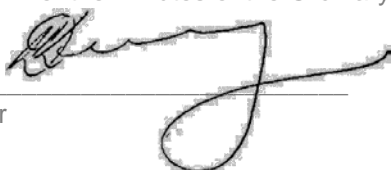
8.3 MI008/2018 MODIFICATION OF DA 0259/2017 - CHANGE  
PYLON SIGN FOR CLUB MUDGEER CAR PARK  
GOV400066, DA0259/2017

**14/18 MOTION: Karavas / Shelley**

**That Council:**

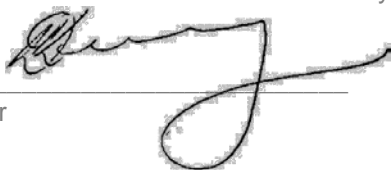
- A. receive the report by the Senior Town Planner on MI008/2018 Modification of DA 0259/2017 - Change Pylon Sign for Club Mudgeer Car Park;
- B. approve MI008/2018 Modification of DA 0259/2017 - Change Pylon Sign for Club Mudgeer Car Park subject to the following modified conditions:

**APPROVED PLANS**




1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp (as amended in red) 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
Site Plan	-	-	-	As received by Council on 24 April 2017.
<del>Car Park Sign 1</del>	-	-	-	As received by Council on <del>24 April 2017.</del>
<del>Car Park Sign 2</del>	-	-	-	As received by Council on <del>24 April 2017.</del>
Car Park Sign	-	-	-	Unique Signage Solutions
Fabricated Letters Fixed to Eastern Wall of Club & Fabricated Letters Fixed to Corner Wall of Club	-	-	-	As received by Council on 24 April 2017.
Photo of existing Club Mudgee sign on awning fascia	-	-	-	As received by Council on 22 June 2017.
Entry Signage Club	WDS 5.81	B	31.10.13	Nicholas Associates Architects




				Pty Ltd
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**(AS AMENDED BY MI008/2018)**

### **GENERAL**

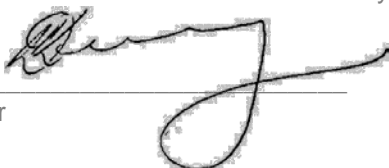
2. This development consent provides approval for:
  - (a) The proposed "Club Mudgee" sign attached to the north-west corner of the building;
  - (b) The proposed "Club Mudgee" sign attached to the eastern wall of the building;
  - (c) The existing "Club Mudgee" sign attached to the entrance awning of the building; and
  - (d) The proposed "Club Mudgee" pylon sign erected near the Perry Street car park entrance to the site.
3. The approved pylon sign is to be located wholly within the property boundaries of the subject site, with no part of the sign to be located within the road reserve.
4. Notwithstanding the approved plans, the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.

### **PRIOR TO THE COMMENCEMENT OF WORKS - BUILDING**

5. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
  - a) the appointment of a Principal Certifying Authority; and
  - b) the date on which work will commence.

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

6. 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.

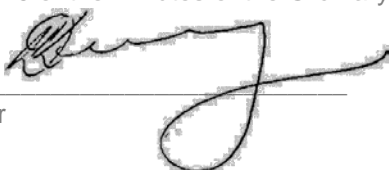
Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

7. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials. **NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE**
8. Prior to the commencement of works on site, the applicant shall advise Council's Operations Directorate, in writing, of any existing damage to Council property.
9. 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.
10. If the work involved in the erection/demolition of the building:
- a) Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- 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.

#### **BUILDING CONSTRUCTION**

11. 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.
12. 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.**
13. **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.**
  14. **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.**
  15. **All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.**

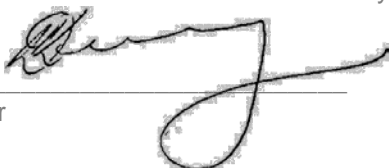
#### **PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

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

16. **On completion of the work, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the structure.**

#### **CONDITIONS RELATED TO THE ONGOING USE OF THE SITE**

17. **Any illumination of signage is to comply with the following requirements:**
  - a) **Illumination (including cabling) of signs is to be:**
    - (i) **concealed; or**
    - (ii) **integral with the sign; or**
    - (iii) **internally illuminated; or**
    - (iv) **provided by means of carefully designed and located remote or spot baffled lamps.**



- b) The design and lux of any internal or spot lighting shall be designed to avoid off-site or traffic safety impacts.
  - c) Illumination must not be set to flashing mode, at any time.
  - d) Comply with Australian Standard AS 4282:1997 – Control of the Obtrusive Effects of Outdoor Lighting.
18. The internal light of the pylon sign must be set on a timer so that it is off outside the business hours of the premises.
19. ~~The wording on the pylon sign is to be limited to “Club Mudgee, Patron Carpark, Ph: 6372 1922”. Changes may be made to the telephone number, as required and without Council consent. The wording must be in fixed print. That is, the pylon sign is not to operate as a changeable message sign, at any time.~~

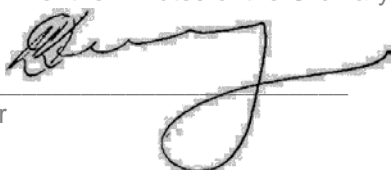
The wording on the pylon sign is to be limited to “Club Mudgee, Patrons Parking Only, [www.clubmudgee.com.au](http://www.clubmudgee.com.au)” or similar. Changes may be made to the telephone number or other contact details, as required, and without Council consent. The wording must be in fixed print. That is, the pylon sign is not to operate as a changeable message sign, at any time.

