

ORDINARY MEETING

WEDNESDAY 16 NOVEMBER 2011

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

Mid-Western
REGIONAL COUNCIL



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9 November 2011

Dear Councillor

MEETING NOTICE

ORDINARY MEETING
WEDNESDAY 16 NOVEMBER 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: 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 3: CONFIRMATION OF MINUTES**3.1 MINUTES OF ORDINARY MEETING HELD ON 2 NOVEMBER 2011****COUNCIL DECISION:**

That the Minutes of the Ordinary Meeting held on 2 November 2011 Minute Nos (333/11 to 352/11) be taken as read and confirmed.

The Minutes of the Ordinary Meeting are attached:

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 2 NOVEMBER 2011, COMMENCING AT 5.38 PM AND CONCLUDING AT 6.15 PM.

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

In Attendance: General Manager (W L Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Development and Community Services (C Van Laeren), Acting Group Manager Finance and Administration (L Johnston).

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

ITEM 1: APOLOGIES

333/11 **MOTION:** Holden / Lang

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

The motion was put and carried.

ITEM 2: DISCLOSURE OF INTEREST

Cr Walker declared an interest in item 6.2.9 as he is negotiating a contact with the applicant.

Cr Holden and Cr Lang both declared an interest in item 6.2.1 as they owned land above the 520 AHD and the Development Application being considered is for a dwelling located above the 520 metre AHD contour line.

ITEM 3: CONFIRMATION OF MINUTES

334/11 **MOTION:** Shelley / Weatherley

That the Minutes of the Ordinary Meeting held on 19 October 2011 (Minute Nos. 305/11 to 332/11) be taken as read and confirmed.

The motion was put and carried.

ITEM 4: MATTERS IN PROGRESS

335/11 **MOTION:** Shelley / Lang

That Res.171/11 be noted as completed.

The motion was put and carried.

336/11 **MOTION:** Shelley / Lang

That Res.172/11 be noted as completed.

The motion was put and carried.

337/11 **MOTION:** Lang / Walker

That Res.85/11 be noted as completed.

The motion was put and carried.

ITEM 5: MAYORAL MINUTE

There was no Mayoral Minute.

ITEM 6: GENERAL BUSINESS

6.1 NOTICES OF MOTION

6.1.1 TRAFFIC SPEED METER OUTSIDE OF CUDGEGONG VALLEY PUBLIC SCHOOL

A0100035, A0100052,

338/11 **MOTION:** Holden / Lang

That Council acknowledges the initiative of the Cudgegong Valley Primary School and offer assistance in discussion with the RTA on the final location and Council assist in the physical erection of the speed sign.

The motion was put and carried.

6.2 REPORTS TO COUNCIL6.2.1 DA0041/2012 - PROPOSED DWELLING POOL, LOT 10 DP 1007792, 8 AVISFORD COURT, MUDGEE

Crs Holden and Lang declared a pecuniary interest in that they own land above the 520metre AHD contour line referred to in this report, left the meeting at 5.49 pm and did not participate in discussions or vote in relation to this matter

A0100052, P1227062

339/11

MOTION: Walker / Weatherley

A. That the Report of the Manager Statutory Planning relating to the proposed dwelling and pool at lot 10 DP 1007792, 8 Avisford Court Mudgee be noted;

B. That Council resolve to vary or release the 88B Instrument that provides for two “Restrictions on the use of the land” that prohibits the building height exceeding the 530m AHD contour and that no foundations shall be constructed above the 525m AHD contour line for the subject allotment.

C. That Development Application No. 003/2012 for a dwelling and pool at lot 10 DP 1007792, 8 Avisford Court Mudgee be approved under staff delegation subject to the appropriate conditions but determination be deferred pending the consent of the other landowners benefitted by the 88B instrument.

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

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

Councillors Holden and Lang returned to the meeting at 5.55 pm.

6.2.2 CERTIFIED CATERPILLAR D7R DOZER REBUILD

A0100052, A0300018

340/11

MOTION: Shelley / Holden**That:**

- 1. the report by Business Manager Plant and Facilities on the Certified Caterpillar D7R Rebuild be received;**
- 2. Council defer this matter pending further information from staff on other options**

The motion was put and carried.

6.2.3 MUDGEE & GULGONG ACCESS COMMITTEE – OCTOBER 2011

A0100052, A0060008

341/11

MOTION: Weatherley / Shelley

That:

1. the report by Customer Service Manager on the Mudgee and Gulgong Access Committee be received;
2. Council note the minutes of the Mudgee & Gulgong Access Committee Meeting held on 4 October 2011.

The motion was put and carried.

6.2.4 GULGONG MEMORIAL HALL COMMITTEE MEETING – OCTOBER 2011

A0100052, P0453311

342/11

MOTION: Walker / Thompson

That:

1. the report by the Building Coordinator on the Gulgong Memorial Hall Committee Meeting be received;
2. the minutes of the Gulgong Christmas Party & Memorial Hall Committee held on the 11 October 2011 be accepted;
3. that Council approve the committee to investigate Billy Cart racing as another possible activity for the Gulgong Christmas Party.

The motion was put and carried.

6.2.5 MUDGEE SPORTS COUNCIL MINUTES – AUGUST AND SEPTEMBER 2011

A0100052, A0360013

343/11

MOTION: Thompson / Lang

That:

1. the report by Group Manager Operations on the Mudgee Sports Council minutes be received; and
2. the minutes for the Mudgee Sports Council ordinary monthly meetings held on 29 August and 26 September 2011 be noted;
3. the minutes for the Mudgee Sports Council annual general meeting held on 26 September 2011 be noted;
4. Council endorse that no dogs be allowed on sporting fields at anytime.

The motion was put and carried.

6.2.6 MUDGEES SHOWGROUND MANAGEMENT COMMITTEE –
AUGUST 2011

A0100052, P0210911, A0100012

344/11

MOTION: Webb / Holden

That:

1. the report by Group Manager Operations on the Mudgee Showground Management Committee Meeting be received;
2. the minutes for the Mudgee Showground Management Committee ordinary monthly meeting held on 2 August 2011 be noted;
3. the new conditions of hire for stables at the Mudgee Showground be approved.

*The motion was put and carried.*6.2.7 PREVENTION OF DISCRIMINATION, HARASSMENT AND
BULLYING POLICY

A0100052, A0100021

MOTION: Holden / Weatherley

That:

1. the report by the General Manager on the Prevention of Discrimination, Harassment and Bullying Policy be received;
2. Council adopts the Prevention of Discrimination, Harassment and Bullying Policy with the following amendments

Under the Discrimination Heading the word Homosexuality be replaced with Sexuality and

Under the Discrimination Heading add a further bullet point – Political Persuasion

345/11

AMENDMENT Webb / Lang

That:

1. the report by the General Manager on the Prevention of Discrimination, Harassment and Bullying Policy be received;
2. Council adopts the Prevention of Discrimination, Harassment and Bullying Policy with the following amendments

Under the Discrimination Heading the word Homosexuality be replaced with Sexuality

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

6.2.8 MONTHLY MANAGEMENT PLAN REPORTING – SEPTEMBER 2011

A0100052, A0149935

346/11

MOTION: Holden / Weatherley

That:

1. the report by the Management Accountant on the September 2011 Quarterly Budget Review be received;
2. the 2011/12 Management Plan be amended in accordance with the variations as listed in the September 2011 Quarterly Budget Review;
3. the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure, be noted.

The motion was put and carried.

6.2.9 SECTION 96 APPLICATION 0004/2012 - 38 LOT INDUSTRIAL SUBDIVISION

Cr Walker declared a pecuniary interest in that he was negotiating a contract with the applicant subject to this report, left the meeting at 6.00pm and did not participate in discussions or vote in relation to this matter

A0100052,

347/11

MOTION: Holden / Lang

- A. That the Report of the Manager Statutory Planning relating to the proposed modification to the industrial subdivision on lots 276 and 271 DP 755442, Toole Road Ulan be noted;
- B. That Section 96 Application No. 004/2012 for a modification to the approved industrial subdivision on lots 276 and 271 DP 755442, Toole Road, Ulan be approved in accordance with the following conditions of consent:

APPROVED DEVELOPMENT

1. This consent relates to the subdivision of land to create 38 allotments, 2 common land allotments and the associated civil engineering works, as illustrated on the plans, statement of environmental effects and supporting documentation received by Council stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.
2. The development is to be carried out generally in accordance with the stamped approved plans Reference: H059MU, Sheet: 1 of 1, Dated: 4/1/11, Prepared by: R J Crooks & Associates and the supporting Statement of Environmental Effects Titled: Proposed 38 Lot Staged Heavy

Industrial Subdivision Prepared by: MINESPEX, Dated: December 2010 as Amended 27 January 2011.

3. *The approved subdivision is to be carried out in the following stages. Each stage shall require the approval of a separate subdivision certificate prior to the registration of the allotments.*

Stage 1 Creation of 22 Industrial Lots and 1 common land Lot in addition to the development of all servicing including new water and sewerage infrastructure. The construction of a bridge over the internal water course.

Stage 2 Creation of 16 Industrial Lots and 1 common land Lot and required extension of Road and Utility networks.

Notes:

Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be carried out without the prior approval of Council.

Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.

GENERAL

4. If any Aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

(Note: A suitably qualified person would be required to be present during earthworks to identify whether any artefacts were uncovered).

- 5 The Community Management Statement pursuant to the Community Land Development Act 1989 is to include all aspects of the Development Consent of DA0180/2011 and is to be maintained in accordance with the Development Consent of DA0180/2011.

The Community Management Statement pursuant to the Community Land Development Act 1989 is to be approved by Council. Council is to be a signatory of the Statement.

- 6 Where the conditions of this consent conflict with the provisions of a Controlled Activity Approval, the provisions

of the Controlled Activity Approval shall prevail to the extent of the inconsistency.

- 7 The applicant shall register a Positive Covenant and/or a Restriction as to User, under section 88E and or section 88B of the *Conveyancing Act* as appropriate in favour of Council ensuring the following matters are adhered to by development on the newly created allotments with the exception of the common land lots;
- a) External lighting is not to interfere with the safe and efficient operation of the Gulgong to Sandy Hollow Railway or Ulan Road.
 - b) A 3 metre minimum vegetative buffer is to be provided along the boundaries of all lots that join the Ulan Road reserve.
 - c) No direct vehicular access is to be permitted to Ulan Road from any allotment.
 - d) Material utilised in the construction of buildings or the storage of materials external to buildings are not to interfere with the safe and efficient operation of the Gulgong to Sandy Hollow Railway or Ulan Road due to the reflection of light.
 - e) Where an allotment abuts the Gulgong to Sandy Hollow Railway corridor any building must address the relevant provisions of the Australian Standard AS 2107:2000 Recommended design sound levels and reverberation times for building interiors.
 - f) All fencing of lot boundaries that adjoin the Ulan Road reserve must be constructed of pre-coloured wire.
 - g) Each industrial allotment is to be managed as an inner protection area as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
 - h) Any industry within this development is required to satisfy the Consent Authority that its water and waste water requirements will not exceed the relevant lot's entitlement with respect to the water reticulation system and sewerage reticulation system provided for under the Community Management Statement and the Community Development Contract for the Community Scheme unless otherwise approved by the Consent Authority and the Community Association.
 - i) Solid waste collection and disposal will be the responsibility of each individual land owner.

PRIOR TO THE COMMENCEMENT OF WORKS

- 8 A Construction Certificate is to be obtained from Council prior to the commencement of work.

- 9 An Environmental Management Plan (EMP) is to be submitted to Council prior to the commencement of work detailing the ongoing management of the Conservation zoned areas of the site, stormwater drainage system, sewerage reticulation system and the water reticulation system.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

- 10 A Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council.
- 11 The NSW Office of Water has issued General Terms of Approval in relation to approved subdivision. These General Terms of Approval are included as Schedule 1 of this consent and are to be taken as conditions of this consent.
- 12 Engineering plans of the water, sewerage and stormwater reticulation systems are to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of a *Construction Certificate*.
- 13 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 prior to the issue of a Construction Certificate.

Note; Stormwater is to be treated for the removal of grit, oil and floatables prior to discharging into the receiving waters.

- 14 The applicant must prepare and submit a Construction and Environmental Management Plan (CEMP), including:
- a) Detailed information on any approvals required from other authorities prior to or during construction,
 - b) Traffic management, including, details of:
 - ingress and egress of vehicles to the site,
 - management of loading and unloading of materials,
 - the location of heavy vehicle parking off-site, and,
 - designated routes for vehicles to the site.
 - c) Erosion and sediment control, detailing measures and procedures consistent with the requirements of *Managing Urban Stormwater – Soils & Construction Volume 1 2004* (Landcom), including:
 - the collection and treatment of stormwater and wastewater generated on site prior to discharge, and

- procedures to prevent run-off of solid material and waste from the site,
 - d) **Waste management, including:**
 - details of the types and estimated volumes of waste materials that will be generated,
 - procedures for maximising reuse and recycling of construction materials, and
 - details of the off-site disposal or recycling facilities for construction waste,
 - e) **Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences, and**
 - f) **Scour protection, Points of constriction or any other places where scour is likely within or near any protected waters or any part of the riparian zones on the Site, are to be suitably protected against scour. Designs of scour protection works are to be based on predicted velocities and scour potential. Methods of construction are to be detailed.**
 - g) **Soil and groundwater protection methods including details on methods of construction in relation to the minimisation of the impact on soil and groundwater in accordance with the recommendations of the Statement of Environmental Effects.**
- 15 **The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to Council for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater run off from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.**
- 16 **The applicant is to submit a Hydraulic Analysis Flood Impact Assessment. The Assessment must demonstrate that the unnamed watercourse running through the development has the capacity to contain flood waters up to and including the 1:100yr ARI plus 0.5m freeboard. Water profile and channel construction details are to be submitted prior to the issue of a Construction Certificate.**
- 17 **The submission to Council of engineering design plans for any road works. Such plans shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.**

ENGINEERING CONSTRUCTION

- 18 A vegetated riparian buffer with a width of 10m is to be constructed running parallel either side of the unnamed water course. Plant species to include but not limited to Grey Box/Yellow Box Woodland and associated under stories. Details are to be provided prior to the issue of the Construction Certificate.
- 19 A vegetated riparian buffer with a width of 40m is to be constructed running parallel to Sportsman Hollow Creek. Plant species to include but not limited to Grey Box/Yellow Box Woodland and associated under stories. Details are to be provided prior to the issue of the Construction Certificate.
- 20 Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.
- 21 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.
22. *The developer is to upgrade Toole Road from Ulan Road to 70 metres past the intersection of Toole Road and the new road (western intersection), such that it has the following characteristics:*

<i>Item</i>	<i>Requirement</i>
<i>Full Road Pavement Width</i>	<i>12 m</i>
<i>Kerb & Gutter</i>	<i>Roll back concrete kerb & gutter (Northern side) Table drain (Southern side)</i>
<i>Footpath Width</i>	<i>4m on the Northern side of Toole Rd</i>
<i>Seal</i>	<i>Primer seal, plus asphalt</i>
<i>Subsoil Drainage</i>	<i>Behind kerb if required</i>
<i>Underground Drainage</i>	<i>Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.</i>
<i>Other</i>	<i>8m on the Southern side of Toole Rd including shoulder, verge, table drain and footpath area.</i>

- 22(a). *The developer is to upgrade Toole Road from 70 metres past the intersection of the new road and Toole Road (western intersection) to the rail way line, such that it has the following characteristics:*

<i>Item</i>	<i>Requirement</i>
<i>Full Sheeted Road Pavement Width</i>	<i>8 m</i>
<i>Surface</i>	<i>Compacted Gravel</i>
<i>Kerb & Gutter</i>	<i>Table drains to be provided</i>
<i>Other</i>	<i>7.5m each side of Toole Rd including shoulder, verge, table drain and footpath area.</i>

23 The new roads in the subdivision are to be constructed in accordance with the following:

Item	Requirement
Full Road Pavement Width	13 m
Footpath Width	5.5 m
Seal	Primer seal, plus asphalt
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

24 The applicant is to construct the access road to service lot 271 to council's minimum standard for a rural road as set out in the Mid Western Regional Council policy "Road Classifications and Standards, and as indicated below, for a Local Access:

- A minimum formed width of 4.5M
- The road should be an all weather access formed using natural materials if suitable or otherwise an approved road base material.
- Erosion and drainage control measures such as; 4-6% cross-fall, table drains, mitre drains and culverts where necessary.

25 The driveway access to the sewerage storage tank is to have a minimum width sufficient to allow manoeuvring access in accordance with Roads & Traffic Authority standards and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times.

26 *The intersection of Toole Rd and Ulan Rd is to be upgraded to a AUL/CHR(S) type intersection treatment in accordance with Roads & Traffic Authority Road Design Guidelines – Intersections at Grade.*

- 27 The sewerage storage tank is to have a minimum capacity of 70,000L to ensure a three day storage capacity for down time with pump out contractors.
- 28 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.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE FOR EACH RESPECTIVE STAGE

- 29 A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
- 30 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.
- 31 The applicant is to provide separate water and sewer reticulation services to each lot.
- 32 All water and sewerage work relevant to the current stage is required to be completed in accordance with the requirements of Mid-Western Regional Council and in accordance with the National Specification – Water & Sewerage Codes of Australia.
- 33 Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 council standards.
- 34 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.
- 35 Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
- 36 Prior to issue of the Subdivision Certificate all road and stormwater drainage works are to be completed relevant to each stage.

The motion was put and carried with Councillors voting as follows

Councillors	Ayes	Nayes
Cr Lang	✓	
Cr Shelley	✓	
Cr Holden	✓	
Cr Thompson	✓	
Cr Kennedy	✓	
Cr Weatherley	✓	
Cr Webb	✓	

Cr Walker returned to the meeting at 6.04

ITEM 7: URGENT BUSINESS WITHOUT NOTICE

7.1 MEETING OF TOURISM STAKEHOLDERS

348/11 **MOTION** Holden / Lang

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

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

349/11 **MOTION:** Holden / Thompson A0100052,

That Mid-Western Regional Council employ an independent facilitator to facilitate a meeting of the peak tourism organisations including MRTI and MWGG to discuss strategies for the future of regional tourism at a time of significant change in the local landscape up to a value of \$3,000 to be funded from Council’s Strategic Initiative Fund.

AMENDMENT Shelley / Thompson

That Mid-Western Regional Council facilitate a meeting of the peak tourism organisations including MRTI and MWGG to discuss strategies for the future of regional tourism at a time of significant change in the local landscape up.

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

ITEM 8: CONFIDENTIAL SESSION

350/11 **COUNCIL DECISION:** Holden / Thompson

I move 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 at 6.09pm being moved and seconded, the Mayor announced that the following matter would be considered in confidential session and the reason why it was being dealt with in this way.

The following matter has been listed for discussion in Confidential Session:

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.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of matters concerning a particular individual.

Following an enquiry from the Mayor, the General Manager 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 General Manager reported that the following recommendation was made from Confidential Session:

8.1 GENERAL MANAGERS PERFORMANCE AGREEMENT FOR THE
YEAR ENDING 30 JUNE 2012

A0100052,

351/11

MOTION: Shelley / Walker

That:

1. the report by the Mayor on the General Managers Performance Agreement for the financial year ending 30th June 2012 be received;
2. Council adopt the General Managers Performance Agreement for the financial year ending 30th June 2012
3. The Mayor is given delegated authority to negotiate any amendments to the General Managers Performance Agreement that the Council may request at this meeting.

The motion was put and carried.

There being no further confidential business, the Confidential Session concluded at 6.14 pm.

ITEM 9: **OPEN COUNCIL**

352/11

MOTION: Shelley / Walker

That the recommendation of Confidential Session be adopted.

The motion was put and carried.

CLOSURE

There being no further business the meeting concluded at 6.15 pm.

ITEM 4: MATTERS IN PROGRESS

-SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Telstra Licence, Flirtation Hill, Gulgong	Res. S.41/10 Strategic Mtg 2/6/10	That consideration of this matter be deferred for further negotiations with Telstra.	Awaiting response from Telstra after meeting in October
Rylstone/Kandos Sewerage Augmentation	S.85/10 Assets Mtg 1/12/10	That: 1..... 2. Council commence negotiations with the Department of Environment, Climate Change and Water to defer construction of a new Treatment Plant at Kandos until funds become available under the Country Town Water and Sewerage Scheme; 3. staff review options to stage the proposed works in this region to improve the affordability of the augmentation required to meet effluent discharge quality requirements.	<p>The recent State Government budget did not make for any further provision for funding of regional water and sewer schemes. We will continue to pursue this matter with our local MP's</p> <p>This is happening and will be reported back to Council when complete. The design is 75% complete</p>
Ulan Waste Transfer Station	Res. 140/11 Ord Mtg 20/7/2011	That: 1. Council proceed with the construction of a waste transfer station at Ulan; and	<p>Land for waste station proceeding into Council Ownership. DA will be considered by Council this meeting. Construction to commence early 2012</p> <p>RECOMMEND COMPLETION</p>

-SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Riverside Memorial Walk	Res. 55/11 Ord. Mtg 16/3/2011	That: 1. ... 2. ... 3. Council includes in the development of the Lawson Park West Reserve in Short Street Mudgee a memorial and heritage pathway that has plaques installed in the walkway to remember past community people who have contributed positively to the growth and social infrastructure of this community. The concept of the memorial and heritage pathway be part of the public consultation process in the 2011/12 draft Management Plan; 4. Council consults with the Gulgong and Rylstone townships on suitable sites in those towns for similar memorial and heritage walkways to celebrate the contributions of people to those communities.	The walkway in the Lawson Park and the planning of the landscaping in the new part of Lawson Park is now well under way. When development complete we will arrange for plaques to be installed
Skate Parks in the Mid-Western Region	COM.61/11 Comm. Serv Mtg 7/9/2011	That: 1. 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.	A capital works program will be developed for consideration by Council in the 2012/13 development and operational plan
Gulgong Skate Park	Min No. COR. 27/11 Fin & Cor Mtg 06/04/2011	That Council continue to work with the newly formed Gulgong skate park committee to expedite improvements to the Gulgong skate park.	Awaiting to hear on the success of the funding application to NSW Sport & Recreation.

-SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Xstrata Coal Youth Services Officer Program	COM.62/11 Comm. Serv. Mtg 7/9/2011	That: 1. ... 2. ... 3. the Mayor and General Manager approach Xstrata Coal seeking a continuation of funding for the Youth Services Officer program.	First meeting has been held with Xstrata. The feedback was very positive. A further meeting with the Xstrata Management is being arranged
Cost of Water – Mudgee Race Club Inc	Min No.254/09 Ord Mtg 18/11/09	That: 1. 2. the General Manager commence negotiations with the Mudgee Race Club to enter into an agreement with the supply of raw water and the repayment of infrastructural costs and report back to Council within six months; 3.	Work proposed to commence 1 November and completed by 16th December. Race Club has negotiated purchase of 25 megs of water from adjoining property owner
Directional Signage	Res. 20/11 Ord. Mtg 16/2/2011	That Council erect appropriate directional signage to its “natural assets” including the Drip, Hands on Rock, Dunns Swamp etc and approach the National Parks and Wildlife Service for funding.	Issue being discussed with NPWS
Reciprocal Signage at key intersections	Res. 21/11 Ord. Mtg 16/2/2011	That Council enter into formal negotiations with its neighbouring Councils for reciprocal signage at the key intersections to our (and their) regions.	Currently identifying the locations and negotiating with neighbouring Council on process required including DA requirements
Temporary Signage	Res. 50/11 Ord. Mtg 16/3/2011	That Council undertake a review the signage policy as part of the formulation of the comprehensive DCP.	To be undertaken upon completion of the Comprehensive Local Environmental Plan.
Gulgong Hospital	Min No. COR.26/11 Fin & Cor Mtg 06/04/2011	That an immediate meeting be arranged with the new State Health Minister, the Federal Minister and federal independent to expedite a new hospital for Gulgong.	State Government has approved MPS funding. Now meeting with Federal Government to obtain extra funding

-SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Redbank Creek Dam	Res 146/11 Ord. Mtg 20/7/2011	That: 1. 2. Council re-affirms its determination that it does not consider itself the owner of Redbank Creek Dam; and 3. Council seeks urgent negotiations with the relevant State Government Minister to have the Council excluded as the owner of Redbank Creek Dam. Failing the correct action by the relevant Minister, Council delegates to the General Manager to take such legal action needed to achieve a determination that Council is not the owner.	Dam Safety Committee and National Parks are prepared to meet. Meeting being held on 23RD November.
2012 Local Government Elections	Res 162/11 Ord Mtg 20/7/2011	That: 1..... 2. a report be presented to Council on the cost involved if Council conducted the election itself or used another service provider.	Report in this business paper RECOMMEND COMPLETION
Relocation of Mudgee Visitor's Centre	Res 170/11 Ord Mtg 20/7/2011	That: 1. 2. the relocation of the Mudgee Visitors Centre be further investigated at the appropriate time.	No action to date
Minimum rural lot size	Min No. 32/10 Ord Mtg 17/3/10	That: 1. Council gives an undertaking that the minimum rural lot size will be reviewed after completion of the comprehensive LEP and associate documents.... 2.	New project that will be commenced when the Comprehensive LEP and DCP is completed.
Land Use Strategy – Council land off Madeira Road	Min No.74/10 Ord Mtg 21/4/10	That Council does not include this land in the Land Use Strategy but include in the gateway process at a later date after further public consultation	Noted, no action scheduled until after the completion of the Comprehensive LEP and DCP.

-SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Land Use Strategy – 520 AHD in Mudgee	Min No. 75/10 Ord Mtg 21/4/10	That the Draft Land Use Strategy be amended to permit an investigation of land above the 520 AHD with a report to be submitted to Council at a later time.	Noted, no action scheduled until after the completion of the Comprehensive LEP and DCP.
Mudgee Motor Cross Track	Res. COR52/10 Corp Serv Mtg 5/5/10	That ... 1.Council receive a report on all Crown or community land available with a reasonable radius of Mudgee township (7km) suitable for the permanent location of the Mudgee motor cross track; 2.in the event suitable land is identified, Council assist the Mudgee Motor Cross Club to obtain a long term lease or any other suitable commercial arrangement to allow the establishment of a motor cross track; 3.	Agreement has been reached with the club on a site at Buckaroo. Awaiting the zone change in LEP to finalise agreement.
Old saleyards site	Min No. 313/10 Ord. Mtg 17/11/10	That Council undertakes the land capability study for the old saleyards site in conjunction with the adjoining land owner.	Valuation being sought on this land with the proposal to sell to potential developers.
Request for Regional Development Authority in MWR	Min No. P69/10 P&D Mtg 7/12/10	That Council write to the Minister for Regional Australia, Regional Development and Local Government and Minister for the Arts, The Hon Simon Crean MP requesting that the a Regional Development Authority be established in Mid-Western having regard to expected level of growth expected to occur in this region.	Federal Government indicated that we must remain with Orana.

-SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Cobbora Mine	Min No. 76/10 Ord Mtg 21/4/10	That: 1. Council rely on the expert assessment of the Department of Environment & Climate Change Water as we have done in the past to assess the hydrological impacts for the proposed Cobbora Mine once the Environmental assessment has been completed. 2. Council approach both Warrumbungle and Wellington Councils about joining forces regarding the provision of information and cost sharing to pursue this issue.	Awaiting the release of the Environmental Assessment so that the Department can assess the base data.
Proposed Transfer of water associated with Cobbora Mine	Min No. P70/10 P&D Mtg 15/12/10	That Council write to the Mayor of Warren Council to facilitate a meeting between Mid-Western Regional Council, Warren Shire Council, Cudgegong Valley Water Users Group, Warren Water Users Group, and NSW Office of Water, to discuss the impact of the proposed transfer of water associated with the Cobbora Mine.	Letter sent on 22/12/2010. Submission now send to State office of Water on this matter RECOMMEND COMPLETION
Return of Royalties	Min No. COR13/11 Fin & Cor Mtg 2/3/2011	That consideration of the Royalties in the Region be deferred until the Coalition policy is released.	The Mayor continues to advocate this position to the State Government Officials. Further meetings with State MP's on the 26th October and 18th November
Cobbora Mine Development	Res. 19/11 Ord. Mtg 16/2/2011	That Council arrange a meeting with our neighbouring council areas who would be involved in the Cobbora Mine development.	This is a duplication of Minute No 76/10 above. RECOMMEND COMPLETION
Cobbora Mine pEA	Min No. P.19/11 P&D Mtg 7/9/2011	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.	Letters sent. No response to date. Submission to the State Office of Water RECOMMEND COMPLETION

-SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Building Strategic Plan	Res 319/11 Ord. Mtg 19/10/2011	4. that Council seek sale valuations for the following properties BL00173 - Old Depot Fairydale Lane, Mudgee BL - Old Saleyards Site – Mortimer Street Mudgee BL00219 – Old Headquarters, SES/VRA, Mortimer Street, Mudgee BL00184 - Pool Cottage, Saville Row, Kandos	Valuations being sought.
Community Plan Towards 2030	Res 326/11 Ord Mtg 19/10/2011	That: 1..... 2.the Draft Community Plan Towards 2030 be placed on public exhibition for a period of 28 days in accordance with the requirements of the Local Government Act; and 3.following the exhibition period the Draft Community Plan be resubmitted to Council along with the comments and submissions for endorsement.	Public consultation currently underway.
Status of Ulan and Cope Roads	Res 332/11 Ord Mtg 09/10/2011	That Council approach the Minister for Roads and the RTA seeking an upgrade of the status of the Ulan and Cope Road to that of a State Road.	Submissions are being prepared to accompany request. Discussion being held with RTA to obtain their views.
Traffic Speed Meter sign outside of Cudgegong Valley PS	Res. 338/11 Ord. Mtg 02/11/2011	That Council acknowledges the initiative of the Cudgegong Valley Primary School and offer assistance in discussion with the RTA on the final location and Council assist in the physical erection of the speed sign.	Discussions with the RTA and the Cudgegong School have been organised.
Certified Caterpillar D7R Dozer Rebuild	Res. 340/11 Ord. Mtg 02/11/2011	That: 1. 2 Council defer this matter pending further information from staff on other options.	Report pending

-SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Meeting of Tourism Stakeholders	Res. 349/11 Ord Mtg 02/11/2011	That Mid-Western Regional Council employ an independent facilitator to facilitate a meeting of the peak tourism organisations including MRTI and MWGG to discuss strategies for the future of regional tourism at a time of significant change in the local landscape up to a value of \$3,000 to be funded from Council's Strategic Initiative Fund.	Independent facilitator being sought

ITEM 5: MAYORAL MINUTE (If Any)

(Insert Mayoral Minute (if any))

ITEM 6: GENERAL BUSINESS

6.1 NOTICES OF MOTION

Nil.

6.2 REPORTS

6.2.1 DEVELOPMENT APPLICATION NO. 0356/2011 - STAGED DEVELOPMENT – DWELLING - LOT 100 DP 1038561, 49 GROWEE ROAD, RYLSTONE.

REPORT BY SENIOR PLANNER
Staged Development 49 Growee Road Rylstone
A0100052 (REVISION), P1476061

RECOMMENDATION

- A. That the Report of the Senior Statutory Planner relating to the proposed Staged development – dwelling at lot 100 DP 1038561, 49 Growee Road, Rylstone be noted;
- B. That Council approves revised Development Application 0356/2011 for Staged Development for lot 100 DP 1038561, 49 Growee Road, Rylstone, subject to the attached conditions;

APPROVED DEVELOPMENT

1. Stage 1 development is to be carried out in accordance with stamped plan G504MU dated 17.03.2010, prepared by Insites, forming part of application 0356/2011 received by Council 08.06.2011 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.

STAGE 1- CONSTRUCTION OF ACCESS

2. The construction of an all-weather vehicle access to the development, in accordance with the following minimum guidelines:
 - a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from edge of the traffic lane of the public road;
 - a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
 - a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it.
 - the access shall be located such that adequate sight distances are achieved, as specified in the Austroads publication '*Intersections at Grade*'.

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

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

- Natural materials.

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

4. Following completion of all engineering works, a bond of 5% of the value of such works (not carried out by Council) or a minimum of \$1000.00, whichever is the greater, shall be lodged with Council. The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. If the applicant chooses to provide a bank guarantee, the guarantee must not specify any time limit on the operation of the guarantee.
 5. The developer is to ensure that all defects in the works that become apparent within twelve (12) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond monies to carry out rectification.
 6. Any unexpanded bond money will be returned to the developer at the end of the twelve (12) month period, less the estimated cost of any outstanding works.
 7. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec#1 and Council's standard drawings.
 8. The road works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
 - Installation of sediment and erosion control measures
 - Road pavement construction
 - Practical completion
 9. No construction is to commence before a Construction Certificate is issued for the road works. The works are to be constructed in accordance with the plans and specifications referred to in the Construction Certificate.
- Note:** Council must issue the Construction Certificate as the Road Authority under the Roads Act. Council's fee for this service is set out in Council's fees and charges.
10. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
 11. A copy of the Contractor's insurance cover for a minimum of \$10,000,000.00 is to be provided to Mid-Western Regional Council as the Roads Authority.

STAGE 2- CONSTRUCTION OF A DWELLING

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION WORK - DWELLING

12. Prior to the commencement of any construction works, the following provisions are to be complied with:
 - Construction Plans for the dwelling are to be lodged with, and approved by, a Principal Certifying Authority (PCA).

- A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - 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.
 - 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.
- C. That upon determining the application, Council seeks the NSW Department of Planning and Infrastructure Director-General's concurrence in accordance with clause 7 of SEPP 1, - Variations to Development Standards.
-

EXECUTIVE SUMMARY

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

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

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

The proposal has been referred to Council for determination as it involves a variation to the standard greater than 10% and therefore exceeds staff delegation.

PREVIOUS APPROVAL

Application DA0356/2011 for 'Partial Development (dwelling entitlement)' upon the subject lot was approved at the 20 July 2011 Council meeting, after which concurrence was sought from the Director-General, NSW Department of Planning and Infrastructure. The application was returned to Council pending '*confirmation that it is legally open to Council to determine to grant development consent in the terms proposed*', as a "dwelling entitlement" is not "development" as defined under section 4 of the *Environmental Planning and Assessment Act. 1979*.

The application has, therefore, been revised at the applicant's request so as to specify;

- a) that "development" as defined under section 4 of the *Environmental Planning and Assessment Act. 1979* is being sought (-that being staged development)
- and
- b) that Council has legally determined to grant consent to that development.

DETAILED REPORTASSESSMENT

The revised application has been assessed in accordance with Section 79C(1) of the Environmental Planning & Assessment Act 1979 and with reference to clause 7 of SEPP1-Variations to Development Standards. The main issues are addressed below as follows;

REQUIREMENTS OF REGULATIONS AND POLICIES:*Provisions of any Environmental Planning Instrument and any draft EPI*

The land is zoned Rylstone 1(a) General Rural pursuant to Local Environmental Plan 1996.

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

- (i) *protecting, enhancing and conserving agricultural land in a manner which sustains its efficient and effective agricultural production potential,*
- (ii) *soil stability by controlling and locating development in accordance with soil capability,*
- (iii) *forests of existing and potential commercial value for timber production,*
- (iv) *valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure efficient extraction of those deposits,*
- (v) *trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity, recreation or natural wildlife habitat or is likely to control land degradation,*
- (vi) *water resources for use in the public interest,*
- (vii) *places and buildings of archaeological or heritage significance, including Aboriginal relics and places,*
- (viii) *the rural character and amenity of the zone, preventing the unjustified development of prime crop and pasture land for purposes other than agriculture, and facilitating farm adjustments, and minimising the cost to the community of fragmented and isolated development of rural land, and*
- (ii) *providing, extending and maintaining public amenities and services, and providing land for future urban development, for future rural residential development and for future development for other non-agricultural purposes, in accordance with the need for that development, and encouraging the establishment of rural and rural-related industries.*

Comment:

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

It is also not anticipated that the community will incur undue burden as a consequence of the proposed development, due to the ability of the lot (as demonstrated by the applicant in his submission) to support the proposed development.

In consideration of the relative proximity of existing development to the subject lot and that all adjacent, developed lots are of lesser size than the subject lot, it is not considered that the granting of approval will result in the further fragmentation or isolated development of rural land.

Staged development is permissible with Council consent

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

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

Aims, objectives etc

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

The objects of this Act are:

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

Comment:

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

6. Making of applications

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

Comment:

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

7. Consent may be granted

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

Comment:

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

8. Concurrence

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

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

Comment:

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

IMPACT OF DEVELOPMENT

Context and Setting

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

Access, transport and traffic

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

Public domain

The subject property borders an extensive area of National park.

Utilities

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

Heritage

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

Other land resources

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

Water

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

Soils

The Subject lot is classified under the Rylstone Agricultural Land Classification as Classes 3, 4 & 5, and is not considered to be prime agricultural land. (See Attachment 5 to this report).

SUITABILITY OF SITE FOR DEVELOPMENT

Does the proposal fit in the locality

As the locality consists mostly of lots of a smaller size than the subject lot, some of which have previously been developed, the proposal is not considered to be inconsistent with the existing nature of the locality.

Are the site attributes conducive to development

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

SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

Public Submission

The proposal was not advertised.

Submissions from public authorities

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

THE PUBLIC INTEREST

Federal, State and local government interests and community interests

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

CONSULTATIONS

Health & Building.

To be undertaken at Stage 2.

Technical Services

Standard access conditions attached.

Heritage Advisor

The site is not Heritage Listed.

CONCLUSION

With regard to Council plans and policies, Clause 22(d) of the Rylstone LEP 1996 establishes a minimum lot size of 40 ha for the erection of a dwelling house within zone 1(a) General Rural. At 35.21 ha, the subject lot is approximately 88% of the minimum lot size upon which a dwelling house may be erected with Council consent.

Although the subject lot does not comply with the required minimum lot size, Council's Planning Department supports the applicant's claim that the promotion of zone objectives by way of effective and efficient management of the subject lot can only be undertaken when residing upon said lot and is, therefore, not unjustifiable. Furthermore, it is not anticipated that the community will incur undue burden as a consequence of the proposed development, due to the ability of the lot (as demonstrated by the applicant in his submission) to support the proposed development. Likewise, in consideration of the relative proximity of existing development to the subject lot and that all adjacent, developed lots are of lesser size than the subject lot, it is not considered that the granting of approval will result in the further fragmentation or isolated development of rural land.

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

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

FINANCIAL IMPLICATIONS

None

STRATEGIC OR POLICY IMPLICATIONS

Council proposes, within the Draft land use strategy, to maintain rather than increase the existing 40 ha for the erection of a dwelling house within zone 1(a) General Rural. In that regard the minor relaxation of the established standard is considered insignificant.

OPTIONS

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

GRAEME KING
SENIOR STATUTORY PLANNER

4 November 2011

GARY BRUCE
MANAGER – STATUTORY PLANNING

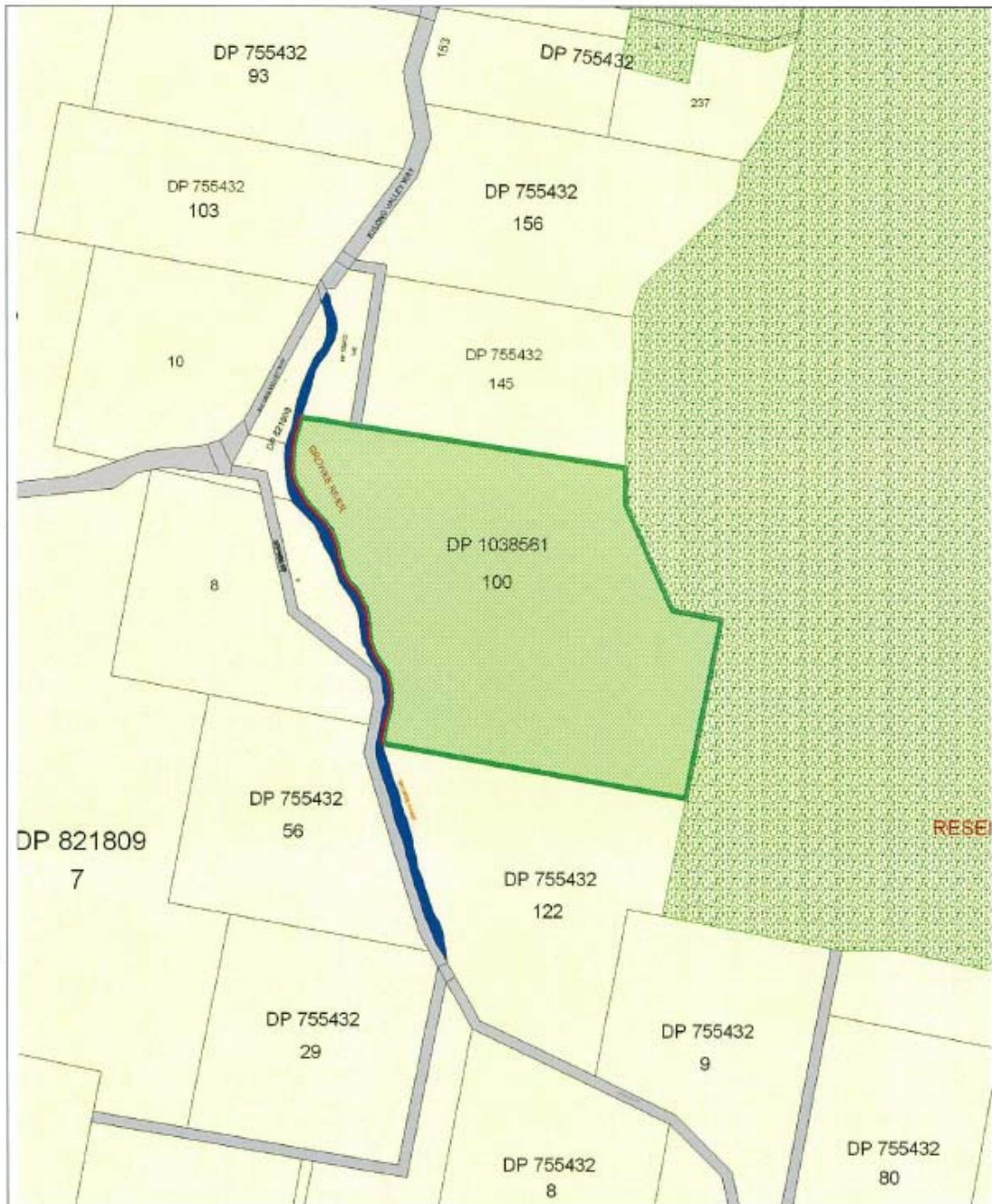
CATHERINE VAN LAEREN
GROUP MANAGER
DEVELOPMENT & COMMUNITY SERVICES

Attachments:

1. Locality plan
2. Site plan
3. Applicant submission.
4. Applicant revised submission
5. Agricultural Land Classification Map.

