

ORDINARY MEETING

WEDNESDAY 1 FEBRUARY 2012

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

Mid-Western
REGIONAL COUNCIL



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25 January 2012

Dear Councillor

MEETING NOTICE

ORDINARY MEETING
WEDNESDAY 1 FEBRUARY 2012

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 1 FEBRUARY 2012

COUNCIL DECISION:

That the Minutes of the Ordinary Meeting held on 1 February 2012, Minute Nos 515/11 to 548/11 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 21 DECEMBER 2011, COMMENCING AT 6.11 PM AND CONCLUDING AT 7.03 PM.

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

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

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

ITEM 1: APOLOGIES

There were no apologies.

ITEM 2: DISCLOSURE OF INTEREST

Councillor Walker declared an interest in Item 6.2.15 and 6.2.19 as he is a sub-contractor for the contractor and had undertaken some work on the Target building. .

ITEM 3: CONFIRMATION OF MINUTES

515/11 **MOTION: Shelley/Weatherley**

That the Minutes of the Ordinary Meeting held on 7 December 2011 (Minute Nos. 398/11 to 514/11) be taken as read and confirmed.

The motion was put and carried.

ITEM 4: MATTERS IN PROGRESS

516/11 **MOTION:** Webb/Weatherley

That Min. No. COR.26/11 be endorsed as completed.

The motion was put and carried.

517/11 **MOTION:** Lang/Shelley

That Min. No. 170/11 be endorsed as completed.

The motion was put and carried.

518/11 **MOTION:** Webb/Lang

That Min. No. 326/11 be endorsed as completed.

The motion was put and carried.

519/11 **MOTION:** Shelley/Webb

That Min. No. 338/11 be endorsed as completed.

The motion was put and carried.

520/11 **MOTION:** Shelley/Walker

That Min. No. 340/11 be endorsed as completed.

The motion was put and carried.

521/11 **MOTION:** Shelley/Walker

That Min. No. 349/11 be endorsed 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 RESCISSION MOTION - DA0103/2012 – PROPOSED MULTI DWELLING HOUSING AND SUBDIVISION – LION'S DRIVE, MUDGEE

A0100035, A0100052, P2106761

522/11

MOTION: Walker/Shelley

That the decision of Council on 7 December 2011 under Minute No. 484/11 that Development Application 0103/2012 for a proposed Multi Dwelling Housing and Subdivision at Lions Drive Mudgee be determined by way of refusal be and is hereby rescinded.

The motion was put and carried.

523/11

MOTION: Walker/Shelley

- A. That the report of the Environmental Town Planner regarding DA0103/2012 for a Multi Dwelling Housing and Subdivision development at Lions Drive Mudgee be noted,
- B. That Council resolves to determine Development Application DA0103/2012 by way of consent subject to the following conditions.

APPROVED DEVELOPMENT

1. This consent relates to the erection of a three detached multi dwelling houses and subsequent Torrens title subdivision, as illustrated on the plans, specifications 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 Ref Lot (1) A, B & C, Lot (1) C, Lot (1) B, Lot(1) A, Titled Site Plan, Landscaping Plan, Subdivision Plan, Elevations and Floor Plan Dated 20/10/11 including any Amendments made in red.

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

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.

(Note: A suitably qualified person would be required to be present during earthworks to identify whether any artefacts were uncovered).
4. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
5. All building work must comply with the requirements of the Building Code of Australia 2010, Volume One, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
6. Prior to the occupation of a new building, an Occupation Certificate must be obtained from the Principal Certifying Authority appointed for the erection of the building.

PRIOR TO THE COMMENCEMENT OF WORKS

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

7. Separate application must be made under Section 68 of the Local Government Act 1993, as amended, to Mid-Western Regional Council for all water supply, sewerage, and stormwater drainage work associated with the development. Full details must be submitted to the Council for approval prior to the issue of the commencement of works.
8. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
 - a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c) Council is to 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.
9. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure

that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. The Council encourages the separation and recycling of suitable materials.

10. 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. Runoff and erosion controls must be installed prior to clearing the site and incorporate:
 - a) Diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
 - b) Sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water.
 - c) Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of the development or particular stage of the development.
13. A Registered Surveyors Certificate showing the boundaries of the site and the proposed development plotted thereon being submitted to the Principal Certifying Authority prior to commencement of construction. If Council is not the Principal Certifying Authority a copy of the Surveyors Certificate is to be provided to Council prior to the commencement of work.
14. With the exception of work where there is in force an exemption under clause 187 or 188 of the Environmental Planning & Assessment Act 1979 all building work that involves residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force. No work is to commence until a copy of a Home Owners Warranty or Owner/Builders Permit have been submitted to Council.
15. The developer shall obtain a *Certificate of Compliance* under the Water Management Act.
This will require:

- (a) Payment of a contribution for water and sewerage headworks at the following rate:
- | | |
|--------------------|----------|
| Water Headworks | \$11,412 |
| Sewerage Headworks | \$8,340 |
| Total Payable | \$19,752 |

- (b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

16. A Construction Certificate application must include working drawings of the structural elements of the proposed buildings within the development, prepared and certified by a practising Professional Structural Engineer. Full details are to be provided with the Construction Certificate application.
17. The Construction Certificate application must include full details of the proposed reinforced strip footings and piers prepared in accordance with the determined soil classification and certified by a practising Professional Structural Engineer or prepared in accordance with the requirements of AS 2870 "Residential Slabs & Footings Code".

CONDITIONS RELATING TO THE BUILDING WORK

18. 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.
19. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
20. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
21. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches and/or wall/ceiling linings.

22. Roof water is to be collected and discharged to the street water table by the use of non-flexible kerb adapters.
23. Building work is to comply with the requirements of clause 2.5 "Building in Saline Environments" contained in Council's Development Control Plan for "Residential Development" 2008 relating to the measures that must be implemented for the construction of house slabs and footings. The strength of the concrete used for the reinforced concrete floor slab must achieve a minimum 25MPa (N25).
24. If soil conditions require it:
 - a) Retaining walls associated with the erection of a building or other approved methods of preventing movement of soil must be provided, and
 - b) Adequate provision must be made for drainage. Full details must be provided to the Council prior to the commencement of that phase of the work.
 - c) Cut and/or fill must not exceed 1000mm.
25. The requirements of the submitted BASIX Certificates, numbers 353697S and 353698S issued on 19 September 2010 and must be installed and/or completed in accordance with the commitments contained in that Certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council prior to the commencement of the alteration/s.
26. Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of those commitments.

ENGINEERING WORKS

27. Vehicular entrances and concrete footway crossings are to be provided at a suitable location to the development. Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Development Engineer between 8.00am and 4.00pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.
28. 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.
29. 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.

30. All driveway, impervious pavement and private open space areas are to collect stormwater runoff and pipe to the Interallotment drainage system. The drainage system is to be sized to accommodate the 1:10yr ARI. Details of the drainage system are to be submitted to Council for approval prior to the commencement of that part of the works.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

31. All car parking and associated driveway works to be completed prior to occupation of the development.
32. 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.
33. Prior to the occupation of a new building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
34. Provisions are to be made such that the dwellings are connected to the reticulated communication, energy, water and sewer systems prior to the occupation of the buildings.

CONDITIONS RELATING TO THE SUBDIVISION OF THE (3) DWELLING HOUSES

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

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

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

Transport Management	
Traffic Management	\$2,151.34
Open Space	
Local Open Space	\$3,382.18
District Open Space	\$4,591.98
Community Facilities	
Library Buildings	\$441.84
Library Resources	\$531.26
Administration	
Plan Administration	\$1,030.96
Total Payable	\$12,130.00

NOTE:

If the *Subdivision Certificate* is not issued within twelve (12) months of the date on which this consent operates, the charges and contributions contained within this consent, may be subject to increases in line with CPI adjustments and/or updated fee schedules.

38. Prior to the issue of a *Subdivision Certificate*:
- (a) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - (b) An agreement be made between the developer and Council;
 - i) as to the security to be given to Council that the works will be completed or the contribution paid, and
 - ii) as to when the work will be completed or the contribution paid.

39. The applicant is to provide separate water and sewer reticulation services to each lot.

40. The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,100.00 per new junction to cover the cost of Council installing a junction in an existing main.

TOTAL PAYABLE 2 x \$1,100.00 = \$2,200.00

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

41. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a

payment to Council of \$1,100.00 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE 2 x \$1,100.00 = \$2,200.00

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

- 42. **Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.**
- 43. **Occupation certificates demonstrating a practical completion of the building work must be submitted with the application for subdivision certificate.**

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

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

6.1.2 DRAFT LEP 2011 – CONSIDERATION OF SUBMISSIONS - PERUMAL & WARNER PARTNERSHIP

A0100035, A0100052, A0420220

MOTION: Thompson/Martens

That the decision of Council on 7 December 2011 under Minute No. 503.11 in relation to the Draft LEP 2011 – Consideration of Submissions – Perumal & Warner Partnership being:

“15. That the submission from the Perumal & Warner Partnership in respect to Lots 65-7, 72, 253,214-5, 434-5 DP 755434, Lot 1 DP 1136192 and Lots 168-9 DP 1145165 be noted and that there be no amendment to the Draft LEP.”

be and is hereby rescinded.

The motion was put and lost.

6.2 REPORTS TO COUNCIL

**6.2.1 DA0070/2012 - PROPOSED FIVE LOT RURAL SUBDIVISION –
GLEN ALICE ROAD RYLSTONE**

A0100052, P1900261

524/11

MOTION: Walker/Shelley

That:

1. the report of the Environmental Town Planner regarding DA0070/2012 for a Five Lot Rural Subdivision be received; and
2. Lot 1352 DP 1091480 85 Glen Alice Road Rylstone be determined not to be Prime Crop and Pasture land under the terms of the Rylstone Local Environmental Plan 1996 and that Council Staff determine the rest of the application in accordance with the appropriate LEP.

AMENDMENT: Webb/Martens

That:

1. The application be refused as it fails to comply with Item 13.1.1 of the Rylstone LEP.
2. This matter be reviewed in respect of new DA's in relation to dwelling entitlements after the issue of rural lot sizes is determined.

The amendment was put and lost with Councillors voting as follows

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

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

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

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

A0100052, A0140304

525/11

MOTION: Lang/Martens

That the Investment Report as at 30 November 2011 by the Acting Group Manager Finance be received and the certification by the Responsible Accounting Officer noted.

The motion was put and carried.

6.2.3 VOLUNTARY PLANNING AGREEMENT – CENTENNIAL COAL

A0100052, P1436011

526/11

MOTION: Shelley/Martens

That:

1. the report by Group Manager Development and Community Services on the Voluntary Planning Agreement for Charbon Colliery be received; and
2. the draft VPA be placed on exhibition in accordance with the requirements of the Environmental Planning and Assessment Act.

The motion was put and carried.

6.2.4 COMMUNITY PLAN TOWARDS 2030

A0100052, A0420212

527/11

MOTION: Holden/Martens

That:

1. the report by Team Leader Strategic Planning on the Draft Community Plan be received; and
2. the Draft Community Plan Towards 2030 be adopted by Council subject to the following amendment-

Theme 4 –Connecting our Region – an additional action that states – “Pursuing with State Government and ARTC to have passenger rail return to the region”

and a copy of the plan be forwarded to the Director-General in accordance with the requirements of the Local Government Act.

The motion was put and carried.

6.2.5 ECONOMIC DEVELOPMENT – ACTION PLAN

A0100052, A0820020

528/11

MOTION: Walker/Shelley

That:

1. the report by the General Manager on the Economic Development – Action Plan be received; and
2. Council endorses the economic development actions for 2012 as set out in this report and the General Manager prepare an action plan and report to Council quarterly on progress against that action plan.

The motion was put and carried.

6.2.6 BOUNDARY CHANGE

A0100052, P1489711

529/11

MOTION: Walker/Weatherley

That:

1. the report by Manager Governance on the request for a boundary change be received;
2. Council agree to the boundary change involving the property “Ellengrove” so that all of this property be transferred into the Mid-Western Regional local government area.
3. Council write to Lithgow City Council seeking their formal agreement to this transfer.
4. Upon receipt of the agreement of Lithgow City Council a letter be forwarded to the Division of Local Government of the Department of Premier and Cabinet:
 - Seeking the permission of the Minister for Local Government and the Governor to the alteration of the boundary with the Lithgow local government area pursuant to the provisions of Section 218B of the Local Government Act 1993 in relation to Lots 53, 66, 67, 73 & 74, DP755757, owned by Mr S Wilkinson so as to bring the whole of these lots within the Mid-Western Regional local government area; and
 - Requesting that the proclamation altering the areas contain a provision that Mid-Western Regional Council will be responsible for any outstanding rates and charges.

The motion was put and carried.

6.2.7 FINANCIAL ASSISTANCE – TIER 2 APPLICATIONS

A0100052, A0140201

530/11

MOTION: Webb/Holden

That:

1. the report by the Financial Accountant on financial assistance applications be received;
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:
 - Shine for Kids \$200
 - Mudgee Martial Arts Club \$400
 - St Johns Church (DA fees) \$296
3. 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 and an additional requirement of a one year commitment in which time the applicant is required to remain in Mudgee in the field of mental health after completing her internship, with the funding from the general financial assistance vote:
 - Amy Penney \$1000
4. the following amounts be distributed from Councillor discretionary votes:

Signage for Spiney Burr Grass	Cr Webb	\$1,700
Rylstone Pensioners Association	Cr Martens	\$250
Rylstone Seniors Lunch	Cr Martens	\$250
Gulgong Seniors Lunch	Cr Thompson	\$200
Kandos Boxing Gym – Jim Large	Cr Shelley	\$300
	Cr Lang	\$100

The motion was put and carried.

6.2.8 HEALTHY COMMUNITIES FUNDING AGREEMENT

A0100052, A0140402, A0060060 & A0060032

531/11

MOTION: Walker/Shelley

That:

1. the report by the Manager, Community Development be received;
2. Council accept the funding offer from the Australian Government, Department of Health and Ageing for \$566,042 for the Healthy Communities initiative; and

3. Council authorise the General Manager to negotiate a final funding agreement and to execute the necessary documentation under the Common Seal.

The motion was put and carried.

6.2.9 UPCOMING EVENTS AT GLEN WILLOW

A0100052, F0650108, A0149935

532/11

MOTION: Walker/Shelley

That:

1. the report by the General Manager on the costs of upcoming events at Glen Willow be received; and
2. the General Manager be authorised to negotiate with the Rugby League Clubs in the region to determine who will assume the responsibilities for the various beverage and food requirements at the NRL Country vs City game.

The motion was put and carried.

6.2.10 2011/12 BORROWINGS

A0100052, A0140322

533/11

MOTION: Shelley/Walker

That:

1. the General Manager be authorised to enter into a finance arrangement with National Bank for the sum of \$11,400,000 for a term of ten years, (to fund the Mudgee Sewer Scheme and the refurbishment of the regions swimming pools) amortised over twenty years, at the rate supplied subject to no material change;
2. the General Manager be authorised to enter into a finance arrangement with National Bank for the sum of \$1,845,000 for a term of ten years (for the extensions to the Target Building in Mortimer Street Mudgee) at the rate supplied subject to no material change; and
3. the common seal of council be applied to the Deemed Charge over Council Rates

The motion was put and carried.

6.2.11A LOCAL PLANNING PANEL SURVEY

A0100052, A040220

534/11

MOTION: Shelley/Lang

That:

1. the report by Team Leader Strategic Planning on the Local Planning Panel Survey be received; and
2. the Group Manager Development and Community Services be given delegation to respond to the survey distributed by the

Local Planning Panel in relation to the Council's experience with the Standard Instrument LEP in accordance with the survey response attached to this report.

The motion was put and carried.

6.2.11B 2012 MEETING PROGRAM

A0100052, A0100004

535/11

MOTION: Shelley/Walker

That:

1. the report by the Manager Governance on the meeting schedule for 2012 be received;
2. Council Meetings for 2012 be scheduled as follows commencing with an Open Day at 5.30 pm:

Wednesday, 1 February 2012
Wednesday, 15 February 2012
Wednesday, 7 March 2012
Wednesday, 21 March 2012
Wednesday, 4 April 2012
Wednesday, 18 April 2012
Wednesday, 2 May 2012
Wednesday, 16 May 2012
Wednesday, 6 June 2012
Wednesday, 20 June 2012
Wednesday, 18 July 2012
Wednesday, 1 August 2012
Wednesday, 15 August 2012
Wednesday, 5 September 2012
Wednesday, 26 September 2012
Wednesday, 17 October 2012
Wednesday, 7 November 2012
Wednesday, 21 November 2012
Wednesday, 5 December 2012
Wednesday, 19 December 2012

The motion was put and carried.

6.2.12 MONTHLY MANAGEMENT PLAN REPORTING – NOVEMBER 2011

A0100052, A0149935

536/11

MOTION: Walker/Holden

That the Management Plan 2011/12 reports for the month ended 30 November 2011 be received.

The motion was put and carried.

6.2.13 MUDGEE SPORTS COUNCIL MINUTES – OCTOBER / NOVEMBER

A0100052, A0360013

537/11

MOTION: Lang/Shelley

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 31 October and 28 November 2011 be noted.

The motion was put and carried.

6.2.14 MUDGEE SEWAGE TREATMENT PLANT CONSTRUCTION

A0100052, F0740001

538/11

MOTION: Holden/Weatherley

That the report by the Manager Water & Waste Strategies on the Mudgee Sewage Treatment Plant Construction be received.

The motion was put and carried.

6.2.15 MUDGEE TOWN HALL RENOVATION PROJECT UPDATE

A0100052, P0159964

Councillor Walker declared a pecuniary interest in that he is a sub-contractor to this contractor, left the meeting at 6.53 pm and did not participate in discussions or vote in relation to this matter.

539/11

MOTION: Shelley/Weatherley

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

The motion was put and carried.

Councillor Walker returned to the meeting at 6.54 pm

6.2.16 NOXIOUS WEEDS ADVISORY COMMITTEE

A0100052, A0130079

540/11

MOTION: Webb/Shelley

That:

1. the minutes of the Noxious Weeds Advisory Committee held on 5 December 2011 are noted;
2. the amended Local Weed Control Management Plan be adopted;
3. Council write to the Minister for Primary Industries expressing concern with the lack of noxious weed control on the Windermere Dam Foreshore and requesting the formation of a management committee to advise on effective weed control and feral pest management; and

4. Council also write to the Minister requesting additional funding to undertake weed control on the region's road corridors.

The motion was put and carried.

6.2.17 MUDGEES SALEYARDS MANAGEMENT COMMITTEE

A0100052, A0100047, F0720036

541/11

MOTION: Lang/Webb

That:

1. the report by Group Manager Operations on the Mudgee Saleyards Management Committee Meeting be received; and
2. the minutes for the Mudgee Saleyards Management Committee ordinary monthly meeting held on 20 October 2011 be noted.

The motion was put and carried.

6.2.18 MUDGEES SHOWGROUND MANAGEMENT COMMITTEE –
OCTOBER 2011

A0100052, P0210911, A0100012

542/11

MOTION: Webb/Weatherley

That:

1. the report by Group Manager Operations on the Mudgee Showground Management Committee Meeting be received; and
2. the minutes for the Mudgee Showground Management Committee ordinary monthly meeting held on 4 October 2011 be noted.

The motion was put and carried.

6.2.19 TARGET COUNTRY PROGRESS REPORT – NOVEMBER 2011

A0100052, P0199811

Councillor Walker declared a pecuniary interest in that he is a sub-contractor to this project, left the meeting at 6.55 pm and did not participate in discussions or vote in relation to this matter.

543/11

MOTION: Shelley/Lang

That the report by the Group Manager - Operations on the Target Country Progress Report – November be received.

The motion was put and carried.

Councillor Walker returned to the meeting at 6.56 pm.

6.2.20 TENDER ASSESSMENT – 2010/05 WET AND DRY PLANT HIRE

A0100052, A0411005

MOTION: Shelley Martens

That:

1. the report by Manager Technical Support on the Wet and Dry Plant Hire Tender be received;
2. That Council accepts the additional contractors for tender 2010/05 for the provision of Wet and Dry plant hire in accordance with clause 178 of the *Local Government (General) Regulation 2005* as listed below for incorporation into Councils Preferred Suppliers List for Wet Hire;

SKIDSTEER

Castlereagh Contracting Services	Skidsteer	New Holland C190 / 2010
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TRACTOR

Castlereagh Contracting Services	Tractor Slashe	MF 1560 / 1990
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EXCAVATOR

Castlereagh Contracting Services	Excavator	Kabelco 5.5T / 2010
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MISCELLANEOUS

Downer Australia	Stabiliser	Wirtgen / WR 2400 / 2011
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Downer Australia	Stabiliser	Wirtgen / WR 2500K / 1999
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Downer Australia	Stabiliser	Civil / RS 425 / 1996, 1999
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Downer Australia	Spreaders	Flocon
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Stabilised Pavements Australia	Stabiliser	Wirtgen (>500HP)
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Stabilised Pavements Australia	Stabiliser	CMI (>500HP)
--------------------------------	------------	--------------

Stabilised Pavements Australia	Stabiliser	Catapillar (>500HP)
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Stabilised Pavements Australia	Stabiliser	Catapillar (250-350HP)
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Stabilised Pavements Australia	Spreader	Flocon
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Castlereagh Contracting Services	Spray Unit	Quick Spray / 2005
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3. Council accepts the list of additional contractors for tender 2010/05 for the provision of Wet and Dry plant hire in accordance with clause 178 of the *Local Government (General) Regulation 2005* as listed below for incorporation into Councils Preferred Suppliers List for Dry Hire;

ROLLER

LO Hire PTY LTD	S/D Roller	BOMAG BW 219D-4 / 2011
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MISCELLANEOUS

Castlereagh Contracting Services	Mulcher	Digga Mega Mulcher / 2011
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Note: The rates tendered are commercially in confidential in accordance with the Tendering Guidelines issued by the NSW Division of Local Government and thus the rates will not be released for public information.

The motion was put and carried.

6.2.21 TOURIST REGIONAL SIGNAGE

A0100052, R0790215

545/11

MOTION: Thompson/Lang

That:

1. the report by the General Manager on the Tourist Regional Signage be received;
2. Council does not proceed with the implementation of direction signage at key intersections to the region.
3. Council request the RTA to erect more effective direction signage at major intersections to the region.
4. Council pursue tourism signage outside of the Mid-Western local government area.

The motion was put and carried.

6.2.22 MUDGEE & GULGONG WATER TREATMENT PLANT UPGRADES

A0100052, F0780002

546/11

MOTION: Weatherley/Thompson

That:

1. the report by Manager Water & Waste Strategies on the Mudgee & Gulgong Water Treatment Plant Upgrades be received;
2. the quotation received from Worley Parsons P/L to prepare Concept Designs for the upgrading of the Mudgee and Gulgong Water Treatment Plants for the sum of \$53,900 plus GST be accepted and funded from the Council water accounts; and
3. the 2011/12 management plan be amended accordingly.

The motion was put and carried.

ITEM 7: URGENT BUSINESS WITHOUT NOTICE

7.1 FUNDING RYLSTONE SHOWGROUNDS

A0100052, A0140201, F0650145

547/11

MOTION: Weatherley/Shelley

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.

548/11

MOTION: Shelley/Martens

That:

- 1. the report by the General Manager on the funding for the Rylstone Showgrounds be received;**
- 2. Council accepts the offer of the Hon Katrina Hodgkinson MP on behalf of the Crown Lands Division of the Department of Primary Industries for a \$15,000 grant and a \$25,000 loan from the Public Reserves Management Fund towards the replacement of cattle pens at the Rylstone Showgrounds;**
- 3. Council accepts the offer of the Rylstone Showground Society to make the loan repayments for the loan; and**
- 4. the 2011/12 Management Plan be amended accordingly to reflect this project, grant and loan.**

The motion was put and carried.

ITEM 8: **CONFIDENTIAL SESSION**

There were no items of a confidential nature.

ITEM 9: **OPEN COUNCIL**

CLOSURE

There being no further business the meeting concluded at 7.03 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.	<p>Report included in this Business Paper</p> <p>RECOMMEND COMPLETION</p>
Rylstone/Kandos Sewerage Augmentation	S.85/10 Assets Mtg 1/12/10	<p>That:</p> <p>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;</p> <p>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>	<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>
Riverside Memorial Walk	Res. 55/11 Ord. Mtg 16/3/2011	<p>That:</p> <p>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;</p> <p>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.</p>	<p>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</p>

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Skate Parks in the Mid-Western Region	COM.61/11 Comm. Serv Mtg 7/9/2011	That: 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 budget.
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.	Decision on Govt grants delayed until April. One small grant received from a mining company. Otherwise minimal action from local committee
Xstrata Coal Youth Services Officer Program	COM.62/11 Comm. Serv. Mtg 7/9/2011	That: 3.the Mayor and General Manager approach Xstrata Coal seeking a continuation of funding for the Youth Services Officer program.	Xstrata have declined to continue their participation in this youth programme. We are approaching other sponsorship opportunities.
Cost of Water – Mudgee Race Club Inc	Min No.254/09 Ord Mtg 18/11/09	That: 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;	Work has been delayed because of the supply of parts and obtaining of water licences. Expected to be complete in next 8 weeks
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.	Report presented in December. Further resolutions to replace this. RECOMMEND COMPLETION
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.

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Redbank Creek Dam	Res 146/11 Ord. Mtg 20/7/2011	That: 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.	Meeting was held on 23RD November with NSW Office of water, Dam Safety Committee and National Parks.. Further information has been supplied and we are awaiting response.
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.	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.
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.

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
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 has been sent to one developer. Awaiting response.
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.
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.
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.	The Updated Project Report has been submitted to the DoPI. When EA lodged a meeting will be organised
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.
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.

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Sale of Industrial Land	Res.375/11 Ord Mtg 16/11/2011	<p>That:</p> <p>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.</p> <p>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</p> <p>5. the General Manager presents a report to the first meeting in February 2012 with options and recommendations for setting the reserve price.</p>	<p>Peter Druitt has been selected as the Real Estate Agent for this auction. The selection was made after receiving four registrations of interest</p> <p>RECOMMEND COMPLETION OF ITEMS 3 AND 4</p> <p>Auction date is planned for 25th February 2012.</p>

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Bylong Valley Way Loop Extension	Res. 377/11 Ord Mtg 16/11/2011	That: 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. 5. That this approval is not to be confirmed until such times as the long outstanding issues between Australian Rail Track Corporation and Council that Council has been endeavouring to get a solution are solved 6. That the approval be subject to the removal of trees as determined by the Group Manager of Operations on the Upper Bylong Road adjacent to this work site	Meeting with ARTC on 11 January 2012 where verbal agreements when reached where reached that matter between the two organisations would be dealt with in a respectful and timely way. We are now awaiting written confirmation from ARTC and Country Rail Infrastructure Authority to conform that verbal agreement
Planning Resources	Res. 511/11 Ord Mtg 7/12/2011	That consideration of this matter be deferred until February 2012.	Report included in this agenda. RECOMMEND COMPLETION
Planning Proposal – Temporary Workers Accommodation	Res. 487/11 Ord. Mtg 7/12/2011	That: 2. Council prepare a Planning Proposal under section 55 of the Environmental Planning and Assessment Act the purpose of which is to insert a local clause in Mid-Western Regional Interim Local Environmental Plan 2008 and Draft Mid-Western Regional Local Environmental Plan 2011 for Temporary Workers Accommodation.	Planning proposal has been forwarded to the Department of Planning.

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Fees and Charges – Sporting Facilities	Res. 514/11 Ord Mtg 7/12/2011	That these new fees and charges be placed on public exhibition until Friday 20 January 2012	Public exhibition was completed on the 20th January. Report to Council on 15th February.
Tourist Regional Signage	Res 545/11 Ord Mtg 21/12/2011	That: 3.Council request the RTA to erect more effective direction signage at major intersections to the region. 4.Council pursue tourism signage outside of the Mid-Western local government area.	Letter written to request new signage. No response to date. Quotes being sought from roadside signage provider and report planned to be forwarded to Council in March
Upcoming Events at Glen Willow	Res. 532/11 Ord Mtg 21/12/2011	That: 2. the General Manager be authorised to negotiate with the Rugby League Clubs in the region to determine who will assume the responsibilities for the various beverage and food requirements at the NRL Country vs City game.	First meeting with Rugby League clubs planned for January 25th.
VPA Centennial Coal	Res. 526/11 Ord. Mtg 21/12/2011	That: 2. the draft VPA be placed on exhibition in accordance with the requirements of the Environmental Planning and Assessment Act.	The VPA is currently on public exhibition and will be reported back to Council in March.

ITEM 5: MAYORAL MINUTE (If Any)

Nil.

ITEM 6: GENERAL BUSINESS

6.1 NOTICES OF MOTION

6.1.1 DISABLED TOILETS AT BILLY DUNN AND VICTORIA PARK OVALS

Listed by Cr Percy Thompson

A0100035, A0100055, F0650047 F0650124

MOTION: That Council construct disabled toilets at both Billy Dunn and Victoria Park Sports Fields.

BACKGROUND: The toilets are used quite frequently, for competitions and training, and at present there are no disabled toilets.

STAFF COMMENT: by General Manager

The Council has a list of toilet upgrades that it has endorsed. No monies are available in the current year's budget for additional toilet facilities. The recommendation below is for this matter to be considered as part of the 2012/13 budget where Council will be able to prioritise its public toilet development projects.

RECOMMENDATION – That Council consider in the 2012/13 budget initiatives the construction of disabled toilets at Billy Dunn Oval and Victoria Park, Gulgong.

6.2 REPORTS

6.2.1 DA0197/2012 ALTERATIONS AND ADDITIONS TO SOUTH MUDGEES SURGERY LOT 1 DP 865631, 11 OPORTO ROAD, MUDGEES

REPORT BY SENIOR STATUTORY PLANNER
OPORTO RD SURGERY ADDITIONS
A0100055, P1140962

RECOMMENDATION

- A. That the report by Council's Senior Statutory Planner regarding DA 0197/2012 for alterations and additions to South Mudgees Surgery Lot 1 DP 865631, 11 Oporto Road, Mudgees be noted,
- B. That Council resolves to determine DA 0197/2012 2012 for alterations and additions to South Mudgees Surgery Lot 1 DP 865631, 11 Oporto Road, Mudgees by way of consent subject to the following conditions;

APPROVED PLAN

- 1. Development is to be carried out in accordance with stamped plans 106.11- sheets 1 to 5 dated 16.11. 2011, prepared by Preferred Design and Drafting and forming part of DA 0197/2012 received by Council 06.12. 2011 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

HEALTH AND BUILDING

- 2. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
- 3. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
- 4. All building work must comply with the requirements of the National Construction Code 2011, Volume Two, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations. Full details must be provided with the Construction Certificate application.
- 5. 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.

6. 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 1.00pmNo construction work is permitted on Sundays and Public Holidays.
7. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. The Council encourages the separation and recycling of suitable materials.
8. Prior to the occupation of a new additions, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the additions.
9. 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.
10. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - stating that unauthorised entry to the work site is prohibited, and
 - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
11. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)
12. With the exception of work where there is in force an exemption under clause 187 or 188 of the Environmental Planning & Assessment Act 1979 all building work that involves residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force. No work is to commence until a copy of a Home Owners Warranty or Owner/Builders Permit have been submitted to Council.
13. All stormwater is to discharge to the street water table by the use of non-flexible kerb adapters
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.
15. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
 - Council is to given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.

16. **Adequate yard drainage together with appropriately sized sumps must be provided for the collection and disposal of ground surface waters to prevent a nuisance from these waters being caused to the property and/or adjoining properties. The disposal of ground surface waters must discharge to the street gutter or interallotment drainage easement. The ground water drainage system must be separate to the roof water drainage system. Full details must be submitted with the Construction Certificate application.**
 17. **A Registered Surveyors Certificate showing the boundaries of the site and the proposed buildings plotted there on being submitted to the Principal Certifying Authority prior to the commencement of construction.**
 18. **Prior to the occupation of the building a written statement must be submitted to the council confirming the installation/completion of those commitments.**
-

EXECUTIVE SUMMARY

The applicant proposes to undertake building works to the existing South Mudgee Surgery, Lot 1 DP 865631, 11 Oporto Road Mudgee, by way of constructing two additional consultation rooms and an extension to the existing meeting area. (Attachment 1- Aerial plan)

The proposed additions total 55m², bringing site coverage of the 1303m² lot to 440m²- this being an increase of approximately 15% (Attachments 2, 3 & 4- Site Plan, Floor Plan & Elevations).

The proposed additions to an existing medical facility, although resulting in non-compliance with Council's car parking DCP, are otherwise consistent with Council's plans and policies and considered worthy of Council support as being in the greater public interest.

The variation to Council's Car Parking Standard can be supported on the basis that the rooms are not proposed for additional doctor consultations but rather to provide a room for visiting health professionals (instead of occupying vacant doctor rooms), provide a separate room for the nurse (instead of being located within the procedure room) and provide a larger meeting room for staff. The proposed additions are likely to increase car parking demand only marginally when compared to additional doctor consulting rooms.

The proposal is recommended for approval, subject to conditions.

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.

REQUIREMENTS OF REGULATIONS AND POLICIES:

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

Mid-Western Regional Interim LEP 2008

The land is zoned Neighbourhood Business pursuant to Mid-Western Regional Interim Local Environmental Plan 2008. The objectives of this zone are;

- *To provide small-scale retail and commercial development that serves the surrounding neighbourhood.*

- *To ensure a high degree of design is maintained that is consistent with the low density nature of the surrounding development.*

The current application, being the expansion of an existing land use, is considered to be consistent with both zone objectives.

Draft Mid-Western Regional LEP 2012

Council must also consider the provisions of the Draft MWR LEP 2011 when determining the current application. Under the draft LEP, the subject lot is proposed to be zoned Neighbourhood Centre, with zone objectives essentially unchanged from those of the current LEP. The application is, therefore, considered to be consistent with zone objectives under the Draft LEP.

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

Car Parking DCP

Council's Car Parking DCP is of primary relevance to the current application, in that the approved development required 14 spaces to be provided. There are currently 14 approved spaces provided on site.

According to the DCP, offices and professional suites require 1 space per 30m² gross floor area (gfa). For the proposed floor area of 440m², this equates to 15 spaces.

Where site conditions warrant, Council may vary the car parking standards by up to 10%, upon submission by the applicant of a formal objection (Attachment 5- Applicant Submission).

It is considered that the lack of one (1) car parking space can be justified by the provision of better functioning medical services and that two thirds of the new floor area is simply to provide more space for existing staff.

It should also be noted that there exists the opportunity for ca. 4 car parking spaces along the site's Oporto Road frontage. A variation to the car parking DCP is, therefore, recommended.

IMPACT OF DEVELOPMENT/ SUITABILITY OF SITE FOR DEVELOPMENT

Context and Setting

The proposal is for minor additions to an existing facility. The site is part of a well established Neighbourhood Business zone within what is essentially a residential area.

Social and Economic impact in the locality

It is anticipated that the proposal, being an improvement of existing medical services, will have a positive impact on the local community and the Mid-Western Region Local Government Area.

Site design and internal design

The proposed extensions complement the existing structure and, in design, are consistent with the character of surrounding, residential development.

SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

The application was advertised for a period greater than 14 days (being over the Christmas/New year period). No submissions were received.

THE PUBLIC INTEREST

The provision of improved medical facilities, undertaken in compliance with Council plans and policies, is considered to be in the public interest.

Disclosure for Reportable Political Donation or Gifts.

The applicant has stated, as part of the development application, that they have made no political donation to a political party, elected member, group or candidate or provided a gift to a local councillor or council employee exceeding the value of \$1,000 in the past two years. This declaration is a requirement of the Election Funding and Disclosures Act 1981.

CONSULTATIONS

Health & Building.

Health & Building recommendations are included within the conditions of consent.

Development Engineer

The Development Engineer recommendations are included within the conditions of consent.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

OPTIONS

1. The application be approved subject to conditions included within the recommendation.
2. The application be refused as being an over-development of the site.

GARY BRUCE
MANAGER - STATUTORY PLANNING

19 January 2012

CATHERINE VAN LAEREN
GROUP MANAGER –
DEVELOPMENT & COMMUNITY SERVICES

Attachments: 1. Aerial Plan
2. Site Plan, Floor Plan & Elevations
3. Applicant statement.

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER



Map Scale: 1:380.1

Disclaimer

This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundaries and network data is supplied by Council staff.

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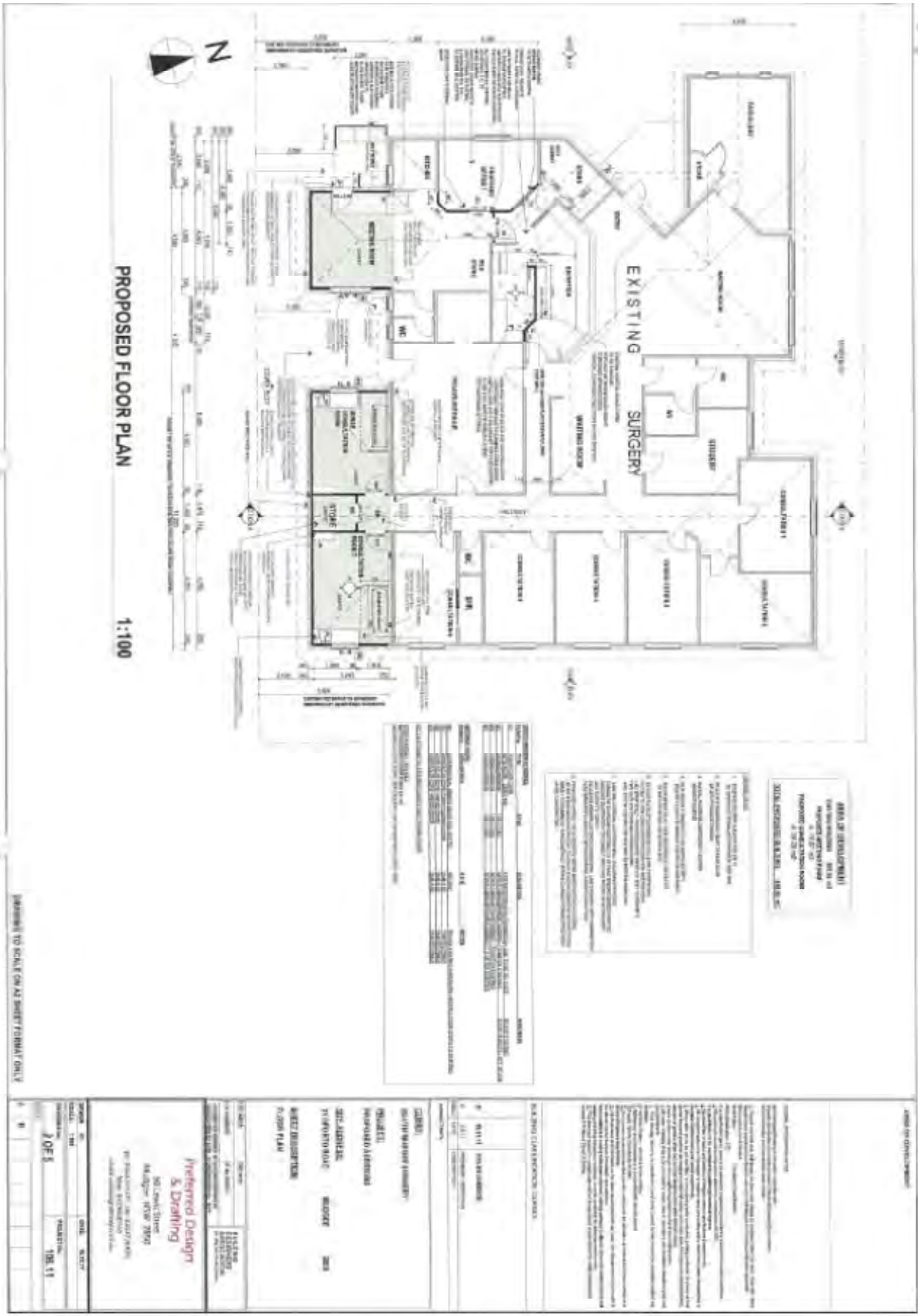
Legend

- | | | | | | |
|--|-------------|--|--------------|--|--------------|
| | Drainage | | Pond | | Road |
| | Green Level | | Location | | State Forest |
| | Railway | | LGA Boundary | | Waterway |

NORTH



Printed on Tuesday, 10 January 2012



SOUTH MUDGEES SURGERY

9 Oporto Rd, MUDGEES
NSW 2850
Ph:02-63724355 Fax:02-63726617

Dr Gary Moore
MB BS, Dip. OHS, Dip. Paed.
Regional Academic Leader, University of Wollongong
Private contact: mob: 0428-141057
gwmooore@hwy.com.au

27/01/11

To; Mr Gary Bruce
Manager Statutory Planning,
Mid-Western Regional Council.

Dear Mr Bruce,

Re: Proposed extensions to South Mudgees Surgery.

I write to clarify the expected increase in patient throughput that may arise from the extensions. There 3 parts to the development, an extension of the present staff area to create a meeting room and separate office, reorganization of the reception area and the addition of 2 clinical rooms at the southeastern corner of the present building. The first 2 parts as mentioned will have no impact on patient load.

The primary purpose of the 2 extra clinical rooms is to create a more efficient space in which to carry out nurse assessments and allied care treatment sessions. Presently these activities occur a bit ad hoc during vacancies in the doctor treatment rooms, with a bit of juggling between the full and part time doctors, visiting specialists, practice nurse clinics such as the well womens clinic and diabetic clinic; and allied health providers such as dietitians and diabetic educators. Activities not involving the presence of a patient such as nurse data entry for nursing home and aged care visits, as well as recall and booking of patients for nurse led clinics can take place. If there is any increase in nurse clinic activities this would be at a fairly low booking rate, given the time taken to perform the assessments. Possibly additional medical students may use a room from time to time under the supervision of a doctor and once again not increasing through put.

There is the hope that these clinics free up the doctors from time consuming complex care cases and act in a preventive manner to reduce doctor and hospital visits for this population.

Please contact me if you require further information.

Regards,

Gary Moore

6.2.2 DA0207/2012 ATTACHED DUAL OCCUPANCY AND SUBDIVISION
LOT 2 DP 1143747, 3 INVERNESS AVENUE, MUDGEE

REPORT BY SENIOR STATUTORY PLANNER
DUAL OCC. 3 INVERNESS
A0100055, P2036661

RECOMMENDATION

- A. That the report by Council's Senior Statutory Planner regarding DA 0207/2012 be noted,
- B. That Council resolves to determine DA 0207/2012 for detached dual occupancy and subdivision, Lot 2 DP 1143747, 3 Inverness Avenue, Mudgee by way of consent subject to the following conditions;

APPROVED PLAN

1. Development is to be carried out in accordance with stamped plans 124.11, sheets 1 to 5 dated 30.11.2011, prepared by Preferred Design and Drafting and forming part of DA 0207/2012 received by Council 13.12.2011 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.
2. Clothes drying screens and the dividing fence between the private open spaces of the two units are to be 1800mm in height, and of lap and cap timber construction.
3. Landscaping is to consist primarily of semi-mature, drought resistant native trees.

DESIGN ENGINEERING

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

Water Headworks	\$3,803.00
Sewerage Headworks	\$3,300.00
Total Payable	\$7,103.00
 - The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.

ENGINEERING CONSTRUCTION

5. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.
6. 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.

7. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- Installation of sediment and erosion control measures
 - Practical Completion

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

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

NOTE: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges and for this development is \$280 at the date of determination.

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

Mudgee Catchment 1-2	
<i>Section 94 Contributions</i>	
Transport Management	
Traffic Management	\$1076.83
Open Space	
Local Open Space	\$1691.06
District Open Space	\$2,295.01
Community Facilities	
Library Buildings	\$220.92
Library Resources	\$264.71
Administration	
Plan Administration	\$516.57
Total Payable	\$6,065

NOTE: If the *Subdivision Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.

11. Prior to the issue of a *Subdivision Certificate*:
- a) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - b) an agreement be made between the developer and Council;
 - as to the security to be given to Council that the works will be completed or the contribution paid, and
 - as to when the work will be completed or the contribution paid.
12. The applicant is to provide separate water and sewer reticulation services to each lot.

13. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lot plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
14. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,100.00 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE 1 x \$1,100.00 = \$2,200.00

NOTE: Council does not permit other bodies to insert new junctions into ‘live’ water mains.

15. The developer is to provide a sewer junction for lot 2 in the subdivision. This can be achieved by making a payment to Council of \$1,100.00 per new junction to cover the cost of Council installing a junction in an existing main.

TOTAL PAYABLE 1 x \$2,200.00 = \$1,100.00

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

16. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
17. 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.
18. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.

HEALTH AND BUILDING

19. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
20. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.

21. All building work must comply with the requirements of the National Construction Code 2011, Volume Two, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations. Full details must be provided with the Construction Certificate application.
22. 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.
23. 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.

24. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. The Council encourages the separation and recycling of suitable materials.
25. Prior to the occupation of a new building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
26. 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.
27. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - stating that unauthorised entry to the work site is prohibited, and
 - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
28. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)
29. With the exception of work where there is in force an exemption under clause 187 or 188 of the Environmental Planning & Assessment Act 1979 all building work that involves residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force. No work is to commence until a copy of a Home Owners Warranty or Owner/Builders Permit have been submitted to Council.
30. All stormwater is to discharge to the street water table by the use of non-flexible kerb adapters
31. 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.

32. **Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:**
 - **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.**
 33. **Adequate yard drainage together with appropriately sized sumps must be provided for the collection and disposal of ground surface waters to prevent a nuisance from these waters being caused to the property and/or adjoining properties. The disposal of ground surface waters must discharge to the street gutter or interallotment drainage easement. The ground water drainage system must be separate to the roof water drainage system. Full details must be submitted with the Construction Certificate application.**
 34. **A Registered Surveyors Certificate showing the boundaries of the site and the proposed buildings plotted there on being submitted to the Principal Certifying Authority prior to the commencement of construction.**
 35. **The requirements of the submitted BASIX Certificate, number 407236S and 407251S, both issued on 06 December 2011, must be installed and/or completed in accordance with the commitments contained in that Certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council prior to the commencement of the alteration/s.**
 36. **Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of those commitments.**
-

EXECUTIVE SUMMARY

The applicant proposes the construction of a detached dual occupancy and subdivision of lot 2 DP 11143747, 3 Inverness Avenue, Mudgee (Attachment 1- Location plan). Each of the two proposed units consists of 3 bedrooms and single garage (Attachment 2- Ground plans and elevations).

The application is recommended for approval, despite one issue of non-compliance with Council's Residential Development Control Plan in that the proposed unit 2 garage projects forward of the main building line (albeit integrated within the structure).

The applicant, in the submitted statement of environmental effects, justifies this variation to the DCP as providing visual relief to the Inverness Ave frontage and an increased provision of private open space to the rear of the dwelling. The assessing officer considers the proposed variation to the DCP as being acceptable in the context of the overall design for the site, as providing an improved utilisation of the relatively narrow site. It should also be noted that there exists at least one other developed site on Inverness Ave where garages are situated well forward of the main building line.

