

# ORDINARY MEETING

WEDNESDAY 20 JULY 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



PO BOX 156  
MUDGEES NSW 2850

86 Market Street MUDGEES  
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](mailto:council@midwestern.nsw.gov.au)

13 July 2011

Dear Councillor

MEETING NOTICE

ORDINARY MEETING  
WEDNESDAY 20 JULY 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

## AGENDA

<b>ITEM 1:</b>	<b>APOLOGIES</b>	<b>4</b>
<b>ITEM 2:</b>	<b>CONFIRMATION OF MINUTES</b>	<b>4</b>
<b>2.1</b>	<b>MINUTES OF ORDINARY MEETING HELD ON 15 JUNE 2011</b>	<b>4</b>
<b>ITEM 3:</b>	<b>DISCLOSURE OF INTEREST</b>	<b>19</b>
<b>ITEM 4:</b>	<b>MAYORAL MINUTE (IF ANY)</b>	<b>19</b>
<b>ITEM 5:</b>	<b>GENERAL BUSINESS</b>	<b>20</b>
<b>5.1</b>	<b>NOTICES OF MOTION</b>	<b>20</b>
5.1.1	RESCISSION MOTION - ULAN WASTE TRANSFER STATION	20
5.1.2	KANDOS ROTARY LOOKOUT	22
5.1.3	KANDOS CEMENT WORKS	24
<b>5.2</b>	<b>REPORTS</b>	<b>25</b>
5.2.1	DA0352/2011 ATTACHED DUAL OCCUPANCY - LOT 9 DP 1143747, 17 INVERNESS AVENUE MUDGEE	25
5.2.2	DA0356/2011 PROPOSED PARTIAL DEVELOPMENT (DWELLING ENTITLEMENT)	40
5.2.3	DA0279/2011 – DEMOLITION AND CONSTRUCTION OF COMMERCIAL UNITS – LOT 4 DP 759017 – CNR. MAIN STREET AND SHORT STREET - ULAN	55
5.2.4	GENERAL CONTRACTORS – ADDITION TO PREFERRED SUPPLIERS LIST	73
5.2.5	REDBANK CREEK DAM – NOTICE PURSUANT TO SECTION 18(1) DAMS SAFETY ACT	75
5.2.6	RYLSTONE-KANDOS FLOOD STUDY AND FLOODPLAIN MANAGEMENT PLAN	81
5.2.7	MUDGEE AND GULGONG ACCESS COMMITTEE – JUNE 2011	85
5.2.8	COMMUNITY SAFETY COMMITTEE	90
5.2.9	MID-WESTERN REGIONAL FAMILY DAY CARE – FUNDING AGREEMENT	95
5.2.10	FAMILY DAY CARE POLICY	97
5.2.11	GULGONG MEMORIAL HALL COMMITTEE MEETING – APRIL, MAY AND JUNE 2011	99
5.2.12	MUDGEE TOWN HALL – ACCESSIBILITY FUNDING AGREEMENT	105
5.2.13	TEMPORARY RELOCATION OF THE MUDGEE LIBRARY	116
5.2.14	VANDALISM AND LITTERING	119
5.2.15	NOXIOUS WEEDS CONTROL ADVISORY COMMITTEE – 4 JULY 2011	125
5.2.16	MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL BANK BALANCES AND INVESTMENTS AS AT 30 JUNE 2011	131
5.2.17	ACCESS THROUGH CROWN RESERVE 22676	135
5.2.18	REVIEW OF MODEL CODE OF CONDUCT	138
5.2.19	STATUTORY REQUIREMENTS LEADING UP TO THE 2012 COUNCIL ELECTION	144
5.2.20	ANNUAL REPORTING OF CONTRACTS FOR SENIOR STAFF	151
5.2.21	2012 LOCAL GOVERNMENT ELECTIONS	153
5.2.22	PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS	158
5.2.23	TOWARDS 2030 INTERIM COMMUNITY ENGAGEMENT REPORT	161

5.2.24	MAXIMUM INTEREST RATE ON OVERDUE RATES & CHARGES	163
5.2.25	LAND SALES UPDATE – KANDOS AND RYLSTONE	166
5.2.26	LOCAL GOVERNMENT ASSOCIATION CONFERENCE MOTIONS	167
5.2.27	MOOLARBEN VOLUNTARY PLANNING AGREEMENT (VPA)	169
5.2.28	MURRAY DARLING ASSOCIATION MEMBERSHIP	174
5.2.29	RELOCATION OF MUDGEE VISITORS CENTRE - MUDGEE REGIONAL TOURISM INC.	182
5.2.30	ROAD NAMING – MUDGEE	184
5.2.31	RURAL ROAD NAMING	188
5.2.32	REINSTATEMENT OF FEES FOR RYLSTONE SHOWGROUND	191
5.2.33	WILPINJONG VOLUNTARY PLANNING AGREEMENT – AMMENDMENT	194
<b>ITEM 6:</b>	<b>URGENT BUSINESS WITHOUT NOTICE</b>	<b>196</b>

**ITEM 1: APOLOGIES****ITEM 2: CONFIRMATION OF MINUTES****2.1 MINUTES OF ORDINARY MEETING HELD ON 15 JUNE 2011****COUNCIL DECISION:**

**That the Minutes of the Ordinary Meeting held on 15 June 2011 Minute Nos 114/11 to 137/11 be taken as read and confirmed.**

---

The Minutes of the Ordinary Meeting are attached:

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEES ON WEDNESDAY 15 JUNE 2011, COMMENCING AT 5.51 PM AND CONCLUDING AT 6.12 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 L Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Regulatory and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Manager Governance (I Roberts).

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

**ITEM 1: APOLOGIES**

There were no apologies.

**ITEM 2: CONFIRMATION OF MINUTES**

114/11 **MOTION:** Shelley/Walker

**That the Minutes of the Ordinary Meeting held on 18 May 2011 (Minute Nos. 90/11 to 113/11) be taken as read and confirmed.**

*The motion was put and carried.*

**ITEM 3: DISCLOSURES OF INTEREST**

Councillor Webb declared a pecuniary interest in Item 6.2.1 as the applicant is a close personal friend, is a neighbour and is a person with whom he has had business dealings.

ITEM 4:        MAYORAL MINUTE

There was no Mayoral Minute.

ITEM 5:        REPORTS FROM COMMITTEES

PLANNING AND DEVELOPMENT COMMITTEE

115/11            **MOTION:**                Shelley/Holden

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

*The motion was put and carried.*

ASSETS COMMITTEE

116/11            **MOTION:**                Shelley/Martens

**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 2011/13 Cleaning Services**

*The motion was put and carried.*

CULTURAL AND COMMUNITY SERVICES COMMITTEE

117/11            **MOTION:**                Shelley/Lang

**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 motion was put and carried.*

FINANCE AND CORPORATE COMMITTEE

118/11

**MOTION:** Shelley/Lang**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 DP 153349 Lewis Street
  - Monthly Management Plan Reporting – April 2011
  - Tender T11112hun Supply and Delivery of Industrial Hardware and Associated Products
  - Tender T21112hun Supply and Delivery of Stationery and Ancillary Items
  - Tender Assessment T41011hun , Supply and delivery of traffic and safety signage.

*The motion was put and carried.*URGENT BUSINESS WITHOUT NOTICE

119/11

**MOTION:** Walker/Webb**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 motion was put and carried.*

ITEM 6: GENERAL BUSINESS

6.1 NOTICES OF MOTION

6.1.1 COMMUNITY NEWS

A0100035, A0100052, A0110015, A0320019

MOTION: Thompson/Martens

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.

*The motion was put and lost.*

6.2 REPORTS TO COUNCIL

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

A0100052, P1270866, P1270867

Councillor Webb declared a pecuniary interest as the applicant is a close personal friend, is a neighbour and is a person with whom he has had business dealings, left the meeting at 5.56 pm and did not participate in discussions of vote in relation to this matter.

120/11

MOTION: Walker/Thompson

That Development Applications 0278/2011 and 0351/2011 be approved subject to the following conditions:

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.

**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.

*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>	✓	

Councillor Webb returned to the meeting at 5.58 pm.

6.2.2 2012 – 2016 MANAGEMENT PLAN

A0100052, A0149935

121/11

**MOTION:** Walker/Shelley

That:

1. the report by the Group Manager Finance & Administration on the 2012 – 2016 Management Plan be received;
2. that the supplementary report by the Group Manager Development and Community Services on the development fees to be adopted as part of the 2012 -2016 Management Plan be received;
3. Council adopts the Management Plan for 2011/12 to 2015/16, including the Fees & Charges Schedule as amended;
4. 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:

Charge Type	Amount
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

*The motion was put and carried.*

#### 6.2.3 DEA FUNDING AGREEMENT

A0100052, A0170008

122/11

**MOTION:** Walker/Shelley

**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.

*The motion was put and carried.*

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

A0100052, A0140304

123/11

**MOTION:** Walker/Lang

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

*The motion was put and carried.*

6.2.5 FIXING OF ANNUAL FEES FOR COUNCILLORS AND MAYOR

A0100052, A0110001

124/11

**MOTION:** Walker/Martens

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.

*The motion was put and carried.*

6.2.6 FINANCIAL ASSISTANCE

A0100052, A0140201

125/11

**MOTION:** Walker/Holden

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. the following amounts be distributed from Councillor discretionary votes:

Rylstone Kandos Pre-School	Cr Lang Cr Webb	\$200.00 \$300.00
Baptist Church	Cr Lang Cr Webb	\$250.00 \$300.00
Pioneer House	Cr Lang Cr Kennedy Cr Weatherley	\$500.00 \$250.00 \$500.00
Henry Lawson Festival (2012)	Cr Webb	\$300.00
Gulgong Skatepark	Cr Webb Cr Thompson	\$400.00 \$219.00
Gulgong Primary School	Cr Thompson	\$100.00
Goolma School	Cr Thompson	\$100.00
Mudgee Red Cross	Cr Thompson	\$100.00
Gulgong Red Cross	Cr Thompson	\$100.00
Gulgong CWA	Cr Thompson	\$100.00

Mudgee Netball	Cr Thompson	\$100.00
Gulgong Junior Rugby League	Cr Thompson	\$100.00
Gulgong Mens Shed	Cr Thompson	\$180.00
Lady in Denison Street to assist in paying power bills	Cr Kennedy	\$200.00
Mudgee Hospital Auxiliary	Cr Kennedy Cr Holden	\$250.00 \$500.00
Challenge Disability Services	Cr Weatherley	\$500.00
Cudgegong Valley Public School P&C	Cr Holden	\$235.37

*The motion was put and carried.*

#### 6.2.7 FLOOD DAMAGE – RECREATIONAL ASSETS

A0100052, A0149935

126/11

**MOTION:** Holden/Martens

**That:**

1. the report by General Manager on the Flood damage claim for recreational assets be received;
2. Council proceeds immediately with the urgent flood damage repairs only 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.

*The motion was put and carried.*

#### 6.2.8 GULGONG PARKS IRRIGATION SCHEME

A0100052, F0780133

127/11

**MOTION:** Martens/Webb

**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.

*The motion was put and carried.*

6.2.9 GULGONG TRAFFIC STUDY

A0100052, R0790214

128/11

**MOTION:** Holden/Martens

**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.

*The motion was put and carried.*

6.2.10 CONSULTANCY BRIEF – IMPACTS OF MINING

A0100052, A0170041, A0420171

129/11

**MOTION:** Shelley/Martens

**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. Council requests that the Farmers Association and the MRTI be included as organisations that needed to be consulted and that the submission include a need to examine ground water needs and availability.
4. Staff review the submission from the Mid Western Community Action Network and ensure the all relevant issue included in



their submission be included in the Council submission to the Department

5. the amended draft Brief be forwarded to the Department of Planning and Infrastructure for approval.

*The motion was put and carried.*

6.2.11 MUDGEES SEWERAGE AUGMENTATION

A0100052, F0740001

130/11

**MOTION:** Walker/Lang

**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).

*The motion was put and carried.*

6.2.12 FUNDING AGREEMENT NSW GOVERNMENT HUMAN SERVICES

A0100052, A0060060, A0182011

131/11

**MOTION:** Walker/Martens

**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.

*The motion was put and carried.*

6.2.13 MUDGEES SHOWGROUND MANAGEMENT COMMITTEE – MARCH 2011

A0100052, P0210911, A0100012

132/11

**MOTION:** Weatherley/Webb

**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.

*The motion was put and carried.*

6.2.14 MOBILE VENDING AND STREET TRADING POLICY

A0100052, A0130047

133/11

**MOTION:** Weatherley/Holden

**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.

*The motion was put and carried.*

6.2.15 TREE REMOVAL AT LAWSON PARK, MUDGEE

A0100052, F0650039

134/11

**MOTION:** Lang/Thompson

**That:**

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

*The motion was put and carried.*

6.2.16 TREE REMOVAL AT ROBERTSON PARK, MUDGEE

A0100052, F0650046

135/11

**MOTION:** Walker/Holden

**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.

*The motion was put and carried.*

6.2.17 REDBANK CREEK DAM

A0100052, F0170004, F0170006

136/11

**MOTION:** Holden/Weatherley

**That the report by the General Manager on Redbank Creek Dam be received.**

*The motion was put and carried.*

ITEM 7:        URGENT BUSINESS WITHOUT NOTICE

7.1        Options for Access to Glen Willow

A0100052

137/11

**MOTION:**                **Thompson/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.*

MOTION:                Webb/Martens

That as well as investigating combined treatments on the Ulan Road/Pitts Lane/Lue Road intersection, Council look at other options such as the low level bridge at Cox Street and left turn only from Pitt Lane to Ulan Road.

*The motion was withdrawn.*

ITEM 8:        CONFIDENTIAL SESSION

There were no items in Confidential Session.

CLOSURE

There being no further business the meeting concluded at 6.12 pm.

**ITEM 3: DISCLOSURE OF INTEREST**

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

**ITEM 4: MAYORAL MINUTE (If Any)**

---

(Insert Mayoral Minute (if any))

**ITEM 5: GENERAL BUSINESS**

---

**5.1 NOTICES OF MOTION**

---

**5.1.1 RESCISSION MOTION - ULAN WASTE TRANSFER STATION**

A0100035, A0100052, P1003511

We the undersigned Councillors give notice of our intention that the resolution of the Council Meeting on 20 April 2011 in relation to:

**That:**

- 1. the report by Business Manager Services on the Ulan waste transfer station be received;**
- 2. the proposed Ulan waste transfer station not be constructed;**
- 3. the General Manager negotiates the redistribution of funds contributed by Moolarben Coal for the construction of the Ulan waste transfer station to fund local road projects;**
- 4. Council enter into an agreement with Ulan School for waste collection;**
- 5. the General Manager negotiate with the EPA and the coal mines about the possibility of a waste facility being located on one of the mine properties.**

be and is hereby rescinded.

**See attached document for signatures of Councillors Webb, Shelley and Holden.**

In the event that this Rescission Motion is carried, we propose to move the following motion:

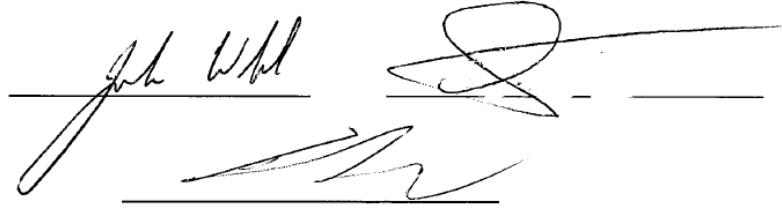
**That Council proceed with the construction of a waste transfer station at Ulan.**

**BACKGROUND:** It has been agreed at public meetings that the Ulan Waste Transfer Station be constructed and staff have this project included in the works programme to happen.

### RESCISSION MOTION

We, the undersigned Councillors give notice of our intention that the resolution of the Council Meeting on 20 April 2011 under Minute No. 88/11 in relation to the Ulan Waste Transfer Station be and is hereby rescinded.

Signed:

Three handwritten signatures are written over three horizontal lines. The first signature is on the top left, the second is on the top right, and the third is on the bottom center.

(To be signed by at least three (3) Councillors)

In the event that this Rescission Motion is carried, we propose to move the following motion:

That Council proceed with the construction of a waste transfer station at Ulan.

## 5.1.2 KANDOS ROTARY LOOKOUT

Listed by Cr Percy Thompson

A0100035, A0100052, P1681411

**MOTION:**               **That Council look to transfer the Kandos Rotary Lookout into Council's ownership, which is currently maintained by Council, but not owned.**

**BACKGROUND:**       The lookout, which is located on the Bylong Valley Way, is not in the ownership of Council, but is maintained by Council. If the lookout is maintained by Council, it should be in council's ownership.

**STAFF COMMENT:** by General Manager

In 1969 the then Rylstone Shire Council, Kandos Rotary Club and the then land owner, a Mr Timothy Evans, made an agreement to establish a lookout on the Kandos Ilford Road approximately 2kms from Kandos. The agreement was that the Rotary club were to maintain this lookout over Kandos. The previous Rylstone Shire did undertake some maintenance in the early days but it has been years since any maintenance has been carried out on this site. The current owners are Mr Bernard McGowan and Mrs Erica McGowan.

The current state of the lookout is covered in scrub with road access being impassable safely for the travelling public. The cost of bringing this lookout to a useable standard would be high and if Council is of the mind to do this work we would need to do some separate costings. There will also be the cost of land purchase and neither of these costs are included in the 2011/12 budget. The staff recommendation is that Council removes the existing picnic table and allows this land to be returned to the current land owner as a useable site for their purpose.

**Recommendation: That Council advises the current land owner that it no longer requires the area known as the Kandos Rotary Lookout.**

Attachments: Photographs of the Kandos Rotary Lookout





## 5.1.3 KANDOS CEMENT WORKS

Listed by Cr Peter Shelley

A0100035, A0100052, P1977611

MOTION:

**That Council seeks immediate support from Cement Australia, State and Federal Governments for a feasibility study in retaining and revitalizing the Cement works site in Kandos for options in tourism and or other industry.**

BACKGROUND:

With the closure of the plant it leaves a gaping hole within our community. I am sure Cement Australia had an exit strategy in place before the announcement of closure. Unfortunately we are unaware of what this is. It would be prudent for Council to go forward with discussions and a study to ascertain the future development of this site. We should seek answers from Cement Australia and seek their support for the community.

5.2 *REPORTS*

---

5.2.1 DA0352/2011 ATTACHED DUAL OCCUPANCY - LOT 9 DP 1143747, 17 INVERNESS AVENUE MUDGEES

REPORT BY SENIOR STATUTORY PLANNER Dual Occ. Inverness A0100051, P2037361
---

**RECOMMENDATION**

A. That Council approve Development Application 0352/2011 for an attached dual occupancy at Lot 9 DP 1143747, 17 Inverness Avenue Mudgees, with the following conditions;

**APPROVED PLANS**

1. Development is to be carried out in accordance with stamped plans 3234\_A01B to A07B dated May 2011 and prepared by Giselle Denley Drafting Services as lodged with the application received by Council on 03.06.2011, 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.
2. Windows in the ensuite, WC and laundry of unit one, and in the bathroom and laundry of unit two are to consist of frosted, translucent glass; the purpose being to improve amenity and to prevent overlooking from the windows of opposing units.
3. Skylights are to be installed in the laundry and ensuite of unit one, and in the bathroom, laundry and kitchen of unit two, being a total of five (5) skylights in all; the purpose being to improve amenity and to compensate for the limited exposure to natural light from the windows of these rooms.
4. A "Lap and Cap" wooden fence, 1800mm high, is to be installed for the full length of the division between the two units and private open spaces; the purpose being to improve amenity, prevent overlooking, and limit the potential for noise transmission from opposing units.
5. Privacy screens, totalling two (2) in number, and consisting of minimum 1800mm high lattice enclosures, or the like, are to be placed, one on the eastern elevation of the unit 1 alfresco dining area and one on the western elevation of the unit 2 alfresco dining area; the purpose being to improve amenity and to limit overlooking from the alfresco dining areas of opposing units.
6. A/C condensers are to be provided with noise attenuation screens; the purpose being to limit the potential for noise transmission to neighbouring properties.

**HEALTH AND BUILDING**

7. The development is to be carried out in accordance with the approved stamped plans, except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by

- Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).
8. 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.
  9. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
  10. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
  11. All building work must comply with the requirements of the National Construction Code 2011, Volume Two, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
  12. 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.
  13. 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.
  14. 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. Council encourages the separation and recycling of suitable materials.
  15. 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.
  16. 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.
  17. 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.
  18. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)
  19. With the exception of work where there is in force an exemption under clause 187 or 188 of the Environmental Planning & Assessment Act 1979 all building work that involves residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act,

- such a contract of insurance is to be in force.No work is to commence until a copy of a Home Owners Warranty or Owner/Builders Permit have been submitted to Council.
20. All stormwater is to discharge to the street water table by the use of non-flexible kerb adapters
  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. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
  22. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
  23. Council is to given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
  24. Adequate yard drainage together with appropriately sized sumps must be provided for the collection and disposal of ground surface waters to prevent a nuisance from these waters being caused to the property and/or adjoining properties. The disposal of ground surface waters must discharge to the street gutter or interallotment drainage easement. The ground water drainage system must be separate to the roofwater drainage system. Full details must be submitted with the Construction Certificate application.
  25. A Registered Surveyors Certificate showing the boundaries of the site and the proposed buildings plotted there on being submitted to the Principal Certifying Authority prior to the commencement of construction.
  26. The requirements of the submitted BASIX Certificate, number 379503S and 378809S issued on 15 June 2011 must be installed and/or completed in accordance with the commitments contained in that Certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council prior to the commencement of the alteration/s.
  27. Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of those commitments.

## ENGINEERING

### PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

28. 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	\$3715.00
Sewerage Headworks	\$1697.00
Total	\$5412.00
  - (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.

29. The applicant is to provide separate water and sewer reticulation services to each dwelling.
30. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lot plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
31. The developer is to provide a water service and meter for each dwelling. 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	\$1,100	=\$1,100
---------------	-----	---------	----------

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

32. 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.
33. 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.

#### ENGINEERING CONSTRUCTION

34. 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.
35. Vehicular entrances and concrete footway crossings are to be provided at a suitable location to the development. These should be constructed in accordance with Aus-Spec #1 and the appropriate Council standard drawings including M524-Urban Access, M525-Rural Access, M526-Industrial Access, M594-Kerb & Gutter Layback.
36. Inspections - 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.
37. Council is to be supplied with:
  - A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply

- **A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services.**
- 

#### EXECUTIVE SUMMARY

Council has for determination a proposal for construction of an attached dual occupancy at 17 Inverness Avenue, Mudgee. The proposed dwelling contains two units, of 215m<sup>2</sup> and 238m<sup>2</sup>, each comprising three bedrooms, a double garage, bathroom, ensuite and alfresco.

The subject lot complies with the LEP requirements regarding minimum lot size for the construction of an attached dual occupancy within the Medium Density Residential zone, but is non-compliant with a number of Residential DCP provisions, as listed below.

1. *The proposal does not comply with Clause 3.2 of Council's Residential DCP (Streetscape), as the narrow frontage of the site, combined with the proposed dual driveways for two double garages, is not conducive to an attractive landscaped facade, nor attractive streetscape;*

Comment: In response to Planning department concerns, the applicant proposes the introduction of a variety of building materials, including sandstone facing and darkly-stained wood, to soften the impact of an otherwise dominant facade.

2. *The proposal does not comply with Clause 3.6 of Council's Residential DCP (Garage Design) as the two proposed double garages are considered excessive, are visually dominating, and are well forward of the main building line;*

Comment: The applicant has declined to implement the recommendation of Council's planning department which called for a scaled-back design, based around single garages. Had that recommendation been followed, the result would have been a compliant and improved proposal, better suited to existing lot conditions.

3. *The proposal does not comply with Clause 4.1 of Council's Residential DCP (Design) as the main facade does not offer sufficient visual relief and demonstrates a duplication of design;*

Comment: The applicant has declined to follow Planning Department advice regarding streetscape design changes and proposes instead to employ quality building materials, such as sandstone facing and darkly-stained wood in an effort to mitigate the effects of an otherwise dominant facade.

4. *The proposal does not comply with Clause 4.3 of Council's Residential DCP (Privacy and Amenity) as the proposed ground plan poses a range of potential privacy and amenity issues with regard to overlooking between bedroom and bathroom and kitchen and bathroom, where opposing windows have not been offset according to DCP requirements so as to protect the privacy and amenity of the individual inhabitants of the proposed units;*

Comment: With the current design, the applicant has made progress in addressing these issues. The assessing officer has further conditioned consent so that these non-compliance issues are, to the extent possible, mitigated.

The applicant was advised during pre-DA discussions and at the time of lodgement as to the unsuitability of the proposed dual occupancy design. This is documented by meeting records which, on each occasion, were copied, signed and accepted by the applicant. The applicant has since displayed willingness to achieve a compromise solution and has chosen to engage with Council's planning department in achieving what may be considered an improved outcome for a difficult site. Additional mitigation measures are possible, should Council approve the application of the design-specific conditions of consent contained within the recommendation.

As the applicant has displayed willingness to address a number of non-compliance issues, the application is supported subject to conditions of consent.

DETAILED REPORT

The applicant proposes construction of an attached dual occupancy at 17 Inverness Avenue, Mudgee. The proposed dwelling contains two units, of 215m<sup>2</sup> and 238m<sup>2</sup>, each comprising three bedrooms, a double garage, bathroom, ensuite and alfresco

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 Medium Density Residential pursuant to MWR Interim Local Environmental Plan 2008. The construction of attached dual occupancies is permissible, with consent, on Medium Density Residential lots of 600m<sup>2</sup> or greater.

Zone objectives are;

- *To provide a variety of housing types.*  
Comment:  
The provision of detached dual occupancies assists in fulfilling this objective.
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*  
Comment:  
Not applicable in this instance
- *To identify land that can accommodate the future population growth of Mudgee and Gulgong in a manner that both optimises infrastructure planning and delivery and satisfactorily responds to environmental attributes.*  
Comment:  
The provision of attached dual occupancies assists in fulfilling this objective, by optimizing landuse through increased density.
- *To protect and improve the amenity of residential neighbourhoods, particularly in terms of limiting the effects of noise, odour, overshadowing, overlooking and vehicular traffic.*  
Comment:  
The space between the two units, at 2500mm, presents non-compliance issues with regard to potential overlooking between bedroom and bathroom and kitchen and bathroom, where opposing windows have not been offset according to DCP requirements. The application of design-specific conditions of consent, as contained within the recommendation, will assist in mitigating the impact of these non-compliance issues.
- *To permit development in residential neighbourhoods that is of a domestic scale and that preserves the character and visual amenity of those neighbourhoods.*  
Comment:  
The proposed design is not considered to be optimal for the site, and only partially satisfies the requirements of Council's Residential Development DCP. The particular character of this subdivision has yet to be established and will, in part, be determined by the proposed development.
- *To allow a limited range of non-residential land uses that are low scale and that are compatible with, and would not adversely affect the existing amenity of, urban residential neighbourhoods*  
Comment:  
Not applicable in this instance

- *To facilitate the provision of a variety of housing types, forms and styles.*  
Comment:  
The provision of attached dual occupancies assists in fulfilling this objective.
- *To encourage the relocation of industrial and other incompatible uses out of residential areas.*  
Comment:  
Not applicable in this instance
- *To promote development (including subdivision) that minimises the impacts of salinity on infrastructure, buildings and the landscape.*  
Comment:  
To the extent possible, consideration has been given to this objective
- *To promote the development of urban residential subdivisions that incorporate the principles of water-sensitive urban design, that maximise opportunities for energy efficiency, that create permeable access networks, and that provide for (where appropriate) sufficient areas of usable open space.*  
Comment:  
Although the provision of private open space is satisfactory, the narrow corridor between each unit and the dividing fence is considered, at less than 1250mm to provide the bare minimum of natural light and reasonable passage from laundry to back yard. The application of design-specific conditions of consent will assist in mitigating the impact of these non-compliance issues.

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

**Residential Development – Development Control Plan**

Council's DCP for residential development provides guidelines with regard to orientation, solar access, private open space, frontage, landscaping and streetscape presentation. The following table summarises and addresses Part B of the Council-approved Residential Development Control Plan:

Standard	Control	Compliance/Comment
Environmental Design	<ul style="list-style-type: none"> <li>- BASIX</li> <li>- Clothes line screened from public view</li> <li>- Solar orientation</li> <li>-</li> </ul>	Basix supplied. Compliant clothes line  As solar access is considered insufficient for laundries, bathrooms and kitchen, the introduction of skylights has been conditioned.
Streetscape	<ul style="list-style-type: none"> <li>- Attractive landscaped face</li> <li>- Designed and placed to create an attractive streetscape</li> </ul>	The narrow frontage combined with dual driveways does not permit an attractive landscaped face, nor attractive streetscape.
Setbacks	<ul style="list-style-type: none"> <li>- Front: 7.5m</li> <li>- Side: Min 900mm</li> <li>- Rear: Min 900mm</li> </ul>	Compliant on all counts
Building Scale, Height and Bulk	<ul style="list-style-type: none"> <li>- Compatible scale</li> <li>- Max two storeys</li> <li>- Sunlight access to neighbours</li> </ul>	Compliant on all counts
Garage Design	<ul style="list-style-type: none"> <li>- Visually subservient</li> <li>- Integrated</li> <li>- Setback behind main</li> </ul>	Non-compliant. Although integrated, the two double garages are considered excessive in size, are



	building façade	visually dominating, and are far forward of the main building line.
Access and Car Parking	<ul style="list-style-type: none"> <li>- Minimum car parking space per dwelling: 2</li> <li>- One covered car parking space per dwelling of min dimensions 3m x 5.5m</li> <li>- Driveway &gt;10m vehicle must enter and egress in a forward manner</li> </ul>	Compliant on all counts
Landscaping and external works	<ul style="list-style-type: none"> <li>- Min of 45% landscaped</li> </ul>	Compliant, Limited opportunities for landscaping forward of the building line.
Design	<ul style="list-style-type: none"> <li>- Visual relief</li> <li>- Must not mirror reverse/duplicate main facade design</li> </ul>	Non-compliant. The design demonstrates a duplication of design.
Site coverage and Private Open Space	<ul style="list-style-type: none"> <li>- Min private open space: 80m<sup>2</sup></li> <li>- Principle private open space must be: 35m<sup>2</sup>, 5mx5m, directly accessible from the living areas and have a northerly aspect</li> <li>- Max site coverage 30%</li> </ul>	Compliant on all counts
Privacy and Amenity	<ul style="list-style-type: none"> <li>- Windows/balconies of dwellings &lt;12m of adjacent windows offset</li> <li>- 1.8m high fence between private open spaces</li> </ul>	Non-compliant. The proposal poses a range of potential issues with regard to overlooking between bedroom and bathroom and kitchen and bathroom, where opposing windows have not been offset according to DCP requirements. Design changes have been conditioned to address these issues.

## 2. IMPACT OF DEVELOPMENT

### Context and Setting

The detached dual occupancy is proposed for an 1118m<sup>2</sup> lot, with a street frontage of 18metres, located on the northern side of Inverness Avenue, adjacent to Mudgee golf course.

The site is relatively flat and devoid of significant vegetation.

The subdivision which Inverness Avenue services is only partially developed.

### Access, transport and traffic

The application proposes dual 5 metre wide access points from Inverness Avenue. Together, these access points would occupy ca. 60% of the 18 metre frontage to Inverness Avenue and provide limited opportunities for landscaping.

The limited frontage combined with the two, double width driveways offers inadequate opportunity for visitor on-street car parking.

### Utilities

The lot is serviced to Council requirements. Additional services may be required if the development were to be approved.

Site design and internal design

As stated previously, the proposed development in its current form gives rise to a number of inconsistencies with Council's plans and policies.

Cumulative Impacts

Approval for non-compliant development, unsuited to its proposed location, undermines the legitimacy of Council's plans and policies (which Council's planning department has been applying to raise the design quality of residential development and achieve better outcomes), thereby establishing an unfortunate precedent for residential development in general and dual occupancy development in particular. It should, however, be noted that the applicant has chosen to work with Council planners to mitigate certain issues of non-compliance.

3. SUITABILITY OF SITE FOR DEVELOPMENT

(a) Does the proposal fit in the locality

The locality is not fully developed. The opportunity exists; therefore, to achieve suitable design outcomes that would set a benchmark for future development.

(b) Are the site attributes conducive to development

As discussed previously, the proposal is non-compliant regarding certain aspects of the submitted design. During a pre-DA meeting, issues of non-compliance were discussed and a re-design requested of the applicant. It is assumed that the applicant chose to lodge the application without change, on the expectation that Council would approve the application. The applicant has since chosen to engage Council's planning department in developing certain design changes which address a number of previously-raised concerns.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

The proposal was advertised for a period of 14 days. One written submission (Attachment 6) was received requesting rejection due to inadequate design and poor street presentation. This has since been addressed to a satisfactory degree by the applicant, who has provided details of facade materials and colours.

5. THE PUBLIC INTEREST

The wider interests of the community are served by well-designed, site-suitable development in accordance with Council's plans and policies and consistent with principles of good design.

6. CONSULTATIONS

(a) Health & Building

Health and Building have provided standard conditions.

(b) Technical Services

Technical Services have provided standard conditions.

FINANCIAL IMPLICATIONS

None

STRATEGIC OR POLICY IMPLICATIONS

Council's Planning Department is reviewing the Residential DCP in an attempt to provide clear and concise development standards to the public and developers.

CONCLUSION

The application, despite non-compliance with Council's Residential DCP, is recommended for conditioned approval.

OPTIONS

A. Development application 0352/2011 for an attached dual occupancy, Lot 9 DP 1143747, 17 Inverness Avenue, Mudgee be approved subject to the conditions contained within the recommendation;

B. Development application 0352/2011 for an attached dual occupancy, Lot 9 DP 1143747, 17 Inverness Avenue, Mudgee be refused due to non-compliance with Council's Residential Development DCP and the applicant advised to redesign the proposed attached dual occupancy to accommodate single, set-back garages.

