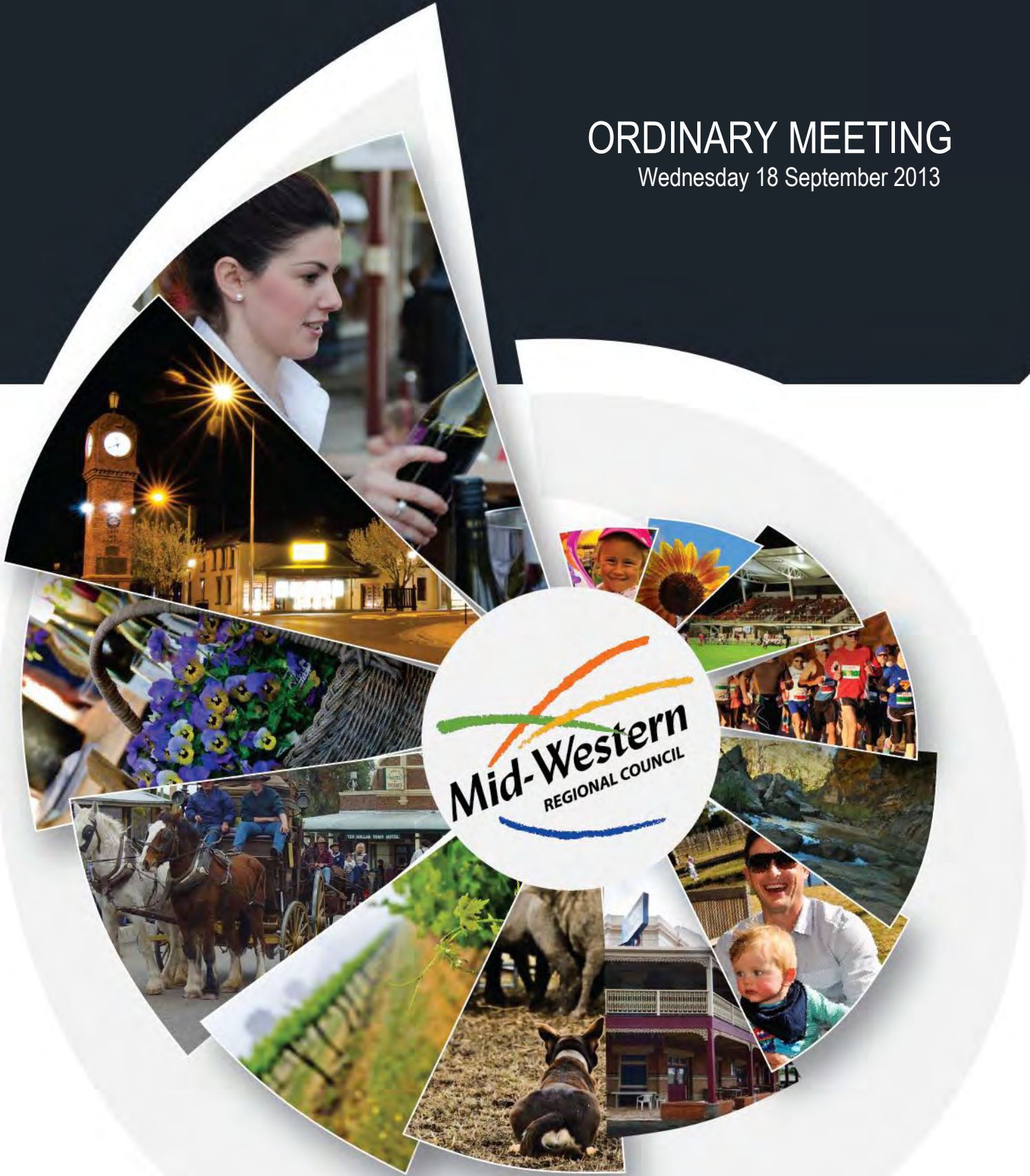


# ORDINARY MEETING

Wednesday 18 September 2013





PO BOX 156  
MUDGEE NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850  
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11 September 2013

Dear Councillor

MEETING NOTICE  
**Ordinary Meeting**  
Wednesday, 18 September 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 4 September 2013

#### *COUNCIL DECISION:*

That the Minutes of the Ordinary Meeting held on 4 September 2013, Minute Nos 334/13 to 352/13 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 Wednesday 4 September 2013, commencing at 5.35 pm and concluding at 6.36 pm

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PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier, Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson (departed 6.33 pm), Cr MB Walker, Cr JK Weatherley, Cr JR Webb (Deputy Mayor), Cr L White.
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 & C Bassett).

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

There were no apologies.

#### **Item 2: Annual Elections**

2.1 Delegations to the Mayor

A0100056, A0110016

334/13 **MOTION:** Shelley/Cavalier

**That:**

1. the report by the Manager Governance on the delegations for the Mayor for the period September 2013 to September 2014 be received;
2. pursuant to the provisions of Section 377 of the Local Government Act, 1993, Council delegate to the Mayor authority:
  - (a) to monitor the General Manager in the exercise of the General Manager's powers, duties and functions;
  - (b) to authorise work, not approved in the Budget/Management Plan, which in the Mayor's opinion, is urgent at a cost not exceeding \$20,000 except in the case of Bush Fire Emergency where the limit is \$50,000;
  - (c) to approve the attendance of any Councillor at meetings or functions between Council meetings, that the Mayor would normally attend on behalf of Council;
  - (d) to affix and witness the Common Seal of Council, in response to a resolution of Council, to any necessary documents in conjunction with the General Manager or another councillor;

**3. the attached delegations for the Mayor be adopted.**

*The motion was put and carried.*

## 2.2 Election of Mayor

A0100056, A0110008

MOTION: Shelley/Walker

That:

1. the report by the Manager Governance on the election of the Mayor for the period September 2013 to September 2014 be received;
2. Council determine that the Ballot for the election of the Mayor be by Open Voting;
3. the election be conducted by the General Manager and the Manager Governance.

335/13

**AMENDMENT: Webb/Cavalier**

That:

1. **the report by the Manager Governance on the election of the Mayor for the period September 2013 to September 2014 be received;**
2. **Council determine that the Ballot for the election of the Mayor be by Preferential Ballot;**
3. **the election be conducted by the General Manager and the Manager Governance.**

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

Councillor Kennedy then vacated the Chair.

The General Manager announced that two (2) nominations had been received, those being from Councillors Kennedy and Martens. No further nominations were forthcoming.

The ballot was then conducted.

**After the counting of votes, the General Manager declared Councillor Kennedy elected as Mayor for the ensuing twelve months.**

Councillor Kennedy then assumed the Chair.

## 2.3 Election of Deputy Mayor

A0100056, A0110008

336/13

**MOTION: Webb/Cavalier**

That:

1. **the report by the Manager Governance on the election of the Deputy Mayor for the period September 2013 to September 2014 be received;**
2. **Council determine that the Ballot for the election of the Deputy Mayor be by Preferential Ballot;**
3. **the election be conducted by the General Manager and Manager Governance.**

*The motion was put and carried.*

The General Manager announced that two (2) nominations had been received, those being from Councillors Cavalier and Webb. No further nominations were forthcoming.

The ballot was then conducted.

**After the counting of votes, the General Manager declared Councillor Cavalier elected as Deputy Mayor for the ensuing twelve months.**

2.4 Council Advisory Committees

A0100056, A0110015

337/13

**MOTION:** Shelley/Cavalier

**That:**

1. the report of the Manager Governance on Council Advisory Committees be received;
2. Council confirm the numbers of Councillor representatives and membership of all proposed Council Advisory Committees with external membership as shown on the attached schedule

*The motion was put and carried.*

338/13

**MOTION:** Walker/Webb

**That Council appoints the following Councillor Representatives to the following Committees:**

- (a) Mudgee Showground Management Committee (Councillor Webb)
- (b) Gulgong Memorial Hall Committee (Councillors Cavalier & Thompson)
- (c) Red Hill Reserve Working Party (Councillors Cavalier & Thompson)
- (d) Mid-Western Regional Council Peak Sports Council (Councillor Weatherley and Chairs and Presidents of Sports Councils with one meeting per year)
- (e) Mudgee Sports Council Sub Committee (Councillor Weatherley)
- (f) Gulgong Sports Council Sub Committee (Councillors Cavalier & Thompson)
- (g) Rylstone Sports Council Sub Committee (Councillor Shelley)
- (h) Mid-Western Regional Council Heritage Committee (Councillor White)
- (i) Mudgee & Gulgong Access Committee (Councillors Webb and Thompson as the alternate member when Cr Webb was not available)
- (j) Rylstone & Kandos Access Committee (Councillor Martens)
- (k) Mid-Western Regional Cultural Development Committee (Councillor White)
- (m) Mudgee Regional Saleyards Committee (Councillors Weatherley & Webb)
- (n) Mid-Western Regional Youth Council (Councillors Cavalier & Kennedy)
- (o) Community Safety Committee (Mayor & Councillor Weatherley)
- (p) Noxious Weeds Control Advisory Committee (Councillor Webb)
- (q) Kandos Centennial Working Party (Councillor Martens)

*The motion was put and carried.*

- (l) Australia Day Selection Committee

339/13

**MOTION:** Thompson/Cavalier

**That the Councillor representatives on this Committee comprise the Mayor, Deputy Mayor and Councillors Shelley & Martens.**

**AMENDMENT:** Shelley/Walker

That the Councillor representatives on this Committee comprise the Mayor, Deputy Mayor and Councillor Shelley.

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

2.5 Delegates to External Committees and other organisations

A0100056, A0110015

340/13

**MOTION:** Shelley/Cavalier

**That:**

1. the report by the Manager Governance on Delegates to external committees and other organisations for the period September 2013 to September 2014 be received;
2. Council appoint its delegates to the following external Committees or other organisations:
  - (a) Bushfire Management Committee (Councillors Cavalier & Webb)
  - (b) Rural Fire Service District Liaison Committee (Councillors Cavalier & Webb)
  - (c) Mudgee Region Tourism Inc (Councillor Kennedy with the General Manager or his nominee as observer)
  - (d) Ulan Coal Mine Community Consultative Committee (Councillor Webb)
  - (e) Wilpingjong Community Consultative Committee (Councillor Webb)
  - (f) Charbon Community Consultative Committee (Councillor Martens)
  - (g) Moolarben Community Consultative Committee (Councillor Webb)

- (h) **Inglenook Exploration Community Consultative Committee**  
(General Manager or nominee)
- (i) **Central West Catchment Management Authority**  
(Councillor Webb)
- (j) **Bells Line Expressway Group** (Councillor Thompson)
- (k) **Macquarie Valley Weeds Advisory Committee** (Councillor Webb)
- (l) **Joint Regional Planning Panel** (Councillors Walker & Weatherley)
- (m) **Botobolar Community Committee** (Councillor Webb)
- (n) **Goolma Amenities Committee** (Councillor Thompson)
- (o) **Murray Darling Association** (Councillor Webb & Mr Russell Holden)

*The motion was put and carried.*

**Item 3: Disclosure of Interest**

Councillor Thompson declared a pecuniary conflict of interest in Item 7.2.9 as he is the President of the Gulgong Turf Club.

**Item 4: Confirmation of Minutes**

341/13 **MOTION: Walker/Cavalier**

**That the Minutes of the Ordinary Meeting held on 21 August 2013 (Minute Nos. 310/13 to 333/13) be taken as read and confirmed.**

*The motion was put and carried.*

**Item 5: Matters in Progress**

Noted.

**Item 6: Mayoral Minutes**

There was no Mayoral Minute.

**Item 7: General Business**

7.1 NOTICES OF MOTION

7.1.1 RECORDING OF COUNCIL MEETINGS

A0100056, A0100035

342/13 **MOTION: Walker/Weatherley**

**That the status quo be maintained.**

AMENDMENT: Webb/White

That Council reinstate recording of Council meetings.

*This amendment was put and lost.*

AMENDMENT: Shelley/White

That action be taken to recommence the recording of meetings, with an audio link provided on Council's website and copies of recording being made available to the public free of charge.

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

7.2 REPORTS TO COUNCIL

7.2.1 CAERLEON – ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 S73A AMENDMENT

GOV400029, A0100056, A0420238

343/13 **MOTION: Walker/Weatherley**

**That:**

- the report by the Manager Strategic Planning on the Caerleon - Environmental Planning & Assessment Act 1979 s73A Amendment be received;**

**2. Council prepare an amendment to Local Environmental Plan 2012 to fix the mapping error in relation to the Caerleon site.**

*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	✓	
Cr White	✓	

7.2.2 MODIFICATION TO WILPINJONG COAL PROJECT – COUNCIL SUBMISSION

A0100056, A0420169

344/13

**MOTION: Cavalier/Walker**

**That:**

1. the report by the Statutory/Strategic Planner on the Wilpinjong Coal Mine Modification be received;
2. Council make a submission in accordance attachment 1 to this report.

*The motion was put and carried.*

7.2.3 COBBORA HOLDING – VOLUNTARY PLANNING AGREEMENT

GOV400029, A0100056

345/13

**MOTION: Walker/Cavalier**

**That:**

1. the report by the General Manager on the Cobbora Holding – Voluntary Planning Agreement be received; and
2. Council endorse in principle the draft Voluntary Planning Agreement with Cobbora Holding and agree to place this draft Voluntary Planning Agreement on public exhibition for 28 days.
3. the General Manager commence immediate discussions with Cobbora Holdings to endeavour to negotiate the inclusion of the upgrade of the rail level crossings in Gulgong and funding for the upgrade of the Upper Mebul Road in the Voluntary Planning Agreement.

*The motion was put and carried.*

7.2.4 APPEAL BY MAC GROUP PTY LTD – PROGRESS REPORT

A0100056, A0420251, P1048568

Councillor Thompson apologised and left the meeting at 6.33 pm.

346/13

**MOTION: Shelley/Weatherley**

**That the report by the Manager Statutory Planning on the Appeal by Mac Group Pty Ltd – Progress Report be received.**

*The motion was put and carried.*

7.2.5 CATCHMENT A DRAINAGE PROJECT

A0100056, F05060027, A0100050, A0411307

347/13

**MOTION: Cavalier/White**

**That:**

1. the report by the Manager, Development Engineering on the Catchment A Drainage Project be received;
2. Council terminates Request for Tender 2013/09;



3. Council accepts the tender submitted by the A1 Earthworx Civil and Mining Pty Ltd for the construction of two stormwater detention basins, Mudgee at a contract price of \$534,561.50 (inclusive of GST) in accordance with clause 178 of the Local Government (General) Regulation 2005;
4. Council authorises the General Manager to finalise and execute the contract on behalf of Council with A1 Earthworx Civil and Mining Pty Ltd for the construction of Catchment A detention basins, Mudgee RFT 2013/13; and that the General Manager be given delegation to approve contract variations of up to 5% of the contract price.
5. The unsuccessful tenderers be notified that their tenders were unsuccessful.

*The motion was put and carried.*

7.2.6 FINANCIAL ASSISTANCE APPLICATIONS

A0100056, A0140201

This item was withdrawn.

7.2.7 TENDER ASSESSMENT NO 2013-11 – KANDOS SWIMMING POOL LEASE

GOV400029, A0100056, COR400046

348/13

**MOTION:** Shelley/Martens

**That:**

1. the report by the General Manager on the Tender Assessment No 2013-11 – Kandos Swimming Pool Lease (Supplementary Report) be received;
2. Council accepts the tender of Ross Lomax for Tender 2013-11 for the lease of the Kandos Swimming Pool at a fee to be negotiated by the General Manager to be no greater than \$148,005 inclusive of GST, and that Council authorises the General Manager to enter into a contract with Ross Lomax in accordance with clause 178 of the Local Government (General) Regulation 2005;
3. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Ross Lomax for a period of three years;
4. The unsuccessful tenderers be notified that their tenders were unsuccessful.

*The motion was put and carried.*

7.2.8 GOVERNANCE POLICY REVIEW

GOV400029, A0100056, A0100021

349/13

**MOTION:** Walker/Weatherley

**That:**

1. the report by the Manager Governance on the Governance Policy Review be received;
2. Council adopt the revised Public Interest Disclosure Internal Reporting policy;
3. Council confirm and adopt the existing Vandalism policy.

*The motion was put and carried.*

7.2.9 GULGONG TURF CLUB

GOV400029, A0100056, AO140201

Councillor Thompson had already declared a pecuniary conflict of interest in this matter as he is the President of the Gulgong Turf Club but had already apologised and left the meeting at 6.33 pm before this matter had come before the Chair.

350/13

**MOTION:** Shelley/Cavalier

**That:**

1. the report by the General Manager on the Gulgong Turf Club be received;
2. Council makes a contribution of \$500 from the Financial Assistance budget to the camel races at the Gulgong racecourse organised by the Gulgong Turf Club.

**AMENDMENT:** Martens/

**That:**

1. the report by the General Manager on the Gulgong Turf Club be received;
2. Council makes a contribution of \$3,000 from the Financial Assistance budget to the camel races at the Gulgong racecourse organised by the Gulgong Turf Club.

*The amendment lapsed for want of a seconder. The motion was put and carried.*

**Item 8: Urgent Business Without Notice**

8.1 Swimming Pool Fees

351/13

**MOTION: Walker/Shelley**

A0100056, A0640002

**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.*

352/13

**MOTION: Kennedy/Walker**

**That the Council's Schedule of Fees and Charges be altered to provide that amateur Swimming Clubs in the region will only be charged \$11 plus GST per hour for use of the swimming lanes.**

*The motion was put and carried.*

**Item 9: Confidential Session**

There were no matters discussed in the confidential session.

**Closure**

There being no further business the meeting concluded at 6.36 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>Three projects have been approved by the State Government for consideration after Council submits a detailed Business case. by Monday 9th September</b>
NSW Origins Legends	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>
Mudgee Civilian Rifle and Small Bore Club	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>
Frontline Community Services	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>

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Welcome Signs	Res. 278/13 Ord Mtg. 24/7/2013	<ol style="list-style-type: none"> <li>2. Council publicly exhibit the proposed designs and invite comment from the community;</li> <li>3. Council approve the purchase of 12 signs to be installed at the following locations: <ul style="list-style-type: none"> <li>- Rylstone at two locations</li> <li>- Gulgong at four locations</li> <li>- Mudgee at three locations</li> <li>- Kandos at three locations</li> </ul> </li> <li>4. Council allocates a further \$15,000 in the 2013/14 budget to fund all twelve signs to be installed and this budget adjustment be prioritised at the September quarterly budget review.</li> </ol>	<b>A report will be included in the next business paper</b>
Rylstone Aerodrome – Section 94 Contribution and Rates	Res. 299/13 Ord Mtg. 07/08/13	<ol style="list-style-type: none"> <li>1. The report by the Director, Development and Community Services on the Rylstone Aerodrome – Section 94 Contribution and Rates be received</li> <li>2. Consideration of request by the developer for deferment of the payment of Section 94 contributions and rates be deferred subject to a further report from staff with options.</li> </ol>	<b>Report will be presented to Council in due course</b>
Purchase of Medical Centre, Gulgong	Res. 327/13 Ord Mtg. 21/08/13	<ol style="list-style-type: none"> <li>2. the General Manager seek further information on the purchase price, ways of attracting and retaining doctors and financial implications of sourcing grants to fund the purchase of the Gulgong Medical Centre located at 87 Mayne Street, Gulgong.</li> </ol>	<b>A letter has been sent to the respective parties seeking the information requested by Council</b>
Events Management and Financial Assistance Budget	Res. 328/13 Ord Mtg. 21/08/13	<ol style="list-style-type: none"> <li>4. during the next Quarterly Review, Council increase the funding to the Events Management and Financial Assistance budgets.</li> </ol>	<b>This matter will raised again at the September quarterly budget review</b>

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
General Manager's Performance Agreement 2013/14	Res. 333/13 Ord Mtg. 21/08/13	<ol style="list-style-type: none"> <li>1. the report by the Mayor on the General Manager's Performance Agreement 2013/14 be received;</li> <li>2. consideration of this matter be deferred.</li> </ol>	<b>A report is included in this business paper</b>
Cobbora Holding – Voluntary Planning Agreement	Res. 345/13 Ord Mtg. 04/09/13	<ol style="list-style-type: none"> <li>3. the General Manager commence immediate discussions with Cobbora Holdings to endeavour to negotiate the inclusion of the upgrade of the rail level crossings in Gulgong and funding for the upgrade of the Upper Mebul Road in the Voluntary Planning Agreement.</li> </ol>	<b>Request has been made with Cobbora Holdings. Awaiting response</b>

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Item 5: Mayoral Minute

NIL

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Item 6: General Business

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**6.1 Notices of Motion**

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NIL

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## 6.2 Reports

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### 6.2.1 Caerleon Voluntary Planning Agreement

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 18 SEPTEMBER 2013 COUNCIL MEETING

REPORT Council 2013

GOV400029, A0100056, A0420236

#### RECOMMENDATION

##### That:

1. **the report by the Director, Development and Community Services on the Caerleon Voluntary Planning Agreement be received;**
  2. **Council enter into the Caerleon Voluntary Planning Agreement as attached to this report.**
- 

#### Executive summary

Council has been negotiating a Voluntary Planning Agreement (VPA) with the developers for Caerleon throughout the formulation of the Development Control Plan and Development Application for the site. The Draft VPA was placed on exhibition in accordance with Section 93G of the Environmental Planning and Assessment Act 1979. One submission was received. The purpose of this report is to present the final VPA to Council for consideration.

#### Detailed report

##### *BACKGROUND*

Council considered a report on the 6 June 2013 and resolved the following:

##### 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 50<sup>th</sup> 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.**

Caerleon represents a unique development for Mudgee due to the scale of the development, 1000 lots, and the standard of parks, gardens and facilities. Due to the size of the development Council's Section 94 Plan allows Council to enter into a VPA. This development and draft VPA should be considered on its merits without concerns regards the setting of precedent due to its scale and character.

Specifically the Planning Agreement provides for the following:

- Local Parks—Land developed and dedicated for Open Space and recreation including the provision of facilities such as footpaths, seating, playground equipment, outdoor gym equipment, BBQ facilities, and public toilets.
- Riparian Corridor and Recreational Use development and dedication of land for riparian corridors including upgrades to land including soft landscaping, stabilisation works, shared footpath/cycleways and seating.
- Stormwater –development and dedication of land for stormwater facilities including the construction of stormwater detention basins, water quality facilities and open drains.
- Land for Sewerage Pumping Station – dedication of land for sewerage pumping stations and rising mains, with offsets against the payment of monetary contributions under the voluntary planning agreement for the value of the land dedicated (excluding any easements). If the land is zoned RE1 public recreation no offsets for monetary contributions will apply.
- Land for Water Storage Reservoir – dedication of land for water storage reservoir including road access and distribution main. The value of this land is to be offset against monetary contributions (excluding any easements).
- Bus Stops – A temporary bus stop to be provided in Stage 1 of the development with up to 4 permanent bus stops to be provided along the Spine Road upon completion of that road and the upgrade to Fairydale Lane.
- Fairydale Dale Lane Upgrade – The Developer is to pay the Council \$500,000 towards the upgrade of Fairydale Lane on a per lot basis once the Spine Road has connected to Fairydale Lane.
- Water and Sewer Contributions – The Developer is to pay \$ 7,837 per Equivalent Tenement for water and \$3,558 per Equivalent Tenement for sewerage on a per lot basis. The Council has agreed, as outlined in Schedule 3 Item 19, to deferred payment of water and sewer charges until the registration of the Plan of Subdivision that creates the 100th lot or 12 months from the date of this Agreement, whichever occurs first.

#### *AMENDMENT TO THE DRAFT VPA*

The report will deal with each individual amendment that was listed in the Council resolution.

#### **Clarification of the ability to register the VPA on the land title when the purchase of the land is yet to be complete.**

Council's concerns have been were overcome in relation to this matter by the insertion of Clause 2 (c) prior to exhibition which states:

*The Developer agrees that it will not to act on any Development Consent granted to the Neighbourhood 1 Development Application unless and until it is the owner of the Land.*

By not acting being able to act on the consent until they own the site the risk to Council has been removed as the registration of the VPA on the title as required by Clause 8 of the VPA. Legal advice has confirmed this approach.

**Provision within the VPA of adequate security for the provision of the facilities subject to the VPA.**

Several options for providing additional security for Council were investigated and discussed with the developer. Council's legal advice indicated that the best way to secure the payment was through a bank guarantee. When discussed with the developer it became evident that a bank guarantee of this magnitude would place the project in jeopardy. Other options investigated included raising a charge on land and raising personal liability against the trustees. All options investigated proved legally difficult or of limited security as a mortgagee would still have first claim.

The VPA includes the following security measures:

- VPA to be register on the title of the land
- should the developer fail to transfer any of the dedicated land to Council as required by the agreement that the VPA allows Council to compulsory acquire that part of the dedicated land for \$1.00.
- originally the Draft VPA included deferment of the payment of water and sewer charges for the first 200 or lots or 12 months whichever comes is the later. The VPA was amended prior to exhibition to 12 months or **100** lots whichever is the **lesser**. The 12 month time limit provides a considerable reduction in Council's exposure to risk. The 12 months extends from the time of signing the VPA. Delivery of blocks on the ground will take in the vicinity of 9 to 10 months leaving Council responsible for the debt for a period of 2 to 3 months. In addition neighbourhood 1 of stage 1 includes approximately 50 lots again reducing Council's exposure to risk.
- The draft VPA was amended prior to being placed on exhibition to include clause 9.3 which states:

**9.3 Council may charge interest on late payment of DSP Charges**

*The Developer agrees to pay interest to the Council on any amount of the Monetary Contributions in Item 19 of Schedule 3 from 28 days after it becomes due for payment, during the period that it remains unpaid, on demand or at times determined by the Council, calculated on daily balances. The rate to be applied to each daily balance is the Interest Rate.*

Council has approached the draft VPA on the basis of finding a balance between facilitating the development of a new residential suburb to meet future demand for residential land and limiting Council's exposure to risk. Whilst the provision in the draft VPA falls short of the protection that would be afforded by a bank guarantee the requirement of a guarantee would place the project at risk. It is considered that this proposal does not establish a precedent for other developments in the area due to number of lots that will be delivered and the quality of the development proposed. The development, unlike any other subdivision in the Mid-Western Region is subject to its own DCP requirements. It is considered that the current draft VPA provides the balance between facilitation and protection that the Council was seeking.

**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.**

The Clause 5.2 (a) of the draft VPA was amended prior to exhibition to address this matter in the following manner:

- (iv) the Land for Sewerage Pumping Station, having an area of not greater than 0.1ha not including the area required for access and service provision; and

- (v) the Land for Water Storage Reservoir, having an area of not greater than 0.5ha excluding the area required for access and service provision,

**Construction of the footpath extending along the rail corridor at stage 1 of the development.**

The VPA was amended prior to exhibition to include the following clause:

- (e) *The Council and the Developer will use all reasonable endeavours and act in good faith to agree to the design and location of the shared footpath/cycle path to be provided from Stage 1 to the Isbestor Property.*
- (f) *Following the agreement between the Council and the Developer as to the design and location of the shared footpath/cycle path referred to in paragraph (e) above, the Developer will use all reasonable endeavours to obtain the necessary approvals from any Authority required to be obtained before the shared footpath/cycle path can be constructed.*

Due to the need for the path to cross the creek there are requirements for further approvals but the commitment has been made to provide the pathway at Stage 1 subject to design and gaining approvals.

**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.**

The draft VPA was amended prior to exhibition in the following manner to address this issue. It is considered that the amendment adequately clarifies role and provides the flexibility sought.

*Council Works*

*The Developer will grant to the Council a licence to enter and occupy the Land for Sewerage Pumping Station and the Land for Water Storage Reservoir generally in accordance with the provisions in Schedule 4 for the purpose of allowing Council to exercise any right granted to Council under this Agreement.*

*The Parties agree that in lieu of the Council carrying out the works to the Land for Sewerage Pumping Station and the Land for Water Storage Reservoir, the Developer may build those works, at the Council's cost. The Parties acknowledge that in that event, a further agreement between the Parties will be required setting out each Parties' obligations in relation to those works.*

*The Parties agree to work together and act in good faith to agree to design and locate Water Headworks, Sewerage Treatment Works, Water Distribution Works and Sewer Collection Systems required to service the catchment area in the most efficient and cost effective manner for both parties.*

*In the event of any dispute between the Parties in relation to the design of the works referred to in paragraph 5.3(c) or the location of, the Land for Sewerage Pumping Station and the Land for Water Storage Reservoir, the Parties agree that clause 11 will apply to the dispute.*

**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.**

Upon review it was considered that the CPI methodology outlined in the draft CPI was largely consistent with the DSP.

**Deletion of Clause 5.5 requiring monetary contribution to be paid as set out in Items 18 and 19 of Schedule 3.**

Clause 5.5 of the draft VPA was amended prior to exhibition giving an acknowledgment of the funding source rather than tying the expenditure of funds strictly to the subject site as was stipulated in the previous clause.