The application has also been referred to Council due to a submission having been received from an adjoining owner (Attachment 3- Submission).

The following report and the DCP compliance table contained within, details and responds to relevant issues raised within that submission.

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

Mid-Western Regional Interim LEP 2008

The land is zoned Medium Density Residential pursuant to MWR Interim Local Environmental Plan 2008. The construction of detached dual occupancies and lot subdivision are permissible, with Council consent, on Medium Density Residential lots of 800m² or greater,- the subject lot being 1230m².

Medium Density Residential Zone objectives are;

- *To provide a variety of housing types.*

Detached dual occupancies, such as that proposed, assist in fulfilling this objective, -being a variation on existing single and attached dual occupancies within the vicinity.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Not applicable in this instance

- *To identify land that can accommodate the future population growth of Mudgee and Gulgong in a manner that both optimises infrastructure planning and delivery and satisfactorily responds to environmental attributes.*

Detached dual occupancies assist in fulfilling this objective, by optimizing landuse and infrastructure through increased density.

- *To protect and improve the amenity of residential neighbourhoods, particularly in terms of limiting the effects of noise, odour, overshadowing, overlooking and vehicular traffic.*

It should be noted that the subject lot is situated between two currently undeveloped lots. It is, however, considered that the proposed development is of a character and quality that protects and improves the amenity of residential neighbourhoods in general, and is consistent with recent development to the north on Inverness Avenue, and older development to the south along Lions Drive in particular.

- *To permit development in residential neighbourhoods that is of a domestic scale and that preserves the character and visual amenity of those neighbourhoods.*

As previously stated, local character and visual amenity are maintained by development that is consistent with the established local character and achieves a domestic scale through physical separation of the proposed units.

- *To allow a limited range of non-residential land uses that are low scale and that are compatible with, and would not adversely affect the existing amenity of, urban residential neighbourhoods*

Not applicable in this instance

- *To facilitate the provision of a variety of housing types, forms and styles.*

The provision of detached dual occupancies, providing variation in type, form and style, assists in fulfilling this objective.

- *To encourage the relocation of industrial and other incompatible uses out of residential areas.*

Not applicable in this instance

- *To promote development (including subdivision) that minimises the impacts of salinity on infrastructure, buildings and the landscape.*

To the extent possible, consideration has been given to this objective. Health & Building conditions will, where required, minimise the impacts of salinity on infrastructure, buildings and the landscape.

- *To promote the development of urban residential subdivisions that incorporate the principles of water-sensitive urban design, that maximise opportunities for energy efficiency, that create permeable access networks, and that provide for (where appropriate) sufficient areas of usable open space.*

Site-specific design has maximized the extent of usable open space, extensive landscaping is proposed to soften street presentation, and improved separation is achieved by detachment of the proposed units.

Clause 51 – Dual Occupancy Development

Clause 51 of the LEP allows the development of residential land in excess of 800m² in area for the purposes of detached dual occupancy. The land is significantly larger than this standard at 1230m².

Clause 51(2) of the LEP allows the subdivision (Torrens Title) of a dual occupancy either at the same time as the approval of the dual occupancy or at some later time.

Draft Mid-Western Regional LEP 2012

Council must also consider the provisions of the Draft MWR LEP 2011 when determining the current application. Under the draft LEP, the subject lot is proposed to be zoned R1- General Residential, with the following zone objectives;

- *To provide for the housing needs of the community*
- *To provide a variety of housing types and densities*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Zone objectives under the Draft LEP 2011 are simplified, but essentially unchanged from those of the current LEP. The proposal contributes positively to the objective of *provid(ing) a variety of housing types and densities* and is, therefore, considered to be consistent with zone objectives under the Draft LEP 2011. Detached dual occupancies are permissible within the R1 zone, with Council consent, under the Draft LEP 2011

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

Residential DCP

Council's DCP for residential development provides guidelines with regard to orientation, solar access, private open space, landscaping and streetscape presentation.

It is considered that the submitted design is well suited to this particular site, largely satisfies DCP objectives for residential development (dual occupancies) and is compliant with Council requirements of a lot size of 800m² or greater for dual occupancy development and subdivision. The application is recommended for approval, despite the proposed unit 2 garage projecting forward of the main building line, in non-compliance with Council's Residential Development Control Plan, Clause 3.6.

As stated previously, the application has also been referred to Council due to one submission having been received from an adjoining owner. Potential non-compliance issues are listed, and responses included within the following compliance table.

Finally, it should be noted that a developer-imposed covenant exists upon the Inverness Ave subdivision. That covenant does not feature within the following compliance table, as Council does not enforce covenants to which it is not a signatory (Clause 70 of Mid-Western Interim LEP and Residential DCP clause 1.7).

Residential Development – Development Control Plan part B

Standard	Control	Compliance/Comment
Environmental Design	<ul style="list-style-type: none"> - BASIX - - Clothes line screened - Solar orientation 	Compliant- required energy efficiency obtained Compliant- timber construction Compliant- north-facing private open space
Streetscape	<ul style="list-style-type: none"> - Attractive landscaped face - Designed and placed to create an attractive streetscape 	Compliant- variation and improved separation achieved by detachment of the proposed units Compliant- extensive landscaping to soften street presentation
Setbacks	<ul style="list-style-type: none"> - Front: 7.5m - Side: 0.9m - Rear: 0.9m 	Compliant -on all counts and in excess of all required minimums.
Building Scale, Height and Bulk	<ul style="list-style-type: none"> - Compatible scale - Max two storeys - Sunlight access to neighbours 	Compliant- does not dominate the site or existing development in the vicinity Compliant- single storey N/A- No perceived future conflict. Neighbouring sites undeveloped.
Garage Design	<ul style="list-style-type: none"> - Visually subservient - Integrated - Setback behind main building façade 	Non-compliant, but considered acceptable as integrated and providing an increased provision of private open space to the rear of the dwelling. Precedents exists on Inverness Ave and Lions Drive.
Access and Car Parking	<ul style="list-style-type: none"> - Minimum car parking space pre dwelling: 2 - One covered car parking 	Compliant- 2+ spaces per unit Compliant- One single garage per

Standard	Control	Compliance/Comment
	<ul style="list-style-type: none"> space per dwelling of min dimensions 3m x 5.5m - Driveway >10m vehicle must enter and egress in a forward manner 	<p>unit</p> <p>Compliant- turning bay provided for each unit</p>
Landscaping and external works	<ul style="list-style-type: none"> - Min 45% of site to be landscaped 	Compliant- 55% site landscaping. Extensive landscaping forward of the building line to soften and enhance street presentation
Design	<ul style="list-style-type: none"> - Visual relief/ Mirror reverse/duplication 	Compliant- by way of extensive landscaping, the separation/ staggering of the two units upon the site, and differing rooflines, placement of garages and detailing.
Site coverage and Private Open Space	<ul style="list-style-type: none"> - Min private open space: 80m² - Principle private open space must be: 35m², 5mx5m, directly accessible from the living areas and have a northerly aspect - Max site coverage 40% for dual occupancies where each dwelling has street frontage 	<p>Compliant- 124m² & 138m²</p> <p>Compliant- on all counts</p> <p>Compliant- 32.13%. Both units have street frontage</p>
Privacy and Amenity	<ul style="list-style-type: none"> - Windows/balconies of dwellings <12m of adjacent windows offset - 1.8m high fence between private open spaces 	<p>Compliant-offsets maintained</p> <p>Compliant- 1800mm in height, of lap and cap timber construction</p>

Residential Development – Development Control Plan part B

Standard	Control	Compliance/Comment
Lot Size	<ul style="list-style-type: none"> - lots must be of sufficient area to enable the construction of a dwelling etc - all lots must have street frontage - minimum width of 16m at the building line 	<p>Compliant. Lot size at 1230m² is in excess of the required 800m² minimum</p> <p>Compliant- Inverness Ave.</p> <p>Compliant- 24 metre width</p>
Lot Design	<ul style="list-style-type: none"> - lot orientation should optimise access, existing pattern and solar orientation - frontages generally oriented to street - generally rectangular shape 	<p>Compliant- excellent northern exposure</p> <p>Compliant- for both units</p> <p>Compliant</p>
Utility Services	<ul style="list-style-type: none"> - provisions made for electricity, sewer and water services, drainage and telecommunications 	Compliant

2. IMPACT OF DEVELOPMENT

The site, located between two undeveloped lots, forms part of a recent subdivision and contains no significant vegetation. The impact of the proposed development is, on balance, considered to be acceptable and in keeping with the overall, existing scale and density of the locality.

3. SUITABILITY OF SITE FOR DEVELOPMENT

The site is considered to be suitable for the proposed development and would not require any significant extension of services. The site is predominately cleared and the adjoining development would not restrict the proposed development.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

The proposal was advertised in excess of the required 14 days, for a period dating from 15 December 2011 to 12 January 2012. The application has been referred to Council due to a submission having been received from an adjoining owner. (Attachment 3 - Submission)

Summary of Submission	Staff Comment	Resolution
Development not compatible with streetscape. Proposed dwellings are small when compared to adjoining developments.	The proposed development is considered compatible with the streetscape and it must be noted that there are a number of dual occupancies within the street. The design of individual dual occupancies in terms of attached or detached will have regard to site constraints and opportunities. It is not considered to have any significant impact on the streetscape.	Yes
Design and appearance not compatible with adjoining developments. Dwellings are too small.	There is no Council standard that requires dwellings to be of a certain size and a smaller dwelling would not be considered contrary to the provisions of the DCP. The fact that there are two reasonably large dwellings on the land and they apparently look small is probably representative of good design and not excessive bulk or scale.	Yes
Building scale, height and bulk not compatible with adjoining developments. The dwellings are too small	As above.	Yes
Landscaping species. Some species are inappropriate and root systems or foliage may affect adjoining dwelling structure and driveways.	Condition of consent requiring native, drought resistant species.	No

Summary of Submission	Staff Comment	Resolution
Exceeds site coverage of 30%	Site coverage where the dwellings in a dual occupancy both front the street is allowed a maximum site coverage of 40%. The proposed development proposes a site coverage of 32%.	Yes

5. THE PUBLIC INTEREST

The public interest is served by development that is consistent with Council plans and policies and by the provision of a variety of housing opportunities that are well suited to their proposed location.

Disclosure for Reportable Political Donation or Gifts.

The applicant has stated, as part of the development application, that they have made no political donation to a political party, elected member, group or candidate or provided a gift to a local councillor or council employee exceeding the value of \$1,000 in the past two years. This declaration is a requirement of the Election Funding and Disclosures Act 1981.

6. CONSULTATIONS

(a) Health & Building.

Included within the conditions of consent

(b) Development Engineer

Included within the conditions of consent

7. CONCLUSION

The applicant proposes the construction of a detached dual occupancy and subdivision of lot 2 DP 11143747, 3 Inverness Avenue, Mudgee; each of the two proposed units consisting of 3 bedrooms and single garage.

The application is recommended for conditioned approval as being consistent with Council's plans and policies, despite one minor issue of non-compliance with Council's Residential Development Control Plan and a submission having been received from an adjoining owner.

OPTIONS

1. The application be approved subject to conditions included within the recommendation.
2. The application be refused as non-compliant with Council's Residential Development Control Plan 3.6 - garage design.

GARY BRUCE
MANAGER - STATUTORY PLANNING

CATHERINE VAN LAEREN
GROUP MANAGER –
DEVELOPMENT & COMMUNITY SERVICES

19 January 2012

Attachments:

1. Location Plan
2. Ground plan and elevations
3. Submission

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

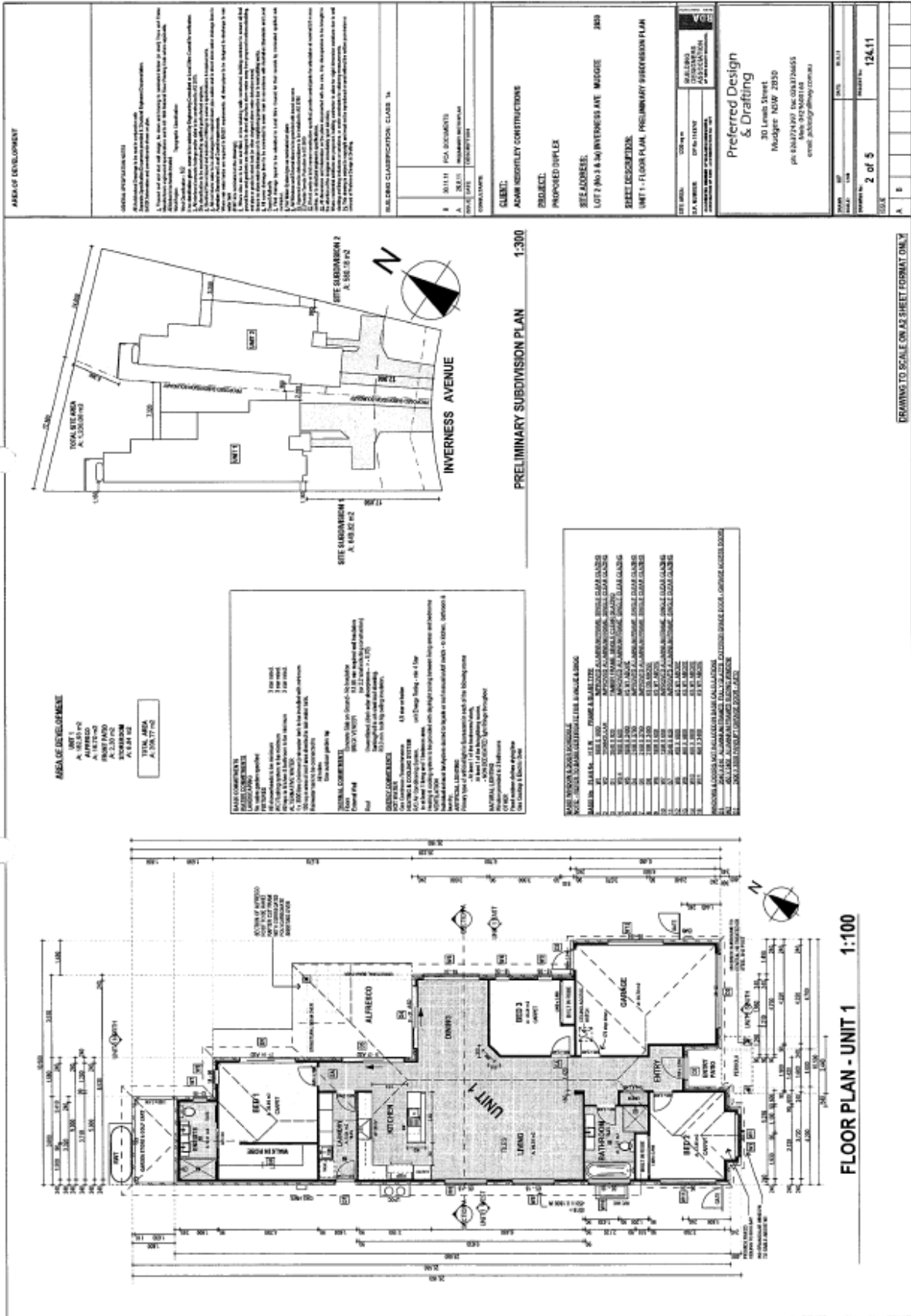


Map Scale: 1:1,114

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Legend

	Road		Fence		NORTH
	Water		Lot 400		State Power
	Railway		Lot 1000		Water
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			Lot 5000		
			Lot 10000		
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January 11th, 2012

23 Horatio St.

Mudgee 2850



RE: Development Application DA0207/2012 – Proposed Dual Occupancy & Sub-division @
3 Inverness Ave, Mudgee 2850 Lot 2 DP1143747

To Mid Western Regional Council General Manager,

As neighbours of the above DA application- We own 5 Inverness Ave, we would like to submit our objections to the above DA application.

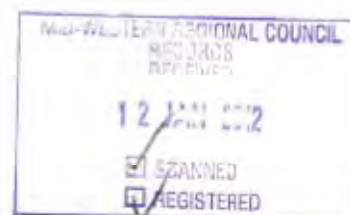
Our objections are-

We are greatly concerned with the overall look of the streetscape with 2 small houses being placed in a street that has all large developments. As this dual occupancy development is not going to be under the same roofline & will be 2 separate small houses, the size and scale of this section of the streetscape will have a negative aesthetic impact. For example our home is 466 m², these two homes are 186m² & 208 m². Other homes- single & dual occupancy in the street are also similar in size to our home. Mid-Western Regional Council will have the exact measurements. This will create a massive visual contrast in the streetscape. As an analogy- 2 shoe boxes sitting in a row amongst cases of beer! Visually out of place. We are not wanting to stop the developers opportunity to build duplexs, we would just like the design to be under the same roofline with an attached middle wall to fit in with the rest of the streetscape. And to also follow the Mid Western regional Council Guidelines;

Mid Western Regional Councils Development Control plan- Residential Development.
Our objections are based on these points of the Councils plan:

3.2 Streetscape

Fig 4 discusses how "the design should be sympathetic to the surrounding development & be attractive, with no negative impact." This development is not sympathetic to the large homes & dual occupancy(attached roofline) properties already approved by council. 2 small separate units on the one block is not sympathetic & certainly has a negative impact on the visual look of the overall streetscape.



3.2.1 Design & Appearance

Councils objective is to “improve the visual quality of the overall built form and streetscape.” This development will certainly detract from the overall built form and streetscape due to its minimal size & contrasting design in comparison the rest of the large scale built form streetscape.

3.3 Setbacks

Is it really appropriate that this dual occupancy have side wall (not roofline- obviously this is even closer) setbacks of a minimum 980mm when it is on such a large block of land? If the property was a dual occupancy under the same roofline, attached wall the setbacks would be far more appropriate for the size of the block and adjoining developments space. A positive visual streetscape. The concern of a fire risk is far greater for the neighbouring properties with such minimum setbacks. This has a direct affect on my young family, especially as my children’s bedrooms are set on the very close 980mm setback section. A safer option would be a dual occupancy property under the one roofline with a joined firewall through the middle & maximum setbacks on both sides.

3.4 Building Scale Height & Bulk

Councils objective C/ “To ensure that the scale & height of buildings are compatible with that of adjoining residential developments and compliment the streetscape and character in the immediate locality.” Obviously with 2 very small houses on the one block. Both homes are under half the size of our home & approximately half the size of other developments in the street. So the 2 separate houses are in no way compatible in scale with the adjoining development or will compliment the streetscape. Again the shoebox analogy comes to mind. This development is far too small for the overall streetscape design.

a/ “Development, particularly when viewed from the street should be compatible with the scale of the building in the immediate locality, consistent of the objectives of the zone & should not be visually obtrusive as a consequence of height.” This DA application is incompatible with the scale of the building in the immediate locality particularly when viewed from the street. This DA is completely against this Councils control plan point.

3.8 Landscaping and external works.

Objective c/ “To encourage the utilization of species, which are suitable for the microclimate and soils of the site.” In the landscape plan a large Magnolia Glandiflora “Teddy Bear”, growing to a size of 6 metres already is shown to overhang across our property, including driveway & house. I have contacted local nursery specialists about this variety. As much as it is still a smaller magnolia tree, its root distance travels approx 1 ½ times its height. So from the tree overhanging across our home & drive it will also travel right under our driveway area and home. We have provisions to possibly put a water tank under our driveway. This tree will certainly do damage to our driveway, water-tank and foundations. Our home is approximately between 2&3 metres from this tree. Our driveway is 1-2 metres. From previous experience with magnolia’s we would suggest, as did the nurseries that this is a bad choice of tree for such close proximity to

any building structure. May I suggest it be planted in the middle of the back or front yards instead? The 3 olive trees planned on the proposed DA for our combined fence line are fibrous root trees. They grow large & quickly and again being planted so close on the boundary fence will be damaging to both properties. Pittosporums are a small root hedge tree that give privacy, little maintenance & do not cause damage to building structures like the other 2 choices.

4.0 Urban Living- Additional design guidelines for dual occupancy.

Design- 4.1- Objective c/ “To ensure that dwelling design and siting have regard to the amenity of the adjoining development and surrounding properties.” There has been little regard to the dwelling design for this streetscape & no discussion with us and the developer of this DA. One dual occupancy property under the one roofline would be far more suitable. This could have easily been discussed with the developer of this DA if he wished to include us in his ideas. We certainly understand why he wants to develop the property as a dual occupancy but the amenity is certainly a negative to the streetscape under his proposed small separate home design rather than a positive.

d/ “To ensure that the residential development is compatible with the objectives of the zone in its scale, function and visual appearance.” Again 2 shoe boxes come to mind. Our objection is once again scale. We suggest one large development, attached wall & under the one roofline with maximum setbacks would be far more compatible in the zone in scale, function & visual appearance.

Development Control

d/ Council states “For lots other than corner lots, Council encourages dual occupancy design to be attached. Council encourages the design dual occupancy development to extend along the length the lot from the road frontage. Note; This type of design will minimise the visual dominance of the street. We agree. We believe dual occupancy design as an attached dwelling is appropriate. It makes the dual occupancy look visually like the other homes in the street. It has a positive aesthetic streetscape look also & minimises visual dominance rather than 2 separate small dwellings.

e/ -The design of the proposal must compliment the appearance of the streetscape-the scale, spacing, setbacks and landscaping of buildings.- Positively enhance the streetscape. This proposal does not compliment the appearance of the streetscape. It has a negative effect on the streetscape due to the significantly small scale of each individual house. This is visually different in scale to any other design in the street.

4.2 Site Coverage & Private Open Space

Development Control d/ “All other dual occupancy shall have a maximum site coverage of 30%.” The proposed DA has a maximum site coverage over 30%. The site coverage proposed is 32.13 %. If it were under the suggested single roofline, the maximum site coverage would then be 40%.

I hope Mid- Western Regional Council can look at our DA objections with respect. We purchased this property not as a quick way to make money. We purchased our property to build a quality family home with respect to the Golf Club contract that we & all other purchases signed. We wish to honour that contract & the covenants put on the properties. Eg. Single dwelling or attached dual occupancy, no colourbond fence etc. We understand that Mid Western Regional Council cannot enforce these covenants. But I do hope that Mid Western Regional Council can see our objections are relevant & true under the Mid Western Regional Council Development Control Plan. We respect this plan & believe it is valid under this objection. We can completely understand why the developer wants to build duplexes. What we do not agree with is the design size & style. This will have a negative impact on the overall streetscape due to its scale & difference which will negatively impact the property values in the street.

C
Kindest Regards,



Chantal Tyrrell



John Tyrrell

C

6.2.3 DA0253/2009 – PROPOSED CHILD CARE CENTRE - COURT ST MUDGEES – SECTION 94 CONTRIBUTIONS

REPORT BY ENVIRONMENTAL TOWN PLANNER
DA0253-2009 - Proposed Child Care Centre - Court St Mudgee – S94 Contributions
A0100052, P1172364

RECOMMENDATION

That:

- 1. the report by Environmental Town Planner on the Development Application No. 0253/2009 be received;**
- 2. Council resolve to apply the provisions of the Catchment 2 Mudgee Residential Area (equating to \$4,500) in lieu of the Mudgee Town Centre catchment provisions of the Mid-Western Regional Council Section 94 Plan to the development subject of DA0253/2009.**

EXECUTIVE SUMMARY

The proposed development is essentially the erection of an additional childcare centre comprising a building of approximately 491m², an associated outdoor activity area and on-site car parking. The centre is proposed to operate between 7.30 a.m. to 6.00 p.m. Monday to Friday with no more than 4hrs of outdoor activity time per day. The proposal is to accommodate a maximum of the following children

- 0 – 2yrs 15 children
- 2 – 3 yrs 20 Children
- 3 – 6 yrs 25 children

Total: 60 Children

14 car parking spaces and turning area are to be constructed to service the new centre at dimensions that exceed Council's minimum standards.

In November 2011 Council was provided with a memorandum detailing the subject proposal and a number of public submissions objecting to development. At that time, no Councillor raised any concerns with the proposal.

The purpose of this report is to consider the application of Council's S94 Contributions Plan in respect of the development. It is outside the staff delegation to vary the Section 94 contributions that apply to a development.

DETAILED REPORT

Council has previously considered an application for the establishment of a childcare centre on the subject lot which has subsequently been erected and is presently operating from the site. During the course of determining the previous development application Council approved the application of the adjoining S94 catchment to the proposal on the basis that there is little nexus between the CBD works levied for and the development, and the contribution total some \$70,000.00 was too onerous in the context of the proposal.

As was previously the case the subject site is located within Catchment 1 – Mudgee Town Centre pursuant to Council’s Section 94 Contributions Plan. Therefore in accordance with the provisions of Section 94(1)(b) of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Contribution Plan Part A – Summary Schedules, Schedule 3 – Mudgee Town Centre, the development attracts a contribution as per the following table.

Civic Improvements	
Civic Improvements	\$71,230
Administration	
Plan Administration	\$3,763
TOTAL PAYABLE	\$74,993

A consideration of this figure in accordance with Section 94(2) of the Environmental Planning and Assessment Act 1979, clause 3.3 – Reasonableness of the S94 Contributions Plan suggests that the impost of a condition requiring a contribution in excess of 16% of the value of the development in relation to public works that have a weak nexus to the proposal is not reasonable and an alternate measure ought to be examined.

In this instance in the interest of good governance it is considered that a similar approach be taken with the current proposal as the previous development in as much that the ordinary 1% of the value of work levy be applied, thus

Alternate Section 94 Contribution

$$\$450\,000.00 \times 1\% = \mathbf{\$4500.00}$$

FINANCIAL IMPLICATIONS

The recommendation reduces the amount of money that will be levied to the proposal however, this measure of itself is unlikely to jeopardise the integrity of any S94 projects. In this regard as mentioned above the levying of the full contribution is not reasonable.

STRATEGIC OR POLICY IMPLICATIONS

The subject site is unique in that the Mudgee Town Centre catchment of the S94 Contributions Plan is generally zoned for Commercial Core or Mixed Use purposes which generally permits a higher order of development than the subject site which is zoned Medium Density Residential and as result a dispensation in this instance would not create a precedent that could be relied on by other developers to escape reasonable levies.

NATHAN BURR
ENVIRONMENTAL TOWN PLANNER

CATHERINE VAN LAEREN
GROUP MANGER - DEVELOPMENT AND
COMMUNITY SERVICES

19 JANUARY 2012

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.4 MA0026/2012 NEW CLUBHOUSE, MUDGEES GOLF CLUB (MODIFICATION OF CONSENT DA0036/2012) LOT 182 DP 1125697, 21 ROBERTSON STREET, MUDGEES

REPORT BY SENIOR STATUTORY PLANNER
Mudgee Golf Clubhouse (Modification)
A0100055, P2107861

RECOMMENDATION

- A. That the report by Council's Senior Statutory Planner regarding MA0026/2012 for a new clubhouse (being a modification of DA0036/2012 granted consent 05 October 2011) upon Lot 182 DP 1125697, Mudgee Golf Club, 21 Robertson Street Mudgee, be noted,
- B. That Council resolves to determine MA0026/2012 for a new clubhouse (being a modification of DA0036/2012 granted consent 05 October 2011) upon Lot 182 DP 1125697, Mudgee Golf Club, 21 Robertson Street Mudgee by way of consent subject to the following conditions;

APPROVED PLAN

1. Development is to be carried out in accordance with the stamped Statement of Environmental Effects dated August 2011, prepared by Nicholas Associates Architects and forming part of application DA0036/2012 received by Council 10.08.2011, and the stamped, plans DAD 1.02 B and 1.04 B, undated, prepared by Nicholas Associates Architects and forming part of application MA0026/2012 received by Council 05.12.2012 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

AMENDMENTS

2. The development is to be fully accessible and compliant with the standards of the Disability Discrimination Act, including an accessible path of travel and pedestrian crossing from the formalised car park to the new clubhouse.
3. A total of two (2) accessible car parking spaces, consistent with Council's Design for Accessibility DCP, are to be provided within the formalised car park.
4. Electric lighting and shade trees, consistent with Council's Car Parking DCP, are to be provided to the formalised car park, the purpose being to provide safe passage at night, sun control during the day and increased amenity at all times.

HEALTH AND BUILDING

5. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage.
 - The selected plumber/drainage must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
 - All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.

6. 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.
7. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority must be carried out during the relevant stages of construction.
8. 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.
9. 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.
10. Prior to the occupation of the new building, an Occupation Certificate must be obtained from the Principal Certifying Authority appointed for the erection of the building.
11. 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.
12. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - stating that unauthorised entry to the work site is prohibited, and
 - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
13. 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.
14. The building must be provided with access for persons with disabilities through the main public entrance and to and within all other areas normally used by the occupants in order to comply with Australian Standards 1428.1 – 2009, 1428.4 – 1992, the Building Code of Australia and the Disability Discrimination Act.
 - Full details must be provided with the required Construction Certificate.
 - In this regard, the applicant must submit a design detail which has been certified by a qualified Accredited Access Advisor* with the application for the Construction Certificate.

NOTE: 1) A qualified Access Advisor is a current member of

Association of Consultants in Access Aust Inc 326 Autumn Street, HERNE HILL, VIC. 3218, Ph (03) 5221 2820 www.access.asn.au

2) A qualified Access Advisor should carry current and relevant public liability and professional indemnity insurances for the practice of their profession.

15. The building must be provided with sanitary facilities for persons with disabilities in order to comply with Australian Standard 1428 (Design for access and mobility), the Building Code of Australia 2011 and the Commonwealth Disability Discrimination Act.
 - Full details must be provided with the required Construction Certificate and in accordance with the requirements of condition 10 regarding an Access Advisor.
16. Adequate facilities are to be provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements made for the regular removal and disposal of same.
17. The proposed method(s) of compliance with the Building Code of Australia are to be clarified by documentation to be submitted with the Construction Certificate Application. In this regard, it appears that the Development Application plans do not comply with the following deemed-to-satisfy provisions of the BCA.
 - Section F2.4 -Facilities for people with disabilities.
NOTE: Australian Standard 1428.1 – 2009 applies to this development.
 - Section E - in particular, E1 Firefighting equipment, specifically the provision of hydrant(s), fire hose reels, emergency lighting and exit signs and portable fire extinguishers. (see condition 14)
 - Australian Standard 2890.6 – 2009 Parking Facilities – Part 6: Off-street parking for people with disabilities.
 - Section D3.2 Access to buildings – number and location of accessways into the building for persons with a disability.
 - Section J – Energy Efficiency
18. The Construction Certificate application for this development must include a list of fire safety measures proposed to be installed within the development and/or on the land.
19. A copy of the Final Fire Safety Certificate is to be provided to the Commissioner of NSW Fire Brigades and a further copy of the Certificate is to be prominently displayed in the building.
20. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification.
21. Application may be made to Council or to an Accredited Certifier for the issue of a Construction Certificate and to be the Principal Certifying Authority monitoring compliance with the approval and issuing any relevant documentary evidence or certificate(s).
22. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
 - 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.
23. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

24. All areas not provided with natural ventilation in accordance with the provisions of the Building Code of Australia being provided with an approved mechanical ventilation and/or air conditioning system complying with Australian Standard 1668, Parts 1 and 2.

PRIOR TO THE ISSUE OF ENGINEERING CONSTRUCTION CERTIFICATE

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

- a) Payment of a contribution for water and sewerage headworks:

Water Headworks	\$ 2,229
<u>Sewerage Headworks</u>	<u>\$ 1,017</u>
Total	\$ 3,246

- b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.

26. Onsite water reticulation must be in compliance with the Australian Standards for onsite fire hydrant design AS3500.1 (metering requirements only) and AS2419.1:2005 – Fire Hydrant Installations which provides advice regarding onsite hydrant installation (i.e. not street hydrants) and details the requirements for plumbing installations for hydrant services.

27. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of:

Traffic Management, Road Works, Open Space, Community Facilities and Plan Administration. The levy is: \$28,000 based on the estimated cost of development of \$2,800,000.

28. The following conditions must be complied with prior to the Principal Certifying Authority issuing a Construction Certificate.

- Approval for discharge of liquid trade waste to the sewer is required prior to the issue of a Construction Certificate. An application form is to be submitted for this purpose, including discharge rate and site plan details.

29. A security deposit of \$2000 shall be lodged with the Council prior to the submission of the Construction Certificate. The deposit shall be refunded where no damage has occurred.

30. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority 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.
31. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of “Soils and Construction – Managing Urban Stormwater”. Points to be considered include, but are not limited to:
 - Saving available topsoil for reuse in the revegetation phase of the subdivision;
 - Using erosion control measures to prevent on-site damage;
 - Rehabilitating disturbed areas quickly;
 - Maintenance of erosion and sediment control structures;

ENGINEERING CONSTRUCTION

32. 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.
33. The applicant shall repair any part of Council’s property damaged during the course of this development in accordance with Aus-Sec #1 and any relevant Australian Standard.
34. The adjustment of any existing utility services or installation of new services is to be at the full cost of the developer.

GENERAL

35. All parking and maneuvering areas are to be sealed with a hard standing, all weather material prior to occupation of the development, and must be maintained in a satisfactory condition at all times.
36. All vehicles to enter and leave the site in a forward direction at all times.
37. All loading and unloading in connection with the premises shall be carried out wholly within the site.
38. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 “Control of the Obtrusive Effects of Outdoor Lighting”.

EXECUTIVE SUMMARY

The applicant proposes a modification to approved DA0036/2012 for construction of a new clubhouse to serve Mudgee Golf Club,- the clubhouse is to incorporate bars, kitchen, lounge areas, club amenities and outdoor terraces.

The application was first reported to Council on 05 October 2011, due to the value of the proposed development exceeding Staff delegation.

The current application proposes no change to the approved location of the new clubhouse and will be largely within the footprint of the former clubhouse.

The proposed modifications to the approved floor plan (and, by extension, the building's appearance) are considered to be relatively minor in the context of the overall development, and consist largely of the reconfiguration of certain internal (amenities) spaces so as to better serve the requirements of the applicant and golf club patrons (Attachments 1. Approved floor plan and proposed modified ground plan).

Likewise, the external appearance of the clubhouse will remain largely unchanged from that which was previously approved by Council. (Attachment 2. Approved elevations and proposed modified elevations)

In summary, the proposed modification will result in development that is essentially consistent with that which was previously approved by Council. As such, the proposal is recommended for conditioned 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 EPI

Mid-Western Regional Interim LEP 2008

The land is zoned Local Open Space-Private pursuant to MWR Interim Local Environmental Plan 2008.

Zone objectives are;

- *To enable land to be used for private open space, recreational and associated purposes.*
- *To enable development to be carried out for the recreational needs of the local community.*
- *To enable related uses that will encourage the enjoyment of the land for recreational purposes.*
- *To enhance, restore and protect the natural environment for recreational purposes.*

The proposal, being the replacement of a pre-existing recreational facility that had been destroyed by fire, fulfills zone objectives. Recreation facilities and registered clubs are permitted within the Local Open Space-Private zone, with Council consent.

Draft Mid-Western Regional LEP 2012

Council must also consider the provisions of the Draft MWR LEP 2011 when determining the proposed modification. Under the draft LEP, the subject lot is proposed to be zoned RE2- Private Recreation, with the following zone objectives;

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

Zone objectives under the Draft LEP 2011 are essentially consistent with those of the current LEP. The proposed modification is, therefore, permissible with Council consent under the Draft LEP 2011

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

Development Control Plans of relevance to the proposal include;

Advertising Signs

The proposed internally-lit, rooftop signage, although not entirely consistent with Council's DCP for advertising signs, is recommended for approval as being an integral element of the overall development. In consideration of the site's relative isolation, the potential negative impact upon neighbouring properties is minimal.

Car Parking

Council's Car parking DCP requirements relating to licensed areas prescribe an average of 1 space per 7m² to 4m² floor area, dependant on the type of licensed area. As the areas in question comprise 473m² (not including outdoor terraces), this would equate to the need for approximately 68 to 120 spaces.

The proposed car parking, including overflow parking spaces, is consistent with that of the previous club house, being 16 formalised and 95-125 informal spaces. This is considered to be adequate for the needs of patrons and employees. It is recommended that one additional accessible parking space be provided.

Design for Accessibility

The assessing officer has held discussions with the applicant regarding the need for Council to inform of current requirements under the Disability Discrimination Act. The applicant has assured Council that concerns regarding accessible parking, a clear path of access, entry, accessible toilet facilities and etc. have been considered during the design phase and will be further refined under the guidance of an accessibility consultant in the phase leading up to construction drawings.

2. IMPACT OF DEVELOPMENT

Context and Setting

The development is proposed to be located within a prime, landscaped setting and contained largely within the footprint of the previous clubhouse. Not only does its isolated location limit the potential for negative impact upon neighbouring properties, it presents an excellent opportunity for development 'in the round'. The current application proposes no change to the approved location of the new clubhouse.

Access, transport and traffic

The applicant assures Council that access and parking will be compliant with Council requirements. The number of parking spaces is consistent with that of the previous clubhouse. Approval will condition one additional disabled parking space, bringing the total to two, and a fully accessible path of travel to the main entrance.

Social impact in the locality

It is anticipated that the provision of enhanced facilities for the Mudgee Golf Club will have a positive social impact upon this publicly-accessible space.

Economic impact in the locality

The proposal may result in increased local employment opportunities and act as a drawcard for tourists to the township of Mudgee.

Site design and internal design

The proposal will be largely contained within the footprint of the previous clubhouse and optimised for views and solar access. The modified internal design has been developed to reflect the requirements of the Golf Club and its clientele.

Construction

Construction details are to be finalised at Construction Certificate stage.

3. SUITABILITY OF SITE FOR DEVELOPMENT

(a) Does the proposal fit in the locality and are the site attributes conducive to development?

The proposal is to replace a former clubhouse, the footprint of the proposed new building being largely consistent with that of the previous building. As the proposed location is considered to be at a suitable distance from neighbouring development, the opportunity exists for a standard of design free from many of the constraints, (with regard to scale, materials and colour), that would normally apply, had the clubhouse been located within the urban context.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

The proposed modification was advertised and exhibited for a period of one month, from 16 December 2011 to 16 January 2012. No submissions were received.

(b) Submissions from public authorities

None

5. THE PUBLIC INTEREST

The public interest is served by the enhancement of a publicly-accessible facility, developed in compliance with Council's plans and policies.

Disclosure for Reportable Political Donation or Gifts.

The applicant has stated, as part of the development application, that they have made no political donation to a political party, elected member, group or candidate or provided a gift to a local councillor or council employee exceeding the value of \$1,000 in the past two years. This declaration is a requirement of the Election Funding and Disclosures Act 1981.

6. CONSULTATIONS

(a) Health & Building.

Recommendations listed under the conditions of consent

(b) Development Engineer

Recommendations listed under the conditions of consent

7. CONCLUSION

The applicant proposes a modification to approved DA0036/2012 for construction of a new clubhouse to serve Mudgee Golf Club. The application was first reported to Council on 05 October 2011, due to the value of the proposed development exceeding Staff delegation.

No changes are proposed to the approved location of the new clubhouse; the proposed modifications to the approved floor plan are considered to be relatively minor in the context of the overall development, and the external appearance of the clubhouse will remain largely unchanged.

The proposed modification was exhibited for a period of one month. No submissions were received during that period.

In conclusion, the proposed modification will result in development that is essentially consistent with that which was previously approved by Council. As such, the proposal is recommended for conditioned approval.

OPTIONS

1. That application MA0026/2012 for a new clubhouse (being a modification of DA0036/2012 granted consent 05 October 2011) upon Lot 182 DP 1125697, Mudgee Golf Club, 21 Robertson Street Mudgee be approved subject to conditions included within the recommendation.
2. That application MA0026/2012 for a new clubhouse (being a modification of DA0036/2012 granted consent 05 October 2011) upon Lot 182 DP 1125697, Mudgee Golf Club, 21 Robertson Street Mudgee be deferred pending further detailing of the proposal.

GARY BRUCE
MANAGER - STATUTORY PLANNING

CATHERINE VAN LAEREN
GROUP MANAGER –
DEVELOPMENT & COMMUNITY SERVICES

19 January 2012

ATTACHMENTS: 1. Approved Ground Plan, Proposed Ground Plan (modifications clouded in red)
2. Approved Elevations, Proposed Elevations (modifications clouded in red)

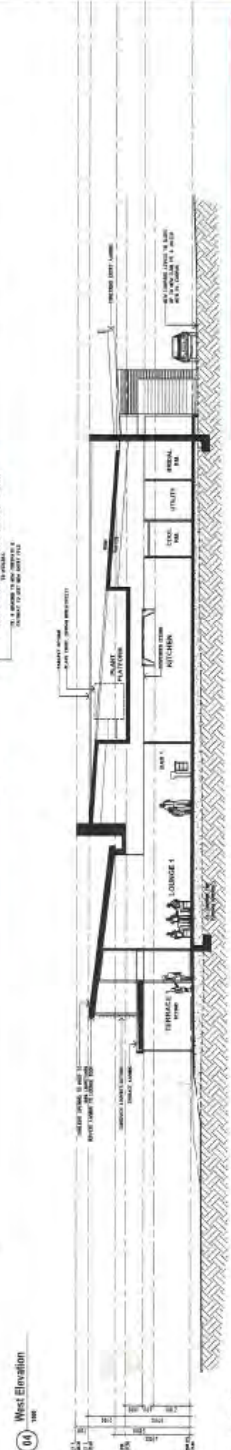
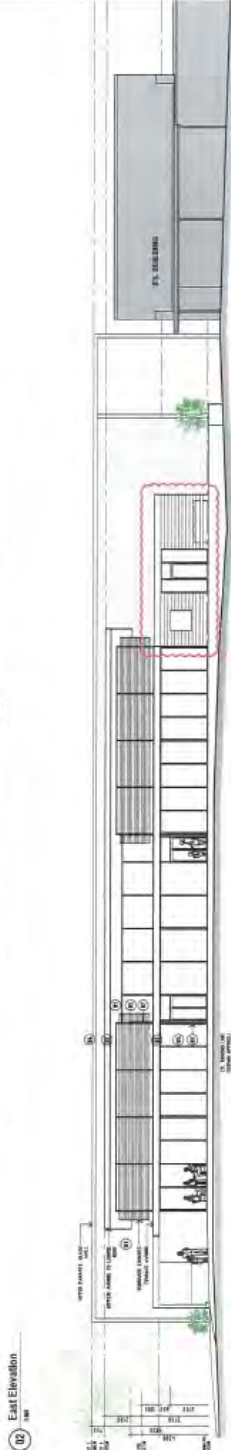
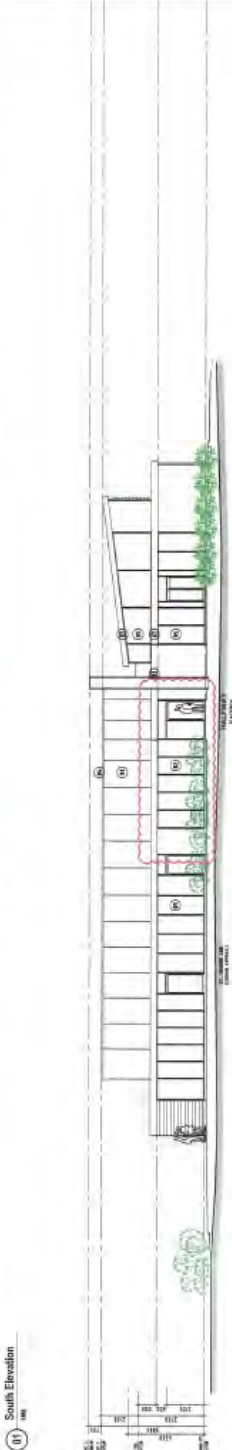
APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

ATTACHMENT 1

Att. 4.

<p>THE CLIENT HAS BEEN ADVISED THAT THE DESIGN AND CONSTRUCTION OF THIS PROJECT IS SUBJECT TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATORY AUTHORITY (NBR) AND THE NATIONAL BUILDING REGULATORY AUTHORITY (NBR) HAS ADVISED THAT THE DESIGN AND CONSTRUCTION OF THIS PROJECT IS SUBJECT TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATORY AUTHORITY (NBR).</p>	
<p>LEGEND: GENERAL: 1. ALL DIMENSIONS IN MILLIMETERS UNLESS OTHERWISE SPECIFIED. 2. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED. 3. ALL DIMENSIONS TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 4. ALL DIMENSIONS TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 5. ALL DIMENSIONS TO CENTERLINE UNLESS OTHERWISE SPECIFIED.</p>	
<p>ELEVATIONAL ELEMENTS: 1. ALL DIMENSIONS IN MILLIMETERS UNLESS OTHERWISE SPECIFIED. 2. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED. 3. ALL DIMENSIONS TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 4. ALL DIMENSIONS TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 5. ALL DIMENSIONS TO CENTERLINE UNLESS OTHERWISE SPECIFIED.</p>	
<p>PROPOSED CLUBHOUSE MUDGEE COLLEGE CLUB ROBERTSON ST. MUDGEE, NSW 2850</p>	
<p>ELEVATIONS & SECTIONS</p>	
<p>1658-11 DAD 1.04 B</p>	



PROPOSED SECTION 506 MODIFICATIONS CLOUDED IN RED

6.2.5 DRAFT NSW PLANNING GUIDELINES – WIND FARMS

REPORT BY SENIOR ENVIRONMENT OFFICER

Windfarms - guidelines

A0100055, A0420225

RECOMMENDATION

That:

- 1. the report by Senior Environment officer on the Draft NSW Planning Guidelines – Wind Farms be received;**
- 2. Council make a written submission to the Draft NSW Planning Guidelines – Wind Farms as detailed in attachment 1 to this report;**
- 3. a Development Control Plan – Wind Farms be developed as part of the review of the Comprehensive Development Control Plan, subject to the failure of the State to satisfactorily amend the Draft NSW Planning Guidelines – Wind Farms in respect to specific provisions for local and regional development.**

EXECUTIVE SUMMARY

Council was advised on 23 December 2011 that Draft NSW Wind Farm Planning Guidelines have been placed on exhibition for public comment until 14 March 2012. The Draft Guidelines seek to provide a consistent framework for the assessment of wind farm development proposals in NSW.

The NSW Government is preparing a renewable Energy Action plan to support the achievement of the national target of 20% of renewable energy by 2020. This target has been the primary driver of wind farm development proposals across NSW.

The NSW Planning Guidelines – Wind Farms (the guidelines) have been prepared in consultation with the community and energy industry to provide a regulatory framework to guide investment in wind farming in NSW, while minimising and avoiding any potential impacts on local communities.

The guidelines emphasise the importance of applicants engaging with the community early in the assessment process including establishing a community consultation committee. They also outline how noise, visual, economic, ecological, decommissioning and other issues are proposed to be considered by consent authorities. They explain how wind farms will be subject to ongoing noise monitoring processes.

The guidelines have been designed to deliver improved consistency and rigour in the planning assessment process and ensure effective consultation with local communities.

