

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on 12 December 2018, commencing at 5:41pm. and concluding at 6.13pm.

PRESENT Cr P Shelley, Cr D Kennedy, Cr E Martens, Cr JP Thompson, 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),
Acting Chief Financial Officer (Neil Bungate), Executive Manager Human
Resources (Michele George) Manager Governance (Tim Johnston) and
Executive Assistant (Mette Sutton).

The Mayor wished the Community and staff a Merry Christmas and thanked the staff

Item 1: Apologies

An apology was received for Cr P Cavalier.

353/18 MOTION: Shelley / Holden

That the apology received for Cr P Cavalier be received.

The motion was carried with the Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillor Holden declared a less than significant non-pecuniary conflict of interest in item 9.3 as he has had dealings in the past with the Rifle Club however they are not in discussions at this time, and therefore he will be voting on the matter before Council.

Item 3: Confirmation of Minutes

354/18 MOTION: Shelley / Paine

That the Minutes of the Ordinary Meeting held on 21 November 2018 be taken as read and confirmed.

The motion was carried with the Councillors voting unanimously.

Item 4: Matters in Progress

Resources on the Internal Audit Policy and Audit, Risk and Improvement Committee

355/18 MOTION: Shelley / Thompson

That the item Resources on the Internal Audit Policy and Audit, Risk and Improvement Committee, Resolution 255/18 of the Ordinary Meeting of Council held 19 September 2018, be noted as complete.

The motion was carried with the Councillors voting unanimously.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Nil

Item 7: Office of the General Manager

7.1 MRTI QUARTERLY REPORT: JULY TO SEPTEMBER 18

GOV400066, F0770077

MOTION: Holden / Shelley

That Council:

1. receive the report by the General Manager on the MRTI Quarterly Report: July to September 18; and
2. staff keep a close monitor on the financial situation of MRTI.

356/18

AMENDMENT: Thompson / Karavas

That Council receive the report by the General Manager on the MRTI Quarterly Report: July to September 18.

The amendment 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 | | ✓ |

The amendment, on becoming the motion, was carried with Councillors voting unanimously.

Item 8: Development

- 8.1 DA0046/2019 - SUBDIVISION - TORRENS TITLE - 1 INTO 16 LOTS - 20-24 BELL STREET, MUDGEE
GOV400066, DA0046/2019

357/18 MOTION: Shelley / Karavas

That Council:

- A. receive the report by the Senior Town Planner on the DA0046/2019 - Subdivision - Torrens Title - 1 into 16 Lots - 20-24 Bell Street, Mudgee;
- B. allow the applicant to defer the payment of developer contributions for 6 months in accordance with Council's Section 94 Contributions Plan – 2005-2021 and Council's Water and Sewer Development Servicing Plans; and
- C. approve DA0046/2019 - Subdivision - Torrens Title - 1 into 16 Lots - 20-24 Bell Street, Mudgee subject to the following conditions and Statement of Reasons:

CONDITIONS**PARAMETERS OF CONSENT**

1. 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 herein. Approved documentation may include any Planning or Engineering reports submitted with and in support of the application as detailed below.

| Title/Name | Drawing No/ Document Ref | Revision /Issue | Dated | Prepared by |
|------------------------|--------------------------------|--------------------|----------|-------------|
| Proposed Lot Plan | 29701-CD02 | B | 15.08.18 | Barnson |
| Proposed Services Plan | 29701-CD03 | B | 15.08.18 | Barnson |

2. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.

GENERAL**Amended Plan Requirements**

3. An amended plan of subdivision must be submitted to create a

four (4) metre by four (4) metre corner cutoff/splay at the corner of Bell Street and Saleyards Lane for road widening purposes.

4. Either of the following two (2) options may be adopted for stormwater management for the proposed subdivision (subject to approval of the stormwater drainage design by Council):
 - a) Detention Basin - the plan of proposed subdivision must be amended to provide a sufficient area of land as a Drainage Reserve for construction of a stormwater detention basin to provide for stormwater quality improvements generally in accordance with the Water Sensitive Urban Design (WSUD) guidelines.
 - b) Swales – the use of swales will require registration on titles of appropriately worded Encumbrances, Restrictions as to User or other instruments deemed necessary to ensure the ongoing maintenance and function of the infrastructure to prevent restriction of flows and potential inundation of adjacent land. Additional requirements may also include provision for, and ongoing maintenance of, open type wire mesh fencing on each boundary crossing the swale for the width of the swale.

Other

5. Notwithstanding approved plans, no structures or earthworks are permitted to encroach within any easements for the purposes of utility infrastructure as specified in Mid-Western Development Control Plan 2013.
6. All road crossings for services and utilities are to cross perpendicular to the road alignment and must be installed prior to the commencement of construction of base course and kerb and channel.
7. Dual sets of water services, sewer junctions, and stormwater connections are to be provided to each lot nominated as a dual occupancy lot within the subdivision.
8. The developer is to ensure that any defects in the works that become apparent within the 24 months following the issue of a Subdivision Certificate, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.

Any unspent bond money will be returned to the developer at the end of the 24 month period, less the cost of any rectification works carried out by Council.

