

ORDINARY MEETING

WEDNESDAY 21 SEPTEMBER 2011

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

Mid-Western
REGIONAL COUNCIL



PO BOX 156
MUDGEE NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850

Fax: (02) 6378 2815

email: council@midwestern.nsw.gov.au

15 September 2011

Dear Councillor

MEETING NOTICE

ORDINARY MEETING
WEDNESDAY 21 SEPTEMBER 2011

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

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

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

Yours faithfully

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

WARWICK BENNETT
GENERAL MANAGER

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ITEM 1: APOLOGIES

ITEM 2: ANNUAL ELECTIONS

2.1 DELEGATIONS TO THE MAYOR

REPORT BY MANAGER GOVERNANCE delegations mayor A0100052, A0110016

RECOMMENDATION

That Council:

1. pursuant to the provisions of Section 377 of the Local Government Act, 1993, delegate to the Mayor authority:
 - a) To monitor the General Manager in the exercise of the General Manager's powers, duties and functions;
 - b) To authorise work, not approved in the Budget/Management Plan, which in the Mayor's opinion, is urgent at a cost not exceeding \$20,000 except in the case of Bush Fire Emergency where the limit is \$50,000;
 - c) To approve the attendance of any Councillor at meetings or functions between Council meetings, that the Mayor would normally attend on behalf of Council;
 - d) To affix and witness the Common Seal of Council, in response to a resolution of Council, to any necessary documents in conjunction with the General Manager or another councillor;
 2. adopt the attached delegations for the Mayor.
-

EXECUTIVE SUMMARY

To determine the Mayor's delegations and Role Statement for the period September 2011 to September 2012.

DETAILED REPORT

Section 226 of the Local Government Act, 1993 relates to the role of the Mayor. Section 377 of the Act enables the Council to delegate its functions.

FINANCIAL IMPLICATIONS

Not Applicable

STRATEGIC OR POLICY IMPLICATIONS

Not Applicable

IAN ROBERTS
MANAGER GOVERNANCE

1 August 2011

Attachments: Delegation of Authority for the Mayor

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

MID-WESTERN REGIONAL COUNCIL

DELEGATION OF AUTHORITY FOR THE MAYOR

The following authorities be delegated to the Mayor pursuant to the provisions of Section 377 of the Local Government Act, 1993:

1. To monitor the General Manager in the exercise of the General Manager's powers, duties and functions.
2. To authorise work, not approved in the Budget/Management Plan, which in the Mayor's opinion, is urgent at a cost not exceeding \$20,000 except in the case of Bush Fire Emergency where the limit is \$50,000.
3. To approve the attendance of any Councillor at Meetings or Functions between Council Meetings, that the Mayor would normally attend on behalf of Council.
4. To affix and witness the Common Seal of Council, in response to a resolution of Council, to any necessary documents in conjunction with the General Manager or another Councillor.

ROLE STATEMENT FOR MAYOR

A STATUTORY

- (i) To exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council.
- (ii) To exercise such other functions of the Council as the Council determines.
- (iii) To preside at Meetings of the Council.
- (iv) To carry out the Civic and Ceremonial functions of the Mayoral Office.

B CORPORATE PLANNING

- (i) Exercise leadership and give direction to the elected Council in the pursuit of the Council's goals, objectives and Management Plan.

C EXTRAORDINARY/SPECIAL/SENSITIVE ISSUES

- (i) Receive advice from the organisation's Management and other sources on extraordinary, special, sensitive and other issues and, where appropriate, refer matters to the General Manager for attention.
- (ii) Represent the Council in deputations to government, inquiries and other forums where it is appropriate that the Mayor should present Council's position.

- (iii) Present the Council and its decisions and position in a positive way to the community, the media, to government and to others interested in the region.
- (iv) Conduct interviews with residents, groups, corporations and others on matters, which affect Council's Policy making role.
- (v) Where directed by Council, requested by a Committee Chairman or the General Manager or where deemed appropriate by the Mayor assume the lead in matters of Council or community interest.

D FUNCTIONAL

- (i) To authorise work, which in the Mayor's opinion, is urgent at a cost not exceeding \$20,000 except in the case of Bush Fire Emergency where the limit is \$50,000.
- (ii) To approve the attendance of any Councillor at Meetings or Functions between Council Meetings, that the Mayor would normally attend on behalf of Council.
- (iii) To affix and witness the Common Seal of Council, in response to a resolution of Council, to any necessary documents in conjunction with the General Manager or another Councillor.

E SUPERVISORY

- (i) In consultation with the Committee Chairpersons, establish, monitor and review the performance of the General Manager against the General Manager's approved performance measures.

F COMMUNITY LEADER

- (i) Attend Council, Community and other functions as required and as appropriate as Mayor.
- (ii) Assume a role, which will bring dignity to the Office and credit to the Council and the region in dealings within and outside the local government area.

2.2 ELECTION OF MAYOR

REPORT BY MANAGER GOVERNANCE
election mayor
A0100052, A0110008

RECOMMENDATION

That:

- 1. Council determine that the Ballot for the election of the Mayor be by Ordinary Ballet/Open Voting/Preferential Ballot (delete two);**
- 2. the election be conducted by the General Manager, Warwick Bennett and the Manager Governance, Ian Roberts.**

EXECUTIVE SUMMARY

To elect the Mayor for the period September 2011 to September 2012.

DETAILED REPORT

The Mayor is elected by the Councillors from among their number.

The Local Government Act 1993 provides that where the Mayor is elected by the Councillors from among their number, the election shall be held within 3 weeks after the ordinary election (Section 290) and the Mayor shall hold office for one year (Section 230).

As provided by Clause 394 of the Local Government (General) Regulation 2005, the conduct of the election of the Mayor is governed by the provisions of Schedule 7 of that Regulation.

Council has, however, adopted a policy to facilitate the election, whereby nomination forms are made available to Councillors prior to the date of the election.

Local Government (General) Regulation 2005 Requirements

The Returning Officer for the election of the Mayor shall be the General Manager (or a person appointed by the General Manager). The General Manager has indicated that he will act as Returning Officer and that the Manager Governance will assist.

Nominations for the Mayor shall be in writing, but may be without notice, by two (2) or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer who is to announce the names of the nominees at the Council Meeting at which the election is to be held.

If only one candidate is nominated, that Councillor is elected.

When more than one candidate is nominated, the Council may, by resolution, decide whether the election shall be carried out by:

- a) Ordinary Ballot - Involving the marking of Ballot Papers - subsequent exclusion of one candidate; further voting and exclusions; repeated until two candidates only remain, final vote between remaining two candidates.
- b) Open Voting - Procedure identical to Ordinary Ballot, however, the voting is by show of hands or similar means, not a Ballot Paper.
- c) Preferential Ballot - The complete numbering of Ballot Papers in consecutive order of preference for all candidates, commencing with "1" as first preference.

Drawing of Lots - If this becomes necessary, it shall be done by the Returning Officer.

In any case for the purpose of excluding a candidate, the candidate's name drawn shall be excluded. In any case for the purpose of electing a candidate, the candidate's name drawn shall be elected.

FINANCIAL IMPLICATIONS

Not Applicable

STRATEGIC OR POLICY IMPLICATIONS

Not Applicable

IAN ROBERTS
MANAGER GOVERNANCE

1 August 2011

Attachments: Nil

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

2.3 ELECTION OF DEPUTY MAYOR

REPORT BY MANAGER GOVERNANCE election deputy mayor A0100052, A0110008

RECOMMENDATION:

That:

- 1. Council determine that the Ballot for the election of the Deputy Mayor be by Ordinary Ballet/Open Voting/Preferential Ballot (delete two);**
- 2. the election be conducted by the General Manager and Manager Governance.**

EXECUTIVE SUMMARY

To elect the Deputy Mayor for the period September 2011 to September 2012.

DETAILED REPORT

Section 231 of the Local Government Act 1993 provides that the Councillors may elect a person from among their number to be the Deputy Mayor. That person may be elected for the mayoral term or for a shorter term. The Deputy Mayor has no specific functions other than to exercise the functions of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising those functions or if there is a casual vacancy in the office of the Mayor.

As provided by Clause 394 of the Local Government (General) Regulation 2005, the election of the Deputy Mayor is governed by the provisions of Schedule 7 of that Regulation.

Council has, however, adopted a policy to facilitate the election, whereby nomination forms are made available to Councillors prior to the date of the election.

Local Government (General) Regulation 2005 Requirements

The Returning Officer for the election of the Deputy Mayor shall be the General Manager (or a person appointed by the General Manager). The General Manager has indicated that he will act as Returning Officer and that the Manager Governance will assist.

Nominations for the office of Deputy Mayor shall be in writing, but may be without notice, by two (2) or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer who is to announce the names of the nominees at the Council Meeting at which the election is to be held.

If only one candidate is nominated, that Councillor is elected.

When more than one candidate is nominated, the Council may, by resolution, decide whether the election shall be carried out by:

- a) Ordinary Ballot - Involving the marking of Ballot Papers - subsequent exclusion of one candidate; further voting and exclusions; repeated until two candidates only remain, final vote between remaining two candidates.
- b) Open Voting - Procedure identical to Ordinary Ballot, however, the voting is by show of hands, not the Ballot Paper.
- c) Preferential Ballot - The complete numbering of Ballot Papers in consecutive order of preference for all candidates, commencing with "1" as first preference.

Drawing of Lots - If this becomes necessary, it shall be done by the Returning Officer.

In any case for the purpose of excluding a candidate, the candidate's name drawn shall be excluded. In any case for the purpose of electing a candidate, the candidate's name drawn shall be elected.

FINANCIAL IMPLICATIONS

Not Applicable

STRATEGIC OR POLICY IMPLICATIONS

Not Applicable

IAN ROBERTS
MANAGER GOVERNANCE

1 August 2011

Attachments: Nil

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

2.4 CREATION OF STANDING COMMITTEES

REPORT BY GENERAL MANAGER
Three standing committees
A0100052, A0110015

RECOMMENDATION:

That:

1. Council has three (3) Standing Committees, being Planning and Community Committee, Works and Assets Committee, and Finance and Corporate Committee, consisting of all Councillors, with the roles and delegated authorities as set out in the Report;
2. Council delegate to its Standing Committees the power to make decisions subject to:
 - a) The positive assent of a minimum of six (6) Councillors.
 - b) The matter not involving any business exclusively reserved to Council in Section 377 of the Local Government Act, 1993, or any other section.
 - c) The matter does not involve the allocation, re-allocation or incurring of any additional expenditure by Council.
 - d) Due notice of the matter being given in the Business Paper for the meeting.
 - e) The matter not involving the adoption of a formal policy.
3. the Chairperson of the Committee shall not have a casting vote;
4. the Committees operate under the requirements contained in the Local Government Act 1993, the Local Government (General) Regulation 2005 and the Council's Code of Meeting Practice; notwithstanding that each Committee, may regulate its own procedure;
5. the roles of Committees be:

Works and Assets Committee

- a) To determine recommendations or make decisions in accordance with resolved delegations in relation to the allocation of resources within budget allocations for the current year for physical engineering works and the management of Council's assets, as appropriate and any other matter relating to Council's Assets that require Council consideration. To determine recommendations or make decisions in accordance with resolved delegations in relation to the allocation of resources within budget allocations for the current year for community services
- b) To determine recommendations concerning policy issues relating to physical works and assets including the planning and financing of those works.

Planning and Community Committee

- a) To determine recommendations or make decisions in accordance with resolved delegations concerning allocation of resources within the budget allocation for the current year for strategic and land use planning and the management of private development in the region and community services matters, as appropriate; and any other matter relating to planning development and community matters that require Council consideration.
- b) To determine recommendations concerning policy issues relating to planning and community matters.

Finance and Corporate Committee

- a) To determine recommendations or make decisions in accordance with resolved delegations concerning allocation of resources within the budget allocation for the current year in respect of the organisation's management services, including all financial and organisational planning, resource allocation across budget programmes and overall budget strategy that require Council consideration.
 - b) To determine recommendations or make decisions in accordance with resolved delegations concerning policy issues relating to finance and corporate matters.
-

DETAILED REPORT

This report recommends the standing committee structure for the next twelve months up until the 2012 Local Government elections. The recommended committee structure in this report is based on the Council approved staff structure.

During the past 12 months, Council has been operating with four (4) Standing Committees, being:

- Planning & Development Committee
- Assets Committee
- Cultural & Community Services Committee
- Finance and Corporate Services Committee

The Council has any number of options that could be considered. These include, but are not limited to:

Retain existing Committee Structure

Council could retain the committee structure it has enjoyed for the last twelve months being

- Planning & Development Committee
- Assets Committee
- Cultural & Community Services Committee
- Finance and Corporate Services Committee

There is no need or requirement for the Council political structure to mirror the staff structure.

No Committees at all

An option would be that Council does not have any committees. Council could decide to have two Council meetings a month or even just one meeting per month. The Mayor has the authority now to call extraordinary meetings if matters are urgent. The current committee structure involves all Councillors and the majority of decisions made are resolutions of council because the delegations to committees allow for that. The advantage of doing away with committees is that Council would not have to repeat decision making two weeks later if the committees failed to reach a decision or sufficient majority.

Any other option

Council has the ability to decide on any structure it so thinks fit.

The Local Government Act, 1993 provides that Council must meet at least 10 times per year, each time in a different month. There is no legislative requirement for Council to operate through committees as it does at present.

FINANCIAL IMPLICATIONS

The current budget is based on a structure involving Committees and Council each meeting once per month. It would be unlikely that any political structure put in place by Council could not be adequately allowed for within the budget.

STRATEGIC AND POLICY IMPLICATIONS

On the whole, the Council's decision making structure needs to:

- Provide an adequate forum for open, transparent discussion of issues;
- Promote efficient and effective decision making.

WARWICK BENNETT
GENERAL MANAGER

11 August 2011

2.5 ELECTION OF COMMITTEE CHAIRPERSONS

REPORT BY MANAGER GOVERNANCE 5 election chairpersons A0100052, A0110015

RECOMMENDATION

That:

1. Council confirm the role of Chairpersons of Works & Assets, Planning and Community and Finance and Corporate Committees for the period September 2011 to September 2012 as follows:
 - (a) Be aware of the objectives, responsibilities and guidelines for the operation of the Committee;
 - (b) Be aware of the objectives of Council in relation to the responsibilities and programmes of the Committee;
 - (c) Assert leadership to guide the Committee in its deliberations and to motivate Committee members to ensure that the responsibilities of the Committee are met;
 - (d) Ensure that the Committee evaluates relevant policies, objectives and sections of the Management Plan;
 - (e) Ensure that the Committee plans, monitors and reviews performance of work and services under its control;
 - (f) In consultation with the Mayor, establish, monitor and review the performance of the General Manager against the General Manager's approved performance measures;
 - (g) Consult on a regular basis with the General Manager and Group Managers on matters before the Committee;
 - (h) Preside at meetings of the Committee in accordance with the provisions of the Local Government Act and Regulations and the Council's Code of Meeting Practice and any directions from the Council;
 - (i) Ensure that the Mayor and the Committee are aware of problems that would affect the workings of the Committee;
 - (j) Ensure that the Committee does not move from its position of a decision maker in policy to a decision maker in work execution;
 - (k) Ensure that a proper level of decorum exists during meetings of the Committee and to insist on the maintenance of respect between Councillors and staff;

2. **Council determine that the Ballot for the election of the Chairperson of Committees be by Ordinary Ballet/Open Voting/Preferential Ballot (delete two);**
 3. **the election be conducted by the General Manager and Manager Governance.**
-

EXECUTIVE SUMMARY

To determine the Chairpersons of Committees.

DETAILED REPORT

Council had previously adopted the following as the role of the Committee Chairpersons:

1. Be aware of the objectives, responsibilities and guidelines for the operation of the Committee.
2. Be aware of the objectives of Council in relation to the responsibilities and programmes of the Committee.
3. Assert leadership to guide the Committee in its deliberations and to motivate Committee members to ensure that the responsibilities of the Committee are met.
4. Ensure that the Committee evaluates relevant policies, objectives and sections of the Management Plan.
5. Ensure that the Committee plans, monitors and reviews performance of work and services under its control.
6. In consultation with the Mayor, establish, monitor and review the performance of the General Manager against his approved performance measures.
7. Consult on a regular basis with the General Manager, Assistant General Managers or Section Managers on matters before the Committee.
8. Preside at meetings of the Committee in accordance with the provisions of the Local Government Act and Regulations and the Council's Code of Meeting Practice and any directions from the Council.
9. Ensure that the Mayor and the Committee are aware of problems that would affect the workings of the Committee.
10. Ensure that the Committee does not move from its position of a decision maker in policy to a decision maker in work execution.
11. Ensure that a proper level of decorum exists during meetings of the Committee and to insist on the maintenance of respect between Councillors and staff.

The above recommendation assumes that Council adopts the recommendation in the previous report for retains three (3) Standing Committees based on the approved staff structure, being Works & Assets Committee, Planning & Community Committee and Corporate Services Committee.

Council should now elect the Chairpersons of Committees for the period September 2011 to September 2012 and confirm the role of Chairperson. It is proposed the election be along the same lines as for that for Mayor and Deputy Mayor.

FINANCIAL IMPLICATIONS

Not Applicable

STRATEGIC OR POLICY IMPLICATIONS

Not Applicable

IAN ROBERTS
MANAGER GOVERNANCE

15 August 2011

Attachments: Nil

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

2.6 COUNCIL ADVISORY COMMITTEES

REPORT BY MANAGER GOVERNANCE
Advisory committees
A0100052, A0110015

RECOMMENDATION

That Council:

- A. confirm the membership of all proposed Council Advisory Committees with external membership as shown on the attached schedule;
- B. appoints the following Councillor Representatives to the following Committees:
1. Mudgee Showground Management Committee
(2 Councillors)
 2. Kandos Bicentennial Industrial Museum Committee
(1 Councillor)
 3. Gulgong Memorial Hall Committee
(1 Councillor)
 4. Red Hill Reserve Working Party
(1 Councillor)
 5. Mid-Western Regional Council Peak Sports Council
(Chairs and Presidents of Sports councils with one meeting per year)
 6. Mudgee Sports Council Sub Committee
(1 Councillor)
 7. Gulgong Sports Council Sub Committee
(1 Councillor)
 8. Rylstone Sports Council Sub Committee
(1 Councillor)
 9. Mid-Western Regional Council Heritage Committee
(1 Councillor)
 10. Mudgee & Gulgong Access Committee
(1 Councillor)
 11. Rylstone & Kandos Access Committee
(1 Councillor)
 12. Mid-Western Regional Cultural Development Committee
(1 Councillor)
 13. Australia Day Selection Committee
(Mayor, Deputy Mayor and 1 Councillor)

14. **Mudgee Regional Saleyards Committee**
(3 Councillors)
 15. **Mid-Western Regional Youth Council**
(2 Councillors)
 16. **Internal Audit Committee**
(1 Councillor)
 17. **Community Safety Committee**
(Mayor & Chair of Cultural & Community Committee)
 18. **Noxious Weeds Control Advisory Committee**
(2 Councillors)
 19. **Cudgegong Southbank Working Party**
(Delete – not longer required)
 20. **Showground Working Party**
(Delete – no longer required)
 21. **Airport Working Party**
(Delete – no longer required)
 22. **Kandos Centenary Committee**
(1 Councillor)
-

EXECUTIVE SUMMARY

Council needs to determine its advisory committees which have established pursuant to Section 355 of the Local Government Act 1993 and to appoint/elect Councillors to these committees.

DETAILED REPORT

Section 355 of the Local Government Act, 1993, provides that Council's functions may be exercised:

- by the Council
- by a Council Committee
- partly or jointly by the Council and another person or persons
- by two or more Councils jointly
- by a delegate of the Council.

At the same time, a Council may seek advice from others (be they individuals or groups/committees) to assist it in carrying out its functions.

Council has previously established several "Section 355 Committees" to assist in carrying out its functions. Some of these actually operate facilities on Council's behalf while others are established to provide advice to Council.

Council needs to determine whether to continue with these committees and its representation.

Details of the existing Committee structure are set out on the attachment.

FINANCIAL IMPLICATIONS

The attendance at these committees and other organisations usually occurs a travel cost to Council which is included in the budget

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

IAN ROBERTS
MANAGER GOVERNANCE

1 August 2011

Attachments: 2010/11 Advisory Committee Structure

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

2010/11 ADVISORY COMMITTEE STRUCTURE**1. Mudgee Showground Management Committee**

Membership	Quorum	Responsibilities	Meetings
Councillors Webb & Holden Manager Operations Mudgee Show Society (1 delegate) Livestock and other animal groups (1 delegate) Building users (1 delegate) Mudgee Horse Interests (1 delegate)	4	Exercise powers delegated by Council under S.377.	2nd Tuesday each month

2. Kandos Bicentennial Industrial Museum Committee

Membership	Quorum	Responsibilities	Meetings
Councillor Martens 9 interested members of the local community	N/A	Management of Kandos Bicentennial Industrial Museum	Once per month

3. Gulgong Memorial Hall Committee

Membership	Quorum	Responsibilities	Meetings
Councillor Thompson Interested representatives of the Gulgong community Manager Property Services	N/A	Promotion of Gulgong Memorial Hall	As required

4. Red Hill Reserve Working Party

Membership	Quorum	Responsibilities	Meetings
Councillor Thompson Community Representatives (10) Manager Library & Community Services	N/A	Development of Masterplan for the Red Hill site	As needed

5. Mid-Western Regional Council Peak Sports Council

Membership	Quorum	Responsibilities	Meetings
Chairs and Presidents from each of the Sports Council Sub Committees	N/A	Co-ordination of activities of Mudgee, Gulgong and Rylstone Sports Council Sub Committees	Once per year

6. Mudgee Sports Council Sub Committee

Membership	Quorum	Responsibilities	Meetings
Councillor Lang 1 delegate from each of the sporting clubs or associations in Mudgee	N/A	Care control and management of active recreational facilities in Mudgee	Monthly

7. Gulgong Sports Council Sub Committee

Membership	Quorum	Responsibilities	Meetings
Councillor Thompson 1 delegate from each of the sporting clubs or associations in Gulgong	N/A	Care control and management of active recreational facilities in Gulgong	Monthly

8. Rylstone Sports Council Sub Committee

Membership	Quorum	Responsibilities	Meetings
Councillor Shelley Interested members of the Rylstone community	N/A	Care control and management of active recreational facilities in Rylstone	Monthly

9. Mid-Western Regional Council Heritage Committee

Membership	Quorum	Responsibilities	Meetings
Councillor Holden Community representatives (up to 13) General Manager's delegate Heritage Advisor	N/A	Provide advice to Council on heritage based issues	Once per month

10. Mudgee & Gulgong Access Committee

Membership	Quorum	Responsibilities	Meetings
Councillor Thompson Community representatives (up to 10) General Manager's delegate	4	Provide advice to Council on Access based issues	Once per month

11. Rylstone & Kandos Access Committee

Membership	Quorum	Responsibilities	Meetings
Councillor Shelley Community representatives (up to 10) General Manager's delegate	4	Provide advice to Council on Access based issues	Bi-monthly

12. Mid-Western Regional Council Cultural Development Committee

Membership	Quorum	Responsibilities	Meetings
Councillor Holden 3 representatives from the art/cultural communities of Mudgee, Gulgong and Rylstone	N/A	Implementation of recommendation of Cultural Plan	As required

13. Australia Day Selection Committee

Membership	Quorum	Responsibilities	Meetings
Mayor, Deputy Mayor & Cr Lang (in addition the panel for Young Farmer of the Year also include Chairs of Mudgee, Gulgong & Rylstone branches of NSW Farmers Federation and Brian Keech)	N/A	To select recipients of Council's Australia Day Awards	As required

14. Mudgee Regional Saleyards Committee

Membership	Quorum	Responsibilities	Meetings
Councillors Martens, Webb & Thompson Agents (2 members) Nat Farmers (1 member) Transport (1 member) Beef Improvement Assoc. (1 member) Manager Plant & Facilities Saleyards Supervisor	N/A	Advise Council on operation and improvements to the Saleyards.	<u>Bi-monthly</u> – Last Monday at 9am.

15. Mid-Western Regional Youth Council

Membership	Quorum	Responsibilities	Meetings
Chair of Community Services Committee & Councillors Holden & Weatherley 2 representatives from each of the 4 high schools Community representatives (up to 4)	4	Consultation and advocacy for youth	Twice each school term (8 per year)

16. Internal Audit Committee

Membership	Quorum	Responsibilities	Meetings
Councillor Martens (Councillor Kennedy as alternate) One representative from each of Lithgow & Oberon Councils General Manager from each Council Internal Auditor	N/A	Oversight of council systems and processes	As required

17. Community Safety Committee

Membership	Quorum	Responsibilities	Meetings
Mayor & Chair of Cultural and Community Services Committee Police (2) Community (3) Business (3) Council staff	N/A	Provide advice to Council on the need for a Community Crime Prevention Plan	As required

18. Noxious Weeds Control Advisory Committee

Membership	Quorum	Responsibilities	Meetings
Councillors Martens & Webb Community members (4) Group Manager Community & Corporate Chief Weeds Officer	N/A	Provide advice to Council on weed control in the MWRC area	As required

19. Cudgegong Southbank Working Party

Membership	Quorum	Responsibilities	Meetings
Councillors Shelley & Walker Community Representatives Group Manager Planning & Development Manager Library & Community Services	N/A	Provide advice to Council on future development of the Southbank site	As required

20. Showground Working Party

Membership	Quorum	Responsibilities	Meetings
Councillor Webb Community Representatives	N/A	Provide advice to Council on future development of the Mudgee Showground	As required

21. Airport Working Party

Membership	Quorum	Responsibilities	Meetings
Councillor Walker	N/A	Provide advice to Council on future development of the Mudgee Airport	As required

22. Kandos Centenary Committee

Membership	Quorum	Responsibilities	Meetings
(Yet to be determined)		To provide input into the celebration of the centenary of Kandos in 2014	

23. Mudgee Aerodrome Security and Emergency Committee

Membership	Quorum	Responsibilities	Meetings
NSW Police (1 delegate) NSW Fire Brigade (1 delegate) NSW Ambulance Service (1 delegate) Rural Fire Service (1 delegate) Airlink Airlines (1 delegate) LEMO Aerodrome Reporting Officer	N/A	Safety and security of Mudgee Aerodrome	Quarterly

2.7 DELEGATES TO EXTERNAL COMMITTEES AND OTHER ORGANISATIONS

REPORT BY MANAGER GOVERNANCE
External Committees and Organisations
A0100052, A0110015

RECOMMENDATION

That:

A. Council appoint its delegates to the following external Committees or other organisations:

1. **Bushfire Management Committee (1 Councillor)**
2. **Rural Fire Service District Liaison Committee (1 Councillor)**
3. **Association of Mine Related Councils (2 Councillors)**
4. **Central Ranges Natural Gas Working Group (Mayor)**
5. **Mudgee Region Tourism Inc (2 Councillors)**
6. **Ulan Coal Mine Community Consultative Committee (2 Councillors)**
7. **Wilpingong Community Consultative Committee (2 Councillors)**
8. **Charbon Community Consultative Committee (1 Councillor)**
9. **Moolarben Community Consultative Committee (2 Councillors)**
10. **Inglenook Exploration Community Consultative Committee (1 Councillor)**
11. **Central West Catchment Management Authority (1 Councillor)**
12. **Bells Line Expressway Group (1 Councillor)**
13. **Macquarie Valley Weeds Advisory Committee (1 Councillor)**
14. **Joint Regional Planning Panel (2 Councillors)**
15. **Lachlan Regional Transport (1 Councillor)**

DETAILED REPORT

Council is represented on numerous external committees and other organisations.