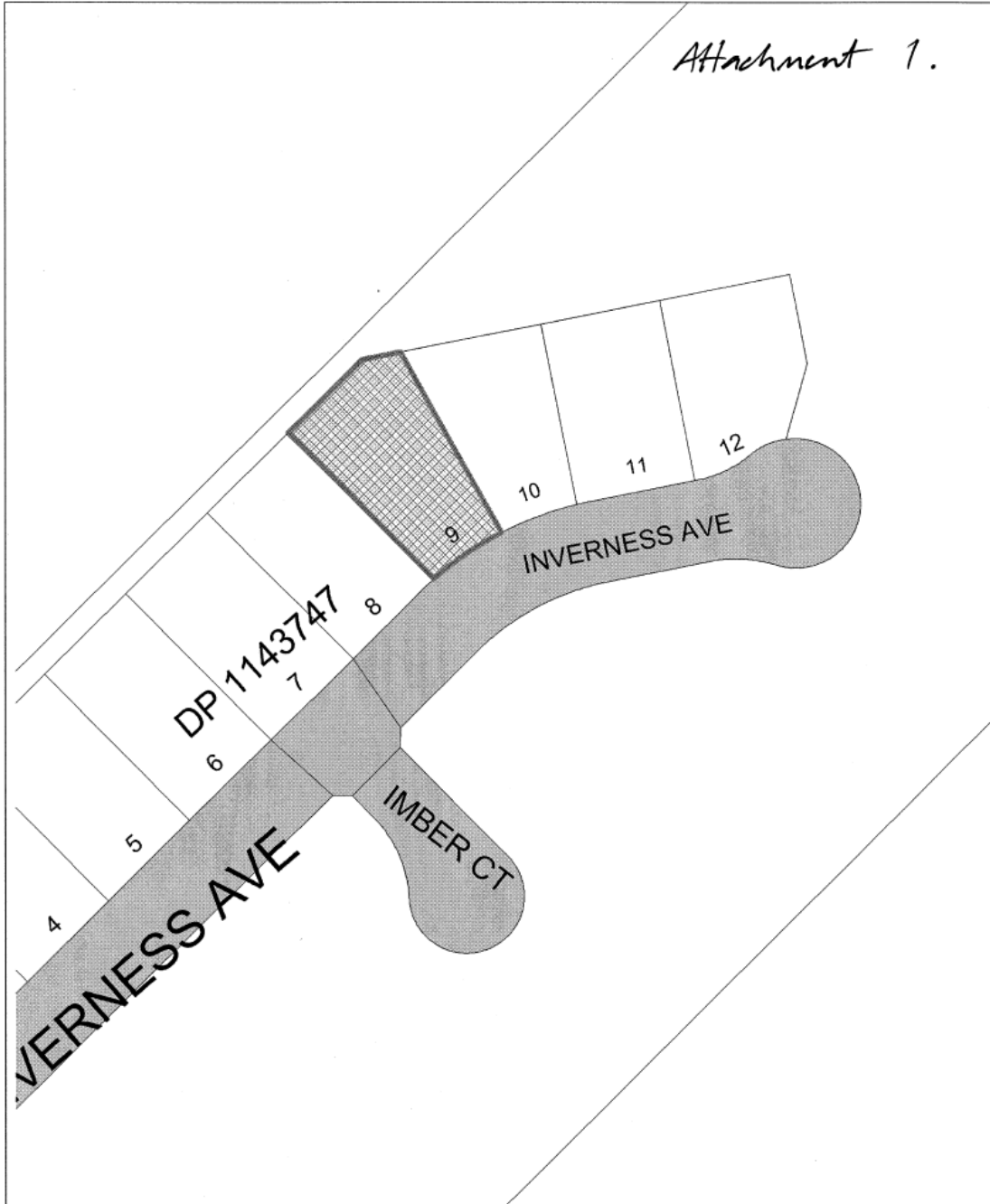
GRAEME KING  
SENIOR STATUTORY PLANNER  
PLANNING AND DEVELOPMENT

8th July 2011

Attachments: Location map and plans

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER



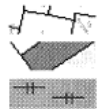
Map Scale: 1:1,167

**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

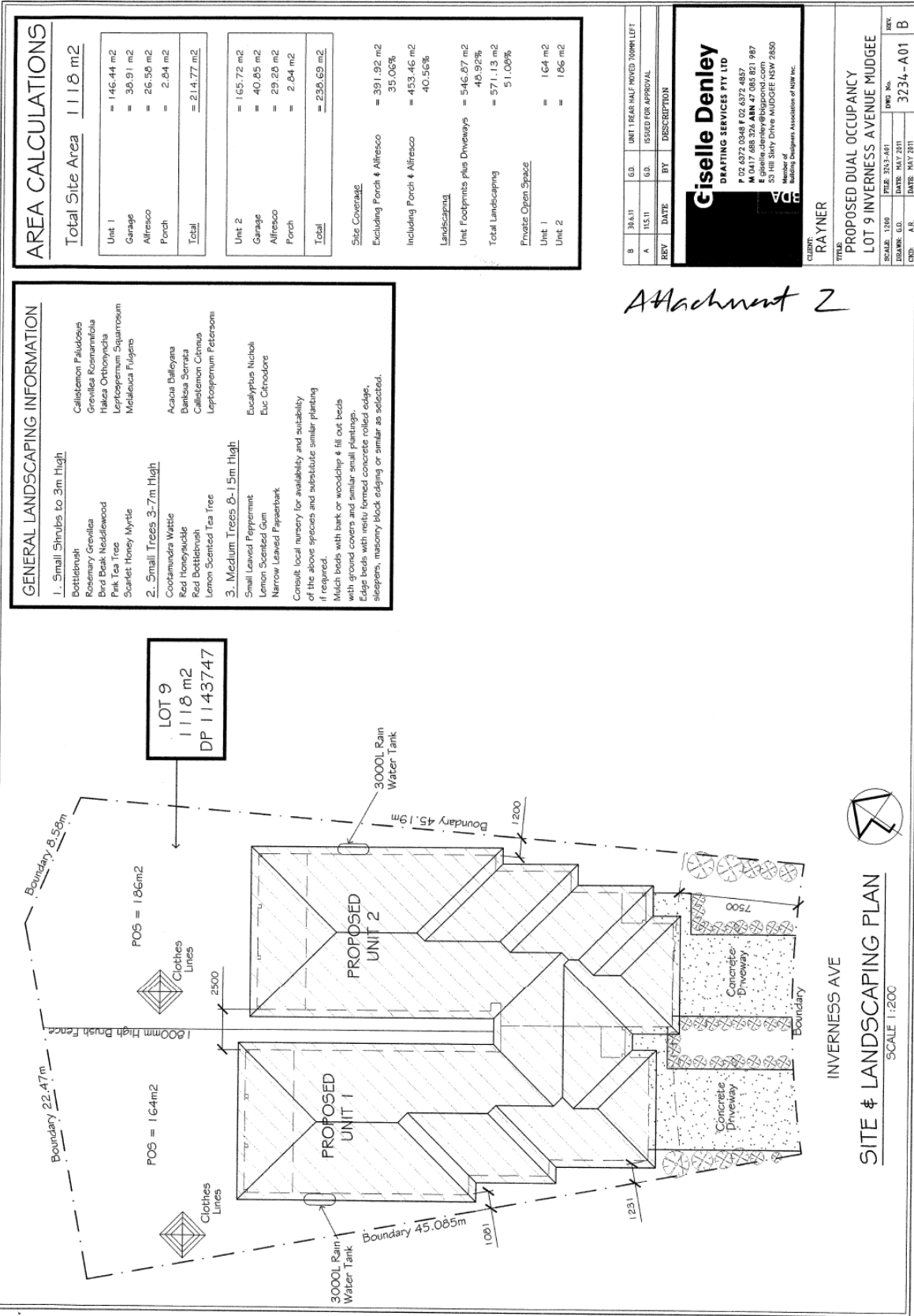


Road  
 State Forest  
 Waterway

NORTH



Printed on Tuesday, 28 June 2011



**GENERAL LANDSCAPING INFORMATION**

1. Small Shrubs to 3m High  
 Bottlebrush  
 Rosemary/Grevillea  
 Bird Beak Noddywood  
 Pink Tea Tree  
 Scarlet Honey Myrtle

2. Small Trees 3-7m High  
 Cootamundra Wattle  
 Red Honeyeater  
 Red Bottlebrush  
 Lemon Scented Tea Tree

3. Medium Trees 8-15m High  
 Small Leaved Peppermint  
 Lemon Scented Gum  
 Narrow Leaved Paperbark

Callistemon Paludosus  
 Grevillea Rosamundula  
 Hibiscus Orthoceras  
 Leptospermum Opamnosum  
 Melaleuca Nigra

Acacia Dalleyana  
 Banksia Serrata  
 Callistemon Citrinus  
 Leptospermum Petersonii

Eucalyptus Nicholii  
 Euc Citroides

Consult local nursery for availability and suitability of the above species and substitute similar planting if required.

Mulch beds with bark or woodchip & fill out beds with ground covers and similar small plantings. Edge beds with metal formed concrete rolled edge, sleepers, masonry block edging or similar as selected.

**AREA CALCULATIONS**

Total Site Area 1118 m<sup>2</sup>

Unit 1	= 146.44 m <sup>2</sup>
Garage	= 38.91 m <sup>2</sup>
Allresco	= 26.56 m <sup>2</sup>
Porch	= 2.84 m <sup>2</sup>
<b>Total</b>	<b>= 214.77 m<sup>2</sup></b>

Unit 2	= 165.72 m <sup>2</sup>
Garage	= 40.85 m <sup>2</sup>
Allresco	= 29.20 m <sup>2</sup>
Porch	= 2.84 m <sup>2</sup>
<b>Total</b>	<b>= 238.69 m<sup>2</sup></b>

**Site Coverage**  
 Excluding Porch & Allresco = 391.92 m<sup>2</sup> = 35.06%  
 Including Porch & Allresco = 453.46 m<sup>2</sup> = 40.56%

**Landscaping**  
 Unit Footprints plus Driveways = 546.87 m<sup>2</sup> = 48.92%  
 Total Landscaping = 571.13 m<sup>2</sup> = 51.06%

**Private Open Space**  
 Unit 1 = 164 m<sup>2</sup>  
 Unit 2 = 106 m<sup>2</sup>

**Giselle Denley**  
 DRAFTING SERVICES PTY LTD  
 P 02 6372 0348 F 02 6372 4857  
 M 0417 488 324 ABN 47 085 821 987  
 g.denley@giselledenley.com.au  
 55 Sturtway Drive MUDGEEOGE NSW 2850  
 Member of Building Designers Association of NSW Inc.

REVISIONS  
 RAYNER

DATE: 14/5/11  
 BY: [Signature]  
 DESCRIPTION: UNIT 1 REAR HALF HOVED 10000 LEFT

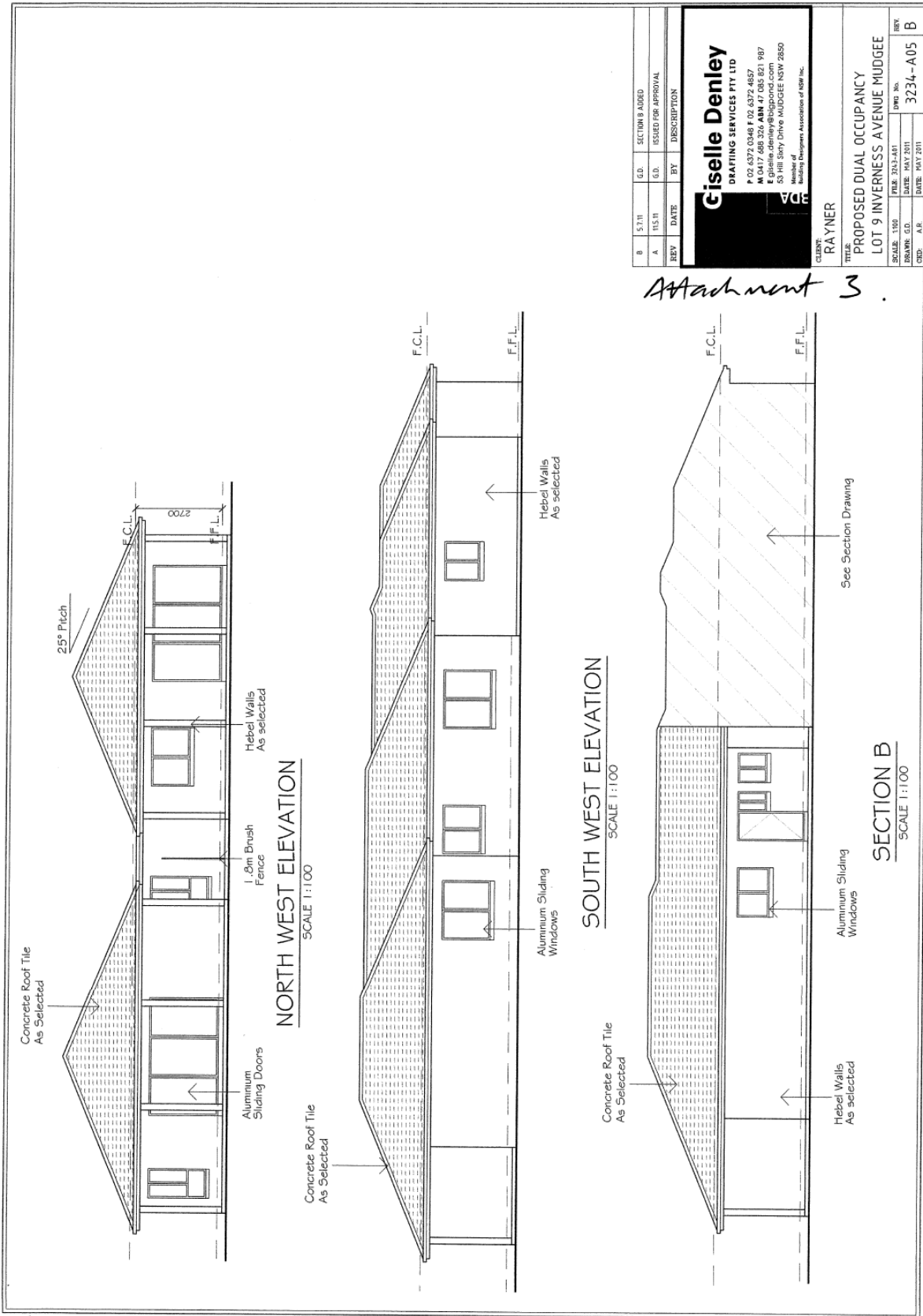
PROPOSED DUAL OCCUPANCY  
 LOT 9 INVERNESS AVENUE MUDGEEOGE

SCALE: 1:200  
 DRAWN: G.D.  
 CHECKED: A.L.  
 DATE: MAY 2011

DWG NO. 3234-A01  
 SHEET B

Attachment 2

INVERNESS AVE  
**SITE & LANDSCAPING PLAN**  
 SCALE 1:200

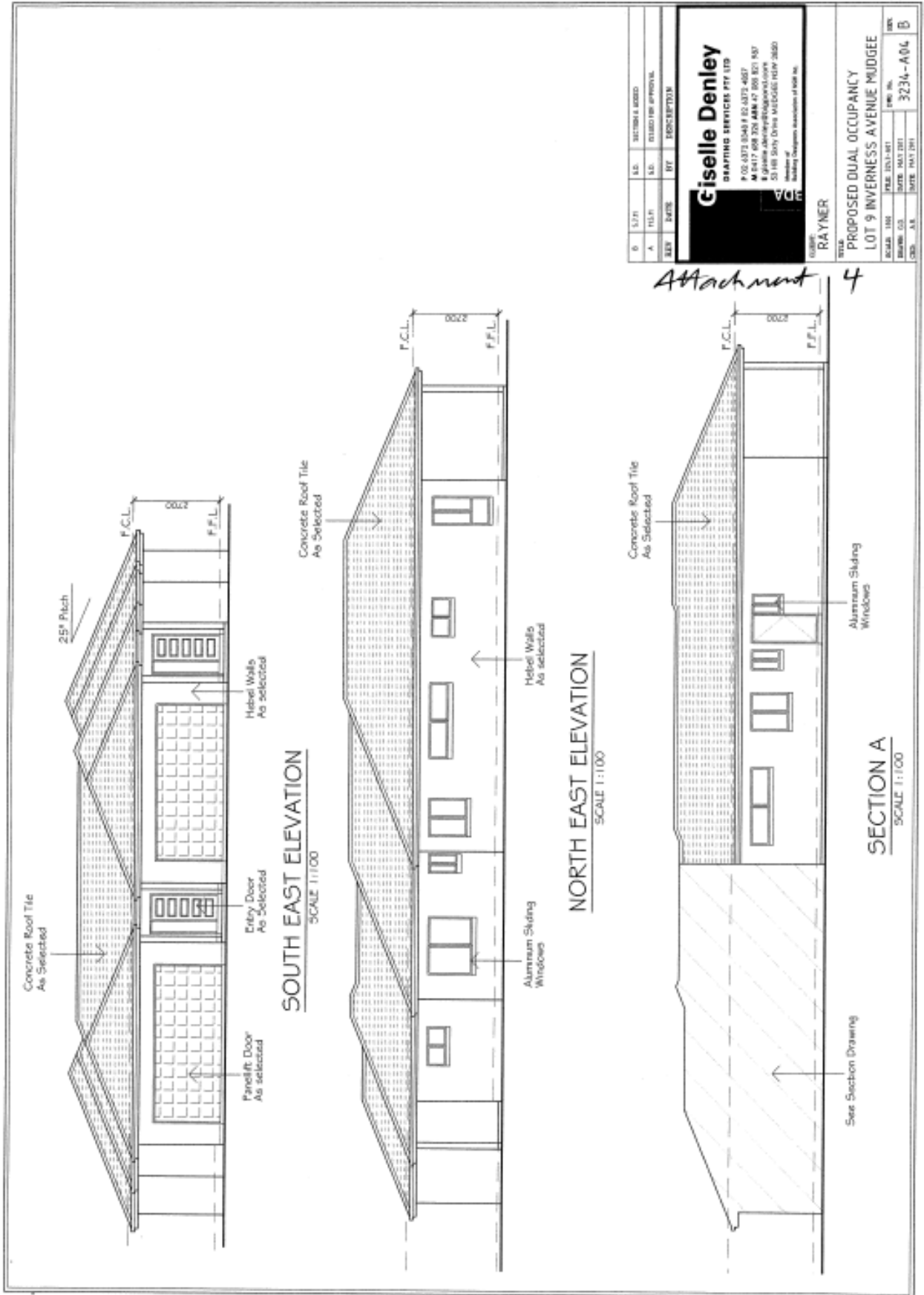


REV	DATE	BY	DESCRIPTION
B	5/7/11	G.D.	SECTION B ADDED
A	11/5/11	G.D.	ISSUED FOR APPROVAL

**Ciselle Denley**  
 DRAFTING SERVICES PTY LTD  
 P 02 4372 0348 F 02 4372 4857  
 M 0417 688 326 AIN 7 085 821 987  
 E ciselle.denley@bigpond.com  
 55 Hill St Sydney NSW 2850  
 Member of  
 Drafting Institute of Australia (DIA)

CLIENT: RAYNER  
 TITLE: PROPOSED DUAL OCCUPANCY  
 LOT 9 INVERNESS AVENUE MUDGEE  
 SCALE: 1:100 FILE: 2313-A1 DWG NO: 3234-A05  
 DRAWN: G.D. DATE: MAY 2011  
 CHECK: A.P. DATE: MAY 2011

Attachment 3



D	1:21	S.D.	SECTION 4 REVISION
A	1:11	S.D.	DRAWING FOR APPROVAL
REV	DATE	BY	DESCRIPTION

**Ciselle Denley**  
DRAFTING SERVICES PTY LTD  
P O BOX 20404 FIDELITY 4027  
8 GARDNER ROAD WILSON PARK QLD 4061 AUS  
53 Mt Sully Drive MURDOCH RDW 2620  
Member of  
Building Designers Association of QLD Inc.

CLIENT: RAYNER

TITLE: PROPOSED DUAL OCCUPANCY  
LOT 9 INVERNESS AVENUE MUDGEE

SCALE: 1:100 DATE: 15/11/11 DWG. NO.: 323A-A04

DATE: 15/11/11 DATE: 15/11/11

REV. NO. 1

Attachment 4





5.2.2 DA0356/2011 PROPOSED PARTIAL DEVELOPMENT (DWELLING ENTITLEMENT)  
LOT 100 DP 1038561, 49 GROWEE ROAD, RYLSTONE.

REPORT BY SENIOR PLANNER  
49 GROWEE ROAD RYLSTONE  
A0100052, P1476061

### **RECOMMENDATION**

A. That Council approves Development Application 0356/2011 for partial development (dwelling entitlement) for Lot 100 DP 1038561, 49 Growee Road, Rylstone, subject to the attached conditions:

#### **APPROVED DEVELOPMENT**

1. Development is to be carried out in accordance with the application received by Council on 8<sup>th</sup> June 2011, except as varied by the conditions listed herein. Any minor modification to the approved development will require the lodgement and consideration by Council of an amended application. Major modifications will require the lodgement of a new development application.

**Note:** This consent relates to the legal entitlement to erect a dwelling on the land; the physical erection of the dwelling house is not approved by this consent and must form the subject of a separate Development Application. Nothing in this consent is to be construed as preventing Council from issuing further consent for the erection of a dwelling house in accordance with this consent.

#### **GENERAL**

2. The construction of an all-weather vehicle access to the development, in accordance with the following minimum guidelines:
  - 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;
  - 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;
  - 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.
  - the access shall be located such that adequate sight distances are achieved, as specified in the Austroads publication '*Intersections at Grade*'.

**Note:** Council approval is required prior to the commencement of work within a public road reserve.

3. The developer is to construct adequate all-weather vehicular access within the road reserve to the development site from the nearest Council maintained road, in accordance with Council Policy Road Classifications and Standards, to local access standard:
  - Formed width – 4.5m;
  - Shape – 6% one way crossfall may be used;

- Natural materials.

(Note: This road will not be maintained by Council. It will be the responsibility of the road users to perform any future road maintenance).

4. 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 \$1000.00, 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 limit on the operation of the guarantee.
5. 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.
6. Any unexpanded bond money will be returned to the developer at the end of the twelve (12) month period, less the estimated cost of any outstanding works.
7. 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.
8. The road 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
  - Road pavement construction
  - Practical completion
9. No construction is to commence before a Construction Certificate is issued for the road works. The works are to be constructed in accordance with the plans and specifications referred to in the Construction Certificate.

Note: Council must issue the Construction Certificate as the Road Authority under the Roads Act. Council's fee for this service is set out in Council's fees and charges.

10. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
11. A copy of the Contractor's insurance cover for a minimum of \$10,000,000.00 is to be provided to Mid-Western Regional Council as the Roads Authority.

#### **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION WORK - DWELLING**

12. Prior to the commencement of any construction works, the following provisions are to be complied with:
13. A separate Development Consent is to be obtained from Council relating to the erection of a dwelling house in association with this consent.
14. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.

- a) **A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.**
- b) **Council is to give at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.**

**B. That upon determining the application, Council seeks the NSW Department of Planning and Infrastructure Director-General's concurrence in accordance with clause 7 of SEPP 1, - Variations to Development Standards.**

---

### EXECUTIVE SUMMARY

Council has for determination a proposal for partial development (dwelling entitlement) for Lot 100 DP 1038561, 49 Growee Road, Rylstone. The subject lot, which is zoned 1(a) General Rural, comprises 35.21 ha of partially cleared and heavily wooded land bordering areas of National Park, the Growee River and a number of smaller, partially developed lots. Road access and services are available to the site.

Clause 22(d) of the Rylstone LEP 1996 establishes a minimum lot size of 40 ha for the erection of a dwelling house within zone 1(a) General Rural. At 35.21 ha, the subject lot is ca. 88% of the minimum lot size upon which a dwelling house may be erected with Council consent. Although the subject lot does not comply with the required minimum lot size, Council's Planning Department recommends approval for the reasons detailed within the body of this report.

As a consequence of the proposed variation to the development standard established by clause 22(d) of the Rylstone LEP 1996 being ca. 12%, (i.e. greater than 10%), Council must seek the NSW Department of Planning and Infrastructure Director-General's concurrence in accordance with clause 7 of SEPP1- Variations to Development Standards. Council's assessment report and determination, together with a written objection by the applicant as to why compliance with the development standard is unreasonable or unnecessary in this case, will provide the NSW Department of Planning and Infrastructure with information to allow a thorough assessment and determination of the matter.

### DETAILED REPORT

#### ASSESSMENT

The application has been assessed in accordance with Section 79C(1) of the Environmental Planning & Assessment Act 1979 and with reference to clause 7 of SEPP1- Variations to Development Standards.

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 Rylstone 1(a) General Rural pursuant to Local Environmental Plan 1996.

The objectives of this zone are to promote the proper management and utilisation of resources by:

(a) *protecting, enhancing and conserving:*

(i) *agricultural land in a manner which sustains its efficient and effective agricultural production potential,*

(ii) *soil stability by controlling and locating development in accordance with soil capability,*

(iii) *forests of existing and potential commercial value for timber production,*

- (iv) valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure efficient extraction of those deposits,*
- (v) trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity, recreation or natural wildlife habitat or is likely to control land degradation,*
- (vi) water resources for use in the public interest,*
- (vii) places and buildings of archaeological or heritage significance, including Aboriginal relics and places,*
- (viii) the rural character and amenity of the zone,*
- (b) preventing the unjustified development of prime crop and pasture land for purposes other than agriculture, and*
- (c) facilitating farm adjustments, and*
- (d) minimising the cost to the community of:*
  - (i) fragmented and isolated development of rural land, and*
  - (ii) providing, extending and maintaining public amenities and services, and*
- (e) providing land for future urban development, for future rural residential development and for future development for other non-agricultural purposes, in accordance with the need for that development, and*
- (f) encouraging the establishment of rural and rural-related industries.*

Comment: Council's planning department supports the applicant's claim that the promotion of zone objectives by way of effective and efficient management of the subject lot can only be undertaken when residing upon said lot and is, therefore, not unjustifiable.

Furthermore, it is not anticipated that the community will incur undue burden as a consequence of the proposed development, due to the ability of the lot ( as demonstrated by the applicant in his submission) to support the proposed development. Likewise, in consideration of the relative proximity of existing development to the subject lot and that all adjacent, developed lots are of lesser size than the subject lot, it is not considered that the granting of approval will result in the further fragmentation or isolated development of rural land.

Partial development (dwelling entitlement) is not a prohibited landuse.

*(b) Provisions of any State Environmental Planning Policy (SEPP)*

As the proposed variation to the development standard established by clause 22(d) of the Rylstone LEP 1996 is ca. 12%, Council must seek the Director-General's concurrence in accordance with clause 7 of SEPP1- Variations to Development Standards, which states;

*3. Aims, objectives etc*

*This Policy provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act, which states;*

*The objects of this Act are:*

*(a) to encourage:*

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*

Comment: The applicant submits that strict compliance with the development standards of clause 22(d) of the Rylstone LEP 1996 are both unreasonable or unnecessary, in that refusal would hinder, rather than promote the social and economic welfare of the community (5a i) and the promotion and co-ordination of the orderly and economic use and development of the subject land

(5a ii) which, the applicant maintains, cannot be properly utilised without the establishment of a dwelling.

#### 6. Making of applications

*Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefor) the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.*

Comment: The applicant has lodged a written objection, included within this report as appendix 3

#### 7. Consent may be granted

*Where the consent authority is satisfied that the objection is well founded and is also of the opinion that granting of consent to that development application is consistent with the aims of this Policy as set out in clause 3, it may, with the concurrence of the Director, grant consent to that development application notwithstanding the development standard the subject of the objection referred to in clause 6.*

Comment: In consideration of the applicant's sound basis for objection, and the well founded argument that the lot size is only marginally less than the permissible minimum lot size and that the lot is fully capable of supporting a dwelling, it is considered reasonable and consistent with policy aims as set out in clause 3 to grant approval for the application.

#### 8. Concurrence

*The matters which shall be taken into consideration in deciding whether concurrence should be granted are:*

- (a) whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument.*

Comment: Due to the limited and localised scope of the application and the marginal nature of non-compliance, it is not considered that approval has the potential to raise any matter of significance for State or regional environmental planning, nor is it considered to be in any way detrimental to the public benefit.

## 2. IMPACT OF DEVELOPMENT

### (a) Context and Setting

The subject property, "Clonskeagh" is situated in a narrow valley ca. 25km north of Rylstone, and is bordered by the Growee River and National Park. The site is heavily wooded, with some cleared area towards the western (Growee river) boundary and rises sharply towards the eastern (national park) boundary

### (b) Access, transport and traffic

Access is available to the north of the lot via a ca. 350m long dedicated road reserve leading off Bylong Valley Way.

### (c) Public domain

The subject property borders an extensive area of National park.

(d) Utilities

Power and Telephone are available at the property boundary to the site.

(e) Heritage

An AHIMS search indicates that there are no known Items of Aboriginal Heritage within the site. The site is not otherwise Heritage listed.

(f) Other land resources

The site is heavily wooded, with river frontage of ca. 800m.

(g) Water

The Growee River forms the western boundary of the subject site.

(h) Soils

The Subject lot is classified Rylstone Agricultural Land Classification Classes 3, 4 & 5 and is not considered to be prime agricultural land

3. SUITABILITY OF SITE FOR DEVELOPMENT

(a) Does the proposal fit in the locality

The granting of partial development presupposes the construction of a dwelling at some later point in time. As the immediate area mostly consists of lots of a smaller size than the subject lot, some of which have previously been developed, the proposal is not considered to be inconsistent with the existing nature of the locality.

(b) Are the site attributes conducive to development

The site is considered able to support the proposed development. Road access is good and the necessary services are readily available. The applicant proposes rainwater capture and the installation of a septic system in support of a future dwelling.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submission

The proposal was not advertised.

(b) Submissions from public authorities

Upon determining the application, Council is required to seek the NSW Department of Planning and Infrastructure Director-General's concurrence in accordance with clause 7 of SEPP 1, - Variations to Development Standards.

5. THE PUBLIC INTEREST

(a) Federal, State and local government interests and community interests

With regard to SEPP 1; due to the limited and localised scope of the application and the marginal nature of non-compliance, it is not considered that approval has the potential to raise any matter of significance for State or regional environmental planning, nor is it considered to be in any way detrimental to the public benefit.

6. CONSULTATIONS

(a) Health & Building.

Not necessary at this stage.

(b) Technical Services

Standard access conditions attached.

*(c) Heritage Advisor*

The site is not Heritage Listed.

## 7. CONCLUSION

With regard to Council plans and policies, Clause 22(d) of the Rylstone LEP 1996 establishes a minimum lot size of 40 ha for the erection of a dwelling house within zone 1(a) General Rural. At 35.21 ha, the subject lot is ca. 88% of the minimum lot size upon which a dwelling house may be erected with Council consent. Although the subject lot does not comply with the required minimum lot size, Council's Planning Department supports the applicant's claim that the promotion of zone objectives by way of effective and efficient management of the subject lot can only be undertaken when residing upon said lot and is, therefore, not unjustifiable. Furthermore, it is not anticipated that the community will incur undue burden as a consequence of the proposed development, due to the ability of the lot (as demonstrated by the applicant in his submission) to support the proposed development. Likewise, in consideration of the relative proximity of existing development to the subject lot and that all adjacent, developed lots are of lesser size than the subject lot, it is not considered that the granting of approval will result in the further fragmentation or isolated development of rural land.

With regard to State Environment Planning Policy 1, Variations to Development Standards, the applicant submits that strict compliance with the development standards of clause 22(d) of the Rylstone LEP 1996 are both unreasonable or unnecessary, in that refusal would hinder, rather than promote the social and economic welfare of the community (5a i) and the promotion and co-ordination of the orderly and economic use and development of the subject land (5a ii) which, the applicant maintains, cannot be properly utilised without the establishment of a dwelling.

Therefore, in consideration of the applicant's sound basis for objection, and the well founded argument that the lot size is only marginally less than the permissible minimum lot size (10% variation included) and that the lot is fully capable of supporting a dwelling, it is considered reasonable and consistent with policy aims as set out in clause 3 of SEPP 1 to grant approval for the application.

## FINANCIAL IMPLICATIONS

Not applicable.

## STRATEGIC OR POLICY IMPLICATIONS

Council proposes, within the Draft landcare strategy, to maintain rather than increase the existing 40 ha for the erection of a dwelling house within zone 1(a) General Rural.

In that regard the minor relaxation of the established standard is considered insignificant

## OPTIONS

1. That application DA 0356/2011 for partial development (dwelling entitlement) for Lot 100 DP 1038561, 49 Growee Road, Rylstone be approved subject to conditions included within the recommendation and that Council's determination be forwarded to the General-Director of the NSW Department of Planning and Infrastructure for concurrence.
2. That application DA 0356/2011 for partial development (dwelling entitlement) for Lot 100 DP 1038561, 49 Growee Road, Rylstone be refused as being non-complaint with Clause 22(d) of the Rylstone LEP 1996, which establishes a minimum lot size of 40 ha for the erection of a dwelling house within zone 1(a) General Rural and that Council's determination be forwarded to the Director-General of the NSW Department of Planning and Infrastructure for concurrence.

GRAEME KING  
SENIOR PLANNER,  
PLANNING & DEVELOPMENT

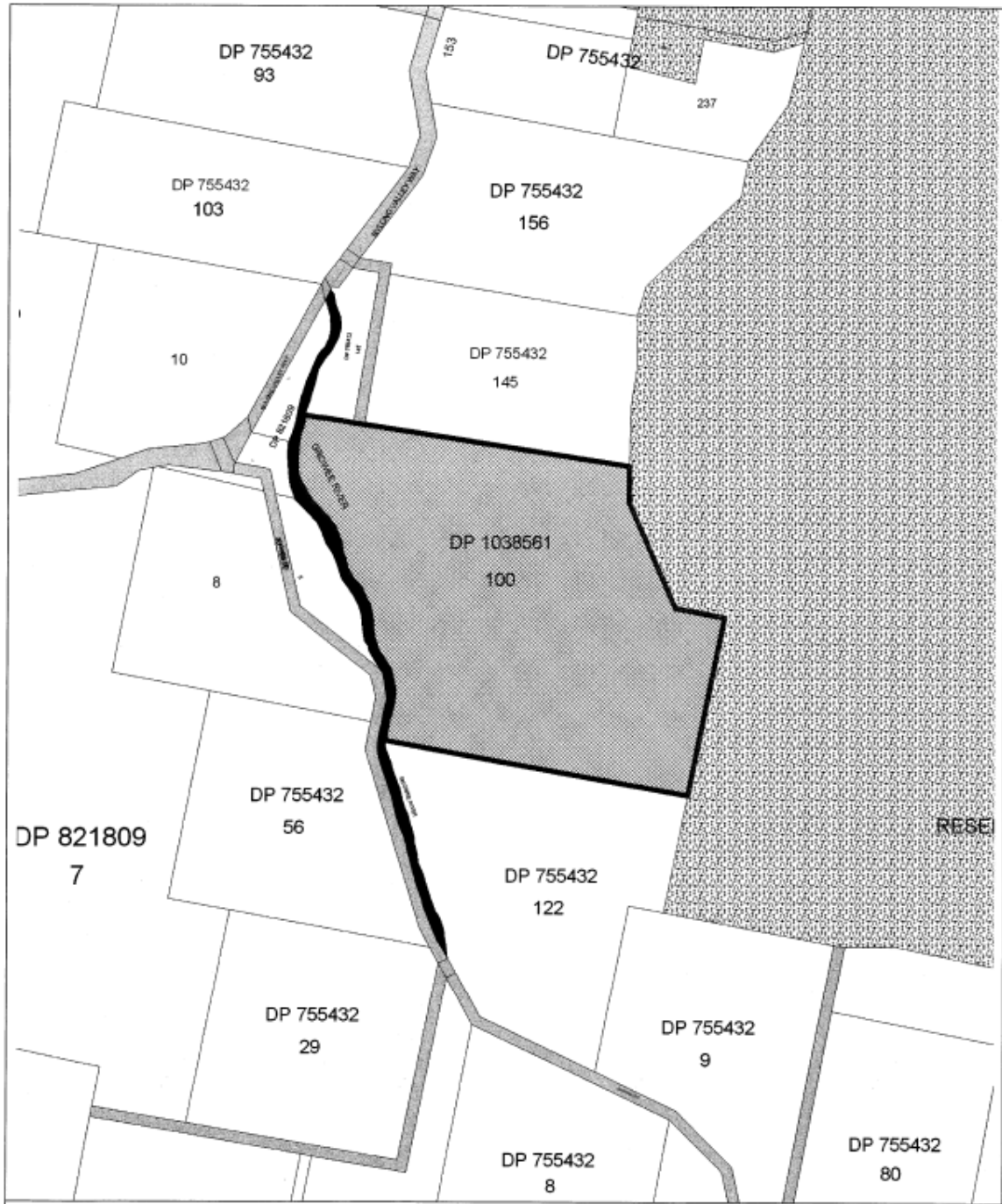
8 July 2011

Attachments: Plans of proposed development and applicant submission.

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER





Map Scale: 1:10,070

**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		Parish		NORTH
	Crown Land		Localities		Road
	Railway		LGA Boundary		State Forest
					Waterway



**Mid-Western**  
REGIONAL COUNCIL

Printed on Tuesday, 5 July 2011



PO Box 1505  
Macquarie Centre  
NSW 2113  
1 July 2011

**To: NSW Department of Planning**

**Mid-Western Regional Council**

**Application for dwelling entitlement at 49 Growee Road, Rylstone, and written objection that compliance with the Rylstone LEP development standard of a minimum 40 hectares is unreasonable or unnecessary in the circumstances of the case.**

I am the owner of the property 'Clonskeagh', situated at 49 Growee Road, Rylstone in a narrow valley approximately 25km from Rylstone. Growee Road is a minor dead-end gravel road off the main Bylong Valley Way.

I wish to apply for dwelling entitlement for this property. The property has an area of 35.21 hectares and is zoned Zone No 1 (a) (General Rural).

The relevant planning instrument is the **Rylstone Local Environment Plan 1996**. This LEP states that;

***The general aims of this plan are:***

- (a) to facilitate the economic and social development of the area of Rylstone by encouraging commercial, industrial, agricultural, tourist and residential development,*
- (b) to encourage the proper management, development and conservation of natural and cultural resources within the Shire of Rylstone by protecting, enhancing and conserving:*
  - (i) prime crop and pasture land, and*
  - (ii) timber, minerals, soil, water and other natural resources, and*
  - (iii) areas of significance for nature conservation, and*
  - (iv) areas of high scenic or recreational value, and*
  - (v) the environmental heritage of the land to which this plan applies*
- (c) to replace the existing planning controls with a single local environmental plan to help facilitate the growth and development of the area of Rylstone in a manner which is consistent with the aims specified in paragraphs (a) and (b) and which:*
  - (i) minimises the cost to the community of fragmented and isolated development of rural land, and*
  - (ii) facilitates the efficient and effective provision of amenities and services, and*

*(iii) facilitates a range of residential and employment opportunities in accordance with demand, and*

*(iv) facilitates farm adjustments, and*

*(v) ensures that the efficiency of arterial roads is not adversely affected by development on adjacent land,*

*(d) to maintain and enhance the unique character and amenity of the area of Rylstone by:*

*(i) identifying and protecting the areas natural and cultural heritage, and the distinctive character and amenity of the local community, and*

*(ii) recognising and maintaining the positive qualities of the traditional lifestyle enjoyed by the residents of the area,*

*(e) to ensure the assessment of the physical capability of the land affected by this plan is considered, so that land degradation and impact on water quality are minimised.*

### **Zone No 1 (a) (General Rural)**

#### **1 Objectives of zone**

The objectives of this zone are to promote the proper management and utilisation of resources by:

(a) protecting, enhancing and conserving:

(i) agricultural land in a manner which sustains its efficient and effective agricultural production potential,

(ii) soil stability by controlling and locating development in accordance with soil capability,

(iii) forests of existing and potential commercial value for timber production,

(iv) valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure efficient extraction of those deposits,

(v) trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity, recreation or natural wildlife habitat or is likely to control land degradation,

(vi) water resources for use in the public interest,

(vii) places and buildings of archaeological or heritage significance, including Aboriginal relics and places,

(viii) the rural character and amenity of the zone,

(b) preventing the unjustified development of prime crop and pasture land for purposes other than agriculture, and

(c) facilitating farm adjustments, and

- (d) minimising the cost to the community of:
  - (i) fragmented and isolated development of rural land, and
  - (ii) providing, extending and maintaining public amenities and services, and
- (e) providing land for future urban development, for future rural residential development and for future development for other non-agricultural purposes, in accordance with the need for that development, and
- (f) encouraging the establishment of rural and rural-related industries.