**(AS AMENDED BY MI008/2018)**

- 20. The approved signage and related components are to be maintained in a clean, tidy and structurally sound manner, at all times.
- 21. Any graffiti attacks on the approved signage and related components are to be removed and cleaned as soon as practicable, in order to deter future attacks.
- 22. The existing TAB sign is to be removed from the premises within 2 months from the erection of any of the proposed signs approved by this Development Consent.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens	✓	
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr Holden		✓




Councillor O'Neill returned to the Chambers at 6:44pm.

- 8.4 DA0084/2018 SUBDIVISION OF PART OF THE LOY AVENUE ROAD RESERVE TO CREATE A NEW LOT IN CONNECTION WITH A PROPOSED ROAD CLOSURE AND SALE  
GOV400066, DA0084/2018

15/18

**MOTION:** Thompson / Paine

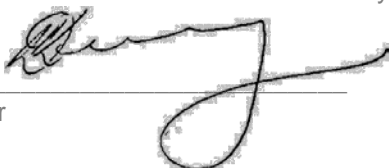
**That Council:**

1. receive the report by the Town Planner on the DA0084/2018 Subdivision - Subdivision of part of the Loy Avenue road reserve to create a new lot in connection with a proposed road closure and sale;
2. resolve to grant an exemption to the payment of S94 and S64 Developer Contributions;
3. approve DA0084/2018 – Subdivision of part Loy Avenue, Mudgee subject to the following conditions:

**APPROVED PLANS**

1. Development is to be carried out generally in accordance with the following stamped plan, except where amended as required by the following conditions. The Survey Plan submitted for certification and endorsement are to be in accordance with the Plan Form 2 showing proposed Lot 100, being Plan First Title and Subdivision of Part of Loy Avenue for Title Issue and Road Closing, prepared by Surveyor Colin William (Bill) Currie, dated 12.07.2017 and with a Surveyor's Reference 26060 MWRC, as submitted with the application.
2. For clarity, this development consent approves the creation of Lot 100, through the subdivision of part Loy Avenue.
3. Proposed lot 100 shall not be dealt with otherwise than by sale to the owners of the adjacent property being lot 11 DP 1205283 known as 8 Loy Avenue. If not sold to the adjacent owners as proposed by the supplementary documents lodged with the application, the applicant must re-dedicate the proposed lot 100 as public road. Proposed lot 100 shall be consolidated with lot 11 DP 1205283 (i.e. No. 8 Loy Avenue) within six months of completion of purchase of this lot by the owners of that lot. The applicant must include this condition in the contract for sale of lot 100, together with other conditions to ensure it occurs, and must enforce this provision against the purchasers

**CULTURAL HERITAGE**



4. 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.

**PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

5. 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.

6. Prior to the issue of a Subdivision Certificate, a linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
7. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the subdivision works.

**NO FURTHER CONSTRUCTION OF ACCESS**

8. Other than maintenance of existing conditions, no further development of the land that requires the construction of a formal vehicular access to the land from Loy Avenue will be permitted.

*The motion was carried with the Councillors voting unanimously.*

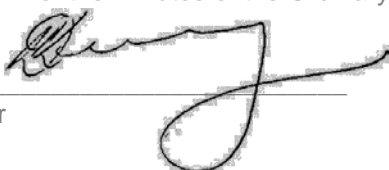
8.5 DA0136/2018 - DEMOLITION OF MUDGEES SHOWGROUND GRANDSTAND

GOV400066, DA0136/2018

MOTION: Thompson / Martens

That Council:

- A. receive the report by the Senior Town Planner on DA0136/2018 - Demolition of Mudgee Showground Grandstand;
- B. refuse DA0136/2018 - Demolition of Mudgee Showground Grandstand for the following reasons:
  1. The proposal would have a significant negative impact upon the heritage significance of the Mudgee Heritage Conservation Area as considered against the provisions of clause 5.10(4) of Mid-Western Regional Local Environmental Plan 2012.





2. The proposal is not in the public interest.

16/18

**AMENDMENT: Shelley / Cavalier**

**That Council:**

- A. receive the report by the Senior Town Planner on DA0136/2018 - Demolition of Mudgee Showground Grandstand;
- B. approve DA0136/2018 - Demolition of Mudgee Showground Grandstand for the following reasons:

**APPROVED PLANS CONDITIONS**

1. Development is to be carried out in accordance with the Application and Statement of Environmental Effects received by Council.

**PRESCRIBED CONDITIONS**

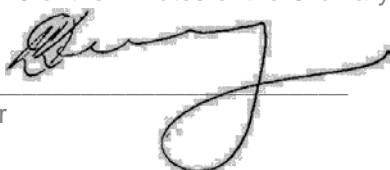
2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a. showing the name, address and telephone number of the principal certifying authority for the work, and
  - b. showing the name of the principal contractor (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.

3. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - a. protect and support the building, structure or work from possible damage from the excavation, and
  - b. where necessary, underpin the building, structure or work to prevent any such damage.

**PRIOR TO THE COMMENCEMENT OF WORKS**

4. 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.

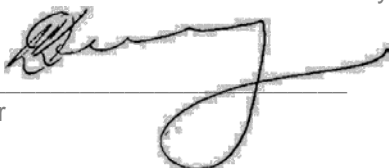
5. Prior to the commencement of works on site, the applicant shall advise Council's Development Engineers at the Operations Department in writing, of any existing damage to Council property.
6. A historic and photographic record of the building located on site is to be prepared and submitted to Council in accordance with NSW Heritage Office guidelines prior to the commencement of demolition works.

