



ORDINARY MEETING



Wednesday 26 September 2012





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

19 September 2012

Dear Councillor

MEETING NOTICE
Ordinary Meeting
Wednesday, 26 September 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", written in a cursive style.

WARWICK L BENNETT
GENERAL MANAGER

AGENDA

Item 1:	Apologies.....	4
Item 2:	Annual elections	4
	2.1 Delegations to the Mayor	4
	2.2 Election of Mayor	8
	2.3 Election of Deputy Mayor	10
	2.4 Council Advisory Committees	12
	2.5 Delegates to External Committees and other organisations	19
	2.6 2012 Meeting Program	22
	2.7 Creation of Standing Committees	25
Item 3:	Disclosure of Interest.....	29
Item 4:	Confirmation of Minutes.....	29
	4.1 Minutes of Ordinary Meeting held on 15 August 2012	29
Item 5:	Matters in Progress	43
Item 6:	Mayoral Minute.....	48
Item 7:	General Business	49
	7.1 Notices of Motion	49
	7.2 Reports	50
	7.2.1 Mudgee Showground Management Committee	50
	7.2.2 2012 Pool Season Times	56
	7.2.3 Media policy	59
	7.2.4 Monthly Budget Review – August 2012	64
	7.2.5 Monthly statement of Mid-Western Regional Council bank balances and investments as at 31 August 2012	67
	7.2.6 Cancellation of Easements Relating to Lot 14 DP 1165148 80-82 Depot Road Mudgee	72
	7.2.7 Catchment A Voluntary Planning Agreements	75
	7.2.8 Church Street Upgrade	77
	7.2.9 Classification of Land Lot 102 DP 1174280	80
	7.2.10 Delegation to review rating categories	83
	7.2.11 Financial Assistance – Applications	89
	7.2.12 Gulgong Sports Council Minutes	102

7.2.13	Information Technology Acceptable Use Policy	109
7.2.14	Section 73A Amendment to Lot Size Maps LEP 2012	114
7.2.15	Local Traffic Committee Minutes – 16 August 2012	124
7.2.16	Monthly Development Applications Processing and Determined	147
7.2.17	Moolarben Coal Mines Limited Road Realignment of Ulan Wollar Road	156
7.2.18	Ulan Wollar Road - realignment	178
7.2.19	Adequacy Review of the Environmental Assessment – Mt Penny Coal Project	181
7.2.20	Mudgee Mountain Bike Plan	194
7.2.21	Mudgee Saleyards Management Committee	207
7.2.22	Mudgee Sewerage Augmentation Progress Report	210
7.2.23	Mudgee Sports Council minutes	219
7.2.24	Mudgee Town Hall Progress Report – August	226
7.2.25	Naming of Road Reserve off Gladstone Street	235
7.2.26	Noxious Weeds Act delegations	245
7.2.27	Redbank Creek Dam	262
7.2.28	Naming of new road off George Campbell Drive – Tim Loneragan Drive	271
7.2.29	Naming Of New Unnamed Road Off Bellevue Road	277
7.2.30	Property Re-valuations	283
7.2.31	Crudine Ridge Wind Farm – Consultative Committee	285
7.2.32	Section 73A Amendment to Land Zoning Sheet 5G LEP 2012	288

Item 8:	Urgent Business Without Notice	295
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Item 1: Apologies

Item 2: Annual elections

2.1 Delegations to the Mayor

REPORT BY MANAGER GOVERNANCE TO 26 SEPTEMBER 2012 COUNCIL MEETING
COUNCIL 120926
A0100055, A0110016

RECOMMENDATION

That Council:

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

Executive summary

To determine the Mayor's delegations and Role Statement for the period September 2012 to September 2013.

Detailed report

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

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

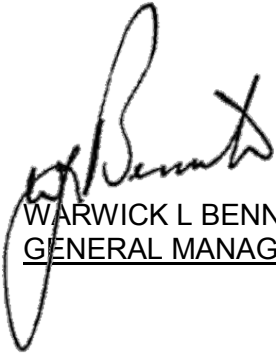


IAN ROBERTS
MANAGER GOVERNANCE

4 September 2012

Attachments: 1. Delegation of Authority for the Mayor

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

MID-WESTERN REGIONAL COUNCIL

DELEGATION OF AUTHORITY FOR THE MAYOR

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

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

ROLE STATEMENT FOR MAYOR

A STATUTORY

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

B CORPORATE PLANNING

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

C EXTRAORDINARY/SPECIAL/SENSITIVE ISSUES

- (i) Receive advice from the organisation's Management and other sources on extraordinary, special, sensitive and other issues and, where appropriate, refer matters to the General Manager for attention.
- (ii) Represent the Council in deputations to government, inquiries and other forums where it is appropriate that the Mayor should present Council's position.
- (iii) Present the Council and its decisions and position in a positive way to the community, the media, to government and to others interested in the region.
- (iv) Conduct interviews with residents, groups, corporations and others on matters, which affect Council's Policy making role.
- (v) Where directed by Council, requested by a Committee Chairman or the General Manager or where deemed appropriate by the Mayor assume the lead in matters of Council or community interest.

D FUNCTIONAL

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

E SUPERVISORY

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

F COMMUNITY LEADER

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

2.2 Election of Mayor

REPORT BY MANAGER GOVERNANCE TO 26 SEPTEMBER 2012 COUNCIL MEETING

COUNCIL 120926

A0100055, A0110008

RECOMMENDATION

That:

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

Executive summary

To elect the Mayor for the period September 2012 to September 2013.

Detailed report

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

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

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

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

Local Government (General) Regulation 2005 Requirements

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

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

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

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

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

- a) Ordinary Ballot - Involving the marking of Ballot Papers - subsequent exclusion of one candidate; further voting and exclusions; repeated until two candidates only remain, final vote between remaining two candidates.

- b) Open Voting - Procedure identical to Ordinary Ballot, however, the voting is by show of hands or similar means, not a Ballot Paper.
- c) Preferential Ballot - The complete numbering of Ballot Papers in consecutive order of preference for all candidates, commencing with "1" as first preference.

Drawing of Lots

If this becomes necessary, it shall be done by the General Manager.

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

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

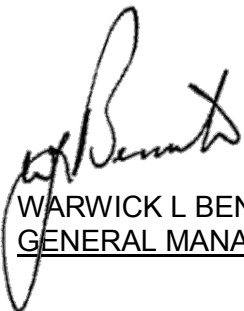


IAN ROBERTS
MANAGER GOVERNANCE

4 September 2012

Attachments: Nil.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

2.3 Election of Deputy Mayor

REPORT BY MANAGER GOVERNANCE TO 26 SEPTEMBER 2012 COUNCIL MEETING

COUNCIL 120926

A0100055, A0110008

RECOMMENDATION

That:

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

Executive summary

To elect the Deputy Mayor for the period September 2012 to September 2013.

Detailed report

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

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

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

Local Government (General) Regulation 2005 Requirements

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

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

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

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

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

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

Drawing of Lots

If this becomes necessary, it shall be done by the General Manager.

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

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

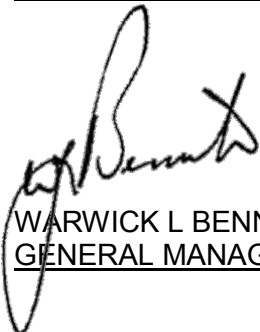


IAN ROBERTS
MANAGER GOVERNANCE

4 September 2012

Attachments: Nil.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

2.4 Council Advisory Committees

REPORT BY MANAGER GOVERNANCE TO 26 SEPTEMBER 2012 COUNCIL MEETING

COUNCIL 120926

A0100055, A0110015

RECOMMENDATION

That:

1. Council confirm the membership of all proposed Council Advisory Committees with external membership as shown on the attached schedule;
2. Council appoints the following Councillor Representatives to the following Committees:
 - (a) Mudgee Showground Management Committee
(2 Councillors)
 - (b) Kandos Bicentennial Industrial Museum Committee
(1 Councillor)
 - (c) Gulgong Memorial Hall Committee
(1 Councillor)
 - (d) Red Hill Reserve Working Party
(1 Councillor)
 - (e) Mid-Western Regional Council Peak Sports Council
(1 Councillor and Chairs and Presidents of Sports Councils with one meeting per year)
 - (f) Mudgee Sports Council Sub Committee
(1 Councillor)
 - (g) Gulgong Sports Council Sub Committee
(1 Councillor)
 - (h) Rylstone Sports Council Sub Committee
(1 Councillor)
 - (i) Mid-Western Regional Council Heritage Committee
(1 Councillor)
 - (j) Mudgee & Gulgong Access Committee
(1 Councillor)
 - (k) Rylstone & Kandos Access Committee
(1 Councillor)
 - (l) Mid-Western Regional Cultural Development Committee
(1 Councillor)
 - (m) Australia Day Selection Committee
(Mayor, Deputy Mayor and 1 Councillor)

-
- (n) Mudgee Regional Saleyards Committee
(3 Councillors)**
 - (o) Mid-Western Regional Youth Council
(2 Councillors)**
 - (p) Internal Audit Committee
(1 Councillor)**
 - (q) Community Safety Committee
(Mayor & 1 Councillor)**
 - (r) Noxious Weeds Control Advisory Committee
(1 Councillor)**
 - (s) Kandos Centennial Working Party
(1 Councillor)**
-

Executive summary

Council can if it so determines set up advisory committees which will be established pursuant to Section 355 of the Local Government Act 1993 and then appoint/elect Councillors to these committees.

Detailed report

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

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

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

Council has previously established several "Section 355 Committees" to assist in carrying out its functions. Some of these actually operate facilities on Council's behalf while others are established to provide advice to Council. It is important to note that Council does not need to appoint any 355 Committees. It can determine to manage the facility or activity itself or seek advice from other areas of the community.

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

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

Financial implications

The attendance by Councillors at these committees may incur a travel cost to Council, provision for which is included in the budget.

Strategic or policy implications

Not applicable.

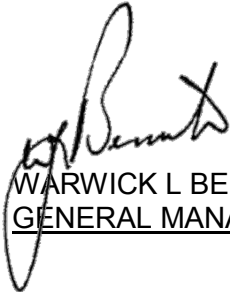


IAN ROBERTS
MANAGER GOVERNANCE

4 September 2012

Attachments: 1. 2011/12 Advisory Committee Structure

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

2011/12 ADVISORY COMMITTEE STRUCTURE

1. Mudgee Showground Management Committee

Membership	Quorum	Responsibilities	Meetings
Councillors Webb & Holden Group Manager Operations Mudgee Show Society (1 delegate) Livestock and other animal groups (1 delegate) Building users (1 delegate) Mudgee Horse Interests (1 delegate)	4	Exercise powers to manage the facility as delegated by Council under S.377.	Meet bi-monthly on the 2 nd Tuesday

* Council at its last annual meeting appointed 2 Councillors to this Committee. There is only a need for 1. Also, there are 4 different horse interest groups and it may be more appropriate to have each of those groups represented on this committee.

2. Kandos Bicentennial Industrial Museum Committee

Membership	Quorum	Responsibilities	Meetings
Councillor Martens Community members: Up to 10 Quorum is only 4	N/A	Management of Kandos Bicentennial Industrial Museum	Meets every second month

3. Gulgong Memorial Hall Committee

Membership	Quorum	Responsibilities	Meetings
Councillor Thompson Interested representatives of the Gulgong community Business Manager Resources & Recreation	N/A	Promotion of Gulgong Memorial Hall	Meets monthly, 1 st Tuesday of the month.

4. Red Hill Reserve Working Party

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

5. Mid-Western Regional Council Peak Sports Council

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

6. Mudgee Sports Council Sub Committee

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

7. Gulgong Sports Council Sub Committee

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

8. Rylstone Sports Council Sub Committee

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

9. Mid-Western Regional Council Heritage Committee

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

* The Heritage Committee has struggled to get a quorum in recent years. Staff would question the need to have a Heritage Committee when staff report directly to Council on heritage matters.

10. Mudgee & Gulgong Access Committee

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

11. Rylstone & Kandos Access Committee

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

12. Mid-Western Regional Council Cultural Development Committee

Membership	Quorum	Responsibilities	Meetings
Councillor Holden Up to 10 community representatives. Quorum is only 4.	4	Implementation of recommendation of Cultural Plan	As required

13. Australia Day Selection Committee

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

14. Mudgee Regional Saleyards Committee

Membership	Quorum	Responsibilities	Meetings
Councillors Weatherley & Webb Agents (2 members) Nat Farmers (1 member) Transport (1 member) Beef Improvement Assoc. (1 member) Group Manager Operations Saleyards Supervisor	N/A	Advise Council on operation and improvements to the Saleyards.	Bi-monthly – 3 rd Thursday of the month.

15. Mid-Western Regional Youth Council

Membership	Quorum	Responsibilities	Meetings
Councillors Kennedy & Weatherley 2 representatives from each of the 4 high schools	4	Consultation and advocacy for youth	Twice each school term (8 per year)

16. Internal Audit Committee

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

17. Community Safety Committee

Membership	Quorum	Responsibilities	Meetings
Mayor & Councillor Lang Police (2) Community (3) Business (3) Council staff	N/A	Provide advice to Council on the need for a Community Crime Prevention Plan	As required

18. Noxious Weeds Control Advisory Committee

Membership	Quorum	Responsibilities	Meetings
Councillors Webb Community members (3) Business Manager Resources & Recreational Chief Weeds Officer	N/A	Provide advice to Council on weed control in the MWRC area	4 times per year.

19. Kandos Centennial working Party

Membership	Quorum	Responsibilities	Meetings
Councillor Martens Community Members		To provide input into the celebration of the centenary of Kandos in 2014	

23. Mudgee Aerodrome Security and Emergency Committee

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

2.5 Delegates to External Committees and other organisations

REPORT BY MANAGER GOVERNANCE TO 26 SEPTEMBER 2012 COUNCIL MEETING
COUNCIL 120926
A0100055, A0110015

RECOMMENDATION

That:

1. Council appoint its delegates to the following external Committees or other organisations:
 - (a) Bushfire Management Committee (1 Councillor)
 - (b) Rural Fire Service District Liaison Committee (2 Councillors)
 - (c) Mudgee Region Tourism Inc (2 Councillors)
 - (d) Ulan Coal Mine Community Consultative Committee (1 Councillor)
 - (e) Wilpingjong Community Consultative Committee (2 Councillors)
 - (f) Charbon Community Consultative Committee (1 Councillor)
 - (g) Moolarben Community Consultative Committee (2 Councillors)
 - (h) Inglenook Exploration Community Consultative Committee (1 Councillor)
 - (i) Central West Catchment Management Authority (1 Councillor)
 - (j) Bells Line Expressway Group (1 Councillor)
 - (k) Macquarie Valley Weeds Advisory Committee (1 Councillor)
 - (l) Joint Regional Planning Panel (2 Councillors)
 - (m) Lachlan Regional Transport (1 Councillor)
 - (n) Botobolar Community Committee (1 Councillor)
 - (o) Goolma Amenities Committee (1 Councillor)
 - (p) Traffic Committee (1 Councillor)

Detailed report

Council is represented on numerous external committees and other organisations.

Council needs to determine who its delegates to these external committee's and other organisations for the period September 2012 to September 2013, but before doing so needs to ensure that having a representative on these organisations and external committees has current relevance and is effective for the region.

The schedule attached sets out the current representation.

Financial implications

The attendance by Councillor at these external committees and other organisations may incur a travel cost to Council, provision for which is included in the budget.

Strategic or policy implications

Not applicable.

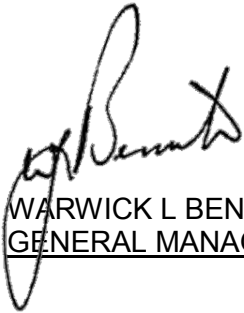


IAN ROBERTS
MANAGER GOVERNANCE

4 September 2012

Attachments: 1. Delegates to Other Bodies 2011/12

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

DELEGATES TO OTHER EXTERNAL COMMITTEES AND OTHER ORGANISATIONS 2011/12

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

2.6 2012 Meeting Program

REPORT BY MANAGER GOVERNANCE TO 26 SEPTEMBER 2012 COUNCIL MEETING

COUNCIL 120926

A0100055, A0100004

RECOMMENDATION

That:

1. Council confirm the following schedule of Council and Committee Meetings, Village Open Forums and Town Forums for the remainder of 2012:

Council Meetings be scheduled as follows:

Wednesday, 17 October 2012 5.30 pm
Wednesday, 7 November 2012 5.30 pm
Wednesday, 21 November 2012 5.30 pm
Wednesday, 5 December 2012 5.30pm
Wednesday, 19 December 2012 5.30pm

Village Open Forums be scheduled as follows:

Wednesday, 10 October 2012 Yarrabin/Beragoo 2.00pm and Goolma 4.00pm
Wednesday, 14 November 2012 Ilford 1.00pm, Bylong 3.00pm, Lue 5.00pm

Town Forums be scheduled as follows:

Gulgong 10 October 2012 6.00 pm
Rylstone/Kandos 14 November 2012 6.00 pm

2. Council and Committee meetings be held in the Council Chamber at Council's Administration Building, 86 Market Street, Mudgee.
3. an Open Day session be held at the commencement of all Council and Committee Meetings at which members of the public can address Council.
4. in those cases where meetings are held in the evenings, a meal be provided, in house, at the conclusion of the meeting for Councillors and senior staff who attend, with Council to determine the nature of the meal and the level of associated refreshments.

Executive summary

To formalise the meeting program for the remainder of 2012.

Detailed report

Council established a meeting program for 2012 incorporating Council and Committee Meetings, Village Open Forums and Town Forums. In establishing the program it was recognised that the incoming Council may decide to alter the program so, in writing to the villages it was explained that some changes may be made after the election.

Recognising that the election result may not be known until very late in September, Council slightly revised this program to delete any meetings scheduled for September as well as deleting the October Committee Meetings.

The program for the remainder of 2012 is as follows:

Council meetings:

Wednesday, 17 October 2012	5.30pm
Wednesday, 7 November 2012	5.30pm
Wednesday, 21 November 2012	5.30pm
Wednesday, 5 December 2012	5.30pm
Wednesday, 19 December 2012	5.30pm

Village Forums:

Wednesday, 10 October 2012	Yarrabin/Beragoo 2.00pm and Goolma 4.00pm
Wednesday, 14 November 2012	Ilford 1.00pm, Bylong 3.00pm, Lue 5.00pm

Town Forums:

Gulgong	10 October 2012, 6.00 pm
Rylstone/Kandos	14 November 2012, 6.00 pm

Council Meeting Venue

The Council Chamber in the Mudgee Administration Building has been upgraded and incorporated state of the art recording equipment and facilities for electronic presentations. Given this expense and the central location of Mudgee in the new local government area, since the amalgamation in 2006 all Council and Committee meetings have been held in Mudgee.

Meeting Meals and Refreshments

A meal has traditionally been provided to Councillors and Senior Staff where meetings were held in the evening, generally at the conclusion of the meeting.

If Council agrees with the concept of a meal, this will continue.

Financial implications

The cost of Councils meeting programme is included in the endorsed budget.

Strategic or policy implications

Not applicable.

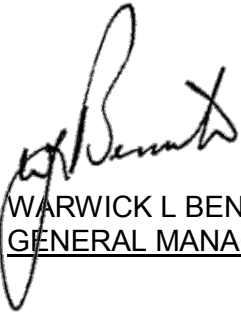


IAN ROBERTS
MANAGER GOVERNANCE

4 September 2012

Attachments: 1. Nil.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

2.7 Creation of Standing Committees

REPORT BY General Manager TO 26 SEPTEMBER 2012 COUNCIL MEETING

Standing Committees

A0100055, A0110015

RECOMMENDATION

That:

1. **the report by General Manager on the Creation of Standing Committees be received;**
2. **Council retains the existing political structure by having two ordinary meetings of Council per month, with the exception of January where there are no meetings and July only one meeting, and Council does not establish standing committees.**

Detailed report

The Local Government Act, 1993 provides that Council must meet at least 10 times per year, each time in a different month. Council currently meets twice per month with the exception of January where there are no meetings and July Council only meets on the 3rd Wednesday.

A request has been made that Council re-establishes the committee structure. There is no legislative requirement for Council to operate through committees. Council can determine the political structure as it best suits. I will not comment on whether the existing political structure is appropriate or not as it is the prerogative of Council to determine its own political structure. Whatever that structure is Council staff will ensure that the political process remains efficient and effective.

Up until September 2010, Council operated with four (4) Standing Committees, being:

- Planning & Development Committee
- Strategic Committee
- Cultural & Community Services Committee
- Corporate Services Committee

The roles of these committees were:

Planning and Development Committee

- a) To determine recommendations or make decisions in accordance with resolved delegations concerning allocation of resources within the budget allocation for the current year for strategic and land use planning and the management of private development in the region and other general matters, as appropriate; and any other matter relating to Planning and Development matters that require Council consideration.
- b) To prepare budget requisitions and programs for the next year for consideration by the Corporate Services Committee.
- c) To determine recommendations concerning policy issues relating to planning and development matters.

Strategic Committee

- a) To determine recommendations or make decisions in accordance with resolved delegations in relation to the allocation of resources within budget allocations for the current year for physical engineering works and the management of Council's assets, as appropriate and any other matter relating to Council's assets that require Council consideration.
- b) To prepare budget requisitions and programs for the next year for consideration by the Corporate Services Committee.
- c) To determine recommendations concerning strategic policy issues relating to physical works and the planning of those works.

Cultural and Community Services Committee

- a) To determine recommendations or make decisions in accordance with resolved delegations in relation to the allocation of resources within budget allocations for the current year for community services, as appropriate and any other matter relating to the Cultural and Community Services that require Council consideration.
- b) To prepare budget requisitions and programs for the next year for consideration by the Corporate Services Committee.
- c) To determine recommendations concerning policy issues relating to community services matters.

Corporate Services Committee

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

If Council was of a mind to re-instate a Committee Structure then I would make the following suggestions as an alternative to the 2010 committee structure. The following is an alternative recommendation than stated above to give effect to the establishments of Committees

1. That Council operates three (3) standing Committees being Planning and Development, Infrastructure and Finance and Cultural with all members of Council being members of all standing committees:-
2. Council delegate to its Standing Committees the power to make decisions subject to:
 - a) The positive assent of a minimum of six (6) Councillors.
 - b) The matter not involving any business exclusively reserved to Council in Section 377 of the Local Government Act, 1993, or any other section.
 - c) The matter does not involve the allocation, re-allocation or incurring of any additional expenditure by Council.
 - d) Due notice of the matter being given in the Business Paper for the meeting.

- e) The matter not involving the adoption of a formal policy.
- 3. The Chairperson of the Committee shall not having a casting vote;
- 4. The Committees operate under the requirements contained in the Local Government Act 1993, the Local Government (General) Regulation 2005 and the Council's Code of Meeting Practice; notwithstanding that each Committee, may regulate its own procedure;
- 5. the roles of Committees be:

Planning and Development Committee

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

Infrastructure Committee

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

Finance and Cultural Committee

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

If the above alternative recommendation becomes a resolution of Council then the following recommendation would need to be considered to put into effect the election of Chairpersons of the committees and the delegations to those committee chairpersons.

- 1. Council determine the role and delegations of Chairpersons of Planning and Development Committee, Infrastructure Committee and, Finance and Cultural Committee for the period September 2012 to September 2013 as follows:
 - (a) Be aware of the objectives, responsibilities and guidelines for the operation of the Committee;

- (b) Be aware of the objectives of Council in relation to the responsibilities and programmes of the Committee;
 - (c) Assert leadership to guide the Committee in its deliberations and to motivate Committee members to ensure that the responsibilities of the Committee are met;
 - (d) Ensure that the Committee evaluates relevant policies, objectives and sections of the Operation and Delivery Plan;
 - (e) Ensure that the Committee plans, monitors and reviews performance of work and services under its control;
 - (f) Consult on a regular basis with the General Manager and Group Managers on matters before the Committee;
 - (g) Preside at meetings of the Committee in accordance with the provisions of the Local Government Act and Regulations and the Council's Code of Meeting Practice, Code of Conduct and any other directions from the Council;
 - (h) Ensure that the Mayor and the Committee are aware of problems that would affect the workings of the Committee;
2. Council determine that the Ballot for the election of the Chairperson of Committees be by Ordinary Ballot/Open Voting/Preferential Ballot (delete two);
 3. the election be conducted by the General Manager and Group Manager Assets.

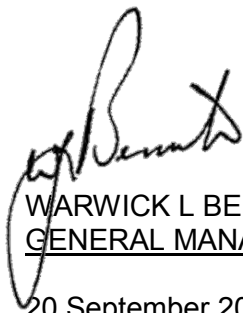
FINANCIAL IMPLICATIONS

Whatever structure Council determines will fit within the budget currently endorsed by Council.

STRATEGIC OR POLICY IMPLICATIONS

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

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



WARWICK L BENNETT
GENERAL MANAGER

20 September 2012

Item 3: 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 4: Confirmation of Minutes

4.1 Minutes of Ordinary Meeting held on 15 August 2012

COUNCIL DECISION:

That the Minutes of the Ordinary Meeting held on 15 August 2012, Minute Nos 339/12 to 370/42 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 15 August 2012, commencing at 5.26 pm and concluding at 6.04 pm

PRESENT	Cr D Kennedy (Mayor), Cr R Holden, Cr E Lang, Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb.
IN ATTENDANCE	General Manager (W L Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Development and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Manager Governance (I Roberts)
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (R Murray), Radio 2MG (C Ross).

The Mayor opened the meeting by commenting that this will be the last meeting of this Council and thanked all Councillors and staff for their efforts during the past 4 years.

Councillor Lang also thanked Councillors and staff for their help in the last 4 years as he will not be seeking re-election.

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.13 as he is a contractor on this project.

Councillor Walker declared a pecuniary conflict of interest in Item 7.2 of Urgent Business Without Notice as he is the owner of the subject property.

Item 3: Confirmation of Minutes339/12 **MOTION:** Shelley/Weatherley**That the Minutes of the Ordinary Meeting held on 1 August 2012 (Minute Nos. 318/12 to 338/12) be taken as read and confirmed.***The motion was put and carried.***Item 4: Matters in Progress**Kandos Museum 2012/12 – Min.No.245/12340/12 **MOTION:** Lang/Weatherley**That Minute No.245/12 be noted as completed.***The motion was put and carried.***Item 5: Mayoral Minutes**

There was no Mayoral Minute.

Item 6: General Business

4.2 6.1 NOTICES OF MOTION

6.1.1 COUNCIL TO HOLD AN EVENT RECOGNISING THE YEAR OF THE FARMER

A0100055, A0100035

341/12 **MOTION:** Thompson/Martens**That as it is the “Year of the Farmer”, Council run an event recognising the farmers in our area.***The motion was put and carried.*

4.3 6.2 REPORTS TO COUNCIL

6.2.1 DA 0043/2012 PROPOSED TREE REMOVAL, LOTS 15,16,17,18 AND 19 DP 1165148, 59-63
DEPOT ROAD, MUDGEE

A0100055, P2106561

342/12 **MOTION:** Shelley/Walker

- A. the report by Manager Statutory Planning on the DA 0043/2013 Proposed Tree Removal, lots 15,16,17,18,19 DP 1165148, 59-63 Depot Road, Mudgee be received;**
- B. Development Application DA 0043/2013 Proposed Tree Removal, lots 15,16,17,18,19 DP 1165148, 59-63 Depot Road, Mudgee be granted development consent subject to the following conditions;**

APPROVED DEVELOPMENT

- 1 Development is to be carried out generally in accordance with the Application received by Council on 27 July 2012 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgment and consideration by Council of amended plans. Major modifications will require the lodgment of a new development application.**
- 2 Two Eucalypt trees located on lot 19 DP 1165148 are to be retained in accordance with the amended Approved plan. The trees to be retained are circled in red.**
- 3 Any hoarding or barriers used in the proposed works are to be consistent with the requirements of the NSW WorkCover Authority.**

Note: Council approval is required for any hoarding or barriers placed on the public footpath.

- 4 The removal of the tree shall be carried out between the hours of**
 - Monday to Friday 7.00am to 5.00pm**

- **Saturday** **8.00am to 1.00pm**

- 5** A traffic Control Plan for the duration of the tree removal works that shall comply with AS 1742.3 Manual of Uniform Traffic Control devices, Part 3, Traffic Control devices for Works on Roads be submitted to Council prior to works commencing.

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

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

6.2.2 DA 0044/2013 PROPOSED USE OF EXISTING BUILDING AS A DWELLING, LOT 28 AND 29 DP 755414, 285 BOTOBOLAR ROAD, BOTOBOLAR

A0100055, P1197362

343/12

MOTION: Walker/Lang

- A.** Development Application No. 0044/2013 for the proposed use of an existing building as a dwelling, lots 28 and 29 DP 755414, 285 Botobolar Road, Botobolar be approved subject to the attached conditions:

APPROVED DEVELOPMENT

1. Development is to be carried out in accordance with the application received by Council on 27 July 2012, except as varied by the conditions listed herein. Any minor modification to the approved development will require the lodgement and consideration by Council of an amended application. Major modifications will require the lodgement of a new development application.

Note: This consent relates to the use of an existing structure as a dwelling on the land; the physical erection of the dwelling house is not approved by this consent and must be the subject of a Building Certificate.

GENERAL

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

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

3. An application for a Building Certificate is to be obtained for the existing structure on the site.

4. **A Construction Certificate is to be obtained for any proposed new works to be the structure in accordance with Section 81A(2)(a) of the Act.**
- a) **A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.**
- b) **Council is to be given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.**
- B. **That upon determining the application, Council seeks the NSW Department of Planning and Infrastructure Director-General's concurrence in accordance with Clause 21 of the Mid-Western Regional Interim LEP 2008.**

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

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

6.2.3 DEVELOPMENT APPLICATION NO. 0383/2012, PROPOSED ANIMAL SHELTER AT THE MUDGEES WASTE DEPOT, 129 HILL END ROAD, MUDGEES

A0100055, P2091961

344/12

MOTION: Shelley/Lang

That:

- A. **the report by the Senior Town Planner on Development Application No. 0383/2012, proposed Animal Shelter at the Mudgee Waste Depot, 129 Hill End Road, Mudgee, be received;**
- B. **Development application 0383/2012 for a proposed Animal Shelter at the Mudgee Waste Depot, 129 Hill End Road, Mudgee be granted development consent subject to the following conditions;**

APPROVED PLANS

1. **Development is to be carried out generally in accordance with stamped plans**
Project Number 113.11, Proposed site plan Page 1 of 5
Project Number 113.11, Proposed floor plan Page 2 of 5
Project Number 113.11, Proposed elevations plan Page 3 of 5
Project Number 113.11, Proposed elevations/section Page 4 of 5
Project Number 113.11, Proposed internal elevations, WC amenities, roof plan Page 5 of 5

and the Application received by Council on 26 June 2012 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

ENGINEERING

2. **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.**
3. **The developer is to construct a suitable vehicular entrance in accordance with the following minimum guidelines:**
- a) **a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from edge of the traffic lane of the public road;**
- b) **a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;**

- c) a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it.
 - d) the access shall be located such that adequate sight distances are achieved, as specified in the Austroads publication 'Intersections at Grade'.
4. 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.

HEALTH AND BUILDING

5. All building work must be carried out in accordance with the provisions of the National Construction Code, Volume One, 2012 and the adopted Australian Standards referenced in the Building Code of Australia
6. The proposed development is to be carried out strictly in accordance with the details set out on the submitted plans and on the Application form, except as otherwise provided by the conditions of this consent.
7. Construction work noise that is audible at other premises is to be restricted to the following times:
- | | | |
|------------------|----|------------------|
| Monday to Friday | -- | 7.00am to 6.00pm |
| Saturday | -- | 8.00am to 1.00pm |
- No construction work is permitted on Sundays and Public Holidays.
8. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.
9. A sign shall be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out showing:
- (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) stating that unauthorised entry to the premises is prohibited, and
 - (c) showing the name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours. The sign shall be removed when the erection or demolition of the building has been completed
10. The building(s) shall not be used or occupied until either an occupation certificate or an interim occupation certificate has been issued by the principal certifying authority.
11. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
12. There is to be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash, or dust or otherwise as a result of the proposed development.
13. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. The Council encourages the separation and recycling of suitable materials.
14. Guttering and down piping shall be provided and roof water discharged in a way that does not adversely affect adjoining properties.

15. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with. Council is to give at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
16. Runoff and erosion controls must be installed prior to clearing the site and incorporate:
 - diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
 - sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water.
 - maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of the development or particular stage of the development.
17. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification
18. The building must be provided with access for persons with disabilities through the main public entrance and to and within all other areas normally used by the occupants in order to comply with Australian Standards 1428.1 – 2009, 1428.4 – 1992, the Building Code of Australia Volume One - 2011 and the Disability Discrimination Act.
Full details must be provided with the required Construction Certificate.
19. The proposed method(s) of compliance with the Building Code of Australia are to be clarified by documentation to be submitted with the Construction Certificate Application.
 - (a) Section D – Access and Egress
 - (b) Section E - Services and Equipment
20. A full set of construction details prepared by a registered practicing structural engineer is to be submitted as part of the Construction Certificate application.

DESIGN MODIFICATIONS

21. the Facility design is to be modified in accordance with the recommendations contained within 'Acoustic Report Proposed Dog Pound Abattoirs Rd Mudgee', dated February 2012 and prepared by PKA Acoustic Consultants, the purpose being to alleviate the potential for adverse levels of noise emission from the proposed facility.

Modifications include;

- insulation to roof and walls of the building;
- Removal of roof vents and use of vertical vents in the wall;
- Kennel dividers (opaque or obscure);
- 24 hour phone number for complaints.

CAR PARKING

22. A total of 3 car parking spaces are to be provided within the site of the development and comply with the following requirements:
 - (a) Each parking space is to have minimum dimensions of 5.5m x 2.6m;
 - (b) Each disabled car parking space is to be in accordance with the provisions of Councils Development Control Plan – Design for Accessibility.
 - (c) All car parking spaces are to be line-marked and provided with a hard standing, all weather compacted gravel surface and must be maintained in a satisfactory condition at all times;

- (d) Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking.

VEGETATION

23. Vegetation removal shall be limited to that required for the development. Vegetation shall be retained to provide shade for the approved outdoor exercise yard. A landscape plan shall be submitted to Council for approval prior to the issue of the construction certificate.

SIGNAGE

24. Signage is to be in accordance with Council's advertising signs development control plan and design for accessibility development control plan and approved by Council prior to erection.

GENERAL

25. The premises must be constructed and maintained in accordance with the NSW Animal Welfare Code of Practice No. 5 – Dogs and Cats in Animal Boarding Establishments.
26. A report prepared by a suitably qualified person to be submitted to Council for the design and soil testing of an onsite waste water disposal system.

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

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

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

A0100055, A0140304

345/12

MOTION: Holden/Lang

That:

1. the investment report by Management Accountant on the Monthly statement of Mid-Western Regional Council bank balances and investments as at 31 July 2012 be received;
2. the certification by the Responsible Accounting Officer be noted.

The motion was put and carried.

6.2.5 PLANNING PROPOSAL – BLACK SPRINGS ROAD MUDGEES

A0100055, A0420240

346/12

MOTION: Walker/Holden

That:

1. the report by Manager Strategic Planning on the Planning Proposal – Black Springs Road Mudgee be received;
2. Council prepare an amending Local Environmental Plan for Black Springs Road to enable Lot 1 DP 876505 to be subdivided and a dwelling erected on the second lot;
3. the Planning Proposal under section 55 of the Environmental Planning and Assessment Act for Black Springs Road be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination;

4. a further report be presented to Council upon the completion of the exhibition addressing any submissions.

The motion was put and carried.

6.2.6 DRAFT SECTION 94 PLAN - DRAINAGE

A0100055, A0420128

347/12

MOTION: Shelley/Weatherley

That:

1. the report by Manager Strategic Planning on the amendment of the Draft Section 94 Contributions Plan be received;
2. the Draft Section 94 Contributions Plan be placed on public exhibition for a period of 28 days in accordance with the requirements of the Environmental Planning and Assessment Act.

The motion was put and carried.

6.2.7 DRAFT FINANCIAL STATEMENTS 2011/12

A0100055, A0149933

348/12

MOTION: Holden/Walker

That:

1. the report by Group Manager Finance & Administration on the Draft Financial Statements 2011/12 be received;
2. the 2011/12 Draft General Purpose Financial Reports and 2011/12 Draft Special Purpose Financial Reports be referred for audit;
3. the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer be authorised to sign the "Statement by Councillors and Management" on its opinion of the 2011/12 General Purpose Financial Reports and 2011/12 Special Purpose Financial Reports;
4. the General Manager be authorised to issue the 2011/12 Financial Reports immediately upon receipt of the Auditors Report, subject to there being no material audit adjustments or audit issues;
5. the General Manager be authorised to finalise the date at which the Auditors Report and Financial Statements for 2011/12 are to be presented to the public.

The motion was put and carried.

6.2.8 QUARTERLY BUDGET REVIEW - JUNE 2012

A0100055, A0149935

349/12

MOTION: Martens/Weatherley

That:

1. the report by Manager Financial Planning on the June 2012 Quarterly Budget Review be received; and
2. the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure, be noted.

The motion was put and carried.

6.2.9 KANDOS CENTENARY WORKING PARTY

A0100055, A0310010

350/12

MOTION: Martens/Thompson

That:

1. the report by Manager Community Development on the Kandos Centenary Working Party be received;
2. Council note the minutes of the Kandos Centenary Working Party of June 2012.

The motion was put and carried.

6.2.10 KANDOS BICENTENNIAL MUSEUM

A0100055, A0060123

351/12 **MOTION:** Shelley/Walker

That:

1. the report by Manager Community Development on the Kandos Bicentennial Museum be received;
2. Council note the minutes of the Kandos Bicentennial Museum Committee meeting of 14 June 2012.

The motion was put and carried.

6.2.11 MRTI QUARTERLY REPORT JUNE 2012

A0100055, F0770077

352/12 **MOTION:** Holden/Martens

That the report by the General Manager on the MRTI Quarterly Report for June 2012 be received.

The motion was put and carried.

353/12 **MOTION:** Holden/Martens

That Council notes that all votes in relation to the MRTI during the past four years have been unanimous.

The motion was put and carried.

6.2.12 MUDGEE SEWERAGE AUGMENTATION PROGRESS REPORT

A0100055, F0740001

354/12 **MOTION:** Weatherley/Martens

That the report by Business Manager Services on the Mudgee Sewerage Augmentation Progress Report be received.

The motion was put and carried.

6.2.13 MUDGEE TOWN HALL PROGRESS REPORT – JULY

A0100055, P0159964

Councillor Walker declared a pecuniary conflict of interest as he is a contractor to this project, left the meeting at 5.53 pm and did not participate in discussions or vote in relation to this matter.

355/12 **MOTION:** Shelley/Holden

That the report by Manager Community Development on the Mudgee Town Hall Progress Report – July be received;

The motion was put and carried.

Councillor Walker returned to the meeting at 5.54 pm.

6.2.14 NAMES FOR INCLUSION IN THE PRE-APPROVED STREET/ROAD NAMES LIST

A0100055, R0790141

356/12 **MOTION:** Webb/Walker

That:

1. the report by the Manager Revenue and Property on names submitted for Council's Pre-Approved Street/Road Names List be received;
2. Council approve the inclusion of Harvey, Nelthorpe & Michael Chapman in the pre-approved street/road names list for use at a later date.

The motion was put and carried.

6.2.15 NAMING OF NEW UNNAMED ROADS OFF GREVILLEA STREET

A0100055, R0790141

357/12

MOTION: Webb/Holden**That:**

1. the report by the Manager Revenue and Property on the naming of new road reserves off Grevillea Street be received;
2. Council select Hollingsworth Drive (road 1), Roy Cross Place (road 2) and Hasler Place (road 3) as the names for the three road reserves off Grevillea Street

The motion was put and carried.

6.2.16 NAMING OF ROAD RESERVE BETWEEN KILKENNY AVENUE AND MARSHFIELD LANE

A0100055, R0790141

358/12

MOTION: Holden/Walker**That:**

1. the report by the Manager Revenue and Property on the naming of a road reserve be received;
2. Council name Marshfield Lane for the road reserve at Bellevue

The motion was put and carried.

6.2.17 NAMING OF ROAD RESERVE OFF INDUSTRIAL AVENUE

A0100055, R0790141

359/12

MOTION: Shelley/Walker**That:**

1. the report by the Manager Revenue and Property on the naming of a road reserve off Industrial Avenue be received;
2. Council name the new road reserve off Industrial Avenue - Allan Stewart Place.

The motion was put and carried.

6.2.18 MID-WESTERN REGIONAL COUNCIL SUBMISSION TO THE GREEN PAPER - A NEW PLANNING SYSTEM FOR NSW - GREEN PAPER

A0100055

360/12

MOTION: Shelley/Holden**That:**

1. the report by Group Manager Development and Community Services on the Mid-Western Regional Council Submission to the Green Paper – A New Planning System for NSW – Green Paper be received;
2. Council make a submission as outlined in the attachment to this report with the deletion of the alternate response under the heading "Depoliticising Decision Making"

The motion was put and carried.

6.2.19 REVOTES FROM 2011/12 MANAGEMENT PLAN TO 2012/13 OPERATIONAL PLAN

A0100055, A0149935, A0149936

361/12

MOTION: Shelley/Weatherley**That:**

1. the report by Manager Financial Planning on the Revotes from 2011/12 Management Plan to 2012/13 Operational Plan be received;
2. the 2012/13 Operational Plan be amended to reflect the revote of budgets from 2011/12, as follows:
 - \$265,253 from General Fund Revenue
 - \$157,164 from General Fund Reserves
 - \$382,230 from Unspent Grants – General Fund
 - \$32,620 from S94 Developer Contributions – General Fund
 - \$408,877 to be received from Grant funding in 2012/13 – General Fund
 - \$117,640 from Sewer Fund Reserves
 - \$120,165 to be received from Insurance Reimbursements in 2012/13
 - \$602,000 to be received from Grant funding in 2012/13 – Sewer Fund
 - \$2,021,877 from Unspent Loans – Sewer Fund
 - \$263,261 from Water Fund Reserves

- \$50,000 to be received from Grant funding in 2012/13 – Water Fund
- \$52,218 from Waste Fund Reserves

The motion was put and carried.

6.2.20 RYLSTONE AND KANDOS ACCESS COMMITTEE

A0100055, A0060129

362/12

MOTION: Martens/Thompson

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 meeting of 19 June 2012.

The motion was put and carried.

6.2.21 HOME AND COMMUNITY CARE SERVICES – QUARTERLY REPORT

A0100055, A0060205, A0060202, A0060204, A0060048, A0060203, A0060069

363/12

MOTION: Walker/Webb

That:

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

The motion was put and carried.

6.2.22 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

A0100055, A0110001

364/12

MOTION: Lang/Weatherley

That:

1. the report by the Manager Governance on the Council's policy on the Payment of Expenses and Provision of Facilities to Councillors be received;
2. Council note that no submissions were received in relation to the proposed policy on the Payment of Expenses and Provision of Facilities to Councillors;
3. Council formally adopt the proposed policy on the Payment of Expenses and Provision of Facilities to Councillors;
4. The Division of Local Government be advised that Council has formally adopted this policy and be provided with:
 - A copy of the adopted policy;
 - A copy of this report; and
 - A copy of the public notice that appeared in the Community News on 13 July 2012.

The motion was put and carried.

Item 7: Urgent Business Without Notice

4.4 7.1 Temporary Suspension of Alcohol Free Zone Market Street Mudgee

A0100055, A0130008

365/12

MOTION: Holden/Shelley

That this matter be dealt with as Urgent Business Without Notice.

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

366/12

MOTION: Shelley/Weatherley**That:**

1. the report by Group Manager Development and Community Services on the Temporary Suspension of Alcohol Free Zone Market Street Mudgee be received;
2. Council allow the suspension of the Alcohol Free Zone in Market Street Mudgee between Church and Perry Streets, on the 22 September between the hours of 4.00am and 9.00pm to allow alcohol to be consumed/served to patrons of the Flavours of Mudgee Street Festival.

The motion was put and carried.

4.5 7.2 DA0017/2013 – Proposed Shed, Lot 1 DP1062660 31 Robert Hoddle Grove Bombira

A0100055, P2170561

Councillor Walker declared a pecuniary conflict of interest as he is the owner of the subject property, left the meeting at 5.59 pm and did not participate in discussions or vote in relation to this matter.

367/12

MOTION: Shelley/Weatherley**That this matter be dealt with as Urgent Business Without Notice.***The Mayor having ruled the matter to be of great urgency, the motion was put and carried.*

368/12

MOTION: Shelley/Webb**That:**

- A. the report by Manager Governance on the DA 0017/2013 Proposed Shed, lot 1 DP 1062660, 31 Robert Hoddle Grove, Bombira be received;
- B. That Development Application DA 0017/2013 Proposed Shed, lot 1 DP 1062660, 31 Robert Hoddle Grove Bombira be granted development consent subject to the following conditions;

APPROVED DEVELOPMENT

1. The development is to be carried out in accordance with the approved stamped plans, except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).
2. All building work must comply with the requirements of the National Construction Code 2012, Volume Two, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
3. Full details must be provided with the Construction Certificate application.
4. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.
5. Construction work noise that is audible at other premises is to be restricted to the following times.
 - Monday to Friday -- 7.00am to 6.00pm
 - Saturday -- 8.00am to 1.00pm
 - No construction work is permitted on Sundays and Public Holidays.
6. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. Council encourages the separation and recycling of suitable materials.

7. Prior to the occupation of a new building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
8. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - stating that unauthorised entry to the work site is prohibited, and
 - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
9. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)
10. All stormwater is to discharge a minimum 3 metres from the building in such a way as to not adversely affect adjoining properties.
11. The building shall be used for agricultural purposes ancillary to the use of the land. The building shall not be adapted nor used for residential, commercial or industrial purposes without prior approval of Council.
12. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
 - Council is to give at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
13. The building is to be constructed using non-reflective building materials.

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 Weatherley	✓	
Cr Webb	✓	

Councillor Walker returned to the meeting at 6.01 pm.

Item 8: Confidential Session
369/12 **MOTION:** Shelley/Holden

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

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

Subject: General Manager's performance review – 2011/12

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

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

The motion was put and carried.

4.6 8.1.1 General Manager's performance review – 2011/12

A0100055, A0381421

370/12

MOTION: Shelley/Lang**That:**

1. **the report by General Manager on the General Manager's performance review – 2011/12 for the period ending June 2012 be received;**
2. **Council assess the General Manager's Performance for the 2011/12 financial year at rating 3 - "Exceeded Objective Expectations" - in accordance with the agreed performance agreement approved in November 2011.**

The motion was put and carried.

Councillors Holden and Martens left the meeting during discussion of this Item saying that they did not believe that Council should deal with it while the "Caretaker Provisions" applied.

Item 9: Open Council

The Manager Governance announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 6.04 pm.

Item 5: 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 final draft plans are nearing completion and will be presented to Council next year. With the focus on delivering the Mudgee Sewer Works insufficient staff resources are available to review this scheme and make the recommendation to Council any earlier
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 public consultation process is complete and no one was nominated. We will prepare a list and put up to the new Council for consideration. Once the plaques are in place I am sure other submissions will come forward.

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
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 and the DCP
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 Mudjee	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.
Mudjee 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 Mudjee township (7km) suitable for the permanent location of the Mudjee motor cross track; 2. in the event suitable land is identified, Council assist the Mudjee 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. Now that the LEP is gazetted we will proceed with discussions with the Club to make this happen.

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.	We have made comment on the adequacy review. Once the completed EA is released further consultants review will be required.
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
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.	RMS has advised that they are reviewing the signage on both the Mid-Western Highway and the Golden Highway.
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.
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;	Consultation complete. Submission to Council later this year.
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. LEP amendment will be placed on public exhibition when land capability work complete.

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Return of Royalties	Res. 151/12 Ord. Mtg. 18/4/2012	That Council continue to fight for the return of royalties for the region.	Council representatives continue to raise this at a State Government level at every possible occasion.
Water allocations and transfers in Cudgegong and Macquarie Valleys	Res. 290/12	That Council invite the NSW Office of Water, Commissioner David Harriss and staff to attend the Council meeting on 15 August 2012 and that Council request that he bring with him the modelling data on the 2 gegalitre water transfers approved by State Water on behalf of the State Government owned Cobbora Coal project.	The Commissioner of Water will be attending the 17th October Council meeting
Safety Upgrade Works – Redbank Creek Dam	Res. 298/12	That: 1. Council delegates to the General Manager the authority to negotiate with the Dams Safety Committee, National Parks & Wildlife Service, the NSW Office of Water and any other relevant party to clarify the ownership of the Redbank Creek Dam wall, and to clarify an outcome of the physical works required at the Redbank Creek Dam wall that would satisfy all parties; and 2. the General Manager report those negotiations back to the Council for endorsement prior to any finalisation of documentation.	Report included in this business paper
Camping at Mudgee Showground	Res. 304/12	That: 2. Council applies for development consent to allow camping at the Mudgee Showgrounds for up to a maximum of twenty five sites.	Development Application being collated ready for lodging.
Housing Affordability	Res. 307/12	That Council develop an Affordable Housing Policy and that a draft of this be presented to Council for consideration by December 2012.	A draft policy will be presented to the Council in December.

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Strategy to assist community when large industry closes within our region	Res. 321/12	That Council develops a strategy in assisting our community when large industry closes within our region.	A report will be presented to Council in December
Refurbishment of canteen and storage areas at Kandos Waratah Park	Res. 322/12	That Council get costing on refurbishing the canteen and storage areas in the canteen building at Kandos Waratah Park and bring back a report to Council. Costing to include flooring, fixtures, new appliances, guttering, roofing etc.	Report will be prepared for Council in next few months.

Item 6: Mayoral Minute

Nil.

Item 7: General Business

7.1 Notices of Motion

Nil.

7.2 Reports

7.2.1 Mudgee Showground Management Committee

REPORT BY GROUP MANAGER OPERATIONS TO 26 SEPTEMBER 2012 COUNCIL MEETING

COUNCIL 120926

A0100055, P0210911, A0100012

RECOMMENDATION

That:

1. The report by Group Manager Operations on the Mudgee Showground Management Committee Meeting be received;
2. That the minutes for the Mudgee Showground Management Committee ordinary meeting held on 5 June 2012 be noted.

Executive summary

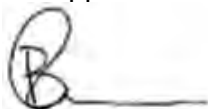
The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Showground Management Committee ordinary monthly meeting held on 5 June 2012. The Showground Management Committee receives an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meeting. A copy of the Matters in Progress are attached for Council information.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.



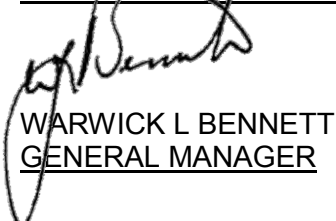
BRAD CAM
GROUP MANAGER OPERATIONS

15 August 2012

Attachments:

1. Minutes of the Mudgee Showground Management Committee ordinary meeting 5 June 2012.
2. Matters in progress.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

MUDGEES SHOWGROUND MANAGEMENT COMMITTEE MEETING — 5 June 2012

Meeting Opened: 6.00 pm

Present: Cr Russell Holden, Cr John Webb, Brad Cam, Renee Bridger, Malcolm Swords and Brian Smith

Observers: Ken Jeffrey, Bill Robinson, Yasmin Crockett and Lesley Burgess

Minutes of April's Meeting – Accepted, Cr Russell Holden left the room due to him having an interest in point 3 in general business.

Moved: Brad Cam
2nd Malcolm Swords

Motion Carried

Matters in Progress

See attached list.

Correspondence

The incoming correspondence with regards to camping at the showground's was discussed. Cr John Webb expressed his disappointment that camping is no longer allowed at the showground's. To legalise camping at the Showground's requires a DA. Cr John Webb advised that he intends to request the reinstatement of camping at the showground's at tomorrow's Council Meeting, as income will be lost if camping is no longer permitted.

A motion requesting Council to immediately reinstate camping at the showground's be taken to Council's meeting tomorrow –

Moved: Renee Bridger
2nd: Bill Robinson

Motion Carried

Financial Report

- Brad Cam distributed the financial report and advised that he is pleased that although there is still one month to go, the target budget of \$53,000.00 has been met. However it was noted that to date no charge for water has been paid.
- Brad Cam also commented that the income generated two years ago was only \$25,000.00.

General Business

- Everyone's input is required with regards to the naming of each building and facility at the Showground's. In this regard, an aerial map of the showground's was handed out. At present some areas are referred to by more than one name. This makes it difficult for Customer Service to ascertain which area is being requested to be hired. Comments made about the aerial map were –
 - The names allocated in the map's legend were agreed to although the name of the old stables needs something added to distinguish it further from the new stables.
 - It was also noted that Douro Street had only one entrance gate "V" marked on the map, the other two entrances need to be included as well.

Ken Jeffrey

- Advised that he is presently painting the old stables. Renee asked whether it was cost effective to continue maintaining the stables, due to their age. At present there is only one horse being stabled in the old stable block.

Bill Robinson

- Feral Pigeons are presently creating a mess and Bill would like to get rid of them. Bill suggested that rubber snakes could possibly chase them away. Lesley to purchase 6 rubber snakes to see if this deters the pigeons.
- Bill advised that gardening has been done around the poultry shed, he just requires some weed matting. Brad Cam to organise weed matting through Parks and Gardens.
- Bill suggested that the rubble from the old pavilion be used to create a new cattle ramp. Bill to get comments and feedback from the cattle section as to whether a cattle ramp is required and to report back at our next meeting.

Brian Smith

- Brian enquired as to whether the Show Society cleaned up after the Mudgee Show. Ken Jeffrey advised that he received 130 tons of soil at no cost which was used to tidy up the grounds. Brad Cam advised that as the Show was dismal due to the weather the Show Society were not charged for the cleanup.
- Brian advised that as from Friday he would be in hospital and he felt that a new delegate for the Show Society needs to be elected. Brad Cam advised that as Brian is a member of the 355 Committee, Brian would need to resign from that Committee at the next Show Society Meeting, whereupon a new Delegate would be appointed.

Yasmin Crockett

- Yasmin asked when the construction of the hose bay would take place. Brad Cam said that this is planned for July 2012.
- Yasmin said that she had noticed several pigeons mysteriously dropping down dead at the stables. Bill Robinson advised that there is a pigeon disease outbreak in Victoria which is killing pigeons. Cr John Webb requested that the feral pigeons at the showground's be monitored over the next few weeks and feedback be given to Ken Jeffrey of any unusual behaviour.

Moved: Bill Robinson
2nd: Cr Russell Holden

Motion Carried

Renee Bridger

- Renee advised that she feels that not everyone knows that she is the delegate for horses, both the stable users and clubs. A letter to be sent out to all Showground users to advise them as to the delegates presently sitting on this committee and who they represent.

Moved: Renee Bridger

2nd: Bill Robinson

Motion Carried

Cr Russell Holden

- Cr Russell Holden made it known that the Can Assist function that was held at the Showground's was not successful financially and that Can Assist had requested the hire fees be waived. Cr Russell Holden has advised Can Assist that the fees would not be waived by this Management Committee.

Brad Cam

- It has come to Council's attention that certain people are using the facilities at the showground's to clean and wash horses, these horses are not stabled at the showground's nor have any hire fees been paid by them. Brad Cam would be happy if this type of activity could be banned.

Moved: Brian Smith

2nd: Malcolm Swords

Motion Carried

- It has further been reported to Council that there are children riding horses at the showground's without wearing a helmet. The wearing of a helmet is compulsory, a sign on the gate advises riders of this and also the wearing of a helmet forms part of the Showground's Equestrian Code of Conduct.
- Last weekend there was a party held at the showground's which got out of control, luckily it was a quiet night for the police and they were able to attend the showground's and control it. Brad Cam to have discussions with the police to get their recommendations as to security needed for large parties at the showground's.

Moved: Cr Russell Holden

2nd: Bill Robinson

Motion Carried

- The portable ice-skating rink company has booked the showground's for 16 days during the July school holidays at \$230.00 per day which is a reduced fee. It was implied by the ice-skating company that if they had to pay full fees they intended to go elsewhere. An event such as this is good for Mudgee and may attract people from outside of Mudgee. A motion to have the reduced fees approved was called -

Moved: Bill Robinson

2nd: Malcolm Swords

Motion Carried

Meeting closed at: 7:25 pm

Next meeting to be held 7 August 2012

MATTERS IN PROGRESS – JUNE 2012

#	SUBJECT	MEETING DATE	ACTION	WHOM	PROGRESS
1	3.5m x 3.5m concrete slab for stables	7/12/11	Brad to check budget and see what can be done.	B Cam	On hold until sufficient funds are available
2	Large Storm water drain is seen as potential hazard	7/12/11	Brad to check	B Cam	Brad to see if any funds are available.
3	Signs – <ul style="list-style-type: none"> • 10 km Signs • Unsupervised dogs at the Showground's 	03/4/12	The signs to be placed on the fence at each entrance	Andrew Drummond	Andrew Drummond to organise for signs to be installed.
4	Memorandum from Diane Sawyers re: Draft Temporary Licence Agreements	3/4/12	Brad Cam to explore and advise of outcome	Brad Cam	
5	Asset Register to be created as to who owns what at the Showground's	3/4/12	Letter to be sent to each showground user requesting them to submit a list of their assets presently held at the showground's.	L Burgess	
6	Comprehensive wish-list of items that need to be purchased for the showground's to be compiled	3/4/12	Everyone to make a list to be discussed at next meeting. Please email your list to lesley.burgess@midwestern.nsw.gov.au so a spreadsheet can be compiled	Everyone	
7	Rubber snakes to be purchased to hopefully deter the feral pigeons	5/6/12	Lesley to purchase 6 rubber snakes	L Burgess	

#	SUBJECT	MEETING DATE	ACTION	WHOM	PROGRESS
8	B Robinson would like weed matting for around the poultry shed	5/6/12	Brad Cam to organise weed matting through Parks and Gardens.	Brad Cam	
9	Bill suggested that the rubble from the old pavilion be used to create a new cattle ramp	5/6/12	Bill to get comments and feedback from the cattle section and report back at our next meeting	Bill Robinson	
10	A letter to be sent out to all Showground users to advise them as to the delegates presently sitting on this committee and who they represent.	5/6/12	Letters to be forwarded to all showground users	L Burgess	
11	Brad Cam to get the police's recommendations as to security needed for large parties at the showground's	5/6/12	Brad Cam to discuss with the police as to private security being engaged during large functions	Brad Cam	

7.2.2 2012 Pool Season Times

REPORT BY MANAGER RESOURCES AND RECREATION TO 26 SEPTEMBER COUNCIL MEETING

COUNCIL 120926
A0100055, A0411297

RECOMMENDATION

That the report by Manager Resources and Recreation on the 2012/13 pool season dates be received and noted for information.

Executive summary

Council is undertaking as part of the 2012/2013 Management Plan, capital works to all three Olympic swimming pools. The works are extensive and are being constructed under two main contracts:

Swimplex Contract – Complete replacement of the filtration systems and associated pipe works at all pools. This includes a completed re-build of the Gulgong plant room.

CCA Contract – Refurbishment of all canteen facilities and amenities of all pools. This includes the demolition and construction of new toilet blocks at Kandos pool and complete refurbishment of Mudgee and Gulgong amenities.

Other works including replacing ladders, diving blocks, painting of Gulgong pool, installation of an accessible ramp at Gulgong pool, tile repairs, fixing of expansion joints and new pool mats are all works being undertaken separately from the main contracts mentioned above.

Due to the extensive scope of the works all pools are required to remain closed longer during the off season to allow at least the filtration project to be fully completed. The off season normally runs between the last Sunday in April to the last Saturday in September, a total of five months.

Gulgong and Kandos pools will be required to remain closed for an additional four weeks and Mudgee an additional two weeks with new opening dates of:

Mudgee 13th October 2012
Gulgong and Kandos 27th October 2012

When the pools do open works will still be underway on the amenities sections of the pools and these will open in stages with the latest opening on 14th December 2012. Temporary facilities are proposed to cater for pool users during this time.

Staged openings of the canteen areas are planned as soon as they are completed for each pool.

