

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 18 February 2015, commencing at 6.02pm and concluding at 7.27pm.

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

IN ATTENDANCE General Manager (B Cam), Director Operations (D Colwell), Director
Development (C Van Laeren), Director Corporate (C Phelan), Director
Community (S Jones), Governance Coordinator (A Gearon), Corporate
Communications Officer (P Goldsmith).

MEDIA REPRESENTATIVES Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Heldon).

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.2.3 as he is an owner of the property.

Councillor Thompson declared a less than significant conflict of interest in Item 6.2.2 as a member of his family works in the childcare industry.

Item 3: Confirmation of Minutes

8/15 MOTION: Shelley / Martens

That the Minutes of the Ordinary Meeting held on 17 December 2014 (Minute Nos. 539/14 to 582/14) be taken as read and confirmed.

That the Minutes of the Extraordinary Meeting held on 4 February 2015 (Minute Nos. 1/15 to 7/15) be taken as read and confirmed.

The motion was carried with Councillors voting unanimously.

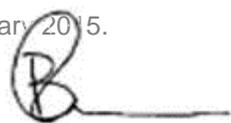
Item 4: Matters in Progress

Rural Fire Services Headquarters Museum

9/15 MOTION: Cavalier / Thompson

That Minute no. 565/14 be noted as completed.


Mayor


General Manager

The motion was carried with Councillors voting unanimously.

Item 5: Mayoral Minute

There was no Mayoral Minute.

Item 6: General Business

6.2 REPORTS TO COUNCIL

6.2.1 DA0193/2015, STAGED DEVELOPMENT - DWELLING – MONTAZA - 52 LUE ROAD MILROY NSW 2850

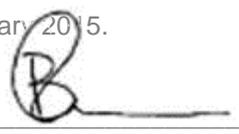
GOV400043, DA0193/2015

MOTION: White / Martens

That:

1. the report by the Senior Town Planner on the Development Application DA0193/2015 Proposed Staged Dwelling – Lot 313 DP 1183266 52 Lue Road Milroy be received;
2. that the Development Application 0193/2015 – Proposed Staged Dwelling – Lot 313 DP 1183266 52 Lue Road Milroy be refused for the following reasons;
 1. The proposed development for a dwelling to be located within the High Flood Risk Precinct is inconsistent with the Mid-Western Regional Development Control Plan Clause 5.2 Flooding – Development Controls Matrix 2 that does not support residential development in the high risk precinct.
 2. The proposed development for a dwelling to be located within the High flood risk Precinct is inconsistent with Clause 6.2 (1) of the Mid-Western Regional LEP 2012 as the development does not meet the objectives of the clause to minimise risk to life and property associated with flooding as a flood free access to Mudgee town cannot be achieved.
 3. The proposed development for a dwelling to be located within the High flood risk Precinct is inconsistent with Clause 6.2 (3) of the Mid-Western Regional LEP 2012 as the development is incompatible with the flood hazard, does not incorporate measures to reduce risk and may result in unsustainable social and economic costs to the community as a consequence of flooding.
 4. The proposed development for a dwelling to be located within the High Flood Risk Precinct is inconsistent with the Mid-Western Regional Development Control Plan Clause 5.2 Flooding Development Control, Performance Criteria (c) as a reliable access for evacuation to the Mudgee town cannot be achieved.


Mayor


General Manager

5. The proposed development fails to provide a suitable road access to Mudgee town which is inconsistent with the Clause 6.9 Essentials Services of the Mid-Western Regional Local Environmental Plan 2012 as Council cannot be satisfied that emergency services can adequately access the site during a flood event or that the future inhabitants will have suitable means of access during flood/storm events.
6. The proposed development for a dwelling with a front setback of 30 metres is inconsistent with the Mid-Western Regional Development Control Plan Clause 6.1 Dwellings in Rural Areas as the setback standard of 60 metres as it will degrade the existing open visual amenity of the locality.
7. The proposed development is not considered to be in the public interest as it will increase the costs to the community when emergency services are responding during flood events and may lead to further development on the floodplain.