#### **DURING DEMOLITION**

7. Demolition is to be carried out in accordance with the appropriate provisions of AS 2601.
8. 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.
9. Construction work noise that is audible at other premises is to be restricted to the following times:
  - a. Monday to Saturday - 7.00am to 5.00pm

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

10. On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site.
11. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
  - a. Demolition work is not be undertaken until:
    - i. Council has been provided with a copy of any required Hazardous Substances Management Plan;
    - ii. The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
  - b. The removal, handling and disposal of any asbestos material (in excess of 10m<sup>2</sup>) is to be undertaken only by an



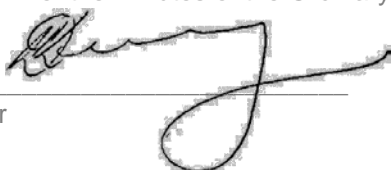
- asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
- c. All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
  - d. Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
12. The removal of any asbestos material (less than 10m<sup>2</sup>) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
  13. All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
  14. Care shall be taken during demolition to ensure that existing services on the site (ie sewer, electricity, gas, and telecommunications) are not damaged.

*The amendment was put and carried with Councillors voting as follows:*

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson		✓
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

*The amendment, on becoming the motion, was put and carried with Councillors voting as follows:*

Councillors	Ayes	Nayes
Cr Shelley	✓	




Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson		✓
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

Councillor Paine declared a pecuniary conflict of interest in item 8.6 as he is undertaking business for the applicant, left the Chambers at 6:52pm and did not participate in discussion or vote in relation to this matter.

Councillor Kennedy declared a pecuniary conflict of interest in item 8.6 as he has a business and family relationship with the applicant. He also declared a pecuniary conflict of interest in item 8.7 as he is the owner of the business, left the Chambers at 6:52pm and did not participate in discussion or vote in relation to this matter.

Councillor O'Neill declared a pecuniary conflict of interest in items 8.6 and 8.7 as he conducts business with the applicants of these development applications, left the Chambers at 6:52pm and did not participate in discussion or vote in relation to these matters.

8.6 DA0184/2018 - USE OF FOOTPATH AREA FOR DINING - 67  
MARKET STREET, MUDGEE (WOOLPACK HOTEL)  
GOV400066, DA0184/2018

17/18 MOTION: Shelley / Holden

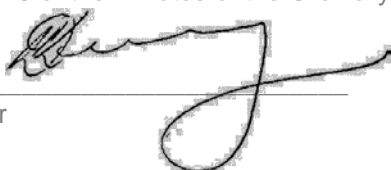
**That Council:**

- A. receive the report by the Town Planner and Manager, Statutory Planning on DA0184/2018 - Use of footpath area for dining - 67 Market Street, Mudgee (Woolpack Hotel);
- B. approve DA0184/2018 - Use of footpath area for dining - 67 Market Street, Mudgee (Woolpack Hotel) subject to the following conditions:

**APPROVED PLANS**

1. Development is to be carried out generally in accordance with the stamped plan (identified as Outdoor Seating Plan, Drawing Number 27772-A01 Revision C dated 2/02/2018 and prepared by Barnson), except where amended as required by the following conditions.
2. For clarity, this development consent approves the use of the footpath adjacent to 67 Market Street, Mudgee for dining purposes associated with these premises.

**OPERATIONAL CONDITIONS**

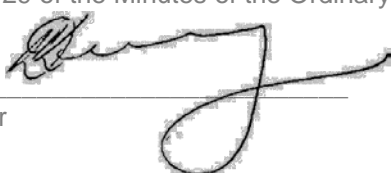



3. The operation of the footpath dining area must at all times be in accordance with a current approval under Section 125 of the Roads Act 1993.
4. The hours of operation are restricted to between 11am and 10pm seven (7) days a week.
5. The maximum capacity of patrons to be seated at tables in the permitted footpath dining area is limited to 30 persons at any one time.
6. All street furniture is to be removed from the footpath dining area outside approved operating hours.
7. A minimum clear zone (pedestrian area) of 1.8 metres measured outwards from the shop frontage shall be maintained at all times. All furniture is to be placed outside this clear zone.
8. The business proprietor and all personnel must ensure that the footpath dining area (and the immediate vicinity adjacent to the footpath dining area) is maintained in a clean and tidy condition at all times, free of grease, food and litter.
9. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
10. Barricades must be 1 metre in height clearly defining the boundaries of the footpath dining area. The barricades must be linked together and constructed so that they cannot be easily moved by patrons and can tolerate wind events.
11. Furniture is to be good quality, properly maintained and of a colour and design that compliments any adjacent heritage building and streetscape. Advertising material and/or product endorsement is not to be displayed on any items of furniture.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Martens	✓	
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Karavas	✓	
Cr Holden	✓	

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




8.7 MA0009/2018 - MODIFICATION TO DA0164/2015 -  
COMMERCIAL ALTERATIONS & ADDITIONS - ORIENTAL  
HOTEL - 6 LEWIS STREET, MUDGEE

GOV400066, MA0009/2018

Question on Notice from Cr Thompson to the Director Development: Could Section 94 parking contributions been charged when the original development application for the Oriental Hotel was considered?

