

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 2 April 2014, commencing at 6.13pm and concluding at 7.03pm.

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 (WL Bennett), Director Mid-Western Operations (B Cam),
Director Development and Community Services (C Van Laeren), Director
Finance & Administration (B Exelby), Manager Governance (I Roberts),
Senior Town Planner (G Bruce), Corporate Communications Officer (P
Goldsmith).

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

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.1 as he is the owner of the property subject to the Development Application to be determined by Council.

Item 3: Confirmation of Minutes

354/14 MOTION: Thompson / Martens

That the Minutes of the Ordinary Meeting held on 19 March 2014 (Minute Nos. 88/14 to 108/14) be taken as read and confirmed with the following amendments: Councillors Thompson and Martens votes' be recorded as against Item 6.2.11 (Anti-Discrimination and Equal Employment Opportunity Policy and the Workplace Bullying Policy); and Councillors Thompson and Martens votes' also be recorded as against Item 6.2.12 (Review of Policy on Payment of Expenses and Provision of Facilities to Councillors).

The motion was carried with Councillors voting unanimously.

Item 4: Matters in Progress

Code of Conduct Review

Councillor Thompson provided the Council with a written apology.

355/14 MOTION: Walker / Webb

That the written apology provided by Councillor Thompson be accepted and Minute no. 85/14 be noted as completed.

The motion was carried with Councillors voting unanimously.

Item 5: Mayoral Minute

356/14 MOTION: Kennedy

That:

- 1. Council accepts the resignation of the General Manager Warwick Bennett with regret;**
- 2. Council seeks quotes for the recruitment of a new General Manager from the following organisations:**
 - McAurthur Management Services**
 - Stephen Blackadder and Associates**
 - Local Government Management Solutions****and the Mayor present a Mayoral Minute to the Council meeting of the 7 May with the recommended service provider.**

The motion was carried with Councillors voting unanimously.

Item 6: General Business

6.1 NOTICES OF MOTION

There are no Notices of Motion.

6.2 REPORTS TO COUNCIL

6.2.1 DA0273/2014 – PROPOSED STAGED 26 LOT RESIDENTIAL SUBDIVISION, LOT 1 DP 1176841, 4- 8 PERRY STREET, MUDGEE

GOV400038, DA0273/2014

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.1 as he is the owner of the property subject to the Development Application to be determined by Council, left the meeting at 6.22pm and did not participate in discussion or vote in relation to this matter.

357/14 MOTION: Shelley / Weatherley

That:

- 1. the report by the Manager Statutory Planning Manager, Statutory Planning on DA0273/2014 – Proposed Staged 26 Lot Residential**

- Subdivision, Lot 1 DP 1176841, 4- 8 Perry Street, Mudgee be received;
2. Council approve DA0273/2014 – Proposed Staged 26 Lot Residential Subdivision, Lot 1 DP 1176841, 4- 8 Perry Street, Mudgee subject to the following conditions:

APPROVED DEVELOPMENT

1. Development is to be carried out generally in accordance with stamped plans (Drawing Number 20708-C01/C01/C03) and Statement of Environmental Effects dated February 2014 by Barnson Pty Ltd 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.

AMENDMENT

2. The location of the stormwater outlet as depicted in Proposed Service Plan – Drawing 20708-C04, Rev A dated 18/11/09, prepared by Barnson is to be redesigned so that it complies with the NSW Guidelines for Stormwater Outlets. The outlet structure shall be located on a straight section of the watercourse and pointing in a downstream direction.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.
4. A further phase 2 Environmental Assessment is to be undertaken on the site and remediation occurs in accordance with a Remedial Action Plan. Upon completion of the investigation and remediation works, a site validation report is to be provided to Council stating that the land is suitable to be used for residential purposes.
5. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
6. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.

7. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be provided to Mid-Western Regional Council as an interested party.
8. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.
9. A detailed engineering design (including sediment and erosion control) supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of a Construction Certificate.
10. 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.
11. 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.
12. 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*.
13. Engineering plans of the water and sewer mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a Construction Certificate.
Note 1: Council will quote on connecting any sewer or water main extension to the existing "live" main on receipt and approval of engineering plans.
Note 2: Council does not permit other bodies to insert new junctions or connections into 'live' mains.
14. 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 subdivision works.

