

ORDINARY MEETING

WEDNESDAY 15 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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8 February 2012

Dear Councillor

MEETING NOTICE

ORDINARY MEETING
WEDNESDAY 15 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 1/12 to 40/12 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 1 FEBRUARY 2012, COMMENCING AT 6.30 PM AND CONCLUDING AT 7.30 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 Martens declared a significant non-pecuniary conflict of interest in Item 6.2.6 about the Temporary Workers Accommodation Draft DCP in that she is a member of the Joint Regional Planning Panel and that an application by the Mac Group will be referred to the Panel to be considered in accordance with this DCP policy.

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.25 about the Target Country Progress Report in that he is a contractor for this project.

ITEM 3: **CONFIRMATION OF MINUTES**1/12 **MOTION:** **Martens/Shelley**

That the Minutes of the Ordinary Meeting held on 21 December 2011 (Minute Nos. 515/11 to 548/11) be taken as read and confirmed with an amendment under Minute No. 530/11 which should read that Councillor Martens donated \$250 to the Kandos Pensioners Association as well as the Rylstone Pensioners Association for their seniors lunch.

The motion was put and carried.

ITEM 4: **MATTERS IN PROGRESS**2/12 **MOTION:** **Holden/Walker**

That Min. No. 21/11 be endorsed as completed.

The motion was put and carried.

3/12 **MOTION:** **Weatherley/Lang**

That Items 3 & 4 of Min. No. 375/11 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 DISABLED TOILETS AT BILLY DUNN AND VICTORIA PARK OVALS**

A0100035, A0100055, F0650047 F0650124

4/12 **MOTION:** **Thompson/Walker**

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

The motion was put and carried.

6.2 REPORTS TO COUNCIL

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

A0100055, P1140962

5/12

MOTION: Walker/Webb

- A. That the report by Council's Senior Statutory Planner regarding DA 0197/2012 for alterations and additions to South Mudgee Surgery Lot 1 DP 865631, 11 Oporto Road, Mudgee be noted,
- B. That Council resolves to determine DA 0197/2012 2012 for alterations and additions to South Mudgee Surgery Lot 1 DP 865631, 11 Oporto Road, Mudgee 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 1.00pm
No 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 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 give at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
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.

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>	✓	

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

A0100055, P2036661

6/12

MOTION: Walker/Holden

- 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

Section 94 Contributions

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 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.

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	✓	

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

A0100055, P1172364

7/12

MOTION: Walker/Holden

That:

- the report by Environmental Town Planner on the Development Application No. 0253/2009 be received;
- 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.

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	✓	

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

A0100055, P2107861

8/12

MOTION: Walker/Shelley

- 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, Mudgees Golf Club, 21 Robertson Street Mudgees, 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, Mudgees Golf Club, 21 Robertson Street Mudgees 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/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
 - All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
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 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”.

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	✓	

6.2.5 DRAFT NSW PLANNING GUIDELINES – WIND FARMS

A0100055, A0420225

9/12

MOTION: Thompson/Martens

That consideration of this matter be deferred to permit input into the submission from the community.

The motion was put and carried.

6.2.6 TEMPORARY WORKERS ACCOMMODATION DRAFT DEVELOPMENT CONTROL PLAN

A0100055, A0420084

Councillor Martens declared a significant non-pecuniary conflict of interest in that she is a member of the Joint Regional Planning Panel and that the matter of the Temporary Workers Accommodation Draft DCP is expected to be a consideration for a planning application that may be referred to the Panel, left the meeting at 6.44 pm and did not participate in discussions or vote in relation to this matter.

10/12

MOTION: Webb/Weatherley

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.

The motion was put and carried.

Councillor Martens returned to the meeting at 6.45 pm.

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

A0100055, A0420169

11/12

MOTION: Holden/Shelley

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.

The motion was put and carried.

6.2.8 ULAN ROAD STRATEGY

A0100055, R9208006, R9214003

12/12

MOTION: Holden/Weatherley

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 Wilpinjong 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;
4. Council notes that the State Government also has a responsibility to fund the upgrade of this road as it secures mining royalties and taxes from the Coal Mines and some of those funds should contribute to the upgrade of this road

The motion was put and carried.

6.2.9 SUBMISSION TO DESTINATION 2036

A0100055, A0310010

13/12

MOTION: Webb/Walker

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 with the

removal of reference to national Parks in paragraph 3.2 of the submission.

The motion was put and carried.

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

A0100055, A04111111

14/12

MOTION: Walker/Martens

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.

The motion was put and carried.

6.2.11 PLANNING RESOURCES

A0100055, A0383000, A0149935

15/12

MOTION: Webb/Shelley

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.

The motion was put and carried.

6.2.12 BARIGAN REGIONAL CROWN RESERVE AND CURRENT
ABORIGINAL LAND CLAIMS

A0100055, A0420218

16/12

MOTION: Holden/Walker

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.

The motion was put and carried.

6.2.13 BYLONG RURAL FIRE SERVICE

A0100055, P1419511

17/12

MOTION: Shelley/Holden

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;
4. Council classify the road reserve as Operational land upon closure.

The motion was put and carried.

6.2.14 CULTURAL DEVELOPMENT COMMITTEE – NOVEMBER 2011
AND JANUARY 2012

A0100055, A042017

18/12

MOTION: Lang/Shelley

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.

The motion was put and carried.

6.2.15 LAND ACQUISITION AND ROAD DEDICATION

A0100055, P1989911

19/12

MOTION: Lang/Holden

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

The motion was put and carried.

6.2.16 MUDGEE SALEYARDS MANAGEMENT COMMITTEE

A0100055, A0100047, F0720036

20/12

MOTION: Webb/Weatherley

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;

The motion was put and carried.

6.2.17 NAME TO BE INCLUDED IN PRE-APPROVED STREET/ROAD NAMES LIST

A0100055, R0790141

21/12

MOTION: Shelley/Holden

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

The motion was put and carried.

6.2.18 NAMING OF CUL-DE-SAC OFF MELTON ROAD

A0100055, R0790141

22/12

MOTION: Weatherley/Martens

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.

The motion was put and carried.

6.2.19 FLIRTATION HILL, GULGONG – TELSTRA LEASE

A0100055, A0010008, P1203511

23/12

MOTION: Martens/Holden

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 an 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.

The motion was put and carried.

6.2.20 MID-WESTERN REGIONAL YOUTH COUNCIL

A0100055, A0060048

24/12

MOTION: Shelley/Weatherley

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;

The motion was put and carried.

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

A010055, A0140304

25/12

MOTION: Lang/Shelley

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.

The motion was put and carried.

6.2.22 2012 COUNCIL ELECTION

A0100055, A0121200

26/12

MOTION: Shelley/Lang

That the report by the Manager Governance on the 2012 Council elections be received.

The motion was put and carried.

6.2.23 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

A0100055, A0110024

27/12

MOTION: Holden/Shelley

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.

The motion was put and carried.

6.2.24 FINANCIAL ASSISTANCE – TIER 2 APPLICATIONS

A0100055, A0140201

28/12

MOTION: Weatherley/Shelley

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.
5. The following amounts be distributed from the Councillor discretionary votes:

Youth Council for youth week activities	Cr Weatherley Cr Kennedy Cr Holden	\$1,000 \$500 \$500
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The motion was put and carried.

6.2.25 TARGET COUNTRY PROGRESS REPORT – DECEMBER 2011

A0100055, P0199811

Councillor Walker declared a pecuniary conflict of interest in that he is a contractor for this project, left the meeting at 7.02 pm and did not participate in discussions or vote in relation to this matter.

29/12

MOTION: Weatherley/Shelley

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

The motion was put and carried.

Councillor Walker returned to the meeting at 7.04 pm.

6.2.26 ROADS TO RECOVERY PROGRAM SUPPORT

A0100055, R0790005

30/12

MOTION: Thompson/Martens

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.

The motion was put and carried.

6.2.27 BASE DATE 1 JULY 2011 GENERAL REVALUATION SUMMARY

A0100055, A0340046, A0340047, A0340003

31/12

MOTION: Webb/Lang

That:

1. the report by Manager Revenue & Property on the Base Date 1 July 2011 general revaluation summary be received and noted;

*The motion was put and carried.*6.2.28 REVENUE POLICIES

A0100055, A0340046 A0340047, A0340005, A0340007, A0140326

32/12

MOTION: Holden/Weatherley

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

*The motion was put and carried.*6.2.29 WATER CONSUMPTION – PROPERTY NUMBER 2200

A0100055, P0220011

33/12

MOTION: Walker/Weatherley

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 accepts that there is an unexplained error in this water account and sets the water account fee for the period July 2011 to October 2011 at \$312.00;
3. Authorise the General Manager to write off the account of \$2947.20 because the water usage to generate the income was not used

The motion was put and carried.

6.2.30 GLEN WILLOW REGIONAL SPORTS GROUND - ADDITIONAL FUNDING

A0100052, F0650108

34/12

MOTION: Walker/Lang

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.

The motion was put and carried.

6.2.31 TENDER ASSESSMENT – 2011-13 GLEN WILLOW REFURBISHMENT FROM FLOOD DAMAGE

A0100055, A0411113

35/12

MOTION: Holden/Lang

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.

The motion was put and carried.

6.2.32 MUDGEES SHOWGROUND PAVILION

A010055, F0650007

36/12

MOTION: Webb/Shelley

That:

1. The report by Group Manager Operations on the Mudgee 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.

37/12

AMENDMENT: Walker/Weatherley

That:

1. The report by Group Manager Operations on the Mudgee Showground Pavilion be received;
2. Council accepts the need for this additional furniture and fittings and consider the items as a budget initiative in the 2012/13 Operational Plan.

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

6.2.33 MONTHLY MANAGEMENT PLAN REPORTING

A0100055, A014993

38/12

MOTION: Holden/Weatherley

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.

The motion was put and carried.

6.2.34 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE

A0100055, A0310010, A0110033

39/12

MOTION: Walker/Weatherley

That:

1. the report by the General Manager on the Australian Local Government Women's Association Conference 2012 be received;
2. Council approves Councillor Esme Martens to attend the Australian Local Government Women's Association Conference 2012 in Dubbo from the 22nd to 24th March 2012.

The motion was put and carried.

6.2.35 VILLAGE AND TOWN FORUMS

A0100055, A0100046

40/12

MOTION: Shelley/Webb

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	11.00am
	Pryamul	1.00pm
	Windeyer	2.30pm
	Meroo	4.30pm
9 May 2012	Wollar	2.30pm
	Cooyal/Botobolar	4.30pm
	Cooks Gap	6.00pm
10 October 2012	Yarrabin/Beragoo	2.00pm
	Goolma	4.00pm
14 November 2012	Ilford	1.00pm
	Bylong	3.00pm
	Lue	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.

The motion was put and carried.

Councillor Martens requested that her name be recorded as having voted against this motion.

ITEM 7: URGENT BUSINESS WITHOUT NOTICE

There was no Urgent Business Without Notice.

ITEM 8: CONFIDENTIAL SESSION

There were no matters in Confidential.

ITEM 9: OPEN COUNCIL

CLOSURE

There being no further business the meeting concluded at 7.30 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.	Report included in the 1st February Business Paper RECOMMEND COMPLETION
Rylstone/Kandos Sewerage Augmentation	S.85/10 Assets Mtg 1/12/10	That: 2. Council commence negotiations with the Department of Environment, Climate Change and Water to defer construction of a new Treatment Plant at Kandos until funds become available under the Country Town Water and Sewerage Scheme; 3. staff review options to stage the proposed works in this region to improve the affordability of the augmentation required to meet effluent discharge quality requirements.	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 This is happening and will be reported back to Council when complete. The design is 75% complete
Riverside Memorial Walk	Res. 55/11 Ord. Mtg 16/3/2011	That: 3. Council includes in the development of the Lawson Park West Reserve in Short Street Mudgee a memorial and heritage pathway that has plaques installed in the walkway to remember past community people who have contributed positively to the growth and social infrastructure of this community. The concept of the memorial and heritage pathway be part of the public consultation process in the 2011/12 draft Management Plan; 4. Council consults with the Gulgong and Rylstone townships on suitable sites in those towns for similar memorial and heritage walkways to celebrate the contributions of people to those communities.	The walkway in the Lawson Park and the planning of the landscaping in the new part of Lawson Park is now well under way. When development complete we will arrange for plaques to be installed

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 6 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
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.	Meeting being arranged with the Minister of Regional Development. No indication when guidelines will be released for the distribution of these funds
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 now received. Report to 7th March Council meeting. Please note that the Pool cottage at Kandos is on crown land.
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. Also obtaining support from Upper Hunter Shire

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Sale of Industrial Land	Res.375/11 Ord Mtg 16/11/2011	That: 5. the General Manager presents a report to the first meeting in February 2012 with options and recommendations for setting the reserve price.	Report included in this business paper.
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	These matters have now been resolved with the split of the responsibilities between ARTC and Country Rail Network Authority (CRN) RECOMMEND COMPLETION
Planning Resources	Res. 511/11 Ord Mtg 7/12/2011	That consideration of this matter be deferred until February 2012.	Report 1st February business paper RECOMMEND COMPLETION

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
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.
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 included in this business paper.
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. Report included in this business paper.
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.	League clubs met and have agreed to do the food and beverage RECOMMEND COMPLETION
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

Nil.

6.2 REPORTS

6.2.1 DA0135/2012 – TEMPORARY WORKERS ACCOMMODATION – LOT 32 DP 750773 – 94 MAIN STREET – ULAN

REPORT BY MANAGER STATUTORY PLANNING DA0135_2012 - 94 MAIN STREET ULAN A0100055, P1411461

RECOMMENDATION

That:

- A. the report by Manager Statutory Planning on Development Applications 0135/2012 for a 140 bed Temporary Workers Accommodation development at 94 Main Street, Ulan be received;
- B. Development Applications 0135/2012 for a 140 bed Temporary Workers Accommodation development at 94 Main Street, Ulan be approved with the following conditions;

APPROVED PLANS

- 1. Development is to be carried out generally in accordance with stamped plans (Drawing No. 17239_L01, 17239_A01, Revision C, 17239_A02, Revision C, 17239_A03, Revision C and 17239_A04 Revision C, dated 18 October 2011, drawn by Barnson) and statement of Environmental Effects prepared by Barnson, received by Council on 21 October 2011 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

AMENDMENTS

- 2. Seven (7) accessible units are to be provided within the development site in accordance with AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code.
- 3. All communal facilities are to be provided with accessible features in accordance with the AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the Principal Certifying Authority (PCA) issuing a Construction Certificate. The conditions are required to satisfy the PCA that the proposal is consistent with the applicable development consent, the Building Code of Australia and any Australian Standards that are relevant.

4. The applicant is to demonstrate that there is the ability to provide a water supply to the development from roof storm water. This assessment is to be undertaken by a professional engineer report and is to indicate the harvest potential available, the likely water supply demand for the development and alternate supplies should the demand exceed the harvest potential.
5. Separate written application must be made under Section 68 of the Local Government Act 1993, as amended, to Council for all water supply, sewerage and drainage work associated with the development. Full details of the method of disposal of the sewerage/grey water must be submitted to the Council for approval prior to the issue of the Construction Certificate.
6. The proposed sewerage treatment system and irrigation areas are to comply with the Environmental Guidelines – Use of Effluent for Irrigation by the Department of Environment and Conservation. A report shall be prepared and submitted to Council for approval with the application under Section 68 of the Local Government Act for an onsite sewage management system. Note: The floor level of the Sewerage Treatment Plan shall be 418.5 AHD.
7. A registered Surveyors Certificate showing the boundaries of the site and the proposed building plotted thereon being submitted to the Principal Certifying Authority before construction is commenced.
8. Details of the engineered designed reinforced concrete slab/s and the wall and roof framing structural components of the building must be submitted with the required Construction Certificate.
9. 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:

The levy is: \$28,000.00 based on the estimated cost of development of \$ 2,800,000.00.
10. Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from telecommunications and energy service providers stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.
11. The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.
12. If the *Construction Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.

A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.

13. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid Western Regional Council prior to any work commencing. Contractor's insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid Western Regional Council as an interested party.
14. Complete landscaping plans are to be submitted to Council for approval prior to issue of a Construction Certificate. All landscaping is to be established prior to occupation of the development and consist of advanced trees and shrubs. Tree and shrub species should be endemic to the Mid-Western Regional Local government Area, require minimal watering and be salt resistant.
15. 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 runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are required to ensure that the site is ready for construction works to commence and satisfy the provisions of the Environmental Planning and Assessment Act 1979 and the Building Code of Australia.

16. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - 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.
17. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
 - a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c) Council is to be given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
18. Run-off and erosion controls must be installed prior to clearing the site and incorporate:
 - a) diversion of uncontaminated upsite run-off around cleared and/or disturbed areas and areas to be cleared or disturbed.
 - b) sediment fences at the downslope perimeter of the cleared or disturbed areas to prevent sediment and other debris escaping from the land to pollute water ways and collection areas.
 - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised.

19. 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.
20. If the work involved in the erection/demolition of the building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
21. 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;
 - a) Section F2.4 -Facilities for people with disabilities.
 - b) Part D3 - Access for people with disabilities.
 - c) Section E - in particular, E1 Fire fighting equipment, specifically the provision of fire hydrants and fire hose reels compatible to on-site water storage for fire fighting.
 - d) E4 Emergency lighting and exit signs.
 - e) Section J - Energy efficiency (offices)
 - f) Section C - Fire resistance, in particular Type C Fire Resisting Construction of walls within 3 metres of the boundary (including front & rear return walls)
22. The developer is to make arrangements with an archaeologist or indigenous group representing the locality to have people available onsite during any works that require disturbance to the surface or sub surface of the site. This is required to ensure that no indigenous objects are disturbed or destroyed during construction activities.
23. A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties.

BUILDING CONSTRUCTION

These conditions are provided to ensure that adequate standards are being observed during the construction phase of the development.

24. 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 noise is permitted on Sundays or Public Holidays.

25. 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.

26. 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.
27. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
28. The development must be provided with car parking spaces and with adequate means of access for persons with disabilities in order to comply with Australian Standard 2809.6 – 2009 (Parking facilities – Off street parking for people with disabilities) the Building Code of Australia and the Access to Premises Code. Full details must be provided with the Construction Certificate.
29. The development must be provided with sanitary facilities for people with disabilities in order to comply with Australian Standard 1428 2009 (Design for access and mobility), the Building Code of Australia and the Access to Premises Code. Full details must be provided with the required Construction Certificate
30. 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.
31. The rainwater tanks used as a potable water supply for human consumption, in particular, the supply to the amenities within the building, must be protected from contamination from industrial and urban traffic emissions, dead animals, mosquitoes, dust, pesticides, bushfires and any other form of contamination.
32. Details of the method of protection of the water supply from contamination and the method of the subsequent implementation of a testing regime of the water supply must be designed by an approved hydraulic engineer and submitted to Council's Health & Building section prior to the issue of an Occupation Certificate.
33. 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.
34. 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.
35. Smoke detector units are to be installed in accordance with the requirements of the Building Code of Australia. The smoke detectors are to be interconnected and connected to a permanent 240 volt power supply and provided with battery backup to activate the alarm units in the event of power failure. A detail of the system is to be submitted to Council for approval prior to installation.

36. All building work must be carried out in accordance with the requirements of the Building Code of Australia. This includes but is not limited to the following:
- Part C1 Fire Resistance and Stability
 - Part D3 Access for People with Disabilities –
 - Part F2 Sanitary and Other Facilities
 - Part F2.4 Facilities for people with disabilities
 - Part F5 Sound Transmission and Insulation
 - Section J Energy efficiency

ENGINEERING CONSTRUCTION

37. 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 storm water occur on adjoining land as a result of this development.
38. Vehicular entrances comprising concrete driveways and footway crossings are to be provided to the development. These should be constructed in accordance with Aus-Spec #1 and Council standard drawing M525-Rural Access, as outlined in Council's "Access to Properties Policy".

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 4.30pm 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.

39. A total of 150 car parking spaces are to be provided within the site of the development and comply with the following requirements:
- a) Each parking space is to have minimum dimensions of 5.5m x 2.6m;
 - b) Each disabled car parking space is to be in accordance with the provisions of Councils Development Control Plan – Design for Accessibility.
 - c) All car parking spaces are to be line-marked and provided with a two coat bitumen seal and must be maintained in a satisfactory condition at all times;
 - d) Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking.
40. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority (RTA) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.
41. The developer is to upgrade the school zone signage of the Ulan Public school such that it is provided with flashing lights during designated school zone times. All installation and approval requirements through the Local Traffic Committee shall be carried out by the developer sat full cost to the developer.
42. The developer is to upgrade Main Street for the full frontage of the proposed development, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	6.5 metres
Concrete Footpaths	N/A
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Table Drains	Austrroads
Subsoil Drainage	N/A
Underground Drainage	N/A

43. The Developer shall provide a 1.2 metre wide concrete footpath from the development site to the centre of the Ulan village. Full details are to be provided with the application for Construction Certificate.
44. Internal Roads shall be sealed with a minimum of 6 metres for two way traffic and 3.5 for one way. Turning heads shall be a minimum radius of 8.5 m. Provision of Kerb and Gutter is optional for internal access roads, but if provided shall comply with Council's Residential Standards.
45. Internal roads shall be designed to a 40km/h minimum speed. Actual speed limits within the development should be limited to 10km/hr for shared zones and signposted accordingly. Traffic regulatory, warning and guide signs throughout the development should be in accordance with AS1742.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

43. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building. An application for an Occupation Certificate must be set out in the form of the relevant part of Form 12 of the Environmental Planning and Assessment Regulations and must be accompanied by the relevant information required by Form 12.
44. On completion of the building work, the owner/agent of the building must cause the Council to be provided with a Final Fire Safety Certificate from a competent person with respect to each essential service nominated in the Fire Safety Schedule issued with the Construction Certificate.
45. 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.
46. The developer and landowner (Crown) shall enter into a Mine Impact Agreement with Ulan Coal Mine Limited prior to the occupation of the development due to the location of the site potentially exceeding noise criterion.

GENERAL

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

47. This approval is limited to twenty (20) years from the issue of the Occupation Certificate and the facility shall be decommissioned in accordance with the approved Decommissioning Plan within six (6) months of the closure of the facility.
48. The proposed development is not to rely on any other water supply other than treated water from the onsite sewerage treatment facility and capturing roof water. Should the development run out of water, then it will close down until water supplies have been supplemented by further rain fall. The proposed development has provided that the water supply will be gained by capturing roof water for a potable water supply and can also be supplemented by treated water for toilets and laundry water supplies.
49. A Decommissioning Plan in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.
50. A Management Plan, including the identification of social impacts, in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.
51. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.
52. All loading and unloading in connection with the premises shall be carried out wholly within the site.
53. 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".
54. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.
55. Security fencing is to be provided to the site and is to be a maximum of 2.1 metres in height and of pre coloured steel fencing. Full details of proposed fencing are to be included on the landscaping plan.
56. Adequate facilities being 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 being made for the regular removal and disposal of same.
57. 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.
58. A public address system or sound amplifying equipment shall not, without the consent of Council, be installed in or upon the premises so as to cause or permit the emission of sound onto any public place or nearby residential area.

59. **The proposed sewerage treatment plant is to be located at least 100 metres from the Goulburn River to ensure compliance with the Environmental Planning and Assessment Regulations 2000.**
60. **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).**
-

EXECUTIVE SUMMARY

Council has before it for determination an application for a temporary workers accommodation facility that would comprise one hundred and forty beds (140) at the former Ulan Recreation Reserve, 94 Main Street Ulan. The development provides for;

- Thirty five buildings comprising 4 bedrooms and ensuites;
- Two laundries;
- Four catering buildings;
- Kitchen/ dining building;
- Commercial laundry;
- Gym;
- Sewerage treatment plant;
- Two covered BBQ areas;
- 350kL below ground storage tanks for potable water;
- Approximately 150 car spaces plus a bus parking bay;
- Three 320kL storage tanks for treated water; and
- Use of existing building, tennis court and grandstand for recreation purposes.

The application is reported to Council because the value of the development exceeds staff delegation and there are a number of objections.

Access to the site is from Main Street with the car park provided adjacent the street frontage. The common facilities are provided to the south of the site and the accommodation buildings are provided to the north of the site.

The proposed scale and nature of the development is considered to be significant when compared to the character of the Ulan Village but the low scale and separated nature of the buildings would reduce this impact.

The development would have a significant impact on the character of the village but the advantages in terms of providing accommodation near the employment sources, reduction in traffic movements and assistance with accommodation shortages are all considered positive benefits that would outweigh some of the negative impacts.

Three submissions were received and they raise concerns with traffic noise affecting the inhabitants of the workers village, noise impacts as the proposal being a receiver of mine associated noise, safety of children attending school, noise/visual/amenity/traffic impacts from proposal on the Ulan village, objection to crown land being utilised for such purposes, impact on indigenous cultural heritage, and acknowledgment that the development site is within a dam emergency management plan area.

It is considered that the application has adequately demonstrated the suitability of the site for the proposed development and is recommended for approval.

DETAILED REPORT

ASSESSMENT

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

1. REQUIREMENTS OF REGULATIONS AND POLICIES:

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

State Environmental Planning Policy Infrastructure

SEPP (Infrastructure) 2007

Clause 104 of the SEPP deals with traffic generating development and the proposed development does not fall within the classification prescribed in schedule 3 of the SEPP.

SEPP Rural Lands 2008

The proposed development seeks to construct and use a public reserve for temporary workers accommodation. The proposed site is directly adjacent the village of Ulan and is unlikely to have any significant impacts on the availability of capability of adjoining agricultural land.

SEPP 44 – Koala Habitat

The assessment has indicated that the part of the site where the development is proposed has been significantly modified over time and is not anticipated to hold or affect any koala habitat.

SEPP 55 – Remediation of Land

The assessment has indicated that the part of the site where the development is proposed has been significantly modified over time and has been historically used for recreation purposes and prior to that for general grazing. It is not anticipated that the previous uses of the site would raise any significant risk of contamination.

Merriwa Local Environmental Plan 1992

Clause 8 - Zones indicated on the Map

The land is zoned General Rural Zone (1a) in accordance with the Merriwa Local Environmental Plan 1992. The proposed development is permissible with the consent of Council in that it is not a use that is prohibited under the General Rural Zone land use table.

Clause 9 - Zone objectives and development control table

The objectives of the General Rural Zone are;

(a) to encourage the productive and efficient use of land for agricultural purposes,

(b) to prevent inappropriate development of prime crop and pasture land for purposes other than agriculture,

(c) to protect, conserve and enhance the natural and scenic resources of the Shire,

(d) to control subdivision of land having regard to the efficient use of land for the purposes of agriculture, and

(e) to ensure that the type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the cost of providing services and amenities.

The proposed development is considered to be not inconsistent with the objectives of the Merriwa LEP General Rural Zone as;

- the proposed development would not restrict the use of adjoining land for agricultural purposes;
- the location of the subject site adjacent to the Village zone is unlikely to mean that it would be used for any agricultural purposes and the size of the lot would also further restrict this likelihood;
- the proposed development has demonstrated that it is unlikely to have any significant impact on natural resources;
- The proposed development does not propose any subdivision; and
- The proposed development has demonstrated that the development is compatible with the characteristics of the site.

Clause 15 – Advertising of certain applications

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

Clause 17 – Development along arterial roads

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

Clause 18 – Land subject to bushfires

The land is considered to be bushfire prone. A bushfire hazard assessment has been carried out as part of the applicant's submission and confirms that there is minimum risk to the development from bushfire hazard. The NSW Rural Fire Service have also issued a Bushfire Safety Authority in relation to the proposed development.

Clause 19 – Flood liable land

The proposed development is potentially located with a flood prone area due to its proximity to the Goulburn River and also being located within the Dam Safety and Emergency Plan area of Moolarben Creek Dam.

There is no known risk of flooding from the Goulburn River and it has been established that the accommodation buildings will be constructed with a floor level 500mm above the 1 in 100 year flood level (416.5m AHD) established by the Moolarben Dam Safety Emergency Plan. This can be achieved because the natural ground level is already above this point.

Further consideration has been made of the floor level of the sewerage treatment plant as this would be classified as an essential service and should be located above the probable maximum flood level in accordance with the Floodplain Development Manual, i.e. 418.5m AHD. The sewerage treatment plant is proposed in a location that has a natural ground level below 417m AHD and the applicant has advised that the facility will be constructed above this point.

