

# ORDINARY MEETING

WEDNESDAY 15 JUNE 2011

The logo for the Mid-Western Regional Council features three overlapping, curved lines in orange, yellow, and green, with a blue line at the bottom. 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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8 June 2011

Dear Councillor

MEETING NOTICE

ORDINARY MEETING  
WEDNESDAY 15 JUNE 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

A handwritten signature in black ink, appearing to read "Warwick Bennett", written in a cursive style.

WARWICK BENNETT  
GENERAL MANAGER

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**ITEM 1: APOLOGIES**

**ITEM 2: CONFIRMATION OF MINUTES**

**2.1 MINUTES OF ORDINARY MEETING HELD ON 18 MAY 2011**

**COUNCIL DECISION:**

**That the Minutes of the Ordinary Meeting held on 18 May 2011 Minute Nos (Min Nos) be taken as read and confirmed.**

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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 18 MAY 2011, COMMENCING AT 5.52 PM AND CONCLUDING AT 6.52 PM.

Present: Cr D Kennedy (Mayor), Cr R Holden, Cr E Lang, Cr EE Martens (AM), Cr PA Shelley, 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

There were no apologies.

ITEM 2: CONFIRMATION OF MINUTES

90/11 **MOTION:** Holden / Shelley

**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 motion was put and carried.*

In moving the minutes, Councillor Holden indicated that it was proposed that a rescission motion be lodged in relation to Minute No. 88/11 on the Ulan Waste Transfer Station.

ITEM 3:        DISCLOSURES OF INTEREST

Councillor Thompson declared a pecuniary interest in Item 6.2.6 as he has an interest in a hotel in Mudgee.

Councillor Kennedy declared a pecuniary interest in Item 6.2.6 as he owns a hotel in Mudgee.

ITEM 4:        MAYORAL MINUTE

There was no Mayoral Minute.

ITEM 5: REPORTS FROM COMMITTEES

PLANNING AND DEVELOPMENT COMMITTEE

91/11 **MOTION:** Holden / Lang

That the matters resolved at the Planning and Development Committee meeting held on 6 April 2011 be received and confirmed except for Item 5.1.

*The motion was put and carried.*

ITEM 5.1 DETACHED DUAL OCCUPANCY – 7 TEBBUTT COURT, MUDGEE

A0100052, P1958661

92/11 **MOTION:** Walker / Weatherley

**That:**

- A. Development application DA0253/2011 for a detached dual occupancy at 7 Tebbutt Court, Mudgee be approved subject to the following conditions:

**APPROVED PLANS**

1. Development is to be carried out in accordance stamped plans 3216\_A01/A07 dated February 2011 and Statement of Environmental Effects prepared by Giselle Denley Drafting Services as lodged with the application received by Council on 11.03.2011, 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.

**HEALTH AND BUILDING**

2. 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 NSW Code of Practice - Plumbing & Drainage.

The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.

All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.

3. All building work must comply with the requirements of the Building Code of Australia 2010, Volume Two, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.

4. 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.
5. Construction work noise that is audible at other premises is to be restricted to the following times.  
Monday to Friday -- 7.00am to 6.00pm  
Saturday -- 8.00am to 1.00pm  
No construction work is permitted on Sundays and Public Holidays.
6. 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 to ensure that all wastes are contained on site. 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.

7. 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.
8. During construction temporary toilet facilities are to be provided at or in the vicinity of the nominated work site and for this purpose provide either a standard flushing toilet or an approved sewage management facility.
9. 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.
10. All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to the occupation of the premises.
11. The placing of building materials or the carrying out of any building operations upon or from the Councils footway, roadway or any Reserve is prohibited unless prior consent in writing has been obtained from Council.
12. The footpath and driveway levels are not to be altered outside the property boundary without Council permission. Driveways constructed over the public footpath must be constructed in

accordance with the Councils standard drawings and each driveway must be inspected prior to pouring the concrete.

13. The installation of the damp-proof membrane under each slab-on-ground construction must comply with NSW Clause 3.2.2.6 of the Building Code of Australia, Volume Two, 2010 regarding the use, installation and branding of a “high impact” damp-proof membrane.
14. The strength of the concrete used for the reinforced concrete floor slabs must be a minimum of 25MPa (N25) Prior to pouring the concrete floor slabs their preparation must comply with the requirements of Council’s Development Control Plan, Clause 2.5, “Building in a Saline Environment”
15. All building work that involves residential building work for which the Home Building Act 1989 requires there to be a contract of insurance (Home Warranty Insurance Scheme) in force in accordance with Part 6 of that Act, such a contract of insurance must be in force and a copy provided to Council prior to the commencement of any building work. A copy must be provided to the Council.
16. Where a nuisance may be caused by the placement of fill on the site or from the natural slope of the land, adequate yard drainage together with appropriately sized sumps must be provided for the collection of these waters. The water from the sumps must discharge to the street gutter or an interallotment drainage easement. This drainage system must be separate to the roof water drainage system.
17. A Registered Surveyors Certificate showing the boundaries of the site and the proposed development plotted thereon must be submitted to the Principal Certifying Authority prior to the commencement of construction.
18. Application may be made to Council or to an Accredited Certifier for the issue of the required Construction Certificate for this development and to be appointed the Principal Certifying Authority monitoring compliance with the approval and issuing any required documentary evidence or reports/certificates relevant to the development.
19. The requirements of the submitted BASIX Certificates, numbers 362535S, and 362539S both issued on 01 March 2011 must be installed and/or completed in accordance with the commitments contained in those Certificates. Any alteration to those commitments will require the submission of an amended BASIX Certificate/s to the Council prior to the commencement of the alteration/s.
20. Prior to the issue of an Occupation Certificate or the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of all of those commitments.



21. 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.
22. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

#### **ENGINEERING CONSTRUCTION**

23. Vehicular entrances and concrete footway crossings are to be provided at a suitable location to the development. Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Development Engineer between 8.00am and 4.00pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.
24. 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.
25. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.
26. 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.
27. All driveway, impervious pavement and private open space areas are to collect stormwater runoff and pipe to the Interallotment drainage system. The drainage system is to be sized to accommodate the 1:10yr ARI. Details of the drainage system are to be submitted to Council for approval prior to the commencement of that part of the works.

#### **PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

28. All car parking and associated driveway works to be completed prior to occupation of the development.
29. All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to the occupation of the premises.
30. Prior to the occupation of a new building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.

31. Provisions are to be made such that the dwellings are connected to the reticulated communication, energy, water and sewer systems prior to the occupation of the buildings.

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

32. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
33. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.

**NOTE:** Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges and for this development is \$210 at the date of determination.

34. 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, **SUBJECT TO CPI INCREASE**, shall be paid to Council in accordance with this condition for the purpose of:

**Catchment 2 – 1 Additional Lot/s**

<b>Program</b>	<b>Total \$</b>
Transport Management	
Traffic Management	\$1,076
Open Space	
Local Open Space	\$1,691
District Open Space	\$2,296
Community Facilities	
Library Buildings	\$221
Library Resources	\$266
Administration	
Plan Administration	\$515
<b><u>TOTAL PAYABLE</u></b>	<b><u>\$6,065</u></b>

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.

35. 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.

31. The developer shall obtain a *Certificate of Compliance* under the Water Management Act. This will require:
- (a) Payment of a contribution for water and sewerage headworks at the following rate:
- |                    |         |
|--------------------|---------|
| Water Headworks    | \$2,340 |
| Sewerage Headworks | \$3,198 |
| Total              | \$5,538 |
- (b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.
36. The applicant is to provide separate water and sewer reticulation services to each lot.
37. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,081.60 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE            1            x \$1,081.60 = \$1,081.60

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

38. The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,081.60 per new junction to cover the cost of Council installing a junction in an existing main.

TOTAL PAYABLE                    1                    x \$1,081.60 = \$1,081.60

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

39. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
40. 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.

**B. Council commence a register of variations to the DCP.**

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

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

ASSETS COMMITTEE

93/11

**MOTION:** Holden / Shelley

That:

1. the matters resolved at the Assets Committee meeting held on 6 April 2011 be received and confirmed except for Minute No. S.14/11.
2. the recommendations from the Assets Committee meeting held on 6 April 2011 in respect of the following items be adopted.
  - Gulgong Showground Sewer Connection

*The motion was put and carried.*MINUTE NO. S.14/11 – COST TO MAINTAIN HIDEAWAY LANE

A0100052, A0100021

94/11

**MOTION:** Holden / Lang

That no further action be taken with regard to this matter.

**AMENDMENT:** Thompson /

That Council review the roads policy to examine the possibility of expending smaller amounts on laneways such as this.

*The amendment lapsed for want of a seconder. The motion was put and carried.*RECOMMENDATION NO. S.15/11 – IRRIGATION OF PROPERTY FROM PUTTA BUCCA WETLANDS

A0100052, F0740039

95/11

**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.
3. the cost of the agreement be met by B L & W J Morrison.
4. authority be granted for the agreement to be executed under Seal.

*The motion was put and carried.*

CULTURAL AND COMMUNITY SERVICES COMMITTEE

96/11

**MOTION:** Holden / Martens

That:

1. the matters resolved at the Cultural and Community Services Committee meeting held on 6 April 2011 be received and confirmed.
2. the recommendations from the Cultural and Community Services Committee meeting held on 6 April 2011 in respect of the following items be adopted.
  - Mudgee Community Transport – Funding agreement with Transport NSW

*The motion was put and carried.*

FINANCE AND CORPORATE COMMITTEE

97/11

**MOTION:** Lang / Walker

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.
  - 2010/11 Quarterly Budget Review – March 2011
  - Mudgee Airport subdivision

*The motion was put and carried.*

RECOMMENDATION NO.COR.41/11 – FINANCIAL ASSISTANCE

A0100052, A0140201

98/11

**MOTION:** Holden / Martens

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
Furniture for Student Doctor accommodation	Cr Holden	\$500.00

4. In relation to the rates for the Rylstone Racecourse, payable by the Rylstone District Trainers Group, Council provide financial assistance to meet the outstanding rates from the discretionary votes of Councillor Walker, Councillor Martens and Councillor Thompson.

*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 COUNCIL

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

A0100052, A0140304

99/11

MOTION: Holden / Weatherley

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

*The motion was put and carried.*

6.2.2 ECONOMIC DEVELOPMENT

A0100052, A0149935

MOTION: Webb / Shelley

That:

1. the report by the Group Manager Finance & Administration on the funding of proposed economic development initiatives be received; and
2. 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, \$40,000 from existing Promotions & Industry Development program, \$20,000 from existing Large Grants program, and \$5,000 from budget initiative aboriginal heritage sensitivity mapping.

100/11

**AMENDMENT:** Holden / Lang

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 aboriginal heritage sensitivity mapping.

*The amendment was put and carried and on being put as the motion was again carried.*

6.2.3 GOODS & SERVICES TAX CERTIFICATE 2011

A0100052, A0149907

101/11

**MOTION:** Walker / Martens

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.

*The motion was put and carried.*

6.2.4 PROPOSED CLOSURE OF ROAD RESERVE – LIBRARY LANE

A0100052, R0790175, P0159963 F0620022, P0159911

**MOTION:** Shelley / Thompson

That consideration of this matter be deferred.

*The motion was withdrawn.*

102/11

**MOTION:** Weatherley / Webb

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.

*The motion was put and carried.*

6.2.5 MUDGEE REGION TOURISM INC QUARTERLY REPORT –  
MARCH 2011

A0100052, f0770077

103/11

**MOTION:** Shelley / Holden

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

*The motion was put and carried.*

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

A0100052, A0130008, P0040811

Councillor Thompson declared a pecuniary interest as he has an interest in a hotel in Mudgee, left the meeting at 6.30 pm and did not participate in discussions or vote in relation to this matter.

Councillor Kennedy declared a pecuniary interest as he owns a hotel in Mudgee, vacated the Chair and left the meeting at 6.30 pm and did not participate in discussions or vote in relation to this matter. In his absence, Councillor Walker assumed the Chair.

104/11

**MOTION:** Holden / Weatherley

**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. Council oppose the Footpath Dining Licence application submitted by Sajo's Lounge Bar & Restaurant.
3. Council oppose the consumption of alcohol at approved outdoor dining facilities as a policy.

AMENDMENT: Shelley / Walker

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.

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

Councillors Thompson and Kennedy returned to the meeting at 6.43 pm and Councillor Kennedy resumed the Chair.

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

A0100052, A0100026

105/11

MOTION: Weatherley / Holden

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.

*The motion was put and carried.*

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

A0100052, A0411102

106/11

MOTION: Shelley / Martens

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**

*The motion was put and carried.*

107/11                    **MOTION:**                    Martens / Weatherley

**That:**

1.     **Council acquire approximately 1.6 ha of the northern portion of Lot 2, DP567725 for road purposes, with the General Manager authorised to finalise negotiations with the landowner.**
2.     **Any necessary documentation be executed under the Common Seal of the Council.**

*The motion was put and carried.*

**ITEM 7:**                    **URGENT BUSINESS WITHOUT NOTICE**

**7.1 CHARBON COLLIERY COMMUNITY CONSULTATIVE COMMITTEE**

A0100035, A0100052, A0100006

108/11                    **MOTION:**                    Holden / Martens

**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.*

109/11                    **MOTION:**                    Thompson / Lang

**That Council participates in the Charbon Colliery Community Consultative Committee and appoints Councillor Martens as Council's delegate.**

*The motion was put and carried.*

**7.2 AUSTRALIAN TOUCH FOOTBALL ASSOCIATION ANNUAL GENERAL MEETING**

A0100035, A0100052, F0650108

110/11                    **MOTION:**                    Martens / Weatherley

**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.*

111/11                    **MOTION:**                    Thompson / Weatherley

**That Council allocate approximately \$3,000.00 from the Promotional and Development Opportunities budget to host the Australian Touch Football Association's annual general meeting in May 2011.**

*The motion was put and carried.*

ITEM 8:            CONFIDENTIAL SESSION

112/11

**MOTION:**            Martens / Holden

**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:**            **Proposed Lease of 75-77 Mortimer Street, Mudgee**

***The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of information that is commercial in confidence.***

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.*

8.1      PROPOSED LEASE OF 75-77 MORTIMER ST MUDGEE

A0100052, P0199811

113/11

**MOTION:**            Holden / Weatherley

**That:**

1.      the report by the Economic Development Officer on the proposed lease of 75-77 Mortimer St Mudgee (Lots 1 and 2 DP 795017) be received;
2.      Council accepts the Letter of Offer from the proposed tenant and authorises the General Manager to finalise the Letter of Offer and relevant lease documentation and attach the Council seal;
3.      Council proceeds with Stage 1 of the car parking works on the Mortimer St site with \$400,000 to be funded from Section 94 fund and \$300,000 to be funded from loan funding;
4.      Council proceed to lodge a development application for building extensions of approximately \$1.724 million to be funded by way of loan.
5.      Council notify the Division of Local Government of its intention to borrow approximately \$2 million to partly fund the above works.

*The motion was put and carried.*

ITEM 9:      OPEN COUNCIL

The Manager Governance announced the decision taken in Confidential Session.

CLOSURE

There being no further business the meeting concluded at 6.52 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)**

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(Insert Mayoral Minute (if any))

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**ITEM 5: REPORTS FROM COMMITTEES**

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**5.1 PLANNING AND DEVELOPMENT COMMITTEE**

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**RECOMMENDATION**

**That the matters resolved at the Planning and Development Committee meeting held on 1 June 2011 be received and confirmed.**

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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 1 JUNE 2011, COMMENCING AT 5.38 PM AND CONCLUDING AT 5.42 PM

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

In Attendance: General Manager (W Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Development 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**

There were no apologies.

**ITEM 2: DISCLOSURE OF INTEREST**

Councillor Weatherley declared a conflict of interest in Item 5.1 as the applicant is a close personal friend.

Councillor Walker declared an interest in Item 5.1 as the land is owned by a member of the Mudgee Race Club and he is the Chairman of the Race Club.

Councillor Walker declared an interest in Item 5.2 as the subject property is adjacent to land owned by Creighton's Properties Pty Ltd which he has previously declared an interest in matters pertaining to.

**ITEM 3: MATTERS IN PROGRESS FROM FORMER MEETINGS**

P.10/11 **MOTION:** Shelley / Martens

**That Res.P.64/08 be noted as completed.**

*The motion was put and carried.*

P.11/11                    **MOTION:**                    Weatherley / Shelley

**That Min. No.P.05/11 be noted as completed.**

*The motion was put and carried.*

**ITEM 4:**                    **NOTICES OF MOTION TO PLANNING AND DEVELOPMENT COMMITTEE**

There were no notices of motion.

**ITEM 5:**                    **REPORTS TO PLANNING AND DEVELOPMENT COMMITTEE**

**5.1      DEVELOPMENT APPLICATION 0247/2011 – 24 LOT RESIDENTIAL  
SUBDIVISION, 79 BRUCE ROAD MUDGEES – LOT A DP 369038  
AND LOT 1 DP 920582**

A0100052, P0586861

Councillor Weatherley declared a conflict of interest, in that he is a close personal friend of the applicant, left the meeting at 5.39pm and did not participate in discussions or vote in relation to this matter.

Councillor Walker declared an interest, in that the land is owned by a member of the Mudgee Race Club and he is Chairman of the Mudgee Race Club, left the meeting at 5.39pm and did not participate in discussions or vote in relation to this matter.

P.12/11                    **MOTION:**                    Holden / Shelley

**That Council approve Development Application No. 0247/2011 for a Twenty Four (24) lot subdivision at 79 Bruce Road, Mudgee, subject to a Deferred Commencement Consent and the following conditions;**

**DEFERRED COMMENCEMENT CONDITION**

- A. Council is to be provided with the owner's consent of the adjoining land through which the proposed subdivision would extend the sewer main.**

**This is a deferred commencement condition in accordance with Section 80(3) of the Environmental Planning and assessment Act 1979 and this consent shall not operate until it has been complied with to the satisfaction of Council.**

**This condition is to be complied with within twelve (12) months of the date of determination.**

**APPROVED PLAN**

- 1. Development is to be carried out in accordance with stamped plan HO18MU dated 13/12/2010 and Statement of Environmental Effects, undated, both prepared by Insites and forming part of the development application received by Council on 09.03.2011 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.**



**PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE**

2. Engineering plans of any mains extensions are to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of a *Construction Certificate*.
3. A detailed engineering design 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 (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*.
4. A Construction Environmental Management Plan (CEMP) 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”. The CEMP is to at a minimum address the following points:
  - 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;
  - Details of fill including source material and compaction methods;
  - Details of construction methods relating to the prevention and mitigation of groundwater disturbance and salinity.
5. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to Council 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.
6. The submission to Council of engineering design plans for any road works. Such plans shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.

**PRIOR TO THE COMMENCEMENT OF WORKS**

7. No construction is to commence before a *Construction Certificate* is issued for the subdivision works. The works are to be constructed in accordance with the plans and specifications referred to in the *Construction Certificate*.
8. All relevant measures specified in the CEMP are to be in place prior to the commencement of works.

**ENGINEERING CONSTRUCTION**

9. The 'new road' in the subdivision is to be constructed by the developer in accordance with the following:

Item	Requirement
Full Road Pavement Width	8 m
Footpath Width	2 x 4 m
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

10. The developer is to upgrade Melton Rd for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	4.5 m
Footpath Width	2 x 4.5 m
Concrete Footpaths	1.2 Wide
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent intersections

11. The developer is to upgrade Bruce Rd for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	5.5 m
Footpath Width	2 x 4.5m
Seal	Two-coat flush seal -14/7 mm (Double/

	Double) as required
12. 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 intersections

and pedestrian lighting is to comply with Australian Standard AS/NZS 1158 – Road Lighting

13. 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.
14. 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.
15. 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.
16. The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.
17. The applicant is to provide separate water and sewer reticulation services to each lot.
18. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
19. The construction of sewer mains such that there is a separate and distinct sewer connection located wholly within the boundary of each proposed allotment, in accordance with the Local Government (Water, Sewerage and Drainage) Regulation and the WSA 02-2002 Sewerage Code of Australia at full cost to the developer.
20. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.
21. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject

property, or extended through adjoining private properties as a result of this subdivision.

22. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 council standards.

#### INSPECTIONS

23. 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
- Water and sewer line installation prior to backfilling
- Water and sewer line testing
- Establishment of line and level for kerb and gutter placement
- Road Pavement construction
- Road Pavement surfacing
- Practical Completion

#### PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

24. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
25. 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.
26. 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.
27. Prior to the issue of a *Subdivision Certificate*:
  - (c) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
  - (d) 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.
28. 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.

29. Following completion of all engineering works, a bond of 5% of the value of such works (not carried out by Council) or a minimum of \$2000, whichever is the greater, shall be lodged with Council.

The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. If the applicant chooses to provide a bank guarantee, the guarantee must not specify any time limitations on the operation of the guarantee.

30. The developer is to ensure that all defects in the works that become apparent within twelve (12) 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 monies to carry out rectification.

Any unexpended bond money will be returned to the developer at the end of the twelve (12) months period, less the estimated cost of any outstanding works.

31. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- a) A certificate from Country Energy indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
  - b) A certificate from Telstra indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.

#### STAGE 1 – LOTS 1-4

NOTE: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges and for this development is \$420.00 at the date of determination.

32. 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**

Catchment 2 – 3 Additional Lot/s (4 lots – 1 lot credit)

Program	Total \$
<i>Transport Management</i>	
Traffic Management	\$1,075.00
<i>Open Space</i>	
Local Open Space	\$1,691.00
District Open Space	\$2,296.00
<i>Community Facilities</i>	
Library Buildings	\$221.00
Library Resources	\$266.00

<i>Administration</i>	
Plan Administration	\$515.00
<u>PAYABLE per lot</u>	<u>\$6,068.00</u>
<u>TOTAL PAYABLE</u>	<u>\$18,204.00</u>

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

(a) Payment of a contribution for water and sewerage head works at the following rate:

Water Head works	\$7,431.00 per lot = \$29,724.00 (4)
Sewerage Head works	\$3,393.00 per lot = \$13,572.00 (4)

34. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,081.60 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

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

**STAGE 2 – LOTS 5-24**

NOTE: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges and for this development is \$1,540.00 at the date of determination.