#### 2 Without development consent

Agriculture (other than ancillary dwellings), forestry (other than ancillary dwellings), timber plantation (involving the planting of endemic native species only).

#### 3 Only with development consent

Any purpose other than a purpose included in item 2 or 4.

#### 4 Prohibited

Dual occupancy; motor showrooms; residential flat buildings; shops (other than door sales outlets or general stores not exceeding 100 square metres in gross floor area, craft establishments and ancillary tourist facilities); solid waste disposal facilities.

### Grounds for the Objection

I note that the erection of a single dwelling is not prohibited under Clause 4 of the Zone Objectives and therefore is permissible with consent.

However the Rylstone LEP sets a standard of a minimum of 40 hectares for dwelling entitlement.

This standard is unreasonable or unnecessary in this case because:

1. The area of the property is 88% of that specified in the LEP and the lesser area has minimal impact on the practical use of the property.
2. Rigid application of the standard would **hinder** *'economic and social development of the area of Rylstone'* by **discouraging** *'agricultural and residential development'* and would **discourage** *'protecting, enhancing and conserving prime crop and pasture land'*.
  - 2.1 Application of the standard is acting to hinder effective use of the agricultural land on the property and hinders the promotion of the Zone No 1 (a) (General rural) Objectives of *'protecting, enhancing and conserving'.. 'agricultural land'*. This property is suitable for cattle grazing. However, writing as a registered veterinary surgeon, I can state that it is irresponsible to place animals on a

property without adequate supervision. At present therefore the grazing land is not being used. On site accommodation is required for the person/s who would provide such supervision and generally work the property. **Provision of housing would thus enhance the Zone Objective 1a(i)** *'proper management and utilisation of resources through protecting and enhancing use of agricultural land in a manner that sustains its production potential'*.

- 2.2 Having a residence on the property will generally promote the Zone Objectives of protecting, enhancing and conserving soil stability (a) (ii), conservation of trees (a) (v) and the rural character and amenity (a) (viii) of the zone as regular agricultural work is done on the property including the potential for planting trees for commercial timber production (a) (iii).
- 2.3 Zone Objectives 1(a) (iv), (vi) and (vii) are not applicable (N/A).
- 2.4 Compliance with the standard prevents the erection of a dwelling on an eminently suitable site. The property is well located for a dwelling. With regard to *'amenities and services'* both power and telephone are available at the property boundary (telephone and other services available by underground cable on the property or satellite dish). Direct access from Growee Road is already provided. Rainwater will be collected from the roof of the dwelling and supplemented as required from an existing well or existing licensed bore on the property. Effluent disposal will be into a properly constructed septic tank system.
3. Permission for building entitlement will contribute to the *'economic and social development of the area'*. Construction of a dwelling will provide work for local trades and local suppliers of building materials and would *'facilitate a range of residential and employment opportunities'*. Occupants of the dwelling will contribute to the local consumer economy of Rylstone-Mudgee.
4. Construction of a dwelling will have no detrimental effects on *'the unique character and amenity of the area of Rylstone'*, the amenity of the property or of any neighbouring properties. Several other smaller properties are located adjacent to this property. The dwelling would be located on an already cleared portion of the property set back approximately 150 m from Growee Road and approximately 500m from any neighbouring dwelling and would it anything add to the rural charm of the district. The proposed dwelling entitlement would have no impact on *'the efficiency of arterial roads'* as the property is located on a minor dead-end gravel road with little through traffic.
5. *'Areas of significance for nature conservation'* and *'areas of high scenic or recreational value'* are not found on this property. Compliance with the standard is therefore unnecessary on these grounds. The balance of non-grazing land on this property is heavily wooded rising sharply to a National Park to the East. The wildlife

on this section of the property would not be disturbed by a dwelling located adjacent to the cleared grazing section.

I have shown that adherence to the 40 hectare area requirement in this property is contrary to the stated aims of the Rylstone LEP. In this case the intention behind the LEP is being subverted by the application of the standard. Permission for a dwelling on my property will promote the Zone Objectives of protecting, enhancing and conserving the general rural nature of the property and improving the rural character and amenity of the zone. I am keen to retain this property for my own use and for my children and grandchildren. Effective use is being hindered by the lack of dwelling entitlement. I request that following careful consideration of my objection that permission for dwelling entitlement be granted for this property.

Yours faithfully



Emeritus Professor Christopher Bellenger BVSc MVB PhD FACVSc FRCVS DipECVS

5.2.3 DA0279/2011 – DEMOLITION AND CONSTRUCTION OF COMMERCIAL UNITS – LOT 4  
DP 759017 – CNR. MAIN STREET AND SHORT STREET - ULAN

REPORT BY MANAGER STATUTORY PLANNING  
DA0279\_2011 - 34-36 MAIN STREET ULAN  
A0100052, P1393061

**RECOMMENDATION**

That:

- A. **the report by Manager Statutory Planning on Development Applications 0279/2011 for the demolition and construction of commercial units at 34-36 Main Street, Ulan be received;**
- B. **Development Applications 0279/2011 for the demolition and construction of commercial units at 34-36 Main Street, Ulan be refused for the following reasons;**
  - 1. **The proposal is not compatible with objective of the village zone under the Merriwa LEP 1992 as it is considered an inappropriate development for a village zone and would be better accommodated in the Mudgee or Gulgong industrial zones, or the heavy industrial zone at Ulan;**
  - 2. **The proposal does not provide adequate consideration of water supply for the development and therefore the suitability of the site is questioned;**
  - 3. **The development has the potential to create unacceptable traffic and noise impacts for adjoining development and the village;**
  - 4. **It is not considered to be in the public interest to approve a commercial development of the scale proposed in a village that does not have the services and infrastructure available to readily service the development; and**
  - 5. **The proposed development is considered to be of a scale that is excessive for a village zone.**

---

**EXECUTIVE SUMMARY**

Council has before it for determination an application for four (4) Commercial units at 34-36 Main Street Ulan. The development provides for the units to front Main Street and provide for car parking and manoeuvring at the rear of the site. The units are equal in size and total 820m<sup>2</sup> in area. Each unit contains an office, reception, amenities and a large open area with roll-a-door access at the rear of the building. It is proposed to cater of sewerage disposal and water supply from onsite facilities. Access to the premises would be from Short Street.

The proposed scale and nature of the development is considered to be unsuitable within the Ulan Village. Further, it may set a precedent for further industrial development in the village which would alter the character of the area from a rural village to pseudo industrial zone.

It is considered that the development would be better accommodated within an industrial zone that has the infrastructure and services available to support such development. The proposed development has not demonstrated that the provision of water or the disposal of sewage is



adequate. The disposal of sewage requires the pump out and transport of sewage to an approved facility.

Two submissions were received and they raise concerns with traffic, noise, management of stormwater, cumulative impacts and acknowledgment that the development site is within a dam emergency management plan area.

It is considered that the application has not adequately dealt with the potential impacts of the development, has not adequately demonstrated that the development can be serviced on site and is not compatible with the character of the village and is therefore recommended for refusal.

## DETAILED REPORT

### 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

###### Merriwa Local Environmental Plan 1992

###### Clause 8 - Zones indicated on the Map

The land is zoned Village Zone (2v) in accordance with the Merriwa Local Environmental Plan 1992. The proposed development is permissible with the consent of Council.

###### Clause 9 - Zone objectives and development control table

The objective of the Village Zone is;

*“The objective of this zone is to promote development in existing villages in a manner which is compatible with their urban function.”*

The proposed development is not considered to comply with the objective of the Merriwa LEP as the development;

- The proposed development is of a form and scale that is better suited to an Industrial zone either within Mudgee, Gulgong or the Ulan Industrial Park;
- It is a development that is not suited to the Village zone as the services and infrastructure are not readily available. In this regard it has not been adequately demonstrated how the development will be provided with an adequate water supply and the development also relies on the pumping out of sewage;
- The provision of four industrial/commercial units within a village zone exceeds the urban function because it is of a town or city urban character and not compatible with the village character;
- The approval of this development may result in the conversion of the Ulan village to a pseudo industrial zone rather than a village zone and this is better determined at a strategic level rather than with an individual land parcel; and
- The development may result in traffic and noise impacts on adjoining development such as the school which cannot be anticipated at this stage because none of the land uses are known.

###### Clause 15 – Advertising of certain applications

The proposed development is not listed as requiring advertising in accordance with the provisions of this clause.

Clause 17 – Development along arterial roads

The proposed development does not have frontage to an arterial road.

Clause 18 – Land subject to bushfires

The land is considered to be bushfire prone. A bushfire hazard assessment has been carried out as part of the applicant’s submission and confirms that there is minimum risk to the development from bushfire hazard.

Clause 19 – Flood liable land

The proposed development is potentially located with a flood prone area due to its proximity to the Goulburn River and also being located within the Dam Safety and Emergency Plan area of Moolarben Creek Dam. There is no known risk of flooding from the Goulburn River and it is considered that that the type of development is not likely to exacerbate the risk of flooding as it does not include any type of residence where people could be caught unaware in their sleep.

Clause 21 – 24 – Heritage provisions

The land is not listed as a heritage item, located within a heritage conservation area or located adjacent a heritage listed item and therefore would not have any impact on the heritage conservation principles of the LEP.

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

*Notification Policy*

The development was notified to adjoining and adjacent owners from 11 April 2009 until 25 April 20011. Council received two submissions which are discussed further in the table below;

<b>Summary</b>	<b>Nature of Submission</b>	<b>Staff Response</b>
Management of Stormwater	Ulan Coal Mine Limited (UCML) has a Stormwater Management Plan related to the Goulburn River and is concerned about the potential increase in stormwater being directed to the river.	The application indicates that stormwater will be directed to the street drainage system without any onsite detention. It is considered given the rural character of Ulan that onsite detention is appropriate to reduce the potential for erosion and localised flooding of the nearby table drains. It is considered that the development could be provided with onsite detention and/or water retained onsite for use.
Moolarben Dam Safety Emergency Plan	The subject land is within the Emergency Plan area that is controlled by UCML and Moolarben Coal Operations (MCO).	The Emergency Plan is controlled by both UCML and MCO. There is specific requirements built into this plan and it would be necessary that contact details for all occupants be provided to UCML.
Cumulative Impacts	UCML is concerned about the potential for noise and traffic related impacts of this development to affect existing protocols developed by the mines in relation to their impact on roads and the acoustic environment.	The proposed development would be required to pay a levy under the Section 94A Contributions Plan and part of this would provide a contribution towards road infrastructure. In regard to the potential for noise impacts, the development is not likely to

		generate the same type of impacts associated with a coal mine but it is agreed that noise has not adequately been addressed by the DA documentation. This is considered to be a relevant consideration even though the use is not known because the approval of the development would oblige Council to consider industrial developments.
Noise	There is the potential for noise impacts from the proposed development.	The development seeks to establish a building comprising 4 units that will most likely be used for industry purposes associated with the mines. As the future uses are not known, it is not possible to determine the application based upon these possible impacts. Notwithstanding this, the development is by its layout and form likely to be used for industrial purposes and therefore Council is obliged to consider the likely impacts of such a development on the character and amenity of the village. It is considered that the type of land uses likely to be attracted to this development may not be compatible with the character and amenity of the Ulan village.
Traffic	There is the potential for traffic impacts from the proposed development.	As above

Design for Accessibility DCP

The proposed development provides for a unisex disabled bathroom within each unit and a disabled car space in front of each unit. The land is considered to be generally level and it is not anticipated that the development would have any trouble in achieving level access throughout the development.

Car Parking DCP

Each unit comprises approximately 150m<sup>2</sup> of floor space that can be attributed to generating a car parking demand. Council's Car Parking DCP requires 1 space per 75m<sup>2</sup> and additional parking for visitors. The development provides for 10 spaces at the rear of the complex and one disabled accessible car space at the front of the development. This is considered to comply with the requirements of the DCP except for the disabled parking in front of the development. These spaces rely on manoeuvring occurring in the road reserve and do not comply with the DCP. These spaces

should be deleted and one disabled accessible space provided at the rear if the development were to be approved. This may also require an accessible path from the rear car park to the front entrance.

## 2. IMPACT OF DEVELOPMENT

### (a) Context and Setting

The proposed development is situated within a rural village. The village contains a number of houses, a pub and some commercial/ industrial development. It is not considered the most appropriate location for this form of development as the character and provision of infrastructure is not compatible with the urban function of the proposed development.

The proposed development is more suited to the townships of Mudgee and Gulgong or the industrial zoned land at Ulan.

### (b) Access, transport and traffic

The proposed development provides for some vehicular access at the front of the development. This is considered to be unsuitable as it relies on traffic utilising the public road for reversing out of the development site.

A car park is provided at the rear of the site and accommodates the majority of car parking. It also provides for a loading area and manoeuvring for a medium/ large rigid truck.

The proposed car parking and loading areas would appear to be adequate given the size of the units and the anticipated occupants.

### (d) Utilities

The development would be able to be serviced by electricity and telecommunications but would rely on onsite disposal of sewage and generation of water supply.

The proposed pump out of sewage is considered to be adequate but the sustainability of relying on trucks to transport the sewage waste to a suitable receptor is considered to be unsatisfactory and demonstrates the unsuitability of the development in a village zone.

The development also relies on generating a water supply, it is assumed, from stormwater. There has been no calculation as to the expected usage or the potential to harvest a water supply from the development. This again raises concerns regarding the suitability of the development in a village zone.

### (e) Heritage

The subject site is not listed as an item of environmental heritage under the Merriwa LEP or the State Heritage Register.

An AHIMS search was carried out and this identified that there are no known or registered indigenous artefacts. It is considered that the landforms over the site are relatively consistent and there is no increased risk of finding artefacts on the subject site due to sensitive landscapes such as rivers or elevated land forms.

### (j) Flora & fauna

The development site is located within a village zone and has been developed for such purposes. It is unlikely that there would be any significant impacts associated with the proposed development on the natural environment.

(m) Noise & vibration

The development seeks to establish a building comprising 4 units that will most likely be used for industry purposes associated with the mines. As the future uses are not known, it is not possible to determine the application based upon these possible impacts. Notwithstanding this, the development is by its layout and form likely to be used for industrial purposes and therefore Council is obliged to consider the likely impacts of such a development on the character and amenity of the village. It is considered that the type of land uses likely to be attracted to this development may not be compatible with the character and amenity of the Ulan village.

(n) Natural Hazards

The proposed development is not known to be of significant risk from any natural hazards.

(o) Technological hazards

The proposed development is not known to be of significant risk from any technological hazards.

(q) Social and Economic impact in the locality

The development has the potential to alter the social fabric of the village in terms of setting a precedent for the village to become a pseudo industrial zone and as such would impact on the social characteristics of the village.

The development would provide for some economic impact in terms of encouraging additional business in town and during construction. It is also considered that the majority of any businesses that set up in this facility would not reside in the area and therefore it is questionable as how much the development would contribute to the village.

3. SUITABILITY OF SITE FOR DEVELOPMENT

(a) Does the proposal fit in the locality

The proposed development is not considered to be suitable within the locality due to lack of infrastructure and the development being of a higher order development type more suited to a serviced industrial subdivision.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

As discussed in a previous section of this report.

(b) Submissions from public authorities

N/A

5. THE PUBLIC INTEREST

(a) Federal, State and local government interests and community interests

The proposed development is not considered to be in the public interest for the reasons stipulated in the Recommendation.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Should Council be of the opinion that the application should be approved; further consideration at a strategic level should take place to determine the most suitable zone for the Ulan Village.

OPTIONS

1. The application be refused in accordance with the Recommendation; OR
2. The application be approved subject to conditions that can be provided to Council.

GARY BRUCE  
MANAGER STATUTORY PLANNING

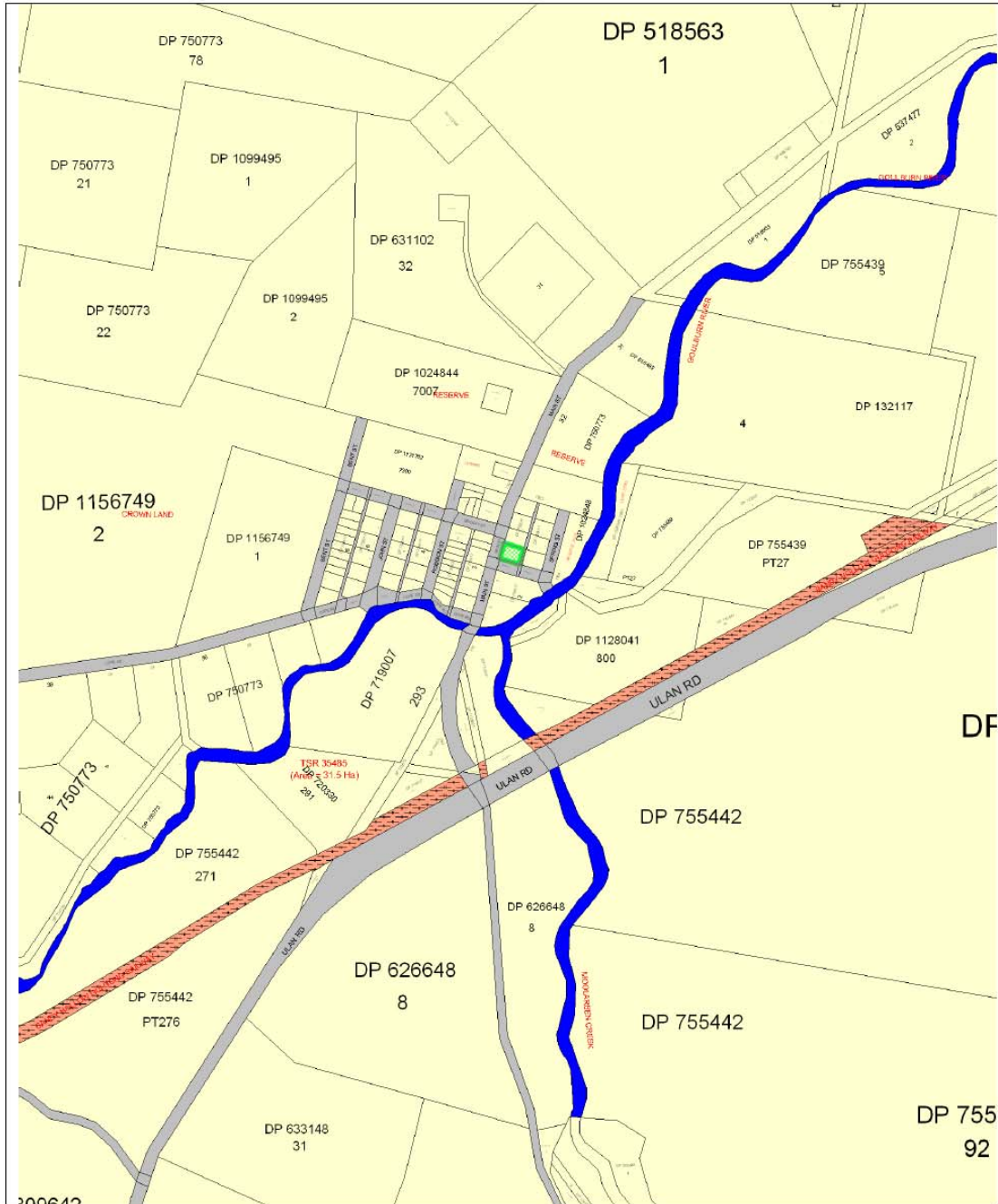
8 July 2011

Attachments:





























1. Locality Plan
2. Architectural Drawings
3. Submissions

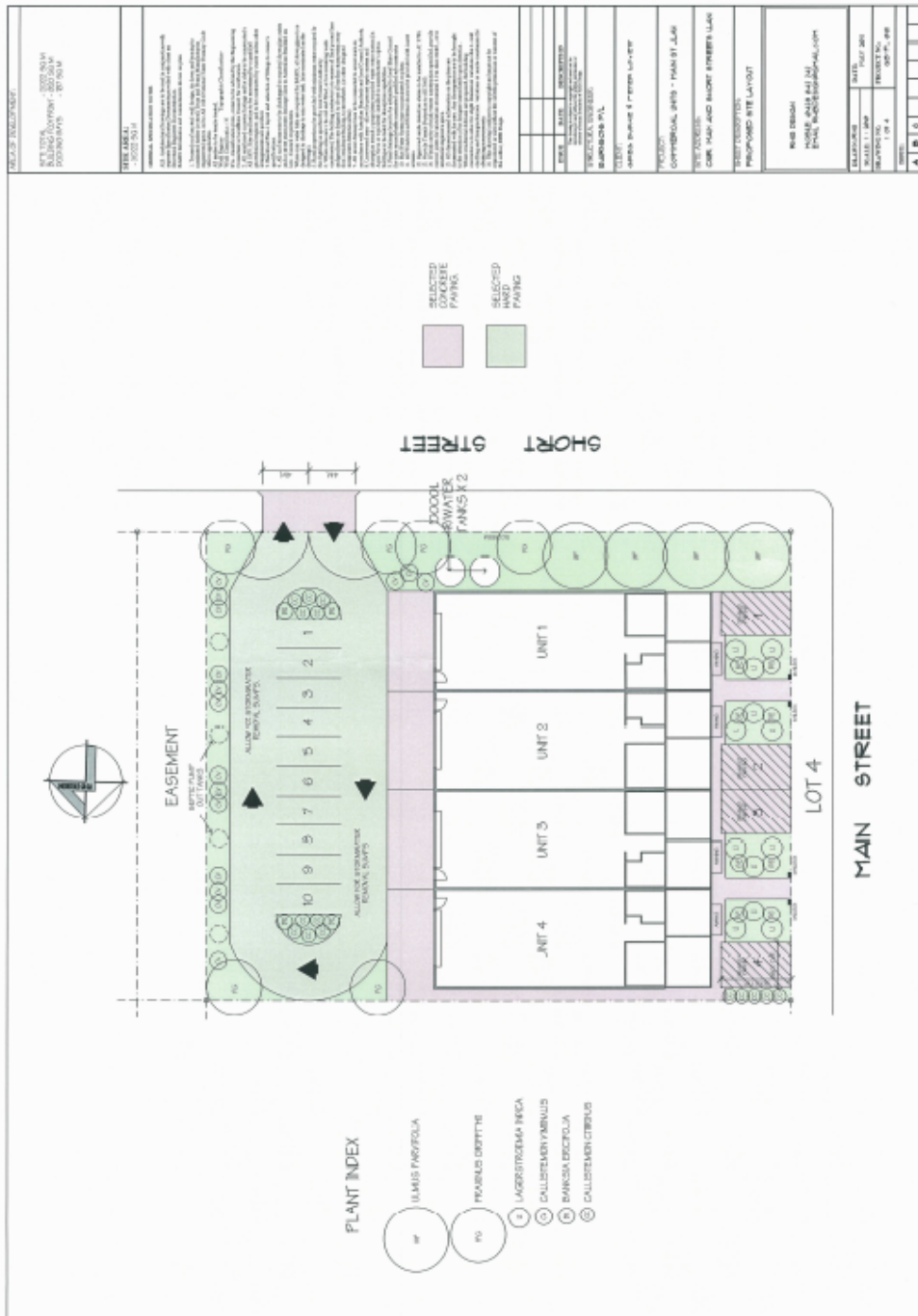
APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER



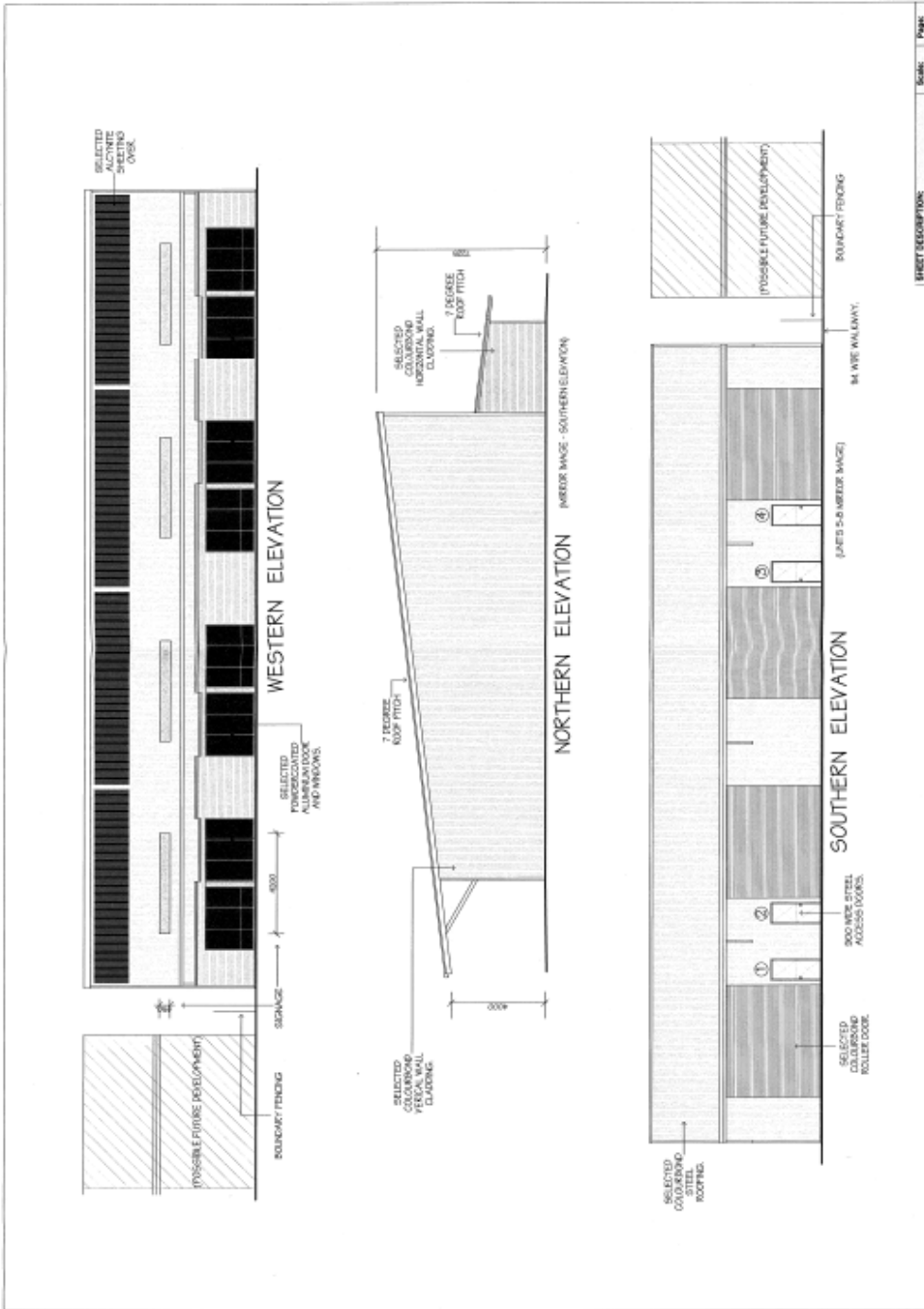
Map Scale: 1:13,180

<p><b>Disclaimer</b> 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.</p> <p>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.</p>	<p><b>Legend</b></p> <table border="0"> <tr> <td> Parcel</td> <td> Parish</td> <td> Road</td> </tr> <tr> <td> Crown Land</td> <td> Localities</td> <td> State Forest</td> </tr> <tr> <td> Railway</td> <td> LGA Boundary</td> <td> Waterway</td> </tr> </table>	 Parcel	 Parish	 Road	 Crown Land	 Localities	 State Forest	 Railway	 LGA Boundary	 Waterway	<p style="text-align: center;">NORTH</p>  <p style="text-align: center;">Printed on Friday, 8 July 2011</p>
 Parcel	 Parish	 Road									
 Crown Land	 Localities	 State Forest									
 Railway	 LGA Boundary	 Waterway									













**ULAN COAL MINES LIMITED**  
A.C.N. 000 189 248



Seq No: 97/11

28 March 2011

Warwick Bennett  
General Manager  
Mid Western Regional Council  
PO Box 156  
Mudgee NSW 2850

Attention: Gary Bruce



Mine Office  
4505 Ulan Road  
Ulan NSW 2850

Private Mail Bag 3006  
Mudgee NSW 2850  
Telephone (02) 6372 5300  
Facsimile: (02) 6372 5333

**Re: Development Application DA0279/2011 – Proposed Demolition of Existing Structure and Construction of 8 Commercial Units @ 34-36 Main Street Ulan NSW 2850 Lot 4 Sec 1 DP 759017**

I refer to the above Development Application (DA) that was on public exhibition at Mid Western Regional Council (MWRC) until 25 April 2011.

In response to MWRC's letter dated 11 April 2011, Ulan Coal Mines Limited (UCML) would like the following comments considered as part of the assessment for DA 0279/2011. It is noted that this letter should not be deemed as a late submission as the original letter from MWRC was incorrectly addressed (as discussed with MWRC's Linda Shreeve on 19 April).

In respect to the proposed development UCML provides the following comments:

#### **Management of Stormwater**

- Management of stormwater has not been adequately addressed in the DA documentation. The plans provided in the DA do not adequately show how stormwater from the proposed buildings and carpark is likely to be managed. As part of UCML's Project Approval (PA 08\_0184), UCML owns and operates a flow and water quality monitoring (gauging) station within the Goulburn River, close to the intersection of Short and Spring Street, Ulan. UCML is concerned that during rainfall, stormwater runoff from the proposed development into the Goulburn River will lead to artificial peak flow events in the river (at the UCML gauging station site), impacting on the accuracy of the flow data received from the gauging station. UCML requests that a Stormwater Management Plan be prepared for review which will detail how peak flows during heavy rain will be managed and mitigated. This plan should ensure that all stormwater reports to the Goulburn River downstream of the gauging station site.
- Additionally, UCML is also concerned about an increase in erosion (and the subsequent impact on water quality in the river) as a result of no existing kerb and guttering along Short Street.

**Moolarben Dam Safety Emergency Plan**

- UCML own and maintain Moolarben Creek Dam upstream of Ulan village. A recent Dambreak Study for this dam has identified that Ulan village may be at risk in the event of a dambreak. The DA documentation references an outdated version of the Dambreak Study. As part of UCML's Moolarben Dam Safety Emergency Plan, UCML are required to contact residents in Ulan village in the event of an emergency at the dam. An increase in the number of people in Ulan village as a result of this development will potentially result in an increase in the number of people requiring emergency assistance and evacuation and a delay in the emergency response. UCML requests that the developer is made aware of this issue and the need for UCML to hold current contact information for all tenants of the development on UCML's internal Stakeholder database.

**Cumulative Impacts**

- Noise - The DA documentation did not provide an adequate assessment of noise within Ulan village. UCML completed a detailed Environmental Assessment (EA) to support the Ulan Coal Continued Operations Project application, under Part 3A of the EP&A Act 1979. As part of this EA it has been predicted that Lot 4 DP759017 would receive noise levels greater than 40dB. These noise levels will also be exacerbated by cumulative impacts from neighbouring mining operations. UCML is currently seeking Department of Planning approval for a new Noise Management Plan in accordance with PA 08\_0184. The developer should be made aware of UCML's current conditions of consent regarding noise management, monitoring and future protocols that may be put in place to manage noise in Ulan village. This includes negotiation of possible Mine Impact Agreements and the initiation of the joint cumulative impact protocol (developed in consultation with Wilpinjong Coal Mine and Moolarben Coal Mine).
- Traffic - The DA documentation did not provide an adequate assessment of traffic impacts within Ulan village or, potentially, additional traffic loading within Ulan village, on Ulan and Cope Road and at the Cope Road - Ulan Road intersection. As MWRC is aware, Council along with UCML, Moolarben and Wilpinjong Coal Mines are required to develop a Ulan Road Strategy. Consideration of new commercial and industrial developments must be allowed for within the strategy and appropriate contributions should be provided for by the relevant developers.

If you require further information please do not hesitate to contact me on 02 63725386 or Cheryl Henriques (Environment and Community Coordinator) on 02 63725329.

Yours Sincerely,



**JAMIE LEES**  
Environment and Community Manager  
Ulan Coal Mines Limited



# ULAN PUBLIC SCHOOL

A member of the Cudgegong Learning Community – promoting public education

Main Street, ULAN NSW 2850  
Ph: 0263 734625 Fax: 0263 734807 ABN: 17 139 345 454



The General Manager  
Mid-Western Regional Council  
PO Box 156  
Mudgee NSW 2850

## Submission of Objection

**Reference: DEVELOPMENT APPLICATION DA 0279/2011  
PROPOSED DEMOLITION OF EXISTING STRUCTURE AND  
CONSTRUCTION OF 8 COMMERCIAL UNITS  
@ 34-36 MAIN STREET ULAN NSW 2850 LOT 4 SEC 1 DP 759017**

Dear Sir,

On behalf of the Ulan Public School Parents and Citizens Association, School Education Director Michael Cronk and school staff, I would like to raise some issues which we have concerning the potential impact of the proposed Development Application DA0279/2011 on the school, its students, their parents, teachers and support staff.

Ulan Public School has a current enrolment of 14 students from 10 families. Students are drawn from the surrounding area, with only one student being within walking distance of the school.

Six students are conveyed to school by private car, the furthest living 48 kms away. The remaining students travel by bus from the Cooks Gap area. There are also six pre-school age students currently attending our weekly Kindergarten Transition Program, five of which are driven to school by private car.

The school has two fulltime teachers, a part time teacher, two teacher's aides, a permanent office manager, a part time office assistant, cleaning staff and ground staff.

The school is also serviced by departmental support staff all of whom travel to the school by motor vehicle.

The school has operated in its present location for the past 127 years.

There are two main areas of concern which we require be considered.

These areas are:

1. **Noise**
2. **Traffic**

### 1. **NOISE**

Noise pollution is defined under the Protection of the Environment Operations Act 1997 as "the emission of offensive noise which means that noise that by reason of its level, nature, character or quality, the time at which it is made, or any other circumstances, is harmful (or likely to be harmful) to or interferes unreasonably (or is likely to interfere unreasonably with) the comfort or repose of a person outside the premises from which the noise is emitted."

The Environmental Protection Board of NSW acknowledges on its website that there is a general lack of data regarding community exposure to noise outside the metropolitan areas.

There are guidelines for industrial noise emissions which are to be met by industries and the NSW Industrial Noise Policy states that where there is a reasonable expectation that cumulative noise level from industrial sources could increase in future ( for example, through development of further new sources), this should be considered in setting noise levels.

However, we contend that what is an accepted noise level may still cause disruption and interference in a school situation such as ours, which has for many years been predominantly a rural setting.

Noise is well known to have detrimental effects on concentration, ability to listen and complete tasks.

Behaviour problems associated with increased levels of distraction add to the learning difficulties of other class members.

In one community study, 41% of respondents reported disturbance to listening activities as a result of increased noise levels.

How much more of a problem is this likely to be in a school learning environment?

Ulan School caters for a number of students who failed to integrate into the larger school system due to diagnosed medical conditions such as anxiety and learning difficulties and who need to be in a calm, small school environment to function and learn.

The Department of Education and Community acknowledges that industrial and traffic noise in school environments is a problem. They have a set of guidelines as to the building of schools and acoustic soundproofing of school buildings available on their web site.(Information from EPA web site)

The NSW Industrial Noise Policy stipulates an acceptable level within a classroom of 35dB, or 40dB in a school already affected by industrial noise. (The school has a noise monitor onsite as part of Moolarben Coal Operations Conditions of Approval)

The close proximity of the proposed development, being only across the road from Ulan Public School deems that the possibility of disruption to the school learning environment is likely.

Student learning could be adversely affected by increased external noise generated by operations and associated activities and increased volume of road traffic.

Students with special needs, several of whom currently attend this school, require a quiet learning environment with minimal disruption in order to maintain concentration.

Some of the school activities which occur on a daily basis are outdoor learning activities- fitness and health, the healthy fruit program, some maths and science classes, and environmental programs such as the "no dig Garden", as well as special events, ceremonies and weekly assemblies that are held outside will be impacted negatively by any increase in noise level.

It could be expected that such activities would be curtailed if noise levels increase significantly. If you can't hear, you can't learn.