Clause 21 – 24 – Heritage provisions

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

Draft Mid-Western Regional LEP 2012

The draft Mid-Western Regional Local Environmental Plan 2011 affects this proposal. The Draft LEP proposes to zone the subject site "Primary Production" a zone in which "tourist and visitor accommodation" is permissible.

The Draft LEP has finished its exhibition and is currently with the NSW Department of Planning for review post Council review of the public submissions. It is not known to what extent the draft LEP may be amended but is unlikely to be considered as 'imminent and certain of gazettal'.

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

Notification Policy

The development was notified to adjoining and adjacent owners from the 18 November 2011 until the 9 December 2011. Council received three submissions which are discussed further in the table below;

Summary	Nature of Submission	Staff Response
Mine Impact Agreement. Site would exceed predicted noise levels from mine.	UCML has predicted that the site would receive noise levels from the mine that would exceed the guidelines. Their project approval requires a Mine Impact agreement.	Condition of Consent.
Moolarben Dam Safety Emergency Plan	The subject land is within the Emergency Plan area that is controlled by UCML and Moolarben Coal Operations (MCO).	The Emergency Plan is controlled by both UCML and MCO. There is specific requirements built into this plan and it would be necessary that contact details for all occupants be provided to UCML. The site floor levels of the propose buildings and the sewerage treatment plant are required to be located above the 1in 100 year flood level and the Extreme Flood Event for the sewerage treatment plant.
Traffic Impacts from mine	The site is located adjacent an alternate route to Ulan Coal mine. There will be heavy traffic noise from mines passing the site.	The applicant has contended that the buildings will be insulate to reduce noise.
Noise	There is the potential for noise impacts from the proposed development.	The development seeks to establish mine workers camp where the predominate use will be residential accommodation. It is not anticipated that the development will create any significant noise impacts. In addition, a Management Plan will be required to be prepared that addresses anti social behaviour and how the facility will function.
Amenity	Size and nature of the development will generate adverse impacts on village community.	The development will be a significant site within the Ulan village and is likely to impact on the character of the village. The site is not located on a major thoroughfare, is located in close proximity to the mines and adjacent to an existing village which are all considered to be good planning reasons for its proposed location.
Visual Amenity	Impact on the visual amenity of the village.	The development is of a scale that when compared to other developments

Summary	Nature of Submission	Staff Response
		<p>within the village will be large.</p> <p>The development is assisted by the proposed landscaping and the separate nature of the buildings that will reduce the bulk and scale.</p>
Traffic	There is the potential for traffic impacts from the proposed development.	<p>The DA submission included a Traffic Impact assessment and this was reviewed by Council's Development Engineer.</p> <p>It was concluded that although there will be an increase in traffic, the local road network would be able to cope with the expected traffic volumes.</p>
Public Reserve.	Use of the site is not suitable as it is a public reserve and is used for such purposes	<p>The development application is provided with owners consent from the crown Lands division of the Department of primary industries, i.e. Crown.</p> <p>The nature of the reserve and its status is a matter for the Crown to resolve.</p>
Aboriginal Cultural Heritage	Claim that objects have been found in close proximity the site and that it is likely that there would be objects on the site.	<p>Council requested an Archaeological assessment and this was carried out by OzArk Environmental and Heritage consultants. The assessment included a field study and no objects were found. It was recommended that monitoring occur during the construction phase and this has been included as a condition of consent.</p>
Safety for school children	Concern about the increase in traffic and stranger danger	<p>The developer has proposed to install flashing lights at the school zone signs.</p> <p>The traffic assessment also concluded that limited shift changes occur during the school zone times and that there is unlikely to be any significant impact.</p> <p>Concerns about the safety of children with a proposal that accommodates mine workers cannot be substantiated in any manner. The school is a restricted site and most students would either be picked up/dropped off or supervised while they wait for buses.</p>

Design for Accessibility DCP, AS 1428, BCA and Access to Premises Code

The proposed development does not address accessibility and all buildings are proposed to be located on piers. The elevations of the buildings show steps and no buildings appear to have ramps. There is no provision for accessible rooms within the development.

The Australian Standard 1428.1 2009 and the Federal Access to Premises Code require a certain number of Class 3 rooms to be provide with accessible features and all common facilities to be provided with accessible features. In accordance with the Access to Premises Code, seven (7) rooms would need to be accessible.

This has not been provided and would need to be addressed prior to the issue of the Construction Certificate.

Car Parking DCP

Council's DCP does not specifically address this type of development however, consistent with the motel provision in the DCP, the development should cater for 1 spacer room and staff parking.

The development provides for approximately 150 spaces which is consistent with the suggested standard of 1 space per room plus staff parking, it has been noted in the DA submission that it is anticipated that there would be approximately 10 staff at any one time.

Draft Temporary Workers Accommodation DCP

The proposed development was lodged prior to the adoption of the DCP but as the DCP does not provide for any savings provisions, it must be considered as it came into force prior to the determination of the application.

The proposed development is considered to be generally compatible with the intent of the DCP as it;

- The location is generally considered satisfactory given its proximity to the mines and location adjacent an existing village;
- Complies with the density requirements of 10 beds per hectare;
- Has provided adequate facilities as prescribed by the DCP;
- Hass provide a draft Management Plan
- Has indicated that a Decommissioning plan could be provided;
- Has addressed the majority of issues and matters prescribed by the DCP.

The following is a Compliance Table to demonstrate the adequacy of the application against the standards provided in the DCP. It should be noted that the application was lodged and assessed prior to the adoption of the DCP but is only likely to be determined shortly after the formal notification of the commencement of the DCP.

DCP Standard	Proposal	Compliance
Permissibility	Innominate use under the Merriwa LEP 1992 as no specific definition applicable and the zone table is open.	Yes
Location	Proposal is not located in a scenic or visual attraction area, is considered to be in close proximity to mine sites and is not located on a tourist route. The proposal is also not located on industrial zoned land and is not considered to have any significant impact on tourism or agriculture.	Yes
Within or adjacent a town	N/A	N/A
Within or adjacent a village (500m)	Directly adjacent the Village zone of Ulan. Suitable provisions for water and sewerage services. No or limited legacy infrastructure.	Yes, except for social impact

DCP Standard	Proposal	Compliance
	No requirement for cycle path/footpath. No replication of facilities. Traffic impact statement prepared. Limited impact on visual and rural amenity. Plan of Management to be provided. Social impact assessment not provided but can be dealt with as condition of consent through Management plan. Economic impacts identified.	statement and legacy infrastructure
At Major Project Site	N/A	N/A
Other locations	N/A	N/A
Need	Yes, in a limited capacity	Yes
Social Impact Statement	Not provided, but has been incorporated as a condition of consent through Management Plan.	
National Construction Code	Not specifically, but through conditions in Recommendation.	Yes
Moveable Dwellings	Details to be provided with Constructing certificate.	Yes
Accessibility	Not addressed in application but part of Recommendation.	Yes
Density (100/ha)	70 beds / hectare	Yes
Facilities	Ensuites to each room, laundry, covered areas, tennis court, gym, lighting, paved areas.	Yes
Traffic and Parking	Provided in accordance with DCP requirements	Yes
Services	Water, sewer, water balance, waste collection and first aid facilities.	Yes
Landscaping	Provided at front of site and within site	Yes
Plan of Management	Draft provided. Condition of consent.	Yes
Decommissioning Plan	Condition of consent.	Yes
Developer Contributions	Section 94A Contributions Plan is considered satisfactory due to timing where DA reported to Council just after adoption of DCP.	No

2. IMPACT OF DEVELOPMENT

(a) Context and Setting

The proposed development is situated within a rural village. The village contains a number of houses, a pub and some commercial/ industrial development. It is considered an appropriate location for this form of development due to its proximity to the employment sources (mines) and is adjacent to an existing village rather than in the middle of a rural area where there are no services.

The development is replicating the purpose of the Ulan village in terms of providing a place to live for people working in the locality.

(b) Access, transport and traffic

The proposed development provides for vehicular access at the front of the development. This is considered to be suitable.

An assessment of the proposed traffic movements of the proposed development have indicated that the existing road network can adequately deal with the proposed traffic movements.

A condition of consent will be included to upgrade the road system fronting the development site and the applicant has offered to install lighting/flashing lights for the school zone.

A car park is provided at the front of the site and accommodates the majority of car parking. Service vehicles and loading/unloading is carried out away from the car park and is considered satisfactory.

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

(d) Utilities

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

The proposed onsite sewage disposal is considered to be adequately resolved but will require further documentation at the Construction Certificate stage.

The development also relies on generating a water supply from roof water and a condition has been imposed requiring the facility to shut down if it runs out of water.

Heritage

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

The landform is considered sensitive from a cultural heritage perspective and further assessment was required due to the proximity of the Goulburn River and information contained in one of the submissions received.

An AHIMS search and archaeological assessment was carried out by Ozark Environmental and Heritage Consultants. The report included a field study and consultation with Mudgee Local Aboriginal Land Council and this identified that there are no known or registered indigenous objects. No objects were identified during the field study but it was requested that the site be monitored during construction activities and this is considered sensible given the sites proximity to the Goulburn River.

Flora & fauna

The development site is located adjacent the Ulan Village and has been used for public recreation purposes. The majority of the site where the development is proposed has been cleared for these past uses and is unlikely to support any threatened flora or fauna.

Noise & vibration

The development seeks to establish a 140 bed temporary workers accommodation with ancillary facilities. One of the submission raised concerns about the facility being affected by mine noise and a condition of consent will be included that requires the developer to have an agreement with Ulan Coal Mine prior to occupation of the facility.

The development itself, as it is providing essentially residential accommodation, is not expected to generate any significant noise. The facility will be subject to a Plan of Management that will regulate activities and behaviour onsite.

Natural Hazards

The proposed development is not known to be of significant risk from any natural hazards other than bush fire risk. The application provided a bushfire assessment and the application was also referred to the NSW Rural Fire Service. The Rural Fire Service has provided a Bushfire Safety Authority with conditions. These can be found as part of Attachment 4.

Technological hazards

The proposed development is not known to be of significant risk from any technological hazards, other than dam break hazard already discussed in a previous section of this report.

Social and Economic impact in the locality

The development has the potential to alter the social fabric of the village in terms of predominately men living in the area. This must be considered in light of the fact that the proposed inhabitants would already or may in the future work in the area and the positive impacts of reducing commuting traffic.

The development would provide for some economic impact in terms of encouraging additional business in town and during construction.

3. SUITABILITY OF SITE FOR DEVELOPMENT

(a) Does the proposal fit in the locality

The proposed development is generally considered to be suitable within the locality due to the existence of a village character and the site's proximity to the coal mines.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

As discussed in a previous section of this report.

(b) Submissions from public authorities

NSW Rural Fire Service – Bushfire Safety authority attached.

5. THE PUBLIC INTEREST

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

The proposed development is considered to be in the public interest as it generally complies with Council policies.

FINANCIAL IMPLICATIONS

None

STRATEGIC OR POLICY IMPLICATIONS

None.

OPTIONS

1. The application be refused in accordance with Reasons as specified; OR
2. The application be approved subject to amended conditions of Consent.

GARY BRUCE
MANAGER STATUTORY PLANNING

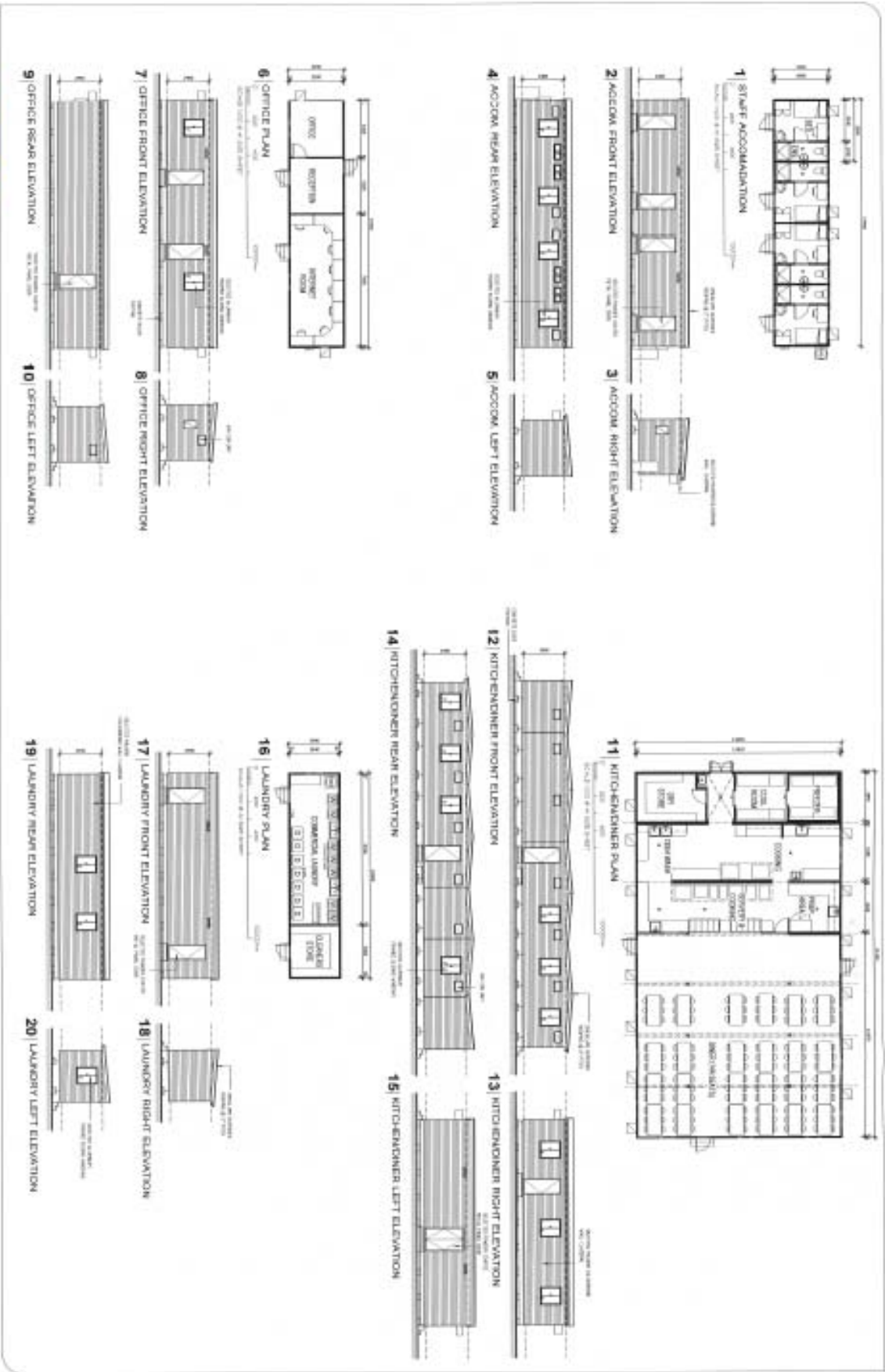
CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT &
COMMUNITY SERVICES

3 February 2012

- ATTACHMENTS:
1. Locality Plan
 2. Architectural Drawings
 3. Submissions
 4. Bushfire Safety Authority

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER



OFFICE LAYOUT
 1. 1000 sqm
 2. 1000 sqm
 3. 1000 sqm
 4. 1000 sqm



ON EDGE PTY LTD
 PROPOSED CAMP BUILDING
 AT 7A WAIN STREET
 HILAN

FLOOR PLANS & ELEVATIONS

AP **CP**
 1. 1000 sqm
 2. 1000 sqm
 3. 1000 sqm
 4. 1000 sqm

17239-A03

C



NORTH EAST WIRADJURI
COMPANY LTD

6th December, 2011

Katherine Van Laeren
Group Manager,
Planning and Development,
Mid Western Regional Council,
86 Market St.,
MUDGEE. NSW. 2850.

Dear Sir/Madam

**Development Application DA0135/2012 – Proposed Temporary Miners'
Accommodation – 94 Main Street, Ulan NSW 2850 Lot 32 DP 750773**

North East Wiradjuri Co. Ltd. is an organisation that represents Native Title interests in the area (among other areas) and has had long standing interest in the Ulan area.

We are a not for profit Aboriginal Community business that has been developing in the Ulan area since 2006.

We lease 112 Main St., from the North Eastern Wiradjuri Wilpinjong Community Fund, the owners of this property, who are in themselves a trustee of the Native Title Party interests in the area, via our Section 31 Ancillary Deed Agreement with Wilpinjong mine, which relates particularly to the land neighbouring this particular property and the Development Application in question. This property is situated directly on the north eastern side of the above property, being the Ulan public recreation reserve.

We also have other land interests in the Ulan Village at 18 Robison St., and 13-15 Main St. All of these properties will be handed over to the Native Title Party at the end of the life of the various mines which are subject to agreements with us.

PO Box 29,
KANDOS. NSW. 2848
0425332434
ABN: 18125329526

1

It is incorrect of Council to adopt the view that all properties in the village are owned by the mines.

Details of the site as Crown land are summarised as follows (as per Bamsons DA):

“

- Reserve Number R258289(24.4.1897)
- Ulan Recreation Reserve Trust (12.9.1986)
- Management – Mid-Western Regional Council
- Purpose – Public Recreation”

We need to state here that this is Crown Land; it is a crown reserve as stated above, it then has a Ulan Recreation Reserve Trust (12.9.1986).

Bamsons then go on to state that “from recent inspection of the site, it appears that its use has ceased as a sports field noting its unmanaged grassy paddock character. such it provides passive open space that is not actively used by the local community.

It is not just the use of the sportsfield, it is the use of the whole of the facility:

This facility is used by a small community village and should not be taken away by some. Many activities are held at the Ulan Community House, which have included in the past:

Council Consultation Meetings

Knit, Stitch and Bitch Club (local craft group);

North East Wiradjuri Co. Ltd. Directors Meetings.

North East Wiradjuri Community Fund Ltd.(Directors Meetings)

North Eastern Wiradjuri Wilpinjong Community Development Planning meetings

Ulan Mine Community Information Days

Wilpinjong Mine Community Information Days

Moolarben Mine Community Information Days

Other information days in the future

Ulan has been severely impacted by the growth of the mines in the area and should suffer no further impacts.

By its very nature there will be an ebb and flow of activities at the Ulan Community House and the reserve. The reserve should remain available to the community.

Aboriginal Cultural Heritage

Firstly and foremost our Company is interested in the conservation of our Aboriginal culture and heritage throughout the area. The Ulan area has many Aboriginal sites, both recorded and not recorded and is extremely rich in many examples and aspects of Aboriginal Culture.

We refer to point 3.13 of the Bamson report that says "An AIHMS was not undertaken based on the previous use of the site as a sports field".

Our property has Aboriginal cultural material on site. This property was used previously for grazing and agricultural activities.

We intend to use it for a variety of cultural activities for the future.

We refer to Councils previous position that waterways and associated areas are sources of occupation by Aboriginal peoples in the past. The area from above Ulan down through to the Hunter has many recorded sites. Not unusual considering that Aboriginal peoples occupied land beside waterways.

Our organisation has had previous experience with this proponent and others whereby our most recent experience was with their failure to satisfy due diligence with respect to a power line survey at Windeyer. They advised the proponent that the involvement of Aboriginal groups (community members) was not required. This is a failure to observe the Office of Environment and Heritage (OEH) requirements.

Further, I have personally found cultural material at the Travelling Stock Route (TSR) at the Ulan to Cassilis road extending downstream to our property, including at the back of the school, the lane behind where the church used to be, and on the other side of the Goulburn River. It is inconceivable and most likely that there would be cultural material above the showground site and below the showground site and as well as on the showground site.

I have also identified sites on private properties for landholders in the area.

To suggest that an AIHMS Search should not be undertaken based on the previous use of the site as a sports field is insulting to the Traditional Owners and other Aboriginal people who reside in the area.

The requirements of the Office of Environment and Heritage must be observed.

This would have been a very important site as it is where Sportsmans Hollow meets the Goulburn River.

We do not believe that Bamsons has carried out due diligence as required by the Act.

We remind Council regarding the changes to the Act and we require that all four main Aboriginal stakeholder groups plus a qualified Archaeologist be engaged to investigate the site before any further consideration of this project takes place.

We should not have to wait until excavation to discover whether Aboriginal cultural material exists. Our position is that an archaeological survey should be undertaken prior to any work under a proposed DA.

Amenity:

As correctly pointed out in the DA our property is: "To the north of the site is a small rural lot occupied by a dwelling house and 4 accommodation cabins which are sub-let to contract mine staff."

We believe that the amenity of our place will be seriously affected by the proposed development. A development of 128 accommodation places, with the prospect of a further 128 places is a prospect of in excess of 250 personnel operating through a 24 hour shift.

There are the three large coal mines in the area, plus the many assorted quarries.

Noise:

Noise from such a development would be tripled, as the three mines have different shift times.

This will further be impacted once Ulan West Operations are underway.

Visual Amenity:

The visual amenity of such a construction in Ulan Village will also be seriously impacted.

Further, "to the west on the opposite side of Main St. is a vacant crown Reserve and a cemetery.

This cemetery is still used today and is often visited by many of the local families who have relatives buried there.

The visual amenity will be seriously impacted.

Further, such a development has the potential for very serious anti social behaviour with no emergency facilities close by.

Traffic

The traffic will have a direct impact on our property. Our property does not have a 24 hour roster. The affect on our clients will be substantial and will affect their ability to perform their work responsibilities safely and satisfactorily. Thus this becomes an OH&S issue.

Traffic from the Ulan Stone Quarry has increased at a significant rate, the potential for further traffic once Ulan West commences and the Ulan mine entrance at the end of Main St. may also be significant.

Further Impacts:

The DA fails to mention its close proximity to Ulan Public School, some 350 metres and the Post Office Hotel, an even shorter distance.

The Goulburn River has flooded quite considerably in the last 8 years, the school having to be closed during at least one of these.

We also experience problems with groundwater during heavy rains, an issue that the DA has not addressed.

The total area of the site is approximately 4.05 hectare and it is inconceivable that the size of the site could accommodate such a development without having impacts on the village itself, the amenity of the village and the Goulburn River.

Another issue I have not addressed at this stage is dust.

I request that my objection to this development be noted.

Further, I request that the above DA be called to site inspection to allow us to properly access the site with respect to all the above issues.

Yours sincerely,

Lyn Syme
on behalf of NEW Co (Administrator Appointed)
Jones Partners.



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



Seq No: 355/11

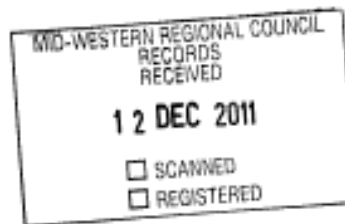
Mine Office
4505 Ulan Road
Ulan NSW 2850

Private Mail Bag 3008
Mudgee NSW 2850
Telephone (02) 6372 5300
Facsimile: (02) 6372 5333

07 December 2011

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

Attention: Warwick Bennett



**Re: Submission on Development Application DA0135/2012 - Proposed Temporary Miners
Accommodation - 94 Main Street Ulan NSW 2850, Lot 32 DP 750773**

Dear Warwick,

I refer to the above Development Application DA0135/2012, for the construction of 140 single bedroom units and ancillary facilities, which is on Public exhibition until 9 December 2011 (Development Application).

Ulan Coal Mines Limited (UCML) has prepared this submission in response to the Development Application including the information provided by the proponent (Barnson Pty Ltd) in the accompanying Statement of Environmental Effects (SEE).

As you are aware, the Ulan Coal Mine (which is operated by UCML) is located approximately 1.5 km east of the village of Ulan. As a result of mining in the area, and the associated mining impacts, the majority of existing housing within the village has been purchased by UCML and other mining operations to avoid land use conflicts.

UCML recognises the short term housing shortage within Mudgee and surrounding towns and subject to the imposition of appropriate conditions provides its in-principle support for the Development Application. However, UCML submits that the Development Application should only be approved if conditions can be put in place to ensure that the subject development does not create conflict with UCML's current and future mining operations in the area.

UCML's concerns regarding the proposed development are set out below.

Due to the close proximity of the proposed development to the Ulan Coal Mine and other mining operations, there is the potential for mining related impacts, including impacts from noise, dust, blasting and traffic. It must be acknowledged by the proponent that UCML should not be liable for any mining related impacts on the proposed development or required to compensate or provide mitigation measures with respect to mining related impacts from existing and future operations.

1. **Noise Impacts**

The UCML Environmental Assessment (EA), which forms part of its current Project Approval (PA08_0184), for the Ulan Coal Mine predicts that the land the subject of the Development Application (being Lot 32 DP 750773) will receive noise levels greater than 40dB. These noise levels will also be exacerbated by cumulative impacts from neighbouring mining operations. The noise specific criteria as identified in UCML's Project Approval (PA08_0184) for privately owned residence is 35dBA(Aeq 15 min). Accordingly, the construction of residences on the land the subject of the Development Application will result in UCML being in breach of its Project Approval. However, in accordance with Condition 2, Schedule 3 of PA08_0184 this criterion does not apply if UCML has a written agreement with the relevant landowner to exceed these levels. It is therefore submitted that, if the Development Application is approved a condition must be imposed requiring the proponent and landowner (the Crown) to enter into a mine impact agreement prior to occupancy allowing UCML to exceed the noise limits in Condition 2 of Schedule 3 of Project Approval 08_0184 at any residence on the subject land.

2. **Traffic Impacts**

UCML advises Council that it utilises Main Street as an alternate access to the Ulan Coal Mine for the delivery of equipment and materials. The Main Street access provides UCML with flexibility to allow all forms of vehicular access including light and heavy vehicles to enter the mine 24hrs a day.

It is submitted that Council should consider the Development Application in light of UCML's ongoing use of Main Street for vehicle access to the Ulan Coal Mine.

3. **Moolarben Dam**

As Council is aware, the land the subject of the Development Application is located below the Moolarben Dam and is within the dam emergency evacuation area. UCML currently has responsibility for the ongoing management of Moolarben Dam. Accordingly, UCML requests the proponent be required to undertake consultation with the NSW Dam Safety Committee (DSC) and satisfy all requirements under the *Dams Safety Act 1978* (NSW) in relation to Moolarben Dam including the preparation of an

appropriate emergency evacuation plan. UCML should not be burdened with additional requirements, in relation to the management of and procedures concerning the subject land, as a result of any approval of the Development Application.

Subject to Council's consideration of the above issues and imposition of the requested conditions of consent, UCML supports the approval of the Development Application.

If you require any further information, please do not hesitate to contact Jamie Lees on (02) 63725368.

Yours sincerely



DAVE STONE
General Manager – Ulan Complex
Ulan Coal Mines Limited



ULAN PUBLIC SCHOOL

A member of the Cudgegong Learning Community – promoting public education

Main Street, ULAN NSW 2850

Ph: 0263 734625 Fax: 0263 734807 ABN: 17 130 345 454



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

Submission of Objection

**Reference: DEVELOPMENT APPLICATION DA0135/2012
TEMPORARY MINERS ACCOMMODATION AT LOT 32 DP750773-
94 MAIN STREET, ULAN**

Dear Sir,

On behalf of the Ulan Public School Parents and Citizens Association, School Education Director Michael Cronk and school staff, I would like to raise some issues which we have concerning the potential impact of the proposed Development Application DA0135/2012 on the school, its students, their parents, teachers and support staff.

Ulan Public School has a current enrolment of 15 students from 11 families. Students are drawn from the surrounding area, with only one student being within walking distance of the school.

Three students are conveyed to school by private car.

The remaining students travel by bus from the Cooks Gap area.

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

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

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

The school provides support and social interactions for the families in the local area, and is a focus for community activities that otherwise would not occur, as the village has been heavily impacted on by the continuing mining expansion.

The proposed development of miner accommodation within the Ulan Village poses a number of potential issues for the school community.

These include the proximity of the development to the Goulburn River, the changing visual amenity of the village landscape, the impact of the sudden increase of population in a confined area which may result in negative social outcomes, increased noise and traffic flow, as well as safety concerns as the population of the village will be increased dramatically.

Increased noise and traffic during the construction phase of the proposed development would also detrimentally affect the school community and student learning.

There are three major areas of concern which we require be considered.

These areas are:

1. **Safety**
2. **Traffic**
3. **Noise**

1. SAFETY

Ensuring the safety and wellbeing of all students is of paramount importance in a school environment.

Parents entrust their children to school staff to diligently provide duty of care during school hours.

Parents have chosen to enrol their children at Ulan School as it is a safe, supportive and relaxed environment.