9. Street trees of an approved species are to be provided at a rate of one tree per allotment.

10. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
11. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.

Stormwater

12. The developer must provide for the design and construction of all stormwater drainage infrastructure to service the development.
13. A fully detailed Stormwater Drainage Plan must be submitted to and approved by Council that provides for control and treatment of stormwater runoff generated by future development of the land. Recommended stormwater drainage design requires the use of an inter-allotment drainage system discharging into a detention basin situated in a drainage reserve prior to discharge by an approved method into the intermittent watercourse located on adjoining land.
14. Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over any adjoining property must not occur without the consent of the owner of any affected property.
15. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1.

Water and Sewer Services

16. The applicant is to provide separate water and sewer reticulation services to each allotment within the subdivision.
17. Council does not permit other bodies to insert new junctions into "live" Sewer and water mains. Please contact Council's Operations Water and Waste Department by calling 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of the new sewer extension and water service (Private Works Order).
18. The developer is to extend and meet the full cost of water

reticulation to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the National Specification – Water Supply Code of Australia.

19. The developer is to extend and meet the full cost of sewer reticulation to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the National Specification – Sewerage Code of Australia.
20. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,844 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

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

21. In the case of any lots that will be serviced by a water main 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 of \$390 for a 20 mm water meter.
22. 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.

Telecommunications and electricity supply

23. Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authority's standards. Each allotment is to be provided with a service point / connection to an underground electricity supply.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE (CIVIL WORKS)

The following conditions must be complied with prior to Council issuing a Construction Certificate for the civil works required for the proposed subdivision.

24. A Construction Certificate is required for but not limited to the following civil works:
 - a) Water and sewer main extensions;

- b) Stormwater drainage such as inter-allotment drainage, detention basins;
- c) Footpath; and
- d) Landscaping of public reserves.

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

NOTE: Additional permits and approvals may also be required under other legislation, eg. Plumbing and Drainage Act 2011, and Plumbing and Drainage Regulation 2017 for water and sewer infrastructure works.

- 25. Prior to the issue of a Construction Certificate a detailed engineering design, specifications, supporting documentation / reports and calculations, and schedules are to be submitted to and approved by Council. The engineering design is to comply with the technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document. Detailed documentation including, but not limited to the following matters, must be submitted with the detailed design. These documents include:
 - a) Runoff calculations.
- 26. A Drainage Report submitted in support of detailed drainage design must be prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 20 year ARI event. All stormwater detention details including analysis shall be included with the drainage report.
- 27. Prior to the issue of a Construction Certificate a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.
- 28. The detailed design plans submitted for the issue of a Construction Certificate must show all finished surface levels. 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.
- 29. The only waste derived fill material that may be received at the development site must be:

- a) **Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and**
 - b) **Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.**
30. **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:**
- a) **Saving available topsoil for reuse in the revegetation phase of the development;**
 - b) **Using erosion control measures to prevent on-site damage;**
 - c) **Rehabilitating disturbed areas quickly; and**
 - d) **Maintenance of erosion and sediment control structures.**
31. **Prior to the issue of a Construction Certificate for civil works, the developer is to nominate which lots within the proposed subdivision are likely to be developed for dual occupancy development in the future and provide written notice to Mid-Western Regional Council of the nominated dual occupancy lots.**
32. **Prior to the issue of the Construction Certificate, Council is to be provided with the certified copies of the Electrical and Telecommunications distribution network design for the subdivision.**

PRIOR TO THE COMMENCEMENT OF WORKS

33. **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.**

- 34. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.**
- 35. Prior to the commencement of any works within 40 metres of a prescribed waterway or creek (as defined in the Water Management Act 2000), the proponent shall obtain a Section 91 Activity Approval under the Water Management Act 2000 to carry out those works.**

Note: Please contact the NSW Office of Water for more information in relation to this matter.

- 36. Prior to the commencement of subdivision works, the following actions are to be carried out:**
- a) A site supervisor is to be nominated by the applicant;**
 - b) Council is to be provided with two (2) days notice of works commencing; and**
 - c) Council is to be notified in writing of any existing damage to Council's infrastructure.**

Note: Failure to comply with these conditions may result in damage to Council's infrastructure. Any damage will be rectified at the applicant's cost.

- 37. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:**
- a) stating that unauthorised entry to the work site is prohibited;**
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;**
 - c) the name, address and telephone number of the principal certifying authority for the work; and**
 - d) The sign shall be removed when the erection or demolition of the building has been completed.**
- 38. 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.**
- 39. 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.

- 40. Prior to the commencement of any works 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.**

DURING CONSTRUCTION

- 41. The subdivision works are to be inspected by a Certifier (i.e. Council or a private certifier) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:**
- a) Installation of sediment and erosion control measures;**
 - b) Water and sewer line installation prior to backfilling;**
 - c) Stormwater drainage pipe installation prior to backfilling;**
 - and**
 - d) Practical Completion.**
- 42. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission.**
- 43. 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 NSW Land Registry Services.**
- 44. 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.**
- 45. 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.**
- 46. 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.**
- 47. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination and**

be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a 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.

48. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
49. The developer is to grant Council unrestricted access to the site at all times to enable inspections to enable inspections or testing of the subdivision works.

PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

Under the Environmental Planning & Assessment Act 1979, a Subdivision Certificate is required before the linen plan of subdivision can be authorised for registration with NSW Land Registry Services.

50. Under the Environmental Planning & Assessment Act 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with NSW Land Registry Services.

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

51. The final inspection report shall be submitted to Council with the Subdivision Certificate application.
52. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
53. Prior to the issue of a Subdivision Certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services, sewer services and water meters are located wholly within the lot that they serve.

Where lots are nominated to be developed in the future for dual occupancy development, dual services for water, sewer and stormwater are to be provided for the nominated lots.

54. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:
 - a) PDF; and
 - b) Dwg format or "Autocad compatible".

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.

55. 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.
56. 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 Australian Standard AS 2870 – 2011: Residential Slabs and Footings. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
57. The finished surface of all nature strips and verges must be graded to fall toward the kerb and channel and formed with a minimum 100 mm thick layer of clean topsoil free of stones and other impurities. Nature strips and verges are to be seeded or hydro-mulched with an approved grass prior to the issue of a Subdivision Certificate.

Defects Liability Bond

58. Prior to the release of the Subdivision Certificate, a defects liability bond of 5% of the construction costs for all civil engineering work (not carried out by Council), shall be lodged with Council. The defects liability bond will be held by Council for a period of 24 months, to ensure that any defects that become apparent during that time are remedied by the developer.

Developer Contributions

59. In accordance with the provisions of section 7.11 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Development Contributions Plan 2005-2021, either of the following is to occur prior to the issue of a Subdivision Certificate:
 - a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable); or
 - b) A Bank Guarantee for the contributions identified in the following schedule (subject to indexation, where applicable) is to be given to Council, on the following terms:
 - (i) A Bank Guarantee is to be prepared to the value of

- contributions payable as agreed to by Council (this is to include indexation, where applicable).
- (ii) The Bank Guarantee is to be made in favour of Council.
 - (iii) Council is to be the custodian of the original Bank Guarantee.
 - (iv) The maximum time frame granted for deferment is six (6) months. Should the contribution not be paid by this time, Council will exercise its right under the agreement to call in the Bank Guarantee without notice.
 - (v) Should the deferment overlap into the following financial year, then the contributions payable will be subject to indexation.

| Schedule of Section 94 Contributions | | |
|---|-------------------|---------------------|
| 16 additional lots (minus credit for existing) | | |
| Mudgee (Catchment 2) | Per Lot | 15 Lots |
| | | |
| Public Amenity or Service | | |
| Transport Management | | |
| Traffic Management | \$1,282.00 | \$19,230 |
| Open Space | | |
| Local Open Space | \$2,013.00 | \$30,195.00 |
| District Open Space | \$2,732.00 | \$40,980.00 |
| Community Facilities | | |
| Library Buildings | \$263.00 | \$3,945.00 |
| Library Resources | \$316.00 | \$4,740.00 |
| Drainage | | |
| Drainage Works | \$0.00 | \$0.00 |
| Administration | | |
| Plan Administration | \$614.00 | \$9,210.00 |
| Total | \$7,220.00 | \$108,300.00 |

Note: the contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.

Note: Council's Section 94 Development Contributions Plan 2005-2021 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website www.midwestern.nsw.gov.au under Council Documents/Strategies and Plans.

Certificate of Compliance

60. The developer shall obtain a Certificate of Compliance under

the Water Management Act 2000, from Council.

Note 1 – Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

Restrictions on Title

- 61. Four metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed dual stormwater and sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.**

The stormwater and sewerage lines are to be located 1.5m from the property boundary and internal edge of the easement. Services are to be located approximately 1.0m apart within the centre of the easement.

- 62. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision, where necessary.**
- 63. Where the stormwater drainage arrangements for the subdivision result in an on-site detention system within proposed Lot 16, as identified in the approved plans, a drainage reserve with an access handle to Saleyards Lane is to be created over the on-site detention basin. The terms of the easement or restriction are to provide Council with maintenance access to the drainage reserve.**
- 64. Where the stormwater drainage design involves a drainage swale, appropriately worded encumbrances, restriction as to user or other instruments are to provide for the ongoing maintenance and function of the infrastructure to prevent restriction of flows and potential inundation of adjacent land. Additional requirements may also include provision for, and ongoing maintenance of, open type wire mesh fencing on each boundary crossing of the swale for the width of the swale.**
- 65. Suitably worded restrictions, covenants or other similar instruments are to be provided for proposed Lots 15 and 16 (as required) identified on the approved plans, to ensure any future buildings on the land are constructed with a finished floor level (FFL) that is at least 0.5m above the 1 in 100 (i.e. 1% Annual Exceedance Probability flood event) flood level.**

Prior to the preparation of the covenant/restriction, the developer shall obtain written notification from Council of:

- a) the flood level and required FFL to be incorporated into the covenant/restriction; and
 - b) the lots that are flood affected in the subdivision.
66. Suitably worded restrictions, covenants or other similar instruments are to be provided for proposed Lots 15 and 16 identified on the approved plans, to ensure any fencing allows for the free passage of flood waters, within the 1 in 100 (i.e. 1% Annual Exceedance Probability) flood level.

