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12 June 2013

Dear Councillor

MEETING NOTICE  
**Ordinary Meeting**

Wednesday, 19 June 2013

Open Day at 5.30pm

*Council Meeting commencing at conclusion of Open day*

Notice is hereby given that the above meeting of Mid-Western Regional Council will be held in the Council Chambers, 86 Market Street, Mudgee at the time and date indicated above to deal with the business as listed on the Meeting Agenda.

Members of the public may address the Committee Meeting at Open Day. Speakers are given 5 minutes to outline any issue of relevance to the Council. If you wish to speak at Open Day please contact the Mayor's Office on 1300 765 002 or 02 6378 2850 by 3.00 pm on the day of the meeting. Alternatively, please make yourself known to the Manager Governance prior to the commencement of the meeting.

Yours faithfully

A handwritten signature in black ink, appearing to read "Warwick L Bennett".

WARWICK L BENNETT  
GENERAL MANAGER

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## Item 1: Apologies

## Item 2: Disclosure of Interest

In accordance with Section 451 of the Local Government Act 1993, Councillors should declare an interest in any item on this Agenda. If an interest is declared, Councillors should leave the Chambers prior to the commencement of discussion of the item.

## Item 3: Confirmation of Minutes

### 3.1 Minutes of Ordinary Meeting held on 6 June 2013

#### *COUNCIL DECISION:*

That the Minutes of the Ordinary Meeting held on 6 June 2013, Minute Nos 185/13 to 223/13 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 Thursday 6 June 2013, commencing at 6.20 pm and concluding at 7.17 pm

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

#### **Item 1: Apologies**

An apology was received for the absence of Councillor White.

185/13                    **MOTION:                    Martens/Weatherley**

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

*The motion was put and carried.*

#### **Item 2: Disclosure of Interest**

There were no disclosures of interest.

#### **Item 3: Confirmation of Minutes**

186/13                    **MOTION:                    Shelley/Weatherley**

**That the Minutes of the Ordinary Meeting held on 15 May 2013 (Minute Nos. 169/13 to 184/13) be taken as read and confirmed.**

*The motion was put and carried.*

#### **Item 4: Matters in Progress**

Noted.

#### **Item 5: Mayoral Minutes**

There was no Mayoral Minute.

**Item 6: General Business**

6.1 NOTICES OF MOTION

6.1.1 RE-VALUATION OF MUDGEES CBD

A0100056, A0100035

MOTION: Thompson/Shelley

That Council adjust its rates charges for the present Operational Plan on the new valuation to take place on 1 July 2013 and that a letter be written to the appropriate State Government Minister requesting that the law be changed to prohibit the sales of properties for mines and buffer zones being used as comparable sales when valuing genuine farmland.

*The motion was put and lost.*

6.2 REPORTS TO COUNCIL

6.2.1 DA 0334/2013 PROPOSED 33 LOT RESIDENTIAL SUBDIVISION – 38– 46 BATEMAN AVENUE, MUDGEES

A0100056, P1038163

187/13

MOTION: Shelley/Cavalier

That:

- A. the report by the Town Planner on the DA 0334/2013 Proposed 33 Lot Residential Subdivision – 38 – 46 Bateman Avenue, Mudgee be received;
- B. Council permit the variation of the lot size in accordance with Clause 4.6 for proposed lot 34 as it will be used for access purposes and not for the purposes of a residential lot.
- C. Development Application No DA0334/2013 be approved subject to the following conditions:

**APPROVED PLANS**

1. Development is to be carried out generally in accordance with the stamped approved plans: Subdivision Plan, File No BK003.dwg Sheet Nos 1 and 2, prepared by Jabek Pty Limited and dated 24 August 2012, Statement of Environmental Effects dated February 2013 and supporting documentation, and the Development Application received by Council on 6 February 2013, except as varied by the conditions listed herein.

Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new Development Application.

2. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the Mudgee Local Aboriginal Land Council and National Parks and Wildlife Service are to be notified.

**PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE**

3. Council is to be provided with a Controlled Activity Approval under the *Water Management Act 2000* from the NSW Office of Water for the proposed works prior to the issue of the Construction Certificate.
4. The developer shall obtain an Aboriginal Heritage Impact Permit (AHIP) for the destruction or relocation of known and unknown aboriginal heritage at the location from the NSW Office of Environment and Heritage prior to issue of the Construction Certificate.
5. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
6. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1. An easement in favour of the upstream allotments shall be created not less than 1.0 m in width for interallotment drainage.
7. 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.

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

#### CIVIL WORKS ASSOCIATED WITH THE SUBDIVISION

9. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots plus the cost of connecting to existing services. Each lot must be provided with separate water and sewer services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
10. The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,425.00 per new junction to cover the cost of Council installing a junction in an existing main, or for the work to be done as part of any main extension.

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

11. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,600.00 per lot to cover the cost of installing both the service and a 20mm meter on the water main, OR \$350.00 per meter assembly where the main is extended by the developer.

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

12. The developer is to upgrade the Bateman Avenue extension for the full frontage of the proposed subdivision and including connection to the existing sealed Bateman Avenue, such that it has the following characteristics:

<i>Item</i>	<i>Requirement</i>
Full Road Pavement Width	9m @ 3% cross fall
Footpath Seal	1.2 metre wide concrete footpath Two-coat flush seal -14/7 mm (Double/ Double) as Required
Kerb & Gutter	Roll back concrete kerb & gutter (western side)
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

13. All public reserves proposed to be vested in the control of Council (outside of the riparian corridor) are to be landscaped and turfed prior to the release of the Subdivision Certificate.
14. A 1.2 metre wide concrete footpath is to be provided within the reserve designated path and park reserve from the road reserve to the drainage reserve prior to the issue of the Subdivision Certificate.

#### PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

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

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

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

#### Mudgee Catchment 1-2

##### Section 94 Contributions

##### Transport Management

Traffic Management \$34,417

<b>Open Space</b>	
Local Open Space	\$55,756
District Open Space	\$73,296
<b>Community Facilities</b>	
Library Buildings	\$7,090
Library Resources	\$8,445
<b>Administration</b>	
Plan Administration	\$16,491
<b>Total Payable</b>	<b>\$195,495</b>

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

18. The developer shall obtain a *Certificate of Compliance* in accordance with s305-307 of the *Water Management Act 2000*. This will require:
- (a) Payment of a contribution for water and sewerage headworks at the following rate:
- |                    |              |
|--------------------|--------------|
| Water Headworks    | \$246,867.00 |
| Sewerage Headworks | \$111,128.00 |
| Total Payable      | \$357,995.00 |
- (b) The adjustment of existing services or installation of new services and meters, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.
19. Prior to the issue of a *Subdivision Certificate*:
- (a) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
- (b) an agreement be made between the developer and Council;
- i) as to the security to be given to Council that the works will be completed or the contribution paid, and
- ii) as to when the work will be completed or the contribution paid.
20. Three metre wide easements, including associated Section 88B of the *Conveyancing Act 1919* instruments, are to be created in favour of Council over any existing or newly constructed water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
21. Following completion of the subdivision works, one full set of work-as-executed plans, in pdf and dwg format, which is "Autocad compatible" is to be submitted on disk to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
22. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of underground electricity supply to the subdivision.
- b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
23. Proposed lot 34 is not approved for the purpose of a dwelling and a restriction as to user benefitting Council is to be placed on the title that states that no dwelling shall be erected on the allotment.

#### GENERAL TERMS OF APPROVAL NSW OFFICE OF ENVIRONMENT AND HERITAGE

1. The proponent is required to apply for an Aboriginal Heritage Impact Permit (AHIP) for the objects located within the development area.
2. The fate of the objects (relocation or storage) is to be decided on the basis of the wishes of the Aboriginal stakeholders.
3. Consultation with the Aboriginal community in relation to the AHIP must comply with Office of Environment and Heritage's "Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010".



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

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

6.2.2 DA0301/2013 – STAGED DEVELOPMENT – DWELLING - LOT 11 DP 1153315, 277 ILFORD HALL ROAD, ILFORD

A0100056, P1942164

188/13

**MOTION:** Walker/Martens

That:

- A. the report by the Graduate Planner on the DA0301/2013 – Proposed Staged Dwelling, Lot 11 DP 1153315, 277 Ilford Hall Road, Ilford be received;
- B. Development Application DA0301/2013 - Proposed Staged Dwelling, Lot 11 DP 1153315, 277 Ilford Hall Road, Ilford, be refused for the following reasons;
  1. The proposal does not comply with Clause 4.2A (3(a)) of the Mid-Western Regional Local Environmental Plan 2012 as it does not incorporate an area in excess of 40 hectares,
  2. The proposal does not comply with Clause 4.2A (3(b)) of the Mid-Western Regional Local Environmental Plan 2012 as a dwelling was not permissible immediately before the commencement of the LEP 2012,
  3. The proposal does not comply with Clause 4.2A (3(c)) of the Mid-Western Regional Local Environmental Plan 2012 as a dwelling was not permissible immediately before the commencement of the LEP 2012,
  4. The proposal does not comply with Clause 4.2A (3(d)) of the Mid-Western Regional Local Environmental Plan 2012 as the land does not comprise an existing holding,
  5. The proposal does not comply with Clause 4.2A (3(f)) of the Mid-Western Regional Local Environmental Plan 2012 as the land is not within 500 metres of a RU5 Village zone and the 500 metres is not a development standard,
  6. It is not considered to be in the public interest to vary a development standard that is within the applicant's control to achieve compliance with the development standard.

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

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

6.2.3 SUBMISSIONS ON OPERATIONAL PLAN

A0100056, A0170041

189/13

**MOTION:** Shelley/Weatherley

1. That the report by the General Manager on the Submissions on Operational Plan be received.

The motion was put and carried.

190/13

**MOTION:** Shelley/Cavalier

2. That Council amend the 2013/14 Operational Plan to reduce the overall rates levied in the 2013/14 financial year by \$169,000 to \$17,751,094.36 and that the reduced yield be

determined by reducing the rate increase on Farmland to 5.53% increase the same as the Business and Residential categories. This reduced income of \$169,000 be funded by way of deleting/amending the following expenditure and/or projects costs

- \$40,000 – Cemetary Landscaping
- \$80,000 – Lawson Park Irrigation
- \$49,000 – Weeds budget

AMENDMENT: Webb/Thompson

2. That Council amend the 2013/14 Operational Plan to reduce the overall rates levied in the 2013/14 financial year by \$169,000 to \$17,751,094.36 and that the reduced yield be determined by reducing the rate increase on Farmland to 5.53% increase the same as the Business and Residential categories. This reduced income of \$169,000 be funded by way of deleting/amending the following expenditure and/or projects costs
  - \$80,000 – Lawson Park Irrigation
  - \$90,000 – Percy Nott Park

*The amendment was put and lost. The motion was put and carried.*

191/13                    **MOTION:**                    Thompson/Shelley

3. Council receive all the submissions to the 2013/14 Operational Plan and that the General Manager be required to respond to each submission as per the Council resolutions;
4. Yancoal be thanked for its submission and advise that a review of categorisation for rating purposes will only be undertaken on application for review on the approved form;
5. An acknowledgement be sent to Mr Bob Lamond for his submission and that he be notified that Council has the legal right to recover lost rate income if it so desires and that it will not purchase the Regent Theatre and that the General Manager give an explanation on the budget statement queries that have been raised.

*The motion was put and carried.*

192/13                    **MOTION:**                    Shelley/Cavalier

6. Consideration of the submission from the NSW Origin Legends be deferred until the September quarterly budget review.

*The motion was put and carried.*

193/13                    **MOTION:**                    Cavalier/Weatherley

7. Consideration of the submission from the Mudgee Civilian Rifle and Small Bore Club Inc be deferred.

*The motion was put and carried.*

194/13                    **MOTION:**                    Martens/Cavalier

8. Consideration of the submission from Frontline Community Services be deferred until the September Quarterly Budget Review.

*The motion was put and carried.*

195/13                    **MOTION:**                    Thompson/Cavalier

9. Beragoo Estate Progress Association be thanked for their submission and advised that Council will contribute \$8,000 towards the cost of tar sealing Beragoo Road from the Council's Road and Maintenance account on the condition that all Beragoo residents make their contribution to Council totalling \$8,000 prior to the works commencing. The works to be limited to \$16,000.

*The motion was put and carried.*

196/13                    **MOTION:**                    Walker/Cavalier

10. the Sculptures in the Garden Committee be thanked for their submission and advised that Council approves its request to match their funds raised of \$4,783.21 towards a piece of sculptured art work for the region and the committee be advised that the selected piece of art work must be approved by Council before being commissioned.

*The motion was put and carried.*

197/13                    **MOTION:**                    Shelley/Walker

11. Denise Guggenbuhl-Cornaz be thanked for her submission and that she be advised that Council has maximised as far as practicable its allocation to non-urban road funding in the region;
12. the Mudgee District Tennis Club be thanked for its submission and Council confirm its grant of \$30,000 towards this facility;
13. the Mudgee and Gulgong Cricket Association be thanked for its submission and advise that Council declines its request to increase the allocation for wicket maintenance from \$20,000 to \$30,000;
14. Kandos Gardens Fair Committee be thanked for its submission and advised that Council will undertake plantings in the Kandos township as part of its operational program.

*The motion was put and carried.*

198/13                   **MOTION:**           Weatherly/Cavalier

15. NSW Farmers be thanked for their submission and advised that Council supports, in principle, the scholarship for a student wishing to study agriculture at a tertiary level as part of the Australian Day awards but that Council is unable to comit any funds towards this scholarship..

*The motion was put and carried.*

199/13                   **MOTION:**           Shelley/Cavalier

16. Housing Plus be thanked for its submission but be advised that Council declines its request to waiver section 94 contributions and water and sewer headwork fees;

*The motion was put and carried.*

200/13                   **MOTION:**           Shelley/Weatherley

17. TAFE NSW be thanked for its submission and be advised that Council will persue grant funding applications for a footpath to the Ulan Road campus but is unable to make any financial contribution from Council funds.

*The motion was put and carried.*

201/13                   **MOTION:**           Shelley/Cavalier

18. Barnardos Western NSW be thanked for its submission and advised that their request for additional funding for the Loft Youth Centre in Kandos will be referred to the Youth Council;
19. Council amend the Sewer Budgets to include the following projects:
 

• Sewer Management studies:	\$50,000
• Sewer Mains relining:	\$12,000
• Mudgee Sewer Augmentation:	\$1,100,000
• Training of operators:	\$41,000

and these projects be funded as a result of carryover from the 2012/13 year from the Sewer Reserve account
20. Council amend the Water Budgets to include the Redbank Dam structural repairs at a cost of \$150,000 to be funded from the Water Reserve account as a result of the carryover from the 2012/13 financial year;
21. Council include the Catchment A Drainage Works project at a cost of \$305,000 in the 2013/14 Operational Plan. The works to be funded from surpluses declared in the March Quarterly Budget Review from the Asset Replacement account;
22. Council include in the 2013/14 Operational Plan the following grants that were received and paid in advance to Council in the 2012/13 financial year, and will be shown as surpluses at 30 June 2013:
 

• Financial Assistance Grants:	\$2,808,000
• Footbridge over Cudgegong River:	\$150,000
23. Council include in the 2013/14 Operational and Delivery Plan the following incomes expected from Section 94 contributions or VPAs:
  - Section 94 contributions - - haulage extraction: \$176,000 for 2013/14, \$182,000 for 2014/15, \$187,000 for 2015/16 and \$193,000 for 2016/17;
  - Voluntary Planning Agreement – Stage 2 Moolarben Coal: \$1,500,000

*The motion was put and carried.*

202/13                   **MOTION:**           **Cavalier/Shelley**

- 24. Council amend the 2013/14 Operational Plan to include the following projects:**
- **Cemetery software: \$12,000 from the Capital Programme Reserve**
  - **MAC Group appeal to Environment Court: \$80,000 from unrestricted cash**

*The motion was put and carried.*

203/13                   **MOTION:**           **Shelley/Walker**

- 25. Council amend its Fees and Charges schedule to include:**
- **A \$1.00 per hour fee for the use of the inflatable pool slide**
  - **Inspections of private swimming pools: first inspection \$150,           second inspection \$100**

*The motion was put and carried.*

**MOTION:**           **Webb/Thompson**

- 26. That Church Street Mudgee between Gladstone and Denison Streets receive a rubber seal upgrade and the remainder of the \$750,000 set aside for the Church Street rehabilitation be redirected to rural roads re-sheeting.**

*The motion was put and lost.*

204/13                   **MOTION:**           **Shelley/Cavalier**

- 27. the Mudgee Small Farm Field Days be thanked for their submission and advised that Council is prepared to make an in-kind contribution for rubbish removal and airport security up to a maximum of \$3,500 towards their Field Day event in July 2013.**

*The motion was put and carried.*

205/13                   **MOTION:**           **Webb/Martens**

- 28. That grants donation of \$3,000 each be made to the Gulgong and Mudgee Show Societies.**

**AMENDMENT:**       **Shelley/Cavalier**

- 28. That any funds donated to the show societies be treated in the usual manner.**

*The amendment was put and lost. The motion was put and carried.*

6.2.4       COMMUNITY PLAN – SUBMISSIONS

A0100056, A0149939

206/13                   **MOTION:**           **Shelley/Cavalier**

**That:**

- 1. the report by Manager Strategic Planning on the Community Plan be received;**
- 2. the submission relating to development of facilities at People's Park in Gulgong, Adventure Playground and seating in Rylstone Parks be referred to and considered as submissions to the Recreation Strategy;**
- 3. the issues raised in relation to pedestrian movement at the intersection of Horatio and Church Streets (McDonalds) and traffic island in Church Street between Aldi and Mitre-10 be referred to staff for a report to the Traffic Committee for further consideration;**
- 4. that the Community Plan be adopted.**

*The motion was put and carried.*

6.2.5       A CONVERSATION WITH LUE

A0100056, A0420245

207/13                   **MOTION:**           **Cavalier/Martens**

**That the report by the Director, Development and Community Services on community consultation evening called A Conversation with Lue be received.**

*The motion was put and carried.*

6.2.6       MONTHLY BUDGET REVIEW – APRIL 2013

A0100056, A0149935

208/13                   **MOTION:**           **Shelley/Cavalier**

**That:**

1. the report by the Financial Accountant on the Monthly Budget Review - April 2013 be received;
2. the 2012/13 Operational Plan be amended in accordance with the variations as listed on page 2 of the April 2013 Monthly Budget Review and as set out in the report of the Finance Accountant dated 23rd May 2013.

*The motion was put and carried.*

6.2.7 FINANCIAL ASSISTANCE APPLICATIONS

A0100056, A0140201

209/13

**MOTION:** Weatherley/Shelley

**That:**

1. the report by the 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:

Judy Kurtz	\$ 200
Mudgee Fine Foods	\$1,500
Jordan Woolmer	\$ 250
Karen Wilkinson	\$ 120

3. The following amounts be distributed from Councillor discretionary votes:

<i>Cr Weatherley</i>	<i>Cudgegong Choir</i>	<i>\$500</i>
	<i>Gulgong Eistedfod</i>	<i>\$500</i>
	<i>Jordan Woolmer</i>	<i>\$500</i>
<i>Cr Cavalier</i>	<i>Jordan Woolmer</i>	<i>\$200</i>
<i>Cr Webb</i>	<i>Jordan Woolmer</i>	<i>\$200</i>
<i>Cr Kennedy</i>	<i>Mudgee Hospital – Shower Chair</i>	<i>\$2,000</i>

*The motion was put and carried.*

6.2.8 TENDER FOR SUPPLY OF WATER METERS

A0100056, A0100026

210/13

**MOTION:** Martens/Cavalier

**That:**

1. the report by the Director, Finance & Administration on the tender for supply of water meters be received;
2. That Elster Metering be awarded this tender as the single source supplier of water meters for the period 1 July 2013 to 30 September 2015; and
3. That a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 30 June 2016.

*The motion was put and carried.*

6.2.9 TENDER FOR SUPPLY OF TRAFFIC AND SAFETY SIGNAGE, AND GALVANISED POSTS AND CAPS

A0100056, A0100026

211/13

**MOTION:** Shelley/Weatherly

**That:**

1. the report by the Director, Finance & Administration on the tender for supply of traffic and safety signage, and galvanised posts and caps be received;
2. Council accept the tender of Barrier Signs Pty Ltd for the supply of traffic and safety signage for the period 1 July 2013 to 30 June 2015;
3. provision be allowed for a one year extension to this contract based on satisfactory supplier performance which may take this tender through to 30 June 2016;
4. Council accept the tender of Hi-Vis Signs & Safety for the supply of galvanised posts and caps for the period 1 July 2013 to 30 June 2015;, and
5. provision be allowed for a one year extension to the contract based on satisfactory supplier performance which may take this tender through to 30 June 2016.

*The motion was put and carried.*

6.2.10 ROADS POLICY REVIEW

A0100056, A0100021

212/13

**MOTION:** Weatherley/Martens

**That:**

1. the report by Business Manager Works on the Roads Policy Review be received;
2. Council adopt the revised Advise to Resident on Road Works / Conditions Policy
3. Council confirm and adopt the exiting Access to Properties Policy
4. Council adopt the revised Bitumen Sealing of Gravel Roads Policy
5. Council adopt the revised Bus Shelter Policy
6. Council adopt the revised Construction of New Pathways Policy
7. Council adopt the revised Grazing of Stock on Roads Policy
8. Council adopt the revised Kerbing and Guttering and Footpath Charges Policy
9. Council adopt the revised Permanent Road Closures Policy
10. Council adopt the revised Private Works Policy
11. Council adopt the revised Public Seating Policy
12. Council adopt the revised Regulatory and Warning Signage Policy
13. Council adopt the revised Road Encroachment on Private Lands Policy
14. Council adopt the revised Temporary Road Closures Policy
15. Council adopt the revised Water Pipes Across and Along Roads Policy
16. Council adopt the revised Sign Inspection and Replacement Policy
17. Council rescinds the Gutter Bridges Policy

*The motion was put and carried.*

6.2.11 GULGONG SPORTS COUNCIL

A0100056, A0360003

213/13

**MOTION:** Thompson/Cavalier

**That:**

1. the report by the Director, Mid-Western Operations on the Gulgong Sports Council be received;
2. That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 13 March 2013 be noted.

*The motion was put and carried.*

6.2.12 GULGONG SPORTS COUNCIL

A0100056, A0360003

214/13

**MOTION:** Cavalier/Walker

**That:**

1. the report by the Director, Mid-Western Operations on the Gulgong Sports Council be received;
2. That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 10 April 2013 be noted.

*The motion was put and carried.*

6.2.13 MUDGEES SPORTS COUNCIL

A0100056, A0100013

215/13

**MOTION:** Weatherley/Walker

**That:**

1. the report by the Director, Mid-Western Operations on the Mudgee Sports Council be received;
2. That the minutes for the Mudgee Sports Council ordinary monthly meeting held on 29 April 2013 be noted.

*The motion was put and carried.*

6.2.14 LOCAL TRAFFIC COMMITTEE MINUTES – 21 MAY 2013

A0100056, A0100009

216/13

**MOTION:** Cavalier/Weatherley**That:**

1. the report by the Development Engineer on the Local Traffic Committee Minutes – 12 March 2013 be received;
2. the event – “Gulgong Henry Lawson Festival” Saturday, 8 June 2013 – 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 & 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 Mid-Western Regional Council, NSW Roads and Maritime Service (RMS) and NSW Police are 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 two 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 Cycle Club Events 2013’ – 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 and the ‘Typical Requirements for Bicycle Special Events’.
  - 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 3.3 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 Service 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 & 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 consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected;
  - l. Maintain a four-metre wide emergency vehicle lane;
  - m. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
  - n. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and
  - o. The organiser is to advise Ulan, Wilpinjong and Moolarben coal mines of race details to ensure that mine workers are aware of the cycling races.
4. the event – “Mudgee Running Festival 2013” Friday and Saturday, 24 & 25 August 2013 – 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 any of 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 & 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 \$10 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 consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected;
  - k. Maintain a four-metre wide emergency vehicle lane;
  - l. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
  - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and
  - n. A copy of the TMP including the TCP is to be forwarded to the Traffic Operations Manager at the Regional RMS Office in Parkes, for information.
5. the event – "Rylstone StreetFeast", 2 November 2013 – 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. "Give Way" signs be installed on Rocky Waterhole Road on the north side approach to Cudgegong River.
7. the Local Traffic Committee:
- a. note the RMS Inspection Report of the site, dated April 2013;
  - b. note the submission from Mr GC Hansen, dated 4 April 2013 (as amended 19 April 2013); and
  - c. replace the current symbolic cross-road ahead signage to clarify the priority of the roads at the intersection as recommended by the RMS report.
8. a 'disabled parking space', including kerb ramp and associated signage, be installed on the southern side of the existing disabled parking space in Lewis Street, adjacent to St Matthews Catholic School.
9. a request to review the speed zone on Black Lead Lane be forwarded to the RMS; and
- b. the residents of Black Lead Lane be notified of the referral to the RMS.



*The motion was put and carried.*

6.2.15 UPDATED ROBERTSON PARK MANAGEMENT PLAN

A0100056, A0820020

217/13

**MOTION:** Shelley/Martens

**That:**

1. the report by the Economic Development Officer on the Updated Robertson Park Management Plan be received;
2. the Updated Robertson Park Management Plan be placed on public exhibition for a period of 28 days;
3. following the exhibition period, the Updated Robertson Park Management Plan be presented back to Council for adoption.

*The motion was put and carried.*

6.2.16 JULY COUNCIL MEETING

A0100056, A0100004

218/13

**MOTION:** Walker/Cavalier

**That:**

1. the report by the General Manager on the July Council Meeting be received;
2. the July Council Meeting be changed from 17 July to 24 July 2013.

*The motion was put and carried.*

**Item 7: Urgent Business Without Notice**

3.2 7.1 Conduct Review Panel

A0100056, A0110003

219/13

**MOTION:** Shelley/Cavalier

**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.*

220/13

**MOTION:** Shelley/Martens

**That:**

1. The report by the Manager Governance on the Conduct Review Panel be received; and
2. Council appoint the following new members to its panel of conduct reviewers:
  - Mr Robert Ball
  - Mr John Burgess
  - A nominee of the Local Government Women's Association.

*The motion was put and carried.*

**Item 8: Confidential Session**

221/13

**MOTION:** Shelley/Martens

**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 matters would be considered in confidential session and the reason why they were being dealt with in this way.

**Subject: Caerleon Voluntary Planning Report**

*The reason for dealing with the first report confidentially is that it relates to information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting business in accordance with Section 10A(2) (c) of the Local Government Act, 1993.*

*Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it could prejudice negotiations for the Voluntary Planning Agreement.*

**Subject: Insurance Matters**

*The reason for dealing with the second report confidentially is that it relates to advice concerning litigation or advice that would otherwise be privileged for production in legal proceedings on the grounds of legal professional privilege in accordance with Section 10A(2) (g) of the Local Government Act, 1993.*

**Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it could prejudice the handling of insurance claims.**

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.*

3.3 8.1.1 Voluntary Planning Agreement Caerleon

A0100056, A4200236

222/13

**MOTION: Weatherley/Cavalier**

**That:**

1. the report by the Director, Development and Community Services on the Voluntary Planning Agreement for Caerleon be received;
2. subject to drafting amendments as may be required upon receiving legal advice and the amendments listed below, that the draft Voluntary Planning Agreement for Caerleon be placed on exhibition for 28 days in accordance with the requirements of the Environmental Planning and Assessment Act. The amendments are:

**Planning Agreement**

- Clarification of the ability to register the VPA on the land title when the purchase of the land is yet to be complete.
- Provision within the VPA of adequate security for the provision of the facilities subject to the VPA.
- Clarification and flexibility within the definition of the area and definition of land for water reservoir and sewer pumping station to enable the finalisation of the design to be adequately addressed in the VPA.
- Construction of the footpath extending along the rail corridor at stage 1 of the development.
- Clarification in the VPA of who is undertaking the design and construct of water and sewer works and adequate flexibility within the VPA to allow the developer to undertake the work subject to the provisions of the current Development Servicing Plans.
- Amendment of Clause 5.3 to ensure that the methodology for the CPI increase specified in the VPA are consistent with that adopted in the current DSP.
- Deletion of Clause 5.5 requiring monetary contribution to be paid as set out in Items 18 and 19 of Schedule 3.
- Further clarification regarding the timing and process of valuation as specified in 5.6 for the water reservoir.
- Inclusion in the VPA recognition that Council is responsible to design and construct distribution works and headworks which will be undertaken to service catchment area in the most efficient and cost effective design. Changes to the design to suit the developer's works should be at the developer's cost.

**Schedule 3**

- Amendment of Item 9 Schedule 3 to remove the allowance for monetary offset for easements and accesses as such easements and accesses are to be created and dedicated to Council at no cost to Council.
- Amendment to Item 10 of Schedule 3 to require the completion of the local park OS1 upon the provision of the occupation certificate for the 50th house subject to legal advised that the VPA provides adequate security if not than the provision of the OS1 to be linked to the release of the linen plan for stage 1.
- Amendment of Item 11, 12, 13, 14, 15 and 16 in relation to the carrying out of works in the open spaces and drainage work to be required prior to the release of the relevant linen plan.
- Amendment of Item 17 in Schedule 3 to require the construction of the bus stop upon the provision of a bus service to the area or the occupation certificate for 100 homes whichever occurs first.
- Amendment of Item 18 in Schedule 3 to a Council approved design rather than to match the spine road design.
- Amendment of Item 19 in Schedule 3 DSP charges to allow the deferment of 100 lots for 6 months or at the registration of the 100th lot whichever is the lesser. In addition payment of the DSP charges are to occur at the linen release stage for all other lots rather than registration of lots.
- Amendment of Item 19 Schedule 3 for the contribution to be indexed with CPI at the time of payment in accordance with the current DSP.
- Amendment of Item 19 in Schedule 3 to remove reference to 1 March 2014.
- Amendment of Item 19 Schedule 3 to delete the monetary offset provision for land as this point refers to all infrastructure works.
- Amendment of Item 19 Schedule 3 to further clarify and refine the definition of works with the possible inclusion of a reference to the intention of the current DSP.

*The motion was put and carried.*

3.4      8.1.2      Insurance Matters

A0100056, A0205984

223/13

**MOTION:**      **Shelley/Martens**

**That the report by the Manager Governance on Insurance Matters be received and noted.**

*The motion was put and carried.*

**Item 9:**      **Open Council**

The Manager Governance announced the decisions taken in Confidential Session.

**Closure**

There being no further business the meeting concluded at 7.17 pm.

## Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Rylstone/Kandos Sewerage Augmentation	S.85/10 Assets Mtg 1/12/10	That: 2. Council commence negotiations with the Department of Environment, Climate Change and Water to defer construction of a new Treatment Plant at Kandos until funds become available under the Country Town Water and Sewerage Scheme; 3. staff review options to stage the proposed works in this region to improve the affordability of the augmentation required to meet effluent discharge quality requirements.	<b>With the focus on delivering the Mudgee Sewer Works insufficient staff resources are available to review this scheme</b>
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.	<b>No determination as yet.</b>
Return of Royalties	Res. 151/12 Ord. Mtg. 18/4/2012	That Council continue to fight for the return of royalties for the region.	<b>Expressions of Interest have been lodged with the State Government.</b>
Submissions on Operational Plan	Res. 192/13 Ord. Mtg. 6/6/2013	That consideration of the submission from the NSW Origin Legends be deferred until the September quarterly budget review.	<b>This matter will raised again at the September quarterly budget review</b>
Submissions on Operational Plan	Res. 193/13 Ord. Mtg. 6/6/2013	That consideration of the submission from the Mudgee Civilian Rifle and Small Bore Club Inc be deferred	<b>This matter will raised again at the September quarterly budget review</b>
Submissions on Operational Plan	Res. 194/13 Ord. Mtg. 6/6/2013	That consideration of the submission from Frontline Community Services be deferred until the September Quarterly Budget Review.	<b>This matter will raised again at the September quarterly budget review</b>

Item 5: Mayoral Minute

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Nil.

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## Item 6: General Business

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### 6.1 Notices of Motion

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#### 6.1.1 Weeds budget 2013/14

LISTED BY CR JOHN WEBB TO 19 JUNE 2013 COUNCIL MEETING

130619 Council PUBLIC

A0100056, A0100035

#### **MOTION**

**That the \$21,000 in the *Connecting our Region* budget be allocated to next year's (2013/14) budget for Weeds**

#### **BACKGROUND**

There was \$21,000 allocated for the reseal of Church Street between Denison and Horatio Streets. This money is no longer needed as this project has now been allocated \$750,000 for a complete upgrade.

This \$21,000 can be used to make up part of the shortfall created by Council's decision to take money from the Weeds budget to make up the shortfall in rates.

It is imperative that Council allocates money back to the Weeds budget to maintain the good work of our Weeds staff.

Weeds cost the NSW farming community alone in excess of \$600 million per year. As this Council is the weeds control authority, it will send the wrong message to the community if we are going soft on weeds by cutting back our budget.

#### Comments by General Manager

The money that is subject to this Notice of Motion was declared surplus at the March Quarterly Business Review and helped fund other negative variations in the current year's project schedule such as Crudine Road heavy patching and other roads maintenance projects. The March Quarterly Business Review resulted in a small positive variation of \$17,000, predominantly due to the change in timing on the MAC Group appeal. This surplus has already been offset by an original budget deficit for 2013/14 being \$20,000.

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## 6.2 Reports

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### 6.2.1 DA 0428/2013 – Caerleon Subdivision Stage 1 – 267 Residential Lots – 38 Hill End Road, Caerleon

REPORT BY THE ENVIRONMENTAL PLANNER TO JUNE 19 JUNE 2013 COUNCIL MEETING

130619 Council PUBLIC

A0100056, P1939562

#### RECOMMENDATION

##### That:

1. **the report by the Environmental Planner on the DA 0428/2013 Proposed 267 Lot Residential Subdivision, Lot 2 DP 1181749, lot 1 DP 1146227, lot 1 DP 132086 and lot 136 DP 756894, 38 Hill End Road, Caerleon be received;**
2. **Council delegate to the General Manager or his delegate the ability to approve Development Application No 0428/2013 – Residential Subdivision, Lot 2 DP 1181749, lot 1 DP 1146227, lot 1 DP 132086 and lot 136 DP 756894, Caerleon subject to standard conditions of consent and the receipt of the General Terms of Approval from NSW Office of Water, NSW Rural Fire Service and the NSW Roads and Maritime Service.**
3. **Council acknowledges the negotiations currently under way for the development of a Voluntary Planning Agreement and the General Manager be required to include a condition on this consent approval to ensure that all aspects of the Voluntary Planning Agreement are a condition on the consent.**

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#### Executive summary

Council has received a Development Application for a 267 lot Residential Subdivision at 38 Hill End Road, Caerleon. The Development Application has been forwarded to Council for consideration of delegating the determination as Council has not received the General Terms of Approval from the Stage Government Agencies and the next Council meeting is not for one month.

The application seeks approval for the subdivision of the site into 267 residential lots, an allotment for the purposes of a child care facility and three public reserves. The proposed development site is Stage 1 of a much larger residential development that would ultimately contain 1,000 homes and is located approximately 2 kms from Mudgee.

The application is outside of staff delegation as it involves more than 20 lots and one submission was received in relation to the development. The submission has been adequately addressed in the report.

The development is integrated development and approval is required from the NSW Office of Water and the NSW Rural Fire Service, and concurrence is required from the Roads and Maritime Service as access is required onto a regional road. All three government agencies have requested

further information but it is not considered that the issues raised are significant and therefore Council staff are of the opinion that the development will not alter significantly and that the agencies will issue General Terms of Approval within the near future.

The infrastructure includes roads, parks and underground services required to adequately manage servicing of the site. The assessment of the Development Application has determined the site is suitable for the subdivision. It is a cleared undulating site that dwellings can easily be built upon and to which infrastructure services can be extended.

The issues raised in the submissions relate to stormwater drainage, roof colours, lighting, *Colorbond* fences along the railway corridor and noise associated with the sewerage pump stations. These matters have been addressed within the body of the assessment report.

The assessment of the Development Application has determined it to be consistent with the planning objectives of the locality pursuant to the relevant codes and policies and as such is recommended for approval.

## Detailed report

A development application has been received by Council seeking approval for the Stage 1 subdivision of the Caerleon locality. Council recently supported the rezoning of the locality to facilitate its subdivision and expansion of Mudgee's residential fabric to the west of the township.

The Stage 1 subdivision will absorb four existing lots and involve:

- Creation of 267 Residential Lots with lot sizes ranging between 450m<sup>2</sup> to 1,261m<sup>2</sup>,
- Creation of 1 Lot for a child care use,
- Creation of 3 residue lots for recreation purposes and embellishment of recreational lots,
- Creation of three on-site detention basins,
- Creation of an internal sealed road system,
- Creation of a main collector (spine) road providing primary subdivision access to Hill End Road,
- Creation of reticulated sewer, water and stormwater system including a sewer pump station to Councils new waste water treatment plant to the west,
- Earthworks to provide road network, detention basins, and infrastructure,
- Demolition of existing dwelling, sheds and structures on site, and
- The removal of three 1<sup>st</sup> order drainage lines and the infill of an existing dam.

## ASSESSMENT:

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

### 1. REQUIREMENTS OF REGULATIONS AND POLICIES:

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

#### **State Environmental Planning Policy SEPP 55 – Remediation of Land**

A Preliminary contamination investigation was undertaken for the planning proposal to rezone the site. The site has a historical land use of sheep and cattle grazing and contains a dwelling, and a number of sheds and structures associated with this use. The investigation identified that residential land use is suitable for the grazing areas of the site, i.e. the majority of land associated with the Stage 1 subdivision.



Additional detailed investigations were required to evaluate the potential for contamination associated with the Machinery Shed and Sheep dip for hydrocarbons and chemicals and the dwelling for asbestos.

To address this, a condition requiring further detailed contamination studies in accordance with the recommendations of the preliminary contamination assessment is recommended on the permit.

### **SEPP Infrastructure**

The proposed development is within vicinity of a highway, requires a new road to be constructed onto a regional road and is adjacent to the railway line. The SEPP requires consideration of the impact on the road network and consideration of rail noise for the future residential neighbourhood.

The traffic assessment has been reviewed by the Roads and Maritime Service (RMS) and Council's Development Engineering Team. This has required that the design of the intersection to the Hill End Road and the new spine road be upgraded to cope with the projected traffic counts.

The proposed road layout and connection to the road network is considered to be satisfactory. In future stages, there will be significant upgrades required to the existing road network that will need to be done as part of the development. These include the intersection of Hill End Road and the Highway and the intersection of Market and Bell Streets.

In regard to noise and vibration impact from the railway line, the proposed reserve area along the railway line would provide sufficient buffer to ensure that noise and vibration are within the Department of Planning and Infrastructure guidelines.

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

### ***Part 2.1 Land Use Zones***

The subject site is a multi zoned site. Under Amendment 3 to the Mid-Western Regional LEP 2012 it was amended to be zoned R1 General Residential, B4 Mixed Use and RE1 Public Recreation. These zoning were provided to facilitate the subdivision, the creation of a neighbourhood centre, and environmental buffers along the railway line and a creek that adjoin and traverse the site.

### ***Part 4.1 Minimum Subdivision Lot Size***

The subject site is a multi lot size site. Under Amendment 3 to the MWRC LEP 2013 it was amended to have minimum lot sizes of G-450m<sup>2</sup>, M-600m<sup>2</sup>, & Area C. Area C under Clause 4.1C provides that no minimum lot size is required within 100m of the Caerleon B4 Mixed Use zone. The Area C lot size was provided to allow medium density residential development around the neighbourhood centre.

The lot sizes of the subdivision range from 450m<sup>2</sup> to 1,261m<sup>2</sup>. The lots are located to comply with the locations of the minimum lot sizes on the relevant lot size maps of the LEP 2012. Lots between 450m<sup>2</sup> – 600m<sup>2</sup> are provided within 100m of the B4 Mixed use zone and lots >600m<sup>2</sup> are provided around for the remainder of the site.

### **Part 5.10 Heritage Conservation**

An Aboriginal Heritage Due Diligence Assessment of the site was undertaken for the planning proposal to rezone the site. It identified that that the Stage 1 subdivision site incorporated a grinding groove site along the western boundary and recommended that it should be avoided by any future development plan. The subdivision plan avoids the grinding groove by providing an

open space lot around it of 1,646m<sup>2</sup>. The provision of the open space lot around the grinding groove is considered sufficient to comply with the recommendation.

Notwithstanding, the assessment identified 7 other artefacts in the broader Caerleon Area and suggested that other sites were likely to be found on the site. Though it is stated as unlikely that the known or potential archaeological features will preclude development of the property, further detailed investigation was required to comply with the relevant National Parks and Wildlife Assessment legislation and associated requirements.

To address this recommendation a condition is proposed that the applicant provide a detailed cultural assessment of the Stage 1 subdivision site undertaken in conjunction with local aboriginal communities and seek AHIPS for the disturbance of any artefacts which are discovered and required to be destroyed to facilitate the subdivision.

#### **Clause 6.1 Salinity**

A Preliminary Soil Salinity Assessment was undertaken to for the planning proposal to rezone the site. The assessment identified that the top-soil and subsoil were non-saline except for one area which was slightly saline. Accordingly, the residential use of the site should not be hindered due to salinity considerations. Notwithstanding, the implementation of a number of saline design principles were recommended in relation to the design of any subdivision for the site. A condition requiring compliance with these recommendations is recommended on any approval issued.

#### **Clause 6.4 Groundwater Vulnerability**

The subdivision is unlikely to have any impacts on groundwater vulnerability. A statement provided by Minespex stated that no groundwater dependant ecosystems are located on the site, and that the proposed use was not likely to lead to contamination due to the subdivision utilising extensive road hardstand and underground reticulated infrastructure. Such hardstand and infrastructure will minimise infiltration of water from the development into the ground water system.

#### **Clause 6.5 Terrestrial Biodiversity**

A Flora & Fauna Assessment was undertaken for the planning proposal to rezone the site. The assessment identified that the site affected by the Stage 1 subdivision is exotic dominated derived grassland which is not an endangered ecological community. The majority of the whole site is of low ecological value, suitable for residential purposes.

#### **Clause 6.9 Essential Services**

The subdivision will provide all essential services to the lots created. It incorporates underground electricity, reticulated water, sewer, and stormwater infrastructure; sealed roads; and three stormwater detention basins.

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

#### **Development Control Plan 2013 incorporating Caerleon Development Control Plan**

The subdivision application has been designed to comply with the requirements and indicative concept plans of the Caerleon Development Control Plan which is a section in councils Development Control Plan 2013. The subdivision complies with the relevant provisions as follows:

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<b>Vision</b>	The Stage 1 subdivision generally replicates the overall indicative concept plan for the site. Primarily it meets the vision and principles as it provides a connected street and pedestrian network with landscaping; open spaces; varying residential lot sizes; child care lot; on-site detention basins; and the preservation of cultural heritage.
<b>Access &amp; Movement</b>	The Stage 1 subdivision alters the internal road layout but retains the collector spine road connection to Hill End road and is considered to generally comply with the indicative street hierarchy. The roads are also shown to meet the design requirements of the Road Cross Sections table and provides networks in accordance with the Indicative Pedestrian and Cycle network plan.
<b>Open Space &amp; Public Domain</b>	The Stage 1 subdivision generally complies with the indicative open space plan. Primarily it complies with the relevant provisions as it provides open space in a range of parks and buffers in accessible locations with drainage lines. Extensive street tree and landscaping will be provided throughout the subdivision and open spaces.
<b>Residential Development</b>	The Stage 1 subdivision generally complies with the Indicative Density Allocation plan in that it clusters lots less than 600m <sup>2</sup> around the child care lot toward the railway line. It complies with the relevant provisions as it limits the minimum lot size to 450m <sup>2</sup> and provides varying lot sizes with appropriate building line widths for varying types of residential development.
<b>Neighbourhood Centre</b>	The subdivision complies with the provisions of the neighbourhood centre in that it provides for the small lot sizes around the B4 Mixed Use zone. No concept plan applies to the neighbourhood centre.
<b>Environmental Management</b>	The Stage 1 subdivision plan generally complies with the indicative drainage plan in that it provides on-site water detention basins in the nominated locations and maintains the natural drainage corridor that passes under the railway line. Primarily, the subdivision complies with the relevant provisions in that it will implement the principles of water sensitive urban design, will have minimal effect on salinity and groundwater systems, will not affect sensitive biodiversity; will be acceptable in relation to the bushfire hazard; and additional contamination and aboriginal heritage studies will be undertaken.
<b>Utilities</b>	The Stage 1 subdivision complies with the utility provisions in that it will be provided with reticulated water, will incorporate a new sewerage pump station and will be provided with electricity and communications services.

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## 2. IMPACT OF DEVELOPMENT

### (a) Context and Setting

The subdivision will significantly affect the context and setting of the site. The site is relatively cleared of vegetation and is in close proximity to Mudgee town but is rural in character at present. The proposed subdivision is considered to have a positive impact on the locality and will provide a natural extension for the township of Mudgee in a manner that is consistent with Council Strategic Land Use Strategy

The subdivision of the site is a natural extension to the residential areas of Mudgee and has been zoned 'R1 General Residential' for this purpose. The subdivision will have a positive impact on the town and is compatible with the future context and setting of the area.

### (b) Access, transport and traffic

A Traffic Impact Assessment provided indicated that the subdivision will not adversely affect the local road network subject to upgrades to the local road network. The subdivision has been designed to allow safe passage of vehicles and pedestrians through the site and an assessment has concluded that the functionality of the road system is appropriate.

The assessment does require the upgrade of the Market Street/ Bell street intersection and the Castlereagh Highway/ Hill End Road intersection but these upgrades are not triggered with the current proposal.

### (c) Public domain

It is considered that the proposed subdivision addresses the relevant subdivision guidelines to warrant approval and would provide for an improvement in the public domain.

### (d) Natural Hazards

The subject allotments are part identified as bushfire prone land and as such no referral to the NSW Rural Fire Service was required. The site is also not in the vicinity to any known environmentally sensitive areas and does not have any excessive slopes. The site does have a number of 1<sup>st</sup> order watercourses running through the site that are proposed to be removed. Development is within 40m of the top of the bank and as such controlled activity approval is to be sought pursuant to the Water Management Act 2000.

The land is not subject to flood hazard but as the RMS have pointed out, the existing access point back into town along Fairydale Lane is subject to flooding and would require upgrade of this road to prevent the access point from being blocked. This is required because it creates a poor level of service for the highway in terms of accessing the subdivision. As the access to Fairydale Lane is not proposed with the current subdivision, this will be required at a later stage.

### (e) Utilities

A concept servicing plan as provide with the application to address sewer and water reticulation, stormwater and water quality. These matters have been adequately addressed and will be assessed in further detail with the application for Construction certificate.

(f) Heritage

There are no known European heritage listed items within the vicinity of the site; however the assessment did identify some indigenous cultural heritage. It is proposed to maintain these artefacts in situ and protect them through isolating them from the development.

(g) Safety, security and crime prevention

The layout has been generally designed to maintain passive surveillance and promote access through the subdivision. The development is considered generally amenable to crime prevention.

(h) Social and Economic impact in the locality

The proposed development would pose a significant positive impact on the locality with the introduction of new residential land and housing stock. This will alter the fabric of Mudgee but it has been identified in strategic planning documents that this is important for the growth of Mudgee and the region.

**3. SUITABILITY OF SITE FOR DEVELOPMENT**(a) Does the proposal fit in the locality

The proposed development is generally considered to be compatible with the intended character of the area.

(b) Are the site attributes conducive to development

The development site is considered to be generally conducive to the development of the proposal.

**4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS**(a) Public Submissions

Council advertised and notified the proposed development to adjoining properties for a period of 30 days. One submission was received not expressly objecting to the development but seeking clarification on a number of issues. These issues are discussed below;

<b>Issue</b>	<b>Staff Comment</b>	<b>Resolution</b>
Stormwater drainage	Stormwater drainage has been considered and the applicant has been advised that downstream properties are not to be adversely affected. This level of detail is provided at the Construction Certificate and would include computer modelling to demonstrate adequacy.	Yes
Roof colours	Council does not have a policy on this matter and therefore would not regulate this. Should Council wish to regulate such an issue, this could be achieved with the review of the DCP.	No
Lighting	There are existing standards that regulate light spillage from street lighting and Council and Essential Energy are aware of these requirements.	Yes
Colorbond fence along railway corridor	This would not be the case with Stage 1 as no lots back onto the railway corridor.	Yes
Sewerage pump	These would be maintained by Council to ensure that	Yes

Issue	Staff Comment	Resolution
stations – amenity issues	there are no amenity issues. There are a range of mitigation measures that can be employed in the construction of the pump stations should it be evident that this is necessary but these facilities are generally not known to be noisy.	

(b) Submissions from public authorities

Council has referred the application to the NSW Rural Fire Service and the NSW Office of Water as integrated development and as also sought concurrence from the Roads and Maritime Service.

Council is still in the process of obtaining the final comments from these authorities.

**5. THE PUBLIC INTEREST**

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

The development seeks to provide an additional supply of residential zoned land to assist the region cope with the projected demand for residential housing. This is consistent with Council policy and is therefore considered to be in the public interest.

**6. CONSULTATIONS**

(b) Development Engineer

The application was referred to the Development Engineering Section and standard conditions of consent have been provided.


Financial implications

Council is seeking to enter into a Voluntary Planning Agreement (VPA) with the proponent and therefore the financial implications of the development would need to be considered as part of these negotiations. A condition of consent will be imposed on the development requiring a VPA to be entered into.

Strategic or policy implications

The development seeks to provide a supply of residential zoned land to assist with the supply issues that were so apparent last year and therefore is consistent with Council policy.

ALEX NOAD  
ENVIRONMENTAL PLANNER

  
CATHERINE VAN LAEREN  
DIRECTOR DEVELOPMENT AND COMMUNITY SERVICES

7 June 2013

- Attachments:
1. Locality Plan
  2. Subdivision Plan
  3. Public Submission

APPROVED FOR SUBMISSION:

  
WARWICK L BENNETT  
GENERAL MANAGER







## ATTACHMENT 3

The General Manager  
Mid Western Regional Council  
Mudgee NSW 2850

Re: DA "Caerleon Development" DA0428/2013.  
Our property "Carleon Park" is located adjacent to the DA on the eastern side of the railway.

I have not been able to study all the documents on line, but provide a few comments.

Our main concerns relating to the development in the proposal relate to;

- 1) Drainage - There can be extensive run off from the catchment that flows down through the proposed development area, that then flows to our property. We need to be assured how the drainage will be managed so that it doesn't cause major erosion of land, creek and waterways on our land. We also need to be assured that we will receive the same amount and not less runoff to fill our livestock stock dams. Will there also be any impact on the groundwater as our house and garden relies heavily on the groundwater.
- 2) Rooflines - It is hoped that some consistency will be applied to the roof colour of all houses so they blend in with the colour palette of the natural hills and landscape. Ie some sort of green, straw, blue grey and not shiny zinc or red. Mudgee is known as the nest in the hills, and this development should blend in with the natural landscape.
- 3) Lighting - it is hoped that the light pollution is kept to a minimum and that best practice is applied to the development in this regard.
- 4) We assume that an ugly colour bond fence will not be erected on the railway line boundary. Any fencing erected should be similar in style to a rural area. Ie wire livestock fence.
- 5) This area is an important part of the "Mudgee vista" that tourists and locals desire. Some additional vegetation buffers to break up the urban sprawl may improve this. At least a strip or some more patches where some really big trees (similar to the natives there now) can grow over the next 50 years would break up the vista. Mudgee is known as the nest in the hills, and this development should blend in more with the natural landscape and hills in the background. More attention should be made to making the area more "leafy", which will help the development better adapt to global warming and climate change in the long run as well as improve the vista for tourists and locals. There are many planning instruments and Council strategies that mention this.
- 6) Sewerage Pumps - One of these pumps is located close to our boundary. Are there noise , issues ?  
We would like the development to be a best practice example that the community will be really proud of in years to come. There are many examples around Mudgee and other towns where this is not the case.  
We would appreciate a response to the above points.  
I appreciate that Mudgee needs to expand and we are happy to engage with a constructive dialogue with Council and the developers. Thank you for the opportunity to comment.  
Yours sincerely

Max Roth

"Carleon Park"  
Mudgee NSW 2850

## 6.2.2 Mid-Western Regional Council Submission – A New Planning System for NSW White Paper

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 19 JUNE 2013 COUNCIL MEETING

130619 Council PUBLIC

A0100056, A0420109

### RECOMMENDATION

**That:**

- 1. the report by the Director, Development and Community Services on the Mid-Western Regional Council Submission – A New Planning System for NSW White Paper be received;**
- 2. Council make a submission on the White Paper "A New Planning System for NSW" in accordance with the draft letter attached to this report.**

### Executive summary

The State Government is currently undertaking a review of the planning system in NSW. Council has previously made a submission to the Green Paper, with the White Paper on exhibition until the 28 June 2013 for public comment. The purpose of this report is to present to Council a draft submission for consideration. A copy of the White Paper is available on the Department's website, or a hard copy can be obtained by contacting Council staff.

### Detailed report

The White Paper addressing the planning reforms under the five themes of:

- Delivery Culture
- Community Participation
- Strategic Planning;
- Development Assessment;
- Building and Certification, and
- Provision of Infrastructure.

This report has been structured to provide a short summary of the white paper and draft bill for each theme and a comment and recommendation to be included in the Council submission.

Mid-Western Regional Council is concerned that the review of the planning system is focussed on resolving the issues on the eastern seaboard and has failed to adequately address and identify the implications on rural and regional NSW. In an attempt to simplify the planning system for Sydney concern is raised that there are added levels of complexity that are unnecessary in western NSW. This added complexity will result in added delays and costs of development and include the establishment of Regional Planning Boards, greater complexities in complying development codes and code assessment, increased reliance on private certification and greater restriction on Council's ability to levy developer contributions.

## *DELIVERY CULTURE*

The planning culture in NSW is the complex set of relationships within and between those who operate the planning system including local government, State Government, development proponents and industry, planning, design and environmental specialists, a range of social and interest groups, and individuals.

The key principles of the good planning culture as proposed by the White Paper (Sect. 3.1. pg. 36) are;

- Enable confidence and trust so that it can create liveable and productive communities,
- Listen to and form partnerships with the community and stakeholders so that it can strategically create a vision for our cities, neighbourhoods and natural environments,
- Be focussed on achieving performance based outcomes rather than process,
- Be centred around problem solving with a can do attitude,
- Have strong leaders who build effective partnerships across industry groups and government,
- Create highly skilled professionals who feel supported to negotiate focussed, positive and timely outcomes and are empowered to make decisions while managing risk,
- Deliver a culture to facilitate the government's priority for economic growth, social improvements and environmental protection, as part of a culture of accountability for delivering results.

### **Confidence through hierarchy of plans**

The proposed strategic plan layer of the new planning system promotes a line of sight and clear direction and linkages between the state plans and regional down to the local plans.

### **Developing capacity and skill through education and professional development**

The planning system has become highly regulated and adversarial and it is proposed to reposition the system so that it is based upon evidence based strategic planning that informs a simpler assessment process. The White paper also discusses the need for planners to be retrained to deal with this strategic based approach.

### **Overcoming barriers to cultural change**

The relationship between State Government and Local Government needs improving. State agencies need to be aware of the review into local government and it is therefore proposed to create Chief Executive's Officers Group to inform the change process.

### **A shift in the mindset of people in the industry**

A move away from controlling development to a mindset of transparency, communication and consultation.

### **A commitment to cultural change**

The Department of Planning and Infrastructure is committed to improving the culture. Some of the ways that this will be achieved include establishing a Cultural Change Action Group, training and mentoring of the new culture, restructure of the department (DoPI), appointing a Deputy Director General of Cultural Change, provision of professional guidelines for evidence based strategic planning and providing best practice in community participation.

### **Performance monitoring in strategic plans**

This will include monitoring of the delivery aspects such as housing completion and infrastructure provision, and the key objectives such as household types and the protection of environmentally significant assets.

### *Comment*

There are a number of aspects that need to be discussed in regard to Delivery culture and one of the main aspects of this is that this can all happen without a new Act. None of the aspects of

achieving a delivery culture require a new Act; they are all ancillary aspects of the planning system that could be achieved at anytime.

The new delivery culture appears to be very much about making sure development happens and not hiding behind any notion of impartiality until the evidence has been assessed. The White Paper has thrown in the notion of environmentally sustainable development (ESD) to provide a level of impartiality but it appears very much as a last thought to balance the promoted 'can do' attitude.

It should be noted that most regional and rural local government areas already work in a more collaborative culture where it is usually commonplace for planners to assist applicants through the system by modifying the proposal to comply with local government requirements rather than refusing applications in a much more adversarial approach. This is not to say that inappropriate development is supported but that where the development has merit in one form or another, that assistance is provided to help a proponent through the planning system.

This is also true with regard to strategic plan making where new plans are based upon evidence and assessed on merit with significantly more community engagement than required by the Act. The Act only requires an advertisement in a local newspaper where the last comprehensive LEP was advertised in the paper, subject to an extended exhibition period, letters written to every rate payer, online tools established, workshops and public meetings in every town and village.

#### *Recommendation*

In this respect it is considered that the State Government should identify best practice strategic planning and community engagement from Local Government and use these practices as the way forward.

### *STRATEGIC PLANNING*

The new planning system will comprise a hierarchy of four layers of plans.

- New South Wales Planning Policies – broad planning objectives
- Regional Growth Plans – high level vision for ALL AREAS (see page 74) of the state, objectives for housing, employment, infrastructure and key region/state shapers (e.g. airports, renewal corridors) of state and regional significance.
- Subregional Delivery Plans – providing a delivery framework for Regional Growth Plans. They will set the vision and outline key policies, actions and delivery obligations for a subregion.
- Local Plans – principle legal document that will deliver the strategic vision for an LGA, consistent with the planning objectives, policy and actions in Subregional Delivery Plans, Regional Growth Plans and NSW Planning Policies.

#### *Comment*

Council supports the shift to evidence based strategic planning, however, the concern is that while a significant focus of the new legislation is directed to this area, it is unclear how it will be applicable within rural communities which are experiencing significant growth but not growth that can readily be considered other than at a local level. The fear is that smaller, yet fast growing communities will be lost in the structure and simply 'tacked on' to larger entities. Due to the patchwork nature of growth in the state, for example rapid growth driven by mining in the Mid-Western LGA, Council is concerned that this growth and its impacts may be overlooked when viewed from a larger sub-regional area and coupled with other areas that are experiencing significant decline.

Mid-Western Regional Council, for example, has undertaken a significant amount of 'evidence based' strategic planning in the preparation of the Standard Instrument LEP. The difficulties experienced in this process, centred around accommodating the delivery of 'regional infrastructure'

through mandatory clauses relating to urban release areas, is well documented. The White Paper fails to address the delivery of infrastructure when a shared regional or subregional 'vision' does not practically extend beyond the Local Government boundary.

The White Paper fails to address how Regional and Subregional Plans will be rolled out in regional areas and if they are, what form they might take in terms of boundaries that can reasonably achieve a Regional Growth Plan vision in the context described in the White Paper (although the White Paper makes it clear that they will be developed across all areas of the state p.74). This is followed by a similar lack of clarity around Sub-Regional Delivery Plans. If in fact these plans will not eventuate within all of the regions, it is unclear how the delivery of infrastructure will occur particularly in smaller area as outlined earlier. For example, how do the local and state governments ensure that development is contributing to education?

These issues remained unanswered at the Department of Planning workshop sessions. If, in fact we are left only with a Local Plan, how can we ensure that there will be sufficient flexibility to accommodate the strategic planning that would otherwise be undertaken if the Region and Subregion Plans were delivered?

It seems clear that insufficient thought has gone into the application of the strategic planning principles outside the metro area.

Further, it is unclear what, if any, role local councils have in the preparation of state policies, presumably these are being prepared now (see page 69) in time for the commencement of the Act. It would appear that the focus on community consultation does not extend to the highest level state planning matters.

Local Plans – as they are described as a “principle legal document” and made by the Minister or his delegate, it is assumed that despite the plain English format, they will be statutory instruments.

The Local Plan will have four parts:

- **Part 1 Strategy** – strategic context in which the Local Plan is framed; and
- **Part 2 Planning Controls** – planning controls will be a VISUAL EXPRESSION of the local strategy, including land use through a reduced number of zones. The focus seems to be on open zones with fewer prohibitions which, fall short of providing developers and the community with certainty will have the opposite effect by requiring more merit assessment.

There had been some discussion as to the inclusion of a Future Urban Release Area zone which has been now excluded from the new reduced suite of zones. Council support the inclusion of these zones as a useful tool in providing certainty for landowner and the community in terms of long term planning, both land use and infrastructure, for example as required for development servicing plans for water and sewer infrastructure.

It is also unclear as to how much flexibility Council will have in determining local content of plans. In the Standard Instrument LEPs the 'local' provisions, in practice not local at all. There is currently no autonomy in Local Plans and the White Paper does nothing to relieve this concern moving forward.

- **Part 3 Development Guides** – that shape the physical form of development, and prepared with the community. These are essentially the current DCP provisions. Despite being part of the Local Plan, the status of these is uncertain but they should maintain statutory weight to provide certainty to both the community and developers alike. It should be noted that at the workshop held in Dubbo for local government practitioners, it was indicated that Development guides would not have statutory weight.