35. 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**

Catchment 2 – 19 Additional Lot/s (20 lots – 1 lot credit)

Program	Total \$
<i>Transport Management</i>	
Traffic Management	\$1,075.00
<i>Open Space</i>	
Local Open Space	\$1,691.00
District Open Space	\$2,296.00
<i>Community Facilities</i>	
Library Buildings	\$221.00
Library Resources	\$266.00
<i>Administration</i>	
Plan Administration	\$515.00
<u>PAYABLE per lot</u>	<u>\$6,068.00</u>
<u>TOTAL PAYABLE</u>	<u>\$115,292.00</u>

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

(b) Payment of a contribution for water and sewerage head works at the following rate:

Water Head works               \$7,431.00 per lot = \$141,189.00 (19 lots)  
Sewerage Head works         \$3,393.00 per lot = \$67,860.00 (20 lots)

37. The developer is to provide a water service and meter for each lot in the Stage of the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$1,081.60 per lot to cover the cost of a 20mm meter and installation.

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
<i>Cr Kennedy</i>	✓	
<i>Cr Holden</i>	✓	
<i>Cr Lang</i>	✓	
<i>Cr Martens</i>	✓	
<i>Cr Shelley</i>	✓	
<i>Cr Thompson</i>	✓	
<i>Cr Webb</i>	✓	

Councillors Weatherley and Walker returned to the meeting at 5.40pm.

5.2 REZONING LOT 2 DP 10793621 & LOT 40 DP 1124695 SPRING FLAT

A0100052, A0420220, F0560021

Councillor Walker declared an interest, as he had previously declared an interest in matters pertaining to Creighton’s Properties Pty Ltd, left the meeting at 5.41pm and did not participate in discussions or vote in relation to this matter.

P.13/11

**MOTION: Martens / Shelley**

**That:**

1. the report by the Strategic Planner on the Rezoning of Lot 2 DP 10793621 & Lot 40 DP 1124695 Spring Flat be received;
2. That the owner be advised that prior to Council being able to consider rezoning the subject land to industrial, the owner needs adequately demonstrate resolution of the following matters to Council’s satisfaction:
  - Drainage
  - Access
  - Compatibility with adjoining future and existing land uses.
  - Servicing;
3. that Council not proceed with the preparation of a section 94 plan until such time as the drainage plan through the Spring Flat Catchment has been resolved.

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
<i>Cr Kennedy</i>	✓	
<i>Cr Holden</i>	✓	
<i>Cr Lang</i>	✓	
<i>Cr Thompson</i>	✓	
<i>Cr Martens</i>	✓	
<i>Cr Shelley</i>	✓	
<i>Cr Weatherley</i>	✓	
<i>Cr Webb</i>	✓	

Councillor Walker returned to the meeting at 5.42pm.

REPORT CONCLUDED



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**5.2 ASSETS COMMITTEE**

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**RECOMMENDATION**

That:

1. the matters resolved at the Assets Committee meeting held on 1 June 2011 be received and confirmed.
  2. the recommendations from the Assets Committee meeting held on 1 June 2011 in respect of the following items be adopted.
    - **Tender 2011/03 Cleaning Services**
- 

The report of the Assets Committee is attached:

REPORT ON THE ASSETS COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 1 JUNE 2011, COMMENCING AT 5.43 PM AND CONCLUDING AT 5.45 PM

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

In Attendance: General Manager (W Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Development 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

There were no apologies.

ITEM 2: DISCLOSURE OF INTEREST

There were no disclosures of interest.

ITEM 3: MATTERS IN PROGRESS FROM FORMER MEETINGS

S.18/11 **MOTION:** **Weatherley / Webb**

**That Res.S.08/10 be noted as completed.**

*The motion was put and carried.*



<b>Schedule A -</b>	<b>Mudgee public amenities and fields - Spotto Otto</b>
<b>Schedule B -</b>	<b>Gulgong public amenities and fields - Daphne Keech</b>
<b>Schedule C -</b>	<b>Mudgee corporate and community buildings - Mudgee Contract Cleaners</b>
<b>Schedule D -</b>	<b>Mudgee depot and stores buildings - Mudgee Contract Cleaners</b>
<b>Schedule E -</b>	<b>Gulgong corporate and community buildings Mudgee Contract Cleaners</b>

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

REPORT CONCLUDED

5.3 CULTURAL AND COMMUNITY SERVICES COMMITTEE

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**RECOMMENDATION**

That:

1. the matters resolved at the Cultural and Community Services Committee meeting held on 1 June 2011 be received and confirmed.
  2. the recommendations from the Cultural and Community Services Committee meeting held on 1 June 2011 in respect of the following items be adopted.
    - Cemetery Policy
- 

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, MUDGEES ON WEDNESDAY 1 JUNE 2011, COMMENCING AT 5.46 PM AND CONCLUDING AT 5.58 PM

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

In Attendance: General Manager (W Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Development 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

There were no apologies.

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 CULTURAL AND COMMUNITY SERVICES COMMITTEE

There were no notices of motion.

ITEM 5: REPORTS TO CULTURAL AND COMMUNITY SERVICES COMMITTEE5.1 MUDGEE & GULGONG ACCESS COMMITTEE – APRIL & MAY 2011

A0100052, A0060008

COM.38/11 **MOTION:** Holden / Weatherley**That:**

1. the report by Customer Service Manager on the Mudgee and Gulgong Access Committee be received;
2. Council note the minutes of the Mudgee & Gulgong Access Committee Meetings held on 5 April 2011 & 3 May 2011.

*The motion was put and carried as a resolution.*5.2 CEMETERY POLICY

A0100052, F0520021

COM.39/11 **MOTION:** Holden / Webb**That:**

1. the report by Customer Service Manager on cemetery reservation markers be received;
2. Council proceed with the installation of cemetery reservation markers on request, with costs to be met by the applicant. The installation of markers to be retrospective on request and on payment of the fee as set out in the fees and charges schedule;
3. Council adopt the revised Cemetery Policy as amended to allow for the installation of reservation markers.

*The motion was put and carried as a recommendation to Council.***MOTION:** Thompson / Martens

That the General Manager writes to Macquarie Valley Funerals to confirm that staff declined to work on a weekend as requested.

*The motion was put and lost.*5.3 KANDOS BICENTENNIAL MUSEUM – APRIL 2011

A0100052, A0060123

COM.40/11 **MOTION:** Holden / Weatherley**That:**

1. the report by the Manager, Library & Community Services be received;
2. Council note the minutes of the Kandos Bicentennial Museum meeting held on 14 April 2011.

*The motion was put and carried as a resolution.*

5.4 MID-WESTERN REGIONAL YOUTH COUNCIL – MAY 2011

A0100052, A0060048

COM.41/11

**MOTION:** Holden / Weatherley

**That:**

1. the report by the Manager, Library and Community Services be received;
2. Council note the minutes of the Mid-Western Regional Youth Council held on 10 May 2011;

*The motion was put and carried as a resolution.*

5.5 MUDGEE TOWN HALL – NSW HERITAGE GRANTS FUNDING OFFER

A0100052, R0790175, P0159963 F0620022, P0159911

COM.42/11

**MOTION:** Holden / Weatherley

**That:**

1. the report by the Manager, Library & Community Services on the Town Hall NSW Heritage Grants Funding Offer be received;
2. Council accept the offer from the NSW Heritage Grants Funding Offer of \$35,000;
3. Council execute the necessary documentation.

*The motion was put and carried as a resolution.*

5.6 RYLSTONE AND KANDOS ACCESS COMMITTEE – APRIL 2011

A0100052, A0060129

COM.43/11

**MOTION:** Holden / Weatherley

**That:**

1. the report by the Manager, Library & Community Services be received;
2. Council note the minutes of the Rylstone & Kandos Access Committee meeting of 1 April 2011.

*The motion was put and carried as a resolution.*

REPORT CONCLUDED

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**5.4 FINANCE AND CORPORATE COMMITTEE**

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**RECOMMENDATION**

That:

1. the matters resolved at the Finance and Corporate Committee meeting held on 1 June 2011 be received and confirmed.
2. the recommendations from the Finance and Corporate Committee meeting held on 1 June 2011 in respect of the following items be adopted.
  - 2012 – 2016 Management Plan
  - Financial Assistance
  - Classification of Lot 5 Dp153349 Lewis Street
  - Monthly Management Plan Reporting – April 2011
  - Tender T11112hun Supply & Delivery of Industrial Hardware & Associated Products
  - Tender T21112hun Supply & Delivery Stationery & Ancillary Items
  - Tender Assessment – T41011hun , Supply & Delivery of Traffic & Safety Signage

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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, MUDGEES ON WEDNESDAY 1 JUNE 2011, COMMENCING AT 5.59 PM AND CONCLUDING AT 6.10 PM

Present: Cr D Kennedy (Mayor), Cr JP Thompson (Chairperson), 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 Development 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

There were no apologies.

ITEM 2: DISCLOSURE OF INTEREST

There were no disclosures of interest.

ITEM 3: MATTERS IN PROGRESS FROM FORMER MEETINGS

COR.42/11 **MOTION:** Webb / Walker

**That COR.97/10 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 2012 – 2016 MANAGEMENT PLAN

A0100052, A0149935

COR.43/11 **MOTION:** Weatherley / Holden

**That:**

1. the report by Group Manager Finance & Administration on the 2012 – 2016 Management Plan be received; and
2. Council adopts the 2012 – 2016 Management Plan and Fees & Charges, with the following amendments:
  - Include in the 2011/12 financial year the extension of the building at 75-77 Mortimer Street to a total cost of \$1.7 million to be funded by way of loan, with loan repayments serviced by rental income;
  - Include in the 2011/12 financial year the construction of Stage 1 of the Mortimer Street carpark and services at a cost of \$700,000 to be funded by way of loan and Section 94 carparking contributions;
3. the submitter be thanked for their submission and advised that any capital contributions towards the expansion of the Colonial Inn Museum and that the Museum committee needs to provide full plans costings and evidence of other financial commitments that have been confirmed before Council will consider a funding application.
4. the submitter be thanked for their submission and advised that the purchase of the Regent Theatre is beyond the resources of Council, and that the proposed redevelopment of the existing Mudgee Library building will provide improved facilities for cultural and entertainment events.
5. the submitter be thanked for their submission on the reformatting of the Management Plan and all suggestions made in the submission be noted by Council and staff to be taken into consideration for the new Integrated Planning and Reporting framework.



6. the submitter be thanked for their submission and advised that the extension of the Ulan Road cycleway has been identified as a medium term priority in Councils Pathways Strategic Plan, therefore beyond 2015/16.
7. Council pursues potential grant funding for construction of the Ulan Road cycleway.
8. Council make an allocation of \$10,000 from the large grants program to assist the Rylstone Kandos Women's Hub; and
9. Council thank Mrs Leclercq for her submission and that the erection of a street light outside her property will be prioritised with other street light capital improvements required in the region.

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

#### 5.2 FINANCIAL ASSISTANCE

A0100052, A0140201

COR.44/11

**MOTION:** Martens / Holden

**That:**

1. the report by the Finance Officer 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 request; and
3. the following amounts be distributed from Councillor discretionary votes:

Running Stream Community Hall	Cr Martens Cr Webb	\$450.00 \$49.00
Mid-Western Working Horse Association	Cr Webb	\$150.00

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

#### 5.3 INTERNAL AUDIT COMMITTEE

A0100052, P1323011

COR.45/11

**MOTION:** Holden / Lang

**That:**

1. the report by the Group Manager Finance & Administration on the Central Tablelands Alliance Internal Audit Committee be received; and
2. Council note the report on the MWRC Review of Procurement, Contracts and Project Management by IAB Services as received by the Central Tablelands Alliance Internal Audit Committee.

3. Council review the Charter of the Internal Audit Committee.

*The motion was put and carried as a resolution.*

5.4 CLASSIFICATION OF LOT 5 DP153349 LEWIS STREET  
A0100052, P1323011

COR.46/11 **MOTION:** Shelley / Weatherley

1. the report by the Group Manager Finance & Administration on the purchase of Lot 5 DP153349 be received;
2. Council classify Lot 5 DP153349 as Operational land; and
3. Lot 5 DP153349 be gazetted as unmaintained road reserve.

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

5.5 MONTHLY MANAGEMENT PLAN REPORTING – APRIL 2011  
A0100052, A0149934

COR.47/11 **MOTION:** Shelley / Martens

**That:**

1. the Management Plan 2010/11 reports for the month ended 30 April 2011 be received;
2. the variations listed in the April 2011 Monthly Reporting be adopted.

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

5.6 RURAL FIRE SERVICE AGREEMENT – 2011 to 2014  
A0100052, A0150109

COR.48/11 **MOTION:** Webb / Lang

**That:**

1. the report by Business Manager Plant and Facilities on the Rural Fire Service Agreement be received;
2. that the General Manager be authorised to endorse the Rural Fire Service Agreement.

*The motion was put and carried as a resolution.*

5.7 SUMMARY OF DEBTS WRITTEN OFF UNDER DELEGATION FOR THE PERIOD 4 NOVEMBER 2010 TO 13 MAY 2011  
A0100052, A0140197, A0340005

COR.49/11 **MOTION:** Shelley / Lang

**That:**

1. the report by the Revenue Supervisor on the debts written off under delegation be received;

2. Council note the amount of \$2,255.94 written off under delegation for the period 4 November 2010 to 13 May 2011.

*The motion was put and carried as a resolution.*

5.8 TENDER T1112HUN SUPPLY & DELIVERY OF INDUSTRIAL  
HARDWARE & ASSOCIATED PRODUCTS

A0100052, a0100026

COR.50/11

**MOTION:** Holden / Walker

**That:**

1. the report by the Financial Accountant on the tender for industrial hardware and associated products be received;
2. Council accepts the Regional Procurement tender panel for T1112HUN the Supply & Delivery of Industrial Hardware & Associated products and that Council enter into a contract with the panel of tenderers in accordance with clause 178 of the Local Government (General) Regulation 2005;
3. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Regional Procurement for T1112HUN Supply & Delivery of Industrial Hardware & Associated Products.

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

COR.51/11

**MOTION:** Holden / Webb

**That all future notifications of tenders be advertised in the Community News and/or Mudgee Guardian as well as any other appropriate publications.**

*The motion was put and carried as a resolution.*

5.9 TENDER T2112HUN SUPPLY & DELIVERY STATIONERY &  
ANCILLARY ITEMS

A0100052, A0100026

COR.52/11

**MOTION:** Weatherley / Martens

**That:**

1. the report by the Financial Accountant on the tender for stationery and ancillary items be received;
2. Council accepts the Regional Procurement tender T2112HUN the Supply & Delivery of Stationery & Ancillary Items and that Council enter into a contract with the panel of tenderers in accordance with clause 178 of the Local Government (General) Regulation 2005 ;

3. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Regional Procurement for T21112HUN Supply & Delivery of Stationery & Ancillary Items.

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

5.10 TENDER ASSESSMENT – T41011HUN , SUPPLY & DELIVERY OF TRAFFIC & SAFETY SIGNAGE

A0100052, A0100026

COR.53/11

**MOTION:** Lang / Weatherley

**That:**

1. the report by the Financial Accountant on the Supply & Delivery of Traffic & Safety Signage be received;
2. Council accepts Hi-Vis Signs and Safety (via Regional Procurement) for tender T41011HUN for the Supply & Delivery of Traffic & Safety Signage and that Council enter into a contract with Hi-Vis in accordance with clause 178 of the Local Government (General) Regulation 2005.
3. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Hi-Vis Signs and Safety (via Regional Procurement) for T41011HUN Supply & Delivery of Traffic & Safety Signage.

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

REPORT CONCLUDED

## 5.5 URGENT BUSINESS WITHOUT NOTICE

**RECOMMENDATION**

That:

1. the matters resolved in Urgent Business Without Notice held on 1 June 2011 be received and confirmed.
2. the recommendations from Urgent Business Without Notice held on 1 June 2011 in respect of the following items be adopted.
  - Use of Mudgee Railway Station as Tourist Office
  - Use of Glen Willow for Significant Sporting Events

The report of the Urgent Business is attached:

REPORT ON THE URGENT BUSINESS WITHOUT NOTICE MEETING HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE, ON WEDNESDAY 1 JUNE 2011, COMMENCING AT 6.10 PM AND CONCLUDING AT 6.16 PM

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

In Attendance: General Manager (W Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Development 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

There were no apologies.

ITEM 2: USE OF MUDGEE RAILWAY STATION AS TOURIST OFFICE

A0100052,

U.03/11 **MOTION:** Thompson / Lang**That this matter be dealt with as urgent business without notice.***The Mayor having ruled that the matter is of great urgency, the motion was put and carried.*U.04/11 **MOTION:** Walker / Lang**That Council investigate using the vacant Mudgee Railway Station building as the future tourist office.***The motion was put and carried as a recommendation to Council.*

ITEM 3: USE OF GLEN WILLOW FOR SIGNIFICANT SPORTING EVENTS

A0100052,

U.05/11

**MOTION:**

**Martens / Walker**

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

*The Mayor having ruled that the matter is of great urgency, the motion was put and carried.*

U.06/11

**MOTION:**

**Holden / Martens**

**That Council acknowledge the efforts of Councillor Lang in helping to secure the 2012 Trans Tasman Touch Series and the 2012 NRL Country v City Origin game at Glen Willow Regional Sports Facility.**

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

REPORT CONCLUDED

**ITEM 6: GENERAL BUSINESS**

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**6.1 NOTICES OF MOTION**

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## 6.1.1 COMMUNITY NEWS

Listed by Cr Percy Thompson

A0100035, A0100052, A0110015, A0320019

**MOTION:**

**That a Councillor column be introduced into the Community News for the community to be made aware of outcomes of meetings held by external committees.**

**BACKGROUND:**

The community needs to be informed as to what committees are doing that Councillors are represented on. For example, the Tourist Committee, Lachlan Regional Transport Committee, Mining Related Council, Blue Mountains Expressway Group, Mine Consultative Committees, Weeds Committee, Sale Yards Committee etc.

**STAFF COMMENT:** by General Manager

The Community News is designed to keep the community informed on all issues relating to the Council. As staff we try to cover all issues and to abide by the Council's policy to remain politically neutral. Whether or not Council is of the mind to introduce a Councillors column or not, Councillors should still pass on information either to the General Manager or the Media Officer if they believe particular issues are of community interest.

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**6.2 REPORTS**

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- 6.2.1 DA0278/2011 – STAGED DEVELOPMENT – DWELLING – LOTS 98 AND 77 DP 755451 – MUDHUT CREEK ROAD AND DA0351/2011 – STAGED DEVELOPMENT DWELLING – LOTS 99 DP 755451 AND PART 275 DP 755429 – MUDHUT CREEK ROAD - ST. FILLANS

REPORT BY MANAGER STATUTORY PLANNING DA0278_211 AND DA0351_2011_STAGED DEVELOPMENT DWELLING A0100052, P1270866 & P1270867
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**RECOMMENDATION**

That:

- A. the report by Manager Statutory Planning on Development Applications 0278/2011 and 0351/2001 for the Staged Development – Dwelling (dwelling entitlement) at Mudhut Creek Road St. Fillans be received;
- B. Development Applications 0278/2011 and 0351/2011 for Staged Development – Dwellings (dwelling entitlement) at Lots 98 and 77 DP 755451 and Lot 99 DP 755451 and Part Lot 275 DP 755429 respectively, Mudhut Creek Road St. Fillans be refused for the following reasons;
  - 1. The proposal does not comply with Clause 48 of the Mid-Western Regional Interim Local Environmental Plan 2008 as it does not incorporate an area in excess of 100 hectares;
  - 2. The proposal does not comply with Clause 49(2) of the Mid-Western Regional Interim Local Environmental Plan 2008 as it does not incorporate an area in excess of 100 hectares or is an allotment approved under a Council subdivision;
  - 3. A variation pursuant to Clause 21 of the Mid-Western Regional Interim Local Environmental Plan 2008 is not supported because the applicant owns adjoining land and could carry out a boundary adjustment to achieve the required standard, i.e. 100 hectares;
  - 4. It is not considered to be in the public interest to vary a development standard that is within the applicant's control to achieve compliance with the development standard, i.e. the applicant owns adjoining land and could achieve the standard via a boundary adjustment;

OR

- C. Council request that the applicant amend his development applications in consultation with staff so that the 100 hectare standard is achieved.
-



## EXECUTIVE SUMMARY

Council has received two development applications on adjoining land for the purpose of a staged development – dwelling (dwelling entitlement). Both applications are below the minimum development standard specified in the Mid-Western Regional Interim Local Environmental Plan (LEP) 2008. The standard required for the erection of a dwelling is 100 hectares or an allotment approved under a Council subdivision. The land area for the applications is 91.9 and 93.1 hectares.

Council is able by virtue of Clause 21 of the Mid-Western Regional Interim (LEP) and Assumed Concurrence from the Director- General of the Department of Planning (Planning Circular PS 08-003) to vary the standard by up to 10%.

It is not considered to be in the public interest to allow this variation to the development standard because the applicant owns adjoining land and could increase the land available for these applications. It should also be noted that variations to LEP development standards are reported to the NSW Department of Planning on a quarterly basis.

The Recommendation to Council is therefore to refuse the applications or to require the applicant to amend his applications so that they comply with the 100 hectare standard.

Should Council wish to approve the development applications, draft conditions of consent have been attached to the report for its consideration.

## DETAILED REPORT

### PROPOSED DEVELOPMENT:

The applicant seeks approval for a;

1. Dwelling entitlement (DA0278/2011) on Lot 77 DP755451 and Lot 98 DP755451, located on Mudhut Creek Road, ST FILLANS. The consolidation of Lot 77 that comprises of 40 acres (16.19ha), and Lot 98 that comprises of 187 acres (75.71ha) would in total provide 227 acres (91.90 hectares). The subject site is currently vacant land, and
2. Dwelling entitlement (DA0351/2011) on Lot 99 DP755451 and part Lot 275 DP755249, located on Mudhut Creek Road, ST FILLANS. The consolidation of Lot 99 that comprises of 187 acres (74.8ha), and part lot Lot 275 that comprises of 43 acres (17.2ha) would in total provide 230 acres (93.1 hectares). The subject site is currently vacant land.

It should be noted that DA0351/2011 requires a boundary adjustment in order for the development to occur as the remainder of lot 275 DP 755429 is located on the other side of Cooyal Creek.