The Department of Education and Community acknowledges that industrial and traffic noise in school environments is a problem. They have a set of guidelines as to the building of schools and acoustic soundproofing of school buildings available on their web site.

The NSW Industrial Noise Policy stipulates an acceptable level within a classroom of 35dB, or 40dB in a school already affected by industrial noise. Another ongoing factor in the noise pollution category is that of the increased traffic which would include customer and employee commuter vehicles which would pass close by the school- each and every one causes some disruption within the school environment making it difficult to maintain current academic levels and the integrity of the learning environment.

We are concerned that there are no restrictions or guidelines to cover noise levels within the village and therefore the type and scope of activities proposed by this development need to be closely monitored to ensure minimal disruption and impact to the learning environment.

## **2. TRAFFIC**

It would be expected that there would be an increase in the volume of traffic and also the number of drivers who fail to slow for the 40kmph zone outside



the school, thus creating an increased safety hazard for students- some of whom are as young as 4 years of age attending our Transition Program.

All school parking is in Short Street so that parents may park nosed in to the school fence and students can safely access cars via the school's side entrance. This is also the case for all staff.

In addition, the increase in traffic will pose a significant hazard for those children who travel by school bus as the bus has to turn into the front of the school to allow students to alight safely.

Cars are not permitted to access the front of the school on Main Street so that students can safely get on and off the bus through the school's front gate. There is limited signage indicating the local school bus routes and the 40km/hour zone outside the school grounds is insufficient to slow traffic down, increasing considerably the hazards to students both outside the school grounds and also as they alight or disembark from the school bus at the numerous stops on the route.

This increase in traffic must create safety issues for the school, especially at the commencement and end of each school day.

The staff and parents request that this objection be given careful consideration so that the integrity of student development and learning is not compromised.

We appreciate your consideration of this matter.

Yours sincerely,

*Annette Riley*

PRINCIPAL  
ULAN PUBLIC SCHOOL

5.2.4 GENERAL CONTRACTORS – ADDITION TO PREFERRED SUPPLIERS LIST

REPORT BY ADMINISTRATION & BUILDING COORDINATOR  
GENERAL CONTRACTORS  
A0100052, A0411009

**RECOMMENDATION**

That:

1. the report by Administration and Building Coordinator on additional General Contractors be added to the Preferred Suppliers list be received; and
2. Council accepts the additional preferred contractors for tender 2010/09 for the provision of metal fabrication, electrical, stock work, guardrail installation, building work and landscaping as part of the general contracting services and that Council accept this preferred contractor list in accordance with clause 178 of the *Local Government (General) Regulation 2005*.

**EXECUTIVE SUMMARY**

Following Council's resolution to accept the tenders for general contractors preferred suppliers list to complete works listed in the management plan, additional tenders have been received as per Council's resolution at the June 2010 Council Meeting where additional contractors may be included on the preferred suppliers list if required during the contract period by resolution of Council.

**DETAILED REPORT**

Since our initial tender process for general contractors was approved in 2010, Council have received a number of requests from new business owners (and those that have relocated to the area) to be added to our preferred suppliers list.

These businesses have provided all essential information required by Council to be added to the preferred suppliers list including OHS policies, insurances etc.

Once approved by Council, additional contractors will be added to the preferred suppliers list so they may be visible to all Council departments requiring services of contractors. . The benefit of adding these businesses to our list expands our capabilities to deliver the works program when general contractors are becoming difficult to engage due to their existing obligations and commitments with other companies.

The additional businesses are:

JC's Constructions Pty Limited – Guardrail Installation  
Living Earth Supplies – Landscaping and Supplies  
Craig Picklum – Stock work  
Blackwell's Building & Carpentry – Building Services  
LG & RE O'Connell – Electrical Contractor  
Proweld – Metal fabrication & Welding

FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

KRISTIE WARD  
ADMINISTRATION & BUILDING COORDINATOR

BRAD CAM  
GROUP MANAGER -  
MID-WESTERN OPERATIONS

5 July 2011

Attachments: Additional General Contractors Rates (Confidential)

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

5.2.5 REDBANK CREEK DAM – NOTICE PURSUANT TO SECTION 18(1) DAMS SAFETY ACT

REPORT BY GENERAL MANAGER  
Redbank creek dam  
A0100052,F0710004,F0710006

**RECOMMENDATION**

That:

1. the report by the General Manager on Redbank Creek Dam be received;
2. Council re-affirms its determination that it does not consider itself the owner of Redbank Creek Dam; and
3. Council seeks urgent negotiations with the relevant State Government Minister to have the Council excluded as the owner of Redbank Creek Dam. Failing the correct action by the relevant Minister, Council delegates to the General Manager to take such legal action needed to achieve a delegation that Council is not the owner.

**DETAILED REPORT**

Please find attached a notice from the Dams Safety Committee dated 29 June 2011 giving Council formal notice pursuant to Section 18(1) of the Dam Safety Act 1978 that Council must undertake repairs works to the Redbank Dam. This letter is from a meeting of the Dam Safety Committee on 22 June where it was resolved to issue the notice.

The bizarre part of this is that the resolution at the 22<sup>nd</sup> June meeting is only 15 days after the Dams Safety Committee Chairman advised in writing that the former notice for the exact same works was formally withdrawn. It is understood that the first notice may have been defective as it was addressed to the General Manager personally and not the Council.

Council has two options:

1. To ignore the notice and let the Dam Safety Committee pursue the matter which could include them doing the work and charging Council with the costs.
2. Council pursue now an audience with the relevant State Government Minister and failing a successful outcome legally challenge the Council ownership status of Redbank Creek Dam.

The latter alternative is being recommended to Council by talking the legal action sooner rather than later. This would be the appropriate action of a responsible Council in the verbal legal advice received from Council's solicitors. We need to send a message to State Government and the Dam Safety Committee that Council is determined to prove that it is not the owner of the Redbank Creek Dam as highlighted in the letter date 8 March 1999 from the then Minister of Lands and Water Conservation.

**FINANCIAL IMPLICATIONS**

Not applicable

STRATEGIC OR POLICY IMPLICATIONS

Not Applicable

Attachments:

1. Letter from Dams Safety Committee dated 29 June 2011
2. Letter from Dams Safety Committee dated 7 June 2011
3. Letter from former Minister for Lands Richard Amery dated 8 March 1999

WARWICK BENNETT  
GENERAL MANAGER

7 July 2011



Dams Safety Committee

ABN 55 079 703 705

29 June, 2011

Mid-Western Regional Council  
PO Box 156  
MUDGEE NSW 2850

Our ref: 10.131.315

Your ref:



**NOTICE PURSUANT TO SECTION 18(1) DAMS SAFETY ACT 1978  
IN RESPECT OF REDBANK CREEK DAM, MUDGEE**

WHEREAS:

- A. Mid-Western Regional Council is the owner (within the meaning of and/or as defined by the Dams Safety Act 1978) of Redbank Creek Dam, Mudgee.
- B. Redbank Creek Dam, Mudgee is a prescribed dam (within the meaning of and/or as defined by the Dams Safety Act 1978).
- C. On 22<sup>nd</sup> June 2011 the Dams Safety Committee (the Committee) resolved and determined that it appears to the Committee that Redbank Creek Dam, Mudgee is in danger of becoming unsafe.
- D. On 22<sup>nd</sup> June 2011 the Committee further resolved and determined that the things, actions and/or works that are specified or described in this Notice are reasonably necessary to ensure the safety of the Redbank Creek Dam, Mudgee.

NOW TAKE NOTICE:

- E. Pursuant to section 18(1) Dams Safety Act 1978, the Committee requires Mid-Western Regional Council as the owner of Redbank Creek Dam, Mudgee to do such things as are specified or described in the Schedule below (the Schedule of Required Works) within the time as specified.

Schedule of Required Works

1. Reduce the height of the spillway and dam crest by 3.76m, *in accordance with the Alternative Stabilisation Works, May 2010, GHD Report.*
2. Install inclined anchors at the downstream toe of the dam, in accordance with the Alternative Stabilisation Works, May 2010, GHD Report.



3. Time within which the work described in this Schedule of Required Works is to be completed  
- six months from the date of this Notice.

Dated: 29 June 2011

Pursuant to a resolution of the Committee and section 50(2) Interpretation Act 1987, the Common Seal of the Committee was affixed to this notice in writing in accordance with that resolution:

- a. in the presence of two members of the Committee, and  
b. with the attestation by their signatures below of the fact of the affixing of the seal in their presence.

The official seal of the Dams Safety Committee is circular. It features the text "DAMS SAFETY COMMITTEE" around the top inner edge and "OFFICIAL SEAL" around the bottom inner edge. In the center, there is a stylized logo consisting of a vertical line on the left, a horizontal line at the top, and a diagonal line sloping downwards to the right, forming a shape reminiscent of a dam or a triangle.

*Bruce Cooper*      *D.A. Jamieson*

Signed by a member of the Committee      Signed by a member of the Committee  
Chairman      Member  
DSC      DSC



Dams Safety Committee

ABN 55 079 703 705

7 June, 2011

**NSW Dams Safety Committee**

Withdrawal of Notice issued under  
section 18(1) of the Dams Safety Act 1978 dated 17 November 2010

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

Dear Sir,

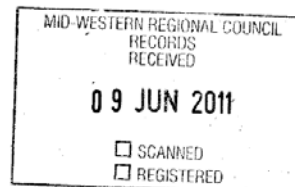
I, Brian Cooper, Chairman of the Dams Safety Committee ("the Committee") on behalf of the Committee, advise you that the section 18(1) Dams Safety Act 1978 Notice dated 17 November 2010 to you as the owner of the Redbank Creek Dam is hereby formally withdrawn and no further action against you personally is contemplated.

For your information, the Committee will in the near future again consider the issue of Redbank Creek Dam and Mid-Western Regional Council's continuing responsibility with respect to its management and to ensure its safe operation.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Brian Cooper'.

Brian Cooper  
Chairman  
NSW Dams Safety Committee







Minister for Agriculture  
Minister for Land and Water Conservation

D98/5531  
(65114)

8 MAR 1999

Mr D Farmer  
General Manager  
Mudgee Shire Council  
PO Box 156  
MUDGEE NSW 2850

**COPY**

Dear Mr Farmer

Thank you for your letter dated 30 November 1998 regarding government financial assistance for improvements to Redbank Creek Dam. I apologise for the delay in replying.

I have carefully reviewed council's submission for financial assistance in which remedial works for Wellington and Captain's Flat Dams were cited.

The Department of Land and Water Conservation has advised me that the circumstances involving Redbank Creek Dam are different to those cases. Therefore, having regard to the heavy demand for funding under the Country Towns Water Supply and Sewerage Program, I am only able to offer assistance of up to 50% of the estimated \$1.2M cost of the Redbank Creek Dam improvements. This means that council will receive a grant of up to \$600,000 depending on the final cost.

I have asked the Department of Land and Water Conservation to vest ownership of the dam structure with the council on completion of the improvement works.

Appropriate conditions applying to the provision of government financial assistance are attached in duplicate. If this offer is acceptable, council is requested to sign the original and return it to the Director, Urban Water Management Branch (Level 3 Macquarie Tower, 10 Valentine Avenue, Parramatta, NSW, 2150). Officers of the Department of Land and Water Conservation will contact council to arrange for the commencement of this work if council accepts the grant.

Finally, I would like to flag that I will be writing to council very shortly with offers of government financial assistance for the Mudgee and Gulgong water supply augmentation schemes.

Yours sincerely  
*(Sgd.) R. AMERY*

RICHARD AMERY MP  
MINISTER FOR AGRICULTURE  
MINISTER FOR LAND AND WATER CONSERVATION

5.2.6 RYLSTONE-KANDOS FLOOD STUDY AND FLOODPLAIN MANAGEMENT PLAN

REPORT BY MANAGER ENVIRONMENT

Rylstone- Kandos Flood Study and Floodplain Management Plan Project Inception Report  
A0100052, F0710003, A0060009, A0411101

**RECOMMENDATION**

**That the report by Manager Environment on the Rylstone Kandos Flood Study and Floodplain Management Plan be received and noted.**

EXECUTIVE SUMMARY

Council has commenced the Rylstone Kandos Flood Study and Floodplain Management Plan Project.

DETAILED REPORT

Council received \$50,000 in grant funding from the Natural Disaster Mitigation Programme to undertake the Rylstone Kandos Flood Study and Floodplain Management Plan. This funding is required to be matched by a \$25,000 contribution from Council.

This funding is to undertake the Study and Plan for the towns of Rylstone and Kandos. Council currently has no formal floodplain risk management strategies in place to provide an appropriate level of protection for the Rylstone and Kandos communities. Further, there are no formal emergency management strategies to effectively manage the continuing flood problem within the towns.

This project will follow the floodplain management process described in the Floodplain Development Manual: the management of flood liable land”, New South Wales Government, April 2005. This comprises the following sequential steps:

- 1 Data Collection: Compiles and reviews all available information and data.
- 2 Flood Study: Determines the nature and extent of the flood problem for the full range of flood events.
- 3 Floodplain Risk Management Study: Evaluates management options for the floodplain with respect to both existing and future development.
- 4 Floodplain Risk Management Plan: Involves formal adoption by Council of a plan of management for the floodplain.
- 5 Implementation of the Plan: Involves construction of flood mitigation works, where viable, to protect existing development. Uses planning controls to ensure that future development is compatible with flood hazards.
- 6 Review of Plan: Review of plan to ensure it remains current and appropriate. A review is normally carried out after 10 years.

Council proposes to develop a floodplain risk management plan for both these towns in accordance with the Manual. The implementation of the Rylstone Kandos Flood Study and Floodplain Management Plan Project will follow three stages:

Stage 1 Initial Investigations

- Undertake a comprehensive site inspection.
- Review of all relevant documents, data and reports.

- Undertake a comprehensive consultation with the local community, Council and relevant agencies.
- Collate and assess all data and information required to satisfy this brief
- Identify any “gaps” in the available data including surveys required to complete the study and update all information as required with the approval of the Council.

#### Stage 2 Flood Study

- Review the existing hydrologic and hydraulic models for the Cudgegong River catchment in Rylstone for use in the estimation of design floods, and / or modelling of possible flood storages. The events of interest shall include the 0.5%, 1%, 2%, 5 % and 10% and 20% AEP events, together with the PMF event.
- The overland flooding investigation in both Rylstone and Kandos will produce information on flood levels, velocities, flows and hydraulic categories for a full range of flood events under existing catchment and floodplain conditions. The events of interest shall include the 0.5%, 1%, 2%, 5 %, 10% and 20% AEP events, together with the Probable Maximum Flood (PMF) event. It is expected that hydrologic and hydraulic modeling will be required and while existing models are available for Rylstone, the use of other models for this study may be proposed.
- The study will identify flooding issues within the catchments, assess the existing stormwater drainage network in both Rylstone and Kandos and determine improvements necessary to meet the required service levels.

#### Stage 3 Floodplain Risk Management Study and Plan

- An assessment of the performance of potential flood mitigation measures.
- Estimates of the flood damages in the design floods and annual average damages and their net present worth
- An economic assessment of the floodplain management measures based on life cycle costs and benefits.
- A prioritisation of improved drainage measures and an estimate of the cost thereof
- Flood mapping for both towns for the PMF, 1%, proposed FPL (1% +0.5m) and 20% events

Through an open quotation process, Council has engaged consultants SKM to undertake Stages 1 and 2, with continuation onto Stage 3 dependant on successful completion of the first two stages.

The project is being implemented under the guidance of the Rylstone Kandos Floodplain Management Committee. The inception meeting between the committee and the consultant was held on 7<sup>th</sup> June, 2011. The project is now moving through the data collection phase and community consultation is being undertaken, as per the attached project plan.

All stages of the project are due for completion by 30/7/2012 in accordance with the NDMP conditions.

#### FINANCIAL IMPLICATIONS

This project is funded through grant funding and council's budget and is consistent with the management plan.

#### STRATEGIC OR POLICY IMPLICATIONS

The results from this study will guide development within the floodplain and flood affected areas of Rylstone and Kandos.

SHIREEN MURPHY  
MANAGER ENVIRONMENT

SIMON JONES  
ACTING GROUP MANAGER, DEVELOPMENT &  
COMMUNITY SERVICES

7 July, 2011

Attachments: Graph with details of Floodplain management options and risk management plan.

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

PROJECT PLAN - DATA COLLECTION, REVIEW OF FLOOD STUDY, FLOODPLAIN MANAGEMENT  
OPTIONS AND RISK MANAGEMENT PLAN IN THE TOWNS OF KANDOS & RYLSTONE

Stage of the Study and Task Description	(from May 2011)												(2012)				
	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J		
<b>Stage 1 - Initial investigations</b>																	
Project Inception and Site Visit																	
Data Collection and Assessment																	
Community & Stakeholder Consultation																	
Report on Data Collection and Assessment																	
A Technical Brief for Additional Survey by Council																	
Collection of Additional Topographic Data by Council																	
<b>Stage 2 - Flood Study</b>																	
Assessment of Riverine Flooding for Rylstone																	
Assessment of the Existing Stormwater Capacity																	
Hydraulic Modelling for Overland Flow Paths																	
Flood Mapping																	
Draft Flood Study Report																	
Review of Flood Study Report by Council																	
Final Flood Study Report																	
<b>Stage 3 - Floodplain Risk Management Study and Draft Plan</b>																	
Review of planning controls, Flood warning																	
Flood damage Assessment																	
Identification of Management Options																	
Assessment of Management Options																	
Economic Evaluation of Options																	
Community & Stakeholder Consultation																	
Prepare Draft Report																	
Present Draft Report to Council																	
Review of Draft Report by Council																	
Deliver Final Report and Draft Plan																	

Last updated 3 June 2011

5.2.7 MUDGEE AND GULGONG ACCESS COMMITTEE – JUNE 2011

REPORT BY CUSTOMER SERVICE MANAGER  
MUDGEE & GULGONG ACCESS COMMITTEE MEETING JUNE 2011  
A0100052, A0060008

**RECOMMENDATION**

**That:**

- 1. the report by Customer Service Manager on the Mudgee and Gulgong Access Committees be received; and**
- 2. Council note the minutes of the Mudgee and Gulgong Access Committee Meeting held on 7 June 2011.**

---

**EXECUTIVE SUMMARY**

The Mudgee & Gulgong Access Committee meets monthly to highlight and promote accessibility issues in the region. The next meeting is to be held on 05 July 2011.

**DETAILED REPORT**

A number of matters arose at the meeting as well as discussions related to ongoing issues. These are included in the minutes.

Two members of the Committee travelled to Wellington on 03 June 2011 to attend the Western Region Access Committee. At that meeting Mudgee was nominated as the host of the next regional meeting, on a date to be finalised.

**FINANCIAL IMPLICATIONS**

Not applicable

**KATE RIACH**  
**CUSTOMER SERVICE MANAGER**

07 July 2011

**SIMON JONES**  
**ACTING GROUP MANAGER,**  
**DEVELOPMENT & COMMUNITY SERVICES**

**Attachments:** Minutes of the Mudgee and Gulgong Access Committee Meeting held on 07 June 2011.

**APPROVED FOR SUBMISSION:**

**WARWICK BENNETT**  
**GENERAL MANAGER**

**MINUTES OF THE ORDINARY MEETING OF THE MUDGEES AND GULGONG ACCESS  
COMMITTEE HELD ON TUESDAY, 7 JUNE, 2011  
COMMENCING 1.00PM IN THE STABLES MEETING ROOM, MUDGEES.**

**PRESENT:** Access Committee members: Mary Lovett, Les Leighton, Judy Hickey and Cr. Percy Thompson

**Council Staff:** Kate Riach, Simon Jones, Tim O'Reilly and Work Experience Student, Miles Peterson.

1. **APOLOGIES:** Victoria Barrett

2. **CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the meeting held 3.5.11 to be confirmed as distributed.

**Moved:** L. Leighton

**Seconded:** P. Thompson

3. **DISCUSSION OF PLANS FOR LIBRARY UPGRADE WITH SIMON JONES.**

Simon tabled plans for the Library upgrade and extensions and a discussion was held regarding access issues including:

- a) Lift in the western side of the building will provide access to all levels
- b) There is a ramp to the lower level of the children's area
- c) There is provision for parking gophers at the front area of the building.

**Recommendation to be put to the Traffic Committee that in light of the upgrade to the Library an extra disabled car parking space be put in Market Street near the Library.**

**Moved:** L. Leighton

**Seconded:** P. Thompson

Les will submit further comments on behalf of the Access Committee on the D.A. as discussed including placement of tactile tiles and automatic doors at one of the entry points.

4. **MATTERS ARISING FROM MINUTES:**

4.1 Recommendation to Traffic Committee re disabled car parking spaces near Mudgee High School attended to by Kate and response received – see correspondence.

**4.2 Letter to be sent to Tim O'Reilly regarding concerns at Walter Wines, 179 Tinja Lane.**

**Moved:** P. Thompson

**Seconded:** M. Lovett

4.3 Roll back guttering – on Agenda under General Business

4.4 Tim advised ratio of disabled car parking spaces in Church St. near the Brewery

meets requirements.

- 4.5 Tim advised the DA for Lifeskills Plus was dealt with by staff and did not come to the Access Committee.

**Letter to be sent to Gary Bruce, Mgr. Planning, advising that the Access Committee would like the opportunity to comment on all D.A's and will ensure their prompt return to the Planning Department.**

**Moved:** M. Lovett

**Seconded:** L. Leighton

- 4.6 Letter was written by Kate requesting report from Council staff unable to attend the meeting. Tim advised that he is happy to do that.
- 4.7 Terms of Reference from Aboriginal Reference Group received today by Kate and will be distributed with the Minutes.
- 4.8 Review of Appendix Disability Action Plan – Tim advised that Council staff are to attend training on the new Standards on 8<sup>th</sup> August and after that he would be willing to assist the Committee to do the review.
- 4.9 Simon has ordered a copy of the Standard 1428 Disabled Access and Disability Discrimination Act for the Committee. Tim gave Les a modified copy.
- 4.10 Mary has supplied Kate with an email update from H.R.E.O.C.
- 4.11 Temporary access at the Mudgee Golf Club is on the Agenda.
- 4.12 Kate has written a letter to the Gulgong Sports Council as requested.
- 4.13 Tim spoke about the consent and agreement conditions regarding the demountable moved to All Hallows School in Gulgong. No further action to be taken at this stage.
- 4.14 Kate has submitted works requests regarding handrails at Mudgee Cemetery and footpath repairs near Mudgee Primary School.

## 5 CORRESPONDENCE

Correspondence to be dealt with as read.

**Moved:** P. Thompson

**Seconded:** M. Lovett

### - Inward

- 5.1 Letter from Brad Cam re photos supplied by Les and stating required works will be included in the 2011/12 footpath maintenance programme.
- 5.2 Reply from Electoral Commission requesting information on accessible venues. It was agreed that a letter of reply be sent stating that The Stables, Mudgee High School Gymnasium, Mudgee Public School Hall, CWA Meeting Room, Cudgegong Valley School Hall and the Memorial Hall Gulgong are all accessible.



5.3 Letter from the Mine Safety Advisory C'tee re grants available.

**Sally Mullinger of Operations Department to be advised of the letter with recommendation that application be put in to cover the cost of some laybacks near Blackman Park.**

**Moved:** L. Leighton

**Seconded:** P. Thompson

(On further investigation it was noted that the grants are only available to schools or other community groups so no action taken.)

5.4 Andrew Kearins advising that request for disabled parking in Denison Street will be considered by the Traffic Committee and that he is no longer involved with the Traffic Committee therefore future correspondence should be addressed to the General Manager.

**When person is appointed to the Traffic Committee an invitation is to be extended to him/her to attend the Access meeting to explain how the committee works.**

**Moved:** M. Lovett

**Seconded:** P. Thompson

**- Outward**

- 5.5 Recommendation to Traffic Committee
- 5.6 Tim O'Reilly re information if unable to attend the meeting
- 5.7 Simon Jones requesting copy of 1428 Standard and DDA
- 5.8 Gulgong Sports Council offering support
- 5.9 Judy Hickey re appointment to the Committee.

## **6. DEVELOPMENT APPLICATIONS**

DAO305/2011 – Extensions to the Library – Les will provide comments later this week on behalf of the Access Committee.

DAO331/2011 – Mudgee Vet Hospital – Les will also provide comments on this later in the week.

## **7. REFERRALS FROM MWRC ABORIGINAL REFERENCE GROUP**

Regarding enquiry from Aboriginal Reference Group Minutes about change table facilities for adults, Judy Blackman to raise the issue at the Disability/HACC Service Providers Network.

**Moved:** P. Thompson

**Seconded:** J. Hickey

## **8. GENERAL BUSINESS**

8.1 Mary and Les raised the issue of roll back guttering at the Western Region Access Meeting and were told that all new guttering in Bathurst is roll back. This is to remain an Agenda Item.

**8.2 Gary Bruce, Mgr. Statutory Planning, to be invited to the next meeting to discuss roll back guttering.**

**Moved:** L. Leighton      **Seconded:** M. Lovett

8.3 Les has looked at the temporary building at Mudgee Golf Club and noted some access concerns. Tim advised that Council did not put any conditions on the temporary building but the new building will totally comply to Standards.

**Letter to be written to Phillip Small, Mgr. Mudgee Golf Club, thanking him for his letter and asking if things noted by Les can be addressed.**

**Moved:** P. Thompson      **Seconded:** L. Leighton

8.4 Disability Rights Update – this was supplied by Mary and focussed on the new Standards.

8.5 Disabled toilets in Robertson Park – dealt with as above.

8.6 Mary advised the Western Region Access Meeting will be held in Mudgee the meeting after next.

**8.7 Letter to Gary Bruce to include “will the Access Committee be given the Opportunity to have input into the Comprehensive Development Plan as Regards Footpath Restaurants and Management of Obstructions on Footpaths?”**

**Moved:** L. Leighton      **Seconded:** P. Thompson

8.8 Les enquired about the change of use at 16 Douro Street (Safewatch) – Tim will follow up.

8.9 Agenda item for next month – Review of access to Mudgee Medical Centre.

Meeting closed at 2.50pm.

**Next meeting to be held 5 July in the Stables Gallery.**

Agreed Actions:

1.	Recommendation to Traffic Committee regarding disabled car parking space outside Library	Kate
2.	Send letter to Tim O'Reilly re 179 Tinja Lane	Mary
3.	Send letter to Gary Bruce about DA's, roll back guttering and Comprehensive Dev. Plan regarding footpath restaurants and management of obstructions on footpaths	Mary
4.	Distribute Terms of Reference for Aboriginal Ref. Group with Minutes	Judy
5.	Send information to Electoral Commission on accessible buildings	Judy
6.	Extend invitation to person appointed to Traffic Committee in due course	Mary
7.	Provide information on two DA's received	Les
8.	Take issue of adult change table to Dis/HACC Network	Judy
9.	Send letter to Phillip Small re Les' suggestions	Mary
10.	Follow up Change of use at 16 Douro St. (Safewatch)	Tim
11.	Agenda item next month – Mudgee Medical Centre	Judy

## 5.2.8 COMMUNITY SAFETY COMMITTEE

REPORT BY GENERAL MANAGER  
Community Safety Committee  
A0100052, A0310010

**RECOMMENDATION**

**That:**

- 1. the report by General Manager on the membership of the Community Safety Committee be received; and**
- 2. Council approves Mrs Dianne Munday, Mr David Anderson and Mr Peter Doran as the community representatives on the Mid-Western Community Safety Committee.**

**DETAILED REPORT**

At a meeting earlier this year, Council resolved to establish a Community Safety Committee which included three community representatives – one each from Kandos/Rylstone, Gulgong and Mudgee.

We called for nominations by way of expressions of interest from the community and received only one written submission from a resident of Yarrawonga being Mr Norman Buggle A copy of his letter is attached. However three verbal expressions of interest were received being:-

Dianne Munday. She has been a long time resident of Kandos and instigated the beautification of Kandos, she has good communication skills and has a proven track record of working well with others

Mr David Anderson of Mudgee – a keen photographer and has a strong interest in ensuring that our community remains a safe place to live. He recently made a presentation to Council to have a litter control programme implemented.

Mr Peter Doran is a well known Gulgong identity from the Ambulance service and the Gulgong Health Committee.

Once the community representatives are appointed then we will be able to bring the committee together to look at options and opportunities to address the increasing vandalism in this region.

**FINANCIAL IMPLICATIONS**

The cost of this committee will be mileage for the committee members.

**STRATEGIC OR POLICY IMPLICATIONS**

This committee is set up by resolution of Council.

Attachments: Letter from Norman Buggle

WARWICK BENNETT  
GENERAL MANAGER

11 July 2011

Norman Buggle

June, 10 2011

1530 spring creek rd

Yarrawonga 2850

Community Safety Committee Membership



Would like to help on the new committee.

I've always been interested in safety working overseas as a security officer for 5 years and also at the Moolarben coal mine, while they were setting up the new site.

Worked as a building inspector for a tenant organisation. I was the one which always was sent to the big disputes as they knew I always found an outcome that both sides were happy with and no courts had to be involved.

Was also responsible for the patrolling, closure and reopening of the roads at the last two Gulgong folks festivals.

When the dispute was on for a long time about closing the road permanent behind the catholic school, I sat down, made a drawing how to solve the problem and sent one each the Percy and Cathy Gaudry. Was surprised they adopted my suggestion because I never got any feedback.

I was also able to help out North Parks with problems they were struggling with for years. (See doc.)

Am a director of the Men's Shed Mudgee and a member of the Gulgong shed.

In Mudgee, I manage the project making toys for Stuart house in Sydney. This means I'm also responsible for the health and safety of the blokes that make the toys.

Reading doc. 2 form 2002 you can also see I was involved in getting the swimming program going for kids with asthma at the PCYC.

I have always in some way or another been involved in my life in public/community safety and would be more as happy to be involved in the new committee.

Regards

Norman Buggle

*17th June, 2002*

*To whom it may concern,*

*I have known Norman Buggle for one year now, through his help with the Asthma Childrens Swimming Program.*

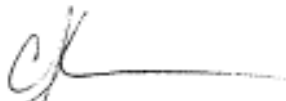
*Norman is a very kind, keen and helpful person. He goes out of his way to help us with the program, as we are a volunteer organisation. I have also found Norman to be a very reliable person.*

*The children all relate to Norman well as he seems to be able to make the learning fun for them.*

*I would not hesitate to recommend Norman for any position in the help and care of others.*

*I can be contacted on 63 722633 Bh Or 63 727425 Ah should you require any further information.*

*Regards*



*Christine Johnson  
Co-ordinator  
Asthma Childrens Swimming Program*



bloodyhellmate6@hotmail.com

Printed: Sunday, 11 June 2006 9:57:38 AM

**From :** Lavin, Barry (NPM) <barry.lavin@riotinto.com>  
**Sent :** Thursday, 8 June 2006 8:34:17 AM  
**To :** <bloodyhellmate6@hotmail.com>  
**CC :** "Messenger, Darryl (NPM)" <Darryl.Messenger@riotinto.com>, "Huggett, Noel (NPM)" <Noel.Huggett@riotinto.com>  
**Subject :** Your Letter

Norman,

Thanks very much for dropping me a line and for the positive feedback on your Tuesday morning inductions here at Northparkes. You would have gathered that we are passionate about safety here at Northparkes and have a real and genuine interest in working as safely as we can as a team and returning home top our loved ones uninjured. I see that the shutdown that you were involved with went well, and we were back up 3 hours ahead of schedule with no injuries. Thank you to you and your mates at MSB for your contribution. The introduction of our Mini-HIAS system seems to have gone well with the contractors putting in 40 reports over the course of the shutdown, each and every one of which highlighted a concern that we have now addressed so when you come back, you will be in a safer environment.

I note your interest in making machinery safer to use and the examples you kindly provided, and the fact that you have followed this up with some engineering suggestions. Next time you are here at NPM I invite you to tour the plant together with my Engineering superintendent, Noel Huggett so as we can pick your brains on engineering solutions to some of the safety hazards we have in our plant.

Thanks once again for your letter.

*Barry Lavin*

**Managing Director**

**Northparkes Mines**

Telephone (02) 6861 3115

Mobile 0438941138

email barry.lavin@riotinto.com

Fax (02) 686 13102

Assistant - Kylie Strudwick

(02) 6861 3117 kylie.strudwick@riotinto.com

5.2.9 MID-WESTERN REGIONAL FAMILY DAY CARE – FUNDING AGREEMENT

REPORT BY MANAGER LIBRARY AND COMMUNITY SERVICES  
Mid-Western Regional Family Day Care – Funding Agreement  
A0100052, A0060077

**RECOMMENDATION**

That:

1. **the report by Manager Library and Community Services on the Mid-Western Regional Family Day Care Funding Agreement be received;**
2. **Accept the funding agreement from the Department of Education, Employment and Workplace Relations for the Mid-Western Regional Day Care Scheme for the period 1 July 2011 to 30 June 2012; and**
3. **the necessary documentation is executed under Common Seal.**

---

**EXECUTIVE SUMMARY**

The report seeks Council's approval to authorise the affixing of Council's Common Seal to the offer of funding from the Australian Government of Department of Education, Employment and Workplace Relations.

**DETAILED REPORT**

The Federal Government has funding the Family Day Care Scheme since 1991. The Mid-Western Regional Family Day Scheme is auspiced by Council and is based in Mudgee. There are carers who are supported by the scheme throughout the Mid-Western region as well as in Wellington and Narromine. The attached funding agreement is necessary to support all existing arrangements.

Funding from July 2011 is termed a Family Day Care Network Support payment. This grant is remitted to Council quarterly and is used to carry out the administration operations of the Family Day Care Scheme and is based on the number of children in care through the Scheme each week. The estimate for the total grant is included in the 2011/12 Management Plan.

The approval of the above recommendation will ensure the continuation of the provision of quality of care service to the community through the Family Day Care Scheme.

Council also receives Child Care Benefit (CCB) payments from Centrelink. These funds are distributed to the individual Carers. The Family Day Scheme is cost-neutral to Council.

Despite the significant changes to funding models over recent years, the efforts of the Family Day Care staff have ensured that the service remains financially viable and offering a high level of care to the community.

**FINANCIAL IMPLICATIONS**

The attached funding agreement is necessary to support all new and existing arrangements with the service provider. The funding is already included in the 2011/12 Management Plan.



STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

SIMON JONES  
MANAGER LIBRARY AND COMMUNITY SERVICES

1 July 2011

Attachments: Agreement with Department of Education, Employment and Workplace Relations dated 30 May 2011.(following at the end of the business paper)

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

5.2.10 FAMILY DAY CARE POLICY

REPORT BY MANAGER LIBRARY AND COMMUNITY SERVICES  
FAMILY DAY CARE POLICY  
A0100052, A0060070

**RECOMMENDATION**

**That:**

- 1. the report by Manager Library and Community Services be received; and**
- 2. Council adopt the Family Day Care Policy.**

---

**EXECUTIVE SUMMARY**

Periodically, the Family Day Care Policy previously adopted by Council is reviewed to reflect current legislation, new Children's Standards and guidelines provided by the Department of Family and Community Services. Occasionally, potential issues are recognised and policies adapted to ensure that the safety and well-being of children is ensured. A new policy has been drafted and includes a section on Children in Care. This section is the only change to the existing policy.

**DETAILED REPORT**

The Mid-Western Family Day Care Scheme supports carers and families in the Mudgee, Gulgong, Wellington, Kandos and Rylstone areas. The Department of Family and Community Services has funded the Family Day Care Scheme since 1991 and since this time the Family Day Care Scheme has held a reputation for the delivery of quality children's care services.

The Mid-Western Family Day Care Scheme strives to ensure best practice and the safety and well-being of children in the care of Family Day Care Carers at all times. Please note that "Educators" is the term given to Carers by the Department. The Scheme and the individual Carers always work to the Children's Services Regulations, as required by the legislation and the funding agreements that are in place. However, there are times when the regulations are unclear on the expectations of Coordination Units and Carers.

The aim of the new Children in Care policy statement is to set some boundaries on the number of children that can be in paid care with any individual Carers.

The 2004 Children's services regulations state that a Carer can have seven children in care 12 years and under (including their own children who are aged 12 years and under). Children can receive care and Child Care Benefit up till the age of 16 years. The number of children aged 13 years and over is not addressed, even though it is possible to receive child care benefit for them and the Carers can charge for their care. Under the legislation, it could be possible, therefore, for Carers to have 7 children under 12 years in their care as well as any specified number of children 13 years and older who they are also supervising.

The Coordinator of the Family Day Care has made the decision to introduce a policy so that the number of Children in Care in total is limited. The aim is to make it clear to Carers what the expectations are under our Scheme. The question of the Carer's own children is also covered by the Policy.

Carers have a Duty of Care and legal obligation to be able to provide care and supervision to the children in their care at all times. This means there should be adequate and appropriate space requirements and facilities within the home for play, eating, toileting, washing, rest and sleeping. The Carers must also be able to deal with an emergency or fire situation or evacuation at all times when children are in care.

