

ORDINARY MEETING

WEDNESDAY 18 MAY 2011

The logo for the Mid-Western Regional Council features three overlapping, curved lines in orange, yellow, and green, with a blue line below them. The text "Mid-Western" is written in a large, bold, black font, and "REGIONAL COUNCIL" is written in a smaller, black font below it.

Mid-Western
REGIONAL COUNCIL



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11 May 2011

Dear Councillor

MEETING NOTICE

ORDINARY MEETING
WEDNESDAY 18 MAY 2011

OPEN DAY AT 5.30 PM
COUNCIL MEETING COMMENCING AT CONCLUSION OF OPEN DAY

Notice is hereby given that the above meeting of Mid-Western Regional Council will be held in the Council Chambers, 86 Market Street, Mudgee at the time and date indicated above to deal with the business as listed on the Meeting Agenda.

Members of the public may address the Committee Meeting at Open Day. Speakers are given 5 minutes to outline any issue of relevance to the Council. If you wish to speak at Open Day please contact the Mayor's Office on 1300 765 002 or 02 6378 2850 by 3.00 pm on the day of the meeting. Alternatively, please make yourself known to the Manager Governance prior to the commencement of the meeting.

Yours faithfully

BRAD CAM
ACTING GENERAL MANAGER

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ITEM 1: APOLOGIES

ITEM 2: CONFIRMATION OF MINUTES

2.1 MINUTES OF ORDINARY MEETING HELD ON 20 APRIL 2011

COUNCIL DECISION:

That the Minutes of the Ordinary Meeting held on 20 April 2011 (Minute Nos 67/11 to 89/11) be taken as read and confirmed.

The Minutes of the Ordinary Meeting are attached:

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 20 APRIL, COMMENCING AT 5.48 PM AND CONCLUDING AT 6.48 PM.

Present: Cr D Kennedy (Mayor), Cr R Holden, Cr E Lang, Cr EE Martens (AM), Cr PA Shelley, Cr MB Walker, Cr JK Weatherley, Cr JR Webb.

In Attendance: General Manager (W Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Regulatory and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Manager Governance (I Roberts).

Media Representatives: Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Rock).

ITEM 1: APOLOGIES

An apology was received for the absence of Councillor Thompson.

67/11 **MOTION:** Martens / Webb

That the apology for the absence of Councillor Thompson be accepted and leave of absence be granted.

The motion was put and carried.

ITEM 2: CONFIRMATION OF MINUTES

68/11 **MOTION:** Weatherley / Shelley

That the Minutes of the Ordinary Meeting held on 16 March 2011 (Minute Nos. 39/11 to 66/11) be taken as read and confirmed.

The motion was put and carried.

ITEM 3: DISCLOSURES OF INTEREST

There were no disclosures of interest.

ITEM 4: MAYORAL MINUTE

There was no Mayoral Minute.

ITEM 5: REPORTS FROM COMMITTEESPLANNING AND DEVELOPMENT COMMITTEE

69/11 **MOTION:** Holden / Shelley

That the matters resolved at the Planning and Development Committee meeting held on 6 April be received and confirmed.

The motion was put and carried.

ASSETS COMMITTEE

70/11 **MOTION:** Lang / Weatherley

That the matters resolved at the Assets Committee meeting held on 6 April 2011 be received and confirmed.

The motion was put and carried.

CULTURAL AND COMMUNITY SERVICES COMMITTEE

71/11 **MOTION:** Lang / Holden

That the matters resolved at the Cultural and Community Services Committee meeting held on 6 April 2011 be received and confirmed.

The motion was put and carried.

FINANCE AND CORPORATE COMMITTEE

72/11 **MOTION:** Webb / Shelley

That:

1. the matters resolved at the Finance and Corporate Committee meeting held on 6 April 2011 be received and confirmed.
2. the recommendations from the Finance and Corporate Committee meeting held on 6 April 2011 in respect of the following items be adopted.
 - Men's Shed Health Expo
 - Monthly Management Plan Reporting – February 2011
 - Electricity Contracts – Small Sites

The motion was put and carried.

RECOMMENDATION COR.29/11 – FINANCIAL ASSISTANCE

A0100052, A0140201

73/11

MOTION: Webb / Lang

That:

1. the report by the Financial Accountant on financial assistance be received;
2. Council note that insufficient funds remain available for distribution in Council's financial assistance programme to meet the current requests; and
3. the following amounts be distributed from Councillor's discretionary funds:

Mudgee Endurance Riders	Cr Holden	\$100.00
	Cr Lang	\$200.00
	Cr Thompson	\$100.00
Jordan Kerr	Cr Weatherley	\$500.00
	Cr Lang	\$200.00
	Cr Thompson	\$100.00
	Cr Webb	\$100.00
Mudgee Baptist Church	Cr Lang	\$200.00
	Cr Thompson	\$100.00
	Cr Webb	\$100.00
Gulgong MADS	Cr Webb	\$200.00

The motion was put and carried

URGENT BUSINESS WITHOUT NOTICE

74/11

MOTION: Holden / Walker

That the matters resolved in Urgent Business Without Notice held on 6 April 2011 be received and confirmed.

The motion was put and carried.

CLOSED COMMITTEE

75/11

MOTION: Holden / Shelley

That the matters resolved in Urgent Business Without Notice held on 6 April 2011 be received and confirmed.

The motion was put and carried.

ITEM 6: GENERAL BUSINESS

6.1 NOTICES OF MOTION

There were no notices of motion.

6.2 REPORTS TO COUNCIL6.2.1 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

A0100052, A0110043

76/11

MOTION: Shelley / Lang

That:

1. the report by the General Manager on the National General Assembly of Local Government be received;
2. Council approves the Mayor and General Manager to attend the Assembly in Canberra on 19 – 22 June 2011.

*The motion was put and carried.*6.2.2 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL
BANK BALANCES AND INVESTMENTS AS AT 31 MARCH 2011

A0100052, A0140304

77/11

MOTION: Walker / Lang

That the Investment Report as at 31 March 2011 by the Management Accountant be received and the certification by the Responsible Accounting Officer noted.

*The motion was put and carried.*6.2.3 COMMUNITY SAFETY

A0100052, A0420139

78/11

MOTION: Webb/Walker

That:

1. the report by the General Manager on community safety be received;
2. Council establishes a Community Safety Committee to determine and make recommendations to Council on the appropriate response to improving Community Safety and better controls on vandalism in this region;
3. the following be included on the Community Safety Committee:-

Mayor – Cr Des Kennedy
 Chairman Cultural and Community Services Committee –
 Cr Elwyn Lang
 Local Area Commander of Police – Martin Fileman
 Council's Youth Officer – Cathy Leisfield
 Youth Mayor – Jessica MacLennan
 One representative each from the areas of Gulgong,
 Mudgee and Rylstone
 One Representative from the Local Aboriginal Land
 Council
 General Manager of the Council

4. **Council seeks registrations of interest for the three community representatives through the Community News.**

The motion was put and carried.

6.2.4 ECONOMIC DEVELOPMENT

A0100052, A0820020

79/11

MOTION: Webb / Martens

That:

1. Council amends the budget for the 2011/12 and following financial years to include a provision for the employment of an Events Co-ordinator at a cost of \$75,000.
2. Council conducts at least two Business Expos in metropolitan areas to gauge the level of interest in businesses relocating to this region at a cost of \$40,000.
3. to fund these two projects the Council amends its 2011/12 and following four years budget by reducing the Grants and Donation budget from \$155,000 to \$140,000, the Strategic Initiatives budget from \$40,000 to \$30,000, the Promotion and Marketing budget from \$50,000 to \$20,000 and utilising the full amount of the Events Management support budget.

AMENDMENT: Holden/Lang

1. the report by the General Manager on economic development be received;
2. Council amends the budget for the 2011/12 and following financial years to include a provision for the employment of an Events Management Coordinator including an allocation to attract major events to the region at a cost of \$145,000;
3. Council trials on a six monthly fixed contract period or by consultancy a Business Development Officer at a cost of \$65,000; and
4. The General Manager report on alternate budget initiatives to fund these two projects.

Both the motion and amendment were withdrawn.

80/11

MOTION: Holden / Lang

1. **the report by the General Manager on economic development be received;**
2. **Council amends the budget for the 2011/12 and following financial years to include a provision for the employment of an Events Management Coordinator including an allocation to attract major events to the region at a cost of \$145,000;**

3. **Council conducts at least two Business Expos in metropolitan areas to gauge the level of interest in businesses relocating to this region at a cost of \$40,000.**
4. **The General Manager report on alternate budget initiatives to fund these two projects.**

AMENDMENT: Kennedy / Shelley

1. the report by the General Manager on economic development be received;
2. Council amends the budget for the 2011/12 and following financial years to include a provision for the employment of an Events Management Coordinator including an allocation to attract major events to the region at a cost of \$145,000;
3. The General Manager report on alternate budget initiatives to fund these two projects.

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

6.2.5 2011-12 AND THE FOLLOWING FOUR YEARS MANAGEMENT PLAN

A0100052, A0149934

81/11

MOTION: Shelley / Walker

That:

1. **the report by the General Manager on the 2011-12 and following four years Management Plan be received;**
2. **Council adopt the 2011/12 and the following four years Draft Management Plan and budget including the Fees and Charges Schedule;**
3. **Council proceed with public exhibition and requesting written submissions on the 2011/12 and the following four years Draft Management Plan and budget in accordance with the Local Government Act, 1993.**

AMENDMENT: Holden / Lang

That:

1. the report by the General Manager on the 2011-12 and following four years Management Plan be received;
2. Council adopt the 2011/12 and the following four years Draft Management Plan and budget including the Fees and Charges Schedule with the \$25,000 increase in the weeds budget to be allocated as follows:
 - \$15,000 on weeds inspections; and
 - \$10,000 on pursuing compliance with Section 18 Weed Control Notices;

3. Council proceed with public exhibition and requesting written submissions on the 2011/12 and the following four years Draft Management Plan and budget in accordance with the Local Government Act, 1993.

The amendment was withdrawn. The motion was put and carried.

82/11 **MOTION:** Holden / Shelley

That a report be presented to Council on the resourcing for weed control.

The motion was put and carried.

6.2.6 MUDGEETOWN HALL RENOVATION – COMMUNITY COMMENT
A0100052, F0620022, F0620018, P0159911

83/11 **MOTION:** Weatherley / Martens

That the report by the Manager, Library & Community Services on community comment on the Mudgee Town Hall Renovation proposal be received and noted.

The motion was put and carried.

6.2.7 NSW EMERGENCY SERVICE 2011-2012 BUDGET ESTIMATES
A0100052, A0150024

84/11 **MOTION:** Walker / Weatherley

That:

1. **the report by General Manager on the NSW Emergency Services 2011-2012 Budget Estimates be received;**
2. **Council endorses the 2011/2012 Rural Fire Fighting Fund estimates of \$2,398,218.**

The motion was put and carried.

85/11 **MOTION:** Holden / Shelley

That Council approach the new State Government about the better management of the balance of Rural Fire Service funding.

The motion was put and carried.

6.2.8 ROAD SAFETY OFFICER REPORT JANUARY-MARCH 2011
A0100052, R0790090

86/11 **MOTION:** Lang / Shelley

That the report by the Road Safety Officer on key road safety activities and initiatives be received.

The motion was put and carried.

6.2.9 NOXIOUS WEEDS CONTROL ADVISORY COMMITTEE – MARCH 2011

A0100052, A0130077

87/11

MOTION: Webb / Holden

That:

1. the minutes of the Noxious Weeds Control Advisory Committee held on 14 March 2011 are noted;
2. the Terms of Reference be amended as follows:
“The Committee shall comprise the following members:
Two (2) elected Councillors
Group Manager Operations or Chief Weeds Officer
Three members from special interest groups (such as the Farmers Association and the Serrated tussock Working Party).”

