

# Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on Wednesday 5 February 2014, commencing at 6.36pm and concluding at 8.43pm.

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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), Manager Governance (I Roberts), Corporate Communications Officer (P Goldsmith).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (R Murray), Radio 2MG (C Bassett & M Heldon).

## Item 1: Apologies

*There were no apologies.*

## Item 2: Disclosure of Interest

*Councillor Martens declared a pecuniary conflict of interest in Item 6.3.21 as she was one of the candidates for the position of public officer which forms part of this report.*

*Councillor Kennedy declared a pecuniary conflict of interest in Item 6.2.2 as he is a previous owner of the land.*

*Councillor Martens declared a pecuniary conflict of interest in Item 5.1.2 as the matter to be discussed affects her financially.*

*Councillor Thompson declared a pecuniary conflict of interest in Item 5.1.2 as the matter to be discussed affects him financially.*

### 1/14 MOTION: Walker / Cavalier

**That: Council bring forward Item 6.3.21 to the start of the meeting.**

*The motion was put and carried.*

### 6.3.21 KANDOS BICENTENNIAL INDUSTRIAL MUSEUM – INCORPORATED ASSOCIATION

Councillor Martens declared a pecuniary conflict of interest in Item 6.3.21 as she was one of the candidates for the position of public officer which forms part of this report, and left the meeting at 6.38pm and did not participate in discussions or vote in relation to this matter.

GOV400038, P1553611, A0360015

2/14

**MOTION: Shelley / Walker**

**That:**

- 1. The report by the General Manager on the Kandos Bicentennial Industrial Museum – Incorporated Association be received;**
- 2. Council assist in the formation of an incorporated association to take possession of the properties at 20 and 22 Buchanan St Kandos known as the Kandos Bicentennial Industrial Museum (KBIM), the museum's collection and for the association to operate the site as a museum open to the public.**
- 3. Council fund the Department of Fair Trading application fees required to incorporate the association, being \$41 to reserve the name and \$121 to apply for incorporated association status**
- 4. That the incorporated association adopt the Model Constitution as published by the Department of Fair Trading NSW.**
- 5. Council process the transfer of ownership of the KBIM to the Incorporated Association after relevant legal advice, when appropriate and prudent as negotiated between the General Manager and the Association.**
- 6. Council seek legal advice and take appropriate action to ensure that, in the event that the Incorporated Association should close, the ownership of the KBIM be transferred to Council or equivalent body.**
- 7. Council acknowledge that transfer of ownership of the KBIM will be completed by 30th June 2014, and that the KBIM Committee be permitted to set the reopening date, though requiring it to be at the latest 1 month prior to the Kandos Centenary events currently being planned.**
- 8. The Council support the application of Dr Robert Sanderson to the Department of Fair Trading to be the Public Officer of the Incorporated Association for the Kandos Bicentennial Industrial Museum (KBIM).**
- 9. The Public Officer form an interim committee of 7 from the group of 35 respondents that have expressed an interest in being members of the incorporated association.**

- 10. That upon incorporation of the association, the group of 35 respondents that expressed an interest in being members of the association be invited to become members and that members of the public be invited to become members of the association and that the Public Officer will notify members of an AGM to be held not later than 31 December 2014.**
- 11. Council authorises the General Manager, in consultation with the nominated Public Officer of the association, to permit a volunteer group to assist in the packing, removal, storage and restation of the collection of the Museum.**
- 12. Council support the association by**
  - a) Pay insurance 3 years, and**
  - b) Fund the rate relief for a period of 3 years.**
  - c) Financial assistance is reviewed after the 3 year period.**

AMENDMENT: Thompson / Webb

That:

1. The report by the General Manager on the Kandos Bicentennial Industrial Museum – Incorporated Association be received;
2. Council assist in the formation of an incorporated association to take possession of the properties at 20 and 22 Buchanan St Kandos known as the Kandos Bicentennial Industrial Museum (KBIM), the museum's collection and for the association to operate the site as a museum open to the public.
3. Council fund the Department of Fair Trading application fees required to incorporate the association, being \$41 to reserve the name and \$121 to apply for incorporated association status
4. That the incorporated association adopt the Model Constitution as published by the Department of Fair Trading NSW.
5. Council process the transfer of ownership of the KBIM to the Incorporated Association after relevant legal advice, when appropriate and prudent as negotiated between the General Manager and the Association.
6. Council seek legal advice and take appropriate action to ensure that, in the event that the Incorporated Association should close, the ownership of the KBIM be transferred to Council or equivalent body.
7. Council acknowledge that transfer of ownership of the KBIM will be completed by 30th June 2014, and that the KBIM Committee be permitted to set the reopening date, though requiring it to be at the latest 1 month prior to the Kandos Centenary events currently being planned.

8. A resolution be passed to apply for the name and to form the Association. A Public Officer is appointed as a decision of that meeting.
9. That upon incorporation of the association, the group of 35 respondents that expressed an interest in being members of the association be invited to become members and that members of the public be invited to become members of the association and that the Public Officer will notify members of an AGM to be held not later than 31 December 2014.
10. Council authorises the General Manager, in consultation with the nominated Public Officer of the association, to permit a volunteer group to assist in the packing, removal, storage and restation of the collection of the Museum.
11. Council support the association by
  - a) Pay insurance 3 years, and
  - b) Fund the rate relief for a period of 3 years.
  - c) Financial assistance is reviewed after the 3 year period.

*The amendment was put and lost. The motion was put and carried.*

Councillor Martens returned to the meeting at 7.00 pm.

### **Item 3: Confirmation of Minutes**

**3/14 MOTION: Cavalier / Walker**

**That the Minutes of the Ordinary Meeting held on 18 December 2013 (Minute Nos. 485/13 to 507/13) be taken as read and confirmed.**

*The motion was put and carried.*

### **Item 4: Matters in Progress**

Triamble Road Resident Proposal

**4/14 MOTION: Cavalier / Walker**

**That Minute no. 405/13 be noted as completed.**

*The motion was put and carried.*

Anzac Park

**5/14 MOTION: Cavalier / Walker**

**That Minute no. 447/13 be noted as completed.**

*The motion was put and carried.*

**Item 5: Mayoral Minute**

## 5.1.1 CODE OF MEETING PRACTICE – AMENDMENT

GOV400038, GOV400020

6/14 MOTION: Kennedy

That:

1. the Mayoral Minute regarding Code of Meeting Practice – Amendment be received; and
2. Council delete existing clause 35 of the Council’s Code of Meeting Practice and replace with the following:

**“35 MODE OF ADDRESS**

- (1) All Councillors and staff, other than the Chairperson, who are invited to speak at a Council meeting must stand to address Council, unless prevented from doing so by disability or injury;
- (2) When Councillors wish to address the Council, they shall indicate by raising their hand and await the invitation by the Chairperson to speak;
- (3) A Councillor will not be required to stand when moving or seconding a motion only;
- (4) When the Chairperson stands any Councillor and/or staff who are speaking shall cease speaking and resume their seats immediately;
- (5) Where the Chairperson, a Councillor or staff member is speaking, all others present in the Chamber shall remain silent unless raising a point of order;
- (6) In addressing the Council, Councillors, staff and other persons addressing the Council shall at all times address other Councillors by their official designation, as Mayor or Councillor, as the case may be;
- (7) Councillors shall at all times conduct themselves in accordance with the general conduct obligations contained in the Council’s Code of Conduct and shall respect the right of their fellow Councillors to speak without interruption.

3. The votes of all the Councillors are recorded on every issue.

*The motion was put and carried.*

## 5.1.2 OUTSTANDING INVOICE

Councillors Martens and Thompson declared a pecuniary conflict of interest in Item 5.1.2 as the matter to be discussed affects them financially and left the meeting at 7.05pm and did not participate in discussions or vote in relation to this matter.