Council needs to determine who its delegates to these external committee's and other organisations for the period September 2011 to September 2012, but before doing so needs to ensure that having a representative on these organisations and external committees has current relevance and is effective for the region.

The schedule attached sets out the current representation.

FINANCIAL IMPLICATIONS

The attendance at these external committees and other organisations usually incurs a travel cost to Council which is included in the budget.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

IAN ROBERTS
MANAGER GOVERNANCE

1 August 2011

Attachments: Delegates to Other Bodies 2010/11

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

DELEGATES TO OTHER EXTERNAL COMMITTEES AND OTHER ORGANISATIONS 2010/11

<u>Name of Organisation</u>	<u>Current Council Delegate</u>
Bushfire Management Committee	Councillor Webb
Rural Fire Service District Liaison Committee	Councillor Webb
Association of Mine Related Councils	Councillors Martens & Thompson
Central Ranges Natural Gas Working Group	Mayor
Mudgee Region Tourism Inc	Councillors Kennedy & Walker
Ulan Coal Mine Community Consultative Committee	Councillors Martens & Webb
Wilpingjong Community Consultative Committee	Councillors Martens & Webb
Charbon Community Consultative Committee	Councillor Martens
Moolarben Community Consultative Committee	Councillors Martens & Webb
Inglenook Exploration Community Consultative Committee	Councillor Webb (with Cr Holden as alternate)
Central West Catchment Management Authority – Local Government Reference Group	Councillor Weatherley
Bells Line Expressway Group	Councillor Thompson
Macquarie Valley Weeds Advisory Committee	Councillor Webb
Joint Regional Planning Panel	Councillors Weatherley & Martens (with Cr Shelley as alternate)
Lachlan Regional Transport	Cr Holden

ITEM 3: CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY MEETING HELD ON 17 AUGUST 2011

COUNCIL DECISION:

That the Minutes of the Ordinary Meeting held on 17 August 2011 Minute Nos 181/11 to 210/11 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 17 AUGUST 2011, COMMENCING AT 6.10 PM AND CONCLUDING AT 6.58 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 Development and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Team Leader Strategic Planning (E Densley), 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

181/11 **MOTION:** Holden / Lang

That the Minutes of the Ordinary Meeting held on 20 July 2011 (Minute Nos. 138/11 to 180/11) be taken as read and confirmed.

The motion was put and carried.

ITEM 3: DISCLOSURES OF INTEREST

Councillor Lang declared a pecuniary interest in Item 5.1 of the Planning and Development Committee as he is the owner of the property which is the subject of this application.

Councillor Holden declared a pecuniary interest in Item 5.1 of the Planning and Development Committee as he owns property above the 520 AHD line and considers that that his property could be affected by this decision.

Councillor Holden declared a non pecuniary conflict of interest in Item 5.3 of the Finance and Corporate Committee as his father was a Korean War veteran.

Councillor Martens declared a pecuniary interest in Item 6.2.3 as she owns property in the former Rylstone Shire and Council is changing the minimum subdivision area.

Councillor Kennedy declared a pecuniary interest in Item 6.2.1 as he owns a Hotel in Mudgee.

Councillor Thompson declared a pecuniary interest in Item 6.2.1 as he has an interest in a Hotel in Mudgee

ITEM 4: MAYORAL MINUTE

There was no Mayoral Minute.

ITEM 5: REPORTS FROM COMMITTEES

PLANNING AND DEVELOPMENT COMMITTEE

182/11

MOTION: Holden / Thompson

That the matters resolved at the Planning and Development Committee meeting held on 3 August 2011 be received and confirmed.

The motion was put and carried.

5.1 DA 0304/2011 - PROPOSED TWO LOT RURAL RESIDENTIAL
SUBDIVISION, LOT 11 DP 1007792, 6 AVISFORD COURT, MUDGEE
A0100052, P1227164

Councillor Lang declared a pecuniary interest in that he is the owner of the property which is the subject of this application, left the meeting at 6.13 pm and did not participate in discussions or vote in relation to this matter.

Councillor Holden declared a pecuniary interest in that he owns property above the 520 AHD line and considers that that his property could be affected by this decision, left the meeting at 6.13 pm and did not participate in discussions or vote in relation to this matter.

183/11

MOTION: Walker / Weatherley

- A. That the Report of the Manager Statutory Planning relating to the proposed subdivision of lot 11 DP 1007792, 6 Avisford Court Mudgee be noted;**
- B. That Council resolve to release the 88B Instrument that provides for a "Restriction on the use of the land" that prohibits the further subdivision of the subject allotment.**
- C. That Development Application No. 03034/2011 for a two lot rural residential subdivision at lot 11 DP 1007792, 6 Avisford Court Mudgee be approved in accordance with the following conditions:**

APPROVED PLAN

- 1. Development is to be carried out in accordance with stamped plan Drawing No. 9435 – L01, Revision F, dated 05/05/2011 and Statement of Environmental Effects, April 2011, both prepared by Barnson and forming part of the development application received by Council on 27.04.2011 except as varied by the conditions listed herein. Any minor modification to the approved**

plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

2. Engineering plans of any mains extensions are to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of a *Construction Certificate*.
3. A detailed engineering design supported by plans, and an “Autocad compatible” Plan, (in dwg format including pen-map), material samples, test reports and specifications is to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of a *Construction Certificate*.
4. A Construction Environmental Management Plan (CEMP) for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of “Soils and Construction – Managing Urban Stormwater”. The CEMP is to at a minimum address the following points:
 - Drainage reserves are to be turfed.
 - Single strip of turf to be laid behind kerb and gutter.
 - Saving available topsoil for reuse in the revegetation phase of the subdivision;
 - Using erosion control measures to prevent on-site damage;
 - Rehabilitating disturbed areas quickly;
 - Maintenance of erosion and sediment control structures;
 - A schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage;
 - Details of fill including source material and compaction methods;
 - Details of construction methods relating to the prevention and mitigation of groundwater disturbance and salinity.
5. Details of the proposed private water supply system are to be provided to Council with the application for Construction Certificate. The proposed lots will not have access to an urban reticulated water supply.

PRIOR TO THE COMMENCEMENT OF WORKS

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

ENGINEERING CONSTRUCTION

8. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
9. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil, to ensure sediment from the whole site is captured.
10. 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.
11. 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.
12. The applicant is to provide separate sewer reticulation services to each lot.
13. The developer is to extend and meet the full cost of sewerage reticulations to service the new lots plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
14. The construction of sewer mains such that there is a separate and distinct sewer connection located wholly within the boundary of each proposed allotment, in accordance with the Local Government (Water, Sewerage and Drainage) Regulation and the WSA 02-2002 Sewerage Code of Australia at full cost to the developer.
15. 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.

INSPECTIONS

16. The subdivision works are to be inspected by the Council (or an *Accredited Certifier* on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
 - Installation of sediment and erosion control measures
 - Water and sewer line installation prior to backfilling
 - Water and sewer line testing

- Establishment of line and level for kerb and gutter placement
- Road Pavement construction
- Road Pavement surfacing
- Practical Completion

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

17. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
18. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.
19. If the *Subdivision Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
20. Prior to the issue of a *Subdivision Certificate*:
 - (a) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - (b) an agreement be made between the developer and Council;
 - i) as to the security to be given to Council that the works will be completed or the contribution paid, and
 - ii) as to when the work will be completed or the contribution paid.
21. Following completion of the subdivision works, one full set of work-as-executed plans, in pdf and dwg format, which is "Autocad compatible" is to be submitted 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.
22. Following completion of all engineering works, a bond of 5% of the value of such works (not carried out by Council) or a minimum of \$2000, whichever is the greater, shall be lodged with Council.

The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. If the applicant chooses to provide a bank guarantee, the guarantee must not specify any time limitations on the operation of the guarantee.
23. The developer is to ensure that all defects in the works that become apparent within twelve (12) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond monies to carry out rectification.

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

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

- 25. In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

Catchment 2 – 1 Additional Lot

Program	Total \$
<i>Transport Management</i>	
Traffic Management	\$1,076.00
<i>Open Space</i>	
Local Open Space	\$1,691.00
District Open Space	\$2,296.00
<i>Community Facilities</i>	
Library Buildings	\$221.00
Library Resources	\$266.00
<i>Administration</i>	
Plan Administration	\$515.00
PAYABLE per lot	\$6,065.00
TOTAL PAYABLE	\$6,065.00

- 26. The developer shall obtain a *Certificate of Compliance* under the Water Management Act. This will require:
 - (a) Payment of a contribution for water and sewerage head works at the following rate:

Water Head works	\$11,147.00 per lot = \$11,147.00
Sewerage Head works	\$ 3,563.00 per lot = \$ 3,563.00

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

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

28. **A Restriction as to user is to be placed on the title of each new allotment in accordance with the Conveyancing Act which states that no further subdivision of the proposed lots is to occur. Council is to be a benefitting authority.**
29. **A Restriction as to user is to be placed on the title of each new allotment in accordance with the Conveyancing Act which states that dual occupancy is not permitted on the proposed lots. Council is to be a benefitting authority.**
30. **A Positive covenant is to be placed on the title of each new allotment in accordance with the Conveyancing Act which states a reticulated water supply is not available to the proposed allotments unless approved by Council, and if the lots are connected to the reticulated water supply system, the level of service cannot be guaranteed. Council is to be a benefitting authority.**

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

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

Councillors Lang and Holden returned to the meeting at 6.14 pm.

DA 0380/2011 – PROPOSED EXTENSION TO COMMERCIAL BUILDING
AND SUBDIVISION, 75-77 MORTIMER STREET MUDGEE
A0100052, P0022761

MOTION: Holden / Martens

That Development Application No. 0380/2011 for the proposed extension to a commercial building and proposed subdivision at 75-77 Mortimer Street Mudgee be approved with the following conditions;

APPROVED PLANS

1. Development is to be carried out generally in accordance with the approved plans (Project no. 11003, Drawing No. DA0000, DA1000, DA1200, DA1400, DA1500, DA8000, dated 17 June 2011) by Gardner Wetherill & Associates and Statement of Environmental Effects by Mid-Western Regional Council except as varied by any conditions listed herein.

1a. AMENDMENTS

The façade be amended to increase the depth of the engaged piers by 200-300 mm with a corresponding increase in the depth of the capping to match.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate by Council or Private Certifier.

1. Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from Telstra and Country Energy stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.
2. The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.
3. In accordance with the provisions of section 94(1)(b) of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Contribution Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:

CIVIC IMPROVEMENTS

Civic Improvements	\$61,008.00
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ADMINISTRATION

Plan Administration	\$3,280.00
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TOTAL PAYABLE	\$64,288.00
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4. In accordance with the provisions of section 94(1)(b) of the *Environmental Planning and Assessment Act 1979* and the Mid Western Regional Council Section 94 Contribution Plan, a contribution shall be paid to Council in lieu of car parking of:

TOTAL PAYABLE	\$ 340, 377.00
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5. If the *Construction Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
6. A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.
7. 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. Contractor’s insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid Western Regional Council as an interested party.

8. The applicant shall provide details of compliance with Part J (Energy Efficiency) of the BCA with the application for Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are provided to ensure that the construction site is maintained in a suitable manner and in the accordance with the relevant requirements

9. Building materials shall not be placed on Council's footpaths or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.
10. A builder's toilet shall be provided on site prior to the commencement of any building work, a WC pan fitted and a suitable shed enclosure provided.
11. The site shall be provided with a waste enclosure that has a lid or secure covering for the duration of the construction works to ensure that all waste is contained on the site. The receptacle is to be emptied to reduce the potential for rubbish to become a nuisance. Council encourages the separation and recycling of suitable materials wherever possible.
12. A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties. The plan shall include but not be limited to disturbances to adjoining properties from vibration.
13. A sign shall be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out showing:
 - (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) stating that unauthorised entry to the premises is prohibited, and
 - (c) showing the name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours. The sign shall be removed when the erection or demolition of the building has been completed.
14. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. 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.
 - c. Council is to be 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.

15. A Registered Surveyors Certificate showing the boundaries of the site and the proposed development plotted thereon being submitted to the Principal Certifying Authority prior to commencement of construction.

DEMOLITION WORKS

16. Any demolition works involving asbestos cement are to be carried out in accordance with the Work Cover NSW "Guidelines for Practises Involving asbestos Cement in Buildings".
17. Prior to demolition works commencing, the applicant shall provide Council with a Waste Management Plan that details:
- Type of demolition waste
 - Location of disposal
 - Estimated quantities
18. The demolition is to occur in such a manner so as to encourage the recycling and reuse of salvageable materials.

BUILDING CONSTRUCTION

The following conditions are provided to ensure compliance with the Building Code of Australia and the relevant Australian Standards.

19. All building work must comply with the requirements of the National Construction Code 2011, Volume One, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations. Full details must be provided with the Construction Certificate application.
20. 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 that is audible shall be undertaken on Sundays or public holidays.
21. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice – Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
22. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25).
23. 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.

24. Any liquid wastes from the premises, being discharged to the sewers under control of Mid-Western Regional Council is done so in accordance with Council's requirements.
25. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. The Council encourages the separation and recycling of suitable materials.
26. Guttering and down piping shall be provided and roof water discharged in a manner that does not affect adjoining properties.
27. Runoff and erosion controls must be installed prior to clearing the site and incorporate:
 - a. diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
 - b. sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water.
 - c. maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of the development or particular stage of the development.
28. The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.

ENGINEERING CONSTRUCTION

29. A minimum 25mm water service is to be provided to the development in accordance with the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. All works are to be at the full cost of the developer.
30. Storm water runoff from all impervious areas on the site are to be collected and conveyed to an approved drainage location in a manner consistent with Aus-Spec #1, Australian Standard 3500 and the approved drainage report.
31. All earthworks, filling, building, driveways or other works, are to be designed and constructed so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building.

32. The building shall not be used or occupied until either an occupation certificate or an interim occupation certificate has been issued by the principal certifying authority.
33. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification.

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

34. All service vehicles are to enter and exit the public car park in a forward direction at all times.
35. The approved hours of operation for use of the premises are:

Monday to Sunday	8.30 am to 6.00 pm
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36. All vehicles waiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.
37. All loading and unloading in connection with the premises shall be carried out wholly within the site.
38. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
39. All air conditioning plant and ducting shall be located on the complex in such a manner as to ensure it would not be visible from any public place.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

These conditions have been imposed to ensure that the proposed subdivision complies with the requirements of the Environmental Planning and Assessment Act, 1979, Council policy and the relevant standards.

40. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.

(Note: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges and for this development, at the date of determination, is \$70).

41. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
42. 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.
43. Any services affected by the proposed subdivision shall be relocated or new services provided so as to ensure that each allotment has the necessary services required to service the proposed development.
44. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.

184/11

AMENDMENT: Walker / Thompson

That Development Application No. 0380/2011 for the proposed extension to a commercial building and proposed subdivision at 75-77 Mortimer Street Mudgee be approved with the following conditions;

APPROVED PLANS

2. **Development is to be carried out generally in accordance with the approved plans (Project no. 11003, Drawing No. DA0000, DA1000, DA1200, DA1400, DA1500, DA8000, dated 17 June 2011) by Gardner Wetherill & Associates and Statement of Environmental Effects by Mid-Western Regional Council except as varied by any conditions listed herein.**

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate by Council or Private Certifier.

1. **Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from Telstra and Country Energy stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.**
2. **The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.**
3. **In accordance with the provisions of section 94(1)(b) of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Contribution Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:**

CIVIC IMPROVEMENTS	
Civic Improvements	\$61,008.00
ADMINISTRATION	
Plan Administration	\$3,280.00
TOTAL PAYABLE	\$64,288.00

- 4. In accordance with the provisions of section 94(1)(b) of the *Environmental Planning and Assessment Act 1979* and the Mid Western Regional Council Section 94 Contribution Plan, a contribution shall be paid to Council in lieu of car parking of:

TOTAL PAYABLE	\$ 340, 377.00
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- 5. If the *Construction Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
- 6. A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.
- 7. 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. Contractor’s insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid Western Regional Council as an interested party.
- 8. The applicant shall provide details of compliance with Part J (Energy Efficiency) of the BCA with the application for Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are provided to ensure that the construction site is maintained in a suitable manner and in the accordance with the relevant requirements

- 9. Building materials shall not be placed on Council’s footpaths or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.
- 10. A builder’s toilet shall be provided on site prior to the commencement of any building work, a WC pan fitted and a suitable shed enclosure provided.
- 11. The site shall be provided with a waste enclosure that has a lid or secure covering for the duration of the construction works to ensure that all waste is contained on the site. The receptacle is to be emptied to reduce the potential for rubbish to become a nuisance. Council encourages the separation and recycling of suitable materials wherever possible.

12. A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties. The plan shall include but not be limited to disturbances to adjoining properties from vibration.
13. A sign shall be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out showing:
 - (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) stating that unauthorised entry to the premises is prohibited, and
 - (c) showing the name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours. The sign shall be removed when the erection or demolition of the building has been completed.
14. 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:
 - d. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - e. 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.
 - f. 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.
15. A Registered Surveyors Certificate showing the boundaries of the site and the proposed development plotted thereon being submitted to the Principal Certifying Authority prior to commencement of construction.

DEMOLITION WORKS

16. Any demolition works involving asbestos cement are to be carried out in accordance with the Work Cover NSW "Guidelines for Practises Involving asbestos Cement in Buildings".
17. Prior to demolition works commencing, the applicant shall provide Council with a Waste Management Plan that details:
 - Type of demolition waste
 - Location of disposal
 - Estimated quantities
18. The demolition is to occur in such a manner so as to encourage the recycling and reuse of salvageable materials.

BUILDING CONSTRUCTION

The following conditions are provided to ensure compliance with the Building Code of Australia and the relevant Australian Standards.

19. All building work must comply with the requirements of the National Construction Code 2011, Volume One, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations. Full details must be provided with the Construction Certificate application.
20. 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 that is audible shall be undertaken on Sundays or public holidays.
21. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
22. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25).
23. 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.
24. Any liquid wastes from the premises, being discharged to the sewers under control of Mid-Western Regional Council is done so in accordance with Council's requirements.
25. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. The Council encourages the separation and recycling of suitable materials.
26. Guttering and down piping shall be provided and roof water discharged in a manner that does not affect adjoining properties.
27. Runoff and erosion controls must be installed prior to clearing the site and incorporate:

- d. diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
- e. sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water.
- f. maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of the development or particular stage of the development.

28. The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.

ENGINEERING CONSTRUCTION

- 29.. A minimum 25mm water service is to be provided to the development in accordance with the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. All works are to be at the full cost of the developer.
- 30. Storm water runoff from all impervious areas on the site are to be collected and conveyed to an approved drainage location in a manner consistent with Aus-Spec #1, Australian Standard 3500 and the approved drainage report.
- 31. All earthworks, filling, building, driveways or other works, are to be designed and constructed so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building.

- 32. The building shall not be used or occupied until either an occupation certificate or an interim occupation certificate has been issued by the principal certifying authority.
- 33. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification.

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent

with the aims and objectives of the environmental planning instrument affecting the land.

34. All service vehicles are to enter and exit the public car park in a forward direction at all times.
35. The approved hours of operation for use of the premises are:

Monday to Sunday	8.30 am to 6.00 pm
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36. All vehicles waiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.
37. All loading and unloading in connection with the premises shall be carried out wholly within the site.
38. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
39. All air conditioning plant and ducting shall be located on the complex in such a manner as to ensure it would not be visible from any public place.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

These conditions have been imposed to ensure that the proposed subdivision complies with the requirements of the Environmental Planning and Assessment Act, 1979, Council policy and the relevant standards.

40. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.

(Note: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges and for this development, at the date of determination, is \$70).
41. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
42. 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.
43. Any services affected by the proposed subdivision shall be relocated or new services provided so as to ensure that each allotment has the necessary services required to service the proposed development.
44. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by

the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.

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

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

ASSETS COMMITTEE

185/11

MOTION: Thompson / Webb

That:

1. the matters resolved at the Assets Committee meeting held on 3 August 2011 be received and confirmed.
2. the recommendations from the Assets Committee meeting held on 3 August 2011 in respect of the following items be adopted.
 - Rural Waste Transfer Stations – Bulk Storage

The motion was put and carried.

CULTURAL AND COMMUNITY SERVICES COMMITTEE

186/11

MOTION: Lang / Webb

That the matters resolved at the Cultural and Community Services Committee meeting held on 3 August 2011 be received and confirmed.

The motion was put and carried.

FINANCE AND CORPORATE COMMITTEE

187/11

MOTION: Walker / Martens

That:

1. the matters resolved at the Finance and Corporate Committee meeting held on 3 August 2011 be received and confirmed with the exception of Item 5.3.

2. the recommendations from the Finance and Corporate Committee meeting held on 3 August 2011 in respect of the following items be adopted.

- Financial Assistance – Tier 1 Applications
- Financial Assistance – Tier 2 Applications

The motion was put and carried.

5.3 REQUEST FOR PLAQUES TO BE ERECTED IN MEMORY OF THE KOREAN WAR – MUDGEES RSL SUB BRANCH

A0100052, A0310010, F0650101

Councillor Holden declared a non pecuniary conflict of interest as his father was a Korean War veteran, left the meeting at 6.25 pm and did not participate in discussions or vote in relation to this matter.

188/11

MOTION: Thompson / Webb

That:

1. the report by the General Manager on the request for plaques to be erected in memory of the Korean War be received;
2. Council support the Mudgee RSL sub branch's request for the plaques to be erected on one of the boulders that surround the cenotaph.

The motion was put and carried.

Councillor Holden returned to the meeting at 6.26 pm.

ITEM 6: GENERAL BUSINESS

6.1 NOTICES OF MOTION

6.1.1 MEETINGS WITH MINISTERS

A0100035, A0100052, A0310010

This matter was withdrawn.

6.1.2 GLEN WILLOW

A0100035, A0100052, F0650099, F0650108

MOTION: Thompson / Martens

That Council immediately approach the relevant authorities to have a levy bank constructed at Glen Willow to protect our multi million dollar Sports complex from flooding.

189/11

AMENDMENT: Holden / Shelley

That no action be taken to extend the levy banks at Glen Willow other than the completion of the levy bank around the main field.

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

6.1.3 REDBANK CREEK DAM

A0100035, A0100052, F0710004, F0710006

190/11

MOTION: Holden / Shelley

That Council takes no further action in regard to any aspects of the Redbank Dam Wall until the ownership issues that Council is disputing are determined by the State Government or the Courts.

AMENDMENT: Thompson / Martens

That Council immediately contact the Dam Safety Committee explaining the damage done by the hole in the Redbank wall and future worse damage, and that it is their responsibility to rectify the problems their directions have caused.

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

6.2 REPORTS TO COUNCIL

6.2.1 SECTION 96 APPLICATION (MI0045/2011) – TEMPORARY ACCOMODATION AT THE PARAGON HOTEL, LOTS 1 AND 2 DP 730123, 38 PERRY STREET, MUDGEE

A0100052, P0217561

Councillor Kennedy declared a pecuniary interest as he owns a Hotel in Mudgee left the meeting at 6.39 pm and did not participate in discussions or vote in relation to this matter. In his absence, Councillor Walker assumed the Chair.

Councillor Thompson declared a pecuniary interest as he has an interest in a Hotel in Mudgee, left the meeting at 6.39 pm and did not participate in discussions or vote in relation to this matter.

191/11

MOTION: Lang / Shelley

That consideration of this matter be deferred for an on-site inspection with Council staff and Councillors..

The motion was put and carried.

Councillors Kennedy and Thompson returned to the meeting at 6.40 and Councillor Kennedy resumed the Chair.

6.2.2 MODIFICATION TO ULAN CONTINUED OPERATIONS PROJECT – SUBMISSION TO ENVIORNMENTAL ASSESSMENT – PROJECT APPROVAL 08_0184

A0100052, A0420176

192/11

MOTION: Weatherley / Webb

That:

- 1. the report from the Manager Statutory Planning regarding the proposed amendment to Project Approval 08_0184 – Ulan Continued Operations be received;**
- 2. Council make a submission stating that Council has no issues to raise regarding the proposed amendment.**

The motion was put and carried.

6.2.3 DRAFT MID-WESTERN LOCAL ENVIRONMENTAL PLAN 2011
SECTION 65 CERTIFICATE AND CONFIRMATION OF THE LAND
USE STRATEGY

A0100052, A0420220

Councillor Martens declared a pecuniary interest as she owns property in the former Rylstone Shire and Council is changing the minimum subdivision area, left the meeting at 6.43 pm and did not participate in discussions or vote in relation to this matter.

193/11

MOTION: Weatherley / Shelley

That:

1. the report by Group Manager Development and Community Services on the conditional Section 65 Certificate for the Draft Mid-Western Local Environmental Plan 2011 and the confirmation of the Land Use Strategy, and the supplementary report on the review of the Land Use Tables and Matrix for the Draft Mid-Western Local Environmental Plan 2011 be received;
2. Council accept the amendment of the Comprehensive Land Use Strategy as outlined in the letter from the Department of Planning and Infrastructure dated 1 August 2011 and adopt the amended strategy;
3. subject to no material changes and upon approval from the Department of Planning and Infrastructure, Council commence exhibition of the Draft Mid-Western Local Environmental Plan 2011 dated 17 August 2011 for 28 days in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and conditions outlined in the Section 65 Certificate;
4. that upon completion of the exhibition the outcomes of the exhibition and Draft Mid-Western Local Environmental Plan be reported back to Council.

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

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

Councillor Martens returned to the meeting at 6.44 pm.

6.2.4 FOOD REGULATION ACTIVITY

A0100052, a0130004, a0130009

194/11

MOTION: Holden / Shelley

That the report by Technical Assistant – Health & Building on Food Regulation Activity be received.

The motion was put and carried.