15. The subdivision works are to be inspected by the Council to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
 - Installation of sediment and erosion control measures
 - Water and sewer line installation prior to backfilling
 - Establishment of line and level for kerb and gutter placement
 - Road and driveway pavement construction (including excavation, formwork and reinforcement)
 - Road pavement surfacing
 - Practical completion
16. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.30am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.
17. 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 ARI. All storm water detention details including analysis shall be included with the drainage report.
18. The drainage report is to include water quality treatment devices meeting targets as stipulated in the DCP and full details of compliance are to be provided with the Construction Certificate.
19. All utilities and services including telecommunications, water and sewer reticulation, street lighting shall be installed prior to pavement construction.
20. Prior to commencement of works, the submission of three road names/road in order of preference, for the proposed two (2) new roads within the subdivision, are to be submitted to Council for approval.

Stormwater Drainage

21. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.
22. 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.

23. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.

Roads, Kerbs and Vehicular Access

24. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
25. A 'Give-Way' sign with associated line marking shall be installed at the intersection of Short and Perry Street pursuant with AS1724.2:2009 Manual of Uniform Traffic Control Devices and the RMS *Delineation Manual*.
26. The developer is to upgrade Perry Street for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Road Reserve Width	12m
Pavement Width	8m
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Nature Strip (x1)	4.5 m
Kerb & Gutter	Roll concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

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

Road 2/3: Secondary Roads

Item	Requirement
Road Reserve Width	16 m
Pavement Width	8 m
Nature Strip (x2)	4 m
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll 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

28. 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.

29. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
- diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - 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.

Water and Sewer

30. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.

31. The applicant is to provide separate water and sewer reticulation services to each lot.

32. 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.

Prior to the issue of the subdivision certificate

33. 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

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

35. If the *Subdivision Certificate* is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
36. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision.
37. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
 - all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - an agreement be made between the developer and Council;
 - as to the security to be given to Council that the works will be completed or the contribution paid, and
 - as to when the work will be completed or the contribution paid.
38. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an “Autocad compatible” work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer’s or Consulting Surveyor’s certification stating that all information shown on the plans is accurate.
39. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
40. In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

Transport Management	
Traffic Management	\$28,463
Open Space	
Local Open Space	\$44,654
District Open Space	\$60,588
Community Facilities	
Library Buildings	\$5,847
Library Resources	\$7,003
Administration	
Plan Administration	\$13,621
TOTAL	\$160,175

41. 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:

Water Headworks	\$ 144,599
Sewerage Headworks	\$ 67,700
Total Payable	\$ 212,299

(b) The adjustment of existing services or installation of new services and meters, 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.

42. 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 \$1650 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

OR

Where the water service has been provided by the developer. The developer is to provide a water meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$370.00 per lot to cover the cost of a 20mm meter and installation.

Note: Council does not permit other bodies to connect to 'live' water mains.

43. The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,450.00 per new junction to cover the cost of Council installing a junction in an existing main.

44. Where the developer is to construct the sewer main to service a lot, the developer is to provide a new junction for each allotment.
Note: Council does not permit other bodies to insert new junctions into "live" sewer mains.
45. Any proposed fencing on the northern boundary of proposed lots 22 to 26 is to be constructed of a lapped and capped 1.8 metre high timber fence. A positive covenant is to be placed on the title of the lots in accordance with the Conveyancing Act.
46. All earthworks are to be monitored by a qualified cultural heritage officer and a minimum of one (1) weeks' notice given to the engaged officer.
47. The developer is to provide a 1.8 metre high fence along the full length of the western boundary at full cost to the developer. The fence is to provide a screen between the two developments but must also allow the passage of flood waters. Details are to be provided with the application for Construction Certificate.
48. Proposed lot 6 is to access from Perry Street. A positive covenant is to be created for each allotment in accordance with the Conveyancing Act enforcing this requirement.

Flood Conditions

49. Any future dwellings are to have a Finished Floor Level (FFL) of 500mm above the 1 in 100 year flood level. A positive covenant is to be created for each allotment in accordance with the Conveyancing Act enforcing this requirement and stipulating a minimum FFL of 449.5m AHD.
50. All fencing below the 1 in 100 year flood level (449m AHD) shall be designed so to allow the passage of water in the event of a flood. A positive covenant is to be created for each allotment in accordance with the Conveyancing Act enforcing this requirement.
51. Filling of the proposed lots is not permitted and all future development is to be of a raised floor construction with open or semi open sub floor construction. A positive covenant is to be created for each allotment in accordance with the Conveyancing Act enforcing this requirement.