Councillor Martens stated before leaving the meeting that she believed that the whole of the facts and correspondence is not attached.

GOV400038, COR400021

**7/14 MOTION: Kennedy**

**That:**

- 1. Council requires Councillors Percy Thompson and Esme Martens to pay their portions of the outstanding invoice to NSW Local Government Association (being \$440.00 each) within 30 days;**
- 2. If that payment is not received by Councillors Thompson and Martens within the 30 day period, the General Manager be instructed to make monthly deductions of \$100.00 from their respective claims for Councillor fees and expenses until such time as the outstanding account is paid.**

**AMENDMENT: Webb / White**

**That:**

1. Council requires Councillors Percy Thompson and Esme Martens to pay their portions of the outstanding invoice to NSW Local Government Association (being \$440.00 each) within 30 days;

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier		✓
Cr Kennedy		✓
Cr Shelley		✓
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 Shelley	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb		✓
Cr White		✓

Councillors Martens and Thompson returned to the meeting at 7.12pm.

## Item 6: General Business

### 6.1 RESCISSION MOTION

#### REINSTATING OF VILLAGE FORUMS

GOV400023

MOTION: *Thompson / Martens*

That the Council's decision on 20 November 2013 to effectively discontinue Village Forums be and is hereby rescinded:

We, the undersigned Councillors, give notice of our intention that that part of the resolution of the Council Meeting on 20 November 2013 in relation to Village Forums that read:

3. Council continue with Town and Village Forums in their present form.
4. Village Forums for 2014 be scheduled as follows:

9 April 2014	Hargraves	11.00am
	Pyramul	1.00pm
	Windeyer	2.30pm
	Meroo	4.30pm
14 May 2014	Wollar	2.30pm
	Cooyal/Botobolar	4.30pm
	Cooks Gap	6.00pm
15 October 2014	Yarrabin/Beragoo	2.00pm
	Goolma	4.00pm
12 November 2014	Ilford	1.00pm
	Bylong	3.00pm
	Lue	5.00pm

and was defeated be and is hereby rescinded.

The motion 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	✓	

## 6.2 NOTICES OF MOTION

### 6.2.1 AMENDMENT TO PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS POLICY

GOV400022, GOV400038

MOTION: Martens / Thompson

That:

2. Council make no amendment to its payment of Expenses and Facilities regarding overnight accommodation following Council meetings;
3. In accordance with Guidelines for the Payment of Expenses and Provision of Facilities for Mayors and Councillors NSW by the Department of Local Government the following clauses be inserted into the Mid-Western Regional Council policy;
4. Council acknowledges that some Councillors may have special needs or disabilities. Where necessary, Council will make reasonable transport provision for those unwilling or unable to drive; and
5. In order to improve the accountability and transparency the Manager Governance report in Open Council for the proceeding month:
  - a. All expenditure on credit cards and the reason for the Mayor, General Manager, senior staff and all staff holding credit cards,
  - b. All Councillor expenditure be tabled including purpose on a monthly basis in Council,
  - c. Level of substance following Council Meetings be limited to non-alcoholic beverages.

8/14

**AMENDMENT: Cavalier / Shelley**

**That Council amend the Payment of Expenses and Provision of Facilities to Councillors Policy - Part 2 - Payment of Expenses - b) Categories of Payment / Reimbursement (iii) Accommodation - to read as follows:**

**"Council may by resolution in advance of the event approve to meet all reasonable accommodation costs on the evening of the meeting for a**

**Councillor when, in the opinion of the Council, travelling home would introduce undue risk to that Councillor. Accommodation will generally be booked by Council staff.**

**On "one off" occasions where in the opinion of the Mayor it would be impractical or introduce undue risk for the Councillor to travel home after the meeting, accommodation will be provided at Councils expense. If the Mayor is required to approve such expenses then that is to be reported to the Council in open meeting at the next Council meeting".**

**This amendment to the Payment of Expenses and Provision of Facilities of Councillors Policy be placed on public consultation for 28 days.**

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb		✓
Cr White	✓	

## 6.2.2 HOUSING PLUS GEORGE STREET SITE - AN EXPLANATION

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.2.2 that he is a previous owner of the property subject to the motion, vacated the Chair and left the meeting at 7.37pm and did not participate in discussions or vote in relation to this matter. In his absence Councillor Cavalier assumed the Chair.

GOV400022, GOV400038

**9/14 MOTION: Shelley / Walker**

**That no further explanation is required on the removal of waste material from the Housing Plus property in George Street.**

**AMENDMENT: Thompson / Martens**

**Council conduct a Public Enquiry into the demolition of houses from the George Street site including the removal of waste from the site.**

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier		✓
Cr Martens	✓	
Cr Shelley		✓
Cr Thompson	✓	
Cr Walker		✓
Cr Weatherley		✓
Cr Webb	✓	
Cr White		✓

AMENDMENT: Thompson / Martens

That the matter of the demolition of the houses and the removal of asbestos on the George Street site be referred to the Division of Local Government for investigation.

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
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:*

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb		✓
Cr White	✓	

Councillors Kennedy returned to the meeting at 7.55pm and resumed the Chair.

## 6.2 REPORTS TO COUNCIL

### 6.3.1 SECTION 82A – REVIEW OF DETERMINATION – DA0409/2013 – PROPOSED 10 LOT SUBDIVISION – LOT 1 DP 1136912, LOTS 65, 66, AND 67 DP 755434, LOT 168 DP 1145165, 96 BERGALIN ROAD GULGONG

GOV400038, P2090761

MOTION: Walker / Weatherley

That:

1. the report by the Manager, Statutory Planning on the Section 82A – Review of Determination – DA0409/2013 – Proposed 10 lot Subdivision – Lot 1 DP 1136912, lots 65, 66, and 67 DP 755434, lot 168 DP 1145165, 96 Bergalin Road Gulgong be received;
2. the Section 82A – Review of Determination – DA0409/2013 – Proposed 10 lot Subdivision – Lot 1 DP 1136912, lots 65, 66, and 67 DP 755434, lot 168 DP 1145165, 96 Bergalin Road Gulgong be approved in accordance with the following conditions;

#### APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans and the Application received by Council on 7 January 2013 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.

#### ENGINEERING CONSTRUCTION

2. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
  - Saving available topsoil for reuse in the revegetation phase of the subdivision;
  - Using erosion control measures to prevent on-site damage;
  - Rehabilitating disturbed areas quickly;
  - Maintenance of erosion and sediment control structures;
3. 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.
4. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with

the consent and the relevant standards of construction, encompassing the following stages of construction:

- Installation of sediment and erosion control measures
- Practical Completion

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. A detailed engineering design of the proposed road works and intersection supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications is to be prepared in accordance with AUS-Spec#1 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.