6.2.5 BEECHWORTH ROAD

A0100052, R0790022, R4241001

195/11

MOTION: Walker / Shelley

That:

1. the report by the Manager Governance on Beechworth Road be received;
2. Council confirm that it will not extend Beechworth Road
3. Council will seek to dedicate as a Council road only that part of the road known as Beechworth Road and shown coloured red on the attached plan;
4. Council continue discussions with the Land & Property Management Authority to formalise the location of Beechworth Road.
5. Council advises the property owners in the area that it sees the issue of access to those properties not adjacent to Beechworth Road as a private matter and not Council responsibility.

The motion was put and carried.

6.2.6 ROAD NAMING POLICY

A0100052, A0100021, R0790141, R0790041

196/11

MOTION: Holden / Lang

That:

1. the report by the Manager Governance on the implementation of a policy on road naming be received; and
2. Council adopt the attached Road Naming Policy.

The motion was put and carried.

6.2.7 MUDGEES AND GULGONG ACCESS COMMITTEE – JULY 2011

A0100052, A0060008

197/11

MOTION: Walker / Webb**That:**

1. the report by Customer Service Manager on the Mudgee and Gulgong Access Committee be received;
2. Council note the minutes of the Mudgee and Gulgong Access Committee Meeting held on 6 July 2011.

*The motion was put and carried.*6.2.8 REQUEST BY HENBURY SPORT AND RECREATION CLUB INC.
FOR FINANCIAL ASSISTANCE

A0100052,

198/11

MOTION: Shelley / Holden**That:**

1. the report by the Manager Governance on the request from the Henbury Sport & Recreation Club Inc for financial assistance be received;
2. Council provide funding in the amount of \$2,000 to the Henbury Sport & Recreation Club Limited to assist with beautification of the frontage of the golf course along Bylong Valley Way in accordance with the guidelines of the Financial Assistance Policy - Tier 1, with funding from the general financial assistance vote.
3. Council review the funding available in the financial assistance vote during consideration of the next Quarterley Review.

The motion was put and carried.

6.2.9 ROADS BUDGET 2011/2012

A0100052,

199/11

MOTION: Weatherley / Walker

That:

1. the report by Business Manager Works on the Roads Budget 2011/2012 be received;
2. Council approve that \$82,880 be reallocated from Urban Local Sealed Reseals to Local Sealed Reseals.
3. Council approve that \$65,000 be reallocated from Regional Seal Extension to Regional Rehab - Cope Rd.
4. Council approve the proposed allocation of funds, as set out below:

Mid Western Regional Council Operations				
Roads Programme - Capital Projects 2011/2012				
	Job No.	DESCRIPTION	PROPOSED BUDGET	PROJECT BUDGET ESTIMATES
STORM WATER DRAINAGE			130,270	
	35612	CULVERT INSTALLATIONS	70,270	70,270
	35613	CAUSEWAY IMPROVEMENTS	60,000	
	NEW	<i>Buckaroo Lane</i>		30,000
	NEW	<i>Ulan Wollar Road (2nd Rail Crossing)</i>		30,000
URBAN RDS -LOCAL			628,500	
	60200/60299	URBAN RESEALS / REHABS - BUDGET ONLY	628,500	
		RESEALS		
	60253	<i>Inglis Street Reseal (Church to Lawson)</i>		28,000
	60257	<i>Denison Street Reseal (Gawthorne to Rayner)</i>		21,000
	60260	<i>Gawthorne Place Reseal (Denison to end)</i>		12,300
	60262	<i>Smith Street Reseal (Denison to Cox)</i>		15,000
	60254	<i>Lewis Street Reseal (Mears to Railway)</i>		17,500
	60258	<i>Court Street (Short to Market)</i>		10,500
	60259	<i>Spring Road (Oporto to Robertson)</i>		38,700
	60271	<i>Loftus Street Reseal (Full Length)</i>		11,600
	NEW	<i>Herbert (Robinson to Queen)</i>		14,000
	NEW	<i>Memorial Hall Car Park (Gulgong)</i>		3,500
	NEW	<i>Prince of Wales Car Park (Gulgong)</i>		4,000
	60267	<i>Dawson Street (Mudgee to End)</i>		9,900
	60269	<i>Mellon Street (Louee to Carwell)</i>		8,500

	60319	<i>Lewis Horatio Intersection Rehab</i>		155,500
	60251	<i>Market Street Rehab (Perry to Douro)</i>		250,000
	60316	<i>Mayne Street Rehab (Medley to 100m west)</i>		28,500
	60315	<i>Rehab - Depot Rd</i>		
SEALED RURAL RDS - LOCAL			1,704,300	
	61013	RURAL RD MTCE - CHARBON AREA	50,000	
		<i>Shoulder widening Cooper Drive (Rail Crossing to BVW)</i>		50,000
	61100/61200	RURAL SEALED ROADS RESEALS / REHABS - BUDGET ONLY	1,654,300	
		RESEALS		
	61219	<i>Lue Road Havilah North Reseal</i>		30,000
	61220	<i>Henry Lawson Drive Reseal</i>		60,000
	61152	<i>Lue Road Rocky Waterhole Road Intersection Reseal</i>		9,200
	61154	<i>Kains Flat Road Reseal</i>		60,000
	61155	<i>Lue Road Reseal (Hayes Gap Rd 1.2km West)</i>		62,200
	61157	<i>Mt Vincent Rd Reseal</i>		57,500
	61158	<i>Yarrowonga Road Reseal (Mt View Road)</i>		41,000
	61159	<i>Windeyer Road Reseal</i>		55,300
	61160	<i>Yarabin Road Reseal</i>		37,000
	61161	<i>Spring Ridge Road Reseal</i>		18,200
	61166	<i>Narrango Road Reseal (Segment 30)</i>		45,000
	61168	<i>Narrango Road Reseal (Segment 40-50)</i>		25,000
	61167	<i>Old Mill Road Reseal (Shepherds Lane To Caladonia Street)</i>		25,500
	NEW	<i>Canary Rail Crossing Seal</i>		10,000
	NEW	<i>Beryl Rd Reseal</i>		42,000
	NEW	<i>Botobolar Rd Reseal</i>		40,880
		REHABILITATION		
	NEW	<i>Lue Road Havilar Missing Link</i>		685,520
	NEW	<i>Henry Lawson Drive 'S' Bends - North HL Bridge</i>		200,000
	NEW	<i>Cudgegong Road Guardrail Replacement</i>		150,000
SEALED RURAL RDS - REGIONAL			2,412,546	
	61502	RURAL SEALED REGIONAL ROAD RESEALS / REHABS - BUDGET ONLY	650,826	
	61620	<i>Gollan Road Reseal</i>		90,000
	61621	<i>Ulan Road Reseal (Cope to Toole)</i>		55,000
	62800	<i>Hill End Road Reseal</i>		55,000
	NEW	<i>Bylong Valley Way Rehab (Dabee to Bridge)</i>		60,000
	NEW	<i>Farrelly Street (BVW) reseal at Rylstone</i>		65,000
	NEW	<i>Bylong Valley Way Heavy Patching Program</i>		150,000
	61810	<i>Cope Road Rehab (West Sportsmans Hollow)</i>	70,000	245,826
	61600	RURAL SEALED REGIONAL ROAD REPAIR PROGRAM - BUDGET ONLY	800,000	
		<i>Ulan Road - REPAIR</i>		400,000
		<i>Gollan Road - REPAIR</i>		400,000
	61800	<i>Pitts Lane / Ulan Road Intersection</i>	891,720	891,720

UNSEALED RURAL RDS -REGIONAL		225,000	
	RURAL UNSEALED REGIONAL ROAD SEAL EXTENSION	225,000	
62800	<i>Seal Extension - Hill End Road</i>		225,000
BRIDGES SEALED RURAL RDS - LOCAL		850,000	
63601	<i>Carwell Creek Bridge</i>	850,000	850,000
FOOTPATHS		205,000	
65100	FOOTPATHS CAPITAL - BUDGET ONLY	65,000	65,000
65106	PEDESTRIAN - KANDOS TO CLANDULLA	40,000	40,000
65107	<i>Charbon Pedstrian Bridge</i>	100,000	100,000
PARKING AREAS		700,000	
66107	CARPARKING CAPITAL - MORTIMER ST	700,000	700,000
TOTAL			6,855,616

The motion was put and carried.

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

A0100052, A0140304

200/11

MOTION: Holden / Martens

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

The motion was put and carried.

6.2.11 2010/11 DRAFT FINANCIAL STATEMENTS

A0100052, a0149932

201/11

MOTION: Weatherley / Holden

That:

1. the report by the Group Manager Finance and Administration on the 2010/11 draft financial statements be received;
2. the 2010/11 Draft General Purpose Financial Reports and Special Purpose Financial Reports be referred for audit;
3. the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer be authorised to sign the "Statement by Councillors and Management" on its opinion of the General Purpose Financial Reports and Special Purpose Financial Reports;
4. the General Manager be authorised to issue the 2010/11 Financial Reports immediately upon receipt of the Auditors Report, subject to there being no material audit adjustments or audit issues; and
5. the General Manager be authorised to finalise the date at which the Auditors Report and Financial Reports for 2010/11 are to be presented to the public.

The motion was put and carried.

6.2. 12 REVOTES FROM 2010/11 MANAGEMENT PLAN TO 2011/12
MANAGEMENT PLAN A0100052,

A0100052, A0149934, A0149935

202/11

MOTION: Shelley / Walker**That:**

1. the report by the Management Accountant on the revotes from the 2010/11 Management Plan to the 2011/12 Management plan be received; and
2. the 2011/12 Management Plan be amended to reflect the revote of budgets from 2010/11, as follows:
 - \$270,327 from General Fund Revenue
 - \$2,006,006 from General Fund Reserves
 - \$528,658 from Unspent Grants – General Fund
 - \$58,000 from VPA contributions
 - \$173,500 to be received from Grant funding in 2011/12
 - \$191,179 from Sewer Fund Reserves
 - \$205,694 from Water Fund Reserves
 - \$173,481 from Waste Fund Reserves
 - \$66,414 from Unspent Contributions – Waste Fund

*The motion was put and carried.*6.2. 13 JUNE 2011 QUARTERLY BUDGET REVIEW – 2010/11
MANAGEMENT PLAN

A0100052, a0149934

203/11

MOTION: Lang / Holden**That:**

1. the report by the Group Manager Finance and Administration on the June 2011 Quarterly Budget Review – 2010/11 Management Plan be received; and
2. the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon revised estimates of income and expenditure, be noted.

*The motion was put and carried.*6.2. 14 MUDGEE REGION TOURISM INC QUARTERLY REPORT – JUNE
2011

A0100052, f0770077

204/11

MOTION: Holden / Weatherley**That the report by the General Manager on the Mudgee Region Tourism Inc Quarterly Report for June 2011 be received.***The motion was put and carried.*

6.2.15 ROADS TO RECOVERY PROGRAM

A0100052, R0790005, A0040005, A0180012

205/11

MOTION: Shelley / Webb

That:

1. the report by the General Manager on the Roads to Recovery Program be received;
2. Council calls on the Federal Government to:
 - recognise the successful delivery of the Roads to Recovery Program by local government since 2000;
 - continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;
 - continue the Roads to Recovery Program with the current administrative arrangements; and
 - provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.

The motion was put and carried.

6.2.16 ECONOMIC AND SOCIAL DEVELOPMENT IN CENTRAL WESTERN NSW

A0100052, A0820020

206/11

MOTION: Holden / Weatherley

That:

1. the report by the General Manager on the Economic and Social Development in Central Western NSW be received;
2. Council endorses the submission to the State Development Standing Committee incorporating the suggested amendments with the General Manager authorised to finalise and lodge the submission.

The motion was put and carried.

ITEM 7: URGENT BUSINESS WITHOUT NOTICE

7.1 SALE OF LOTS IN THE MUDGEE AIRPORT SUBDIVISION

A0100052, P2033711, F0470025

207/11

MOTION: Shelley / Walker

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.

208/11 **MOTION:** Walker / Shelley

That:

1. the report by the Manager Governance on the sale of Lots 3, 4, 5, 6 & 7, DP 1167326 within the Mudgee Airport Subdivision be received;
2. all necessary documentation associated with the sale of Lots 3, 4, 5, 6 & 7, DP 1167326 be executed under Common Seal.

The motion was put and carried.

ITEM 8: CONFIDENTIAL SESSION

209/11 **MOTION:** Weatherley / Walker

That pursuant to the provisions of Section 10 of the Local Government Act, 1993, the meeting be closed to the public.

Following the motion to close the meeting being moved and seconded, the Manager Governance announced that the following matter would be considered in confidential session and the reason why it was being dealt with in this way.

Subject: *Subject: Performance Agreement for General Manager*

The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than councillors) in accordance with Section 10A(2)(a) of the Local Government Act, 1993.

Following an enquiry from the Mayor, the Manager Governance advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

The motion was put and carried.

8.1 PERFORMANCE AGREEMENT FOR GENERAL MANAGER

A0100052, A0381421

210/11 **MOTION:** Walker / Lang

That

1. in accordance with the adopted performance agreement, the report on the General Manager's performance for the 2010/11 financial year be received and noted;
2. Council assess the performance of the General Manager as being performance that exceeds requirements at times – high standards have been set and achieved in accordance with the agreed performance agreement;
3. Council authorises the bonus payment of \$20,000 in accordance with the Contract of Employment and the assessment of the General Manager's Performance in accordance with the agreed Performance Agreement;

4. **Council sets the total remuneration of the General Manager for the new employment contract commencing the 21st August 2011 at the same amount including the at risk bonus of the expiring contract being \$251,499.**

AMENDMENT: Holden / Martens

1. in accordance with the adopted performance agreement, the report on the General Manager's performance for the second four months of the 2010/11 financial year be received and noted;
2. Council assess the performance of the General Manager as being performance that exceeds requirements at times – high standards have been set and achieved in accordance with the agreed performance agreement;
3. Council sets the total remuneration of the General Manager for the new employment contract commencing the 21st August 2011 at the same amount including the at risk bonus of the expiring contract being \$251,499.

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

ITEM 9: OPEN COUNCIL

The Manager Governance announced the decision taken in Confidential Session.

CLOSURE

There being no further business the meeting concluded at 6.58 pm.

ITEM 4: 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 5: MAYORAL MINUTE (If Any)

(Insert Mayoral Minute (if any))

ITEM 6: REPORTS FROM COMMITTEES

6.1 PLANNING AND DEVELOPMENT COMMITTEE

RECOMMENDATION

That:

- 1. the matters resolved at the Planning and Development Committee meeting held on 7 September 2011 be received and confirmed.**
 - 2. the recommendations from the Planning and Development Committee meeting held on 7 September 2011 in respect of the following items be adopted.**
 - Development Control Plan Temporary Workers Accommodation**
-

The report of the Planning and Development Committee is attached:

REPORT ON THE PLANNING AND DEVELOPMENT COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEES ON WEDNESDAY 7 SEPTEMBER 2011, COMMENCING AT 5.37 PM AND CONCLUDING AT 5.53 PM

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

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

Media Representatives: Mudgee Guardian/The Weekly (R Murray).

ITEM 1: APOLOGIES

An apology was received for the absence of Councillor Thompson.

P.18/11

MOTION: Holden / Martens

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

The motion was put and carried.

ITEM 2: DISCLOSURE OF INTEREST

Councillor Lang declared a pecuniary interest in Item 5.2 as the Paragon Hotel advertises in his magazine.

Councillor Kennedy declared a pecuniary interest in Item 5.2 as he owns a hotel in the area.

ITEM 3: MATTERS IN PROGRESS FROM FORMER MEETINGS

Noted.

ITEM 4: NOTICES OF MOTION TO PLANNING AND DEVELOPMENT COMMITTEE

4.1 COBBORA MINE pEA

A0100035, A0100052, A0420213

P.19/11

MOTION: Holden / Weatherley

That MWRC contact the Murray Darling Basin Association regarding assistance in preventing the movement of water extraction licences from the Macquarie into the Cudgegong River system.

The motion was put and carried as a resolution.

ITEM 5: REPORTS TO PLANNING AND DEVELOPMENT COMMITTEE

5.1 COBBORA COAL PROJECT – PROJECT UPDATE REPORT

A0100052, A0420213

P.20/11

MOTION: Holden / Shelley

That:

1. the report by Group Manager Development and Community Services on the Project Update Report for the Cobbora Coal Project be received; and
2. the General Manager be delegated the authority to make a submission responding to the Director General's Requirements in accordance with the issues outlined in this report including the following paragraph and amendment.

Additional Paragraph under - Traffic and Transport

A detailed assessment of the impact of the increase in rail transport on the town of Gulgong and other affected residences. In conducting the assessment, consultation should be undertaken with Council and Emergency Service providers. The assessment should include an audit of existing rail crossings taking into account current levels of road traffic, and identify the necessary upgrades required with particular regard to the following:

- Access for emergency vehicles;
- Impacts of potential temporary workers accommodation proposed to be located on the Cope Road north of Gulgong.
- Upgrade of all level crossings to a minimum standard that will include the installation of barrier aims for all crossings, with particular regard to Barney's Reef Road and the road extending off Ulan Road providing access to Ulan Village;

- Split level crossing where the proposed rail line crosses Station/Cope Road; and
- Split level crossing where the proposed spur line crosses the Castlereagh Highway.

Amendment

That the following sentence under the heading *Independent Water Assessment* be amended to read as follows:

Council would request that the proponent be requested to work with Council to facilitate release of data and to allow the independent consultant to be retained and the review completed before lodgement of an application for the mine.

The motion was put and carried as a resolution.

5.2 SECTION 96 APPLICATION (MI0045/2011) – TEMPORARY ACCOMODATION AT THE PARAGON HOTEL, LOTS 1 AND 2 DO 730123, 38 PERRY STREET, MUDGEE

A0100052, P0217561

Councillor Lang declared a pecuniary interest as the Paragon Hotel advertises in his magazine, left the meeting at 5.45pm and did not participate in discussions or vote in relation to this matter.

Councillor Kennedy declared a pecuniary interest as he owns a hotel in the area, left the meeting at 5.45pm and did not participate in discussions or vote in relation to this matter.

P.21/11

MOTION: Holden / Walker

That:

- A. the report by Manager Statutory Planning on Development Application MI 0045/2011 for the proposed extension of time to a temporary accommodation approval at the Paragon Hotel Mudgee be received;
- B. Development Application MI 0045/2011 for the proposed extension of time to a temporary accommodation approval at the Paragon Hotel, 38 Perry Street, Mudgee be approved with the following conditions;

APPROVED PLANS

- 1 Development is to be carried out generally in accordance with plans drawn by SUNRAI Designs (Drawing No. 180ADA-01 issue B 10646-020 A) and with the application received by Council on 14 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.

AMENDMENT

- 2 That the number of rooms be limited to 12 bedrooms as existed on site on the 7 September 2011.

TEMPORARY CONSTRUCTION AND USE

The assessment of the proposal indicates that the proposal is only acceptable in terms of its impacts due to the proposed limited timescale of use therefore the following has been attached to the consent.

- 3 The use of the temporary accommodation is permitted for another two (2) years (four (4) years in total) from the date that the occupation certificate is issued. The temporary buildings are then to be removed and the site rehabilitated as per a Council approved rehabilitation plan within three (3) months thereafter. Any further extension of this consent will be subject to a further publicly notified development application.

PRIOR TO ISSUE OF S68 APPROVAL

- 4 Submission of a remediation plan, with the minimum acceptable standards in terms of making the site good, being the retention of the car parking area in its entirety, details of how all services will be disconnected and details of how the remainder of the site will be rehabilitated, the minimum acceptable treatment for these areas will be the installation of turf lawn.

- 5 The developer shall obtain a Certificate of Compliance under the Water Management Act 2000. This will require:

- (a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$14,700
Sewerage Headworks	\$ 8,400
Total	\$ 23,100

- (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.

- 6 The developer is to provide a sewer junction. This can be achieved by making a payment to Council of \$1,000 per new junction to cover the cost of Council installing a junction in an existing main.

TOTAL PAYABLE 1 x \$1,000 = \$1,000

- 7 All developer payments, bonds and contributions must be paid prior to the release of any Construction Certificate.

- 8 A drainage plan is to be submitted prior to the Approval of the S68 Application with the detail of the plan to show the method of disposal for the site.

- 9 Engineering plans of any mains extensions are to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of the S68 Approval.

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are provided to ensure that the construction site is maintained in a suitable manner and in the accordance with the relevant requirements

- 10 An application must be made under the provisions of S68 of the Local Government Act 1993 for the installation of each of the relocatable modules.
- 11 Prior to commencement of any work provide details of the nominated wind speed classification for the location and the methods proposed to secure the dwelling from wind forces by means of tie-downs and bracing.
- 12 Building materials shall not be placed on Council's footpaths or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.
- 13 No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the building – including the erection of any fences or hoardings.

BUILDING CONSTRUCTION

The following conditions are provided to ensure compliance with the Building Code of Australia and the relevant Australian Standards

- 14 The relocatable modules must be installed in accordance with the manufacturers specifications and any relevant requirements of the Building Code of Australia and associated Australian Standards.
- 15 All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
- 16 All modules must be provided with a smoke alarm in each sole occupancy unit contained in each individual.
- 17 All modules must be provided with an approved portable fire extinguisher at each end of the modules.

ENGINEERING REQUIREMENTS

- 18 Trees and plants along the western boundary fence adjoining Lot 1 DP730123 located in the access are to be removed or trimmed to provide better line of sight and clearances.
- 19 All earthworks, filling, building, driveways or other works, are to be designed and constructed (including storm water drainage if necessary) so that at no time will any ponding of storm water occur on adjoining land as a result of this development.
- 20 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.
- 21 Interallotment drainage is to be provided to remove storm water from any lots that cannot discharge to the street in accordance with AusSpec #1.
- 22 Provision of a minimum of twenty one (21) resident / customer off-street car parking spaces. Such car spaces to be sealed and line marked and kept clear for parking at all times. All car parking and associated driveway works to be completed prior to occupation or use of the development.
- 23 Car parking within the development is to comply with the following:
- (a) Each parking space is to have minimum dimensions of 5.5m x 2.6m;
 - (b) Each disabled car parking space is to be in accordance with the provisions of Councils Development Control Plan – Design for Accessibility.
 - (c) All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times;
 - (d) Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking.
- 24 All vehicles to enter and leave the site in a forward direction at all times.

PRIOR TO OCCUPATION

The following conditions are to be completed prior to occupation of the building.

- 25 The installation of the modules or site works or other written undertaking or obligation indicated on the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to the occupation of the modules.

GENERAL

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

- 26 The operator of the site is to take all reasonable measures to ensure there is no anti-social behaviour or disturbance to nearby residential properties that could be attributed and associated with the approved development.
- 27 No nuisance being caused to the amenity of the adjoining properties by reason of the emission of any "offensive noise", smell, smoke, vapour, vibration, water or otherwise as a result of the proposed development.
- 28 The operator of the development is to prepare a Dust Management Plan to mitigate any dust nuisance created by the compacted gravel surface of the car park and access path. The plan should incorporate a complaint system, contact person and the method by which dust will be mitigated.
- 29 The development is to provide indoor facilities that would enable the occupants of the temporary accommodation to dine and relax outside of the licensed premises. Details are to be submitted within one month of this further development consent.

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

Councillors	Ayes	Nayes
<i>Cr Holden</i>	✓	
<i>Cr Martens</i>	✓	
<i>Cr Shelley</i>	✓	
<i>Cr Walker</i>	✓	
<i>Cr Weatherley</i>	✓	
<i>Cr Webb</i>	✓	

Councillors Lang and Kennedy returned to the meeting at 5.47pm.

5.3 ROADSIDE VEGETATION ASSESSMENT AND PRIORITISATION FOR REHABILITATION REPORT

A0100052, A0420011

P.22/11

MOTION: Lang / Shelley

That:

- 1. the report by Manager Environment on the roadside vegetation assessment and prioritisation for rehabilitation be received; and
- 2. that the Roadside Vegetation Assessment and Prioritisation for Rehabilitation Study be endorsed by Council.

The motion was put and carried as a resolution.

**5.4 DEVELOPMENT CONTROL PLAN TEMPORARY WORKERS
ACCOMMODATION**

A0100052,

MOTION: Holden / Lang**That:**

1. the report by Group Manager Development and Community Services on the Development Control Plan – Temporary Workers Accommodation be received;
2. the Draft Development Control Plan on Temporary Workers Accommodation be placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations, with an amendment to the first line of second paragraph under “7.0 Need” to delete the figure 20% and to insert instead the figure 15% ;
3. That a further report be presented to Council upon the completion of the exhibition.

P.23/11

AMENDMENT:**That:**

1. the report by Group Manager Development and Community Services on the Development Control Plan – Temporary Workers Accommodation be received;
2. the Draft Development Control Plan on Temporary Workers Accommodation be placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations;
3. That a further report be presented to Council upon the completion of the exhibition.

The amendment was put and carried and on being put as the motion was again carried as a recommendation to Council.

REPORT CONCLUDED

6.2 ASSETS COMMITTEE

RECOMMENDATION

That the matters resolved at the Assets Committee meeting held on 7 September 2011 be received and confirmed.

The report of the Assets Committee is attached:

REPORT ON THE ASSETS COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 7 SEPTEMBER 2011, COMMENCING AT 5.54 PM AND CONCLUDING AT 5.57 PM

Present: Cr D Kennedy (Mayor), Cr EE Martens (AM) (Chairperson), Cr R Holden, Cr E Lang, Cr PA Shelley, 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 Development and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Manager Governance (I Roberts).

Media Representatives: Mudgee Guardian/The Weekly (R Murray).

ITEM 1: APOLOGIES

An apology was received for the absence of Councillor Thompson.

S.30/11 **MOTION:** **Holden / Webb**

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

The motion was put and carried.

ITEM 2: DISCLOSURE OF INTEREST

There were no disclosures of interest.

ITEM 3: MATTERS IN PROGRESS FROM FORMER MEETINGS

Noted.

S.31/11 **MOTION:** **Holden/Kennedy**

That Min. No. 82/10 be noted as completed.

The motion was put and carried.

MAYORAL MINUTE

S.32/11

MOTION: Kennedy

That Council confirm that advice provided to the Land and Property Management Authority that while Council would not generally object to the closure of unnecessary and unused Crown Road Reserves, in those cases where the road reserves provide the only practical access to properties, Council would object in the strongest terms to their closure.

The motion was put and carried as a resolution.

ITEM 4: NOTICES OF MOTION TO ASSETS COMMITTEE

There were no notices of motion.

ITEM 5: REPORTS TO ASSETS COMMITTEE

There were no reports.

REPORT CONCLUDED

6.3 CULTURAL AND COMMUNITY SERVICES COMMITTEE

RECOMMENDATION

That the matters resolved at the Cultural and Community Services Committee meeting held on 7 September 2011 be received and confirmed.