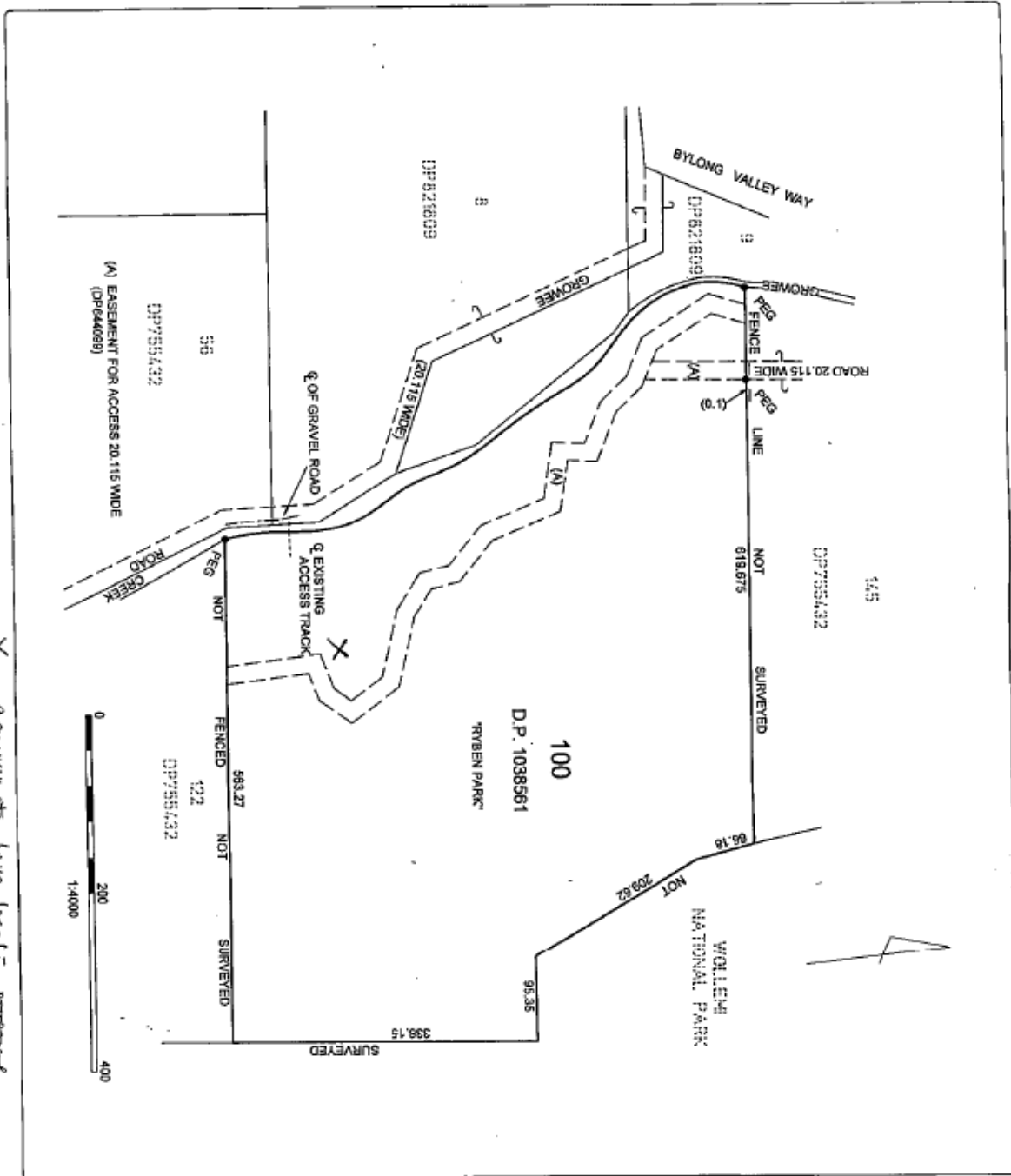
APPROVED FOR SUBMISSION:


WARWICK BENNETT
GENERAL MANAGER



Map Scale: 1:10,070

<p>Disclaimer This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands. This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the provided, Council accepts no responsibility for any errors or omissions.</p>	<p>Legend</p> <table border="0"> <tr> <td></td> <td>Parcel</td> <td></td> <td>Parish</td> <td></td> <td>Road</td> </tr> <tr> <td></td> <td>Crown Land</td> <td></td> <td>Localities</td> <td></td> <td>State Forest</td> </tr> <tr> <td></td> <td>Railway</td> <td></td> <td>LGA Boundary</td> <td></td> <td>Waterway</td> </tr> </table>		Parcel		Parish		Road		Crown Land		Localities		State Forest		Railway		LGA Boundary		Waterway	<p>NORTH</p> <p>Printed on Tuesday, 5 July 2011</p>
	Parcel		Parish		Road															
	Crown Land		Localities		State Forest															
	Railway		LGA Boundary		Waterway															



 INSITES INDEPENDENT SURVEYORS 35 SWANSTON STREET, MADGE R. J. CROOKS & ASSOCIATES		CLIENT MR CHRIS BELLENGER	PLAN SKETCH OF MARKS PLACED ON PART OF LOT 100 IN D.P. 1038561 'RYBEN PARK' GROMER ROAD, GROMER
REGISTERED SURVEYORS MR. ROBERT MR. ANDREW MR. ANDREW MR. ANDREW MR. ANDREW		DATE 16/11/11	SHEET NO. 1 OF 1

PO Box 1505
Macquarie Centre
NSW 2113
1 July 2011

To: NSW Department of Planning

Mid-Western Regional Council

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

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

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

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

The general aims of this plan are:

(a) *to facilitate the economic and social development of the area of Rylstone by encouraging commercial, industrial, agricultural, tourist and residential development,*

(b) *to encourage the proper management, development and conservation of natural and cultural resources within the Shire of Rylstone by protecting, enhancing and conserving:*

(i) *prime crop and pasture land, and*

(ii) *timber, minerals, soil, water and other natural resources, and*

(iii) *areas of significance for nature conservation, and*

(iv) *areas of high scenic or recreational value, and*

(v) *the environmental heritage of the land to which this plan applies*

(c) *to replace the existing planning controls with a single local environmental plan to help facilitate the growth and development of the area of Rylstone in a manner which is consistent with the aims specified in paragraphs (a) and (b) and which:*

(i) *minimises the cost to the community of fragmented and isolated development of rural land, and*

(ii) *facilitates the efficient and effective provision of amenities and services, and*

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

(iv) facilitates farm adjustments, and

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

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

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

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

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

C Zone No 1 (a) (General Rural)

1 Objectives of zone

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

(a) protecting, enhancing and conserving:

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

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

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

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

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

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

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

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

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

(c) facilitating farm adjustments, and

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

2 Without development consent

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

3 Only with development consent

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

4 Prohibited

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

Grounds for the Objection

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

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

This standard is unreasonable or unnecessary in this case because:

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

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

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

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

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

Yours faithfully

C


Emeritus Professor Christopher Bellenger BVSc MVB PhD FACVSc FRCVS DipECVS

C

PO Box 1505
Macquarie Centre
NSW 2113
20 October 2011

Mr Graeme King
Senior Planner
Planning & Development
Mid-Western Regional Council
Mudgee NSW

Dear Mr King

RE: 49 Growee Road, Rylstone, NSW

On 1 July 2011 I lodged an application for dwelling entitlement at 49 Growee Road, Rylstone, and written objection that compliance with the Rylstone LEP development standard of a minimum of 40 hectares is unreasonable or unnecessary in the circumstances of the case.

The 20 July Council unanimously meeting upheld my objection and the matter has been referred to the NSW Department of Planning as the next stage in the process of consideration of my application.

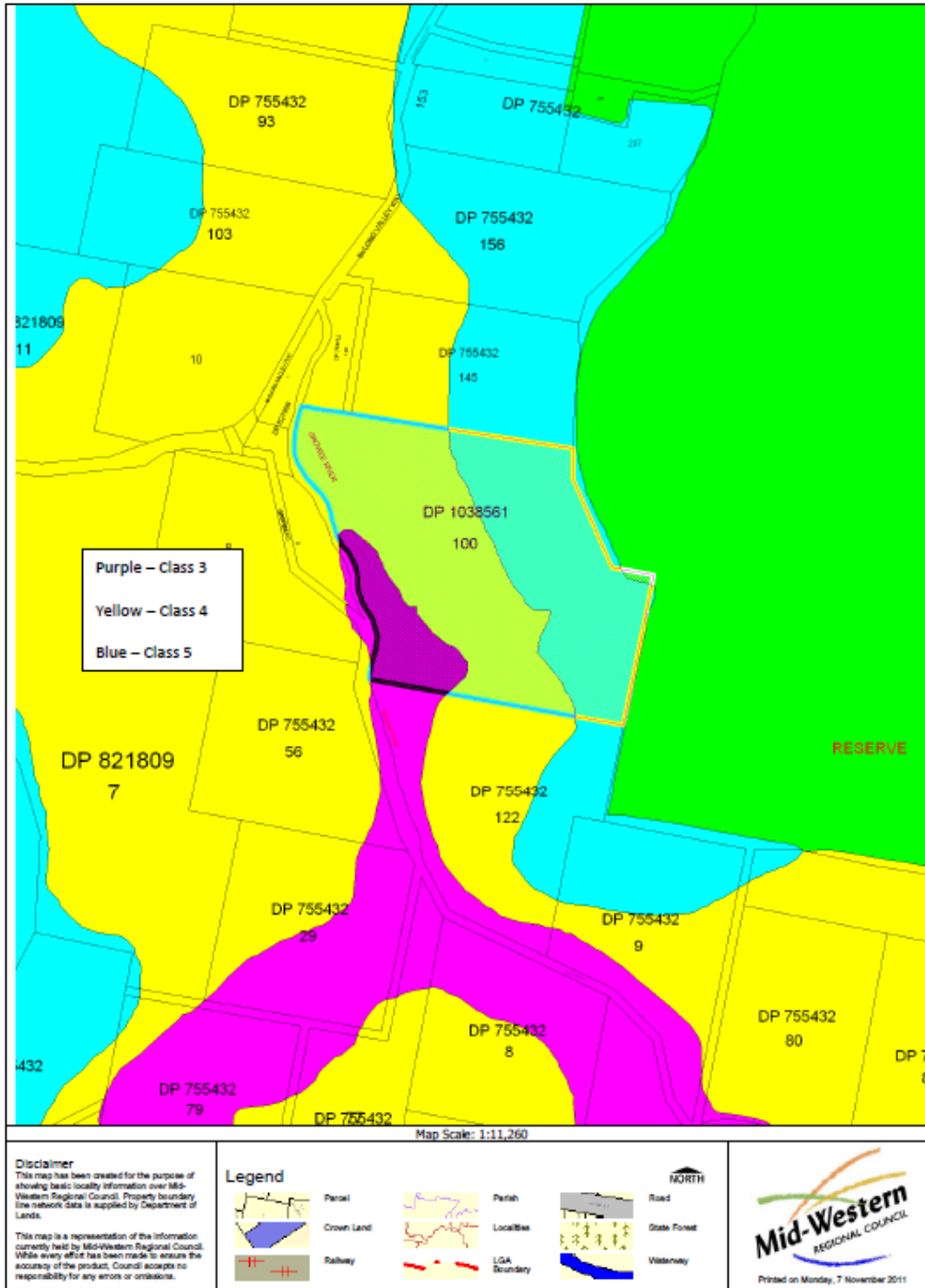
I have now been advised that I should amend my application from **Dwelling Entitlement to Staged Development, - Stage 1 being construction of access, and Stage 2 being construction of a dwelling.**

Please amend my application accordingly.

Yours sincerely



C R Bellenger



6.2.2 DA 0140/2012 KANDOS GRANDSTAND AND AMENITIES - LOT 7005 DP1023895, COOPER DRIVE, KANDOS

REPORT BY SENIOR STATUTORY PLANNER
KANDOS GRANDSTAND, COOPER DRIVE, KANDOS
A0100051, P1584661

RECOMMENDATION

That:

- A. The Report of the Senior Statutory Planner relating to the proposed Kandos Grandstand and amenities on lot 7005 DP 1023895, Cooper Drive Kandos be noted; and
- B. Development Application No. 0140/2012 for the proposed demolition of an existing grandstand and construction of the Kandos Grandstand and amenities on lot 7005 DP 1023895, Simpkins Park and Kandos Sports ground, Cooper Drive, Kandos be approved subject to the attached conditions.

APPROVED DEVELOPMENT

- 1. Development is to be carried out in accordance with stamped plans SK/MWRC/KANDOS 09A, 10D, 11D, 12B, 13D & 14D dated 22.08.11 to 29.10.11, prepared by Interface P/L Architects, forming part of application 0140/2012 received by Council 01.11.2011 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.

CONSTRUCTION MATERIALS

- 2. Prior to the issuing of a construction certificate the applicant is to submit for Council approval details of the colours and level of reflectivity of the corrugated steel proposed to be utilised as cladding, the purpose being to lessen the visual impact and possible reflectivity of the development in accordance with zone objectives and general amenity.

LANDSCAPING

- 3. Prior to the issuing of a construction certificate the applicant is to submit for Council approval a landscaping plan, consisting of semi mature, drought resistant native species to be established in the vicinity of the facility and car park, the purpose being to enhance the visual amenity of the site and provide shade in compliance with Council's Car Parking Development Control Plan.

HEALTH AND BUILDING

- 4. All building work must comply with the requirements of the Building Code of Australia 2011, Volume One, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
- 5. Prior to the commencement of any construction works, the following provisions are to

be complied with:

- A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - 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.
 - 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.
6. 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.
 7. 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.
 8. 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.
 9. Prior to the occupation and use of the building, an Occupation Certificate must be obtained from the Principal Certifying Authority appointed for the erection of the building.
 10. 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.
 11. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - a) stating that unauthorised entry to the work site is prohibited, and
 - b) 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.
 12. All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to the occupation of the premises.
 13. The strength of the concrete used for the reinforced pier and foundation construction must be 25MPa (N25)
 14. 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.

ACCESSIBILITY

15. Access to and from the building and internal facilities including their fixtures and fittings must be in accordance with the requirements of Australian Standard 1428.1 and the Building Code of Australia, and in particular:-
 - (i) through the principle public entrance and,
 - (ii) from the required accessible car parking space in accordance with clause D3.5 of the Building Code of Australia,
 - (iii) from the allotment boundary at the principle points of entry and,
 - (iv) from any adjacent and associated accessible building on the allotment.
16. Two accessible car parking spaces are to be provided in accordance with Council DCP Design for Accessibility.

EXECUTIVE SUMMARY

Council has received a development application for the proposed demolition of an existing grandstand and the subsequent construction of a new Community Grandstand and associated amenities, to be located upon Lot 7005 DP 1023895, Simpkins Park and Kandos Sportsground, Cooper Drive, Kandos. The subject lot, at 4.654 ha, is zoned 2(v) Village.

The proposed facility consists of tiered, grandstand seating surmounted by a free-standing 'butterfly' roof, and an amenities block. Construction materials comprise concrete and steel with brick and corrugated steel cladding.

The proposed development, which may be considered replacement of an existing facility, complies with Council plans and policies. The construction of sports/entertainment facilities within the Rylstone 2(v) Village zone (i.e. RU5 Village under the Draft LEP) is a permissible land use under both the Rylstone LEP 1996, and the Draft MWR LEP 2011.

The application is reported to Council due to the Council being the applicant of the development application.

DETAILED REPORT

ASSESSMENT

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

1. REQUIREMENTS OF REGULATIONS AND POLICIES:

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

The land is zoned Rylstone 2(v) Village pursuant to Rylstone Local Environmental Plan 1996. The objective of this zone is to promote development in existing towns and villages in a manner which is compatible with their urban function, and to protect and enhance the character and amenity of the individual towns and villages, whilst providing for future urban expansion.

Comment:

The current proposal promotes urban development while enhancing the amenity and providing for the future expansion of Kandos.

Draft Mid-Western Regional LEP 2011

The Draft LEP 2011 has been exhibited and therefore is a relevant consideration under Section 79C of the Environmental Planning and Assessment act 1979. The proposed zoning of the land will be RU5 Village.

The proposed development is ancillary to a recreational function and is therefore unlikely to be affected by the draft LEP.

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

Council's Design for Accessibility DCP and Car Parking DCP are of relevance to the current application.

Comment:

Design for Accessibility is satisfied by the provision of ramped access to the grandstand and an accessible toilet. The provision of accessible car parking spaces will form a condition of consent.

The proposed development is not considered to generate additional car parking as it is the sports field that is the car parking generator. The grandstand is an ancillary function to the sports field and therefore no additional car parking is required.

2. IMPACT OF DEVELOPMENT

Context and Setting

The sporting field is an existing facility within and established context. The subject lot, located towards the south of Kandos, is relatively level and sparsely vegetated.

Access, transport and traffic

Existing access is from Cooper Drive. No major upgrade to this access is considered necessary.

Public domain

The subject site is considered a public space and the proposed facility being for the public benefit

Utilities

All services are available to the site.

Heritage

The site is not heritage listed and is not in the vicinity of any individually listed items, nor is it within a defined heritage conservation area.

Waste

As conditioned, the applicant is to consider the matter of waste storage and disposal by incorporating a waste enclosure within the confines of the main structure, the purpose being to protect the visual and environmental amenity of the site while avoiding an 'ad-hoc' solution to waste retention and clearance.

Safety, security and crime prevention

The site, being fairly isolated, does not benefit from passive surveillance. Night lighting and securing of the site when not in use may provide a certain measure of security from the threat of crime and vandalism.

Social impact in the locality

It is anticipated that the proposal will impact positively upon the locality by providing an improved facility for the benefit of locals and visitors alike.

Economic impact in the locality

A positive local economic impact may be the result of an increase in the number of events to be held on site.

Site design and internal design

The proposed structure, consisting of grandstand seating with free-standing 'butterfly' roofing and amenities block is contemporary and utilitarian, yet expressive in design. The internal configuration of the amenities block is simple and logical.

Construction

Construction is proposed to be of concrete and steel with brick and corrugated steel cladding. Full construction details are to be finalised prior to the Construction Certificate stage.

3. SUITABILITY OF SITE FOR DEVELOPMENT

The proposed development, which may be considered replacement of an existing facility, complies with Council plans and policies. The construction of sports/entertainment facilities within the Rylstone 2(v) Village zone (i.e. RU5 Village under the Draft LEP) is a permissible land use under both the Rylstone LEP 1996, and the Draft MWR LEP 2011.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

Public Submissions and Submissions from public authorities

The proposal was not advertised.

5. THE PUBLIC INTEREST

Federal, State and local government interests and community interests

It is anticipated that the proposal will impact positively upon the locality by providing an improved facility for the benefit of locals and visitors alike, and that a positive economic impact may be the result of an increase in the number and quality of arrangements to be held on site.

6. CONSULTATIONS

Health & Building.

Health and Building conditions have been incorporated into the Recommendation.

Development Engineer

Health and Building conditions have been incorporated into the Recommendation.

Heritage Advisor

The site is not heritage listed and is not in the vicinity of any individually listed items, nor is it within a defined heritage conservation area.

Although Council's Heritage Advisor does not consider the existing grandstand (proposed to be demolished), to be of heritage significance, Council's Heritage Advisor will undertake archival recording of the structure prior to demolition in recognition of the existing structure's embodied energy and community involvement in its construction.

FINANCIAL IMPLICATIONS

The development is included in Council's Management Plan.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

OPTIONS

1. The application be approved subject to conditions included within the recommendation.
2. The application, be refused with reasons specified by Council.

7. CONCLUSION

Council has for determination a proposal for demolition of an existing grandstand and construction of a new Community Grandstand and associated amenities, to be located upon Lot 7005 DP 1023895, Simpkins Park and Kandos Sportsground, Cooper Drive, Kandos. The subject lot, at 4.654 ha, is zoned Rylstone 2(v) Village.

The proposed development, which may be considered replacement of an existing facility, consists of tiered, grandstand seating surmounted by a free-standing 'butterfly' roof, and an amenities block. Construction materials comprise concrete and steel with brick and corrugated steel cladding.

The proposed development complies with Council LEP and relevant DCP's and is not considered to create any significant environmental impact. .

The proposal is recommended for conditioned approval.

POLITICAL DECLARATION

Has there been a declaration of political donation in accordance with the Election Funding & Disclosures Act 1981
Yes. No donations

GRAEME KING
SENIOR STATUTORY PLANNER
4 November 2011

GARY BRUCE
MANAGER – STATUTORY PLANNING

CATHERINE VAN LAEREN
GROUP MANAGER
DEVELOPMENT & COMMUNITY SERVICES

04. November 2011

Attachments:

1. Locality Plan of existing grand stand
2. Locality Plan of proposed grandstand
3. 3D Models, Floor Plan, Elevations and Sections

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

AH. 1.



Disclaimer
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Legend

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



Printed on Wednesday, 2 November 2011



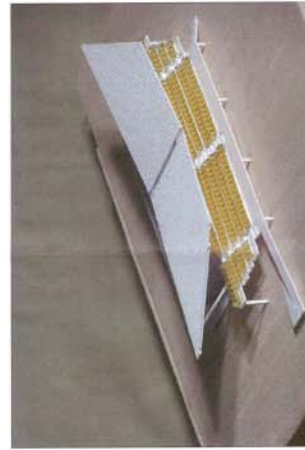
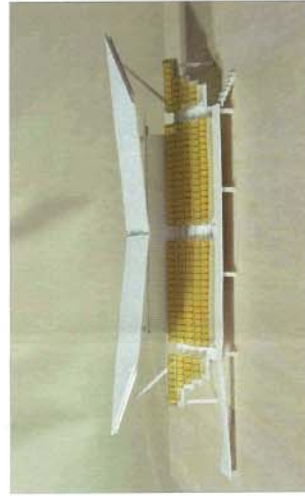
ATTACHMENT 3

Att. 2

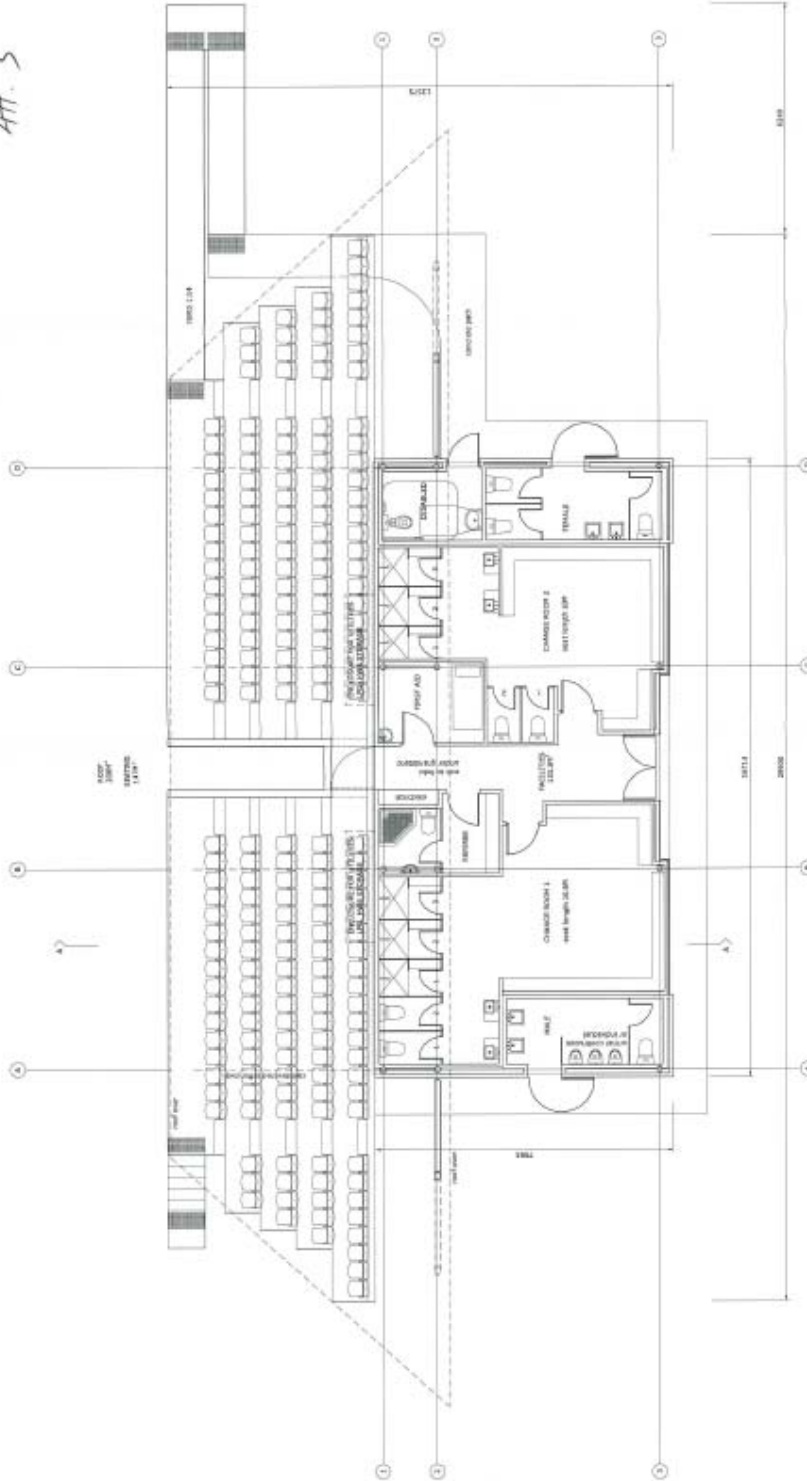
DEVELOPMENT APPLICATION KANDOS GRANDSTAND



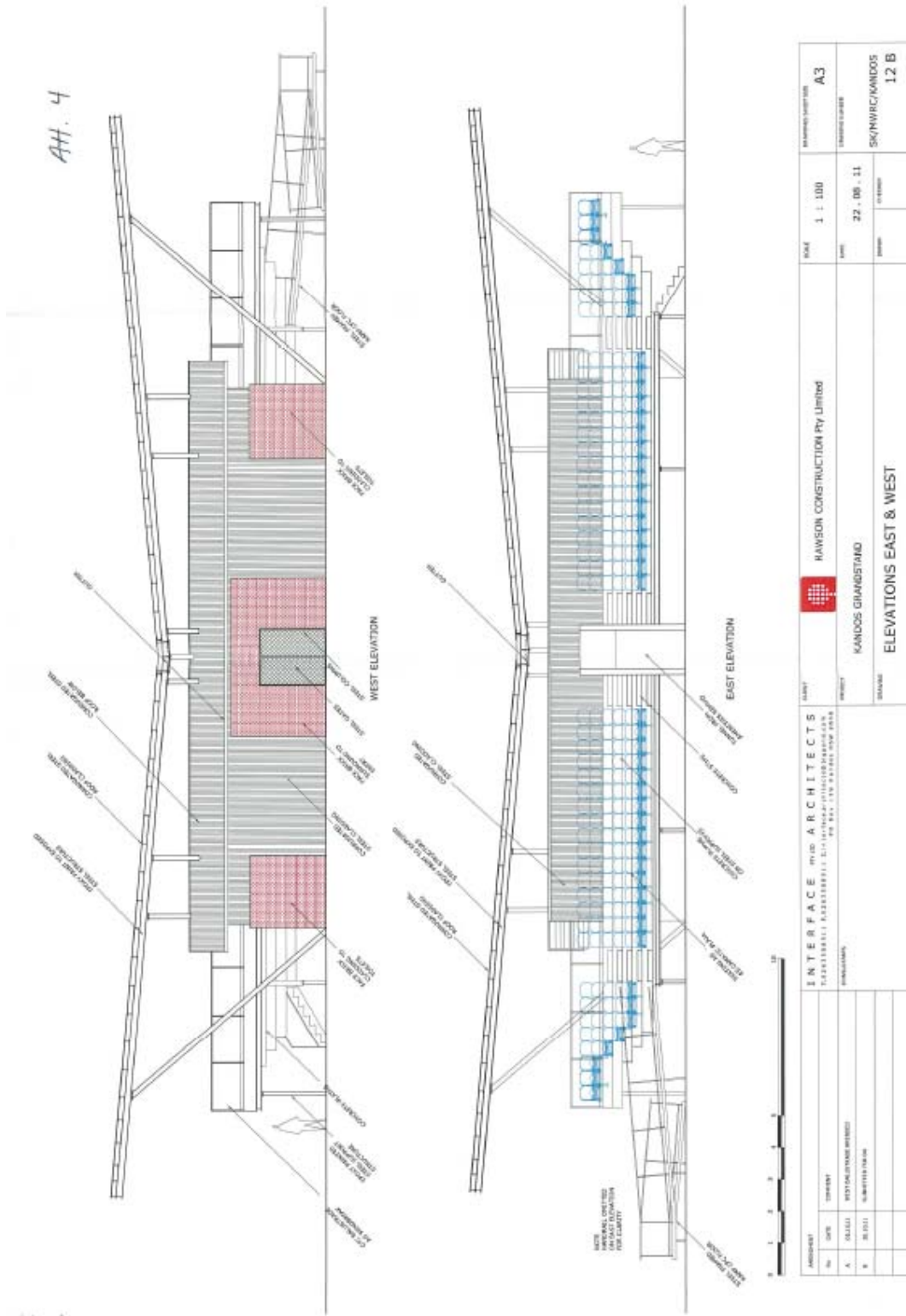
RAWSON CONSTRUCTION Pty Limited



Att. 3



PROJECT		DRAWING NUMBER	
No.	COMMENT	NO.	DATE
A	CHANGED ROOMS & HALLS TO BE IN CHARGE OF A STAFF	1	10.08.11
B	ADDED 10 SEATERS TO BE IN CHARGE OF A STAFF	2	22.08.11
C	ADDED 10 SEATERS TO BE IN CHARGE OF A STAFF	3	22.08.11
D	ADDED 10 SEATERS TO BE IN CHARGE OF A STAFF	4	22.08.11
E	ADDED 10 SEATERS TO BE IN CHARGE OF A STAFF	5	22.08.11
INTERFACE WITH ARCHITECTS SCOTT & BROWN ARCHITECTS 100, QUEEN STREET, AUCKLAND 1010		RANSOR CONSTRUCTION Pty Limited KARDOS GRANDSTAND FLOOR PLAN	
CONTRACTOR RANSOR CONSTRUCTION Pty Limited		DRAWING NUMBER A3	
DATE 22.08.11		DRAWN BY SKW/RC/WANDS	
CHECKED BY WANDS		SCALE 1:100	
PROJECT NO. 11 D		SHEET NO. 11 D	



6.2.3 DEVELOPMENT APPLICATION NO. 0002/2012 – PROPOSED HAY SHED - LOT 3 DP 1124328, LOT 4 AND 5 DP 3858, LUE ROAD, MUDGEE

REPORT BY SENIOR STATUTORY PLANNER
DA0002_2012 HAY SHED
A0100051, P2084461

RECOMMENDATION:

- A. That the Report of the Senior Statutory Planner relating to the proposed hay shed at upon Lot 3 DP 1124328, Lots 4 and 5 DP 3858, Lue Road, Mudgee be noted;
- B. That Development Application No. 0002/2012 for a hay shed at Lot 3 DP 1124328, Lots 4 and 5 DP 3858, Lue Road, Mudgee be approved subject to the attached conditions;

APPROVED DEVELOPMENT

- 1. Development is to be carried out in accordance with stamped site plan, and floor plan and elevations, prepared by Midwest Commodities P/L and Insite Whelans P/L, forming part of application 0002/2012 received by Council 04.07.2011 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.

CONSTRUCTION MATERIALS

- 2. Prior to the issuing of a construction certificate the applicant is to submit for Council approval details of the colours and level of reflectivity of the materials to be utilised as shed cladding. Council recommends a non-reflective, pale, natural shade, the purpose being to lessen the visual impact of the development in accordance with zone objectives and heritage considerations.

HEALTH AND BUILDING

- 5. All building work must comply with the requirements of the Building Code of Australia 2011, Volume One, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
- 6. 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.
- 7. 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.
- 8. 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.

9. Prior to the occupation and use of the building, an Occupation Certificate must be obtained from the Principal Certifying Authority appointed for the erection of the building.
10. 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.
11. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - a) stating that unauthorised entry to the work site is prohibited, and
 - b) 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.
12. All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to the occupation of the premises.
13. The strength of the concrete used for the reinforced pier and foundation construction must be 25MPa (N25)
14. 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.

FLOOD CONDITIONS

15. The development is to be provided with an earth mound that is equivalent to the 1 in 20 year flood level plus 500mm freeboard, ie
16. The development is to be constructed in accordance with the Structural report provided by Jeff Moore – Civil Engineer in order to ensure that that the proposed shed will withstand the depth and velocity of floodwaters.

EXECUTIVE SUMMARY

Council has received a development application for the construction of a Hay Shed to be located upon the north-eastern corner of Lot 3 DP 1124328, lots 4 and 5 DP 3858, Lue Road, Mudgee. The subject lot, which is zoned Intensive Agriculture, comprises 11.54 ha of level floodplain, north of the Cudgong River, opposite Lawson Park.

The shed is proposed to be 42m x 20m (840m²) and 6m high, of steel frame construction on concrete piers, enclosed by Colorbond sheeting on three sides. The shed is proposed to sit on an earthen pad, raised 700mm above natural ground level.

The proposed development complies with Council setbacks. Structural reports and a flood affection assessment confirm compliance with Council standards as contained within the Flood Risk DCP.

The construction of farm sheds upon Agricultural land (i.e. Primary Production Small lot under the Draft LEP) is a permissible land use under both the MWR Interim LEP 2008, and the Draft LEP 2011.

The application is reported to Council because it has been called up by Councillors.

DETAILED REPORT

ASSESSMENT

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

1. REQUIREMENTS OF REGULATIONS AND POLICIES:

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

The land is zoned Intensive Agriculture pursuant to Mid-Western Regional Interim Local Environmental Plan 2008 and is proposed to be zoned Primary Production under the Draft MWR LEP 2011.

Zone objectives are;

- *To protect and maintain crop and pasture land that has been identified as suitable for intensive agricultural activities.*
- *To prevent the inappropriate development of land with a high potential for agricultural productivity.*
- *To promote the sustainable management, use and development of certain land for intensive agriculture, particularly horticulture, viticulture and irrigation farms for specialised agriculture, which can take advantage of high land quality and availability of a reliable water supply.*
- *To protect land within the zone from inefficiencies posed by excessive and non-productive improvements, fragmentation of holdings and conflict between land uses.*
- *To permit some non-agricultural land uses and agricultural support facilities, such as rural industries and tourist facilities, which are in keeping with the other zone objectives and which will not adversely affect agricultural capability and/or capability of the land the subject of the development (or adjoining land).*
- *To encourage high quality advertising signs in association with approved uses that provide business identification, that are appropriately integrated into the site development, and that contribute positively to the visual amenity of the surrounding area.*
- *To ensure that development maintains and contributes to the rural character of the locality and to agricultural activity.*
- *To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of public amenities and services.*
- *To promote the protection, enhancement and conservation of areas of significance for nature conservation, habitat of threatened species, populations and communities and areas of native vegetation.*
- *To protect the agricultural capability and visual amenity of intensive agriculture areas by applying appropriate building siting and design controls.*

Comment:

The proposed development is considered to be consistent with zone objectives. However, due to the size of the proposed shed, careful consideration should be given to the colour and reflectivity of the construction material, as an assurance that the proposal does not impact negatively upon the visual amenity of intensive agriculture areas.

Draft Mid-Western Regional LEP 2011

The Draft LEP 2011 has been exhibited and therefore is a relevant consideration under Section 79C of the Environmental Planning and Assessment act 1979. The proposed zoning of the land will be Primary Production Small Lot.

The proposed development is ancillary to an agricultural function and is therefore unlikely to be affected by the draft LEP.

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

Council's Flood Risk DCP is relevant to the proposed development as the proposed development is to be located in the high hazard flood plain.

Council's DCP permits agricultural uses subject to compliance with several criteria. These include that the structure will withstand the force of flood water and will not create any cumulative impact on downstream or upstream properties. These matters have been addressed by the proposal and is in compliance with the DCP standards.

The shed will be constructed with an earth pad such that the finished floor level is equal to the 1 in 20 year flood standard plus 500mm freeboard.

2. IMPACT OF DEVELOPMENT

Context and Setting

The development is proposed to be located approximately 180m north of the Cudgegong River, on level agricultural land within the Mudgee floodplain. The nearest existing development is located approximately 250m to the east.

Access, transport and traffic

The subject lot is accessible from Ulan Road. Access is also available from Lue Road.

Heritage

Although Lawson Park is a listed Heritage item, the siting of the proposed shed, being at a distance of approximately 200m from the park northern boundary, is considered sufficient to negate the requirement for a heritage impact statement to accompany the application. However, due to the size of the proposed shed, Council's Heritage Advisor recommended that careful consideration should be given to the colour and reflectivity of the construction material, so as to preserve park views and local amenity.

Water

Although located on the Mudgee Floodplain, the proposed development complies with Council standards as contained within the Flood Risk DCP.

Construction

Structural reports and a flood affection assessment confirm compliance with Council standards as contained within the Flood Risk DCP.

3. SUITABILITY OF SITE FOR DEVELOPMENT

(a) Does the proposal fit in the locality

The proposed development, although large in floor area and height, is not considered excessive for the intensive agricultural zone. The proposed location at a distance from Ulan Road is also considered to favour the proposed development as it would reduce the visual impact as seen from the main road.

(b) Are the site attributes conducive to development

The site, being flat and unencumbered by existing development, is well suited to the proposed development.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

The proposal was not advertised.

5. THE PUBLIC INTEREST

The public interest is served by development compliant with Council plans and policies.

6. CONSULTATIONS

(a) Health & Building.

Included within the conditions of consent

(c) Heritage Advisor

Council's Heritage Advisor recommends colour and reflectivity controls to lessen the visual impact of the proposed development.

FINANCIAL IMPLICATIONS

N/A

STRATEGIC OR POLICY IMPLICATIONS

N/A

OPTIONS

1. The application be approved subject to conditions included within the recommendation.
2. The application be refused with Reasons to be provided.

7. CONCLUSION

The current development application proposes construction of a 42m x 20m (840m²) and 6m high hay shed, of steel frame construction on concrete piers, enclosed by *Colorbond* sheeting on three sides.

The shed is proposed to sit on an earthen pad, raised 700mm above natural ground level. This is in order to be above the 1 in 20 year flood level.

The proposed development complies with Council setbacks and the required building standards. The construction of farm sheds upon Agricultural land is a permissible land use and is also consistent with the Flood Risk DCP and, as such, is recommended for approval, subject to conditions.

The proposal is recommended for conditioned approval.