Council staff have met with the applicant on a number of occasions to try and work through a proposal that would comply with the standard but also be acceptable to the client. Most of these proposals required the adjustment of boundaries to achieve the standard by taking some land from his adjoining allotments.

### ASSESSMENT:

The application has been assessed in accordance with Section 79C(1) of the Environmental Planning & Assessment Act 1979. The main issues are addressed below as follows.

1. REQUIREMENTS OF REGULATIONS AND POLICIES:

(a) Provisions of any Environmental Planning Instrument and any draft EPI

The land is zoned Agriculture pursuant to the Mid-Western Regional Interim Local Environmental Plan 2008.

*Objectives of the Agriculture Zone*

- To protect and maintain land for agriculture and other rural purposes.
- To avoid the fragmentation of agricultural land and conflict between land uses, and to restrict unnecessary dwellings and incompatible development.
- To provide for other rural land uses, such as mining, extractive industries, forestry and energy generation.
- To provide for the protection, enhancement and conservation of areas of significance for nature conservation, of habitat of threatened species, populations and ecological communities and of other areas of native vegetation.
- To maintain the scenic amenity and landscape quality of the area.
- To promote the sustainable management, use and development of certain land for agriculture, mining and other primary industries.
- To promote the conservation of productive agricultural land for agricultural purposes, particularly cropping and grazing.
- To preserve the area's open rural landscapes and environmental and cultural heritage values by the maintenance of large holdings accommodating both intensive and extensive forms of agriculture.
- To avoid development that would conflict with or unreasonably impact upon the efficient use of land for rural or other primary industries, such as small lot rural residential subdivision and hobby farms.
- To protect the residential and visual amenity of existing and future residents of rural areas by applying appropriate building siting and design controls.
- To ensure that development does not significantly detract from the existing rural character or create unreasonable or uneconomic demands for provision or extension of public amenities and services.
- To permit some non-agricultural land uses and agricultural support facilities, such as rural industries and tourist facilities, which are in keeping with the other zone objectives and which will not adversely affect agricultural capability or capability of the land the subject of the development (or adjoining land).
- To encourage high quality advertising signs in association with approved uses that provide business identification, that are appropriately integrated into the site development, and that contribute positively to the visual amenity of the surrounding area.

Comment: The proposed developments will encompass two existing parish portions to form one allotment with a dwelling entitlement. The proposal is general consistent with the objectives of the zone and is considered appropriate development for the locality.

48 *Dwellings—minimum lot sizes*

(1) *Subject to this Plan, consent must not be granted to development for the purposes of a dwelling on land within the Agriculture, Intensive Agriculture, Rural Small Holdings or Investigation Zone unless the consent authority is satisfied that the land is, or will be consolidated into, a single allotment that has an area not less than the minimum size shown on the Lot Size Table to clause 19 in relation to that zone.*

*Agriculture Zone*

*100ha*

Comment: Consolidation of the two subject allotments will have a total area of 91.90 hectares, this is below the minimum lot sizes required by the 2008 LEP for the purpose of a dwelling.

49 *Dwellings in Agriculture, Intensive Agriculture, Rural Small Holdings, Investigation and Conservation Zones*

Comment: Consolidation of the two subject allotments for each application will have a total area less than 100 hectares. This is below the minimum lot sizes required by the 2008 LEP for the

purpose of a dwelling. The land is also not the subject of an approved Council subdivision and therefore does not comply with Clause 49(2).

#### *21 Exceptions to Development Standards*

Comment: Council has the ability to vary development standards prescribed by the LEP but in doing so, must consider the following tests;

- (3) *Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant is seeking a variation because the proposed dwelling entitlements follow existing fence lines and does not want the expense of carrying out boundary adjustments or a subdivision. It is considered that there is insufficient justification to allow the variation as the LEP requires justification that the development standard is unreasonable or unnecessary in the instance. Furthermore there are no planning reasons for allowing the variation.

#### *Variations to development standards – Planning Circular*

*Notification of assumed concurrence of the Director-General under clause 4.6(4) (and the former clause 24(4)) of the Standard Instrument*

- (1) *Under clause 64 of the Environmental Planning and Assessment Regulation 2000, Council is notified that it may assume the Director-General's concurrence for exceptions to development standards, subject to paragraphs (2) and (3), in respect of all applications made under:*
  - (a) *clause 4.6 (or the former clause 24, or any future amended version of this clause) of the Standard Instrument (Local Environmental Plans) Order 2006, or (b) any other clause that is based on a substantially similar format and has a substantially similar effect to the clause described in (1)(a), where such a clause is adopted in an environmental planning instrument to provide for exceptions to development standards.*
- (2) *Council may assume the Director-General's concurrence in respect of an application to vary a development standard relating to the minimum lot size for the erection of a dwelling on land zoned RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4 (or equivalent zone) only if:*
  - (a) *only one allotment does not comply with the minimum area, and*
  - (b) *that allotment has an area equal to or greater than 90% of the minimum area specified in the development standard.*
- (3) *This notification may be varied or revoked by further written notice provided by the Director-General.*

Comment: Consolidation of the two subject allotments for each application will have a total area of 91.90 hectares and 93.1 hectares, this is within the 10% variation and therefore Council may assume the Director-General's concurrence as per the Planning Circular PS 08-003 issued on 9 May 2008.

It is not proposed to support the variation as the applicant owns adjoining land and could easily achieve the required standard. It should also be noted that in accordance with this Assumed Concurrence, Council must also report all Variations (LEP development standards only) to the Department of Planning on a quarterly basis.

(b) Provisions of any Development Control Plan or Council Policy

There are no Development Control Plans or Council Policies that are applicable to this type of development. The land is not within the Bushfire prone area.

(c) Section 94 & 64 Contributions

Payment of Development Contributions as follows:

There are no contributions applicable to this development.

2. IMPACT OF DEVELOPMENT

The proposed development site consists of four rural portions located North, North East of Mudgee and South East of Gulgong in the locality of St.Fillans. The allotments have the ability to gain legal access off Mud Hut Creek Road.

The applicant has indicated that power supply and telecommunications are located within the property known as "Weemala".

The land is predominantly level grazing land with scattered shade trees; there are several suitable sites for the location of a dwelling house.

3. SUITABILITY OF SITE FOR DEVELOPMENT

The surround agriculture land is predominantly grazing land with ancillary dwellings, with the Frog Rock Estate within close proximity. The proposal for a dwelling would not appear out of character.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

The application did not require notification under the DCP and therefore no public submissions were received.

5. THE PUBLIC INTEREST

It is considered that it is not in the public interest to allow the variation to the development standard when the applicant has the ability (and it is within his control) to achieve the standard set by Council's planning instruments.

FINANCIAL IMPLICATIONS

Not Applicable.

STRATEGIC OR POLICY IMPLICATIONS

It is likely that to vary the standard for no other reason than it is the wish of the applicant could set a dangerous precedent and would undermine future strategic or policy directions.

GARY BRUCE  
MANAGER STATUTORY PLANNING

CATHERINE VAN LAEREN  
GROUP MANAGER  
DEVELOPMENT & COMMUNITY SERVICES

6 June 2011

Attachments:

1. Land associated with DA 0278/2011
2. Land associated with DA 0351/2011
3. Land owned by the applicant
4. Draft Conditions – DA0278/2011
5. Draft Conditions – DA0351/2011

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

ATTACHMENT 1



Map Scale: 1:26,100

**Disclaimer**

This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.

This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.

**Legend**

-  Parcel
-  Crown Land
-  Railway
-  Parish
-  Localities
-  LGA Boundary
-  Road
-  State Forest
-  Waterway

**NORTH**



Printed on Monday, 6 June 2011



Map Scale: 1:26,100

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**Legend**

-  Parcel
-  Crown Land
-  Railway
-  Parish
-  Localities
-  LGA Boundary
-  Road
-  State Forest
-  Waterway

**NORTH**



Printed on Monday, 6 June 2011





**CONDITIONS APPLICABLE TO DEVELOPMENT APPLICATION 0278/2011****APPROVED PLAN**

1. Development is to be carried out in accordance with application received by Council 6 April 2011 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.

**GENERAL**

2. A separate Development Application and Construction Certificate with associated plans of the dwelling shall be submitted to Council for approval.
3. Erosion and sediment control measures are to be installed and maintained until such time as all disturbed areas of the site have been fully stabilised, in accordance with Department of Infrastructure, Planning and Natural Resources standards.

**CONSOLIDATION**

4. The consolidation of Lot 77 DP755451 and Lot 98 DP755451, in the Parish of WYALDRA, as one lot with an area of at least 91 hectares and the registration of the appropriate survey plan by the Land Titles Office. A plan of consolidation is to be submitted to Council prior to the approval of the development application and construction certificate for any future dwelling.

**ACCESS**

5. The construction of an all-weather vehicle access to the development, in accordance with the following minimum guidelines: Please contact Council to approval the location of the access.
  - (i) 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;
  - (ii) 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;
  - (iii) 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.
  - (iv) the access shall be located such that adequate sight distances are achieved, as specified in the Austroads publication '*Intersections at Grade*'.
6. 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.
7. When the access is complete, Council must be contacted to inspect the access and assign a rural road number.

ATTACHMENT 5

**CONDITIONS APPLICABLE TO DEVELOPMENT APPLICATION 0351/2011**

**APPROVED PLAN**

1. Development is to be carried out in accordance with application received by Council 3 June 2011 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.

**GENERAL**

2. A separate Development Application and Construction Certificate with associated plans of the dwelling shall be submitted to Council for approval.
3. Erosion and sediment control measures are to be installed and maintained until such time as all disturbed areas of the site have been fully stabilised, in accordance with Department of Infrastructure, Planning and Natural Resources standards.

**CONSOLIDATION**

4. The consolidation of Lot 99 DP755451 and part Lot 275 DP755429, in the Parish of WYALDRA and EURUNDURY, as one lot with an area of at least 93 hectares and the registration of the appropriate survey plan by the Land Titles Office. A plan of consolidation is to be submitted to Council prior to the approval of the development application and construction certificate for any future dwelling.

**ACCESS**

5. The construction of an all-weather vehicle access to the development, in accordance with the following minimum guidelines: Please contact Council to approval the location of the access.
  - (i) 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;
  - (ii) 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;
  - (iii) 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.
  - (iv) the access shall be located such that adequate sight distances are achieved, as specified in the Austroads publication '*Intersections at Grade*'.
6. 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.
7. When the access is complete, Council must be contacted to inspect the access and assign a rural road number.

## 6.2.2 2012 – 2016 MANAGEMENT PLAN

REPORT BY GROUP MANAGER FINANCE & ADMINISTRATION 2012-2016 Management Plan A0100052, A0149935
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**RECOMMENDATION**

That:

1. the report by the Group Manager Finance & Administration on the 2012 – 2016 Management Plan be received;
2. Council adopts the Management Plan for 2011/12 to 2015/16, including the Fees & Charges Schedule;
3. Mid-Western Regional Council hereby makes the following rates and charges to be for the 2011/12 financial year:
  - **Residential Rate (Rural and Urban)**  
A Residential Rate (Rural and Urban) of 0.662323 cents in the dollar on the land value as at 1 July 2011 of all land so categorised as Residential, with land further subcategorised as Residential Urban, with a minimum rate of \$555.97;
  - **Farmland Rate**  
A Farmland Rate of 0.614306 cents in the dollar on the land value as at 1 July 2011 of all land so categorised as Farmland, with a minimum rate of \$555.97;
  - **Business Rate**  
A Business Rate of 0.893475 cents in the dollar on the land value as at 1 July 2011 of all land so categorised as Business, with a minimum rate of \$555.97;
  - **Mining Rate**  
A Mining Rate of 1.380676 cents in the dollar on the land value as at 1 July 2011 of all land so categorised as Mining, with a minimum rate of \$555.97;
  - **Mining Coal Rate**  
A Mining Coal Rate of 7.469746 cents in the dollar on the land value as at 1 July 2011 of all land so categorised as Mining, with a minimum rate of \$555.97;
  - **Hunter Valley Catchment Special Rate**  
Council contributes to the provision of watercourse management in the area controlled by the Hunter-Central Rivers Catchment Management Authority. A Hunter Valley Catchment Special Rate, which is determined by the Authority, and when notified, the rate is to be applied for the purposes of the *Catchment Management Act 2003* Schedule 4 and *Hunter-Central Rivers Catchment Management Authority Regulation 2005*, Regulation 4.

A contribution is to be levied according to the land value within the meaning of the *Valuation of Land Act 1916*, of all land within the catchment contribution area that has a land value in excess of \$300 and is rateable for the time being under the *Local Government Act 1993*;

- **Extra Charges**  
 The extra charges to be charged on overdue rates and charges shall be calculated at a rate of 9% per annum (to be confirmed by Division of Local Government), on a daily simple interest basis;
- **Domestic Waste Management Charge**  
 A Domestic Waste Management Charge of \$153 for all rateable and non-rateable properties within the service areas. Where there is more than one service the annual charge will be multiplied by the number of services;
- **General Waste Disposal Charge**  
 A General Waste Disposal Charge of \$160 for all rateable and non-rateable properties with the exception of certain Farmland properties that can identify in the manner required by Council that they have a landholding comprised of multiple adjoining assessments with a lesser number of residences than assessments; they will be charged for the number of residences. Where there is more than one service the annual charge will be multiplied by the number of services;
- **Business Waste Management Charge**  
 A Business Waste Management Charge of \$171 for all rateable and non-rateable Business category properties where a service is rendered. Where there is more than one service the annual charge will be multiplied by the number of services;
- **Water Charges**  
 Water charges for rateable and non-rateable properties within the water supply area of:

Charge Type		Amount
Service Availability	20mm meter	\$125
	25mm meter	\$195
	32mm meter	\$320
	40mm meter	\$500
	50mm meter	\$781
	80mm meter	\$2,000
	100mm meter	\$3,125
	150mm meter	\$7,031
Usage - Residential	450 kL per annum (150 kL per 4 monthly billing cycle) (Average daily consumption ≤ 1.23kL)	\$2.40
	After 450 kL per annum (Average daily consumption ≤ 1.23kL)	\$3.60
Usage – Business	Per kL	\$2.40
Usage – Raw Water	Per kL	\$0.53

In relation to strata units, each unit will be levied with a 20mm service availability charge. In relation to Torrens Title residential units, each unit will be levied with a 20mm service availability charge. In relation to vacant land where a water meter is not connected, each property will be levied with a 20mm service availability charge;

- **Sewer Charges**

**Sewer charges for rateable and non-rateable properties within the sewer service area of:**

<b>Charge Type</b>	<b>Amount</b>
Service availability – residential	\$528
Service availability – non-residential	\$335
Usage – Non-residential based on kLs of water used that would reasonably be deemed to enter sewer schemes	\$1.27 per kL

### EXECUTIVE SUMMARY

Over the past few months, Council has been through an extensive planning process to determine which projects and initiatives would be undertaken across the next five financial years, culminating in the development of the 2012 – 2016 Draft Management Plan. Following public exhibition, and consideration of submissions to the Draft Management Plan, it is recommended that Council adopt the final Management Plan for 2012 – 2016, and make the rates and charges to be levied in the 2011/12 financial year.

### DETAILED REPORT

The 2012 – 2016 Management Plan document is attached. The Draft has been amended to include changes considered at the 1 June 2011 Finance & Corporate Committee, which encompasses Council's response to public submissions where applicable.

A new fee of \$170 plus GST has been included in the 2011/12 Fees & Charges Schedule for cemetery plot reservation markers.

As a result of supplementary valuations received late in the financial year, Council's rate base has expanded, meaning that Council will generate an additional \$41,540 in rates. This has resulted in slightly different ad valorem rates compared to the Draft Management Plan.

An additional \$945,000 of grant income and expenditure has also been included in the 2012 – 2016 Management Plan to recognise flood damage repairs required to be undertaken on recreational assets as a result of the December 2010 floods. This is the subject of an earlier report included in this business paper.

### FINANCIAL IMPLICATIONS

This document sets out Council income and expenditure programme for the next five years.

STRATEGIC OR POLICY IMPLICATIONS

The 2012 – 2016 Management Plan sets out Council's planned activities, major projects and strategic direction for the next five financial years.

CLARE PHELAN  
GROUP MANAGER FINANCE & ADMINISTRATION

2 June 2011

Attachments: 2012 – 2016 Management Plan including Fees & Charges as a separate document

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

## 6.2.3 DEA FUNDING AGREEMENT

REPORT BY BUSINESS MANAGER SERVICES AMENDED DEA AGREEMENT A0100052, A0170008
--

**RECOMMENDATION****That:**

- 1. the report by Business Manager Services on the Disability Employment Assistance Agreement for Mid-Western Regional Council be received; and**
- 2. the Mayor and the General Manager sign under seal the variation to extend the funding agreement between the Department of Families, Housing, Community Services and Indigenous Affairs and Mid-Western Regional Council until 31 October 2012.**

**EXECUTIVE SUMMARY**

Mid-Western Regional Council receives funding from the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) as case based funding (CBF) to provide support to eligible workers. The funding agreement is being extended for a 12 month period to allow the development of the next three year funding agreement.

**DETAILED REPORT**

The Commonwealth Government directly funds a range of programs to assist people with a disability including employment services, employer incentives, advocacy, respite, print and caption and translation services. Services are funded under the Disability Services Act 1986 (Cth).

The Disability Employment Assistance program that Council receives funding through is designed to enhance the opportunities for people with a disability to obtain and/or retain employment. The target group of people with a disability is defined as people who have an intellectual, psychiatric, sensory, neurological or physical impairment that is likely to be permanent and results in the need for ongoing support.

The twelve month extension to the current agreement is offered to allow FaHCSIA to develop the next three year funding agreement and to fully consider all the recommendations of the current Case Based Funding Pricing Review.

Council currently has in place a funding agreement that will expire on 31 October 2011. The end date of the new agreement is 31 October 2012.

FaHCSIA requires the variation of the agreement to be signed under seal and returned within 20 days of receipt of the document and this is due 17 June 2011.

The main changes to the agreement are:

- Activity end date changed to 30 June 2012
- End date of agreement changed to 31 October 2012
- Date of annual audited financial acquittal report amended to 31 October 2011
- Date of final audited financial acquittal report amended to 31 October 2011

- Added census report for 1 July 2011 to 20 June 2012
- Increase in the Case Based Funding (CBF) core fees and additional fees to reflect the 2% increase in fees
- Insertion of new Australian Residency Eligibility from 1 July 2011
- Continuation of the DMI Reassessment Pause to 30 June 2012
- Updated Entry Guidelines to the Program (Liaison between ADE's and Centrelink).

FINANCIAL IMPLICATIONS

The new funding agreement will provide for 2% increase in the CBF levels currently received by Australian Disability Enterprises. The variation of Agreement document has been attached that details the financial changes to the agreement including core fee and intake levels.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

JULIAN GEDDES  
BUSINESS MANAGER SERVICES

BRAD CAM  
GROUP MANAGER OPERATIONS

30 May 2011

Attachments:

- 1 Letter from Department of Families, Housing, Community Services and Indigenous Affairs

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER





Australian Government  
Department of Families, Housing,  
Community Services and Indigenous Affairs

GPO Box 9820  
SYDNEY NSW 2001  
Telephone: 1300 653 227  
Facsimile: (02) 8255 7799  
Website: [www.fahcsia.gov.au](http://www.fahcsia.gov.au)

Mr Julian Geddes  
Business Services Manager  
Mid-Western Regional Council  
P O Box 156  
MUDGEES NSW 2850

Dear Mr Geddes

### Variation of Agreement

The Activity under the FaHCSIA Long Form Funding Agreement (Disability Employment Assistance Program - May 2007) will be varied pursuant to section 15 of the *Disability Services Act 1986*.

This letter embodies the variation ("**Letter of Variation**"). Please print two copies of the Letter of Variation, sign both, and return both copies to us at the above address within **20 Business Days** of the date of this letter otherwise this offer will lapse.

When we receive the signed Variation, we will sign and date both copies and return one to you for your organisation's records.

Variation to the FaHCSIA Long Form Funding Agreement (Disability Employment Assistance Program, ID: 1-QPHCJ, dated May 2007) between Mid-Western Regional Council and the Commonwealth of Australia, represented by the Department of Families, Housing, Community Services and Indigenous Affairs ("**the parties**").

The parties seek to vary the Agreement and do so with this Letter of Variation.

The parties agree to the following variations:

#### **Schedule Item B4.1 Activity Period**

Delete - You must start the Activity(s) on the Start date and complete it by 30 June 2011

Replace with - You must start the Activity(s) on the Start Date and complete it by 30 June 2012.

#### **Schedule Item E3 When You must provide Reports**

Delete - Table of Reports and Due Dates

Replace with - 2011-2012 Table of Reports and Due Dates as follows:

2011-2012 Table of Reports and Due Dates	
Report	Due Date
Reports required in accordance with any of the following plan templates: <ul style="list-style-type: none"> <li>• BSAP Assistance Plan.</li> </ul>	In accordance with these plans, or as otherwise notified by Us.
Annual Audited Financial Acquittal Reports for: 1 July 2007 to 30 June 2008; 1 July 2008 to 30 June 2009; 1 July 2009 to 30 June 2010; and 1 July 2010 to 30 June 2011.	31 October 2008; 31 October 2009; 31 October 2010; and 31 October 2011.
Final Audited Financial Acquittal Report for: 1 July 2011 to 30 June 2012.	31 October 2012.
Census Reports for: 1 July 2007 to 30 June 2008; 1 July 2008 to 30 June 2009; 1 July 2009 to 30 June 2010; 1 July 2010 to 30 June 2011; and 1 July 2011 to 30 June 2012.	As notified by Us.
Any other Reports that We may require.	As notified by Us.