- **Part 4 Contributions** – local and regional infrastructure contribution (this is discussed below).

#### *Recommendations*

That the DOPI consider the application of its four tiered policy framework within the regional areas, particularly the function of Regional Growth Plans and Subregional Delivery Plans and provide a comprehensive model for comment before moving to a system that fails to be applicable to the entire state.

Alternatively, that a more autonomous Local Plan structure be developed for regional areas which addresses infrastructure and policy as relevant without undermining the overriding state policy objectives and maintaining the line of sight.

That clarification is given to the statutory weight of the Local Plans in particular Part 3 Development Guides.

#### *DEVELOPMENT ASSESSMENT*

The following are the proposed key changes outlined by the White Paper for Development Assessment:

- eighty per cent of all developments will be complying or code assessment within the next five years, with reduced timeframes and documentation requirements
- an expanded range of residential, commercial, retail and industrial developments will be complying or code assessment
- low cost appeal rights will mean greater access to existing appeal rights for applicants which will mean fairer assessments and reduced costs
- promoting independent expert decision making with the use of the Planning Assessment Commission, Regional Planning Panels and Independent Hearing and Assessment Panels
- new merit assessment processes where applications that are consistent with performance outcomes will be subject to less delay and uncertainty, with greater confidence for investment.

#### **A New Development Assessment System for NSW**

The White Paper provides further scope on how development assessment will coincide with strategic planning documents, including Local Plans and incorporated Development Guides

The Department has proposed that in accordance with Local Plans (to replace Local Environmental Plans) there will be five tracks which development can be assessed under. These tracks will include; Exempt and Complying developments and Code and Merit assessment. The white paper proposes that a mandatory 80% of all development will be complying or code based assessment.

While having a mandatory requirement of 80% complying or code based assessment in five years would indicate exceptional streamlining of the development process, it should be noted that one code based development instrument would incur inconsistency between regions. The idea of streamlining the development process through code assessment is supported however the implementation of providing separate regional and metro codes should be considered by the department.

The current Exempt and Complying Codes (State Environmental Planning Policy 2008 – Exempt and Complying Codes) lead to a notable decline in complying development applications within Mid-Western region because of the complexity of the code. It is therefore imperative that the policy is not applicable state-wide and that the standards area as simple to interpret. It is essential that consideration be given to local circumstances outside of the metropolitan area and it is recognised that whilst a greater level of complexity may be required in Sydney the same level of complexity is not required in the rural and regional area. Local developers have demonstrated that they are not equipped to take advantage of the code assessment as this essentially moves the work and onus of assessment to the developer in the preparation of the application. Experience through the introduction of the Complying development provisions has indicated that local developers prefer to lodge a development application and have Council undertake the assessment especially in areas such as Mid-Western where good DA processing times do not result in delays.

As part of the Local Plans each Council will also have to create a Development Guide in replacement of current Development Control Plans. The department will develop a model Development Guide for the creation of individual Development Guides. The model guide can be modified and applied to individual Councils, or a Council can create a Development Guide in its entirety. These guides are to be incorporated in Local Plans and will be applied to tracks of development.

The move to create development guides directs local plans away from development standards which are currently applied. This is an attempt to create a planning system which is flexible yet still meets the community expectations through strategic processes. With the Department aiming to establish certainty about development the flexibility created through performance based outcomes rather than development standards could be viewed as contradictory.

### **One Assessment System Different Tracks**

- Exempt Development – Will remain similar to the present planning system being self-assessed
- Complying Development – Can be assessed by an accredited certifier or qualified Council staff. Minor variance to a provision of a Local Plan may still result in a development being processed as complying. For this to occur a variation certificate is required to be issued by the relevant Council indicating that the non-compliant issue is a permissible variation. The development can then be further processed by either a private certifier or Council as Complying Development.
- Code Assessment – Will be assessed by Council against performance based criteria with acceptable solutions for non-compliant development.
- Merit Assessment- This will result in a full development assessment similar to that which is currently carried out for a Development Application.
- Prohibited Development – Will remain as in current planning system

Creating a wider range of options for development does open the doors for a greater number of complying and code based assessments to occur. However the details of providing acceptable solutions and variation certificates would imply that a development does in-fact not comply. To show relevant compliance pursuant to current details, will create steps which will complicate the supposed simplified assessment and extend the process.

Further to this the Department has identified the following categories of significant development:

- EIS assessed development – Will replace designated development. This will focus on developments with a high environmental impacts such as extractive industries, remaining a merit assessment and based on Environmental Impact Statements (EIS)
- State Significant and Regional Significant Development – Will remain as current
- State Infrastructure Development – Replaces State Significant Infrastructure
- Public Priority Infrastructure – Replaces Critical State Infrastructure

Each of these types of development has the potential to produce significant environmental impacts and further detail is required to demonstrate the possible effects with no requirement within the Planning Bill to consider cumulative impacts or sustainable development in the assessment process.

The White Paper reduces requirements to obtain inter-agency concurrence. The aim is to establish a one stop shop within the Planning Department which eliminates basic referrals and approvals. While this does have potential to simplify the development process, it also has the potential to reduce the quality of assessment. The White Paper does not show any detail of how Aboriginal cultural heritage will be protected under the new system, these types of sensitive issues need to be further considered.

### **Determination and Independent Experts**

In determining an application Council's will have an obligation to provide applicants with sufficient advice to amend a development proposal so as to satisfy a merit assessment prior to any refusal. Mid-Western Regional Council currently approaches each and every development application in this manner and as a result will not be significantly affected.

- If consistency is found between a development and a Regional Growth Plan or Subregional Delivery Plan, yet is prohibited by a Local Plan not amended to reflect the provisions of the higher order plan, application can be made to the Director-General for a strategic compatibility certificate to authorise development. However in response to submissions received on the Green Paper, these certificates will be restricted so that they will only be an interim approach.
- The Planning Minister will retain current decision making role, with delegation to Planning Assessment Commission remaining.
- Joint Regional Planning Panels will become Regional Planning Panels and will remain relatively unchanged. The number of panels will be increased and number of members reduced from 5 to 3 will be the major changes.
- The department has moved away from the original proposal of the Green paper in the idea that elected Councillors will now retain their current role in decision making process. However the department is putting emphasis on Council delegating the decision making process to independent hearing and assessment panels.

The increase in emphasis on Regional Planning Panels and Independent Experts will lead to an increased cost for all parties involved and is contradictory to the department's aim of reducing cost and complexity of the development process.

### **Timeframes**

- Time frames for complying development will be reduced to 10 days
- Complying with variation 25 days
- Code track 25 days
- Code with alternative solution 25 days
- Code with alternative solution if consulted for submissions 50 days
- Merit Assessment local and regional 50 days
- Designated and state significant 90 days

Restriction on stop the clock will be applied. Stop the clock will have to occur within the first 21 days of receiving and application for a period of no longer than 21 days. If additional information is not received within 120 days the application will be taken to have lapsed.



While there is no major objection to the proposed timeframes of determination, further detail is requested in relation to penalties for these restraints not being met.

### **Appeals and reviews**

- The Land and Environment Court will remain an avenue for appealing decisions made of a consent authority within six months of a decision being made.
- For appeals on single residential and dual occupancy developments a new fast track appeals process will be implemented to reduce cost and time involved making the process open to a wider range of applicants.
- In appealing a Panel decision the Council will still conduct the appeal; however this will be subject to the control and direction of the panel.

There are no significant issues with the proposed process. Appeals are to follow a similar path to current legislation, only making the process more achievable for the general public.

### **Compliance and Enforcement**

- Similar to current legislation development control orders will be implemented as part of the planning system. The function of these orders is relatively unchanged from the current system, including a right of appeal.
- The new system will have three tiers of offences with tier 1 being the most serious and including a maximum fine of up to \$5 Million for a corporation and \$1 Million for an individual.

There are no significant issues with the proposed process. The increase in penalty to those found to be acting outside or without approval should further deter illegal development within all regions of New South Wales.

### *Recommendations*

That Development guides have statutory weight and clarification of this is sought from the Department.

The Code and Complying tracks for development are created with the end user in mind such that they are simple to use and include illustrations where possible.

That variations to complying or code assessment not be supported as it will create a layer of complexity. Should the Variation Certificate be introduced that not just Council be able to sign off on these but that an independent certifier could also sign off on these, and that all certifiers and Council are able to recover costs associated with carrying out this type of assessment.

It is also important that regional areas are able to develop their own code and complying provisions separately to the metro system. This may in its most basic form be a regional code separate to the metro code, however there is no reason why regions with similar demographics could not create a specific region based provisions for code and complying development.

With regard to the proposed changes to the appeal process, Councils having to defend a decision that was made by a panel should not have to be directed by the panel unless they participate in the appeal.

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*PROVISION OF INFRASTRUCTURE*

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Local infrastructure contributions (previously known as s94 contributions)	<ul style="list-style-type: none"><li>• Direct and indirect local infrastructure contributions can fund the provision of:<ul style="list-style-type: none"><li>a) Local roads and traffic management;</li><li>b) Drainage works;</li><li>c) Open space and embellishment;</li><li>d) Basic Community facilities</li></ul></li><li>• Approved by Minister as part of Local Plan – Councils will submit a compliance certificate certifying compliance with the contributions framework and principles;</li><li>• Councils may hold for maximum of 3 years, unless otherwise approved by the Minister;</li><li>• Councils will be required to provide a contribution performance audit statement in their Annual Report and have their infrastructure contribution collection and expenditure independently audited. Where there is evidence of underperformance (delay or accumulated funds), councils are required to rectify within 3 months. If not rectified, the Minister can seek advice from the relevant Subregional Planning Board, and then re-apply the funds for other purposes in a sub region.</li><li>• Independent Pricing and Regulatory Tribunal will have a role in benchmarking.</li></ul>
Regional infrastructure contributions	<ul style="list-style-type: none"><li>• Identified in the Growth Infrastructure Plan and levied per subregion however it was indicated at a seminar attended by staff that Growth Infrastructure Plans were not envisaged for the western region.</li><li>• Types of infrastructure to be addressed include schools, freight rail lines, arterial roads and hospitals.</li><li>• Paid into Regional Contributions Fund</li><li>• Regional Growth Fund established to purchase land for open space and drainage – contribution calculated and charged on a regional basis in Sydney and other high growth areas</li><li>• Calculated as a % of investment value, land area or otherwise determined.</li><li>• Can be paid by dedication of land or works in kind.</li><li>• Can only be spent on infrastructure in the subregion in which collected.</li></ul>
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*Comment*

It is considered that the proposed 3 year limit on the expenditure of funds in unrealistic in regional areas. In the Mid-Western Region growth is largely driven by mining which can be volatile and problematic in determining demand for facilities. The requirement to delivery facilities within 3

years would result in Council being unable to include larger infrastructure items in the plan or a requirement to fund provision through loans impacting on Council's economic sustainability. The threat to reallocate funding on a subregional basis where funds are not expended would result in only the larger Council with a greater rate base being able to fund facilities up front and the syphoning of funds and facilities away from smaller communities.

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It is detailed that within the community participation section of the Draft Bill it is provided to give the community an opportunity to participate at the start of the planning process and on an ongoing basis that will be prioritised and integral to setting the vision and ground rules for local areas.

The Key Changes proposed for Community Participation as part of the White Paper include:

- The preparation of a Community Participation Charter that will form part of the new planning legislation. All planning authorities will be required to act consistently with this when undertaking strategic planning and development assessment.
- The requirement for planning authorities to prepare a Community Participation Plan to describe how the community will be actively engaged in all levels of plan making and development assessment.
- A high level of community participation will be required, in particular for the development of Regional Growth Plans and Subregional Plans, to help set where growth and infrastructure will occur.
- ePlanning will reshape the planning system by transforming paper based development application and assessment processes and traditional methods of consultation into an online environment. Consultation will build on traditional methods for engagement and include 3D interactive models and development guides to enable the community to have their say.

#### *Comment*

A review of the Draft Planning Bill would highlight that it provides Council to act consistently with the Community Participation Charter when exercising a planning function to which the Charter specifically applies, the legislation is however silent to whether Community Participation Plans are mandatory and enforceable. It is therefore requested that the Community Participation Guidelines are made simpler to provide clear guidance to Council and should not place unnecessary requirements on Councils to provide community participation over and above the minimum legislative standards.

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That community participation is ingrained into all planning policies not just those administered by Local Government.

That training and funding of e-planning resources is made a priority of the Department prior to it being rolled out throughout the State.

#### *BUILDING AND CERTIFICATION*

The following is a summary of the key changes for building regulation and certification:

- Accreditation of additional occupations involved in building design and construction such as designers, specialist engineers, fire protection system installers and inspect/test

technicians, energy efficiency designers and access consultants and other relevant professions.

- Mandatory certification of specified building aspects including the design, installation and commissioning of critical systems and elements.
- 
- Improved levels of documentation through all stages of the building life cycle, including the requirements for a building manual which will include key building information.
- Increased support for certifiers on complex building matters through peer review and enhanced decision support
- Strengthened controls on certifiers through stronger disciplinary guidelines, increased auditing and increased obligations to report non compliant building work and other controls.

#### *Comment*

#### **Planning Approvals:**

The Department argues that the current level of documentation required at DA stage is too onerous and that development consents should be a concept approval for the whole development. This is agreed to in part, however there are circumstances where evidence is required at the development assessment stage to ensure that certain objectives can be achieved i.e. a stormwater concept plan on a highly constrained site.

#### **Certainty through conditions of development consent:**

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#### **Compliance:**

The certifier will now be required to prepare a compliance report demonstrating how the development will achieve compliance with the Building Code of Australia. In addition, it is proposed that the fire safety schedule requirement be replaced with a compliance schedule issued with the Construction Certificate and a Building Manual to be issued with the Occupation Certificate.

To ensure compliance with the development consent, certifiers will be required to prepare compliance report that demonstrates how the development achieves compliance with the development consent/complying development certificate conditions.

All of these additional measures will be extremely time consuming for Council's Building Surveyors and lead to more delays in the approval process, something that the new Act was supposed to rectify.

*Recommendations*

That approval bodies still be able to adequately assess the impact of a proposal and require an appropriate level of information to address the issue.

The extent that prescribed conditions of consent will be rolled out requires clarification to ensure that approval bodies still have the ability to impose site specific conditions.

Concern is raised regarding the proposal to allow development to proceed even when unauthorised works have occurred and the proposed requirements for allowing an Occupation Certificate to be issued where critical stage inspections have been missed.

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Should the introduction of Building Manuals and Compliance Reports proceed, it is necessary that there are pro forma and simple templates of these prepared as part of the introduction of the new Act to ensure that these requirements do not delay the approval process.

Financial implications

There are significant financial implications with the introduction of a new planning system, however it is too early to determine the extent of these at this point in time.

Strategic or policy implications

There are significant policy and strategic implications with the introduction of a new planning system, however it is too early to determine the extent of these at this point in time.

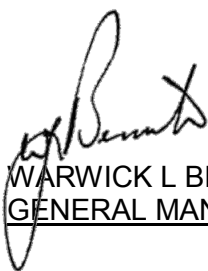


CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES

11 June 2013

*Attachments:* 1. Submission

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## ATTACHMENT 1



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MUDGEE NSW 2850

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109 Herbert Street GULGONG  
77 Louee Street RYLSTONE


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CVL: A0420109  
(Insert file name & path)

(Date)

 New Planning System  
GPO Box 39  
Sydney NSW 2001

Dear Sir/Madam

#### WHITE PAPER SUBMISSION

Reference is made to the White paper currently on exhibition until the 28 June 2013.

Council has reviewed the white paper and has the following comments.

#### *DELIVERY CULTURE*

##### *Comment*

There are a number of aspects that need to be discussed in regard to Delivery culture and one of the main aspects of this is that this can all happen without a new Act. None of the aspects of achieving a delivery culture require a new Act; they are all ancillary aspects of the planning system that could be achieved at anytime.

The new delivery culture appears to be very much about making sure development happens and not hiding behind any notion of impartiality until the evidence has been assessed. The White Paper has thrown in the notion of environmentally sustainable development (ESD) to provide a level of impartiality but it appears very much as a last thought to balance the promoted 'can do' attitude.

It should be noted that most regional and rural local government areas already work in a more collaborative culture where it is usually commonplace for planners to assist applicants through the system by modifying the proposal to comply with local government requirements rather than refusing applications in a much more adversarial approach. This is not to say that inappropriate development is supported but that where the development has merit in one form or another, that assistance is provided to help a proponent through the planning system.

This is also true with regard to strategic plan making where new plans are based upon evidence and assessed on merit with significantly more community engagement than required by the Act. The Act only requires an advertisement in a local newspaper where the last comprehensive LEP was advertised in the paper, subject to an extended exhibition period, letters written to every rate payer, online tools established, workshops and public meetings in every town and village.

##### *Recommendation*

In this respect it is considered that the State Government should identify best practice strategic planning and community engagement from Local Government and use these practices as the way forward.

*STRATEGIC PLANNING*

Comment

Council supports the shift to evidence based strategic planning, however, the concern is that while a significant focus of the new legislation is directed to this area, it is unclear how it will be applicable within rural communities which are experiencing significant growth but not growth that can readily be considered other than at a local level. The fear is that smaller, yet fast growing communities will be lost in the structure and simply 'tacked on' to larger entities. Due to the patchwork nature of growth in the state, for example rapid growth driven by mining in the Mid-Western LGA, Council is concerned that this growth and its impacts may be overlooked when viewed from a larger sub-regional area and coupled with other areas that are experiencing significant decline.

Mid-Western Regional Council, for example, has undertaken a significant amount of 'evidence based' strategic planning in the preparation of the Standard Instrument LEP. The difficulties experienced in this process, centred around accommodating the delivery of 'regional infrastructure' through mandatory clauses relating to urban release areas is well documented. The White Paper fails to address the delivery of infrastructure when a shared regional or subregional 'vision' does not practically extend beyond the Local Government boundary.

The White Paper fails to address how Regional and Subregional Plans will be rolled out in regional areas and if they are, what form they might take in terms of boundaries that can reasonably achieve a Regional Growth Plan vision in the context described in the White Paper (although the White Paper makes it clear that they will be developed across all areas of the state p.74). This is followed by a similar lack of clarity around Sub-Regional Delivery Plans. If in fact these plans will not eventuate within all of the regions, it is unclear how the delivery of infrastructure will occur particularly in smaller areas as outlined earlier. For example, how do the local and state governments ensure that development is contributing to education?

These issues remained unanswered at the Department of Planning workshop sessions. If, in fact we are left only with a Local Plan, how can we ensure that there will be sufficient flexibility to accommodate the strategic planning that would otherwise be undertaken if the Region and Subregion Plans were delivered?

It seems clear that insufficient thought has gone into the application of the strategic planning principles outside the metro area.

Further, it is unclear what, if any, role local councils have in the preparation of state policies, presumably these are being prepared now (see page 69) in time for the commencement of the Act. It would appear that the focus on community consultation does not extend to the highest level state planning matters.

Local Plans – as they are described as a "principle legal document" and made by the Minister or his delegate, it is assumed that despite the plain English format, they will be statutory instruments.

The Local Plan will have four parts;

- Part 1 Strategy – strategic context in which the Local Plan is framed; and
- Part 2 Planning Controls - planning controls will be a VISUAL EXPRESSION of the local strategy, including land use through a reduced number of zones. The focus seems to be on open zones with fewer prohibitions which, fall short of providing developers and the community with certainty will have the opposite effect by requiring more merit assessment.

There had been some discussion as to the inclusion of a Future Urban Release Area zone which has been now excluded from the new reduced suite of zones. Council support the inclusion of these zones as a useful tool in providing certainty for landowner and the community in terms of long term planning, both land use and infrastructure, for example as required for development servicing plans for water and sewer infrastructure.



It is also unclear as to how much flexibility Council will have in determining local content of plans. In the Standard Instrument LEPs the 'local' provisions, in practice not local at all. There is currently no autonomy in Local Plans and the White Paper does nothing to relieve this concern moving forward.

- Part 3 Development Guides – that shape the physical form of development, and prepared with the community. These are essentially the current DCP provisions. Despite being part of the Local Plan, the status of these is uncertain but they should maintain statutory weight to provide certainty to both the community and developers alike. It should be noted that at the workshop held in Dubbo for local government practitioners, it was indicated that Development guides would not have statutory weight.
- Part 4 Contributions – local and regional infrastructure contribution (this is discussed below).

#### *Recommendations*

That the DOPI consider the application of its four tiered policy framework within the regional areas, particularly the function of Regional Growth Plans and Subregional Delivery Plans and provide a comprehensive model for comment before moving to a system that fails to be applicable to the entire state.

Alternatively, that a more autonomous Local Plan structure be developed for regional areas which addresses infrastructure and policy as relevant without undermining the overriding state policy objectives and maintaining the line of sight.

That clarification is given to the statutory weight of the Local Plans in particular Part 3 Development Guides.

#### *DEVELOPMENT ASSESSMENT*

While having a mandatory requirement of 80% complying or code based assessment in five years would indicate exceptional streamlining of the development process, it should be noted that one code based development instrument would incur inconsistency between regions. The idea of streamlining the development process through code assessment is supported however the implementation of providing separate regional and metro codes should be considered by the department.

The current Exempt and Complying Codes (State Environmental Planning Policy 2008 – Exempt and Complying Codes) lead to a notable decline in complying development applications within Mid-Western region because of the complexity of the code. It is therefore imperative that the policy is not applicable state-wide and that the standards area as simple to interpret. It is essential that consideration be given to local circumstances outside of the metropolitan area and it is recognised that whilst a greater level of complexity may be required in Sydney the same level of complexity is not required in the rural and regional area. Local developers have demonstrated that they are not equipped to take advantage of the code assessment as this essentially moves the work and onus of assessment to the developer in the preparation of the application. Experience through the introduction of the Complying development provisions has indicated that local developers prefer to lodge a development application and have Council undertake the assessment especially in areas such as Mid-Western where good DA processing times do not result in delays.

As part of the Local Plans each Council will also have to create a Development Guide in replacement of current Development Control Plans. The department will develop a model Development Guide for the creation of individual Development Guides. The model guide can be modified and applied to individual Councils, or a Council can create a Development Guide in its entirety. These guides are to be incorporated in Local Plans and will be applied to tracks of development.

MID-WESTERN REGIONAL COUNCIL

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The move to create development guides directs local plans away from development standards which are currently applied. This is an attempt to create a planning system which is flexible yet still meets the community expectations through strategic processes. With the Department aiming to establish certainty about development the flexibility created through performance based outcomes rather than development standards could be viewed as contradictory.

Creating a wider range of options for development does open the doors for a greater number of complying and code based assessments to occur. However the details of providing acceptable solutions and variation certificates would imply that a development does in-fact not comply. To show relevant compliance pursuant to current details, will create steps which will complicate the supposed simplified assessment and extend the process.

Each of these types of development has the potential to produce significant environmental impacts and further detail is required to demonstrate the possible effects with no requirement within the Planning Bill to consider cumulative impacts or sustainable development in the assessment process.

The White Paper reduces requirements to obtain inter-agency concurrence. The aim is to establish a one stop shop within the Planning Department which eliminates basic referrals and approvals. While this does have potential to simplify the development process, it also has the potential to reduce the quality of assessment. The White Paper does not show any detail of how Aboriginal cultural heritage will be protected under the new system, these types of sensitive issues need to be further considered.

#### **Determination and Independent Experts**

In determining an application Council's will have an obligation to provide applicants with sufficient advice to amend a development proposal so as to satisfy a merit assessment prior to any refusal. Mid-Western Regional Council currently approaches each and every development application in this manner and as a result will not be significantly affected.

The increase in emphasis on Regional Planning Panels and Independent Experts will lead to an increased cost for all parties involved and is contradictory to the departments aim of reducing cost and complexity of the development process.

While there is no major objection to the proposed timeframes of determination, further detail is requested in relation to penalties for these restraints not being met.

#### **Appeals and reviews**

There are no significant issues with the proposed process. Appeals are to follow a similar path to current legislation, only making the process more achievable for the general public.

#### **Compliance and Enforcement**

There are no significant issues with the proposed process. The increase in penalty to those found to be acting outside or without approval should further deter illegal development within all regions of New South Wales.

#### **Recommendations**

That Development guides have statutory weight and clarification of this is sought from the Department.

The Code and Complying tracks for development are created with the end user in mind such that they are simple to use and include illustrations where possible.

That variations to complying or code assessment not be supported as it will create a layer of complexity. Should the Variation Certificate be introduced that not just Council be able to sign off on these but that an independent certifier could also sign off on these, and that all certifiers and Council are able to recover costs associated with carrying out this type of assessment.

It is also important that regional areas are able to develop their own code and complying provisions separately to the metro system. This may in its most basic form be a regional code separate to the metro code, however there is no reason why regions with similar demographics could not create a specific region based provisions for code and complying development.

With regard to the proposed changes to the appeal process, Councils having to defend a decision that was made by a panel should not have to be directed by the panel unless they participate in the appeal.

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All of these additional measures will be extremely time consuming for Council's Building Surveyors and lead to more delays in the approval process, something that the new Act was supposed to rectify.

**Recommendations**

That approval bodies still be able to adequately assess the impact of a proposal and require an appropriate level of information to address the issue.

The extent that prescribed conditions of consent will be rolled out requires clarification to ensure that approval bodies still have the ability to impose site specific conditions.

Concern is raised regarding the proposal to allow development to proceed even when unauthorised works have occurred and the proposed requirements for allowing an Occupation Certificate to be issued where critical stage inspections have been missed.

Further concerns are raised regarding allowing private certifiers to issue subdivision works certificates (previously construction certificate) and subdivision certificates. This is not supported as often this infrastructure is dedicated to Council. It would be considered unreasonable for Councils not to be able to inspect these works prior to them being dedicated to Council.

MID-WESTERN REGIONAL COUNCIL

9

Should the introduction of Building Manuals and Compliance Reports proceed, it is necessary that there are pro forma and simple templates of these prepared as part of the introduction of the new Act to ensure that these requirements do not delay the approval process.

Should you have any further enquires regarding this matter please contact Catherine Van Laeren of Council's Development and Community Services Department on ☎ 02 6378 2850.

Yours faithfully

**CATHERINE VAN LAEREN**  
**DIRECTOR DEVELOPMENT & COMMUNITY SERVICES**

## 6.2.3 Monthly Development Applications Processing & Determined

REPORT BY THE DIRECTOR DEVELOPMENT AND COMMUNITY SERVICES TO 19 JUNE 2013 COUNCIL MEETING  
130619 Council PUBLIC  
A0100056

### RECOMMENDATION

**That the Monthly Development Application Report for the months ending 31 March 2013 and 30 April 2013 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 March 2013 and 30 April 2013 of Development Applications determined and development applications received. The report will detail:

- Median and average processing times for Development Applications
- A list of determined development applications
- A list of received development applications

### Financial implications

Not applicable.

### Strategic or policy implications

Not applicable.



GARY BRUCE  
MANAGER STATUTORY PLANNING

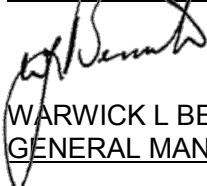


CATHERINE VAN LAEREN  
DIRECTOR DEVELOPMENT AND  
COMMUNITY SERVICES

24 January 2013

*Attachments:* 1. Development applications determined and received March and April 2013.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

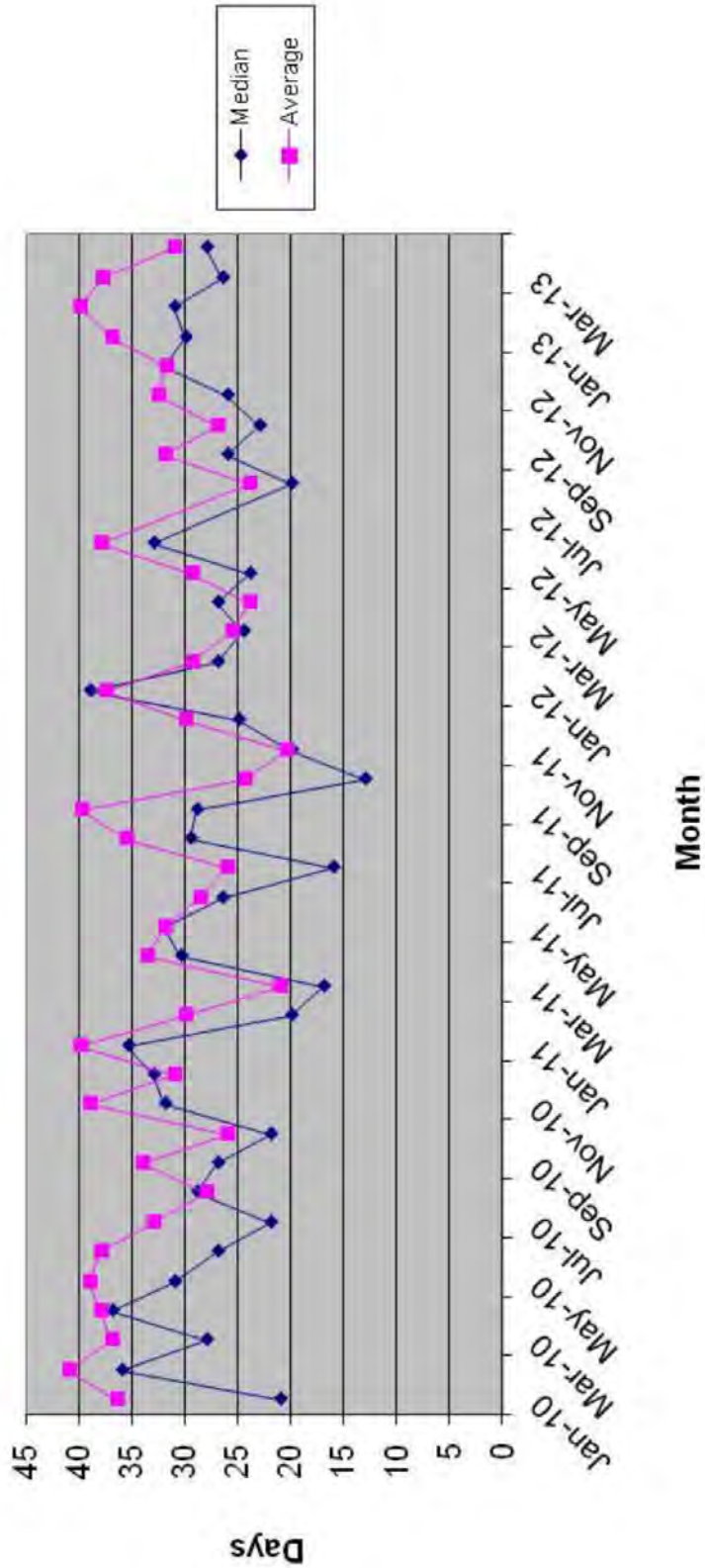


**Monthly Development Application Processing Report – March and April, 2013**

This report covers the period for the months of March and April March, 20132013.