POLITICAL DECLARATION

Has there been a declaration of political donation in accordance with the Election Funding & Disclosures Act 1981
Yes. No donations

GRAEME KING
SENIOR STATUTORY PLANNER

4 November 2011

GARY BRUCE
MANAGER – STATUTORY PLANNING

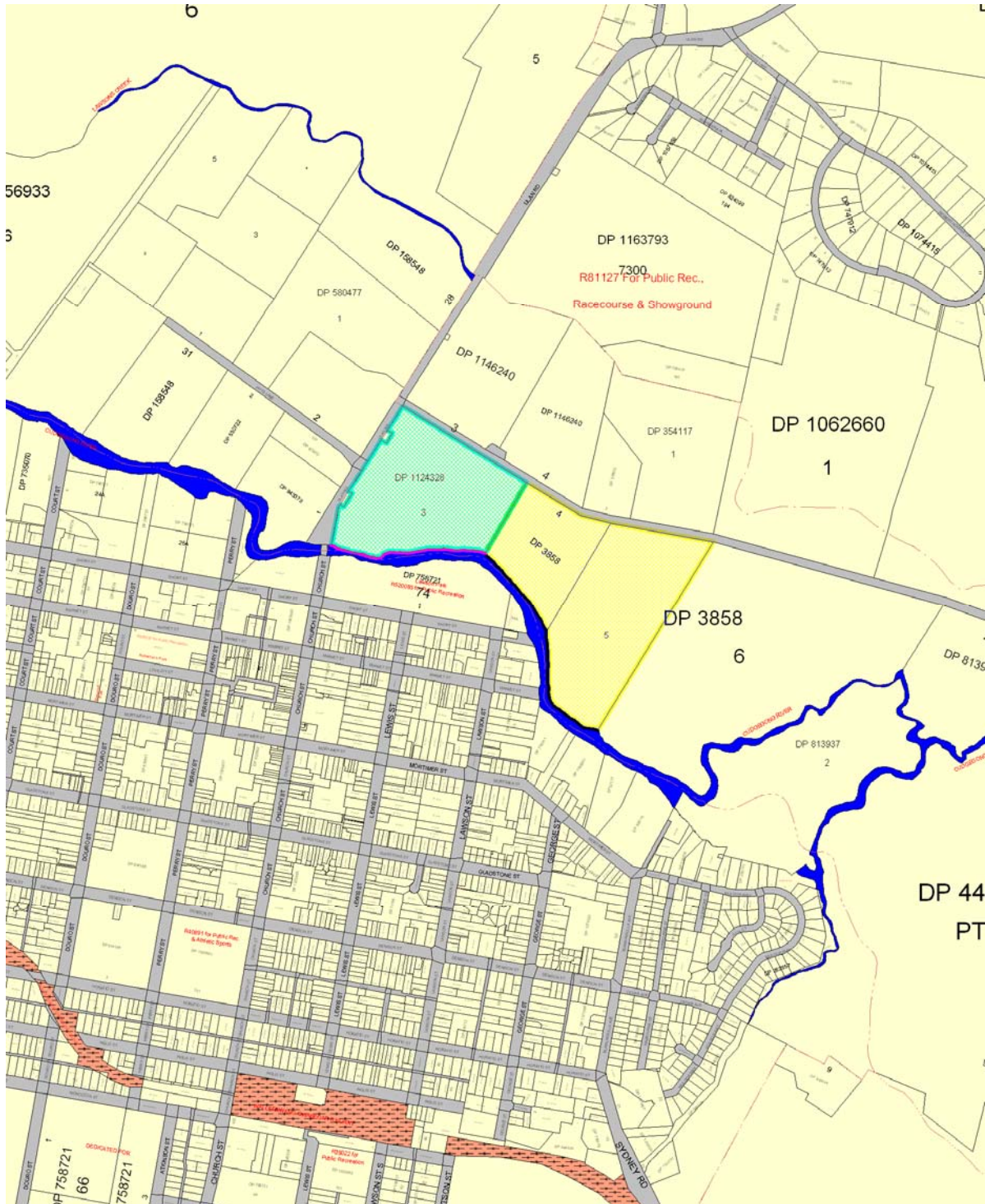
CATHERINE VAN LAEREN
GROUP MANAGER
DEVELOPMENT & COMMUNITY SERVICES

Attachments:

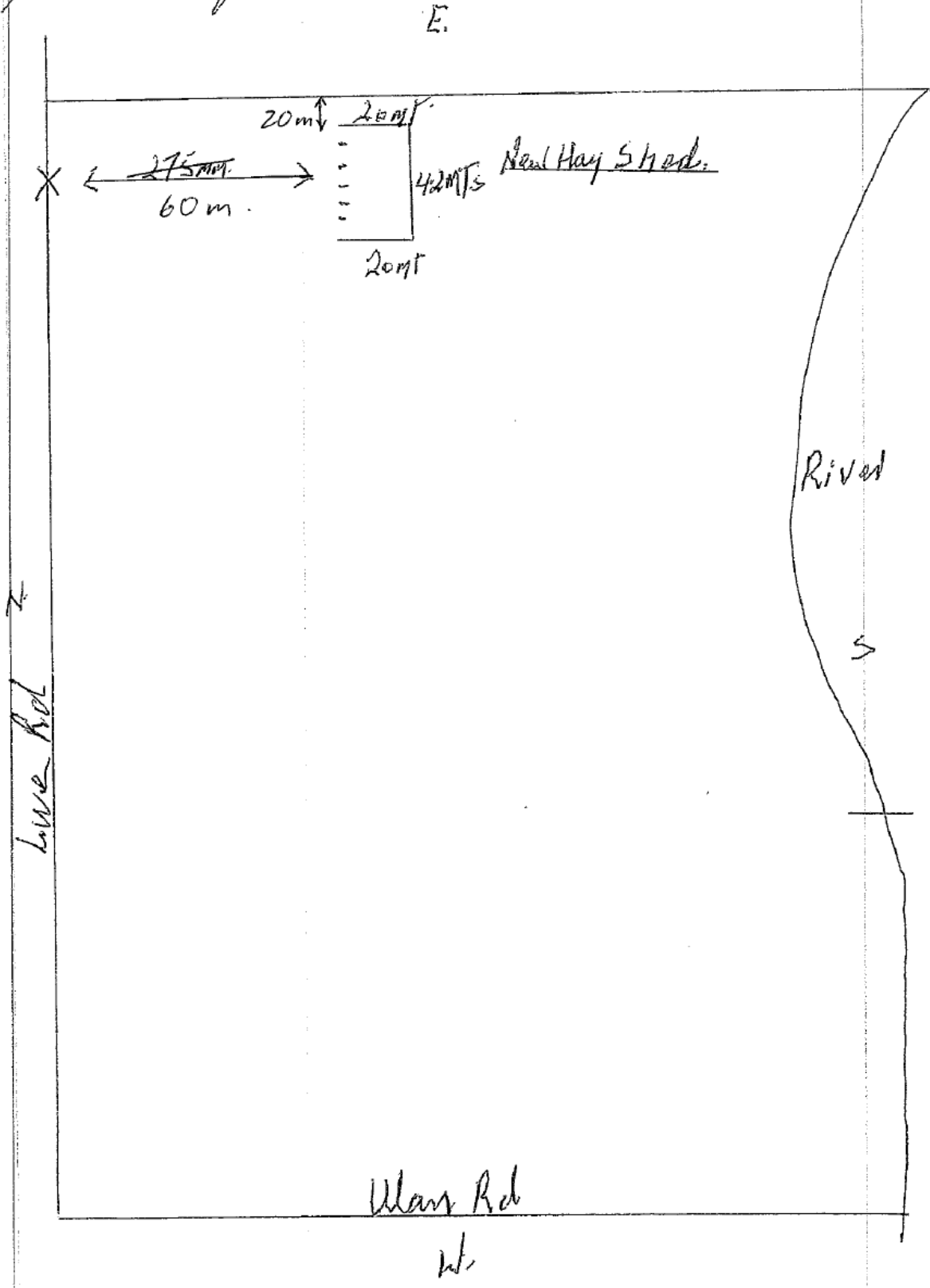
1. Locality Plan
2. Site Plan
3. Elevations

APPROVED FOR SUBMISSION:

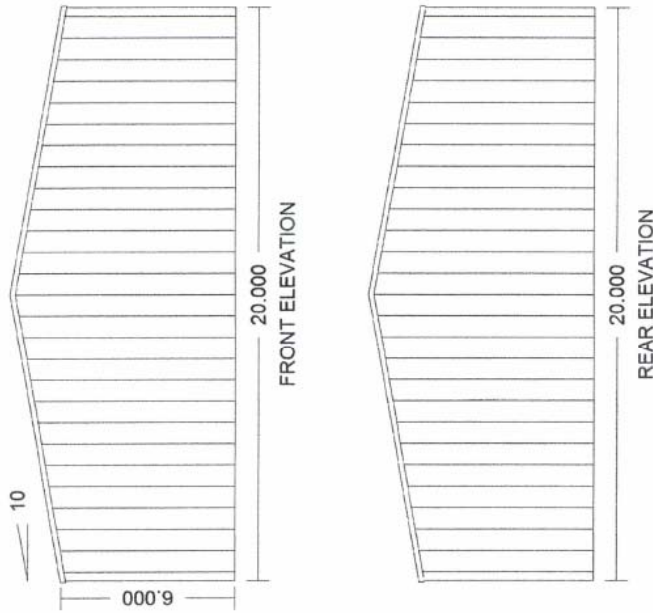
WARWICK BENNETT
GENERAL MANAGER



Site Plan for Alan Rd - Mudgee



ATTACHMENT 3



Plans Drawn By

Midwest Commodities Pty Ltd

20 Sydney Road, Mudgee NSW 2850

Ph: 0263727601 Fax: 0263727613

Email: midwest@hwy.com.au

For Customer

Proposed Project:

Client: Tom Adams

Site: Lue Rd MUDGEE

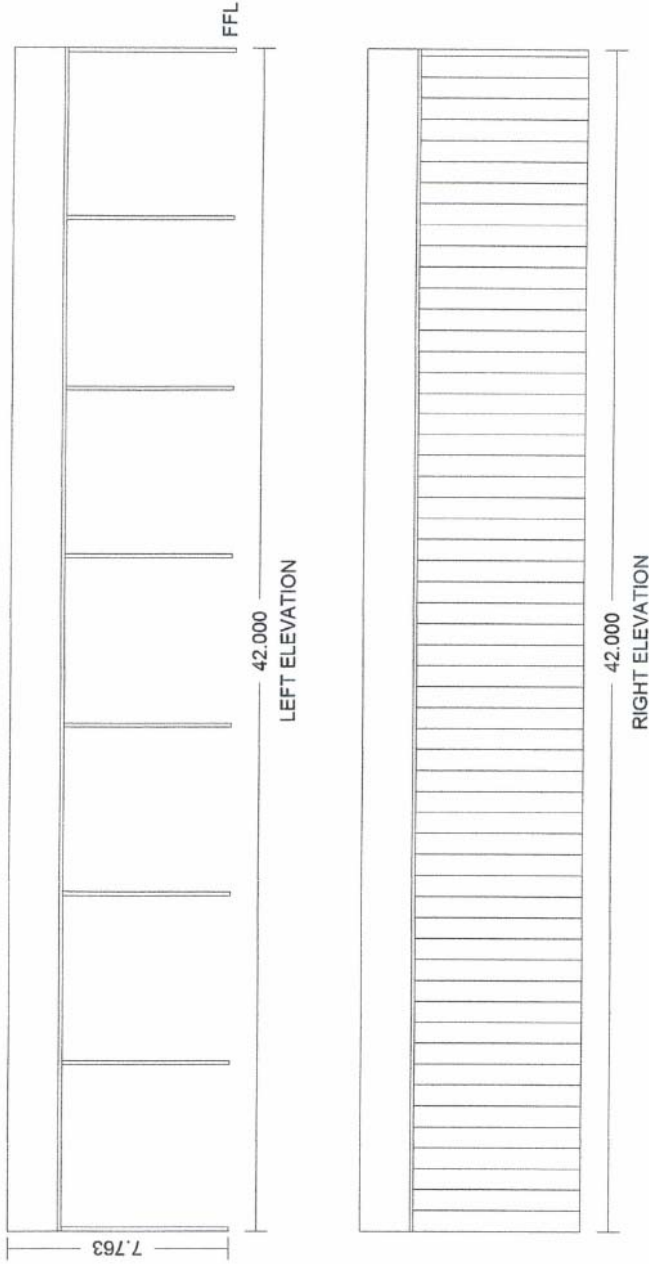
All Work To Be In Accordance With Accompanying Engineers Details

Architectural Drawings

Quote: Adams00001081

Drawing:





Plans Drawn By

Midwest Commodities Pty Ltd

20 Sydney Road, Mudgee NSW 2850

Ph: 0263727601 Fax: 0263727613

Email: midwest@hwj.com.au

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Client: Tom Adams

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All Work To Be In Accordance With Accompanying Engineers Details

Architectural Drawings

Quote: Adams00001081

Drawing:



Powered By

6.2.4 WILPINJONG COAL MINE – SUBMISSION TO 2011 MODIFICATION TO PROJECT APPROVAL

REPORT BY SENIOR ENVIRONMENT OFFICER
WILPINJONG MODIFICATION 2011
A0100052, A0420169

RECOMMENDATION

That:

- 1. the report by Senior Environment Officer on the submission to the 2011 Modification to project approval for Wilpinjong Coal Mine Modification be received;**
- 2. Council make written submission to the 2011 Modification application based on the detail as outlined in this report;**
- 3. the General Manager on behalf of Council commence discussions with Wilpinjong Coal for Voluntary Planning Agreement (VPA) that is adequate to compensate Council for its infrastructure upgrade and maintenance needs (including Ulan & Cope Roads and Ulan-Wollar Road) and community infrastructure and the Minister for Planning & Infrastructure be requested not to issue a final determination until a VPA has been entered into, agreed and the statutory process completed.**
- 4. the Director General and Minister for Planning be requested to extend the time period for Council comment on all future applications to a minimum of eight (8) weeks.**

EXECUTIVE SUMMARY

On 31 October 2011 Council received copies of the Environmental Assessment (EA) for '2011 Modification' application for the Wilpinjong Coal Mine as part of the public exhibition process under Section 75W of the *Environmental Planning & Assessment (EP& A) Act 1979*.

The Department of Planning & Infrastructure, the consent authority has placed the Modification application on exhibition from Tuesday 8 November 2011 with written submissions needing to be lodged with the Department prior to Friday 25 November 2011.

DETAILED REPORT

History of Approvals

The Wilpinjong Coal Mine was approved under Part 3A of the EP & A Act on 1st February 2006. Since that approval two modification applications (prior to this one) have been approved. In November 2007 approval was granted to increase the frequency of blasting and the primary access route to the mine was changed to Ulan Road and Ulan-Wollar Road. The second modification was approved in September 2010 and increased the maximum run of mine (ROM) production from 13 million tonnes per annum (Mtpa) to 15Mtpa known as the Mining Rate Modification. This modification also allowed for an increase in the mining fleet and increased the number of train movements from four (4) to five (5) per day.

The Proposal

The Wilpinjong Mine is currently approved to produce 15Mtpa of ROM coal. Up to 8.5 Mtpa of ROM coal is washed in the on-site coal handling and preparation plant (CHPP), with the remaining ROM coal sized in the by-pass crusher. Thermal coal product from the CHPP and by-pass crusher is transported by rail to domestic customers for use in electricity generation and to port for export. In 2010, the mine produced approximately 10.6 million tonnes of ROM coal.

The CHPP was originally designed to produce up to 5.5 Mtpa of product coal through the beneficiation of up to 8.5 Mtpa of ROM coal plus up to 6.5 Mtpa of bypass coal. Due to improvements in the operational efficiency of the CHPP (associated with the mining rate modification of 2010) and changes to customer specifications for product coal, Wilpinjong Coal has identified that the CHPP will be able to produce approximately 6 Mtpa, while maintaining the currently approved CHPP feed rate of 8.5 Mtpa and maintaining the approved ROM coal production rate of up to 15 Mtpa. As such the total product coal to be exported from Wilpinjong coal would increase from the currently approved rate of 12 Mtpa to 12.5 Mtpa. The increase in product coal yield would directly result in a decreased coal rejects production rate from 3 Mtpa to 2.5 Mtpa.

To facilitate the transportation of the proposed increase in product coal production, the average number of laden trains leaving the mine would increase from approximately five (5) to six (6) per day (averaged over an annual period). In addition, to alleviate scheduling pressures on the Gulgong to Sandy Hollow Railway and the Main Northern Rail line during peak demand periods and in accordance with advice from the Hunter Valley Coal Chain Coordinator (HVCCC), the maximum number of laden trains leaving the mine is proposed to increase from six (6) to ten (10) per day.

The maximum of ten (10) trains per day takes into consideration the cargo build time and possible peaking capacity to meet timing of coal shipments at Port Waratah and New Castle Coal Infrastructure Group (NCIG) and is a worst case scenario allowing for an uneven demand profile from other mine sites and vessel arrival patterns at port. It allows Wilpinjong to take advantage of rail opportunities when there is a low demand for train paths from other mines by sending up to ten (10) trains per day during the low demand period times and balance this with peak demand times when there may only be two (2) or three (3) paths available for example. This is applicable for both domestic and export trains in relation to train paths and will provide the flexibility to allow for fluctuations in the arrival of vessels at Port Waratah and NCIG.

Wilpinjong Coal has reviewed the capacity of the Wilpinjong Coal Mine rail loop and coal handling system and confirms that no alterations are required to accommodate these additional trains at the Wilpinjong Coal Mine.

This current modification application also seeks approval for a reverse osmosis water treatment plant (RO Plant) to treat mine water before it is discharged into Wilpinjong Creek. Wilpinjong Coal has carried out extensive investigations into the water disposal options for managing excess mine water. The investigations included a review of a number of options including; accelerated evaporation using purpose built water evaporation cannons; pit catchment area reduction; irrigation of mine water to land; excavation of additional water storage and treat and discharge.

It is considered that the only effective and practical option is to treat and discharge with Office of Environment and Heritage approving the discharge provisions in accordance with conditions of Environment Protection Licence (EPL) 12425. The use of reverse osmosis is a widely accepted treatment method of brackish water around the world across a wide range of industries, including mining and electricity generation. The RO plant at Wilpinjong will be used to treat excess mine water to a quality suitable for release to Wilpinjong and / or Cumbo Creeks. The RO plant is proposed to be operated on a campaign basis, primarily following wet weather and will be used to significantly reduce the risk of operational interruptions and uncontrolled water discharge.

Up to 4 megalitres per day (ML/ day) of mine water is proposed to be treated by the RO plant which will be located in the Pit 2 north area of the Wilpinjong mine operation (see attachment 1). Mine water from Pit 2 west water storage will be treated using coarse screening filter, an ultra-filtration process and reverse osmosis. The treated water will then be discharged to the above mentioned creeks and tested regularly for electrical conductivity comparisons to the up-stream readings for both creeks.

The RO plant will be designed to operate at a 75% recovery rate which means that for every 4 ML/day of mine water that is treated approximately 1 ML/day of brine (RO by-product water) would be produced at this 75% recovery rate. The majority of the brine will be diluted with mine water and used for dust suppression on haul roads and coal stockpile areas with the balance to be pumped into tailings emplacement areas along with tailings material from the CHPP. Current dust suppression demands are on average 1 ML/day and up to 2 ML/day in summer. It is therefore anticipated that the brine will be consumed during dust suppression activities, however, brine disposal will be the subject of ongoing investigation.

Voluntary Planning Agreement

The proposed Modification does not propose to increase the rate of ROM coal which is currently approved at 15Mtpa, nor does it propose to increase the over-all work force. However, due to changes in mining operations and improvements in the efficiencies of the existing CHPP there will be increased product leaving the site. Council has been informed via industry standards that for every 100 tonnes of product exported off the site 1 tonne of goods and services, ie fuel, plant parts and operation materials enter the site. Therefore in this instance with increased product exported off site it could be expected that there will be increased activity and impact particularly on the road network.

The new Voluntary Planning Agreement (VPA) with Wilpinjong Coal Mine should be based on the total level of product coal leaving the mine as well as the total employment as this is the basis that has been used for the setting of VPA's for other mining enterprises and therefore a clear precedent has already been set. Council insists that a VPA be entered into and agreed prior to final determination of the modification application. The statutory process should also be completed a VPA is required to go on public exhibition and that could change the outcome.

Traffic and Transport

The EA considers that there will be no changes to road transport impacts as there will be no changes to the number of employees or contractors working at the Wilpinjong Coal Mine.

However, there is already a nexus between the level of traffic generated by and associated with the 'Mine Cluster' based in the Ulan area and both the state of and the classification of the roads servicing this 'Mine Cluster'. This modification application does not address or acknowledge current traffic impacts on the road network.

The Ulan-Wollar Road was classified as a 'Main Local Road' and Council due to the gradual increasing levels of local traffic had commenced a program of progressively sealing sections of this road (to main-local widths and requirements) commencing at the Ulan end of the road. It is acknowledged that Wilpinjong Mine has already contributed to the upgrading of a portion of the sealed section of this road with Moolarben also sharing some of the costs. It is also acknowledged that negotiations have already commenced that will see the upgrade a further 3.5 km section of this road extending west from the Wilpinjong Creek.

However, Ulan-Wollar Road east of the Wilpinjong Mine is currently a formed gravel road to the standard of a 'Main Local Road'. This classification of gravel road falls within the maintenance program that provides for the re-sheeting of the gravel surface every 18 years. The Ulan-Wollar

Road re-sheeting program was completed in the 2004-05 budget prior to the commencement of the operations of the Wilpinjong Mine. The additional pressure placed on this road by traffic generated by Wilpinjong Mine (and other mining operations in the area) has significantly increased the deterioration rate of the surface and has more than halved the life of the re-sheeting work.

A previous traffic count undertaken by Wilpinjong Coal for Modification (05_0021 MOD 3 – May 2010) indicated 119 weekday movements over this gravel section of road and with predicted increases due to the proposed modification would see this number increase to 170 movements per day. This figure would reclassify the road to collector road status and this is also over the threshold of 150 per day that triggers the requirement for a gravel road to be sealed as per the recommendations of the Australian Road Research Board publications. The section of gravel road that remains extends for a length of approximately 5.5 kilometres from the Mine entrance to Wollar. It is considered that this and other mining operations have significantly increased the level of traffic on this road and that Council should no longer be wholly responsible for the upgrading of this road to an appropriate standard to ensure that the safety of road users is not compromised.

Ulan Road continues to be the main route between Mudgee and the 'mine cluster' with mine related traffic continuing to increase in volume with a large proportion of this traffic heavy to very heavy in category. Ulan Road in particular and to a lesser extent Cope Road, need to be ungraded for the full length of the road from the mines to the townships to ensure road safety is maintained for all road users. The Mines as proportional contributions should be responsible for the full upgrade of the road to an appropriate standard to carry both the existing traffic with its high percentage of mine traffic and any anticipated increases due to the gradual intensification of existing mining operations created by the approval of modifications under section 75W of the EP & A Act.

Noise and Vibration

Mine Operation

It is acknowledged that the Mine operates attenuated noise monitoring in accordance with the Noise Monitoring Programme which has been undertaken since commencement of mining operations in 2006. These procedures will continue to form part of the Modification of the Project Approval. It is also acknowledged that the housing of the RO Plant within an enclosed building will contribute minimal additional noise to the level of the over-all operations and locating it some 4 kms from the nearest private receptor should ensure that it has minimal impact outside of the mine area.. Council also acknowledges that there have been some improvements in respect to noise impacts from the Wilpinjong mine, however there are still a number of matters that are of concern.

The EA states that in 2010, a total of 138 complaints were received with the majority relating to noise, and a smaller number relating to dust, spontaneous combustion and blasting. Complaints were received primarily from areas to the east and south-east of the mine, including Araluen and Wollar. Complaints from the Cumbo Valley area decreased during 2009 with the completion of a number of property acquisitions by Wilpinjong Mine.

The EA also states that mine-related complaints are managed in accordance with the Complaints Response Procedure as outlined in the Environmental Management Strategy. However, Council raises the issue that the "Industrial Noise Criteria Policy" is inappropriate for rural areas. There is anecdotal evidence from residents of the Wollar district that allows the skewing of noise data to favour the noise generator because of 'weather factors' and give the generator 'loop holes' in respect to complying with any noise requirements which is at a significant impact and disadvantage to affected residents.

A review of weather factors that invalidate noise monitoring is also called for as a wind of 2 metres per second or a cold inversion of 3 degrees Celsius can occur very regularly within the Mudgee region. A review of the set criteria for Mining activity as outlined in NSW Industrial Noise Policy is

required to ensure that the actual background noise levels of rural areas is more accurately reflected in the Policy. The set level of 30dBa for background noise is generally significantly higher than the average background noise within agricultural and small village communities which is usually 20dBa or less. Further little regard has been given, in the Policy, to the frequency of noise (which in some instances equates to vibration rather than noise) generated by mining operations and the cumulative impact that such noise and vibration has on residents. It is also considered that a review of the buffer areas for noise affectation in relatively quiet rural areas should be undertaken as noise has a greater impact in rural areas as it is audible for a greater distance due to the low background noise levels.

In addition noise monitoring should be truly independent and carried out without the prior knowledge of the mines with all up to date data (not just edited or audited report) being freely available to the public. This independent body should not be allied to the Department of Planning & Infrastructure or Office of Environment and Heritage and would be the body to ensure that there is full compliance from all mining enterprises in respect to the public reporting of all current noise data.

As well as a review of the methodologies in respect to the modelling for noise affection it is considered that a 'Noise Monitoring Network' should be established for the regional area surrounding the coal mine cluster, with each of the mines contributing to the installation and maintenance of this Network.

It would appear from the ongoing acquisitions in the Cumbo Valley that Wilpinjong Coal have commenced a process whereby residents from this area now have a process for addressing noise issues. This process should be extended to a wider area and include all residents (of the Wollar district) with clear communication that outlines the process for recourse should Wilpinjong Coal Mine fail to address noise complaints adequately. Such recourse needs to encapsulate an appeal process and recourse to acquisition should noise impacts prove to be beyond those expected by the modelling.

Rail Operation

An Environmental Review assessing the potential noise and vibration impacts of the Wilpinjong Coal Project was undertaken in 2005. This study assessed both off-site rail transport noise and cumulative mine noise effects at potential receivers against applicable assessment criteria. The previous assessment has been reviewed taking into account the potential noise impacts from increased train movements and has established that there will be four (4) receivers (one already owned by Wilpinjong Coal) where noise impacts may exceed criteria (ARTC & OEH). The EA suggests that noise effects will be managed either by collaboration between Wilpinjong Coal, ARTC, HVCCC and local mining operations to reduce the number of peak train movements and work with the rail contractor to ensure that rolling stock is appropriately maintained and driver behaviour is cognisant of potential noise impacts on residences.

The above management actions are too open-ended and would not in the event of complaints lead to any redress for the affected receivers. A similar process to that established for dealing with complaints about mine operation noise should be implemented and needs to encapsulate an appeal process and recourse to acquisition. Further, as with 'Industrial Noise Policy' Council considers that a review of the acceptable criteria for rail noise in rural areas should be undertaken.

Water Resources

It is acknowledged that the installation of the RO Plant will improve the quality of water being discharged from the site and rationalise water usage across the operation. However, it is considered that a similar process to the reporting of noise and dust issues should be established to ensure that Council is not seem as the responsible authority for dealing with such matters.

Air Quality

There is anecdotal evidence from the Wollar community to suggest that dust and sulphur fumes from the Mine operations are adversely impacting a greater number of residents than the initial modelling that formed part of the EIS indicated.

It is acknowledged that the Mine is attempting to deal with these issues by changing their site practices to reform the stock piles that had been poorly configured at the commencement of mining and use of brine water for dust suppression as proposed in this modification.

It is considered that a review of the 'modelling' with respect to air flows and dust / fume impacts on the environment and private receptors needs to be carried out.

As well as a review of the methodologies in respect to the modelling for air quality it is considered that an 'Air Quality Monitoring Network' should be established for the regional area surrounding the coal mine cluster, with each of the mines contributing to the installation and maintenance of this Network. This network as well as monitoring air quality (dust) should also monitor wind speed and wind direction.

Socio-Economic

Council accepts that the donation of money and in kind support to a variety of community causes is of benefit to those involved in those interest groups. This does little to address the underlying community issues which are mainly access to medical services and the pressure on local housing and the need to upgrade community facilities such as libraries. It is considered that Wilpinjong Coal (along with other major employment generators) should be actively involved in programs to recruit and retain a wide range of health professionals, including general practice doctors, specialists both resident and visiting, support services such as diagnostic radiology and the like.

To date this issue has not been adequately addressed in any of the approvals issued for the existing coal operations. The disparity of how Medicare funds are allocated between metropolitan and regional areas is a matter of considerable concern to country Councils.

FINANCIAL IMPLICATIONS

It is acknowledged that the Wilpinjong Coal Mine contributes to the economy of the region and will continue to do so with its continued operation. However, there are also pressures placed on the resources of the community both public and private from the operation of coal mines. Some of the costs can be directly attributed to the activity of the Mine including any increase in product leaving the site and there should be fair recompense as part of the ongoing approval of the development including any applications under Section 75W of the EP & A Act. It has generally been the case that most of the modifications lodged under this section are in themselves relatively minor or propose minimal increases in production. Council is concerned that through the modification process mines may incrementally intensify their operation without due consideration of the cumulative impacts on the environment and community.

STRATEGIC OR POLICY IMPLICATIONS

The Modification to increase train movements and marginally increase production of product leaving the mine site has some implications on Council's Strategic directions. Council would raise at this time the cumulative impacts that mining (not just Wilpinjong) is having across the Mid-Western region, including impacts on other existing industries and long established uses, particularly intensive agricultural pursuits and tourism as well as the cumulative impacts on the towns and villages in the Local Government area.

Council considers that the cumulative impacts on infrastructure from mining activities (which seem to be located at every entry to the region) have reached a level that requires careful consideration in the development of the Regional Strategic Plan for the Central Western area.

Council also considers that the level of mining (including smaller enterprises such as the Magnetite Mine) has reached a level within the Mid-Western area that now warrants the placement of an Officer from the Office of Environment & Heritage on a permanent basis in proximity to the main 'mine cluster'. This would allow continuous monitoring of the range of mining activities and rapid response to any breaches that may occur. The location of such an Officer within the region is also likely to lead to improved community confidence that the mines are meeting their obligations under the terms of their Approvals.

LINDA SHREEVE
SENIOR ENVIRONMENT OFFICER

CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT &
COMMUNITY SERVICES

4 November 2011

Attachments: Wilpinjong Coal Mine 2011 Modification (following at the end of the Business Paper)

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.5 DA0100/2012 – PROPOSED WASTE TRANSFER STATION – LOT 1 DP 1156749 – 35
BENT STREET ULAN

REPORT BY MANAGER STATUTORY PLANNING
DA0100_2012 - 35 BENT STREET ULAN
A0100052, P2049561

RECOMMENDATION

That:

- A. the report by Manager Statutory Planning on Development Applications 0100/2012 for a proposed waste transfer station at 35 Bent Street, Ulan be received;
- B. Development Applications 0100/2012 for the proposed waste transfer station at 35 Bent Street, Ulan be approved in accordance with the following conditions;

APPROVED PLAN

- 1. Development is to be carried out generally in accordance plans Numbered 15012 - C01, Rev 3, 15012 C02 Rev 4, 15012 C04 Rev 2, 15012 C05 Rev 2, 15012 C06 Rev 2, 15012 C07 Rev 2, Dated 27 March 2011, drawn by Barnson P/L and Statement of Environmental Effects by Mid-Western Regional Council, 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.

CONDITIONS RELATED TO THE PROPOSED BUILDING/CONSTRUCTION WORK

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

- 2. 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.
- 3. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.
- 4. A member of the Mudgee Local Aboriginal Land Council or their representative is to be on site to monitor the excavation of the top soil and initial excavation work.
- 5. Any building work must comply with the requirements of the Building Code of Australia and relevant Australian Standards and the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
- 6. All disturbed areas are to be stabilised through the saving of topsoil during disturbance and its later respreading and establishment of vegetative cover.

SURFACE WATER CONTROLS

- 7. The facility must be designed to prevent surface water from mixing with the waste facility and waste received.

8. The facility is to contain one or more sediment basins capable of collecting all surface water generated from 1- in -10 year, 24 hour period storm event without overflowing. The design details of catch basins along with calculations shall be submitted to Council for approval prior to the commencement of work.
9. All water that has entered waste storage areas must be handled and treated in the same manner as leachate.

ACCESS

10. The driveway is to have a minimum width of 6 metres sufficient to allow manoeuvring access and is to be constructed with a suitable all weather material and must be maintained in a satisfactory condition at all times.
11. All vehicles to enter and leave the site in a forward direction at all times.
12. All car parking and associated driveway works to be completed prior to occupation of the development.
13. The construction of an all-weather vehicle access to the development, in accordance with the following minimum guidelines:
 - a gate or stock grid (if applicable) set back a minimum distance of fifteen (19) metres from edge of the traffic lane of the public road;
 - a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
 - a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it.
 - the access shall be located such that adequate sight distances are achieved, as specified in the Austroads publication '*Intersections at Grade*'.

GENERAL CONDITIONS RELATING TO THE ONGOING OPERATION OF THE DEVELOPMENT

14. The surface of the waste transfer facility must be bunded, be constructed from an inert low permeability material, be able to support all structures, machinery and vehicles as applicable and allow access to any utilised part of the processing site, irrespective of the weather conditions.
15. The operator shall ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent.
16. The operator shall be responsible for the environmental impacts resulting from the actions of all persons on the site, including any visitors.
17. All operational activities at the premises which are audible at residential premises not related to the development must be restricted to the following times:
 - a) 7:00 am to 6:00 pm Mondays to Fridays;
 - b) 8:00 am to 1:00 pm on Saturdays; and
 - c) at no time on Sundays and Public Holidays

18. The operator shall ensure no offensive odours at nearby receivers in accordance with section 129 of the *Protection of the Environment Operations Act 1997*, except in an emergency.
19. All practicable measures are to be taken to ensure that waste materials do not unintentionally leave the site or otherwise become wind or water borne.
20. The applicant is hereby advised that they may have responsibilities under the Federal Disability Discrimination Act 1992.
21. Any external lighting associated with the approved development is to be installed so as not to create a nuisance to residential premises or motorists travelling on Cope Road.
22. Any amplification, connection or relocation works required in relation to electricity provision infrastructure is to be carried out in accordance with the requirements of the relevant authority at the cost of the developer.

EXECUTIVE SUMMARY

Council has received a development application for the construction of a waste transfer station at Ulan. The proposed development will be located on the Cope Road approximately 400 metres to the south west of the Ulan village.

The proposed development will require the following works;

- Construction of an access and access road to the waste transfer station;
- Construction, fencing and sealing of the waste transfer station facility;
- Removal of some native vegetation in order for the development to occur.

The development and disturbed area is approximately 2400m² and would result in mainly regrowth being removed. There are a number of significant trees on the site and it is intended to retain the majority of trees. There are a couple of large trees that will need to be removed. The site of the waste transfer station has been selected in consultation with Council's Environment Unit having regard to indigenous cultural heritage and threatened flora/fauna.

The main issues that relate to the proposed development include removal of native vegetation, security and rubbish retention.

The application was notified to advertised and notified to adjoining owners. No submissions were received and the application is reported to Council because Council is the applicant.

It is considered that the application has adequately dealt with the potential impacts of the development, has adequately demonstrated that the development is suitable on the site and is consistent with the relevant environmental planning instruments and is therefore recommended for approval.

DETAILED REPORT

ASSESSMENT

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

1. REQUIREMENTS OF REGULATIONS AND POLICIES:(a) Provisions of any Environmental Planning Instrument and any draft EPISEPP Infrastructure 2007

Clause 121 of the Infrastructure SEPP states that waste transfer stations are permitted with consent in a prescribed zone. The General Rural (1a) zone under the Merriwa LEP 1992 is equivalent to a prescribed zone.

Merriwa Local Environmental Plan 1992Clause 8 - Zones indicated on the Map

The land is zoned General Rural (1a) in accordance with the Merriwa Local Environmental Plan 1992. The proposed development is permissible with the consent of Council.

Clause 9 - Zone objectives and development control table

The objectives of the General Rural Zone are;

- (a) to encourage the productive and efficient use of land for agricultural purposes,
- (b) to prevent inappropriate development of prime crop and pasture land for purposes other than agriculture,
- (c) to protect, conserve and enhance the natural and scenic resources of the Shire,
- (d) to control subdivision of land having regard to the efficient use of land for the purposes of agriculture, and
- (e) to ensure that the type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the cost of providing services and amenities.

The proposed development is considered to be not inconsistent with the objective of the Merriwa LEP as the development seeks to utilise vacant Crown land for a public utility purpose that is in close proximity to the Village of Ulan and therefore would have limited agricultural value.

Clause 10 – General Consideration for development within rural zone

The proposed development is considered to be consistent with this clause in that the development site is located on vacant crown land that is not used for agricultural purposes and is in close proximity to the village of Ulan and therefore would be unlikely to be used for agricultural purposes.

Clause 15 – Advertising of certain applications

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

Clause 17 – Development along arterial roads

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

Clause 18 – Land subject to bushfires

The land is considered to be bushfire prone. A bushfire hazard assessment has not been carried out and is not considered necessary given that the development would not be occupied and is unlikely to generate an increased risk to bushfire hazard for members of the public.

Clause 19 – Flood liable land

The proposed development is not located within a flood risk area.

Clause 21 – 24 – Heritage provisions

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

Draft Mid-Western Regional LEP 2011

The Draft LEP 2011 has been exhibited and therefore is a relevant consideration under Section 79C of the Environmental Planning and Assessment act 1979. The proposed zoning of the land will be Primary Production.

The proposed development is ancillary to an agricultural function and is therefore unlikely to be affected by the draft LEP.

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

Notification Policy

The development was advertised and notified to adjoining and adjacent owners from 7 October 2011 until 28 October 2011. Council received no submissions.

Design for Accessibility DCP

The proposed development is generally accessible to all people in a car. The proposed development is not a building and therefore is not required to comply with the DCP or the Australian standard.

Car Parking DCP

The proposed development does not generate a car parking demand but has been designed to cater for Council waste trucks collecting waste and for cars to enter and exit the site.

The facility will provide a public area to the north of the waste collections bins and a service vehicle area to the south for council vehicles collecting waste.

2. IMPACT OF DEVELOPMENT

(a) Context and Setting

The proposed development is situated adjacent a rural village. The village contains a number of houses, a pub and some commercial/ industrial development. It is considered that the proposed location is appropriate.

(b) Access, transport and traffic

The proposed development provides for a two way vehicular access from Cope Road to the facility. The standard of access will need to be in accordance with RTA standards as Cope Road is a regional road.

The development separates service vehicle and public vehicle manoeuvring and provides sufficient manoeuvring for a medium/ large rigid truck.

(d) Utilities

The development would not require servicing from water, sewer, telecommunications or electricity.

There is an electricity line located on the northern side of the cope Road and electricity could be connected to the site if necessary. It is proposed to provide security cameras but these will be powered by solar panels.

(e) Heritage

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

A cultural heritage assessment was carried out by the Mudgee Local Aboriginal Land Council on the 20 December 2010. No artefacts were indentified but artefacts have been found in close proximity to the site. A recommendation of the assessment is that the initial removal of topsoil should be monitored by the MLALC and this is considered reasonable.

(j) Flora & fauna

The development site was inspected by Council's Environment Unit and the Hunter-Central Rivers Catchment Management Authority (CMA). is located within a village zone and has been developed for such purposes. It is unlikely that there would be any significant impacts associated with the proposed development on the natural environment.

(m) Noise & vibration

The development seeks to establish a waste transfer station 400 metres south west of the village of Ulan. The development is not expected to generate any significant noise disturbances as the activity occurring on site will involve cars, utes and small trucks dropping off waste. The development is surrounded by vacant crown land and would provide a reasonable buffer for the activities on site.

(n) Natural Hazards

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

(o) Technological hazards

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

(q) Social and Economic impact in the locality

The development is not expected to create any significant social or economic impacts as the development is a facility for the benefit of the community.

3. SUITABILITY OF SITE FOR DEVELOPMENT

(a) Does the proposal fit in the locality

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

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

As discussed in a previous section of this report.

(b) Submissions from public authorities

N/A

5. THE PUBLIC INTEREST

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

The proposed development is considered to be in the public interest as it provides additional community facilities.

FINANCIAL IMPLICATIONS

The Ulan Waste Transfer Station facility has been budgeted for as part of the 2011-2012 Management Plan.

STRATEGIC OR POLICY IMPLICATIONS

None.

OPTIONS

1. The application be approved in accordance with the Recommendation; OR
2. The application be approved subject to alternate conditions.

The proposal is recommended for conditioned approval.

POLITICAL DECLARATION

Has there been a declaration of political donation in accordance with the Election Funding & Disclosures Act 1981
Yes. No donations

GARY BRUCE
MANAGER – STATUTORY PLANNING

CATHERINE VAN LAEREN
GROUP MANAGER
DEVELOPMENT & COMMUNITY SERVICES

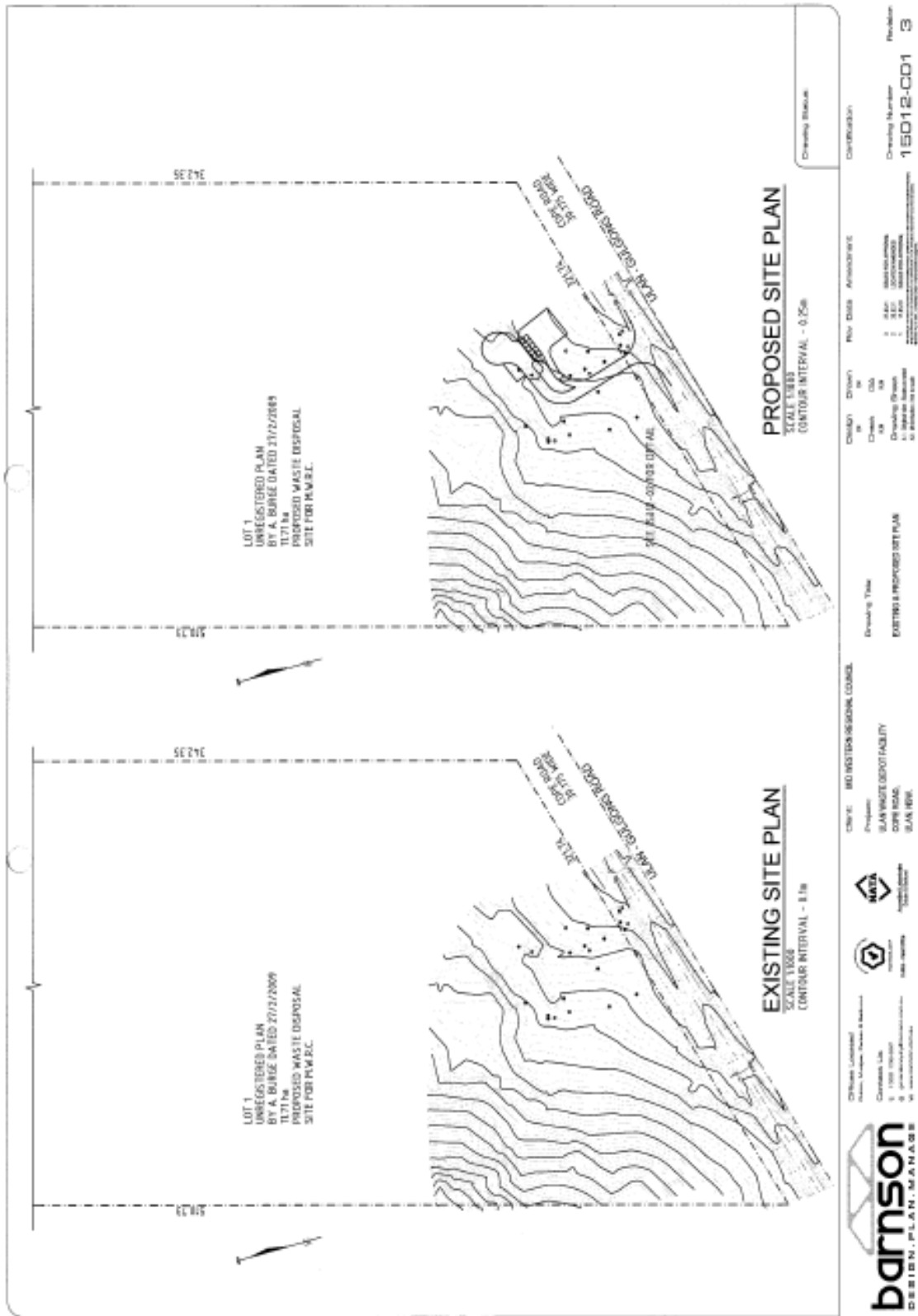
4 November 2011

Attachments:

1. Locality Plan
2. Site Plan

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER



barnson
DESIGN, PLAN, MANAGE

CHIEF EXECUTIVE OFFICER
MID-WESTERN REGIONAL COUNCIL

PROJECT
SLAYWISSE DEPOT FACILITY
OFFICE ROAD,
SLAY WISSE

DATE: 21/2/2009
DRAWN: [Name]
CHECKED: [Name]
DRAWING TITLE
EXISTING & PROPOSED SITE PLAN

CONTRIBUTOR
DRAWING NUMBER
15012-001
REVISION
3

6.2.6 COBBORA COAL MINE PROJECT DIRECTOR GENERAL'S REQUIREMENTS

REPORT BY SENIOR ENVIRONMENT OFFICER
COBBORA – DGR'S
A0100052, A0420213

RECOMMENDATION

That:

1. the report by Senior Environment Officer on the revised Director General's Requirements for the Cobbora Coal Mine Project be received; and
2. Council write to Cobbora Holdings Company Pty Ltd advising them of the specific issues that are of a concern to this Council and its community and that Council will not be satisfied unless those specific issues are fully addressed in the Environmental assessment.