*5.5 The Council acknowledges that the Monetary Contributions are provided by the Developer to the Council for the carrying out of upgrade works to Fairydale Lane and for the provision of Water and Sewerage Infrastructure by the Council.*

**Further clarification regarding the timing and process of valuation as specified in 5.7 for the water reservoir.**

In conjunction with legal advice the method of valuation was simplified by clarifying excluded land, that is land for easements and land zoned for open space, and nominating a value other than going through the extensive valuation process. It is considered that the amount settled are in Council's favour and provides certainty in terms of cost to Council. The draft VPA was amended prior to exhibition by amended to Clause 5.7 as set out below:

**5.7 Offset of value of part of the Dedicated Land against the payment of Monetary Contributions**

- (a) *The amount of the Monetary Contributions to be paid by the Developer under this Agreement is to be offset against the value of the Land for Sewerage Pumping Station and the Land for Water Storage Reservoir to be dedicated to the Council by the Developer. For the avoidance of doubt, where the Land for Sewerage Pumping Station is zoned RE1 public recreation at the time it is dedicated to the Council, no offset applies to the Monetary Contributions.*
- (b) *The amount of the Monetary Contributions to be paid by the Developer under this Agreement are not to be offset against the value of any easement affecting the Land provided by, or required to be provided by the Developer to the Council.*
- (c) *The value of the Land for Sewerage Pumping Station and the Land for Water Storage Reservoir (excluding any easement affecting such land provided by, or required to be provided by the Developer to the Council) is to be determined in accordance with the following rates:
  - (i) \$50.00 per sqm for non-residential zoned land; and
  - (ii) \$187.50 per sqm for land zoned residential (collectively, Rates).*
- (d) *The Rates referred to in paragraph (c) above are to be indexed on 1 July in each year after the commencement of this Agreement in accordance with the following formula:*

$$P = A + (A \times Z)$$

*Where:*

**P** means the relevant Rate applicable for that Financial Year (Relevant Financial Year);

**A** means the Rate applicable for the Financial Year immediately before the Relevant Financial Year; and

**Z** is (Current Period CPI – Previous Period CPI) / Previous Period CPI (expressed as a percentage)

*Where:*

*Current Period CPI means the CPI last published immediately before the commencement of the Relevant Financial Year; and*

*Previous Period CPI means the CPI last published immediately before the date which is one year prior to the commencement of the Relevant Financial Year.*

*However, if the figure for Z calculated in accordance with the above results in a figure which is greater than 3%, then Z will be 3%.*

**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.**

The draft VPA was amended prior to exhibition to include the following clause which addresses Council's concerns in relation to this issue.

*9.3 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.*

**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.**

Item 9 was amended appropriately prior to exhibition

**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 50<sup>th</sup> 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.**

The draft VPA was amended to *prior to the issue of a subdivision certificate for a plan of subdivision that when registered will create the 200<sup>th</sup> lot on the Land, OR such other time as agreed by the Parties in writing.* Prior to the release of the linen is consistent with current Council practice. The intent of the resolution was to ensure that a park was provided for the first stage of the development. The provision of 2 parks has been required as a condition of development consent for stage 1 outside of the VPA. The Open Space Hierarchy Plan show OS 1 to be the small park located at the North West of the development. The Council concern regarding the provision of park has been satisfactorily addressed.

**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.**

The draft VPA was amended appropriately prior to exhibition.

**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.**

The draft VPA was amended prior to exhibition to cater for a temporary bus stop as the location of the permanent bus stop was not included in stage 1. It is considered that the amendment addresses Council's concerns in this regard.

Temporary bus stop: To be provided within 1 month of the issue of a subdivision certificate for a plan of subdivision that when registered would create the 100<sup>th</sup> lot on the Land, provided that:

1. a bus operator has requested either the Council or the Developer to provide the temporary bus stops; and
2. the bus operator is operating a bus service along the Spine Road or part of the Spine Road.

Permanent bus stops: To be provided within 2 months of completion of the Spine Road and completion of the upgrade of Fairydale Lane, OR as requested by the relevant transport authority for its installation (whichever occurs later), OR such other time as agreed in writing by the Parties.

**Amendment of Item 18 in Schedule 3 to a Council approved design rather than to match the spine road design.**

The draft VPA was amended prior to exhibition to include a specified standard to address this concern.

**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.**

Upon negotiation the draft VPA was amended to allow 100 lots or 12 months which is the lesser. A discussion of Council's risk in relation to the deferment is included earlier in this report. As the deferment is time from the signing of the VPA the 6 month time limit would expire prior to the provision of lots on the ground.

The draft VPA was amended prior to exhibition to reflect the linen release stage as required by the resolution.

**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.**

See previous comments.

**Amendment of Item 19 in Schedule 3 to remove reference to 1 March 2014.**

The draft VPA was amended appropriately prior to exhibition.

**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.**

Upon review the monetary offset paragraph could remain as it only highlights that offsets may apply. The Draft VPA was amended to include definitions for *water and sewerage infrastructure*, *water distribution works* and *water headworks*.

*Defect Liability*

In response to Council's legal advice Clause 5.1 (h) (i) (j) (k) (l) and (m) were added to cover defect liability.

- (h) *When, in the opinion of the Developer, a Defect Liability Work has reached completion, the Developer must notify the Council's representative referred to in clause 16.1 in writing, and must include in that notice:*
- i. a statement from the person with direct responsibility carriage and supervision of that work that in their opinion the relevant Defect Liability Work has reached completion; and*
  - ii. copies of any certification, warranties, guarantees, maintenance information or other material reasonably required for the ongoing repair, maintenance, or servicing (as the case may be) of any part of the relevant Defect Liability Work; and*
  - iii. at least three (3) sets of the "as built" drawings of the Defect Liability Works (excluding street trees), including one set in CAD format.*
- (i) *The Council's representative must inspect the relevant Defect Liability Work within fourteen (14) days of notification under clause 5.1(h) and must by notice to the Developer either:*
- (i) concur that Completion has been achieved; or*
  - (ii) disagree that Completion has been achieved and (if the Council's representative so disagrees) identify any material defects in the relevant Defect Liability Work that adversely affect the ordinary use and enjoyment of that work or will require maintenance or rectification to be performed to the relevant Defect Liability Work as a result of the existence of the defect (**Defect**) and which in the opinion of the Council's representative prevent Completion. For the avoidance of doubt a Defect does not include damage to a Defect Liability Work caused by a third party.*
- (j) *If the Council notifies the Developer of a Defect in the Defects Liability Works within the Defects Liability Period, then the Developer must remedy the Defect to the Council's reasonable standards, to the satisfaction of the Council's representative, within a reasonable period (having regard to the nature of the defect).*
- (k) *The Developer must follow the procedure set out in clause 5.1(h) in respect of the rectification of any Defect.*
- (l) *Clauses 5.1(h), (i), (j) and (k) do not detract from, limit or override any condition of any Development Consent requiring the Developer to pay to the Council a defect liability bond, or otherwise dealing with defects liability in relation to any infrastructure works carried out by the Developer as part of the Development and which are not subject to clauses 5.1(h), (i), (j) and (k) and transferred, dedicated to or vested in the Council. For the avoidance of doubt, such infrastructure works are subject to the conditions of any Development Consent.*
- (m) *Clauses 5.1(h), (i), (j), (k) and (l) do not merge on termination of this Agreement but instead survive such termination and continue to be effective until all of the obligations contemplated by those clauses have been completed.*

The Draft VPA was placed on exhibition from the 2 August 2013 until the 30 August 2013 with one submission being made from Elton Consulting on behalf of Caerleon Mudgee Pty Ltd. A copy of the full submission is attached to this report as attachment 2. In essence the submission requests a number of typographical and reference changes that do not change the intent of the VPA but provide greater clarification. It is recommended that the changes be adopted.

## Financial implications

The adoption of the VPA will reduce funds collected under Council's Section 94 however the value of the proposed works has been demonstrated to roughly equate to the value of the Section 94 contributions. It is difficult to make a direct comparison as the value of works is an estimate and Fairydale Lane is currently included scheduled work for the purposes of the Section 94 contribution which would reduce the value of the Section 94 contribution as this is included in the VPA as a separate contribution. The VPA provided an opportunity for Council to promote a higher standard of development in terms of parks and gardens and to facilitate the development to meet demand.

## Strategic or policy implications

Not applicable



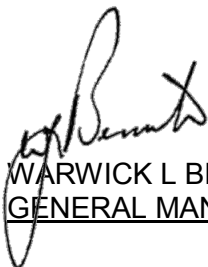
CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT AND COMMUNITY  
SERVICES

6 September 2013

*Attachments:* (All of the below attachments are included at the end of the business paper)

1. Caerleon Voluntary Planning Agreement – including amendments prior to exhibition and Elton Consulting Amendments
2. Submission Elton Consulting on behalf of Caerleon Mudgee Pty Ltd
3. Caerleon Voluntary Planning Agreement – Elton's Consulting track changes.
4. Annexure A Open Space Hierarchy Plan
5. Annexure B – Plan
6. Annexure C – Supplementary Landscaping Report
7. Explanatory Note

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



## 6.2.2 Monthly Development Applications Processing & Determined

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 18 SEPTEMBER  
2013 COUNCIL MEETING  
REPORT Council 2013  
GOV400029, A0100056

### RECOMMENDATION

**That the report by the Director, Development and Community Services on the Monthly Development Applications Processing & Determined, August 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 month ending 31 August 2013 of Development Applications determined and development applications processing. The report will detail:

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

### Financial implications

Not applicable.

### Strategic or policy implications

Not applicable.

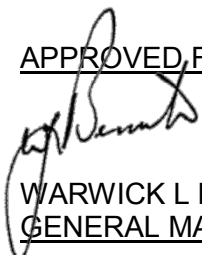


CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT AND  
COMMUNITY SERVICES

12 September 2012

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

APPROVED FOR SUBMISSION:

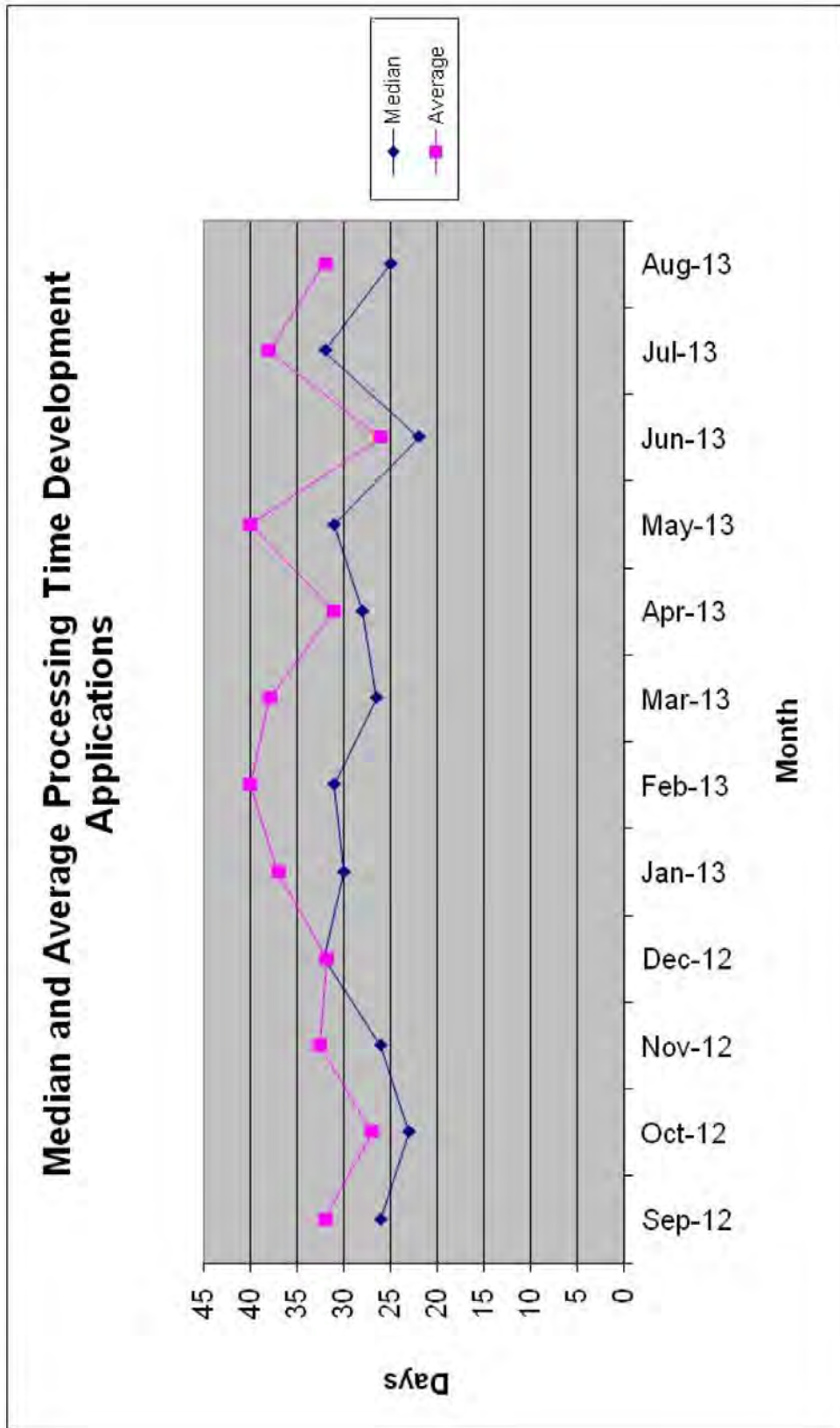


WARWICK L BENNETT  
GENERAL MANAGER

**Monthly Development Application Processing Report – August, 2013**

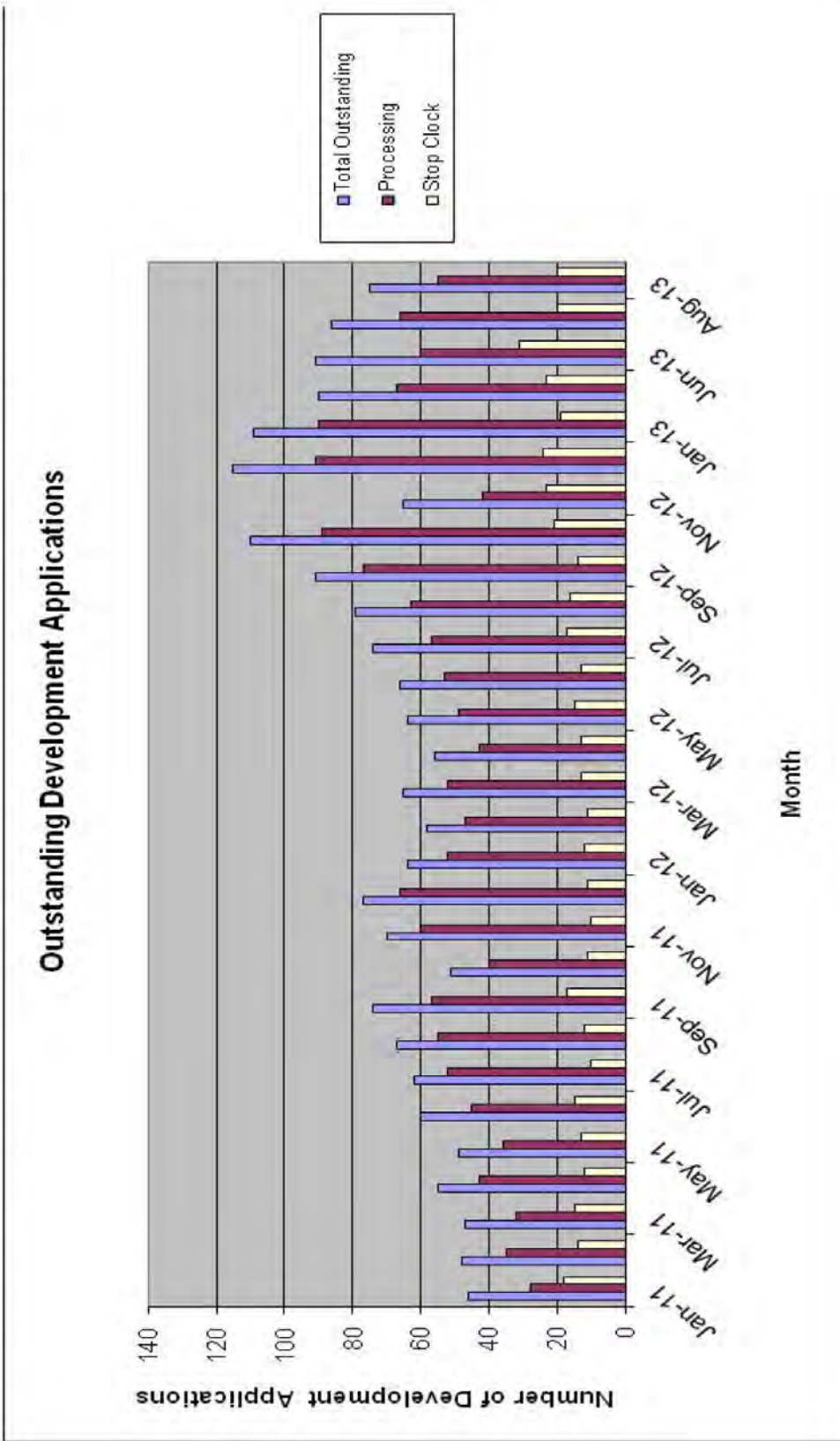
This report covers the period for the month of August, 2013.

Graph 1 indicates the processing times up to 31 August, 2013 with the month of August having an average of 32.0 days and a median time of 25 days.



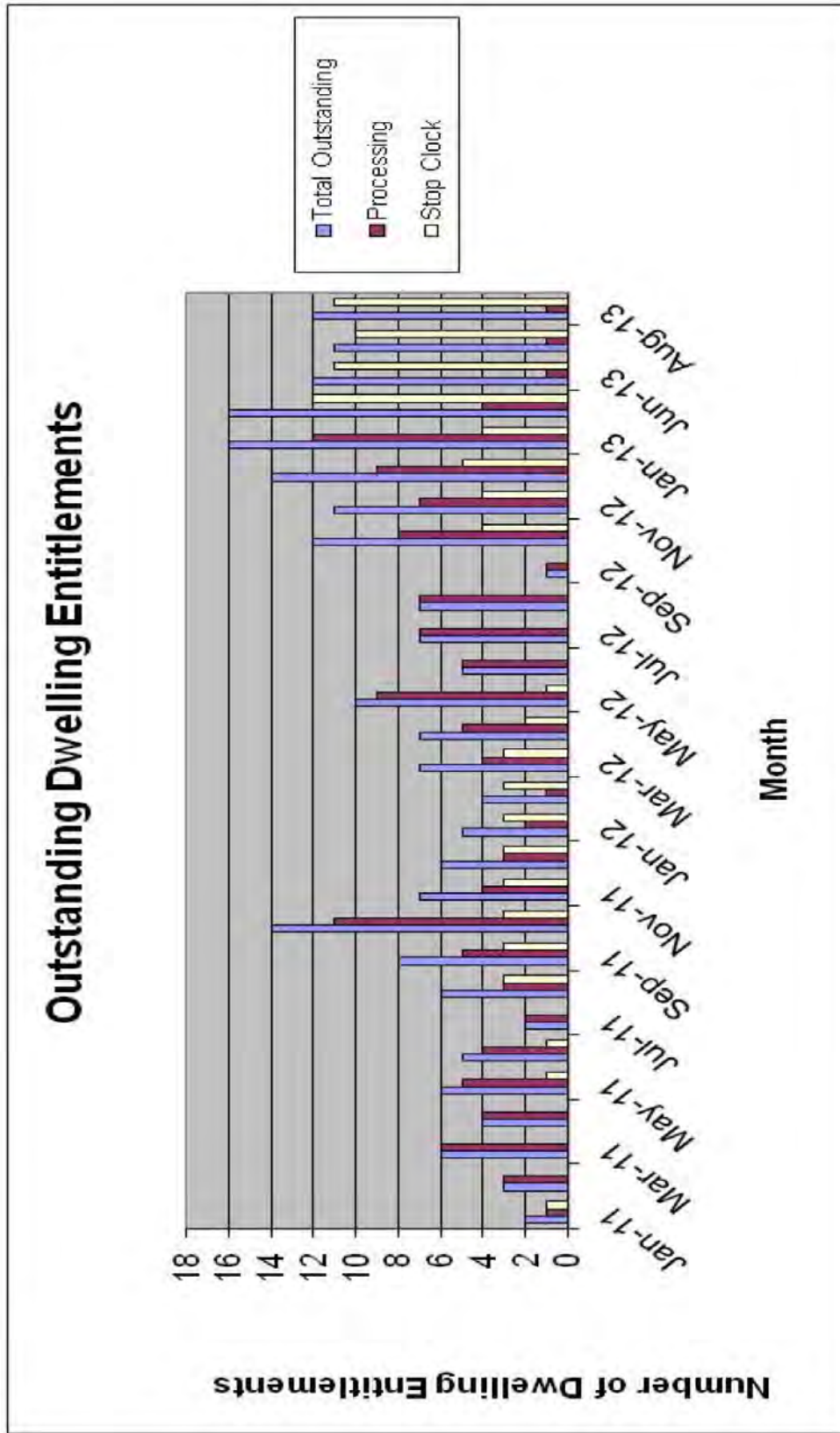
**Monthly Development Application Processing Report – August, 2013**

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



**Monthly Development Application Processing Report – August, 2013**

Graph 3 relates solely to dwelling entitlements and indicates the number of outstanding dwelling entitlement applications, the number on stop clock and the number being processed.



### Monthly Development Application Processing Report – August, 2013

The Planning and Development Department determined 47 Development Applications either by Council or under delegation during August 2013

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

App/Proc ID	Description	Street Name	Locality	Decision
DA0151/2009	Depot or Storage Facility	Inglis Street	MUDGEE	#APPIssue
DA0431/2013	Alterations & Additions	Louee Street	RYLSTONE	#APPIssue
DA0438/2013	Residential Flat Building	Church Street	MUDGEE	#APPIssue
DA0458/2013	Dwelling House	Hideaway Lane	GULGONG	#APPIssue
DA0486/2013	Commercial Alterations/Additions	Swords Court	MUDGEE	#APPIssue
DA0487/2013	Commercial Alts/Additions	Church Street	MUDGEE	#APPIssue
DA0505/2013	Public Utility Undertaking	Berwick Road	RUNNING STREAM	#APPIssue
DA0507/2013	Dual Occupancy	Melton Road	MUDGEE	#APPIssue
DA0517/2013	Subdivision – Torrens Title	Robertson Street	MUDGEE	#APPIssue
DA0006/2014	Carport	Bulga Street	GULGONG	#APPIssue
DA0013/2014	Dual Occupancy	Imber Court	MUDGEE	#APPIssue
DA0015/2014	Alterations & Additions	Mortimer Street	MUDGEE	#APPIssue
DA0017/2014	Dwelling House	Winter Street	MUDGEE	#APPIssue
DA0018/2014	Dwelling House	Winter Street	MUDGEE	#APPIssue
DA0023/2014	Dwelling House	Winter Street	MUDGEE	#APPIssue
DA0024/2014	Shed less than 150m2	Horatio Street	MUDGEE	#APPIssue
DA0027/2014	Dwelling House	White Circle	MUDGEE	#APPIssue
DA0028/2014	Dwelling House	Winter Street	MUDGEE	#APPIssue
DA0033/2014	Garage	Nashs Flat Place	MUDGEE	#APPIssue
DA0036/2014	Dwelling House	Windeyer Road	WINDEYER	#APPIssue
DA0037/2014	Dwelling House	Henry Lawson Drive	ST FILLANS	#APPIssue
DA0042/2014	Garage	Mudgee Street	RYLSTONE	#APPIssue
DA0048/2014	Alterations & Additions	Canadian Street	GULGONG	#APPIssue
DA0050/2014	Dwelling House	Market Street	MUDGEE	#APPIssue
DA0052/2014	Shed >150m2	Lue Road	MILROY	#APPIssue
DA0428/2013	Subdivision – Torrens Title	Hill End Road	CAERLEON	#DEFIssue
DA0493/2013	Change of use	Black Springs Road	EURUNDEREE	#APPIssue
DA0388/2013	Subdivision – Torrens Title	Robert Hoddle Grove	BOMBIRA	#APPIssue
DA0508/2013	Dual Occupancy	Doug Gudgeon Drive	MUDGEE	#APPIssue
DA0514/2013	Shed >150m2	Criagmoor Road	EURUNDEREE	#APPIssue
DA0391/2013	Refreshment Rooms	Lions Drive	MUDGEE	#APPIssue
DA0436/2013	Public Utility Undertaking	King Johns Lane	YARRAWONGA	#APPIssue
DA0469/2013	Subdivision – Torrens Title	Robertson Street	MUDGEE	#APPIssue

Monthly Development Application Processing Report – August, 2013

App/Proc ID	Description	Street Name	Locality	Decision
DA0492/2013	Commercial Alterations/Additions	Herbert Street	GULGONG	#APP Issue
DA0511/2013	Subdivision - Torrens Title	Rifle Range Road	MUDGEE	#APP Issue
DA0515/2013	Shed >150m <sup>2</sup>	Craigmoor Road	EURUNDEREE	#APP Issue
DA0001/2014	Shed less than 150m <sup>2</sup>	Nicholson Street	MUDGEE	#APP Issue
DA0019/2014	Dual Occupancy	Menah Avenue	MUDGEE	#APP Issue
DA0030/2014	Change of use	Oporto Road	MUDGEE	#APP Issue
DA0039/2014	Alterations & Additions	Gladstone Street	MUDGEE	#APP Issue
DA0041/2014	Alterations & Additions	Mulgoa Way	MUDGEE	#APP Issue
DA0053/2014	Swimming Pool	Lewis Street	MUDGEE	#APP Issue
DA0498/2013	Dwelling House	Banjo Paterson Avenue	MUDGEE	#APP Issue
DA0499/2013	Dwelling House	Banjo Paterson Avenue	MUDGEE	#APP Issue
DA0502/2013	Shed less than 150m <sup>2</sup>	Lawson Street	MUDGEE	#APP Issue
DA0509/2013	Alterations & Additions	Cox Street	MUDGEE	#APP Issue
DA0512/2013	Change of use	Razorback Road	RUNNING STREAM	#APP Issue

### Monthly Development Application Processing Report – August, 2013

#### Development Applications currently being processed – August, 2013.

App/Proc ID	Description	Street Name	Locality	Decision
DA0057/2014	AltAdd	Rocky Waterhole Road	MOUNT FROME	Processing
DA0064/2014	AltAdd	Rocky Waterhole Road	MOUNT FROME	Processing
DA0068/2014	AltAdd	Mountain View Road	MUDGE	DCU
DA0071/2014	AltAdd	Ridge Road	COOKS GAP	DCU
DA0074/2014	AltAdd	Iron Bark Road	KAINS FLAT	DCU
DA0434/2013	AltAdd	Macquarie Drive	MUDGE	FurthInf
DA0048/2014	AltAdd	Canadian Street	GULGONG	DCU
DA0038/2014	AltAdd	Lang Street	MUDGE	Processing
DA0205/2012	AltAdd	Blue Springs Road	BUNGABA	Processing
DA0179/2012	BoundAdj	Wollar Road	COOYAL	FurthInf
DA0056/2014	Carport	Meroo Crescent	MUDGE	FurthInf
DA0026/2014	ChangeUse	Main Street	ULAN	FurthInf
DA0220/2012	ChangeUse	Henry Lawson Drive	BOMBIRA	Processing
DA0275/2013	ChangeUse	Robert Huddle Grove	BOMBIRA	Processing
DA0011/2014	CommAltAdd	Dangar Street	KANDOS	Processing
DA0014/2014	CommAltAdd	Ilford Road	KANDOS	Processing
DA0016/2014	CommAltAdd	Market Street	MUDGE	Processing
DA0034/2014	CommAltAdd	Sydney Road	MUDGE	Processing
DA0051/2014	CommPrem	Industrial Avenue	MUDGE	Processing
DA0076/2014	DualOcc	Doug Gudgeon Drive	MUDGE	DCU
DA0077/2014	DualOcc	Cedar Avenue	MUDGE	DCU
DA0044/2014	DualOcc	Barneys Reef Road	MUDGE	DCU
DA0060/2014	Dwelling	Kaludabah Road	GULGONG	Processing
DA0062/2014	Dwelling	Benjo Paterson Avenue	MUDGE	Processing
DA0065/2014	Dwelling	Pyramul Road	WINDEYER	Processing
DA0067/2014	Dwelling	Upper Botobolar Road	BOTOBOLAR	Processing
DA0069/2014	Dwelling	Norlenbah Road	ST FILLANS	DCU
DA0070/2014	Dwelling	Doug Gudgeon Drive	MUDGE	DCU
DA0072/2014	Dwelling	Coricudgy Road	KELGOOLA	DCU
DA0073/2014	Dwelling	Saddleback Trail	EURUNDEREE	DCU
DA0075/2014	Dwelling	Cudgegong Street	RYLSTONE	DCU
DA0276/2008	Dwelling	Bocoble Road	BOCOBLE	DCU
DA0029/2014	Dwelling	Maiala Road	COOKS GAP	FurthInf
DA0031/2014	Dwelling	Spring Flat Road	COOKS GAP	Processing
DA0207/2013	Dwelling	Robertson Road	SPRING FLAT	Processing
DA0214/2011	Dwelling	Castlereagh Highway	BURRUNDULLA	Processing
DA0468/2013	Dwelling	Miller Crescent	MUDGE	Processing
DA0495/2013	LightIndust	Horatio Lane	MUDGE	FurthInf
DA0330/2012	Mine	Bylong Valley Way	BYLONG	Processing
DA0357/2013	RecFacilit	Buckaroo Road	BUCKAROO	Processing

**Monthly Development Application Processing Report – August, 2013**

App/Proc ID	Description	Street Name	Locality	Decision
DA0055/2014	Shed	Mason Street	KANDOS	Processing
DA0327/2011	Shed	Horatio Street	MUDGE	Processing
DA0040/2014	ShedSmall	Gardiners Road	TWO MILE FLAT	DCU
DA0435/2013	ShedSmall	Babidge Lane	RYLSTONE	FurthInf
DA0020/2014	ShedSmall	Lowana Close	MUDGE	Processing
DA0174/2012	ShedSmall	Rayner Street	MUDGE	Processing
DA0257/2013	ShedSmall	Babidge Lane	RYLSTONE	Processing
DA0047/2014	Sign	Cope Road	STUBBO	Processing
DA0054/2014	SubTorrens	Melton Road	MUDGE	FurthInf
DA0063/2014	SubTorrens	Kailudabah Road	PIAMBONG	Processing
DA0043/2014	SubTorrens	Avidford Court	MUDGE	DCU
DA0208/2012	SubTorrens	Robertson Street	MUDGE	FurthInf
DA0384/2013	SubTorrens	Yarrabin Road	YARRABIN	FurthInf
DA0406/2013	SubTorrens	Tongbong Road	RYLSTONE	FurthInf
DA0423/2013	SubTorrens	Yarrabin Road	YARRABIN	FurthInf
DA0448/2013	SubTorrens	Bellevue Road	MUDGE	FurthInf
DA0478/2013	SubTorrens	Glen Alice Road	RYLSTONE	FurthInf
DA0021/2014	SubTorrens	Zimmer Lane	GULGONG	Processing
DA0025/2014	SubTorrens	Riverlea Road	RIVERLEA	Processing
DA0032/2014	SubTorrens	Henry Bayly Drive	MUDGE	Processing
DA0046/2014	SubTorrens	Armstrong Street	RYLSTONE	Processing
DA0308/2012	SubTorrens	Ulan Road	EURUNDEREE	Processing
DA0312/2013	SwimPool	Rayner Street	MUDGE	Processing
DA0007/2014	Trst Accom	Bylong Valley Way	ILFORD	Processing



**Monthly Development Application Processing Report – August, 2013**

**Heritage Development Applications currently being processed – , .**

App/Proc ID	Description	Street Name	Locality	Decision
DA0271/2011	AltAdd	Short Street	MUDGE	FurthInf
DA0453/2013	AltAdd	Lewis Street	MUDGE	Processing
DA0049/2014	ChangeUse	Mayne Street	GULGONG	FurthInf
DA0061/2014	ChangeUse	Gladstone Street	MUDGE	Processing
DA0022/2014	ChangeUse	Market Street	MUDGE	Processing
DA0518/2013	CommAltAdd	Mortimer Street	MUDGE	FurthInf
DA0327/2013	RecFacilit	Putta Buoca Road	PUTTA BUCCA	FurthInf
DA0504/2013	ServiceStat	Church Street	MUDGE	Processing
DA0058/2014	SubTorrrens	Court Street	MUDGE	Processing
DA0059/2014	SubTorrrens	Douro Street	MUDGE	FurthInf
DA0066/2014	Trst Accom	Perry Street	MUDGE	FurthInf

## 6.2.3 Naming of New Unnamed Roads off Bateman Avenue

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 SEPTEMBER 2013 COUNCIL MEETING  
REPORT Council 2013  
A0100056, R0790141

### RECOMMENDATION

#### That:

1. **the report by the Revenue & Property Manager on the Naming of New Unnamed Roads off Bateman Avenue be received;**
2. **Council name the new road reserves Janets Place (Road 1), Dawson Court (Road 2) & Wells Court (Road 3).**

### Executive summary

A new subdivision off Bateman Avenue in Mudgee includes three new streets. Addressing requirements for the new subdivision will necessitate the naming of these new streets.