DETAILED REPORT

Summary of the Guidelines

Planning framework

Electricity generating works (including wind farms) are classified as “permitted with consent” in Clause 34 of the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) in the following land use zones (or equivalent) – RU1 Primary production, RU2 Rural landscape, RU3 Forestry, RU4 Rural Small Holdings, IN1 General Industrial, IN3 Heavy Industrial, SP1

Special Activities and SP2 Infrastructure. Wind farms may also be 'permitted with consent' in other zones as specified in a council's Local Environmental Plan (LEP).

The size (capital value) of the proposed wind farm will determine whether it is a local development with Council as the determining authority or a State significant development (SSD) with the Department of Planning & Infrastructure (DP&I) as the determining authority.

If the proposal has a capital investment value of less than \$5 million is will be deemed to be a Local development with Council being the assessing and determining authority. Proposals with a value between \$5 and \$30 million will to be deemed Regional development with Council undertaking the assessment and the Joint Regional Planning Panel (JRPP) being the determining authority. Proposals with a value over \$30 million (or \$10 million in environmentally sensitive areas as determined by SEPP State & Regional Development 2011) will be assessed by the DP& I with the Planning Assessment Commission (PAC) being the determining authority. [for assistance indicative costs suggest \$3 million for the development of between 2 to 3 megawatts of power, 1 turbine on average generates about 21/2 megawatts, therefore a \$5 million Local development would be at the most 2 turbines with Regional development ranging from 2 to a maximum of 10 turbines].

Some wind monitoring towers can be installed as 'exempt' development under Clause 39 of the Infrastructure SEPP subject to meeting the specified requirements.

Key matters in the assessment process

The guidelines outline seven (7) key considerations that must be adequately addressed in the documentation submitted in support of development applications for wind farms, other issues may be relevant dependant on the circumstances. The key matters are proximity of the turbines to residences, community consultation, visual amenity, noise, health, decommissioning and auditing and compliance.

- a) Proximity of turbines to existing residences – for SSD there will be a general ban of siting turbines within 2km radius of existing residences, however this can be altered by obtaining written consent from **all** affected landowners (including host and non-host residences) or by applying to DP&I for a Site Compatibility Certificate (SCC) through the 'Gateway Process'. The SCC applications would assess in detail noise (including low frequency) and visual amenity issues (including blade glint and flicker). SCC applications will be publicly exhibited for a period of 21 days and only those proposals that receive an SCC can proceed to the next stage, being the issuing of Director General Requirements (DGRs). Proposals where the SCC is refused cannot proceed with the proposed configuration of turbines but may issue a revised proposal consistent with advice provided by JRPP and re-apply for DGRs. There will be opportunities for further consultation following or during the issuing of SCCs and DGRs and the JRPP may hold public meetings to provide opportunity for public comment on the initial proposal. This approach has been designed to provide increased consultation with relevant landowners by the applicants before the proposal proceeds through the assessment process. Providing the JRPP with the role of determining the proposal ensures that there is local community presentation in decision making.

- b) Community consultation - the guidelines require that proponents **must** undertake comprehensive and genuine community consultation and engagement process. A Community Consultation Committee must be established early in the process and evidence that effective consultation has occurred and that issues raised have been addressed are to be included in Environmental Impact Statement (EIS). DP&I will not accept applications that do not adequately demonstrate effective consultation. Public exhibition of wind farm applications will increase from the current minimum 30 day statutory period to a minimum 60 day statutory period. As well as consulting with relevant landowners and the local community of the locality the guidelines require that consultation be carried out early in the process with a number of other relevant stakeholders including Local Government.
- c) Visual amenity - the guidelines set out a comprehensive framework for assessing visual amenity impacts with a focus on visual impacts on neighbours close to turbines. The visual impact of a wind farm depends on the extent of change of the landscape caused by the development, taking into account such matters as the visibility of the development, the locations and distances from which the development can be viewed(including the zone of visual influence of not less than 10km), landscape values and their significance both in a local and regional context, the sensitivity of the landscape features to change (including vistas, urban settlements, key landscape features, lookout points, roads and pathways) and the cumulative visual impact from transmission line infrastructure and any surrounding approved or operational wind farms in the locality.
- d) Noise - the guidelines acknowledge that wind turbines have unique noise generating characteristics including noise output that varies with wind speed and their location. *Specific NSW Wind Farm Noise Guidelines* have been developed to provide practical guidance to proponents, planners, regulatory authorities, acousticians and the broader community on how to measure and assess environmental noise impacts from wind farms. The Noise guidelines cover a range of noise criteria including low frequency noise, tonality, excessive amplitude modulation (including the van den Berg effect which relates specifically to night time noise) and auditing and compliance issues.

The noise amenity goals recommended a acceptable for residential receivers ranges from 50, 45 and 40 dB(A) for day evening and night time respectively in Rural areas with this increasing by 5dB(A) for each of the categories for Suburban and another 5 dB(A) for Urban areas. The guidelines acknowledge that the noise levels from each wind turbine rises as the wind speed of the site increases and that this is also typically accompanied by an equal or greater increase in the background noise (made by the wind) which may mask the wind turbine noise.

For new wind farm developments will be required to demonstrate that the operation will not exceed 35dB(A) or the background noise level by more than 5dB(A) whichever is the greater with noise criteria being established on the basis of separate daytime (7am to 10pm) and night-time (10pm to 7am) periods.

Wind turbines typically start generating electricity at around 4 m/s (14 km/h) and reach maximum or 'rated' capacity at wind speeds of around 11 m/s (40km/h) at the turbine's hub height. [for assistance - the International Windspeed Classification system describes a wind speed of 14 km/h as a 'gentle breeze' and 40 km/h as a 'strong breeze' to put this into context a 'near gale' has speeds between 50 – 61 km/h and 'storm force' is from 89 to 102 km/h with an overseas hurricane having wind speeds in excess of 117 km/h. In the Australian context winds between 11 and 49 km/h would be considered to be a tropical depression with a tropical storm having speeds between 50 and 117 km/h and a Category 1 Cyclone has wind speeds between 119 and 153 km/h with Category 2 – 5 Cyclones ranging from 154 to in excess of 250 km/h].

It is proposed to strengthen the regulation of noise from wind farms under the *Protection of the Environment Operations Act 1997* with the Environmental Protection Authority (EPA)

having a regulatory role in relation to wind farms that are SSD as well as existing transitional projects. The guidelines suggest that the noise criteria (set at 35dB(A)) is stringent in comparison with both Australian and world standards and is approximately 10dB(A) lower than most European countries which have significant experience in the management of wind farm noise.

- e) Health – the guidelines adopt a precautionary approach for the consideration of health issues and require the proponents to explicitly consider health issues as a separate matter to complying with noise criteria. Applications may also be referred to the Ministry of Health as part of the assessment process.
- f) Decommissioning – wind turbines typically have an expected operating life of around 20 to 25 years at which point they are usually decommissioned. The guidelines require that the proponent / wind farm owner not the ‘host’ landowner must retain responsibility for decommissioning. A Decommissioning and Rehabilitation plan must be included in the EIS. A decommissioning bond may also be imposed as part of the consent conditions.
- g) Auditing and compliance – as part of any consent there will be specific conditions in relation to compliance monitoring and auditing with Noise being one of the main areas to be covered by these conditions. Noise monitoring will required to be undertaken during ‘worst case’ periods (including periods of temperature inversions), data must be publicly available and must include amplitude modulation information and consideration of cumulative impacts. Neighbours will be given an opportunity to request that independent noise monitoring be carried out at their residence.

Other matters covered in the guidelines

Meeting assessment requirements – in addition to the above key considerations the guidelines also outline a number of other matters that need to be addressed in the application and considered in the assessment and determination of the application and include, any provisions of relevant environmental planning instruments (LEPs, SEPPs, REPs and DCPs), any planning agreements under s93F of the Act and any provisions of any relevant regulations, likely impacts of the development on the natural and/or built environment and the social and economic impacts of the locality, the suitability of the site for the development , and any submissions received and the public interest.

Conditions of consent and compliance – if a wind farm is approved, the consent will contain conditions that cover the construction, operation and decommissioning phases of the development, key issues covered by conditions may include (but not be limited to) – measures to avoid, manage or mitigate relevant impacts such as landscape and visual amenity issues, social issues including noise, flicker, glint, night lighting, electromagnetic interference, ecological issues, heritage issues, hazards and risk including aircraft safety and bushfire safety, complaints management, compliance tracking, monitoring and reporting and ongoing community engagement.

Community infrastructure contributions – the consent may require the applicant to provide a contribution, including monetary, land or in-kind contributions towards community infrastructure under part 4, Division 6 of the EP & A Act. As an alternative (or in addition) to development contributions, a proponent may enter into a voluntary planning agreement (VPA) with the planning authority, including the council. VPAs can provide for such matters as the provision of public amenities and services, the conservation or enhancement of the natural environment and the provision of transport or other infrastructure relating to the development.

Council Comments

Planning framework

Council has concerns that it may not have the required level of expertise to be able to wholly undertake the assessment of wind farm applications (both local and regional) to an adequate standard. Due to the economies of scale it is unlikely that there would be many small scale wind farm applications where Council would be both the assessing and determining authority. However, given that our region has been identified as an area of medium to high wind speeds (see attachment 2) it is likely that there may be a number of mid scale proposals of up to a value of \$30 million where Council will be required to undertake the assessment with the JRPP making the determination. The costs of outsourcing all or part of the assessment to experts in say the fields of noise, electromagnetic interference, ecology (particularly impacts on birds and bats), reflective impacts (from glint and flicker), and the like would not be adequately compensated for by the statutory fees able to be applied. The current maximum application fees for say a \$5 million development are approximately \$11,000 with this increasing to approximately \$18,000 for \$10 million, approximately \$31,000 for \$20 million and approximately \$42,000 for a \$30 million development. Council has been advised to allow for a minimum assessment fee of \$20,000 for a small scale proposal if it were to be outsourced with these consultancy fees ranging anywhere up to \$100,000 for one of the larger scale wind farms. The statutory application fees quoted above fall well short of these anticipated consultancy fees which would leave Council out of pocket.

Council seeks that provisions be made in the guidelines / regulations to allow Council to be recompensed for such expenses.

Further Council has concerns that the guidelines outline in section 1.1 and 1.2 criteria for local, regional and state significant development. However, section 1.3 refers only to state significant development and the other two types of development are not referred to again. If Local Government is being given the authority to assess and / or determine small to medium scale wind farms then the guidelines should include sections that will be assistance to Council for both when it may need to advise proponents of requirements to be included in applications as well as for undertaking assessments.

Council requests that the guidelines be amended to include all matters relevant to local and regional wind farm developments.

- a) Proximity of turbines to existing residences – as stated below (Community consultation) Council considers that the 21 day exhibition period for a SCC is not sufficient. For a proponent to be going down this path then there is already a level of concern and in this instance the 21 days could be seen to be only paying lip service to the consultation process and trying to push the application through. Council considers that the JRPP should call a public meeting as part of its deliberations on SCC applications. Council also considers (see comments on Noise) that the 2 km buffer should be reviewed to ensure that noise affectation is adequately addressed.
- b) Community consultation - Council welcomes the intent of the guidelines to improve the level of community consultation, however considers that 21 days is not a sufficient period for public exhibition of a Site Compatibility Certificate (SCC) as for a proponent to be going down this path would seem to suggest that there is some level of community concern about the project. Council considers that a longer exhibition period would provide the public with a greater opportunity to investigate matters of concern and make informed decisions and submissions. A JRPP public meeting during this period of exhibition would also indicate a level of genuine desire to consult with the community. A suggested period of 42 days is considered adequate.
- c) Visual amenity - Council acknowledges that the guidelines in this respect appear to be thorough and comprehensive, however the assessment of such matters as glint, flicker

effect of night lighting and the like would require expert assessment outside of Council's sphere of expertise.

- d) Noise – the guidelines state “as shown in Figure 2 (page 6) the criteria established (35dB(A)) in this document are stringent by both Australian and world standards being approximately 10dB(A) lower than most European countries which have significant experience in the management of wind farm noise”. This is somewhat over stating the case as the 35dB(A) level is only 5dB(A) lower than the European night time requirements with the UK set at 43 dB(A) and Denmark at 44 dB(A) for day-time. Further, Europe and Great Britain are more densely populated than particularly rural Australia where most of the wind farms are either located or proposed to be located. By default these denser levels of living bring with them much higher levels of background noise generated by the day to day activities of that concentration of people.

Rural Australia by contrast has very low levels of background noise which in farming / grazing areas could be less than 10dB(A) (even during the day) and even small to moderately sized country towns could be as low as 20dB(A) at night time.

Council again raises the issue that the “Industrial Noise Criteria Policy” which would seem to be the basis from which the ‘noise criteria’ for these guidelines has been taken is inappropriate for rural areas. The guidelines require that “*new wind farm developments should not exceed 35dB(A) or the background noise by more than 5 dB(A), whichever is the greater*”. Setting a threshold of 35 dB(A) is considered too high for quiet rural areas and a more appropriate figure would be 25 dB(A) as this would allow for 30 dB(A) maximum compared to 40 dB(A) a set in the guidelines. A level of 30 dB(A) is still considered relatively high for residents who have grown accustomed to the peace and quiet of rural areas and the Australian bush. Further, a review of buffer areas for noise affectation in 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 low background noise levels.

- e) Health - Council considers that **all** applications **should** be referred to the Ministry for Health as part of the assessment process.
- f) Decommissioning – Council considers that a decommissioning bond **should** be required as part of any approval with sufficient funds being retained to adequately cover predicted future costs of decommissioning and rehabilitating the wind farm development.
- g) Auditing and compliance – Council acknowledges that the guidelines set sound parameters for the monitoring and auditing of the operation of wind farms. However, any data and information that is made publicly available should be a format that is meaningful to the general public.

Community infrastructure contributions

In terms of VPAs Council seeks that the Department established in consultation with Local Government a framework and protocol that would form the basis for negotiating a VPA. This would not be able to be worked out on the number of employees because once the wind farm is operating the number of service personnel needed is relatively small. However, potentially wind farms may have considerable impacts on local infrastructure, particularly the road network and Council considers that fair and reasonable recompense should be made in this regard as well as contributions to other community facilities.

FINANCIAL IMPLICATIONS

There are financial implications to Council with the guidelines in their current format. As outlined above the maximum statutory application fees able to be levied are not adequate to cover any outsourcing to expert consultants should Council be the assessing body. There should provision in the guidelines and or regulations to allow for fair recompense to Local Government to cover such expenses.

STRATEGIC OR POLICY IMPLICATIONS

The guidelines in their current format concentrate on provisions and requirements for State significant development (SDD) with minimal or no detail relating specifically to local or regional developments. It is considered that the guidelines should be amended to include appropriate additional detail that specifically relates to developments other than SDD. In the event that the guidelines are not amended then Council would need to develop its own Development Control Plan which could be undertaken as part of the review of Comprehensive Development Control Plan.

LINDA SHREEVE
SENIOR ENVIRONMENT OFFICER

CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT &
COMMUNITY SERVICES

12 January 2012

ATTACHMENTS:

1. Draft submission letter to Department of Planning & Infrastructure
2. Planning & Infrastructure NSW Wind Farms Map (following at the end of Paper)
3. Copy of Draft NSW Planning Guidelines – Wind Farms (following at the end of Paper)

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

LS:A0420225k:\assets\environmental\eis
regulation\windfarms\submission to draft guidelines windfarms.dot and

17 January 2012

Policy, Planning Systems and Reform
Department of Planning and Infrastructure
GPO Box 39
SYDNEY 2011

Dear Sir / Madam

SUBMISSION TO DRAFT NSW PLANNING GUIDELINES – WIND FARMS

I refer to the above Draft Guidelines that are on exhibition for public comment until 14 March 2012.

Please find detailed below Council's submission:-

Planning framework

Council has concerns that it may not have the required level of expertise to be able to wholly undertake the assessment of wind farm applications (both local and regional) to an adequate standard. Due to the economies of scale it is unlikely that there would be many small scale wind farm applications where Council would be both the assessing and determining authority. However, given that our region has been identified as an area of medium to high wind speeds (see attachment 2) it is likely that there may be a number of mid scale proposals of up to a value of \$30 million where Council will be required to undertake the assessment with the JRPP making the determination. The costs of outsourcing all or part of the assessment to experts in say the fields of noise, electromagnetic interference, ecology (particularly impacts on birds and bats), reflective impacts (from glint and flicker), and the like would not be adequately compensated for by the statutory fees able to be applied. The current maximum application fees for say a \$5 million development are approximately \$11,000 with this increasing to approximately \$18,000 for \$10 million, approximately \$31,000 for \$20 million and approximately \$42,000 for a \$30 million development. Council has been advised to allow for a minimum assessment fee of \$20,000 for a small scale proposal if it were to be outsourced with these consultancy fees ranging anywhere up to \$100,000 for one of the larger scale wind farms. The statutory application fees quoted above fall well short of these anticipated consultancy fees which would leave Council out of pocket.

Council seeks that provisions be made in the guidelines / regulations to allow Council to be recompensed for such expenses.

Further Council has concerns that the guidelines outline in section 1.1 and 1.2 criteria for local, regional and state significant development. However, section 1.3 refers only to state significant development and the other two types of development are not referred to again. If Local Government is being given the authority to assess and / or determine small to medium scale wind farms then the guidelines should include sections that will be assistance to Council for both when it may need to advise proponents of requirements to be included in applications as well as for undertaking assessments.

Council requests that the guidelines be amended to include all matters relevant to local and regional wind farm developments.

- a) Proximity of turbines to existing residences – as stated below (Community consultation)
Council considers that the 21 day exhibition period for a SCC is not sufficient. For a proponent to be going down this path then there is already a level of concern and in this instance the 21

days could be seen to be only paying lip service to the consultation process and trying to push the application through. Council considers that the JRPP should call a public meeting as part of its deliberations on SCC applications. Council also considers (see comments on Noise) that the 2 km buffer should be reviewed to ensure that noise affectation is adequately addressed.

- b) Community consultation - Council welcomes the intent of the guidelines to improve the level of community consultation, however considers that 21 days is not a sufficient period for public exhibition of a Site Compatibility Certificate (SCC) as for a proponent to be going down this path would seem to suggest that there is some level of community concern about the project. Council considers that a longer exhibition period would provide the public with a greater opportunity to investigate matters of concern and make informed decisions and submissions. A JRPP public meeting during this period of exhibition would also indicate a level of genuine desire to consult with the community. A suggested period of 42 days is considered adequate
- c) Visual amenity - Council acknowledges that the guidelines in this respect appear to be thorough and comprehensive, however the assessment of such matters as glint, flicker effect of night lighting and the like would require expert assessment outside of Council's sphere of expertise.
- d) Noise – the guidelines state “ *as shown in Figure 2 (page 6) the criteria established (35dB(A)) in this document are stringent by both Australian and world standards being approximately 10dB(A) lower than most European countries which have significant experience in the management of wind farm noise*”. This is somewhat over stating the case as the 35dB(A) level is only 5dB(A) lower than the European night time requirements with the UK set at 43 dB(A) and Denmark at 44 dB(A) for day-time. Further, Europe and Great Britain are more densely populated than particularly rural Australia where most of the wind farms are either located or proposed to be located. By default these denser levels of living bring with them much higher levels of background noise generated by the day to day activities of that concentration of people.

Rural Australia by contrast has very low levels of background noise which in farming / grazing areas could be less than 10dB(A) (even during the day) and even small to moderately sized country towns could be as low as 20dB(A) at night time.

Council again raises the issue that the “Industrial Noise Criteria Policy” which would seem to be the basis from which the ‘noise criteria’ for these guidelines has been taken is inappropriate for rural areas. The guidelines require that “*new wind farm developments should not exceed 35dB(A) or the background noise by more than 5 dB(A), whichever is the greater*”. Setting a threshold of 35 dB(A) is considered too high for quiet rural areas and a more appropriate figure would be 25 dB(A) as this would allow for 30 dB(A) maximum compared to 40 dB(A) as set in the guidelines. A level of 30 dB(A) is still considered relatively high for residents who have grown accustomed to the peace and quiet of rural areas and the Australian bush. Further, a review of buffer areas for noise affectation in 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 low background noise levels.

- e) Health - Council considers that **all** applications **should** be referred to the Ministry for Health as part of the assessment process.
- f) Decommissioning – Council considers that a decommissioning bond **should** be required as part of any approval with sufficient funds being retained to adequately cover predicted future costs of decommissioning and rehabilitating the wind farm development.
- g) Auditing and compliance – Council acknowledges that the guidelines set sound parameters for the monitoring and auditing of the operation of wind farms. However, any data and information that is made publicly available should be a format that is meaningful to the general public.

Community infrastructure contributions

In terms of VPAs Council seeks that the Department established in consultation with Local Government a framework and protocol that would form the basis for negotiating a VPA. This would not be able to be worked out on the number of employees because once the wind farm is operating the number of service personnel needed is relatively small. However, potentially wind farms may have considerable impacts on local infrastructure, particularly the road network and Council considers that fair and reasonable recompense should be made in this regard as well as contributions to other community facilities.

Should you have any queries in relation to this matter please contact Catherine Van Laeren on 6378 2850.

Yours faithfully

WARWICK BENNETT
GENERAL MANAGER

6.2.6 TEMPORARY WORKERS ACCOMMODATION DRAFT DEVELOPMENT CONTROL PLAN

REPORT BY GROUP MANAGER DEVELOPMENT AND COMMUNITY SERVICES
TWA DCP
A0100055, A0420084

RECOMMENDATION

That:

- 1. the report by Group Manager Development and Community Services on the Draft Development Control Plan – Temporary Workers Accommodation be received;**
- 2. the Draft Development Control – Temporary Workers Accommodation as amended and attached to this report be approved in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000;**
- 3. the Draft Development Control Plan be notified in the Local Newspaper in accordance with the requirements of the Environmental Planning and Assessment Regulations 2000 with the DCP to come into effect on the date that the notice is published in the newspaper.**

EXECUTIVE SUMMARY

Council exhibited the Draft Development Control Plan (Draft DCP) from 20 September 2011 to the 30 October 2011. 340 submissions were received and 3 petitions with 163 signatures.

In response to the submissions and a review of the characterisation of the use Council on the 28 November 2011 Council resolved to amend the Draft DCP as exhibited re-exhibit the Draft DCP for a further 28 days in accordance with the requirements of the Environmental Planning and Assessment Regulations 2000.

The Draft DCP was exhibited from the 30 November 2011 to 13 January 2012. 4 submissions were received. During the exhibition legal advice was sought regarding the Draft DCP. The purpose of this report is to present a summary of the issues raised in the submissions and recommend approval and commencement of the Draft DCP.

DETAILED REPORT

During the exhibition of the Draft DCP legal advice was sought regarding the DCP, a copy of which is attached in the confidential section of the Business Paper for Council's information. It is considered that the amendments outlined in the advice provide clarification of the DCP and do not change the intent of the DCP and therefore re-exhibition is not warranted. An amended copy of the Draft DCP has been attached as attachment 1.

Summary of Submissions

4 submissions were received, one from Insites on behalf of the Mac Group and three from the community. The table below provides a summary of the issues raised in the submission and staff response. A full copy of the submissions is attached as attachment 2.

Summary of Issues	Staff Response
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Summary of Issues	Staff Response
Mac Group Submission	
Submission from Insites on behalf of The Mac Group requests that the new submission be considered in addition to the previous submission.	Issues raised in the previous submission were addressed in the report to Council 27 November 2011. Council is referred to that report.
The submission cites the lodgement of a DA for a TWA on Black Lead Lane Gulgong and provides figure demonstrating the future growth of employment.	Noted.
Gulgong is currently compromised by its capacity to deliver water and sewer infrastructure. The Mac Group make contributions to the upgrade of infrastructure as the need arises.	Gulgong is not compromised by the capacity of water and sewer infrastructure. There is adequate capacity within the system to cater for growth with the ability to expand that capacity should the need arise. It is considered that contributions by Mac Group would service there development without providing significant advantage for development areas identified in the Comprehensive Land Use Strategy.
Not appropriate from a planning perspective to facilitate a scenario which will drive permanent residential accommodation for a temporary need when there is no apparent use for that accommodation when the need for it has gone.	The DCP does not preclude the development of TWA in the LGA but seeks to guide their appropriate location, and form through the provision of planning controls.
The submission cites the Objects of the Environmental Planning and Assessment Act stating that <i>avoidance of artificial peak demand for housing in the towns within the Mid-Western Regional Local Government Area (potentially leading to under-occupancy of areas in those towns in the medium to long term) is an essential component of proper town planning. To achieve sustainable health of the environment for future generations it is necessary to have a planning instrument which will facilitate appropriate sizing of these facilities.</i>	The DCP provides options for the appropriate location of TWA and therefore addresses potential demand in a considered manner having regard to the source of demand for housing. The DCP is consistent with the Objects of the E P and A Act.
Request removal of the Temporary Workers Accommodation definition from the DCP as they have no legal effect.	It is acknowledged that the DCP is subordinate to the LEP. It is proposed to amend the definition as discussed later in this report however to provide clarification and guidance it is considered that the definitions should be retained.

Summary of Issues	Staff Response
<p>Definition of Legacy Infrastructure should be amended to exclude public ownership. It is also requested that the requirement in the Decommissioning Plan for :</p> <p><i>“The transfer to public ownership of any legacy infrastructure.”</i></p>	<p>It is considered unnecessary to amend the definition for if the infrastructure is to remain in private ownership it is simply not <i>legacy infrastructure</i>. Retention of the ownership issue in the definition allows for clarity when discussing and assessing a development application. It may well be that not all infrastructure would be transitioned in public ownership upon cease of the TWA but this needs to be clear at the outset. That infrastructure which is retained in private ownership is not legacy infrastructure for the purposes of the DCP. Note: Further amendments to the legacy infrastructure clause are discussed later in this report and these amendments may be sufficient to address the concerns raised in the submission.</p>
<p>The DCP ignores the economic and social advantages of TWAs. It appears to contradict itself requiring a Social Impact Statement but prefers the location of the TWA to be at the mine site.</p>	<p>The DCP is written to cater for all instances where a TWA may be permissible with consent which is the case in various zones depending on the applicable EPI. The DCP does not ignore social and economic advantages indeed one of the objectives of the DCP is:</p> <ul style="list-style-type: none"> • <i>To provide guidelines that promote the development of Temporary Workers Accommodation in a way that minimising social integration of the workforce and economic benefits whilst minimizing social costs.</i> <p>In the key principles of the SII the DCP recognises that:</p> <p><i>It is essential to consider the positive and negative social aspects of the development.</i></p> <p>And indeed the SII is required to include the <i>identification and an in-depth analysis of social impacts of the proposal.</i></p> <p>Whether those impact be positive or negative.</p>

Summary of Issues	Staff Response
<p>Requirement for footpath is inappropriate as the Mac Group provides buses for the transportation of workers to the mines and facilities, from their experience footpaths are not used, provision of a footpath could create a safety issue.</p> <p>Capital required to provide a footpath could be better directed to healthcare.</p>	<p>The DCP is written to apply to all potential development of TWA within the LGGGA and is not written to apply to one development proposal. Walking and cycling has health benefits as well as providing a sustainable alternate means of transport.</p> <p>In the case of Black Lead Lane it is considered that the provision of a footpath would increase safety removing cyclist and pedestrian from the road which does currently have a 100 km/hour speed limit.</p> <p>The provision of infrastructure required for the proposal should not be confused with a trade off from any proponent to meet their obligation under Section 94 or in the mitigation of any impacts that may be identified in the SII. These contributions, such as healthcare, should be addressed in addition to the provision of essential infrastructure.</p>
<p>Car parking ratio of 1;1 will result in an excess of parking spaces based on the experience of the Mac Group and the use of a bus operation. Therefore the submission suggests a reduction in the car parking requirement.</p>	<p>Experience of the MWRC is that bus transportation is not fully utilised. This is recognised by Ulan, Moolarben and Wilpinjong in the Draft Ulan Road Strategy. This is due to a number of reasons but a primary reason is the ability to do overtime and shift changes. Based on the experience in this area, it is considered that the requirement of 1:1 is the appropriate ratio. It should be noted that no additional parking is required for staff.</p>
Community Submissions	
<p>Objection to the location of the a TWA on the fringe of Gulgong and identification of a number of negative impacts including heritage, character, infrastructure provision, health, police, drop in real estate values and desirability of permanent housing.</p>	<p>Permissibility is determined by the Local Environmental Plan. The DCP provides guidance in relation to the characterisation of the TWAs. It is considered that under the Mid-Western Interim LEP that they would be characterised as <i>Tourist and visitor Accommodation</i> and therefore are prohibited in the Agriculture zone.</p>

Summary of Issues	Staff Response
Negative impact on water supply.	The Draft DCP requires that each DA addresses the provision of water. The additional demand on water is always going to be a consequence for growth it is important that Council ensure that all development is adequately catered for.
Negative social impacts	The DCP addresses potential impact through the requirement of a Social Impact Statement.

Amendments to the Draft DCP as Exhibited in Response to Legal Advice.

- A new Clause 4 has been included to highlight that the DCP is to be read subject to and in association with the LEP and Zone Objectives of the 3 respective Local Environmental Plans that apply to the Local Government Area. In addition, where there are inconsistencies between The Temporary Workers Accommodation DCP and any other DCP than the Temporary Workers DCP shall prevail where the development is for the purposes of Temporary Workers Accommodation. Reference to the objectives of the Definitions clause has been removed.

- In – Definitions clause the wording has been amended from:

Pursuant to the Mid-Western Local Environmental Plan 2008 Temporary Workers Accommodation is characterised as *Tourist and Visitor Accommodation*. to

Pursuant to the Mid-Western Local Environmental Plan 2008 Temporary Workers Accommodation by its characterisation falls within the definition of *Tourist and Visitor Accommodation*.

- Amendment of the Definition of Temporary Workers Accommodation from:

“Development which remains in place on a temporary basis that provides temporary accommodation for mine-related workers or those associated with large scale infrastructure projects and their dependents (usually employed on a “drive in / drive out or Fly in /fly out basis) and consists of accommodation units, and associated amenity building.” to

“Development that provides accommodation and infrastructure for workers associated with mining or other large scale infrastructure projects (the Project) being accommodation of limited intended duration. The accommodation is not intended to be the principal place of residence but is typically of a temporary “drive-in/drive-out” or “fly-in/fly-out” basis.

The accommodation itself typically consists of individual accommodation units without individual kitchen facilities but with associated amenities including food, drink, laundry and with infrastructure for the disposal of sewerage and other waste. The duration of the development is related to the life of the Project.”

- Amendment dot point 5 under Section 6.1 from:

“On land where the location of the accommodation facility may adversely affect the existing use or any reasonably anticipated future use.”

to

“On land where the location of the accommodation facility may adversely affect the existing use or any reasonably anticipated future use, that is permissibly within the zone such as tourism or agriculture.”

- Concern was raised that road layout should be deleted from the legacy infrastructure provision as the nature of Temporary Workers accommodation would be unlikely to support such a street pattern. It is recommended that the DCP be amended to require consideration of the provision of the road layout. It has been demonstrated that due to the pedestrian environment of the temporary workers accommodation development, the street pattern can support a traditional residential subdivision. The suitability or desirability of development in the location and the provision of the road layout as a legacy can be considered as part of the development application. It is recommended that in the table under 6.2 for TWAs adjacent to a town or village that the provision be amended from:

Provision of legacy infrastructure including a road layout that can be converted to a residential subdivision (This will need to be demonstrated at the time of lodgment of application). to

Provision of legacy infrastructure which may include a road layout that can be converted to a residential subdivision (This will need to be demonstrated at the time of lodgment of application). The suitability of infrastructure should be determined in conjunction with the Council during the preparation of the Development Application. Factors that will be taken into consideration include: suitability of the location, the Mid-Western Comprehensive Land Use Strategy, and need for the infrastructure.

- Amendment of Clause 8 from:

“... It is a requirement that the proponent consult the NSW Police Local Area Command and local health providers during the preparation of the Social Impact Statement...”

to

“... It is a requirement that the proponent consult the NSW Police Local Area Command and local health providers (including General Practitioners and Dentists operating in the local area) during the preparation of the Social Impact Statement...”

- Inclusion of an additional dot point under 8.1 to indicate that the SIS should provide and implement strategies to address impact identified in the SIS

“Identify and implement provisions that will address the needs identified by the SIS and the demands generated by the development in a way that will not adversely impact upon the existing community.”

- It is not proposed to amend the DCP in relation to Moveable Dwelling as the National Building Code has superseded the Building Code of Australia. Regardless of the DCP all building need to comply with the National Building Code whether permanent or otherwise.

- It is not proposed to amend the DCP to include provision in relation to BASIX compliance as it is considered that the requirements are articulated in the relevant legislation and should not be repeated in the DCP.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

AT this stage there is no policy to guide development of the Temporary Workers Accommodation in the Mid-Western Region. Adoption of this Development Control Plan will provide guidance to both the community and developers regarding this form of development.

CATHERINE VAN LAEREN
GROUP MANAGER PLANNING AND DEVELOPMENT

19 January 2012

ATTACHMENTS:

1. Amended Draft DCP
2. Submissions

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

The Mac provides a short to medium-term solution to address housing demand generated by rapid expansion of mining by providing temporary workers accommodation for these workers. In the longer term, it is expected that a significant proportion of the longer term workforce will integrate into the surrounding towns. Previous experience has demonstrated that the demand for accommodation generated by mines is nearly instantaneous from when construction begins, potentially exacerbating housing shortage throughout the area.

Table 1 below shows data sourced from various State Government reports, documenting employment growth:

Table 1
Mid-Western Regional LGA
Expected Employment Growth 2012-2015

Mine or Deposit	Coal Production Per Annum Mt	Type u/g – underground o/c open cut	Employment	Potential Employment 2012-2015
Operating and Producing Coal				
Ulan	5.25	Dragline (o/c) and longwall (u/g)	562 (457*)	Existing
Wilpinjong	7.5	Truck & shovel	101 (180*)	Existing
Approved and/or under construction				
Moolarben Stage 1	8.5**	o/c and u/g	320	Existing
Expansion of existing operations				
Moolarben Stage 2	5.0**	o/c and u/g	120	200+
Ulan West – Continued Operations	5.0**	u/g	270	350-450
Wilpinjong	3.0	Truck & shovel (o/c)	90	200+
Potential new projects				
Bylong	7.5**	Longwall (u/g)	350-500	500-Con; 350-Ops
Cobbora	20.0** ***	o/c	2000	1250+ Con 1500+ Ops***
Lue Silver Mine				250
Wollar Power Station				350-450 Con
Airly, Running Stream, Capertee				350+
Chabron				100
Mt Penny Coal				350 Con
Total Number of Potential NEW Employees in Mid Western Region				4000

* Direct coal production staff, excluding coal preparation plant staff

** Raw Mt

***Awaiting new EIS to be submitted which will reduce these numbers

Gulgong is also significantly compromised by its current capacity of sewer and water infrastructure. The Mac will continue to make contributions to upgrading infrastructure and facilities for these services, as the need arises for this type of accommodation. Similarly, whilst the ideal of permanent resident housing for 80% of mining jobs is admirable, the currently limited sewer, water and other infrastructure capacities make the timing and cost of such residential development unlikely or unfeasible in the short to medium term.

The potential (and likely) market reaction to immense (and almost instantaneous) demand for housing generated by the growth in the mining projects in the region is a massive upsurge in demand for residential accommodation. If this remains unfulfilled then workers in the new projects may seek accommodation in illegal or inappropriate places.

The Mac's model is to remove their villages at the end of their lifespan, which is a significantly better outcome than that which could be achieved through the conventional housing market. In our submission it is not appropriate from a planning perspective to facilitate a scenario which will drive permanent residential accommodation for a temporary need where there is no apparent use for that accommodation when the need for it has gone.

Objects of the Environmental Planning and Assessment Act 1979 NSW (EPA Act)

In preparing a Draft DCP, Council is required to address the objects of the EPA Act. Section 24 of the EPA Act is the section which empowers the making of all environmental planning instruments and it provides that (our emphasis) "*an environmental planning instrument may be made in accordance with this Part **for the purposes of achieving any of the objects of this Act***".

We draw your particular attention to the following specific objects of the EPA Act which are relevant to the currently proposed Draft DCP:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *(the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing,*

These objects are central to any decision or instrument created under the EPA Act. To the extent that the current Draft DCP fails to, or is contrary to, the achievement of these objects, it should clearly not proceed on its current terms.

It is our submission that it will be necessary to incorporate amendments to the Draft DCP in order to achieve those objects. We particularly draw your attention to the object of “ecologically sustainable development” which incorporates the concept of intergenerational equity. Intergenerational equity is the notion that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations. In this context the “environment” includes the man made or built environment.

In our submission, the avoidance of artificial peak demand for housing in the towns within the Mid-Western Regional Local Government Area (potentially leading to under-occupancy of areas in those towns in the medium to long term) is an essential component of proper town planning. To achieve sustainable health of the environment for future generations it is necessary to have a planning instrument which will facilitate appropriate sizing of these facilities.

Proposed Amendments to Draft DCP

Specifically, we request amendments to the following sections of the Draft DCP:

Section 4.0 Definitions

The Draft DCP seeks to characterise Temporary Workers Accommodation as an “innominate use” within the *Rylstone Local Environmental Plan 1996* and *Merriwa Local Environmental Plan 1992*, as “Tourist and Visitor Accommodation” within the *Mid-Western Regional Interim Local Environmental Plan 2008* (Interim LEP).

It is our submission that the Draft DCP inappropriately attempts to characterise ‘Temporary Workers Accommodation’ differently under various Local Environmental Plans (LEP) that apply to the Mid-Western Regional Local Government Area (LGA). The DCP is subordinate to any such LEPs and characterisation under the various LEPs must be undertaken having regard to the application before Council, not by reference to the DCP. We therefore request that these definitions be removed from the Draft DCP as they are of no legal effect.

The Draft DCP provides a definition of “Legacy Infrastructure” for the purposes of this policy, which reads:

“Infrastructure and civil works such as roads, sewer pump stations, or community facilities that have been undertaken to support the installation and use of a site for the purposes of Temporary Workers Accommodation which upon decommissioning of the Temporary Works Accommodation is transitioned into public ownership for its ongoing use”.

DA0217/2012 includes a Preliminary Decommissioning Plan (Appendix 12) as per Section 18.0 of the Draft DCP. It is our submission; however, that any future use of the subject site following decommissioning of the accommodation village will be determined based on demand and need at the actual time of decommissioning. Therefore, the possibility remains that any infrastructure, assets or community facilities that have been undertaken to support the installation and use of the site for the purposes of Temporary Workers Accommodation may remain in private ownership for future re-use of the site.

We therefore request that the line stating "*which upon decommissioning of the Temporary Works Accommodation is transitioned into public ownership for its ongoing use*" be removed from this definition to allow for the possibility to retain such infrastructure in private ownership for future re-use of the site.

Sections 5.0 (Objectives), 6.0 (Location) and 7.0 (Need) of Draft DCP

The Draft DCP appears to generally disregard the potential positive impacts of Workers Accommodation. Specifically the community may benefit economically (jobs, economic input into local businesses, housing demand) and socially (integration, facilitating permanent residency transition). Location of Temporary Workers Accommodation on or near mine sites would provide little benefit to the local community. The Draft DCP contradicts itself, and seemingly prefers to locate Temporary Workers Accommodation on or near mine sites yet includes an entire section to Social Impact Statements (Section 8.0) which recommends encouraging integration with the community.

The requirement to provide a footpath/cycleway linking the accommodation facility to town (Section 6.2) is also appropriate. Firstly, The Mac's model is to work in conjunction with the surrounding mines to provide bus facilities to workers travelling between the accommodation facility and the mines, in order to increase safety to the workers and to reduce traffic numbers on the surrounding roads. From their experience on other similar villages throughout the State, footpaths and cycleways are not generally well utilised surrounding the villages. Furthermore, the site at 2 Black Lead Lane will have access onto Gulgong-Ulan Road at a point where the speed limit is 100km/hr which could potentially create safety issues for users of the footpath /cycleway as well as the road.

Furthermore, it is suggested that the capital required to provide footpath/cycleway facilities would be better distributed in contribution to community services and facilities, for example, healthcare.

Section 13.0 Traffic and Parking

DCP Section 13.0 provides that a car parking ratio of 1:1 be implemented within any proposed village. The Mac's experience on other similar sites throughout NSW is that this creates an excess of parking spaces. As mentioned above, it is proposed to operate a bus service connecting the village to the mines, thereby reducing the requirement for individuals to maintain a car. The Mac's general provision for similar developments is approximately 0.7:1, and in their Narrabri development, their car parking provision is 1:2.

We therefore request that this car parking provision be amended to a lower amount, subject to the satisfaction of the traffic impact assessment report and provision of other facilities such as bus services.

Section 18.0 Decommissioning Plan

Section 18.0 of the Draft DCP requires a Decommissioning Plan to be prepared to accompany any future Development Application for Temporary Workers Accommodation. The last dot point reads:

- *“The transfer to public ownership of any legacy infrastructure”.*

For the same reasons as provided above relating to Section 4.0, we request that this point be removed from the Draft DCP.

Conclusion

We look forward to Council’s favourable consideration of this submission. We would be happy to arrange a time to meet the relevant planning staff at Council to discuss this submission should this be required.

Please contact me for any queries on 02 8234 8329 or via email to vhumble-crofts@insites.com.au.

Kind regards



Verity Humble-Crofts
Senior Planner
Whelans InSites

Agnes Nordmann
83 Mayne Street
Gulgong 2852

13.1.2012

To:

General Manager
Mid-Western Regional Council
P.O. Box 156
Mudgee 2850 NSW

Dear Sir / Madam

Submission on the Draft development
control – Temporary Workers Accommo-
dation



MWRC - Temp Workers Submission Draft Plan.
I wish to comment on the draft concerning the above issue.

I am not against expansion and increasing population, but certain points need to be taken into account. After all we don't want to lose our history. Lots of effort of lots of people was made and Gulgong now is very proud been nationally listed as Gulgong Historical town. This town has character and charm and has given lots of tourists good memories and heaps of information on how life was in the olden days. The area history was made does include this land. School children were and are taking out for educational reasons to show them real left over artefacts. Lots of tourists come to this town because of its old-standing charm and history and we are proud to preserve this and to show them the areas where Gold was found in early days. As you come in from Ulan into Gulgong the temporary workers accommodation would be very visible and a eyesore.

I myself was attracted to this town and opened up a business by its old charm and bought a old historical house instead of buying a

modern cottage. It is very hard to put value on old tradition and cultural history but I know if it is not cared for properly and preserved it easy can get lost in our modern fast industrial times.

I do see a growing as a very positive aspect in Gulgong but I have to say that this is better done in my view by opening up new land for building family homes as which recently was done by couple of local builders. This already has attracted more people ^{and} to the new houses ^{already} are occupied. It would be great to include new families into our area. Families who contribute to the school system, health system and community events. This does bring the numbers up, so that we can receive more fundings for our school and hospital or the new "HPS". This is the kind of growing Gulgong would benefit from as it expands ^{the} education + health-departments. For a little town like Gulgong this is very important and as this will make for a better future for the next generation to come. A normal increase is through natural steady growing a sudden increase does not allow sufficient time to develop adequate services to develop. Our health service is already struggling to serve our community.

I also do see a concern in the water usage. We will already loose 3.5 gigalitres of Gulgong river water to the Colberah mine and the extra water stipulated for the temporary workers which is stated as 140 litres of water per day per worker. What if we have another big draught as we had a couple of years before. It is good as long as we have enough water for everyone, but what if another draught hits us? Will the mine close down because of water shortage or will our community be the one who suffers?

Another point I like to raise is with more people into town and in the pups on the weekend how can Gulgong, not having a police force at hand, handle this? This also does include the safety of our young girls.

From my point of view a miners village will not attract families wanting to move to Gulgong. People who come and want to stay in this area are people who value the charm of our town, the quietness, this is the place where families want to bring up their children in a safe environment which is community orientated and has cultural history.

I have spoken to many people who live in towns which have established temporary

workers accommodations and most of them agree on the fact that it didn't really bring much money to their community. Most of the village workers come and go without having any input on the town, apart from using their infrastructure.

If our infrastructure is not holding up the demand and our real estate value drops it also could affect pensioners who are mortgage holders. A real estate decrease on their side would mean a proportional increase on the bank side which could drive them into selling.

Taking all this points into account I would say that it is very important to be aware of our social Impact Statement and to consider peoples way of life, their culture and their community.

I personally think that it is much better to establish a workers village in Ulan or Woller.

with friendl. regards
Agnes Nordmann

13th 1st Jan 2012
To the Council - GULGONG representatives)

M/s Bertha Kay Binns
Kelunji 127 Herbert St
GULGONG NSW 2852

MID-WESTERN REGIONAL COUNCIL
REGDMS
RECEIVED

16 JAN 2012

SCANNED
 REGISTERED

To the Councillor (s) concerned :

I wish to add my voice to those people who oppose the placing of a mining village on the outskirts of Gulgong...

I believe this will make for still more late-night drunkenness, bad behaviour, and possibly road accidents, as many of the mine workers seem to drive with special priorities, and cause problems for other drivers, to say nothing of the added congestion.....

I am dissappointed that this council is even thinking that Gulgong residents can carry this extra load of mine workers, who seem to have little regard for the welfare of town dwellers, to say nothing of the hike in prices which often occurs, because of the large salaries these workers will be receiving.....

Sincerely,

Bertha Kay Binns

*P.S. We also do
not have enough infrastructure
to carry this extra load!*

Mr Wayne Bennett
General Manager
Mid Western Regional Council
Mudgee NSW 2850

2 Little Belmore St
Gulgong NSW 2850.



~~MID~~ TEMP WORKERS Submission Draft Plan.

Dear Mr Bennett,

I wish to comment on the draft concerning the above issue. I am especially concerned about the cumulative impact to our water supply, namely, the effect of losing 3.5 gigalitres of Mudgee river water to the Cobarah mine and the extra water stipulated for the temporary workers. The water for the coal mine is equivalent to the present total usage in the valley for town water, agriculture, irrigation and the environment.

This is without any consideration being given to the needs of the other industries that ~~are~~ are currently in our region, such as wine and tourism that already employ our workforce; no thought given to their needs for expansion. And when will the next drought occur? Windermere Dam is still well below capacity, despite our area topping the rainfall charts for December 2010. It is a hard dam to fill.

The draft plan talks about the requirement of 140 litres per day per worker. This works out at 20.4 megalitres per year for a 400 bed facility

/over

DMP - Temp Workers Accom - (P2)
We are truly endangering our communities.

There are social impacts as well - infrastructure in respect of roads, police, hospital services, council services - who will pay for the extra burden this will place on our resources and management to date.

Impacts relating to alcohol availability and the problem of lonely men away from their families. These issues are an unknown quantity. It is easy to be wise in hindsight.

We need to look long and hard at what the expansion of the coal industry has meant, and its impact on our community. While jobs will be gained, in my opinion many more will be lost. We have a vibrant, creative and artistic community in a very sought after area.
Let's not wreck it.