*The motion was put and carried.*6.2.10 ULAN WASTE TRANSFER STATION

A0100052, P1972711, A0010008

MOTION: Weatherley / Walker

That:

1. the report by Business Manager Services on the Ulan waste transfer station be received;
2. the proposed Ulan waste transfer station not be constructed;
3. the General Manager negotiates the redistribution of funds contributed by Moolarben Coal for the construction of the Ulan waste transfer station to fund local road projects.

The motion was withdrawn.

88/11

MOTION: Webb / Kennedy

That:

1. the report by Business Manager Services on the Ulan waste transfer station be received;
2. the proposed Ulan waste transfer station not be constructed;
3. the General Manager negotiates the redistribution of funds contributed by Moolarben Coal for the construction of the Ulan waste transfer station to fund local road projects;
4. Council enter into an agreement with Ulan School for waste collection;

5. the General Manager negotiate with the EPA and the coal mines about the possibility of a waste facility being located on one of the mine properties.

The motion was put and carried.

ITEM 7: URGENT BUSINESS WITHOUT NOTICE

7.1 NOTIFICATION OF COUNCILLORS ABOUT MEETINGS WITH
MAYOR AND GENERAL MANAGER

A0100052,

89/11

MOTION: Holden / Lang

That this matter be dealt with as Urgent Business Without Notice.

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

MOTION: Holden / Martens

That all Councillors be informed of upcoming meetings conducted with the General Manager and Mayor (with non staff members) and that a report of the outcomes of all meetings is distributed to all Councillors weekly.

The motion was put and lost.

CLOSURE

There being no further business the meeting concluded at 6.48 pm.

ITEM 3: DISCLOSURE OF INTEREST

In accordance with Section 451 of the Local Government Act 1993, Councillors should declare an interest in any item on this Agenda. If an interest is declared, Councillors should leave the Chambers prior to the commencement of discussion of the item.

ITEM 4: MAYORAL MINUTE (If Any)

(Insert Mayoral Minute (if any))

ITEM 5: REPORTS FROM COMMITTEES

5.1 PLANNING AND DEVELOPMENT COMMITTEE

RECOMMENDATION

That the matters resolved at the Planning and Development Committee meeting held on 4 May 2011 be received and confirmed.

The report of the Planning and Development Committee is attached:

REPORT ON THE PLANNING AND DEVELOPMENT COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEES ON WEDNESDAY 4 MAY 2011, COMMENCING AT 5.34 PM AND CONCLUDING AT 5.39 PM

Present: Cr D Kennedy (Mayor), Cr JR Webb (Chairperson), Cr R Holden, Cr E Lang, Cr EE Martens (AM), Cr JP Thompson, Cr MB Walker, Cr JK Weatherley.

In Attendance: Acting General Manager (B Cam), Acting Group Manager Mid-Western Operations (S Mullinger), Group Manager Regulatory and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Manager Governance (I Roberts).

Media Representatives: Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Rock).

ITEM 1: APOLOGIES

An apology was received for the absence of Councillor Shelley.

P.08/11 **MOTION:** **Holden / Martens**

That the apology for the absence of Councillor Shelley be accepted and leave of absence be granted.

The motion was put and carried.

ITEM 2: DISCLOSURE OF INTEREST

There were no disclosures of interest.

ITEM 3: MATTERS IN PROGRESS FROM FORMER MEETINGS

Noted.

ITEM 4: NOTICES OF MOTION TO PLANNING AND DEVELOPMENT COMMITTEE

There were no notices of motion.

ITEM 5: REPORTS TO PLANNING AND DEVELOPMENT COMMITTEE5.1 DETACHED DUAL OCCUPANCY – 7 TEBBUTT COURT, MUDGEE
A0100052, P1958661MOTION: Holden / Martens

That Council refuse Development Application 0253/2011 for a detached dual occupancy at 7 Tebbutt Court Mudgee for the following reasons:

1. the proposal does not comply with Clause 3.3 of the Residential DCP (Setbacks) as the minimum and average side setback standards are exceeded.
2. the proposal does not comply with Clause 3.4 of the Residential DCP (Building Scale and Height and Bulk) as the proposal is considered to be of a scale that is not consistent with the character of the area or that is not compatible with the size of the subject site;
3. the proposal does not comply with Clause 4.1 of the Residential DCP (Built Form) as the design is a mirror or duplicate for both residential units;
4. the proposal does not comply with Clause 4.2 of the Residential DCP (Site Coverage) as the maximum site coverage of 30% is exceeded;
5. the proposal does not comply with Clause 4.3 of the Residential DCP (Privacy and Amenity) as the layout is not considered to protect the privacy and amenity of the individual inhabitants of the proposed units;
6. the application is not in the public interest to approve a development that exceeds the standards specified in the Residential DCP and not provide a positive or attractive design outcome;
7. the site is not suitable for detached dual occupancy due to the shape of the lot.

P.09/11

AMENDMENT: Thompson / Weatherley

That consideration of this matter be deferred to permit a site inspection by Councillors.

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

Councillors	Ayes	Nays
<i>Cr Kennedy</i>	✓	
<i>Cr Holden</i>	✓	
<i>Cr Lang</i>	✓	
<i>Cr Martens</i>		✓
<i>Cr Thompson</i>	✓	
<i>Cr Walker</i>	✓	
<i>Cr Weatherley</i>	✓	
<i>Cr Webb</i>	✓	

REPORT CONCLUDED

5.2 ASSETS COMMITTEE

RECOMMENDATION

That:

1. the matters resolved at the Assets Committee meeting held on 4 May 2011 be received and confirmed.
 2. the recommendations from the Assets Committee meeting held on 4 May 2011 in respect of the following items be adopted.
 - Irrigation of property from Putta Bucca Wetlands
 - Gulgong Showground Sewer Connection
-

The report of the Strategic Committee is attached:

REPORT ON THE ASSETS COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 4 MAY 2011, COMMENCING AT 5.40 PM AND CONCLUDING AT 5.52 PM

Present: Cr D Kennedy (Mayor), Cr EE Martens (AM) (Chairperson), Cr R Holden, Cr E Lang, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb.

In Attendance: Acting General Manager (B Cam), Acting Group Manager Mid-Western Operations (S Mullinger), Group Manager Regulatory and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Manager Governance (I Roberts).

Media Representatives: Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Rock).

ITEM 1: APOLOGIES

An apology was received for the absence of Councillor Shelley.

S.12/11 **MOTION:** Kennedy / Webb

That the apology for the absence of Councillor Shelley be accepted and leave of absence be granted.

The motion was put and carried.

ITEM 2: DISCLOSURE OF INTEREST

There were no disclosures of interest.

ITEM 3: MATTERS IN PROGRESS FROM FORMER MEETINGS

Noted.

S.13/11 **MOTION:** Holden / Thompson

That the suggested completions not be endorsed.

The motion was put and carried.

ITEM 4: NOTICES OF MOTION TO ASSETS COMMITTEE

There were no notices of motion.

ITEM 5: REPORTS TO ASSETS COMMITTEE5.1 COST TO MAINTAIN HIDEAWAY LANE

A0100052, A0100021

S.14/11 **MOTION:** Thompson / Walker

That consideration of this matter be deferred to permit a site inspection by Councillors.

The motion was put and carried as a resolution.

5.2 IRRIGATION OF PROPERTY FROM PUTTA BUCCA WETLANDS

A0100052, F0740039

S.15/11 **MOTION:** Weatherley / Holden

That:

1. the report by Manager Governance on the irrigation of the property owned by B L & W J Morrison from the Putta Bucca Wetlands be received;
2. Council permit the continued irrigation of this property from the Putta Bucca Wetlands only until such time as the current Mudgee Sewerage Treatment Plant is decommissioned with the arrangements provided in a formal agreement between B L & W J Morrison and Council.

The motion was put and carried as a recommendation to Council.

ITEM 6: URGENT BUSINESS WITHOUT NOTICE6.1 GULGONG SHOWGROUND SEWER CONNECTION

A0100052, A0100035, P0504611

S.16/11 **MOTION:** Webb / Kennedy

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

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

S.17/11

MOTION:

Webb / Thompson

That Council extend the sewer main to the boundary of the Gulgong Showground at a cost of \$25,000. This project would be funded from the sewer mains replacement program in the 2011/12 budget.

The motion was put and carried as a recommendation to Council.

REPORT CONCLUDED

5.3 CULTURAL AND COMMUNITY SERVICES COMMITTEE**RECOMMENDATION****That:**

1. the matters resolved at the Cultural and Community Services Committee meeting held on 4 May 2011 be received and confirmed.
2. the recommendations from the Cultural and Community Services Committee meeting held on 4 May 2011 in respect of the following items be adopted.
 - Mudgee Community Transport – Funding agreement with Transport NSW

The report of the Cultural and Community Services Committee is attached:

REPORT ON THE CULTURAL AND COMMUNITY SERVICES COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 4 MAY 2011, COMMENCING AT 5.53 PM AND CONCLUDING AT 5.55 PM

Present: Cr JP Thompson (Mayor), Cr E Lang (Chairperson), Cr R Holden, Cr D Kennedy, Cr EE Martens (AM), Cr MB Walker, Cr J K Weatherley, Cr JR Webb.

In Attendance: Acting General Manager (B Cam), Acting Group Manager Mid-Western Operations (S Mullinger), Group Manager Regulatory and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Manager Governance (I Roberts).

Media Representatives: Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Rock).

ITEM 1: APOLOGIES

An apology was received for the absence of Councillor Shelley.

COM.28/11 **MOTION:** **Holden / Webb**

That the apology for the absence of Councillor Shelley be accepted and leave of absence be granted.

The motion was put and carried.

ITEM 2: DISCLOSURE OF INTEREST

There were no disclosures of interest.

ITEM 3: MATTERS IN PROGRESS FROM FORMER MEETINGS

Noted.

COM.29/11 **MOTION:** Holden / Martens

That paragraph 4 of Res. 15/11 be noted as completed.

The motion was put and carried.

COM.30/11 **MOTION:** Holden / Martens

That Res. 17/11 be noted as completed.

The motion was put and carried.

ITEM 4: NOTICES OF MOTION TO CULTURAL AND COMMUNITY SERVICES COMMITTEE

There were no notices of motion.

ITEM 5: REPORTS TO CULTURAL AND COMMUNITY SERVICES COMMITTEE

5.1 CULTURAL DEVELOPMENT COMMITTEE MARCH 2011

A0100052, A0420172

COM.31/11 **MOTION:** Holden / Weatherley

That:

1. the report by the Manager, Library & Community Services be received;
2. Council note the minutes of the Cultural Development Committee meeting of 21 March 2011.

The motion was put and carried as a resolution.

5.2 GULGONG SPORTS COUNCIL MINUTES – MARCH

A0100052, A0360003

COM.32/11 **MOTION:** Holden / Weatherley

That:

1. the report by Group Manager Operations on the Gulgong Sports Council minutes be received;
2. the minutes for the Gulgong Sports Council ordinary meeting held on 9 March 2011 be noted.

The motion was put and carried as a resolution.

5.3 KANDOS BICENTENNIAL INDUSTRIAL MUSEUM – MARCH 2011

A0100052, A0060123

COM.33/11 **MOTION:** Holden / Weatherley

That:

1. the report by the Manager, Library & Community Services be received;

2. Council note the minutes of the Kandos Bicentennial Industrial Museum meeting held on 10 March 2011;
3. Council accept the amended Terms of Reference for the Kandos Bicentennial Industrial Museum Committee;
4. Council accept the nomination of Sue Gould to be a member of the Kandos Bicentennial Museum Committee.

The motion was put and carried as a resolution.