Graph 1 indicates the processing times up to the 31 March 2013 and 30 April 2013 March, 2013 with the month of March March having an average of 37.9 days and a median time of 26.5 days and April having an average of 31 days and a median time of 28 days as per the table below.

**Median and Average Processing Time Development Applications**



**Monthly Development Application Processing Report – March and April, 2013**

The Planning and Development Department determined 50 Development Applications either by Council or under delegation during March 2013.

**Development Applications Determined – March, 2013.**

App/Proc ID	Description	Street Name	Locality	Decision
DA0009/2013	Subd - Torrens Title	#APPIssue	Waterworks Road	MUDGE
DA0057/2013	Public Utility Undertaking	#APPIssue	Nicholson Street	MUDGE
DA0134/2013	Dual Occupancy	#APPIssue	Maderia Road	MUDGE
DA0135/2013	Residential Flat Building	#APPIssue	Madeira Road	MUDGE
DA0147/2013	Subd - Torrens Title	#APPIssue	Twelve Mile Road	TWELVE MILE
DA0148/2013	Subd - Torrens Title	#APPIssue	Putta Bucca Road	BOMBIRA
DA0149/2013	Light Industry	#APPIssue	Depot Road	MUDGE
DA0168/2013	Staged Dev - Dwelling	#APPIssue	Wilson Road	WINDEYER
DA0181/2013	Boarding House	#APPIssue	Durrigere Road	TURILL
DA0200/2013	Light Industry	#APPIssue	Depot Road	MUDGE
DA0241/2013	Subd - Torrens Title	#APPIssue	Melton Road	MUDGE
DA0261/2013	Commercial Alts/Addis	#APPIssue	Burrundulla Road	BURRUNDULLA
DA0264/2013	Child Care Centre	#APPIssue	Louee Street	RYLSTONE
DA0266/2013	Dual Occupancy	#APPIssue	Bellevue Road	MUDGE
DA0282/2013	Dual Occupancy	#APPIssue	White Circle	MUDGE
DA0286/2013	Dual Occupancy	#APPIssue	Bellevue Road	MUDGE
DA0287/2013	Dual Occupancy	#APPIssue	Mayne Street	GULGONG
DA0290/2013	Subd - Torrens Title	#APPIssue	Mayne Street	GULGONG
DA0294/2013	Child Care Centre	#APPIssue	Melton Road	MUDGE
DA0299/2013	Dwelling House	#APPIssue	White Circle	MUDGE
DA0310/2013	Alterations & Additions	#APPIssue	Lewis Street	MUDGE
DA0313/2013	Commercial Alts/Addis	#APPIssue	Mortimer Street	MUDGE
DA0316/2013	Alterations & Additions	#APPIssue	Douro Street	MUDGE
DA0318/2013	Subd - Torrens Title	#APPIssue	Castlereagh Highway	GULGONG
DA0322/2013	Shed less than 150m2	#APPIssue	Palmer Avenue	MUDGE
DA0323/2013	Shed >150m2	#APPIssue	Coxs Creek Road	RYLSTONE
DA0326/2013	Change of use	#APPIssue	Ulan Road	COOKS GAP
DA0328/2013	Staged Dev - Dwelling	#APPIssue	Windgraves Road	WINDEYER
DA0329/2013	Change of use	#APPIssue	Mayne Street	GULGONG
DA0330/2013	Dwelling House	#APPIssue	Maher Place	MUDGE
DA0333/2013	Tourist Accommodation	#APPIssue	Melrose Road	MOUNT FROME
DA0336/2013	Alterations & Additions	#APPIssue	Lewis Street	MUDGE
DA0339/2013	Dwelling House	#APPIssue	Gorries Lane	GOOLMA

### Monthly Development Application Processing Report – March and April, 2013

App/Proc ID	Description	Street Name	Locality	Decision
DA0341/2013	Shed less than 150m <sup>2</sup>	#APPIssue	Windeyer Road	WINDEYER
DA0342/2013	Dwelling House	#APPIssue	Castlereagh Highway	TALLAWANG
DA0344/2013	Carport	#APPIssue	Davies Road	KANDOS
DA0345/2013	Shed less than 150m <sup>2</sup>	#APPIssue	Imber Court	MUDGE
DA0346/2013	Dwelling House	#APPIssue	Thompsons Lane	GULGONG
DA0349/2013	Caravan Park	#APPIssue	Short Street	MUDGE
DA0352/2013	Change of use	#APPIssue	Perry Street	MUDGE
DA0355/2013	Swimming Pool	#APPIssue	Sills Lane	EURUNDEREE
DA0360/2013	Shed less than 150m <sup>2</sup>	#APPIssue	Broadhead Road	MUDGE
DA0364/2013	Shed less than 150m <sup>2</sup>	#APPIssue	Mudgee Street	RYLSTONE
DA0365/2013	Carport	#APPIssue	Menah Avenue	MUDGE
DA0366/2013	Demolition	#APPIssue	Spring Flat Road	SPRING FLAT
DA0369/2013	Dwelling House	#APPIssue	Inverness Avenue	MUDGE
DA0373/2013	Shed less than 150m <sup>2</sup>	#APPIssue	Lang Street	MUDGE
DA0374/2013	Shed less than 150m <sup>2</sup>	#APPIssue	Woodside Close	MUDGE
DA0376/2013	Dwelling House	#APPIssue	Wollar Road	STONY CREEK
DA0379/2013	Shed less than 150m <sup>2</sup>	#APPIssue	John Aarts	MUDGE

### Monthly Development Application Processing Report – March and April, 2013

The Planning and Development Department determined 29 Development Applications either by Council or under delegation during April 2013.

#### Development Applications Determined – March, 2013.

App/Proc ID	Description	Street Name	Locality	Decision
DA0211/2013	Dwelling House	Avisford Court	MUDGE	#APPIssue
DA0224/2013	Dwelling House	Dowling Street	LUE	#APPIssue
DA0269/2013	Residential Flat Building	Court Street	MUDGE	#APPIssue
DA0303/2013	Shed less than 150m2	Atkinson Street	MUDGE	#APPIssue
DA0314/2013	Shed > 150m2	Ulan Road	PUTTA BUCCA	#APPIssue
DA0324/2013	Tourist Accommodation	Windeyer Road	GRATTAI	#APPIssue
DA0325/2013	Change of use	Ulan Road	BOMBIRA	#APPIssue
DA0331/2013	Sub - Torrens Title	Leconfield Drive	BOMBIRA	#APPIssue
DA0332/2013	Tourist Accommodation	Bergalin Road	GULGONG	#APPIssue
DA0338/2013	Sign	Mortimer Street	MUDGE	#APPIssue
DA0343/2013	Shed less than 150m2	Church Street	MUDGE	#APPIssue
DA0347/2013	Alterations & Additions	Market Street	MUDGE	#APPIssue
DA0353/2013	Caravan Park	Nicholson Street	MUDGE	#APPIssue
DA0354/2013	Staged Dev - Dwelling	Lue Road	MILROY	#APPIssue
DA0363/2013	Change of use	Inglis Street	MUDGE	#APPIssue
DA0368/2013	Car Repair Station	Depot Road	MUDGE	#APPIssue
DA0370/2013	Shed less than 150m2	Waterworks Road	MUDGE	#APPIssue
DA0375/2013	Alterations & Additions	Inglis Street	MUDGE	#APPIssue
DA0377/2013	Subdivision - Torrens Title	Mortimer Street	MUDGE	#APPIssue
DA0378/2013	Shed less than 150m2	Chestnut Close	PUTTA BUCCA	#APPIssue
DA0380/2013	Alterations & Additions	Mossy Rock Lane	MONIVAE	#APPIssue
DA0385/2013	Home Occupation	Atkinson Street	MUDGE	#APPIssue
DA0386/2013	Shed less than 150m2	White Circle	MUDGE	#APPIssue
DA0389/2013	Garage	White Circle	MUDGE	#APPIssue
DA0390/2013	Shed less than 150m2	Spring Road	MUDGE	#APPIssue
DA0393/2013	Dwelling House	Robertson Street	MUDGE	#APPIssue
DA0394/2013	Dwelling House	Henry Lawson Drive	BOMBIRA	#APPIssue
DA0401/2013	Alterations & Additions	Blackman Crescent	MUDGE	#APPIssue
DA0410/2013	Awning	Piper Street	RYLSTONE	#APPIssue

### Monthly Development Application Processing Report – March and April, 2013

The Planning and Development Department received 25 Development Applications during March 2013.

#### Development Applications Determined – March, 2013.

App/Proc ID	Description	Street Name	Locality
DA0373/2013	ShedSmall	Lang Street	MUDGE
DA0374/2013	ShedSmall	Woodside Close	MUDGE
DA0375/2013	AltAdd	Inglis Street	MUDGE
DA0376/2013	Dwelling	Wollar Road	STONY CREEK
DA0377/2013	SubTorrens	Mortimer	MUDGE
DA0378/2013	ShedSmall	Chestnut Close	MUDGE
DA0379/2013	ShedSmall	John Aarts	MONIVAE
DA0380/2013	AltAdd	Mossy Rock Lane	MUDGE
DA0381/2013	Sign	Sydney Road	MUDGE
DA0382/2013	AltAdd	Wandoona Court	MUDGE
DA0383/2013	Depot	Peppercorn Lane	BUCKAROO
DA0384/2013	SubTorrens	Putta Bucca Road	PUTTA BUCCA
DA0385/2013	HomeOcc	Atkinson Street	MUDGE
DA0386/2013	ShedSmall	White Circle	MUDGE
DA0387/2013	ShedSmall	Robert Hoddle Grove	BOMBIRA
DA0388/2013	SubTorrens	Robert Hoddle Grove	BOMBIRA
DA0389/2013	Garage	White Circle	MUDGE
DA0390/2013	ShedSmall	Spring Road	MUDGE
DA0391/2013	RefreshRoo	Lions Drive	MUDGE
DA0392/2013	SubTorrens	Gladstone Street	MUDGE
DA0393/2013	Dwelling	Robertson Street	MUDGE
DA0394/2013	Dwelling	Henry Lawson Drive	BOMBIRA
DA0395/2013	Trst Accom	Lue Road	MILROY
DA0396/2013	CommunFac	Louee Street	RYLSTONE
DA0397/2013	UnitAgeDis	Douro Street	MUDGE

**Monthly Development Application Processing Report – March and April, 2013**

The Planning and Development Department received 33 Development Applications during April 2013.

**Development Applications Determined – March, 2013.**

App/Proc ID	Description	Street Name	Locality
DA0398/2013	ShedSmall	Broadhead Road	MUDGE
DA0399/2013	DualOcc	Waterworks Road	MUDGE
DA0400/2013	ChangeUse	Short Street	MUDGE
DA0401/2013	AltAdd	Blackman Crescent	MUDGE
DA0402/2013	Dwelling	Nashs Flat Place	MUDGE
DA0403/2013	Dwelling	Willem Place	MUDGE
DA0404/2013	Carport	Julia Court	MUDGE
DA0405/2013	ShedSmall	Oporto Road	MUDGE
DA0406/2013	SubTorrens	Tongbong Road	RYLSTONE
DA0407/2013	ChangeUse	Bellevue Road	MUDGE
DA0408/2013	AltAdd	Lawson Street	MUDGE
DA0409/2013	SubTorrens	Bergalin Road	GULGONG
DA0410/2013	Awning	Piper Street	RYLSTONE
DA0411/2013	Dwelling	White Circle	MUDGE
DA0414/2013	ShedSmall	Tongbong Road	RYLSTONE
DA0415/2013	ChangeUse	Mortimer Street	MUDGE
DA0416/2013	ChangeUse	Church Street	MUDGE
DA0417/2013	ShedSmall	Mount Pleasant Lane	BUCKAROO
DA0418/2013	AltAdd	Lang Street	MUDGE
DA0419/2013	ShedSmall	Lewis Street	MUDGE
DA0420/2013	ShedSmall	Church Street	MUDGE
DA0421/2013	ShedSmall	Chappell Close	MUDGE
DA0422/2013	ShedSmall	Spring Road	MUDGE
DA0423/2013	SubTorrens	Yarrabin Road	YARRABIN
DA0424/2013	AltAdd	Yarrabin Road	YARRABIN
DA0425/2013	CommAltAdd	Depot Road	MUDGE
DA0426/2013	AltAdd	George Street	KANDOS
DA0427/2013	Dwelling	Chappell Close	MUDGE
DA0428/2013	SubTorrens	Hill End Road	CAERLEON
DA0429/2013	Dwelling	Saints Lane	ST FILLANS
DA0430/2013	Dwelling	Herbert Street	GULGONG
DA0431/2013	AltAdd	Louee Street	RYLSTONE
DA0432/2013	Dwelling	Douro Street	MUDGE

## 6.2.4 Ungala Wind Farm

REPORT BY THE GENERAL MANAGER TO 19 JUNE 2013 COUNCIL MEETING

130619 Council PUBLIC  
A0100056, A0420225

### RECOMMENDATION

**That:**

1. **the report by the General Manager on the Ungala Wind Farm be received;**
2. **Council endorse the submission to the Department of Planning on the Adequacy Review of the draft Environmental Assessment for the Ungala Wind Farm project proposal.**

### Detailed report

On Tuesday 4 June 2013 the Department of Planning advised us of the opportunity to comment on the draft Environmental Assessment (dEA) for the Ungala Wind Farm project. The adequacy review on this dEA is due with the Department by Monday 17 June. At this stage the Department has declined for an extension to allow Council to address this matter at its meeting on the 19<sup>th</sup> of June. I have written to the Director General and sought a three day extension and hopefully that will be approved.

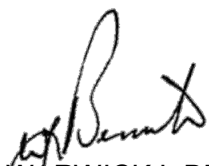
In the meantime we continue to prepare the adequacy review submission to the Department but because of the very limited time available there has not been the opportunity to complete that adequacy review prior to this business paper being delivered to councillors. The intention of this report is to indicate to Council that staff are preparing the adequacy review and that Council will need to discuss it at this meeting. It is management's intention to email the draft submission to all councillors prior to the meeting allowing them the opportunity to review the submission.

### Financial implications

Not applicable.

### Strategic or policy implications

Not applicable.



WARWICK L BENNETT  
GENERAL MANAGER

4 June 2013

*Attachments:* Nil

## 6.2.5 A New Local Government Act for NSW

REPORT BY THE GENERAL MANAGER TO 19 JUNE 2013 COUNCIL MEETING  
130619 Council PUBLIC  
A0100056, A0170031

### RECOMMENDATION

**That:**

1. **the report by the General Manager on the A New Local Government Act for NSW be received;**
2. **Council endorse the submission to the Local Government Act's Taskforce on their Discussion Paper titled "A New Local Government Act for NSW" dated April 2013.**

### Detailed report

The State Government has commissioned a Taskforce to rewrite the Local Government Act. The Act was last rewritten in 1993. In April of this year the Taskforce issue a discussion paper titled "A New Local Government Act for NSW". That discussion paper is supplied to Councillors as a separate attachment.

A lot of what has been stated in the discussion paper is at this time very logical and it will be when the detail of the proposed legislation is written that we will need to understand the implications in detail.

At the same time as the Taskforce has been preparing this paper. A separate panel called the Independent Local Government Review Panel has been undertaking a similar exercise on the future direction of Local Government. At this time the work of both groups has been undertaken separately and thus the exercise now will be to incorporate the accepted findings for both parties into one document.

This is only a preliminary document. The final outcomes in the new Act will not be known until later this year when this Taskforce has considered the outcomes of the Independent Local Government Review Panel's findings. Let's hope there are not too many devils in the details.

Attached is this Council proposed submission to the Taskforce for Council's consideration.

### Financial implications

Nil at this stage.

### Strategic or policy implications

This is an important submission as it set the scene of how local government in NSW will operate in the future.

  
WARWICK L BENNETT  
GENERAL MANAGER

- Attachment:*
1. Draft letter to Local Government Acts Taskforce
  2. Separate Attachment - A New Local Government Act for NSW – Discussion Paper



*Office of the General Manager*

MS:(Insert file no.)

29 May 2013

Local Government Acts Taskforce  
c/- Division of Local Government  
Department of Premier and Cabinet  
Locked Bag 3015  
NOWRA NSW 2541

Dear (Insert Name)

**LOCAL GOVERNMENT ACTS REVIEW**

Thank you for the opportunity of making a submission on your discussion paper dated 4 April 2013 titled 'A New Local Government Act for NSW'. This submission was considered by the Mid-Western Regional Council (MWRC) at its meeting on 19 June 2013 and has been forwarded to you following the endorsement at that meeting.

The Council now wishes to comment on the various issues raised in your discussion document. In making its submission Council is very aware that the Taskforce at the time of releasing this paper was unaware of the outcomes of the Independent Local Government Review Panels Report and that there could be need for amendments within the Taskforce's proposals depending upon the final agreed outcomes and integration of the two report findings.

**Proposal 1 - Approach and Principles for the Development of the New Act**

This proposal is supported by the MWRC as it is logical and appropriate.

**Proposal 3.1.1 – Purposes of the Local Government Act**

This proposal is supported by the MWRC as it is logical and appropriate.

**Proposal 3.1.2 – Role and Principles of Local Government**

The Council supports the proposals under the role of Local Government but wishes to comment on section ii under the principles of Local Government. In this section the taskforce isolates diverse community groups. Council wishes to see the word 'diverse' removed and replaced with 'all'. Other than those comments Council supports the balance of these proposals.

**Proposal 3.2.1 – Integrated Planning and Reporting**

The Integrated Planning and Reporting regime have only recently been implemented into local government legislation in NSW. It has been a success to date and the taskforce proposal to retain it is supported by the MWRC.

#### Proposal 3.2.2 – Community Consultation and Engagement

This proposal is supported by the MWRC as it is logical and appropriate.

#### Proposal 3.2.3 – Technology

This proposal is supported by the MWRC as it is logical and appropriate.

#### Proposal 3.3.1 – Elections

Council is generally supportive of this proposal but asks the question why the Taskforce is delaying the option of implementing electronic voting. The technology is readily available and used in many places around the world. With the next local government elections not until 2016 there should be ample opportunity for the legislation to be introduced and the technology implemented.

Council opposes the half term election for Councillors. Council is firmly of the opinion this will double the election costs in Local Government for minimal if any benefit. If a council at an election is totally replaced by the electorate then there often is a very good reason for that and a need for it to happen. Most new councillors with adequate training are able to meet their responsibilities in a relatively short timeframe plus the need to have half term elections is unnecessary and an added liability to the cost of our community.

#### Proposal 3.3.2 – Meetings

This proposal is supported by the MWRC as it is logical and appropriate.

#### Proposal 3.3.3 – Appointment and Management of Staff

This proposal is supported by the MWRC as it is logical and appropriate.

#### Proposal 3.3.4 – Formation and Involvement in Corporations and Other Entities.

It is the concern of MWRC that the panel has failed to address this issue in a way that we believe Local Government has been asking for. The Taskforce needs to implement the options that will allow Councils to set up their own corporations if they believe that such an entity will be beneficial to their community. The legislation should allow for a special consultative procedure to occur before a council corporation is established and operating.

#### Proposal 3.3.6 – Code of Conduct

Council agrees with the outcome of the Taskforce.

#### Proposal 3.3.7 – Pecuniary Interest

The MWRC agree with the direction proposed by the Taskforce.

#### Proposal 3.3.8 – Delegations

The MWRC agree with the direction proposed by the Taskforce.

### Proposal 3.3.9 – Financial Governance

The MWRC generally agree with the direction proposed by the Taskforce. However, Council suggests with respect to point (iii) of the proposals, that the Taskforce provide clarity around the definition of the Mining categorisation, to include all land held by a mining company for the purposes noise or dust attenuation; conservation agreement areas; water or access infrastructure; related to their immediate and future mining operations.

In addition, there needs to be provisions added to Section 555(1)(b1) & (3) of the Act, that precludes the non-rateability status being applied to land parcels that are required to be held as part of a Development Consent. Currently mining companies are entering into conservation agreements for these identified land parcels, resulting in actual income losses to Council of tens of thousands of dollars.

It is requested that clarity be provided in relation to waste charges raised under Section 501 of the Act attracting a concession under Section 575, notwithstanding that the Division's *Application For Payment Of Pensioner Concession Subsidy* does not contemplate a concession for such charges.

Council supports the proposed streamlined special rate variation process proposed by the Independent Local Government Review Panel that sets out rate increases. However Council believe the variation should be up to 5% above rate pegging, subject to appropriate community engagement and integrated planning not the 3% indicated in their report.

The current system of rating needs to be reviewed. It is an old fashion wealth based system which makes the assumption that those who own the most land have the best capacity to pay rates. That is not always the case. A system that can evenly spread the rating burden needs to be considered.

### Proposal 3.3.10 – Procurement

The MWRC agree with the direction proposed by the Taskforce.

### Proposal 3.3.11 – Capital Expenditure Framework

The MWRC agrees with the Taskforce to establish a robust framework for capital expenditure.

### Proposal 3.3.12 – Public Private Partnerships

The statements made by the Taskforce indicating that public private partnerships should be streamlined and simplified, is supported by this Council. Under the current legislation very few public private partnerships occur because it is all too difficult or councils get caught up in very simplistic actions that are later defined as a public private work. There also needs to be a threshold developed set on a dollar value – say \$500,000 or 10% of annual ordinary rate revenue before the public private partnership philosophy is invoked.

### Proposal 3.3.13 – Acquisition of Land

The MWRC agree with the direction proposed by the Taskforce.

### Proposal 3.3.14 – Public Land

The MWRC agree with the direction proposed by the Taskforce.

The prime purpose of the LGA 1993 in relation to public land was to ensure that Council managed its land holdings for the benefit of the ratepayer/community and not private vested interests. However, it is recognised by the number of areas identified by the Taskforce for improvement under Proposal 3.3.14, that the current provisions under the Act are so complicated and administrative that efficient results cannot be achieved without compliance to overbearing red tape. The proposals are welcomed.

### Proposal 3.3.15 – Approvals, Orders and Enforcement

The MWRC agree with the direction proposed by the Taskforce.

### Proposal 3.3.16 – Water Management

The MWRC is very concerned at the thinking of the Taskforce that water and sewer structures may be removed from local councils, and established as separate entities or as part of County Councils. Council strongly opposes such action. Apart from consistently demonstrating the ability to deliver reliable and cost effective water and sewer infrastructure, these functions provide critical financial mass to regional councils. They are best managed by local councils for local communities.

### Proposal 3.3.18 – Performance of Local Government

The MWRC believes that there is adequate performance monitoring and reporting of local government under the integrated planning and reporting regime. The Taskforce should not consider additional monitoring or reporting as the only outcome would be to substantially increase costs to ratepayers for little or no benefit.

However MWRC would like to see benchmarking of councils. It could help identify areas for operational efficiencies, eg it costs us \$28 per square metre of concrete footpath construction. Comparing that to other councils and private sector may help us make good decisions. This is the key though - only monitoring performance in areas that will help make better decisions, so benefit must outweigh cost.

### Proposal 4.1 – City of Sydney Act

The MWRC does not consider it appropriate to comment on this legislation as it does not affect it.

Yours sincerely

WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.6 Future directions for NSW Local Government

REPORT BY THE GENERAL MANAGER TO 19 JUNE 2013 COUNCIL MEETING  
130619 Council PUBLIC  
A0100056, A0170031

### RECOMMENDATION

**That:**

1. the report by the General Manager on the Future directions for NSW Local Government be received;
2. Council endorse the submission to the Independent Local Government Review Panel on its Position Paper entitled "Future Directions for NSW Local Government – Twenty Essential Steps", dated April 2013.

### Detailed report

The State Government has appointed an Independent Review Panel to review the future of Local Government. The Panels discussion document is included in a separate attachment to this business paper.

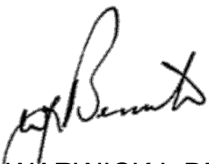
Attached for Councils consideration is a draft submission to that discussion document.

### Financial implications

Nil at this stage.

### Strategic or policy implications

Nil at this stage.



WARWICK L BENNETT  
GENERAL MANAGER

6 June 2013

- Attachments:*
1. Draft letter to the Local Government Review Panel re Future Direction of NSW Local Government – 20 Essential Steps
  2. (Separate attachment) – Future Directions for NSW Local Government – Twenty Essential Steps

*Office of the General Manager*

MS:A0310010

28 May 2013

Chairman  
Local Government Review Panel

Dear Chairman

FUTURE DIRECTION FOR NSW LOCAL GOVERNMENT  
'20 ESSENTIAL STEPS'

Thank you for the opportunity of making a submission to your position paper on the Future Direction for NSW Local Government. The following submission was endorsed by the Mid-Western Regional Council (MWRC) at its meeting on 19 June 2013. We will now base our submission on the '20 Essential Steps' contained within your position paper released in April this year.

Step 1 – Face the Challenges of Change

This Council agrees and accepts the challenges and opportunities of change that you have set out in your discussion document. In fact this Council has a history of facing challenges to the future and this has been recognised at a State Government level. This was a new Council set up in 2004 after the amalgamation of parts of Rylstone and Merriwa and the former Mudgee Shire Councils. This Council has also been subject to extraordinary growth opportunities on the back of mining and wind farm developments. We attach for your information a copy of a services assessment report undertaken by the state government that clearly defines the growth challenges in front of us and what we as a community and a council need to address to cope with these challenges before us. The State Government commissioned the Service Assessment Report as Council was struggling to convince a number of government agencies of the potential growth and subsequent challenges facing the region.

Even though Council accepts the challenges and opportunities of change set out in your discussion document we do make the very strong point that we are unlike most other inland NSW regions that have declining populations. In fact the Service Assessment Report attached clearly indicates that by the year 2030, the population of this Council area will increase from 23,000 to 34,500.

The nature of the growth in this region has a significant impact on the state through the resources and income generated locally. We are addressing those challenges head on and with a sustainable strategic view.

## Step 2 – Creating a Sustainable Change

The first part of step 2 that this council wishes to comment on is the advent of County Councils. County Councils are in this Council's opinion creating a new tier of government and bureaucracy which is unnecessary and expensive and will not create any value to the communities we are serving. County Councils will detract from good customer service to our community and the removal of the strategic role away from Councils is a very backward step. County Councils will only have the outcome of rendering the current councils unviable. If the independent review panel does not believe that some councils have the strategic ability to govern effectively or have the financial sustainability to meet the challenges in front of their communities then the panel should seriously consider the viability of that council as opposed to retaining its current status but reducing its roles and responsibilities.

It was stated to Council by the Panel at the Bathurst meeting on Wednesday 5th March and also stated in your report that County Councils are not proposed to be a fourth tier of Government. Your report on page 34 gives a totally different impression. It states:-

*At a minimum, each County Council should have the following set of core functions:*

- *strategic regional and sub-regional planning*
- *regional advocacy, inter-government relations and promoting collaboration with State and federal agencies in infrastructure and service provision*
- *management of, or technical support for, water utilities (except for the Lower Hunter and Illawarra which are served by State-owned corporations)*
- *road network planning and major projects*
- *waste and environmental management (including weeds and floodplain management)*
- *regional economic development*
- *library services*
- *'high level' corporate services.*

In this Council's opinion this very much looks like a separate entity (4th tier) of government. If it looks like a separate entity it will more than likely act like a separate entity and therefore can be seen as nothing less than a fourth tier of government in NSW. That is totally contrary to the objectives in your report which talks about the sustainability in the future direction of Local Government. The members of this county council will be required by the Local Government Act to be responsible to the roles and responsibilities of the county council. They will therefore need to act independently from their own councils in a manner which again creates a very strong impression that this is another tier of government.

The MWRC strongly opposes the development of County Councils. It certainly opposes this region being included in the Mid-West County Council based at Bathurst. The Panel in its report has indicated that Mid-Western Regional Council should become part of the Mid West County Council based in Bathurst. The vast majority of residents in this region have no community of interest with Bathurst whatsoever. The connection to Bathurst is at best minimal with most residents only travelling to Bathurst on the way to other locations such as Canberra. The road to Bathurst is difficult, there is no direct public transport to Bathurst and most commercial and medical services for residents are not located in Bathurst.

This Council is a growing region in its own right. The document presented by the panel at the 5 June Bathurst meeting indicated that the population in the mid-west region by 2036 will only be 22,100. The NSW State Government last year commissioned a report titled "Mid-Western Regional Council - Local Services Assessment" (copy attached) which clearly indicates that if only 80% of the people required to be employed in this region over the next 15 years live in this region then the population of the region would be 34,526.

This indicates that Mid-Western is a region in its own right. It is the regional centre for all the area contained in the recently enlarged (amalgamated) council area including Kandos, Rylstone and Gulgong. MWRC has the ability to advocate to State Government in its own right. It does not have common links for land use planning, transport routes or infrastructure provision that requires the support of neighbouring councils. This Council and its community will not benefit by being part of a county council in any other region.

MWRC would also like to comment that the map on page 37 of your report does not accurately depict the area of MWRC. Council has asked for this map to be amended on many occasions by the Division of Local Government but it is yet to be corrected. MWRC requests the panel to advocate on its behalf to try and get some accuracy in this map.

This Council belongs to the Hunter Regional Organisation of Councils. That ROC is recognised as the most proactive ROC in NSW. This Council uses that ROC for resource sharing as well as political advocacy. To replace such an efficient ROC system with a new look County Council system is in this Council's opinion a complete waste of resources and will do nothing to create value for our communities.

The MWRC has the strategic capacity to meet the challenges before this community. The Panel has set in Box 3 the Key Elements to Strategic Capacity. This Council has proved time and again its meets all those key elements. Examples are as follows:-

- More robust revenue base and increased discretionary funding – The Mid-Western Region has strong projections for future growth, leading to an increase in the rate base. However, Council argues that this could be greatly enhanced by changes to rating legislation such that all land held by mining companies for noise and dust attenuation, general buffer, environmental offset, subsidence, or temporary or subsidised mining worker accommodation to be categorised as Mining. This would ensure a more equitable rating tax distribution in mining affected communities, where infrastructure pressures are magnified.
- Scope to undertake new functions and major projects – this Council has recently built a major sporting complex, purchased considerable amount of retail land for future expansion, developed commercial premises and built new library facilities.
- Ability to employ wide range of skilled staff – Council is currently fully stocked with its staffing needs in key areas with fully qualified, professional staff and meeting operational and strategic needs.
- Knowledge, creativity and innovation – Council has recently won a number of National awards including the Federal Government's National Awards for Excellence in Local Government as well as the Australasian Local Government Management Challenge.
- Advanced skills and strategic planning and policy development – Council has its Community Strategic Plan complete along with the balance of the integrated planning and reporting suite of documents, as well as considerable other directional plans achieved such as the Land Environment Plan.
- Effective Regional Cooperation – Council is an active member of the Hunter ROC working with other councils to achieve the best result for the whole region. This includes procurement, records archiving and storage, lobbying, and governance functions.
- Credibility for more affective advocacy – this Council has the ability to work at a State Government level to achieve outcomes for the community which far exceed community expectation. This includes the development of the Ulan Road Strategy – a \$33 million outcome in partnership with the local mines. Additional to this, the staff of this Council have been invited on many occasions to be part of state wide advisory panels.
- Capable partner for State and Federal agencies – the Council requested and achieved a Services Assessment Report prepared by the State Government which will be used as a document to focus all levels of government on the growth needs of this community.
- Resources to cope with complex/unexpected change – This council has thrust upon it a number of state significant developments such as coal mines, wind farms, silver mines.