Yours sincerely
Diane O'Mara

D O'Mara

B-1-12.

6.2.7 WILPINJONG COAL MINE – REVIEW OF SUBMISSION TO 2011 MODIFICATION APPLICATION TO PROJECT APPROVAL

REPORT BY SENIOR ENVIRONMENT OFFICER
Review submission to Wilpinjong Mod 2011
A0100055, A0420169

RECOMMENDATION

That:

- 1. the report by Senior Environment Officer on the review of the submission to the 2011 Modification application to the Project Approval for Wilpinjong Coal Mine be received;**
- 2. Council confirms its submission lodged with the Department of Planning & Infrastructure on 21 November 2011.**

EXECUTIVE SUMMARY

Councillors may recall that a report in respect to the application to modify the project approval for the Wilpinjong Coal Mine was presented to the meeting of 16 November 2011. Subsequent to the meeting Council made a submission based on the details of the report incorporating the amendments as recommended by Council.

Senior Management of the Wilpinjong Mine met with the General Manager, Group Manager Development & Community Services and Senior Environment Officer on Thursday 22 December 2011 to discuss the Mine's concerns with Council's submission. The General Manager advised that staff did not have the authority to alter the submission and that this matter would need to be reported to Council in the New Year in response to a written request from the Mine to review Council's submission.

A formal request from Wilpinjong Coal Pty Ltd to review the submission has been received (see attachment 1).

DETAILED REPORT

The letter from the Mine requests that Council withdraw reference to the Ulan - Wollar Road from recommendation 3 of the submission (see attachment 2 – Minute from Meeting 16 November 2011). The Mine disputes the traffic figures quoted in the report of 16 November 2011, stating that the traffic counts were as a result of upgrade work being carried out on the main rail line and not related to Wilpinjong Mine and that construction traffic related to expansion of the Coal Handling Process Plant (CHPP) has ceased and the bulk of traffic is from Mudgee not Wollar.

The traffic count quoted in the previous report came directly from the Environmental Assessment (EA) prepared by Resources Strategies Pty Ltd for Wilpinjong Coal in support of Mining Rate Modification Application (Mod 05_0021 MOD 3 – May 2010). Part 4.4 of that document deals with Road Transport with Tables 11, 12 & 13 (see attachment 3) forming part of the detail of part 4.4.2 – Environmental Review.

The consultants considered that the existing road infrastructure was at an acceptable standard to accommodate the predicted increases of traffic generated by both construction and continued operations traffic with a proposed mitigation measure of encouraging car pooling by employees to minimise traffic movements.

This is considered inappropriate as the figure of 172 movements per day east of Wilpinjong on the Ulan – Wollar Road (Table 13) would reclassify the road to collector road status and this is also over the threshold of 150 movements 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.

FINANCIAL IMPLICATIONS

It is acknowledged that mining contributes to the economy of the region but there are also pressures placed on the resources of the community from the operations of coal mines. Some of these costs can be directly attributed to mining and there should be fair recompense as part of the continued operations 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 incrementally intensify their operation without due consideration of the cumulative impacts on the environment and community. This current application exemplifies this in that the previous Modification and this one propose to increase production and intensify activity. There was an acknowledgment in the EA for the previous modification (Mod 05_0021 MOD 3 – May 2010) that there would be increased traffic volumes over the road network in the vicinity and in particular Ulan- Wollar Road. The approval for the May 2010 modification did not require the Mine to contribute to the upgrading of the Ulan – Wollar Road. If this matter is not addressed via this current modification then the financial burden for the upgrading of the road will fall on the community rather than the Mine the generator of the increased activity.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

LINDA SHREEVE
SENIOR ENVIRONMENT OFFICER

CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT &
COMMUNITY SERVICES

11 January 2012

ATTACHMENTS:

1. Letter from Wilpinjong Coal Pty Ltd
2. Council Minute from Meeting of 16 November 2011
3. Extract from EA for Mining Rate Modification application (Mod 05_0021 MOD 3 – May 2010)

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER



04 January 2012

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



WILPINJONG COAL PTY LTD

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Mudgee, NSW 2850
Australia
Tel + 61 (0) 2 6370 2500
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Dear Warwick,

Following our discussion last week on Councils written submission in response to the Wilpinjong Coal Mine – 2011 modification to project approval, I would request that Council withdraw their recommendation 3 regarding the Ulan-Wollar Road.

Council is seeking compensation from Wilpinjong Coal to upgrade the unsealed section of road from east of the Wilpinjong mine towards Wollar due to the extra volume of traffic on the road.

The traffic count figures quoted by Council were as a result of upgrade work being carried out on the main railway line and not related in any way to the Wilpinjong Mine. The work was commissioned by the Australian Rail Track Corporation as the operator of the rail system.

The traffic to the mine site during the expansion of the CHPP has since ceased with the completion of the project and the bulk of the traffic was from Mudgee and not via Wollar.

Presently the vehicle movement from Wollar is low, used mainly by residents and this is expected to remain so into the future.

For these reasons Wilpinjong Coal Mine requests that you withdraw the section concerning the unsealed portion of the Wollar road east of the mine site.

Yours sincerely,

Ian Livingstone-Blevins
General Manager
Wilpinjong Coal Mine



MID-WESTERN REGIONAL COUNCIL

Council Meeting Extract
Council Meeting: 16 November 2011

ITEM 6: GENERAL BUSINESS

6.2 REPORTS TO COUNCIL

6.2.3 DEVELOPMENT APPLICATION NO. 0002/2012 – PROPOSED HAY
6.2.4 WILPINJONG COAL MINE – SUBMISSION TO 2011
MODIFICATION TO PROJECT APPROVAL

A0100052, A0420169

360/11

MOTION: **Holden / Martens**

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 with the following amendments
 - Comments of Infrastructure Improvements needed in the community;
 - Comments on the better treatment of salt water on site
 - Remove the words “intensive” when related to agriculture in the region
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.

Wilpinjong Coal Mine – Mining Rate Modification

Table 11
Existing Average Weekday Traffic Volumes (February 2010)

Road	Location	Survey Site ¹	Volume (vehicles/day)	Heavy Vehicles (%)
Cope Road	West of Ulan Road	8	1,043	15.7
Ulan-Cassilis Road	North of Ulan-Wollar Road	6	2,241	13.2
Ulan-Wollar Road	West of Wilpinjong Coal Mine	1	415	15.9
	East of Wilpinjong Coal Mine	2	119	17.4
Wollar Road	East of Wollar	3	161	26.1
	North of Lindburn Road	7	455	7.3
Ulan Road	North of Cooks Gap	5	1,841	14.3
	South of Henry Lawson Drive	4	6,624	9.1

Source: Appendix C

¹ Refer to Figure 15.

Halcrow identified that 2011 would be the peak period of traffic generation for the Modification, as minor operational traffic increases could combine with traffic generated during the nine month construction period. The potential contribution of the Modification to total traffic on the road network would decline significantly after 2011 (Appendix C).

A conservative assessment of the potential additional traffic movements associated with the Modification in 2011, including contributions of peak construction and additional operational employee traffic and deliveries was assessed (Table 12).

Table 12
Peak 2011 Traffic Generation due to the Modification (vehicles/day)

Road	Location	Additional Operational		Construction Peak		Total Increase 2011
		Workforce (light)	Deliveries (50% heavy)	Workforce (light)	Deliveries (100% heavy)	
Mine Access Road	South of Ulan-Wollar Road	50	16	476	20	562
Cope Road	West of Ulan	8	0	76	0	84
Ulan-Cassilis Road	North of Ulan	2	2	15	2	21
Ulan-Wollar Road	West of Wilpinjong Coal Mine	45	16	430	20	511
	East of Wilpinjong Coal Mine	5	0	46	0	51
Wollar Road	East of Wollar	2	0	15	0	17
	North of Lindburn Road	1	0	5	0	6
Ulan Road	North of Cooks Gap	36	14	339	18	407
	South of Henry Lawson Drive	34	14	323	18	389

Source: Appendix C.

A cumulative 2011 traffic impact assessment was then undertaken including consideration of baseline traffic growth, traffic generated by the Modification as well as cumulative traffic associated with the proposed Moolarben Coal Project Stage 2 and the Ulan Coal Mines - Continued Operations Project (Table 13).

Table 13
Existing and Future Weekday Traffic on the Local Road System (vehicles/day)

Road	Location	Existing (2010)	Additional Traffic in 2011				Total 2011
			Baseline Growth	Wilpinjong Modification	Ulan Coal Mines ¹	Moolarben Coal Mines ²	
Mine Access Road	South of Ullan-Wollar Road	426	0	562	0	0	988
Cope Road	West of Ulan	1,043	17	84	148	48	1,340
Ulan-Cassillis Road	North of Ulan	2,241	39	21	17	0	2,319
Ulan-Wollar Road	West of Wilpinjong Coal Mine	415	1	511	0	0	926
	East of Wilpinjong Coal Mine	119	1	51	0	0	172
Wollar Road	East of Wollar	161	3	17	0	0	181
	North of Lindburn Road	455	8	6	0	0	469
Ulan Road	North of Cooks Gap	1,841	27	407	393	196	2,864
	South of Henry Lawson Drive	6,624	112	389	393	196	7,714

Source: Appendix C.

Note: Totals may include some minor discrepancies due to rounding.

¹ Ulan Coal – Continued Operations Project.

² Moolarben Coal Project Stage 2.

The worst case scenario of cumulative impacts described above was used to assess the level of service on the key roads for traffic generated by the Wilpinjong Coal Mine. Results of the assessment indicate that all roads will continue to operate at acceptable levels with the cumulative traffic volumes in 2011 (Appendix C).

The operation of the intersection of Ulan Road and Ulan-Wollar Road was also assessed with future cumulative traffic generation assumptions. The results indicate the intersection would also continue to operate at a good level of service during peak hours (Appendix C).

Halcrow concluded that (Appendix C):

No significant impacts on the performance and safety of the road network are expected to arise as a result of the Modification, even with the cumulative effects of the proposed changes to the Ulan Coal Mines and Moolarben Coal Mines and no specific management or mitigation measures are considered to be warranted.

To minimise the potential impacts of Modification generated traffic, WCPL will continue to encourage car pooling by employees to minimise traffic movements.

4.5 SOCIO-ECONOMICS

Background

Gillespie Economics completed a benefit cost analysis and regional economic impact assessment in the *Wilpinjong Coal Project Economic Assessment* (Gillespie Economics, 2005). A Community Infrastructure Assessment was also prepared by Martin and Associates Pty Ltd (2005) that considered the potential impacts of the construction and operation of the Wilpinjong Coal Mine on population and community infrastructure demand.

WCPL and the mining contractor (Thiess) employ in the order of 180 staff (Section 2.13). With supporting contractors the on-site workforce is approximately 300 people. The majority of the workforce resides in Mudgee and Gulgong, with a lesser proportion spread throughout rural areas and other towns in the MWRC LGA and the wider region.

6.2.8 ULAN ROAD STRATEGY

REPORT BY GENERAL MANAGER
ULAN ROAD STRATEGY
A0100055, R9208006, R9214003

RECOMMENDATION

That:

- 1. the report by the General Manager on the Ulan Road strategy be received;**
- 2. Council endorses the submission (attachment to this report) in response to the Ulan Coal Mine Ltd, Moolarben Coal and Wilpingjong Coal- Ulan Road Strategy and that the response be forward to the Director General of the Department of Planning and Infrastructure;**
- 3. Council seeks an immediate meeting with the Minister of Planning and Director General of the Department of Planning and Infrastructure to present Council's position on the upgrade needs of Ulan Road;**

EXECUTIVE SUMMARY

Council has received the Ulan Road Strategy as prepared by Arrb Group on behalf of Ulan, Wilpinjong and Moolarben Coal Mines. Council management does not agree with the principle findings and recommendations of the Ulan Road Strategy and have made specific recommendations for Councils endorsement to be sent to the Department of Planning and Infrastructure. Also Council management are concerned with the lack of consultation by the mines on this process. Both the Council and RTA (now Roads and Maritime Services – RMS) had little or no opportunity to participate in this process contrary to the requirements of the Director General of Planning.

The purpose of this report is to present to Council a draft response to the Strategy prepared under the auspices of the three mines and recommend appropriate action. It should be noted, that it is acknowledged that having regard to the extent and nature of traffic on Ulan Road that the road should be upgraded however the incidence of cost should rest with the traffic generators, that is the coal mines, not the existing rate payers.

DETAILED REPORT

Condition 50 of the project approval for the Ulan Continued Operation Project issued by the Department of Planning and Infrastructure on the 15 November 2010 required that Ulan Coal, in association with Moolarben Coal and Wilpinjong Coal, prepare a strategy for the upgrade and maintenance of Ulan Road between Mudgee and the entrance to the underground surface facilities at the Ulan Mine over the next 21 years."

The consent outlines ten points that are to be addressed by this Ulan Road Strategy. These are:

- (a) Be prepared by a suitably qualified, experienced and independent person whose appointment has been endorsed by the Director- General.*
- (b) Be prepared in consultation with both the RMS and Council.*

- (c) *Determine the design standard of the relevant section of road (and any associated intersections) to the satisfaction of the RMS (based on the relevant road design guideline(s)).*
- (d) *Identify the works required to upgrade the road to the designated design standard.*
- (e) *Estimate the cost of these works and the likely annual costs for maintaining the upgraded road.*
- (f) *Identify any measures that could be implemented to reduce the amount of mine traffic on the road, such as providing long-term parking and in Mudgee to support increased car-pooling, and the likely cost of implementing those measures.*
- (g) *Identify any measures that could be implemented to minimise the traffic noise impacts of mine traffic on Ulan Road on adjoining residences, and the likely costs of implementing these measures.*
- (h) *Include a detailed program for the proposed upgrade and maintenance of the road, implementation of traffic noise mitigation measures, and implementation of any works to support the reduction in the amount of mine traffic on the road.*
- (i) *Calculate what each mine and the council shall contribute towards the implementation of the detailed program outlines in (h) above including consideration of:*
- *the likely traffic generated by each mine as a proportion of the total traffic on the road;*
 - *any mine contributions that have been made towards the upgrading of the road in recent years; and*
 - *any relevant planning agreements that deal with the funding or maintenance of the roads in the Mudgee LGA area.*
- (j) *Include a detailed contributions plan for the three mines and the council to support the implementation of the detailed program described in (h) above.*

A similar condition was placed upon the expansion of the Wilpinjong Mine and it is understood a similar condition is included in the draft conditions for the stage two approvals for Moolarben. This strategy was to be complete by 31st December 2011.

The final document was only delivered by email to Council at 6.00pm on the 16th December 2011 giving inadequate time to prepare a draft response for Council's consideration prior to the 31st December 2011. An extension of time has been sought from the Department of Planning and Infrastructure for this submission in response to the strategy to be considered and approved by the elected Council at his first meeting in February

Council response to the Strategy is critical as condition 51 of the Ulan approval states:

Once the Ulan Road Strategy has been approved by the Director-General, the Proponent shall contribute towards the implementation of the strategy in accordance with the detailed contributions plan in the strategy.

A copy of the Ulan Road Strategy (referred to in this report as the Strategy) is attached at the end of this business paper and Council's draft response is attached to this report.

Management have a number of concerns with the Strategy all of which are detailed in the submission. The Strategy fails to recognise the fundamental fact, that the need to upgrade the road is driven by the coal mines and if the mines did not exist the road would be completely adequate with a normal upgrade programme. It is only because the coal mines exist and consequently the traffic they generate, that the road requires a significantly and costly upgrade to meet Austroads standards.

The rejection of this basic premise in the Strategy then transpires into a further erroneous outcome that the ratepayers of this Council should fund the upgrade costs to meet the additional traffic requirements on the road that are totally caused and generated by the existence of the coal mines.

The Strategy has indicated that the cost of upgrading the Ulan Road is \$17,218,750 and the whole of life maintenance costs a further \$12,732,823. These figures are extremely light and unrealistic in management's opinion. The Strategy's position is that the cost to the Coal Mines for this upgrade should only be 27%, even though the road would not need any upgrade if the coal mine generated traffic did not exist.

It should, at this stage be noted, that Council receives from the RMS \$6,000 per kilometre to maintain and upgrade all regional roads located within the LGA. The Council is required to match that upgrade \$ for \$. A recent one kilometre upgrade on Ulan Road cost Council \$700,000 to complete so the \$12,000 allocation is very light and thus Council has been required to delay works on other regional roads to ensure this work was completed.

Council has 330 kilometres of regional roads so to use our annual regional road allocation on Ulan Road would be at the detriment of other regional roads in the region. Council has only received money through one Voluntary Planning Agreement with a coal mine to upgrade Ulan Road and that was from Moolarben but it is acknowledge that agreement in principle has been reached with Wilpinjong to transfer monies originally planned for the Ulan-Wollar Road to the Ulan Road.

Council recently received a petition for the upgrade of the Ulan Road with some 3800 signatures. The petition was initiated and administered by the families of staff that work at the coal mines. That in itself should have been included in the Strategy to highlight that the high traffic volumes on this road are a direct result of the existence of the mines. This petition highlights the community concern on the traffic volume on the road that is a result of mine generated traffic.

It should be noted at this time that no rehabilitation works are planned on the Ulan Road in the 2012/13 financial year as the Council has been allocating the majority of its regional roads money to this road over recent years and the other regional roads in the region are in need of upgrading works.

This report recommends that Council endorses the attached submission to be sent to the Director General of Planning and Infrastructure. This report also recommends that Council seeks a meeting with the Minister of Planning, Mr Brad Hazzard and the Director General of Planning and Infrastructure to further explain and emphasis Council's position. Our local Members of Parliament should also be invited/requested to attend these meetings.

It is also important that at the meeting with the Director General that Council insists that these matters be dealt with at the time of the determination of the application. Council always raises these issues early in the application process, normally with the Director General's requirements. The coal mines are an important part of our community and to have left Council and the coal mines trying to reach an agreement long after approvals, strains positive working relationship between parties. The council has been required to devote a significant amount of resources into this Ulan Road Strategy when it should have been finalised at the time of the determination by the Department of Planning and Infrastructure. So it's important that Council makes a strong point to finalise these issues at the time of determination and avoid a strained community partnership that is vital in a community where mining and the local Council must work positively together for the benefit of all.

FINANCIAL IMPLICATIONS

Should the Ulan Road Strategy be adopted in its current form the financial implications are horrendous to the ratepayers of this region and are discussed in detail through-out this report and the attached submission.

Council management and senior roads engineers in conjunction with the RMS Engineers assess the capital upgrade cost are \$37,963,175 and the annual maintenance cost are \$1,562,500. The significant amount of the costs should be paid by the organisations causing the costs i.e. the mines.

The Coal mines prepared Strategy stipulates that the total cost apportionment for works along the Ulan Road are:

Mid-Western Regional Council	\$16,081,004
Department of Roads and Maritime Services	\$5,699,736
Ulan Coal	\$3,989,080
Moolarben Coal	\$3,102,229
Wilpinjong Coal	\$1,772,723

\$16 million dollars to Council represents 342% of Council capital roads budget in 2010/11 financial year and 193% in the current financial year. Please note that in 2010/11 the Council's capital works budget was drastically reduced because of the need to fund the December 2010 flood damage repairs. It should also be noted that expenditure of \$16 million dollars on Ulan Road has not been contemplated in Council's Management Plan and would require a substantial amendment to the Management Plan and a reduction of the level of service across a number of functions of Council. Typically the type of services that would need to be eliminated from the Council's roads budget would include reseals, bridge renewals, resheeting, all other rehabilitation works, and improvements works such as round-about etc.

Conversely, should Council elect to maintain current levels of service it would simply chose not to fund the upgrade of the Ulan Road which will result in a further deterioration of the standard of the road and safety conditions for mine workers.

STRATEGIC OR POLICY IMPLICATIONS

The Council does not have the funds to upgrade this road to the level required to meet the high traffic volumes generated by the staff, contractors and suppliers travelling to and from the coal mines. Council Management are preparing a submission to the RMS to have this road declared a state road but this action alone will not guarantee immediate funding for the necessary upgrade.

- Attachments:
1. Letter to Mr Sam Haddad
 2. Ulan Road Upgrade Proposal and Costing
 3. Road Counts on Ulan Road – (following at the end of the business paper – Councillors only)
 4. Ulan Road Strategy (following at the end of the business paper – Councillors only)

WARWICK BENNETT
GENERAL MANAGER

22 January 2012

The Director General
Department of Planning and Infrastructure
State Government
Sydney

Attention Mr Sam Haddad

Dear Sam

Thank you for allowing Council the additional time to respond to the Coal Mines prepared strategy on the Ulan Road. Council only received the final document on Friday 16th December 2011 at 6.00pm. The Ulan Road Strategy has been prepared by the coal mines as a result of a condition placed upon the Ulan Coal Continuous Operations and the expansion of Wilpinjong. We also understand that a similar condition would likely be included in the Moolarben stage two determination.

It is important to state up front that the basis of Council's submission is that the incidence of cost for provision of major infrastructure to service the mines and associated growth should not fall unduly on Council and the existing ratepayers. Prior to the explosion of mining growth in this region the Ulan Road was adequate for the local traffic that uses the road with the normally funded road maintenance programme. The need for the capital upgrade and the higher than normal maintenance is quite simple a result of the traffic generated by the coal mines and the associated growth. There can be no argument on that fact.

Council acknowledges that mining brings prosperity to this community but Council is not the direct benefactor of that prosperity in terms of rating and other general income. Council is, however, responsible for the planning and provision of infrastructure which has already added considerably to our operational and infrastructure upgrade costs. The increase in prosperity in the community goes no way near compensating Council for the additional operational costs already evident, let alone funding the infrastructure improvements that are needed as a direct impact on mining development in this region, such as the upgrade of Ulan Road.

The condition placed on the coal mines required them to prepare the strategy in consultation with Council and the RTA. It is very much Council's opinion that the strategy was delivered to Council as a fait accompli and that Council input into the findings were not sought. This is despite Council in April of 2011 conducting all the road counts and having them analysed for the basis of the strategy. Those road counts were delivered to the coal mines unedited. After April the next realistic input that Council had into the outcomes of the Strategy was Monday 6th December 2011 at 3.00pm when a draft document was presented that was not in a form that could be professionally commented on. In fact, considerable more information was supplied in the final document (received 16th December at 6.00pm) that was not included in the documentation on the 6th December 2011.

Council wishes to make it clear that the Strategy has failed to meet its requirements of condition 50 of the determination. In particular clause (b) clearly states that the strategy shall:-

"Be prepared in consultation with both the RMS and Council"

By receiving the strategy on only three and half working days before the Christmas close down does not in anyone opinion reflect consultation. Council was originally required to respond prior to Christmas. The paper work at the one meeting prior to receiving the strategy was not in any way shape or form substantive enough to allow a meaningful input. The meeting on the 6th December was just an opportunity for the Mine's consultant to talk at the RMS and Council representatives. No intellectual feedback was at all possible. The only conclusion that can be drawn from the fact that the Mines and their consultant delivered the strategy three days before Christmas is that they had no intention of undertaking any form of meaningful consultation. **The strategy has failed to meet the requirement of the Government directive.**

Further the strategy has failed to meet the conditions of consent in regard to the works proposed on the road. The Council senior engineers with the then RMS senior engineers drove the length of the road and determined the works that needed to be undertaken to address the high traffic flows of mines related traffic. A schedule of works was prepared which is attached. That schedule of work has been manipulated by the mine's consultant to serve the mines best interest, not the road user. Indeed, condition 50 required that the strategy to "*determine the design standard of the relevant section of road (and any associated intersections) to the satisfaction of the RMS*"

It is considered that to meet the requirement of the brief the consultant should have sought and obtain sign off on the design standards, particularly in relation to the intersections, where there is some contention prior to proceeding with the cost estimates. As it currently stands the RMS have indicated in the meeting on the 6th December 2011 that they do not agree with the design standard adopted for many intersections as detailed in the strategy and referred to the previous work undertaken by Council and themselves in determining the standard. This comment has been ignored in the preparation of the Strategy. The condition of consent stated that consultation on these issues should have happened. The consultants made no contact with the RMS or Council engineers on these matters. But the condition states that the strategy be prepared in consultation with RMS and Council. Adequate consultation did not happen. **The strategy has failed to meet the requirement of the Government directive**

However in making these comments, Council is of the opinion that the Strategy and the attitude of the consultant on behalf of the mines was so far removed from Council's and the Communities expectations and reasonable cost apportionment that any further meetings would have been in vain.

Council believes on behalf of the community and the mine workers who use the roads that the strategy needs to be amended to reflect the recommendations in this submission. In fact petitions with 3,800 signatures received by Council in November that was managed and administered by the families of coal miners have indicated that fact.

Council's submission is based on four issues. The Strategy has a lot of background information but we believe the following four issues are all that we now need to focus on:-

1. What are the traffic volumes?
2. What is the solution for the treatments to meet the increased traffic volumes?
3. What or who is the cause of these increase traffic volumes?
4. Who should pay?

1. What are the traffic volumes

Please find attached the Council prepared traffic counts on the Ulan Road. The location of all these traffic counters was done in consultation with the three coal mines. There is no dispute on the accuracy of these traffic counts amongst the parties. The traffic counts are robust and were undertaken over a 12 week period.

The important part of these results is the graphs at the back of the document which shows that the peak traffic flows occurring between 5.00am to 7.30am and 4.00pm to 7.00pm. These times relate exactly to shift changes and starting and finishing times at the mines. It is during these periods that Ulan Road in its existing standard really struggles to cope with the high traffic volumes.

2. What is the solution for the treatments to meet the increased traffic volumes?

The Department of Roads and Maritime Services - RMS (formerly the RTA) have very specific guidelines for the upgrade of regional roads based on Austroads specifications. These specifications are now widely accepted for all roads in Australia. For traffic volumes between 1000 and 3000 vehicles per day the construction of the road should be, particularly taking into account the heavy traffic to and from the mine and the heavy volumes during shift change over periods:-

Traffic Lane	7 meters (2 X 3.5)
Shoulders - sealed	2 meters (1 meter either side of traffic lane)
Shoulders – gravel	2 meters (1 meter either side of the sealed shoulder)
Total carriageway	11 meters

Additional to and outside this 11 meter carriageway a further area for the construction of drainage is required.

The capital cost to upgrade Ulan Roan to these Austroads standard is \$37,963,175 not the lesser amount stated in the Strategy. These costs were prepared by a joint working group of senior Council and RTA Engineers and based on the Austroads standards. A summary of these cost are attached.

The Strategy has wrongly come to the conclusion that a number of intersections, including the dangerous intersections like Mudhut Creek road, do not need to be addressed.

Condition 50 required that the road design standard be determined to the satisfaction of the RMS. The RMS has indicated that the Strategy has failed to take road safety adequately into consideration in determining intersection design and therefore have underestimated the cost of these upgrades. **In this way the Strategy has failed to meet the project brief.** This is reflective of the lack of collaboration by the mine's consultants in the preparation of the Strategy with the RMA and Council.

3. What or who is the cause of these increase traffic volumes?

The Strategy takes a very narrow perspective when proportioning mine related traffic and local traffic. Council is of the opinion that the mine related traffic not only refers to traffic that is entering or leaving the mine site but also the increase in traffic caused by the advent of the mining cluster. To ignore growth caused by the mines is inconsistent with the Environmental Assessment prepared by the mines that justify their impact based on the positive economic impacts attributable to growth.

The historical growth rate as per the census figures within this region indicate a growth rates for the region between 1996 and 2001 of 0.85% and -0.11% between 2001 and 2006. This is indicative of growth that the region would have experienced without mine development.

Indeed, the DoPI population projections for the region (which fail to take into account the mining growth as the methodology is based on historically growth) indicate the follow projected annual average growth rates over the five years periods:

2011	0.13%
2016	0.12%
2021	0.03%
2026	-0.08%

In reality, Council recognises that the growth that will be actually experienced will be vastly different from these projections and this difference is due to the mine development. Therefore these projections could be viewed as reflected the likely growth of the regions without the occurrence of mining.

So let's remind ourselves what the mines are saying in their Environmental Assessment when they want to sell the benefits of coal mining to this region:

- In the Ulan Coal Continued Operations Environmental Assessment, apart from the additional population estimated increase from direct employment, being 570 jobs, the EA goes on to indicate the operation would generate an additional 273 jobs during construction and a massive 1,464 indirect jobs in the region over the 21 year life of the operation phase. (Appendix 15: Page 15)
- A similar scenario exists for all the mines resulting in a significant cumulative impact as demonstrated when the information in the Environmental Assessments is reviewed. In the case of Moolarben direct and indirect employment is estimated at 1,875 jobs (Page S5-155) and for Wilpinjong 250 jobs.
- The expansion of Ulan, Wilpinjong and Moolarben effectively double production capacity and job opportunities in the region. In the region due to mining a total of 3,000 operational jobs will be created in the next 3-5 years with the majority of these positions being filled by new residents to the area as the current labour force simply cannot meet this demand.

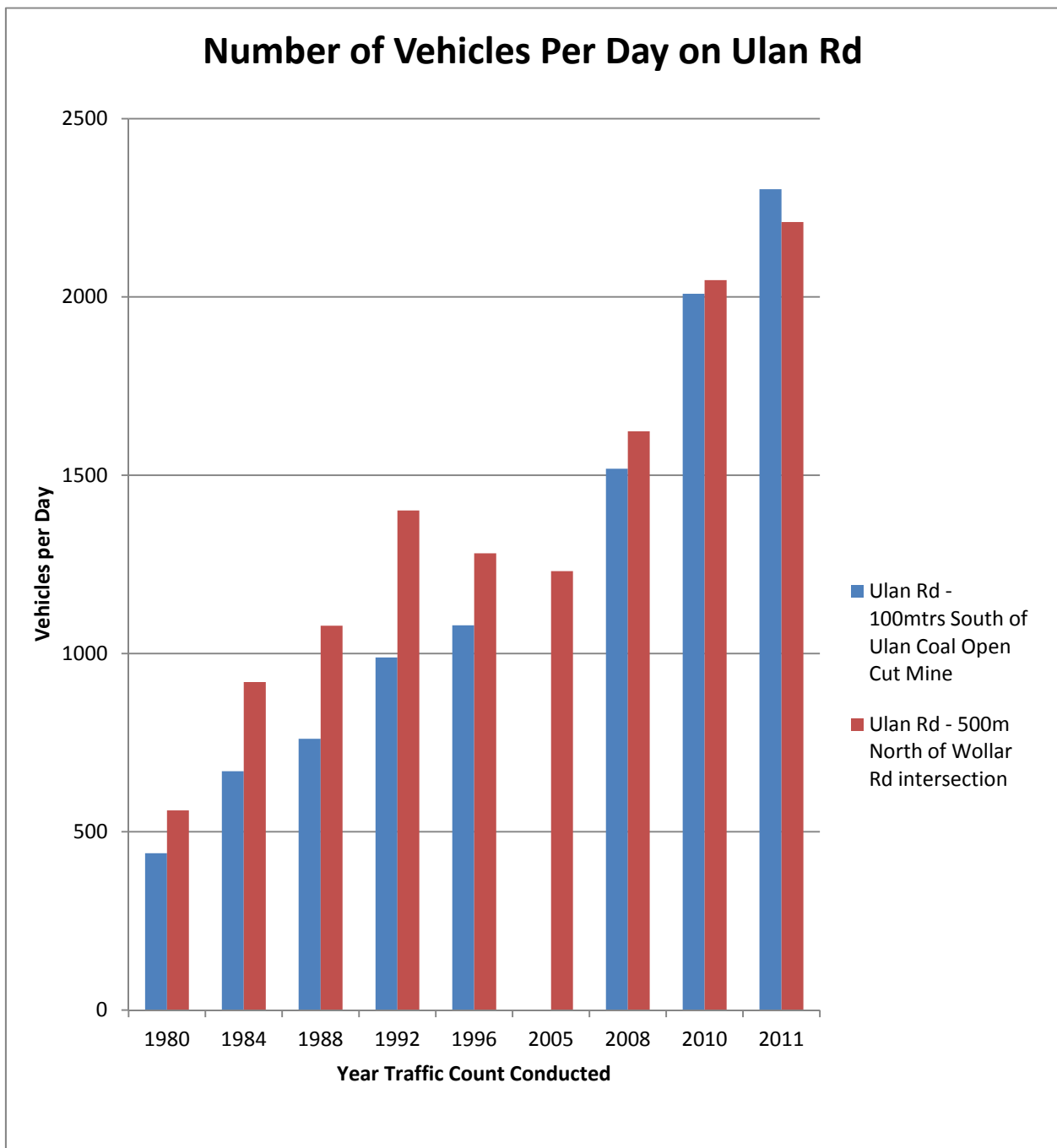
The Mines cannot have it both ways. In one breath the mines are saying that the boom is going to be great for the economy of the region (their Environmental Assessment) and in the next breath saying they are not responsible for that growth (this Strategy).

Due to the capacity of the existing workforce it is reasonable to assume that an increase in employments opportunities equate to nearly the same increase in population plus associated family. This is supported by anecdotal evidence such as Ulan mine is actively running recruitment drives across NSW and in the Western Suburbs of Sydney to fill vacant positions.

New employment opportunities at local mines could increase the population of the Mid-Western Region by more than 5,700 people (assuming 90% of jobs are filled by new residents and each new resident is part of a "family unit" of 3). An additional 5,700 people would increase the population of the region to above 28,000 people (representing a 24% increase) in the next 3-5 years.

This level of growth will have a dramatic impact on the provision of infrastructure across the region. Voluntary Planning Agreements do not begin to offset the overall impacts. It is Council position that, where those impacts can be clearly identified and there is an opportunity for the incident of cost to be worn by those generating the demand, that is the mines, then the mines should cover the cost generated by their operation and the associated growth.

There is absolutely no doubt in Council's opinion that the substantial increase in traffic volumes is a direct result of the operations of the coal mines and the growth in population caused by the mines. This is substantiated when the potential population growth with and without mining is considered as discussed previously. Notwithstanding the population growth generated by the mines the graph below indicates the rapid increase in traffic using the Ulan Road based on historical traffic counts undertaken prior to mining and those undertaken to inform the Strategy.



The above graph has two particular areas that need to be taken into consideration. The Ulan mine started in approximately 1983 when the first real increase in traffic was experienced and Moolarben and Wilpinjong started after 2005 when the second significant growth phase was experienced.

Council primary position is that prior to mining the road was adequate to serve what is truly local traffic (as opposed to assume “local traffic” in the Strategy) and that the mines should be responsible for the upgrade of the road generated by their operations and the increase in traffic generated population growth due to their operations. **So the reality is that if the coal mines did not exist then Ulan Road with normal maintenance and capital upgrade programmes the road would be adequate for the non mine traffic.**

The Strategy relies on assumptions from previous traffic studies to determine “local traffic” verses “mine traffic” these assumptions are not articulated in the Strategy. The Strategy takes a simplistic approach in estimating a continued growth in “local traffic” of 1.8% (even though the Ulan Environmental Assessment adopts 1.0% per annum) and simply extrapolates the growth on a

continued basis. The Strategy adopts a reduction of “mine traffic” towards the end of the mine life but a continuation of growth in local traffic. Growth of this region is driven by the mining industry, the historical population growth figures clearly demonstrate this, and therefore if the mines close then the rate of “local traffic” will also decline. The strategy fails to recognise and should have better researched the mines own facts that were clearly stated in their EA’s

Notwithstanding, the overall increase in traffic on Ulan Road, the Strategy fails to take into consideration the necessity to upgrade the road standard to accommodate peak traffic flows generated by the mines. This could not be better highlighted as shown in the pictorial graphs in the traffic counts booklet that shows that the peak traffic flows occurring between 5.00am to 7.30am and 4.00pm to 7.00pm. These times relate exactly to shift changes and starting and finishing times at the mines. Without the peak flows the level of upgrade proposed would not be necessary.

It should also be noted that the quantity of traffic entering and exiting the mine at all times during the day is consistently high with contractors and service providers. For every 100 tonne of coal that is exported from a mine Council understands from verbal submissions made by those mining companies that there is one tonne of product is transported into the mine site for the operation of the mine. This includes fuel, tyres, plant parts, and normal employee services requirement. Therefore using these mine company sourced figures the heavy traffic movements could be assessed as follows. 55mtpa are proposed to be exported per year from the three mines - (see below). Let’s assume that they only reach 85% capacity each year – say 46.75 mtpa. That means that 457,500 tonnes of product are carted to the sites per annum – the equivalent of 19,062 truck and trailer units loaded to capacity. That’s the type of mining related traffic that Ulan Road has to cope with as a result of the mines being located there. Remembering this is additional to the employees and contractor traffic travelling to and from the mine

4. Who should pay for the upgrade

Council and the RMS agree on the treatment required on this road and the intersections to bring the road upto Austroads standard which is needed for the high traffic volumes. That capital upgrade cost is \$37,963,175 and has been determined by the pricing on the spreadsheet attached. However, Council makes the point that more testing of pavement and detail designs will need to be done for accurate pricing. We should stress the \$38m is a minimum it could be much more when detail designs are complete.

The annual maintenance cost in the strategy for this road is also very light and again an unrealistic amount at \$12,732,823 and Council conservatively estimate the figure at \$31,250,000. There is absolutely no way that any road authority could maintain a 45 kilometre length of road for 20 years with in excess of 3,000 vehicle movements per day at the proposed figure in the Strategy –which relates to \$636,650 pa. Such an assumption is not logical and calls into question the integrity of the Strategy.

Based on evidence and experience the Council has calculated the cost as follows taking into consideration the high traffic volumes in particular the amount of heavy traffic generated by the mines.:-

A reseal will be required every 10 years – 45 kms @\$2.5 m	\$ 5,000,000
Rehabilitation every 20 years \$450,000 per km x 45 km	\$20,250,000
Other maintenance works (see below) \$300,000 pa	\$ 6,000,000
Total maintenance costs over 20 years	\$31,250,000

The other maintenance costs include regular line marking, tree maintenance, guide post upgrades, signage, running surface repairs, cleaning of pipes culverts and drainage lines and other regular maintenance that occurs on a road of this nature from time to time with such a heavy traffic count.

The current funding of this road comes only from four sources.

1. Council receives an annual block grant from the Department of Roads and Maritime Services – RMS (formerly known as the RTA) at \$6,000 per kilometre for roads Regional Road capital upgrade and maintenance. Council is required to match this amount \$ for \$. The length of road in question is 45 kilometres so the RMS funding amounts to \$270,000
2. Council rates. Not only does Council put in its \$ for \$ subsidy but other general rate money has also been spent on this road.
3. Voluntary Planning Agreements with the Coal Mines. To date only Moolarben has made a contribution through a Voluntary Planning Agreement to both the Cope and Ulan Roads totalling \$1 million which was paid in three equal annual instalments. Also further annual contribution of \$62,500 is included as part of the VPA but that is a general roads payment and not assigned to Ulan Road. It is acknowledge that we have reached agreement in principle with Wilpinjong to reallocate the VPA monies from Ulan – Wollar Road to Ulan Road. This will only happen if the stage two approvals for Moolarben occurs and that part of the Ulan/Wollar Road required to be upgraded with the VPA is closed and relocated. All other contributions listed in the Strategy, for example social contributions, are irrelevant and their inclusion is not only misleading but contrary to the terms of the brief. It can only be assume that the aim of inclusion was to mislead or exaggerate the level of contributions towards Ulan Road. Council has expressed this fact in the meetings, and maintains that reference to these contributions should be deleted from the Strategy.
4. Repair funding grants from the RMS that are applied for annually for specific projects up to the value of \$400,000 which has to be matched \$ for \$ by Council. Specific criteria have to be met to be successful and although Council have secured some funds in the past, it is not guaranteed in the future.

Council and the community is firmly of the opinion that this road needs to be upgraded to meet the demands of the higher traffic flows which are a direct result of the increased mining traffic that travel to and from mine sites and the additional traffic caused by mine driven growth. This includes employees, contractors, light and heavy service vehicles and suppliers.

The coal production from the three effected coal mines is as follows:-

Ulan – Continued Operations approved –	20 mtpa	36.1%
Moolarben – Stage 1 approved	10 mtpa	
Stage 2 approval – application for	13mtpa	41.4%
Wilpinjong approval for 12 mtpa application for	12.5 mtpa	22.5%
Total proposed approvals	55.5 mtpa	100.0%

It is without doubt that the need for the upgrade of Ulan Road to meet the Austroads standard for the current traffic volumes is a direct result of the increased traffic generated by the coal mines. Thus this cost should be a direct cost to the mines. The ongoing maintenance costs needs to be apportioned between the mine generated traffic and all other traffic. The actual scientific analysis between the two forms of traffic has not been carried out. Both the Strategy and Council response only makes the assumptions albeit based on some excellent traffic counts undertaken by Council.

We refer to table S.3 of the executive summary of the Strategy and simplify the apportionment of traffic volumes as follows:-

	Length of road	% Length of Road	Mine	Local
Section 1	3.785	8.37%	18.2%	81.8%
Section 2	5.789	12.79%	45.1%	54.9%
Section 3	29.081	64.29%	79.1%	21.9%
Section 4	6.581	14.55%	49%	51%

Please note that Section 2, 3 and 4 are averaged out. The averaged result is that 70% of the traffic is mine related and 30% is other than mine traffic. Council believes that this should form the basis of the maintenance split for costs. This takes into account the high volumes of heavy traffic generated by the mines for the delivery of services and products. If we add to the assumptions stated earlier in this report that comes directly from the EA produced by the mines to get their consent then this 70/30 split could easily be changed to 80/20. However in the interest of making progress and without researching this matter to death, the Council promotes a the split of the 70/30

The split of costs as set out in the Strategy do not reflect what is reasonable, fair or logical. In fact the writers of the Strategy have gone out of their way to ignore previous data presented by the mines to obtain their consent. This does put into question the integrity of the Strategy prepared under the auspices of the mines.

The Council therefore promotes that the funding for the capital upgrade and the ongoing maintenance be as follows.

Council requests that the Department of Planning and Infrastructure applies a cost structure to each mine that requires that the total capital cost of the upgrade of Ulan Road be funded by the three mines proportional to the annual coal production to ensure that the upgrade of the Ulan Road occurs over the next five years commencing 1 July 2012 as follows.

Ulan	36.1% of \$37,963,175= \$13,704,706	= \$2,740,942pa for 5 years
Moolarben	41.4% of \$37,963,175= \$15,716,755	= \$3,143,351 pa for 5 years
Wilpinjong	22.5% of \$37,963,175= \$ 8,541,714	= \$1,708,342 pa for 5 years
	= \$ 37,963,175	= \$7,592,635 pa for 5 years

Note all costs are GST exclusive.

The Council requests that the Department of Planning and Infrastructure apply 70% of the maintenance costs of Ulan Road proportionally on annual coal production to each mine. The annual maintenance costs are assessed at \$1,562,500 (\$31,250,000 divided by 20). The percentage applicable to the mines is assessed at 70% of \$1,562,500 which equals \$1,093,750.

Please note that the annual maintenance costs would need to be increased annually by the cost construction index

Ulan	36.1% of \$1,093,750	= \$394,844+ annual CCI increase
Moolarben	41.4% of \$1,093,750	= \$452,812 + annual CCI increase
Wilpingjong	22.5% of \$1,093,750	= <u>\$ 246,094</u> + annual CCI increase
Total		\$1,093,750

Note all costs are GST exclusive.

Conclusion

In conclusion Council would like to respond to each of the recommendations made by the Strategy. Firstly though Council makes the following comment

It is presumptive and blatantly wrong of the authors of the Strategy to suggest that Mid-Western Regional Council puts forward or endorses any of the recommendations of the Strategy. As explain previously Council believe that the consultation was totally inadequate and that the Strategy may represent the view of the mines but certainly does not represent the views this Council or this community.

Recommendation 1 from the Coal Mines prepared Strategy - The works identified in the strategy to upgrade and maintain Ulan Road over the operating life of the mines be adopted.

Council Response - As outlined in this submission Council believes that:

- the full extent of Ulan Road i.e. 45 kilometres- should be upgraded not only the 20.585 km contemplated in the Strategy;
- the capital works on Ulan Road and all intersection should be upgraded at a cost of \$37,963,175 in accordance with the assessment made in collaboration between Council's engineers and RMS;
- the ongoing maintenance of Ulan Road at an annual cost of \$1,562,500 to be adjusted annually by CCI be endorsed in accordance with the assessment made in the Council submission and apportioned to 70% to the three coal mines and 30% to Council (including RMS funding).

Recommendation 2 from the Coal Mines prepared Strategy - . The method for apportioning costs for upgrade and maintenance works be adopted.

Council Response - As stated throughout this submission Council does not agree with the cost apportioning. It is considered that the incident of cost should fall on those who generate the traffic and this submission clearly shows that the mines are responsible for the increased generation of traffic through direct trip and via mine driven population growth. It is unrealistic illogical and impossible to expect Council to bear the level of cost proposed in the Strategy. The costs should be apportioned as follows:-

That the Department of Planning and Infrastructure applies a cost structure to each mine that requires that the total capital cost of the upgrade of Ulan Road be funded by the three mines proportional to the annual coal production to ensure that the upgrade of the Ulan Road occurs over the next five years commencing 1 July 2012 as follows.

Ulan	36.1% of \$37,963,175	= \$13,704,706	= \$2,740,942pa
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Moolarben	41.4% of \$37,963,175	= \$15,716,755	= \$3,143,351 pa
Wilpinjong	22.5% of \$37,963,175	= \$ 8,541,714	= \$1,708,342 pa
		= \$ 37,963,175	= \$7,592,635 pa

Note all costs are GST exclusive.

That the Department of Planning and Infrastructure apply 70% of the maintenance costs of Ulan Road proportionally on annual coal production to each mine. The annual maintenance costs are assessed at \$1,562,500 (\$31,250,000 divided by 20). The percentage applicable to the mines is assessed at 70% of \$1,562,500 which equals \$1,093,750. Please note that the annual maintenance costs would need to be increased annually by the cost construction index.

Ulan	36.1% of \$1,093,750	= \$394,844+ annual CCI increase
Moolarben	41.4% of \$1,093,750	= \$452,812 + annual CCI increase
Wilpinjong	22.5% of \$1,093,750	= <u>\$ 246,094</u> + annual CCI increase
Total		\$1,093,750

Note all costs are GST exclusive.

Recommendation 3 from the Coal Mines prepared Strategy - Speed limits along Ulan Road should be reviewed with 70 and 90 km/h replacing the current 80 and 100 km/h zones.

The reason for this action is that that level of the existing roadside development, number of intersections and property accesses combined with the mix of traffic and overall condition of Ulan Road is not conducive to the current speed limit regime and presents an elevated level of risk to motorists.

Council Response Council disagrees with the review of speed limits. The significant issue is that the average speed on the road exceeds the legal speed limit. In fact the detailed traffic counts undertaken by Council were able to detect the speed of the traffic and those speeds averaged 115 kph and were upto 150 kph. Reducing the speed limit over the total 45 km length of Ulan Road will only cause more frustration. Reducing the speed limits to 90 kph on Ulan road would not meet the guidelines for the speed restrictions in NSW.