EXECUTIVE SUMMARY

On the 5 January 2010 a major project application was submitted to the then Department of Planning for the Cobbora Coal Project. Council on 11 February 2010 made a submission to the Department of Planning in response to the Draft Director General's Requirements (DGR's) for the original environmental assessment for the Cobbora Coal Mine Project. The DGR's were issued in March 2010 for this original application.

A Project Update Report was submitted to the Department of Planning and Infrastructure (DoPI) dated 22 August 2011. The purpose of the Updated Report was to provide a general update for the project stakeholders and to assist the DoPI to revise the DGR's. The updated project description replaces the original provided in the Preliminary Environmental Assessment (PEA). That matter was reported to Council on 7 September 2011 and a submission was forwarded to DoPI on 14 September 2011 (attachment 1). On 14 October 2011, the updated DGR's for the Cobbora Coal project were issued by DoPI (attachment 2).

The purpose of this report is to make a comparison between the requirements requested by Council via the abovementioned submission and the matters included in the revised DGR's.

DETAILED REPORT

The September Report raised a number of concerns under the heading of General. These matters are of particular concern to the local area and requested that the proponents be required to

- clarify the use of the rail line heading north having regard to current and projected levels of cumulative rail use from this area.
- make an assessment of the impact of the existing coal mines in terms of market share, identifying negative impacts on viability and social impacts of possible downgrading and retrenchments.
- assess the viability of the project in light of long term contractual arrangements and the potential for social impacts should the project not be viable.

These issues were not addressed at all in the revised DGR's.

The matters raised by Council under the heading Noise have not been included in the revised DGR's.

The matters raised under the headings of Traffic & Transport and Social and Economic have only been partially adopted. In both cases the specific local issues raised by Council have been ignored. In the main the specific matters raised were

- travel distances and measures to be implemented to address OHS issues in relation to those distances and the conditions of routes.
- a dilapidation report of proposed transport routes.
- detail a strategy for upgrading and maintaining road infrastructure and in particular Spring Ridge Road, impact of rail transport on township of Gulgong, with particular regard to access for emergency vehicles, and standard of a number of rail crossings, previously specified but not included in the detail of the DGR's.
- impact on declining health services.
- availability of affordable housing, including rental accommodation.
- impact on rural communities including decline of rural population and ability to maintain rural services such as Rural Fire Service.

As stated above the specific issues raised by Council have not been included in the DGRs. It should be noted however that Council's submission is attached to the DGRs. The proponent needs to be aware of the specific concerns of this Council and community and therefore the recommendation of this report is that Council write to the proponents and ensure that they are aware of Council's concerns and that Council will be insistent that their concerns are carefully addressed in the Environmental Assessment.

The matters that Council raised in relation to Soil, Water, Agriculture and Air Quality have been substantially adopted and included in the revised DGR's.

The additional groups suggested by Council for consultation during the preparation of the Environmental Assessment have not been adopted.

Council's request that a workshop be conducted by the proponent with DoPI, NSW Office of Water, ARTC, NSW Transport and Infrastructure and Council has not to date been adopted.

FINANCIAL IMPLICATIONS

There is the potential for the project to have a significant impact on the Mid-Western Council area. The previous report detailed these and requested that the State Government recognise and address these impacts by inclusion in the detail of the revised DGR's. A significant number of matters and issues of a specific local nature have either been ignored entirely or not been given sufficient weight in the revised DGR's.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

LINDA SHREEVE
SENIOR ENVIRONMENT OFFICER

CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT &
COMMUNITY SERVICES

4 November 2011

Attachments:

1. Submission to DoPI – 14 September 2011
2. Revised Director General's Requirements

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

SUBMISSION TO THE DEPARTMENT OF PLANNING
MIDWESTERN REGIONAL COUNCIL – DIRECTOR GENERAL'S REQUIREMENTS
COBBORA COAL PROJECT

EXECUTIVE SUMMARY

On the 5 January 2010 a major project application was submitted to the then Department of Planning for the Cobbora Coal Project. A Project Update Report was submitted to the Department of Planning and Infrastructure (DoPI) dated 22 August 2011 and received at Mid-Western Council on 23 August 2011. The purpose of the Update Report is to provide a general update for the project stakeholders and to assist the DoPI to revise the Director General's Requirements (DGRs). The updated project description replaces the original provided in the Preliminary Environmental Assessment (PEA) however; it is not intended to be a complete PEA.

The purpose of this report is to outline the changes in the project described in the Project Update Report and to recommend to Council issues that should be included in Council's submission in response to the DGRs.

DETAILED REPORT

The Cobbora mine will supply thermal coal to power stations in NSW and some coal may be sold on the open market. It is proposed that the life of the mine will be 21 years. Construction is proposed to commence in the second half of 2013 with the first coal delivery in the first half of 2015.

Changes to the Project

The major changes to the project outlined in the Project Update Report may be summarised as follows:

- The study states that there will be no coal haulage to Mt Piper/ Wallerawang power stations to the south along the Gwabegar line through Mudgee, Kandos and Rylstone.
- The open cut pit area is reduced. (3,900 ha down to 3,000 ha)
- The production rate is reduced, (ROM coal 30 million tonnes per annum down to 20 million tonnes per annum and product coal 20 million tonnes per annum down to 12 million tonnes per annum);
- The operational workforce is reduced to 400 personnel;
- There is an expected reduced water requirements due to reduced coal washing and dust suppression requirements (still assessing), however water to be sourced from Cudgegong river/groundwater/ surface water only and not from Ulan mine.
- Water allocation from the Cudgegong River has increased from 1.5GL/y to 3.3GL.
- There are changes to key ancillary infrastructure - including electricity supply routes/rail configuration/ access roads
- No creek diversions are required due to modification of pit area and from one large pit to 4 separate pits
- The proposal increases the area of disturbance of native vegetation due to re-configuration of open cut footprint. Preliminary advice is that in the order of 1300 ha woodland is within the proposed open cut footprint with further refinement of footprint proposed and assessment to be completed to determine vegetation types).
- Access was originally proposed from the Golden Highway and the Castlereagh Highway. The new proposal will also have access from the Golden Highway, but the southern access is proposed to be via Spring Ridge Road.

For a complete understanding of the project, reference should be made to the original PEA and the Project Update Report.

Submission to the DGRs

A copy of the previous DGRs are attached for Councils reference. It is considered that the following issues should form the submission to the DoPI.

General

- The Update Report states that the mine will primarily supply thermal coal to power stations in NSW. Some coal from the coal may also be sold on the open market. The mine will produce 12 Mtpa of thermal with up to 9.5 Mtpa of this coal will be supplied to Macquarie Generation (Bayswater and Liddell power stations), Origin Energy (Eraring Power Station) and Delta Electricity (Vales Point and Munmorah). The study also stated that there will be no coal haulage via rail on the Gwabegar line through Mudgee, Kandos and Rylstone. Council request that clarification be sought regarding the capacity of the rail line heading north to haul the projected production having regard to current and projected levels of cumulative rail usage from this area and other areas serviced by the same rail network.
- An assessment is required of the impact of existing coal mines within the area in terms of market share, identifying negative impacts on the viability of the existing mines and subsequent social impacts should this result in downgrading operations and retrenchments.
- Details are requested of the contractual arrangement between the project and the power station and the long term ownership of the power stations which may effect the long term viability of the project and potential social impact should the project not be viable.

Soil, Water and Agriculture

- The Project Update report states that there is to be an increase in reliance on high security water licences than originally proposed representing an increase from 1.5GL/y to 3.3GL. This equates to a significant portion of the high security water licences within the catchment. Consequently a detailed assessment should be made of the long term impacts on the agriculture industry in terms of social impact and economic impact, as agriculture is a major contributor to the local economy.
 - Previously the project placed a greater reliance on the use and transfer of water from Ulan Coal mine rather than relying on the extraction from the Cudgegong River. The Environmental Assessment should take a holistic approach to water usage by the mines in an attempt to transfer and reuse water where ever possible rather than diverting groundwater and river water away from the agricultural uses. Should consideration of water transfer between the mines be pursued, a detailed analysis of the impact of transferring water, which may be saline, from Ulan Mine to the project which in effect transfers it from eastern falls water to the Murray Darling Basin should also be provided.
 - Agriculture plays a significant investment role in the region. The agriculture industry contributes to the scenic beauty and more specifically the wineries are a backbone to the local tourism industry. Detailed investigation of long term impacts on the denial of access to water, as a consequence of the absence of available water licences for agriculture (and therefore the tourism industry) should be undertaken.
 - The impact on the rural industry caused by the requirement for environmental offsets. The cumulative impact on the removal of land from agricultural production due to an increasing demand for rural offsets should be addressed as part of every Environmental Assessment for mining.
-

- Management of agricultural land held by the project and not subject to mining including weeds management and maintenance of access for rural bushfire control.
- Investigation on the impacts on the level of the aquifer and therefore the ability of landowners in the catchment / area to access their licensed allocation of water. Concerns are raised that the lowering of the aquifer will result in the requirement to deepen existing bores, resulting in additional costs to agricultural users.
- Concerns are raised that the project will reduce accessibility of other users to high security licences. It is suggested that reference be made to the Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2003 to provide insight into the management of the water resource within the catchment.
- The remediation plan needs to address water allocation, in the first instance licences should be returned to landowners within the catchment / valley, alternatively the licences should be returned to Council. Removal of water licence outside of the catchment will jeopardise the future of agriculture and tourism in this LGA. In addition, the remediation plan should realistically identify the future use of land having regard to the reduced potential for agriculture due to impact on the soil fertility as a result of mining.
- A socio-economic study should be prepared on the effects of reduced availability of water on the agricultural communities.
- Cumulative impacts should be identified on the aquifer and on the Goulburn and Talbragar Rivers systems of mining operations in the area.

Air Quality

- Identification should be made of the responsibility of maintaining rolling stock and infrastructure, including responsibility of covering coal rail loads.
- Air quality monitoring should include particle emission, including both suspended (TSP) and fine particle matter being 10 µm (PM₁₀) and how this will be addressed.

Noise

- It is requested that all noise assessments have consideration to the current background noise levels experience in what are essential rural area. Council considers that the current Industrial Noise Policy is an inappropriate measure of noise impacts as it fails to recognise that existing background noise levels in rural location are very low. The noise assessment should also address the impact of low frequency noise. Consideration should be given to temperature inversions, the local topography, and season.
- A strategy to address how the proponent will address any noise issues that are not identified at the time of the Environmental Assessment or approval.

Traffic and Transport

- A detailed Traffic Management Plan for all traffic (type and frequency) anticipated as part of the project and proposed routes. Particular attention should be made to the assessment of commuter traffic and the routes taken.
-

- An assessment of the likely travel distances for the workforce and the measures that will be implemented to address the OHS issues in relation to both the distances likely to be travelled as well as conditions of the routes.
- An assessment of the suitability and capability of the existing road network to accommodate the additional traffic generated by the proposal.
- A dilapidation report that surveys the transport routes and establishes the physical condition of the road network prior to any work being carried out.
- A detailed strategy outlining the measures that would be implemented to upgrade and maintain road infrastructure over the life of the project including the initial upgrade of Spring Ridge Road. 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.

Social and Economic

- The project site is proposed to have an access to the Castlereagh Highway, this access will provide convenient vehicular access along the Castlereagh Highway to the township of Gulgong. The direct employment of local residents and population growth is acknowledged, however the Social Impact Assessment (SIA) will need to closely assess the impact on declining health services. The SIA should also consider housing supply, not just availability of land; the region is currently experiencing a housing shortage. The matter of availability of affordable housing should also be detailed in the SIA. In addition, the impact on rental accommodation (both short and long term) needs a detailed investigation. Mudgee is currently experience rental crisis due to the expansion of mines in the area. This has not been satisfactorily addressed in previous approvals for other mines.
 - The identification of the potential location of construction camps (these camps are not to be permanent structure or permanently occupied).
 - The project should investigate the impact on rural communities including such issues as the decline in rural population and the ability to maintain certain rural services such as the Rural Fire Service.
 - Council request that a workshop be conducted by the proponent with DoP, NSW Office of Water, ARTC, NSW Transport and Infrastructure and the Mid-Western Regional Councillors during the preparation of the Environmental Assessment to address Council's primary concerns.
-

- During the preparation of the Environmental Assessment the following groups should be consulted:
 - Council's Traffic Development Committee
 - Local Emergency Management and Control
 - Local Doctors; Dr Peter Roberts and Dr Garry Moore
 - Cudgegong Valley Water Users Group
 - Mudgee Regional Tourism Incorporated
 - Mudgee Business Association
 - Gulgong Chamber of Commerce
 - Cudgegong Business Association
 - Emergency Services
 - Greater Western Area Health - Joy Adams
 - NSW Farmers

- Council request that the proponent conduct a workshop with the Mid-Western Regional Councillors during the exhibition of the Environmental Assessment to explain the results of the Assessment.

- Council requests that during the exhibition period of the Environmental Assessment the proponent facilitate a public meeting within the LGA.

- Council request the formulation of an interim community consultation committee whilst undertaking the EA, this has proven a successful way of gathering information with previous mine projects.

Voluntary Planning Agreement

Please be advised having regard to the potential social and infrastructure impacts on the Mid-Western Region, Council will be seeking to enter into a Voluntary Planning Agreement.

Policies, Guidelines & Plans

The Mid-Western Regional Draft Comprehensive Land Use Strategy should also be included as a reference to assist in determining the impact on housing and land supply. Please note that Council was unaware of this project during the preparation of the Draft Strategy and therefore the impact on land supply has not been assessed as part of the strategy. Council considers that the project has the potential to have a large impact on the supply of rural lifestyle blocks in the region and residential land in Gulgong.

Adequacy Review

Council request that it be included in the referral for the adequacy review.

Independent Water Assessment

Notwithstanding Council's response to the DGRs, a commitment has been made to Council by the Director General for the Department of Planning and Infrastructure to fund a joint independent assessment of the potential impacts on water. Council has been seeking data relating to water to enable sufficient time for review. To date, no data has been supplied. 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.

Director-General's Requirements
 Section 75F of the Environmental Planning and Assessment Act 1979

Application Number	10_0001
Project	<p>The Cobbora Coal Project, which includes:</p> <ul style="list-style-type: none"> • establishment and operation of an open cut coal mine to produce up to 12 million tonnes of coal a year for domestic and international markets for a period of up to 21 years • constructing and operating: <ul style="list-style-type: none"> ○ associated ancillary service infrastructure; ○ a coal handling and preparation plant; ○ water supply pipeline and associated infrastructure; ○ a locomotive provisioning facility; and ○ coal conveyor, rail spur line and loop and rail loading facility; • constructing access roads, electricity transmission lines and substations.
Location	Cobbora (about 22 kilometres south west of Dunedoo)
Proponent	Cobbora Holding Company Pty Ltd.
Date of Issue	14 October 2011
General Requirements	<p>The Environmental Assessment of the project must include:</p> <ul style="list-style-type: none"> • an executive summary; • a detailed description of the project, including: <ul style="list-style-type: none"> – need for the project; – alternatives considered, including justification for the proposed mine plan; – likely staging of the project; – likely interactions between the project and existing, approved and proposed mining operations in the vicinity of the site; – plans of any proposed building works; and – the proposed rehabilitation strategy for the project area having regard to the key principles in the Strategic Framework for Mine Closure, including: <ul style="list-style-type: none"> ○ rehabilitation objectives, methodology, monitoring programs, performance standards and proposed completion criteria; ○ nominated final land use, having regard to any relevant strategic land use planning or resource management plans or policies; and ○ the potential for integrating this strategy with any other offset strategies in the region • a risk assessment of the potential environmental impacts of the project, identifying the key issues for further assessment; • a detailed assessment of the key issues specified below, and any other significant issues identified in the risk assessment (see above), which includes: <ul style="list-style-type: none"> – a description of the existing environment, <u>using sufficient baseline data</u>; – an assessment of the potential impacts of the project, including any cumulative impacts, taking into consideration any relevant guidelines, policies, plans and statutory provisions (see below); and – a description of the measures that would be implemented to avoid, minimise and if necessary, offset the potential impacts of the project, including detailed contingency plans for managing any significant risks to the environment;

	<ul style="list-style-type: none"> • a statement of commitments, outlining all the proposed environmental management and monitoring measures; • a conclusion justifying the project on economic, social and environmental grounds, taking into consideration whether the project is consistent with the objects of the <i>Environmental Planning & Assessment Act 1979</i>; and • a signed statement from the author of the Environmental Assessment, certifying that the information contained within the document is neither false nor misleading.
<p>Key Issues</p>	<ul style="list-style-type: none"> • Biodiversity – including: <ul style="list-style-type: none"> – accurate estimates of any vegetation clearing associated with the project; – a detailed assessment of the potential impacts of the project on any terrestrial and aquatic threatened species, populations, ecological communities or their habitats; – a detailed description of the measures that would be implemented to avoid or mitigate impacts on biodiversity; – a comprehensive offset strategy to ensure the project maintains or improves the biodiversity values of the region in the medium to long term (in accordance with NSW and Commonwealth policies); and – consideration of how the proposal may impact upon lands covered by the <i>Brigalow and Nandewar Community Conservation Area Act 2005</i>. • Water Resources – including: <ul style="list-style-type: none"> – detailed modelling of the potential surface and groundwater impacts of the project; – a detailed site water balance, including a description of site water demands, water disposal methods (inclusive of the volume and frequency of any water discharges), water supply infrastructure and water storage structures; – a demonstration that water supplies for the construction and operation of the mine can be obtained from an appropriately authorised and reliable supply in accordance with the operating rules of any relevant Water Sharing Plan (WSP) and/or requirements of the <i>Water Act 1912</i> and NSW Inland Groundwater Shortage Zone Embargo for water sources outside of any relevant WSP; – a description of the measures proposed to ensure the project can operate in accordance with the proximity and water source protection criteria of the relevant Water Sharing Plan; – identification of any licensing requirements under the <i>Water Act 1912</i> or <i>Water Management Act 2000</i>; – a detailed assessment of potential impacts on: <ul style="list-style-type: none"> o the quality and quantity of existing surface and ground water resources; o affected licensed water users and basic landholder rights; o the riparian, ecological, geo-morphological and hydrological values of watercourses resulting from any proposed diversion works, including environmental flows; and o groundwater dependent ecosystems; – a detailed description of the proposed water management system and water monitoring program for the project and other measures to mitigate surface and groundwater impacts; and – a detailed flood impact assessment identifying the impact of the project on flooding and the measures proposed to mitigate potential flood impacts. • Land Resources – including a detailed assessment of the impacts of the project on: <ul style="list-style-type: none"> – National Park Estate; and – agricultural land and productivity, which includes: <ul style="list-style-type: none"> o a detailed assessment and mapping pre and post mining

	<p>(including Land Capability and Agricultural Suitability mapping) of soil characteristics, across all proposed areas of surface disturbance and an assessment of their value and limitations for rehabilitation;</p> <ul style="list-style-type: none">o a description of the agricultural resources (especially soils and water resources used or capable of being used for agriculture) and agricultural enterprises of the locality;o identification of any regionally or state significant agricultural resources in the locality, with particular reference to higher productive alluvial soils and associated surface/ groundwater systems that may be impacted directly or indirectly by the proposal;o a detailed assessment of the potential impacts of the project on agricultural resources and/or enterprises of the locality including:<ul style="list-style-type: none">- impacts as a result of re-allocation of licensed water extraction from irrigation to mining uses;- direct impacts on soil, groundwater and surface water resources as a result of mining activity; and- change in land use due to requirements for biodiversity offsets;o a detailed description of the measures that would be implemented to avoid, reduce or mitigate impacts of the project on agricultural resources and/or enterprises of the locality including; ando justification for any significant long term changes to agricultural resources, particularly if highly productive agricultural resources (eg. alluvial lands and associated groundwater resources) are proposed to be affected by the project; <ul style="list-style-type: none">• Air Quality – including a quantitative assessment of potential:<ul style="list-style-type: none">- construction, operational, blasting and rail transportation impacts, including dust generation from coal wagons;- spontaneous combustion properties of overburden or reject material;- reasonable and feasible mitigation measures, including costing of the proposed measures; and- monitoring and management measures, in particular real-time and attended air quality monitoring and predictive meteorological modelling, to facilitate proactive management of operations to ensure that impacts remain within relevant criteria and goals throughout the life of the project;• Noise & Blasting – including a quantitative assessment of potential:<ul style="list-style-type: none">- construction, operational and transport noise impacts;- offsite rail and road noise impacts;- blasting impacts on people, livestock and property;- reasonable and feasible mitigation measures (including assessment of the option of no night time operations), including costing of the proposed measures; and- monitoring and management measures, in particular real-time and attended noise monitoring and predictive meteorological forecasting, to facilitate proactive management of operations to ensure that impacts remain within relevant criteria and goals throughout the life of the project;• Traffic & Transport – including a:<ul style="list-style-type: none">- detailed assessment of the potential impacts of the project on the safety and performance of both the road and rail network, and any associated railway crossings;- details of end to end transport movements including availability of train paths on the rail network and any infrastructure upgrades required;- detailed strategy for measures to mitigate impacts on road and rail crossing infrastructure where affected by the project;
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	<ul style="list-style-type: none"> • Heritage – including an assessment of impacts on both Aboriginal and historic heritage, as follows: <ul style="list-style-type: none"> - <i>Aboriginal heritage</i> (including both cultural and archaeological significance): the assessment must be undertaken by suitably qualified heritage consultants and demonstrate effective consultation with Aboriginal communities in determining and assessing impacts, and developing and selecting options and mitigation measures (including the final proposed measures). Where impacts on heritage are proposed, the EA must outline proposed mitigation and management measures (including an evaluation of the effectiveness and reliability of the measures); and - <i>Historic heritage</i> (including archaeology): the assessment must be undertaken by suitably qualified heritage consultants. Where impacts to State or locally significant historic heritage items are proposed, the EA must include a statement of heritage impact (including significance assessment) and outline proposed mitigation and management measures (including an evaluation of the effectiveness and reliability of the measures); • Greenhouse Gases – including: <ul style="list-style-type: none"> - a qualitative assessment of the potential scope 1, 2 and 3 greenhouse gas emissions of the project; - a qualitative assessment of the potential impacts of these emissions on the environment; and - an assessment of all reasonable and feasible measures that could be implemented on site to minimise the greenhouse gas emissions of the project and ensure it is energy efficient; • Visual – including a detailed assessment of the pre-mining, operational and proposed post mining landforms; • Waste - including: <ul style="list-style-type: none"> - accurate estimates of the quantity and nature of the potential waste streams of the project, including tailings and coarse reject; and - a detailed description of the measures that would be implemented to minimise the production of waste on site, and ensure that any waste produced is appropriately handled and disposed of; • Hazards - including bushfires; • Social & Economic – including an assessment of the potential impacts of the project on the local and regional communities, including: <ul style="list-style-type: none"> - temporary and permanent housing needs for the construction and operational workforce and their families (including location, availability, and its potential impact on the existing housing market; - potential impacts on local and regional amenity; - an assessment of the demand the project may generate for the provision of additional local infrastructure and services, including health, education and emergency services; - a detailed description of all contributions that would be provided to service the demand on hard and soft infrastructure generated by the project; and - detailed assessment of the costs and benefits of the project as a whole, and whether it would result in a net benefit for the NSW community.
References	The environmental assessment of the key issues listed above must take into account relevant guidelines, policies, and plans. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this project.
Consultation	During the preparation of the Environmental Assessment, you should consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.

	<p>In particular you must consult with the:</p> <ul style="list-style-type: none">• Commonwealth Department of Sustainability, Environment, Water, Population and Communities;• Office of Environment and Heritage (including the Heritage Branch);• Division of Resources and Energy within DTIRIS;• Department of Primary Industries, including the NSW Office of Water;• Warrumbungle Shire Council;• Mid-Western Regional Council;• Wellington Shire Council;• relevant Catchment Management Authorities;• Roads and Traffic Authority;• ARTC;• Department of Transport (Centre for Transport Planning); and• Essential Energy; <p>The consultation process and the issues raised must be described in the Environmental Assessment.</p>
Deemed Refusal Period	90 days

Policies, Guidelines & Plans

Risk Assessment

AS/NZS 4360:2004 Risk Management (Standards Australia)
HB 203: 203:2006 Environmental Risk Management – Principles & Process (Standards Australia)

Biodiversity

Draft Guidelines for Threatened Species Assessment under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (DEC)
NSW State Groundwater Dependent Ecosystem Policy (DLWC)
Policy & Guidelines - Aquatic Habitat Management and Fish Conservation (NSW Fisheries)
Policy & Guidelines - Fish Friendly Waterway Crossings (NSW Fisheries)
State Environmental Planning Policy No. 44 – Koala Habitat Protection

Water Resources

Surface Water

National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)
National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)
National Water Quality Management Strategy: Guidelines for Sewerage Systems – Effluent Management (ARMCANZ/ANZECC)
National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC)
Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC)
State Water Management Outcomes Plan
Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2003
NSW Government Water Quality and River Flow Objectives (DECC)
Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC)
Managing Urban Stormwater: Soils & Construction (Landcom)
Managing Urban Stormwater: Treatment Techniques (DECC)
Managing Urban Stormwater: Source Control (DECC)
Floodplain Development Manual (DIPNR)
Floodplain Risk Management Guideline (DECC)
A Rehabilitation Manual for Australian Streams (LWRRDC and CRCCH)
Technical Guidelines: Bunding & Spill Management (DECC)
Environmental Guidelines: Use of Effluent by Irrigation (DECC)

Groundwater

National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
NSW State Groundwater Policy Framework Document (DLWC, 1997)
NSW State Groundwater Quality Protection Policy (DLWC, 1998)
NSW State Groundwater Quantity Management Policy (DLWC, 1998)
Murray-Darling Basin Groundwater Quality. Sampling Guidelines. Technical Report No 3 (MDBC)
Murray-Darling Basin Commission. Groundwater Flow Modelling Guideline (Aqualterra Consulting Pty Ltd)
Guidelines for the Assessment & Management of Groundwater Contamination (DECC, 2007)
Water Sharing Plan for the Lower Macquarie Groundwater Sources (2003)

Air Quality

Protection of the Environment Operations (Clean Air) Regulation 2002

	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC)
Noise & Blasting	
	NSW Industrial Noise Policy (DECC)
	Environmental Noise Management – Assessing Vibration: a technical guide (DEC)
	NSW Road Noise Policy (DECCW)
	Interim Guidelines for the Assessment of Noise From Rail Infrastructure Projects (DECC)
	Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration (ANZECC)
Soil Resources and Agricultural Land	
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)
	Rural Land Capability Mapping (DLWC)
	Agricultural Land Classification (DPI)
Traffic & Transport	
	Guide to Traffic Generating Development (RTA)
	Road Design Guide (RTA)
National Park Estate	
	Guidelines for Developments Adjoining Land and Water Managed by the Department of Environment, Climate Change and Water (DECCW)
Heritage	
<i>Aboriginal</i>	Draft Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DoP and DEC)
	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)
<i>Non-Aboriginal</i>	NSW Heritage Manual (NSW Heritage Office)
	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)
Greenhouse Gases	
	National Greenhouse Accounts Factors (Australian Department of Climate Change (DCC))
	Guidelines for Energy Savings Action Plans (DEUS)
Waste	
	Waste Classification Guidelines (DECC)
Hazards	
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
	Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines (DUAP)
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
Rehabilitation	
	Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth of Australia)
	Mine Closure and Completion – Leading Practice Sustainable Development Program for the Mining Industry (Commonwealth of Australia)
	Strategic Framework for Mine Closure (ANZMEC-MCA)
Social & Economic	
	Draft Economic Evaluation in Environmental Impact Assessment (DoP)
	Techniques for Effective Social Impact Assessment: A Practical Guide (Office of Social Policy, NSW Government Social Policy Directorate)

6.2.7 2010/11 REGIONAL STATE OF ENVIRONMENT REPORT

REPORT BY MANAGER ENVIRONMENT
111031 REGIONAL SOE REPORT
A0100052, A0100051, A0420097

RECOMMENDATION

That:

- 1. the report by Manager Environment on the 2010/11 Regional State of the Environment Report be received; and**
- 2. the 2010/11 Regional State of the Environment Report be endorsed.**

EXECUTIVE SUMMARY

Council has completed the 2010/11 Regional State of Environment Report. This report updates and continues reporting on environment issues within the region. The indicators document Council's performance over time and against other councils within our region.

DETAILED REPORT

Council has prepared its State of the Environment (SoE) Report for 2010/11. This year's report is a supplementary report as under the Local Government Act 1993, a Council must produce a Comprehensive SoE Report for the year ending after each election of Councillors and a Supplementary Report is required in intervening years. The Report updates trends and reports on new environmental impacts and initiatives that have occurred or been introduced since the last Comprehensive Report.

A SoE Report is an important management tool which aims to provide the community and the local Council with information on the condition of the environment in the local area. It also provides a platform for community action by raising awareness and understanding of key environmental issues which in turn helps people and organisations make informed decisions regarding future management actions to reduce the negative impacts on the environment.

The Local Government Act 1993 required that all local councils in NSW produce an annual SoE Report on major environmental impacts, related activities and management plans. Under the Act, Councils were required to specifically report on:

1. Land
2. Air
3. Water
4. Biodiversity
5. Waste
6. Noise
7. Aboriginal heritage
8. Non-Aboriginal heritage.

In each of these environmental themes particular reference was required to be made to:

- management plans relating to the environment
- special Council projects relating to the environment
- the environmental impact of Council activities.

The Local Government Act 1993 was amended in 2009. The amendments promote use of an Integrated Planning and Reporting Framework to guide a Council's future strategic planning and reporting. As part of the Framework, Councils are required to develop environmental objectives with their communities in relation to local environmental issues. These environmental objectives form part of each Council's over-arching Community Strategic Plan. The information in the new type of annual SoE Reports which are required under the amended legislation has been used to inform Council's preparation of the Community Strategic Plan and will continue to inform the required reviews of the Community Strategic Plan.

The implementation of this new Framework is being staggered across the 152 NSW Councils. Council is part of the 'Group 3 Councils' in the Framework implementation process, meaning that we do not need to change our reporting method until 2012. This year's Report therefore follows the original SoE reporting structure with its eight environmental themes as listed above. An additional theme, Sustainability has also been added to address the issue of moving towards a sustainable future.

Over the past three years, Council has developed its SoE report in conjunction with other councils within the region and the Central West Catchment Management Authority (CMA). The other councils participating in the regional model include Bathurst, Blayney, Bogan, Bourke, Cabonne, Coonamble, Cowra, Dubbo, Gilgandra, Lachlan, Narromine, Oberon, Orange, Warren, Warrumbungle and Wellington.

This Council and others participating in the Report have recognised the value of the regional model as environmental issues are not restricted to Council boundaries. Regional SoE Reports are recommended by the NSW Government and used by some groups of Councils in NSW to enable a better understanding of the state of the environment in a regional context and to identify future collaborative pathways. More specifically, a regional approach to reporting:

- Facilitates a better understanding of the state of the environment across the region
- Encourages collaboration in regards to partnering on projects and sharing ideas and resources
- Assists in the management of shared environmental resources
- Forges stronger regional links across participating Councils.

As such, this Council and the others participating in the Regional SoE agreed last year to continue this arrangement through to 2012.

This Regional SoE Report builds upon the previous Comprehensive and Supplementary Regional SoE Reports. As this is a Supplementary Report, it primarily covers trends in environmental indicators and responses in 2010-11 and compares this to the previous three Reports. The 2008-09 Comprehensive Report should be referenced as the base document for detailed information particularly relating to environmental threats and background information (e.g. demographic and climatic data).

To prepare this document, Council submitted a range of indicators relating to the above themes. The presentation of the data within this report allows for the trends in environmental performance to be assessed over time and for the performance of our Council to be compared with others within our region.

The 2010/11 Regional SoE report can be viewed on the Internet at the following web page:
http://www.midwestern.nsw.gov.au/Planning_and_Development/Environment+and+Heritage/State+of+the+Environment.html
and the 2008-09 Comprehensive Report can also be referenced at this location.

Hard copies of the report are available in Council's Gulgong, Mudgee and Rylstone offices, libraries and will be distributed to the schools within the region to be held in their libraries.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

This report meets Council's obligations under the Local Government Act 1993 and a copy will be forwarded to the Department by the Central West CMA.

SHIREEN MURPHY
MANAGER ENVIRONMENT

CATHERINE VAN LAEREN
GROUP MANAGER
DEVELOPMENT & COMMUNITY SERVICES

31 October 2011

Attachments: State of Environment Report is available on request to Group Manager Development and Community Services.

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.8 MUDGEE TOWN HALL RENOVATION PROJECT UPDATE

REPORT BY MANAGER, COMMUNITY DEVELOPMENT
Mudgee Town Hall Renovation Project Update
A0100052, P0159964

RECOMMENDATION

That the report by the Manager, Community Development on the Mudgee Town Hall Renovation Project be received.

EXECUTIVE SUMMARY

The following report is the first progress report on the Mudgee Town Hall renovation project. These reports will provide Council with an update on the timetable and the expenditure for the project and will be presented to Council monthly through the duration of the project.

DETAILED REPORT

The project to upgrade the Mudgee Town Hall building has continued over the past few months. With the decision on the tender for construction of the main works for the project, it is timely to begin to provide Council with a regular monthly report on the progress of the project. As Council is aware, the project will provide the community with a greatly enhanced library space that will allow us to deliver a modern library service. Overall improvements to the building will also provide the framework for an improved theatre auditorium space that will be usable for live theatre and musical performance, movie screenings, exhibitions, lectures and meetings.

The main focus over the past few months has been the development of the tender documentation and then the tender process itself. The tender was advertised from Friday 16th September and closed on Friday 28th October. The tender itself is dealt with in a separate report to this Council meeting.

Planning has also been underway for the temporary relocation of the Mudgee Library to the Stables Meeting Room and Gallery for the duration of the construction period. This involves the movement of a significant amount of material and requires a multi-faceted approach to the collection including the movement of items to our branch libraries at Gulgong and Kandos, the retirement of older and less used items as part of our regular stock replacement processes and the coordination of the move in early January of the bulk of the collection to the Stables complex.

Following an Expression of Interest process, discussions have been held with a number of potential project managers to assist in the administration of the contracts and ensuring that the budget remains on time and on budget. A decision on this is expecting in the near future.

As at the end of October, the project is progressing to the timetable and remains within budget.

FINANCIAL IMPLICATIONS

Project remains within budget. The project has been included in the Management Plan with an expenditure budget of \$3,811,427.

STRATEGIC OR POLICY IMPLICATIONS

Not Applicable

SIMON JONES
MANAGER, COMMUNITY DEVELOPMENT

CATHERINE VAN LAEREN
GROUP MANAGER, DEVELOPMENT
AND COMMUNITY

31 October 2011

Attachments: Mudgee Town Hall Renovation Project Progress Report – October 2011

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

Including Tender No.2011/10 – Mudgee Town Hall Renovation

Mudgee Town Hall Renovation Project Status Report October 2011



Report No. 1

Issue Date: 31 October 2011

Prepared by: Simon Jones
Project Manager

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EXECUTIVE SUMMARY

Tender No.	2011/10
Principal Contractor	To be determined at Council Meeting 16 November 2011
Budget for construction tender	\$2,980,000.00
Approved Contract Variations Total	\$0.00
Current Contract Sum	N/A
Contract Payments to Date	\$0.00
Total Project Cost Expended	0.0%
Date of Contract	Estimated 1 December 2011
Original Contract Duration	N/A
Approved Extensions of Time Claims	0
Contract Completion Date	Estimated 31 October 2012
Calendar Days Elapsed	N/A
Calendar Days Remaining	N/A
Total Project Time Expended	N/A
Overall Project Budget (this includes items not covered by the construction tender 2011/10)	\$3,811,427
Total Payments to Date	\$83,851.52
Total Project Cost Expended	2.2%

1. OVERALL PROJECT TIMETABLE

Task	Date to be completed by	Task Completed
Tenders Closed	October 28 th , 2011	Completed
Council decision on Tender	November 16 th , 2011	
Contracts issued and work plan finalised	December, 2011	
Library relocation	January, 2011	
Temporary Library opened at the Stables	January 16 th , 2011	
Construction Certificate issued	January 23 rd , 2011	
Construction Commences	January 30 th , 2011	
Main contract construction Completed	October, 2011	
Relocation of library back to Town Hall building	November, 2011	
Library and Theatre re-open	November, 2011	
Acquittal of all grant programs	December, 2011	

2. OVERALL PROJECT BUDGET

Item	Budget Estimate	Actuals to date	Comments
Construction tender	\$2,978,870		Tender to be determined at Council meeting 16/11/11
Architects, engineers and project management fees	\$275,000	\$80,220.00	
Technology and IT infrastructure (including Library RFID system)	\$180,000		
Furniture, Shelving, Curtains, Blinds, Appliances	\$145,000		
Theatre equipment (e.g. curtains, lighting, screen, sound equipment)	\$100,000		Specification document needed
Electricity substation works	\$50,000		Awaiting quote from Essential Energy
Stackable chairs for Theatre	\$25,000		
Parking/signage/fencing/sewer works	\$24,000	\$60.56	
Library relocation to Stables	\$20,000		
Theatre equipment storage	\$7,000	\$2,200.00	Includes pianos
Stores and creditors overheads	\$6,557.00	\$1,370.96	
Total Budget	\$3,811,427	\$83,851.52	

3. PROJECT STATUS

3.1 Work Progress during October 2011

- 3.1.1 Tenders have no closed and a report has been prepared for the Council meeting on 16 November 2011 concerning this. It is anticipated that Council will make a decision regarding the successful tenderer at this time.
- 3.1.2 There have been numerous requests for information throughout the tender period. This has resulted in some minor changes to drawings to clarify information in the specification.
- 3.1.3 An Expressions of Interest was advertised for a Project Manager to assist with the administration of the contract and general project management duties. There were four Expressions of Interest submitted. A decision on this is expected in the near future. This cost is covered in the overall project budget.
- 3.1.4 Discussions have been ongoing with the Anglican Church regarding access to 62 Market Street through their property through the construction period. It is anticipated that agreement can be reached for this. Works to facilitate this are covered in the overall project budget. The pianos have also been moved to the Anglican Church and Anglican Parish Office so that performances and music lessons can continue through the construction period.

3.2 Work Activities planned for November 2011

- 3.2.1 A number of tenders have been received by Council. These have been considered by the Tender Panel and a separate report concerning this is presented to the November 16 Council Meeting.
- 3.2.2 Following a decision on the successful tenderer, negotiations will begin regarding the construction contract with a view to this being signed by the end of November.
- 3.2.3 The Project Manager will be appointed by Council. This role will support the Council project team in administering the contract and ensuring that the project remains on time and on budget.
- 3.2.4 Some works will take place in November at the Theatre with the removal of the seating to the Gulgong Opera House and the removal of other items belonging to the Mudgee Performing Arts Society
- 3.2.5 Planning will continue on the temporary library space at the Stables Meeting Room and Gallery. The transfer of items from the Town Hall to the Stables is scheduled for early January with an opening date of the temporary library of January 16th, 2012.

4. Project Variations

Total cost of variations = \$nil (0.0%).

5. Contractual Issues

Nil

6. Progress Payments

Nil

7. Program

Not available at this time

8. Project Focus Group

A Project Focus Group has been established to review the progress of the contract. At this point, The Project Team consists of Council staff members Brad Cam, Julian Geddes, Simon Jones and Neil Bungate.

6.2.9 TENDER ASSESSMENT – EXTENSION AND RENOVATION MUDGEETOWN HALL
BUILDING 2011/10

REPORT BY ACTING GROUP MANAGER FINANCE
MUDGEETOWN HALL TENDER
A0100052, A0411110

RECOMMENDATION

That:

1. Council accepts Meridian Construction Services Pty Ltd for tender 2011/10 for the extension and renovation of the Mudgee Town Hall building and that Council enter into a contract with Meridian Construction Services Pty Ltd in accordance with clause 178 of the Local Government (General) Regulation 2005 to the value of \$2,617,203 (GST exc).
2. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Meridian Construction Services Pty Ltd for the 2011/10 extension and renovation of the Mudgee town Hall building and to vary the contract up to 5% of the tendered price.
3. the unsuccessful tenderer(s) be notified that their tenders were unsuccessful.

EXECUTIVE SUMMARY

Following Council's resolution to invite tenders for the extension and renovation of the Mudgee Town Hall building; tenders were called 16th September 2011 for Tender 2011-10 and closed at 3pm 28th October 2011. Eight (8) 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 22 August 2011.

The contract is estimated to have a value of \$2,617,000 over the life of the project.

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 extension and renovation of the Mudgee Town Hall building.

DETAILED REPORT

Tenders Received

The Tenders received were as follows:

- | No. | Name |
|-----|--|
| 1 | Meridian Construction Services Pty Ltd |
| 2 | CBS Refurbishment Pty Ltd |
| 3 | CCA Projects T/as Club Constructions Aust |
| 4 | Maincom Pty Ltd |
| 5 | Yoff Pty Ltd T/as Dubbo Terrazzo Concrete Industries |

- 6 O'Donnell & Hanlon
- 7 Centrepoint Constructions
- 8 Paintrite Construction Pty Ltd

Late Tenders

No late tenders were received.

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 Meridian Constructions

Non-complying, Partially Compliant or Alternate Tenders**No. Name**

- 2 CBS Refurbishment Pty Ltd
- 3 CCA Projects T/as Club Constructions Aust
- 4 Maincom Pty Ltd
- 5 Yoff Pty Ltd T/as Dubbo Terrazzo Concrete Industries
- 6 O'Donnell & Hanlon
- 7 Centrepoint Constructions
- 8 Paintrite Construction 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 defensible way which is fair to all tenderers. The evaluation criteria and criteria weightings applied to this evaluation process are shown in Attachment A – Evaluation Plan. The evaluation criteria and criteria weightings applied to this evaluation process are shown below.