That has created a significant need on community and housing requirements for our major towns. Council is proactively keeping ahead of those growth needs.

Amalgamations - this Council states that the amalgamation of this area in 2004 was a success. The Council made considerable annual savings and now delivers a more robust and efficient services to the community. Council is very much of the opinion that the MWRC area is the ultimate size with the most effective capacity for a regional council. The Panel needs to use this Council as a benchmark for the ultimate and most effective size for a regional local government area.

### Step 3 – Keep the ‘Local’ in Local Government

The MWRC supports the concept of keeping local in Local Government. This Council also accepts after its experience with the 2004 amalgamations that there has been no loss of local identity with the creation of a larger local government unit. However, to create County Councils and then implement local boards as an option for community governance is again creating unnecessary bureaucracy and costs on communities. It is important that the panel's final recommendation takes into account the communities ability to pay, you cannot set up another layer of bureaucracy and governance on the one hand and then claim that Local Government is struggling to meet the fiscal environmental challenges of the future.

By duplicating the parent Council with Local Boards is not adding to the value of local governance. If a town, village or rural area has an issue then the Council should address that through public forums and workshops, not a local board. That way Councils get a much wider community view rather than the views of just 5 or 6 local residents.

### Step 4 – Confront Financial Realities

NSW TCorp have provided Mid-Western Regional Council with a Financial Sustainability Ratio of Sound. This places us in the top 25% of councils in terms of financial sustainability. Council also received an outlook of 'negative' indicating a rating downgrade in the next 3 years, however Council strongly argues that a downgrade is not inevitable, and is currently investigating strategies for reducing the infrastructure backlog, which appears to be the main driver of the negative outlook.

### Step 5 – Ensure Fiscal Responsibility

The MWRC supports the proposal in the Panel's report on

- sustainable benchmarking
- addressing capacity
- every local government unit must employ a properly qualified chief financial officer who reports directly to the General Manager
- adopting delivery programme guidelines
- role of the Audit General - subject to cost and competencies.

### Step 6 – Bolster the Revenue Base

This Council strongly supports the removal of the rate pegging philosophy. It's up to each council to negotiate with its community what sustainable rate increases in the future should be. If the community believe that its council is not delivering the right outcomes for the amount of rates it is collecting then that will be very seriously addressed at each election cycle. It is inappropriate in the 21<sup>st</sup> century that Local Government with its significant community responsibilities coupled with the professionalism of elected members and staff that they need to be dictated to over its revenue base. The new Integrating Planning and Reporting Legislation clearly sets out Councils intentions

to the community and if Councils do not follow the intention of the community plan process then it will certainly be pulled into line by its community.

If the Panel was of the opinion to retain rate pegging, then the criteria in box 6 on page 17 should be amended to allow Councils to have a rate increase at least 5% over the rate cap without requiring IPART approval. This amends the Panels view from their option of 3%.

The MWRC is also very concerned that the current process of rating is outdated and not responsive to a community needs. The panel needs to recommend a review of the rating provisions to investigate options and opportunities for local government revenues.

The other issue that MWRC would like to bring to the panels attention is the amount of land being purchased by mining companies and then taken out of productive farming. In this Council area alone some 60,000 hectares are owned by the coal mines. The land purchase by the mining companies are clearly to create buffer zones between their mines and neighbours so that they don't have to address noise and dust attenuation issues within the mine itself. These buffer zones often are not managed properly and rapidly become infested with noxious weeds and pests which cause considerable additional costs to our community and council.

This 60,000 hectares does not include land that the mines have purchased and transferred into Crown ownership (usually National Parks) to meet their commitments on offsets. Offsets being a requirement of state government to plant trees to offset the carbon omissions from the mining operations.

The panel needs to address this issue. If the panel is seriously looking at bolstering revenues then let's also address these additional costs to Council and the nation of losing productive agriculture lands and creating lands that are infested with weeds and pests.

### Step 7 – Tackle the Infrastructure Backlog

The MWRC supports the general thrust of the position paper in regard to the infrastructure backlog that is facing Local Government. This Council is very aware of this issue and is investigating strategies for reducing the infrastructure backlog. However changing the structure of local government doesn't necessarily relate to increased revenues and reducing the backlog. This can only be done at a State or Federal Government level.

### Step 8 - Promote Innovation, Productivity and Competitiveness

The MWRC generally agrees with the preferred options of the panel set out in this section of the report.

### Step 9 – Advance Improvement and Accountability

This Council supports the availability of more data and benchmarking proposals. That will create an expectation in both council and community levels to ensure that efficient and effective Councils are a priority. Our council certainly supports the removal of red tape but this has to start at a State Government level. The majority of red tape that Local Government is required to implement is as a result of State Government legislation.

This council does not support the provision of an Annual General Meeting. This Council carries out a very effective community consultation process by using such vehicles as Village Forums and monthly community newsletters. In large regional councils like the MWRC, Council could not hold a single AGM. It is 3 ½ hour's drive from one end of the region to the other and Council has a preference to have its public presentations at numerous locations as opposed to a single AGM format proposed in the report.

The report should have addressed alternative service delivery models in more detail. The concept of a Council owned commercial entity has proven very successful and beneficial in other states and countries. This needs to be explored if local government is to become fully competitive and innovative.

### Step 10 – Improve Political Leadership

The preferred options in this section of the report are generally supported.

One of the issues raised in your report that the Panel are seeking further advice relates to limiting Councillors and Mayors to three terms only to ensure fresh faces and new ideas. This Council vigorously opposes that concept as it is a fundamental assault on our democratic process. To limit Councillors to three terms undermines the rights of voters to select their preferred candidates. No other level of government in Australia has a limited tenure for democratically elected representatives.

### Step 11 – Enhance the Status of Mayors

The MWRC comments on the preferred option are as follows:

- Mayor's Role – the suggested principal functions of the Mayor as set out in box 9 page 30 of your report need to be revised. It is overstepping the line between a policy and management for a mayor to lead the development of budgets and the implementation of council's plans and policies. It does not seem to be effective. The proposed function of the mayor to guide the general manager by providing direct leadership and management is indicating a micro-management philosophy. It is important that accountabilities remain clear and that if the principal functions of responsibility are blurred as suggested in some of the bullet points in box 9 then that accountability will become a point of tension between the political and managerial arms of council.
- The Mayor becoming a fulltime and well paid – it is important that mayors in all councils are appropriately remunerated. To indicate that only mayors in large councils should be remunerated is not fair and just.
- Professional development for mayors – supported.
- Popular elected mayors of councils over 20,000 population – supported.
- Minimum two year terms for other mayors – supported.

### Step 12 – Revisit Council-Management Relations

This Council supports the concept of a good quality council-management relationship. Because of the different roles and responsibilities between a Mayor and Councillors verses that of the General Manager and Senior Staff there will always be some conflict and tensions. That is the nature of the role within Local Government. Most General Managers accept this and work closely with their mayor and councillors to achieve a quality outcome on behalf of their community. In most cases the conflicts are a healthy balance between democracy and professional advice.

Although improved relationships will always lead to more positive outcomes we must also accept the fact that with different aspirations of different councillors there will always be a certain level of conflict and tension. The focus should be to ensure the relationships remain professional and respectful.

### Step 13 – Building Stronger Regions

Council generally supports the need to build a strong region. The panel has stated that a region should be greater than 20,000 people with a growing population and a robust economy with projected ongoing growth. The panel will see from the attached Service Assessment Report that MWRC ticks all the boxes of the requirements set out in the panel's recommendations. Bearing this

in mind the Council believes that there is no need for this region to have a separate County Council and that Mudgee should be the regional centre for this region.

The MWRC strongly opposes that this local government area be placed in the Mid West County Council based in Bathurst. The MWRC meets all the key attributes of a Regional Centre as described in Box 11 of the Panel's report.

#### Step 14 – Reconfigure Rural Councils

MWRC wishes to make no comment in regard to this matter, and considers that it is an issue best addressed by the affected councils.

#### Step 15 – Reshape Metropolitan Governance

MWRC wishes to make no comment in regard to this matter, and considers that it is an issue best addressed by the affected councils.

#### Step 16 – Strengthening the Hunter, Central Coast and Illawarra

MWRC wishes to make no comment in regard to this matter, and considers that it is an issue best addressed by the affected councils.

#### Step 17 – Establish a 'Western Region Authority'

MWRC wishes to make no comment in regard to this matter, and considers that it is an issue best addressed by the affected councils.

#### Step 18 – Progress the State-Local Agreement

MWRC supports the recognition of local government in the constitution. Council generally supports the Panels preferred option in the report.

#### Step 19 – Refocus Local Government NSW

MWRC generally supports the Panels preferred option in the report.

#### Step 20 – Drive and Monitor Ongoing Reform

MWRC generally supports the Panels preferred option in the report. In saying that Councils wishes to make it very clear that the existing boundaries must remain unchanged. It would vital that the mining cluster area remain within the MWRC as that is where the majority of the working people at the mines reside.

Finally Council thanks the panel for the opportunity of participating in a healthy discussion on the future of local government. The conversations that your report has commenced is healthy and required communities to participate in how local government services will be delivered to them in the future.

Yours sincerely

**WARWICK L BENNETT**  
**GENERAL MANAGER**

## 6.2.7 Mid-Western Regional Council in-principle support for the SEXI proposal and the development of a solar energy industry in the region

REPORT BY THE MANAGER STRATEGIC PLANNING TO 19 JUNE 2013 COUNCIL MEETING  
130619 Council PUBLIC  
A0100056, A0280063

### RECOMMENDATION

#### That:

1. **The report by the Manager Strategic Planning on the Mid-Western Regional Council in-principle support for the SEXI proposal and the development of a solar energy industry in the region be received;**
2. **Mid-Western Regional Council supports the notion “Public funding used for public benefit”;**
3. **Mid-Western Regional Council, in principle, supports the SEXI proposal and the development of a solar energy industry in their region;**
4. **Mid-Western Regional Council calls on the Federal Government, through the Australian Renewable Energy Agency (ARENA), to provide up to \$200M over five years to the SEXI Group of Councils, to allow the SEXI proposal to be built and operated.**

### Executive summary

MWRC has been invited to join a grouping of NSW Councils to submit a bid for \$200m of Federal grant funds through ARENA – the national renewable energy flagship.

The project aims to establish a network of solar electricity generating infrastructure in western NSW for trial and demonstration purposes.

The major benefit to MWRC from participating would be to receive a substantial photo-voltaic array which would generate substantial reductions in the annual cost of electricity. Secondary benefits are consistent with various strategies in the current Community Plan.

At the present stage of the project, only Council’s in-principle support is being requested.

### Detailed report

The Solar Energy eXchange Initiative (SEXI) is a proposal for Local Governments in Central and Western NSW to access currently available Federal Government funding through the Australian Renewable Energy Agency (ARENA) (*see Attachment 1*).

The project for which the funding is being sought has been conceptually well-developed.

- The SEXI Group of Councils intends to seek \$200 million of Federal funds over six years (2013-18)
- Each participating Council will be provided with \$1 million of photo-voltaic arrays, installed on Council buildings and enabling each Council to save around \$120,000 pa in electricity costs

- Around 5 medium-scale concentrating solar power plants, each utilising different technologies, will be constructed in suitable locations in central-western NSW, thereby demonstrating, trialling and promoting these technologies.
- Total cost of the project will be around \$200 million, which will be sourced from ARENA, which has \$2,240M of unallocated funds to be expended by 2020.

It is proposed that the project proponents be a voluntary alliance of up to 31 NSW Councils, potentially including the Councils comprising OROC, CentROC, RAMROC and Western Division. MWRC is invited to participate.



Figure 1: Proposed SEXI Group of Councils shown in blue or green. Councils that have passed motions of support or written to ARENA are shown in blue

**Support to date:** Support for the proposal has been expressed by OROC, RAMROC and the Western Division Councils. Fourteen Councils (including the Unincorporated Area) have passed motions of support / written letters of support to ARENA, as of May 2013.

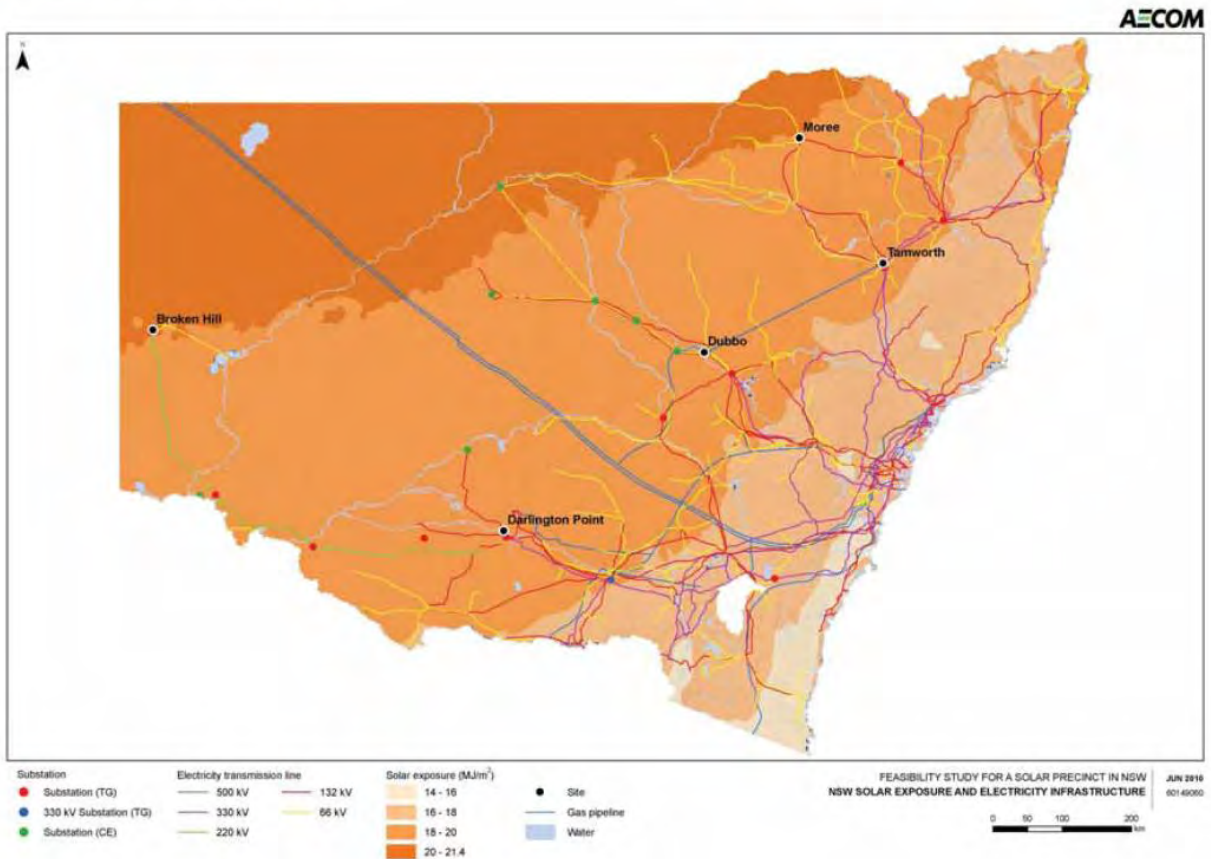
**Organisational Model:**

The SEXI proposal is essentially a partnership, with ARENA representing the Federal Government and the SEXI Group representing Local Government. ARENA provides the funds and would have veto rights on all projects. The SEXI Group of Councils delivers the outcomes. It gets infrastructure built and operates it.

An organisational structure for the project has been developed for consideration. It has been modelled on the previously successful NSW Floodplain Management Association.



Figure E.2 Study areas, solar resource, transmission lines and gas pipelines



**Allocation of grant funds:**

It is proposed that grant funds would be allocated in a similar way to the current NSW Floodplain Management Association. Individual Councils will own and operate all infrastructure.

**The Renewable Energy Technology:**

- The Council areas proposed for inclusion in the project have the best solar energy resource in south-eastern Australia (greater than 19 MJ/m<sup>2</sup>/day).
- Participating Councils will each establish photo-voltaic array with an installed capacity of about 0.4-0.5MW each. A range of panel types will be utilised for trial purposes.
- Five medium-scale (3-6MW) concentrating solar power stations will be constructed at suitable sites within the region. Each will provide much of the power needs for communities of about 3,000 people. Due to the distribution of solar radiation and the logistics of the distribution system, it is likely that these power stations will be located towards the inland extremities of the grid.

- Each of these power plants will demonstrate and test a different concentrating solar technology, paving the way towards future large-scale solar installations.
- All results from monitoring the costs, returns and performance of the plants will be publicly available.



**Project development:**

- Preliminary constraint mapping is largely completed. It shows there are many possible sites for solar power stations across inland NSW.
- Work is underway on an draft Constitution for the SEXI Group of Councils. It will be based on the existing Constitutions of the ROCs. When completed, this draft will be circulated to Councils for information / comment.

**Conclusion:**

This is an excellent opportunity for MWRC to:

- Achieve significant long-term reductions in cost of energy
- Demonstrate a progressive approach to renewable energy
- Support development of the renewable energy sector within the LGA
- Participate in a successful collaboration with other rural NSW councils
- Help strengthen and stabilise the local electricity grid

Financial implications

It is envisaged that all project costs would be funded by ARENA, with no contributions required from Council.



Installation of the 0.5MW photovoltaic arrays will generate sufficient energy to enable Councils to reduce their electricity costs by up to \$120,000/yr. Every year. Alternatively, Council could choose to sell the electricity it generates for about \$40,000/yr under current tariffs.

It is proposed that all PV arrays would be installed within three years, and the medium-scale power plants within 6 years.

### Strategic or policy implications

At this stage of the SEXI Project, only in-principle endorsement by MWRC is being sought. Commitment to participation in the project will only be required following ARENA agreeing to fund the project.

Participation in this project would serve to further the Outcome of Theme 2 of the Community Plan

- Strategy 1.2: *Minimise the impact of mining and other development on the environment both natural and built.* The opportunity to substitute renewable solar energy for electricity presently generated from fossil fuels would be consistent with the Activity: *Work with the community and government agencies to ... mitigate impacts associated with mining.*
- Strategy 1.3: *Raise community awareness of environmental and biodiversity issues.* Activity: *Pursue grant funding for environmental projects*
- Strategy 3.3: *Consider technologies in Council's facilities, infrastructure and service delivery to reduce ecological footprint.* Activity: *Implement alternative energy and sustainable technologies in physical works and service delivery.*

ELIZABETH DENSLEY  
MANAGER STRATEGIC PLANNING

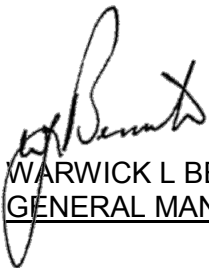


CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

6 June 2013

*Attachments:* 1. About ARENA

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## ATTACHMENT 1: ABOUT ARENA

On 10 July 2011 the Australian Government announced the establishment of the Australian Renewable Energy Agency (ARENA), as a part of its Clean Energy Future package.

ARENA is an independent statutory authority established under the *Commonwealth Authorities and Companies Act 1997*, tasked with the objectives of improving the competitiveness of renewable energy technologies and increasing the supply of renewable energy in Australia. ARENA has approximately \$3 billion to invest in renewable energy projects. From its commencement on 1 July 2012, ARENA has become responsible for the administration of committed projects and measures from initiatives formerly administered by the *Australian Centre for Renewable Energy* and the *Department of Resources, Energy and Tourism (RET)*. ARENA became responsible for the activities of the *Australian Solar Institute (ASI)* on 1 January 2013.

### Functions

Around \$2 billion of ARENA's funding is currently uncommitted and will be available for ARENA to expend in accordance with its functions and powers. These functions and powers include providing financial assistance for:

- the research, development, demonstration, deployment and commercialisation of renewable energy and related technologies
- the storage and sharing of knowledge and information about renewable energy technologies.

ARENA will also collect, analyse and share information and knowledge about renewable energy and related technologies and provide advice to the Minister for Resources and Energy regarding renewable energy and related technologies.

### Funding

ARENA's approximately \$3 billion in funding is guaranteed in legislation out until 2020, providing improved long term funding and policy certainty for industry.

Additional funding may potentially be available from discretionary dividends from the Clean Energy Finance Corporation and from carbon price revenue currently allocated to the Jobs and Competitiveness Program.

ARENA will have significant independence and flexibility in how it chooses to provide financial support to the renewable energy sector. To ensure accountability and transparency for expenditure of what is a significant sum of public funds, the Government has put in place some safeguards which ARENA must abide with when making funding decisions.

The legislation underpinning ARENA requires the Minister for Resources and Energy to approve significant program guidelines and projects, where either:

- program guidelines permit grants for projects totalling in excess of \$15 million
- grants are to be awarded to projects totalling greater than \$50 million.

### Governance

The *ARENA Board* is an independent, decision making board, consisting of the Secretary of the Department of Resources, Energy and Tourism and six members appointed by the Minister for Resources and Energy.

ARENA's *Chief Executive Officer* is appointed by the Minister for Resources and Energy on the recommendation of the ARENA Board.

## 6.2.8 2013-14 Operational Plan

REPORT BY DIRECTOR FINANCE & ADMINISTRATION TO 19 JUNE 2013 COUNCIL MEETING

Operational Plan 2013-14

A0100056, A0149935

**RECOMMENDATION****That:**

1. the report by the Director Finance & Administration on the 2013/14 Operational Plan and 2013/14 – 2016/17 Delivery Program be received;
2. Council adopts the Operational Plan for 2013/14 and Delivery Program for 2013/14 – 2016/17, including the Fees & Charges Schedule;
3. Council adopts the Long Term Financial Plan 2013/14 – 2022/23;
4. Mid-Western Regional Council hereby makes the following rates and charges for the 2013/14 financial year to be:
  - **Residential Rate (Rural and Urban)**  
A Residential Rate (Rural and Urban) of 0.688833 cents in the dollar on the land value as at 1 July 2013 of all land so categorised as Residential, with land further subcategorised as Residential Urban, with a minimum rate of \$595.56;
  - **Farmland Rate**  
A Farmland Rate of 0.580605 cents in the dollar on the land value as at 1 July 2013 of all land so categorised as Farmland, with a minimum rate of \$595.56;
  - **Business Rate**  
A Business Rate of 0.922521 cents in the dollar on the land value as at 1 July 2013 of all land so categorised as Business, with a minimum rate of \$595.56;
  - **Mining Rate**  
A Mining Rate of 7.074573 cents in the dollar on the land value as at 1 July 2013 of all land so categorised as Mining, with a minimum rate of \$595.56;
  - **Mining Coal Rate**  
A Mining Coal Rate of 7.074573 cents in the dollar on the land value as at 1 July 2013 of all land so categorised as Mining and further subcategorised as Mining Coal, with a minimum rate of \$595.56;
  - **Hunter Valley Catchment Special Rate**  
Council contributes to the provision of watercourse management in the area controlled by the Hunter-Central Rivers Catchment Management Authority. A Hunter Valley Catchment Special Rate, which is determined by the Authority, and when notified, the rate is to be applied for the purposes of the *Catchment Management Act 2003* Schedule 4 and *Hunter-Central Rivers Catchment Management Authority Regulation 2005*, Regulation 4.  
  
A contribution is to be levied according to the land value within the meaning of the *Valuation of Land Act 1916*, of all land within the catchment contribution area that has a land value in excess of \$300 and is rateable for the time being under the *Local Government Act 1993*;
  - **Extra Charges**  
The extra charges to be charged on overdue rates and charges shall be calculated at a rate of 9% per annum, on a daily simple interest basis;

- **Domestic Waste Management Charge**  
A Domestic Waste Management Charge of \$161 for all rateable and non-rateable properties within the service areas. Where there is more than one service the annual charge will be multiplied by the number of services;
- **General Waste Disposal Charge**  
A General Waste Disposal Charge of \$187 inclusive of GST for all rateable and non-rateable properties with the exception of certain Farmland properties that can identify in the manner required by Council that they have a landholding comprised of multiple adjoining assessments with a lesser number of residences than assessments; they will be charged for the number of residences. Where there is more than one service the annual charge will be multiplied by the number of services;
- **Business Waste Management Charge**  
A Business Waste Management Charge of \$200.20 inclusive of GST for all rateable and non-rateable Business category properties where a service is rendered. Where there is more than one service the annual charge will be multiplied by the number of services;
- **Water Charges**  
Water charges for rateable and non-rateable properties within the water supply area of:

Charge Type		Amount
Service Availability	20mm meter	\$135
	25mm meter	\$211
	32mm meter	\$346
	40mm meter	\$540
	50mm meter	\$844
	80mm meter	\$2,160
	100mm meter	\$3,375
	150mm meter	\$7,594
Usage - Residential	Per kL	\$2.65
Usage - Business	Per kL	\$2.65
Usage - Raw Water	Per kL	\$0.58

In relation to strata units, each unit will be levied with a 20mm service availability charge. In relation to Torrens Title residential units, each unit will be levied with a 20mm service availability charge. In relation to vacant land where a water meter is not connected, each property will be levied with a 20mm service availability charge;

- **Sewer Charges**  
Sewer charges for rateable and non-rateable properties within the sewer service area of:

Charge Type	Amount
Service availability - residential	\$651
Service availability - non-residential	\$361
Usage - Non-residential based on kLs of water used that would reasonably be deemed to enter sewer schemes	\$2.08 per kL

## Executive summary

Over the past few months, Council has been through an extensive planning process to determine which projects and initiatives would be undertaken across the next five financial years, culminating

in the development of the 2013/14 Operational Plan and 2013/14– 2016/17 Delivery Program. Following public exhibition, and consideration of submissions to the Draft Plans, it is recommended that Council adopt the final Operational Plan/Delivery Program for 2014 – 2017, and make the rates and charges to be levied in the 2013/14 financial year.

### Detailed report

Council is required to make and levy rates and annual charges in accordance with Chapter 15 of the *Local Government Act 1993*. Council has given public notice of these rates and charges as part of the publication of the draft operational plan, as per section 532 of the Act.

The Delivery Program 2013/14 – 2016/17 (incorporating the Operational Plan 2013/14) is attached. The Draft has been amended to include changes considered at the 6 June 2012 Council meeting, which encompasses Council's response to public submissions where applicable. These changes have also been incorporated into the Long Term Financial Plan which sets out a blueprint for the financial direction of Council over the coming ten years.

### Financial implications

The Delivery Program 2013/14 – 2016/17 (incorporating the Operational Plan 2013/14) sets out Council's planned activities, major projects and strategic direction for the next four financial years. The Long Term Financial Plan identifies Council's planned financial path for the next ten years.

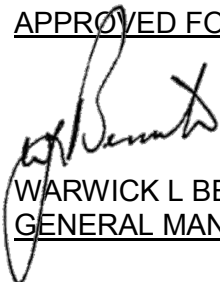
### Strategic or policy implications

The Delivery Program 2013/14 – 2016/17 (incorporating the Operational Plan 2013/14) sets out Council's planned activities, major projects and strategic direction for the next four financial years.

CLARE PHELAN  
DIRECTOR FINANCE & ADMINISTRATION

- Attachments:*
1. Delivery Program 2013/14 – 2016/17 incorporating the Operational Plan 2013/14 (included as a separate attachment to the Business paper)
  2. Long Term Financial Plan 2013/14 – 2022/23 (included as a separate attachment to the Business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.9 Re-name Glen Willow

REPORT BY THE GENERAL MANAGER TO 19 JUNE 2013 COUNCIL MEETING  
130619 Council PUBLIC  
A0100056, F0650099

### RECOMMENDATION

**That:**

1. **the report by the General Manager on the Re-naming of Glen Willow be received;**
2. **Council rename Glen Willow Regional Sports Stadium to Mudgee Regional Sports Stadium.**

### Financial implications

The Mudgee Region has enjoyed excellent National (and International) publicity in the last two years with sporting events such as the Country City game, the Trans Tasman Touch Football Tests and most recently the Parramatta Eels versus Gold Coast Titans.

An issue that was highlighted to us during publicity and commentary of the Eels game was the name of the stadium. It was referred to as either "Glen Willow", "Glen Willows" or "Willow Glen". It was sometimes referred to as "Mudgee Stadium" and the location of the game was sometimes confused.

Tourism in this region comes under the banner Mudgee Region Tourism Inc and from a marketing perspective we must ensure consistency to promote brand recognition. Consistent use of the "Mudgee Region" brand will ensure the Mudgee Region is continually recognised as a tourism destination for sport, events, wine, food and other experiences.

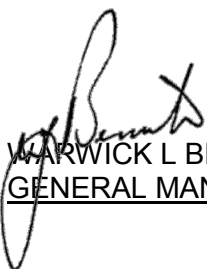
The Mudgee Region and the Council facility at Glen Willow has become and will remain a popular facility for sports events in the future. It is important that Council leverage all possible opportunities by ensuring the name of the facility helps to make it instantly recognisable and identifiable to people outside the Region including potential visitors and event partners.

Council has secured the 2014 Trans Tasman Football Test and the Parramatta Eels have expressed a desire to play here again. Let's maximise the marketing potential of this facility and ensure it's used for the full possible benefit when the media coverage of these events is so great.

### Strategic or policy implications

Nil.

6 June 2013



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.10 Ulan Road Strategy

REPORT BY THE GENERAL MANAGER TO 19 JUNE 2013 COUNCIL MEETING

130619 Council PUBLIC

A0100056, R9214003, R9208006

### RECOMMENDATION

#### That:

1. the report by the General Manager on the Ulan Road Strategy be received;
2. Council write to the Minister of Planning and Infrastructure and the Minister for Regional Development and advise that:
  - Mid-Western Regional Council cannot afford the contributions, particularly the capital works program as prescribed in the determination of the Ulan Road Strategy by the Director-General of Planning and Infrastructure; ,
  - Having regard to the onerous nature of the contributions required by the determination that Council demands that the State Government cover the full share of Council's capital contribution, being \$9,455,593; and
  - Funding of the \$9,455,593 by the State government should not impact on Council's entitlements under the Royalties to the Regions provisions and should not prejudice the current application and stated priorities in Council's current application.