GENERAL TERMS OF APPROVAL for work requiring a controlled activity approval under s91 of the Water Management Act 2000

Our Reference:	80 ERM2014/0161	File No: 9057799
Site Address:	4-8 Perry Street, Mudgee NSW 2850	
DA Number:	2014/0273	
LGA:	Mid-Western Regional Council	
Number	Condition	

Plans, standards and guidelines

- 1 These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 2014/0273 and provided by Council:
 - (i) Site plan, map and/or surveys
 Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
- 2 Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
- 3 The consent holder must prepare or commission the preparation of:
 - (i) Works Schedule
 - (ii) Erosion and Sediment Control Plan
 - (iii) Soil and Water Management Plan
 - (iv) Structural design and specifications
 Amendment of Plan – Drawing Proposed Service Plan - Drawing20708-C04, Rev A dated 18/11/09, prepared by Barnson to relocate Stormwater outlet to be inline with the NSW Office of Water Guidelines for Stormwater Outlets.
- 4 All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx
 - (i) Laying pipes and cables in watercourses
 - (ii) Outlet structures
- 5 The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

Rehabilitation and maintenance

- 6 The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
- 7 The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

Our Reference:	80 ERM2014/0161	File No: 9057799
Site Address:	4-8 Perry Street, Mudgee NSW 2850	
DA Number:	2014/0273	
LGA:	Mid-Western Regional Council	
Number	Condition	

Reporting requirements

- 8** The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

Security deposits

- 9** N/A

Access-ways

- 10** N/A

- 11** N/A

Bridge, causeway, culverts, and crossing

- 12** N/A

- 13** N/A

Disposal

- 14** The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

Drainage and Stormwater

- 15** The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.

- 16** The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

Erosion control

- 17** The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

Excavation

- 18** The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

- 19** The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has

Our Reference:	80 ERM2014/0161	File No: 9057799
Site Address:	4-8 Perry Street, Mudgee NSW 2850	
DA Number:	2014/0273	
LGA:	Mid-Western Regional Council	

Number	Condition
	been authorised, other than in accordance with a plan approved by the NSW Office of Water.

Maintaining river

20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
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END OF CONDITIONS

AMENDMENT: White / Webb

That this application be deferred pending the completion of the Urban Release Strategy.

The amendment was put and lost on the Mayor's casting vote with Councillors voting as follows:

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

AMENDMENT: Thompson / Martens

That Council make an application to the Department of Planning and Infrastructure to have the subject land zoned Commercial.

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 Weatherley		✓
Cr Webb		✓
Cr White		✓

The motion was put and carried on the Mayor's casting vote with Councillors voting as follows:

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

Councillor Walker returned to the meeting at 6.42pm.

6.2.2 DEVELOPMENT APPLICATION 0245/2014 PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING INDUSTRIAL BUILDING AT LOT 2 DP708339 NO.1 INGLIS STREET MUDGEE

GOV400038, DA0245/2014, P7622

MOTION: Webb / White

That Development Application 0245/2014 be deferred pending further information being provided to Council in regard to overshadowing.

358/14

AMENDMENT: Walker / Weatherley

That:

1. the report by the Senior Town Planner on the Development Application 0245/2014 Proposed Alterations and Additions to Existing Industrial building at Lot 2 DP708339 no.1 Inglis Street Mudgee be received;
2. Development Application 0245/2014 proposed Additions and Alterations to an Existing industrial building at Lot 21 DP 708339, 1 Inglis Street Mudgee be approved subject to the following conditions:

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans 361HUR01 to 04 Issue B and the Application received by Council on 20 January 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. 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

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

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

5. 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

6. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
 - a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - c) the name, address and telephone number of the principal certifying authority for the work,
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
7. 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 ARI. All storm water detention details including analysis shall be included with the drainage report.

8. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, or fill has previously placed on the site, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
9. 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: \$725 based on the estimated cost of development of \$ 145,000

10. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000. This will require payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$1,591
Sewerage Headworks	\$726
Total	\$2, 317

11. 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 0.5% of the cost of carrying out the development shall be paid to Council.
 - The levy is: \$725.00 based on the estimated cost of development of \$145,000.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

12. 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 any artefacts were uncovered)
13. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of

any existing damage to Council property before commencement of works. The Developer shall repair at their own expense any part of Council's property damaged during the course of this - development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council), Council's request and any relevant Australian Standards.

14. Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid Western Regional Council as an interested party. All work is to be at no cost to Council.
15. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
16. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1/2 and Council's standard drawings.
17. 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.
18. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
 - diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - 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.
19. A retaining wall including a stormwater drainage line is to be constructed on the property boundary of Lot2 where the site has been filled above the natural ground level.
20. Car parking within the development is to comply with the following:
 - Each parking space is to have minimum dimensions of 5.4m x 2.4m;
 - 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 – 2004;

- 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 – 2004. Details of compliance are to be shown on the relevant plans and specifications.
21. All vehicular movement areas area to be line –marked to indicate direction of travel and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times
22. A Give Way sign is to be placed at the exit from the site to Inglis Street.

BUILDING CONSTRUCTION

23. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
24. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
25. Construction work noise that is audible at other premises is to be restricted to the following times:
— Monday to Saturday - 7.00am to 5.00pm
No construction work noise is permitted on Sundays or Public Holidays.
26. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
27. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa
28. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors

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.

29. 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.
30. All car parking and associated driveway works are to be completed prior to occupation of the development.
31. A 2 metre high, pre-coloured metal fence is to be erected on the retaining wall along the property boundary with 2 Inglis Street from the entrance gates to the rear boundary.

CONDITIONS RELATED TO THE ONGOING USE OF THE SITE

32. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.
33. All work and associated equipment is to be contained wholly within the building.
34. Security fencing to the public road frontage is to be erected on or behind the front building line. Full details of proposed fencing is to be included on the landscaping plan.
35. 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.
36. All loading and unloading in connection with the premises shall be carried out wholly within the site.
37. Garbage areas are to be adequately screened from public view with an opaque fence and / or adequate landscaping.
38. 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".
39. All signage is to be maintained in good condition at all times.
40. The hours of operation for the business are limited to the following:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 5.00pm
Work is not permitted to be undertaken on Sunday or public holidays	

41. **The signage is to be securely affixed and is not to flash, move or be objectionably glaring.**
42. **Any further signage proposed on the site is subject to a separate Development Application.**
43. **There being no interference with the amenity of the neighbourhood by reason of the emission of any “offensive noise”, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.**

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

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

6.2.3 DA 0260/2014 – PROPOSED SUBDIVISION (OF 3 UNITS) LOT 10 DP 37649, 28 HORATIO STREET MUDGEE

GOV400038, DA0260/2014

359/14

MOTION: Shelley / Cavalier

That:

1. **the report by the Manager Statutory Planning on DA 0260/2014 – Proposed Subdivision (of 3 units) Lot 10 DP 37649, 28 Horatio Street Mudgee, Lot 10 DP 37649, 28 Horatio Street Mudgee be received;**
2. **the variation of the minimum lot size by 10% for proposed Lots 2 and 3 be supported in the proposed plan of subdivision of Lot 10 DP 37649, 28 Horatio Street Mudgee:**
3. **Council approve DA 0260/2014 – Proposed Subdivision (of 3 units) Lot 10 DP 37649, 28 Horatio Street Mudgee, Lot 10 DP 37649, 28 Horatio Street Mudgee subject to the following conditions:**

APPROVED DEVELOPMENT

1. Development is to be carried out generally in accordance with stamped plans (Drawing Number 20377_L01) and Statement of Environmental Effects dated February 2014 by Barnson Pty Ltd. 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. Access to all proposed lots is to be via Denison Lane in accordance with Development Consent 278/01.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
4. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
5. Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid-Western Regional Council as an interested party. All work is to be at no cost to Council.
6. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.
7. A detailed engineering design (including sediment and erosion control) supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid-Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of a *Construction Certificate*.
8. 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.

9. 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.
10. 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*.
11. Engineering plans of the water mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a *Construction Certificate*
Note 1: Council will quote on connecting any sewer or water main extension to the existing "live" main on receipt and approval of engineering plans.
Note 2: Council does not permit other bodies to insert new junctions into 'live' water mains.
12. 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 subdivision works.
13. The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
 - Installation of sediment and erosion control measures
 - Water and sewer line installation prior to backfilling
 - Establishment of line and level for kerb and gutter placement
 - Road and driveway pavement construction (including excavation, formwork and reinforcement)
 - Road pavement surfacing
 - Practical completion
14. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.30am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.
15. All utilities and services including telecommunications, water and sewer reticulation, street lighting and gas shall be installed prior to pavement construction.