Detailed report

Swimplex Contract

The Swimplex contract is for the replacement of the filtration systems of all three pools. This work brings the water quality of all pools up to the required standards under the Public Swimming Pools Code of Practise. State of the art pressurised sand filters are being installed as well as the replacement of all associated pipe work, return lines, pumps and equipment to ensure the best

quality water is available over the next 30 years. To accommodate the new filters and to re-new assets to a suitable level all plant rooms have been significantly upgraded with the Gulgong plant room being demolished and re-built due to structural issues.

The construction time table for these works to be completed per pool are as follows:

Mudgee - Handover is scheduled for 21st September 2012. Some additional time is required to prepare the pool and surrounds after this date and allow for project delays prior to opening to the public.

Gulgong – Handover is scheduled for 12th October 2012. Additional time is also required to allow for pool preparation and project delays prior to opening to the public.

Kandos - Handover is scheduled for 16th October 2012. This pool also requires time for preparation by the contractor who runs the pool on behalf of Council and for project delays.

The completion of this contract will allow Council to run the pools filtration systems and allow public access to the water however, other works will still be underway at each pool.

CCA Contract

The contract entered into with CCA Constructions is for the upgrade to canteen and amenities areas of each pool. At each pool the canteen and entry areas are renovated completely with new kitchen facilities, floor coverings, storage areas, awnings, shutters and other works. Kandos pool has the old amenities buildings demolished with construction of new buildings. At Mudgee and Gulgong the existing amenities are completely renovated with all new internal fit out including toilets, showers and accessible facilities. New roofs are installed over the amenities at Mudgee and Gulgong also.

The construction program for this work per pool is as follows:

Mudgee:	Commence 27 th August 2012	Complete 14 th December 2012
Gulgong:	Commence 27 th August 2012	Complete 5 th December 2012
Kandos:	Commence 27 th August 2012	Complete 14 th December 2012

This project is being structured so the canteen and entry areas are completed first with amenities, toilet and shower areas finished last. The latest finish dates are those listed above.

The intention of structuring the contract in this way is as soon as the canteen and entry areas are completed they will be opened to the public and temporary toilet facilities can be provided while the amenities are being completed.

Other Works

While the above contract is underway Council staff are also organising a variety of other works at the pools. The main items being:

- Accessible ramp to Gulgong pool
- Fully strip and paint Gulgong pool
- Tiling repair works to all pools
- Repair of expansion joints to all pools
- New ladders and starting blocks
- New pool mats
- Repair coping joints.

All these works will be completed by the new opening times.

Public Access

It is proposed to provide public access to the pools from the new opening times as nominated. There will be restricted access around the facilities due to the on-going construction works under the CCA contract. Council will provide at Gulgong and Mudgee temporary toilet facilities for the public and at Kandos we will make use of the recently built accessible facilities for general use.

While this limited use of the pools is not ideal it is considered necessary to allow construction works to proceed to completion in a reasonable time while still allowing access to the water for regular users.

There is an additional eight weeks of works from when access will be granted to the water until all facilities are available to the public. All works will be completed by 14th December 2012 well in time for the Christmas school holidays that commence on 24th December 2012.

Key users of the pools such as sporting groups and schools will be notified of the new dates and restricted facilities. General notification to the public via signage and advertising will take place to ensure the new dates are well known.

Financial implications

In opening the pools later there is likely to be slight reduction in income due to the unavailability of the pool for that 2-4 week period. This is traditionally a quite time at the pools and the loss is considered to be minimal. The following is an indicative amount of the fee income Council may not receive based on last year's figures.

	September	October
Mudgee	\$800	\$3,500
Gulgong	\$70	\$1,000
Kandos	\$250	\$1,000
Total	\$1,120	\$5,500

The total impact on the delayed opening in terms of entry fees may be in the order of \$6,620.

Strategic or policy implications

Nil.

JULIAN GEDDES
MANAGER RESOURCES AND RECREATION


BRAD CAM
GROUP MANAGER OPERATIONS

10 August 2012

Attachments: Nil

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER

7.2.3 Media policy

REPORT BY GENERAL MANAGER TO 26 SEPTEMBER 2012 COUNCIL MEETING
COUNCIL 120926
A0100055, A0100021, A0320019

RECOMMENDATION

That:

- 1. the report by General Manager on the Media policy be received;**
- 2. Council endorse the Media policy.**

Detailed report

Please find attached the media policy. This is reviewed annually by Council. This year we have combined both the media policy and the editorial policy into the one policy. The media policy covers who can talk with the media, and associated issues. Special emphasis this time has been placed on the social media to ensure it becomes an important part of Council's policy. The former editorial policy just related to the development and distribution of the Community News.

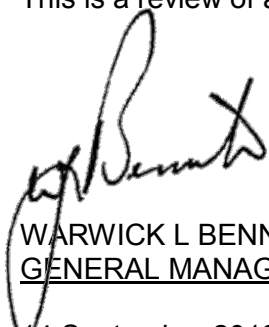
Other than the adding of the social media issues, there are no changes of significance to the media policy.

Financial implications

Not applicable at this time.

Strategic or policy implications

This is a review of a policy for Council's consideration.



WARWICK L BENNETT
GENERAL MANAGER

14 September 2012

Attachments: 1. Media policy

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

OBJECTIVE

To provide a framework for Councillors, staff, delegates and advisers to:

- Ensure all communication with the media is consistent, balanced, well-informed, timely, professional and appropriate.
- Clearly indicate Council's authorised spokespersons; limiting the possibility of miscommunication by ensuring comments to the media relating to Council are made only through those authorised spokespersons.
- Improve communication with customers and enhance Council's public image.
- Govern the use of Social Media by Council staff for the purposes of communication, promotion or general business on behalf of Council.

INTRODUCTION

Mid-Western Regional Council recognises that a well-run, competent, ethical and reputable organisation is the best way to promote a favourable image and that any public relations program is only as good as the organisation behind it.

Council will take advantage of interest from the media to further its reputation and inform the public about Council's activities. Council will also proactively distribute information to the media to communicate information about Council's activities and decisions. In dealing with the media, Councillors and Council officers must be careful to communicate accurate information.

Council welcomes enquiries from the media. All media representatives are to be treated in the same manner as any other customer of Council. That is, Council will attend to media requests promptly and with courtesy, honesty and respect. Council believes that a good relationship based on trust, familiarity and confidence is important between Council and the media.

SOCIAL MEDIA

Any reference in this policy to 'media', is also applicable to all forms of 'social media'. Social media includes the use of online tools for communication, promotion and conversation. Blogs, microblogs (eg: Twitter), social networks (eg: Facebook), podcasts and online video (eg: YouTube) are all types of social media.

A social media strategy is to be developed to provide a framework for the use of social media and provide clear objectives for the use of social media and community engagement. Mid-Western Regional Council website will be the main hub for Council's online presence and social media sites should link back to the main website.

Official/professional use

Mid-Western Regional Council staff members are required to Seek the permission of a Group Manager or the General Manager before establishing a social media site for a project or event. This should also be discussed with the Corporate Communications Officer to ensure appropriateness and relevance.

Personal use

Staff using social media in a personal capacity must not list Council email addresses in their contact details. When using social media for private purposes, staff must ensure it is clear that they are speaking only on behalf of themselves

Media Policy

DEALING WITH MEDIA ENQUIRIES

1. The Mayor, General Manager, Group Manager Mid-Western Operations, Group Manager Development and Community Services, Group Manager Finance & Administration and Corporate Communications Officer are Council's official spokespersons on all matters. Only the General Manager or his nominee may nominate other staff to act as spokespeople for the Council.
2. Council's Corporate Communications Officer is responsible for co-ordinating media liaison and has been delegated authority to respond to media enquiries on behalf of Council.
3. No staff member, other than Council's authorised spokespersons listed in paragraph 1 above are to handle an enquiry from the media without prior approval from the General Manager.
4. Information given to the media requires the approval of the General Manager.
5. The Corporate Communications Officer is responsible for issuing media releases about Council's activities, decisions and plans subject to the General Manager's approval.
6. All staff are required to pass on important information to the Corporate Communications Officer which could be used as the basis for a media release or internal communication. The Corporate Communications Officer in consultation with other staff members will decide if the information warrants a media release and/or photo or other treatment.
7. Information that Council officers wish to communicate to the media is to be distributed by the Corporate Communications Officer only.

COUNCILLORS AND THE MEDIA

1. In their role as elected representatives, Councillors are free to talk to the media and utilise social media at any time on any issue of interest.
2. Every Councillor has a right to express a private opinion on any issue, whether or not that opinion reflects Council's official position but Councillors must carefully identify the role in which they speak.
3. Whenever Councillors publicly express their own opinions they must make it clear they are speaking for themselves, and not for Council, unless they are supporting a Council position.
4. When Councillors speak on behalf of Council they must express and support Council's entire policy on the issue at hand.
5. Any Councillor who feels unable to speak enthusiastically in support of a Council policy while formally representing Council faces a dilemma and must treat it in a similar fashion to a conflict of interest issue.
6. The Corporate Communications Officer will make him or herself available for consultation with the Mayor and Councillors if and when required.

SPEAKING TO THE MEDIA

1. Councillors and Council staff are encouraged to co-operate at all times with media outlets subject to the guidelines provided in this policy and to be proactive, as opposed to reactive, in their use of the media.

Media Policy

2. All media enquiries to staff should be directed to the Council's Corporate Communications Officer who will then contact the relevant Group Manager or the General Manager.
3. Council staff must not speak to the media or use social media to communicate about matters related to Council unless authorised to do so by the General Manager, a Group Manager or the Corporate Communications Officer.
4. Council employees and Councillors may not provide any comment or information to the media or use social media with the intention of contesting or undermining Council policy or casting Council, Councillors or Council staff in a negative light.
5. Council employees may speak to the media, use social media or write Letters to the Editor as private individuals with the following restrictions:
 - a) They do not comment on Council business or policy;
 - b) They are not identified as Council employees;
 - c) Their comments are not perceived as representing official Council position or policy.
6. In the event of an industrial dispute (or an incident likely to lead to an industrial dispute), statements on behalf of Council employees should be issued via the relevant union.
7. Councillors and Council staff should not provide information off the record. Everything said to any media representative and anything communicated by social media may appear in a news story.
8. Contractors, volunteers or service providers employed by Council must refer all media enquiries relating to Council to the Corporate Communications Officer.

MEDIA RELEASES

1. Under no circumstances should a media release be issued quoting a Councillor or member of staff without that person's approval.
2. Media releases that are likely to generate enquiries from residents/ratepayers should be sent to all Customer Service staff.
3. Written media releases must be distributed to Councillors at least 2 hours prior to being released to the media

RESPONDING TO CRITICISM

1. Criticism about media content or the use of social media should be forwarded to the Corporate Communications Officer. Formal complaints about media content on behalf of Council staff should only be made by the General Manager in consultation with the Corporate Communications Officer.

CRISIS AND ISSUES COMMUNICATION

In the event of an emergency in the Council area, the following procedures will apply:

1. Corporate Communications Officer must be notified immediately of details of the incident.
2. Details of the incident must not be discussed with any media representatives by any staff unless approved in advance by the General Manager.

Media Policy

3. Requests by media to film, photograph or interview Council staff or Council assets involved in the emergency situation must be referred to the General Manager or the Corporate Communications Officer for approval.

COMMUNITY NEWSLETTER

While editorial coverage in independent media plays an important role, such reporting will always be limited due to limits on space, distribution quality and competition of news. Final decisions about stories published or broadcast by independent media are made by those media outlets, not Council. As such, Council needs a regularly published and widely distributed newsletter to communicate effectively to residents.

This communication is primarily undertaken via Council's newsletter and official news publication, the *Mid-Western Regional Council Community News*, a full-colour tabloid-size free newsletter published and distributed as directed by Council.

The core objectives of the production of a community newsletter are for Council to:

- Engage effectively with local residents, keep them informed and obtain their views with ongoing consultation
- Provide a framework for Council advertising to assure widest possible distribution
- Promote a range of services and activities for the benefit of the Council and the Mid-Western Region community

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

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

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

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

Community News will be produced in-house by Council staff. The Corporate Communications Officer and General Manager have final say on content.

7.2.4 Monthly Budget Review – August 2012

REPORT BY MANAGER FINANCIAL PLANNING TO 26 SEPTEMBER 2012 COUNCIL MEETING

August Monthly Review
A0100055, A0149935

RECOMMENDATION

That:

1. **the report by Manager Financial Planning on the August 2012 Monthly Budget Review be received;**
 2. **the 2012/13 Operational Plan be amended in accordance with the variations as listed on pages 2 to 3 of the August 2012 Monthly Budget Review and reproduced in the report below.**
-

Executive summary

This report presents to Council the August Monthly Budget Review of the 2012/13 Operational Plan.

Detailed report

Clause 202 of the Local Government (General) Regulation 2005 states that the responsible accounting officer is to maintain a system of budgetary control that enables actual income and expenditure to be monitored each month and compared with the estimate of Council's income and expenditure and that any material difference be reported to the next meeting of Council. The net effect on the budget of all these variations is nil.

The following budget variations have been recommended in the August Monthly review in order to allow for: changed grant funding income and expenditure; a change in the way Council administers its Plant Fund to reduce resource usage; and transfers from budget only items to capital works for Waste and Sewer works.

August Proposed Variations		
Community Plan Theme	Variation	Amount
GENERAL FUND		
Contra Variations		
Connecting our region	Correction to project description - from Henry Lawson Drv	300,000 C
Connecting our region	Correction to project description - Cooper Drv Shoulder Widening	(300,000) C
Good government	Consolidate plant turnover codes to ease administrative requirements - Plant Sales	(854,000) C
Good government	Consolidate plant turnover codes to ease administrative requirements - Heavy Plant	2,913,000 C
Good government	Consolidate plant turnover codes to ease administrative requirements - Light Commercial	368,000
Good government	Consolidate plant turnover codes to ease administrative requirements - Minor Plant	36,000 C
Good government	Consolidate plant turnover codes to ease administrative requirements - Plant	(2,463,000) C
Protecting our natural environment	Transfer from unspent grants - Roadside Vegetation Implementation Project	38,156 C
Protecting our natural environment	Grant funding received - Roadside Vegetation Implementation Project	27,161 C
Protecting our natural environment	Expenditure - Roadside Vegetation Implementation Project	(65,317) C
Looking after our community	Grant funding received - Rural Fire Service - Bylong Station	97,252 C
Looking after our community	Expenditure capital works - Bylong Fire Station	(97,252) C
Looking after our community	Grant funding received - Rural Fire Service - Windeyer Station	46,327 C
Looking after our community	Expenditure capital works - Windeyer Fire Station	(46,327) C
Looking after our community	Grant funding received - Rural Fire Service - Mullamuddy Station	150,000 C
Looking after our community	Expenditure capital works - Mullamuddy Fire Station	(150,000) C
Looking after our community	Grant funding received - Rural Fire Service - Mudgee Station	5,500 C
Looking after our community	Expenditure capital works - Mudgee Fire Station	(5,500) C
Looking after our community	Transfer from unspent grants - Social & Cultural Plan Wollemi Arts Contributions	3,115 C
Looking after our community	Expenditure - Social & Cultural Plan Wollemi Arts Contributions	(3,115) C
Looking after our community	Transfer from unspent grants - Youth Services Xstrata contribution	1,829 C
Looking after our community	Expenditure - Youth Services	(1,829) C
Looking after our community	Transfer from unspent grants - Community Transport	26,395 C
Looking after our community	Expenditure - Community Transport Access Vehicle upgrade	(26,395) C
Protecting our natural environment	Transfer from unspent grants - Riverbed Regeneration	500 C
Protecting our natural environment	Expenditure - Riverbed Regeneration	(500) C
Building a strong local economy	Transfer from unspent grants - Regional and local community infrastructure program (RLCIP)	8,792 C
Building a strong local economy	Expenditure on Entrance Signage - Regional and local community infrastructure program (RLCIP)	(8,792) C
Looking after our community	Transfer from unspent grants - Community Services - People Against Violence Committee	1,100 C
Looking after our community	Expenditure - Community Services - People Against Violence Committee	(1,100) C
Good government	Transfer from unspent grants - Kandos Museum Aboriginal Exhibit	12,992 C
Good government	Expenditure - Kandos Museum Aboriginal Exhibit	(12,992) C
Total Contra Variations		0
TOTAL GENERAL FUND		0

SEWER FUND		
Contra Variations		
Protecting our natural environment	Transfer budget from Sewer Pump Station Capital Budget Only	15,000 C
Protecting our natural environment	Sewer Pump Station - Bombira, backup diesel pump replacement	(15,000) C
Total Contra Variations		0
TOTAL SEWER FUND		0

WASTE FUND			
Contra Variations			
Looking after our community	Amend capital waste budgets - Rural Waste Depot upgrades Budget Only	4,000	C
Looking after our community	Waste Transfer Station - Lue Upgrade	(5,000)	C
Looking after our community	Waste Transfer Station - Wollar Upgrade	(10,000)	C
Looking after our community	Waste Site Rehab - Putta Bucca - works deferred	15,000	C
Looking after our community	Waste Site Rehab - Gulgong - works deferred	5,000	C
Looking after our community	Waste Site Rehab - Ilford - works deferred	13,200	C
Looking after our community	Mudgee Waste Depot Upgrades - reduce budget	1,800	C
Looking after our community	Waste Transfer Station - Birriwa Upgrade	(24,000)	C
Total Contra Variations		0	
TOTAL WASTE FUND		0	

Financial implications

All of the listed variations are contra variations, so there is no impact on projected cash balances.

Strategic or policy implications

Not applicable.



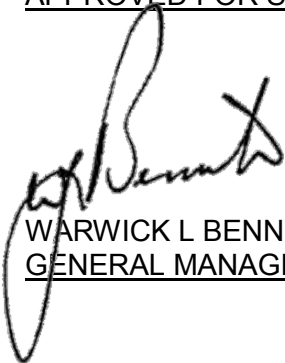
LEONIE JOHNSON
MANAGER FINANCIAL PLANNING

CLARE PHELAN
GROUP MANAGER FINANCE &
ADMINISTRATION

14 September 2012

Attachments: 1. August Monthly Budget Review – 2012/13 Operational Plan (included at the end of the Business Paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

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

REPORT BY MANAGER FINANCIAL PLANNING TO 26 SEPTEMBER 2012 COUNCIL MEETING

COUNCIL 120926
A0100055, A0140304

RECOMMENDATION

That:

1. **the report by Manager Financial Planning on the Monthly statement of Mid-Western Regional Council bank balances and investments as at 31 August 2012 be received;**
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

Council should be aware that although the Reserve Bank did not cut cash rates this month, interest rates on offer continue to decrease with economists predicting a future cut to the cash rate. If this should continue Council can expect reduced interest revenue which may lead to a negative budget variation in interest revenue for the 2012-13 financial year.

Strategic or policy implications

Not applicable.



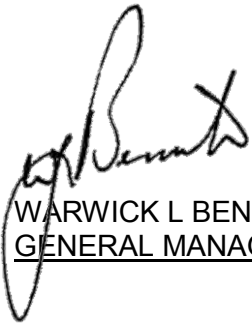
LEONIE JOHNSON
MANAGER FINANCIAL PLANNING

CLARE PHELAN
GROUP MANAGER,
FINANCE & ADMINISTRATION

13 September 2012

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

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

For the month ended: 31-Aug-12

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
Commonwealth Bank	\$ 1,706,321	\$ 11,749,952	\$ 11,097,285	\$ 2,358,988	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 31/08/2012

Investments	Type	Amount	Yield %	Maturity Date	Term	Rating	Govt Rating	NAV	% of Portfolio
Commonwealth Bank	At Call	\$ 1,549,000	3.50%	N/A	At Call	A-1+	1		3.9%
National Australia Bank	Term Deposit	\$ 1,000,000	5.04%	20/02/2013	182	A-1+	1		2.5%
National Australia Bank	Term Deposit	\$ 1,500,000	5.01%	14/11/2012	91	A-1+	2		3.8%
National Australia Bank	Term Deposit	\$ 1,000,000	5.07%	12/09/2012	91	A-1+	2		2.5%
National Australia Bank	Term Deposit	\$ 2,000,000	5.06%	19/09/2012	91	A-1+	2		5.1%
National Australia Bank	Term Deposit	\$ 1,000,000	5.21%	26/09/2012	89	A-1+	2		2.5%
National Australia Bank	Term Deposit	\$ 2,000,000	5.12%	3/10/2012	91	A-1+	2		5.1%
Westpac Bank	Term Deposit	\$ 2,600,000	5.03%	26/09/2012	91	A-1+	1		6.6%
Westpac Bank	Term Deposit	\$ 1,200,000	5.10%	21/09/2012	92	A-1+	2		3.0%
Westpac Bank	Term Deposit	\$ 1,500,000	5.10%	24/09/2012	94	A-1+	2		3.8%
Westpac Bank	Term Deposit	\$ 1,000,000	5.03%	26/09/2012	91	A-1+	2		2.5%
Westpac Bank	Term Deposit	\$ 2,000,000	5.15%	2/01/2013	182	A-1+	2		5.1%
St George Bank	Term Deposit	\$ 1,000,000	5.03%	26/09/2012	91	A-1+	1		2.5%
St George Bank	Term Deposit	\$ 1,500,000	5.05%	5/12/2012	154	A-1+	2		3.8%
St George Bank	Term Deposit	\$ 1,500,000	4.80%	7/11/2012	97	A-1+	2		3.8%
Bankwest	Term Deposit	\$ 2,000,000	5.20%	12/09/2012	91	A-1+	1		5.1%
Bankwest	Term Deposit	\$ 1,000,000	5.00%	24/10/2012	105	A-1+	2		2.5%
Bankwest	Term Deposit	\$ 1,500,000	5.20%	12/09/2012	91	A-1+	2		3.8%
Bankwest	Term Deposit	\$ 1,000,000	5.10%	26/09/2012	92	A-1+	2		2.5%
Bankwest	Term Deposit	\$ 1,000,000	5.10%	14/11/2012	91	A-1+	2		2.5%
Newcastle Permanent	Term Deposit	\$ 1,000,000	5.00%	31/10/2012	84	A-2	1		2.5%
Bank of Queensland	Term Deposit	\$ 1,000,000	5.06%	21/11/2012	91	A-2	1		2.5%
Members Equity Bank	Term Deposit	\$ 1,000,000	5.03%	28/11/2012	91	A-2	1		2.5%
Members Equity Bank	Term Deposit	\$ 1,000,000	5.00%	17/10/2012	77	A-2	1		2.5%
IMB Ltd	Term Deposit	\$ 1,000,000	5.05%	7/11/2012	91	A-2	1		2.5%
IMB Ltd	Term Deposit	\$ 1,000,000	4.85%	10/10/2012	63	A-2	2		2.5%
Bendigo & Adelaide Bank	Term Deposit	\$ 1,000,000	5.06%	5/09/2012	91	A-2	1		2.5%
Peoples Choice C/Union	Term Deposit	\$ 1,000,000	5.01%	19/09/2012	91	A-2	1		2.5%
Community CPS Aust.	Term Deposit	\$ 1,000,000	4.86%	21/11/2012	91	NR	1		2.5%
ANZ ASPRIT III	Sustainable Equity Linked Note	\$ 500,000	50% of +tve NAV	19/07/2013	6 yrs	AA	-		1.3%
Longreach Series 26	Property Linked Note	\$ 1,000,000		7/06/2014	7 yrs	A+	-	\$ 946,100	2.5%
Total Investments		\$39,349,000							100.0%

Financial Claims Scheme

- 1 Guaranteed to \$250,000
- 2 Not Covered

ATTACHMENT 2

MWRC Policy Requirements:

Investments by Institution	Long/Short Term Ratings	Amount	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA/A-1+	\$ 8,500,000	21.6%	25.0%
Bankwest	AA/A-1+	\$ 6,500,000	16.5%	25.0%
St George Bank	AA/A-1+	\$ 4,000,000	10.2%	25.0%
Commonwealth Bank	AA/A-1+	\$ 1,549,000	3.9%	25.0%
Westpac Bank	AA/A-1+	\$ 8,300,000	21.1%	25.0%
ANZ	AA/A-1	\$ 500,000	1.3%	25.0%
Longreach	A+/A-1	\$ 1,000,000	2.5%	20.0%
Bank of Queensland	BBB+/A-2	\$ 1,000,000	2.5%	10.0%
Bendigo & Adelaide Bank	BBB+/A-2	\$ 1,000,000	2.5%	10.0%
Newcastle Permanent	BBB+/A-2	\$ 1,000,000	2.5%	10.0%
Members Equity Bank	BBB/A-2	\$ 2,000,000	5.1%	10.0%
IMB Ltd	BBB/A-2	\$ 2,000,000	5.1%	10.0%
Peoples Choice C/Union	BBB/A-2	\$ 1,000,000	2.5%	10.0%
Community CPS Aust.	NR	\$ 1,000,000	2.5%	10.0%
		\$ 39,349,000	100.0%	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AAA/A-1+	\$ 28,849,000	73.3%	100.0%
	AA/A-1	\$ 500,000	1.3%	100.0%
	A/A-1	\$ 1,000,000	2.5%	60.0%
	BBB/A-2	\$ 8,000,000	20.3%	20.0%
	Unrated	\$ 1,000,000	2.5%	20.0%
		\$ 39,349,000	100.0%	

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

Term to Maturity	Amount	Actual	% of Portfolio	
			Minimum	Maximum
Less than 1 year	\$ 37,849,000	96.2%	30.0%	100.0%
Between 1 and 3 years	\$ -	0.0%	0.0%	70.0%
Between 3 and 5 years	\$ -	0.0%	0.0%	50.0%
More than 5 years	\$ 1,500,000	3.8%	0.0%	25.0%
		\$ 39,349,000	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)	New Term Rate
Commonwealth Bank	\$ 659,000		\$ 1,549,000	0.00%	At Call	3.50%
St George Bank	\$ 1,500,000	\$ -	\$ 1,500,000	-0.63%	7	4.80%
ME Bank	\$ -		\$ 1,000,000	New Deposit		5.00%
St George Bank	\$ 2,000,000	\$ 2,000,000	\$ -	Redeemed		
Newcastle Permanent	\$ 1,000,000	\$ -	\$ 1,000,000	0.20%	21	5.00%
IMB Ltd			\$ 1,000,000	New Deposit		5.05%
IMB Ltd			\$ 1,000,000	New Deposit		4.85%
Heritage	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
Bankwest	\$ 1,000,000	\$ -	\$ 1,000,000	-0.25%	2	5.10%
NAB	\$ 2,000,000	\$ 500,000	\$ 1,500,000	-0.25%	2	5.01%
NAB	\$ 1,000,000	\$ -	\$ 1,000,000	-0.10%	91	5.04%
Bank of Queensland	\$ 1,000,000	\$ -	\$ 1,000,000	-0.09%	0	5.06%
Community CPS Aust.	\$ 1,000,000	\$ -	\$ 1,000,000	-0.54%	2	4.86%
ME Bank	\$ 1,000,000	\$ -	\$ 1,000,000	-0.18%	7	5.03%
	<u>\$ 13,159,000</u>		<u>\$ 13,549,000</u>			

Net Portfolio Movement **\$390,000** Addition

7.2.6 Cancellation of Easements Relating to Lot 14 DP 1165148 80-82 Depot Road Mudgee

REPORT BY MANAGER REVENUE & PROPERTY TO 26 SEPTEMBER 2012 COUNCIL MEETING

CANCELLATION OF EASEMENTS RELATING TO LOT 14 DP 1165148
A0100055, P2106011, A0010006

RECOMMENDATION

That:

1. **the report by Manager Revenue & Property on the cancellation of easements relating to Lot 14 DP 116514 80-82 Depot Road Mudgee be received;**
2. **the General Manager and Mayor be authorised to sign all documentation required to cancel the easements numbered 2 and 3 in the Second Schedule of the Title Search and;**
3. **the Common Seal of the Council be affixed to all necessary documentation required to cancel the easements numbered 2 and 3 in the Second Schedule of the Title Search.**

Executive summary

On 17 July 2012, Council resolved to sell Lot 14 DP 1165148, being 80-82 Depot Road. Contracts were exchanged on 27 August 2012, with settlement set down for 8 October 2012. The Certificate of Title for this allotment cites 2 (two) easements that relate to the parent property in DP 1164977 and do not apply specifically to Lot 14 in DP 1165148. Council's resolution is now sought to have these easements cancelled on the title for Lot 14.

Detailed report

The easements numbered 2 and 3 in the Second Schedule of the Title Search pertain to an easement for access and an easement to drain water, respectively. These easements relate to the parent property in DP 1164977 and Lot 14 DP 1165148 is not specifically burdened with these easements. It is necessary for Council to resolve to cancel these easements, in the first instance, so that the Second Schedule of the Title Search can ultimately reflect the correct notifications that relate to Lot 14 in DP 1165148. The purchaser has indicated that the further necessary processes to have these easements removed from the Title will be progressed by him after settlement.

Financial implications

Registration fees for the Cancellation of Easements - \$408.

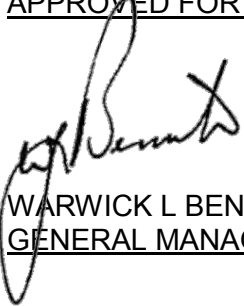
Strategic or policy implications

Council's resolution to cancel the easements will facilitate settlement of the sale set down for 8 October 2012.

DIANE SAWYERS
MANAGER REVENUE AND PROPERTY

CLARE PHELAN
GROUP MANAGER
FINANCE & ADMINISTRATION

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

11 September 2012

Attachments: 1. Title Search – Lot 14 DP 1165148

NSW LPI Title Search

Title: 14/1165148

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 14/1165148

SEARCH DATE	TIME	EDITION NO	DATE
25/1/2012	3:59 PM	1	6/7/2011

LAND

LOT 14 IN DEPOSITED PLAN 1165148
AT MUDGEE
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF MUDGEE COUNTY OF WELLINGTON
TITLE DIAGRAM DP1165148

FIRST SCHEDULE

MID - WESTERN REGIONAL COUNCIL

SECOND SCHEDULE (6 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 DP1164977 EASEMENT FOR ACCESS 8 METRE(S) WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 3 DP1164977 EASEMENT TO DRAIN WATER 8 METRE(S) WIDE AND VARIABLE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 4 DP1165148 EASEMENT TO DRAIN SEWAGE 3, 7 & 8.5 METRE(S) WIDE AND VARIABLE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 5 DP1165148 POSITIVE COVENANT REFERRED TO AND NUMBERED (8) IN THE S. 88B INSTRUMENT
- 6 DP1165148 POSITIVE COVENANT REFERRED TO AND NUMBERED (9) IN THE S. 88B INSTRUMENT

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

FLYNN/MWRC 20120054

PRINTED ON 25/1/2012

Espreon hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B(2) of the Real Property Act, 1900.
*Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title.
Warning: The information appearing under notations has not been formally recorded in the register.

7.2.7 Catchment A Voluntary Planning Agreements

REPORT BY GROUP MANAGER DEVELOPMENT AND COMMUNITY SERVICES TO
26 SEPTEMBER 2012 COUNCIL MEETING

COUNCIL 120926

A0100055, F0560027

RECOMMENDATION

That:

1. **the report by Group Manager Development and Community Services on the Catchment A Voluntary Planning Agreements be received;**
2. **authority be granted to the Mayor and General Manager to execute the Voluntary Planning Agreements and all necessary documentation under the common seal of Council for the following properties:**

DA0592/2004	Richard St
DA0177/2012	Lot 58 Bellevue
DA0257/2012	Lot 31 Rifle Range Rd
DA0282/2012	20-28 Richards St
DA0009/2010	Norman Rd

Executive summary

The purpose of this report is to finalise the Voluntary Planning Agreements (VPAs) for drainage works in Catchment A. The draft VPAs have concluded exhibition with no submissions being received.

Catchment A is the area bounded by Mortimer Street and Saleyards Lane to the north, Henry Bayly Drive to the east, and wooded hills form the southern and western boundaries. Saleyards Lane is the limit of influence on flooding from the Cudgegong River.

Detailed report

On 16th December, 2011, Council resolved to undertake a program of works that would give an integrated catchment solution for the catchment known as Catchment A and to enter into a Section 94 contribution plan be developed for Catchment A on the basis of the drainage works.

To implement this program of drainage works, funding for part of these works was to be derived from contributions arising from voluntary planning agreements (VPA). Negotiations in relation to these VPAs have been concluded and Council now wishes to formalise these VPAs to allow works to progress.

On 6 June Council resolved to enter into Voluntary Planning Agreements (VPAs) for the following developments located within Catchment A at Bellevue for the purposes of stormwater drainage at a rate of \$5 000 plus GST per lot and advertise the Draft VPAs in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

DA0592/2004	Richard St
DA0177/2012	Lot 58 Bellevue

DA0257/2012	Lot 31 Rifle Range Rd
DA0282/2012	20-28 Richards St
DA0009/2010	Norman Rd

The draft VPAs were placed on public exhibition from the 27 July 2012 to 27 August 2012 with no submission being received.

As there were no submission received it is appropriate for Council to finalise the VPAs to allow the development of the Catchment to proceed.

Financial implications

The VPAs for the above developments plus a Section 94 contribution plan for Catchment A will allow the integrated catchment solution for Catchment A to proceed as planned and for Council's upfront capital investment to be recouped.

Strategic or policy implications

Implementing the above works manages the flood risk that arising from development within Catchment A and thus manages Council's liability in this area.

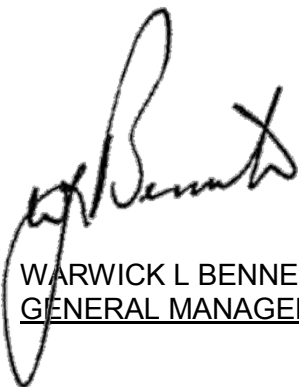


CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND
COMMUNITY SERVICES

12 September 2012

Attachments: 1. Draft Voluntary Planning Agreements (included at the end of the Business Paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

7.2.8 Church Street Upgrade

REPORT BY GENERAL MANAGER TO 26 SEPTEMBER 2012 COUNCIL MEETING

COUNCIL 120926

A0100055, R1143008

RECOMMENDATION

That:

1. the report by General Manager on the Church Street Upgrade be received;
2. Council amend the 2012/13 Operational Plan and Budget to allow for a comprehensive upgrade of Church Street Mudgee between Mortimer Street and Gladstone Street to reflect other sections of Church Street in the Mudgee CBD at a cost of \$900,000.00
3. Council approve the funding of the Church Street upgrade at \$900,000 in the 2012/13 Operational Plan and Budget to be \$114,000 from the Water Fund and \$786,000 from General Fund (acknowledging that \$350,000 is already including in the budget from General Fund).

Detailed report

The Council included in the 2012/13 budget and operational plan for the rehabilitation of Church Street Mudgee between Mortimer Street and Gladstone Street. The budget allocated some \$350,000 but this was only for the resurfacing of the road and some other minor repair works. The road surface would be finished in asphalt. Since the draft budget and operational plan was considered and determined the Council was asked informally if it wished to continue the theme of the CBD into this section of road. That included improvements to stormwater, patterned footpaths, street furniture and underground power. The following represents the additional costs that will be required if Council wished to proceed with an upgrade of that part of Church Street from Mortimer Street to Gladstone.

Stormwater	\$370,748.00
Environment, Traffic Management and Supervision	\$51,784.00
Underground Power	\$400,000.00
Replacing Water Main	\$139,700.00
Installing Kerb and Guttering	\$37,096.00
Replacing footpath with pattern design	\$185,324.00
Pavement and sub-base	\$296,188.00
Street Furniture, trees and line marking	\$38,460.00
Total	\$1,529,160.00

The above costing represent the complete upgrade of this section of road which is not the recommendation in this report. The following comments are made:-

- 1 The area currently does not have normal kerbing but does have gutter bridge drainage which is not as efficient.
- 2 The stormwater from a number of the buildings currently runs across the footpath and into the gutter bridge drainage. The proposal is to have those stormwater issues piped under the footpath.

- 3 The intention is to replace all the footpath with the same pattern as per that section of Church Street between Mortimer and Market Streets. In the main the current footpath is in reasonable condition and could remain requiring Council only to the kerbing.
- 4 The power supply is currently overhead. An estimate from Essential Energy to put the power underground is \$800,000 which they would fund 50%.
- 5 It has been the practice of Council to replace water main when rehabilitating a full stretch of new road. It is proposed to undertake this work at the time of this project. Council could fund this work from the water account.
- 6 The surface is proposed to be asphalt (hotmix).

The recommendation in this report is for a reduced scale of works to be able to be affordable in this current financial year.

Stormwater	\$305,000.00
Environment, Traffic Management and Supervision	\$51,000.00
Replacing Water Main	\$114,000.00
Installing Kerb and Guttering	\$37,000.00
Footpath upgrade	\$59,000.00
Pavement and sub-base	\$296,000.00
Street Furniture, trees and line marking	\$38,000.00
Total	\$900,000.00

The work above involves retaining the full kerb and guttering works to replace the existing gutter bridges. The storm water would be reduced to a single 900mm diameter pipe with 375mm diameter pipes taking the water from the kerb inlet pits into the main stormwater pipe. The works to install a 225mm diameter pipe behind the kerb to collect the existing roof water pipes would remain. The footpath is only proposing some minor replacements without the full pattern as is experienced in other parts of Church Street being deleted from the project. The majority of the footpath on this section of road is reasonable. We also recommend Council does not proceed with the underground power.

Of course Council has the option of retaining the project scope at the level proposed in the Operational Plan and that can be delivered within the existing budget allocation.

Financial implications

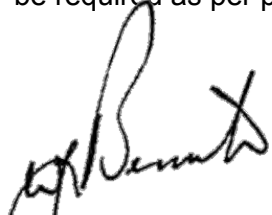
The Current budget in the operation plan for this project is \$350,000. This report gives Council the opportunity to change the scope of the works to reflect other parts of Church Street in the CBD. If Council accepts the recommendation in this report the cost of the project can be funded as follows:-

Already in Operational Plan and Budget	\$350,000.00
Water main renewal from the Water Account	\$114,000.00
Balance of Project from unrestricted reserve balance	\$436,000.00
Total	\$900,000.00

The unrestrictive reserve account is Councils general fund. The beginning of financial year estimation for the general fund was a deterioration of \$374,000 from a balance we maintain at \$4.3 million. But this financial year the income from general rate will be greater than estimated and more than the additional cost of this project.

Strategic or policy implications

If Council agrees with the recommendation in this report a change to the Operation Plan will also be required as per part 3 of the recommendation



WARWICK L BENNETT
GENERAL MANAGER

14 September 2012

Attachments: Nil.

7.2.9 Classification of Land Lot 102 DP 1174280

REPORT BY MANAGER REVENUE AND PROPERTY TO 26 SEPTEMBER 2012 COUNCIL MEETING

Classification of Land as Operational Drainage Reserve 38-48 Lions Drive
A0100055, A0010002, P2174811

RECOMMENDATION

That:

- 1. the report by Manager Revenue and Property on the Classification of Land be received;**
- 2. in relation to Lot 102 DP 1174280 the land be classified as Operational.**

Executive summary

This report seeks to formalise the classification of Lot 102 DP 1174280, being 38-48 Lions Drive Mudgee, land vested into the ownership of Mid-Western Regional Council as part of a private subdivision for the purpose of a drainage reserve.

Detailed report

In accordance with the Local Government Act 1993, all public land must be classified as either 'Community' or 'Operational' land. The purpose of classification is to identify clearly that land which should be kept for use by the general public (community) and land which need not (operational). Community land would ordinarily comprise of land such as a public park. Land that is classified as Operational would include land held as an asset, land which facilitates the carrying out by a council of its functions or is land that may not be open to the public, such as in this case where the land is required for drainage purposes.

As part of the process for classification of land, Council must resolve to classify the land as Operational and its intention must be advertised and public comment called for. The classification can then be formalised.

Council's intention to classify the land as Operational was advertised in the local newspaper on 24 August 2012. Submissions were called for with the closing date for submissions being 21 September 2012. At the date that this report was written, no submissions had been received. This report now seeks to complete the process of classification of the land as Operational.

Financial implications

Not applicable

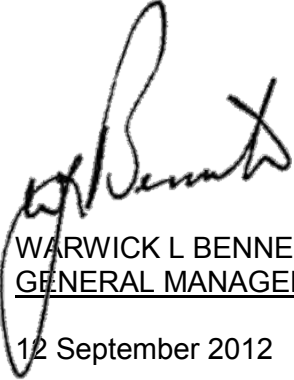
Strategic or policy implications

The Council requires for this land to be classified as Operational to assist with the future use and development of the site for drainage purposes and to satisfy conditions stipulated under the Local Government Act 1993.

DIANE SAWYERS
MANAGER REVENUE AND PROPERTY

CLARE PHELAN
GROUP MANAGER,
FINANCE & ADMINISTRATION

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, appearing to read 'Warwick L Bennett', written over the printed name and title below.

WARWICK L BENNETT
GENERAL MANAGER

12 September 2012

Attachments: 1. Map of Drainage Reserve

7.2.10 Delegation to review rating categories

REPORT BY GENERAL MANAGER TO 26 SEPTEMBER 2012 COUNCIL MEETING

COUNCIL 120926

A0100055, A0340047, A0340007

RECOMMENDATION

That:

1. **the report by General Manager on the Delegation to review rating categories be received;**
2. **pursuant to Section 377 of the Local Government Act Council delegates to the General Manager the authority to determine under s525 Local Government Act reviews made by ratepayers to change the categorisation of their properties for rating purposes.**

Detailed report

This delegation is being considered separate from all the other delegations to the General Manager as it has the potential to be considered as a new delegation pertinent to the review of rating undertaken by Council. In May of this year Council considered a report that a number of properties that were used for mining purposes should be re-categorised from farmland to mining categories. There are only four rating categories the Local Government Act allows Councils to determine the appropriate category of rating. They are residential, farmland, business and mining.

A number of appeals have been lodged with Council with recent re-categorisation decisions. These all relate to land that Council has re-categorised from farmland to mining. Council has 40 days from the date of receipt of these reviews for categorisations to make a determination as to whether the appropriate category has been implemented or a re-categorisation should be made.

Once that decision is made on behalf of Council, the property owner has 30 days to appeal this matter to the Land and Environment Court.

Council has power to delegate its functions with the exception of certain functions listed in s377. Whilst the making of a Rate is a non-delegable function, the determination of the rating category under s525 is not limited in that way.

The Local Government Act gives to the General Manager particular functions including:

- the day-to-day management of the council
- to exercise such of the functions of the council as are delegated by the council to the General Manager (s335 LOCAL GOVERNMENT ACT)

The General Manager has been given broad delegations including:

2. *To perform all the necessary activities, to serve any notices or orders, undertake inspections, issue or refuse license and permits, to exercise the power of entry, to appoint appropriate staff as an authorised officer, authorised person, authorised Council employee, or impounding officer as the case may be, to exercise the functions of those positions under the Local Government Act 1993, Environmental Planning and Assessment Act 1979 and*

any other Act which may impact on the business of Council. (Delegation of Authority for the General Manager)

It is arguable that the Local Government Act and the Delegations empower the General Manager to make the necessary determinations, however, to overcome any doubt this report is recommending that the review requested of Council be specifically delegated to the General Manager in accordance with the general intent of the Local Government Act.

Financial implications

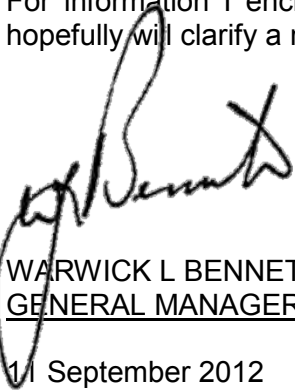
Not applicable at this stage.

Strategic or policy implications

The Council under the Local Government Act can determine what categorisation a particular property has for its dominant use. This is completely separate from what the land is zoned under the Mid-Western Regional LEP 2012. As stated above the majority of the properties that have been re-categorised have gone from farmland to mining and when the categorisation was undertaken consideration was given to the identification of the purpose of the use to which the land was being put. The analysis was based upon the existence of a hierarchy of factors as follows:

- (a) mining lease
- (b) development consent
- (c) exploration licence
- (d) development or project application for a mine
- (e) land which is identified as buffer land for a mine
- (f) environment offset for a mine
- (g) land purchased by a mining company as required by an affected landholder due to conditions of development consent, and
- (h) arguably the absence of a land use of farming

For information I enclose a copy of a report presented to Council on 16 May this year which hopefully will clarify a number of the issues.



WARWICK L BENNETT
GENERAL MANAGER

11 September 2012

Attachments: 1. Council report – 16 May 2012

6.2.6 Categorisation for Rating Purposes of Land Used or Held for Any Mining Purpose

REPORT BY MANAGER REVENUE & PROPERTY TO 16 MAY 2012 COUNCIL MEETING

Categorisation for Rating Purposes of Land Used or Held for Any Mining Purpose

A0100055, A0340047, A0340007

RECOMMENDATION

That:

1. **the report by Manager Revenue & Property on the categorisation for rating purposes of land used or held for any mining purpose be received ;**
2. **Council endorse the principle and analysis processes, as outlined in this report, to re-categorise property assessments owned or leased by a coal mining company, into the rating category of *Mining*, sub-category of *Mining Coal* from the 2012/2013 financial year;**
3. **Council endorse the principle and analysis processes, as outlined in this report, to re-categorise property assessments owned or leased by a mining company, other than a coal mining company, as *Mining* from the 2012/2013 financial year.**

Executive summary

The purpose of this report is to inform Council of the outcome of a recent review of the categorisation of land for rating purposes relating to rateable land owned or leased by coal mining companies. The review focused on the use or the holding of the property assessments by the companies and the dominance of use and activities that were conducted thereon. The review concentrated on coal mining activities, but the principle and analysis processes also relate to all types of metalliferous mining.

Detailed report

The Mid-Western Regional Council area contains large tracts of land that are either currently being used for the mining of coal and related activities; land upon which further significant coal mining activities have been progressed to various stages, or land where approval has been granted to commence activities in the near future.

Council is obliged by Sections 493 and 514 Local Government Act 1993 (LG Act), to declare each parcel of rateable land in its area to be within one or other of the following categories:

- Farmland;
- Residential;
- Mining; and
- Business.

The categorisation of coal mining lands for rating purposes has been dependent upon Section 517 of the Local Government Act 1993 (LG Act) which provides:-

517 Categorisation as Mining

- (1) Land is to be categorised as mining if it is a parcel of rateable land valued as one assessment and its dominant use is for a coal mine or metalliferous mine.
- (2) The regulations may prescribe circumstances in which land is or is not to be categorised as mining.

The regulations, as yet, do not prescribe circumstances in which land is or is not to be categorised as mining.

The term “mine” is defined in the Dictionary to the Local Government Act as being:

...land, on or below the surface or partly on or below the surface, used or held for any mining purpose.

The Valuer General provides Council with one mining lease valuation for each coal mine, made under Section 14F of the Valuation of Land Act 1916. Currently, it is only this mining lease valuation that is declared to be sub-categorised as *Mining Coal* for rating purposes and subsequently attracts the *Mining Coal* ad valorem rate.

Numerous other property assessments owned by the coal mining companies or leased from the Crown and not valued under the mining lease area criteria, are categorised for rating purposes as either *Farmland* (Section 515 LG Act) or *Residential* (Section 516 LG Act) and attract the corresponding ad valorem or minimum rates. To be categorised as *Farmland* the land must have a “dominant use” of farming.

A recent review of these property assessments suggested that they were owned or leased for a range of purposes related to mining that may fit the definition set out in Section 517 LG Act. In principle, every assessment held under the ownership of a coal mining company or its subsidiary company, was assessed for re-categorisation to establish whether it was properly to be included in the category of *Mining*, sub-category of *Mining Coal* for rating purposes. This reasoning was based upon the premise that it is reasonable to infer that the company has purchased the land to be used or held for a mining purpose.

As a result of the review, a comprehensive and critical analysis was applied to each property assessment to establish for the purpose of the LG Act what was the dominant use of the land. Consideration was given to the identification of the purpose of the use to which the land was being put. The analysis was based upon the existence of a hierarchy of factors as follows:

- (a) mining lease,
- (b) development consent,
- (c) exploration licence,
- (d) development or project application for a mine,
- (e) land which is identified as buffer land for a mine,
- (f) environment offset for a mine,
- (g) land purchased by a mining company as required by an affected landholder due to conditions of development consent, and
- (h) arguably the absence of a land use of farming.

The same principle and analysis process can be applied to mines other than coal mines eg property assessments categorised as *Farmland* and purchased for silver or gold mining operations (being metalliferous mines) would be re-categorised to *Mining*.

The Analysis (appended in the confidential section of this business paper) shows for each coal mine; property assessments where land parcels possess one or more of factors (a) to (g) and the corresponding additional rate income based upon the mining coal ad valorem rate (Draft 2012/2013 Operational Plan) as opposed to the amount levied for the 2011/2012 financial year and; property assessments possessing factor (h) and the corresponding additional rate income as opposed to the amount levied for the 2011/2012 financial year.

The re-categorisation of such properties for rating purposes is a dynamic process and reviews will be continuous and will be initiated by, but not limited to; purchase of land by a coal mining company, expansion and staged development, new information coming to hand, new valuations of Crown land leased by a coal mining company and amalgamation of properties by the Valuer General that are owned or leased by coal mining companies. It is proposed that the trigger for a consideration of re-categorisation will be the settlement date of purchase or lease of land by a coal mining company.

It can be reasonably anticipated that any change to the categorisation of these property assessments may result in an appeal to the Land and Environment Court. Sections 525 and 526 Local Government Act provides a two stage appeals process, summarised as follows:

Initially, Section 525 allows a ratepayer to request a review of the categorisation or to nominate a particular category, at any time. Council would review each property assessment upon receipt in writing of additional relevant information relating to each property.

Secondly, after any review conducted in accordance with Section 525, an appeal can be made to the Land and Environment Court pursuant to Section 526 of the Act. Any such appeal must be made within thirty (30) days of the date of the declaration made following the review.

Financial implications

The total additional amount of income, based upon the mining coal ad valorem rate (Draft 2012/2013 Operational Plan) as opposed to the amount levied for the 2011/2012 financial year for those properties identified in the confidential attachment. The attachment is recommended to remain confidential until such times as the individual property owners have been notified with the receipt of their rate assessments.

The above amount has not yet been included in the Draft 2012/13 Operational Plan in full, but an amount for ad valorem rate increases limited by rate pegging has been included. Because there is a possibility that Councils rate review may result in an appeal to either Council, or the Land and Environment Court the increased rate income will be included at such time as it is reasonable to expect the full amount will be received and no appeal is in action, or any lodged appeals have been resolved. The adjustment is most likely to occur at Councils September budget quarterly review.

Strategic or policy implications

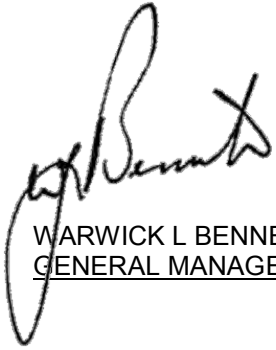
This report and attachments will direct how Mid-Western Regional Council will categorise and sub-categorise all rateable property assessments that are owned or leased by coal/metalliferous mining companies from the 2012/2013 financial year.

DIANE SAWYERS
MANAGER REVENUE & PROPERTY


LEONIE JOHNSON
ACTING GROUP MANAGER FINANCE &
ADMINISTRATION

Attachment: 1. Analysis – Revenue Data (Property Assessment Data as at 26/3/2012)
(included in the Confidential section of the Business Paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

Attachment

7.2.11 Financial Assistance – Applications

REPORT BY FINANCIAL ACCOUNTANT TO 26 SEPTEMBER 2012 COUNCIL MEETING
COUNCIL 120926
A0100055, A0140201

RECOMMENDATION

That:

1. the report by Financial Accountant on the 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, subject to those requirements being met, with the funding from the general financial assistance vote:

The Henry Lawson Society of NSW Inc	\$1,361.98
Returned & Services League - Gulgong RSL Sub-branch	\$2,000.00
Gulgong Pistol Club Incorporated	\$740.98.00
Mudgee High School	\$100.00
Mudgee Churches Association	\$1,000.00
Mudgee Celebration of Ability Committee	\$1,000.00
3. Council decline the financial assistance application from The Foundation for National Parks & Wildlife as the application does not satisfy the Financial Assistance policy criteria.

Executive summary

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

Detailed report

Provision is made in Council's Financial Assistance Policy for community not for profit organisations, group and individuals to make application for financial assistance.

The Henry Lawson Society of NSW Inc

The Henry Lawson Society is seeking reimbursement of \$1,361.98 for their receipt of rates for 2012/13. As in previous years, the money reimbursed would be used to pay for some of the advertising and entry pamphlets for their Henry Lawson Literary Awards which is managed by a lot of voluntary work and their rate reimbursement is as always, gratefully received.

Gulgong RSL Sub-Branch

The Gulgong RSL Sub-branch hosts four free lunches each year for veterans, war widows and their spouses or carers. These lunches/remembrance services are often the only social activity for our isolated veterans. The costs exceed \$2,500 per luncheon in which they are seeking financial assistance. We recommend that Council grant the amount of \$2,000.

Gulgong Pistol Club Incorporated

Gulgong Pistol Club would like to request the reimbursement of rates paid for 2012/13 for the amount of \$740.98. It is noted that it would be a huge benefit to the non profit small sporting organisation which is run entirely by volunteers and funded by its members.

Mudgee High School

Mudgee High School is requesting financial assistance towards the school's end of year prize giving. The amount of \$100 that was approved last year was used to make up the Dux award. It is recommended that Council approve the maximum amount for Prize Giving of \$100.

Foundation for National Parks & Wildlife

The Foundation for National Parks & Wildlife has invited Council to become a partner to its Private Land Conservation Grants Program. Private Land Conservation Grants provide financial support to landowners who make a voluntary commitment to conservation by covenanting their land.

This program does not demonstrate broad community benefits as required by the financial assistance policy. As the program does not meet the policy requirement the recommendation is to decline financial assistance.

Mudgee Churches Association

Mudgee Churches Association is requesting financial assistance of \$1,000 towards the annual Combined Christian Churches Christmas Day Luncheon. The Christmas day lunch provides support for the isolated and lonely people across our region.

Mudgee Celebration of Ability Committee

The Celebration of Ability Committee plans and fundraises for the International Day of People with Disability function. The purpose is to promote understanding of people with disability and encourage support for their well being. The committee is seeking \$1,000 financial assistance towards the Rock and Roll Dinner Dance on the 1st of December.

Financial implications

Funding of \$117,000 is provided in the Operational Plan for Financial Assistance. \$70,917 has been allocated to date leaving a balance of \$46,083. Should Council approve the donations in accordance with the recommendation, a balance of \$39,880.04 will remain.

Strategic or policy implications

Council's Financial Assistance Policy applies.

NEIL BUNGATE
FINANCIAL ACCOUNTANT

CLARE PHELAN
GROUP MANAGER,
FINANCE & ADMINISTRATION

13 September 2012

Attachments: 1. Requests for financial assistance.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

\$1361.98 25.9.12



The Henry Lawson Society of N.S.W. Inc.

The *Henry Lawson* Centre

A Memorial for the study of literary works and the history of associated characters, places and times of Australia's National Poet.

147 Mayne St
Gulgong, NSW
Postal Address:
P.O. Box 235
Gulgong, NSW 2852
Phone: (02) 6374 2049
Fax: (02) 6374 2400

Email: henrylawsongulgong@yahoo.com.au
Web: www.henrylawsongulgong.org.au

3.8.2012

Contact: Kevin Robson,
Treasurer
Home Ph: 02 6374 1944

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

— Rates Reimbursement to Community Groups —

Dear Sir,

In relation to Council's management plan, in regard to Property Rates Reimbursement, I am enclosing a copy of our receipt for payment of rates for 2012/13.

As in previous years, the money reimbursed to our organisation would be used to pay for some of the advertising and entry pamphlets for our Henry Lawson Literary Awards, which are finalised each June Long Weekend, and for which we receive entries from every state in Australia, and has a cash flow of about \$9,000 to stage the event, with about \$3700 of this being sponsorship. I may mention that the event usually only makes a small profit of about \$500, so as you can see there is a lot of voluntary work for the event, and Councils contribution through rate reimbursement is gratefully received.

As this money is used for the literary awards, Mid-Western Shire Council is named as a sponsor on our advertising posters for the Annual Literary Awards.

Thanking You,

Kevin Robson



Mid-Western Regional Council
ABN: 96 149 391 332
PO BOX 156
MUDGEES NSW 2850
1300 765 002

NOTICES NOTICE
30/06/2013

391 332
DICE

mentioned rates & charges have
land described hereunder by
al Government Act 1993



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
4699

Tax Invoice
Official Receipt

2/08/2012 Receipt No: **270590**

To: **Henry Lawson Society of NSW**
Inc
PO Box 235
GULGONG NSW 2852

Society of NSW Inc
2

020
1008360

Applic	Reference	Amount
Rates		
Property No 4699		\$340.78
Property No 4699		\$340.40
Property No 4699		\$340.40
Property No 4699		\$340.40

To Rates: 147 Mayne Street GULGONG
NSW 2852

Transaction Total: **\$1,361.98**
Includes GST of: **\$0.00**

Amounts Tendered

Cash	\$0.00
Cheque	\$1,361.98
Dib/Cr Card	\$0.00
Money Order	\$0.00
Agency	\$0.00
Total	\$1,361.98
Rounding	\$0.00
Change	\$0.00
Nett	\$1,361.98

2
33

Instalment	Fourth Instalment	Please deduct any payments since	TOTAL AMOUNT DUE
340.40	\$340.40	9/07/2012	\$1,361.98
102/2013	31/05/2013		

Valuation Base Date: **1/07/2011**
Interest Rate: **10% p.a.**

Issue Date: **16/07/2012**
Due Date: **31/08/2012**

Rate in \$	Rateable Value	Amount
MINIMUM	24300	575.98
\$325.00 PER SERVICE	1	325.00
\$120.00 PER SERVICE	1	120.00
\$176.00 PER SERVICE	1	176.00
\$165.00 PER SERVICE	1	165.00

GST 0.00

Bank Teller
stamp
E S O E

Printed 2/08/2012 10:25:06AM

www.midwestern.nsw.gov.au

Commonwealth Bank of Australia
ABN 48 125 122 124
MUDGEES, NSW

NAME: The Henry Lawson Society of NSW Inc
PROPERTY NO.: 4699
TOTAL AMOUNT DUE: \$1,361.98
INSTALMENT AMOUNT DUE: \$340.78

RATES
CREDIT

Date / /

TELLER STAMP
/ /
INITIALS
No. OF CHQS

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.

DRAWER	BANK	BRANCH	TRAN-CODE
CUSTOMER REFERENCE No.	7280 6069 1	USER CODE 60183	831
FOR CREDIT OF MID-WESTERN REGIONAL COUNCIL			

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

Total \$

000000728060691:0601831

831

CHRIS GILL 1218
6373
\$2000 25.9.12

RETURNED AND SERVICES LEAGUE



OF AUSTRALIA
NEW SOUTH WALES BRANCH
"The Price of Liberty is Eternal Vigilance"

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

Reference: Community Grant Funding

General Manager
Mid-Western Regional Council
86 Market St
MUDGEES NSW 2850

Dear Sir,

Gulgong RSL Sub-Branch conducts several community activities each year. With increased interest in Australia's military history, particularly among the regions youth, our resources to continue funding these activities are being strained and may have to be curtailed.

At our recent lunch for the War Widows/widowers in the council area, we had 96 war widows, veterans and their carers.

Eighteen months ago, we found out that some of the district veterans had not left their homes in several months. Research showed that some of the more outlying veterans had not left their properties for a couple of years.

The Sub-Branch decided to host four free lunches each year for veterans, war widows and their spouse or carers. Our initial lunch was attended by 12 people; our most recent by 96.

We were fortunate to receive a substantial grant from council (\$1000), for which we are thankful. We also receive support from Gulgong RSL Club Limited, but our meals still cost \$20 per head. By the time we supply minimum refreshments and provide support for speakers and official guests, our costs regularly exceed \$2,500 per lunch. Making our annual budget in excess of \$10,000.