10/15

AMENDMENT: Walker / Thompson**That:**

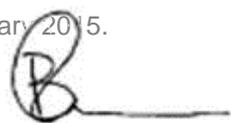
1. **the report by the Senior Town Planner on the Development Application DA0193/2015 Proposed Staged Dwelling – Lot 313 DP 1183266 52 Lue Road Milroy be received;**
2. **that the Development Application 0193/2015 – Proposed Staged Dwelling – Lot 313 DP 1183266 52 Lue Road Milroy be approved subject to the following conditions;**
 1. **The dwelling be relocated to the existing shed pad.**
 2. **Pipes be inserted into the driveway and driveway to be constructed with a hard stand surface to remove dips in the driveway.**
 3. **Imposition of standard conditions of consent for a dwelling.**

The amendment was put and carried and being put as the motion was again carried with Councillors voting as follows:

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



Mayor



General Manager

6.2.2 DA0206/2015, EARLY CHILDHOOD EDUCATION CENTRE - OLD SALEYARDS SITE 43 SALEYARDS LANE MUDGEE NSW 2850

GOV400043, DA0206/2015

11/15

MOTION: Shelley / Martens

That:

1. the report by the Manager, Statutory Planning on DA0206/2015 Early Childhood Education Centre (Old Saleyards Site) 43 Saleyards Lane Mudgee be received;
2. DA0206/2015 Early Childhood Education Centre (Old Saleyards Site) 43 Saleyards Lane Mudgee be approved in accordance with the following conditions;

APPROVED PLANS CONDITIONS

1. Development is to be carried out generally in accordance with stamped plans:
 - Drawing No. 22321-A01 3D Perspective, Locality Plan
 - Drawing No. 22321-A02 Proposed Site Layout
 - Drawing No. 22321-A03 Proposed Floor Layout
 - Drawing No. 22321-A04 Elevations and Sections
 - Drawing No. 22321-A05 Shed Elevations

and the Application received by Council on 7 January 2015 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. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy.

OPERATIONAL CONDITIONS - PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE BUILDING

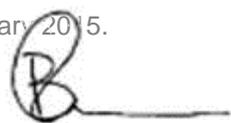
The following conditions must be compiled with prior to Council or an accredited Certifier issuing a Construction certificate for the proposed building.

3. 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:

Water Headworks	\$23,265.00
Sewerage Headworks	\$17,705.00
Total	\$40,970.00



 Mayor



 General Manager

- 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 Directorate regarding any adjustments.

4. All building work is to comply with the requirements of the Access to Premises Standard.
5. 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.
6. The design, construction and fitout of any proposed kitchen, coolroom/s and associated structures must be constructed in accordance with the relevant requirements of Australian Standard 4674 - 2004 "Design, Construction and Fitout of Food Premises". Full details are to be submitted for approval with the required Construction Certificate.
7. 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.
8. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of:

The levy is: \$8,427.00 based on the estimated cost of development of \$ 842,744.00.

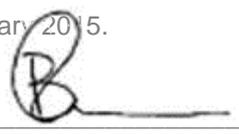
PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

9. 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.



Mayor



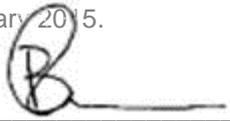
General Manager

10. 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

11. 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;
- stating that unauthorised entry to the work site is prohibited, and
 - 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.
 - the name, address and telephone number of the principal certifying authority for the work,
 - The sign shall be removed when the erection or demolition of the building has been completed.
12. Prior to the commencement of works on site, the applicant shall advise Council's Development Directorate, in writing, of any existing damage to Council property.
13. The development site is to be managed for the entirety of work in the following manner:
- 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;
 - Appropriate dust control measures;
 - Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
14. Prior to the commencement of works on site, the applicant shall advise Council's Development Directorate, in writing, of any existing damage to Council property.
15. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information


Mayor


General Manager

regarding relocation should be supplied to the Land Titles Office and Council.

16. 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.
17. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.

BUILDING CONSTRUCTION

18. 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.
19. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
20. 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

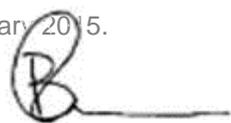
No construction work noise is permitted on Sundays or Public Holidays.

21. 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.
22. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa
23. 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.
24. 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.

ENGINEERING CONSTRUCTION **Stormwater**



Mayor



General Manager

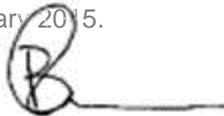
25. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
26. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5 year event. All storm water detention details including analysis shall be included with the drainage report.
27. The development must meet the water quality requirements pursuant to Council's Development Control Plan and Appendix B.