Stormwater Drainage

16. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.
17. 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.
18. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.

Roads, Kerbs and Vehicular Access

19. The developer is to upgrade Denison Lane for the full frontage of the proposed subdivision between Horatio Street and the rear (northern) property boundary, such that it has the following characteristics:

Item	Requirement
Pavement Width	Full lane width
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Gutter	Dish drain
Subgrade	CBR>3

20. The developer is to upgrade the intersection between Denison Lane and Horatio Street such that:
 - The current kerb layback is removed.
 - Kerb returns be constructed that match the existing profile in Horatio Street and taper into the dish drain along Denison Lane.

Earthworks

21. 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.
22. Runoff and erosion controls shall be installed prior to clearing and incorporate:-

- diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
- 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.

Water and Sewer

23. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
24. The applicant is to provide separate water and sewer reticulation services to each lot.
25. 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.
26. Pre-existing sewer manholes that are within the pavement area are to be encased with 150mm of concrete with a characteristic strength (f'c) of 20MPa at the developer's expense.
27. The developer must concrete encase any sewer mains that have less than 1000mm of cover.

Prior to the issue of the subdivision certificate

28. 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
29. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
30. If the *Subdivision Certificate* is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions

contained in this consent, may be increased to the current rate at the time of payment.

- 31. Underground electricity and telecommunications are to be supplied to the subdivision.
- 32. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
 - all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - an agreement be made between the developer and Council;
 - as to the security to be given to Council that the works will be completed or the contribution paid, and
 - as to when the work will be completed or the contribution paid.
- 33. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an “Autocad compatible” work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer’s or Consulting Surveyor’s certification stating that all information shown on the plans is accurate.
- 34. 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 \$1650 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE 2 x \$1,650 = \$3,300

Note: Council does not permit other bodies to insert new junctions into ‘live’ water mains.

OR

- 35. Where the water service has been provided by the developer. The developer is to provide a water meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$370.00 per lot to cover the cost of a 20mm meter and installation.

TOTAL PAYABLE 2 x \$370 = \$740

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

- 36. The developer is to provide a sewer junction for each dwelling in the subdivision. This can be achieved by making a payment to Council of \$1,450.00 per new junction to cover the cost of Council installing a junction in an existing main.**

TOTAL PAYABLE 2 x \$1,450.00 = \$2,900

Note: Council does not permit other bodies to insert new junctions into "live" sewer mains.

The motion was carried with Councillors voting unanimously.

6.2.4 PETROLEUM EXPLORATION LICENCE APPLICATION 158

GOV400038, A0370031

360/14 MOTION: Shelley / Walker

That:

- 1. the report by the Manager Strategic Planning on the Petroleum Exploration Licence Application 158 be received, and**
- 2. Council endorse the staff comments regarding the environmental issues and the inadequacy of the consultation period.**

The motion was carried with Councillors voting unanimously.

6.2.5 DEPARTMENT OF PLANNING AND INFRASTRUCTURE PERFORMANCE MONITORING

GOV400038, A0170041

361/14 MOTION: Shelley / Cavalier

That the report by the Manager, Health and Building on the Department of Planning and Infrastructure Performance Monitoring be received.

The motion was carried with Councillors voting unanimously.

6.2.6 PARTICIPATE – INVESTIGATION INTO POSSIBILITIES FOR ART AND CULTURE- PHASE 1 REPORT

GOV400038, REC800017

362/14 MOTION: White / Shelley

That:

- 1. the report by the Director, Development and Community Services on the pARTicipate – Investigation into possibilities for Art and Culture- Phase 1 Report be received;**

2. Council consider as a submission (including a draft position description with outcomes), to the 2014/15 Delivery/Operational Plan the employment of a Cultural Development Officer on a 6 month contract commencing January 2015.
3. that a Councillor workshop be held on the 16 April 2014 to nominate possible locations for a Regional Art Gallery.
4. Following on from the findings of the workshop Council proceed to the conceptual design phase of an Art Gallery for the two preferred options of the investigation once and if Council has determined that a physical building is the preferred option(s).

The motion was carried with Councillors voting unanimously.