As Ulan Village is not heavily populated or urbanised it provides an ideal environment for children from isolated rural backgrounds to grow and learn in a safe, stress free environment.

Historically, staff and students have enjoyed a safe, family oriented environment free from the social concerns of "stranger danger".

This is a major attraction for the families who support the school and this should be allowed to continue into the future.

2. TRAFFIC

It would be expected that there would be an increase in the volume of traffic and also the number of drivers who fail to slow for the 40kmph zone outside the school, thus creating an increased safety hazard for students- some of whom are as young as 4 years of age attending our Transition Program.

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

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

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

grounds and also as they alight or disembark from the school bus at the numerous stops on the route.

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

3 .NOISE

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

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

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

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

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

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

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

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

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

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

The NSW Industrial Noise Policy stipulates an acceptable level within a classroom of 35dB, or 40dB in a school already affected by industrial noise.

(The school has a noise monitor onsite as part of Moolarben Coal Operations Conditions of Approval)

The close proximity of the proposed development, being only 350 metres down the road from Ulan Public School deems that the possibility of disruption to the school learning environment is possible.

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

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

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

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

Another ongoing factor in the noise pollution category is that of the increased traffic which would include employee commuter vehicles which would pass close by the school- each and every one causing some disruption within the school environment making it difficult to maintain current academic levels and the integrity of the learning environment.

We are concerned that there are no restrictions or guidelines to cover noise levels within the village and therefore will need to be closely monitored to ensure minimal disruption and impact to the learning environment.

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

We appreciate your consideration of this matter.

Yours sincerely,

Annette Riley

PRINCIPAL
ULAN PUBLIC SCHOOL

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 8741 5175
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



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

Your Ref: DA0135/2012
Our Ref: D11/2334
DA11112180911 PC

ATTENTION: Gary Bruce



19 December 2011

Dear Mr Bruce

Integrated Development for 32//750773 94 Main Street Ulan 2850

I refer to your letter dated 14 November 2011 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the property around the buildings to a distance of 40 metres to the north, east and west, and to the property boundary to the south, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilites

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Electricity and gas services are to comply with Section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
3. In recognition that no externally reticulated water supply is available to the development, a minimum 40,000 litres water supply shall be provided for fire fighting purposes. The fire fighting water supply shall be installed and maintained in the following manner:
 - a) Fire fighting water supply tank(s) shall be located not less than 5 metres and not more than 20 metres from the nearest approved structures.
 - b) A hardened ground surface for fire fighting truck access is to be constructed up to and within 4 metres of the fire fighting water supply.
 - c) Above ground fire fighting water supply tank(s) are to be manufactured using non combustible material (concrete, metal, etc).
 - d) Non combustible materials (concrete, metal, etc) will only be used to elevate or raise fire fighting water supply tank(s) above the natural ground level.
 - e) A 65mm metal Storz outlet with a gate or ball valve shall be fitted to any fire fighting water supply tank(s) and be accessible for a fire fighting truck. The Storz outlet fitting shall not be located facing the hazard or the approved structure.
 - f) The gate or ball valve, pipes and tank penetration are adequate for full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material.
 - g) All associated fittings to the fire fighting water supply tank(s) shall be non-combustible.
 - h) Any below ground fire fighting water supply tank(s) constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials shall be shielded from the impact of radiant heat and direct flame contact.
 - i) Any fire fighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.
 - j) All water supplies for fire fighting purposes shall be clearly signposted as a fire fighting water supply.
 - k) Below ground fire fighting water supply tank(s) shall have an access hole measuring a minimum 200mm x 200mm to allow fire fighting trucks to access water direct from the tank.
 - l) Fire fighting water supply tank(s) and associated fittings, located within 60 metres of a bushfire hazard and on the hazard side of an approved building, shall be provided with radiant heat shielding to protect the tank from bush fire impacts and maintain safe access to the water supply for fire fighters.

m) A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump and/or any internal water reticulation system, ensuring sufficient pressure and length to reach all external elevations of the approved buildings.

n) Pumps are to be shielded from the direct impacts of bush fire.

o) A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:

i. Markers must be fixed in a suitable location so as to be highly visible; and

ii. Markers should be positioned adjacent to the most appropriate access for the water supply.

Note: Below ground dedicated fire fighting water supply tank(s) is defined as that no part of the tanks(s) is to be located above natural ground level.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

4. The property access road, car parking areas and internal roads shall comply with Section 4.2.7 of 'Planning for Bush Fire Protection 2006'
5. To aid in fire fighting activities, unobstructed pedestrian access around all buildings shall be provided and is to be maintained at all times.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

6. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

7. New construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
8. All new Class 10 structures as defined per the 'Building Code of Australia' attached to or within 10 metres of the habitable building shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

9. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.
10. Structure and shade materials in the inner protection area shall be non-combustible or have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures - Test for Flammability of Materials'.
11. The existing building on Lot 32 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Landscaping

12. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Paul Creenaune on 8744 5175, 6655 7002.

Yours sincerely



Alan Bawden
Team Leader - Development Assessment and Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

6.2.2 TENDER ASSESSMENT – COUNCIL PLANT AND EQUIPMENT

REPORT BY BUSINESS MANAGER PLANT AND FACILITIES
TENDER 2011/12 AND 2011/15 COUNCIL PLANT
A0100055, A0411112, A0411115

RECOMMENDATION

That:

1. Council accepts JCB Construction Equipment Australia for tender 2011/12 for the provision of one JCB JS220LC Class 20 excavator for the tendered price of \$208,397 (Excl GST) and that Council enter into a contract with JCB Construction Equipment Australia 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 JCB Construction Equipment Australia for tender 2011/12 for the provision of one CCF class 20 excavator.
3. Council accepts IVECO Trucks Australia Limited for tender 2011/12 for the provision of one Iveco 2350 cab chassis with a 29 cubic metre MacDonald Johnson garbage compactor for the tendered price of \$348,231 (Excl GST) and that Council enter into a contract with IVECO Trucks Australia Limited in accordance with clause 178 of the *Local Government (General) Regulation 2005*.
4. Council authorises the General Manager to finalise and execute the contract on behalf of Council with IVECO Trucks Australia Limited for the provision of one 29 cubic metre garbage compactor.
5. Council accepts Komatsu Australia Pty Ltd for tender 2011/12 for the provision of one Komatsu WA320PZ-6 CCF Class 4 loader for the tendered price of \$226,666 (Excl GST) and that Council enter into a contract with Komatsu Australia Pty Ltd in accordance with clause 178 of the *Local Government (General) Regulation 2005*.
6. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Komatsu Australia Pty Ltd for the provision of one CCF Class 4 loader.
7. Council accepts Conplant Pty Ltd for tender 2011/12 for the provision of two Ammann ASC150D CCF class 15 rollers for the tendered price of \$303,700 (Excl GST) and that Council enter into a contract with Conplant Pty Ltd in accordance with clause 178 of the *Local Government (General) Regulation 2005*.
8. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Conplant Pty Ltd for the provision of two CCF class 15 rollers.
9. Council accepts Liebherr Australia Pty Ltd for tender 2011/15 for the provision of one Liebherr PR754 CCF class 30 dozer for the tendered change over price of \$420,000 (Excl GST) and that Council enter into a contract with Liebherr Australia Pty Ltd in accordance with clause 178 of the *Local Government (General) Regulation 2005*.
10. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Liebherr Australia Pty Ltd for the provision of one CCF class 30 dozer.
11. Council accepts Komatsu Australia Pty Ltd for tender 2011/15 for the provision of one Komatsu PC55MR_3 CCF class 5 excavator for the tendered price of \$87,677 (Excl GST) and that Council enter into a contract with Komatsu Australia Pty Ltd in accordance with clause 178 of the *Local Government (General) Regulation 2005*.
12. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Komatsu Australia Pty Ltd for the provision of one CCF class 5 excavator.

13. Council approves the General Manager to authorise variations up to 5% of any of the the contract value.
 14. The unsuccessful tenderer(s) be notified that their tenders were unsuccessful.
-

EXECUTIVE SUMMARY

Following Council's resolution to invite tenders for Council Plant, tenders were called for the replacement of the following items of plant and equipment;

- 20 ton excavator
- 5 ton excavator
- Garbage compactor
- Loader
- Two road rollers
- Dozer

The tender also called for trade-in prices on Councils current dozer and garbage compactor.

Tenders were called for tender 2011/12 on 29th November 2011 for the provision of Council plant and equipment and closed on 3rd January 2012. Fifteen 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.

Tenders were called for tender 2011/15 on 13th December 2011 for the provision of Council plant and equipment and closed on 13th January 2012. Nine 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 13th January 2012.

The terms of the contract are for supply of Council plant and equipment.

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 supplying plant and equipment to Council.

An initial evaluation meeting was held in January 2012 and the plant items tendered were given a static evaluation based on each items specifications and price to determine a short list that would be inspected in detail by Councils works officer, mechanic and plant operator. Additionally, certain items were not inspected due to Councils experience with existing plant items or items that are known to staff through hiring. As there were a large number of items of plant tendered, not all items were physically inspected due to the amount of time and costs involved.

DETAILED REPORT – CCF Class 20 Excavator

Council's current excavator is now over eleven years old and its main role is in road works installing large culverts, clearing trees, road shoulder works and loading trucks with gravel at the pits when required. This item of plant is required to meet the required works of the Roads Strategic Plan.

Tenders Received

The Tenders received were as follows:

CJD Equipment Pty Ltd
JCB Construction Equipment Australia
Clark Equipment Sales Pty Ltd
Komatsu Australia Pty Ltd
Westrac Pty Ltd
Hitachi Construction Machinery (Australia) Pty Ltd
Tutt Bryant Equipment
Liebherr Australia Pty Ltd
Case Construction Equipment Pty Ltd
PVT Sales

Late Tenders

No late tenders were received.

Conforming Tenders

All tenders met the mandatory requirements and proceeded to a detailed evaluation.

Non-complying or Alternate Tenders

No non-conforming or alternate tenders were received.

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. No 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. Three referee checks were undertaken on each short-listed tenderer in order to determine their capacity to provide the services required. Each referee check was scored and forms part of the overall score.
5. This Tender Evaluation Report detailing the rating of each short-listed tenderer, and the final

recommendations of the preferred tenderer(s) for one Class 20 excavator for the consideration of Council.

Assessment Panel

Neil Bungate	Financial Accountant
Ian Rothe	Roads Works Officer
Sally Mullinger	Business Manager Works
Andrew Drummond	Business Manager Plant and Facilities

Additional Council staff, operators and mechanics, were utilised to formally evaluate equipment that was short listed as being both appropriate and affordable.

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>Make</i>	<i>Model</i>	<i>Total Weighted Score</i>
JCB	JCB	JS220LC	9.84
Westrac	Caterpillar	319DL	8.95
Komatsu	Komatsu	PC200LC_8	8.93
Komatsu	Komatsu	PC200_8	8.75
CJD	Volvo	EC210C	7.45
Clark	Doosan	DX225LC	6.88
Hitachi	Hitachi	ZX200LC-3	6.56
Hitachi	Hitachi	ZX210H-3	6.52
Tutt Bryant	Sumitomo	SH210-5	6.46
Liebherr	Liebherr	R906	6.37
Komatsu	Komatsu	HB205_1	6.32
Hitachi	Hitachi	ZX200-3	5.06
Case	Case	CX210B	4.97

Evaluation of tenderers against the specified evaluation criteria indicates the following tenderer(s) have/has submitted the most superior tender/s representing the best value to Council for one Class 20 excavator:

JCB Construction Equipment Australia

The JCB JS220LC is a long carriage machine offering exceptional stability and balance for both climbing and load carrying. There is good cabin vision for safety and all the oil and fuel filters are centrally located for quick and easy servicing. This machine represented the best combination of value for money, suitability for Councils requirements and is a very well built and designed excavator.

DETAILED REPORT – CCF Class 4 or 5 Excavator

Council's current excavator is mainly used by the roads maintenance crew to install and maintain drainage areas on the roadside.

Tenders Received

The Tenders received were as follows:

Komatsu Australia Pty Ltd
Westrac Pty Ltd
Tutt Bryant Equipment
Semco Pty Ltd
JCB Construction Equipment Australia
Case Construction Equipment Pty Ltd
Hitachi Construction Machinery (Australia) Pty Ltd

Late Tenders

No late tenders were received.

Conforming Tenders

All tenders met the mandatory requirements and proceeded to a detailed evaluation.

Non-complying or Alternate Tenders

No non-conforming or alternate tenders were received.

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. No 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. Three referee checks were undertaken on each short-listed tenderer in order to determine their capacity to provide the services required. Each referee check was scored and forms part of the overall score.
5. This Tender Evaluation Report detailing the rating of each short-listed tenderer, and the final recommendations of the preferred tenderer(s) for one mini excavator for the consideration of Council.

Assessment Panel

Neil Bungate	Financial Accountant
Ian Rothe	Roads Works Officer
Sally Mullinger	Business Manager Works
Andrew Drummond	Business Manager Plant and Facilities

Additional Council staff, operators and mechanics, were utilised to formally evaluate equipment that was short listed as being both appropriate and affordable.

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>Make</i>	<i>Model</i>	<i>Total Weighted Score</i>
Komatsu	Komatsu	PC55MR_3	9.45
Westrac	Caterpillar	305DCR	9.23
Westrac	Caterpillar	304DCR	9.14
Komatsu	Komatsu	PC45MR_3	8.95
Semco	Tekeuchi	TB250	7.51
JCB	JCB	8045Z	7.21
Hitachi	Hitachi	ZX50U-3F	7.05
Tutt Bryant	Yanmar	Vio55-5B	6.64
Case	Case	CX50B	6.36
Semco	Tekeuchi	TB153FR	6.34

Evaluation of tenderers against the specified evaluation criteria indicates the following tenderer(s) have/has submitted the most superior tender/s representing the best value to Council for one mini excavator:

Komatsu Australia Pty Ltd

The Komatsu PC55MR_3 excavator is well balanced and powerful providing a roomy cabin and easy to operate controls. The tender called for both class 4 and 5 excavators and this recommended model is a class 5 providing a slightly heavier and more powerful option than the class 4 models and will be most suited to Councils maintenance activities.

DETAILED REPORT – Side Loading Garbage Compactor

Council will recall that this garbage compactor was put out to tender over twelve months ago and the recommendation to Council was to defer the replacement of this unit until the following financial year. This tender is for that unit and is for the replacement of one of Councils side loading garbage compactors that is used to collect both waste and recycling in the region.

Tenders Received

The Tenders received were as follows:

MacDonald Johnson – body only
Iveco Trucks Australia Ltd with MacDonald Johnson 22cubic metre body
Iveco Trucks Australia Ltd with MacDonald Johnson 29cubic metre body
Iveco Trucks Australia Ltd with Superior Pak 33cubic metre body
West Orange Motors Pty Ltd - Hino with MacDonald Johnson 22cubic metre body
West Orange Motors Pty Ltd - Hino with MacDonald Johnson 29cubic metre body
Volvo Truck and Bus Sydney with MacDonald Johnson 22cubic metre body
Volvo Truck and Bus Sydney with MacDonald Johnson 29cubic metre body
Volvo Truck and Bus Sydney with Superior Pak 33cubic metre body

Late Tenders

No late tenders were received.

Conforming Tenders

All tenders met the mandatory requirements and proceeded to a detailed evaluation.

Non-complying or Alternate Tenders

No non-conforming or alternate tenders were received.

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. No 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. Three referee checks were undertaken on each short-listed tenderer in order to determine their capacity to provide the services required. Each referee check was scored and forms part of the overall score.
5. This Tender Evaluation Report detailing the rating of each short-listed tenderer, and the final recommendations of the preferred tenderer(s) for the supply of the garbage compactor for the consideration of Council.

Assessment Panel

Neil Bungate	Financial Accountant
Ian Rothe	Roads Works Officer
Sally Mullinger	Business Manager Works
Andrew Drummond	Business Manager Plant and Facilities

Additional Council staff, operators and mechanics, were utilised to formally evaluate equipment that was short listed as being both appropriate and affordable.

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>Body</i>	<i>Size</i>	<i>Total Weighted Score</i>
Hino	MacDonald Johnson	22	7.40
Hino	MacDonald Johnson	29	6.93
Iveco	MacDonald Johnson	29	6.65
Iveco	Superior Pak	33	6.12
Iveco	MacDonald Johnson	22	5.82
Volvo	Superior Pak	33	4.42
Volvo	MacDonald Johnson	29	4.29
Volvo	MacDonald Johnson	22	3.63

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 supply of one side loading garbage compactor:

IVECO Trucks Australia Limited

There were three sized compactors tendered, the most suitable size for our operations is the 29 cubic metre bin. This tenderer provided the most suitable combination replacement for our current garbage compactor and referee checks confirmed the quality and suitability of this item of plant for operating in this region.

Whilst this recommendation is not the highest scoring tender, this sized equipment is currently utilised by Council and is well known to our operators and mechanics. The torque characteristics of the Isuzu are felt to be better suited to our environment as the torque on the Hino comes in at higher engine revs.

Due to the low trade in valuation from Iveco Trucks Australia Limited our current unit will be sent to public auction.

DETAILED REPORT – CF Class 4 Loader

Council's current loader is over eleven years old and is a Class 6 loader, from the former Rylstone Council, and is located in the Rylstone area. This tender calls for a smaller Class 4 machine to replace this item as this size has proved successful in the Mudgee gravel pits. Council staff do not believe that there is a need to replace this with another Class 6 loader.

Tenders Received

The Tenders received were as follows:

CJD Equipment Pty Ltd
Clark Equipment Sales Pty Ltd
Komatsu Australia Pty Ltd
Westrac Pty Ltd
Hitachi Construction Machinery (Australia) Pty Ltd
Tutt Bryant Equipment
Liebherr Australia Pty Ltd
Case Construction Equipment Pty Ltd
GCM Agencies Pty Ltd

Late Tenders

No late tenders were received.

Conforming Tenders

All tenders met the mandatory requirements and proceeded to a detailed evaluation.

Non-complying or Alternate Tenders

No non-conforming or alternate tenders were received.

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. No 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. Three referee checks were undertaken on each short-listed tenderer in order to determine their capacity to provide the services required. Each referee check was scored and forms part of the overall score.
5. This Tender Evaluation Report detailing the rating of each short-listed tenderer, and the final recommendations of the preferred tenderer(s) for one Class 4 loader for the consideration of Council.

Assessment Panel

Neil Bungate	Financial Accountant
Ian Rothe	Roads Works Officer
Sally Mullinger	Business Manager Works
Andrew Drummond	Business Manager Plant and Facilities

Additional Council staff, operators and mechanics, were utilised to formally evaluate equipment that was short listed as being both appropriate and affordable.

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>Make</i>	<i>Model</i>	<i>Total Weighted Score</i>
Komatsu	Komatsu	WA320PZ-6	7.33
Hitachi	John Deere	544K	7.03
Komatsu	Komatsu	WA250PZ-6	6.90
Hitachi	Hitachi	ZW150	6.80
Leibherr	Liebherr	L542	6.48
Tutt Bryant	Kawasaki	65ZV-2	6.09
Westrac	Caterpillar	928HZ	6.00
Clark Equipment	Doosan	DL300	5.73
CJD	Volvo	L90F	5.28
GCM Agencies	Longking	CDM858	3.89
Clark Equipment	Doosan	DL420	2.19
Westrac	Caterpillar	938H	1.26
CJD	Volvo	L110F	0.82
Case	Case	821E	0.50

Evaluation of tenderers against the specified evaluation criteria indicates the following tenderer(s) have/has submitted the most superior tender/s representing the best value to Council for one Class 4 loader:

Komatsu Australia Pty Ltd

The Komatsu WA320PZ-6 loader was selected due to its quality build, stability in turning with a full load and value for money. It provides easy access to all service points and is also one of the heaviest tendered Class 4. Council did receive tenders for heavier class machines and for the type of work that will be required in the gravel pits, this machine was rated highest based on price and both operator and mechanical assessment due to its build quality and drivability.

DETAILED REPORT – Two CCF Class 15 Rollers

Council's current rollers that are to be replaced are ten years old. One roller is 15 tonne and one roller is 18 tonne. Both rollers will be replaced with 15 tonne smooth drum units that will be utilised in the maintenance grading program and assigned to a grader and water cart team. These rollers are essential for the continuation of the maintenance grading program.

Tenders Received

The Tenders received were as follows:

CJD Equipment Pty Ltd
Westrac Pty Ltd
Tutt Bryant Equipment
GCM Agencies Pty Ltd
JCB Construction Equipment Pty Ltd
Semco Pty Ltd
Conplant Pty Ltd

Late Tenders

No late tenders were received.

Conforming Tenders

All tenders met the mandatory requirements and proceeded to a detailed evaluation.

Non-complying or Alternate Tenders

No non-conforming or alternate tenders were received.

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. No 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. Three referee checks were undertaken on each short-listed tenderer in order to determine their capacity to provide the services required. Each referee check was scored and forms part of the overall score.
5. This Tender Evaluation Report detailing the rating of each short-listed tenderer, and the final recommendations of the preferred tenderer(s) for the supply of two Class 15 rollers for the consideration of Council.

Assessment Panel

Neil Bungate	Financial Accountant
Ian Rothe	Roads Works Officer
Sally Mullinger	Business Manager Works
Andrew Drummond	Business Manager Plant and Facilities

Additional Council staff, operators and mechanics, were utilised to formally evaluate equipment that was short listed as being both appropriate and affordable.

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>Make</i>	<i>Mode</i>	<i>Total Weighted Score</i>
Conplant	Ammann	ASC150D	9.2
GCM Agencies	Multipac	SSR180	6.0
CJD Equipment	Volvo	SD160D	5.8
Tutt Bryant	Bomag	BW216D-4	5.7
Semco	Dynapac	CA512D	4.9
JCB Construction	JCB	VM146	4.4
Westrac	Caterpillar	CS74	2.8

Evaluation of tenderers against the specified evaluation criteria indicates the following tenderer(s) have/has submitted the most superior tender/s representing the best value to Council for two Class 15 rollers:

Conplant Pty Ltd

The Ammann ASC150D rollers are the most suited to their role of maintenance grading based on their reliability, pricing and serviceability. They have thick rollers and good weight distribution on the drum.

DETAILED REPORT – CCF Class 25 or 30 Dozer

Councils D7R Dozer was purchased in 2001 by the former Rylstone Shire Council and as part of the plant rationalisation post amalgamation, the Mudgee Shire Council dozer was sold and this is now the only dozer owned by Council. There are now over 9,000 hours on this machine.

Utilisation last year was 1,282 hours and as a total since July 2007 was 4,298 hours. As this dozer is normally in gravel pits located some distance from the depot, this utilisation is regarded as satisfactory.

This dozer now spends around 90% of its time in gravel pits and these pits are now becoming harder to win materials and a smaller machine will not be able to cope with the work. One option currently being looked into is blasting in the pits to make more materials available for our current sized machine. Continued blasting, and operating our dozer at its maximum level will eventually result in a similar cost to purchasing a larger dozer. Councils float is currently unable to carry the weight of a larger machine and would need to acquire a float dolly to increase the carrying capacity. The cost of a dolly for our current float is \$47,500 including GST.

The total cost of running this dozer since July 2007 was \$257,789 excluding depreciation. That equates to \$59.97 per hour dry hire or \$95.13 per hour including labour and on-costs which is considerably less than contracting out this work for the amount of hours required.

Options

There is the option of wet hire of a D7 and the cost is \$190 per hour. A D8 would cost \$225 per hour - significantly higher than our internal costs. The total cost of operation for the 4,298 hours from July 2007 would have been \$816,620 had contractors been utilised and that is significantly higher than Councils internal costs. For comparison, dry hire of a D7 is \$760 per day and dry hire of a D8 is \$880 per day. These contractors rates are as per Councils Wet and Dry Plant Hire Contract.

Tenders Received

The Tenders received were as follows:

Komatsu Australia Pty Ltd
Westrac Pty Ltd
Liebherr Australia Pty Ltd
PVT Sales (trade in value only)

Late Tenders

No late tenders were received.

Conforming Tenders

All tenders met the mandatory requirements and proceeded to a detailed evaluation.

Non-complying or Alternate Tenders

No non-conforming or alternate tenders were received.

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. No 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. Three referee checks were undertaken on each short-listed tenderer in order to determine their capacity to provide the services required. Each referee check was scored and forms part of the overall score.

5. This Tender Evaluation Report detailing the rating of each short-listed tenderer, and the final recommendations of the preferred tenderer(s) for the supply of the dozer for the consideration of Council.

Assessment Panel

Neil Bungate	Financial Accountant
Ian Rothe	Roads Works Officer
Sally Mullinger	Business Manager Works
Andrew Drummond	Business Manager Plant and Facilities

Additional Council staff, operators and mechanics, were utilised to formally evaluate equipment that was short listed as being both appropriate and affordable.

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>Make</i>	<i>Model</i>	<i>CCF</i>	<i>Weight</i>	<i>Total Weighted Score</i>
Liebherr	Liebherr	PR754	30	35,000	7.03
Westrac	Caterpillar	D7R2	25	25,400	6.79
Komatsu	Komatsu	D85EX_15ZEO	25	25,600	6.38
Liebherr	Liebherr	PR744	20	24,605	6.00
Westrac	Caterpillar	D8T	30	34,500	5.59
Komatsu	Komatsu	D1555AX_6	30	37,060	5.15

Evaluation of tenderers against the specified evaluation criteria indicates the following tenderer(s) have/has submitted the most superior tender/s representing the best value to Council for the supply of the dozer:

Liebherr Australia Pty Ltd

The Liebherr PR754 provides the best solution for Councils dozer requirements. It represents the best value for money, on the change over price, providing a quality machine that is reliable and easy to service. Council has previously owned a Liebherr track loader that was utilised successfully at the Mudgee waste facility and proved to be reliable and only required routine maintenance.

This machine is around 10 tonnes heavier than our current dozer and will allow for easier ripping of gravel in our pits now that winning the material is becoming harder. This purchase will prove more cost effective than regular blasting at the pits which would be required if we continue with a lighter dozer. Referee checks with Councils currently using this machine have been very positive and this machine received the highest scores from our operators and mechanical review.

FINANCIAL IMPLICATIONS

The purchase of this recommended equipment is recognised in the current Management Plan. If Council choose to purchase equipment in excess of the recommended values, Council will need to provide additional funds to enable the purchase in the 2011/12 budget.

STRATEGIC OR POLICY IMPLICATIONS

This equipment is required to ensure that the outcomes of the roads strategic plan are met and that residential waste and recycling is able to be collected on time to meet our customers' needs.

ANDREW DRUMMOND
BUSINESS MANAGER PLANT AND FACILITIES

2nd February 2012

ATTACHMENTS:

1. Evaluation Plan 2011-12 (following at the end of the Business Paper)
2. Evaluation Plan 2011-15 (following at the end of the Business Paper)
3. Tenderers' Detailed Scores (confidential – following at the end of the Business Paper)

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.3 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL BANK BALANCES
AND INVESTMENTS AS AT 31 JANUARY 2012

REPORT BY ACTING GROUP MANAGER FINANCE & ADMINISTRATION BANKREP A010055, A0140304

RECOMMENDATION

That the Investment Report as at 31 January 2012 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.

As previously reported to Council, on the 11th September 2011, Treasurer Wayne Swan announced that the Financial Claims Scheme \$1,000,000 guarantee would be reduced to \$250,000 for new term deposits from the 1st February 2012. Existing deposits will be covered up to \$1,000,000 until 31st December 2012, or until they are rolled into a new deposit. Therefore any deposits rolled or placed in February will now be covered up to \$250,000 instead of \$1,000,000. This will not impact the way in which Council currently manages the investment portfolio, as Council invests in line with the approved investment policy.

FINANCIAL IMPLICATIONS

N/A.

STRATEGIC OR POLICY IMPLICATIONS

N/A.