Evaluation Criteria	Weighting
1. Price – whole of life costs	65%
2. Construction Timetable	10%
3. Demonstrated experience with large scale projects	15%
4. Demonstrated experience with heritage listed 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 was conducted in six 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. Seven (7) Tenders were partially-compliant due to incomplete Tender documentation or because they did not yet meet the required amount of Contract Insurance coverage, 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 undertook an objective analysis of tenderers' ability to meet both mandatory and desirable criteria.
3. The tendered information and specific questions were listed under the evaluation criteria and weighted in order of importance to the overall evaluation. Team members scored the tenders against the criteria in accordance with the Evaluation Plan.
4. 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 of the preferred tenderer(s) for the extension and renovation of the Mudgee Town Hall building is attached (Attachment B) for the consideration of Council.

Assessment Panel

Leonie Johnson	Acting Group manager Finance
Brad Cam	Group Manager Operations
Simon Jones	Manager of Community Development

Evaluation Findings

After assessing each Tenderer on price, construction timetable & experience with both large scale projects and heritage listed projects the highest scoring results were Meridian Constructions Pty Ltd. It is recommended that Council accepts the tender submitted by Meridian Constructions Pty Ltd as this tender provides the best value for money for the most experienced and suitable contractor in specialised heritage works as required on the Mudgee Town Hall building. Meridian Constructions Pty Ltd have recently completed a similar scope of works on the heritage listed Young Town Hall, which the Young Shire Council General Manager confirmed was completed to their satisfaction and without any major issues.

Although this tender was not the lowest price tendered, it should be noted that this tender meets the budgetary restrictions for the work involved, whilst still allowing for additional critical assumptions such as white ant damage and removal of hazardous materials, however the tender has not allowed for Construction Certificate fees which Council has estimated as an additional \$15,000.

Full details of the tender response have been provided as Attachment D.

FINANCIAL IMPLICATIONS

This project is budgeted in the 2011/16 Management Plan for a total amount of \$2,980,000. The recommended tender is currently under this price, which allows for Construction Certificate fees and additional contingency expenses as may be required on a building of this age.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable



**LEONIE JOHNSON
ACTING GROUP MANAGER FINANCE**

4 November 2011

Attachments (CONFIDENTIAL)

1. Evaluation Plan
2. Tenderers' Detailed Scores
3. Tender Register
4. Recommended Tender Response

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.10 MID-WESTERN REGIONAL YOUTH COUNCIL

REPORT BY MANAGER COMMUNITY DEVELOPMENT
MID-WESTERN REGIONAL YOUTH COUNCIL OCTOBER 2011
A0100052, A0060048

RECOMMENDATION

That:

- 1. the report by the Manager Community Development on the Mid-Western Regional Youth Council Meeting be received;**
- 2. Council note the minutes of the Mid-Western Regional Youth Council held on 18 October 2011;**
- 3. Council endorse the nominations of Henry Van Laeren, Jessica Foote, Mary Sparkes, Alana Drury, Madalyn Date, Jaimee Lawson and Rachel Tant as Youth Councillors;**
- 4. Council congratulate Henry Van Laeren for his the election as Youth Mayor and Jessica Foote for her the election as Deputy Youth Mayor.**

EXECUTIVE SUMMARY

The Youth Council provides an opportunity for the young people in the region to have a voice in helping to determine Council's priorities and highlight issues that need addressing, particularly in relation to service and programs of particular interest to youth. The next Youth Council meeting is due to be held in Gulgong on Tuesday 29 November 2011.

DETAILED REPORT

An Induction was provided to the Youth Councillors regarding meeting process by Mary Sparkes. Mary outlined how each meeting ran and the role of Youth Council, including representing Youth, helping out with events and attending community activities.

Nominations were called for the position of Youth Council Mayor. Henry Van Laeren was declared Youth Mayor with Jessica Foote as Deputy Youth Mayor.

Cathy Leisfield advised the Councillors that the Department of Sport and Recreation Grant for the upgrade to the Gulgong Skate Park has still not been announced. Cathy also advised the Councillors that she is applying for a Community Building Partnership Grant for the Gulgong Skate Park which will not be announced until March 2013.

The school holiday program was very successful with some great attendances, particularly at the Charbon Games Day and the Rylstone/Kandos Family Fun Day.

Further matters discussed included possible grants for Youth Week Indent. Indent grants provide funding for music events that must be designed and coordinated by a committee of young people. There was also feedback on the requirements for establishing digital movie equipment and the costs involved with this and the types of equipment that would be needed to show new release cinema.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

SIMON JONES
MANAGER COMMUNITY DEVELOPMENT

CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT
& COMMUNITY SERVICES

25 October 2011

Attachments: Minutes of the Meeting of the Mid-Western Regional Youth Council held on
18 October 2011

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

**MINUTES OF THE MEETING OF THE MID-WESTERN REGIONAL YOUTH COUNCIL HELD ON TUESDAY
18 OCTOBER 2011, AT 4.00PM AT THE COUNCIL COMMITTEE ROOM, MUDGEE** ATTACHMENT 1

PRESENT:

Youth Councillors: Henry Van Laeren, Mary Sparkes, Alana Drury, Jessica Foote, Madalyn Date

Councillors: Des Kennedy, John Weatherley

Council Staff: Virginia Handmer (Youth & Community Development Officer), Cathy Leisfield (Youth Services Officer)

Chair: Mary Sparkes/Henry Van Laeren

Minutes: Cathy Leisfield

1. WELCOME

Mary Sparkes opened the meeting at 4.05pm and welcomed those in attendance.

2. APOLOGIES: Rachael Tant, Jaimee Lawson

Motion: That the apologies be accepted.

Moved: Henry Van Laeren Seconded: Mary Sparkes **Accepted**

3. MINUTES FROM THE PREVIOUS MEETING

Motion: That the minutes of the previous meeting held on 6 September 2011 be accepted.

Moved: Henry Van Laeren Seconded: Mary Sparkes **Minutes Accepted**

4. Correspondence

- NSW Office of Communities, grant funding application for Youth Week 2011

5. INDUCTION

- Mary provided information to the new Youth Councillors regarding meeting process. Youth Councillors generally meet in weeks 3 & 8 of each term, alternating between Mudgee and Gulgong. Mary outlined how each meeting ran and the role of Youth Council, including representing youth, helping out with events and attending community activities. Mary also explained the terms of reference and encouraged everyone to read the code of conduct, specifically referring to the policy on speaking to the media.

6. BUSINESS ARISING FROM THE MINUTES

6.1 Gulgong Skate Park Working Party Update

- The Dept of Sport & Recreation grant has still not been announced, although an email has been received saying they are unable to give a timeline for announcements (the grants were due to be awarded in August 2011). Cathy is also applying for a Community Building Partnership grant for the Gulgong Skate Park which won't be announced until after March 2013. The working party has raised about \$7000 to add to the \$35 000 committed by Council.

6.2 Gulgong Drop In Centre

- There has been no further progress on this. It was suggested the idea continue to be canvassed by Youth Councillors and focus shifted to this once the skate park project is completed.

6.3 Community Safety Committee

- No further meetings have been held, however the new Youth Case Manager has started at the PCYC and this appointment was to coincide with the scheduling of the next meeting.

6.4 Youth Council Alumni

- Mary will create a page on facebook.

6.5 September/October school holiday report

- The holidays were very successful with some great attendance, particularly at the Charbon Games Day, the Rylstone/Kandos Family Fun Day, Newton's Nation and the Cupcake Decorating classes. Cathy and Virginia thanked Henry for his invaluable assistance at the Family Fun Day.

7. GENERAL BUSINESS

7.1 Election of office bearers

John Weatherley was invited to be Returning Officer for the elections.

Nominations were called for the position of Youth Council Mayor.

Henry Van Laeren was nominated by Mary Sparkes, sec Madalyn Date – nomination accepted

Henry Van Laeren was declared Youth Mayor.

Nominations were called for the position of Deputy Youth Mayor.

Jessica Foote was nominated by Mary Sparkes, sec Henry Van Laeren – nomination accepted

Jessica Foote was declared Deputy Youth Mayor.

As Youth Mayor, Henry Van Laeren assumed the role of Chair for the remainder of the meeting.

7.2 Youth Week

- MWRC has been provided \$1230 in funding for Youth Week from NSW Office of Communities which is to be matched by Council.
- All events for Youth Week need to be on the NSW Youth Week website by 27 January 2012, so we will need to discuss this at the next Youth Council meeting. Everyone was asked to consult with their peers and think about the types of events they would like to see in 2012.

7.3 Indent grant

- Applications for Indent grants are open until 11 November 2011. These grants provide funding for music events that must be designed and coordinated by a committee of young people.
- Youth Councillors supported applying for a grant – Cathy will email the information and call for nominations for positions on the organising committee.

7.4 Digital Cinema Workshop in Glen Innes

- Cathy attended a workshop in Glen Innes regarding their conversion to digital cinema. They have a community run cinema that runs films every weekend.
- It was estimated to cost about \$150 000 for them to convert their system to digital, and probably another \$150 000 to establish the cinema (sound, screen, seating etc)
- There was discussion on the feasibility of a cinema, and the difficulty of making any money from it. The theatre would have to be run on a volunteer basis to make it viable due to the running costs (large percentages of the ticket sales have to be given to the distributors).
- A venue would have to be identified – suggestions included the Town Hall and the old Club Mudgee auditorium.
- The Youth Councillors felt this was an important issue for them to support and could be their main focus for the year.

Motion: That the Youth Council write a letter to Council supporting the investigation of a community run cinema.

Moved: Mary Sparkes

Seconded: Henry Van Laeren

Motion carried

Next Youth Council Meeting: Tuesday 29 November, 4.30pm, Gulgong High School Library

Meeting closed at 5.10pm

6.2.11 HOME AND COMMUNITY CARE SERVICES – QUARTERLY REPORT JULY –
SEPTEMBER 2011

REPORT BY CUSTOMER SERVICE MANAGER
HOME AND COMMUNITY CARE SERVICES – QUARTERLY REPORT
A0100052, A0060205, A0060202, A0060204, A0060048, A0060203, A0060069

RECOMMENDATION

That:

- 1. the report by the Customer Service Manager on the Home and Community Care Services Quarterly report be received; and**
- 2. Council note the activity reports from the Home and Community Care funded services.**

EXECUTIVE SUMMARY

This report seeks to inform Council of the activities undertaken by the Home and Community Care funded services that are auspiced by Council. These services are Host Family Respite Care, Home Modification and Maintenance; Mudgee Meals on Wheels and Mudgee Community Transport. The report covers the period July to September 2011.

DETAILED REPORT

Mid-Western Regional Council auspices four services that are known as Home and Community Care (HACC) Services. These services are funded under the HACC Program which is jointly funded by State and Federal Government and administered by the NSW Department of Human Services (ageing, Disability and Home Care).

Community Transport Services are the exception to this as they are administered by the Department of Transport & Infrastructure and while the majority of funding comes through the HACC Program, there is also additional funding provided by the Department of Veterans Affairs, NSW Health through the Western Area Local Health Network and through the Department of Transport & Infrastructure directly.

This report provided Council with an overview of the activities of these services over the three month period from July to September 2011. As can be seen by the report, there are a great number of people in the community who access these services on a regular basis and a great deal of good work is done by the Service Coordinators, staff and volunteers of these services. The importance of the services working in with other service providers throughout the region is also highlighted and represents a commitment to the clients and their needs.

FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC OR POLICY IMPLICATIONS

Not applicable

KATE RIACH
CUSTOMER SERVICE MANAGER

CATHERINE VAN LAEREN
GROUP MANAGER, DEVELOPMENT AND
COMMUNITY SERVICES

4 November 2011

Attachments: Reports from HACC Coordinators

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

**MUDGEES COMMUNITY TRANSPORT - QUARTERLY UPDATE
JULY TO SEPTEMBER 2011**

ATTACHMENT 1

Conversion of new Multivan

The Multivan was taken down to Sydney on 2 August 2011 for Freedom Motors to garage it and begin stripping it prior to conversion. There were some minor amendments to the original conversion layout and conversion is currently taking place.

Freedom Motors have been unable to provide an indication of expected completion date but suggest it may be sometime in December.

Transport figures Q3/2011

- 682 trips classed as Health Related Transport trips.
- 1,247 trips classed as Home and Community Care trips.
- 687 trips classed as Community Transport Program trips.
- 116 trips classed as Department of Veterans Affairs trips.

Total: 2,732 trips

MDS reporting and quarterly reporting

MDS reporting to funding providers was completed on 20 October 2011 for the second quarter of 2011 and a report was also submitted to GWAHS providing feedback on Community Transport's key performance indicators for that same period.

Client surveys

Client surveys were sent out to all clients who had travelled with Community Transport during the 2010/2011 year on more than two (return trip) occasions on 26 July 2011. Results are currently being collated.

Mudgee Transport Working Group

The Mudgee Transport Working Group held a meeting 9 August 2011. Matters raised include:

- Reintroduction of the youth taxi voucher scheme.
- Seeking funding for isolated patients being discharged from hospital.

Wellness Centre Bus

Mudgee Radio Cabs took over from Ogden's doing the twice weekly Wellness Centre run on behalf of Mudgee Community Transport on 24 August 2011. All appears to be running smoothly and there have been no further complaints or issues. The new arrangements have also further freed up our local vehicles on Wednesdays and Fridays and, as a result, Mudgee Community Transport is able to transport even more passengers.

Volunteer drivers

There has been a surge in interest in volunteering for Mudgee Community Transport. During the past quarter, two new drivers have commenced. A further five individuals have expressed interest in driving but have failed to complete and return paperwork or have indicated that they will not be able to volunteer their services 'for some time yet'. One volunteer driver police check is currently underway.

One long term volunteer driver recently resigned and there have been a number that have either cut back their hours volunteering or have been unavailable for extended periods of time.

Trips to Sydney are remain limited on a weekly basis as there is only a handful of volunteers willing to drive that distance and availability can be sporadic.

Fiona Turner – Community Transport Coordinator

**HOST FAMILY RESPITE - QUARTERLY UPDATE
JULY TO SEPTEMBER 2011****Respite Care Provided**

During the July/September 2011 quarter 787 hours of respite care was given to 22 clients. Most of the care delivered was on a regular, planned basis of a few hours per week or a weekend a month.

Clients included people from Rylstone, Kandos, Gulgong, Mudgee, Hargraves, Ben Buckley and Yarrowonga. Nine clients who received care have Autism and one has Schizophrenia. Others have intellectual impairment, global delay and various other syndromes and disorders.

Feedback has been good with one new client commenting that she could not believe that the care would be so good and that she now is able to look forward to time to herself on a regular basis.

Sixteen volunteer families provided the care. There was a death in one of those families when the husband (who had been sick) died quite suddenly. The wife is going to continue giving respite care to the child she is linked with - again indicating the commitment and generosity of spirit of the amazing team of volunteers who provide the service.

Volunteers provided care in their own homes but also took clients on outings including a concert, the Moscow Circus, shopping, bush walking, to play on park playground equipment, to watch a game of polo and dinners at restaurants, depending on the age, interests and levels of ability of the client. These outings are encouraged so that clients are participating in the community and enjoying different experiences.

General

Policies and procedures are currently being reviewed and up-dated to reflect the Community Care Common Standards.

Judy Blackman – Host Family Respite Coordinator

**HOME MODIFICATIONS AND MAINTENANCE SERVICE - QUARTERLY UPDATE
JULY TO SEPTEMBER 2011**

This quarter was quite busy providing 16 hours of maintenance to 3 clients and over \$16,000 of modifications for 16 clients. Work was carried out in Binnaway, Baradine, Mendooran, Gulgong, Kandos and Mudgee.

Modifications

Modifications were carried out for 4 clients from Kandos. This work involved supplying and installing 2 grabrails in the shower; installing a hand held shower; installing a wraparound rail in the shower recess; installing 2 grabrails over the toilet and a bathroom modification by removing a fiberglass shower capsule and constructing a shower recess with a small hob.

In Mendooran, grabrails in the shower recess were installed for a client.

In Baradine, grabrails were installed for a client. In Binnaway, a Ramp was installed for a client. In Gulgong, we installed 2 rails in two bathrooms and a rail over a toilet for another client.

In Mudgee jobs were completed for 8 clients. This work involved supplying and installing a handrail up the front steps; supply and fitting 4 grabrails and 1 handrail; installed rail to laundry steps; supply and fitted 2 handrails in a bathroom and 2 over the toilet and supplying and fitting a hand held shower; supply and fitting a hand held shower and supplying a grabrail in the shower, removing the shower door, raising the platform in the shower base and supply a ramp for another client.

Maintenance

Maintenance was provided to three clients this quarter. Work included repairing a damaged wall in a bedroom for a client in a wheelchair, clearing and weeding a garden for a client in Kanandah Self Care Units and retiling a client's laundry floor in Mudgee.

John McCrea – Home Modifications and Maintenance Service Coordinator

**MEALS ON WHEELS - QUARTERLY UPDATE
JULY TO SEPTEMBER 2011**

April / June 2011

Hot meals	1315
Frozen meals	233
Total	1548 meals

July / September 2011

Hot meals delivered	1182
Frozen meals delivered	217
Total	1399 meals

Client numbers have fluctuated from day to day. Mondays, Wednesdays and Fridays there are usually around 20 meals being delivered. Tuesdays and Thursdays are days when there have at times been only 14 meals delivered.

A number of clients have been referred to the service by Baptist Community Care and N/W Area Community Options and therefore are only receiving meals for between 3 to 6 weeks, usually after being discharged from hospital.

The service is again operating 3 deliveries per day. While the number of clients has not increased, the distance of travel was too great, particularly when the first two runs were combined. The volunteers were travelling from one side of town to the other to deliver both runs. Having 3 delivery runs also allows for those volunteers who are on a tight time frame to deliver in a shorter time.

Frozen meals are being delivered to a gentleman about 10 kilometers out of town on an as needs basis. This client is housebound and does not have anyone else to collect his meals.

The number of clients receiving frozen meals has increased. Three are from the rural area and the others are clients who want to chose when they eat their main meal, not necessarily in the middle of the day.

National Meals on Wheels Day was celebrated on 31st August. A group of volunteers and an individual volunteer were presented with an inaugural award for their services. Money in lieu of flowers at the funeral of a very long term volunteer, Alma Price, was used to purchase a perpetual shield in her name and 2 trophies.

Margaret O'Keefe – Meals on Wheels Coordinator

6.2.12 KANDOS BICENTENNIAL MUSEUM COMMITTEE

REPORT BY MANAGER COMMUNITY DEVELOPMENT
KANDOS BICENTENNIAL MUSEUM COMMITTEE MEETING - OCTOBER 2011
A0100052, A0060123

RECOMMENDATION

That:

1. **the report by the Manager, Community Development on the Kandos Bicentennial Museum Committee Meeting be received; and**
2. **Council note the minutes of the Kandos Bicentennial Museum Committee meeting held on 13 October 2011.**

EXECUTIVE SUMMARY

The Committee meets to highlight and promote the operation of Kandos Bicentennial Museum. The next Committee meeting is to be held on 8 December 2011. This meeting will be preceded by the annual General Meeting.

DETAILED REPORT

The Committee discussed a wish list from Kandos Cement Works and a number of items have been pledged for donations.

A book launch and volunteers afternoon tea has been scheduled for Sunday 3rd December at 2pm. The volunteer's mailing list is currently being compiled and invitations will be sent accordingly.

Mid-Western Regional Council approved members of the Kandos Centenary Working Party and the members were advised of this. There is an opportunity for other members of the community to be on the Working Party.

The upgrade of the Museum works were discussed with expected date for completion planned for February 2012.

A number of other issues were discussed and these are included in the minutes.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

SIMON JONES
MANAGER COMMUNITY DEVELOPMENT

CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT
AND COMMUNITY SERVICES

4 November 2011

Attachments:

Minutes of the Kandos Bicentennial Industrial Museum Meeting held on 13 October 2011

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

**MINUTES OF MEETING OF THE
KANDOS BICENTENNIAL INDUSTRIAL MUSEUM
HELD ON THURSDAY 13 OCTOBER 2011**

PRESENT: Pam O'Connor, Sue Gould, Noel Costello (Chair), Ivy Tomlinson, Bruce Fleming, Colin Jones, Bob Tomlinson, Marie Ford, Peg Butler, Leanne Wicks, Virginia Handmer, Simon Jones.

1. **WELCOME:** –Noel Costello opened the meeting at 2.05pm and welcomed everyone.

2. **APOLOGIES:** Cr Esme Martens, Lesley Pennell
Moved: Noel Costello Seconded: Ivy Tomlinson **Apologies Accepted**

3. **ADOPTION OF PREVIOUS MINUTES OF 18th august 2011**

Moved: Noel Costello Seconded: Ivy Tomlinson **Minutes Accepted**

With the following amendment – that Colin Jones, Bruce Fleming and Peg Butler be added as Present at the meeting.

4. **MATTERS ARISING FROM THE MINUTES**

Simon Jones spoke to the following items

4.1 Simon Jones tabled the plan for the new front entrance

4.2 Upgrade works continue with the electrical work completed and the gyprocker coming back to finish internal work within the next week.

4.3 Donations from the Kandos Cement Works; Cr Esme Martens, Simon Jones, Colin Jones and Pam O'Connor went to the meeting with a wish list. This was received politely but they didn't give an indication of what items they would agree to hand over the KBM.

However subsequent to the meeting they have said they will give the following items;
Cement Works front entrance display photos and some uniforms (both these items already given to Colin Jones),
the board table and chairs,
the electronic whiteboard,
a video player,
flat screen TV
a computer
No mention of the possible donation of the works Ambulance, other equipment, sheds or minerals

4.4 Kandos Cement Display

Colin Jones contacted Kandos Cement to propose the development of a static display about the company's contribution to local industry and community. Entitled 'Gone but not Forgotten' it will 'provide residents and visitors with a positive overview of Cement Australia's contemporary role in the commercial and social fabric of Kandos'. Photos of achievements and activities relevant to the company are also planned for the display.

4.5 Book launch and Volunteers afternoon tea Sunday 3rd December at 2pm.

Pat Studdy-Cliff's son in law will be attending the launch and someone from the NSW State Library will be officiating. A mailing list for invitations for the Pat Studdy-Cliff book launch will be provided by Colin Jones. The Mayor, local MPs will also be included on the invitation list. Noel and Peg will provide a volunteers mailing list so she can send them invitations to the Volunteers Afternoon Tea.

4.6 Amendment to KBM Collection Policy adopted by Council;

KBM policy of no photography on the premises and no large bags or back packs to be taken into the museum (excepting handbags which need to be offered for inspection when leaving) has been formally accepted by MWRC.

4.7 Kandos Centenary working party

MWRC approved the following people as members of the Kandos Centenary working party; Cr Esme Martens (Council Rep as well as Museum Rep), Pam O'Connor, Leanne Wicks, Maree Ford, Peg Butler, Bruce Fleming. The committee suggested that the Kandos CWA might like to have a Rep (possibly Ivy Tomlinson). They would need to write to Council regarding this. The working party should meet early next year.

4.8 Powerhouse Collections policy workshop 17th September

This workshop was considered very successful with great attendance from other museum committees and members of the community.

5 Correspondence

Correspondence IN;

5.1 Museum Australia Membership renewal

5.2 Mudgee Historical Society newsletter

5.3 Australian Business Directory pages renewal, reminder and final notice (KBM do not subscribe to this anyway)

5.4 Rylstone District Historical Society renewal of membership notice and a returned cheque (they have a new policy that only individuals (not organisations) can join the Society).

5.5 Copy of Leanne Wicks Museum Studies Certificate II

5.6 Leanne tabled information on Powerhouse internships for 2012

5.7 Message from Pat Studdy-Cliff (via Cr Martens) wanting the KBM to have selling rights of her book. See General Business

5.8 Inmagic; Museums data base newsletter

Correspondence OUT;

Nil

6 Treasurers Report;

Bob Tomlinson tabled and spoke to his report noting good book sales. There was discussion about the Simpkins Bequest and how much interest it has attracted. He asked whether the interest in the Treasurers Report relates to the bequest. He also asked Simon Jones to check what the current arrangements with Jims Mowing service was.

Moved: Bob Tomlinson

Seconded: Pam O'Connor

Motion Carried

7 Accession Report

Pam O'Connor spoke to her report which will be attached to these minutes. She asked the KBM committee to fund some upgrades to her data collection system.

Moved: Pam O'Connor

Seconded: Maree Ford

Motion Carried

8. GENERAL BUSINESS

8.1 Selling rights to Pat Studdy-Clift's new book; discussion regarding this. The committee said that purchasing a number of books at a time works well and is easier to keep track of. They resolved to sell Pat's new book in the same way.

8.2 Pam O'Connor raised the concern about children jumping off machinery in the Museum yard.

8.3 11/12/2011 Antique Car Club is bringing 22-25 members to Kandos where they will have lunch at the railway Hotel and then bring their cars to the Museum. Noel will tell KRR

8.4 Nola Lees Banks- history of Kandos called ½ Dozen Please is in the Museum reference section.

8.5 Use of new audio/exhibition space at KBM

Colin spoke about the space to be available for use or hire for travelling exhibitions, events such as ANZAC Day or other community events. We need to let the community know this.

8.6 Fee and Charges Policy for the new exhibition area

Simon Jones told the committee that KBM needs to decide on what fees they want to charge for the hire of the space and submit it to MWRC for approval. To be added to next Agenda for next meeting.

8.7 Tourism information Guide amendment;

Bruce Fleming noted that some information in the MWRC tourism guide is incorrect. Simon Jones suggested that Bruce email him the amendments and he will forward those to Lucy White.

8.8 Upgrade expenses breakdown

Bob Tomlinson asked for a breakdown of expenses from Colin Jones. Colin said that the upgrade was under budget but that the new entrance porch costs will be more than expected (but save in the long run as the design can be incorporated into planned future extensions). Colin also said he expects the upgrade to be completed on time by Jan/Feb 2012. Discussion about the strategic plan re action plan and grant budget. Simon Jones to send updated expenses information to the committee.

9 Other Business

9.1 Peg Butler tabled a found note and told the committee that a war medallion that was found near the cemetery has been returned to members of the medallion recipient's family who still live in the area.

9.2 Marie Ford mentioned that trees in Jacques Street obscure the view of the Museum from Angus Ave and therefore less people see the museum and come to have a look. Discussion about tree limbs and the dead or dangerous branches on trees in the museum yard needing to be removed. V Handmer to put a works request in for these to be added to the list of trees to be attended to.

9.3 Invoice presented for payment to Simon for 6 copies of 'Tykes on the Hill' books.

9.4 Request for cleaning equipment (petty cash) and a new external hard drive and CD case for use of the Accession Team.

Moved: Ivy Tomlinson

Seconded: Bruce Fleming

Motion Carried

9.5 Cash register; Bob Tomlinson asked if KBM has a working cash register. Colin said he has purchased one second hand that needs a service. He will arrange it to be serviced when he goes to Dubbo next.

9.6 KBM AGM next meeting (Thursday 8th December), notice needs to be put in the Community News; action V. Handmer

10 ACTION LIST

Item	Responsibility
Invitations to Pat Studdy-Clifts new book launch and the Volunteers Afternoon Tea book to be sent out to the relevant mailing lists	Noel Costello, Peg Butler, Virginia Handmer
Updated Volunteer mailing list to be provided to VH	Noel Costello & Peg Butler
Colin Jones to provide Mailing list for book launch	Colin Jones
Check on what the interest showing on the KBM budget is from.	Simon Jones
Invoices to be submitted by Pam O'Connor	Pam O'Connor, Simon Jones
Antique car club visiting Kandos; KRR to be informed of the timeframe	Noel Costello
Bruce Fleming to forward suggested amendments to the Tourism guide to Simon Jones	Bruce Fleming
Fees and charges for exhibition space on the agenda next meeting	Virginia Handmer
Updated upgrade expenses breakdown to be available to committee	Simon Jones
Trees on Jacques Street and in the Museum yard to be assessed – works request	Virginia Handmer
CD case and external Hard drive to be purchased, original invoiced needed for reimbursement from Simon Jones	Pam O'Connor
Cash register needs service (in Dubbo)	Colin Jones
Mailing list for book launch	Colin Jones
Notice of KBM AGM 2 pm Thursday 8 th Of December put in Community News	Virginia Handmer, Simon Jones

There being no further business the meeting closed at 3.30pm.

Next meeting: Thursday 8th December, 2011 at 2pm at the Kandos Museum following the AGM.

6.2.13 TRANSFER OF CLOSED ROAD

REPORT BY MANAGER REVENUE AND PROPERTY
TRANSFER OF CLOSED ROAD PARCELS
A0100052, R0790175

RECOMMENDATION

That:

1. the report by the Manager Revenue and Property on the transfer of residual lots created from a plan of road closing and opening be received;
2. Council authorise the transfer of Lot 10 DP 822434, Lot 11 DP 822434, Lot 12 DP 822434, Lot 13 DP 822434, and Lot 14 DP 822434 to the ownership of the adjoining property owner;
3. the land being Lot 10 DP 822434, Lot 11 DP 822434, Lot 12 DP 822434, Lot 13 DP 822434, and Lot 14 DP 822434 be classified as 'Operational'; and
4. the Common Seal of Council be affixed to all necessary documentation to facilitate the transfer.

EXECUTIVE SUMMARY

Residual land lots created from a plan of road closure and opening at Green Gully Road Green Gully are now required to be transferred to the ownership of the adjoining property owner.

DETAILED REPORT

The former Mudgee Shire Council carried out a road realignment of Green Gully Road Green Gully in 1991. In negotiation with the affected property owner, the matter entailed Council formalising a road opening over adjoining private land in conjunction with the closure of sections of unformed Council road reserve.

Five residual lots have been created as a result of closing the unformed sections of Green Gully Road. Each section now has the title identifier of Lot 10 DP 822434, Lot 11 DP 822434, Lot 12 DP 822434, Lot 13 DP 822434, and Lot 14 DP 822434.

Certificates of Title were recently issued to Council for each lot and Council is now required to transfer the ownership of this land to the adjoining land owner in lieu of Council opening a formal road reserve over their property.

The documents to transfer each title to the adjoining land owner now require execution under Council Seal.

FINANCIAL IMPLICATIONS

Solicitor Costs (estimated \$500). There is no charge for the land as it was part of a land exchange deal in 1991 when the land exchange was not completed.

STRATEGIC OR POLICY IMPLICATIONS

Not Applicable.

DIANE SAWYERS
MANAGER REVENUE AND PROPERTY

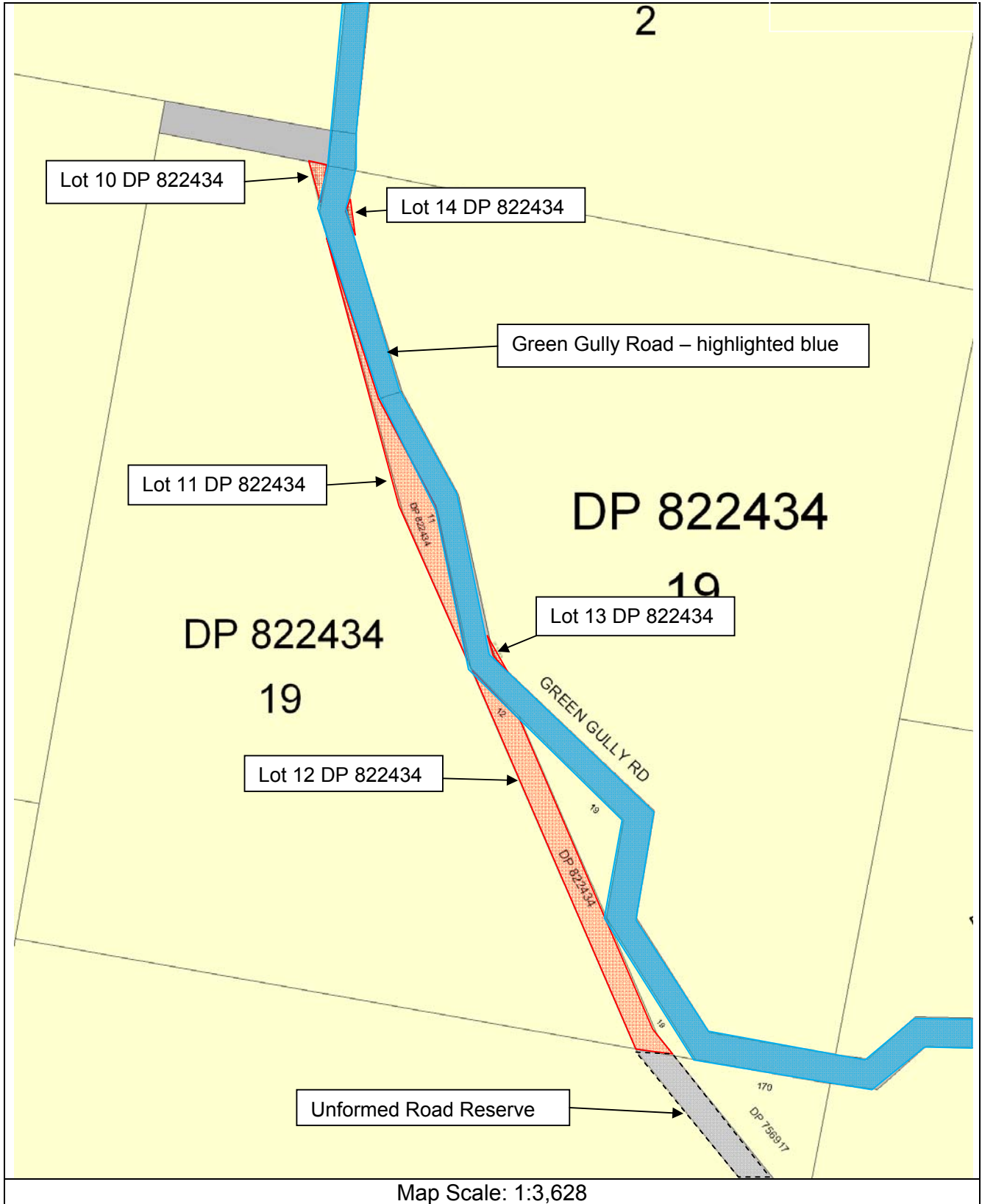
LEONIE JOHNSON
ACTING GROUP MANAGER FINANCE

4 November 2011

Attachments: Map of Road Closure and Road Opening

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER



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

REPORT BY ACTING GROUP MANAGER FINANCE & ADMINISTRATION
BANKREP
A0100052, A0140304

RECOMMENDATION

That the Investment Report as at 31 October 2011 by the Acting Group Manager Finance 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.

On 1st November the Reserve Bank of Australia (RBA) lowered the cash rate by 25 basis points to 4.50%, quoting that "Recent information is consistent with a moderation in the pace of global growth". This will see the Commonwealth Bank Online Saver (cash account) drop to 4.50% and will also see a reduction in term deposit rates on offer over the next month.

FINANCIAL IMPLICATIONS

N/A.

STRATEGIC OR POLICY IMPLICATIONS

N/A.



LEONIE JOHNSON
ACTING GROUP MANAGER FINANCE

4 November 2011

Attachments:

- 1 Monthly statement of Bank Balances and Investments

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

For the month ended: 31-Oct-11

ATTACHMENT 1

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
Commonwealth Bank	\$ 192,869	\$ 5,315,203	\$ 4,956,016	\$ 552,056	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 31/10/2011

Investments	Type	Amount	Yield %	Maturity Date	Term	Rating	Govt Rating	NAV	% of Portfolio
Commonwealth Bank	At Call	\$ 575,000	4.75%	N/A	At Call	A-1+	1		1.9%
National Australia Bank	Term Deposit	\$ 1,200,000	6.21%	18/01/2012	183	A-1+	2		4.0%
National Australia Bank	Term Deposit	\$ 1,900,000	5.75%	25/01/2012	90	A-1+	3		6.3%
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		8.6%
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		5.0%
St George Bank	Term Deposit	\$ 1,000,000	5.90%	29/02/2012	167	A-1+	3		3.3%
St George Bank	Term Deposit	\$ 500,000	6.00%	22/02/2012	168	A-1+	3		1.7%
St George Bank	Term Deposit	\$ 1,500,000	5.81%	4/01/2012	97	A-1+	3		5.0%
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	5.80%	22/02/2012	140	A-1+	1		3.3%
Bankwest	Term Deposit	\$ 1,500,000	5.80%	11/01/2012	105	A-1+	3		5.0%
Bankwest	Term Deposit	\$ 1,500,000	5.80%	7/12/2011	97	A-1+	3		5.0%
ING Australia Bank	Term Deposit	\$ 1,000,000	5.66%	16/11/2011	76	A-1	1		3.3%
Citibank	Term Deposit	\$ 1,000,000	5.57%	23/11/2011	83	A-1	1		3.3%
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	5.70%	14/12/2011	84	A-2	1		3.3%
Newcastle Permanent	Term Deposit	\$ 1,000,000	5.89%	7/12/2011	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	5.90%	25/01/2012	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	5.60%	21/12/2011	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	-		1.7%
Longreach Series 26	Property Linked Note	\$ 1,000,000		7/06/2014	7 yrs	A+	-	\$897,300*	3.3%
Total Investments		\$30,275,000							100.0%

* At time report written November NAV unavailable, October NAV provided.

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	\$ 925,000	\$ 350,000	\$ 575,000	0.00%	At Call
Bankwest	\$ 1,000,000		\$ 1,000,000	-0.05%	84
Bankwest	\$ 1,000,000	\$ 1,000,000		Redeemed	
Members Equity Bank	\$ 1,000,000		\$ 1,000,000	-0.10%	7
National Bank	\$ 1,900,000		\$ 1,900,000	0.05%	20
	<u>\$ 5,825,000</u>		<u>\$ 4,475,000</u>		

Net Portfolio Movement \$1,350,000 Reduction

MWRC Policy Requirements:

Investments by Institution	Long/Short Term Ratings	Amount	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA/A-1+	\$ 4,100,000	13.5%	25.0%
Bankwest	AA/A-1+	\$ 4,000,000	13.2%	25.0%
St George Bank	AA/A-1+	\$ 5,500,000	18.2%	25.0%
Commonwealth Bank	AA/A-1+	\$ 575,000	1.9%	25.0%
Westpac Bank	AA/A-1+	\$ 3,600,000	11.9%	25.0%
ANZ	AA/A-1	\$ 500,000	1.7%	25.0%
Citibank	A+/A-1	\$ 1,000,000	3.3%	15.0%
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%
ING Australia Bank	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>\$ 30,275,000</u>	<u>100.0%</u>	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AAA/A-1+	\$ 17,775,000	58.7%	100.0%
	AA/A-1	\$ 500,000	1.7%	100.0%
	A/A-1	\$ 6,000,000	19.8%	60.0%
	BBB/A-2	\$ 5,000,000	16.5%	20.0%
	Unrated	\$ 1,000,000	3.3%	20.0%
		<u>\$ 30,275,000</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	\$ 27,775,000	91.7%	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	5.0%	0.0%	25.0%
	<u>\$ 30,275,000</u>	<u>100.0%</u>		

6.2.15 FINANCIAL ASSISTANCE – TIER 2 APPLICATIONS

REPORT BY FINANCIAL ACCOUNTANT Financial Assistance – Tier 2 A0100052, A0140201

RECOMMENDATION

That:

1. the report by the Financial Accountant on financial assistance applications be received; and
2. 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:

Kandos High School	\$100
Rotary Club of Dubbo Macquarie Inc - Western Plains Science and Engineering Challenge	\$500
Gulgong Amateur Swimming Club	\$700
Gulgong Pistol Club Incorporated	\$715.97

EXECUTIVE SUMMARY

This report considers requests 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 of up to \$1,000.

Kandos High School

Kandos High School requests a donation towards academic and sporting prizes to support the annual Presentation Day held on 12 December. Kandos High School did not request a donation amount; as a result I have recommend \$100 assistance based on previous donations to Mudgee and Gulgong High School presentations.

Rotary Club of Dubbo Macquarie Inc – Western Plains Science and Engineering Challenge 2012

Rotary Club of Dubbo Macquarie Inc is seeking \$500 sponsorship to assist with costs towards the Western Plains Science and Engineering Challenge running from 28 – 30 March 2012. The challenge involves 30 primary and high schools from the region with Mudgee schools winning the two high school challenges last year.

Gulgong Amateur Swimming Club Inc

The Gulgong Amateur Swimming Club will be holding their annual carnival on 4 March 2012 at the Gulgong Swimming Pool. They have requested that Council waive the hire fee for the pool of \$700.

Gulgong Pistol Club Incorporated

The Gulgong Pistol Club is requesting a reimbursement of \$715.97 rates paid for 2011/2012. Gulgong Pistol Club is run by volunteers and hosts the NSW State Title events almost every year.

FINANCIAL IMPLICATIONS

Funding of \$22,000 is provided in the Management Plan for Tier 2 Applications (Small Grants) and \$8,996.97 has been allocated to date leaving a balance of \$13,003.03. Should Council approve the donations in accordance with the recommendation, a balance of \$10,987.06 will remain.

The Councillor's Discretionary vote for 2011/12 is \$2,000 per Councillor. The balances are detailed below:

Cr Thompson	\$1,800.00
Cr Shelley	\$300.00
Cr Walker	\$1,620.51
Cr Webb	\$1,700.00
Cr Holden	\$2,000.00
Cr Martens	\$1,900.00
Cr Lang	\$1,250.00
Cr Kennedy	\$1,400.00
Cr Weatherley	\$2,000.00

STRATEGIC OR POLICY IMPLICATIONS

Council's Financial Assistance Policy applies.

NEIL BUNGATE
FINANCIAL ACCOUNTANT

LEONIE JOHNSON
ACTING GROUP MANAGER
FINANCE AND ADMINISTRATION

4 November 2011

Attachments:

1. Kandos High School
2. Rotary Club of Dubbo Macquarie Inc
3. Gulgong Amateur Swimming Club Inc
4. Gulgong Pistol Club Incorporated

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

**KANDOS HIGH SCHOOL**

ABN 15 260 183 583

Principal: Colin Winter B.A. Dip.Ed.
Deputy Principal: Chris Bowen
Fleming Street, Kandos, N.S.W. 2848Phone: 02 6379 4103
Fax: 02 6379 4818
Email: kandos-h.school@det.nsw.edu.au

11 October 2011

Mid-Western Regional Council
PO Box 156
MUDGEE NSW 2850

Dear Sir/Madam

ANNUAL PRESENTATION DAY

Kandos High School's annual Presentation Day will be held on Monday 12 December at the Kandos High School Multipurpose Centre commencing at 1.00 pm.