18/18

**MOTION: Shelley / Paine**

**That Council:**

- A. receive the report by the Manager, Statutory Planning on the MA0009/2018 - Modification to DA0164/2015 - Commercial Alterations & Additions - Oriental Hotel - 6 Lewis Street, Mudgee;
- B. approve MA0009/2018 - Modification to DA0164/2015 - Commercial Alterations & Additions - Oriental Hotel - 6 Lewis Street, Mudgee subject to the following conditions:

**APPROVED PLANS**

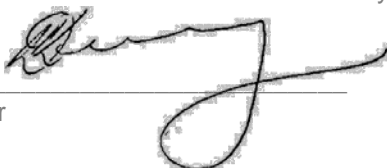
1. Development is to be carried out generally in accordance with stamped plans
  - Project No. 711 - Drawing Number DA1201 - Issue C Ground Floor and Site Plan
  - Project No. 711 - Drawing Number DA1301 - Issue C Level One Floor Plan
  - Project No. 711 - Drawing Number DA1501 - Issue C Elevations
  - Project No. 711 - Drawing Number DA1601 - Issue C Sections
  - Oriental Hotel, Mudgee Car Parking Analysis Response to Council – Ref. 2013/377.F02A.CM/hc – McLaren Traffic Engineering

and the Application received by Council on 14 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.

2. The signage on the western elevation is to generally match the existing signage on the hotel western elevation.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

3. The bi-fold doors for both levels facing the street are to



incorporate treatment to minimize noise levels to a maximum of 5db(A) above background level noise. Details of compliance with this requirement are to be provided with the construction certificate documentation and certified by a qualified acoustic engineer.

4. An acoustic barrier to a height of 2m above ground level is to be provided for the length of the western boundary extending from the front boundary to the rear access gate. Details of the barrier are to be provided prior to the issue of a construction certificate.
5. The 2m acoustic barrier proposed for the southern elevation is to be extended for the entire rear boundary of Lot 1 DP 995458.
6. Any plant or air-conditioning units are to be adequately screened. Details of screening are to be provided with the construction certificate documentation.
7. Under clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing residential portion of the building, being the second storey residential part, is to be brought into partial conformity with the following Performance Requirements (PR's) of the BCA, Volume 1.

**CP2** – In relation to the doors of the Sole Occupancy Units (SOU's) and doors in the path of travel to the required stairways.

**DP2** – In relation to the goings/risers, handrails and balustrades of the external stairway leading down from the second storey residential part.

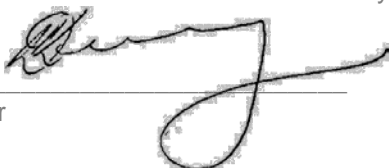
**DP6** – In relation to the operation of the latch to the doors in a path of travel to an exit. Those being doors in public corridors and opening into required stairways.

**EP1.2** – In relation to serving common areas throughout the residential part.

**EP2.1** – In relation to the whole of the residential part.

**EP4.1, EP4.2** – In relation to passage way, corridor and stairway of the residential part.

Details of compliance with the abovementioned Performance Requirements of the BCA are to be indicated on amended/additional plans and submitted to the Principle Certifying Authority for assessment with the Construction Certificate. A report from a suitably qualified Building/BCA Certifier is to be submitted



addressing the matters which are subject to the upgrading.

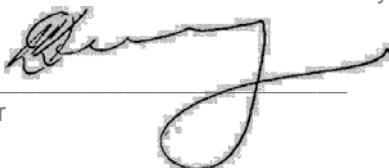
8. A certificate from a Practising Structural Engineer certifying to the structural sufficiency of the existing structure to support proposed addition is to be submitted at Construction Certificate stage.
9. All building work is to comply with the requirements of the Access to Premises Standard.
10. Trade Waste Application will be required to be submitted and approved for the proposed kitchen grease trap prior to occupation.
11. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
12. 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.
13. All proposed structural foundations must not impose a load within the zone of influence of any reticulated water or sewer mains.

**Note:** Please contact Council regarding the calculation of the zone of influence.

14. The developer shall obtain a Certificate of Compliance under the Water Management Act. This will require:

Water Headworks	\$ 11,223
Sewerage Headworks	\$ 5,122
<b>Total Payable</b>	<b>\$ 16,345</b>

15. In accordance with the provisions of section 94 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Development Contributions Plan, a contribution of \$31,977 for Civic Improvements shall be paid to Council in accordance with this condition.
16. Car parking within the development is to comply with the following:
  - ~~a) Car parking shall be implemented as shown on the approved drawings at the full cost of the Developer;~~
  - a) Car parking spaces 2, 3 and 4 as shown on the approved plans are to be provided at the full cost of the Developer.






- b) Each parking space is to have minimum dimensions pursuant to Australian Standard AS2890.1;
- ~~c) Each disabled car parking space is to be in accordance with the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard as 2890.1;~~
- d) All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times;
- e) The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority Guide to Traffic Generating Developments 1992 and Australian Standard AS2890.1. Details of compliance are to be shown on the relevant plans and specifications.
- f) To ensure sight distances are achieved, the layback and crossover are to be altered to ensure vehicles exiting the car park are centrally located between the boundary and building as to achieve the requirements of section 3.2.4 and Figure 3.3 of AS2890.1.
- g) To improve the safe movement of pedestrians through the carpark, pavement markings are to be provided. Pavement markings a minimum 1 metre wide shall be installed parallel to the boundary and cross at right angles to link to the Hotel entrance.