Having commenced this recreational and social activity for our isolated veterans, we feel morally bound to continue. As you will be aware from Department of Veterans Affairs statistics, the local veteran community is mostly in their late 80's and early 90's. These lunches/remembrance services are often their only social activities. Gulgong RSL Sub-Branch request that the Mid-Western Council consider including us in the council Community Grants budget for 2012/2013.

Yours Sincerely,

copy
20/3

David Henderson
President

Correspondence to: Honorary Secretary
E: gulgonarsl.sec@bigpond.com

President: gulgonarsl.pres@bigpond.com
Treasurer: gulgonarsl.tres@bigpond.com
Secretary: gulgonarsl.sec@bigpond.com

MEETING: 1ST Friday of the month at 7.30pm

\$740.98.

25.9.12

GULGONG PISTOL CLUB INCORPORATED

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

8th August 2012

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

Dear Sir/Madam

RE: RATES REIMBURSEMENT

Gulgong Pistol Club would like to request the reimbursement of rates paid for the financial year 2012/2013. I have attached a copy of the receipt in which we have paid in full, up front.

This reimbursement would be a huge benefit to our small sporting organisation which is run entirely by volunteers. We are non profit and self funded by our members. Our members work tirelessly to improve our facilities and promote our sport in our region. The Gulgong Pistol Club has been granted the opportunity to hold State Title Events in Service Pistol for the last five years.

We have around 50 competitors, their families, Range Officials, Judges and Executives of the NSW Amateur Pistol Association. Each time this type of event is held our local region benefits through the amount of money spent within the towns (Mudgee & Gulgong) for accommodation, meals, tourism etc.


Gulgong Pistol Club fully acknowledges the past contributions that the Council has made and wishes to thank Council. Without this sort of help from our local council it would be a great deal harder to improve our facilities, to attract new members, and promote our sport in the Region.

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



favourable reply,

Yours faithfully



Marnie Jones
Secretary/Treasurer
Gulgong Pistol Club Incorporated

RATES

RATES & CHARGES NOTICE
01/07/2012 TO 30/06/2013

ABN 96 149 391 332
TAX INVOICE

Notice is given that the below mentioned rates & charges have been made and levied on the land described hereunder by virtue of S546 of the Local Government Act 1993

Gulgong Pistol Club
Marnie Jones
C/- Westpac Building
109 Mayne Street
GULGONG NSW 2852



1010222



PO Box 156, Mudgee NSW 2850
Ph: (02) 6378 2850 • 1300 785 000
Fax: (02) 6378 2815

Email: council@midwestern.nsw.gov.au
Website: www.midwestern.nsw.gov.au

Property Number
4207

Property Location and Description
2550 Castlereagh Highway, GULGONG NSW 2852
Lot 494 DP 755433

Valuation Base Date **Interest R**
1/07/2011 10% p.a.

Issue Date **Due Da**
16/07/2012 31/08/20

Particulars of Rates and Charges	Rate in \$	Rateable Value	Amount
Residential Rural	MINIMUM	15000	575.98
General Waste Disposal Charge	\$165.00 PER SERVICE	1	165.00

Mid-Western Regional Council
ABN: 96 149 381 332

PO BOX 156
MUDGEE NSW 2850
1300 785 002

Tax Invoice
Official Receipt

3/08/2012 Receipt No: 270761

To: Gulgong Pistol Club
Marnie Jones
C/- Westpac Building
109 Mayne Street
GULGONG NSW 2852

Applic	Reference	Amount
Rates	Property No 4207	\$740.98
	To Rates, 2550 Castlereagh Highway	
	GULGONG NSW 2852	
Transaction Total:		\$740.98
Includes GST of:		90.00

Amounts Tended

Cash	\$0.00
Cheque	\$740.98
DB/CT Card	\$0.00
Money Order	\$0.00
Agency	\$0.00
Total	\$740.98
Rounding	\$0.00
Change	\$0.00
Nett	\$740.98

ABN 96 149 381 332
MUDGEE, NSW

NAME: Gulgong Pistol Club
PROPERTY NO.: 4207
TOTAL AMOUNT DUE: \$740.98
INSTALMENT AMOUNT DUE: \$185.38

CREDIT

Date / /

TELLER STAMP
/ /
INITIALS
No. OF CHQS

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.

DRAWER	BANK	BRANCH	TRAN-CODE
CUSTOMER REFERENCE No.	7280 1918 4	USER CODE 60183	831
FOR CREDIT OF MID-WESTERN REGIONAL COUNCIL			

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

Total \$.

000000728019184:060183

831

\$100. 25.9.12



MUDGEE HIGH SCHOOL

A.B.N. 25 074 408 459

Postal address: Locked Bag 2004 MUDGEE, N.S.W, 2850

Telephone: (02) 6372 1533 Facsimile: (02) 6372 6321

Email: mudgee-h.school@det.nsw.edu.au

"Providing high quality education in a stimulating and caring environment"

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



13 August 2012

Dear Mr Bennett,

In 2011 Mid-Western Regional Council contributed \$100.00 towards the school's end of year prize giving. This money was used to make up the Dux Award, which is presented at the end of year Presentation Ceremony. We are extremely grateful for the support received from Mid-Western Regional Council.

Mudgee High School would greatly appreciate your financial assistance again in 2012. Mudgee High has a strong ethic to acknowledge student success and this is only done with the support from the wider community.

Should you have any questions regarding this request please do not hesitate to contact me on the above number.

Yours sincerely

Graham Wilson
Presentation Assembly Coordinator

Decline

25.9.12



Foundation for
National Parks & Wildlife
ABN 90 107 744 771
CPO Box 2666
Sydney NSW 2001
T (02) 9221 1949
F (02) 9233 3615
E fnpw@fnpw.org.au
W www.fnpw.org.au

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

Dear Mr Bennett,

The Foundation for National Parks & Wildlife would like to invite you to become a partner to its Private Land Conservation Grants Program.

The Foundation for National Parks & Wildlife is a non-government, not for profit organisation. Since 1970, we have been committed to caring for Australia's natural and cultural heritage. We fund a range of community, individual and government conservation projects across the country with a focus on growing our national parks and protected areas for future generations to enjoy.

In our history, the Foundation has added over 500,000 hectares of land to our publicly protected places. We have also benefited over 50 of Australia's threatened species, and saved four from extinction. In addition we have preserved dozens of significant cultural heritage sites.

Only 13.4% of Australia is protected by the National Reserve System. As the majority of land is in private ownership, it is critical that private landowners have financial support to protect their land. The Foundation and its partners offer support for private landowners through the Private Land Conservation Grants Program.

The Private Land Conservation Grants Program has been operating for five years. It now provides over \$300,000 worth of grants each year. These funds provide much needed financial support to landowners who have made a voluntary commitment to conservation by covenanting their land. Covenanting protects land in perpetuity.

Since this successful program commenced in 2008, \$9,500 has been granted to landowners in your Local Government Area.

Government, private and not-for-profit partners are critical to the success of the Foundation. Our not-for-profit and government partners provide in-kind support and funds for the program. In recognition of the importance of providing support for private land conservation, the NSW Environmental Trust invested around \$1 million into the program over three years. This gives us time to establish new partnerships, with Councils and other organisations, to ensure the long term sustainability of our program.

Your partnership with the Foundation's Private Land Conservation Grants Program will provide the following benefits each year:

- Your Council will play a positive, important role in New South Wales' leading grant program to benefit private land conservationists;
- Leverage funding to achieve improved conservation outcomes across New South Wales, benefiting native animal and plant species, and removing invasive species;
- Partnership with and connection to a number of not-for-profit organisations and government agencies;
- Exposure of your logo and brand in connection with the Private Land Conservation Grants Program and its partners;
- Positive media coverage of your Council in newspapers and online news sites across New South Wales;
- Provision of good news stories and images for your own communications;
- Promotion in the Foundation's newsletter 'PAWS' and annual report;
- Acknowledgement on the Foundation's website;
- Enhancement of high conservation value land in your local area if local grants are awarded; and
- The opportunity to co-host and co-brand a local conservation education function or multiple functions if local grants are awarded.

The Foundation is seeking annual contributions of up to \$5,000. Our goal is to find 55 new partners with 20 of those contributing \$3,000, 20 contributing \$5,000 and a further 15 contributing \$10,000 per annum. This would make the program sustainable over the long term and extend its reach over the next six years.

For more information, please contact our Grants Program Manager, Claire Croumbie-Brown on (02) 9221 1949 Tuesday to Thursday or by email at ccroumbie-brown@fnpw.org.au

Thank you for your time and I look forward to your response.

Yours sincerely,



Susanna Bradshaw
CEO
Foundation for National Parks and Wildlife

**The Manager
Mr Warwick Bennett
Mid-Western Regional Council
86 Market St,
Mudgee 2850**

RE: Funding for Christmas Day Luncheon

Dear Mr Bennett

On behalf of Mudgee Christian Churches, I am writing to ask for a grant of \$1000, which will enable us to carry out the Annual Christmas Luncheon for the isolated and lonely people of Mudgee to have a celebration on Christmas Day.

For many years the Mid-Western Regional council has been very supportive of this event and the Mudgee Churches Association does appreciate your continued support. The Churches have taken it in turn to coordinate the event and the numbers of people who have been assisted on this day has continued to grow. One of the benefits of the day is the number of volunteers from all parts of the Community who gather together to see that this event provides a very happy day for all.

For these reasons, I am asking that you will continue to support such a good event. The contribution of Mid-Western Regional Council will be acknowledged publicly and a report will be provided after the event.

If you need further information, please contact me at 63722122.

Yours sincerely,

Alice Sullivan

Sr Alice Sullivan
For and on behalf of the Mudgee Churches Association



16th August 2012,

Mid Western Regional Council
P.O.Box 156
MUDGEE NSW 2850

To Whom it may concern,

Re: Application for Financial Assistance.

We are writing on behalf of the Mudgee Celebration of Ability Committee.

The Celebration of Ability Committee plans and fundraises for the International Day of People with Disability function, which is held annually, as close to the 3rd December as can be organised.

The purpose of the International Day of People with Disability (IDPWD) Adult function, is to promote understanding of people with disability and encourages support for their dignity, rights, and well being. The activity also seeks to increase awareness of the benefits of the integration of people with disability in every aspect of political, social, economic and cultural life. It brings together the community and acknowledges the contribution, skills and achievements of people with disability.

This year, we are planning to hold a Rock and Roll Dinner Dance at Club Mudgee on the 1st December 2011. It will be a great night out and will allow everybody have a dance and a meal together.

We are seeking financial assistance to help subsidise some tickets for local people with disability so that they can attend and participate. We are requesting \$1000 for this purpose.

As in previous years when Council has supported our Committee, we will acknowledge the contribution made by Council publically.

Our account details are as follows;
BSB: 062 577
Account: 101 596 77
Account Name: CELEBRATION OF ABILITY

I am happy to field any questions required by Council in relation to this application.

Thankyou for your time and consideration,


Kat Springett
Support Person



7.2.12 Gulgong Sports Council Minutes

REPORT BY GROUP MANAGER OPERATIONS TO 26 SEPTEMBER 2012 COUNCIL MEETING

Gulgong Sports July & August
A0100055, A0360003

RECOMMENDATION

That:

1. **the report by Group Manager Operations on the Gulgong Sports Council Minutes be received;**
 2. **That the minutes for the Gulgong Sports Council ordinary monthly meetings held on 11 July 2012 & 15 August 2012 be noted.**
-

Executive summary

Not applicable.

Detailed report

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Sports Council Meetings held on 11 July 2012 & 15 August 2012. The Sports Council receives an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meeting.

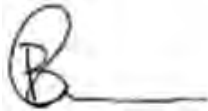
There are no further matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under separate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receives additional information.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

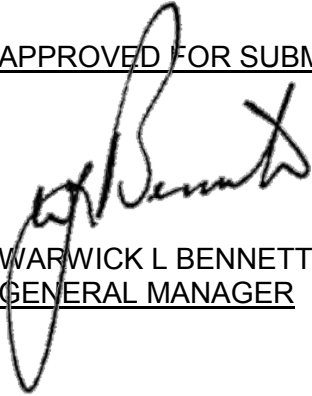


BRAD CAM
GROUP MANAGER OPERATIONS

12 September 2012

- Attachments:*
1. Minutes of the Gulgong Sports Council Ordinary Meeting 11 July 2012
 2. Minutes of the Gulgong Sports Council Ordinary Meeting 15 August 2012

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

Gulgong Sports Council
Monthly Meeting held Gulgong High School
Wednesday 11th July, 2012

Meeting Opened: 7:05pm

Apologies: B. Murphy

Present: Craig Holden – President, Brian Gudgeon - Senior Cricket, Nicola Barnes – Secretary, Betty Rae - Dog Obedience, Charlie Rae - Volunteer, Carl Kissler - Gulgong Public School, P. Thompson – MWRC.

Motion 1 – “That the minutes be accepted as read”

Moved: C. Kissler

Seconded: C. Rae

All in favour – motion moved and carried.

Council Business:

1. Craig has followed up on electrical in Victoria Park and a new power point and another 10 or 15 amp fuse going in as well.
2. Tracey has advised that the pitch at Billy Dunn oval will be fixed and ready before Cricket season.
3. Gates to Victoria Park are being painted and to be re-adjusted.
4. Gates are being constructed and delivered for Victoria Park.
5. All pot holes in the bitumen at the entrance to Billy Dunn, Rotary Park and alongside the swimming pool need to be filled in with coal mix as they are now major holes and a hazard.
6. Fees and charges – where are they up to? To date we have received no correspondence from Mid-Western Regional Council on any increases. Gulgong Sports Council Affiliated Clubs are asking questions regarding this issue.
7. A work request has been raised as water is leaking through for the roof of the grandstand at Billy Dunn oval – also advised about power board – in hands of Roger Haynes now.
8. Victoria park area needs to be cleaned up before the Dog Show in August and the Junior League Grand Finals in September. All the development work out from needs to be cleaned up and barriers erected around work areas – currently storm water pit near front of Victoria Park needs safety barrier for those two days at least as there will be big crowds for both events and it is currently way too dangerous to leave as it is. Tracey Kane has been advised on this issue.

Finance Report:

Opening Balance:	\$4,807.73	
Income	\$ 828.00	Gulgong Junior League & Netball Club
Total	<u>\$4,835.73</u>	
Expenditure	\$ 67.50	Paint - Gulgong Timber & Hardware
	\$ 70.00	Ronnie Freestone - Painting of Rails
	\$ 190.00	Ronnie Freestone - 9 1/2 hours paintwork
Closing Balance:	<u>\$4,508.23</u>	

Motion 2 "That the treasurer's report be accepted."

Moved: B. Gudgeon

Seconded: N. Barnes

All in favour - motion moved and carried

Correspondence:

1. NSW Communities Sport & Recreation - Team Managers Course
2. Mudgee and District Kennels Club - Newsletter

General Business:

1. Gutting on the grandstand at Victoria Park has been completed.
2. The vandalized netball rings have been re-welded and fixed by Doug Sies.
3. Carl is making a new box for the PA system.
4. Need to purchase a new microphone for the PA system as the old one can't be fixed.
5. This Sunday need any willing hands to move all gear from the container into the back room - will meet at the ground at 9:30am.
6. Tables booked from Country Catering for the dog show - 3 will be delivered on the 9th.
7. 10 x 44's will be delivered to the ground for the dog show - just need garbage bags to line them.
8. The BBQ area has been completed at Victoria Park and has come in under budget. Included in the price was also installation of gutting and flashing.
9. The interior of the BBQ area, kiosk, change room at Victoria Park has all been painted by Peter Reagan and looks fantastic - great job.

10. Need to buy/organize two fridges - one for Victoria Park and one for Billy Dunn Oval

Meeting closed: 8.00

Craig Holden – President

Gulgong Sports Council
Monthly Meeting held Gulgong High School
Wednesday 15th August, 2012

Meeting Opened: 7:05pm

Apologies: B. Murphy

Present: Craig Holden – President, Brian Gudgoun - Senior Cricket, Nicola Barnes - Secretary,
Betty Rae - Dog Obedience, Charlie Rae - Volunteer, Carl Rissler - Gulgong Public School, P.
Thompson – MWRC.

Motion 1 – “That the minutes be accepted as read”

Moved: C. Rissler

Seconded: C. Rae

All in favour – motion moved and carried.

Council Business:

1. Craig has followed up on electrical at Victoria Park and a new power point and another 10 or 15 amp fuses going in as well, works have been completed.
2. Tracey has advised that the pitch at Billy Dunn oval will be fixed and ready before Cricket season.
3. Gates to Victoria Park are being painted and to be re-adjusted.
4. Gates have been installed.
5. All pot holes in the bitumen at the entrance to Billy Dunn, Rotary Park and alongside the swimming pool need to be filled in with coal mix as they are now major holes and a hazard.
6. A work request has gone through for the roof of the grandstand at Billy Dunn oval – also advised about powerboard – in hands of Roger Haynes now.

Finance Report:

Opening Balance: \$4,508.23

Income: nil

Expenditure: G.G & L.M. Andrews Transport \$165.00 (container hire)

Rosevale Welding \$330.00 (Gates for Vic.Pk)

Aussie Country Catering \$346.00 (toilets for dog show)

Gulgong Timber & 11'ware \$319.20 (paint and access)

D.G.&C.A.Peters Trophies \$214.50

D.C.&C.A.Peters Trophies \$55.95

Motion 2 – “That the treasurer’s report be accepted.”

Moved: B. Gudgeon

Seconded: N. Barnes

All in favour – motion moved and carried

Correspondence:

nil

General Business: Carl is making a new box for the PA system.

1. Need to purchase a new microphone for the PA system as the old one can't be fixed.
2. Need to buy/organize two fridges – one for Victoria Park and one for Billy Dunn Oval.
3. AGM next month September 12th at 6.30pm. All advertising has been completed for meeting.
4. Nominations need to be attended to as there are very few that have come in for 2012

Meeting closed: 8.00

Craig Holden – President

7.2.13 Information Technology Acceptable Use Policy

REPORT BY GROUP MANAGER FINANCE & ADMINISTRATION TO 26 SEPTEMBER 2012
COUNCIL MEETING

IT Policies

A0100055, A0070010

RECOMMENDATION

That:

1. **the report by the Group Manager Finance & Administration on Acceptable Use of Information Technology be received; and**
2. **Council adopt the revised Acceptable Use of Information Technology Policy.**

Executive summary

Alterations have been made to the Acceptable Use of Information Technology Policy as part of the review process defined in each policy.

Detailed report

The Acceptable Use of Information Technology Policy has been revised to ensure Council's policy complies with the requirements of the *Workplace Surveillance Act 2005* and the Office of the Australian Information Commissioner.

In particular, greater detail has been included in the policy as to the type of monitoring that Council may undertake and the purposes for which such monitoring is conducted.

The intent of the policy remains the same, in that Council employees, Councillors and members of the public making use of Council's information technology do so in a manner that upholds the values and behavioural standards outlined in Council's Code of Conduct.

A copy of the proposed policy is attached.

Financial implications

Not applicable.

Strategic or policy implications

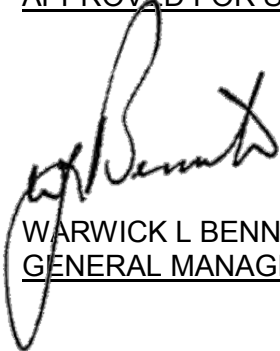
Not applicable.

CLARE PHELAN
GROUP MANAGER FINANCE &
ADMINISTRATION


9 July 2012

Attachments: 1. Acceptable Use of Information Technology Policy

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

	POLICY	ADOPTED C/M 16/12/09 Min. No. 289/09
	Acceptable Use of IT Services	REF: REV: FILE No. A0070011

OUTCOME: Sets out acceptable use of electronic devices and media

MAJOR PROGRAMME: Information Technology

PROGRAMME MANAGER: Andrew Sutherland

LEGISLATION: NSW Crimes Act 1900
Workplace Surveillance Act 2005

FILE REFERENCE: A0070010

OBJECTIVE

This Policy sets out instructions for acceptable use of the Information Technology Infrastructure operated and provided by Mid-Western Regional Council for employees, councillors and the public. The primary purpose for which Mid-Western Regional Council provides access to telecommunications mediums is for business purposes and to provide community access to services via Internet and communication services for the public at designated public access points.

POLICY

- The policy covers all electronic telecommunications media.
- Council reserves the right to review, vary or revoke this policy.

TYPES OF IT SERVICES

Information Technology Infrastructure facilities include voice systems (fixed PSTN and PABX services, Voice over IP (VoIP) devices, radio systems, mobile telephones and other handholds, public telephones on Council property, Message and fax services), computer hardware (display units, kiosks, multi function units, wireless access points, desktops, laptops, tablets, PDA's, printers, faxes, scanners) and systems (E-Mail, web services, desktop applications, corporate systems).

This also extends to transmitting and receiving of messages and emails to Council systems.

AVAILABILITY

IT Infrastructure Services may not be accessible during certain periods of prescribed or urgent maintenance or technical failure. IT will endeavour to advise users if a service will be unavailable for any length of time. Access to public services will be in line with the opening times of the public facility.

AUTHORISED ACCESS

You must have permission to use any part of IT infrastructure.

Internal Requests for access to IT Infrastructure Services should be made through your manager. Your request is then forwarded to IT Service Desk for scheduling and processing.

External requests to use public access points should be made to the staff at the public access site.

Internal and External Access Requests include:

- Access to use desktops / laptops / printers
- Remote access to the network from outside the network
- Movement of hardware
- Use and downloading of non-approved software
- Access to directories / folders / systems not within your normal access

ACCEPTABLE USAGE

While IT Infrastructure Services are provided to staff primarily for business purposes, reasonable personal use is permitted.

Whether you are a staff member or a member of the public, the following minimum conditions apply when you are using Council's IT Infrastructure Services:

1. Usage must not contain or transmit information that is objectionable in content, including but not limited to:
 - Pornographic or violent in nature
 - Online gambling
 - Sexually explicit, racist or otherwise discriminatory or illegal
 - Used to harass or intimidate individuals or organisations
 - Defamatory, threatening or obscene
2. Usage must not deliberately cause interference with or disruption to any business, network, information service, equipment or any user thereof including but not limited to:
 - Activities used for any personal or commercial gain
 - Intentionally transmitting confidential information to unauthorised recipients
 - Interfering with work schedules and staff productivity
 - Denial of service, unauthorised intrusion (hacking), spreading of malware
 - Transmission of chain mail in any format
 - Use of another employee's computer or other electronic media to gain unauthorised access to the IT Infrastructure
 - Creating of legal or contractual obligations not specifically sanctioned by the appropriate delegated authority
 - Impede the performance of the system

Where access to such areas is required for research for educational purposes, the request should be made to IT via your manager or if at a public access area, the staff who manages the public access site should be advised prior to accessing the information.

For any privately owned or non-council devices that connect to a council supplied access point, the rules of acceptable use still apply.

The Information Technology section will take action as soon as it becomes aware of any unacceptable or illegal activity by users of the IT Infrastructure Services. Such action may include a simple warning and advisory, banning a member of the public to access any or all of the services and / or the reporting of serious issues to Police. Staff found to be in breach of the policy will be subject to code of conduct and disciplinary procedures.

By requesting the use of IT Infrastructure, you have indicated that you understand the content of the policy and the consequences of breaching what is considered to be acceptable public usage.

MONITORING

Council retains the right to monitor the use of IT Infrastructure Services. Surveillance will include but not be limited to random monitoring of email inboxes and monitoring logs of internet usage. The surveillance of IT Infrastructure Services use will be ongoing and may occur at any stage during employment with Council.

BLOCKING

Emails and websites that are considered inappropriate may also be blocked. Employees will be notified of blocked emails and websites, except where the email or website is spam, contains a virus or is offensive in nature. Unapproved software and hardware will also be prohibited and blocked from the network due to the ability to impede system performance or introduce malicious code. This would include items such as freely available toolbars, screensaver tools and downloadable services not associated with council business.

7.2.14 Section 73A Amendment to Lot Size Maps LEP 2012

REPORT BY MANAGER STRATEGIC PLANNING TO 26 SEPTEMBER 2012
COUNCIL MEETING

LEP 2012 Amendment to Lot Size Maps
A0100055, A0420244

RECOMMENDATION

That:

1. **the report by Manager Strategic Planning on the Local Environmental Plan 2012 Amendment to Lot Size Maps be received;**
2. **That the Section 73A Submission regarding the corrections to the Lot Size Maps be forwarded to the Department of Planning requesting that the necessary amendments to the Local Environmental Plan 2012 Lot Size Maps be undertaken.**

Executive summary

During the finalisation of the Local Environmental Plan 2012, the Department of Planning made an amendment the Lot Size Map layer without reference to Council. These changes, the intention of which was to alter the manner in which the information was represented on the maps and in the legend, were made and have resulted in mistakes in the application of the lot size boundaries on a number of parcels around Mudgee and now inadvertently limit the subdivision of these parcels. This report outlines the process by which the error will be rectified.

Detailed report

Council undertook all of the LEP mapping up until the post exhibition changes which were then handled by the Department of Planning and Infrastructure (DOPI). Negotiations post exhibition resulted in a number of minor and formatting issues made to the map layers. All of these changes were managed through the DOPI Regional Office with reference back to Council to check. For reasons unknown, the DOPI made additional formatting changes to the way in which Clause 4.1 (3A) was represented on the Lot Size Map layer. Neither Council nor Regional Office were made aware of these changes, possibly because it was simply a matter of the format. However, in making the change, it would appear that the wrong base layer was used resulting in the mistakes. The mistakes were not identified until after the publication of the LEP 2012.

A copy of the subject map sheets are attached. The maps are identified as the maps submitted for publication by Council in February and marked "SUBMITTED MAP" and the maps that were published marked "PUBLISHED MAP".

The Environmental Planning and Assessment Act (EP&A Act) includes a provision, the purpose of which is to enable amendments to LEPs to fix minor errors without calling up the usual planning process as follows.

73A Expedited amendments of environmental planning instruments

- (1) An amending environmental planning instrument may be made under this Part without compliance with the provisions of this Part relating to the conditions precedent to the making of the instrument, if the instrument, if made, would amend or repeal a provision of a principal instrument in order to do any one or more of the following:

- (a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error,
 - (b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature,
 - (c) deal with matters that the Minister considers do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land.
- (2) A reference in this section to an amendment of an instrument includes a reference to the amendment or replacement of a map adopted by an instrument.

Advice from the DOPI Regional Office suggests that this is the way forward in this instance.

Financial implications

Not applicable.

Strategic or policy implications

The amendment will correct an obvious error in the published LEP 2012.

LIZ DENSLEY
MANAGER STRATEGIC PLANNING



CATHERINE VAN LAEREN
GROUP MANAGER, DEVELOPMENT & COMMUNITY SERVICES

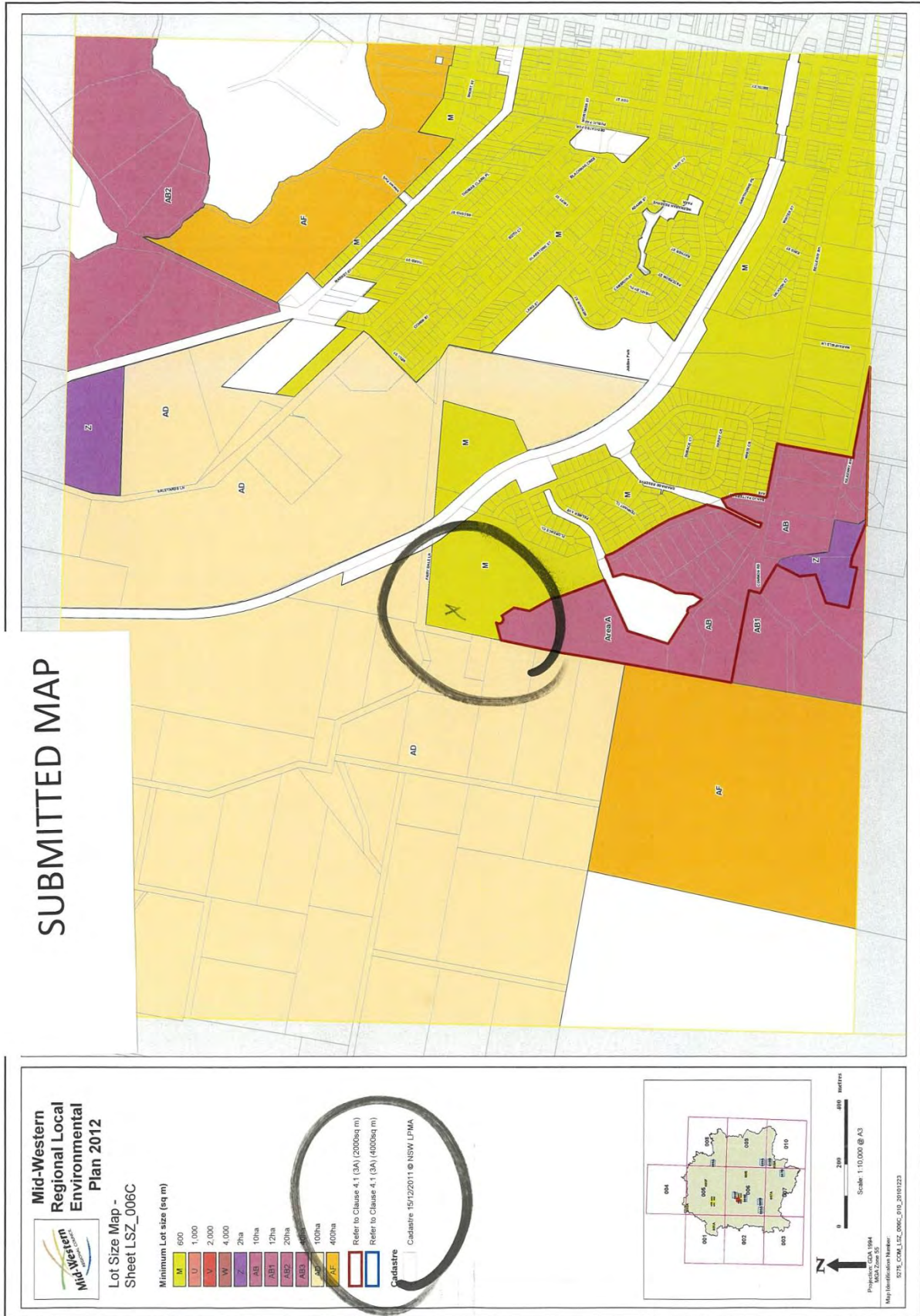
14 September 2012

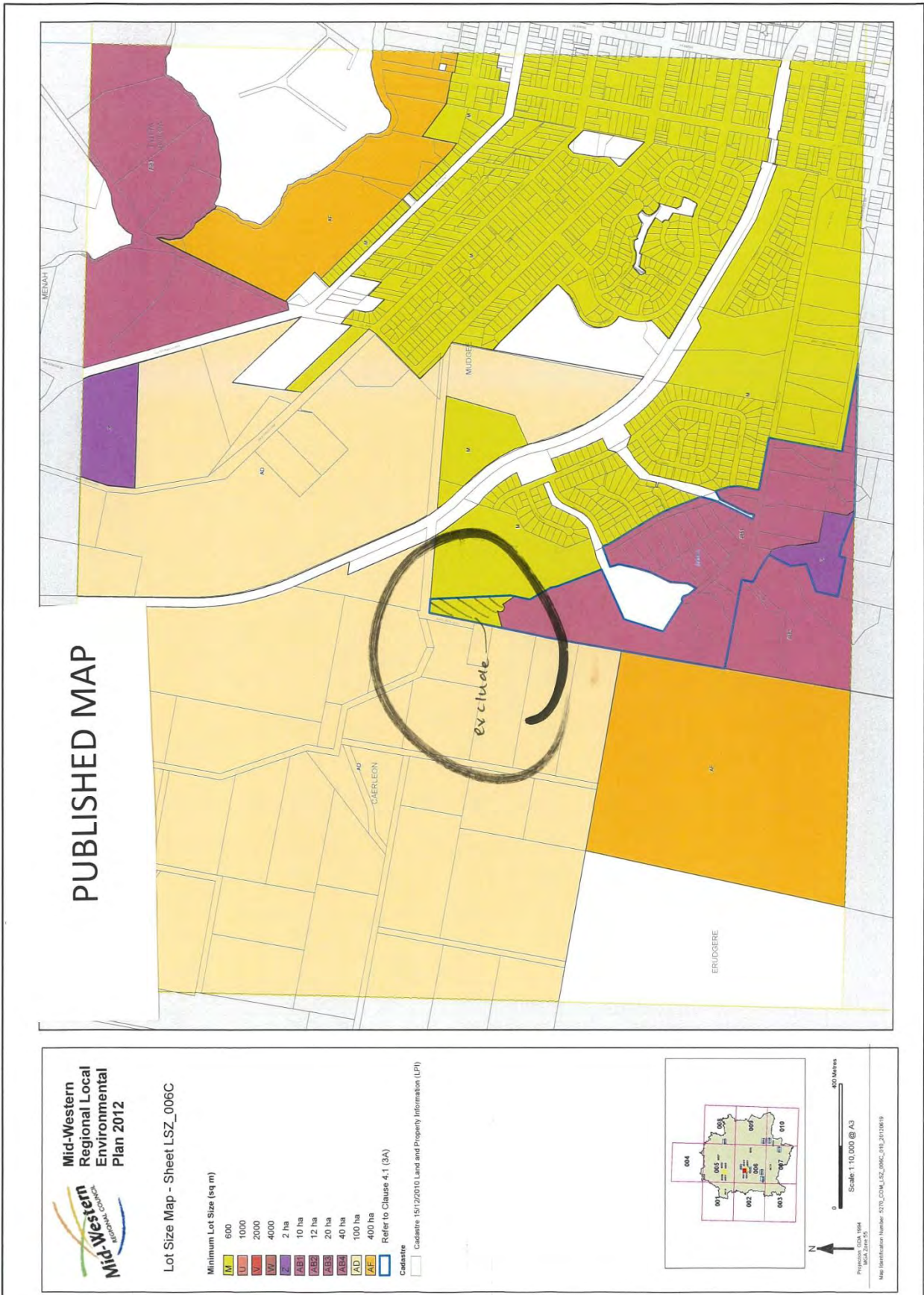
Attachments: 1. Lot Size Maps

APPROVED FOR SUBMISSION:

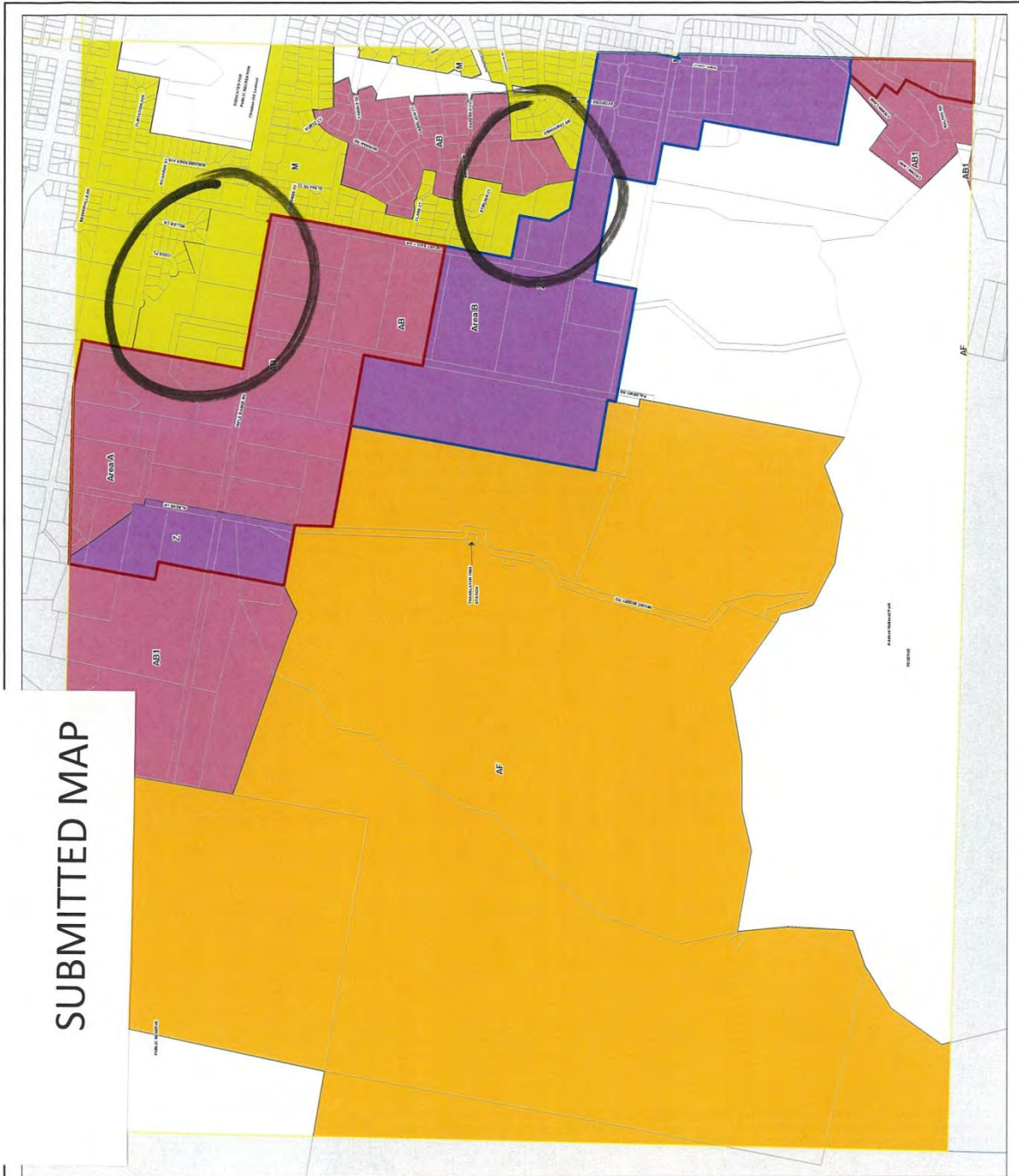


WARWICK L BENNETT
GENERAL MANAGER





SUBMITTED MAP



Mid-Western
Regional Local
Environmental
Plan 2012



Lot Size Map -
Sheet LSZ_006D

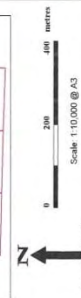
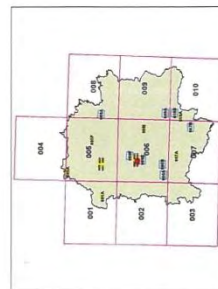
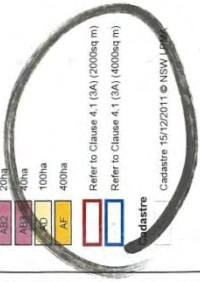
Minimum Lot size (sq m)

- M 600
- U 1,000
- Y 2,000
- W 4,000
- Z 2ha
- AB 10ha
- AB1 12ha
- AB2 200ha
- AB3 400ha
- AD 100ha
- AF 400ha

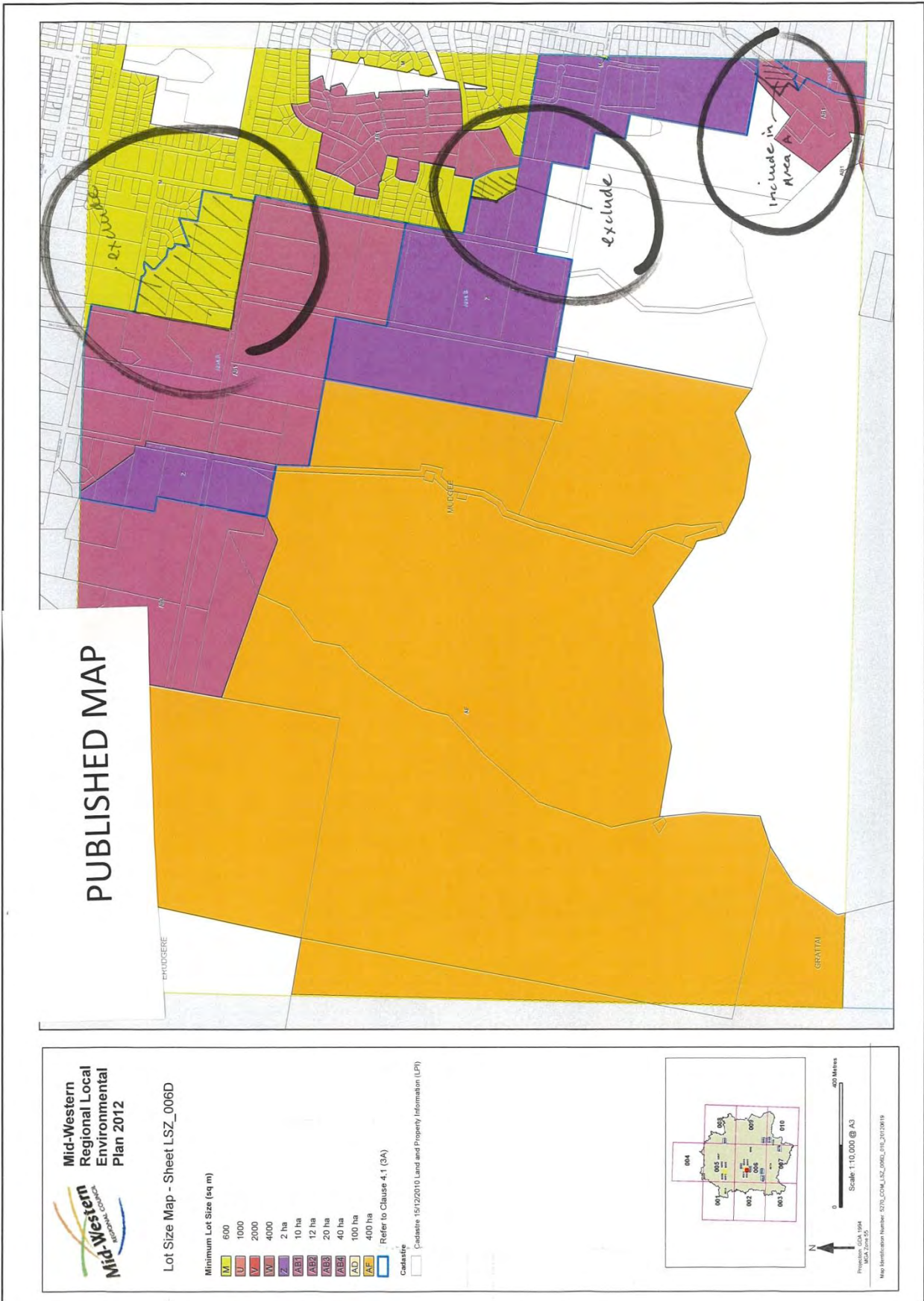
Refer to Clause 4.1 (3A) (2000sq m)
Refer to Clause 4.1 (3A) (4000sq m)

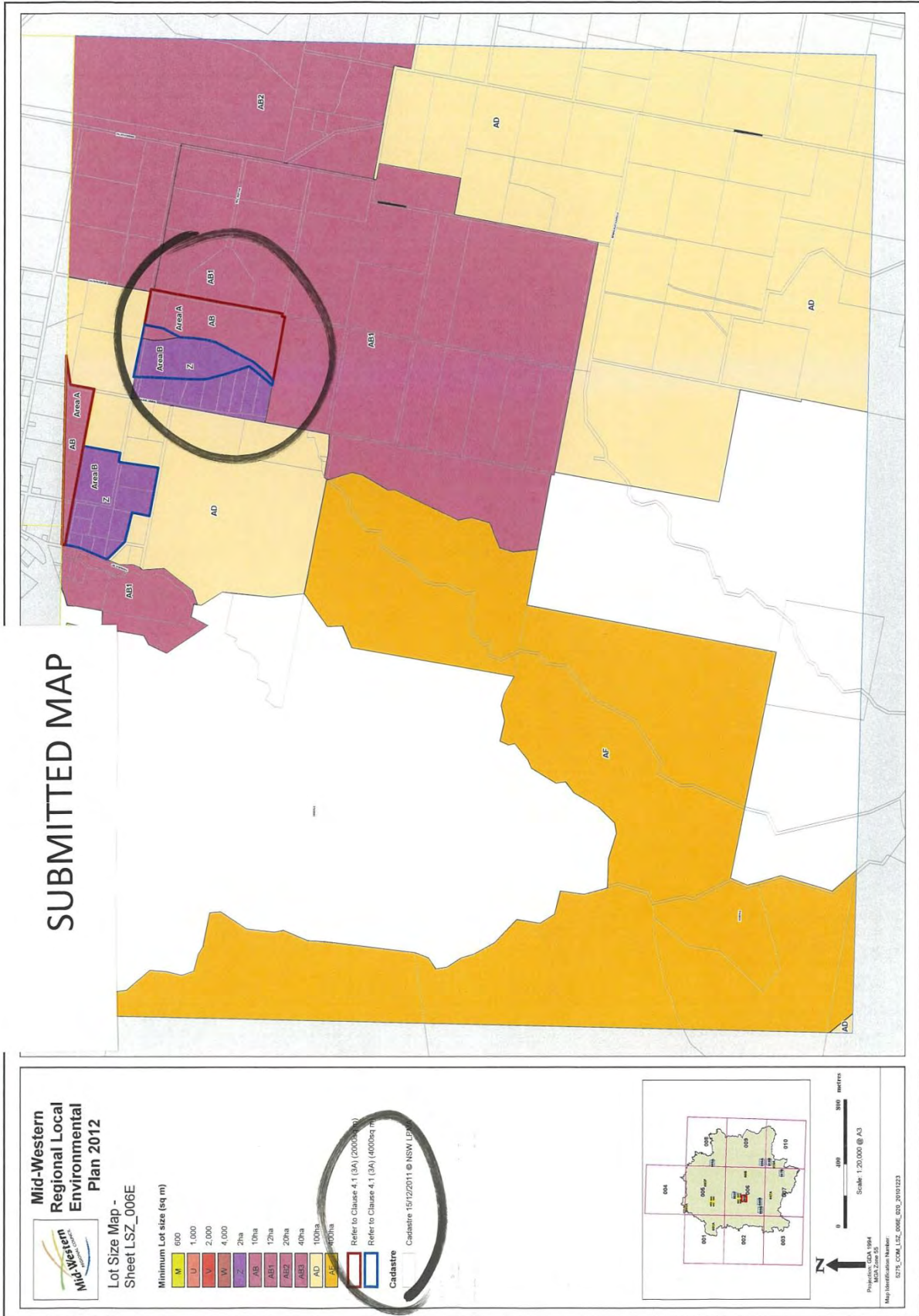
Industre

Classare 15/12/2011 © NSW LEP

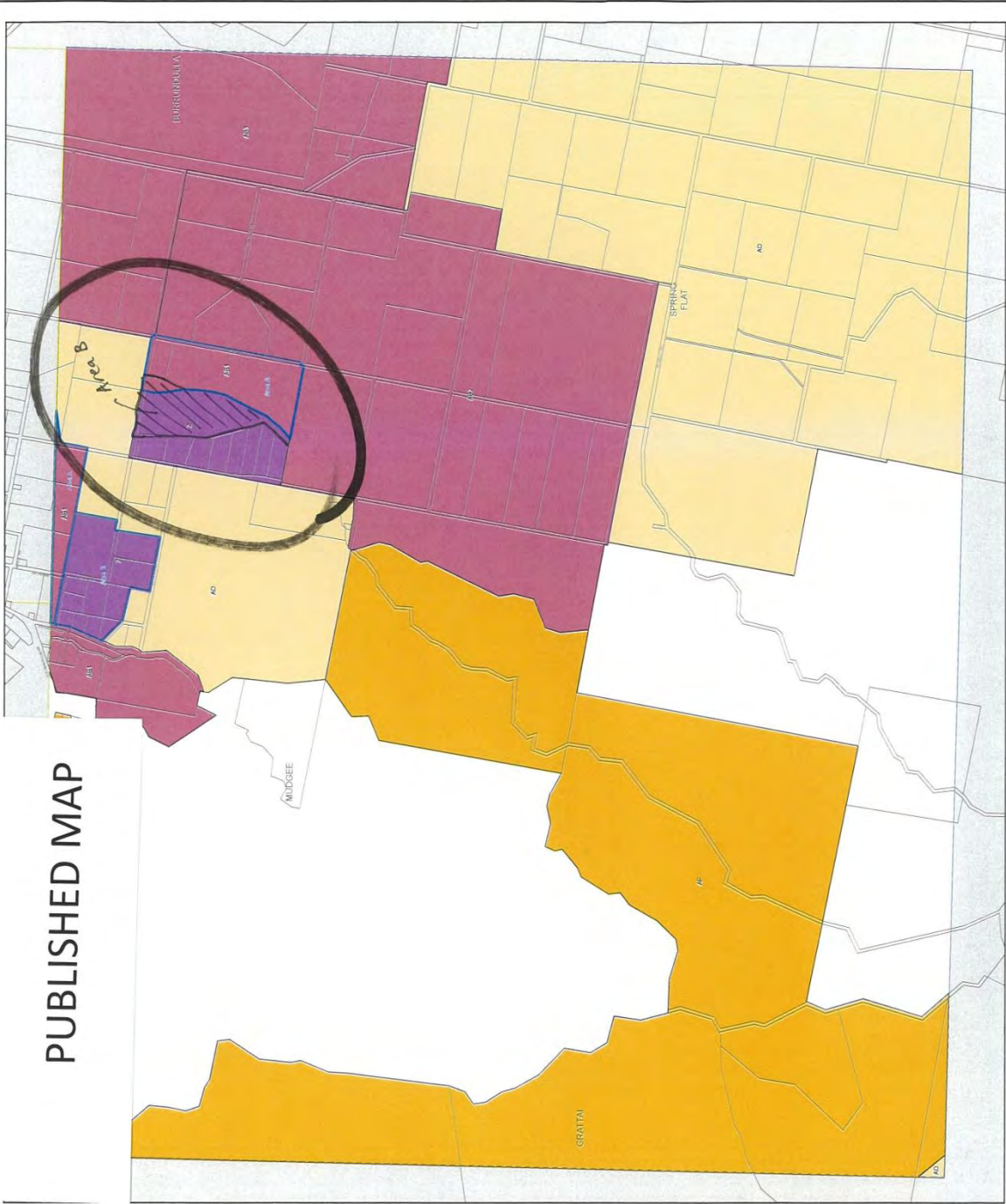


Proprietor: GDA 1994
MGA Zone 55
Map Identification Number:
ISPL_C001_L12_006D_010_20101222





PUBLISHED MAP



Lot Size Map - Sheet LSZ_006E

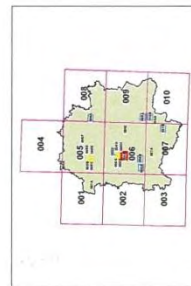
Minimum Lot Size (sq m)

- L1 600
- L2 1000
- L3 2000
- L4 4000
- L5 2 ha
- L6 10 ha
- L7 12 ha
- L8 20 ha
- L9 40 ha
- L10 100 ha
- L11 400 ha

Refer to Clause 4.1 (3A)

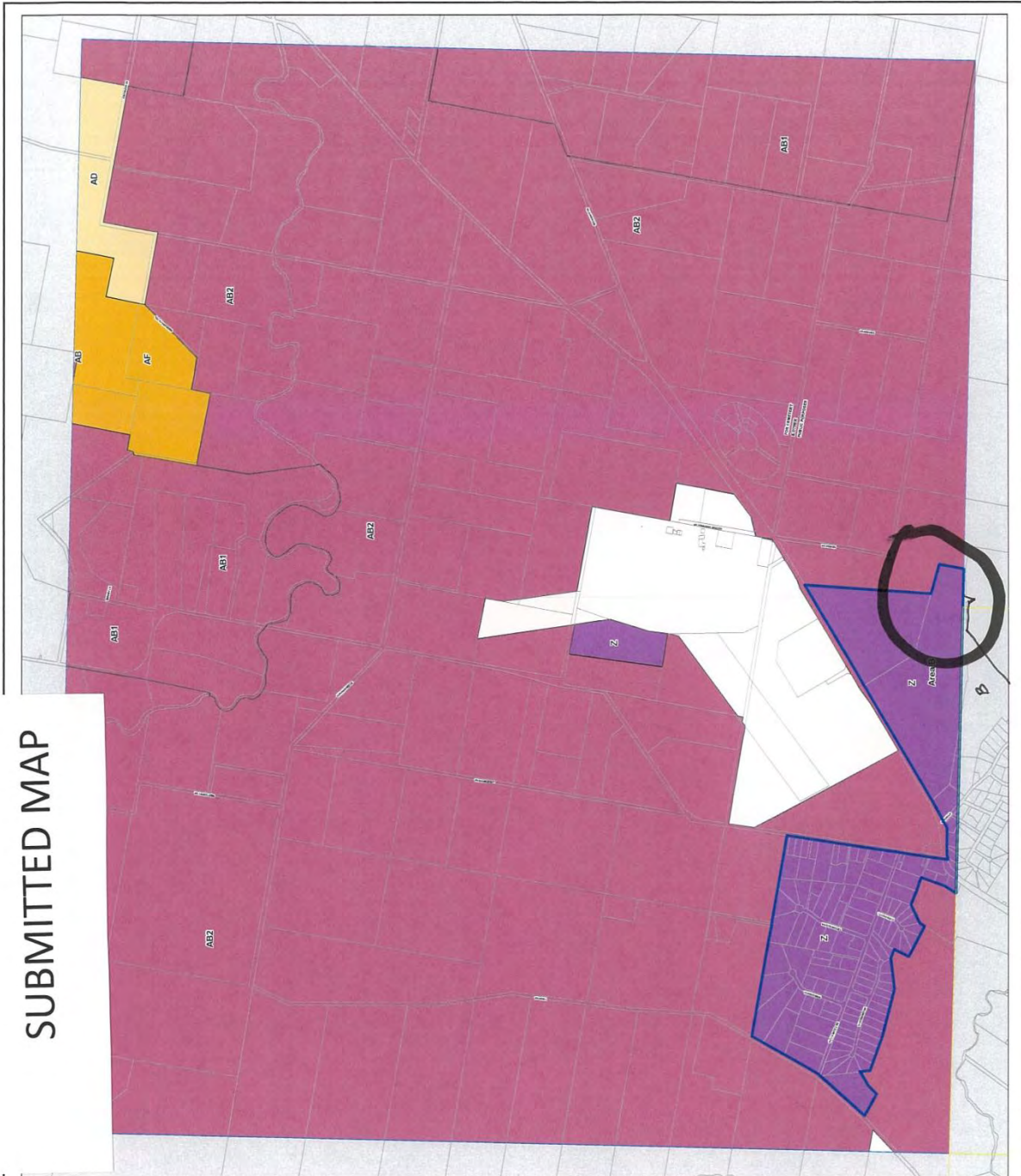
Cadastral

Cadastral 15/1/2010 Land and Property Information (LPI)



Project: LSZ_006E
 Map 2 of 5
 Map Identification Number: LSZ_CFM_LSZ_006E_002_20120919

SUBMITTED MAP



Mid-Western Regional Council
Regional Local Environmental Plan 2012

Lot Size Map - Sheet LSZ_006F

Minimum Lot size (sq m)

M	600
U	1,000
S	2,000
W	4,000
Z	2ha
AB	10ha
AB1	12ha
AB2	20ha
AB3	40ha
AB4	100ha
AF	400ha

Refer to Clause 4.1 (BA) (2000sq m)
Refer to Clause 4.1 (CA) (4000sq m)

Cadastre

Cadastre 15/12/2011 © NSW LPM

Scale: 1:20,000 @ A3

Projection: GDA 1984
MGA Zone 55

Map Identification Number: 85_P_LSELP_2012_006F_000_00101223

Mid-Western Regional Council
Regional Local Environmental Plan 2012

Lot Size Map - Sheet LSZ_006F

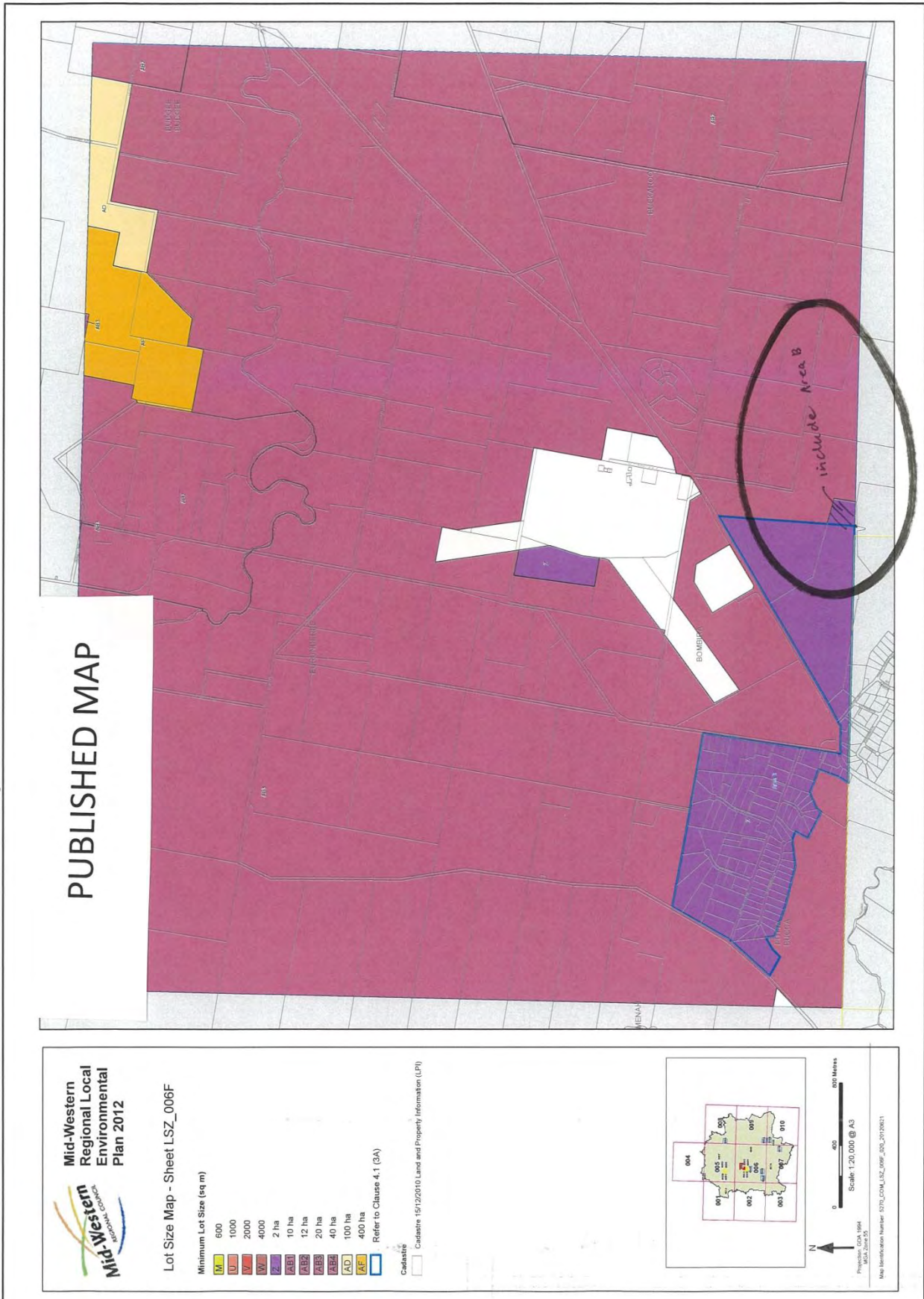
Minimum Lot size (sq m)

M	600
U	1,000
S	2,000
W	4,000
Z	2ha
AB	10ha
AB1	12ha
AB2	20ha
AB3	40ha
AB4	100ha
AF	400ha

Refer to Clause 4.1 (BA) (2000sq m)
Refer to Clause 4.1 (CA) (4000sq m)

Cadastre

Cadastre 15/12/2011 © NSW LPM



PUBLISHED MAP

Mid-Western Regional Council
 Mid-Western Regional Local Environmental Plan 2012

Lot Size Map - Sheet LSZ_006F

Minimum Lot Size (sq m)

IX	600
U	1000
V	2000
W	4000
Z	2 ha
ZA1	10 ha
ZA2	12 ha
ZA3	20 ha
ZA4	40 ha
AD	100 ha
AS	400 ha

Refer to Clause 4.1 (3A)

Cadastral
 Cadastre 15/12/2010 Land and Property Information (LPI)

Scale: 1:20,000 @ A3
 0 400 800 Meters
 North arrow pointing up.