We would be most grateful if you could support us in the form of a cash donation towards academic and sporting prizes. Your donation will be acknowledged on the program and prize certificate.

Please find enclosed an invitation for Presentation Day. It would be appreciated if you could fill in the RSVP and return it to Kandos High School by Monday 5 December 2011.

Yours sincerely

Colin Winter
Principal*Mette to advise
rep.*

Rotary Club of Dubbo Macquarie Inc.

Postal Address:
PO Box 1953
DUBBO NSW 2830

Rotary International District 9670

The General Manager
Mid Western Regional Council
Mudgee NSW 2850



20 October 2011

Dear Sir

Western Plains Science and Engineering Challenge 2012

A Project of the combined Rotary Clubs of Dubbo and Narromine and Dubbo Rotaract in conjunction with The University of Newcastle

This coming year will be the 11th year, members of Rotary and Rotaract have conducted the Challenge and following the success of previous years, we expect another full attendance at the three days activities to be held at the Dubbo Racecourse from Wednesday 28th March to Friday 30 March 2012. Last year, we had 30 primary and high schools and 638 students from throughout the region compete in several activities with the winners progressing to a Super Challenge in Newcastle. Discovery Day is held on Wednesday for the Primary School students and the next two days is devoted to schools with (principally) year 10 students attending.

Staff and volunteers from University of Newcastle have designed and built various science and engineering challenges for the students to engage in and often career paths are set from this challenge.

For a project like this to happen and give our young people an opportunity to engage in a practical program where they may have a firm interest, several costs have to be incurred. Hiring of tables and chairs, transport of equipment from/to Newcastle, awards to the schools with the best engineering and scientific groups etc, etc are expensive outlays. All Rotary clubs in Dubbo and Narromine as well as Dubbo Rotaract contribute financially to the Challenge but there is always a short fall.

Therefore, we are seeking from local businesses sponsorship of \$500 to defray some of our costs. In return, we offer you two tickets to our formal dinner on Wednesday night, 28 March 2012, displaying of your corporate banner throughout the challenge, promotion of your business through print media/ give aways at the challenge and the opportunity to present the winning school with some awards. You will be given the opportunity to promote your business and maybe describe the career opportunities your company can offer these students. Your business will be promoted throughout the challenge and hopefully with the presence of press and television, your banner could attract extra publicity.

Anticipating a positive response, I have attached an invoice to expedite the paper work.

Many thanks for reading this letter and considering the request.

Sincere regards,

A handwritten signature in black ink that reads "P. McInnes".

Peter McInnes
Chair, Western Plains Co-ordinating Committee

P.S. Mudgee schools won the two high school challenges last year and St Matthews team ran third in the Super Challenge held in Newcastle last month. A grand effort by Mudgee schools.

Gulgong Amateur Swimming Club Inc
PO Box 308
GULGONG, NSW, 2852



25th October 2011

Dear Sir/Madam,

Our club will be hosting our annual swimming carnival on the 4th March 2011.
We are a small club with around thirty members and a very small committee who struggle to keep the club running.

We ask that you support our club which in turn supports our community by waiving the fee usually charged for exclusive use of the Gulgong pool on the carnival date.

Committee and members wish to thank you in anticipation for your consideration on this matter and favourable outcome.

Yours sincerely

K. Schemioneck (Secretary)

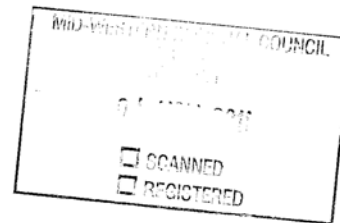
On behalf of Gulgong Swimming Club Committee and Members

GULGONG PISTOL CLUB INCORPORATED

C/- WESTPAC BUILDING
CNR MAYNE & HERBERT STS
GULGONG 2852
PH: 0263741004
FAX: 0263741716
EMAIL: ionespb@bluemaxx.com.au

1st November 2011

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



Dear Sir/Madam

RE: RATES REIMBURSEMENT

Gulgong Pistol Club would like to request the reimbursement of rates paid for the financial year 2011-2012. I have attached copies of the rates notice and payment receipt. These rates were paid upfront by the 27th July 2011.

This reimbursement would prove to be a huge benefit to our small non profit sporting organisation which is run entirely by volunteers.

Gulgong Pistol Club hosts NSW State Title events almost every year, bringing into our region a large amount of competitors, families, officials and NSW Sports representatives. These people return each year to our region and enjoy the many tourist facilities and attractions that the Mudgee Gulgong region has to offer. This brings into our region quite a substantial amount of tourist dollars.

Gulgong Pistol Club fully acknowledges the past contributions that Council has made and wishes to thank Council. Without this sort of help from our local Council it would be a great deal harder to improve our

facilities. to ultimately attract new members and promote our sport in this Region.

We ask that you consider our request for Rates Reimbursement, and we look forward to a favourable reply.

Yours faithfully

Marnie Jones
Secretary/Treasurer
Gulgong Pistol Club Incorporated

6.2.16 2012 LOCAL GOVERNMENT ELECTIONS

REPORT BY GENERAL MANAGER
2012 COUNCIL ELECTIONS
A0100052, A0121200

RECOMMENDATION

That:

- 1. the report by General Manager on the conduct of the 2012 Mid-Western Regional Council general elections be received; and**
- 2. Council request theto conduct the 2012 General Election on behalf of Mid-Western Regional Council.**

EXECUTIVE SUMMARY

To consider the conduct of the Council elections scheduled for September 2012.

DETAILED REPORT

At its meeting on 20 July 2011 Council considered a report in relation to the conduct of the 2012 General Elections and resolved as follows:

“That:

- 1. the report by Manager Governance on the conduct of the 2012 Mid-Western Regional Council general elections be received; and*
- 2. a report be presented to Council on the cost involved if Council conducted the election itself or used another service provider.”*

While the LGSA has been negotiating with the DLG seeking an extension of the time when councils need to make a decision as to who will conduct the 2012 elections, at this stage, councils are required to make a decision as to whether they wish to conduct the election themselves or use the NSW Electoral Commission (NSWEC) by 30 November 2012.

The Hunter ROC is presently calling for tenders for the provision of election services for the 2012 elections, That process will conclude on the 14th November and the information resulting from that tender will be forward to Councillors as soon as it becomes available..

It is pertinent to note that, as provided by Section 23A of the Local Government Act 1993, the Division of Local Government has released Guidelines for Council Administered Elections – elections that are run by councils rather than by the NSWEC. A copy of the Guidelines is attached. Some important points in the Guidelines are:

- A council employee may not be appointed as Returning Officer or Subsitute Returning Officer
- While councils may use a Returning Officer who previously worked for the NSWEC, the Commission will not provide training for these Returning Officers. Additionally they will not have access to Manuals or Handbooks prepared by the Commission.

- While the Act permits councils to use private sector companies to provide either all or part of the election services, overall responsibility for the election rests with the respective general managers.
- Where a private sector company is engaged to conduct the election, the contract must specify a “natural person” as the Returning Officer and not merely name the particular company.
- The Returning Officer or Substitute Returning Officer will need to be indemnified by Council or have sufficient professional indemnity insurance in the event that the election is challenged or declared void due to some irregularity in the way it was conducted.
- While Section 55 of the Local Government Act has been amended to provide that councils which use the NSWEC do not need to go through the regular tendering provisions, this does not apply to contracts with any other service providers. Where councils use a private company to assist in the conduct of their elections they will need to go to tender.
- It is expected that Returning Officers will need to be employed for a longer period than where the NSWEC conducted the election as that many of the tasks that were performed by the Commission will need to be addressed.
- The NSWEC will continue to be responsible all aspects related to the production of the rolls (apart from the preparation of the Non residential Roll which will remain the responsibility of general managers)
- The NSWEC will provide councils with composite rolls at a nominal cost
- While the NSWEC will place the required statutory advertisement notifying that an election is to be held, councils will be responsible for all other advertisements
- General managers must prepare a budget for all facets of the election
- Councils will not have access to the NSWEC ballot boxes, voting screens etc as these include the NSWEC logo. Separate arrangements will need to be made with the suppliers of this equipment
- While the Returning Officer would respond to candidate enquiries regarding the conduct of the election, general managers must appoint the council “public officer” as the contact for community enquiries
- Councils will need to provide their own vote counting software – to facilitate the counting of “above-the-line” voting. The NSWEC will not make its software available
- Within six-months after the election, general managers must prepare a report on the conduct of the election for the Minister for Local Government including “full and transparent” costings as well as other information required by the NSW Joint Parliamentary Standing Committee on electoral Matters

As part of Council’s investigation into preparing a costing to either conduct the election itself or use another service provider, Council staff have had discussions and met with officers of the NSWEC as well as with the Australian Election Company (which has been offering its services to councils to conduct the election on their behalf or to assist councils conduct the election themselves).

As indicated in the report to the Council Meeting on 20 July 2011, it is my view that Council should keep as distant as is possible from the electoral process to ensure that it is seen as both independent and transparent. With this in mind, were the Council to utilise the services of the Australian Election Company (or similar such private organisation) then that body should be engaged to conduct the entire process with no Council involvement – other than that which is required by Statute.

The Australian Election Company has quoted the sum of \$184,742.52 to conduct a fully outsourced election on Council’s behalf. However we would presume that they will form part of the tender process. At this point in time we are unsure if the NSWEC will forward a tender.

In discussions with officers of the NSWEC, Council was informed that it was not possible for it to provide a definitive quote as to what it would charge Council to conduct the election as this would be affected by the numbers of councils that would be using its services (the more that did – the

less it would cost and vice versa). A copy of a letter received from the NSWEC after the meeting with Council officers is attached.

Councillors will note that the letter has provided some guidance for councils to project the estimated cost for the NSWEC to conduct the election in 2012.

As the earlier report indicated, the 2008 election cost the Council in excess of \$129,000 (inc GST). Councillors will recall that there was a Council Poll conducted in association with that election. The NSWEC has estimated the cost of conducting the Poll was \$10,517. Deducting that amount from the total cost leaves the 2008 election proper costing \$118,483.

By using the suggested percentage increases provided by the NSWEC it is estimated that the cost for the NSWEC to conduct the 2012 election for Council would be in the order of \$166,500.

Notwithstanding the well publicised issues with the NSWEC we have always found the staff to be professional and approachable and easy to deal with.

A final recommendation of whom and how the 21012 elections should be conducted will be forward to Council under separate cover once the tender has closed. However the recommendation from staff is that the elections do be contracted out and not undertaken by the Council staff. Noting of course that Council staff cannot undertake the role of Returning Officer in any case.

FINANCIAL IMPLICATIONS

Funds are set aside in the Election Reserve to cover the cost of conducting elections. The Council is not bound by the \$150,000 limit for tenders if it does not accept the tender and use the Electoral Commission. Section 55 (3) (p) states

(3) This section does not apply to the following

(p) a contract or arrangement between a council and the Electoral Commissioner for the Electoral Commissioner to administer the council's elections, council polls and constitutional referendums.

If Council is of the mind to accept any other contractor then the provisions of the tendering requirements have been met through the Hunter ROC tendering process.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

7 November 2011

Attachments:

1. DLG Guidelines for Council Administered elections – at the end of this business paper
2. Letter from NSWEC dated 26 August 2011

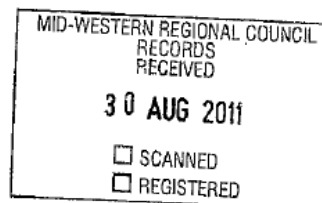
**WARWICK L BENNETT
GENERAL MANAGER**



F2011/212

26 August 2011

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



Dear Mr Bennett

September 2012 Local Government Elections

I write further to our recent meeting regarding arrangements for the September 2012 Local Government Elections for Mid-Western Regional Council.

I appreciate you and your staff making time to meet with us to discuss the new arrangements for the abovementioned elections. As you are now aware, councils are responsible for the conduct of the September 2012 Local Government Elections. Councils may resolve that the NSWEC is to conduct the elections. Such resolution must be made by 30 November 2011 in accordance with Clause 418 of the Local Government (General) Regulation 2005.

During the course of our meetings we provided information to assist councils to make an informed decision as to whether they have the capacity to conduct their own elections.

A number of councils have asked for further information regarding the likely budget for the September 2012 elections in the event that the council resolves that the NSWEC is to conduct these elections. At the meetings, we have explained that the NSWEC does not make any profit, nor has in the past, from the conduct of Local Government elections. The NSWEC will invoice on a cost recovery basis the actual costs of the Local Government elections from those councils which have selected the NSWEC to run their elections.

Councils wishing to estimate the 2012 invoice (assuming the same number of polling places and services) should consider four mark ups to the 2008 charge:

1. Wage costs increasing in the Public sector of 4 years x 4% cumulative (i.e. 17.0%);
2. Other operational costs increasing by 4 years CPI (estimated at 12.8% cumulative);
3. Number of electors being serviced, e.g. a 2% increase in roll numbers will deliver a similar cost increase; and
4. Some 'economy of scale' loss may be inevitable with a reduced number of councils electing to use NSWEC services for the 2012 Local Government Elections. At this stage it is not possible to quantify any impact.

If your council resolves that the NSWEC is to conduct the September 2012 elections council can take comfort from the fact that the elections will be conducted efficiently, effectively, with absolute integrity and at arm's length from the elected councillors and candidates as well as council staff. We have also provided you with a copy of



our Service Charter for NSW Councils which underpins our commitment to excellence in election outcomes.

Once again, thank you for the opportunity to meet with you and your staff and I do hope that your council resolves to select the NSWEC to conduct your elections.

Yours sincerely

Colin Barry
Electoral Commissioner



6.2.17 EARLY COMMENCEMENT OF 7 DECEMBER 2011 COUNCIL MEETING TO CONSIDER
LEP SUBMISSIONS

REPORT BY GENERAL MANAGER

Start time 7 dec mtg

A0100052, A0420235, A0100004

RECOMMENDATION

That:

- 1. the report by the General Manager on the early commencement of the 7 December Council meeting be received;**
 - 2. the 7 December 2011 Council meeting commence at 1.00pm to enable time to publicly consider submissions to the draft Local Environment Plan.**
-

DETAILED REPORT

Council has received in excess of 100 submissions to the draft Local Environment Plan (LEP). It is proposed that these submissions will be considered by Council at its meeting on Wednesday 7th December 2011. It is recommended to Council that these submissions and the staff recommendations on those submissions be considered by Council at an open meeting. Thus because this will be a reasonable long process so bringing the starting time forward will assist Councils deliberations.

The other option is to commence the meeting at the normal time and go late into the evening.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

WARWICK BENNETT
GENERAL MANAGER

7th November 2011

Attachments: Nil.

6.2.18 MUDGEE REGION TOURISM INC QUARTERLY REPORT – SEPTEMBER 2011

REPORT BY GENERAL MANAGER
MRTI QUARTERLY REPORT – SEPTEMBER 2011
A0100052, F0770077

RECOMMENDATION

That the report by the General Manager on the Mudgee Region Tourism Inc Quarterly Report for September 2011 be received.

DETAILED REPORT

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

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

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable

WARWICK L BENNETT
GENERAL MANAGER

31 October 2011

Attachments: MRTI Quarterly Report - September 2011 (following at end of Business Paper)

6.2.19 SALE OF INDUSTRIAL LAND – DEPOT ROAD MUDGEES

REPORT BY GENERAL MANAGER INDUSTRIAL LAND A0100052, A0010008
--

RECOMMENDATION

That:

1. the report by the General Manager on the sale of Industrial land, Depot Road Mudgees be received;
2. Council authorise the auctioning of Lot 14 in the Council owned Industrial subdivision in Depot Road
3. Council delegates to the Mayor and General Manager to call for registrations of interest and appoint a real estate agent to conduct the sale by auction of Lot 14 in the Council owned Industrial subdivision in Depot Road.
4. Council authorises the General Manager to exercise delegated authority to deal with matters arising out of the sale process so as to ensure continuous and smooth running of the sale process including determining the auction date; and
5. the General Manager presents a report to the first meeting in February 2012 with options and recommendations for setting the reserve price.

DETAILED REPORT

Council will recall that in the October meeting it was resolved to lower the prices of the land in the Lions Drive and Depot Road properties to encourage some sale movements. The result of the residential properties price lowering has been so successful that all eleven properties have now sold. For the industrial subdivision (lots 14 to 19) the Council resolved to lower the prices as follows:-

Council amends the sale prices on the remaining Lots in the Depot Road and Lions Drive subdivision as follows:

Lot Number	Recommended Price
14	\$195,000
15	\$195,000
16	\$240,000
17	\$240,000
18	\$195,000
19	\$215,000

This report although following on quickly from the October is recommending that Council auction at least one of the allotments to generate some interest in this industrial subdivision. The auction would not occur until next year as a number of steps would be required prior to the auction occurring.

These steps would include:-

1. Offering all Real estate Agents in the region the opportunity to quote on the cost of auctioning the allotment.	Completion 2 nd December
2. Selecting a Real Estate Agent	Completion 9 th December
3. Undertaking an advertising process	Dependent on registration of interest received
4. Conducting the auction	As in 3 above but expected in February 2012

The recommendation is choosing lot 14 to be put up for auction. The reserve price will be determined by Council in February after advice from the Auctioneer and the interest received.

FINANCIAL IMPLICATIONS

Not applicable at this time. The financial implications of the sale will be reported to Council in February when the reserve price is set.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

WARWICK L BENNETT
GENERAL MANAGER

7 November 2011

6.2.20 2012 EVENT CALENDAR

REPORT BY EVENTS COORDINATOR
2012 EVENT CALENDAR
A0100052, A0410001

RECOMMENDATION

That:

- 1. the report by the Events Coordinator on the 2012 Event Calendar be received; and**
- 2. Council notes the 2012 Events Calendar.**

EXECUTIVE SUMMARY

The 2012 Events Calendar is a working document containing all major and notable events that attract visitors to the region and involve the community throughout the year. The level of Council involvement in each event ranges from events managed by Council, events which request financial assistance/sponsorship and events which do not seek any Council involvement. There is scope for the Events Coordinator to offer advice and assistance (limited) to events which the organisers request or Council feel is necessary. An Event Toolkit resource is currently in development which aims at attracting new events to the region and also looking at ways event organisers can manage their events more effectively.

DETAILED REPORT

It has been identified that Council's level of involvement in events that are held throughout the region will be:

Council Managed Events

- Australia Day Celebrations
 - o Nominations now open (close 16 December)
 - o Location: Mudgee, Robertson Park
- Official Opening of Glen Willow Sports Stadium
 - o Friday evening in March (date to be confirmed – 9, 16 or 23 March)
 - o Exhibition rugby league, rugby union and soccer matches (format TBC)
- Country v City Origin
 - o Sunday, April 22 – 2:30pm kick off
 - o Meeting with NRL, Country RL and Channel Nine in Mudgee in early November
- Trans Tasman Touch Tournament
 - o Tuesday, 24 April – Saturday, 28 April
 - o Teams to arrive Tuesday and take part in ANZAC Day parade on Wednesday
 - o Games to be played Thursday to Saturday
 - o NZ Touch representatives toured facilities on Thursday, 20 October
 - o Meeting with Touch Aus in Mudgee in early November

Funding Assistance/Sponsorship

There is scope for community events to receive funding upon application to Council, pending budget availability. This funding will be from the Financial Assistance Program or Events Management Assistance budget.

Meetings/Events Attended

The Events Coordinator has attended the following meetings and events on behalf of Council:

Date	Location	Detail
5 Sept 2011	Mudgee	Glen Willow & Mudgee Showground tours - Site visit
6 Sept 2011	Region	Council Facility Visits - Site visit
16 Sept 2011	Mudgee	Parklands Resort Tour - Meeting with Function Manager and tour of facilities
20 Sept 2011	Mudgee	Meeting with MRTI - Lucy White and Simone Jones
20 Sept 2011	Mudgee	Developers Day - Assisted with event operations
23 Sept 2011	Mudgee	Mudgee Showground - Meeting with Caretaker, Ken Jeffrey to discuss future events and attracting events to the facility
26 Sept 2011	Mudgee	Meeting with MRTI Marketing Sub-Committee - Discuss role of Events Coordinator
28 Sept 2011	Wollongong	LiveWire Conference - Conference for local government young professionals, networking opportunities
29 Sept 2011	Wollongong	LiveWire Conference – as above
4 Oct 2011	Gulgong	Gulgong Historical Society 50 year celebrations - Brainstorming session
5 Oct 2011	Mudgee	Meeting with MRTI & Tafe Western - Establishing a working relationship between MRTI, MWRC and Tafe Western, spoke about facilities at Tafe complex and opportunities to utilise students (particularly hospitality) in future events
13 Oct 2011	Gilgandra	Winds of Change Conference - Presented about Glen Willow development to approx. 30 delegates from Western Region Councils and DSR
17 Oct 2011	Mudgee	Inland Tourism Awards Meeting - meeting to discuss format and budget and opportunity to meet a number of local event suppliers
17 Oct 2011	Mudgee	Meeting with Australian Event Services - Discussed their services
18 Oct 2011	Mudgee	Meeting with AREC - Tour of the facility and discussed events that are held at AREC and also future events
20 Oct 2011	Mudgee	NZ Touch visit and tour - Tour of Glen Willow and Parklands Resort for upcoming Trans Tasman Touch Series next April, representatives were very happy with facilities, meeting to be held with Touch Aus in November
21 Oct 2011	Mudgee	Rotary Club of Mudgee Meeting - Present to meeting on role of Events Coordinator
22 Oct 2011	Gulgong	Prince of Wales Opera House Theatre Restaurant
26 Oct 2011	Mudgee	Meeting with MRTI Marketing Sub-Committee to discuss region's events calendar
27 Oct 2011	Mudgee	Meeting with Mudgee Touch to discuss Country Championships Tender for 2013-2015
2 Nov 2011	Mudgee	MRTI Events Committee meeting to discuss collaborative approach to events throughout the region

FINANCIAL IMPLICATIONS

For Council managed events, a separate budget will be compiled for each event.

For events requesting assistance, this funding may be approved (pending availability) from:

- a) Event Management Assistance Budget
- b) Financial Assistance – Tier 1 and 2

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

ALAYNA SHACKLETON
EVENTS COORDINATOR

3 November 2011

Attachments:

1. 2012 Events Calendar (working document as at 3 November 2011)

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

WILL BE REPLACED WITH A3 PAGES (PAGE 163 AND 164)

MID-WESTERN REGION CALENDAR OF EVENTS				
2012				
DATE	EVENT	VENUE/LOCATION	CATEGORY	MWRC SUPPORT
JANUARY				
1	New Years Day		Public Holiday	
6 - 8	Gulgong Folk Festival	Gulgong	Music	Funding Assistance (\$2,000)
22	Cudjoe Valley Swap Meet	Mudgee Showground	Automotive	
26	Australia Day	Mudgee	Public Holiday	MWRC Managed
28/29	Pylstone Kandos Street Machine Show	Kandos	Automotive	
FEBRUARY				
5	Mudgee Races	Mudgee Race Course	Horse Racing	
11/12	Mudgee Basketball Carnival	Mudgee PCYC	Sport & Recreation	
17/18	Gulgong Show	Gulgong Showground	Agriculture	Funding Assistance (\$3,000)
24/25	Pylstone Kandos Show	Pylstone Showground	Agriculture	
26	Mudgee Races	Mudgee Race Course	Horse Racing	
MARCH				
2 - 4	Mudgee Show	Mudgee Showground	Agriculture	
8 - 11	Rotary Conference	Parklands Resort	Conference	
9, 16 or 23	Official Opening - Glen Willow Regional Sports Stadium	Glen Willow	Sport & Recreations/Community	MWRC Managed
17	Mudfest (Mudgee Short Film Festival)	Bunnamago Estate	Art & Culture	
18	Footcrush Feast	Robert Stein Winery & Vineyard	Food & Wine	
19	Inland Tourism Awards Launch	TBC	Tourism	
24	Region on the River	Lawson Park, Mudgee	Food & Wine	
30 - 1	Grassroots Rugby Festival	Glen Willow	Sport & Recreation	
31	Die Fledermaus (Sydney Opera Company)	AREC	Music	
31	24th Annual Bylong Mouse Races	Bylong	Community	
APRIL				
6 - 9	Easter		Public Holiday	
6 - 9	Mudgee Bike Muster	Mudgee	Sport & Recreation/Food & Wine	
Easter	Gulgong Historical Society - 50 year anniversary celebrations	Gulgong	History & Heritage	Funding Assistance (\$1000 requested)
8	Gooree Mile Race Day	Mudgee Race Course	Horse Racing	
TBC	Go Grazing Food Event	Mudgee	Food & Wine	
9 - 14	Austin 7's Rally		Automotive	
21	Wings, Wheels, Wine & Wool Show	Mudgee Airport	Automotive/Food & Wine/Agriculture	
22	Country v City Origin	Glen Willow	Sport & Recreation	MWRC Managed
25	ANZAC Day		Public Holiday	
26-28	Trans Tasman Touch Tournament	Glen Willow	Sport & Recreation	MWRC Managed
MAY				
12	Clock Awards	Parklands Resort	Community	
16	Race Meeting	Mudgee Race Course	Horse Racing	
20	Pylstone Swap Meet	Pylstone	Automotive	
TBC	Bligh Picnic Race Day	Mudgee Race Course	Horse Racing	

MID-WESTERN REGION CALENDAR OF EVENTS				
2012				
DATE	EVENT	VENUE/LOCATION	CATEGORY	MWRC SUPPORT
JUNE				
8 - 10	Henry Lawson Heritage Festival	Gulgong	History & Heritage	
10	Gulgong Gold Cup Races	Gulgong Race Course	Horse Racing	
11	Queens Birthday		Public Holiday	
22 - 24	Rural Fire Service Commence	Parklands Resort	Conference	
JULY				
7 - 8	Mark Dwyer 100km Cycle Race/Pieter Van Gent Scratch Race	Mudgee	Sport & Recreation	
13 - 15	Mudgee Small Farm Field Days	AREC	Agri Culture	
TBC	Tooheys Gold Cup Race Day	Mudgee Race Course	Horse Racing	
28	Inland Tourism Awards Dinner	Parklands Resort	Tourism	
29	Inland Tourism Awards Breakfast	TBC	Tourism	
AUGUST				
18/19	Mudgee Running Festival	Mudgee	Sport & Recreation	
18/19	Mudgee Readers Festival	Mudgee	Art & Culture	
SEPTEMBER				
TBC	Mudgee Wine & Food Festival	Mudgee	Food & Wine	
TBC	Go Grazing Food Event	Mudgee	Food & Wine	
29 - 30	Festival of Yesteryear	AREC	Automotive	
OCTOBER				
1	Labour Day		Public Holiday	
TBC	MotorFest	AREC	Automotive	
TBC	Cox's Plate Race Day	Mudgee Race Course	Horse Racing	
NOVEMBER				
TBC	Rylstone Street Feast	Rylstone	Food & Wine	
TBC	A Day on the Green	Robert Oatley Vineyard	Music	
TBC	Kandos Garden Fair	Kandos/Rylstone	Art & Culture	
TBC	Huntington Estate Music Festival	Huntington Estate	Music	
DECEMBER				
TBC	Oatley Wines Mudgee Cup Race Day	Mudgee Race Course	Horse Racing	
TBC	Carols in the Park	Mudgee Showground	Community	
TBC	Gulgong Family Christmas Celebration	Gulgong	Community	
25	Christmas Day		Public Holiday	
26	Boxing Day		Public Holiday	

6.2.21 BYLONG VALLEY WAY LOOP EXTENSION

REPORT BY MANAGER GOVERNANCE
ROAD REALIGNMENT AND LICENCE AGREEMENT
A0100052, A0420223

RECOMMENDATION

That:

1. the report by the Manager Governance on the Upper Bylong Valley Way Road formalisation and proposed licence agreement be received;
2. Council approves the rationalisation the boundary between the rail corridor and Bylong Valley Way on the condition there is no cost to Council;
3. the Common Seal of Council be affixed to all necessary documentation associated with this rationalisation; and
4. Council agree to enter into a short term licence agreement with Australian Rail Track Corporation for lease of an unused portion of road reserve adjoining Upper Bylong Valley Way at Bylong at an annual fee of \$5,000 plus GST.

EXECUTIVE SUMMARY

This report addresses property issues raised at a meeting between representatives of the ARTC and Council staff in early August that need to be resolved to allow the extension of the rail passing loop at Bylong to proceed.

DETAILED REPORT

The attached letter, which was emailed to Council on 10 October 2011 has been received from the ARTC.

Ulan+ Alliance have been appointed by Australian Rail Track Corporation Ltd (ARTC) to progress the proposed extension to the existing Bylong Passing Loop. The proposal incorporates the construction of approximately 2.6km extension to the existing passing loop at Bylong.

Whilst consultation for the project is still being progressed with the relevant Council departments, the minor formality of Council approval is required for the realignment of a section of Upper Bylong Valley Way Bylong as well as approval for a short term licence agreement with ARTC for their use of a section of presently unused road reserve.

Initial survey work for the project by the ARTC has found that approximately 5,786m² of constructed road is encroaching on ARTC land, while approximately 1,365m² of the railway is located on the dedicated road reserve. As a means of resolving this issue it is proposed that Council, in conjunction with ARTC, proceed with formalising the correct alignment of Upper Bylong Valley Way Bylong by way of a boundary adjustment which is considered to be the most cost effective way to rationalise these inconsistencies.

ARTC also require the use of an area of land contained on the same Council road reserve located along Upper Bylong Valley Way. The use of this area by ARTC will be for the purposes of creating

a construction compound (including, storage, site office, car parking and temporary stockpiling) for the Bylong Valley Way Loop Extension Project. The term proposed is for 12 months; with the total area of the road reserve to be utilised being approximately 0.522ha.

After negotiation, ARTC has agreed to pay Council an occupation fee of \$5,000 p.a. for the term of the agreement. This is considered reasonable. It is therefore recommended that Council enter into a formal temporary licence agreement with ARTC.

FINANCIAL IMPLICATIONS

ARTC has agreed to accept Council's costs associated with both property matters

STRATEGIC OR POLICY IMPLICATIONS

Not Applicable

IAN ROBERTS
MANAGER GOVERNANCE

27 October 2011

Attachments: 1) Cover Letter from Australian Rail Track Corporation Limited
2) Map of Proposed Road Realignment
3) Draft Licence Agreement

APPROVED FOR SUBMISSION:

WARWICK L BENNETT
GENERAL MANAGER



AUSTRALIAN RAIL TRACK CORPORATION LTD

Our Reference: 65/425/292
65/025/316

19 August 2011

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

Attention: Ian Roberts / Kelly Barnes - Property

Dear Sir

**RE: ARTC PROPOSED REQUIREMENTS ON COUNCIL HELD LAND
BYLONG EXTENSION LOOP PROJECT**

I refer to meeting held between ARTC representatives Peter Dorrrough and Brett Peterkin representing the Ulan Plus Alliance and Council on 4 August 2011 to discuss proposals and property requirement for progression of the Bylong Extension Loop project.

Peter has asked me to confirm the topics discussed at the meeting and introduce myself as the person who will be assisting him to progress this matter.

As discussed - ARTC confirm that it will require the following assistance from Council to progress all matters:-

- A formal Licence agreement over identified Council land for the purposes of creating a construction compound (including, storage, site office, car parking and temporary stockpiling). It is proposed to occupy the Council land (an unformed road reserve) for a period of 12 months commencing on or about mid September 2011. ARTC is prepared to pay Council an occupation fee of \$1,000 for the term of the agreement subject to the provision of a valid Tax Invoice. Please note that this is a satellite compound, with the main compound to be erected on rail land.
- A Boundary Rationalisation – Initial survey work for the Project has found irregularities between the rail corridor and the road reserve boundaries (Upper Bylong Road) in the general location shown on the attached plan. Agreement is sought to rectify this anomaly in the most cost effective manner.
- ARTC agrees to accept the Council's costs these above property matters.

Draft Plans are attached for both a Licence agreement and the proposed boundary adjustment.

For your further information I have also enclosed a copy of the 2008 Licence agreement over Council Land in the Bylong area and understand that a fresh agreement would be drafted along similar terms.

Please do not hesitate to contact either myself or Peter Dorrrough if you have any further queries.

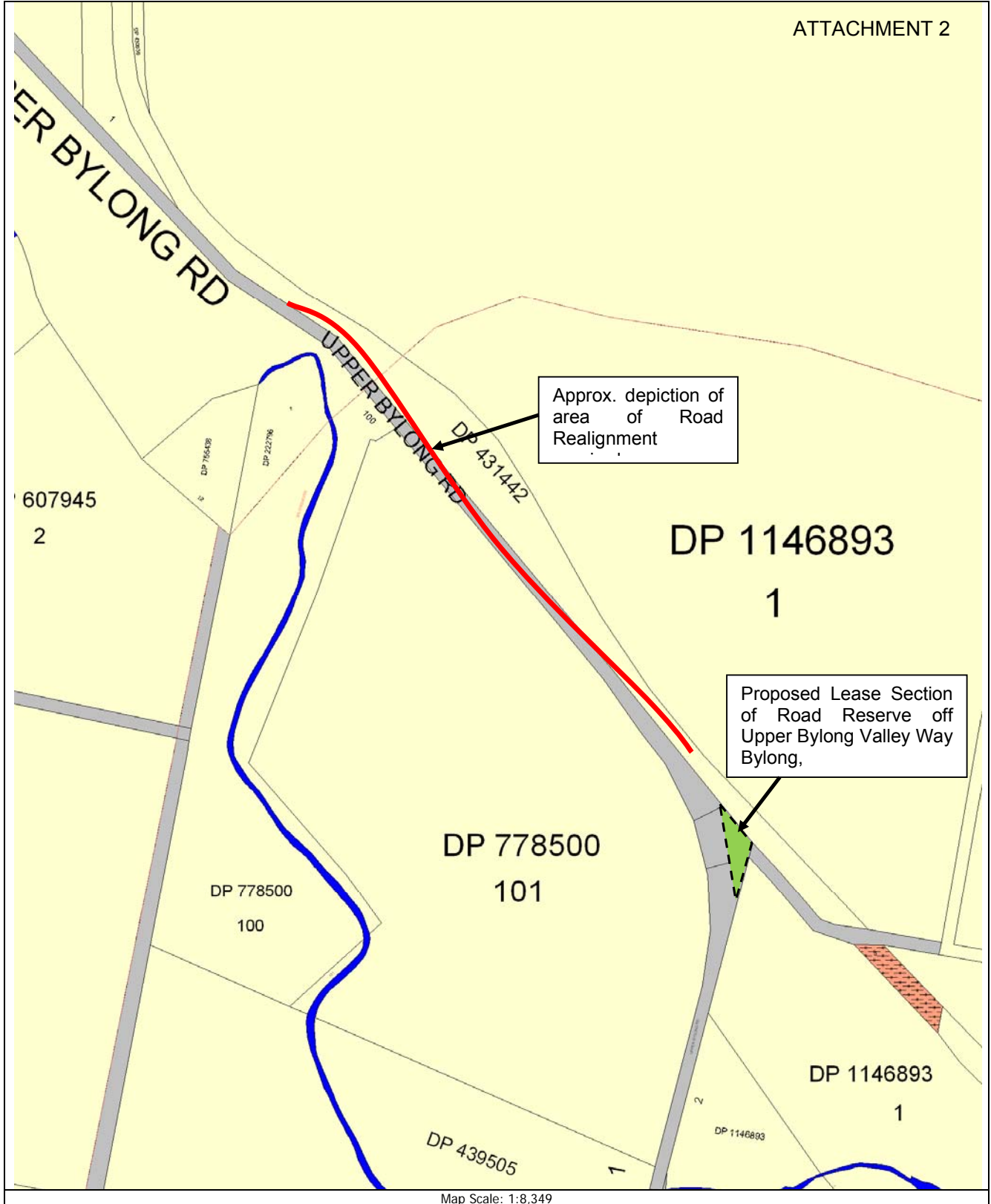
Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Monica Byrnes', is written over a light blue horizontal line.

Monica Byrnes
Senior Land Acquisition Officer
Major Projects – Hunter Valley

AUSTRALIAN RAIL TRACK CORPORATION LTD ABN: 75 081 455 754
20-22 Newton Street, Broadmeadow NSW 2292, Locked Bag 1, Broadmeadow NSW 2292
Ph: (02) 4952 0270 Fax: (02) 4952 0350 M: 0408 017 489

ATTACHMENT 2



Map Scale: 1:8,349

ATTACHMENT 3

ATTACHMENT 3

File : 65/425/292
BY-LEA-02

BETWEEN:

AUSTRALIAN RAIL TRACK CORPORATION LIMITED

and

MIDWESTERN REGIONAL COUNCIL

LICENCE

DATED the day of 2011

LICENCE

BETWEEN: AUSTRALIAN RAIL TRACK CORPORATION LIMITED (ABN 75 081 455 754) of Building 1, off Sir Donald Bradman Drive, Passenger Rail Terminal Road, Mile End SA 5031. ('ARTC')

AND: MIDWESTERN REGIONAL COUNCIL of 86 Market Street, MUDGEE NSW 2850 (PO Box 156 Mudgee NSW 2850) ('the Licensor')

BACKGROUND:

The Licensor is the owner of the Land described in Item 1 of the First Schedule. At ARTC's request the Licensor has agreed to grant ARTC a licence to carry out the Permitted Use (as described in Item 5 of the First Schedule) on the Land for the Term and for any Option Term, if applicable, (as described in Item 3 of the First Schedule) from the Commencement Date (as set out in Item 2 of the First Schedule) in accordance with the terms and conditions of this Licence.

THE PARTIES AGREE AS FOLLOWS:

1. The Licensor grants and ARTC accepts a licence of the Land for the Term, subject to any rights of early termination contained in this Licence. The Licensor also grants a right for ARTC to extend this Licence for one (1) Option Term. If ARTC wishes to exercise that right of extension, it will serve a written notice on the Licensor not less than one (1) month and not more than three (3) months prior to the terminating date stating its desire to extend this Licence for the Option Term. If such notice is given then the Licensor will be obliged to grant a new Licence to ARTC for the Option Term on the same terms and conditions of this Licence and for the relevant Licence fee set out in Item 4 of the First Schedule.
2. This Licence shall confer no right of exclusive occupation of the Land to ARTC.
3. The Licensor consents to ARTC using the Land for the Permitted Use. For the removal of doubt, a reference to ARTC includes any agent, employee, alliance partner, contractor and invitee of ARTC.
4. ARTC shall pay the Licence Fees for the Term and for any Option Term, if applicable, as set out in Item 4 of the First Schedule to the Licensor upon production of a tax invoice pursuant to A New Tax System (Goods and Services Tax) Act 1999, if applicable.
5. ARTC must use the Land only for the Permitted Use and must not use or allow the Land to be used for any other use other than with the Licensor's consent, whose consent shall not be unreasonably withheld.
6. ARTC shall keep current during the Term a public risk insurance policy in the amount of \$10,000,000.
7. ARTC and the Licensor acknowledge and agree that this Licence contains and represents the entire agreement reached between them with regard to the Land (other than any Contract for Sale of Land) and that no promises, representations or undertakings, other than those contained in this Licence, were made or given or relied upon.

8. ARTC may terminate this Licence before the expiry of the Term, or before the expiry of any Option Term, if applicable, at its absolute discretion by providing written notice to the Licensor and this Licence will terminate upon the date specified by ARTC in such notice.
9. As soon as practicable after the termination of this Licence or upon conclusion of the Term (or at the conclusion of the final Option Term, if applicable), ARTC will:
 - 9.1 remove all of its equipment and structures it placed on the Land and repair any damage caused by such removal;
 - 9.2 if required by the Licensor, remove and reinstate any alterations or additions made to the Land by ARTC;
 - 9.3 complete any repairs or maintenance which ARTC is obliged to carry out under this Licence; and
 - 9.4 repair any damage to the Land caused or contributed to by the act or negligence of ARTC. The parties acknowledge that the condition of the Land as at the Commencement Date is as described and/or depicted in the Second Schedule.
10. In the event that ARTC is in default of any of ARTC's obligations under this Licence then the Licensor may give ARTC written notice requiring that ARTC remedy that breach within a reasonable timeframe.
11. ARTC uses the Land at its own risk.
12. ARTC is liable for and indemnifies the Licensor against all actions, liabilities, penalties, claims or demands arising out of or in any way connected to this Licence from any wrongful, negligent or unlawful act or omission or willful misconduct by ARTC or any breach by ARTC of this Licence, for:
 - 12.1 loss or damage to property of the Licensor; and
 - 12.2 damage, expense, loss or liability in respect of personal injury or death,except to the extent caused or contributed to by the Licensor's negligence, act or omission and except for consequential loss.
- 13 ARTC releases the Licensor from all actions, liabilities, penalties, claims or demands for any damage, loss, injury or death occurring on the Land except to the extent that they are caused by the Licensor's negligence and except for consequential loss.

FIRST SCHEDULE

<p>ITEM 1 Land</p>	<p>Land currently described as road reserve adjoining Lot 1 in DP1146893 and Lot 101 DP778500 and having an area of approximately 0.522 ha (522 sq metres) as shown shaded in orange on the plan attached at the Third Schedule.</p>
<p>ITEM 2 Commencement Date</p>	<p>Commencement Date is the date of execution of the Licence.</p>
<p>ITEM 3 Term and Option Term</p>	<p>The Term is <i>Twelve Months</i> from the Commencement Date.</p> <p>Option Term: 1 x 12 months</p>
<p>ITEM 4 Licence Fee</p>	<p>Term: <i>Five Thousand Dollars (\$5,000.00) plus GST per annum.</i></p> <p>Option Term(s): <i>Five Thousand Dollars (\$5,000.00) plus GST per annum</i></p>
<p>ITEM 5 Permitted Use</p>	<p>Investigative and preliminary construction works undertaken on the Land associated with the construction of a rail track on the adjacent rail corridor (in accordance with environmental approvals, if required), including but not limited to the following:</p> <ul style="list-style-type: none"> (i) access for ARTC to establish a satellite compound; (ii) access for ARTC and its construction vehicles and equipment to pass over the Land; (iii) the right for ARTC to place structures on the Land; (iv) the right for ARTC to utilise the land for temporary stockpiling and storage; and (v) works associated with mobilisation and site preparation for ARTC's contractors.