6.2.7 FINANCIAL ASSISTANCE APPLICATIONS

GOV400038, A0100056, A0140201

363/14

MOTION: Walker / Weatherley

That:

1. the report by the Financial Accountant on the Financial Assistance Applications be received;
2. Council provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met, with the funding from the general financial assistance vote:

Cudgegong Country Ball Committee	\$749
Painters@Mudgee	\$39
Mudgee Support Group, Guide Dogs NSW	\$246.14

3. That the following payments be made from Councillors' discretionary funds:

Councillor Webb – Henry Lawson Festival	\$200
Councillor Webb – Mudgee Support Group Guide Dogs	\$200
Councillor Walker - Mudgee Support Group Guide Dogs	\$100
Councillor Weatherley – Gulgong Eisteddfod	\$500
Councillor White – Mudgee Support Group Guide Dogs	\$250
Councillor Cavalier – Relay for Life	\$100
Councillor Thompson – Relay for Life	\$100
Councillor Martens – The Running Stream Union Church	\$200

The motion was carried with Councillors voting unanimously.

6.2.8 MONTHLY BUDGET REVIEW FOR FEBRUARY 2014

GOV400038, A0100056, FIN300062

364/14

MOTION: Weatherley / Cavalier**That:**

1. the report by the Manager, Financial Planning on the Monthly Budget Review for February 2014 be received;
2. the 2013/14 Operational Plan be amended in accordance with the variations as listed on page 2 of the February 2014 Monthly Budget Review - 2013/14 Operational Plan/Delivery Program, and reproduced in the report below.

The motion was carried with Councillors voting unanimously.

6.2.9 ULAN AND COPE ROAD CAPITAL UPGRADES

GOV400038, ROA100039

365/14

MOTION: Cavalier / Thompson**That:**

1. the report by the General Manager on the Ulan and Cope Road Capital Upgrades be received;
2. Council endorse the approval of the employment ten (10) additional staff to work on the Cope and Ulan Road Projects
3. Council approve the purchase of the following additional plant for use on the Ulan and Cope Road capital projects subject to the necessary procurement and tendering processes being adhered to:

Estimated Purchase Price	
2 x Construction Graders	\$920,000
2 x Water Carts	\$580,000
2 x sets of Traffic Lights	\$60,000
3 x Utilities	\$75,000
1 x Truck and Trailer	\$400,000
TOTAL COST	\$2,035,000
4. The Mayor and General Manager be delegated authority to sign the necessary agreement to secure the funding for the Ulan Road project (including affixing the common seal if required) with Ulan Coal Pty Ltd, Moolarben Coal and Wilpinjong Coal generally in accord with the agreements presented to Council confidentially.
5. The Mayor and General Manager be delegated authority to sign the necessary agreement to secure the funding for the Ulan and Cope Road projects (including affixing the common seal if required) with the State Government through Restart NSW

generally in accord with the agreements presented to Council confidentially.

The motion was carried with Councillors voting unanimously.

6.2.10 INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL
RESPONSE

GOV400038, A0170031

366/14 MOTION: Webb / Walker

That:

- 1. the report by the General Manager on the Independent Local Government Review Panel Response be received;**
- 2. Council respond to the State Government on the 65 recommendations in the NSW Independent Local Government Independent Review Panel in accordance with the responses in this report.**

The motion was carried with Councillors voting unanimously.

6.2.11 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

GOV400038, A0110043

MOTION: Cavalier / Weatherley

That the report by the General Manager on the National General Assembly of Local Government be received.

367/14 AMENDMENT: Webb / Shelley

That:

- 1. the report by the General Manager on the National General Assembly of Local Government be received;**
- 2. Council approve the Mayor Des Kennedy or if he is unavailable the Deputy Mayor and the General Manager to attend the National General Assembly of Local Government to be held in Canberra from 15 to 18 June 2014.**

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	✓	

6.2.12 REVIEW OF THE LOCAL GOVERNMENT ACTS TASKFORCE

GOV400038, A0170031

368/14 MOTION: Webb / Cavalier

That:

- 1. the report by the Manager Governance on the Review of the Local Government Acts Taskforce be received;**
- 2. the comments in this report form the basis for any submission that Council makes on the Report of the Review of the Local Government Acts Taskforce.**

The motion was carried with Councillors voting unanimously.

