



ORDINARY MEETING



Wednesday 18 April 2012





PO BOX 156
MUDGEE NSW 2850

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

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11 April 2012

Dear Councillor

MEETING NOTICE
Ordinary Meeting

Wednesday, 18 April 2012

Open Day at 5.30pm

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 L Bennett".

WARWICK L 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 4 April 2012

COUNCIL DECISION:

That the Minutes of the Ordinary Meeting held on 4 April 2012, Minute Nos 130/12 to 148/12 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 4 April 2012, commencing at 5.42 pm and concluding at 5.52 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.

IN ATTENDANCE General Manager (W 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 Representatives from the Mudgee Guardian / The Weekly and Radio 2MG.

Item 1: Apologies

An apology was received for the absence of Councillor Webb.

130/12 **MOTION: Holden/Martens**

The apology for the absence of Councillor Webb be accepted and leave of absence be granted.

The motion was put and carried.

Item 2: Disclosure of Interest

Councillor Walker declared a pecuniary conflict of interest in Item 4: Matters in Progress "Cost of Water – Mudgee Race Club Inc" in that he is President of the Mudgee Race Club Inc.

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.10 "Wet and Dry Plant hire Tender 2010/05 Additional Contractor" in that he is a contractor for this tender.

Item 3: Confirmation of Minutes131/12 **MOTION: Shelley/Lang**

That the Minutes of the Ordinary Meeting held on 21 March 2012 (Minute Nos. 99/12 to 129/12) be taken as read and confirmed.

The motion was put and carried.

Item 4: Matters in Progress132/12 **MOTION: Shelley/Holden**

That Min. No. COM.61/11 be noted as completed.

The motion was put and carried.

133/12 **MOTION: Shelley/Holden**

That Minute no. COR.27/11 be noted as completed.

The motion was put and carried.

Councillor Walker declared a pecuniary conflict of interest in that he is the President of the Mudgee Race Club inc. left the meeting at 6.44pm and did not participate in discussions of vote in relation to this matter.

134/12 **MOTION: Shelley/Holden**

That Minute no. 254/09 be noted as completed.

The motion was put and carried.

Councillor Walker returned to the meeting at 6.45pm.

135/12 **MOTION: Shelley/Martens**

That Minute no. 146/11 be noted as completed.

The motion was put and carried.

Item 5: Mayoral Minutes

There was no Mayoral Minute.

Item 6: General Business

3.2 6.1 NOTICES OF MOTION

6.1.1 HARDSHIP PROVISION

A0100055, A0100035

136/12

MOTION: Holden/Martens

That Council immediately review its Hardship Provision – Rates and Charges Policy and also review the application form required to be completed by the ratepayer seeking hardship assistance.

The motion was put and carried.

3.3 6.2 REPORTS TO COUNCIL

6.2.1 DA0177/2012 - BELLEVUE ROAD SUBDIVISION

A0100055, P0582661

137/12

MOTION: Thompson/Lang

That:

1. **The report by Council's Environmental Town Planner on Development Application No. DA0177/2012 – Proposed 21 Lot Residential Subdivision 21-29 Bellevue Road Mudgee be received;**
2. **That Development Application No. DA0177/2012 be determined by way of consent subject to the following conditions of consent;**

APPROVED DEVELOPMENT

1. **This consent relates to the subdivision of Lot 58 DP 756894 into twenty-one residential Torrens title allotments, as illustrated on the plans, specifications and supporting documentation received by Council stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.**
2. **The development is to be carried out generally in accordance with the stamped approved plans Ref H502MU, Numbered 1 of 1 dated 28/2/2012 including any Amendments made in red.**

Notes:

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

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

separate Subdivision Certificate will be required for each respective stage of development

NOTE:

Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

5. A detailed engineering design supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications is to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a Construction Certificate.
6. A site supervisor is to be nominated by the applicant prior to issue of the Construction Certificate. 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 is to be sighted and to be shown to Mid Western Regional Council as an interested party.
7. The applicant is to provide the total length of Roadwork, Piped Stormwater Drainage, Sewer and Water lines, prior to issue of the Construction Certificate.
8. All work is to be at no cost to Council.
9. A Construction Environmental Management Plan (CEMP) for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". The CEMP is to at a minimum address the following points:
 - Drainage reserves are to be turfed.
 - Single strip of turf to be laid behind kerb and gutter.
 - Saving available topsoil for reuse in the revegetation phase of the subdivision;
 - Using erosion control measures to prevent on-site damage;
 - Rehabilitating disturbed areas quickly;
 - Maintenance of erosion and sediment control structures;
 - A schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage;
 - Details of fill including source material and compaction methods;
 - Details of construction methods relating to the prevention and mitigation of groundwater disturbance and salinity.
10. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to Council for approval prior to the release of the Construction Certificate. The report must demonstrate that

storm water 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.

11. The submission to Council of engineering design plans for any road works. Such plans shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.
12. All road pavements shall be designed by a Professional Civil Engineer and based upon soil tests performed by a registered NATA soils Laboratory and the traffic loading in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council).

GENERAL CONDITIONS RELATING TO THE CARRYING OUT OF WORKS

13. No construction is to commence before a Construction Certificate is issued for the subdivision works. The works are to be constructed in accordance with the conditions of this consent and the plans and specifications referred to in the Construction Certificate.
14. All relevant measures specified in the Construction Environmental Management Plan are to be in place prior to the commencement of works.
15. 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.
16. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil, to ensure sediment from the whole site is captured.
17. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
18. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
19. 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.

ENGINEERING CONSTRUCTION

20. Following completion of all engineering works, a bond of 5% of the value of such works (not carried out by Council) or a minimum of \$2000, whichever is the greater, shall be lodged with Council.

The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. If the applicant chooses to provide a bank guarantee, the guarantee must not specify any time limitations on the operation of the guarantee.

ROADS

21. The new road in the subdivision is to be constructed in accordance with the following:

Item	Requirement
Road Reserve width	16 m
Pavement Width	8 m
Footpath Width	4 m
Concrete Footpaths	N/A
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

22. Bellevue Road is to be upgraded for the full frontage of the subdivision in accordance with the following:

Item	Requirement
Road Reserve width	20m
Pavement Width Half	(6.5 m)
Footpath Width	4.5 m
Concrete Footpaths	1.2 Wide
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

23. The intersection treatment is to include Give ways signs and traffic calming devices such as blisters to reduce the speed environment.

24. **Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) are to be provided each lot at a suitable location to the development. These should be constructed in accordance with Aus-Spec #1 and the appropriate Council standard drawings including M524-Urban Access, M594-Kerb & Gutter Layback.**
25. **Any existing vehicular crossings not utilised by the development shall be removed and the area restored to match the adjoining section of kerb and gutter prior to occupation of the development.**
26. **Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 council standards.**
27. **Roadway and pedestrian lighting is to comply with Australian Standard AS/NZS 1158 – Road Lighting.**

STORMWATER

28. **Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.**
29. **A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.**
30. **An onsite detention basin is to be constructed within the site of the proposed development to cater for the post development storm water flows, or alternatively the applicant may enter into a Voluntary Planning Agreement with Council to permit the post development storm water flows to be catered by any public detention basin system.**

Storm water runoff from the site is not be increased beyond the existing undeveloped state up to and including a 100-year ARI event.

WATER AND SEWER SERVICE PROVISION

31. **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.**
32. **The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.**
33. **The construction of sewer mains such that there is a separate and**

distinct sewer connection located wholly within the boundary of each proposed allotment, in accordance with the Local Government (Water, Sewerage and Drainage) Regulation and the WSA 02-2002 Sewerage Code of Australia at full cost to the developer.

34. The applicant is to provide separate water and sewer reticulation services to each lot.
35. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
36. The construction of sewer mains such that there is a separate and distinct sewer connection located wholly within the boundary of each proposed allotment, in accordance with the Local Government (Water, Sewerage and Drainage) Regulation and the WSA 02-2002 Sewerage Code of Australia at full cost to the developer.

Note:

Engineering plans of any mains extensions are to be lodged with Council and approved prior to the commencement of any construction. Council will quote on connecting any sewer or water main extension to the existing “live” main on receipt and approval of engineering plans. Council does not permit other bodies to insert new junctions into ‘live’ sewer mains.

OR

The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,100 per new junction to cover the cost of Council installing a junction in an existing main.

TOTAL PAYABLE 21 x \$1,100 = \$23,100

Note:

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

37. 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 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE 21 x \$1,100 = \$23,100

Note:

Council does not permit other bodies to insert new junctions into

'live' water mains.

OR

The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$260.00 per lot to cover the cost of a 20mm meter and installation.

TOTAL PAYABLE 21 x \$337 = \$7,077

INSPECTIONS

38. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- Installation of sediment and erosion control measures;
 - Water and sewer line installation prior to backfilling;
 - Establishment of line and level for kerb and gutter placement;
 - Road Pavement construction;
 - Road Pavement surfacing;
 - Practical Completion.
39. Upon inspection of each stage of construction, the Council (or an Accredited Certifier on behalf of Council) is also required to ensure that adequate provisions are made for the following:
- sediment and erosion control measures;
 - traffic control measures;
 - maintenance of public areas free from unauthorised materials, waste or other obstructions.
40. The developer is to grant Council (or an Accredited Certifier on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
41. Vehicular access - Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by Council 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. (Does not apply for rollback K&G)

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

42. Prior to the issue of a Subdivision Certificate:
- All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - 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.

43. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
44. Three metre wide easements, including associated Section 88 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.
45. In accordance with the provisions of section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Mudgee Shire Council Section 94 Contribution Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:

Transport Management	Rate	No of Lots	Total
Traffic Management	\$1,076.83	20	\$21,536.6
Open Space			
Local Open Space	\$1,691.06	20	\$33,821.2
District Open Space	\$2,295.01	20	\$45,900.2
Community Facilities			
Library Buildings	\$221.02	20	\$4,420.4
Library Resources	\$264.71	20	\$5,294.2
Administration			
Plan Administration	\$516.57	20	\$10,331.4
TOTAL PAYABLE	\$6,067.77	20	\$121,355.4

46. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000. This will require:
- (a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$144,570
Sewerage Headworks	\$67,570
Total	\$212,140

- (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.

47. 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.
48. 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.
49. The developer is to ensure that all defects in the works that become apparent within twelve (12) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond monies to carry out rectification.

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

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

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	✓	

6.2.2 FINANCIAL ASSISTANCE – TIER 2 APPLICATIONS

A0100055, A0140201

138/12

MOTION: Shelley/Martens

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:

Mudgee Endurance Riders Club	\$500
The Prince of Wales Eisteddfod, Gulgong	\$395
Emma Harris	\$100
Mudgee High School	\$100
Rylstone Sculptures Incorporated	\$1,000

3. The following amounts be provided from the Councillors discretionary votes:

PCYC	Cr Lang	\$500
	Cr Holden	\$500
	Cr Weatherley	\$300
	Cr Thompson	\$200
	Cr Kennedy	\$200
	Cr Martens	\$100
The Prince of Wales Eisteddfod	Cr Thompson	\$50
Emma Harris	Cr Thompson	\$100
Mudgee high School	Cr Thompson	\$50

4. Council engage in ongoing dialogue with Rylstone Sculptures Incorporated and provide access to advice from relevant Council officers and to facilitate any related development applications.

The motion was put and carried.

6.2.3 GULGONG SPORTS COUNCIL MINUTES – JANUARY 2012

A0100055, A0360003

139/12

MOTION: Walker/Shelley

That:

- the report by Group Manager Operations on the Gulgong Sports Council minutes be received; and
- the minutes for the Gulgong Sports Council ordinary monthly meeting held on 10 January 2012 be noted.

The motion was put and carried.

6.2.4 KANDOS CENTENARY WORKING PARTY

A0100055, A0310010

140/12

MOTION: Weatherley/Holden

That:

- the report by the Manger Community Development on the Kandos Centenary Working Party be received.
- Kylie Pennell, Ken Hopkins, Colleen O'Sullivan, Debbie Stone, Naida Wills, Allan Wills, Ivy Tomlinson, Jim Mackin, Larry O'Connor, Bob Tomlinson and Leigh Williams be endorsed as additional members of the Kandos Centenary Working Party.

The motion was put and carried.

6.2.5 MONTHLY MANAGEMENT PLAN REPORTING

A0100055, A0149935

141/12 **MOTION: Shelley/Lang**

That the Management Plan 2011/12 reports for the month ended 29 February 2012 be received.

The motion was put and carried.

6.2.6 MUDGEES SPORTS COUNCIL MINUTES

A0100055, A0360013

142/12 **MOTION: Shelley/Holden**

That:

- 1. the report by Group Manager Operations on the Gulgong Sports Council minutes be received; and**
- 2. the minutes for the Mudgee Sports Council ordinary monthly meeting held on 27 February 2012 be noted.**

The motion was put and carried.

6.2.7 TENDER ASSESSMENT – SWIMMING POOL PLANT ROOMS REFURBISHMENT

A0100055, A0411114

143/12 **MOTION: Thompson/Holden**

That Council:

- 1. accepts Swimplex Aquatics Pty Ltd for tender A0411114 for provision of the swimming pools pump rooms refurbishment and that Council enter into a contract with Swimplex Aquatics Pty Ltd in accordance with clause 178 of the Local Government (General) Regulation 2005 for \$2,180,160 (excluding GST); and**
- 2. authorises the General Manager to continue negotiations on the specifications and contract with a view to finalise and execute the contract on behalf of Council with Swimplex Aquatics Pty Ltd for the swimming pools pump rooms refurbishment at a cost no greater than the \$2,180,160 (excluding GST) and further, once the contract is finalised, the General Manager have delegated authority to vary the tender up to a value of 3% of the final contract tender.**

The motion was put and carried.

6.2.8 DRAFT DELIVERY PROGRAM 2012-16 & OPERATIONAL PLAN 2012-13

A0100055, A0420212

144/12 **MOTION: Shelley/Holden**

That:

- 1. the report by the Manager Strategic Planning on the Draft Delivery Program 2012-16 and Operational Plan 2012-13 be received;**
- 2. Council endorse the Structure of the Draft Delivery Program 2012-16 and Operational Plan 2012-13 subject to the inclusion of the final approved budget; and**

3. a further report be presented to Council including the Draft Delivery Program 2012-16 and Operational Plan 2012-13 and Resourcing Strategy for public exhibition.

The motion was put and carried.

6.2.9 RYLSTONE AND KANDOS ACCESS COMMITTEE

A0100055, A0060129

145/12

MOTION: Thompson/Martens

That:

1. the report by the Manager Community Development on the Rylstone & Kandos Access Committee be received;
2. Council note the minutes of the Rylstone & Kandos Access Committee of February 2012; and
3. Council accept the nominations of Kerry Morrissey, Judy Monaghan, Graeme Jose and Claire Andu to be members of the Rylstone & Kandos Access Committee.

The motion was put and carried.

6.2.10 WET AND DRY PLANT HIRE TENDER 2010/05 ADDITIONAL CONTRACTOR

A0100055, A0411005

Councillor Walker declared a pecuniary conflict of interest in that he is a contractor for this tender, left the meeting at 5.50 pm and did not participate in discussions or vote in relation to this matter.

146/12

MOTION: Weatherley/Holden

That:

1. Council accepts the revised list of preferred contractors for tender 2010/05 for the provision of Wet plant hire for trucks in accordance with clause 178 of the Local Government (General) Regulation 2005 as listed below, subject to each contractor attending a compulsory Council safety compliance briefing.

Contractor	Equipment	Make / Model / Year
D&DM Potts	Truck	Mercedes PM / 1971
C&M Box Constructions	Truck	International / Rigid / 1981
C&M Box Constructions	Truck	Isuzu / FTR893A / 1995
C&M Box Constructions	Truck	Daihatsu / Delta / 1987
Comer Plant Hire	Truck	Mitsubishi / FV458 / 1985
Max Walker Earthmoving	Truck	Mack / TRP
M Faucett Transport	Truck	Freightliner / SL112 / 1993
AG Ingram Cartage Contractor	Truck	Ford / L9000 / 1996
AG Ingram Cartage Contractor	Truck	Volvo / N10 / 1989
Max Walker Earthmoving	Truck	Mack / TPR
Max Walker Earthmoving	Truck	Kembla / OOTRAIL
AG Ingram Cartage Contractor	Truck	Ford / L9000 / 1996
Terros Transport	Truck	International / S3600 / 1996
Terros Transport	Truck	Ford / LNT9000 / 1986
Johanson Transport	Truck	Iubco / Power Star / 2001
MAAS	Dump Truck	CAT 730
M Faucett Transport	Truck	Freightliner / SL112 / 1994
Terros Transport	Truck	International / S3600 / 1996
MAAS	Dump Truck	CAT 730 Ejector
MAAS	Dump Truck	CAT 740
MAAS	Dump Truck	CAT 740 Ejector

2. **Additional contractors may be included on the preferred suppliers list if required during the contract period by resolution of Council.**

Note: The rates tendered are commercially in confidence in accordance with the Tendering Guidelines issued by the NSW Division of Local Government and thus the rates will not be released for public information.

The motion was put and carried.

Councillor Walker returned to the meeting at 5.51 pm.

6.2.11 WORK HEALTH AND SAFETY POLICY

A0100055, A0100021

147/12 **MOTION: Shelley/Martens**

That the Work Health and Safety Policy be received.

The motion was put and carried.

6.2.12 WRITE OFF OF BAD DEBT

A0100055, F0470016

148/12 **MOTION: Shelley/Lang**

That the debt of \$3,905.96 owing to Council from Corporate Aviation Services Pty Ltd be written off.

The motion was put and carried.

Item 7: Urgent Business Without Notice

There was no Urgent Business Without Notice.

Item 8: Confidential Session

There were no Confidential matters.

Closure

There being no further business the meeting concluded at 5.52 pm.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
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 90% 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
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.	Signs have now been ordered and will be installed by Friday 20th. RECOMMEND COMPLETION
Temporary Signage	Res. 50/11 Ord. Mtg 16/3/2011	That Council undertake a review the signage policy as part of the formulation of the comprehensive DCP.	To be undertaken upon completion of the Comprehensive Local Environmental Plan.
Minimum rural lot size	Min No. 32/10 Ord Mtg 17/3/10	That 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;	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
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.	Meetings with Ministers and their representatives have made it clear that the only funding available will be the \$160 million for mining affected communities. RECOMMEND COMPLETION
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.	When EA lodged a meeting will be organised
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 have been sent. Now awaiting determination from RMS. 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.
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.	Letter written to request new signage. Awaiting response.
Boundary Change – Burrendong Dam	Res. 49/12 Ordinary Mtg 15/2/2012	That: 2. Council write to Wellington Council seeking its consent to this boundary change.	Meeting Held with Wellington Council on 26th March. Further discussion to be held over next few months.
Regional Tourism Signage	Res. 58/12 Ordinary Mtg 15/2/2012	That: 3. Council provide Mudgee Region Tourism Incorporated (MRTI) with the two signage proposals from Ooh Media for consultation and advice.	Response from MRTI received advising that the cost of such signage is too high. RECOMMEND COMPLETION
Quarry Road – Kandos	Res. 64/12 Ordinary Mtg 15/2/2012	That consideration of this matter be deferred until discussions with Cement Australia have been completed.	Meeting held with Cement Australia. No determination as yet.