It is the opinion of Council, again in the interest of safety of the mining traffic that the speed limit be actively and aggressively enforce by the State police especially during starting and finishing times at the Mines to ensure that speed limits are adhered to.

Recommendation 4 from the Coal Mines prepared Strategy - A proactive road inspection and assessment regime should be established to determine the condition of Ulan Road on a three-year cycle with surface condition being assessed every three years and pavement deflection testing undertaken every second cycle (i.e. every six years).

Council Response - Council agrees with this approach but notes that no allowance has been included in the maintenance cost to cover this assessment regime. The costs proposed by Council in the maintenance regime and subsequent apportionment of costs should be increased by \$80,000 every three years to undertake this program.

Recommendation 5 from the Coal Mines prepared Strategy - The maintenance program and the apportioning of costs associated with the require road maintenance works should be reviewed based on the results of the proactive road inspection and assessment regime.

Council Response - Agree

Recommendation 6 and 7 from the Coal Mines prepared Strategy - . The voluntary planning agreements currently entered by the mines and MWRC should be reviewed to ensure that contributions under this strategy do not overlap with contributions defined in the VPAs

and

Acknowledge that each mine has made contributions in the past. These contributions should be considered when the mines and MWRC renegotiate funding.

Council Response Council strongly disagrees with these recommendations and views their inclusion as another attempt by the mines to move the incidence of cost of their projects to the existing rate payers of this area. As stated previously the inclusion of all contributions in the Strategy is a blatant attempt to overstate the monetary contributions these projects are making to area. The contributions specifically to the Ulan Road to date are less than \$1 million. When viewed in light of the profits generated by these companies those contributions that Council has secured through just the one VPA are minuscule and this should be recognised by the companies. The requirement to pay for the infrastructure upgrade that is required to allow the project to operate should be considered by the company as a business cost and does not fall within any community program that the companies may run. These programs do not help Council provide essential infrastructure.

Further Recommendations promoted by Council

Council also considers that the recommendation should address noise attenuation for dwelling affected by noise. Although, this is addressed in the body of the Strategy, the strategy has failed to carry forward this important matter into the recommendations.

The Strategy also contemplates the restriction of heavy vehicle traffic to outside school bus times. Council supports this approach and considers that it should be included in the recommendation of the Strategy under the terms that the mines are responsible for the enforcement of this requirement. Again the strategy has failed to carry forward this important matter into the recommendations

It is evident that this area is subject to a high degree of growth and whilst ideally infrastructure upgrade and planning should be undertaken with a longer term view it is considered that there is merit is requiring that the Strategy be review in 10 years to ensure that it reflect the usage levels at that time and has adequately predicted upgrade and maintenance requirements.

Thank you for reading this submission. The Council and the community are extremely concerned that it will be left to fund what is clearly shown in this report as a growth matter directly caused by the growth of coal mining in this region. Council is appreciative of the economic growth generated by mining but now wishes to see that the mines fund the infrastructure upgrades so essential to cope with that growth.

Yours sincerely

WARWICK L BENNETT
GENERAL MANAGER

Cc Treasurer, Ministers of Finance, Regional Development, Roads and Traffic, and Mines
Members of Parliament for Bathurst, Orange and Upper Hunter

Chainage (km)	Location	Comments	Proposal / Recommendation	Treatment	Length/number of	Rate	Budget Cost
0	Hollyoak Bridge	Current width between kerbs 7.2m – lane width 3.6m allows for a 3.25 lane and 0.25m shoulder. This is considered OK. The footpaths, on either side are 1.5m and house services. No provision for cycleway.	Remove western footpath, move road over and widen eastern footpath to a shared cycleway / footpath.	Footpath works	1	\$ 65,000	\$ 65,000
0.38	Pitts Lane	Ch 25 Pitts Lane Intersection treatment required.	Propose that an inline roundabout be constructed for Pitts Lane at Pitts Lane	Roundabout at Pitts Lane	1	\$ 830,000	\$ 830,000
0.62	Lue Road intersection	Ch 50 Lue Road intersection treatment required – proposed CHR, BAL but limited room and heritage trees.	Lue Road provide CHR, CHL and possible acceleration lane in Ulan Rd for southbound traffic from Lue Rd.	CHR / CHL and acceleration lane for Lue Rd	3	\$ 115,000	\$ 345,000
1.1	Racecourse Entrance	Existing seal width 8m	Shoulder widen to 9m seal and reseal 1.77-oh 9.45.	Shoulder widening and reseal	7680	\$ 215	\$ 1,651,200
1.58	Henry Lawson Drive intersection	Existing CHL for Country Comfort hotel acts as a BAR for the racecourse entrance.	Ideally upgrade to provide CHR for racecourse as well as the existing CC CHL.	CHL	1	\$ 115,000	\$ 115,000
1.77	Moggs Lane	Existing CHR and CHL, considered OK if drivers would use the intersection correctly	Possibly construct a new roundabout at Moggs Lane that will incorporate Henry Lawson Drive. Realignment of Henry Lawson Drive. Also traffic calming effects.	CHR			
2.78 (100km/h)	AREC entrance	Existing AUR, BAL needs to be modified to make a CHR. Growing subdivision with 23 more lots to be developed and potential new subdivision access via Moggs Lane.	CHR	CHR	1	\$ 115,000	\$ 115,000
3.36		Existing AUR / AUL considered OK	Re-line mark to make AUR comply to Austroads CHR	Linemarking with minor other works	1	\$ 10,000	\$ 10,000
3.65	Mt Pleasant Lane intersection (Frog Rock Winery)	Existing seal width 8.8m	CHR	CHR	1	\$ 115,000	\$ 115,000
3.68	Airport Entrance	The existing AUL for airport entrance acts as AUR for Mt Pleasant Lane. Considered not appropriate, provide CHR for Mt Pleasant	CHR	CHR	1	\$ 115,000	\$ 115,000
4.9	Thumbprint Winery Entrance	Check volume for traffic turning right into Airport, expecting most will come from Mudgee, however with mine activity increasing may be good proportion coming from Ulan, AUL is OK	CHR	CHR	1	\$ 115,000	\$ 115,000
4.35	Buckaroo Road / Black Springs Road intersection	Pavement failures at intersection across both lanes. Heavy Patch required with 200mm overlay.	Heavy Patch, 200mm overlay to lift road to assist water control, improve drainage. 80m x 8.9m	Rehab and widening	200	\$ 750	\$ 150,000
6.61	Eurunderee Lane	Need to remove trees to have a 6m clear zone, some large trees. Also vegetation clearing for site distance required on the Black Springs Rd side. Signage needs relocating and a BAR treatment into Black Springs constructed.	Clearing vegetation	BAR	1	\$ 25,000	\$ 25,000
6.36		Failure on southbound lane due to adjacent drainage issues.	BAR / BAL	BAR / BAL	2	\$ 20,000	\$ 40,000
6.56	Buckaroo Lane	Significant truck movements due to MDL Quarries	Heavy Patch 24m x 3m and new 4500 pipe culvert required	Rehab and widening	24	\$ 750	\$ 18,000
8.22	Pipeclay Lane	Existing AUR / AUL considered OK	Proposed CHR and CHL	CHR / CHL	2	\$ 115,000	\$ 230,000
8.65	Crowleys Lane		Re-line mark to make AUR comply to Austroads CHR	Linemarking with minor other works	1	\$ 10,000	\$ 10,000
9.45	Wollar Road		BAR / BAR	BAR / BAL	2	\$ 20,000	\$ 40,000
9.51	Culvert	Existing 5 cell box culvert approx 2.8 x 2.4 with guardrail	CHR and CHL with acceleration lane heading Sth on Ulan Rd	CHR / CHL / ACCELLERATION	3	\$ 115,000	\$ 345,000
9.63 to 13.36	From Wollar road to rehab past School Lane completed in 2010	Existing seal 7.3 at ch 11.4, 7.2 at ch 11.6 and 7.0 at change of seal ch 13.36. Multiple failures along the length both sides, road needs lifting.	Widen box culverts by 3.6m both sides to accommodate Wollar Road intersection treatment	Widen Culvert	1	\$ 250,000	\$ 250,000
9.77	Church Lane		Rehab and widen 3.73km to 11m seal with 150mm overlay and 200mm overlay in part.	Rehab and widening	3,730	\$ 750	\$ 2,797,500
			Proposed BAL / BAR	BAR / BAL	2	\$ 20,000	\$ 40,000

	Culvert	Existing seal over culvert 7.3m , 9.1m between face of guardrail.	Proposed widening 1.2 m each side to accommodate road widening	Widen Culvert	1	\$ 120,000	\$ 120,000
11.4	Boxes Lane	Existing seal 7.2m	Proposed BAL / BAR	BAR / BAL	2	\$ 20,000	\$ 40,000
11.6	School Lane	End of proposed widening section to tie into widening carried out 2010.	Proposed BAR / BAL	BAR / BAL	2	\$ 20,000	\$ 40,000
13.36	Spring View Lane	Need to check traffic counts into Spring View Lane. In new works section. Possible AUR due to sight distances	BAL / BAR existing OK				
14.8 to 22.1	Hadabob Road	End of section rehabbed 2010. 700m of this section (to Hadabob Rd) was to be done this year under VPA but deferred.	Proposed 7.3km rehab and widening	Rehab and widening	7,300	\$ 750	\$ 5,475,000
15.63		Existing Bus stops put in last year act as BAL / BAR but require sealing. Possible site for overtaking lane southbound.	BAR / BAL	BAR / BAL	2	\$ 20,000	\$ 40,000
16.37		Existing seal width 7.1m					
17.5	Frog Rock Rd	Proposed AUL / AUR due to number of residents / blocks	Proposed CHR and CHL	CHR / CHL	2	\$ 115,000	\$ 230,000
18.65 to 19.00	Cooyal Creek	Lift road to accommodate culverts, estimated 1m high but will need to be designed. Water over road and road closed during recent flooding. Estimated 350m long.	Proposed major culvert and drainage works including 3 lots of 2 cell 3m*1.2m box culverts (ie 18m wide waterway and 1.2m high) subject to detail hydraulic design	Box Culverts	1	\$ 600,000	\$ 600,000
19.08	Coolyval Creek bridge	8.0m concrete kerb to concrete kerb. Considered acceptable.					
19.86	Limburn Lane	Traffic volumes increased following sealing - check. Proposed AUL / AUR and also accommodate bus stops.	Proposed CHR and CHL	CHR / CHL	2	\$ 115,000	\$ 230,000
20.56	Mud Hut Creek Road	Existing seal width 7.2m	Proposed CHR and CHL	CHR / CHL	2	\$ 115,000	\$ 230,000
21.66		Existing seal width increases to 8.5m. Rehab and widening completed 2009/2010	End of proposed widening section				
22.1-25.9			Shoulder widen to 9m seal and reseal	Shoulder widening and reseal	3800	\$ 215	\$ 817,000
22.22		Water over road during recent flooding upgrade existing culvert which is too small to cope, 900 x 450mm	Proposed culvert upgrade.	Replace Culvert	1	\$ 100,000	\$ 100,000
24.3	Wattlegrove Rd	Existing seal width 8.4m, bus stop acting as BAR.	BAL / BAR	BAR / BAL	2	\$ 20,000	\$ 40,000
25.90 to 38.48		Seal narrows, failures	12.5km Proposed Rehab and Widening works, Less 1.2km near Winchester and 1km near Toole Rd completed in 10/11 fin year	Rehab and widening	10,300	\$ 750	\$ 7,725,000
26	Wyaldrila Lane	Has been widened but failures through cutting – drainage required	Proposed BAR / BAL	BAR / BAL	2	\$ 20,000	\$ 40,000
27.3 to 27.9			Proposed 600m rehab, overlay and drainage works. This is covered in the 12.5km above.	0			
27.54	Entrance to Bryant's Pit and Cooks Gap Fire shed.		Possible location for overtaking lane southbound	BAR / BAL		\$ -	\$ -
28.13		Existing seal width 7m	Proposed BAR / BAL	BAR / BAL	2	\$ 20,000	\$ 40,000
28.58	Mooriarben Rd	Due to Ridge road proximity use CHR - possible realignment to make cross roads with Ridge Rd	Proposed BAL / CHR Tree Clearing	BAL	1	\$ 20,000	\$ 20,000
28.62	Mooriarben Rd		Proposed CHR / CHL Tree Clearing	CHR / CHL	1	\$ 115,000	\$ 115,000
29.1	Namoola Rd	Existing bus stop acting as AUL	Proposed BAL / BAR	BAR / BAL	2	\$ 115,000	\$ 230,000
30.35	Winchester Crescent	Existing seal width 7.2m	Proposed BAR	BAR	1	\$ 20,000	\$ 20,000
30.67		Currently under lights					
30.8 to 33.0	Winchester Crescent	NOTE: Winchester Cr from intersection back approx 150m has water over road but current mines traffic bypassing the lights is causing significant damage to this section road.	2.2km Major rehab, lift road, drainage works 1.2km complete. This is included in the 12.5km above	BAR / BAL			
34.2	Ridge Road		Proposed CHR / CHL	CHR / CHL	2	\$ 20,000	\$ 40,000
35.25	Lagoon Road		Proposed BAL / BAR	BAR / BAL	2	\$ 115,000	\$ 230,000

37.16	Toole Road	Under planning requirements developer to put in CHR / CHL 1.2km Rehab and widening from Toole Road to Cope Road completed in 2010/2011 by MWRC under Repair funding.	Proposed CHR / CHL through development				
37.31	Culvert	As part of Repair work rehab	Culvert Widening west side by 4m				
38.48	Cope Rd	End of Repair work rehab Existing AUR / AUL, Considered OK	Rework to make CHR / CHL	1	\$ 10,000	\$ 10,000	\$ 10,000
38.6	Moorlaban Creek	Culvert 8.2M wide, considered OK	Shoulder widen to 9m seal and reseal				
38.65		Existing seal width 8.5m		6376	\$ 215	\$ 1,370,840	
39.35	Ulan Mine Entrance	Existing AUR / AUL	Rework to make CHR / CHL	1	\$ 10,000	\$ 10,000	
41.44	Ulan Wollar Road	Existing CHR / CHL					
42	Rail Bridge						
42.5	Moorlaban Admih Entrance	Existing CHR / CHL					
45	Ulan Underground entrance	Existing AUL / AUR	Upgrade to CHR / CHL				
46.6 to 48.8		Existing seal width 7.7m		1	\$ 10,000	\$ 10,000	
48.58	Goulburn River Bridge	Side rails below standard	Rehab and widening	2,200	\$ 750	\$ 1,650,000	
48.8		Existing seal width 7.7m	Instial guard rail or wire rope	100	\$	\$ 21,000	
50.75	Bobadeen Rd	End of inspection.	Proposed BAR / BAL	2	\$ 20,000	\$ 40,000	
	Various locations along route	Wire rope required where drop offs or tree pose a hazard	Wire Rope	10,000	\$ 210	\$ 2,100,000	
	Various locations along route	Upgrade signage along entire route	Signage			\$ 100,000	
	Various locations along route	Environmental component	Erosion control etc	1	\$ 1,000,000	\$ 1,000,000	
	Various locations along route	Property Acquisition	Property	1	\$ 250,000	\$ 250,000	
			TOTAL			\$ 30,370,540	
			Contingency			\$ 7,592,635	
			GRAND TOTAL	25% Total		\$ 37,963,175	

6.2.9 SUBMISSION TO DESTINATION 2036

REPORT BY GENERAL MANAGER
SUBMISSION TO DESTINATION 2036
A0100055, A0310010

RECOMMENDATION

That:

- 1. the report by General Manager on the submission to the Destination 2036 document be received;**
- 2. Council endorse the submission to *Destination 2036* forwards that submission to the Destination 2036 Project Team.**

DETAILED REPORT

Please find attached is the proposed submission to *destination 2036*. This is an action plan addressing the future of Local Government for the next 25 years. The *Destination 2036* is attached also including the covering letter from the project team.

This report is seeking Councils input into the submission and then endorsing the submission to be sent to the project team prior to Wednesday 15 February 2012.

FINANCIAL IMPLICATIONS

Not applicable at this time.

STRATEGIC OR POLICY IMPLICATIONS

It is important that Council makes its views known to the project team as this document will supposedly drive the future strategic direction of the industry.

WARWICK BENNETT
GENERAL MANAGER

Attachments:

1. Circular to Councils re the Destination 2036 Action Plan
2. Destination 2036 Draft Action Plan (following at the end of the business paper)
3. The proposed Council submission *Destination 2036* and covering letter.



Premier & Cabinet
Division of Local Government

Circular to Councils

Circular No. 11-40
Date 3 December 2011
Doc ID. A266032

Contact Mark Hely
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RELEASE OF THE DRAFT *DESTINATION 2036 ACTION PLAN*

I am pleased to advise that the draft *Destination 2036 Action Plan* has been released by the Implementation Steering Committee (ISC) for stakeholder consultation.

A copy of the draft action plan is attached to this circular. In addition, it can be downloaded from the [Destination 2036 webpage](#).

It would be appreciated if general managers can arrange for a printed copy of the draft *Destination 2036 Action Plan* to be provided to all councillors and be made widely available to all council staff. I encourage all councillors and council staff to review and consider this important draft plan. The ISC will be writing directly to all councillors and all council staff in this regard.

I would also appreciate it if councils could widely promote the draft action plan within their community.

The draft action plan will be open for consultation until **Wednesday, 15 February 2012**, although councils and other stakeholders are encouraged to provide their comments sooner, if possible. If, as a result of this consultation process, the ISC proposes to make substantial changes to the plan, details of those proposed changes will be made available for further stakeholder consultation for a period of two weeks. The final Action Plan will then be presented to the Minister for Local Government. Subject to the Minister's consideration, work on the action plan will commence in earnest.

There are a number of mechanisms by which councils, council staff and other stakeholders can provide feedback and these are set out in Section 5 of the draft plan.

While comments can be made on any matters relating to the draft plan, the ISC is particularly interested in receiving feedback on the following:

1. What do you like about the draft Action Plan?
2. In what ways could the Action Plan be improved?

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2

3. Are there other key activities you believe should be included under any of the initiatives?
4. Do you have any suggestions regarding the proposed process for advancing the Action Plan?
5. Are you aware of any activities (eg, research) currently underway that could directly contribute to the achievement of any of the initiatives or key activities?

It is important to appreciate that in the most part, the draft plan does not seek to answer or implement the actions that were suggested at Dubbo. Rather, it provides a pathway and a process for their more detailed consideration. It represents the opening dialogue in a conversation that the sector, its stakeholders and our communities will be having throughout 2012 and beyond.

Many of the suggested actions will require research and consultation before a preferred position can be determined and implemented. They may also require the engagement of independent experts. For some, their implementation would require legislative change, which in itself would necessitate further consultation and consideration.

The next steps in the *Destination 2036* process will be exciting. There is a lot of work to be done and we will need to work constructively and in partnership to achieve a stronger and more robust local government sector.

In preparing the draft *Destination 2036 Action Plan* the ISC sought to capture and build upon the energy, vision and goodwill that was displayed at Dubbo. On behalf of the ISC, we now look forward to receiving your comments on the draft plan.



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

Destination 2036 Project Team
Division of Local Government
Locked Bag 3015
Nowra NSW 2541

Dear Sir

The following submission is made on behalf of the Mid-Western Regional Council in regard to the *Destination 2036* draft Action Plan. This submission was endorsed by the Council on Wednesday 1st February 2012. The Council has responded to the *Destination 2036* in line with the 5 questions requested in the feedback form.

However before commenting on the specific questions Council would like to make an overall comment that *Destination 2036* gives very little strategic direction. The document by its very name indicates that it should be a strategic vision for local government. The world we live in these days is fast moving and matters change in a very short space of time. To have an action plan that is designed to last for 25 years is unrealistic and short sighted. *Destination 2036* is at best a three year action plan and this Council is very much of the opinion that the document needs to have a more strategic focus to gain the credibility of the State Government and other key stakeholders that influence our industry. *Destination 2036* needs to explain what local government should look like in 2036 and how we are going to get there – the journey. Instead it focuses on a lot more research, more workshops, more investigations, more consultation and more exploring opportunities rather than creating the “Big Picture Vision” In fact there are only two “key activities” that have a timeframe of actions beyond 2013. The reality is that the industry knows the problems and in most cases knows the solutions, so we need to have the action plan focus on actions not more investigations and more research.

Question 1: - What do you like about the draft Action Plan

Destination 2036 has been a valuable exercise to identify a number of key areas which have been frustrating to the industry for many years. It is good to identify them and bring them to the State Government and other key stakeholders attention.

Question 2: - In what ways could the Action Plan be improved.

2.1 Funding of Local Government. – *Destination 2036* has not delivered strongly enough to support local government for better funding, particularly in regard to the large scale infrastructure developments in the State. Mining, power projects, wind farms and other large scale State significant projects do not contribute fairly or equally to local infrastructure upgrades that are needed as a direct result or impact of their establishment in a region. This Council acknowledges their contributions to the tax system through mining royalties etc but it is the local communities that suffer with more pressure for road upgrades, hospital and medical services, water and sewer services, housing and rental accommodation etc. This needs to be addressed urgently and *Destination 2036* must include this issue as an urgent key activity. It is this Council’s belief that, for example, mining companies are making significant profits over the life of their operation, often at the expense of local communities.

2.2 Amalgamation– Council notes that *Destination 2036* is silent on the matter of amalgamations of local government units but hints at the subject matter through various key activities. It’s almost like the “Elephant in the Room” philosophy where no one wants to mention the subject. The reality is that most other states have addressed the matter of amalgamation of local government units but New South Wales does everything to avoid this matter. If as an industry we are serious about what local government will look like in 2036 we need to examine this matter and determine the appropriate level of local government in this state that would be capable of delivering efficient and effective service to the community. For example what is the appropriate number of local government units that could effectively plan a city? What is the right economy of scale to be truly effective? What is the critical population or financial turnover required to not only be efficient and effective but attract the appropriate qualified staff? The answer to these questions may be the status

quo but we as an industry would be irresponsible if we did not look at this matter with credibility and what's right for the community not self preservation.

Local Government is currently preparing to go to a referendum on recognising local government in the Constitution. If the industry is strongly of the opinion that constitutional recognition is vital for the future of local democracy then it is vital in this Council's opinion that the industry not only is seen to be efficient and effective but also does all in powers to produce that effectiveness and efficiency.

The Action Plan looks at sharing staff resources and General Managers (see key activity 4a). The Action Plan looks at better use of Regional Organisations of Council (ROCs) as a platform for future effective levels of service delivery. There are a number of other key statements in *Destination 2036* of similar nature, so let's have the courage to stand up, investigate the options best for our communities and make the right decisions for the communities we serve.

2.3 Financial Independence - Local Government is frustrated at the high levels of scrutiny by State Government in the financing of Councils. Such issues as obtaining approvals for major project over \$1 million, approvals of loans to undertake key core infrastructure improvements, and so on. Most Councils now employ professional Corporate Managerial staff including qualified accountants who have the best skills to advise Councils on the best business options. The Councillors themselves are required to direct the strategic direction of a multimillion dollar organisation yet need to have their decisions reviewed for no added value. Councils are rigorously audited annually and all plans are subject to public scrutiny through the public consultation process. To have a State Government Department review and in some cases delay projects without leading to material changes or added value is an unnecessary impediment to the operations of a Council. The solution maybe that those Councils who continually get unqualified audits should have the authority to make financial decisions appropriate for their community without having to obtain unnecessary approvals.

2.4 Corporate Entity and Private Public Partnerships – The current legislation that allows a Council to establish a corporate entity or a private public partnership is cumbersome and very bureaucratic. The legislation and the guidelines need to be simplified to allow such actions to be possible and effective. Most Councils avoid taking such steps because the process is so difficult. Again it is stated that Councils employ very skilled and experience staff to advise them on such matters and those recommendations often compliment the skills and business nous of the Councillors. Let's make the process more flexible and effective to allow Councils to get on with the business of directing their organisations in the best interest of the communities they serve. There are many parts of local government that can be operated along corporate lines with business ethics and direction including joint ventures with the private sector. Individual Councils deserve the opportunity to pursue those ideals without inhibiting and bureaucratic legislation and also without the unnecessary interference of the Division of Local Government.

2.5 Regional Organisation of Councils- ROCs – Council is concerned that ROCs receive so much prominence in *Destination 2036*. This Council acknowledges the importance of Councils working together in ROCs but with *Destination 2036* indicating a new level of legislative bureaucracy is completely unnecessary and will not add value to the delivery of local government services in this state. This is another example where *Destination2036* does not address what is the right economy of scale for a local government unit but suggests the introduction of a new level of Government in the legislation.

Question 3: - Are there other key activities you believe should be included under any of the initiatives.

3.1 Water and Waste Water. Successive State Governments have been active in taking water and waste water services from local government. *Destination 2036* should address this issue specifically and ensure that the continued management and operations of water and waste water which are core services to communities and should not be privatised or put into separate entities away from local government.

3.2 Other Services. There are a number of Government services that are currently undertaken by State Government that may well be better delivered at a local level. Of course such functions would need to be devolved with funding. But issues like National Parks and State Roads are two that could easily be handled within the existing structures of local government. *Destination 2036* should better address some of these initiatives that could be in the best interest of the communities we serve.

3.3 Work Place Flexibility. *Destination 2036* is silent on the need for better work place flexibility. If Councils are going to compete successfully in this very competitive workplace environment there needs to be opportunity for Councils to employ staff without the inflexibility of a State Award. In other words what is right for Sydney City in terms of workplace employment conditions may be vastly different from what is required in regional areas. There needs to be greater workplace flexibility especially in the employment of technical and professional staff where skill shortages can create difficulties recruiting and retaining staff in these critical positions. While the current system genuinely attempts to give flexibility with Council agreements, the reality is that the implementation is significantly more difficult.

Question 4: - Do you have any suggestions regarding the proposed process of advancing the Action Plan

This Council believes that the plan can be better progressed by less focus of research, more investigation and more workshops and by providing a greater focus on real actions.

Question 5; - Are you aware of any activities (eg research) currently underway that could directly contribute to the achievements of any of the initiatives or key activities.

This Council believes that the best method of looking towards the achievements of this document is to look at what other States and Countries are doing in the local government industry and develop the good ideas and ensure that New South Wales does not repeat the mistakes that others have made. Let's not re-invent the wheel but learn from the achievements of others.

Yours sincerely

WARWICK BENNETT
GENERAL MANAGER

6.2.10 TENDER 2011/11 CULVERT REHABILITATION - CULVERT 248768, HW18

REPORT BY BUSINESS MANAGER WORKS
TENDER 2011/11 CULVERT REHABILITATION - CULVERT 248768, HW18
A0100055, A04111111

RECOMMENDATION

That:

- 1. the report by Business Manager Works on the Tender 2011/11 Culvert Rehabilitation – Culvert 248768, HW18 be received;**
- 2. Council accepts the tender from ITS Trenchless Pty Ltd for the provision of services for the rehabilitation of Culvert 248768 on Highway 18, Castlereagh Highway at a cost of \$159,700 plus GST and to be executed under Council's Road Maintenance Council Contract with the Roads and Maritime Services.**
- 3. Council approves the General Manager to authorise variations up to 5% of the contract value.**

EXECUTIVE SUMMARY

Following Council's resolution to invite tenders for the rehabilitation of Culvert 248768, HW18, tenders were called on the 24th October 2011 for Tender 2011/11 Culvert Rehabilitation – Culvert 248768, HW18 and closed at 12pm on 15th November 2011. Five (5) tenders were received.

Advertisements for the tender were placed in the Mudgee Guardian and Council's website from the 24th October 2011 and the Local Government Tenders section of the Sydney Morning Herald from the 25th October 2011.

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

The tendering process was initiated and a Procurement Plan and Tender Evaluation Plan were developed. A Tender Assessment Panel was formed, comprising representatives from the most relevant departments within Council and Roads and Maritime Services, (RMS). Members of the Tender Assessment Panel use the Evaluation Plan and methodology to determine which tenderer offered the best value for money and best technical proposal for the provision services to rehabilitate Culvert 248768.

DETAILED REPORT

The RMS, formally the RTA, requested Council carry out repair works to a damaged culvert under the Castlereagh Highway near Windermere Dam. This work is to be carried out as an Ordered Works project under Council's Road Maintenance Council Contract for state roads. The nature of these repairs requires a specialised contractor to perform the works.

As detailed in the Request for Tender, Tenderers were to propose a technical solution to achieve a project objective as well as to perform the physical works. The project objectives and technical requirements were developed by the RMS in consultation with Council.

Tenders Received

The Tenders received were as follows:

1	Interflow Pty Ltd	\$182,300.79
2	Bridge and Civil Pty Ltd	\$160,000.00
3	ITS Trenchless Pty Ltd	\$159,700.00
4	National Concrete Solutions Pty Ltd	\$144,345.91
5	Savcor ART Pty Ltd	\$372,467.00

Late Tenders

No late tenders were received.

Conforming Tenders

Four conforming tenders were received.

One tender received did not conform. The critical assumptions made within the technical proposal were incorrect and thus the tender submission did not meet the project objectives detailed in the Request for Tender. This tender submission was not considered.

Evaluation Methodology

The objective of the evaluation was to select the tenderer offering the best value for money and the best technical solution in a rational and justifiable way which is fair to all tenderers. The evaluation criteria and criteria weightings applied to this evaluation process are shown in Attachment 2 – Evaluation Assessment.

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

Assessment Panel

Sally Mullinger	Business Manager Works
Nick Stewart	Senior Works Officer
Neil Bungate	Financial Accountant
Jay Ratnayake	Area Maintenance Manager for RMS

Evaluation Findings

After assessing each tenderer on price and capability, the highest scoring result was for ITS Trenchless Pty Ltd. The evaluation process ranked the other tenderers as Interflow Pty Ltd, Savcor ART Pty Ltd, Bridge and Civil Pty Ltd, from 2nd to 4th respectively. The tender received from National Concrete Solutions Pty Ltd was non conforming.

FINANCIAL IMPLICATIONS

This work is funded by the RMS as an Ordered Works project under Council's Road Maintenance Contract.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable

SALLY MULLINGER
BUSINESS MANAGER WORKS

BRAD CAM
GROUP MANAGER OPERATIONS

2 December 2011

ATTACHMENTS:

1. Summary of prices – Confidential section
2. Evaluation Assessment containing Tenderers' Detailed Scores – Confidential section.

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.11 PLANNING RESOURCES

REPORT BY GENERAL MANAGER
ADDITIONAL PLANNING RESOURCES
A0100055, A0383000, A0149935

RECOMMENDATION

That:

- 1. the report by the General Manager on the need for additional planning resources be received;**
 - 2. the employment of an additional professional planner be included as a budget initiative in the 2012/13 operational plan and budget.**
-

INTRODUCTION

At the December 7th meeting of Council the following report was considered and Council resolved to

“That consideration of this matter be deferred until February 2012.”

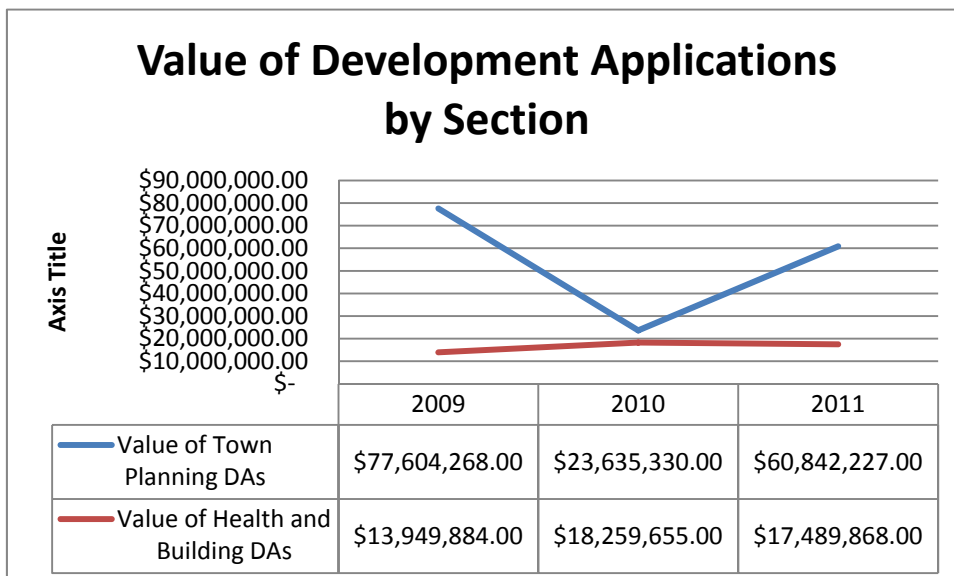
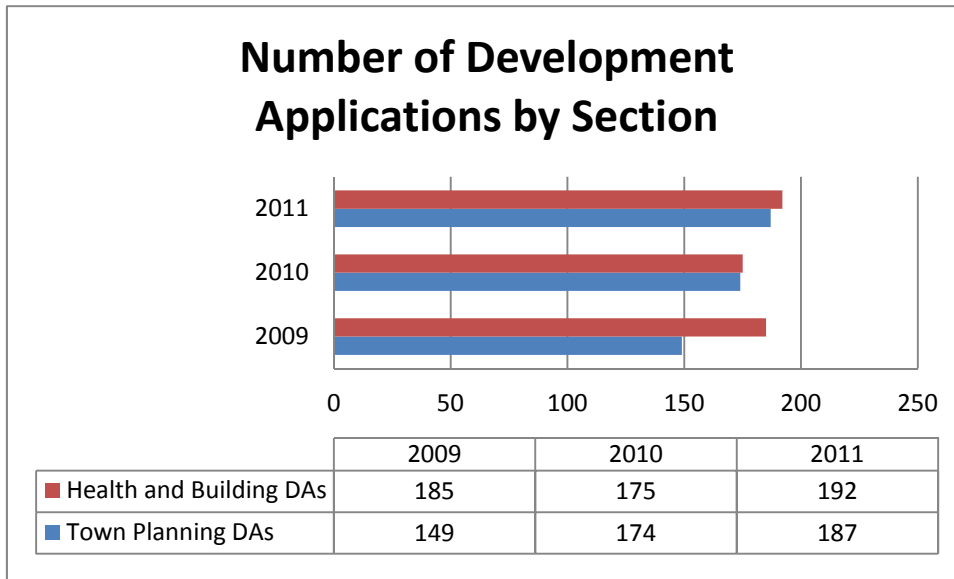
This report is now brought back to Council in accordance with this resolution. The recommendation in the report have been amended to now state that the additional planner needs be included in the consideration of the 2012/13 operational plan and budget as a budget initiative. That budget will be considered by Council over the next two months.

The following updated information is supplied to assist the Council in its deliberation.

In December, I reported that the income from the processing of DA's for the period in the 2011/12 financial year upto 7th November was \$171,186 compared to a budget of \$334,000. If the actual income is extrapolated out for the full twelve months, at the same level of development, then the income will be in excess of \$500,000. The actual income to the 9th January is now \$257,746 which will extrapolate over the twelve month period to \$505,300.

In terms of the workload I stated in the report below some of the figures from the Department of Planning showing the actual DA's that are being processed with comparisons to other Councils in the region. In addition some figures have been provided showing a comparison between application being processed by health and building surveyors and the town planners.

The graphs below show a breakdown of the demarcation of assessment between town planning and health and building. It should be noted that all of Council's professional officers work collaboratively together providing assistance to each other where necessary.



Although the number of DAs are comparable between those assessed by the Health and Building Section and those assessed by the Town Planning Section the value of the development assessed by Town Planning is greater which reflect the complexity of the nature of development assessed by that section. It should be noted that the values do not include subdivision applications as this is not recorded. Subdivision and linen releases are processed undertaken in the planning section. The complex nature of application is also reflected in that it is the town planning applications are usually the only applications that require reporting to Council.

DETAILED REPORT FROM DECEMBER MEETING

The purpose of this report is to seek Councils approval for the employment of an additional senior planner to cope with the increased workload. As council is aware we are experiencing a significant increase in development in the region. In addition, there is an expectation that the rate of development will continue to increase due to mine expansion and associated population increase. Apart from the direct increase in enquiry levels and development applications, the increasing growth rate is placing demand on the strategic planning resource such as the development of

policy and the linen release process. In addition to this Council planning staff are very involved in reviewing large scale development applications such as coal mines and wind farms. As Council is aware these larger applications are becoming numerous and consuming considerable resources.

The currently staffing level in the planning area is as follows

Group Manager

Strategic Planner	Manager – Statutory Planning Two Planners (full time) and one Planner (part time) Two trainee planners (part time) (who also administer linen release)
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The recent survey undertaken by the Department of Planning recently published the results of the Performance Monitoring Review for 2009/10. This report provides a brief summary of the key findings and a comparison of Mid-Western Regional Council with other Group 4 Councils in the Central West. One of the issues looked at in the survey is the average number of applications determined by equivalent full time staff.

On average across the State, 63 DAs were determined for each equivalent full time (EFT) development assessment position for 2009/10. In Mid Western we are averaging nearly 95 per full time staff equivalent.

Staff Allocation to Development Assessment			
	Average No. DAs per EFT 08/09	Average DAs per EFT 09/10	No. of DAs Determined 09/10
Bathurst	62.4	57.2	572
Dubbo	47.9	57.4	574
Lithgow	23.3	25	200
Mid-Western	92.3	94.9	332
Orange	98	107	427

As can be seen Mid-Western continues to have a high level of productivity. The table indicates the productivity levels of Mid-Western was one of the highest in this group, combined with the processing times achieved, this indicates that the Statutory Planning Section is performing well.

It is also important to compare these figures with the average value of the development application processed.

Total Volume of DAs and Total Value			
	Number of DAs	Estimated Value	Average value of DA
Bathurst	572	\$108.7m	\$190,000
Dubbo	574	\$107.5m	\$187,282
Lithgow	200	\$24.8m	\$124,000
Mid-Western	332	\$102.1mm	\$307,530
Orange	427	\$75.5m	\$176,814

The estimated value of approved DAs has risen from 2008/09 and this can be attributed to one large application by Creighton's. However large DAs are becoming more and more common such as mining camps, resorts, Target and Glen Willow.

The income that Council is experiencing from Development Applications also continues to grow.

In 2010/11 Council received actual income from DA's of \$389,230 from an original budget of \$272,000. The budget was increased through that financial year to \$358,000.

So far in 2011/12 (up to 7th November 2011) the actual income was \$171,186 compared to a budget of \$334,000. If the actual income is extrapolated out for the full twelve months, at the same level of development, then the income will be in excess of \$500,000. The actual income to the 9th January is now \$257,746 which will extrapolate over the twelve month period to \$505,300.

It is important that Council is able to continue to service our planning customers in a timely and efficient manner. This is currently happening but some of the existing staff are working long hours which are not sustainable.

It is important that Council maintains the high levels of service and that those development applications are determined within the statutory timeframes. This may not be able occur with existing resources.

FINANCIAL IMPLICATIONS

The direct cost of an additional planning staff member would be \$118,400 including all employment costs such as superannuation, insurance etc. This would be funded from the additional fees being received from development applications. The budget for development application fees is currently \$334,000 but this will increase to \$500,000 if the current levels of activity are retained.

STRATEGIC OR POLICY IMPLICATIONS

It is important that Council delivers efficient and timely determinations on development applications and provides the elected arm of Council with detailed draft submissions on large scale development applications that are being lodged. This cannot be sustained with existing staffing levels.

WARWICK BENNETT
GENERAL MANAGER

20th January 2012

6.2.12 BARIGAN REGIONAL CROWN RESERVE AND CURRENT ABORIGINAL LAND CLAIMS

REPORT BY SENIOR ENVIRONMENT OFFICER
Aboriginal Land Claims and Barigan Regional Crown Reserve
A0100055, A0420218

RECOMMENDATION

That:

- 1. the report by Senior Environment Officer on the Barigan Regional Crown Reserve and current Aboriginal land Claims be received;**
- 2. the Minister for Lands be advised that when the claims were lodged Council's records indicated that other parties other than the Crown had an interest in the claimed land as per the table attached to this report,**
- 3. the Minister for Lands be advised that when the claims were lodged the claimed land is not needed or likely to be needed for residential purposes and is not needed or likely to be needed for an essential public purpose.**

EXECUTIVE SUMMARY

The Department of Primary Industries – Catchment & Lands advised Council on the 21 December 2011 that there have a considerable number of Aboriginal Land Claims lodged over land contained within the Barigan Regional Crown Reserve. Council has been provided with the opportunity to comment on the claims with any submission needing to be lodged prior to 2 February 2012.

DETAILED REPORT

The Barigan Regional Crown Reserve (the Reserve) is an irregular shaped reserve of some 25,500 hectares extending from the locality of Cumbo in the north to the Pyangle area in the south and having the Totnes Valley and Kains Flat areas on its western boundary and Ginghi and Bylong areas to the east. The Reserve land is generally on the steeper slopes and along ridge lines with approximately 15% falling within the former Rylstone Shire with the remainder falling within the former Mudgee Shire. The land within the former Rylstone Shire is zoned 1(a) General Rural while the majority of the land within the former Mudgee Shire is zoned Conservation with a minor portion less than 10% being zoned Agriculture.

The total extent of the claim over the Reserve (see attached A3 map at end of the report) is comprised of 54 separate claims over individual parcels of land made in bundles over a period extending from December 2004 until January 2011. The two largest groupings were lodged on 29 April 2010 and consisted of 25 parcels of land and the other consisted of 20 parcels and was lodged on the 19 January 2011.

The Minister for Lands has the sole responsibility for deciding the outcome of such claims. In order to assist the Minister in determining whether the claimed land is “claimable Crown Land” under the criteria set down in Section 36(1), Aboriginal Land Rights Act 1983 Council has been requested to comment on:

- When the claim was lodged was the claimed land lawfully used or occupied
- When the claim was lodged was the claimed land needed or likely to be needed for residential purposes and
- When the claim was lodged was the claimed land needed or likely to be needed for essential public purposes.

A check of Council's record system has revealed that there are a number of parcels of claimed land that have interested parties other than the Crown registered to those properties (see attachment 1). This data should be forwarded to the Minister for Lands to assist in the determination of the Claims.

A check of the strategy documents related to the preparation of the Draft Local Environmental Plan indicates that area in the vicinity of the Reserve and the claimed land has not been identified as providing opportunity for development for residential purposes. Therefore in respect to whether the land claimed is needed or is likely to be needed for residential purposes the response to the Minister would be that it is not required. Similarly, as there will minimal development in the generally vicinity it is unlikely that any of the land would be required for essential public services such as an additional Waste Transfer Station.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

LINDA SHREEVE
SENIOR ENVIRONMENT OFFICER

CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT &
COMMUNITY SERVICES

11 January 2012

ATTACHMENTS: 1. Table of data extracted from Council's rates system
2. Map showing extent of Barigan Regional Crown Reserve and land subject to the claims (following at the end of the business paper).

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

ABORIGINAL LAND CLAIMS
FINDINGS FROM COUNCIL'S RECORDS

The following claimed land has been identified on Council's rates system as having other interested parties other than the Crown attached to the land

Claim number	Lot /DP	Council Property number	Date recorded in rates system	Comment	Land use zone
34089	Lot 7002 /DP1021472	Pt 16883 Crown / Pt 14773	15/12/09	Adjustment to legal description Pt Lot 7002 DP 1021472 added to record as part of Permissive Occupancy 103847 (with Lot 165 DP 755435) per 29/11/09 – F Beckingham	(1a) General Rural -R LEP
34098 and 34237	Lot 90 & 91 DP 755448, Lot 109 DP755448	15098	10/6/09	Lot 1 DP 722161 Lots 46, 70, 90 91 & 109 DP 755448 Licence 200993 (293.64 ha) 10/6/09 area amended from 293.64 to 293.15 as per 31/5/09 – J M Johnstone	(1a) General Rural – R LEP
34114	Lot 7013 DP1121652	2593	unknown	R H Floth noted as having an interest but there are no details as a lease or licence	Conservation M LEP
34155	Lot 183 DP755416	20589	Not recorded	Lots 12, 87, 89, 98, 127, 134, 137, 138 & 183 DP 755416 Reserve 78308 Permissive Occupancy 89749 – 343.25 ha – M L Sheehan	Agriculture M LEP
34223	Lot 138 DP755435	14802	31/10/07 and 29/1/10	31/10/07 adjustment to legal description Lot 138 DP 755435 was on the system under Prop 16884 – parcel has been transferred to P 14802 as per 26/9/07 – also 29/1/10 adjustment to legal description Pt Lot 7300 DP 1139693 added to property per 24/1/10 – Lots 93, 135, 136, 138 DP 755435 Pt Lot 7300 DP 1139693 Permissive Occupancy 12746 (390.1 ha) – James Brown	(1a) General Rural – R LEP
34228	Lot 104 DP755419	14145	16/6/08 and 8/3/11	Lot 31 DP598162, Lot 1 DP421103, Lot 104 DP755419 Licence 200986 (624.103 ha) 16/6/08 adjustment to legal description Enclosure permit 50584 (road permit 1844/57) added to record as at transfer date 15/11/07 and 8/3/11 adjustment to legal description Licence 200986 has been replaced with Licence 461790 (Lot 104 DP755419) granting of Licence letter dated 14/2/11 – Locaway Pty Ltd	(1a) General Rural – R LEP
34233, 24722, 24733, 24734	Lot 119 DP755413, Lot 7012 DP1121649, Lot 148	13398	16/1/08 and 27/5/09	Lot 119 DP755413 Lots 148 & 165 DP755430 Lot 7006 DP755413 Licence 343331 (284.78 ha) – 16/1/08 adjustment to legal description Lot 7006 DP755413	Agriculture and Conservation M LEP

Claim number	Lot /DP	Council Property number	Date recorded in rates system	Comment	Land use zone
	DP755430, Lot 165 DP755430			replaced with Pt Lot 7006 DP1121630 & Pt Lot 7012 DP1121648 (registered 11/12/07) and 25/5/09 adjustment to legal description Crown land currently part o Licence 343331 has been replaced with Pt Lot 7301 DP1139535 (registered 21/5/09) – D R Farrugia	
24745	Lot 7010 DP1056551	19183	24/1/08 and 3/12/08	24/1/08 Adjustment to legal description Lot 7010 DP1056551 for Licence 315766 added to property as per 19/12/07 and 3/12/08 adjustment to legal description – Enclosure Permit 44458 (road permit 1944/30) added to record as at advice variation dated 27/11/08 – Heavens Reach Pty Ltd	Conservation M LEP

Legend Pt - Part
 R LEP – Rylstone Local Environmental Plan 1996
 M LEP – Mid Western Regional Interim Local Environmental Plan 2008

Further - Claim 34216 (Lot 129 DP755421) has the Barigan Regional Reserve Trust registered in Council's system and the following parcels are unidentified in our system

Claim number	Lot / DP
7233	Lot 11 DP755447
24720 and 24741 (same parcel)	Lot 7002 DP96934
24724	Lot 7005 DP1021461
24746	Lot 7009 DP1056551 (noted in recorded as under PP Board Control

6.2.13 BYLONG RURAL FIRE SERVICE

REPORT BY MANAGER REVENUE AND PROPERTY
Bylong RFS Extension
A0100055, P1419511

RECOMMENDATION

That:

- 1. the report by the Manager Revenue and Property on the Bylong Rural Fire Service shed extension and proposed road closure be received;**
- 2. Council apply to the Department of Primary Industries to close the section of unformed road reserve adjoining Lot 91 DP722302 for the purpose of extending the existing Bylong Rural Fire Service facilities**
- 3. The Common Seal of Council be affixed to all necessary documentation for the closing of the road reserve, and the registration of the new survey plan**
- 5. Council classify the road reserve as Operational land upon closure**

EXECUTIVE SUMMARY

This report is seeking formal Council approval to close 135sqm of unformed Council road reserve to allow for construction of a 9m x 15m two bay fire shed for extension of the existing Bylong Rural Fire Service facilities at Bylong Valley Way, Bylong.