LEONIE JOHNSON
ACTING GROUP MANAGER FINANCE

2 February 2012

ATTACHMENTS: 1. Monthly statement of Bank Balances and Investments

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

ATTACHMENT 1

For the month ended: 31-Jan-12

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
Commonwealth Bank	\$ (69,570)	\$ 8,294,462	\$ 6,829,544	\$ 1,395,348	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 31/01/2012

Investments	Type	Amount	Yield %	Maturity Date	Term	Rating	Govt Rating	NAV	% of Portfolio
Commonwealth Bank	At Call	\$ 1,495,000	4.25%	N/A	At Call	A-1+	2		4.8%
National Australia Bank	Term Deposit	\$ 1,200,000	5.81%	18/04/2012	91	A-1+	2		3.9%
National Australia Bank	Term Deposit	\$ 1,900,000	5.87%	23/05/2012	119	A-1+	3		6.1%
National Australia Bank	Term Deposit	\$ 1,000,000	5.89%	23/05/2012	125	A-1+	3		3.2%
National Australia Bank	Term Deposit	\$ 2,000,000	6.10%	18/05/2012	130	A-1+	3		6.5%
Westpac Bank	Term Deposit	\$ 2,600,000	5.95%	21/03/2012	112	A-1+	2		8.4%
Westpac Bank	Term Deposit	\$ 1,200,000	5.95%	14/03/2012	105	A-1+	3		3.9%
Westpac Bank	Term Deposit	\$ 1,500,000	5.90%	2/05/2012	147	A-1+	3		4.9%
St George Bank	Term Deposit	\$ 1,500,000	6.25%	8/02/2012	190	A-1+	2		4.9%
St George Bank	Term Deposit	\$ 1,000,000	5.90%	29/02/2012	167	A-1+	3		3.2%
St George Bank	Term Deposit	\$ 500,000	6.00%	22/02/2012	168	A-1+	3		1.6%
St George Bank	Term Deposit	\$ 1,500,000	5.75%	4/04/2012	91	A-1+	3		4.9%
Bankwest	Term Deposit	\$ 1,000,000	5.80%	22/02/2012	140	A-1+	1		3.2%
Bankwest	Term Deposit	\$ 1,500,000	6.00%	11/04/2012	91	A-1+	3		4.9%
Bankwest	Term Deposit	\$ 1,500,000	5.79%	14/03/2012	98	A-1+	3		4.9%
Bankwest	Term Deposit	\$ 1,000,000	5.85%	8/02/2012	96	A-1+	3		3.2%
Bankwest	Term Deposit	\$ 1,000,000	5.65%	1/02/2012	69	A-1+	3		3.2%
ING Australia Bank	Term Deposit	\$ 1,000,000	5.80%	21/03/2012	126	A-1	1		3.2%
AMP	Term Deposit	\$ 1,000,000	5.95%	16/02/2012	181	A-1	1		3.2%
Suncorp Metway Ltd	Term Deposit	\$ 1,000,000	5.88%	7/03/2012	98	A-1	1		3.2%
Newcastle Permanent	Term Deposit	\$ 1,000,000	5.74%	7/03/2012	91	A-2	1		3.2%
Bank of Queensland	Term Deposit	\$ 1,000,000	5.80%	8/02/2012	91	A-2	1		3.2%
Deutsche Bank Series 5	Floating Rate Note	\$ 1,000,000	5.61%	23/02/2012	4yrs 9mths	A+	-		3.2%
ANZ ASPRIT III	Sustainable Equity Linked Note	\$ 500,000	50% of +ve NAV	19/07/2013	6 yrs	AA	-	\$ 487,045	1.6%
Longreach Series 26	Property Linked Note	\$ 1,000,000		7/06/2014	7 yrs	A+	-	\$ 910,600	3.2%
Total Investments		\$ 30,895,000							100.0%

Note ANZ and Longreach NAV unavailable for January, December NAV's reported.

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	\$ 1,885,000	\$ 390,000	\$ 1,495,000	0.00%	At Call
St George Bank	\$ 1,000,000		\$ 1,000,000	-0.06%	-6
NAB			\$ 2,000,000	New Deposit	
Bankwest	\$ 1,500,000		\$ 1,500,000	0.20%	-14
National Bank	\$ 1,200,000		\$ 1,200,000	-0.40%	-92
National Bank	\$ 1,000,000		\$ 1,000,000	-0.36%	-63
National Bank	\$ 1,900,000		\$ 1,900,000	0.12%	29
ME Bank	\$ 1,000,000	\$ 1,000,000		Redeemed	
	<u>\$ 9,485,000</u>		<u>\$ 10,095,000</u>		

Net Portfolio Movement **\$610,000 Addition**

MWRC Policy Requirements:

Investments by Institution	Long/Short Term Ratings	Amount	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA/A-1+	\$ 6,100,000	19.7%	25.0%
Bankwest	AA/A-1+	\$ 6,000,000	19.4%	25.0%
St George Bank	AA/A-1+	\$ 4,500,000	14.6%	25.0%
Commonwealth Bank	AA/A-1+	\$ 1,495,000	4.8%	25.0%
Westpac Bank	AA/A-1+	\$ 5,300,000	17.2%	25.0%
ANZ	AA/A-1	\$ 500,000	1.6%	25.0%
Longreach	A+/A-1	\$ 1,000,000	3.2%	20.0%
Deutsche Bank	A+/A-1	\$ 1,000,000	3.2%	15.0%
AMP	A/A-1	\$ 1,000,000	3.2%	15.0%
ING Australia Bank	A/A-1	\$ 1,000,000	3.2%	15.0%
Suncorp Metway Ltd	A/A-1	\$ 1,000,000	3.2%	15.0%
Bank of Queensland	BBB+/A-2	\$ 1,000,000	3.2%	10.0%
Newcastle Permanent	BBB+/A-2	\$ 1,000,000	3.2%	10.0%
		\$ 30,895,000	100.0%	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AAA/A-1+	\$ 23,395,000	75.7%	100.0%
	AA/A-1	\$ 500,000	1.6%	100.0%
	A/A-1	\$ 5,000,000	16.2%	60.0%
	BBB/A-2	\$ 2,000,000	6.5%	20.0%
	Unrated	\$ -	0.0%	20.0%
		\$ 30,895,000	100.0%	

*Investments lower than AA/A-1 are restricted to licenced banks, credit unions and building societies

Term to Maturity	Amount	% of Portfolio		
		Actual	Minimum	Maximum
Less than 1 year	\$ 28,395,000	91.9%	30.0%	100.0%
Between 1 and 3 years		0.0%	0.0%	70.0%
Between 3 and 5 years	\$ 1,000,000	3.2%	0.0%	50.0%
More than 5 years	\$ 1,500,000	4.9%	0.0%	25.0%
		\$ 30,895,000	100.0%	

6.2.4 BOUNDARY CHANGE – BURRENDONG DAM

REPORT BY MANAGER GOVERNANCE
BURRENDONG
A0100055, A0020004

RECOMMENDATION

That:

- 1. the report by the Manager Governance on the possible boundary change with Wellington Council so that the land to the east of Burrendong Dam be in the Mid-Western Regional local government area be received;**
- 2. Council write to Wellington Council seeking its consent to this boundary change.**

EXECUTIVE SUMMARY

This report canvasses the possibility of a boundary change with Wellington Council so that all of the land to the east of Burrendong Dam, which is located within the Wellington local government area, is transferred into the Mid-Western Regional local government area.

DETAILED REPORT

The General Manager informs me that he has been approached by a group of ratepayers interested in having boundaries of the Mid-Western Regional LGA altered to include the Cudgegong River Park Caravan Park and surrounding lands and has asked that a report be prepared to address this issue.

As Councillors may be aware, in 2003, in response to the then State Government's structural reform agenda, the then Mudgee Shire Council proposed, among other things that this area be transferred from Wellington LGA to that of this Council. While the Council, at the time, mounted what staff considered to be a strong cogent case for this boundary alteration this was not agreed to by the State Government.

As the then Council's submission to the Minister dated August 2003 said specifically in relation to this area:

"In relation to the Burrendong Dam area, it ... is more geographically aligned to Mudgee than Wellington. Using the Cudgegong River Park Trust Caravan Park as the reference point for comparison purposes and the most direct routes, the area is only 41 kms by road from Mudgee as opposed to 68 kms from Wellington. There are no sealed roads providing direct access from this area to the Wellington LGA, with residents of this area having to utilise Mudgee LGA roads for access. Approximately 35 kms of the road to Mudgee is sealed."

It is worth noting that in the report to Mr Chris Vardon, Facilitator of the Macquarie Regional Review, set up by Minister Kelly to enquire into the proposed amalgamations in this region dated 25 February 2004 the then Mudgee Shire Council commented:

"In the original submission MSC identified the desire to have the area immediately to the east of Burrendong Dam which is currently in the Wellington Shire realigned to become part of the Mudgee Shire (...)"

Historically, this area has been the subject of much debate between Mudgee and Wellington Shire councils, particularly concerning the management of the Cudgegong River Caravan Park which is a small part of the area and is administered by a trust. The users of the Park are predominantly from the Mudgee Shire and all access to the area concerned is via the Mudgee Shire.

None of the area identified has an adjoining land boundary with any other part of the Wellington Shire.

NSW Treasury has approved a \$2M loan to a Trust to carry out a range of essential works at the Cudgegong river Park. The loan is administered by the Department of Lands Dubbo) who hold the funds which Wellington Shire Council will manage the project.

Some years ago when the prospect of a boundary change so that the Cudgegong river Park would come within Mudgee local government area was mooted it was suggested that there could be a corresponding 'swap' of an area around Goolma near Spicers Creek. This matter was not finalised."

A map showing the area referred to in this submission (hatched) is attached.

Nothing has changed since that time. Quite clearly, the "community of interest" for this area remains the town of Mudgee rather than that of Wellington.

It is suggested that if it is Council's wish to pursue this boundary rationalisation then in the first instance we need to discuss this issue with Wellington Council.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

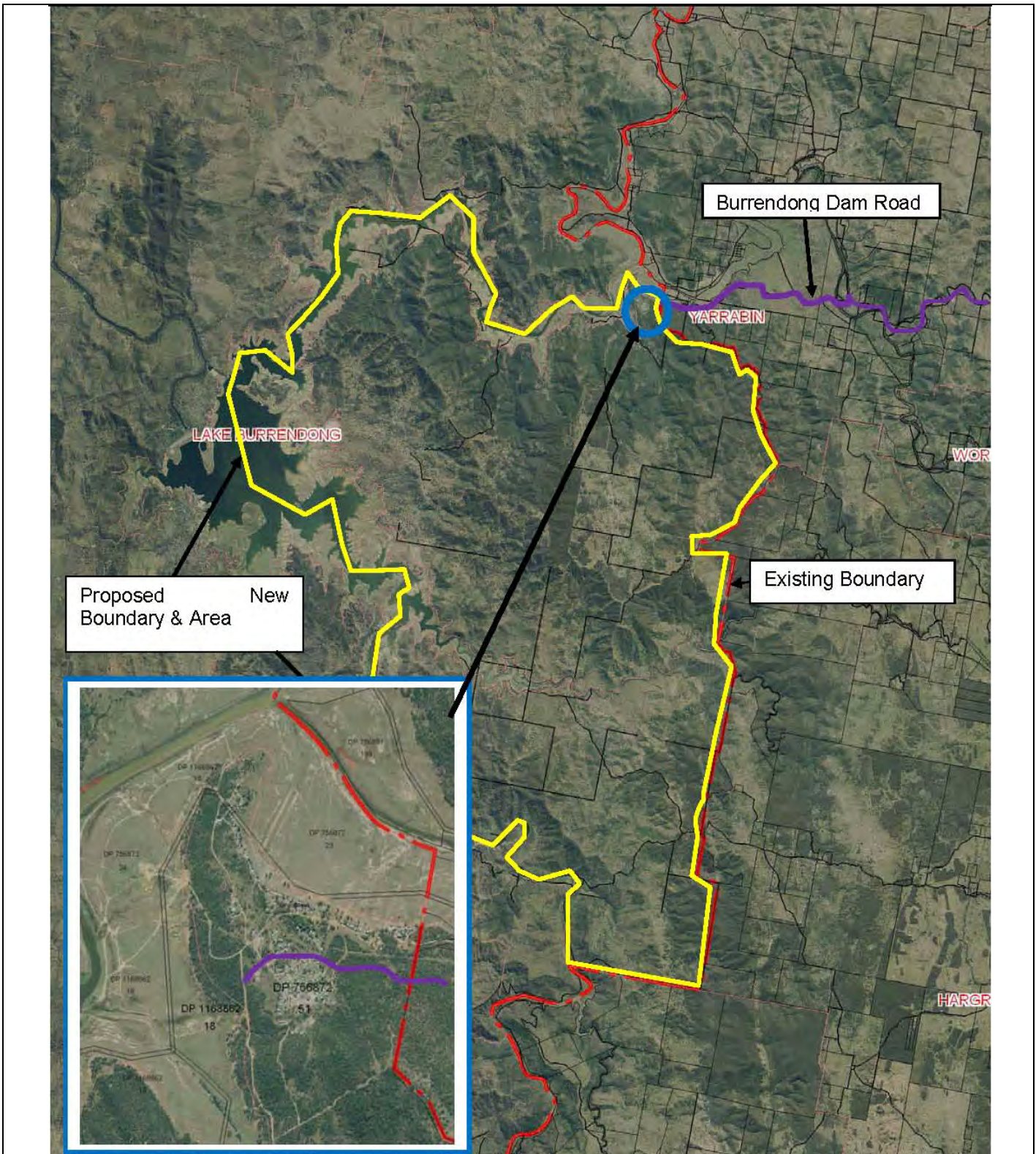
IAN ROBERTS
MANAGER GOVERNANCE

24 January 2012

ATTACHMENTS: 1. Map of subject area

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER








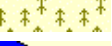



Map Scale: 1:159,200

Disclaimer

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

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

Legend

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

NORTH



Printed on Wednesday, 25 January 2012

6.2.5 GENERAL CONTRACTORS – ADDITION TO PREFERRED SUPPLIERS LIST

REPORT BY BUSINESS MANAGER WORKS
GENERAL CONTRACTORS
A0100055, A0411009

RECOMMENDATION

That:

1. the report by Business Manager Works on additional General Contractors be added to the Preferred Suppliers list be received;
2. Council accepts Central West Linemarking for tender 2010/09 for the provision of road linemarking services as part of the general contracting services and that Council accepts this preferred contractor list in accordance with clause 178 of the *Local Government (General) Regulation 2005*.

EXECUTIVE SUMMARY

Following Council's resolution to accept the tenders for general contractors preferred suppliers list to complete works listed in the management plan, an additional tender has been received. Council's resolution at the June 2010 Council Meeting provides means for additional contractors may be included on the preferred suppliers list if required during the contract period, 1 July 2010 to 30 June 2013.

DETAILED REPORT

Since our initial tender process for general contractors was approved in 2010, Council have received a request from Central West Linemarking to be added to our preferred suppliers list.

Central West Linemarking has provided all essential information and undergone all relevant checks required under the Request For Tender 2010/09.

FINANCIAL IMPLICATIONS

N/A.

STRATEGIC OR POLICY IMPLICATIONS

N/A

SALLY MULLINGER
BUSINESS MANAGER WORKS

BRAD CAM
GROUP MANAGER - OPERATIONS

27 January 2012

ATTACHMENTS: 1. Schedule of Rates

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

CENTRAL WEST LINEMARKING

A.B.N. 97 135 556 179

SCHEDULE OF RATES:

NEW WORK

LINE TYPES (New work rates for the new RTA 141 line types)	Unit	Waterbourne paint /Visy Bead New RTA 141 line types. (new work)
S1 Broken Centre Line (3m x 0.10m x 9m gap)	Lin metre	\$0.30
S3 Broken Centre Line (3m x 0.20m x 9m gap)	Lin metre	\$0.50
BS (new work) Single Barrier Line (0.10m cont. & L1. 10m)	Lin metre	\$0.63
BB (new work) Double Barrier (2 x 0.10m cont. + 0.10m gap)	Lin metre	\$0.80
E1 (new work) Edge line (0.15m continuous)	Lin metre	\$0.67
E5 (new work) Island Border (0.15m) outline of traffic island	Lin metre	\$0.67
C1 (new work) Merge / Verge (1m x 0.15m x 3m gap)	Lin metre	\$0.35
L1 (new work) Lane Line (3m x 0.10m x 9m gap)	Lin metre	\$0.35
TB (new work) Give Way Line (used with sign) 0.30m	Lin metre	\$6.60
TB1 (new work) Give Way Line (on right side of road) 0.150m	Lin metre	\$3.50
TF (new work) Stop Line (0.30m wide)	Lin metre	\$7.00
ESTABLISHMENT FEE: 0 – 300km 300 – 1000km	Each	\$500.00 \$1000.00

**All prices are subject to change and exclude goods and services tax (gst).*

Any additional line types that you require a price on please contact us and we can arrange a quotation.

Central West Linemarking is an accredited painting contractor under the CSIRO's PCCP Scheme, we are also a member of RIAA and have G10 Classification. Copies of Central West Linemarkings documents can be mailed or emailed to your office on request.

Please refer to RTA Technical Direction TDT04 published May 2011 or RTA website www.rta.nsw.gov.au / E technical_directions_publication@rta.nsw.gov.au for further clarification on when to use old line types or the new line types.

Any inquiries or additional prices required please contact Adam or Lana Walker in the office on 0268 828812.

Prices valid as of September 2011.

CENTRAL WEST LINEMARKING

A.B.N. 97 195 556 179

SCHEDULE OF RATES:

REMARKS

LINE TYPES (Remark rates for old RTA 141 line types)	Unit	Waterbourne paint / Visy bead. Old RTA 141 line types. (remarks)
S1 Broken Centre Line (3m x 0.10m x 9m gap)	Lin metre	\$0.30
S3 Broken Centre Line (3m x 0.20m x 9m gap)	Lin metre	\$0.50
BS Single Barrier Line (0.08m cont. & L1 0.80m)	Lin metre	\$0.55
BB Double Barrier (2 x 0.08m + 0.08m gap)	Lin metre	\$0.70
E1 Edge line (0.120m continuous)	Lin metre	\$0.58
E5 Island border (0.20m continuous)	Lin metre	\$0.82
CI Merge/Verge (1m x 0.20m x 3m gap)	Lin metre	\$0.40
LI Lane Line (3m x 0.08m x 9m gap)	Lin metre	\$0.30
FB Give Way Lines (used with sign) 0.20m	Lin metre	\$5.80
TF Stop Line (0.20m wide)	Lin metre	\$6.50
ESTABLISHMENT FEE 0 - 300km 300 - 1000km	Each	\$500.00 \$1000.00

** All prices are subject to change and exclude goods and services tax (gst).*

Any additional line type that you require a price on please contact us and we can arrange a quotation.

Central West Linemarking is an accredited painting contractor under the CSIRO's PCQP Scheme, we are also a member of RIAA and have G10 Classification. Copies of Central West Linemarkings documents can be mailed or emailed to your office on request.

Please refer to RTA Technical Direction TDT04 published May 2011 or RTA website www.rta.nsw.gov.au/TEchnical_directions_publication@rta.nsw.gov.au for further clarification on when to use old line types or the new line types.

Any inquiries or additional prices required please contact Adam or Lana Walker in the office on 0268 828812.

Prices valid as of September 2011.

6.2.6 COXS CROWN ROAD FORMALISATION

REPORT BY MANAGER REVENUE AND PROPERTY
COXS CROWN ROAD FORMALISATION
A0100055, P1458711

RECOMMENDATION

That:

1. **the report by the Manager Revenue and Property on formalisation of Coxs Crown Road be received;**
2. **Council compulsorily acquire land being Lot 1 DP1142906, Lot 2 DP1142906 and Lot 3 DP1142906 under the Roads Act 1993 for the purpose of a public road;**
3. **Council make an application to the Minister and the Governor for approval to acquire Lot 1 DP1142906, Lot 2 DP1142906 and Lot 3 DP1142906 by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991**
4. **Council authorise the General Manager to pay the required compensation to each land owner subject to a valuation conducted through the Land & Property Information Division - Valuation Services**
5. **The Common Seal of Council be affixed to all necessary documentation**

EXECUTIVE SUMMARY

Council is progressing with the formalisation of a section of constructed Council road that traverses both Crown and private land.

DETAILED REPORT

On 15 October 2008 Council resolved to apply to the Department of Lands (now Department of Primary Industries) to close a section of unformed road reserve in conjunction with applying to formally open the road reserve over the section of constructed road located on Crown and private land.

The subject road previously thought to be identified as Dabee Road (as per Council Report on 15 October 2008) and recently confirmed to be identified as Coxs Crown Road, is located north east of Rylstone in the parish of Dabee. A survey has identified that the physical location of the constructed road traverses 118m² of land identified as Lot 3 DP1142906 that is owned by Colin and Rita Seivwright, and 4864m² encroaches on Crown land identified as Lot 1 DP1142906 and Lot 2 DP1142906. The total area of road reserve proposed to be closed is 5778m² and identified as Lot 4 DP1142906 and Lot 5 DP1142906.

As outlined in the original report to Council on 15 October 2008, it was anticipated that the area of land contained within the road reserve to be closed would be given to each party in compensation for the land that is required for the road opening. Unfortunately in this case, due to the road having never been constructed within the road reserve, upon closure the residual land will vest in the Crown as provided by legislation. Council is therefore required to pay monetary compensation to both land owners for formalisation of the road over their land.

Mr and Mrs Seivwright have been involved in the matter since commencement in 2008 and have agreed to the road opening and closing proposal. The Crown Lands Division also provided consent but on the provision that the matter of the road opening was to proceed through acquisition under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

This report is seeking Council approval to progress the matter and issue a specific resolution that is required for Council's Compulsory Acquisition application to be submitted to the Department of Local Government for consideration.

FINANCIAL IMPLICATIONS

It is anticipated that no costs will be incurred until the 2012/2013 financial year due to lengthy notification requirements involved with compulsorily acquiring land. The following costs will be absorbed by the existing roads land matters budget, however any compensation payable may be in excess of existing budgets and an allowance for compensation should be included once the value is determined by the Land & Property Information Division.

Solicitor Costs:	\$500
Valuation:	\$2500
Proposed Acquisition Notice:	\$120
Gazette Notice:	\$120
<u>Total</u>	<u>\$3240</u>

STRATEGIC OR POLICY IMPLICATIONS

To formalise the correct alignment of Coxs Crown Road through land acquisition and dedication as public road under the Roads Act 1993.

DIANE SAWYERS
MANAGER REVENUE AND PROPERTY



LEONIE JOHNSON
ACTING GROUP MANAGER
FINANCE & ADMINISTRATION

2 February 2012

ATTACHMENTS: 1. Correspondence from the Land and Property Management Authority
2. Map indicating area of land to be acquired.

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

ATTACHMENT 1



Your reference: R0790175, A0100049 Kelly Barnes
Our reference: OE79 H 556
Contact Officer: Ed Cato
Telephone number: 6391-4314

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



Dear Sir,

PROPOSED ACQUISITION OF CROWN LAND – Lots 1 & 2, DP 1142906

The Crown Lands Division of the Land and Property Management Authority consents to the proposed acquisition of the two parcels of land totalling about 4.864 hectares of Crown land, subject to the following conditions:

- Acquisition proceeding under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
- Compensation being paid to the Crown Lands Division of the Authority and being determined by the Valuer General (valuation to be no greater than 6 months old as at the date of gazettal). The valuer should take into account the possibility that the former Crown portions (61 & 62, DP 755426), prior to subdivision, had a building entitlement and the loss in value to the Crown.

Whilst acquisition should be undertaken as soon as practicable Council will need to comply with its obligations in relation to land acquisitions under the relevant legislation (which also includes the Native Title Act 1993) in the first instance.

Please note:

1. Statutory interest is payable to compensation paid after the date of gazettal.
2. This consent expires on 23 September 2012.

Yours faithfully,

Ed Cato
Senior Property Management Officer
Crown Land Division
LPMA

E-mail: ed.cato@lands.nsw.gov.au
All correspondence to: Land and Property Management Authority, PO Box 2146 Orange NSW 2800
Office location: 92 Kite Street, Orange
Telephone: (02) 6393 4300 Facsimile: (02) 6362 3896

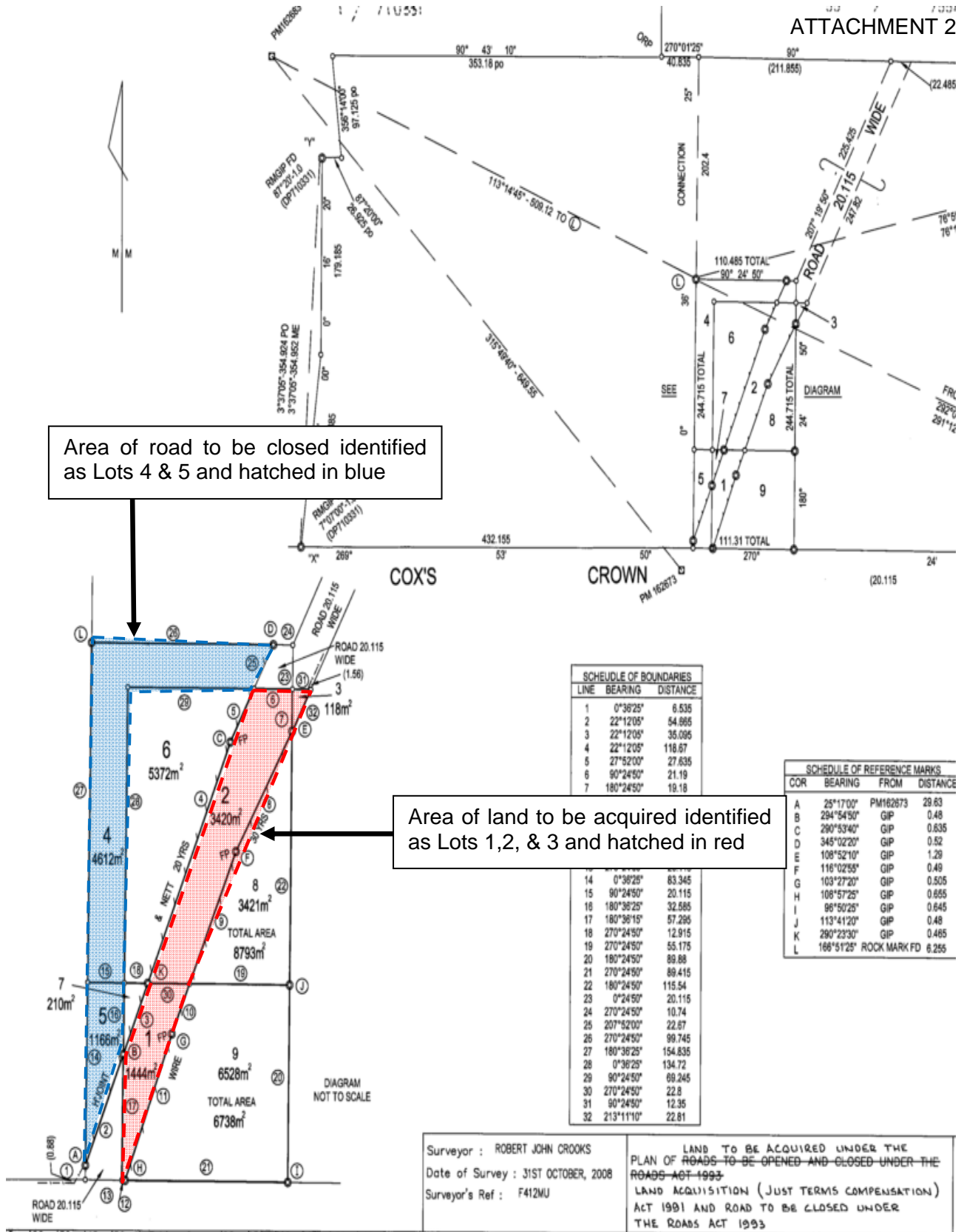


www.lpma.nsw.gov.au

ABN 33 537 762 019

Area of road to be closed identified as Lots 4 & 5 and hatched in blue

Area of land to be acquired identified as Lots 1, 2, & 3 and hatched in red



LINE	BEARING	DISTANCE
1	0°38'25"	6.535
2	22°12'05"	54.665
3	22°12'05"	35.096
4	22°12'05"	118.67
5	27°52'00"	27.635
6	90°24'50"	21.19
7	180°24'50"	19.18

COR	BEARING	FROM	DISTANCE
A	25°17'00"	PM162673	29.63
B	294°54'50"	GIP	0.48
C	290°53'40"	GIP	0.535
D	345°02'20"	GIP	0.52
E	108°52'10"	GIP	1.29
F	116°02'55"	GIP	0.49
G	103°27'20"	GIP	0.505
H	108°57'25"	GIP	0.655
I	98°50'25"	GIP	0.645
J	113°14'120"	GIP	0.48
K	290°23'30"	GIP	0.465
L	166°51'25"	ROCK MARK FD	6.255

14	0°38'25"	63.345
15	90°24'50"	20.115
16	180°36'25"	32.585
17	180°36'15"	57.296
18	270°24'50"	12.915
19	270°24'50"	55.175
20	180°24'50"	89.88
21	270°24'50"	89.415
22	180°24'50"	115.54
23	0°24'50"	20.115
24	270°24'50"	10.74
25	207°52'00"	22.67
26	270°24'50"	99.745
27	180°36'25"	154.835
28	0°36'25"	134.72
29	90°24'50"	69.245
30	270°24'50"	22.8
31	90°24'50"	12.35
32	213°11'10"	22.81

Surveyor : ROBERT JOHN CROOKS
Date of Survey : 31ST OCTOBER, 2008
Surveyor's Ref : F412MU

LAND TO BE ACQUIRED UNDER THE PLAN OF ROADS TO BE OPENED AND CLOSED UNDER THE ROADS ACT 1993
LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991 AND ROAD TO BE CLOSED UNDER THE ROADS ACT 1993

6.2.7 FEES AND CHARGES SPORTING FACILITIES JAN 2012

REPORT BY GROUP MANAGER OPERATIONS
 FEES AND CHARGES SPORTING FACILITIES JAN 2012
 A0100055, A0140341

RECOMMENDATION

That:

1. the report by Group Manager Operations on the Fees and Charges Sporting Facilities be received;
2. Council approve the phased in sporting fees as set out in the table below:

Sporting Fees phased in Structure				
Item	Current	2012/2013	2013/2014	2014/2015
Junior player	\$9.00	\$12.00	\$15.00	\$18.00
Senior player	\$25.00	\$40.50	\$56.00	\$71.50
1st team	\$1,700.00	\$2,000.00	*	*
2nd team	\$1,300.00	\$1,500.00	*	*
3rd team	\$431.00	\$500.00	*	*

* denotes these fees will be adjusted by CPI on an annual basis.