**Schedule Item F 1 Total amount of Funding**

Delete - Table 1 Case Based Funding Core Fees  
 (2010-2011 - 1.5% supplementation - effective 1 July 2010)

Replace with - Table 1 Case Based Funding Core Fees  
 (2011-2012 - effective 1 July 2011) as follows:

Table 1 Case Based Funding Core Fees (all prices are GST exclusive) 2011-2012 – effective 1 July 2011		
Core Fee	Amount	
Intake Fee	\$564	
Employment Assistance Fee (per month, for up to 12 months)	\$564 (up to a maximum of \$6,768)	
Employment Maintenance Fee:	Amount Per Month	Amount Per Annum
• Level 1	\$331	\$3,972
• Level 2	\$564	\$6,768
• Level 3	\$845	\$10,140
• Level 4	\$1,123	\$13,476

**Schedule Item F 1 Total amount of Funding**

Delete - Table 2 Case Based Funding Additional Fees  
(2010-2011 - 1.5% supplementation - effective 1 July 2010)

Replace with - Table 2 Case Based Funding Additional Fees  
(2011-2012 - effective 1 July 2011) as follows:

<b>Table 2 Case Based Funding Additional Fees (all prices are GST exclusive) 2011-2012 – effective 1 July 2011</b>			
<b>Additional Fee</b>	<b>Amount</b>		
<b>Work Based Personal Assistance</b>	Either: <ul style="list-style-type: none"> <li>• \$28.20 per hour where the work based personal assistance is provided by an Approved Support Worker from within the Outlet; or</li> <li>• \$37.40 per hour where the work based personal assistance is purchased from a second agency,</li> </ul> is provided up to a maximum of 10 hours per week or 40 hours over a four week period.		
<b>Incentives for Australian Apprenticeships /Traineeships</b>	<ul style="list-style-type: none"> <li>• \$122 when the Supported Employee accumulates 4 weeks working in a New Apprenticeship;</li> <li>• \$240 when the Supported Employee accumulates 13 weeks working in a New Apprenticeship; and</li> <li>• \$357 for each year that the Supported Employee works in a New Apprenticeship.</li> </ul>		
<b>Rural and Remote Service Supplement</b>	<b>ARIA Classification:</b>	<b>Amount Per Month</b>	<b>Amount Per Annum</b>
	• Highly Accessible:	Nil.	Nil.
	• Accessible:	\$1,340	\$16,080
	• Moderately Accessible:	\$2,680	\$32,160
	• Remote:	\$4,020	\$48,240
	• Very Remote:	\$5,355	\$64,260
<b>Existing High Cost Worker's Payment</b>	An amount in excess of CBF Employment Maintenance Fee Level 4, as determined by Us in Our absolute discretion, and in accordance with the Additional Procedures and Information.		

**Schedule Item F 1 Total amount of Funding**

Insert - After Table 2 Case Based Funding Additional Fees 2011-2012 - effective 1 July 2011

Insert - Table 3 One-off payment 2011-2012 (Red Tape Reduction) as follows:

<b>Table 3 One-off payment 2011-2012 Red Tape Reduction</b> (all prices are GST exclusive) effective 1 July 2011	
<b>One-off payment</b>	<b>Amount</b>
<b>Red Tape Reduction 2011-2012</b>	In recognition that Your organisation may decide not to undertake Disability Maintenance Instrument reassessments (under the red-tape reduction trial that has been continued in 2011-2012), a one-off payment of \$5,215 may be payable to You. Eligibility for this one-off payment is determined by Us in our absolute discretion. This additional funding contribution must be expended on the Activity (Provision of Employment Assistance services to people with disabilities). For acquittal purposes, this additional contribution must be reported together with all 2011-2012 Funding in accordance with clause 7 of the Terms and Conditions of the DEA Agreement 2007-10, and sub-Item E2.2 of the Schedule.

**Schedule Item N – End Date of this Agreement (Clause 24 of Agreement)**

Delete - The End Date for this Agreement is 31 October 2011

Replace with - The End Date for this Agreement is 31 October 2012.

**Schedule Item P28 Residency Eligibility**

Insert - After P27 Acknowledgement and Promotion insert P28 Residency Eligibility as follows:

**P28 Residency Eligibility**

P28.1 Commencing 1 July 2011, for an Australian Disability Enterprise to be eligible for Case Based Funding in respect of a Supported Employee the Supported Employee must be an Australian Resident. The following definition of an Australian Resident applies:

An Australian Resident is a person who resides in Australia and is one of the following:

- (a) An Australian citizen;
- (b) The holder of a permanent resident visa; or
- (c) A special category visa holder (SCV) who is a protected SCV holder.

P28.2 Sub-Item P28.1, does not apply in respect of a Supported Employee who was receiving the Activity in an Australian Disability Enterprise prior to 1 July 2011.

**Additional Procedures and Information**

Remove - Additional Procedures and Information Version No: 2

Replace with - Additional Procedures and Information Version No: 3 as attached.

The parties agree that:

(a) the variation takes effect from the date on which the parties sign this Letter of Variation (and if they sign on different dates, then the date when the last party signs); and

(b) terms in this Letter of Variation with initial capital letter(s) have the same meaning as they have in the Agreement; and

(c) the only variations are those set out in this Letter of Variation. In all other respects, the Agreement remains unamended.

If you have any questions, please contact **Bart Penson** from this office on phone **02 8255 7690**.

Yours sincerely



Ed Hughes  
Manager  
Disability, Carers and Mental Health  
FaHCSIA, NSW / ACT Office  
23 May 2011

**Signatories to this Letter of Variation:**

**Parties** Commonwealth of Australia, as represented by and acting through  
The Department of Families, Housing, Community Services and  
Indigenous Affairs, ABN 36 342 015 855, Tuggeranong Office Park,  
Soward Way (Cnr Athllon Drive), Greenway ACT 2900 (“us”, “we” or  
“our”)  
Mid-Western Regional Council, ABN 96149391332, of MUDGEE  
NSW 2850 (“you” or “your”)

Executed by the Parties as a Deed .....

Signed, sealed and delivered for and on behalf  
of the Commonwealth of Australia by the  
relevant Delegate, represented by and acting  
through The Department of Families, Housing,  
Community Services and Indigenous Affairs,  
ABN 36 342 015 855, in the presence of:

_____	_____
(Signature of Departmental Representative)	(Signature of Witness)
_____	_____
(Name of Departmental Representative)	(Name of Witness in full)
_____	_____
(Date)	(Date)

**Other Organisation**

Signed, sealed and delivered by **Mid-Western Regional Council**, ABN 96149391332, in the  
presence of:

_____	_____
(Signature of Party)	(Signature of Witness)
_____	_____
(Name of Party)	(Name of Witness in full)
_____	_____
(Date)	(Date)

6.2.4 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL BANK BALANCES  
AND INVESTMENTS AS AT 31 MAY 2011

## REPORT BY MANAGEMENT ACCOUNTANT

Bankrep  
A010052, A0140304**RECOMMENDATION**

**That the Investment Report as at 31 May 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

3 June 2011

Attachments: Monthly statement of Bank Balances and Investments

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER



For the month ended: 31-May-11

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
Commonwealth Bank	\$ 1,784,948	\$ 6,932,379	\$ 7,050,678	\$1,666,649	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 31/05/2011

Investments	Type	Amount	Yield %	Maturity Date	Term	Rating	Govt Rating	NAV	% of Portfolio
Commonwealth Bank	At Call	\$ 1,510,000	4.75%	N/A	At Call	A-1+	2		5.5%
National Australia Bank	Term Deposit	\$ 1,700,000	5.74%	20/07/2011	91	A-1+	2		6.2%
National Australia Bank	Term Deposit	\$ 850,000	5.98%	22/06/2011	126	A-1+	3		3.1%
National Australia Bank	Term Deposit	\$ 1,900,000	5.89%	17/08/2011	91	A-1+	3		6.9%
Westpac Bank	Term Deposit	\$ 2,600,000	5.75%	24/08/2011	91	A-1+	2		9.4%
St George Bank	Term Deposit	\$ 1,500,000	5.60%	2/08/2011	90	A-1+	2		5.4%
St George Bank	Term Deposit	\$ 1,000,000	4.86%	15/06/2011	42	A-1+	3		3.6%
St George Bank	Term Deposit	\$ 500,000	5.75%	8/06/2011	126	A-1+	3		1.8%
St George Bank	Term Deposit	\$ 1,500,000	5.82%	29/06/2011	126	A-1+	3		5.4%
St George Bank	Term Deposit	\$ 1,000,000	5.50%	13/07/2011	85	A-1+	3		3.6%
Bankwest	Term Deposit	\$ 1,000,000	5.81%	9/08/2011	90	A-1+	1		3.6%
Bankwest	Term Deposit	\$ 1,000,000	5.60%	13/07/2011	85	A-1+	3		3.6%
ING Australia Bank	Term Deposit	\$ 1,000,000	5.81%	6/07/2011	90	A-1	1		3.6%
AMP	Term Deposit	\$ 1,000,000	6.00%	29/06/2011	119	A-1	1		3.6%
Macquarie Bank	Term Deposit	\$ 1,000,000	5.80%	27/07/2011	84	A-1	1		3.6%
Suncorp Metway Ltd	Term Deposit	\$ 1,000,000	5.98%	1/06/2011	91	A-1	1		3.6%
Newcastle Permanent	Term Deposit	\$ 1,000,000	6.00%	8/06/2011	91	A-2	1		3.6%
Bank of Queensland	Term Deposit	\$ 1,000,000	6.00%	10/08/2011	91	A-2	1		3.6%
Members Equity Bank	Term Deposit	\$ 1,000,000	5.95%	20/07/2011	84	A-2	1		3.6%
Heritage Building Society	Term Deposit	\$ 1,000,000	6.21%	3/08/2011	182	A-2	1		3.6%
Community CPS Aust.	Term Deposit	\$ 1,000,000	6.10%	22/06/2011	90	NR	1		3.6%
Deutsche Bank Series 5	Floating Rate Note	\$ 1,000,000	5.91%	23/11/2012	4yrs 9mths	A+	-		3.6%
ANZ ASPRIT III	Sustainable Equity Linked Note	\$ 500,000	50% of +ve NAV	19/07/2013	6 yrs	AA	-		1.8%
Longreach Series 26	Property Linked Note	\$ 1,000,000		7/06/2014	7 yrs	A+	-	\$ 855,400	3.6%
<b>Total Investments</b>		<b>\$27,560,000</b>							<b>100.0%</b>

## 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	\$ 590,000		\$ 1,510,000	4.75%	At Call
Macquarie Bank	\$ 1,000,000		\$ 1,000,000	-0.25%	-98
St George Bank	\$ 1,000,000		\$ 1,000,000	-1.04%	-77
St George Bank	\$ 1,500,000		\$ 1,500,000	-0.30%	-29
Bankwest	\$ 1,000,000		\$ 1,000,000	0.01%	-1
Bank of Queensland	\$ 1,000,000		\$ 1,000,000	-0.20%	-89
National Bank	\$ 1,500,000		\$ 1,900,000	-0.21%	-41
National Bank	\$ 400,000	\$ 400,000		Redeemed	
Westpac Bank	\$ 2,600,000		\$ 2,600,000	0.01%	7
	<u>\$ 10,590,000</u>		<u>\$ 11,510,000</u>		

Net Portfolio Movement      \$920,000 Addition

## MWRC Policy Requirements:

Investments by Institution	Long/Short Term Ratings	Amount	% of Portfolio	
			Actual	Policy Limit
ANZ	AA/A-1	\$ 500,000	1.8%	25.0%
National Australia Bank	AA/A-1+	\$ 4,450,000	16.1%	25.0%
Bankwest	AA/A-1+	\$ 2,000,000	7.3%	25.0%
St George Bank	AA/A-1+	\$ 5,500,000	20.0%	25.0%
Commonwealth Bank	AA/A-1+	\$ 1,510,000	5.5%	25.0%
Westpac Bank	AA/A-1+	\$ 2,600,000	9.4%	25.0%
Longreach	A+/A-1	\$ 1,000,000	3.6%	20.0%
Deutsche Bank	A+/A-1	\$ 1,000,000	3.6%	15.0%
AMP	A/A-1	\$ 1,000,000	3.6%	15.0%
ING Australia Bank	A/A-1	\$ 1,000,000	3.6%	15.0%
Suncorp Metway Ltd	A/A-1	\$ 1,000,000	3.6%	15.0%
Macquarie Bank	A/A-1	\$ 1,000,000	3.6%	15.0%
Bank of Queensland	BBB+/A-2	\$ 1,000,000	3.6%	10.0%
Newcastle Permanent	BBB+/A-2	\$ 1,000,000	3.6%	10.0%
Members Equity Bank	BBB/A-2	\$ 1,000,000	3.6%	10.0%
Heritage Building Society	BBB/A-2	\$ 1,000,000	3.6%	10.0%
Community CPS Aust.	NR	\$ 1,000,000	3.6%	10.0%
		<u>\$ 27,560,000</u>	<u>32.7%</u>	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AAA/A-1+	\$ 16,060,000	58.3%	100.0%
	AA/A-1	\$ 500,000	1.8%	100.0%
	A/A-1	\$ 6,000,000	21.8%	60.0%
	BBB/A-2	\$ 4,000,000	14.5%	20.0%
	Unrated	\$ 1,000,000	3.6%	20.0%
		<u>\$ 27,560,000</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	\$ 25,060,000	90.9%	30.0%	100.0%
Between 1 and 3 years		0.0%	0.0%	70.0%
Between 3 and 5 years	\$ 1,000,000	3.6%	0.0%	50.0%
More than 5 years	\$ 1,500,000	5.4%	0.0%	25.0%
	<u>\$ 27,560,000</u>	<u>100.0%</u>		

6.2.5 FIXING OF ANNUAL FEES FOR COUNCILLORS AND MAYOR

REPORT BY MANAGER GOVERNANCE  
fees  
A0100052, A0110001

**RECOMMENDATION**

That:

1. the report by the Manager Governance on the fixing of fees for Councillors and the Mayor for the period July 2011 to June 2012 be received;
2. Council fix the fees for Councillors and the Mayor for the period July 2011 to June 2012 at \$9,970 for Councillors and \$21,770 for the Mayor;
3. (a) Council pay the Deputy Mayor a fee, to be deducted from the fee payable to the Mayor, for those periods of 7 days or more, where the Mayor is unable to carry out the duties of Mayor, such fee to be for the period that the Deputy Mayor acts in the role of the Mayor;  
(b) the calculation of this fee to be determined at a pro rata of the Mayor's annual fee.

---

**EXECUTIVE SUMMARY**

This report addresses the need for Council to fix the annual fees paid to Councillors and the Mayor for the period July 2011 to June 2012.

**DETAILED REPORT**

The Local Government Act 1993 provides that Council must pay an annual fee to each Councillor and to the Mayor. The Mayoral fee must be paid in addition to the fee paid to the Mayor as a Councillor.

The Council may fix these fees and, if it decides to do so, the fees must be fixed in accordance with the determination of the Local Government Remuneration Tribunal. If Council does not fix a fee, it is required to pay the minimum fee determined by the Remuneration Tribunal.

The Act also provides that Council may pay the Deputy Mayor as fee determined by the Council for such time as the Deputy Mayor acts as in the office of the Mayor; such amount to be deducted from the Mayor's annual fee.

The Act provides that the Remuneration Tribunal must make a determination in relation to fees, not later than 1 May each year. The 2011 determination of the Remuneration Tribunal is attached.

As a consequence of that determination, this Council has been categorised as rural; the fees applicable for the period July 2011 to June 2012 being:

	<b>Minimum</b>	<b>Maximum</b>
<b>Councillor</b>	\$7,550	\$9,970
<b>Mayor</b>	\$8,020	\$21,770

It is not mandatory for Council to fix the fees for Councillors and the Mayor. However, if Council does not fix these fees, the Act provides that the minimum fees will apply.

Council has generally resolved that the maximum fees shall apply.

In addition, given that the Council has previously determined to pay a fee to the Deputy Mayor, Council might also consider continuing this practice, bearing in mind the relevant provisions of the Act (Section 249(5)) which states

“(5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor’s annual fee.”

The recommendation above has been framed in such a way to continue the process of paying a fee for the Deputy Mayor.

#### FINANCIAL IMPLICATIONS

The Remuneration Tribunal determination represents about a 4% increase in fees payable to Councillors and the Mayor. Assuming that Council agrees to pay the maximum fee, there are sufficient funds in the 2011/12 Members Expenses budget to cover this increase.

#### STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

IAN ROBERTS  
MANAGER GOVERNANCE

27 May 2011

Attachments: 2011 Determination of the Remuneration Tribunal

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

**REPORT**  
  
and  
  
**DETERMINATION**  
  
of  
  
**THE LOCAL GOVERNMENT REMUNERATION TRIBUNAL**  
  
under  
  
**SECTIONS 239 AND 241**  
  
of the  
  
**LOCAL GOVERNMENT ACT 1993**

28 April 2011

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**LOCAL GOVERNMENT REMUNERATION TRIBUNAL****2011 ANNUAL REVIEW****REPORT**

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**BACKGROUND**

1. Pursuant to Section 241 of the *Local Government Act 1993* (the Act) the Local Government Remuneration Tribunal hereby determines in each category of council, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
2. On 8 November 2010 the Tribunal wrote to all mayors advising of the commencement of the 2011 annual review. In respect of this review the Tribunal advised councils that it would be undertaking a review of the minimum and maximum fee levels for each category but would not be reviewing the categories at this time. In accordance with Section 239 of the Act the Tribunal is required to determine the categories of councils and mayoral offices at least once every 3 years. The next review of categories is scheduled to take place during the 2012 review.
3. The Tribunal also wrote to the Presidents of the Local Government and Shires Associations (LGSA) in similar terms, and subsequently met with the Presidents. The Tribunal wishes to place on record its appreciation to the Presidents for making time to see the Tribunal

**2011 REVIEW**

4. The LGSA provided a submission on fees and related matters. As in previous years, the LGSA has recommended that fees be set as a percentage of the annual salary paid to NSW Members of Parliament. The LGSA has also provided an overview of the various factors contributing to the role and
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workload of councillors including training and development, financial sustainability, impact of climate change, cost shifting and increased accountability and transparency in decision making.

5. The Tribunal also received 16 submissions from individual councils. The majority of those submissions supported an increase in the fees payable to councillors and mayors. The submissions also addressed the following issues:
  - workload
  - complexity of issues
  - training and development
  - expenses
  - categorisation
6. The Tribunal has had regard to the submissions received and to comments made by the Associations in regard to the level of fees. Suggestions that fees be set as a percentage of the salary of a Member of Parliament are not supported for reasons stated in previous reports. Should there be significant change to or restructure of local government in NSW the Tribunal would comprehensively review the fee structure at that time.
7. A number of submissions have raised the increasing complexity of council work, in particular responsibilities associated with integrated planning and reporting and planning and development reform. It is argued that these, and other functions, add to the workload of councillors and thereby warrant an increase in remuneration. The Tribunal confirms its remarks previously made several times to the effect that that an increase in workload does not in itself reflect a change in the roles and responsibilities of councillors, which is the test for considering whether any increase in remuneration is warranted. Additional planning and reporting requirements, for example, are reflective of changed modes of work rather than a fundamental shift in the role and responsibilities of office.



8. The role of a councillor is outlined in section 232 of the Act. That is:

As a member of the governing body of the council, a councillor's duties include:

- *to provide a civic leadership role in guiding the development of the community strategic plan for the area and to be responsible for monitoring the implementation of the council's delivery program*
- *to play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions*
- *to review the performance of the council and its delivery of services, and the delivery program and revenue policies of the council.*

As an elected person, the role of a councillor includes:

- *to represent the interests of the residents and ratepayers*
- *to provide leadership and guidance to the community*
- *to facilitate communication between the community and the council.*

9. Ongoing training is essential to ensure councillors have timely access to the information necessary to perform their roles and responsibilities effectively. The Tribunal is pleased that both the Division of Local Government in the Department of Premier and Cabinet and the Local Government and Shires Association offer professional development opportunities for both new and existing councillors and mayors. Since the last election in September 2008 1,061 or 83% of councillors have attended a councillor information seminar provided under the NSW Government's Councillor Development Strategy. These seminars covered roles and responsibilities, code of conduct and meeting practice. A further 26 seminars were held in 2010 and 2011 covering financial reporting, recruitment and oversight of general managers and an update of the code of conduct. Professional development is also provided through the Associations' Learning Solutions Unit which conducted twenty-one councillor workshops from January to June 2010 with courses including *Financial Skills for Councillors* and *Integrated Planning and Reporting*. Councillors and mayors should avail themselves of professional development opportunities to ensure they have a clear understanding of their roles and responsibilities and have the necessary skills to perform effectively.

10. The Tribunal has also received advice that there is an expectation in some councils that councillors are to pay for some or all of their expenses from their annual fee. Expenses reasonably incurred by councillors are outside provisions made under the annual fee determinations. The policy in regard to the payment of expenses is outlined in the Division of Local Government's publication "*Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, October 2009*". In accordance with that policy, councillor expenses and facilities policies should set levels of expenses and facilities to realistically account for costs incurred by councillors independent of the level of their annual fees.
11. The Tribunal is aware that councils play a pivotal role in developing and sustaining local communities. The Tribunal acknowledges that significant work has already been done in the area of long term strategic planning by councils. Part of this planning involves the rationalisation of common activities to the benefit of local communities. The Tribunal has been made aware of recent initiatives in collaborative arrangements between councils, including the sharing of waste removal, library and corporate services between councils. The Division of Local Government has advised that councils have reported over 800 collaborative arrangements, an increase from 403 reported in 2007. The Division is also working with the Local Government and Shires Associations of New South Wales, Local Government Managers Australia, and the Strategic Alliance Network to develop ways to share this information, build relevant skills, and promote further council collaboration.
12. The Tribunal will continue to monitor local government initiatives and inform itself of the new State Government's direction for local government. The Tribunal notes that the newly elected Coalition Government has announced changes to the Environmental Planning and Assessment Act which will return some planning responsibilities back to local councils. The Tribunal will review these changes when the legislation is amended and will monitor the impact on councillor and mayor responsibilities.

13. The Tribunal acknowledges the valuable contribution councillors and mayors make to our communities and has determined an appropriate increase. Having regard to the factors discussed in the report, and after considering key economic indicators, and after taking the views of the Assessors into account, the Tribunal considers that an increase of 4.2 per cent in the fees for councillors and mayors is appropriate and so determines.

#### 2012 REVIEW OF CATEGORIES

14. The Tribunal has received two submissions from councils seeking categorisation to another category or the creation of a new category. The Tribunal last undertook a fundamental review of categories during the 2009 review. That review found that there was no strong case to significantly alter the current categories of councillor and mayoral offices or to move individual councils between categories. The Tribunal did however apply descriptive titles for each of the categories to more accurately reflect the nature of differences between the different groups.

15. In accordance with Section 239 of the Act the Tribunal is required to determine the categories for councils and mayoral offices for the purpose of determining fees at least once every three years. Accordingly the Tribunal will again review the categories in 2012.