DETAILED REPORT

The Rural Fire Service (RFS) has received grant funding to extend their existing Rural Fire Service facilities at Bylong. The existing Bylong Rural Fire Service site is located at 7704 Bylong Valley Way Bylong and identified as Lot 91 DP722302.

A Development Application was lodged with Council by the RFS seeking formal Council approval to allow construction of a 9m x15m two bay fire shed as an addition to the existing facilities. Consent was issued by Council on 12 January 2012.

As the existing site is not large enough to accommodate the proposed new shed, the RFS have requested for Council to approve the closure of a small section of an adjoining Council road reserve for the new shed location.

On approval, Council will then be required to make a formal application to the Department of Primary Industries to close the section of road reserve required for the RFS development. It is anticipated that upon closure the land will vest into the ownership of Council, with no cost attached to purchase the land due to Council's ongoing maintenance of the unformed road reserve.

FINANCIAL IMPLICATIONS

All costs are to be met by the Rural Fire Service through grant funding.

STRATEGIC OR POLICY IMPLICATIONS

Under the Rural Fire Act it is the responsibility of Council to provide appropriate accommodation for the service.



**DIANNE SAWYERS
MANAGER REVENUE & PROPERTY**

**LEONIE JOHNSON
ACTING GROUP MANAGER FINANCE &
ADMINISTRATION**

17 January 2012

ATTACHMENTS:

1. Letter of request received from the Rural Fire Service
2. Map showing area of Council road reserve proposed to be closed
3. Photos of the existing Bylong Rural Fire Service Shed

APPROVED FOR SUBMISSION:

**WARWICK BENNETT
GENERAL MANAGER**

All communications to be addressed to:

Cudgegong Rural Fire District
NSW Rural Fire Service
P.O. Box 1155
MUDGEES NSW 2850

Cudgegong Rural Fire District
NSW Rural Fire Service
Depot Rd
MUDGEES NSW 2850

Telephone: (02) 6372 4434
e-mail: mike.fratturo@rfs.nsw.gov.au

Facsimile: (02) 6372 6874



Mid Western Regional Council

PO Box 156
Mudgee
NSW 2850



Your Ref:
Our
Ref:FX022

Att: Kelly Barnes

29 September 2011

Dear Kelly ,

The RFS would like to build an extra two bay shed next to the existing Bylong fire station, as you know this would be vested in Council, as is the one presently on site.

Unfortunately the shed will not fit on the existing block which is Lot 91 so MWRC would need to obtain more land in the public road reserve P30855.

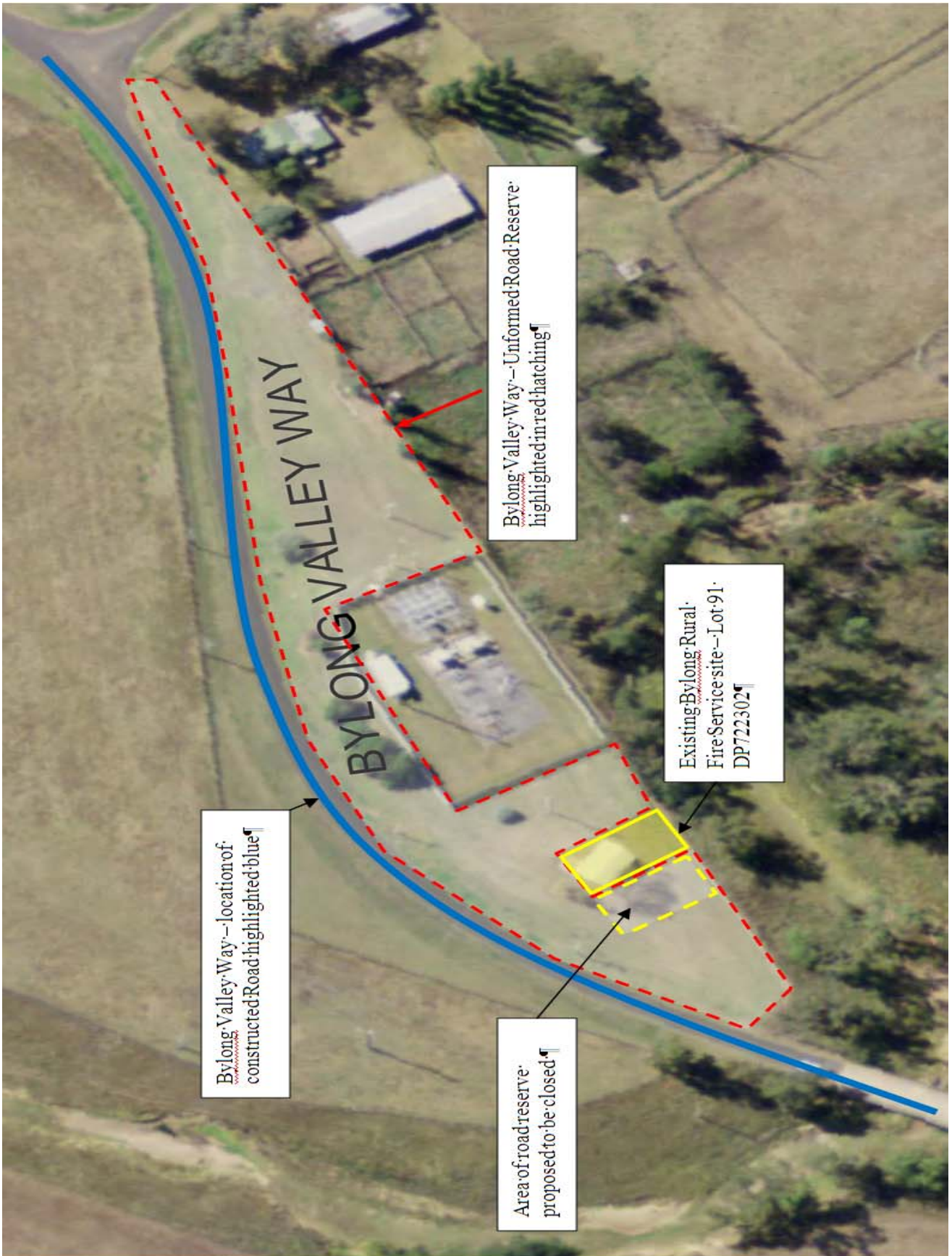
What are our options for achieving this?

I have enclosed a plan of the proposal and Lot 91.

If you could expedite this it would be much appreciated as the money is in budget for this project for a limited time only.

Yours sincerely,

Mike Fratturo
Operations Officer
Cudgegong District





6.2.14 CULTURAL DEVELOPMENT COMMITTEE – NOVEMBER 2011 AND JANUARY 2012

REPORT BY MANAGER COMMUNITY DEVELOPMENT
CULTURAL DEVELOPMENT COMMITTEE NOVEMBER 2011 AND JANUARY 2012
A0100055, A0420172

RECOMMENDATION

That:

- 1. the report by the Manager Community Development be received;**
- 2. Council note the minutes of the Cultural Development Committee meetings held on 21st November 2011 and 16th January 2012;**
- 3. Council accept the nomination of Leanne Wicks to be a member of the Cultural Development Committee.**

EXECUTIVE SUMMARY

The Cultural Development Committee meets to highlight and promote cultural issues in the region. The next meeting is due to be held on Monday 19th March, 2012.

DETAILED REPORT

At the November and January meetings, the Committee were provided with updates on a number of projects that are taking place across the region. These included the Mudgee Town Hall renovation, the relocation of the Mudgee Library, the relocation of the art collection from the Town Hall, the Rylstone Sculpture exhibition and the Kandos Museum upgrade. Information regarding these are contained within the minutes.

The Mudgee Town Hall project is proceeding to schedule with site preparation works underway by the time of the January meeting. The Mudgee Library has opened to the public from January 16th at its temporary location at the Stables.

There has been a request from Leanne Wicks to become a member of the Cultural Development Committee. The Terms of Reference for the Committee allow for up to ten community representatives. As there are currently only seven community representatives, the nomination can be accepted and has been endorsed by the Committee at the January meeting.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

SIMON JONES
MANAGER COMMUNITY DEVELOPMENT

CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND
COMMUNITY SERVICES

19 January 2012

ATTACHMENTS:

1. Minutes of the Cultural Development Committee Meetings of 21st November 2011 and 16th January 2012.
2. Email from Leanne Wicks

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

**MINUTES OF MEETING OF THE
MID-WESTERN REGIONAL COUNCIL CULTURAL DEVELOPMENT COMMITTEE
HELD ON MONDAY 21st NOVEMBER 2011
MEETING AT THE COUNCIL CHAMBERS, MUDGEE AT 5PM.**

PRESENT: Helen Harwood, Cr Russell Holden, Janette Newman, Katrina Odgers, Virginia Handmer and Christopher Wright,

1. **WELCOME:** – Cr Russell Holden opened the meeting at 5.12pm and welcomed everyone.

2. **APOLOGIES:** Simon Jones

3. **ADOPTION OF PREVIOUS MINUTES OF 1st AUGUST 2011**

Moved: Helen Harwood Seconded: Christopher Wright **Minutes Accepted**

4. **MATTERS ARISING FROM THE MINUTES**

4.1 TOWN HALL RENOVATION

The tender for the Town Hall renovation has been awarded to CCA Projects with the expected start of construction being mid January. The library will open in The Stables on the 16th January. Cr Holden said that CCA's tender was slightly higher than others but they had stated they would use 45% local employment and this was considered. Discussion about the pianos. Committee advised that they have been relocated as planned.

4.2 COUNCIL ART COLLECTION

Helen Harwood reported that proposals have gone to banks and other business establishments now that the insurance has been supported by council's insurer. A formal loan document is being developed and will be signed by the business borrowing the works and then lodged with council and the insurer.

There are 17 works to find homes for the period of construction but Helen feels that the embroidery guild work should be housed by council in a place where the public can see it.

4.3 RYLSTONE SCULPTURE EXHIBITION

10 sculptors have confirmed their submission of works for the exhibition as part of the Rylstone Kandos Agricultural Show next year.

5. GENERAL BUSINESS

5.1 Letter from Mudgee Arts to Mid Western Regional Council:

Mudgee Arts raised the following concerns;

- that the opportunity for a dedicated arts space on the Southbank site is increasingly harder;
- It would be good to at least have sculptural pieces within the Southbank site;
- The imbalance between sport and cultural events/facilities;
- The difficulty of the Stables being closed for a year and the impact on regional work and workshops. However they look forward to using the amphitheatre and
- The group discussed the difficulty of gaining commitment from council for the arts and culture.

5.2 Cultural Development Meetings for 2012

The Committee agreed to continue to hold the meetings on the 3rd Monday of the month commencing in January 2012.

Moved: Helen Harwood

Seconded: Christopher Wright

Accepted

Colin Jones entered the meeting

5.3 Turon Technology Museum

Cr Holden spoke about the TTM and that in his view the people who own and run the museum are having trouble maintaining the place. One of them has been very ill in hospital and they are both getting old. He feels that they need better signage (such as a sign at Ilford) and more promotion. There is concern that a very valuable collection will be dispersed if they decide to sell up. Many of the items are under historical preservation orders. Colin Jones said he will drop in and talk to Jenny and see if they want or will accept some assistance and how we can help them.

5.4 Kandos Museum

Colin Jones reported that the structural work on the entrance and gallery area of the museum is finished, the gyprocking done and ready for painting and the internal door hung. Display-wise; the Harbour Bridge is finished but not hung yet and the Irene Kearins painting is in situ but hasn't got the survey cutout in place yet. 20K spent so far out of the 100K budget.

Leanne Wicks and Pam O'Connor have helped a lot in getting work done.

Colin expects to spoke to Macca on radio to give the Pat Studdy Cliff book a plug and the museum generally. As a result Belinda Green called Macca and spoke about Kandos and she was invited to the book launch.

There being no further business the meeting closed at 6.07pm.

Next proposed meeting date: Monday 16 January, 2012 at 5pm

MINUTES OF MEETING OF THE
MID-WESTERN REGIONAL COUNCIL CULTURAL DEVELOPMENT COMMITTEE
HELD ON MONDAY 16th JANUARY 2011
MEETING AT THE COUNCIL CHAMBERS, MUDGEES AT 5PM.

PRESENT: Colin Jones, Helen Harwood, Janette Newman, Virginia Handmer and Simon Jones

1. **WELCOME:** – Colin Jones opened the meeting at 5.05pm and welcomed everyone.

2. **APOLOGIES:** Christopher Wright, Lucy White

3. **ADOPTION OF PREVIOUS MINUTES OF 21ST NOVEMBER 2011**

Moved: Helen Harwood

Seconded: Janette Newman

Minutes Accepted

4. **MATTERS ARISING FROM THE MINUTES**

4.1 TOWN HALL RENOVATION

The project is now underway and temporary fencing has been erected around the Town Hall building today. The library has been moved to its temporary home at the Stables and opened for business to the public today. All proceeding well.

4.2 COUNCIL ART COLLECTION

All art works that were housed at the Town Hall have been relocated, except for the four largest pieces. These are currently in storage. Many of the pieces have gone to the Mudgee Medical Centre and to some of the banks in town. Helen reports that the "Tiger" has most likely found a home and it is suggested that the Bicentennial embroidery could be housed in the Chambers.

4.3 RYLSTONE SCULPTURE EXHIBITION

A meeting was held today. There are 9 confirmed artists and they are trying to secure a 10th. The Opening of the exhibition will be on Saturday 25th February, in line with the Rylstone Show.

4.4 TURON MUSEUM

Colin has spoken to the people at the Turon Museum and, while they were grateful for the offer, they did not need any assistance.

4.5 KANDOS MUSEUM UPGRADE

The majority of the entrance room is now done, with the fiberglass work on the Lady Bushranger's Cave now being finished. There is some works being planned for a National Parks exhibit to tie in with Dunn's Swamp. Still waiting on engineer's plans for the construction certificate for the main entranceway.

5. GENERAL BUSINESS

5.1 ORANA ARTS BOARD REPRESENTATION

Orana Arts Board holds its Annual General Meeting in March. This is a good time to consider the current representatives from Mid-Western Regional Council. At present, the Council representative is Simon Jones and the community representative is Virginia Handmer. Committee members were asked to consider if there were other possible candidates for these board positions.

5.2 JOCELYN HULME CERAMIC COLLECTION

A number of pieces were offered by Jocelyn through her will to the Ceramic Collection. These are being considered and two pieces have already been added to the cabinet. The lack of space and the need for additional cabinet storage for the collection was noted by the Committee.

5.3 NOMINATION FOR MEMBERSHIP OF THE COMMITTEE

Leanne Wicks has written to Council, requesting to be a community representative on the Cultural Development Committee.

MOTION: That the Committee supports the nomination of Leanne Wicks to be a member of the Cultural Development Committee

Moved: Helen Harwood Seconded: Virginia Handmer **Motion Carried**

5.4 THE OMNIBUS MOBILE POETRY LIBRARY

This program was introduced to the Committee. However, there was no information about what sought of support was being requested from the Committee or from Council and so the Committee requested further information before being able to consider it.

There being no further business the meeting closed at 5.58pm.

Next proposed meeting date: Monday 19 March, 2012 at 5pm

EMAIL FROM LEANNE WICKS

Friday 13 January 2012 11.54am

To: council@midwestern.nsw.gov.au

Subject: Cultural Committee

Dear General Manager,

I would like to become a member of the Cultural Committee. Residing in Kandos, I am a volunteer at the Kandos Bicentennial Museum and am continuing studies in Museum Practice. I have been successful in being placed on the Kandos Centenary Committee and have a great interest in local history. I am a poet, being the Garden Poet at last year's Kandos Garden Festival and also Cafe Poet last year at Rylstone's cafe on Louee. This year I will be teaching poetry at Lue Public School and seeking to have the national body Australian Poetry bring a variety of shows, workshops and a mobile poetry Library to the area.

I believe I have a lot of enthusiasm and talent to bring to the Cultural Committee,

Yours Sincerely,

Leanne Wicks

PO Box 90

Kandos NSW 2848

6.2.15 LAND ACQUISITION AND ROAD DEDICATION

REPORT BY MANAGER REVENUE AND PROPERTY
Lot 3 DP 1013363
A0100055, P1989911.

RECOMMENDATION

That:

- 1. the report by the Manager Revenue and Property on the proposed land acquisition and road dedication be received;**
 - 2. Council authorise the acquisition of Lot 3 DP 1013363 known as 43 Castlereagh Highway Mudgee for the continued purpose as a public road;**
 - 3. Council authorise the use of the Common Seal of Council to be affixed to all necessary documentation to facilitate the land acquisition and dedication as public road;**
 - 4. Council classify Lot 3 DP 1013363 as Operational land**
-

EXECUTIVE SUMMARY

This report is seeking formal Council approval to acquire and dedicate a parcel of privately owned land contained within a sealed section of the Castlereagh Highway Mudgee as public road.

DETAILED REPORT

An area of 179.7m² of privately owned land known as 43 Castlereagh Highway Mudgee (Lot 3 DP1013363) is located within a Council road reserve at Mudgee. This matter was not finalised correctly in excess of 20 years ago. To formalise the use of this section of the Castlereagh Highway as a public road it is necessary for Council to acquire the land and then formally dedicate it as public road under Section 10 of the Roads Act 1993.

Council has negotiated the acquisition of Lot 3 DP 1013363 with the property owner and an agreement has been reached for Council to purchase the land for \$587.00.

The documents to facilitate the land acquisition and transfer of title to Council now require execution under the Common Seal of Council. Once the transfers have been signed and sealed, the land can then be formally gazetted as public road.

It should also be noted that public notice of Council's intention to acquire and dedicate Lot 3 DP 1013363 as Operational Land was advertised in Council's Community News on the 16 December 2011. The submission period closed on the 13 January 2012 with no submissions received.

FINANCIAL IMPLICATIONS

Land Acquisition	\$587.00
Legal Costs	\$500.00
Registration	\$200.00
Gazettal	\$120.00
<u>Total</u>	<u>\$1720.00</u>

STRATEGIC OR POLICY IMPLICATIONS

To formalise the existing use of Lot 3 DP 1013363 as a public road through acquisition and formal dedication as public road under the Roads Act 1993.

DIANE SAWYERS
MANAGER REVENUE AND PROPERTY



LEONIE JOHNSON
ACTING GROUP MANAGER FINANCE &
ADMINISTRATION

16 January 2012

ATTACHMENT: 1. Map of Land to be acquired

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER



Map Scale: 1:1,557

6.2.16 MUDGEES SALEYARDS MANAGEMENT COMMITTEE

REPORT BY GROUP MANAGER OPERATIONS
SALEYARDS REPORT DECEMBER 2011
A0100055, A0100047, F0720036

RECOMMENDATION

That:

- 1. The report by Group Manager Operations on the Mudgee Saleyards Management Committee Meeting be received;**
- 2. That the minutes for the Mudgee Saleyards Management Committee ordinary monthly meeting held on 19 December 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 19 December 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: 1.Minutes of the Mudgee Saleyards Management Committee ordinary monthly meeting

19 December 2011.

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

**MINUTES OF THE MUDGEE REGIONAL SALEYARDS COMMITTEE MEETING HELD ON
19 DECEMBER 2011 COMMENCING AT 9.45am AND CONCLUDING AT 10.05am**

Present Cr John Webb (Chair), Jason Pearce (Selling Agent), John Little (NSW Farmers), Brad Cam (Council), Cr John Weatherly.

In Attendance: Amanda Buckley (Minute Secretary)

Cr John Webb opened the meeting at 9.45am and thanked all for attending.

1. APOLOGIES

Barry Clapman (Transport Rep)
Bob Kearins (NSW farmers association)
Terry McDonald (Selling Agent)
Andrew White (Beef improvement association)

2. MINUTES OF PREVIOUS MEETING

Recommendation: That the minutes of the meeting held on 20th October 2011 be accepted.

Moved: Cr. John Weatherly 2nd John Little

3. MATTERS ARISING FROM MINUTES OF THE MEETING ON 20th October 2011

1) Indicator Board – Livestock Exchange have been in contact with Brad and advised that it will cost around \$500 - \$800 for the hardware (council's responsibility) and \$500 for the software (agent's responsibility). Jason will contact the agents to see if they are happy to spend the \$500 to fix the indicator board. All in favour to have it fixed.

Moved: Cr John Weatherly 2nd John Little

2) Fencing – All in favour to go ahead with the quote from John Price for the new yard.

Moved: John Little 2nd Cr John Weatherly

3) Loading Dock Reseal – All in favour to go ahead with resealing the cattle loading area and the entrance.

Moved: Cr John Weatherly 2nd John Pearce

4. CORRESPONDENCE

ALMA – NASSO Levy – Everyone agreed to wait till Barry was at the meeting to discuss.

ALMA – Saleyards and animal welfare – Everyone is aware of the letter. It has been passed onto Joe.

5. GENERAL BUSINESS

Jason Pearce

ALPHA - Agents national body have sent through a letter regarding animal welfare issues mainly to do with picking up stock, unloading of stock, how stock is transported, feeding and water trough (quality of water). Need to keep an eye on maintenance of water. Jason is going to send through the letter.

6. BUSINESS WITHOUT NOTICE

None

7. DATE OF NEXT MEETING__ 16th February 2012

Meeting closed 10.05am

6.2.17 NAME TO BE INCLUDED IN PRE-APPROVED STREET/ROAD NAMES LIST

REPORT BY MANAGER REVENUE AND PROPERTY
Street Naming – Name for pre-approved list
A0100055, R0790141

RECOMMENDATION

That:

1. **the report by Manager Revenue and Property on the inclusion of a name in the pre-approved street/road names list be received;**
2. **Council approve the inclusion of Ern Webster in the pre-approved street/road names list for use at a later date**

EXECUTIVE SUMMARY

Following a request from a member of the public, it is recommended that the name, Ern Webster, be included in the pre-approved street/road names list for use at a later date.

DETAILED REPORT

Council, being the Roads Authority is required to name new and unnamed streets and roads. The purpose of this report is to recommend the inclusion of a name of local merit in the list of names kept for street and road names in the future.

Ern Webster was the Captain of the Mudgee Fire Brigade for 42 years and received the Queen's Fire Service Medal for distinguished service on the 28th of November 1969. Mr Webster passed away in November 1987.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

DIANE SAWYERS
MANAGER REVENUE AND PROPERTY



LEONIE JOHNSON
ACTING GROUP MANAGER
FINANCE & ADMINISTRATION

18 January 2012

ATTACHMENTS: 1. Correspondence received from Marie Black (nee Webster)

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

3 The Cove
Forster
2428.

11th December, 2011



Mr. Max Walsh
Deputy Mayor
Mid Western Council
P.O.Box 156
MUDGEE 2850

Dear Max,

Last September I travelled home to Mudgee for family reasons, and I was amazed at the development and growth of the area since I was last there in 2008. Travelling around the new housing developments, it was obvious to an "old local" that a lot of streets have been named after local identities.

Max, the purpose of this letter is to inquire if it would be possible for a street to be named after our father, Ern Webster, who was Captain of the local Fire Brigade for 42 years, was awarded the Queen's Fire Service Medal for distinguished service on the 28th November 1969. After dad passed away in November 1987, I did correspond with Liz Etherington when she was on Council as to the possibility that a street may be named after our dad, I was under the impression that consideration would be given when a new development was being considered, unfortunately, I never heard that this would take place.

Having a street named after our dad, who was so well respected and admired by the people of Mudgee, would mean a great deal to my brothers, John and Rob and my sister, Helen.

I look forward to your reply, and I would be very happy to supply any further information you may require to complete this request.

Yours sincerely

Marie Black (nee Webster)

6.2.18 NAMING OF CUL-DE-SAC OFF MELTON ROAD

REPORT BY MANAGER REVENUE AND PROPERTY
Street Naming – Unnamed cul-de-sac
A0100055, R0790141

RECOMMENDATION

That:

1. **the report by the Manager Revenue and Property on the naming of the cul-de-sac off Melton Road be received;**
2. **Council endorse the proposed street name “Chappell Close” for the cul-de-sac that runs east off Melton Road, Mudgee.**

EXECUTIVE SUMMARY

Following a request from the developer of a new subdivision off Spring and Melton Roads, it is recommended that the proposed name of Chappell Close be approved for the unnamed cul-de-sac within this subdivision.

DETAILED REPORT

Council, being the Roads Authority, is required to name new or unnamed streets and roads. The purpose of this report is to recommend one name for an unnamed cul-de-sac in a new subdivision.

Following the construction of a new subdivision off Spring and Melton Roads which included a cul-de-sac, the developer requested the cul-de-sac be named Chappell Close after Thomas Chappell in the list of names approved for use as road names by Council on 3/9/1993.

Thomas Chappell was a businessman in colonial Mudgee. Mr Chappell immigrated from Dorset with his family arriving in Sydney Cove in March 1844 at the age of approximately 22, and died in Mudgee on 17/10/1904. His second child (of a total of 11 children) was born in 1845 in Mudgee so he moved his family to Mudgee within a year of arriving in Australia and within 7 years of Mudgee being gazetted a village. The historical reference book, *Travelling down the Cudgegong*, has details of Thomas Chappell purchasing several building blocks from G H Cox in the west end of Market Street in 1856 and building The New Steam Flour Mill there with grinding commencing in 1856. There is also an advertisement for the New Steam Flour & Saw Mill at Burrundulla in the January 1861 Western Post Newspaper and a listing for him as a Miller on Market Square (now Robertson Park) in the Grevilles Official Postal Office Directory of NSW 1872.

FINANCIAL IMPLICATIONS

Cost of Gazettal notice plus purchase and installation of one street sign, estimated at \$500. These costs are included in the 2011/12 Management Plan.

STRATEGIC OR POLICY IMPLICATIONS

Street naming is legislated under the Roads Act 1993. This Act empowers the authority in charge of the street with the rights to name it. The naming of this street will allow the completion of street addressing and allow new housing in Mudgee to have a distinctive street address. Section 162 of

the Roads Act (1993) states that "a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months notice of the proposed name".

The Geographical Names Board has been advised of this street name and has no objection to Chappell Close.

In accordance with Council's Road Naming Policy, should Council endorse the street name of Chappell Close, notice of the proposed street name will be:

1. Advertised in The Community News inviting submissions in writing from the public for a period of 21 days
2. concurrently, notice of the proposed name will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, The New South Wales Volunteer Rescue Association Inc, and, in the case of a classified road - the RTA, inviting submissions in writing for a period of 21 days.

At the expiration of time for the lodgement of submissions, a further report will be prepared for Council addressing any submissions received and recommending the formal adoption of the proposed street name, and Gazettal of the new name.

DIANE SAWYERS
MANAGER REVENUE AND PROPERTY



LEONIE JOHNSON
ACTING GROUP MANAGER
FINANCE & ADMINISTRATION

17 January 2012

ATTACHMENTS:

1. Correspondence received from the Geographical Names Board
2. Map of cul-de-sac off Melton Road to be named

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER



**Land & Property
Information**

Panorama Avenue BATHURST
P O Box 143
BATHURST NSW 2795
Tel: (02) 6332 8440
Fax: (02) 6332 8415
Email: bob.davis@lpma.nsw.gov.au
www.lpma.nsw.gov.au

The General Manager
Mid Western Regional Council
P O Box 156
MUDGEE NSW 2850

Attention: Fiona Hemmy

21st November 2011

Your Ref: FH:R0790041 PN5806
Our Ref: T02/0175 2011 - 163



Dear Madam,

**ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008
SECTION 162 – NAMING OF PUBLIC ROADS**

I refer to your letter of 8th November 2011 which proposed the following public road name:

CHAPPELL CLOSE

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the names have been reviewed under the GNB Guidelines for the Naming of Roads and there is no objection to its use, providing it does not refer specifically to any living person.

Yours Faithfully

A handwritten signature in black ink that reads 'Bob Davis 21/11/11'.

Bob Davis, Team Leader DCDB Update
For Division Manager Information Sourcing

6.2.19 FLIRTATION HILL, GULGONG – TELSTRA LEASE

REPORT BY GENERAL MANAGER
Telstra Lease – Flirtation Hill Gulgong
A0100055, A0010008, P1203511

RECOMMENDATION

That:

1. the report by General Manager on the Telstra Lease – Flirtation Hill Gulgong be received;
2. that Council approves the lease of land at Flirtation Hill Gulgong to Telstra Corporation Ltd for a annual lease amount of \$10,000 plus GST to be adjusted by 5% per annum
3. That the Common Seal of Council be affixed to all necessary documentation for the leasing of land at Flirtation Hill, Gulgong to Telstra.

DETAILED REPORT

In June 2010 Council considered the lease of land on Flirtation Hill, Gulgong to Telstra Corporation. The Council resolved that the annual lease payments were insufficient and that staff re- negotiate. In the report the recommendation was for a \$6,000 annual rental. The resolution was:-

MOTION: **Holden / Lang**

That consideration of this matter be deferred for further negotiations with Telstra.

Those negotiations have been slow and they finally responded to Council on Wednesday 18th January. In that e mail they stated:-

“We refer to our previous communication in this matter and advise that our client relies on the determination of I.P.A.R.T for Crown Lands as a fair reference base.

Our understanding is that Gulgong is classified as a “Low Density” area under the guidelines issued by Crown Lands Division and therefore our clients’ offer of an initial rental of \$10,000.00 per annum exceeds the standard prescribed by I.P.A.R.T of \$8.667.00 + GST per annum and accordingly seeks acceptance of the amount.”

Low density is based on population and the definition stated by Telstra is correct.

The recommendation in this report is to proceed with the issuing of the licence at an annual rental of \$10,000 plus GST to be adjusted by 5% per year.

FINANCIAL IMPLICATIONS

The annual fee would be \$10,000 to Council plus the annual increases.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable

18 January 2012

ATTACHMENTS: Nil.

WARWICK BENNETT
GENERAL MANAGER

6.2.20 MID-WESTERN REGIONAL YOUTH COUNCIL

REPORT BY MANAGER COMMUNITY DEVELOPMENT
MID-WESTERN REGIONAL YOUTH COUNCIL NOVEMBER 2011
A0100055, A0060048

RECOMMENDATION

That:

- 1. the report by the Manager Community Development be received;**
- 2. Council note the minutes of the Mid-Western Regional Youth Council held on 29 November 2011;**

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 will be held on Tuesday 7th February, 2012.

DETAILED REPORT

Planning for Youth Week events in 2012 has begun with Youth Councillors heavily involved in the development of the program for the week. Ongoing meetings will be held in December and January prior to the next Youth Council meeting so that the program can be finalised.

The Youth Council have been waiting on advice of the outcome of a number of funding applications. Councillor Thompson enquired about the Gulgong Skate Park upgrade and was advised that the Department of Sport and Recreation has still not been announced. There is no further information from Sport and Recreation as to when this will happen. A grant application for the Gulgong Skatepark has also been submitted for the Community Building Partnerships Program and the outcome of this is expected in March.

Since the November Youth Council meeting, Council has been notified of the success of two smaller funding amounts. The first is the Indent grant (\$2,500) that will assist the Youth Council to stage events during Youth Week 2012. The second is a Department of Transport grant (\$5,200) designed to assist youth get to different events throughout the region. Congratulations to the Youth Council and the Youth Services Officer for their success with these applications.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

SIMON JONES
MANAGER COMMUNITY DEVELOPMENT

CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT
& COMMUNITY SERVICES

19 January 2011

ATTACHMENTS: 1. Minutes of the Meeting of the Mid-Western Regional Youth Council held on
29 November 2011

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

**MINUTES OF THE MEETING OF THE MID-WESTERN
REGIONAL YOUTH COUNCIL HELD ON TUESDAY
29 NOVEMBER 2011, AT 4.30PM AT GULGONG HIGH SCHOOL LIBRARY, GULGONG**

PRESENT:

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

Councillors: Cr Thompson

Council Staff: Virginia Handmer (Community and Youth Development Officer),

Chair: Henry Van Laeren

Minutes: Virginia Handmer

1. WELCOME

Henry Van Laeren opened the meeting at 4.35pm and welcomed those in attendance.

2. APOLOGIES: Cr John Weatherley

3 ACCEPTANCE OF APOLOGIES

Motion: That the apologies be accepted.

Moved: Henry Van Laeren

Seconded: Mary Sparkes

Accepted

4. MINUTES FROM THE PREVIOUS MEETING

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

Moved: Mary Sparkes

Seconded: Henry Van Laeren

Minutes Accepted

5. Correspondence In: Nil

6. Correspondence Out: Nil

7 BUSINESS ARISING FROM THE MINUTES

7.1 Gulgong Skate Park Working Party Update

- Cr Thompson asked about the status of this and Virginia Handmer referred to the minutes of the last Youth Council meeting (that we are waiting for the outcome of the Sport and Recreation Grant process). Any further discussion was postponed until the next meeting as Cathy Leisfield was not in attendance.

7.2 Gulgong Drop-In Centre

- There has been no further progress on this to report.

7.3 Youth Council Alumni

- Mary has created a FACEBOOK page and Youth Councillors are invited to join. So far Jessica McLennan, Tim Blackman, and Stephen Morgan have joined.
- Virginia Handmer to contact Daniel Reed, Yolanda Kruizen and Emily Blake.

7.4 January School Holiday Program

- The program to be emailed to Youth Council

8. GENERAL BUSINESS

8.1 Youth Week

- A Youth Week 2012 planning meeting to be held Tuesday 17 Jan at 1pm. Please let Virginia know if you are available for the meeting and if not when you would be asap!
- Discussion re youth week events;
 - Chess comp
 - Technology coaching
 - YouthFest event Friday the 20 April sounds good

8.2 Indent grant

- Youth Councillors wondering how this application is going and asked if Cathy could email them with info.

8.3 Community Theatre

- Discussion regarding how much support there is in the community. Decision to invite Lea Leisfield to the next meeting to talk about how she would advise finding how much support there is and how to get it.

Next Youth Council Meeting: Tuesday 7 February 2012, 4.00pm, Mudgee Council Chambers

Meeting closed at 5.07pm

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

REPORT BY ACTING GROUP MANAGER FINANCE & ADMINISTRATION

Bankrep

A010055, A0140304

RECOMMENDATION

That the Investment Report as at 31 December 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.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.



LEONIE JOHNSON
ACTING GROUP MANAGER FINANCE

13 January 2012

ATTACHMENTS: 1. Monthly statement of Bank Balances and Investments

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

For the month ended: 31-Dec-11

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
Commonwealth Bank	\$ 1,860,053	\$ 8,092,672	\$ 10,022,296	\$ (69,570)	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 31/12/2011

Investments	Type	Amount	Yield %	Maturity Date	Term	Rating	Govt Rating	NAV	% of Portfolio
Commonwealth Bank	At Call	\$ 1,885,000	4.25%	N/A	At Call	A-1+	2		6.2%
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	5.95%	21/03/2012	112	A-1+	2		8.6%
Westpac Bank	Term Deposit	\$ 1,200,000	5.95%	14/03/2012	105	A-1+	3		4.0%
Westpac Bank	Term Deposit	\$ 1,500,000	5.90%	2/05/2012	147	A-1+	3		5.0%
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%
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	5.79%	14/03/2012	98	A-1+	3		5.0%
Bankwest	Term Deposit	\$ 1,000,000	5.85%	8/02/2012	96	A-1+	3		3.3%
Bankwest	Term Deposit	\$ 1,000,000	5.65%	1/02/2012	69	A-1+	3		3.3%
ING Australia Bank	Term Deposit	\$ 1,000,000	5.80%	21/03/2012	126	A-1	1		3.3%
AMP	Term Deposit	\$ 1,000,000	5.95%	16/02/2012	181	A-1	1		3.3%
Suncorp Metway Ltd	Term Deposit	\$ 1,000,000	5.88%	7/03/2012	98	A-1	1		3.3%
Newcastle Permanent	Term Deposit	\$ 1,000,000	5.74%	7/03/2012	91	A-2	1		3.3%
Bank of Queensland	Term Deposit	\$ 1,000,000	5.80%	8/02/2012	91	A-2	1		3.3%
Members Equity Bank	Term Deposit	\$ 1,000,000	5.90%	25/01/2012	91	A-2	1		3.3%
Deutsche Bank Series 5	Floating Rate Note	\$ 1,000,000	5.61%	23/02/2012	4yrs 9mths	A+	-		3.3%
ANZ ASPRIT III	Sustainable Equity Linked Note	\$ 500,000	50% of +tve NAV	19/07/2013	6 yrs	AA	-	\$ 487,045	1.7%
Longreach Series 26	Property Linked Note	\$ 1,000,000		7/06/2014	7 yrs	A+	-	\$ 910,600	3.3%
Total Investments		\$30,285,000							100.0%

Please note that the closing bank balance has a negative balance due to the Christmas period payroll being processed before the Christmas shutdown period, however the pay run is scheduled for payment at the normal time and the bank account did not go into actual overdraft.

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	\$ 1,045,000		\$ 1,885,000	0.00%	At Call
Newcastle Permanent	\$ 1,000,000		\$ 1,000,000	-0.15%	0
Bankwest	\$ 1,500,000		\$ 1,500,000	-0.01%	1
Westpac			\$ 1,500,000	New Deposit	
IMB	\$ 1,000,000			Redeemed	
St George	\$ 1,000,000			Redeemed	
Community CPS	\$ 1,000,000			Redeemed	
	<u>\$ 6,545,000</u>		<u>\$ 5,885,000</u>		

Net Portfolio Movement **\$660,000 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+	\$ 6,000,000	19.8%	25.0%
St George Bank	AA/A-1+	\$ 4,500,000	14.9%	25.0%
Commonwealth Bank	AA/A-1+	\$ 1,885,000	6.2%	25.0%
Westpac Bank	AA/A-1+	\$ 5,300,000	17.5%	25.0%
ANZ	AA/A-1	\$ 500,000	1.7%	25.0%
Longreach	A+/A-1	\$ 1,000,000	3.3%	20.0%
Deutsche Bank	A+/A-1	\$ 1,000,000	3.3%	15.0%
AMP	A/A-1	\$ 1,000,000	3.3%	15.0%
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%
		<u>\$ 30,285,000</u>	<u>100.0%</u>	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AAA/A-1+	\$ 21,785,000	71.9%	100.0%
	AA/A-1	\$ 500,000	1.7%	100.0%
	A/A-1	\$ 5,000,000	16.5%	60.0%
	BBB/A-2	\$ 3,000,000	9.9%	20.0%
	Unrated	\$ -	0.0%	20.0%
		<u>\$ 30,285,000</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	Actual	% of Portfolio	
			Minimum	Maximum
Less than 1 year	\$ 27,785,000	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>\$ 30,285,000</u>	<u>100.0%</u>		

6.2.22 2012 COUNCIL ELECTION

REPORT BY MANAGER GOVERNANCE
ELECTION
A0100055, A0121200

RECOMMENDATION

That the report by the Manager Governance on the 2012 Council elections be received.

EXECUTIVE SUMMARY

The purpose of this report is to permit Council to determine whether it wishes to hold a constitutional referendum or council poll in conjunction with the 2012 elections.

DETAILED REPORT

Councillors will be aware that the 2012 Council elections are scheduled to be held on 8 September 2012.

If Council wishes to hold a constitutional referendum or a council poll at the time of the election it needs to inform the Electoral Commission no later than 30 April 2012.

For Council's information while a council may take a poll of electors for its information and guidance on any matter, constitutional referenda can only be held in respect of the following:

- Divide its area into wards or abolish all wards in its area;
- Change the basis on which the Mayor is elected;
- Increase or decrease the number of councillors (minimum 5 and maximum 15); or
- Change the method or ordinary election of councillors for an area divided into wards.

While a decision made at a council poll is not binding, a decision made at a constitutional referendum is and takes effect at the next ordinary council election.

FINANCIAL IMPLICATIONS

Funds have been set aside for the conduct of the 2012 Council elections. If it is decided that a constitutional referendum or council poll will be conducted in conjunction, additional funds may need to be provided.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

APPROVED FOR SUBMISSION:

IAN ROBERTS
MANAGER GOVERNANCE

WARWICK BENNETT
GENERAL MANAGER

16 January 2012

ATTACHMENTS: Nil

6.2.23 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

REPORT BY GENERAL MANAGER
CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT
A0100055, A0110024

RECOMMENDATION

That:

- 1. the report by General Manager on the Constitutional Recognition of Local Government be received;**
- 2. Council considers as part of the 2012/13 budget and Operational Plan the additional fee of \$20,178.45 to be paid in three equal annual instalments to the Local Government Association of NSW to fund the national advertising campaign for constitutional recognition of local government.**

DETAILED REPORT

Please find attached a self explanatory letter from the Local Government Association of NSW requesting Council to consider a contribution of funds towards the national advertising campaign to obtain constitutional recognition for local government by way of referendum at the next Federal Election. The council contribution is \$20,178.45 to be paid in three equal annual instalments commencing in the 2012/13 financial year.

Council has always been a supporter of constitutional recognition of local government

FINANCIAL IMPLICATIONS

The contribution will form part of the 2012/13 budget

STRATEGIC OR POLICY IMPLICATIONS

Not applicable at this time.

WARWICK BENNETT
GENERAL MANAGER

ATTACHMENTS: 1. Letter from Local Government Association of NSW

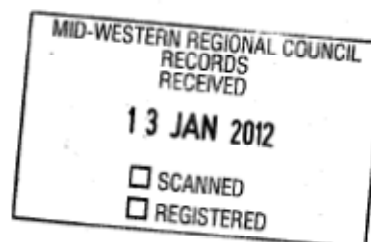
Local Government
Association of NSW



Shires Association
of NSW

9 January 2012

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



Dear Mr Bennett,

Constitutional Recognition of Local Government – contribution of funds

We write to update you on the process and progress for achieving Constitutional Recognition of Local Government, and to provide an indication as to what we believe your council's financial contribution to a national advertising campaign will be.

As you are aware, in 2010 in response to some strong ground work by the Australian Local Government Association (ALGA) and the LGSA, the Prime Minister of Australia, the Hon. Julia Gillard MP, committed to holding a referendum in conjunction with the next Federal election to include recognition of Local Government in the Australian Constitution.

In mid 2011 the Prime Minister set up an Expert Panel on Constitutional Recognition of Local Government. The Expert Panel released its findings on 22 December 2011. A copy of the Expert Panel's findings and all submissions can be found at <http://www.localgovrecognition.gov.au/content/final-report>

ALGA is leading the campaign on behalf of Local Government across the country, and to date more than 85 percent of councils in Australia have moved motions in support of Constitutional Recognition of Local Government.

In addition to all councils continuing to actively lobby for this important issue at a local level, ALGA will be asking all State and Territory Associations and their member councils to contribute financially to a large scale national advertising campaign to gain public support for a 'yes vote' when the time for a referendum comes. In order for the referendum to be successful it requires a 'double majority', which is a majority of 'yes votes' from a majority of voters, and a majority of states. As ours is the most populated state, success in NSW is critical to the success of a national campaign.

ALGA's planning for this national campaign is in the early stages, as they were waiting to review the response from the Expert Panel, however we do know that substantial funds will be required to execute this campaign. From previous ALGA research it is estimated that a national advertising campaign will cost in excess of \$10 million, and that NSW councils, based on size and population, will be expected to contribute approximately \$2.7million of this amount. This will be contributed to ALGA through the LGSA to coordinate a national advertising campaign.

GPO Box 7003 Sydney NSW 2001
L8, 26 Margaret St Sydney NSW 2000
Tel: (02) 9242 4000 • Fax: (02) 9242 4111
www.lgsa.org.au • lgsa@lgsa.org.au
ABN 49 853 913 882

Whilst ALGA and the State and Territory Associations are yet to determine the scope and content of a national advertising campaign, we do know that funds will be required from each council in NSW, and we hope by alerting you early in your current budget cycle it will allow you to factor this contribution into your budgets for the 2012/2013 and subsequent financial years.

In addition to the national advertising campaign, ALGA has recommended that each State and Territory Association commence their own local 'profile raising' activities, to promote locally the good work Local Government does in their state. The LGSA committed \$100,000 to this profile raising project in 2010/2011 and \$200,000 in the current financial year. This project, including toolkits, will be rolled out in 2012 in NSW.

At our December 2011 Board Meetings, it was agreed that the LGSA budget a further \$1,000,000 over the next two financial years on NSW specific 'profile raising' and promotional activities, in addition to the national advertising campaign. These funds will be drawn from the LGSA's current investments.

It was also resolved that the \$2.7 million required by ALGA for the national advertising campaign be sought from members by way of a special levy. Each councils' share of the levy will be payable in three equal instalments over a three year period, commencing 1 July 2012.

Councils should note that should the referendum or the national advertising campaign not go ahead for any reason, instalments paid to the LGSA will be refunded.

The levy has been calculated using the standard formula used when calculating other similar levies, such as legal assistance calls.

Your council's special levy will be \$20,178.45 plus GST. The Executives of both Associations resolved that this levy will be payable in three equal instalments over three financial years, in order to reduce the financial burden on councils.

We will be in contact with you with an update on the next steps required, following an assessment of Government's response to the report from the Expert Panel on Constitutional Recognition of Local Government. In the meantime, ALGA has developed background information for your council to use, and you are encouraged to view these at their website on <http://www.councilreferendum.com.au> for more information.

In addition to your council's valued financial contribution, there will be supplementary work for all councils to do for this campaign at a local level, and further information will be provided to you in early 2012. In the interim, for more details please call the LGSA's Director, Communications and Campaigns, Megan Graham on 02 9242 4015.

Yours sincerely



Cr Keith Rhoades AFSM
President
Local Government Association of NSW



Cr Ray Donald
President
Shires Association of NSW

6.2.24 FINANCIAL ASSISTANCE – TIER 2 APPLICATIONS

REPORT BY FINANCIAL ACCOUNTANT
FINANCIAL ASSISTANCE – TIER 2
A0100055, A0140201

RECOMMENDATION

That:

- 1. the report by the Financial Accountant on financial assistance applications be received;**
- 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:**

Gulgong Health Service	\$110.00
NAIDOC Week 2012 School Initiatives	\$450.00
Riding for the Disabled Association NSW	\$1000.00
- 3. the rates currently outstanding in respect of the Rylstone Racecourse and payable by the Rylstone District Trainers Group amounting to \$552.50 be met from Councillor Walker's discretionary vote.**
- 4. Council adds a new fee category in the 2012-13 Operating Plan Fees and Charges to provide the Mudgee Showground grassed area at no cost to Riding for the Disabled Association NSW once a week, effective from 1 July 2012 after the 2012-13 Operating Plan is approved.**

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, groups and individuals to make application for financial assistance of up to \$1,000.