3. Council approves the fees and charges for the grandstand and main field at Glen Willow, as listed below, noting that clubs that choose to play their home games at Glen Willow main field must play all their home games at Glen Willow. The club will then pay the per game day fee and will not be required to pay normal team fees as per our fees and charges:

Clubs charging gate fees

1. Hire of seating, kiosk, BBQ, 2 or 4 change rooms, public toilets, referees room, first aid room, broadcasters room and coach rooms.
 Cost \$800 per game day plus GST.
2. Hire of corporate room 1, kitchen and second floor toilets
 Cost \$300 per game day plus GST.
3. Hire of corporate room 2, kitchen, and second floor toilets
 Cost \$150 per game day plus GST.
4. Hire of media Room, kitchen and second floor toilets
 Cost \$50 per game day plus GST.

The corporate and media rooms will be hired directly through Council. The hirer will be charged \$200 plus GST cleaning fee, per game day, per room, additional to the hire fee.

Clubs charging no gate fees

1. Hire of seating, kiosk, BBQ, 2 or 4 change rooms, public toilets, referees room, first aid room, broadcasters room and coach rooms.
 Cost \$500 per game day plus GST.

2. Hire of Corporate room 1, kitchen and second floor toilets.
Cost \$300 per game day plus GST.
3. Hire of Corporate room 2, kitchen, and second floor toilets.
Cost \$150 per game day plus GST.
4. Hire of media Room, kitchen and second floor toilets.
Cost \$50 per game day plus GST.

The corporate and media rooms will be hired directly through Council. The hirer will be charged \$200 plus GST per game day cleaning fee additional to the hire fee.

Clubs charging no gate fees

1. Hire seating, kiosk, BBQ, 2 or 4 change rooms, public toilets, first aid room.
Cost \$400 per game day plus GST.

Clubs charging no gate fees

1. Hire seating, 2 or 4 change rooms, public toilets, first aid room.
Cost \$300 per game day plus GST.
4. Council approve charging sporting clubs 50% usage of electricity for the lighting towers once the illuminators are installed, at each field
5. Council approve a hire fee for schools of \$200.00 plus GST for events and carnivals; and that the schools are required to book all these activities through Council for Glen Willow or the respective Sport Council for all other venues.
6. Council approve that all bookings for Glen Willow will be through Council's customer service department and all other bookings of sporting fields through their respective Sports Councils.
7. Council approve that \$3.00 for junior players and \$10.00 for senior player be paid to the respective Sports Councils where the player is registered from the sporting fees collected.
8. Council delegates to the General Manager the authority to negotiate fees for all events at the Glen Willow Regional Sports Facility that are non-sports related.
9. Council charge a cleaning bond of \$1,000 per Club to be imposed on all clubs in the Mid-Western Region for the use of Mid-Western Regional Council sporting facilities.

EXECUTIVE SUMMARY

In December 2011 a report went to Council outlining the new fees and charges for sporting facilities.

Council resolved at their meeting on 21 December 2011 to place the fees and charges on public exhibition until Friday 20 January 2012.

DETAILED REPORT

Submissions closed on 20 January 2012 and no submissions were received. It is recommended as per Council's minute to adopt the new fees and charges for Mid- Western Regional Councils sporting facilities.

FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC OR POLICY IMPLICATIONS

Addition to Council's fees and charges

BRAD CAM
GROUP MANAGER OPERATIONS

27 January 2012

ATTACHMENTS: Nil.

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.8 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:

Returned & Services League - Gulgong RSL Sub-branch	\$1,000.00
Rylstone Kandos Preschool	\$1,000.00

EXECUTIVE SUMMARY

This report considers requests for financial assistance under the Council's Financial Assistance Policy – Tier 2.

DETAILED REPORT

Provision is made in Council's Financial Assistance Policy – Tier 2 (Small Grants) for organisations, group and individuals to make application for financial assistance of up to \$1,000.

Returned & Services League - Gulgong RSL Sub-branch

The Gulgong RSL Sub-branch is hosting a luncheon on 23rd Feb 2012 for War Widows and Widowers at the Gulgong RSL Club. There are 134 known War Widows and Widowers in the Mid Western Council Local Government area and each one will be invited to attend. Each luncheon costs the sub-branch around \$2,500 in which they are seeking financial assistance to fund the luncheon. We recommend that Council donates the maximum Tier 2 grant of \$1000.00.

Rylstone Kandos Preschool

The Rylstone Kandos Preschool is seeking financial assistance for the running expenses of the Preschool. They provide the only registered service to the Rylstone Kandos district for children aged 3 to 6 years and are registered as a non-profit organisation, which without support will face financial difficulties. It is recommended that Council contribute the maximum Tier 2 grant of \$1000.00 to assist in these running costs.

FINANCIAL IMPLICATIONS

Funding of \$22,000 is provided in the Management Plan for Tier 2 Applications (Small Grants) and \$14,468.94 has been allocated to date leaving a balance of \$7,531.06. Should Council approve the donations in accordance with the recommendation, a balance of \$5,531.06 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	\$1,068.01
Cr Webb	\$0.00
Cr Holden	\$1,500.00
Cr Martens	\$1,400.00
Cr Lang	\$1,150.00
Cr Kennedy	\$900.00
Cr Weatherley	\$1,000.00

STRATEGIC OR POLICY IMPLICATIONS

Council's Financial Assistance Policy applies.

NEIL BUNGATE
FINANCIAL ACCOUNTANT

02 February 2012



LEONIE JOHNSON
GROUP MANAGER FINANCE
AND ADMINISTRATION

ATTACHMENTS: 1. Returned & Services League - Gulgong RSL Sub-branch
 2. Rylstone Kandos Preschool

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

ATTACHMENT 1

RETURNED AND  **SERVICES LEAGUE**
OF AUSTRALIA
NEW SOUTH WALES BRANCH
"The Price of Liberty is Eternal Vigilance"

PRESIDENT	David Henderson		Gulgong Sub-branch
HON. TREASURER	Doug Marsh		PO Box 246
HON. SECRETARY	Doug Marsh	02 63741062	GULGONG NSW 2852
			20 January 2012

To Mr W. Bennet
General Manager
Mid Western Regional Council
86 Market St.
Mudgee 2850

Dear Sir,

The Gulgong RSL Sub-branch is hosting a luncheon on 23 FEB 2012 for War Widows and Widowers at the Gulgong RSL Club.

There are 134 known War Widows and Widowers in the Mid Western Council Local Government area and each one will be invited to attend.

The activity will also be attended by representatives of The Department of Veterans Affairs, The Veterans Families Counselling Service and the War Widow's Guild of Australia NSW Branch as well as Legacy. The Duty Senator for The Parks electorate, Mr Mathew Thistlethwait has been invited as the official Guest.

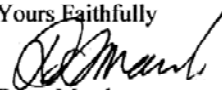
Senator Thistlethwait is very interested in coming to visit our area.

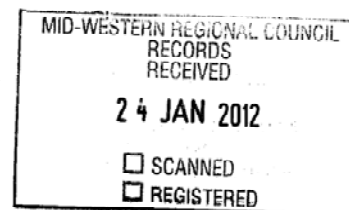
The Gulgong RSL sub-branch hosts four luncheons for the veteran's community each year. Each luncheon costs the Sub-branch around \$2,500.00 plus the cost of transport for those who do not have access to transport

These activities are funded by the Gulgong RSL Sub-branch resources and we are seeking financial assistance From MWRC to fund the luncheon on 23FEB2012.

As this is a community aimed activity your assistance would be much appreciated and your help would be publicised.

Yours Faithfully

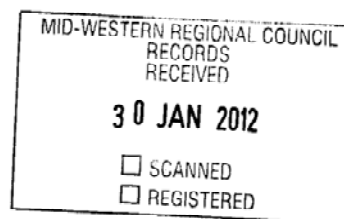

Doug Marsh
Honorary Secretary/Treasurer





20 January 2012

Mid Western Regional Council
PO Box 156
MUDGEE NSW 2850



Dear Sir/Madam

RE – FINANCIAL ASSISTANCE FOR RYLSTONE KANDOS PRESCHOOL INCORPORATED

I forward this letter in regard to financial support of our Preschool.

Name of Organisation: Rylstone Kandos Preschool Incorporated
Address: 27 Fleming Street, KANDOS NSW 2848 **Postal Address:** PO Box 7 KANDOS NSW 2848
Contact Person: Leanne Neilsen – Office Manager
Telephone No: 02 6379 4273 **Email:** prekids@hwy.com.au
Description of Organisation: Preschool
ABN Number: 65 453 527 325
Insurance Details: Guild Insurance – Policy No 29/20CIP0204693 (see attached)
Bank Account Details – Rylstone Kandos Preschool Inc BSB – 032 657 Acc 803031

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

Amount of Funding required:	Electricity	\$2000.00
	Water	200.00
	Telephone/Internet	1320.00
	Rent	310.00
	Pest Control	480.00
	TOTAL	4310.00

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

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

6.2.9 KANDOS BICENTENNIAL MUSEUM COMMITTEE

REPORT BY MANAGER COMMUNITY DEVELOPMENT
KANDOS BICENTENNIAL MUSEUM COMMITTEE MEETING DECEMBER 2011 AND ANNUAL
GENERAL MEETING DECEMBER 2011
A0100055, A0060123

RECOMMENDATION

That:

- 1. the report by the Manager Community Development on the Kandos Bicentennial Museum be received;**
- 2. Council accept the minutes of the Kandos Bicentennial Museum Committee ordinary meeting and annual general meeting of 8 December 2011;**
- 3. Council accept the nominations of Noel Costello, Bob Tomlinson, Marie Ford, Ivy Tomlinson, Sue Gould, Pam O'Connor, Peg Butler, Leslie Pennell and Leanne Wicks to be members of the Kandos Bicentennial Museum Committee.**

EXECUTIVE SUMMARY

The Committee meets to highlight and promote the operation of Kandos Bicentennial Museum. The next meeting will take place on 9th February 2012.

DETAILED REPORT

The upgrade of the Museum expenses were circulated and discussed. Colin advised the Committee about the progress of the works.

A number of donations were received from the Kandos Cement Works, some other items will hopefully be donated in March.

A volunteers afternoon tea and book launch took place on Saturday 3rd December. It was well attended and the speakers were very good.

The Committee discussed a number of group bookings and these are noted in the minutes. Further the Committee discussed the Antique Car Club, the repairs of the cash register, a works request for trees on Jacques Street, the treasurer's report and the Accession Report.

FINANCIAL IMPLICATIONS

N/A.

STRATEGIC OR POLICY IMPLICATIONS

N/A.

SIMON JONES
MANAGER COMMUNITY DEVELOPMENT

CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND
COMMUNITY SERVICES

30 January 2012

- ATTACHMENTS:
1. Minutes of Meeting of the Kandos Bicentennial Industrial Museum held on 8 December 2011.
 2. Accession Report – November 2011.
 3. Minutes of the Management Committee of the Kandos Bicentennial Museum - Annual General Meeting held on 8 December 2011.

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

**MINUTES OF MEETING OF THE
KANDOS BICENTENNIAL INDUSTRIAL MUSEUM
HELD ON THURSDAY 8 DECEMBER 2011**

PRESENT: Cr Esme Martens (Chair), Pam O'Connor, Noel Costello, Ivy Tomlinson, Colin Jones, Marie Ford, Peg Butler, Leanne Wicks, Lesley Pennell and Simon Jones.

1. **WELCOME:** –Cr Esme Martens opened the meeting at 2.42pm and welcomed everyone.

2. **APOLOGIES:** Bob Tomlinson, Bruce Fleming, Sue Gould and Virginia Handmer
Moved: Ivy Tomlinson Seconded: Pam O'Connor **Apologies Accepted**

3. **ADOPTION OF PREVIOUS MINUTES OF 13th OCTOBER 2011**

Moved: Pam O'Connor Seconded: Noel Costello **Minutes Accepted**

4. **MATTERS ARISING FROM THE MINUTES**

4.1. Upgrade works

Expenses breakdown circulated. Colin Jones spoke about the process and the works. Waiting for some of the artists to finish some work for the exhibition displays. Also waiting on engineers drawings for portico area.

4.2. Donations from the Kandos Cement Works

Items discussed as per accession report. A couple of items have come through already. Other items waiting until March 2012 when the buildings will be fully cleared.

4.3. Kandos Cement Display

Information on this proposal has been provided to Cement Australia – Colin is waiting on a response from them.

4.4. Book launch and Volunteers afternoon tea Saturday 3rd December at 2pm.

Excellent attendance at this event and the speakers were very good. Jennifer(?) offered DVD to the Museum.

Motion: The Committee write a letter of thanks for the DVD when it is received

Moved: Cr Esme Martens Seconded: Marie Ford **Motion Carried**

4.5. Fees and Charges Policy for new exhibition area

This has been deferred until the completion of the upgrade works.

4.6 Aussie Sights Tour Group

Discussion on price to charge this touring group – entry fee plus catering costs.

Motion: That the Committee and volunteers arrange the catering. A charge of \$9 per person for the Museum tour and morning tea was agreed.

Moved: Ivy Tomlinson

Seconded: Lesley Pennell

Motion Carried

4.7 Antique Car Club

This group is coming on Saturday 11th December. Noel asked for any volunteers to assist with this.

4.8 Cash Register

Colin is arranging to get this fixed.

4.9 Trees on Jacques Street

Virginia has put in a works request to get these trimmed.

5. CORRESPONDENCE

Communications received included information related to the internship for Leanne Wicks, a letter for Colin Jones regarding the Geelong Cement Museum and regular promotional and Museum information.

Information also received regarding the book “The Gallaghers of “Airly” and “Port Macquarie” – this is now selling for \$15 at the Museum. The Committee was reminded of the need to make expenditure decisions at meetings.

6. ACCESSION REPORT

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

Moved: Pam O’Connor

Seconded: Marie Ford

Motion Carried

7. TREASURER’S REPORT

44 of the Pat Studdy Clift books have been sold.

The interest showing as Income in the Museum budget from Council is related to interest on the Simpkins Bequest.

Moved: Ivy Tomlinson

Seconded: Pam O’Connor

Motion Carried

8. GENERAL BUSINESS8.1 Kandos Street Machine

It was noted that there had been a call for more volunteers for this event.

8.2 Museum Collection

The need for more storage areas and sheds was noted by the Committee.

9. ACTION LIST

Item	Responsibility
Fees and charges for exhibition space on the agenda when upgrade works are completed	Virginia Handmer
Cash register needs service (in Dubbo)	Colin Jones
Aussie Sights Tour Group – fill in and send off form	Simon Jones
Letter to be sent when DVD received	Virginia Handmer

There being no further business the meeting closed at 3.50pm.

Next meeting: Thursday 9th February, 2011 at 2pm at the Kandos Museum following the AGM.

Pamela O'Connor
28 Russell Road
KANDOS NSW 2848

ATTACHMENT 2



Ph: 02 6379 4613

November 2011 ACCESSION REPORT

Emails received or sent

Inmagic (Database) Flyers
A 'Thank You' card from Power House Workshop girls
Catalogue on Wide Span Sheds
1916-1966 Kandos 50th Anniversary

Items Donated

1. A 'Dead Man's Penny' complete with frame and memorial address from King George V. from Yvette Holswich.
2. 12 Photocopies, Laminated of opening Kandos Pool & Sov. Programme. J. Smith
Donor unknown for;
3. A framed photo of Works (four chimneys) from John Readington
4. Souvenir Programme Empire Games 1938
5. Book of Australian Steam Engine Listing.
6. Kandos Public School 2010.
7. Newspaper clippings re :
 - a. Rylstone best in State for Tidy Towns.
 - b. Kandos Cement Works report on two page spread from Mudgee Guardian.
 - c. A box of papers including minutes of KANDOS 70th birthday minutes.'
 - d. Clipping on Irish Ned Kelly

Items Accessed

- The 'Dingo Trap' stated 1890. This has a trade mark – company stamped on it. A search on internet found that this company is now owned by WireTraps Company. I have rang this company and they are searching and recording the history of our trap and will be getting back to me. Ass No 92:1862

Tuesday morning Volunteers



Lynette Edwards	Still doing dusting
Sue Guild	Computer sue is busy copying albums
Leslie	doing filing
Peter and mate (from across the road)	<i>General As required</i>
Joe Cali	Vacuums done monthly
Von Willis	Brass & silverware cleaning.
Joy Tompson	A great asset as she is familiar with items of all descriptions, as is Colin Jones.
Doug Keech	Painting for Colin. Outside cleaning.

Items Arising

- I have amended the Accession Form and the database is now sorting well with queries in word but has difficulty with queries in numbers.

Regards

.....
Accession Officer
Pamela O'Connor

**MINUTES OF MEETING OF THE
MANAGEMENT COMMITTEE OF THE KANDOS BICENTENNIAL MUSEUM ANNUAL
GENERAL MEETING HELD ON 8 DECEMBER 2011**

PRESENT: Cr Esme Martens, Noel Costello, Ivy Tomlinson, Pam O'Connor, Leslie Pennell, Leanne Wicks, Peg Butler, Marie Ford Simon Jones and Colin Jones.

APOLOGIES: Bob Tomlinson, Sue Gould, Bruce Fleming and Virginia Handmer.

Meeting Opened 2.31 pm

MINUTES FROM PREVIOUS ANNUAL GENERAL MEETING

Motion: That the minutes of the previous Annual General Meeting held on 11 November 2010 be accepted.

Moved: Noel Costello

Seconded: Peg Butler

Motion Carried

TERMS OF REFERENCE

No changes were proposed for the Terms of Reference.

COLLECTION POLICY

No changes were proposed for the Collection Policy

ELECTION OF OFFICE BEARERS

Simon Jones was asked to accept the role of Returning Officer.

All positions were declared vacant and the Chair, Cr Esme Martens, vacated the Chair.

Call for Members of the Committee. These members will be confirmed by Council at the next available meeting.

The Terms of Reference call for between five and nine members of which one is a Councillor representative.

- Noel Costello was nominated by himself
- Bob Tomlinson was nominated by Ivy Tomlinson
- Marie Ford was nominated by Noel Costello
- Ivy Tomlinson was nominated by Noel Costello
- Sue Gould was nominated by Pam O'Connor
- Pam O'Connor was nominated by Noel Costello
- Peg Butler was nominated by Noel Costello
- Leslie Pennell was nominated by Peg Butler
- Leanne Wicks was nominated by Noel Costello

All who were present accepted their nominations. Bob Tomlinson and Sue Gould had indicated acceptance prior to the meeting.

Cr Esme Martens is the Councillor representative on the Committee.

The above individuals will now form the Kandos Bicentennial Museum Committee.

Nominations were called for the position of Chair of the Committee.

Pam O'Connor nominated Cr Esme Martens who accepted the nomination.

There being no further nominations, **Cr Esme Martens was duly declared elected as the Chairperson of the Committee.**

Nominations were called for the position of Deputy Chair of the Committee.

Ivy Tomlinson nominated Noel Costello who accepted the nomination.

There being no further nominations, **Noel Costello was duly declared elected as the Deputy Chairperson of the Committee.**

Nominations were called for the position of Treasurer of the Committee.

Peg Butler nominated Bob Tomlinson who accepted the nomination.

There being no further nominations, **Bob Tomlinson was duly declared elected as the Treasurer of the Committee.**

Nominations were called for the position of Volunteers Coordinator for the Committee. Noel

Costello nominated Marie Ford and Peg Butler to be joint Volunteer Coordinators.

There being no further nominations, **Marie Ford and Peg Butler were duly declared elected as the Volunteers Coordinator for the Committee.**

Nominations were called for the position of Accession Officer for the Committee.

Noel Costello nominated Pam O'Connor who had previously indicated that she would accept the nomination.

There being no further nominations, **Pam O'Connor was duly declared elected as the Accession Officer for the Committee.**

The meeting noted that secretarial support for the Committee will be provided by Council staff members Virginia Handmer and Simon Jones.

Following the election of the Office Bearers, Simon Jones vacated the chair for Cr Esme Martens to resume the meeting.

Noel Costello offered his congratulations to all. Meeting concluded 2.42pm.

6.2.10 MUDGEE REGION TOURISM INC DECEMBER 2011 QUARTERLY REPORT AND ANNUAL REPORT 2011

REPORT BY GENERAL MANAGER
MRTI QUARTERLY REPORT – DECEMBER 2011
A0100055, F0770077

RECOMMENDATION

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

DETAILED REPORT

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

The December 2012 quarterly report has been delivered to Council in accordance with this requirement and is attached for Council's consideration. Also attached for Councillors information is the annual report and financial statements for the year ended 30 June 2011.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable

WARWICK L BENNETT
GENERAL MANAGER

2 February 2012

- ATTACHMENTS:**
1. MRTI Quarterly Report - December 2011
(following at end of Business Paper)
 2. MRTI Annual report 2011 & Financial Statements
(following at end of Business Paper)

6.2.11 MUDGEE SEWAGE TREATMENT PLANT CONSTRUCTION

REPORT BY MANAGER WATER & WASTE STRATEGIES
MUDGEE STP CONSTRUCTION
A0100055, F0740001

RECOMMENDATION

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

DETAILED REPORT

Attached for Councils information is a Project Status Report for the Mudgee Sewerage Augmentation – Construction of a New Sewage Treatment Plant and Associated Works contract.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

BRETT CORVEN
MANAGER WATER & WASTE STRATEGIES

BRAD CAM
GROUP MANAGER OPERATIONS

3 February 2012

ATTACHMENTS: 1. Mudgee Sewerage Augmentation – Construction of a New Sewage Treatment Plant and Associated Works – Project Status Report December 2011 – January 2012 (following at the end of the Business Paper)

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.12 MUDGEE TOWN HALL RENOVATION PROJECT UPDATE

REPORT BY MANAGER, COMMUNITY DEVELOPMENT
MUDGEE TOWN HALL RENOVATION PROJECT UPDATE
A0100055, P0159964

RECOMMENDATION

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

EXECUTIVE SUMMARY

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

DETAILED REPORT

December and January was focused on the signing of the contract with CCA Projects and the beginning of the construction period. The contract was signed on January 9th, 2012 and the contract period started on January 16th. The major works undertaken during the first two weeks included site preparation and the demolition of the back walls, as well as removal of carpeted areas in the Theatre auditorium and some of the ceiling spaces in the library area.

The library was relocated to the Stables complex and has been opened at this site since January 16th. A full range of library services are being offered from this site. Access is provided to all of the library collections here, with only older parts of the non-fiction and local studies collections being held in the garage at the Stables, easily accessible for library staff.

Equipment from the Theatre, as well as excess furniture from the library and the Stables Meeting Room have been relocated to a storage unit for the duration of the renovations.

Initial discussions with CCA Projects have revolved around the type of slab floor construction that can be used and issues relating to the electricity upgrade works that are needed. These works are being undertaken by Essential Energy.

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

FINANCIAL IMPLICATIONS

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

STRATEGIC OR POLICY IMPLICATIONS

Not Applicable

SIMON JONES
MANAGER, COMMUNITY DEVELOPMENT

CATHERINE VAN LAEREN
GROUP MANAGER, DEVELOPMENT
AND COMMUNITY

1 February 2011

ATTACHMENTS: 1. Mudgee Town Hall Renovation Project Progress Report – January 2012

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

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

Mudgee Town Hall Renovation Project Status Report January 2012



Report No. 2

Issue Date: 1 February 2011

Prepared by: Simon Jones
Project Manager

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EXECUTIVE SUMMARY

Tender No.	2011/10
Principal Contractor	CCA Projects
Budget for construction tender	\$2,980,000.00
Approved Contract Variations Total	\$0.00
Current Contract Sum	\$2,535,000.00
Contract Payments to Date	\$0.00
Total Contract Cost Expended	0.0%
Date of Contract	9 January 2012
Original Contract Duration	40 weeks
Approved Extensions of Time Claims	0
Contract Completion Date	22 October 2012
Calendar Days Elapsed	N/A
Calendar Days Remaining	N/A
Total Project Time Expended	N/A
Overall Project Budget (this includes items not covered by the construction tender 2011/10)	\$3,811,427.00
Total Payments to Date	\$117,119.49
Total Project Cost Expended	3.07%

1. OVERALL PROJECT TIMETABLE

Task	Date to be completed by	Task Completed
Tenders Closed	October 28 th , 2011	Completed
Council decision on Tender	November 16 th , 2011	Completed
Contracts issued and work plan finalised	December, 2011	Completed
Library relocation	January, 2011	Completed
Temporary Library opened at the Stables	January 16 th , 2011	Completed
Site Preparation works Begin	January 16 th , 2011	Completed
Construction Certificate issued	January, 2011	
Construction Commences	January, 2011	
Main contract construction Completed	October 22nd, 2011	
Relocation of library back to Town Hall building	November, 2011	
Library and Theatre re-open	November, 2011	
Acquittal of all grant programs	December, 2011	

2. OVERALL PROJECT BUDGET

Item	Budget Estimate	Actuals to date	Comments
Construction contract	\$2,535,000		Contract with CCA Projects signed.
Contract contingency	\$443,870		
Architects, engineers and project management fees	\$200,000	\$103,622.72	
Technology and IT infrastructure (including Library RFID system)	\$180,000		
Furniture, Shelving, Curtains, Blinds, Appliances	\$150,000		
Theatre equipment (e.g. curtains, lighting, screen, sound equipment)	\$100,000		Awaiting technical specification.
Electricity substation works	\$100,000		Essential Energy works scheduled to begin on March 12 th .
Stackable chairs for Theatre	\$26,000		
Parking/signage/fencing/sewer works	\$25,000	\$84.18	
Library and Theatre relocation and storage	\$50,000	\$12,277.41	
Stores and creditors overheads	\$1,557.00	\$1,135.18	
Total Budget	\$3,811,427	\$117,119.49	

3. PROJECT STATUS

3.1 Work Progress during December 2011 and January 2012

- 3.1.1 The contract with CCA Projects was signed on January 16th, 2012. The contract period was 40 weeks, giving an completion date of October 22nd, 2012. The contract amount was as per the tender - \$2,535,000.
- 3.1.2 CCA Projects have begun work on site. This has included the demolition of the back wall and some of the interior sections. This has included removal of some of the carpeted areas, including the carpet in the upstairs Theatre auditorium. This has revealed floorboards in reasonably good condition with an initial visual inspection indicating that the works required should be covered by the contract.
- 3.1.3 Three main issues have emerged from the first two weeks. The first is the ceiling section in the back areas of the library, which were not as expected. This will require a different approach to this area, however this is not expected to have a major budget impact. The other issue has been the electricity upgrade and the need to coordinate this with the establishment of the footings for the new slab in the extension. The electricity upgrade works are due to commence on 12th March so it is important to work around this until this date. Finally, the type of slab construction has been discussed with CCA who have a different strategy for this. We are working with CCA Projects and the consultant engineers to deliver a solution acceptable to all.
- 3.1.4 The library has relocated to the Stables Meeting Room and Gallery and re-opened for business on January 16th. Thanks to the library staff for their efforts with the movement of the collection and the setting up of the library in the Stables.