Roads, Kerbs and Vehicular Access

28. Each access provided must comply with Council's Access to Properties Policy, AUSTROADS Part 4/4A and any associated RMS supplements.
29. A total of 10 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:
- Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009.
 - All car parking spaces are to be provided with a hard standing, all weather compacted gravel or concrete surface and must be maintained in a satisfactory condition at all times;
 - Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.
30. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.
31. The developer is to upgrade the existing road (Saleyards Lane) for the full frontage of the proposed development, such that it has the following characteristics:

Item	Requirement
Full Road Pavement Width	9 m (2 x 3.5m travel lanes with 1m sealed shoulders)
Nature Strip	2 x 4.5m


Mayor


General Manager

Item	Requirement
Concrete Footpaths	1.2m Wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

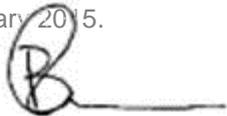
Earthworks

32. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified. Note: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.
33. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
- sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water;
 - maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.
34. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
35. 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.

Water and Sewer Services

36. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements


 Mayor


 General Manager

of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act,1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.

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 any private properties as a result of this development.

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.

38. 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.
39. 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.

GENERAL

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

40. 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".
41. The Child Care Centre is limited to a total number of 40 places for early childhood care and any license from the relevant State/ Federal department should not exceed 40 places.



Mayor



General Manager

42. The hours of operation approved for the child care centre are Monday to Friday - 7.30am – 6.30pm.
43. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.
44. Garbage areas are to be adequately screened from public view with an opaque fence and / or adequate landscaping.
45. 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".
46. Any further signage proposed on the site is subject to a separate Development Application.

The motion was carried with Councillors voting unanimously.

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

GOV400043, DA0164/2015

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.2.3 as he is an owner of the property, left the meeting at 6.23pm, did not participate in discussion or vote in relation to this matter. In his absence, the Deputy Mayor assumed the Chair.

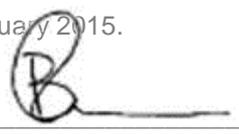
12/15 MOTION: Shelley / Weatherley

That:

1. The report by the Town Planner on the DA0164/2015 Proposed Alterations and Additions to Commercial Premises & Boundary Adjustment (Oriental Hotel) at Lot 1 DP 732911, Lot 2 DP 732911 and Lot 1 DP 995458, 6 Lewis Street Mudgee be received;
2. Development Application 0164/2015 Proposed Alterations and Additions to Commercial Premises & Boundary Adjustment (Oriental Hotel) at Lot 1 DP 732911, Lot 2 DP 732911 and Lot 1 DP 995458, 6 Lewis Street Mudgee be approved subject to the below conditions; and
3. Council write to the OLGR and recommend that a security guard be required as part of any future liquor licence.



Mayor



General Manager

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.

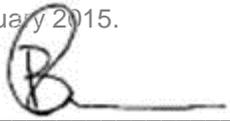
2. The signage on the western elevation is to generally match the existing signage on the hotel western elevation.

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.


Mayor


General Manager

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.

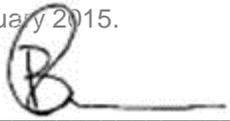
EP4.1, EP4.2 – In relation to passage way, corridor and stairway of the residential part.

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.


Mayor


General Manager

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
Total Payable	\$ 16,345

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:
- Car parking shall be implemented as shown on the approved drawings at the full cost of the Developer;
 - Each parking space is to have minimum dimensions pursuant to Australian Standard AS2890.1;
 - 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;
 - 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;
 - 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.

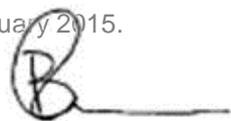
PRIOR TO COMMENCEMENT OF WORKS BUILDING

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.


Mayor


General Manager

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;
- stating that unauthorised entry to the work site is prohibited, and
 - 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.
 - the name, address and telephone number of the principal certifying authority for the work,
 - 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;
- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - building involves the enclosure of a public place
- 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:
- 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;
 - Appropriate dust control measures;
 - Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

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.



Mayor



General Manager

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 5.00pmNo 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 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
 - d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
28. The removal of any asbestos material (less than 10m²) 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.



Mayor



General Manager

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

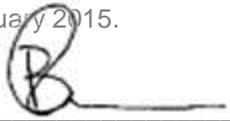
32. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
33. All works are to be constructed 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.