### Detailed report

For the last two and a half years, Council has been negotiating with the three coal mines namely Moolarben, Xstrata and Wilpinjong as well as the Department of Planning and Infrastructure (DoPI) on the upgrade of the Ulan Road. There are conditions within the Xstrata and Wilpinjong consents of approval that require a Ulan Road Strategy to be developed and it is our understanding that Moolarben has also been informed that it will be required to participate in that strategy and the funding of it.

On 25 May 2013, the Director-General of Planning and Infrastructure released his determination in regard to the Ulan Road Strategy (copy attached). It should be made very clear from the outset that although the three coal mines were required to consult with Council and the RMS, Council is legally not party to this agreement. What this means is that no decision made by the Director-General of Planning can be imposed on Council. Council is a voluntary contributor to the Ulan Road Strategy. However, the determination by the Director-General of Planning is a legal condition on at least two of the coal mines as part of their consent approvals.

As Council is aware, we have participated in a proactive and meaningful way to ensure that a good community outcome would be achieved. Management of the Council is of the opinion that the good community outcome has not been achieved and that the decision very much favours the coal mines.

So what has been Council's position throughout the negotiations? From the outset, Council has always taken the attitude based on factual traffic volumes that the need to upgrade Ulan Road is totally as a result of the development of the coal mines in the Ulan area. In fact, it has been proven that 75% of the traffic volume on Ulan Road is mine-related traffic. The Council's position has always been that the current state of Ulan Road is more than adequate if it was only carrying local traffic and not having to be put under the stress of the significant amount of mine-related traffic.

And further Council has already invested many tens of millions of dollars on the road as it exists now.

During all discussions with the Director General he has stated that he accepts the Council position on this as very reasonable. It was made clear to him that if Council was forced into a position of funding more than current capital expenditure then it would have to be at the detriment of other services provided to the community, remembering that a portion of the funds spent on this road come from the RMS. The Director-General acknowledges this in his letter but insists that Council finds the money. He did not provide any science behind the formula of funding other than providing a works schedule prepared by the mines which Council had no input into. The decision is at best intriguing. It should be noted that if Council can't afford the capital cost as being dictated by the Director-General then the wording of the condition in the consents and the subsequent determination is that the mine (that is the developer) does not have to pay either. That makes the decision from the Director-General even more unreasonable. The developers get away without the need to upgrade the capital infrastructure caused by their development. It is management's opinion that unless Council makes substantial cuts to other roads projects in the region, or reduces other general rates funded services such as sports field and parks, or the Government provides a significant portion of Royalties to the Regions funds to Ulan Road, then this capital upgrade work won't be done and the developer gets off without the need to capital upgrade the infrastructure.

When a developer in any part of NSW commences a development, it is always accepted that that developer must fund the infrastructure upgrade that is required to service the new development. With that in mind, this Council has taken the position that any capital upgrading of the road should be a cost to the coal mines because the road is only being required to be upgraded because of the increased traffic caused by their development. The determination in the strategy attached, in management's opinion, totally discards the Council's investment in the existing road, and fails to give Council credit for the road that exists at this time, up to 10 metres in width. As stated above, the existing Ulan Road is adequate for local traffic.

The standards that have been agreed for the road upgrade is 11 metres wide, with each side of the road having the following construction:

- 3.5 metre sealed travel lane
- 1 metre sealed shoulder
- 1 metre unsealed shoulder

Outside of this 11 metre width, appropriate drainage would be constructed.

The Council and the coal mines have agreed during this process, that the road is generally in three categories of conditions to meet the above standards:

- A. **Non-conforming and inadequate** – needs upgrading as soon as practicable
- B. **Non-conforming, but adequate** – that is, the road may not be fully developed to the standard stated above, but is adequate in terms of carrying the increased mine-related traffic
- C. **Conforming** – meets all standards as set out above

It has also been agreed that 20.585 kilometres of the road are non-conforming (see A above), and 24.656 kilometres meet the standard in B and C above. The non-conforming sections of the road need to be upgraded as soon as practicable which has generally been agreed within the next 4-5 years.

That is where the agreements between the coal mines and the Council ceased. The Council was firmly of the opinion that any work required in Category A (ie non-conforming to meet the increased traffic caused by the mines) should be funded by the developers (ie the coal mines) and not at a



cost to the ratepayer and the community. Remembering what is said above, is that the ratepayers and the community have already made a substantial investment with the development of the road to its existing standard. As stated above also, that fact seems to be disregarded by the Director-General and the coal mines.

The determination by the Director-General can be summarised as follows for the capital works:

<b>Capital Cost</b>	<b>Council's contribution</b>	<b>Mines contribution</b>	<b>Total</b>
Mid-block upgrades	\$8,604,530	\$7,040,070	\$15,644,600
Intersections	\$741,941	\$1,654,309	\$2,396,250
Road Safety	\$109,122	\$490,878	\$600,000
<b>TOTAL</b>	<b>\$9,455,593</b>	<b>\$9,185,257</b>	<b>\$18,640,850</b>
	50.6%	49.4%	

What the Director-General is indicating in his determination is that even though the Council and the community have not been the cause of the increased traffic, therefore the need to upgrade the road, the determination stipulates that Council should pay 50.6% of the capital cost of upgrading the road.

The work required in the capital program is as follows. All distances shown below are calculated from the Holyoake Bridge, which is the entrance to Mudgee township. There are five sections (mid-block upgrades) of the Ulan Road which have been identified as non-conforming. These are the areas as follows:

<b>Midblock no.</b>	<b>Capital cost</b>	<b>Distance from Holyoake Bridge</b>	<b>Length of mid-block upgrade required</b>
Midblock 1	\$2,845,440	9.734 to 13.478km	3.744
Midblock 2	\$5,550,280	14.912 to 22.215km	7.303
Midblock 3	\$1,058,680	26.039 to 27.432	1.393
Midblock 4	\$2,330,920	28.039 to 31.106	3.067
Midblock 5	\$3,859,280	37.329 to 37.407	5.078
<b>TOTAL</b>	<b>\$15,644,600</b>		<b>20.585</b>

There are intersections that also need to be upgraded as indicated in the determination and they are as follows.

	<b>Capital cost</b>	<b>Comments</b>
In Midblock 1	\$30,000	These are the intersections with Church Lane, Box's Lane, School Lane
In Midblock 2	\$630,000	Intersections with Hadabob Road, Frog Rock Road, Linburn Lane, Mud Hut Creek Road
In Midblock 3	\$10,000	Intersection with Wyaldra Lane
In Midblock 4	\$270,000	Intersections with Moolarben/Ridge Road, Winchester Crescent and Nimoola Road
In Midblock 5	\$60,000	Intersection with Winchester Crescent, Ridge Road and Lagoons Road
At 1.214km	\$40,000	Intersection with Race Course entrance
At 1.364km	\$15,000	Intersection with Country Comfort Hotel entrance
At 1.544km	\$15,000	Intersection with Wine and Cheese Factory entrance
At 1.865km	\$50,000	Intersection with Moggs Lane
At 2.833km	\$10,000	Intersection with AREC entrance
At 3.755km	\$120,000	Intersection with Mt Pleasant Lane (Frog Rock entrance)
At 3.785km	\$150,000	Intersection with George Campbell Drive

	<b>Capital cost</b>	<b>Comments</b>
At 4.487km	\$10,000	Intersection with Blue Wren Winery entrance
At 5.068km	\$10,000	Intersection with Thumb Print Winery entrance
At 5.479km	\$10,000	Intersection with Buckaroo Lane/Black Springs Road
At 6.271km	\$10,000	Intersection with Eurunderree Lane
At 6.653km	\$230,000	Intersection with Buckaroo Lane
At 6.963km	\$10,000	Intersection with winery entrance
At 8.331km	\$10,000	Intersection with Pipeclay Lane
At 8.682km	\$10,000	Intersection with Crowleys Lane
At 9.574km	\$581,250	Intersection with Wollar Road
At 14.01km	\$10,000	Intersection with Spring View Lane between Midblock 1 and 2
At 24.435km	\$25,000	Intersection with Wattle Grove Lane between Midblocks 2 and 3
At 27.783km	\$20,000	Intersection with Quarry Road and RFS Shed entry between Midblocks 3 and 4
At 38.645km	\$20,000	Intersection with Cope Road beyond Midblock 5
At 39.527km	\$10,000	Intersection with Ulan Coal Mine entrance
At 45.236km	\$30,000	Intersection with Xstrata Mine Administrative entrance
<b>TOTAL</b>	<b>\$2,396,250</b>	

The capital works for road safety included signage and delineation for \$180,000 and wire rope safety barriers at a cost of \$420,000.

The determination by the Director-General can be summarised as follows for the maintenance works:-

<b>Maintenance Cost</b>	<b>Council's contribution</b>	<b>Mines contribution</b>	<b>Total</b>
Rehabilitations	\$2,556,537	\$6,830,163	\$9,386,700
Reseals	\$666,206	\$2,110,339	\$2,776,545
General Maintenance	\$666,105	\$2,048,015	\$2,714,120
<b>TOTAL</b>	<b>\$3,888,848</b>	<b>\$10,988,517</b>	<b>\$14,877,365</b>
	26.1%	73.9%	

In line with the traffic volumes on this road, as stated above where 75% of the traffic is mine-related, it is management's opinion that the split of maintenance costs is fair and reasonable. The maintenance costs of the road is assessed over a 20 year life span.

The rehabilitation works would be for those sections of the road that won't be upgraded in the capital costs set out above sometime over the 20 year life of this strategy and the reseals is for a complete reseal of the full distance covered by the Ulan Road strategy.

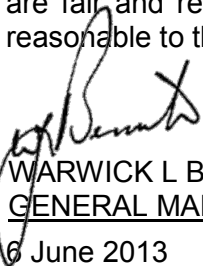
This report is recommending that Council write to the Minister of Planning and the Minister of Regional Development and advise that Council is willing to become a contractual partner into the upgrade of Ulan Road required to meet the increased demands from mining traffic, but seeks the Government to contribute \$9,455,593 over four years which is this Council's share of the capital costs for the upgrade of Ulan Road as determined by the Director-General of Planning. In the letter to the relevant Ministers, it should be made clear that the imposition of this \$9,455,593 is an unreasonable financial burden upon the ratepayers of this region, as they are not a cause of the need for the road to be upgraded, and that if the determination was that the developers shouldn't fund all of the capital costs, then the Government needs to meet the Council's portion of costs as determined by the Director General. It should also be pointed out to the Ministers that if the \$9,455,593 comes from Royalties to the Regions provisions, then it should be additional to other funds rightfully afforded to Council as part of the imposition of mining in this region.

## Financial implications

As stated in this report, management is of the opinion that Council's contribution towards maintenance over the 20 year life of the Ulan Road Strategy, is reasonable. However, the \$9,455,593 is simply unaffordable to the ratepayers of this region. If the capital works was spread over, say 4 years, Council would be required to allocate \$2,400,000 per annum. Currently Council commits less than \$600,000 per annum to the Ulan Road capital works program. It is management's opinion that the imposition of Council's contribution as determined by the Director-General of Planning is not affordable to the ratepayers of this region unless Council wishes to cease a considerable amount of capital works on other roads in the region. That would be unfair and unjust because the ratepayers of the region are not the cause of the need to upgrade the Ulan Road. Also, Council has just endorsed a long-term financial strategy and that does not include a commitment of \$2,400,000 to Ulan Road.

## Strategic or policy implications

Council is not legally obliged to participate in the Ulan Road Strategy, however management is firmly of the opinion that Council has a community obligation to participate, but only if the outcomes are fair and reasonable. The determination by the Director-General of Planning is not fair and reasonable to the ratepayers of this region.



WARWICK L BENNETT  
GENERAL MANAGER

6 June 2013

*Attachments:* 1. Letter from Director General, NSW Planning & Infrastructure



Development Assessments, Systems and Approvals  
Mining and Industry Projects

Contact: David Kitto  
Phone: (02) 9228 6487  
Fax: (02) 9228 6466  
Email: [david.kitto@planning.nsw.gov.au](mailto:david.kitto@planning.nsw.gov.au)

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

13/02064



Dear Mr Bennett

### Ulan Road Strategy – Dispute Resolution

I refer to the Ulan Road Strategy, which was referred to me for dispute resolution under the conditions of approval for both the Ulan and Wilpinjong mines.

In trying to resolve this dispute, the Department has:

- Reviewed the Ulan Road Strategy prepared by ARRB;
- Commissioned and reviewed independent advice from AECOM;
- Consulted extensively with all parties; and
- Carried out its own analysis of the matters in dispute.

After a long and difficult process, I have now determined what I consider to be a fair and reasonable solution to the dispute.

This determination is based on the proposed scope and timing of works in the ARRB report (which are summarised in the table in Attachment A) and the revised traffic volumes for Ulan Road in Table 3-1 of the AECOM report, and include the:

- Upgrade of the 20.585 kilometres of non-conforming and inadequate section of the road;
- Upgrade of the 23 intersections referred to in Table 3-8 of the AECOM report, including the intersection of Toole Road which would be funded by other developer contributions;
- Road safety upgrades referred to in the ARRB report, including the installation of a wire rope barrier on some sections of the road, and enhanced delineation of the road;
- Heavy rehabilitation of 7.829 kilometres of the road;
- Light rehabilitation of 13.558 kilometres of the road;
- Reseals to 61.701 kilometres of the road; and
- General maintenance of the full road over the next 20 years.

Based on a detailed analysis of all of the material, I have decided that the cost and apportionment of these works should be as follows:

<b>Costs Summary</b>			
	<b>Council</b>	<b>Mines</b>	<b>Total</b>
Mid-block Upgrades	8,604,530	7,040,070	15,644,600
Intersections	741,941	1,654,309	2,396,250
Road Safety	109,122	490,878	600,000
Rehabilitation	2,556,537	6,830,163	9,386,700
Reseals	666,206	2,110,339	2,776,545
General Maintenance	666,105	2,048,015	2,714,120
<b>Sub-Total</b>	<b>13,344,441</b>	<b>20,173,774</b>	<b>33,518,215</b>

I have also determined that these costs should be indexed in accordance with the Construction Cost Index as the proposed works will be carried out over a number of years.

I note that the costs for Council in my determination are higher than Council's current spending on the road, and marginally higher than what Council has indicated it would be willing to pay for the upgrade and maintenance of the road over the next 20 years during the dispute resolution process. However, in my view Ulan Road is one of the most significant regional roads in the LGA and warrants such spending, and I am satisfied that the apportionment of costs between the parties is fair and reasonable.

The important status of the road will be reflected in the Infrastructure Plan the Department is currently preparing for the Upper Hunter Region, and I can assure you that the Department will support Council in any applications it makes for State or Commonwealth grants (such as Resources for Regions) to help it meet its obligations under the strategy.

I would now appreciate it if both Council and the mining companies would complete the necessary arrangements for the delivery of the strategy, and start implementing the strategy as soon as possible. These arrangements should include a binding commercial agreement between the parties that incorporates:

- A detailed program of works for the strategy;
- The funding obligations of each party; and
- The process for commissioning contractors to carry out the agreed works, and ensuring these works are carried out to a suitable standard.

Yours sincerely

*SHaddad*  
Sam Haddad  
Director-General

25/5/2013.

**Attachment A: Indicative Work Program**

Section	Start Chainage (km)	End Chainage (km)	Year																						
			0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
1	0	3.785		I														L							
2	3.785	6.652			I													L							
2/3	6.652	9.734			I													L							
3	9.734	17.644			I								I,M											R	
3	17.644	22.215			I	I,M																		R	
3	22.215	26.039																							R
3	26.039	37.407			I,M	I,M																			
3/4	37.407	45.236			I		H																	R	

Notes:  
 I = Intersection  
 M = Resurf (midblock) upgrade  
 R = Resurfacing  
 H = Heavy rehabilitation  
 L = Light rehabilitation

## 6.2.11 Financial Assistance Applications

REPORT BY THE FINANCIAL ACCOUNTANT TO 19 JUNE 2013 COUNCIL MEETING  
130619 Council PUBLIC  
A0100056, A0140201

### RECOMMENDATION

#### That:

1. **the report by the Financial Accountant on the Financial Assistance Applications be received;**
2. **Council decline the financial assistance application from Maria Palmer;**
3. **Council decline the financial assistance application from First National Real Estate Mudgee.**

---

### 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 which offer a significant contribution to the social, economic and/or environmental well being of the Community.

Following are excerpts from submissions for financial assistance, together with staff comments on the applications.

#### *MARIA PALMER*

Maria Palmer is in the process of arranging a social and friendship gathering for all the ethnic members of the Mudgee area. The gathering will be held at the Mudgee Bowling Club and the request is to waive the \$80 hire fee for the Bowling Club.

As the application does not demonstrate broad community benefits and support the aims and objectives of Council the recommendation is to decline financial assistance.

#### *FIRST NATIONAL REAL ESTATE MUDGEE*

First National Real Estate are holding their annual Antiques & Collectables Auction in the Mudgee Showground Pavilion and are seeking a waiver/reduced fee for 2 out of the 3 days it will take them to set up the hall and then to catalogue the sale.

Council's financial assistance programme has been established to support community and not-for profit organisations. As First National Real Estate Mudgee does not fit these criteria the recommendation is to decline the application.

## Financial implications

Funding of \$117,000 is provided in the Operational Plan for Financial Assistance. An additional \$25,000 has been allocated to the budget giving total funding of \$142,000. All general funding has been allocated for this financial year and only Councillor's discretionary funds remain.

The Councillor's Discretionary vote for 2012/13 is \$2,000 per Councillor. The balances are detailed below:

<b>Councillor</b>	<b>Remaining Funds</b>
Cr Thompson	\$650.00
Cr Shelley	\$0.00
Cr Walker	\$0.00
Cr Webb	\$100.00
Cr Martens	\$750.00
Cr Kennedy	\$0.00
Cr Weatherley	\$0.00
Cr White	\$0.00
Cr Cavalier	\$0.00

## Strategic or policy implications

Council's Financial Assistance Policy applies.

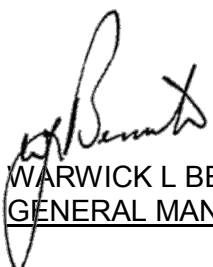
NEIL BUNGATE  
FINANCIAL ACCOUNTANT

CLARE PHELAN  
DIRECTOR, FINANCE & ADMINISTRATION

7 June 2013

*Attachments:* 1. Applications for financial assistance

APPROVED FOR SUBMISSION:

  
WARWICK L BENNETT  
GENERAL MANAGER



ATTACHMENT 1

20 Gladstone Street  
Mudgee 2850  
20.5.2013

The Mayor Mr Kennedy  
Regional Council  
Mudgee



Dear Mr Kennedy,

My name is Maria Palmer and am in the process of arranging a Social and Friendship gathering for all the ethnic members of the Mudgee area. I've even contacted all the mines.

As far I have listed over twenty interested people including Aborigines, Maori, Pacific Islanders Indian, Philippine Papuan, South Africa, Nigerian, Syrians, Russian, Croatians and possibly more before Saturday 1<sup>st</sup> June.

The venue for hire at the Mudgee Bowley Club, for which I have to pay \$80. I'm applying Mr Kennedy for help in paying this fee as I am a pensioner. All the advertising has been free.

Perhaps on your behalf you can contact the Mudgee Bowley Club to waive the fee.

Hope you can help us

Yours faithfully

Maria Palmer. NZ - Maori

Query re hiring of the Mudgee Showground Pavilion for the Annual Antiques & Collectables Auction - First National Real Estate Mudgee

From: Deb Murphy <mail@fnmudgee.com.au>  
To: "council@midwestern.nsw.gov.au" <council@midwestern.nsw.gov.au>  
Subject: Mudgee Showground Pavilion  
Date: Monday, 20 May 2013 04:15 PM

Dear Warwick,

Our firm has been conducting Auction Sales and in particular our Annual Antiques & Collectables Auction in the Mudgee Showground Pavilion for in excess of 20 years.

Our Antiques Auction has become a major event for many dealers and collectors around the state and many travel here and make a weekend in Mudgee to attend our sale.

We started in the old Pavilion which although was very cold, draughty and insecure (I have vivid memories of a crowd rugged in blankets and rugs as I auctioned off the goods), non the less it served the purpose and certainly helps us appreciate the new facility.

At the time the new Pavilion was conceived I expressed my only concern to the then appropriate person Mrs. Lea Mahine that a new Pavilion would be fantastic for us and the community – but not if it came with unruly price increases. At the time during her employ Lea assured me that this would not be the case.

Having said this, I understand that Lea is no longer employed by Council and of course costs must keep up with inflationary trends.

The basis under which we hire the pavilion is that we are charged (and might I say I expect fully to pay) for the event i.e. the day of the Auction – As you can imagine it take us a full day to take delivery of the goods, a day to set up the hall and a day to catalogue the sale.

During the last few years different payment proposals have been put to us and in particular the idea that we well be charged on a daily basis and if this to be, then contrary to popular belief what we make from the sale (which is rally “line ball” at best) we would not be able to continue to hold our sales at the Showground Pavilion.

Whilst this is not our preferred option and by no means a threat, simply reality of the situation, we would be forced to relocate to another premises.

Our Antique Auction is a service to our clients and a fun event for the community at large and having said all this we seek to clarify once and for all what we will be charged from here on to use the Pavilion.

We are ready to set a date for this year's Action and I would appreciate your reply at your earliest convenience.

I would be only too pleased to meet with you and Council/Councilor's in person to discuss this further.

Thank you for your consideration.

Kind Regards,

Tim O'Brien

**First National Real Estate Mudgee**

128 Church Street  
MUDGEES NSW 2850  
Ph (02) 6372 3000  
Fax (02) 6372 6087  
[www.fnmudgee.com.au](http://www.fnmudgee.com.au)  
[mail@fnmudgee.com.au](mailto:mail@fnmudgee.com.au)



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## 6.2.12 Monthly statement of Mid-Western Regional Council bank balances and investments as at 31 May 2013

### REPORT BY FINANCIAL ACCOUNTANT TO 19 JUNE 2013 COUNCIL MEETING

Bankrep

A0100056, A0140304

#### RECOMMENDATION

##### That:

1. **the investment report as at 31 May 2013 by the Financial Accountant 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

At the most recent RBA meeting (Tuesday, 4<sup>th</sup> June 2013) the board decided to leave the cash rate unchanged at 2.75%. Considering there has been an easing in monetary policy over the last 18 months and we have seen this reflected strongly by the falling interest rates we find being made available on short to medium term investments. Council should note that despite these conditions, councils interest revenue on investments in 2012-2013 is likely to slightly exceed its target, being mainly due to a larger than anticipated portfolio amount.

#### Strategic or policy implications

Council should be aware that the Investments by Rating Portfolio limit for A-2 rated institutions has exceeded the policy limit by 1.3%. This is the result of two factors, the first being that the most competitive rates being offered during the month of May were generally held by the institutions with an A-2 rating. Secondly we have redeemed an investment that was previously with an A-3 rated

institution and placed this investment with a higher rated (A-2) institution offering more competitive rates of return. Both of these factors have created creep for this rating limit. As per the Investment Policy requirements, Council will rectify this at the first available opportunity, which will be when the next A-2 rated deposit matures.

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AAA/A-1+	\$ 20,795,000	66.0%	100.0%
	AA/A-1	\$ 500,000	1.6%	100.0%
	A/A-1	\$ 3,500,000	11.1%	60.0%
	BBB/A-2	\$ 6,700,000	21.3%	20.0%
	BBB-/A-3	\$ -	0.0%	20.0%
	Unrated	\$ -	0.0%	20.0%

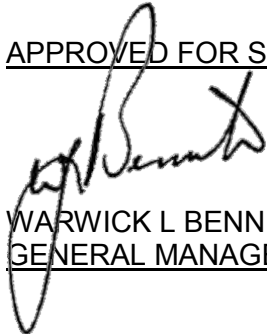
NEIL BUNGATE  
FINANCIAL ACCOUNTANT

CLARE PHELAN  
DIRECTOR FINANCE & ADMINISTRATION

5 June 2013

- 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-May-13

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
National Australia Bank	\$ 475,157	\$ 18,315,813	\$ 18,110,020	\$ 680,951	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 31/05/2013

Investments	Type	Amount	Yield %	Maturity Date	Term	Rating	Govt Rating	NAV	% of Portfolio
National Australia Bank	At Call	\$ 895,000	3.55%	N/A	At Call	A-1+	1		2.8%
National Australia Bank	Term Deposit	\$ 1,000,000	4.50%	19/06/2013	119	A-1+	2		3.2%
National Australia Bank	Term Deposit	\$ 1,000,000	4.27%	17/07/2013	91	A-1+	2		3.2%
National Australia Bank	Term Deposit	\$ 2,000,000	4.31%	3/07/2013	91	A-1+	2		6.4%
National Australia Bank	Term Deposit	\$ 1,500,000	4.31%	17/07/2013	96	A-1+	2		4.8%
National Australia Bank	Term Deposit	\$ 1,000,000	4.28%	24/07/2013	91	A-1+	2		3.2%
Westpac Bank	Term Deposit	\$ 1,000,000	4.17%	11/09/2013	104	A-1+	1		3.2%
Westpac Bank	Term Deposit	\$ 1,200,000	4.25%	10/07/2013	91	A-1+	2		3.8%
Westpac Bank	Term Deposit	\$ 2,000,000	4.22%	3/07/2013	91	A-1+	2		6.4%
Westpac Bank	Term Deposit	\$ 1,000,000	4.10%	21/08/2013	98	A-1+	2		3.2%
Westpac Bank	Term Deposit	\$ 1,000,000	4.17%	4/09/2013	98	A-1+	2		3.2%
St George Bank	Term Deposit	\$ 1,000,000	4.20%	28/08/2013	84	A-1+	1		3.2%
St George Bank	Term Deposit	\$ 1,500,000	4.20%	26/06/2013	105	A-1+	2		4.8%
St George Bank	Term Deposit	\$ 700,000	4.20%	10/07/2013	91	A-1+	2		2.2%
St George Bank	Term Deposit	\$ 2,000,000	4.40%	5/06/2013	182	A-1+	2		6.4%
St George Bank	Term Deposit	\$ 1,000,000	4.20%	24/07/2013	91	A-1+	2		3.2%
St George Bank	Term Deposit	\$ 1,000,000	4.15%	15/08/2013	92	A-1+	2		3.2%
ING Australia Bank	Term Deposit	\$ 1,500,000	4.74%	12/06/2013	182	A-1	1		4.8%
ING Australia Bank	Term Deposit	\$ 1,000,000	4.29%	26/06/2013	105	A-1	2		3.2%
Bank of Queensland	Term Deposit	\$ 1,000,000	4.30%	26/06/2013	91	A-2	1		3.2%
Bank of Queensland	Term Deposit	\$ 1,000,000	4.43%	31/07/2013	91	A-2	2		3.2%
Bank of Queensland	Term Deposit	\$ 700,000	4.28%	28/08/2013	105	A-2	2		2.2%
Bendigo & Adelaide Bank	Term Deposit	\$ 1,000,000	4.28%	7/08/2013	91	A-2	1		3.2%
Members Equity Bank	Term Deposit	\$ 1,000,000	4.33%	7/08/2013	91	A-2	1		3.2%
Members Equity Bank	Term Deposit	\$ 1,000,000	4.45%	31/07/2013	91	A-2	2		3.2%
Peoples Choice C/Union	Term Deposit	\$ 1,000,000	4.20%	19/06/2013	91	A-2	1		3.2%
ANZ ASPRIT III	Sustainable Equity Linked Note	\$ 500,000	50% of +tve NAV	19/07/2013	6 yrs	AA	-		1.6%
Longreach Series 26	Property Linked Note	\$ 1,000,000		7/06/2014	7 yrs	A+	-	\$ 972,900	3.2%
<b>Total Investments</b>		<b>\$ 31,495,000</b>							<b>100.0%</b>

**Financial Claims Scheme**

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

## ATTACHMENT 2

## MWRC Policy Requirements:

Investments by Insitution	Long/Short Term Ratings	Amount	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA/A-1+	\$ 7,395,000	23.5%	25.0%
St George Bank	AA/A-1+	\$ 7,200,000	22.9%	25.0%
Westpac Bank	AA/A-1+	\$ 6,200,000	19.7%	25.0%
ANZ	AA/A-1	\$ 500,000	1.6%	25.0%
Longreach	A+/A-1	\$ 1,000,000	3.2%	20.0%
ING Australia Bank	A/A-1	\$ 2,500,000	7.9%	15.0%
Bank of Queensland	BBB+/A-2	\$ 2,700,000	8.6%	10.0%
Bendigo & Adelaide Bank	BBB+/A-2	\$ 1,000,000	3.2%	10.0%
Members Equity Bank	BBB/A-2	\$ 2,000,000	6.4%	10.0%
Peoples Choice C/Union	BBB/A-2	\$ 1,000,000	3.2%	10.0%
		<b>\$ 31,495,000</b>	<b>100.0%</b>	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AAA/A-1+	\$ 20,795,000	66.0%	100.0%
	AA/A-1	\$ 500,000	1.6%	100.0%
	A/A-1	\$ 3,500,000	11.1%	60.0%
	BBB/A-2	\$ 6,700,000	21.3%	20.0%
	BBB-/A-3	\$ -	0.0%	20.0%
	Unrated	\$ -	0.0%	20.0%
Managed Funds	AAA		0.0%	
	AA		0.0%	
	A		0.0%	
	BBB		0.0%	
	Unrated		0.0%	
		<b>\$ 31,495,000</b>	<b>100.0%</b>	

Term to Maturity	Amount	Actual	% of Portfolio	
			Minimum	Maximum
Less than 1 year	\$ 29,995,000	95.2%	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	4.8%	0.0%	25.0%
	<b>\$ 31,495,000</b>	<b>100.0%</b>		

ATTACHMENT 3

**Monthly Investment Portfolio Activity:**

The below table shows monthly investment activity within the portfolio including investments that have

<b>Bank Accounts</b>	<b>Opening Balance</b>	<b>Redeemed Balance</b>	<b>Re-invested Balance</b>	<b>Change in interest rate</b>	<b>Change in Term (days)</b>	<b>New Term Rate</b>
National Australia Bank	\$ 125,000		\$ 895,000	0.00%	At Call	0.00%
Members Equity Bank	\$ 1,500,000	\$ 500,000	\$ 1,000,000	-0.25%	-26	4.45%
Heritage Building Society	\$ 1,400,000	\$ 1,400,000	\$ -	Redeemed		
Bank of Queensland	\$ -		\$ 1,000,000	New Deposit		4.43%
IMB Ltd	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
Newcastle Permanent	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
Bendigo & Adelaide Bank	\$ -		\$ 1,000,000	New Deposit		4.28%
Members Equity Bank	\$ -		\$ 1,000,000	New Deposit		4.33%
Bankwest	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
Bankwest	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
St George Bank	\$ -		\$ 1,000,000	New Deposit		4.15%
Bank of Queensland	\$ -		\$ 700,000	New Deposit		4.28%
Westpac Bank	\$ -		\$ 1,000,000	New Deposit		4.10%
St George Bank	\$ 1,000,000	\$ -	\$ 1,000,000	0.36%	14	4.20%
Community CPS Aust.	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
Westpac Bank	\$ -		\$ 1,000,000	New Deposit		4.17%
Westpac Bank	\$ -		\$ 1,000,000	New Deposit		4.17%
	<u>\$ 9,025,000</u>		<u>\$ 10,595,000</u>			

**Net Portfolio Movement**      **\$1,570,000 Addition**



## 6.2.13 Names to be included in the Pre-Approved Street/Road Names List

REPORT BY THE REVENUE & PROPERTY MANAGER TO 19 JUNE 2013 COUNCIL MEETING  
Street Naming – Additions to Pre-Approved List June 2013  
A0100056, R0790041, R0790141

### RECOMMENDATION

#### That:

1. **the report by the Revenue & Property Manager on the Names to be included in the Pre-Approved Street/Road Names List be received;**
2. **Council approve the inclusion of Norm King, William Oxley or Constable Oxley, James Vincent and Jimmy Lambert in the pre-approved street/road names list for use at a later date.**

### Executive summary

Street/Road naming submissions are often made by the public that do not relate to a new road or street or are submitted when there are no new roads or streets being named. Then there are worthy submissions that are not successful for the particular road or place that they were originally submitted for.