It is felt that if a Carer has more than seven children in her paid care the facilities and space and ability to provide care are not adequate.

Over the past three years in Family Day Care there have been two tragic deaths of children in care - the drowning of a child in Taree while out on an excursion, and the death of a child sleeping at an Carers home. In both of these instances it was the Schemes that were sued and not the individual Carers. Part of the reason for this was that the Carers argued that the Policies were not specific enough and the courts agreed.

As a result of this, the Department of Community Services conducted a campaign through 2010 and 2011 to remind Licensees, authorised supervisors and Carers of the chain of responsibility and their legal obligations. The Scheme has gone through a process of consultation with the Carers. In the interests of ensuring the safety of children, it would like to introduce this policy as soon as possible.

#### FINANCIAL IMPLICATIONS

Not applicable.

#### STRATEGIC OR POLICY IMPLICATIONS

Council may adopt or reject the policy as recommended. The recommended policy reflects current requirements, terminology and best practice. Adoption is required by the funding body, the Department of Family and Community Services, and will demonstrate Council's commitment to their continued delivery of quality children's services to the community.

SIMON JONES  
MANAGER LIBRARY AND COMMUNITY  
SERVICES

1 July 2011

Attachments: Draft Family Day Care Policy (following at the end of the business paper.)

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

5.2.11 GULGONG MEMORIAL HALL COMMITTEE MEETING – APRIL, MAY AND JUNE 2011

REPORT BY BUILDING & MAINTENANCE COORDINATOR  
Gulgong Hall Committee  
A0100052, P0453311

**RECOMMENDATION**

**That the minutes of the Gulgong Memorial Hall Committee held on the 5 April 2010, 10 May 2011 and 14 June 2011 be received,**

**EXECUTIVE SUMMARY**

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Memorial Hall Committee Meeting held on (Enter Date).

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.

**KRISTIE WARD**  
**ADMINISTRATION & BUILDING**  
**MAINTENANCE COORDINATOR**

**BRAD CAM**  
**GROUP MANAGER MID-WESTERN**  
**OPERATIONS**

8 July 2011

Attachments: Gulgong Memorial Hall Committee meeting minutes for April, May, June and 2011.

**APPROVED FOR SUBMISSION:**

**WARWICK BENNETT**  
**GENERAL MANAGER**

## ***Gulgong Memorial Hall Meeting 5/4/2011***

**Meeting opened:** 4.10 pm

**Attendance:**

Michael Moxon, Peter Willis, Richard Wilson, Chris Hannaford, Percy Thompson, Charlie Vassel, Cheryl Vassel

**Apologies:** Kristie Ward, Pauline Hannaford – moved Chris, 2<sup>nd</sup> Richard

Previous minutes Correct: addition – to work for Council as a Contractor you need to be on Council Register first. Moved Richard, 2<sup>nd</sup> Peter

**Matters Arising:**

From Peggy Moxon: thank you for the condition of the Hall, the meeting went well; only problem was the fridge leaking all over the floor.

Kristie checked and the December minutes did not go before Council, which has now been corrected.

Stage lighting – Chris - 10 new lights put up, two lights left over, in case lights to go above the adjudicator do not arrive in time, Mark can use these instead. Chris purchased the lights for \$300. A 650w light has been purchased for front stage.

Hall lighting above Adjudicator -= Kristie has ordered the lights, which should arrive by the end of the month. These lights can be set up and moved to whatever position is required. She has contacted Mark Cato who will install the power point for these and the stage power point at the same time.

Re the money allocated to the Hall, need to discuss this with Warwick Bennett

Chair trolley wheels. Chris has ordered new cast solid wheels.

Problem with Stoves, not wired correctly, Mark Cato to check.

Welcome to Gulgong signs – Slashing needs to be done for most of the Gulgong signs that the Chamber own. Signs too low? Charlie will show photos of signs. ? too low. Need to have another look. Discuss next meeting.

Correspondence In:

Correspondence Out: Letter sent via Kristie to Lea, thanking her for her contribution to the Committee.

**General Business:**

Timing of minutes going before Council. People will respond to minutes, and then I will send them through to Kristie

Lapidary Club merger Chris will follow this up with Warwick Bennett.

Mouse & Rat Plague – After a phone call Chris took in rat baits twice, nothing has been touched in kitchen, but at back of stage and in dressing room they have been. At this stage is under control. Charlie needs to check storage cupboard in dressing room.

Contract with Nicole? Chris has been speaking to Nicole. Chris had a phone call from Arts Council re use of Hall in the lead up to the Henry Lawson weekend, but problem has been resolved. Arts Council will allow Nicole to use stage and part of Hall while Arts Council uses rest of Hall. Nicole has nowhere else to go.

Kitchen – spigot from hot water tap came off, and hot water squirted everywhere. Michael put it back on, however it needs to be looked at. Need a works request. Chris will attend to this.

Christmas Carnival 17/12

Please note Date Change of Men's Health Expo 4<sup>th</sup> June 2011, due to work commitments of local doctors.

Meeting closed 4.41pm

Next meeting **10/5 4pm**

## ***Gulgong Memorial Hall Meeting 10/5/2011***

**Meeting opened:** 4.05pm

**Attendance:** Pauline Hannaford, Maureen Trgo, Richard Wilson, Peter Willis, Chris Hannaford, Bill Clifford, Charlie Vassel, Kristie Ward, Cheryl Vassel

**Apologies:** – nil

**Previous minutes** Correct: moved Chris Hannaford, Richard Wilson 2<sup>nd</sup>

### **Matters Arising:**

Gulgong town signs – Chris more advantage from signs if lifted, and perhaps better positions. Charlie - signs are located before major intersections where people are likely to head away from Gulgong. We need to find out about any height requirements.

### **Correspondence In:**

### **Correspondence Out:**

### **General business:**

Mice – Kristie to get pest people out

Lights – successful for Eisteddfod, spares in Men's Shed

Removal of old sound system – approach Museum to donate it, or take it to the tip.

Old lights to museum – signage to say donated from Memorial Hall

Clipsal cords and electrical fittings for leads are unsafe – Kristie to follow up.

Men's Health Expo – Posters have been printed and distributed throughout the Shire targeting

Medical Centres, Hotels and places of community interest. After Chris spoke to Council they donated \$2,500 plus \$300 from Percy Thompson's discretionary fund. Chris & Bill addressed the

RSL sub-branch and were warmly received, and may get a donation. Speakers so far: Mark Coulton, Federal Member; Colin Lenton, Director Family First; David Spruce of Spruces Pharmacy; Dr Talek, Rural Doctors; Richard Mutton, Dubbo Councillor; Wayne Wiggam, Black Dog Institute; Paul Fookes, Mental Health; Ian Carter, Can Assist; 2 local men from A.A. To be confirmed Terry Buckerfield, Drug & Alcohol Services; Mike Bryden, Mudgee Prostate Cancer; Australian Hearing, Dr John Darcy. May need assistance with catering and may buy left-overs from eisteddfod. Mike Nicholson and Chris Hannaford to co-chair the day. Mark Harris has agreed to supply sound equipment and mikes.

Council staff attitude to amalgamation between Men's Shed and Lapidary Club  
Club folding, not amalgamating. Need to talk to Warwick Bennett.

Peter – John Webb has said that Major and Warwick Bennett are coming to the Chamber meeting on Thursday, anyone who is interested is invited to the meeting.

Big Morning tea on, anyone interested? There are a lot of venues where this happens, so no.

Meeting closed 4.50pm Next meeting 14<sup>th</sup> June, 4pm

## ***Gulgong Memorial Hall Meeting 21/6/2011***

**Meeting opened:** 4pm

**Attendance:** Peter Willis, Richard Wilson, Chris Hannaford, Charles Vassel, Cheryl Vassel

**Apologies:** Pauline Hannaford, Kristie Ward, Percy Thompson,

**Previous minutes Correct:** Moved Charlie, 2<sup>nd</sup> Richard

**Matters Arising:** Should be Mayor, not Major in previous minutes

**Correspondence In:** Nil

**Correspondence Out:** Nil

**General business:**

Mice situation improved.

New spotlight has arrived. How is it to be attached? Plug in, so can be on a lead. Can Men's Shed make a stand so light can be moved around. Maybe is too bright as a low light? Chris has a pattern for stand, which is the same as is used at other Eisteddfods. Will depend on arc of spot as to how it can be used. Beam 300w, so very intense.

Sound system, giving too much reverb on Mics. Used to be some Hessian hanging in the middle of the Hall that helped stop this. This needs to be put back up.

Ask Council about report from Audio Technician that was done several years ago.

Chris has not heard back from Museum about sound system, but they have a sign up that the lights were donated from the M/H.

Clipsal cords not acceptable to Council Regulations, To be discussed with Kristie at next meeting. Signage – no restriction on height, need a letter from chamber re putting things on signs, if only banners no problem, if something permanent, then contact Council. There are temporary sign boards on the Town Signs now, which get changed regularly, when new events are to happen. Charlie will get out with Brush Cutter to clear long grass under and near signs. Signs are concreted in, so easiest way to raise them would be to cut the poles then wield an extension on, a minimum of 500mm. Need to have a careful look at where each one is and the visibility. Each sign needs its own measurement to see how to improve visibility. Needs someone with a welder and blow torch. Perhaps approach one of the engineering companies? Need to consider travel time etc. Need to ask for quotes. Originally made by Roger Andrews. Ask Council – Tracy Cain, go through Kristie first. People who put a sign up pay a rental of \$55 a year, perhaps ask the people who put the signs up if they would like to contribute to the cost. See who can do the work. Need new sign out on the street, or on the front of the Hall. There is a blue sign on the corner of Mayne St, the Holterman St sign, perhaps something could be put on this, as well as another closer to the Hall. There is a sign on the nature strip out the front of the Hall, perhaps it needs to be painted a brighter colour?

Charlie will check to see if Hall is marked on the Mudgee Visitors Guide.

Men's Health Expo – a resounding success. Over 150 men through the door. Very grateful all the speakers, some came, but were not booked on so did not get a chance to speak, so unhappy about this. The ladies from the Eisteddfod's help much appreciated. Left over food taken out to fire brigade who were working on an incident on Cope Rd. DVD will be produced of the Men's Shed Expo. Commitment of Committee greatly appreciated. Percy Thompson and John Webb



only Councillors that turned up, so much appreciated. Chris will be doing a report for Council. Feedback from speakers good, well received. Some of the speakers will be at Small Farm Field Day, at the Men's Shed Site. Publicity from Mudgee Guardian much appreciated. Darren from the Mudgee Guardian put an announcement on Google Alerts, which went across the world. A big thank you to the Gulgong people who supported the Expo, as a lot of men turned up. Next Expo will be in Coolah, and another in Dubbo. Gulgong will make their Expo the template Mayor and Julie Robertson went to Chamber meeting, and will talk to Health Dept, so they are aware of Gulgong's needs.

Need to discuss starting meetings at 3.30, not 4, just during winter, as it gets dark early.

**Meeting Closed:** 5.12pm

**Next meeting** 12/7/11

5.2.12 MUDGEE TOWN HALL – ACCESSIBILITY FUNDING AGREEMENT

REPORT BY MANAGAR, LIBRARY & COMMUNITY SERVICES  
Mudgee Town Hall – Accessibility Funding Agreement  
A0100052, P0159964

**RECOMMENDATION**

**That:**

- 1. the report by the Manager, Library and Community Services be received;**
- 2. Council accept the offer from the Department of Families, Housing, Community Services and Indigenous Affairs of \$100,000 (ex. GST) towards the renovation of the Mudgee Town Hall building to include an elevator;**
- 3. the 2011/12 Management Plan be amended to include this additional income and expenditure of \$100,000 (ex. GST) for the Mudgee Town Hall renovation project; and**
- 4. the necessary documentation be executed under the Common Seal.**

---

**EXECUTIVE SUMMARY**

This report seeks Council's acceptance of the offer made by the Department of Families, Housing, Community Services and Indigenous Affairs under the recent Accessible Communities funding program.

**DETAILED REPORT**

Council has been successful in securing \$100,000 (ex.GST) towards the renovation and refurbishment of the Mudgee Town Hall building. The Accessible Communities funding program is specifically for improvements in accessibility for the building. As outlined in the grant proposal and the existing plans for the Town Hall, the major improvement will be the inclusion of an elevator.

Access to the Theatre has been a major issue over the years. The installation of an elevator and its ability to get to each level of the building will provide a major improvement in access for patrons, particularly those with mobility concerns. The existing chair lift has been inadequate and problematic. This chair lift will be removed from the Theatre as part of the renovation project.

The funding application was supported by the Mudgee & Gulgong Access Committee and the success of the application is a boost for the funding of the project and will assist in the delivery of this major community infrastructure improvement for the community.

**FINANCIAL IMPLICATIONS**

The Management Plan for 2011/12 needs to be amended to include this additional income and expenditure of \$100,000 (ex. GST).

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

SIMON JONES  
MANAGER, LIBRARY & COMMUNITY SERVICES

6 July 2011

Attachments: Letter and Funding Agreement 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**

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

*Simon J*



23 June 2011

Dear Mr Bennett,

I am writing to you in reference to Parliamentary Secretary McLucas' recent letter, advising that your local government was successful in securing funding for one or more projects under the recent Accessible Communities funding round. Mr James Dowdall from my Section has also recently been in touch with your local government regarding your application(s) and the next steps in the funding process.

This letter is to provide you with the following documentation in relation to your successful application(s):

- Two copies of the funding agreement schedule;
- Standard terms and conditions;
- Performance report template (Attachment A); and
- Financial acquittal template (Attachment B).

As per standard conditions, you will have thirty days from the date of this letter to consider the documents provided. Please sign and return both copies of the funding agreement schedule to the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). Once received, FaHCSIA will sign, date and enter the date the funding agreement will come into effect in both copies and return an original copy for your records. We would appreciate your prompt attention to this matter.

The signed copies should be returned to:

James Dowdall  
Disability Infrastructure Development Section  
FaHCSIA  
Tuggeranong Office Park DE2  
PO Box 7576  
CANBERRA BUSINESS CENTRE ACT 2610

If you have any queries about the documents contained herein or the funding process generally, please contact James Dowdall on (02) 6244 6479.

Regards,

Mitchell Cole  
A/g Section Manager  
Disability Infrastructure Development  
Disability and Carers Programs Branch  
FaHCSIA

PO Box 7576 Canberra Business Centre ACT 2610

Email • Facsimile • Telephone 1300 653 227

National Relay Service: TTY: 133 677, Speak and listen: 1300 555 727, Internet relay: [www.relayservice.com.au](http://www.relayservice.com.au)  
[www.fahcsia.gov.au](http://www.fahcsia.gov.au)

### SCHEDULE – STANDARD FUNDING AGREEMENT

Agreement Id: 1-MCUMGM

Schedule Id: 1-MAALCG

**SCHEDULE: Services for People with Disability**

Schedule Commencement Date: /07/2011

Schedule Completion Date: 30/06/2012

<b>Item A</b>	<b>OUR PROGRAM INFORMATION</b>	
<b>A.1</b>	<b>Program Name</b>	Services for People with Disability
<b>A.2</b>	<p><b>Program Objectives</b></p> <p>To provide supported employment and improve access to information, advocacy and services for people with disability so they can develop their capabilities and actively participate in community and economic life.</p> <p>Services for People with Disability</p> <p>To provide social support and community-based care for people with disability, their carers and their families, to promote independence, self-reliance and participation in the community.</p>	

<b>Item B</b>	<b>YOUR ACTIVITY INFORMATION</b> (see also Clause 2 of the Terms & Conditions)					
<b>B.1</b>	<b>Name of Organisation</b>	Mid-Western Regional Council				
<b>B.2</b>	<b>ABN</b>	96 149 391 332				
<b>B.3</b>	<p><b>Activity Name: Accessible Communities</b></p> <p>Activity Objective: Accessible Local Communities</p> <p><b>Activity Start Date:</b> /07/2011 <b>Activity End Date:</b> 30/06/2012</p> <p><b>Activity ID: 1-MAALDF - Refurbishment of the Mudgee Town Hall building</b></p> <p><b>Activity Details:</b></p> <p>Renovation and refurbishment of the Mudgee Town Hall building including an extension that will house an elevator that will enable patrons to be taken to all levels of the theatre and library, as described in the Accessible Communities initiative application for funding.</p> <p>The Activity is a capital item for the purposes of the Capital Specific Supplementary Conditions at Annexure A to this Schedule (the Capital Item(s)).</p> <p><b>Performance Indicators:</b></p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 5%;"></th> <th>Performance Indicator Description</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>The work specified in the activity details at Item B3 is completed within the</td> </tr> </tbody> </table>			Performance Indicator Description	1	The work specified in the activity details at Item B3 is completed within the
	Performance Indicator Description					
1	The work specified in the activity details at Item B3 is completed within the					

**SCHEDULE – STANDARD FUNDING AGREEMENT**

	required timeframe.														
2	The work is conducted in full compliance with all required legislation, regulations, codes and standards applicable to accessibility, building and safety requirements in the relevant state or territory jurisdiction.														
3	The work is completed in full and is fit for purpose.														
4	The completed work was promoted to the community in ways that heightened awareness about the new access.														
5	The completed work made access better for people with disability in the local community.														
<p><b>Additional Information:</b>                  Locational information and attributed FAHCSIA grant funding amounts provided by you, will be used by us to provide reports by region on FAHCSIA's grant funding. This information will be published on a Commonwealth web site.</p> <p><b>Location Information:</b>                  You have advised that all or part of the activity will be delivered from the Site Location(s) specified below.</p> <table border="1"> <thead> <tr> <th></th> <th>Location Type</th> <th>Name</th> <th>Address</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Not Specified</td> <td>Mid-Western Regional Council</td> <td>86 Market Street, MUDGEES, NSW, 2850</td> </tr> </tbody> </table> <p><b>Service Area:</b>                  You have advised that you will deliver the activity in the Service Area(s) specified below.</p> <table border="1"> <thead> <tr> <th></th> <th>Type</th> <th>Service Area</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Postcode</td> <td>2850</td> </tr> </tbody> </table> <p>Any change to the Site location or Service Area information must be advised to us in writing within 30 Business Days and if this information formed part of a selection process, any such changes must be agreed by us.</p>			Location Type	Name	Address	1	Not Specified	Mid-Western Regional Council	86 Market Street, MUDGEES, NSW, 2850		Type	Service Area	1	Postcode	2850
	Location Type	Name	Address												
1	Not Specified	Mid-Western Regional Council	86 Market Street, MUDGEES, NSW, 2850												
	Type	Service Area													
1	Postcode	2850													

<b>Item C</b>	<b>FUNDING AND PAYMENT (see also Clause 6 of Terms and Conditions)</b>		
<b>C.1</b>	<b>Activity Name: Accessible Communities</b>		
	<b>Financial Year</b>	<b>Amount payable</b>	<b>GST component (if applicable)</b>
	2011-2012	\$100,000.00	\$10,000.00
<p><b>Bank Account Information:</b>                  You must notify us in writing of any changes to these account details.</p> <p><b>BSB Number:</b> 062-577  <b>Financial Institution:</b> Mudgee 17 Church Street CBA  <b>Account Number:</b> 000856  <b>Account Name:</b> Mid Western Regional Council.</p>			

**SCHEDULE – STANDARD FUNDING AGREEMENT**

<b>Item D</b>	<b>BUDGET</b>	
<b>D.1</b>	<b>Accessible Communities – Refurbishment of the Mudgee Town Hall building</b>	
	<b>Budget Table</b>	
	Funding amount sought (GST exclusive)	\$100,000.00
	Council's matching dollars (GST exclusive)	\$3,500,000.00
	<b>TOTAL (GST EXCLUSIVE)</b>	<b>\$3,600,000.00</b>

<b>Item E</b>	<b>REPORTS (see also Clause 5 of the Terms and Conditions)</b>
<b>NOTE</b>	
Your reports must contain all the information specified below. All reports must be in English and in a form acceptable to us. All reports must be provided within the timelines set out in Item F.	
<b>E.1</b>	<p><b>Performance Reports (Against Performance Indicators listed in Item B)</b></p> <p><b>Accessible Communities</b></p> <p>You must provide a copy of the Performance Report (electronic and hard copy) by the date specified in Item F of this schedule. The performance report must:</p> <ul style="list-style-type: none"> <li>- be in the format at Attachment A;</li> <li>- report progress against the Performance Indicators specified in Item B;</li> <li>- report progress against Activity Work Plan specified in Item E2;</li> <li>- report expenditure against budget as indicated in Item D;</li> <li>- must be approved by your governing body/ies; and</li> <li>- must contain a certificate of approval of Construction Plan/Design in accordance with E5.1.</li> </ul> <p>The Performance report includes:</p> <ul style="list-style-type: none"> <li>- How you have met the objectives and performance indicators of the funding agreement (a template is provided with the Funding Agreement);</li> <li>- Comment on future works that could be done in the community to make it more accessible for people with disability;</li> <li>- progress against Activity Work Plan specified in Item E; and</li> <li>- expenditure against budget as indicated in Item D.</li> </ul>
<b>E.2</b>	<p><b>Activity Work Plan</b></p> <p><b>Accessible Communities</b></p> <p>You must provide a copy of the Activity Work Plan (describing activities, outputs, milestones, timeframes and any other required information) by the date specified in Item F in accordance with Item B3 (Note: electronic version is preferred).</p> <p>You must tell us:</p>

**SCHEDULE – STANDARD FUNDING AGREEMENT**

<b>Item E</b>	<b>REPORTS (see also Clause 5 of the Terms and Conditions)</b>
	<ul style="list-style-type: none"> <li>- how you are going to carry out the proposed construction project;</li> <li>- specify each activity against time-lines; and</li> <li>- who your contractor is to carry out the construction project.</li> </ul> <p>In addition, your activity work-plan must be approved by your governing authority.                  Once mutually agreed the Activity Work Plan forms part of this agreement.</p>
<b>E.3</b>	<p><b>Annual Report</b></p> <p>The Annual Report will be available on the Local Government website.</p>
<b>E.4</b>	<p><b>Financial Acquittal Reports</b></p> <p><b>Accessible Communities</b></p> <p>You must provide a copy of an Independently Audited Financial Acquittal Report by the date specified in Item F of this schedule (Note: electronic version is preferred).</p> <p>The Financial Acquittal Report must be:</p> <ul style="list-style-type: none"> <li>- in accordance with the Australian Accounting Standard (requirement under clause 10.2 of terms and conditions of the Funding Agreement); and</li> <li>- Independently audited (requirement under clause 10.3 of terms and conditions of the Funding Agreement).</li> </ul>
<b>E.5</b>	<p><b>Other Reports</b></p> <p><b>Accessible Communities</b></p> <p>1 Certificate/Approval of proposed Construction Plan/Design must be submitted in accordance with supplementary condition CG and all other relevant conditions listed in Annexure A, and must:</p> <ul style="list-style-type: none"> <li>- adhere to The Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards) under the Disability Discrimination Act 1992;</li> <li>- comply with all other relevant legislation, codes, standards and regulations as indicated in Item B3;</li> <li>- be approved by the relevant certifying bodies; and</li> <li>- be submitted by the date specified in sub-Item F4 together with performance report.</li> </ul> <p>2 Confirmation of Completion of the building/infrastructure in accordance with supplementary condition CB (Annexure A)</p> <p>You must submit this by the date specified in sub-Item F5.</p>



## SCHEDULE – STANDARD FUNDING AGREEMENT

MILESTONES / REPORTING REQUIREMENTS / PAYMENT SCHEDULE						
ITEM F	Milestones and Reports	Activity (if applicable)	Information to be included	Due Date	Payment Amount (GST excl.)	GST
The following table combines all of your reporting requirements. If you comply with the terms of this Agreement, we will make payments to you on the first available Business Day on or after the due date as set out below or, where no date is specified, then by mutual agreement as and when required.						
F.1	Activity Work Plan	Accessible Communities	Activity Work Plan in accordance with Item E.2	July 2011	\$0.00	\$0.00
F.2	Payment	Accessible Communities	Funding Agreement Executed	July 2011	\$75,000.00	\$7,500.00
F.3	Annual Report	Accessible Communities	Annual Report in accordance with Item E.3	15 November 2011	\$0.00	\$0.00
F.4	Performance Report	Accessible Communities	For period in accordance with Item E1 and E5	1 March 2012	\$0.00	\$0.00
F.5	Payment	Accessible Communities	For period in accordance with Item E1 and E5	8 March 2012	\$25,000.00	\$2,500.00
F.6	Other Report	Accessible Communities	Confirmation of Completion in accordance with Item E5.2	1 June 2012	\$0.00	\$0.00
F.7	Financial Acquitral Report	Accessible Communities	In accordance with Item E4, Independently Audited Financial Acquitral	31 October 2012	\$0.00	\$0.00
<b>TOTAL</b>					<b>\$100,000.00</b>	<b>\$10,000.00</b>

**SCHEDULE – STANDARD FUNDING AGREEMENT**

<b>Item G</b>	<b>INSURANCE REQUIREMENTS (see also Clause 21 of the Terms &amp; Conditions)</b>
<b>G.1</b>	You must have the following additional Activity specific insurance/s:  <b>Accessible Communities</b> None specified

<b>Item H</b>	<b>ASSETS (see also Clause 13 of the Terms &amp; Conditions)</b>
<b>H.1</b>	List of Assets that may be acquired with the funding:  <b>Accessible Communities</b> No Assets to be acquired with this funding.

<b>Item I</b>	<b>SUBCONTRACTORS (see also Clause 28 of the Terms &amp; Conditions)</b>
<b>I.1</b>	The following subcontractors are required to undertake the Activity/ies as indicated:  <b>Accessible Communities</b> None specified

<b>Item J</b>	<b>SPECIFIED PERSONNEL (see also Clause 29 of the Terms &amp; Conditions)</b>
<b>J.1</b>	The following Specified Personnel are required to undertake the Activity/ies as indicated:  <b>Accessible Communities</b> None specified

<b>Item K</b>	<b>CONFIDENTIAL INFORMATION (see also Clause 17 of the Terms &amp; Conditions)</b>
<b>K.1</b>	<b>Accessible Communities</b> Our confidential information is: None specified Your confidential information is: None specified

**SCHEDULE – STANDARD FUNDING AGREEMENT**

<b>Item L</b>	<b>NOTICES (see also Clause 38 of the Terms &amp; Conditions)</b>	
<b>L.1</b>	<b>Our contact details and address for notices</b>	
	<b>Name or Position</b>	Ester Kyaw FaHCSIA Financials Manager
	<b>Phone</b>	(02) 6244 6643
	<b>Email</b>	ester.kyaw@fahcsia.gov.au
	<b>Postal Address</b>	Department of Families, Housing, Community Services and Indigenous Affairs PO Box 7576 Canberra Business Centre ACT 2610
	<b>Your contact details and address for notices</b>	
	<b>Name or Position</b>	Mr Simon Jones
	<b>Phone</b>	(02) 6378 2850
	<b>Email</b>	simon.jones@midwestern.nsw.gov.au
	<b>Postal Address</b>	PO Box 156 Mudgee NSW 2850
<b>Item M</b>	<b>VULNERABLE PERSONS, POLICE CHECKS AND CRIMINAL RECORDS (see also Clause 19 of the Terms &amp; Conditions)</b>	
<b>M.1</b>	<b>Accessible Communities</b> Not Applicable	

**SCHEDULE – STANDARD FUNDING AGREEMENT**

**Signatories to this Agreement**

**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 96 149 391 332 of 86 Market Street, MUDGEE, NSW, 2850 ("you" or "your")

**Executed by the Parties** .....

**Signed** 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)

**Other**

**Signed** by **Mid-Western Regional Council 96 149 391 332**, in the presence of:

\_\_\_\_\_  
(Signature of Party)

\_\_\_\_\_  
(Signature of Witness)

\_\_\_\_\_  
(Name of Party)

\_\_\_\_\_  
(Name of Witness in full)

## 5.2.13 TEMPORARY RELOCATION OF THE MUDGEES LIBRARY

REPORT BY MANAGER, LIBRARY & COMMUNITY SERVICES  
Temporary Relocation of the Mudgee Library  
A0100052, PO159964, F0620022

**RECOMMENDATION**

That:

1. **the report by the Manager, Library & Community Services on the temporary relocation of the Mudgee Library be received;**
2. **Council determine to relocate the Mudgee Library to the Stables Meeting Room and Gallery for the duration of the renovation works at the Mudgee Town Hall building; and**
3. **Council continue to support the arts community through this period of time by providing financial assistance for the showing of art exhibitions at other venues as required through the Art Exhibition Maintenance and Management budget, up to a total value of \$10,000.**

**EXECUTIVE SUMMARY**

This report seeks to inform Council of its options regarding the temporary relocation of the Mudgee Library while the Town Hall renovation project is underway. A number of possibilities have been canvassed and the option to relocate to the Stables Meeting Room and Gallery is recommended as the most cost-effective way of ensuring continuity of service without having a significant impact on the project budget.

**DETAILED REPORT**

The renovation of the Mudgee Town Hall building is a significant capital expenditure project for Council. The benefits to the community will be considerable. The size of the library will effectively double allowing for more space, more activities and programs and more information technology infrastructure – these are the things that a library needs in order to deliver a modern public library service to the community. The Town Hall Theatre will also be improved, with the introduction of a lift – a great improvement to accessibility to the performing arts. The building, a State-listed heritage icon and an important part of the Mudgee streetscape, will also be restored and looked after.

The renovation project will take time and it will not be possible for the library and the Theatre to operate while construction and major renovation is taking place. For this reason, the Theatre will be closed for the duration of the works. The lease on the Theatre that has been in place for many years with the Mudgee Performing Arts Society will cease on 30<sup>th</sup> September 2011 to allow Council to assume control of the building and preparatory works to be undertaken upstairs.

One of the issues raised by the Mudgee Arts Council and the Mudgee Performing Arts Society has been the two pianos that are situated in the Theatre and the Green Room respectively. Negotiations have taken place with the Anglican Church for the two pianos to be housed at the Parish Hall. This will provide an opportunity for the pianos to still be used for music lessons and performances. Relocation of sets, furniture and equipment belonging to the Mudgee Performing

Arts Society will also need to take place and an appropriate storage area found for these items. Discussions are ongoing with the Mudgee Performing Arts Society regarding these issues.

An alternative location needs to be found for the Mudgee Library to operate during the construction and renovation phase of the project. This is expected to be from December 2011 until well into 2012, with an estimated completion date of November 2012 at this stage. There are a number of options that have been considered for the relocation of the library.

The first option is the Stables Gallery and Meeting Room. While a small space (approximately 40% of the size of the current library), there are a number of reasons why the Stables has been considered:

- It is Council owned and operated meaning that no rent needs to be paid for the approximate time of 12 months that will be needed for the temporary library.
- It is within the main CBD area of Mudgee.
- There is plenty of parking in the Council car parking area.
- The building already has the telecommunications infrastructure in place with fibre optic connections to the main Council networks.
- Only minor adjustments will need to be made to the cabling and networking hardware that is in place.
- The building is close to the main Council administration building allowing greater immediate support for library staff and operations
- There are a number of garages next to the Stables that can also be used as storage areas for library materials, thus providing even greater usable floor space.

The second option is the new Pavilion at the Mudgee Showground. This would provide more space than the Stables and would also be rent free, making it a cost effective option. However, the radio tower on top of the Town Hall building would need to be relocated. The building would also need to be fully cabled. Estimates from Council's IT Department indicate that the costs for these works could be up to \$30,000. A more formalised quote would be arranged when a decision on the location of the temporary library is made. Other issues include the lack of air conditioning at the Pavilion, meaning that conditions for library staff and library customers would not be ideal, particularly through the cold winter months. The Showground is also a significant distance from the Mudgee CBD, which is ideally where the library would be located. The location of the library at the Pavilion would also mean that the building could not be used for anything else. This would be a significant issue during major events at the Showground and would probably require the project to be delayed so that the library could wait until after the Mudgee Show to relocate.

The third option is to rent premises in Mudgee CBD. This would provide the space that is needed to house the temporary library. The cost to rent premises for a full 12 month period would have a significant impact on the budget for the renovation project. Some indicative costs on appropriate rental properties available at present indicate that the cost could be in the range of \$55,000 for a property of 325 square metres to \$144,000 for a property of 900 square metres. Also, as with the Pavilion, the network and cabling costs of up to \$30,000 would need to be included.

Understandably, there are reasons why individuals and groups may be resistant to this. Council has received representations from the Mudgee Arts Council and from the Cultural Development Committee requesting that Council consider venues other than the Stables. The Stables is an important community resource, both as a meeting room and as a Gallery. Over recent years, Council has worked with the Mudgee Arts Council to use and promote the Gallery as an exclusive exhibition space and this arrangement has worked well. It is expected that this arrangement will continue after the Town Hall renovation project has concluded.

If the Stables Meeting Room and Gallery is chosen by Council as the site of the temporary library, it will mean the Stables Gallery will not be available as an exhibition space throughout 2012.

However, the end product will be an improved library and theatre and the Gallery can be revived as an exhibition space from 2013.

Council also has the option to support individual exhibitions throughout 2012 by providing financial assistance for other premises where exhibitions could be housed. It is recommended that this be for individual exhibitions as required and that this still be coordinated by the Mudgee Arts Council, just as the current Stables Gallery program has been over the last two years. Council already has an allocated budget of up to \$10,000 that could be used for this purpose.

While this is a difficult decision for Council, it is recommended that The Stables presents Council with the most cost effective and manageable solution for the temporary relocation of the library. It will be a challenging year for library staff and library users as well as groups and organisations who would normally be making use of the Stables. However, the end result will be a greatly improved Town Hall building that will be able to deliver an enhanced modern library service to the community.

#### FINANCIAL IMPLICATIONS

Costs for the relocation of the Mudgee Library are included in the Town Hall renovation budget and included in the Management Plan. Costs associated with the Art Exhibition Maintenance and Management budget are already included and approved within the Management Plan 2011/12.

#### STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

SIMON JONES  
MANAGER, LIBRARY & COMMUNITY SERVICES

6 July 2011

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

5.2.14 VANDALISM AND LITTERING

REPORT BY GENERAL MANAGER  
Vandalism  
A0100052, F0650131, R0790170, A0100021

**RECOMMENDATION**

**That:**

- 1. the report by the General Manager on the subject of vandalism and littering be received;**
- 2. Council adopt the attached policy on Vandalism;**
- 3. an adjustment be made in the next Quarterly Review to provide funding for the rewards scheme for people who report incidents of vandalism; and**
- 4. Council support staff on a more assertive action programme for the issuing of fines for littering.**

---

**DETAILED REPORT**

Councillors would be well aware of the ever increasing number of incidents of vandalism (which includes graffiti) within the region. The recent widespread graffiti at the Home Rule Waste Transfer Station is a case in point.

Council staff has been discussing the most effective way to respond to this growing problem.

While local councils are empowered by the State Government to issue penalties for a wide range of offences that does not extend to include issues of vandalism or graffiti. The only offences for which Council's Rangers may issue penalties that touch even on these issues are:

- Offences related to the sale of spray paint cans to persons under 18 years of age and the display of spray paint cans under the Graffiti Control Act 2008; and
- Littering offences under the Protection of the Environment Operations Act 1997.

Please find attached a list of the littering penalties that Local Government is able to impose. Currently we only have two staff that are appropriately trained and qualified to issue offence notices.

It is the intention of Management to call for volunteers amongst staff to train and have the ability to be able to issue litter infringement notices. This will give a wider spread of staff resources throughout the region to issue fines and send the message that littering in this region is unacceptable practice. This will include the dropping of cigarette butts. Most smokers don't think that dropping their butts is littering. We need to change these and other attitudes.

Members of the public can report incidents of littering but they must be prepared to give evidence in court if the offence is challenged.

Vandalism and malicious damage to property is a Police matter.



The mayor and myself have been speaking to the Mudgee Police about this problem and I am aware that the Police continue to encourage members of the community who witness or become aware of acts of vandalism to contact them through the Police Assistance Line.

Clearly, vandalism is a community problem, but it is one in which Council must assume a leadership role.

With this in mind, it is suggested that Council institute a reward programme as a means of encouraging members of the community to report incidents of vandalism. The attached policy which is new would address this issue.

#### FINANCIAL IMPLICATIONS

If Council adopts the proposed policy, funding will need to be allocated in the next quarterly review to cover the cost of the rewards scheme.

#### STRATEGIC OR POLICY IMPLICATIONS


The attached policy has been developed for Council's consideration.

WARWICK BENNETT  
GENERAL MANAGER

7 July 2011

#### Attachments:

1. Draft policy on vandalism
2. List of offences

	<b>POLICY</b>	ADOPTED C/M Minute No. XXX / XX
	<b>VANDALISM</b>	REVIEW: FILE No. A0100021, F0650131, R0791070

## PURPOSE

The purpose of this policy is to minimise both the unsightliness and the cost of vandalism and graffiti to Council and the community and to enlist the community's help in reporting instances of vandalism and graffiti to the Police as soon as possible.

The policy provides a reward regime where information regarding an offence results in court action being taken against the offender.