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Moolarben Coal Project – Stage 2 Assessment	Res. 76/12 Ordinary Mtg 7/3/2012	That: 1. Council requests the Department of Lands to supply to Council as soon as possible maps identifying all lot boundaries containing and surrounding The Drip; 2. Council requests from the Department of Lands a certified survey to support the mapping requested by Council in paragraph 1 above.	Discussions with the Department of Lands have occurred and they are undertaking a full on site survey on the week beginning 12th March 2012. No result of that survey has been released as yet
Mudgee CBD Street Tree Report	Res. 78/12 Ordinary Mtg 7/3/2012	That: 2. the report be placed on public exhibition for 28 days;	The consultation commenced on Friday 16th March
100 Saleyards Lane, Mudgee	Res. 97/12 Ordinary Mtg 7/3/2012	That: 2. Council seek a report from staff on the cost of undertaking all the land capability work and other works required to allow this property known as the saleyard site and SES building to be ready for a development application to be lodged;	Land study capability work being organised.
Hardship Provision	Res. 136/12 Ordinary Mtg 4/4/12	That Council immediately review it's Hardship Provision – Rates and Charges Policy and also review the application form required to be completed by the ratepayer seeking hardship assistance.	Staff working on this policy and will report back in May

Item 5: Mayoral Minute

Nil.

Item 6: General Business

6.1 Notices of Motion

Nil.

6.2 Reports

6.2.1 Annual Conference – Shires Association of NSW

REPORT BY GENERAL MANAGER TO 18 APRIL 2012 COUNCIL MEETING

Annual Conference Shires Association

A0100055, A0110012

RECOMMENDATION

That:

1. **the report of the General Manager on the Annual Conference of the Shires Association of NSW be received;**
2. **Council does not send any delegates to this conference.**

Detailed report

Please find attached the draft program of the Shires Association of NSW annual conference 2012 to be held in Sydney from 4–6 June 2012. This Council is an associate member of the Shires Association and a full member of the Local Government Association. It has not been Council practice in recent years to send delegates to this conference. The cost of the conference would be as follows:

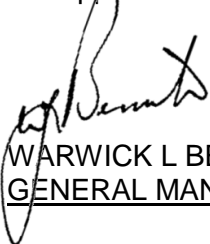
Registration	\$595
Accommodation for 3 nights	\$600
Food and travel estimate	\$500
Total cost per delegate	\$1,700

Financial implications

If Council is of the mind to send delegates to this conference it would be funded from the Council Conference account.

Strategic or policy implications

Not applicable.



WARWICK L BENNETT
GENERAL MANAGER

5 April 2012

Attachments: 1. Shires Association of NSW Annual Conference 2012 (4-6 June) program and information.

Shires Association of NSW



Annual Conference 2012 Keeping the Local in Local Government

Draft Program as of 29 March 2012

This is subject to change as speakers confirm their availability or otherwise. Starting and finishing times for each day will not change.

Grand Ballroom, Sofitel Wentworth Sydney

Monday 4 June 2012

- 3.00pm Registration opens
- 5.30pm President's Welcome Reception sponsored by Sydney Morning Herald
- 6.00pm President's Welcome: Cr Ray Donald, Shires Association of NSW
- 6.05pm Sponsor Address (5 minutes)
- 7.00pm Close of evening

Tuesday 5 June 2012

- 8.15am *Trade Exhibition opens*
- 8.50am Delegates seated
- 9.00am Official Opening Ceremony – procession of official party to the stage
- 9.05am National Anthem
- >Welcome to Country – Mr Glen Doyle
- 9.10am Welcome from Cr Clover Moore MP, Mayor, City of Sydney (invited)
- 9.20am President's Address: Cr Ray Donald, President, Shires Association of NSW
- 9.50am Welcome Address by Premier of NSW, Hon Barry O'Farrell MP
- 10.20am Presentation of the AR Bluett Memorial Award by Bluett Trustees and the Outstanding Service Awards
- 10.00am *Partners tours leaves from foyer Sofitel Wentworth Hotel*
- 10.30am *Morning Tea sponsored by Office of Environment and Heritage, Department of Premier and Cabinet*
- 10.50am Hon Donald Page MP, Minister for Local Government
- 11.20am Adoption of Standing Orders
Treasurer's Report
Consideration of procedural, constitutional and Association matters followed by motions
- 11.30am Consideration of Motions
- 12.50pm Mr Bill Bristow, Founder Angel Flight
- 1.00pm *Lunch sponsored by Office of Environment and Heritage, Department of Premier and Cabinet*
- 1.45pm Essential Energy update on business issues (invited)

- 2.00pm Update on One Association followed by Consideration of Motions
- 3.00pm Afternoon Tea sponsored by Office of Environment and Heritage, Department of Premier and Cabinet
- 3.30pm Hon Craig Knowles, Chairman, Murray Darling Basin Authority Presentation and Discussion
Partners Tour returns to Sofitel Wentworth Hotel
- 4.30pm Conference Day One adjourns
Happy Hour with conference sponsors in Trade Exhibition
- 5.30pm *Happy Hour concludes*
- 7.30pm *Conference dinner sponsored by Essential Energy*
- Wednesday 6 June 2012**
- 8.30am *Trade Exhibition opens*
- 9.00am Mr John Robertson, Leader of the Opposition
- 9.30am "What have you done for Local Government in the last twelve months?" - a Ministerial Panel with Julie McCrossin as Facilitator:
Hon Katrina Hodgkinson MP, Minister for Primary Industries
Hon Brad Hazzard MP, Minister for Planning
Hon Richard Torbay MP, Member for Northern Tablelands
Hon Sophie Cotsis, Shadow Minister for Local Government MLC
- 10.30am *Morning Tea*
- 11.00am Consideration of Motions
- 12 noon Update on 2036 Project
- 12.noon *Partners Tour Pickup from Foyer of Sofitel Wentworth Hotel to The Lyric Theatre*
- 12.30pm *Lunch*
- 1.30pm Review and discussion on present planning and operations for Emergency Services with Address from Hon Michael Gallacher MLC, Minister for Police and Emergency Services (invited)
- 2.30pm Discussion of the Transport Master Plan with Address from Hon Gladys Berejikian MP, Minister for Transport and Hon Duncan Gay MP, Minister for Roads and Ports
- 3.30pm Conference Closes
Afternoon Tea
- 4.00pm *Partners Tour returns from The Lyric Theatre*

Keeping the local in

LOCAL GOVERNMENT

Shires Association of NSW Annual Conference 2012

Registration Brochure
Monday 4 June - Wednesday 6 June 2012
Sofitel Wentworth Sydney, 61-101 Phillip Street, Sydney

www.ShiresConference.lgsa.org.au

Elite Sponsor

Shires Association of NSW



Welcome from the President



Cr Ray Donald
President,
Shires Association of NSW

As President of the Shires Association of NSW, I am pleased to invite you to attend the annual Shires Association of NSW Conference at the Sofitel Wentworth Hotel in Sydney, to be held from Monday 4 June until Wednesday 6 June 2012.

This year the theme will be 'Keeping the Local in Local Government'. The Conference program will be focusing on the role councils play in servicing their local communities.

While NSW councils must work together towards achieving common goals in the outcomes for Local Government, it is important to ensure the special needs of individual communities in regional and rural areas are also met. This year's Shires Association Conference will explore the range of ways in which councils can connect with their local communities.

In other matters of importance, the Conference will also discuss issues relevant to the future of NSW Local Government, including the Destination 2036 Action Plan, Constitutional Recognition of Local Government, the Murray-Darling Basin, mining, the NSW Planning Review and moving towards One Association to represent Local Government in NSW.

Conference delegates will have the opportunity to hear from a number of Members of the State Government who have been invited to attend.

I encourage you to come along to this year's Conference and be part of these interesting discussions and to contribute to putting fresh ideas forward for the future of Local Government in NSW.

Cr Ray Donald
President, Shires Association of NSW

Program

A copy of the draft program is available on the website.

Associated program events

LGMA NSW Forum
Monday 4 June 2012

This forum is run by the Local Government Managers Australia NSW. For information, please visit LGMA's NSW website www.lgmansw.com.au or contact Nick Kellaway on programmes@lgmansw.com.au or 02 8297 1201.

Ministry for Police and Emergency Services
Local Government Conference (Emergency Management) in 2012
Thursday 7 June 2012, Sofitel Wentworth Hotel.

Recent events in NSW demonstrate the need for a whole of government approach when disaster strikes. The conference aims to provide information on key issues affecting emergency management in NSW including local emergency risk management and community recovery. The conference will also provide a forum for delegates to discuss topics of interest specific to emergency management. For additional information

on this free, one day seminar, please call Rebecca Graham on (02) 8247 5912 or Antonella Ouma-Machio on (02) 8247 5916. Registration will open shortly on the Ministry for Police and Emergency Services website at www.mpes.nsw.gov.au

Social Program

President's Welcome Reception sponsored by SMH/My Career
Monday 4 June, 5.30pm to 7.00pm
Grand Ballroom, Sofitel Wentworth

Partners are welcome at no charge, but please indicate attendance during registration for catering purposes.

Conference Dinner sponsored by Essential Energy
Tuesday 5 June 2012, 7.30pm to 11.00pm
Grand Ballroom, Sofitel Wentworth

There will be allocated seating at the dinner, please indicate seating preferences during registration.

Dress for the dinner will be 'after five or cocktail wear'. Partners need to pay for the dinner during registration. There will be no refunds on the dinner if you do not attend as it is part of your registration cost and is heavily subsidised by sponsorship.

Partners Program

The costs for this program are substantially subsidised by the conference and its sponsors.

THE SHIRE - ART TRAIL DAY TOUR (4 Studios)
Tuesday 5 June 2012, 10am to 3.30pm.

The Bundeena Art Trail is a diverse group of artists that are linked by location, a common desire to live close to nature and an unusual willingness to open their studio's to the wider community, and offer a glimpse into the working life and creative journey of the artist.

Morning Tea will be served at Historic Audley Dance Hall before travelling onto Maianbar for our first studio visit. Here you will join Julie Mellae, glass & jewellery artist, for a personally guided tour of her studio, before heading to nearby Bundeena.

Bundeena will include three more studios and artists including Robert Kaminski, (landscape paintings / Aust. outback scenes) and Doris Kaminski (landscape / figurative / still life painting), Lee Bethel (contemporary painting & sculpture) and portraitist Jia Wei Shen who are all willing to share their space.

\$88 per person. *Minimum numbers apply, maximum 29 on tour. Book early.*

An Officer and a Gentleman
Wednesday 6 June 2010, 11.00pm to 4.00pm

A hit across the ages, the Academy Award-winning 1982 film starring Richard Gere and Debra Winger has become a phenomenon in cinema history, recently listed by the American Film Institute as one of the top ten love stories in cinema history. Working class heroes Zack Mayo and Paula Pokrifki overcome their upbringing and personal obstacles to find love. A rich and satisfying story that has endured for generations, AN OFFICER AND A GENTLEMAN is a modern day Cinderella story. *Please note that the show finish is at approximately 3.30pm, so partners will not arrive back to the Sofitel until approximately 4.00pm.

\$88.00 per person. *Minimum numbers apply, max 24 on tour. Book early.*

Business Papers

Member Councils will receive four printed copies of the Business Paper one month before the conference. Papers will also be available to download from the Association's website at this time. Limited additional printed copies can be requested by emailing karen.rolls@lgsa.org.au.

Councils may view the 2011 Online Action report by visiting www.shiresconference.lgsa.org.au. The Record of Decisions paper following the 2012 conference will be available within two weeks of the conference. Similarly, the 2012 Online Action report will also be available at this time

Registration Details

Registrations are invited from councillors and staff of member councils (including associate members) of the Shires Association of NSW. Representatives of other interested bodies (e.g. Regional Organisations of Councils (ROCs) are also invited to register as participants. All delegates and partners need to be pre-registered.

Register Online at www.ShiresConference.lgsa.org.au

This is a secure site which accepts credit card (Visa or Mastercard), cheque and direct deposit payments. On completing registration, a tax invoice will be automatically

emailed to you. Your credit card statement will show a debit from "Acuvent".

Early Bird Registration Deadline: Friday 27 April

Full Registration Deadline: Friday 18 May

The registration fee covers: Business papers, proceedings of the conference, President's Welcome Reception, morning and afternoon teas and lunches on two days, Happy Hour, the Conference Dinner, name badge, and satchel.

This fee does not cover: accommodation, partners' functions or other events held in conjunction with the conference. There is no charge for partners unless they attend the conference dinner or the partners' program. *Partners' registration is part of the main online registration form.*

Cancellation Policy: Should you be unable to attend, a substitute delegate is welcome on the day at no additional charge. All cancellations must be advised by emailing Karen Rolls on events@lgsa.org.au. Cancellations postmarked on or before Friday 18 May 2012 will incur a fee of \$100. No refunds will be made for cancellations advised after this date.

Changes to your registration: You can modify your online booking at any time by using the link provided in your confirmation email. Once you have completed your registration, a tax invoice with a confirmation number will be emailed to you. Click on the link and enter your confirmation number to make any changes or additions to your reservation. Alternatively contact: Karen Rolls at the LGSA on events@lgsa.org.au or (02) 9242 4050.

Registration Fees

Delegates	Fees
Early Bird Registration (by Friday 27 April)	\$654.50 (\$595.00 ex GST)
Full Registration (by Friday 18 May)	\$693.00 (\$630.00 ex GST)
Partners	
Welcome Reception	Complimentary for a delegate's partner (please indicate attendance for catering purposes)
Conference Dinner	\$88.00
Partners' Tour: Tuesday - The Shire - Art Trail Day Tour (4 Studios)	\$88.00
Partners' Tour: Wednesday - An Officer and a Gentleman	\$88.00
Extra Guests	
Conference Dinner	\$88.00

*The cost to attend the conference, and dinner costs for partners, along with the partners program, is heavily subsidised by the LGSA and our successful sponsor relationships.

Service Awards

Apply online: [Service Awards page on www.ShiresConference.lgsa.org.au](#)

Applications close: Monday, 23 April 2012

The Association's prestigious awards provide recognition to those who have given outstanding service to Local Government. Outstanding Service Awards and Emeritus Mayor Certificates will be **presented as part of the opening ceremony on Tuesday morning**. Please apply online and ensure you receive confirmation by our office if it is to be presented at the conference.

Outstanding Service Awards

Intended recipients must have completed a cumulative total of at least 20 years' service to Local Government in NSW. The set comprises four pieces (medal, miniature, lapel badge and citation A5 in size) featuring the coat of arms and is finished in 24ct gold and presented in a gold embossed presentation case. On the reverse side of the medal will be inscribed the recipient's name and the year the award was presented. A version for women has been designed featuring a bow similar to that awarded in the Australian honours system.

Emeritus Mayor Certificate

The eligibility criteria set for the honorary title of Emeritus Mayor is that intended recipients must have served as mayor for a minimum of three one year terms or one full term as a popularly elected mayor. This award is intended to provide ongoing recognition to those who have served as a mayor. Academic institutions recognise their retiring valued members with the title of Emeritus Professor and State and Federal Parliaments recognise senior parliamentary contribution with the title of Honorable on an ongoing basis. A certificate which recognises service as a mayor to council has been produced. The Emeritus Mayor certificate is gold embossed, A4 in size and is presented in a black frame.

Accommodation

Specially discounted conference rates have been arranged with the main conference venue **Sofitel Wentworth Sydney**, as well as nearby **The Radisson Plaza Hotel** and the **Menzies Sydney**. These rooms will be offered on a first come first serve basis and should be booked by you directly.

Room bookings are all to be made online this year directly with the hotel of your choice. Please visit the accommodation page on [www.ShiresConference.lgsa.org.au](#) for links which take you to the discounted rate for each hotel.


Childcare Arrangements

If delegates require childcare facilities in order to attend the conference or social programs, they can be arranged by the Sofitel Wentworth Hotel. Please advise them of your requirements on booking your accommodation.

Sponsorships and Partnerships

If you are interested in sponsoring the conference, giving support or taking part in our trade display, please contact Karen Rolls at the LGSA on (02) 9242 4050 or karen.rolls@lgsa.org.au.

Environmental Sustainability Commitment

 The LGSA is committed to environmental sustainability at our events and conferences to reduce the impact on the planet. Visit the website for more details. This brochure has been printed on 100% recycled paper and where possible using vegetable based inks.

Instead of a more expensive satchel item this year, we are providing a folding shopping bag, reusable and cotton, and donating \$20.00 per delegate on your behalf to a worthy cause which the LGSA will continue to support in 2012: **Angel Flight Australia**. This charity co-ordinates non-emergency flights for financially and medically needy people. All flights are free and may involve passengers and compassionate carers travelling to or from medical facilities anywhere in Australia.

Requests for Angel Flight missions come from social workers, doctors, hospitals and other specialist medical facilities. Since 2003, many thousands of Angel Flight missions have been accomplished helping people with kidney and liver failures, cancer, rickets, aortic stenosis, cystic fibrosis, leukemia and more. Angel Flight pilots do not carry aeromedical staff or medical equipment so do not act as an alternative to the Flying Doctor (RFDS) or Air Ambulance in that capacity. Volunteer pilots in aircraft they own or rent, fly the missions and donate their flying skills and most of the expenses of each flight.