### Detailed report

Council, being the Roads Authority, is required to name new or unnamed streets and roads. Often there are worthy, unsuccessful submissions for new streets/roads, or street/road naming submissions are made by the public that do not relate to a new road, or street or are submitted when there are no new roads or streets being named.

Council has received several submissions in relation to the naming of the second bridge over Carwell Creek, on Cudgegong Road. Several of the unsuccessful submissions would be perfect for future use in the Rylstone/Kandos/Clandulla area. Council has also received two submissions for consideration when naming streets or roads in the Mudgee area.

It is requested that the following be approved for inclusion in Council's Pre-Approved Street/Road Names List for future use:

Norm King – For use in the Mudgee area  
William Oxley or Constable Oxley – For use in the Mudgee area  
James Vincent – For use in the Rylstone/Kandos/Clandulla area  
Jimmy Lambert – For use in the Rylstone/Kandos/Clandulla area

### Financial implications

Not applicable.

## Strategic or policy implications

The Geographical Names Board has been advised of the submitted names and has an objection only to the street type used.

As there is already a King Street and a King Johns Lane in the Council area, Norm King can only be used with a street type other than Street and Lane.

As there is already an Oxley Street in the Council area, William Oxley or Constable Oxley can only be used with a street type other than Street.

As there is already a Vincent Street and a Mt Vincent Road in the Council area. James Vincent can only be used with a street type other than Street or Road.

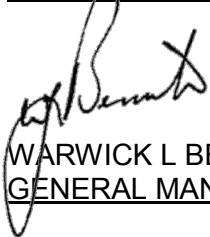
DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

CLARE PHELAN  
DIRECTOR, FINANCE & ADMINISTRATION

11 June 2013

*Attachments:* 1. Correspondence received from the Geographical Names Board  
2. Submissions

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  
MUDGEES NSW 2850

Attention: Carolyn Atkins

28<sup>th</sup> May 2013

Your Ref: CA: R0790141 R0790041  
Our Ref: T02/0175 2013 - 092

Dear Madam,

### ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008 SECTION 162 – NAMING OF PUBLIC ROADS

I refer to your letter of 22<sup>nd</sup> May 2013 which proposed the following public road names:

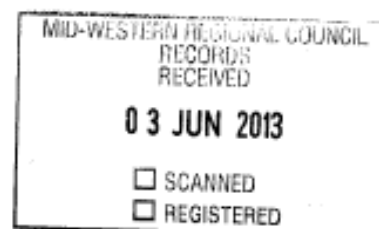
**NORM KING STREET, WILIAM OXLEY STREET or CONSTABLE OXLEY STREET, JAMES VINCENT STREET, JIMMY LAMBERT STREET or alternative road types**

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 providing they do not refer specifically to any living persons. However, with regard to **NORM KING, WILIAM OXLEY or CONSTABLE OXLEY** and **JAMES VINCENT** due to similarity with existing names the use of the road type **STREET** would be objected to.

Yours Faithfully

*Bob Davis 28/05/13*

Bob Davis, Team Leader DCDB Update  
For Division Manager Information Sourcing





Rodney Fittler  
32 Cox Street  
Mudgee 2850  
24/4/13.

Dear Sir/Madam,

I would like to make a submission for the naming of a park, walkway or street in Mudgee, in the honour of a very well respected Returned Serviceman of this town.

The late Norm King was a tireless worker for the whole community, not just the Returned Services League. You could find Norm helping out legacy, and was always concerned about the elderly, he was an active member of Meals on Wheels. Norm was nominated for Australian of the Year in 2008.

To have a memorial park or walk named after Norm would be a worthy tribute to a man who gave tirelessly to the community and had a great affection for his home town of Mudgee.

Yours Sincerely  
Rod Fittler

# Norm King, local legend

By LYNN PINKERTON

The Mid-Western Region lost a 'local legend' last week, with the passing of Norm King.

Born near Rylstone on October 5, 1920, Mr King moved to Mudgee in 1939.

He was heavily involved in the RSL club and was awarded life membership in 1980.

Until three weeks before his death, Mr King was still going down to the Soldiers Club to help with the Saturday lunch time raffle for legacy.

Mr King knew a lot of local history, concerning both the Mudgee township and the wider region. A lot of history and a lot of knowledge were lost when he died.

Mr King was born in the back of his uncle's T-model Ford waiting for the railway gates to open at Tong Bong as his parents rushed to the hospital. Arriving at the hospital just after midnight, his birth date was recognised as October 5. However, his father said he was born on October 4, he just wasn't at the hospital yet.

Mr King moved to Mudgee on May 22, 1939 and started at Fountains Garage on January 18, 1940.

He enlisted into the army on October 1, 1941 and on November 25, 1942, joined the AIF as a bombardier.

The day Mr King became a bombardier was also the last day he saw his younger brother and only sibling, who died in New Guinea under Japanese attack.

Coming home for three weeks leave, Mr King was married on September 16, 1943.

He always said his wife Mavis put the pressure on him when he was

home and he could always see her father with the shotgun in the background.

The couple had four children, Dianna, Allan, Gwenda and Pam and were married for 59 years before Mrs King passed away.

In April 1945, Mr King was sent to the South West Pacific before coming back to Australia for good on January 18, 1946.

He arrived on that day at 5am at the Rylstone Railway Station. His wife, his mother and his new daughter Dianna were waiting at the station to meet him.

It was the first time Mr King had seen Dianna; she was five months old.

On January 29, 1946, Norm was discharged from service. That same day he joined the RSL and went back to working at Fountains Garage.

In 1956 he was awarded the Ford Service Managers Award.

Norm had a long relationship with the RSL.

He was elected president in 1971 and received life membership in 1980. He was also awarded the citizen of the year for the Mudgee Shire in January 1993, the RSL meritorious service medal in 1994 and a life membership of the Mudgee Soldiers Club on April 2001.

On February 16, 2003, Norm resigned from the RSL due to ill health.

Norm is survived by three of his children, Allan 'Joe' King, Gwenda Ingram and Pam Stoddart.

He had 10 grandchildren, Anthony, Scott, Nathan, Michael, Tracy, Joanne, Mark, Adam, Timothy and Rebecca and four great-grandchildren, Rebekah, Nathan, Jessica and Luke.



LOCAL LEGEND: Norm King at last year's ANZAC Day ceremony  
7504052

## King gave lifetime to fellow veterans

WALL OF REFLECTION

### Norman Charles King

The late Norman Charles King has been selected for recognition as the 2010 Wall of Reflection recipient, which honours deceased residents who made noteworthy contributions to the community.

Mr King moved to Mudgee from his birthplace of Rylstone at the age of 18, starting work at Fountains Garage as a mechanic in January 1940.

He enlisted in the Army just four days short of his 21st birthday on October 1, 1941 and served for more than four years, seeing action in the South West Pacific.

On the day of his discharge, January 29, 1946, Mr King joined the RSL. He returned to Mudgee and Fountains Garage, where his dedication to his job won him the Ford Service Manager Award for 1958-59.

Mr King dedicated his time to the Mudgee Sub-Branch of the RSL, helping the ex-service community with repatriation, pension and health care concerns. He was elected president of the sub-branch in 1971.

In 1979 he was appointed a Justice of the Peace and the next year was awarded Life Membership in the RSL for his service to local veterans. He was named the Mudgee Shire Citizen of the Year on Australia Day 1993.

For his continued dedication to the RSL, Mr King was awarded the organ-

isation's Meritorious Service Medal in 1994. He was also awarded Life Membership in the Mudgee Soldiers Club for his service to its members.

Mr King resigned as president of the Mudgee RSL sub-branch in 2003 after 32 years in the position. He continued his association with the RSL, visiting sick ex-servicemen in hospital and in their homes and selling ANZAC, Remembrance Day and Legacy badges until ill health convinced him to call it a day only a few months before his death late last year.

Mr King is remembered by the veteran community of Mudgee as a man who would never turn away anyone in need and who, if he could not help them, would find someone who could.

5/2012/175449

# NSW POLICE FORCE

## Mudgee Police Station



Mudgee Local Area Command  
94 Market Street,  
MUDGEE NSW 2850

Tel: 02 6372 8599  
EN: 75599  
Fax: 02 6372 8511  
E/N: 75511

Local Area Commander,  
MUDGEE LAC

**Application to be made to the Mid Western Regional Council to have an un-named street within Mudgee named after Constable William Oxley.**

Constable William Oxley was born in England in 1804 and came to Australia in 1839 with his wife and family. About 1846 he moved his family to the Mudgee area and was sworn in as a Constable of Police at Mudgee in 1851. In 1853 he intervened in a drunken fight in the township of Mudgee and was struck in the head with a piece of timber. As a result of the injury he sustained, he died several weeks later. Maurice DALTON was eventually convicted of manslaughter and gaoled. DALTON was executed many years later for murdering his wife. Constable Oxley was buried in what is now Blackman Park before the headstone was moved in later years to Memorial Park in Douro Street, Mudgee. His wife and young child are also buried in Mudgee.

Constable Oxley commenced his duties as a Constable of Police at Mudgee Police at a time when the township of Mudgee was in its infancy having not yet been declared a municipality, gold had just been discovered in the district resulting in a huge population explosion, bushranging was common place, the Mudgee Gaol was a decade from opening and the famous local poet Henry Lawson had not yet been born. In fact, his appointment was only 63 years after the arrival of the First Fleet and prior to the creation of what is now the New South Wales Police Force, brought about through the amalgamation of the Water, Mounted, Foot, Colonial and Gold Escort police who all operated as separate entities.

Constable Oxley was recently remembered at his headstone during the National Police Remembrance Day ceremony held at Mudgee and over one hundred of his descendants attended. Many came from interstate which in itself demonstrates the high regard in which he is held and a number of his descendants still reside in the district.

2012 marks the 150<sup>th</sup> Anniversary of the formation of the NSW Police Force and 19 May, 2013 will mark the 160<sup>th</sup> Anniversary of Constable Oxley's death. It is fortunately an uncommon event that a police officer is killed in the execution of his or her duties and we are fortunate that in the history of Mudgee, Constable Oxley is the only recorded case of such. However, his death came as a result of his service to the community and in circumstances that transpire to this date.

Mudgee has a proud reputation of naming streets and landmarks after our forebears and prominent community members. It is my submission that the naming of a street or local landmark

after Constable William Oxley would perpetuate the memory and service of police officers of the area past, present and future and is worthy of consideration.

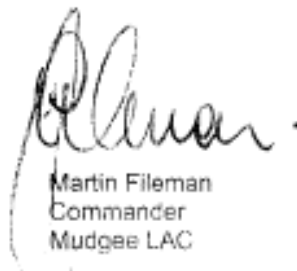
It is also not lost on me the fact that my own descendants arrived in Mudgee as German immigrants in 1852 and may well have known or met Constable Oxley.

Forwarded for consideration of formal submission to the Mid Western Regional Council.



M. J. Wurth  
Sergeant  
Mudgee Police Station  
19 October, 2012.

NOTED. TO BE PLACED ON AGENDA  
AT NEXT MID-WESTERN REGION TRAFFIC  
COMMITTEE.



Martin Fileman  
Commander  
Mudgee LAC

19.10.12

Angus Avenue  
KANDOS 2848

20/1/2013

THE NAMING OF BRIDGES.

Dear Sir/Madam,

I read with interest that you intend naming all bridges to allow for better identification of trouble spots in an emergency. What a good idea.

My particular interest is the bridge over Carwell Creek on the Cudgegong Road.

I am a descendant of James Vincent (Mt Vincent), and John Nevell, who established the farm of "Carwell" in 1829. As the property is still a successful property, and the area is called the Carwell Locality, and we still operate the Carwell Cemetery, 50 metres from the bridge in question... surely it is logical to call it THE CARWELL BRIDGE.???

The other bridge over Carwell Creek on the Bylong Valley Way, could quite logically be called THE JAMES VINCENT BRIDGE, or the CLANDULLA BRIDGE.

James Vincent and John Nevell also settled "Flatlands" and explored the Carwell Creek down to the Carwell property.

Those are my suggestions, which give appropriate acknowledgement to our intrepid forebears!

Muriel Nevell-King.





To; Carolyn Atkins                      council@midwestern.nsw.gov.au

Subject; Renaming of Carwell creek bridge.

From; Muriel Nevell-King,          Angus Ave, Kandos

Dear Carolyn, I have already sent my suggestion of a name insted of Cuthbert Foster bridge.

On referring the matter to other members of the Nevell family, we would prefer it if the early history could be perpetuated in the new name.

Living on the Nevell property in the 1860's was a much admired "king of the local aboriginals" called Jimmy Lambert. He was affectionately called His Majesty King Lambert His history is well gazetted by W W Armstrong who wrote of the early days.

Several years ago, an aboriginal researcher contacted me trying to find Jimmy's gravesite, and said it was said to be near the bridge.

By calling this from a history angle, there may not be a division amongst locals.

It was stated that a letter was sent to people close by. There was no mail in my mail box at Blackberry Gully, the Horners knew nothing of it and those other folk living in the locality Carwell did not receive a letter either!

I wish the name of Jimmy Lambert be seriously considered for the bridge...if indeed there has to be a change!

Muriel Nevell-King



Fiona Beckingham

LUE 2860

28 March 2013

General Manager

Mid-Western Regional Council

PO Box 156

MUDGEE 2850

Dear Sir

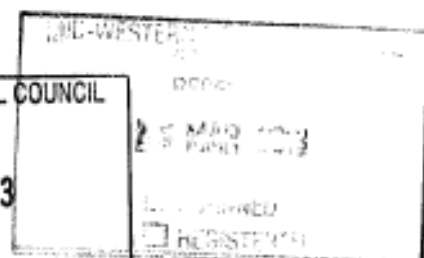
Naming of the bridge over Carwell Creek at Carwell

I read, with considerable concern, of Council's intention to name the bridge over Carwell Creek Cuth Foster's Bridge. This bridge has always been known as the Carwell Bridge due to its proximity to the first settlement in the area which was adjacent to the present bridge. Apparently Council has allocated a similar name to another bridge and, as a result, Carwell Bridge cannot be used to name the bridge at Carwell. This is a great disappointment to many and also an eroding of the early history of the area. I believe the unavailability of the name Carwell Bridge for this bridge should have been noted when Council originally publicised its intention to name the bridge.

Given the name Carwell Bridge is unavailable I believe a more appropriate name for the bridge should reflect its early history. The name Cuth Foster's Bridge does not achieve this. A more appropriate name should honour someone with far earlier connections to the district than Cuth Foster. I believe a more appropriate name would be Jimmy Lambert's Bridge. Jimmy lived in the Carwell area for a considerable time. He was also the last member of the Dabee tribe and was extremely well respected by both the indigenous community and the European settlers of the district. Jimmy was born c1823 and died 1882. By naming the bridge Jimmy Lambert's Bridge Council would be acknowledging and preserving the early history of the Carwell district.

Regards,


  
Fiona Beckingham



**Email** Reply Options

From: Leanne Wicks  
To: <council@midwestern.nsw.gov.au>  
Subject: Naming of Carwell bridge suggestion re Community news 15 March 2013

Sunday, 31 March 2013 11:28 AM

Edit Insert Attach Document Workbook Template Spelling Print Version

Leanne Wicks

Kandos NSW 2848

30<sup>th</sup> March 2013

General Manager  
MWRC  
PO Box 156  
Mudgee NSW 2850

Dear Sir,

In this month's Community News (15<sup>th</sup> March, p4) it is mentioned that the suggested name for the bridge over Carwell Creek be called Cuth Foster Bridge. I suggest that the bridge be called Jimmy Lambert Bridge instead.

I am currently the Secretary of the Kandos Bicentennial Museum and we are developing our first travelling exhibition. The subjects are King Jimmy and Queen Peggy Lambert. Kandos Museum is working with local indigenous person Lyn Simes and has obtained funding from NSW Environment and Heritage to complete the exhibition. It is wonderful and appropriate that our first exhibition for the new gallery area is to be on the local Dabee tribe.

Jimmy was acknowledged during his lifetime as the King of the Dabee tribe and was presented with a breastplate which shall be included as an object in the exhibition. As I understand there is no contemporary acknowledgement of Jimmy Lambert in our shire. It would be fitting to have this bridge in the area where he lived named after him. It would also be timely to coincide with the exhibition of him and his wife and the celebration of this district's first Australians.

Yours Sincerely,  
Leanne Wicks

Hoxton Park

LUE NSW 2850

2<sup>nd</sup> April 2013

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



Dear Sir

I am writing to council re the renaming of Carwell Bridge on the Cudgegong Road. I understand council intend changing the name to Cuth Foster Bridge.

Cuthbert Foster, who I am sure was an exemplary human being, has no historical connection with Carwell Bridge or the property known as Carwell. Carwell was taken up prior to 1829 by JAMES VINCENT whose daughter ELIZABETH VINCENT married JOHN NEVELL and who subsequently owned and lived on Carwell until his death in 1854, the property passing to his wife who subsequently left it to her children.

My husband's father ROBERT OSCAR CAMPBELL NEVELL, a descendent of John and Elizabeth Nevell, and who worked and lived on Carwell all his life until in 1914 when he joined the Australian Infantry Force and went to Gallipoli. He served there until injured and after rehabilitation in a London hospital returned to Australia and to Carwell. He naturally thought Carwell was his property until the Government decided to declare it a soldier settler's block. His name and Cuthbert Foster's were placed in a hat to be drawn out for ownership of Carwell. Robert Oscar Campbell Nevell was naturally infuriated with this and before the ballot was drawn climbed on his horse and rode it to Eastwood in Sydney and never returned to Carwell.

It is appreciated that after fighting for his country on Gallipoli and witnessing horrendous acts of warfare that he naturally would come home to his family property.

Council saying the name *Carwell Bridge* would conflict with the bridge so named on the Bylong Valley Way is contradictory in the extreme when a prime example of this contradiction is on the Ulan Road just out of Mudgee with Buckaroo Lane and Buckaroo Road just metres from each other, causing many tourists confusion and in one instance a residence on fire on Buckaroo Lane almost lost because fire fighters and police taking Buckaroo Road.

The name *Cuth Foster* is unfamiliar to many people but the name *Jimmy Lambert* is. He was an Aborigine who lived in the Carwell/Riversdale area and was highly respected by many people in the district and is still remembered to this day. He was born c1823 and died in 1882 and was the last of the Dabee Tribe.

Surely council, if in naming the bridge, wishes to retain some semblance of history, then naming it the *Jimmy Lambert Bridge* must be seriously considered.

Thank you for reading this and

Sincerely,

  
June Nevell.

To; Carolyn Atkins, Mudgee Council. council@midwestern.nsw.gov.au

From; Mr J. Horner, "Flora Glen", Cudgegong Rd, Carwell.

Re Naming of the Carwell creek bridge.

I have heard with some astonishment that the name chosen for the bridge is Cuth Foster bridge.

If you are going to use names then it should be the James Vincent bridge. He is buried in the Carwell cemetery which the Nevells still use.

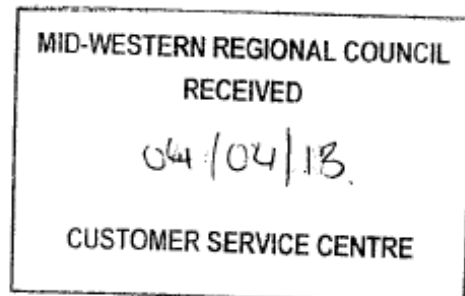
However, my family and I feel that the bridge should echo the earlier settlers.

One such person featured in the history of early days, (1860's) was a prominent and well liked Aboriginal called Jimmy Lambert. He lived in a hut on a Nevell property.

We therefor feel, the whole 6 of us that that name should be on the bridge.

Yours faithfully,

*Joe Horner (snr)*  
Joe Horner (snr)



4 Wellesley Road,  
Pymble NSW 2073  
1st April 2113

The General Manager  
Mid-Western Regional Council,  
P.O. Box 156  
Mudgee NSW 2073



Dear Sir,

Re: Naming of bridge over Carwell Creek at Carwell.

On behalf of those undersigned I wish to suggest suitable names for this bridge viz.,

- (1) John Nevell Bridge; or
- (2) James Vincent Bridge; or
- (3) Jimmy Lambert Bridge.

All three of these men had close connections to the area from the earliest times of settlement. My family are Nevell-Vincent descendants and retain property in the area.

Yours faithfully,

Jean Nevell  
4 Wellesley Road, Pymble.NSW 2073

*Jean Nevell*

David Nevell  
213 Whale Beach Road, Whale Beach. NSW 2107

*David Nevell*

Rosemary McLoughlin  
27 Michigan Street, Asquith. NSW 2077

*R. McLoughlin*

Paul Nevell  
6 Marsh Place, Lane Cove. NSW 2066

*Paul Nevell.*

Katherine Roche  
16 Burgoyne Street, Gordon. NSW 2072

*K. Roche*

## 6.2.14 Mudgee Sewerage Augmentation Progress Report

REPORT BY THE BUSINESS MANAGER SERVICES TO 19 JUNE 2013 COUNCIL MEETING  
130619 Council PUBLIC  
A0100056, F0740001

### RECOMMENDATION

**That the report by the 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 \$162,529.85 (ex GST).

### Strategic or policy implications

Not applicable.

CLAIRE CAM  
BUSINESS MANAGER SERVICES

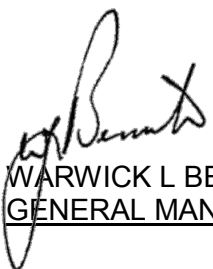


BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

7 June 2013

*Attachments:* 1. Mudgee Sewerage Augmentation Project Status Report May 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

**MUDGEE SEWERAGE AUGMENTATION**  
**Contract No.0901709 - Construction of a New Sewage Treatment Plant**  
**Contract No.1101275 – Upgrade of Putta Bucca SPS and Associated Works**  
**Contract No.1102539 – Power Supply Upgrades**

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**Project Status Report**  
**May 2013**



Report No. 18

Issue Date: 7 June 2013

Prepared by: Claire Cam  
Principal's Authorised Person



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**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	\$162,529.85
Current Contract Sum	\$13,861,825.30
Contract Payments to Date	\$12,220,005.28
Total Project Cost Expended	88.2%
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	208 calendar days (40.7%)
Contract Completion Date	20 September 2013
Calendar Days Elapsed	658
Calendar Days Remaining	106
Total Project Time Expended	86.2%

**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 May 2013

#### 1.1.1. Aeration and Catch Balance Tanks

Earthworks and geotechnical analysis has been completed during May for the balance tank excavation after the existing damaged balance tank structure was demolished in April. The concrete blinding layer has been poured, the drainage cell laid, reinforcement has been fixed and the concrete base of the tank poured during the last month.

The mechanical decanting equipment installation on the wall between the aeration tanks and balance tank has continued during May.

#### 1.1.2. Road Works

Final road works commenced in May, with road base material carted to site and sub-base preparations commencing for the roads adjacent to the inlet works and sludge lagoons. The concrete kerb has been completed for the gravel road adjacent to the sludge lagoons.

#### 1.1.3. Odour Control

The remaining stainless steel pipework associated with the inlet works odour control system has been fabricated and installed onsite during May. The odour control tank has been filled with filter media and the system controls installed.

#### 1.1.4. UV Channel

The installation of the UV channel covers commenced in May. The entire UV channel will be covered to protect treatment plant operators from UV radiation when the lights are in operation.

## 1.2 Photographs



**Photograph 1.** Concrete pour for balance tank base.



**Photograph 2.** Installation of controls and pipework for the odour control system

### 1.3 Work Activities planned for June 2013

#### 1.3.1 Aeration and Catch Balance Tanks

The Contractor will continue with steel fixing for the balance tank walls and the connection between the balance tank and existing aeration tank structure during June. The next concrete pour for the balance tank walls is scheduled for mid June.

#### 1.3.2 Electrical Works

The power supply to the site was connected in May, allowing the Contractor to commence site testing of electrical equipment during June.

#### 1.3.3 Road Works

Road works will continue with the sub-base layer scheduled to be completed in early June for the site roads to the east of the aeration and balance tanks, ready for concrete kerbs to be constructed in June. Road works will be completed in two stages, the first stage being roads to the east of the aeration and balance tank structure and then after construction of the balance tank is completed, the site road from the entrance to the wet of the aeration and balance tanks will be constructed.

## 2. Work Health and Safety

The Contractor has not reported any Work Health and Safety incidents during May.

## 3. Variations

The Contractor has submitted a request for variation that was first discussed in mid 2012 to extend a section of walkway over the balance tank structure to allow the appropriate access to operate and maintain the cleaning equipment within the balance tank. The request for Variation is currently being assessed. The quote for the variation is \$14,107.50 excluding GST.

Table 1. Approved Variations Contract No. 0901709

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 and 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
14	Cast insitu reinforced concrete 1800mm diameter pump wells and maintenance chambers	Warwick Bennett	\$0.00
15	Relocation of generator connection panel	Warwick Bennett	\$23,256.22
16	Removal of 3 x rotometers from chemical dosing system and replace with flanged pipe.	Warwick Bennett	(\$7,731.90)
17	Precision Civil Infrastructure P/L subcontract PLC design, supply, install to Apex Electrical P/L. Schneider undertake telemetry works.	Warwick Bennett	(\$10,000.00)
18	Installation of smoke detectors connected to security system in lieu of fire detection system specified in Contract.	Warwick Bennett	(\$6,854.00)

19	Installation of split system air conditioning units in switchroom lieu of cassette type systems as specified in Contract	Warwick Bennett	(\$4,738.00)
20	Supply and installation of 3 x 8m light poles to provide staircase lighting for the aeration tanks.	Warwick Bennett	\$9,823.66
21	Installation of split system air conditioning units in laboratory and kitchen in lieu of cassette type system as specified in Contract.	Warwick Bennett	(\$2,096.05)
22	Relocation of power supply substation	Brad Cam	(\$19,000.00)

#### 4. Progress Payments

Progress Claim No. 18 for a sum of \$832,537.62 (ex GST) was received on 5 May 2013. The progress claim was assessed and \$780,141.18 (ex GST) has been paid to the Contractor.

Progress Claim No. 19 for a sum of \$261,607.88 (ex GST) was received on the 30 May 2013. The progress claim has been assessed and \$251,302.93 (ex GST) paid to the Contractor.

#### 5. Program

The completion date for the project has been extended to 20 September 2013, with construction works associated with the catch balance tank construction scheduled to be completed by the end of July 2013. Road sealing, testing and commissioning is scheduled to be conducted in August and September 2013. Project documentation including provision of Work As Executed drawings and Operation and Maintenance Manuals is scheduled to be completed during September 2013.

#### 6. Contractual Issues

The extension of time as discussed above has impacted the Contract for Putta Bucca Pump Station Upgrade, such that final connection of the pump station to the new sewage treatment plant will be delayed until early September 2013. The delay means that the Putta Bucca Pump Station upgrade Principal Contractor has left the site and is working on other projects before returning to the site in July to continue works and be ready to commence pumping to the new Sewage Treatment Plant in September.

**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	\$21,366.35
Current Contract Sum	\$2,458,076.35
Contract Payments to Date	\$1,846,342.91
Total Project Cost Expended	75.1%
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	3 Days
Contract Completion Date	7 April 2013 * (Extension required to September 2013)

\* Council staff are currently discussing further delays associated with the Sewage Treatment Plant balance tank reconstruction to ensure the Putta Bucca Pump Station Contractor can recommence works in order commencing pumping to the Sewage Treatment plant in September.

**6.1 Project Variations**

The following table summarises the variations approved for Contract No. 1101275.



Table 2. Approved Variations Contract No. 1101275

Variation No.	Agreed Scope of Works	Approved by	Cost (ex GST)
1	Change fencing material from coated PVC to galvanised.	Warwick Bennett	(\$625.45)
2	Standardise Flanges and include pressure monitoring in valve chamber	Warwick Bennett	(\$16,567.27)
3	Replacement of autoclose gate with chain links (gate operation process not functional)	Warwick Bennett	(\$343.64)
4	Replace gatic lids on emergency overflow chamber with gas-tight aluminium lids with safety grating to allow single person operation.	Warwick Bennett	\$2,509.09
5	Remove valve chamber grating and replace with hand rail and provision for chamber access.	Warwick Bennett	(\$6,794.55)
6	Install site water reticulation for maintenance of valve pits and pump well	Warwick Bennett	\$3,372.73
7	Tree removal for power line works	Warwick Bennett	\$748.18
8	Replacement and realignment of stock fencing	Warwick Bennett	\$3,084.54
9	Supply and installation of retaining wall to prevent batter impacting on existing private property access.	Warwick Bennett	\$3,430.91
10	Replacement of Specified Schneider Modicon Premium PLC with Modicon M340 PLC	Warwick Bennett	(\$6,066.36)
11	Construct concrete apron at driveway entrance to avoid damage of road seal.	Warwick Bennett	\$786.36
12	Supply and installation of safety grates on the existing pump station wet well as well as modification to the existing lids to improve safety and access.	Warwick Bennett	\$16,636.36
13	Installation of an odour control system for the existing pump station wet well.	Warwick Bennett	\$21,195.45

## 8. Summary of Contract for Power Supply Upgrade

Construction works for the Power Supply Upgrade Contract have been completed. Final payment will be made on completion of Contract Documentation by the Contractor

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	(\$142,353.00)
Current Contract Sum	\$209,792.00
Contract Payments to Date	\$205,870.00
Total Project Cost Expended	98.2%
Date of Contract	28 June 2012
Original Contract Duration	12 weeks
Approved Extensions of Time Claims	148 calendar days *
Contract Completion Date	14 February 2013

\* Extension of time to this Contract was associated with availability of the required substations.