## OBJECTIVES

The objectives of this policy are to:

1. reduce acts of vandalism and malicious damage to public and commercial/retail property in the Mid-Western Regional local government area; and
2. encourage the public to report acts of vandalism and malicious damage and to offer a reward for the provision of such information

## DEFINITIONS

### Graffiti

Any inscription, word, figure or word design that is marked, etched, scratched, drawn, sprayed, painted, pasted, applied or otherwise affixed to or on any surface without the owners consent and includes any remnants of same such as adhesives, glues, tape, shadows or colour variations remaining after removal.

### Incident

An incident refers to an offence of malicious damage occurring in one location or in a specific timeframe by the same offender or group of offenders, and as such may refer to more than one specific action.

### Vandalism

The wilful or malicious destruction, injury, disfigurement, or defacement of any property, without consent.

## POLICY

### Principles

Any person who witnesses, or has information regarding an act of graffiti or vandalism should in the first instance report the matter to the nearest police station or should contact the Police Assistance Line (13 14 44). What they need to provide is information such as:

- Time of incident
- Place of incident
- Description of damage
- Possible offenders details
- Photographs

The police will examine the information and may investigate the offence. Should an offender be identified, and either admit guilt or be found guilty, the informant should then write to Council seeking payment of the reward.

Council will, where appropriate, seek compensation for graffiti and vandalism offences where an offender has been identified and admitted or been found guilty.

#### Rewards

Council will offer a reward on a sliding scale, as determined by Council from time to time, according to the amount of damage occasioned for information provided by the public that leads to a conviction of the perpetrator(s) resulting from damage to public or commercial/retail property. The scale of the reward system is as set out below:

CATEGORY	DAMAGE AMOUNT	REWARD FOR A CONVICTION
1	Up to \$1,000	\$500
2	\$1,001 to \$3,000	\$750
3	\$3,001 to \$5,000	\$2,000
4	\$5,001 to \$10,000	\$3,000
5	\$10,001 to \$20,000	\$4,000
6	\$20,001 and above	\$5,000

#### Responsibilities

Determination of the reward payable will be at the absolute discretion of the Mayor and General Manager upon successful prosecution or admission of guilt in a court of law.

#### Requirements placed upon persons providing information

Persons providing information must be aware that an appearance in a Court to give evidence may be required.

#### Recordkeeping, confidentiality and privacy

The following documents will arise out of the process:

- letter from applicant claiming reward
- response letter to applicant
- financial transaction records

All documentation held and created in relation to applications held under the scheme and which includes information which indicates the identity of the applicant shall be treated as confidential.

Any person who makes application for a reward under this policy will be deemed a complainant to Council.

For purposes of protecting the safety of individuals, the identity of complainants and public interest, documentation held and created in relation to applications held under the scheme, may not be subject to release to members of the public.

Breaches and sanctions

All applications for the reward will be verified with NSW Police and Mid-Western Regional Council records to ensure compliance with this policy. Fraudulent and/or misleading claims will be ineligible for payment of the reward. Council may seek to recoup the reward and costs associated with this action should an application be found to be fraudulent or misleading.

## ATTACHMENT 2

Offence Code	Reg. code	SL	Short Title	Issue To	\$	DP	Ref.
<b>Littering</b>							
9607	SFF	12	Deposit litter (extinguished cigarette)	N	60		POE-145(1)
9608	SFG	12	Deposit litter (lit cigarette)	N	200		POE-145(1)
9604	SFD	12	Deposit litter (small item)	N	60		POE-145(1)
9606	SFE	12	Deposit litter - Corporation	N	400		POE-145(1)
9605	QPI	12	Deposit litter - Individual	N	200		POE-145(1)
9610	SFI	12	Deposit litter from vehicle - Corporation	R	400		POE-145(1)
9609	SFH	12	Deposit litter from vehicle - Individual	R	200		POE-145(1)
11465	MJW	12	Aggravated deposit litter from vehicle - Corporation	R	750		POE-145A
11464	MJV	12	Aggravated deposit litter from vehicle - Individual	R	375		POE-145A
26937	QLA	12	Deposit litter in circumstances of aggravation (extinguished cigarette) - Corporation	N	750		POE-145A
36937	URV	12	Deposit litter in circumstances of aggravation (extinguished cigarette) - Individual	N	375		POE-145A
26938	UNR	12	Deposit litter in circumstances of aggravation (lit cigarette) - Corporation	N	750		POE-145A
36938	LHZ	12	Deposit litter in circumstances of aggravation (lit cigarette) - Individual	N	375		POE-145A
26935	UVY	12	Deposit litter in circumstances of aggravation (small item) - Corporation	N	750		POE-145A
36935	RTY	12	Deposit litter in circumstances of aggravation (small item) - Individual	N	375		POE-145A
9614	SFM	12	Deposit litter in circumstances of aggravation - Corporation	N	750		POE-145A
9613	SFL	12	Deposit litter in circumstances of aggravation - Individual	N	375		POE-145A
9615	SFN	12	Deposit advertising material in/on any place - Individual	N	200		POE-146A(1)
9616	SFD	12	Deposit advertising material in/on any place - Corporation	N	400		POE-146A(1)
9618	SFQ	12	Deposit advertising material in/on any vehicle - Corporation	N	400		POE-146B(1)
9617	SFP	12	Deposit advertising material in/on any vehicle - Individual	N	200		POE-146B(1)
39605	QDC	12	Ask/attempt to ask another to contravene Section 146A/146B - Individual	N	200		POE-146C
9620	SFS	12	Ask/cause/induce/require another to contravene section 146A/146B - Corporation	N	400		POE-146C
9619	SFR	12	Ask/cause/induce/require another to contravene section 146A/146B - Individual	N	200		POE-146C
29605	MND	12	Cause or ask person to contravene section 146A or 146B - Corporation	N	400		POE-146C
29606	RLK	12	Cause or ask person to contravene section 146A or 146B - Corporation	N	400		POE-146C
29607	KTU	12	Induce/attempt to induce another to contravene Section 146A/146B - Corporation	N	400		POE-146C
39607	GCW	12	Induce/attempt to induce another to contravene Section 146A/146B - Individual	N	200		POE-146C
39606	NVP	12	Require/attempt to require another to contravene Section 146A/146B - Individual	N	200		POE-146C
8692	QIM	12	Release 20 or more lighter than air balloons at same time - Corporation	N	400		POE-146E(1)
8689	QIJ	12	Release 20 or more lighter than air balloons at same time - Individual	N	200		POE-146E(1)

5.2.15 NOXIOUS WEEDS CONTROL ADVISORY COMMITTEE – 4 JULY 2011

REPORT BY GROUP MANAGER OPERATIONS  
Weeds Control Advisory Committee 4 July 2011  
A0100052, A0130077

**RECOMMENDATION**

**That the minutes of the Noxious Weeds Control Advisory Committee held on 4 July 2011 are noted.**

---

**EXECUTIVE SUMMARY**

The meeting of the Noxious Weeds Control Advisory Committee was held on 4 July 2011.

The prime purpose of this Committee is to review the overall strategic direction of noxious weeds control in the MWRC area and to ensure desired outcomes are being achieved.

**DETAILED REPORT**

Discussion has been ongoing in relation to raising the awareness of Serrated Tussock to motorists travelling in the region especially along the Castlereagh Highway. Suggestions have been to use signage on a mobile trailer or permanent signage and further research into these suggestions is being undertaken.

Inspections and reinspections of private properties have increased and non compliant property owners have been issued with Section 18 Weed Control Notices. One has proceeded to a Section 20 at this stage.

BRAD CAM  
GROUP MANAGER OPERATIONS

8 July 2011

Attachments:

1. Minutes of Noxious Weeds Control Advisory Committee held on 4 July 2011
2. Noxious Weeds Management 2010-2011 Financial Year
3. Roadside Spraying Map for 2010-2011 Financial Year

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER



## MINUTES

MINUTES OF A MEETING OF THE NOXIOUS WEEDS ADVISORY COMMITTEE HELD AT 11 AM ON MONDAY 4 JULY 2011 IN THE COMMITTEE ROOM, COUNCIL CHAMBERS, MUDGEE

**PRESENT:** Cr John Webb (Chair), Alan Heath, Brad Cam, Mayor Des Kennedy

**1. APOLOGIES**

Cr Esme Martens, Mitchell Clapham, John Little, Vince Forgione

*Apologies were accepted (Heath/Cam)*

**2. MINUTES OF PREVIOUS MEETING**

The minute of the previous meeting held on 9 May 2011 were confirmed. *(Heath/Cam)*

**3. BUSINESS ARISING FROM PREVIOUS MINUTES**

**3.1 Weed Control – Windermere Dam**

**3.1.1 State Water Funding for weed control Windermere Dam**

Advice received from Colin Hurst, State Water, Dubbo was that approval for funding is still pending. Will continue to follow up.

Further funding requests to be made with the new Minister for Primary Industries.

**3.1.2 Inspections**

Advice was received from the Chief Weeds Officer that all but three inspections have been completed and all are complying with Council's Weeds Management Plan. There are two blocks of unleased land and discussions have taken place with the Dam Manager Rod Wilson who has made assurances that the weed problem will be rectified. The Chief Weeds Officer will follow up with Rod Wilson in the next month.

**3.2 Environmental Levy**

Further discussion took place regarding an environmental levy after information was received from another council where this system had been implemented and it was decided not to pursue this matter at this stage.

**3.3 Treatment of Serrated tussock on the common boundaries with Bathurst and Macquarie County Council**

A meeting has been arranged between Don Baldwin, Chief Weeds Officer, Upper Macquarie County Council and Vince Forgione for Monday 25 July 2011. The Mayor will also follow this up with the Mayor of Upper Macquarie Council.

The next Natural Resource Managers weed liaison and coordination meeting is scheduled for 28 March 2012.

**3.4 Roadside signage for weeds awareness**

An email was received from Mitchell Clapham advising that he had been in contact with Megan Power from MVWAC regarding roadside signage and it was discussed at their meeting but nothing has been put forward or done. Mitchell said he still believed it would be a positive step for MWRC to put a permanent serrated tussock sign at the eastern council entrance on the Castlereagh Highway for increased awareness and would like this matter to be put forward and discussed at Council level.

Brad advised that he had contacted RTA who had no problem with the use of a mobile trailer for advertising purposes on a main road, they would only need to be advised of the proposed location of the trailer.

After further discussion it was proposed that more research be done into the availability of signs to be used on road markers to advertise noxious weeds infestations e.g. Serrated Tussock and Spiny Burr Grass.

It was also suggested that we contact the Serrated Tussock Coordinator Clare Hamilton asking if assistance would be available for signage to raise awareness of Serrated Tussock.

**4. Inspection & Roadside Spraying Program Update**

Discussion took place on the inspection program and it was noted that the number of inspections and reinspections have increased since last year. Aerial inspections are also being carried out currently. (*Attachment 1*)

It was also noted that there has been an improvement in the number of property owners complying with requests to manage noxious weeds infestations on their property. This could be as a result of the number of Section 18a Warning Notices issued which reached 85 in the last financial year. 63 Section 18 Weed Control Notices have been issued with one proceeding to a Section 20.

The roadside spraying program was completed in February and a map showing the roads covered is attached. (*Attachment 2*)

**5. General business**

**5.1** The minutes of the May meeting of the Macquarie Valley Weeds Advisory Committee were tabled (*Attachment 3*) and it was noted that the Chief Weeds Officer should attend the next meeting to be held on 9 August 2011. Cr Webb also advised he would be attending.



- 5.2** Alan Heath raised the issue of Blue Heliotrope and Silver Leaf Nightshade and asked if any emergency funds are available to treat infestations of weeds of major significance like these. He suggested that these weeds should be sprayed every year.

Brad Cam advised that some funds could be made available for emergencies however no specific reserve is available. If necessary a Weeds Reserve would have to be created. He would investigate this further and report back to the next meeting.

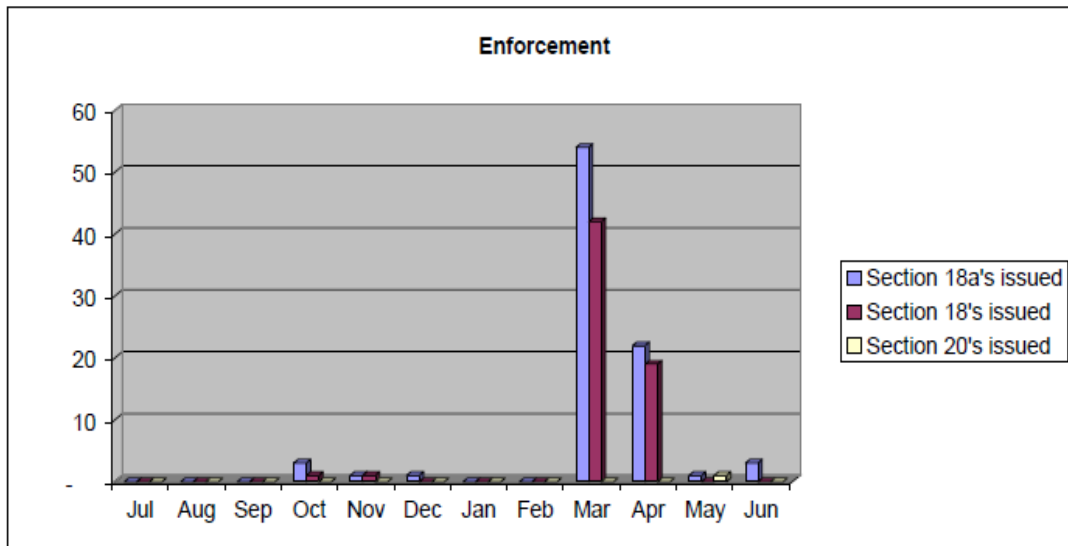
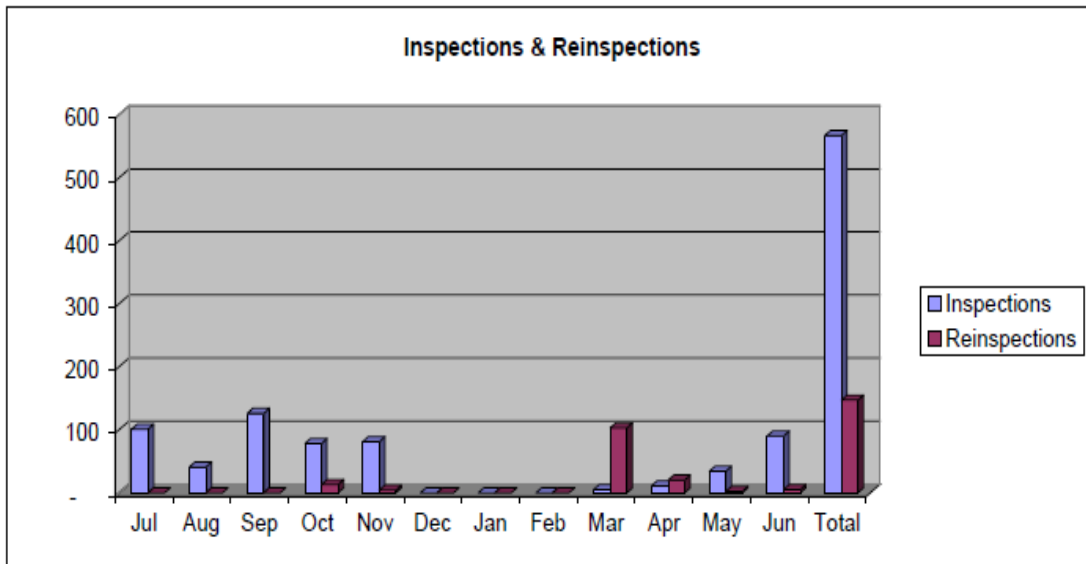
- 5.3** Cr Webb raised the issue of Spiny Burr Grass on Rural Fire Service vehicles. This matter has previously been raised with the FCO however these needs to be followed up and it was suggested that a presentation be made at a Group Captains and Secretary's meeting advising of the problems with this type of grass being spread by Fire vehicles. Brad Cam and Vince Forgione to follow up.

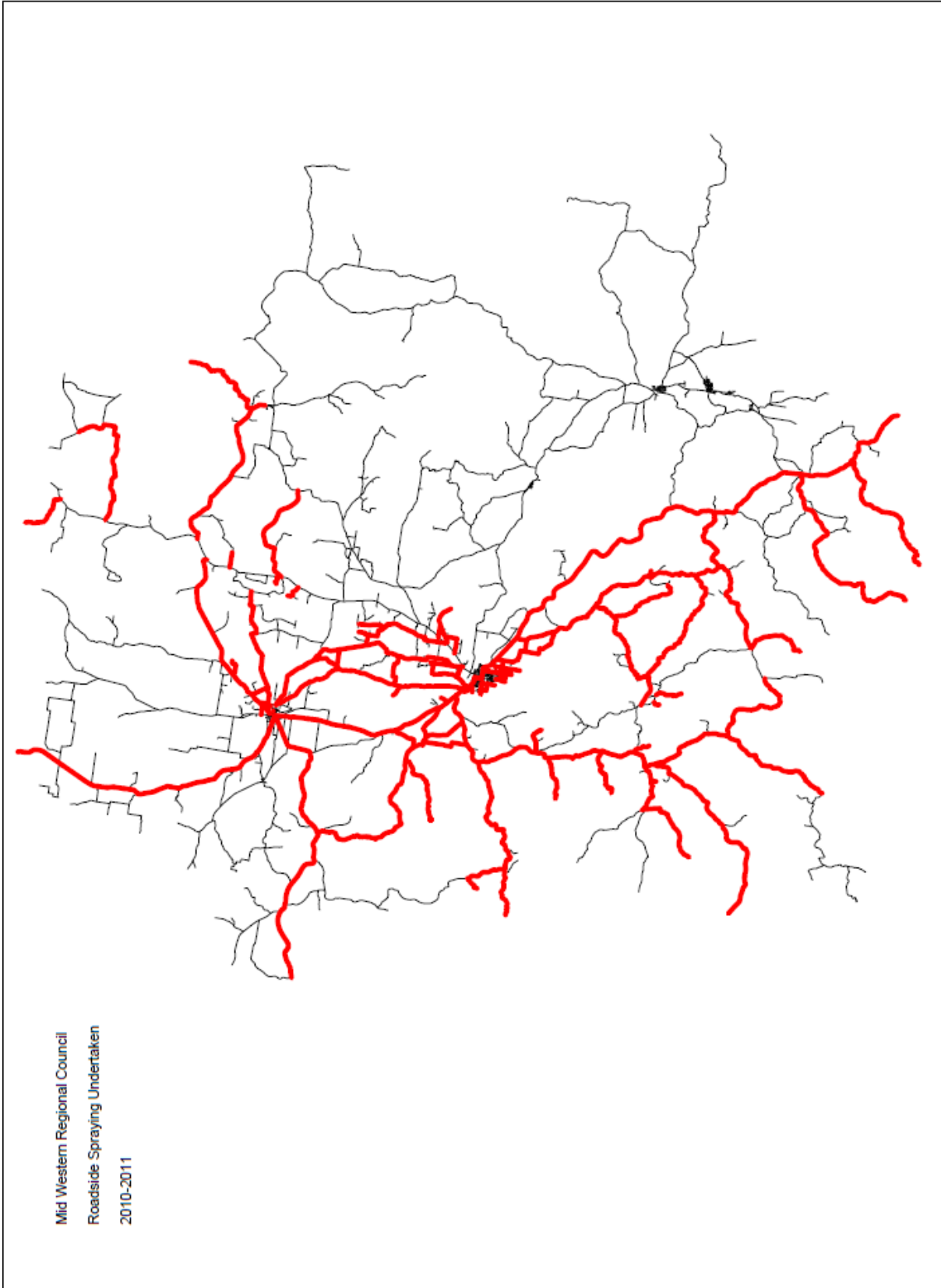
**Next Meeting:** Monday 5 September 2011 at 11 a.m.

**Close:** The meeting closed at 12.25 p.m.

Noxious Weeds Management  
 2010-2011 Financial Year

Noxious Weeds Management	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Inspections	101	41	126	78	81	-	-	-	5	11	34	90	567
Reinspections	-	-	-	13	4	-	-	-	103	20	2	5	147
Section 18a's issued	-	-	-	3	1	1	-	-	54	22	1	3	85
Section 18's issued	-	-	-	1	1	-	-	-	42	19	-	-	63
Section 20's issued	-	-	-	-	-	-	-	-	-	-	1	-	1
Roadside Spraying Kilometres	-	337	-	156	103	131	170	287	-	-	-	-	1,184





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

REPORT BY MANAGEMENT ACCOUNTANT

Bankrep  
A010052, A0140304

**RECOMMENDATION**

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

**EXECUTIVE SUMMARY**

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

**DETAILED REPORT**

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

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

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

**FINANCIAL IMPLICATIONS**

Not applicable.

**STRATEGIC OR POLICY IMPLICATIONS**

Not applicable.

**LEONIE JOHNSON**  
**MANAGEMENT ACCOUNTANT**

  
**CLARE PHELAN**  
**GROUP MANAGER FINANCE**

5 July 2011

**Attachments:** Monthly statement of Bank Balances  
and Investments

**APPROVED FOR SUBMISSION:**

**WARWICK BENNETT**  
**GENERAL MANAGER**

For the month ended: 30-Jun-11

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
Commonwealth Bank	\$ 1,666,649	\$ 8,524,712	\$ 9,933,192	\$ 258,170	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 30/06/2011

Investments	Type	Amount	Yield %	Maturity Date	Term	Rating	Govt Rating	NAV	% of Portfolio
Commonwealth Bank	At Call	\$ 1,040,000	4.75%	N/A	At Call	A-1+	2		3.6%
National Australia Bank	Term Deposit	\$ 1,700,000	5.74%	20/07/2011	91	A-1+	2		5.9%
National Australia Bank	Term Deposit	\$ 850,000	5.90%	21/09/2011	91	A-1+	3		3.0%
National Australia Bank	Term Deposit	\$ 1,900,000	5.89%	17/08/2011	91	A-1+	3		6.6%
Westpac Bank	Term Deposit	\$ 2,600,000	5.75%	24/08/2011	91	A-1+	2		9.1%
St George Bank	Term Deposit	\$ 1,500,000	5.60%	2/08/2011	90	A-1+	2		5.2%
St George Bank	Term Deposit	\$ 1,000,000	5.87%	15/09/2011	92	A-1+	3		3.5%
St George Bank	Term Deposit	\$ 500,000	5.85%	7/09/2011	91	A-1+	3		1.7%
St George Bank	Term Deposit	\$ 1,500,000	5.85%	28/09/2011	91	A-1+	3		5.2%
St George Bank	Term Deposit	\$ 1,000,000	5.50%	13/07/2011	85	A-1+	3		3.5%
Bankwest	Term Deposit	\$ 1,000,000	5.81%	9/08/2011	90	A-1+	1		3.5%
Bankwest	Term Deposit	\$ 1,000,000	5.60%	13/07/2011	85	A-1+	3		3.5%
Bankwest	Term Deposit	\$ 1,500,000	5.90%	28/09/2011	91	A-1+	3		5.2%
ING Australia Bank	Term Deposit	\$ 1,000,000	5.81%	6/07/2011	90	A-1	1		3.5%
Macquarie Bank	Term Deposit	\$ 1,000,000	5.80%	27/07/2011	84	A-1	1		3.5%
Suncorp Metway Ltd	Term Deposit	\$ 1,000,000	6.03%	31/08/2011	91	A-1	1		3.5%
IMB	Term Deposit	\$ 1,000,000	6.00%	21/09/2011	91	A-2	1		3.5%
Newcastle Permanent	Term Deposit	\$ 1,000,000	6.00%	7/09/2011	91	A-2	1		3.5%
Bank of Queensland	Term Deposit	\$ 1,000,000	6.00%	10/08/2011	91	A-2	1		3.5%
Members Equity Bank	Term Deposit	\$ 1,000,000	5.95%	20/07/2011	84	A-2	1		3.5%
Heritage Building Society	Term Deposit	\$ 1,000,000	6.21%	3/08/2011	182	A-2	1		3.5%
Community CPS Aust.	Term Deposit	\$ 1,000,000	5.84%	21/09/2011	91	NR	1		3.5%
Deutsche Bank Series 5	Floating Rate Note	\$ 1,000,000	5.91%	23/11/2012	4yrs 9mths	A+	-		3.5%
ANZ ASPRIT III	Sustainable Equity Linked Note	\$ 500,000	50% of +tve NAV	19/07/2013	6 yrs	AA	-	\$469,150	1.7%
Longreach Series 26	Property Linked Note	\$ 1,000,000		7/06/2014	7 yrs	A+	-	\$862,300	3.5%
<b>Total Investments</b>		<b>\$28,590,000</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.

<b>Bank Accounts</b>	<b>Opening Balance</b>	<b>Redeemed Balance</b>	<b>Re-invested Balance</b>	<b>Change in interest rate</b>	<b>Change in Term (days)</b>
Commonwealth Bank	\$ 1,510,000	\$ 470,000	\$ 1,040,000	0.00%	At Call
Suncorp Metway	\$ 1,000,000		\$ 1,000,000	0.05%	0
Newcastle Permanent	\$ 1,000,000		\$ 1,000,000	0.00%	0
St George Bank	\$ 500,000		\$ 500,000	0.10%	-35
National Bank	\$ 850,000		\$ 850,000	-0.08%	-35
Community CPS Aust.	\$ 1,000,000		\$ 1,000,000	-0.26%	1
IMB Ltd			\$ 1,000,000	New Deposit	
St George Bank	\$ 1,000,000		\$ 1,000,000	1.01%	50
AMP	\$ 1,000,000			Redeemed	
St George Bank	\$ 1,500,000		\$ 1,500,000	0.03%	-35
Bankwest			\$ 1,500,000	New Deposit	
	<u>\$ 9,360,000</u>		<u>\$ 10,390,000</u>		

**Net Portfolio Movement**    \$1,030,000 Addition

## MWRC Policy Requirements:

Investments by Institution	Long/Short Term Ratings	Amount	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA/A-1+	\$ 4,450,000	15.6%	25.0%
Bankwest	AA/A-1+	\$ 3,500,000	12.2%	25.0%
St George Bank	AA/A-1+	\$ 5,500,000	19.2%	25.0%
Commonwealth Bank	AA/A-1+	\$ 1,040,000	3.6%	25.0%
Westpac Bank	AA/A-1+	\$ 2,600,000	9.1%	25.0%
ANZ	AA/A-1	\$ 500,000	1.7%	25.0%
Longreach	A+/A-1	\$ 1,000,000	3.5%	20.0%
Deutsche Bank	A+/A-1	\$ 1,000,000	3.5%	15.0%
ING Australia Bank	A/A-1	\$ 1,000,000	3.5%	15.0%
Suncorp Metway Ltd	A/A-1	\$ 1,000,000	3.5%	15.0%
Macquarie Bank	A/A-1	\$ 1,000,000	3.5%	15.0%
Bank of Queensland	BBB+/A-2	\$ 1,000,000	3.5%	10.0%
Newcastle Permanent	BBB+/A-2	\$ 1,000,000	3.5%	10.0%
Members Equity Bank	BBB/A-2	\$ 1,000,000	3.5%	10.0%
Heritage Building Society	BBB/A-2	\$ 1,000,000	3.5%	10.0%
IMB	BBB/A-2	\$ 1,000,000	3.5%	10.0%
Community CPS Aust.	NR	\$ 1,000,000	3.5%	10.0%
		<u>\$ 28,590,000</u>	<u>31.5%</u>	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AAA/A-1+	\$ 17,090,000	59.8%	100.0%
	AA/A-1	\$ 500,000	1.7%	100.0%
	A/A-1	\$ 5,000,000	17.5%	60.0%
	BBB/A-2	\$ 5,000,000	17.5%	20.0%
	Unrated	\$ 1,000,000	3.5%	20.0%
		<u>\$ 28,590,000</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	\$ 26,090,000	91.3%	30.0%	100.0%
Between 1 and 3 years		0.0%	0.0%	70.0%
Between 3 and 5 years	\$ 1,000,000	3.5%	0.0%	50.0%
More than 5 years	\$ 1,500,000	5.2%	0.0%	25.0%
	<u>\$ 28,590,000</u>	<u>100.0%</u>		

5.2.17 ACCESS THROUGH CROWN RESERVE 22676

REPORT BY MANAGER GOVERNANCE  
Blue Springs  
A0100052, P0936311

**RECOMMENDATION**

**That:**

- 1. the report by the Manager Governance on the opening of a public road over the existing track within Quarry Reserve 22676 on Blue Springs Road, be received;**
- 2. Council request the Land and Property Management Authority to consent to the acquisition of the existing track within Quarry Reserve 22676 on Blue Springs Road;**
- 3. Council create a public road over the track within Quarry Reserve 22676;**
- 4. the road created be an unmaintained public road; and**
- 3. any necessary documentation be executed under Common Seal.**

---

**EXECUTIVE SUMMARY**

To seek Council authority to open a public road over the existing track within Quarry Reserve 22676.

**DETAILED REPORT**

Some little time ago Council was approached by Mr D Macgregor, the owner of "Walkerville" 1070 Blue Springs Road Cope, being Lot 11, DP 750746 asking if it would create a public road over the existing access track within Quarry Reserve 22676, Blue Springs Road.

This reserve is controlled by the Land and Property Management Authority (LPMA).

A copy of a map showing the location of the track is attached.

It was pointed out by Mr Macgregor that other residents in this area also use this track and have been doing so for many years.

The problem being experience by these residents, including Mr Macgregor, is that while they have legal access to their properties they do not have realistic physical access and this track is the only way that they can gain access to Blue Springs Road.

During discussions, Council staff consistently resisted the request because of the cost involved and the precedent that such a course of action would create. However, because of the attitude of the LPMA which would not agree to provide secure access (even though empowered to do so by the Crown Lands Act 1989), and as a compromise and as a means of progressing this issue, it was agreed that on condition that Mr Macgregor would bear any costs involved, Council should seek the approval of the LPMA to the acquisition of the track. Council could then proceed to open a road reserve over this track on the basis that this would be an unmaintained road.



Mr Macgregor has lodged a deposit with Council for any costs that it might incur in finalising this matter and has paid for the preparation of the required plan of survey.

### FINANCIAL IMPLICATIONS

There is no cost to Council for this process as the affected land owner have funded this upfront.

### STRATEGIC OR POLICY IMPLICATIONS

This decision should not be seen as creating a precedent. Council's actions in agreeing to create a public road over this track is on the strict understanding that this would be at no cost to Council either now or in the future, with the road being an unmaintained road.

IAN ROBERTS  
MANAGER GOVERNANCE

6 July 2011

Attachments: Plan showing location of subject track

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER



## 5.2.18 REVIEW OF MODEL CODE OF CONDUCT

REPORT BY MANAGER GOVERNANCE Code of Conduct A0100052, A0110003
---

**RECOMMENDATION**

That:

1. **the report by the Manager Governance on the review of the Model Code of Conduct be received; and**
2. **Council adopt the responses to the questions raised in the Discussion Paper prepared by the Division of Local Government set out in the report of the Manager of Governance dated 28<sup>th</sup> June 2011 and forward this to the Division.**

**EXECUTIVE SUMMARY**

To consider making a submission to the Division of Local Government in response to the questions posed by the issues raised in the Discussion Paper on the review of the Model Code of Conduct.

**DETAILED REPORT**

Council has received the attached Circular from the division of local government advising that a review of the model Code of Conduct is being conducted and inviting councils to make submissions on a Discussion Paper that the division has prepared. The Discussion Paper is separately attached.

It will be noted that the Circular indicates that submission must be received by 15 July 2011 I have been advised that the Division will accept submissions after this date.

Councillors will note that the Discussion Paper lists a number of questions posed by issues raised. I have taken the liberty of providing responses to these questions to stimulate discussion among Councillors should it be decided to make a submission. The questions from the Discussion Paper and my responses (in bold) are set out below:

1. Should the scope of the political donations provisions of the code of conduct be expanded to include the following:
  - (a). Donations received by councillors in their capacity as candidates at State and Federal elections?

*Yes. For clarity (this is in line with the intent of the current Model Code provisions, which are as follows;*

*Councillors should take all reasonable steps to identify circumstances where political contributions may give rise to a reasonable perception of influence in relation to their vote or support).*

- (b). Donations received by political parties and groups that endorsed the candidacy of a councillor where the councillor receives a direct benefit from the donation in question?

*Yes (as above).*

2. Should participation in binding caucus votes be specifically prohibited under the Model Code?

*Yes. While it is not an issue at Mid-Western, I am aware that at some other councils, particularly those with strong political factions, these meet prior to formal meetings to determine how the members would vote on matters before the council.*

3. Should councillors be exempted from an obligation to comply with a requirement under the Model Code in relation to a non-delegable function where compliance will result in a loss of quorum? If so how should the exemption be granted and should any conditions or restrictions be imposed on it?

*Yes. Exemptions should be granted via the DLG. Mid-Western had a similar situation recently with the LEP where the DLG had to specifically issue exemptions to most Councillors*

4. Should councillors be permitted to communicate directly with a member of staff or organisation exercising an internal audit function for the council?

*No. Unless asked for input.*

5. Should councils enter into shared arrangements for the establishment of panels of conduct reviewers? If so, should this be done on a regional basis? Can this be done through Regional Organisations of Councils?

*Yes. This should be an option. To date, however, Mid-Western has not had the need to call on the other members of the Central Tablelands Alliance for this.*

6. Is there a need to prescribe the process by which conduct reviewers are appointed? Is there a need to more clearly prescribe the criteria conduct reviewers are required to meet? What should these requirements be?

*This would probably be a good idea. If there is a standard process for appointment and criteria at conduct reviewers are required to meet these should be mandated by the DLG.*

7. Should conduct reviewers continue to be required to be independent of the council that engages them as a conduct reviewer?

*Yes. Perhaps the Code could include a definition of 'independent'.*

8. Is there a need to prescribe arrangements for the management of the performance of conduct reviewers? If so, who should be responsible for the management of the performance of conduct reviewers and how can this be done in a way that does not compromise their independence?

*This would seem to be a good idea. If there is a standard performance agreement for conduct reviewers this should be managed by the DGL for consistency across councils.*

9. Should the person who makes an initial assessment of complaints made under the council's code of conduct be independent of the council the complaint relates to? If so, who should undertake the initial assessment of complaints made under a code of conduct?

*No. I see no reason why this should not remain the role of General Managers.*

10. Should there be more options under the Model Code for managing complaints? If so, what should these be?



*No. The current provisions are adequate.*

11. What can be done to ensure that the only matters that are investigated under the code of conduct are matters that warrant investigation? What can be done to ensure that complaints that can be resolved by means other than investigation are not investigated?

*This is up to the person who conducts the initial assessment provided that person is in a position to act impartially – the General Manager has the authority to mediate/negotiate matters that do not warrant investigation.*

12. Do the provisions of the Model Code relating to investigations need to be more prescriptive? Do the procedural fairness requirements that apply to the consideration of a matter under the code of conduct need to be better defined? If so, what should these requirements be?

*No. The current provisions provide flexibility for General Managers to deal with matters as they see fit.*

13. What can be done to ensure that councils give appropriate consideration to conduct reviewers' reports in making a determination under the code of conduct?

*More training for councillors in their responsibilities, particularly in relation to the Code of Conduct and in dealing with complaints under the Code. Where a Council does not adopt a recommendation of an independent reviewer, then the Council should be required to give reasons for its decision.*

14. Should there be a right of review in relation to determinations made by a council under its code of conduct? If so, who should exercise this role?

*If there is it can only be the DLG, but this could well give rise to allegations that decisions of the DLG about reviews are influenced by political considerations.*

15. What can be done to prevent the misuse of the code of conduct? Should it be a breach of the code of conduct to misuse the code of conduct? If so, who should deal with complaints about the misuse of the code of conduct?

*A person making a complaint should not, necessarily, be considered misuse of the code. Complaints should be dealt with by General Managers, in accordance with the current provisions. It should be up to General Managers to determine whether a matter is referred to a conduct reviewer (including complaints about misuse of the code).*

16. What can be done to prevent detrimental action being taken against a person for making a complaint or exercising a function prescribed under the code of conduct? Should it be a breach of the code to take detrimental action? If so, who should deal with complaints about detrimental action?

*Apply similar penalties to that applying for detrimental action against a person making a protected disclosure.*

17. How can the penalties or sanctions that apply to breaches be made more effective?

*The current provisions are considered adequate.*

The Discussion Paper also invites comment about any areas other than those identified where it is considered that improvement to the model Code is required.

*While I have not other issues, council may have some that need to be included.*

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Any changes to the Model Code as a consequence of this review will impact on Council's Code of Conduct as it mirrors the Model Code.

IAN ROBERTS  
MANAGER GOVERNANCE

28 June 2011

Attachments:

1. Circular to Councils
2. Discussion Paper on Review of Model Code of Conduct (following at the end of the business paper.)