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

REPORT ON THE CULTURAL AND COMMUNITY SERVICES COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEES ON WEDNESDAY 7 SEPTEMBER 2011, COMMENCING AT 5.58 PM AND CONCLUDING AT 6.03 PM

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

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

Media Representatives: Mudgee Guardian / The Weekly (R Murray).

ITEM 1: APOLOGIES

An apology was received for the absence of Councillor Thompson.

COM.53/11 **MOTION:** **Holden / Martens**

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

The motion was put and carried.

ITEM 2: DISCLOSURE OF INTEREST

There were no disclosures of interest.

ITEM 3: MATTERS IN PROGRESS FROM FORMER MEETINGS

Noted.

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

There were no notices of motion.

ITEM 5: REPORTS TO CULTURAL AND COMMUNITY SERVICES COMMITTEE5.1 COMMUNITY SAFETY COMMITTEE MEETING MINUTES – 22 AUGUST 2011

A0100052, A0100054

COM.54/11 **MOTION:** Shelley / Holden

That:

1. the report by the General Manager on the Community Safety Committee Meeting minutes be received; and
2. the minutes for the Community Safety Committee Meeting monthly meeting held on 22 August 2011 be noted.

*The motion was put and carried as a resolution.*5.2 CULTURAL DEVELOPMENT COMMITTEE – AUGUST 2011

A0100052, A0420172

COM.55/11 **MOTION:** Shelley / Holden

That:

1. the report by the Manager, Library and Community Services be received; and
2. Council note the minutes of the Cultural Development Committee meeting held on 1 August 2011.

*The motion was put and carried as a resolution.*5.3 MINUTES FROM GULGONG SPORTS COUNCIL JUNE AND JULY 2011

A0100052, A0360003

COM.56/11 **MOTION:** Shelley / Holden

That:

1. the report by Group Manager Operations on the Gulgong Sports Council minutes be received; and
2. That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 8 June 2011 and 13 July 2011 be noted.

The motion was put and carried as a resolution.

5.4 HOME AND COMMUNITY CARE SERVICES – QUARTERLY REPORT

A0100052, A0060205, A0060202, A0060204, A0060048, A0060203, A0060069

COM.57/11 **MOTION:** Shelley / Holden

That:

1. the report by the Manager, Library and Community Services be received; and
2. Council note the activity reports from the Home and Community Care funded services.

The motion was put and carried as a resolution.

5.5 MID-WESTERN REGIONAL YOUTH COUNCIL – AUGUST 2011

A0100052, A0060048

COM.58/11 **MOTION:** Shelley / Holden

That:

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

The motion was put and carried as a resolution.

5.6 MUDGEES SPORTS COUNCIL MINUTES JULY 2011

A0100052, A0360013

COM.59/11 **MOTION:** Shelley / Holden

That:

1. the report by Group Manager Operations on the Mudgee Sports Council minutes be received; and
2. That the minutes for the Mudgee Sports Council ordinary monthly meeting held on 25 July 2011 be noted.

The motion was put and carried as a resolution.

5.7 POOL OPERATING HOURS

A0100052, F0640014

COM.60/11 **MOTION:** Holden / Kennedy

That:

1. the report by Group Manager Operations on the pool operating hours be received;
2. Mudgee pool hours be extended by half an hour in the morning and Kandos and Gulgong pool hours remain the same; and

3. all pools close at the end of April 2012 acknowledging that this will mean that the programmed maintenance works on the pools will not be completed this financial year and which should not adversely reflect on the performance review of the General Manager.

The motion was put and carried as a resolution.

5.8 SKATEPARKS IN THE MID-WESTERN REGION

A0100052, A0060048, f0650101

COM.61/11

MOTION: Weatherley / Shelley

That:

1. the report by the Manager, Library and Community Services be received;
2. Council note the report on Skateparks in the Mid-Western Region;
3. Council develop a capital works plan for skateparks; and
4. Council consider as a budget initiative an allocation of resources for a skateparks capital works program for the 2012/13 and 2013/14 financial years.

The motion was put and carried as a resolution.

5.9 XSTRATA COAL YOUTH SERVICES OFFICER PROGRAM

A0100052, A0090048

COM.62/11

MOTION: Shelley / Holden

That:

1. the report by Manager Library and Community Services on the Xstrata Coal NSW funded Youth Services Officer Program be received;
2. Council note the Youth Services Officer Program progress report for the period July 2010 to June 2011;
3. the Mayor and General Manager approach Xstrata Coal seeking a continuation of funding for the Youth Services Officer program.

The motion was put and carried as a resolution.

REPORT CONCLUDED

6.4 FINANCE AND CORPORATE COMMITTEE

RECOMMENDATION

That:

1. the matters resolved at the Finance and Corporate Committee meeting held on 7 September 2011 be received and confirmed.
2. the recommendations from the Finance and Corporate Committee meeting held on 7 September 2011 in respect of the following items be adopted.
 - Best Practice Water Pricing 2011/12 Charges
 - Christmas Event Sponsorship
 - Financial Assistance – Tier 1 Applications
 - Financial Assistance – Tier 2 Applications
 - Monthly Management Plan Reporting – July 2011

The report of the Corporate Services Committee is attached:

REPORT ON THE FINANCE AND CORPORATE COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 7 SEPTEMBER 2011, COMMENCING AT 6.04 PM AND CONCLUDING AT 6.11 PM

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

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

Media Representatives: Mudgee Guardian/The Weekly (R Murray).

ITEM 1: APOLOGIES

An apology was received for the absence of Councillor Thompson.

COR.60/11 **MOTION:** Webb / Martens

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

The motion was put and carried.

ITEM 2: DISCLOSURE OF INTEREST

There were no disclosures of interest.

ITEM 3: MATTERS IN PROGRESS FROM FORMER MEETINGS

Noted.

COR.61/11 **MOTION:** Holden / Lang

That Min. No. 07/11 & 48/11 be noted as completed.

The motion was put and carried.

COR.62/11 **MOTION:** Holden / Martens

That Res. 35/11 be noted as completed.

The motion was put and carried.

COR.63/11 **MOTION:** Holden / Martens

That Res. 113/11 be noted as completed.

The motion was put and carried.

COR.64/11 **MOTION:** Webb / Shelley

That Res. 142/11 be noted as completed.

The motion was put and carried.

COR.65/11 **MOTION:** Holden / Webb

That Res. 206/11 be noted as completed.

The motion was put and carried.

ITEM 4: NOTICES OF MOTION TO FINANCE AND CORPORATE COMMITTEE4.1 LACHLAN REGIONAL TRANSPORT COMMITTEE AND ANNUAL
GENERAL MEETING

A0100035, A0100052, A0440016

COR.66/11 **MOTION:** Holden / Shelley

That:

- 1. the report on the General Meeting of the Lachlan Regional Transport Committee (LRTC) on Saturday 27 2011 August be noted; and**
- 2. the report on the Annual General Meeting of the LRTC on Saturday 27 August 2011 be noted.**

The motion was put and carried as a resolution.

ITEM 5: REPORTS TO FINANCE AND CORPORATE COMMITTEE

5.1 BEST PRACTICE WATER PRICING 2011/12 CHARGES

A0100052, A0149935, A0141202

COR.67/11

MOTION: Weatherley / Lang

That:

1. the report by the Group Manager Finance & Administration on the changes to the Best Practice Water Pricing guidelines be received; and
2. Council give 28 days' public notice of its intention to eliminate Step 2 pricing on residential water consumption. The effect of this change is that all residential water consumption remains at the lower charge of \$2.40 per kilolitre.

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

5.2 CHRISTMAS EVENT SPONSORSHIP

A0100052, A0140201

COR.68/11

MOTION: Shelley / Walker

That:

1. the report by the General Manager on the Christmas Event Sponsorship be received;
2. Council approve the allocation of \$5000 towards the Rotary Club of Mudgee Sunrise Inc for the Carols in the Park event acknowledging that this is the only public Christmas event in Mudgee that Council will sponsor;
3. Council approves the use of Victoria Park for this event
4. the Rotary Club of Mudgee Sunrise Inc be advised of Council's sponsorship policy.
5. the Rotary Club of Mudgee Sunrise Inc be requested to discuss this matter with the Mudgee Cricket Club to ensure they are aware that alternative arrangements maybe required on this day.

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

5.3 FINANCIAL ASSISTANCE – TIER 1 APPLICATIONS

A0100052, A0140201

COR.69/11

MOTION: Webb / Walker

That:

1. the report by Finance Officer on the financial assistance be received;
2. Council provide financial assistance to the following applicant in accordance with the criteria and guidelines of the Financial

Assistance Policy – Tier 1, subject to those requirements being met, with the funding from the general financial assistance vote:

Rylstone-Kandos Show Society Inc.	\$3,000.00
Mudgee Civilian Rifle and Small Bore Club Inc.	\$1,092.83
Total Recommended	\$4,092.83

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

5.4 FINANCIAL ASSISTANCE – TIER 2 APPLICATIONS

A0100052, A0140201

COR.70/11

MOTION: Shelley / Walker

That:

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

Gulgong Amateur Swimming Club Inc.	\$200.00
The Henry Lawson Society of NSW Inc.	\$555.97
Rylstone Kandos Street Machine Club	\$1,000.00
Mudgee High School	\$100.00
Mudgee PCYC	\$1,000.00
Total Recommended	\$2,855.97

- the following amounts be distributed from the Councillor discretionary votes:

Kandos Mens Shed	Cr Shelley	\$500.00
	Cr Webb	\$100.00
	Cr Martens	\$100.00
Kandos Boxing Gym	Cr Shelley	\$1,200.00

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

5.5 MONTHLY MANAGEMENT PLAN REPORTING – JULY 2011

A0100052, A0149935

COR.71/11

MOTION: Lang / Holden

That:

- the Management Plan 2011/12 reports for the month ended 31 July 2011 be received; and
- the variations listed in the July 2011 Monthly Reporting be adopted.

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

5.6 SUMMARY OF OUTCOMES IN RELATION TO SALE OF LAND TO
RECOVER OVERDUE RATES AND CHARGES CONDUCTED ON
26 MARCH 2011

A0100052, A0340011, A0340044

COR.72/11

MOTION: Webb / Holden

That:

1. the report by Revenue Supervisor on the Summary of Outcomes in Relation to Sale of Land to Recover Overdue Rates and Charges conducted on 26 March 2011 be received; and
2. Council note the outcomes summarised in the report.

The motion was put and carried as a resolution.

REPORT CONCLUDED

6.5 URGENT BUSINESS WITHOUT NOTICE**RECOMMENDATION**

That the matters resolved in Urgent Business Without Notice held on 7 September 2011 be received and confirmed.

The report of the Urgent Business is attached:

REPORT ON THE URGENT BUSINESS WITHOUT NOTICE HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 7 SEPTEMBER 2011, COMMENCING AT 6.12 PM AND CONCLUDING AT 6.17 PM

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

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

Media Representatives: Mudgee Guardian / The Weekly (R Murray).

ITEM 1: APOLOGIES

An apology was received for the absence of Councillor Thompson.

U.07/11 **MOTION:** Holden / Martens

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

The motion was put and carried.

ITEM 2: CHRISTMAS LIGHTS

U.08/11 **MOTION:** Holden / Webb

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.

U.09/11 **MOTION:** Walker / Holden

That the General Manager prepare a report for the September Council Meeting on the erection of Christmas Lights this year.

The motion was put and carried.

REPORT CONCLUDED

ITEM 7: GENERAL BUSINESS

7.1 NOTICES OF MOTION

Nil.

7.2 REPORTS

7.2.1 DA0352/2011 ATTACHED DUAL OCCUPANCY (REVISED) LOT 9 DP 1143747, 17 INVERNESS AVENUE MUDGEES

REPORT BY SENIOR STATUTORY PLANNER Dual Occ. Inverness A0100052, P2037361- REVISION B
--

RECOMMENDATION

- A. That Council note the report of the Senior Statutory Planner regarding the proposed attached dual occupancy at Lot 9 DP 1143747, 17 Inverness Avenue Mudgee, Development Application 0352/2011
- B. That Council approve Development Application 0352/2011 for an attached dual occupancy at Lot 9 DP 1143747, 17 Inverness Avenue Mudgee with the following conditions;

APPROVED PLANS

- 1. Development is to be carried out in accordance with stamped plans 3234_A01C to A07C dated May 2011 and prepared by Giselle Denley Drafting Services, forming part of 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.

AMENDMENTS

- 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 the opposing unit.
- 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 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. 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.
8. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
9. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)
18. 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.

19. All stormwater is to discharge to the street water table by the use of non-flexible kerb adapters
20. 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.
21. 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:
22. 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.
23. 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.
24. 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.
25. 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.
26. 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

27. 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

Water Headworks	\$3715.00
Sewerage	\$1697.00
Headworks	
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.

28. The applicant is to provide separate water and sewer reticulation services to each dwelling.
29. 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.
30. 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.
31. 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.
32. 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

33. 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.
34. 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.

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.

36. 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 revised proposal for construction of an attached dual occupancy at 17 Inverness Avenue, Mudgee. The proposed dwelling contains two units, being 209m² and 216m², each comprising three bedrooms, a single garage, bathroom, ensuite and alfresco.

The subject lot complies with 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 the Residential DCP as detailed below;

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 ensuite, 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:

The applicant was advised during pre-DA discussions and at the time of lodgement as to the unsuitability of the initial dual occupancy design. This is documented by meeting records which, on each occasion, were copied, signed and accepted by the applicant. With the current design, (a revision of the design that was submitted to Council for consideration on July 20th of this year), the applicant has made significant progress in achieving a more compliant outcome for a difficult site. The application of design-specific conditions of consent, as contained within the recommendation, will assist in mitigating the impact of these non-compliance issues.

DETAILED REPORT

The applicant proposes construction of an attached dual occupancy at 17 Inverness Avenue, Mudgee. The proposed dwelling contains two units, of 209m² and 216m², each comprising three bedrooms, a single garage, bathroom, ensuite and alfresco. The current proposal is a revision of the design previously presented to Council for determination; the purpose of the revision being to address issues of non-compliance with Council's DCP for residential development.

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 600m² 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 does not completely satisfy 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 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"> - BASIX - Clothes line screened from public view - Solar orientation 	Basix supplied. Compliant clothes line (although not screened from Golf Course view) Solar access considered insufficient for laundries, bathrooms and kitchen. Skylights conditioned.
Streetscape	<ul style="list-style-type: none"> - Attractive landscaped face - Designed and placed to create an attractive streetscape 	Compliant
Setbacks	<ul style="list-style-type: none"> - Front: 7.5m - Side: Min 900mm - Rear: Min 900mm 	Compliant on all counts
Building Scale, Height and Bulk	<ul style="list-style-type: none"> - Compatible scale - Max two storeys - Sunlight access to neighbours 	Compliant on all counts
Garage Design	<ul style="list-style-type: none"> - Visually subservient - Integrated - Setback behind main building façade 	Compliant
Access and Car Parking	<ul style="list-style-type: none"> - Minimum car parking space per dwelling: 2 - One covered car parking space per dwelling of min dimensions 3m x 5.5m - Driveway >10m vehicle must enter and egress in a forward manner 	Compliant on all counts
Landscaping and external works	<ul style="list-style-type: none"> - Min of 45% landscaped 	Compliant
Design	<ul style="list-style-type: none"> - Visual relief - Must not mirror reverse/duplicate main facade design 	Compliant
Site coverage and Private Open Space	<ul style="list-style-type: none"> - Min private open space: 80m² - Principle private open space must be: 35m², 5mx5m, directly accessible from the living areas and have a northerly aspect - Max site coverage 30% 	Compliant Compliant

Privacy and Amenity	<ul style="list-style-type: none"> - Windows/balconies of dwellings <12m of adjacent windows offset - 1.8m high fence between private open spaces 	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 conditioned. Compliant
---------------------	--	--

2. IMPACT OF DEVELOPMENT

Context and Setting

The detached dual occupancy is proposed for a 1118m² lot, with a street frontage of 18metres, located on the northern side of Inverness Avenue and 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 has refined access from Inverness Avenue to provide an increased 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 is not considered optimal for the site, nor does it set a high standard for attached dual occupancy development.

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

The site is of a sufficient size, if not optimal shape, for attached dual occupancy development.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

The original proposal was advertised for a period of 14 days. One written submission was received requesting rejection due to inadequate design and poor street presentation. The majority of these issues have since been addressed by the applicant in the revised proposal which is now before Council. A subsequent submission (attachment 6), lodged by the same objector in response to the revised application, raises concerns regarding the provision of parking, the height and type of fencing, the screening of clothes lines and the placement of air-conditioning units.

Comment:

- Parking is considered adequate, is DCP compliant, and is an improvement over the previous proposal.
- A/C units are conditioned to be provided with noise attenuation screens.
- Fencing between the two units is conditioned to be of a compliant standard.

- The remaining concerns of the objector relate to a developer-imposed covenant upon the site, and none are considered to contravene Council's DCP for residential development. Although it is not the role of Council to enforce developer-imposed covenants, the applicant is requested to refer to the requirements of that covenant with regard to rear fencing and the screening of clothes lines.

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

Not applicable.

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. That 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. That 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.

GRAEME KING
SENIOR STATUTORY PLANNER

GARY BRUCE
MANAGER STATUTORY PLANNING

CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND
COMMUNITY SERVICES

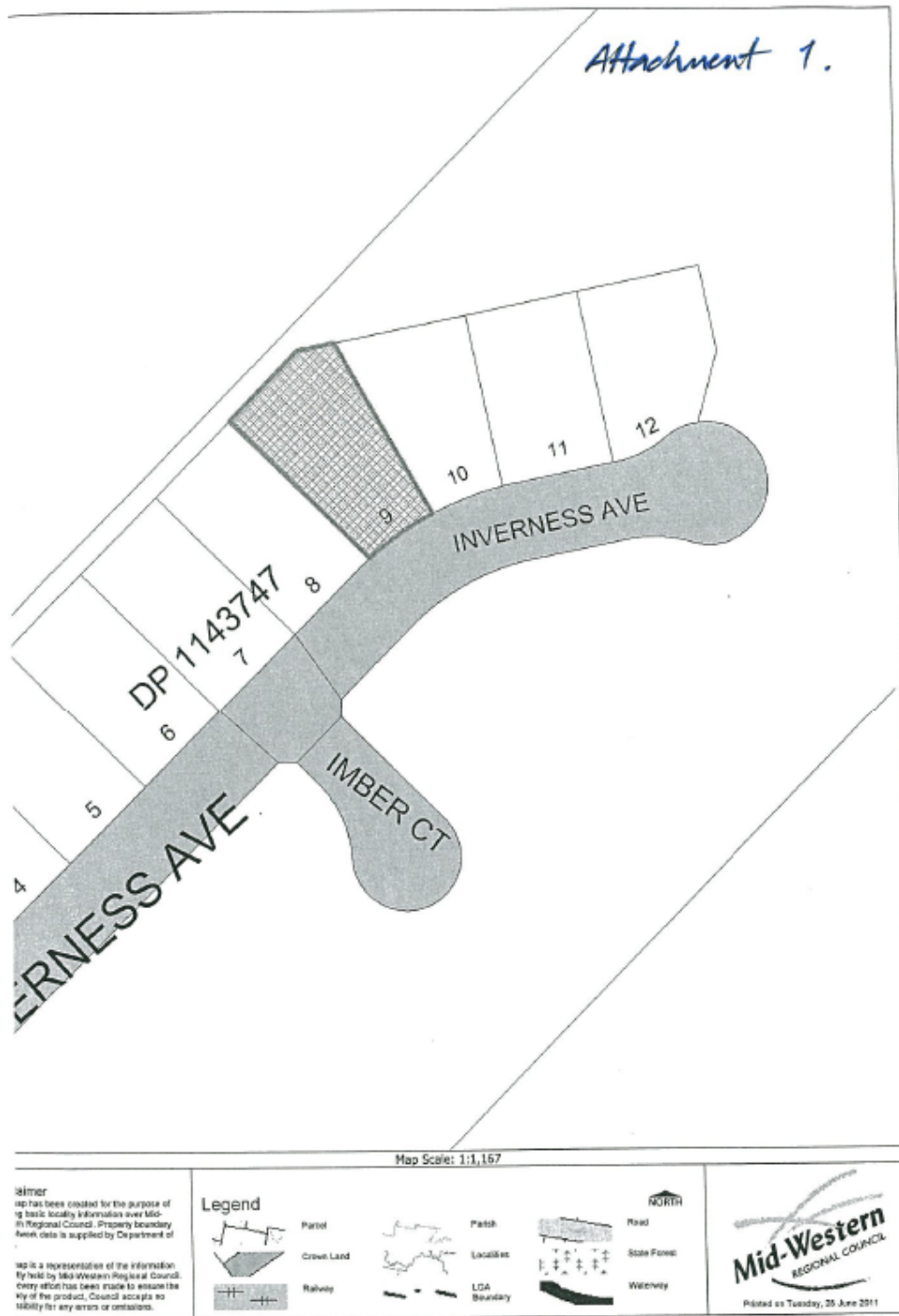
8 September 2011

Attachments:

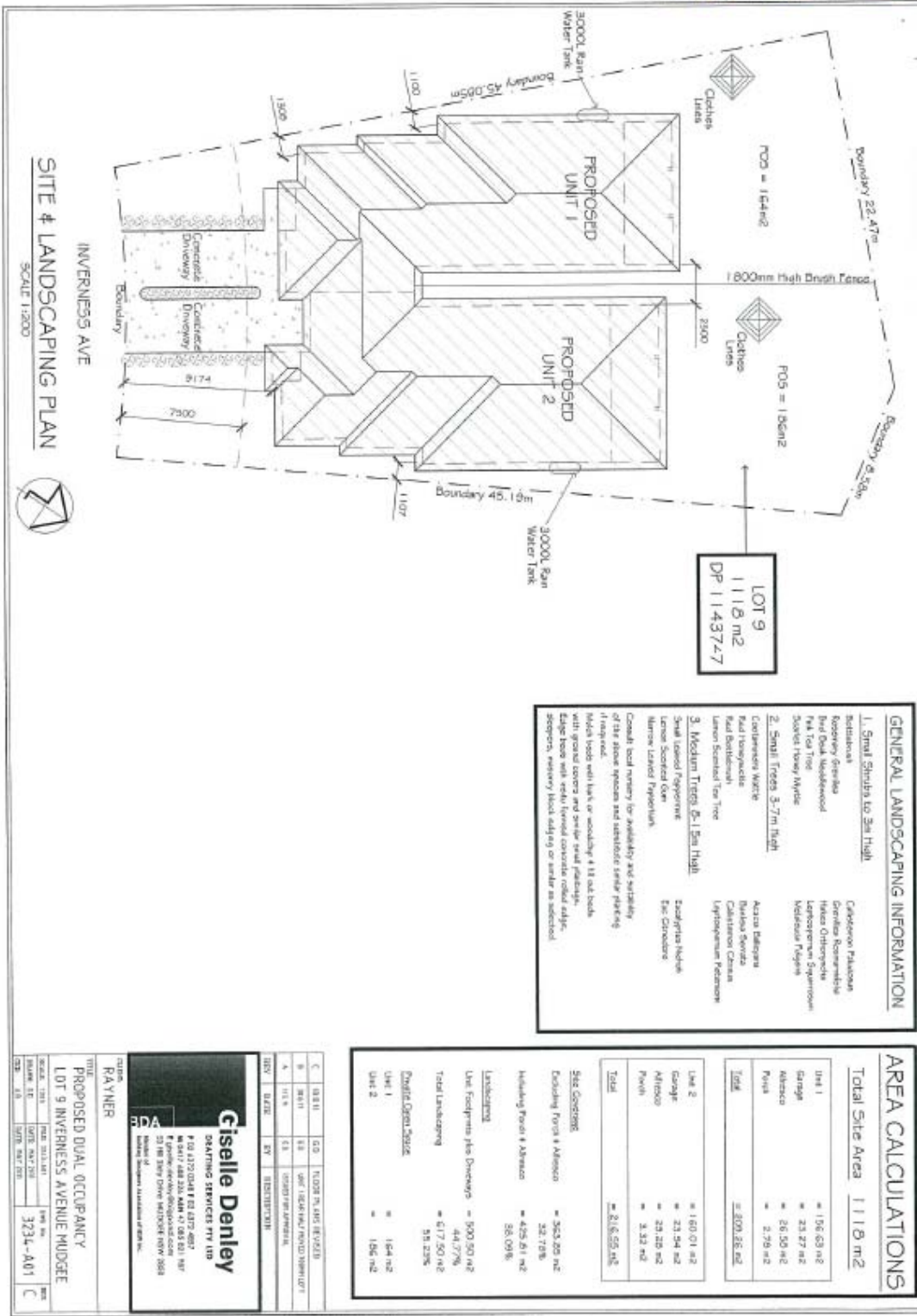
1. Locality Plan
2. Site and landscape Plan
- 3 & 4 Elevations
5. Floor Plan
6. Submission

APPROVED FOR SUBMISSION:

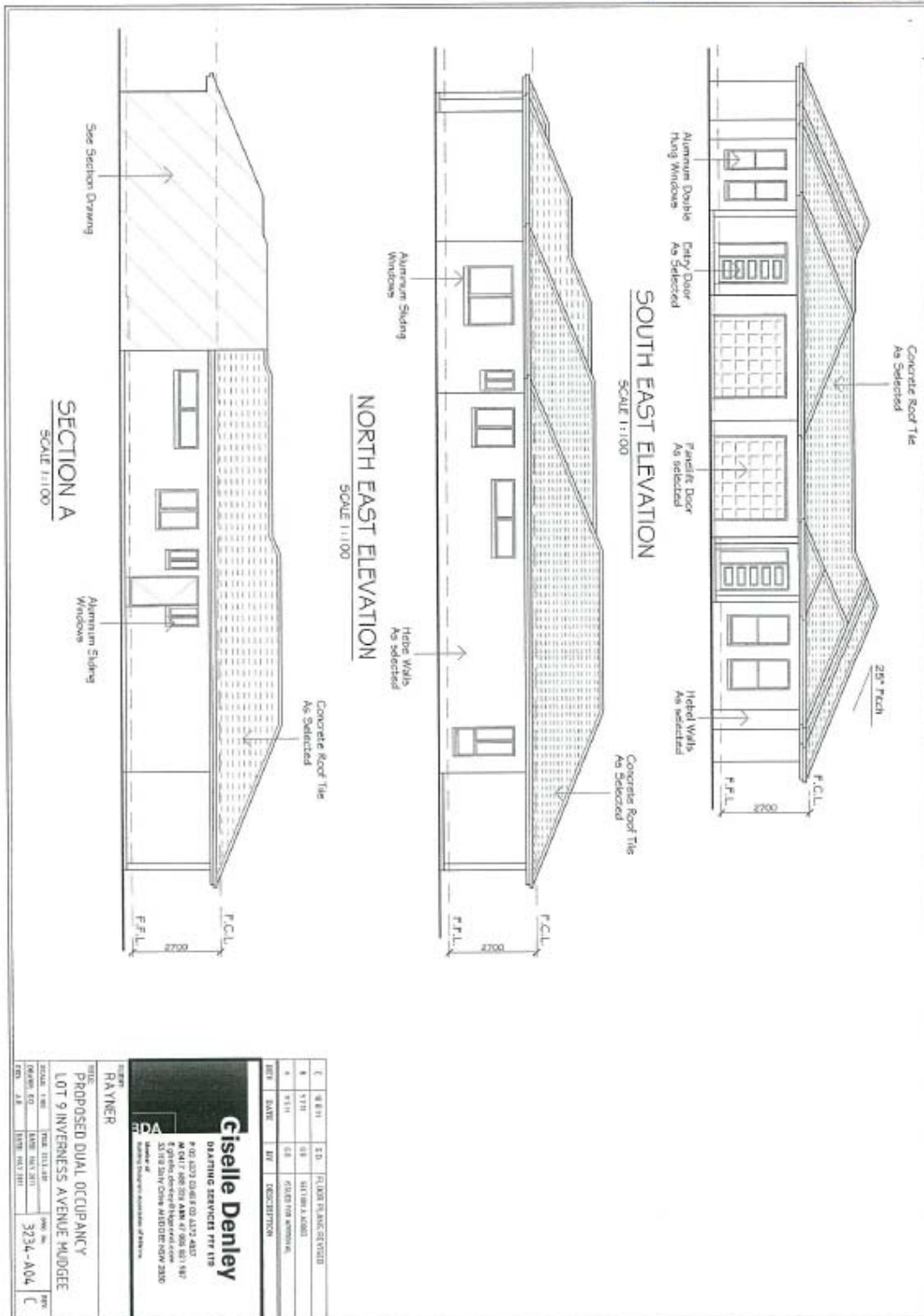
WARWICK BENNETT
GENERAL MANAGER



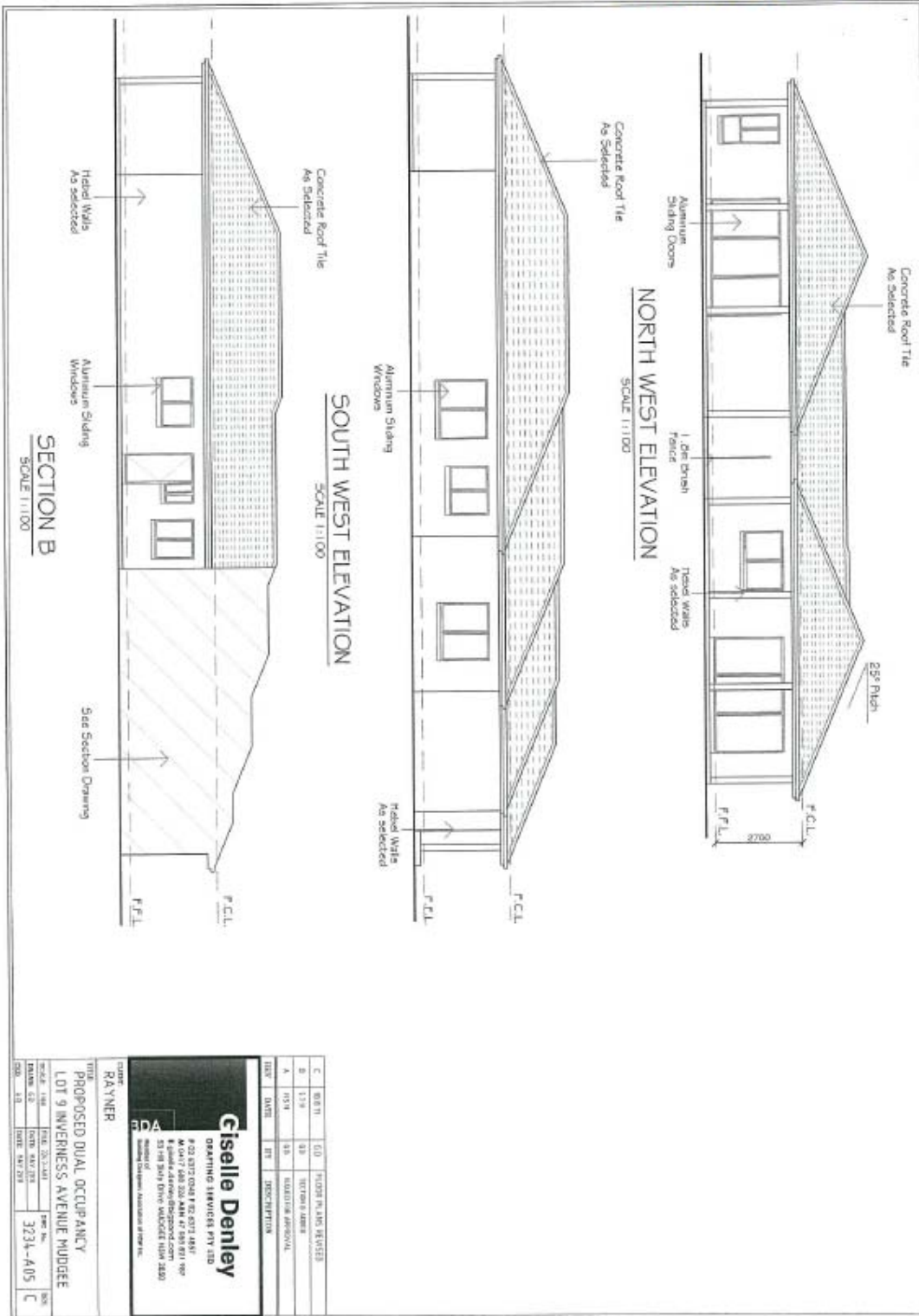
Attachment 2



Attachment 3



Attachment 4



NO.	DATE	BY	DESCRIPTION
C	08/11	GD	FIXED IN AND REVISED
B	1/9	GB	REVISION MARK
A	05/4	GB	EXHIBITOR APPROVAL

Ciselle Denley
 DRAFTING SERVICES PTY LTD
 #02 8172 0248 F#02 8073 4847
 #0427 648 324 F#04 47 580 891 789
 6/108 SOUTH DRIVE WILSONS PROMENADE
 (opposite City Centre) WILSONS PROMENADE

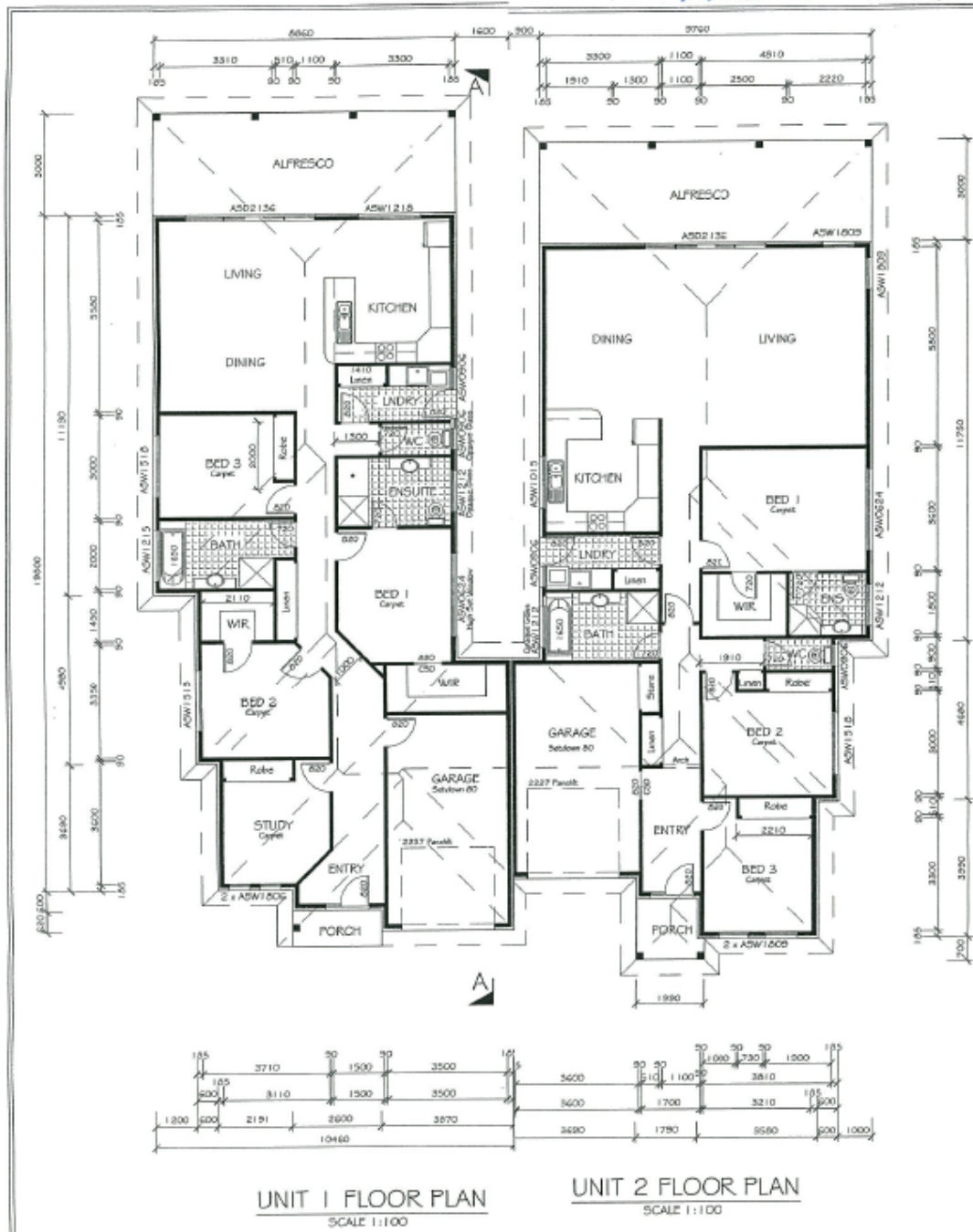
CLIENT: RAYNER

TITLE: PROPOSED DUAL OCCUPANCY
 LOT 9 INVERNESS AVENUE MUDGEE

SCALE: 1:50	DATE: 20/11/11	DATE: 20/11/11	DATE: 20/11/11
DATE: 1/9	DATE: 1/9	DATE: 1/9	DATE: 1/9
DATE: 1/9	DATE: 1/9	DATE: 1/9	DATE: 1/9

3234-A05 C

Attachment 5.



RAYNER		<p>Giselle Denley DRAFTING SERVICES PTY LTD P 02 4372 0348 F 02 4372 4837 M 0417 480 336 AMN 47 065 821 987 E giselle.denley@bigpond.com 53 Hill Study Drive MUDGEES RIVER NSW 2830 Member of Building Designers Association of NSW Inc.</p>			
PROPOSED DUAL OCCUPANCY LOT 9 INVERNESS AVE MUDGEES					
SCALE: 1:100	FILED: 3235-A03	DWG No.	3234-A03	REV.	C
DRAWN: G.D.	DATE: MAY 2011				
CHKD: A.R.	DATE: MAY 2011				
				REV	DATE
				BY	DESCRIPTION
				C	28.08.11
				S.D.	FLOOR PLAN REVISED
				H	11.11.11
				S.D.	REAR WARDROBE REVISED
				A	11.11.11
				S.D.	ISSUED FOR APPROVAL

6 September 2011



19 Inverness Av
MUDGEE 2850

COPY

Mid Western Regional Council
86 Market St
MUDGEE 2850

Dear Sir, **OBJECTION TO DEVELOPMENT APPLICATION DA0352/2011**

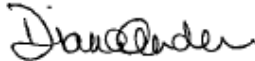
We, James and Diana Anderson, the owners of Lot 10, 19 Inverness Avenue, Mudgee, object to this planned development on the following grounds :

1. It appears that the sizes of the 2 garages have been reduced from double to single garages, accommodating only one vehicle each. This will result in a second vehicle either being left on the concrete driveway in front of the garage of each dwelling or in the narrow street.
2. On the street in front of the dwelling(s) there is only space to park one vehicle due to the narrow frontage of the allotment.
3. The narrow frontage of the allotment and the angle of the side boundaries results in an extremely narrow frontage at the kerb at the edge of the road. This prevents vehicles using the street to park. With this in mind should this unsatisfactory development be approved? A condition should be that the width of the driveway is limited in width and this width recorded on the plans. At the moment no width is nominated.
4. The 1800mm high brush fence extends to the boundary at the golf course side still at it's full height of 1800mm. This is contrary to the covenant to the subdivision. It should be lower 1375mm for the last four metres adjacent to the golf course as per the covenant for this subdivision.
5. There is no detail of the side or rear fencing material. The covenant of this subdivision is specific regarding boundary fencing, specifically a post and rail fence, pool fencing or farm fencing. The covenant stipulates rear boundary fences should be no higher than 1375mm AND extend 1375mm for the return side boundaries for a minimum of four metres. All other properties have used black pool fencing on the boundary with the golf course and this should be continued for uniformity.
6. The covenant also stipulates that clothes lines are to be screened from the golf course, so as to prevent golfers viewing drying laundry. No such screening is shown.

7. As both dwellings are very close to the side boundaries, it is important that air conditioning units, should they be installed, are erected at sufficient distance from the boundaries so as not to disturb the comfort of adjoining neighbours.

The allotment is very narrow at the front boundary and not suitable for a duplex development. We consider it inappropriate to develop a duplex on this allotment.

Yours sincerely



James and Diana Anderson

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

REPORT BY MANAGEMENT ACCOUNTANT

Bankrep
A010052, A0140304

RECOMMENDATION

That the Investment Report as at 31 August 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

2 September 2011

Attachments: Monthly statement of Bank Balances and Investments

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

For the month ended: 31-Aug-11

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
Commonwealth Bank	\$ 1,169,142	\$ 9,908,212	\$ 8,760,498	\$2,316,856	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 31/08/2011

Investments	Type	Amount	Yield %	Maturity Date	Term	Rating	Govt Rating	NAV	% of Portfolio
Commonwealth Bank	At Call	\$ 2,470,000	4.75%	N/A	At Call	A-1+	2		8.1%
National Australia Bank	Term Deposit	\$ 1,200,000	6.21%	18/01/2012	183	A-1+	2		3.9%
National Australia Bank	Term Deposit	\$ 850,000	5.90%	21/09/2011	91	A-1+	3		2.8%
National Australia Bank	Term Deposit	\$ 1,900,000	5.70%	26/10/2011	70	A-1+	3		6.2%
National Australia Bank	Term Deposit	\$ 1,000,000	6.25%	19/01/2012	188	A-1+	3		3.3%
Westpac Bank	Term Deposit	\$ 2,600,000	5.80%	30/11/2011	98	A-1+	2		8.5%
Westpac Bank	Term Deposit	\$ 1,000,000	5.80%	9/11/2011	98	A-1+	3		3.3%
St George Bank	Term Deposit	\$ 1,500,000	6.25%	8/02/2012	190	A-1+	2		4.9%
St George Bank	Term Deposit	\$ 1,000,000	5.87%	15/09/2011	92	A-1+	3		3.3%
St George Bank	Term Deposit	\$ 500,000	5.85%	7/09/2011	91	A-1+	3		1.6%
St George Bank	Term Deposit	\$ 1,500,000	5.85%	28/09/2011	91	A-1+	3		4.9%
St George Bank	Term Deposit	\$ 1,000,000	6.10%	14/12/2011	154	A-1+	3		3.3%
Bankwest	Term Deposit	\$ 1,000,000	5.85%	5/10/2011	56	A-1+	1		3.3%
Bankwest	Term Deposit	\$ 1,000,000	5.95%	12/10/2011	91	A-1+	3		3.3%
Bankwest	Term Deposit	\$ 1,500,000	5.90%	28/09/2011	91	A-1+	3		4.9%
AMP	Term Deposit	\$ 1,000,000	5.95%	16/02/2011	181	A-1	1		3.3%
Suncorp Metway Ltd	Term Deposit	\$ 1,000,000	5.82%	30/11/2011	91	A-1	1		3.3%
IMB	Term Deposit	\$ 1,000,000	6.00%	21/09/2011	91	A-2	1		3.3%
Newcastle Permanent	Term Deposit	\$ 1,000,000	6.00%	7/09/2011	91	A-2	1		3.3%
Bank of Queensland	Term Deposit	\$ 1,000,000	5.96%	9/11/2011	92	A-2	1		3.3%
Members Equity Bank	Term Deposit	\$ 1,000,000	6.00%	19/10/2011	91	A-2	1		3.3%
Heritage Building Society	Term Deposit	\$ 1,000,000	5.91%	2/11/2011	91	A-2	1		3.3%
Community CPS Aust.	Term Deposit	\$ 1,000,000	5.84%	19/10/2011	91	NR	1		3.3%
Deutsche Bank Series 5	Floating Rate Note	\$ 1,000,000	5.74%	23/11/2012	4yrs 9mths	A+	-		3.3%
ANZ ASPRIT III	Sustainable Equity Linked Note	\$ 500,000	50% of +tve NAV	19/07/2013	6 yrs	AA	-		1.6%
Longreach Series 26	Property Linked Note	\$ 1,000,000		7/06/2014	7 yrs	A+	-		3.3%
Total Investments		\$30,520,000							100.0%

Government Guarantee Codes

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

Monthly Investment Portfolio Activity:

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

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance	Change in interest rate	Change in Term (days)
Commonwealth Bank	\$ 830,000		\$ 2,470,000	0.00%	At Call
St George Bank	\$ 1,500,000		\$ 1,500,000	0.65%	100
Westpac Bank			\$ 1,000,000	New Deposit	
Heritage Building Society	\$ 1,000,000		\$ 1,000,000	-0.30%	-91
Bank of Queensland	\$ 1,000,000		\$ 1,000,000	0.15%	2
Bankwest	\$ 1,000,000		\$ 1,000,000	-0.15%	-35
National Bank	\$ 1,900,000		\$ 1,900,000	-0.19%	-21
AMP Bank			\$ 1,000,000	New Deposit	
Westpac Bank	\$ 2,600,000		\$ 2,600,000	0.05%	7
Suncorp Metway	\$ 1,000,000		\$ 1,000,000	-0.21%	0
	<u>\$ 10,830,000</u>		<u>\$ 14,470,000</u>		

Net Portfolio Movement \$3,640,000 Addition

MWRC Policy Requirements:

Investments by Institution	Long/Short Term Ratings	Amount	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA/A-1+	\$ 4,950,000	16.2%	25.0%
Bankwest	AA/A-1+	\$ 3,500,000	11.5%	25.0%
St George Bank	AA/A-1+	\$ 5,500,000	18.0%	25.0%
Commonwealth Bank	AA/A-1+	\$ 2,470,000	8.1%	25.0%
Westpac Bank	AA/A-1+	\$ 3,600,000	11.8%	25.0%
ANZ	AA/A-1	\$ 500,000	1.6%	25.0%
Longreach	A+/A-1	\$ 1,000,000	3.3%	20.0%
Deutsche Bank	A+/A-1	\$ 1,000,000	3.3%	15.0%
AMP	A/A-1	\$ 1,000,000	3.3%	15.0%
Suncorp Metway Ltd	A/A-1	\$ 1,000,000	3.3%	15.0%
Bank of Queensland	BBB+/A-2	\$ 1,000,000	3.3%	10.0%
Newcastle Permanent	BBB+/A-2	\$ 1,000,000	3.3%	10.0%
Members Equity Bank	BBB/A-2	\$ 1,000,000	3.3%	10.0%
Heritage Building Society	BBB/A-2	\$ 1,000,000	3.3%	10.0%
IMB	BBB/A-2	\$ 1,000,000	3.3%	10.0%
Community CPS Aust.	NR	\$ 1,000,000	3.3%	10.0%
		<u>\$ 30,520,000</u>	<u>26.2%</u>	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AAA/A-1+	\$ 20,020,000	65.6%	100.0%
	AA/A-1	\$ 500,000	1.6%	100.0%
	A/A-1	\$ 4,000,000	13.1%	60.0%
	BBB/A-2	\$ 5,000,000	16.4%	20.0%
	Unrated	\$ 1,000,000	3.3%	20.0%
		<u>\$ 30,520,000</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	\$ 28,020,000	91.8%	30.0%	100.0%
Between 1 and 3 years		0.0%	0.0%	70.0%
Between 3 and 5 years	\$ 1,000,000	3.3%	0.0%	50.0%
More than 5 years	\$ 1,500,000	4.9%	0.0%	25.0%
	<u>\$ 30,520,000</u>	<u>100.0%</u>		

7.2.3 CHRISTMAS LIGHTS

REPORT BY GENERAL MANAGER
Christmas lights
A0100052, A0030019

RECOMMENDATION

That:

1. the report by the General Manager on the erection of Christmas lights be received;
2. Council proceed with the purchase and annual installation of Christmas lights to the value of \$15,000 to be funded from Councils Strategic Initiatives Fund and the 2012/16 Management Plan be amended accordingly. The Council notes that this project is a initiative promoted by Council and should not be reflected in the General Managers Performance Review..

DETAILED REPORT

Attached to this report is a letter from a company called Dreamfield Trading setting out the costs of supplying solar power Christmas Lights. This letter was discussed at the recent round of Committee meetings. The letter only considers the installation in Mudgee but Council requested that a report be presented including the costs in all four major towns.

It is recommended in this report that \$15,000 be spent on Christmas lights for the region as follows:-

Mudgee – 25 trees with 3 strands each tree – cost	\$ 6,000
Kandos – 10 trees with 3 strand each tree – cost	\$ 2,000
Rylstone– to be determined – cost	\$ 2,000
Gulgong - to be determined – cost	\$ 3,000
Installation – hire of cherry picker for all sites – cost	\$ 2,000
Total	\$15,000

Gulgong does not have many trees in the main streets so the intention would be that we have discussions with the Chamber of Commerce about the most suitable location for the lights. Rylstone trees are too large to put lights on so we would have discussions with the Cudgegong Business Group about the next best alternative. The allocation of the funding for the lights is based upon population and the cost effectiveness of funding sufficient lights to be effective.

It would be anticipated that the lights be installed in the first week of December and removed mid January. The initially cost is \$15,000 but that includes purchase which would not be a recurring cost. The lights would be stored in the Council depots for the remaining of the year.

FINANCIAL IMPLICATIONS

This report recommends that the funding of the purchase and installation of the lights be from the Councils strategic initiatives fund. Council allocates \$20,000 to this fund annually. It should be noted that Council would not be paying a 50% deposit but will pay in full on the delivery of the product.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

WARWICK BENNETT
GENERAL MANAGER

8 September 2011

Attachments: Letter from Dreamfield Trading

DREAMFIELD TRADING



Hi Max,

Thanks for the opportunity to quote the council Christmas Street light up project.

Below is an estimated quote based on the trees being approximately 11m high and around 5 metres wide?

- Solar panel would start at the top and a 200 LED strand would be wrapped around towards the trunk.
- Each tree should have at least 3 strands of 200 LED.
- Solar panel needs to receive 6-8 hours of good sunlight each day to work 6-10 hours at night.
- Solar panel best position is angled north to north east
- Solar panel should not be under an artificial light source, eg street light
- Solar fairy lights come with all required components, ie rechargeable battery, solar panel etc
- Solar fairy lights have 7 light modes

The price is for:

Sets of clear cable white 200 LED Solar Fairy lights (approx 22m including lead cord to solar panel) or

Sets of green cable multicoloured 200 LED Solar Fairy lights (approx 22m including lead cord to solar panel) LED's are green, red, blue, warm white

Price for say 25 trees would be approximately \$6,000.00 (normally sell for \$8,250.00)

Order would need to be placed by 14 September 2011 for delivery November 15 2011

50% deposit paid.



Please note, none of the above photos are the actual solar fairy lights being quoted as they will not arrive in Australia until approx 12 October 2011. The photos indicate LED colour only, (solar panel quoted has higher capacity and more solar cells than photo above).

Regards

Jo Watters
Dreamfield Trading
0413 282387
www.dreamfieldtrading.com.au
dreamfieldtrading@hotmail.com

7.2.4 TENDER ASSESSMENT – DESIGN & CONSTRUCTION MORTIMER ST RETAIL PREMISES 2011-07

REPORT BY GROUP MANAGER - OPERATIONS
TENDER 2011-07 DESIGN & CONSTRUCTION MORTIMER ST RETAIL PREMISES 2011-07
A0100052, A0411107

RECOMMENDATION

That:

1. **The report of the Group Manager – Operations on the tender assessment for the Construction of the Mortimer Street Retail Premises be received,**
2. **Council awards the contract for the design and construction of the Council owned retail premises in Mortimer Street Mudgee (known as the Target premises extension) to CCA Projects t/as Club Constructions Australia for the tendered price of \$1,274,285 (GST exclusive).**
3. **Council delegates to the General Manager authority to vary the contract up to the value of 5% of the tendered price.**

EXECUTIVE SUMMARY

Following Council's resolution to invite tenders for the design & construction of the 1550 m² retail premises at Mortimer St to suit the specific needs of Target Country, tenders were called on the 8th August 2011 for Tender 2011-07 and closed at 3pm on 2nd September 2011. Eleven (11) tenders were received.

Advertisements for the tender were placed in the Local Government Tenders section of the Sydney Morning Herald, Mudgee Guardian, Community News and Council's website from the 8th August 2011.

The tendering process was initiated and a Procurement Plan and Tender Evaluation Plan were developed. A Tender Assessment Panel was formed, comprising representatives from the most relevant departments within Council. Members of the Tender Assessment Panel use the Evaluation Plan and methodology to determine which tenderers offer the best value for money in the design and construction of the Mortimer St retail premises.

DETAILED REPORT

Tenders Received

The Tenders received were as follows:

<u>No.</u>	<u>Name</u>
1	Hines Constructions
2	Hansen Yuncken
3	David Payne Constructions
4	Main Brace Constructions
5	CCA Projects
6	Camarda Cantrill Pty Ltd

- 7 Contract Control Services Pty Ltd
- 8 Inten Constructions
- 9 Meridian Constructions
- 10 O'Donell Hanlon Pty Ltd
- 11 Patterson Building Group Pty Ltd

Late Tenders

No late tender was received or evaluated.