5.4 RYLSTONE AND KANDOS ACCESS COMMITTEE – FEBRUARY 2011

A0100052, A0060129

COM.34/11

MOTION: Holden / Weatherley

That:

1. the report by the Manager, Library & Community Services on the Rylstone and Kandos Access Committee be received;
2. the minutes of the Rylstone and Kandos Access Committee meeting of 15 February 2011 be accepted.

The motion was put and carried as a resolution.

5.5 MUDGEES COMMUNITY TRANSPORT – FUNDING AGREEMENT WITH TRANSPORT NSW

A0100052, A0060030, A0060203

COM.35/11

MOTION: Holden / Weatherley

That:

1. the report by the Manager, Library & Community Services on the Mudgee Community Transport Funding Agreement with Transport NSW be received;
2. Council accept the offer from Transport NSW for a total funding amount of \$162,072 for the 2011/12 financial year and amend the Draft Management Plan for 2011/12 as required;
3. Council execute the necessary documentation under the Common Seal.

The motion was put and carried as a recommendation to Council.

5.6 MUDGEES SPORTS COUNCIL MINUTES – MARCH 2011

A0100052, A0360013

COM.36/11

MOTION: Holden / Weatherley

That:

1. the report by Group Manager Operations on the Mudgee Sports Council minutes be received;

2. the minutes for the Mudgee Sports Council ordinary monthly meeting held on 4 April 2011 be noted.

The motion was put and carried as a resolution.

5.7 YOUTH WEEK 2011

A0100052, A0030009, A0060048

COM.37/11

MOTION: Holden / Weatherley

That the report by the Manager, Library & Community Services on Youth Week 2011 be received.

The motion was put and carried as a resolution.

REPORT CONCLUDED

5.4 FINANCE AND CORPORATE COMMITTEE

RECOMMENDATION

That:

1. the matters resolved at the Finance and Corporate Committee meeting held on 4 May 2011 be received and confirmed.
2. the recommendations from the Finance and Corporate Committee meeting held on 4 May 2011 in respect of the following items be adopted.
 - 2010/11 Quarterly Budget Review - March 2011
 - Mudgee Airport Subdivision
 - Financial Assistance

The report of the Corporate Services Committee is attached:

REPORT ON THE FINANCE AND CORPORATE COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 4 MAY 2011, COMMENCING AT 5.56 PM AND CONCLUDING AT 6.01 PM

Present: Cr D Kennedy (Mayor), Cr JP Thompson (Chairperson), Cr R Holden, Cr E Lang, Cr EE Martens (AM), Cr MB Walker, Cr JK Weatherley, Cr JR Webb.

In Attendance: Acting General Manager (B Cam), Acting Group Manager Mid-Western Operations (S Mullinger), Group Manager Regulatory and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Manager Governance (I Roberts).

Media Representatives: Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Rock).

ITEM 1: APOLOGIES

An apology was received for the absence of Councillor Shelley.

COR.35/11 **MOTION:** **Martens / Kennedy**

That the apology for the absence of Councillor Shelley be accepted and leave of absence be granted.

The motion was put and carried.

ITEM 2: DISCLOSURE OF INTEREST

There were no disclosures of interest.

ITEM 3: MATTERS IN PROGRESS FROM FORMER MEETINGS

Noted.

COR.36/11 **MOTION:** Weatherley / Walker

That Min. No. 222/10 be noted as completed.

The motion was put and carried.

COR.37/11 **MOTION:** Weatherley / Martens

That Min. No. 53/11 be noted as completed.

The motion was put and carried.

COR.38/11 **MOTION:** Weatherley / Martens

That Min. No. 55/11 be noted as completed.

The motion was put and carried.

ITEM 4: NOTICES OF MOTION TO FINANCE AND CORPORATE COMMITTEE

There were no notices of motion.

ITEM 5: REPORTS TO FINANCE AND CORPORATE COMMITTEE

5.1 2010/11 QUARTERLY BUDGET REVIEW - MARCH 2011

A0100052, A0149934

COR.39/11 **MOTION:** Holden / Webb

That:

1. the March 2011 Quarterly Budget Review be received;
2. the 2010/11 Management Plan be amended in accordance with the variations as listed in the March 2011 Quarterly Budget Review and plus a further variation deferring Regional Road Reseal – Rowe St MR598 - \$33,000 to allow repair/maintenance on regional roads;
3. the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure, be noted.

The motion was put and carried as a recommendation to Council.

5.2 MUDGEE AIRPORT SUBDIVISION

A0100052, F0470025

COR.40/11 **MOTION:** Kennedy / Webb

That:

1. the report by the General Manager on the Mudgee Airport Subdivision be received;

2. Council amend the 2011/12 Management Plan by \$261,000 to reflect the revised estimates for providing infrastructure and services to the Mudgee Airport Subdivision with the additional funding to be from the Airport Development Reserve.

The motion was put and carried as a recommendation to Council.

5.3 FINANCIAL ASSISTANCE

A0100052, A0140201

COR.41/11

MOTION: Holden / Lang

That:

1. the report by the Finance Officer on financial assistance be received;
2. Council makes an allocation of \$3,000 for the Promotions budget towards the Cudgegong Valley Antique Machinery Club for their endeavours to get the national Antique machinery Rally in 2013.
3. The following amounts be distributed from the Council discretionary votes:

Gulgong Eisteddfod	Cr Holden	\$200.00
	Cr Kennedy	\$200.00
	Cr Lang	\$200.00
	Cr Martens	\$200.00
	Cr Weatherley	\$200.00
Rylstone CWA – rates	Cr Martens	\$250.00
Mudgee Historical Society – rates	Cr Martens	\$250.00
Rylstone Historical Society – mural arts project	Cr Martens	\$250.00

The motion was put and carried as a recommendation to Council.

REPORT CONCLUDED

ITEM 6: GENERAL BUSINESS

6.1 NOTICES OF MOTION

Nil.

6.2 REPORTS

**6.2.1 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL BANK BALANCES
AND INVESTMENTS AS AT 30 APRIL 2011**

REPORT BY MANAGEMENT ACCOUNTANT Bankrep A010052, A0140304

RECOMMENDATION

That the Investment Report as at 30 April 2011 by the Management Accountant be received and the certification by the Responsible Accounting Officer noted.

EXECUTIVE SUMMARY

The purpose of this report is to certify that Council's investments have been made in accordance with legal and policy requirements; provide information on the detail of investments and raise other matters relevant to Council's investment portfolio as required.

DETAILED REPORT

Clause 212 of the Local Government (General) Regulation 2005 requires that the Responsible Accounting Officer of a Council:

- a) must provide the Council with a written report (setting out details of all money that the Council has invested under Section 625 of the Act), to be presented at each Ordinary Meeting of the Council, and
- b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the Council's investment policies.

The report must be made up to the last day of the month immediately preceding the meeting.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

LEONIE JOHNSON
MANAGEMENT ACCOUNTANT


CLARE PHELAN
GROUP MANAGER FINANCE

5 May 2011

Attachment: Monthly statement of Bank Balances and Investments

APPROVED FOR SUBMISSION:

BRAD CAM
ACTING GENERAL MANAGER

For the month ended: 30-Apr-11

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
Commonwealth Bank	\$ 260,226	\$ 11,600,510	\$ 10,075,788	\$ 1,784,948	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 30/04/2011

Investments	Type	Amount	Yield %	Maturity Date	Term	Rating	Govt Rating	NAV	% of Portfolio
Commonwealth Bank	At Call	\$ 590,000	4.75%	N/A	At Call	A-1+	1		2.2%
National Australia Bank	Term Deposit	\$ 1,700,000	5.74%	20/07/2011	91	A-1+	2		6.4%
National Australia Bank	Term Deposit	\$ 850,000	5.98%	22/06/2011	126	A-1+	3		3.2%
National Australia Bank	Term Deposit	\$ 1,500,000	6.10%	18/05/2011	132	A-1+	3		5.6%
National Australia Bank	Term Deposit	\$ 400,000	6.20%	18/05/2011	125	A-1+	3		1.5%
Westpac Bank	Term Deposit	\$ 2,600,000	5.78%	1/06/2011	91	A-1+	2		9.8%
St George Bank	Term Deposit	\$ 2,500,000	5.90%	4/05/2011	119	A-1+	2		9.4%
St George Bank	Term Deposit	\$ 500,000	5.75%	8/06/2011	126	A-1+	3		1.9%
St George Bank	Term Deposit	\$ 1,500,000	5.82%	29/06/2011	126	A-1+	3		5.6%
St George Bank	Term Deposit	\$ 1,000,000	5.50%	13/07/2011	85	A-1+	3		3.8%
Bankwest	Term Deposit	\$ 1,000,000	5.80%	11/05/2011	91	A-1+	1		3.8%
Bankwest	Term Deposit	\$ 1,000,000	5.60%	13/07/2011	85	A-1+	3		3.8%
ING Australia Bank	Term Deposit	\$ 1,000,000	5.81%	6/07/2011	90	A-1	1		3.8%
AMP	Term Deposit	\$ 1,000,000	6.00%	29/06/2011	119	A-1	1		3.8%
Macquarie Bank	Term Deposit	\$ 1,000,000	6.05%	4/05/2011	182	A-1	1		3.8%
Suncorp Metway Ltd	Term Deposit	\$ 1,000,000	5.98%	1/06/2011	91	A-1	1		3.8%
Newcastle Permanent	Term Deposit	\$ 1,000,000	6.00%	8/06/2011	91	A-2	1		3.8%
Bank of Queensland	Term Deposit	\$ 1,000,000	6.20%	11/05/2011	180	A-2	1		3.8%
Members Equity Bank	Term Deposit	\$ 1,000,000	5.95%	20/07/2011	84	A-2	1		3.8%
Heritage Building Society	Term Deposit	\$ 1,000,000	6.21%	3/08/2011	182	A-2	1		3.8%
Community CPS Aust.	Term Deposit	\$ 1,000,000	6.10%	22/06/2011	90	NR	1		3.8%
Deutsche Bank Series 5	Floating Rate Note	\$ 1,000,000	5.91%	23/11/2012	4yrs 9mths	A+	-		3.8%
ANZ ASPRIT III	Sustainable Equity Linked Note	\$ 500,000	50% of +ve NAV	19/07/2013	6 yrs	AA	-	*	1.9%
Longreach Series 26	Property Linked Note	\$ 1,000,000		7/06/2014	7 yrs	A+	-	*	3.8%
Total Investments		\$26,640,000							100.0%

* Not available at time of report completion

Government Guarantee Codes

- 1 Deposit is covered by Financial Claims Scheme
- 2 Deposit is covered up to \$1,000,000
- 3 Deposit is not covered by Financial Claims Scheme

Monthly Investment Portfolio Activity:

The below table shows monthly investment activity within the portfolio including investments that have matured and have been redeemed or re-invested, and new investments placed.