Prior to the preparation of the covenant/restriction, the developer shall obtain written notification from Council of:

- a) The flood level and required FFL to be incorporated into the covenant/restriction; and
- b) The lots that are flood affected in the subdivision.

Electricity and Telecommunication Certificates

67. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- a) A certificate of acceptance 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) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots; and
 - d) All works required by the consent be completed in accordance with the consent.
68. Underground electricity and telecommunications are to be supplied to the Subdivision in accordance with the relevant authority's standards.

STATEMENT OF REASONS

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.

3. The proposed development satisfactorily addresses the issues raised in submissions received in response to public notification of the development, as follows:
 - a) A condition requiring a corner truncation has been applied to assist in vehicles being able to see around the corner of the Saleyards Lane and Bell Street intersection.
 - b) A condition has been applied requiring a Notice of Arrangement to be obtained from the electricity supplier.

OTHER APPROVALS

General Terms of Approval

A copy of the NSW Natural Resources Access Regulator's General Terms of Approval are attached.

ADVISORY NOTES

- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- 3 Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
- 4 If you are dissatisfied with this decision Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
- 5 To ascertain the date upon which the consent becomes effective, refer to Sections 4.20 and 8.13 of the Environmental Planning and Assessment Act 1979.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the Environmental Planning and Assessment Act 1979.

- 7 The attached General Terms of Approval issued by NSW's Water Authority do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to NSW's Water Authority for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application form must be submitted to NSW's Water Authority together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's Development Consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NSW's Water Authority website at:

www.water.nsw.gov.au > Water Licensing > Approvals.

- 8 This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Subdivision Certificate.

A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the Water Management Act 2000.

Please be advised that as a precondition to the granting of a Compliance Certificate, either of the following is to occur:

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable); or
- b) A Bank Guarantee for the contributions is to be given to Council, on the following terms:
 - The Bank Guarantee is to be prepared to the value of contributions payable as agreed to by Council (this is to include indexation where applicable).
 - The Bank Guarantee is to be made in favour of Council.
 - Council is to be the custodian of the original Bank Guarantee.
 - The maximum time frame granted for deferment is six (6) months. Should the contribution not be paid by this time, Council will exercise its right under the agreement to call in the Bank Guarantee without notice.
 - Should the deferment overlap into the following financial year, then the contributions payable will be

subject to indexation.

| Schedule of Contributions | | | | |
|--|---|--|----------------------------|---|
| Development Consent DA0046/2019 | | | | |
| Public Service | No. of Equivalent Tenements (ET) | Contribution Rate (Amount per ET) | Contribution Levied | Date until which contribution rate is applicable |
| Water | 15.0 | \$8,407 | \$126,105.00 | 30 June 2019 |
| Sewer | 15.0 | \$3,838 | \$57,570.00 | 30 June 2019 |
| | | TOTAL | \$183,675.00 | |

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

Note: Council's Development Servicing Plan for Mid Western Regional Council Water Supply and Development Servicing Plan for Mid Western Regional Council Sewerage are available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website www.midwestern.nsw.gov.au under Council Documents/Strategies and Plans.

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 | ✓ | |

8.2 DA0072/2019 - DETACHED DUAL OCCUPANCY AND SUBDIVISION - 20 BASKERVILLE DRIVE, MUDGEE
GOV400066, DA0072/2019

358/18

MOTION: Karavas / Shelley

That Council:

- A. receive the report by the Town Planner on DA0072/2019 – detached dual occupancy and subdivision – 20 Baskerville Drive, Mudgee;**

- B. approve DA0072/2019 – detached dual occupancy and subdivision – 20 Baskerville Drive, Mudgee subject to the following conditions, and Statement of Reasons:**

APPROVED PLANS

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

| Title / Name: | Drawing No / Document Ref | Revision / Issue: | Date [dd.mm.yyyy]: | Prepared by: |
|------------------------------------|----------------------------------|--------------------------|---------------------------|---|
| Site & Landscaping Plan | 3396-A01 | A | May 2018 | Giselle Denley Drafting Services |
| Unit 1 – Floor Plan | 3396-A02 | A | May 2018 | Giselle Denley Drafting Services |
| Elevations – Unit 1 | 3396-A03 | A | May 2018 | Giselle Denley Drafting Services |
| Unit 2 – Floor Plan | 3396-A04 | A | May 2018 | Giselle Denley Drafting Services |
| Elevations – Unit 2 | 3396-A05 | A | May 2018 | Giselle Denley Drafting Services |
| Typical Section | 3396-A06 | A | May 2018 | Giselle Denley Drafting Services |
| Subdivision Plan | 3396-A07 | A | May 2018 | Giselle Denley Drafting Services |
| BASIX Certificate | 929941S | - | 20 September 2018 | Rohrs Refrigeration |
| BASIX Certificate | 929962S | - | 20 September 2018 | Rohrs Refrigeration |

DUAL OCCUPANCY

GENERAL CONDITIONS:

- 2. A 1.8 metre high screen fence is to be provided to all side and rear boundaries prior to occupation of the development. All fencing forward of the building line cannot be 'Colorbond'. All fencing is to be provided at full cost to the developer.**
- 3. A 1.8 metre high screen fence is to be provided between the private open space areas of the units, prior to occupation of the**

development.