Contact

The Shires Association handles arrangements for delegates, observers and partners attending this year's annual conference in relation to:

- Registration for business sessions
- Registration for social functions
- Orders for additional copies of conference printed material
- Application for Service Awards

For general conference enquiries, please contact:

Karen Rolls
Events Assistant
Phone: (02) 9242 4050
Email: events@lgsa.org.au

Local Government and Shires Associations NSW
GPO Box 7003
Sydney NSW 2001

6.2.2 Monthly statement of Mid-Western Regional Council bank balances and investments as at 31 March 2012

REPORT BY ACTING GROUP MANAGER OF FINANCE AND ADMINISTRATION TO 18 APRIL 2012 COUNCIL MEETING

Bankrep

A0100055, A0140304

RECOMMENDATION

That:

1. **the investment report as at 31 March 2012 by the Acting Group Manager of Finance and Administration be received; and**
2. **the certification by the Responsible Accounting Officer be noted.**

Executive summary

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

Detailed report

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

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

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

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

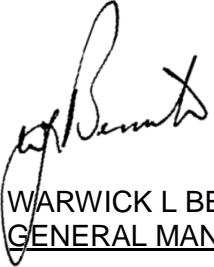


LEONIE JOHNSON
ACTING GROUP MANAGER OF FINANCE
AND ADMINISTRATION

5 April 2012

- Attachments:*
1. Monthly statement of bank balances and investments
 2. Monthly investment portfolio activity
 3. Schedule of MWRC investment policy requirements

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 2

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	18.7%	25.0%
Bankwest	AA/A-1+	\$ 6,000,000	18.4%	25.0%
St George Bank	AA/A-1+	\$ 4,000,000	12.3%	25.0%
Commonwealth Bank	AA/A-1+	\$ 745,000	2.3%	25.0%
Westpac Bank	AA/A-1+	\$ 6,300,000	19.3%	25.0%
ANZ	AA/A-1	\$ 500,000	1.5%	25.0%
Longreach	A+/A-1	\$ 1,000,000	3.1%	20.0%
Deutsche Bank	A+/A-1	\$ 1,000,000	3.1%	15.0%
AMP	A/A-1	\$ 1,000,000	3.1%	15.0%
ING Australia Bank	A/A-1	\$ 1,000,000	3.1%	15.0%
Suncorp Metway Ltd	A/A-1	\$ 1,000,000	3.1%	15.0%
Bank of Queensland	BBB+/A-2	\$ 1,000,000	3.1%	10.0%
Newcastle Permanent	BBB+/A-2	\$ 1,000,000	3.1%	10.0%
Members Equity Bank	BBB/A-2	\$ 1,000,000	3.1%	10.0%
IMB Ltd	BBB/A-2	\$ 1,000,000	3.1%	10.0%
		\$ 32,645,000	100.0%	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AAA/A-1+	\$ 23,145,000	70.9%	100.0%
	AA/A-1	\$ 500,000	1.5%	100.0%
	A/A-1	\$ 5,000,000	15.3%	60.0%
	BBB/A-2	\$ 4,000,000	12.3%	20.0%
	Unrated	\$ -	0.0%	20.0%
		\$ 32,645,000	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	\$ 30,145,000	92.3%	30.0%	100.0%
Between 1 and 3 years		0.0%	0.0%	70.0%
Between 3 and 5 years	\$ 1,000,000	3.1%	0.0%	50.0%
More than 5 years	\$ 1,500,000	4.6%	0.0%	25.0%
		\$ 32,645,000	100.0%	

ATTACHMENT 3

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	\$ 1,245,000	\$ 500,000	\$ 745,000	0.00%	At Call
Westpac	\$ 2,600,000		\$ 2,600,000	-0.27%	-14
Westpac	\$ 1,200,000		\$ 1,200,000	-0.19%	-7
Bankwest	\$ 1,500,000		\$ 1,500,000	0.01%	-7
ING	\$ 1,000,000		\$ 1,000,000	-0.17%	-33
Bankwest	\$ 1,000,000		\$ 1,000,000	0.65%	34
Suncorp Metway	\$ 1,000,000		\$ 1,000,000	-0.11%	-7
Newcastle Permanent	\$ 1,000,000		\$ 1,000,000	0.12%	0
Westpac	\$ -		\$ 1,000,000	New Deposit	105
	<u>\$ 10,545,000</u>		<u>\$ 11,045,000</u>		

Net Portfolio Movement **\$500,000 Addition**

6.2.3 Cultural Development Committee

REPORT BY MANAGER, COMMUNITY DEVELOPMENT TO 18 APRIL 2012 COUNCIL MEETING

Cultural Development Committee - March
A0100055, A0420172

RECOMMENDATION

That:

1. **the report by the Manager Community Development be received;**
2. **Council note the minutes of the Cultural Development Committee meeting held on 19 March 2012.**

Executive summary

The Cultural Development Committee meets to highlight and promote cultural issues in the region. The next meeting is due to be held on 21st May 2012.

Detailed report

The relocation of art works from the Mudgee Town Hall building has gone very well. Some of the locations around town include Westpac, NAB and Yeates Betts. The large Bicentennial embroidery work has now been situated in the Chambers. There are still a few works to place, including three of the larger works that are currently in storage.

The Committee discussed the Rylstone Sculpture Exhibition which was a successful event as part of the Rylstone Show. There were over 30 or so written comments on the show. Kent Buchanan was excellent in launching the exhibition and showing it as a celebration of a community.

Updates were provided to the Committee on the Kandos Museum exhibition upgrade works and the Mudgee Town Hall renovation works.

Discussions were held on the Poetry Bus and Sand Mandala Tour and motions were carried supporting these cultural opportunities.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

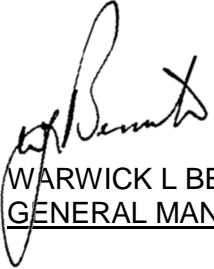
SIMON JONES
MANAGER, COMMUNITY DEVELOPMENT


CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND
COMMUNITY SERVICES

3 April 2012

Attachments: 1. Minutes of the Meeting of the Cultural Development Committee held on 19th March 2012.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

**MINUTES OF MEETING OF THE
MID-WESTERN REGIONAL COUNCIL CULTURAL DEVELOPMENT COMMITTEE
HELD ON MONDAY 19th MARCH 2012
MEETING AT THE COUNCIL CHAMBERS, MUDGEE AT 5PM.**

PRESENT: Colin Jones, Helen Harwood, Christopher Wright, Virginia Handmer and Simon Jones, Leanne Wicks

1. **WELCOME:** – Colin Jones opened the meeting at 5.02pm and welcomed everyone.

2. **APOLOGIES:** Janette Newman

3. **ADOPTION OF PREVIOUS MINUTES OF 16th JANUARY 2012**

Moved: Helen Harwood Seconded: Virginia Handmer **Minutes Accepted**

4. **MATTERS ARISING FROM THE MINUTES**

4.1 TOWN HALL RENOVATION

The Town Hall project is progressing well. The footings for the extension are nearly in and the lift well is in place. There have been some delays due to weather, some issues with new electricity works and the discovery of some archaeological artefacts but work is now progressing well.

4.2 COUNCIL ART COLLECTION

The relocation of art works has gone very well. Some of the locations around town include Westpac, NAB and Yeates Betts, as well as the major Bicentennial still a few to place, embroidery work now being situated in the Chambers. There are still a few works to place, including three of the larger works that are currently in storage. We will work through the process of determining where the works will end up in the future when the Town Hall is ready to open again.

4.3 RYLSTONE SCULPTURE EXHIBITION

This was a fantastic event. It had terrific coverage, the weather was good, there were 30 or so written comments at the Show. Some works sold. It was a great first effort. Kent Buchanan was excellent in launching the exhibition and showing it as a celebration of community. Everyone on the Committee was there and it was very well organised.

4.4 KANDOS MUSEUM UPGRADE

Most of the structural work is finished. A storage container has been purchased as we need more room. More pallet racking on its way. Have been in contact with the Ministry of Arts over the grant and we need to try and complete by the end of April so we have a bit more time to complete the project. A gun from Jessie Hickman's cave has been located and will be part of the exhibition.

4.5 POETRY BUS

Poetry Bus comes out to do workshops. Looking at September/October (but outside of school holidays). Visiting schools and nursing homes. FRRR funding application is being put together by the Poetry Bus people.

Motion: That the Cultural Development Committee writes a letter in support of the funding application for the Poetry Bus to visit the region.

Moved: Leanne Wicks

Seconded: Helen Harwood

Motion Carried

5. GENERAL BUSINESS

5.1 SAND MANDALA TOUR

Council has received a letter regarding the Sacred Footsteps Sand Mandala Tour which is likely to be in 2013. They are looking for support and a possible venue to create the sand art work. The Committee discussed and determined that the Stables Gallery would be the ideal location. Helen to discuss with Arts Council. Council to support on the proviso that the library has re-located back to the Town Hall.

Motion: That the Cultural Development Committee support the concept of the Sand Mandala Tour and recommends the Stables would be the best location for this exhibition.

Moved: Christopher Wright

Seconded: Leanne Wicks

Motion Carried

5.2 WASTE TO ART

Entries need to be in by Thursday 26th April at the new pavilion at the Mudgee Showground. Exhibition opens on 28th April for two weeks.

There being no further business the meeting closed at 5.50pm.

Next proposed meeting date: Monday 21ST May, 2012 at 5pm

6.2.4 Department of Planning Performance Monitoring

REPORT BY GROUP MANAGER OF PLANNING AND DEVELOPMENT TO COUNCIL MEETING
DoP Performance Monitoring Report
A0100055, A0040006, A0170041

RECOMMENDATION

That:

1. **the report by Group Manager of Planning and Development on the Department of Planning Performance Monitoring be received.**

Executive summary

The Department of Planning (DoP) published the results of the Performance Monitoring Review for 2010/11 on its website in March 2012. This report provides a brief summary of the key findings and a comparison of Mid-Western Regional Council with other Group 4 Councils in the Central West.

Detailed report

The 2010/11 data provides an overview of development in NSW. It includes information on council performance in assessing local development and general indications of the performance of the NSW planning system. The DoP report was compiled by analysing detailed information from all 152 NSW Councils.

The following is a brief summary of some of the key findings and a comparison of the result for Group 4 Councils in the Central West. A full copy of the report is available on the DoP web site.

Volume and Value of Determinations

A total of 81,147 local development determinations (Development Applications (DAs) and Complying Development Certificates (CDCs)) were reported for 2010/11 in NSW. This is a decrease of 3% compared with 2009/10. In contrast, there was a decline in determinations between 2007/08 and 2008/09 of 13%.

Total Volume of DAs and Total Value

	Number of DAs	Estimated Value
Bathurst	519	\$105.3m + \$103.7m
Dubbo	493	\$60.3m + \$58.6m
Lithgow	183	\$20.4m
Mid-Western	353	\$30.7m
Orange	380	\$154.9m

The estimated value of approved DAs in 2009/2010 was \$102.1m however this included the Crighton DA which had a value of \$65m. Notwithstanding the value of the Crighton DA the value of DAs has decreased from \$37.1m (excluding Crighton) to 30.7m. However, the number of DAs has increased from 332 to 353 indicating that individual value of DAs is less from previous years but the level of activity has increased.

Processing Times

The following definitions are provided to assist in understanding the data provided.

Gross Determination Time – is the total number of days including that time that the application is referred back to the applicant for further information. (Stop Clock)

Net Determination Time - is the total number of days excluding that time that the application is referred back to the applicant for further information. (Stop Clock)

In 2008-09 the mean gross determination time for DAs across NSW was 74 days and 53 days for s96 modifications. These statewide mean figures remain relatively unchanged from 2007-08. In 2009/10 the mean gross determination time for DAs across NSW was 67 days and 52 days for s96 modifications. Mean gross for 2010/2011 remained relatively consistent with 68 days for DAs and 52 days for S96 Modifications.

In 2010/11 it took NSW Councils on average 14 days to determine CDCs and a median of only 8 days.

The five top performing councils statewide for 2010/11 based on lowest mean gross determination time for DAs included: (mean)

1. Murrumbidgee (11 days)
2. Temora Shire Council (13 days)
4. Coolaman Shire Council (18 days)
5. Berrigan Shire Council (18 days)
2. Junee Shire Council (19 days)

It should be noted that these are rural Councils with a low number of development applications.

The five poorest performing councils statewide for 2010/11, based on highest mean gross determination time for DAs included: (mean)

1. Boorowa Council (136 days)
2. Tweed Shire Council (133 days)
3. Leichardt Municipal (115 days)
4. Mosman Municipal (114 days)
5. Botany Bay City Council (111 days)

Processing Times - DAs

	DAs Mean Gross	DAs Mean Net	DAs Median Gross	DAs Median Net
Bathurst	34	23	21	15
Dubbo	38	19	26	17
Lithgow	62	26	48	17
Mid-Western	49	32	30	27
Orange	52	36	36	31

Council utilise “stop clock” to assist applicants to provide information necessary to determine applications. This has been a conscience decision to provide this level of customer service rather than rejecting incomplete application at the Counter requiring applicants to make return visits to Council. There has been an overall improvement in processing times from the 2009/10 period. Mid-Western has decreased the number of mean gross processing times from 61 days in 2009/10. Likewise the mean net days has been reduced from 35 in 2009/10 to 32 days in 2010/11, with median gross reducing from 35 days to 30 and median net from 28 to 27 days.

Mean Gross DA Processing Times by Type

	Residential Alterations and Additions	Single New Dwelling	Commercial / Retail / Office
Bathurst	27	37	43
Dubbo	26	30	47
Lithgow	47	82	83
Mid-Western	29	48	46
Orange	39	38	71

Mean and Median CDC Processing Time Determined by Council

	Mean (days)	Median (days)	Number (CDCs)
Bathurst	6	1	93
Dubbo	12	6	33
Lithgow	26	17	9
Mid-Western	14	9	104
Orange	14	9	37

It should be noted Councils with a low number of CDCs processed by the Council is due to the number of private certifiers operating in those areas. The Health and Building Surveyors at Mid-Western have actively identified changes in business practices, including inspections outside of normal business hours where necessary, to provide a high level of service. Considering the relatively high number of CDCs processed by Council, the mean and median times indicate a strong level of performance in processing CDCs and represent one of the best in the wider region.

CDCs and DAs Mean Gross Time by Type

	Residential Alterations and Additions	Single New Dwelling	Commercial /Retail /Office
Bathurst	24	22	43
Dubbo	24	31	47
Lithgow	45	82	74
Mid-Western	26	31	46
Orange	33	35	71

The table above indicates the gross determination times of DAs and CDCs combine reinforcing the strong performance of Council in this area.

Determination

The percentage of determinations in NSW made by elected representatives in 2010/11 was low – only 3% of all applications. This percentage was virtually the same in previous years.

Determinations

	% by Councillors	% by Staff
Bathurst	5.2	94.8
Dubbo	0.2	99.8
Lithgow	2.7	97.3
Mid-Western	6.5	93.5
Orange	5	93.9

The table above indicates the split of determination between the elected Council and staff.

There has been an increase in the number of DAs determined by the elected Council of Mid-Western from 3.3% to 6.5% in 2010/11.

Staff and Resourcing

On average across the State, 63 DAs were determined for each equivalent full time (EFT) development assessment position for 2009/10. This figure is up from 53 DAs per EFT in 2008/09.

Staff Allocation to Development Assessment

	Average No. DAs per EFT 09/10	Average DAs per EFT 10/11	No. of DAs Determined 10/11
Bathurst	57.2	51.9	519
Dubbo	57.4	49.3	493
Lithgow	25	22.9	183
Mid-Western	94.9	92.9	353
Orange	107	87.4	380

The table above indicates productivity levels of Development Application assessment staff. As can be seen Mid-Western continues have a high level of productivity. The table indicates the productivity levels of Mid-Western as the highest in this group, combined with the processing times achieved, this indicates that the Statutory Planning Section is performing extremely well.

Construction Certificates and Occupation Certificates

Construction Certificates and Occupation Certificates

	2007/08	2008/09	2009/10	2010/2011
Construction Certificates	284	219	225	231
Occupation Certificates	272	208	220	252

There has been a slight increase in the number of Constructions Certificates and Occupation Certificates being issued. This is consistent with the slight increase in building activity that has been noted with an increase in the number of CDCs.

Conclusions

Overall, the Performance Monitoring Review indicates that the development assessment function within Mid-Western Regional Council is performing very well with a high level of productivity and low processing times.

Having regard to the other commitments of the Planning and Development Department, in relation to Part 3A submissions for the coal mines, Draft Comprehensive Land Use Strategy, Comprehensive Local Environmental Plan, Comprehensive Development Control Plan, and the new commitments to food premises regulation, the result is very good.

Financial implications

Not applicable.

Strategic or policy implications

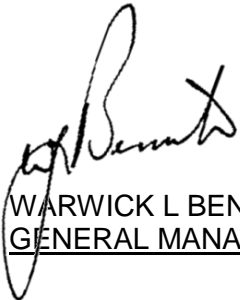
Not applicable.



CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND
COMMUNITY SERVICES

Attachments: Nil

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.2.5 Draft NSW Aquifer Interference Policy Stage 1

REPORT BY GROUP MANAGER DEVELOPMENT AND COMMUNITY SERVICES TO 18
APRIL 2012 COUNCIL MEETING

Draft NSW Aquifer Interference Policy Stage 1
A0100055, A0170041

RECOMMENDATION

That:

1. **the report by the Group Manager Development and Community Services on the Draft NSW Aquifer Interference Policy Stage 1 be noted; and**
2. **Council make a submission on the Draft Policy as outlined in attachment 1 to this report.**

Executive summary

The Draft NSW Aquifer Interference Policy has been placed on exhibition in conjunction with the Upper Hunter Draft Strategic Regional Land Use Plan. The closing date for submissions is the 3 May 2012.

Detailed report

The purpose of the policy is outlined as follows:

The Minister for Primary Industries administers the Water Management Act 2000 and the Water Act 1912. The NSW Office of Water assists the Minister in this role. The purpose of this draft Aquifer Interference Policy ("this Policy") is to explain the role and requirements of the NSW Office of Water in the water licensing and approval processes for aquifer interference activities under both of these and other relevant legislative frameworks.

This Policy has two main components:

- *how the volume of water taken from a water source as part of an aquifer interference activity will be licensed and accounted for, and the extent to which trading can occur; and*
- *the approval requirements for aquifer interference activities.*

This Policy also establishes exemptions for certain activities from the need to hold water access licences and aquifer interference approvals. Importantly, this Policy will assist proponents of aquifer interference activities in preparing the necessary information and studies to be used by the NSW Office of Water in the assessment of project proposals that have some level of aquifer interference.

A copy of the Draft Policy has been circulated under separate cover.

In reviewing the policy six main areas of concern have been raised and are addressed in the Council submission in attachment one to this report:

- **Format** - The policy is confusing and not readily understood. Whilst it is acknowledged that the draft Policy is a technical document, it is difficult to comprehend and would benefit from diagrams explaining Risk Management Zones and flow charts explaining the

processes. Upon request diagrams of the Risk Management Zones have been forwarded to Council and are included as attachment 2 to this report.

- **Consultation** – The Draft Policy is being exhibited in conjunction with the Upper Hunter Draft Strategic Regional Land Use Plan and therefore all the information sessions and notifications regarding the policy have been held in the Upper Hunter. It is recognised that the Stage 1 of the Policy is related to Biophysical Strategic Agricultural Land (BSAL). However the consultation process fails to acknowledge that other areas of BSAL will be identified in the near future and therefore the policy will have application in those areas. This is particularly relevant for the Central West which is the next priority for the preparation of a Strategic Regional Land Use Plan and it is expected that additional BSAL land will be identified as part of this plan. The Central West is also impacted upon by considerable expansion in coal mining. It is considered that consultation should be held on a wider basis with information sessions held across regional NSW rather than only in the Upper Hunter.

The Office of Water was contacted during the exhibition period requesting that an Officer attend a meeting of Council to explain the Draft Policy. The Office advised it had insufficient staff resources to attend and suggested that Council attend one of the meetings held at Muswellbrook, Singleton, Dungog or Gloucester.

- **Impact of Mining on Water Licence and Availability** – No background information is provided with the policy. Concerns are raised that no analysis has been undertaken regarding the impact of mines purchasing water licenses to cover incidental water extracted from the system as a consequence of mining projects. The mines have a greater economic ability to purchase water and in a market situation can purchase all the available water leaving no water available for agriculture or other uses. For example, it is understood that Stage 2 of Moolarben mine will consume all water licences in the Wilpinjong Creek system leaving no allocation available for agriculture.
- **Exemptions for Rural Dwelling-** The policy should ensure that the approval processes for rural dwellings are not further complicated and that Aquifer Interference Approvals are not required for the functioning of dwellings and that exemptions do not only relate to building works in relation to a dwelling. In seeking an explanation of the exemption for the Aquifer Interference Approval the following advice was provided.