Conforming Tenders

Although some Tenders received were partially non-conforming, all Tenders were evaluated where possible. Any mandatory requirements that were not met were taken into account in the evaluation process and an opportunity was provided to the tenderer to supply clarifications, as per the Request for Tender (RFT). This decision was made at the beginning of the evaluation process for the benefit of Council receiving the most competitive and suitable contract. Fully conforming Tenders received were as follows:

No. Name

- 1 Hines Constructions
- 2 Hansen Yuncken
- 3 David Payne Constructions
- 5 CCA Projects
- 9 Meridian Constructions
- 10 O'Donell Hanlon Pty Ltd

Non-complying, Partially Compliant or Alternate TendersNo. Name

- 4 Main Brace Constructions
- 6 Camarda Cantrill Pty Ltd
- 7 Contract Control Services Pty Ltd
- 8 Inten Constructions
- 11 Patterson Building Group Pty Ltd

Evaluation Methodology

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

Evaluation Criteria	Weighting
1. Price – whole of life costs	60%
2. Construction timetable	20%
3. Demonstrated experience with large scale projects	10%
4. Demonstrated experience in Design & Construct projects	10%

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

Tender Evaluation Process

The evaluation process is conducted in five stages:

1. An initial review of any non-conforming tenders such tenders not following the instructions set out in the Request for Tender documents, or tenders missing mandatory requirements. Five (5) Tenders were non-compliant due Tender documentation, however all tenderers were evaluated and further information collected if required. Details regarding these tenders are set out above ('Non-conforming or alternate tenders').
2. The Tender Assessment Panel undertakes an objective analysis of tenderers' ability to meet both mandatory and desirable criteria.
3. The tendered information and specific questions are listed under the evaluation criteria and weighted in order of importance to the overall evaluation. Team members score the tenders against the criteria in accordance with the Evaluation Plan. Risk and gap analysis is also undertaken to ensure that any risks identified in the tenders can be mitigated and that any tender demonstrating a significant gap (the difference between what is offered in a Tender and what is required by MWRC) is removed from the tender process.
4. Referee checks are undertaken on each short-listed tenderer in order to determine their capacity to provide the services required.
5. This Tender Evaluation Report detailing the rating of each short-listed tenderer, and the final recommendations are detailed for the consideration of Council.

Assessment Panel

Brad Cam	Group Manager Operations
Leonie Johnson	Financial Accountant
Rhys Brotherton	Project Manager

Evaluation Findings

After assessing each Tenderer on Price, Construction Timetable & Experience the highest scoring results were CCA Projects t/as Club Constructions Australia and Meridian Constructions. It is recommended that Council accepts the tender submitted by CCA Projects. This tender represents the best value for the highest quality construction affordable for Council. This entity is also located in Mudgee and utilises local subcontractors.

FINANCIAL IMPLICATIONS

This project is budgeted in the 2011/16 Management Plan, and the recommended tender price falls within budgeted figures. The estimated price put to Council in the May Meeting for the construction was \$1,430,000. Thus this tender price is below the estimated price.

STRATEGIC OR POLICY IMPLICATIONS

This project is an approved commercial redevelopment.

APPROVED FOR SUBMISSION:



BRAD CAM
GROUP MANAGER OPERATIONS

WARWICK BENNETT
GENERAL MANAGER

9 September 2011

Attachments: Tenderers Detailed Scores (CONFIDENTIAL)

7.2.5 TENDER 2011/06 BITUMEN SPRAY SEAL

REPORT BY BUSINESS MANAGER WORKS Tender 2011/06 Bitumen Spray Seal A0100052, A0411106

RECOMMENDATION**That:**

- 1. the report by Business Manager Works on the Tender 2011/06 Bitumen Spray Seal be received;**
- 2. Council accepts the tender from Downer Australia Pty Ltd for the provision of the bitumen spray seal (as per the schedule provided in the confidential section of this business paper) on Councils roads maintenance and construction program, for the contract period from 1 October 2011 until 30 September 2012 with optional yearly contract extensions to a maximum of three years total.**

EXECUTIVE SUMMARY

Following Council's resolution to invite tenders for bitumen spray seal, tenders were called on the 15th August 2011 for Tender 2011/06 Bitumen Spray Seal and closed at 12pm on 6th September 2011. Five (5) tenders were received.

Advertisements for the tender were placed in the Mudgee Guardian from the 15th August 2011 and the Local Government Tenders section of the Sydney Morning Herald and Council's website from the 16th August 2011.

Submitted tenders stated in their submissions that all rates and information were to be treated as commercial in confidence and as such specific rates are placed in the confidential section.

The tendering process was initiated and a Procurement Plan and Tender Evaluation Plan were developed. A Tender Assessment Panel was formed, comprising representatives from the most relevant departments within Council. Members of the Tender Assessment Panel use the Evaluation Plan and methodology to determine which tenderers offer the best value for money for the provision of bitumen spray seals in Councils roads maintenance and construction program.

DETAILED REPORT

This contract is for a period of one year with an option to extend a further year in October 2012 and a second option to extend a further year in October 2013 to give a maximum contract of three years. Extensions will be on mutual agreement between Council and the successful contractor. Built into the tender contract term are annual adjustments to the schedule of rates for the rise and fall in the oil prices and/or the consumer price index changes that are to be notified to Council each year. The estimated value of this contract for the next twelve months is \$2,400,000. This amount will vary each year depending upon the schedule of works.

Tenders Received

The Tenders received were as follows:

- 1 State Asphalt Services Pty Ltd

- 2 SRS Roads Pty Ltd
- 3 Fulton Hogan Industries Pty Ltd
- 4 Downer Australia Pty Ltd
- 5 Boral Asphalt Bitupave Ltd

Late Tenders

No late tenders were received.

Conforming Tenders

All tenders were conforming.

Evaluation Methodology

The objective of the evaluation was to select the tenderer(s) offering the best value for money in a rational and justifiable way which is fair to all tenderers. The evaluation criteria and criteria weightings applied to this evaluation process are shown in Attachment 1 – Evaluation Assessment.

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

Assessment Panel

Sally Mullinger	Business Manager Works
Andrew Kearins	Manager Technical Services
Leonie Johnson	Financial Accountant

Evaluation Findings

After assessing each tenderer on price and capability, the highest scoring result was for Downer Australia Pty Ltd. The evaluation process ranked the other tenderers as Boral Asphalt, SRS Road Services, Fulton Hogan Industries and State Asphalt Services, from 2nd to 5th respectively.

FINANCIAL IMPLICATIONS

These costs are budgeted in the 2011/2012 works program, however the total amount of this contract will vary each year depending on the works program that is reviewed annually and approved in the Management Plan as adopted by Council.

The recommended tenderer advised that the bid does not make any allowance for any costs resulting from an introduction of a carbon trading scheme by State or Federal Government. Cost adjustments may be necessary should such a scheme be introduced.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

SALLY MULLINGER
BUSINESS MANAGER WORKS

BRAD CAM
GROUP MANAGER OPERATIONS

8 September 2011

Attachments: Evaluation Assessment containing Tenderers' Detailed Scores and Schedule of rates – CONFIDENTIAL

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

7.2.6 FINANCIAL ASSISTANCE – TIER 2 APPLICATION

REPORT BY FINANCE OFFICER
Financial Assistance – Tier 2 Application
A0100052, A0140201

RECOMMENDATION

That:

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

St Matthews Catholic School K-10 Mudgee \$750.00

EXECUTIVE SUMMARY

This report canvasses a request for financial assistance under the Council's Financial Assistance Policy – Tier 2.

DETAILED REPORT

Provision is made in Council's Financial Assistance Policy – Tier 2 (Small Grants) for organisations, group and individuals to make application for financial assistance upwards to \$1,000.00.

The policy provides that Council will consider applications from community based not for profit groups or organisations which:

- demonstrate a broad community benefit
- may be new projects
- demonstrate that they support the aims and objectives of Council.

In addition, the policy states that Council will consider applications from not for profit organisations and individuals on the following basis:

	Maximum funding levels available annually per application
Regional/State representation	Individual - \$100 Group - \$200
National/International representation	Individual - \$250 Group - \$750
Prize Giving	\$100

St Matthews Catholic School K-10 Mudgee

St Matthews Catholic School K-10 Mudgee Year 9 and 10 students have been one of two NSW teams selected to represent their school at the National Science and Engineering Challenge on 19 October 2011 in Wangaratta Victoria. As per Council's policy for national representation by a group the funding recommended is \$750.

FINANCIAL IMPLICATIONS

Funding of \$22,000 is provided in the Management Plan for Tier 2 Applications (Small Grants) and \$5,105.97 has been allocated to date leaving a balance of \$16,894.03.

The Councillors' Discretionary vote for 2011/2012 is \$2,000 per Councillor. The balances are detailed below:

Cr Thompson	\$1,800.00
Cr Shelley	\$ 300.00
Cr Walker	\$1,800.00
Cr Webb	\$1,700.00
Cr Holden	\$2,000.00
Cr Martens	\$1,900.00
Cr Lang	\$1,500.00
Cr Kennedy	\$1,800.00
Cr Weatherley	\$2,000.00

STRATEGIC OR POLICY IMPLICATIONS

Council's Financial Assistance policy applies.

CHERYL MACKANDER
FINANCE OFFICER

CLARE PHELAN
GROUP MANAGER FINANCE &
ADMINISTRATION

8 September 2011

Attachments: St Matthews Catholic School K-10 Mudgee

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER



**St Matthews Catholic School K-10
Mudgee**

4 Lewis Street, Mudgee NSW 2850
Telephone: (02) 6372 1742; Facsimile: (02) 6372 1423
School website: www.stmattsmudgee.nsw.edu.au Email: admin@stmattsmudgee.nsw.edu.au

1st September 2011

Mr Warwick Bennett
General Manager
Mid-Western Regional Council
86 Market Street
Mudgee 2850

Dear Mr Bennett

A number of St Matthews Year 9 and 10 students have just returned from the Science and Engineering Challenge in Newcastle with the excellent news that they have made it to the National level of the competition on October 19 in Wangaratta, Victoria.

As one of two teams from NSW selected for this National Challenge, we are very keen to give the students the opportunity to represent our school and region in this competition. It also gives all the students encouragement in the areas of the sciences and promotes our region as a place of educational excellence.

Obviously this will take some organisation by St Matthews as well as expense for the parents of the 32 students wanting to go, with the travel and accommodation alone costing over \$7,500. While the individual families are willing to bear as much cost as possible, we are keen to fundraise from our community and state to help mitigate the individual cost.

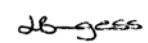
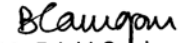
This is where you come in.

With only 6 weeks to organise and fundraise for this event we were hoping that Mid-Western Regional Council would be happy to support our participation by helping sponsor our team with a donation.

Please find the link to the website outlining the educational aims and outcomes of the Challenge <http://www.newcastle.edu.au/faculty/engineering/events/challenge/>

We look forward to hearing from you soon.

Yours sincerely

 
Mrs Lesley Burgess and Ms Brigid Carrigan
(on behalf of the Parent fundraising Committee)

For further details contact Ms Brigid Carrigan Student Administration
b.carrigan@bth.catholic.edu.au



7.2.7 GLEN WILLOW REGIONAL SPORTS GROUND – ADDITIONAL FUNDING

REPORT BY GENERAL MANAGER Glen Willow Regional Sports Ground – additional funding A0100052, INSERT FILE NO.

RECOMMENDATION**That:**

- 1. the report by the General Manager on the Glen Willow Sports Ground – additional funding be received;**
- 2. Council authorises the completion of the Glen Willow Regional Sports facility at an additional cost of \$340,000 to be funded from the Moolarben Voluntary Planning Agreement community infrastructure contribution.**

DETAILED REPORT

Please find attached a spreadsheet with the revised budget for the completion of the Glen Willow Regional Sports Facility. This report is recommending that Council spend an additional \$340,000 to complete the complex to a high standard. A number of factors have contributed to the additional costs which are explained in this report. Also at the end of this report, options to reduce the costs and standard of the finished product are also presented for Council consideration.

Council made an application for some \$960,000 for flood damage on parks and reserves in the region, but a portion attributable to the damage incurred at Glen Willow was not eligible for funding under the natural disaster provisions. It is important to note that this project overall would be delivered on budget, but for the unfunded flood damage.

As Council is aware there was flood damage experienced at the Glen Willow Regional Sports complex in December last year. After many months of discussions with the State Government it has been determined that any flood damage caused during construction is not eligible for Government funding under the natural disaster criteria. We must highlight here that once the project is completed the chances of major damage will be minimised as all buildings are above the 100 year flood level and the main field will be surrounded by a 1.8 metre high viewing bank which will stop any flood waters entering the main field. Council also experienced flood damage to the roadwork's and the netball courts which were also only partially complete. Again it is stated that the damage to the netball courts and the roads would not have occurred if the final hard surface was in place.

The gap between flood damage caused and the natural disaster grant funding is \$347,000. Council must carry out repair works to reinstate those assets. In order to fund this, Council may allocate additional funding or nominate other elements of the project to defer until a later stage or cancel altogether.

Additional to the flood damage costs we have also included in the project schedule additional car parking adjacent to the netball courts as well as nose in car parking on the road verges and security fencing on all parts of the facility adjacent to Pitt Lane. The latter is to prevent damage by vandals who have already entered the facility in their vehicles and caused minor damage. The car parking has been deemed to be necessary because of the volume of players and parents/supporters attending on playing days.

Further works additional to the original project scope is the fit out of the kitchen facilities including cooking appliances, fridges and portable bars, and the installation of illuminators which is a device to allow the reading of individual sporting groups' usage of the ground lights.

This report recommends that Council fund the additional costs from the Voluntary Planning Agreement funds to be paid to Council from Moolarben Coal. Although this is additional costs to the Council, I make the points that it would be best to complete the project to the desired high standard. It is essential to note that without the flood damage, the project even with additional components would have been completed within the approved budget.

Council has the following options:

1. Accept the staff recommendation
2. Delete some or all the following components of the project:-

Kitchen items	\$110,000
Security Fencing adjacent to Pitt Lane	\$ 60,000
Road and Carpark work such as	
kerbing and sealing of additional carpark	\$156,000
Installation of Insulators	\$ 14,000
Total	\$340,000

FINANCIAL IMPLICATIONS

The additional costs to this project if Council determines to proceed will be \$340,000. It is recommended the Council funds these costs from the Voluntary Planning Agreement payments from the recently agreed VPA with Moolarben Coal

STRATEGIC OR POLICY IMPLICATIONS

Not applicable

WARWICK BENNETT
GENERAL MANAGER

12 September 2011

Attachments: Spreadsheet of projects and costs to complete Glen Willow.

Glen Willow Regional Sporting Complex					
Item	Cost/ Quote	Completion Date	Comments		
Fencing around Netball Playground	\$6,718	completed			
Grass netball courts and landscaping	\$49,292	completed			
Rebuilding of Main field	\$80,512	completed			
Replacement of electrical relays in light towers	\$10,470	completed			
Construction of Main Field	\$233,230	31/10/2011			
Electricity connection to surrounds & lighting	\$48,030	15/10/2011			
Erection of Score Board	\$2,000	12/10/2000			
PA System	\$25,027	completed			
Installation of illuminators	\$14,000	31/10/2011			
Construction of veiwng mounds and irrigation including turf	\$185,432	15/10/2011			
Grand stand BBQ and landscaping	\$45,000	31/10/2011			
Main field security fencing and Pittslane security fencing	\$160,000	15/11/2011	The sports council has confirmed that they will contribute \$40,000 towards the fence		
Security Cameras for the Grandstand	\$5,000	completed			
Telephone connection	\$5,000	30/11/2011			
Roadworks and Carparks	\$460,052	31/10/2011			
Furniture	\$15,210	19/09/2011			
Kitchen cooking appliances, fridges and portable bars	\$110,000				
Repair to existing roadworks	\$54,948	completed	Approved flood claim		
Renovation to the Wetlands	\$45,000	15/12/2011	Approved flood claim		
Renovation to the sand based field - Field No 2	\$104,720		Approved flood claim. This work will be put out for tender and be staged to ensure that not all field are unuseable at the same time.		
Renovation of the four existing Soccer fields	\$225,000	30/06/2012	Approved flood claim. This work will be put out for tender and be staged to ensure that not all field are unuseable at the same time.		
Total	\$1,884,641				
Total Budget allocated	\$1,543,505				
Funding required	\$341,136				

7.2.8 GULGONG PARKS IRRIGATION SCHEME

REPORT BY MANAGER WATER & WASTE STRATEGIES
Gulgong Raw Water Scheme Pipelines Tender
A0100052, F0780133

RECOMMENDATION

That:

1. **the report by the Manager Water & Waste Strategies on the Gulgong Parks Irrigation Scheme Tenders be received;**
2. **Council accepts the tender of E.L.Civil Engineering P/L for the Gulgong Parks Irrigation Scheme – Supply Construction, Pressure Testing of Pipelines and Associated Works for a contract price of \$800,433.67 excluding GST;**
3. **the General Manager be authorised to approve variations of up to 5% of the Contract Price (i.e. \$40,021.68 excluding GST).**

EXECUTIVE SUMMARY

A request for tenders for the Gulgong Parks Irrigation Scheme – Supply Construction, Pressure Testing of Pipelines and Associated Works was advertised in the Sydney Morning Herald and in the Mudgee Guardian (Community News) during July 2011, and was advertised on the Tenderlink and Council's websites during July and August 2011. Tenders closed on 8 August 2011 and 11 tenders were received. Following a detailed review of submissions it is recommended that Council accepts the tender of E.L. Civil Engineering P/L for a Contract Price \$800,433.67 excluding GST. It is further recommended that Council authorises the General Manager to approve variations of up to 5% (i.e. \$44,021.68 including GST).

DETAILED REPORT

A report on a proposed Parks Irrigation Scheme at Gulgong was considered by Council at the June 2011 Council meeting. At the meeting Council resolved to accept an offer of financial assistance of up to \$900,000 for the construction of a \$1.8M Parks Irrigation Scheme at Gulgong and to approve the advertising of tenders for the Supply, Construction, and Pressure Testing of Pipelines & Associated Works by contract.

Upon close of tenders on 8th August 2011 eleven tenders were received ranging in price from \$829,245 to \$3,109,953 (including GST). The pre-tender estimate for the work was \$1,181,818 excluding GST.

There are two sections of pipeline that were proposed to be constructed utilising council staff. However, as the prices tendered are favourable, it is considered to be beneficial to Council if one of these sections (700m of 100mm diameter pipe) were constructed by contract. The two lowest Tenderers were requested to confirm their prices for an increased scope of work.

Following background checks on short-listed Tenderers, it is recommended that the Tender submitted by E.L. Civil Engineering, adjusted for the increased scope of works, be accepted for a Contract Price of \$800,433.67.

The tender evaluation was based on price and the ability of the tenderer to do the work. As stated in the evaluation papers E.L. Civil Engineering have previously done work for this Council and the work outputs have met our expectations. The additional work has been included in the tender because the prices were so competitive that it was not economical for Council staff to do the balance of this pipework part of the project.

FINANCIAL IMPLICATIONS

Council has allocated \$1.7M in the current financial year for the construction of a raw water scheme at Gulgong. As the recommended Tender is less than the pre-tender estimate for this part of the total project, the work will be completed within budget. The additional work required in the project will include pipework at the reservoir, upgrading of a pumping station and the upgrade of a chlorine dosing system. All works for the total project are expected well within the budget allocation.

STRATEGIC OR POLICY IMPLICATIONS

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

BRETT CORVEN
MANAGER WATER & WASTE STRATEGIES

BRAD CAM
GROUP MANAGER OPERATIONS

7 September 2011

Attachments: Tender Recommendation Report (CONFIDENTIAL)

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

7.2.9 PUBLIC INTEREST DISCLOSURE INTERNAL REPORTING POLICY

REPORT BY MANAGER GOVERNANCE
Internal Reporting Policy
A0100052, A0100021

RECOMMENDATION

That:

1. the report by the Manager Governance on the introduction of a revised policy to deal with protected disclosures be received;
2. the existing policy entitled Internal Reporting (Protected Disclosures) Act 1994 is deleted; and
3. Council adopt the attached revised policy entitled Public Interest Disclosure Internal Reporting.

EXECUTIVE SUMMARY

This report addresses recent amendments to the Protected Disclosures Act 1994 introduced by the State Government that effectively widen the protections available to people who make disclosures and tightens the obligations on public authorities to have systems in place to enable them to properly handle disclosures when they are made as well as providing that they must collect and report data in relation to that work.

DETAILED REPORT

Background

The Protected Disclosures Act 1994 set out the system under which people working within the NSW public sector can make complaints internally and externally about such things as corrupt conduct and maladministration and about the functioning of the public sector in a way that minimises the risk of reprisal.

In October last year, the State Government passed a number of amendments to this Act which were proclaimed on 3 March 2011. These are broadly outlined below:

- The Act has been renamed the Public Interest Disclosures Act, 1994;
- Protected disclosures can now be made for failure to properly fulfil functions under the Government Information (Public Access) Act 2009 (GIPA Act). Disclosures of this nature can also be made externally to the Information Commissioner;
- From 1 July 2011, the NSW Ombudsman has an oversight role of the Act;
- There are new options for people who believe they have suffered or are threatened with retribution substantially in reprisal for making a protected disclosure;
- Public Sector agencies are required to have a policy in accordance with the amended Act, in place which details receiving, assessing and dealing with protected disclosures by 1 October 2011; and
- From 1 January 2012, there is a new obligation for public sector organisations to report annually on their work with protected disclosures.

DiscussionInternal Reporting Policy

Council has had in place a policy to deal with disclosures made under the formerly named Protected Disclosures Act. A copy of this document is attached.

In response to his new oversight role, the NSW Ombudsman has set up a Public Interest Disclosures Unit to develop guidelines and provide advice to public sector employees and organisations. The Unit has now issued a model policy and is gradually developing a series of guidelines to assist in the practical application of policies.

Councils are expected to adopt a policy that reflects the model developed by the Ombudsman.

Briefly, in accordance with the model guidelines, internal protected disclosures are to be made to:

- Council's Disclosures Coordinator or the General Manager where it is a disclosure about Council staff;
- The Mayor where it is a disclosure about the General Manager; and
- The General Manager or the Mayor, where it is a disclosure about a Councillor.

Protected disclosures can also be made to external government agencies such as ICAC for corrupt conduct and the NSW Ombudsman for maladministration.

The Disclosures Coordinator has a central role in dealing with reports made by staff. This position receives them, assesses them, and refers them to the people within Mid-Western Regional Council who can deal with them appropriately.

It is the responsibility of the Mayor and the General Manger to:-

- decide if a report is a protected disclosure;
- determine what needs to be done next, including referring it to other authorities; and
- decide what needs to be done to correct the problem that has been identified.

The General Manager and Mayor must make sure there are systems in place to support and protect staff who report wrongdoing. They are also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

All NSW councils must adopt a policy based on the model policy prior to 1 October 2011.

Accordingly, Council's amended Internal Reporting Policy, based on the model is attached for Council's consideration.

Annual Reporting of Protected Disclosures

From 1 January 2012, Council is required to:-

- Start collecting data about protected disclosures received and report them to Parliament by 30 November each year; and
- Provide a copy of this report to the Ombudsman.

To meet this requirement Council will collect this data, report it to the NSW Parliament and include a summary in the Annual Report. It is expected that the NSW Ombudsman will issue further guidelines on these reporting requirements latter this year.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

This report will amend Council's Internal Reporting Policy.

IAN ROBERTS
MANAGER GOVERNANCE


18 August 2011

Attachments:

1. Current policy – Internal Reporting (Protected Disclosures) Act 1994
2. Proposed policy – Public Interest Disclosure Internal Reporting

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

	POLICY	ADOPTED C/M 15/12/10 Minute No. 365/10
	Internal Reporting (Protected Disclosures) Act 1994	REVIEW: Dec 12 FILE No. A0100021

OBJECTIVE:

To provide appropriate avenues for the reporting of corrupt conduct, maladministration or serious and substantial waste.

POLICY:**1. Support for persons who make disclosures**

Mid-Western Regional Council does not tolerate corrupt conduct, maladministration or serious and substantial waste of public money.

Mid-Western Regional Council is committed to the aims and objectives of the Protected Disclosures Act. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff or councillors which disclose corrupt conduct, maladministration or serious and substantial waste of public money.

Mid-Western Regional Council will take all reasonable steps to provide protection to staff and councillors who make such disclosures from any detrimental action in reprisal for the making of the disclosure.

2. Purpose of this policy

To be protected by the Act, a disclosure must be made by a member of staff or councillor to:

- An investigating authority;
- The General Manager, or
- To another nominated officer of Mid-Western Regional Council in accordance with the Internal Reporting System established under this Policy for the purposes of the Protected Disclosures Act.

This Policy establishes an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by Mid-Western Regional Council, its staff and councillors. The system enables such internal disclosures to be made to the Mayor or to the General Manager.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to continue to raise appropriate matters at any time with their supervisors, but as an alternative have the option of making a protected disclosure in accordance with this Policy.

3. Object of the Act

The Protected Disclosures Act 1994 commenced operation on 1 March 1995. The purpose of the Act is to ensure that public officials who wish to make disclosures under the

legislation receive protection from reprisals and that the matters raised in the disclosures are properly investigated.

The Act aims to encourage and facilitate the disclosure – in the public interest – of corrupt conduct, maladministration and serious and substantial waste in the public sector. This is achieved by:

- enhancing and augmenting established procedures for making disclosures concerning such matters;
- protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures; and
- providing for those disclosures to be properly investigated and dealt with.

4. Definitions

Three key concepts in the internal reporting system are “*corrupt conduct*”, “*maladministration*” and “*serious and substantial waste of public money*”. Definitions of these concepts are outlined below.

(1) *Corrupt Conduct*

“*Corrupt conduct*” is defined in the *Independent Commission Against Corruption Act 1988* (Sections 8 and 9). The definition used in the Act is intentionally quite broad – corrupt conduct is defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.

Corrupt conduct can take many forms i.e. taking or offering bribes, public officials dishonestly using influence, blackmail, fraud, election bribery and illegal gambling are some examples.

(2) *Maladministration*

“*Maladministration*” is defined in the *Protected Disclosures Act* as conduct that involves action or inaction of a **serious nature** that is:

- **contrary to law** - eg;
 - * decisions or actions contrary to the law or ultra vires
 - * decisions or actions contrary to lawful and reasonable orders from persons or bodies with authority to make or give such orders
 - * breach of natural justice/procedural fairness
 - * unauthorised disclosure of confidential information
- **unreasonable** - eg;
 - * decisions or actions:
 - inconsistent with adopted guidelines or policy
 - made or taken without obvious relationship to the facts or circumstances
 - so unreasonable that no reasonable person could so decide or act (ie. irrational)

- * relevant considerations not adequately taken into account or irrelevant considerations taken into account
- * serious delay
- * wrong, inaccurate or misleading advice leading to detriment
- * means used not reasonable proportional to ends to be achieved (ie. excessive use of authority)
- * failure to rectify identified mistakes, errors, oversights or improprieties
- **unjust** - eg;
 - * decisions of actions not justified by any evidence, so unreasonable that no reasonable person could so decide or act (ie. irrational), or unconscionable
 - * partial, unfair or inequitable decisions or actions
 - * abuse of power
- **oppressive** - eg;
 - * unconscionable decisions or actions
 - * abuse of power, intimidation or harassment
 - * punitive, harsh, cruel or offensive decisions or actions
- **improperly discriminatory** - eg;
 - * inconsistent application of laws, policies or practices when there is no reasonable, justifiable or appropriate reason to do so
 - * distinctions applied not authorised by law, or failure to make a distinction which is authorised or required by law
 - * failure to perform duties impartially or equitably
- **based wholly or partly on improper motives** - eg;
 - * decisions or actions for a purpose other than that for which power conferred
 - * decisions or actions for personal advantage
 - * bad faith

3) *Serious and Substantial Waste*

The term “*serious and substantial waste*” is not defined in the *Protected Disclosures Act*. The Auditor-General provides following working definition:

Serious and substantial waste refers to the uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss/wastage of public funds/resources.