- 4. No fences, structures or landscaping exceeding 1 metre in height are to be located within the triangle formed by a sight line 6 metres x 6 metres from the intersection of Baskerville Drive located on the south east corner of the site.**
- 5. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation.**
- 6. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings.**
- 7. Private open space areas for both unit 1 and unit 2 are to be provided with a level surface to at least 50% of the open space area.**
- 8. All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.**
- 9. All stormwater runoff from roof and developed surfaces, including overflow from rainwater tanks, is to be controlled in such a manner so as not to flow or discharge over adjacent properties. Stormwater is to be discharged to the street kerb and channel using an approved adaptor.**
- 10. Sealed access crossovers and driveways must be constructed from Baskerville Drive to provide access to each of the proposed new dwellings. Construction must be in accordance with the requirements of Council's "Access to Properties" Policy with particular emphasis paid to control of stormwater runoff.**

Note: Separate approval is required under the provisions of Section 138 of the Roads Act 1993 for works in the road reserve associated with the construction of driveways.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE (BUILDING)

The following conditions must be complied with prior to Council or an accredited Certifier issuing a Construction Certificate for the proposed building

- 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. Prior to the issue of a Construction Certificate the developer**

shall obtain a Certificate of Compliance under the Water Management Act 2000. This will require:

- a) Payment of a contribution for water and sewerage headworks at the following rate:

| Section 64 Contributions | |
|---------------------------------|--------------------|
| Water Headworks | \$ 4,203.50 |
| Sewer Headworks | \$ 1,919.00 |
| Total Headworks | \$ 6,122.50 |

- 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 Development Department regarding any adjustments.

PRIOR TO THE COMMENCEMENT OF WORKS (BUILDING)

13. 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.

14. Prior to commencement of dwelling construction a detailed site plan must be submitted to and approved by Council demonstrating that all earthworks, filling, building, driveways or other works, are designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
15. Prior to the commencement of building work a detailed stormwater drainage design must be submitted to Council for approval. In addition to Basix requirements for storage and re-use of runoff, the stormwater drainage design should incorporate suitably sized detention storage to ensure that stormwater runoff from the site is not increased beyond the

existing undeveloped state and must ensure that all stormwater runoff from roof and developed surfaces, including overflow from rainwater tanks, is controlled in such a manner so as not to flow or discharge over adjacent properties.

16. 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

17. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out;
 - a) stating that unauthorised entry to the work site is prohibited; 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; and
 - d) the sign shall be removed when the erection or demolition of the building has been completed.
18. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Act 1979 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.
19. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department, in writing, of any existing damage to Council property.
20. The development site is to be managed for the entirety of work in the following manner:
 1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 4. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons

employed at the site.

BUILDING CONSTRUCTION

- 21. 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.**
- 22. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.**
- 23. 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.**
- 24. All mandatory inspections required by the Environmental Planning & Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.**
- 25. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:**
 - a) the method of protection; and**
 - b) the date of installation of the system; and**
 - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and**
 - d) the need to maintain and inspect the system on a regular basis.**
- 26. The requirements of BASIX Certificate number 929941S issued on 20 September 2018 (unit 1) and BASIX Certificate number 929962S issued on 20 September 2018 (unit 2) must be installed and/or completed in accordance with the commitments contained in that certificates. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.**
- 27. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors.**
- 28. The strength of the concrete used for the reinforced concrete floor slab must be minimum 25Mpa.**
- 29. Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.**

30. No fill is permitted within water or sewer easements.
31. Any fill used must be clean fill and a geotechnical assessment issued for the fill to demonstrate compaction to the Australian Standard.
32. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible for accurately locating all existing services before any development works commence to satisfy this condition.
33. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.

CULTURAL HERITAGE

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.

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.

35. 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 Mid-Western Regional Council.

SUBDIVISION

DEVELOPMENT CONTRIBUTIONS

36. In accordance with the provisions of section 7.11(1)(b) of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Development Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:

| MUDGEES CATCHMENT 2A (one additional lot) | |
|--|--------------------|
| Transport Management Traffic Management | \$ 1,282.00 |
| Open Space Local Open Space | \$ 2,013.00 |

| | |
|-----------------------------|--------------------|
| District Open Space | \$ 2,732.00 |
| Community Facilities | |
| Library Buildings | \$ 263.00 |
| Library Resources | \$ 316.00 |
| Drainage | |
| Drainage Works | \$ 5,508.00 |
| Administration | |
| Plan Administration | \$ 614.00 |
| TOTAL | \$12,728.00 |

37. Any unpaid contributions or charges nominated in the development consent will be indexed to CPI at the beginning of the new financial year.

WATER AND SEWER

38. Prior to the issue of a Subdivision Certificate the applicant is to provide separate water and sewer reticulation services to each allotment within the subdivision.
39. The developer is to provide a water service and meter for each new lot in the subdivision. This can be achieved by making a payment to Council of \$1,800 per lot to cover the cost of installing both the service and a 20mm meter on the water main (SUBJECT TO CPI INCREASE).
40. The developer is to provide a sewer junction for each new lot in the subdivision. This can be achieved by making a payment to Council of \$1,665 per new junction to cover the cost of Council installing a junction in an existing main (SUBJECT TO CPI INCREASE).

PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE

41. 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)

42. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
43. 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"
- 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.

- 44. Prior to the issue of the Subdivision Certificate, an inspection report from the Principle Certifying Authority is to be provided indicating that both dwellings are at lock up stage.**
- 45. Prior to the issue of the Subdivision Certificate, Council is to be supplied with:**
- a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of reticulated electricity supply to each lot in 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 premise 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) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots.**
 - d) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent.**

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

- 1. The proposed development generally complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.**
- 2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.**
- 3. Submissions received within the public notification period have been adequately addressed.**

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 | | ✓ |

- 8.3 MA0021/2019 MODIFICATION TO DA0155/2014 - PROPOSED DEMOLITION AND REMEDIATION WORKS AND TEMPORARY INSTALLATION OF A CONCRETE CRUSHING PLANT - CEMENT WORKS, 1 JAMISON STREET, KANDOS
GOV400066, MA0021/2019

359/18

MOTION: Shelley / Paine**That Council:**

- A. receive the report by the Town Planner on the Modification to DA0155/2014 - Proposed Demolition and Remediation Works and Temporary Installation of a Concrete Crushing Plant - Cement Works, 1 Jamison Street, Kandos;**
- B. approve MA0021/2019 Modification to DA0155/2014 - Proposed Demolition and Remediation Works and Temporary Installation of a Concrete Crushing Plant - Cement Works, 1 Jamison Street, Kandos subject to the following modification:**
- I. Delete Condition 18;**
 - II. Endorse the inclusion of a Statement of Reasons.**

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 | ✓ | |

- 8.4 DEVELOPMENT CONTROL PLAN AMENDMENT 3 - POST EXHIBITION REPORT

GOV400066, LAN9000081

360/18

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

- 1. receive the report by the Manager, Strategic Planning on**

the Development Control Plan Amendment 3 - Post Exhibition Report;

2. **approve the Development Control Plan Amendment 3 pursuant to Part 3, Division 3 Approval of Development Control Plans, Clause 21 (1) (a) of the Environmental Planning and Assessment Regulation 2000 as exhibited with the deletion of the word "title" in the first and last sentences; and**
3. **give public notice pursuant to Part 3, Division 3 Approval of Development Control Plans, Clause 21 (2) of the Environmental Planning and Assessment Regulation 2000 of commencement of the plan.**

The motion was carried with the Councillors voting unanimously.

The following recommendations (item 8.5 to item 8.7) were adopted as a whole, being moved by Cr Paine, seconded by Cr Holden and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.321/18 and concluding at Resolution No. 323/18.

8.5 FUNDING ACCEPTANCE NSW DEPARTMENT OF INDUSTRY
INFRASTRUCTURE GRANT

GOV400066, GRA600038

361/18

MOTION: Paine / Holden

That Council:

1. **receive the report by the Manager Economic Development on the Funding Acceptance NSW Department of Industry Infrastructure Grant;**
2. **accept grant funding of \$150,654 plus GST from the NSW Department of Industry Infrastructure Grants for the installation of Glen Willow Regional Stadium Video Scoreboard;**
3. **authorise the Mayor or General Manager to finalise and sign the funding agreement with the NSW State Government; and**
4. **amend the 2018/19 Operational Plan and Delivery Program 2017/21 as follows**
 - **in 2018/19 increase the project expenditure budget for the installation of a video scoreboard at Glen Willow Regional Stadium by \$141,300 to be funded \$70,650 from grant funding and \$70,650 from**

Unrestricted Cash.

The motion was carried with the Councillors voting unanimously.

8.6 2018-19 LOCAL HERITAGE GRANTS - REALLOCATION
GOV400066, GRA600032

362/18 MOTION: Paine / Holden

That Council:

- 1. receive the report by the Manager, Strategic Planning on the 2018-19 Local Heritage Grants - Reallocation; and**
- 2. provide a Local Heritage Grant to the following projects:**
 - a) \$1000 for restoration works at 125 Denison Street Mudgee; and**
 - b) \$2000 for restoration works at 30 Denison Street Mudgee.**

The motion was carried with the Councillors voting unanimously.

8.7 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING
AND DETERMINED
GOV400066, A100055, A100056

363/18 MOTION: Paine / Holden

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

The motion was carried with the Councillors voting unanimously.

Item 9: Finance

The following recommendations (item 9.1 to item 9.2) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Paine and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.324/18 and concluding at Resolution No. 325/18.

9.1 COMMUNITY GRANTS PROGRAM POLICY REVIEW
GOV400066, GRA600009

364/18 MOTION: Shelley / Paine

That Council:

- 1. receive the report by the Acting Chief Financial Officer on**

- the Community Grants Program Policy Review;**
- 2. place the revised Community Grants Program Policy on public exhibition for 28 days; and**
 - 3. adopt the revised Community Grants Program Policy if no submissions are received.**

The motion was carried with the Councillors voting unanimously.