Gulgong Health Service

Gulgong Health Service is implementing Aqua Aerobics classes within the district as part of a continuing Health Promotion. This program is open to anyone within the community and will be a free service. They request Council waive the lane hire fee at Gulgong Pool for 10 weeks as a 1 hour per week session. The cost for a lane hire per hour is \$11.00 making this a total of \$110.00 for the duration of time.

NAIDOC Week 2012 School Initiatives

As part of National NAIDOC Week celebrations Koori Kids coordinates, with the support of various government departments and local councils, an educational component to provide a link of cultural diversity to our kids with the NAIDOC Week School Initiative Competitions. Koori Kids is a community organisation that engages young people in a range of school initiatives to promote education and awareness of Aboriginal & Torres Strait Islander culture. The contribution sought is \$450 and will be utilised towards the costs of printing and distributing information packs, posters and entry forms to schools across councils LGA.

Riding for the Disabled Association NSW

Riding for the Disabled Association (RDA) is a not for profit organisation who provides most people with a disability the opportunity to ride and enjoy all the activities connected with horse riding. They are seeking a waiver or reduction in fees for the use of the Mudgee Showground for RDA activities. It is anticipated that the activities will be held once a week commencing in March 2012. Showground training arena fees are \$67.10 per day (Inc GST); approximate hire fees this financial year totals \$1073.60. We recommend that Council donates the maximum Tier 2 grant of \$1000.00.

We also recommend that Council consider providing the grass arena showground facilities to RDA at no cost in the 2012-13 Operating Plan Fees and Charges. RDA estimate use of the facilities one day a week for 46 weeks each year. Using current hire charges this equates to \$3086.60 per annum.

Rylstone District Trainers Group

At the Council Meeting on 21 September 2011, Councillor Walker sought to utilise some of his discretionary vote to pay the rates outstanding on the Rylstone Racecourse to assist the Rylstone Trainers Group and Council resolved to pay their rate instalment of \$179.49 from his discretionary vote. It is now understood that Councillor Walker's intention was to pay the total rates for the year for the Group. In this regard, there is an amount of \$552.50 currently outstanding. Councillor Walker has indicated that he would like this funded from his discretionary vote.

FINANCIAL IMPLICATIONS

Funding of \$22,000 is provided in the Management Plan for Tier 2 Applications (Small Grants) and \$12,908.94 has been allocated to date leaving a balance of \$9,091.06. Should Council approve the donations in accordance with the recommendation, a balance of \$7,531.06 will remain.

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

Cr Thompson	\$1,600.00
Cr Shelley	\$0.00
Cr Walker	\$1,620.51
Cr Webb	\$0.00
Cr Holden	\$2,000.00
Cr Martens	\$1,400.00
Cr Lang	\$1,150.00
Cr Kennedy	\$1,400.00
Cr Weatherley	\$2,000.00

Using current hire rates, should Council agree to provide the showground facilities to RDA at no cost in the 2012-13 Fees and Charges, this equates to revenue forgone of \$3086.60 per annum.

STRATEGIC OR POLICY IMPLICATIONS

Council's Financial Assistance Policy applies.

LETTER OF THANKS

Please see attached a letter of thanks from Amy Penney whom Council resolved to donate \$1000 to in December 2011.



LEONIE JOHNSON
ACTING GROUP MANAGER
FINANCE & ADMINISTRATION

NEIL BUNGATE
FINANCIAL ACCOUNTANT

19 January 2012

ATTACHMENTS:

1. Gulgong Health Service
2. NAIDOC Week 2012 School Initiatives
3. Riding for the Disabled Association NSW
4. Letter of thanks – Amy Penney

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER



Health
Western NSW
Local Health Network

GULGONG HEALTH SERVICE

4th January 2012
Mid-Western Regional Council
PO Box 156
Mudgee NSW 2850

To Whom It May Concern:

This correspondence is in relation to the Gulgong Health Service implementing Aqua Aerobics classes within the district as part of a continuing Health Promotion. Recently health professionals within the service have undertaken training in Aqua Aerobics and are keen to begin classes.

This program is open to anyone within the community and will be a free service. It is envisaged that Council will assist us by waiving the hire fee of our Aquatic Facility enabling the program to be accessed by all.

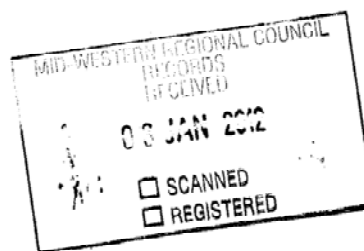
If you require any additional information please do not hesitate to contact us on 63741387.

We hope you can assist us with this matter and we look forward to hearing from you soon.

Regards

A handwritten signature in black ink, appearing to read "Cheryl Cunningham".

Cheryl Cunningham
Enrolled Nurse
Gulgong Health Service



Western NSW Local Health Network
PO Box 13, 112-114 Mayne Street
Gulgong NSW 2852
PH: 02 63741200
Fax 0263742261

'ANNEXURE'**NAIDOC Week 2012 School Initiatives
Koori Kids – Request for financial partnership**

**Mayor,
Chief Executive Officer
CC: Director: Community Services**

REPORT IN BRIEF

Koori Kids is a community organisation that engages young people in a range of school initiatives to promote education and awareness of Aboriginal & Torres Strait Islander culture. Each year Koori Kids conducts the NAIDOC Week School Initiative Competitions for school aged children. This is broken up into primary and secondary school categories being; colouring-in, short story writing and creative and essay writing. Koori Kids is seeking continued support from council and request consideration of council to be an associate partner with a \$450 towards the program

Purpose

The purpose of this annexure to the proposal is to inform council of the Koori Kids 2012 School Initiatives program. The initiatives are coordinated in partnership with Department of Education & Children's Services, Department of Education, Employment & Workplace Relations, Department of Health & Ageing, Catholic Education and Department of Premier & Cabinet.

Koori Kids has provided a proposal and draft entry forms for the 2012 initiatives. The contribution sought (\$450) will be utilised towards the costs for printing and distribution of information packs, posters and entry forms to schools across councils LGA. These initiatives are designed to educate all students on cultural diversity and involve a whole of community approach in the spirit of reconciliation and bringing us 'all together as one community'.

Costing	Description	Cost
Printing	Entry forms – (LGA Schools)	325.00
Distribution	Postage and Delivery	125.00

Summary

This worthwhile cross cultural initiative has been operating very successfully since 2001 and is aligned with NAIDOC Week, celebrated in July each year. Hundreds of entries are received each year from schools within councils LGA, and the success of the program is due in part to the support of councils and partner organisations.

Strategic

Strategic Plan – People and Culture

- A harmonious community based on respect and responsibility, where everyone is valued
- Recognition of Aboriginal & Torres Strait Islander heritage
- Cultural and community activity encouraging harmony and reconciliation

Environmental

The initiatives will enable participants to explore concepts linking environmental; and social/ cultural issues and foster harmony in the community.

Social

The initiatives enables a diverse range of children to benefit from discussion and curriculum topics focused around the development of NAIDOC Week and the broader history of Indigenous culture. A message of support from the Prime Minister forms part of the entry forms.

Recreation

Each year at some of the winning schools Koori Kids host some ‘Healthy Lifestyle Clinics’ with visiting celebrity sports persons the ultimate aim of these clinics is to encourage an active lifestyle; including nutrition, sportsmanship and skill development. All Students participating are provided a T-Shirt, Water Bottle and Ball.

Council Acknowledgement

Council is acknowledged through logo inclusion as an associate partner on information packs sent to schools throughout councils LGA. If there is a winner from a school within council LGA, an invitation for the Mayor and or a representative is invited to attend the school, along with Executive Director, NAIDOC Week Initiatives, Director, Social Wellbeing and other dignitaries to make special presentation of the Prime Ministers NAIDOC Medal and the student’s prize. Media release for the winning school is prepared in consultation with council’s media officer. Council is also forwarded a final report and a special NAIDOC plaque.

Conclusion

The NAIDOC Week School Initiatives are the only activity throughout NAIDOC Week that provides students with an educational component to NAIDOC Week and Indigenous culture and heritage.





Riding for the Disabled Association (N.S.W.) Mudgee Centre

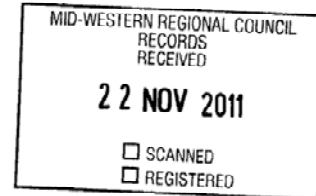
Address: PO Box 1342 Mudgee NSW 2850

website: www.rdansw.org.au

President: David Henderson 63759603

Secretary: Helena Bryan 0422042499

Treasurer: Di Kubowicz 63727107 email di.kubowicz@gmail.com



Your ref: F0650007

Attn: Fiona Hemmy
Customer Service
Mid-Western Regional Council

Dear Fiona

SHOWGROUND BOOKING

Further to our previous correspondence, I would like to book the area of the showground around the Pony Club club house for an RDA open day on Saturday 3 December. I have attached further details of our Public Liability which now names Mid-western Regional Council as the interested party. I have discussed the use of the club house with the Mudgee Pony Club and they are happy for us to use the facilities.

As the RDA is a not-for profit organisation I would also like to apply to Council for a reduction in fees. Please advise me if it is sufficient that I make this application in this letter, or is it necessary for me to follow some other procedure?

Also, as the RDA has not used the showground before, we will need to be advised about the procedure for opening up the gates, the toilets etc. Could you please provide us with this information.

Finally, we will be looking to use the showground facilities next year to run the RDA sessions. As soon as we have fixed a day that we will be meeting on we will contact you again for confirmation of those dates.

Many thanks for your assistance,

Helen Chisholm
Coach Coordinator
17.11.11



Riding for the Disabled Association (N.S.W.) Mudgee Centre

Address: PO Box 1342 Mudgee NSW 2850

website: www.rdansw.org.au

President: David Henderson 63759603
Secretary: Helena Bryan 0422042499
Treasurer: Di Kubowicz 63727107

12.1.2012

Warwick Bennett
General Manager
Mid-Western Regional Council

Dear Sir,

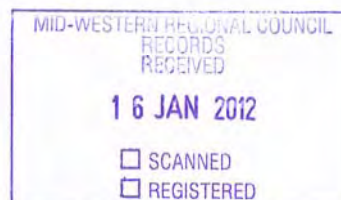
In response to the letter from Brad Cam, dated Dec.1,2011, Mudgee RDA wishes to make an application for a waiver or reduction of fees for the use of the Mudgee Showground for RDA activities.

We are anticipating that these activities will be held once a week with a day to be confirmed.

We trust that our application will be given due consideration before Council @ your next meeting.

Yours sincerely

Pauline Morrissey
Assistant Secretary



1296 Castlereagh Hwy
Apple Tree Flat
Mudgee NSW 2850
January 10, 2012

Mid-Western Regional Council
Market St
Mudgee
NSW 2850

Dear Councillors,

RE: Donation to Amy Penney – Provisional Psychologist

I would like to thank you very much for your kind donation of \$1,000 as an aid to my provisional registration as Psychologist. There are some professional development workshops taking place in Sydney in the months of February and March on adolescent behaviour and mental health which this money will go towards. At this stage I plan to commence voluntary work with Mudgee Psychology in February.

Many thanks again.

Sincerely,

Amy Penney

6.2.25 TARGET COUNTRY PROGRESS REPORT – DECEMBER 2011

REPORT BY GROUP MANAGER - OPERATIONS
 TARGET COUNTRY
 A0100055, P0199811

RECOMMENDATION

That the report by the Group Manager - Operations on the Target Country Progress Report – December 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

Car park – the design quotes are being sought for the car park and construction is expected to start in January 2012.

FINANCIAL IMPLICATIONS

The total project cost is \$2,545,285 (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	\$ 415,000	\$ 414,952
Professional Consultants Costs	\$ 125,000	\$ 93,500	\$ 47,000
Leasing & Selling Costs	\$ 10,000	\$ 10,000	\$ 10,552
Design & Construction Costs	\$1,430,000	\$1,274,285	\$ 152,071
Other Allowances (contingencies)	\$ 147,000	\$ 50,000	\$ 0
Car park	\$ 700,000	\$ 700,000	\$ 0
TOTAL	\$2,424,500	\$2,545,285	\$ 624,575

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

BRAD CAM
GROUP MANAGER - OPERATIONS

5 January 2012

Attachments: 1. Progress Report – December, Minutes - December

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

Contract No.2011/07 – Target Country Construction

Target Country Project Status Report December 2011



Report No. 3

Issue Date: 31 December 2011

Prepared by: Brad Cam
Project Manager

Contents

EXECUTIVE SUMMARY

1.	Project Status	207
1.1	Work Progress during December 2011	Error! Bookmark not defined.
1.1.1.	Subfloor Drainage and Water connections	Error! Bookmark not defined.
1.1.2.	Formwork for ground floor slab	Error! Bookmark not defined.
1.1.3.	Footings poured for disable ramp.	Error! Bookmark not defined.
1.2	Work Activities planned for January 2012	Error! Bookmark not defined.
1.2	Precast tiltup wall panels	
1.2.2.	Roof .structure	Error! Bookmark not defined.
2.	Project Variations	Error! Bookmark not defined.
3.	Contractual Issues	Error! Bookmark not defined.
4.	Progress Payments	Error! Bookmark not defined.
5.	Program	Error! Bookmark not defined.
6.	Project Focus Group	Error! Bookmark not defined.
	Attachments	208

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	\$152,071.98
Total Project Cost Expended	11.9%
Date of Contract	31/10/ 2011
Original Contract Duration	119 calendar days
Approved Extensions of Time Claims	7.5
Contract Completion Date	18th April 2012
Calendar Days Elapsed	40
Calendar Days Remaining	86.5
Total Project Time Expended	33.6%

1.1 Work Progress during December 2011

1.1.1. The plumber has completed all subfloor drainage and water connections

1.1.2. Formwork has been completed and floor slab has been poured

1.1.3. Footings have been poured for disable ramp.

1.2 Work Activities planned for January 2012

1.2.1. The precast tilt-up wall panels will be erected.

1.2.2. The steel roof structure will start to be erected.

2. Project Variations

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

3. Contractual Issues

Nil

4. Progress Payments

1st payment \$152,071.98

5. Program

The Contractor has submitted a program that complies with the Conditions of Contract.

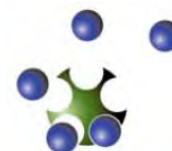
6. Project Focus Group

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 second meeting was held on the 20th December 2011 and the minutes are attached.

Attachments

- A. Variations Register- nil
- B. Meeting minutes- 20 December 2011



TARGET COUNTRY MUDGEES - Project Control Group Meeting

No.2 Meeting Notes / Actions from 20 December 2011

Attendees:

Lessee: Target Country	Peter Samon	PS	Peter.Samon@target.com.au
Builder: CCA	Robert Cordwell	RC	rc@clubconstruction.com.au
	Dean Rheinburger	DR	dr@cubconstruction.com.au
Project Manager: LMG Property	Rhys Brotherton	RB	rhys@imgproperty.com.au
Apologies:	Brad Cam, MWRC	BC	Brad.Cam@midwestern.nsw.gov.au

Item	Action By	By Whom	When
-------------	----------------------	--------------------	-------------

1. Authorities & Approvals

- Target to liaise with Telstra Account Executive and confirm whether existing 10 pair is to be upgraded to 20 pair. PS 23.12.11

2. AFL Administration

- RB confirmed that AFL has been executed by both parties. Note
- LMG noted that external wall signage proposed by Target is not consistent with existing approvals. Target to provide details on back lit letters and additional over door entry sign for Council consideration. PS 23.12.11

3. Design

- CCA confirmed that column relocation has been confirmed by Engineer. Target to confirm setout dimensions for sales counter and column relative to grid A. Note
- Entry door setout and dimensions confirmed as 2200mm wide * 2600mm high with glazed highlight over Note
- Window merchandise platform – CCA to confirm platform / stair requirements with Certifier. Vinyl floor finish to be installed by Target. Rendered blockwork to include KD trim on top edge to terminate vinyl. Rise adjacent entry to remain open (ie gate to be deleted) Note
- Proposed glass balustrade, kick plate and handrail discussed approved in principle. Posts to be cored into slab. Note
- CCA to provide as built dimensions of ramp and stair for Project Architect to amend and issue updated base plans RC 23.12.11
- MSB position noted and agreed Note
- Set out of completed stud wall to grid A confirmed as consistent with D11 Rev D PS 23.12.11
- Target to provide details on preferred fire line monitoring contractor & fire panel specification PS 23.12.11
- CCA to research options for facade moulding and provide recommendation with due regard to cockatoo damage and ground level strength. RC 16.01.12
- Roof access stair discussed and agreed in principle. Condensor platform to be setback to facilitate 1800mm door opening. CCA to provide markup confirming 1200mm landing and offset distance of ladder base. Comms cabinet may need to be relocated. RC 23.12.11
- Electrical comments issued by Target on 8 Dec. Amended drawings to be issued by CCA for final approval PS 23.12.11
- Switchboard shop drawings approved 15 Dec Note
- Mechanical services design approved 16 Dec including ducted split system to offices. Thermostat locations confirmed. Note
- CCA noted dimension discrepancies between architects drawings and Target drawings. CCA confirmed that roller shutter width and bollard setout is as per Developer's architectural drawings. Note

- CCA to seek architect's recommendation on preferred colours for window frames and louvers. Target expressed preference for natural anodised balustrade. RC 23.12.11

5. Construction

Note

- LMG noted 8 days EOT claimed this month for wet weather (total 11.5 days). Note
- Slab pour scheduled for 21st Dec. Precast panels 75% complete. Note
- Based on review of detailed program and consideration of Easter Shutdown revised Handover is anticipated 27th April and Opening 15th June
- Rhondo Screw fixing noted for ceiling grid Note
- Target to install flat plate to existing pour joints (Grids 4 & 6) and concrete / suspended interface (Grid 3). CCA to install expansion plate between existing and new slab (Grid C) Note
- CCA advised that they made a request to Country Energy to consider overhead power connection to corner of building extension (Grid 2D) in lieu of underground pillar connection originally proposed. CCA to confirm details for LMG approval prior to proceeding.. Note
- CCA confirmed Christmas shutdown between 23rd Dec and 8 Jan Note

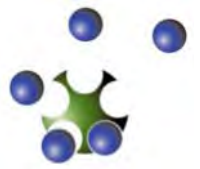
6. Cost Admin

- CCA confirmed Progress Claim No.1 has been paid. Claim No.2 to be submitted by 23rd Dec. Note
- Variation 1 approved. Estimated cost of \$6,204 plus GST to be reviewed following confirmed details and subcontract quotes Note
- CCA noted pending variations yet to be priced include suspended display floor, data / UPS Note

7. Next Meeting

Tues 31st January

**MID-WESTERN REGIONAL COUNCIL
ORDINARY MEETING – 1 FEBRUARY 2012**



LMG Property Pty Ltd
Project & Development Managers

PROGRESS PHOTOS AS AT 20 DEC



6.2.26 ROADS TO RECOVERY PROGRAM SUPPORT

REPORT BY BUSINESS MANAGER WORKS
ROADS RECOVERY PROGRAM SUPPORT
A0100055, R0790005

RECOMMENDATION

That:

1. the report by Business Manager Works on the Roads to Recovery Program Support be received;
2. Council confirms its strong support for the Roads to Recovery program and the General Manager write to the Local Federal Member indicating this Councils strong support of the Roads to Recovery programme.

EXECUTIVE SUMMARY

The Roads to Recovery program has been funding local roads since 2000. In the current program, 2009 to 2014, Council have been allocated funding of \$5,310,243 including this year's allocation of \$1,062,049. This program is due to end in 2014.

The Australian Local Government Association has launched a campaign to increase Roads to Recovery Funding and make the program permanent. They have requested that Council support their campaign by passing a resolution in support of the program and writing to local members.

DETAILED REPORT

The Australian Local Government Association has produced a booklet demonstrating some of the projects funded by Roads to Recovery across Australia.

Two projects undertaken by Mid Western Regional Council feature in this booklet and are the only projects featured from NSW.

FINANCIAL IMPLICATIONS

The Roads to Recovery program provides funding of just over \$1 million annually for the local roads. Loss of this funding will significantly impact on Council's funds to perform capital road improvements and upgrades.

STRATEGIC OR POLICY IMPLICATIONS

The loss of the Roads to Recovery Funding will impact on the number of capital works projects that can be undertaken each year.

SALLY MULLINGER
BUSINESS MANAGER WORKS

BRAD CAM
GROUP MANAGER
OPERATIONS

16 January 2012

- ATTACHMENTS:
1. Roads to Recovery Booklet 'Funding the Future' (Following at the end of the business paper)
 2. R2R Postcard

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER



Roads to Recovery - Funding Our Future

Dear Mayors, Councillors, Aldermen and Shire Presidents,

The funding of local roads into the future has important access and safety implications for communities across Australia. The Roads to Recovery program has been funding local roads since 2000. This program is due to end in 2014.

I urge you to sign on to ALGA's campaign to increase Roads to Recovery funding and to make this program permanent. Permanent funding will allow your council to carry out this important work for your community.

Please make sure your Council passes a resolution in support of Roads to Recovery and that you write to your local federal member in support of this campaign.

Yours Sincerely,

Mayor Genia McCaffery
President, ALGA

6.2.27 BASE DATE 1 JULY 2011 GENERAL REVALUATION SUMMARY

REPORT BY MANAGER REVENUE & PROPERTY
REVALUATION 1 JULY 2011 SUMMARY REPORT
A0100055, A0340046, A0340047, A0340003

RECOMMENDATION

That:

- 1. the report by Manager Revenue & Property on the Base Date 1 July 2011 general revaluation summary be received and noted;**

EXECUTIVE SUMMARY

To provide Council with a summary of the general revaluation of properties within Mid-Western Regional Council's area.

DETAILED REPORT

The Valuer General's Department has revalued the Mid-Western Regional Council's area. The new values have a base date of 1 July 2011 and will be used for the first time in the 2012/2013 rating year, 1 July 2012 to 30 June 2013.

Council's total general purpose income from rates does not change as a result of property values rising due to the land revaluation. When the total land value for the region increases because of the revaluation, the general purpose rates for all ratepayers must be adjusted to take into account these changes in property values, without increasing the previous general purpose rate revenue except as increased by any IPART permitted increase.

Increases and decreases in land values to individual properties will not necessarily mean an increase or decrease in an individual's general purpose rates. An individual's general purpose rate will increase or decrease depending upon whether their property's change in value is in line with the average of all other land valuations within the rating category or sub-category. If it is in line, then their general purpose rate will stay approximately the same (subject to rate pegging). If their property's value increases or decreases more than the average within the rating category or sub-category, then the general purpose rate may increase or decrease accordingly.

A comparison of the total land value for the Mid-Western Regional Council area as at base date 2007, to that of base date 2011, indicates a 6.17 % variation.

However, a comparison of valuation changes between rating categories and sub-categories indicates a number of variances. Variances in relation to rating categories and sub-categories are:-

- Business; 2.0%
- Farmland; 11.7%
- Mining Coal; 36.4%
- Mining; 0.00%
- Residential Urban & Rural; 2.6%
 - Residential Urban only; -1.1%
 - Residential rural only; 8.2%

Generally, an individual whose property value changed consistently with the overall average movement within the relevant rating category or sub-category as indicated above, will not see a dramatic movement in their general purpose rate for 1 July 2012 (other than that of rate pegging).

The attached analysis has primarily been produced to highlight the impact of the change from 2007 to 2011 base date valuations. The total revenue for 2011/2012 has been maintained for each rating category and sub-category to draw attention to the effect of the general revaluation changes. The models also identify those properties where land values have either increased or decreased dramatically above or below the overall average movement within categories.

The Valuer General intends to post the base date 1 July 2011 Notice of Valuation to every property owner on 1 February 2012. Property owners will have until 13 April 2012 to lodge any valuation objections with the Valuer General. Information leaflets will accompany the Notice of Valuations to explain the revaluation process, including the process of objecting to the land value on the Notice of Valuation. Copies of these publications are also attached to this report.

FINANCIAL IMPLICATIONS

The general revaluation will not change Council's total general purpose income from rates. Council's total general purpose rate income for 2012/2013 will increase by the IPART permitted rate pegging increase (yet to be adopted by Council). Changes in general purpose rates for individual property owners will vary according to the relative change in individual valuations as explained above and referenced in the attachments.

STRATEGIC OR POLICY IMPLICATIONS

Specifically, Council's Hardship Provision – Rates & Charges Policy (citing Section 601 LGA) is in place to provide assistance, where possible, to those ratepayers who suffer substantial financial hardship as a consequence of the amount of general purpose rates levied as a result of the revaluation. Council's Debt Recovery Policy may also provide some assistance in relation to payment arrangement plans.

DIANE SAWYERS
MANAGER REVENUE & PROPERTY



LEONIE JOHNSON
ACTING GROUP MANAGER FINANCE & ADMINISTRATION

17 January 2012

ATTACHMENTS: (following at the end of the business paper)

1. Analysis
2. Valuer General Publications

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.28 REVENUE POLICIES

REPORT BY MANAGER REVENUE & PROPERTY
REVENUE POLICIES REVISED
A0100055, A0340046 A0340047, A0340005, A0340007, A0140326

RECOMMENDATION

That:

1. **the report by the Manager Revenue & Property on the Hardship Provisions – Rates and Charges policy, the Debt Recovery policy and the Categorisation As Residential For Rating Purposes policy be received; and**
2. **Council adopt the following revised policies:**
 - **Hardship Provision – Rates and Charges**
 - **Debt Recovery**
 - **Categorisation As Residential For Rating Purposes**

EXECUTIVE SUMMARY

The existing Hardship Provision policy, the Debt Recovery policy and the Categorisation As Residential For Rating Purposes policy have been reviewed and proposed amendments made as part of Council's ongoing policy review program.

DETAILED REPORT

The proposed changes to the Hardship Provision policy incorporate a number of the guidelines as outlined by the Local Government Association of NSW and the Shires Association of NSW in the publication, *Guidelines For a Council Rates Hardship Policy*, dated August 2011. The proposed changes are consistent with the intent of the existing policy, whilst clarifying the definitions, provisions and procedures within the Policy. In order to facilitate document control, the application that is required to be completed by a ratepayer seeking hardship assistance will no longer form part of the Policy.

The proposed changes to the Debt Recovery policy are consistent with the intent of the existing policy, and are primarily wording changes and amendments to reflect the scope of Council's current business operations.

The proposed changes to the Categorisation As Residential For Rating Purposes policy are consistent with the intent of the existing policy, and are primarily wording changes.

All proposed changes are shown as "track changes" on the copies of the policies attached to this the report.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

The Hardship Provision policy, the Debt Recovery policy and the Categorisation As Residential For Rating Purposes policy will be amended in accordance with Council's decision.

DIANE SAWYERS
MANAGER REVENUE & PROPERTY



LEONIE JOHNSON
ACTING GROUP MANAGER
FINANCE & ADMINISTRATION


17 January 2012

ATTACHMENTS:

1. Hardship Provision Policy
2. Debt Recovery Policy (with track changes)
3. Categorisation As Residential For Rating Purposes (with track changes)

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

	POLICY	ADOPTED C/M 21/10/2009 Minute No. 233/09
	Hardship Provision – Rates and Charges	REF: REV: 1 FILE No. A0140326

PURPOSE

The purpose of this policy is to provide a framework for assessing and processing requests for financial assistance from ratepayers who are suffering substantial financial hardship with the payment of their rates and charges.

OBJECTIVES

The objectives of this policy are to:

Provide assistance where possible, in accordance with the Local Government Act 1993 NSW and the Local Government (General) Regulation 2005 NSW, to those ratepayers who are experiencing substantial financial difficulties in paying their rates and charges.

Provide an administrative process to determine hardship applications.

RELEVANT LEGISLATION

Local Government Act 1993 NSW

Local Government (General) Regulation 2005 NSW

Valuation of Land Act 1916 NSW

RELATED POLICIES and PLANS

Debt Recovery Policy

Privacy Management Plan

BACKGROUND

This policy recognises that due to exceptional circumstances, ratepayers may at times encounter difficulty in paying rates and charges. The policy provides the framework to be followed in providing assistance to those ratepayers who are suffering substantial financial hardship. A ratepayer in substantial financial hardship is someone who is identified by themselves, the Council or an independent financial counsellor as having the intention, but not the financial capacity to make the required payments within the timeframe set out in the rates and charges notice. Where a ratepayer falls within this definition, the Council may apply its Hardship Provision – Rates and Charges policy.

1. POLICY

1.1 The Local Government Act 1993 NSW (LGA) specifies a range of assistance measures that Council can provide to ratepayers who are experiencing substantial financial hardship, including those addressed in this policy - Sections 567 and 601.

2. Eligibility

2.1 This Policy is available to the ratepayers of all land categorised as Residential or Farmland for rating purposes within the Mid-Western Regional Council local government area, subject to a number of limitations as disclosed in the “definitions” and “provisions” sections of this Policy.

3. Definitions

3.1 Ratepayer – the person liable for payment of the rates of the property for which hardship is being claimed.

3.2 Residential or Farmland categorisation for rating purposes– all land categorised as Residential or Farmland for rating purposes in accordance with S515 and S516 LGA.

3.3 Principal place of residence – the property that the ratepayer occupies as their sole or dominant residence.

3.4 Property ownership qualifying period – the applicant having been the ratepayer on the property for which the application is being made for a period of not less than 1 year.

3.5 Mixed developments – those properties that are subject to a Mixed Development Apportionment Factor (MDAF) furnished to Council by the Valuer General and are rated in accordance with the MDAF as part Residential and part Business. The part of the property that is subject to an MDAF and rated as Residential only, is to be considered in the calculation of the increase.

3.6 Rates payable calculation test – the increase in the general rates levied as a result of a General Revaluation must be, at the minimum, 25% above the previous year’s rate levy, including any permissible rate increase adopted by Council in accordance with S506 & S508A LGA.

4. LGA, Section 567(c): Writing off of accrued interest

4.1 Accrued interest on overdue rates and charges may be written off where payment of the accrued interest would cause the ratepayer financial hardship.

4.2 Provisions

4.3 The applicant/s must be the ratepayer/s of the property.

4.4 The property for which the ratepayer/s is requesting assistance is the only property in which the ratepayer/s has an interest.

4.5 The property must be the ratepayer/s principal place of residence.

4.6 The property must be land categorised as either Residential or Farmland for rating purposes.

4.7 The residential component of mixed developments will only be considered for the hardship provision assistance.

4.8 The ratepayer/s must enter into a payment agreement in accordance with S564(1) LGA, facilitated by Council’s Debt Recovery Policy, for settlement of the overdue rates and charges.

4.9 Interest on overdue rates and charges will be written off, provided that the ratepayer/s honours the payment agreement entered into in accordance with S 564(1) LGA relating to the payment of the overdue amounts. If the payment agreement is not adhered to, the accrued interest on the overdue rates and charges will not be written off.

5. LGA, Section 601: Hardship Resulting from certain Valuation Changes

5.1 A ratepayer who suffers substantial financial hardship as the consequence of the making and levying of a rate on the most recent valuation may apply to Council for deferral of payment of the calculated amount as stipulated in the Provisions, below. The rate will not be waived or reduced.

5.2 Provisions:

5.3 Assistance is only available in relation to general purpose rates. No assistance is provided for any other charges or special rates levied on the property.

5.4 Assistance is only available in the first year that the new valuations are used to levy the general purpose rate, i.e. only to 30 June of the financial year in which the general purpose rate was levied.

5.5 The application must be made within 3 months of the posting date of the Rates and Charges Notice in the first year of the use of the General Revaluation for rating purposes.

5.6 The applicant/s must be the ratepayer/s of the property and satisfy the property ownership qualifying period.

5.7 The property must be the ratepayer/s principal place of residence.

5.8 The property must be land categorised as either Residential or Farmland for rating purposes.

5.9 The residential component of mixed developments will only be considered for the hardship provision assistance.

5.10 Applications for assistance must meet the 'Rates payable calculation test'.

5.11 The ratepayer/s must enter into a payment agreement in accordance with S564(1) LGA, facilitated by Council's Debt Recovery Policy, for settlement of the deferred amount.

5.12 Interest on outstanding deferred amounts will not accrue, provided that the ratepayer/s honours the payment agreement entered into in accordance with S 564(1) LGA relating to the payment of the deferred amount. If the payment agreement is not adhered to, interest, in accordance with S566 LGA, will apply from the date of the default..

6. PROCEDURE

6.1 Applications for Hardship Provision – Rates and Charges must be made on the Hardship Assistance application form available from Council's website or from any of Council's offices.

6.2 All Hardship Provision – Rates and Charges applications will be determined in accordance with Council delegations and where considered necessary, will be discussed only in a meeting of Closed Council.

6.3 Further information, supporting documentation or an interview with the ratepayer/s may be requested, if considered necessary, to fully understand the issues causing hardship.

6.4 All Hardship Provision – Rates and Charges applicants will be advised in writing of Council's decision within 30 days of receipt of the application.

6.5 Any applicant dissatisfied with Council's decision may request that the application be reconsidered. Such requests must be made within 7 days of being advised that the initial application was unsuccessful.

6.6 All applicants have the obligation of informing Council within 21 days of any change in circumstances that may affect ultimate eligibility under the Hardship Provision – Rates & Charges.

6.7 All data collected through the Hardship Provision – Rates and Charges process will be dealt with by way of Council's Privacy Management Plan..

6.8 Sections 564(2), 567(a) and 567(b) LGA allow Council to write off or reduce interest accrued on rates and charges if a person complies with an agreement as to periodical payment or if the person was unable to pay the rates and charges by the due date for reasons beyond that person's control. These Sections do not refer to financial hardship and are therefore covered in Council's *Debt Recovery Policy*.

VARIATION

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.



HARDSHIP PROVISION – RATES AND CHARGES APPLICATION

Property Address _____

Property Number _____

Office Use Only

I, _____

Phone _____ Mobile _____

Email _____

1. PROPERTY INFORMATION

- a) Is this property your principal residence? Yes No
- b) Is any part of the property tenanted? Yes No
- c) Do you own the property:
 - a. By yourself? Yes No
 - b. With a spouse? Yes No
 - c. With other person/(s)? Yes No
- d) How many people live at the property? _____
- e) Do you own or have an interest in any other land or building? Yes No

If yes, please provide address(es) _____

2. HARDSHIP DETAILS

a) What is the cause of the hardship?

b) How long have you been experiencing this hardship? _____

3. INCOME

a) How much do you receive in pensions and benefits? \$ _____

b) How much do you receive in wages/other service income? \$ _____

c) Any other source of income (insurance payments, rentals etc) \$ _____

d) Spouse's total income \$ _____

e) Income of any other person residing at the property \$ _____

f) Family Maintenance Income \$ _____

g) Name & current balance of all bank, building society, credit union etc savings accounts

_____	\$	_____
_____	\$	_____
_____	\$	_____
_____	\$	_____

4. EXPENDITURE COMMITMENTS

<i>Commitment type</i>	<i>To Whom</i>	<i>Amount Owed</i>	<i>Amount</i>
a) Home Loan Repayments	_____		\$ _____
b) Other Mortgages	_____		\$ _____
c) Personal Loans	_____		\$ _____

_____ \$ _____

_____ \$ _____

d) Credit Cards

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

e) Health costs (where hardship relates to serious illness)

_____ \$ _____

_____ \$ _____

_____ \$ _____

5. OTHER RELEVANT INFORMATION

To be completed if you believe it will assist in the assessment of your application

	POLICY	ADOPTED C/M 17/12/08 Minute No. 293/08
	Debt Recovery	REF: insert reference REV: 2:1:2008 FILE No. A0100021

OBJECTIVE:

The objective of this policy is to provide a framework for the efficient and effective collection of outstanding debts; and fulfil statutory requirements in relation to the recovery of rates, charges, fees and other debts.

Council has a responsibility to ensure monies owed to it are recovered in a timely, effective and efficient manner to finance its operations and ensure effective cash flow management. Whilst carrying out this responsibility, Council will:

- Treat all people fairly and consistently under this policy;
- Treat all matters under this policy confidentially; and
- Treat people with respect and sensitivity in considering their circumstances.

RELEVANT LEGISLATION

- Local Government Act 1993 [NSW](#)
- Local Government (General) Regulation 2005 [NSW](#)

RELATED POLICIES and PLANS

- Hardship Provision [– Rates and Charges](#)
- Pensioner Concessions
- Credit Policy
- [Privacy Management Plan](#)

RATES and CHARGES**Due Dates**

Chapter 15 Part 7 of the Local Government Act 1993 sets out the requirements for payment of rates and charges.

Annual rates and charges may be paid in a single instalment or by quarterly instalments. If a payment is made in a single instalment, the instalment is payable by 31 August. If payment is made by quarterly instalments, the instalments are payable by 31 August, 30 November, 28 February and 31 May.

Council is to issue a quarterly reminder notice for the payment of an instalment at least 30 days before the due date of the instalment.

Overdue Amounts

~~Ratepayers Overdue accounts, where the ratepayer/s has who have~~ not made a suitable arrangement with Council for the payment of the debt or ~~have has~~ defaulted on an initial arrangement, are to be forwarded to Council's nominated Debt Collection Agency for the recovery process in the following circumstances:

- (i) ~~Ratepayer's Rate~~ accounts that show arrears as at 1 July of any year be forwarded to the Debt Collection Agency in July;
- (ii) ~~Ratepayer's Rate~~ accounts that show the first rate instalment as unpaid be forwarded to the Debt Collection Agency in September;
- (iii) ~~Ratepayer's Rate~~ accounts that show the second rate instalment as unpaid be forwarded to the Debt Collection Agency in December;
- (iv) ~~Ratepayer's Rate~~ accounts that show the third rate instalment as unpaid be forwarded to the Debt Collection Agency in March;
- (v) ~~Ratepayer's Rate~~ accounts that show the fourth rate instalment as unpaid be forwarded to the Debt Collection Agency in June;

with the exception of those outstanding debts generated by the Farmland Category during exceptional circumstances such as drought or flood. ~~The Ratepayer is to contact Council in the first instance, with a view to putting in place a suitable arrangement for payment. The General Manager is to determine the special circumstances.~~

Suitable Arrangements

Ratepayers may make a suitable arrangement with Council at any time for the payment of their rates, including those accounts already with the Debt Collection Agency.

All arrangements for payment should clear the total outstanding debt by the end of the current financial year or within a twelve month period at the latest. ~~Such arrangement may be approved by Customer Services and or Revenue Staff.~~

The General Manager is to approve arrangements for payment where the proposed payment arrangement will not clear the debt within a twelve month period, including proposed arrangements for Farmland category during periods declared exceptional circumstances.

In accordance with Section 568 Local Government Act 1993, money paid in respect of rates or charges levied on land is to be applied towards payment of those rates or charges in the order in which they became due.

Debt Collection

~~The General Manager is to determine the special circumstances and subsequent suitable arrangements for payments, which are to apply for those ratepayers in the Farmland Category and subject to those special circumstances.~~

The following procedure is to be employed by Council's Debt Collection Agency:

Step 1 - First letter of demand sent to ratepayer by Debt Collecting Agency

~~Recovery proceedings shall not be commenced until after the expiration of 14 days after the debt becomes due. A first letter of demand is to be forwarded to the debtor notifying that unless the account is paid, in full, within 14 days of the date of the letter or a suitable arrangement made, legal action will commence for the outstanding amount.~~

Step 2 - Second letter of demand sent to the debtor by Debt Collection Agency

Where the debt value is less than \$400, a second demand letter will be sent to the debtor where a response or payment has not been received as a result of the first letter of demand.

OR

Step 2 – Notice to the Occupier is Issued

Where a response to Step 1 is not received, a notice under Section 569 of the Local Government Act 1993 may be issued.

Step 3 - Statement of Liquidated Claim issued

Where a response to Step 1 is not received and the debt is over \$400, a Statement of Liquidated Claim is to be issued through the Local Court at Mudgee by the Debt Collection Agency.

Step 4 - Judgment

Where a response to the Statement of Liquidated Claim is not received, default judgment is to be entered by the Debt Collection Agency.

Step 5 - Warrant issued

On the entry of judgment and the failing of the debtor to enter into a payment arrangement, a warrant is to be issued by the Court against the debtor to recover personal property.

OR

Step 5 - Garnishee issued

Where subsequent details are known and an arrangement is not maintained, a garnishee is to be attached to the debtors wage in recovery of the debt. A summons process is initiated with the court.

OR

Step 5 - Oral Examination Summons Issued

Oral examination summons action is taken when there is insufficient knowledge to effectively use a garnishee or warrant. This summons requires the debtor to attend court and be questioned as to the debtor's current financial situation and ability to meet Council's claim.

Council's Revenue staff will determine whether a notice to the occupier, warrant, garnishee or oral examination summons will be issued or commenced, based on the individual circumstances of the debtor.

OR

Step 5 - Bankruptcy and Winding Up Proceedings

Bankruptcy and winding-up proceedings, authorised only by the General Manager, will commence if the debt is in excess of \$2,500 and previous action has secured judgement.

Step 6 – Sale of Land for Unpaid Rates and Charges

Where steps 1 to 5 have been unsuccessful, the General Manager is to commence a sale of land for unpaid rates and charges, in accordance with [Chapter 17, Part 2 Division 5, Section 713](#) of the Local Government Act 1993.

All debt recovery costs and fees associated with any course of action are to be borne by the owner of the debt and will subsequently remain a charge on the property until paid. The debt recovery costs and fees are to be charged in accordance with Council's Annual Fees and Charges.

WATER USAGE CHARGES

Due Dates

Water meters are read three times a year and accounts are sent to the property owners after each meter reading. The due date for payment is 14 days from the date of the Water Consumption Charge Notice.

Overdue Amounts

Water usage accounts are considered overdue immediately following the due date.

Suitable Arrangements

An arrangement may be made with Council at any time. A suitable arrangement is one by which the total debt is cleared by the end of the month in which the next meter reading is scheduled.

Money paid in respect of rates or charges levied on land is to be applied towards payment of those rates or charges in the order in which they became due.

Debt Collection

The following procedure is to be employed to secure the payment of any overdue water usage account where a suitable arrangement has not been agreed upon.

Step 1 – Overdue water notice reminder issued

At the expiration of 14 days after the due date of the Water Consumption Charge Notice, if an account remains unpaid and no satisfactory payment arrangement has been made, an overdue water notice reminder is issued

Step 2 – Water restriction notice issued

At the expiration of 14 days after the due date of the overdue water notice reminder, if an account in excess of \$100 remains unpaid or no satisfactory payment arrangement has been made, a water restriction notice is issued. The due date for payment is 14 days from the date of the water restriction notice. A restriction/disconnection notice penalty, as per Council's Fees and Charges, applies to the issue of this notice.

Step 3 – Water restricted

At the expiration of 14 days after the due date of the water restriction notice, if no payment or satisfactory payment arrangement has been made, a notice of intention to restrict water supply is issued. The restriction device is to be fitted to the water meter connected to the property on, or soon after a nominated date. A restriction action notice penalty, as per Council's Fees and Charges, applies to the issue of this notice

Step 4 – Water disconnected

At the expiration of 14 days after the ~~the~~ restriction device has been fitted to the water meter, if an account remains unpaid or no satisfactory payment arrangement has been made, a notice of intention to disconnect, authorised only by the General Manager, may be issued. The disconnection of the water meter connected to the property will occur on, or soon after a nominated date. A restriction/disconnection notice penalty, as per Council's Fees and Charges, applies to the issue of this notice. A service disconnection/reconnection fee, as per Council's Fees and Charges also applies.

Step 5 – Referral to Debt Collection Agency

If after water restrictions or disconnection have been put in place and the debt remains outstanding, the recovery of the debt may be forwarded to Council's Debt Collection Agency. In such instances, the Debt Collection Procedures in Steps 1 to 5 as listed in the Rates [and Charges](#) section of this policy are to apply.

All debt recovery costs and fees associated with any course of action are to be borne by the owner of the debt and will subsequently remain a charge on the property until paid. The debt recovery costs and fees are to be charged in accordance with Council's Annual Fees and Charges.

GENERAL DEBTORS

This encompasses all amounts owing to Council excluding ~~Rates~~ [rates](#) and ~~Annual C~~ [charges](#), ~~Water~~ [water usage](#) ~~A~~ [accounts](#), and ~~Government~~ [government](#) ~~Grants~~ [grants](#).

Due Dates

Council issues debtor accounts for numerous services. These services include, but are not limited to, trade waste services, private works, ~~tourism contributions~~, ~~childcare~~, staff uniforms, airport usage and property rentals.

Accounts are generally issued on a weekly, fortnightly or monthly basis. ~~Trading terms are generally normally~~ 30 days from date of invoice, available to credit-approved applicants only. Services such as ~~childcare private works, facilities hire and cemetery fees~~ are payment in advance, in accordance with individual service policies; [refer to Credit Policy](#).

Overdue Amounts

~~Other~~ [General](#) debtor accounts are considered overdue immediately following the due date.

Council reserves the right to deny access to Council facilities or suspend services or suspend credit terms to customers with overdue amounts; [refer to Credit Policy](#).

Suitable Arrangements

An arrangement may be made with Council at any time. ~~A suitable arrangement is one by which the total debt is cleared within 90 days of the original due date of the invoice(s) in question.~~

Money paid in respect of other debtor amounts is to be applied towards payment of those amounts in the order in which they became due.

Council reserves the right to deny access to Council facilities or suspend services or suspend credit terms to customers who fail to honour payment arrangements; [refer to Credit Policy](#).

Debt Collection

The procedure for the collection of debts due to Council will follow those procedures outlined in Steps 1 to 5 of the Rates section of this policy, as well as those outlined below.

OTHER DEBT COLLECTION CONSIDERATIONS

Where a matter proceeds to a pre-trial consultation or a hearing, Council's Solicitor is to be instructed to act on Council's behalf.

Interest is applied to all outstanding rates and water usage charges [and general debtor fees and charges where deemed](#), whether a suitable agreement is in place or not. ~~The interest rate is determined by Council as part of adopting the Management Operational~~ [Management](#) Plan. Interest commences to accrue on unpaid rates and water usage charges [and general debtor fees and charges where deemed](#), as soon as practical after the due date.

Interest is applied to ~~other~~ [general](#) debtors where deemed, ~~overdue~~ in accordance with the Fees & ~~Charged~~ [Charges](#) adopted within the ~~Management Operational~~ [Management](#) Plan.