### Detailed report

Council, being the Roads Authority, is required to name new or unnamed streets and roads. The purpose of this report is to provide a list of names submitted by the public from which Council can choose names for these unnamed streets.

Council wrote to neighbours of the road reserves on 26/7/13 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 2/8/13 issue of the Mudgee Guardian. Submissions closed on 23/8/13 and during this period 4 submissions were received with the following names suggested:

- Wells Court
- Dawson or Alexander Dawson Court
- Janets Place
- Anderson Avenue or Grove - This submission cannot be accepted as it will conflict with Anderson Street in Gulgong and Anderson Road in Grattai and is not eligible per the Geographical Names Board Guidelines
- Byrnes Close - This submission cannot be accepted as it will conflict with Byrnes Lane in Burrundulla
- Sawyers Place (no connection to the Author of this report)

### Financial implications

The estimated cost includes the cost of Gazettal notice at approximately \$60. The purchase and installation of three to four street signs will be met by the Developer.

Street signs are to be installed at the intersections of the Road No 1 and No 2 with Bateman Avenue and at the intersection of Road No 2 with Road No 3.

## Strategic or policy implications

Street naming is legislated under the Roads Act 1993. This Act empowers the authority in charge of the road with the rights to name it. The naming of the new street will allow the completion of street addressing within this new subdivision. Section 162 of the Roads Act (1993) state that "a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months notice of the proposed name."

The Geographical Names Board has not yet responded to our letters in relation to proposed names but a response is expected well before the second, formal, report regarding this matter will go to Council.

In accordance with Council's Road Naming Policy, the names that Council endorses for the new streets in this subdivision will be:

1. advertised in The Mudgee Guardian inviting submissions in writing from the public for a period of 21 days.
2. concurrently, notice of the proposed names will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, the New South Wales Volunteer Rescue Association Inc, and, in the case of a classified road – Roads & Maritime Services, inviting submissions in writing for a period of 21 days.

At the expiration time for the lodgement of submissions, a further report will be prepared for Council addressing any submissions received and recommending the formal adoption of the proposed street names, and Gazettal of the new street names.

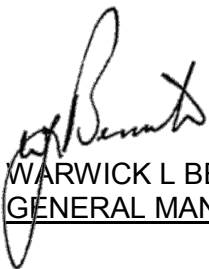
DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

CLARE PHELAN  
DIRECTOR, FINANCE & ADMINISTRATION

5 September 2013

*Attachments:* 1. Submissions  
2. Map of the new road reserves off Bateman Avenue.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

ATTACHMENT 1

# Jabek Pty Limited

Land Development Consultants  
ABN: 52155702686

107-125 Bellevue Road  
MUDGEE NSW 2850

Phone: 02 63721818  
Mobile: 0427721818

Email: crooks.jabek@yahoo.com.au

18th February, 2013  
Our Ref: BK003

The General Manager  
Mid Western Regional Council  
Market Street  
MUDGEE NSW 2850

Dear Sir

**RE: PROPOSED PLAN OF SUBDIVISION OF LOT 2 DP832290 - NO. 143**  
**ROBERTSON ROAD, MUDGEE**

Further to my letter of the 4th February, 2013, my client, Hugh Bateman, would like to suggest "Wells Court" as a name for one of the cul-de-sacs within our development.

Attached is a brief history of the Wells Family.

Yours faithfully  
**JABEK PTY LIMITED**



**(R. J. Crooks)**  
**REGISTERED SURVEYOR**

### **The Wells Family**

Members of the Wells family have played a prominent role in the business, agricultural and civic life of Mudgee town and district since the early 1870s. Henry Edward Alexander Wells, the first member of the family associated with Mudgee, was a son of noted colonial surveyor William Henry Wells, after whom the Parish of Wells in the County of Roxburgh (near Rylstone) was named. H.E.A, as he was more simply referred to, initially worked as a legal clerk before going into business as a general dealer and auctioneer in the northern end of Lewis Street. This was a part of town which was long associated with the family's business premises and was also the site of the family home, Lauralla, on the south-eastern corner of Lewis and Mortimer Streets, designed for H.E.A. and his wife Laura, nee Richards, by their son-in-law, architect Harold Hardwick. He built up a considerable real estate portfolio of town and rural holdings, and was active in local government, serving on Meroo Shire and as a trustee or committee member for many local organizations, especially building societies. H.E.A. died in 1916.

His son Percy George continued the business until his death in 1929 when he was succeeded by his eldest son Norman. Gradually the nature of the family firm changed from dealing and auctioneering to selling furniture. In 1965 the Wells business premises in Lewis Street, opposite St Matthew's School, were destroyed by fire. New premises were subsequently erected on site where the business continued until it was wound down in 1990.

Branches of the family have farmed at Buckaroo for over 100 years. H.E.A.'s great grandsons, brothers Barry and Brian Wells, still farm there and are involved with the local fire brigade. Barry has been a past President of the Mudgee Historical Society and is currently Vice-President; he is also current President of the Gulgong-Mudgee-Rylstone branch of the National Trust.

The Wells family through several generations have made a positive contribution towards the development of Mudgee town and district in many different aspects and I strongly support the naming of a street in Mudgee township after this prominent family.

John Broadley  
President  
Mudgee Historical Society Inc

**From:** Bob Crooks  
**Sent:** Friday, 1 March 2013 2:36 PM  
**To:** Douglas Selems  
**Cc:** 'Hugh Bateman'  
**Subject:** FW: From Hugh Bateman

Hi Doug

Plan and suggested name as requested.

**From:** Sales Admin  
**Sent:** Wednesday, 27 February 2013 3:44 PM  
**To:** [D](#) [S](#) [C](#) [C](#)  
**Subject:** From Hugh Bateman

Bob Crooks

Bob,

Can we please submit, Dawson Court as an appropriate name for one of the cul de sacs in the Bateman Avenue subdivision.

Alexander Dawson was a colonial architect who designed the post and telegraph office in Mudgee, completed in 1861.

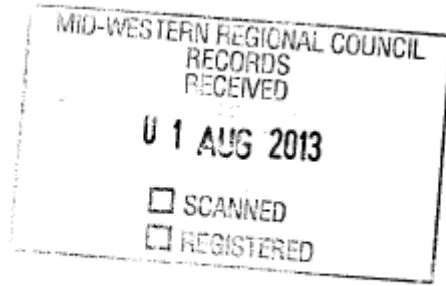
At much the same time he designed the Mudgee gaol, completed in 1862. The court house was also designed by Dawson. The court house and police station at Cassilis were also designed by Dawson.

Other works by Dawson included the lighthouses at Port Stephens and South Head.

Dawson resigned from his office of colonial architect in 1862.

Yours Faithfully,

Hugh Bateman



**Bruce and Ann Hibberd**

**Mudgee**

**RE-NAMING OF UNNAMED STREET OFF BATEMAN AVENUE**

Dear Carolyn,

The Hibberd Family would like to submit two names for the proposed new roads in the new subdivision.

Road one to be named Janet's place

Road two to be named Anderson Avenue

Our family have been neighbours to the Andersons family for twenty year and during this time our family and neighbours only ever refer to the property as "Janet's place".

The Andersons have all moved on now and we have been left with wonderful memories and we feel it only fitting that the new roads be named after the previous owners the Anderson family



Dear  
General Managers,

Mudgee  
2850

PH. [redacted]

Having been the owner of this parcel of land for the last twenty odd years I would like the right to name the roads off Bateman Avenue and to honour my grandparents and great grandparents.

My grandfather, a Sawyers is also his brother both had dairy farms at Spring Flat and I remember him telling me he attended the Mudgee South school which later burnt down.

Grandmother & great grandparents owned and farmed at Mullamuddy.

Now a grandmother myself our family has at least six generations, that I know of, that have owned property, farmed, lived, worked and enjoyed this wonderful Mudgee region and as my three children and families all live and work here and with four grandchildren thus far, this will continue.



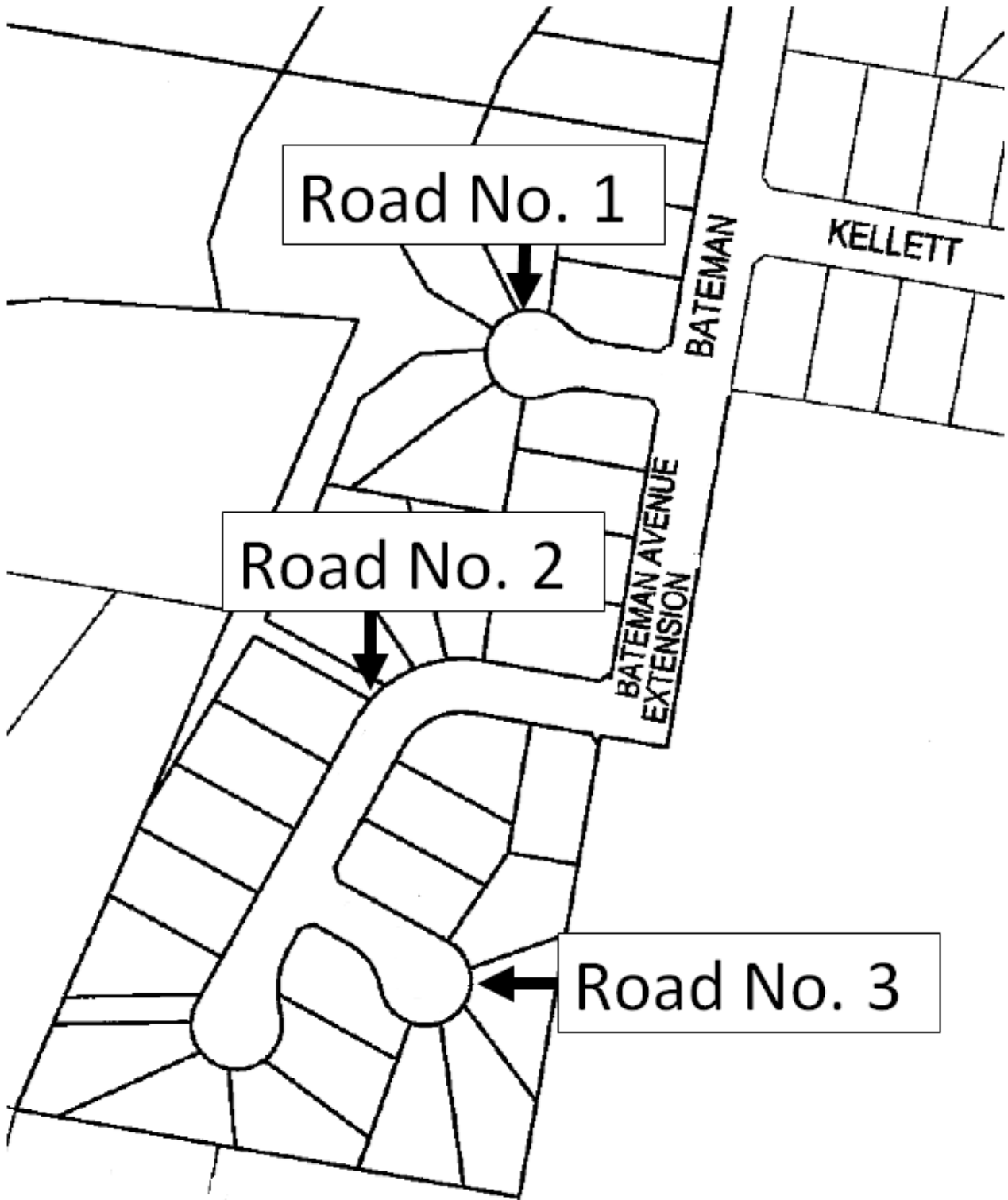


My submission of names for  
the Bateman Avenue subdivision  
are for the three roads.

- No. 1. Byrnes Close.
- No. 2. Anderson Grove.
- No. 3. Lawyers Place.

Thanking you for your  
consideration in this matter.

yours faithfully  
Janet Anderson.



## 6.2.4 Request to Close the Majority of Carrs Gap Road

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 SEPTEMBER 2013 COUNCIL MEETING  
REPORT Council 2013  
GOV400029, A0100056, R0790175

### RECOMMENDATION

#### That:

1. **the report by the Revenue & Property Manager on the Request to Close the Majority of Carrs Gap Road be received; and**
2. **Council agree to the closure of that section of Carrs Gap Road at the western end from the western boundary of the adjacent lot 1 DP 803204 to the intersection of Murragamba Road at the eastern end as shown on the plan in Attachment 1 to this report and make an application to the Crown Land Lands Division for the closure; and**
3. **If, upon closure of that section of Carrs Gap Road all of the land in that section or land in part/parts of that section vests in Council, Council authorises:-**  
  
**the land to be classified as Operational; and**  
  
**the General Manager to negotiate the terms of the sale of the land to Moolarben Coal Mines P/L including the proponent being responsible for any and all associated costs.**
4. **Council authorises the Common Seal of Council to be affixed to all documentation necessary in relation to the Road Closure; and if applicable, to all documentation necessary in relation to the sale of the land to Moolarben Coal Mines P/L.**

---

### Executive summary

On 20 August 2008, after receiving a formal request from Moolarben Coal Operations P/L, Council resolved to close that part of Carrs Gap Road from the Murragamba Road intersection to the southern-most section of road reserve between Lot 1 DP 803204 only after the affected landowners agreed to the closure. At the time, two landowners objected to the closure and as a consequence the application did not progress.

Since August 2008, Moolarben Coal Mines P/L (Moolarben) has acquired all lands either side of that part of the Carrs Gap Road that was requested to be closed initially. Due to these changed circumstances and the considerable time lapse from the initial request, Moolarben has now lodged a fresh Road closure request.

### Detailed report

Attachment 1 to this Report is Moolarben's request to Council to close the majority of Carrs Gap Road. A plan of that part of the Road to be closed forms part of Attachment 1. The length of the Road proposed to be closed is approximately 4.886 klms, comprising approximately 9.28 Ha.

The small section of Carrs Gap Road that adjoins Lagoons Road and traverses part of lots 280 DP 42195 and 96 DP 755442 is not included in Moolarben's road closure request as Ulan Coal Mines Ltd (Ulan) own Lot 280 DP 42195.

Attachment 2 is an aerial photograph showing the location of the entire Carrs Gap Road in relation to the Moolarben Coal Mine, Murragamba Road and the Ulan-Wollar Road.

The closure of the Road is sought by Moolarben for the following uses:

*The western end of the road will only be used for farm activity access to Lot 1 DP 803204 which is owned by the Moolarben Coal Joint Venturers.*

*The remainder of the road and their adjoining properties will be actively mined in accordance with the Mining Project Approval 05\_0117 of 6 September 2007.*

Council's records indicate that Carrs Gap Road is an unmaintained council authorised road reserve. The Road no longer provides direct access to property owned by any other landowner and there is little likelihood of the Road being required as a through road.

Ulan owns land north-east of the intersection of Carrs Gap Road and Murragamba Road, with physical access currently being obtained off the Ulan –Wollar Road and Murragamba Road (accessed off Ulan-Wollar Road). Potentially Ulan could access their property from the Carrs Gap Road. Ulan has been notified of the application to close, and as at the date of this Report, no reply has been received from Ulan. Any objection that may be received would be referred to the Crown Lands Division with the Road Closure Application.

The decision to close this Road will be made by the Crown Lands Division after a public process, where the possibility of closing the Road will be advertised, and all community members will have a chance to object to the closure.

As the majority of this Road is unformed and has been unmaintained by Council for many years, there is a strong possibility that upon the proposed closure, the land will vest in the Crown and not in Council (Section 38(2)(b) & (c) Roads Act 1993). The outcome is the land would become the Crown's to sell and the proceeds of the sale would be directed to the Crown. Council would not gain any benefit upon the closure of the Road.

Enquiries to overcome this issue have been made to the Crown Lands Division on the basis that small sections of the Road have been formed at some time, some maintenance has occurred closer to the Murragamba Road intersection and the Road has been used as access for decades to a number of farming properties prior to the purchase of these properties by Moolarben. Crown Lands has subsequently advised that due consideration will be given to these circumstances when processing the proposed application. Crown Lands may deliberate that the entire section of the Road, part or parts of the Road; or none of the Road will vest in Council.

Attachment 3 to this Report comprises photographs of the Road, showing some of the formed and unformed sections.

## Financial implications

Dependent upon the deliberations of Crown Lands in relation to the vesting of the land in Council and in accordance with Council's *Permanent Road Closures* Policy regarding the closure of a road subject to the processes of the Roads Act 1993, Moolarben would be responsible for all costs associated with the closure of that part of Carrs Gap Road. In addition, Moolarben would be responsible for the purchase of the land through which the Road is passing from Council, the cost of which would be determined and calculated on the basis of current Improved Capital Value

market rates, with reference to sales of surrounding lands. Moolarben would also be required to facilitate the progress of the Road Closure Application where applicable.

### Strategic or policy implications

Council's *Permanent Road Closures Policy* and *Unmaintained and Unformed Roads Policy* apply.

That part of Carrs Gap Road proposed to be closed no longer provides access to properties that are separately owned and there is little likelihood of the Road being required as a through Road.

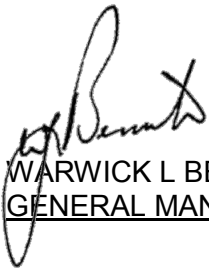
DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

CLARE PHELAN  
DIRECTOR, FINANCE & ADMINISTRATION

5 September 2013

- Attachments:*
1. Mooarben Coal Mines request for closure of Carrs Gap Road & plan of the part of the Road to be closed.
  2. Aerial photograph of proposed Road closure
  3. Photographs showing some formed and unformed sections of the Road.
  4. Council's Permanent Road Closures Policy and Unmaintained and Unformed Roads Policy.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



SITE: 4250 Ulan Road, Ulan NSW 2850  
POSTAL: Locked Bag 2003 Mudgee NSW 2850  
PHONE: +61 2 6376 1500  
FAX: +61 2 6376 1599  
WEBSITE: [www.moolarbencoal.com.au](http://www.moolarbencoal.com.au)  
ABN: 59 077 939 569

09 August 2013

Mr Warrick Bennett  
General manager  
Mid-Western Regional Council  
PO Box 156  
MUDGEES NSW 2850

Dear Warwick

### **CARRS GAP ROAD CLOSURE APPLICATION**

Reference is made to the road application made for Carrs Gap Road in 2008, copy of application is attached.

Please find attached a new Road Closure Application for Carrs Gap Road in view that the application is now 5 years old and land ownerships have changed during this time.

We trust that this documentation satisfies Moolarben Coal's obligations for the Road Closure.

Your agreement in approving the road closure as per discussions with Moolarben Coal on the 8<sup>th</sup> August 2013 is appreciated and Moolarben Coal looks forward to meeting to resolve the purchase price.

Should you require further information relating to this matter please do not hesitate to contact me on 02 6376 1500 or Hans Richter on 02 6376 1536.

*Yours sincerely,*

**John Blanning**  
General Manager



**Trade &  
Investment**  
Crown Lands

## Road Closure: Public Road Closure application (Council)

This form should be used by councils applying to close a public road. Refer to the Roads page for more information.

### Applicant(s) details

Applicant(s)	Moolarben Coal Operations Pty Ltd		
Postal Address	Locked Bag 2003 MUDGEE NSW 2850		
Phone	02 6376 1500	Fax	02 6376 1599
Email Address			

hereby apply for the closing of the public road described in Section 1 below.

### Section 1: Description of Public Road to be Closed

Town/locality	Moolarben/Ulan	LGA	Mid Western Regional	Parish	Ulan/Wilpinjong	County	Philip
General text description of road	Unformed Carrs Gap Road from Lagoons Road at the western end to Murragamba Road at the eastern end.						
Supply Diagram	Road proposed to be closed shown by	RED	colour on attached diagram.	Area: about	10.06	Ha	

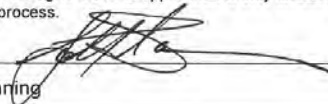
Include a copy of any relevant map or sketch to show clearly the locality, the boundaries & dimensions of the road proposed to be closed plus the land title boundaries of adjoining properties. Also show the position and type of any fencing and buildings / structures adjoining the road and any reticulation services (eg. power or telephone lines, water, sewer or gas pipes, drains) within the road boundaries.

### Section 2: Details of Land Held by Applicant in Vicinity of Road

Portion or Lot/DP	Title Reference	Parish	County
Refer to attached List & Plan		Ulan / Wilpinjong	Philip

I/we understand that the fee lodged with this application is only an advance towards costs and that further costs and information may be called for during the course of the application process.

Signature(s)  
of applicants

  
John Blanning

For and on behalf of  
Moolarben Coal Operations Pty Ltd

Date 9 August 2013

### Submitting this form

- Mail the form to Crown Lands Division, NSW Trade & Investment, PO Box 2155, DANGAR NSW 2309 with a cheque or money order for \$767.30\* made payable to Crown Lands

Privacy: Information collected will not be given to any other third party except where required by law. All information provided will be held by the Crown Lands Division of NSW Trade & Investment and will be managed in accordance with provisions under the *Privacy and Personal Information Protection Act 1998*.

\*Fees are subject to change and are current at the time of publication. Conditions apply.

Office Use Only							
Business Unit	BCN	Referral code	BCNRD	Receipting code	RD/RC	TRIM Doc	
Fee Paid		Receipt No.		Date		Account No	

**Section 3: Details of Any Construction and Use of the Road**

<b>Use</b>	<i>(provide a general statement on whether or not any use has been made of the road for access by the public or landowners in the last 5 years, or whether the road is needed for access to properties, rivers, creeks, lakes, beaches, public reserves, railway lines etc.) –</i>
	<p>The western end of the road is used for access to the Moolarben Coal owned property know as "The Lagoons" There is no other known use of the road. Moolarben Coal Joint Venturers own all properties adjoining and in the vicinity of the road. Road closure application of the Crown Roads leading from this road are being processed by T &amp; I.</p>
<b>Services</b>	<i>(provide a list of any public authorities or persons that have reticulation services or lines laid within the road boundaries – please provide their written consent to the proposed road closing to facilitate action on the application – some may require the creation of easements in connection with the registration of a deposited plan, which shows the road to be closed) –</i>
	<p>No active services within the road reserve.</p>
<b>Construction</b>	<i>(provide a brief statement on whether or not any construction of the public road has ever taken place – If so provide any known details such as the type of roadworks &amp; structures, the surface material, maintenance works, the last type &amp; date of work &amp; whether the existing surface retains evidence of any former road construction or use.)</i>
	<p>The road has never been formed, constructed or maintained. There is a four-wheel drive tack in evidence, much of which does not follow the road reserve and also never been formed or maintained. The track has only had light use over many years.</p>
<b>Unnecessary road</b>	<i>(provide a general statement on why the road is considered unnecessary, particularly if the road is at present constructed or used, or if separate action has been or is being taken by the Roads Authority to relocate the road to another position), –</i>
	<p>All the properties that the road would have serviced are owned by Moolarben Coal Joint Venturers pursuant to its Coal Mining Project approval 05_0117 of 6 September 2007.</p>
<b>Proposed use</b>	<i>(provide a general statement of how you envisage the land will be used if the road is closed), –</i>
	<p>The western end of the road will only be used for farm activity access to Lot 1 on DP 803204 which is owned by the Moolarben Coal Joint Venturers. The reminder of the road and their adjoining properties will be actively mined in accordance with the Mining Project Approval 05_0117 of 6 September 2007</p>
<b>Vegetation &amp; topography</b>	<i>(provide a general statement on the vegetation within the road boundaries and the nature of the terrain, particularly for a rural road),</i>
	<p>The road runs through open grassland on a steep raise to the saddle of Carrs Gap. Parts of the eastern section of the road is on low laying and marshy country and is impassable in wet conditions.</p>



**Section 4: Affected Adjoining Owners/Public Utilities**

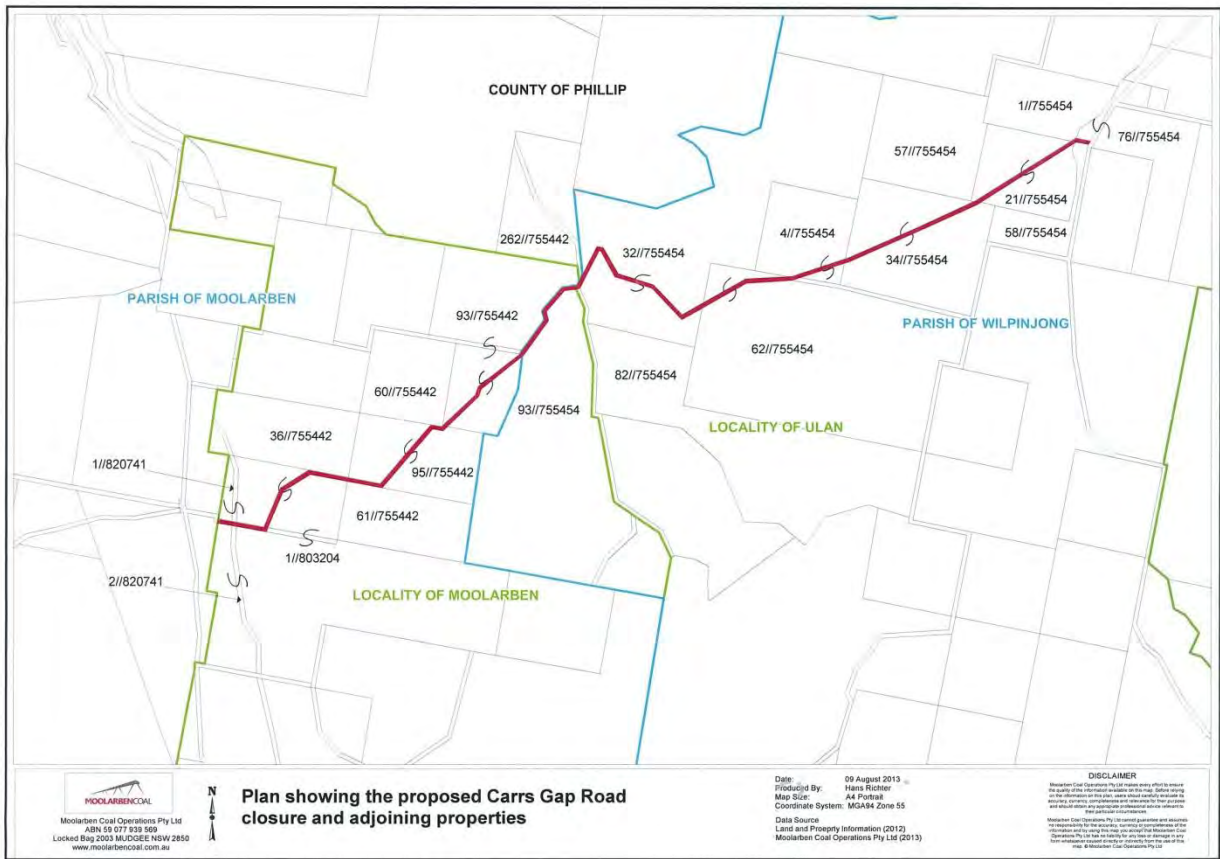
Details of Ownership of Land Adjoining the Road	
<p>1. Portion/Lot _____ DP _____</p> <p>Please refer to attached List and Plan</p> <p>Owner(s) _____</p> <p>Address _____</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>	<p>2. Portion/Lot _____ DP _____</p> <p>Owner(s) _____</p> <p>Address _____</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>
<p>3. Portion/Lot _____ DP _____</p> <p>Owner(s) _____</p> <p>Address _____</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>	<p>4. Portion/Lot _____ DP _____</p> <p>Owner(s) _____</p> <p>Address _____</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>
<p>5. Portion/Lot _____ DP _____</p> <p>Owner(s) _____</p> <p>Address _____</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>	<p>6. Portion/Lot _____ DP _____</p> <p>Owner(s) _____</p> <p>Address _____</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>