In addressing any complaint of serious and substantial waste regard will be had, to the nature and materiality of the waste.

The following delineation of the definition of serious and substantial waste may be of assistance to public officials and/or public authorities.

Types:

Absolute -	<i>Serious and substantial waste might be regarded in absolute terms where the waste is regarded as significant, for example, \$500,000.</i>
Systemic -	<i>The waste indicates a pattern which results from a system weakness within the public authority.</i>
Material -	<i>The serious and substantial waste is/was material in terms of the public authority's expenditure or a particular item of expenditure or is/was material to such an extent so as to affect a public authority's capacity to perform its primary functions.</i>
Material By Nature No Amount -	<i>The serious and substantial waste may not be material in financial terms but may be significant by nature. That is it may be improper or inappropriate (alternatively, this type of waste may constitute "maladministration" as defined in the Protected Disclosures Act).</i>

Waste can take many forms, for example:

- misappropriation or misuse of public property;
- the purchase of unnecessary or inadequate goods and services;
- too many personnel being employed in a particular area, incurring costs which might otherwise have been avoided;
- personnel being remunerated for skills that they do not have, but are required to have under the terms or conditions of their employment;
- programs not achieving their objectives and therefore the costs being clearly ineffective and inefficient.

Waste can result from such things as:

- the absence of appropriate safeguards to prevent the theft or misuse of public property;
- purchasing procedures and practices which fail to ensure that goods and services are necessary and adequate for their intended purpose; and
- purchasing practices where the lowest price is not obtained for comparable goods or services without adequate and appropriate justification.

5. What disclosures are protected under the Act

(1) What disclosures are protected?

Disclosures are protected under the Act if they:

- a) are made –
 - in accordance with this Internal Reporting Policy; or
 - to the General Manager; or
 - to one of the investigating authorities nominated in the Act; AND

- b) show or tend to show corrupt, maladministration, or serious and substantial waste of public money by Mid-Western Regional Council or any of its staff or councillors; AND
- c) are made voluntarily.

(2) What disclosures are not protected?

A disclosure is not protected under the Act if it is made by a public official in the exercise of a duty imposed by or under an Act.

Protection is also not available for disclosures which:

- are made frivolously or vexatiously;
- primarily question the merits of government policy; or
- are made solely or substantially with the motive of avoiding dismissal or other disciplinary action.

It is an offence to wilfully make a false or misleading statement when making a disclosure.

6. Reporting under the internal reporting system

The persons or positions to whom internal disclosures can be made in accordance with the Internal Reporting System (as shown on the attached diagram) are:

- the Disclosure Co-ordinator (Manager Governance); or
- the General Manager; or
- the Mayor (if the disclosure concerns or involves the General Manager or a councillor).

Where persons contemplating making a disclosure are concerned about publicly approaching the Mayor or the General Manager they can ring the relevant official and request a meeting in a discreet location away from the workplace.

Notes:

- (1) A council officer who wishes to make a protected disclosure which involves a councillor may do so to the Mayor, the General Manager, or an investigating authority (ie the ICAC, Ombudsman).
- (2) A councillor who wishes to make a protected disclosure which involves another councillor may do so to the Mayor, the General Manager, or an investigating authority (ie the ICAC, Ombudsman).
- (3) If the Mayor wishes to make a protected disclosure he or she may do so to the General Manager or an investigating authority (ie the ICAC or Ombudsman).
- (4) The Division of Local Government, Premiers Department is not an investigating authority under the Act, however, the ICAC, the Ombudsman or a council may refer a protected disclosure to the Department for investigation, and in such a circumstance any protection conferred under the Act is maintained.

7. Roles and responsibilities

This Internal Reporting Policy places responsibilities upon people at all levels within Mid-Western Regional Council.

(1) Employees

Employees are encouraged to report known or suspected incidences of corrupt conduct, maladministration or serious and substantial waste in accordance with this Policy.

All employees of Mid-Western Regional Council have an important role to play in supporting those who have made legitimate disclosures. They may abstain from any activity that is or could be perceived to be victimisation or harassment of persons who make protected disclosures. Further, they should protect/maintain the confidentiality of persons they know or suspect to have made disclosures.

(2) Disclosure Co-ordinator

The Disclosure Co-ordinator has a pivotal position in the internal reporting system and acts as a clearing house for disclosures. The Disclosure Co-ordinator will:

- A. provide an alternative internal reporting channel to Nominated Disclosure Officers and to the General Manager;
- B. impartially assess each disclosure to determine -
 1. whether the disclosure appears to be a protected disclosure within the meaning of the Act; and
 2. the appropriate action to be taken in relation to the disclosure, for example -
 - no action/decline;
 - the appropriate person to take responsibility for dealing with the disclosure;
 - preliminary or informal investigation;
 - formal investigation;
 - prosecution or disciplinary action;
 - referral to an investigating authority for investigation or other appropriate action; or
 - referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).
- C. consult with the General Manager;
- D. be responsible for carrying out or co-ordinating any internal investigation arising out of a disclosure, subject to the direction of the General Manager in carrying out his/her functions;
- E. report to the General Manager on the findings of any investigation and recommended remedial action;
- F. take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and persons the subject of the disclosures, are kept confidential;
- G. support persons who make disclosures and actively protect them from victimisation, harassment or any other form of reprisal; and

- H. report actual or suspected corrupt conduct to the General Manager in a timely manner to enable that officer to comply with the *ICAC Act*.

(3) General Manager

Disclosures may be made direct to the General Manager. The General Manager will:

- A. impartially assess each disclosure to determine:
1. whether the disclosure appears to be a protected disclosure within the meaning of the Act;
 2. the appropriate action to be taken in relation to the disclosure, for example –
 - no action/decline;
 - the appropriate person to take responsibility for dealing with the disclosure;
 - preliminary or informal investigation;
 - formal investigation;
 - prosecution or disciplinary action;
 - referral to an investigating authority for investigation or other appropriate action; or
 - referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).
- B. receive reports for the Disclosure Co-ordinator on the findings of any investigation and any recommendations for remedial action and determine what action should be taken;
- C. take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and the persons the subject of disclosures, are kept confidential;
- D. have primary responsibility for protecting staff who make disclosures, or provide information to any internal or external investigation of a disclosure, from victimisation, harassment or any other form of reprisal;
- E. be responsible for implementing organisational reform identified as necessary following investigation of a disclosure; and
- F. report criminal offences to the Police and actual or suspected corrupt conduct to ICAC (under s.11 of the *ICAC Act*).

(4) The Mayor

The Mayor may receive internal disclosures from any member of staff of the council or any councillor concerning the General Manager or a councillor. The Mayor will:

- A. impartially assess each disclosure made to him/her about the General Manager or a councillor to determine –
1. whether the disclosure appears to be a protected disclosure within the meaning of the Act;

Note: In making this assessment the Mayor may seek guidance from: the General Manager (if appropriate); an investigating authority (ie the ICAC, or Ombudsman); or the Division of Local Government, Premiers Department.

2. the appropriate course of action to be taken in relation to the disclosure (in consultation with the General Manager, if appropriate), for example–
 - no action/decline;
 - the appropriate person to take responsibility for dealing with the disclosure;
 - preliminary or informal investigation;
 - formal investigation;
 - prosecution or disciplinary action;
 - referral to an investigating authority for investigation or other appropriate action; or
 - referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct);
- B. refer disclosures to the General Manager for appropriate action if they concern the council's administration, within the day to day responsibilities of the General Manager.
- C. protect/maintain the confidentiality of:
 1. the identity of person who make disclosures (unless any of the criteria in Section 22 of the Act apply); and
 2. the identity of persons the subject of the disclosures (unless disclosure is required to enable the allegations to be investigated or otherwise appropriately dealt with).

8. Alternative avenues for disclosures

Alternative avenues available to staff and councillors for making a protected disclosure under the Act (other than by means of the internal reporting system created under this Policy), are as follows:

- To the General Manager; or
- To one of the investigating authorities under the Act (eg the ICAC and Ombudsman)

Notes:

- (1) While the Act includes the Auditor General as an external investigating authority, the Auditor General's jurisdiction relates to State Government authorities and not to local councils.
- (2) The Division of Local Government, Premiers Department is not an investigating authority under the Act, however, the ICAC, the Ombudsman or a council may refer a protected disclosure to the Department for investigation, and in such a circumstance any protection conferred under the Act is maintained.

Disclosures made to a journalist or a member of Parliament will only be protected **if certain conditions are met:**

- I. the person making the disclosure to a journalist or member of Parliament must have already made substantially the same disclosure through the internal reporting system, or to the General Manager or an investigating authority in accordance with the Act;
- II. the person making the disclosure must have reasonable grounds for believing that the disclosure is substantially true and the disclosure must in fact be substantially true; and
- III. the investigating authority, public authority or officer to whom the matter was originally referred has –
 - A. decided not to investigate the matter; or
 - B. decided to investigate the matter but not completed the investigation within 6 months of the original disclosure; or
 - C. investigated the matter but not recommended any action in respect of the matter; or
 - D. failed to notify the person making the disclosure, within 6 months of the disclosure, of whether the matter is to be investigated.

9. Rights of persons the subject of disclosures

The rights of persons the subject of disclosures will also be protected. In this regard:

- (1) the confidentiality of the identity of persons the subject of disclosures will be protected/maintained (where this is possible and reasonable);
- (2) disclosures will be assessed and acted on impartially, fairly and reasonably;
- (3) responsible officials who receive disclosures in accordance with this Policy are obliged to–
 - protect/maintain the confidentiality of the identity of persons the subject of the disclosures;
 - assess disclosures impartially; and
 - act fairly to persons the subject of disclosures;
- (4) disclosures will be investigated as discreetly as possible, with a strong emphasis on maintaining confidentiality both as to the identity of persons making protected disclosures and the persons the subject of disclosures.
- (5) where investigations or other enquiries do not substantiate disclosures, the fact the investigation/enquiry has been carried out, the results of the investigation/enquiry, and the identity of persons the subject of the disclosures will be kept confidential, unless the persons the subject of the disclosures request otherwise;
- (6) the persons the subject of disclosures (whether protected disclosures under the Act or otherwise) which are investigated by or on behalf of a council, have the right to –
 - A. be informed as to the substance of the allegations;
 - B. be informed as to the substance of any adverse comment that may be included in a report/memorandum/letter or the like arising out of any such investigation; and
 - C. be given a reasonable opportunity to put their case (either orally or in writing) to the persons carrying out the investigation for or on behalf of the council,

before any decision/determination/report/memorandum/letter or the like is made or finalised;

- (7) where the allegations in a disclosure have been investigated by or on behalf of a council, and the person the subject of the allegations is aware of the substance of the allegations, the substance of any adverse comment, or the fact of the investigation, he or she should be formally advised as to the outcome of the investigation, regardless of the outcome; and
- (8) where the allegations contained in a disclosure are clearly wrong or unsubstantiated, the person the subject of the disclosure is entitled to the support of the council and its senior management (the nature of the support that would be reasonable and appropriate would depend on the circumstances of the case, but could include a public statement of support or a letter setting out the council's views that the allegations were either clearly wrong or unsubstantiated).

10. Protection available under the Act

(1) Protection against reprisals

The Act provides protection by imposing penalties on a person who takes “*detrimental action*” against another person substantially in reprisal for a protected disclosure. Penalties can be imposed by means of fines and imprisonment. “*Detrimental action*” means action causing, comprising or involving any of the following:

- injury, damage or loss;
- intimidation or harassment;
- discrimination, disadvantage or adverse treatment in relation to employment;
- dismissal from, or prejudice in, employment; or
- disciplinary proceeding.

Any member of staff or councillor who believes that “*detrimental action*” is being taken against them substantially in reprisal for the making of an internal disclosure to the General Manager or in accordance with this Policy should immediately bring the allegations to the attention of the General Manager or Mayor (as appropriate).

If a member of staff or councillor who made an internal disclosure feels that such reprisals are not being effectively dealt with, they should contact the ICAC, or the Investigations and Review Branch of the Department of Local Government.

If an external disclosure was made to an investigating authority, that body will either deal with the allegation or provide advice and guidance to the person concerned.

(2) Protection against actions etc.

The Act provides that a person is not subject to any liability for making a protected disclosure and no action, claim or demand may be taken or made of or against the person for making the disclosure. This provision has effect despite any duty of secrecy or confidentiality or any other restriction on disclosure by a public official.

A person who has made a protected disclosure has a defence of absolute privilege in proceedings for defamation.

A person who has made a protected disclosure is taken not to have committed any offence against an Act which imposes a duty to maintain confidentiality with respect to any information disclosed.

(3) Confidentiality

The Act requires investigating authorities, public authorities and public officials to whom protected disclosures are made or referred, not to disclose information that might identify or tend to identify the person who made the disclosures. The exceptions to the confidential requirement are where:

- the person consents in writing to the disclosure of that information; or
- it is essential, having regard to the principles of natural justice that the identifying information be disclosed to a person whom the information provided by the disclosure may concern; or
- the investigating authority, public authority, officer or public official is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively; or
- disclosure is otherwise in the public interest.

Decisions about natural justice, effective investigation and public interest will be made by the General Manager or Mayor (as appropriate). In all cases the person who made the disclosure will be consulted before such a decision is made.

Note: If guidance is needed in relation to the requirements of natural justice, effective investigation and public interest, this may be sought from an investigating authority or the Department of Local Government.

(4) Freedom of information exemption

Under the *Freedom of Information Act 1989* a document is exempt from release if it contains matter the disclosure of which would disclose matters relating to a protected disclosure within the meaning of the Act.

11. Notification of action taken or proposed

A person who makes a protected disclosure must be notified, within 6 months of the disclosure being made, of the action taken or proposed to be taken in respect of the disclosure.

If a disclosure is made in accordance with this Policy, the General Manager is responsible for the 6 month notification to the person who made the disclosure.

If a disclosure is made to the Mayor under this Policy, the Mayor is responsible for such notification to the person who made the disclosure, unless he or she directs the General Manager to assume this responsibility.

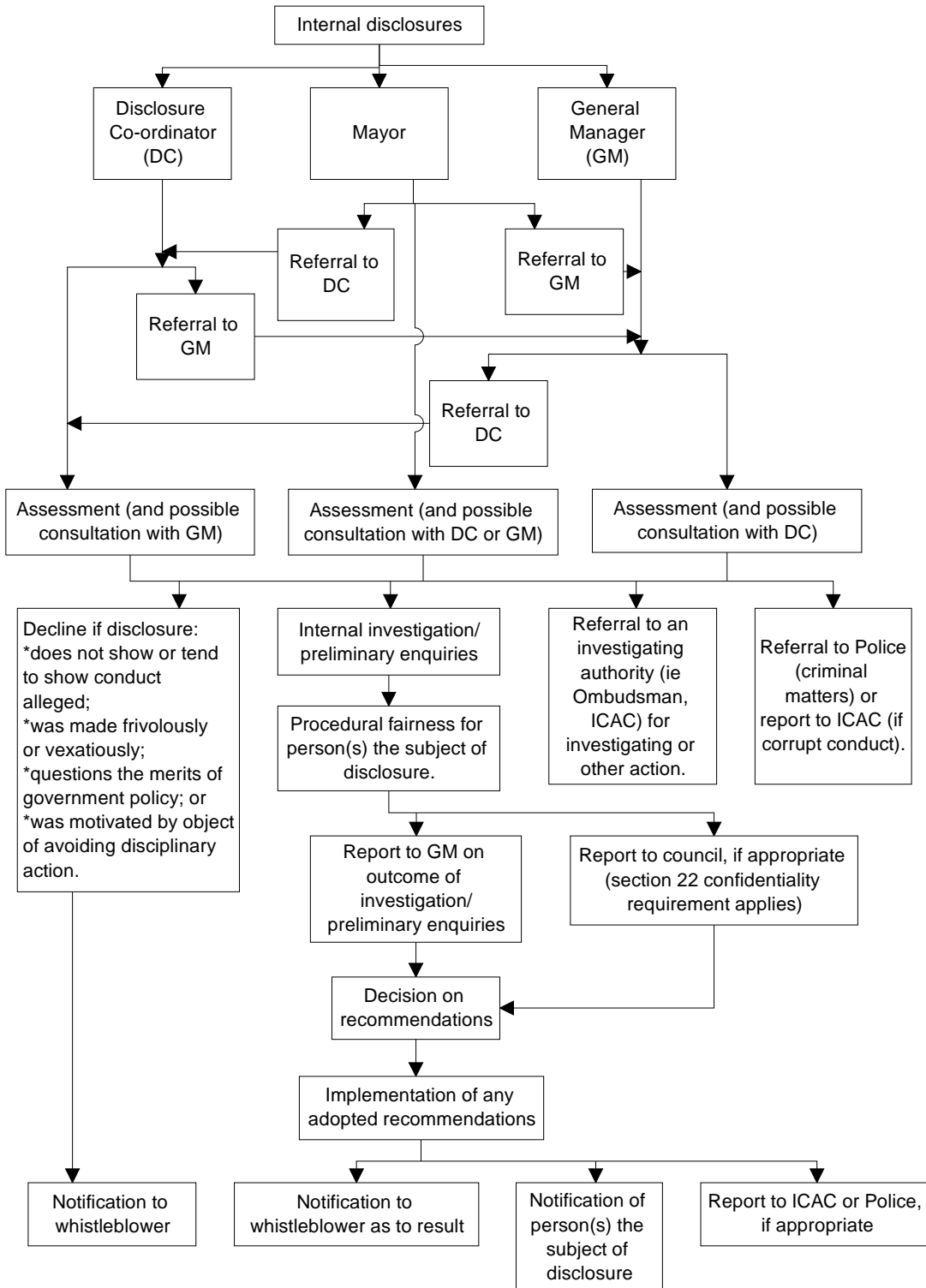
The notification provided to the person who made the disclosure should contain sufficient information to demonstrate that adequate and appropriate action was taken, or is proposed to be taken, in respect of the disclosure. **This should include a statement of the reasons for the decisions made or action taken in response to the disclosure.**


The notification should include sufficient information to enable the person who made the disclosure to make an assessment as to whether the circumstances listed in Section 19(3)(a)-(c) of the Act (relating to disclosures to members of Parliament and journalists) apply ie whether :

- (1) a decision was made not to investigate the matter; or
- (2) a decision was made to investigate the matter, but the investigation was not completed within 6 months of the original decision being made; or
- (3) a decision was made to investigate the matter, but the investigation has not been completed within 6 months of the original decision being made; or
- (4) the matter was investigated but no recommendation was made for the taking of any action in respect of the matter.

Without such information it would be difficult for the person to be able to properly assess whether it is appropriate or warranted to make a disclosure to an MP or journalist.

MID-WESTERN REGIONAL COUNCIL INTERNAL REPORTING SYSTEM



	POLICY	ADOPTED C/M Minute No. XXX / XX
	Public Interest Disclosure Internal Reporting	REVIEW: FILE No. A0100021

OBJECTIVE

The purpose of this policy is:

- To encourage and facilitate the reporting of disclosures by establishing an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by Council, its staff and Councillors;
- To compliment normal communication channels between supervisors and staff. Staff are encouraged to continue to raise appropriate matters at any time with their supervisors, but as an alternative have the option of making a protected disclosure in accordance with this policy;
- To provide protection from reprisals under the Public Interest Disclosures Act 1994 (the PID Act) for staff or Councillors wishing to make disclosures;
- To properly investigate matters raised in disclosures;
- To provide confidentiality of the identity of the person making the disclosure.

POLICY

1. ORGANISATIONAL COMMITMENT

Mid-Western Regional Council is committed to the highest standards of ethical and accountable conduct, to the principles of integrity, impartiality, responsiveness and honesty and to the aims and objectives of the PID Act.

Council recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff or Councillors which disclose corrupt conduct, maladministration or serious and substantial waste of public money.

Council will not tolerate corrupt conduct, maladministration or serious and substantial waste of public money and will take all reasonable steps to provide protection to staff members who make such disclosures from any detrimental action in reprisal for the making of the disclosure.

Council is committed to:

- continuing to create a climate of trust, where staff are comfortable and confident about reporting wrongdoing
- encouraging staff to come forward if they have witnessed what they consider to be wrongdoing within the Council
- keeping the identity of the staff member disclosing wrongdoing confidential, wherever possible and appropriate

- protecting staff who make disclosures from any adverse action motivated by their report
- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- keeping staff who make reports informed of their progress and the outcome
- encouraging staff to report wrongdoing within the Council, but respecting any decision to disclose wrongdoing outside the Council – provided that disclosure outside the Council is made in accordance with the provisions of the PID Act
- ensuring managers and supervisors at all levels in the Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing
- providing adequate resources, both financial and human, to:
 - encourage reports of wrongdoing
 - protect and support those who make them
 - provide training for key personnel
 - investigate allegations
 - properly manage any workplace issues that the allegations identify or create
 - correct any problem that is identified
- keeping the policy under review to ensure it is still relevant and effective.

2. ROLES AND RESPONSIBILITIES OF STAFF

This policy will apply to:

- both Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for the Council.

The persons or positions to whom internal disclosures can be made in accordance with this policy are:-

- the General Manager; and
- the Mayor (if the disclosure concerns or involves the General Manager or Councillor roles); and
- the Disclosure Co-ordinator.

This Internal Reporting System places roles & responsibilities upon people at all levels within the Council as follows:

Employees

Employees are encouraged to report known or suspected incidents of corrupt conduct, maladministration, serious and substantial waste of public money and government information contravention in accordance with this Policy.

General Manager

The General Manager is responsible for ensuring that action is taken as a result of investigations into an internal disclosure and if necessary report any wrongdoing to external agencies.

The Mayor

The Mayor is responsible for ensuring that action is taken as a result of investigations into an internal disclosure about the General Manager or another Councillor and if necessary report any wrongdoing to external agencies.

Disclosure Co-ordinator

The Disclosure Co-ordinator has a key position in the internal reporting system and acts as an arranger and facilitator for disclosure investigations.

3. WHAT SHOULD BE REPORTED?

You should report any wrongdoing you see within Mid-Western Regional Council. Reports about the four categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention – will be dealt with under the PID Act as protected disclosures and according to this policy.

a.) Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a member of the public influencing or trying to influence a public official to use their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on [what can be reported](#).

b.) Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guideline on [what can be reported](#).

c.) Serious and substantial waste in local government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the Council.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on [what can be reported](#).

d.) Government information contravention

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the NSW Ombudsman's guideline on [what can be reported](#).

e.) Other wrongdoing

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in accordance with Council's Code of Conduct and Human Resources policies.

Even if these reports are not dealt with as protected disclosures, Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

4. WHEN WILL A REPORT BE PROTECTED?

Mid-Western Regional Council will support any staff who report wrongdoing. For a report to be considered a protected disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- The report has to be made to one or more of the following:
 - a position nominated in this policy – see section 9 (b), (c) & (d) below
 - the General Manager
 - one of the investigating authorities nominated in the PID Act – see section 9 below

Reports by staff and Councillors will not be considered to be protected disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of the Council.
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

5. HOW TO MAKE A REPORT

You can report wrongdoing in writing or verbally. However, you are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The person making the report should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

6. CAN A REPORT BE ANONYMUS?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with, it is best if you identify yourself. This allows Council to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

7. MAINTAINING CONFIDENTIALITY

Mid-Western Regional Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

Council is committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, Council will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council meeting.

If you report wrongdoing, you should only discuss your report with those dealing with it. This will include the Disclosures Coordinator and the General Manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

8. WHO CAN RECEIVE A REPORT IN MID-WESTERN REGIONAL COUNCIL?

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that – for a report to be a protected disclosure – it must be made to a public official in accordance with Council's disclosure procedures. For Mid-Western Regional Council this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a protected disclosure must refer the staff member making the report to one of the positions listed below.

If you are a staff member and your report involves a Councillor, you should make it to the General Manager or the Mayor. If you are a Councillor and your report is about another Councillor, you should make it to the General Manager or the Mayor.

The following positions are the only staff within the Mid-Western Regional Council who can receive a protected disclosure.

a.) General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- receiving and assessing any report received by a staff member.
- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The General Manager must make sure there are systems in place in Council to support and protect staff who report wrongdoing.

He is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

b.) Mayor

If you are making a report about the General Manager, you should make your report to the Mayor.

The Mayor is responsible for:

- receiving and assessing any report received by a staff member regarding the General Manager
- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The Mayor must make sure there are systems in place in Council to support and protect staff who report wrongdoing.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

c.) Disclosure Co-ordinator

The Disclosures Co-ordinator has a central role in dealing with reports made by staff. They receive them, assess them and refer them to the people within Mid-Western Regional Council who can deal with them appropriately.

d.) Disclosures Officers

Disclosures officers work with the Disclosures Co-ordinator and are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

In Mid-Western Regional Council, disclosures officers are:

- Group Manager Operations
- Group Manager Development and Community
- Group Manager Finance and Administration.

9. WHO CAN RECEIVE A REPORT OUTSIDE MID-WESTERN REGIONAL COUNCIL?

Staff are encouraged to report wrongdoing within Mid-Western Regional Council but internal reporting is not your only option. If you follow the guidance below, your report can still be a protected disclosure.

You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to Council. If your report is about the General Manager or the Mayor, you should consider making it to an investigating authority.

You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances which are outlined below.

a.) Investigating Authorities

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to Council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration
- the Police Integrity Commission (PIC) — for police misconduct
- the Division of Local Government, Department of Premier and Cabinet — for serious and substantial waste in local government (reports about serious and substantial waste in State government agencies should be made to the Auditor General)
- the ICAC Inspector — for disclosures about the ICAC or its staff
- the Information Commissioner — for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with Council. Mid-Western Regional Council will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. Council will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

b.) Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy
- an investigating authority in accordance with the PID Act.

Also, Mid-Western Regional Council or an investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Council's Code of Conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside Mid-Western Regional Council contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

10. FEEDBACK TO STAFF WHO REPORT WRONGDOING

Staff who report wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

This information will be given to you within two working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Council to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

11. PROTECTION AGAINST REPRISALS

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the protected disclosure.