*A water access licence is **not** required for the construction, alteration, renovation or maintenance of residential dwellings in:*

- *low use groundwater sources and,*
- *high use groundwater sources if the take of water is less than 3 ML per year.*

*An aquifer interference approval is **not** required for the construction of footings and foundations in:*

- *high value aquifers if the activity is not required to hold a water access licence, and*
- *an aquifer that is not a high value aquifer regardless of whether a water access licence is required.*

- **Minimal Harm Criteria Thresholds** – The draft policy states:
An aquifer interference approval, will either be exempted or will only be issued where it can be demonstrated that adequate arrangements are in place to ensure that no more than minimal harm will be done to the aquifer or its dependent ecosystems. The minimal harm criteria set out in Appendix 1 cover the key potential impacts of water table and water pressure drawdown, aquifer compaction and water quality. This Policy will adopt an adaptive management approach to the minimal harm criteria which means they will be regularly reviewed and updated based on scientific information and experience.

The policy does not provide information as to how the minimal harm criteria have been established. In addition, the policy does not outline a compliance regime or framework for reporting where adjoining owners or users are experiencing adverse impact due to non-compliance.

- **State Significant Development and Coal Seam Gas Development Proposal** – Proposals for these types of developments that have been granted a gateway certificate or development consent are exempt for the Draft Policy. The onus for consideration of the aquifer impacts will be made during the assessment of the gateway proposal or application based on advice provided by the Minister for Primary Industries. This advice will be based on the minimal harm criteria specified in the Policy. It is considered that the Draft Policy should clearly state that such proposals are at a minimum required to comply with the Policy rather than reference to advice. In its current state the policy runs the risk that smaller projects will be subject to more stringent criteria as specified in the draft policy where larger mining projects are based on a merit assessment where controls may be weakened.

In addition, the Upper Hunter Draft Strategic Regional Land Use Plan does not clarify the legislative framework by which the gateway process will be established. The implementation of the Draft Policy should be delayed until the process is legislated to avoid exemptions for mining without adequate alternate processes in place.

Financial implications

Not applicable

Strategic or policy implications

As explained previously in this report, at this stage the Draft Policy does not apply to the majority of the Mid-Western Region. It does apply to the area located in the Bylong Valley which has been included in the Upper Hunter Draft Strategic Regional Land Use Plan. The transitional arrangements for the implementation of the Regional Plan and therefore the Draft Aquifer Interference Policy remain unclear. It should be noted that with the completion of the Central West Strategic Regional Land Use Plan it is envisaged that the policy would apply to further land with the Mid-Western region.

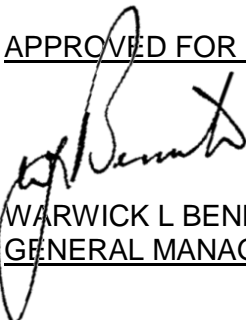


CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND
COMMUNITY SERVICES

4 April 2012

- Attachments:*
1. Submission to NSW Office of Water on the Draft Aquifer Interference Policy
 2. Diagram Depicting the Risk Management Zones
 3. Draft Aquifer Interference Policy (included at the end of the Business Paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

NSW Office of Water
PO Box 2213
DANGAR NSW 2309

Dear Sir

SUBMISSION TO DRAFT AQUIFER INTERFERENCE POLICY

Reference is made to the exhibition of the Draft Aquifer Interference Policy. Council wishes to raise the following concerns in relation to the Draft Policy in its current form.

- **Format** - The policy is confusing and not readily understood. Whilst it is acknowledged that the draft Policy is a technical document, it is difficult to comprehend and would benefit from diagrams explaining Risk Management Zones and flow charts explaining the processes. Upon request diagrams of the Risk Management Zones have been forwarded to Council and are included as attachment 2 to this report.
- **Consultation** – The Draft Policy is being exhibited in conjunction with the Upper Hunter Draft Strategic Regional Land Use Plan and therefore all the information sessions and notifications regarding the policy have been held in the Upper Hunter. It is recognised that the Stage 1 of the Policy is related to Biophysical Strategic Agricultural Land (BSAL). However the consultation process fails to acknowledge that other areas of BSAL will be identified in the near future and therefore the policy will have application in those area. This is particularly relevant for the Central West which is the next priority for the preparation of a Strategic Regional Land Use Plan and it is expected that additional BSAL land will be identified as part of this plan. The Central West is also impacted upon by considerable expansion in coal mining. It is considered that consultation should be held on a wider basis with information sessions held across regional NSW rather than only in the Upper Hunter.
- **Impact of Mining on Water Licence and Availability** – No background information is provided with the policy. Concerns are raised that no analysis has been undertaken regarding the impact of mines purchasing water licenses to cover incidental water extracted from the system as a consequence of mining projects. The mines have a greater economic ability to purchase water and in a market situation can purchase all the available water leaving no water available for agriculture or other uses. For example, it is understood that Stage 2 of Moolarben mine will consume all water licences in the Wilpinjong Creek system leaving no allocation available for agriculture.
- **Exemptions for Rural Dwelling-** The policy should ensure that the approval processes for rural dwellings are not further complicated and that Aquifer Interference Approvals are not required for the functioning of dwellings and that exemptions do not only relate to building works in relation to a dwelling. In seeking an explanation of the exemption for the Aquifer Interference Approval the following advice was provided.

A water access licence is not required for the construction, alteration, renovation or maintenance of residential dwellings in:

- *low use groundwater sources and,*
- *high use groundwater sources if the take of water is less than 3 ML per year.*

An aquifer interference approval is **not** required for the construction of footings and foundations in:

- high value aquifers if the activity is not required to hold a water access licence, and
- an aquifer that is not a high value aquifer regardless of whether a water access licence is required.

- **Minimal Harm Criteria Thresholds** – The draft policy states:

An aquifer interference approval, will either be exempted or will only be issued where it can be demonstrated that adequate arrangements are in place to ensure that no more than minimal harm will be done to the aquifer or its dependent ecosystems. The minimal harm criteria set out in Appendix 1 cover the key potential impacts of water table and water pressure drawdown, aquifer compaction and water quality. This Policy will adopt an adaptive management approach to the minimal harm criteria which means they will be regularly reviewed and updated based on scientific information and experience.

The policy does not provide information as to how the minimal harm criteria have been established. In addition, the policy does not outline a compliance regime or framework for reporting where adjoining owners or users are experiencing adverse impact due to non-compliance.

- **State Significant Development and Coal Seam Gas Development Proposal** – Proposals for these types of developments that have been granted a gateway certificate or development consent are exempt for the Draft Policy. The onus for consideration of the aquifer impacts will be made during the assessment of the gateway proposal or application based on advice provided by the Minister for Primary Industries. This advice will be based on the minimal harm criteria specified in the Policy. It is considered that the Draft Policy should clearly state that such proposals are at a minimum required to comply with the Policy rather than reference to advice. In its current state the policy runs the risk that smaller projects will be subject to more stringent criteria as specified in the draft policy where larger mining projects are based on a merit assessment where controls may be weakened.

In addition, the Upper Hunter Draft Strategic Regional Land Use Plan does not clarify the legislative framework by which the gateway process will be established. The implementation of the Draft Policy should be delayed until the process is legislated to avoid exemptions for mining without adequate alternate processes in place.

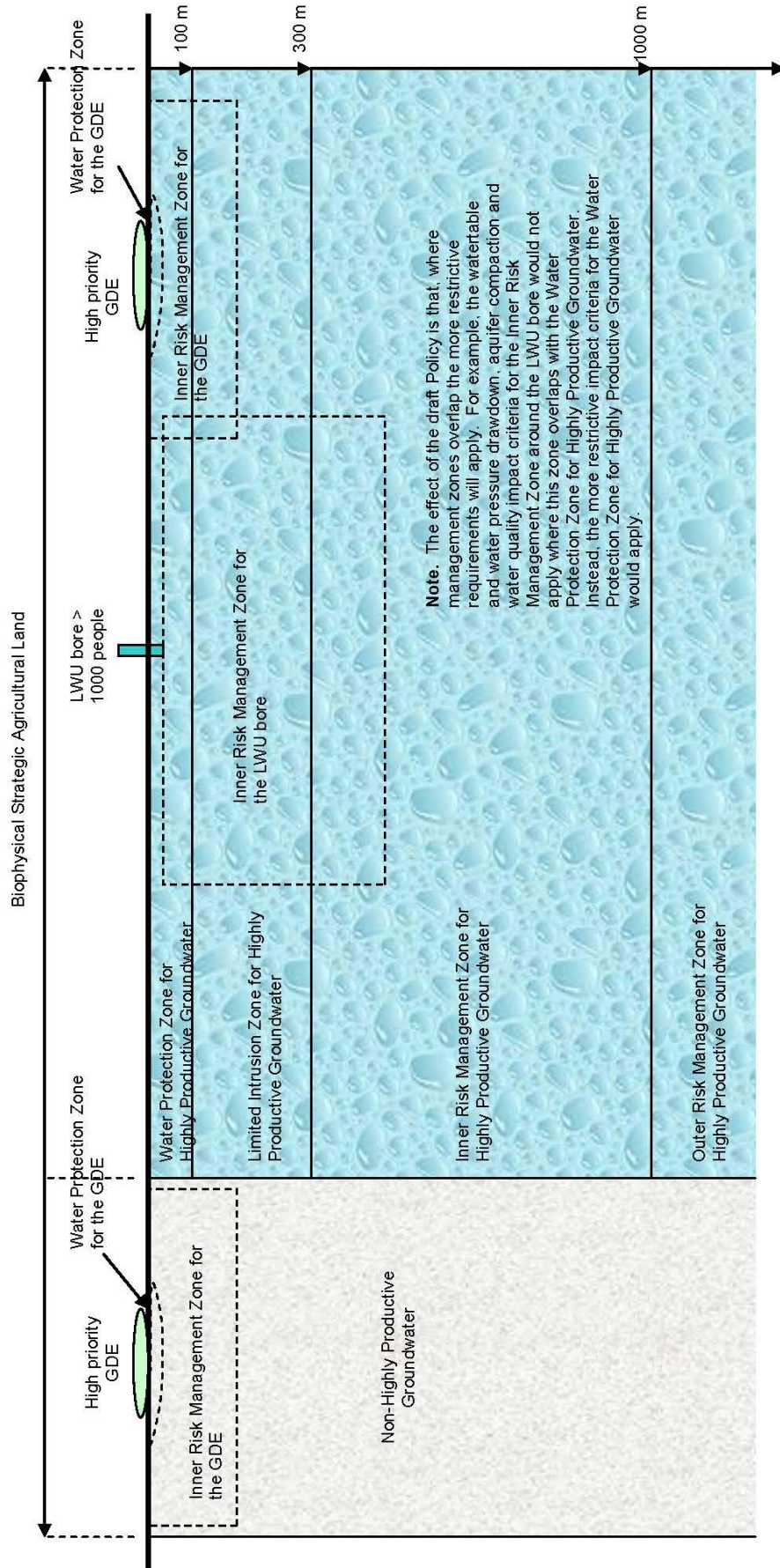
During the exhibition of the Draft Policy Council requested that an officer from the Office of Water attend a meeting to explain the implications of the policy. Due to a lack of staff resources the Office of Water was unable to oblige Council in this regard. Council is concerned that public consultation has been extremely limited and concentrated on the Upper Hunter. Council wishes to stress that the policy will have broader implications for other area within the near future and that the exhibition period should be extended with public information sessions held across regional and rural NSW.

Thank you for consideration of the Council's submission. If you require further information please do not hesitate to contact the Group Manager of Development and Community Services, Catherine Van Laeren.

Yours sincerely

WARWICK L BENNETT
GENERAL MANAGER

Aquifer Interference Policy – Example of Risk Management Zones for a fractured rock aquifer



6.2.6 Grandstand Simpkins Park

REPORT BY BUSINESS MANAGER RECREATION AND RESOURCES TO 18 APRIL 2012
COUNCIL MEETING

Grandstand Simpkins Park - Report to Council - March 2012

A0100055, A0411108

RECOMMENDATION

That:

1. **the report by Business Manager Recreation and Resources on the Simpkins Park grandstand be received.**

Detailed report

Please find attached the update on the Simpkins Park Grandstand.

Financial implications

Set out in the attached report.

Strategic or policy implications

Not applicable at this time.

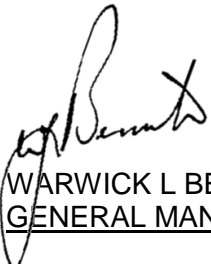
JULIAN GEDDES
BUSINESS MANAGER RECREATION AND
RESOURCES


BRAD CAM
GROUP MANAGER OPERATIONS

2 April 2012

Attachments: 1. Simpkins Park grandstand progress report, April 2012

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER

**Contract No.0901709 – Simpkins Park Grandstand
Construction of a New 200 seat grandstand and associated works**

**Project Status Report
April 2012**



Issue Date: 1 April 2012

Prepared by: Julian Geddes
Principal's Authorised Person

Contents

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EXECUTIVE SUMMARY

Contract No.	2011-08
Principal Contractor	Rawson Constructions ABN 45 053 501 634
Original Contract Sum (ex GST)	\$720,000
Approved Cost of Variations Total	\$6,300
Current Contract Sum	\$726,300
Contract Payments to Date	\$448,244
Total Project Cost Expended	62%
Date of Contract	14 November 2011
Original Contract Duration	138 calendar days
Approved Extensions of Time Claims	34 calendar days
Contract Completion Date	1 June 2012 – after extension of time claims.
Calendar Days Elapsed	88 days
Calendar Days Remaining	42 days

1. Project Status

1.1 Work Progress to date.

The grandstand is almost to lock up stage and will be so by Easter. All structural steel work, and brick work is complete as well as the roofing. There are some flashings to install to make the building water proof. All concrete works to support the seating are completed as well as the concrete path leading to the accessible ramp.

1.1.1. Photographs



Photograph 1. Roof on, brick work nearing completion and plaths in place.

1.2 Work Activities planned for April 2011

The contractor intends to start the installation of the seating after the Easter break and the fit out of the amenities and change rooms. The program has been delayed due to wet weather however, now the amenities section is roofed further wet weather should not cause significant delays.

2. Project Variations

This project has incurred minor variations for the following works:

- Additional electrical distribution pit including conduits.
- New power supply from the existing switch board to the existing canteen.
- Temporary connection of irrigation system after removal of system from old grandstand.

Total cost of variations = \$6,300 (0.8%).

3. Contractual Issues

There have been no contractual issues thus far.

4. Progress Payments

Progress claim one (1)	1 st December 2011	\$158,668.75 approved and paid.
Progress claim two (2)	1 st January 2012	\$15,934.65 approved and paid.
Progress claim three (3)	22 nd February 2012	\$273,640.60 approved and paid.

5. Program

The Contractor has submitted five claims for an extension of time of 35 days due to delays caused by wet weather. The poor weather conditions have delayed works listed on the critical path and therefore delayed the overall project. All these claims have been assessed against information obtained from Australian Government Bureau of Meteorology and onsite inspections. All claims for wet weather extensions of time have been approved. There are no cost implications with these extensions of time under the contract. Due to the extension of time claims the date of practical completion under the contract is now 1 June 2012.

6.2.7 Host Family Respite policy review

REPORT BY CUSTOMER SERVICE MANAGER TO 18 APRIL 2012 COUNCIL MEETING

Host Family Respite Policy Review - Report to Council 18 April 2012

A0100055, A0060202, A0060069

RECOMMENDATION

That:

1. **the report by the Customer Service Manager be received; and**
2. **Council adopt the polices as amended.**

Executive summary

Host Family Respite is funded as a Home and Community Services (HACC) program, and has recently amended its policy handbook to comply with State and Federal Common Care Standards.

Detailed report

The Community Care Common Standards (Common Standards) have been developed jointly by the Australian Government and State and Territory Governments. The Common Standards are one part of a series of broader community care reforms across Home and Community Care (HACC) and other Australian Government community aged care programs.

The Common Standards have been developed to simplify and streamline the reporting requirements on service providers that receive funding for community care programs from both State and Australian Government departments.

The Common Standards will replace the National HACC Standards.

There are three Common Standards:

1. **Effective management** – The service provider demonstrates effective management processes based on a continuous improvement approach to service management, planning and delivery.
2. **Appropriate access and service delivery** – Each service user (and prospective service user) has access to services and service users receive appropriate services that are planned, delivered and evaluated in partnership with themselves and/or their representative.
3. **Service user rights and responsibilities** – Each service user (and/ or their representative) is provided with information to assist them to make service choices and has the right (and responsibility) to be consulted and respected. Service users (and/or their representative) have access to complaints and advocacy information and processes and their privacy and confidentiality and right to independence is respected.

Host Family Respite policies have been amended to ensure that the 3 Common Standards are reflected in its policies.

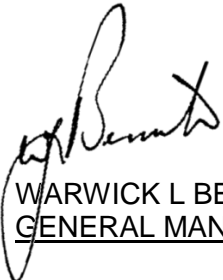
Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

Attachments: 1. Host Family Respite Policy Review (included at the end of the Business Paper)



WARWICK L BENNETT
GENERAL MANAGER

4 April 2012

6.2.8 Kandos Cement Company water usage

REPORT BY GENERAL MANAGER TO 18 APRIL 2012 COUNCIL MEETING

Kandos Cement Company water usage
A0100055, A0310010

RECOMMENDATION

That:

1. **the General Manager's report on the Kandos Cement Company water usage be received;**
2. **Council write-off the sewer usage discharge account for Cement Australia (Kandos) Pty Limited for the sum of \$15,600; and**
3. **Council not write-off the excess water usage fee on the water consumption charge dated 16 March 2012.**

Detailed report

Please find attached an email and a water consumption charge for Cement Australia (Kandos) Pty Limited. In the email from Cement Australia, they have advised that they have had a substantial water leak on site that has only recently been found, and thus incurred a water usage charge of \$32,479.20. Because they are a business and that the sewer discharge factor is related to the water consumption, they have also incurred a sewer discharge bill of \$16,327.56.

The average Cement Australia sewer discharge fee for a normal quarter is about \$727, therefore the estimated surcharge due to leakage is \$15,600. It is the normal Council procedure not to write-off water accounts for an internal leak on a property, however as the sewer rate is related to the amount of water they use in the majority of water that was consumed in this period leaked into the ground, the sewer treatment plant would not have received this quantity of discharge, therefore Council would not have incurred any additional cost at the sewer treatment plant.

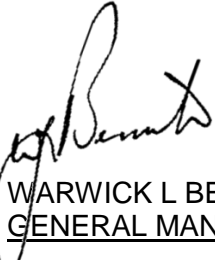
The recommendation in this report is that Council continues to charge for the water caused by a leak on the Cement Australia land, but write-off the sewer discharge account.