16. Section 240 of the Act requires the Tribunal to determine categories according to the following matters:

*"240 (1)*

- *the size of areas*
- *the physical terrain of areas*
- *the population of areas and the distribution of the population*
- *the nature and volume of business dealt with by each Council*
- *the nature and extent of the development of areas*
- *the diversity of communities served*
- *the regional, national and international significance of the Council*
- *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government*

- *such other matters as may be prescribed by the regulations.”*

17. To ensure there is sufficient time to consider the relevant issues and undertake consultation the Tribunal will commence the 2012 review earlier than usual. Councils will be asked to consider the existing categories and where appropriate suggest alternative models of categorisation.

18. It is expected that the Tribunal will write to all councils and the associations in September inviting submissions for the 2012 review of categories.

**Local Government Remuneration Tribunal**

Helen Wright  
Dated: 28 April 2011

**DETERMINATION PURSUANT TO SECTION 239 OF CATEGORIES OF  
COUNCILS AND COUNTY COUNCILS EFFECTIVE FROM 1 JULY 2011****Category - Principal City (1)**

Sydney

**Category - Major City (3)**

Newcastle  
Parramatta  
Wollongong

**Category - Metropolitan Major (2)**

Blacktown  
Penrith

**Category - Metropolitan Centre (16)**

Bankstown	Liverpool
Campbelltown	North Sydney
Fairfield	Randwick
Gosford	Ryde
The Hills	Sutherland
Hornsby	Warringah
Hurstville	Willoughby
Lake Macquarie	Wyong

**Category – Metropolitan (21)**

Ashfield	Lane Cove
Auburn	Leichhardt
Botany	Manly
Burwood	Marrickville
Camden	Mosman
Canada Bay	Pittwater
Canterbury	Rockdale
Holroyd	Strathfield
Hunters Hill	Waverley
Kogarah	Woollahra
Ku-ring-gai	

**Category - Regional Rural (32)**

Albury	Greater Taree
Armidale Dumaresq	Griffith
Ballina	Hawkesbury
Bathurst	Kempsey
Bega Valley	Lismore
Blue Mountains	Maitland
Broken Hill	Orange
Byron	Port Macquarie-Hastings
Cessnock	Port Stephens
Clarence Valley	Shellharbour
Coffs Harbour	Shoalhaven
Dubbo	Tamworth
Eurobodalla	Tweed
Great Lakes	Wagga Wagga
Goulburn Mulwaree	Wingecarribee
Queanbeyan	Wollondilly

**Category - Rural (77)**

Balranald	Gloucester	Narromine
Bellingen	Greater Hume	Palerang
Berrigan	Gundagai	Parkes
Bland	Gunnedah	Oberon
Blayney	Guyra	Richmond Valley
Bogan	Gwydir	Singleton
Bombala	Harden	Snowy River
Boorowa	Hay	Temora
Bourke	Inverell	Tenterfield
Brewarrina	Jerilderie	Tumbarumba
Cabonne	Junee	Tumut
Carrathool	Kiama	Upper Hunter
Central Darling	Kyogle	Upper Lachlan
Cobar	Lachlan	Uralla
Conargo	Leeton	Urana
Coolamon	Lithgow	Wakool
Cooma-Monaro	Liverpool Plains	Walcha
Coonamble	Lockhart	Walgett
Cootamundra	Mid-Western	Warren
Corowa	Moree Plains	Warrumbungle
Cowra	Murray	Weddin
Deniliquin	Murrumbidgee	Wellington
Dungog	Muswellbrook	Wentworth
Forbes	Nambucca	Yass Valley
Gilgandra	Narrabri	Young
Glen Innes Severn	Narrandera	

**TOTAL GENERAL PURPOSE COUNCILS**

**152**

**Category - County Councils Water (5)**

Central Tablelands	Riverina Water
Goldenfields Water	Rous
MidCoast	

**Category - County Councils Other (9)**

Castlereagh – Macquarie	Richmond River
Central Murray	Southern Slopes
Far North Coast	Upper Hunter
Hawkesbury River	Upper Macquarie
New England Tablelands	

**TOTAL COUNTY COUNCILS 14**

**DETERMINATION PURSUANT TO SECTION 241 OF FEES FOR COUNCILLORS  
AND MAYORS**

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to councillors, mayors, members and chairpersons of county councils effective on and from 1 July 2011 are determined as follows:

	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Principal City	22,680	33,270	138,780	182,610
Major City	15,110	24,960	32,140	72,710
Metropolitan Major	15,110	24,960	32,140	72,710
Metropolitan Centre	11,340	21,170	24,100	56,250
Metropolitan	7,550	16,640	16,080	36,320
Regional Rural	7,550	16,640	16,080	36,320
Rural	7,550	9,970	8,020	21,770
County Council – Water	1,500	8,320	3,220	13,660
County Council - Other	1,500	4,980	3,220	9,080

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

**Local Government Remuneration Tribunal**

Helen Wright  
Dated: 28 April 2011



## 6.2.6 FINANCIAL ASSISTANCE

REPORT BY FINANCE OFFICER Financial Assistance A0100052, A0140201
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**RECOMMENDATION**

That:

1. the report by the Finance Officer on financial assistance applications be received;
2. Council note that insufficient funds remain available for distribution in Council's financial assistance programme to meet the current request; and
3. Councillors consider distribution of their discretionary funds in response to this request or any other organisation..

**EXECUTIVE SUMMARY**

This report canvasses a request for financial assistance under the Council's Financial Assistance policy.

**DETAILED REPORT**

The following request has been received for financial assistance.

**Rylstone Kandos Preschool Inc.**

Rylstone Kandos Preschool Inc. provides the only registered educational curriculum service to children aged 3 to 6 years in the Rylstone Kandos area. The request is for financial assistance of \$4,382.00 towards the running expenses of the Preschool.

**FINANCIAL IMPLICATIONS**

As indicated above, apart from Councillor's discretionary votes (balances as detailed below) no funds remain in Council's financial assistance allocation.

Cr Thompson	\$ 927.00
Cr Shelley	No funds remaining
Cr Walker	No funds remaining
Cr Webb	\$1,301.00
Cr Holden	\$ 735.37
Cr Martens	No funds remaining
Cr Lang	\$ 950.00
Cr Kennedy	\$ 700.00
Cr Weatherley	\$1,000.00

**STRATEGIC OR POLICY IMPLICATIONS**

Not applicable.

CHERYL MACKANDER  
FINANCE OFFICER

CLARE PHELAN  
GROUP MANAGER FINANCE &  
ADMINISTRATION

6 June 2011

Attachments:

1. Rylstone Kandos Preschool Inc.

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER



# Rylstone Kandos Preschool



PO Box 7 Kandos NSW 2848 Phone/Fax 02 6379 4273

Email – [prekids@hwy.com.au](mailto:prekids@hwy.com.au)

25 May 2011

Mid Western Regional Council  
PO Box 156  
MUDGEES NSW 2850

ATTENTION – Cheryl Mackander – Financial Officer

Dear Cheryl

RE – FINANCIAL ASSISTANCE FOR RYLSTONE KANDOS PRESCHOOL INCORPORATED

I forward this letter in regard to financial support of our Preschool. I believe we are meant to apply for a grant prior to 1 February each year but due a change in staff, I have just now been able to follow this up.

I therefore am forwarding this request for financial assistance now in the hope that Council may use their discretion and assist our Preschool this financial year.

**Name of Organisation:** Rylstone Kandos Preschool Incorporated

**Address:** 27 Fleming Street, KANDOS NSW 2848 **Postal Address:** PO Box 7 KANDOS NSW 2848

**Contact Person:** Leanne Neilsen – Office Manager

**Telephone No:** 02 6379 4273

Email: [prekids@hwy.com.au](mailto:prekids@hwy.com.au)

**Description of Organisation:** Preschool

**ABN Number:** 65 453 527 325

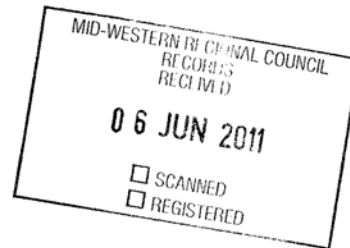
**Insurance Details:** Guild Insurance – Policy No 29/20CIP0204693 (see attached)

**Bank Account Details** – Rylstone Kandos Preschool Inc BSB – 032 657 Acc 803031

**Purpose of funding:** The Preschool is registered as a non-profit organisation and without the support from Council with running expenses the Preschool will be faced with financial difficulties.

<b>Amount of Funding required:</b>	Electricity	\$2000.00
	Water	250.00
	Telephone/Internet	1500.00
	Rent	312.00
	Pest Control	320.00
	<b>TOTAL</b>	<b>\$ 4382.00</b>

**Benefits to the community:** The preschool provides the only registered service to the Rylstone Kandos District for children aged 3 to 6 years. It plays a vital role in the educational curriculum preparing this age group for primary school. Our attendance figures each year confirm that there is a great need for a Preschool in our community with waiting lists this year for two of our days.



Preschool is willing to acknowledge the Council's contribution in accordance with its Sponsorship policy.

On behalf of the Rylstone Kandos Preschool Incorporated, I declare that the information provided is complete and correct:

Signed <u>B Eviston</u>	Signed <u>Rebecca Mackander</u>
Print name <u>Bernadette Eviston</u>	Print Name <u>Rebecca Mackander</u>
Position Held <u>President</u>	Position Held <u>Vice - President</u>
Telephone Number <u>0417289129</u>	Telephone Number <u>(02)63790963</u>
Date <u>26/5/2011</u>	Date <u>26/5/2011</u>

If you have questions please do not hesitate to contact me.

Yours faithfully



Leanne Neilsen  
OFFICE MANAGER

enc

04 March 2011

Fax Number: 02 6379 4273

Rylstone-Kandos Pre-School Inc  
PO BOX 7  
KANDOS NSW 2848

**Guild Insurance Limited**  
 ABN 55 004 538 863  
 AFS Licence No: 233791  
 Ground Floor 232-244 Pacific Highway  
 Charlestown, NSW 2290  
 PO Box 625, Charlestown, NSW 2290  
**Telephone** +61 2 4922 6200  
**Facsimile** +61 2 4922 6222  
**Email:** guildnewcastle@guildgroup.com.au  
**www.guildgroup.com.au**

### CERTIFICATE OF CURRENCY

This Certificate confirms that the Policy specified below is current for the stated period, subject to the Policy terms, conditions and exclusions.

**Type of Business:** Childcare Insurance  
**Policy Number:** 29/20CIP0204693  
**Period of Insurance:** 05/02/2011 to 05/02/2012 at 4:00pm  
**Trading As:** Rylestone-Kandos Pre-School  
**Situation of Risk:** 27 Fleming Street  
 KANDOS NSW 2848  
**Insured(s)** Rylstone-Kandos Pre-School Inc

#### Interest Insured

Public Liability	\$20,000,000
Professional Indemnity	\$20,000,000
Products Liability	\$20,000,000
Legal Fees	\$100,000

6.2.7 FLOOD DAMAGE – RECREATIONAL ASSETS

REPORT BY GENERAL MANAGER  
FLOOD DAMAGE RECREATION  
A0100052, A0149935

**RECOMMENDATION**

That:

1. **the report by General Manager on the Flood damage claim for recreational assets be received;**
2. **Council proceeds immediately with the flood damage repairs in our Parks and Reserves and that the Mayor and General Manager pursue with vigour with State Government the determination and payment to Council for this legitimate flood damage claim of \$945,000; and**
3. **Council includes in the 2011/12 Management Plan estimates of \$945,000 grant income and \$945,000 expenditure for remediation of flood damage on recreational assets.**

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**DETAILED REPORT**

In December last year Council experienced a significant flood with damage on our roads and reserves infrastructure. Claims for both have been made. The claim for the roads damage has been approved and repairs works well underway. Although the claim for the reserve work has been inspected by local Public Works Office staff we have been advised by the Sydney office that the approval of the claim could take two to three years. The local office has indicated informally that they were satisfied with the extent and the dollars of the claim.

We have urgently sought a meeting with the State Government Ministers and MP's to address this matter. It is unacceptable to have public parks and reserves closed for two years whilst bureaucrats ponder a legitimate claim under the State Government policy and procedures.

The main effect on this delay is Lawson Park and Glen Willow. This report is seeking approval from Council to proceed immediately with the repair works in the parks and reserve area and for the Mayor and General Manager to actively seek from State Government a determination of the legitimate Council flood damage claim. If Council does not proceed with the repair works immediately we put at jeopardy the major sporting events in 2012 that we have worked so hard to secure.

**FINANCIAL IMPLICATIONS**

The claim submitted in relation to flood damage on recreational assets totals \$945,000, which under NSW State Government policy is to be 100% funded by State Government grants. It is recommended that Council amend the 2011/12 Management Plan to include estimates of this income and expenditure. However, it is worth noting that if part of this claim remains outstanding or unapproved as at 30 June 2012, Council will be carrying a lower than usual balance of unrestricted cash until such time as the current asset, being the goods receivable, is converted to cash.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

WARWICK BENNETT  
GENERAL MANAGER

6 June 2011

6.2.8 GULGONG PARKS IRRIGATION SCHEME

REPORT BY MANAGER WATER & WASTE STRATEGIES  
Gulgong Parks Irrigation Scheme  
A0100052, F0780133

**RECOMMENDATION**

That:

1. **the report by the Manager Water & Waste Strategies on the proposed Gulgong Parks Irrigation Scheme be received;**
2. **Council resolves to accept an offer of financial assistance under the Federal Government's Strengthening Basin Communities Program of \$900,000 (GST exclusive) for the construction of a Parks Irrigation Scheme at Gulgong; and**
3. **Council approves the advertising of tenders for the Supply, Construction, Pressure Testing of Pipelines & Associated Works for the Gulgong Parks Irrigation Scheme.**

**EXECUTIVE SUMMARY**

Council has received an offer of financial assistance of \$900,000 for the construction of a \$1.8M Parks Irrigation Scheme at Gulgong. Council is requested to resolve to accept the funding offer and to approve the calling of tenders for the construction of the majority of pipelines by contract.

**DETAILED REPORT**

In 2009 Council engaged NSW Water Solutions to undertake a feasibility study for a separate water supply scheme at Gulgong that would utilise existing infrastructure where practicable to provide a 'fit-for-use' alternative to the potable water supply system for the irrigation of Council's parks and reserves. The study was completed in December 2009.

The study concluded that it would be more economical to provide a separate parks irrigation scheme to reduce the demand on the potable system than to augment the potable system to include parks irrigation and growth.

The proposed scheme involves utilising the existing Fletchers and Wait-A-While Bores, the Elcom Pumping Station and Chlorination Facility and the smallest of the three existing reservoirs at Flirtation Hill. The existing rising main from the Water Treatment Plant to the reservoirs would become a combined irrigation supply rising main and gravity main to supply water to Billy Dunn Park, Pearls Park and Peoples Park, requiring the construction of a new pipeline from the Water Treatment Plant to the Reservoirs. An alignment of this pipeline along Caledonian and Fisher Streets would allow an irrigation supply gravity main to be constructed in the same trench providing a cost-effective solution to supplying water to Councils Parks and Reserves in the south Gulgong area.

The feasibility study included extending the proposed scheme to include other major public open spaces such as schools and sporting clubs. Computer hydraulic simulations confirm that the proposed Parks Irrigation Scheme could accommodate these additional demands. Making the proposed scheme available to schools and sporting clubs will further reduce the demand on the potable water supply system.





On 2 June 2011 Council received an offer of financial assistance of \$900,000 for the construction of the scheme. Council is requested to resolve to accept the Ministers offer.

Staff have prepared contract documentation for the Supply, Installation, Pressure Testing of Pipelines and Associated Works for the construction of the majority of the required pipelines. Council is requested to approve the calling of tenders for this work to be competed by contract. A report requesting Council to accept a tender for the construction of pipelines by contract would be presented to Council at the August or September Council meeting.

Council staff will construct minor pipelines, install connections of new pipelines to Council's existing water mains, install metered service connections to parks, reserves and private customers, and upgrade the Fletchers bore and Elcom chlorination facilities.

FINANCIAL IMPLICATIONS

As Council had received advice during the preparation of the Management Plan that the Minister had given in-principle support to the project, Council has included an income of \$900,000 and an expenditure of \$1,700,000 in the 2011/12 Management Plan. Council has allocated \$100,000 in the current financial year to allow investigations and detailed designs to be completed.

STRATEGIC OR POLICY IMPLICATIONS

The Parks Irrigation Scheme will significantly reduce the demand on the Gulgong River Pumping Station, Water Treatment Plant and Reservoirs and will delay the need for major infrastructure capacity upgrades in the future.

BRETT CORVEN  
MANAGER WATER & WASTE STRATEGIES

BRAD CAM  
GROUP MANAGER OPERATIONS

3 June 2011

Attachments: 1. Ministers letter advising in-principle support (24 February 2011)  
2. MWRC additional information submission (15 April 2011)  
3. Offer of financial assistance (2 June 2011) - Copy available upon request.

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

ATTACHMENT 1

**The Hon Tony Burke MP****Minister for Sustainability, Environment, Water, Population and Communities**B10/2692  
WSIR2-025Mr Brett Corven  
Manager Water and Waste Strategies  
Mid-western Regional Council  
PO Box 156  
MUDGEE NSW 2850

24 FEB 2011

Dear Mr Corven

**Strengthening Basin Communities – Water Saving Initiatives Component Round 2**

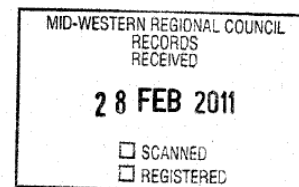
I am pleased to inform you that I have given in-principle funding approval for Mid-western Regional Council's application for the project - *Gulgong Parks Irrigation Scheme* - submitted under round two of the Strengthening Basin Communities program: Water Saving Initiatives component.

In-principle approval has been given to enable the Department of Sustainability, Environment, Water, Population and Communities to resolve one or more matters with you regarding your application. The Department will be able to offer you a funding agreement once these matters are resolved to their satisfaction. If no resolution can be reached the in-principle funding offer will be withdrawn.

The Department will write to you shortly with further details of the matters that require resolution and particular conditions attached to the offer of funding for your project. You should note that payment of any funding is subject to Mid-western Regional Council agreeing to those conditions and entering into a written funding agreement with the Commonwealth.

Congratulations and I wish you all the best with your project.

Yours sincerely

A handwritten signature in black ink that reads "Tony Burke".  
Tony Burke



PO BOX 156  
MUDGEE NSW 2850

86 Market Street MUDGEE  
109 Herbert Street GULGONG  
77 Louee Street RYLSTONE

Ph: 1300 765 002 or (02) 6378 2850  
Fax: (02) 6378 2815

email: council@midwestern.nsw.gov.au

15 April 2010

Georgie Bryant  
Strengthening Basin Communities  
Water Efficiency Division  
Department of Sustainability, Environment, Water, Population & Communities  
Ph (02) 6274 2765  
georgie.bryant@environment.gov.au

Dear Georgie,

**WSIR2-025 Gulgong Parks Irrigation Scheme**

I refer to your email of 11 April 2011 requesting information on Council's proposed Parks Irrigation Scheme at Gulgong, and respond as follows:

- *Details of any planning and environmental approvals required and if applicable their current status.*

Section 125(1) of the State Environmental Planning Policy (Infrastructure) 2007 provides that "Development for the purpose of water reticulation systems may be carried out by or on behalf of a public authority without consent on any land". Other than minor upgrades of existing infrastructure (e.g. installing a new pump in an existing bore, upgrading an existing chlorination facility, a telemetry system upgrade and new irrigation controllers), the project consists only of constructing water reticulation systems and so development consent is not required for this project.

Council's environment team have reviewed the proposal and have completed environmental assessment in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979*. The conclusion drawn from consideration of the proposal and its potential environmental impacts is that the overall impact is minimal and therefore acceptable. A copy of the environmental assessment report is attached for your records.

- *Provide a copy of the finalised detailed design and budget documentation for the project including;*
  - Q1. *Engineering design*
  - Q2. *Financial details*
  - Q3. *Project Budget*
  - Q4. *Cost/Benefit Analysis – including the anticipated amount of water savings and rationale behind their calculation.*
  - Q5. *Operating and Maintenance costing and revenue for the next 20 years.*

- A1. Council has achieved 99% detailed design of the proposed Gulgong Parks Irrigation Scheme. A copy of the 99% detailed design drawings are attached for your records. Minor adjustments (i.e. depth) may be required to avoid conflicts with other services (this is presently being finalised) and additional detail required for tendering is being drafted. Final drawings will be completed by 13 May 2011. The preparation of formal documentation (including commercial conditions and technical specification) for the construction of distribution pipelines by contract is under way and will be completed by 27 May 2011.
- A2. Council has allocated \$100,000 in the 2010/11 and \$1,700,000 in the 2011/12 financial years for the project, with expenditure in 2010/11 subject to successfully obtaining grant funding for the project. Unexpended budget from 2010/11 will transfer to 2011/12 to ensure that there are sufficient funds to complete the project.
- A3. Attached is a detailed budget for the work. The following methodology has been used to determine the project cost.
- Council has assembled a detailed parts list for the distribution mains and have received quotations for pipe and fittings, and so have allowed a margin of 10% contingency to accommodate price increases and changes required in the field.
  - Council has assembled a detailed parts list for a standard large diameter water service connection and have received quotations for the required meter, backflow device and fittings, and so have allowed a margin of 10% contingency to accommodate price increases and changes required in the field. The cost of the standard meter assembly has been applied to all proposed connections.
  - Other materials prices (e.g. pipe bedding sand, concrete, road seal, etc) are based on other recent projects and estimates of quantities. A margin of 20% contingency has been allowed to accommodate price rises and actual quantities.
  - Pipe installation by contract has been estimated based on rates determined from recent pipeline tenders. A margin of 20% contingency has been allowed to accommodate potential increases in tender submissions.
  - Meter installations and pipeline connections to the existing system have been estimated based on estimates of unit rates and task duration and resource requirements. A margin of 20% contingency has been allowed to accommodate changes to estimated durations and resources applied.
- A4. NSW Public Works have determined that the Gulgong unrestricted peak day water supply demand is presently 4.5 megalitres per day and that the rural domestic demand in the Gulgong area is approximately 1 megalitre per day. As the Gulgong water treatment facility has a capacity of just 4 megalitres per day, there is presently insufficient capacity to meet the unrestricted demand of the wider community during drought.