Mayor



General Manager

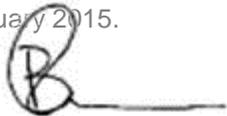
41. Confirmation of registration of the boundary adjustment as approved by this consent.
42. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (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 a 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



Mayor



General Manager

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.**
- 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.**

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.**

AMENDMENT: Martens / Thompson

That:

- 1. The report by the Town Planner on the DA0164/2015 Proposed Alterations and Additions to Commercial Premises & Boundary Adjustment (Oriental Hotel) at Lot 1 DP 732911, Lot 2 DP 732911 and Lot 1 DP 995458, 6 Lewis Street Mudgee be received;
- 2. Development Application 0164/2015 Proposed Alterations and Additions to Commercial Premises & Boundary Adjustment (Oriental Hotel) at Lot 1 DP 732911, Lot 2 DP 732911 and Lot 1 DP 995458, 6 Lewis Street Mudgee be approved subject to the below conditions; and
- 3. Council write to the OLGR and recommend that a security guard be required as part of any future liquor licence.



Mayor



General Manager

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.



Mayor



General Manager

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.

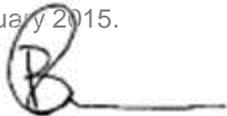
8. A certificate from a Practising Structural Engineer certifying to the structural sufficiency of the existing structure to support proposed addition is to be submitted at Construction Certificate stage.
9. All building work is to comply with the requirements of the Access to Premises Standard.
10. 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


 Mayor


 General Manager

Total Payable \$ 16,345

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:
- Car parking shall be implemented as shown on the approved drawings at the full cost of the Developer;
 - Each parking space is to have minimum dimensions pursuant to Australian Standard AS2890.1;
 - 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;
 - 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;
 - 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.

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;
- stating that unauthorised entry to the work site is prohibited, and
 - 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.



Mayor



General Manager

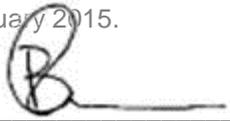
- c) the name, address and telephone number of the principal certifying authority for the work,
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
20. If the work involved in the erection/demolition of the building;
- a) is likely to cause pedestrian or 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



Mayor



General Manager

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 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
 - d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
28. The removal of any asbestos material (less than 10m²) 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.



Mayor



General Manager

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.

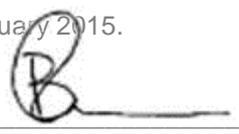
PRIOR TO OCCUPATION CERTIFICATE

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.
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



Mayor



General Manager

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 a 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.
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.

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)



Mayor



General Manager

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.
57. The Developer pay for 11 car parking spaces in accordance with Council's Section 94 Contribution Plan.

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

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

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

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

Councillor Kennedy returned to the meeting at 6.41pm and resumed the Chair.

6.2.4 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

GOV400043

13/15

MOTION: Cavalier / Shelley

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

The motion was carried with Councillors voting unanimously.


Mayor


General Manager

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

GOV400043, ENV200046

14/15 MOTION: Weatherley / Cavalier

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

The motion was carried with Councillors voting unanimously.

6.2.6 LAND & HOUSING SUPPLY MONITOR QUARTERLY REPORT

GOV400043, LAN900042

15/15 MOTION: Martens / White

That the report by the Manager Strategic Planning on the Land & Housing Supply Monitor Quarterly Report be received.

The motion was carried with Councillors voting unanimously.

6.2.7 REQUESTS FOR VARIATIONS TO WATER AND SEWER
CONTRIBUTIONS

GOV400043, P1193065, DA0004/2015, DA0005/2015

Councillor Thompson declared a less than significant interest in Item 6.2.7 as a member of his family works in the childcare industry.

MOTION: Shelley / Webb

That:

1. the report by the Director, Development on the Requests for Variations to Water and Sewer Contributions be received;
2. Condition 44 of M10011/2013 for the child care centre on Lot 2 DP 844678 being 26 Melton Road Mudgee remain unchanged and condition 44 relating to the residential component of the development be amended to read as follows:

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

- (a) Payment of a contribution for water and sewerage headworks at the following rate for 1 additional lot
- | | |
|-----------------|---------|
| Water Headworks | \$3917 |
| Sewer Headworks | \$3400 |
| Total | \$7317; |



Mayor



General Manager

3. No variation be made to the Section 64 Contributions for DA0004/2015 for multi unit Housing and subdivision on Lot 2 DP 700842 being 24 Cox Street Rylstone; and
4. Council approves the deferral of payment of Section 64 Contribution DA0004/2015 for multi unit Housing and subdivision on Lot 2 DP 700842 being 24 Cox Street, Rylstone in accordance with the provisions of the Development Servicing Plans including the provision of a bank guarantee and for deferral period of 6 months.