SECOND SCHEDULE
Photographs

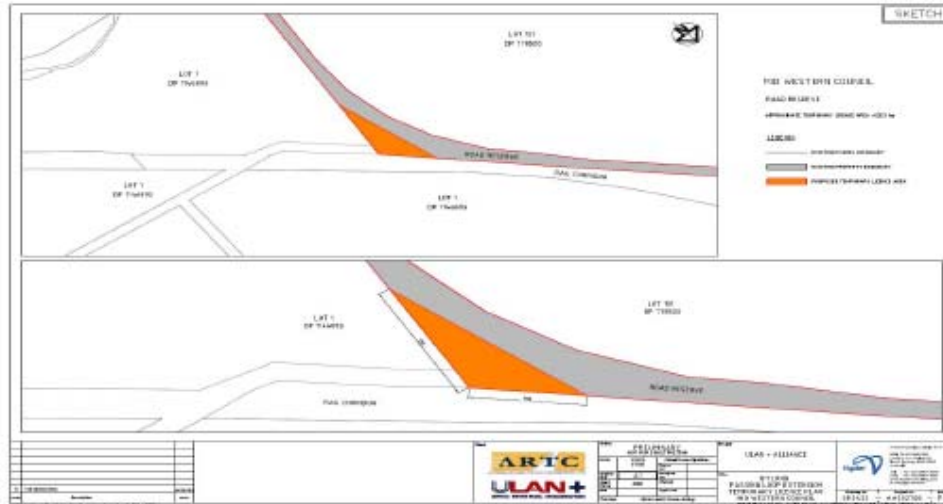








THIRD SCHEDULE
Plan



License for ARTC to enter on to non-ARTC land

Issue 1, Revision 5
2 June 2011

6.2.22 SPONSORSHIP ACKNOWLEDGEMENT POLICY

REPORT BY GENERAL MANAGER
SPONSORSHIP POLICY
A0100052, A0100021

RECOMMENDATION

That:

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

DETAILED REPORT

Please find attached the Council Sponsorship Policy for acknowledgement of Council sponsoring various events. This review of this policy is part of our continuous review of policies. No amendments are recommended for this policy

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

WARWICK BENNETT
GENERAL MANAGER

7 November 2011

Attachments: Sponsorship Acknowledgment Policy

	POLICY	ADOPTED C/M xx / xx / xx Minute No. xxx / xx
	SPONSORSHIP ACKNOWLEDGEMENT	REF: REV: 1 FILE No. A75302

OBJECTIVE

To ensure appropriate recognition for Council sponsorships, whether they be in cash or in kind.

POLICY**Background**

Mid-Western Regional Council receives many requests each year for sponsorships or grants to support a wide range of potential recipients.

Some of these requests can be met through Council's Small Grants program or by donations by individual Councillors from their discretionary funds. Other requests, however, involve significant amounts of money and/or Council in-kind contributions. In a number of cases, the event could not take place without Council's generosity.

In responding to requests for support, Council must determine whether the event is in the immediate community interest, has long-term potential to assist with economic development or serves a larger social good.

It is important when Council provides significant levels of sponsorship that ratepayers are made aware by the recipient that the event has been made possible in part by the provision of public monies.

Appropriate Recognition

The following guidelines are provided to assist event organisers in providing appropriate recognition for Council sponsorships, whether they be in cash or in kind.

1. **LEVEL 1 SPONSORSHIP: \$0 to \$999**
 - a. If possible, Council's logo appropriately placed on any promotional notices and/or event programs and the following statement printed on any promotional notices or event programs: "This event proudly supported by Mid-Western Regional Council."
2. **LEVEL 2 SPONSORSHIP: \$1,000 TO \$1,999**
 - a. The following statement printed on all promotional notices and/or event programs: "This event proudly supported by Mid-Western Regional Council" and the inclusion of Council logo.
 - b. Where appropriate the Mayor or his/her representative invited to attend with a partner as guests of the event organiser.

3. LEVEL 3 SPONSORSHIP: \$2,000 to \$4,999
 - a. The following statement printed on any promotional notices and/or event programs: “This event proudly supported by Mid-Western Regional Council” and the inclusion of Councils logo
 - b. Where appropriate the Mayor or his/her representative invited to attend with a partner as guests of the event organiser.
 - c. When appropriate, the Mayor or his/her representative invited to speak as part of the program.

4. LEVEL 4 SPONSORSHIP: \$5,000 and above
 - a. The following statement printed on any promotional notices and/or event programs: “This event proudly supported by Mid-Western Regional Council” and the inclusion of Councils log
 - b. Where appropriate the Mayor and Councillors invited to attend with their partners as guests of the event organiser.
 - c. Where appropriate, the Mayor or his/her representative invited to speak as part of the program.
 - d. Naming rights or combined naming rights for locally organised events.
 - e. For events that visit or pass through the Region but are organised at a National or State level, for which naming rights would be inappropriate, such as the Great Escapade Bicycle Ride, the right for Mid-Western Regional Council, Mudgee Region Tourism Inc, the Mudgee Wine Grape Growers and other similar organisations to have a booth or stall at the event at Council cost to promote the Region throughout the event.

The General Manager may approve sponsorship recognition methods other than those provided in these guidelines in unusual cases where a deviation from these guidelines is in the best interest of Mid-Western Regional Council and the community.

6.2.23 EDITORIAL POLICY

REPORT BY GENERAL MANAGER EDITORIAL POLICY A0100052, A0100021.
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RECOMMENDATION**That:**

- 1. the report by the General Manager on the Editorial Policy be received;**
 - 2. Council confirms its Editorial Policy.**
-

DETAILED REPORT

Please find attached Council's Editorial Policy for the production of the Community News. This review of this policy is part of our continuous review of policies. No amendments are recommended for this policy.

FINANCIAL IMPLICATIONS

N/A

STRATEGIC OR POLICY IMPLICATIONS

N/A

WARWICK L BENNETT
GENERAL MANAGER

7 November 2011

Attachments:

- 1 Editorial Policy

	POLICY	ADOPTED C/M 16/12/09 Minute No. 293/09
	Editorial Policy	REF: REV: 3 FILE No. A0100021, A0320019

OBJECTIVE:

To provide a framework for Council to:

- Engage effectively with local residents, both to keep them informed and to obtain their views with ongoing quality consultation through periodic Council newsletters.
- Establish a means for community non-profit groups and other governmental bodies to utilise Council newsletters for communicating with the community.
- Provide a framework for advertising in Council newsletters to assure the widest possible distribution of advertising consistent with State and Federal Acts including the Local Government Act 1993, the Printing and Newspaper Act 1973 and the Copyright Act 1968.
- Promote a range of services and activities for the benefit of the Council and the Mid-Western Region community.

INTRODUCTION

Mid-Western Regional Council has an obligation to engage effectively with local residents, both to keep them informed and to obtain their views through ongoing quality consultation.

While editorial coverage in the local commercial news media plays an important role in this process, such reporting will always be limited due to limits on space and distribution.

The Mid-Western regional Council budget to provides hundreds of services that impact on the day to day lives of everyone in the Mid-Western Region, Council needs a regularly published and widely distributed newsletter to communicate effectively to its residents.

Council's primary newsletter and official news publication is the *Mid-Western Regional Council Community News*. This full-colour tabloid-size free newsletter is published and distributed as directed by Council. Printed copies are also available for pickup at libraries, Council offices and various other outlets across the Region.

In addition to print publication, *Community News* is posted on the Mid-Western Regional Council web site to provide wider distribution, better access to information of benefit to the community and expanded consultation through electronic versions of feedback forms on a wide range of topics. The Council website has a number of cross links which provide numerous other opportunities for wider consultation.

This distribution is designed to make *Community News* readily available to every resident as well as to those who live outside the Local Government Area.

Mid-Western Regional Council may from time to time publish other one-off newsletters such as those inserted in rates notices. All relevant provisions of this policy also apply to these other newsletters.

CONTENT AND SCOPE

Community News will inform the public about policies, services, activities, events and other matters in an attractive, balanced, objective and accessible format.

Specific editorial goals are:

1. To raise the profile of and seek feedback on key issues of Council, promote the Council's services and encourage greater involvement by residents in local democracy.
2. To better inform the public about the work of Council, its policies, services, activities and events in an attractive, balanced and accessible format.
3. To explain how Council rate payers' money is being spent by reporting on achievements and measuring them against the goals of the Management Plan.
4. To improve consultation and encourage participation in the democratic process by seeking the views of local residents on Council services, plans, proposals and priorities.
5. To provide a civic vehicle through which other non-profit community service agencies and government bodies such as the Rural Fire Service and Greater Western Area Health Care Service can distribute information to the Mid-Western community.

Editorial direction for *Community News* will be determined by the Corporate Communications Manager in liaison with the General Manager. As a matter of course the elected Councillors will exercise oversight of the content of the newsletter as part of the General Manager's performance review meeting or at more regular meetings if Council becomes concerned that the direction of *Community News* is not neutral and is not meeting the goals of this policy.

Community News and other newsletters will not be used to promote the achievements or plans of a councillor or group of councillors or as a political platform by any Councillor or member of staff.

By keeping people well informed about their Council, *Community News* will help to build pride in the Mid-Western Region, celebrate and reinforce community cohesion and help boost perceptions of the Council and the work it does.

All content in *Community News* and other Council newsletters must comply with relevant current Federal and State legislation including the Copyright Act 1968 and the Privacy (Private Sector) Amendment Act.

As Mid-Western Regional Council's official news publications, *Community News* and other newsletters will also abide by relevant provisions of the Australian Press Council's General Statement of Principles 1-8 and the Press Council's Privacy Standards 1-7 as reproduced below. (General Principle 9 and Privacy Standard 8 do not apply as they are relevant only to operation of the Australian Press Council):

Australian Press Council General Principles

1. Publications should take reasonable steps to ensure reports are accurate, fair and balanced. They should not deliberately mislead or misinform readers, either by omission or commission.
-

2. Where it is established that a serious inaccuracy has been published, a publication should promptly correct the error, giving the correction due prominence.
3. Where individuals or groups are a major focus of news reports or commentary, the publication should ensure fairness and balance in the original article. Failing that, it should provide a reasonable and swift opportunity for a balancing response in an appropriate section of the publication.
4. News and comment should be presented honestly and fairly, and with respect for the privacy and sensibilities of individuals. However, the right to privacy is not to be interpreted as preventing publication of matters of public record or obvious or significant public interest. Rumour and unconfirmed reports should be identified as such.
5. Information obtained by dishonest or unfair means, or the publication of which would involve a breach of confidence, should not be published unless there is an over-riding public interest.
6. Publications are free to advocate their own views and publish the bylined opinions of others, as long as readers can recognise what is fact and what is opinion. Relevant facts should not be misrepresented or suppressed, headlines and captions should fairly reflect the tenor of an article and readers should be advised of any manipulation of images and potential conflicts of interest.
7. Publications have a wide discretion in publishing material, but they should balance the public interest with the sensibilities of their readers, particularly when the material, such as photographs, could reasonably be expected to cause offence.
8. Publications should not place any gratuitous emphasis on the race, religion, nationality, colour, country of origin, gender, sexual orientation, marital status, disability, illness, or age of an individual or group. Where it is relevant and in the public interest, publications may report and express opinions in these areas.
9. Where the Council issues an adjudication, the publication concerned should publish the adjudication, promptly and with due prominence.

Australian Press Council Privacy Standards

1. Collection of personal information

In gathering news, journalists should seek personal information only in the public interest.

In doing so, journalists should not unduly intrude on the privacy of individuals and should show respect for the dignity and sensitivity of people encountered in the course of gathering news.

In accordance with Principle 4 of the Council's Statement of Principles, news obtained by unfair or dishonest means should not be published unless there is an overriding public interest. Generally, journalists should identify themselves as such. However, journalists and photographers may at times need to operate surreptitiously to expose crime, significantly anti-social conduct, public deception or some other matter in the public interest.

Public figures necessarily sacrifice their right to privacy, where public scrutiny is in the public interest. However, public figures do not forfeit their right to privacy altogether. Intrusion into their right to privacy must be related to their public duties or activities.

2. Use and disclosure of personal information

Personal information gathered by journalists and photographers should only be used for the purpose for which it was intended.

A person who supplies personal information should have a reasonable expectation that it will be used for the purpose for which it was collected.

Some personal information, such as addresses or other identifying details, may enable others to intrude on the privacy and safety of individuals who are the subject of news coverage, and their families. To the extent lawful and practicable, a media organisation should only disclose sufficient personal information to identify the persons being reported in the news, so that these risks can be reasonably avoided.

3. Quality of personal information

A media organisation should take reasonable steps to ensure that the personal information it collects is accurate, complete and up-to-date.

4. Security of personal information

A media organisation should take reasonable steps to ensure that the personal information it holds is protected from misuse, loss, or unauthorised access.

5. Anonymity of sources

All persons who provide information to media organisations are entitled to seek anonymity. The identity of confidential sources should not be revealed, and where it is lawful and practicable, a media organisation should ensure that any personal information which it maintains derived from such sources does not identify the source.

6. Correction, fairness and balance

In accordance with Principle 8 of the Council's Statement of Principles, where individuals are singled out for criticism, the publication should ensure fairness and balance in the original article. Failing that, the media organisation should provide a reasonable and swift opportunity for a balancing response in the appropriate section of the publication.

A media organisation should make amends for publishing any personal information that is found to be harmfully inaccurate, in accordance with Principle 2 of the Council's Statement of Principles. The media organisation should also take steps to correct any of its records containing that personal information, so as to avoid a harmful inaccuracy being repeated.

7. Sensitive personal information

In accordance with Principle 7 of the Council's Statement of Principles, media organisations should not place any gratuitous emphasis on the categories of sensitive personal information listed in Principle 7, except where it is relevant and in the public interest to report and express opinions in these areas.

Members of the public caught up in newsworthy events should not be exploited. A victim or bereaved person has the right to refuse or terminate an interview or photographic session at any time.

Unless otherwise restricted by law or court order, open court hearings are matters of public record and can be reported by the press. Such reports need to be fair and balanced. They should not identify relatives or friends of people accused or convicted of crime unless the reference to them is necessary for the full, fair and accurate reporting of the crime or subsequent legal proceedings.

8. Complaints

The Council will receive and deal with complaints (see [on-line complaint form](#)) from person or persons affected about possible breaches of these Standards in the same way as it receives and deals with complaints about possible breaches of its Statement of Principles. Where the Council issues an adjudication in relation to these Standards, the publication concerned must prominently print the adjudication.

The Mayor will receive complaints from persons affected by possible breaches of this Editorial Policy. If the Mayor is of the opinion that the complaint is valid, after consultation with the Manager Governance, then he shall refer that complaint to Council with a recommended course of action.

ADVERTISING

Except as required by State or Federal law or by operational considerations such as scope of audience, all Mid-Western Regional Council advertising (recruitment, public notice, promotional, etc.) will be placed in *Community News*. This will assure the widest possible distribution throughout the community in the most cost effective manner.

Decisions about whether to accept advertising from other non-profit community service agencies and government bodies will be made by the General Manager on a case by case basis. Advertising will only be accepted from non-profit community service agencies in cases where its publication will be for the benefit of the wider community. Examples will include notification of the bush fire danger period.

Advertising will not be accepted from commercial or for-profit ventures other than those operated by or for Council (eg., the Childcare Centre) or advertising designed to benefit the community. Charges for advertisements placed by non-Council organisations in Council publications will be determined by the General Manager as required.

PRODUCTION

Community News will be laid out in-house by Council staff.

Due to last minute editorial decisions no guarantee can be given that any article will finally appear a particular issue of *Community News*. The Corporate Communications Manager has final say on content.

The design should be maintained to a high standard, taking cognisance of the need to use colour schemes and typefaces that are easy to read and suitable for internet as well as print reproduction.

Printing will be carried out by an appropriate specialist external agency selected for its ability to supply at a competitive price four colour web offset printing.

LEGAL AND ARCHIVAL DISTRIBUTION

An archival copy of each issue of *Community News* will be placed on file in the Mid-Western Regional Council Library system. Additionally a copy of each issue will be kept on file for at least six months in Council's record section. In compliance with the Copyright Act 1968 and State legislation, a copy of each issue will be deposited with the Legal Deposit Unit, National Library of Australia; Legal Deposit, Collection Services, State Library of New South Wales; Legal Deposit Officer, NSW Parliamentary Library; and Legal Deposit Officer, University of Sydney Library.

6.2.24 REVIEW OF CODE OF CONDUCT

REPORT BY GENERAL MANAGER
CODE OF CONDUCT
A0100052, A0170031, A0040004

RECOMMENDATION

That the report by the General Manager on the review of the Code of Conduct be received.

DETAILED REPORT

Please find attached to this business paper a position paper from the Division of Local Government for the revision of the Model Code of Conduct for Council in New South Wales. The Division are seeking submissions on the position paper prior to the 5th December. The position paper is as a result of a number of submissions received by the division from comments sought from Councils. The original submission by this Council is attached for information.

Staff has no comment to the draft paper. The principles for the proposed code seem fair and reasonable. Therefore it is recommended that no comment be made on the position paper but if a Councillor is not of the same opinion then those issues should be raised prior to the meeting so that a submission can be prepared for Councils consideration.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

WARWICK BENNETT
GENERAL MANAGER

7 November 2011

Attachments:

1. Circular to Councils from Dept. Premier and Cabinet
2. Report to Council from 20 July 2011
3. Position Paper on Review of Code of Conduct (following at the end of the business paper)



Circular to Councils

Circular No. 11-32
Date 24 October 2011
Doc ID. A261051

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

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

The purpose of this circular is:

1. to advise councils of the progress of the Division of Local Government's review of the *Model Code of Conduct for Local Councils in NSW* (the Model Code),
2. to invite submissions on a position paper prepared by the Division in relation to its reform proposal,
3. to invite registrations from persons interested in participating in regional workshops to be held to discuss the Division's reform proposal, and
4. to advise of other events the Division will be participating in for the purposes of seeking stakeholder feedback.

Progress of the review

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

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

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

The Division commenced the review process earlier this year. A discussion paper was issued in June 2011 outlining issues raised about the operation of the current version of the Model Code. The discussion paper sought views about any other areas where the Model Code required improvement and asked for suggestions on how best to make those improvements. The discussion paper also sought submissions on possible options for improving the Model Code to address the issues that had been raised with the Division.

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

2

A total of 122 submissions were received in response to the discussion paper from a range of sources including councils, individual council officials, conduct reviewers, unions and industry bodies, Members of Parliament, NSW Government agencies such as the ICAC and the Ombudsman and members of the community.

The submissions received reflected the diversity of the local government sector, the different contexts that councils operate in and the range of stakeholders' interests that the sector impacts upon. As a result, submissions expressed a broad diversity of views on the Model Code and how it might be improved.

The position paper

Based on the Division's consideration of submissions, a reform proposal has been prepared with respect to the Model Code and the misbehaviour provisions of the *Local Government Act 1993* (the Act). The Division now seeks stakeholders' views in relation to the reform proposal.

To this end, the Division has prepared a position paper outlining its reform proposal. This may be found on the 'Publications' page of the Division's website at www.dlg.nsw.gov.au.

The Division is currently only seeking views on the general direction of the proposed changes. Once the broad direction of the proposed changes has been determined, the Division will be seeking stakeholders' further views on the technical detail that will underpin and give effect to the proposed changes. To this end, the Division will issue a draft of the revised Model Code and associated procedures and any ancillary proposals for the purposes of seeking comment on the technical detail of the proposed changes.

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

The Division requests that submissions be made in writing to the following postal address:

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

Alternatively, submissions may be made by email to dlg@dlg.nsw.gov.au.

The Division requests that submissions be received by **5 December 2011**.

Regional workshops

To assist in hearing the views of stakeholders involved in the administration of the code of conduct on the proposed reforms, the Division will be holding a series of workshops in a number of locations around the State.

Workshops are to be held on the following dates and locations:

3

Thursday, 10 November 2011 at 6pm: Discovery Room, Novotel Sydney Brighton Beach, Cnr The Grand Parade and Princess Street, Brighton le Sands

Monday, 21 November 2011 at 6pm: Tamworth Regional Council Chambers - Ray Walsh House, 4th Floor, 437 Peel Street, Tamworth

Tuesday, 22 November 2011 at 6pm: Dubbo Civic Administration Building – Central Conference Room, Ground Floor, Church Street, Dubbo (entry from Darling Street)

Wednesday, 23 November 2011 at 6.30pm: Wagga Wagga Civic Centre, Cnr Baylis and Morrow Street, Wagga Wagga.

Workshop numbers will be restricted to 40. For this reason, participation in the workshops will be limited to council officials involved in the administration of the code of conduct (including current conduct reviewers). Numbers will be limited to 4 persons per council. However if there are vacancies we may consider allowing additional persons to attend.

Members of the community, or other interested parties who wish to offer their views on the position paper, may do so by way of the written submission process.

Interested parties may register their interest in participating in any of the above workshops via the Division's website at www.dlg.nsw.gov.au before **4 November 2011**.

Other consultation

In addition to these workshops, staff of the Division will also be participating in the following events for the purposes of considering stakeholder feedback on the reform proposal:

- The Division will have a stall at the Local Government Association NSW Conference in Nowra between 23 and 26 October 2011 at which staff of the Division will be available to consider feedback and answer questions.
- Staff of the Division will also be attending the LGMA Governance Network meeting at Rockdale on 11 November 2011 to consider feedback from and discuss the proposal with council governance staff.

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



Steve Orr
Acting Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

REVIEW OF MODEL CODE OF CONDUCT

REPORT BY MANAGER GOVERNANCE

Code of Conduct
A0100052, A0110003

RECOMMENDATION

That:

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

EXECUTIVE SUMMARY

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

DETAILED REPORT

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

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

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

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

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

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

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

Yes (as above).

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

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

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

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

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

No. Unless asked for input.

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

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

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

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

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

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

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

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

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

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

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

No. The current provisions are adequate.

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

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

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

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

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

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

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

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

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

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

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

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

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

The current provisions are considered adequate.

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

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

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

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

IAN ROBERTS
MANAGER GOVERNANCE

28 June 2011

Attachments:

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

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

Attachment

6.2.25 GOVERNANCE POLICIES

REPORT BY MANAGER GOVERNANCE
GOVERNANCE POLICIES
A0100052, A0100021

RECOMMENDATION

That:

1. **the report by the Manager Governance on the review of the Conflicts of Interests, Election of Mayor and Problematic Complainants be received; and**
2. **Council adopt the following revised policies:**
 - **Conflicts of Interests;**
 - **Election of Mayor; and**
 - **Problematic Complainants.**

DETAILED REPORT

Several governance related policies are due for review in accordance with Council's policy review schedule.

- The Conflicts of Interests policy has been altered to reflect the change in the name of the Public Interest Disclosures Act 1994.
- The Election of Mayor policy has been altered to reflect the Council's decision to abolish Standing Committees.
- The Problematic Complainants policy has been altered to reflect the change in the name of the Division of Local Government.

These changes are shown as "track changes" on the copies of the policies attached at the end of the report.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Council's current policies refer.

APPROVED FOR SUBMISSION:

IAN ROBERTS
MANAGER GOVERNANCE

WARWICK BENNETT
GENERAL MANAGER

2 November 2011

Attachments: Revised policies

- 1 Policy – Conflict of Interest
- 2 Policy – Election of Mayor and Deputy Mayor
- 3 Policy – Problematic Complainants

	POLICY	ADOPTED C/M 16/9/09 Minute No. 207/09
	Conflicts of Interests	REVIEW: FILE No. A0110003

OBJECTIVE:

To provide a framework for Councillors, staff, delegates and advisers to recognise and deal with conflicts of interest.

INTRODUCTION:

As an organisation we must be impartial and fair in our dealings with ratepayers, residents, suppliers and the general public in order to retain their trust, confidence and support. To do this it is essential that all possible conflicts of interest are appropriately handled.

Councillors, staff, delegates and advisers must ensure that opportunities do not exist for their interests, or those of people close to them, to conflict with the impartial performance of their Council duties.

Any potential, real or perceived conflict between an individual's interests and those of the Council must be resolved in favour of the Council.

RECOGNISING A CONFLICT OF INTEREST

A conflict of interest would exist where:

- you have a personal interest that could lead you to be influenced in the way that you carry out your Council work or duties;
- you have a personal interest that could lead a fair person to think that you could be influenced in the way that you carry out your Council work or duties; or
- a family member, relative, friend, associate or anybody close to you has a personal interest that could lead you to be influenced in the way that you carry out your Council work or duties, or could lead a fair person to think that you could be influenced.

Conflicts of interest include both pecuniary interests and non-pecuniary interests. Non-pecuniary conflicts of interests are just as important as pecuniary interests.

The Local Government Act, 1993 imposes requirements for Councillors, designated persons and advisers to declare any pecuniary interests they might have. The Act should be referred to in all matters concerning possible pecuniary interests.

WHAT IS THE DIFFERENCE BETWEEN PECUNIARY AND NON PECUNIARY INTERESTS

(A) PECUNIARY INTERESTS

A pecuniary interest, as defined in Section 442 of the Act "...is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person".

As provided by Section 443, you have a pecuniary interest in a matter if:

- you have a pecuniary interest;
- your spouse, de facto partner, relative, partner or employer has a pecuniary interest;
- a company or other body of which you, or a nominee, partner or employer is a member has a pecuniary interest.

As provided by Section 442 of the Act, a person does not have a pecuniary interest in a matter if the matter is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in Section 448.

Section 441 of the Act defines designated persons to include:

- the General Manager
- other senior staff; and
- people holding positions or committee memberships that the Council considers makes them designated persons.

The Act provides opportunities for pecuniary interests to be disclosed both in writing and verbally (at meetings).

(i) Written Disclosures

If you are a Councillor or a designated person you must, as provided by Section 449 of the Act, complete and lodge a return in the form of Schedule 3 of the Local Government (General) Regulation 2005, with the General Manager:

- within 3 months after becoming a Councillor or designated person. You do not need to lodge a return within this period if you lodged a return in the previous year, or if you ceased to be a Councillor or designated person within the 3 month period; or
- within 3 months of 30 June in any year if you held your position at 30 June.

As provided by Section 454 of the Act, a general notice given to the General Manager in writing by a Councillor or a member of a Council committee to the effect that the Councillor or member, or the Councillor's or member's spouse, de facto partner or relative, is;

- a member, or in the employment, of a specified company or other body, or
- a partner, or in the employment, of a specified person,

is, unless and until the notice is withdrawn, sufficient disclosure of the Councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council committee after the date of this notice.

As provided by Section 459 of the Act, if you are a designated person you must disclose in writing to the General Manager any pecuniary interest you have in any Council matter with which you are dealing.

(ii) Verbal Disclosures

As provided by Section 451 of the Act, if you are a Councillor or a member of a Council committee and you have pecuniary interest you must:

- if you are present at the meeting disclose your interest to the meeting as soon as practicable (usually at the start of the meeting but always prior to the matter actually being considered);

- not be present at, or in sight of, the meeting;
- not take part in any consideration or discussion of the matter; and
- not vote on any question relating to the matter.

As provided by Section 446 of the Act, the above requirement does not apply if you are a member of a Council committee that is wholly advisory.

A disclosure made at the meeting must be recorded in the minutes of the meeting as provided by Section 453 of the Act.

(iii) General

As provided by Section 456 of the Act, if you are giving advice to the Council or a Council committee you must disclose any pecuniary interest that you have in the matter to the meeting at the time that you give the advice.

Note: You are encouraged to err on the side of caution by declaring your interest and by not participating in discussion or in decision making if there is any doubt.

(B) NON PECUNIARY INTERESTS

A non-pecuniary interest is any private or personal interest which does not pertain or relate to money. It may include kinship, friendship, membership of an association, society or trade union or involvement or interest in an activity.

CONFLICTS OF INTEREST - EXAMPLES

Examples of situations that may give rise to conflicts of interest include:

- a staff member having the responsibility for hiring a consultant where one of the applicants is a good friend;
- a staff member having responsibility for assessing a tender for the supply of equipment, where a close friend has submitted a bid;
- a councillor being very active, although not holding office, in the running of a club that has any form of application or request before Council;
- a councillor being involved in the decision making in relation to a matter involving the personal affairs of a close friend;
- a town planner lives near a site for which a development application has been submitted to Council for the construction of a block of flats and the town planner is involved in the processing of the application;
- a councillor participating in the decision making process of a development application submitted by a relative;
- a councillor making a decision about a club where one spends a great deal of one's time; and
- a staff member conducting a health inspection of a premises in which one has a financial interest.

Note: These examples are not necessarily actual instances and are not intended to be exhaustive. They are merely a sample of situations which could arise from time to time and are provided for the express purpose of helping Councillors, staff and delegates understand what could constitute a conflict of interest.

Some particular areas of concern which have been identified by the Department of Local Government and ICAC, where amplification may be useful, are set out below:

(i) Gifts and Benefits

For comment on how you should deal with situations where you are offered a gift or benefit, please refer to the Council's Code of Conduct, Gifts and Benefits policy and Statement of Business Ethics.

(ii) Travel

Trips funded by suppliers or business associates of the Council, may only be accepted:

- if the purpose of the trip is to carry out Council activities, for example inspecting goods, production facilities or other sites in connection with a potential purchase; and
- with the written permission of the General Manager for staff or the written permission of the Mayor or a resolution of the Council for Councillors, the General Manager or delegates.

(iii) Club Membership

Councillors, staff, delegates and advisers, who are members of clubs should seriously consider whether their club memberships could give rise to conflicts of interests in Council matters that may affect the clubs.

The greater your involvement with the club, the greater likelihood of a real or perceived conflict of interest.

Factors that should be considered include:

- whether or not you hold any positions of office in the club;
- whether or not you take on the role of an office holder even though you do not formally hold a position at the club;
- whether or not you previously held significant positions in the club, or are likely to in future;
- how much fundraising or organising you do for the club;
- how much time you spend at the club; and
- how involved your spouse, children and others close to you are with the club.

HOW DO YOU DETERMINE IF A CONFLICT EXISTS?**QUESTIONS TO CONSIDER**

The following questions may help you decide whether a conflict of interest exists or whether your behaviour could create the impression that it does:

- Do I, a relative, friend or associate stand to gain or lose financially from Council's decision or action on the matter?
- Do I, a relative, friend or associate stand to gain or lose my/our reputation because of Council's decision or action?
- Have I contributed in a private capacity in any way to the matter before Council?
- Have I made any promises or commitments in relation to the matter?
- Have I received a benefit or hospitality from someone who stands to gain or lose from Council's decision or action?
- Am I a member of an association, club or professional organisation, or do I have particular ties and affiliations with organisations or individuals, who stand to gain or lose from Council's consideration of the matter?
- Is the person an election campaign donor or someone who helped during my election campaign?

- Could there be benefits for me in the future that could cast doubt on my objectivity?
- If I do participate in assessment or decision making, would I be happy if my colleagues and the public became aware of my association or connection?
- Would a fair and reasonable person perceive that I was influenced by personal interest in performing my public duty?
- Do I need to seek advice or discuss this matter with an objective party?
- Am I confident of my ability to act impartially and in the public interest?
- Do I understand the possible penalties if I go on with my action?

Note: The references to “before Council”, Council’s consideration”, etc, also refer to issues to be dealt with under delegated authority by Council officers.

PERCEPTIONS

Not only must our actions be free of any conflicts, we must ensure that they are clearly seen to be free of any conflicts.

It is therefore important that you consider what other people might think of the situation. This should include, for example, unsuccessful tenderers, other potential suppliers, other businesses, clients, ratepayers, residents and members of the public, other Councillors and staff members.

RESPONSIBILITY

If you have a conflict of interest, or you think it is likely that you might have a conflict you must notify either:

- the General Manager or Mayor in writing; or
- the relevant Council or Committee meeting.

The objective of notification is to protect both yourself and the Council.

In many cases, only you will be aware of the potential for a conflict of interest. The onus for notification is therefore on you.

If a conflict arises during a meeting, such as a Council or Committee Meeting, or a meeting of an external body/committee to which the Council has appointed you, you should inform the meeting of the interest, preferably at the start of the meeting. Depending on the nature of the conflict, it may be appropriate not to vote on the matter. Unless this conflict has been assessed as being only of a minor nature, you must leave the meeting and not participate in discussions on the matter. The disclosure and subsequent actions will be recorded in the minutes of the meeting and in the case of Council and Committee meetings will be recorded in the Council’s Register of Disclosures.

If you are uncertain as to whether or not you may have a conflict of interest in a particular matter, you should obtain independent legal advice.

ADVICE

During meetings, the General Manager may advise if he considers that a Councillor, staff member, delegate or adviser has a conflict of interest in a matter before the meeting.

At other times, the General Manager may convey this advice to a Councillor, staff member, delegate or adviser personally, either verbally or in writing. In doing so, the General Manager shall invite the Councillor, staff member, delegate or adviser to comment.

Ultimately, the onus for resolving conflicts of interest rests with the individual.

However, it is anticipated that once provided with advice that the perception of a conflict of interest exists;

- the Councillor or delegate should seriously consider whether he or she should continue to participate in decision making in relation to the subject matter; or
- the staff member or adviser must immediately disqualify himself or herself from reporting or providing advice to the Council in relation to the subject matter. Failing this the General Manager may arrange for another staff member to report or advise the Council or arrange for advice to be sought from another source.

WHO SHOULD REPORT CONFLICTS OF INTEREST

THE INDIVIDUAL WHO HAS OR MAY HAVE THE CONFLICT

As provided by this policy, the onus rests with the individual to report any conflicts of interest that he or she may have.

OTHERS

Where a Councillor or staff member believes that a colleague, delegate or adviser has a conflict of interest, or where a member of the public believes that a Councillor, staff member, delegate or adviser has a conflict of interest, this may be reported (in writing) to the Mayor or General Manager.

While proof of a conflict is not required, the person reporting the conflict must have reasonable grounds for believing that the conflict exists. Frivolous or vexatious complaints, or complaints made solely or substantially with the aim of avoiding dismissal or other disciplinary action will not be tolerated.

If a conflict involves corrupt conduct, maladministration or serious and substantial waste of public money the report may be protected by the ~~Public Interest~~ Disclosures Act, 1994. In this instance, the matter will be dealt with in accordance with Council's Public Interest Disclosure Internal Reporting Policy (SSF/104).

Where a complaint concerns a failure to disclose a pecuniary interest in contravention with the Local Government Act, 1993, it may be made to the Director General of the Department of Local Government (Section 460).

In all cases, the identity of the complainant will be treated as confidential and will be not revealed.

DEALING WITH CONFLICTS OF INTEREST

WHERE A VOLUNTARY DISCLOSURE IS MADE

(A) PECUNIARY INTEREST

If a pecuniary interest is disclosed, the person with the interest must not be involved in consideration or discussion of the matter in which they have the interest and must not vote on any question relating to the matter in accordance with the Act and Council's Code of Meeting Practice.

(B) NON PECUNIARY INTEREST

If a non-pecuniary interest is disclosed, there are a range of options available to deal with the conflict, depending on the circumstances of the matter and objective assessment of it.

For advice as to how you should manage non-pecuniary interests please refer to the council's Code of Conduct.

WHERE A CONFLICT IS NOT DISCLOSED AND/OR WHERE A COMPLAINT IS RECEIVED

Complaint handling procedures and sanctions in relation to this policy will be in accordance with Section 12 of the Code of Conduct.

	POLICY	ADOPTED C/M 16/9/09 Minute No. 207/09
	Election of Mayor <u>and</u>, Deputy Mayor and Chairs of Standing Committees	REVIEW: FILE No. A0110008


OBJECTIVE

To provide for an efficient process for the election of the Mayor and, Deputy Mayor ~~and Chairs of the Standing Committees~~.

POLICY

This policy does not attempt to surpland the legislative provisions governing the election of the Mayor but is aimed at providing a streamlined process.

1. Nomination forms will be made available to all Councillors one week prior to the Extraordinary Meeting which contains on the Agenda the Election of the Mayor.
2. In accordance with Schedule 7 of the Local Government (General) Regulation 2005, any nomination must be in writing and signed by two (2) or more Councillors (one who may be the nominee). The nomination will not be valid unless the nominee has indicated consent to the nomination in writing.
3. The nomination should be provided to the General Manager no later than close of business on the working day prior to the Extraordinary Meeting at which the election shall take place.
4. Notwithstanding the above, nominations may be made without notice.
4. The above process shall apply to the Election of the Mayor and, Deputy Mayor ~~and Chairs of Standing Committees~~.

	POLICY	ADOPTED C/M 21/10/09 Minute No. 249/09
	PROBLEMATIC COMPLAINANTS	REVIEW: FILE No. A0100021

OBJECTIVE:

1. To provide guidance for staff and councillors' in dealing with customer complaints.
2. To ensure that Council resources are used efficiently and effectively when dealing with customers.
3. To ensure that all customers are treated fairly and reasonably.

POLICY:

Service Commitment

1. Council staff and councillors shall strive to meet the needs of our customers in a professional and ethical manner with courteous and efficient service. Staff and councillors shall:
 - a) treat all customers with respect and courtesy;
 - b) listen to what customers have to say;
 - c) respond to customer enquiries promptly and efficiently;
 - d) act with integrity and honesty when liaising with customers; and
 - e) consult customers about service needs.

Standards of Service

1. Council staff shall strive to respond to correspondence received from customers (written, faxed or emailed) within fourteen (14) days.
2. An acknowledgement letter may be sent where investigations are such that more than 14 days is required to enact a response.
3. Telephone calls to Council's switchboard shall be answered quickly and efficiently.
4. Council staff shall answer incoming calls by clearly stating their name and position or section. Unanswered calls will divert to another member of staff.
5. Staff making outgoing calls shall identify themselves by name and council/section and shall clearly outline the purpose of the call.
6. Customer service staff shall greet customers as quickly as possible in a courteous and friendly manner.

7. Staff required to visit a customer shall endeavour to contact the customer first and make an appointment. At the beginning of the visit, staff shall clearly identify both themselves and the purpose of the visit.

Customers Who Cannot Be Satisfied

8. Customers who cannot be satisfied include members of the public or groups who do not accept that Council is unable to assist them, provide any further assistance or a greater level of service than has been provided already and/or disagree with the action Council has taken in relation to their complaint or concern.
9. If in the opinion of the General Manager a customer cannot be satisfied and all appropriate avenues of internal review or appeal have been exhausted and the customer continues to write, telephone and/or visit Council the following actions may be taken:
 - a) the General Manager will write to the customer restating Council's position on the matter and advising that if the customer continues to contact Council regarding the matter Council may:
 - i) not accept any further phone calls from the customer.
 - ii) not grant any further interviews.
 - iii) require all further communication to be put in writing.
 - iv) continue to receive, read and file correspondence but only acknowledge or otherwise respond to it if:
 - the customer provides significant new information relating to their complaint or concern; or
 - the customer raises new issues which in the General Manager's opinion, warrant fresh action.
 - b) the General Manager shall advise councillors of any correspondence issued in accordance with clause 9(a).
 - c) the customer shall be given an opportunity to make representations about Council's proposed course of action.
 - d) if the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that any or all of points i) to iv) above will now apply.

Customers Who Make Unreasonable Demands

10. Customers who make unreasonable demands include members of the public whose demands on Council start to significantly and unreasonably divert Council's resources away from other functions or create an inequitable allocation of resources to other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.
11. If in the opinion of the General Manager a customer is making unreasonable demands on Council and the customer continues to write, telephone and/or visit the following actions may be taken:
 - a) the General Manager will write to the customer advising them of Council's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands on the organisation, Council may:

- i) not respond to any future correspondence and only take action where, in the opinion of the General Manager the correspondence raises specific, substantial and serious issues; or
 - ii) only respond to a certain number of requests in a given period.
- b) the General Manager shall advise councillors of any correspondence issued in accordance with clause 4(a).
- c) the customer shall be given an opportunity to make representations about Council's proposed course of action.
- d) if the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that either or both of points i) and ii) above will now apply.

Customers Who Constantly Raise The Same Issue With Different Staff

12. If in the opinion of the General Manager a customer is constantly raising the same issues with different staff the following actions may be taken:
- a) the General Manager may notify the customer that:
 - i) only a nominated staff member will deal with them in future;
 - ii) they must make an appointment with that person if they wish to discuss their matter; or
 - iii) all future contact with Council must be in writing.
 - b) the General Manager shall advise councillors of any notification issued in accordance with clause 5(a).
 - c) the customer shall be given an opportunity to make representations about Council's proposed course of action.

Customers Who Are Rude, Abusive or Aggressive

13. Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of either a personal or general nature, threatening or offensive behaviour, physical violence against property or physical violence against a person.
14. If in the opinion of any staff member rude, abusive or aggressive comments or statements are made in telephone conversations or interviews, the staff member may:
- a) warn the caller that if the behaviour continues the conversation or interview will be terminated.
 - b) terminate the conversation or interview if the rude, abusive or aggressive behaviour continues after a warning has been given.
15. Where a conversation or interview is terminated in accordance with clause 14, the staff member must notify the relevant Manager of the details as soon as possible and place a record of interview on the Council's records management system on the day the event occurred.

16. If in the opinion of the General Manager any correspondence to Council contains personal abuse, inflammatory statements or material clearly intended to intimidate, it will be returned to the sender and not otherwise acted upon.

General

17. In all of the situations referred to in this policy, adequate documentary records must be made and maintained on the appropriate Council file.
18. Where the General Manager determines to limit a customer's access to Council in any of the ways specified in this policy, the General Manager must advise the Council as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the ICAC, Division~~department~~ of Local Government of the Premiers Department and the NSW Ombudsman for information.

6.2.26 PROCUREMENT POLICY

REPORT BY ACTING GROUP MANAGER FINANCE AND ADMINISTRATION
PROCUREMENT POLICY
A0100052, A0100021

RECOMMENDATION

That:

- 1. the report by the Acting Group Manager Finance and Administration on the Procurement Policy be received;**
- 2. Council adopt the revised Procurement Policy.**

EXECUTIVE SUMMARY

Minor alterations have been made to the Procurement Policy.