Council considered the options of (a) increasing the capacity of the water treatment facility to accommodate current and projected potable water demands and (b) the construction of a parks irrigation scheme to provide a 'fit for purpose' alternative to the potable water system thereby reducing the potable water demand to within the capacity of the existing potable water system. The option of increasing the capacity

of the water treatment facility was estimated at \$2.64 million and therefore significantly more expensive than the parks irrigation scheme option.

Potable water consumption from irrigating Council's parks and reserves will be reduced by an estimated 80 megalitres per annum, replaced with an estimated 60 megalitres per annum of 'fit for purpose' bore water. This represents an overall saving of 10KL per person, per annum. As not all of Council's parks and reserves are presently metered, savings were estimated by preparing a water balance by subtracting metered residential and commercial metered consumptions and an allowance for water losses (inaccurate meters, system leaks, etc) from the total water production (water treatment plant output).

The availability of the bore water scheme to commercial and institutional customers (e.g. schools, golf and bowling clubs) could result in a reduced demand on the potable system of up to 176 megalitres per annum.

A5. The annual operation and maintenance cost of the scheme (including water purchases, power, disinfection chemicals, asset inspections, scheduled servicing and unscheduled repairs) is estimated at approximately \$40,000. However, as the proposed scheme will provide 'fit for purpose' water as an alternative to potable water for irrigating Council's parks and reserves (and some commercial and institutional customers), there will be a significant reduction on the demand for potable water and a proportional reduction in the cost of operating that system. For example, the cost of operating bores and a chlorination system will be offset by the reduction in potable water pumping and chemicals for treatment. There will be some re-allocation of funds between line items within the existing budget to accommodate changed patterns of expenditure (e.g. reduction in power consumption at the water treatment plant will be reallocated to additional power consumption at the bores). The additional cost of asset depreciation to fund end of life asset replacements will be included in future financial plans when the system is commissioned. A copy of Council's Water Fund 30 year financial plan showing Council's projected water fund incomes and Capital works program will be forwarded by email for your records.

- *Provide a detailed Risk Management Plan outlining project risks and noting how potential delays due to weather, delay in receiving grant funding have been considered.*

Council has completed a detailed environmental assessment (copy attached) of the proposed works and have determined that the overall impact is minimal, acceptable and that environmental matters will not hinder project progress. There are no outstanding approvals required.

Attached is a revised program that considers progress to date and an anticipated approval date of 30 June 2011. As demonstrated in the program, the projected completion date is 26 June 2012 which provides ample time for unforeseen delays, wet weather delays, etc.

The contract for the supply, installation and testing of distribution pipelines will be a schedule of rates contract and so Council could easily reduce the scope of works (e.g. by not constructing a pipeline to one of the parks) to accommodate unforeseen financial burdens within the budget if required.



If a more formal risk management plan is required, please let me know.

- *Provide a project plan which breaks down the budget.*

Attached is a project plan that reduces the project to specific segments of pipeline and specific items.

- *Provide details of the projects proposed governance structure – this would need to include how the project would be run and by whom, if the council would do the works in house or if a contractor would be employed as well as the project sponsor.*

The project will be managed by Brett Corven, Manager Water & Waste Strategies who is a qualified civil engineer with 17 years experience in the local government/water industries. Daily inspections and routine contractual matters will be carried out by Claire Cam, Project Engineer, who is a qualified civil engineer with 6 years experience in the local government/water industries and/or Steven Hanthorn, Water & Waste Technician, who is a qualified water supply and wastewater operator with 24 years experience in the local government/water industries.

Council will contract most of the pipeline construction to a suitably experienced contractor under a formal contract utilising the NSW State Governments GC21 Commercial Conditions. A request for Tenders will be advertised in accordance with the requirements of the *NSW Local Government Act 1993*, the *NSW Local Government (General) Regulation 2005*, and the *NSW Government Code of Practice for Procurement*.

The connection of new pipelines to existing systems, modification of pipe work at the reservoir, installation of metered service connections and installation of irrigation control systems will be carried out by Council staff, under the supervision of Claire Cam and under the instruction of Scott Jackson, Water Supply & Waste Coordinator, who is a qualified water supply and wastewater operator with 15 years experience in the local government/water industries.

Should you have any queries or require further information in relation to this matter please contact me on 02 637802886 or 0427725886.

Yours faithfully



BRETT CORVEN  
MANAGER WATER & WASTE STRATEGIES

6.2.9 GULGONG TRAFFIC STUDY

REPORT BY MANAGER TECHNICAL SUPPORT  
Gulgong Traffic Study RTC  
A0100052, R0790214

**RECOMMENDATION**

**That:**

- 1. the report by the Manager Technical Support on the Gulgong Traffic Study be received;**
- 2. Council notes the report prepared by Gennaoui Consulting titled Traffic Management Study - Gulgong Centre;**
- 3. Council rejects the recommendations found in section 4 of the Traffic Management Study - Gulgong Centre; and**
- 4. Council not place the Traffic Management Study - Gulgong Centre on Public Exhibition, rather investigate traffic calming measures in conjunction with pedestrian facilities in Herbert St and Mayne St Gulgong including community consultation.**

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**EXECUTIVE SUMMARY**

The purpose of this report is to consider the Traffic Management Study - Gulgong Centre completed by Gennaoui Consulting for Council.

**DETAILED REPORT**

The Traffic Management Study - Gulgong Centre considers many aspects of the traffic movements in the Gulgong town centre. It states in section 3.1 "The existing road network and all intersections operate at a very good level of service Level of Service "A". Furthermore, there is no real speeding problem in the study area."

The study goes on however to propose some significant changes to the traffic flow and speeds in the CBD. On further consideration of the report the majority of the changes proposed are not considered appropriate for the Gulgong CBD, particularly given the comment as quoted above regarding the high level of service provided by the CBD network. The majority of traffic users in Gulgong are fully aware of the issues and restrictions on traffic flow in the township and to change for limited benefit may cause unnecessary public concern.

However one aspect that can be considered further is traffic calming measures in conjunction with pedestrian facilities in Herbert St and possibly Mayne St.

Council has previously had requests for pedestrian crossings in Herbert and Mayne St and while the pedestrian and vehicle numbers in these streets don't meet the RTA warrants for a pedestrian crossing, other measures in conjunction with traffic calming devices can be considered to improve pedestrian safety.



FINANCIAL IMPLICATIONS

The further investigation proposed can be accommodated under existing budgets. Proposed treatments resulting from this investigation will require a budget to be allocated. Until the investigation is completed a budget estimate is not available.

STRATEGIC OR POLICY IMPLICATIONS

The improvement of pedestrian and motorist safety in Gulgong CBD is considered to be the strategic focus of this report.

ANDREW KEARINS  
MANAGER TECHNICAL SUPPORT

BRAD CAM  
GROUP MANAGER OPERATIONS

2 June 2011

Attachments: Traffic Management Study - Gulgong Centre (following at the end of the business paper)

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

6.2.10 CONSULTANCY BRIEF – IMPACTS OF MINING

REPORT BY GROUP MANAGER DEVELOPMENT AND COMMUNITY SERVICES  
Impact of Mining Draft Brief  
A0100052, A0170041, A0420171

**RECOMMENDATION**

That:

1. the report by Group Manager Development and Community Services on the draft Consultancy Brief for the purpose of undertaking a study on the impacts of mining proposals on local and regional infrastructure and services in the Mudgee Region be received;
2. Council seeks the draft Brief prepared by the Department of Planning and Infrastructure be amended as outlined in this report to adequately address the issues of:
  - Study Area
  - Data Accessibility and Availability
  - Non-Resident Population
  - Impact on Community Services and Facilities
  - Impact on Health Services and Facilities
  - Impact on Educational Facilities
  - Workforce Characteristics
  - Impacts on other industries
  - Liveability of the region
3. the amended draft Brief be forwarded to the Department of Planning and Infrastructure for approval.

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**EXECUTIVE SUMMARY**

Following a meeting between the Department of Planning and Infrastructure (DP&I) and Council it was agreed that DP&I and Council would jointly prepare a consultancy brief for the purpose of undertaking a study on the impacts of mining proposals on local and regional infrastructure and services in the Mid- Western Region.

The DP&I have prepared a draft brief for comment. The scope of the project covers 4 keys stages:

1. An assessment of the existing range of services and facilities and the land and housing markets;
2. Benchmarking the existing range of services and facilities and their condition against established standards and current demand levels;
3. An assessment of the scale and location of know and proposed mines and their impacts on services and facilities;
4. Identify the additional facilities and services that will be required as a result of the growth in mining and the extent to which the industry should reasonable contribute.

It is considered that the methodology contained within the draft brief is sound but that it would benefit from a number of amendments and additions. It is critical that given this opportunity the study addresses all of the impacts.

### DETAILED REPORT

The draft brief is deficient in a number of areas and it is recommended that it be addressed to address the following details;

#### Study Area

It appears that the term Mudgee means the entire Mid-Western Region (as per Figure 1 - Map of study area). It is important to be clear on the region under study because the impact of mining in the region does extend beyond the township of Mudgee itself. The level of services, infrastructure and facilities across the entire region need to be considered in the study. While Mudgee town is likely to experience the most significant impacts (based on historical trends) the other towns, in particular Gulgong are also likely to experience change the degree of which will be relative to the size of the town now, proximity of mining activities and the flow on impacts on housing and facilities as they become more difficult to access in Mudgee. As such the study area should be extended to include the towns of Gulgong, Rylstone and Kandos.

#### Data Accessibility and Availability

The brief discusses using 2006 Census Data as a starting point to establish socio-economic characteristics for the region (such as population, age profile etc). It also clearly identifies ABS data and Department of Planning population projections as sources of information for the project.

It is important to emphasise the downfalls/risks of relying solely on this data in undertaking this project, as experience in using this data clearly demonstrates that there are severe limitations and inconsistencies arising between the data and what is actually happening. The rapidly changing nature of the mining industry has and will continue to lead to rapid fluctuations in regional statistics, making it difficult to accurately report on service demands and changes in social structure. The ABS Regional Population Growth data suggests that the population of the entire region has increased by only 200 people in the last 12 months and only 800 people compared to 5 years ago. This is difficult to agree with anecdotally given that Wilpingjong and Moolarben have both commenced operations within this period. Further, the Mudgee town census collection district does not include Glen Ayre which clearly is the area that has seen some of the most pointed growth in the past 5 years. Council's population projections should be included as reference material.

Part of the brief should include a recommendation as to how the data can be more accurately accessed and updated for the region during the periods of significant change and growth expected in the future. Waiting for this data every 5 years in such a dynamic environment will make it difficult to monitor service levels going forward.

#### Non-Resident Population

Given the nature of the mining services industry, some members of the workforce will choose to be temporary residents (ie. they will not necessarily buy a house) or alternatively they will work under fly-in fly-out arrangements. In assessing service and infrastructure adequacy levels, it is important to ensure that the methodology used takes these factors into account because regardless of their residency status

#### Community Facilities

In the detailed description of services it is unclear as to whether all community facilities will be assessed or just those managed by Council. Health and Education (including Early Childcare Services) are high priority areas and have the greatest impact on community well being and liveability of the region. They also have a flow on effect on the ability to attract permanent residents to the region (ie. mining employees and their families). Anecdotal evidence suggests

that health and early childcare services are already under extreme pressure, with long waiting times to access services.

The brief should be expanded to include all services and facilities, whether they are provided by Mid-Western Regional Council, State or Federal Government. Services and facilities for which the State and Federal Government are partially or fully responsible such as health and education that will be required as a result of the growth of the coal mining need to be included and addressed. In addition, it is important that the brief requires investigation all funding sources, not only industry and Council contribution, for the provision and maintenance of all services. The provision of both public and private health services and education across all levels from pre-school through to tertiary education needs investigation in the study including an assessment of the current levels of service, benchmarking, identification of current and future impacts and identification of solutions. Consultation should also include the relevant state and federal government departments.

#### Workforce Characteristics

It is important to note that fly-in/fly-out arrangements are considered a worst case scenario in this region. The region does have the opportunity (with adequate services and facilities in place) to attract permanent residents given the lifestyle advantages available relative to more remote mining areas and wants to avoid fly-in/fly-out arrangements that provide no tangible benefits for the community or economy. To date the local mines have been supportive of this approach, having local employment preferences where possible.

#### Impact on Other Industries

The project does not appear to take into account the impacts (or economic costs) imposed by increased mining activities in the region. The Mid-Western Region has a diverse economy including agriculture, viticulture and tourism which all compete for or rely on the resources used by the mines (such as land, water, labour force, roads) and have the ability to be negatively impacted by declines in liveability through social and environmental impacts of mining in the region. The ability to maintain this economic diversity throughout the life of mining in the region is a key priority of Mid-Western Regional Council and the broader community.

#### Liveability of the Region

In assessing the impacts of mining proposals in the region, it is important to take into account the liveability of the region. Any negative impacts on liveability impact not only existing residents but the ability to attract new residents to the region and therefore, the long term sustainability of the region. It is recommended that part of the project includes determining appropriate measures of liveability for the region to not only benchmark where the community is as today, but also to monitor this on an ongoing basis.

Whilst it is acknowledged that defining liveability measures are subjective, the liveability of the region is an important competitive advantage in this region and it is considered a critical community asset to maintain and protect as increased mining activity takes place in the region.

#### FINANCIAL IMPLICATIONS

The project is to be fully funded by the Department of Planning and Infrastructure.

#### STRATEGIC OR POLICY IMPLICATIONS

Council has the opportunity to take advantage of study conducted in conjunction with the Department of Planning and Infrastructure to investigate the impacts of mining on the region. The potential of the cumulative impacts has not been previously investigated in Council's strategic plans as the extent of mining was unknown when Council undertook its strategic land use planning. The individual Environmental Impact Statements prepared as part of the Part 3 applications for the mines also fail to adequately address the cumulative impacts. This study provides an opportunity to determine the level of impact on local and regional infrastructure including the identification of

potential solutions to current issues. The study will be a valuable resource when lobbying for additional funding for infrastructure with both the mines and the government bodies.

CATHERINE VAN LAEREN  
GROUP MANAGER PLANNING AND COMMUNITY SERVICES

3 June 2011

Attachments: Draft Brief from the Department of Planning and Infrastructure

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER



Mr Warwick Bennett  
General Manager  
Mid-Western Regional Council  
PO Box 156  
MUDGEES NSW 2850

*Warwick*

Dear Mr Bennett,

Following on from the meeting between the Department of Planning and Infrastructure (DP&I) and the Mid-Western Regional Council, it was agreed that DP&I and Council would jointly prepare a consultancy brief for the purpose of undertaking a study of the impacts of mining proposals on local and regional infrastructure and services in the Mudgee Region.

As per this agreement, I am forwarding you a draft Consultants Brief to progress this process. It would be appreciated if you could look over the brief and provide feedback.

Should you have any questions about this matter, I have arranged for Andrew Abbey of the Assessment Policy Branch of the Department of Planning and Infrastructure to assist you. Mr Abbey can be contacted on telephone number (02) 9228 6187.

Yours sincerely,

*[Handwritten signature]* 18/5/11

Richard Pearson  
**Deputy-Director General**  
**Development Assessment and Systems Performance**



## **Local Services Assessment – Mudgee**

### **1. Background and Purpose of this Brief**

The Director General of the Department of Planning and representatives of the Mid-Western Regional Council recently discussed the impact of coal mining growth on local and regional infrastructure.

An agreement was reached that the Department of Planning and Mid-Western Regional Council would jointly develop a brief for the purpose of undertaking a study of the impacts of mining proposals on infrastructure and services in the Local Government Areas (LGA) with a view to benchmark the impacts and identify the level of services appropriate for population needs. This work will be undertaken by a consultant.

This brief identifies Mudgee as the primary study area and provides an overview of the project scope including key aims and objectives, with a focus on local services assessment. The timeframe for this research and the production of a comprehensive Local Services Assessment is 8 weeks.

The framework and principles of the study should be replicable to other locations in NSW and the outcomes from this pilot project should both inform and be informed by the relevant Strategic Regional Land Use Plan.

Strategic Regional Land Use Plans are being developed for regions across the State as part of the delivery of the Government's Strategic Regional Land Use Policy,

### **2. Study Area and Overview of the Project Scope**

The Study Area for this brief is the Mudgee area of the Mid-Western Regional Council, and is depicted on Figure 1. It comprises the existing urban area of Mudgee and proposed development areas.









The scope of the project covers the following 4 key stages and elements:

1. An assessment of the existing range of services and facilities provided by Mid-Western Regional Council, and the land and housing markets within which the mining activities are to take place;
2. Benchmarking the existing range of services and facilities and their condition against established standards, and current demand levels;
3. An assessment of the scale and location of known and proposed mines, and their impacts on services and facilities. This task is to include the implications of known and proposed mining projects during the construction and operational phases. It should address the
  - a. likely direct and indirect jobs generated
  - b. effects of anticipated working arrangements of mine workers, and expected living and housing arrangements of employees on the services and facilities
  - c. effects of mining-induced population growth on land and housing supply and demand
  - d. direct impacts of the mine on utility services (including water, sewerage and the like) and facilities
  - e. impacts of expected growth on utility services including water, sewerage and the like)
  - f. broad costs for addressing impacts, and potential obstacles to meeting the expected growth and demand
4. Identify the additional facilities and services that will be required as a result of the growth of coal mining and the extent to which the industry should reasonably contribute.

### 3. Detailed Description of Services

The work is to be carried out in four stages as set out below.

#### 3.1. Stage 1 – Existing services and facilities and land and housing market

Stage 1 is to gain a thorough understanding of the environment in the Mid-Western Regional Council, including the following:

##### Population, housing and employment

- Existing population and housing characteristics (based on 2006 Census), including age profile, household types, income characteristics, housing characteristics, housing tenure, dwelling occupancy rates, occupied – v – unoccupied dwellings



- Projected population and housing characteristics
- Existing employment and income characteristics
- Existing housing market – availability and price of land; availability, and price/ rental of residential stock; rental cost of hotels/ motels; occupancy of hotels/ motels (from hotel/ motel owners/ managers)
- Housing accommodation development and trends (say over past 10 years) - nature of dwelling types (detached/ attached/ units; nature of other accommodation types – hotels/ motels, etc)
  - Land and housing developments underway (Council developments; private developments; Landcom/ Crown Land developments), covering greenfields developments and infill/ multi-unit developments in established areas
  - Residential and employment land rezonings underway – location, and scale of development
  - Land and housing market – growth areas; rezonings; DAs/ approvals; sales values
- Employment land market - growth areas; rezonings; DAs/ approvals; sales values

#### Roads

- Identify key roads (arterial/ sub-arterial) managed and maintained by Council, including RTA roads where relevant
- Assess the condition (width, standard and condition of pavement, etc) of the roads identified against relevant standards (RTA and AustRoads standards) for their function
- Estimate cost of road maintenance (per metre) according to road standard, in consultation with Council and RTA
- Sources of funding for road maintenance
- Council expenditure commitments for maintenance of the identified roads

#### Community and open space/ recreation

- List of community and open space/ recreation facilities managed by Council, and their location
- Estimated size of community facilities, role, and condition
- Current sources of funding for the provision and maintenance of facilities



#### Water, sewerage and stormwater

- Determine the extent of the existing municipal water and wastewater infrastructure and review current Council commitments to cater for future growth, including expected source/s of water
- Identify funding sources for water, sewerage and stormwater

#### Solid waste

- Assess the current approach to solid waste disposal and management, and the strategy for addressing future demands arising from expected growth
- Assess the existing and proposed funding sources for the management of solid waste

#### Planning

- Assess current zoning and land-use permissibility, and identify opportunities/obstacles to respond to housing demand, and employment land demand.

### **3.2. Stage 2 – Benchmarking existing services and facilities**

The benchmarking task is intended to assess the level of provision of services and facilities by the Mid-Western Regional Council for Mudgee against established standards of provision. Examples of how benchmarking should occur is set out below, in the form of questions associated with each of the four key service areas.

Example 1 – community and recreation facilities - for the size of the population of Mudgee and its demographic characteristics, how does the number of facilities identified in Stage 1 compare with accepted standards? What shortfalls in provision exist?

Example 2 – roads - for the traffic carried along the arterial and sub-arterial roads how does the standard and condition of the roads compare with accepted standards?

Example 3 – water and sewerage - for the size of Mudgee and its projected population growth, is the level of water and sewer servicing, and its approach appropriate?

Example 4 – land supply - how does the cost of residential land and housing, and employment land in Mudgee compare with comparable sized towns in NSW?

Example 5 – solid waste management – does the plan for managing solid waste meet accepted guidelines for waste management? Does the strategy address the potential for growth?

The benchmarking is intended to be a predominantly qualitative assessment, with quantitative support where available from Stage 1.





### 3.3. Stage 3 – Assessment of impacts of coal proposals, and broad order of cost estimate

Stage 3 is focused on assessing the potential impacts of future planned coal projects on the local community, and on the delivery of services and facilities within Mudgee. It is to build on the conclusions of Stage 1 and 2 especially in respect of existing or potential obstacles/ blockages to the supply of services and facilities.

The assessment process is to take into account the following:

- Mining proposals – approved projects, projects in the approvals pipeline, and potential future proposals. Details required to inform this aspect include the location of the mines, projected annual output of the mines, and the timing of development of the mines, Department of Planning and Infrastructure will provide this information
- Employment growth projections – projections are to be assessed with and without the mining proposals to determine the net increase in jobs. The analysis is to take into account the most recent information available in respect of direct employment projections from mining, as well as additional indirect jobs
- Workforce characteristics – the characteristics of the workforce are likely to affect the nature of services and facilities required within Mudgee. This component is to address the following – gender; age; likely living accommodation arrangements; likely working arrangements (shifts); fly-in/ fly-out/ commuting/ travel arrangements. It is expected that fly-in/ fly-out employees will have different housing requirements from permanent residents
- Roads – based on the location and scale of the proposed coal projects, and the expected timing and output of the mines, nature and volume of the associated traffic, the assessment of impacts is to identify the roads potentially affected by mining-related traffic; potential road improvement works generated by mining activity (including intersection works, grade separation/ bridges/ signals, etc), the expected maintenance impacts from mining activities; estimate a broad order of costs and potential funding sources for road maintenance and upgrading, including Section 94 contributions; road maintenance grants; and Council's existing funding commitments
- Land and housing supply – based on the expected increase in permanent population (having regard for all of the factors outlined above), the impact on land and housing supply is to be assessed, in terms of quantum of supply and cost of land and house packages/ types of accommodation in the development pipeline
- Water and sewerage infrastructure – based on the location and scale of the proposed coal projects, and the expected timing and water demand of the mines (including both construction and operational phases) the assessment is to assess the following:
  - Identify the potential demand for water and waste water services
  - Assess the existing capacity of water and waste water services (e.g. groundwater availability and capacity of water supply catchment areas), and



- Identify the areas where there is a need for additional water and waste water services (e.g. additional local sewerage treatment plants, pipes and pump stations).
- Waste management – based on the expected increase in permanent population (having regard for all of the factors outlined above), the impact on waste management is to be assessed.