The General Manager has delegated authority to write-off rates, fees, charges and other debts, in accordance with Section 131 of the Local Government (General) Regulation 2005, up to and including an amount resolved by ~~council~~ [Council](#). This amount is currently set at \$2,500.-


The ~~Revenue Supervisor~~Manager Revenue & Property—and Assistant ~~Revenue Supervisor~~Manager Revenue & Property have delegated authority to write off interest that has accrued on rates, charges, fees and other debts up to \$10 where the ~~person~~ratepayer/s was unable to pay the rates and charges when they became due and payable for reasons beyond their control; (refer Sections 567(a) & (b) LGA).

The General Manager is to be advised by the Manager Revenue & Property ~~Revenue Supervisor~~ or Group Manager Finance & Administration of any staff member or Councillor ~~that whose overdue account~~ has been referred to Council's Debt Collection Agency.

Council's Finance Staff be required to act as authorised officers in relation to the recovery of rates and charges where that nominated person is required to represent Council at Court.

VARIATION

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.

	POLICY	ADOPTED C/M 20/5/2009 Minute No. 94/09
	Categorisation As Residential For Rating Purposes	REF: insert reference REV: FILE No. A0340007

OBJECTIVE

- a) To provide clear guidelines and procedures in relation to the assessment of rateable land parcels for the categorisation as Residential for rating purposes and ensure that all residential assessments are determined using consistent measures.
- b) To ensure that the guidelines and procedures are implemented efficiently and effectively.
- c) To provide staff with authority to assess rateable land parcels for the categorisation of rate assessments as Residential for rating purposes.
- d) To afford efficient assessment of residential rating entitlement for land which is readily to be accepted as residential and to make transparent the criteria for assessment.
- e) Where a parcel of land is not initially accepted as qualifying for residential rating further assessment criteria and methods are identified.

RELEVANT LEGISLATION

Local Government Act 1993 NSW
Local Government (General) Regulation 2005 NSW
Valuation of Land Act (1916) NSW

RELATED POLICIES and PLANS

[Privacy Management Plan](#)

POLICY**GUIDELINES FOR ASSESSMENT OF RATEABLE LAND PARCELS FOR CATEGORISATION AS RESIDENTIAL FOR RATING PURPOSES:-****THE LOCAL GOVERNMENT ACT 1993 NSW**

In relation to the determination of rateable land parcels for categorisation as residential for rating purposes, Section 516 Local Government Act, 1993, as amended applies -

(1) Land is to be categorised as "residential" if it is a parcel of rateable land valued as one assessment and:

(a) its **dominant** use is for residential accommodation (otherwise than as a hotel, motel, guest-house, backpacker hostel or nursing home or any other form of residential accommodation (not being a boarding house or a lodging house) prescribed by the regulations), or

(b) in the case of vacant land, it is zoned or otherwise designated for use under an environmental planning instrument (with or without development consent) for residential purposes, or

(c) it is rural residential land.

(1A) For the purposes of this section, a "boarding house" or a "lodging house" means a building wholly or partly let as lodging in which each letting provides the tariff-paying occupant with a principal place of residence and in which:

- (a) each tariff charged does not exceed the maximum tariff for boarding houses or lodging houses for the time being determined by the Minister by order published in the Gazette for the purposes of this subsection, and
- (b) there are at least 3 tariff-paying occupants who have resided there for the last 3 consecutive months, or any period totalling 3 months during the last year,

and includes a vacant building that was so let immediately before becoming vacant, but does not include a residential flat building, licensed premises, a private hotel, a building containing serviced apartments or a backpacker hostel or other tourist establishment.

(2) The regulations may prescribe circumstances in which land is or is not to be categorised as residential.

Vacant Land

Refer Sections 516(1)(b) and 519 Local Government Act 1993 NSW

Local Government (General) Regulation 2005 NSWs

In relation to the determination of rateable land parcels for categorisation as residential for rating purposes, the following Local Government (General) Regulations ~~ss Relating relating To to~~ Residential categorisation apply:-

Prescribed by Regulations –

516(2) The regulations may prescribe circumstances in which land is or is not to be categorised as residential

This regulatory power has been used in the *Local Government (General) Regulation 2005*, in clauses 121 & 122:

- 121. If the dominant use of the land is for a caravan park or a manufactured home estate, the land is not to be categorised as residential for rating purposes.
Manufactured home and *manufactured home estate* are defined in the Dictionary to the Act.
- 122. If the dominant use of the land is for a retirement village, serviced apartments or a time-share scheme, the land is to be categorised as residential for rating purposes.

Mixed Development Rating

Section 518B of the Local Government Act allows for a property to receive-be levied with a combination of Residential and Business rates due to the property having dual usage.

Local Government Act 1993 518B Mixed Development Land -

(1) Definitions In this section, "mixed development land" and "non-residential land" have the same meanings as in section 14BB of the Valuation of Land Act 1916.

(2) Categorisation of parts of mixed development land if a valuation is furnished under the Valuation of Land Act 1916 for mixed development land:

(a) the part of the land that is non-residential land is taken to have been categorised as business, and

(b) the part of the land that is not non-residential land is taken to have been categorised as residential,

despite sections 515-518.

(3) *Sub-categories* The council may determine a sub-category for a part of land to which subsection (2) applies according to the category determined by that subsection for the part.

(4) *Apportionment of rates and charges.* A rate, the base amount of a rate, or the minimum amount of a rate or of a charge, that is made and levied according to categories or sub-categories of land is to apply to a parcel of mixed development land according to the percentages represented by the apportionment factor for the parcel ascertained under section 14X of the [Valuation of Land Act 1916](#).

Considerations For Assessment Of Rateable Land Parcels For Categorisation As Residential For Rating Purposes In Relation To Determining Dominant Use

For those properties where a mixed development factor (MDAF) cannot be obtained, dominant use of that property must be established for rating purposes.

Relevant sections of the Local Government Act 1993 NSW, Local Government (General) Regulations 2005 NSW, the Valuation of Land Act (1916) NSW and relevant court precedents must apply with qualifications specific to Mid-Western Regional Council, as follows:

Consideration will be given to, but not limited to, any of the following criteria when determining dominant use for dual use residential/non-residential purposes for properties where a MDAF cannot be obtained:-

- If the use of a parcel of rateable land complies with the Dictionary definition of *Home Occupation*, as stated in *Mid-Western Regional Interim Local Environmental Plan 2008*;
- A comparison of the area of land used for residential purposes and non-residential purposes and the intensity of those uses;
- A comparison of rental value of the residential property to the income derived from the non-residential component;
- The general appearance of the property and the area in which it is located;
- If there has been Council approval to use the land for a purpose other than for residential and if the other purpose is operational;
- If there ~~has~~ have been any subsequent DA's in relation to a purpose other than for residential;
- If there is signage located on the land parcel advertising the activity;
- If the activity is advertised. Eg. in telephone directory – White and Yellow pages & or website & or newspapers etc;
- Consideration as to whether the activity would still exist if the residence was not there;

- Consideration as to whether the non-residential activity may be sold off/leased/rented and the balance of the property/premises remain for residential purposes under separate occupation.
- Use refers to right or purpose – whether it would be reasonable to assume that the owner would endeavour to maintain that right or purpose in terms of the existing use rights if the parcel of land was put on the market to be sold.

Notice of Declaration of Category, Application for Change of Category and Appeal Against Declaration of Category

Refer Sections 520, 525 and 526 Local Government Act 1993 NSW.

A review of a declaration may be made by a Council officer or an independent person with expertise in the relevant provisions of the Local Government Act, 1993 to be nominated by the General Manager.

Where an appeal to the Land and Environment Court is lodged by the rateable person (or the agent or lessee), the review must be made by an independent person with expertise in the relevant provisions of the Local Government Act 1993 to be nominated by the General Manager to ensure that any declaration and/or subsequent assessment was correct. If this is confirmed, Council will proceed to Court.

PRIVACY

Personal information collected as a consequence of this policy will only be used for the purpose of assessing eligibility under the policy and will not be used for any other purpose or disclosed to any other person unless [we are Council is](#) required by law to do so or authorised to do so by the person to whom that personal information relates.

VARIATION

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.

6.2.29 WATER CONSUMPTION – PROPERTY NUMBER 2200

REPORT BY MANAGER REVENUE & PROPERTY
2200 – KEARINS REPORT
A0100055, P0220011

RECOMMENDATION

That:

- 1. The report by Manager Revenue & Property on the request for financial assistance for water consumption at Property Number 2200 be received;**
- 2. Council notes that there are no provisions within existing Council policies or relevant legislation for waiving of water consumption charges;**
- 3. Council authorise the General Manager to negotiate a suitable payment arrangement with the property owners, outside of the parameters of Council's Debt Recovery policy.**

EXECUTIVE SUMMARY

Council has received a request to waive part of the water usage charges levied upon the owners of 9 Redbank Road, Mudgee in relation to the period from July 2011 to October 2011. The account was issued for a total of \$2,947.20.

DETAILED REPORT

The water meter at this property was replaced on 30/9/2011 as part of Councils' ongoing meter replacement program. This program seeks to replace the oldest meters still in service in order to improve overall metering accuracy.

The high apparent usage of 1191 KL was noted when the new meter information was being entered into Council's computer system on 17/10/2011. The final reading for the old meter was double checked and confirmed correct. The meter was retained in the Operations office.

Water accounts for the July to October billing period were issued on 16/11/2011 with the amount payable being \$2947.20 for a total of 1228 KL.

Mr Kearins contacted the Revenue Section regarding the large consumption recorded on his replaced water meter on 22/11/2011. He was adamant that he had not used this water & that there had been no leak at the property. He was quite upset that he had received the account when he is certain that the amount of water could not have been consumed. Mr Kearins subsequently contacted a Councillor concerning this issue.

No explanation can be established for the high consumption; however, there is also no error in the account calculated based on the recorded meter readings.

FINANCIAL IMPLICATIONS

Any reduction to the billable amount would need to be funded from the Grants & Donations budget. Council may elect to enter a payment arrangement with the ratepayer. The difference between the billed consumption of 1228 KL and the typical consumption (previous period) of 130 KL is \$2,635.20.

STRATEGIC OR POLICY IMPLICATIONS

The circumstances surrounding this account do not allow the matter to be dealt with by staff under Councils' Undetected Leaks Policy.



DIANE SAWYERS
MANAGER REVENUE & PROPERTY

LEONIE JOHNSON
ACTING GOUP MANAGER FINANCE
& ADMINISTRATION

18 January 2012

ATTACHMENTS: 1. Copy of email request for assistance from Mr & Mrs Kearins
2. Copy of water notice
3. Meter Replacement Sheet

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

Dear Mr. Bennett,

Please refer to water consumption charge account for RO & RM Kearins at 9 Redbank Road, Mudgee. Lot12 DP239875.

From 28-6-11 to 30-9-11 the reading was 1191kl. Then the meter was changed and from 30-9-11 to 26-10-11 the reading was 37kl.
Usage for the same 4 month period last year was 56kl.

We contend that there is a fault in the equipment somewhere. We have not had any pipe, tap or hose malfunctions and ask for a review of this account.

Yours sincerely
Robert & Robin Kearins

PS This email has been sent to Cr Elwyn Lang also.

This e-mail has been scanned for viruses by MCI's Internet Managed Scanning Services - powered by MessageLabs. For further information visit <http://www.mci.com> or contact Information Technology Business Unit - Mid-Western Regional Council

WATER

WATER CONSUMPTION CHARGE

ABN 96 149 391 332

TAX INVOICE

PO Box 156, Mudgee NSW 2850
 Ph: (02) 6378 2850 • 1300 765 002
 Fax: (02) 6378 2815
 Email: council@midwestern.nsw.gov.au
 Website: www.midwestern.nsw.gov.au

Property Number
2200

Issue Date	Interest Rate
16/11/2011	11.0%

Due Date 30/11/2011

Property Location and Description
 9 Redbank Road MUDGEE NSW 2850
 Lot 12 DP 239875

Meter No	Meter Type	SDF	Present Reading	Previous Reading	Consumption (kL)		
					Actual	Adjustments	Charged
11W138449	20MM	0.00	37 (26/10/2011)	0 (30/09/2011)	37	1,191	1,228
83252884	20MM	0.00	17,592 (30/09/2011)	16,401 (28/06/2011)	1,191	-1,191	0

Meter No	Charge Description	Charges \$
11W138449	Water Usage - Residential : @ \$2.40/kL	2,947.20

Rebate:	0.00
Credit/Arrears:	0.00
GST:	0.00

Please deduct any payments since
9/11/2011

TOTAL AMOUNT DUE:
2,947.20

Commonwealth Bank
 Commonwealth Bank of Australia
 ABN 48 123 123 124
 MUDGEE, NSW

NAME: Mr RO Kearins & Mrs RM Kearins
 PROPERTY No.: 2200
 TOTAL AMOUNT DUE: 2,947.20

ABN: 96 149 391 332

Please fill in the following particulars of cheques. Proceeds of cheques, whilst credited to the account, are generally not available until cleared. Please refer to your account terms and conditions for details.

TELLER STAMP
/ /
INITIALS
No. OF CHQS

DRAWER	BANK	BRANCH	TRAN-CODE
CUSTOMER REFERENCE No.	901 876 301	USER CODE 60183	831
FOR CREDIT OF MID-WESTERN REGIONAL COUNCIL			

FREE OF TRANSFER FEE AT ANY C.B.A. BRANCH	CASH		
	AMOUNT OF CHEQUES		

Total \$.

WATER

CREDIT

Date / /

2200

MID-WESTERN REGIONAL COUNCIL – WATER SUPPLY & WASTEWATER
 COMBINED WORKS REQUEST
 SITE RISK ASSESSMENT AND INDUCTION FORM On Back

Date 30/9/11 Time of call: am / pm Works Request Reference No: WS0075/2012
 Request advised by: Office

NAME: **Mr Robert O Kearins & Mrs Robin M Kearins** Priority:
 High
 Medium
 Low

ADDRESS: 9 Redbank Road, MUDGEE NSW 2850

TOWN: Mudgee

Details of Request: **Replace Water Meter (2011-2012 Meter Replacement Program)**

Asset Description : **Water Reticulation**
 Asset details **Replacement**

Water and Wastewater

Meter						
-------	--	--	--	--	--	--

Details of Works carried out:
Replaced meter New

Meter and Backflow protection device details

	Meter Number	Reading	Size:		Backflow Device Number	Size:	Make
Old	83252884	<u>17592</u>	20MM	Old			
New	<u>11W138449</u>	<u>0000</u>	<u>20mm</u>	New	<u>1191 K13</u>		
Make:				Make			

Left Sequence Meter Number: 03W593655 Right Sequence Meter Number:
 Meter location: **RHS - 150MM RIGHT OF TAP**

Private Works Details Itemized

Operator / Labour description				Plant description			
Name	Pay No:	Hrs	Plant No:	Details	Hr	Km	
<u>LARRY PETERS</u>			A9				
			A9				
			A9				

Materials required

ITEM	QTY	ITEM	QTY
<u>Meter</u>	<u>1</u>	<u>MUT & TAPLES</u>	<u>2</u>
<u>Cover</u>	<u>1</u>		
<u>WASHERS</u>	<u>2</u>		

Time Work started: am / pm Work Finished: am / pm

Job Number: Private works number: Signature:

FOLLOW UP WORK REQUIRED: Yes No URGENT Supervisor notified New works request Check

Return works Details

Feedback Details

<input type="checkbox"/> Difficulty isolating main	<input type="checkbox"/> Difficulty accessing boundary riser	<input type="checkbox"/> Plans incorrect or incomplete!
<input type="checkbox"/> Difficulty obtaining assistance	<input type="checkbox"/> Boundary riser not located within property	<input type="checkbox"/> Call Centre information incorrect/insufficient
<input type="checkbox"/> Difficulty accessing materials	<input type="checkbox"/> Difficulty accessing chamber	<input type="checkbox"/> Office information incorrect/insufficient
<input type="checkbox"/> Equipment fault	<input type="checkbox"/> Difficulty with paging system	<input type="checkbox"/> Other.....

PLEASE RETURN THIS FORM AND INFORM YOUR SUPERVISOR ON THE FOLLOWING WORKING DAY

PROCESSED
 CONN: 5827
 17 OCT 2011
 RPID

RECEIVED
 14 OCT 2011
 9018763

6.2.30 GLEN WILLOW REGIONAL SPORTS GROUND - ADDITIONAL FUNDING

REPORT BY GROUP MANAGER OPERATIONS
GLEN WILLOW REGIONAL SPORTS GROUND - ADDITIONAL FUNDING – FEBRUARY 2012
A0100052, F0650108.

RECOMMENDATION

That:

- 1. The report by the Group Manager Operations on the Glen Willow Sports Ground – additional funding be received.**
- 2. Council authorises the completion of Glen Willow Regional Sports Facility at an additional cost of \$220,000 to be funded from Section 94 contributions;**
- 3. the 2011/12 Management Plan be amended accordingly.**

DETAILED REPORT

Please find attached a spreadsheet with the revised budget for the completion of the Glen Willow Regional Sports Facility.

This report is recommending that council spend an additional \$220,000 to complete the complex to a high standard.

A number of factors have contributed to the additional costs which are explained in this report.

As council is aware there was flood damage experienced at the Glen Willow Regional Sports Complex in December 2010. After many months of discussions with the State Government it has been determined that any flood damaged caused during construction is not eligible for Government funding under the national disaster criteria. The main field will be surrounded by a 1.6m high viewing bank which will stop any flood waters from entering the field. The plan of the main field surrounds was altered to increase the turfed area beyond the mounds towards the security fencing. This area was increased in size to allow portable bars, food stores and marquee's to be set up for large events. Council also experienced to the roadwork's and netball courts which were also only partly complete.

Additional to the flood damage costs we have also included in the project schedule additional car parking adjacent to the netball courts as well as nose in car parking on the road verges and 2.4m high security fencing and gates along Pitts Lane and around the main oval. The additional car parking has been deemed necessary because of the volume of players and parents/supporters attending on playing days.

Further works additional to the original scope is the fit out of kitchen facilities in the corporate area including cooking appliances, fridges, dishwasher, extraction fans, portable bars and fridges to the corporate rooms, tables and chairs for the corporate rooms and media and broadcast rooms, the installation of security cameras around the grandstand, the installation of illuminators which is a device to allow the reading of individual sporting groups usage of ground lights and 200 liner meters.

The final construction works of the internal perimeter of the main field is the large construction item to be started. All works at Glen Willow Regional Sports Facility will be completed by the 15th February 2012, Ten days prior to our first event on the main field.

FINANCIAL IMPLICATIONS

The additional cost to complete Glen Willow facility is \$220,000. It is recommended that Council fund these costs from Section 94 contributions. The total cost of this part of the project is \$11,371,591. We are concerned with the cost overrun but it does only represent less than 2% of the project cost.

STRATEGIC OR POLICY IMPLICATIONS

This recommended expenditure on the Glen Willow Sporting Facility meets the criteria of the current Section 94 Plan.

BRAD CAM
GROUP MANAGER OPERATIONS

ATTACHMENTS: 1. Glen Willow Expenditure

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

Glen Willow Expenditure										
Activity	Name	Expenditure in 2008/09	Expenditure 2009/10	Expenditure 2010/11	Expenditure 2011 to 18/1/12	Other Expenditure	Total	Original Project Allocation plus other income streams	Variance	Comments
150	Field No 2		\$ 674,027.34				\$ 674,027.34	\$ 710,000.00	\$35,973	
151	Soccer/ Touch Amenities		\$ 960,935.86				\$ 960,935.86	\$ 890,000.00	(\$70,936)	Additional driveway and path for disable access
152	Netball Courts		\$ 597.38	\$1,011,370.17	\$ 45,307.85		\$ 1,057,275.40	\$ 850,000.00	(\$207,275)	Construction of eight grass courts and the rebuild of the hard surface courts after the flood (this work was not covered by the natural disaster flood claim
153	Netball Amenities		\$ 3,632.00	\$ 782,624.52	\$ 2,101.82		\$ 788,358.34	\$ 780,000.00	(\$8,358)	
154	Power Transformer/ Water and Sewer Infrastructure/ Telstra lines		\$ 417,643.60	\$ 4,697.23	\$ 298.55		\$ 422,639.38	\$ 373,773.00	(\$48,866)	Additional work required to upgrade Telephone lines from Ulan Road.
155	Roadworks		\$ 129,337.17	\$ 14,563.34	\$ 430,279.63	\$ 41,000.00	\$ 615,200.14	\$ 340,000.00	(\$275,200)	Additional Carpark for netball and additional nose in parking for netball and main field.
156	Landscapeing		\$ 80,012.23	\$ 21,308.35	\$ 85,563.28	\$ 9,000.00	\$ 175,903.86	\$ 100,000.00	(\$75,904)	Additional footpaths for the main field and netball and additional screening mounds around carparks
157	Grandstand		\$ 499,961.12	\$3,854,901.07	\$ 221,236.79	\$ 6,030.00	\$ 4,582,128.98	\$ 4,460,000.00	(\$122,129)	Additional works in the corporate kitchen with appliances and corporate rooms with fridge /bar and furniture
158	Main Field		\$ 191,788.57	\$ 642,208.83	\$ 630,523.93	\$ 27,000.00	\$ 1,491,521.33	\$ 1,050,000.00	(\$441,521)	Rebuild of main field (this was not covered by Natural disaster funding) and additional turf and irrigation to the back of surrounds up to the security fence
159	Design *	\$105,367.29	\$ 353,729.30				\$ 459,096.59	\$ -	(\$459,097)	This expense had to be covered by the existing budget
160	Stormwater/ Wetlands		\$ 62,251.19	\$ 606.25	\$ 2,281.75		\$ 65,139.19	\$ 100,000.00	\$34,861	
161	Fencing		nil	\$ -	\$ 136,200.00	\$ 46,500.00	\$ 182,700.00	\$ 140,000.00	(\$42,700)	\$42,000 is the internal fencing of the main field & \$4,500 is additional gates to the perimeter fence
162	Playgrounds/BBQ's		\$ 2,648.64	\$ 95,212.36	\$ 11,680.35	\$ 6,844.00	\$ 115,585.35	\$ 80,000.00	(\$35,585)	Larger BBQ facilities required at Grandstand to cater for large events at the complex.
	Additional Council funds						\$ -	\$ 1,340,000.00	\$1,340,000	
	Sports Council						\$ -	\$ 40,000.00	\$40,000	
	Additional Income - Interest & Sales						\$ -	\$ 117,818.00	\$117,818	
	Total	\$105,367.29	\$3,356,564.40	\$6,427,412.12	\$ 1,565,693.95	\$136,374.00	\$11,591,411.76	\$ 11,371,591.00	(\$219,821)	

6.2.31 TENDER ASSESSMENT – 2011-13 GLEN WILLOW REFURBISHMENT FROM FLOOD DAMAGE

REPORT BY BUSINESS MANAGER PLANT AND FACILITIES
Tender 2011-13 Glen Willow Refurbishment
A0100055, A04111113

RECOMMENDATION

That:

- 1. Council accepts Sustainable Turf Renovations and Equipment for tender 2011-13 for the provision of refurbishment of playing fields at Glen Willow at a cost of \$242,400 plus GST and that Council enter into a contract with Sustainable Turf Renovations and Equipment in accordance with clause 178 of the *Local Government (General) Regulation 2005*;**
- 2. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Sustainable Turf Renovations and Equipment for 2011-13 for the provision of refurbishment of playing fields at Glen Willow;**
- 3. Council authorises the General Manager or his delegate the authority to approve variations to the contract up to 10% in value;**
- 4. the unsuccessful tenderer(s) be notified that their tenders were unsuccessful.**

EXECUTIVE SUMMARY

Following Council's resolution to invite tenders for the provision of refurbishment of playing fields at Glen Willow, tenders were called for the establishment of rectification of damage to the playing fields at Glen Willow Regional Sporting Complex caused by the flooding in December 2010.

Tenders were called on 29th November 2011 for the provision of refurbishment of playing fields at Glen Willow and closed on 3rd January 2012. Four tenders were received.

Advertisements for the tender were placed in the Local Government Tenders section of the Sydney Morning Herald, Community News and Council's website on 29th November 2011.

The total project budget to rectify all of the flood damage to the Glen Willow field is \$329,720 and this contract is estimated to have a value of \$242,400 (excluding GST) and excluding any variances due to timetable variations that may be required to meet the needs of the sporting commitments at the venue. Costs associated with Council works such as surveys to locate the irrigation lines and drainage lines are not included in this tender and these expenses will be met from the flood funds budget.

Additional works apart from this are also required to rectify flood damage such as cleaning the silt from drainage areas and replacing damaged grass areas which will also be carried out within the overall project budget.

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

the provision of the refurbishment of playing fields at Glen Willow to Council.

DETAILED REPORT

Tenders Received

The Tenders received with prices were as follows:

Green Horticultural Group	\$218,386
Sustainable Turf Renovations & Equipment	\$242,400
Evergreen Turf NSW	\$319,740
Dad and Dave's Turf	\$312,097

Late Tenders

No late tenders were received.

Conforming Tenders

Two conforming tenders were received from;

Green Horticultural Group
Sustainable Turf Renovations & Equipment

Non-complying or Alternate Tenders

Two non-conforming or alternate tenders were received from:

Evergreen Turf NSW – non attendance at the mandatory site briefing held at Glen Willow
Dad and Dave's Turf – non attendance at the mandatory site briefing held at Glen Willow

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.

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

Tender Evaluation Process

The evaluation was conducted in six stages:

1. An initial cull of any seriously non-conforming tenders such as late tenders, tenders not following the instructions set out in the Request for Tender documents, or tenders which clearly were not of an acceptable standard to warrant further detailed evaluation. Two tenders were culled in this initial stage. Details regarding these tenders are set out above ('Non-conforming or alternate tenders').
2. The Tender Assessment Panel undertook an objective analysis of tenderers' ability to meet both mandatory and desirable criteria.
3. The tendered information and specific questions were listed under the evaluation criteria and weighted in order of importance to the overall evaluation. Team members scored the tenders against the criteria in accordance with the Evaluation Plan.
4. This Tender Evaluation Report detailing the rating of each short-listed tenderer, and the final recommendations of the preferred tenderer(s) for the provision of refurbishment of playing fields at Glen Willow for the consideration of Council.

Assessment Panel

Brad Cam Group Manager Operations
Tracey Kane Open Spaces Coordinator
Neil Bungate Management Accountant
Andrew Drummond Business Manager Plant and Facilities

Evaluation Findings

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

<i>Tenderer</i>	<i>Total Weighted Score</i>
Sustainable Turf Renovations & Equipment	9.41
Green Horticultural Group	9.00
Dad and Dave's Turf	7.60
Evergreen Turf NSW	6.50

Evaluation of tenderers against the specified evaluation criteria indicates the following tenderer has submitted the most superior tender representing the best value to Council for the provision of refurbishment of playing fields at Glen Willow

Sustainable Turf Renovations & Equipment

Sustainable Turf Renovations & Equipment provided the most comprehensive explanation of the works to be completed and also supplied the most complete timetable of works. This tenderer has had previous experience at the Glen Willow Sporting Complex and their work has been completed to a high standard.

FINANCIAL IMPLICATIONS

These works are funded from the grants provided following the 2010 floods.

STRATEGIC OR POLICY IMPLICATIONS

There are no strategic or policy implications.

ANDREW DRUMMOND
BUSINESS MANAGER PLANT AND FACILITIES

13th January 2012

ATTACHMENTS: Attachment A: Evaluation Plan (confidential)
 Attachment B: Tenderers' Detailed Scores (confidential)

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.32 MUDGEES SHOWGROUND PAVILION

REPORT BY GROUP MANAGER OPERATIONS
MUDGEES SHOWGROUND PAVILION JANUARY 2012
A010055, F0650007

RECOMMENDATION

That:

1. **The report by Group Manager Operations on the Mudgees Showground Pavilion be received;**
2. **Council accepts the need for this additional furniture and fittings and consider the items at a cost of \$120,000 as a budget initiative in the 2012/13 Operational Plan.**

DETAILED REPORT

In 2008/2009 financial year Mid-Western Regional Council engaged Ross Consultants to Master Plan the Mudgees Showground. This Master Plan was endorsed by Council providing key elements to be developed over a three year period as adopted in the 2009- 2014 Management Plan.

In 2009/2010 financial year the stables, arena development, pens and day yards, perimeter fencing and animal pavilions were built totalling \$1,038,000. In 2010/11 financial year council debated to reduce the budget for the main Pavilion from \$2,100,000 to \$750,000. Tenders were called for a design and construction of a pavilion with a reduced floor space of 30mx 18m. In February 2011 Council awarded the tender to CCA Projects for \$720,000. This pavilion was not only considerably reduced in size from the original design but also both the kitchen and bar areas were constructed to minimum specification.

In March 2011 Mid-Western Regional Council was successful in obtaining a \$100 thousand grant through the Community Building Program. As a result of this grant the budget from Council was reduced further with the total expenditure at the Mudgees Showground of \$1,668,000 over two years.

The Pavilion is now completed and it is evident that further works need to be undertaken that were not allowed for in the design. In order to maximize the usage of the new pavilion and meet basic food handling and aesthetics requirements and be able to cater for functions the following will need to be completed:

- | | |
|--|-----------------|
| • Rangehood over Stove/Oven/Deep Fryer | \$15,000 |
| • Oven (supply and fit) | \$27,000 |
| • Deep Fryer | \$ 4,000 |
| • Carpet | \$25,000 |
| • Chairs (300) | \$26,700 |
| • Tables (40) | <u>\$22,000</u> |

Total \$119,700 – say \$120,000

FINANCIAL IMPLICATIONS

The cost of these new items in the pavilion is \$120,000. The only possible way Council can afford this amount of additional expenditure this financial year is to delete a project from the budget initiatives list that has not yet been completed or committed to.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

BRAD CAM
GROUP MANAGER OPERATIONS

ATTACHMENTS: Nil

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.33 MONTHLY MANAGEMENT PLAN REPORTING

REPORT BY MANAGEMENT ACCOUNTANT
QBR DECEMBER REPORT
A0100055, A0149935

RECOMMENDATION

That:

- 1. the December 2011 Quarterly Budget Review be received;**
- 2. the 2011/12 Management Plan be amended in accordance with the variations as listed on pages 13 to 16 of the December 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.**

EXECUTIVE SUMMARY

This report presents Council with the December 2011 Quarterly Review of the 2011/12 Management Plan.

DETAILED REPORT

Section 407(1) of the Local Government Act 1993 requires that the General Manager report to Council within two months after the end of each quarter as to the extent to which the performance targets set by Council's current Management Plan have been achieved during the quarter.

Further, Clause 203 of the Local Government (General) Regulation 2005 requires that the Responsible Accounting Officer of a council prepare and submit to Council within two months after the end of each quarter, a budget review statement. The budget review statement must show, by reference to the estimate of income and expenditure set out in the management plan adopted by Council, a revised estimate of the income and expenditure for the year. The budget review statement must also be accompanied by a report as to whether or not the Responsible Accounting Officer believes that the financial position of the council is satisfactory, having regard to the original estimates of income and expenditure.

The Quarterly Review reporting package includes:

- An Executive Summary;
- A financial commentary, including updates on Cash, Reserves, Developer Contributions and Employee Costs;
- Consolidated financial statements including an Income Statement and Balance Sheet;
- A budget summary by activity, comparing Actuals to Original, Revised and Proposed Budgets;
- Detailed commentary on the progress of Capital Works including summary of capital funding;
- A review of contracts, and legal and consultative expenditure;
- A schedule of key statistical information;

- An investment portfolio review;
- A monthly review of the Development Application process;
- Councillor Fees and Expenses.

This quarter's review again is very positive and Council remains in a very strong financial position. The overall position of the General fund shows a \$194,000 deterioration of which \$270,000 was revotes. This in fact means that this financial year Councils general fund account is showing an improvement of some \$76,000. The main changes being requested in this review to the budget are:-

- Additional taxi-way sealing at the airport. With the installation of the new fuel pumps the planes can't get close enough to the fuel tanks to refuel. Approximately 600 square meters needs to be sealed.
- The transfer of funds to the Yarrawonga Bridge for the repairs is needed. The bridge recently suffered from subsidence.
- At the original budget was over estimated the income from community halls.
- Savings in interest on loans
- Savings in the RFS budget

The water, sewer and waste budgets remain on track for healthy improvements for reserves in accordance with the original budget.

The adjustment to the additional increase in the income from planning and development has been deferred until the March quarter

FINANCIAL IMPLICATIONS

Management Plan variations recommended for this month include:

December Quarterly Business Review		
Management Plan Activity	Variation	Amount
GENERAL FUND		
<i>Positive Variations</i>		
Admin & Management Services	Borrowing costs reduced - interest on swimming pool & Mortimer St lending	109,800 F
Roads & Bridges Capital	Defer Yarrawonga Rd reseal to complete Yarrawonga bridge repairs	41,000 F
Parks & Reserves Capital	Contribution received towards Hargraves Playground - expenditure in prior year	4,600 F
Admin & Management Services	Rural Fire Service - notification of final approved budget - savings	25,750 F
<i>Total Positive Variations</i>		181,150
<i>Negative Variations</i>		
Council Roads	Yarrawonga bridge repairs	(41,000) U
Economic Development	Reduced community halls & centres rental incomes from original estimates	(38,000) U
Airport Capital	Sealing around the airport fuel pump to enable planes better access	(20,000) U
<i>Total Negative Variations</i>		(99,000)

Contra Variations		
Admin & Management Services Capital	Corporate Buildings Budget - tfr to Rylstone Depot	2,370 C
Admin & Management Services Capital	Rylstone Depot - gutters replacement	(2,370) C
Admin & Management Services	Additional OH/S Incentive payment received	5,000 C
Admin & Management Services	OH/S additional contractors - matching expenditure for incentive payment	(5,000) C
Admin & Management Services	Corporate advertising savings	15,000 C
Admin & Management Services	Recruitment - increased advertising due to skilled staff vacancies	(15,000) C
Admin & Management Services	Increased internal contributions to stores to repair fuel tanks	22,000 C
Admin & Management Services	Repairs to Fuel tanks at Stores depot	(22,000) C
Admin & Management Services	Savings due to Information Technology vacancy - website officer	10,000 C
Admin & Management Services	Contractor expenditure required to complete website design & upgrade	(10,000) C
Corporate & Community Buildings Capital	Rural Halls Budget - allocate to Windeyer & Bungaba Hall Upgrades	15,000 C
Corporate & Community Buildings Capital	Capital Upgrade - Windeyer Hall - roof insulation and replace ovens	(10,000) C
Corporate & Community Buildings Capital	Capital Upgrade - Bungaba Hall - BBQ area and minor internal repairs	(5,000) C
Corporate & Community Buildings Capital	Corporate Buildings Budget - tfr to Mudgee Admin	6,000 C
Corporate & Community Buildings Capital	Mudgee Admin renovations to allow relocation of staff	(6,000) C
Parks & Reserves Capital	Contribution from Mudgee Sports Council to Glen Willow	40,000 C
Parks & Reserves Capital	Additional works contributed by Mudgee Sports Council to Glen Willow	(40,000) C
Community Services	Healthy Communities Initiative - grant funding received	280,357 C
Community Services	Healthy Communities Initiative - project expenditure	(84,580) C
Community Services	Transfer to unspent grants	(195,777) C
Regulatory Control	Donation received Cr Webb discretionary fund - Spiney Burrgrass signage	1,700 C
Regulatory Control	Spiney Burrgrass signage expenditure	(1,700) C
Car Park, Cycleway Capital	RTA capital grant received - Bellevue Cycleway	115,343 C
Car Park, Cycleway Capital	Defer Charbon Footbridge - delays with ARTC approval	100,000 C
Car Park, Cycleway Capital	Transfer from Capital Program Reserves - Bellevue Cycleway	15,343 C
Car Park, Cycleway Capital	Bellevue Cycleway - White Circle to Horatio St	(230,686) C
Economic Development	Increased land Development Sales (timing of sale of blocks)	727,500 C
Economic Development	Transfer to Reserves - Land Development	(577,500) C
Economic Development	Transfer to Reserves - Airport Development	(150,000) C
Economic Development Capital	Transfer from Reserves - Land Development	33,500 C
Economic Development Capital	Lions Drive Subdivision - tree clearing	(17,000) C
Economic Development Capital	Legals on sale of residential blocks - Lions Drive	(16,500) C
Stormwater Capital	Transfer from unspent grants - Roads to Recovery Funding	12,141 C
Stormwater Capital	Allocate Roads to Recovery unspent grant funded works - causeways	(12,141) C
Roads & Bridges Capital	Transfer from unspent grants - Roads to Recovery Funding	9,637 C
Roads & Bridges Capital	Allocate Roads to Recovery unspent grant funded works - Urban roads	(9,637) C
Community Services	Transfer from unspent grants - Aging, Disability and Home Care (ADHC)	39,802 C
Community Services	Allocate ADHC funded unspent grants - Respite Care, Meals on Wheels and Home Modification	(39,802) C
Development & Environment Control	Transfer from unspent grants - Environment	548 C
Development & Environment Control	Allocate Environmental unspent grants - native grasses & riverbed regeneration	(548) C
Car Park, Cycleway Capital	Transfer from unspent grants - cycleway contribution	1,934 C
Car Park, Cycleway Capital	Allocate unspent contribution to Horatio to White Circle cycleway	(1,934) C
Roads & Bridges Capital	Transfer from unspent grants - Moolarben contribution to relocation of Ulan WTS	80,000 C
Roads & Bridges Capital	Allocate unspent contribution to Cope Rd Widening at Ulan Waste Transfer Station site	(80,000) C
Section 94/64	Increase in S94 Income received	253,000 C
Section 94/64	Transfer to S94	(253,000) C
Car Park, Cycleway Capital	Grant received - Ministry of Transport	35,000 C
Car Park, Cycleway Capital	Bus shelter at Ilford - grant funded	(35,000) C
Roads & Bridges Capital	Sealed Regional Roads - reduce costs on Farrelly St reseal	8,000 C
Roads & Bridges Capital	Sealed Regional Roads - reduce costs on reseal Ulan Rd Flood Repairs	13,000 C
Roads & Bridges Capital	Sealed Regional Roads - increase expenditure on Ulan Rd Reseal Cope to Toole	(15,000) C
Roads & Bridges Capital	Sealed Regional Roads - increase expenditure on Ulan Rd Repair	(6,000) C
Council Roads	Contribution from mines towards Ulan Road line marking	90,000 C
Council Roads	Reduce Regional sealed roads maintenance - towards Ulan Rd line marking	30,000 C
Council Roads	Ulan Road Line Marking works	(120,000) C
Total Contra Variations		0
TOTAL GENERAL FUND		66,317

WATER FUND		
Contra Variations		
Section 94/64	Increase in S64 income received	150,000 C
Section 94/64	Transfer to S64	(150,000) C
Total Contra Variations		0
TOTAL WATER FUND		0

SEWER FUND			
<i>Contra Variations</i>			
Section 94/64	Increase in S64 income received	100,000	C
Section 94/64	Transfer to S64	(100,000)	C
<i>Total Contra Variations</i>		0	
TOTAL SEWER FUND		0	

WASTE FUND			
<i>Positive Variations</i>			
Solid Waste Management	Increase in General Waste tipping fees	100,000	F
<i>Total Positive Variations</i>		100,000	
<i>Negative Variations</i>			
Solid Waste Management	Street & Park Bins - Increase plant hire fees required for truck use	(50,000)	U
<i>Total Negative Variations</i>		(50,000)	
TOTAL WASTE FUND		50,000	

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.



LEONIE JOHNSON
ACTING GROUP MANAGER FINANCE & ADMINISTRATION

20 October 2011

ATTACHMENTS: 1. December 2011 Quarterly Budget Review (following at the end of the business paper)

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.34 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE

REPORT BY GENERAL MANAGER
ALGWA CONFERENCE
A0100055, A0310010, A0110033.

RECOMMENDATION

That:

- 1. the report by the General Manager on the Australian Local Government Women's Association Conference 2012 be received;**
- 2. Council approves/declines (delete one) Councillor Esme Martens to attend the Australian Local Government Women's Association Conference 2012 in Dubbo from the 22nd to 24th March 2012.**

DETAILED REPORT

The annual conference of the Australian Local Government Women's Association Conference 2012 will be held in Dubbo between the 22nd and 24th March 2012. No staff will be attending this conference.

FINANCIAL IMPLICATIONS

Council has included in the annual budget the costs of attending this conference. The conference registration fee is \$540.00 per person and accommodation is expected to be \$180.00 per night. Travel would be by car.

STRATEGIC OR POLICY IMPLICATIONS

Councillors are required to obtain permission by way of resolution of Council to attend conferences.

WARWICK BENNETT
GENERAL MANAGER

ATTACHMENT: 1. ALGWA Conference Program 2012

Conference program

The Conference will be held at Dubbo Regional Theatre and Convention Centre, Darling Street, Dubbo (including registration and all sessions).

Day one	Thursday 22 March
3.00pm - 5.00pm	Registrations Open - Dubbo Regional Theatre and Convention Centre
5.30pm - 7.30pm	Mayor's Welcome Reception - Old Dubbo Gaol
8.00pm - 10.00pm	Optional- Petula Clark in Concert - Dubbo Regional Theatre and Convention Centre (Not included in registration fee)

Petula Clark

The legendary film and theatre music star and two-time Grammy Award winner Petula Clark returns for an Australian tour in March 2012. Internationally known for her popular upbeat hits that included *Downtown*, *I Know A Place*, *My Love*, *Colour My World*, *A Sign Of The Times*, *Don't Sleep In The Subway*, *This Is My Song* (written for her by the great Charles Chaplin) and many others.

Day two	Friday 23 March
8.00am - 9.00am	Registrations
9.00am - 9.15am	Welcome to Country - Diane McNaboe
9.15am - 9.30am	President, Australian Local Government Women's Association (NSW) Clr Julie Griffiths
9.30am - 9.45am	Mayor of Dubbo - Clr Mathew Dickerson
9.45am - 10.15am	Department of Planning and Infrastructure - Rachel Cumming (TBC) <i>Local Environmental Plans - State Government perspective</i>
10.15am - 10.45am	Morning tea
10.45am	Nominations close for Office Bearers/Voting for Office Bearers commences
10.45am - 11.00am	Returning Officer announces nominations for executives
11.00am - 11.30am	Minister for Local Government - The Honourable Minister Don Page
11.30am - 12.00pm	CEO, Destination NSW - Sandra Chipchase (TBC) Executive Officer, Association of Mining Related Councils'
12.00pm - 12.30pm	Margaret McDonald - Hill <i>Reflections from a Glass Ceiling</i>
12.30pm - 1.30pm	Lunch
1.30pm	Voting for Office Bearers closes
1.30pm - 2.30pm	First State Super - Jean Turner Chapman "Close the Gender Gap"
2.30pm - 3.00pm	Leadership Coach and Author - Kerrie Phipps <i>Insightful Leadership</i>
3.00pm	Office Bearers declared / Nominations for Executive Committee opens
3.00pm - 3.30pm	Afternoon tea
3.30pm - 4.30pm	Open Forum - facilitated by Kerrie Phipps (Hot Spot)
4.30pm	Nominations for Executive Committee close
4.30pm - 5.00pm	Introduction of candidates for Executive Committee
5.00pm	Close of Day 2
7.00pm	Casual Dinner - Taronga Western Plains Zoo

Conference program continued overleaf





Conference program (continued)

Day three	Saturday 24 March
8.00am	Voting for Executive Committee commences
9.00am - 9.15am	President, Australian Local Government Women's Association (NSW) -Clr Julie Griffiths
9.15am - 9.45am	Director Environmental Services, Dubbo City Council - Melissa Watkins <i>Dubbo 2036 - Community Strategic Plan</i>
9.45am - 10.15am	Manager Marketing and Communications, Dubbo City Council Natasha Comber <i>Creating a brand - creating opportunities</i>
10.15am - 10.45am	Morning tea
10.45am	Voting for candidates closes - 10.45am
10.45am - 11.15am	Economic Development Manager, Bathurst City Council Gretchen Armitage <i>Evocities - Local Government Collaborative - The City Change</i>
11.15am - 12.15pm	Presentations - Bidding Councils for the 2014 Conference
12.15pm - 1.15pm	Army Reserve - Sergeant Warwick Campbell <i>Explosive Demonstration</i>
1.15pm - 2.15pm	Lunch
2.15pm	Voting for Executive Committee closes / Voting for 2014 Host Council closes
2.15pm - 3.15pm	Director, Bosweb Systems - Leanne Sullivan <i>The Social Media Explosion</i>
3.15pm - 3.45pm	Open Forum - Facilitated by Leanne Sullivan and Natasha Comber (Hot Spot)
3.45pm - 4.15pm	Afternoon tea
4.15pm	Executive Committee declared
4.15pm - 5.00pm	Australian Local Government Women's Association (NSW) Annual General Meeting
5.00pm	Close of Day 3
7.00pm	Conference Dinner - Dubbo Regional Theatre and Convention Centre Featuring Kitty Flanagan

Kitty Flanagan

Kitty Flanagan is one of Australia's most popular stand-up comedians and is also a successful TV writer & performer.

Well known for sketch comedy as well as stand-up, Kitty has appeared in several successful TV shows both in Australia and the UK, most notably Full Frontal (AUS), The Micallef Show (AUS), and The Sketch Show (UK) and is now a regular member of Channel 10's 'The Project'. There have also been numerous TV stand-up appearances, including The World Stands Up on Comedy Central (US).

Kitty has performed at comedy clubs around the world and regularly tours the biggest theatres in Australia to sold out audiences.

Kitty will feature at the Conference Dinner on Saturday evening.

The program may be subject to change without notice

6.2.35 VILLAGE AND TOWN FORUMS

REPORT BY GENERAL MANAGER
VILLAGE AND TOWN FORUMS
A0100055, A0100046.

RECOMMENDATION

That:

1. the report by the General Manager on the Village and Town Forums be received;
2. Village Forums for 2012 be scheduled as follows:

11 April 2012	Hargraves Pryamul Windeyer Meroo	12.30 pm 2.00pm 3.00pm 4.30pm
9 May 2012	Wollar Cooyal/Botobolar Cooks Gap	3.00pm 4.30pm 6.00pm
10 October 2012	Yarrabin/Beragoo Goolma	3.00pm 5.00pm
14 November 2012	Ilford Bylong Lue	1.00pm 3.00pm 5.00pm

3. Town Forums for 2012 be scheduled as follows:

10 October 2012 Gulgong in the Gulgong Memorial Hall at 6.00pm
14 November 2012 Rylstone/Kandos in the Rylstone Town Hall at 6.00pm.

DETAILED REPORT

At the December meeting it was agreed to review the times for the Village and Town forums. The dates for these forums are included in the recommendation. The changes from the December report are the conducting of a separate forum for Meroo and the slight change of time for the Wollar and Cooyal/Botobolar forums.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

WARWICK BENNETT
GENERAL MANAGER

URGENT BUSINESS WITHOUT NOTICE

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

GIVING NOTICE OF BUSINESS

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

BUSINESS WITHOUT NOTICE

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

ITEM 7: URGENT BUSINESS WITHOUT NOTICE