Financial implications

Writing off the sewerage discharge fee by \$15,600 would be a debit to the Sewer Fund, but the facilities would not have incurred any cost because the water leaked into the ground and did not go through Councils sewerage network. However, the cost of treating the water and piping the water to the Cement Australia property would have occurred even though the water leaked into the ground.

Strategic or policy implications

It is normal Council procedure that if a water leak is found within a property, that property owner meets all of the account.



WARWICK L BENNETT
GENERAL MANAGER

5 April 2012

Attachments: 1. Email from Cement Australia (Kandos) Pty Limited with a copy of the water consumption charge

ATTACHMENT 1

**Fw: Kandos Cement Plant**
Warwick Bennett to: Anne Baker

05/04/2012 12:44 PM

— Forwarded by Warwick Bennett/Council on 05/04/2012 12:34 PM —

From: Frank.White@cemaust.com.au
 To: warwick.bennett@midwestern.nsw.gov.au
 Cc: David.Cusack@cemaust.com.au
 Date: 03/04/2012 04:13 PM
 Subject: Kandos Cement Plant

Good day Warwick,

I am so sorry to bother you with this but we have had a terrible thing happen to us here at the Kandos plant at which we have had our main water supply pipe burst resulting in a huge waste of water and very significant charges.

The pipe is located 1.3m underground in the middle of our vacant land and there was no obvious surface water to indicate the leak.

In fact, the leak was brought to our attention by a Council employee contacting our caretaker and telling him of the spinning water meter in Dabee Road.

I have copied the account in this email and really am asking for some relief if possible. I guess all we could expect is a discount on the sewerage charges as the water would not have found its way to the sewerage processing plant but anything would help.

Thanking you in advance and best regards

Frank White**Project Manager - Kandos****Strategic Businesses****Cement Australia**

Address: Jamieson Street
Suburb/Site: Kandos
PostCode: NSW 2848
Web: <http://www.cementaustralia.com.au>

Telephone: 02 6357 3242
Mobile: 0407 623 367
Facsimile: 02 6379 4029
Email: Frank.White@cem.aust.com.au



A safety initiative of Cement Australia

Please consider the environment before printing this email.

This e-mail and any files transmitted with it are confidential, are intended for the use of the above named addressee and may be privileged. If you received this e-mail in error, please delete it immediately and notify us by e-mail or telephone. You should not retain, copy or use this e-mail for any purpose, nor disclose all or any part of its content.

WATER

WATER CONSUMPTION CHARGE

ABN 96 149 391 332

TAX INVOICE



CA00803382



Cement Australia (Kandos) Pty Limited
C/- Cement Australia Pty Limited
Locked Bag
KANDOS NSW 2848



PO Box 156, Mudgee NSW 2850
Ph: (02) 6378 2850 • 1300 765 002
Fax: (02) 6378 2815
Email: council@midwestern.nsw.gov.au
Website: www.midwestern.nsw.gov.au

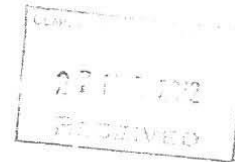
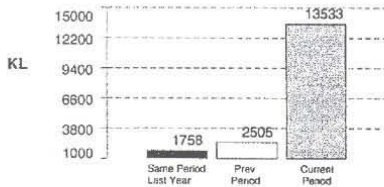
Property Number
15186

Property Location and Description
Cement Works 1 Jamison Street KANDOS NSW 2848
Lot 129 DP 755789 Lot 143 DP 755789 and 4 more

Issue Date 16/03/2012
Interest Rate 11% p.a.

Due Date 30/03/2012

Meter No	Meter Type	SDF	Present Reading	Previous Reading	Consumption (KL)		
					Actual	Adjustments	Charged
WST21008959	50MM	0.95	17043 (21/02/2012)	3510 (24/10/2011)	13533	0	13533
Meter No	Charge Description						Charges \$
WST21008959	Water Usage Non-Residential : @ \$2.40/KL						\$32,479.20
WST21008959	Sewer Usage Sewer Discharge Factor (SDF) : @ \$1.27/KL						\$16,327.56



Warwick Bennett
WARWICK BENNETT
GENERAL MANAGER

GST: 0.00

Please deduct any payments since 08/03/2012	TOTAL AMOUNT DUE: \$48,806.76
---	--------------------------------------

4035048-M-000009

Commonwealth Bank
Commonwealth Bank of Australia
ABN 48 123 123 124
MUDGEE, NSW

WATER CREDIT

NAME: Cement Australia (Kandos) Pty Limited
PROPERTY No.: 15186
TOTAL AMOUNT DUE: \$48,806.76
ABN: 96 149 391 332

Please fill in the following particulars of cheques. Proceeds of cheques, whilst credited to the account, are generally not available until cleared. Please refer to your account terms and conditions for details.

TELLER STAMP / / INITIALS No. Of CHQS	DRAWER	BANK	BRANCH	TRAN-CODE
				831
CUSTOMER REFERENCE No. 9049 4380 1		USER CODE 60183		
FOR CREDIT OF MID-WESTERN REGIONAL COUNCIL				

Date / /

FREE OF TRANSFER FEE AT ANY C.B.A. BRANCH	CASH		
	AMOUNT OF CHEQUES		

Total \$.

000000904943801:060183

831

6.2.9 Mid-Western Regional Youth Council

REPORT BY MANAGER, COMMUNITY DEVELOPMENT TO 18 APRIL 2012 COUNCIL MEETING

Mid-Western Regional Youth Council Nominations
A0100055, A0060048

RECOMMENDATION

That:

1. **the report by the Manager, Community Development on the Mid-Western Regional Youth Council**
2. **Council endorse the nominations of Erin Donnelly, Katelyn Donnelly and Ann Curan to be members of the Mid-Western Regional Youth Council.**

Executive summary

This report seeks endorsement to appoint members to the Mid-Western Regional Youth Council.

Detailed report

Council has received nominations from individuals to be members of the Mid-Western Regional Youth Council. These nominations are from Erin Donnelly, Katelyn Donnelly and Ann Curan who are all students at Kandos High School. The school has endorsed these nominations.

At present there are seven confirmed members of the Mid-Western Regional Youth Council with none of these members coming from the Kandos and Rylstone area. Under the Terms of Reference for the Youth Council, a maximum of twelve delegates are allowed and ideally these will be representative of different areas of the region. Currently, there are four representatives from the Mudgee area and three from Gulgong area, so the acceptance of these nominations would provide a broader range of views from across the region.

Financial implications

Not applicable

Strategic or policy implications

Not applicable.

SIMON JONES
MANAGER, COMMUNITY DEVELOPMENT

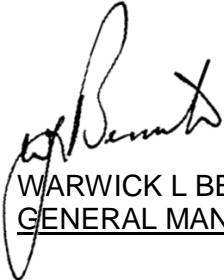


CATHERINE VAN LAEREN
GROUP MANAGER, DEVELOPMENT &
COMMUNITY SERVICES

4 April 2012

Attachments: Nil

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.2.10 Mudgee Sewerage Augmentation

REPORT BY PRINCIPAL'S AUTHORISED PERSON TO 18 APRIL 2012 COUNCIL MEETING

Mudgee Sewerage Augmentation - Report to Council - March 2012

A0100055, A0100055, F0740001

RECOMMENDATION

That:

1. **the report by the Principal's Authorised Person – Operations on the Mudgee Sewerage Augmentation progress report – March be received.**

Executive summary

Please see attached progress report for the Mudgee Sewerage Augmentation construction of a new sewerage treatment plant and associated works. All updates are noted in the body of this report.

Detailed report

Please find attached the monthly update on the Mudgee Sewerage Augmentation – construction of a new sewage treatment plant and associated works.


Financial implications

The total project cost of the construction of a new sewage treatment plant and associated works is \$13,840,381.62 (excluding GST).

Strategic or policy implications

Not applicable.

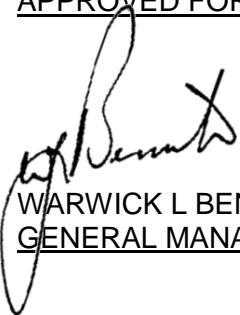
CLAIRE CAM
PRINCIPAL'S AUTHORISED PERSON


BRAD CAM
GROUP MANAGER - OPERATIONS

2 April 2012

Attachments: 1. Progress Report – March 2013

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER

**Contract No.0901709 - Mudgee Sewerage Augmentation
Construction of a New Sewage Treatment Plant and Associated Works**

**Project Status Report
March 2012**



Report No. 7

Issue Date: 30 March 2012

Prepared by: Claire Cam
Principal's Authorised Person

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EXECUTIVE SUMMARY

Contract No.	0901709
Principal Contractor	Precision Civil Infrastructure ABN 16 097 107 956
Original Contract Sum (ex GST)	\$13,699,295.45
Approved Cost of Variations Total	\$141,086.17
Current Contract Sum	\$13,840,381.62
Contract Payments to Date	\$1,037,426.40
Total Project Cost Expended	7.5%
Date of Contract	8 August 2011
Original Contract Duration	511 calendar days Milestone 1: 28 calendar days Milestone 1+ 2: 420 calendar days (82.2%) Milestone 3: 63 calendar days (12.3%) Milestone 4: 28 calendar days (5.5%)
Approved Extensions of Time Claims	53 calendar days (10.4%)
Contract Completion Date	8 March 2013
Calendar Days Elapsed	234
Calendar Days Remaining	345
Total Project Time Expended	41.5%

Notes:

Milestone 1 – Preparation and submission of pre-construction documents.

Milestone 2 – Construction of the Works.

Milestone 3 – Site testing, plant demonstration and commissioning.

Milestone 4 – Preparation and submission of operation and maintenance manuals and work-as-executed drawings.

1. Project Status

1.1 Work Progress during March 2012

1.1.1. Amenities Building

Work carried out during March includes the under slab drainage for the amenities building, and re-excavation of the switchroom pad after disturbance due to rainfall and stormwater run-off. Steel reinforcement has now arrived onsite ready to prepare formwork for the amenities building slab.

1.1.2. Design Review

The Contractor engaged a consultant to carry out a full design review of the Sewage Treatment Plant. The consultant recommended that Council install an underdrain system beneath the Aeration and Catch Balance Tanks to eliminate any risk of the structure floating or failing due to uplift forces produced by groundwater seeping beneath the tanks (Variation No. 6). The consultant has advised that a number of minor changes need to be made to the design to achieve compliance with relevant Australian Standards. The Contractor is currently preparing a fee proposal for drafting of required changes.

1.1.3. Photographs



Photograph 1. IDEA Tank excavation prepared for concrete blinding layer.

1.2 Work Activities planned for April 2011

1.2.1. Aeration and Catch Balance Tanks

Concreters are now scheduled to pour a plain concrete blinding beneath the aeration and catch balance tanks during April. The contractor had programmed to pour the blinding layer during December 2011 but was delayed by wet weather and structural design concerns. The structural design concerns will be resolved once minor design changes are drafted and issued as construction drawings.

1.2.2. Amenities Building

The Contractor intends pouring the concrete foundations, slab and switch room sub-floor during April 2012. The construction of the amenities building is not on the critical path of the Contractor's program and therefore has been delayed without consequence to the program until structural design issues related to the Aeration and Catch Balance tank are resolved.

2. Project Variations

There were no requests for contract variations during March 2012.

Total cost of variations = \$141,086.17(1.0%).

3. Contractual Issues

The Contractor has expressed concern relating to design responsibility has requested clarification that the Principal has accepted design responsibility. The Contractor has been advised that in accordance with General Conditions of Contract clause 43, the Principal retains design responsibility for design work by the Principal. The Principal's design responsibility currently excludes the amenities building design and the underdrain system design for the aeration and catch balance tank.

4. In accordance with Progress Payments

A progress claim has not been received in March 2012.

5. Program

The Contractor has submitted a claim for an extension of time of eleven weeks (5 December 2011 to 20 February 2012) due to delays caused by the requirement to undertake a design review, deferring the commencement of concrete works. However, during this period the Contractor had not completed earthworks enabling concrete works to commence and the period includes a planned Christmas holidays site closure. Regardless of any design delays, there were several wet days during this period. The Principal's Authorised Person has taken the request on notice for formal assessment once the Contractor advises the arrival date of the steel reinforcement on site. Initial assessment is that seven weeks between 5 December 2011 and 20 February 2012 can be attributed to delays outside of the Contractor's control.

6.2.11 Mudgee Town Hall Progress Report – March

REPORT BY MANAGER, COMMUNITY DEVELOPMENT TO 18 APRIL 2012 COUNCIL MEETING

Mudgee Town Hall Progress Report - March
A0100055, P0159964

RECOMMENDATION

That:

- 1. the report by the Manager, Community Development on the Mudgee Town Hall Progress Report 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

The Mudgee Town Hall project remains on target and within budget. The attached report acts as the detailed report and contains all relevant information.

Financial implications

Contract variations so far amount to \$38,166.80 and there has been one day's extension of time agreed. The total project remains on target and within budget.

Strategic or policy implications

Not applicable.

SIMON JONES
MANAGER, COMMUNITY DEVELOPMENT



CATHERINE VAN LAEREN
GROUP MANAGER, DEVELOPMENT & COMMUNITY SERVICES

3 April 2012

Attachments: 1. Mudgee Town Hall Renovation Project Progress Report – March 2012

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

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

Mudgee Town Hall Renovation Project Status Report March 2012



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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	\$38,166.80
Current Contract Sum	\$2,573,166.80
Contract Payments to Date	\$225,132.65
Total Contract Cost Expended	8.75%
Date of Contract	9 January 2012
Original Contract Duration	40 weeks
Approved Extensions of Time Claims	1
Contract Completion Date	23 October 2012
Calendar Days Elapsed	114
Calendar Days Remaining	175
Total Project Time Expended	39.45%
Overall Project Budget (this includes items not covered by the construction tender 2011/10)	\$3,811,427.00
Total Payments to Date	\$357,364.45
Total Project Cost Expended	9.38%

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, 2012	Completed
Temporary Library opened at the Stables	January 16 th , 2012	Completed
Site Preparation works Begin	January 16 th , 2012	Completed
Construction Certificate issued	January, 2012	Completed
Construction Commences	January, 2012	Completed
Main contract construction completed	October 23rd, 2012	
Fit out of Library	November, 2012	
Relocation of library back to Town Hall building	November, 2012	
Library re-opens	November, 2012	
Acquittal of all grant programs	December, 2012	

2. OVERALL PROJECT BUDGET

Item	Budget Estimate	Actuals to date	Comments
Construction contract	\$2,573,166.80	\$225,132.65	Contract with CCA Projects signed.
Contract contingency	\$405,703.20		
Architects, engineers, consultants and project management fees	\$210,000	\$116,509.75	
Technology and IT infrastructure (including Library RFID system, internal cabling and security)	\$180,000		Library RFID system to be determined through LGP Contract.
Furniture, Shelving, Curtains, Blinds, Appliances	\$150,000		Specific requirements to be determined
Theatre equipment (e.g. curtains, lighting, screen, sound equipment)	\$100,000		Expressions of Interest to go out for the different elements.
Electricity substation works	\$120,000		Essential Energy works nearing completion.
Stackable chairs for Theatre	\$26,000		Specific requirements to be determined
Parking/signage/fencing/sewer works	\$15,000	\$1,243.15	
Library and Theatre relocation	\$30,000	\$13,343.72	

3. PROJECT STATUS

3.1 Work Progress during March 2012

- 3.1.1 Construction works – All footings are now in place as well as part of the lift well structure and columns for the mezzanine level support. We have agreed to a change in design for the extension floor slabs as CCA Projects have a preferred method which will save some time in construction. A time credit for this should be forthcoming in the coming weeks. A different type of insulation material is now being used and this is the subject of a contract variation credit of approximately \$3,500.00. This is currently being assessed alongside other variation claims. There has also been a change in design on the western side agreed to, with consideration of cost of the building materials required now underway.
- 3.1.2 Structural and amenities issues – The variations relating to the additional works required for accessible amenities (\$26,117.30) and the need for an additional steel beam for structural support (\$7,831.00) were agreed to and have become part of the works program. Work has begun on the interior of the building assessing the structural strength of the major beams in the Theatre ceiling as well as the condition of the flooring in the auditorium. Early indications have shown that the problems in these areas are relatively superficial and may not require substantial reinforcement. Consideration of the windows and their treatment for fire safety is currently underway and some changes to designs for some windows are expected.
- 3.1.3 Archaeological discovery – The artefacts related to the archaeological discovery are now being cleaned and recorded by the Excavation Director. The on-site drainage system has now been covered over as per directions and the footings are in place. We are currently assessing variations from CCA Projects of \$5,094.00 for additional works related to the cleaning out and excavation of the drainage system and an extension of time claim for four days because of the discovery.
- 3.1.4 Essential Energy electricity upgrade – The works to upgrade the electricity conduits running through the library car park, to the Town Hall building and on to Market Street have caused some considerable problems for the contractor. At one point, the schedule of works from Essential Energy was showing a potential seven week delay for the project. A new design was developed that would allow us to limit this delay to less than two weeks. However, once this work commenced, it was discovered that the electricity cables were in a different location to that advised. This required CCA Projects to undertake additional design and excavation works. We are currently assessing a cost variation of \$14,407.80 for these additional works and an extension of time claim of 11.5 days. Attempts will be made to recover costs that can be directly attributable to the incorrect information on the location of the power cables.

3.2 Work Activities planned for April 2012

- 3.2.1 Continued construction works – Works on the rear extension will continue throughout April. This will include the demolition of part of the existing rear wall on the upper level to create the walkways through to the lift lobby on the top floor and also through to the library space.
- 3.2.2 Internal power and cabling – The subcontractors who are undertaking the interior electricity works have suggested some additional works that would provide a full re-cabling of the building with appropriate warranties. This proposal is currently being assessed but may be of benefit to the building long term and will simplify the contract works.
- 3.2.3 Further planning works for interiors – Work outside of the construction contract includes the selection of a range of furniture items and equipment for the library and Theatre spaces. A technical specification brief for the Theatre has been developed which will guide the purchase of curtains, stage lighting and sound equipment as well as cinema equipment in the future. The complete fit-out of the Theatre will need to be delayed until the cost of the building works is known so that the remaining funds can be spent according to priorities. Items for the fit-out of the library include loose furniture and shelving. This work will continue throughout the next few months of the project.
- 3.2.4 Essential Energy Electricity upgrade – This work continues into April at the Market Street end. The old cables will need to be de-commissioned when the new cables are ready for operation.

4. Project Variations

Total cost of variations = \$ 38,166.80 (1.5%).

5. Contractual Issues

Nil

6. Contract Progress Payments

\$ 225,132.65 (8.75%)

7. Program

Awaiting updated program of works from CCA Projects.