Public Authorities with Affected Public Utilities <i>(E.G., power lines, water pipes, gas pipes, drainage pipes, telephone lines)</i>	
<p>Utility type _____</p> <p>Public Authority _____</p> <p>The proposed road closing has been discussed with the authority who has indicated the following views:</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written agreement to creation of easement attached</p>	<p>Utility type _____</p> <p>Public Authority _____</p> <p>The proposed road closing has been discussed with the authority who has indicated the following views:</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written agreement to creation of easement attached</p>
<p>Utility type _____</p> <p>Public Authority _____</p> <p>The proposed road closing has been discussed with the authority who has indicated the following views:</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written agreement to creation of easement attached</p>	<p>Utility type _____</p> <p>Public Authority _____</p> <p>The proposed road closing has been discussed with the authority who has indicated the following views:</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written agreement to creation of easement attached</p>

**Section 5: For Completion only by Council - If the Local Council is the Applicant**

Council Contact: _____	Phone: _____	Reference: _____
<p><b>Classified Roads</b> Is the road to be closed a classified road?    <input type="radio"/> No    <input type="radio"/> Yes    <i>(The written consent of the Roads &amp; Maritime Services is attached)</i>                  Roads created in private subdivisions prior to 1920 (see note in information sheet on page 3)</p>		
The land was set aside for the purposes of road in plan of subdivision DP _____		
<input type="checkbox"/> Title to the land remains as a residue of the subdivided title in the name of the original subdivider. The reference to title is Volume _____ Folio _____		
<input type="checkbox"/> Council has made all necessary enquiries and on the basis of evidence has determined that the land is a public road by way of common law dedication; (please provide a statement regarding the evidence relied upon) or		
<input type="checkbox"/> Council, pursuant to Section 16 of the Roads Act, has published a notice to dedicate the land as public road in the Government Gazette. Gazette date _____ Gazette folio _____		
<p><b>COUNCIL ROAD</b> (land will remain vested in Council if road is closed – sec. 38(2)(b) Roads Act)                  (Please tick the appropriate boxes to indicate the manner of intended disposal, which may arise from the closure of the public road. Where the land is to remain vested in Council on closure, Council should indicate below whether the land is to be vested as operational land or community land, see sec.43)</p>		
<input type="checkbox"/> <b>operational land:</b> <input type="radio"/> sale to adjoining land owners* <input type="radio"/> sale by public auction or tender <input type="radio"/> sale by private treaty <input type="radio"/> retention of land for Council operations <input type="radio"/> other _____		
<input type="checkbox"/> <b>community land</b> (if so please indicate the intended use)		
<i>General statement outlining intended disposal/land use</i> _____		
<p><small>*If it is intended that the land be sold to adjoining land owners listed in Section 4, the statement could refer to "owner 1 - half width; owner 2 - full width" etc.                  Note – A deposited plan, registered at the Office of Land and Property Information, NSW, will be called for from the Council prior to final closing action, after any objections have been considered and if the proposal is to proceed. The DP may be either a plan of survey, or a plan compiled from existing surveys and may show the whole of the road as one lot, or as a number of lots (plus easements) in accordance with a proposed disposal.</small></p>		
<p><b>COUNCIL ROAD</b> (land will vest in the Crown if the road is closed – sec. 38(2)(c) Roads Act)</p>		
<input type="checkbox"/> Road closing proposal initiated by Council		
<p><b>Third party</b></p> <input type="checkbox"/> Road closing proposal initiated with Council by third party <input type="checkbox"/> Application costs have been submitted through Council by the third party		
Name(s) _____		Phone No: _____
Address _____		
Objective _____		
<p><b>JOINT ROAD OPENING/ROAD CLOSING</b> - Proposal to close road in conjunction with a Council road opening</p>		
<input type="checkbox"/> Comment regarding need to synchronise timing of road closing to coincide with Council acquisition of other land for road or construction and opening of new road _____		
<input type="checkbox"/> Request for land in closed road to be given in compensation (For other land acquired by Council for the purposes of the Roads Act 1993, eg. a road opening associated with this road closing to improve the public road network for the benefit of the public – see section 44. Please provide details.) _____		

<b>Details of Land held by the Applicant in the vicinity of the Road</b>				
<b>Lot N°</b>	<b>Plan N°</b>	<b>Parish</b>	<b>County</b>	<b>Owner</b>
36	755442	Moolarben	Philip	Moolarben Joint Venture (see below)
60	755442	Moolarben	Philip	Moolarben Joint Venture (see below)
61	755442	Moolarben	Philip	Moolarben Joint Venture (see below)
93	755442	Moolarben	Philip	Moolarben Joint Venture (see below)
95	755442	Moolarben	Philip	Moolarben Joint Venture (see below)
262	755442	Moolarben	Philip	Moolarben Joint Venture (see below)
1	755454	Wilpinjong	Philip	Moolarben Joint Venture (see below)
4	755454	Wilpinjong	Philip	Moolarben Joint Venture (see below)
21	755454	Wilpinjong	Philip	Moolarben Joint Venture (see below)
32	755454	Wilpinjong	Philip	Moolarben Joint Venture (see below)
34	755454	Wilpinjong	Philip	Moolarben Joint Venture (see below)
57	755454	Wilpinjong	Philip	Moolarben Joint Venture (see below)
58	755454	Wilpinjong	Philip	Moolarben Joint Venture (see below)
62	755454	Wilpinjong	Philip	Moolarben Joint Venture (see below)
76	755454	Wilpinjong	Philip	Moolarben Joint Venture (see below)
82	755454	Wilpinjong	Philip	Moolarben Joint Venture (see below)
93	755454	Wilpinjong	Philip	Moolarben Joint Venture (see below)
97	755454	Wilpinjong	Philip	Moolarben Joint Venture (see below)
1	803204	Moolarben	Philip	Moolarben Joint Venture (see below)
1	820741	Moolarben	Philip	Moolarben Joint Venture (see below)
2	820741	Moolarben	Philip	Moolarben Joint Venture (see below)
<b>Moolarben Joint Venture owners are:</b>				
Moolarben Coal Mines Pty Limited				
Sojitz Moolarben Resources Pty Ltd				
Kores Australia Moolarben Coal Pty Limited				
<b>Operating as:</b>				
Moolarben Coal Operations Pty Ltd				



ATTACHMENT 2



ATTACHMENT 3





	<b>POLICY</b>	ADOPTED CM 6/6/13 Minute 212/13
	<b>Permanent Road Closures</b>	REVIEW: Aug 12 FILE No. A0100021

**OBJECTIVE**

To manage requests for extinguishment of existing Public Road Reserves.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, *'Connecting our Region High Quality Road Network that is Safe and Efficient'*

**POLICY**

Council will consider applications from adjoining owners for the closure and sale of unformed roads in the Region provided that it does not deny access to a public waterway, public infrastructure or adjoining properties.

Prior to proceeding through the formal process of road closure through the Roads Act (s33 – 38), Council will take account of the individual circumstances of the road including;

- The likelihood of the road being required as a through road;
- The legal requirement for the road to give access to separate lots or sections;
- The access to public infrastructure or public waterway.

In the event that Council determines that a road may be closed subject to the processes of the Roads Act, the person requesting the road closure will be responsible for the following:

- All costs associated with the closure of the road.
- The cost of the land calculated on the basis of the improved Capital Value of the land through which the road is passing.

Adopted: Min No. 212/13 Ord Mtg 06.06.13  
Re-Affirmed/Amended:  
Review Date:



**PERMANENT ROAD CLOSURES****ROADS ACT NSW 1993****33 Proposal to close public road**

- (1) The Minister may, whether or not on an application under section 34, propose the closing of a public road other than a freeway.
- (2) The RTA may propose the closing of a freeway.

**34 Applications for closing of public road**

- (1) An application for the closing of a public road (other than a freeway) may be made:
  - (a) in the case of a Crown road, by any person, and
  - (b) in the case of any other public road, by the roads authority for the road or by any other public authority.
- (2) An application may be transferred, in accordance with the regulations:
  - (a) in the case of a Crown road, to any person, and
  - (b) in the case of any other public road, to the roads authority for the road or to any other public authority.
- (3) The Minister may from time to time, by notice in writing served on an applicant, require the applicant to lodge with the Minister:
  - (a) any fee required to cover the cost of processing the application, and
  - (b) any sum of money necessary to defray a cost incurred by the Minister or any other person with respect to the proposed closing of the road, and
  - (c) any further information relevant to the application.
- (4) Such a notice may be served either before or during the consideration of the application.
- (5) An application is taken to have been abandoned if any requirement of the notice is not complied with within the period specified in the notice.

**35 Publication of proposal to close public road**

- (1) The Minister (or, in the case of the proposed closing of a freeway, the RTA) must cause notice of the proposed closing of a public road to be published in a local newspaper.
- (2) The notice:
  - (a) must identify the road that is proposed to be closed, and
  - (b) must state that any person is entitled to make submissions to the Minister (or, in the case of the proposed closing of a freeway, to the RTA) with respect to the closing of the road, and
  - (c) must indicate the manner in which, and the period (being at least 28 days) within which, any such submission should be made.

**36 Public submissions**

Any person may make submissions to the Minister (or, in the case of the proposed closing of a freeway, to the RTA) with respect to the closing of the road.

**37 Decision on proposal**

- (1) After considering any submissions that have been duly made with respect to the proposal, the Minister (or, in the case of the proposed closing of a freeway, the RTA) may, by notice published in the Gazette, close the public road concerned.
- (2) However, a public road may not be closed:
  - (a) in the case of a classified road—unless the RTA consents to the closure of the road, or
  - (b) in the case of a road owned by a council—unless the council consents to the closure of the road, or
  - (c) in the case of a classified road that is owned by a council—unless both the RTA and the council consent to the closure.

**38 Effect of notice of closure**

- (1) On publication of the notice closing the public road concerned:
  - (a) the road ceases to be a public road, and
  - (b) the rights of passage and access that previously existed in relation to the road are extinguished.
- (2) The land comprising a former road:

**PERMANENT ROAD CLOSURES**

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- (a) in the case of a freeway, remains vested in the RTA, and
- (b) in the case of a public road that was previously vested in a council (other than a public road in respect of which no construction has ever taken place), remains vested in the council, and
- (c) in any other case, becomes (or, if previously vested in the Crown, remains) vested in the Crown as Crown land.

	<b>POLICY</b>	ADOPTED C/M 16/02/11 Minute No. 16/11
	<b>Unmaintained and Unformed Roads</b>	REVIEW: Feb 13 FILE No. A0100021

**OBJECTIVE**

1. To establish guidelines for the management and administration of unformed roads, and road reserves.
2. To make a determination on those roads that should be incorporated into the maintained network.
3. To define guidelines that can be applied to all requests for maintenance of roads currently not on the maintained road register.

**BACKGROUND**

Council currently looks after approximately 1,375 km of unsealed roads at an annual cost in excess of \$2.6 million. Over 160 km of roads are presently identified as unmaintained, ie those that do not receive regular grading or any other works thereon. The annual cost to perform a maintenance grade on each road bi annually would be approximately \$62,000 per annum (assuming appropriate formation, an additional cost of some \$1.3million would be required to construct a single lane gravel road)

The issue of roads that should be maintained by Council is an emotive one, where in certain cases an expectation exists for Council to maintain every rural road to each ratepayer's property. This policy identifies roads or road segments not presently maintained by Council (Refer Attachment). This list of roads is not definitive as there are many "paper" roads within the region in which there may be access tracks. As Council is made aware of any named tracks they will be added to the list. Several roads do not have their length identified, as this information has not been sourced at this time.

With existing financial constraints it is unlikely that sufficient funding is available to adequately maintain Councils' existing unsealed road network. To add any additional roads at this time would place an undue burden on the available funding.

The lack of a maintained road to every rural property could have some social impact due to the fact that access may not always be available for visitors to those properties. It also places an increased cost on the landowners to maintain their own access.

The length of unformed roads in the area has been estimated to be over 3,000 km. At an assumed average rate for construction in excess of \$20,000 per km for good open surface road (single lane in virgin country) it may cost over \$60 million to construct all of the presently unformed roads. This does not take into account that many of the unformed roads have never been constructed because they are over sand-hills, rocky ridges or swamps.

All Councils are being urged to consider very carefully the creation of new assets as figures indicate that it may already be beyond the resources of governments, including local government to maintain existing assets. While council will receive requests for the creation of new roads it will give such requests consideration against the above background.

The unformed but surveyed roads are on occasions a hindrance and a liability to property owners as they may give access to parts of properties that cannot be managed for public access, and this could cause financial loss to the property owners and be a risk to council. There are occasions

#### **UNMAINTAINED AND UNFORMED ROADS**

when in the public interest Council may give consideration to selling road reserves to the adjoining landowner(s) – refer Permanent Road Closures Policy.

#### **POLICY**

##### **Public Road Reserves**

Council will not maintain every public road reserve within the shire whether formed tracks or unformed road reserves. Council will only provide a maintained road network within the limit of funds available as determined in the Road Network Strategic Plan as amended from time to time.

Roads will only be added to the maintained list after consideration Council and taking into account the cost to bring the road up to a minimum standard (as defined in the Road Classifications and Standard Policy) and the impact on the total roads program.

Roads, or sections thereof that service less than 5 residences will not be considered for addition to the maintained road list, noting that historically, there are roads within the shire that do not meet this requirement.

Road extensions beyond a property boundary will not be considered. Council considers that its first priority is to provide access to individual properties; access for the improved management of a property is the responsibility of the landowner.

Council may perform maintenance on unmaintained roads under a private works arrangement with the affected property owner(s) when plant is in the region and subject to current workloads.

Private individuals or Contractors may perform maintenance on public roads that are listed on the unmaintained road register, if and only if:

- They have submitted an application to perform maintenance - Such application shall detail the extents of proposed maintenance activities, experience of the person performing the works, and plant and equipment to be used for the maintenance;
- Appropriate traffic control plans are in place prior to undertaking the proposed works;
- The applicant has a current Public Liability Insurance Policy to cover any mishap which may occur with a recommended minimum level of indemnity of \$10 million and such policy shall be suitable endorsed to cover Council

Where the subdivision of land creates a new road, a condition of the development approval will be that the developer constructs the new road in accordance with Council requirements.

Where the subdivision of land or a new development envisages the construction or upgrading of a road within an existing road reserve and the upgrade is solely for that development, a condition of approval will be that road access to that land is required to be upgraded to a standard sufficient to serve that development, in other cases Council may negotiate with the proponent for a contribution to the cost of the upgrade to enable the application to meet the requirements of the Development

Approval of a dwelling on a property on an unformed road or track does not commit the Council to the construction or repairs of that road. Council works are dependant on finances available and works programmed.

Council will consider applications from adjoining owners for the closure and sale of unformed roads in the shire in accordance with its Permanent Road Closure Policy. **Crown Road Reserves**

Council does not maintain or administer Crown Road Reserves.

**UNMAINTAINED AND UNFORMED ROADS**

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In the event of the Department of Lands proceeding to transfer Crown Roads to Council then Council will not maintain additional rural roads constructed as accesses to rural subdivision or properties.

Council **may** consider maintenance of Crown Roads where the road provides access to ten or more subdivided lots or separate land holdings capable of being occupied and the road is upgraded by the subdivider or land holders to conform to the standards for a single lane gravel road as specified in Council's Road Classification and Standards Policy.

**Private Roads**

The following procedure shall be followed when a request is made to have the Council accept a privately owned road as a town road:

- An application to Council signed by all people having an interest in the road, such as owner in fee simple and abutting property owners having rights-of-way over the road, shall be presented. This application shall state that all parties having interest in the road will be willing to dedicate the subject road as a public road reserve. The application shall also be accompanied by a scaled drawing of the road, prepared by a licensed surveyor, locating the road with reference to existing roads, waterfronts, etc., and showing all abutting property lines.
- The Council shall accept no privately owned road unless it meets all of the minimum standards as set forth in Auspec and the Council's Road Classification and Standards Policy.
- A copy of the application will be submitted to Council. This Committee may suggest other requirements upon the applicants before the Council may accept the road.
- If Council accepts the transfer of the Road as a maintained public road, then the applicant(s) shall lodge a Subdivision Application for determination and registration of the road reserve.
- The road shall not be considered a Council maintained road until all conditions and requirements have been met and approved by the Council.

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**UNMAINTAINED AND UNFORMED ROADS**

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**ROADS ACT 1993**

**6 Right of access to public road by owners of adjoining land**

(1) The owner of land adjoining a public road is entitled, as of right, to access (whether on foot, in a vehicle or otherwise) across the boundary between the land and the public road.

(2) The right conferred by this section does not derogate from any right of access that is conferred by the common law, but those rights are subject to such restrictions as are imposed by or under this or any other Act or law.

**86 Functions of council in respect of private roads**

(1) A council may direct the owner of a private road (other than a classified road) to carry out such work as, in the opinion of the council, is necessary to prevent the road from becoming unsafe or unsightly or, if of the opinion that it is appropriate that the work should be carried out by the council at its own expense, may carry out any such work itself.

(2) If there is more than one owner of a private road, the respective owners are liable to pay those expenses in such proportions as the council decides.

(3) In deciding the proportion of expenses to be paid by the respective owners, the council must have regard to:

- (a) the benefit that any particular land will derive from the work, and
- (b) the amount and value of any work carried out in respect of the road by the respective owners or occupiers of the land.

**138 Works and structures**

(1) A person must not:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.

Maximum penalty: 10 penalty units.

(2) A consent may not be given with respect to a classified road except with the concurrence of the RTA.

(3) If the applicant is a public authority, the roads authority and, in the case of a classified road, the RTA must consult with the applicant before deciding whether or not to grant consent or concurrence.

(4) This section applies to a roads authority and to any employee of a roads authority in the same way as it applies to any other person.

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**UNMAINTAINED AND UNFORMED ROADS**

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(5) This section applies despite the provisions of any other Act or law to the contrary, but does not apply to anything done under the provisions of the *Pipelines Act 1967* or under any other provision of an Act that expressly excludes the operation of this section.

**139 Nature of consent**

(1) A consent under this Division:

(a) may be granted on the roads authority's initiative or on the application of any person, and

(b) may be granted generally or for a particular case, and

(c) may relate to a specific structure, work or tree or to structures, works or trees of a specified class, and

(c1) in relation to integrated development within the meaning of section 91 of the *Environmental Planning and Assessment Act 1979*, is subject to Division 5 of Part 4 of that Act, and

(d) may be granted on such conditions as the appropriate roads authority thinks fit.

(2) In particular, a consent under this Division with respect to the construction of a utility service in, on or over a public road may require the service to be located:

(a) in such position as may be indicated in that regard in a plan of subdivision or other plan registered in the office of the Registrar-General with respect to the road, or

(b) in such other position as the roads authority may direct.

(3) In particular, a consent under this Division with respect to the erection of a structure may be granted subject to a condition that permits or prohibits the use of the structure for a specified purpose or purposes.

**142 Maintenance of works and structures**

(1) A person who has a right to the control, use or benefit of a structure or work in, on or over a public road:

(a) must maintain the structure or work in a satisfactory state of repair, and

(b) in the case of a structure (such as a grating or inspection cover) located on the surface of the road, must ensure that the structure is kept flush with the surrounding road surface and that the structure and surrounding road surface are so maintained as to facilitate the smooth passage of traffic along the road, and the person is, by this section, empowered to do so accordingly.

Maximum penalty: 30 penalty units.

(2) Subsection (1) applies to all structures and works in, on or over a public road, including structures and works for which there is no consent in force under this Division.

(3) Subsection (1) does not apply to a person whose right to the control, use or benefit of a structure or work consists merely of a right of passage that the person

**UNMAINTAINED AND UNFORMED ROADS**

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has as a member of the public or a right of access that the person has as the owner of adjoining land.

(4) If:

(a) a roads authority has granted a consent under this Division to the doing of anything, and

(b) that thing has been or is being done otherwise than in accordance with the consent,

the roads authority may direct the holder of the consent to take specified action to remedy any damage arising from the doing of that thing otherwise than in accordance with the consent.

**146 Nature of ownership of public roads**

(1) Except as otherwise provided by this Act, the dedication of land as a public road:

(a) does not impose any liability on the owner of the road that the owner would not have if the owner were merely a person having the care, control and management of the road, and

(b) does not affect the rights or liabilities of any person under any easement or under any Act or law, and

(c) does not affect any rights of any person with respect to minerals below the surface of the road, and

(d) does not constitute the owner of the road as an occupier of the land, and

(e) does not authorise the owner of the road to dispose of any interest (other than an easement or covenant) in the land, and

(f) does not prevent any lands that were previously considered to be adjoining lands for the purposes of the Land Acquisition (Just Terms Compensation) Act 1991 from continuing to be so considered.

(2) This section does not restrict the power of a roads authority to regulate the digging up of public roads pursuant to the provisions of any other Act.



**UNMAINTAINED AND UNFORMED ROADS****Unmaintained Road Register**

<b>No</b>	<b>Road Name</b>	<b>Group</b>	<b>Chainage</b>	<b>Length</b>	<b>From</b>	<b>To</b>
4170	Abbots Lane	Rural - Mudgee	0.00	2.60	MR 214	End
6875	Annie's Rock Road	Rural - Mudgee	0.00	0.80	Beryl	End
6816	Argyle Road	Rural - Mudgee	0.00	1.90	Queen's Pinch	End
6879	Badger's Lane	Rural - Mudgee	0.00	1.70	Drip Lane	Linburn Lane
6821	Baradale Road	Rural - Mudgee	0.00	1.30	Bara Road	End
4027	Bara-Lue Road	Rural - Mudgee	4.40	6.30	Causeway - From Ch 4.39	Bara Road
6831	Barossa Road	Rural - Mudgee	0.00	0.40	Queen's Pinch	End
6811	Bayly Lane	Rural - Mudgee	0.00	0.90	Cooyal Lane	End
4241	Beechworth Road	Rural - Mudgee	2.00	1.60	Gate On Top Of Hill	End
4247	Bishops View Road	Rural - Mudgee	1.80	0.40	3Rd Grid Start Unmaintained	End
4056	Black Soil Road	Rural - Mudgee	3.70	0.70	End Maintained	End
4686	Bobadeen Road	Rural - Mudgee	0.90	3.70	Start Gravel	End Road
6866	Britannia Road	Rural - Mudgee	0.00	2.90	Mudhut Creek	End
6880	Broadfield Road	Rural - Mudgee	0.00	1.80	Whitehouse	End
9065	Brogans Siding Road	Rural - Rylstone	0.00			
9051	Budden Gap Road	Rural - Rylstone	0.00	0.40	Bylong Valley Way	Upper Bylong Rd
6838	Bungulla Road	Rural - Mudgee	0.00	3.70	Ulan - Wollar	End
4238	Byrnes Lane	Rural - Mudgee	0.30	0.80	end Maintained	End
6806	Cannibal Hill Road	Rural - Mudgee	0.00	1.00	Old Grattai	End
6810	Carr's Gap Road	Rural - Mudgee	0.00	3.10	Lagoons	Murrumbidgee Rd
4074	Clarke's Creek Road	Rural - Mudgee	2.50	1.50	Causeway- End Maintained	End - Gate
6805	Clydemere Road	Rural - Mudgee	0.00		Oaklands	End
6859	Coming Event Lane	Rural - Mudgee	0.00		Springfield Lane	Grimshaw Lane
9061	Crooked Lane	Rural - Rylstone	0.00			
	Cuthels Lane	Rural - Mudgee	0.00		Spring Ridge Road	End
6862	Dolomite Road	Rural - Mudgee	0.00	3.40	Lue	End
9062	Dunns Swamp Road	Rural - Rylstone	0.00		Coricudgy Road	Park
6823	Evesham Road	Rural - Mudgee	0.00	1.10	Ullamulla	End
9107	Farrelly Street (BWW)	Rylstone	0.00	1.00	East Mudgee	End
6817	Firetail Lane	Rural - Mudgee	0.00	0.90	Wonga Roo	End
9035	Flatlands Road	Rural - Rylstone	0.00			
	Florence Close	Mudgee Town	0.00			
4104	Gardiners Road	Rural - Mudgee	3.50	0.50	From Ch 3.47	End
6854	Gibson's Lane	Rural - Mudgee	0.00	5.30	Goolma Road	Lwr Plambong Rd
6845	Glenrock Lane	Rural - Mudgee	0.00	0.50	White Cedars	End
6863	Gordons Gully Road	Rural - Mudgee	0.00	2.00	Jennings Rd Sth	End
4061	Grattai Creek Road	Rural - Mudgee	5.10	0.80	Gate Before Creek	End
4034	Green Gully Road	Rural - Mudgee	0.00	1.60	Queens Pinch Int	Causeway
6857	Grimshaw Lane	Rural - Mudgee	0.00		Anderson Street	Ridout Lane
4103	Gum Gully Road	Rural - Mudgee	1.70	1.00	Grid End Maintained	Gate End Road
4250	Happy Valley Road	Rural - Mudgee	0.80	0.80	Spring Creek	MR 598
6829	Hazelwood Road	Rural - Mudgee	0.00	1.40	Queen's Pinch	End
10000	Hearne Lane	Rural - Rylstone	0.00	1.60	Camerons Rd	End
6812	Hideaway Lane	Rural - Mudgee	0.00	1.50	Black Lead Lane	End
6839	Highland Home Road	Rural - Mudgee	0.00	1.60	Wallerwaugh	End
4127	Hughes Road	Rural - Mudgee	4.00	0.40	From Ch 3.95	End
4239	Hundys Creek Road	Rural - Mudgee	0.60	0.50	End Maintained	End
6867	Jenkings Lane	Rural - Mudgee	0.00	1.00	Castlereagh Highway	Lahey's Creek Rd
4118	Jennings Road North	Rural - Mudgee	8.00	2.60	From Ch 8 (Farmhouse)	Gordens Road
6116	Jennings Road South	Rural - Mudgee	0.00	3.00	Bara Road	Gordens Road
4045	Kaludabah Road	Rural - Mudgee	8.40	0.80	Start Unmaintained	End Road
6870	Karuma Road	Rural - Mudgee	0.00	1.00	Lambing Hill rd	End
6828	Kyawong Road	Rural - Mudgee	0.00	1.30	Windeyer	End
6830	Leven's Road	Rural - Mudgee	0.00	1.50	Hazelwood Rd	End
6871	Lobley Lane	Rural - Mudgee	0.00	0.50	Spring Ridge	Beryl Rd
9103	Louee Street (Part BWW)	Rylstone	1.30	0.20	Cycle Track (MR 215)	End

**UNMAINTAINED AND UNFORMED ROADS**

No	Road Name	Group	Chainage	Length	From	To
4251	Lyons Lane	Gulgong Town	0.20	0.30	Start Unmaintained	Nuggel Lane
4415	Lyons Lane (Mudgee)	Mudgee Town	0.20	0.20	Court	Douro
4415	Lyons Lane (Mudgee)	Mudgee Town	0.00	0.20	Cox	Court
4415	Lyons Lane (Mudgee)	Mudgee Town	1.30	0.10	Lawson	End
5865	MacArthur Park Road	Rural - Mudgee	0.00	3.00	Upper Botobolar Rd	End
4130	Mahon's Road	Rural - Mudgee	1.50	0.70	From Ch 1.4 (Elbow)	Cooyal Ck Lane
4040	Mailland Bar Road	Rural - Mudgee	7.20	0.60	Grid (End Maintained)	End
9105	Marrin Street	Rylstone	0.00	0.20	Coombar	(North) Short
5809	Maree Road	Rural - Mudgee	0.00	3.40	Barigan	End
5826	Marlin's Crossing Road	Rural - Mudgee	0.00	1.10	Ulan Road	End
4242	Mayberry Road	Rural - Mudgee	1.80	1.50	End Maintained	End
5842	May's Place	Rural - Mudgee	0.20	0.10	Fire shed	End
5882	McMasters Road	Rural - Mudgee	0.00	0.70	Green Gully	Closed Gate
5888	Mineshaft Lane	Rural - Mudgee	0.00		Ulan Road	End
4059	Mogo Road	Rural - Mudgee	11.40	12.40	From Ch 11.4	End
5853	ML Misery Road	Rural - Mudgee	0.00	0.00	Rifle Range	End
4095	Murrumbidgee Road	Rural - Mudgee	2.80	0.80	From Ch 2.75	End
5848	Nugget Lane	Gulgong Town	0.40	0.60	End Maintained	MR 598
9079	Old Ilford Road	Rural - Rylstone	1.10	0.60	end maintained	end
4256	Peach Tree Lane	Rural - Mudgee	0.00		Start	End
4194	Perke Road	Rural - Mudgee	0.50	0.50	From Ch 0.5	End
4146	Perseverence Lane	Rural - Mudgee	1.40	4.00	End Maintained	Spring Ridge Rd
5833	Peter's Creek Road	Rural - Mudgee	0.00	1.70	Barigan	End
4084	Pipeclay Lane	Rural - Mudgee	3.40	0.30	Causeway	end Road At Gate
4084	Pipeclay Lane	Rural - Mudgee	3.00	0.30	End Maintained	Causeway
4222	Pitts Lane	Mudgee Town	0.60	0.30	End Of Seal	End Road
4035	Prices Lane	Rural - Mudgee	5.70	2.50	Property "Glenmore"	End
4077	Puggoon Road	Rural - Mudgee	9.80	1.20	End Maintained - Gate	End
4135	Puggoon Siding Road	Rural - Mudgee	0.00	1.70	Jackson's Lane	End
9006	Quarry Road	Rural - Rylstone	0.00		13.71 Bylong Valley Way	End Seal
9006	Quarry Road	Rural - Rylstone	0.00	5.10	Start Gravel	Cudgegong Rd
5846	Raydon Lane	Rural - Mudgee	0.00	1.10	Ulan Road	End
5856	Ridout Lane	Gulgong Town	0.00	1.20	Canadian Lead	Grimshaw Lane
4203	Roberts Road	Rural - Mudgee	2.10	2.00	Grid (End Maintained)	Causeway (5)
4246	Robinsons Road	Rural - Mudgee	1.30	1.40	End Maintained (Check)	End
5874	Rockford Lane	Rural - Mudgee	0.00	1.60	Yarrabin	End
5822	Rocky Glen Lane	Rural - Mudgee	0.00	0.50	Botobolar	End
610	Rosedale Road	Rural - Mudgee	0.00	1.20	Summer Hill Road	End
5851	Saddlers Creek Road	Rural - Mudgee	0.00	1.70	Cassilis Road	End
4692	Scotts Lane	Gulgong Town	0.50	0.40	Perseverance Ln	MR 233
4054	Sills Lane	Rural - Mudgee	2.10	3.40	From Ch 2.1	Wilbetree
4683	Smede's Lane	Rural - Mudgee	4.00	2.30	Summer Hill Road	End
5815	Tabrabucca Road	Rural - Mudgee	0.00	2.70	Aaron's Pass	End
5808	Tichular Road	Rural - Mudgee	0.00	2.10	Barigan	Tichilar Gate
5803	Tiendebeh Road	Mudgee Town	0.00	0.20	Waterworks	End
5813	Tierney Lane	Rural - Mudgee	0.50	0.40	End Maintained	Henry Lawson Dr
5850	Tippings Road	Gulgong Town	0.00	0.40	Ulan Road	Black Lead Lane
4008	Triamble Road	Rural - Mudgee	24.90	6.60	Echo Gale	End
5877	Trilby Lane	Rural - Mudgee	0.00	2.00	Castlereagh Highway	End
710	Tunill Bus Route	Rural - Mudgee	3.60	3.80	End Maintained	End
5858	Tuxford Lane	Rural - Mudgee	0.00	1.20	Canadian Lead	Ridout Lane
4252	Unnamed (Off BRdhead)	Rural - Mudgee	0.00	0.50		
5801	Upper Cumbo Road	Rural - Mudgee	0.60	3.20	Causeway1	Causeway2
5801	Upper Cumbo Road	Rural - Mudgee	0.00	0.60	Cumbo	Causeway1
5801	Upper Cumbo Road	Rural - Mudgee	3.80	1.90	Causeway2	MR 208
4041	Upper Pambong Road	Rural - Mudgee	9.70	1.40	From Ch 9.7 (Unmaintained)	End Road
5881	Wattlegrove Lane	Rural - Mudgee	0.00	1.50	Cassilis Road	End
5819	Waudong Creek Road	Rural - Mudgee	0.00	2.90	Hill End Road	End
5860	Welcome Reef Lane	Rural - Mudgee	0.00		Springfield Lane	Grimshaw Lane