DETAILED REPORT

The Procurement policy has been revised to make reference to Council's Gifts and Benefits policy, update advertising requirements, petty cash spend limit and mandatory use of the tendering toolkit. These changes are shown as "track changes" on the copy of the policy attached at the end of the Business Paper.

FINANCIAL IMPLICATIONS

Not Applicable.

STRATEGIC OR POLICY IMPLICATIONS

Revision of current Procurement policy.

APPROVED FOR SUBMISSION:




LEONIE JOHNSON
ACTING GROUP MANAGER
FINANCE AND ADMINISTRATION

WARWICK BENNETT
GENERAL MANAGER

3 November 2011

Attachments: Procurement Policy

	POLICY	ADOPTED C/M 4715/12/0810 Minute No.
	Procurement	REF: DEC — OCT 2010 2011 REV: COR1010/10 FILE No. A0100021

OBJECTIVE

This policy aims to ensure Council's procurement of goods and services is legal, ethical and to Council's best advantage. The outcomes of this policy are:

- Open and fair competition;
- Value for money;
- Enhancement of the capabilities of local business and industry;
- Environmental protection; and
- Ethical behaviour and fair dealing

RELEVANT LEGISLATION

- Local Government Act 1993
- Local Government (General) Regulation 2005

RELATED POLICIES

- [Local Preference Policy](#)
- [Gifts & Benefits Policy](#)
- Code of Conduct
- Statement of Business Ethics
- Risk Management Policy
- Complaints Policy
- Disposal of Assets Policy

AUSTRALIAN STANDARDS

- AS2124 General Conditions of Contract

POLICY

~~Efficient and effective procurement is a significant contributing factor in achieving Council's overall objectives. Cost savings achieved by way of effective procurement management means that Council can further support the provision of services and facilities to the community.~~

In entering into contracts for the carrying out of work, or the supply of goods and services, Council Officers will have regard to Mid-Western Regional Council's purchasing objectives [as set out above](#).

Every effort should be made to ensure businesses operating within the Mid-Western Regional Council area are given an opportunity to quote.

The general objectives of this policy apply to all purchases regardless of whether payment is made via traditional Accounts Payable processes, petty cash or corporate purchase cards.

Those persons/organisations providing goods and services to Council shall be considered to be agents of Council and shall be required to comply with Council's relevant policies.

[Breach of the requirements of this policy may result in disciplinary action.](#)

Training of Staff

Staff involved in the procurement of goods and services will be appropriately trained in the relevant procedures to be followed.

Delegation of Authority

The General Manager has delegated authority to incur financial expenditure on behalf of Council under the following provisions:

- Where expenditure has been provided for in Council's budget; or
- Genuine emergency or hardship;

The General Manager is authorised to enter into contracts on behalf of Council within the expenditure delegation authorised. Other Council Officers may only incur expenditure on behalf of the Council if:

- The Officer has been granted a financial delegation by the General Manager and such delegation is recorded in the Delegations Register; and
- The expenditure is provided for in Council's budget; or
- In the case of genuine emergency or hardship where the power to incur expenditure in these circumstances has also been delegated.

Council Officers may only receive an expenditure delegation greater than \$1,000 where the Officer has completed appropriate training or has relevant experience which, in the opinion of the General Manager, qualifies the Officer to the delegated level.

Any Officer incurring expenditure may only do so in accordance with any constraints imposed by the Council or the General Manager in respect to a financial delegation.

No Officer may have a procurement delegation exceeding \$150,000.

Splitting of Orders

Council Officers are prohibited from splitting orders for the purposes of acquiring goods or services above their delegated financial and procurement levels, or to avoid the necessity to obtain quotes or call for tenders.

When party to a trade-in on goods, the delegated level of authority will be used for the purchase price of the goods not the purchase value less the trade in price.

Promotions & Incentives

[The offering or acceptance of promotional goods, rewards, benefits or any other form of incentive in relation to the purchase of goods and services is strictly prohibited. Refer to Council's Gifts and Benefits Policy.](#)

Allocation of Funds

Apart from delegated authority to purchase, it is essential that funds are made available for a purchase prior to any commitment being entered into. This means that a budget allocation must have been made by Council in the Management Plan or subsequent reviews for the purpose to which the proposed expenditure applies.

For special projects, contribution works, and grant works not specifically detailed in the Management Plan, approval to purchase is dependant upon the funds being available. These funds must either be received or committed in writing by the funding body and accepted by Council.

For any job which exceeds the preliminary estimate by more than an immaterial amount, initial approval for works to commence must be given by the General Manager and reported to Council via the Quarterly Budget Review process.

Budget allocations are provided for a purpose. Expenditure contrary to this purpose, (such as using a budget in one area to cover another, or using a recurrent budget to fund a capital purchase and vice versa), must be approved initially by the General Manager and then reported to Council via the Quarterly Budget Review process.

Aggregation of Requirements

Council is a member of Regional Procurement (a division of Hunter Councils Inc.) ~~and is committed to a regional alliance with Lithgow City Council and Oberon Shire Council.~~ Council Officers are encouraged to seek opportunities to aggregate purchases within ~~these~~ this alliances as well as other groups when applicable.

Local suppliers should be encouraged to submit a quotation or tender in these circumstances, and advertising of such tenders or expressions of interest in locally circulated media (Community News, Mudgee Guardian) is essential.

Purchase of Goods and Services up to \$50

~~Purchases up to \$50.00 may be made out of petty cash or via corporate purchase cards except as defined otherwise by the General Manager.~~

Purchase of Goods and Services above \$50 and up to \$100

The use of official purchase orders is encouraged. Purchases may be made via corporate purchase cards or out of petty cash except as defined otherwise by the General Manager.

Purchase of Goods and Services above \$100 and up to \$1,000

Purchases must be made by submitting an official purchase order to the supplier. Exceptions to placing a purchase order will be made for various services involving recurrent payments, such as telephone and electricity accounts, subscriptions, credit card purchases and monthly rentals, where it is impractical to raise orders prior to receipt of the invoice.

Purchase of Goods and Services above \$1,000 and up to \$10,000

Purchases must be made by submitting an official purchase order to the supplier. Exceptions to placing a purchase order will be made for various services involving recurrent payments, such as telephone and electricity accounts, subscriptions, credit card purchases and monthly rentals, where it is impractical to raise orders prior to receipt of the invoice.

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or
- Accessing a Preferred Supplier Arrangement (PSA); or
- Obtaining at least two quotes (sole supplier situations excepted); or
- Accessing Government contract pricing.

When utilising SOA or PSA procurement methods, Council must ensure that there is provision for the evaluation of the arrangements, including the removal of a supplier from an arrangement because of poor supplier performance.

An SOA or a PSA may be established if:

- The supply of goods or services is needed in large volumes and or on a frequent basis; and
- Use of an SOA or PSA will obtain better value for money by aggregating demand for the goods or services required.

Purchase of Goods and Services above \$10,000 and up to \$50,000

Public advertising for quotations is encouraged but is not essential. If public advertising is used, the responsible Group Manager will assess the coverage of such public advertising.

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or
- Accessing a Preferred Supplier Arrangement (PSA); or
- Obtaining at least three written quotes (sole supplier situations excepted); or
- Accessing Government contract pricing.

An exemption from obtaining three written quotations may only be issued by the General Manager.

All quotations received are to be given due consideration in accordance with Mid-Western Regional Council's purchasing objectives.

All persons and organisations that provide a quotation must be advised in writing of the outcome.

When utilising SOA or PSA procurement methods, Council must ensure that there is provision for the evaluation of the arrangements, including the removal of a supplier from an arrangement because of poor supplier performance.

An SOA or a PSA may be established if:

- The supply of goods or services is needed in large volumes and or on a frequent basis; and
- Use of an SOA or PSA will obtain better value for money by aggregating demand for the goods or services required.

Purchase of Goods and Services above \$50,000 and up to \$150,000

Public advertising for quotations is essential. The responsible Group Manager will assess the coverage of such public advertising.

An exemption from public advertising for quotations may only be issued by the General Manager. Should such an exemption be issued, a minimum of three written quotations must be obtained or access to Government contract pricing.

All quotations received are to be given due consideration in accordance with Mid-Western Regional Council's purchasing objectives.

All persons and organisations that provide a quotation must be advised in writing of the outcome.

At the end of major procurements the performance of the contractor or supplier should be assessed. This information can be used in the assessment process for the award of future contracts.

Purchase of Goods and Services above \$150,000

Purchases in this category shall be administered in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

At the end of major procurements the performance of the contractor or supplier should be assessed. This information can be used in the assessment process for the award of future contracts.

Tendering

Section 55 of the Local Government Act 1993, in conjunction with the Local Government (General) Regulation 2005, provides the legislative framework that promotes the consistent use of good practice standards in local government tendering in a manner that is clear, consistent and readily accessible to all persons.

Tenders will be called for the provision of goods and or services that exceed \$150,000 in value (including GST). Exceptions may apply in certain circumstances as provided by section 55(3) of the Local Government Act 1993.

Whenever Council is required by section 55 of the Local Government Act 1993 to invite tenders before entering into a contract, Council must decide the tendering method to be used. The options are:

- The open tendering method by which tenders for the proposed contract are invited by public advertisement;
- The selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement asking for Expressions of Interest;
- The selective tendering method by which recognised contractors selected from a list prepared or adopted by Council are invited to tender for proposed contracts of a particular kind.

Part 7 of the Local Government (General) Regulation 2005 outlines the requirements for tender processes. The legislation and regulations should be complied with in all instances.

Council has a detailed Tendering Toolkit to guide Officers through the tendering process. [This toolkit must be used for all tenders conducted by Council.](#)

Tenders should be evaluated based on Council's purchasing objectives as well as but not limited to previous performance of contractors.

Accessing Tenders through Regional Procurement

Council is a current member of the procurement initiative Regional Procurement. Council can access current tenders listed with Regional Procurement for Hunter Councils by following the accessing procedure. Council is not limited to utilising tender arrangements as sought by Regional Procurement and is encouraged to utilise the most effective method of Tendering for Council's purchasing objectives.

Due Diligence

Due diligence of suppliers is to be carried out, where appropriate, where a tender is not required.

Due diligence of any supplier must be carried out in all Tender situations.

Receipt of Goods and Services

When the goods are received or the works and services carried out, a Goods Received declaration shall be completed in the prescribed format.

Council Specific Procurement

Council will call for tenders on a regular basis for the provision of certain goods and services. The frequency of tenders will be guided by legislative requirements and operational needs. These contracts may include, but are not limited to:

- The supply of fuel and oils
- Cleaning of Council premises
- Security services
- Bitumen sealing
- Audit services
- Banking services
- Electricity supply
- Telecommunications

Quotations for casual plant hire will be publicly advertised each year. The advertisement will call for fixed rates from owners of specialised plant and equipment, for projects required to be carried out by Council on an as required basis.

Quotations for casual hire of trade services will be publicly advertised each year. The advertisement will call for pre-qualified suppliers of trade services for projects and routine maintenance required to be carried out by Council on an 'as required' basis.

Public Liability, Professional Indemnity and Products Liability

Service providers must have appropriate levels of public liability, professional indemnity and products liability insurance as necessary.

Occupational Health & Safety Management and Workplace Injury Management

Mid-Western Regional Council attaches a high priority to the continuous improvement of occupational health and safety and workplace injury management.

Service providers shall have a demonstrated commitment to, acceptable performance with, and a systematic approach to occupational health and safety management and workplace injury management.

Service providers and their employees must comply with occupational health and safety, workers compensation, compensation insurance, injury management and rehabilitation obligations under legislation, relevant industry codes of practice, safety procedures in applicable industrial awards and approved agreements, and the general law.

Principal contractors are accountable for compliance by their service providers with their legal obligations regarding their employees.

All service providers, their employees and their unions must also comply with their workplace obligations, including the provisions of all applicable industrial awards and approved agreements.

Arrangements or practices designed to avoid workplace obligations under relevant laws, industrial awards and approved agreements are not permitted.

Publication of Successful Tenderers and Expressions of Interest

Council will maintain a register showing those successful contractors to Council in those cases where the contract value is in excess of \$50,000.

VARIATION

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.

6.2.27 MUDGEES SEWAGE TREATMENT PLANT CONSTRUCTION

REPORT BY MANAGER WATER & WASTE STRATEGIES
MUDGEES STP
A0100052, F0740001

RECOMMENDATION

That the report by the Manager Water & Waste Strategies on the Mudgees Sewage Treatment Plant Construction Contract be received.

DETAILED REPORT

At the 15 June 2011 Council meeting Council resolved that, "subject to a satisfactory financial assessment and concurrence of the NSW Office of Water, Council accepts the tender of Precision Civil Infrastructure P/L for the construction of a Sewage Treatment Plant at Mudgees for the sum of \$13,699,295".

On 5 August 2011 Council received an offer of financial assistance from the Hon. Katrina Hodgkinson, Minister for Primary Industries of \$3,602,915 toward the cost of the project, being 26.3% of the Sewage Treatment Plant Construction contract sum. Council awarded the Contract to Precision Civil Infrastructure P/L on 8 August 2011.

During August and September 2011 the Contractor has been arranging and preparing contract specific pre-construction documentation including a Project Occupational Health & Safety Plan, a Project Quality Plan, a Project Environmental Management Plan, a dilapidation report, insurances and securities.

Site works commenced on 19 September 2011 with the construction of security fencing. Earthworks commenced on 18 October 2011.

Staff will be preparing a Project Status Report at the conclusion of each calendar month discussing works carried out in the previous month, works proposed for the next calendar month, project variations, contractual issues, progress payments and the construction program. The report will be provided for information at the third Wednesday Council meeting each month. A copy of the October 2011 Project Status Report is attached.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

BRETT CORVEN
MANAGER WATER & WASTE STRATEGIES

BRAD CAM
GROUP MANAGER OPERATIONS

3 November 2011

Attachments: Contract No.0901709 Project Status Report, October 2011

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

**Contract No.0901709 - Mudgee Sewerage Augmentation
Construction of a New Sewage Treatment Plant and Associated Works**

Project Status Report
October 2011



Report No. 3

Issue Date: 2 November 2011

Prepared by: Brett Corven
Principal's Authorised Person

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EXECUTIVE SUMMARY

Contract No.	0901709
Principal Contractor	Precision Civil Infrastructure ABN 16 097 107 956
Original Contract Sum (ex GST)	\$13,699,295.45
Approved Cost of Variations Total	\$0.00
Current Contract Sum	\$13,699,295.45
Contract Payments to Date	\$398,000.70
Total Project Cost Expended	2.9%
Date of Contract	8 August 2011
Original Contract Duration	511 calendar days Milestone 1: 28 calendar days Milestone 1+ 2: 420 calendar days (82.2%) Milestone 3: 63 calendar days (12.3%) Milestone 4: 28 calendar days (5.5%)
Approved Extensions of Time Claims	10 calendar days (2.0%)
Contract Completion Date	10 January 2013
Calendar Days Elapsed	85
Calendar Days Remaining	436
Total Project Time Expended	16.3%

Notes:

Milestone 1 – Preparation and submission of pre-construction documents.

Milestone 2 – Construction of the Works.

Milestone 3 – Site testing, plant demonstration and commissioning.

Milestone 4 – Preparation and submission of operation and maintenance manuals and work-as-executed drawings.

1. Project Status

1.1 Work Progress during October 2011

1.1.1. Milestone 1 – Preconstruction Documentation

The Contractor (PCI) has now submitted all of the required preconstruction documentation including:

- Construction Management Plans – OHS, Quality, Environment and Training.
- Dilapidation Report
- Construction Program
- Insurances – Works, Public Liability, Workers Compensation and Professional Indemnity
- Securities

1.1.2. Security Fencing

PCI has elected to construct the security fencing required under the Contract prior to establishing the site rather than erecting temporary site fencing. The construction of the site fencing has now been completed. Minor modifications may be required following the completion of earthworks. PCI has claimed 90% of the Schedule of Prices item 'New Site Fencing & Access Gates' and will claim the remaining 10% upon completion of any required modifications and rectification of any minor defects.

1.1.3. Site Establishment

PCI has completed the installation of site amenities including a site office, ablutions, meal room and first aid room, and have claimed 50% of the Schedule of Prices item 'Site Establishment'.

1.1.4. Site Preliminaries

Erosion and sedimentation control devices have been installed at the southern boundary of the site to ensure that soil disturbed by earthworks doesn't leave the site during storm events. PCI has been asked to also erect sediment fencing along a section of the northern boundary (adjacent to the Mudgee Waste Depot) as small area of the site drains to the north.

1.1.5. Earthworks

The Contract requires that the topsoil is to be stripped down to, but not less than, the bottom of the grass root zone and stockpiled for later use during landscaping.

Topsoil has been stripped and stockpiled at an approved location at the Mudgee Waste Depot. PCI have claimed 10% of the Schedule of Prices item 'Earthworks, Detailed Excavation & Foundation Preparation'.

1.1.6. Photographs



Photograph 1. PCI Site Office and Amenities



Photograph 2. Silt Fencing along the Southern Boundary



Photograph 3. Silt trap at the southern boundary



Photograph 4. The site stripped of topsoil

1.2 Work Activities planned for November 2011

1.2.1. Earthworks

Cut and fill earthworks will be carried out during November. Roads will be constructed or cut to the bottom of the sub-base layer and pads for structures will be constructed to 50mm below the underside of the structure.

2. Project Variations

Variation No. 1 – Clause 36.1.1 of the General Conditions of Contract requires that the Contractor take out a Works Policy of Insurance to cover loss or damage to the works for a minimum cover of \$30 million for any one occurrence. Due to the reduced scope of works following the deletion of the Putta Bucca Sewage Pumping Station from the contract, it was agreed that the Contractor should instead take out a works policy of insurance for a minimum cover of \$20 million for any one occurrence. This is a variation in favour of the Contractor and does not change the Contract Sum.

Variation No. 2 – Clause 52.10 of the General Conditions of Contract provides that the Contractor may propose in writing to the Principal a variation for the Contractor's convenience. The Principal may approve the variation but is not obliged to do so. The Principal's approval may be conditional. The Contractor has requested to install two additional 5m wide gates in the site security fence to provide direct access to the quarry at the Waste Depot and to provide direct access for construction of pipelines south of the STP site. The variation has been approved subject to access conditions. The variation does not change the Contract Sum.

Variation No. 3 – The Contractor provided a Certificate of Professional Indemnity Insurance that is limited to \$1M for any one claim in the aggregate during the period of insurance, plus one reinstatement, inclusive of costs and expenses. However, Clause 36.3 of the General Conditions of Contract requires that the Contractor must have in place a Professional Indemnity policy of insurance for a minimum cover of \$3,013,845, being 20% of the Contract Price.

The NSW Government Procurement Practice Guide – Construction Insurance advises that where the Professional Indemnity insurance policy includes provision for one automatic reinstatement then the Professional Indemnity insurance can be reduced to a minimum of 50% of the amount required in the Contract.

It was therefore agreed that, as the Contractor's insurance policy includes provision for one automatic reinstatement, the Contractor should arrange to increase the minimum cover for Professional Indemnity to \$1.5M. The Contractor has since provided a certificate of currency for a Professional Indemnity policy of insurance that is limited to \$2M.

This is a variation in favour of the Contractor and does not change the Contract Sum.

Variation No. 4 – The switch room at the amenities building has been designed to have a sub-floor space to accommodate electrical cabling. The designer has nominated reinforced concrete block walls. PCI has requested to construct reinforced concrete walls in the sub-floor space in lieu of reinforced concrete block walls. This variation has been approved subject to the

Contractor providing a structural design certificate. This is a variation in favour of the Contractor and does not change the Contract Sum.

Variation No.5 – The security fence has been constructed in accordance with the Contract. However, the space between the lowest strand of barbed wire and the top of the chain wire panel is excessive. PCI has offered to install an additional strand of barbed wire for an extension of time of 5 days and no additional cost to Council. The extension of time allows additional time to arrange sub-contractors for later works.

As the construction of site fencing is on the critical path of the Contractor's construction program, the request for an extension of time for this variation is considered legitimate and has been granted.

Variation No.6 – The Contract includes minor earthworks in preparation for the installation of a pad mounted electricity substation near the entrance to the Sewage Treatment Plant. The Contractor has requested to relocate the substation closer to the amenities building to reduce the voltage losses between the electricity supply and the equipment. This variation has been approved subject to the additional foundation works being carried out at no additional cost to Council. This is a variation in favour of the Contractor and does not change the Contract Sum.

Total cost of variations = \$nil (0.0%).

3. Contractual Issues

Nil.

4. Progress Payments

Progress Claim No.1 for a sum of \$398,000.70 (plus GST) was received on 28th October 2011. The progress claim has been assessed and formally accepted.

5. Program

PCI have requested an extension of time of 9 days due to wet weather delaying fencing construction and earthworks operations:

- Rain event 29th September 2011 (16.4mm) – Site Fencing Construction. Concrete truck bogged due to sodden ground conditions. Fence post installation delayed by two days. As 'site fencing' is on the critical path of PCI's construction program, an extension of time of two days has been granted.
- Rain event 6th to 8th October 2011 (26.8mm) – Earthworks commenced on 10th October but scraper bogged due to sodden ground conditions. Earthworks delayed by 6 days. PCI submitted the required Safe Work method Statement for 'Clearing and Earthworks' on 13th October 2011 and so shouldn't have started work until 14th October 2011. As 'earthworks' is on the critical path of PCI's construction program, an extension of time of two days has been granted.
- Rain event 26th October 2011 (4.6mm) – Earthworks postponed by one day due to sodden ground conditions. An extension of time of one day has been granted.

An extension of time of 5 days has also been granted for the completion of Variation No.5.

The completion date for the project is now 10 January 2013. PCI has been requested to submit an updated program and a revised progress claim schedule that corresponds with the revised construction program.

6.2.28 KURRAJONG TREE REMOVAL – ULAN ROAD

REPORT BY GROUP MANAGER OPERATIONS
KURRAJONG TREE REMOVAL – ULAN ROAD
A0100052, R0790176

RECOMMENDATION

That:

- 1. the report by Group Manager Operations on the Kurrajong tree removal on Ulan Road be received; and**
- 2. the removal of the identified Kurrajong Trees on Ulan Road be approved.**

EXECUTIVE SUMMARY

The aim of this report is to obtain approval to remove 21 Kurrajong Trees on the Ulan Road.

DETAILED REPORT

There are 34 Kurrajong Trees from Moggs Lane heading north along Ulan Road. The first 10 from Moggs Lane are in good / reasonable health and can remain. The next 24 trees, 3 trees are in good enough health to remain after receiving some dead wooding, the remaining 21 are dead, dying or deteriorating at a rapid rate. Tree report attached.

It is recommended that these trees be removed at ground level. As part of the removal process it is recommended that the stumps be grinded to ground level. Once works commence a closer inspection of each tree will be undertaken and if it is of the belief that a tree might be able to be saved then it will receive deadwooding only.

FINANCIAL IMPLICATIONS

A Quote has been received (attached) totalling \$8008.00, traffic control not included. This will be funded from the Regional Roads Budget.

STRATEGIC OR POLICY IMPLICATIONS

Tree Removal and Pruning – Public Places

APPROVED FOR SUBMISSION:

BRAD CAM
GROUP MANAGER OPERATIONS

WARWICK BENNETT
GENERAL MANAGER

30 September 2011

Attachments: 1. Tree report
2. Map
3. Mudgee Tree Services Quote







ULAN ROAD

- - remove
- - remove - died reshooting - will become unstable
- - deadwood keep
- - remove
- - remove
- - remove
- ~~○ - remove~~

driveway

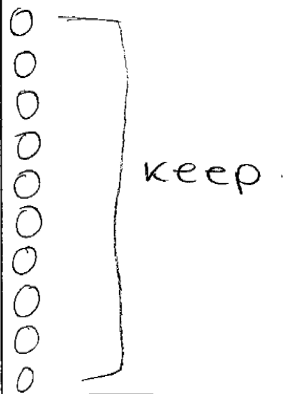
- - remove
- - remove
- - remove
- - remove
- - remove - hollow - bugs
- - remove
- - remove
- - remove
- ~~○ - remove~~

driveway Bombis estate .

- - remove
- - remove - very decayed borders.
- - remove
- - remove
- - remove

100kn

- - keep deadwood
- - keep deadwood
- - remove



MOGGS LANE

FROM : AANDJUIVERS

FAX NO. : 63745114

17 Oct. 2011 6:29 P7

MUDGEES TREE SERVICES
 Andy Vivers
 Phone: 6374 5114 Mobile: 0457 908 145

ABN: 80 380 334 318

“ROWELLAN”, GULGONG, NSW 2852

TAX INVOICE / QUOTE

To TRACCY KANE Date 15/10/11
MID WESTERN REGIONAL COUNCIL
 TERMS: NETT 30 DAYS FROM END OF MONTH

Details	GST	Total (incl. GST)
* REMOVAL & STUMP GRINDING OF SICK & DYING KURRAJONGS ON JAW RD * THIS PRICE DOES NOT INCLUDE TRAFFIC CONTROL. WE CAN WORK USING TRAFFIC LIGHTS WITH ONE LANE CLOSED. * THE JOB WILL TAKE A MAXIMUM OF 2 DAYS. * THERE ARE 5 OR 6 TREES THAT I RECOMMEND BE LEFT. ONE OF TWO WILL NEED TO BE TRIMMED TO TRY AND IMPROVE TREE HEALTH.	\$728	\$8008

DIRECT DEBIT:
 Bank: Elders Rural Bank
 BSB: 633 511
 Account Name: Rowellan Partnership
 Account Number: 301123816

Sub Total	
GST	
TOTAL (INCL. gst)	
BALANCE DUE	\$8008 -

6.2.29 GENERAL CONTRACTORS – ADDITION TO PREFERRED SUPPLIERS LIST

REPORT BY BUILDING COORDINATOR
ADDITIONAL CONTRATORS
A0100052, A0412910

RECOMMENDATION

That:

1. **the report by Building Coordinator on the addition of general contractors be received;**
2. **the Council accepts the additional suppliers/contractors and that they be included as part of the general contracting preferred suppliers list. That Council accept these amendments in accordance with clause 178 of the *Local Government (General) Regulation 2005*. Submissions received;**
 - **Macquarie Geotech**
 - **The Tyre Man, Mudgee**
 - **Central West Hire, Orange**
 - **Austact Pty Ltd, Bangor**
 - **David Burke Air Conditioning, Gulgong**
 - **CommTech, Totnes Valley**
 - **Graphic Constructions, Hargraves**
 - **Desraux Industries Pty Ltd, Bylong**
 - **Ross Mitchell & Associates, Strathfield South**

EXECUTIVE SUMMARY

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

DETAILED REPORT

Council placed an advertisement requesting any local business wanting to be added to the preferred suppliers list for materials and/or general contractor (ie Trade Professional) with Council. Ten submissions were received, nine have been included in this report and one was not accepted due to not meeting minimum requirements requested. Macquarie Geotech had placed a submission just prior to this process occurring. The submissions and services are as follows:

Company	Services
Macquarie Geotech	Geotechnical Engineers, Engineering Geologists, Chemists, Environmental Scientists, Coal Technicians, Concrete Technicians and Geotechnical Technicians.
The Tyre Man, Mudgee	Tyres, Wheels and Batteries
Central West Hire, Orange	Hire Scaffolding, temporary fencing, access equipment and truck hire. Temporary lighting
Austact Pty Ltd, Bangor	Tactile ground surface indicators
David Burke Air Conditioning, Gulgong	Air conditioning installation, maintenance and sales
CommTech, Totnes Valley	Acoustic Consultants
Graphic Constructions, Hargraves	Graphic design, web design and business branding
Desraux Industries Pty Ltd, Bylong	Steel erection/structures, fabrication, rigging and heavy lift specialist, welding, truck cartages
Ross Mitchell & Associates, Strathfield South	Site remediation, demolition, asbestos and hazardous material removal, civil services

The additional tenders have been presented as per Council's resolution at the June 2010 Council Meeting where additional contractors may be included on the preferred suppliers list if requested during the contract period by resolution of Council.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

KRISTIE WARD
BUILDING COORDINATOR

BRAD CAM
GROUP MANAGER OPERATIONS

19 October 2011

Attachments: Nil

APPROVED FOR SUBMISSION:

WARWICK L BENNETT
GENERAL MANAGER

6.2.30 GULGONG SPORTS COUNCIL MINUTES – SEPTEMBER 2011

REPORT BY GROUP MANAGER MID-WESTERN OPERATIONS
GULGONG SPORTS SEPTEMBER
A0100052, A0360003

RECOMMENDATION

That:

- 1. the report by Group Manager Operations on the Gulgong Sports Council minutes be received; and**
- 2. the minutes for the Gulgong Sports Council ordinary monthly meeting held on 14 September 2011 be noted.**

DETAILED REPORT

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Sports Council Meeting held on 14 September 2011. The Sports Council receives an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meeting.

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

FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC OR POLICY IMPLICATIONS

Not applicable

APPROVED FOR SUBMISSION:

BRAD CAM
GROUP MANAGER
MID-WESTERN OPERATIONS

WARWICK BENNETT
GENERAL MANAGER

24 October 2011

Attachments: Minutes of the Gulgong Sports Council Ordinary Meeting

ATTACHMENT 1

Gulgong Sports Council
Monthly Meeting held Gulgong High School
Wednesday 14th September, 2011

MID-WESTERN REGIONAL COUNCIL RECORDS RECEIVED 20 OCT 2011 <input type="checkbox"/> SCANNED <input type="checkbox"/> REGISTERED

Meeting Opened: 6:50pm **Chairperson:** Craig Holden

Apologies: D. Seis, T. Kane, L.Hawkins

Motion 1 – “That the apologies be accepted” Moved: C. Rissler Seconded: N. Barnes
All in favor – motion moved and carried.

Present: C. Holden - President, B. Gudgeon - Senior Cricket, B. Rae - Dog Obedience, C. Rae - Volunteer, N. Barnes - Miniature Horse & Gulgong Pony Club, C. Rissler - Gulgong Public School, B. Murphy – Dog Obedience, P.Thompson – MWRC, N. Doherty – Gulgong Cricket, R. Egan

Motion 2 – “That the minutes be accepted as read” Moved: B. Rae Moved: B. Rae
All in favor – motion moved and carried.

Council Business:

1. The Synthetic mats for Billy Dunn Oval will be replaced in the next few weeks as the contractor is waiting on new matting.
2. Electrician will be checking Victoria Park in the next few weeks at most.
3. Council is really pushing the “No Smoking” policy. All sporting ovals are non-smoking. Ask Council to supply signs for at entrance and kiosk. We are supporting the policy but we can’t police it. Letters will go to all Clubs.

Finance Report:

Income;

Lynne Hawkins	(Affiliation Fees)	\$33.00
Convergean Pty Ltd	(Donation)	\$ 400.00

Expenditure

Gulgong Timber and Hardware	(Padlocks)	\$58.50
Merie Hawkins	(Trophies)	\$1061.70
Gulgong Golf Club	(Donation)	\$ 150.00

Gulgong Golf Club – request for donation for Corporate Day \$150.00 for raising of funds for local charity. (Donation Granted)

Motion 3 – “That the treasurer’s report is accepted and all expenditure be paid.”

Moved: N.Barnes

Seconded: C.Rae

All in favour – motion moved and carried

Correspondence:

Incoming:

1. Kennel Club Monthly Newsletter
2. MWRC – acknowledging our correspondence concerning the new fees & changes.
3. Gulgong Golf Club – request for donation for Corporate Day.

Outgoing:

1. Nil.

Motion 4 – “That the correspondence be accepted.”

Moved: B. Murphy

Seconded: C. Rissler

All in favour – motion moved and carried

General Business:

1. Gulgong Sports Council would like to congratulate Betty and Charlie on their 60th wedding anniversary...
2. Sports Development Scholarship Fund – there will now be 2 scholarships instead of 1. \$500 for a team and \$250 for individual.
3. MWRC will be having another meeting in about 3 week’s time to discuss responses to the proposal. Then it will go to Council for approval.

General Business Club Reports:

1. Nil

Meeting closed: 8.00

Craig Holden  President

6.2.31 NOXIOUS WEEDS SECTION 20 ENFORCEMENT

REPORT BY NOXIOUS WEEDS ADMINISTRATOR
NOXIOUS WEEDS ENFORCEMENT UNDER SECTION 20 NOXIOUS WEEDS ACT
A0100052, A0130077, P1158211

RECOMMENDATION

That:

- 1. the report by the Noxious Weeds Administrator on Section 20 enforcement on property number 11582 is received;**
- 2. the Noxious Weeds Section proceeds with the Section 20 enforcement of property number 11582;**
- 3. it be noted that the cost of carrying out weed control on this property will cost \$15,004.**

EXECUTIVE SUMMARY

This report seeks formal approval for Council to carry out the control of noxious weeds on a property where the owner has not undertaken the required works to control noxious weeds under the Noxious Weeds Act 1993.

DETAILED REPORT

Inspections and reinspections of property number 11582 have been conducted according to the requirements of the Noxious Weeds Act 1993. Noxious weeds have been identified on the property and investigations have shown that the requirements of the Noxious Weeds Act have not been met.

A Section 18 Weed Control Notice was originally issued on the owner of the property on 20 December 2010 and inspections carried out on 14 April and 4 August 2011 revealed that no action had been taken to control noxious weeds on the property. This Weed Control Notice was revoked after advice was received in relation to this matter and the enforcement process was recommenced.

A further Section 18 Weed Control Notice was therefore issued on 12 October 2011 with compliance required by 26 October 2011 and an inspection carried out on 31 October 2011 revealed that no action had been taken to control the noxious weeds and compliance had not been achieved.

As provided by Section 20 of the Noxious Weeds Act, in those cases where property owners have failed to undertake required weed control after the issue of a Section 18 Weed Control Notice, Council is empowered to carry out weed control on the land subject to the weed control order. Section 60 of the Act provides that the costs incurred by Council in carrying out this work may be charged to the owner and raised as a debt against the subject land.

Quotations to carry out the work required to manage the noxious weeds on the property were requested from three contractors and these quotations were in the amounts of \$15,004, \$19,634.28 and \$22,093.40. It is intended that Council will proceed with the lowest quote.

FINANCIAL IMPLICATIONS

There is no budget set aside to carry out works of this nature and as a consequence additional funding will be required from reserves.

The cost of carrying out the necessary noxious weed control will become a charge on the land however will be a debt incurred by Council until this can be recovered. This is an estate property on Aarons Pass Road and will be auctioned for sale this calendar year. Council will recover these costs for the sale proceeds if the property sells. Otherwise we will need to make a provision in our budget to allow for this debt until the cost of this work can be recovered. It is recommended that this section 20 action continue under the current owners (estate) otherwise we will need to commence the process again if the property changes ownership.

STRATEGIC OR POLICY IMPLICATIONS

No applicable.

SUSAN BURNS
NOXIOUS WEEDS ADMINISTRATOR

BRAD CAM
GROUP MANAGER OPERATIONS

3 November 2011

Attachments: Nil

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.32 MUDGEES SALEYARDS MANAGEMENT COMMITTEE

REPORT BY GROUP MANAGER OPERATIONS
SALEYARDS REPORT AUGUST 2011
A0100052, A0100047, F0720036

RECOMMENDATION

That:

- 1. the report by Group Manager Operations on the Mudgee Saleyards Management Committee Meeting be received;**
- 2. the minutes for the Mudgee Saleyards Management Committee ordinary monthly meeting held on 18 August 2011 be noted.**

EXECUTIVE SUMMARY

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Saleyards Management Committee ordinary monthly meeting held on 18 August 2011.

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

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

BRAD CAM
GROUP MANAGER OPERATIONS

Attachments: Minutes of the Mudgee Saleyards Management Committee ordinary monthly meeting 18 August 2011.

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

**MINUTES OF THE MUDGEE REGIONAL SALEYARDS COMMITTEE MEETING HELD ON
18 August 2011 COMMENCING AT 9.10am AND CONCLUDING AT 9.30AM**

Present: Cr Esme Martens (Chair), Cr John Webb, Barry Clapham (Transport Rep), Terry McDonald (Selling Agent), Bob Kearins (NSW Farmers Association), John Little (NSW Farmers), Brad Cam (Council), Cr Percy Thompson, Jason Pearce (Selling Agent)

In Attendance: Ramona Page (Minute Secretary)

Cr Martens opened the meeting at 9.10am and thanked all for attending.

1. APOLOGIES

NIL

2. MINUTES OF PREVIOUS MEETING

Recommendation: That the minutes of the meeting held on 16th June 2011 be accepted.

Moved: Cr Webb 2nd John Little

3. MATTERS ARISING FROM MINUTES OF THE MEETING ON 16th June 2011

- 1) AvData machine has been faulty – Joe Best had received parts – to be confirmed that this has fixed the problem
- 2) A pen has been fixed with the height of the gate bracing raised and this has been met with approval by the agents, they will all be progressively replaced as they break.
- 3) Rails need replacing – works request to be placed
- 4) Holes were fixed in the yards by Joe
- 5) Indicator Board – keep chasing livestock Exchange for a cost on the changes otherwise get a sign made up to bring the discrepancy between beast on scale & weights showing
- 6) Terry McDonald was happy when he inspected access to the bull pens after the previous meeting with Brad Cam

4. GENERAL BUSINESS

Cr Martens

Conference Summary – A lot of talk on the introduction of more stringent NLIS for Sheep and discussions on Live Exports.

Brad Cam

Brad suggested using some of the money that was set aside for the remodelling of the cattle crush to re-hab/re-seal the front area where trucks are pulling in/turning. It will cost approx \$40,000 to fix at present.

The committee has requested a firm quote for the re-seal and then see if we can still start Stage 1 of the yards.

Moved: Cr Thompson 2nd Cr Webb

5. CORRESPONDENCE

Nil

6. BUSINESS WITHOUT NOTICE

Cr Thompson:

Tim Warner fell down at rear of truck wash as he went to step back to wash his truck and fell. The railing needs to be continued around the end.

Barry Clapham

Discussed the RTA changes to weights and the responsibility now on drivers to have correct weights. No real impact at this stage to the Saleyards

Brad Cam:

Just bringing to everyone's attention that Joe is on call 24/7 for collecting straying stock etc so time away on call outs impacts time in Saleyards– no solution yet but will look into it.

Terry McDonald: the cattle crush entering into the scales has started to fail & almost caused injury to Bill Lawson when the bale head gave way. John Reid to check this.

Moved: Barry Clapham 2nd Brad Cam

7. DATE OF NEXT MEETING__ 20th October 2011

Meeting closed 9.25am

6.2.33 TARGET COUNTRY PROGRESS REPORT – OCTOBER 2011

REPORT BY GROUP MANAGER - OPERATIONS
TARGET COUNTRY
A0100052, P0199811

RECOMMENDATION

That the report by the Group Manager - Operations on the Target Country Progress Report – October be received.

EXECUTIVE SUMMARY

The Target Country project construction will commence the week 7 November 2011.

Please see attached progress report for the Target Country building. All other updates are noted in the body of this report.

UPDATES

Carpark – the design quotes are being sought for the carpark and construction is expected to start in January 2012.

FINANCIAL IMPLICATIONS

The total project cost is \$2,424,000.00 (excluding GST)

ITEM	APPROVED ESTIMATE MAY 2011	ACTUAL BUDGET	ACTUALS TO DATE
Site Investigation			
Costs	\$ 2,500	\$ 2,500	\$ 0
Council & Authority			
Costs/Legal	\$ 10,000	\$ 10,000	\$ 10,007
Professional			
Consultants Costs	\$ 125,000	\$ 125,000	\$ 37,000
Leasing & Selling			
Costs	\$ 10,000	\$ 10,000	\$ 0
Design & Construction			
Costs	\$1,430,000	\$1,274,285	\$ 0
Other Allowances			
(contingencies)	\$ 147,000	\$ 147,000	\$ 0
Carpark	\$ 700,000	\$ 700,000	\$ 0
TOTAL	\$2,424,500	\$2,268,785	\$ 47,007

STRATEGIC OR POLICY IMPLICATIONS

Not applicable

BRAD CAM
GROUP MANAGER – OPERATIONS

1 November 2011

Attachments: Progress Report - October

APPROVED FOR SUBMISSION:

WARWICK L BENNETT
GENERAL MANAGER

Contract No.2011/07 – Target Country Construction

Target Country Project Status Report October 2011



Report No. 1

Issue Date: 31 October 2011

Prepared by: Brad Cam
Project Manager

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EXECUTIVE SUMMARY

Contract No.	2011/07
Principal Contractor	CCA Projects ABN 82 845 001 133
Original Contract Sum (ex GST)	\$1,274,284.93
Approved Contract Variations Total	\$0.00
Current Contract Sum	\$1,274,284.93
Contract Payments to Date	\$0.00
Total Project Cost Expended	0.0%
Date of Contract	31/10/ 2011
Original Contract Duration	119 calendar days
Approved Extensions of Time Claims	0
Contract Completion Date	6 April 2012
Calendar Days Elapsed	16
Calendar Days Remaining	113
Total Project Time Expended	13%

1. PROJECT STATUS

1.1 *Work Progress during October 2011*

1.1.1 The signing of the lease agreement is expected to be completed by early November.

1.1.2 The preparation of working drawings by the architect and engineers will be completed for Construction Certificate by the 28th October and signing of contract with CCA Projects

1.1.3 Demolition of the Commercial print building was completed by the end of October.

1.1.4 Photographs



1.2 *Work Activities planned for November 2011*

1.2.1 Documents lodged with Council for the Construction Certificate

1.2.2 CCA projects will take possession of the Mortimer Street Site and commence site establishment and demolition.

2 PROJECT VARIATIONS

Total cost of variations = \$nil (0.0%).

3 CONTRACTUAL ISSUES

Nil

4 PROGRESS PAYMENTS

Nil

5 PROGRAM

The Contractor has submitted a program that complies with the Conditions of Contract.

6 PROJECT FOCUS GROUP

A Project Focus Group has been established to review the progress of the contract. The Project Focus Group consists of the following staff and contractor representatives: Rhys Brotherton (LMG), Brad Cam (MWRC), Jason Gaff (CCA Projects)

Project Focus Group meetings will be held fortnightly commencing in November.

Attachments

- A. Variations Register- nil
- B. Meeting minutes- nil

URGENT BUSINESS WITHOUT NOTICE

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

GIVING NOTICE OF BUSINESS

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

BUSINESS WITHOUT NOTICE

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

ITEM 7: URGENT BUSINESS WITHOUT NOTICE