#### CONSTRUCTION REQUIREMENTS

6. All works are to be constructed at the full cost of the developer, in a manner consistent with AustRoads, MWRC Development Control Plan 2013 and Council's standard drawings.
9. Give Way Signs are to be installed on the proposed internal road at the intersection with Bergalin Road.
10. A 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone at the intersection of Bergalin Road and the proposed internal road in the subdivision, having the table drain directed through it.
12. The developer is to construct the proposed internal road in accordance with Council's Development Control Plan 2013 and Austroads standards to a Rural Sealed Road and the following minimum specifications:
  - formation width 9.0m.
  - sealed width 6.0m.
  - seal type – 14/7 mm double-double.
  - standard cross-section with 3%.
  - pavement thickness – 150-300 mm.
  - pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.
  - Minimum compaction:
    - sub base 96% MDD
    - base course 98% MDD
  - Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.
13. The construction of an all-weather vehicle access to each lot in the development. The accesses from the proposed loop road servicing the development shall be constructed in accordance with Austroads Guide to Road Design: Part 4 Figure 7.4 'standard rural property access' and

any relevant RMS Supplements. The access shall have the following minimum specifications:

- a) a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from edge of the traffic lane of the public road;
  - b) a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
  - c) a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it.
  - d) The access should be sealed a minimum of 10 metres from the edge of the travel lane to minimise mud on through road, match existing road levels and not interfere with road drainage.
  - e) Safe Intersection sight distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant RMS supplements should be provided in both directions at the vehicular access point servicing the proposed lots.
14. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- Construction of BAR/BAL treatments
  - Road pavement construction
  - Installation of vehicle accesses
  - Practical Completion
15. 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 THE ISSUE OF THE SUBDIVISION CERTIFICATE

16. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by Council's Authorised Officer.
17. 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: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.

18. 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

All Other Areas

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<i>Section 94 Contributions</i>	
Transport Management	
Traffic Management	\$3058
Open Space	
Local Open Space	\$0
District Open Space	\$11,822
Community Facilities	
Library Buildings	\$1144
Library Resources	\$1362
Administration	
Plan Administration	\$2660
<b>Total Payable</b>	<b>\$20,046</b>

19. If the *Subdivision Certificate* is not issued, for any reason whatsoever, within twelve (12) months of 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.
20. Prior to the issue of a *Subdivision Certificate*:
- a) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
  - b) an agreement be made between the developer and Council;
    - i) as to the security to be given to Council that the works will be completed or the contribution paid, and
    - ii) as to when the work will be completed or the contribution paid.
21. Following completion of the subdivision works, one full set of work-as-executed plans, in pdf and dwg format, which is "Autocad compatible" is to be submitted electronically 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.
22. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- (a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
  - (b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.

AMENDMENT: Webb / Martens

That the DA0409/2013 Proposed 10 lot Subdivision – Lot 1 DP 1136912, lots 65, 66, and 67 DP 755434, lot 168 DP 1145165, 96 Bergalin Road Gulgong be declined.

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier		✓
Cr Kennedy		✓
Cr Martens	✓	
Cr Shelley		✓
Cr Thompson	✓	
Cr Walker		✓
Cr Weatherley		✓
Cr Webb	✓	
Cr White		✓

10/14

**AMENDMENT: Thompson / White****That:**

1. the report by the Manager, Statutory Planning on the Section 82A – Review of Determination – DA0409/2013 – Proposed 10 lot Subdivision – Lot 1 DP 1136912, lots 65, 66, and 67 DP 755434, lot 168 DP 1145165, 96 Bergalin Road Gulgong be received;
2. the Section 82A – Review of Determination – DA0409/2013 – Proposed 10 lot Subdivision – Lot 1 DP 1136912, lots 65, 66, and 67 DP 755434, lot 168 DP 1145165, 96 Bergalin Road Gulgong be approved in accordance with the following conditions;

**APPROVED PLANS**

1. Development is to be carried out generally in accordance with stamped plans and the Application received by Council on 7 January 2013 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.

**ENGINEERING CONSTRUCTION**

2. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of “Soils and Construction – Managing Urban Stormwater”. Points to be considered include, but are not limited to:
  - Saving available topsoil for reuse in the revegetation phase of the subdivision;
  - Using erosion control measures to prevent on-site damage;
  - Rehabilitating disturbed areas quickly;
  - Maintenance of erosion and sediment control structures;
3. 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.

4. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
  - Installation of sediment and erosion control measures
  - Practical Completion

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

5. A detailed engineering design of the proposed road works and intersection supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications is to be prepared in accordance with AUS-Spec#1 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.

#### **CONSTRUCTION REQUIREMENTS**

6. All works are to be constructed at the full cost of the developer, in a manner consistent with AustRoads, MWRC Development Control Plan 2013 and Council's standard drawings.
7. Basic right (BAR) turn treatments as shown in Figure 7.5 of the *Austrroads Guide to Road Design: Part4A* shall be provided in Bergalin Road at the intersection with the proposed internal road in the subdivision. The widened shoulders are to be sealed and built for 100kmph speed environment to provide a reasonable level of safety for traffic turning vehicle on the left hand side;
8. Intersection and accesses shall be provided with lay-bys on the departure side for school bus stops.
9. Give Way Signs are to be installed on the proposed internal road at the intersection with Bergalin Road.
10. A 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone at the intersection of Bergalin Road and the proposed internal road in the subdivision, having the table drain directed through it.
11. The developer is to upgrade Bergalin Road from the Castlereagh Highway to the full frontage of the development in accordance with Council's Development Control Plan 2013 and Austrroads standards to a Rural Sealed Road and the following minimum specifications:
  - formation width 9.0m.
  - sealed width 6.0m.

- seal type – 14/7 mm double-double.
  - standard cross-section with 3% fall.
  - pavement thickness – 150-300 mm.
  - pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.
  - Minimum compaction:
    - sub base 96% MDD
    - base course 98% MDD
  - Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.
12. The developer is to construct the proposed internal road in accordance with Council's Development Control Plan 2013 and Austroads standards to a Rural Sealed Road and the following minimum specifications:
- formation width 9.0m.
  - sealed width 6.0m.
  - seal type – 14/7 mm double-double.
  - standard cross-section with 3%.
  - pavement thickness – 150-300 mm.
  - pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.
  - Minimum compaction:
    - sub base 96% MDD
    - base course 98% MDD
  - Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.
13. The construction of an all-weather vehicle access to each lot in the development. The accesses from the proposed loop road servicing the development shall be constructed in accordance with Austroads Guide to Road Design: Part 4 Figure 7.4 'standard rural property access' and any relevant RMS Supplements. The access shall have the following minimum specifications:
- a) a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from edge of the traffic lane of the public road;
  - b) a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
  - c) a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it.
  - d) The access should be sealed a minimum of 10 metres from the edge of the travel lane to minimise mud on through road, match existing road levels and not interfere with road drainage.

- e) **Safe Intersection sight distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant RMS supplements should be provided in both directions at the vehicular access point servicing the proposed lots.**
14. **The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:**
- **Construction of BAR/BAL treatments**
  - **Road pavement construction**
  - **Installation of vehicle accesses**
  - **Practical Completion**
15. **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 THE ISSUE OF THE SUBDIVISION CERTIFICATE**

16. **A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by Council's Authorised Officer.**
17. **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: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.**

18. **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****

**All Other Areas**

***Section 94 Contributions***

**Transport Management**

**Traffic Management \$3058**

**Open Space**

**Local Open Space \$0**

**District Open Space \$11,822**

**Community Facilities**

**Library Buildings \$1144**

**Library Resources \$1362**

**Administration**

**Plan Administration \$2660**

**Total Payable \$20,046**

19. If the *Subdivision Certificate* is not issued, for any reason whatsoever, within twelve (12) months of 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.
20. Prior to the issue of a *Subdivision Certificate*:
- a) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
  - b) an agreement be made between the developer and Council;
    - i) as to the security to be given to Council that the works will be completed or the contribution paid, and
    - ii) as to when the work will be completed or the contribution paid.
21. Following completion of the subdivision works, one full set of work-as-executed plans, in pdf and dwg format, which is "Autocad compatible" is to be submitted electronically 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.
22. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- (a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
  - (b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens	✓	
Cr Shelley		✓
Cr Thompson	✓	
Cr Walker		✓
Cr Weatherley		✓
Cr Webb	✓	
Cr White	✓	