**UNMAINTAINED AND UNFORMED ROADS**

<b>No</b>	<b>Road Name</b>	<b>Group</b>	<b>Chainage</b>	<b>Length</b>	<b>From</b>	<b>To</b>
6840	Westcourt Lane	Rural - Mudgee	0.00	1.90	Tinja Lane	Henry Lawson Dr
4123	Whistons Lane	Rural - Mudgee	2.70	0.40	Railway Line	End
6873	Williardt Lane	Rural - Mudgee	0.00	0.80	Canadian Lead	Wwng-Gwng Riway
4096	Wilpinjong Road	Rural - Mudgee	5.60	1.50	From Ch 5.6	Bungulla
6827	Wilson Road	Rural - Mudgee	1.20	2.30	First Gate	Causeway
6827	Wilson Road	Rural - Mudgee	3.50	3.10	Causeway	End
4503	Wollar - Munghorn Street	Villages	0.20	0.10	Barnett St	Barigan St
4503	Wollar - Munghorn Street	Villages	0.30	0.20	Barigan St	End
4210	Wonga Roo Road	Rural - Mudgee	4.50	0.90	From Ch 4.5	End
4062	Woodburn Road	Rural - Mudgee	1.00	0.80	Top Of Hill	End Road
4224	Woorawa Road	Rural - Mudgee	0.00	1.40	Bocoble Rd	End
6825	Worlds End Road	Rural - Mudgee	0.20	2.30	From Ch 0.2 (1st Creek Xing)	End
4009	Yarrabin Road	Rural - Mudgee	23.90	0.20	End Maintained	End
			<b>Total Length</b>	<b>183.30</b>		

## 6.2.5 Monthly Budget Review for July 2013

REPORT BY THE DIRECTOR, FINANCE & ADMINISTRATION TO 18 SEPTEMBER 2013 COUNCIL MEETING

REPORT Council 2013

GOV400029, A0100056, FIN300062

### RECOMMENDATION

That:

1. **the report by the Director, Finance & Administration on the Monthly Budget Review for July 2013 be received; and**
2. **the 2013/14 Operational Plan be amended in accordance with the variations as listed on pages 1-4 of the July 2013 Monthly Budget Review - 2013/14 Operational Plan/Delivery Program, and reproduced in the report below.**

### Executive summary

This report presents to Council the July Monthly Budget Review of the 2013/14 Operational Plan.

### Detailed report

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

The monthly budget review is largely focussed on Council's capital works program, providing commentary on the status of all capital works projects.

This July monthly report contains a number of variations, largely associated with the allocation of capital works programs, such as water mains replacement and road reseals, to individual projects.

Community Plan Theme	Variation	Amount	
<i>GENERAL FUND</i>			
<i>Contra Variations</i>			
Looking after our Community	Affordable Housing - Contribution to Housing Plus for program at George Street, Mudgee. Council Minute 297/13.	(100,000)	C
Looking after our Community	Transfer from Reserves - Community Tenancy Scheme . Council Minute 297/13.	100,000	C
Looking after our Community	Gulgong Memorial Hall Capital Upgrade - new curtains and tracks. Budget originally allocated to Operating rather than Capital.	(45,000)	C
Looking after our Community	Transfer budget from Gulgong Memorial Hall maintenance	45,000	C
Looking after our Community	Rylstone Hall Capital Upgrade - improve disabled access. Budget originally allocated to Operating rather than Capital.	(12,000)	C
Looking after our Community	Transfer budget from Rylstone Hall maintenance	12,000	C
Looking after our Community	Capital Upgrade - Hargraves Courthouse	(4,900)	C
Looking after our Community	Grant funding received - Hargraves Courthouse	4,900	C

Looking after our Community	Capital Upgrade - Bylong Community Hall	(2,000)	-
Looking after our Community	Grant funding received - Bylong Community Hall	2,000	C
Looking after our Community	Increase expenditure Mudgee Showground Redevelopment -purchase of commercial oven	(17,200)	C
Looking after our Community	Contribution to rectification works Mudgee Showground Redevelopment - from contractor retention moneys	17,200	C
Connecting our Region	Transfer budget from Local Urban Reseal budget only	366,313	C
Connecting our Region	Allocate expenditure for local urban reseal program - Burrundulla Avenue	(45,500)	C
Connecting our Region	Allocate expenditure for local urban reseal program - Church Street	(114,713)	C
Connecting our Region	Allocate expenditure for local urban reseal program - Denison Street	(10,600)	C
Connecting our Region	Allocate expenditure for local urban reseal program - Gladstone Street	(35,600)	C
Connecting our Region	Allocate expenditure for local urban reseal program - Henbury Avenue	(29,300)	C
Connecting our Region	Allocate expenditure for local urban reseal program - Little Bayly Street	(3,500)	C
Connecting our Region	Allocate expenditure for local urban reseal program - Madeira Road	(41,600)	C

Community Plan Theme	Variation	Amount	
Connecting our Region	Allocate expenditure for local urban reseal program - Mayne Street	(16,100)	C
Connecting our Region	Allocate expenditure for local urban reseal program - Mulgoa Way	(4,000)	C
Connecting our Region	Allocate expenditure for local urban reseal program - Perry Street	(29,200)	C
Connecting our Region	Allocate expenditure for local urban reseal program - Robertson Street	(36,200)	C
Connecting our Region	Transfer budget from local rural reseal budget only	716,736	C
Connecting our Region	Allocate expenditure for local rural reseal program - Bocoble Road	(95,836)	C
Connecting our Region	Allocate expenditure for local rural reseal program - Cooper Drive	(33,600)	C
Connecting our Region	Allocate expenditure for local rural reseal program - Crudine Road	(67,600)	C
Connecting our Region	Allocate expenditure for local rural reseal program - Dabee Road	(55,800)	C
Connecting our Region	Allocate expenditure for local rural reseal program - Glen Alice Road	(70,600)	C
Connecting our Region	Allocate expenditure for local rural reseal program - Henbury Avenue	(14,900)	C
Connecting our Region	Allocate expenditure for local rural reseal program - Henry Lawson Drive	(65,200)	C
Connecting our Region	Allocate expenditure for local rural reseal program - Kains Flat Road	(23,500)	C
Connecting our Region	Allocate expenditure for local rural reseal program - Lue Road	(64,300)	C
Connecting our Region	Allocate expenditure for local rural reseal program - McMurrays Lan	(2,500)	C
Connecting our Region	Allocate expenditure for local rural reseal program - Pyramid Road	(76,600)	C
Connecting our Region	Allocate expenditure for local rural reseal program - Queens Pinch Road	(52,800)	C
Connecting our Region	Allocate expenditure for local rural reseal program - Upper Bylong Road	(30,800)	C
Connecting our Region	Allocate expenditure for local rural reseal program - Windeyer Road	(62,700)	C
Connecting our Region	Blackspot Yarrowonga Road Shoulder Widening - Transfer from Regional Roads to Local Roads	(580,000)	C
Connecting our Region	Transfer budget Blackspot Yarrowonga Road from Regional Roads to Local Roads	580,000	C
Connecting our Region	Reduction Blackspot program expenditure Ulan Road	60,000	C
Connecting our Region	Reduce RMS Contribution Blackspot Funding - RMS confirmed funding as lower than original budget	(60,000)	C
Connecting our Region	Divide Ulan Road Blackspot expenditure into two projects - Ridge Road Intersection	(220,000)	C
Connecting our Region	Allocate Ulan Road Blackspot grant to match expenditure - Ridge Road Intersection	220,000	C
Connecting our Region	Divide Ulan Road Blackspot expenditure into two projects - Mudhut Creek Road Intersection	(600,000)	C
Connecting our Region	Allocate Ulan Road Blackspot grant to match expenditure - Mudhut Creek Road Intersection	600,000	C
Connecting our Region	Transfer budget from regional rural reseal budget only	565,853	C
Connecting our Region	Allocate expenditure for regional rural reseal program - Cox Street	(38,800)	C
Connecting our Region	Allocate expenditure for regional rural reseal program - Gollan Road	(66,500)	C

Community Plan Theme	Variation	Amount	
Connecting our Region	Allocate expenditure for regional rural reseal program - Hill End Road	(24,400)	C
Connecting our Region	Allocate expenditure for regional rural reseal program - Wollar Road	(160,153)	C
Connecting our Region	Allocate expenditure for regional rural reseal program - Bylong Valley Way	(122,100)	C
Connecting our Region	Allocate expenditure for regional rural reseal program - Cope Road	(84,100)	C
Connecting our Region	Allocate expenditure for regional rural reseal program - Rouse Street	(33,900)	C
Connecting our Region	Allocate expenditure for regional rural reseal program - Ulan Road	(35,900)	C
Connecting our Region	Transfer budget from regional rural reseal budget only	56,800	C
Connecting our Region	Allocate expenditure for unsealed rural regional roads - Wollar Road Seal Extension	(56,800)	C
<i>Total Contra Variations</i>		0	
<b>TOTAL GENERAL FUND</b>		0	
<b>WATER FUND</b>			
<i>Contra Variations</i>			
Protecting our Natural Environment	Water Telemetry - Mudgee. Changeover from analogue to digital in Mudgee.	(20,000)	C
Protecting our Natural Environment	Transfer from Water Telemetry - Budget only	20,000	C

Protecting our Natural Environment	Allocate Water Mains program of works - Capital Budget	234,000	C
Protecting our Natural Environment	Water Mains Replacement - Lawson Street	(40,000)	C
Protecting our Natural Environment	Water Main Decommissions - Mudgee	(18,000)	C
Protecting our Natural Environment	Water Mains Replacement - Church Street	(70,000)	C
Protecting our Natural Environment	Water Mains Replacement - Gladstone Street	(10,000)	C
Protecting our Natural Environment	Water Mains Replacement - Lovejoy Street	(30,000)	C
Protecting our Natural Environment	Water Mains Replacement - Perry Street	(45,000)	C
Protecting our Natural Environment	Water Mains Replacement - Louee Street	(7,500)	C

Community Plan Theme	Variation	Amount	
Protecting our Natural Environment	Water Mains Replacement - Dabee Street	(8,500)	C
Protecting our Natural Environment	Valve Installation - Meares Street	(5,000)	C
Protecting our Natural Environment	Water Pump Station - Rylstone Clearwater	(35,000)	C
Protecting our Natural Environment	Mag Flow Meter Installation - Mudgee bore	(10,000)	C
Protecting our Natural Environment	Transfer from Water Pump Station - Budget only	45,000	C
<i>Total Contra Variations</i>		0	
<b>TOTAL WATER FUND</b>		0	
<b>SEWER FUND</b>			
<i>Contra Variations</i>			
Protecting our Natural Environment	Transfer budget for Rising Main Construction out of Mudgee Sewer Augmentation - incorrectly allocated	(850,000)	C
Protecting our Natural Environment	Mudgee Sewer Augmentation - transfer budgeted expenditure for Rising Main to correct project code	850,000	C
Protecting our Natural Environment	Transfer budget from Sewer Mains - Capital Budget	45,000	C
Protecting our Natural Environment	Sewer Mains replacement - Burrundulla Ave	(25,000)	C
Protecting our Natural Environment	Sewer Mains - Mudgee Industrial Area	(20,000)	C
Protecting our Natural Environment	Transfer budget from Sewer Pump Station - Capital Budget	365,000	C
Protecting our Natural Environment	Sewer Pump Station - Carleon	(350,000)	C
Protecting our Natural Environment	Decommission old Pump Station Industrial Avenue	(15,000)	C
<i>Total Contra Variations</i>		0	
<b>TOTAL SEWER FUND</b>		0	
<b>Code</b>			

Community Plan Theme	Variation	Amount	
F - Favourable			
U - Unfavourable			
C - Contra			

The original 2013/14 Operational Plan provided for \$22.388 million of capital expenditure. Council will note that the attached monthly capital works schedule shows a total of \$22.373 million. The \$15,000 difference relates to two projects initially classified as capital, being Streetscape Improvements Bellevue Estate (\$10,000), and Future Year REFs. (\$5,000). Both projects are more appropriately classified as operational expenditure, and have been re-coded accordingly. The schedule also includes a \$50,000 contribution to the Gulgong Showground upgrade. As previously discussed with Council, this project ultimately will not be classified as capital expenditure for Council's accounting purposes, however in the interest of reporting on the progress of this major project, it will remain on the capital works schedule.

## Financial implications

The proposed variations have nil impact on Council's projected unrestricted cash position to 30 June 2014.

## Strategic or policy implications

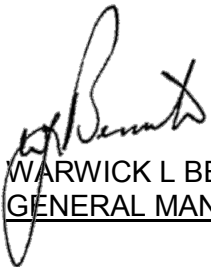
Not applicable.

CLARE PHELAN  
DIRECTOR, FINANCE & ADMINISTRATION

6 September 2013

*Attachments:* 1. Monthly Budget Review - Operational Plan/Delivery Program 2013/14 - July 2013.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



*Good  
Government*

MONTHLY BUDGET  
REVIEW

OPERATIONAL  
PLAN/DELIVERY  
PROGRAM - 2013/14

JULY 2013

MID-WESTERN REGIONAL COUNCIL  
FINANCE & ADMINISTRATION

■ ■ ■ ■ ■ TOWARDS 2030





Community Plan Theme	Variation	Amount
<b>GENERAL FUND</b>		
<b>Contra Variations</b>		
Looking after our Community	Affordable Housing - Contribution to Housing Plus for program at George Street, Mudgee. Council Minute 297/13.	(100,000) C
Looking after our Community	Transfer from Reserves - Community Tenancy Scheme . Council Minute 297/13.	100,000 C
Looking after our Community	Gulgong Memorial Hall Capital Upgrade - new curtains and tracks. Budget originally allocated to Operating rather than Capital.	(45,000) C
Looking after our Community	Transfer budget from Gulgong Memorial Hall maintenance	45,000 C
Looking after our Community	Rylstone Hall Capital Upgrade - improve disabled access. Budget originally allocated to Operating rather than Capital.	(12,000) C
Looking after our Community	Transfer budget from Rylstone Hall maintenance	12,000 C
Looking after our Community	Capital Upgrade - Hargraves Courthouse	(4,900) C
Looking after our Community	Grant funding received - Hargraves Courthouse	4,900 C
Looking after our Community	Capital Upgrade - Bylong Community Hall	(2,000) C
Looking after our Community	Grant funding received - Bylong Community Hall	2,000 C
Looking after our Community	Increase expenditure Mudgee Showground Redevelopment -purchase of commercial oven	(17,200) C
Looking after our Community	Contribution to rectification works Mudgee Showground Redevelopment - from contractor retention moneys	17,200 C
Connecting our Region	Transfer budget from Local Urban Reseal budget only	366,313 C
Connecting our Region	Allocate expenditure for local urban reseal program - Burrundulla Avenue	(45,500) C
Connecting our Region	Allocate expenditure for local urban reseal program - Church Street	(114,713) C
Connecting our Region	Allocate expenditure for local urban reseal program - Denison Street	(10,600) C
Connecting our Region	Allocate expenditure for local urban reseal program - Gladstone Street	(35,600) C
Connecting our Region	Allocate expenditure for local urban reseal program - Henbury Avenue	(29,300) C
Connecting our Region	Allocate expenditure for local urban reseal program - Little Bayly Street	(3,500) C
Connecting our Region	Allocate expenditure for local urban reseal program - Madeira Road	(41,600) C

Community Plan Theme	Variation	Amount
Connecting our Region	Allocate expenditure for local urban reseal program - Mayne Street	(16,100) C
Connecting our Region	Allocate expenditure for local urban reseal program - Mulgoa Way	(4,000) C
Connecting our Region	Allocate expenditure for local urban reseal program - Perry Street	(29,200) C
Connecting our Region	Allocate expenditure for local urban reseal program - Robertson Street	(36,200) C
Connecting our Region	Transfer budget from local rural reseal budget only	716,736 C
Connecting our Region	Allocate expenditure for local rural reseal program - Bocoble Road	(95,836) C
Connecting our Region	Allocate expenditure for local rural reseal program - Cooper Drive	(33,600) C
Connecting our Region	Allocate expenditure for local rural reseal program - Crudine Road	(67,600) C
Connecting our Region	Allocate expenditure for local rural reseal program - Dabee Road	(55,800) C
Connecting our Region	Allocate expenditure for local rural reseal program - Glen Alice Road	(70,600) C
Connecting our Region	Allocate expenditure for local rural reseal program - Henbury Avenue	(14,900) C
Connecting our Region	Allocate expenditure for local rural reseal program - Henry Lawson Drive	(65,200) C
Connecting our Region	Allocate expenditure for local rural reseal program - Kains Flat Road	(23,500) C
Connecting our Region	Allocate expenditure for local rural reseal program - Lue Road	(64,300) C
Connecting our Region	Allocate expenditure for local rural reseal program - McMurrays Lan	(2,500) C
Connecting our Region	Allocate expenditure for local rural reseal program - Pyramul Road	(76,600) C
Connecting our Region	Allocate expenditure for local rural reseal program - Queens Pinch Road	(52,800) C
Connecting our Region	Allocate expenditure for local rural reseal program - Upper Bylong Road	(30,800) C
Connecting our Region	Allocate expenditure for local rural reseal program - Windeyer Road	(62,700) C
Connecting our Region	Blackspot Yarrawonga Road Shoulder Widening - Transfer from Regional Roads to Local Roads	(580,000) C
Connecting our Region	Transfer budget Blackspot Yarrawonga Road from Regional Roads to Local Roads	580,000 C
Connecting our Region	Reduction Blackspot program expenditure Ulan Road	60,000 C
Connecting our Region	Reduce RMS Contribution Blackspot Funding - RMS confirmed funding as lower than original budget	(60,000) C
Connecting our Region	Divide Ulan Road Blackspot expenditure into two projects - Ridge Road Intersection	(220,000) C
Connecting our Region	Allocate Ulan Road Blackspot grant to match expenditure - Ridge Road Intersection	220,000 C
Connecting our Region	Divide Ulan Road Blackspot expenditure into two projects - Mudhut Creek Road Intersection	(600,000) C
Connecting our Region	Allocate Ulan Road Blackspot grant to match expenditure - Mudhut Creek Road Intersection	600,000 C
Connecting our Region	Transfer budget from regional rural reseal budget only	565,853 C
Connecting our Region	Allocate expenditure for regional rural reseal program - Cox Street	(38,800) C
Connecting our Region	Allocate expenditure for regional rural reseal program - Gollan Road	(66,500) C

Community Plan Theme	Variation	Amount
Connecting our Region	Allocate expenditure for regional rural reseal program - Hill End Road	(24,400) C
Connecting our Region	Allocate expenditure for regional rural reseal program - Wollar Road	(160,153) C
Connecting our Region	Allocate expenditure for regional rural reseal program - Bylong Valley Way	(122,100) C
Connecting our Region	Allocate expenditure for regional rural reseal program - Cope Road	(84,100) C
Connecting our Region	Allocate expenditure for regional rural reseal program - Rouse Street	(33,900) C
Connecting our Region	Allocate expenditure for regional rural reseal program - Ulan Road	(35,900) C
Connecting our Region	Transfer budget from regional rural reseal budget only	56,800 C
Connecting our Region	Allocate expenditure for unsealed rural regional roads - Wollar Road Seal Extension	(56,800) C
<b>Total Contra Variations</b>		0
<b>TOTAL GENERAL FUND</b>		0
<b>WATER FUND</b>		
<b>Contra Variations</b>		
Protecting our Natural Environment	Water Telemetry - Mudgee. Changeover from analogue to digital in Mudgee.	(20,000) C
Protecting our Natural Environment	Transfer from Water Telemetry - Budget only	20,000 C
Protecting our Natural Environment	Allocate Water Mains program of works - Capital Budget	234,000 C
Protecting our Natural Environment	Water Mains Replacement - Lawson Street	(40,000) C
Protecting our Natural Environment	Water Main Decommissions - Mudgee	(18,000) C
Protecting our Natural Environment	Water Mains Replacement - Church Street	(70,000) C
Protecting our Natural Environment	Water Mains Replacement - Gladstone Street	(10,000) C
Protecting our Natural Environment	Water Mains Replacement - Lovejoy Street	(30,000) C
Protecting our Natural Environment	Water Mains Replacement - Perry Street	(45,000) C
Protecting our Natural Environment	Water Mains Replacement - Louee Street	(7,500) C

Community Plan Theme	Variation	Amount
Protecting our Natural Environment	Water Mains Replacement - Dabee Street	(8,500) C
Protecting our Natural Environment	Valve Installation - Meares Street	(5,000) C
Protecting our Natural Environment	Water Pump Station - Rylstone Cleanwater	(35,000) C
Protecting our Natural Environment	Mag Flow Meter Installation - Mudgee bore	(10,000) C
Protecting our Natural Environment	Transfer from Water Pump Station - Budget only	45,000 C
<b>Total Contra Variations</b>		0
<b>TOTAL WATER FUND</b>		0
<b>SEWER FUND</b>		
<b>Contra Variations</b>		
Protecting our Natural Environment	Transfer budget for Rising Main Construction out of Mudgee Sewer Augmentation - incorrectly allocated	(850,000) C
Protecting our Natural Environment	Mudgee Sewer Augmentation - transfer budgeted expenditure for Rising Main to correct project code	850,000 C
Protecting our Natural Environment	Transfer budget from Sewer Mains - Capital Budget	45,000 C
Protecting our Natural Environment	Sewer Mains replacement - Burrundulla Ave	(25,000) C
Protecting our Natural Environment	Sewer Mains - Mudgee Industrial Area	(20,000) C
Protecting our Natural Environment	Transfer budget from Sewer Pump Station - Capital Budget	365,000 C
Protecting our Natural Environment	Sewer Pump Station - Carleon	(350,000) C
Protecting our Natural Environment	Decommission old Pump Station Industrial Avenue	(15,000) C
<b>Total Contra Variations</b>		0
<b>TOTAL SEWER FUND</b>		0
<b>Code</b>		

Community Plan Theme	Variation	Amount
F - Favourable		
U - Unfavourable		
C - Contra		

	Original Annual Budget		Approved Variations		Revised Annual Budget		Proposed Variations		Proposed Annual Budget		% Proposed Annual Budget		Comment
	Annual Budget	Budget	Variations	Variations	Annual Budget	Budget	Variations	Variations	Annual Budget	Budget	Actual YTD	Annual Budget	
<b>Looking after our Community</b>													
KANDOS MUSEUM	0	8	0	8	0	8	0	8	0	8	2	28%	On holding pending review of priorities of works.
RURAL FIRE SERVICE - MULLAMUDDY FIRE STATION EXTENSIONS	0	73	0	73	0	73	0	73	0	73	2	2%	Work continues on the internal fit out of this RFS funded project
HM&M VEHICLE PURCHASE	27	0	0	27	0	27	0	27	0	27	0	0%	Ongoing vehicle replacement program
COMM. TRANSPORT- VEHICLE PURCHASE	48	0	0	48	0	48	0	48	0	48	0	0%	Ongoing vehicle replacement program
MUDGEES CEMETERY CAP IMPV	70	0	0	70	0	70	0	70	0	70	0	0%	Extension to lawn cemetery and storage shed. Work not scheduled to commence until next calendar year.
CEMETERY LANDSCAPING - ROADSIDE	0	40	0	40	0	40	0	40	0	40	0	0%	Budget reinstated by Council at 21 August meeting.
PUBLIC TOILETS - CAPITAL UPGRADES	4	0	0	4	0	4	0	4	0	4	0	0%	Budget only
PUBLIC TOILETS - MUDGEES CEMETERY	50	0	0	50	0	50	0	50	0	50	0	0%	Toilets to be constructed as per Gulgong Cemetery design. Development Application to be lodged in September.
PUBLIC TOILETS - PERCY NOTT PARK	100	0	0	100	0	100	0	100	0	100	0	0%	Design documentation being prepared for Development Application.
PUBLIC TOILETS - RYLSTONE SHOWGROUND	0	0	0	0	0	0	0	0	0	0	0	0%	Meeting to be held with Showground Committee in September to develop scope of works. Design documentation will then be prepared for lodgement of Development Application.
PUBLIC TOILETS - ROTARY PARK KANDOS	4	0	0	4	0	4	0	4	0	4	0	0%	Painting to be undertaken in August
PUBLIC TOILETS - APEX PARK GULGONG	3	0	0	3	0	3	0	3	0	3	0	0%	Painting to be undertaken in August
PUBLIC TOILETS - BILLY DUNN PARK GULGONG	2	0	0	2	0	2	0	2	0	2	0	0%	Painting to be undertaken in August
PUBLIC TOILETS - VICTORIA PARK GULGONG	2	0	0	2	0	2	0	2	0	2	0	0%	Painting to be undertaken in August
PUBLIC TOILETS - WHITE CRES KANDOS	15	0	0	15	0	15	0	15	0	15	0	0%	Painting to be undertaken in August, quotes be obtained for tiling works.
LIBRARY BOOKS	80	0	0	80	0	80	0	80	0	80	31	38%	Ongoing program of book and resource purchasing throughout the year. July includes a number of standing orders for the year.
MUDGEES LIBRARY BUILDING IMPROVEMENTS	0	53	0	53	0	53	0	53	0	53	0	1%	A few minor items being completed at Mudgee Town Hall.
LIBRARY EQUIPMENT	26	0	0	26	0	26	0	26	0	26	0	0%	Examining options for e-books. Expect to go live with options by end of the year.
KANDOS MUSEUM - CAPITAL	20	0	0	20	0	20	0	20	0	20	0	0%	On holding pending review of priorities of works.
CULTURAL CENTRE INVESTIGATION	20	0	0	20	0	20	0	20	0	20	0	0%	Programmed to start next calendar year.
CAPITAL UPGRADE - GULGONG MEMORIAL HALL	0	0	0	0	0	0	45	45	0	45	0	0%	New curtains and tracks to be procured. Quotes to be obtained.

Item	Original Annual Budget		Revised Annual Budget		Proposed Annual Budget		Proposed Annual Budget		% Proposed Annual Budget	Comment
	Original Annual Budget	Approved Variations	Revised Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	% Proposed Annual Budget			
CAPITAL UPGRADE - RYLSTONE HALL	0	0	0	0	12	12	0	0%	For improved disabled access at toilet blocks at Rylstone Hall. Works to be completed in August.	
CAPITAL UPGRADE - KANDOS HALL	4	0	4	0	4	4	0	0%	Upgrade of internal lighting to be completed by end October.	
CAP UPGRD-CLAUDULLA FACILITIES	5	0	5	0	5	5	0	0%	Painting to be undertaken in August.	
CAPITAL UPGRADE - HARGRAVES COURTHOUSE	0	0	0	0	5	5	0	0%	Grant funded works.	
CAPITAL UPGRADE - BYLONG COMMUNITY HALL	0	0	0	0	2	2	0	0%	Grant funded works.	
CAP UPGRD-COMMUNITY BLD-BUDGET ONLY	9	0	9	0	9	9	6	67%	Security screens and doors being installed at Bungaba Hall by the hall committee.	
MUDGEES POOL TRICLUB SHED	0	0	0	0	0	0	2	0%	The concrete slab has been completed and the framework will be completed in August.	
MUDGEES SHOWGROUNDS - REDEVELOPMENT	0	0	0	0	17	17	0	2%	Works continue on infrastructure for the caravan park and upgrade of the amenities buildings.	
GLENWILLOW SPORTS GROUND UPGRADES	20	0	20	0	20	20	0	0%	Project to provide sump and pump in Glen Willow carpark to prevent ponding of water, and address safety concerns in the grandstand. Carpark work to commence October 2013.	
KANDOS WARATAH PARK - CAPITAL	45	11	56	0	56	56	0	0%	Meeting to be held with key users during September to determine scope of works.	
BILLY DUNN OVAL UPGRADE	15	0	15	0	15	15	0	0%	For new storage shed. Sports Council will coordinate.	
RYLSTONE SHOWGROUND UPGRADE	280	0	280	0	280	280	0	0%	Program of works currently being developed. Meeting to be held early September.	
SAMMY'S FLAT SYNTHETIC CRICKET PITCH	6	0	6	0	6	6	0	0%	Orders completed works to commence August/September.	
GLEN WILLOW SOCCER AMENITIES REBUILD	0	0	0	0	0	0	6	0%	Approval has been given from the insurer to commence demolition. Council has sought quotes and appointed a contractor who will commence demolition by end of August 2013.	
GULGONG SHOWGROUND UPGRADE	50	0	50	0	50	50	0	0%	Proposed list of works required from Showground Committee, however, this work will not be classified as "Capital" for Council's accounting purposes.	