3.2 Work Activities planned for February 2011

- 3.2.1 Further demolition works will take place over the next couple of weeks to establish the building and remove other walls and materials as required.
- 3.2.2 The establishment of the footings for the new slab at the rear of the building is the next major milestone as this is a crucial part of the timeline. This work is being undertaken in such a way to not impact of the works of Essential Energy in upgrading and relocating the electricity supply to the building.
- 3.2.3 Work on selecting the carpets and paints for the interior of the building will continue in February. Further work in selecting interior furniture for all floors and shelving for the library will also begin.
- 3.2.4 The planned electricity upgrade works by Essential Energy are scheduled to begin on March 12th. Trenches need to be excavated for this week and these trenches will also be used for the fibre-optic cable that will link the Town Hall building back to the main Council building.

4. Project Variations

Total cost of variations = \$ nil (0.0%). However since the cut off date of this report one variation for \$4,200 has been approved for some additional work in the ceiling. This will be reported to Council in detail next month.

5. Contractual Issues

Nil

6. Contract Progress Payments

Nil

7. Program

CCA to finalise when slab construction method determined.

8. Project Focus Group

A Project Focus Group has been established to review the progress of the contract. At this point, The Project Team consists of Council staff members Brad Cam, Julian Geddes and Simon Jones as well as the contracted Project Manager, Cameron Anderson. Neil Bungate from the Finance team will provide additional financial support when required.

6.2.13 REGIONAL TOURISM SIGNAGE

REPORT BY CUSTOMER SERVICE MANAGER
REGIONAL TOURIST SIGNAGE
A0100055, R0790215

RECOMMENDATION

That:

1. the report by the Customer Service Manager on the Regional Tourism Signage be received;
2. the Council not proceed with the installation of tourism promotional signage outside of this region.
3. that Council provide Mudgee Region Tourism Incorporated (MRTI) with the two signage proposals from Ooh Media for their consideration if they so wish to proceed;
4. that Council make a recommendation to Mudgee Region Tourism Incorporated that the artwork be rejuvenated on its rental advertising space east of Lithgow.

DETAILED REPORT

Council has requested that staff investigate the installation of tourism promotional signage outside of the region. The recommendation in this report is that Council not proceed with the signage as it is the role of Mudgee Regional Tourism Inc (MRTI) to undertake the promotion and marketing of this region. That is what the contract Council has with the MRTI and is incorporated in the annual contract sum of \$330,000. The other reason why it is recommended that Council not proceed with these signs is that Councils own planning provisions does not allow for such signs in this region. It would seem hypocritical for Council to install signs in other Council areas when it is expressly prohibited in Mid Western.

Please find set out below the investigation into the location and cost of signage that staff have done. The recommendation in this report is that this information is passed onto MRTI to pursue if they so wish.

Ooh Media have provided the below proposals for tourist signage.

Regional proposal – 4 x 2 space

1 year campaign total cost is \$5300 per sign (including production and installation)

Available sites include those listed below:

Coonabarabran South, Newell Highway
Dubbo East, Mitchell Highway/Wellington Road
Orange (Molong North), Mitchell Highway
Parkes South, Newell Highway

A further proposal was requested and received from Ooh Media focussing on the Canberra, Hunter Valley and Newcastle regions. The advertising space in these locations is larger, and in higher demand, and this is reflected in the pricing of these spaces

Supersite proposal – 12.61 x 3.3 space

12 week campaign total cost is \$18,000 per sign (including production and installation)

The below Supersite location is available for rental:

Newcastle, Tighes Hill, Industrial Highway Eastbound – 12 weeks = \$18000

Super 8 proposal – 8.28 x 2.2 space

1 year campaign total cost is \$34,100 per sign (including production and installation)

Available Super 8 sites include those listed below:

Goulbourn South, Currawang, Federal Highway Southbound
Lower Hunter, Tarro, 46 New England Highway Northbound
Mount Vincent, Freemans Drive, Eastbound
Queanbeyan, Capital Terrace, Yass Road, Northbound

The above pricing and availability was correct as of the date of this report, but it should be noted that availability may change post the date of this report.

Council do not have an employee with tourist marketing expertise, and cannot therefore accurately determine whether the cost of the signage will equate to the equivalent increase in tourist numbers. Council do however provide funding to MRTI as a body with this expertise.

It is therefore recommended that the two proposals from Ooh Media be provided to MRTI for their consideration. Should MRTI deem it appropriate to proceed with signage, then it should be funded by MRTI.

Attached to this report staff have prepared an artwork proposal for MRTI consideration. This was design after discussions with Ooh Media.

The option to this recommendation is that Council does proceed with the signage in other Council areas and have a specific amount included in the 2012/13 budget initiatives.

FINANCIAL IMPLICATIONS

N/A if this recommendation proceeds

STRATEGIC OR POLICY IMPLICATIONS

Mid-Western Regional Council provides funding to Mudgee Region Tourism Incorporated to market and promote the region, and any signage that Council may proceed to install may interfere with the strategic directions of MRTI.

KATE RIACH
CUSTOMER SERVICE MANAGER

CATHERINE VAN LAEREN
GROUP MANAGER, DEVELOPMENT
AND COMMUNITY SERVICES

25 January 2012

ATTACHMENTS: 1. Artwork proposal

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

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6.2.14 NSW EMERGENCY SERVICE 2012-2013 BUDGET ESTIMATES

REPORT BY GENERAL MANAGER
NSW EMERGENCY SERVICES 2012-2013 BUDGET ESTIMATES
A0100055, A0150024

RECOMMENDATION

That:

1. **the report by the General Manager on the NSW Emergency Services 2012-2013 Budget Estimates be received;**
2. **that Council approves the 2012/2013 Rural Fire Fighting Fund estimates to reflect the Council contribution at an increase of 3.5% being to a maximum of \$575,538,**
3. **The Rural Fire Fighting Fund budget be reduced to reflect Council maximum available payment.**

EXECUTIVE SUMMARY

This report is to seek Council endorsement of the 2012/13 Rural Fire Fighting Fund (RFFF) estimates, and to advise of the budgeted amounts for Emergency Services NSW. The estimates for the Rural Fire Service (RFS) are required to be submitted to the RFS, and have been prepared by the RFS to meet the RFS Strategic Plan and meet the Service Level Agreement that has been approved by the RFS Cudgegong Senior Management and Liaison Committees.

The RFS have sought a budget increase of 19.35%. Council has been restricted through IPART to a rate increase of just 3.5%. To have that minimal increase eroded by the RFS costs would be detrimental to other services provided by Council.

In prior years, payments were made individually to the RFS and the NSW Fire Brigades, with the contribution rate to the RFS being 13.3%. This contribution rate was reduced to 11.7% with payment being made to Emergency Management NSW that now covers the contribution to the RFS, NSW Fire Brigades and the State Emergency Service.

Under the State Emergency and Rescue Management (SERM) Act 1989, Council is to provide accommodation and transport to the State Emergency Services (SES). Whilst Council has no obligation to support the Volunteer Rescue Association (VRA), the SES and VRA are housed in a shed at the Mudgee Depot that was recently completed with grant funding, volunteer funds and assistance from the TAFE.

These estimates will be incorporated into Councils 2012/13 Operational Plan. It should be noted that this is an estimate and will not be finalised until approved by the NSW RFS, which is normally mid way through the next financial year. These charges can vary significantly depending upon State Government policy at the time and budget estimates for 2012/13 can only be based on the information currently available.

The main causes of the requested increases in costs on last year are due to the following;

- Additional capital costs for replacement of fire fighting vehicles
- Additional works on brigade stations
- State Government increase in charges on the radio network system

DETAILED REPORT

Each year the Fire Control Officer (FCO) prepares estimates (“the bid”) for the coming financial year's expenditure. Council is required to certify the figures are a true and fair estimate of the anticipated expenditure from the RFFF in respect of the Council for the forthcoming financial year and state it will comply with Sections 109 and 110 of the Rural Fires Act 1997, when meeting its statutory contribution.

A Rural Fire District Service Agreement (RFDSA) was entered into between the Rural Fire Service (RFS) and Council, which commenced on 1 July 2011, and is for a three year period.

A requirement of the RFDSA is that a District Liaison Committee (DLC) is formed to monitor the performance of the agreement and the DLC is to:

- a) Monitor the performance of the RFSDA;
- b) Review the following documents prepared by the FCO prior to submission to and consideration by the Council:
 - The annual budget and business plan; and
 - The quarterly financial and performance reports.

The RFDSA also details the additional Council support such as accommodation.

The FCO formulated an estimate, based on the Strategic Plan and the RFDSA, for the period 2012/2013 which is attached to this report.

This financial year the RFS have attended over one hundred incidents (to the date of this report), for a range of incidents including motor vehicle accidents, rural house fires, grass and brush fires and spills of oil and petrol on roads.

The attendance by the RFS and the SES at these incidents regularly saves Council staff attending and reduces our staff costs and after hours call outs.

The original budget approved by the Cudgegong Senior Management Committee and subsequently presented to the DLC at its meeting on 24th October 2011, The budget as presented was endorsed by the Committee for presentation to Council.

The RFFF total bid is \$2,667,285 (prior year bid of \$2,398,218 was reduced to \$2,259,341 by the NSW RFS) and is explained below:

Annual Maintenance and Repairs \$331,150 – (Prior year \$325,533)
(This amount is reimbursed in the following financial year)

This section is made up of estimates for the following:

- Maintenance of Stations/Sheds
- Maintenance of Vehicles
- Maintenance of Pumps
- Maintenance of Radios
- Petrol and Oil for Bushfire Fleet Vehicles
- Freight Cartage
- Telephone and Electricity Charges
- Vehicle and Shed Insurance Costs

Appliances \$574,336 – (Prior year \$433,657)

This is a bid for the supply of

- two Category 1 multi purpose 4WD crew cabs for Birrawa and Windeyere brigades

Other Vehicles \$17,000 – (Prior year \$15,000)

Replacement of 1 Toyota Hi-Lux's

Equipment \$150,000 - (Prior year \$154,438)

This is a bid for the supply of equipment items made up of the following:

- Personal Protective Equipment (PPE)
- Community safety program
- Decontamination program
- General fire fighting equipment – Hoses, pumps, fittings etc; and

Brigade Stations \$190,000 - (Prior year \$Nil)

This is a bid for improvements and extensions to existing stations at Clandulla and Lawson and also funding for the heritage building

Reimbursable Items \$186,139 – (Prior year \$190,568)
(This amount is reimbursed in the following financial year)

- 11.7% reimbursement of Other Support expenditure.

Hazard Reduction \$67,570 – (Prior year \$64,438)

This is to undertake Council obligations in regard to Hazard Reductions in the village areas and road side slashing.

District Staff Costs \$1,151,090 – (Prior year \$1,030,127)

This has increased mainly due to the State Government requirement that the costs of the Ground Radio Network (GRN) are recovered based on the number of radios held by each district with at a cost of \$316,651. Other services covered by this cost for the RFS District Staff are as follows:

- Salaries and wages
- Travel
- Equipment General
- Equipment Computers
- Communications Platform
- GIS
- Vehicle Maintenance and changeover costs,

This budget maintains the following positions:

- District Manager (FCO),
- Operations Officer (DFCO),
- Community Safety Officer (DFCO),
- Learning and Development Officer (DFCO),
- Administration Officer position, and

- Part Time Administration Officer position (21 hours per week).

The RFFF contribution to Council is made up of Council's "bid" described above and an "in kind" contribution the RFS calls "program charges". Program charges are administrative costs for the RFS and are made up of the following:

- Insurance
- Operations
- Administration
- Training
- Emergency Funds
- Regional Administration
- Fire Mitigation Works
- Planning Services
- Engineering Services
- Community Education
- Communications
- Strategic Development
- Volunteer Training
- Hazard Reduction

Under the RFDSA the RFS Commissioner will, no later than 28 February of each year, submit to Council:

- A probable allocation of expenditure for the District for the next financial year ("the probable allocation"); and
- A probable contribution ("the probable contribution") by the Council to the New South Wales Rural Fire Fighting Fund ("the fund").

Council entered into a three year Service Level Agreement with the Rural Fire Service that provides for the provision of accommodation to the RFS staff by Council. This cost is in addition to the RFFF budget.

FINANCIAL IMPLICATIONS

Council's throughout the State in the past have been concerned at these "Program Charges", the reasons being they have no control over this expenditure, they seem to rise at an unrealistic rate and Council's are still expected to contribute 11.7% of these charges to the RFFF. A review was undertaken of these charges and as a consequence the Minister has approved the reimbursement of Council's contribution to programme charges except for insurance costs. Council will receive approximately \$186,139 reimbursement in 2012/13 for program charges in 2011/12. However these reimbursements, as well as the reimbursement for the annual maintenance and repairs budget, are still included in the 11.7% calculation payable by Council so it is not a full reimbursement, and being reimbursed in the following financial year, Council are also required to manage the cash flow year to year.

The program charges have historically been around 45% of the Council allocation. In 2010/11 the program charges were 72% due to an increase in State Government funding and it is unknown at this stage if this increased amount is to be maintained. This unknown amount has a considerable effect on the budgeting process and as the RFS will not confirm the 2012/13 allocation until half way through that financial year, the budget in the Operational Plan is assuming that the current level of funding is maintained.

The majority of repairs and maintenance of the fire fighting vehicles is undertaken by Council staff and the budget for vehicle maintenance includes the salaries and wages of Council mechanics, providing funds for workshop staff. Additionally, the hazard reduction work involving roadside clearing provides funds to Council for maintaining the roadsides near villages.

Council's total contribution for Emergency Service 2012/13 will be approximately \$633,000 made up of our contribution to the Emergency Management NSW and the additional costs to Council, of housing the emergency services organisations that are required under the Act, and are listed below that will be in the Draft Management Plan for 2012/13.

<u>EMERGENCY SERVICES BUDGET</u>	2012/13	2011/12
NSW RFS		
RFS bid endorsed by the RFDSA Liaison Committee:	2,667,285	2,259,341
RFS estimate of Program Charges	1,737,000	1,686,836
Total NSW RFS Budget	4,404,285	3,900,441
NSW RFS Council Contribution		
Council contribution 11.7%:	515,300	454,042
Less 11.7% Reimbursement of program charges:	(186,139)	(190,586)
Total NSW RFS Levy	329,161	263,456
Add:		
NSW Fire Brigade Levy	52,000	49,000
NSW State Emergency Service Levy	55,000	53,000
<u>Additional Council costs</u> (including depreciation and on costs)		
NSW RFS Accommodation	159,000	152,100
NSW RFS Maintenance and repairs	331,150	325,533
NSW RFS Maintenance and repairs reimbursement	(331,150)	(325,533)
NSW RFS hazard reduction	67,570	64,438
NSW RFS hazard reduction reimbursement	(67,570)	(64,438)
NSW State Emergency Service Other Costs (inc est vehicle supply)	36,000	35,000
Local Emergency Management Committee	2,570	3,520
Total Expenditure for Emergency Services	633,731	556,076

The area of the budgeting process where assumptions were made are:

1. That Council's total bid will be approved by the RFS,
2. The Program Charges will be the same as advised by the RFS,
3. The District Staff salaries will be as estimated by the RFS, and
4. Council's reimbursement of Program Charges from 2010/11 will be as estimated
5. That the estimated inflation increases are applied by Emergency Management NSW.

STRATEGIC OR POLICY IMPLICATIONS

Council is required under the SERM Act and the Rural Fires Act to contribute to the costs of emergency management that provide assistance in the event of floods, fires and accidents to our community and visitors to our community.

23rd January 2012

ATTACHMENTS: 1. RFS Budget Estimate

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

2012/2013 Rural Fire Fighting Fund Estimates

Summary Page

CUDGEGONG DISTRICT

Annual Maintenance and Repairs....	\$331,150.00
Appliances	\$574,336.00
Second Hand Appliances	\$0.00
Other Vehicles	\$17,000.00
Equipment	\$150,000.00
Brigade Stations	\$190,000.00
Reimbursable Items	\$186,139.00
Hazard Reduction	\$67,570.00
District Staff Estimate.....	\$1,151,090.00
Total	\$2,667,285.00

I hereby certify that above figures are true and fair estimate of the anticipated expenditure from the Rural Fire fighting Fund in respect of this council for this financial year. The council will comply with Sections 109 and 110 of the Rural Fires Act, when meeting its statutory contribution.

General Manager

Date:

2012/2013 Rural Fire Fighting Fund Estimates

1st July 2012 to 30th June 2013

Annual Repairs and Maintenance

CUDGEGONG DISTRICT

Maintenance Stations Sheds		\$8,435.00
Maintenance Vehicles		\$120,000.00
Maintenance Pumps		\$2,000.00
Maintenance Radio		\$11,780.00
Maintenance Petrol Oil		\$53,560.00
Maintenance Other		
Freight Cartage		\$500.00
Telephone Rental		\$11,139.00
Telephone Calls		\$22,850.00
Electricity		\$25,926.00
Insurance Vehicles		\$0.00
Insurance Sheds		\$30,000.00
Insurance Other		\$0.00
First Aid Training		\$0.00
Training Subsidy Brigade		\$0.00
ERS Paging Subsidy		\$0.00
Other Total		\$44,960.00
Training	\$15,000.00	
Fire Ground Radio Upgrade	\$20,000.00	
Website	\$6,000.00	
FCC Cleaning	\$3,960.00	
Total Section B		\$331,150.00

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2012/2013 Rural Fire Fighting Fund Estimates CUDGEGONG DISTRICT
 Listing of Appliances Ordered [by Description]

Item No	Item	Price	Stock No	Item Description	Quantity	Extended Cost
301003	APPLIANCE - CAT 1 CREW CAB VILLAGE	\$284,000.00		FOUR WHEEL DRIVE (4X4) CREW CAB VILLAGE TYPE APPLIANCE INCORPORATING 3500 LITRE TANK, 5 FULL LOCKERS, CLASS 4 DIESEL POWERED PUMP, 1 X 19MM(ID) X 60M HOSE REEL, 1 X 25MM(ID) X 50M HOSE REEL, PVC DELIVERY HOSE, NOZZLES, LIGHTS, SIREN, FOAM PROPORTIONER, ACCESS LADDER AND BRACKET, PUMP CONTROLS IN CABIN, THERMAL INSULATION ON RUBBER BRAKE AND FUEL LINES, RING CABIN SPRAY PROTECTION SYSTEM, FRONT SPRAY BAR, RADIATION CURTAINS, SIX FIRE BLANKETS AND HOLDER, GR/PMR RADIO FITTED, CLASS 7 PORTABLE PUMP, AIR CONDITIONED CABIN, MAXIMUM CREW OF 6.	2	\$568,000.00
301003N	CABA BRACKETS FOR FITMENT TO CAT 1 VILLAGE APPLIANCE	\$1,664.00		DUAL PULL DOWN CABA BRACKETS FITTED TO FRONT LOCKER ON CAT 1 VILLAGE APPLIANCE	2	\$3,328.00
301003L	GENERATOR, 3kVa FOR INCLUSION ON CAT 1 CREW CAB VILLAGE APPLIANCE	\$1,504.00		3.3 kVa 240V GENERATOR FOR INCLUSION ON CAT 1 APPLIANCE. COST INCLUDES PROVISION OF UNDER TRAY LOCKABLE STOWAGE UNIT WITH SLIDE OUT RACK.	2	\$3,008.00
Total of Equipment Items						\$574,336.00

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CUDGEGONG DISTRICT

2012/2013 Rural Fire Fighting Fund Estimates
Listing of Appliances Ordered [by Item No.]

Item No	Item	Price	Stock No	Item Description	Quantity	Extended Cost
301003	APPLIANCE - CAT 1 CREW CAB VILLAGE	\$284,000.00		FOUR WHEEL DRIVE (4X4) CREW CAB VILLAGE TYPE APPLIANCE INCORPORATING 3500 LITRE TANK, 5 FULL LOCKERS, CLASS 4 DIESEL POWERED PUMP, 1 X 19MM(ID) X 60M HOSE REEL, 1 X 25MM(ID) X 50M HOSE REEL, PVC DELIVERY HOSE, NOZZLES, LIGHTS, SIREN, FOAM PROPORTIONER, ACCESS LADDER AND BRACKET, PUMP CONTROLS IN CABIN, THERMAL INSULATION ON RUBBER BRAKE AND FUEL LINES, RING CABIN SPRAY PROTECTION SYSTEM, FRONT SPRAY BAR, RADIATION CURTAINS, SIX FIRE BLANKETS AND HOLDER, GRN/PMR RADIO FITTED, CLASS 7 PORTABLE PUMP, AIR CONDITIONED CABIN, MAXIMUM CREW OF 6.	2	\$568,000.00
301003L	GENERATOR, 3kVa FOR INCLUSION ON CAT 1 CREW CAB VILLAGE APPLIANCE	\$1,504.00		3.3 kVa 240V GENERATOR FOR INCLUSION ON CAT 1 APPLIANCE. COST INCLUDES PROVISION OF UNDER TRAY LOCKABLE STOWAGE UNIT WITH SLIDE OUT RACK.	2	\$3,008.00
301003N	CABA BRACKETS FOR FITMENT TO CAT 1 VILLAGE APPLIANCE	\$1,664.00		DUAL PULL DOWN CABA BRACKETS FITTED TO FRONT LOCKER ON CAT 1 VILLAGE APPLIANCE	2	\$3,328.00
Total of Equipment Items						\$574,336.00

2012/2013 Rural Fire Fighting Fund Estimates

Other Vehicles

CUDGEGONG DISTRICT

Brigade Name	Vehicle Make Model	Additional, Replacement or New	Source	Amount
Cudgegong FCC	Dual Cab 4x4	Replacement	Local	\$17,000.00
			Total	\$17,000.00

2012/2013 Rural Fire Fighting Fund Estimates

Equipment

CUDGEGONG DISTRICT

Pumps	\$0.00
PPE	\$55,000.00
Enhancements	
Community Safety	\$5,000.00
DeContamination Services	\$5,000.00
Fire Fighting Equipment	\$85,000.00
Total	<u>\$150,000.00</u>

2012/2013 Rural Fire Fighting Fund Estimates

Brigade stations

CUDGEGONG DISTRICT

Brigade Name	Category of Brigade Station	Amount
Lawson	Extensions	\$40,000.00
Clandulla	Extensions	\$50,000.00
Heritage Museum	Other	\$100,000.00

Total \$190,000.00

2012/2013 Rural Fire Fighting Fund Estimates

Reimbursable Items

CUDGEGONG DISTRICT

Description	Quantity	Cost	Amount
Program Charges	1	186,139.00	\$186,139.00
		Total	\$186,139.00

2012/2013 Rural Fire Fighting Fund Estimates

District Estimates

CUDGEGONG DISTRICT

Approved Staff No.		6
Current Staffing Level.....		6
Salaries		\$618,756.00
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Travel		\$6,000.00
Telephones		\$2,500.00
Equipment General		\$10,000.00
Equipment Computers		\$4,000.00
Network Provision		\$4,697.00
IS Services		\$36,797.00
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Approved No Of Vehicles		4
Est. No.Of Changeovers		2
Changeover Cost		\$29,000.00
Vehicle Maintenance		\$50,000.00
New Vehicles		\$0.00
<hr/>		
Other District Staff Items		\$389,340.00
GRN Fees	\$316,651.00	
RF Insurance	\$72,689.00	
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	Total	\$1,151,090.00
		<hr/>

2012/2013 Rural Fire Fighting Fund Estimates

Priority Listing

CUDGEGONG DISTRICT

Priority 1:	District Estimates	Priority 11:
Priority 2:	M&R	Priority 12:
Priority 3:	Tankers	Priority 13:
Priority 4:	Equipment	Priority 14:
Priority 5:	Stations	Priority 15:
Priority 6:		Priority 16:
Priority 7:		Priority 17:
Priority 8:		Priority 18:
Priority 9:		Priority 19:
Priority 10:		Priority 20:

2012/2013 Rural Fire Fighting Fund Estimates

Administrative Details

CUDGEGONG DISTRICT

Delivery Name	Garry Barrett
Delivery Address	Depot Road
(Delivery Address)	PO Box 1155
Delivery Town	Mudgee
Delivery Post Code	2850
Delivery Enquiry Name	Garry Barrett
Delivery EnquiryTitle	FCO
Delivery Enquiry Phone	02 6372 4434
Delivery Enquiry Fax	02 6372 6874
E-Mail Address	garry.barrett@rfs.nsw.gov.au

2012/2013 Rural Fire Fighting Fund Estimates

Hazard Reduction Applications

CUDGEGONG DISTRICT

ID	Activity Name	Type	Applicant	Date	Bid Amount
10	Clandulla/Charbon village slashing	HRM	Andrew Drummond	1/13/2012	\$8,400.00
9	Council HR works Windeyer Village	HRM	Andrew Drummond	1/13/2012	\$1,500.00
17	Goolma Village APZ	HRM	Andrew Drummond	1/13/2012	\$2,800.00
19	Grattai Hall	HRM	Andrew Drummond	1/13/2012	\$415.00
18	Grattai RFB APZ	HRM	Andrew Drummond	1/13/2012	\$415.00
31	Gulgong Pumping Station	HRM	Andrew Drummond	1/13/2012	\$800.00
30	Gulgong STP	HRM	Andrew Drummond	1/13/2012	\$3,272.00
25	Gulgong WTS	HRM	Andrew Drummond	1/13/2012	\$600.00
11	Hargraves Village slashing	HRM	Andrew Drummond	1/13/2012	\$10,000.00
24	Hargraves WTS	HRM	Andrew Drummond	1/13/2012	\$600.00
21	Home Rule WTS	HRM	Andrew Drummond	1/13/2012	\$1,780.00
29	Kandos Treatment Plant	HRM	Andrew Drummond	1/13/2012	\$600.00
13	Lue Village APZ	HRM	Andrew Drummond	1/13/2012	\$5,000.00
27	Lue WTS	HRM	Andrew Drummond	1/13/2012	\$600.00
22	Mudgee Waste Depot	HRM	Andrew Drummond	1/13/2012	\$550.00
28	Mudgee Water Treatment Plant	HRM	Andrew Drummond	1/13/2012	\$1,000.00
14	Pyramul Village	HRM	Andrew Drummond	1/13/2012	\$6,525.00
23	Queens Pinch WTS	HRM	Andrew Drummond	1/13/2012	\$415.00
15	Ridgee Road	FTM	Andrew Drummond	1/13/2012	\$1,988.00
16	Rocky Waterhole	HRM	Andrew Drummond	1/13/2012	\$1,160.00
12	Ulan Village slashing	HRM	Andrew Drummond	1/13/2012	\$11,400.00
20	Winchester Cres	HRM	Andrew Drummond	1/13/2012	\$7,150.00
26	Windeyer WTS	HRM	Andrew Drummond	1/13/2012	\$800.00
Hazard Reduction Total					\$67,570.00

6.2.15 RYLSTONE AND KANDOS ACCESS COMMITTEE

REPORT BY MANAGER COMMUNITY SERVICES
RYLSTONE AND KANDOS ACCESS COMMITTEE DECEMBER 2011
A0100055, A0060129

RECOMMENDATION

That:

- 1. the report by the Manager Community Development on the Rylstone and Kandos Access Committee be received;**
- 2. Council note the minutes of the Rylstone and Kandos Access Committee of 20 December 2011;**

EXECUTIVE SUMMARY

The Rylstone and Kandos Access Committees meet to highlight and promote accessibility issues in the Rylstone and Kandos region. The next Committee meeting is to be held on Tuesday 21st February 2012.

DETAILED REPORT

The Committee discussed a number of issues and these are contained in the minutes attached.

The request for a pedestrian crossing at Health One Rylstone from the Traffic Committee has been found unwarranted due to the traffic numbers. The Committee determined to write a letter to Council advising that the situation is dangerous and that consideration be given for improved safety in crossing to the Health One facility.

It was raised that no tactile tiles have been installed at Kandos Town Hall Square. It was agreed that the Committee write to Council in relation to the Committee's capacity to provide advice to the development application process and would like Council to consider their input on applications regarding facilities that are open to the public such as the new motel development at Rylstone and the new stadium at Simpkins Park Kandos.