6.3.2 DA 019/02014 DEMOLITION OF CANTEEN AND  
CONSTRUCTION OF NEW CANTEEN AT 21 CUDGEGONG  
STREET RYLSTONE BEING THE RYLSTONE SHOWGROUND  
GOV400038, DA0197/2014, P16221

11/14

**MOTION: Shelley / Martens****That:**

1. That the report by Health & Building on DA 0197/2014, demolition of existing canteen, construction of new canteen and construction of awning to existing bar at the Rylstone Showground located at 21 Cudgegong Street, Rylstone be received; and
2. Development Application No. 0197/2014, demolition of existing canteen, construction of new canteen and construction of awning to existing bar at the Rylstone Showground located at 21 Cudgegong Street, Rylstone be approved, subject to the following conditions:

**APPROVED PLANS**

1. The development must be carried out in accordance with the approved stamped plans, except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).
2. Development is to be carried out generally in accordance with the stamped plans submitted to Council by Mary Kavanagh, Drawing 1-2 Dated 25/11/2013 & Drawing 3 Dated 3/10/2013, 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
3. Notwithstanding the approved plans, the structure is to be clear of any easements and/or any water and sewer mains in accordance with council policy.
4. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the Plumbing Code of Australia.
5. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
6. All building work must comply with the requirements of the National Construction Code, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.

7. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.
  8. 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 is permitted on Sundays and Public Holidays.
  9. Prior to the occupation of a new building, an Occupation Certificate must be obtained from the Principal Certifying Authority appointed for the erection of the building.
  10. A sign must be erected in a prominent position on any work site on which the erection of a building is being 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.
  11. The strength of the concrete used for the reinforced concrete slab and piers must be 25MPa (N25)
  12. All stormwater must discharge to the existing stormwater system on site.
  13. Erosion and sediment control measures being implemented prior to the commencement of works and must be maintained during the period of construction to prevent sediment and other debris escaping from the site. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
  14. The removal or demolition of any materials (ie fibrous cement sheeting "fibro") likely to contain asbestos must be carried out in accordance with the requirements of Work Cover and Australian Standard 2601 – 2005 " Demolition of Structures"
  15. All material containing asbestos must be disposed of to the Mudgee Waste Facility. Arrangements must be made with the Facility prior to disposal.
  16. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
    - a) Council is to given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.
  17. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site.  
The Council encourages the separation and recycling of suitable materials.
- NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE.**

18. 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.
19. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.  
(Note: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered).

*The motion was put and carried by Councillors unanimously.*

6.3.3 DA 0021/2014 PROPOSED 109 LOT SUBDIVISION AT 62  
ZIMMLER LANE GULGONG, BEING LOT 519 DP 725032, LOTS  
9 & 10 DP 251803 AND LOTS 72, 150-159, 164-167, 229, 231-  
235 & 294 DP 755433

GOV400038, P1889264, DA0021/2014

12/14

**MOTION: Walker / Weatherley**

**That:**

1. the report by the Senior Town Planner on the DA 0021/2014 Proposed 109 Lot Subdivision at 62 Zimmer Lane Gulgong, being Lot 519 DP 725032, Lots 9 & 10 DP 251803 and Lots 72, 150-159, 164-167, 229, 231-235 & 294 DP 755433 be received;
2. Development Application 0021/2014, for a 109 lot subdivision being 103 residential lots to be subdivided in two (2) stages, 3 lots for stormwater management and open space and 3 residual lots at 62 Zimmer Lane, Gulgong being Lot 519 DP 7250323, Lots 9 & 10 DP 251803 and Lots 72, 150-159, 164-167, 229, 231-235, & 294 DP 755433 be approved subject to the following conditions:

#### **APPROVED PLANS**

1. Development is to be carried out generally in accordance with stamped plans F968EG P4-1 and the Application received by Council on 16 July 2013 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.

**Note: this approval is for Precinct A only. Precincts B, C and D require the submission of individual development applications.**

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

2. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.  
(*Note: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered*).
3. 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 suitable qualified geotechnical engineer. Fill placed in residential lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
4. No work shall commence until a *Construction Certificate* has been issued for the subdivision works 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. The works are to be constructed in accordance with the plans and specifications referred to in the *Construction Certificate*.  
*Note: Council's fee for this service is set out in Council's Fees and Charges*
5. A site supervisor is to be nominated to the Council by the applicant prior to the issue
6. The development site is to be managed for the entirety of work in the following manner:
  - a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - b) Appropriate dust control measures;
  - c) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
7. 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.

8. Prior to commencement of works, the submission of possible street/road names in order of preference, for the proposed new roads within the subdivision, are to be submitted to Council for approval.
9. Engineering plans of the sewer mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a *Construction Certificate*.
10. A detailed engineering design supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a *Construction Certificate*.
11. A Traffic Control Plan (TCP) completed by a "Certified Person" for the implementation during works is to be submitted to Mid Western Regional Council prior to any work commencing
12. Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid-Western Regional Council as an interested party. Public Liability Insurance is to include Mid-Western Regional Council as an interested party and a copy of the insurance policy including the Certificate of Currency is to be provided to Mid Western Regional Council prior to the commencement of work. All work is to be at no cost to Council.
13. 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.
14. Where the development requires access to private land, the developer shall provide Council with documentary evidence that an agreement has been entered into with the landholder prior to issue of a *Construction Certificate*. If utilities are to be located within the private land, the agreement shall clearly state that an easement of a specified width is to be created in accordance these consent conditions.

## **INFRASTRUCTURE**

### **Stormwater Drainage**

15. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication

Australian Rainfall and Runoff (2001) for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.

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

**Post Development Stormwater Pollution Reduction Targets**

- Total Suspended Solids (TSS) – 85% reduction of the typical annual load
- Total Phosphorus (TP) – 65% reduction of the typical annual load
- Total Nitrogen (TN) – 45% reduction of the typical annual load
- 90% of gross pollutant loads, oil and grease retained on-site

*Note: Results from MUSIC modelling or equivalent shall be supplied with Construction Certificate Issue plans demonstrating that the design meets the above criteria.*

17. All internal roads shall comprise roll back concrete kerb and gutter. Sub-surface drainage is required where gutter flows exceed 2.5m width during minor events (1 in 5yr ARI). If required, sub-surface drainage shall be located behind the kerb.
18. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1. An easement not less than 1.0m shall be created in favour of the upstream allotments for any Interallotment drainage.
19. One (1) roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of the installation of the kerb and gutter.
20. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
- drainage reserves are to be turfed.
  - single strip of turf to be laid behind kerb and gutter.
  - saving available topsoil for reuse in the revegetation phase of the subdivision;
  - using erosion control measures to prevent on-site damage;
  - rehabilitating disturbed areas quickly;
  - maintenance of erosion and sediment control structures;
  - a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.

21. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil, to ensure sediment from the whole site is captured.
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.