6.2.12 Mudgee Waste Facility Weighbridge System

REPORT BY BUSINESS MANAGER RESOURCES AND RECREATION TO COUNCIL
MEETING 18 APRIL 2012

Mudgee Waste Facility Weighbridge System
A0100055, F0570008

RECOMMENDATION

That:

1. **the report by the Business Manager Resources and Recreation on the Mudgee Waste Facility Weighbridge System be received; and**
2. **Council amend the 2011/2012 Management Plan to increase the capital works budget by thirty five thousand dollars (\$35,000) in waste fund for the replacement of the weighbridge computer system at the Mudgee waste facility. The increase in budget is to be funded from waste fund reserves.**

Executive summary

During December 2011 the existing weighbridge computer system crashed and was unrecoverable. Due to the age of the system it was decided to research new weighbridge system to meet Councils current and future needs. As part of the upgrade to the computer system new boom gates are also required as the existing boom gates have past their useful life and worn out.

Detailed report

Council is required to weigh and monitor waste that comes into the Mudgee Waste Facility in accordance with its licence conditions as issued by the EPA. Council is also required to submit to the EPA annual reports on waste volumes and types and utilises this information for business decisions on waste management day to day.

Councils existing weighbridge computer system and boom gates was installed by tip site systems when the Mudgee Waste Facility was constructed and the weighbridge installed in 2002. The boom gates were also installed at this time. The system has not had an upgrade during this time and completely failed in December 2011. The operating environment at the waste facility is particularly harsh on this type of equipment due to the dust.

Staff have taken the opportunity to review four weighbridge computer systems to establish the best operating system for Mid-Western that suits our particular operating needs. The systems reviewed were Tip Site Systems, Newcastle Weighing Systems, Weightrax (NZ) and Aussie Weighing Systems.

After a detailed assessment and trial of the what each system has to offer Newcastle Weighing Systems was deemed to be most suitable both in terms of usability, compatibility with the existing network, value for money, durability and back up service.

The upgrade to the system will include:

- Weighbridge Site software
- Weighbridge computer system

- On-site installation and training
- Peripheral equipment interface module
- Two short range vehicle identification units
- Entry and exit boom gates and vehicle sensors.
- Data switches
- 2 UPS systems.

It is proposed to carry out this upgrade immediately now the assessment has been done as staff are required to use manual systems to capture data that is required for reporting purposes. This is having an impact on our ability to operate accurately and efficiently.

Financial implications

Councils waste fund reserves currently have an estimated closing balance of \$1,400,000. The reduction of this amount by \$35,000 will have a minimal impact on Councils ability to undertake future works programs.

Strategic or policy implications

Council is required to operate and maintain a weighbridge system to satisfy the terms of our waste licence.

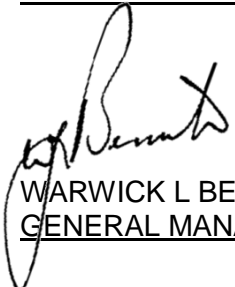
JULIAN GEDDES
BUSINESS MANAGER RESOURCES AND
RECREATION


BRAD CAM
GROUP MANAGER OPERATIONS

4 April 2012

Attachments: Nil

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER

6.2.13 Draft Delivery Program 2012-16 & Operational Plan 2012-13

REPORT BY MANAGER STRATEGIC PLANNING TO 18 APRIL 2012 COUNCIL MEETING

Operational Plan for Exhibition
A0100055, A0420212

RECOMMENDATION

That:

1. **the report by the Manager Strategic Planning on the Draft Delivery Program 2012-16 and Operational Plan 2012-13 be received;**
2. **Council endorse the Draft Delivery Program 2012-16 and Operational Plan 2012-13 to go on public exhibition for a period of 28 days commencing Friday 20 April 2012; and**
3. **a further report be presented to Council following the exhibition period including a review of any public submission.**

Executive summary

In its meeting on 4 April 2012, Council endorsed the structure and format of the Draft Delivery Program 2012-16 and Operational Plan 2012-13 subject to minor amendments. The purpose of this report is to seek a resolution to exhibit the draft Plan including the Schedule of Fees and Charges consistent with the requirements for the Local government Act.

Detailed report

The Integrated Planning and Reporting framework aims to make Council's more accountable to their communities. In December 2011 following extensive community consultation, Council adopted a Community Plan. This Plan represents the aspirations of this community moving forward and is Council's highest level strategic plan.



Integrated Planning & Reporting Framework

The intention of the Delivery Program is to detail all of the principle activities Council will undertake to achieve the goals established in the Community Plan. The Operational Plan has been integrated into the Delivery Program and sets out the annual projects and activities to which Council are committed and includes detailed budgets for the projects and services identified under each theme together with the measure and timeframe.

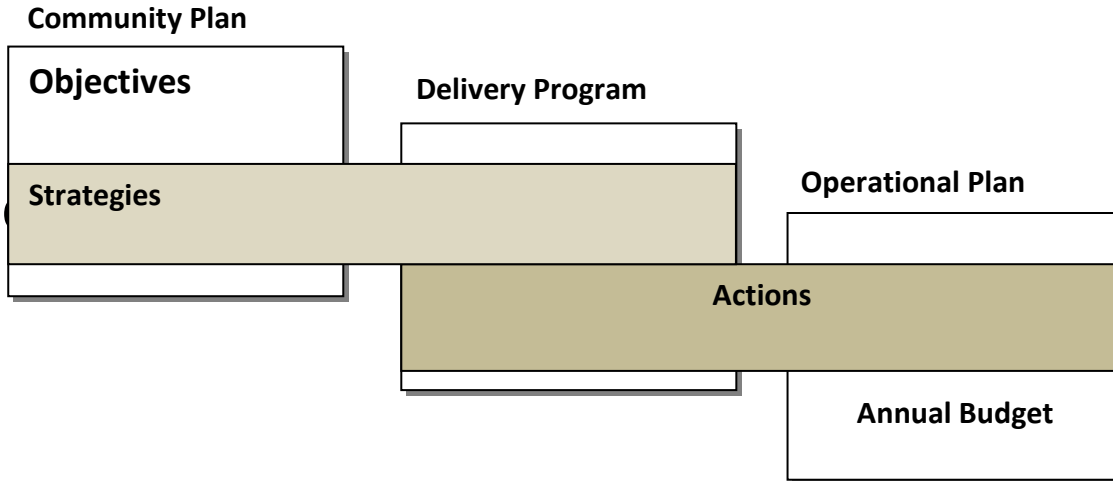
Council's activities identified in the Delivery Program/ Operational

Plan will be underpinned by the Resourcing Strategy. The Resourcing Strategy will include

- Long Term Financial Plan (10 Years)
- Workforce Plan (4 Years)
- Asset Management Strategy (10 Years)

The role of the Resourcing Strategy is for Council to demonstrate that it can meet the commitments made in the Delivery Program/ Operational Plan. The Resourcing Strategy will be presented to Council's Ordinary Meeting on 18 April 2012.

The following diagram illustrates the relationship of the various plans in the planning framework.



The Operational Plan includes a detailed budget of the activities that are to be undertaken each year to achieve the outcomes of the Delivery Program. The Draft Delivery Program/Operational Plan is attached.

Financial implications

The Draft Delivery Program/Operational Plan is Council's operating budget for the next 12 months and four year estimates.

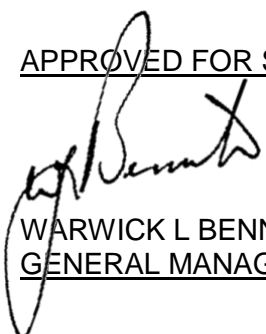
Strategic or policy implications

The Draft Delivery Program/Operational Plan and Resourcing Strategy together with the Community Plan and the varying degrees of detail will form Council's strategic direction over the next 10 years.

MANAGER STRATEGIC PLANNING

- Attachments:*
1. Draft Delivery Program/Operational Plan (included at the end of the Business Paper).
 2. Long Term Financial Plan with attachments (included at the end of the Business Paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.2.14 Review of Code of Meeting Practice and Conflicts of Interest Policy

REPORT BY MANAGER GOVERNANCE TO 18 APRIL 2012 COUNCIL MEETING

Review of Code of Meeting Practice and Conflicts of Interests policy

A0100055, A0110003

RECOMMENDATION

That:

1. **the report by the Manager Governance about changes to the Council's Code of Meeting Practice and Conflicts of Interest policy be received;**
2. **Council agree to the proposed amendments to the Code of Meeting Practice and place the amended Code on public exhibition in accordance with the Local Government Act with a further report to be submitted to Council; and**
3. **Council adopt the revised Conflicts of Interests policy.**

Executive summary

This report canvasses changes to the Council's Code of Meeting Practice and Conflicts of Interests policy.

Detailed report

Arising from discussions with officers of the Division of Local Government, some changes are proposed to the Council's Code of Meeting Practice to include specific reference to significant and less than significant non pecuniary conflicts of interest. Because the linkage of Councils Conflicts of Interests policy, similar changes are also proposed to this document.

In reviewing the Code of Meeting Practice to give effect to these changes, the opportunity has also been taken, as far as practicable, to make the Code more user friendly and easier to navigate.

Copies of the revised Code and policy are attached.

The Code of Meeting Practice provides how it can be amended however given the amendments now proposed are quite substantial, as provided by the Local Government Act it will be necessary to publicly exhibit the revised Code for a period of not less than 28 days and provide a period of 42 days from the date on which the Code is placed on exhibition during which submissions may be made to the Council. Council must then consider submissions received prior to making a decision on the proposed amendments.

Financial implications

Not applicable.

Strategic or policy implications

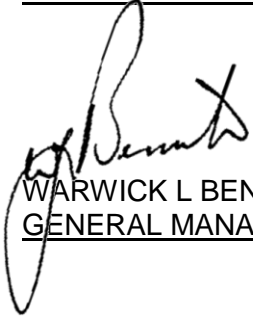
Council's Code of Conduct and Conflicts of Interests policy apply.



IAN ROBERTS
MANAGER GOVERNANCE
29 March 2012

Attachments: 1. Amended Conflicts of Interests policy
2. Amended Code of Meeting Practice (included at the end of the Business Paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

	POLICY	ADOPTED C/M 16/11/11 Minute No. 381/11
	Conflicts of Interests	REVIEW: Nov 13 FILE No. A0110003

OBJECTIVE:

To provide a framework for Councillors, staff, delegates and advisers to recognise and deal with conflicts of interest.

INTRODUCTION:

As an organisation we must be impartial and fair in our dealings with ratepayers, residents, suppliers and the general public in order to retain their trust, confidence and support. To do this it is essential that all possible conflicts of interest are appropriately handled.

Councillors, staff, delegates and advisers must ensure that opportunities do not exist for their interests, or those of people close to them, to conflict with the impartial performance of their Council duties.

Any potential, real or perceived conflict between an individual's interests and those of the Council must be resolved in favour of the Council.

RECOGNISING A CONFLICT OF INTEREST

A conflict of interest would exist where:

- you have a personal interest that could lead you to be influenced in the way that you carry out your Council work or duties;
- you have a personal interest that could lead a fair person to think that you could be influenced in the way that you carry out your Council work or duties; or
- a family member, relative, friend, associate or anybody close to you has a personal interest that could lead you to be influenced in the way that you carry out your Council work or duties, or could lead a fair person to think that you could be influenced.

Conflicts of interest include both pecuniary interests and non-pecuniary interests. Non-pecuniary conflicts of interests are just as important as pecuniary conflicts of interests.

The Local Government Act, 1993 imposes requirements for Councillors, designated persons and advisers to declare any pecuniary interests they might have. The Act should be referred to in all matters concerning possible pecuniary interests.

WHAT IS THE DIFFERENCE BETWEEN PECUNIARY AND NON PECUNIARY CONFLICTS OF INTERESTS

(A) PECUNIARY CONFLICTS OF INTERESTS

A pecuniary conflict of interest, as defined in Section 442 of the Act "...is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person".

| As provided by Section 443 of the Act, you have a pecuniary conflict of interest in a matter if:

- you have a pecuniary interest;
- your spouse, de facto partner, relative, partner or employer has a pecuniary interest;
- a company or other body of which you, or a nominee, partner or employer is a member has a pecuniary interest.

| As provided by Section 442 of the Act, a person does not have a pecuniary conflict of interest in a matter if the matter is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in Section 448.

Section 441 of the Act defines designated persons to include:

- the General Manager
- other senior staff; and
- people holding positions or committee memberships that the Council considers makes them designated persons.

| The Act provides opportunities for pecuniary conflicts of interests to be disclosed both in writing and verbally (at meetings).

(i) **Written Disclosures**

If you are a Councillor or a designated person you must, as provided by Section 449 of the Act, complete and lodge a return in the form of Schedule 3 of the Local Government (General) Regulation 2005, with the General Manager:

- within 3 months after becoming a Councillor or designated person. You do not need to lodge a return within this period if you lodged a return in the previous year, or if you ceased to be a Councillor or designated person within the 3 month period; or
- within 3 months of 30 June in any year if you held your position at 30 June.

As provided by Section 454 of the Act, a general notice given to the General Manager in writing by a Councillor or a member of a Council committee to the effect that the Councillor or member, or the Councillor's or member's spouse, de facto partner or relative, is;

- a member, or in the employment, of a specified company or other body, or
- a partner, or in the employment, of a specified person,

is, unless and until the notice is withdrawn, sufficient disclosure of the Councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council committee after the date of this notice.

As provided by Section 459 of the Act, if you are a designated person you must disclose in writing to the General Manager any pecuniary interest you have in any Council matter with which you are dealing.

(ii) **Verbal Disclosures**

| As provided by Section 451 of the Act, if you are a Councillor or a member of a Council committee and you have pecuniary conflict of interest you must:

- if you are present at the meeting disclose your conflict of interest to the meeting as soon as practicable (usually at the start of the meeting but always prior to the matter actually being considered);

- not be present at, or in sight of, the meeting;
- not take part in any consideration or discussion of the matter; and
- not vote on any question relating to the matter.

As provided by Section 446 of the Act, the above requirement does not apply if you are a member of a Council committee that is wholly advisory.

A disclosure made at the meeting must be recorded in the minutes of the meeting as provided by Section 453 of the Act.

(iii) **General**

As provided by Section 456 of the Act, if you are giving advice to the Council or a Council committee you must disclose any pecuniary conflict of interest that you have in the matter to the meeting at the time that you give the advice.

Note: You are encouraged to err on the side of caution by declaring your interest and by not participating in discussion or in decision making if there is any doubt.

(B) **NON PECUNIARY CONFLICTS OF INTERESTS**

~~A non-pecuniary interest is any private or personal interest which does not pertain or relate to money. It may include kinship, friendship, membership of an association, society or trade union or involvement or interest in an activity.~~

What is a non-pecuniary conflict of interests?

Non-pecuniary conflicts of interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

The matter of a report to Council from the conduct review committee/reviewer relates to the public duty of a Councillor or the General Manager. Therefore, there is no requirement for Councillors or the General Manager to disclose a conflict of interests in such a matter.

The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

If a disclosure is made at a Council or Committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 7.13 of the Code of Conduct.

How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- (a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal

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- descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- (b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- (c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

If you are a council official, other than a member of staff of Council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- (a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- (b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

If you are a member of staff of Council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.

Despite clause 7.17(b) of the Code of Conduct, a Councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate Council's decision-making role to Council staff, or appoint another person or body to make the decision in accordance with the law. This applies whether or not Council would be deprived of a quorum if one or more Councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 7.17(b) of the Code.

Political donations exceeding \$1,000

Councillors should note that matters before Council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.

Councillors should take all reasonable steps to ascertain the source of any political contributions that directly benefit their election campaigns. For example, Councillors should have reasonable knowledge of contributions received by them or their "official agent" (within the meaning of the Election Funding Act 1981) that directly benefit their election campaign.

Where a Councillor or the Councillor's "official agent" has received "political contributions" or "political donations", as the case may be, within the meaning of the Election Funding Act 1981 exceeding \$1,000 which directly benefit their campaign:

- (a) from a political or campaign donor or related entity in the previous four years; and
- (b) where the political or campaign donor or related entity has a matter before Council, then the Councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 7.17(b) of the Code.

Councillors should note that political contributions below \$1,000, or political contributions to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

If a Councillor has received a donation of the kind referred to in clause 7.23 of the Code of Conduct that Councillor is not prevented from participating in a decision to delegate Council's decision-

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making role to Council staff or appointing another person or body to make the decision in accordance with the law.

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Note: In the case of both pecuniary and non pecuniary conflicts of interest, you are encouraged to err on the side of caution by declaring your interest and, as necessary, by not participating in discussion or in decision making, if there is any doubt.

CONFLICTS OF INTEREST - EXAMPLES

Form

Examples of situations that may give rise to conflicts of interest include:

- a staff member having the responsibility for hiring a consultant where one of the applicants is a good friend;
- a staff member having responsibility for assessing a tender for the supply of equipment, where a close friend has submitted a bid;
- a councillor being very active, although not holding office, in the running of a club that has any form of application or request before Council;
- a councillor being involved in the decision making in relation to a matter involving the personal affairs of a close friend;
- a town planner lives near a site for which a development application has been submitted to Council for the construction of a block of flats and the town planner is involved in the processing of the application;
- a councillor participating in the decision making process of a development application submitted by a relative;
- a councillor making a decision about a club where one spends a great deal of one's time; and
- a staff member conducting a health inspection of a premises in which one has a financial interest.

Note: These examples are not necessarily actual instances and are not intended to be exhaustive. They are merely a sample of situations which could arise from time to time and are provided for the express purpose of helping Councillors, staff and delegates understand what could constitute a conflict of interest.

Some particular areas of concern which have been identified by the ~~Division~~Department of Local Government and ICAC, where amplification may be useful, are set out below:

(i) Gifts and Benefits

For comment on how you should deal with situations where you are offered a gift or benefit, please refer to the Council's Code of Conduct, Gifts and Benefits policy and Statement of Business Ethics.

(ii) Travel

Trips funded by suppliers or business associates of the Council, may only be accepted:

- if the purpose of the trip is to carry out Council activities, for example inspecting goods, production facilities or other sites in connection with a potential purchase; and
- with the written permission of the General Manager for staff or the written permission of the Mayor or a resolution of the Council for Councillors, the General Manager or delegates.

(iii) Club Membership

Councillors, staff, delegates and advisers, who are members of clubs should seriously consider whether their club memberships could give rise to conflicts of interests in Council matters that may affect the clubs.

The greater your involvement with the club, the greater likelihood of a real or perceived conflict of interest.

Factors that should be considered include:

- whether or not you hold any positions of office in the club;
- whether or not you take on the role of an office holder even though you do not formally hold a position at the club;
- whether or not you previously held significant positions in the club, or are likely to in future;
- how much fundraising or organising you do for the club;
- how much time you spend at the club; and
- how involved your spouse, children and others close to you are with the club.

HOW DO YOU DETERMINE IF A CONFLICT EXISTS?