(AMENDED MA0009/2018)

#### PRIOR TO COMMENCEMENT OF WORKS BUILDING

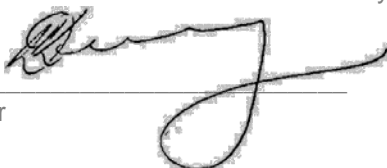
17. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority and
  - the date on which work will commence.

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

18. The site shall be provided with a waste enclose (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

**NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE**

19. A sign must be erected in a prominent position on any



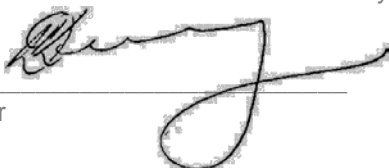
- work site on which involved in the erection or demolition of a building is carried out;
- a) stating that unauthorised entry to the work site is prohibited, and
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
  - c) the name, address and telephone number of the principal certifying authority for the work,
  - d) The sign shall be removed when the erection or demolition of the building has been completed.
20. 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.

21. Prior to the commencement of works on site, the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property.
22. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - b) Appropriate dust control measures;
  - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

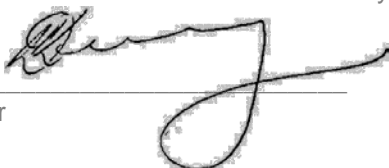
#### **BUILDING CONSTRUCTION**

23. 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.
24. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the



**Plumbing Code of Australia.**

25. 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.
26. 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.
27. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
- a) Demolition work is not be undertaken until:
    - Council has been provided with a copy of any required Hazardous Substances Management Plan;
    - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
  - b) The removal, handling and disposal of any asbestos material (in excess of 10m<sup>2</sup>) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
  - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
  - d) Seven working days' notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
28. The removal of any asbestos material (less than 10m<sup>2</sup>) during the demolition phase of the development is to be in accordance with the requirements of the WorkCover Authority and disposed of at an approved waste facility.
29. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors. Please note this can be achieved by connecting to existing stormwater lines.



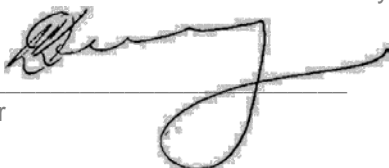
30. All building work is to comply with the requirements of the Access to Premises Standard.
31. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.

#### **PRIOR TO WORKS COMMENCING CIVIL**

32. 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.
33. 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.
34. The developer is to grant Council (or an Accredited Certifier on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the works.
35. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

#### **PRIOR TO OCCUPATION CERTIFICATE**

36. 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.
37. All car parking and associated driveway works are to be completed prior to occupation of the development.
38. CCTV cameras are to be installed at all entrances to the premises to the standards of NSW police. An additional camera is to be located at the rear south western entrance to the premises capturing the immediate surrounding carpark.
39. Security lighting is to be installed to clearly identify the rear gate to the public carpark.



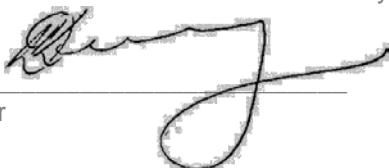
40. ~~A sign is to be placed at the Mortimer Street driveway entrance making patrons aware of the extra parking at the rear of the site.~~

(DELETED MA0009/2018)

41. Confirmation of registration of the boundary adjustment as approved by this consent.
42. 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.
43. Confirmation from a registered surveyor that no part of the new building exceeds a height of 8.5m above existing natural ground level.

#### GENERAL CONDITIONS

44. A management plan is to be prepared for hotel staff. The plan is to incorporate measures including the closing of all bi-fold doors and all other external windows at 10pm every evening, the locking of the external gate to the rear carpark at 10pm every evening and the directing of patrons to exit the hotel through the Mortimer Street exits after 10pm every evening.
45. 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.
46. 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.



- 47. The air conditioning unit/s must be operated in accordance with the requirements of the Protection of the Environmental Operations Act (Noise Control) Regulations 2000.
- 48. The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.
- 49. 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".
- 50. The colour scheme is to generally match the existing colour scheme of the hotel.
- ~~51. The rear garage is to remain open and clear for the use of car parking during opening hours.~~
- 51. The rear garage is not to be used for any other purpose, other than that which it was approved, i.e. garage and store.

(AMENDED MA0009/2018)

- 52. The southern extent of the turfed area is to incorporate a play equipment area as committed to in the details lodged with the application.
- 52A. To ensure all vehicles entering the site can exit in a forward direction all driveway and manoeuvring areas, including those in between the garage and keg room, are to remain clear at all times.

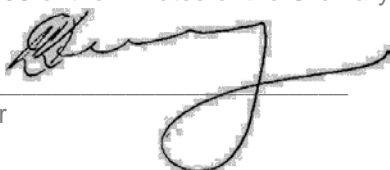
(ADDED MA0009/2018)

**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

- 53. 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)

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



- 55. 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 subdivision.
- 56. All services including water and sewer connections are to be preserved for individual lots.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Martens		✓
Cr Thompson		✓
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr Holden	✓	

Councillor O'Neill and Councillor Kennedy returned to the Chambers at 7:07pm.

Councillor Holden declared a pecuniary conflict of interest in item 8.8 as he has business connections with the applicant's representative, left the room at 7:07pm and did not participate in discussion or vote in relation to this matter.