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance	Change in interest rate	Change in Term (days)
Commonwealth Bank	\$ 450,000		\$ 590,000	4.75%	At Call
Westpac Bank	\$ 1,700,000	\$ 1,700,000		Redeemed	
ING Australia Bank			\$ 1,000,000	New Deposit	
Bankwest			\$ 1,000,000	New Deposit	
St George Bank			\$ 1,000,000	New Deposit	
Adelaide Bank	\$ 1,000,000	\$ 1,000,000		Redeemed	
National Australia Bank	\$ 1,700,000		\$ 1,700,000	-0.38%	-28
Members Equity Bank	\$ 1,000,000		\$ 1,000,000	-0.20%	-14
	<u>\$ 5,850,000</u>		<u>\$ 6,290,000</u>		

Net Portfolio Movement \$440,000 Addition

MWRC Policy Requirements:

Investments by Institution	Long/Short Term Ratings	Amount	% of Portfolio	
			Actual	Policy Limit
ANZ	AA/A-1	\$ 500,000	1.9%	25.0%
National Australia Bank	AA/A-1+	\$ 4,450,000	16.7%	25.0%
Bankwest	AA/A-1+	\$ 2,000,000	7.5%	25.0%
St George Bank	AA/A-1+	\$ 5,500,000	20.6%	25.0%
Commonwealth Bank	AA/A-1+	\$ 590,000	2.2%	25.0%
Westpac Bank	AA/A-1+	\$ 2,600,000	9.8%	25.0%
Longreach	A+/A-1	\$ 1,000,000	3.8%	20.0%
Deutsche Bank	A+/A-1	\$ 1,000,000	3.8%	15.0%
AMP	A/A-1	\$ 1,000,000	3.8%	15.0%
ING Australia Bank	A/A-1	\$ 1,000,000	3.8%	15.0%
Suncorp Metway Ltd	A/A-1	\$ 1,000,000	3.8%	15.0%
Macquarie Bank	A/A-1	\$ 1,000,000	3.8%	15.0%
Bank of Queensland	BBB+/A-2	\$ 1,000,000	3.8%	10.0%
Newcastle Permanent	BBB+/A-2	\$ 1,000,000	3.8%	10.0%
Members Equity Bank	BBB/A-2	\$ 1,000,000	3.8%	10.0%
Heritage Building Society	BBB/A-2	\$ 1,000,000	3.8%	10.0%
Community CPS Aust.	NR	\$ 1,000,000	3.8%	10.0%
		<u>\$ 26,640,000</u>	<u>33.8%</u>	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AAA/A-1+	\$ 15,140,000	56.8%	100.0%
	AA/A-1	\$ 500,000	1.9%	100.0%
	A/A-1	\$ 6,000,000	22.5%	60.0%
	BBB/A-2	\$ 4,000,000	15.0%	20.0%
	Unrated	\$ 1,000,000	3.8%	20.0%
		<u>\$ 26,640,000</u>	<u>100.0%</u>	

*Investments lower than AA/A-1 are restricted to licenced banks, credit unions and building societies

Term to Maturity	Amount	% of Portfolio		
		Actual	Minimum	Maximum
Less than 1 year	\$ 24,140,000	90.6%	30.0%	100.0%
Between 1 and 3 years		0.0%	0.0%	70.0%
Between 3 and 5 years	\$ 1,000,000	3.8%	0.0%	50.0%
More than 5 years	\$ 1,500,000	5.6%	0.0%	25.0%
	<u>\$ 26,640,000</u>	<u>100.0%</u>		

6.2.2 ECONOMIC DEVELOPMENT

REPORT BY GROUP MANAGER FINANCE & ADMINISTRATION
Economic Development Funding
A0100052, A0149935

RECOMMENDATION

That:

1. the report by the Group Manager Finance & Administration on the funding of proposed economic development initiatives be received;
2. amend the 2011/12 budget to include \$20,000 for attending Business Expos in 2012 funded from the Promotions & Industry Development program; and
3. amend the 2012 to 2016 budgets to include \$115,000 for an Events Management Coordinator to be funded \$30,000 from existing Events Management program, \$20,000 from existing Strategic Initiatives program, \$20,000 from existing Promotions & Industry Development program, \$20,000 from existing Large Grants program, and \$25,000 from budget initiative _____.

EXECUTIVE SUMMARY

At the April 2011 Council meeting, it was resolved that the General Manager report back to Council on alternate budget initiatives to fund \$185,000 of economic development programs. This report sets out proposed funding sources and alternative expenditure allocations.

DETAILED REPORT

It is important to note that during the 2011/12 budgetary process, essential operating budgets were reviewed in very close detail, and any potential savings identified and returned to available unrestricted cash. This enabled an amount of in excess of \$1.2 million to be provided to Council for new budget initiatives. Further reductions in essential budgets will impact Council's ability to meet targeted service delivery outcomes.

Business Expos

Council has an annual allocation for \$50,000 for Industry Promotional & Development Opportunities. The Council resolution is that MWRC conduct two Business Expos in metropolitan areas to gauge the level of interest in businesses relocating to this region at a cost of \$40,000. Subsequent feedback from Councillors suggests that \$20,000 would be adequate funding to achieve this objective. For the first year, it is recommended that the \$20,000 be funded within the existing P&D budget, leaving \$20,000 to help fund the Events Management Coordinator position (see below) and \$10,000 for other promotional opportunities.

Should the Business Expos prove to be successful, with businesses relocating to the area, a permanent funding source can be identified during the 2012/13 budgeting process.

Event Management Coordinator

The Council resolution is that an Events Management Coordinator be employed at a cost of \$145,000 - \$95,000 for employee costs, administration and travel; and \$50,000 for direct expenditure on promotion and event attraction. Subsequent feedback from Councillors suggests that \$20,000 rather than \$50,000 for direct expenditure on promotion and event attraction would be adequate to achieve objectives. Supporting contributions should be sought from those organisations that will directly benefit as a result of attracting major events to the region.

Recommended funding sources:

Part of existing Events Management budget	30,000
Part of Promotions & Industry Development budget	20,000
Part of Strategic Initiatives budget	20,000
Part of Large Grants budget (MRBEC)	20,000
Part of New Budget Initiatives (refer list)	25,000
	115,000

Council currently has an annual allocation of \$60,000 for attracting and promoting events. It is recommended that \$30,000 of the current allocation be utilised by the Event Management Coordinator, leaving \$30,000 per annum to continue Council support of current events such as Region on the River.

Council currently has an annual allocation of \$40,000 for Council Strategic Initiatives. The promotion of an Events Management Coordinator is clearly a strategic initiative of the Council focussed on achieving increased economic activity across the region. This certainly satisfies the intent of the annual Strategic Initiatives allocation therefore it is recommended that \$20,000 of the annual allocation be specifically allocated to the employment of an Events Management Coordinator. This would leave \$20,000 for Council to pursue other strategic initiatives as they arise across the course of the year.

With the cessation of the Mudgee Region Business Enterprise Centre, the \$20,000 per annum contribution made by Council to this organisation is no longer applicable. This amount is currently provided for under the Large Grants Program. It is recommended that this \$20,000 be utilised to support the employment of an Events Management Coordinator. Part of the role of the Event Management Coordinator is building capacity within local businesses, so there is a strong connectivity between past and proposed use of this funding.

This leaves a balance of \$25,000 to be funded to make up the required total of \$115,000. Following is a list of unrestricted cash funded budget initiatives included in the Draft Management Plan. This list excludes any initiative that is wholly funded from restricted sources such as Reserves, Developer Contributions, Grants or Loans, leaving a limited number of initiatives to select from.

Budget Initiatives (GPR Funded Only) included in DMP	2011/12	2012/13	2013/14	2014/15	2015/16
Additional Roads Funding - Quality	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Kandos Centennial			8,000		
Kandos Museum	14,000				
Management of Art Exhibition Stables & Maintenance of Council Art Collection	10,000	10,000	10,000	10,000	10,000
Aboriginal Heritage - Sensitivity Mapping & Predictive Modelling	25,000				
Gulgong Skatepark (u/r cash funded part only - total budget is \$35k)	20,000				
Land Under Roads Alignment Program	20,000	20,000	20,000	20,000	20,000
Gulgong Doctor Rental Support	9,000	9,000	9,000	9,000	9,000
Weeds on Roadsides	55,000	30,000	30,000	30,000	30,000
	1,153,000	1,069,000	1,077,000	1,069,000	1,069,000

In order to maintain a balanced budget and ensure adequate levels of unrestricted cash are available, it is strongly recommended that the initiatives included in this report are fully funded from identified sources.

FINANCIAL IMPLICATIONS

Should Council adopt the recommendation as is, with an identified budget initiative to fund the gap of \$25,000, Council will maintain a balanced budget for the 2011/12 to 2015/16 budgets.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

CLARE PHELAN
GROUP MANAGER FINANCE & ADMINISTRATION

5 May 2011

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
ACTING GENERAL MANAGER

6.2.3 GOODS & SERVICES TAX CERTIFICATE 2011

REPORT BY FINANCIAL ACCOUNTANT Goods & Services Tax Certificate Report 2011 A0100052, A0149907
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RECOMMENDATION**That:**

- 1. the report by the Financial Accountant on the Goods & Services Tax Certificate 2011 be received;**
- 2. Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statement by Council and Management regarding Goods and Services Tax compliance for 2011.**

EXECUTIVE SUMMARY

Council must supply a Certificate of Confirmation of Goods and Services Tax (GST) Compliance to the Department of Local Government for the period 1 May 2010 to 30 April 2011 by 31 May 2011.

DETAILED REPORT

Councils must supply a certificate of confirmation to the Department of Local Government, signed by the Mayor, one other councillor, the General Manager and the Responsible Accounting Officer, regarding compliance with Goods and Services Tax legislation.

Council must certify that:

- GST for the relevant period has been paid;
- Adequate management and internal controls are in place to ensure effective GST compliance; and
- No GST non-compliance events by Council were identified by or raised with the Australian Taxation Office.

During the period 1 May 2010 to 30 April 2011, Council lodged twelve Business Activity Statements. Total GST collected and remitted to the ATO was \$1,726,248. Total GST refunded by the ATO to Council was \$3,926,191.

During this period, Council has not received any correspondence from the ATO in relation to GST, there are no outstanding GST matters, nor have any fines or penalties been raised by the ATO against Council in relation to Business Activity Statements or GST compliance.

Council has a sound internal control system in relation to GST compliance and risk management. This includes:

- Professionally qualified staff responsible for BAS preparation and GST compliance;
- Central management of GST obligations;
- GST-compliant financial information systems, making complete use of functions such as validation, rounding, tax codes and reporting;
- Regular in-house and external GST training for Finance staff;
- Ongoing monitoring of legislative changes and new and amended rulings to ensure technical GST positions taken are correct;

- Consistent referral to tax invoice/adjustment note compliance checklists; and
- Internal audits of Accounts Payable and Accounts Receivable transactions.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

NEIL BUNGATE
FINANCIAL ACCOUNTANT

CLARE PHELAN
GROUP MANAGER FINANCE AND
ADMINISTRATION

5 May 2011

Attachments: Goods & Services Tax Certificate 2011

APPROVED FOR SUBMISSION:

BRAD CAM
ACTING GENERAL MANAGER



GOODS AND SERVICES TAX CERTIFICATE

**PAYMENT OF VOLUNTARY GST FROM
1 MAY 2010 TO 30 APRIL 2011**

To assist compliance with Section 114 of the Commonwealth Constitution, we certify that:

- Voluntary GST has been paid by Mid-Western Regional Council for the period 1 May 2010 to 30 April 2011.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Signed in accordance with a resolution of Council made on 18 May 2011.

D Kennedy
MAYOR

MB Walker
DEPUTY MAYOR

WL Bennett
GENERAL MANAGER

CE Phelan
**RESPONSIBLE ACCOUNTING
OFFICER**

6.2.4 PROPOSED CLOSURE OF ROAD RESERVE – LIBRARY LANE

REPORT BY MANAGER LIBRARY AND COMMUNITY SERVICES
Library Laneway Road Reserve
A0100052, R0790175, P0159963 F0620022, P0159911

RECOMMENDATION

That:

1. Council note the report from the Manager, Library and Community Services;
2. Council apply to the Land and Property Management Authority for the closure of the section of Council Road Reserve known as Library Lane Section 55 Plan No. 20709 running between Lot 5 Section 55 DP 758721 known as the Town Hall and Library and Lot 1 and DP 73990;
3. Council resolve to close approximately 35 metres in length of this road reserve from the Market Street end adjacent to Lot 5 of Section 55 DP758721 and Lot 1 DP 73990 (i.e. adjacent to the Mudgee Town Hall building) making it Operational Land and affix the Common Seal of Council to the relevant documentation associated with the partial closure.