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER



## Circular to Councils

Circular No. 11-07  
Date 1 June 2011  
Doc ID. A245463

Contact John Davies  
02 4428 4139  
John.davies@dlg.nsw.gov.au

### REVIEW OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS - REQUEST FOR SUBMISSIONS ON DISCUSSION PAPER

The purpose of this circular is:

1. to advise councils of the Division of Local Government's review of the Model Code of Conduct for Local Councils in NSW (the Model Code) and
2. to invite submissions on a discussion paper the Division has prepared in relation to its review.

The original version of the Model Code commenced operation on 1 January 2005. A further revised version of the Model Code subsequently came into force on 27 June 2008 and operates to this day.

The Division of Local Government sees the Model Code as an evolving document. While the regime for managing complaints about council officials has vastly improved over the 6 years the Model Code has been in operation, the Division agrees that there remains scope for further refinement and improvement.

Over the two and a half years in which the revised Model Code has been in operation, the Division has identified or has had brought to its attention a number of areas where the Model Code has not operated in the manner in which it was intended or where its operation could be improved. The Division therefore believes that it is timely that we undertake a further comprehensive review of the Model Code.

The Division has prepared a discussion paper for the purposes of seeking the views of stakeholders and any other interested persons to inform the review process. This may be found on the Division's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au). This is the first part of a comprehensive review.

In Part 4 of the discussion paper the Division has outlined the issues that have been raised with it about the operation of the current version of the Model Code. The Division would like to hear from stakeholders and other interested persons about any other areas they consider the Model Code requires improvement and their suggestions on how best to make those improvements.

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 567 863 195

2

In Part 5 of the discussion paper the Division has asked for the views of stakeholders and other interested persons on possible options for improving the Model Code to address the issues that have been raised.

The Division requests that general managers bring the discussion paper to the attention of their councillors and staff. Councils may also wish to notify their communities of the discussion paper on their own websites or by other means.

We request that submissions be made in writing to the following postal address:

Division of Local Government  
Department of Premier and Cabinet  
Locked Bag 3015  
NOWRA NSW 2541

Alternatively, submissions may be made by email to [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au).

The Division requests that submissions be received by **15 July 2011**.

The Division will consider submissions in identifying preferred options for the amendment of the Model Code.

Once it has identified preferred options for the amendment of the Model Code, the Division will undertake further targeted consultation with stakeholders with a view to identifying and addressing any potential implementation issues.

Once the Division has completed this targeted consultation, it will prepare a new draft of the Model Code containing proposed amendments. The Division will undertake further open consultation in relation to the proposed draft Model Code, before making a recommendation to the Minister for consideration for gazettal under the *Local Government (General) Regulation 2005*.

As with previous versions of the Model Code, the Division will supplement the new Model Code with amended Guidelines to assist in the interpretation of the new provisions of the Model Code. The Division will also reissue an updated education package to assist councils to raise awareness among councillors, staff, delegates and committee members of any new requirements under the new Model Code.

Should anyone wish to contact the Division to discuss this discussion paper or the Model Code of Conduct Review, they may telephone John Davies, the Model Code of Conduct Review Project Officer on 02 4428 4139.



**Ross Woodward**  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet



## 5.2.19 STATUTORY REQUIREMENTS LEADING UP TO THE 2012 COUNCIL ELECTION

REPORT BY MANAGER GOVERNANCE Constitutional arrangements A0100052, A0110038
---

**RECOMMENDATION**

**That:**

- 1. the report by the Manager Governance on the statutory issues that need to be addressed prior to the next general council elections be received; and**
- 2. there be nine (9) Councillors for the next Council term commencing in September 2012.**

---

**EXECUTIVE SUMMARY**

To consider issues that needs to be addressed by Council prior to the next general council elections.

**DETAILED REPORT**

The next general council elections are scheduled to be held on 9 September 2012

The Local Government Act imposes certain obligations on Council regarding:

- The number of councillors;
- Whether it wishes to divide the area into Wards; and
- The method of election of the Mayor.

in respect of which Council should consider prior to the next Council elections.

The attached Circular from the Division of Local Government, which touches on these issues as well as changes to the Local Government Act 1993 emanating from the recent assent of the Local Government (Amendment) Elections Act 2011, has been received. Comment in relation to those issues in the Circular is set out below.

**Number of Councillors**

Of the three issues set out in the dot points above and referred to in the Circular, this is the only one on which the Council **must** now make a decision. The relevant Sections of the Local Government Act 1993 (incorporating the amendments provided by the Local Government (Amendment) Elections Act 2011) are set out below:

**224 How many councillors does a council have?**

- (1) A council must have at least 5 and not more than 15 councillors (one of whom is the mayor).

- (2) Not less than 12 months before the next ordinary election, the council must determine the number, in accordance with subsection (1), of its councillors for the following term of office.
- (3) If the council proposes to change the number of councillors, it must, before determining the number, obtain approval for the change at a constitutional referendum.

224A Approval to reduce number of councillors

- (1) A council may resolve to make an application to the Minister to approve a decrease in the number of councillors within the limits referred to in section 224 (1).
- (2) The council must give not less than 42 days' public notice of its proposed resolution.
- (3) After passing the resolution, the council must forward to the Minister a copy of the resolution, a summary of any submissions received by it and its comments concerning those submissions.
- (4) The Minister may approve the application without amendment or may decline to approve the application.
- (5) If the Minister approves the application, the number of councillors of the council is reduced to the number specified in the application with effect on and from the day appointed for the next ordinary election of councillors after the application is approved.
- (6) Section 16 does not apply to a resolution of a council to make an application to the Minister under this section.
- (7) An application may be made under this section after the commencement of the *Local Government Amendment (Elections) Act 2011* but before the expiry of 5 months after that commencement.
- (8) Nothing in this section prevents a council from making more than one application under this section or from taking action under section 224 to change the number of its councillors.
- (9) A council for an area that is divided into wards may not make an application under this section for a decrease in the number of councillors that would result in the number of councillors for each ward being fewer than 3.

For Councillors information, Section 16 of the Local Government Act 1993 is as follows:

16 What matters must be dealt with at a constitutional referendum?

A council may not do any of the following unless approval to do so has been given at a constitutional referendum:

- (a) divide its area into wards or abolish all wards in its area,
- (b) change the basis on which the mayor attains office (that is, by election by the councillors or by election by the electors),

- (c) increase or decrease the number of councillors in accordance with the limits under section 224,
- (d) change the method of ordinary election of councillors for an area divided into wards.

Given that this issue requires a decision from Council, the recommendation above has been framed to maintain the status quo.

#### Division of area into Wards

The Circular refers to amendments to the Act related to the abolition of Wards.

Mid-Western Regional Council is currently an undivided area – there are no Wards.

As provided by the Act, should the Council seek to divide the Mid-Western local government area into Wards, it may not do so unless it has obtained approval at a constitutional referendum, has consulted with the Electoral Commission and the Australian Statistician and has given public notice of the proposal.

Similarly, should Council consider a change, it would need to arrange for a constitutional referendum to be conducted at the 2012 election with any approval becoming effective from the term commencing in September 2016.

#### Casual vacancies in the office of councillor

This is not an issue that Council needs to concern itself with at this time.

#### Increase of period before an ordinary election during which by-elections may be dispensed with

This is not an issue that Council needs to concern itself with at this time.

#### Other amendments concerning the administration of elections

This was the subject of a separate Circular from the DLG which has indicated that councils should not make a final decision of who will conduct the 2012 elections until they have considered the new regulation and DLG guidelines. This will be the subject of a report to Council in due course.

While not referred to in the Circular there is on other issue of which Council needs to be aware and that is:

#### Election of the Mayor

The Act provides that the Mayor may be elected by the Councillors from among their number or by the electors.

Currently, the Mayor is elected by the councillors, from among their number.

While it is not referred to in the Circular, should the Council decide that it would like a popularly elected Mayor, the Act provides that this may be decided at a constitutional referendum. Such a decision would take effect from the next ordinary election after the decision was made. Again, should Council consider a change, it would need to arrange for a constitutional referendum to be conducted at the 2012 election with any approval becoming effective from the term commencing in September 2016.

Council must make a decision in relation to Councillor numbers. The other issues are listed for Council's consideration only. There is no statutory obligation for Council to visit these issues.

FINANCIAL IMPLICATIONS

As any constitutional referendum would need to be run in much the same way as an election, it is reasonable to assume that the cost would be in similar terms as an election.

For this reason, should it be considered by Council to conduct a constitutional referendum, it would seem to be prudent that this be conducted at the same time as the election.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

IAN ROBERTS  
Manager GOVERNANCE

30 June 2011

Attachments: Circular to Councils on Constitutional arrangements

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER



Premier & Cabinet  
Division of Local Government

## Circular to Councils

Circular No. 11-12  
Date 29 June 2011  
Doc ID. A249154 (B)

Contact David Rolls  
02 4428 4210  
david.rolls@dlg.nsw.gov.au

### CONSTITUTIONAL ARRANGEMENTS FOR COUNCILS – AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993

The NSW Parliament has passed the *Local Government (Amendment) Elections Act 2011* (the Amending Act). The Amending Act was assented to by the Governor on 27 June 2011 and its provisions commenced on that date. The purpose of this circular is to advise councils of the resulting changes to the *Local Government Act 1993* (the Act) concerning constitutional arrangements for councils.

A copy of the Amending Act can be found on the NSW Parliamentary Counsel's Office legislation website at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

The *Local Government Act 1993* now:

1. enables councils, in certain circumstances, to make an application to the Minister for Local Government for approval to reduce the number of their councillors without the need for approval at a constitutional referendum
2. enables councils, in certain circumstances, to make an application to the Minister for approval to abolish all wards in their areas without the need for approval at a constitutional referendum
3. provides that a by-election need not be held to fill a casual vacancy in the office of a councillor (but not a mayor elected by the electors) if a constitutional referendum has approved a reduction in the number of councillors for the council area but the reduction has not yet taken effect
4. enables councils to apply to the Minister for an order dispensing with the requirement to hold a by-election where a casual vacancy in the office of a councillor (including a mayor elected by the electors of an area) occurs within 18 months before an ordinary election, and
5. contains provisions of a consequential, savings and transitional nature.

#### Ministerial approvals for reduction in number of councillors without constitutional referendum

Section 224A of the Act now provides councils with a further limited opportunity to make application to the Minister for approval to reduce their councillor numbers without the need for approval at a constitutional referendum.

Applications must be made no later than 5 months after the commencement of the Amending Act, that is, no later than 28 November 2011.

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 567 863 195

Section 224A now requires a council to give not less than 42 days public notice of its proposal to resolve to apply to the Minister for Local Government for approval to reduce its councillor numbers. Formerly, not less than 21 days notice was required. In all other respects the procedure for making an application remains the same.

The procedure can now be summarised as follows:

- A council must give not less than 42 days public notice of its proposal to resolve to apply to the Minister for approval to reduce its councillor numbers
- The public notice must:
  - state the place at which, the dates on which, and the times during which the public may inspect the proposed resolution, and
  - invite public submissions on the proposal
- The council must bring the notice to the attention of as many people in its area as possible This is commonly done by doing all of the following:
  - advertising in a newspaper regularly circulating in the council area
  - exhibiting the notice in public areas such as community centres, libraries and public notices boards, and
  - posting the notice on the council's website
- After passing the resolution the council must forward to the Minister:
  - a copy of the resolution
  - a summary of any submissions received by it, and
  - its comments concerning those submissions.

Councils are reminded that section 224A still prevents such applications being made where:

- the reduction would result in the council having less than 5 councillors
- the council is divided into wards and the reduction would result in the number of councillors for each ward being fewer than 3.

Further, as was the case before the amendment:

- where a council receives approval to reduce the number of councillors, the reduction will not take place until the next ordinary elections, however
- by reason of section 294A of the Act, any casual vacancies that occur during this period will not be required to be filled unless the number of councillors on the council would become less than the reduced number approved by the Minister.

**Ministerial approvals for abolition of wards without constitutional referendum**

Section 210B of the Act allows councils a one-off opportunity to resolve to apply to the Minister to approve the abolition of all wards of their council areas.



3

Applications must be made no later than 5 months after the commencement of the Amending Act, that is, no later than 28 November 2011.

The steps in the application process are generally the same as those required for the application to reduce councillor numbers as noted above.

**Casual vacancies need not to be filled where approval has been obtained at a constitutional referendum to reduce councillor numbers**

Section 294B of the Act provides that a by-election is not to be held to fill a casual vacancy in the office of a councillor (but not a mayor elected by the electors) if a constitutional referendum has approved a reduction in the number of councillors for the council area but the reduction has not yet taken effect.


**Increase of period before an ordinary election during which by-elections may be dispensed with**

Section 294 of the Act now provides that a council may apply to the Minister to dispense with the requirement to hold a by-election for a casual vacancy in the office of a councillor (including a mayor elected by the electors of an area) that has occurred during the 18 months immediately before an ordinary election of the councillors.

Previously, such applications could only be made during the 12 months immediately before an ordinary election of the councillors.

**Other amendments concerning the administration of elections**

The Amending Act has made councils responsible for the administration of their elections, constitutional referendums and polls. Details of these amendments are provided in Circular to Councils No 11-11.



**Ross Woodward**  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet

5.2.20 ANNUAL REPORTING OF CONTRACTS FOR SENIOR STAFF

REPORT BY MANAGER GOVERNANCE  
Contracts for Senior Staff  
A0100050, A0385024

**RECOMMENDATION**

**That the report by the Manager Governance on the contractual conditions of senior staff be received.**

---

**EXECUTIVE SUMMARY**

To consider a report on the contractual conditions of senior staff.

**DETAILED REPORT**

Section 339 of the Local Government Act 1993 provides that

*“The general manager must, at least once annually, report to the council on the contractual conditions of senior staff.”*

Section 334 of the Act provides that the General Manager is a “senior staff position” and in determining the organisational structure of the organisation a council must, under Section 332 (1) of the Act, determine those positions that are also to be “senior staff positions”. At its meeting on 16 March 2011 Council resolved that the following positions be Senior Staff positions effective from 1 July:

- Group Manager – Mid-Western Operations
- Group Manager – Finance and Administration
- Group Manager – Development and Community Services

The “contractual conditions” of senior staff are dictated by a “standard form of contract” approved by the Director General of the Department of Local Government (DLG) under Section 338 of the Act. The current “standard form of contract” for general managers and senior staff can be reviewed on the DLG’s website.

It should be noted that as required by the relevant legislation, the total remuneration package payable for the senior staff position are also detailed in the Annual Report provided by Council each year.

**FINANCIAL IMPLICATIONS**

Not applicable

**STRATEGIC OR POLICY IMPLICATIONS**

The Local Government Act 1993 applies.



IAN ROBERTS  
MANAGER GOVERNANCE

22 June 2011

Attachments: Nil.

APPROVED FOR SUBMISSION

WARWICK BENNETT  
GENERAL MANAGER

5.2.21 2012 LOCAL GOVERNMENT ELECTIONS

REPORT BY MANAGER GOVERNANCE  
elections  
A0100052, A0120001, A0121200

**RECOMMENDATION**

**That:**

- 1. the report by the Manager Governance on the conduct of the 2012 Mid-Western Regional Council general elections be received; and**
- 2. Council request the Electoral Commission to conduct the 2012 General Election on behalf of Mid-Western Regional Council**

---

**EXECUTIVE SUMMARY**

To consider the conduct of the Council elections to be held in September 2012.

**DETAILED REPORT**

The next general council elections will be held on 9 September 2012.

The attached letter has been received from the Electoral Commissioner raising the issue of whether or not individual councils wished to accept responsibility for the conduct of these elections themselves.

It should be noted that the amending Act to give effect to this was assented to on 27 June 2011 with its provisions applying from that date.

As Councillors would be aware, the major issue that we (and indeed most other councils) had with the Electoral Commission in the conduct of the last couple of elections was the apparent spiralling costs involved.

Prior to the enactment of the Local Government Act 1993, Council elections were conducted by Council staff, with the General Manager as Returning Officer. The new legislation handed authority for council elections to the then State Electoral Office, with separate independent Returning Officers for each Council.

While we have no costings on what elections cost prior to 1993, we know that the 1995 election, which was the first after the introduction of the 1993 Local Government Act, cost the then Mudgee Shire Council more than \$44,000. During this election administrative support and many of the tasks associated with the election process were carried out by Council staff as part of their normal day-to-day activities.

Since that time, Electoral Office has gradually assumed greater control over elections culminating in the situation where the 2008 general council election cost Council in excess of \$129,000 (including GST). Notwithstanding that we can expect similar costings for the 2012 election, in retrospect we need to balance this against the following:

- In the days of the 1919 Act, elections used to be run by Council staff. Since then, most of those staff have left the Council's employ and so the organisation has lost this corporate knowledge of the electoral process.
- The benefit of staff staying at arms length from the election process. While in my experience, the Council staff who have been called upon to work on Council elections in the past have been most professional and very diligent to ensure that they are unbiased and impartial, there are always perceptions (insulting as they may be to the staff concerned) that because they work for Council that they will endeavour to exert some influence over the result.
- Councils, and indeed all government authorities are nowadays under greater scrutiny than ever before, so it is becoming increasingly important that Council's activities are open and transparent so that the community may be assured that the organisation itself is scrupulously honest. Separation of the activities of running the Council and the election of the councillors, with the later being undertaken by a totally independent professional body is one way of achieving that aim.

I have been in touch with my colleagues at other councils on this issue and, notwithstanding the increased cost involved, so far, without exception, their councils will be asking the Electoral Commission to conduct the election on their behalf.

#### FINANCIAL IMPLICATIONS

Funds are set aside in the Election Reserve to cover the cost of conducting elections.

#### STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

IAN ROBERTS  
MANAGER GOVERNANCE

30 June 2011

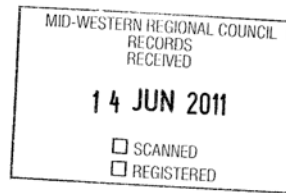
Attachments: Correspondence from Electoral Commissioner

#### APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

9 June 2011

Mr Warwick Bennett  
Mid-Western Regional Council  
PO Box 156  
MUDGEE NSW 2850



Dear Mr Bennett

**Request for meeting to discuss arrangements for the conduct of your council's 2012 Local Government Elections**

As you are aware, the Minister for Local Government has announced the Government's intention to return to councils responsibility for the conduct of their elections. Councils will, however, have the option to engage the New South Wales Electoral Commission (NSWEC) to conduct their elections. I understand that councils will need to make a decision by 31 October 2011 as to whether they are going to conduct their own election or engage the NSWEC.

I would appreciate the opportunity for my staff to meet with you to discuss issues around this important matter. For your information, I strongly support the option for councils to have a choice as to who conducts their elections. I would nonetheless encourage you to recommend to council that the services of the NSWEC be engaged to conduct your elections.

The purpose of the meeting, therefore, is to discuss a range of matters associated with assisting the council to come to a decision as to whether they wish to conduct their own election or to engage the NSWEC. We would like to commence these meetings from Monday, 5 July 2011, and to have them all concluded by late September. As you are aware, it is a large logistical task to co-ordinate us visiting some 150 councils who will be having elections in 2012.

In order for you to prepare for the meeting, I have attached a high level checklist of tasks that would need to be undertaken if a council decides to conduct its own election. Arrangements are now being made to find suitable times for us to meet with you. I would greatly appreciate the opportunity to personally meet with as many council General Managers as I can physically fit into this tight schedule. I appreciate that you and your senior staff have other commitments, however, as this is a significant policy change and an additional important decision that councils have to make, I would encourage you and your senior staff to make every effort to attend the meeting.

If you have any questions in relation to this please contact Mr Terry Jessop of the NSWEC (Tel 02 9290 5990 or [Terry.Jessop@elections.nsw.gov.au](mailto:Terry.Jessop@elections.nsw.gov.au)) who is co-ordinating these meeting arrangements.

I look forward to meeting as many General Managers as possible in the short time frame.

Yours sincerely

A handwritten signature in black ink that reads "Colin Barry".

Colin Barry  
Electoral Commissioner

Checklist for 2012 Local Government Elections Prepared by New South Wales Electoral Commission			
Consideration	Description	✓	x
Impartiality & Integrity	Elections must be conducted at arms length from mayor & councillors and be seen as such  Council employee appointed as returning officer could be seen as compromising that impartiality		
Electoral Administration & Legal	Ensure there is uniform interpretation of electoral legislation inline with NSWEC and other councils, and maintain uniformity with established electoral practices, especially in relation to alleged offences		
Election Forms & Manuals	Identify, prepare and print all forms, declaration envelopes, election official manuals.		
Resources	Acquire, pack & dispatch all materials for polling places, including stationery, ballot boxes, voting screens etc. NSWEC may make dyes available for cardboard equipment		
Ballot Papers	Ballot papers must be printed and held in a secure environment		
Returning Officer	Assuming a council employee would not be appointed, a returning officer will have to be recruited, trained to necessary level of competence and supported for up to 10 weeks (Note: NSWEC ROs would not be available and AEC staff do not have LG election experience)  A returning officer would require professional insurance and/or indemnification by council		
Returning Office	Provide adequate office accommodation for returning officer for pre poll voting, secure storage of materials, packing for polling places, vote counting, etc  Council would be required to provide computers, printers, copier, phones, etc and ongoing support throughout the election.  Council will not have access to a computerised election management system to provide polling place vote estimates; recruitment of election officials; nominations; postal & pre-poll voting & results.		
Clerical Assistance	Council would be required to provide and/or recruit sufficient clerical assistance for enquiries, pre poll & postal voting, visiting declared institutions, recruitment of polling place staff etc		
Polling Place Staff	Returning officer would be required to advertise for, and recruit and train polling place staff,  Returning officer would need to develop & implement training program for polling place managers		
Communication & Information	Provide consistent, relevant & timely information to all stake holders, including RPPs, candidates, voters, media, etc  Avoid duplicated effort and cost in advertising elections with NSWEC and other councils  Stake holders will expect to see election night polling place counts, Sunday check counts, distribution of preferences for optional preferential/proportional representation at least to the NSWEC level		

	Council would need to provide ongoing website management to display general information, candidate information, results		
Polling Places	Councils would need to negotiate with schools etc for the use of their facilities		
Nominations & Candidates	NSWEC would not conduct candidate seminars however Council run seminars would require EF&D presentation by EFA staff  Returning officer must be able to verify candidate & proposer enrolment status when nominations lodged  Returning officers must deal with nominations in terms of their link to candidates' EF&D obligations		
Election Material	Registration of candidate election material		
Electoral Rolls	NSWEC will provide councils with scannable rolls to enable NSWEC to identify non-voters. Council will need to advise number of issuing points for each polling place, pre-poll & postal		
Proportional Representation Counts	Councillors must be elected according to the prescribed counting system. NSWEC vote counting software could be made available to count ballot papers with Group Voting Squares		
Post Election	Council would need to deal with ongoing issues related to payments to election officials, including superannuation payments etc  Election may be subject to appeal to Administrative Decisions Tribunal  Council would need to prepare a Report to Parliament on the conduct of the election  Council would be required to make submissions to, and appearances before Joint Standing Committee and be subject to JSC recommendations  Responsibility for ongoing storage & security of election materials		

## 5.2.22 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

REPORT BY MANAGER GOVERNANCE expenses & facilities A0100052, A0110001
---

**RECOMMENDATION**

**That:**

- 1. The report by the Manager Governance in relation to proposed amendments to the Council's policy on the Payment of Expenses and Provision of Facilities to Councillors be received;**
- 2. Council is of the opinion that the proposed amendments to the policy are not substantial and therefore public notice is not required;**
- 3. Council formally adopt the proposed policy on the Payment of Expenses and Provision of Facilities to Councillors; and**
- 4. the Department of Local Government be advised that Council has formally adopted this policy and be provided with:**
  - A copy of the adopted policy; and**
  - A copy of this report**

---

**EXECUTIVE SUMMARY**

This report addresses the statutory requirement for Council to review its policy on the payment of expenses and provision of facilities to Councillors by the end of November.

**DETAILED REPORT**

Council has a statutory obligation to adopt its policy on the payment of expenses and provision of facilities to Councillors before the end of November every year.

Section 252 of the Local Government Act provides that:

- “(1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) A council may from time to time amend a policy under this section.*

- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.”*

In this regard, it should be noted that the Director General of the Department of Local Government has issued guidelines on the development and review of an Expenses and Facilities policy.

Section 253 provides that:

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
- (a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
  - (b) *a statement setting out, for each submission, the council’s response to the submission and the reasons for the council’s response, and*
  - (c) *a copy of the notice given under subsection (1).*
- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.”*

Section 254 provides that

*“The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.”*

In reviewing the current policy, regard was had to the DLG Guidelines for the payment of expenses and provision of facilities and to policies of other councils. It was considered that the policy could be enhanced by including comment that Councillors must not gain a private benefit from the provision of facilities and that Councillors must not use Council resources for electioneering or other political purposes,. Apart from these minor changes, it is not proposed that any other amendments be made to this policy.

The copy of the current policy is attached with the proposed alterations highlighted.



I do not believe that the proposed alterations are of a substantial nature and accordingly, as provided by Section 253(3) I do not consider that there is any need for Council to publicly exhibit this policy.

It is considered that by providing the Department with a copy of this report will satisfy the requirements of Section 253 as they relate to public notice.

#### FINANCIAL IMPLICATIONS

Funding is provided to meet the expenses incurred by Councillors and to provide the necessary facilities to councillors to enable them to carry out their civic duties.

#### STRATEGIC OR POLICY IMPLICATIONS

Council's policy on the payment of expenses and provision of facilities to Councillors applies.

IAN ROBERTS  
MANAGER GOVERNANCE

22 June 2011

#### APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

Attachments: Expenses and Facilities policy (following at the end of the business paper)

5.2.23 TOWARDS 2030 INTERIM COMMUNITY ENGAGEMENT REPORT

REPORT BY TEAM LEADER STRATEGIC PLANNING  
IP&R Interim Community Engagement  
A0100052, A0420220

**RECOMMENDATION**

**That the report by Team Leader Strategic Planning on the Interim Community Engagement under taken for the Community Plan be received.**

---

**EXECUTIVE SUMMARY**

Council has undertaken a very successful Community Engagement exercise as part of the “Towards 2030 Community Plan” process which forms part of Council’s responsibility under the new Local Government Integrated Planning and Reporting (IPR) procedures. This represents the first of two phases of consultation the second proposed to follow later this year with the release of a Draft Community Plan for public comment.

A copy of the Interim Community Engagement Report is attached.

**DETAILED REPORT**

As a critical component of the IPR framework, Council has completed the most extensive and successful community engagement exercise undertaken in recent times. Over 3000 people have participated in the process to date across a variety of exercises designed to get the community thinking about the future and the direction in which we, as a community are heading.

The success of this exercise comes not simply as a numerical representation of participants but in the outcomes in terms of establishing the strengths and weaknesses of the region now and setting priorities for the future.

The community engagement undertaken to date was that which was identified in the Community Engagement Strategy included the following:

- Information in Community News
- Street stalls which included to bead exercise where participants were asked to “vote” for priorities using 5 beads
- Displays and information at the three Administration centres for a period of 8 weeks
- Telephone survey
- Website
- Youth Forums
- Targeted surveys
- Direct stakeholder engagement
- Postcards from the Future

The community engagement had a dual purpose to both create awareness and build support for the Community Plan by getting people to consider what they would like the future Mid-Western Region to look like, and asking them about what they see as priorities.

A Draft Community Plan is now being prepared based on Councils currently identified direction established through and numerous plans and strategies already in place an operation as well as feedback received from the wider community and stakeholders during the recent round of engagement.

FINANCIAL IMPLICATIONS

No Applicable

STRATEGIC OR POLICY IMPLICATIONS

The Community Engagement undertaken to date is consistent with the Engagement Strategy adopted in June 2010 for the IPR process. The results from the consultation undertaken to date will inform the Community Plan, Delivery Program and Operations Plan into the future.

LIZ DENSLEY  
TEAM LEADER STRATEGIC PLANNING

CLARE PHELAN  
GROUP MANAGER FINANCE  
& ADMINISTRATION

8 July 2011

Attachments: Interim Community Engagement Report (following at the end of the business paper)

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

5.2.24 MAXIMUM INTEREST RATE ON OVERDUE RATES & CHARGES

REPORT BY GROUP MANAGER FINANCE & ADMINISTRATION  
Interest Rate  
A0100052, A0149934

**RECOMMENDATION**

**That:**

- 1. the report by the Group Manager Finance & Administration on the 2011/12 maximum interest rate on overdue rates and charges be received; and**
- 2. Council adopt the maximum interest rate of 11% for overdue rates and annual charges in the 2011/12 financial year.**

---

**DETAILED REPORT**

At the time of making the rates for 2011/12 and adopting the 2012 to 2016 Management Plan, the Division of Local Government had not yet determined the maximum interest rate on overdue rates and charges for the new financial year.

Council resolved at the 15 June 2011 Council meeting that:

*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;*

On 8 July 2011, the DLG released their determination that the maximum interest rate for 2011/12 be 11%.

Council has historically adopted the maximum allowable interest rate, so that it is compensated as far as possible for the burden of carrying outstanding rates and annual charges. Interest on overdue balances is calculated on a daily simple interest basis.

**FINANCIAL IMPLICATIONS**

Assuming 2011/12 overdue balances follow a similar pattern to 2010/11, the increase in the maximum interest rate would generate an estimated \$22,000 in additional interest revenue.

**STRATEGIC OR POLICY IMPLICATIONS**

Not applicable.

CLARE PHELAN  
GROUP MANAGER FINANCE & ADMINISTRATION

8 July 2011

Attachments: DLG Circular 11-15 Information about rating for 2011/12 – Maximum interest rate on overdue rates and charges

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER



Premier & Cabinet  
Division of Local Government

## Circular to Councils

Circular No. 11-15  
Date 8 July 2011  
Doc ID. A231848

Contact Helen Pearce  
02 4428 4131  
helen.pearce@dlg.nsw.gov.au

### INFORMATION ABOUT RATING FOR 2011/2012 – MAXIMUM INTEREST RATE ON OVERDUE RATES AND CHARGES

In accordance with section 566(3) of the *Local Government Act 1993*, the Minister for Local Government has determined that the maximum rate of interest payable on overdue rates and charges for the 2011/2012 rating year will be 11%.

Councils should note that the Supreme Court no longer makes a ruling for the interest rate percentage, which was historically the basis for setting the maximum interest rate on overdue rates and charges for local government. The Supreme Court now uses the Reserve Bank cash rate plus 6%, which has been adopted as the methodology for determining the maximum interest rate on overdue rates and charges.

A notice giving effect to this decision was published in the NSW Government Gazette on 8 July 2011.

A handwritten signature in blue ink, appearing to read 'Ross Woodward'.

**Ross Woodward**  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet

## 5.2.25 LAND SALES UPDATE – KANDOS AND RYLSTONE

REPORT BY MANAGER GOVERNANCE  
Kandos & Rylstone Land Sales  
A0100052, A0010006

**RECOMMENDATION**

**That the report by the Manager Governance on the Kandos and Rylstone Land Sales be received.**

**EXECUTIVE SUMMARY**

This report is to provide an update on land owned by Mid-Western Regional Council in the Kandos and Rylstone region that was identified as surplus to Council requirements and to be sold.

**DETAILED REPORT**

The last update on land sales in the Kandos and Rylstone region was noted at Council's Committee Meeting held on 7 April 2010 which identified land sold between the period of April 2009 and April 2010 grossed an income from sales totalling \$498,450.00.

Since April 2010 Council has sold the following properties with a total gross income of \$176,500.00:

- 1534 Bylong Valley Way Kandos
- 157 Coxs Creek Road Rylstone

There are two remaining properties in Kandos currently listed for sale.

One property known as 2-24 Jamison Street Kandos is currently under offer and due to settle on the 4 August 2011. Once sold, the gross income from this sale will be \$25,000.00.

Council has not received any interest on the remaining property known as 11 Dunn Street Kandos due the land being severely impeded by a drainage channel.

**FINANCIAL IMPLICATIONS**

Not applicable

**STRATEGIC OR POLICY IMPLICATIONS**

Not applicable

IAN ROBERTS  
MANAGER GOVERNANCE

8 July 2011

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

5.2.26 LOCAL GOVERNMENT ASSOCIATION CONFERENCE MOTIONS

REPORT BY GENERAL MANAGER  
LGA conference motions  
A0100052,A0310010,A0110033,A0040005

**RECOMMENDATION**

**That the report by the General Manager on the Local Government Association Conference Motions be received.**

DETAILED REPORT

The Local Government Association Conference – NSW – will be held in October this year. The Association is calling for motions to be debated at the conference. Staff are not aware of any issues that Councillors would like raised at the conference but if there are any then they must be forwarded to the Association prior to 5 August 2011.

FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

WARWICK BENNETT  
GENERAL MANAGER

11 July 2011

Attachments: Call for motions from the Local Government Weekly.



## General Interest

### Item 8: Local Government Association Conference motions

#### Call for motions for the 2011 Local Government Association Conference.

Motions for the 2011 LGA Conference may now be submitted online.

#### Deadline for motions

Motions must be received by close of business, Friday 5 August 2011. Motions received after this time will be considered late. Late motions will only be accepted prior to Friday 14 October 2011.

#### Submission of Motions

Motions should be submitted using the online form on the Conference website. As in previous years, motions will be categorised. For motions to be considered by the Conference, the motion must seek to extend, enhance or replace the Associations current policy position.

#### Business Papers

Available on the LGSA website. A draft business paper will be available to download from Friday 26 August 2011, and hard copies of the published business paper will be distributed to Member Councils approximately one month from the Conference.

#### Motions Due

Friday 5 August

#### Online information

<http://www.lgsa-plus.net.au/www/html/3721-motions-and-business-papers.asp>

#### Further information

LGSA  
Skye Smith  
02 9242 4052  
[skye.smith@lgsa.org.au](mailto:skye.smith@lgsa.org.au)

**Ref:** R09/0031 SS

[| Top |](#)

---

5.2.27 MOOLARBEN VOLUNTARY PLANNING AGREEMENT (VPA)

REPORT BY THE GENERAL MANAGER  
MOOLARBEN VPA  
A0100052, A0420176

**RECOMMENDATION**

That:

1. **the report by the General Manager on the Moolarben Voluntary Planning Agreement be received;**
2. **Council agrees to amend the Voluntary Planning Agreement with Moolarben Coal Pty Ltd that allows for a one lump sum payment of \$1,365,000 to be paid to Council within 30 days of the stage 2 approvals for their operations. The funds to be used at Councils discretion but will generally be used for community infrastructure capital projects; and**
3. **Council authorises the General Manager to have the draft Voluntary Planning Agreement for stage two scrutinised by Council legal advisers and then placed on public exhibition.**

---

**DETAILED REPORT**

In July 2009 Council agreed to a Voluntary Planning Agreement (VPA) with Moolarben Coal Operations Pty Ltd for stage 2 for their development. The VPA has not made much progress since that date as Moolarben are still awaiting approval from the Department of Planning for that stage 2 approval. That approval has not yet been determined.

The draft VPA agreement with Moolarben for stage 2 was for a payment of \$1,365,000 to be paid to Council in twenty annual instalments commencing March 2012. Each instalment would be \$68,250 per annum. I have had some discussions with the management of Moolarben in recent months and they have agreed to make the payment of \$1,365,000 in one lump sum to be paid to Council within 30 days of the Stage 2 approval.

This report recommends that Council accepts that offer as per the attached letter from Moolarben with the amendment that the maintenance of Ulan Road be excluded from any agreement. The original agreement was for general contribution to Councils community infrastructure and the ongoing maintenance of Ulan Road is subject to a separate process.

**FINANCIAL IMPLICATIONS**

The VPA amendment if agreed would give Council a lump sum payment of \$1,365,000 instead of the same payment over 20 equal annual instalments.

STRATEGIC OR POLICY IMPLICATIONS

Not Applicable

WARWICK L BENNETT  
GENERAL MANAGER

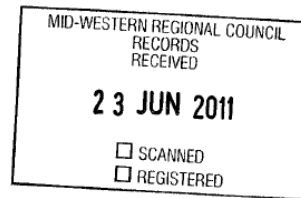
1 July 2011

Attachments: Letter – Moolarben Coal Operations Pty Ltd



20 June 2011

Warwick Bennett  
The General Manager  
Mid Western Regional Council  
PO Box 156  
MUDGEE NSW 2850



Dear Warwick

**Offer of Voluntary Planning Agreement (VPA) - Stage 2 Project Application by Moolarben Coal Mines Pty Ltd (MCM)**

---

MCM lodged an application for Major Project Approval under Part 3A of the *Environmental Planning and Assessment Act 1979 NSW* (EPA Act) for Stage 2 of the Moolarben Coal Project on 14 July 2008.

The Environmental Assessment was publicly exhibited between 18 March 2009 and 29 April 2009 and MCM has since responded to the Department of Planning and Infrastructure (DoPI). On 25 March 2010, the Director-General of DoPI requested that MCM submit a Preferred Project Report (PPR) under section 75H (6) of the EPA Act which is currently being prepared for lodgement with DoPI.