16/15

AMENDMENT: Kennedy / Walker**That:**

1. **the report by the Director, Development on the Requests for Variations to Water and Sewer Contributions be received;**
2. **Condition 44 of MI0011/2013 for the child care centre on Lot 2 DP 844678 being 26 Melton Road Mudgee be reduced by the sum of \$36,639.80 and condition 44 relating to the residential component of the development be amended to read as follows:**

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

- (a) **Payment of a contribution for water and sewerage headworks at the following rate for 1 additional lot**

Water Headworks	\$3917
Sewer Headworks	\$3400
Total	\$7317;

3. **No variation be made to the Section 64 Contributions for DA0004/2015 for multi unit Housing and subdivision on Lot 2 DP 700842 being 24 Cox Street Rylstone; and**
4. **Council approves the deferral of payment of Section 64 Contribution DA0004/2015 for multi unit Housing and subdivision on Lot 2 DP 700842 being 24 Cox Street, Rylstone in accordance with the provisions of the Development Servicing Plans including the provision of a bank guarantee and for deferral period of 6 months.**
5. **The intention to waive a fee of \$36,639.80 be placed on public exhibition for 28 days and the matter be brought back to Council.**



Mayor

General Manager

The amendment was put and carried and on being put as the motion was again carried with Councillors voting as follows:

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

6.2.8 FOOD INSPECTION UPDATE

GOV400043, A0130009

17/15 MOTION: Thompson / Cavalier

That the report by the Manager, Health and Building on the Food Inspection Update be received.

The motion was carried with Councillors voting unanimously.

6.2.9 CENTRAL WEST REGIONAL GROWTH PLAN UPDATE

GOV400043, LAN900016, A0100001

18/15 MOTION: Thompson / Cavalier

That the report by the Manager Strategic Planning on the Central West Regional Growth Plan Update be received.

The motion was carried with Councillors voting unanimously.

6.2.10 DELIVERY PROGRAM 2014 – 2017 SIX MONTHLY PROGRESS REPORT

GOV400043, COR400059

19/15 MOTION: Thompson / Cavalier

That the report by the Director Corporate on the Delivery Program 2014 – 2017 Six Monthly Progress Report be received.

The motion was carried with Councillors voting unanimously.

6.2.11 QUARTERLY BUDGET REVIEW DECEMBER 2014

GOV400043, FIN300062

20/15 MOTION: Cavalier / Thompson

That:



 Mayor



 General Manager

1. the report by the Manager Finance on the Quarterly Budget Review December 2014 be received;
2. the 2014/15 Operational Plan be amended in accordance with the variations as listed in the quarterly budget review attachments; and;
3. the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure, be noted.

The motion was carried with Councillors voting unanimously.

6.2.12 MONTHLY STATEMENT OF INVESTMENTS AND BANK BALANCES AS AT 31 JANUARY 2015

GOV400038, FIN300053

21/15 MOTION: Thompson / Cavalier

That:

1. the report by the Manager Finance on the Monthly statement of investments and bank balances as at 31 January 2015 be received;
2. the certification of the Responsible Accounting Officer be noted.

The motion was carried with Councillors voting unanimously.

6.2.13 FINANCIAL ASSISTANCE APPLICATIONS

GOV400043, A0140201

22/15 MOTION: White / Martens

That:

1. the report by the Financial Accountant on the Financial Assistance applications be received;
2. Council provide an in-kind contribution to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:
 - Painters@Mudgee2015 \$160
 - Pioneer Auxiliary Ladies \$200
 - Mudgee District University of the Third Age (U3A) \$500
 - Mudgee Disability Support Service Inc \$618
 - Rotary Club of Mudgee Sunrise \$4,300

The motion was carried with Councillors voting unanimously.



Mayor



General Manager

6.2.14 FIT FOR THE FUTURE PROGRAM

GOV400043, GOR500026

23/15

MOTION: Cavalier / Martens**That:**

1. the report by the Manager, Corporate & Economic Development on the Fit for the Future Program be received; and
2. a Councillor workshop be held during April to participate in the development of Council's Improvement Proposal.

The motion was carried with Councillors voting unanimously.

6.2.15 CRUDINE ROAD CLOSED ROAD TRANSFER

GOV400043, R0790175

24/15

MOTION: Cavalier / Martens**That:**

1. the report by the Revenue & Property Manager on the Crudine Road Closed Road Transfer be received;
2. that Council authorise the transfer of Lots 8, 9 and 10 in DP 44884 to the ownership of the adjoining property owner;
3. the General Manager be authorised to sign all documentation necessary to facilitate the transfer;
4. that the Common Seal of Council be affixed to all necessary documentation to facilitate the transfer.