The Committee had a guest speaker, Sue Curley from Transport NSW. Sue spoke about her work to assist transport disadvantaged in small villages and funding to provide access for groups to facilities and services.

FINANCIAL IMPLICATIONS

N/A.

STRATEGIC OR POLICY IMPLICATIONS

N/A.

SIMON JONES
MANAGER COMMUNITY DEVELOPMENT

CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND
COMMUNITY SERVICES

30 January 2012

ATTACHMENTS: 1. Minutes of the Meeting of the Rylstone and Kandos Access Committee held on 20 December 2011.

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

**MINUTES OF THE MEETING OF THE RYLSTONE & KANDOS ACCESS COMMITTEE
HELD ON TUESDAY 20 DECEMBER 2011
AT 11 AM AT THE RYLSTONE COUNCIL OFFICE**

1 PRESENT: Nola Fraser, Shirley Tunnicliff (Chairperson), Robyn Williams, Cr Esme Martens, Jim Mackin, (Guests); Kerry Morrissey, Judy Monaghan and Claire Andu.

Council Staff Representative: Virginia Handmer (minutes)

2 Shirley Tunnicliff welcomed everyone to the meeting at 11.10 am and called for apologies.

3 **APOLOGIES:** Nil

4. CONFIRMATION OF PREVIOUS MINUTES

Minutes of the meetings held 19.04.11 were confirmed as distributed

Moved: Nola Fraser Seconded: Jim Mackin **Carried**

Meetings held on 21.06.11 and 16.08.11 had no quorum so were discussions only.

5 MATTERS ARISING FROM MINUTES

5.1 Pedestrian crossing at Health One Rylstone

Cr Martens reported that she had heard that the Traffic Committee found traffic numbers do not warrant a crossing.

RAC to ask that the issue be raised at the next Traffic Committee and that representation from RAC be in attendance. Council can appeal to Paul Maloney our Regional member.

Currently cars are parking on the bike track near the crest in the hill making it a blind spot.

Motion: That a letter be written to Council saying that the situation is dangerous, and as Council created the problem by putting to footpath on the wrong side of the road they need to address the need for a safe crossing to Health One and the Rylstone Hospital urgently. There is now a greater usage of the facility and insufficient parking leaving people (a number infirm and elderly) to cross the road between cars at the point where the road changes to a 50 kilometre zone at a crest in the hill. Further the RAC asks for provision in the 2012 budget to fund this important work.

Moved: Nola Fraser Seconded: Robyn Williams **Carried**

5.2 Footpath Farrelly St; discussed in previous item

5.3 Disabled car parking spaces at Health One;

There is no longer any sign of a disabled car parking space in the Health One car park. Apparently it was on the eastern side of the car park halfway down. With no ramps it was difficult to access. Rylstone Health Council has had submissions from staff and the public to provide 2 spaces on Farrelly Street immediately adjacent to the driveway/walkway into the centre. Letter to council requesting

Motion: That Council provide disabled car park spaces available on Farrelly Street, immediately adjacent to the Health One entrance in 2012. The previous single space in the Health One car park is difficult to access and as such is unsuitable.

Moved: Nola Fraser

Seconded: Robyn Williams

Carried

5.4 Charbon Playground; no update

5.5 Kandos Town Square tactile on steps

No tiles are insitu as yet. A letter to be written to Council reminding them that Access committees are part of the DA process and RAC would like input regarding disabled access issues into public facilities such as:

- Down the Track; café at Kandos Railway Station
- New motel development in Rylstone
- New stadium at Simpkins Park, Kandos

Moved: Jim Mackin

Seconded: Robyn Williams

Carried

5.6 Public toilets in Rylstone (adjacent to Rylstone Hall).

Letter to Council noting the following issues and asking for their resolution:

The toilets within the Rylstone showground are too far to access and on a very uneven gravel track from Louee Street. They have no lights either outside or inside and are often locked.

There is poor signage for traveller/tourists to know where public toilets are and with the difficult access end up having to drive to them.

Moved: Cr Esme Martens

Seconded Robyn Williams

Carried

5.7 Lighting outside Rylstone Hall on Cudgegong Street; works request done; reminder needed; V Handmer (BL 0146/2012)

6 GUEST SPEAKER

Sue Curley Transport NSW

Thanked the Committee for the invitation to speak. Sue spoke about her work to assist

- where there is transport disadvantage such as in small villages, minority groups.
- sometimes some seeding funding is available for transport programs.
- Access to facilities such as hospitals

Discussion regarding community transport and what might be available through that service.

- Robyn Williams spoke about the Ogdens service to Bathurst some years ago (Sue found out that the service was discontinued due to reduced usage) and how often the community transport service doesn't stay in the bigger centres for long enough to shop or have a meal.
- Jim Mackin said the Rylstone service has more cars and drivers now and is planning to provide such a service. They have used the larger hospital bus to drive to Mudgee once a month and during December taken people to Bathurst. He suggested that Kathy Hogan attend the next meeting and bring the RAC up to date with its service. V Handmer to contact K Hogan to invite her to the meeting.
- Need for social contact/ events transport as well as medical.

Sue said she needs the following information to lobby further;

- Letters of support
- What day/how often a service was needed
- Numbers of people accessing the service

Further to this Sue tabled a transport development kit (helping to write applications and work out what service is needed). She also advised that greater promotion of existing services should be tried.

7 GENERAL BUSINESS

7.1 Bicycle Track needs repair -
Eastern end of Mudgee Street is dangerous Works request; V Handmer and K Morrissey.

7.2 Charbon Bridge Access; refer to Community News 29 April
Charbon footbridge; when is the start date if this job?
Letter to Council regarding the commitment to provide this.

Moved Jim Mackin, Seconded Shirley Tunnicliff **Carried**

7.3 IGA Kandos
Car parking provided is inadequate; letter to Andrew Kearins on Council referring to his letter 26.11.07 and the streetscape of Kandos (noting that part of the central island on Angus Ave may be removed to provide more parking).

Motion: A letter be sent to IGA asking them to put a trolley bay in beside the disabled car parking space.

Moved Jim Mackin Seconded Robyn Williams **Carried**

Meeting closed at 11.40am

Next meetings 10.30 am in Council Office, Rylstone

- **Tuesday 21 February**
- **Tuesday 17 April**
- **Tuesday 19 June**
- **Tuesday 21 August**

6.2.16 PLANNING SYSTEM REVIEW

REPORT BY GROUP MANAGER DEVELOPMENT AND COMMUNITY SERVICES
PLANNING SYSTEM REVIEW
A0100055, A040006

RECOMMENDATION

That:

- 1. the report by the Group Manger Development and Community Services on the Planning System Review be received;**
- 2. Council make a submission on the Discussion Paper for the Planning System Review as attached to this report.**

EXECUTIVE SUMMARY

The NSW Planning System Review has been given the task of developing a new planning system and new planning legislation in consultation with stakeholders and the community.

The Review has formulated a Discussion Paper based on the consultation that has occurred to date and is seeking submissions with the closing date being the 17 February 2012. The purpose of this report is to present a draft submission for Council's consideration.

DETAILED REPORT

Council has discussed the issues raised in the Discussion Paper. The attached draft submission is based on those discussions.

FINANCIAL IMPLICATIONS

The review of the Planning System includes a review of developers' contributions and fees and charges and therefore has the potential to impact on capital and operational income and expenditure of Council in the future.

STRATEGIC OR POLICY IMPLICATIONS

The review has the potential to impact on all aspects of planning legislation including Council's Local Environmental Plans and Development Control Plans.

CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND COMMUNITY SERVICES

3 February 2012

ATTACHMENTS: 1. Draft Submission to the Planning System Review

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

NSW Planning System Review
GPO Box 39
SYDNEY NSW 2001

ATTACHMENT 1

Dear Sir

MID-WESTERN REGIONAL COUNCIL SUBMISSION – PLANNING SYSTEM REVIEW

Thank you for the opportunity to provide feedback on the Discussion Paper produced as part of the Planning System Review. Mid-Western Regional Council would like to raise the following issues and looks forward to further consultation as you proceed with the Review.

Strategic Planning

In terms of Strategic Planning the Council's primary position is that it should remain the role and responsibility of Council and that interference by the Department of Planning and Infrastructure (DoPI) should be restricted to issues of truly State significance.

Over time, Council has witnessed an increase in the level of interference by the DoPI into the realm of Strategic Planning for local government areas resulting in delays and complications, whilst adding very little value to the physical outcomes. The DoPI is Sydney-centric and fails to understand the complexity and context of planning in rural and regional areas, often applying metropolitan requirements and standards that are irrelevant in a rural and regional context.

Strategic Planning should be the responsibility of Local Government with limited involvement of the DoPI.

Briefs for strategic land use plans should allow the greatest focus to be on formulating strategic vision for the future rather than reviewing and compiling information from previous studies. The brief previously adopted by the DoPI, imposed on local councils through funding restrictions, placed a greater emphasis on the collation of information rather than the formulation of strategic outcomes and solutions. This results in large documents with often little relevance or use for the local community that are often outdated by the time the study is completed.

It is often difficult to engage the community in the formulation of strategic plans as their role and importance is often not understood by the community who relate to the Local Environmental Plan and understand the impacts that it can have on their land. Should strategic land use plans be given a legal weight, requirements for community consultation should be stipulated in the Act, and reference to the Plan be made on any zoning certificate.

Strategic Plans should be concise and timely with the emphasis of the investigation and documentation being placed on the planning strategies rather than collation of information.

The role of strategic land use plans needs to be defined. At present there appears to be confusion regarding the role and content of strategic land use plans and this should be clarified prior to determination of their statutory standing. Currently, there is a gap between strategic land use plans and implementation of Local Environmental Plans. Prior to inclusion of land to change its zone in a LEP, further land capability assessment must be undertaken. This causes confusion in the community as it is considered that identification in a land use strategy should equate to a rezoning. However the detailed investigations of capability can be a costly exercise that should not be borne by the community but by the proponent. Ideally, the capability of the land should be determined prior to inclusion in the Land Use Strategy. Presently, the Land Use Strategy provided the foundation for comprehensive Local Environmental Plans although the correlation between the two is often difficult to identify.

Ideally the Strategic Plan should provide a firm foundation for the LEP with sufficient investigation to allow for the rezoning of land. On this basis Strategic Land Use Plans should have a statutory weight with clear linkages demonstrated to the LEP.

Geographic areas that may be defined as a region and therefore be covered by a Regional Plan should be carefully considered. In the rural areas, LGAs can act as a region in themselves due to the area that they cover. Council does not support the recognition of regions of Councils (ROCs) in the planning system. It is considered that the introduction of ROCs will simply add another layer of bureaucracy and complexity to the system. In addition, ROCs are considered to be too far removed from the local community to adequately represent them.

Planning powers should remain local with control resting with Councillors who have been democratically elected to represent the community.

Environmental Planning Instruments

Council considers that State Regional Planning Policies (SEPPs) should be abolished. Presently, SEPPs are often formulated based on metropolitan issues and problems. Imposition on rural areas leads to greater complexity that is unwarranted.

Council considers that all SEPPS should be abolished and all controls should appear in Local Environmental Plans which would allow for a more user friendly system, greater transparency and controls that are consistent with local expectations.

In the past, Council has experienced considerable delays in the rezoning of land caused by the DoPI where the issue in question was a local issue having no impact on State policy. In an area of substantial growth that is attempting to encourage appropriate development, these delays were costly and unacceptable. Involvement of the DoPI in LEPs has added little value to the process or the physical outcomes.

Council should have the freedom to prepare an LEP with minimal input by the DoPI except for technical advice such as Parliamentary Counsel. Local Environmental Plans should remain precisely that - LOCAL.

Council considers that the same right of appeal should be afforded to a proponent of rezoning as that extended to development applications. This right of appeal should also be available against the DoPI where the rezoning is refused by the Department.

There should be a right of appeal against a refusal of a rezoning application to the Land and Environment Court.

In the preparation of Local Environmental Plans it is often a requirement that the Draft Plan be referred to various government agency and authorities. These agencies often fail to respond to the deadlines stipulated in the referral, again causing unacceptable delays.

Council considers that referral times for LEPs should be specified in the Act and failure to adhere to deadlines should not delay the LEP proceeding.

The advent of the Standard Instrument for LEPs has resulted in the requirement to remove many development standards from the LEP. The only option available for Councils is to include these development standards in Development control Plan (DCPs). Therefore DCPs should be given legal weight to provide certainty to the community and developers.

DCPs are the last bastion of controls where local government can implement planning control without restrictions imposed by the State. It is the only opportunity for Councils to formulate planning control that reflect the aspirations and concerns of the local community and allow local context to be provided.

The content of DCPs should not be restricted by the involvement of other authorities or bodies and they should not be a standard instrument for DCPs. Council's experience with the Standard Instrument for LEPs has led to an unnecessarily complicated instrument where "work-arounds" are used to ensure that controls meet a standard formula. The standard instrument results in LEPs that have numerous layers of maps (where previously Mid-Western had one map) and a written instrument that is ambiguous and definitely not user friendly.

The argument that a Standard Instrument allows a developer to move from one LGA to the next is invalid in the rural and regional context where developers are often localised and do not develop in adjoining Council areas due to distance. This is an instance where the planning system has been altered to cater for the large developers, who are well equipped to understand the planning system, at the expense of the "Mums and Dads."

Legal weight should be given to DCPs, particularly in light of the requirement to limit the inclusion of development standards under the standard instrument for LEPs. DCPs should remain the responsibility of Councils with no role for other agencies. There should not be a standard instrument for DCPs.

Development Decision Making

It is Council's primary position that development decision making should remain with the Council who are democratically elected to represent their local communities. It is considered that Joint Regional Planning Panels (JRPP) should be abolished and that local and regional development should be determined by the Council. Council considers that the removal of development decision making from the elected Council would undermine local democracy and that an adequate system of appeal should be available to proponents to maintain their rights.

Should JRPP be retained it is considered essential that deliberations are open to the local community and that meetings dealing with an application be held in the LGA where the development is proposed. These are significant developments and were they to be determined by Council, the consideration would have occurred at a Council meeting open to the public. In the interests of fair representation of the local community it is considered that in the event that JRPPs are retained, the composition of the panels be adjusted to allow a balance between local and State Representatives.

Power to approve local development and regionally significant development should be vested in local government and JRPPs should be abolished.

Elected Councils should retain the right to determine applications and should retain the right to determine the level of staff delegation.

Should JRPPs be retained it is essential that deliberations are open to the local community and that the composition of the panels be an even number of State and Local representatives.

Council considers that Planning Assessment Commission should be responsible for the determination of large development such as coal mines. It is considered that a fee should be introduced for State Significant Development that goes directly to the local Council to cover the cost of Council's review and preparation of the submission to the PAC. Such submissions are the only viable avenue for the community interests to be represented including the identification of the

impact on local infrastructure. Council considers that the PAC should include a representative from the local Council.

The PAC should determine state significant development such as coal mines but a fee should be introduced to cover the cost to Council of the review of the application and the preparation of the Council submission to the PAC. The composition of the PAC should include a representative from the local Council.

The issue of minimum rural lot sizes and the development rights of farmers is complex. The ability to transfer development rights could act as compensation to farmers and encourage the retention of agriculturally viable holdings for the production of food and fibre. At this stage there is no mechanism that facilitates the transfer of development rights for agricultural land even though it is an expectation that the agriculture industry will be retained in NSW.

Council supports the introduction of legislation that facilitates the provision of transferable development rights for agricultural land with the ability of the local council to decide whether they wish to introduce them in their local area and of how transfers of development rights would operate.

Presently the cost of assessment and regulation of development exceeds income, therefore rates payers are subsidising developers. Council considers that the level of subsidy should be determined by each local Council rather than be regulated by the State. Deregulation of fees would allow each Council to determine whether to introduce additional services and fees, such as fast-track DAs, based on local priorities, philosophies and context.

Fees should be unregulated to allow each Council to determine and appropriate level of fees and services to be offered.

Council currently self-assesses a range of development applications. At Mid-Western Council all Council DAs are reported to Council to enable public scrutiny of the process and determination. Removal of the ability for Councils to self-assess DAs would increase the cost of development and introduce further delays where essentially the DA is to provide facilities or income for the community. In rural areas the ability to make use of adjoining Council for assessment is still costly and time consuming due to the distances involved. Assessment and determination is most efficient where it is undertaken by those most familiar with the area and the local controls and therefore self assessment should be retained by Councils.

Councils should retain the ability to self assess its Development Applications.

Mid-Western has been subject to several audits over the last two years including a Better Practice Review, Building Professional Board Review and DoPI and an Audit of use of variation to development standards. In addition, Council is also required to submit data as part of the DoPI Performance Monitoring Review, quarterly reports and Annual Report. The continual audits and reporting is a draw on resources taking them away from strategic and statutory planning functions.

Council does not support the introduction of any further audit requirements.

Council can see the benefit of a "tool box" of conditions of consent that have been formulated with legal input and tested by Court but such conditions should not be mandatory. Centrally generated conditions cannot address all local circumstances and situations will always arise that the standard conditions do not address.

Council supports the formulation of standard conditions of consent but these conditions should not be mandatory.

Mid-Western has experience substantial growth generated by the coal industry. There is no doubt that development of this scale has a significant impact on the existing local community beyond the actual site of the development. It is considered essential that the public interest is taken into consideration in the impositions of conditions of consent to offset the array of impacts generated.

Council supports the introduction of the power to include conditions of consent based on public interest particularly in relation to community compensation for development impacts caused by mines.

Mid-Western currently uses positive covenants as part of the development approval process. Experience has demonstrated that this is the best way to promote awareness in a prospective purchaser of restrictions that relate to the land. This is particularly the case with “Mums and Dads” who have a limited understanding of the planning system. In purchasing land, it is rare for the purchaser or their solicitor to check the terms of the development approval as part of the conveyancing process, even though it would be wise. The use of positive covenants is the most probably method of promoting awareness of all restrictions relating to the site.

The ability to use positive covenants as a condition of the development approval should be retained.

Developer Contributions

As a consequence of the number of coal projects in the LGA, Mid-Western Council has been involved in the negotiation of numerous Voluntary Planning Agreements (VPAs). The negotiation of these agreements can be adversary and can place strains on the ongoing working relationship between the proponent and Council. There are no guidelines for the negotiation of VPAs and therefore it is difficult for both the Council and proponent to estimate the likely amounts. From Council’s perspective this does not allow for strategic planning for infrastructure provision or scheduling of works. In some cases, the amounts to be included in the VPA are included as part of the conditions of the approval yet Council and proponent are still required to go through the exercise of advertising the VPA and reporting submissions to Council. This is a waste of time and resources as the terms of VPA are stipulated in the approval. These agreements are not “voluntary” and do not provide certainty for the community or the proponent.

The current system of VPAs should be reviewed with a view of formulating a method of contributions that provide certainty to the Council and proponent while adequately compensating the community for the impacts created by the project. The legislation should be changed to remove any reference or inference of “voluntary”.

Building Certification

The introduction of building certification has introduced additional concerns to the community and local Councils. The resolution of errors by private certifiers is difficult and Councils are left to resolve problems caused by private certifiers. The community still looks to Council to regulate the built environment and finds it difficult to understand that in some cases Council is not responsible for the approvals in their community. The avenue for rectification of errors and complaints need to be accessible to the community and transparent. Councils should not be responsible to rectify errors made by private certifiers.

Any variations to the system should not make it more difficult or expensive for Council to retain, recruit and train Health and Building Surveyors. It is a service that Council is required to provide but the certification requirements will mean that in the long term training of Health and Builders will be onerous for local government. In rural areas there is not the same level of private certification and the majority of certification is undertaken by the Council. The economic implications of changes to the certification system need to be fully considered before any further changes are made.

A clear system of complaints handling for private certification must be introduced that provides an accessible local service which is transparent and effective. The economic implications of changes to certification need to be fully explored before the introduction of any further changes with the particular regard to the recruitment, training, and retaining of Health and Building Surveyors in Local Government.

Environment Impact Statements and Environmental Assessments

Mid-Western Council is concerned that the Environmental Assessments prepared for State Significant Development are not independent but reflect the desired outcomes of the proponent. The level of concern is so high that Council has sought support for the employment of an independent hydrologist to review an Environmental Assessment where the potential impact on water was considerable. Due to the significant impact of these projects and the level of technical expertise required to adequately review and analyse an Environmental Assessment, it is considered essential that the system be amended to ensure the independence of the consultants undertaking the Environmental Assessment and provide separation between the proponent and the consultant.

Council considers that it is essential that Environmental Assessments are undertaken by an independent expert and recommends the investigation of the establishment of a approved consultant register. The DoPI should be responsible for assigning the consultants to the project without reference to the proponent. The proponent would still be responsible to cover the cost of the Environmental Assessment but all payments would be made through the DoPI.

Once again, thank you for the opportunity to comment on the Discussion Paper and Council looks forward to participating in the next stage of the Review. Should you require further clarification of Council's submission please do not hesitate to contact Council's Group Manager Development and Community Services – Catherine Van Laeren.

Yours sincerely

WARWICK BENNETT
GENERAL MANAGER
MID-WESTERN REGIONAL COUNCIL

6.2.17 PROPOSED SALE – 7A HENRY BAYLY DRIVE MUDGEE

REPORT BY MANAGER GOVERNANCE
7A HENRY BAYLY DRIVE
A0100055, R0790175

RECOMMENDATION

That:

- 1. the report by Manager Governance on the road closure and sale of 7A Henry Bayly Drive Mudgee (Lot 1 DP1159379) be received.**
- 2. Council formally classify 7A Henry Bayly Drive Mudgee (Lot 1 DP1159379) as “operational” land.**
- 3. the General Manager market the property with authority to negotiate within 10% of the recommended sale price.**
- 4. all necessary documentation associated with the transfer and sale of this land be executed under Common Seal.**

EXECUTIVE SUMMARY

This report relates to a proposal to market a former unnecessary road reserve.

DETAILED REPORT

In 2007 Council lodged a road closure application with what was then the Crown Lands office to close a section of unnecessary and unformed Council road reserve located off Nicholson Street between Henry Bayly Drive and Cox Street Mudgee. Once closed, Council's intention was to market and sell the land to the public for residential development.

An aerial photograph of the subject land is appended (Attachment 1). The land is now identified as Lot 1 DP1159379 and addressed as 7A Henry Bayly Drive Mudgee.

At commencement of investigations by Crown Lands on the feasibility of the proposed road closure, they notified adjoining property owners and invited comment on the proposal. As a result one objection was received from adjoining property owners Mr David and Mrs Elizabeth McLean (Attachment 2 & 3).

Crown Lands sought comment from Council in relation to the points raised by Mr & Mrs McLean and Council's response is appended (Attachment 4). Based on Council's response, Crown Lands determined approved the closure, with the land to vest in the ownership of Mid-Western Regional Council. In gazetting the closure and transfer to Council, Crown Lands classified the land as “operational”.

The subject land is currently zoned Medium Density Residential under the Interim LEP 2008 (proposed General Residential under the Draft LEP) and has a total area of 2536 sq m. The land is impeded by easements for overhead powerlines, sewer lines and drainage lines and has an issue with the northern boundary fence not being correctly located on the perimeter of block. A valuation was provided in May 2011. (Attachment 5 – in the confidential section of the Business Paper.

Council is now required to formally classify the land as “operational”. Once that has been done Council can market the property.

FINANCIAL IMPLICATIONS

Marketing and Sale of the Land

STRATEGIC OR POLICY IMPLICATIONS

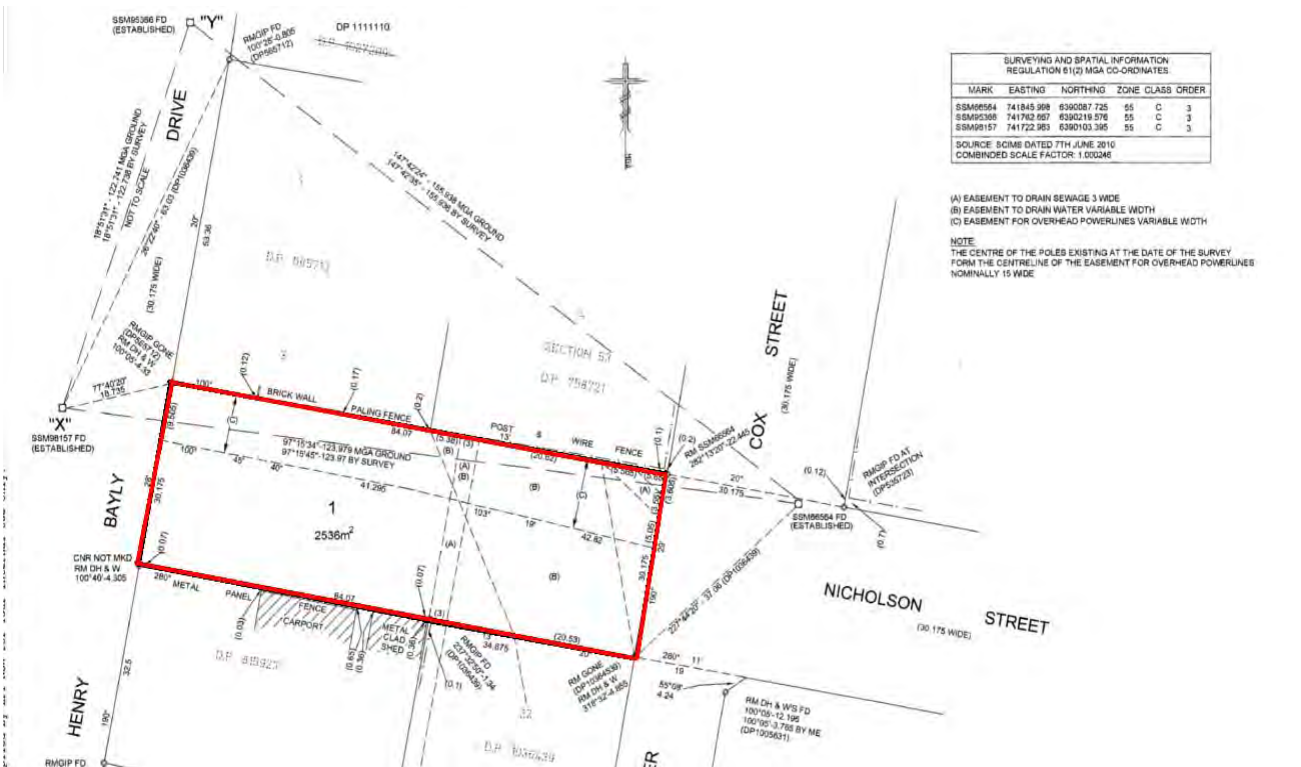
N/A

IAN ROBERTS
MANAGER GOVERNANCE
2 February 2012

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

- ATTACHMENTS:
1. Map depicting section of Road to be closed and sold – highlighted red
 2. Email objection by David & Elizabeth McLean
 3. Subsequent letter of objection by David & Elizabeth McLean
 4. Council response to issues raised by David & Elizabeth McLean
 5. Valuation Report (attached in Confidential Section)



0.

ATTACHMENT 2

Lyn Cattle

From: Anne [ccsp@hwy.com.au]
Sent: Tuesday, 30 December 2008 3:44 PM
To: CL Dubbo
Subject: Road closure



Dear Ms Birks,

Regarding Reference No W400955

Having received the letter dated 3rd Dec 2008, but having been away from our home for much of the time between then and now, it is been impossible to find out some relevant information about what is described in the letter. It was hoped that we would have been able to attend to this within the specified time after gaining information about the matter. With Mid Western Council closed until 5th Jan and your office closed until 8th January, it is impossible to clarify some points and to provide an objection (if it seemed necessary after receiving relevant information) to your office within the stated time frame. With the Christmas and New Year closure of the Offices, adequate time does not allow for attending to this matter. I have phoned your Office and also the mobile but have not been able to access any information.

We are most concerned that we are unable to access the information and attend to this matter as we have been living here since 1977 and owned the land since 1973 and feel we may be negatively impacted upon by this proposal.

We hope that consideration will be given to a late response/objection because of the seasonal/holiday times preventing us to gain information and making a response.

I look forward to your reply when your Office opens.

Yours sincerely

E. Anne McLean and David J McLean

Viginia Birks
Property Officer
Crown Lands Division Dubbo
PO Box 865
DUBBO 2830

Dear Ms Birks,

In reference to the letter (Reference No W400955) regarding the closure of Nicholson Street, between Henry Bayly Dr and Cox St, Mudgee, we would like to make an objection as well as highlight some concerns about the proposal.