8.8 EVENTS ASSISTANCE APPLICATION - WINGS WHEELS AND WINE

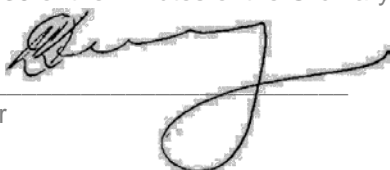
GOV400066, FIN300181

19/18 MOTION: Shelley / Cavalier

That Council:

1. receive the report by the Events Coordinator on the Events Assistance Application - Wings Wheels and Wine;
2. approve the request by Mudgee Aero Club Inc to provide \$1,166 in-kind Events Assistance for Mudgee Airport hire;
3. approve the request by Mudgee Aero Club Inc to provide \$900 in-kind Events Assistance to waive landing fees for participating aircraft; and
4. approve the request by Mudgee Aero Club Inc to loan traffic control signage.
5. amend the Operational Plan 2017/18 to increase events assistance by \$2066 and funded from unrestricted cash.

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




Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens	✓	
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	

Councillor Holden returned to the Chambers at 7:10pm.

Councillor Cavalier declared a pecuniary conflict of interest in item 8.9 as his company provided a quote on sign writing work addressed in this report, left the Chambers at 7:10pm and did not participate in discussion or vote in relation to this matter.

### 8.9 COMMUNITY ENGAGEMENT VAN PROPOSAL

GOV400066, A0820020

20/18

**MOTION: Shelley / Paine**

**That Council:**

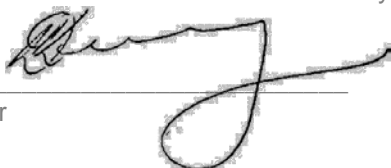
1. **receive the report by the Director Development on the Community Engagement Van Proposal;**
2. **approve the repurpose of the existing mobile library van for use as part of community engagement activities across the region; and**
3. **amend the 2017/18 Operational Plan to increase the Corporate Development budget for internal plant hire by \$2,000, to be funded from unrestricted cash.**

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens	✓	
Cr Thompson	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

Councillor Cavalier returned to the Chambers at 7:11pm.

The following recommendations (item 8.10 to item 12.3) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Holden and carried with all Councillors voting in favour of the motions,






except Cr Martens. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.21/18 and concluding with Resolution No. 40/18.

8.10 LAND & HOUSING SUPPLY MONITOR 1 JULY 2017 - 31  
DECEMBER 2017

GOV400066, LAN900042

21/18

**MOTION: Shelley / Holden**

**That Council receive the report by the Manager, Strategic Planning on the Land & Housing Supply Monitor 1 July 2017 - 31 December 2017.**

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

8.11 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING  
AND DETERMINED

GOV400066, A100055, A100056

22/18

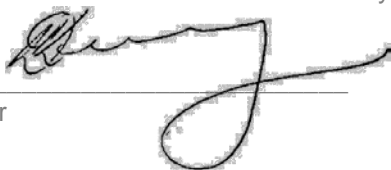
**MOTION: Shelley / Holden**

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

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

8.12 DELIVERY PROGRAM 2017 - 2021 SIX MONTHLY




## PROGRESS REPORT

GOV400066, COR400116

23/18

**MOTION: Shelley / Holden**

**That Council receive the report by the Director Development on the Delivery Program 2017 - 2021 Six Monthly Progress Report.**

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

**Item 9:****Finance**

9.1 NAME TO BE INCLUDED IN THE PRE-APPROVED STREET/ROAD NAMES LIST

GOV400066, R0790041 R0790141

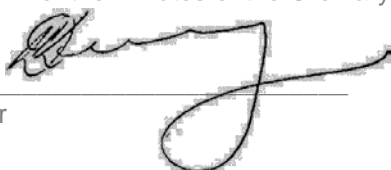
24/18

**MOTION: Shelley / Holden****That Council:**

1. receive the report by the Property Support Officer on the Name to be included in the Pre-Approved Street/Road Names List; and
2. support the name of Knowles for future use in street/road naming.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	



Mayor



General Manager

9.2 COMMUNITY GRANTS PROGRAM APPLICATIONS - QUARTER 3

GOV400066, FIN300138

25/18

MOTION: Shelley / Holden

That Council:

- 1. receive the report by the Manager Financial Planning on the Community Grants Program Applications - Quarter 3;
- 2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Program Policy, subject to those requirements being met;

Mudgee District U3A	\$ 170
Mudgee Fine Food Inc.	\$2,000
Mudgee and District Relay for Life	\$2,676

- 3. do not provide financial assistance to the following applicants, for the reasons provided in the report;

**Running Stream Recreation Reserve Trust**  
**Mudgee Tennis Club**  
**Vision Australia – Black & White Committee**

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

9.3 REGISTRATION OF LEASE IN ACCORDANCE WITH REAL PROPERTY ACT 1900 - LOT 1 DP1016478

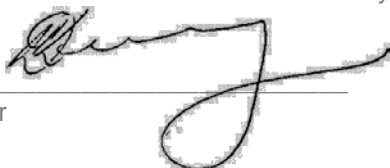
GOV400066, P1253811

26/18

MOTION: Shelley / Holden

That Council:

- 1. receive the report by the Revenue and Property Manager on the Registration of Lease in accordance with Real