EXECUTIVE SUMMARY

As part of the proposal to renovate and extend the Mudgee Town Hall building, Council is required to apply to the Land and Property Management Authority for the closure of a section of a road reserve known as Library Lane. A map is attached with the section of road proposed to be closed as highlighted in red.

DETAILED REPORT

The restoration, renovation and extension of the Mudgee Town Hall building is a major capital works project for Council and is detailed as an important priority for Council in the Draft Management Plan. The project calls for the extension of the building allowing for a doubling of the usable library space and improvements to the fabric of the building itself.

The works will impact on the laneway that runs on the eastern side of the Town Hall building. Part of the proposed extension will be developed over a section of this laneway and there are considerations for both pedestrian access and vehicle access, including the mobile library.

The proposal for the closure of this part of the laneway was on public exhibition from 1 April, 2011 until 29 April, 2011. No submissions were received from the public regarding this proposal.

The closure of the laneway will have an impact on the neighbouring property at 62 Market Street. As part of the process undertaken, a meeting was held on site with the current tenants of the building and a number of phone conversations have taken place with the owner. The owner has indicated that there are no objections, provided that vehicle access is maintained to the back of the property at 62 Market Street.

It is proposed that in order to ensure this, future discussions take place with the owner and tenant regarding changing part of the fence that forms the boundary with the laneway. This would enable

a different vehicle access point to be created if required. The cost to undertake this work is included in the proposal for the Town Hall renovation works.

Also included in the proposal is a plan to create a more attractive public square in this area, incorporating some of the closed laneway. This would be in the style of the adjoining Bill Cox Square and would include paving, seating, lighting and plantings.

FINANCIAL IMPLICATIONS

Costs associated with the proposal for the closure of the laneway are included in costs for the Mudgee Town Hall renovation project.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

SIMON JONES
MANAGER LIBRARY AND COMMUNITY SERVICES

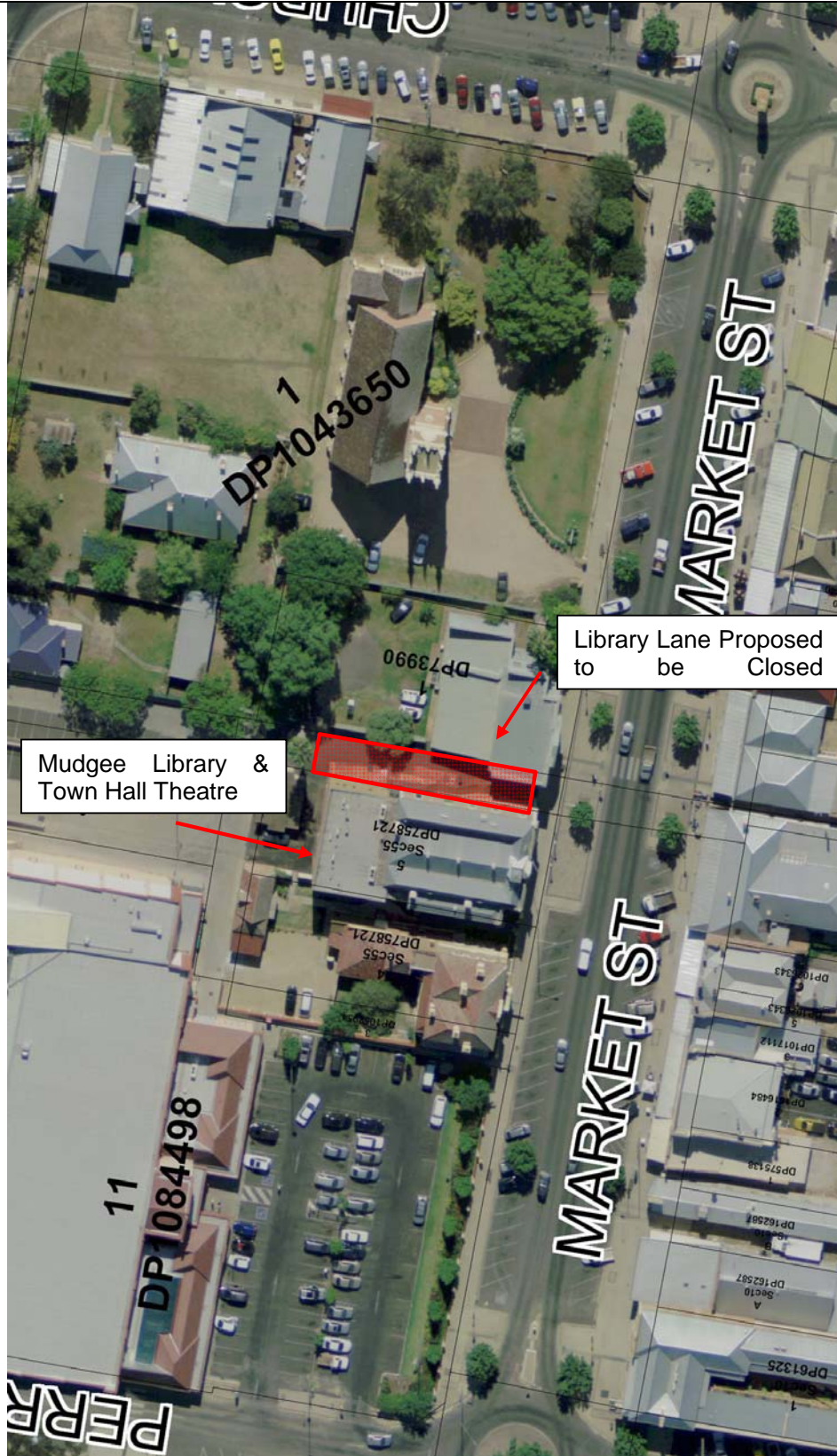
6 May 2011

Attachments:

1. Map of area proposed for lane closure.

APPROVED FOR SUBMISSION:

BRAD CAM
ACTING GENERAL MANAGER



6.2.5 MUDGEE REGION TOURISM INC QUARTERLY REPORT – MARCH 2011

REPORT BY ACTING GENERAL MANAGER
MRTI qtrly report
A0100052, F0770077

RECOMMENDATION

That the report by the General Manager on the Mudgee Region Tourism Inc Quarterly Report (March 2011) be received.

DETAILED REPORT

As per the funding and performance agreement entered into in June 2010 between Mudgee Region Tourism Inc (MRTI) and Council, MRTI is required to report quarterly to Council on their performance.

The March 2011 quarterly report has been delivered to Council in accordance with this requirement and is attached for Council's consideration.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable

BRAD CAM
ACTING GENERAL MANAGER

3 May 2011

Attachments:

1. MRTI Quarterly Report - March 2011 (following at end of Business Paper)

6.2.6 CONSUMPTION OF ALCOHOL AT APPROVED OUTDOOR DINING FACILITIES
LOCATED WITHIN ALCOHOL FREE ZONES

TECHNICAL ASSISTANT – HEALTH & BUILDING
Alcohol in Footpath Dining Report
A0100052, A0130008, P0040811

RECOMMENDATION

That:

1. **the report by Technical Assistant – Health & Building on the consumption of alcohol at approved outdoor dining facilities within alcohol free zones be received;**
2. **the policy, “Consumption of Alcohol at Approved Outdoor Dining Facilities Located in Alcohol Free Zones” be adopted;**
3. **the Footpath Dining Licence application submitted by Sajo’s Lounge Bar & Restaurant be approved subject to compliance with the “Consumption of Alcohol at Approved Outdoor Dining Facilities Located in Alcohol Free Zones” policy.**

EXECUTIVE SUMMARY

Mid-Western Regional Council’s Development Control Plan – “Footpath Restaurants and Management of Obstructions on Footpaths” – is in the process of being revamped as part of the Comprehensive Development Control Plan. In the interim, the issue of how to administer the consumption of alcohol at approved outdoor dining facilities located within the Alcohol Free Zones needs to be addressed.

The standard practice for the majority of surrounding Local Government Areas is not to permit the consumption of alcohol within Alcohol Free Zones in any situation. However, in some Local Government Areas consideration has been given to making allowances for the consumption of alcohol with meals in designated footpath dining areas under strict conditions.

It is proposed that allowance also be made in the Mid-Western Regional Council area for local businesses to be able to serve alcohol with meals to their patrons dining in their designated footpath dining area. Any consent given to be in strict compliance with the proposed policy - “Consumption of Alcohol at Approved Outdoor Dining Facilities Located in Alcohol Free Zones”.

An application submitted by Sajo’s Lounge Bar & Restaurant for a Footpath Dining Licence involving the service of alcohol has previously been received and deferred pending further investigations with regards to effective administration of alcohol consumption within footpath dining areas located in Alcohol Free Zones. It is recommended that this application be approved subject to compliance with the proposed policy above should it be adopted.

DETAILED REPORT

Previously submitted applications for Footpath Dining Licences incorporating the service of alcohol within Alcohol Free Zones (AFZ) have so far remained unsupported. This has primarily been due to concerns regarding the potential for footpath dining areas to be utilised by patrons purely for drinking purposes, leading to intoxicated patrons related nuisance issues for pedestrians and adjacent businesses. There has also been concern for the lack of resources available to

effectively police this matter, with Mudgee Police commenting that they are currently experiencing an increase in alcohol related crime in the Mudgee Central Business District and generally do not support the suspension of the AFZ in any way.

With that being said, the Mid-Western Region is a popular tourist destination with food and wine being a big draw-card. It is considered by many that the ability to be able to enjoy both food and wine in the alfresco setting of footpath dining areas is only natural and in many circumstances expected by tourists visiting from outside the region.

The following Councils were contacted to ascertain their policies/procedures with regards to consumption of alcohol within footpath dining areas located in AFZ:

Bathurst Regional Council
Blue Mountains City Council
Orange City Council
Cabonne Council
Wellington Shire Council
Tamworth Regional Council
Dubbo City Council
Cowra Shire Council

Investigations revealed that the majority do not make any allowances for the consumption of alcohol within footpath dining areas located in AFZ. Some do not even have AFZ and/or do not regulate whether or not alcohol is permissible, leaving this issue to the local police to administer through applications for Liquor Licenses from the Office of Liquor, Gaming & Racing.

Two councils, Orange City Council and Tamworth Regional Council, made allowances for premises to be able to serve alcohol at approved outdoor dining facilities located in AFZ subject to compliance with strict conditions including (but not limited to):

- Must be in a location where Council has approved an outdoor dining facility. Such approval must be valid and all associated fees and indemnities in place;
- The areas must be barricaded off from the remainder of the street so as to delineate the area;
- Alcohol must only be served where a meal is provided by the restaurant to the patrons seated in the outdoor dining area;
- Furniture, umbrellas or barriers advertising alcoholic beverages are not permitted; etc.

The Council resolution to adopt AFZ in the Mid-Western Region made allowance for establishments to apply for consent to serve alcohol to customers within designated footpath dining areas. Any consent granted is to be in strict accordance with relevant conditions of current Footpath Dining Approvals.

The following attached draft policy – “Consumption of Alcohol at Approved Outdoor Dining Facilities Located in Alcohol Free Zones”- is proposed to provide guidelines on the applicable conditions recommended to help ensure the consumption of alcohol in designated footpath dining areas located in AFZ is administered in such a way that reduces the risk of alcohol related crime occurring.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

- Adoption of new policy – “Consumption of Alcohol at Approved Outdoor Dining Facilities Located in Alcohol Free Zones”.
- The above proposed policy to complement the existing Alcohol Free Zones and Mid-Western Regional Council’s Development Control Plan – “Footpath Restaurants and Management of Obstructions on Footpaths”.