## **ROADS**

### **Section 138 Roads Act – Roads and Maritime Services Requirements**

23. The intersection of Springfield Lane and Castlereagh Highway shall be upgraded to include:
  - (a) Rural Channelised T-Junction – Short Lane Type [CHR(S)] in accordance with Figure 7.6 of Austroads Guide to Road Design 2010 – Part4A: Unsignalised and Signalised Intersections and Roads and Maritime Supplements (copy attached).
  - (b) Rural Auxiliary Left Turn Treatment – Short Turn Lane [AUL(S)] in accordance with Figure 8.3 of Austroads Guide to Road design 2010-Part 4A: Unsignalised and Signalised Intersections and Roads and Maritime Supplements (copy attached)
  - (c) Laybys on the departure side for school bus stops shall be provided in accordance with Figure 7.4 Part 4 Austroads Guide to Road Design 2010(copy attached). Extensions to the departure side should be a minimum length of fifteen (15) metres.
24. Castlereagh Highway is a state road and prior to the upgrade of Springfield Lane and Castlereagh Highway, the developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services. RMS will exercise its powers under Section 87 of the *Roads Act, 1993*, (the Act) and/or the functions of the road authority, to undertake road works in accordance with Section 64 and 71 and/or Sections 72 and/or 73 of the Act, as applicable, for all works under the WAD.
25. A Road Occupancy Licence is required prior to any works commencing within three (3) metres of the travel lanes of the Castlereagh Highway. Submission of a Traffic Management Plan incorporating a Traffic Control Plan may be required as part of this licence.
26. Safe Intersection Sight Distance (SISD) requirements outlined in the *Austroads Guide to Road Design Part4A* and relevant Roads and Maritime Supplements should be provided at all new and upgraded intersections

27. Pedestrian/cycle paths shall be provided to the subdivision in accordance with the submitted Statement of Environmental Effects and:
- Connect to the existing Gulgong pedestrian path network
  - Provided prior to the completion of Stage 1
  - Constructed and maintained in accordance with *Austrroads Guide to Road Design 2009-Part6A*
28. The proposed internal road network should have sufficient width to accommodate the turning paths for service vehicles (e.g. rubbish collection and removalist vehicles). Particular attention should be given to cul de sac finishing points.
29. The internal street network shall be designed to promote safe traffic movement. Section 7 of the *RTA Guide to Traffic Generating Development 2002* provides principles for road layout for residential subdivisions to limit traffic speeds. These include traffic calming measures to limit the distance between intersections to 70 metres or less, and limit cul de sac lengths to 80 metres or less.
30. Internal road pavements shall be designed by a suitably qualified engineer in accordance with Austrroads procedures. Materials and testing requirements shall comply with those set out in AUSPEC Construction Specification C242 with sample locations selected as per RMS Specification Q4. All flexible pavements to be sealed with a two coat Class C170 bitumen flush seal (14/7mm double/double).
31. Internal road reserve and pavement widths are to be constructed in accordance with the following:

**Zimmler Lane for the full frontage of the proposed subdivision**

<b>Item</b>	<b>Requirement</b>
Half Road Pavement Width	4.5m with 3% cross fall
Nature Strip Width	4.5m
Concrete Footpath	1 x 1.2m Wide
Seal	Two-coat flush seal – C170 14/7 mm (Double/Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

**Grimshaw Lane from the intersection of Anderson St for the full frontage of the proposed subdivision**

<b>Item</b>	<b>Requirement</b>
Half Road Pavement Width	6m with 3% cross fall
Nature Strip Width	4.5m
Concrete Footpath	1 x 1.2m Wide
Seal	Two-coat flush seal – C170 14/7 mm (Double/Double)

	<b>Double)</b>
<b>Kerb &amp; Gutter</b>	<b>Roll back concrete kerb &amp; gutter</b>
<b>Subsoil Drainage</b>	<b>Behind kerb if required</b>
<b>Underground Drainage</b>	<b>Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.</b>

**Road No. 5**

<b>Item</b>	<b>Requirement</b>
<b>Road Reserve</b>	<b>18m</b>
<b>Road Pavement Width</b>	<b>9m with 3% cross fall</b>
<b>Nature Strip Widths</b>	<b>4.5m</b>
<b>Concrete Footpath</b>	<b>1 x 1.2m Wide</b>
<b>Seal</b>	<b>Two-coat flush seal – C170 14/7 mm (Double/Double)</b>
<b>Kerb &amp; Gutter</b>	<b>Roll back concrete kerb &amp; gutter</b>
<b>Subsoil Drainage</b>	<b>Behind kerb if required</b>
<b>Underground Drainage</b>	<b>Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.</b>

**Road No. 7**

<b>Item</b>	<b>Requirement</b>
<b>Road Reserve</b>	<b>18m</b>
<b>Road Pavement Width</b>	<b>9m with 3% cross fall</b>
<b>Nature Strip Widths</b>	<b>4.5m</b>
<b>Concrete Footpath</b>	<b>1 x 1.2m Wide</b>
<b>Seal</b>	<b>Two-coat flush seal – C170 14/7 mm (Double/Double)</b>
<b>Kerb &amp; Gutter</b>	<b>Roll back concrete kerb &amp; gutter</b>
<b>Subsoil Drainage</b>	<b>Behind kerb if required</b>
<b>Underground Drainage</b>	<b>Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.</b>

**Road No. 6 for the full frontage of the proposed subdivision**

<b>Item</b>	<b>Requirement</b>
<b>Road Reserve</b>	<b>20m</b>
<b>Road Pavement Width</b>	<b>11m with 3% cross fall</b>
<b>Nature Strip Widths</b>	<b>4.5m</b>
<b>Concrete Footpath</b>	<b>1 x 1.2m Wide</b>
<b>Seal</b>	<b>Two-coat flush seal – C170 14/7 mm (Double/Double)</b>
<b>Kerb &amp; Gutter</b>	<b>Roll back concrete kerb &amp; gutter</b>
<b>Subsoil Drainage</b>	<b>Behind kerb if required</b>
<b>Underground Drainage</b>	<b>Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.</b>

**Road No. 1 for the full frontage of the proposed subdivision**

<b>Item</b>	<b>Requirement</b>
<b>Road Reserve</b>	<b>18m</b>

<b>Road Pavement Width</b>	<b>9m with 3% cross fall</b>
<b>Nature Strip Widths</b>	<b>4.5m</b>
<b>Concrete Footpath</b>	<b>1 x 1.2m Wide</b>
<b>Seal</b>	<b>Two-coat flush seal – C170 14/7 mm (Double/Double)</b>
<b>Kerb &amp; Gutter</b>	<b>Roll back concrete kerb &amp; gutter</b>
<b>Subsoil Drainage</b>	<b>Behind kerb if required</b>
<b>Underground Drainage</b>	<b>Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.</b>

32. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the base course.
33. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 council standards
34. All road works and other associated traffic control measures are to be completed with each stage of the development and prior to the release of the Subdivision Certificate.

#### **WATER AND SEWER**

35. An application for a Compliance Certificate under the *Water Management Act, 2000* is to be submitted to Council as the Water Supply Authority and approved prior to the issue of a Subdivision Certificate for each stage of the development.

Note: This will include (but is not limited to) the requirement to the alter and extend services and the payment of section 64 developer contributions.

36. Three metre wide easements, including associated Section 88B of the Conveyancing Act 1919 instruments, are to be created in favour of Council over any existing or newly constructed water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

#### **EARTHWORKS**

37. 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.
38. Prior the issue of a Construction Certificate, all details relating to decommissioning the farm dam in preparation for a residential

site, including methods, materials and equipment shall be provided to Council.

**Contributions and other charges**

39. In accordance with the provisions of s.94 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Developer Contributions Plan, the developer will contribute:

**Catchment 3**

**Section 94 Contributions**

<b>Transport Management</b>	
Traffic Management	626.32
Open Space	
Local Open Space	1785.46
District Open Space	2424.23
<b>Community Facilities</b>	
Library Buildings	233.69
Library Resources	280.45
Administration	
Plan Administration	545.86
<b>Total per lot</b>	<b>5896.00</b>
<b>Total Payable =</b>	<b>\$624,976</b>

NOTE: Developer Contributions and all other fees and charges are subject to Consumer Price Index increase at 1 July each year. Please contact Council’s Planning and Development Department regarding any adjustments.

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

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

NOTE: Under the Environmental Planning & Assessment Act, 1979, a *Subdivision Certificate* is required before the linen plan of subdivision can be registered with the Land Titles Office. Council’s fee to issue a Subdivision Certificate is set out in Council’s fees and charges.