Map Information Number: 5731_CPLM_LSZ_006F_001_20120611

7.2.15 Local Traffic Committee Minutes – 16 August 2012

REPORT BY DEVELOPMENT ENGINEER TO 26 SEPTEMBER 2012 COUNCIL MEETING

COUNCIL 120926

A0100055, R0790060

RECOMMENDATION

That:

1. the report by Development Engineer on the Local Traffic Committee Minutes – 16 August 2012 be received;
2. Council note the event – “Flavours of Mudgee Street Festival” 22 September 2012 – was classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and did proceed with the following conditions:
 - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
 - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - c. Controlling noise as required by the *Protection of The Environment Operations (Noise Control) Regulation 2000*;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. A Traffic Control Plan (TCP) certified by a person with a ‘Select & Modify’ or a ‘Design and Audit’ Certificate be included in the TMP;
 - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
 - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
 - j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
 - k. Maintain a four-metre wide emergency vehicle lane;
 - l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date; and
 - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.
3. the event – “Mudgee Triathlon Race Season 2012-13” – be classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:
 - a. Events are to be undertaken in accordance with the “Guidelines for Bicycle Road Races”;

- b. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by council prior to the event;
- c. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
- d. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
- e. Reimbursing Council for the cost of damage repairs;
- f. Complying with any of Council's Law Enforcement Officers' reasonable directives;
- g. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- h. A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify' or a 'Design and Audit' Certificate be included in the TMP;
- i. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
- j. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
- k. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
- l. Maintain a four-metre wide emergency vehicle lane;
- m. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
- n. The applicant to apply to the RMS for a "Direction to Restrict the Speed Limit", where applicable, and
- o. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.

4 Council note the event – "Rainbow Day", Thursday 20 September 2012" – was classified as a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events Version 3.4" and did proceed with the following conditions:

- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
- b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
- c. Controlling noise as required by the *Protection of The Environment Operations (Noise Control) Regulation 2000*;
- d. Reimbursing Council for the cost of damage repairs;
- e. Complying with Council's Law Enforcement Officers' reasonable directives;
- f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- g. A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify' or a 'Design and Audit' Certificate be included in the TMP;

- h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
- i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
- j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
- k. Maintain a four-metre wide emergency vehicle lane;
- l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
- m. A copy of the TMP including the TCP is to be forwarded to the Traffic Operations Manager at the Regional RTA Office in Parkes for approval; and
- n. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.

5 the event – "Rylstone StreetFeast", 3 November 2012 – be classified as a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events Version 3.4" and proceeds with the following conditions:

- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
- b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
- c. Controlling noise as required by the *Protection of The Environment Operations (Noise Control) Regulation 2000*;
- d. Reimbursing Council for the cost of damage repairs;
- e. Complying with Council's Law Enforcement Officers' reasonable directives;
- f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- g. A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify' or a 'Design and Audit' Certificate be included in the TMP;
- h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
- i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
- j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
- k. Maintain a four-metre wide emergency vehicle lane;
- l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date; and
- m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.

6 the Mudgee taxi rank remains as follows:

- the day rank from 7am – 6pm in Mortimer Street Mudgee adjacent to Woolworth.

- **the night rank from 6 pm to 7am adjacent to the shell service station in Mortimer street Mudgee.**
- 7 **the intersection of Douro and Inglis street be upgraded to include pedestrian facilities when funding becomes available.**
- 8 **the request to use a programmable electronic billboard at St Matthew's Catholic School be approved subject to the following conditions:**
- a **the school notifies Council in writing of the wording that will be used on the sign, when it will be displayed and for how long;**
 - b **the variable message board (VMS) must comply with the RTA Technical Direction TDT2010/07 – Use of Variable Message Signs, RTA Policy and RTA Technical Direction TDT 2005/02b – Guidelines for the Location and Placement of Variable Message Signs; and**
 - c **Council write to the RMS Schools Project Officer for the Western Region seeking assistance to coordinate a meeting with all stakeholders to investigate improvements to road safety at St Matthews School.**
- 9 **staff further investigate the request for a disabled parking space, in particular, that the disabled car parking space be located on site.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Local Traffic Committee (LTC) meeting held on 16 August 2012.

Detailed report

The detailed reports, minutes and discussion notes attached provide comment on the recommendations above.

Financial implications

Not applicable.

Strategic or policy implications

The RTA "Guide to Traffic and Transport Management for Special Events 3.4".

AHMED ALBANNA
DEVELOPMENT ENGINEER

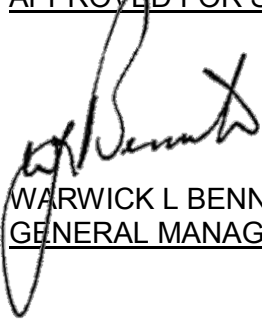


CATHERINE VAN LAEREN
GROUP MANAGER, DEVELOPMENT & COMMUNITY SERVICES

4 September 2012

- Attachments:*
1. Minutes and Discussion Notes of the Traffic Committee Meeting held 16 August 2012
 2. Reports from Traffic Committee Meeting 16 August 2012 (attachments to these reports available on request)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
 HELD ON THURSDAY 16 AUGUST 2012**

Present: Ahmed Albanna (Chairperson - MWRC), Sharon Grierson (NSW RMS), Clr Esme Martens (MWRC), Jason Turnbull (NSW Police) and Mette Sutton (MWRC – Minute Secretary).

Apologies: Prue Britt (NSW RMS), Superintendent Martin Fileman (NSW Police), Mal Petrie.

The LTC meeting commenced at 9.35am and concluded at 11.10am.

12/20 MATTERS IN PROGRESS

ITEM	ACTION
1. Review of speed zone on Carwell Street, Rylstone	TAC Agenda item – 08/41 Approved for review by RTA Letter to RTA RTA requested new traffic/speed info currently being collected. Traffic count data collected by Council. Staff currently downloading data and will forward to RMS when download complete. 14.02.12 Ahmed to liaise with Andrew Kearins re traffic counts. 16/08/12

12/21 SPECIAL EVENT DEBRIEF

SPECIAL EVENT	COMMENTS
Mudgee Endurance Ride – 19/20 May	Debrief received. Successfully held, no incidents. Noted – suggested deletion.
Small Farm Field Days – 13/14 July	Council to conduct debrief with organiser to discuss traffic flow, in particular Saturday morning. Council received letter of complaint regarding traffic flow from Rocky Waterhole Road into Mudgee via Lue Road. Police received several complaints. Ahmed to organise meeting with event organiser 16/08/12

12/22 SE –FLAVOURS OF MUDGEES STREET FESTIVAL–22 SEPTEMBER

The recommendation in the report was moved by Clr Martens, seconded by Sharon Grierson, and carried as a recommendation to Council.

12/23 SE – MUDGEES TRIATHLON RACE SEASON, 2012-13

The recommendation in the report was moved by Jason Turnbull, seconded by Sharon Grierson, and carried as a recommendation to Council.

12/24 SE – RAINBOW DAY – 20 SEPTEMBER 2012

The recommendation in the report was moved by Clr Martens, seconded by Jason Turnbull and carried as a recommendation to Council.

12/25 SE – RYLSTONE STREETFEAST – 3 NOVEMBER 2012

The recommendation in the report was moved by Clr Martens, seconded by Sharon Grierson and carried as a recommendation to Council.

12/26 MUDGE TAXI RANK LOCATION – MORTIMER STREET ADJACENT TO THE SHELL SERVICE STATION

The recommendation in the report was moved by Sharon Grierson, seconded by Clr Martens and carried as a recommendation to Council.

12/27 UPGRADE OF INTERSECTION OF DOURO & INGLIS STREETS, PEDESTRIAN FACILITIES

The recommendation in the report was moved by Clr Martens, seconded by Jason Turnbull and carried as a recommendation to Council.

12/28 PROGRAMMABLE ELECTRONIC BILLBOARD – ST MATTHEWS SCHOOL

The recommendation in the report was amended as follows and moved by Sharon Grierson, seconded by Jason Turnbull and carried as a recommendation to Council.

That:

- 1 the request to use a programmable electronic billboard at St Matthew's Catholic School be approved subject to the following conditions:**
 - a the school notifies Council in writing of the wording that will be used on the sign, when it will be displayed and for how long;**
 - b the variable message board (VMS) must comply with the RTA Technical Direction TDT2010/07 – Use of Variable Message Signs, RTA Policy and RTA Technical Direction TDT 2005/02b – Guidelines for the Location and Placement of Variable Message Signs.**
- 2 Council write to the RMS Schools Project Officer for the Western Region seeking assistance to coordinate a meeting with all stakeholders to investigate improvements to road safety at St Matthews School.**

12/29 DISABLED CAR PARKING SPACE – RYLSTONE HOSPITAL

The recommendation in the report was amended as follows and moved by Sharon Grierson, seconded by Jason Turnbull and carried as a recommendation to Council.

That staff further investigate the request for a disabled parking space, in particular, that the disabled car parking space be located on site.

DISCUSSION NOTES FROM THE LOCAL TRAFFIC COMMITTEE MEETING
HELD ON THURSDAY, 16 AUGUST 2012

12/22 SE –FLAVOURS OF MUDGEES STREET FESTIVAL–22 SEPTEMBER

Event recommended for approval subject to ensuring that the Traffic Control Plan (TCP) is prepared by a person certified to prepare TCPs.

12/23 SE – MUDGEES TRIATHLON RACE SEASON, 2012-13

Request that the Traffic Management Plan (TMP) page signed by the event organiser be forwarded to the LTC RMS Representative. Event recommended for approval subject to ensuring that the TCPs are prepared by a certified person and that a current copy of public liability insurance is provided to Council.

12/24 SE – RAINBOW DAY – 20 SEPTEMBER 2012

Event recommended for approval subject to a current copy of public liability insurance and Traffic Control Plan (TCP) is prepared by a person certified to prepare TCPs being provided to Council and that the organiser confirms that the VRA, and not the SES, are assisting students on the day.

12/25 SE – RYSLTONE STREETFEAST – 3 NOVEMBER 2012

Event recommended for approval subject to ensuring that the Traffic Control Plan (TCP) is prepared by a person certified to prepare TCPs and that a current copy of public liability insurance is provided to Council.

12/26 MUDGEES TAXI RANK LOCATION – MORTIMER STREET ADJACENT TO THE SHELL SERVICE STATION

The Committee agreed on the recommendation in the report following lengthy discussion on the negative impact to shop owners should the car parking spaces adjacent to their businesses be removed. Also concern raised at shoppers from Woolworths pushing trolleys along Mortimer Street and through the intersection of Church and Mortimer Streets, to the proposed 24/7 taxi rank. The reinstatement of parking spaces adjacent to Woolworths was not significant as there is already ample parking in this area, however, the removal of parking spaces adjacent to Video Ezy, the Reject Shop and the Bread Shop could have a detrimental effect on these businesses. The Committee were unable to identify any significant benefit of changing the existing arrangement. It was agreed that an explanation of the Committee's recommendation be provided in writing to Mudgees Radio Cabs.

12/27 UPGRADE OF INTERSECTION OF DOURO & INGLIS STREETS, PEDESTRIAN FACILITIES

RMS representative briefed Committee on the RMS Pedestrian Access Mobility Plan (PAMP) program. Only Councils with a PAMP are able to access RMS PAMP funding for certain pedestrian treatments and shared cycle paths. Council staff are currently in negotiations with RMS and a consultant, regarding preparation of a PAMP for Council.

12/28 PROGRAMMABLE ELECTRONIC BILLBOARD – ST MATTHEWS SCHOOL

RMS representative advised that there are specific guidelines for the installation and use of a variable message sign (VMS). Notably, the wording can only convey road safety messages and driver issues. VMS should also have a development application as they must have a safe platform and consideration given to neighbouring properties that may be affected by the flashing lights. The Committee agreed on the recommendation pending compliance with:

- **RTA Technical Direction TDT2010/07 – Use of Variable Message Signs,**
- **RTA Policy and RTA Technical Direction TDT 2005/02b – Guidelines for the Location and Placement of Variable Message Signs.**

Also, it was agreed to seek assistance from the RMS Schools Project Officer to investigate other options to improve traffic arrangements and educate parents, in liaison with Council, St Matthews School and the Police.

12/29 DISABLED CAR PARKING SPACE – RYLSTONE HOSPITAL

Committee concerned that the installation of a disabled car parking space without associated gutter ramp would not be sufficient given the existing kerb and grassed area at the front of the Health One building, and that perhaps a disabled parking space would be better located within the site, possibly in the front area in association with the existing drive through driveway.

Committee agreed that staff should further investigate this request, including a site inspection.

GENERAL BUSINESS

PEDESTRIAN CROSSING – GULGONG

RMS representative raised the matter of the pedestrian crossing on Herbert Street Gulgong and that it has been installed illegally and without the approval of the Local Traffic Committee, and therefore the RMS. RMS confirmed that a crossing would not meet the warrant required for a pedestrian crossing at this location and that an email had been sent from the RMS to Council in February 2012 advising that a pedestrian crossing does require approval of the LTC or Regional Traffic Committee.

RMS rep also noted that there are concerns with the current crossing. The stop sign is on the same pole as the crossing sign. The old line marking is still evident and makes the crossing confusing. The new lines are already very faded. There is poor sight distance on the northern approach. It was also noted that a pedestrian crossing requires lighting during the night and it was questioned whether there is any existing night lights.

The RMS confirmed that a report on the pedestrian crossing should be considered by the LTC at its next meeting. RMS advised that this has not taken the correct process as the committee were advised that the installation of this facility did not meet the warrants. The LTC committee only made recommendations on the stop signs item 12/08 February 2012 meeting

Clr Martens noted that the community have commented favourably in regard to the improved traffic arrangements at this intersection.

CLR ESME MARTENS

Ahmed thanked Clr Esme Martens for being a member of the Committee and for her positive contribution and input into the regions traffic matters brought before the Local Traffic Committee.

Next Meeting – 11 September 2012

Meeting Closed 11:10am

AGENDA

WELCOME

APOLOGIES

MINUTES FROM PREVIOUS MEETING

GENERAL BUSINESS

12/20	MATTERS IN PROGRESS	3
12/21	SPECIAL EVENT DEBRIEF	3
12/22	SE – FLAVOURS OF MUDGEES – 22 SEPTEMBER 2012	4
12/23	SE – MUDGEES TRIATHLON 2012-13 RACE SEASON	9
12/24	SE – MUDGEES HIGH SCHOOL RAINBOW DAY – 20 SEPTEMBER 2012	16
12/25	SE – RYLSTONE STREETFEAST – 3 NOVEMBER 2012	24
12/26	MUDGEES TAXI RANK ADJACENT TO VIDEO EZY	29
12/27	DOURO/INGLIS STREET INTERSECTION	32
12/28	PROGRAMMABLE ELECTRONIC BILLBOARD – ST MATTHEWS SCHOOL	43
12/29	DISABLED CAR PARKING/RYLSTONE HOSPITAL	46

REPORTS

12/20 MATTERS IN PROGRESS

ITEM	ACTION
1. Review of speed zone on Carwell Street, Rylstone	TAC Agenda item – 08/41 Approved for review by RTA Letter to RTA RTA requested new traffic/speed info currently being collected. Traffic count data collected by Council. Staff currently downloading data and will forward to RMS when download complete. 14.2.12

12/21 SPECIAL EVENT DEBRIEF

SPECIAL EVENT	COMMENTS
Mudgee Endurance Ride – 19/20 May	Debrief received. Successfully held, no incidents.
Small Farm Field Days – 13/14 July	Council to conduct debrief with organiser to discuss traffic flow, in particular Saturday morning.

12/22 SE – FLAVOURS OF MUDGEE STREET FESTIVAL – 22 SEPTEMBER 2012

REPORT BY DEVELOPMENT ENGINEER

Flavours of Mudgee REPORT

A0100009, R0790009

RECOMMENDATION

That the event – “Flavours of Mudgee Street Festival”, 22 September 2012 – be classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:

- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
- b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
- c. Controlling noise as required by the *Protection of The Environment Operations (Noise Control) Regulation 2000*;
- d. Reimbursing Council for the cost of damage repairs;
- e. Complying with Council's Law Enforcement Officers' reasonable directives;
- f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- g. A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify' or a 'Design and Audit' Certificate be included in the TMP;
- h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
- i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
- j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
- k. Maintain a four-metre wide emergency vehicle lane;
- l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date; and
- m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.

Executive summary

Council is proposing to hold a street festival in Mudgee on Saturday, 22 September 2012 to celebrate the flavours of the Mid-Western Region, in particular wine and fresh produce of this Region.

This report recommends approval of the Flavours of Mudgee Street Festival.

Detailed report

This event is a free street festival open to the public. The event is proposed to be held on the final weekend of the 2012 Mudgee Wine & Food Festival. Attendees will have the opportunity to sample and purchase local wine and produce and enjoy it in a casual atmosphere.

Council is requesting the closure of Market Street, between Perry and Church Streets, from 2pm to 10pm on Saturday, 22 September. The use of the Perry Street/Market Street and Church Street/Market Street roundabouts will remain in place.

Vehicles travelling east-bound along Market Street will be detoured right at Perry Street and then left on to Mortimer Street. Vehicles travelling west-bound along Market Street will be detoured right at Church Street and then left on to Short Street. Council staff will direct traffic and manage pedestrian activity.

Normal parking in the CBD will be retained in all areas except in Market Street, between Perry Street and Church Street.

In the event of an emergency, entry to the festival area will be via Market Street from either the Perry Street or Church Street end.

The event coordinator has provided a traffic management plan and Council staff, with appropriate certification, are currently preparing the traffic control plans required for this event. As this is a Council event it is covered by Council's Public Liability insurance.

Financial implications

Nil

Strategic or policy implications

The RTA Guide to Traffic and Transport Management for Special Events 3.4.

AHMED ALBANNA
DEVELOPMENT ENGINEER

13 June 2012

Attachments: 1. Traffic Management Plan

12/23 SE – MUDGEES TRIATHLON RACE SEASON, 2012-13

REPORT BY DEVELOPMENT ENGINEERMudgee Triathlon Season REPORT
A0100009, R0790009**RECOMMENDATION**

That the event – “Mudgee Triathlon Race Season 2012-13”, – be classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:

- a. Events are to be undertaken in accordance with the “Guidelines for Bicycle Road Races”;
- b. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by council prior to the event;
- c. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
- d. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
- e. Reimbursing Council for the cost of damage repairs;
- f. Complying with any of Council's Law Enforcement Officers' reasonable directives;
- g. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- h. A Traffic Control Plan (TCP) certified by a person with a ‘Select & Modify’ or a ‘Design and Audit’ Certificate be included in the TMP;
- i. Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;
- j. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
- k. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
- l. Maintain a four-metre wide emergency vehicle lane;
- m. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
- n. The applicant to apply to the RMS for a “Direction to Restrict the Speed Limit”, where applicable, and
- o. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.

Executive summary

The Mudgee Triathlon Club have requested permission to use Council roads for their 2012 -13 race season. These races have been held successfully for several years. All club races will be held over the same course as previous year’s events, between 8am and 11:30am on Sunday morning.

This report is recommending approval of this event.

Detailed report

The triathlon courses will be staged over the same locations as previous years utilising the Mudgee Olympic Pool for the swim legs, Short Street, Ulan Road and Lue Road for the cycle legs, and Lawson Park for the run legs. The event duration, including setup and packdown, is from 8.00am until 11.30am on various Sundays.

For the cycle legs the junior participants are required to do laps of Short Street, from Lawson Street to Church Street, turning prior to Church Street. Whilst the senior participants exit from Lawson Park, cycle westward along Short Street, then turn right onto Ulan Road. They then proceed to Lue Road, turn right and continue along Lue Road for a distance of either 2.5 km (short course) or 5km (long course), before turning around and returning to Lawson Park along the same route (refer attachment 1).

Church Street, Ulan Road and Lue Road will remain open to traffic however, Short Street from Lawson Street to Church Street will be closed to traffic during the race events. VRA personnel will control traffic on Short Street, at all intersections and at the turn-a-round on Lue Road. All traffic controllers used for the event are accredited VRA personnel.

The Mudgee Triathlon Club proposes to hold nine events throughout the season as follows:

Race 1	23 September 2012
Race 2	21 October 2012
Race 3	11 November 2012 – Interclub Championship
Race 4	16 December 2012
Race 5	20 January 2013
Race 6	24 February 2013
Race 7	17 March 2013

Financial implications

Nil

Strategic or policy implications

The RTA Guide to Traffic and Transport Management for Special Events 3.4.

AHMED ALBANNA
DEVELOPMENT ENGINEER

9 July 2012

Attachments:

1. Letter of request
2. Course map

12/24 SE – RAINBOW DAY - 20 SEPTEMBER 2012

REPORT BY DEVELOPMENT ENGINEER

Rainbow Day REPORT
A0100009, R0790009

RECOMMENDATION

That the event – “Rainbow Day”, Thursday 20 September 2012” – be classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:

- a. **A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;**
- b. **Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;**
- c. **Controlling noise as required by the *Protection of The Environment Operations (Noise Control) Regulation 2000*;**
- d. **Reimbursing Council for the cost of damage repairs;**
- e. **Complying with Council's Law Enforcement Officers' reasonable directives;**
- f. **Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;**
- g. **A Traffic Control Plan (TCP) certified by a person with a ‘Select & Modify’ or a ‘Design and Audit’ Certificate be included in the TMP;**
- h. **Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;**
- i. **Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;**
- j. **The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;**
- k. **Maintain a four-metre wide emergency vehicle lane;**
- l. **Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;**
- m. **A copy of the TMP including the TCP is to be forwarded to the Traffic Operations Manager at the Regional RTA Office in Parkes for approval; and**
- n. **The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.**

Executive summary

Council has received correspondence from the Mudgee High School advising of Year 12’s “Rainbow Day” proposed to be held on Thursday, 20 September 2012. The event involves Year 12 students collecting a ‘toll’ from motorists at three locations within the Mudgee CBD.

This report recommends approval of this event.

Detailed report

The “Mudgee High School Rainbow Day” is a day on which Year 12 students conduct activities to raise money for a worthwhile charity and make a positive contribution to the community. This event is a permanent school calendar event and has raised in excess of \$120,000 over the past seven years for local community projects. This year’s nominated beneficiary is the local Volunteer Rescue Association (VRA).

The proposed program of events includes a ‘toll collection’ which involves three groups of students, each accompanied by a teacher, police and traffic control volunteers, collecting a monetary donation from motorists. Three donation stations will operate between 8.00am and 9.15am, at the following locations:

Market Street outside the Rural Lands Office
Church Street outside the Tennis Courts
Ulan Rd, between the Lue Road roundabout and Cudgegong Bridge

All people involved with the donation stations will be required to wear retro reflective vests. The school is aware that this safety control measure must be included within the Traffic Control Plan (TCP).

The organiser will be requested to review traffic operations after the event to ensure the ongoing improvement to traffic management for future events.

Financial implications

Nil

Strategic or policy implications

The RTA Guide to Traffic and Transport Management for Special Events 3.4.

AHMED ALBANNA
DEVELOPMENT ENGINEER

13 June 2012

Attachments:

1. Letter
2. Traffic Management Plan

12/25 SE – RYLSTONE STREETFEAST – 3 NOVEMBER 2012

REPORT BY DEVELOPMENT ENGINEER

Rylstone StreetFeast REPORT
A0100009, R0790009

RECOMMENDATION

That the event – “Rylstone StreetFeast”, 3 November 2012 – be classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:

- a. **A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;**
- b. **Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;**
- c. **Controlling noise as required by the *Protection of The Environment Operations (Noise Control) Regulation 2000*;**
- d. **Reimbursing Council for the cost of damage repairs;**
- e. **Complying with Council's Law Enforcement Officers' reasonable directives;**
- f. **Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;**
- g. **A Traffic Control Plan (TCP) certified by a person with a ‘Select & Modify’ or a ‘Design and Audit’ Certificate be included in the TMP;**
- h. **Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;**
- i. **Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;**
- j. **The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;**
- k. **Maintain a four-metre wide emergency vehicle lane;**
- l. **Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date; and**
- m. **The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.**

Executive summary

Rylstone StreetFeast Inc have requested permission to close a section of Louee Street Rylstone, between Cudgegong Street and Dabee Road, on Saturday 3 November 2012 between 9.00am and 6pm for the 11th Annual StreetFeast event.

This report recommends approval of the Rylstone Street Feast 2012.

Detailed report

This event is an outdoor luncheon that has been successfully held in Louee Street Rylstone for the past 10 years. It includes market stalls and entertainment.

The area proposed to be closed within Louee Street is indicated on the map attached. This closure is designed to allow vehicles to park in close proximity to the event and adequate parking space.

The organiser has provided the following risk assessment details:

- The street closure will be affected in accordance with the traffic plan.
- Fire, Ambulance and Police services have been notified in writing.
- There will be a designated aid area for minor accident treatment.
- In the event of wet weather the event will be moved indoors (to the Memorial Hall) therefore negating any need for road closure.
- A clear 4 meter lane will be kept clear for emergency vehicle access to the enclosed area.
- Volunteers will be briefed on how and who to report any accident or emergency to.
- Two of the committee in attendance hold senior first aid certificates.
- All Committee members will be in possession of a mobile phone.

Financial implications

Nil

Strategic or policy implications

The RTA Guide to Traffic and Transport Management for Special Events 3.4.

AHMED ALBANNA
DEVELOPMENT ENGINEER

9 July 2012

Attachments:

1. Letter of request
2. Risk assessment
3. Map

12/26 MUDGEE TAXI RANK LOCATION – MORTIMER STREET ADJACENT TO THE SHELL SERVICE STATION

REPORT BY DEVELOPMENT ENGINEER
PERMANENT 24/7 TAXI RANK - REPORT
A0100055, F0730005, R0790090, R0790075

RECOMMENDATION

That the Mudgee taxi rank remains as follows:

- The day rank from 7am – 6pm in Mortimer Street Mudgee adjacent to Woolworth.
- The night rank from 6 pm to 7am adjacent to the shell service station in Mortimer street Mudgee.

Executive Summary

A request was received (attached) that the area from the eastern wall of the Reject Shop to the existing night rank adjacent to Shell Service Station be made a permanent 24 hours, 7 days a week (24/7) Taxi Rank. This report recommends that the request to make the area from the eastern wall of the Reject Shop to the existing night rank adjacent to Shell Service Station as a permanent 24/7 Taxi Rank not be supported and the current arrangements for the day and nights taxi ranks remain where they are currently located.

Detailed report

The Taxi Company has suggested the Taxi rank located adjacent to the Shell Service station in Mortimer Street Mudgee be made a permanent 24/7 Taxi Rank. The Taxi Company has also suggested that the existing day rank outside Woolworths could be de-commissioned and returned to general parking.

This Taxi Rank is currently operating as a night rank from 6pm to 7am. The suggestion will remove car parking spaces in a highly used parking area, Council staff has spoken to the tenants of the Video Ezy, Reject Shop, Target & Peter's Hot Bread Shops and they strongly object to the idea of making the parking near their shops a 24/7 taxi rank sighting loss of trade due to lack of parking. They believe that the removal of the car parking spaces from in front of their premises and will also inconvenience their elderly/handicapped customers.

The suggestion does however add parking spaces adjacent to Woolworth building in Mortimer Street. Woolworth will not necessarily be positively affected by the change as its patrons mainly depend on the big car parking facility available in Byron Place.

CONCLUSION

That the current arrangements for the day and night taxi ranks remain unchanged.

Financial implications

NA

Strategic or policy implications

NA

AHMED ALBANNA

DEVELOPMENT ENGINEER

09 August 2012

Attachments:

- 1 Letter from Mudgee Radio Cabs Pty Limited
- 2 Email from Video Ezy Shop Manager

12/27 UPGRADE OF INTERSECTION OF DOURO & INGLIS STREETS – PEDESTRIAN FACILITIES

REPORT BY DEVELOPMENT ENGINEER

Upgrade of the Intersection of Douro and Inglis Streets - REPORT

A0100055, F0730005, R0790090, R0790075

RECOMMENDATION

That the intersection of Douro and Inglis street be upgraded to include pedestrian facilities when funding becomes available.

Executive Summary

A request was received requesting Council to consider the upgrade of the intersection of Douro and Inglis Street to include pedestrian facilities to make it safer for the pedestrian students who walk to get to Mudgee High school and CVPS.

This report recommends the approval to treat the Intersection of Douro and Inglis Streets to include pedestrian facilities.

Detailed report

Since the development of Bellevue Hill Estate the Intersection of Douro and Inglis Street has become a very busy intersection. The area of Douro Street near Inglis Street intersection needs to be crossed by students attending CVPS. Even if they walk further up Douro St before crossing (towards the Pines) it is always a busy road at school times. Douro Street is a wide street and during school times it gets busy which makes it hard for young students to cross.

Council staff has conducted traffic counts during the evening school zone time on the 19th and the 10th of August 2012 as

TABLE – TRAFFIC COUNT DATA

Site	Average Number of Traffic	Average speed Km/hr
Cars turning into Inglis St from South	25	40-45
Cars turning into Inglis St from North	198	40-45
Cars coming out of Inglis St turning North	185	40-45
Cars coming out of Inglis St turning South	25	40-45
Cars travelling along Douro St not turning	605	40-45
Pedestrians Crossing Inglis St	7	NA
Pedestrians Crossing Douro St	13	NA

The above schedule shows that vehicular traffic at the intersection is busy during the school zone times. However, the counts above show that few pedestrians crossing both streets. Due to the low number of pedestrians crossing the intersection, the assigned priority level of upgrading the intersection might be low in council's work program. Council staff recommends a treatment of kerb extensions and the installation refuge Islands. Council staff has come up with the attached concept design. The concept design will be more detailed and shall be in accordance with the RMS's technical direction TDT 2011/01A should the concept have been approved by the committee. The

above treatment will calm the traffic and provide pedestrians particularly school students with facilities to safely cross both streets.

An investigation which has been done by the RMS advised that there is no recorded crash history (in the last 5 years) at the intersection of Douro & Inglis St, Mudgee.

CONCLUSION

The treatment to the intersection of Inglis and Douro St to have pedestrian facilities such as Refuge Islands as well as kerb extensions will significantly improve the safety of the pedestrians and students who walk or ride bicycles from home to school and vice versa. This report recommends the approval to upgrade the intersection to have pedestrian facilities when funding becomes available.

Financial implications

Mid-Western Regional Council will seek funding the design and construction of the upgrade from the RMS through the PAMP program

Strategic or policy implications

RMS' Technical Direction TDT 2011/01a

AHMED ALBANNA
DEVELOPMENT ENGINEER
9 August 2012

Attachments:

- 1 Letter from Jo-Anne Loane
- 2 Concept design plan
- 3 RMS Technical direction TDT 2011/01a

12/28 PROGRAMMABLE ELECTRONIC BILLBOARD – ST MATTHEWS SCHOOL

REPORT BY DEVELOPMENT ENGINEER

Programmable Electronic Billboard – St Matthew’s Catholic School - REPORT
A0100055, F0730005, R0790090, R0790075

RECOMMENDATION

That the request to use a programmable electronic Billboard at St Matthew’s Catholic School be approved.

Executive Summary

A request has been received from St Matthew’s Catholic School requesting permission to use a programmable Electronic Billboard to improve the traffic and safety issues in and around St Matthew’s Catholic School (attachment 1). This report recommends the approval of using an electronic Billboard at St Matthew Catholic School.

Detailed report

The Parents and Friends Association at St Matthew’s Catholic School and as part of their program to improve the traffic and safety issues in and around the drop off/pick up zone are seeking permission from the LTC to use a programmable electronic billboard for 1 or 2 days at a time to display short targeted messages advising parents not to overstay in the zone, not to double park and not to queue in the street while waiting to move into this zone.

Currently situations arise where the queues waiting to go into the zone block the busses exiting the bus zone, thereby preventing other buses entering the bus zone. This then has the concertina effect of traffic including buses and heavy trucks, backed up beyond the oriental Hotel. Meanwhile parents sit double parked in the street waiting for their children to get out of class. This has led to the school receiving formal complaints from the bus companies.

Council staff has visited the site and met with the Association’s president and listened to her concerns. Council staff believes that the use of the billboard will improve the safety of the school children around the area especially during the school zone times. Council staff has advised that any potential approval to use the billboard will be conditioned that the billboard shall only be put on school land but not on public land and it shall only be used during drop off and pick up times.

CONCLUSION

The use of an electronic billboard at St Matthew’s Catholic School will improve the traffic and therefore the safety of the school’s students during the school zone times. Council staff recommends the approval of using an electronic Billboard at St Matthew Catholic School.

Financial implications

Not applicable. St Matthew’s Catholic School has an offer to use one of these billboards from Coates Hire for free.

Strategic or policy implications

Not applicable.

AHMED ALBANNA

DEVELOPMENT ENGINEER

9 August 2012

Attachments:

1 Letter from St Matthew’s Catholic school

2 Map

12/29 DISABLED CAR PARKING SPACE –RYLSTONE HOSPITAL

REPORT BY DEVELOPMENT ENGINEER

Disable Car Parking Space – Rylstone Hospital - REPORT

A0100055, F0730005, R0790090, R0790075

RECOMMENDATION

That a disabled car parking space be provided on Ilford Road North of the southern Driveway opposite to Health One Building Rylstone.

Executive Summary

A request was received by Rylstone Access committee to provide a disabled car parking space in front of Health one Building Rylstone. This report recommends the approval of providing a disabled car parking space on Ilford Road North of the southern driveway in front of Health One Building.

Detailed report

Rylstone Access committee has requested the traffic committee to consider providing an accessible car parking space in front of the health one building to make it easier for disabled people to park on street and get to the building. Council staff has investigated the site and noticed that the adjacent car park does not have a dedicated disabled car parking space, in addition, the space at the end towards the building is relatively narrow and the manoeuvring is really hard which make it difficult for people with disability to park in the designated adjoining car parking facility.

Council staff resolved that a disabled car parking space located in front of the Health One building will be ideal to be safely utilised by disabled customers. The Ideal location would on the north of the southern driveway ramp opposite to Health One building.

CONCLUSION

The request to provide a disabled car parking space on Ilford Road North of the southern Driveway opposite to Health One Building in Rylstone be approved.

Financial implications

The works will be programmed when maintenance budgets permit.

Strategic or policy implications

The Australian Standards AS 2890.5-1993

AHMED ALBANNA

DEVELOPMENT ENGINEER

09 August 2012

Attachments:

- 1 Map
- 2 Photo

7.2.16 Monthly Development Applications Processing and Determined

REPORT BY GROUP MANAGER DEVELOPMENT AND COMMUNITY SERVICES TO
26 SEPTEMBER 2012 COUNCIL MEETING

COUNCIL 120926

A0100055

RECOMMENDATION

That the report of the Group Manager Development and Community Services on the monthly development applications process for the months ending 31 July 2012 and 31 August 2012 be received.

Executive summary

The report presented to Council each month is designed to keep Council informed of the current activity in relation development assessment and determination of applications.

Detailed report

Included in this report is an update for months ending 31 July 2012 and 31 August 2012 of Development Applications determined and development applications processing. The report will detail:

- Total outstanding development applications indicating the proportion currently being processed and those waiting for further information.
- Median and average processing times for Development Applications
- A list of determined development applications
- Currently processing development applications and heritage applications

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

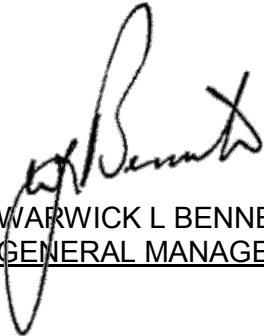


CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND
COMMUNITY SERVICES

14 September 2012

Attachments: 1. Monthly development applications processing and determined July and August 2012

APPROVED FOR SUBMISSION:

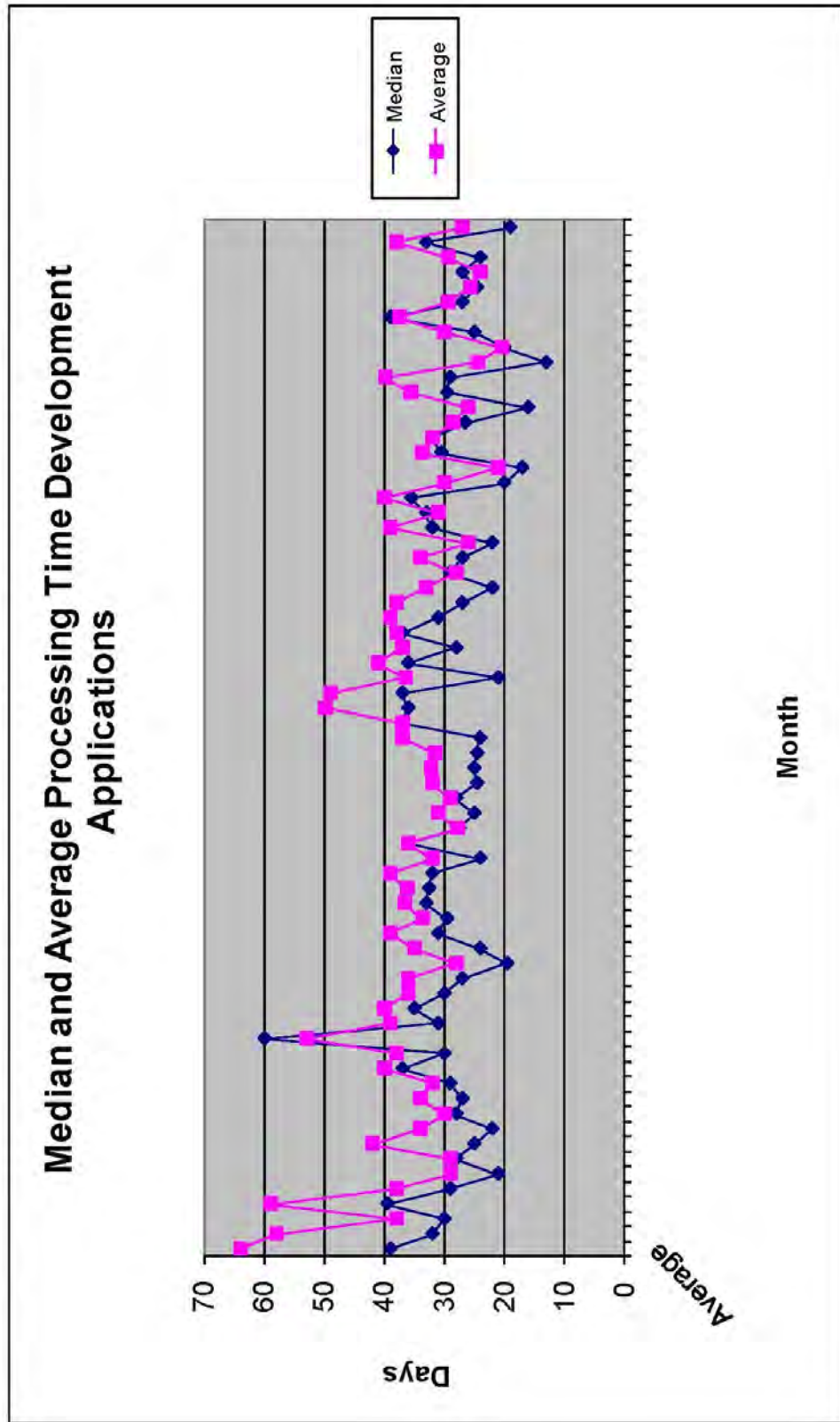


WARWICK L BENNETT
GENERAL MANAGER

Monthly Development Application Processing Report - July 2012

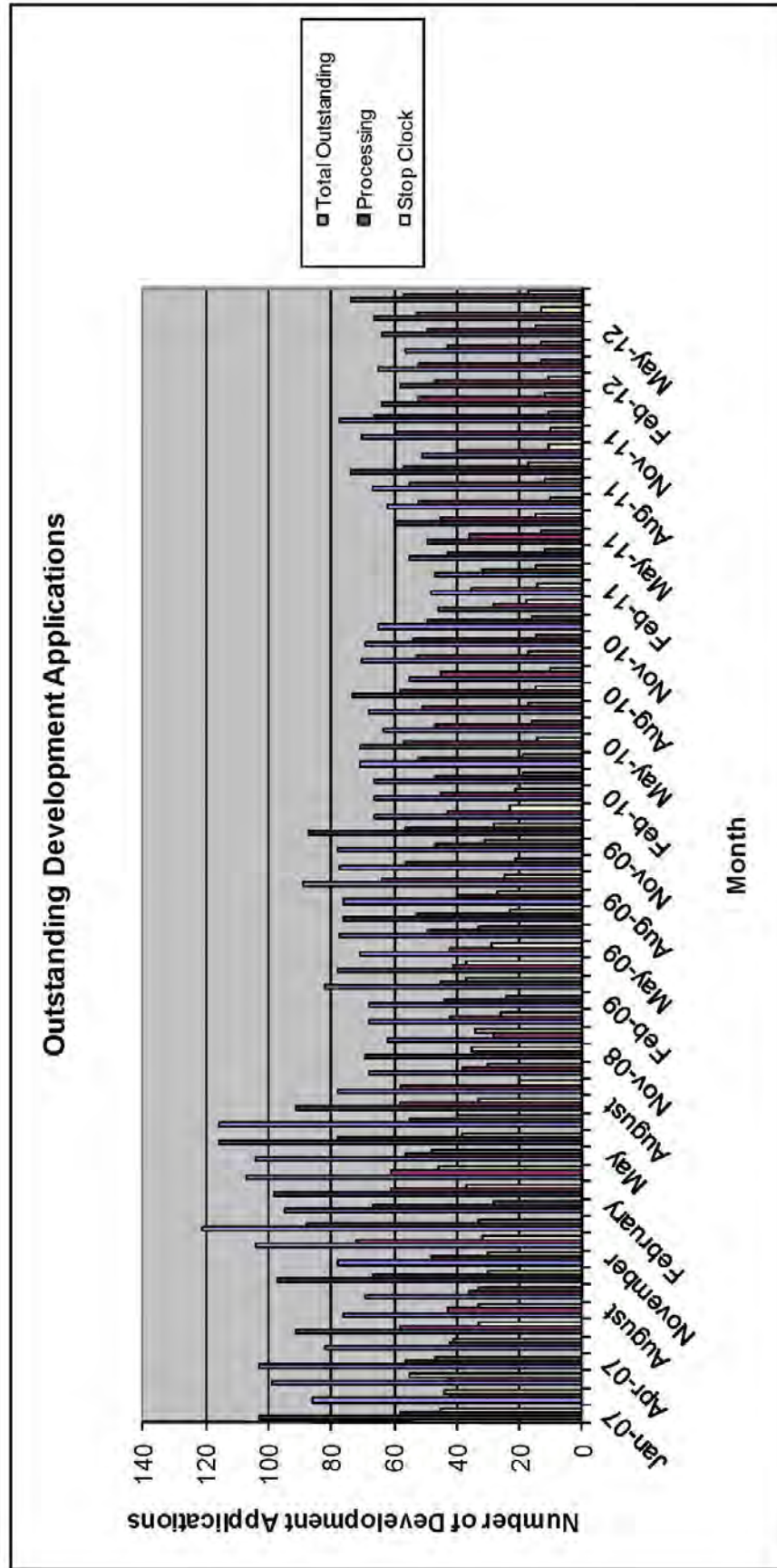
This report covers the period for the month of July 2012.

Graph 1 indicates the processing times up to 31 July 2012, with the month of July having an average of 27 days and a median time of 19 days.



Monthly Development Application Processing Report – July 2012

Graph 2 indicates the total number of outstanding applications (excluding dwelling entitlements), the number currently being processed and the number on "stop clock".



Monthly Development Application Processing Report – July 2012

The Planning and Development Department determined 41 Development Applications either by Council or under delegation during July 2012

Appl/Proc ID	Description	House No	Street Name	Locality
DA0266/2012	Commercial Premises	36	Sydney Road	MUDGE
DA0299/2012	Aquaculture	31	Carara Road	EURUDGERE
DA0313/2012	Hospital	34	Goolma Road	GULGONG
DA0332/2012	Dwelling House	184	Mortimer Street	MUDGE
DA0333/2012	Dual Occupancy	9	Inverness Avenue	MUDGE
DA0339/2012	Alterations & Additions	25	Burrundulla Avenue	MUDGE
DA0340/2012	Dual Occupancy	7	Henry Bayly Drive	MUDGE
DA0341/2012	Subdivision - Torrens Title	215	217 Putta Bucca	PUTTA BUCCA
DA0342/2012	Commercial Premises	18	Industrial Avenue	MUDGE
DA0346/2012	Subdivision - Torrens Title	24	Industrial Avenue	MUDGE
DA0347/2012	Dwelling House	48	Winbourne Street	MUDGE
DA0348/2012	Dual Occupancy	70	Mulgoa Way	MUDGE
DA0358/2012	Swimming Pool	28	Rheinberger Avenue	MUDGE
DA0359/2012	Shed >150m ²	51	Lue Road	MILROY
DA0361/2012	Shed less than 150m ²	7027	Castlereagh Highway	ILFORD
DA0362/2012	Alterations & Additions	94	Wyladra Lane	COOKS GAP
DA0367/2012	Dwelling House	11	Cook Place	MUDGE
DA0369/2012	Dwelling House	1245	Coxs Creek Road	COXS CREEK
DA0370/2012	Dual Occupancy	93	Mulgoa Way	MUDGE
DA0372/2012	Shed less than 150m ²	88	Inglis Street	MUDGE
DA0374/2012	Shed less than 150m ²	12	Melton Road	MUDGE
DA0378/2012	Alterations & Additions	9	Donoghue Street	KANDOS
DA0379/2012	Shed less than 150m ²	55	Horatio Street	MUDGE
DA0385/2012	Commercial Alterations/Additions	1896	Windeyer Road	WINDEYER
DA0002/2013	Alterations & Additions	3	Rodgers Street	KANDOS
DA0004/2013	Dwelling House	1853	Campbells Creek Road	CARCALGONG
DA0005/2013	Alterations & Additions	5	Fitzgerald Street	RYLSTONE
DA0012/2013	Garage	97	White Circle	MUDGE
DA0014/2013	Change of use	97	Market Street	MUDGE
DA0019/2013	Dwelling House	20	Winter Street	MUDGE
DA0020/2013	Dwelling House	14	Winter Street	MUDGE
DA0021/2013	Dwelling House	28	Winter Street	MUDGE
DA0022/2013	Dwelling House	22	Winter Street	MUDGE
DA0023/2013	Dwelling House	34	Winter Street	MUDGE
DA0024/2013	Dwelling House	6	Winter Street	MUDGE
DA0025/2013	Dwelling House	32	Winter Street	MUDGE
DA0026/2013	Dwelling House	26	Winter Street	MUDGE
DA0027/2013	Dwelling House	10	Winter Street	MUDGE
DA0028/2013	Dwelling House	30	Winter Street	MUDGE
DA0029/2013	Dwelling House	16	Winter Street	MUDGE
DA0030/2013	Dwelling House	24	Winter Street	MUDGE

Monthly Development Application Processing Report – July 2012

- Development Applications currently being processed

Appl/Proc ID	Description	House No	Street Name	Locality
DA0053/2013	AltAdd	396	Castlereagh Highway	GULGONG
DA0011/2013	AltAdd	13	Henry Bayly Drive	MUDGEES
DA0205/2012	AltAdd	1834	Blue Springs Road	BUNGABA
DA0038/2013	AltAdd	67	Lue Road	RYLSTONE
DA0383/2012	AnimalEst	129	Hill End Road	CARLEON
DA0294/2012	BoundAdj	4250	Ulan Road	ULAN
DA0330/2012	Mine	8346	Bylong Valley Way	BYLONG
DA0003/2013	RuralInd	47	Buckaroo Lane	BUCKAROO
DA0369/2011	ChangeUse	571	Spring Flat Road	SPRING FLAT
DA0380/2012	ChangeUse	385	Horse Flat Lane	MULLAMUDDY
DA0220/2012	ChangeUse	43	Henry Lawson Drive	BOMBIRA
DA0034/2013	ChangeUse	5	Sydney Road	MUDGEES
DA0045/2013	CommAltAd	27-31	Mayne Street	GULGONG
DA0010/2013	CommAltAd	2	Horse Flat Lane	MULLAMUDDY
DA0272/2012	CommAlTA	5A	Sydney Road	MUDGEES
DA0043/2013	Demolition	59-63	Depot Road	MUDGEES
DA0040/2013	Demolition	2590	Henry Lawson Drive	GULGONG
DA0018/2013	Depot	5	Price Street	WOLLAR
DA0037/2013	DualOcc	29	Rouse Street	GULGONG
DA0368/2012	DualOcc	59	Bellevue Road	MUDGEES
DA0048/2013	DualOcc	40	Winter Street	MUDGEES
DA0003/2012	Dwelling	8	Avisford Court	MUDGEES
DA0039/2013	Dwelling	5	Dawson Street	RYLSTONE
DA0384/2012	Dwelling	1046	Ulan Road	BUDGEES BUDGEES
DA0035/2013	Dwelling	12	Winter Street	MUDGEES
DA0036/2013	Dwelling	42	Winter Street	MUDGEES
DA0360/2012	Dwelling	6241	Iford Road	SOVALA
DA0056/2013	Dwelling	698	Bocoble Road	BOCOBLE
DA0041/2013	Dwelling	79	Henry Bayly Drive	MUDGEES
DA0042/2013	Dwelling	81	Henry Bayly Drive	MUDGEES
DA0276/2008	Dwelling	887	Bocoble Road	BOCOBLE
DA0058/2013	Dwelling	3	Bellevue Road	MUDGEES
DA0214/2011	Dwelling	663	Castlereagh Highway	BURRUNDULLA
DA0055/2013	ShedSmall	16	Nevell Street	GLANDULLA

Monthly Development Application Processing Report – July 2012

DA0015/2013	Dwelling	2	Wiradjuri Close	PUTTA BUCCA
DA0152/2012	SubCT	55	George Campbell Drive	BOMBIRA
DA0057/2012	Mine	325	Ulan Road	ULAN
DA0013/2013	ResFlatBld	158	Robertson Street	MUDGE
DA0174/2012	ShedSmall	1	Rayner Street	MUDGE
DA0049/2013	ShedSmall	239-241	Robertson Road	SPRING FLAT
DA0327/2011	Shed	23	Horatio Street	MUDGE
DA0007/2013	Shed	61-65	Ilford Road	KANDOS
DA0006/2013	ShedSmall	1	Rayner Street	MUDGE
DA0382/2012	ShedSmall	19	Kellelt Drive	MUDGE
DA0017/2013	Shed	31	Robert Hoddle Grove	BOMBIRA
DA0308/2012	SubTorren	433	Ulan Road	ULAN
DA0363/2012	SubTorren	11	Acacia Drive	RYLSTONE
DA0208/2012	SubTorren	139	Robertson Street	MUDGE
DA0051/2013	SubTorren	4	Clare Court	MUDGE
DA0009/2013	SubTorren	9-47	Waterworks Road	MUDGE
DA0351/2012	SubTorren	7433	Castlereagh Highway	ILFORD
DA0054/2013	SubTorren	1121	Ulan Road	BUDGE
DA0325/2012	SubTorren	1011	Pyangle Road	PYANGLE
DA0375/2012	SubTorren	11	Byrnes Lane	BURRUNDULL
DA0001/2013	SubTorren	117	Tucklan Road	TALLAWANG
DA0338/2012	SubTorren	1848	Castlereagh Highway	TALLAWANG
DA0179/2012	BoundAdj	1561	Wollar Road	COOYAL
DA0217/2012	BoardHous	2	Black Lead Lane	GULGONG

Monthly Development Application Processing Report – July 2012

Heritage Development Applications currently being processed

DA0345/2012	AltAdd	59	Gladstone Street	MUDGE
DA0271/2011	AltAdd	87	Short Street	MUDGE
DA0356/2012	ChangeUse	129	Church Street	MUDGE
DA0381/2012	ChangeUse	45	Gladstone Street	MUDGE
DA0046/2013	CommAltAdd	148	Church Street	MUDGE
DA0059/2013	CommAltAdd	96	Church Street	MUDGE
DA0050/2013	CommAltAdd	141-143	Mayne Street	GULGONG
DA0150/2012	DualOcc	47	Belmore Street	GULGONG
DA0052/2013	AltAdd	51	Gladstone Street	MUDGE
DA0265/2012	Depot	47	Douro Street	MUDGE
DA0033/2013	ClearVeg	50-52	Lawson Street	MUDGE
DA0008/2013	ShedSmall	196	Mortimer Street	MUDGE
DA0151/2009	Depot	60	Inglis Street	MUDGE
DA0047/2013	SubTorrrens	21-23	George Street	MUDGE
DA0057/2013	PubUtility	37	Nicholson Street	MUDGE
DA0144/2006	UnitAgeDis	2-8	Perry Street	MUDGE

7.2.17 Moolarben Coal Mines Limited Road Realignment of Ulan Wollar Road

REPORT BY MANAGER REVENUE & PROPERTY TO 26 SEPTEMBER, 2012 COUNCIL MEETING

Moolarben Coal Mines road realignment – Ulan Wollar Road.docx
A0100055, A0100049, R4022001, A0420176

RECOMMENDATION

That:

- 1. The report by Manager Revenue & Property on the Moolarben Coal Mines Limited Road Realignment of Ulan Wollar Road be received;**
- 2. Council proceed with the closure of the section of Ulan-Wollar Road described as Lots 2 and 6 in the proposed plan;**
- 3. Council proceed with the road creation and dedication of the realigned Ulan-Wollar Road described as Lots 1, 4, 5 & 13 in the proposed plan;**
- 4. Upon completion of the road closure and road creation, Lot 2 of the proposed plan be transferred to Ulan Coal Mines Limited and that Lot 6 of the proposed plan be transferred to Moolarben Coal Mines Limited;**
- 5. The General Manager negotiate the terms of agreement with Moolarben Coal Mines Limited regarding the proposed road realignment of the Ulan-Wollar Road;**
- 6. The General Manager and the Mayor be authorised to sign all necessary documentation in relation to the road realignment and associated agreements;**
- 7. The Common Seal of Council be affixed to all necessary documentation.**

Executive summary

Council has been approached by Moolarben Coal Mines Limited with regard to the realignment of Ulan-Wollar Road commencing approximately 2.7 kilometres from the intersection with Ulan Road. This realignment is required as part of Moolarben Coal Mines Limited's Stage 2 Project.

Detailed report

The proposed realignment of part of the Ulan Wollar is sought to provide safety and security for the mining operations being planned by Moolarben Coal Mines Limited's Stage 2 development

The realignment will see a new section of approximately 2.5 kilometres of road being acquired and constructed commencing approximately 2.7 kilometres from the Ulan Road intersection. The former road alignment would be closed and the land transferred to the adjoining owners.

The new alignment is designed to travel within or adjacent to new or existing electrical transmission line easements and would be adjacent to the Sandy Hollow –Gulgong Railway line.

The majority of the land involved is owned by Moolarben Coal Mines Limited, however a small section is owned by Ulan Coal Mines Limited. The attached "Variation to Road Dedication Agreement" is proposed to facilitate the necessary transactions between Council and the two land owners. This agreement is amending and adding to the previous 2009 agreement between the three parties which referred to a similar realignment at the intersection of Ulan Road.

The Road to be closed is shown as Lots 2 and 6 of the attached plan, with the road to be created depicted as Lots 1, 4, 5 & 13. Lot 1 would be acquired from Ulan Coal Mines Limited with the closed lot 2 being transferred to Ulan Coal Mines Limited. Lots 4, 5 & 13 would be acquired from Moolarben Coal Limited with the closed lot 6 being transferred to Moolarben Coal Limited. The transfer of the closed sections would not take place until after the construction of the new road is completed.

It is noted that the closure of the existing road will be processed by the Department of Lands after a public process, where the possibility of closing the road will be advertised, and all community members will have the opportunity to comment on the proposal.

Financial implications

Moolarben Coal will fund all fees and costs associated with the acquisition of the land required for the realignment of the Ulan-Wollar Road and the requested road closures: the preparation and lodgement of surveys, plans and legal documents for land identification, transfer and land dealings; the legal costs for the Formal Agreement between Mid-Western Regional Council and Moolarben Coal Operations Pty Ltd for the road diversion; and the acquisition of the closed road reserves from the Department of Lands; and construction of the new road alignment.