LORNA HANNAY
TECHNICAL ASSISTANT
HEALTH & BUILDING

CATHERINE VAN LAEREN
GROUP MANAGER – PLANNING & DEVELOPMENT


6 May 2011

Attachments:

1. Proposed policy - “Consumption of Alcohol at Approved Outdoor Dining Facilities Located in Alcohol Free Zones”
2. Sajo’s Application for Footpath Dining – Sajo’s Lounge Bar & Restaurant
3. Letter from Licensing Constable – Mudgee Local Area Command – in response to referral of Sajo’s Application

APPROVED FOR SUBMISSION:

BRAD CAM
ACTING GENERAL MANAGER

	POLICY	ADOPTED C/M Minute No. XXX / XX
	Consumption of Alcohol at Approved Outdoor Dining Facilities Located in Alcohol Free Zones	REF: insert reference REV: insert revision number FILE No. insert file no.

OBJECTIVE:

- 1) To allow for the consumption of alcohol at approved outdoor dining facilities on the public footpath within the Mudgee CBD alcohol free zone; and
- 2) To place controls on the consumption of alcohol on the public footpath at outdoor dining facilities within the Mudgee CBD alcohol free zone.

POLICY:

Approval to allow consumption of alcohol at outdoor footpath dining facilities, within the Mudgee CBD alcohol free zone (AFZ), will be subject to compliance with the following conditions:

- a. The Licensee will not sell or serve or permit to be sold any alcoholic or intoxicating beverage in or from the licensed area except, where Council has granted specific approval and an appropriate Liquor Licence has been obtained from the relevant liquor licensing authorities;
- b. Must be in a location where Council has approved an outdoor dining facility. Such approval must be valid and all associated fees and indemnities in place;
- c. Staff of the premises must have Responsible Service of Alcohol Certification;
- d. The designated areas must be barricaded off from the remainder of the street so as to delineate the area;
- e. Alcohol must be served by the proprietor of the restaurant. Under no circumstances must alcohol be stored under or near the tables at BYO restaurants. In the case of BYO the proprietor shall serve the alcohol provided and store any unopened alcohol within the premises;
- f. Alcohol must only be served ancillary to a meal provided by the restaurant to patrons seated in the outdoor dining area. This provision shall apply as a covenant between the Licensee and Mid-Western Regional Council despite any provision of the Liquor Act 2007 which may permit the sale of alcoholic beverages to a person without the consumption of a meal (e.g. a Dine or Drink Licence);
- g. All conditions pertaining to the premises' Footpath Dining Licence must be adhered to, e.g. operating times and location of seating;
- h. Consumption of alcohol at outdoor dining facilities is not permitted during the Mudgee Christmas Street Party or similar community events involving the exclusion of vehicular traffic from the main streets of the CBD;
- i. Furniture, umbrellas or barriers advertising alcoholic beverages are strictly prohibited;
- j. The subject premises must not be listed as a "declared premises"¹ in Schedule 4 to the Liquor Act 2007;
- k. Toilet facilities must be provided within the premises for use by patrons;
- l. The consumption of alcohol at approved outdoor dining facilities within the AFZ is to be limited to the following hours of operation:
 - a. Weekdays 12 noon til 10pm or closing time if earlier;
 - b. Saturdays 12 noon til 10:30pm or closing time if earlier;

NAME OF POLICY

Permission to allow consumption of alcohol at outdoor footpath dining facilities will be issued in conjunction with a Footpath Dining Licence for a maximum period of 12 months. Mid-Western Regional Council reserves the right to revoke this licence if problems arise or objections are raised by police or the community. In this instance a report will go to Council to determine whether the Licence should be amended/continued.

LEGISLATION:

Liquor Act 2007

Roads Act 1993

Local Government Act 1993

¹ A **declared premises** is a licensed venue to which a level 1 or level 2 licence relates, as determined by the Minister for gaming and racing, having regard to the number of assault incidents occurring at the premises as recorded against the data released by BOCSAR (Bureau of Crime Statistics and Research). Declared premises are listed in Schedule 4 to the Liquor Act 2007 and are subject to further restrictions on their licence, e.g. additional security measures, glasses and breakable plastic containers prohibited during a restricted service period, etc.

HANNAFORD COX CONNELLAN & McFARLAND

Solicitors

C J Connellan
R J McFarland
R R Wise
F J Smith

62 Market Street, Mudgee
ABN 21 661 535 392

MID-WESTERN REGIONAL COUNCIL
RECORDS
RECEIVED
21 DEC 2010
MUDGEES
Tel: 02 6372 1666
Fax: 02 6372 4223
e-mail: hccm@winsoft.net.au

DX 6501 Mudgee
PO Box 234
NSW 2850

SCANNED
 REGISTERED

Our Ref: PROJLF:213084

16 December 2010

Health & Building
Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

Land No: 21209
Prop No: 408
Area m²:
Zone: Com Dev

Dear Sir/Madam

RE: GREGORY LEONARD ONSLOW DOWKER – SAJO'S LOUNGE BAR & RESTAURANT - APPLICATION FOR FOOTPATH DINING LICENCE

We act for the abovenamed and make application for the renewal of our client's footpath dining licence. We advise that we are in the process of applying to the Casino Liquor & Gaming Control Authority in order to change the boundaries of the licensed premises to include the footpath dining area. We submit that people in general, and more so, people from Sydney and overseas find it extremely difficult to accept that they cannot enjoy a glass of wine (etc) with their meal, if they choose to sit outside. It is for that reason we ask for permission to serve alcohol to our patrons within the footpath dining area.

We enclose the following documents as part of our application:

- a) Floor plan of restaurant and toilet areas (males, females and disabled).
- b) Plan of proposed al fresco footpath dining licensed area together with photographs depicting the furniture insitu.
- c) Design and dimensions of furniture:
 - 1. 3 x timber square tables (800mm x 800mm, 750mm high)
 - 2. 4 timber chairs per table (400mm diameter, 460 mm high)
 - 3. 2 x large square "market style" umbrellas (1850 x 1850 x 2030 high)
 - 4. 2 x Dividers (1000mm x 900m)
 - 5. 1 x Divider (2000mm x 900m)
- d) Copy of current certificate of Insurance issued by Vero which notes Mid-Western Regional Council as an interest party.
- e) We enclose a cheque from our client for the sum of \$185.00.
- f) Copy of the Change Boundaries of Licensed Premises application.

\$185 -
2 DEC 2010
BIN: 235313

FPD 0041

2 1 1 2 2010

We await your reply.

Yours faithfully

HANNAFORD COX CONNELLAN & MCFARLAND

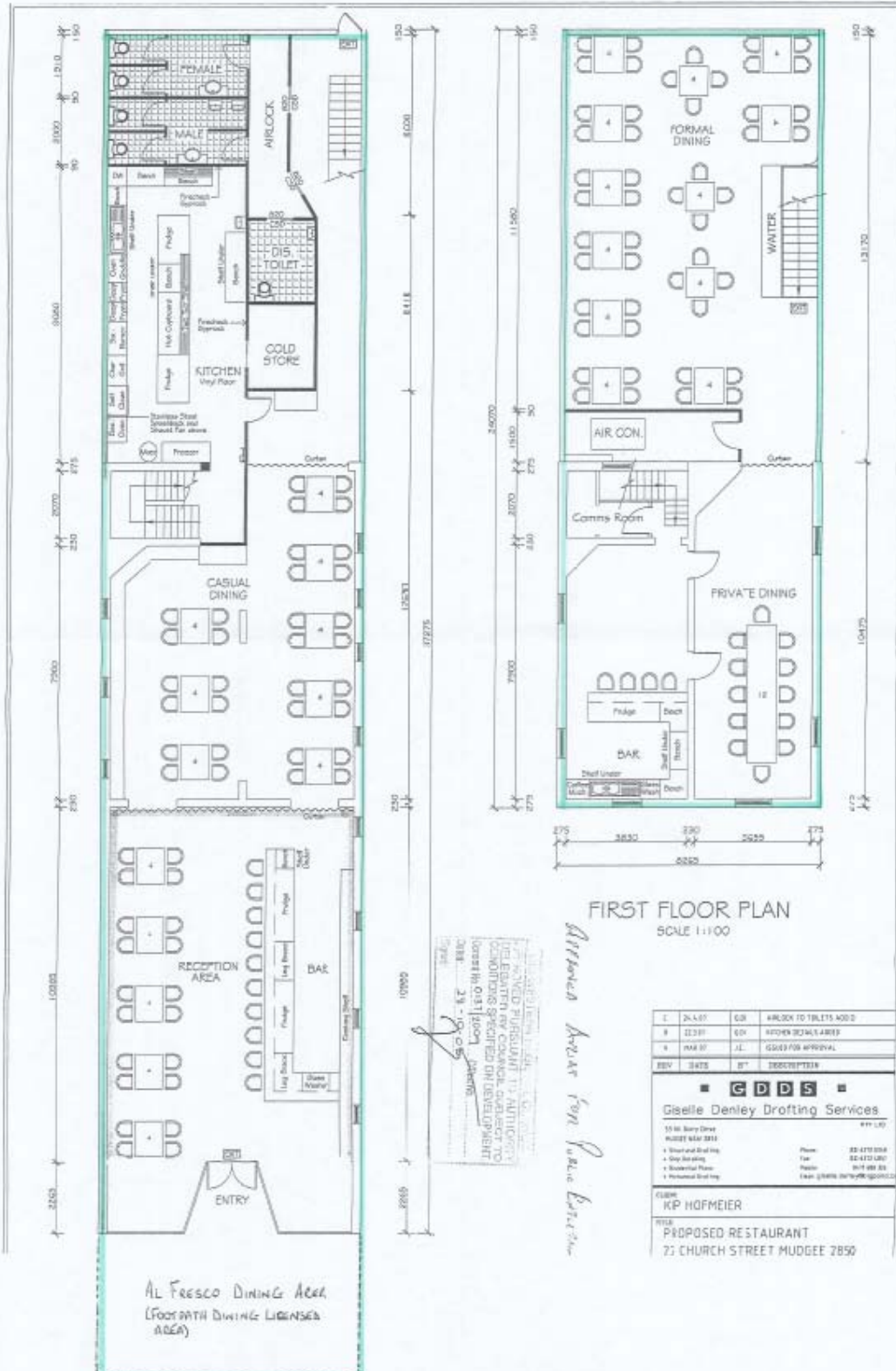


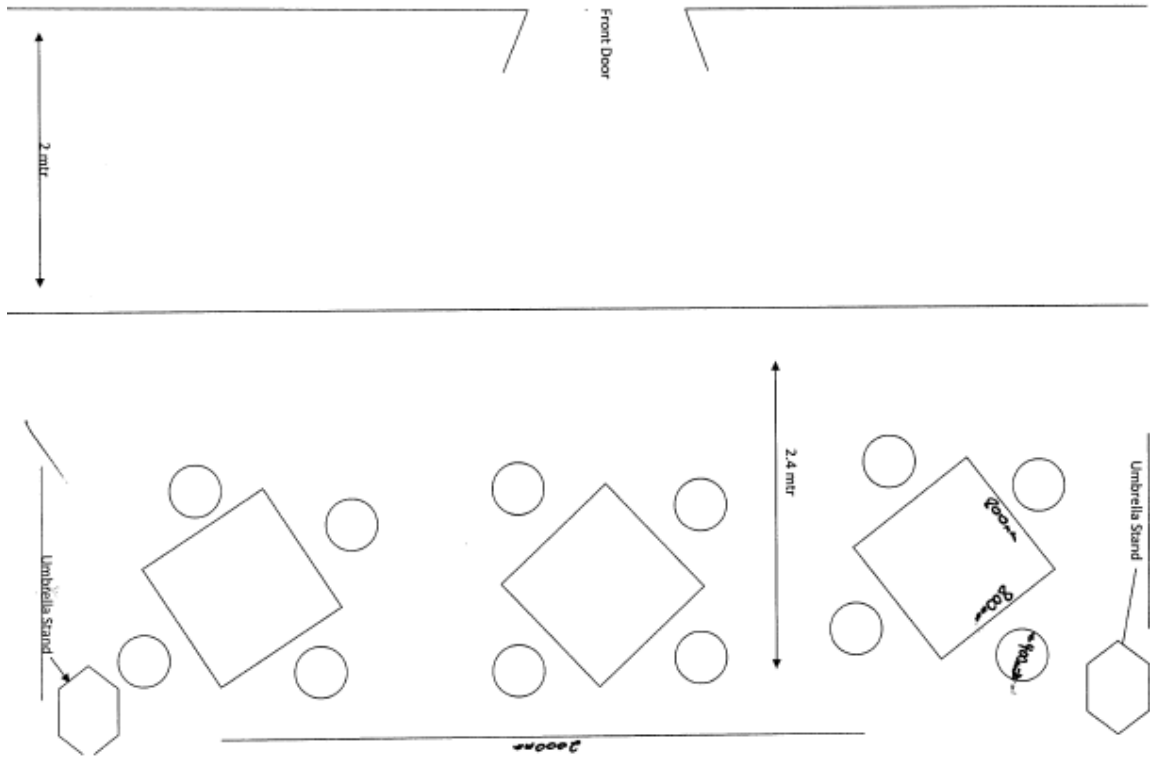
PETER ORR

We wish to advise that our office will be closed for the Christmas break
from 12noon on Friday 24th December 2010 and will re-open at
8:30am on Wednesday 5th January 2011.