41. Following completion of the subdivision works, one full set of Work-As-Executed plans, in pdf and dwg format, which is “AutoCAD compatible”, is to be submitted on disk to Council. All Work-As-Executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

42. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:

- (a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
  - (b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
43. Prior to the issue of a *Subdivision Certificate*:
- (a) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
  - (b) an agreement be made between the developer and Council; be paid to Council in accordance with this condition for the purpose of:
    - i) as to the security to be given to Council that the works will be completed or the contribution paid, and
    - ii) as to when the work will be completed or the contribution paid.
44. Following completion of all engineering works, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council to ensure that any defects in such works are remedied by the developer.  
Note: The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. The bank guarantee must not specify any time limitations on the operation of the guarantee.
45. The developer is to ensure that all defects in the works that become apparent within twenty four (24) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification.  
Note: Any unspent bond money will be returned to the developer at the end of the twenty four (24) month period, less the estimated cost of any outstanding works.
46. The applicant shall repair in accordance with Aus-Spec# 1 and Council Standard Drawings any part of Council's property damaged during the course of this development.

#### GENERAL

47. The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
- (a) Installation of sediment and erosion control measures
  - (b) Water and sewer line installation prior to backfilling
  - (c) Establishment of line and level for kerb and gutter placement
  - (d) Road pavement construction
  - (e) Road pavement surfacing

**(f) Practical completion**

All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.

48. If the Subdivision Certificate is not issued, for any reason, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent will be increased to the current rate at the time of payment.
49. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of AS2870 - 1996. Results are to be submitted to Council prior to issue of the *Subdivision Certificate*.
50. The development is to be provided with completed drainage, pollution traps and open space areas as detailed in the approved landscape plans for each stage of the development. Any drainage or open space area within or adjacent to a stage is to be completed prior to the release of the *Subdivision Certificate* for that stage.
51. Street trees are required at a rate of two (2) trees per lot and are to be planted prior to the issue of the *Subdivision Certificate*. The trees are to be semi- mature and barricaded for protection
52. All open space areas are to be levelled, top soiled, turfed with the installation of an in ground irrigation system prior to the release of the *Subdivision Certificate*. The developer will maintain these areas for a period of two (2) years from the release of the *Subdivision Certificate*.

*The motion was put and carried by Councillors unanimously.*

**6.3.4 PLANNING PROPOSAL – BLACK SPRINGS ROAD**

GOV400038, LAN900045

**13/14****MOTION: White / Martens****That:**

1. the report by the Statutory/Strategic Planner on the Planning Proposal – Black Springs Road be received;
2. Council prepare an amending Local Environmental Plan for Lot 110 DP 1029542 Black Springs Road Eurunderee to provide for Large Lot Residential land with a minimum lot size of 12ha;

3. the applicant prepare amended mapping to remove proposed Lot 5 from the indicative lot layout;
4. the amended Planning Proposal under Section 55 of the Environmental Planning and Assessment Act 1979 for Black Springs Road Eurunderee be forwarded to the Department of Planning & Infrastructure seeking Gateway determination.

*The motion was put and carried by Councillors unanimously.*

#### 6.3.5 TENDER 2013/20 PROVISION OF LEGAL SERVICES

GOV400038, COR400056

**14/14 MOTION: Walker / Shelley**

**That:**

1. the report by the Director, Development and Community Services on the Tender 2013/20 Provision of Legal Services be received;
2. Council appoints the following suppliers under Tender 2013/20 for the provision of Legal Services as a panel of supplier for a contract term of 5 years, commencing 1 April 2014:
  - Flynn's Solicitors;
  - Local Government Legal;
  - Crennan Legal; and
  - Lindsay Taylor Lawyers;
3. the General Manager be authorised to notify the successful and the unsuccessful tenderers and also authorised to appoint the appropriate legal firm for the issue requiring a legal opinion.

*The motion was put and carried by Councillors unanimously.*

#### 6.3.6 PLANNING PROPOSAL – HILL END ROAD INDUSTRIAL POST EXHIBITION REPORT

GOV400038, LAN900015, LAN900038

**15/14 MOTION: Walker / Cavalier**

**That:**

1. the report by the Statutory/Strategic Planner on the Planning Proposal – Hill End Road Industrial Post Exhibition Report be received;
2. the amending LEP be finalised and forwarded to the Minister with a request that the LEP be made in accordance with section 59 of the Environmental Planning & Assessment Act 1979.

AMENDMENT: Webb / White

That:

1. the report by the Statutory/Strategic Planner on the Planning Proposal – Hill End Road Industrial Post Exhibition Report be received;
2. That all adjoining landowners be advised in writing of this development.

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
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:*

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

### 6.3.7 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

GOV400038

**16/14 MOTION: Shelley / Walker**

**That the report by the Director, Development and Community Services on the Monthly Development Applications Processing & Determined in December 2013 be received.**

*The motion was put and carried by Councillors unanimously.*

### 6.3.8 PARTICIPATE – INVESTIGATION INTO POSSIBILITIES FOR ART AND CULTURE – THE PROCESS

GOV400038, REC800017

17/14

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

1. **the report by the Director, Development and Community Services on the pARTcipate – Investigation into possibilities for Art and Culture – The Process be received;**
2. **Council adopt the process as outlined in the flowchart included in this report including a survey, public workshop, investigation and concept design for preferred options for the development of Art and Culture in this region.**

*The motion was put and carried by Councillors unanimously.*

**MOTION: Thompson / Martens**

That the General Manager investigate the purchase of the former gallery facility in Gulgong

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier		✓
Cr Kennedy	✓	
Cr Martens	✓	
Cr Shelley		✓
Cr Thompson	✓	
Cr Walker		✓
Cr Weatherley		✓
Cr Webb		✓
Cr White		✓

### 6.3.9 MONTHLY STATEMENT OF BANK BALANCES AND INVESTMENTS AS AT 31 DECEMBER 2013

GOV400038, A0140304

18/14

**MOTION: Walker / Shelley****That:**

1. **the report by the Financial Accountant on the Monthly statement of bank balances and investments as at 31 December 2013 be received;**
2. **the certification of the Responsible Accounting Officer be noted.**

*The motion was put and carried by Councillors unanimously.*

### 6.3.10 FINANCIAL ASSISTANCE APPLICATIONS

GOV400038, A0140201

**19/14 MOTION: Weatherley / Shelley**

**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:**

<b>Mudgee Valley Writers Inc</b>	<b>\$300</b>
<b>Mid Western Dance Festival 2014</b>	<b>\$214</b>
<b>P.A.L.S &amp; Kanandah Auxiliary</b>	<b>\$432</b>
<b>Western NSW Community Legal Centre</b>	<b>\$300</b>

- 3. Council decline the financial assistance application from Mudgee PCYC due to insufficient funds and that this application be considered as part of the 2014/15 budget process.**

*The motion was put and carried by Councillors unanimously.*

### 6.3.11 WATER CONSUMPTION – 5 SPRING ROAD MUDGEE - PROPERTY 20977

GOV400038, P2097711

**20/14 MOTION: Shelley / Cavalier**

**That:**

- 1. the report by the Revenue & Property Manager on the Water Consumption – 5 Spring Road Mudgee - Property 20977 be received;**
- 2. Council decline the request made by Mr & Mrs Salty to waive the balance of water consumption charge amounting to \$701.04 incurred for the period 26/10/2012 to 21/2/2013.**

*The motion was put and carried by Councillors unanimously.*

### 6.3.12 NAMING OF A NEW UNNAMED ROAD OFF BLUE SPRINGS ROAD

GOV400038, R0790041

**21/14 MOTION: Martens / Walker****That:**

- 1. the report by the Revenue & Property Manager on the Naming of a New Unnamed Road off Blue Springs Road be received;**
- 2. Council formally approve the name of Rissler Road for the new road in the new subdivision off Blue Springs Road.**