The motion was carried with Councillors voting unanimously.

6.2.16 NAMING OF THE NEW ROAD IN A SUBDIVISION OFF ADAMS LEAD ROAD

GOV400043, R0790041

25/15

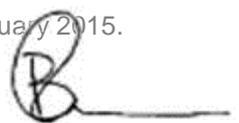
MOTION: Cavalier / Walker**That:**

1. the report by the Revenue & Property Manager on the Naming of the new road in a subdivision off Adams Lead Road be received;
2. Council formally approve the name of Joinery Lane for the new road in this subdivision.

The motion was carried with Councillors voting unanimously.



Mayor



General Manager

6.2.17 PROPOSAL TO SELL SURPLUS LAND AT 1535 BYLONG VALLEY WAY, KANDOS

GOV400043, P2168311

26/15

MOTION: Walker / Shelley

That:

1. the report by the Revenue & Property Manager on the Proposal to sell surplus land at 1535 Bylong Valley Way, Kandos be received;
2. Council refuse the offer to purchase Lot B DP 191803, 1535 Bylong Valley Way, Kandos made by the adjoining owner as indicated in the attachment in the Confidential section of this business paper;
3. Council seek Expressions of Interest for the purchase of Lot B DP 191803, 1535 Bylong Valley Way, Kandos;
4. Council approve the sale of Lot B DP 191803, 1535 Bylong Valley Way, Kandos at a price not less than 10% below the current market appraisal, as attached in the Confidential section of this business paper;
5. the General Manager be authorised to negotiate the sale price for Lot B DP 191803 not less than 10% below the current market appraisal, as attached in the Confidential section of this business paper;
6. in addition to sale price, the purchaser be responsible for all costs in relation to the land purchase, including Council's reasonable legal costs;
7. the General Manager be authorised to sign all documentation necessary in relation to the sale of Lot B DP 191803 to the purchaser;
8. the Common Seal of Council be affixed to all necessary documentation for the sale of Lot B DP 191803;
9. the Operational Plan for 2014/2015 be amended to reflect the proposed sale proceeds of Lot B DP 191803;
10. the sale proceeds of Lot B DP 191803 be transferred to the Land Development Reserve with the Operational Plan 2014/15 amended accordingly.

AMENDMENT: Martens / Thompson

That:



Mayor



General Manager

1. the report by the Revenue & Property Manager on the Proposal to sell surplus land at 1535 Bylong Valley Way, Kandos be received;
2. Council investigate the possibility of use of that area as a quarry.

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

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

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

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

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

GOV400043, R0790141, R0790041

27/15

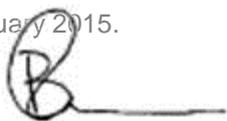
MOTION: Cavalier / White

That:

1. the report by the Revenue & Property Manager on the Names to be included in the Pre-Approved Street/Road Names List be received;
2. Council approve the inclusion of Lucas, Cant, Singh, Oakden, Kearins, Wurth, Goodlet and Bugg in the pre-approved street/road names list for use at a later date.

The motion was carried with Councillors voting unanimously.


Mayor


General Manager

6.2.19 NAMING OF THE NEW STREETS IN A SUBDIVISION OFF
HENRY BAYLY DRIVE

GOV400043, R0790141

28/15

MOTION: Cavalier / Weatherley

That:

1. **the report by the Revenue & Property Manager on the naming of the new streets in a subdivision off Henry Bayly Drive be received;**
2. **Council formally approve the name of Cover Street for Street 1 and Croan Court for Street 2 in this subdivision.**

The motion was carried with Councillors voting unanimously.

6.2.20 ADOPTION OF MUDGEETRAFFIC MANAGEMENT STUDY
2014

GOV400043, TRA300029

MOTION: White / Cavalier

That:

1. The report by the Director, Operations on the adoption of the Mudgee Traffic Management Study 2014 be received;
2. Council adopt the Mudgee Traffic Management Study 2014.