The impacts of the mining projects on the delivery of services and infrastructure are to be quantified as far as possible to enable their use as an input to the preparation of developer contributions plans or Voluntary Planning Agreements (VPAs).

Using current established standards of provision, the consultant is to estimate the new facilities and services (capital items) required and to estimate the cost of provision. Road maintenance costs are also to be estimated, using accepted standards and cost estimation methods.

#### **3.4. Stage 4 – Issues and solutions**

This stage should summarise the potential issues associated with the delivery of services and facilities, contingent on the size and nature of the population growth arising from the proposed mining projects.

Where potential obstacles to the planning and/ or delivery of services is identified (e.g. planning for urban expansion is likely to result in less development than the potential employment and likely permanent residents), the consultant is expected to put forward possible solutions.

#### **3.5. Consultation requirements**

The tenderer is expected to consult with a number of organisations to inform this assessment, including the following:

- Mid-Western Regional Council
- Department of Planning
- relevant mining companies
- land developers
- Roads and Traffic Authority
- real estate agents
- hotel/ motel owners/ managers
- Department of Housing

The Department of Premier and Cabinet has taken preliminary steps to establish the Coal Mining Expansion Regional Service Delivery Working Group. The successful consultant will need to consult with this Working Group.



The Department of Planning will also provide a letter of introduction for the successful tenderer to organisations with which consultation should occur. This letter will provide information on the purpose of the assessment, and requesting assistance with the provision of information.

### 3.6. Information sources

The tenderer is to use a range of published information sources for this assessment, including the following:

- Relevant background documents related to the LGA/ Region:
  - Council Corporate Plan
  - State of the Environment Plan
  - Section 94 Contributions Plans
  - Local Strategies
- Water, stormwater and wastewater infrastructure plans and plans for future augmentation and financing
- Published population, housing and employment data:
  - ABS
  - NSW Department of Housing Rent and Sales Reports
  - Department of Planning population projections
- Relevant technical standards, including:
  - AustRoads and RTA Guidelines for roads
- Information from real estate agents and developers on the land and housing market, development costs, finished dwelling prices and rents
- Information on potential coal projects from published sources (such as Department of Trade and Investment, Regional Infrastructure and Services publications) and discussions with mining companies.

## 4. Tender Requirements and Conditions

Information to come from DP&I Contracts Section



## 6.2.11 MUDGEE SEWERAGE AUGMENTATION

REPORT BY MANAGER WATER & WASTE STRATEGIES MUDGEE STP A0100052, F0740001
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**RECOMMENDATION**

That:

1. **the report by the Manager Water & Waste Strategies on the Mudgee Sewerage Augmentation is received;**
2. **subject to a satisfactory financial assessment and concurrence of the NSW Office of Water, Council accepts the tender of Precision Civil Infrastructure P/L for the construction of a Sewage Treatment Plant at Mudgee for the sum of \$13,699,295; and**
3. **the General Manager is authorised to approve variations of up to 2% of the contract price (\$273,986).**

**EXECUTIVE SUMMARY**

A Request for Tenders for the Mudgee Sewerage Augmentation – Construction of a Sewage Treatment Plant & Associated Works was advertised in the Sydney Morning Herald and Mudgee Guardian (Community News) and on the NSW Department of Services, Technology and Administration (eTendering) and Council’s websites during September and October 2010. Tenders closed on 4 November 2010 and eight submissions were received. Following a detailed review of submissions it is recommended that, subject to satisfactory financial assessment and concurrence of the NSW Office of Water, Council accepts the tender of Precision Civil Infrastructure P/L for the lump sum price of \$13,699,295 excluding GST. It is further recommended that Council authorises the General Manager to approve variations of up to 2% (i.e. \$273,986) of the contract sum. All figures in this report are GST exclusive unless otherwise stated.

**DETAILED REPORT****Sewage Treatment Plant Contract**

The pre-tender estimate for the Mudgee Sewerage Augmentation - Sewage Treatment Plant and Associated Works contract was \$11,249,091. Upon close of tenders on 4 November 2010 eight tenders were received ranging in price from \$17,757,288 to \$23,972,885 (inclusive of GST). The pre-tender estimate was prepared by a Quantity Survey consultant engaged by the design consultant.

On 29 November the lowest Tenderer, Precision Civil Infrastructure advised that they had made a significant calculation error against one item in the tender schedules resulting in an error of \$1,158,019. Section 176 of the Local Government Regulation allows a Tenderer to vary its tender price to correct a “mistake or anomaly”. Precision Civil Infrastructure was requested to fully explain and justify the nature of the error. Council’s executive management are satisfied with the explanation provided. After accounting for this error Precision Civil Infrastructure P/L’s tender price is \$17,301,008, which is still the lowest tender.

The tender evaluation plan required submission of tenders in two envelopes, one envelope containing non-price criteria and the other containing price information. Each of the tenders were evaluated against non-price criteria including the contractors experience on similar projects, suitability of proposed sub-contractors, and past performance on similar contracts. The tenders were then scored, weighted and ranked to determine which tender is the most advantageous. Precision Civil Infrastructure P/L's tender represents the best value for money from the eight tenders received. Precision Civil Infrastructure P/L's amended tender amount of \$17,301,008 is considered reasonable and it reflects current market values.

Because the tender prices were significantly higher than the pre-tender estimate, after tenders closed a list of cost savings items was prepared by Council staff for pricing by all eight Tenderer's, with a closing date of 27 January 2011. Tenderers were also asked to identify other cost saving items for consideration. Four of the eight Tenderer's submitted a list of cost saving items. The other four tenders were excluded from further consideration. Based on adjusted tender prices that includes the cost saving items, the price/non-price assessment was recalculated and Precision Civil Infrastructure remained the preferred Tenderer.

Also after the close of tenders, Council engaged NSW Water Solutions to modify the design of the Putta Bucca Sewage Pump Station which is a significant part of the contract. The four remaining Tenderer's were asked to again submit a cost saving for the construction of the alternative design. Although Precision Civil Infrastructure P/L remained the preferred tender following reassessment, the cost saving offered by Precision Civil Infrastructure P/L was considered too low and Council staff were of the opinion that better prices would be received if this work was separated from the Sewage Treatment Plant Contract.

Precision Civil Infrastructure have now confirmed the adjusted tender price for the Construction of a Sewage Treatment Plant at Mudgee, which excludes the Putta Bucca Sewage Pumping Station Upgrade, of \$13,699,295 is correct and will remain valid until 30 June 2011. It is recommended that, subject to satisfactory financial assessment, Council accepts the adjusted tender of Precision Civil Infrastructure P/L for a lump sum of \$13,699,295. The contractor expects to be onsite in August.

As the project will receive financial assistance from the NSW Government, concurrence of the NSW Office of Water is required prior to issuing a letter of acceptance.

#### Pipelines Contract

At the March 2010 council meeting, Council resolved to accept a tender for the Mudgee Sewerage Augmentation – Supply, Construction and Pressure Testing of Pipelines and Associated Works for a schedule of rates fee of \$2,445,002.73. Council also authorised the General Manager to approve variations of up to 5% (\$122,250). Following price increases during funding agreement delays, the approved contract sum (letter of offer) was \$2,490,097.36.

The contractor has completed the construction of pipelines under the original contract, the only work remaining being minor landscaping, pipelines testing, submission of works-as-executed drawings and disestablishment. The final price of the original contract, including all adjustments for schedule of rates items and contract variations will be \$2,501,304.61.

Due to satisfactory performance of the pipelines contractor, Council at the December 2010 Council meeting resolved to vary the contract to include a further 555m of pipeline that Council had planned to construct for an additional sum of \$194,109.09. The contractor has now commenced work on the additional pipeline.



Power Supplies Contract

A Request for Tenders for the Mudgee Sewerage Augmentation – Construction of Two Pad-Mount Substations at Mudgee STP and Putta Bucca Sewage Pump Station (including power line alterations and extensions) was advertised during October 2010. Upon the close of tenders on 9 November 2010 six submissions were received ranging in price from \$162,100 to \$512,800. The lowest Tenderer subsequently withdrew their tender. The next lowest tender is \$328,730.

However, Council is presently having difficulty obtaining a land access approval to enable the project to proceed. It is anticipated that this issue will be resolved in the next month or two and that a report will be presented to Council requesting Council to accept a tender for the work at the July or August Council meeting.

Putta Bucca Sewage Pump Station

The Putta Bucca Sewage Pumping Station needs to be upgraded to accommodate the changed discharge requirements. As mentioned earlier in this report, the Putta Bucca Sewage has been withdrawn from the Sewage Treatment Plant Contract. Council will need to amend the Contract documents and call separate tenders for this work. It is anticipated that Tenders will be advertised during August-September 2011 and that a report requesting Council to accept a tender for the work at the November 2011 council meeting. The current pre-tender estimate for this work is \$2.4M.

Ancillary Services

Construction work not included in the major contracts mentioned above include the construction of an access road from the Waste Depot entrance to the proposed sewage treatment plant entrance and the installation of water supply and communications services. The access road has now been formed and the installation of a water supply pipeline and communications conduit has commenced. This work is being carried out by Council staff and local contractors. This work will be completed before the STP contractor establishes at the site. These works are expected to be at a cost of \$150,000.

FINANCIAL IMPLICATIONS

Council has included in the 2012 – 2016 Management Plan further expenditure estimates of \$16.2 million split across 2011/12 and 2012/13 (\$11 million and \$5.2 million respectively), with borrowings of \$10 million required in 2011/12. The main contract is for a 60 week period, and will be spread across the two financial years. Council has received confirmation that the project is eligible for 26.3% (approximately \$3.6 million) for this contract. Total grant income anticipated across the entire project is \$5.26 million.

In summary the cost of this project is expected to be as follows:-

<b>Main contract</b>	<b>13,699,295</b>
<b>Pipeline</b>	2,695,413
<b>Ancillary Works</b>	150,000
<b>Pumping Station</b>	2,400,000
<b>Power line</b>	328,730
<b>Total</b>	<b>\$19,273,458</b>

This estimated cost could be subject to further contract variances and the successful determination of access to land for the power line. Also to be added to these costs are staff costs for supervising the contracts and overhead costs.

The current budget for these works is \$19,200,000 over a 3 year period (2010/2013). When the schedule of works has been presented by the contractor we will recommend to Council at the September quarterly review any necessary budget adjustments.

STRATEGIC OR POLICY IMPLICATIONS

The Mudgee Sewage Treatment Plant was commissioned in 1933, has undergone two major augmentations since then (in 1961 and 1991) and has a current hydraulic capacity of 9600EP (equivalent population). According to 2006 census data, Mudgee had a population of 8,800 EP (10,000EP including commercial / industrial), which is forecast to grow to 14,000 (16,000EP) by 2031. Mudgee also has a relatively large itinerant population (tourist trade and industrial contractors), which are not included in population estimates.

The plant consists of trickling filter secondary treatment with tertiary maturation ponds (1890's technology) and in recent years the Department of Environment, Climate Change and Water has expressed concern regarding the high levels of nutrients in the treated effluent being discharged into the Cudgegong River. Council's environment protection licence requires that Council upgrades the Mudgee Sewage Treatment Plant to achieve an acceptable level of treatment by 30 June 2011. Council has requested a licence variation to defer that requirement by two years.

Sewage treatment plant design includes an allowance for moderate increases in sewage flows during storms. Delays to the Mudgee Sewerage Augmentation will result in steadily increasing frequencies and volumes of storm flows bypassing major sewage treatment processes, and it is estimated that dry weather bypasses (during diurnal peaks) will start occurring within ten years. Already overloaded biosolids processing units are discharging partially digested biosolids resulting in odour generation at the site.

The plant is therefore operating above its design capacity and needs to be upgraded to cater for residential growth and to reduce pollutant loads on the receiving environment. For reasons discussed above, delaying the project beyond 2015 would be socially and environmentally unacceptable.

BRETT CORVEN  
MANAGER WATER & WASTE

BRAD CAM  
GROUP MANAGER OPERATIONS

3 June 2011

Attachments: The tender evaluation is included in the closed section of this Business Paper

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

## 6.2.12 FUNDING AGREEMENT NSW GOVERNMENT HUMAN SERVICES

REPORT BY MANAGER LIBRARY AND COMMUNITY SERVICES  
FUNDING AGREEMENT NSW GOVERNMENT HUMAN SERVICES  
A0100052, A0060060, A0182011

**RECOMMENDATION****That Council:**

- 1. note the report from the Manager, Library and Community Services;**
- 2. accept the offer from NSW Government Human Services of funding of \$99,018 towards the Community Project Officer Program and amend the Management Plan as required; and**
- 3. execute the necessary documentation under the Common Seal.**

**EXECUTIVE SUMMARY**

This report seeks Council's approval to authorise the affixing of the Council's Common Seal to the funding offer and service agreement from the NSW Government Department of Human Services, Community Services for a total of \$99,018 towards the Community Project Officer Program.

**DETAILED REPORT**

The NSW Department of Human Services, through its Community Services directorate, provides funding to local government and non-government organisations to provide programs and initiatives that support the development and strengthening of local communities.

Through this funding, Council has been able to support the work of various groups and agencies through its Community Development Officers. Our two part-time Community Development Officers work with groups and agencies throughout the region on issues, programs and events that will assist people in our community to be more involved and connect more with each other.

Changes have been made to the funding program and there is now a greater focus on supporting specific financially and socially disadvantaged target groups through the Community Builders model. Additional funding has also been provided to Council through this Service Agreement, specifically to support programs and initiatives for youth in the Kandos and Rylstone region. This will allow Council to build on the support it has provided over the past few years to the Kandos Youth Activity Centre and will allow a coordinator to be contracted to run the Centre and support the efforts of the volunteers and agencies who work closely with the youth of the community.

Alongside this, Council will continue to support a range of community working groups, such as the Interagencies, that allow groups to work together to build the capacity of the community. Council will support and work with these groups as well as delivering programs, events and activities directly to our target groups. Events such as Seniors Week and Youth Week will continue to be supported.

Community capacity building projects aim to build stronger communities by developing stronger links between community members and assisting members of disadvantaged communities to

participate in community life and activities. This focus on inclusion and breaking down barriers between individuals is central to the program.

FINANCIAL IMPLICATIONS

The amount of \$99,018 contributes towards the Community Project Officer Program. This service agreement includes additional funding of \$36,839. The Management Plan will need to be amended to reflect this additional income and expenditure.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

SIMON JONES  
MANAGER LIBRARY AND COMMUNITY SERVICES

29 May 2011

Attachments: Letter and Service Agreement from Community Services, Department of Human Services NSW dated 20 May 2011 (following at end of business paper.)

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

## 6.2.13 MUDGEES SHOWGROUND MANAGEMENT COMMITTEE – MARCH 2011

REPORT BY GROUP MANAGER OPERATIONS  
Mudgee Showground Management Committee March Meeting  
A0100052, P0210911, A0100012

**RECOMMENDATION**

That:

1. **the report by Group Manager Operations on the Mudgee Showground Management Committee Meeting be received; and**
2. **the minutes for the Mudgee Showground Management Committee ordinary monthly meeting held on 1 March 2011 be noted.**

**EXECUTIVE SUMMARY**

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Showground Management Committee ordinary monthly meeting held on 1 March 2011. The Showground Management Committee receives an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meeting. A copy of the Works Requests and Matters in Progress are attached for Council information.

There are no matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under separate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receives additional information.

**FINANCIAL IMPLICATIONS**

Not Applicable.

**STRATEGIC OR POLICY IMPLICATIONS**

Not Applicable.



BRAD CAM  
GROUP MANAGER OPERATIONS

19 May 2011

Attachments:

1. Minutes of the Mudgee Showground Management Committee ordinary monthly meeting  
1 March 2011
2. Updated Works Request and Matter in Progress List

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

**MUDGEES SHOWGROUND MANAGEMENT COMMITTEE****MEETING — 1 March 2011****Meeting Opened: 6.05pm****Present:** Cllr John Webb, Kristie Ward, Bill Robinson, Gwendy Cooper, Renee Bridger, Charles Tym, Malcolm Swords and Malcolm House**Guest:** Yasmin Crockett, Jim Gilbey, Jim Baker**Apologies:** Brad Cam**Minutes of February Meeting - Accepted**

Moved Bill Robinson

2<sup>nd</sup> Renee Bridger**Matters in Progress**

- A quote has been received from A1 Earthworx for the removal of the storage container at a cost of \$100. Nicole will source quote from Country Scrap & Steel, and will organise removal if he will remove it for free.
- Three quotes were presented for the kiosk roofing: Furneys - \$2349.75, Reece - \$2146.46, Petries Home & Garden Centre - \$2155.96. The Committee requested new quotes including guttering.
- Kristie had Total Fire Solutions assess the need for fire extinguishers in the new Stables. They were found to be unnecessary due to there being inside and outside taps at both ends of the stables and because they were not required by the Council Health & Building Department. Yasmin felt this was strange as there is hay stored in there and every other Stable she has been to always have fire extinguishers. Bill Robinson suggested putting one of the two extinguishers out of the poultry shed in there. The Committee agreed.

**Correspondence In**

- NIL

**Financial Report**

- Committee looked at comparison to this time last financial year. Jim Gilby asked about the vast amount difference between February this year and last financial year. It was explained that Council invoice for stable hire at the end of the month for that month instead of the beginning of the month.

**General Business**

- Kristie said that she is trying to enforce that no maintenance work is done without a works requests at the showground.
- The meter boxes were tagged out that had not been fixed properly and was fixed at the contractors costs. Also had an electrician drill the holes in the meter boxes at sideshow alley.
- Jim Baker came to the meeting to voice his opinion on the cost of the stables. Jim believes the stables are too expensive and said that the price is reasonable if you get the use of

some facilities in it. Jim is part of the Working Horse Group. Cllr Webb let Jim know that the Committee have made a recommendation to Council that is along the lines of what Jim is suggesting but it will ultimately be a Council decision. Jim said that he is concerned that Council may be pricing themselves out of getting hirers for these facilities.

- Kristie let the Committee know that mowing and weed spraying has been done, also that the underground watering system wasn't working on the main arena but has now been fixed. Yasmin said that she has rode on it and it will be fine for the show.
- Kristie had organised the whirly birds for the Poultry Shed to be installed on 2/3.
- Kristie reported that the grate over the drain in the stables is an OH&S risk. At the present time for a temporary fix for the show weekend there will be a timber brace over the middle of it which will overlap to stop slipping risk. This will also be spray painted and marked to avoid it being a trip hazard.
- The trip hazard at the front gates on the footpath will be fixed before the show.
- The storm water down pipe off the cattle pavilion has been connected to the storm water drain to be diverted to the street.
- The pavilion hand rail has been welded back in place.
- The culvert near side show alley which was a potential trip hazard has had reflector posts put either side of it.
- The post and rail fence near the Poultry Shed repairs have also been completed.
- It was reported that the gate has collapsed at the marsh yard next to the pony club shed. Kristie said she would get Roger Hayes to see if he could temporarily fix for the show weekend.
- The Show Committee would like another entrance for pedestrians at the Madeira Rd end. Renee & Yasmin believe pedestrians should go through the other two gates. Cllr Webb suggested this be put in matters in progress to consider in the future.
- Kristie mentioned a works request from the show society in regards to tree protection for the show. As both Council and Show Society do not have resources to do this before the show, Malcolm H recommended leaving all the little ones as even if they need replacing it will be less expensive than the hire of contractors to rectify the problem.
- Kristie spoke on an issue from the stable hirers in regards to the show society requesting they sign a waiver for their horses being in the stables over the show period. Hirers had concerns about the bar being in close proximity to the stables and there being inebriated people working through. Kristie asked Malcolm H if he could arrange for show security to periodically walk over there. Malcolm will look into and suggested maybe using bunting there.
- Kristie also brought to attention that the stable conditions of hire are not specific enough particularly in regards to the hirers giving up their stable or day yard for incoming stable users at show time. Kristie requested a motion to be passed for these conditions to be looked at. This will be put in the matters in progress list.
- Yasmin requested opening and closing hours to be looked at for the showground
- Kristie asked the horse user delegates to relay to stable hirers that very few of them are using the bolts provided to lock their stables and that they need to use these as well as the latches.
- The display board that Committee were previously going to purchase is looking like not being a very viable option as lettering would need to be attached with Velcro and may not look very professional in the end. The interchangeable notice board quote is \$4746.50. Malcolm Swords suggested sourcing sponsors for this. This will be put in matters in progress.
- Malcolm House informed Committee that the gate off Douro St near the sheep pens had dropped. These repairs will need to be done before the show.
- Bill Robinson enquired about the BBB lock for the gate near sheep pens. Kristie informed that it has been on order but should be in place before the show.
- Broken glass and bottles lying around is an issue. Cllr Webb suggested that if Committee members see this sort of thing it might be easiest to just pick them up in the interest of helping maintain the Showground.
- Malcolm H informed that the old green picnic tables that are around the grounds have



screws coming out of them and need new slats. Malcolm suggested a plate being put underneath the slats would solve the problem. These will get looked at by Roger Hayes.

- Malcolm H suggested the idea of the section on cattle shed near Douro St could be made into a storage shed. Malcolm said that if functions are going to be held there then there is a need for a storage shed for portable yards and other items. Cllr Webb said that we need to negotiate some of the iron from main pavilion with contractors who won the tender. Malcolm H spoke of having a working bee. Committee will look into the feasibility of building a storage shed for all users on western side of the cattle pavilion. Also the possibility of salvaging materials from the demolition of old main pavilion.