*The motion was put and carried by Councillors unanimously.*

### 6.3.13 NAMING OF UNNAMED LANES IN GULGONG

GOV400038, R0790141

**22/14 MOTION: White / Shelley****That:**

- 1. the report by the Revenue & Property Manager on the Naming of unnamed Lanes in Gulgong be received;**
- 2. Council name Lane no 1 Power House Lane, Lane no 2 Ryans Lane and Lane no 3 Wood Cutters Lane.**

*The motion was put and carried by Councillors unanimously.*

### 6.3.14 CLASSIFICATION OF LAND – LOT 46 DP 1191367 DRAINAGE RESERVE 14 FAUCETT DRIVE MUDGEE

GOV400038, P2251311

**23/14 MOTION: Shelley / Walker****That:**

- 1. the report by the Revenue & Property Manager on the Classification of Land – Lot 46 DP 1191367 Drainage Reserve 14 Faucett Drive Mudgee be received;**
- 2. Council notify the public of its intention to classify Lot 46 DP 1191367 as Operational by exhibiting the proposal for 28 days and should there be no submissions from the public, the land be so classified as Operational.**

*The motion was put and carried by Councillors unanimously.*

### 6.3.15 TENDER FOR THE SUPPLY AND DELIVERY OF READY MIX CONCRETE

GOV400038, A0100026

**24/14 MOTION: Walker / Weatherley****That:**

- 1. the report by the Manager Technical Services on the Tender For the Supply and Delivery of Ready Mix Concrete be received;**
- 2. Council accepts the following suppliers as a panel of suppliers for the supply and delivery of Ready Mix Concrete for a contract term starting 1st March 2014 and expiring 30th June 2015:**
  - Boral Resources (Country) Pty Ltd**
  - Mudgee Mini Mix & Landscaping Pty Ltd T/as Mudgee Concrete**
  - Holcim Australia Pty Ltd**
- 3. Provision be made for a 12 month extension based on satisfactory supplier performance which may take this tender through to 30th June 2016;**
- 4. Supplier prices are in accordance with the Schedule of Rates submitted by each tenderer.**

*The motion was put and carried by Councillors unanimously.*

### 6.3.16 SUPPLY OF QUARRY PRODUCTS RFT 2013-07 FOR ADDITIONAL CONTRACTOR ULAN STONE PTY LIMITED

GOV400038, A0411307

**25/14 MOTION: Walker / Weatherley****That:**

- 1. the report by the Business Manager Works on the Supply of quarry products RFT 2013-07 for additional contractor Ulan Stone Pty Limited be received;**
- 2. Council accepts Ulan Stone Pty Ltd for tender 2013/07 for the supply of quarry products in accordance with Clause 178 of the Local Government (General) Regulation 2005 as listed below;**
- 3. Additional contractors may be included on the preferred suppliers list if required during the contract period by resolution of Council.**

*The motion was put and carried by Councillors unanimously.*

6.3.17 WET AND DRY PLANT HIRE TENDER 2013/13 FOR  
 ADDITIONAL CONTRACTORS GLENORA CONSTRUCTIONS  
 PTY LTD AND MISKLE TRANSPORT AND EARTHMOVING PTY  
 LTD

GOV400038, A0411303

26/14

**MOTION:** Walker / Weatherley

**That:**

1. the report by the Business Manager Works on the Wet and Dry Plant Hire Tender 2013/03 for additional contractors, Glenora Constructions Pty Ltd and Miskle Transport and Earthmoving Pty Ltd be received;
2. Council accepts the revised list of preferred contractors for tender 2013/03 for the provision of Wet and Dry plant hire in accordance with clause 178 of the Local Government (General) Regulation 2005 as listed below for Wet Hire;

CONTRACTOR	PLANT	SIZE
Miskle Transport Earthmoving Pty Ltd	Water Truck	13000L
Glenora Constructions Pty Ltd	Excavator	5T
Glenora Constructions Pty Ltd	Excavator	4T
Glenora Constructions Pty Ltd	Skid Steer Loader	
Glenora Constructions Pty Ltd	Tipper Truck and Dog	
Glenora Constructions Pty Ltd	Tractor and Slasher	
Glenora Constructions Pty Ltd	Float	

3. Additional contractors may be included on the preferred suppliers list if required during the contract period by resolution of Council.

*The motion was put and carried by Councillors unanimously.*

6.3.18 RYLSTONE AERODROME – WATER FOR RFS

GOV400038, F0470030

27/14

**MOTION:** Walker / Shelley

**That:**

1. the report by the General Manager on the Rylstone Aerodrome – Water for RFS be received;
2. Council approve in principle to allow Mr Rob Loneragan of the Rylstone Aerodrome to extract water in or around the Rylstone water supply dam for the sole purpose of rural fire fighting storage capacity for aerial fire fighting purposes (It should be noted that the water supply is not available to meet the fire

- fighting water requirements of DA 0263/2012 but restricted for use by the Rural Fire Service for aerial fire fighting purposes.);
3. Council approve the creation of an easement and enter into a formal Licence agreement for the pump site and access to the pump site on Council land described as Lot 1 DP 228887 for the purposes of allowing a water pipeline for rural fire fighting purposes only in favour of the Rylstone Aerodrome. The costs of legalising the easement and Licence agreement are to be borne by Mr Rob Loneragan of the Rylstone Aerodrome development;
  4. Council waive the easement compensation of \$1,700 and annual Licence fee of \$1,500 that it would be entitled to as owner of Lot 1 DP 228887 on the basis that the easement and Licence are required to facilitate the transfer of water from around the Rylstone water supply dam to the storage tank at the Rylstone Aerodrome for exclusive use by the RFS or other Government agencies for aerial fire fighting purposes;
  5. the location of the extraction pump and solar panel be at the head of the Rylstone water supply dam at a location to be determined by the Council's Business Manager Services;
  6. a water meter be installed at the pump site to record the amount of water transferred from the Dam to the storage tank at the Rylstone Aerodrome. Discrepancies in relation to water uptake and use will be investigated and unexplained discrepancies may lead to the water supply being cut-off and the Licence agreement terminated. The costs of the water meter and installation are to be borne by Mr Rob Loneragan. Mr Loneragan to supply monthly water meter readings in normal conditions and weekly meter readings in times of water restrictions.
  7. prior to the final determination of the location of the extraction pump, Mr Rob Loneragan to provide all approvals from the NSW Office of Water;
  8. Mr Loneragan be advised that the proposed pipeline is only permissible under the State Environmental Planning Policy (Infrastructure). Pursuant to this SEPP it is necessary that the pipeline installation be carried out by or on behalf of a public authority. Under these circumstances it will be necessary for Mr Loneragan to produce evidence that the work is being carried out on behalf of the Rural Fire Service or retain the services of Council to undertake the work as private works. Either course will require the submission of a full Review of Environmental Factors (REF) consistent with Part 5 of the Environmental Planning and Assessment Act 1979. The full cost of any work and undertaking the REF will be funded by Mr Loneragan.

9. the General Manager be delegated authority to finalise the easement and Licence agreement on behalf of Council and ensure that the general intent of this resolution be enacted;
10. the General Manager and the Mayor be delegated authority to affix the Common Seal of the Council to all documentation required to give effect to the legalisation of the easement and Licence agreement on Council land.
11. Council authorise the General Manager to waive any fees required to be paid by the applicant under the Council policy for water pipelines on road reserves.

AMENDMENT: Thompson / Martens

That further information in regard to the availability of water at the Rylstone Aerodrome be investigated.