Mid-Western Regional Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment

- disciplinary proceedings.

a.) Responding to reprisals

Mid-Western Regional Council will act to protect staff who report wrongdoing from reprisals.

When a report is received, Council will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, your Group Manager or the General Manager immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the appropriate Group Manager or the General Manager.

If the General Manager (or the Mayor) becomes aware of reprisal action against a person who has made a disclosure, they will:

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- give the results of that investigation to the General Manager for a decision or
- give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.
- If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals. If the allegation of reprisal action is about the General Manager, the Mayor may issue similar directions.

These may include:

- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
- relocating the member of staff who made the disclosure or the subject officer within the current workplace
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of staff who made the disclosure agrees to it.

The General Manager will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

b.) Protection against legal action.

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

12. SUPPORT FOR THOSE REPORTING WRONGDOING

Mid-Western Regional Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a protected disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

Council has staff who will support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal. At Mid-Western Regional Council the staff of the Human Resources Section will provide that support.

All supervisors must notify the General Manager or the appropriate Group Manager if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

13. SANCTIONS FOR MAKING FALSE OR MISLEADING DISCLOSURES

It is important that all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

14. SUPPORT FOR THE SUBJECT OF A REPORT

Mid-Western Regional Council is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

15. MORE INFORMATION

More information about protected disclosures can be obtained from the Mid-Western Regional Council's Disclosure Co-ordinator or the NSW Ombudsman's website at www.ombo.nsw.gov.au

16. RESOURCES

The contact details for external investigating authorities that staff can make a protected disclosure to or seek advice from are listed below:

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street, Sydney

Address: Level 21, 133 Castlereagh Street, NSW 2000
Sydney NSW 2000

For disclosures about serious and substantial waste in local government agencies:

Division of Local Government in the Department of Premier and Cabinet
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Facsimile: 02 4428 4199
Email: dlg@dlg.nsw.gov.au
Web: www.dlg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra, NSW 2541

For disclosures about police misconduct:

Police Integrity Commission (PIC)
Phone: 02 9321 6700
Toll free: 1800 657 079
Facsimile: 02 9321 6799
Email: contactus@pic.nsw.gov.au
Web: www.pic.nsw.gov.au
Address: Level 3, 111 Elizabeth Street,
Sydney NSW 2000

For disclosures about breaches of the GIPA Act:

Information Commissioner
Toll free: 1800 463 626
Facsimile: 02 8114 3756
Email: oiinfo@oic.nsw.gov.au
Web: www.oic.nsw.gov.au
Address: Level 11, 1 Castlereagh Street,
Sydney NSW 2000

7.2.10 2011 LOCAL GOVERNMENT ASSOCIATION CONFERENCE

REPORT BY GENERAL MANAGER
Local Government Association Conference
A0100052, A0310010, A0110033

RECOMMENDATION

That:

- 1. the report by the General Manager on the Local Government Association Conference 2011 be received;**
- 2. Council approves the Mayor (or his nominee) and General Manager to attend the Local Government Association Conference 2011.**

DETAILED REPORT

The annual conference of the Local Government Association will be held in Nowra between the 23rd and 26th October 2011. This Council has forwarded 4 motions to be considered by the conference so it's important that there be a representative of Council in attendance. It has been practice of Council in past years to send conference delegates to this conference.

FINANCIAL IMPLICATIONS

Council has included in the annual budget the costs of attending this conference. In speaking to the Mayor the attendance would only be required on the Monday and Tuesday therefore only one nights' accommodation. The conference registration fee is \$1,089.00 per person and accommodation is expected to be \$180.00 per night per person. Travel would be by car.

STRATEGIC OR POLICY IMPLICATIONS

It has been practice of this Council to send delegates to this conference.

WARWICK BENNETT
GENERAL MANAGER

1 September 2011

Attachments: Draft Program for LGA Conference

Local Government Association of NSW Conference 2011

DRAFT PROGRAM (26 July 2011)
23 - 26 October, 2011
Shoalhaven Entertainment Centre, Bridge Road Nowra

Sunday 23 October

9.00am – 5.30pm **Registration opens**
Venue: Shoalhaven Entertainment Centre

Local church services:

For a list of all church services, denominations and times, on Sunday the 23rd of October 2011 in the Nowra area, please refer to our website under Program.

10.00am – 2.00pm **Professional Development Workshops presented by LGSA Learning Solutions**
Venue: Council Chambers, 42 Bridge Road, Nowra.

4.00pm – 6.00pm **Official Opening Ceremony**
Venue: Shoalhaven Entertainment Centre
Mayoral procession
National Anthem
Welcome to Country
Welcome from Cr Paul Green, Mayor of Shoalhaven City Council
Welcome address by Cr Keith Rhoades AFSM, President LGA
Presentation of the AR Bluett Awards
Presentation of Outstanding Service Awards
Address by President's Welcome Reception Sponsor
Sita Environmental Solutions

6.00pm – 9.00pm **President's Welcome Reception and Jane Rutter Concert**
Venue: Shoalhaven Entertainment Centre

Monday 24 October

Venue: Shoalhaven Entertainment Centre
8.00am Voting opens in The Studio for all contested positions on the LGA Executive Committee
9.00am Mr Graeme Philpotts, CEO, Stewart House
9.30am Constitutional Recognition: Cr Genia McCaffery, ALGA President and Professor George Williams
10.00am Mr Paul Broad, CEO, Infrastructure NSW, (invited)
10.30am Morning Tea
11.00am Mr Sandy Belford, Director, Pincipals 'Improving the image of Local Government in NSW – research findings and next steps'.
12.00 noon Lunch
1.00pm Hon Barry O'Farrell MP, Premier of NSW, Opening Address (invited)
1.30pm Ministers Panel chaired by Julie McCrossin:
 Hon Donald Page MP, Minister for Local Government
 Hon Brad Hazzard MP, Minister for Planning and Infrastructure (invited)
 Hon Gladys Berejikian MP, Minister for Transport (invited)
 Hon Jillian Skinner MP, Minister for Health (invited)
2.30pm Mr John Robertson MP, Leader of the Opposition
3.00pm Afternoon Tea
 Voting closes in The Studio for all contested positions on the LGA Executive Committee

Local Government Association of NSW Conference 2011

3.30pm	Mr David Shoebidge MLC, Greens Speaker
4.00pm	Keynote Speaker Mr Bernard Salt, 'Local councils' role in envisioning a better way to live in the 21 st century'.
5.00pm	Conference adjourns for Sponsors Happy Hour drinks in trade exhibition
6.00pm	Sponsors Happy Hour concludes. End of Day proceedings. <i>**Transfers required to accommodation.</i>

Free night for delegates to enjoy local restaurants. Bookings essential.

Tuesday 25 October

Conference Sessions at Shoalhaven Entertainment Centre

9.00am	Adoption of Standing Orders Presentation and Adoption of Treasurer's Report
9.15am	Update on One Association – what happens next?
9.30am	Consideration of Motions
10.30am	Session breaks for Morning Tea in trade exhibition
11.00am	Consideration of Motions
12.10pm	Ms Bev Manton, Chair, Aboriginal Land Council (invited)
12.30pm	Lunch in trade exhibition
1.30pm	Cr Bruce Miller, Chair, State Cover (invited)
1.45pm	Mr Peter Lambert, CEO, Local Government Super (invited)
2.00pm	Consideration of Motions
4.00pm	Conference adjourns for Sponsors Happy Hour drinks in trade display
4.45 – 5.00pm	Sponsors Happy Hour concludes. End of day proceedings. <i>**Transfers required to accommodation.</i> <i>*Note: no afternoon tea as happy hour comes forward.</i>

From 6.30pm *Bus pickup from accommodation by prior booking on registration form*

From 7.30pm **Gala dinner sponsored by Essential Energy**

Venue: The Fleet Air Arm Museum

From 10.30pm *Buses return to accommodation*

Wednesday 26 October

Conference Sessions at Shoalhaven Entertainment Centre

9.00am	Presentation from Cr Allan Smith, Mayor of Dubbo City Council for 2012 Conference
9.20am	Opening of Business Session Consideration of Late Motions (with the leave of the conference)
11.00am	Presentation of new Executive Committee
11.15pm	Drawing of prizes. Submission of conference evaluation forms closed. Closing ceremony
From 12.00 noon	Lunch and end of Conference

This program is correct at the time of printing; speakers and program details may have changed due to unforeseen circumstances.

Plenty of parking is available at the venue. Taxis are available. Please contact the conference secretariat if you have any access issues.

7.2.11 MUDGEE SEWERAGE AUGMENTATION

REPORT BY MANAGER WATER & WASTE STRATEGIES
Mudgee STP Funding
A0100052, F0740001

RECOMMENDATION

That:

- 1. the report by the Manager Water & Waste Strategies on the Mudgee Sewerage Augmentation be received;**
- 2. Council accepts an offer of financial additional assistance of \$3,602,915 towards the cost of the Mudgee Sewage Treatment Plant;**
- 3. Council authorise the affixing of the Common Seal to the funding agreement.**

DETAILED REPORT

Council has received an offer of financial assistance from the Honourable Katrina Hodgkinson, Minister for Primary Industries of \$3,602,915 (being 26.3 percent of \$13,699,295 excluding GST) towards the cost of the Mudgee Sewage Treatment Plant.

Financial assistance is contingent upon completion of the project within three years and upon Council achieving substantial compliance with each of the criteria in the Best Practice Management of Water Supply and Sewerage Guidelines.

Council is required to sign a formal agreement if it wishes to accept the offer.

BRETT CORVEN
MANAGER WATER & WASTE STRATEGIES

BRAD CAM
GROUP MANAGER OPERATIONS

8 September 2011

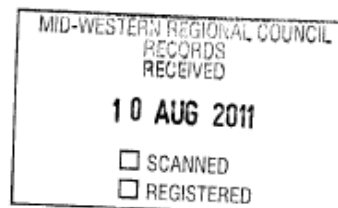
Attachments: Letter from the Honourable Katrina Hodgkinson, MP.

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

**The Hon Katrina Hodgkinson MP**Minister for Primary Industries
Minister for Small Business

WS11/595

Councillor Des Kennedy
Mayor
Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850Dear Councillor Kennedy *Des,*

Thank you for Council's letter of 27 June 2011 (your reference: BC:F0740001) regarding financial assistance towards the cost of the construction of the Mudgee sewerage augmentation project.

I am pleased to offer Council additional financial assistance of \$3,602,915 (being 26.3 per cent of \$13,699,295 excluding GST), under the Country Towns Water Supply and Sewerage Program, towards the cost of the Mudgee sewage treatment plant. This brings the total Program funds provided for the Mudgee sewerage augmentation project to \$4,848,237. A schedule of costs is attached for Council's information.

Under the Program rules, there are no provisions for revised estimates or additional costs. The upper limit of financial assistance for this phase of the work is \$3,602,915.

As Council has previously been advised, subsidy payments for this phase of the work cannot be paid before July 2013. While I appreciate that Council may incur additional financing costs due to this deferred payment arrangement, it will benefit from lower construction costs if the project is not delayed. Please note that no compensation is payable from the Program for any additional financing costs incurred by Council.

The standard conditions that will apply to this financial assistance are attached in duplicate. Council is requested to return a signed original of these conditions to Mr Colin McLean, Executive Director, Urban Water, NSW Office of Water, GPO Box 3889, Sydney 2001. The attached conditions for the use of NSW Government funds for the construction of water supply and sewerage scheme supersede all previously issued conditions.

The financial assistance is contingent on completion of the project within three years. Project delays within the control of Council may result in financial assistance being reduced or withdrawn.

.../page 2

-2-

Councillor Des Kennedy

Minister for Primary Industries

This financial assistance will also be dependent upon substantial compliance by Mid-Western Regional Council with each of the criteria in the Best Practice Management of Water Supply and Sewerage Guidelines, as detailed at Schedule 3.

Please contact Mr Matt Parmeter, in the Dubbo Office of the NSW Office of Water, on telephone (02) 6841 7410, regarding management of the project and processes to ensure eligibility of funding.

Yours sincerely



Katrina Hodgkinson MP
Minister for Primary Industries

5 AUG 2011

Enc

MUDGEE SEWERAGE AUGMENTATION

SEWAGE TREATMENT PLANT

PROJECT ESTIMATE

Item	Descriptions	Cost	Subsidy Rate	Govt Subsidy
1.0	Previous Program Approval			
1.1	Pre construction	\$1,300,000	46.36%	\$602,286
1.1	Transfer Pipeline	\$2,445,000	26.3%	\$643,036
1.2	Sub Total	\$3,745,000		\$1,245,322
2.0	This Offer			
2.1	Sewage Treatment Plant	\$13,699,295	26.3%	\$3,602,915
3.0	Total Offers To Date	\$17,444,295		\$4,848,237

NOTE:

All figures exclude GST.

NSW OFFICE OF WATER
Country Towns Water Supply and Sewerage Program

SCHEDULE 1 TO THE CONDITIONS
FOR COUNCIL MANAGED WATER SUPPLY AND SEWERAGE WORKS

The Work: Mudgee Sewerage Augmentation
Sewage Treatment Plant

The Work comprises:

	ITEM
1	Sewage Treatment Plant

and includes project and construction management of the Work.

The Estimated Cost

The estimated cost of the STP is \$13,699,295 (excluding GST).

The Amount of Grant

The Upper Amount of this Grant, for transfer pipeline, referred to in the Clause 9 of the Conditions is \$3,602,915, which does not include the previously approved funds (excluding GST).

The Common Seal of Council
was hereunto affixed on

.....
Mayor

.....
General Manager

NSW OFFICE OF WATER
Country Towns Water Supply and Sewerage Program

SCHEDULE 2 TO THE CONDITIONS

FOR COUNCIL MANAGED WATER SUPPLY AND SEWERAGE WORKS

Mudgee Sewerage Augmentation
Sewage Treatment Plant

Grant Payments against Project Milestones

Items and Components or Stages of the Work in Schedule 1	Project Milestones	Maximum Amount of Grant Payment and Term of Payment
1.1	25% 50% and 75% completion of Sewage Treatment Plan.	Three payments of \$900,000 each to a maximum total of \$2,700,000 (payment not to be made prior to July 2013)
1.2	100% Practical Completion of Sewage Treatment Plan and achieve Best Practice Compliance as set down in Schedule 3.	\$902,915 (payment not to be made prior to July 2013)
Total		\$3,602,915

The Common Seal of Council
was hereunto affixed on

.....
Mayor

.....
General Manager

.....

NSW OFFICE OF WATER
Country Towns Water Supply and Sewerage Program

SCHEDULE 3 TO THE CONDITIONS

FOR COUNCIL MANAGED WATER SUPPLY AND SEWERAGE WORKS

**Mudgee Sewerage Augmentation
Best Practice Criteria Requiring Completion**

- Implement complying non-residential sewerage charges;
- Complete the Liquid Trade Waste policy;
- Implement appropriate Trade Waste Fees;
- Complete the drought management plan; and
- Achieve full compliance with integrated water cycle management plans.

NEW SOUTH WALES OFFICE OF WATER
URBAN WATER

CONDITIONS FOR USING GOVERNMENT FUNDS
FOR THE CONSTRUCTION OF WATER SUPPLY AND SEWERAGE SCHEME

1: Definitions

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"Council" means MID-WESTERN REGIONAL Council.

"Office" means the New South Wales Office of Water.

"General Manager" means the General Manager of Council.

"Fixed Grant" means the approved maximum amount of financial assistance which may be provided under this Agreement against the Work as set out in Schedule 1.

"Minister" means the Minister for Primary Industries.

"Work" means the works set out in the Schedule 1 attached and includes:

- (a) The approved pre-construction activities after adoption of a preferred option. These are concept design, survey, project management, design, community consultation, environmental assessments, preparation of tender documents and risk management; and
- (b) Construction management and construction of the works and land acquisition in connection with the works.

"Scheme" means Council's overall system providing the water or sewerage service which is managed as a single financial entity and of which the Work will be part.

2: Recitals

Whereas:

- (i) Council has made application to the Minister for construction of the Work in accordance with Section 57(1) of the Act; and
- (ii) the Minister has, subject to this agreement, approved financial assistance to Council for the tendered cost of the Work set out in the covering letter attached hereto and the Schedule 1; and
- (iii) the Minister has appointed the Office to act on the Minister's behalf in relation to the matters set out in this agreement;

then subject to Council's acceptance of and compliance with the conditions set out herein, the Minister may make progress and final payments in relation to the Work strictly as described herein.

3: Background - Legislative Matters

- (i) The requirement under Section 60 of the Act for Council to seek the Minister's approval shall apply in respect of the Work.
- (ii) Council shall be the proponent of the relevant activity relating to the Work under Part 5 of the *Environmental Planning & Assessment Act 1979*.
- (iii) Council shall conduct the Work as determined by all the relevant determining authorities in the environmental impact assessment under Part 5 of the *Environmental Planning and Assessment Act 1979* for the activities associated with the Work.
- (iv) The Minister has charged Council with the care and management of the existing sewerage work in the Scheme under Section 58 of the Act.

4: Role of the Office

- (i) Anything that the Minister may do under this agreement, including but not limited to the giving of approval, directions and notification, may be done by the Office on behalf of the Minister as the Minister's representative.
- (ii) Any approval required to be sought from the Minister shall be sought from the Office acting on the Minister's behalf as the Minister's representative.
- (iii) Any thing required to be given to the Minister under this Agreement, including but not limited to notification, documents, and certificates, shall be given to the Office on behalf of the Minister as the Minister's representative.
- (iv) Any participation of the Minister which the Minister may undertake under this Agreement may be carried out by the Office, and any liaison required to be carried out with the Minister shall be carried out with the Office, as the Minister's representative.

5: Carrying Out of the Work

- (i) Prior to commencing the Work, Council shall satisfy itself as to the adequacy of the Work for its intended purpose.
- (ii) Council shall commence the Work as soon as practicable upon being advised by the Minister that funds under this Agreement are available.
- (iii) Council shall ensure that any agreed program of the Work is strictly observed.
- (iv) Council shall notify the Minister without delay of any circumstance relating to work that may reduce or increase the cost of the Work.

6: Responsibility for the Carrying Out and Operation of the Work

- (i) The Work shall be performed at Council's risk. Council accepts full responsibility for the Work including the design and construction.
- (ii) The Minister accepts no responsibility in relation to investigation, design or construction of the Work but relies on the Council and any professional person engaged by it to ensure proper standards are maintained at all stages of design and construction and that the design and construction comply with any instruction/directions, standards, criteria or benchmarks/policies as specified in this Agreement.
- (iii) The ongoing operation of the Work shall be the responsibility of Council which must be undertaken to proper standards, in compliance with all statutory requirements and so that the performance capacity of the Work is achieved. The Minister will not be liable for any failure of Council to perform its ongoing obligations following construction of the Work.

7: Liability for Cost of the Work

- (i) Subject to the contribution to the cost of the Work to be made by the Minister as hereinafter provided, all direct costs involved in the carrying out and completion of the components of the Work set out in the Schedule 1 shall be borne by Council.
- (ii) The amount of grant is fixed and cannot be varied. Council shall bear the full cost of any additional costs above the tendered contract price for individual components of the Work set out in the Schedule 1 in all circumstances.

8: Certification of the Work

- (i) As soon as practicable upon the completion of particular components of the Work as specified in the Schedule 1, Council shall submit to the Minister a Certificate, provided by a suitably qualified and competent professional person appointed by the General Manager, that the construction of the Work is satisfactory and complies with proper engineering standards of construction.
- (ii) As soon as practicable upon the completion of particular components of Work as specified in the Schedule 1, the General Manager shall provide his certification of the moneys spent on the Work, referenced to the Work or part of the Work actually carried out. By the presentation of the Certificate of the General Manager, Council thereby represents that the Work or that part of the Work is being performed satisfactorily pursuant to these Conditions.
- (iii) As soon as practicable upon the completion of the whole of the Work the General Manager shall provide a Final Certificate to the Office certifying that the Work has been completed in accordance with the conditions herein and setting out the actual Final Cost of the items listed in the Schedule 1.
- (iv) These Certificates shall be relied on by the Minister for the purpose of ensuring the proper performance of the Work for the purpose of payments as provided for in this agreement.
- (v) Council shall retain all Certificates for inspection by an auditor of Council appointed pursuant to Chapter 13 Part 3 of the Act, or such persons as are authorised by the Minister.

9: Payment by the Minister

- (i) Financial assistance will be contingent on completion of the Work within **three (3) years** of the date of this offer. Failure to complete the Work in this timeframe may result in financial assistance being reduced or withdrawn.
- (ii) Financial assistance will be contingent on Council as the Local Water Utility achieving substantial compliance with the Best Practice Management of Water Supply and Sewerage Guidelines as gazetted in May 2004. Failure to comply may result in financial assistance being reduced or withdrawn. Requirements to achieve this level of compliance are set out in the Schedule 3.
- (iii) Subject to the matters set out in this Clause, the Minister may make payments based on completion of the Project Milestones specified in the Schedule 2 for components of the Work.
- (iv) The Minister shall not make any Progress Payments based on part completion of the Project Milestones specified in the Schedule 2 for components of the Work unless otherwise agreed and specified in the Schedule 2. The making of such Progress Payments shall be at the complete discretion of the Minister.
- (v) Council shall not seek payment for the Work or part of the Work until the Minister is satisfied that the Council has complied with its obligations set out in Clause 8 above.
- (vi) If the Minister is at any time of the opinion that Council has failed to comply with the terms, conditions and provisions contained herein, the Minister may, at his complete discretion, withhold from Council for such period as he deems fit the payment of any or all of the sums agreed to be paid to Council by the Minister. Any such decision by the Minister shall not be a waiver of the rights set out in Clause 14 below.
- (vii) Council shall not be entitled to interest payments on any amounts due but unpaid by the Minister.
- (viii) Payment shall at all times be subject to continuance of available funding from the Government of New South Wales.

10: Minister's Final Payment towards Final Land Acquisition Costs and Closing off the Project.

- (i) Immediately upon commissioning of the assets in the final contract, the Council shall provide an estimate of all remaining land acquisition costs prepared by the Valuer General's Department or a valuer approved by the Valuer General's Department to the Minister.
- (ii) When all Payments that may be made for the completion of components of the Work under this agreement have been made, and all certifications required to be given to the Minister in accordance with Clause 8 have been given, and the Minister is satisfied that the Council has complied with all its obligations under this agreement, the Minister may make Final Payment towards the Approved Estimate of the Final Land Acquisition Costs.
- (iii) After the Minister's Final Payment is made, the Work is deemed to be finalised and closed off.

11: Conduct of the Work

- (i) Council shall apply the relevant guidelines in the Total Asset Management Manual 2006 in the performance of the Work, and shall ensure participation of the Minister in any value management and risk management assessments.
- (ii) Council shall prepare a Project for the Work which shows Council's plan to implement obligations under the Conditions herein. The Plan shall provide for liaison with the Minister including the opportunity for review and concurrence at identified Project Milestones.
- (iii) Council shall at all times be able to demonstrate compliance with the Local Government (Tendering) Regulation 1999, and show support of the use of Codes of Practice and Tendering for the NSW Construction Industry (published by Construction Policy Steering Committee of New South Wales).
- (iv) Council shall at all times permit the Minister or his authorised officers to inspect the Work and any of Council's books of account, papers and other documents relating to the Work.
- (v) Council shall from time to time promptly furnish to the Minister all such information and particulars of and concerning the Work and the cost thereof as the Minister may from time to time require.

12: Records

- (i) Upon completion of the Work and precedent to the Final Payment, Council shall have construction records including a construction report, a complete set of drawings showing the Work as executed and documentation for proper operation and maintenance for the Work, and finalisation details for all associated service provider engagements and contracts.
- (ii) Council shall have records to demonstrate that the Work has been carried out in accordance with the Project Development Plan as approved, and has not contravened:
 - relevant environmental impact assessment documentation under the *Environmental Planning and Assessment Act 1979*; and
 - Local Government (Tendering) Regulation 1999.

13: Transparency of Government's Financial Assistance

At least one sign is to be displayed for the duration of the Work at a prominent location to acknowledge the Government's Financial Assistance towards the Work.

14: Breach of Condition

If Council fails to perform the Work or achieve the Project Milestones in the time specified in the Schedule 2, the Minister may terminate Government's financial assistance and Council shall, repay to the Minister the whole or any parts of any financial assistance made by the Minister. Council shall also repay any costs, charges and expenses incurred by the Minister in respect of the Work together with interest thereon at the interest rate specified in the gazette under Section 566 (3) of the *Local Government Act, 1993*, as determined by the Minister.

15: Notice

Any written notice or demand provided for in these conditions may be served on Council by ordinary prepaid post addressed to Council's Chambers or its postal address.

The Common Seal of
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of
was hereunto affixed
on

.....
Mayor

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General Manager

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URBAN WATER

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15: Notice

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The Common Seal of
the Council
of
was hereunto affixed
on

.....
Mayor

.....
General Manager

7.2.12 2011 FINANCIAL REPORTS – PRESENTATION BY COUNCIL'S AUDITOR

REPORT BY GROUP MANAGER FINANCE & ADMINISTRATION
Presentation of Financial Statements
A0100052, A0149932

RECOMMENDATION

That the report by the Group Manager Finance & Administration on the presentation of the 2011 Financial Reports by Council's Auditor be received.

EXECUTIVE SUMMARY

Council's 2011 general purpose and special purpose financial reports have been audited and submitted to the Division of Local Government. Council's Auditor, Mr John O'Malley of Morse Group, will make the public presentation of the financial reports at the 21 September 2011 Council meeting.

DETAILED REPORT

In accordance with Section 419 of the *Local Government Act 1993*, Council must present its audited financial reports together with the Auditor's reports at a meeting of the Council. Council has requested the Auditor to attend this meeting. Public notice of the meeting has been given in the approved form, in accordance with Section 418(3) of the Act.

As per Section 420, any person may make a submission to Council regarding the audited financial reports or the Auditor's reports. Any such submissions must be in writing and must be lodged with Council within seven days of the reports being publicly presented. Council must ensure that copies of all submissions received by it are referred to the Auditor. Council may take any such action as it considers appropriate with respect to any such submission, including the giving of notice to the Director-General of any matter that appears to require amendment of the Council's financial reports.

Copies of the financial reports are available for inspection at the Mudgee, Gulgong and Rylstone Administration Centres. A copy of the report has also been placed on Council's web site. Copies of the reports have been distributed to Councillors.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

APPROVED FOR SUBMISSION:

CLARE PHELAN
GROUP MANAGER FINANCE & ADMINISTRATION

WARWICK BENNETT
GENERAL MANAGER

2 September 2011

Attachments: A copy of the audit financial statement is presented as a separate document.

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 8: URGENT BUSINESS WITHOUT NOTICE