QUESTIONS TO CONSIDER

The following questions may help you decide whether a conflict of interest exists or whether your behaviour could create the impression that it does:

- Do I, a relative, friend or associate stand to gain or lose financially from Council's decision or action on the matter?
- Do I, a relative, friend or associate stand to gain or lose my/our reputation because of Council's decision or action?
- Have I contributed in a private capacity in any way to the matter before Council?
- Have I made any promises or commitments in relation to the matter?
- Have I received a benefit or hospitality from someone who stands to gain or lose from Council's decision or action?
- Am I a member of an association, club or professional organisation, or do I have particular ties and affiliations with organisations or individuals, who stand to gain or lose from Council's consideration of the matter?
- Is the person an election campaign donor or someone who helped during my election campaign?
- Could there be benefits for me in the future that could cast doubt on my objectivity?
- If I do participate in assessment or decision making, would I be happy if my colleagues and the public became aware of my association or connection?
- Would a fair and reasonable person perceive that I was influenced by personal interest in performing my public duty?
- Do I need to seek advice or discuss this matter with an objective party?
- Am I confident of my ability to act impartially and in the public interest?
- Do I understand the possible penalties if I go on with my action?

Note: The references to "before Council", Council's consideration", etc, also refer to issues to be dealt with under delegated authority by Council officers.

PERCEPTIONS

Not only must our actions be free of any conflicts, we must ensure that they are clearly seen to be free of any conflicts.

It is therefore important that you consider what other people might think of the situation. This should include, for example, unsuccessful tenderers, other potential suppliers, other businesses, clients, ratepayers, residents and members of the public, other Councillors and staff members.

RESPONSIBILITY

If you have a conflict of interest, or you think it is likely that you might have a conflict you must notify either:

- the General Manager or Mayor in writing; or
- the relevant Council or Committee meeting.

The objective of notification is to protect both yourself and the Council.

In many cases, only you will be aware of the potential for a conflict of interest. The onus for notification is therefore on you.

If a conflict arises during a meeting, such as a Council or Committee Meeting, or a meeting of an external body/committee to which the Council has appointed you, you should inform the meeting of the interest, preferably at the start of the meeting. Depending on the nature of the conflict, it may be appropriate not to vote on the matter. Unless this conflict has been assessed as being only of a minor nature, you must leave the meeting and not participate in discussions on the matter. The disclosure and subsequent actions will be recorded in the minutes of the meeting and in the case of Council ~~and Committee~~ meetings will be recorded in the Council's Register of Disclosures.

If you are uncertain as to whether or not you may have a conflict of interest in a particular matter, you should obtain independent legal advice.

ADVICE

During meetings, the General Manager may advise if he considers that a Councillor, staff member, delegate or adviser has a conflict of interest in a matter before the meeting.

At other times, the General Manager may convey this advice to a Councillor, staff member, delegate or adviser personally, either verbally or in writing. In doing so, the General Manager shall invite the Councillor, staff member, delegate or adviser to comment.

Ultimately, the onus for resolving conflicts of interest rests with the individual.

However, it is anticipated that once provided with advice that the perception of a conflict of interest exists;

- the Councillor or delegate should seriously consider whether he or she should continue to participate in decision making in relation to the subject matter; or
- the staff member or adviser must immediately disqualify himself or herself from reporting or providing advice to the Council in relation to the subject matter. Failing this the General Manager may arrange for another staff member to report or advise the Council or arrange for advice to be sought from another source.

WHO SHOULD REPORT CONFLICTS OF INTEREST

THE INDIVIDUAL WHO HAS OR MAY HAVE THE CONFLICT

As provided by this policy, the onus rests with the individual to report any conflicts of interest that he or she may have.

OTHERS

Where a Councillor or staff member believes that a colleague, delegate or adviser has a conflict of interest, or where a member of the public believes that a Councillor, staff member, delegate or adviser has a conflict of interest, this may be reported (in writing) to the Mayor or General Manager.

While proof of a conflict is not required, the person reporting the conflict must have reasonable grounds for believing that the conflict exists. Frivolous or vexatious complaints, or complaints made solely or substantially with the aim of avoiding dismissal or other disciplinary action will not be tolerated.

If a conflict involves corrupt conduct, maladministration or serious and substantial waste of public money the report may be protected by the Public Interest Disclosures Act, 1994. In this instance, the matter will be dealt with in accordance with Council's Public Interest Disclosure Internal Reporting Policy.

Where a complaint concerns a failure to disclose a pecuniary conflict of interest in contravention with the Local Government Act, 1993, it may be made to the Director General of the Division of Local Government (Section 460).

In all cases, the identity of the complainant will be treated as confidential and will be not revealed.

DEALING WITH CONFLICTS OF INTEREST

WHERE A VOLUNTARY DISCLOSURE IS MADE

(A) PECUNIARY CONFLICT OF INTEREST

If a pecuniary conflict of interest is disclosed, the person with the interest must not be involved in consideration or discussion of the matter in which they have the interest and must not vote on any question relating to the matter in accordance with the Act and Council's Code of Meeting Practice.

(B) NON PECUNIARY CONFLICT OF INTEREST

If a non-pecuniary conflict of interest is disclosed, there are a range of options available to deal with the conflict, depending on the circumstances of the matter and objective assessment of it. These options are outlined in this policy as well as Council's Code of Conduct.

~~For advice as to how you should manage non-pecuniary interests please refer to the council's Code of Conduct.~~

WHERE A CONFLICT IS NOT DISCLOSED AND/OR WHERE A COMPLAINT IS RECEIVED

Complaint handling procedures and sanctions in relation to this policy will be in accordance with Section 12 of the Code of Conduct.

6.2.15 Submission – Plan Making Delegation & Review

REPORT BY MANAGER STRATEGIC PLANNING TO 18 APRIL COUNCIL MEETING

Submission Local Plan Making

A0100055, A0040006

RECOMMENDATION

That:

1. **the report by the Manager Strategic Planning on the Local Plan Making Delegations be received;**
2. **Council endorse the submission to the Department of Planning & Infrastructure in support of the policy position on Local Plan Making Delegations as outlined in Attachment 2 to this report.**

Executive summary

The Department of Planning and Infrastructure have prepared a Policy Statement that proposed to give Council more delegation in terms of making or amending the Local Environmental Plan. Public comment is currently been sort on the draft policy (an overview of the proposed changes is outline in Attachment 1).

The proposed changes outlined in the draft Policy Statement would:

- delegate certain powers to councils to increase local government involvement in the plan making process, and
- allow for independent reviews of some decisions at key stages of the plan making process.

The deadline for submissions is Friday 4th May 2012.

Detailed report

The State Government is seeking to streamline the plan-making process by delegating, in certain circumstances the Minister's local plan making functions under the Environmental Planning and Assessment Act to local councils.

The delegation, that will be provided when a gateway determination is issued will mean that the DOPI will have no further role in the plan making process once that LEP has been delegated other than routine monitoring. If the policy proceeds, the types of LEPs that will be delegated to Council are:

- Mapping/Alterations that do not alter strategy endorsed development standards
- Minor amendments,
- Reclassifications consistent with a strategy and supported by an adopted Open Space study
- Spot rezoning consistent with an endorsed strategy
- Heritage LEPs supported by on Office of environment & Heritage endorsed study

Given the potential time savings and increase autonomy for Council should this policy proceed, Council is in support of the position.

The Submission attached simply supports the policy position proposed by the Department of Planning and Infrastructure.

The Policy also include a new review mechanism for draft LEPs either pre or post Gateway. Currently if Council refuses a Planning Proposal for rezoning the proponent has no right to appeal that decision. Under the changes proposed, the proponent has 40 days in which to seek a review which will be undertaken by the regional planning panel. Similarly, Council or the proponent may seek a review after the Gateway determination providing the opportunity to have the original determination reconsidered.


Financial implications

Not applicable.

Strategic or policy implications

The policy will provide Council with greater control and autonomy in the making and amending of LEPs and greater transparency in terms of the plan making process.

ELIZABETH DENSLEY
MANAGER STRATEGIC PLANNING



CATHERINE VAN LAEREN
GROUP MANAGER, DEVELOPMENT AND
COMMUNITY SERVICES

4 April 2012

Attachments: 1. Local Plan Making Delegations
2. Submission

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



More local, more accountable plan making

INTRODUCTION

The NSW Government is seeking feedback on changes to the plan making process which will:

- increase local government involvement in the process by allowing councils to have the final approval role for some local environmental plans (LEPs), and
- allow independent reviews of decisions at key stages of the plan making process

The proposed changes, under Part 3 of the *Environmental Planning and Assessment Act, 1979* (the Act), would improve delivery of LEPs and devolve appropriate planning functions to local government.

The delegation of some approval functions would allow local government and their communities to have greater control over local decisions. The review mechanisms would enable independent reviews of local and departmental planning decisions. This would continue to bring greater transparency and accountability to the planning system.

DELEGATING PLAN MAKING POWERS TO COUNCILS

A number of LEPs are proposed to be routinely delegated to councils to make in certain circumstances. These include:

- Spot rezonings consistent with an endorsed strategy
- Reclassifications of land supported by an open space study
- Heritage LEPs supported by an endorsed study
- Section 73A matters (amending references to documents/agencies, minor errors and anomalies) and
- Mapping alterations/corrections

Delegation of these plans to councils would mean the department generally plays no further role in the LEP following the issuing of a Gateway Determination. Councils would liaise directly with the Parliamentary Counsel's Office to finalise drafting of the plan. The department would however, continue to monitor the progress of an LEP to ensure it is prepared in a timely manner, and would continue to assist councils in the process, if requested.

Councils would be issued with a *Written Authorisation to Exercise Delegation* for individual plans, consistent with the above criteria. The authorisation would be issued under the Gateway process that initially determines whether a proposal can proceed. The Gateway may also delegate other minor plans to council to make if considered appropriate as part of its review.

INDEPENDENT REVIEWS OF DECISIONS

The department also proposes to allow a review to be sought before or after a planning proposal, which explains the intended effect of a proposed LEP, has been through the Gateway process.

plan. Further, any applications that are yet to be determined should be subject to some level of scrutiny particularly where they fall within an area identified as SAL.

Further, clarification needs to be given to the legislative framework in which the SRLUP will sit. This is particularly relevant due to the linkages between this SRLUP and the Aquifer Interference Policy

Gateway Process

In respect to the Gateway Process, Council is concerned that land that has been presented as SAL through the mapping can be overridden without any further community consultation. For example where a proponent submits that a specific site does not meet the BSAL criteria (despite being mapped as such in the SRLUP at a Regional scale), the Panel can verify this and the application can be lodged without affording the community the opportunity to refute that verification. In cases where the SRLUP Maps are proven incorrect, the opportunity for public input should be given and the SRLUP amended prior to the application proceeding.

Finally, it is understood that work has commenced on the Central West SRLUP. Given the current and anticipated growth of coal mining within the Mid-Western Regional LGA Council would like to be considered early in the process.

Should you have any further enquiries regarding this matter please contact on ☎ 02 6378 2850.

Yours faithfully

**WARWICK BENNETT
GENERAL MANAGER**

ATTACHMENT 2



PO BOX 156
MUDGEE NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850
Fax: (02) 6378 2815
email: council@midwestern.nsw.gov.au

ED:ED A0170041

27 April 2012

Director Planning Operations Coordination
Department of Planning and Infrastructure
PO Box 39
SYDNEY NSW 2001

Dear Sir

SUBMISSION – LOCAL PLAN MAKING DELEGATIONS

Reference is made to the draft policy position relating to the extending of the Ministerial delegations for certain LEP's to local Councils.

Council welcomes this initiative which will provide greater control over local issues and provide Council with a higher level of ownership of the process. Mid-Western Regional LGA is likely to experience unprecedented growth as the impact of the resources boom begins widen. Council has an endorsed Comprehensive Land Use Strategy and is close to realising a SI LEP in the next few months. The ability to achieve greater ownership of the local planning process through delegations relating to draft LEPs will be welcomed by both developers and the local community.

Should you have any further enquiries regarding this matter please contact on ☎ 02 6378 2850.

Yours faithfully

WARWICK BENNETT
GENERAL MANAGER

6.2.16 Submission – Strategic Regional Land Use Plan Upper Hunter

REPORT BY MANAGER STRATEGIC PLANNING TO 18 APRIL COUNCIL MEETING

SRLUP Submission

A0100055, A0170041

RECOMMENDATION

That:

1. **the report by the Manager Strategic Planning on the Draft Strategic Regional Land Use Plan for the Upper Hunter be received;**
2. **Council endorse the submission to the Draft Strategic Regional Land Use Plan for the Upper Hunter acknowledging the inclusion of part of the Mid-Western Regional LGA in the plan and the ultimate inclusion of the entire LGA into the development of the Central West SRLUP as outlined in Attachment 1 to this report.**

Executive summary

The Department of Planning has release a Draft Strategic Regional Land Use Plan for the Upper Hunter (SRLUP) the primary focus of which is the protection of high value agricultural land from mining. For the purposes of the identification and mapping of strategic agricultural land, at part of the Mid-Western Regional LGA which falls within the Hunter River Catchment has been included in the Draft Plan.

While Council supports the acknowledgement and inclusion of the high value agricultural land (primarily identified as an equine cluster) around Bylong in the Upper Hunter SRLUP short term, the Mid-Western Region in its entirety needs to be included in the drafting of the Central West SRLUP.

Additional concerns relate to the transitional arrangements and at what stage the SRLUP will need to be considered by proponents, as well as the verification of Biophysical Strategic Agricultural Lands by a proponent.

Detailed report

The Upper Hunter SRLUP is part of a suite of documents release by the NSW Government the aim of which is to deliver on its Strategic Regional Land Use Policy to protect high-quality agricultural land and its water sources from inappropriate mining and coal seam gas projects. It is understood that work should commence on the Central West plan in the first half of this year.

In November 2011 Council supported the application from the Bylong community for their inclusion in the Upper Hunter SRLUP. This request was granted for the purposes of the identification of strategic agricultural lands in the Ulan/Wollar/Bylong corridor with intention that ultimately the corridor will be incorporated into the Central West Plan.

The advantage in being included at this stage with the Upper Hunter is that consideration will now have to be given to the Draft Plan on any mining or coal seam gas application. While the State

Government are yet to release the proposed transitional arrangements for applications already at various stages of planning, the Deputy Director-General (Development Assessments) Richard Pearson indicated that there is a statutory obligation for applicants to consider the Draft policy.

The submission supports the inclusion of the Ulan/Wollar/Bylong corridor in the Upper Hunter SRLUP and reinforces the need to ensure that it is in fact transferred to the Central West plan in the longer term.

The Central West SRLUP is likely to include: Gilgandra, Warrumbungle, Narromine, Wellington, Dubbo, Lithgow, Oberon, Bathurst, Orange, Blayney, Cowra, Cabonne, Weddin, Forbes, Parkes and Lauchlan

In terms of the policy itself, the Draft SRLUP includes a new gateway process for mining and coal seam gas applications on or within 2km of strategic agricultural land (extract below outlines criteria for classification of land) whereby a gateway certificate has to be lodged prior to the proposal proceeding. A Mining and Coal Seam Gas Gateway Panel will be appointed to review applications. If the panel don't issue the certificate the proposal cannot go ahead. However, Cabinet may declare the proposal an "exceptional circumstances project" if the subject resources is of exceptional value to the state.

To this end, there is a real concern that based on a report submitted by the proponent, the Panel can conclude that a particular site (despite the mapping) does not meet the criteria for Biophysical Strategic Agricultural Land with no opportunity for the community to contest that change.

Value	Criteria
Biophysical Strategic Agricultural Land	<ul style="list-style-type: none"> • land that falls under soil fertility classes 'high' or 'moderately high' under the Draft Inherent General Fertility of NSW (OEH), and • land capability classes II or III under the Land and Soil Capability Mapping of NSW (OEH), and • reliable water of suitable quality, characterised by land having rainfall of greater than 350mm per annum (9 out of 10 years) or land within 150m of the following surface or groundwater resource: <ul style="list-style-type: none"> - a regulated river, or - unregulated rivers where there are flows for at least 95% of the time (ie the 95th percentile flow of each month of the year is greater than zero) or 5th order and higher rivers, or - groundwater aquifers (excluding miscellaneous alluvial aquifers, also known as small storage aquifers) which have a yield rate greater than 5L/s and total dissolved solids of less than 1,500mg/L. • Minimum 20 hectares in areas (based on minimum area required for commercial food production).
Critical Industry Cluster	<ul style="list-style-type: none"> • Industry clusters that meet the following criteria: <ul style="list-style-type: none"> - there is a concentration of enterprises that provides clear development and marketing advantages and is based on an agricultural product; - the productive industries are interrelated; - it consists of a unique combination of factors such as location, infrastructure, heritage and natural resources; - It is of state, national and/or international importance; - it contributes to the region's identity; and - it is potentially substantially impacted by coal seam gas or mining proposals.

Table 1 - Values used to identify strategic agricultural land

The Department of Planning and Infrastructure also need to address the issue of transitional arrangements for existing and proposed applications at various stages of planning and well as the legislative framework in which this plan will sit, particularly given the linkages with other policy including the Aquifer Intervention Policy and Mining SEPP.

As the Draft plan does not include social, economic, housing and infrastructure impacts on the Mid-Western Region, these issues are not relevant at this stage. Once the Draft Central West plan has been conceived, Council will be in a position to analyse the data and provide further comment.


Financial implications

Not applicable

Strategic or policy implications

The SRLUPs will underpin the NSW State Governments approach to managing the competing land uses of mining and agriculture. Further, the Central West SRLUP should incorporate the recommendations of the Local Services Assessment currently being finalised for the Mid-Western Regional LGA. It is critical that the region is not split on catchment boundaries.

ELIZABETH DENSLEY
MANAGER STRATEGIC PLANNING

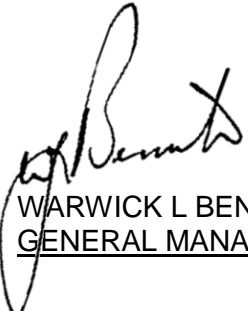


CATHERINE VAN LAEREN
GROUP MANAGER, DEVELOPMENT AND
COMMUNITY SERVICES

4 April 2012

Attachments: 1. Submission

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1



PO BOX 156
MUDGEE NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850
Fax: (02) 6378 2815
email: council@midwestern.nsw.gov.au

ED:ED A0170041

27 April 2012

Director General
Department of Planning and Infrastructure
PO Box 39
SYDNEY NSW 2001

Dear Sir

SUBMISSION – STRATEGIC REGIONAL LAND USE PLAN – UPPER HUNTER

Mid-Western Regional Council would like to congratulate the NSW Government on this initiative and welcomes the opportunity to provide comment on the Draft Strategic Regional Land Use Plan – Upper Hunter (SRLUP). Establishing a balance between mining and coal seam gas and agriculture will be one of the most significant land use planning challenges moving forward. Conserving strategic agricultural land from the irreversible impacts of these industries is critical for the long term sustainability of the agricultural sector, security of food production and maintaining economic diversity throughout Regional NSW.

Bylong/Wollar Ulan corridor

The extent of the SRLUP includes the Bylong/Wollar Ulan corridor or that part of the Mid-Western Region which falls within the Hunter River Catchment. Reference is made to this corridor in the description of the region on page 10 as follows:

“...linkages to this area have been considered in this plan. This includes mapping of strategic agricultural land in the corridor to identify where the proposed gateway process will apply.”