Strategic or policy implications

N/A

DIANE SAWYERS
MANAGER REVENUE AND PROPERTY

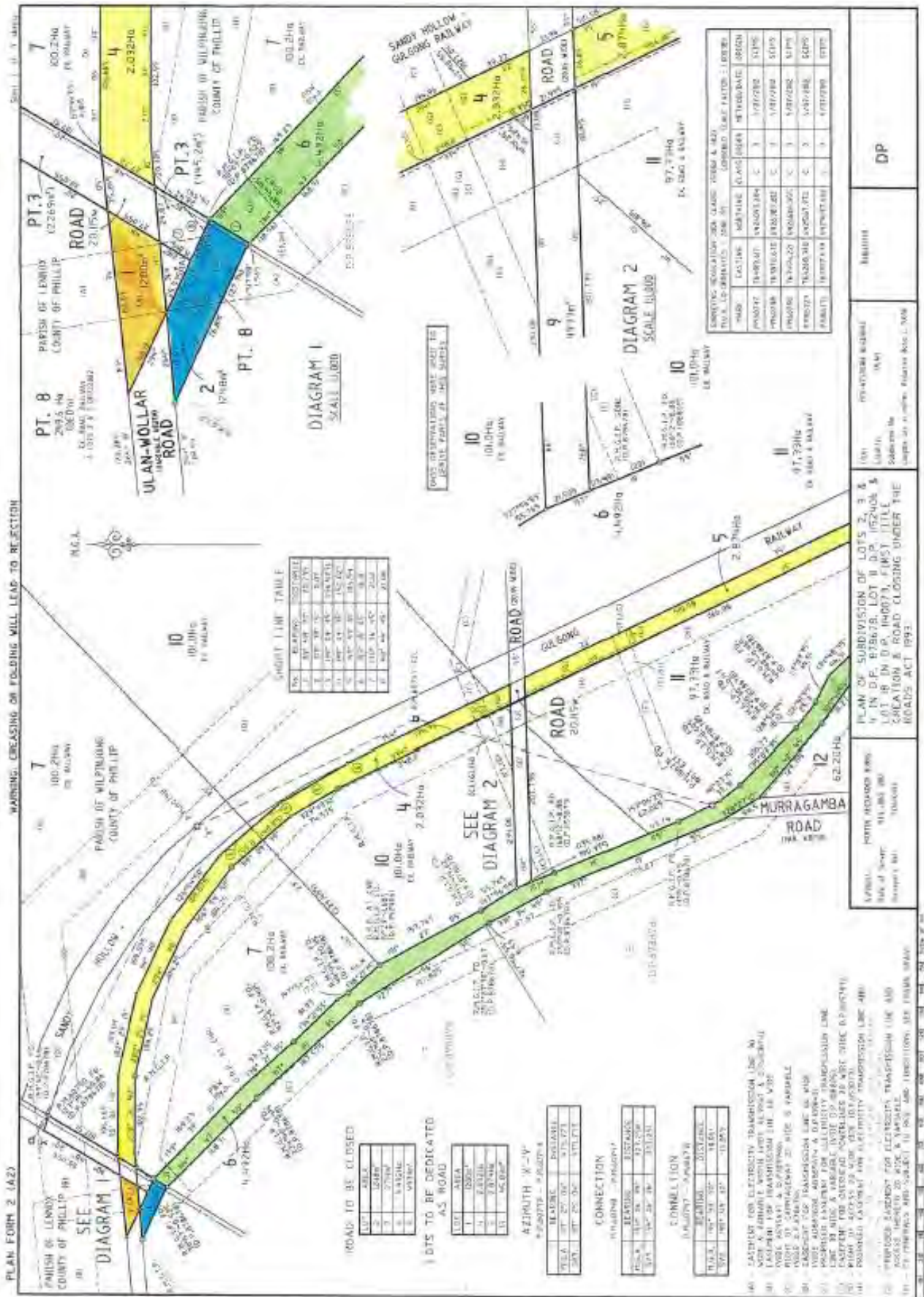
CLARE PHELAN
GROUP MANAGER
FINANCE & ADMINISTRATION

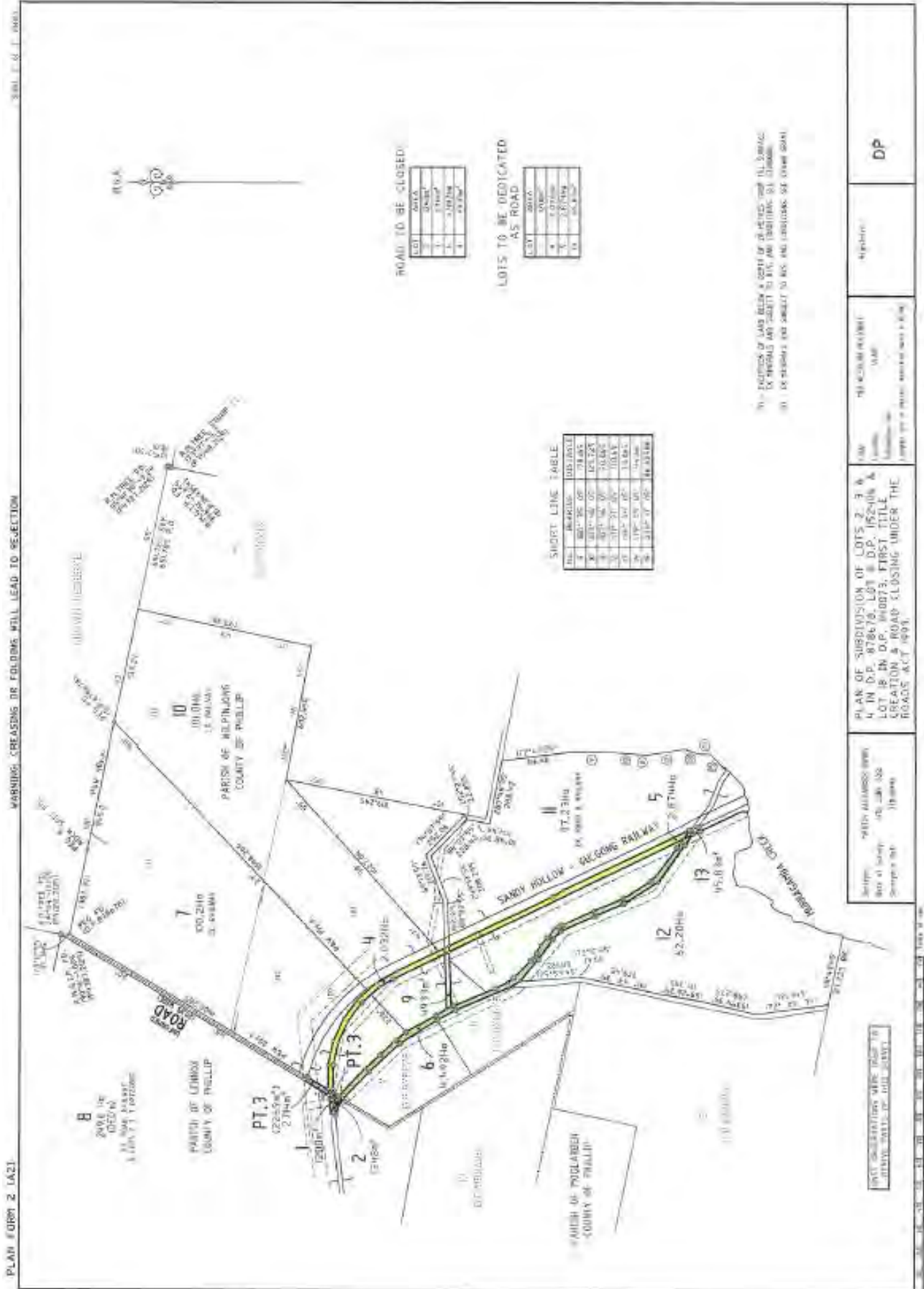
10/9/2012

Attachments: 1. *Proposed Plan – Ulan-Wollar Road Realignment*
2. *Variation to Road Dedication Agreement*

APPROVED FOR SUBMISSION:

WARWICK L BENNETT
GENERAL MANAGER





Moolarben Coal Operations Pty Ltd
ACN 077 939 569

and

Ulan Coal Mines Limited
ACN 000 189 248

and

Mid-Western Regional Council

Variation to Road Dedication Agreement

S PARKE ■ ■
H ELMORE ■ ■
LAWYERS

Road Dedication Agreement

Table of contents

1 Commencement.....2
2 Confirmation and Variation of Agreement.....2
3 Variation to Definitions.....2
4 Variation to Clause 3 (Obligations of Parties)5
5 Variation to Clause 4 (Dedication of Acquisition Area as Public Road)....5
6 Variation to Clause 5 (Works).....6
7 Variation to Clause 6 (Legal Closure of Closed Area).....7
8 Variation to Clause 7 (Access to Acquisition Area and Construction
Access Area)7
9 Variation to Clause 8 (Rehabilitation and Contamination).....8
10 Variation to Clause 9 (Payment of Land Compensation).....9
11 Variation to Clause 10 (Indemnities).....10
12 Variation to Clause 11 (Costs and Expenses).....10
13 New Clause – Condition Precedent.....11
Signing page12

Agreement

Date

Parties

Name **Moolarben Coal Operations Pty Ltd**
ACN 077 939 569 (Moolarben)

Address 4250 Ulan Road, Ulan NSW 2850

Fax Number (02) 6376 1599

Email Address ffulham@moolarbencoal.com.au

Contact Frank Fulham

Name **Ulan Coal Mines Limited**
ACN 000 189 248 (Ulan)

Address PO Box 3006, Mudgee NSW 2850

Fax Number (02) 6372 5333

Email Address dclifford@xstratacoal.com.au

Contact Dan Clifford

Name **Mid-Western Regional Council (Council)**

Address PO Box 156, Mudgee NSW 2850

Fax Number (02) 6378 2815

Email Address Warwick.Bennett@midwestern.nsw.gov.au

Contact Warwick Bennett

Background

- A. Ulan, Moolarben and Council are parties to the Agreement.
- B. The Agreement provides for realignment of a section of Ulan-Wollar Road as required by the Stage 1 Project Approval.

- C. Moolarben seeks to realign a further section of the Ulan-Wollar Road in connection with the Stage 2 Project and has lodged the Development Application in respect of the further realignment.
- D. The further realignment will involve closure of a section of the Ulan-Wollar Road and dedication of a new section on part of the Ulan Land and the Moolarben Land as shown on the Additional Plan.
- E. The parties have agreed to amend the Agreement as set out in this Variation to provide for the further realignment and to continue the obligations of each party under the Agreement which have been partly performed.
- F. Moolarben is the manager of the Moolarben Joint Venture and enters into this Variation for and on behalf of the Moolarben Joint Venture.

Operative part

1 Commencement

This Variation commences on the date it has been executed by all parties.

2 Confirmation and Variation of Agreement

The Agreement continues under its conditions as changed by this Variation.

3 Variation to Definitions

Clause 1 of the Agreement is deleted and replaced with the following:

Additional Plan means the plan attached as Schedule 1.

Address means a party's address set out in the Parties section of this Agreement.

Agreement means the Road Dedication Agreement entered into by Moolarben, Ulan and Council on 29 July 2009 as amended by this Variation.

Approval means any certificate, licence, consent, permit, approval or other requirement of any Authority having jurisdiction in connection with the activities contemplated by this Agreement.

Authority means any government, semi-governmental, statutory, administrative, fiscal or judicial body, department, commission, authority, tribunal, public or other person.

Business Day means a day on which banks are open for general banking business in Mudgee, excluding Saturdays and Sundays.

Claim means any claim, loss, liability, damage, suit, action, proceeding, order, judgment or expense.

Commencement Date means the date of this Agreement.

Construction Access Areas means that area hatched green on the Construction Access Plan, being 10 metres either side of the First Acquisition Area and that area hatched yellow on the plan attached as Schedule 1, being ten metres either side of the Second Acquisition Area

Construction Access Plan means the plan attached as Schedule 1.

Contaminated Lands means contaminated lands as per the definitions applied under the *Contaminated Land Management Act 1997* (NSW).

Damages means all liabilities, losses, damages, costs and expenses, including legal fees and disbursements and costs of investigation, litigation, settlement, judgment, interest and penalties.

Development Application means DA No. 0294/2012 lodged by Moolarben with Council on 22 March 2012 under Part 4 of the EPA Act in respect of the proposed realignment of the section of the Ulan-Wollar Road indicated on the Additional Plan.

Development Consent means a development consent granted by Council under Part 4 of the EPA Act in respect of the Development Application.

EPA Act means the *Environmental Planning and Assessment Act 1979* (NSW)

Fax Number means a party's facsimile number set out in the Parties section of this Agreement.

First Acquisition Area means that part of the Ulan Land marked (B) on the First Plan of Subdivision being approximately 6.348 hectares.

First Closed Area means that part of the Ulan Land marked (A) on the First Plan of Subdivision being approximately 5.051 hectares.

First Plan of Subdivision means a plan of subdivision for the purpose of dedicating the First Acquisition Area as Public Road and closing the First Closed Area and transferring it to Ulan, attached as Schedule 1.

Land Compensation means the amount of twelve thousand nine hundred and seventy dollars (\$12,970.00).

Law means:

- (a) any law applicable including legislation, ordinances, regulations, by-laws and other subordinate legislation;
- (b) any Approval, including any condition or requirement under it; and
- (c) any fees and charges payable in connection with the things referred to in paragraphs (a) and (b).

LPI NSW means the Land & Property Information New South Wales.

Moolarben Coal Mine means the proposed coal mine owned by Moolarben in Ulan near Mudgee NSW.

Moolarben Acquisition Area means that part of the Moolarben Land marked (green) on the Additional Plan being approximately 4.492 hectares.

Moolarben Closed Area means that part of the Moolarben Land marked (yellow) on the Additional Plan being approximately 4.906 hectares.

Moolarben Joint Venture means Moolarben Coal Mines Pty Ltd ACN 108 601 672, Sojitz Moolarben Resources Pty Ltd ACN 126 287 027 and Kores Australia Moolarben Coal Pty Limited ACN 129 132 501.

Moolarben Land means lot 11 in deposited plan 1152406, lots 2, 3, 4, 6 and 7 in deposited plan 878678 owned by the Moolarben Joint Venture.

Notice includes all notices, consents, requests, demands and approvals given under this Agreement.

Plans of Subdivision means the First Plan of Subdivision and the Second Plan of Subdivision. **Public Road** has the same meaning as in the Roads Act.

Related Body Corporate has the meaning given to that term in section 9 of the *Corporations Act 2001* (Cth).

Residue Area means the area of approximately 1.297 hectares, being the difference between the First Acquisition Area and the First Closed Area.

Roads Act means the *Roads Act 1993* (NSW).

Second Acquisition Area means that part of the Ulan Land marked (orange) on the Additional Plan being approximately 0.1200 hectares.

Second Closed Area means that part of the Ulan Land marked (blue) on the Additional Plan being approximately 0.1248 hectares.

Second Compensation Amount is not applicable to this variation as second closed area is greater than the second acquisition area.

Second Plan of Subdivision means a plan of subdivision for the purpose of dedicating the Second Acquisition Area and Moolarben Acquisition Area as Public Road, closing the Second Closed Area and transferring it to Ulan and closing the Moolarben Closed Area and transferring it to Moolarben.

Stage 1 Project Approval means the planning approval for Stage 1 of the Moolarben Coal Mine granted by the Minister for Planning under the EPA Act on 6 September 2007.

Stage 2 Project means Stage 2 of the Moolarben Coal Mine being the subject of Project Application Number 08_0135 lodged with the (then) Director-General of Planning under former section 75E of the EPA Act on 14 July 2008 and the *Preferred Project Report* as submitted to the Department of Planning and Infrastructure (Hanson Bailey, January 2012).

Ulan Acquisition Areas means the First Acquisition Area and the Second Acquisition Area.

Ulan Closed Areas means the First Closed Area and the Second Closed Area.

Ulan Land means lots 51, 53 and 54 in deposited plan 736630, lot 241 in deposited plan 1111236 and lot 18 in deposited plan 1140073.

Variation means this document including any schedules or annexures.

Works means those works required to be undertaken by Moolarben under clauses 5.1 and 5.2 of this Agreement.

4 Variation to Clause 3 (Obligations of Parties)

- 4.1 Clause 3 of the Agreement is deleted and replaced with the following: It is Moolarben's obligation to re-align a section of the Ulan-Wollar Road in accordance with the Stage 1 Project Approval. The obligations of Ulan and Council contained in this Agreement cannot be directly undertaken by Moolarben and accordingly Ulan and Council's assistance is required.
- 4.2 Moolarben will assist Ulan and Council in undertaking their obligations under this Agreement whenever possible, including preparing and lodging documents at LPI NSW and Department of Lands if and when required.
- 4.3 Moolarben must pay all the proper and reasonable expenses of Ulan and Council incurred in implementing this Agreement as outlined in clause 12.
- 4.4 Moolarben must pay any compensation arising from the dedication of the Ulan Acquisition Areas and Moolarben Acquisition Area as Public Road.
- 4.5 The parties must perform their obligations in respect of the Ulan Acquisition Areas, Ulan Closed Areas, Moolarben Acquisition Area and Moolarben Closed Area as and when those obligations are capable of being performed and in that context acknowledge that:
 - (a) the dedication of the First Acquisition Area and closure of the First Closed Area and its transfer to Ulan is already partly performed; and
 - (b) the dedication of the Second Acquisition Area and Moolarben Acquisition Area, the closure of the Second Closed Area and its transfer to Ulan and the closure of the Moolarben Closed Area and its transfer to Moolarben will be achieved by a separate process.

5 Variation to Clause 4 (Dedication of Acquisition Area as Public Road)

Clause 4 is deleted and replaced with the following:

- 5.1 Ulan must do all things necessary within its control and sign all documents including but not limited to the Plans of Subdivision to dedicate the Ulan Acquisition Areas as Public Road.

- 5.2 Ulan must provide any consent required in connection with the preparation, execution and registration of the Plans of Subdivision.
- 5.3 Ulan must do all things necessary to obtain the consent of any parties registered on the certificate of title of the Ulan Land to the dedication of the Ulan Acquisition Areas as Public Road including but not limited to providing written consent to the Plans of Subdivision and/or execution of the Plans of Subdivision.
- 5.4 Ulan must produce the original certificate of title for the Ulan Land to LPI NSW to enable registration of the Plans of Subdivision and any other documents required to be lodged with LPI NSW to enable dedication of the Ulan Acquisition Areas as Public Road.
- 5.5 Ulan must provide and sign a consent of any type, and in any form, reasonably required to facilitate the Works and dedication of the Ulan Acquisition Areas as Public Road including (but not limited to) any Approval required from Council.
- 5.6 Each action required to be undertaken by Ulan under this clause 4 must occur promptly and Ulan will use its reasonable endeavours to ensure that it occurs within 10 Business Days of a request being made by Moolarben, LPI NSW or Council for Ulan to take such action.

6 Variation to Clause 5 (Works)

Clause 5 of the Agreement is deleted and replaced with the following:

- 6.1 Moolarben must undertake all necessary works associated with dedication of the Ulan Acquisition Areas and Moolarben Acquisition Area as Public Road and the rehabilitation of the Ulan Closed Areas as described in clause 8 in a good and workmanlike manner.
- 6.2 Moolarben must install new boundary fencing around the Ulan Acquisition Areas and the Moolarben Acquisition Area to the standard of the current boundary fencing that exists at the Commencement Date or better, and must remove the existing boundary fencing around the Ulan Closed Areas.
- 6.3 All Works must be undertaken:
 - (a) in accordance with all requirements of all relevant Authorities and Approvals;
 - (b) in accordance with all relevant Laws including the *Work Health and Safety Act 2011* (NSW) and its regulations; ;
 - (c) using experienced contractors who possess the appropriate skills and qualifications and expertise to perform the Works; and
 - (d) entering into such contract, if required, on appropriate terms and conditions.

7 Variation to Clause 6 (Legal Closure of Closed Area)

Clause 6 of the Agreement is deleted and replaced with the following:

- 7.1 Council must apply to the Department of Lands to legally close the Ulan Closed Areas and the Moolarben Closed Area under the Roads Act.
- 7.2 Council must do all things necessary and sign all documents required by the Department of Lands to legally close the Ulan Closed Areas and the Moolarben Closed Area.
- 7.3 Ulan must provide any consent in connection with the closure of the Ulan Closed Areas required by Council and/or Department of Lands.
- 7.4 Ulan must do all things necessary to obtain the consent of any parties registered on the certificate of title to the Ulan Land to the closure of the Ulan Closed Areas if required by Council and/or the Department of Lands.
- 7.5 Council must, upon being advised by the Department of Lands that a notice has been published in the Gazette in accordance with section 37 of the Roads Act legally closing the Ulan Closed Areas or the Moolarben Closed Area or any of them, as soon as is practicable (and in no event later than 40 Business Days after the date of such notice) use its reasonable endeavours to do and sign all things necessary to transfer the Ulan Closed Areas to Ulan and the Moolarben Closed Area to Moolarben.
- 7.6 Moolarben must do all things necessary (including those things described in clause 8) to assist Ulan and Council to achieve the transfer of the Ulan Closed Areas to Ulan and the Moolarben Closed Area to Moolarben as soon as is practicable after the date of the notice referred to in clause 6.5.
- 7.7 Council will not be obliged to make the application required under clause 6.1 until the Ulan Acquisition Areas and Moolarben Acquisition Area have been dedicated as Public Road and the Works are completed to Council's satisfaction (and in the case of the Ulan Acquisition Areas and Ulan Closed Areas, to Ulan's satisfaction as well).

8 Variation to Clause 7 (Access to Acquisition Area and Construction Access Area)

Clause 7 of the Agreement is deleted and replaced with the following:

- 8.1 From the date of this Agreement, Ulan agrees to grant to Moolarben exclusive access to the Ulan Acquisition Areas and the Construction Access Areas for the purposes of undertaking the Works and all associated matters necessary to finalise the Works.
- 8.2 Whilst ever the Works are being undertaken on the Ulan Acquisition Areas and the Construction Access Areas (or parts of them) Moolarben's occupation of those parts of the Ulan Acquisition Areas and the Construction Access Areas will be exclusive and Ulan will not itself and will not allow others

during that period to access the relevant parts of the Ulan Acquisition Areas or the Construction Access Areas.

8.3 Moolarben will:

- (a) not contaminate the Ulan Acquisition Areas, the Construction Access Areas, nearby land or water;
- (b) not light any fire on the Ulan Acquisition Areas or the Construction Access Areas and ensure all proper precautions are taken to prevent outbreak of fire as a result of Moolarben's presence on the Ulan Acquisition Areas or the Construction Access Areas;
- (c) ensure no rubbish is left on the Ulan Acquisition Areas or the Construction Access Areas at any time;
- (d) undertake the Works in a manner which minimises any interference with Ulan's operations;
- (e) use its reasonable endeavours to prevent trespass by other persons on the Ulan Acquisition Areas or the Construction Access Areas whilst Moolarben is undertaking Works in those areas; and
- (f) not use or store chemicals on the Ulan Acquisition Areas or the Construction Access Areas except strictly in accordance with:
 - (1) the specifications of the manufacturer, including label directions and material safety data sheets; and
 - (2) relevant Laws.

9 Variation to Clause 8 (Rehabilitation and Contamination)

Clause 8 of the Agreement is deleted and replaced with the following:

- 9.1 Moolarben must rehabilitate any part of the Ulan Closed Areas and Moolarben Closed Areas (including any Contaminated Lands) which are:
- (a) outside any existing mining lease held by Moolarben; and
 - (b) outside any existing mining lease application made by Moolarben; or
 - (c) are inside such a mining lease or mining lease application but are not disturbed or to be disturbed as part of the approved Stage 1 or proposed Stage 2 operations of the Moolarben Coal Mine,
- at its own cost and to the reasonable satisfaction of Ulan in the case of the Ulan Closed Areas.
- 9.2 Moolarben must ensure that (subject to clause 9.1) the Ulan Closed Areas and Moolarben Closed Area (including any Contaminated Lands) are rehabilitated as soon as practicable after those areas are closed to traffic.

- 9.3 Prior to the transfer of the Ulan Closed Areas from Council to Ulan:
- (a) an inspection must be undertaken by an appropriately qualified person appointed by Ulan to undertake such an inspection to assess whether rehabilitation (subject to clause 9.1) of the Ulan Closed Areas is complete; and
 - (b) Moolarben must obtain agreement in writing from Ulan that the Ulan Closed Areas have been rehabilitated to a standard acceptable to Ulan acting reasonably.
- 9.4 For the avoidance of doubt, Moolarben is solely responsible for the restoration and rehabilitation of the Ulan Closed Areas to a standard acceptable to Ulan. In determining whether the standard of rehabilitation is acceptable, Ulan may consider issues including (but not limited to):
- (a) quality and effectiveness of the road removal;
 - (b) quality and effectiveness of the drainage and stability works; and
 - (c) quality and effectiveness of revegetation.
- 9.5 Despite any other provision of this agreement, Moolarben retains the obligation under the *Contaminated Land Management Act 1997* (NSW) to rehabilitate any Contaminated Lands encountered within the Ulan Closed Areas.
- 9.6 Without limiting clause 9.5, in the event that Ulan is not satisfied with the standard of rehabilitation works performed by Moolarben in the Ulan Closed Areas, Ulan may perform additional rehabilitation works and the costs of such works may be recovered by Ulan as a debt due from Moolarben. Ulan may only exercise its rights under this clause 9.6 after providing Moolarben with 10 Business Days' written notice of its intention to do so.

10 Variation to Clause 9 (Payment of Land Compensation)

Clause 9 of the Agreement is deleted and replaced with the following:

- 10.1 As the First Acquisition Area is an area greater than the First Closed Area, Moolarben agrees to pay the Land Compensation to Ulan in respect of the Residue Area in accordance with the provisions of this clause.
- 10.2 Moolarben must pay the Land Compensation within 14 days after the registration of the First Plan of Subdivision.
- 10.3 Moolarben must pay the Second Compensation Amount to Ulan within 14 days after the registration of the Second Plan of Subdivision.
- 10.4 Moolarben and Ulan acknowledge that the Land Compensation for the Residue Area and the Second Compensation Amount is appropriate and acceptable.

11 Variation to Clause 10 (Indemnities)

Clause 10 of the Agreement is deleted and replaced with the following:

- 11.1 Moolarben indemnifies and will at all times keep Ulan indemnified against all Claims:
- (a) arising in connection with Moolarben's access to the Ulan Acquisition Areas or the Construction Access Areas except to the extent the Claim directly results from the conduct of Ulan;
 - (b) arising in connection with the presence on the Ulan Acquisition Areas or the Construction Access Areas of a person or thing with the express or implied authority of Moolarben;
 - (c) arising in connection with the Works or otherwise in connection with the exercise by Moolarben of its rights and the performance of its obligations under this Agreement;
 - (d) arising in connection with any injury, loss or damage suffered by a third party present on the Ulan Acquisition Areas or the Construction Access Areas with the express or implied authority of Moolarben; and
 - (e) arising as a direct or indirect result of a breach by Moolarben of this Agreement or of any negligent act or omission of Moolarben.
- 11.2 Moolarben indemnifies and will at all times keep Ulan indemnified against any action taken by regulators for pollution or other breaches of Law resulting of a breach of the said Law by Moolarben.
- 11.3 Despite any other provision of this Agreement, Moolarben is not liable to Ulan for:
- (a) loss of revenue;
 - (b) loss of reputation;
 - (c) loss of profit;
 - (d) loss of business opportunity; or
 - (e) consequential, indirect, or special loss.

12 Variation to Clause 11 (Costs and Expenses)

Clause 11 of the Agreement is deleted and replaced with the following

- 12.1 Moolarben must pay all expenses associated with the preparation and registration of the Plans of Subdivision including but not limited to surveyor expenses and LPI NSW registration fees.
- 12.2 Moolarben must pay all costs and expenses of conducting the Works.

- 12.3 Moolarben must pay all costs and expenses incurred by Council in legally closing the Ulan Closed Areas and the Moolarben Closed Area with such payment to be made within 14 days of the delivery of a tax invoice.
- 12.4 Moolarben must pay all costs and expenses incurred by Council or Ulan in transferring the Ulan Closed Areas to Ulan.
- 12.5 Moolarben must pay all costs and expenses incurred by Council in transferring the Moolarben Closed Area to Moolarben.
- 12.6 Moolarben must pay all costs and expenses incurred by Council or Ulan in rehabilitating the Ulan Closed Areas in accordance with clause 9.
- 12.7 Moolarben must pay each party's reasonable legal costs and disbursements in connection with the negotiation, preparation, execution and carrying into effect of this Agreement.
- 12.8 Moolarben must pay all stamp duty assessed on or in relation to this Agreement and any instrument or transaction required by or necessary to give effect to this Agreement.

13 New Clause – Condition Precedent

The following clause is inserted as a new clause 28 in the Agreement:

The rights and obligations of the parties under this Agreement with respect to the Second Acquisition Area, Second Closed Area, Moolarben Acquisition Area and Moolarben Closed Area are subject to the grant of the Development Consent by Council on terms acceptable to Moolarben (acting reasonably).

Signing page

Executed as an agreement

Executed by Moolarben Coal)
Operations Pty Ltd ACN 077 939)
569 in accordance with section 127 of)
the Corporations Act 2001 (Cth) by:)
)

.....
Signature of Director

.....
Signature of Director/Secretary

.....
Print name of Director

.....
Print name of Director/Secretary

Signed by Dan Clifford)
as authorised representative for Ulan)
Coal Mines Limited ACN 000 189)
248 who warrants that they are duly)
authorised to execute this document on)
behalf of Ulan Coal Mines Limited in)
the presence of:)

.....
Signature of Witness

.....
Signature of Authorised
Representative

.....
Print name of Witness

Signed, sealed and delivered by)
Warwick Bennett as authorised)
representative for Mid-Western)
Regional Council who warrants that)
they are duly authorised to execute this)
document on behalf of Mid-Western)
Regional Council in the presence of:)
)
)
)

.....
Signature of Witness

.....
Signature of Authorised
Representative

.....
Print name of Witness

Schedule 1 Plan of Subdivision

Upper Hunter
57 Brook Street
Muswellbrook NSW 2333
PO Box 266
Muswellbrook NSW 2333
DX 7341 Muswellbrook
Ph: +61 2 6542 4000
Fax: +61 2 6543 3607

Our ref: JQC:MCM896/127

7.2.18 Ulan Wollar Road - realignment

REPORT BY GENERAL MANAGER TO 26 SEPTEMBER 2012 COUNCIL MEETING

COUNCIL 120926

A0100055, R9214003

RECOMMENDATION

That:

1. the report by General Manager on the Ulan Wollar Road - realignment be received;
2. Council amend its 2012/13 Operational Plan and Budget to include the Ulan Wollar Road realignment at a value of \$2.5 million and to be funded by Moolarben Coal Pty Ltd.

Detailed report

As part of the Moolarben Coal Project Stage 2 approval, Moolarben has been given approval to realign 2.8 kilometres of the Ulan Wollar Road. The works proposed will benefit the road user as that part of the road to be closed has had work delayed on it for a number of years pending this outcome. Council will undertake this work at a cost of \$2.5 million, which involves a completely new road as per the attached plans. A copy of the road to be closed and the proposed new alignment is attached for Councillors' information. A separate report to commence the road closure procedure, and dedicate the new road as legal road reserve is also included in this Business Paper.

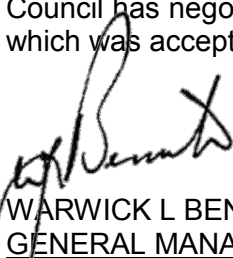
The recommendation in this report is to acknowledge the work being undertaken by Council, and to amend our 2012/13 Operational Plan and Budget accordingly. It is expected that the work will commence in October and take five months.

Financial implications

This is an additional \$2.5 million to Council's work program and thus to the Operational Plan and Budget need to be amended accordingly. The project is fully funded by Moolarben Coal Pty Ltd.

Strategic or policy implications

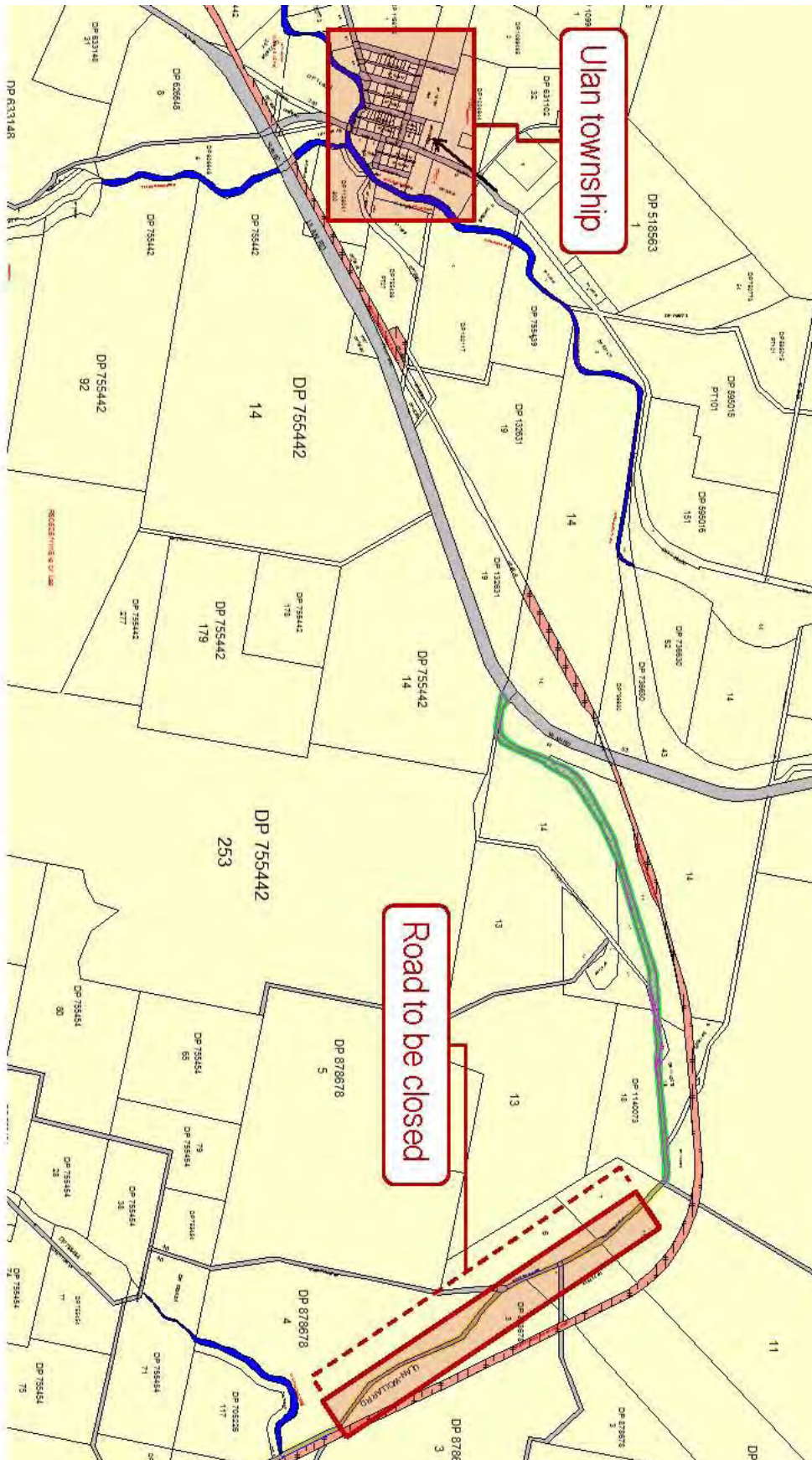
Council has negotiated that this work be undertaken by its own staff. An estimate price was put in which was accepted by Moolarben.



WARWICK L BENNETT
GENERAL MANAGER

12 September 2012

- Attachments:*
1. Map of Ulan and area of road to be closed
 2. Plan of road closure and location of new road



7.2.19 Adequacy Review of the Environmental Assessment – Mt Penny Coal Project

REPORT BY GENERAL MANAGER ON MOUNT PENNY COAL PROJECT

Mt Penny Adequacy Review
A0100055, A0420223

RECOMMENDATION

That:

1. **the report by the General Manager on the Adequacy Review of the Environmental Assessment for the Mt Penny Coal Project (MP 10_0234) be noted for information;**
2. **Council endorse the written submission to the Adequacy Review based on the detail as outlined in Attachment 1 to this report, as forwarded to the Department of Planning & Infrastructure.**

Executive summary

The Department of Planning and Infrastructure (DP&I) advised Council on 21 August 2012 that the Environmental Assessment (EA) in support of the Mt Penny Coal Project would be delivered to Council by 27 August 2012. The EA has been wholly prepared by EMGA Mitchell McLennan with some technical expertise and comment being drawn from other consultants. The Proponent is Mt Penny Coal Company Pty Ltd and the project has been classified as a transitional Major Project under Part 3A of the *Environmental Planning and Assessment (EP&A) Act 1979*. Council has been given an opportunity to review the EA for adequacy against the Director General's Requirements (DGRs) with the deadline for comments being Monday 17 September 2012. We tried to get an extension of this time frame for the adequacy review but that was declined by the Department of Planning. The department has made it clear that no extensions of time will be granted for major projects from now on as the State Government require all state significant projects to be determined under section 3A of the Act will be completed by June 2013. It should however be noted that Council will get another opportunity to comment when the Environment Assessment is placed on public exhibition. .

A copy of the submission prepared by staff and sent to the Department of Planning is attached for Councillor information.

Detailed report

History

On 22 December 2010 a major project application was submitted to the DP&I (formally Department of Planning DoP) for the Mt Penny Coal Project (MP 10_0234) and Council was given an opportunity to comment on the Director General's Requirements (DGRs). An extraordinary meeting of Council was held on 19 January 2011 to deal with a report on this project and the draft DGRs with a submission being forwarded to DP&I on 20 January 2011.

This submission included a call for a moratorium on mining in the Bylong Valley until such time as a thoroughly researched strategic study had been undertaken, particularly in respect to impacts on the local hydrology of the Coggan Valley catchment and also on the wider catchments of the

Bylong and Goulburn Rivers. The Bylong Valley area has been included into the Upper Hunter Draft Strategic Regional Land Use Plan and Draft NSW Aquifer Interference Policy – Stage 1 with both of these documents having been reviewed by Group Manager Planning and Development and reported to Council in April 2012.

A planning focus meeting was held on 3 February 2011, to seek comments from various agencies and review the Preliminary Environmental Assessment (PEA) prepared by Wells Environmental Services, with this meeting also including an onsite inspection of the project area. DGRs were issued on 2 March 2011 based on agency comments and matters raised at the focus meeting. Revised DGRs were issued on 30 August 2011. The adequacy review will take into account the details of the revised DGRs but will also where applicable refer to those matters and concerns previously raised by Council that have not been addressed in the revised DGRs or in any other way.

The Project

Mt Penny will be an open-cut coal mine located in the Coggan Valley, Wollar Road that is anticipated to provide coal for export via Newcastle. The initial excavation will commence in the northern part of the site and will be located approximately 7 km north-west of Bylong village. Mining will progress southwards over the its 21 year mining life with the final excavation finishing some 4.4km away from the village of Bylong. The Project will involve a total disturbed area of approximately 1,323 ha not including the borefield and powerline, but at any one time during operations the maximum amount of land disturbed in advance of mining will be approximately 45 ha. Mining operations will be based on a series of 100 m wide east-west strips that after the initial excavation will see all overburden contained within the pit along with the ROM stockpile. This will limit the level of disturbed area and at the completion of mining there will be no final void.

Total coal reserves, comprised of four groups of coal seams, are estimated to be 101 million tonnes (Mt) Run of mine (ROM) with a production rate of 5 million tonnes per annum (Mtpa). It is intended to use a surface mining machine to extract the coal as this is a more efficient way to mine thin coal plies and reduces the requirement for drilling, blasting, crushing and processing in readiness for export. It is stated that this form of mining extraction reduces dust generation and noise and vibration emissions.

A coal handling and preparation plant (CHPP) will be located in the northern part of the site which will be linked by an elevated conveyor to the rail-loop located on the northern side of the main line. Vehicular access to the mine site will be via a realigned Wollar Road with an appropriately designed rural 'T' intersection and the mine will enter into an agreement with Mid-Western regarding the staged upgrade and sealing of Wollar Road between Wollar village and the intersection with Bylong Valley Way.

It is anticipated that construction will take approximately 18 months and require a peak workforce of 200 people. Operations are planned to commence in 2015 with a peak workforce of 205 people.

A copy of the submission prepared by staff on behalf of Council is attached for information. The submission sets out the concerns staff see as important to this community and that need to be better addressed before the Environmental Assessment is placed on public exhibition. We also had an independent review of the surface and ground water undertaken. A copy of that review was attached to the submission.

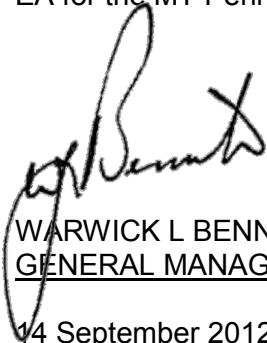
Financial Implications

It is acknowledged that mining contributes to the economy of a region, however there are also pressures placed on public and private resources of the community. Some of these costs can be directly attributed to the activities of the mining industry. The mines should not only acknowledge

this but should also take on board that they have a responsibility to local communities to assist in mitigating those costs.

Strategic or policy implications

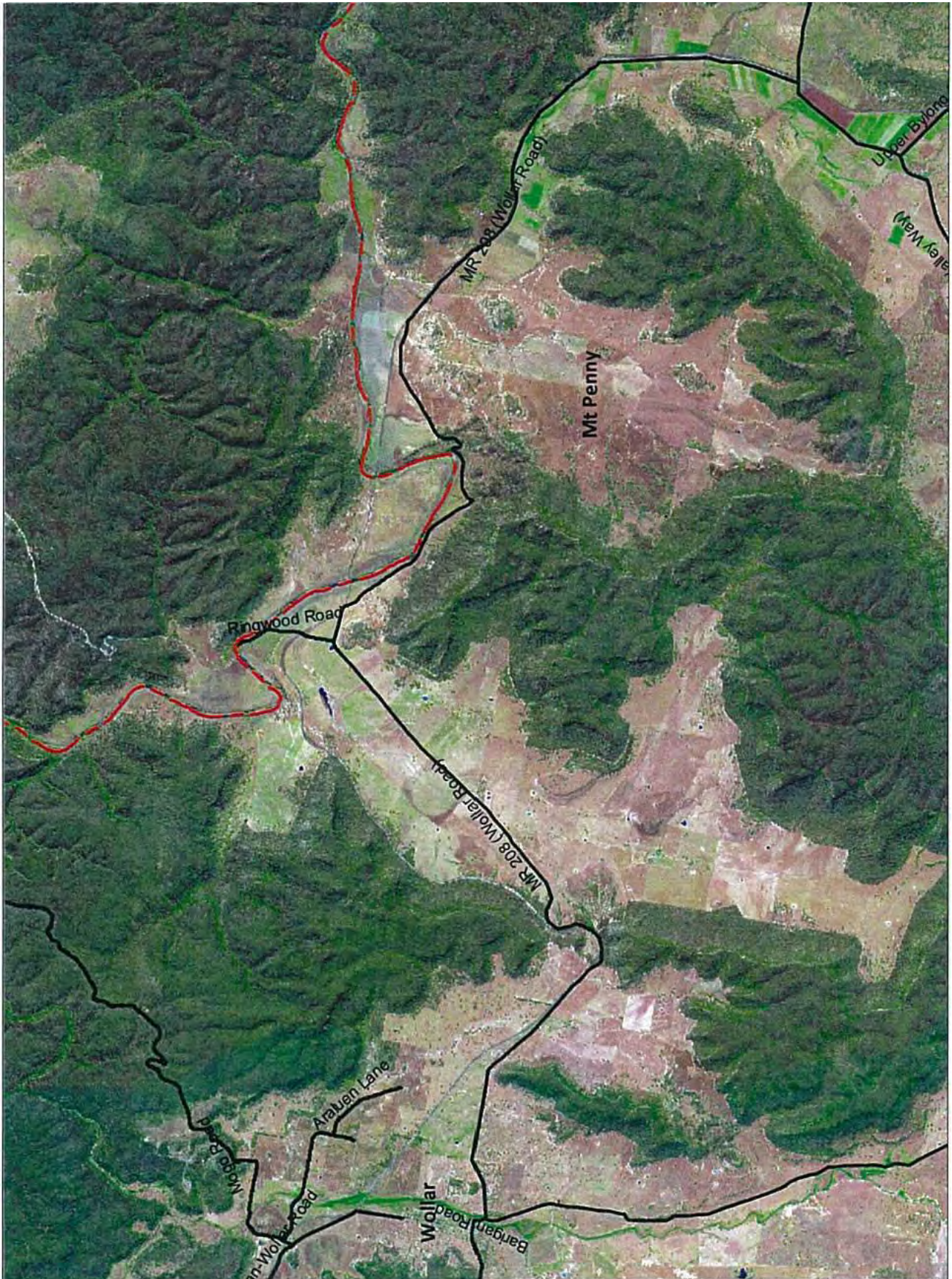
Generally it has not been the case that mining applications and the determination of those applications have not adequately addressed the cumulative impacts that mining is having across our region, including impacts on other existing industries and long established uses, particularly agricultural pursuits and tourism as well as the cumulative impacts on the towns and villages. The EA for the MT Penny project also fails to adequately address these concerns and issues.

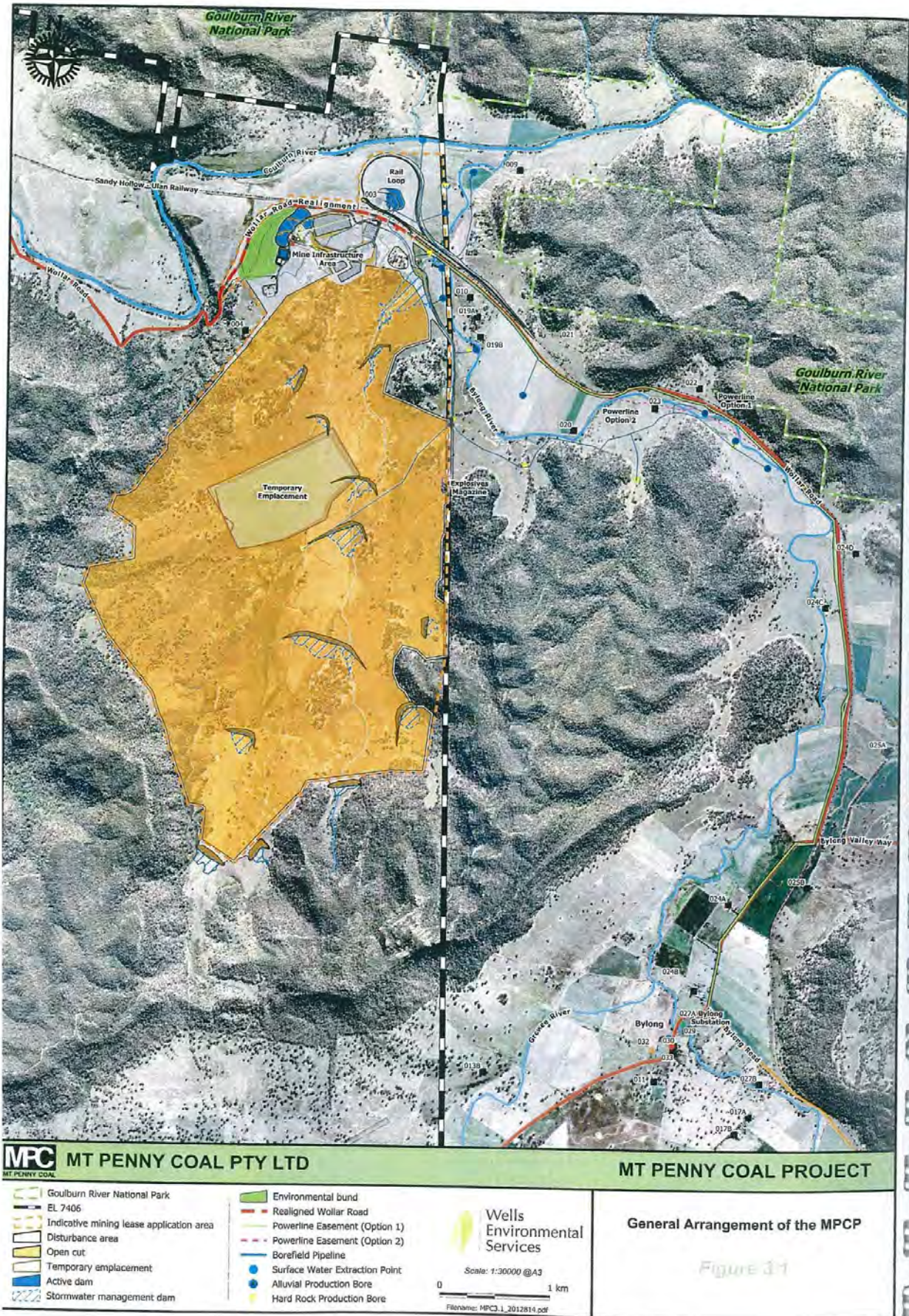


WARWICK L BENNETT
GENERAL MANAGER

14 September 2012

- Attachments:*
1. Location maps
 2. Copy of Submission letter
 3. Response from Water Consultants – Gilbert + Sutherland (included at the end of the Business Paper)





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

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assistant\council business paper\2012\9
september\2nd wed\attachments\in report\attach 2
mt penny submission.docx

13 September 2012

Department of Planning & Infrastructure
Major Projects – Mining and Industry
GPO Box 39
SYDNEY 2001

Attention – Kane Winwood

Dear Sir/Madam

**COUNCIL RESPONSE TO ADEQUACY REVIEW OF THE ENVIRONMENTAL ASSESSMENT
FOR MT PENNY COAL PROJECT (MP 10 0234).**

I refer to the above Project and to your e-mail received by Council on 21 August 2012.

The first issue that Council wishes to raise is the inadequacy of Departmental consultation time frames in relation to major project applications. These tight time frames do not provide sufficient time for Council staff to review the documents and then report the matter to Council prior to making any submissions. Further, in this particular instance the application was forwarded to Council during the period when Council's formal meetings had been completed for that term leading up to the 2012 September 8th elections. The first meeting of the newly elected Council is scheduled for 26 September 2012 which is well after the closing date for submissions. Mining and its impacts in our region are of particular concern to the community and the communities representatives should be given adequate opportunities to comment on any and all aspects of mining applications. We understand that the State Government has given the Department of Planning a timeline to complete the state significant projects under Section 3A, but Council is firmly of the opinion that tight timeline is to the detriment of any form of meaningful consultation and community input.

The 21 day period in which to review Environmental Assessments (EA) for adequacy is totally unreasonable given the range and quantity of material, including technical data that needs to be reviewed and as stated above frequently compromises the democratic process. The adequacy review period should be 60 days to allow for a detailed review and assessment of the documents to take place. This would ensure that flawed assumptions / conclusions could be challenged and not adopted / locked in at an early stage in the assessment process. Once the EA goes on public exhibition it is almost a 'fait accompli' and realistically there is very little opportunity to challenge the documentation.

Council has undertaken a review of the EA and has considerable concerns about the adequacy of some of the sections of the EA with the main issues being all aspects in relation to water

assessments; traffic and transport; noise, including rail noise and ongoing concerns about the threshold levels adopted for noise modelling; socio-economic matters; voluntary planning agreement and Project justification.

Please find below the details of matters of concern:-

Ground Water, Surface Water, Aquatic Ecology, Fluvial geomorphology, Agricultural lands and water economy

Council Comment – Council has reviewed the detailed report and endorses the responses as attached to this report. It is very disappointing that the work promoted by the Proponents for the ground water and service water as detailed in the review by Gilbert + Sutherland has been describe as inadequate. The Department of Planning must ensure that the Proponent of this coal project deal in a more professional way with the impacts their activity will have on the surface and ground water.

Transport and Traffic

Council Comment – Council notes that the report was difficult to review because the range and type of data and presentation methods was confusing, unclear and insubstantial. It is considered that the report does not meet DGRs as it does not adequately address the damage caused by construction and/or heavy vehicle traffic to the existing pavement types, including gravel roads, nor does it adequately address safety matters not only for the workforce but also for the travelling public and fails to acknowledge an adequate level of responsibility for the appropriate upgrading of road infrastructure.

Suggested mitigation measures, while being fine in theory are either inappropriate or unrealistic for the locality and/or established travel patterns or outside of the jurisdiction of the mine. These suggestions include use of temporary traffic signals, rather than upgrade the road network; use of special speed limits; restrict heavy vehicles on certain roads; clearing of vegetation to improve sight lines; park & ride and driver fatigue management initiatives.

The use of temporary traffic signals should be related to particular projects, usually road works and for very short periods of time and therefore the suggestion of long term use to manage traffic in the vicinity of Currans Gap is totally unacceptable. The introduction of special speed zones / limits is a matter that is not only outside of the mines jurisdiction to implement but also to police and restricting routes that heavy vehicles can use is also outside of the mines jurisdiction because provided the truck / delivery vehicle is legal then there is an entitlement for that vehicle to use any part of a road network that does not carry a weight restriction, eg a bridge loading. Most of the roads referred to in the assessment are not encumbered by such weight restrictions, (some have height constraints) and therefore any truck traffic would be able to legally use these roads. Council also notes that the removal of roadside vegetation needs thorough investigation because it is likely that there may be either threatened species or endangered ecological communities in those areas identified for removal.

Council also questions the contention that the use of shuttle bus transport (which will be allowed over the Munghorn, which in Council's view is unacceptable without major upgrading) will be 'incentivised' and therefore have a significant impact on reducing operational workforce vehicle movements along with encouragement of car-pooling.

Council does not believe that the use of a shuttle bus for transport of mine workers to and from the mine will work. History shows clearly that workers today like their independence. They will not use a bus and neither can the applicant enforce this as a condition of employment. It is Council's experience that this has generally not been taken up or adopted by the workers for the Ulan cluster of mines, with such mitigations measures having little or no noticeable reduction on the ever increasing volume of mine related traffic using the local road network to and from the townships and the mine sites. Workers have different working habits which often result in different starting and finishing times. Thus the use of shuttle bus transport will not work in Council's opinion and

needs to be excluded as a main option in the Environmental Assessment to get workers to and from the Mt Penny project site.

Like all developments that occur in NSW it is important that the infrastructure is upgraded to its capacity prior to any construction work whatsoever commencing on this site. Therefore Council requires the road from Wollar township to Bylong township to be sealed to an 8 metre wide formation and to Austroads Standards. This includes any bridges along this route. Council is also very concerned that the road from Wollar to Mudgee whether it be via the Ulan-Wollar Road or the Wollar Road itself is not up to standard to adequately cope with the increased traffic volume that is going to be created by this project. The same concerns would apply on the road between Bylong and Rylstone where the applicant has indicated a number of staff will be sourced from.

Council requires that the Environmental Assessment undertakes a full and comprehensive review of all routes to and from the project site to ensure that the roads are up to Austroads standards that will cater for the traffic volume that is going to be created by workers travelling to and from this coal mine.

Further, the applicant needs to address the issue of ongoing maintenance of these roads. The Wollar to Bylong Road is currently unsealed and needs to be sealed to a standard that meets a 30 year life cycle. However minor maintenance will always be required on this section of road from time to time which includes things like culvert clearing, line marking, pot hole repairs and so on. The other roads addressed in this report are currently formed to a sealed standard but may require upgrading to meet the Austroads Standards. Council requires that the applicants make an annual maintenance contribution to the Council that represents a fair proportion of the maintenance costs undertaken on these roads. That fair proportion should represent the increased traffic volumes created by this project.

Rail Transport

Council Comment – Council considers that the rail traffic assessment has been addressed appropriately given that access to and use of the rail network is by negotiation with ARTC.

Noise and Vibration

Council Comment – Council notes that there are discrepancies in the data presented in the Noise assessment carried out by Spectrum Acoustics. For example in Table S1 the noise monitoring location N5 is identified as R14, property 'Cherrydale', however in Fig 2 noise monitoring location N5 is shown on R5A, B, C, D which is a Peabody Pastoral Holdings property, Table 5 also identifies N5 as R14, along with Appendix C 'Ambient Noise Data Charts'. The issue is that either the monitoring has been carried out on R14 therefore Fig 2 is incorrect or the monitoring has been carried out on R5 and therefore the information in Table S1, Table 5 and the ambient noise charts and therefore the ambient noise levels cannot be accurately reviewed. It would seem that the ambient noise data is confusing and therefore any conclusions drawn from that data in respect to impacts on receptors is questionable.

In addition Council notes that on the advice of DP&I the 'modifying correction factors' for low frequency noise do not apply to this Project if the C-weighted noise level is less than approximately 55 dB(c). However, Table 14 indicates that a number of receptors will receive relatively high levels of dB(c) and are close to the 15dB or more difference between A-weighted and C-weighted levels. Given local experience on these matters (from noise impacts of existing coal operations located on similar topography) these levels should trigger the 5dBa correction which will alter the identified impacts on receptors. Council also has concerns, due to the identification of some discrepancies that the Noise assessment may also be inadequate in other respects. Of particular concern are possible noise impacts on receptors south of the saddle located at the southern end of the Project. Council is aware of the significant adverse noise impacts on residents in the Cumbo Valley, which

is of a similar topographic configuration to the Coggan Valley, with the modelling for the Wilpinjong Coal project failing to predict these impacts.

Council also questions the rationale for adopting a baseline assessment for train noise impacts taken at 20 metres from the main northern line at Hexham. This is irrelevant to the environment in the vicinity of the Mt Penny Coal Project where coal trains are travelling through narrow valleys with sandstone escarpments. Further, cumulative noise levels do not include noise from increasing train movements and low frequency noise from other coal operations, particularly Wilpinjong.

Council considers that the noise assessment in its current format is inadequate and not only should it be re-assessed as part of the final EA but it is also imperative that this amended assessment be reviewed by independent experts, with an emphasis on ensuring that the modelling adequately addresses all topographic features.

As previously raised on a number of occasions Council considers that the existing Industrial Noise Policy needs to be reviewed as it is inappropriate for rural areas where background noise levels are significantly lower than the 35dBa threshold. Industrial noise therefore has much greater impacts on rural residences who are not use to living with noise at these levels. Council again requests that the above Policy be reviewed with a view to more accurately recording and reflecting background noise in rural areas with these being set as the threshold levels.

Social and Economic

Council Comment - Following a review of these assessments Council considers that costs and benefits of the project have not been adequately addressed. The major concern is the reliance on desk top research and out of date studies, with either no ground truthing or verification with more up to date information which is important in such a dynamic and rapidly changing economy. This has led to the adoption of flawed conclusions and assumptions in respect to the costs and benefits of the Project, population growth, recruitment of workers, housing and temporary accommodation, capacity of community infrastructure and cumulative impacts of mining. Each of these areas of concern is discussed separately below.

Costs and Benefits

The Economic report states that the project is estimated to have a net benefit to Australia of \$1,420 million.

Council Comment - the Economic Assessment have been reviewed and found to be inadequate in a number of ways. In the first instance Council challenge the assumption that the Project will be a net benefit to our region based on the range of taxes paid and royalties collected by the Commonwealth and State Governments. The reality is that a minimal amount of these taxes and royalties are returned to the regions in which the mining activities occur. The amount that is actually returned locally is usually significantly less than the costs incurred at the local level. If the Project focused solely on the cost benefit analysis for the local community, the costs would far outweigh the benefits and therefore, further emphasis should be placed on appropriate strategies and actions to mitigate the costs at the local level.

Council believes that there are a number of significant costs (or impacts) that have not been factored into the cost/benefit analysis and these include, impacts on other local industries who must compete for scarce and valuable local economic resources (including labour, land, water); difficulties in attracting and retaining a locally based skilled labour force which is a major challenge for non-mining related businesses within the region; increased housing costs, especially the flow on effect of affordable housing for those in essential service roles (teachers, police officers, health service providers and increased demand on critical local services as a result of population growth, including doctors and hospitals and educational facilities (especially preschools and childcare facilities which are all at full capacity with long waiting lists). All of these costs have a serious impact at the individual and community level.

Council considers that further analysis of the cost and benefits, at a local level, should be undertaken taking into account the above concerns. Mt Penny Coal should demonstrate how it will mitigate these impacts and manage the affect on individual and community well being.

Population growth and recruitment of workers

The Social assessment indicates that -

The Social assessment estimates that 50% of the operational workforce will be recruited locally on the basis that unemployment in the region is higher than National average. It is also stated that the closure of the Kandos cement works will create a significant employment pool.

Council Comment - The Mid-Western Region Local Services Assessment Report (an independent report commissioned by the State Government and prepared by Manidis Roberts) predicts a cumulative population growth rate of 30% over the next seven (7) years due to mining and other large infrastructure projects proposed for our region. This is a massive growth rate over a relatively short period of time that has neither been acknowledged nor adequately addressed in the EA. The impact of this growth will place significant pressure on housing (including affordability), the road network, education facilities (especially pre-school and childcare centres) and health services (particularly the number of doctors that are already below requirements to service the existing population).

The Local Services Assessment Report also suggests that the majority of future employment will need to be sourced outside of the local region, adopting a conservative migration rate of 65% to fulfil workforce requirements. This Project is expected to create a total of 370 jobs (direct and indirect), which is significant particularly when this is not an isolated development. The workforce impacts of this Project need to be re-assessed taking into account the expansion of all existing coal operations and proposed new projects.

There are 11,401 people in the local workforce and approximately 670 unemployed people. The region is currently experiencing low levels of unemployment, with an unemployment rate of 5.9% (only slightly above the national average). Even if every unemployed person in the Region were to take one of the 370 jobs created by the Project (direct and indirect), there would be a shortfall of 300 people (or 55% of the workforce required). This does not take into account the other jobs being created in the local economy at the same time. It is also important to note that the majority of those that are currently unemployed in the region, are unlikely to take mining positions, either because they do not have the necessary skills, attributes and attitudes to work in this environment or because they simply do not want to. The fact that the community is already seeing a large influx of workers moving into the region for employment with other mining projects demonstrates the fact that this labour cannot be sourced locally.

The Social assessment identifies the closure of the Kandos Cement works as an opportunity to access a local workforce. Council is aware that other than those who took this opportunity to retire the majority of the workforce has gained employment either locally or elsewhere. Council understands that there are very few of these workers still seeking employment.

Council believes that workforce recruitment is a significant issue which requires further consideration in the EA. Council is well aware of the implications that this has had in other regions where coal mining projects are reliant upon a significant 'drive-in drive-out' or 'fly-in fly-out' (FIFO/DIDO) workforce. This is not a desirable outcome for the local community as these types of employment modes have costs and these need to be considered as part of the EA with appropriate strategies identified to reduce the associated detrimental impacts.

Housing and temporary accommodation

The Social assessment concludes that residential land supply will keep pace with growth and the demand for housing will stimulate the depressed local building industry. It also states that there is sufficient capacity in temporary accommodation for the construction workforce.

Council Comment – it is clear that the information used to make these statements is based on inaccurate or out of date data, and little attempt has been made to understand the local economy and the drivers of the current trends in building activity, the property market and visitor accommodation.

The residential housing market has experienced significant growth in the last 2 years with long term capital growth of 6-8% across the region. One of the newer residential subdivisions in Mudgee was the fastest growing regional suburb in NSW in 2011 (according to Residex), with annual growth of 18.8%. The significant growth in the property market is driven largely by the expansion of mining activities in the region. The increased number of new residents to town to take up mining positions and increase in short term contractors is placing significant demands on the availability of rental accommodation in the region.