Have a Happy and Blessed Christmas





Outside Dining Area:

- 12 Chairs
- 3 Tables
- 2 Umbrella's complete with weighted stands
- 3 Dividers



Oamps Restaurants Scheme

Certificate of Currency

Premises Address

22 CHURCH STREET MUDGEES NSW 2850

Property Damage (Inc limited Tax Audit)

Contents (indexed linked)	Insured Amount
Stock (indexed linked)	\$207,000
	\$31,050

The following endorsement is active for this cover:

Limits for any one item

We shall not pay more than \$7,500 in respect of any one curio or work of art.

Theft

Contents and Stock in Trade	Insured Amount
	\$10,000

The following endorsement is active for this cover:

Stock Definition - Limit \$10,000

The definition of **stock in trade** is amended to include cigarettes and liquor for a limit of \$10,000.

Glass

Glass	Insured Amount
Signs	Replacement Value
	\$5,000

Money

Money in transit	Insured Amount
Money on the premises during business hours	\$5,000
Money in a locked safe outside business hours	\$5,000
	\$5,000

Interested Parties

OTHER INTEREST: Mid Western Regional Council

Oamps Restaurants Scheme
Certificate of Currency

Issue Date: 25 November 2010

The following cover applies across the policy for all premises:

Machinery Breakdown

	Insured Amount
All machinery, boilers and pressure plant	\$10,000
Air conditioning systems are not covered.	

Deterioration of Stock

	Insured Amount
Deterioration of stock	\$5,000

Business Interruption

	Insured Amount
Indemnity period	12 MONTHS
Gross Income	\$200,000

Legal Liability

	Insured Amount
Public Liability	\$10,000,000
Property in care, custody and control	\$250,000
Products Liability (any one Period of Insurance)	\$10,000,000
Pollution (any one Period of Insurance)	\$10,000,000

The following endorsements are active for this cover:

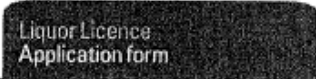
Liability Cover for one off Trade Fair

The definition of the **business** in this section is extended to include the attendance of the **business** at a trade fair, details of which have been lodged with us, and accepted by us.

Display of Liquor Notice

It is a condition precedent to our liability that a copy of the Liquor Act Notice must be displayed at your **premises**.

Vero Enterprise is a division of
Vero Insurance Limited
ABN 48 005 297 807



Change boundaries of licensed premises

Information for applicants

1. This application form is for a licensee or the owner of licensed premises requesting approval to change the boundaries of licensed premises.
2. Complete all applicable questions. If information is missing, we can ask you to supply the required information and/or documents to support the application. Failure to supply information can delay a decision on the application.
3. If you need more information, go to www.olgr.nsw.gov.au
4. If you need help in completing this form, call (02) 9995 0894 or email olgr@communities.nsw.gov.au
5. Lodge this application form with payment and supporting documents by one of the following methods:

Post
Office of Liquor,
Gaming & Racing
GPO Box 7060
Sydney NSW 2001

Fax
Office of Liquor,
Gaming & Racing
(02) 9995 0819

Deliver to
Office of Liquor,
Gaming & Racing
Level 6, 323 Castlereagh Street
Haymarket NSW 2000

Email
liquorapplications@communities.nsw.gov.au

Office use only AM0520

By mail, OTC, fax, email (circle) _____

Date lodged _____

Amount paid \$ _____

GLS receipt no _____

Request number _____

Finalised by _____

Date finalised _____

THIS FORM CONTAINS FILLABLE FIELDS

PART 1 About the liquor licence

Tell us the:

Liquor licence number LIQ 0624015148

Name of licensed premises Sajo's Lounge Bar & Restaurant

Are you the: (tick one only)

Licensee Owner of the premises

If the licensee or premises owner is an individual (ie. a person), answer all questions in Part 1A only.
If the licensee or premises owner is an organisation (e.g. a company), answer all questions in Part 1B only.

PART 1A Licensee or premises owner (if an individual)

Title	<u>Mr</u>	Gender	<u>Male</u>
Surname	<u>Dowker</u>	Given name	<u>Gregory</u>
Middle name	<u>Leonard Onslow</u>	Date of birth (dd mm yyyy)	<u>25/07/1952</u>
Place of birth e.g. Camperdown	<u>Box Hill</u>	Phone (daytime)	<u>(02) 6372 3333</u>

PART 1B Licensee or premises owner (if an organisation)

Name of organisation _____

ABN. _____ ACN. _____ Y/Inc. _____

Phone (daytime) _____

COPY

CASINO
LIQUOR
& GAMING
CONTROL
AUTHORITY

Liquor Licence
Application form

PART 2 About this application

Why do you propose to change the existing licensed area?

To accommodate all areas of the premises where customers dine and socialise. The areas added were omitted in the previous application.

How do you propose to change the existing licensed area?

No changes are needed.

Does the application relate to a limited licence?

Yes No

If No, answer all questions in Part 3. If Yes, go to Part 4. You do not need to answer the questions in Part 3.

PART 3 More information about the application

COPY

What is the patron capacity of the existing licensed area?

242

What is the patron capacity of the proposed licensed area?

242

Are the licensed premises located in a freeze precinct as specified under the *Liquor Act 2009*?

Yes No

Visit www.olgr.nsw.gov.au to identify a freeze precinct

If so, will the proposed licensed area increase the number of people who enter the freeze precinct principally to consume alcohol?

Yes No

If the proposed change affects an existing licence-related authorisation (e.g. minors area authorisation), a separate application to amend the authorisation is required. Use the applicable application form at www.olgr.nsw.gov.au

PART 4 Other information we need

Attach:

- a plan of the proposed licensed area
The plan must be to scale and be A4 or A3 size only. Outline the proposed licensed area in a distinctive colour.
- a copy of the local council's development consent or approval for the use of the proposed licensed area (if required).

PART 5 Payment for this application

Pay a \$100 fee by: (please tick)

Cheque (payable to 'Communities NSW') Cash Money order Credit card

Cheque drawer's name

MasterCard VISA Card no _____ Expiry date _____

Cardholder's name

Cardholder's signature

Payment amount \$

Communities NSW collects payments for the Casino, Liquor & Gaming Control Authority.

CASINO
LIQUOR
& GAMING
CONTROL
AUTHORITY

Liquor Licence
Application form

PART 6 Declaration

- I declare that I am 18 years or older and I am authorised to lodge this application.
- I declare that the contents of this application are true, correct and complete and that I have made all reasonable inquiries to obtain the information required to complete the application.
- I undertake to immediately notify the Authority of any change to the information in this application, if the information changes before the application is determined.
- I declare that immediately before or within two working days of lodging this application I will provide the required documents to the local consent authority and the local police station.
- I declare that the licensee is not suspended or disqualified from holding a liquor licence.
- I acknowledge that under section 36 of the *Casino, Liquor and Gaming Control Authority Act 2007* and section 307A of the *Crimes Act 1900* it is an offence to provide false or misleading information in this application.
- I acknowledge that failure to provide all required information may result in refusal of the application.
- I understand that specific details I have supplied in this application may be 'personal information' under the *Privacy and Personal Information Protection Act 1998*. Personal information is any information or opinion that identifies an individual, or enables someone to identify an individual.
- I acknowledge that the Casino, Liquor & Gaming Control Authority is collecting information to enable processing of the application. I also understand that the Authority will use the information for its intended purpose only, store the information securely, and allow me to access and update the information. When processing this application, the Authority may need to disclose personal information to other Government agencies.
- I acknowledge that the Authority will publish general information about the application on an electronic noticeboard and information about the application, if granted, on a public register.
- I acknowledge that this application may affect an existing licence-related authorisation for the premises (e.g. minors area authorisation) and declare that I will lodge a separate application to amend the authorisation, if applicable.

Name of licensee or premises owner Gregory Leonard Onslow Dowker

Or appointed manager if licensee or premises owner is an organisation

Signature

Date 16 12 2010

If the application is lodged by a legal or other representative, tell us:

Name of representative Peter Richard Orr

Representative's business name Hannaford Cox Connellan & McFarland Solicitors

Phone (daytime)

(02) 6372 1666

Fax

(02) 6372 4223

Address for correspondence

PO Box 234 Mudgee NSW 2850

Email peter.orr@hccm.com.au

Reminder

Before sending your application to us, check:

1. You have answered all questions in Parts 1 and 2
2. You have answered all questions in Part 3 (if applicable)
3. You have attached the documents listed in Part 4
4. Payment is enclosed, or the credit card details are completed, in Part 5
5. You have read and signed Part 6
6. You have completed the notices.

COPY

CASINO
LIQUOR
& GAMING
CONTROL
AUTHORITY

Liquor Licence
Application form

LIQUOR LICENCE APPLICATION – NOTICE TO LOCAL CONSENT AUTHORITY

When lodging this application with the Casino, Liquor & Gaming Control Authority, the applicant must immediately before or within two working days lodge this notice with:

- the local council or other consent authority
- if the premises are within 500 metres of another local government area, the local council or other consent authority for that area
- the Minister for Lands if the premises are on Crown land.

Complete all details below – then copy this notice and lodge the copy with each applicable organisation listed above.

NOTE – This original notice must be lodged with the application. It will be posted on the Office of Liquor, Gaming & Racing website www.olgr.nsw.gov.au while the application is pending.

Applicant's name Onslow Dowker Pty Limited

Applicant's address 101 Church Street, Mudgee NSW 2850

has applied to the Casino, Liquor & Gaming Control Authority to change the boundaries of the licensed premises

Name of licence Sajo's Lounge Bar & Restaurant

Address of premises 22 Church Street, Mudgee NSW 2850

Submissions about this application can be made to the Casino, Liquor & Gaming Control Authority within 30 days. Check the noticeboard at www.olgr.nsw.gov.au for the closing date for this application. Lodge submissions via the noticeboard.