Moved: Malcolm House

2<sup>nd</sup>: Malcolm Swords

- Yasmin enquired about how we could put a stop to people washing horses with showground water when they don't pay anything. It was concluded that there is no real way to police this.
- Yasmin also mentioned that where sideshow people are set up, there is a pipe going down to the road which grey water is running out of across the road to the drain. Kristie said she will bring this up with the Health and Building Department and get them to inspect.
- Gwendy would like to be notified before the pavilion is pulled down so that she can get the flush plates out. She also mentioned there is a section of the old main pavilion that is a bad trip hazard. Also there was concern about the wedding taking place in the old sheep pavilion as there is a bad cement trip hazard in there. Kristie said she will make sure the couple getting married are aware of this and take measures to reduce the risk.

Meeting closed at: 8.15pm

Next meeting to be held 5 April 2011.

**MATTERS IN PROGRESS**

**APRIL MEETING**

<b>ITEM</b>	<b>SUBJECT</b>	<b>MEETING DATE</b>	<b>ACTION</b>	<b>WHOM</b>	<b>PROGRESS</b>	<b><u>WORKS REQUEST</u></b>
1	Main Pavilion	4.3.11	Contractor has been appointed – CCA Projects. Will be starting 20.3.11.	B Cam	In Progress	
2	Look into altering bond terms and conditions for building hire.	1.2.11		B Cam/ N Cassidy	In Progress	
3	Removal of container	1.2.11		B Cam/ N Cassidy	Completed	
4	Quotes for Kiosk Roofing including gutter and screws.	1.2.11		B Cam/ N Cassidy	Completed	
5	Fire Extinguishers for Stables	1.3.11	Bill Robinson will put one of the two from the Poultry Shed in there.	B Robinson		
7	Stable conditions of hire.	1.3.11		B Cam/N Cassidy	Finalised for Committee approval	
8	Opening & Closing hours	1.3.11	Possible revision of open & close times	All		
9	Notice board	1.3.11	Write to Moolarben Coal to request commitment to sponsorship of notice board.	All	In Progress	
10	Gates to be re-powder coated	19.5.11		B Cam/ N Cassidy	In Progress	
11	Storage Shed	1.3.11	Look into feasibility of building shed & possibility of utilizing steel off old main pavilion.	All		
12	Notify Gwendy before pavilion is being pull down	1.3.11	Gwendy would like to be informed so that she could remove the flush plates.	B Cam		

## 6.2.14 MOBILE VENDING AND STREET TRADING POLICY

REPORT BY GROUP MANAGER DEVELOPMENT AND COMMUNITY SERVICES Street Trading Policy A0100052, A0130047
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**RECOMMENDATION****That:**

- 1. the report by Group Manager Development and Community Services on the Mobile Vending and Street Trading Policy be received; and**
- 2. the attached Mobile Vending and Street Trading Policy be adopted.**

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**DETAILED REPORT**

Historically a policy has existed in the former Mudgee Shire but this was deleted from the policy register as it had limited application. The current enquiries indicate that the a policy framework is required to enable staff to determine applications and provide advise to the community.

Most NSW Councils do not have a policy for mobile food vans and those that do are in the main city councils ie Parramatta, Sydney, Wollongong, Penrith. Parramatta's policy supports and encourages street trading activities as an effective means of enhancing the public environment.

Newcastle City Council does not have a policy and does not permit Mobile Street trading but permits mobile food vans to act as delivery vehicles onto private land. (Mr Whippy/home ice cream vans are exempt on historical grounds)

**FINANCIAL IMPLICATIONS**

Not Applicable

**STRATEGIC OR POLICY IMPLICATIONS**

The adoption of a mobile food vending and street trading policy will provide guidance to potential operators of this activity.

CATHERINE VAN LAEREN  
GROUP MANAGER DEVELOPMENT AND COMMUNITY SERVICES

3 June 2011

Attachments: Draft Mobile Vending and Street Trading Policy

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER



## MID-WESTERN REGIONAL COUNCIL

### MOBILE VENDING & STREET TRADING POLICY

#### INTRODUCTION

These guidelines are intended for mobile food businesses and other businesses engaged in trade or business selling from mobile vehicles within the Mid-Western Regional Council local government area.

**Important: Mobile food vans operating within the Council area must sell only coffee, drinks, cakes, sweets, or other such low risk foods.**

**Food preparation apart from the preparation of tea and coffee is not permitted within mobile food vans operating within this Council area.**

#### OBJECTIVE:

To regulate the operation of Mobile vending vehicles and street traders so that they will not interfere with the operation of permanent commercial enterprises located in the Central Business Districts of Mudgee, Gulgong, Rylstone and Kandos or to create traffic hazards on or within the network of roads within the Local Government Area.

#### POLICY:

1. Mobile Vending and Street Trading will only be conducted subject to Council approval and in accordance with this policy.
2. Approval will not be given to vendors who sell goods that are sold by permanent established businesses within the relevant town or village. For example, where a town or village does not include a fresh fish shop then a mobile fish vendor may be approved.
3. Any approval by Council will only apply to public places within the Mid-Western Regional Council. Should the applicant wish to trade on private land, permission must be first obtained from the owners of such land. Permanent mobile trading activities on private land is prohibited.
4. Any vehicle used in connection with the sale or distribution of food or other articles for sale must not be parked in such a way, nor the business of street trading be conducted in such a way, that the free flow of traffic is hindered or that any dangerous or hazardous situation is created.
5. All street trading is subject to compliance with Chapter 6 of the "Street Vending Manual"

prepared by the RTA. Please note that the NSW Police Service will enforce the Motor Traffic Regulations under the Traffic Act, 1999.

6. The setting up of a stall, stand or standing vehicle for the purpose of engaging in trade or business on any road outside the town boundaries of Mudgee, Gulgong, Rylstone and Kandos is prohibited.
7. This policy does not apply to an authorised charity or other not-for-profit organisations approved by Council.
8. All mobile vehicle or stands must be used for trade or business only during daylight hours.
9. Nothing in this policy prohibits mobile food vendors or traders participating in special events such as sporting events, markets or street festivals.
10. All approved mobile food vendors will be subject to the following conditions
  - a) Public liability insurance with a minimum of \$10,000,000 must be taken out and maintained.
  - b) The operation of the mobile vehicle or stand must not restrict pedestrian access along the footway or obstruct vision to other vehicular traffic on the road.
  - c) The mobile vehicle must be removed from its location within 15 minutes of closure and the area around the vehicle or stand must be left in a clean and litter free state.
  - d) The requirements of the Food Act 2003, Food Regulations 2004 and the Local Government Act 1993 & Regulations thereunder must be observed at all times.
  - e) The Council reserves the right to cancel an approval at any time should any reasonable and substantive complaint be received from the NSW Police or the public.
  - f) Mobile food vehicles must not be operated on any RTA classified street or road (ie includes highways, main roads and state works)

6.2.15 TREE REMOVAL AT LAWSON PARK, MUDGEES

REPORT BY FIELD AND PARKS TECHNICIAN  
Tree removal Lawson Park  
A0100052, F0650039

**RECOMMENDATION**

That:

1. the report by Group Manager Operations on the tree removal at Lawson Park, Mudgee be received; and
2. the removal of the 3 trees from Lawson Park, Mudgee be approved.

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**EXECUTIVE SUMMARY**

The aim of this report is to obtain approval to remove 3 trees from Lawson Park, Mudgee. These trees have been assessed and are of a possible risk to park users.

**DETAILED REPORT**

These trees have been assessed after a routine inspection of trees in Lawson Park. These trees being 1 Gladitsia triocanthos, and 2 Ulmus glabra 'Lutescens' are declining in health.

The Gladitsia is multi trunked and has had both trunks braced together many years ago. This tree has past borer and termite damage to the both leading trunks, which also goes to the base of the tree. This tree is approximately 14m in height with trunk width of 500mm & 570mm. As many pedestrians walk past this tree every day it is recommended that this tree be removed and replaced with the same species.

The 2 Ulmus glabra 'Lutescens' are located in front of the pool. They have severe borer damage to the trunk of the tree and the upper branches. These trees are approximately 16m in height, with a trunk width ranging from 500mm to 1.2m. As this many pool and park users walk under these trees, it is recommended that these trees be removed. It is recommended that these trees be replaced with the same species.

It is recommended that these trees be removed and stumps ground to ground level.

**FINANCIAL IMPLICATIONS**

The cost of removal will be funded from Passive Park maintenance budget.

**STRATEGIC OR POLICY IMPLICATIONS**

Tree Removal and Pruning – Public Places

JENNY NEELY  
PARKS TECHNICAL ASSISTANT

19 May 2011



BRAD CAM  
GROUP MANAGER  
MID-WESTERN OPERATIONS

Attachments: Tree removal and assessment forms

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

**Tree Removal Assessment & Approval Form**

<b>Location &amp; Details</b>	
<input checked="" type="checkbox"/> Mudgee <input type="checkbox"/> Gulgong <input type="checkbox"/> Kandos <input type="checkbox"/> Rylstone <input type="checkbox"/> Rural	
Location:	Lawson Park – near pool
Reason for request / assessment:	Borer damage to trees
Botanical name (attach photos):	Ulmus glabra 'Lutescens'
Common Name:	Golden Elm
Number of Trees:	2
Height/s:	Approx 16m
Surrounding Trees and the assessed tree(s) place in the landscape:	Variety of Parkland trees
<b>Assessment (Visual)</b>	
Trunk diameter 1 metre above ground:	Tree 1 multi-trunked 500mm and 1.1m and Tree 2 1.2m
Signs of ground movement or heaving	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Visible Defects	Tree 1 has server borer damage Tree 2 has borer damage, not as server but getting that way
Soundness	<input type="checkbox"/> Sound <input type="checkbox"/> Semi-Sound <input checked="" type="checkbox"/> Unsound
Structural integrity of root system	Appears sound, exposed roots
Broken limbs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Unusual lean	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General health	<input type="checkbox"/> Good <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor / Fair
Existing / Potential to Damage Infrastructure	Power to Pool and toilet block
Safety Risks to pedestrians / traffic	Park and pool Users
Removal Impact:	<input type="checkbox"/> Low <input type="checkbox"/> Moderate <input checked="" type="checkbox"/> High
<b>Assessment (Other)</b>	
Details of any other measures taken to determine health / risk of tree	None
<b>Recommendations</b>	
Priority Ranking	2



Action Recommended:	Remove ASAP Replace with x 2 Manchurian Pear trees
<b>Date:</b> 2/3/2011	<b>J. Neely</b> <b>Inspector</b>
<b>Approvals</b>	
Approved Course of Action	<input type="checkbox"/> Remove <input type="checkbox"/> Retain <input type="checkbox"/> Monitor
Notifications Required?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notes:	
<b>Date:</b>	<b>Operations Group Manager</b>







Tree Removal Assessment & Approval Form

<b>Location &amp; Details</b>	
<input checked="" type="checkbox"/> Mudgee <input type="checkbox"/> Gulgong <input type="checkbox"/> Kandos <input type="checkbox"/> Rylstone <input type="checkbox"/> Rural	
Location:	Lawson Park – Near double gates
Reason for request / assessment:	Public concern of tree safety
Botanical name (attach photos):	Gladitsia triocanthos
Common Name:	Honey Locust
Number of Trees:	1
Height/s:	Approx 17m
Surrounding Trees and the assessed tree(s) place in the landscape:	Variety of Parkland trees
<b>Assessment (Visual)</b>	
Trunk diameter 1 metre above ground:	Multi-trunked: 500mm and 570mm
Signs of ground movement or heaving	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Visible Defects	Severe borer damage/infestation, termites, scaring, deadwood, decay and rot. The spilt in the tree has been held together with a brace,
Soundness	<input type="checkbox"/> Sound <input checked="" type="checkbox"/> Semi-Sound <input type="checkbox"/> Unsound
Structural integrity of root system	Appears sound
Broken limbs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Unusual lean	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General health	<input type="checkbox"/> Good <input checked="" type="checkbox"/> Average <input checked="" type="checkbox"/> Poor / Fair
Existing / Potential to Damage Infrastructure	
Safety Risks to pedestrians / traffic	Park users
Removal Impact:	<input type="checkbox"/> Low <input type="checkbox"/> Moderate <input checked="" type="checkbox"/> High
<b>Assessment (Other)</b>	
Details of any other measures taken to determine health / risk of tree	None
<b>Recommendations</b>	
Priority Ranking	1
Action Recommended:	Remove, and replace with same species.
<b>Date:</b> 2/3/2011	<b>J. Neely</b> <b>Inspector</b>







6.2.16 REMOVAL OF TREES AT ROBERTSON PARK

REPORT BY FIELDS AND PARKS TECHNICIAN  
Removal of trees at Robertson Park  
A0100052, F0650046

**RECOMMENDATION**

**That:**

- 1. the report by Group Manager Operations on the tree removal at Robertson Park, Mudgee be received; and**
- 2. the removal of the 9 Claret Ash trees at Robertson Park, Mudgee be approved.**

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**EXECUTIVE SUMMARY**

The aim of this report is to obtain approval to remove 9 Claret Ash trees from around the cenotaph at Robertson Park, Mudgee. These trees create an avenue along the footpaths.

**DETAILED REPORT**

These trees have been assessed after a routine inspection of trees in Robertson Park. These trees are declining in health, which is visible to see. They have numerous amounts of deadwood within the canopy, dieback and decay. Many pedestrians use this area of the park each day.

During the inspection it was noted that the trees have single and multiple trunks ranging from 180mm to 370mm, with heights ranging from 9m to 13m. The trees appear in poor health. Tree report attached.

It is recommended that these trees be removed and stump ground to ground level. It is recommended that the avenue of trees be replaced with the same species.

**FINANCIAL IMPLICATIONS**

The cost of removal will be funded from Passive Park maintenance budget.

**STRATEGIC OR POLICY IMPLICATIONS**

Tree Removal and Pruning – Public Places

JENNY NEELY  
PARKS TECHNICAL ASSISTANT



BRAD CAM  
GROUP MANAGER  
MID-WESTERN OPERATIONS

19 May 2011

Attachments: Tree removal and assessment form

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

**Tree Removal Assessment & Approval Form**

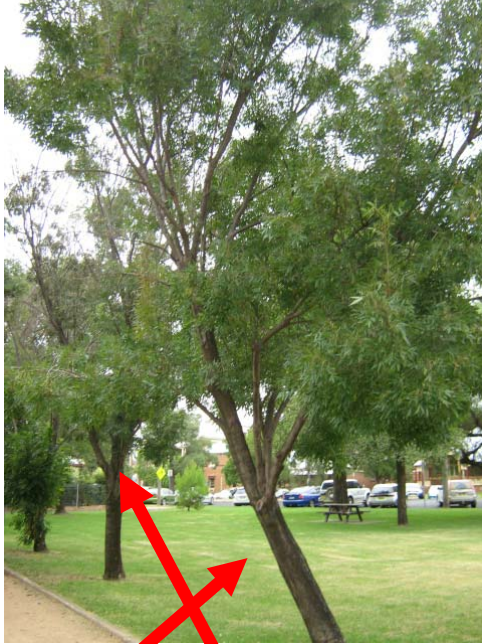
<b>Location &amp; Details</b>	
<input checked="" type="checkbox"/> Mudgee <input type="checkbox"/> Gulgong <input type="checkbox"/> Kandos <input type="checkbox"/> Rylstone <input type="checkbox"/> Rural	
Location:	Robertson Park – Near Cenotaph
Reason for request / assessment:	Dying trees
Botanical name (attach photos):	Fraxinus augustifolia 'Raywoodii'
Common Name:	Claret Ash
Number of Trees:	5
Height/s:	Approx 9m
Surrounding Trees and the assessed tree(s) place in the landscape:	Variety of Parkland trees
<b>Assessment (Visual)</b>	
Trunk diameter 1 metre above ground:	350, 290, 230, 300 & 290
Signs of ground movement or heaving	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Visible Defects	Die back, decay, rot and scaring
Soundness	<input type="checkbox"/> Sound <input checked="" type="checkbox"/> Semi-Sound <input type="checkbox"/> Unsound
Structural integrity of root system	Appears sound, exposed roots
Broken limbs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Unusual lean	<input checked="" type="checkbox"/> Yes   Tree 1
General health	<input type="checkbox"/> Good <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor / Fair
Existing / Potential to Damage Infrastructure	
Safety Risks to pedestrians / traffic	Park users
Removal Impact:	<input type="checkbox"/> Low <input checked="" type="checkbox"/> Moderate <input type="checkbox"/> High
<b>Assessment (Other)</b>	
Details of any other measures taken to determine health / risk of tree	None
<b>Recommendations</b>	
Priority Ranking	2



Action Recommended:	Remove and replace with Claret Ash
<b>Date:</b> 2/3/2011	<b>J. Neely</b> <b>Inspector</b>
<b>Approvals</b>	
Approved Course of Action	<input type="checkbox"/> Remove <input type="checkbox"/> Retain <input type="checkbox"/> Monitor
Notifications Required?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notes:	
<b>Date:</b>	<b>Operations Group Manager</b>



The avenue of Claret Ash trees



Tree 1 Tree 2



Tree 3



Tree 4



Tree 5

**Tree Removal Assessment & Approval Form**

<b>Location &amp; Details</b>	
<input checked="" type="checkbox"/> Mudgee <input type="checkbox"/> Gulgong <input type="checkbox"/> Kandos <input type="checkbox"/> Rylstone <input type="checkbox"/> Rural	
Location:	Robertson Park – Near Cenotaph
Reason for request / assessment:	Dying trees
Botanical name (attach photos):	Fraxinus augustifolia 'Raywoodii'
Common Name:	Claret Ash
Number of Trees:	4
Height/s:	Approx 13m
Surrounding Trees and the assessed tree(s) place in the landscape:	Variety of Parkland trees
<b>Assessment (Visual)</b>	
Trunk diameter 1 metre above ground:	MT: 250 & 210, 380, 370, MT: 280 & 180
Signs of ground movement or heaving	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Visible Defects	Die back, decay, rot and scaring
Soundness	<input type="checkbox"/> Sound <input checked="" type="checkbox"/> Semi-Sound <input type="checkbox"/> Unsound
Structural integrity of root system	Appears sound, exposed roots
Broken limbs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Unusual lean	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General health	<input type="checkbox"/> Good <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor / Fair
Existing / Potential to Damage Infrastructure	
Safety Risks to pedestrians / traffic	Park users
Removal Impact:	<input type="checkbox"/> Low <input checked="" type="checkbox"/> Moderate <input type="checkbox"/> High
<b>Assessment (Other)</b>	
Details of any other measures taken to determine health / risk of tree	None
<b>Recommendations</b>	
Priority Ranking	2



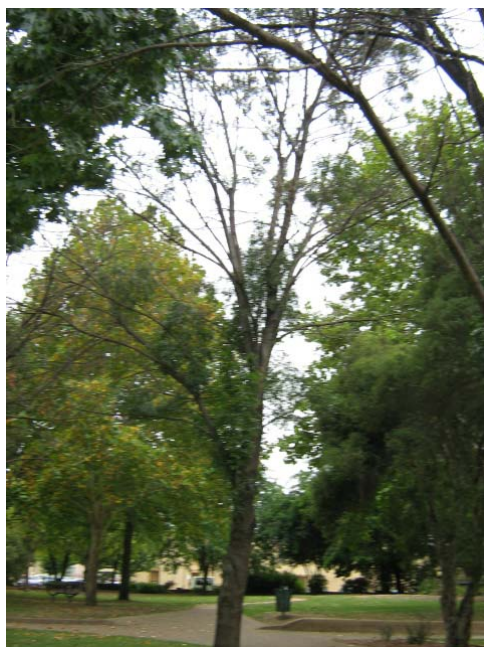
Action Recommended:	Remove and replace with Claret Ash
<b>Date: 2/3/2011</b>	<b>J. Neely</b> <b>Inspector</b>
<b>Approvals</b>	
Approved Course of Action	<input type="checkbox"/> Remove <input type="checkbox"/> Retain <input type="checkbox"/> Monitor
Notifications Required?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notes:	
<b>Date:</b>	<b>Operations Group Manager</b>



Tree 1



Tree 2



Tree 3



Tree 4

*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**

**CONFIDENTIAL**

**SESSION**

CLOSED COMMITTEELOCAL GOVERNMENT ACT, 1993**10A Which parts of a meeting can be closed to the public?**

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
  - (a) the discussion of any of the matters listed in subclause (2), or
  - (b) the receipt or discussion of any of the information so listed.
  
- (2) The matters and information are the following:
  - (a) personnel matters concerning particular individuals (other than councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret,
  - (e) information that would, if disclosed, prejudice the maintenance of law,
  - (f) matters affecting the security of the council, councillors, council staff or council property,
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
  
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
  
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

CLOSED COMMITTEE

LOCAL GOVERNMENT ACT, 1993

**664 Disclosure and misuse of information**

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
- (a) with the consent of the person from whom the information was obtained, or
  - (b) in connection with the administration or execution of this Act, or
  - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
  - (d) in accordance with a requirement imposed under the [Ombudsman Act 1974](#) or the *Freedom of Information Act 1989*, or
  - (e) with other lawful excuse.
- (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
- (1B) Subsection (1A) does not apply to:
- (a) the report of a committee of a council after it has been presented to the council, or
  - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
  - (c) disclosure made in circumstances prescribed by the regulations, or
  - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
- (a) the determination of an application for an approval, or
  - (b) the giving of an order.

Maximum penalty: 50 penalty units.



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**CONFIDENTIAL SESSION****MOTION**

**I move that pursuant to the provisions of Section 10 of the Local Government Act, 1993 the meeting be closed to the public.**

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Chairman**

*The following matter has been listed for consideration in Confidential Session:*

**Subject:**

***The reason for dealing with this report confidentially is that it is in accordance with Section 10A(2) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest.***

The Chairman will then ask the General Manager if there are any written representations from the public on the proposed closure of the meeting.

The General Manager will read out any written representations received.

The Chairman will ask if anyone in the gallery would like to make verbal representations in regard to the matters now to be considered in Confidential Session.

The Chairman will then put the motion "to close the meeting" to the vote.

**ITEM 8: CONFIDENTIAL SESSION**

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- (a) *Mayoral Minute (if any)*
  - (b) *Urgent Business Without Notice*
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**ITEM 9: OPEN COUNCIL**