### 8.1 Project Variations

The value of the two substations has been removed from the Power Supply Contract due to the unavailability of the required substation via the Contractor within an acceptable time period that would not impact the Treatment Plant Construction and Pump Station Upgrade Contracts.

Council has sourced and supplied the required substations, with installation of the substations undertaken by the Contractor.

## 6.2.15 Tender Assessment General Contractors 2013-2016

REPORT BY THE BUSINESS MANAGER RESOURCES & RECREATIONAL TO 19 JUNE  
2013 COUNCIL MEETING

Tender Assessment General Contractors 2013 - 2016  
A0100056, A0411304

**RECOMMENDATION**

**That:**

1. The report by the Business Manager Resources & Recreational on the Tender Assessment General Contractors 2013-2016 be received;
2. Council accepts the list of preferred contractors for tender 2013/14 for the provision of General Contractors in accordance with clause 178 of the *Local Government (General) Regulation 2005* as listed below for General Contractors:

<b>Air Conditioning</b>	<b>Peter Witheriff Refrigeration and Air conditioning Trilogy Servicing Pty Ltd</b>
<b>Audio Visual</b>	<b>CommTech Pty Ltd</b>
<b>Building Services</b>	<b>Boxsells Services Pty Ltd Stotts Painting Contractors</b>
<b>Concreting</b>	<b>John Howden Concreting T &amp; K Jackson Pty Ltd</b>
<b>Electrical</b>	<b>Andrew James Electrical 4B Electrical Services Encom Services Berridge and Gallagher</b>
<b>Fencing</b>	<b>Gulgong Stock and Rural SKSTBL Pty Ltd Graham Price Fencing</b>
<b>Geotechnical Services</b>	<b>Macquarie Geotech Barnson Pty Limited</b>
<b>Guardrails</b>	<b>JC's Constructions Pty Ltd</b>
<b>Labour Hire</b>	<b>OCTEC Limited A1 Earthworx</b>
<b>Landscaping</b>	<b>Living Earth Supplies SJ Landscaping Constructions Pty Ltd</b>
<b>Linemarking</b>	<b>Central West Linemarking</b>
<b>Mowing</b>	<b>Jims Mowing A1 Earthworx Gulgong Stock and Rural Centrogen</b>
<b>Non-Noxious Spraying</b>	<b>Small Farm Solutions Specialised Weed Services Pty Ltd SKSTBL Pty Ltd Centrogen Gulgong Stock and Rural</b>
<b>Office Fitouts</b>	<b>Axiom Office Interiors Pty Ltd</b>
<b>Painting</b>	<b>Stotts Painting Contractors</b>
<b>Plumbing</b>	<b>Plumbing Worx (NSW) Pty Ltd</b>

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	<b>Onsite Plumbing</b>
	<b>Rapid Plumbing and Gas</b>
	<b>Cudgong Plumbing</b>
<b>Surveying</b>	<b>de Witt Consulting</b>
	<b>Barnson Pty Limited</b>
	<b>Whelans Insites Pty Ltd</b>
<b>Traffic Control</b>	<b>Midwest Traffic Management</b>
<b>Transport</b>	<b>Combined Warehousing Services Pty Limited</b>
<b>Tree Services</b>	<b>Mudgee Tree Services</b>
	<b>Dan McArdle Tree Contracting service</b>
	<b>McArdle and Sons Pro Tree Service</b>
	<b>A1 Tree Services (NSW) Pty Ltd</b>
	<b>Agile Arbor Pty Ltd</b>
	<b>AgriPlex Group Pty Limited</b>
	<b>Extreme Tree Services</b>

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

## Executive summary

Following Council's resolution to invite tenders for general contractors to complete works listed in the management plan, tenders were called for the establishment of a preferred list of suitable contractors to provide services to Council for the next three financial years.

Tenders were called on Friday 26<sup>th</sup> April 2013 for General Contractors and closed at 12pm 17<sup>th</sup> May 2013. Forty two tenders were received.

Advertisements for the tender were placed in the Local Government Tenders section of the Sydney Morning Herald, Community News, Tenderlink and Council's website on 26<sup>th</sup> April 2013.

The terms of the contract are for the supply of general contracting services for a period of three years and allow for CPI increases to be submitted prior to each financial year.

The tendering process was initiated and a Procurement and Evaluation Plan was developed. A Tender Assessment Panel was formed, comprising representatives from the most relevant departments within Council. Members of the Tender Assessment Panel used the Evaluation Plan and methodology to determine which tenderers offered the best value for money in the provision of general contracting services to Council.

## Detailed report

### *TENDERS RECEIVED*

Forty two tenders were received.

### *LATE TENDERS*

Two late tenders were received and accepted.

### *CONFORMING TENDERS*

All tenders that did not meet the mandatory requirements were afforded the opportunity to provide the missing documentation and then proceeded to a detailed evaluation.

### NON-COMPLYING OR ALTERNATE TENDERS

No non-conforming or alternate tenders were received.

### EVALUATION METHODOLOGY

The objective of the evaluation was to select the tenderers offering the best value for money in a rational and defensible way which is fair to all tenderers. The evaluation criteria and criteria weightings applied to this evaluation process were identified in the Request for Tender advertised documentation.

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

### ASSESSMENT PANEL

Julian Geddes	Business Manager Resources and Recreational
Sally Mullinger	Business Manager Works
Andrew Drummond	Business Manager Plant and Facilities

### EVALUATION FINDINGS

All tenderers were assessed and scored against the evaluation criteria listed in the tender document and weightings in the Evaluation Plan to determine the list of preferred tenderers and the preferred contractors are listed in order of preference.

### Financial implications

The costs of the projects carried out by the general contractors are recognised in the Management Plan under the maintenance and construction of Councils assets.

### Strategic or policy implications

These recommended suppliers are required to meet the Councils maintenance and capital works program.

JULIAN GEDDES  
BUSINESS MANAGER RESOURCES  
AND RECREATIONAL

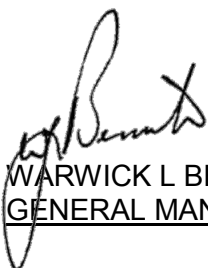


BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

3 June 2013

*Attachments:* 1. Tender assessment sheet and rates (included in the confidential section at the end of the business paper)

### APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.16 Tender Assessment Crushing and Screening 2013-2016

REPORT BY BUSINESS MANAGER WORKS TO 19 JUNE 2013 COUNCIL MEETING  
130619 Council PUBLIC  
A0100056, A0411306

### RECOMMENDATION

#### That:

1. **the report by Business Manager Works on the Tender Assessment Crushing and Screening 2013-2016 be received;**
2. **Council accepts the list of preferred suppliers for tender 2013/06 for provision of crushing and screening services in accordance with Clause 178 of the Local Government (General) Regulation 2005 as listed below:**
  - **Davis Earth Moving and Quarrying**
  - **Mudgee Dolomite and Lime**
  - **Richards Sand and Soil**
  - **Ian Colley Earthmoving**
  - **Calvani Crushing**
  - **Screenmasters Australia**
  - **Milbrae Quarries**
  - **CZL Group**
  - **John Page**
  - **Mulgoa Excavations**
  - **Rockcycle Crushing**
  - **MES Demolition**
  - **M & M Crushing**

### Executive summary

Following Council's resolution to invite tenders for the supply of quarry products to complete works listed in the management plan, tenders were called for the establishment of a preferred list of suitable suppliers to provide services to Council for the next three financial years.

Tenders were called on Friday 10<sup>th</sup> May 2013 for the supply of quarry products and closed at 12pm 31<sup>st</sup> May 2013. Thirteen tenders were received and were accepted.

Advertisements for the tender were placed in the Local Government Tenders section of the Community News, Tenderlink and Council's website on 10<sup>th</sup> May 2013 and in the Sydney Morning Herald on 14<sup>th</sup> May 2013.

The terms of the tender were for the supply of quarry products for a period of three years and allow for CPI increases to be submitted prior to each financial year.

The tendering process was initiated and a Procurement and Evaluation Plan was developed. A Tender Assessment Panel was formed, comprising representatives from the most relevant departments within Council. Members of the Tender Assessment Panel used the Evaluation Plan and methodology to determine which tenderers offered the best value for money in the provision of general contracting services to Council.

## Detailed report

### *TENDERS RECEIVED*

Thirteen tenders were received, all were accepted.

### *LATE TENDERS*

One late tender was received and it was accepted.

### *CONFORMING TENDERS*

All thirteen tenders received conformed to the tender requirements.

### *EVALUATION METHODOLOGY*

The objective of the evaluation was to select provide a preferred list of suppliers offering the best value for money in a rational and defensible way which is fair to all tenderers. The evaluation criteria and criteria weightings applied to this evaluation process were identified in the Request for Tender advertised documentation.

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

### *ASSESSMENT PANEL*

Sally Mullinger	Business Manager Works
Andrew Drummond	Business Manager Plant and Facilities
Julian Geddes	Business Manager Resources and Recreation

### *EVALUATION FINDINGS*

All tenderers were assessed and scored against the evaluation criteria listed in the tender document and weightings in the Evaluation Plan to determine the list of preferred tenderers and the preferred contractors are listed in order of preference.

## Financial implications

The costs of the projects that require crushing and screening services are recognised in the Management Plan under the maintenance and construction of Councils assets.

## Strategic or policy implications

These recommended suppliers are required to meet the Councils maintenance and capital works program.

SALLY MULLINGER  
BUSINESS MANAGER WORKS

  
BRAD CAM  
DIRECTOR OPERATIONS

6 June 2013

*Attachments:* 1. Tender Evaluation (included in the confidential section of the business paper)

APPROVED FOR SUBMISSION:

  
WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.17 Tender Assessment Supply of Quarry Products 2013-2016

REPORT BY THE BUSINESS MANAGER WORKS TO 19 JUNE 2013 COUNCIL MEETING  
130619 Council PUBLIC  
A0100056, A0411307

### RECOMMENDATION

**That:**

1. the report by the Business Manager Works on the Tender Assessment Supply of Quarry Products 2013-2016 be received;
2. Council Accepts the list of preferred suppliers for tender 2013/07 for the supply of quarry products in accordance with Clause 178 of the Local Government (General) Regulation 2005 as listed below. Supply will be allocated based on a combination of both product supply cost and cartage costs.

Product	Supplier	Quarry
DGB 20 (SPEC)	Sibelco Mudgee Dolomite and Lime	Excelsior Buckaroo Bylong Mt Knowles
DGS 40 (SPEC)	Mudgee Dolomite and Lime	Buckaroo Bylong Bara Mt Knowles
20mm Ridge Gravel (Non spec)	Ian Colley Earthmoving Sibelco Mudgee Dolomite and Lime	Ulan Excelsior Buckaroo
40mm Ridge Gravel (Non spec)	Mudgee Dolomite and Lime Sibelco Ian Colley Earthmoving	Ulan Excelsior Ulan
Crusher dust / Sand	Ian Colley Earthmoving Sibelco Mudgee Dolomite and Lime Mudgee Dolomite and Lime Rosebrook Sand and Gravel	Ulan Excelsior Buckaroo Bylong Denman
Ballast	Ian Colley Earthmoving Mudgee Dolomite and Lime Mudgee Dolomite and Lime	Ulan Buckaroo Bylong
Drainage Metal 20mm	Mudgee Dolomite and Lime Rosebrook Sand and Gravel Mudgee Dolomite and Lime	Buckaroo Denman Bylong

### Executive summary

Following Council's resolution to invite tenders for the supply of quarry products to complete works listed in the management plan, tenders were called for the establishment of a preferred list of suitable suppliers to provide services to Council for the next three financial years.



The Request for Tender called for ex works prices for products. The costs of transport can make up a significant part of the price for the supply of quarry products and is generally linked to the proximity of the quarry to the delivery location. Due to the large range of products and project locations this panel tender allows Council to achieve the best value for supply of quarry products depending on the delivery arrangements. Supply therefore will be allocated based on a combination of both product supply cost and cartage costs.

Tenders were called on Friday 10th May 2013 for the supply of quarry products and closed at 12pm 31st May 2013. Five tenders were received, four tenders were accepted; one did not conform and was not accepted.

Advertisements for the tender were placed in the Local Government Tenders section of the Community News, Tenderlink and Council's website on 10th May 2013 and in the Sydney Morning Herald on 14th May 2013.

The terms of the tender were for the supply of quarry products for a period of three years and allow for CPI increases to be submitted prior to each financial year.

The tendering process was initiated and a Procurement and Evaluation Plan was developed. A Tender Assessment Panel was formed, comprising representatives from the most relevant departments within Council. Members of the Tender Assessment Panel used the Evaluation Plan and methodology to determine which tenderers offered the best value for money in the provision of general contracting services to Council.

## Detailed report

### *TENDERS RECEIVED*

Five tenders were received, four tenders were accepted; one did not conform and was not accepted.

### *LATE TENDERS*

No late tenders were received.

### *CONFORMING TENDERS*

Four tenders received conformed to the tender requirements.

### *NON-COMPLYING OR ALTERNATE TENDERS*

One non-conforming was received. This was not accepted.

### *EVALUATION METHODOLOGY*

The objective of the evaluation was to select provide a preferred list of suppliers offering the best value for money in a rational and defensible way which is fair to all tenderers. The evaluation criteria and criteria weightings applied to this evaluation process were identified in the Request for Tender advertised documentation.

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

### *ASSESSMENT PANEL*

Sally Mullinger	Business Manager Works
Andrew Drummond	Business Manager Plant and Facilities
Julian Geddes	Business Manager Resources and Recreation

### *EVALUATION FINDINGS*

All tenderers were assessed and scored against the evaluation criteria listed in the tender document and weightings in the Evaluation Plan to determine the list of preferred tenderers and the preferred contractors are listed in order of preference.

### Financial implications

The costs of the projects that require quarry products are recognised in the Management Plan under the maintenance and construction of Councils assets.

### Strategic or policy implications

These recommended suppliers are required to meet the Councils maintenance and capital works program.

SALLY MULLINGER  
BUSINESS MANAGER WORKS

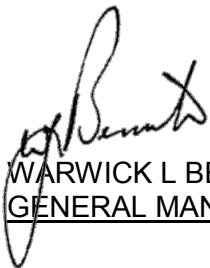


BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

4 June 2013

*Attachments:* 1. Tender Evaluations (contained in the confidential section of the business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.18 Local Roads Proposed for Gravel Re-sheeting 2013/14

## REPORT BY THE MANAGER TECHNICAL SERVICES TO 19 JUNE 2013 COUNCIL MEETING

130619 Council PUBLIC  
A0100056, R0790126

## RECOMMENDATION

## That:

1. the report by the Manager Technical Services on the Local Roads Proposed for Gravel Re-sheeting 2013/14 be received;
2. That Council endorse the following local roads for gravel re-sheeting throughout the 2013/14 financial year using the budget allocated in the 2013/14 Operational Plan;

Road	Road Type	Grading Region	Gravel Re-Sheet Length
Aarons Pass Road	Collector	Bocoble	2.0
Bara Road	Minor Local	Bara/Lue/Botobolar	2.0
Birkalla Road	Main Local	Birkalla	1.0
Black Springs Road	Main Local	Frog Rock	1.0
Bonds Road	Minor Local	Hargraves	1.0
Botobolar Road	Main Local	Bara/Lue/Botobolar	1.0
Burrendong Dam Road	Main Local	Yarrabin	1.0
Camerons Road	Minor Local	Ilford	1.0
Canadian Lead Road	Main Local	Gulgong South	1.5
Coricudgy Road	Collector	Olinda	2.0
Coxs Creek Road	Collector	Olinda	1.5
Doughertys Junction	Minor Local	Hargraves	1.0
Evans Road	Minor Local	Ilford	1.0
Gorries Lane	Minor Local	Goolma	1.5
Hanns Road	Minor Local	Ilford	1.0
Hearne Lane	Minor Local	Ilford	0.8
Killens Road	Minor Local	Bylong	1.0
Lee Creek Road	Minor Local	Bylong	1.0
Lower Piambong Road	Main Local	Piambong	2.0
Maloneys Road	Minor Local	Bara/Lue/Botobolar	1.0
Mebul Road	Collector	Goolma	1.7
Merotherie Road	Main Local	Birkalla	2.0
Nullo Mountain Road	Main Local	Olinda	1.0
Pyramul Road	Collector	Windeyer	1.0
Queens Pinch Road	Collector	Windeyer	1.0
Sallys Flat Road	Minor Local	Windeyer	1.0
Tara Loop	Minor Local	Crudine	1.0
Triamble Road	Minor Local	Hargraves	2.0
Twelve Mile Road	Main Local	Yarrabin	2.0
Uamby Lane	Minor Local	Goolma	0.4
Ulan-Wollar Road	Main Local	Wollar	2.0
Upper Botobolar Road	Minor Local	Bara/Lue/Botobolar	1.0

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Upper Bylong Road	Minor Local	Bylong	0.5
Upper Mebul Road	Minor Local	Goolma	0.8
Upper Piambong Road	Minor Local	Piambong	1.0
Warrangunia Road	Minor Local	Crudine	0.2
Whistons Lane	Minor Local	Birriwa	0.3
Wilbetree Road	Main Local	Mudgee North	1.5
Wyaldra Lane	Minor Local	Cooks Gap	1.0
Yarrabin Road	Minor Local	Yarrabin	1.5
<b>TOTAL</b>			<b>48.20</b>

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## Executive summary

Council has allocated \$920,600 for local road gravel re-sheeting in the 2013/14 Operational Plan. This report details the roads proposed for gravel re-sheeting utilising the available funds.

## Detailed report

Council staff have identified lengths of local unsealed roads that require gravel re-sheeting and then prioritised each section dependent on the condition and hierarchy of the road to develop the proposed lengths of gravel re-sheeting presented in the recommendation. In identify the sections needing gravel re-sheeting, customer requests received throughout the year were also considered.

The recommendation contains only 48km of gravel re-sheeting with the idea that \$56,600 will be utilised throughout the year for reactive or emergency gravel re-sheeting of approximately 3km of roads. This will arise from such issues as minor flood repairs.

## Financial implications

Council allocated a budget of \$920,600 to local road re-sheeting in the 2013/14 Operational Plan.

## Strategic or policy implications

2013/14 Operational Plan and Council Road Asset Management Plan.



ANDREW KEARINS  
MANAGER TECHNICAL SERVICES



BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

7 June 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.19 Gulgong Sports Council

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 19 JUNE 2013 COUNCIL MEETING

130619 Council PUBLIC  
A0100056, A0100056

### RECOMMENDATION

That:

1. **the report by the Director, Mid-Western Operations on the Gulgong Sports Council be received;**
2. **That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 8 May 2013 be noted.**

### Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Sports Council Meetings held on 8 May 2013. 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.

### Detailed report

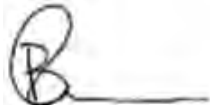
Not applicable.

### Financial implications

Not applicable.

### Strategic or policy implications

Not applicable.

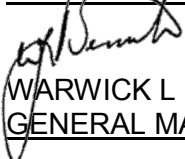


BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

5 June 2013

*Attachments:* 1. Minutes of the Gulgong Sports Council Ordinary Meeting 8 May 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

Gulgong Sports Council  
Monthly Meeting  
Tuesday 8<sup>th</sup> May 2013



**Meeting Opened:** 7pm

**Apologies:** Steve Haney

**Present:** Craig Holden – President, Brian Gudgeon – Treasurer/Senior Cricket, Nicola Barnes – Secretary/Gulgong Pony Club/Miniature Horses, Bobby Woods – Bowling Club, Lynn Hawkins

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

Moved: C. Holden

Seconded: B. Gudgeon

All in favour – motion moved and carried.

**Council Business:**

1. The roller door still needs to be replaced after vandals caused considerable damage by kicking it in.
2. Drain behind high school that goes onto Billy Dunn where pipes come up is full of rubbish. When it rains it blocks up and floods the oval. This still has not been fixed.
3. Billy Dunn Oval needs gates closing and locked during night time hours. Is security going to do this at Billy Dunn Ovals as it seems pointless to have a 2.4m fence around the complex if it is not locked during the night. If this is done it may reduce vandalism costs. Jubilee Oval and Glen Will are locked to protect council assets why not Billy Dunn? Broken glass, graffiti, alcohol parties, damage to buildings and property is all an extra cost and time which could be prevented and reduced if locked.
4. Gulgong Sports Council is fixing the storage room behind the grandstand by removing the entire old gutter that gets blocked up and overflows as well as fixing the roof where it leaks. Also repainted the kiosk and scoreboard.
5. Need to get gravel for behind the school at gateway to top oval as there is a huge drop off and large pot holes.
6. Gulgong Sports Council have been advised that surveillance cameras are being quote on for Billy Dunn, could Council please advise and update the Sports Council in regards to this.
7. Drain and pot holes have been fixed by sports council at Billy Dunn Oval.

**Finance Report:**

Opening Balance:	\$3727.24
Income	nil
Expenditure	\$683.90
Closing Balance:	\$2845.46

Income:- Nil

Expenditure:-

\$500.00- Peter Regan- Painting of Billy Dunn Grandstand.

\$103.90- Gulgong Timber & Hardware – repairs to Billy Dunn Park.

\$80.00- Gulgong Bowling & Sporting Club- donation of food to Carl Rissler Funeral.

\$88.88- John Haberecht Signs- replacement signs Billy Dunn Oval

\$109.00- Craig Holden- Reimbursement for Internet

**Motion 2** – “That accounts be paid”

Moved: C. Holden

Seconded: B. Woods

All in favour – motion moved and carried.

**Motion 3** – “That the treasurer’s report be accepted.”

Moved: B. Gudgeon

Seconded: N. Barnes

All in favour – motion moved and carried.

Invoices to raise regarding outstanding sponsorship from presentation night total of \$450.00.

**Correspondence:**

**Incoming:**

1. Nil

**Outgoing:**

1. Gulgong Sports Council Club Survey
2. Thank you certificates to sponsors
3. Update forms to be sent out for contacts of clubs.

**Motion 4** – “That the correspondence be accepted.”

Moved: N. Barnes

Seconded: B. Gudgeon

All in favour – motion moved and carried

**General Business:**

1. Thank you also to the chef and staff in the kitchen at the Gulgong Bowling Club for the fantastic meals we were all served on the night, to follow up.
2. Thank you letter needs to go to Mr Percy Thompson for his sponsorship, to follow up.
3. Need to talk to Gulgong Bowling & Sporting Club about putting the Hall of Fame board up.
4. Gulgong race day coming to check with turf club regarding sports councils participation, volunteers require for this job..
5. Sports council to look at some form of cover at broad jump pits to reduce maintenance costs.
6. Sports Council dinner for Carl Risslers passing, invites to go out to Sports Council committee members and other persons. Brian to confirm date with Bowling Club and dinner costs.
7. Sports council to purchase pre-paid internet for correspondence to clubs schools and council via e-mail.

Moved Craig Holden, 2nd Brian Gudgeon, Carried.

Meeting closed: 8.15

Craig Holden – President .....



Next meeting – 9<sup>th</sup> May 2013 – 7pm – Gulgong Bowling Club



## 6.2.20 Mudgee Sports Council

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 19 JUNE 2013 COUNCIL MEETING

130619 Council PUBLIC  
A0100056, A0100013

### RECOMMENDATION

**That:**

- 1. the report by the Director, Mid-Western Operations on the Mudgee Sports Council be received;**
- 2. That the minutes for the Mudgee Sports Council ordinary monthly meeting held on 27 May 2013 be noted.**

### Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Sports Council Meetings held on 27 May 2013. 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.

### Detailed report

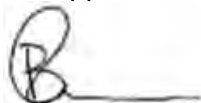
Not applicable.

### Financial implications

Not applicable.

### Strategic or policy implications

Not applicable.



BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

5 June 2013

*Attachments:* 1. Minutes of the Mudgee Sports Council Ordinary Meeting 27 May 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

**Sports Council Meeting.**  
**Glen willow Netball Meeting Room**  
**27-05-2013 - 18:35**

**Present:** P. Mitchell, C. Kurtz, T. Ford, Ben Harris (Mudgee Guardian Representative), R. Sharp, D. Synder, R. Golden, G. Bartrim, M. O'Keefe, J. Weatherley (MWRC Rep) & J. Johnson.

**Apologies** K. Lang, G. Robinson, Moved R. Golden seconded C. Kurtz that apologies be accepted.

Minutes from previous meeting read as true and correct. Moved G. Bartrim, seconded R. Golden

**Business arising from previous minutes:**

- Dogs are still being seen on grounds, need more support from Council to police this, issues with the lack of staff available.
- Goalposts still remain at Victoria Park; we have someone who would like to help council with the removal and disposal of the goal posts at Victoria Park, if this would assist council.
- Ultimate Frisbee- Geoff Robinson has spoken with the President of Ultimate Frisbee, and he was informed if he holds a winter comp that sports council fees apply.
- Softball- sign's still to be done for cages, Softball rep asked who is to pay for them, and should all sports have signage on their goal posts, also the Diamond 2 cage well be cemented in shortly.

**Treasurer's report:**

- Meeting took place between Terry Ford and Trish from accounts at the council re funding discrepancies entered monthly, problems due to staff leave, and not being able to retrain new staff, Sports council at present has had \$36,006.40 come in and expenditure of \$27,374 leaving sports council with \$8705, receipts are set up as Mudgee Sports council with no way at the moment to add individual entries, John Weatherley will discuss with council staff to see if this can be rectified.

**MOTION: That Mr Dykes Trophy's be paid \$854.00 for trophies from sports council presentation, and also Club Mudgee \$35 for Hall hire for presentation. Moved T. Ford seconded R. Golden. Carried.**

Moved T. Ford, seconded R. Golden that report true and accurate.

**Secretary Report:**

- Application for funding for Jordan Woolmer who is representing Australia in the Deaflympics playing Basketball. Moved C. Kurtz, seconded R. Sharp.

**Works Request updates:**

- Fire extinguishers- need a list of venues requiring extinguishers, all venues need to be checked by council staff, and extinguishers replaced or repair, an extinguisher should be in every canteen.
- Goal posts still to be removed from Victoria Park.
- Lights repaired on No 3 field at Glen Willow.
- Seat still needs repair at West end near Men's amenities.
- Aluminium seating has arrived for Glen Willow Netball courts.
- Lights and ceiling still to be repaired at Victoria Park.
- Top soil requested for Cahill Park, would be required now to allow grass growth, to be placed on fields near the railway line as children playing on a rock covered field, request 20 tonne, this is to renovate the Northern fields. To be put out in the spring of 2013.
- Birds have chewed through the lights at Jubilee, awaiting repair.
- Lights still to be upgraded around cycle track at Victoria Park.
- Panel and gate still to be repaired at Victoria Park.

Investigation under way to irrigation system at West end complex.

- Lock repaired to Softball storage shed, and own padlock installed.

#### **Works Requests:**

- Victoria Park- Damage to wooden blinds at back of grandstand, Council will need to contact Rodney Golden to gain access, the padlock is Crickets own.
- Council did a wonderful job of removing the graffiti and fixing the fence at Jubilee, unfortunately it has happened again.

#### **General Business:**

- Draft recreational Policy- Council wants to do all the bookings for all sports grounds, if they take this away what will be next, Glen willow as a booking co-ordinator, and Geoff Robinson does all other grounds. There isn't enough communication from Council, if they create this policy, they will need to employ someone fulltime to co-ordinate with sports and schools on when events are on, when fields can be mowed or watered, an example was with junior soccer the weekend of the 25/05, Soccer was given the ok to play junior soccer on the Saturday prior to the Eels V's Titans game the next afternoon, unfortunately Soccer had to cancel their game day due to trucks coming in and out, no where to park, and a major safety issue for children and parents.
  - There needs to be a greater consideration to user groups the inconvenience to parents and the disappointment for children, when we had to cancel, and this was only one event.
  - **MOTION:** Sports council needs to reply to the draft policy re ground bookings  
Moved D. Synder, seconded T. Ford, Darren Synder will report back to next sports Council meeting.
- All Sporting groups are requested to place submissions on their clubs behalf to the Recreational draft policy.
- No mention of Cricket moving from Cahill Park in Stage 3, what will happen to Cricket?
- NSW Softball has offered Mudgee Softball the opportunity to hold either the U/13 or U/15 Softball state titles they were very happy with the grounds at West End.
- Cricket pitch required for Glen Willow, when the top dressing is taking place could a turf pitch be dropped in, while the ground works are taking place.
- Soccer looking at putting a cover around the BBQ area at the Glen Willow amenities blocks, it will be constructed of glass, and iron and it will have power and a whirly gig on the roof to take away the heat.
- Glen willow lighting fees- Training \$3.60 per hour, ½ lights \$6.40 per hour, full lights \$12.75 per hour, at the Netball courts ½ lights \$2.55 per hour, and full lights \$5.11 per hour.

Meeting closed 19:45

Next meeting 30<sup>th</sup> June at 6:30pm at the Netball clubhouse.

## 6.2.21 Annual Reporting of Contractual Conditions of Senior Staff

REPORT BY THE MANAGER GOVERNANCE TO 19 JUNE 2013 COUNCIL MEETING

Senior staff

A0100056, A0385024

### RECOMMENDATION

**That the report by the Manager Governance on the Annual Reporting of Contractual Conditions of Senior Staff be received.**

### Executive summary

This report addresses the statutory requirement for the General Manager to report annually on the contractual conditions of senior staff.

### Detailed report

Section 339 of the Local Government Act 1993 provides that

*“The general manager must, at least once annually, report to the council on the contractual conditions of senior staff.”*

Section 334 of the Act provides that the General Manager is a “senior staff position” and in determining the organisational structure of the organisation a council must, under Section 332 (1) of the Act, determine those positions that are also to be “senior staff positions”. The Council has also determined that the following positions as senior staff:

- Director – Mid-Western Operations
- Director – Finance and Administration
- Director – Development and Community Services

The “contractual conditions” of senior staff are dictated by a “standard form of contract” approved by the Director General of the Division of Local Government (DLG) under Section 338 of the Act. The current “standard form of contract” for general managers and senior staff can be reviewed on the DLG’s website. The contracts were supplied to Council at its meeting on 21 November 2012. No changes to the contract conditions have been made since that date.

It should be noted that as required by the relevant legislation, the total remuneration package payable for the senior staff positions is also detailed in the Annual Report provided by Council each year.

### Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

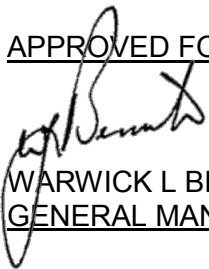


IAN ROBERTS  
MANAGER GOVERNANCE

6 June 2013

*Attachments:* Nil.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

*URGENT BUSINESS WITHOUT NOTICE*

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

*GIVING NOTICE OF BUSINESS*

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
  - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
  - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
  - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
  - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
  - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
  - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
  - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

*BUSINESS WITHOUT NOTICE*

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
  - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 7: Urgent Business Without Notice