\$'000	Original Annual Budget	Approved Variations	Revised Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	% Proposed Annual Budget	Comment
MUDGEESKATE PARK	0	55	55	0	55	46	83%	Grant funded bubbler to be installed once water connection completed. Expected to be completed during September.
MUDGEES SHOWGROUNDS - AMENITIES	20	0	20	0	20	0	0%	Works commenced to upgrade amenities building adjacent to camping area. New gas hot water units installed.
PASSIVE PARKS - LANDSCAPING IMPROVEMENTS	5	0	5	0	5	0	0%	Budget for ongoing landscape improvements in Council passive parks.
RED HILL RESERVE - TOURISM DEVELOPMENT INVESTIGATION	50	0	50	0	50	0	0%	Submission for grant funding submitted, result expected November 2013.
PLAYGROUND EQUIPMENT - SHADE SAILS	0	15	15	0	15	0	0%	Bellevue shade sails to be installed in conjunction with playground equipment.
SCULPTURES ACROSS THE REGION	30	0	30	0	30	0	0%	This project is fully grant funded. Grant funding currently being pursued.
AVISFORD RESERVE - CAPITAL	40	0	40	0	40	0	0%	Plan of Management prepared and on exhibition. Further report to be provided to Council.
PLAYGROUND EQUIPMENT - REDBANK PARK MUDGEES	30	0	30	0	30	0	0%	Order complete, playground installation in approx 8-10 weeks.
PLAYGROUND EQUIPMENT - APEX PARK MUDGEES	20	0	20	0	20	0	0%	Order complete, playground installation in approx 8-10 weeks.
PLAYGROUND EQUIPMENT - PEARL PARK GULGONG	20	0	20	0	20	0	0%	Order complete, playground installation in approx 8-10 weeks.
PLAYGROUND EQUIPMENT - VICTORIA PARK MUDGEES	10	0	10	0	10	0	0%	Quotes being obtained for removal of old playground adjacent to grandstand.
LAWSON PARK BBQ SHELTER - RE-BUILD	0	0	0	0	0	3	0%	Awaiting insurance approval to re-build BBQ area. Budget variation to be included as part of September CBR.
STREETSCAPE CAPITAL IMPROVEMENTS	15	0	15	0	15	0	0%	For minor streetscape improvement works across course of year.
STREETSCAPE - BIN REPLACEMENT PROGRAM	13	0	13	0	13	0	0%	Quote received and bins to be ordered.
STREETSCAPE - RECYCLING BIN PROGRAM	10	0	10	0	10	0	0%	Grant funded project to introduce recycling bins to the CBD of Mudgee, Gulgong, Rylstone and Kandos. Bins to be ordered when grant money becomes available.
<b>Total</b>	<b>1,167</b>	<b>255</b>	<b>1,422</b>	<b>81</b>	<b>1,503</b>	<b>98</b>	<b>7%</b>	



\$'000	Original Annual Budget		Revised Annual Budget		Proposed Variations		Proposed Annual Budget		Proposed Annual Budget - Actual YTD		% Proposed Annual Budget		Comment
	Annual Budget	Variations	Annual Budget	Variations	Annual Budget	Variations	Annual Budget	Variations	Annual Budget	Variations	Annual Budget	Variations	
	53	0	53	0	53	0	53	0	53	0	0	0%	This budget provides for infrastructure renewals at rural waste transfer stations. The focus will be on Wollar, Birriwa, Goolima and Lue.
	30	0	30	0	30	0	30	0	30	0	0	0%	Upgrades associated with operating licence requirements. Litter control fencing will be purchased, weather station and upgraded leachate pump.
	5	0	5	0	5	0	5	0	5	0	0	0%	Queens Pinch Waste Transfer Station - awaiting gazettal and Certificate of Title to complete.
	100	0	100	0	100	0	100	0	100	0	0	0%	Capital program to be presented to Council in September.
	555	117	672	0	672	0	672	0	672	0	0	0%	Presently out to tender for work.
	53	0	53	0	53	0	53	0	53	2	2	3%	Ongoing throughout the year.
	60	0	60	0	60	0	60	0	60	0	0	0%	The environmental assessment has been completed and works will commence in September 2013. The two causeways that will be replaced are Norlembah Road and Iron Barks Road causeways.
	0	4	4	0	4	0	4	0	4	0	0	0%	Ongoing throughout the year.
	15	0	15	0	15	0	15	0	15	0	0	0%	Ongoing maintenance and plantings being undertaken in accordance with master plan.
	128	0	128	0	128	0	128	0	128	0	0	0%	Provision of new connections to subdivisions and other new developments as required.
	3,510	0	3,510	0	3,510	0	3,510	0	3,510	0	0	0%	Upgrades required for Mudgee WTP associated with Caerleon growth.
	0	5	5	0	5	0	5	0	5	0	0	0%	Budget for manufacturing lid for newly constructed pit.
	750	21	771	0	771	0	771	0	771	0	0	0%	Contract has been awarded to Leed Constructions. Awaiting confirmation from the Dam Safety Committee regarding endorsement of the design.
	20	0	20	(20)	0	(20)	0	0	0	0	0	0%	Budget only
	0	0	0	20	20	0	20	0	20	0	0	0%	Upgrade of analogue telemetry system to digital in Mudgee.
	26	0	26	0	26	0	26	0	26	0	0	0%	Installation of flow meters and associated telemetry monitoring equipment within the water distribution system. construction works will commence after the summer period.
	280	0	280	(234)	46	(234)	46	9	46	9	20%	Budget only, program of works set out below.	
	0	0	0	40	40	0	40	0	40	0	0	0%	Works programmed for November.

	Original Annual Budget	Approved Variations	Revised Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	% Proposed Annual Budget	Comment
WATER MAINS - DECOMMISSION	0	0	0	18	18	0	0%	Decommissioning of mains around Mudgee.
WATER MAINS - CHURCH ST	0	0	0	70	70	0	0%	Works programmed for December 2013.
WATER MAINS - GLADSTONE ST	0	0	0	10	10	0	0%	Completed July 2013.
WATER MAINS - LOVEJOY ST	0	0	0	30	30	0	0%	Water main replacement scheduled for completion in August 2013.
WATER MAINS - PERRY ST (GLADSTONE TO DENISON)	0	0	0	45	45	0	0%	To be undertaken in the October school holiday period.
WATER MAINS - LOJEE ST	0	0	0	8	8	0	0%	Works programmed for November.
WATER MAINS - DABEE ST	0	0	0	9	9	0	0%	Works programmed for completion by October.
WATER PUMP STATION - CAPITAL BUDGET ONLY	62	0	62	(45)	17	0	100%	Budget only.
WATER PUMP STATION - RYLSTONE CLEARWATER	0	0	0	35	35	0	0%	Overhaul of cleanwater pump due to leakage, programmed for completion in October 2013.
WATER RESERVOIR - FLIRTATION HILL MUDGEE	70	0	70	0	70	0	0%	Reservoir refurbishment planning underway. Diving works to be scheduled based on specialised contractor availability.
RESERVOIRS - PALERMO RD MUDGEE	50	0	50	0	50	0	0%	Reservoir refurbishment planning underway. Diving works to be scheduled based on specialised contractor availability.
WATER METERS - BULK	90	0	90	0	90	8	8%	Program to replace water meters greater than 15 years old.
VALVE INSTALLATION - MEARES ST	0	0	0	5	5	0	0%	Works programmed for September.
MAG FLOW METER INSTALLATION - MUDGEE BORE	0	0	0	10	10	0	0%	Works programmed for late in the financial year.
SEWER NEW CONNECTIONS	45	0	45	0	45	3	6%	Provision of new connections associated with new development.
SLUDGE DEWATERING MOBILE UNIT	350	0	350	0	350	0	0%	Purchase of mobile sludge dewatering unit to process STP sludge and lime sludge at WTPs. Tender documentation currently being prepared for tender during September.
SEWER AUGMENTATION - RYLSTONE & KANDOS	500	60	560	0	560	0	0%	Power supply design and land matters are currently on-hold until further investigation of staging options is prepared over the next four months.
SEWER AUGMENTATION - MUDGEE	1,950	1,054	3,004	(850)	2,154	4	0%	STP and Pump Station will be commissioned in September and October. Augmentation's expected completion is October 2013.
SEWER TELEMETRY	20	0	20	0	20	0	0%	Upgrade of analogue telemetry system to digital in Mudgee.

Item	Original Annual Budget		Revised Annual Budget		Proposed Variations	Proposed Annual Budget	Actual YTD	% Proposed Annual Budget	Comment
	Original Annual Budget	Approved Variations	Revised Annual Budget	Proposed Variations					
SEWER MAINS - CAPITAL BUDGET ONLY	350	0	350	(45)	305	0	0%	Budget only. Complete program of works still in development.	
SEWER MAINS - BURRUNDULLA AVE	0	0	0	25	25		0%	Sewer main replacement in Burrundulla Avenue will be undertaken in September 2013.	
SEWER MAINS RELINING	12	38	50	0	50	0	0%	Sewer main relining tender documents are currently being prepared for tender in September 2013.	
SEWER MAINS - MUDGEES INDUSTRIAL AREA	0	22	22	20	42	4	10%	Construction of new sewer gravity main and rising main to service south Mudgee Area. 2013 remaining project budget revoted due to wet weather preventing project completion in June. Project will now be completed in August 2013.	
SEWER MAINS - BELLEVUE TO RIFLE RANGE ROAD	0	47	47	0	47	0	0%	Council contribution towards installing sewer main Bellevue to Rifle Range Road. Developer works have commenced with Council's Development Engineering Manager inspecting works as per development consent conditions. Works program not in Council's control.	
SEWER MAINS - RISING MAIN CAERLEON	0	0	0	850	850	0	0%	Construction of new rising main from Caerleon to new STP. Timing will be in association with approval timing of Caerleon Construction Certificate.	
SEWER PUMP STATION - CAPITAL BUDGET ONLY	417	(50)	367	(365)	2	0	0%	Budget only. Program of works set out below.	
SEWER PUMP STATION - INDUSTRIAL	0	52	52	0	52	1	2%	Construction of new pump station to service South Mudgee Area. 2013 remaining budget revoted due to wet weather preventing project completion in June 2013. Project will now be completed in August 2013.	
SEWER PUMP STATION - FLOW METERING	50	0	50	0	50	0	0%	Installation of flow meters at Mudgee sewer pump stations to better monitor and control sewerage system.	
SEWER PUMP STATION - CAERLEON	0	0	0	350	350	0	0%	Construction of new pump station to service new suburb. Timing will be in association with approval timing of Caerleon Construction Certificate.	
SEWER TREATMENT WORKS - MUDGEES	45	0	45	0	45	0	0%	For emergency or major maintenance works across course of year.	
DECOMMISSION OLD MUDGEES INDUSTRIAL SPS	0	0	0	15	15	0	0%	Decommissioning works at old Mudgee Industrial STP will commence after commissioning of the new STP.	

\$'000	Original Annual Budget	Approved Variations	Revised Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	% Proposed Annual Budget	Comment
	150	0	150	0	150	0	0%	Decommissioning works at Mudgee STP will commence after commissioning of the new STP
	5	0	5	0	5	0	0%	Ongoing throughout the year.
<b>Total</b>	<b>9,750</b>	<b>1,370</b>	<b>11,120</b>	<b>0</b>	<b>11,120</b>	<b>31</b>	<b>0%</b>	

### Building a Strong Local Economy

RIVERSIDE CARAVAN PARK - POWER POLES	0	10	10	0	10	0	0%	Request received to consider underground power. Quotes to be obtained.
RYLSTONE CARAVAN PARK - CAPITAL	15	0	15	0	15	0	0%	Quotes being sought for re-tiling and partition replacement in the amenities buildings.
ENTRANCE SIGNAGE	0	131	131	0	131	0	0%	Signage options currently out for community feedback. A further report to be presented to Council on engagement results.
TECHNOLOGY PARK	5	0	5	0	5	0	0%	Not started
SALEYARDS - CAPITAL BUDGET ONLY	20	0	20	0	20	0	0%	Design has started on the upgraded switchboard and works will continue throughout the year on replacing damaged posts.
PROPERTY - MUDGEE AIRPORT SUBDIVISION	0	180	180	0	180	0	0%	Plan of subdivision lodged and awaiting registration. Settlement anticipated in September 2013.
PROPERTY - KANDOS SURPLUS LAND BLOCKS	6	0	6	0	6	0	0%	Finalising investigations and surveys to consider marketing allotment in Dunn Street - awaiting new certificate of title to proceed.
PROPERTY - EX SALEYARDS STAGE I	50	0	50	0	50	6	12%	Review of Draft Concept Review in order to progress DA.
<b>Total</b>	<b>96</b>	<b>321</b>	<b>417</b>	<b>0</b>	<b>417</b>	<b>6</b>	<b>1%</b>	

### Connecting our Region

URBAN RESEALS - BUDGET ONLY	366	0	366	(366)	0	0	0%	Urban reseals are planned for February 2014.
URBAN RESEALS - DENISON STREET	0	0	0	11	11	0	0%	Urban reseals are planned for February 2014.
URBAN RESEALS - CHURCH ST	0	0	0	115	115	0	0%	Urban reseals are planned for February 2014.
URBAN RESEALS - HENBURY AVE	0	0	0	29	29	0	0%	Urban reseals are planned for February 2014.
URBAN RESEALS - BURRUNDULLA AVENUE	0	0	0	46	46	0	0%	Urban reseals are planned for February 2014.

	Original Annual Budget		Revised Annual Budget		Proposed Annual Budget		Proposed Annual Budget		% Proposed Annual Budget	Comment
	Original Annual Budget	Approved Variations	Revised Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	% Proposed Annual Budget			
URBAN RESEALS - GLADSTONE STREET	0	0	0	0	36	36	0	0	0%	Urban reseals are planned for February 2014.
URBAN RESEALS - LITTLE BAYLY STREET	0	0	0	0	4	4	0	0	0%	Urban reseals are planned for February 2014.
URBAN RESEALS - MADEIRA ROAD	0	0	0	0	42	42	0	0	0%	Urban reseals are planned for February 2014.
URBAN RESEALS - MAYNE STREET	0	0	0	0	16	16	0	0	0%	Urban reseals are planned for February 2014.
URBAN RESEALS - MULGOA WAY	0	0	0	0	4	4	0	0	0%	Urban reseals are planned for February 2014.
URBAN RESEALS - PERRY STREET	0	0	0	0	29	29	0	0	0%	Urban reseals are planned for February 2014.
URBAN RESEALS - ROBERTSON STREET	0	0	0	0	36	36	0	0	0%	Urban reseals are planned for February 2014.
URBAN ROADS KERB & GUTTER CAPITAL	22	0	22	0	22	22	0	0	0%	This work has commenced and will continue throughout the first half of this financial year.
REHAB - PERRY ST MUDGE (MORTIMER TO GLADSTONE)	350	0	350	0	350	350	0	0	0%	The rehab is planned for February 2014.
REHAB - MORTIMER ST MUDGE (CHURCH TO LEWIS)	550	0	550	0	550	550	1	1	0%	The scope has been determined and the design for the new pedestrian crossing has been completed. Consultation with the businesses and affected parties has commenced. Works are planned to start in September 2013 following resolution by Council.
REHAB - CHURCH ST MUDGE (GLADSTONE TO DENISON)	750	0	750	0	750	750	1	1	0%	The scope has been determined. Works are planned to commence in January 2014.
RESHEETING - URBAN ROADS	13	0	13	0	13	13	0	0	0%	Ongoing throughout the year.
URBAN ROADS LAND MATTERS CAPITAL	14	4	18	0	18	18	0	0	0%	Library Lane matter almost complete with LPI for registration. Unformed section of road reserve in Richards Street - objections received concerning road closure.
RURAL SEALED ROADS RESEALS BUDGET	749	(32)	717	(717)	(0)	(0)	0	0	0%	Preparation for the rural reseals will commence in August and the reseals are planned for November 2013.
RURAL RESEAL - HENRY LAWSON DR FROM DREWS LANE	0	0	0	65	65	65	0	0	0%	Rural reseals are planned for November 2013.
RURAL RESEAL - CRUDINE ROAD	0	0	0	68	68	68	0	0	0%	Rural reseals are planned for November 2013.
RURAL RESEALS - LUE ROAD (EX RYLSTONE)	0	0	0	64	64	64	0	0	0%	Rural reseals are planned for November 2013.
RURAL RESEAL - KAINS FLAT RD	0	0	0	24	24	24	0	0	0%	Rural reseals are planned for November 2013.

\$'000	Original Annual Budget	Approved Variations	Revised Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	% Proposed Annual Budget	Comment
	0	0	0	71	71	0	0%	Rural reseals are planned for November 2013.
	0	0	0	63	63	0	0%	Rural reseals are planned for November 2013.
	0	0	0	53	53	1	2%	Rural reseals are planned for November 2013.
	0	0	0	77	77	0	0%	Rural reseals are planned for November 2013.
	0	0	0	96	96	0	0%	Rural reseals are planned for November 2013.
	0	0	0	34	34	0	0%	Rural reseals are planned for November 2013.
	0	0	0	56	56	0	0%	Rural reseals are planned for November 2013.
	0	0	0	15	15	0	0%	Rural reseals are planned for November 2013.
	0	0	0	3	3	0	0%	Rural reseals are planned for November 2013.
	0	0	0	31	31	0	0%	Rural reseals are planned for November 2013.
	254	32	286	0	286	36	13%	This project has commenced. Drainage works and shoulder widening is completed. Project completion is planned for September.
	0	71	71	0	71	8	11%	Councils involvement with the design of this project is completed. Final invoices have been submitted. It is unlikely that this physical works will occur this year following the uncertainty of the mine project.
	200	0	200	0	200	11	5%	Aboriginal investigations and environmental assessment have commenced. The commencement date will be dependent on the results from the Aboriginal survey.
	200	0	200	0	200	0	0%	This project will commence in October 2013.
	150	0	150	0	150	0	0%	Heavy patching works have commenced, starting on the Lue Road and will continue through out the year on various local roads.

Item	Original		Revised		Proposed		% Proposed Annual Budget	Comment
	Annual Budget	Variations	Annual Budget	Variations	Annual Budget	YTD Annual Budget		
BLACKSPOT YARRAWONGA RD SHOULDER WIDENING	0	0	0	580	580	0	0%	Negotiations are underway with RMS Road Safety to finalise the scope of this project. The environmental and Aboriginal assessments are underway. Works are planned to commence in February 2014. Budget variation is to transfer the project to the correct Roads Function.
RURAL SEALED ROAD LAND MATTERS	11	0	11	0	0	0	0%	Coxs Crown Road and Lue Road (Havilah) progressing as planned.
RURAL SEALED REGIONAL ROAD RESEALS	623	0	623	(623)	0	0	0%	Program of works yet to be finalised.
REGIONAL ROAD REPAIR PROGRAM	800	0	800	0	800	0	0%	Dependent upon success of RMS REPAIR funding applications.
BLACKSPOT BYLONG VALLEY WAY - GROWEE GULPH	0	0	0	0	0	11	0%	This project was practically completed late financial year, however RMS Road Safety are providing additional funding this year to carry out resealing works. This is planned for November 2013.
BLACKSPOT COPE RD SHOULDER WIDENING	550	0	550	0	550	0	0%	The project has been determined and agreed with RMS Road Safety. The environmental and Aboriginal surveys are taking place. It is anticipated that this project will have aboriginal heritage issues and therefore may have to be staged to allow approvals to be sort.
BLACKSPOT COPE RD SHOULDER WIDENING	430	0	430	0	430	0	0%	The project has been determined and agreed with RMS Road Safety. The environmental and Aboriginal surveys are taking place and permit requests have been submitted to Fisheries for the culvert extensions. This project is planned to commence in September 2013.
BLACKSPOT YARRAWONGA RD SHOULDER WIDENING	580	0	580	(580)	0	0	0%	Negotiations are underway with RMS road safety regard to finalise the scope of this project. The environmental and aboriginal assessments are underway. Works are planned to commence in February 2014. Proposed budget variation is to transfer the project to the correct Roads Function.
BLACKSPOT ULAN RD - MUDHUT CREEK ROAD	880	0	880	(280)	600	1	0%	Environmental and Aboriginal assessments are underway. This project is planned to commence in December 2013 and continue into the new year.

\$'000	Original Annual Budget	Approved Variations	Revised Annual Budget	Proposed Variations	Proposed Annual Budget	Proposed Annual Budget - Actual YTD	% Proposed Annual Budget	Comment
BLACKSPOT ULAN RD - RIDGE ROAD INTERSECTION	0	0	0	220	220	0	0%	Works programmed for January 2014. Will follow on from completion of Mud Hut intersection works. To be done in conjunction with Ulan Road REPAIR funded works.
REHAB COPE ROAD UPGRADE BUDGET ONLY	0	400	400	0	400	0	0%	To be undertaken in conjunction with other Cope Road projects.
REPAIR - ULAN RD MR214	0	33	33	0	33	0	0%	November.
ULAN & COPE ROAD UPGRADES	72	0	72	0	72	0	0%	Works to be undertaken across course of year, as required. Likely to be heavy patching.
REG RESEAL - WOLLAR RD MR208	0	0	0	160	160	0	0%	Following inspection of Wollar Road, some segments require reseal, however other segments will need heavy patching to rectify failures.
REG RESEAL - HILL END RD	0	0	0	24	24	0	0%	Regional Road reseals programmed for October/November.
REG RESEAL - GOLLAN RD	0	0	0	67	67	0	0%	Regional Road reseals programmed for October/November.
REG RESEAL - ULAN RD	0	0	0	36	36	0	0%	Regional Road reseals programmed for October/November.
REG RESEALS & HP - COX STREET - RYLSTONE	0	0	0	39	39	0	0%	Regional Road reseals programmed for October/November.
REG RESEALS - BYLONG VALLEY WAY MR215	0	0	0	122	122	0	0%	Regional Road reseals programmed for October/November.
REG RESEALS - COPE ROAD MR598	0	0	0	84	84	0	0%	Regional Road reseals programmed for October/November.
REG RESEALS - ROUSE STREET MR598	0	0	0	34	34	0	0%	Regional Road reseals programmed for October/November.
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	4	0	4	0	4	0	0%	Black Spot Program - Ulan Road Budget - progressing as planned
SEAL EXTENSION - ULAN-WOLLAR RD	0	169	169	0	169	(0)	0%	Environmental and Aboriginal assessments are underway. This project is planned for January 2014.
SEAL EXTENSION - BERAGOO ROAD	16	0	16	0	16	0	0%	This project is planned to coincide with the grading and resheeting program. At this stage, seal is planned for October/November 2013.
RESHEETING - BUDGET ONLY	921	431	1,352	0	1,352	103	8%	Works have commenced and will continue throughout the year.
UNSEALED ROADS LAND MATTERS CAPITAL	6	0	6	0	6	0	0%	Whitehouse/Cope Road realignment - progressing as planned.
RURAL UNSEALED REGIONAL ROAD RESHEETING	50	0	50	0	50	0	0%	This project will follow on from the Wollar Road seal extension. Commencement planned for March 2014.



Item	Original Annual Budget		Approved Variations		Revised Annual Budget		Proposed Variations		Proposed Annual Budget		% Proposed Annual Budget		Comment
	Original Annual Budget	Approved Variations	Revised Annual Budget	Proposed Variations	Proposed Annual Budget	Proposed Variations	Proposed Annual Budget	Proposed Variations	Actual YTD	Annual Budget	Annual Budget	Annual Budget	
SEAL EXTENSION - WOLLAR ROAD	220	0	220	57	277	0	277	0	0	0	0	0%	This work will be completed in October 2013.
FOOTWAYS - CAPITAL BUDGET ONLY	115	0	115	0	115	0	115	0	0	0	0	0%	Works have commenced and will continue through the first half of the year.
PEDESTRIAN - KANDOS TO CLANDULLA	20	60	80	0	80	0	80	0	0	0	0	0%	This project will be planned once approvals from ARTC / John Holland are received.
PEDESTRIAN - CHARBON PEDESTRIAN BRIDGE	0	99	99	0	99	0	99	0	0	0	0	0%	Still awaiting formal approval from ARTC/ John Holland.
CBD TAXI RANK SHELTER	0	18	18	0	18	0	18	0	0	0	0	0%	Design documentation prepared, and DA lodged.
PEDESTRIAN - GLEN WILLOW WALKWAY	300	0	300	0	300	0	300	0	0	0	0	0%	Currently out for tender, closing late August. A report on the tenders will then be presented to Council.
GULGONG WALKWAY	40	0	40	0	40	0	40	15	15	15	39%	This majority of this project is complete. The final section at the cemetery entrance will be undertaken in conjunction with the intersection works for the Springfield widening project.	
AIRPORT EXTEND TAXIWAY	0	0	0	0	0	0	0	(18)	(18)	(18)	0%	This amount provides for Councils contribution to the apron for the new airport hanger development. The negative balance is an accrual from 2013, which will reverse once payment is made.	
AIRPORT - APPROACH LIGHTS	10	0	10	0	10	0	10	4	4	4	43%	The LED lights have been ordered and it is anticipated they will be installed in November/December.	
<b>Total</b>	<b>9,266</b>	<b>1,285</b>	<b>10,551</b>	<b>(60)</b>	<b>10,491</b>	<b>174</b>	<b>10,491</b>	<b>174</b>	<b>2%</b>				

**Good Government**

MWRC MUDGE DEPOT CAPITAL UPGRADE	270	0	270	0	270	0	270	0	0	0	0%	Works commenced, estimated completion in December.
STABLES COMPLEX	15	0	15	0	15	0	15	0	0	0	0%	To treat rising damp. Currently obtaining quotes.
IT CORPORATE SOFTWARE	51	0	51	0	51	0	51	0	0	0	0%	Discussions to be held in August with vendor over ePlanning modules.
IT RECORDS MANAGEMENT IMPLEMENTATION	0	70	70	0	70	0	70	0	0	0	0%	New Records Management system went live in July 2013. Ongoing system development and workflow process mapping continues.
SMART PHONE APPLICATION	5	0	5	0	5	0	5	0	0	0	0%	Scoping work being undertaken to determine costs.