29/15

AMENDMENT: Webb / Walker

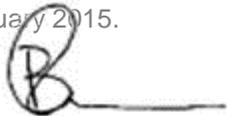
That:

1. **The report by the Director, Operations on the adoption of the Mudgee Traffic Management Study 2014 be received;**
2. **Council adopt the Mudgee Traffic Management Study 2014 after the second paragraph of Section 5.2.7 on page 30 is removed.**

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

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


Mayor


General Manager

Cr White

✓

AMENDMENT: Shelley / -

That:

1. The report by the Director, Operations on the adoption of the Mudgee Traffic Management Study 2014 be received;
2. Council adopt the Mudgee Traffic Management Study 2014 after the second paragraph of Section 5.2.7 on page 30 is removed,
3. The road section is referred to RMS for a speed assessment.

This amendment lapsed for want of a seconder.

Councillor White left the meeting at 7.03pm.

On being put as the motion, the original amendment was again carried with Councillors voting unanimously.

Councillor White returned to the meeting at 7.04pm.

6.2.21 REGIONAL ORGANICS OPPORTUNITY

GOV400043, WAS400028

30/15**MOTION: Cavalier / Weatherley****That:**

1. **the report by the Manager Waste and Weed Services on the regional organics opportunity be received;**
2. **that Council participates in the tender process for a regional organics collection and processing service facilitated by Dubbo Regional Council to determine transport and processing costs;**
3. **that the 2014/15 Operational Plan be amended to increase Domestic Waste consultant costs by \$5,000 to cover the initial cost of participating in the tender, to be funded from Waste fund cash; and**
4. **that the 2015/16 Operational Plan include a further allocation of \$5,000 within the Domestic Waste operating budget to cover estimated continuing costs of participating in the tender.**



Mayor

General Manager

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

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

6.2.22 DRAFT STORMWATER ASSET MANAGEMENT PLAN – PUBLIC EXHIBITION

GOV400043, A0010002

31/15 MOTION: Walker / Thompson

That:

1. the report by the Director, Operations on the Draft Stormwater Asset Management Plan be received;
2. the Draft Stormwater Asset Management Plan be placed on public exhibition for 28 days
3. If no submissions are received following public exhibition of the draft report, adopt the Stormwater Asset Management Plan

The motion was carried with Councillors voting unanimously.

6.2.23 LOCAL TRAFFIC COMMITTEE MINUTES OF MEETING HELD 9 DECEMBER 2014

GOV400043, A0100009

32/15 MOTION: Cavalier / Shelley

That the report by the Director, Operations on the Local Traffic Committee Minutes of Meeting held 9 December 2014, items 14/44 – 14/45 be received; accepted and endorsed.

The motion was carried with Councillors voting unanimously.

6.2.24 LOCAL GOVERNMENT ELECTIONS 2016

GOV400043, GOV400044

33/15 MOTION: Cavalier / Shelley


Mayor


General Manager

That:

- 1. the report by the Governance Coordinator on the Local Government Elections 2016 be received;**
- 2. Council engage the NSW Electoral Commission to coordinate the 2016 Local Government election for Mid-Western Regional Council;**
- 3. the General Manager be authorised to execute on behalf of Council, all documentation related to any contract with the NSW Electoral Commission, for management of the conduct of Council's 2016 election.**

The motion was carried with Councillors voting unanimously.

6.2.25 RED HILL RESERVE WORKING PARTY

GOV400043, P0860011

34/15

MOTION: Cavalier / Shelley

That:

- 1. the report by the Director, Development on the Red Hill Reserve Working Party be received;**
- 2. note the minutes of the Meeting of the Red Hill Reserve Working Party meeting held on 15 December 2014, 22 December 2014, 19 January 2015 and 2 February 2015.**

The motion was carried with Councillors voting unanimously.

6.2.26 HOME AND COMMUNITY CARE – QUARTERLY REPORT

GOV400043, COS300013, COS300026, COS300023, COS300025

35/15

MOTION: Cavalier / Shelley

That:

- 1. the report by the Acting Manager – Community Services on the Home and Community Care – Quarterly Report be received;**
- 2. Council note the activity reports from the Home and Community Care funded services.**

The motion was carried with Councillors voting unanimously.

6.2.27 GULGONG MEMORIAL HALL COMMITTEE

GOV400043, A0100024

36/15

MOTION: Cavalier / Shelley

That:



Mayor



General Manager

1. **the report by the Manager, Health and Building on the Gulgong Memorial Hall Committee be received;**
2. **Council note the minutes from the Gulgong Memorial Hall Committee meeting held on 2nd February 2015.**

The motion was carried with Councillors voting unanimously.