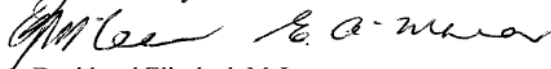
We have owned the land with the boundary north of the road since 1973, and have built our home situated with an orientation as a corner block, so that we would gain access to the back of our property via a side entrance. As the road has never been used as such in all the time we have lived here, we have used a four metre strip along our southern boarder as a garden and as storage, as well as maintaining this area. Our objection therefore, to the closure of the road as described in the plan attached, is that the use of this strip of land would cease, and particularly, access to the back of our own property would be prevented.

Also there are some concerns that we have, namely:

- With the closure of the road, what is proposed for the use of the land and what will be the impact on our own environment.
- With power lines traversing the northern boundary of the road, what impact will this have on the development of the space as well as on our own environment.
- Since there has been significant development of the area south of this road over the recent years, this space has been affected by greatly increased water run-off, soil deposits and over growth of vegetation. In turn, our own property too, has been affected as well as damage to the boundary fence.
- Five years ago, our home incurred substantial water damage as a result of water run-off from this road during heavy rain in Mudgee. There has been no rectification of this problem, other than by us to the 4 metre strip already mentioned.
- Despite many requests to Mid-Western Regional Council (Mudgee Council and its previous names) to attend to the issues mentioned as a result of the development, there has been little done to improve the environment. Therefore, we are most concerned about what happens after the closure of the road and who has responsibility for the water management and its impact on our property. Over the years we have photographed this area showing the changes. These are available if necessary.

We realize the timeframe is outside what was stated in the letter, but having emailed and spoken to your Office, and considering the Christmas and New Year holidays, we hope and trust that these concerns and objections will be considered. We look forward to your reply.

Yours sincerely



David and Elizabeth McLean

Mrs Virginia Birks
Property Officer
Department of Lands
PO Box 865
Dubbo NSW 2830

Dear Virginia,

OBJECTIONS TO ROAD CLOSURE APPLICATION W400955

With reference to your correspondence dated 19 February 2009, please find Council's response to the objection received for the above matter from David and Elizabeth McLean outlined below.

Mr and Mrs McLean are indeed maintaining an area 2.8 metres wide of the road reserve adjacent to Lot 3, but this area has been fenced from the rest of the area, and cannot be accessed by the Council slasher, so therefore it requires hand mowing by Mr and Mrs McLean. The neighbours on the other side of the road reserve also mow the slashed area close to their fence, but this is a practical measure when a vacant block adjoins suburban housing, as the mown grass level improves visibility, lessens intrusions of grass seeds into their gardens, and helps lessens the risk of snakes, attracted by the conditions in the storm water drain and the nearby Flirtation Hill Reserve, from entering the back yard.

There is a brick boundary wall that encloses the area from the house sited on Lot 3 Section 53 DP 565712 to the northern side of the Nicholson St Road Reserve, and there is no access from this lot to the Road Reserve, as the land is accessed from Henry Bayly Drive. The house on Lot 4 Section 53 DP 565712 faces Cox Street, and does not require access from Nicholson Street. This lot has a triangular section to the rear south-west corner of the land that has no vehicular access due to the storm water channel, but pedestrian access from Cox Street is possible, as this area is landscaped.

The items that seem to be "stored" in the reserve currently consist of an untidy heap of wood and branches that appear to have been cut from trees or old fence posts, and other heaps further down the block. [See attached photo –northern boundary]. Mr and Mrs McLean own both blocks to the north of the road reserve in question, so there is plenty of space available within the boundaries of their properties for the items being "stored" in the road reserve. It should be noted that all other residents have to make arrangements for the storage of building items or garden debris on another person's property if their own land does not have enough space available, and Council discourages any resident from using adjoining reserves for any form of "storage", particularly heaps that could encourage rats and snakes.

Council is hoping to foster the development of the land in the Nicholson Street Road Reserve to address the issue of vacant land, situated in an area that is rapidly upgrading the density and quality of the housing available, and therefore the expectations of the local residents are also becoming higher. Some factors that need to be considered for the future of this land include:

- This reserve will not be developed as a road because of its location near another cross street, and the cost of bridging the known stormwater drainage that traverses the block.
- The land is situated in an area with some very large block sizes, and is too close to a large reserve to consider the cost of maintaining a park for local residents.
- Council is unable to maintain the height of the grass at a level that is considered adequate when the neighbours are installing, and maintaining, immaculate gardens.
- A "wild" stormwater channel causes problems of mosquitoes, snakes, rabbits, mice and other vermin for the surrounding residents.

Therefore, facilitating an infill development that maintains the appearance of the neighbourhood is becoming a priority. There should be no impact on the environment of Lots 3 and 4 except for the need to contain all the material required for building, or generated by garden maintenance, within their own land, and they should see an improvement in the maintenance and appearance of the neighbouring block.

Whatever is developed on this land will require the lodgement of a Development Application, and as neighbours, Mr and Mrs McLean will be invited to make submissions on the possible impact of any development at that time. The Development Application process assesses the impact of potential changes in stormwater flow, and often the opportunity is taken to improve longstanding drainage problems whilst work for the new development is being done.

The route of the power lines that is situated within the northern side of the road reserve will not change unless Country Energy change their infrastructure at sometime in the future. This issue will also be a factor in the consideration of any development application for this land.

Mr and Mrs McLean's complaints about the stormwater drainage, and possible damage to their property, are not relevant to this matter as:

- There is approximately 536 square metres of stormwater channel that cuts across the Nicholson Street road reserve, draining the higher area, including Flirtation Hill, surrounding the road reserve and Mr & Mrs McLean's land.
- Mr and Mrs. McLean bought their land with full knowledge that the area had a natural drainage flow running diagonally across Lot 4, and partially into Lot 3.
- Council maintains this area by slashing the banks where possible, weed control, and occasionally emptying sediment buildup from the channel.
- The conclusion of the development phase for the surrounding residential subdivisions has slowed the deposition of sediment in the stormwater channel, and reduced the risk of stormwater overflowing the banks of the channel.
- There is correspondence on file showing that the stormwater issue was being discussed in 2005, as there are two works requests logged regarding stormwater damage to their property in that time, and it appears that Mr and Mrs McLean in 2005 were advised that if they wished to install pipes to contain the stormwater flow through their property, they could do so.
- At that time, Council offered to pay for the extension of the stormwater piping into the road reserve if the McLean's proceeded with the enclosure of the storm water channel across their property, to further mitigate the effects of occasional high rainfall in the surrounding area, on their land.
- This offer was not required as the McLean's did not move the stormwater flow underground.

Therefore, the proposed road closure will not create the detrimental effects as outlined by Mr and Mrs McLean as the potential development on any site will need to consider the provision of appropriate buffers, access, storm water drainage and other matters within the actual development application.

I hope this is a satisfactory response to the issues outlined in Mr & Mrs McLeans' objection to the closure of this road and that the Department of Lands looks favourably on our application and approves the road closure, and subsequent transfer of this land to Council.

Should you have any queries in relation to this matter please contact either Kelly Spice or myself on 6378 2850.

Yours faithfully
LEA MARHEINE
MANAGER PROPERTY SERVICES

6.2.18 HOME AND COMMUNITY CARE SERVICES – QUARTERLY REPORT

REPORT BY CUSTOMER SERVICE MANAGER
HOME AND COMMUNITY CARE SERVICES – QUARTERLY REPORT
A0100055, A0060205, A0060202, A0060204, A0060048, A0060203, A0060069

RECOMMENDATION

That:

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

EXECUTIVE SUMMARY

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

DETAILED REPORT

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

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

FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC OR POLICY IMPLICATIONS

Not applicable

KATE RIACH
CUSTOMER SERVICE MANAGER

CATHERINE VAN LAEREN
GROUP MANAGER, DEVELOPMENT AND
COMMUNITY SERVICES

2 February, 2012

ATTACHMENTS: 1. Reports from each HACC Coordinator
Fiona Turner – Community Transport
Judy Blackman – Host Family Respite
John McCrea – Home Modifications and Maintenance Service
Margaret O’Keefe – Meals on Wheels

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

**MUDGEES COMMUNITY TRANSPORT - QUARTERLY UPDATE
OCTOBER to DECEMBER 2011**

ATTACHMENT 1

Transport figures Q4/2011

631 trips classed as Health Related Transport trips.
777 trips classed as Home and Community Care trips.
653 trips classed as Community Transport Program trips.
95 trips classed as Department of Veterans Affairs trips.
Total: 2,156 trips

There have been 41 unmet requests for transport (predominantly because of vehicle unavailability), of which 26 were for health-related transport.

Community Transport Driver Authorisation

In December 2011, Transport for NSW released a discussion paper suggesting that existing safety performance provisions in community transport organisations need to be strengthened and that drivers be authorised, as are drivers of public passenger services.

Community Transport submitted feedback which largely outlined its opposition to the proposed strengthened positions, stating that the additional expense and loss of volunteers would largely outweigh driver authorisation framework where "no major concerns have been raised about the safety performance of community transport".

Request for additional funding

On 11 November 2011, Community Transport submitted a request to Transport for NSW for non-recurrent funding for first aid accreditation and re-accreditation for its drivers and employees. The amount requested was \$2,490.00. Other than acknowledgement of the request, no response has been received.

Fiona Turner – Community Transport Coordinator

**HOST FAMILY RESPITE - QUARTERLY UPDATE
OCTOBER to DECEMBER 2011**

Respite Care Provided

During the quarter 994 hours of respite care was given to 20 clients who have a disability plus 63 hours of care to two siblings through the Sibling Support Program. Feedback about the care provided has been very good and no complaints or concerns were received.

Of the 20 clients who received care:

- 7 had an intellectual disability
- 8 had autism
- 1 emotional/sensory problems
- 3 physical disabilities
- 1 person who has schizophrenia.

The two other children receiving respite support each have a sibling with very high support needs.

Nineteen people receiving care were children and three were adults. One child receiving sibling support lives in Mudgee, the other in Gulgong.

There is currently a shortage of volunteers for the program and I have one child and one adult awaiting placement when suitable volunteers are recruited.

General

- Interagency
- Disability/HACC Service Providers Network
- Access Committee
- Child & Family Network
- Orana Community Services Forum.

NSW Carers' Week

As part of NSW Carers' Week, a celebration luncheon was held on 19th October, to recognise the efforts of those caring for a relative or friend who has a disability, mental illness, chronic condition or is frail aged.

The luncheon was jointly hosted by Mid-Western Regional Council and Mudgee Community Health, and funded by Ageing, Disability and Home Care, Department of Family and Community Services NSW (ADHC).

The luncheon was held on 19th October, and was attended by 35 carers, all of whom enjoyed a meal and some conversation for a couple of hours. A presentation was also made the recipient of the Regional Carers' Award for 2011.

Judy Blackman – Host Family Respite Coordinator

**HOME MODIFICATIONS AND MAINTENANCE SERVICE - QUARTERLY UPDATE
OCTOBER to DECEMBER 2011**

This quarter involved providing 10.5 hours of maintenance to 4 clients and over \$4,042 of modifications for 7 clients. Work was carried out in Gulgong, Kandos, Rylstone, Running Stream and Mudgee.

Modifications

Modifications work involved supplying and installing 18 grabrails in bathrooms, in a back veranda, over toilets, in a sunroom and in living rooms. A major bathroom modification was commenced in Kandos for a client.

Maintenance

Maintenance was provided to four of our clients this quarter. Work included inspecting and repairing gutters, applying slip resistant treatment to a bathroom floor, repairs and painting to doors after a small house fire and repairing and painting a pergola. The client who was involved in the fire rang to thank Home Modifications as we change her smoke alarm batteries and test them regularly.

John McCrea – Home Modifications and Maintenance Service Coordinator

MEALS ON WHEELS - QUARTERLY UPDATE
OCTOBER to DECEMBER 2011

July / September 2011

Hot meals delivered	1182
Frozen meals delivered	217
Total	1399 meals

Oct / Dec 2011

Hot meals	1013
Frozen meals	298
Total	1311 meals

Seven meals were delivered to clients on Christmas Day.

Six new volunteer delivery drivers were registered during the quarter.

A number of new clients have joined the service through Baptist Community Care and North West Area Community Options.

During the quarter I attended the annual Meals on Wheels forum in Dubbo.

Margaret O'Keefe – Meals on Wheels Coordinator

6.2.19 QUARRY ROAD - KANDOS

REPORT BY GROUP MANAGER DEVELOPMENT AND COMMUNITY SERVICES QUARRY ROAD A0100055, R4237002

RECOMMENDATION

That:

1. the report by Group Manager Development and Community Services on the Quarry Road, Kandos be received;
2. Council does not proceed with the obtaining ownership and legalising Quarry Road as the cost of legalising, ongoing maintenance and operation exceed the benefits
3. Council note the intention of Cement Australia to close and remediate that section of Quarry Road that traverses through the mining lease CML 12;
4. Council request that Cement Australia close and remediate all section of Quarry Road that traverse its property.

EXECUTIVE SUMMARY

Council has received a letter from Cement Australia advising that in the surrender of mining lease related to the limestone mine (CML12) and the rehabilitation of that land, the portion of Quarry Road affected will be closed.(Attachment 1 to this report)

The purpose of this report is to provide Council with the opportunity to determine the future status of the road.

DETAILED REPORT

Quarry Road extends from Cudgegong Road to Bylong Valley Way providing a shortcut to Cudgegong Road from Kandos. From Kandos to the intersection to Cudgegong Road via Quarry Road is 9.3 km whereas to go via Rylstone is 13.5km. The short cut provides a saving of approximately 4 km in distance but no time saving as Quarry Road is a gravel road whereas the route via Rylstone is sealed.

Quarry Road does not follow a road reserve for its full extent but extends over private land as indicated in the table below which corresponds to the map - attachment 2 to this report.

Map Reference	Description	Owner	Approximate Length
1.	Lot 1 DP 716324	Mountain Mill Pty Ltd	260 metres
2.	Lot 1 DP 716324	Roberts Coggins	54 metres
3.	Lot 2 DP 1128801 Lots100,101 and 107 DP 755802 Lot 73031137494	Cement Australia	2.3 km
4.		Clandulla State Forest	1.475km

Note: Subject to survey – distances measured off map – approximate length 4.6 km

Although part of the road is private road, it is understood that some of the community use it as a short cut.

From the inspection it appears that the road may provide access to paddocks at the Cudgegong Road end but no access to dwellings. The recommendation would not impact upon this access as this section of Quarry Road is already a Council Road.

FINANCIAL IMPLICATIONS

An inspection of Quarry Road revealed that the road is in reasonable condition with good material but requires a small amount of re-sheeting on the section through the State Forest. A grade of the road is estimate to cost \$7,500 with the re-sheeting estimated at \$18,000.

Should the Council decide to acquire the road it will be necessary for inclusion on the Maintained Road Register.

If Council was to take over the road it should ensure that the physical road is covered by a road reserve. This would require acquisition of land, legal cost of subdivision and fencing. Although no valuations or costing has been undertaken it is estimated that this could cost up to \$37,000 as fencing alone would cost in the vicinity of \$25,236 being \$12/m by 2103m.

STRATEGIC OR POLICY IMPLICATIONS

Nil.

CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND COMMUNITY SERVICES

3 February 2012

ATTACHMENTS: 1. Cement Australia Letter
2. Map of Quarry Road

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER



Cement Australia Pty Limited
ABN 75 104 053 474
Queensland Office
40 McDougall Street, Milton, QLD 4064
PO Box 1328, Milton, QLD 4064
Tel: 07 3335 3000 Fax: 07 3335 3222
www.cemaust.com.au

15 December 2011.

Ms Catherine van Laeren
Group Manager, Development & Community Services
Mid-Western Regional Council
PO Box 156
Mudgee
NSW. 2850

Dear Ms van Laeren

Re: Quarry Road, Rylstone

At our meeting at Council offices on 15 September 2011, we discussed Cement Australia's maintenance obligations for the Quarry Road at Rylstone.

We have undertaken some further research into this matter and now offer these comments.

Alignment of Quarry Road

With respect to the alignment of the road it seems that it is only partly on the "gazetted" road reserve.

In other places it passes over private and Crown land. Some, but not all, of the private land is held by Cement Australia.

Some of the alignment is on Crown Land Lot 7303 DP1137494 over which Cement Australia holds a mining lease, CML12.

Surrender of CML12

Cement Australia has commenced the process of surrender of the mining lease related to the limestone mine and ropeway, CML12.

This will require demolition of plant and equipment, following by remediation and rehabilitation of all the land, including that portion of CML12 that contains a section of the Quarry Road, Lot 7303 DP1137494.

Rehabilitation of this portion of the Quarry Road will necessarily entail closure of this section.

It is expected that these surrender activities will be complete around the end of 2013 to middle of 2014.



Cement Australia will continue to use the Quarry Road from time to time to access the mine for the purposes of demolition, remediation and rehabilitation but after that time the road will not be available for its full present length because part of it will have been closed for rehabilitation.

Based on these considerations, it seems that the acceptance by the State Authorities of the surrender of CML12 will mark the point in time that Cement Australia's obligation to maintain the Quarry Road will cease, noting that by this time part of the Quarry Road will have been closed for rehabilitation.

We would be interested to hear your views on this proposal.

Yours sincerely

A handwritten signature in blue ink, appearing to read "David Cusack".

David Cusack
Manager – Strategy Projects

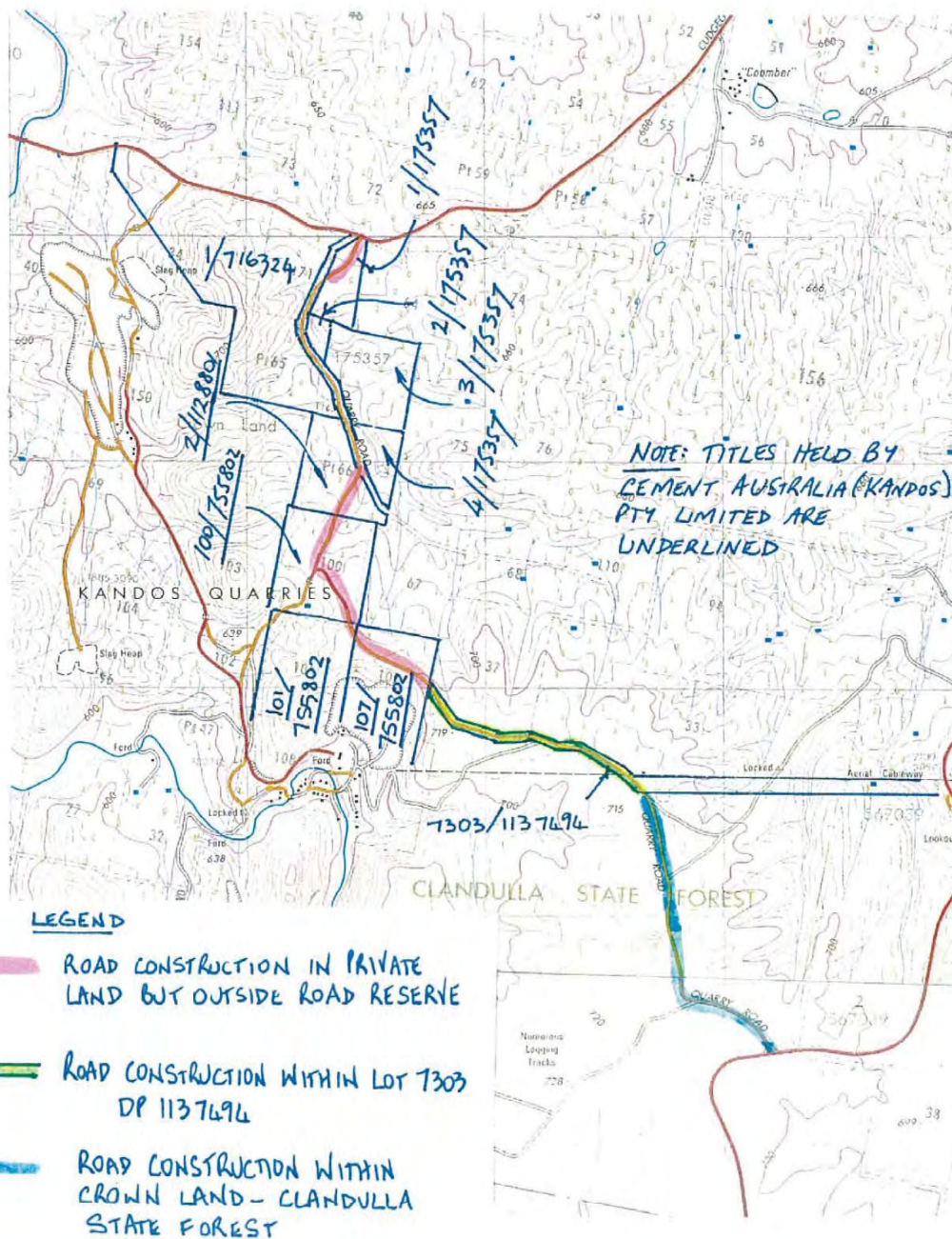
Attachments:

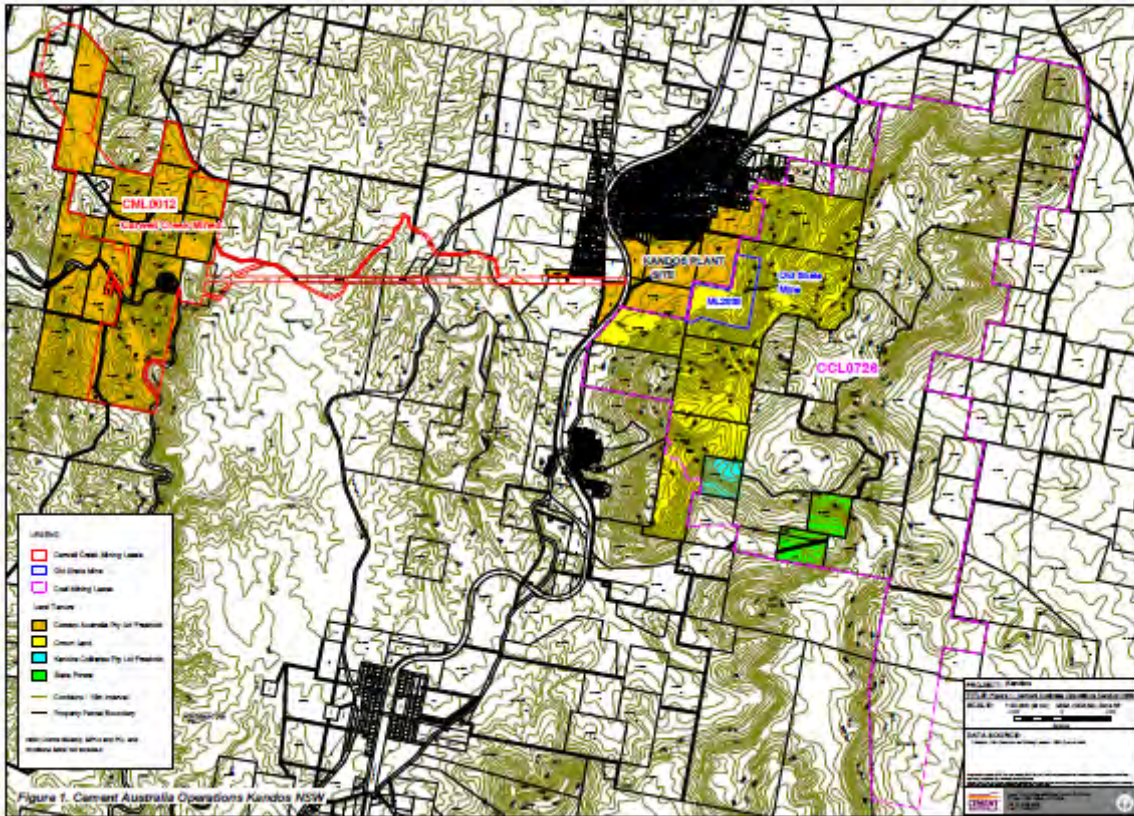
1. A sketch which notes the alignment and describes in general terms the land ownership
2. A plan of Lot 7303 DP1137494
3. A plan of CML12
4. A plan showing Cement Australia freehold and leases in the Kandos area.

Mudgee Office

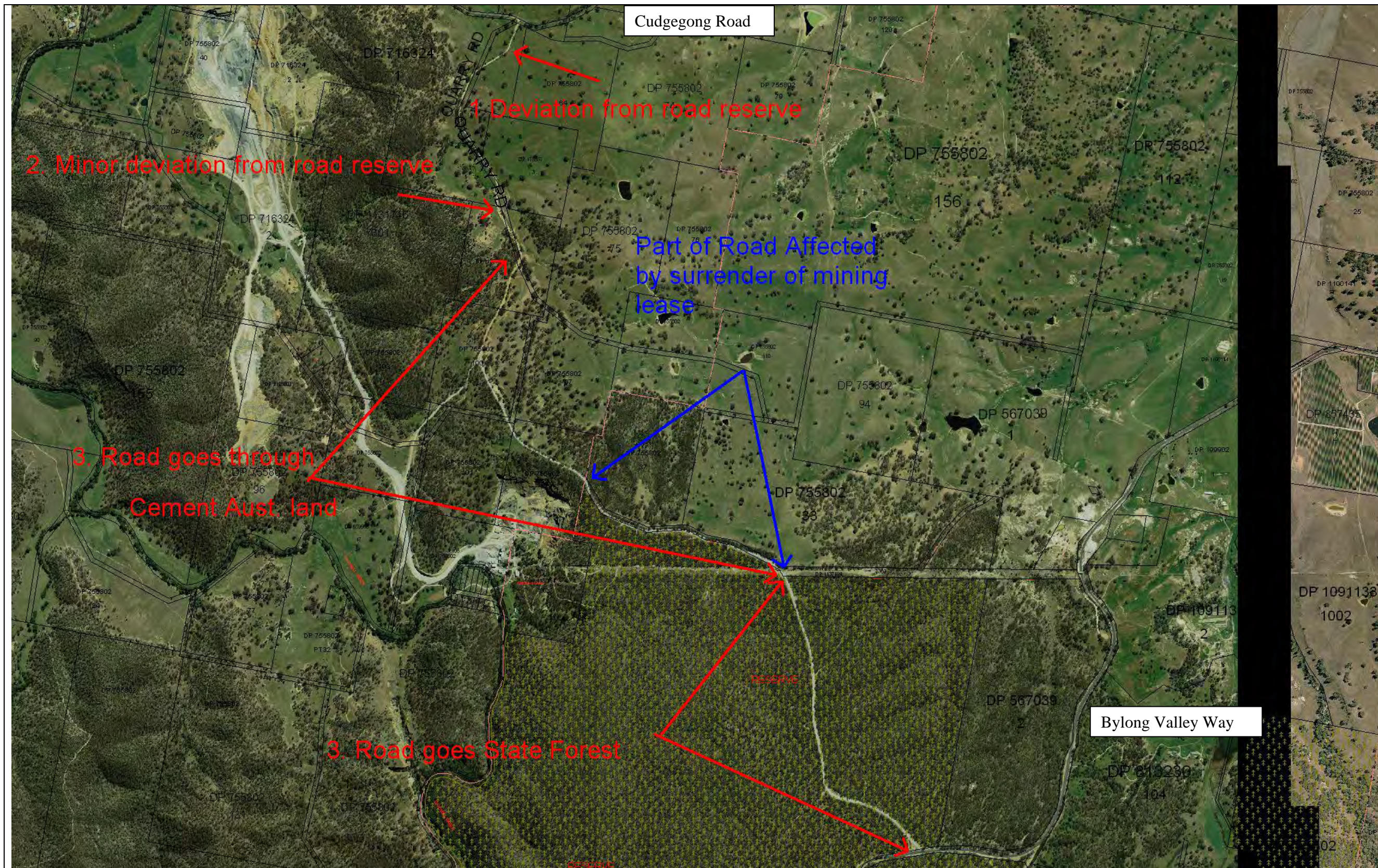
100-101 Mudgee Street Mudgee NSW 2855
 Phone: (02) 6352 1111 Fax: (02) 6352 1112
 Email: info@mudgee.nsw.gov.au Website: www.mudgee.nsw.gov.au

Office Locations - Dubbo - Mudgee - Bathurst - Parkes









Map Scale: 1:17,050

Quarry Road

Legend

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



Disclaimer

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

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



Printed on Wednesday, 25 January 2012

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