9.2 NAMING OF JACK WEBB BRIDGE OVER COOYAL CREEK
ON ULAN ROAD FROG ROCK/LINBURN

GOV400066, ROA100071

365/18 MOTION: Shelley / Paine

That Council:

- 1. receive the report by the Property Support Officer on the naming of Jack Webb Bridge over Cooyal Creek on Ulan Road Frog Rock/Linburn; and**
- 2. formally approve the name of Jack Webb Bridge for this bridge.**

The motion was carried with the Councillors voting unanimously.

9.3 COMMUNITY GRANTS PROGRAM

GOV400066, FIN300159

366/18 MOTION: Shelley / O'Neill

That Council:

- 1. receive the report by the Graduate Accountant - Grants & Contributions on the Community Grants Program;**
- 2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Program Policy; and**

| | |
|--|----------------|
| Mudgee Civilian Rifle and Smallbore Club Inc. | \$500 |
| Mudgee District U3A Inc. | \$180 |
| St Paul's Presbyterian Church of Mudgee | \$1,000 |
| Kandos Rylstone Show Society Bull-a-Rama | \$2,350 |

- 3. do not collect a facility hire bond from Mudgee District U3A**

Inc for the event detailed in this report.

AMENDMENT: Holden / O'Neill

That Council:

1. receive the report by the Graduate Accountant - Grants & Contributions on the Community Grants Program;
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Program Policy; and

| | |
|--|---------|
| Mudgee District U3A Inc. | \$180 |
| St Paul's Presbyterian Church of Mudgee | \$1,000 |
| Kandos Rylstone Show Society Bull-a-rama | \$2,350 |

3. do not collect a facility hire bond from Mudgee District U3A Inc for the event detailed in this report; and
4. decline the request from the Mudgee Civilian Rifle and Smallbore Club Inc to provide \$1,500 financial assistance.

The amendment was put and lost 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 | ✓ | |

The motion, on being put, was carried with the Councillors voting unanimously.

The following recommendations (item 9.4 to item 12.4) were adopted as a whole, being moved by Cr Shelley, seconded by Cr Holden and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No.327/18 and concluding at Resolution No. 337/18.

9.4 PROCUREMENT POLICY REVIEW

GOV400066, GOV400047

367/18**MOTION: Shelley / Holden****That Council:**

1. **receive the report by the Acting Chief Financial Officer on the Procurement Policy Review;**

2. **place the revised Procurement Policy on public exhibition for 28 days; and**
3. **adopt the revised Procurement Policy if no submissions are received.**

The motion was carried with the Councillors voting unanimously.

9.5 LOCAL PREFERENCE POLICY REVIEW

GOV400066, GOV400047

368/18

MOTION: Shelley / Holden

That Council:

1. **receive the report by the Acting Chief Financial Officer on the Local Preference Policy Review;**
2. **place the revised Local Preference Policy on public exhibition for 28 days; and**
3. **adopt the revised Local Preference Policy if no submissions are received.**

The motion was carried with the Councillors voting unanimously.

9.6 LOAN FUNDING SALEYARDS LANE SUBDIVISION

GOV400066, FIN300030

369/18

MOTION: Shelley / Holden

That Council:

1. **receive the report by the Acting Chief Financial Officer on the Loan Funding Saleyards Lane Subdivision;**
2. **authorise the General Manager to enter into a finance agreement with NSW Treasury Corporation for the sum of \$1,000,000 for a term of ten years, at the rate supplied, subject to no upward material change from 3.35%;**
3. **apply the Common Seal of Council to the Deemed Charge over Council rates;**
4. **submit a revised Proposed Loan Borrowings Return to NSW Treasury Corporation;**
5. **accept the Low Cost Loans Initiative offer of funding subject to a review of the terms and conditions to be**

undertaken by the General Manager; and

- 6. authorise the General Manager to finalise and sign any funding agreements for the Low Cost Loan Initiative with the NSW Government.**

The motion was carried with the Councillors voting unanimously.

9.7 MONTHLY STATEMENT OF INVESTMENT AND BANK
BALANCES AS AT 30 NOVEMBER 2018

GOV400066, FIN300053

370/18 MOTION: Shelley / Holden

That Council:

- 1. receive the report by the Acting Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 30 November 2018; and**
- 2. note the certification of the Responsible Accounting Officer.**

The motion was carried with the Councillors voting unanimously.

9.8 MONTHLY BUDGET REVIEW - OCTOBER 2018

GOV400066, FIN300179

371/18 MOTION: Shelley / Holden

That Council:

- 1. receive the report by the Acting Manager Financial Planning on the Monthly Budget Review - October 2018.**

The motion was carried with the Councillors voting unanimously.