6.2.13 ASSESSMENT OF QUOTATIONS FOR NEW PLANT

GOV400038, PLA500012

369/14 MOTION: Shelley / Walker

That:

- 1. the report by the Director, Mid-Western Operations on the Assessment of Quotations for New Plant be received;**
- 2. Council accepts Iveco Trucks Australia Limited for VendorPanel quotation LGP13166 for the provision of one Iveco F2350G fitted with a Superior Pak side loading compactor body for the quoted price of \$332,464.95 (Excl GST) and that Council enter into a contract with Iveco Trucks Australia Limited in accordance with clause 178 of the Local Government (General) Regulation 2005.**
- 3. Council accepts Garwood International Pty Ltd for VendorPanel quotation LGP13168 for the provision of one Hino 816 fitted with a Garwood rear loading compactor body for the quoted price of \$158,385.00 (Excl GST) and that Council enter into a contract with**

Garwood International Pty Ltd in accordance with clause 178 of the Local Government (General) Regulation 2005.

- 4. Council accepts MacDonald Johnson Pty Ltd for VendorPanel quotation LGP13164 for the provision of one Hino 1628 with a MacDonald Johnson Road Sweeper body for the quoted price of \$305,425.00 (Excl GST) and that Council enter into a contract with MacDonald Johnson Pty Ltd in accordance with clause 178 of the Local Government (General) Regulation 2005..**
- 5. Council approves the General Manager to authorise variations up to 5% of the contract value.**
- 6. The unsuccessful applicants are notified that their quotations were unsuccessful.**

The motion was carried with Councillors voting unanimously.

6.2.14 DRAFT PESTICIDE USE NOTIFICATION PLAN

GOV400038, A0130033

370/14

MOTION: Weatherley / Cavalier

That:

- 1. the report by the Business Manager Resources & Recreational on the Draft Pesticide Use Notification Plan be received;**
- 2. the Draft Pesticide Use Notification Plan as advertised to the public be adopted without modification.**

The motion was carried with Councillors voting unanimously.

6.2.15 TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE KANDOS HALL, ANGUS AVENUE KANDOS

GOV400038, P1553611

371/14

MOTION: Shelley / White

That:

- 1. the report by the Health and Building Surveyor on the Temporary Suspension of Alcohol Free Zone Kandos Hall, Angus Avenue Kandos be received;**
- 2. Council allow the suspension of the Alcohol Free Zone for the outside area of the Kandos Hall in Angus Avenue Kandos on the 4 October 2014 to allow alcohol to be consumed/served to patrons at the Bicentennial Celebrations.**

The motion was carried with Councillors voting unanimously.

6.2.16 PUBLIC LIBRARY FUNDING

GOV400038, F0620012

372/14

MOTION: Shelley / Cavalier**That:**

1. the report by the Manager, Information Services on Public Library Funding be received;
2. Council support the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries;
3. Council write to the Hon. George Souris, Minister for the Arts, calling upon the Government to implement the Reforming Local Government Funding submission of the Library Council of NSW in 2012 for the reform of the funding system for NSW public libraries;
4. approval be given for the distribution of NSW Public Library Associations campaign information in Council libraries.

The motion was carried with Councillors voting unanimously.

6.2.17 REVIEW OF CODE OF MEETING PRACTICE

GOV400038, A0110003

373/14

MOTION: Weatherley / Cavalier**That:**

1. the report by the Manager Governance on the Review of Code of Meeting Practice be received;
2. Council formally adopt the proposed amendments to the Code of Meeting Practice.

The motion was carried with Councillors voting unanimously.

6.2.18 MUDGEESALEYARDS MANAGEMENT COMMITTEE

GOV400038, F0720036

374/14

MOTION: Cavalier / Shelley**That:**

1. the report by the Director, Mid-Western Operations on the Mudgee Saleyards Management Committee be received;

2. That the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 20 February 2014 be noted.

The motion was carried with Councillors voting unanimously.

6.2.19 GULGONG SPORTS COUNCIL

GOV400038, A0360003

375/14 MOTION: Cavalier / Shelley

That:

1. the report by the Director, Mid-Western Operations on the Gulgong Sports Council be received;
2. That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 12 February 2014 be noted.

The motion was carried with Councillors voting unanimously.

6.2.20 MUDGEE SPORTS COUNCIL

GOV400038, A0100013

376/14 MOTION: Cavalier / Shelley

That:

1. the report by the Director, Mid-Western Operations on the Mudgee Sports Council be received;
2. That the minutes for the Mudgee Sports Council ordinary monthly meeting held on 24 February 2014 be noted.

The motion was carried with Councillors voting unanimously.

Item 7: Urgent Business Without Notice

There was no urgent business without notice.

Closure

There being no further business the meeting concluded at 7.03pm.