6.2.28 CULTURAL DEVELOPMENT COMMITTEE

GOV400043, A0420172

37/15 MOTION: Cavalier / Shelley

That:

1. **the report by the Director, Community on the Cultural Development Committee be received;**
2. **Council note the minutes of the Cultural Development Committee meeting held on 10 December 2014.**
3. **Council support the proposal for the Mid-Western Art Prize to be delivered as a Wood Sculpture Symposium as recommended by the Cultural Development Committee and the Public Art Advisory Panel.**

The motion was carried with Councillors voting unanimously.

6.2.29 GULGONG SPORTS COUNCIL

GOV400043, A0360003

38/15 MOTION: Cavalier / Shelley

That:

1. **the report by the Director, Community on the Gulgong Sports Council be received;**
2. **that the minutes for the Gulgong Sports Council ordinary monthly meeting held on 12 November 2014 be noted.**

The motion was carried with Councillors voting unanimously.

6.2.30 KANDOS CENTENARY WORKING PARTY

GOV400043, P1553611, A0310010

39/15 MOTION: Cavalier / Shelley

That:

1. **the report by the Director, Community on the Kandos Centenary Working Party be received;**



Mayor



General Manager

2. Council formally recognise the work of the Kandos Centenary Working Party;
3. Council accept the \$32,736 of funds from Kandos Centenary Working Party and amend the 2014/15 Operational Plan to recognise the revenue;
4. Council allocate \$13,000 to complete the Kandos Centenary pavers project and the Kandos Centenary sculpture project and amend the 2014/15 Operational Plan to recognise the expenditure; and
5. Council proceed to formally dissolve the Kandos Centenary Working Party as a Section 355 Committee of Council.

The motion was carried with Councillors voting unanimously.

6.2.31 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE

GOV400038, F0650007

40/15

MOTION: Cavalier / Shelley

That the report by the Director, Operations on the Mudgee Showground Management Committee be received.

The motion was carried with Councillors voting unanimously.

6.2.32 MUDGEE SPORTS COUNCIL

GOV400043, A0100013

41/15

MOTION: Cavalier / Shelley

That:

1. the report by the Director, Community on the Mudgee Sports Council be received;
2. That the minutes for the Mudgee Sports Council ordinary monthly meeting held on 23 November 2014 be noted.

The motion was carried with Councillors voting unanimously.

6.2.33 MONTHLY STATEMENT OF INVESTMENTS AND BANK BALANCES AS AT 31 DECEMBER 2014

GOV400038, FIN300053

42/15

MOTION: Cavalier / Shelley

That:

1. the report by the Manager Finance on the Monthly statement of investments and bank balances as at 31 December 2014 be received;



Mayor



General Manager

2. the certification of the Responsible Accounting Officer be noted.

The motion was carried with Councillors voting unanimously.

Item 7: Urgent Business Without Notice

7.1 COUNCIL CONTRIBUTIONS

GOV400029,LAN900011

43/15 MOTION: Weatherley / Cavalier

That this matter be dealt with as urgent business without notice.

The Mayor having ruled the matter to be of great urgency, the motion was put and carried.

44/15 MOTION: Weatherley / Cavalier

That:

A discussion paper be prepared in relation to Council contributions and presented to Councillors at the April workshop, so that Councillors can consider how to best assist applicants who demonstrate an economic and social need.

The motion was carried with Councillors voting unanimously.

Item 8: Confidential Session

45/15 MOTION: Cavalier / White

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

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

Subject: General Manager's Performance Agreement 2014-2015

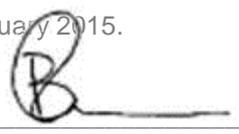
The reason for dealing with this matter confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors), in accordance with Section 10A(2)(a) of the Local Government Act, 1993.

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

The motion was carried with Councillors voting unanimously.



Mayor



General Manager

8.1.1 General Manager's Performance Agreement 2014 -2015

GOV400043, A0381418

46/15

MOTION: Cavalier / Webb

That:

1. **the report by the General Manager on the General Manager's Performance Agreement 2014 -2015 be received;**
2. **the General Manager's Total Remuneration Package be increased to \$271,457.**

The motion was carried with Councillors voting unanimously.

Item 9: Open Council

47/15

MOTION: Cavalier / Walker

That the Council move to Open Council.

The motion was carried with Councillors voting unanimously.

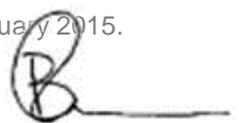
The General Manager announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 7.27pm.



Mayor



General Manager