Signature

Date 16 12 2010

COUNCIL OR OTHER CONSENT AUTHORITY USE ONLY

I, (insert name, position and organisation)

Certify that this notice was received on:

DEVELOPMENT CONSENT STATUS

DA number is

I advise, (tick one only)

development consent is not required to permit the proposed activity

development consent is required and in place

development consent is required but not in place

Send this notice to the Casino, Liquor & Gaming Control Authority, GPO Box 7060, Sydney, NSW, 2001. Fax (02) 9995 0819. Email liquorapplications@communities.nsw.gov.au

AUTHORITY USE ONLY

Application number

Lodged date

Submissions close

COPY

CASINO
LIQUOR
& GAMING
CONTROL
AUTHORITY

Liquor Licence
Application form

LIQUOR LICENCE APPLICATION – NOTICE TO POLICE

When lodging this application with the Casino, Liquor & Gaming Control Authority, the applicant must immediately before or within two working days lodge a copy of this application with the local police station.

Complete all details below – then copy all pages of this application and lodge the copy with the local police station.

NOTE – This original notice must be lodged with the application. It will be posted on the Office of Liquor, Gaming & Racing website www.olgr.nsw.gov.au while the application is pending.

Applicant's name Onslow Dowker Pty Limited

Applicant's address 101 Church Street, Mudgee NSW 2850

has applied to the Casino, Liquor & Gaming Control Authority to change the boundaries of the licensed premises

Name of licence Sajo's Lounge Bar & Restaurant

Address of premises 22 Church Street, Mudgee NSW 2850

Submissions about this application can be made to the Casino, Liquor & Gaming Control Authority within 30 days.
Check the noticeboard at www.olgr.nsw.gov.au for the closing date for this application. Lodge submissions via the noticeboard.

Signature



Date 16 12 2010

POLICE USE ONLY

I, (insert name, position and organisation)

Certify that this notice was received on:

Send this notice to the Casino, Liquor & Gaming Control Authority, GPO Box 7060, Sydney, NSW, 2001. Fax (02) 9995 0819. Email liquorapplications@communities.nsw.gov.au

AUTHORITY USE ONLY

Application number

Lodged date

Submissions close

COPY

6.2.7 TENDER ASSESSMENT – T111011HUN, SUPPLY AND DELIVERY OF DOMESTIC WATER METERS

REPORT BY FINANCIAL ACCOUNTANT
MWRC REPORT – WATER METER TENDER
A0100052, A0100026

RECOMMENDATION

That:

- 1. Council accepts Elster Metering Pty Ltd (via Regional Procurement) for tender T111011HUN for the Supply & Delivery of Domestic Water Meters and that Council enter into a contract with Elster in accordance with clause 178 of the Local Government (General) Regulation 2005.**
- 2. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Elster Metering Pty Ltd (via Regional Procurement) for T111011HUN Supply & Delivery of Domestic Water Meters.**

EXECUTIVE SUMMARY

Council, via Regional Procurement, the procurement division of Hunter Regional Organisation of Councils, has obtained pricing for the supply and delivery of domestic water meters. In accordance with the Procurement Policy Council may join the current tender to achieve cost savings for the supply of domestic water meters.

Tenders closed 10:00am Tuesday 8 June 2010.

Advertisements for the tender were placed in the following media:

Sydney Morning Herald on 18 May 2010

Tenderlink on 22 May 2010

Newcastle Herald on 22 May 2010

This contract will run for two years from 1 July 2010 to 30 June 2012. A one year option may be taken up based on satisfactory performance by the successful tenderer.

The contract is estimated to have a value to Council of \$50,000 per annum.

The responses were compiled by Regional Procurement with the tender assessment panel comprising representatives from Gosford City Council and Wyong Shire Council. Members of the Tender Assessment Panel used pre-agreed weightings to determine which tenderers offered the best value for money in the provision of water meters to Council.

The winning tenderer was Elster Metering Pty Ltd.

DETAILED REPORT

Tenders Received

The Tenders received were as follows:

Elster Metering Pty Ltd

Actaris Pty Ltd

Conforming Tenders

All tenders met the mandatory requirements and proceeded to a detailed evaluation.

Non-complying or Alternate Tenders

No non-conforming or alternate tenders were received.

Evaluation Methodology

The objective of the evaluation was to select the tenderer(s) offering the best value for money in a rational and defensible way which is fair to all tenderers. The evaluation criteria and criteria weightings applied to this evaluation process are shown below:

CRITERIA	%
Price	70
Referees	5
Quality Assurance	5
OHS&R	5
ESD	5
Customer Service	5
Previous Experience	5
Total	100

Tenders were evaluated strictly in accordance with the Tender Evaluation Plan, and in compliance with the provisions of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

Assessment Panel

The tender evaluation was conducted on 10 June 2010 at Gosford City Council Works Depot by:

Timothy Ball	Regional Procurement (Facilitator)
Danny Andrews	Gosford City Council
Shane Martin	Gosford City Council
John McCarthy	Wyong Shire Council

Evaluation Findings

All tenderers were assessed and scored against the evaluation criteria listed in the tender document and weightings in the Evaluation Plan to determine the Total Weighted Score. The scores are listed below.

<i>Tenderer</i>	<i>Total Weighted Score</i>
Elster	98.35
Actaris	96.98

Evaluation of tenderers against the specified evaluation criteria indicates the following tenderer has submitted the most superior tender representing the best value to Council for supply and delivery of water meters:

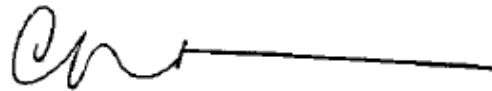
Elster Water Metering Pty Ltd

FINANCIAL IMPLICATIONS

A comparative price analysis of product turnover in the past 12 months shows a saving of \$7,682 per annum for MWRC, should Council choose to endorse this tender.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.



NEIL BUNGATE
FINANCIAL ACCOUNTANT

CLARE PHELAN
GROUP MANAGER FINANCE &
ADMINISTRATION

5 May 2011

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
ACTING GENERAL MANAGER

6.2.8 TENDER ASSESSMENT – 2011/02 DESIGN AND CONSTRUCTION OF CARWELL CREEK BRIDGE

REPORT BY BUSINESS MANAGER WORKS
Design and Construction of Carwell Creek Bridge
A0100052, A0411102

RECOMMENDATION

That:

- 1. The report by Business Manager Works on the Design and Construction of Carwell Creek Bridge is received**
- 2. Council awards the contract to Waeger Constructions Pty Ltd for the design and construction of Carwell Creek Bridge for the tendered price of \$697,000 (excluding GST). The General Manager be given delegated authority to vary this tender by 5% during construction if any contingency variations are required**

EXECUTIVE SUMMARY

Following Council's invitation for tenders for the Design and Construction of Carwell Creek Bridge tenders were called for the establishment of the design and construction of the new Carwell Creek bridge, including the design and construction of a temporary detour and demolition and disposal of the old bridge.

Tenders were called on 14th March 2011 for the Design and Construction of Carwell Creek Bridge and closed on 21st April 2011. Eight tenders were received.

Advertisements for the tender were placed in the Local Government Tenders section of the Sydney Morning Herald newspaper on Tuesday 15th March 2011 and in the Community News and Council's website on Friday 11th March 2011.

The tendering process was initiated and a Procurement Plan and Tender Evaluation Plan were developed. A Tender Assessment Panel was formed, comprising representatives from the most relevant departments within Council. Members of the Tender Assessment Panel used the Evaluation Plan to determine which tenderers offered the best value for money in the provision of the Design and Construction of Carwell Creek Bridge to Council.

DETAILED REPORT

Tenders Received

The Tenders received were as follows:

- A J Lucas Operations Pty Ltd
- Bridge and Civil Pty Ltd
- Civilbuild Pty Ltd
- Civil Team Engineering
- Delaney Civil Pty Ltd
- Shumack Engineering (NSW) Pty Ltd
- V & VM Bucan
- Waeger Constructions Pty Ltd

Late Tenders

No late tenders were received.

Conforming Tenders

Eight tenders met the mandatory requirements and proceeded to a detailed evaluation.

Non-complying or Alternate Tenders

One alternate tender was received from Shumack Engineering (NSW) Pty Ltd..

Shumack Engineering provided an alternative tender to repair and upgrade the existing bridge to meet the specified requirements. This alternative was disregarded as the cost to upgrade the existing bridge did not provide extensive savings compared with the construction of a new bridge and thus did not demonstrate value for money.

Evaluation Methodology

The objective of the evaluation was to select the tenderer offering the best value for money in a rational and defensible way which is fair to all tenderers. The evaluation criteria and criteria weightings applied to this evaluation process are detailed in the Evaluation Plan.

Tenders were evaluated strictly in accordance with the Tender Evaluation Plan, and in compliance with the provisions of the *Local Government Act 1993* and Local Government (General) Regulation 2005.

Tender Evaluation Process

The evaluation was conducted in six stages:

1. An initial cull of any seriously non-conforming tenders such as late tenders, tenders not following the instructions set out in the Request for Tender documents, or tenders which clearly were not of an acceptable standard to warrant further detailed evaluation. No tenders were culled in this initial stage. Details regarding these tenders are set out above ('Non-conforming or alternate tenders').
2. The Tender Assessment Panel undertook an objective analysis of tenderers' ability to meet both mandatory and desirable criteria.
3. The tendered information and specific questions were listed under the evaluation criteria and weighted in order of importance to the overall evaluation. Team members scored the tenders against the criteria in accordance with the Evaluation Plan.
4. Two referee checks were undertaken on the preferred tenderer in order to determine their capacity to provide the services required.
5. A check as to the financial capacity of short-listed tenderers was done.
6. This Tender Evaluation Report detailing the rating of each tenderer, and the final recommendations of the preferred tenderer for the Design and Construction of Carwell Creek Bridge for the consideration of Council.

Assessment Panel

Sally Mullinger

Andrew Kearins

Leonie Johnson

Business Manager Works

Manager Technical Support

Management Accountant

Evaluation Findings

All tenderers were assessed and scored against the evaluation criteria listed in the tender document and weightings in the Evaluation Plan, to determine the Total Weighted Score.

Evaluation of tenderers against the specified evaluation criteria indicates that Waeger Constructions Pty Ltd has submitted the most superior tender representing the best value to Council for the Design and Construction of Carwell Creek Bridge.

Waeger Construction Pty Ltd offered the cheapest price to undertake the works. Waeger are a construction company that specialises on bridge construction and precast manufacture and have demonstrated their capability in their tender submission. They have RTA prequalification to construct bridges up to \$1,000,000 and reference checks concluded their expertise and capability.

Waeger have also opted to construct a temporary bridge for the detour rather than a filled culverted embankment in Carwell Creek, which has environmental advantages having eliminated the need to place significant fill in the creek.

FINANCIAL IMPLICATIONS

In addition to the cost of this tender, costs will also be incurred by Mid Western Regional Council to perform preliminary and enabling works, the construction of the approach roadworks and for land matters. These costs are included in the Management Plan.

STRATEGIC OR POLICY IMPLICATIONS

This tender is required to meet the requirements of the road construction and maintenance program detailed in the Strategic Plan

SALLY MULLINGER
ACTING GROUP MANAGER OPERATIONS

6 May 2011

Attachments: 1. Evaluation Score Sheets (Confidential – at the end of the business paper)
2. Tenderers' Detailed Scores (Confidential – at the end of the business paper)

APPROVED FOR SUBMISSION:

BRAD CAM
ACTING GENERAL MANAGER

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. *(see Section 367 LGA & Clause 14(1) LGMR)*
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council *(see Clause 14(2)(a) LGMR)*; or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) *(see Clause 14(2)(b) LGMR)*; or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 *(see Clause 14(2)(c) LGMR)*; or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; *(see Clause 14(2)(d) LGMR)*; or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.
- Such a motion can be moved without notice. *(see Clause 14(3) LGMR)*
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. *(see Clause 14(4) LGMR)*

ITEM 7: URGENT BUSINESS WITHOUT NOTICE