A VPA for Stage 2 has been approved by Mid-Western Regional Council (Council). In correspondence dated 22 December 2010, Council has sought revision to the VPA arrangements for Stage 2. Moolarben Coal has considered Council's request and has agreed to amend the offer. The Stage 1 VPA would remain unchanged.

This offer replaces the previously agreed Stage 2 VPA arrangements.

This offer is made by Moolarben Coal Operations Pty Limited (Moolarben) as the manager of the Moolarben Coal Project as agent for the Moolarben Joint Venture the owners of the Moolarben Coal Project.

*Through the efforts of our people Moolarben Coal will be a world class coal mine.*



### **Offer**

Pursuant to section 93F of the EPA Act, Moolarben offers to enter into a VPA with Council in respect of the Stage 2 Project as proposed in the PPR on the following terms (Offer):

- Within 30 days of a Project Approval for Stage 2 being determined under the EPA Act, Moolarben will pay a lump sum of \$1,365,000.00 to Council (Contribution).
- Council must apply the Contribution towards 'a public purpose or purposes' (as described in section 93F (2) of the EPA Act) relating to the local and/or regional community, including community infrastructure projects and the maintenance of Ulan Road.

### **Process**

#### *Conditions*

The VPA will be subject to the Project Approval not imposing a condition under either of sections 94 and/or 94A of the EPA Act.

#### *Content*

The VPA will address the issues in section 93F of the EPA Act including provision for dispute resolution and security for the payment by way of a guarantee from Yancoal Australia Limited as Moolarben's parent company.

#### *Explanatory Note*

An explanatory note of the planning objectives, nature, effect and merits of the VPA as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000* NSW must be attached to the VPA. This is appropriately done by Council.

#### *Public Exhibition*

The VPA must be made available for public exhibition for at least 28 days. If the VPA is agreed in time, public exhibition may occur during exhibition of the PPR.

#### *Project Commitment*

Moolarben will commit in the PPR to enter into the VPA.

The Project Approval will require Moolarben to enter into the VPA.

#### *Public Register*

The VPA would be entered in a VPA register maintained by Council.

*Through the efforts of our people Moolarben Coal will be a world class coal mine.*

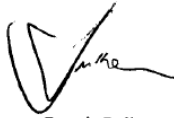


**Conclusion**

Please advise of Council's acceptance of this offer. Following acceptance of the offer, Moolarben will have a draft VPA prepared for approval in anticipation of execution prior to any Project Approval.

Please do not hesitate to contact me to discuss any issue.

Yours faithfully

A handwritten signature in black ink, appearing to read "Frank Fulham".

Frank Fulham

General Manager

*Through the efforts of our people Moolarben Coal will be a world class coal mine.*

## 5.2.28 MURRAY DARLING ASSOCIATION MEMBERSHIP

**REPORT BY GENERAL MANAGER**

Murray Darling association

A0100052, F0710037

**RECOMMENDATION****That:**

- 1. the report by the General Manger on membership to the Murray Darling Association be received; and**
- 2. Council join the Murray Darling Association at a cost of \$5,500.00 to be funded from the Councils Grants and Subscriptions budget.**

**DETAILED REPORT**

Please find attached a self explanatory document in regard to the Murray Darling Association. This report recommends that this Council joins this Association to maintain contact for all information associated with the outcomes being sought by Government for the control of all waterways that lead to the Murray Darling.

The cost of membership is \$5,500 plus GST for a riparian Council. It is recommended to Council that we apply for membership and that the cost of that membership be funded from Council's Grants and Subscriptions budget.

**FINANCIAL IMPLICATIONS**

The cost of membership is \$5,500 plus GST. The membership fee would be from Council Grants and Subscription budget.

**STRATEGIC OR POLICY IMPLICATIONS**

The ongoing policy direction of controls in the Murray Darling River could have a number of effects on the rivers in this region. It is important that Council has as much information as possible to ensure that any policy change or impacts on water flows are fully understood and that appropriate responses formulated.

**WARWICK BENNETT**  
**GENERAL MANAGER**

11 July 2011

Attachments: Murray Darling Association membership details

Welcome to the  
**Murray Darling Association**

website

- your interactive portal for comment and feedback

---

---

**Murray Darling Association**

The Association was formed in 1944 as the Murray Valley Development League. It is an association of over 90 Local Government municipalities, along with community groups, businesses and individuals with an interest in ensuring that the Murray-Darling Basin continues as a viable and valuable asset for all.

The Association is a non-government organisation that transcends state boundaries and represents the views, aspiration and concerns of a large number of people living in the Murray-Darling Basin.

**The Association:**

- Seeks to ensure that the environmental integrity of the Murray-Darling Basin is conserved and protected;
- Believes that Local Government is central to the orderly management of the Basin;
- Encourages responsible development while ensuring that the environment is protected;
- Fosters the involvement of Local Government in natural resource management and decision making processes within the Basin;
- Supports integrated catchment management;
- Provides leadership and helps to resolve conflict;
- Is committed to best practice in management, community involvement and participation, service delivery and accountability.

The Association represents Local Government along the Murray, Darling and other rivers in New South Wales, Victoria, Queensland and South Australia as well as communities that rely on water from the Basin.

**Mission Statement**

The Murray Darling Association's mission is to provide a focus for Local Government and community participation in the major natural resource management issues of the Murray-Darling Basin.

The Association also provides information, facilitates debates, identifies needs and priorities, undertakes projects and education initiatives, promotes research, and aims to influence the policies of government.





[Home](#) > Membership

## Membership

Membership is open to all individuals, companies and organisations with an interest in ensuring a sustainable future for the Murray-Darling Basin.

*The Association welcomes new members and their involvement in our various activities. We encourage you to become part of the largest non-government, not for profit organisation with an interest in the future of the Murray-Darling Basin.*

Please contact us for more information on becoming a member or download a form

in Word Document [Membership Form \(Word doc.\)](#) or [Membership form \(PDF\)](#)

Alternatively, download a Word [Business/Sponsor/Corporate Sponsor Membership form](#) or [Business/Sponsor/Corporate Sponsor Membershi form \(PDF\)](#)

### Benefit of being a Member

For information regarding the benefits of being a member simply email [admin@mda.asn.au](mailto:admin@mda.asn.au) or call one of our offices.

### Membership Amounts

<b>Corporate Patron</b>	<b>\$5,500.00</b>
<b>Corporate Sponsor</b>	<b>\$2,200.00</b>
<b>Patron</b>	<b>\$ 880.00</b>
<b>Sponsor</b>	<b>\$ 440.00</b>
<b>Small Business Member</b>	<b>\$ 180.00</b>
<b>Individual Member</b>	<b>\$ 55.00</b>
<b>Concession</b>	<b>\$ 27.50</b>

*Membership costs are per year with GST included*

### Council Contributions

For Riparian Councils  
Riparian capped at \$5,500 + GST

20.7 cents per head of population  
(plus GST) for the year ending June 2011

For Non-riparian Councils  
Non-Riparian capped at \$2,750 + GST

4.14cents per head of population  
(plus GST) for the year ending June 2011

### Member Councils of the Murray Darling Association

The Association was formed by Local Government and their continual support is central to achieving the Association's objectives. Members and networks are vital in ensuring the Murray Darling Association maintains a representative view of the issues concerning the Murray-Darling Basin.

Click on the link to view [Council members](#), and the region they are in, of the Murray Darling Association

**List of Financial Members as at June 2010**

**Financial Support**

*The Association acknowledges the following for their financial and other valued support of specific projects during the year:*

- Murray Darling Basin Authority
- Department of Sustainability and Environment
- Department of the Environment, Water, Heritage and the Arts
- Snowy Hydro
- Osmoflo / Utilities
- North East Catchment Management Authority
- Goulburn-Murray Water
- Norske Skog, Albury
- Lucas Mills, Beechworth
- Rural City of Wangaratta
- Local Government and Shires Associations of NSW / SA
- Rutherglen Estate Wines
- Rural Development Authority

**Patrons, Sponsors and Small Business Members**

*The Murray Darling Association acknowledges and appreciates the support of the following:*

**Corporate Sponsor**

SA Murray-Darling Basin Natural Resource Management Board - Murray Bridge SA  
Irrigation Water Technologies, Sydney NSW

**Patrons:**

ACTEW Corporation - Canberra ACT  
Cotton Australia Ltd - Surrey Hills NSW  
Country Energy - NSW  
Lower Murray Water - Mildura VIC  
Master Foods Australia - Wodonga VIC  
Murray-Darling Freshwater Research Centre - Wodonga VIC

**Sponsors:**

Albury Wodonga Corporation - Albury NSW  
Barossa Infrastructure - Tanunda SA  
Goldenfields Water County Council - NSW  
Goulburn Valley Region Water Authority - Shepparton VIC  
Grape Exchange, SA/VIC/NSW/QLD  
Mulwala Water Ski Club - Mulwala NSW  
Murrumbidgee Irrigation - Leeton NSW  
Norske Skog Paper Mills (Australia) Limited - Albury NSW  
Queensland Murray-Darling Committee - Toowoomba, QLD  
Riverina Water County Council - Wagga Wagga NSW  
Tandou Pty Ltd - Mildura (VIC/NSW)  
West Corugan Board of Management - Berrigan NSW  
Yarrawonga and Border Golf Club- NSW

**Small Business Members:**

Australian Dried Fruits Association  
Barham & District Services Club - Barham NSW  
Central Irrigation Trust - Barmera SA  
Clark Taylor Farms - SA  
CMV Farms - Langhorne Creek SA  
F-Cubed - Adelaide SA  
Goulburn Murray Water - Tatura VIC  
Houseboat Hirers Association of South Australia  
Lucas, Geoff - Wooragee VIC

**Supporters:**

ALS Water - QLD  
Bluescope Water - Wollongong NSW  
Murray Irrigation Ltd - Deniliquin NSW  
National Foods Milk Limited - Mile End SA  
One Steel Pty Ltd - Whyalla SA  
Water Industry Alliance Inc - Adelaide SA

**Financial Support**

*The Association acknowledges the following for their financial and other valued support of specific projects during the year:*

- Murray Darling Basin Authority
- Department of Sustainability and Environment
- Department of the Environment, Water, Heritage and the Arts
- Snowy Hydro
- Osmoflo / Utilities
- North East Catchment Management Authority
- Goulburn-Murray Water
- Norske Skog, Albury
- Lucas Mills, Beechworth
- Rural City of Wangaratta
- Local Government and Shires Associations of NSW / SA
- Rutherglen Estate Wines
- Rural Development Authority

**Patrons, Sponsors and Small Business Members**

*The Murray Darling Association acknowledges and appreciates the support of the following:*

**Corporate Sponsor**

SA Murray-Darling Basin Natural Resource Management Board - Murray Bridge SA  
Irrigation Water Technologies, Sydney NSW

**Patrons:**

ACTEW Corporation - Canberra ACT  
Cotton Australia Ltd - Surrey Hills NSW  
Country Energy - NSW  
Lower Murray Water - Mildura VIC  
Master Foods Australia - Wodonga VIC  
Murray-Darling Freshwater Research Centre - Wodonga VIC

**Sponsors:**

Albury Wodonga Corporation - Albury NSW  
Barossa Infrastructure - Tanunda SA  
Goldenfields Water County Council - NSW  
Goulburn Valley Region Water Authority - Shepparton VIC  
Grape Exchange, SA/VIC/NSW/QLD  
Mulwala Water Ski Club - Mulwala NSW  
Murrumbidgee Irrigation - Leeton NSW  
Norske Skog Paper Mills (Australia) Limited - Albury NSW  
Queensland Murray-Darling Committee - Toowoomba, QLD  
Riverina Water County Council - Wagga Wagga NSW  
Tandou Pty Ltd - Mildura (VIC/NSW)  
West Cororgan Board of Management - Berrigan NSW  
Yarrawonga and Border Golf Club- NSW

**Small Business Members:**

Australian Dried Fruits Association  
Barham & District Services Club - Barham NSW  
Central Irrigation Trust - Barmera SA  
Clark Taylor Farms - SA  
CMV Farms - Langhorne Creek SA  
F-Cubed - Adelaide SA  
Goulburn Murray Water - Tatura VIC  
Houseboat Hirers Association of South Australia  
Lucas, Geoff - Wooragee VIC

**Supporters:**

ALS Water - QLD  
Bluescope Water - Wollongong NSW  
Murray Irrigation Ltd - Deniliquin NSW  
National Foods Milk Limited - Mile End SA  
One Steel Pty Ltd - Whyalla SA  
Water Industry Alliance Inc - Adelaide SA

**Financial Members**

These are listed in the Annual Report, for your copy contact one of the Murray Darling Association Offices or email [admin@mda.asn.au](mailto:admin@mda.asn.au)

Copyright 2004 Murray Darling Association

Page URL: <http://www.mda.asn.au/index.cfm?objectid=531DFD41-BCB1-370D-B06B64343B0C20A8>

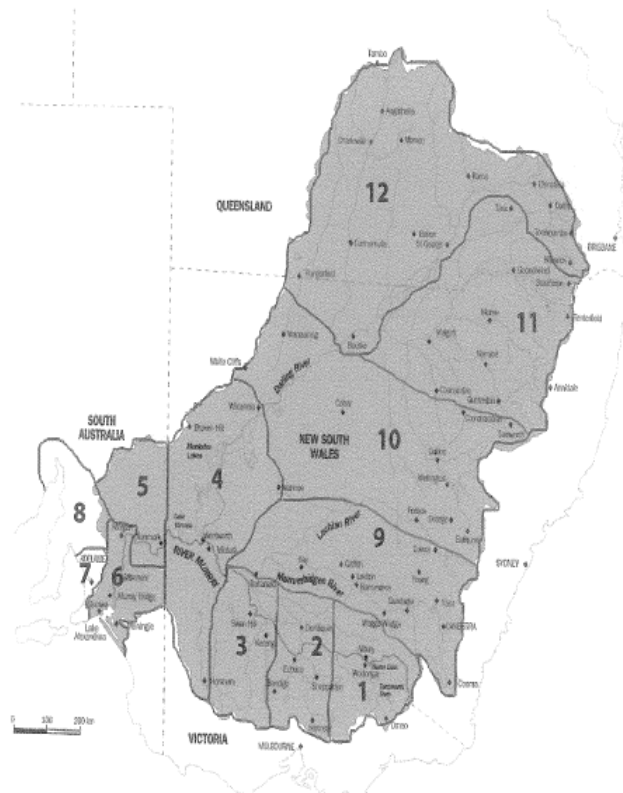


[Home](#) > Regions

**Regions**

The Association is non-political, crosses state boundaries and represents the views and concerns of the people that live in the Murray-Darling Basin. To ensure discussions are representative, the Basin has been divided into a network of 12 regions.

*Representatives from each region meet regularly to identify issues the Association may be involved with.*



**Council members of the Murray Darling Association are:****Region One:**

City of Albury  
City of Wodonga  
Greater Hume Shire Council  
Indigo Shire Council  
Rural City of Wangaratta  
Shire Council of Urana  
Shire of Corowa  
Shire of Towong  
Shire of Tumbarumba

**Region Two:**

Jerilderie Shire Council  
Municipality of Deniliquin  
Murray Shire Council  
Shire of Berrigan  
Shire of Campaspe  
Shire of Conargo  
Shire of Moira

**Region Three:**

Rural City of Swan Hill  
Shire of Balranald

Shire of Gannawarra  
Shire of Wakool

**Region Four:**

City of Broken Hill  
Rural City of Mildura  
Shire of Central Darling  
Shire of Wentworth

**Region Five:**

District Council of Berri Barmera  
District Council of Loxton Waikerie  
District Council of Renmark Paringa

**Region Six:**

Alexandrina Council  
Coorong District Council  
District Council of Southern Mallee  
Karoonda East Murray District Council  
Mid Murray Council  
Rural City of Murray Bridge  
Tatiara District Council

**Region Seven:**

City of Adelaide  
City of Burnside  
City of Campbelltown  
City of Holdfast Bay  
City of Marion  
City of Mitcham  
City of Norwood, Payneham & St Peters  
City of Onkaparinga  
City of Playford  
City of Port Adelaide Enfield  
City of Prospect  
City of Tea Tree Gully  
City of West Torrens  
Town of Walkerville

**Region Eight:**

City of Port Augusta  
District Council of Barunga West  
Light Regional Council  
City of Whyalla  
Clare & Gilbert Valleys Council  
District Council of Mallala  
District Council of Mount Remarkable  
District Council of the Copper Coast  
District Council of Yorke Peninsula  
Port Pirie Regional Council  
Regional Council of Goyder  
The Barossa Council  
Wakefield Regional Council

**Murrumbidgee Region (9)**

City of Wagga Wagga  
Leeton Shire Council  
Lockhart Shire Council  
Murrumbidgee Shire Council  
Shire of Carrathool  
Shire of Hay  
Tumut Council  
Gundagai  
City of Griffith

**Region Ten:**

Bathurst Regional Council  
Bogan Shire Council  
Bourke Shire Council  
Coonamble Shire Council  
Cobar Shire Council  
Dubbo City Council  
Forbes Shire Council  
Lachlan Shire Council  
Parkes Shire Council

Warren Shire Council  
Wellington Council

**Region Eleven:**

Brewarrina Shire Council  
Goondiwindi Regional Council  
Moree Plains Shire Council  
Tenterfield Shire Council  
Walgett Shire Council

**Region Twelve:**

Balonne Shire Council  
Maranoa Regional Council  
Paroo Shire Council  
Southern Downs Regional Council  
Toowoomba Shire Council  
Warroo Shire Council  
Western Down Regional Council

## 5.2.29 RELOCATION OF MUDGEES VISITORS CENTRE - MUDGEES REGIONAL TOURISM INC.

REPORT BY GENERAL MANAGER  
Relocation of Mudgee Visitors Centre  
A0100052, F0770077

**RECOMMENDATION**

**That:**

- 1. the report by the General Manager on the relocation of the Mudgee Visitors Centre be received;**
- 2 Council not proceed with any further action for the relocation of the Mudgee Visitor Centre.**

---

**DETAILED REPORT**

At the June Committee meetings it was resolved by Council that staff investigate the relocation of the Mudgee Visitor Centre to the railway station building. Before commencing this investigation I sought the opinion of the MRTI Board. Their response is attached.

As the MRTI Board is not supportive of such relocation, this report recommends that no further investigation be undertaken.

**FINANCIAL IMPLICATIONS**

Not Applicable

**STRATEGIC OR POLICY IMPLICATIONS**

Not Applicable

**WARWICK BENNETT**  
**GENERAL MANAGER**

4 July 2011

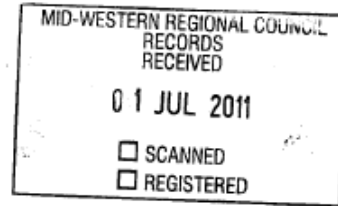
Attachments: Letter from MRTI



MUDGE E REGION TOURISM INC.  
84 Market St, Mudgee NSW 2850  
T: 02 6372 1020 F: 02 6372 2853  
www.visitmudgeeregion.com.au  
ABN 18 997 389 853

26 June 2011

Mr Warwick Bennett  
General Manager  
Mid Western Regional Council  
86 Market St  
Mudgee NSW 2850



Dear Warwick

**Mudgee Visitors Centre**

Thankyou for your letter dated 2 June regarding the location of the Mudgee Visitors Centre.

The letter was tabled at the June board meeting on Wednesday 22 June and the matter was discussed.

The Mudgee Visitors Centre is a Level One Centre, accredited through the state-wide Accredited Visitor Information Centre (AVIC) network. The advice from AVIC in relation to the location of a visitors centre is clear (via email from AVIC)

**Your AVIC MUST:**

- be located on the main approach to a town or city, or in a prime position

As suggested in your letter, the members of the board agreed that an investigation of the location of the Visitors Centre location is not worthy of further investigation, nor an allocation of staff resources.

If you require further information, please contact me or the MRTI Chairman, Rob Duffy.

Kind Regards

Lucy White

CEO



## 5.2.30 ROAD NAMING – MUDGEES

REPORT BY MANAGER GOVERNANCE Road Naming A0100052, R0790141
---

**RECOMMENDATION****That:**

- 1. the report by the Manager Governance about the naming of the un-named cul-de-sac off Bellevue Road Mudgee be received; and**
- 2. Council endorse the road name “Dud Mills Place” for the cul-de-sac that runs south off Bellevue Road, Mudgee.**

**EXECUTIVE SUMMARY**

Council staff have undertaken a public consultation process to determine the preferred name for an un-named cul-d-sac running south off Bellevue Road, Mudgee. This report recommends that the cul-d-sac be named ‘Dud Mills Place’, as per Councils resolution dated 3 August 1993, recommending road names for future use in Mudgee.

**DETAILED REPORT**

Following the construction of a new subdivision off Bellevue Road Mudgee, the subsequent creation of a cul-d-sac and that dwellings are nearing completion in the cul-de-sac, it is appropriate that this cul-de-sac be named.

Public consultation included an advertisement placed in the May 2011 edition of Community News seeking submissions on the proposed name ‘Hennessey Place’, being the road name submitted to Council by the property developer given that the developer had indicated that Hennessey was the name of the original owner of the land.

One submission was received in response to Council’s advertisement in the Community News in support of the proposal and also advising of the correct spelling of ‘Hennessey’.

The Geographical Names Board guidelines for the naming of roads stipulate that the name of any living persons should not be used. Hennessey Place has been suggested for use based on the previous ownership of the land. These persons are still residing in the area of Mudgee.

Council staff therefore recommends the use of the name ‘Dud Mills Place’ on the basis that the name has historical significance to the area of Mudgee and would be named after Dud Mills, a successfully published Bush Poet local to Mudgee and who died in 1992.

**FINANCIAL IMPLICATIONS**

Cost of Gazettal notice plus purchase and installation of two signs.

STRATEGIC OR POLICY IMPLICATIONS

Road naming is legislated under the *Roads Act 1993*. This Act empowers the authority in charge of the road with the rights to name it. The naming of this road will allow the completion of street addressing and allow new housing in Mudgee to have a distinctive street address.

IAN ROBERTS  
MANAGER GOVERNANCE

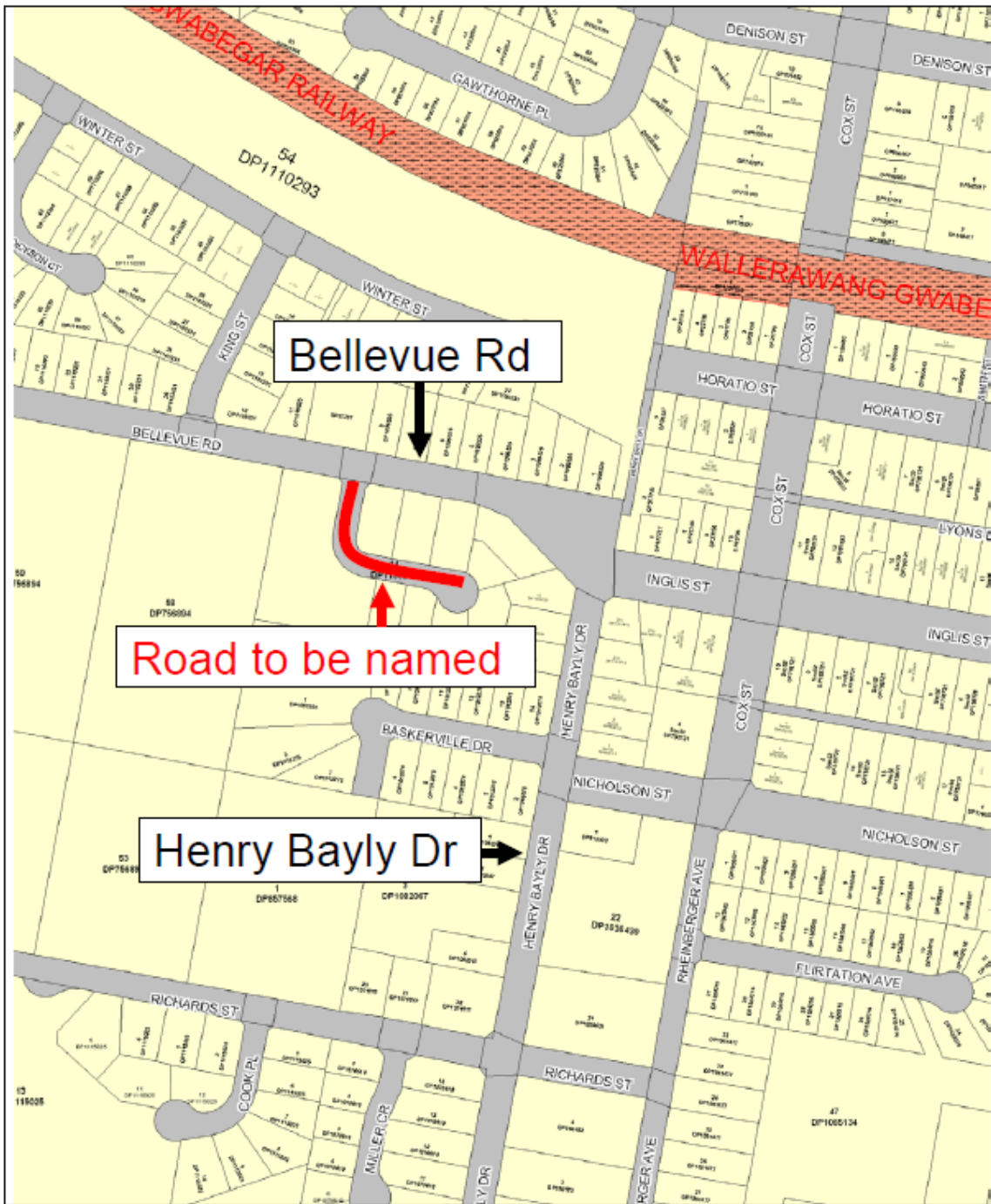
7 July 2011

Attachments:

- 1 Map
- 2 Letter from Mr Hennessy

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER



ATTACHMENT 2

51 Court Street  
Mudgee . NSW 2850  
19<sup>th</sup> May 2011

Mr. W. Bennett  
General Manager  
Mid-Western Council  
PO Box 156  
Mudgee NSW 2850

Dear Mr. Bennett

RE PROPOSED NAMING OF UN-NAMED ROAD

I refer to your public notice in the Community News supplement in the Mudgee Guardian of Friday 13<sup>th</sup> May 2011 re naming a road '**Hennessy Place**'.

The naming of the un-named road coming off Bellevue Road has been suggested - '**Hennessy Place**'.

My wife and I would be honoured to have something in our name for these reasons:

- Previous owners of the land
- Our contributions to our community – my wife as nursing sister at Mudgee and Gulgong hospitals for over 20 years (Deputy Director of Nursing at Mudgee and Director of Nursing at Gulgong)  
- myself as District Agronomist Mudgee for 30 years and my role in the beginning of the Small Farms Field Days back in 1977 and other community roles ( committees - Pioneer House, Mudgee Bowling Club)

If '**Hennessy Place**' is the name approved I would be dismayed if the spelling was not correct.

The correct spelling is – **HENNESSY**. It does **not** end in '**EY**'.

Yours faithfully

  
Gerald Hennessy



## 5.2.31 RURAL ROAD NAMING

REPORT BY MANAGER GOVERNANCE  
Road Naming in the Locality of Two Mile Flat  
A0100052, R0790041

**RECOMMENDATION**

**That:**

- 1. the report by the Manager Governance on road naming in the locality of Two Mile Flat be received; and**
- 2. the unnamed road accessed off Goolma Road at Two Mile Flat and running from the Goolma Road in a northerly direction to the Cudgegong River, be formally named as Hassell Lane.**

**EXECUTIVE SUMMARY**

Council staff are progressing with the naming of a road reserve that is accessed off Goolma Road in the Locality of Two Mile Flat. As indicated on attached map, road reserve to be named as highlighted red.

**DETAILED REPORT**

Late last year, Council canvassed adjoining owners and the general public for submissions on suggested road names for the above mentioned road reserve, running north-south from the Cudgegong River to the Goolma Road. Submissions received to date as names for this road are as follows:

- Hassell Lane
- Newcliffe Lane
- Warburton Lane

Although it has been suggested that Council has already named this road reserve Wrights Lane, a thorough check of Council records has failed to find any such decision. In this regard it should be noted that consultation with the Geographical Names Board (GNB) has advised that they have no record of this road reserve being named Wrights Lane and furthermore that this name would not be supported by the GNB as Wrights Lane already exists in the locality of Mebul and does not connect with this road reserve.

Council staff currently favours naming this road reserve Hassell Lane as a small section of this road reserve (as highlighted yellow on attached map) is already recorded by Council as being known as Hassell Street. It should be noted that this road reserve extends on the southern side of the Goolma Road. At this stage, however, it is only proposed that Council name the road reserve on the northern side of the Goolma Road running between that road and the Cudgegong River.

It is understood that the use of 'Street' is limited to use for Urban Addressing and therefore the use of 'Lane' is more appropriate in this instance.

If Hassell Lane is not approved, Council staff have a view that a secondary preference of Warburton Lane be considered. From a historical aspect, according to the old Parish Maps dated

1970 the location of this road reserve provided access to an area previously designated as the Town Village of Warburton. Warburton Lane is therefore proposed as a secondary preference and if not used in this instance, to also be approved for future use in the area of Two Mile Flat, and subject to approval from the GNB.

FINANCIAL IMPLICATIONS

Not Applicable

STRATEGIC OR POLICY IMPLICATIONS

Not Applicable

IAN ROBERTS  
MANAGER GOVERNANCE

8 July 2011

Attachments: Map of Road Reserve

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER



5.2.32 REINSTATEMENT OF FEES FOR RYLSTONE SHOWGROUND

REPORT BY ADMINISTRATION & BUILDING COORDINATOR  
RYLSTONE SHOWGROUND FEES  
A0100052, F0650139, A0140341

**RECOMMENDATION**

That:

1. the report by Administration and Building Coordinator on Fees & Charges for Rylstone Showground be received; and
2. the fees for the Rylstone Showground be added the Council's fees and charges for 2011/2012 as follows:

		2010/11	2011/12
<b>Regular Hirers:</b>			
<b>Sporting Groups use Rylstone Kandos</b>			
<b>Sports Groups Fees</b>			
Rylstone Show Society		286.00	295.00
Bond		1,144.00	1,500.00
Pony Club	per day	48.40	50.00
	Special events	96.80	100.00
<b>Clearing Sales/Auction Sales</b>			
<b>Commercial Markets</b>			
Swap Meet		96.80	100.00
Sheepdog Trials	Per event	343.20	355.00
<b>School – Ground Hire</b>			
<b>Horse Events:</b>			
Ring Hire – Main Arena	Per day	113.30	115.00
Bond		100.10	105.00
Grassed Areas	Per day	57.20	60.00
Bond		248.60	255.00
Circus (per performing night)	+ power	171.60	175.00
Security deposit	Per day	572.00	600.00
Bar Hire		52.80	55.00
Shelter Shed		52.80	55.00
Cattle Shed	Per day of function	57.20	60.00
Sheep Shed	Per day of function	91.30	95.00
<b>Other community /Non-Profit Groups</b>			
<b>25% of Base Amount plus GST</b>			
Major Event	Per day	1,144.00	1,500.00
Bond		1,144.00	1,500.00
<b>Plus power at cost plus cleaning and restoration at cost</b>			



EXECUTIVE SUMMARY

The purposed of this report is to request that fees and charges for the Rylstone Showground be incorporated into the 2011/12 Fees & Charges schedule. There are a number of user groups, both profit and non-profit, that utilise this asset and expect facilities to be in an acceptable state when they arrive. Maintenance on both buildings and grounds are still funded and resourced by Council.

DETAILED REPORT

The Rylstone Showground is an important asset for Council and requires attention from Council staff with regards to building and ground maintenance on a regular basis. Cleaning and general maintenance of the Rylstone Showground undertaken by Council, enabling continued and potentially increased use by the community.

There are a number of users/community groups that utilise this facility. Some are profit and others non-profit organisations. The proposed fees cover the diversity of the groups to allow reasonable fees when utilising the showground. All groups expect Council to provide facilities that have been cleaned prior to their arrival and some tend to not leave the facilities in the same state, therefore draining resources.

We need to continue developing and improving the Rylstone Showground, maintaining a suitable resource for all users, therefore, booking fees are still appropriate to enable Council to do so. All active parks in the Mid-Western Regional Council area require fees to be paid, therefore the asset can be maintained and improved. The continued collection fees for active parks needs to remain for all our active parks.

During the review of Fees & Charges as part of the development of the 2012 Management Plan, the Rylstone Showground section was deleted because the Showground Management Committee undertake maintenance of the facility. However, Council still incurs costs in cleaning and maintaining the facility, and has provided for a \$300,000 upgrade in the 2013/14 financial year.

The proposed fees and charges for 2012 reflect the 2011 amounts, generally increased by 3% but rounded to the nearest \$5. Bond amounts for the Show and Major Events have been increased to \$1,500 (Mudgee Show Society \$3,375).

FINANCIAL IMPLICATIONS

Proposed Fees & Charges for 2011/12 are:

	2010/11	2011/12
<b>Regular Hirers:</b>		
<b>Sporting Groups use Rylstone Kandos</b>		
<b>Sports Groups Fees</b>		
<b>Rylstone Show Society</b>	286.00	295.00
<b>Bond</b>	1,144.00	1,500.00
<b>Pony Club</b>		
per day	48.40	50.00
Special events	96.80	100.00
<b>Clearing Sales/Auction Sales</b>		
<b>Commercial Markets</b>		
<b>Swap Meet</b>	96.80	100.00
<b>Sheepdog Trials</b>		
Per event	343.20	355.00
<b>School – Ground Hire</b>		
<b>Horse Events:</b>		

Ring Hire – Main Arena	Per day	113.30	115.00
Bond		100.10	105.00
Grassed Areas	Per day	57.20	60.00
Bond		248.60	255.00
Circus (per performing night)	+ power	171.60	175.00
Security deposit	Per day	572.00	600.00
Bar Hire		52.80	55.00
Shelter Shed		52.80	55.00
Cattle Shed	Per day of function	57.20	60.00
Sheep Shed	Per day of function	91.30	95.00
<b>Other community /Non-Profit Groups 25% of Base Amount plus GST</b>			
Major Event	Per day	1,144.00	1,500.00
Bond		1,144.00	1,500.00
<b>Plus power at cost plus cleaning and restoration at cost</b>			

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

KRISTIE WARD  
ADMINISTRATION & BUILDING COORDINATOR

BRAD CAM  
GROUP MANAGER -  
OPERATIONS

8 July 2011

Attachments: Nil.

APPROVED FOR SUBMISSION:

WARWICK BENNETT  
GENERAL MANAGER

## 5.2.33 WILPINJONG VOLUNTARY PLANNING AGREEMENT – AMMENDMENT

REPORT BY GENERAL MANAGER WILPINJONG VOLUNTARY PLANNING AGREEMENT - AMMENDMENT A0100052, A0420169, A0420028
---

**RECOMMENDATION****That:**

- 1. the report by General Manager on the amendment to the Wilpinjong Voluntary Planning Agreement be received; and**
- 2. Council agrees to an amendment to the Wilpinjong Voluntary Planning Agreement that will allow for the \$600,000 payment to Council to be expended on the Pitt Lane roundabout on Ulan Road and that the 2012/16 Management Plan be amended accordingly.**

**DETAILED REPORT**

Council entered into a Voluntary Planning Agreement with Wilpinjong Coal Mine to have sealed 2.8 kilometres of the Ulan Wollar Road. That section of road is now subject to the Moolarben Coal Mines stage 2 determination when approved and will be relocated. Apparently that part of the road is essential to the ongoing operations of the Moolarben Coal development and they have agreed to the relocation to an alignment suitable to Council. A separate process will need to be gone through with Council for that relocation.

In the meantime the Council has an additional \$600,000 from Wilpinjong that it is able to spend in the region. The actual use of the monies will need to be agreed with Wilpinjong. They have requested that the monies be spent on the Ulan Road as that is the other major road staff, contractors and visitors to Wilpinjong use.

Other options that have been suggested by Councillors have been Cope Road, Kandos Grandstand and the new regional library. These ideas were put to Wilpinjong but they have stated that the original agreement was for road to and from their site and thus the continuation of that thinking should continue. This report recommends that the \$600,000 for the Voluntary Planning agreement with Wilpinjong be used on Ulan Road specifically at the Pitt Lane Roundabout proposal.

**FINANCIAL IMPLICATIONS**

This recommendation if agreed by Council will assist in the funding of the Pitt Lane roundabout. The majority of the funding proposed for the roundabout was from regional road maintenance allocation. These funds will be transferred to other regional roads projects and recommendations to this effect will be forwarded to Council as part of the September quarterly review.

STRATEGIC OR POLICY IMPLICATIONS

The Pitt Lane roundabout is part of the works programme proposed for 2011/12 financial year.

WARWICK BENNETT  
GENERAL MANAGER

8 July 2011

*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 6: URGENT BUSINESS WITHOUT NOTICE**