*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 by Councillors unanimously.*

### 6.3.19 GLEN ALICE TRAIL

GOV400038, A0310010

28/14

**MOTION: Weatherley / Shelley**

**That:**

1. the report by the General Manager on the Glen Alice Trail be received;
2. Council makes a submission to the Wollemi National Park Plan of Management, when the Plan of Management is open for public review, seeking that the Glen Alice Trail be opened for public vehicle use.

*The motion was put and carried by Councillors unanimously.*

## 6.3.20 RED HILL RECREATION RESERVE TRUST GRANT

GOV400038, P0860011, F0590005

29/14

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

1. the report by the General Manager on the Red Hill Recreation Reserve Trust Grant be received;
2. Council match the \$50,000 grant with dollar for dollar funding for the underground mine shaft, rotunda roof and associated earthworks at the Red Hill Recreation Reserve with the \$50,000 of Council's money being funded from the Asset Capital Reserve account, and further that the 2013/14 Operational Plan and Budget be amended accordingly.

*The motion was put and carried by Councillors unanimously.*

6.3.22 LOCAL TRAFFIC COMMITTEE MINUTES –  
10 DECEMBER 2013

GOV400038, A0100009

30/14

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

1. the report by the Manager, Development Engineering on the Local Traffic Committee Minutes – 10 December 2013 be received;
2. the "No Stopping" sign adjoining the driveway of the subject business in Robinson Street be moved to the east to exclude the subject business's driveway from the "No Stopping" zone and that 'No Parking' signs be installed adjoining the subject driveway;
3.
  - a. Council construct kerb blisters on Medley Street (at the intersection with Mayne Street, Gulgong) and relocate the stop signage from under shop awnings to the blisters to improve visibility of the signage; and
  - b. blisters be constructed independent of the existing kerb and gutter to preserve the heritage importance of the drainage;
4. Council take no action in regards to the request for installation of no parking signs as there is no technical justification for the installation of no parking signs in Macquarie Drive;
5. the event – "Red Hot Summer Tour 2014 – Aussie Rock Extravaganza" at Parklands Resort, 8 February 2014" – be classified as a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events Version 3.4" and proceeds with the following conditions:
  - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and

- Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
- b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
  - c. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
  - d. Reimbursing Council for the cost of damage repairs;
  - e. Complying with Council's Law Enforcement Officers' reasonable directives;
  - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
  - g. the qualification of the person creating the Traffic Control Plan must be at a minimum a holder of the Select and Modify Certificate or the Design and Audit Certificate;
  - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
  - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
  - j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
  - k. Maintain a four-metre wide emergency vehicle lane;
  - l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
  - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and
  - n. The event organiser apply to the RMS for a direction to restrict the speed limit as proposed.
6. the event – “Flix in the Stix” at Gooree Park, 15 February 2014” – be classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:
- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
  - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
  - c. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
  - d. Reimbursing Council for the cost of damage repairs;
  - e. Complying with Council's Law Enforcement Officers' reasonable directives;
  - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;

- g. the qualification of the person creating the Traffic Control Plan must be at a minimum a holder of the Select and Modify Certificate or the Design and Audit Certificate;
- h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
- i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, RMS and NSW Police Force is indemnified against any possible action as the result of the event;
- j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
- k. Maintain a four-metre wide emergency vehicle lane;
- l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
- m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and
- n. The event organiser apply to the RMS for a direction to restrict the speed limit as proposed.

*The motion was put and carried by Councillors unanimously.*

#### 6.3.23 ECONOMIC DEVELOPMENT AND EVENTS UPDATE Q4

GOV400038, A0820020

**31/14 MOTION: Walker / Shelley**

**That the report by the Economic Development Officer on the Economic Development and Events Update Q4 be received.**

*The motion was put and carried by Councillors unanimously.*

#### 6.3.24 GULGONG SPORTS COUNCIL

GOV400038, A0100056

**32/14 MOTION: Walker / 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 6 December 2013 be noted.

*The motion was put and carried by Councillors unanimously.*

## 6.3.25 RED HILL RESERVE WORKING PARTY

GOV400038, A0100056

33/14

**MOTION: Walker / Shelley****That:**

1. **the report by the Director, Mid-Western Operations 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 10 December 2013.**

*The motion was put and carried by Councillors unanimously.*

## 6.3.26 MUDGEESALEYARDS MANAGEMENT COMMITTEE

GOV400038, F0720036

34/14

**MOTION: Walker / 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 19 December 2013 be noted.**

*The motion was put and carried by Councillors unanimously.*

## 6.3.27 MUDGEE &amp; GULGONG ACCESS COMMITTEE MINUTES

GOV400038, A0060008

35/14

**MOTION: Walker / Shelley****That:**

1. **the report by the Manager, Community Services on the Mudgee & Gulgong Access Committee Minutes be received;**
2. **Council note the minutes of the Mudgee and Gulgong Access Committee held on 3rd December 2013.**

*The motion was put and carried by Councillors unanimously.*

## 6.3.28 YOUTH COUNCIL MINUTES

GOV400038, A0060048

**36/14 MOTION: Walker / Shelley****That:**

- 1. the report by the Manager, Community Services on the Youth Council minutes be received;**
- 2. Council note the minutes of the 26th November 2013 Youth Council meeting;**
- 3. Council endorse the nomination of Dylan Hayes Weber to be a member of the Mid-Western Regional Youth Council.**

*The motion was put and carried by Councillors unanimously.*

## 6.3.29 SPONSORSHIP ACKNOWLEDGEMENT POLICY

GOV400038, A0100020

**37/14 MOTION: Walker / Shelley****That:**

- 1. the report by the General Manager on the Sponsorship Acknowledgement Policy be received;**
- 2. Council adopt the Sponsorship Acknowledgement Policy as amended.**

*The motion was put and carried by Councillors unanimously.*

## 6.3.30 REVIEW OF GIFTS AND BENEFITS POLICY

GOV400029, A0100021

*This matter was withdrawn.*

## 6.3.31 DRAFT PESTICIDE USE NOTIFICATION PLAN

GOV400038, A0130033

**38/14 MOTION: Walker / Shelley****That:**

- 1. the report by the Noxious Weeds Administrator on the Draft Pesticide Use Notification Plan be received;**
- 2. the Draft Pesticide Use Notification Plan be placed on public exhibition for a period of not less than twenty-eight (28) days.**

*The motion was put and carried by Councillors unanimously.*

## 6.3.32 KEEPING OF ANIMALS IN URBAN AREAS

GOV400038, A0100021

**39/14 MOTION: Walker / Shelley****That:**

- 1. the report by the Manager Governance on the Keeping of Animals in Urban Areas be received;**
- 2. Council adopt the attached policy on the Keeping of Animals in Urban Areas.**

*The motion was put and carried by Councillors unanimously.*

**Item 7: Urgent Business Without Notice**

There was no urgent business without notice.

**Item 8: Confidential Session****40/14 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 Manager Governance announced that the following matter would be considered in confidential session and the reason why it was being dealt with in this way.

**Subject: Senior Staff Employment contracts**

***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.***

***Discussion of this matter in an open meeting would be, on balance, contrary to public interest as it could prejudice Council's negotiations.***

Following an enquiry from the Mayor, the Manager Governance 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 put and carried by Councillors unanimously.*

8.1.1 Senior Staff Employment contracts

GOV400038, PER400048

**41/14 MOTION: White / Walker**

**That the report by the General Manager on the Senior Staff Employment contracts be received and noted.**

*The motion was put and carried by Councillors unanimously.*

**Item 9: Open Council**

**42/14 MOTION: Cavalier / Walker**

**That the Council move to Open Council.**

*The motion was put and carried by Councillors unanimously.*

The Manager Governance announced the decisions taken in Confidential Session.

**Closure**

There being no further business the meeting concluded at 8.43pm.