Item 10: Operations

10.1 SMART WATER METERING

GOV400066, 20181127

372/18 MOTION: Shelley / Holden

That Council:

1. receive the report by the Water and Sewer Treatment Technologist on Smart Water Metering;
2. accept the offer of \$1,262,618 funding from the Department of Industry, Innovation and Science under the Smart Cities and Suburbs Program Round Two;
3. authorise the General Manager to sign and accept the funding agreement on behalf of Council with the Department of Industry, Innovation and Science;
4. accept the adjusted price of \$2,238,296 from Taggle Systems Pty Ltd for the supply and installation of Smart Water Metering Systems in the urban areas of Mudgee, Gulgong, Rylstone, Charbon and Clandulla;
5. authorise the General Manager to finalise and execute the contract on behalf of Council with Taggle Systems Pty Ltd;
6. authorise the General Manager to approve contract variations up to a cumulative total of 10% of the original contract sum;
7. amend the 2018/19 Operational Plan to allow for 50% of the project budget as follows:
 - allow for 50% of project expenditure being \$1,402,908 (an increase of \$537,908 to the existing budget)
 - recognise grant funding at 45% of expenditure being \$631,309
 - recognise 55% Council contribution from Water Fund Reserves being \$771,599 (a decrease to the existing budget contribution of \$93,400)
8. amend the 2017-2021 Delivery Program 2019/20 budget to allow for 50% of the project budget as follows:
 - allow for 50% of project expenditure being \$1,402,908 (an increase of \$1,002,908 to the existing budget)
 - recognise grant funding at 45% of expenditure being \$631,309
 - recognise 55% Council contribution from Water Fund Reserves being \$771,599 (an increase to the existing budget contribution of \$371,599); and
9. amend the 2017-2021 Delivery Program 2020/21 and 2021/22 budgets as follows:
 - in 2020/21 remove the \$250,000 budget allocation for

Water Meter Replacement funded from Water Fund Reserves

- in 2021/22 remove the \$100,000 budget allocation for Water Meter Replacement funded from Water Fund Reserves.

The motion was carried with the Councillors voting unanimously.

Item 11: Community**11.1 REVIEW OF PAYMENT OF EXPENSES AND PROVISIONS OF FACILITIES TO COUNCILLORS POLICY**
GOV400066, A0100001, GOV400047

373/18 MOTION: Shelley / Holden

That Council:

1. receive the report by the Manager Governance on the Review of Payment of Expenses and Provisions of Facilities to Councillors Policy;
2. place the revised Payment of Expenses and Provisions of Facilities to Councillors Policy on public exhibition for 28 days; and
3. adopt the revised Payment of Expenses and Provisions of Facilities to Councillors Policy if no submissions are received.

The motion was carried with the Councillors voting unanimously.

Item 12: Reports from Committees**12.1 LOCAL TRAFFIC COMMITTEE MINUTES - NOVEMBER 2018**
GOV400066, A0100009

374/18 MOTION: Shelley / Holden

That Council:

1. receive the report by the EA to Director, Operations on the Local Traffic Committee Minutes - November 2018;
2. amend LTC minute 18/027 to change wording to "advised by committee that it is a classification 3 event and

therefore does not need to be recommended by the local traffic committee

3. approve the installation of 'No Stopping' signs supplemented by yellow line-marking on pavement on the east side of Oporto Road north of Lisbon Road to the driveway entry to Mudgee South Shopping Centre; and
4. advise the local business operators and nearby residents of proposed change to parking arrangements at intersection of Lisbon and Oporto Roads.

The motion was carried with the Councillors voting unanimously.

12.2 GULGONG MEMORIAL HALL COMMITTEE MEETING 13 NOVEMBER 2018

GOV400066, A0100024

375/18

MOTION: Shelley / Holden

That Council:

1. receive the report by the Manager, Customer Services on the Gulgong Memorial Hall Committee meeting 13 November 2018; and
2. note the minutes from the Gulgong Memorial Hall Committee meetings held 13 November 2018.

The motion was carried with the Councillors voting unanimously.

12.3 MUDGEE REGIONAL SALEYARD COMMITTEE

GOV400066, F0720001

376/18

MOTION: Shelley / Holden

That Council:

1. receive the report by the Administration Officer, Operations on the Mudgee Regional Saleyard Committee; and
2. note the contents of the minutes of the Mudgee Regional Saleyards Committee Meeting held on the 20 September 2018

The motion was carried with the Councillors voting unanimously.

12.4 MUDGEES SHOWGROUND MANAGEMENT COMMITTEE

GOV400066, F0650007

377/18 MOTION: Shelley / Holden**That Council:**

1. receive the report by the Administration Officer, Operations on the Mudgee Showground Management Committee;
2. note the contents of the minutes of the Mudgee Showground Management Committee Meeting held on the 7 August 2018.

*The motion was carried with the Councillors voting unanimously.***Item 13: Urgent Business Without Notice****378/18 MOTION: Paine / Shelley****The Council consider the item on the Water Sharing Plan as Urgent Business Without Notice.***The motion was carried with the Councillors voting unanimously.***379/18 MOTION: Holden / Shelley****That Council make a submission to the Department of Industry on the Water Sharing Plan highlighting the need to retain Windamere Dam at a floor level of 110 gicalitres after a bulk water transfer, and the retention of the carryover water rights for irrigators and water licence holders within the Valley.***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 | ✓ | |

Item 14: Confidential Session

Nil

Item 15: Urgent Confidential Business Without Notice

Nil

Item 16: Open Council

Item 17: Closure

There being no further business the meeting concluded at 6.13pm.