Weekly rentals have also increased significantly across the region, with limited (and in many cases zero) availability of rental stock pushing accommodation costs beyond affordable levels for those for those employed in non-mining related business. The Local services assessment Report examines housing demand and supply and estimates that an additional 3,896 lots of land are required to accommodate population growth in the next 8 to 10 years. Housing is and will continue to be a major issue which has not been adequately addressed in the EA.

The large numbers of short term contractors working in the region are also placing increasing demands on visitor accommodation. The latest statistics available from Destination NSW indicates an annual occupancy rate of 62% for motels in the region. Although this does suggest additional capacity exists within the local visitor accommodation market, the rates can vary between 50% and 100% at any point in time, particularly if a number of contractors are in the region at the same time or it coincides with a major event or festival. The region is also a major regional tourism destination to the local wine and food produce, major events, unique towns and villages, and nature experiences on offer. More than 500,000 tourists come to the region each year to enjoy these experiences. They utilise local tourist accommodation and it is important to this community and the local economy that the ability for tourists to come and stay in our region is not impacted by access to accommodation by a mining related workforce.

The Social assessment also stated that temporary workers accommodation has recently been approved at Ulan. Whilst this facility may cater for up to 144 workers, given the demand for accommodation and the number of concurrent projects, it cannot be assumed that accommodation will be available without formal arrangements being in place. There is no guarantee that this facility will be built and that it will be available for use by Mt Penny Coal.

All of the above issues require more detailed research and a thorough analysis, taking into consideration all projects and the impacts on other industries in the local economy. Accommodation is a key focus of Council and the current analysis significantly underestimates the impacts if the issue.

Cumulative Impacts and impacts on other industries

The EA acknowledges that the expansion other mining operations and proposed major projects in our region will place pressures on local infrastructure and services, including accommodation, but that these impacts will not be significant either because the projects are still in the planning stages or there is some uncertainty about development schedules.

Council Comment – the Economic Assessment does not adequately address the cumulative impacts of all of the proposed projects which will cumulatively generate close to 2000 jobs directly related to the mines over the next 3 to 5 years. The Local Services Assessment Report identifies

the significant population growth expected as a result of the expansion of coal mining activities in the region and the resulting pressures on local infrastructure and services. Whilst many region would welcome a project of the size of the Mt Penny Coal Project due to the creation of local jobs and stimulus to the local business activity, the combined effect of all projects and the increased demand on infrastructure and services results in additional cost burdens for the local community.

Further, because the combined impact of all of the mining projects in the region, increases the demand for skilled labour, land, housing, health services, etc, it makes it increasingly difficult for the region's other industries to compete. Council is determined to maintain the current diverse mix of industries in the region and ensure the long term sustainable economy.

Terrestrial ecology assessment

Council Comment – compensatory and mitigation offsets to protect in perpetuity by conservation agreements and dedication to the reserve system on land adjacent to existing national park shifts rate burden to the whole community who would be subsidising the mine for actions that are required as part of their business operation. Council considers that an alternate system for dealing with biodiversity offsets should be developed to ensure that conserving offsets in perpetuity for business purposes does not alter the ability to rate the subject land so that Council continues to be able to levy rates for the whole of the business operation.

Project Justification

Council Comment – if a cost/benefit analysis were undertaken on a local level the conclusion would be entirely different to that arrived at in the EA. This is because of the excessive cost burdens that mining has on local communities in terms of impacts on local infrastructure including the road network, not just those roads in the vicinity of the mine; housing and upward pressures on purchase costs and rentals, health facilities and numbers of health professions, educational facilities, particularly pre-schools and other industries and upward pressures on wages. These matters are neither acknowledged as being significant issues nor adequately addressed in the EA. Council considers that the mining industry, including Mt Penny, should not only acknowledge that there are significant costs that can be directly attributed to their activities but they also have a responsibility to local communities to assist in effectively mitigating those costs.

Voluntary Planning Agreement

Council Comment – Council considers that it will be at a disadvantage when trying to negotiate an appropriate VPA due to the flawed assumptions and conclusions that have been drawn in terms of the potential impacts of the Project. The established model for negotiating VPAs is based on an agreed impact on infrastructure, which in the case of this project has been grossly underestimated. Council considers that certain roads including but not limited to Wollar Road from the village of Wollar to the site should be upgraded at full cost to the Proponent and that the offer of \$500,000 is grossly insufficient to adequately cover future upgrades to community infrastructure that will be generated by this Project. The quantum of the VPA additional to the road upgrade and maintenance costs needs further consultation

Other Matters –

Council considers that the assessment of the following matters have been adequately addressed in terms of the Director General's Requirements:- European and Aboriginal heritage, Bushfire, other Risks/Hazards and Visual impact.

The assessment of the Mine rehabilitation strategy is of a technical nature outside of Council's area of expertise and should therefore be reviewed by an appropriate State agency. Similarly both the Air quality and Greenhouse gas assessments and the Terrestrial ecology assessment contain survey information and analysis of technical and scientific data that will need to be reviewed by experts in the relevant fields to establish whether the reports meet DGRs.

In Conclusion –

Council acknowledges that mining contributes to the economy of a region, however there are also considerable pressures placed on public and private resources of the community. Some of these costs can be directly attributed to the activities of the mining industry. The mines should not only acknowledge this but should also take on board that they have a responsibility to local communities to assist in mitigating those costs.

Currently there would seem to be an imbalance with Council and the local community bearing a disproportionate level of the burden created by mining in our region which will be further exacerbated by the Mt Penny project. This includes the direct costs to upgrading infrastructure and indirect costs such as upward pressure on housing costs and impacts on the local health system. Council does not receive any direct benefits from the amount of coal royalties taken by State Government to improve infrastructure. These matters and concerns have not been adequately addressed in the EA for the Mt Penny project.

Further, it has not generally been the case that mining applications and the determination of those applications have adequately addressed the cumulative impacts that mining is having across our region, including impacts on other existing industries and long established uses, particularly agricultural pursuits and tourism as well as the cumulative impacts on the towns and villages. The EA for the MT Penny project also fails to adequately address these concerns and issues.

Council considers that the cumulative impacts have reached such a level that requires careful consideration and management through the development of a Regional Strategic Plan for our particular unique area and the placement of an Officer from the Office of Environment & Heritage on a permanent basis in the region.

Yours faithfully

WARWICK BENNETT
GENERAL MANAGER

7.2.20 Mudgee Mountain Bike Plan

REPORT BY GENERAL MANAGER TO 26 SEPTEMBER 2012 COUNCIL MEETING

COUNCIL 120926

A0100055, R0790051

RECOMMENDATION

That:

1. **the report by General Manager on the Mudgee Mountain Bike Plan be received; and**
2. **Council approves in principal for the Mudgee Cycling Club to use the Mudgee Common for mountain bike riding subject to:**
 - **the Mudgee Cycling Club obtaining all necessary insurance covers that protects Council from any claims for injury or other public liability events that occur on this property**
 - **the Mudgee Cycling Club applying for development application to undertake this activity on an outdoor recreation facility.**

Detailed report

Please find enclosed a self explanatory request from the Mudgee Cycling Club to use the area known as the 'Mudgee Common' for mountain bike riding. The land in question, as can be seen from the separate map at the need of the business paper, is zoned E3 - Environmental Management under the Mid-Western Regional LEP 2012. A mountain bike track would be defined as an outdoor recreational facility and is permissible with Council consent.

It is the writer's belief that the main issues of consideration would be access to the site up Common Road, car parking on site, erosion and sediment control and clearing, aboriginal archaeology and other environmental impacts.

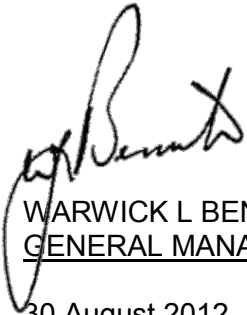
This report recommends that Council give approval in principal for the Mudgee Cycling Club to use the Common for mountain bike tracks subject to the cycling club applying for a development application to address the issues above and to also undertake wide community consultation.

Financial implications

Not applicable at this time as no funding application can be considered until such time as the development application can be determined.

Strategic or policy implications

This proposed activity is covered in the Mid-Western Regional LEP 2012 and defined as an outdoor recreation facility which is permissible by Council considering a development application.



WARWICK L BENNETT
GENERAL MANAGER

30 August 2012

- Attachments:*
1. Email from Russell Conchie, Mountain Bike Coordinator, Mudgee Cycling Club
 2. Application for Development of Mountain Bike Park in Mudgee
 3. Map of proposed area (at the end of the Business Paper)

ATTACHMENT 1

From: Russell Conchie [<mailto:rconchie@ozemail.com.au>]

Sent: Monday, 27 August 2012 12:48 PM

To: Warwick Bennett

Subject: Re: Mudgee Mountain Bike Plan

Good afternoon Warwick,

It has taken a bit of time to get this application back to you due to some changes in club structure of the Central West Off Road Bicycle Club.

The initial application was being made through the Mudgee branch of the Central West Off Road Bicycle Club, which had branches in Orange, Parkes, Geurie, Dubbo and Mudgee. The structure of this club has now be disbanded and broken up into individual clubs. I had heard this was going to happen and had been waiting on the confirmation before submitting the final application for the development of a Mountain Bike Park.

Here in Mudgee we have now joined forces with the Mudgee Cycle Club to form a Mountain Bike division of the club to complement the existing Road Cycling division. This will also give the increasing number of local MTB riders a local club to join and support.

With this in mind I have changed the application for the development of a Mountain Bike Park to now be from/on behalf of the Mudgee Cycle Club. The issues raised in the previous correspondence regarding access, parking and number of tracks have been addressed in this new application.

On behalf of the Mudgee Cycle Club I hope that this application for the building of a formal Mountain Bike Park on the Mudgee Common will meet with council will approval and support for the building of a formal Mountain Bike Park on the Mudgee Common.

Regards,

Russell Conchie
Mountain Bike Co-ordinator
Mudgee Cycling Club
M: 0410 686 085

FORMAL APPLICATION FOR THE
DEVELOPMENT OF A
MOUNTAIN BIKE PARK
IN THE
MUDGEES COMMON
ON BEHALF OF
MUDGEES CYCLE CLUB

INTRODUCTION:

This formal application is being made to the Mid Western Regional Council (MWRC) on behalf of the Mudgee Cycle Club for the development of the area known as Mudgee Common into a designated mountain bike park.

The basis behind formalising the development of this area into a designated mountain bike park is to give local and visiting mountain bike riders a properly built and maintained Mountain bike track, and providing the community with another sporting facility, helping to increase the number of activities available in the region.

As mountain biking is one of the fastest growing forms of cycling, the other benefit to the community will be from an increase in cycle tourism as the number of cyclists visiting the region to ride these trails grows.

Mudgee currently has no formal infrastructure in place for mountain biking (MTB), yet the area known as Mudgee Common is being used for mountain biking by the ever increasing number of mountain bikers in Mudgee. This area currently has a small network of well established trails that the riders use and enjoy riding. It is this area that Mudgee Cycle Club would like to formally develop into a designated mountain bike park.

Regions around Australia who have made the move to accommodate the sport of mountain biking, and cycling in general, have seen a benefit to their region through increased cyclist tourist visitation and from hosting various mountain biking events.

What has Mudgee got to offer to the Mountain Biker?

The area which offers the best opportunity for the development of a MTB park is located on public known as Mudgee Common. This location is ideal for developing as a designated MTB park due to the type terrain found in this area, which is well suited for all aspects of MTB, with both hilled and flat sections. Another major benefit of developing this area is it's close proximity to town, which makes it easy to access for all participants, regardless of age or transport method to the start of the trails.

Within the Central West region Dubbo, Geurie, Orange and Parkes have already developed MTB infrastructure as a result of demand from locals and visiting cycling tourists. Parkes has now established a major XC endurance event, The Back Yamma Bigfoot (<http://www.backyammabigfoot.com.au/>), which is held at the Back Yamma State Forest on an annual basis and accommodates 400 riders. In 2012 MTB approximately 10 riders from Mudgee will be participating in this event.

Current Issues for Mountain Biking in Mudgee:

Illegal use of public land for MTB is the main issue at this current time. As mentioned earlier some of the trails currently ridden do encroach onto NPWS land. NPWS current policy on MTB is that riding in parks is only to be undertaken on designated roads or paths unless otherwise sanctioned, though it should be noted that NPWS is now looking to work more with park users, namely cyclists, to further develop access and use of National Parks land.

With the increase in the number of riders using the Mudgee Common, the issue of random trail building may increase as some riders take it upon themselves to extend the trail network not knowing that they are actually extending into National Parks land. The problem here is that these types of trails are often constructed without any forethought for the damage they cause to the surrounding bushland, or they are not constructed properly resulting in erosion problems further down the line.

Another important is the issue of Public Liability; as public land being used for this activity, in which people can crash from time to time, this has to be a concern for all parties involved.

How can these issues be addressed?:

Establishing the Mudgee Common as a MTB park is the quickest way to address most of the issues listed above. Mid Western Regional Council, Mudgee Cycle Club members and non members would then be consulted on the implementation of a formal trail development and management program by Mudgee Cycle Club. By approving this area as a MTB area the risk of damage by random trail building will be negated through structured trail development and maintenance by Mudgee Cycle Club members as part of a MTB trail management plan.

Liability issues can then be addressed through the placement of appropriate signage at the trail head listing the dangers of MTB and that by entering this area to ride you do so at your own risk. This combined with a properly developed and signposted track, which is then maintained by Mudgee Cycle Club members, with support from non members and MWRC will help address this issue. As Mudgee Cycle Club is an affiliated club of Mountain Bike Australia (MTBA) any development of trails and club riding in this area would be done according to the MTBA Policy on Mountain Bike Access to Natural Areas and the MTBA code of ethics.

Benefits of developing an MTB Park on Mudgee Common:

First and foremost the issue of public liability would be addressed by the addition of appropriate signage highlighting the dangers of MTB and that by riding these trails you are accepting of these dangers. As the Mudgee Common is also used by other members of the community it will help make all parties aware that they are not the only users of this area.

Mountain Bike trail building company World Trail have addressed many of the frequently asked questions on the benefits of building these types of trails, many of which show that it is not just a benefit to MTB riders but also to the communities the tracks are established in.

Cycling is one of the fastest growing sports in Australia with 1.14 million people participating in some form of the sport (ABS, 2011). Of all the various forms of cycling (road, track and MTB), MTB is the fastest growing, with ever increasing numbers taking to MTB as a way of getting fit and being able to get out into the country.

By creating a designated MTB area, Mudgee's ever growing Mountain Biking community will be given somewhere legal to ride, plus it will encourage other members of the community to take up the sport. With obesity being a major problem today, offering a safe area for people to ride, which is away from traffic, is one way of trying to address this problem and encouraging people to get out and be active.

The other major benefit for the community will be from the additional tourist trade. According to NSW tourism the cycling tourist is worth an average daily spend of \$ 240.00 per person per day. Not only do cycle tourists have a good daily spend rate, but they also tend to stay longer than the average tourist by at least 1 day. This can only be of benefit to the Mudgee business community.

An article in the June/July 2010 edition of Mountain Biking Australia magazine the Central West region was featured and Mudgee was the only town not mentioned, yet we have some great riding available here (see attached article). The reason the Mudgee trails were not mentioned was the very fact that they are not "official trails" and the magazine did not want to publish information on an area not sanctioned for mountain biking.

With the many bike events being held in the region (Bike Muster, Mark Dyer Classic), which all help to promote Mudgee as a cycling destination, it could only be of benefit to develop a designated area suitable for MTB riding. This would further extend the options, and reasons, for cyclists to visit and stay in our region, benefiting the whole community.

Having a designated MTB park will also give Mudgee Cycle Club and MWRC access to government (state and federal) funding, along with funding from private enterprises, for the development of such sporting areas. Often this funding is given on a matched basis, e.g. the funding supplied by the government department/organisation is to be matched by either the same dollar amount or in work done by club volunteers to achieve the end result or a combination of both.

In June 2010 the Central West Mountain Bike Club (<http://ctmbc.net/>), which is based in Lithgow, received a \$ 30 000.00 grant from the NSW Sport and Recreation facilities program (www.dsr.nsw.gov.au/grants/srfgp.asp) for the building of a new downhill race track. NSW Sport and Recreation Facilities Program offers to cover 50% of the cost of any approved development during any designated financial year. The Central West Mountain Bike Club matched the grant amount through club funds and work done by club and community volunteers. On the weekend of 18 -19 August 2012 the Central West Mountain Bike Club hosted the 3rd round of the NSW State Down Hill Championships on the track built using the funding received from NSW Sport and Recreation facilities program in 2010.

The Groundeffect (NZ) cycle clothing company regularly donates funding to the development of such bike parks in both New Zealand and Australia. Some of the projects they have supported can be viewed in the Slush Fund section of their website (www.groundeffect.co.nz/underground/slush/?id=9&c=Projects).

Development of formal mountain bike facilities in Mudgee would allow the Council and/or Mudgee Cycle Club to apply for this type of state and federal government funding to help improve the MTB facilities available in any sanctioned MTB area. This funding could be used to further develop and maintain the trails, signage, and help fence the area properly, reducing the chance of motorbikes and 4x4's gaining access to the area causing any damage to flora and wildlife.

The NSW bike development plan released in 2010 highlights that cycling is important to regional and country NSW. This plan states that more than half of the international cycling tourists who come to Australia have NSW as their riding destination. To gain access to this international and domestic cycling traveller maximising the direct economic benefits of cycling outside metropolitan areas, the NSW Government will:

- promote cycle tourism in country and regional NSW destinations (page 43)
- encourage recreational bike riding as a great way to develop skills (page 43)

Support for cycling is an important part of the NSW Government's plans for a healthier, cleaner and fairer State – making this a great place, and time, to get on a bike and ride.

Through the development of a MTB park, Mudgee will be seen to be acting on some of the cycling issues which the NSW Government is looking to address, making it easier to gain access to government funding for cycling development.

What style of, and number of, mountain bike trails would Mudgee Cycle Club build?

As mentioned previously there are many different styles of MTB riding which encompass anything from downhill to cross country riding disciplines, each demanding differing types of terrain. The Mudgee Common area being considered for a MTB Park is well suited for building trails to suit all of these disciplines as it has steeper hilled sections for downhill riding along with rolling hills and gulleys suited to cross country riding.

However as there are already a small number of established trails within the Mudgee Common the obvious starting point would be with these trails and in developing and extending them form one (1) cross country style MTB course which would be of 10 to 15km in length starting from the locked gate at the end of Common Rd. At this entry point the appropriate signage would be placed regarding riding in the Common along with a trail map.

Cross country riding is the MTB style most commonly participated in, both by local and visiting riders, and a trail can be designed to cater to most skill levels. However in the initial mapping/planning stages of the development it would be recommended that consideration be given to factoring in the possible future development of either a pump style track and/or a downhill track to suit the requirements of the other MTB riders in the district.

Any development of trails would be done to meet the trail building standards set out by the International Cycling Union (UCI), Mountain Bike Australia (MTBA), and International Mountain Bike Association (IMBA) Australia whether this is done by Mudgee Cycle Club members, volunteers or by using the services of a qualified trail designer/builder or combination of both. By building the trails to UCI, MTBA and IMBA standards it will ensure these track have minimal impact on the environment, can be easily maintained, are built only in the area on Mudgee Common allocated to MTB. Building to these standards means the trail design will make the most of the natural terrain available, thus giving credibility to the facility in Australian MTB circles.

To help in the designing and building of the initial Mudgee Common track, Mudgee Cycle Club Mudgee recommend that, with the assistance of Council and The NSW Office of Communities Sport and Recreation, a qualified trail designer/builder be commissioned to map the area and design a track layout, which then makes the most of the existing trails

and land/terrain available. In return for financial assistance from the council and The NSW Office of Communities Sport and Recreation, members of the Mudgee Cycle Club would donate their time free of charge to help build the track under the guidance of the contracted designers/builders.

This will then give Mudgee Mudgee Cycle Club members, along with other local riders, the chance to get involved in the development of the MTB Park, learn the art of building and maintaining trails properly. Through this understanding of how to properly build and maintain trails the local MTB riders will be encouraged to take ownership of this recreational area and help to maintain the tracks through trail working bees and maintenance days.

The International Mountain Biking Association (IMBA) is non-profit educational association whose mission is to create, enhance and preserve great trail experiences for mountain bikers worldwide. The IMBA offer services for trail design, trail planning for land managers, advice and information about Mountain Bike trail management for NGOs, Clubs, Government Agencies and Local Councils and so would be contacted for any relevant information regarding the building of trails in Mudgee.

The Trail Design:

As the initial plan would be to build just the one (1) cross country style trail the layout/design would be such that it offers a multiple riding experiences or opportunities for all levels of rider. The strategic use of the terrain available would see the development of a cross country trail network starting from the locked gate at the end of Common Rd. Using the locked gate as the trail head/starting point the developed trail would aim to be a "clover leaf" shape in its rough layout. This clover leaf style of track design means that the trail comes back towards the start point before heading out on the next section of track, thus allowing riders to ride as far or as little as they want by just adding or missing out a section of trail

A centralised trail head allows for trail development in a reasonably concentrated area which will minimise impact beyond the immediate trail precinct. This is attractive as it will concentrate traffic so that they need only armour one access route, it allows for the development of facilities to service larger numbers of riders, facilities which would not be possible at multiple smaller sites, and it allows for monitoring, evaluation and control to be focused in one area.

A centralised hub also allows land managers to proactively determine areas of their tenure which are less environmentally sensitive, areas which have been degraded perhaps or areas of common habitat types where trail development and use will have minimal impact on more environmentally sensitive areas. In a way land managers can utilise trail development for their own purposes, attracting visitors to areas which may be less attractive to walkers, botanists or bird watchers could also quarantine MTB activity from other users, thereby reducing conflict.

Riders need to be actively involved in the design, and preferably the construction of any trails as this ensures a sense of ownership of the trails and a reduces likelihood of unauthorised trail building elsewhere within the park.

Ownership and Management of trails:

The following information has been taken from the Mountain Bike Australia's trail building guide and would be the basis used by Mudgee Cycle Club in the building of a MTB park on Mudgee Common. While not all of the information is relevant to the Mudgee situation, it does form a strong guideline on the requirements needed to successfully build, maintain and manage MTB trails.

Implementation

Access to MTB areas in general.

Cycling in natural areas is aligned and compatible with the generally accepted concept of 'self-reliant recreation'. It is thus significantly akin to other 'self-reliant' recreational pursuits such as camping, walking, hiking, backpacking, canoeing, mountaineering, orienteering and rogaining. Although bicycles are statutorily recognised as a vehicle, mountain bike riding has far more in common with, and has similar environment impacts as the aforementioned recreational activities than it has with motorised activities such as off-road motor-bike riding and four-wheel driving. Therefore mountain bike riding should be afforded equitable access opportunities to natural areas.

Studies have demonstrated that on correctly designed narrow trails, mountain bike riding has a comparable impact as hiking. The placement of a trail is more critical in controlling erosion than the type of activity, even low impact trail use. Mountain bike riders tend to remain on formed trails, as such, environmental impact is confined to the localised area of the trails and less vegetation and wildlife tends to be disturbed when compared to hikers. Due to a variety of mountain biking styles, age range of riders and rider preferences, a wide range of riding opportunities should be provided for off-road cyclists. The variety of trails should range from single track (narrow trails less than 2m corridor width) to graded dirt roads. Single track through natural bushland is a desirable trail type, hence the development of these trails are important. Properly developed single track has the added advantage of minimal impact on the environment. Single track mountain bike trails, especially those with a shared use theme, should be seen as a viable method of protecting our bushland areas.

MTBA advocates that the following trails should be open to mountain bikers:

- all public roads within protected areas;
- all access roads such as management tracks, fire trails and 4WD roads in protected areas;
- all roads within wilderness areas which cannot be completely rehabilitated; and,
- single tracks should be open to mountain bikers where these trails are of suitable design and construction to enable sustained use by mountain bike riders.

Generally, shared trails are preferable to single-use trails. Shared trails build a community of trail users and shared trails reduce the need to build new trails for each different user group. However, at times, single use trails may need to be developed to cater for different styles of mountain bike riding. Not all styles of riding will necessarily be suitable for all areas.

Access to Mudgee Common:

The Mudgee Common is accessed through the locked gate at the end of Common Rd. Currently most of those making use of the Mudgee Common are local riders who actually ride from home to the access gate.

At this time that this area at the locked gate has very limited parking, and very little room for expansion of parking. However there is ample street parking on Bellevue Rd at the bottom of Common Rd which can be, and would be requested that be utilised by those driving to the trails.

With the development of the MTB Park the appropriate signage would be erected directing any riders driving to the trails that this area is a drop off, pick up and turn around area only and that all vehicles are to be parked on Bellevue Rd.

For any events being held in this area once the track is established the event organisers would be required to provide restricted vehicle access to Common Rd, thus only allowing local traffic and emergency services access, and so relieving any parking problems along Common Rd that may arise due to the event being held.

Trail User Interactions

Everyone should have the opportunity to enjoy green, open space. Mountain bike riders, walkers, hikers and backpackers seek similar experiences of the natural environment and it is possible for them to share trails. Harmonious interactions between trail users are possible through the use of sensible trail design, education and familiarity of user groups. Familiarity and education strategies are required to allow all trail users to feel safe and comfortable with each other.

In many cases user conflict has been a convenient excuse to exclude mountain bike riders. However, it is widely reported that trail user conflict is rare and in many cases, trail user interaction is a positive experience. Potential for trail user conflict can be minimised by a combination of user education, including a code of conduct and trail design. It should be noted that many trails in North America and Europe are multi-use, have greater numbers of users but have virtually no user conflict issues. Mountain bikers who feel that they have some 'ownership' of the trail will allow effective peer group management of riders who rebel against the accepted code.

The least managed rule should be applied to solving user interaction issues. Managing conflict should start with educational efforts, advance to the use of peer patrols, move to time, season or location restrictions, and only as a last resort should management close trails to bicycling.

Trail Building Principles

MTBA subscribes to the trail building principles advocated by the International Mountain Biking Association (IMBA). These principles have been used to build enormously successful trail networks throughout the world. The guiding principle is that trails be sustainable, i.e. the trail:

- supports current and future use with minimal impact to the area's natural systems;
- produces negligible soil loss or movement while allowing vegetation to inhabit the area;
- recognises that pruning or removal of certain plants may be necessary for proper maintenance;
- should not adversely affect the area's animal life;
- accommodates existing uses and will allow appropriate future use; and,
- requires little re-routing and minimal long-term maintenance.

Biodiversity

Due to the limited knowledge about the impact of trails on wildlife, management decisions about access should be applied equitably to all trail users.

MTBA promotes progressive conservation management policies. By permitting greater suitable patronage to natural areas, the community will perceive greater ownership and, as a consequence, value the region more highly. Conservation and protection of a region is an outcome due to this community ownership. By encouraging greater managed usage, natural areas will be preserved for our future generations. One way of encouraging users to an area, which has been demonstrated in many regions throughout the world, is by providing a desirable location for mountain bike riding.

In natural areas that have times of the year important to the local fauna or flora access should be appropriately managed for all users. Where there are particularly sensitive environmental areas, or areas that are affected by soil-borne diseases which must be contained, all recreational access to these areas should be prohibited.

MTBA Code of Conduct

MTBA promotes the responsible use of our natural resources in order to minimize environmental impact and ensure compatibility with other user groups. MTBA encourages all mountain bike riders to adopt the internationally recognised International Mountain Bike Association's (IMBA) "Rules of the Trail".

The MTBA code is based on mutual respect for other visitors, respect for the environment and supports minimising impact on trails.

- Try not to scare animals. Respect that the forest is the home of many native species. Try not to run livestock.
- Ride on open trails only. It is your responsibility to find out where you can ride. Respect land managers decisions about closures and respect private land.
- Always give way. Bicycles are faster than other trail users. When approaching others slow to pass. Respect that they are after the same nature based experience. Be friendly.
- In all situations, control your bicycle. Avoid skidding, and ride within your ability.
- Leave no trace. Pack out everything you take in. Stay on the track. Do not cut new trails.
- Self-reliant mountain bikers carry enough water, snacks and basic tools to deal with common situations during their journey. They plan ahead and let others know where you they going.

Conclusion

By designating the area of Mudgee Common as a MTB park it will allow the current trails to be properly mapped, upgraded where needed, maintained and for the development of trails to further enhance the riding opportunities. Design and maintenance of trails can then be done to MTBA and UCI guide lines, thus making sure that they are properly designed and built to suit the terrain, while avoiding any delicate areas. All parties involved, MWRC, NPWS, Mudgee Cycle Club and local MTB riders, will be able to have input in to the development and management of this area so that all benefit.

The area of Mudgee Common and Avisford Reserve is one of the best locations around Mudgee for developing a MTB park; every opportunity should be taken to make this possible for the benefit of not only local riders, but also for the benefit of the local community.

The Mudgee Cycle Club, with the support and approval of MWRC is willing to take on the management of this area as a community and club mountain bike park.

Mudgee Cycle Club MTB Coordinator
Russell Conchie

M: 0410 686 085
E: rconchie@ozemail.com.au
W: <http://mudgeecycleclub.com>

Bibliography:

Australian Bureau of Statistics. 2011. Sports and Physical Recreation: A Statistical Overview, Australia, retrieved from www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/13079D4D74D407E1CA25787000149C1F

MTBA mountain bike access to natural areas policy. Retrieved from club resources section of www.mtba.asn.au

MTBA code of conduct. Retrieved from club resources section of www.mtba.asn.au

NSW Bike Plan. 2010. Retrieved from www.nsw.gov.au/bikeplan

NSW planning guides for walking and riding. Retrieved from www.planning.nsw.gov.au/plansforaction/pdf/guide_pages.pdf

World Trail, Frequently asked questions

7.2.21 Mudgee Saleyards Management Committee

REPORT BY GROUP MANAGER OPERATIONS TO 26 SEPTEMBER 2012
COUNCIL MEETING
COUNCIL 120926
A0100055, A0100047, F0720036

RECOMMENDATION

That:

1. **the report by Group Manager Operations on the Mudgee Saleyards Management Committee Meeting be received;**
2. **That the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 16 August 2012 be noted;**

Executive summary

The purpose of this report is to advise council of the considerations and recommendations of the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 16 August 2012.

There are no matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under separate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receives additional information.

Detailed report

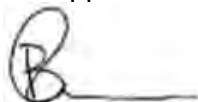
Not applicable.

Financial implications

Not applicable.

Strategic or policy implications

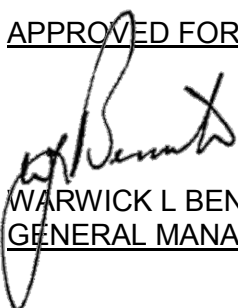
Not applicable.



BRAD CAM
GROUP MANAGER, OPERATIONS

Attachments: 1. Minutes of the Mudgee Saleyards Management Committee ordinary monthly meeting 16 August 2012.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1



Minutes

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

**MINUTES OF THE MUDGEE REGIONAL SALEYARDS COMMITTEE MEETING HELD ON
16 AUGUST 2012 COMMENCING AT 9.35am AND CONCLUDING AT 10.30am**

Present Cr John Webb (Chair), Terry McDonald (Selling Agent), Cr John Weatherly, Bob Kearins (NSW Farmers Association), Jason Pearce (Selling Agent), John Little (NSW Farmers Association), Barry Clapham (Transport Rep)

In Attendance: Danielle Ogden (Minute Secretary)

Cr John Webb opened the meeting at 9.35am and thanked all for attending.

1. APOLOGIES

Andrew White (Beef improvement association)
Brad Cam (Council)

2. MINUTES OF PREVIOUS MEETING

Recommendation: That the minutes of the meeting held on 19th April 2012 be accepted.

Moved: Terry McDonald 2nd Jason Pearce

Recommendation: That the notes of the meeting held on 14th June 2012 be accepted.

Moved: Terry McDonald 2nd Jason Pearce

3. MATTERS ARISING FROM MINUTES OF THE MEETING ON 19th April 2012

- 1) Indicator Board – Every now and then the weights will not show up, Peter Mitchell still working on it.
- 2) Signage on Main Road – sign has been ordered
- 3) New Cattle Crush – it was agreed that the new crush to be ordered must have a floor. All agreed that they would prefer to purchase the crush locally. Terry McDonald to come up with a quote. Quotes to be looked at & decided by Group Manager of Operations, Brad Cam.

4. CORRESPONDENCE

NIL

5. GENERAL BUSINESS

Statistics

Statistics are good.

Review of Response Plan

Plan to be looked at by everybody. Any comments & suggestions to be made at next meeting.

Review of Safety Procedure due to Cow Escape

Terry McDonald stated that the Agents had put in place that the gates are locked & people wearing vests to be at each gate monitoring movements. Terry to write down procedure. Agents to continue trialling until the end of September.

Moved: Terry McDonald 2nd: John Little

6. BUSINESS WITHOUT NOTICE

Barry Clapham

There is a problem with the toilets and showers occasionally being locked at various times. LSRI – John Beer, can provide funding to have AV data locks installed. Barry to ring John & find out what needs to be done. Will inform Danielle.

Moved: Barry Clapham 2nd: Bob Kearins

New delivery person (Tiffany Holquist) who replaced Shane Rogers doing a good job so far.

7. DATE OF NEXT MEETING__ 18th October 2012

Meeting closed 10.30am

7.2.22 Mudgee Sewerage Augmentation Progress Report

REPORT BY BUSINESS MANAGER SERVICES TO 26 SEPTEMBER 2012
COUNCIL MEETING
COUNCIL 120926
A0100055, F0740001

RECOMMENDATION

That the report by Business Manager Services on the Mudgee Sewerage Augmentation Progress Report be received.

Executive summary

Attached for Council's information is a progress report on the construction of the Mudgee Sewage Treatment Plant, Putta Bucca Pump Station and Power Supplies contracts. Monthly progress reports will be provided to Council for the duration of the project.

Detailed report

The attached report contains relevant information on expenditure and project programme.


Financial implications

Contract variations for the Mudgee Sewage Treatment Plant construction to date amount to \$179,869.92 (ex GST).

Strategic or policy implications

Not applicable.

CLAIRE CAM
BUSINESS MANAGER SERVICES



BRAD CAM
GROUP MANAGER, OPERATIONS

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

13 September 2012

Attachments:

1. Contract No 0901709 – Project Status Report – August 2012

Mudgee Sewerage Augmentation
Contract No.0901709 - Construction of a New Sewage Treatment Plant and
Associated Works
Contract No.1101275 – Upgrade of Putta Bucca SPS and Associated Works
Contract No.1102539 – Power Supply Upgrades

Project Status Report August 2012



Report No. 12

Issue Date: 12 September 2012

Prepared by: Claire Cam
Principal's Authorised Person

Contents

EXECUTIVE SUMMARY – STP Construction Contract.....	2
1. Project Status	3
1.1 Work Progress during August 2012	3
1.1.1. Aeration and Catch Balance Tanks.....	3
1.1.2. UV Disinfection Structure.....	3
1.1.3. Inlet Works.....	3
1.1.4. Pipework.....	3
1.2 Work Activities planned for September 2012.....	3
1.2.1. Aeration and Catch Balance Tanks.....	3
1.2.2. Amenities Building	3
1.2.3. Pipe Work.....	3
2. Work Health and Safety	4
3. Project Variations.....	4
4. Contractual Issues	5
5. Progress Payments.....	6
6. Program.....	6
7. Summary of Contract for Putta Bucca Pump Station Upgrade	6
8. Summary of Contract for Power Supply Upgrade	7

EXECUTIVE SUMMARY – STP Construction Contract

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	\$179,869.92
Current Contract Sum	\$13,879,165.37
Contract Payments to Date	\$5,737,750.01
Total Project Cost Expended	41.3%
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	99 calendar days (19.4%)
Contract Completion Date	8 April 2013
Calendar Days Elapsed	402
Calendar Days Remaining	208
Total Project Time Expended	65.9%

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 August 2012

1.1.1. Aeration and Catch Balance Tanks

The fixing of steel reinforcement and pouring of the concrete walls for the aeration and balance tanks was completed in the last month.

1.1.2. UV Disinfection Structure

The Contractor has begun the UV disinfection structure with the pouring of a concrete blinding layer, and commencement of steel fixing and pouring of concrete for the base and walls of the discharge end of the structure.

1.1.3. Inlet Works

Steel has been fixed for the base slab of the inlet works structure during August. Steel has been fixed, formwork construction and concrete poured for the grit removal chamber has also continued during August.

1.1.4. Pipework

The Contractor has continued to lay the discharge pipeline that will carry treated effluent from the plant's UV structure to the effluent discharge main (constructed under a previous contract).

1.2 Work Activities planned for September 2012

1.2.1. Aeration and Catch Balance Tanks

The Contractor plans to commence steel reinforcement fixing and formwork construction for the walkways along four of the walls of the aeration and balance tanks.

1.2.2. Amenities Building

Construction of the amenities building verandah will be undertaken during September. Internal fix-out will continue with installation of cabinetry and tiling expected to commence.

1.2.3. Pipe Work

The Contractor will continue to lay pipe from the rising main (constructed under a previous contract) to the inlet works as well as the discharge pipeline that will carry treated effluent from the plant to the effluent discharge main (constructed under a previous contract). Pipework for site drainage and electrical conduits will also continue.

2. Work Health and Safety

The Contractor reported one Work Health and Safety incident in August. A worker strained their back, resulting in a lost time injury (40 hours).

3. Project Variations

Two Requests for Variations have been assessed and approved during August:

- The supply and installation of a raised fibre reinforced plastic (FRP) walkway for the centre wall of the aeration tanks, to allow installation of aerator cabling beneath removable walkway. The raised walkway will provide access to aeration tank equipment with decreased WH&S risk to operators. The approved cost for this variation to the Contract is \$30,720.75 (ex GST). There is an extension of time of 4 days approved in associated with this variation.
- The replacement of stopboard frames material from aluminium to stainless steel. Stopboards will direct the flow of sewage through the inlet works and into the aeration tanks. The covered inlet works is a very corrosive environment. In similar applications, aluminium frames have been replaced within the first few years of operation with stainless steel frames due to failure of the aluminium. The approved cost for this variation to the contract is \$2,200.00 (ex GST).

Total cost of variations to date = \$179,869.92 (1.31%).

Table 1 provides a summary of all approved variations to date for the Contract.

Table 1. Requests for Variations

Variation No.	Agreed Scope of Works	Approved by	Cost (ex GST)
1	Works Insurance Policy minimum \$20M	Brett Corven	\$0.00
1a	Professional Indemnity Insurance Policy \$1.5M	Brett Corven	\$0.00
2	Install an additional two 5m wide access gates.	Brett Corven	\$0.00
3	Switchroom sub-floor walls to be reinforced concrete.	Brett Corven	\$0.00
4	Relocate electrical substation to northern side of Road No.1 Chainage 410-420, including design and construction of an earth retaining structure.	Brett Corven	\$0.00
5	Supply & install an additional strand of barbed wire on the security fencing.	Brett Corven	\$0.00
6	Redesign, supply and install underdrain system and perimeter drain to drain seepage to atmosphere.	Warwick Bennett	\$141,086.17
7	Hourly rate for drafting to produce Construction Issue plans.	Brad Cam	\$5,330.00
8	Odour control lids – change from Aluminium to FRP.	Brad Cam	\$0.00
9	Increase concrete cover from 50mm to 65mm on reinforcement for surfaces in contact with sewage.	Brad Cam	\$0.00
10	Replace Iwaki dosing pumps with Grundfos DME 60 pumps.	Brad Cam	\$0.00
11	Provide additional concrete to match height of balance tank north and south wall thinning to eastern wall.	Brad Cam	\$0.00
12	Supply and install FRP grated walkway along centre wall of aeration tanks to allow installation of aerator cabling beneath the grating, decreasing WH&S risk during maintenance.	Warwick Bennett	\$30,720.75
13	Change stopboard frames material from aluminium to stainless steel.	Warwick Bennett	\$2,200.00

4. Contractual Issues

Nil

5. Progress Payments

Progress Claim No. 9 for a sum of \$713,538.25 (ex GST) was approved on the 10th August 2012 for work completed in July.

Progress Claim No. 10 for a sum of \$590,433.10 was received on the 31 August 2012. The progress claim has been assessed and a progress payment of the full amount claimed has been approved.

6. Program

One claim for extension of time of 4 days in relation to the Request for Variation to supply and install a raised walkway for the aeration tanks has been approved during August.

The completion date for the project is 8 April 2013.

7. Summary of Contract for Putta Bucca Pump Station Upgrade

Contract No.	1101275
Principal Contractor	Poonindie P/L t/a Ted Wilson & Sons
Original Contract Sum (ex GST)	\$2,436,710.00
Approved Cost of Variations Total	(\$21,821.82)
Current Contract Sum	\$2,414,888.18
Contract Payments to Date	\$68,523.64
Total Project Cost Expended	2.8%
Date of Contract	28 June 2012
Original Contract Duration	40 weeks (280 calendar days) Milestone 1: 6 weeks Milestone 1+ 2: 32 weeks Milestone 3: 6 weeks Milestone 4: 2 weeks
Approved Extensions of Time Claims	NIL
Contract Completion Date	4 April 2013

Calendar Days Elapsed	78
Calendar Days Remaining	202
Total Project Time Expended	27.9%

8. Summary of Contract for Power Supply Upgrade

Contract No.	1102539
Principal Contractor	Large Industries P/L t/a JLE
Original Contract Sum (ex GST)	\$352,145.00
Approved Cost of Variations Total	\$20,000.00
Current Contract Sum	\$372,145.00
Contract Payments to Date	NIL
Total Project Cost Expended	(Payment upon completion)
Date of Contract	28 June 2012
Original Contract Duration	12 weeks
Approved Extensions of Time Claims	100 calendar days *
Contract Completion Date	29 December 2012
Calendar Days Elapsed	78
Calendar Days Remaining	106
Total Project Time Expended	42.4%

* Extension of time of approximately 100 days will be required due to circumstances outside of the control of the Contractor or Principal. Essential Energy changed their approved substation supplier after the design and tender period. Approximated extension of time to the Contract will be confirmed once the new substation supplier advises delivery date.

7.2.23 Mudgee Sports Council minutes

REPORT BY GROUP MANAGER MID-WESTERN OPERATIONS TO COUNCIL MEETING
26 SEPTEMBER 2012

Mudgee Sports July & August

A0100055, A0360013

RECOMMENDATION

That:

1. **the report by Group Manager Operations on the Mudgee Sports Council minutes be received;**
2. **That the minutes for the Mudgee Sports Council ordinary monthly meetings held on 30 July 2012 & 27 August 2012 be noted.**

Executive summary

Not applicable.

Detailed report

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Sports Council Meetings held on 30 July & 27 August 2012. The Sports Council receives an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meeting. A copy of the Works Requests and Matters in Progress are attached for Council information.

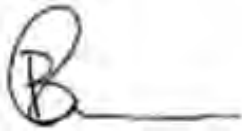
There are no further matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under separate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receives additional information.

Financial implications

Not applicable.

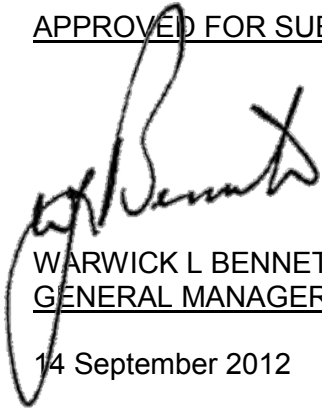
Strategic or policy implications

Not applicable.



BRAD CAM
GROUP MANAGER, OPERATIONS

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

14 September 2012

- Attachments:*
1. Minutes of the Mudgee Sports Council Ordinary Meeting 30 July 2012
 2. Updated Works Request and Matter in Progress List
 3. Minutes of the Mudgee Sports Council Ordinary Meeting 27 August 2012
 4. Updated Works Request and Matter in Progress List

Sports Council Meeting.
Glen willow Netball Meeting Room
30-07-2012
18:40

Present: P. Mitchell, K. Lang, M. O'Keefe, R. Golden, C. Kurtz, N. Toohey, G. Bartim , G. Robinson, T. Kastelein, T. Ford & J. Johnson.

Apologies Nil Moved N. Toohey seconded R. Golden.

Amendment required to previous minutes C. Kurtz was an apology, and T. Kastelein was present.

Previous minutes read as true and correct- R. Golden seconded M. O'Keefe.

A representation of player's from Mudgee Softball were present to report on their success at Carnivals in NSW and QLD, and thanked the Mudgee Sports council for the financial support given.

Business arising from previous minutes:

1. Did council adopt the letter from WRAS leader Nancy Heslop?

Treasurer's report:

1. \$49,324.34 in account.
2. Mudgee Netball and Mudgee Hockey have paid winter fees.
3. Mudgee Black swans have fees still owing. Treasurer will check to see if Mudgee Junior League have paid.
4. Mudgee Little Athletics still have fees owing from season 2011/12.
Treasurer's report moved T. Ford seconded R. Golden,

Secretary Report:

1. Nil.

Works Request updates:

1. Cricket net extension completed.
2. Eve's and security light still broken near main door Victoria Park amenities block.
3. The spraying of catheads will continue at Glen Willow.
4. The leak fixed in amenities block Victoria Park but ceiling remains bowed and stained request repair urgently.
5. Fire extinguishers have not been checked in amenities buildings.
6. All works requests for Glen Willow will be forwarded to the caretaker.

Works Requests:

1. The grass Netball courts remain very wet, request sprinklers be turned off for moment.
2. Request from Mudgee Netball for Aluminium seating around Netball courts.
3. Sports council request as a matter for urgency that Fire Extinguishers' be checked and if not present be installed in all user group venue's.
4. Glen Willow in the home change room sink blocked and not draining.
5. Glen Willow, gas tank cover been backed into please check for gas leaks.
6. Lights need replacing at Jubilee, Greg Bartrim offered his scissor hoist.

General Business:

1. Sports council request Council inform Security staff to check venues if lights on clubs having meeting after 9pm have been locked in with security staff not checking to see who is there, before locking gates.
2. Representatives from Greater Sydney AFL coming to Mudgee to see Mudgee council re, revamping Victoria Park.
3. Issue with the way some people exiting Glen Willow with vehicles driving in a dangerous manner.
4. Netball staging large carnival April 2013.
5. The internal fencing at Glen Willow still ongoing, as local companies to busy to do.
6. Team manager course to be held at PCYC 7th August, cost is \$60.
7. Notice from some clubs, from their head offices that volunteers must be treated like employees, which involves OH&S, First Aid, and the same duty of care as an employer would have to adhere to.

Meeting Closed 19:25
Next meeting to be held
27th August 2012.

ATTACHMENT 2

MUDGEES SPORTS COUNCIL					
Works Requests					
Requested	Date	WR #	By Whom	Action Taken	Status
Fencing loose at Cahill Park near Grandstand	30/01/2012		MBC		In Progress
Glen Willow - catheads between road and eastern fields	30/01/2012		MBC	Continual spraying program will be undertaken	In Progress
Glen Willow - Netball leak at northern entry	27/02/2012		MBC	Advised Caretaker	In Progress
Fire Extinguishers at all grounds			MBC	Advised Fire Solutions and will have that checked	In Progress
All requests for Glen Willow given to Caretaker to investigate fix			MBC		In Progress
The grass Netball courts remain very wet, request sprinklers be turned off for moment.	30/07/2012		MBC		New
Request from Mudgee Netball for Aluminium seating around Netball courts.	30/07/2012		MBC		New
Sports council request as a matter for urgency that Fire Extinguishers be checked and if not present be installed in all user group venue's.	30/07/2012		MBC		New
Glen Willow in the home change room sink blocked and not draining.	30/07/2012		MBC		New
Glen Willow, gas tank cover been backed into please check for gas leaks.	30/07/2012		MBC		New
Lights need replacing at Jubilee, Greg Bartram offered his scissor hoist.	30/07/2012		MBC		New
**** Graffiti is removed as best we can without painting whole structures					
Matters in Progress					
Requested	Date	WR #	By Whom	Action Taken	Status
Rubbish strewn around small bins at Cahill Park	2/05/2011	PK0114/2010	MBC	Will look into replacing with sulo bins in new financial year	In Progress
Recycle bins missing from Victoria Park also the chain which locked the bins to the post			MBC	To be ordered	In Progress
For Future Budget Consideration (ie no current funding)					
Requested	Date		By Whom	Comments / Cost	
Victoria Park - Two lights are out on the Eastern Tower and a locking switch is required for the tower. It has its own on/off switch.	4/04/2011	340507	MBC	Major works required for future budget consideration	In Progress
Post and rail needs replacing near storage shed Walkers oval		PK0115/2010	MBC	May put bollards there dependant on budget	In Progress
Request gate be installed between Rugby Clubhouse and Jubilee Oval			MBC	Investigating	In Progress

Sports Council Meeting,
Glen Willow Netball meeting Room,
27-8-2012
18:37.

Present: P Mitchell, T. Ford, K. Lang, M. O'Keefe, C Kurtz, G. Bartim, R. Golden, B Harris (Mudgee Guardian), C Whiteside, D Payne, D Snyder, Carrie Hooper.

Apologies: J. Johnson, G. Robinson

Moved K Lang seconded M O'Keefe that apologies be accepted. Carried.

Minutes:

Previous minutes read as true and correct- C Kurtz & 2nd R Golden

Business arising from previous minutes:

1. Fire Extinguishers still need ATTENTION

Treasurer's Report:

1. Sports Council funds as of 25/06/2012: Approx. \$51 000.
2. AFL paid
3. Junior League paid

Moved T. Ford and seconded K Lang

Correspondence: Nil

New Work Requests:

1. Cricket asked that curator not mow over pitches.
2. Cricket, no water at racecourse
3. AFL asked that Ceiling in Vic Park needs repair.
4. Access door on Western side Glen Willow amenities needs new lock.
5. Disabled toilet at Glen Willow amenities needs new lock.
6. Lights at Vic Park above bike track "Some need replacing"

General Business:

- Soccer tabled letter to request funding \$450 for Kurtley Golden for making National Titles .
- Cricket tabled a letter to council to arrange a meeting with council to discuss watering needs for the summer.
- Cricket asked if "unofficial locks "can be cut of at Vic Park Grandstand storage facility to allow access to equipment. Sports Council agreed that locks should be cut.
- AFL to move not used sporting equipment from under Vic Park Grandstand.
- RL to move posts from under Vic Park Grandstand
- Fields out of action at Glen Willow 8th October to early January.
- Cycling asked to store bikes under Southern end Vic Park Grandstand. Meeting to be arranged with AFL and Cricket.
- Re surface of Cycle Track at Vic park, council have put in request to Sport and Recreation for grant.
- Soccer: Water re GW Country Energy will take 6 weeks to sort power out to pumps, council are talking about using a generator to water fields.

MOTION: "To continue with suspension of out of season sporting competitions for 12 months to allow grounds to regenerate as there is already a lack of ground availability" Moved Kathy Lang 2nd Rod Golden. Carried

Meeting closed 7.31 pm

MUDGEES SPORTS COUNCIL					
Works Requests					
Requested	Date	WR #	By Whom	Action Taken	Status
Fencing loose at Cahill Park near Grandstand	30/01/2012		MBC		In Progress
Glen Willow - catheads between road and eastern fields	30/01/2012		MBC	Continual spraying program will be undertaken	In Progress
Glen Willow - Netball leak at northern entry	27/02/2012		MBC	Advised Caretaker	In Progress
The grass Netball courts remain very wet, request sprinklers be turned off for moment.	30/07/2012		MBC	Irrigation only occurs on a Monday IF required	Completed
Request from Mudgee Netball for Aluminium seating around Netball courts.	30/07/2012		MBC	Aluminium bench seats to be removed from Westend and installed at Glen Willow	In Progress
Sports council request as a matter for urgency that Fire Extinguishers be checked and if not present be installed in all user group venue's.	30/07/2012		MBC	Investigating with Total Fire	In Progress
Glen Willow in the home change room sink blocked and not draining.	30/07/2012		MBC	Sink fixed	Completed
Glen Willow, gas tank cover been backed into please check for gas leaks.	30/07/2012		MBC	No leaks detected, will fix. PLEASE advise clubs to take extra care when using this area as this is the gas cover and 3 bollards that have been driven into and damaged / destroyed. Council looking into putting chain across access for use by clubs with Glen Willow key only. Users have been driving up here and using as a carpark and access to drive to fields.	In Progress
Lights need replacing at Jubilee, Greg Bartrim offered his scissor hoist.	30/07/2012		MBC	Will investigate with Electrician	In Progress
Cricket asked that curator not mow over pitches.	27/08/2012		MBC		New
Cricket, no water at racecourse	27/08/2012		MBC		New
AFL asked that ceiling in Vic Park needs repair.	27/08/2012		MBC		New
Access door on Western side Glen Willow amenities needs new lock.	27/08/2012		MBC		New
Disabled toilet at Glen Willow amenities needs new lock.	27/08/2012		MBC		New
Lights at Vic Park above bike track "Some need replacing"	27/08/2012		MBC		New
***All requests for Glen Willow given to Caretaker to investigate / fix					
*** Graffiti is removed as best we can without painting whole structures					
Matters in Progress					
Requested	Date	WR #	By Whom	Action Taken	Status
Rubbish strewn around small bins at Cahill Park	2/05/2011	PK0114/2010	MBC	Will look into replacing with sulo bins in new financial year	In Progress
Recycle bins missing from Victoria Park also the chain which locked the bins to the post			MBC	Recycle bins not being installed due to normal rubbish being put in them, more sulo bins will be installed	In Progress
For Future Budget Consideration (ie no current funding)					
Requested	Date		By Whom	Comments / Cost	
Victoria Park - Two lights are out on the Eastern Tower and a locking switch is required for the lower. It has its own on/off switch.	4/04/2011	340507	MBC	Major works required for future budget consideration	In Progress
Post and rail needs replacing near storage shed Walkers oval		PK0115/2010	MBC	May put bollards there dependant on budget	In Progress
Request gate be installed between Rugby Clubhouse and Jubilee Oval			MBC	No gate will be installed	Completed

7.2.24 Mudgee Town Hall Progress Report – August

REPORT BY MANAGER, COMMUNITY DEVELOPMENT TO 26 SEPTEMBER 2012
COUNCIL MEETING
COUNCIL 120926
A0100055, P0159964

RECOMMENDATION

That the report by Manager, Community Development on the Mudgee Town Hall Progress Report – August 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 finalised to the end of May amount to \$124,911.51 and there have been 27 days extension of time agreed. The total project remains within budget and on track for completion of the construction works prior to the end of 2012. The library is due to re-open at the Town Hall on January 2nd, 2013.

Strategic or policy implications

Not applicable.

SIMON JONES
MANAGER, COMMUNITY DEVELOPMENT



CATHERINE VAN LAEREN
GROUP MANAGER, DEVELOPMENT & COMMUNITY SERVICES

14 September 2012

Attachments: 1. Mudgee Town Hall Renovation Project Progress Report – August 2012
2. Works Program

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

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

Mudgee Town Hall Renovation Project Status Report August 2012



Report No. 9

Issue Date: 13 September 2012

Prepared by: Simon Jones
Manager, Community Development

Contents

Mudgee Town Hall Progress Report – August	1
EXECUTIVE SUMMARY	5
3.1 Work Progress during August 2012.....	7
3.1.1 Construction works – Major construction works have been predominately completed and the focus will now turn to internal works. The roof slab was completed and the roof is now in place with the exception of a small section on the western side. Further smaller demolition took place in the passage way between the old and new buildings on the top floor. Bathrooms are not being plumbed and fitted out. Repairs to the auditorium ceiling have been completed as well as the doors on the front of the stage. The walls for the meeting rooms and office area have been completed. Glass windows will also be installed for these areas. The internal structures along the western side are completed, including the installation of glass bricks in various locations.	7
3.1.2 Painting works – The removal of paint has proven to be a major issue. A new product called Peel-Away has been introduced for this process where it is difficult to get all of the layers of paint off the walls. This will be applied to much of the downstairs areas of the original building as well as the Theatre staircase area and the auditorium ceiling. This will result in a significant variation (estimated at around \$30,000) as the materials and labour that are needed are beyond the original scope.	7
3.1.3 Theatre fit-out – Seating, stage lighting, sound equipment and stage drapery has been ordered. Some of the electrical fit-out for the theatre equipment has commenced. Quotes have been sought for block out blinds for the auditorium windows and for digital cinema equipment. The back control panel area has also been planned.	7
3.1.4 Library fit-out– Our library shelving and furniture supplier has been on site to design the layout of shelving and furniture for the library space. Planning is underway for the introduction of increased technology, including a more extensive array of public internet machines. Work has progresses on the wireless radio link, telephone lines and the RFID system for the library stock.	7
3.2 Work Activities planned for September 2012.....	8
3.2.1 Continued construction works – Work will continue with guttering and downpipes. Windows and glazing is due to be fitted out this month. Minor repair and restoration works will continue in the chair store on the upper floor as well as the inside of the front facade on the lower floor. Ceilings need to be finished off on all floors, including the finalisation of mechanical ducts for air conditioning. The external areas of the new extension are due for cleaning of the bricks. The lift is also due to be on site and installed in September.	8
3.2.2 Painting works – Stripping will continue throughout the building and painting works will commence to follow behind as the stripped and wall preparation is completed. It is anticipated that the painting will be completed by mid-October. External painting has essentially been completed.	8
3.2.3 Theatre fit-out – The audio loop and sound equipment is due to be installed in September as well as the construction of the mixing desk and AV area at the back of the auditorium.	8
3.2.4 Library fit-out – Planning work will continue on furniture, shelving and layout. Consideration also turning to alarm system and CCTV for areas of the library to improve supervision and monitoring.	8

REPORT TO COUNCIL MEETING - 26 SEPTEMBER 2012

EXECUTIVE SUMMARY

Tender No.	2011/10
Principal Contractor	CCA Projects
Budget for construction tender	\$2,980,000.00
Original Contract Sum	\$2,535,000.00
Approved Contract Variations Total	\$124,911.51
Current Contract Sum	\$2,659,911.51
Contract Payments to Date	\$1,787,304.51
Total Contract Cost Expended	67.19%
Date of Contract	9 January 2012
Original Contract Duration	40 weeks
Approved Extensions of Time Claims	27 days
Date for Optimistic Handover	1 st November 2012
Date for Practical Completion	28th November 2012
Calendar Days Elapsed	235
Calendar Days Remaining	87
Total Project Time Expended	72.98%
Overall Project Budget (this includes items not covered by the construction tender 2011/10)	\$3,846,427.00
Total Payments to Date	\$2,184,668.40
Total Project Cost Expended	56.79%

REPORT TO COUNCIL MEETING – 26 SEPTEMBER 2012

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	November, 2012	
Fit out and relocation of Library	December, 2012	
Library re-opens	January, 2013	
Acquittal of grant programs	December, 2012	
Fit out of Theatre	January, 2013	
Theatre re-opens	February, 2013	

2. OVERALL PROJECT BUDGET

Item	Budget Estimate	Actuals to date	Comments
Construction contract	\$2,659,911.51	\$1,787,304.51	Contract with CCA Projects signed.
Contract contingency	\$318,948.49		
Architects, engineers, consultants and project management fees	\$210,000.00	\$161,234.66	
Library IT infrastructure (including Library RFID system, self loan system and book security)	\$140,000.00	\$34,855.00	Contract with Civica signed. RFID project underway.
Furniture, Shelving, Curtains, Blinds, Appliances	\$156,431.82		Some items ordered. Others being planned.
Theatre equipment (e.g. curtains, lighting, screen, sound equipment, seating)	\$200,000.00	\$78,314.55	Seating, stage lighting, stage curtains and sound equipment ordered.
Electricity substation works	\$130,000.00	\$111,709.04	Small amount of rectification works to be completed at end.
Parking/signage/fencing/sewer works	\$10,000.00	\$2,284.95	
Library and Theatre relocation and storage	\$20,000.00	\$7,830.51	
Stores and creditors overheads	\$1,135.18	\$1,135.18	
Total Budget	\$3,846,427.00	\$2,184,668.40	

Note: The budgeted amount for the contract has been increased to allow for the variations and the contingencies have been lowered accordingly.