Mayor



General Manager

**Property Act 1900 - Lot 1 DP1016478;**

2. **consent to formalise the Lease agreement in relation to Allotment 1 DP1016478, as appended in the Confidential Section of this Business Paper, with the new lessee; and**
3. **consent to the registration of the lease on the Title of Allotment 1 DP1016478 in accordance with the requirements of the Real Property Act 1900; and**
4. **authorise the Mayor and General Manager to sign all documentation necessary to effect the completion of the Lease agreement in relation to Allotment 1 DP1016478; and**
5. **authorise the Common Seal of Council to be affixed to all documentation necessary to effect the completion of the Lease agreement in relation to Allotment 1 DP1016478.**

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

#### 9.4 QUARTERLY BUDGET REVIEW STATEMENT DECEMBER 2017

GOV400066, FIN300117

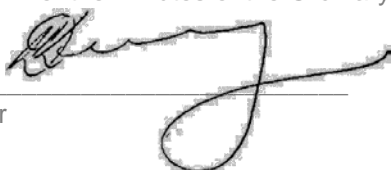
27/18

**MOTION: Shelley / Holden**

**That Council:**

1. **receive the report by the Manager Financial Planning on the Quarterly Budget Review Statement December 2017;**
2. **amend the 2017/18 Operational Plan in accordance with the proposed variations as listed in the Quarterly Budget Review attachment to this report; and**
3. **note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure.**

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



Mayor



General Manager

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

9.5 MONTHLY STATEMENT OF INVESTMENT AND BANK  
BALANCES AS AT 31 DECEMBER 2017

GOV400066, FIN300053

28/18

**MOTION: Shelley / Holden**

**That Council:**

1. receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 December 2017; and
2. note the certification of the Responsible Accounting Officer.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

9.6 MONTHLY STATEMENT OF INVESTMENT AND BANK  
BALANCES AS AT 31 JANUARY 2018

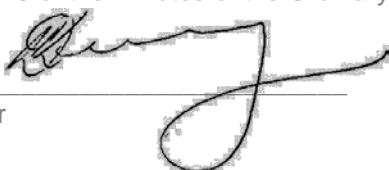
GOV400066, FIN300053

29/18

**MOTION: Shelley / Holden**

**That Council:**

1. receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as




at 31 January 2018; and

2. note the certification of the Responsible Accounting Officer.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

## Item 10: Operations

### 10.1 BITUMEN SEALING OF GRAVEL ROADS POLICY

GOV400066, A0100021

30/18

**MOTION: Shelley / Holden**

**That Council:**

- receive the report by the Manager Works on the Bitumen Sealing of Gravel Roads Policy; and
- adopt the Bitumen Sealing of Gravel Roads Policy.

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

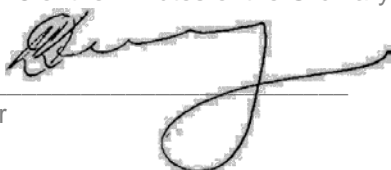
Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

### 10.2 RELOCATION OF PREMISES FOR IRONED OUT

GOV400066, A0160009

31/18

**MOTION: Shelley / Holden**




**That Council:**

1. receive the report by the Manager Environmental Services on the Relocation of premises for Ironed Out;
2. support the move of premises for Ironed Out to 154 Church Street, Mudgee;
3. authorise the General Manager to negotiate and sign a Commercial lease for the premises; and
4. amend the Operational Plan 2017/18 to allocate \$20,000 to relocation of the Ironed Out premises, to be funded from unrestricted cash.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

**Item 11: Community**

### 11.1 COMPANION ANIMALS POLICY AND ANNUAL WORK PLAN 2017/18

GOV400066, LAW100018

32/18

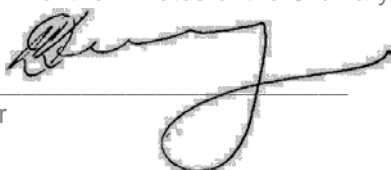
**MOTION: Shelley / Holden**

**That Council:**

1. receive the report by the Manager Governance on the Companion Animals Policy and Annual Work Plan 2017/18 that has been on exhibition; and
2. adopt with minor amendments the Companion Animals Policy and Annual Work Plan.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓




Cr Thompson	✓
Cr Cavalier	✓
Cr Paine	✓
Cr Karavas	✓
Cr O'Neill	✓
Cr Holden	✓

11.2 PUBLIC ART POLICY AND PUBLIC ART PLAN

GOV400066, REC800021

33/18

**MOTION: Shelley / Holden**

**That Council:**

1. receive the report by the Manager, Community Services on the Public Art Policy and Public Art Plan;
2. endorse the Public Art Policy; and
3. endorse the Public Art Plan.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

11.3 VILLAGE SUBSIDY REVIEW 2018/19

GOV400066, FIN300052

34/18

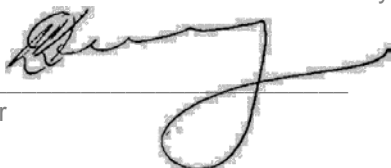
**MOTION: Shelley / Holden**

**That Council:**

1. receive the report by the Director Community on the Village Subsidy Review 2018/19; and
2. note the recommendations on the payment of village subsidies for 2018-2019.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	



Mayor



General Manager



Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

11.4 COMMUNITY SERVICES OCTOBER 2017 TO DECEMBER 2017 QUARTERLY REPORT

GOV400066, COS300010

35/18

**MOTION: Shelley / Holden**

**That Council:**

1. receive the report by the Manager, Community Services on the Community Services October 2017 to December 2017 Quarterly Report; and
2. note the recent services provided and activities coordinated by Council's Community Services Department.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