\$'000	Original Annual Budget	Approved Variations	Revised Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	% Proposed Annual Budget	Comment
	1,747	0	1,747	0	1,747	14	1%	Tenders for heavy plant will be advertised in Dec and Jan with all deliveries to be made in April/May.
	0	7	7	0	7	0	0%	Smart fuel meters to be commissioned during August 2013.
	5	0	5	0	5	0	0%	Replacement of uninterrupted power supply (UPS) units at Mt Misery to keep water and sewer infrastructure online.
<b>Total</b>	<b>2,093</b>	<b>77</b>	<b>2,170</b>	<b>0</b>	<b>2,170</b>	<b>14</b>	<b>1%</b>	

**Total Capital Works Program**

**22,373      3,308      25,681      21      25,702      323      1%**

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

REPORT BY THE FINANCIAL ACCOUNTANT TO 18 SEPTEMBER 2013 COUNCIL MEETING

Bankrep

A0100056, A0140304

### RECOMMENDATION

That:

1. **the report by the Financial Accountant on the Monthly statement of Mid-Western Regional Council bank balances and investments as at 31 August 2013 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

Not Applicable

## Strategic or policy implications

Not Applicable

NEIL BUNGATE  
FINANCIAL ACCOUNTANT

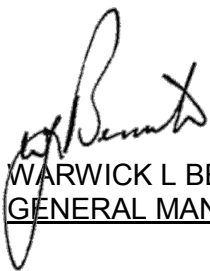
CLARE PHELAN  
DIRECTOR, FINANCE & ADMINISTRATION

4 September 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-Aug-13

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
National Australia Bank	\$ 245,630	\$ 10,811,190	\$ 9,866,771	\$ 1,190,049	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 31/08/2013

Investments	Type	Amount	Yield %	Maturity Date	Placement Date	Term	Rating	Govt Rating	NAV	% of Portfolio
National Australia Bank	At Call	\$ 300,000	2.80%	N/A		At Call	A-1+	1		0.9%
National Australia Bank	Term Deposit	\$ 1,000,000	4.12%	2/10/2013	19/06/2013	105	A-1+	2		2.9%
National Australia Bank	Term Deposit	\$ 1,000,000	4.13%	9/10/2013	26/06/2013	105	A-1+	2		2.9%
National Australia Bank	Term Deposit	\$ 1,000,000	4.20%	16/10/2013	3/07/2013	105	A-1+	2		2.9%
National Australia Bank	Term Deposit	\$ 1,000,000	4.15%	30/10/2013	17/07/2013	105	A-1+	2		2.9%
National Australia Bank	Term Deposit	\$ 2,000,000	4.06%	20/11/2013	31/07/2013	112	A-1+	2		5.7%
National Australia Bank	Term Deposit	\$ 500,000	3.95%	27/11/2013	7/08/2013	112	A-1+	2		1.4%
National Australia Bank	Term Deposit	\$ 500,000	3.91%	4/12/2013	15/08/2013	111	A-1+	2		1.4%
National Australia Bank	Term Deposit	\$ 1,000,000	4.15%	22/01/2014	17/07/2013	189	A-1+	2		2.9%
St George Bank	Term Deposit	\$ 1,300,000	3.75%	18/12/2013	28/08/2013	112	A-1+	1		3.7%
St George Bank	Term Deposit	\$ 2,500,000	4.15%	18/09/2013	5/06/2013	105	A-1+	2		7.1%
St George Bank	Term Deposit	\$ 800,000	4.15%	25/09/2013	7/06/2013	110	A-1+	2		2.3%
St George Bank	Term Deposit	\$ 1,500,000	4.10%	9/10/2013	26/06/2013	105	A-1+	2		4.3%
St George Bank	Term Deposit	\$ 700,000	4.20%	23/10/2013	10/07/2013	105	A-1+	2		2.0%
St George Bank	Term Deposit	\$ 1,000,000	3.92%	4/12/2013	15/08/2013	111	A-1+	2		2.9%
Commonwealth Bank	Term Deposit	\$ 1,000,000	4.10%	6/11/2013	25/07/2013	104	A-1+	1		2.9%
Commonwealth Bank	Term Deposit	\$ 1,000,000	4.10%	6/11/2013	25/07/2013	104	A-1+	2		2.9%
Westpac Bank	Term Deposit	\$ 1,000,000	4.17%	4/09/2013	29/05/2013	98	A-1+	1		2.9%
Westpac Bank	Term Deposit	\$ 1,000,000	4.17%	11/09/2013	30/05/2013	104	A-1+	2		2.9%
Westpac Bank	Term Deposit	\$ 1,200,000	4.20%	23/10/2013	10/07/2013	105	A-1+	2		3.4%
Westpac Bank	Term Deposit	\$ 2,000,000	4.23%	23/10/2013	3/07/2013	112	A-1+	2		5.7%
ANZ	Term Deposit	\$ 1,000,000	4.00%	13/11/2013	31/07/2013	105	AA	1		2.9%
ING Australia Bank	Term Deposit	\$ 2,200,000	4.15%	11/09/2013	7/06/2013	96	A-1	1		6.3%
ING Australia Bank	Term Deposit	\$ 1,500,000	4.18%	25/09/2013	12/06/2013	105	A-1	2		4.3%
ING Australia Bank	Term Deposit	\$ 1,000,000	4.19%	9/10/2013	26/06/2013	105	A-1	2		2.9%
Bank of Queensland	Term Deposit	\$ 1,000,000	3.95%	26/02/2014	28/08/2013	182	A-2	1		2.9%
Bank of Queensland	Term Deposit	\$ 1,000,000	4.23%	9/10/2013	26/06/2013	105	A-2	2		2.9%
Beyond Bank Australia	Term Deposit	\$ 1,000,000	3.85%	11/12/2013	21/08/2013	112	A-2	1		2.9%
Members Equity Bank	Term Deposit	\$ 1,000,000	4.28%	2/10/2013	19/06/2013	105	A-2	1		2.9%
Members Equity Bank	Term Deposit	\$ 1,000,000	4.03%	27/11/2013	7/08/2013	112	A-2	2		2.9%
Longreach Series 26	Property Linked Note	\$ 1,000,000		7/06/2014		7 yrs	A+	-	\$ 980,600	2.9%
<b>Total Investments</b>		<b>\$ 35,000,000</b>								<b>100.0%</b>

Average Yield 3.98%

## Financial Claims Scheme

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

ATTACHMENT 2

MWRC Policy Requirements:

Investments by Institution	Long/Short Term Ratings	Amount	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA/A-1+	\$ 8,300,000	23.7%	25.0%
St George Bank	AA/A-1+	\$ 7,800,000	22.3%	25.0%
Commonwealth Bank	AA/A-1+	\$ 2,000,000	5.7%	25.0%
Westpac Bank	AA/A-1+	\$ 5,200,000	14.9%	25.0%
ANZ	AA/A-1	\$ 1,000,000	2.9%	25.0%
Longreach	A+/A-1	\$ 1,000,000	2.9%	20.0%
ING Australia Bank	A/A-1	\$ 4,700,000	13.4%	15.0%
Bank of Queensland	BBB+/A-2	\$ 2,000,000	5.7%	10.0%
Beyond Bank Australia	BBB+/A-2	\$ 1,000,000	2.9%	10.0%
Members Equity Bank	BBB/A-2	\$ 2,000,000	5.7%	10.0%
		<u>\$ 35,000,000</u>	<u>100.0%</u>	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AAA/A-1+	\$ 23,300,000	66.6%	100.0%
	AA/A-1	\$ 1,000,000	2.9%	100.0%
	A/A-1	\$ 5,700,000	16.3%	60.0%
	BBB/A-2	\$ 5,000,000	14.3%	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%	
		<u>\$ 35,000,000</u>	<u>100.0%</u>	

Term to Maturity	Amount	Actual	% of Portfolio	
			Minimum	Maximum
Less than 1 year	\$ 34,000,000	97.1%	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	\$ 1,000,000	2.9%	0.0%	25.0%
	<u>\$ 35,000,000</u>	<u>100.0%</u>		

## ATTACHMENT 3

**Monthly Investment Portfolio Activity:**

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

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance	Change in interest rate	Change in Term (days)	New Term Rate
National Australia Bank	\$ 640,000	\$ 340,000	\$ 300,000	-0.25%	At Call	2.80%
Members Equity Bank	\$ 1,000,000	\$ -	\$ 1,000,000	-0.30%	21	4.03%
Bendigo & Adelaide Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
National Australia Bank	\$ -		\$ 500,000	New Deposit		3.95%
St George Bank	\$ 1,000,000	\$ -	\$ 1,000,000	-0.23%	19	3.92%
National Australia Bank	\$ -		\$ 500,000	New Deposit		3.91%
Westpac Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
Beyond Bank Australia	\$ -		\$ 1,000,000	New Deposit		3.85%
St George Bank	\$ 1,000,000		\$ 1,300,000	-0.45%	14	3.75%
Bank of Queensland	\$ 700,000		\$ 1,000,000	-0.33%	77	3.95%
	<u>\$ 6,340,000</u>		<u>\$ 6,600,000</u>			

**Net Portfolio Movement**                      **\$260,000 Addition**

## 6.2.7 Tender for the supply and delivery of bulk fuel, oil and lubricants

REPORT BY THE DIRECTOR, FINANCE & ADMINISTRATION TO 18 SEPTEMBER 2013 COUNCIL MEETING

Tender for bulk fuel

GOV400029, A0100056, A0100026

### RECOMMENDATION

#### That:

1. **the report by the Director, Finance & Administration on the Tender for the supply and delivery of bulk fuel, oil and lubricants be received;**
2. **Council accept the tender of Centrel Pty Ltd trading as Reliance Petroleum BP as the single source supplier of bulk fuel for a period of 24 months from 1 October 2013 to 30 September 2015; and**
3. **Provision be allowed for a 12 month extension based on satisfactory bulk fuel supplier performance which may take this through to 30 September 2016; and**
4. **Council accept the tender of Castrol as the preferred supplier of oils and lubricants for a period of 24 months from 1 October 2013 to 30 September 2015; and**
5. **Provision be allowed for a 12 month extension based on satisfactory oil and lubricant supplier performance which may take this through to 30 September 2016.**

### Executive summary

Regional Procurement® has called a Single Source tender for the supply and delivery of bulk fuel, oil and lubricants on behalf of HROC member Council's, including Mid-Western Regional Council.

This contract will run for a period of 24 months from the 1 October 2013 with a 1 year option which may be taken up based on satisfactory performance by the successful tenderer.

The recommended tenderer for bulk fuel is Centrel Pty Ltd trading as Reliance Petroleum BP.

The recommended tenderer for bulk oil and lubricants is Valvoline, noting however, that Council has a number of warranty obligations that will require continued use of other branded oils and lubricants.

### Detailed report

This tender was advertised in the following media:

- 22 June 2013 Newcastle Herald
- 22 June 2013 uploaded to Tenderlink
- 25 June 2013 Sydney Morning Herald



- 5 July 2013 Mudgee Guardian

Caltex was contacted and invited to tender. Suppliers who had made submission to the previous tender were contacted and the tender download fee was waived or reimbursed.

The tender closed at 10am on 16 July 2013.

Seventeen tender documents were obtained. Eleven tender submissions in total were received from:

- Castrol Australia Pty Ltd
- Centrel Pty Ltd Trading as Reliance Petroleum BP
- Freedom Fuels Australia Pty Ltd
- Hasting Co-operative Ltd
- Hi-Tec Oil Traders Pty Ltd
- Maxi Tankers Pty Ltd
- Merriwa Petroleum & AG Supplies
- Park Pty Ltd
- Redpoint
- United Petroleum Pty Ltd
- Valvoline Australia Pty Ltd

No late tenders were received. There were no tenders deemed as non-conforming.

The tender evaluations were conducted on 13 August 2013 at the offices of Regional Procurement by:

- Maitland City Council – Neil Mitchell
- Cessnock City Council – Lindsay Clarke
- Regional Procurement – Craig Wade
- Regional Procurement – Leanne Roberts (Facilitator)

Conflict of Interest Declarations were signed by all participating evaluation panel members including the Regional Procurement facilitator. The declarations are available to be viewed if required.

ASIC checks were carried out on all tenderers.

For evaluation purposes, the percentage weightings and criteria were agreed upon prior to the tender closing.

CRITERIA	%
Price	55
Margin	5
Freight Differential	5
	<b>65</b>
Referees	5
ESD	10
WH&S	10
Quality Assurance	10
<b>Total</b>	<b>100</b>

The evaluation result is determined by:

- Adding the total value of all items together to determine the lowest overall price.

- The lowest overall amount awarded the full Criteria % for each Category as per the Table below.
- Each subsequent total \$ value is then divided into the lowest total amount to obtain a score.
- The tenderer's ability to meet specific requirements of the remaining evaluation criteria as determined by the panel.
- Finally all these were added together to give a score out of a 100.

For evaluation of bulk fuel, the pricing for delivery of 20,000 litres distillate to Council's Mudgee Depot was used. The evaluation results were:

Mid-Western Regional Council		FREEDOM	HASTINGS	MAXI - TANKERS	PARK PTY LTD	RELIANCE PETROLEUM	UNITED PETROLEUM
<b>CRITERIA</b>	<b>%</b>						
Price	55	53.18	No	53.38	54.21	53.30	55.00
Margin	5	0.33		0.25	0.64	0.67	5.00
Freight Differential	5	2.71	Tender	3.39	4.50	3.48	5.00
	65	56.22	Price	57.02	59.35	57.44	65.00
Referees	5	5.00		4.53	4.77	4.60	4.50
ESD	10	10.00	Submitted	10.00	10.00	10.00	4.00
WH&S	10	8.00		8.00	8.00	8.00	8.00
Quality Assurance	10	7.00	for this Council	10.00	4.00	10.00	2.00
<b>Total</b>	<b>100</b>	<b>86.22</b>		<b>89.56</b>	<b>86.12</b>	<b>90.04</b>	<b>83.50</b>

Mid-Western Regional Council		FREEDOM	HASTINGS	MAXI - TANKERS	PARK PTY LTD	RELIANCE PETROLEUM	UNITED PETROLEUM
<b>CRITERIA</b>	<b>%</b>						
Price	55	53.15	No	54.08	53.06	53.83	55.00
Margin	5	0.67		0.33	1.28	1.33	5.00
Freight Differential	5	1.17	Tender	1.63	5.00	0.19	0.10
	65	54.99	Price	56.04	59.34	55.35	60.10
Referees	5	5.00		4.53	4.77	4.60	4.50
ESD	10	10.00	Submitted	10.00	10.00	10.00	4.00
WH&S	10	8.00		8.00	8.00	8.00	8.00
Quality Assurance	10	7.00	for this Council	10.00	4.00	10.00	2.00
<b>Total</b>		<b>84.99</b>		<b>88.57</b>	<b>86.11</b>	<b>87.95</b>	<b>78.60</b>

Mid Western Regional		Castrol	Hi-Tech Oils	Park	Redpoint	Valvoline
<b>CRITERIA</b>	<b>%</b>					
Price	60	42.70	53.98	22.27	52.52	60.00
Referees	10	9.60	8.87	9.53	8.13	8.53
ESD	10	10.00	9.00	10.00	9.00	10.00
WH&S	10	9.00	4.00	8.00	8.00	8.00
Quality Assurance	10	10.00	8.00	4.00	10.00	10.00
<b>Total</b>	<b>100</b>	<b>81.30</b>	<b>83.84</b>	<b>53.81</b>	<b>87.65</b>	<b>96.53</b>

The fuel pricing was based on the date as at the 9 July 2013. All tenders were received as per tender specification with the price as at 9 July 2013.

Where applicable, Council has applied the Local Preference Policy to the Regional Procurement evaluation.

Based on the above evaluation results Reliance Petroleum are the recommended supplier for bulk fuel for the 24 month period noting the option of the 1 year extension subject to satisfactory performance. Whilst Reliance Petroleum did not achieve the highest overall score for ULP, Council purchases such a minimal volume of ULP (10,000 litres), that the estimated annual price difference between Maxi-Tankers and Reliance Petroleum is only \$400. This is outweighed by the administrative costs of having two bulk fuel suppliers.

Council also requires specially formulated winter distillate for Rylstone Depot over the winter months, to ensure continuity of plant operations.

Regional Procurement® will formally invite all unsuccessful tenderers to make an appointment to discuss their respective tender submissions with a view to providing them with feedback on the tender process.

### Financial implications

Council is currently operating under the NSW Government State Contract for bulk fuel, with an annual spend of approximately \$1.2 million. Assuming the price differential between Council's bulk distillate per litre rate at 9 July 2013 and the tendered price of Reliance holds consistent across the financial year, Council will achieve estimated savings of \$25,000 per annum on a purchase volume of 876,000 litres. This may vary depending on delivery location (Mudgee or Rylstone), and delivery size.

Council's current usage of oils and lubricants equates to an estimated annual spend of \$66,000. If Council were in a position to move in entirety to Valvoline, then annual savings would be approximately \$16,000. However, Council's current fleet has a number of warranty obligations that require use of specified oils and lubricants. As such, Council will not be in a position to narrow its oil and lubricant down to just Valvoline products, and will continue to utilise other brands as necessary.

### Strategic or policy implications

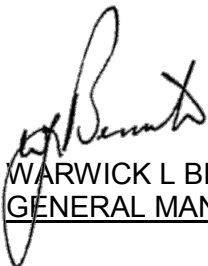
Council's Procurement Policy and Local Preference Policy applies.

CLARE PHELAN  
DIRECTOR, FINANCE & ADMINISTRATION

30 August 2013

*Attachments:* 1. Regional Procurement Tender Evaluation Matrix (included in the confidential section of this business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.8 Tender for the supply and delivery of MGB garbage bins and associated parts

REPORT BY THE DIRECTOR, FINANCE & ADMINISTRATION TO 18 SEPTEMBER 2013 COUNCIL MEETING

Tender for sulo bins

GOV400029, A0100056, A0100026

### RECOMMENDATION

**That:**

- 1. the report by the Director, Finance & Administration on the Tender for the supply and delivery of MGB garbage bins and associated parts be received;**
- 2. Council accept the tender of Sulo MGB Ltd as the single source supplier of MGB garbage bins and associated parts for the period 1st October 2013 to 30th September 2015; and**
- 3. Provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this through to 30 September 2016.**

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### Executive summary

Regional Procurement® has called a Single Source tender for the supply and delivery of MGB garbage bins and replacement parts on behalf of HROC member Council's, including Mid-Western Regional Council.

This contract will run for a period of 24 months from the 1 October 2013 with a 1 year option which may be taken up based on satisfactory performance by the successful tenderer.

The recommended tenderer is Sulo MGB Australia Pty Ltd.

### Detailed report

This tender was advertised in the following media:

- 29th June 2013 - Newcastle Herald and uploaded to Tenderlink
- 2nd July 2013 - Sydney Morning Herald
- 28th June 2013 & 5th July 2013 - Mudgee Guardian

Tenders closed at 10.00am on Tuesday 29th July 2013.

Two tenders were received from:

- The Trustee for WRS Trust T/A Mastec Australia Pty Ltd
- Sulo MGB Australia Pty Ltd.

No late tenders were received. All tenderers had been noted as active on the ASIC website and no tenders were deemed non compliant.

## Tender Evaluation

The tender evaluations were conducted on 13th August 2013 at Regional Procurement by:

- Maitland City Council – Neil Mitchell
- Cessnock City Council – Lindsay Clarke
- Regional Procurement – Leanne Roberts
- Regional Procurement - Facilitator Craig Wade

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement® Tendering Code of Conduct and Tendering Evaluation Principles and Process. Confidentiality and probity was maintained throughout the process.

Conflict of Interest Declarations were signed by all participating evaluation panel members including the Regional Procurement facilitator. The declarations are available to be viewed if required.

### Methodology:

The % weightings and criteria were agreed upon prior to the tender closing. The evaluation result is determined by:

- Adding the total value of all items together to determine the lowest overall price.
- The lowest overall amount awarded the full Criteria % for each Category as per the Table below.
- Each subsequent total \$ value is then divided into the lowest total amount to obtain a score.
- The tenderer's ability to meet specific requirements of the remaining evaluation criteria as determined by the panel.

### Evaluation Results:

CRITERIA	%	Sulo	Mastec
Price	60		
Table 1 Complete bins 120 and 240	30	30.00	29.41
Table 4 parts	10	8.50	10.00
Delivery Fee	20	20.00	6.22
Referees	10	9.20	9.67
Quality Assurance	10	7.00	6.00
WH&S	5	2.00	2.00
Customer Service	10	10.00	5.00
Ecologically Sustainable Development	5	2.00	1.00
<b>Total</b>	<b>100</b>	<b>88.70</b>	<b>69.30</b>

Council's largest purchase is for 240 Litre standard coloured bins. The tendered price from Sulo is \$36.35 per bin excluding GST for quantities between 1 - 299, with a 5 day guaranteed delivery timeframe, at \$61.50 freight per pallet. Mastec offer the same bin for \$36.00 but with a 10 day guaranteed delivery timeframe, at \$120 freight per pallet.

Based on the above evaluation results Sulo MGB Australia Pty Ltd are the recommended supplier for the 24 month period noting the option of the 1 year extension subject to satisfactory performance.

Regional Procurement® will formally invite all unsuccessful tenderers to make an appointment to discuss their respective tender submissions with a view to providing them with feedback on the tender process.

### Financial implications

Council is currently operating under the existing Regional Procurement tender for MGB garbage bins, which expires on 30 September 2013. Sulo MGB are the current supplier under the existing agreement.

Council has spent an average of \$25,000 per annum over the last three years. Prices offered under this tender are marginally lower than current rates, however, the difference is immaterial.

### Strategic or policy implications

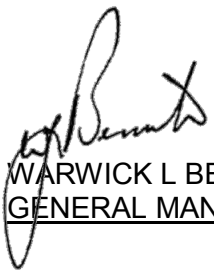
Council's Procurement Policy applies.

CLARE PHELAN  
DIRECTOR, FINANCE & ADMINISTRATION

30 August 2013

*Attachments:* 1. Regional Procurement Tender Evaluation Matrix (included in the confidential section of this business paper).

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.9 Payment of expenses and provision of facilities to Councillors

REPORT BY THE MANAGER GOVERNANCE TO 18 SEPTEMBER 2013 COUNCIL MEETING

Expenses & Facilities

A0100056, A0110004

### RECOMMENDATION

#### That:

1. **the report by the Manager Governance on the Council's policy on Payment of Expenses and Provision of Facilities to Councillors be received;**
2. **Council note that no submissions were received in relation to the proposed policy on the Payment of Expenses and Provision of Facilities to Councillors;**
3. **Council formally adopt the proposed policy on the Payment of Expenses and Provision of Facilities to Councillors;**
4. **The Division of Local Government be advised that Council has formally adopted this policy and be provided with:**
  - **A copy of the adopted policy;**
  - **A copy of this report; and**
  - **A copy of the public notice that appeared in the Mudgee Guardian on 9 August 2013.**

### Executive summary

This report addresses the statutory requirement for Council to adopt its policy on the Payment of Expenses and Provision of Facilities to Councillors.

### Detailed report

At its meeting on 24 July 2013 Council considered a report on its policy on the payment of expenses and provision of facilities to Councillors and resolved as follows:

#### *"That:*

1. *the report by the Manager Governance on the Council's policy on the Payment of Expenses and Provision of Facilities to Councillors be received; and*
2. *Council place its policy on the "Payment of Expenses and Provision of Facilities to Councillors" on public exhibition for 28 days in accordance with the provisions of the Local Government Act 1993."*

An advertisement was placed on the Council's website and in the Community News on 9 August 2013 inviting submissions in relation to the policy. The advertisement advised that submissions would be received up to and including Friday 6 September 2013.

No submissions were received.

The Local Government Act 1993 provides that after publicly exhibiting the draft policy for at least 28 days Council must consider any submissions made during that period and make appropriate changes before formally adopting a policy.

The Act also provides that within 28 days of adopting a policy, Council must forward to the Division of Local Government:

- A copy of the policy together with details of all submissions received;
- A statement setting out, for each submission, the Council's response and the reasons therefore; and
- A copy of the public notice.

It is considered that by providing the Division with a copy of this report will satisfy the requirements of the second dot point.

### Financial implications

Funding is provided to meet the expenses incurred by Councillors and to provide the necessary facilities to Councillors to enable them to carry out their civic duties.

### Strategic or policy implications

Council's policy on the Payment of Expenses and Provision of Facilities to Councillors applies.

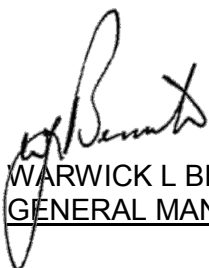


IAN ROBERTS  
MANAGER GOVERNANCE

9 September 2013


*Attachments:* 1. Expenses and Facilities policy

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



	<b>POLICY</b>	ADOPTED C/M 15/8/12 Minute No. 364/12
	<b>Payment of Expenses and Provision of Facilities to Councillors</b>	REVIEW: July 2013  FILE No A0110001

**PART 1: INTRODUCTION****PURPOSE**

The purpose of this policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by councillors and that the facilities provided to assist Councillors to carry out their civic duties are reasonable.

**OBJECTIVES AND COVERAGE**

The objective of this policy is to provide a guide to Councillor's expenses and facilities, and the process for paying expenses in a way that can be properly recorded, reported and audited.

The policy applies to all Councillors. The Mayor is entitled to specific additional facilities.

**REPORTING REQUIREMENTS**

This policy will be included in the Council's Annual Report. In addition, the total amount of money spent during the relevant financial year through the application of this policy will be reported to the Council quarterly and in the Annual Report.

**LEGISLATIVE PROVISIONS****Local Government Act 1993**

The relevant provisions of the Local Government Act 1993 are set out below:

**Section 252 Payment of expenses and provision of facilities**

- (1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.

- (4) A council may from time to time amend a policy under this section.
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.

**Section 253 Requirements before policy concerning expenses and facilities can be adopted or amended**

- (1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.
- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.
- (4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:
  - (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and
  - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and
  - (c) a copy of the notice given under subsection (1).
- (5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.

**Section 254 Decision to be made in open meeting**

The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

**Section 12 (What information is publicly available)** provides that the public is able to inspect during office hours at the council, and at no charge, the current version and the immediately preceding version of the council's expenses and facilities policy. The public are also entitled to a copy of the policy either free of charge or on payment of a reasonable copying charge.

**Section 23A (Director General's guidelines)** makes provision for the Director-General of the Department of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a council of any of its functions. It also requires that a council must take the relevant guidelines into consideration before exercising any of its functions.

**Section 428(2)(f) (Annual Reports)** requires a council to include in its annual report:

The total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during the year on the provision of such facilities and the payment of such expenses.

In addition **Section 428(r)** requires that councils must report on any other information required by the regulations.

Local Government (General) Regulation 2005

The relevant provisions of the Local Government (General) Regulation 2005 are set out below:

**Clause 217 (Additional information for inclusion in annual reports)** states in part:

- (1) For the purposes of section 428(2)(r) of the Act, an annual report of a council is to include the following information:
  - (a) details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons representing the council (including visits sponsored by other organisations).
  - (a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:
    - (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),
    - (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,
    - (iii) the attendance of councillors at conferences and seminars,
    - (iv) the training of councillors and the provision of skill development for councillors,
    - (v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
    - (vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
    - (vii) the expenses of any spouse, partner (whether of the same or the opposite sex) or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW* prepared by the Director-General from time to time,
    - (viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions,

**Clause 403 (Payment of expenses and provision of facilities)** states:

A policy under section 252 of the Local Government Act 1993 must not include any provision enabling a council:

- (a) to pay any councillor an allowance in the nature of a general expense allowance, or
- (b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.

## **OTHER GOVERNMENT POLICY PROVISIONS**

### ***DLG guidelines for payment of expenses and provision of facilities***

This policy takes into account the following Circulars:

- Circular 11-27 – Findings of Review of Councillor Expenses and Facilities Policies
- Circular 09-36 – Release of Revised Councillor Expenses and Facilities Guidelines
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (Division of Local Government October 2009)
- Circular 05108 - Legal assistance for councillors and council employees.
- Circular 02134 - Unauthorised use of council resources.

### ***Model Code of Conduct***

This is consistent with the Model Code of Conduct for Local Councils in NSW, Department of Local Government, and Council's Code of Conduct which implements the Model Code.

The part of the Model Code headed 'Use of Council resources' is particularly relevant to s252 policies, and is implemented by the Council's Code of Conduct.

### ***ICAC publications***

Councillors should also be aware of and take account of the Independent Commission Against Corruption (ICAC) publication No Excuse for Misuse, preventing the misuse of council resources (Guidelines 2), November 2002.

This publication is available on the ICAC website at [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au).

## **PRIVATE BENEFIT**

While Councillors should not generally obtain private benefit from the provision of equipment and facilities from the Council, it is acknowledged that Councillors may obtain some incidental private benefit from time to time. Having considered the issue, Council is of the opinion that this incidental private benefit is of such a relatively minor nature that it is not necessary for Councillors to reimburse Council for this incidental private use.

## **USE OF COUNCIL RESOURCES FOR POLITICAL PURPOSES**

Council facilities, equipment and services are not to be used to produce election material or for any other political purpose. As outlined in Council's Code of Conduct, a Councillor's re-election is considered to be a personal interest, as is fundraising activities for political parties and political events. Council will not pay expenses or provide facilities to Councillors in relation to supporting and/or attending such events and activities.

## **APPROVAL ARRANGEMENTS**

Approval for attendance at conferences, seminars and the like under this policy will, subject to other decisions of Council, where possible, be approved by Council. On those occasions where this is not possible the approval will be given jointly by the Mayor and General Manager (in cases where this relates to the Mayor, the approval will be given jointly by the Deputy Mayor and General Manager) – following which a report will be presented to the next Council Meeting to confirm the action taken.

**PART 2: PAYMENT OF EXPENSES****GENERAL PROVISIONS****Payment of expenses generally**Allowances and expenses

Council does not provide general allowances to councillors.

Councillors are entitled to the expenses set out in this policy provided that they satisfy the stated requirements.

Reimbursement and reconciliation of expenses

Before Council will pay for an expense under this policy, Councillors must seek reimbursement in a formal written claim lodged not later than six (6) months after the expense was incurred.

Each claim must include original receipts, or tax invoices (where GST applies), to be considered for reimbursement.

Claims will generally be paid within 14 days of receipt.

Payment in advance

Council will not generally make advance payments to Councillors.

**Spouse and partner expenses**

Payment of expenses incurred by a Councillor's spouse or partner who may be accompanying the Councillor is dealt with in the respective sections of the policy.

**SPECIFIC EXPENSES FOR MAYOR AND COUNCILLORS****Civic Business within the LGA**a) **Scope**

Expenses will be paid for Councillors to attend:

- Meetings of the Council and Committees;
- Meetings of other committees, bodies, organisations or groups to which those Councillors are Council delegates or representatives;
- Other meetings or inspections which are authorised by the Council, the Mayor or the General Manager; and
- Training courses, seminars or conferences authorised by the Council (except in those circumstances where there is insufficient time for a Council decision and in those cases the Mayor has the authority to approve the attendance and report back at the next Council meeting for endorsement of that decision);

provided that the claim is made not later than six (6) months after the expenses were incurred.

**Note:** Any claims submitted later than six (6) months after the expenses were incurred will not be eligible for reimbursement.

b) Categories of Payment / Reimbursement

Council and Committee Meetings

(i) Travel

Councillors are entitled to be reimbursed for the use of their private vehicle for travel to and from meetings.

Payment will be based on the relevant kilometre rate in the staff award.

The allowable distance claimed will be for travel, by the most practicable route from the Councillor's usual place of residence or other place where the Councillor might be (whichever is the lesser), immediately prior to the meeting.

(ii) Meals

Arrangements will be made for a meal to be provided at the conclusion of the meeting at a venue, in proximity to where the meeting is held, of which Councillors and staff in attendance may partake.

(iii) Accommodation

In those circumstances where, in the opinion of the Mayor or General Manager, because of the timing of the meeting, it would be impractical or introduce undue risk for the Councillor to travel home after the meeting, Council will meet reasonable accommodation costs (including sustenance and telephone calls) on the evening of the meeting for the Councillor. Accommodation will generally be booked by Council staff.

(iv) Spouses/Partners

In those cases where the function is of such a nature that the Councillor's spouse/partner would normally be expected to accompany the Councillor, any costs associated with the attendance of the spouse/partner will be met by Council.

Meetings of other committees, bodies, organisations or groups to which those Councillors are Council delegates or representatives or other authorised meetings or inspections

(i) Travel

Where Council vehicles are unavailable, Councillors may use their private motor vehicle. Councillors should check with the Executive Secretary to ascertain whether a Council vehicle is available and should make arrangements to collect the vehicle (vehicles will not generally be delivered to Councillors).

Where a private motor vehicle is used, Councillors are entitled to be reimbursed for this use.

Payment will be based on the relevant kilometre rate in the staff award.