Council would propose that in fact the **only** linkage between this plan and the Bylong/Wollar/Ulan corridor is the Strategic Agricultural Land Map (SAL). This corridor contributes significantly to the overall coal production and employment and it is unclear if the statistics quoted throughout the document referring to mining activity actually include this corridor (for example the Premier in his forward quotes 40% of the States coal reserves are from the region). Do the direct employment in mining forecast figures on page 38 include the 2,000 additional direct positions attributed to the mining industry in the Mid-Western Region? If they do, we are mindful that the document would need to be amended once the Central West plan has been prepared, if in fact the only reference to the Mid-Western Region is the SAL then this needs to be clarified throughout the text.

Transitional Arrangements

The document fails to make reference to the manner in which existing applications at various stages of planning will be dealt with in the transition period. Council would like to see transitional arrangements clarifying the stage at which proponents have to start addressing the issues in the

plan. Further, any applications that are yet to be determined should be subject to some level of scrutiny particularly where they fall within an area identified as SAL.

Further, clarification needs to be given to the legislative framework in which the SRLUP will sit. This is particularly relevant due to the linkages between this SRLUP and the Aquifer Interference Policy

Gateway Process

In respect to the Gateway Process, Council is concerned that land that has been presented as SAL through the mapping can be overridden without any further community consultation. For example where a proponent submits that a specific site does not meet the BSAL criteria (despite being mapped as such in the SRLUP at a Regional scale), the Panel can verify this and the application can be lodged without affording the community the opportunity to refute that verification. In cases where the SRLUP Maps are proven incorrect, the opportunity for public input should be given and the SRLUP amended prior to the application proceeding.

Finally, it is understood that work has commenced on the Central West SRLUP. Given the current and anticipated growth of coal mining within the Mid-Western Regional LGA Council would like to be considered early in the process.

Should you have any further enquiries regarding this matter please contact on ☎ 02 6378 2850.

Yours faithfully

**WARWICK BENNETT
GENERAL MANAGER**

6.2.17 Target Country Progress Report – March 2012

REPORT BY GROUP MANAGER - OPERATIONS TO 18 APRIL 2012 COUNCIL MEETING
TARGET COUNTRY PROGRESS REPORT TO COUNCIL
A0100055, A0100052, P0199811

RECOMMENDATION

That:

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

Executive summary

The Target Country project construction commenced the week 7 November 2011.

Please see attached progress report for the Target Country building. All other updates are noted in the body of this report.

Detailed report

Carpark is under construction and is due for final seal in the first week of May 2012

Financial implications

The total project cost is \$2,545,285 (excluding GST).

ITEM	APPROVED ESTIMATE MAY 2011	ACTUAL BUDGET	ACTUALS TO DATE
Site Investigation Costs	\$2,500.	\$2,500.	\$ 0.
Council & Authority Costs/Legal	\$10,000.	\$415,000.	\$414,952.
Professional Consultants Costs	\$125,000.	\$ 93,500.	55,000.
Leasing & Selling Costs	\$10,000.	\$10,000.	\$10,552.
Design & Construction Costs	\$1,430,000.	\$1,274,285.	\$911,836.
Other Allowances (contingencies)	\$147,000.	\$50,000.	\$ 0.
Car park	\$700,000.	\$700,000.	68,000.
TOTAL	\$2,424,500.	\$2,545,285.	\$1,460,340.

Strategic or policy implications

Not applicable.

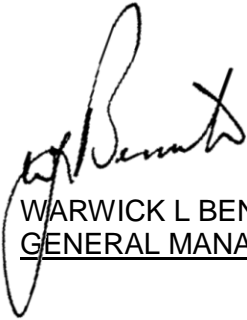


BRAD CAM
GROUP MANAGER - OPERATIONS

2 April 2012

- Attachments:*
1. Progress Report – March 2012
 2. Minutes – 5 March 2012

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

Contract No. 2011/07 – Target Country Construction

**Target Country
Project Status Report
March 2012**



Report No. 5

Issue Date: 2 April 2012

Prepared by: Brad Cam
Project Manager

Contract No. 2011/07 – Target Country Construction

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Contract No. 2011/07 – Target Country Construction

EXECUTIVE SUMMARY

Contract No.	2011/07
Principal Contractor	CCA Projects ABN 82 845 001 133
Original Contract Sum (ex GST)	\$1,274,284.93
Approved Contract Variations Total	\$0.00
Current Contract Sum	\$1,274,284.93
Contract Payments to Date	\$911,836.
Total Project Cost Expended	11.9%
Date of Contract	31/10/ 2011
Original Contract Duration	119 calendar days
Approved Extensions of Time Claims	7.5
Contract Completion Date	26th April 2012
Calendar Days Elapsed	101
Calendar Days Remaining	18
Total Project Time Expended	84%

Contract No. 2011/07 – Target Country Construction

1. Project Status**1.1 Work Progress during March 2012**

- Electrical cabling to be run internally.
- The painting of tilt up panels where the carport construction is to start.

1.2 Work Activities planned for April 2012

- The plumbing internal works will be completed
- Plastering and suspended ceilings will be installed
- Painting and fixtures to ramp will be completed
- Hand over to Target Country will occur enabling internal fit out to occur

2. Project Variations

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

3. Contractual Issues

Nil

4. Progress Payments

- 1st payment \$152,071.98
- 2nd payment \$154,693.66
- 3rd payment \$279,590.75
- 4th payment \$325,479.72 exc. GST

5. Program

The Contractor has submitted a program that complies with the Conditions of Contract.

6. Project Focus Group

A Project Focus Group has been established to review the progress of the contract. The Project Focus Group consists of the following staff and contractor representatives: Rhys Brotherton (LMG), Brad Cam (MWRC), Jason Gaff (CCA Projects)

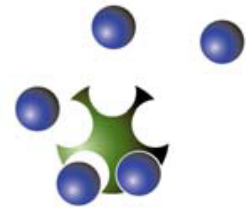
Project Focus Group second meeting was held on the 20th December 2011 and the minutes are attached.

7. Attachments

- A. Variations Register- nil
- B. Meeting minutes- 5 March 2012

ATTACHMENT 2 – MEETING MINUTES

LMG Property Pty Ltd
Project & Development Managers



TARGET COUNTRY MUDGEES - Project Control Group
Meeting No.4 Meeting Notes / Actions from 5 March 2012

Attendees:

Lessee: Target Country	Peter Samon	PS	Peter.Samon@target.com.au
Builder: CCA	Robert Cordwell	RC	rc@clubconstruction.com.au
	Richard Ross	RR	rr@cubconstruction.com.au
Project Manager: LMG Property	Rhys Brotherton	RB	rhys@imgproperty.com.au

Item	Action	By Whom	When
1. Administration			
	<ul style="list-style-type: none"> Foreman's contact details Richard Ross (044 744 1103) 	Note	
2. Authorities & Approvals			
	<ul style="list-style-type: none"> Status of Power connection – CCA confirmed mains pulled to front of building. MSB should be in position ready for connection within 2 weeks. Target to confirm preferred supplier. 	PS	12.03.12
	<ul style="list-style-type: none"> CCA confirmed sewer connection into main to be completed by end of the week. 	Note	
2. AFL Administration / Lessee Requirements			
	<ul style="list-style-type: none"> Entry signage. Separate meeting held with Graeme King Senior Planner Mid Western Council. Target to provide justification for different colours and corporate image and clarify extent of illuminated elements. Council to advise DA requirements 	PS	12.03.12
	<ul style="list-style-type: none"> Target main sign to have 100mm return. Picture frame mould to be deleted. 	Note	
	<ul style="list-style-type: none"> Latest drawings issued 19 Dec – D0 1 A, D1 1 D, D66D. Rev E. Sketch plan re fitting room relocation issued 29 Feb. Fitting Room relocation discussed and agreed. Target to confirm new set out for Point of Sale counters 	Note	
	<ul style="list-style-type: none"> Layby bulkhead to continue over face of walkway 	Note	
	<ul style="list-style-type: none"> CCA to organise floor prep before Handover. CCA to install 100mm (75mm + 25mm) SS movement cover plate between existing and new slab (Grid C) and to interface of concrete / suspended interface (Grid 3) 	Note	
	<ul style="list-style-type: none"> Target requested Grid C columns only be boxed because of 		

downpipes. All other internal columns to be stripped back to SHS. Target to install vinyl wrap and skirting as part of fitout.

Note

- CCA to provide hardware schedule for comment and approval. Target to confirm hardware and vision panel to new layby / stockroom door.
Cavity sliding door deleted.

PS 12.03.12

- Target confirmed that fire alarm zones do not need to reflect merchandise areas as they will change over time. Zones should be based on grids or compass descriptions

Note

- CCA to confirm security bars to staffroom windows as per spec

Note

3. Design

- Amended electrical drawings submitted 8 Feb. Powertrack to be replaced with down lights of equal price. Signage lights to be equivalent to Thorn 70W QBA both front and rear. Electrician to specify.

Note

- Post meeting discussion with Graeme King, Council Heritage Adviser. Ezi build product approved.

Note

approved. Following dimensions agreed.

- Fluted column Type 1 to be 400mm * 100mm.
- Smaller parapet 4 step mould to be 120mm stepping up to 180mm
- Larger fluted column Type 2 to be 400mm * 190mm
- Larger parapet 4 step mould to be 210mm stepping up to 270mm
- Picture frame to be standard Ezi Build chamfered profile

5. Construction

- 2 wet weather days claimed during February. (total to date 15.5 days).
- Amended program dated 4 Jan shows Handover is anticipated 26th April and Opening 15th June. Target requested Handover on 20th April and opening Thurs 31st May (based on reduced 6 week fitout period). Progress to be reviewed and Handover Notice to be confirmed by 20th March.
- External Works Handover for Council to commence carpark construction 12th Feb. Hot mix target mid April. Note loading access required for Handover. LMG to discuss with Andrew Kearins.
- New sewer main connection point agreed with Council. CCA to push loading dock slab pour to be completed this week.
- CCA to confirm Boral Artcote Premium Panels as per Target spec. Before installation
- Gable downpipes to be installed between pillar columns. End downpipe to be specially fabricated rectangular and recessed / concealed in back of fluted Ezi building column
- Redundant power conduit to be removed from facade before

Note

Note

RB 12.03.12

Note

Note

Note

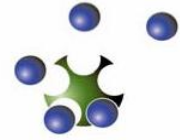
- installation of parapet mould. Column mould to be split by awning. Note
- New furring channel and blueboard cladding to be installed to fascia to achieve straight line with panels. Note
- CCA confirmed following key milestones: Note
 - Loading dock pour Thurs
 - Watertight lockup by end of week.
 - Plant deck by end of week then 3 week install for mech plant
 - Toilets 4-5 weeks

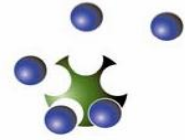
6. Cost Admin

- Variations for glazed balustrade, raised display floor and UPS installation approved. \$1 3,902.39 incl GST. Note
- CCA noted pending variations as; Note
 - Final lighting changes,
 - Fitting room relocation
 - Reconciliation between Brief and Project Specific Door Schedule

7. Next Meeting

Tuesday 27th March





6.2.18 Council submissions to the *NSW Long Term Transport Master Plan Discussion Paper* and the *Inquiry into Inter-Regional Public Transport*

REPORT BY SENIOR STATUTORY PLANNER TO 18 APRIL 2012 COUNCIL MEETING

Transport Submissions Report

A0100055, A0440009, A0170051

RECOMMENDATION

That:

1. **Council submissions to the NSW Long Term Transport Master Plan Discussion Paper and the Inquiry into Inter-Regional Public Transport, be noted;**
2. **Council approves the lodgement of these submissions to Transport for NSW, and the Chair, NSW Legislative Assembly, State and Regional Development Committee.**

Executive summary

Transport for NSW, (the State Government Transport Authority), has invited Council to review the *NSW Long Term Transport Master Plan Discussion Paper* and make a submission. Independently of this, the NSW Legislative Assembly, State and Regional Development Committee, has invited Council to make a submission to the *Inquiry into Inter-Regional Public Transport*. Submissions are to be lodged by 27 April 2012 and 18 May 2012, respectively.

Detailed report

In response to Transport for NSW, and the NSW Legislative Assembly, State and Regional Development Committee calls for submissions, and with regard to issues of particular relevance to the Mid-Western Region, Council's Planning Department, in consultation with Council's Economic Development Officer, has prepared the following summaries of the issues at hand, and prepared submissions for Council approval (Attachments 1 & 2).

NSW Long Term Transport Master Plan Discussion Paper

The Discussion Paper will lead to a Draft Plan by mid-2012, and the Master Plan for release in November 2012. The purpose of the Master Plan is to '*develop an integrated transport plan for the State that will identify a clear direction for transport over the next 20 years*'.

Not surprisingly, the discussion paper is Sydney-centric, mainly focusing on the future transport needs and requirements of the State capital. The transport challenges to the Central West Region, (of which the Mid-Western Regional LGA is named as being a part), have been named in the discussion paper as;

- Meeting the transport needs of growing urban centres.
- Providing community transport for an ageing population.

- Maintaining an ageing road asset and providing access for high productivity (freight) vehicles
- Access to and across the Blue Mountains.
- Passenger and freight rail and coach services.

The full text of Council's submission is shown as Attachment 1.

Inquiry into Inter-Regional Public Transport.

The terms of reference for the Inquiry are '*That the Committee inquire into how inter-regional public transport can better serve the needs of regional New South Wales*'.

In summary, particular issues for consideration include;

- How CountryLink services and network linkages can be improved.
- How the amount of inter-regional travel by public transport can be increased and utilised to increase tourism.
- The role Councils can play in improving inter-regional transportation networks.

The full text of Council's submission is shown as Attachment 2.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

GARY BRUCE
SENIOR STATUTORY PLANNER



CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND
COMMUNITY SERVICES

3 April 2012

- Attachments:*
1. Submission to Transport for NSW regarding the NSW Long Term Transport Master Plan Discussion Paper.
 2. Submission to the NSW Legislative Assembly, State and Regional Development Committee regarding the Inquiry into Inter-Regional Public Transport.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

Attachment 1.**Transport for NSW
NSW Long Term Transport Master Plan Discussion Paper**

Submission for lodgement via the Transport for NSW email address:
masterplan@transport.nsw.gov.au
by 27 April 2012

Text as follows;

Transport for NSW

Mid-Western Regional Council welcomes the opportunity to make a submission to the *NSW Long Term Transport Master Plan Discussion Paper*.

Provided below is Council's response to the discussion paper ;

The NSW Government and Transport Objectives

Are the objectives for future planning for transport in NSW appropriate and comprehensive?

- Overall, the objectives are considered appropriate for the future of NSW transport. However, it is the implementation of these objectives which needs greater focus and future investment. Meeting many of these objectives in regional and rural NSW will be a challenge given the significant distances involved and the funds required to deliver transport infrastructure. Of particular concern to Mid-Western Regional Council is the stress being placed upon local and inter-regional transport infrastructure by the ever-expanding mining industry. Council wished to draw attention to the associated drain that road building and maintenance has on Council resources, and the detrimental effects that this additional expenditure has on the provision of Council services in general. Therefore, Council encourages increased participation in the various NSW Government departments and agencies in understanding the needs of the local community with regard to transport planning.

Do you have any other objectives to suggest for both public transport and roads?

- A number of inadequacies are apparent, and have been noted in the Discussion Paper, regarding the frequency of services through the Central West Region and the lack of cross-linkages within the existing route system. Currently, there are only one or two departures from Mudgee to Sydney daily, and no direct linkages to other important centres along the North West and Western rail lines.
- The provision of a greater number of regular, daily services to Sydney would be welcomed by Council and the local community. Council encourages a decentralised, inter- regional bus network comprising a number of transport hubs, such as Mudgee,

Wellington, Dubbo, Orange etc., from which more localised networks may operate to service the individual needs of each local government area. A co-ordinated, holistic approach of this sort is consistent with the Discussion Paper which promotes the NSW Government's vision for transport as being an *integrated transport system*; one that will *ensure that different transport modes work together and that the interests of customers are put first.*

Regional Transport

What are the key transport objectives for your region?

- An inter-connected road network to support growth in economic activities (tourism, mining, agriculture) with improved linkages to other regional centres, as well as Sydney and Newcastle.
- Improved public transport, by road, rail and air, between major towns; this being a means of addressing social and equity issues, in particular regarding access to education and health services (including increased funding for community transport.)
- Rail freight along the Hunter Rail Corridor to Newcastle Port. If this infrastructure is not constantly upgraded and improved, there will be an economic cost to efficiently moving freight from the region and on to the end user.

How can different levels of government and the non-government sector work more effectively together to improve the transport outcomes for the regions?

- Bring Government and users together in the planning phase so that transport improvements are proactive and benefit the community as a whole.

In what form can CountryLink best serve the needs of the regions over the long term?

- Please note the earlier response regarding current frequency of services, excessive travel times and costs.

How should regional connections be improved to meet future freight and passenger demands?

- More focus on understanding "on the ground" requirements.
- Decentralisation, being a movement away from a Sydney-centric transport system.

Attachment 2.**The NSW Legislative Assembly, State and Regional Development Committee
Inquiry into Inter-Regional Public Transport.**

Submission for lodgement via the Committee's email address:
stateregional@parliament.nsw.gov.au
by 18 May 2012

Text as follows;

**The Chair
State and Regional Development Committee,
Parliament House, Macquarie Street, Sydney, NSW 2000**

Mid-Western Regional Council welcomes the opportunity to make a submission to the *Inquiry into Inter-Regional Public Transport*.

Provided below is Council's response;

Reference is made to the *NSW Long Term Transport Master Plan Discussion Paper*, and a number of inadequacies which have been noted within that document regarding the current frequency of services through the Central West Region (of which the Mid-Western Regional LGA is named as being a part), and the lack of cross-linkages within the existing route system.

CountryLink bus services provides public transport connections to and from the Mid-Western region, centred on Mudgee. Currently, there are only one or two daily departures from Mudgee to Sydney, and no direct CountryLink services from Mudgee to other important regional NSW centres.

The following examples illustrate the ineffectiveness of the existing inter-regional linkages;

- The 130 km, 100 minute car trip from Mudgee to Dubbo takes 7 hours by CountryLink coach and rail, which is routed via Lithgow.
- As incredible as it may seem, the CountryLink website states that a journey from Mudgee to Tamworth can take over 24 hours, including multiple changes via Lithgow and Central. By car, this same journey of 270 km takes no more than 4 hours.

Not only do these convoluted CountryLink trips expend considerable time, they can be very costly for passengers.

The provision of a greater number of regular, daily services to Sydney would be welcomed by Council and the local community. Council encourages a decentralised, inter- regional bus network comprising a number of transport hubs, such as Mudgee, Wellington, Dubbo, Orange

etc., from which localised networks may operate to service the individual needs of each local government area.

In conclusion, a co-ordinated, holistic approach of this sort is consistent with the *NSW Long Term Transport Master Plan Discussion Paper* which promotes the NSW Government's vision for transport as being an *integrated transport system*; one that will *ensure that different transport modes work together and that the interests of customers are put first*.

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