11.5 LIBRARY SERVICES - QUARTERLY REPORT

GOV400066, GOV400054, F0620020

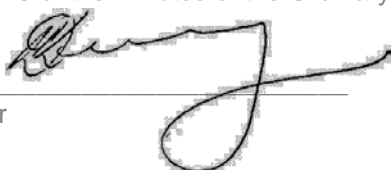
36/18

**MOTION: Shelley / Holden**

**That Council receive the report by the Library Services Coordinator on the Library Services - Quarterly Report.**

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	



Mayor



General Manager

Cr Cavalier	✓
Cr Paine	✓
Cr Karavas	✓
Cr O'Neill	✓
Cr Holden	✓

11.6 MUDGEETOWN HALL CINEMA - ACTIVITY REPORT 2017  
GOV400066, REC800016

37/18

**MOTION: Shelley / Holden****That Council:**

1. receive the report by the Library Services Coordinator on the Mudgee Town Hall Cinema - Activity Report 2017; and
2. note the successful efforts of the partnership with Rotary in presenting new release movies each month and in raising funds for the community.

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

## Item 12: Reports from Committees

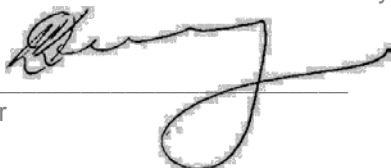
12.1 GULGONG MEMORIAL HALL COMMITTEE MEETINGS  
NOVEMBER AND DECEMBER 2017

GOV400066, A0100025

38/18

**MOTION: Shelley / Holden****That Council:**

1. receive the report by the Director Community on the Gulgong Memorial Hall Committee Meeting November and December 2017;
2. note the minutes from the Gulgong Memorial Hall Committee meetings held 14 November and 5 December,




**2017; and**

- 3. endorse that the Gulgong Arts Council have a membership position on the Gulgong Memorial Hall Committee.**

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

Councillors	Ayes	Nayes
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

12.2 LOCAL TRAFFIC COMMITTEE MEETING - DECEMBER 2017  
 GOV400066, A0100009

**39/18**

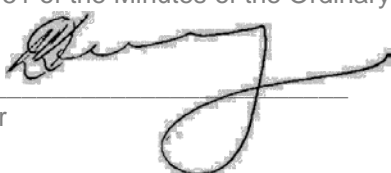
**MOTION: Shelley / Holden**

**That Council:**

- 1. receive the report by the Manager Development Engineering on the Local Traffic Committee Meeting - December 2017;**
- 2. approve to convert the 'Nose to Kerb' parking of Church Street adjoining the tennis courts to 'Rear to Kerb' 60 degree angle parking; and**
- 3. accept the recommendation regarding Disabled Parking around Kandos and Rylstone:**
  - a) develop an ongoing program to improve compliance with the Australian Standard 2890.5 Parking Facilities – on street Parking**
  - b) that a community Planning Proposal be put forward for the allocation of funds in the 2018/19 Financial year for the investigation and construction of dedicated compliant Disabled Parking Spaces within Kandos and Rylstone**
  - c) rescind the Motion carried by Minute number 503/13, Item 3b**

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

Councillors	Ayes	Nayes
Cr Shelley	✓	



Mayor



General Manager

Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

## 12.3 MUDGEES SPORTS COUNCIL MEETING 29 JANUARY, 2018.

GOV400066, A0360013

40/18

**MOTION: Shelley / Holden****That Council:**

1. receive the report by the Director Community on the Mudgee Sports Council Meeting 29 January, 2018. and
2. note the minutes for the Mudgee Sports Council meeting held on 29 January 2018.

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

Councillors	Ayes	Nays
Cr Shelley	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson	✓	
Cr Cavalier	✓	
Cr Paine	✓	
Cr Karavas	✓	
Cr O'Neill	✓	
Cr Holden	✓	

**Item 13: Urgent Business Without Notice**

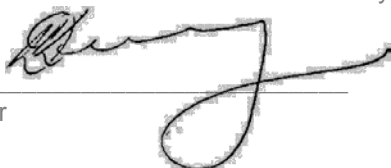
Nil

**Item 14: Confidential Session**

41/18

**MOTION: Shelley / Paine****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



Mayor



General Manager

why it was being dealt with in this way.

#### 14.1 Lease Extension for Shop 3/81 Mortimer Street Mudgee

*The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council in accordance with Section 10A(2)(d)(i) and (d)(ii) 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 confidential commercial arrangements.*

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 LEASE EXTENSION FOR SHOP 3/81 MORTIMER STREET MUDGEE

GOV400066, ECO800024

42/18 MOTION: Shelley / Paine

**That Council:**

1. receive the report by the Director Development on the Lease Extension for Shop 3/81 Mortimer Street Mudgee;
2. accept the proposal to extend the lease of Shop 3/81 Mortimer Street Mudgee;
3. authorise the Mayor and General Manager to finalise and sign necessary documentation in relation to the proposed lease agreement; and
4. authorise the Common Seal to be affixed to all documentation necessary in relation to the proposed lease agreement.

*The motion was carried with the Councillors voting unanimously.*

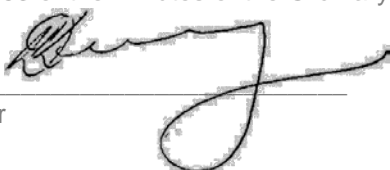
#### Item 15: Urgent Confidential Business Without Notice

Nil

#### Item 16: Open Council

43/18 MOTION: Shelley / Holden

**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 7:14pm.