3. PROJECT STATUS

3.1 Work Progress during August 2012

- 3.1.1 Construction works – Major construction works have been predominately completed and the focus will now turn to internal works. The roof slab was completed and the roof is now in place with the exception of a small section on the western side. Further smaller demolition took place in the passage way between the old and new buildings on the top floor. Bathrooms are not being plumbed and fitted out. Repairs to the auditorium ceiling have been completed as well as the doors on the front of the stage. The walls for the meeting rooms and office area have been completed. Glass windows will also be installed for these areas. The internal structures along the western side are completed, including the installation of glass bricks in various locations.
- 3.1.2 Painting works – The removal of paint has proven to be a major issue. A new product called Peel-Away has been introduced for this process where it is difficult to get all of the layers of paint off the walls. This will be applied to much of the downstairs areas of the original building as well as the Theatre staircase area and the auditorium ceiling. This will result in a significant variation (estimated at around \$30,000) as the materials and labour that are needed are beyond the original scope.
- 3.1.3 Theatre fit-out – Seating, stage lighting, sound equipment and stage drapery has been ordered. Some of the electrical fit-out for the theatre equipment has commenced. Quotes have been sought for block out blinds for the auditorium windows and for digital cinema equipment. The back control panel area has also been planned.
- 3.1.4 Library fit-out– Our library shelving and furniture supplier has been on site to design the layout of shelving and furniture for the library space. Planning is underway for the introduction of increased technology, including a more extensive array of public internet machines. Work has progressed on the wireless radio link, telephone lines and the RFID system for the library stock.

REPORT TO COUNCIL MEETING – 26 SEPTEMBER 2012

3.2 Work Activities planned for September 2012

- 3.2.1 Continued construction works – Work will continue with guttering and downpipes. Windows and glazing is due to be fitted out this month. Minor repair and restoration works will continue in the chair store on the upper floor as well as the inside of the front facade on the lower floor. Ceilings need to be finished off on all floors, including the finalisation of mechanical ducts for air conditioning. The external areas of the new extension are due for cleaning of the bricks. The lift is also due to be on site and installed in September.
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- 3.2.3 Theatre fit-out – The audio loop and sound equipment is due to be installed in September as well as the construction of the mixing desk and AV area at the back of the auditorium.
- 3.2.4 Library fit-out – Planning work will continue on furniture, shelving and layout. Consideration also turning to alarm system and CCTV for areas of the library to improve supervision and monitoring.

4. Project Variations

Total cost of variations = \$ 124,911.51 (4.93%).

This consists of:

- Additional demolition of internal roof structure (\$4,218.50)
- Additional steel beam installation (\$7,381.00)
- Additional works on amenities for ground and upper floor (\$26,810.30)
- Change of scope for footings due to Essential Energy works (\$14,407.80)
- Additional excavation costs to CCA due to archaeological discovery (\$5,603.40)
- Additional electrical scope (\$4,785.00)
- Removal of groundwater (\$2,260.76)
- Construction certificate costs (\$5,732.15 credit)
- Change in insulation materials (\$5,250.00 credit)
- Audio loop removed from contract (\$2,000 credit)
- Revised ceiling proposal (\$3,943.00 credit)
- Additional electrical works for Theatre (\$23,967.24)
- Sensors for bathrooms (\$1,485.00)
- Additional fire rated doors for electrical works (\$3,657.40)
- Fire rating of existing steel work (\$12,355.20)
- Mechanical and columns (\$2,645.55 credit)
- Western elevation columns and block work (\$17,901.00)
- Additional roof repairs (\$4,297.41)
- Additional electrical scope (\$6,651.45)
- Hot water unit outlet and tray (\$2,682.25)
- Corrected margin (\$6,018.50)

5. Contractual Issues

N/A

REPORT TO COUNCIL MEETING - 26 SEPTEMBER 2012

6. Contract Progress Payments

\$ 1,787,304.51 (67.19%)

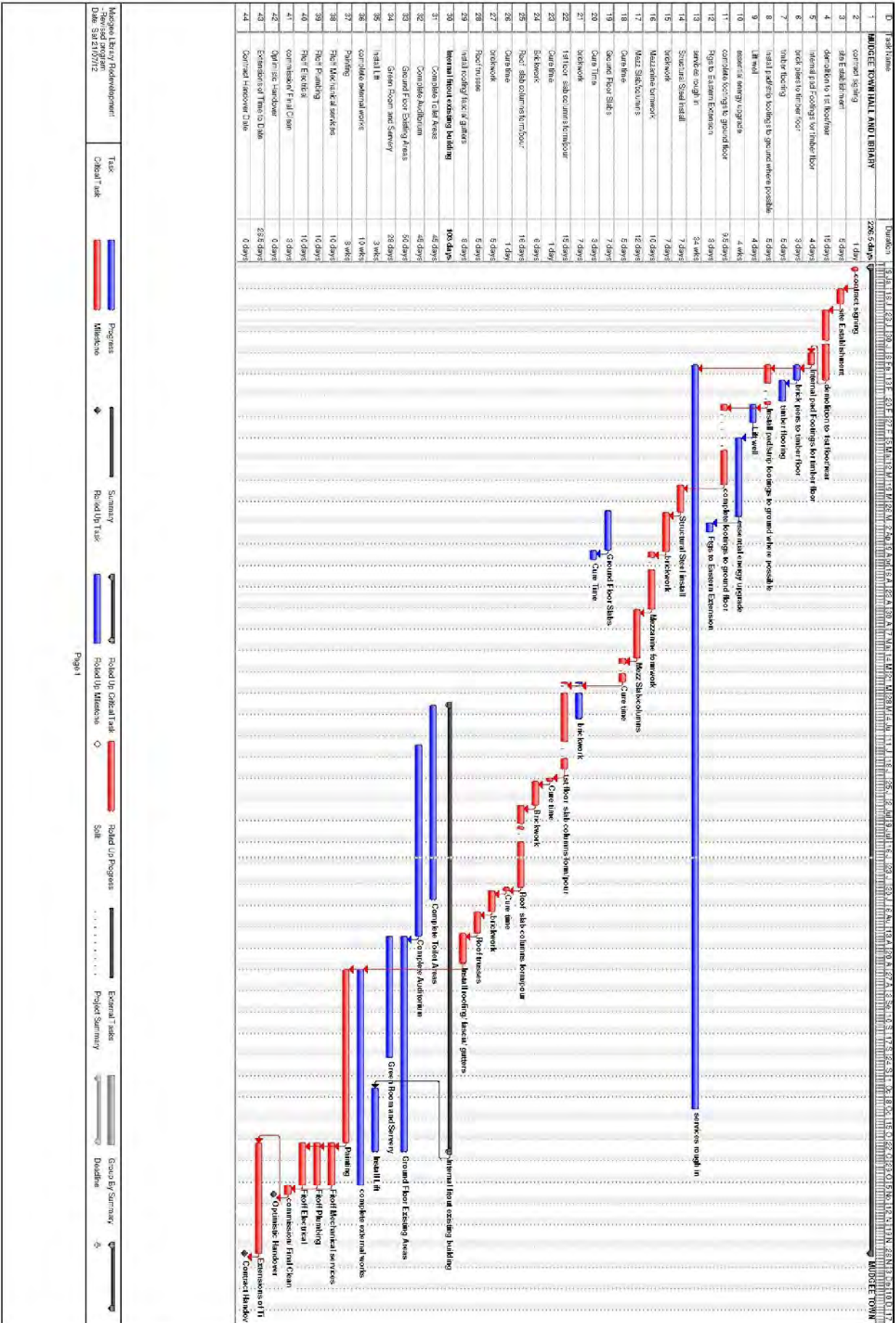
7. Program

Program attached.

8. Project Focus Group

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

ATTACHMENT 2



7.2.25 Naming of Road Reserve off Gladstone Street

REPORT BY MANAGER REVENUE AND PROPERTY TO 26 SEPTEMBER 2012 COUNCIL MEETING

Street Naming – Unnamed road reserve off Gladstone Street
A0100055, R0790141

RECOMMENDATION

That:

1. **the report by the Manager Revenue and Property on the naming of a road reserve off Gladstone Street be received;**
2. **Council name the road reserve off Gladstone Street – Shirley Stanley Lane.**

Executive summary

Council has received a request from the public to name an unnamed laneway coming off Gladstone Street in Mudgee.

Detailed report

Council, being the Roads Authority, is required to name new or unnamed streets and roads. The purpose of this report is to provide a list of names submitted by the public from which Council can choose one name for an unnamed road reserve.

Council wrote to neighbours of the road reserve on 23/7/12 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the July issue of the Community News. Submissions closed on 31/8/12 and during this period 4 submissions were received with the following names suggested:

- Shirley Stanley Lane
- Butchers Lane
- Hodges Lane
- Station Lane – Please note that this name is ineligible due to duplication with Station Street in Gulgong and Charbon.

Financial implications

Cost of Gazettal notice plus the placement of 1 street sign at an approximate cost of \$400. These costs are included in the 2012/2013 Operational Plan.

Strategic or policy implications

Street naming is legislated under the Roads Act 1993. This Act empowers the authority in charge of the road with the rights to name it. The naming of this laneway will allow for future addressing whenever it should be required. Section 162 of the Roads Act (1993) state that “a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months notice of the proposed name.”

The Geographical Names Board has been advised of the submitted names and has no objection to Shirley Stanley Lane, Hodges Lane or Butchers Lane.

In accordance with Council's Road Naming Policy, the name that Council endorses for the road reserve off Gladstone Street will be:

1. advertised in The Community News inviting submissions in writing from the public for a period of 21 days.
2. concurrently, notice of the proposed name will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, the New South Wales Volunteer Rescue Association Inc, and, in the case of a classified road – Roads & Maritime Services, inviting submissions in writing for a period of 21 days.

At the expiration time for the lodgement of submissions, a further report will be prepared for Council addressing any submissions received and recommending the formal adoption of the proposed street name, and Gazettal of the new street name.

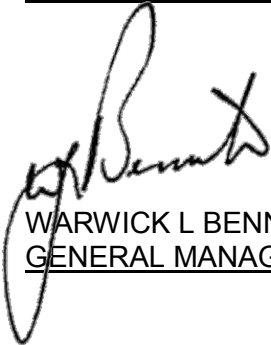
DIANE SAWYERS
MANAGER REVENUE AND PROPERTY

CLARE PHELAN
GROUP MANAGER
FINANCE & ADMINISTRATION

11 September 2012

- Attachments:*
1. Correspondence received from the Geographical Names Board
 2. Submissions (in order of receipt)
 3. Map of the lane reserve off Gladstone Street.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1



Land & Property Information

Panorama Avenue BATHURST
P O Box 143
BATHURST NSW 2795
Tel: (02) 6332 8440
Fax: (02) 6332 8415
Email: bob.davis@lpma.nsw.gov.au
www.lpma.nsw.gov.au

The General Manager
Mid Western Regional Council
P O Box 156
MUDGEE NSW 2850

Attention: Carolyn Atkins

27th August 2012

Your Ref: CA: R0790141
Our Ref: T02/0175 2012 - 134

Dear Madam,

ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008 SECTION 162 – NAMING OF PUBLIC ROADS

I refer to your letter of 23rd August 2012 which proposed the following public road name:

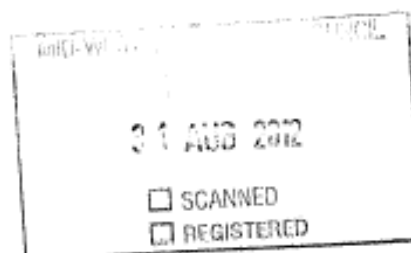
SHIRLEY STANLEY LANE

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the name has been reviewed under the GNB Guidelines for the Naming of Roads and I there is no objection to its use providing it does not refer specifically to any living person.

Yours Faithfully

A handwritten signature in black ink that reads 'Bob Davis 27/08/12'.

Bob Davis, Team Leader DCDB Update
For Division Manager Information Sourcing



**Land & Property
Information**

Panorama Avenue BATHURST
P O Box 143
BATHURST NSW 2795
Tel: (02) 6332 8440
Fax: (02) 6332 8415
Email: bob.davis@lpma.nsw.gov.au
www.lpma.nsw.gov.au

The General Manager
Mid Western Regional Council
P O Box 156
MUDGEES NSW 2850

Attention: Carolyn Atkins

3rd September 2012

Your Ref: CA: R0790141
Our Ref: T02/0175 2012 - 140

Dear Madam,

**ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008
SECTION 162 – NAMING OF PUBLIC ROADS**

I refer to your letter of 31st August 2012 which proposed the following public road names:

HODGES LANE, BUTCHER LANE

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the names have been reviewed under the GNB Guidelines for the Naming of Roads and I there is no objection to their use, providing they do not refer specifically to any living persons.

Yours Faithfully

Bob Davis 03/09/12
Bob Davis, Team Leader DCDB Update
For Division Manager Information Sourcing

Enquiry re sealing Laneway off Gladstone St opposite Farthing Lane and can it be named and if so suggestion that it be called Shirley Stanley Lane

From: Joe Hurn
To: <council@midwestern.nsw.gov.au>
Subject: Laneway
Date: Friday, 13 July 2012 01:52 PM



HURN FINANCIAL SERVICES

Dear Sir/Madam

At the rear of my office there is a unnamed laneway that is not sealed. Please see above image.

This lane way comes off Gladstone street and is opposite Farthing Lane.

This lane way offers access to off street parking for the following businesses

Westfund
Auscoal
The Golden Dragon Chinese Restaurant
Joe Hurn Accounting
Mudgee Home Improvement Centre
Dr P Crombie Dentist
And one residential property

I would estimate that this provided access for 14 off street car parks.

Obviously the purpose of this email is to enquire to what processes need to be completed for sealing of this Laneway.

Secondly I would like to enquire if this Laneway can be named and if so I would like to Suggest it be called Shirley Stanley Lane after the late Shirley Stanley well known and promtent Mudgee business women leader, founder of Rotary Sunrise Mudgee.

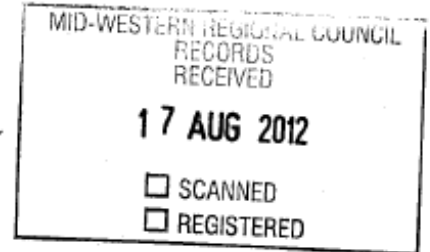
I would appreciate if you would reply to this email.

Joe Hurn
HURN Financial Services
134 Church Street or
PO Box 941
MUDGEE NSW 2850
PH: 02 63726877
FX: 02 63724523

16/8/2012

30 Mountain View Rd
Mudgee 2850
N.S.W.

Your Ref: CA:20790141

Mr. Carolyn Atkins
Deputy Support Officer
Mid-Western Regional Council.

Dear Mrs Atkins,

Thank you for your letter of 23rd July 2012. I have been away & your letter of 23/7 was somewhat misplaced & has only recently come to my attention. The suggestion that the driveway of Gladstone St. be named after my deceased wife is a touching tribute to a much loved lady. Mary contributed a lot to the Community, as a business woman & "Foundation President" of the Mudgee Sunrise Rotary Club as well as President of the Mudgee Business Association 1983/84. She dedicated a lot of her time to community projects & the acknowledgement of her endeavours is greatly appreciated.

Yours Faithfully
Leo V. Mackay



The Rotary Club of Mudgee Sunrise Inc.

President: Gary Blogg

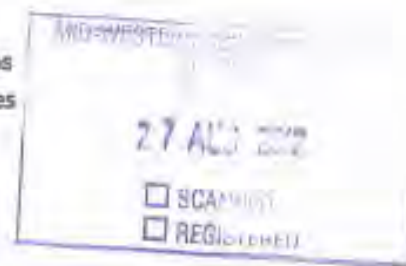
Secretary: Jenny Dowdy

DISTRICT 9670

PO BOX 643
MUDGEESUNRISE NSW 2850

Request for Submissions
Proposed Street Names

24th August 2012



The Board of the Rotary Club of Mudgee Sunrise makes this submission in support of the proposal to name Shirley Stanley Lane.

Until her death in 2006, Shirley Stanley was an active member of the Rotary Club of Mudgee Sunrise which gave both men and women an opportunity to join together in the fellowship of Rotary in Mudgee, and to contribute to the community through its activities. In fact, Shirley was instrumental in the formation of the club in 1995 and was its Charter President.

Shirley was passionate about providing opportunities for Mudgee's young people to participate in Rotary programs of enrichment and leadership. She was a strong supporter of Youth Exchange programs which give students the opportunity to spend a year in another country, broadening their education and cultural outlook and enriching their communities. She and her family hosted several overseas students, and Shirley acted as a counsellor for students as well.

Through her leadership, Mudgee young people also attended other Rotary enrichment and leadership programs including Rotary Youth Leadership Program (RYLA), Rotary Youth Program of Enrichment (RYPEN), National Youth Science Forum (NYSF) and RELAYID – a leadership program for young people with disabilities.

In honour of her work, the Rotary Club of Mudgee Sunrise has presented District 9670 with the *Shirley Stanley Trophy* to be awarded at the District conference, to the Rotary Club showing the strongest commitment to young people.

Shirley was a strong supporter of the Australian Rotary Health Research Fund and was the Chair of Rotary District 9760 Committee. With the de-stigmatising of mental illness as a focus, Shirley organised forums in many communities including Mudgee and other towns in the Central West of NSW. These provided valuable information and support for sufferers, their carers and families.

The Rotary Club of Mudgee Sunrise currently hosts the *Mudgee Clock Awards*, recognising the contribution made by the business life of this community. As a founding member of the Mudgee Business Association which inaugurated the Outstanding Business Awards, Shirley was a strong supporter of the re-vitalisation of this concept through the Rotary Club *Clock Awards*.

2/.

Through her membership of the Rotary Club of Mudgee Sunrise, Shirley was also an active worker in many community activities including the annual Rotary Art shows, the Christmas Street Festival , a gopher safety education program, Relay for Life, raffles and other fundraising activities. Many Mudgee residents, organisations and support groups have gained benefit from information provided and funds raised, through this involvement.

The Rotary Club of Mudgee Sunrise is proud to remember Shirley Stanley as an active, involved and caring community member and feel she is deserving of this honour.

Gary Blogg



President

Rotary Club of Mudgee Sunrise

MR RT & MRS BM McDONNELL

63 Gladstone Street, MUDGEES NSW2850

DP 86563

22nd August 2011

MID-WESTERN REGIONAL COUNCIL
RECORDS
RECEIVED

20 AUG 2012

SCANNED
 REGISTERED

RE – NAMING OF UNNAMED LANE OFF GLADSTONE STREET

To General Manager, Mid-Western Regional Council,

Dear Sir,

In response to a letter received re-above, we oppose the lane name of Shirley Stanley Lane due to the location of the laneway in regard to historical services.

We wish to put forward the following more appropriate suggestions:

- STATION LANE (This lane is behind the old fire station building which is now Crombies dental surgery)
- The surname of the longest servicing fire captain _____ LANE
- HODGES LANE (Long term owners of the building on the corner of Gladstone and Church)
- BUTCHERS LANE

Yours faithfully



RT McDonnell



BM McDonnell



7.2.26 Noxious Weeds Act delegations

REPORT BY MANAGER GOVERNANCE TO 26 SEPTEMBER 2012 COUNCIL MEETING

Noxious Weeds Act Delegations

A0100055, A0230005

RECOMMENDATION

That:

1. **the report by the Manager Governance on the changes to the delegations brought about by amendments to the Noxious Weeds Act 1993 be received;**
2. **Council adopt the attached delegations under the Noxious Weeds Act 1993 for the:**
 - **General Manager;**
 - **Business Manager Resources and Recreation;**
 - **Chief Weeds Officer;**
 - **Noxious Weeds Administrator; and**
 - **Weeds Officer.**

Executive summary

This report addresses necessary alteration to delegations brought about because of recent amendments to the Noxious Weeds Act 1993.

Detailed report

The powers of Council to pursue property owners to ensure that adequate measures are in place to attend to the control of noxious weeds derive from the relevant provisions of the Noxious Weeds Act 1993.

In implementing these measures Council has, in the past, delegated authority to the General Manager under the Local Government Act 1993 and the General Manager has issued appropriate delegations to the relevant staff.

Recent amendments to the Noxious Weeds Act 1993 provide specifically that all delegations for noxious weeds control must now be made under the provisions of the Noxious Weeds Act 1993 rather than the Local Government Act 1993. At the same time, the Noxious Weeds Act, unlike the Local Government Act, specifically provides that such delegations may not be sub-delegated.

To ensure that we get the delegations absolutely correct, as any imprecision could prejudice any legal action that Council may take against property owners for failure to adequately control noxious weeds on their properties, legal advice was sought from Local Government Legal – an arm of Hunter ROC. This advice has been the subject of quite detailed discussions between that organisation and Council staff. The revised wording of the specific delegations, reflect the advice and discussions.

The legislative changes now mean that the Council itself must make the formal delegations and accordingly this means that Council must amend the General Manager's delegations as well as specifically making delegations to the relevant Noxious Weeds staff positions.

The Noxious Weeds Section is part of the Operations Department reporting to the Business Manager Resources and Recreation. The Section comprises the Chief Weeds Officer, Noxious Weeds Administrator and five (5) Weeds Officers.

One of the comments made by the lawyers in relation to the delegations was that they believe that it is often better to delegate to the position rather than the individual. The obvious benefit is that where people are on leave and someone is acting in the position or where a person leaves the organisation then fresh delegations do not have to be made. While I consider that, in respect of the General Manager and the Business Manager Resources and Recreation, any delegations should be made to the occupant of the position, the delegations for Chief Weeds Officer, Noxious Weeds Administrator and Weeds Officer have all been prepared with this in mind.

Financial implications

Not applicable.

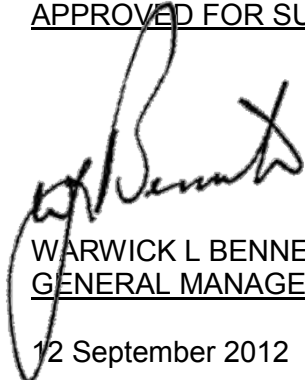
Strategic or policy implications

The specific delegations apply.



IAN ROBERTS
MANAGER GOVERNANCE


APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

12 September 2012

- Attachments:*
1. Current delegations to General Manager
 2. Revised delegations to General Manager containing amended provisions relating to the Noxious Weeds Act
 3. Noxious Weeds Act delegations to Business Manager Resources and Recreation
 4. Noxious Weeds Act delegations to Chief Weeds Officer
 5. Noxious Weeds Act delegations to Noxious Weeds Administrator
 6. Noxious Weeds Act delegations to Weeds Officer

	DELEGATION OF AUTHORITY FOR THE GENERAL MANAGER	<table border="1"><tr><td style="text-align: center;">ADOPTED C/M 19/10/11 Min No 309/11</td></tr><tr><td>LAST REVIEW: Oct 11 NEXT REVIEW: DEC 11</td></tr><tr><td>FILE No. A0230005</td></tr></table>	ADOPTED C/M 19/10/11 Min No 309/11	LAST REVIEW: Oct 11 NEXT REVIEW: DEC 11	FILE No. A0230005
ADOPTED C/M 19/10/11 Min No 309/11					
LAST REVIEW: Oct 11 NEXT REVIEW: DEC 11					
FILE No. A0230005					

Pursuant to the powers conferred on it by Section 377 of the Local Government Act 1993, the Council hereby authorises WARWICK LESLIE BENNETT as General Manager to exercise the under mentioned powers, in addition to those powers conferred and imposed upon general managers by Section 335 of the Local Government Act 1993.

The General Manager has the delegated authority of Council for the following:

1. To carry on the regular services and operations of the Council within the sums voted by the Council for expenditure thereon, and in accordance with the resolutions of Council, and within the guidelines of relevant legislation.
2. To perform all the necessary activities, to serve any notices or orders, undertake inspections, issue or refuse license and permits, to exercise the power of entry, to appoint appropriate staff as an authorised officer, authorised person, authorised Council employee, or impounding officer as the case may be, to exercise the functions of those positions under the Local Government Act 1993, Environmental Planning and Assessment Act 1979 and any other Act which may impact on the business of Council.
3. Pursuant to Section 68 Noxious Weeds Act 1993 (which Act is herein called "the Act"):
 - a) To carry on the regular operational functions of the Council under Section 36 of the Act in relation to noxious weed control in its local government area within the sums voted by the Council for expenditure thereon and in accordance with the resolutions of the Council from time to time the Act and Regulations thereunder PROVIDED that nothing herein will be construed as delegating to Warwick Leslie Bennett:
 - i) the power of delegation under Section 68 of the Act.
 - ii) any function of the Council that cannot be delegated pursuant to Section 377(1) of the Local Government Act, 1993.
 - b) The power to exempt the whole or part of a watercourse, river or inland water in its local area pursuant to Section 17A of the Act.
 - c) To give all notices required to be given pursuant to Sections 18, 18A, 20(3), 20(4), 27(1), 45(1) and 47 of the Act and to sign all written notices for that purpose.
 - d) To authorise in writing persons who may control noxious weeds on Council's behalf and who may enter premises for that purpose pursuant to Section 20(2) of the Act.
 - e) To make demand for payment and to take all necessary action and provide all necessary instructions with respect to the recovery in any Court of competent jurisdiction pursuant to Sections 26(1) and (3) of the Act of reasonable expenses incurred by or on behalf of the Council in ascertaining whether a weed control notice


has been complied with and in taking action if it is not being complied with (including charges for any inspection of the land).

- f) To exercise the functions of the Council under Sections 20(1), 36A, 37 and 38(2) of the Act.
 - g) To appoint inspectors pursuant to Section 41(1) of the Act.
 - h) To authorise in writing the use of force in the circumstances of the case pursuant to Section 46(2) of the Act.
 - i) To issue a Certificate of Authority as referred to in Section 50(2) of the Act and to sign such Certificate as General Manager of the Council.
 - j) To take all necessary action in a Court of competent jurisdiction and to provide all necessary instructions with respect to the recovery of any unpaid charges and fees due and payable to the Council under the Act pursuant to Section 59 of the Act.
 - k) To issue a Certificate pursuant to Section 64(3) of the Act.
 - l) To take all necessary action and to provide all necessary instructions with respect to the prosecution of offences against the Act and Regulations thereunder.
4. To authorise any work, which in the General Manager's opinion is urgent, at a cost not exceeding \$50,000, and shall ensure that the account for any work so authorised is submitted for payment by the Council in the same way as other accounts for goods and services against the Council.
 5. To determine the matters which are to be included in the business papers in accordance with relevant legislation and regulations.
 6. To reply to all routine correspondence not involving a monetary vote by Council, not affecting Council policy or not in the General Manager's opinion specifically requiring the consideration of Council.
 7. To invest surplus funds.
 8. To determine and write-off rates, fees, charges and other debts up to and including \$2,500.00 per annum per debt.
 9. To determine applications for donations in accordance with the budgetary limits set by Council and in accordance with Council's relevant policies.
 10. To affix, witness and sign under the Common Seal of Council any necessary documents following a Council resolution that the seal may be applied as provided by the Local Government (General) Regulation 2005.
 11. To approve minor variations to accepted tenders.
 12. To approve the submission of tenders and quotations for private works.
 13. To arrange to carry out private works requested by individuals, firms and organisations, as far as possible in conjunction with Council's Works Program.
 14. To close roads or bridges temporarily or impose load limits when necessary.

15. To manage Council's facilities, including determining terms of use and means to provide access to facilities for organisations and members of the community. Exemption: the setting of fees for the use of facilities.
16. To sign any Contract for Sale of land and complete any other documents in relation thereto, where such land is sold in accordance with Council's resolution.
17. To forfeit on behalf of Council, any deposit paid for purchase of any parcel of land should such sale not proceed to completion.
18. To negotiate (including receipt of options), up to final acceptance, for the purchase of land including broadacres within the local government area and for this purpose to engage such Valuers, Agents etc as necessary.
19. To execute Contracts of Purchase where the purchase of the property has been approved by Council.
20. To negotiate the acquisition of strategic properties.
21. To negotiate and enter into short-term leases and agistment agreements on behalf of Council.
22. To enter into pipeline/access agreements with the State Rail Authority.
23. To sign necessary legal agreements on behalf of Council in cases where sewer mains pass under buildings.
24. To consider and determine requests and assess responses to emergency authorities, such as the NSW Police Force, State Emergency Services, NSW Bush Fire Brigade etc., for requested assistance required to reduce, eliminate or contain an emergency for its duration.
25. To accept on Council's behalf grants and financial assistance.
26. To dispose of surplus plant and equipment by sale, exchange or trade-in.
27. To authorise the removal of trees.
28. To declare the Public Water Supplies unfit for consumption if testing proves it necessary subject to:
 - The Mayor being informed.
 - Hospitals and doctors and schools in the area being informed direct.
 - Every effort being made to advise the public as quickly as possible.
29. To impose water supply restrictions as appropriate where:
 - (a) the available stored water or the available capacity of supply, is not sufficient for the time being to allow the unrestricted consumption of water for purposes other than domestic purposes, or
 - (b) available stored water or available capacity of supply is so restricted as to render extraordinary measures necessary in the interest of consumers of water and such restrictions may be applied upon the use of water for any purposes, including domestic purposes. Water restrictions be made by order published in a newspaper advising the

purpose, time, amount or method for which water may be used within areas to which the Council's reticulated water supply system extend and such restriction shall not be limited to a portion of the supply area except where the shortage of water or capacity of supply is peculiar to that portion or except where the restriction of supply in the different portions of an area in rotation.

30. To accept the delegation of the functions of the Director-General pursuant to the Environmental Planning & Assessment Act 1979 to the Council, and other Acts.
31. To determine applications under the Environmental Planning and Assessment Act 1979, and other relevant Acts, which do not include:
 - Applications made where the Senior Officer of Council or Councillors are the owner or applicant of the land subject to the development application.
 - Residential subdivisions creating more than 20 allotments within the town boundaries of Mudgee, Gulgong, Rylstone and Kandos.
 - Rural residential subdivisions creating more than 20 allotments.
 - Development applications for the erection, alteration and/or additions to buildings exceeding a building value of \$1,000,000.
 - Variations to contributions required pursuant to the Section 94 Developers Contribution Plans.
 - Variations on the conditions and standards as determined in Council policies, Development Control Plans, standards and administration instructions.
Except:
 - Where the variation is less than 10% to the standard.
 - Where there is no public submission and the staff support the variation and it exceeds 10%, then the Council is to be notified of the application and given 3 working days to request the application to be reported to Council for consideration.
 - Objection(s) lodged by the public to a proposal. Except:
 - where the objections are unsubstantiated, are not a matter for consideration under the Environmental Planning and Assessment Act or can be adequately addressed through a condition of consent.
 - Where there are less than 5 objections and the staff support the application then the Council is to be notified of the application and given 3 working days to request the application to be reported to Council for consideration.
32. In relation to the relevant provisions of the Food Act 2003 to:
 - To appoint, authorised officer/s for the purpose of enabling those officers to carry out the functions nominated in the Food Act 2003.
 - To issue Prohibition Orders and Certificates of Clearance where there are reasonable grounds for the issue of a Prohibition Order and subsequent Certificate of Clearance.
33. To negotiate and review gravel royalty up to a maximum value of \$100,000 in any financial year.

	DELEGATION OF AUTHORITY FOR THE GENERAL MANAGER	<p style="text-align: center;">ADOPTED C/M 19/10/11 Min No 309/11</p> <p>LAST REVIEW: Oct 11 NEXT REVIEW: DEC 11</p> <p>FILE No. A0230005</p>
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Pursuant to the powers conferred on it by Section 377 of the Local Government Act 1993, the Council hereby authorises WARWICK LESLIE BENNETT as General Manager to exercise the under mentioned powers, in addition to those powers conferred and imposed upon general managers by Section 335 of the Local Government Act 1993.


The General Manager has the delegated authority of Council for the following:

1. To carry on the regular services and operations of the Council within the sums voted by the Council for expenditure thereon, and in accordance with the resolutions of Council, and within the guidelines of relevant legislation.
2. To perform all the necessary activities, to serve any notices or orders, undertake inspections, issue or refuse license and permits, to exercise the power of entry, to appoint appropriate staff as an authorised officer, authorised person, authorised Council employee, or impounding officer as the case may be, to exercise the functions of those positions under the Local Government Act 1993, Environmental Planning and Assessment Act 1979 and any other Act which may impact on the business of Council.
3. To authorise any work, which in the General Manager's opinion is urgent, at a cost not exceeding \$50,000, and shall ensure that the account for any work so authorised is submitted for payment by the Council in the same way as other accounts for goods and services against the Council.
4. To determine the matters which are to be included in the business papers in accordance with relevant legislation and regulations.
5. To reply to all routine correspondence not involving a monetary vote by Council, not affecting Council policy or not in the General Manager's opinion specifically requiring the consideration of Council.
6. To invest surplus funds.
7. To determine and write-off rates, fees, charges and other debts up to and including \$2,500.00 per annum per debt.
8. To determine applications for donations in accordance with the budgetary limits set by Council and in accordance with Council's relevant policies.
9. To affix, witness and sign under the Common Seal of Council any necessary documents following a Council resolution that the seal may be applied as provided by the Local Government (General) Regulation 2005.
10. To approve minor variations to accepted tenders.

11. To approve the submission of tenders and quotations for private works.
12. To arrange to carry out private works requested by individuals, firms and organisations, as far as possible in conjunction with Council's Works Program.
13. To close roads or bridges temporarily or impose load limits when necessary.
14. To manage Council's facilities, including determining terms of use and means to provide access to facilities for organisations and members of the community. Exemption: the setting of fees for the use of facilities.
15. To sign any Contract for Sale of land and complete any other documents in relation thereto, where such land is sold in accordance with Council's resolution.
16. To forfeit on behalf of Council, any deposit paid for purchase of any parcel of land should such sale not proceed to completion.
17. To negotiate (including receipt of options), up to final acceptance, for the purchase of land including broadacres within the local government area and for this purpose to engage such Valuers, Agents etc as necessary.
18. To execute Contracts of Purchase where the purchase of the property has been approved by Council.
19. To negotiate the acquisition of strategic properties.
20. To negotiate and enter into short-term leases and agistment agreements on behalf of Council.
21. To enter into pipeline/access agreements with the State Rail Authority.
22. To sign necessary legal agreements on behalf of Council in cases where sewer mains pass under buildings.
23. To consider and determine requests and assess responses to emergency authorities, such as the NSW Police Force, State Emergency Services, NSW Bush Fire Brigade etc., for requested assistance required to reduce, eliminate or contain an emergency for its duration.
24. To accept on Council's behalf grants and financial assistance.
25. To dispose of surplus plant and equipment by sale, exchange or trade-in.
26. To authorise the removal of trees.
27. To declare the Public Water Supplies unfit for consumption if testing proves it necessary subject to:
 - The Mayor being informed.
 - Hospitals and doctors and schools in the area being informed direct.
 - Every effort being made to advise the public as quickly as possible.
28. To impose water supply restrictions as appropriate where:

- (a) the available stored water or the available capacity of supply, is not sufficient for the time being to allow the unrestricted consumption of water for purposes other than domestic purposes, or
- (b) available stored water or available capacity of supply is so restricted as to render extraordinary measures necessary in the interest of consumers of water and such restrictions may be applied upon the use of water for any purposes, including domestic purposes. Water restrictions be made by order published in a newspaper advising the purpose, time, amount or method for which water may be used within areas to which the Council's reticulated water supply system extend and such restriction shall not be limited to a portion of the supply area except where the shortage of water or capacity of supply is peculiar to that portion or except where the restriction of supply in the different portions of an area in rotation.
29. To accept the delegation of the functions of the Director-General pursuant to the Environmental Planning & Assessment Act 1979 to the Council, and other Acts.
30. To determine applications under the Environmental Planning and Assessment Act 1979, and other relevant Acts, which do not include:
- Applications made where the Senior Officer of Council or Councillors are the owner or applicant of the land subject to the development application.
 - Residential subdivisions creating more than 20 allotments within the town boundaries of Mudgee, Gulgong, Rylstone and Kandos.
 - Rural residential subdivisions creating more than 20 allotments.
 - Development applications for the erection, alteration and/or additions to buildings exceeding a building value of \$1,000,000.
 - Variations to contributions required pursuant to the Section 94 Developers Contribution Plans.
 - Variations on the conditions and standards as determined in Council policies, Development Control Plans, standards and administration instructions.
Except:
 - Where the variation is less than 10% to the standard.
 - Where there is no public submission and the staff support the variation and it exceeds 10%, then the Council is to be notified of the application and given 3 working days to request the application to be reported to Council for consideration.
 - Objection(s) lodged by the public to a proposal. Except:
 - where the objections are unsubstantiated, are not a matter for consideration under the Environmental Planning and Assessment Act or can be adequately addressed through a condition of consent.
 - Where there are less than 5 objections and the staff support the application then the Council is to be notified of the application and given 3 working days to request the application to be reported to Council for consideration.
31. In relation to the relevant provisions of the Food Act 2003 to:
- To appoint, authorised officer/s for the purpose of enabling those officers to carry out the functions nominated in the Food Act 2003.
 - To issue Prohibition Orders and Certificates of Clearance where there are reasonable grounds for the issue of a Prohibition Order and subsequent Certificate of Clearance.
32. To negotiate and review gravel royalty up to a maximum value of \$100,000 in any financial year.

Pursuant to Section 68 of the Noxious Weeds Act 1993 and pursuant to every other power hereunto enabling, the Council hereby delegates to WARWICK LESLIE BENNETT as General Manager all of the functions conferred or imposed on Council pursuant to the Noxious Weeds Act 1993 and the Noxious Weeds Regulation 2008.

	DELEGATION OF AUTHORITY FOR THE BUSINESS MANAGER RESOURCES AND RECREATION	<table border="1"><tr><td style="text-align: center;">ADOPTED c/m Min.No.</td></tr><tr><td>LAST REVIEW: NEXT REVIEW:</td></tr><tr><td>FILE No. A0230005</td></tr></table>	ADOPTED c/m Min.No.	LAST REVIEW: NEXT REVIEW:	FILE No. A0230005
ADOPTED c/m Min.No.					
LAST REVIEW: NEXT REVIEW:					
FILE No. A0230005					

Pursuant to Section 68 of the Noxious Weeds Act 1993 and pursuant to every other power hereunto enabling, Council hereby delegates to JULIAN GEDDES as Business Manager Resources and Recreation the following functions imposed on Council pursuant to the Noxious Weeds Act 1993 and the Noxious Weeds Regulation 2008:

Prosecution of Offences

1. To take all necessary action and to provide all necessary instructions with respect to the prosecution of offences against the Act or the Regulation pursuant to Sections 12(1) and (4), 15, 16A, 19, 28, 29, 30, 32, 54, 55, 61 and 62 of the Act.

Failure to Control Noxious Weeds.

2. To give all notices required to be given and to sign all written notices for that purpose pursuant to Section 12(2) of the Act.

Weed Control Notices

3. To give and to amend or revoke a weed control notice and to sign all written notices for that purpose pursuant to Section 18 of the Act.
4. To give prior notice of a proposed weed control notice and to sign all written notices for that purpose pursuant to Section 18A of the Act.
5. To consider submissions from occupiers regarding a proposed weed control notice and determine whether to proceed with the proposed notice and, if proceeding, whether to change its terms pursuant to Section 18A2(c) and (d) of the Act.
6. To give oral or written notice of an emergency weed control notice and to sign all written notices for that purpose pursuant to Section 18A(3) of the Act.

Noxious Weed Control by LCA after Weed Control Notice not complied with

7. To give all notices required to be given and to sign all written notices for that purpose pursuant to Sections 20(3) and 20(4) of the Act.

Notice of control of prohibited plants

8. To give all notices required to be given and to sign all written notices for that purpose pursuant to Section 27(1) of the Act.

Temporary restrictions during noxious weed control

9. To require an owner or occupier of land to remove any animals from any part of the land and to prevent animals from entering any part of the land for a specified period, where Council is acting under section 20 of the Act pursuant to Section 36A(2) of the Act.

10. To temporarily close or obstruct public or private roads (other than any State highway, freeway, tollway or State work within the meaning of the *Roads Act 1993*) while measures to control noxious weeds are being taken on land adjacent to those roads pursuant to Section 36A(3) of the Act.
11. To temporarily close to navigation, or obstruct navigation in, any waters while measures to control noxious weeds are being taken in those waters pursuant to Section 36A(4) of the Act.
12. To erect notices to warn people not to enter on, or remain on, any land on which measures are being taken to control noxious weeds pursuant to Section 36A(5) of the Act.

Notice of Entry


13. To give all notices required to be given and to sign all written notices for that purpose pursuant to Section 45 of the Act.

Notification of use of force or entry

14. To give all notices required to be given and to sign all written notices for that purpose pursuant to Section 47 of the Act.

Certificates as to Weed Control Notices etc on land

15. To issue a certificate as to weed control notices, expenses and charges on land pursuant to Section 64 of the Act.

	DELEGATION OF AUTHORITY FOR THE CHIEF WEEDS OFFICER	<p style="text-align: center;">ADOPTED c/m Min.No.</p> <p>LAST REVIEW: NEXT REVIEW:</p> <p>FILE No. A0230005</p>
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Pursuant to Section 68 of the Noxious Weeds Act 1993 and pursuant to every other power hereunto enabling, Council hereby delegates to the Chief Weeds Officer or the person from time to time acting in that position the following functions imposed on Council pursuant to the Noxious Weeds Act 1993 and the Noxious Weeds Regulation 2008:

Prosecution of Offences

1. To take all necessary action and to provide all necessary instructions with respect to the prosecution of offences against the Act or the Regulation pursuant to Sections 12(1) and (4), 15, 16A, 19, 28, 29, 30, 32, 54, 55, 61 and 62 of the Act.

Failure to Control Noxious Weeds.

2. To give all notices required to be given and to sign all written notices for that purpose pursuant to Section 12(2) of the Act.

Weed Control Notices

3. To give and to amend or revoke a weed control notice and to sign all written notices for that purpose pursuant to Section 18 of the Act.
4. To give prior notice of a proposed weed control notice and to sign all written notices for that purpose pursuant to Section 18A of the Act.
5. To consider submissions from occupiers regarding a proposed weed control notice and determine whether to proceed with the proposed notice and, if proceeding, whether to change its terms pursuant to Section 18A2(c) and (d) of the Act.
6. To give oral or written notice of an emergency weed control notice and to sign all written notices for that purpose pursuant to Section 18A(3) of the Act.

Noxious Weed Control by LCA after Weed Control Notice not complied with

7. To control noxious weeds on behalf of Council and may enter premises for that purpose pursuant to Section 20(2) of the Act.
8. To give all notices required to be given and to sign all written notices for that purpose pursuant to Sections 20(3) and 20(4) of the Act.

Notice of control of prohibited plants

9. To give all notices required to be given and to sign all written notices for that purpose pursuant to Section 27(1) of the Act.

Temporary restrictions during noxious weed control

10. To require an owner or occupier of land to remove any animals from any part of the land and to prevent animals from entering any part of the land for a specified period, where Council is acting under section 20 of the Act pursuant to Section 36A(2) of the Act.
11. To temporarily close or obstruct public or private roads (other than any State highway, freeway, tollway or State work within the meaning of the *Roads Act 1993*) while measures to control noxious weeds are being taken on land adjacent to those roads pursuant to Section 36A(3) of the Act.
12. To temporarily close to navigation, or obstruct navigation in, any waters while measures to control noxious weeds are being taken in those waters pursuant to Section 36A(4) of the Act.
13. To erect notices to warn people not to enter on, or remain on, any land on which measures are being taken to control noxious weeds pursuant to Section 36A(5) of the Act.

Power of Entry

14. To enter premises to control noxious weeds on the land pursuant to Section 43 of the Act.

Inspections and Investigations

15. To undertake inspections and investigations and exercise all functions set out in Section 44 of the Act.

Notice of Entry

16. To give all notices required to be given and to sign all written notices for that purpose pursuant to Section 45 of the Act.

Notification of use of force or entry

17. To give all notices required to be given and to sign all written notices for that purpose pursuant to Section 47 of the Act.

Certificates as to Weed Control Notices etc on land

18. To issue a certificate as to weed control notices, expenses and charges on land pursuant to Section 64 of the Act.

	DELEGATION OF AUTHORITY FOR THE NOXIOUS WEEDS ADMINISTRATOR	<table border="1"><tr><td style="text-align: center;">ADOPTED c/m Min.No.</td></tr><tr><td>LAST REVIEW: NEXT REVIEW:</td></tr><tr><td>FILE No. A0230005</td></tr></table>	ADOPTED c/m Min.No.	LAST REVIEW: NEXT REVIEW:	FILE No. A0230005
ADOPTED c/m Min.No.					
LAST REVIEW: NEXT REVIEW:					
FILE No. A0230005					

Pursuant to Section 68 of the Noxious Weeds Act 1993 and pursuant to every other power hereunto enabling, Council hereby delegates to the Noxious Weeds Administrator or the person from time to time acting in that position the following functions imposed on Council pursuant to the Noxious Weeds Act 1993 and the Noxious Weeds Regulation 2008:

Prosecution of Offences

1. To take all necessary action and to provide all necessary instructions with respect to the prosecution of offences against the Act or the Regulation pursuant to Sections 12(1) and (4), 15, 16A, 19, 28, 29, 30, 32, 54, 55, 61 and 62 of the Act.

Failure to Control Noxious Weeds.

2. To give all notices required to be given and to sign all written notices for that purpose pursuant to Section 12(2) of the Act.

Weed Control Notices

3. To give and to amend or revoke a weed control notice and to sign all written notices for that purpose pursuant to Section 18 of the Act.
4. To give prior notice of a proposed weed control notice and to sign all written notices for that purpose pursuant to Section 18A of the Act.
5. To consider submissions from occupiers regarding a proposed weed control notice and determine whether to proceed with the proposed notice and, if proceeding, whether to change its terms pursuant to Section 18A2(c) and (d) of the Act.
6. To give oral or written notice of an emergency weed control notice and to sign all written notices for that purpose pursuant to Section 18A(3) of the Act.

Noxious Weed Control by LCA after Weed Control Notice not complied with

7. To give all notices required to be given and to sign all written notices for that purpose pursuant to Sections 20(3) and 20(4) of the Act.

Notice of control of prohibited plants

8. To give all notices required to be given and to sign all written notices for that purpose pursuant to Section 27(1) of the Act.

Temporary restrictions during noxious weed control

9. To require an owner or occupier of land to remove any animals from any part of the land and to prevent animals from entering any part of the land for a specified period, where Council is acting under section 20 of the Act pursuant to Section 36A(2) of the Act.

10. To temporarily close or obstruct public or private roads (other than any State highway, freeway, tollway or State work within the meaning of the *Roads Act 1993*) while measures to control noxious weeds are being taken on land adjacent to those roads pursuant to Section 36A(3) of the Act.
11. To temporarily close to navigation, or obstruct navigation in, any waters while measures to control noxious weeds are being taken in those waters pursuant to Section 36A(4) of the Act.
12. To erect notices to warn people not to enter on, or remain on, any land on which measures are being taken to control noxious weeds pursuant to Section 36A(5) of the Act.

Notice of Entry


13. To give all notices required to be given and to sign all written notices for that purpose pursuant to Section 45 of the Act.

Notification of use of force or entry

14. To give all notices required to be given and to sign all written notices for that purpose pursuant to Section 47 of the Act.

Certificates as to Weed Control Notices etc on land

15. To issue a certificate as to weed control notices, expenses and charges on land pursuant to Section 64 of the Act.

	DELEGATION OF AUTHORITY FOR WEEDS OFFICER	<table border="1"><tr><td style="text-align: center;">ADOPTED c/m Min.No.</td></tr><tr><td>LAST REVIEW: NEXT REVIEW:</td></tr><tr><td>FILE No. A0230005</td></tr></table>	ADOPTED c/m Min.No.	LAST REVIEW: NEXT REVIEW:	FILE No. A0230005
ADOPTED c/m Min.No.					
LAST REVIEW: NEXT REVIEW:					
FILE No. A0230005					

Pursuant to Section 68 of the Noxious Weeds Act 1993 and pursuant to every other power hereunto enabling, Council hereby delegates to the Weeds Officer the following functions imposed on Council pursuant to the Noxious Weeds Act 1993 and the Noxious Weeds Regulation 2008:

LCAs' obligations to control noxious weeds on own land

1. To control noxious weeds on land subject to a weed control order pursuant to Section 14 of the Act.

Obligation to control aquatic weeds

2. To control noxious weeds located on a watercourse, river or inland water in the local area pursuant to Section 17A of the Act.

Noxious Weed Control by LCA after Weed Control Notice not complied with

3. To control noxious weeds on behalf of Council and may enter premises for that purpose pursuant to Section 20(2) of the Act.

Notice of Entry

4. To give all notices required to be given and to sign all written notices for that purpose pursuant to Section 45 of the Act.

Inspections and Investigations

5. To undertake inspections and investigations and exercise all Functions set out in section 44 of the Act pursuant to Section 44 of the Act.

7.2.27 Redbank Creek Dam

REPORT BY GENERAL MANAGER TO 26 SEPTEMBER 2012 COUNCIL MEETING

COUNCIL 120926

A0100055, F0710006, F0710004

RECOMMENDATION

That:

1. the report by General Manager on the Redbank Creek Dam be received;
2. Council fund the upgrade of the Redbank Creek Dam to a maximum of \$200,000 excluding GST and the General Manager be authorised to proceed with the design and construction of repair works;
3. Council delegates to the General Manager the authority to enter into an agreement with the NSW Office of Water to undertake the repair works required at the Redbank Creek Dam and ensure that any costs above \$200,000 plus GST are met by the State Government; and
4. the \$200,000 be funded from the Council's Water Fund and that Council's 2012/13 Operational Plan and budget be amended accordingly.

Detailed report

The Council has been in discussion and dispute with the Dam Safety Committee and the State Government Departments for a number of years over the ownership of the Redbank Creek Dam and upgrade required to make the Dam wall safe. Council has continue to claim that the dam wall is not owned by Council as it is located on land owned by the National Parks and Wildlife Service. The dam was originally built well over 100 years ago to service Mudgee township with household water. The Dam Safety Committee have claimed in recent years that the dam wall in its current state is unsafe and could partial collapse in a 1:100,000 year flood event.

Under the Dam Safety Act the owner of a dam is defined as the operator of the dam. Council has been claiming for a number of years that it hasn't operated this dam since the 1960's and in 1999 the then Minister of Lands gave Council a letter to state that the dam wall would not be transferred into Council ownership until such time as the necessary repairs were undertaken. Since the 1990s Council and the Dam Safety Committee have been in constant communication looking at options for repairs. A considerable sum of money has been spent on consultant reviews and many options have been considered ranging from lowering the dam wall by three metres to completely removing the dam wall. Costs have ranged from \$1.7 million to \$3.9 million. Recently Council was instructed by the Dam Safety Committee to put a hole in the bottom of the dam wall. Council undertook this work as a sign of goodwill to try and assist to solve this long running dispute. That was undertaken at a cost of \$400,000 and has caused some concerns downstream with minor flooding. This will need to be addressed in any future repairs. However the hole in the dam wall has not satisfied the Dam Safety Committee as they are still convinced that with the 1:100,000 year flood the dam wall could be in danger of collapse.

In August this year Council has received from the State Government a gazettal notice dated May 1902 that under the Country Towns Water and Sewerage Act 1880 the dam wall is transferred into Council ownership. A copy of that gazette notice is attached for Councillors information.

Prior to the receiving of the 1902 gazette notice the State Government through the NSW Office of Water made an offer to Council that if Council was to make a contribution of \$200,000 plus GST the State Government via its agencies of National Parks and Wildlife and Office of Water would fund the balance of the upgrade repairs needed to make the dam wall safe. They are currently looking at a proposal to reduce the dam wall by 9 metres. With design costs, tender costs and construction costs this project is expected to now be \$800,000. However the advantage of this potential agreement with the State Government is if the cost does exceed \$800,000 they will fund the balance. I have spoken to the NSW Office of Water since the gazette notice has been located and this offer is still on the table. Council would be required as part of this agreement to manage the contract including the design process.

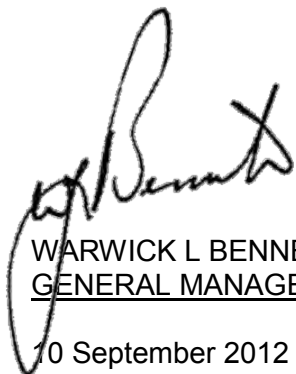
The recommendation in this report is for Council to accept this offer and move forward. Legal advice I have received is that because the State Government have found the 1902 gazettal notice any challenge by Council as to who is owner would be very difficult.

Financial implications

If Council accepts the recommendation in this report then the \$200,000 will be funded from Council's Water Fund. The Operational Plan will be adjusted accordingly and the affect of this additional \$200,000 will be reported to Council as part of the September Quarterly Review

Strategic or policy implications

Not applicable.



WARWICK L BENNETT
GENERAL MANAGER

10 September 2012

Attachments:

1. Photos of Redbank Creek Dam
2. Letter from Office of Water – 22 June 2012
3. Letter from Ministry of Trade and Investment – 9 August 2012

ATTACHMENT 1



Aerial view of Redbank Creek Dam



Upstream face as viewed from the right bank of the storage area



Dam wall as viewed from right abutment



Redbank Creek Dam following construction of hole in dam wall in 2010



Department of
Primary Industries
Office of Water

WS12/246

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



22 JUN 2012

Dear Mr Bennett

Redbank Creek Dam

I refer to the urgent dam safety upgrade works for Redbank Creek Dam at Mudgee and recent discussions regarding the funding of this work between you and Mr David Stokes, Dam Safety Unit, Urban Water, NSW Office of Water.

The DSC has advised that if the dam crest was to be lowered by 9 metres it could meet the DSC safety requirements. The estimated cost of the works is \$800,000.

As this is a matter of public safety and in order to resolve this issue promptly, the Director General of the Department of Primary Industries has approved Government funding from NSW National Parks and Wildlife Service (NPWS) and the NSW Office of Water, to a total of \$600,000 provided Council contributes \$200,000 (excluding GST) towards the cost of the works.

Council is also required to accept responsibility for the ongoing maintenance of the dam and give a written assurance that it will undertake this work soon as practical.

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

Please contact Mr Stephen Palmer, Office of Water, Sydney, on 02 8281 7331, regarding management of the project and processes to ensure eligibility for funding.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Harriss'.

David Harriss
Commissioner NSW Office of Water
Encl.

WS12/246

REDBANK CREEK DAM SAFETY

PROJECT ESTIMATE

Item	Descriptions	Estimated Cost	Council Contribution	Estimated Govt Subsidy
	This Offer			
1.0	Lowering of the dam crest by approximately 9m in accordance with the DSC requirements.	\$660,000	\$200,000	\$460,000
2.0	Preconstruction and design	\$80,000	NIL	\$80,000
3.0	Project Management and Supervision	\$60,000	NIL	\$60,000
4.0	Total	\$800,000	\$200,000	\$600,000

NOTE:
All figures exclude GST.



Crennan Legal
PO Box 2121
Bathurst NSW 2795

Contact Helen Day
Phone (02) 8281 7751
Fax (02) 8281 7757
Email helen.day@water.nsw.gov.au
Our ref 2010-0879
Your ref PLC:lm:11007

9th August 2012

Dear Sirs

Ownership of Redbank Dam

We act on behalf of the NSW Office of Water in this matter. We are in receipt of your letters dated 5 December 2011 and 4 July 2012.

We have reviewed your letters together with the attachments. Despite the advice contained in the attachments, we consider that the Council is the proper owner of Redbank Dam.

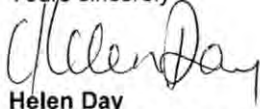
We enclose a copy of a Notice of Completion of works for the Mudgee Water Supply Work published in the Gazette in May 1902. The Notice of Completion was published pursuant to the *Country Towns Water and Sewerage Act 1880* and gives notice that the works, which included the construction of Redbank Dam, had been completed.

The effect of the publication of the Notice of Completion was that the Council was to take over the works. As a consequence, it is our view that ownership of Redbank Dam was properly vested in the Council and that Council remains the owner of the dam.

We are instructed that the offer of financial assistance made by the Commissioner of Water on 22 June 2012 remains open to the Council. A condition of this offer was that the Council accepts ongoing maintenance of the dam. In view of the above, we would urge your client to reconsider their position and to now accept the offer of financial assistance that has been made.

Please note that I work part time and am available from Wednesday to Friday. My colleague Janine Lonergan is available from Monday to Wednesday on 8281 7446.

Yours sincerely


Helen Day
Senior Legal Officer

Received

13 AUG 2012

C.C. 1902 Vol. 3

3954

PROCLAMATION

New South Wales, } By His Excellency The Honourable Sir
to wit. } FREDERICK MATTHEW DARLEY, Knight
(L.S.) } Grand Cross of the Most Distinguished
Order of Saint Michael and Saint George,
Lieutenant-Governor of the State of New
FREDK. M. DARLEY, South Wales and its Dependencies, in
Lieutenant-Governor. the Commonwealth of Australia.

TO MARK FURTHER PROVISION FOR THE CELEBRATION OF
MARRIAGES IN NORFOLK ISLAND.

I, Sir FREDERICK MATTHEW DARLEY, Lieutenant-Governor
of the State of New South Wales and its Dependencies,
do, in pursuance of the powers vested in me, declare and enact
as follows:—

Generally.

1. Every marriage celebrated by a minister of religion ordinarily officiating as such, whose name, designation, and usual residence have been and then continue registered in the office of the Government of Norfolk Island at Sydney, shall be valid.
2. Every marriage shall be celebrated in the presence of two witnesses at least.
3. Immediately after the celebration of the marriage a certificate of marriage in the form of the Schedule hereto shall be signed by the minister, the witnesses, and the parties to the marriage, and a copy of such certificate shall be delivered to each of the said parties.
4. Within one month after the marriage the minister celebrating the marriage shall transmit the original certificate to the Registrar of Births, Deaths, and Marriages.
5. No marriage in fact shall be avoided by reason only of the same having been celebrated by a person not being a minister or ordinarily officiating minister of religion if either of the parties to the marriage at the time bona fide believed that he was such ordinarily officiating minister.
6. No marriage shall be affected by reason of the omission by the minister celebrating the same to cause his name, designation, or usual residence to be registered according to these laws, or from the fact that his name, designation, or usual residence has ceased to be so registered.

Validation of certain marriages.

7. Every marriage celebrated in Norfolk Island before the coming into force of these laws by any minister of religion or person ordinarily officiating as such, shall be and be deemed to have been from the time of the celebration thereof a perfectly legal and valid marriage to all intents and purposes, notwithstanding any non-compliance with forms or other irregularity attending the celebration.

Penalties.

8. (i) Every minister, or person officiating as such, who celebrates any marriage knowing that his name, designation, or usual residence has not been or is not then duly registered shall be guilty of a misdemeanour, and being convicted thereof, shall be liable to a fine not exceeding £200, either alone or with imprisonment not exceeding two years; or
(ii) If the omission was accidental or by inadvertence, shall be liable to a fine not exceeding ten pounds, to be recovered in a summary way before the Chief Magistrate.
9. Every minister or person having celebrated any marriage who fails to comply with the provisions of these laws or any of them respecting the certificate to be transmitted to the Chief Magistrate, shall be liable to a fine of not less than £5 and not exceeding £20, to be recovered in a summary way before the Chief Magistrate.

Commencement of laws.

10. These laws shall take effect on and after the first day of August, 1902.

SCHEDULE.

Certificate of marriage.

I [*Name of the minister*], being [*Designation*], do hereby certify that I have this day at [*Place*] duly celebrated marriage between [*Name, designation, and residence of husband*] and [*Name, designation, and residence of wife*].
Dated this _____ day of _____, 19____

Signature of Minister, A. B.

Signature of parties to marriage { C. D.
E. F.

Signature of witnesses { G. H.
J. K.

Given under my Hand and the Seal of Norfolk Island, at Sydney, this twenty-sixth day of May, in the year of our Lord one thousand nine hundred and two, and in the second year of His Majesty's Reign.

By His Excellency's Command

"COUNTRY TOWNS WATER AND SEWERAGE ACT OF 1880."

NOTIFICATION OF COMPLETION OF WATER WORKS IN CONNECTION WITH THE WATER SUPPLY FOR THE BOROUGH OF MUDGEE.

PROCLAMATION

New South Wales, } By His Excellency The Honourable Sir
to wit. } FREDERICK MATTHEW DARLEY, Knight
(L.S.) } Grand Cross of the Most Distinguished
Order of Saint Michael and Saint George,
Lieutenant-Governor of the State of New
FREDK. M. DARLEY, South Wales and its Dependencies, in
Lieutenant-Governor. the Commonwealth of Australia.

WHEREAS the Minister for Public Works in and for the said State has reported to me the completion of the works hereinafter mentioned: Now, I, Sir FREDERICK MATTHEW DARLEY, as such Lieutenant-Governor aforesaid, with the advice of the Executive Council of the said State, in pursuance of the power in this behalf given to or vested in me, do hereby notify that the works in connection with the Water Supply at Mudgee, in the said State, constructed under the direction of the Minister for Public Works for the time being in accordance with the provisions of the "Country Towns Water and Sewerage Act of 1880," have been completed.

Given under my Hand and the Seal of the said State, at Sydney, this twenty-third day of May, in the year of our Lord one thousand nine hundred and two, and in the second year of His Majesty's Reign.

By His Excellency's Command
E. W. O'SULLIVAN.

[10758] GOD SAVE THE KING!

"COUNTRY TOWNS WATER AND SEWERAGE ACT OF 1880."

REPORT OF THE COMPLETION OF WORKS IN CONNECTION WITH THE WATER SUPPLY FOR THE BOROUGH OF MUDGEE.

To His Excellency the Lieutenant-Governor.
Your Excellency,

PURSUANT to the provisions of the "Country Towns Water and Sewerage Act of 1880," I, EDWARD WILLIAM O'SULLIVAN, the Minister for Public Works in and for the State of New South Wales, in the Commonwealth of Australia, do hereby report to your Excellency that the Works in connection with the Water Supply at Mudgee, in the said State, constructed under the direction of the Minister for Public Works for the time being in accordance with the provisions of the said Act, have been duly completed.

E. W. O'SULLIVAN,
Minister for Public Works.

Department of Public Works,
Sydney, 19th May, 1902. [10760]

[11442] Chief Secretary's Office,
Sydney, 29th May, 1902.

HIS Excellency the Governor, with the advice of the Executive Council, has appointed
WILLIAM HENRY RYDER, Esquire, Under Home Secretary, Brisbane, Queensland,
to the Commission of the Peace for the State of New South Wales.
JOHN SKR.

[11441] Chief Secretary's Office,
Sydney, 30th May, 1902.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased, in pursuance of the provisions of the "Sydney Harbour Trust Act, 1900," and upon the recommendation of the Sydney Harbour Trust Commissioners, to approve of the promotion of

Mr. THOMAS MAURICE CANVIN, Assistant Records Clerk, to the position of Senior Records Clerk, vice Mr. Sheridan, promoted,—to date from the 20th March last; and of the appointment of

Mr. HENRY ALEXANDER ALLAN

19th Nov., 1902.]

NEW SOUTH WALES GOVERNMENT GAZETTE.

8575

1890," for an estate in fee-simple in possession, freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way, or other easements whatsoever; and to the further intent that the legal estate therein, together with all powers incident thereto as conferred by the said Acts, be and they are, shall be vested in such Minister as a Trustee; and I declare that the following is the Schedule of land hereinafter referred to:—

SCHEDULE.

All that piece or parcel of land situated at Shaking Bog, parish of Tomorrumbra, county of Buccleuch, State of New South Wales, containing an area of 2 acres, being measured portion of, and forming part of Thomas French's conditional lease, portion 19, within the following boundaries: Commencing on the south western side of a road 1 chain wide at a point bearing south 39 degrees 2 minutes east 11 chains 83 8 links, south 73 degrees 19 minutes east 4 chains 18 9 links from its intersection with the north boundary of portion 19 aforesaid; and bounded thence on the west by a line bearing south 5 chains 60 links; thence on the south by a line bearing east 4 chains; thence on the east by a line bearing north 4 chains 40 links to the aforesaid road; thence on the north-east by that road bearing north 70 degrees 19 minutes west 4 chains 17 6 links, to the point of commencement.

In witness whereof I have hereunto set my Hand, and caused the Great Seal of the State to be hereto affixed, at the State Government House, Sydney, this fourteenth day of November, in the year of our Lord one thousand nine hundred and two, and in the second year of His Majesty's Reign.

By His Excellency's Command,
JOHN PERRY.

- [5471] GOD SAVE THE KING!
- [5472] Chief Secretary's Office,
Sydney, 26th November, 1902.
His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint
to be Mr. JOHN SUTHERLAND, Metropolitan Licensing Inspector,
to be Acting Superintendent of Police,—to take effect from the 1st proximo.
JOHN SEE.
- [5473] Chief Secretary's Office,
Sydney, 27th November, 1902.
His Excellency the Governor, with the advice of the Executive Council, has been pleased, in pursuance of the 2th section of the Fisheries Act, 1881, to appoint
Mr. FREDERICK JOHNSON PATON, Engineer-in-charge of the Launch at Hawkesbury River,
as an Inspector of Fisheries,—to take effect from the date of commencing duty.
JOHN SEE.
- [5474] Department of the Attorney General and of Justice,
Sydney, 27th November, 1902.
His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint
His Honor JOHN ARMSTRONG, K.C., Acting Judge of the South-western District,
to act as Judge of District Courts and Chairman of Quarter Sessions within the Metropolitan, Suburban, and Hunter District, from the 1st proximo.
B. R. WISE.
- [5475] Department of the Attorney General and of Justice,
Sydney, 27th November, 1902.
His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint
Herbert HARRIS, Esquire, Crown Prosecutor for the South-western District,
to act as Judge of District Courts and Chairman of Quarter Sessions within the Northern District,—from the 2nd proximo.
B. R. WISE.
- [5476] Department of the Attorney General and of Justice,
Sydney, 27th November, 1902.
His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint
His Honor MONTAGUE HAMILTON, Esquire, Barrister-at-Law,
to act as Crown Prosecutor at the Quarter Sessions now being held at Sydney,—from the 2nd instant.
B. R. WISE.

[5520] Department of the Attorney General and of Justice,
Sydney, 27th November, 1902.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint

EDMUND MAT STEENS, Esquire, J.P.,

to be Coroner at Coonabarabran and for the State generally, vice Kenneth Murchison, Esquire, J.P., deceased.

B. R. WISE.

[5533] Department of the Attorney General and of Justice,
Sydney, 27th November, 1902.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint

Senior constable JOHN RILEY

to be District Inspector under the "Liquor Act, 1898," for the Licensing District of Wannaring, vice Kibble,—to take effect from the 8th instant.

B. R. WISE.

[5484] Department of the Attorney General and of Justice,
Sydney, 26th November, 1902.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint

Mr. CHARLES JOHN BELLMORE

to be Messenger to the Members of the Industrial Arbitration Court, on probation for six months,—to take effect from the 3rd instant.

B. R. WISE.

[5482] Department of Mines and Agriculture,
Sydney, 28th November, 1902.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint

Mr. LAURENCE JOSEPH BRERETON, Acting Postmaster,

to act temporarily as Warden's Clerk, Mining Registrar, and Officer authorised to issue Miners' Rights and Business and Mineral Licenses, at Beckley, during the absence of Mr. W. T. Keating,—such appointment to take effect from the 6th November, 1902.

[1902-19,729 M.] JOHN KIDD.

[5483] Department of Mines and Agriculture,
Sydney, 26th November, 1902.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint

Mr. C. C. VINDIS, Relieving Clerk of Petty Sessions,

to act temporarily as Warden's Clerk, Mining Registrar, and Officer authorised to issue Miners' Rights, and Business and Mineral Licenses, at Albury, during the absence of Mr. A. O. Butler,—such appointment to take effect from the 30th October, 1902.

[1902-19,730 M.] JOHN KIDD.

"COUNTRY TOWNS AND HUNTER DISTRICT WATER SUPPLY AND SEWERAGE ACTS AMENDMENT ACT OF 1894.

CERTIFICATE OF AMOUNT EXPENDED ON MUDGEE WATER WORKS.

WHEREAS in pursuance of the provisions of the "Country Towns Water and Sewerage Act of 1880," certain works for and in connection with the supply of water for the Borough of Mudgee, in the State of New South Wales, in the Commonwealth of Australia, have been at the request of the Council of the said Borough, constructed under the direction of the Minister for Public Works for the time being in and for the said State, the completion of which has been duly reported to the Governor, and notified in the Gazette: Now, I, EDWARD WILLIAM O'SULLIVAN, the Minister for Public Works for the time being in and for the said State, in accordance with the provisions of the "Country Towns and Hunter District Water Supply and Sewerage Acts Amendment Act of 1894," hereby certify that, after deducting all remissions made by the Governor (approved 4th November, 1902), the whole amount expended by the Government of the said State on the said works, with interest at the rate of three and a half pounds per centum per annum on the sums making up such amount, calculated from the time such sums were expended to the thirtieth day of September, one thousand nine hundred and two, inclusive, amounts to the sum of seventeen thousand and twenty-nine pounds thirteen shillings and eleven pence.

Given under my Hand, at Sydney, this twenty-sixth day of November, in the year of our Lord one thousand nine hundred and two.

E. W. O'SULLIVAN,
Minister for Public Works.

[5998]

7.2.28 Naming of new road off George Campbell Drive – Tim Loneragan Drive

REPORT BY MANAGER REVENUE AND PROPERTY TO 26 SEPTEMBER 2012 COUNCIL
MEETING

COUNCIL 120926
A0100055, R0790041

RECOMMENDATION

That:

1. **the report by Manager Revenue and Property on the Naming of new road off George Campbell Drive – Tim Loneragan Drive be received;**
2. **Council formally approve the naming of Tim Loneragan Drive for the new road that runs north off George Campbell Drive.**

Executive summary

Formal approval is requested to name the unnamed road within the Airport subdivision, Tim Loneragan Drive.

Detailed report

Council approved the name of EH (Tim) Loneragan Drive at the 16/5/12 Council Meeting for the new road that runs north off George Campbell Drive within the Airport subdivision.

Prior to the 16/5/12 Council Meeting an email was sent to the Geographical Names Board to ascertain if EH (Tim) Loneragan Drive would be approved for use. The initial response was in the negative but, after Council approved EH (Tim) Loneragan Drive, a formal proposal was then sent to the Geographical Names Board to be discussed at their next Board Meeting.

At its 5/7/12 meeting, the Geographical Names Board upheld its objection to EH (Tim) Loneragan Drive and have confirmed the earlier approval for Tim Loneragan Drive.

It is requested that Council approve Tim Loneragan Drive as the name of the new road in the Airport subdivision.

Financial implications

Cost of Gazettal notice plus 1 street sign at an approximate cost of \$400.00. These costs are included in the 2012/13 Operational Plan.

Street sign to be installed at the intersection of the new road with George Campbell Drive.

Strategic or policy implications

Street naming is legislated under the Roads Act 1993. This Act empowers the authority in charge of the road with the rights to name it. The naming of this road will allow the completion of street addressing and allow properties at the Airport to have a distinctive street address. Section 162 of the Roads Act (1993) states that "a road authority may name and number all public roads for which

it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months notice of the proposed name".

In accordance with Council's Road Naming Policy, should Council formally endorse the naming of this new road, notice of the approved name will be:

1. published in the Government Gazette
2. concurrently, notice of the new name will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, The New South Wales Volunteer Rescue Association Inc, and, in the case of a classified road – the RTA.

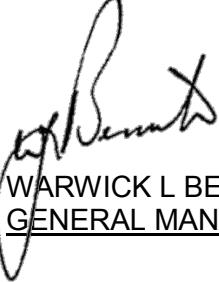
DIANE SAWYERS
MANAGER REVENUE AND PROPERTY

CLARE PHELAN
GROUP MANAGER,
FINANCE & ADMINISTRATION

9 August 2012

- Attachments:*
1. Correspondence received from the Geographical Names Board
 2. Correspondence sent to the Geographical Names Board
 3. Correspondence received from the Geographical Names Board
 4. Map of new road at the Airport to be named

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



Land & Property Information

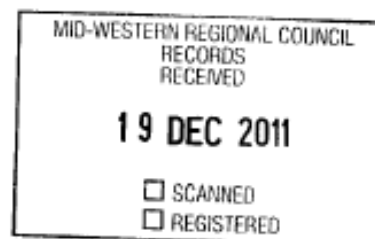
Panorama Avenue BATHURST
P O Box 143
BATHURST NSW 2795
Tel: (02) 6332 8440
Fax: (02) 6332 8415
Email: bob.davis@lpma.nsw.gov.au
www.lpma.nsw.gov.au

The General Manager
Mid Western Regional Council
P O Box 156
MUDGEE NSW 2850

Attention: Fiona Hemmy

14th December 2011

Your Ref: FH:R0790141
Our Ref: T02/0175 2011 - 182



Dear Madam,

ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008 SECTION 162 – NAMING OF PUBLIC ROADS

I refer to your letter of 9th December 2011 which proposed the following public road name:

TIM LONERAGAN DRIVE

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the name has been reviewed under the GNB Guidelines for the Naming of Roads and there is no objection to its use unless it refers to a living person.

Yours Faithfully

A handwritten signature in black ink that reads "Davis 14/12/11".

Bob Davis, Team Leader DCDB Update
For Division Manager Information Sourcing

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

CA:R0790041

28 May 2012

Team Leader Regional Cadastre
Information Sourcing
Department of Lands
PO BOX 143
BATHURST NSW 2795

NOTIFICATION OF PROPOSAL TO AMEND AN APPROVED ROAD NAME

Notice is hereby given that Mid-Western Regional Council, pursuant to Section 162 of the Roads Act 1993 as amended; is intending to name the road as shown on the attached map.

The GNB approved the use of the name Tim Loneragan Drive in a letter dated 14/12/11 and the matter went to Council for approval on 16th May 2012.

Edward Heaton Loneragan was a famous local aviator who was always known as Tim Loneragan. When looking into naming this road in memory of Mr Loneragan it was decided that no one would recognise Edward Loneragan Drive but would recognise Tim Loneragan Drive.

In the interim a member of the Loneragan family approached a Councillor concerned that there was a living Tim Loneragan and they didn't want any confusion related to who the road was named after.

As a result of the possible confusion Council would like to extend the name of the road to one of the following:

EH Tim Loneragan Drive
E.H. Tim Loneragan Drive
EH (Tim) Loneragan Drive
E.H. (Tim) Loneragan Drive

Please advise if the Geographical Names Board does or does not have any objections to the amendment to this road name, and which version would be acceptable.

Should you have any queries in relation to this matter or wish to make any suggestions please do not hesitate to contact me on ☎ 02 63782850 or 1300 765 002.

Yours faithfully

Carolyn Atkins
Property Support Officer

ATTACHMENT 3



PO Box 143
Bathurst NSW 2795

Tel (02) 6332 8214
Fax (02) 6332 8217

gnb@lands.nsw.gov.au
<http://www.gnb.nsw.gov.au>

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

Attention: Carolyn Atkins

Dear Carolyn,

RE: Proposed Naming of Road after Tim Loneragan

With reference to your letter dated 5 June 2012 requesting the Geographical Names Board, (the Board), consider the names **EH Tim Loneragan Drive, E. H. Tim Loneragan Drive, EH (Tim) Loneragan Drive** and **E. H. (Tim) Loneragan Drive** and advise if they have any objection to the use the name and advise which name would be acceptable.

Council's correspondence was considered by the Geographical Names Board of NSW (the Board) at its meeting on 5 July 2012.

The Board resolved to uphold the objection raised by Mr Bob Davis, Team Leader DCDB Update under the Board's guideline **COMMUNICATION 4.1**.

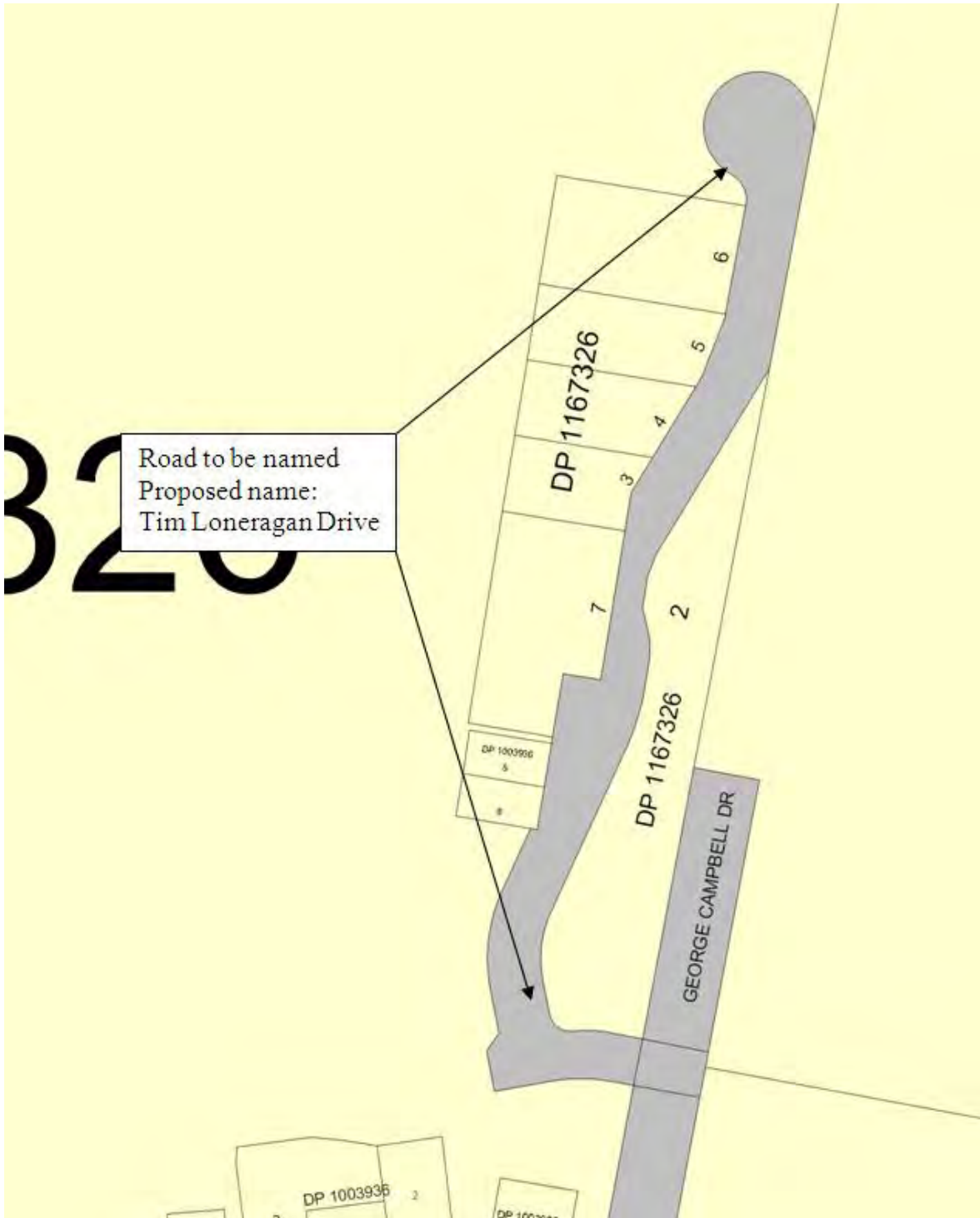
The Board advises that the earlier approval of the name Tim Loneragan Drive is still valid.

If you require any further advice on this issue please feel free to contact me on 02 63328215.

Yours faithfully

Kevin Richards
A/Secretary
Geographical Names Board
1 August 2012





7.2.29 Naming Of New Unnamed Road Off Bellevue Road

REPORT BY MANAGER REVENUE & PROPERTY TO 26 SEPTEMBER 2012 COUNCIL MEETING

Street Naming – Unnamed road reserve off Bellevue Road
A0100055, R0790141

RECOMMENDATION

That:

1. **the report by the Manager Revenue and Property on the naming of a new road reserve off Bellevue Road be received;**
2. **Council name the new road reserve off Bellevue Road – Nashs Flat Avenue**

Executive summary

The new Elouera Estate subdivision off Bellevue Road in Mudgee includes a new street. Addressing requirements for the new subdivision will necessitate the naming of the new road within the subdivision.

Detailed report

Council, being the Roads Authority, is required to name new or unnamed streets and roads. The purpose of this report is to provide a list of names submitted by the public from which Council can choose one name for the unnamed street.

Council wrote to neighbours of the road reserve on 4/7/12 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the July issue of the Community News. Submissions closed on 29/7/12 and during this period 1 submission was received with the following names suggested:

Nashs Flat Avenue
Emma Walsh Place

Financial implications

Cost of Gazettal notice at approx \$100. Purchase and installation of one street sign will be met by the Developer.

Street sign to be installed on the Bellevue Road intersection with the unnamed street.

Strategic or policy implications

Street naming is legislated under the Roads Act 1993. This Act empowers the authority in charge of the road with the rights to name it. The naming of this road will allow the completion of street addressing within the Elouera Estate subdivision. Section 162 of the Roads Act (1993) states that "a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months notice of the proposed name."

The Geographical Names Board has been advised of these possible street names and has no objection to Nashs Flat Avenue or Emma Walsh Place.

In accordance with Council's Road Naming Policy, the name that Council endorses for the new road off Bellevue Road will be:

1. advertised in The Community News inviting submissions in writing from the public for a period of 21 days and;
2. concurrently, notice of the proposed name will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, the New South Wales Volunteer Rescue Association Inc, and, in the case of a classified road – Roads & Maritime Services, inviting submissions in writing for a period of 21 days.

At the expiration time for the lodgement of submissions, a further report will be prepared for Council addressing any submissions received and recommending the formal adoption of the proposed street name, and Gazettal of the new street name.

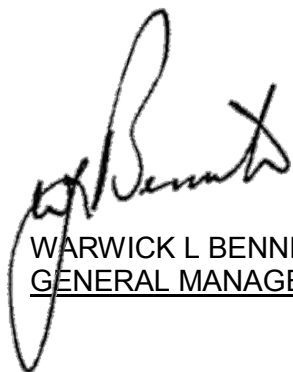
DIANE SAWYERS
MANAGER REVENUE AND PROPERTY

CLARE PHELAN
GROUP MANAGER
FINANCE & ADMINISTRATION

10 July 2012

- Attachments:*
1. Correspondence received from the Geographical Names Board
 2. Submission
 3. Map of the new road reserve off Bellevue Road.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



**Land & Property
Information**

Panorama Avenue BATHURST
P O Box 143
BATHURST NSW 2795
Tel: (02) 6332 8440
Fax: (02) 6332 8415
Email: bob.davis@lpma.nsw.gov.au
www.lpma.nsw.gov.au

The General Manager
Mid Western Regional Council
P O Box 156
MUDGEE NSW 2850

Attention: Carolyn Atkins

3rd August 2012

Your Ref: CA: R0790141
Our Ref: T02/0175 2012 - 112



Dear Madam,

**ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008
SECTION 162 – NAMING OF PUBLIC ROADS**

I refer to your letter of 30th July 2012 which proposed the following public road names:

NASHS FLAT AVENUE, EMMA WALSH PLACE

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the names have been reviewed under the GNB Guidelines for the Naming of Roads and there is no objection to their use, provided they do not refer specifically to any living persons.

Yours Faithfully

A handwritten signature in black ink that reads 'Bob Davis 03/08/12'.

Bob Davis, Team Leader DCDB Update
For Division Manager Information Sourcing

ATTACHMENT 2

5 Nicholson Street
MUDGEE NSW 2850

26th July 2012

Dear Sir

**SUBMISSION FOR THE ROAD TO BE NAMED IN THE ELOUERA ESTATE
SUBDIVISION OFF BELLEVUE ROAD MUDGEE**

I would like to make the following submission regarding the naming of the above new road in the Community News on 13th July 2012. This new subdivision is located on a property previous owned by myself and before that my mother Emma Jane Walsh.

The original property was called "Nash's Flat" and was held by my family for approximately 75 plus years. At that time Nash's Flat was the original name for a larger district that took in the current Bellevue, Glen Ayr and Henry Bayly areas.

I would like to submit my preferred name choice of Nashs Flat Avenue.
Or my second choice would be Emma Walsh Place.

These names have historical relevance to the area and specifically to the land being subdivided. I would love to see Nashs Flat retained as a historical reference to this area.

Yours faithfully



Kathleen D Austin



From: LynneRobinson[mailto:lynrob@harboursat.com.au]
Sent: Thursday, 26 July 2012
To: CarolynAtkins
Subject: RE: Historical Society question for you

2:43PM

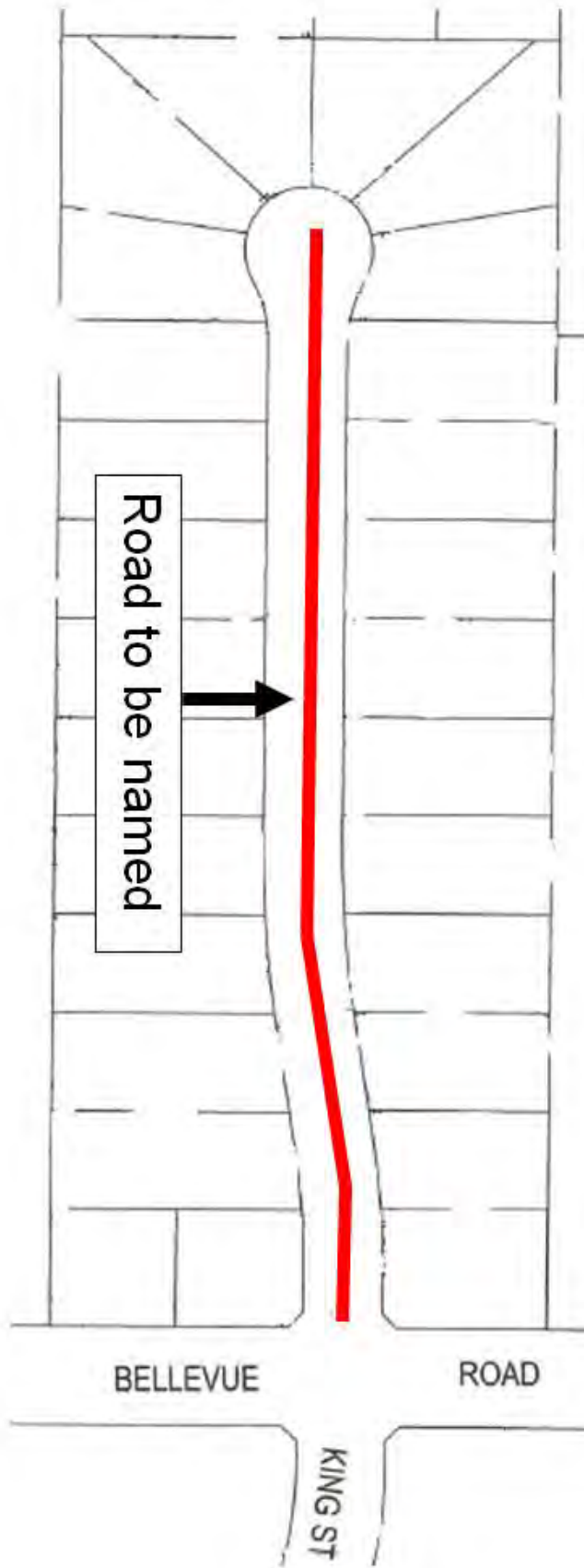
Hi Carolyn

Nashs Flat was named after Martin Nash as far as I know. He and his wife Hannah (nee Ryan) lived in that area at least since the early 1860's.

He died in 1901 – his obit [3/10/1901\(thur\)](#) Death of Martin Nash was somewhat of a shock to whole community; for 40 years had been one of citizens of our district as a mail contractor between Mudgee and Wollar; and afterwards as road contractor.

Michelle Skinners mother lived in the area in her younger days some may know a little more of the actual area

Hope this helps
Rgds Lynne



7.2.30 Property Re-valuations

REPORT BY GENERAL MANAGER TO 26 SEPTEMBER 2012 COUNCIL MEETING

Property Revaluation

A0100055, A0340003, A0340028, A0340047

RECOMMENDATION

That:

1. **the report by General Manager on the Property Re-valuations be received;**
2. **Council writes to the Minister of Finance and Services, the Hon. Greg Pearce, expressing its disappointment at the errors made by the Valuer General which affect Council's income by \$198,000 and that the Minister be requested to explain to Council what consequences will evolve from this error, and what the Minister will offer Council in compensation for this error.**

Detailed report

On Tuesday 18 September, I had a telephone conference call with Chris White and Paul Chudley, on behalf of the Valuer General from the Land and Property Information (LPI). LPI is responsible through the Department of Finance and Services, and comes under the portfolio of the Hon. Greg Pearce. Earlier this year, Council wrote to the Valuer General and sought that a review be undertaken on all farmland properties that had a valuation increase by greater than 20%. In August of this year, the representatives of the Valuer General through LPI addressed Council, and advised that there would be a review of all of farmland valuations. Because of the huge fluctuations, the Valuer General also included those properties that had a valuation decrease of more than 20% as well. There was a total of 669 properties over 100 hectares that fell into the category above, that is – a valuation increase or decrease of greater than 20%.

Of those 669 properties that the Valuer General reviewed, 277 were incorrect. That represents an error rate of 41.4%. Of the properties reviewed that mistakes have occurred in, 36 will receive a valuation increase, and 241 will receive a valuation decrease. The 36 properties' cumulative valuation increase comes to \$4 million, and the 241 properties that received a decrease have a total decrease in valuation of \$40 million. This represents a net decrease in the rateable valuations to Council of \$36 million, which accounts for \$198,000 loss of general rate income to Council.

Because the revaluation will undertake what is known as a re-ascertainment, this \$198,000 is an actual loss to Council, and will be effective from the time the revaluations are released. In other words, of these 277 properties with incorrect valuations, Council will have to reissue them with new rate assessments under the reviewed valuations. What this means is that Council, when it was calculating its ad valorem rates, based its income of \$14.5 million. That income is now reduced by \$198,000.

So what are Council's options from here? I believe there are two:

1. Council objects to this re-ascertainment of the reviewed valuations, so in effect what Council would be saying, is that it disagrees with the reviewed valuations, even though it has no expert professional opinion to say whether the valuations are right or wrong. Also because there has been some considerable public outcry on the substantial increases in valuations, which are now proven to be wrong, Council would in fact be taking rates from

ratepayers when all the time it was supporting that outcry.

2. Accept the re-ascertainment of the review and adjust the budget accordingly.

I don't believe Council has any alternative but to accept Option 2, however I firmly believe that Council needs to hold the Valuer General accountable for this extraordinary high error rate. The Valuer General cannot walk away from the fact that he has issued valuations where 41% of them are incorrect. This is unacceptable and Council should be seeking compensation of lost income through the State Government. If the error rate was less than, say, 5%, which is a normally accepted error rate for valuations, then Council could wear these errors within its existing budget, but to lose \$198,000 or 1.4% of its budget through a Valuer General bungle should not go unchallenged.

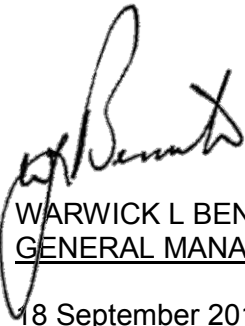
I have invited the representatives of the Valuer General to address Council on this matter at the briefing prior to this meeting. They are attending at 3.00pm.

Financial implications

As stated in the above report, the effect of this error by the Valuer General accounts for \$198,000 of general rate income to Council. This equates to 1.4% of Council's general rate income. Council will need to adjust its budget accordingly, and recommendations will be made to the September Quarterly Review which Council will consider in November. This loss of income only affects one year's general rate income because, as Council will be able to make up this loss of income in the 2013/14 financial year. However it still should not allow the Valuer General to escape from the accountability of this massive error rate.

Strategic or policy implications

Nil at this stage.



WARWICK L BENNETT
GENERAL MANAGER

18 September 2012

Attachments: Nil.

7.2.31 Crudine Ridge Wind Farm – Consultative Committee

REPORT BY GENERAL MANAGER TO 26 SEPTEMBER 2012 COUNCIL MEETING

7.2.31 Crudine Ridge Wind Farm Consultative Committee

A0100055, A0420225

RECOMMENDATION

That:

1. **the report by General Manager on the Crudine Ridge Wind Farm - Consultative Committee be received;**
2. **Council nominates Councillor John Weatherley and Group Manager Development & Community Services, Catherine Van Laeren as the Council representatives on the Crudine Ridge Wind Farm Community Consultative Committee;**
3. **Council nominates Mrs Margaret Conn as a community representative on the Crudine Ridge Wind Farm Community Consultative Committee.**

Detailed report

The Crudine Ridge Wind Farm is now seeking representatives for their Community Consultative Committee during the next stages of the development of their wind farm. Please find attached the appropriate information. This report recommends that the Council representatives be Councillor John Weatherley and the Group Manager Development & Community Services.

During the process of responding to documents released by the Crudine Ridge Wind Farm proponents, Council has received considerable assistance from a Mrs Margaret Conn, ex-solicitor from Mudgee, but a resident in the area likely to be affected by this development. She has considerable knowledge and will represent this community very well, in management's opinion, on this consultative committee. It is therefore recommended to Council that Mrs Margaret Conn also be nominated to go on the Consultative Committee. Mrs Conn has been contacted by Council staff and is keen to be involved on this Consultative Committee.

Nominations for the Consultative Committee close on Tuesday 2 October 2012.

Financial implications

Nil.

Strategic or policy implications

Nil.



WARWICK L BENNETT
GENERAL MANAGER

20 September 2012

Attachments: 1. Call for expressions of interest for a community consultative committee.

Wind Prospect CWP call for Expressions of Interest

Community Consultation Committee

The NSW Government published Draft Planning Guidelines for Wind Farms (Draft Guidelines) in December 2011. One of the proposals put forward in the Draft Guidelines is for wind farm proponents to establish a Community Consultation Committee (CCC). The purpose of a CCC would be to provide a forum for open discussion between Wind Prospect CWP, the community, Local Government and other stakeholders. In particular, the CCC would provide a forum to:

- Establish good working relationships between the proponent and the community;
- Provide for ongoing communication and information dissemination;
- Discuss community concerns and resolutions; and
- Advise on the allocation of Community Enhancement Funds.

It is proposed that the CCC comprise of five to seven members of the local community and other stakeholders, including at least two representatives that own houses within 2km of a proposed wind turbine. Other representatives include one representative from Council, up to three representatives from the proponent, and an independent chairperson. Both the independent chairperson and local community/stakeholder representative will be appointed by the Director-General of the Department of Planning and Infrastructure.

In preparing for the Draft Guidelines being incorporated, Wind Prospect CWP would like to seek nominations from interested community representatives and other stakeholders who would be willing to sit on the CCC.

It is envisaged the CCC will meet every two to three months, as determined by the CCC members.

Nominations are to be in writing and should include brief relevant background information of the applicant, disclosure of affiliation with other groups, interests, skills and capacity to contribute to the CCC. An example of the key selection criteria can be found overleaf.

All nominations should be addressed to:

Ed Mounsey
Head of Development
Wind Prospect CWP
PO Box 1708
Newcastle NSW 2300

The Draft Guidelines are available to read on the NSW Department of Planning and Infrastructure website www.planning.nsw.gov.au

Wind Prospect CWP Community Consultation Committee

Name.....

Name of Wind Farm in local area.....

Address

.....

.....

Distance from proposed project.....

Phone.....

Mobile.....

Email.....

Occupation.....

Community Group Represented (where relevant)
(e.g. neighbour, special interest, sporting, charity or other organisation)

.....

.....

Professional/Personal Interests

.....

.....

Briefly describe how you can contribute to this committee (refer to Draft Guidelines for details)
(e.g. what skills you can offer, experience in similar roles)

.....

.....

Other relevant information

.....

.....

Please note that this call for Expressions of Interest is in anticipation of the Draft Guidelines being passed in their current form. Should there be any amendments to the Draft Guidelines that affect a material change to the proposed formation of a CCC, then the proponent will reserve the right to review its position with respect to establishing a CCC.

The Draft Guidelines are available to read on the NSW Department of Planning and Infrastructure website www.planning.nsw.gov.au

7.2.32 Section 73A Amendment to Land Zoning Sheet 5G LEP 2012

REPORT BY TO COUNCIL MEETING

LEP 2012 Amendment to Land Zoning Maps

A0100055, A0420244

RECOMMENDATION

That:

1. **the report by Manager Strategic Planning on the Local Environmental Plan 2012 Amendment to Land Zoning Map Sheet 5G be received;**
2. **the Section 73A Submission regarding the corrections to the Land Zoning Map Sheet 5G be forwarded to the Department of Planning requesting that the necessary amendments to the Local Environmental Plan 2012 be undertaken;**
3. **should the Department of Planning request that the correction be presented as a Planning Proposal, that such a planning proposal be prepared; and**
4. **in the case of a planning proposal, should the gateway require exhibition and during which Council does not receive any submissions, that the matter be dealt with under the delegation of the General Manager.**

Executive summary

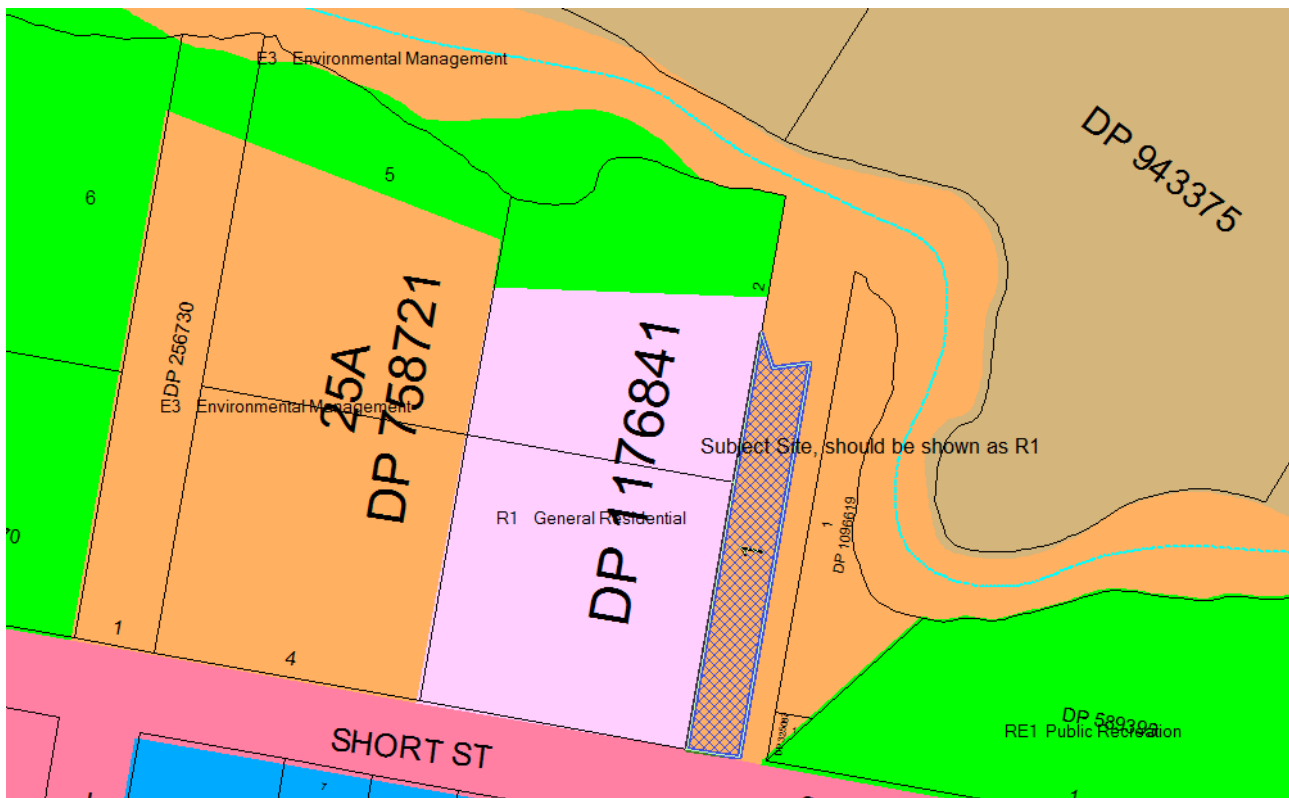
During the finalisation of the Local Environmental Plan 2012, there were a number of mapping amendments and format changes. One of these has resulted inadvertently in the back zoning of part of the Perry Street road reserve and needs to be fixed.

Detailed report

The road was rezoned as part the adjacent Lot to facilitate development of the site. This rezoning was signed by the Minister in August 2011. The zoning map sheet 2 showing the area of the street that was included in the approved amendment is Attachment 1.

It is unclear as to at what point the change was made, however, the Height of Building Maps and Lot Size Maps show the correct data and it is simply the Land Zoning Map that fails to include the street. A copy of the published Lot Size and Zoning Maps are Attachment 2.

An earlier version of the zoning maps shows the street coloured correctly. There was an adjustment to the E3 Environmental Management zone at the rear of Lot 2 and it would appear likely that when this was done, the road was overlooked. In any case it was not the intention of the LEP 2012 to back zone that part of Perry Street. An earlier version showing the road zoned but not the Recreation Zone at the rear of the site is Attachment 3.



The area in question is hatched above

The Environmental Planning and Assessment Act (EP&A Act) includes a provision, the purpose of which is to enable amendments to LEPs to fix minor errors without calling up the usual planning process as follows.

73A Expedited amendments of environmental planning instruments

- (1) An amending environmental planning instrument may be made under this Part without compliance with the provisions of this Part relating to the conditions precedent to the making of the instrument if the instrument, if made, would amend or repeal a provision of a principal instrument in order to do any one or more of the following:
 - (a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error,
 - (b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature,
 - (c) deal with matters that the Minister considers do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land.
- (2) A reference in this section to an amendment of an instrument includes a reference to the amendment or replacement of a map adopted by an instrument.

Advice from the DOPI Regional Office suggests that this is the way forward in this instance.

Financial implications

Not applicable.

Strategic or policy implications

The amendment will correct an obvious error in the published LEP 2012.

LIZ DENSLEY
MANAGER STRATEGIC PLANNING

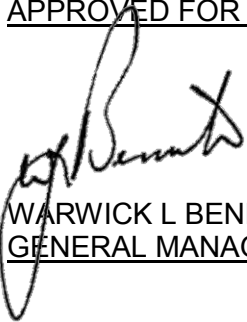


CATHERINE VAN LAEREN
GROUP MANAGER, DEVELOPMENT &
COMMUNITY SERVICES

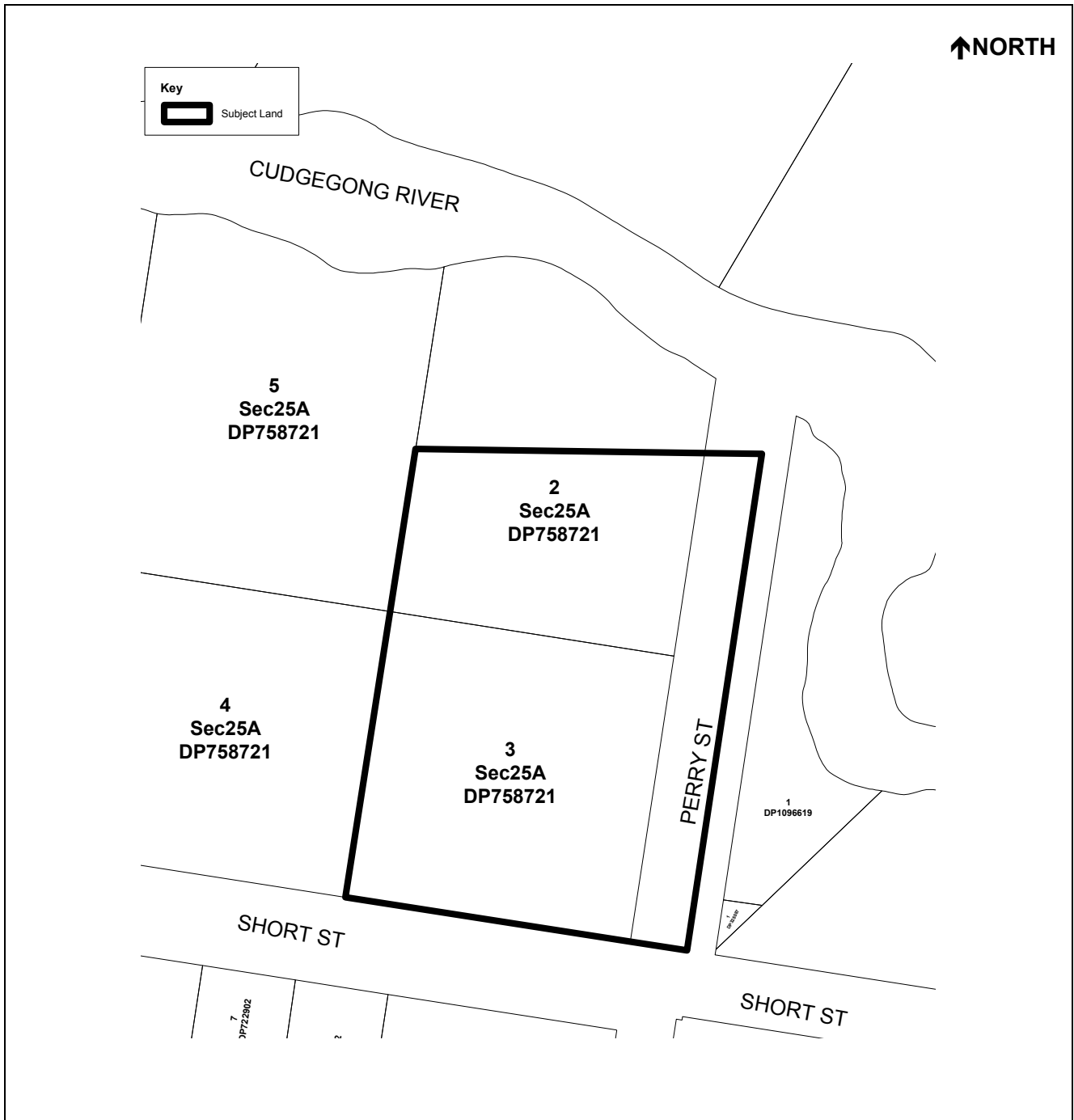
14 September 2012

- Attachments:*
1. Original Map Amendment
 2. Published Lot Size and Zoning Maps
 3. Earlier version of Zone Maps Dec 2011

APPROVED FOR SUBMISSION:



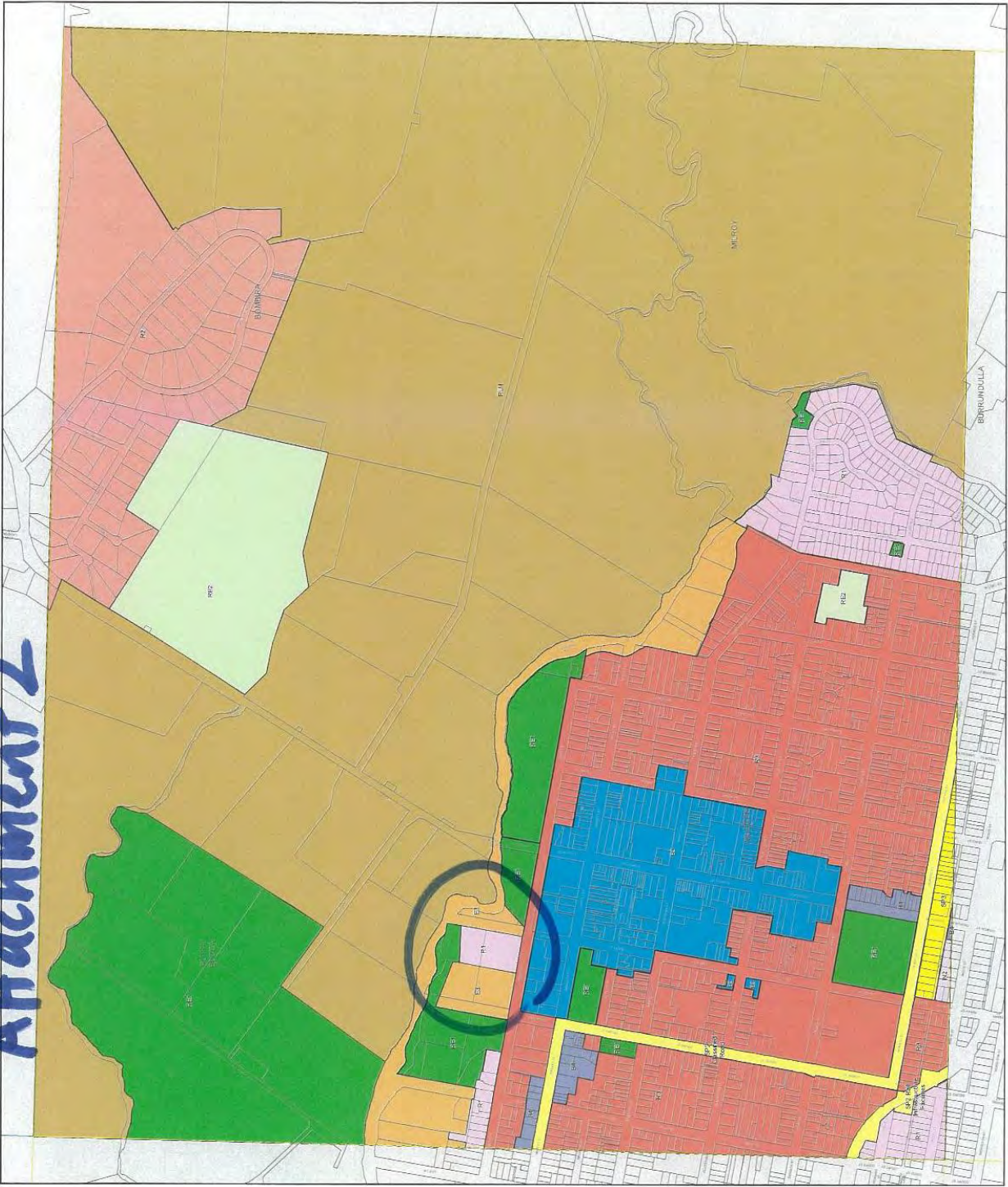
WARWICK L BENNETT
GENERAL MANAGER



**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 MID-WESTERN REGIONAL INTERIM
 LOCAL ENVIRONMENTAL PLAN 2008 (AMENDMENT No. 1) - SHEET 2**

Drawn by	M.Cali	26/07/2011	Statement of Relationship with other plans Amends Mid-Western Regional Interim Local Environmental Plan 2008
Checked	C. Van Laeren	26/07/2011	
General Manager	W Bennett	26/07/2011	
File No.	P0218561		Sheet 2 of 2 Notified on NSW Legislation website on
Certificate Number	Plan		Certified in accordance with the Environmental Planning & Assessment Act 1979, and regulations Authorised Officer _____ Date _____

Attachment 2



Mid-Western Regional Council
Mid-Western Regional Local Environmental Plan 2012

Land Zoning Map - Sheet LZN_006G

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- C3 Commercial Core
- M4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E3 Environmental Management
- R1 General Industrial
- R2 Light Industrial
- R3 Heavy Industrial
- R4 General Residential
- R5 Low Density Residential
- R6 Medium Density Residential
- R7 Large Lot Residential
- R8 Public Recreation
- R9 Private Recreation
- R10 Primary Production
- R11 Forestry
- R12 Primary Production Small Lots
- R13 Village
- S1 Infrastructure
- S2 Tourist

Cadastre

- Cadastre 15/1/2010 Land and Property Information (LPI)

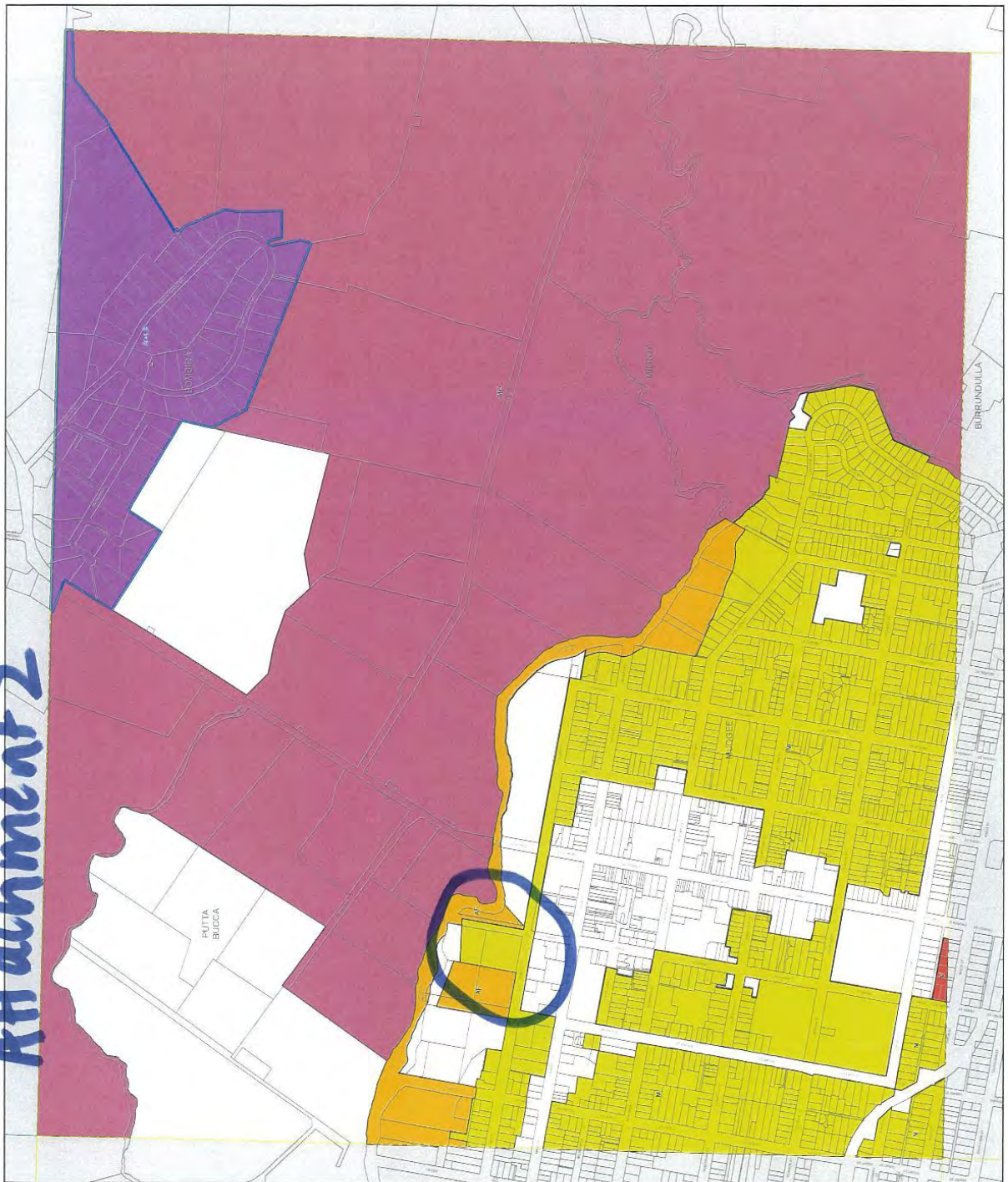
N

Scale: 1:10,000 @ A3

Trigonometric: GDA 1984
MGA Zone 55

Map identification number: B270_COM_LZN_006G_010_20120519

Attachment 2



Mid-Western Regional Council
 Mid-Western Regional Local Environmental Plan 2012

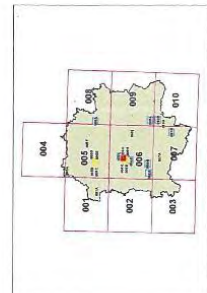
Lot Size Map - Sheet LSZ_006G

Minimum Lot Size (sq m)

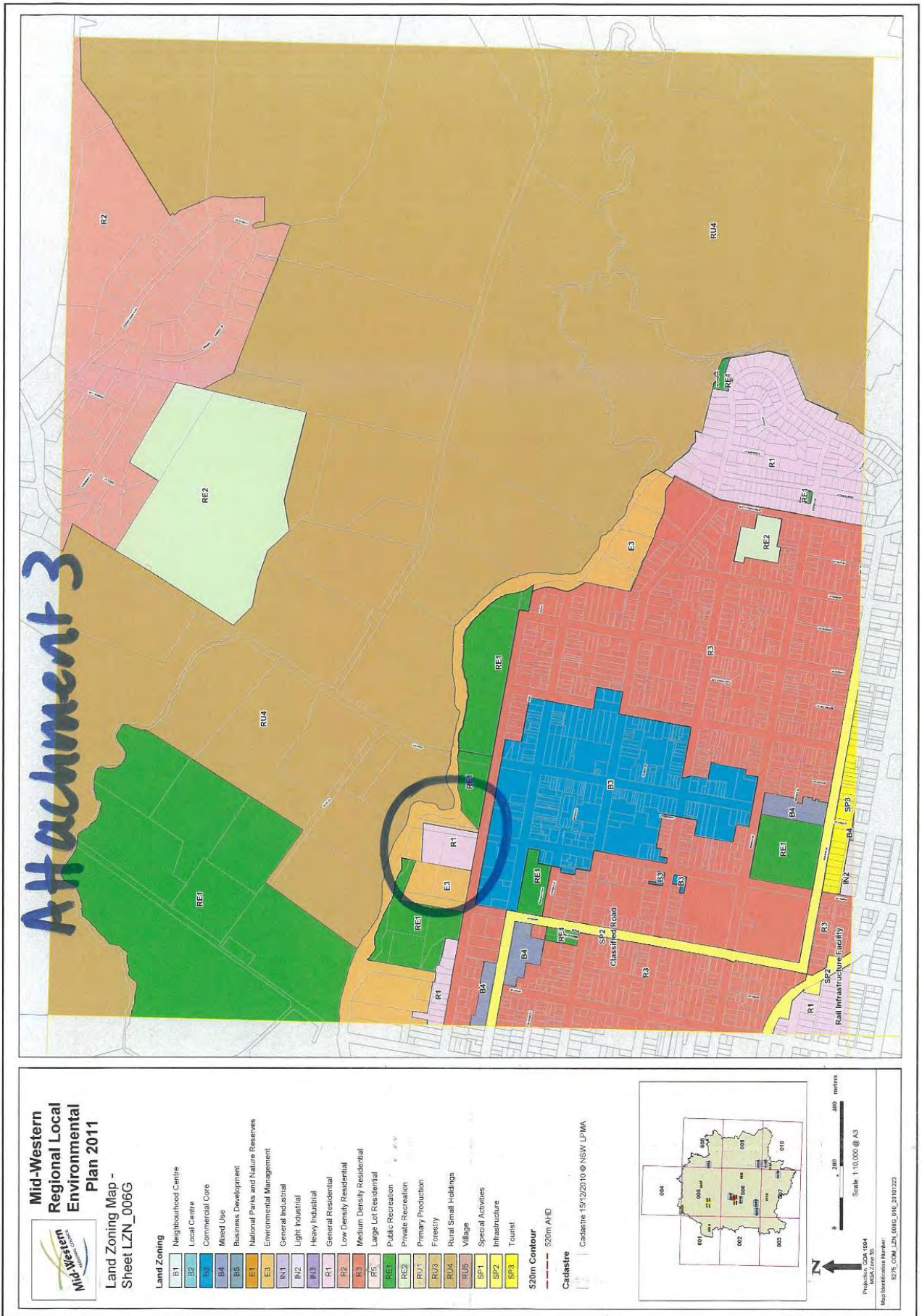
M	600
U	1000
V	2000
W	4000
Z	2 ha
AB1	10 ha
AB2	12 ha
AB3	20 ha
AB4	40 ha
AD	100 ha
AE	400 ha

Refer to Clause 4.1 (3A)

Cadastre
 Callstate 15/22010 Land and Property Information (LPI)



Scale 1:10,000 @ A3
 0 200 Metres
 Projection: GDA 1984
 MGRS: 57UJ 010
 Map Identification Number: 57UJ_COM_LSZ_006G_110_2012010



URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 8: Urgent Business Without Notice