The allowable distance claimed will be for travel, by the most practicable route from the Councillor's usual place of residence or other place where the Councillor might be (whichever is the lesser), immediately prior to the meeting or inspection.

(ii) Out-of Pocket Expenses

Reasonable out-of-pocket expenses will be reimbursed for costs associated with attendance, including entertainment, but excluding expenses of a normal personal nature.

(iii) Accommodation

In those circumstances where, in the opinion of the Mayor or General Manager, because of the timing of the meeting, it would be impractical or introduce undue risk for the Councillor to travel home after the meeting, Council will meet reasonable accommodation costs (including sustenance and telephone calls) on the evening of the meeting for the Councillor. Accommodation will generally be booked by Council staff.

(iv) Spouses/Partners

In those cases where the function is of such a nature that the Councillor's spouse/partner would normally be expected to accompany the Councillor, any costs associated with the attendance of the spouse/partner will be met by Council.

Training Courses, Seminars or Conferences

(i) Registration

Includes registration fees for attendance at conferences, seminars etc as well as associated official luncheons, dinners and tours.

(ii) Travel

Where Council vehicles are unavailable Councillors may use their private motor vehicle. Councillors should check with the Executive Secretary in the first instance to ascertain whether a Council vehicle is available and should make arrangements to collect the vehicle (vehicles will not generally be delivered to Councillors).

Where a private motor vehicle is used, Councillors are entitled to be reimbursed for this use.

Payment will be based on the relevant kilometre rate in the staff award.

The allowable distance claimed will be for travel, by the most practicable route from the Councillor's usual place of residence or other place where the Councillor might be (whichever is the lesser), immediately prior to the meeting or inspection.

(iii) Out-of-Pocket Expenses

Reasonable out-of-pocket expenses will be reimbursed for costs associated with attendance, including entertainment, but excluding expenses of a normal private nature.

(iv) Accommodation

In those circumstances where, in the opinion of the Mayor or General Manager, because of the timing of the training course, seminar or conference, it would be impractical or introduce undue risk for the Councillor to travel home after the training course, seminar or conference, Council will meet reasonable accommodation costs (including sustenance and telephone calls) on the evening of the training course, seminar or conference, for the Councillor. Accommodation will generally be booked by Council staff.

(v) Spouses/Partners

In those cases where the function is of such a nature that the Councillor's spouse/partner would normally be expected to accompany the Councillor, any costs associated with the attendance of the spouse/partner will be met by Council.

**Civic Business outside the LGA**

a) **Scope**

Expenses will be paid for Councillors to attend:

- Conferences, seminars and training courses at which attendance has been authorised by the Council (except in those circumstances where there is insufficient time for a Council decision and in those cases the Mayor has the authority to approve the attendance and report back at the next Council meeting for endorsement of that decision);
- Meetings of other Councils while representing and as authorised by Council or the Mayor;
- Meetings of other committees, bodies, organisations or groups to which those Councillors are Council delegates or representatives; and
- Other meetings or inspections which are authorised by the Council, the Mayor or the General Manager.

provided that the claim is made not later than six (6) months after the expenses were incurred.

**Note: Any claims submitted later than six (6) months after the expenses were incurred will not be eligible for reimbursement.**

b) **Categories of Payment/Reimbursement**

(i) Registration

Includes registration fees for attendance at conferences, seminars etc as well as associated official luncheons, dinners and tours.

(ii) Travel

Council will either pay or reimburse Councillors for travel by air, private motor vehicle, rail or taxi/hire car, as appropriate and as set out below: (With all travel arrangements, due consideration is to be given to the physical capacity of the Councillor and any variation to the arrangements below will be with the approval of the Mayor).



(A) Air

Where travel is undertaken by air, this will be by economy class subject to any flight longer than three (3) hours being by business class. All bookings for travel will generally be made by Council staff.

(B) Private Motor Vehicle

Where Council vehicles are unavailable Councillors may use their private motor vehicle. Councillors should check with the Executive Secretary in the first instance to ascertain whether a Council vehicle is available and make arrangements to collect the vehicle (vehicles will not generally be delivered to Councillors).

Where a private motor vehicle is used, Councillors are entitled to be reimbursed for this use.

Payment will be based on the relevant kilometre rate in the staff award.

The allowable distance claimed will be for travel, by the most practicable route from the Councillor's usual place of residence or other place where the Councillor might be (whichever is the lesser), immediately prior to the meeting, function, training course, seminar or conference.

This claim will be subject to the cost not exceeding the economy class airfare as applicable.

**Note:** Sharing of travel arrangements for Councillors of any gender doing business outside the LGA be at the mutual agreement of the Councillors involved.

(C) Rail

Where travel is undertaken by train, Council will meet the cost of first class ticket, or equivalent, including sleeping berths where necessary.

(D) Taxi/Hire Car

Where travel is undertaken by taxi/hire car, Council will reimburse fares paid upon presentation of relevant receipts.

(iii) Accommodation

Council will meet reasonable costs (including sustenance and telephone charges) including the night before and after the meeting, training course, seminar or conference where necessary. Accommodation will generally be booked by Council staff.

**Note:** Sharing of accommodation for Councillors of any gender doing business outside the LGA be at the mutual agreement of the Councillors involved.

(iv) Out-of-Pocket Expenses

Reasonable out-of-pocket expenses will be reimbursed for costs associated with attendance, including entertainment, but excluding expenses of a normal private nature.

(v) Spouses/Partners

Where a Councillor is accompanied by his/her spouse/partner, accommodation (shared basis) will be met by Council. All other costs will be the responsibility of the spouse/partner.

In exceptional circumstances Council may, by resolution, pay expenses incurred by the spouse/partner of the Councillor incurred whilst they are travelling on Council business.

**Care and other related expenses**

Councillors can claim up to \$100 per month for reimbursement of carer expenses that were incurred while attending Council business. This may include childcare expenses and the care of immediate family members of Councillors who are elderly, have a disability and/or are sick. Reimbursement of childcare expenses will be made for children under 16 years of age only. Expenses will be paid on production of receipts.

**Communications expenses**

Telephone

Subject to the wishes of individual Councillors:

- Council will install a dedicated duet/additional line at a location designated by the Councillor and will meet the installation costs of a combined Telephone/Facsimile/Answering Machine. Council will maintain the machine and will meet the cost of line rental and network charges as well as providing consumables for official purposes; or
- Alternatively, a Councillor may use his/or her own equipment (including mobile). In this instance Council will meet the line rental costs and network charges and will provide consumables for official purposes.

Internet

Subject to the wishes of individual Councillors:

- Council will provide Broadband internet access (with unlimited download limit) in accordance with Council's current internet plan; or
- Alternatively, a Councillor may use his/her own internet facilities and Council will reimburse an amount equivalent to Council's current internet plan.

Ongoing costs

Council will meet the cost of official calls and usage.

#### Provision for payment and monetary limits

Council will only pay claims for reimbursement of communications expenses upon production of original receipts or tax invoices and completion of Council's claim form which is to be lodged not later than six (6) months after the expense was incurred.

In respect of official calls and usage, subject to the provision of the relevant receipts or invoices, Council will reimburse Councillors up to a maximum of \$100 per month or \$200 per month in the case of the Mayor.

Councillors will be responsible for all expenses above this amount.

#### Exceptional circumstances

Should a situation arise where the strict application of this section of the policy would adversely affect and/or cause undue hardship to a Councillor, the Council may, by resolution, increase the maximum quantum available to that Councillor.

#### **Administrative Expenses**

It is recognised that Councillors may, from time to time, incur expenses of an administrative nature (such as the purchase of stationary, computer and printing supplies) in carrying out their civic duties. While it is expected that Councillors would obtain such items from Council (as provided in the section of this policy entitled "Provision of Facilities", it is acknowledged that there may be occasions where this is not practicable.

Council will reimburse those administrative expenses incurred upon lodgement of an appropriate claim form accompanied by relevant receipts.

Any reimbursements (including supplies obtained from Council) will be limited to a maximum of \$600 per annum.

#### **Insurance Expenses and obligations**

Councillors will receive the benefit of insurance cover for:

- Personal injury while on Council business. The cover does not include medical expenses for illness in Australia.
- Professional indemnity for matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty is, in the opinion of Council, in good faith or proper. This is subject to any limitations or conditions set out in the policy of insurance that is taken out from time to time.
- Public liability for matters arising out of Councillors' performance of civic duties or exercise of their functions under the Local Government Act. This is subject to any limitations or conditions set out in the policy of insurance that is taken out from time to time.
- Councillors and Officers liability. This policy provides protection in respect of actions against the individual Councillors in addition to legal costs incurred by them in defending an allegation of a wrongful act made in the course of their duties as Councillors. This is subject to any limitations or conditions set out in the policy of insurance that is taken out from time to time.

### Legal expenses and obligations

Council may by resolution indemnify or reimburse the reasonable legal expenses of:

- A Councillor defending an action arising from the performance in good faith of a function under the Local Government Act 1993; or
- A Councillor defending an action in defamation provided the statements complained of were made in good faith while exercising a function under the Local Government Act 1993; or
- A Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal, or an investigative body, provided the subject of the proceedings arises from the performance in good faith or a function under the Local Government Act 1993 and the Tribunal or investigative body makes no adverse finding against the Councillor.

Council will not:

- Meet expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term of office; or
- Meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances; or
- Meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

### **PART 3: PROVISION OF FACILITIES**

#### Councillors

The Councillors are to receive the benefit of the following Council facilities:-

- a) Meeting Meals and Refreshments - provision of meals and refreshments associated with Council, Committee and Working Parties/Special Committee meetings.
- b) Transportation - provision of Council motor vehicle transportation (when available) for travel to conferences, seminars, etc when on official Council business.

Where a Council vehicle is provided to a Councillor for use on official business, the vehicle may:

- With the consent of the Councillor, be driven by the Councillor's spouse or partner as long as that person is legally licensed to drive the Council vehicle; or
  - Provided the Councillor is in the vehicle at the time, be driven by any other fully licensed driver.
- c) Meeting Rooms - Provision of meeting facilities in the Mudgee Administration Building for the purpose of Council, Committee and Working Parties/Special Committee meetings, and for meeting with constituents.
  - d) Photocopiers - provision of photocopying facilities generally for official purposes.
  - e) Combined Telephone/Facsimile/Answering Machine – for official purposes.
  - f) At the discretion of the individual Councillor, Personal desktop or laptop computer with access to the internet and appropriate Council software to a maximum value of \$5,000 – for official purposes. Council will provide associated training and software support.

- g) Where practicable, provision of a Councillors room, incorporating meeting facilities, computer workstation, telephone, etc.
- h) Provision of an Email address for Councillors, as requested, to facilitate access to Council's electronic mail.
- i) Business Cards for his/her role as an elected representative.
- j) A suitable name badge.
- k) Protective apparel, including (where appropriate), hard hat, safety vest, safety footwear and sunscreen for on-site inspections.
- l) Provision of administrative supplies (such as stationary, and supplies for computers and printers).

#### **Mayor**

In addition to those facilities provided to the Councillors, the Mayor is to receive the benefit of:

- a) Council Vehicle - (Ford Fairlane Ghia or equivalent) for official purposes. The vehicle to be used at the discretion of the Mayor for Mayoral, Councillor or Council purposes. A fuel card will be provided for use only with the Mayoral vehicle.

When the Mayor or another Councillor is using the Mayoral vehicle on official business, the vehicle may:

- With the consent of the Mayor or Councillor, be driven by the spouse or partner of the Mayor or Councillor as long as that person is legally licensed to drive the Council vehicle; or
- Provided the Mayor or Councillor is in the vehicle at the time, be driven by any other fully licensed driver.

- b) Mobile Telephone with a car kit - for official Council purposes.

Council will meet the costs of service charges and official usage costs, with the Mayor to reimburse Council in respect of any private expenses incurred.

- c) Corporate Credit Card, to facilitate payment of official Council business expenses.
- d) Official stationary incorporating Mayoral letterhead for official Council correspondence issued under the hand of the Mayor.
- e) Business Cards for his/her role as Mayor.
- f) Secretarial Services - word-processing and administrative support provided by the Executive Secretary.
- g) Administrative Support - assistance with functions, organisations, meetings, and the like.
- h) Office Refreshments - as provided in the Mayoral Office for entertainment purposes.

- i) Where practicable, provision of an appropriate office, suitable for interviews and small civic receptions.
- j) Use of ceremonial clothing including Mayoral Robes and chains of office.
- k) A suitable name badge.

#### **Deputy Mayor**

In addition to those facilities provided to the Councillors, the Deputy Mayor is to receive the benefits of the Mayor when acting in the Office of Mayor.

#### **COUNCILLORS WITH DISABILITIES**

In addition to other clauses on this policy regarding the provision of facilities to Councillors, in the event of a Councillor having a disability that would prevent them from performing their civic duties without the provision of additional facilities, where necessary, and with the agreement of the Mayor and General Manager, additional appropriate facilities will be made available to that Councillor.

#### **PART 4: OTHER MATTERS**

##### **ACQUISITION AND RETURNING OF FACILITIES AND EQUIPMENT BY COUNCILLORS**

All equipment issued to Councillors remains the property of Council and shall be returned on a Councillor ceasing to hold office.

However, on ceasing to be a Councillor or in the event of Council deciding to dispose of the equipment, a Councillor may request the purchase of such equipment. The General Manager shall consider each request and, where appropriate any leasing arrangements of such equipment. If the equipment is available to be sold, the General Manager will determine an "appropriate purchase price" based on fair market value and as suggested by the leasing company or the general market

##### **CLAIMS FOR REIMBURSEMENT OF EXPENSES**

Expenses claim forms to facilitate claims for reimbursement of travel, meals, registration, accommodation and out-of-pocket expenses and the communications reimbursement claims will be provided to Councillors at each Council meeting.

Completed and signed claim forms will be processed by staff in accordance with this policy and will be submitted monthly to the General Manager for approval.

## 6.2.10 Financial Assistance Applications

REPORT BY THE FINANCIAL ACCOUNTANT TO 18 SEPTEMBER 2013 COUNCIL MEETING  
REPORT Council 2013  
GOV400029, A0100056, A0140201

### RECOMMENDATION

#### That:

1. **the report by the Financial Accountant on the Financial Assistance Applications be received;**
2. **Council provide financial assistance to the Sheepdog Workers Club of \$707 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.**

### 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.

#### *SHEEPDOG WORKERS CLUB*

The Sheepdog Workers Club are a non-profit organization. This is the 14th year the Sheepdog Trials have been held in Rylstone and due to the growing attendance of handlers over the different states, the event runs over 4 days between 12th - 15th September 2013.

The initial request was to waive the bond of the Rylstone Showground however our recommendation is to waive the hire fee of \$377 and amenities use of the Showground which is \$330 making the total amount \$707.

#### *RATES REFUNDS*

At the 24 July 2013 meeting, Council made provision for \$5,570 for rate refunds for particular community organisations. In accordance with this provision, it is to be noted that the following has been distributed for rates refunds:

*The Henry Lawson Society of NSW Inc.*

*\$1,478.76*

## Financial implications

Funding of \$152,000 is provided in the Operational Plan for Financial Assistance. \$140,255 has been allocated to date, leaving a balance of \$11,745. Should Council approve the donations in accordance with the recommendation, a balance of \$11,038 will remain.

The Councillor's Discretionary vote for 2013/14 is \$2,000 per Councillor. The balances are detailed below:

Cr Thompson	\$2,000.00
Cr Shelley	\$1,750.00
Cr Walker	\$1,217.44
Cr Webb	\$2,000.00
Cr Martens	\$2,000.00
Cr Kennedy	\$2,000.00
Cr Weatherley	\$2,000.00
Cr White	\$1,750.00
Cr Cavalier	\$1,700.00

## Strategic or policy implications

Council's Financial Assistance Policy applies.

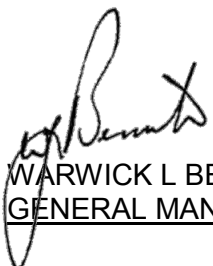
NEIL BUNGATE  
FINANCIAL ACCOUNTANT

CLARE PHELAN  
DIRECTOR, FINANCE & ADMINISTRATION

6 September 2013

*Attachments:* 1. Applications for financial assistance

APPROVED FOR SUBMISSION:

  
WARWICK L BENNETT  
GENERAL MANAGER



## ATTACHMENT 1

30<sup>th</sup> August 2013

Linda Reid (Secretary)  
Mid Western Regional  
Sheepdog Workers Club  
"Gembrook"  
Pilliga Rd, Gilgooma, 2829

Phone: 6823 8279  
Mobile: 0428 384 937

To Warwick Bennett  
Mid-Western Regional Council

Re: Bonds for Rylstone Showground

I organise the Sheepdog Trials held at the Showground in Sept each year, we are a non-profit organization and unlike some we do not make any profit. Our dog handlers pay entry fees for each dog this covers their prize money and pays the judges fees, we charge a camping fee in the hope it will cover the cost of the grounds, sometimes it does, sometimes it doesn't. This is the 14<sup>th</sup> year the trial has been held in Rylstone having been previously run for 10 years by the tennis club, we now run the event over 4 days due to the growing attendance of handlers from QLD, VIC, SA, WA & TAS.

The problem with the bonds now exceeding \$1,000 is that when the prize winners are presented with their cheques on Sunday and deposit them in their banks on Monday, their cheques will bounce as the bond will not have been returned and deposited into club account in time this will effectively ensure no Trial next year.

I would like to state that in the years the trial has been held at Rylstone there has never been a problem with the return of bonds, the dog handlers clean up their own campsites before they leave, and the club members remain for 2 days cleaning up any excess trash and taking to tip, I personally clean all the toilets and showers.

This is a sport that is growing both in competitors and in events with new venues coming up each year, it would be a shame to lose the Rylstone venue as it has the reputation of being the most beautiful venue in the state.

We would appreciate any help from the council to keep this venue running by either waiving the bond fees in good faith or by reducing them to an achievable cost for this club.

In addition I would like to add that I know longer live in Rylstone but in Coonamble and am quite keen to continue running this event, however because of the distance I need to Travel and the logistics of last minute organising I would like

permission to camp with my dogs at the grounds a week prior to the start of the trial for the purpose of setting up grounds etc.

The Trial commences on 12<sup>th</sup> Sept 2013 and I would like to camp there from the 4<sup>th</sup> September if possible.

For Your Consideration

Linda Reid

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The *Henry Lawson* Centre

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

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

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

Email: [henrylawsongulgong@yahoo.com.au](mailto:henrylawsongulgong@yahoo.com.au)  
Web: [www.henrylawsongulgong.org.au](http://www.henrylawsongulgong.org.au)

26.8.2013

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

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



— Rates Reimbursement to Community Groups —

Dear Sir,

In relation to Council's management plan, in regard to Property Rates Reimbursement, I am enclosing a copy of our receipt for payment of rates for 2013/14.

As in previous years, the money reimbursed to our organisation would be used for some of the awards, and also to pay for some of the advertising and entry pamphlets for our Henry Lawson Literary Awards, which are finalised each June Long Weekend, and for which we receive entries from every state in Australia. The Literary Awards have a cash flow of about \$10,000 to stage the event, with about \$5000 of this being sponsorship. I may mention that the event usually only makes a small profit of about \$500, so as you can see there is a lot of voluntary work for the event, and Councils contribution through rate reimbursement is gratefully received.

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

Thanking You,

Kevin Robson

## 6.2.11 Wet and Dry Plant Hire Tender 2013/13 for additional contractors Strait Up Services Pty Ltd and Miskle Transport and Earthmoving Pty Ltd

REPORT BY THE BUSINESS MANAGER WORKS TO 18 SEPTEMBER 2013 COUNCIL MEETING  
REPORT Council 2013  
GOV400029, A0100056, A0411303

### RECOMMENDATION

That:

1. the report by the Business Manager Works on the Wet and Dry Plant Hire Tender 2013/03 for additional contractors, Strait Up Services Pty Ltd and Miskle Transport and Earthmoving Pty Ltd be received;
2. Council accepts the revised list of preferred contractors for tender 2013/03 for the provision of Wet and Dry plant hire in accordance with clause 178 of the Local Government (General) Regulation 2005 as listed below for Wet Hire.

CONTRACTOR	PLANT	PAYLOAD (T)
Troy Kurtz Earthworks	Tipper	6
Adrian Ingram Plant Hire Pty Ltd	Tipper	6
Ian Colley Earthmoving Pty Ltd	Tipper	6
Ian Colley Earthmoving Pty Ltd	Tipper	6
Andrew Turner Excavations	Truck	6
Miskell Transport Pty Ltd	Rigid Tipper	12
Murkins Earthmoving Pty Ltd	Tipper	12
A1 Earthworx Mining and Civil Pty Ltd	Truck and Dog	12
CM Box Constructions Pty Ltd	Rigid Tipper	6
CM Box Constructions Pty Ltd	Truck	6
CM Box Constructions Pty Ltd	Truck	6
MSW Plant Hire Pty Ltd	Tipper	2
RJ Andrews Engineering Bobcat n Tipper Hire	Tipper	3
Cutting Edge Earthmoving and Excavations	Rigid Tipper	12
Digging it Earthworks	Truck	17
Adrian Ingram Plant Hire Pty Ltd	Rigid Tipper	12
Adrian Ingram Plant Hire Pty Ltd	Rigid Tipper	12
Adrian Ingram Plant Hire Pty Ltd	Rigid Tipper	12
Adrian Ingram Plant Hire Pty Ltd	Rigid Tipper	12
Terros Transport Pty Ltd	Rigid Tipper	12
Terros Transport Pty Ltd	Rigid Tipper	12
Max Phillips Plant Hire Pty Ltd	Bogie Tipper	12
Max Phillips Plant Hire Pty Ltd	Bogie Tipper	12

<b>Boxsell Services Pty Ltd</b>	<b>Tipper</b>	<b>8</b>
<b>Comer Plant Hire</b>	<b>Bogie Truck</b>	<b>12</b>
<b>MSW Plant Hire Pty Ltd</b>	<b>Tipper</b>	<b>8</b>
<b>Ian Colley Earthmoving Pty Ltd</b>	<b>Tipper</b>	<b>12</b>
<b>Ian Colley Earthmoving Pty Ltd</b>	<b>Tipper</b>	<b>12</b>
<b>Ian Colley Earthmoving Pty Ltd</b>	<b>Tipper</b>	<b>12</b>
<b>Ian Colley Earthmoving Pty Ltd</b>	<b>Tipper</b>	<b>12</b>
<b>Ian Colley Earthmoving Pty Ltd</b>	<b>Tipper</b>	<b>12</b>
<b>CE Mining Services Pty Ltd</b>	<b>Tipper</b>	<b>12</b>
<b>CE Mining Services Pty Ltd</b>	<b>Tipper</b>	<b>12</b>
<b>RJ Andrews Engineering Bobcat n Tipper Hire</b>	<b>Tipper</b>	<b>12</b>
<b>Mudgee Dolomite and Lime Pty Ltd</b>	<b>Truck</b>	<b>12</b>
<b>Mudgee Dolomite and Lime Pty Ltd</b>	<b>Truck</b>	<b>12</b>
<b>Mudgee Dolomite and Lime Pty Ltd</b>	<b>Truck</b>	<b>12</b>
<b>Miskell Transport Pty Ltd</b>	<b>Truck and Pig</b>	<b>24</b>
<b>JH &amp; C Evans</b>	<b>Tipper</b>	<b>12</b>
<b>JH &amp; C Evans</b>	<b>Tipper</b>	<b>12</b>
<b>A1 Earthworx Mining and Civil Pty Ltd</b>	<b>Truck and Dog</b>	<b>32</b>
<b>A1 Earthworx Mining and Civil Pty Ltd</b>	<b>Truck and Dog</b>	<b>24</b>
<b>A1 Earthworx Mining and Civil Pty Ltd</b>	<b>Truck and Side Tipper</b>	
<b>Murkins Earthmoving Pty Ltd</b>	<b>Truck and Dog</b>	<b>24</b>
<b>MSW Plant Hire Pty Ltd</b>	<b>Tipper</b>	<b>12</b>
<b>MSW Plant Hire Pty Ltd</b>	<b>Tipper</b>	<b>12</b>
<b>Ian Colley Earthmoving Pty Ltd</b>	<b>Truck and Dog</b>	<b>24</b>
<b>Ian Colley Earthmoving Pty Ltd</b>	<b>Truck and Dog</b>	<b>24</b>
<b>Max Phillips Plant Hire Pty Ltd</b>	<b>Bogie Tipper plus dog</b>	<b>24</b>
<b>Adrian Ingram Plant Hire Pty Ltd</b>	<b>Truck and Dog</b>	<b>32</b>
<b>Adrian Ingram Plant Hire Pty Ltd</b>	<b>Truck and Dog</b>	<b>32</b>
<b>Adrian Ingram Plant Hire Pty Ltd</b>	<b>Truck and Dog</b>	<b>24</b>
<b>Adrian Ingram Plant Hire Pty Ltd</b>	<b>Truck and Dog</b>	<b>24</b>
<b>Ian Colley Earthmoving Pty Ltd</b>	<b>Truck and Dog</b>	<b>32</b>
<b>Terros Transport Pty Ltd</b>	<b>Truck and Dog</b>	<b>32</b>
<b>Terros Transport Pty Ltd</b>	<b>Truck and Dog</b>	<b>32</b>
<b>CE Mining Services Pty Ltd</b>	<b>Truck and Dog</b>	<b>24</b>
<b>CE Mining Services Pty Ltd</b>	<b>Truck and Dog</b>	<b>24</b>
<b>Mudgee Dolomite and Lime Pty Ltd</b>	<b>Truck and Dog</b>	<b>24</b>
<b>A1 Earthworx Mining and Civil Pty Ltd</b>	<b>Articulated Dump Truck</b>	<b>40</b>
<b>A1 Earthworx Mining and Civil Pty Ltd</b>	<b>Articulated Dump Truck</b>	<b>40</b>
<b>A1 Earthworx Mining and Civil Pty Ltd</b>	<b>Articulated Dump Truck</b>	<b>25</b>
<b>A1 Earthworx Mining and Civil Pty Ltd</b>	<b>Articulated Dump Truck</b>	<b>25</b>
<b>Mudgee Dolomite and Lime Pty Ltd</b>	<b>Truck and Dog</b>	<b>32</b>

<b>Mudgee Dolomite and Lime Pty Ltd</b>	<b>Truck and Dog</b>	<b>32</b>
<b>Maas Plant Hire Pty Ltd</b>	<b>Articulated Dump Truck</b>	<b>30</b>
<b>MSW Plant Hire Pty Ltd</b>	<b>Truck and Dog</b>	<b>24</b>
<b>Maas Plant Hire Pty Ltd</b>	<b>Articulated Dump Truck</b>	<b>40</b>
<b>Maas Plant Hire Pty Ltd</b>	<b>Articulated Dump Truck</b>	<b>30</b>
<b>Maas Plant Hire Pty Ltd</b>	<b>Articulated Dump Truck</b>	<b>40</b>
<b>Maas Plant Hire Pty Ltd</b>	<b>Rigid Dump Truck</b>	<b>55</b>
<b>Maas Plant Hire Pty Ltd</b>	<b>Rigid Dump Truck</b>	<b>70</b>

<b>CONTRACTOR</b>	<b>PLANT</b>	
<b>Ian Colley Earthmoving Pty Ltd</b>	<b>Float</b>	<b>tri Axle</b>
<b>Murkins Earthmoving Pty Ltd</b>	<b>Float</b>	<b>tri Axle</b>
<b>Miskell Transport Pty Ltd</b>	<b>Low Loader</b>	<b>tri Axle</b>
<b>Ian Colley Earthmoving Pty Ltd</b>	<b>Float</b>	<b>quad</b>
<b>A1 Earthworx Mining and Civil Pty Ltd</b>	<b>Float</b>	<b>tri Axle</b>
<b>Strait up Services Pty Ltd</b>	<b>Semi with trailer or drop deck</b>	
<b>A1 Earthworx Mining and Civil Pty Ltd</b>	<b>Float</b>	<b>quad</b>
<b>Ian Colley Earthmoving Pty Ltd</b>	<b>Dolly</b>	<b>quad dolly</b>
<b>Mudgee Dolomite and Lime Pty Ltd</b>	<b>Truck and Float</b>	<b>quad</b>
<b>Strait up Services Pty Ltd</b>	<b>Semi with extended drop deck</b>	
<b>A1 Earthworx Mining and Civil Pty Ltd</b>	<b>Float</b>	<b>quad</b>

<b>CONTRACTOR</b>	<b>PLANT</b>
<b>Strait up Services Pty Ltd</b>	<b>4T Telehandler</b>
<b>Strait up Services Pty Ltd</b>	<b>Crane 14t Frenna</b>
<b>Mudgee Cranes</b>	<b>Crane 14t</b>
<b>Strait up Services Pty Ltd</b>	<b>Crane 18t Frenna</b>
<b>Strait up Services Pty Ltd</b>	<b>Crane 20t Frenna</b>
<b>Mudgee Cranes</b>	<b>Crane 16t</b>
<b>Countrywide Cranes</b>	<b>Crane 20t</b>
<b>Countrywide Cranes</b>	<b>Crane 20t</b>
<b>Mudgee Cranes</b>	<b>Crane 30t</b>
<b>Mudgee Cranes</b>	<b>Crane 20t</b>
<b>Strait up Services Pty Ltd</b>	<b>Crane 50t truck mount</b>
<b>Mudgee Cranes</b>	<b>Crane 55t</b>
<b>Countrywide Cranes</b>	<b>Crane 55t</b>
<b>Strait up Services Pty Ltd</b>	<b>Crane 60t (85t with reduced counterweight)</b>
<b>Countrywide Cranes</b>	<b>Crane 80t</b>
<b>Mudgee Cranes</b>	<b>Crane 80t</b>

<b>Countrywide Cranes</b>	<b>Crane 100t</b>
<b>Countrywide Cranes</b>	<b>Crane 130t</b>
<b>Strait up Services Pty Ltd</b>	<b>Crane (85t full counterweight)</b>
<b>Mudgee Cranes</b>	<b>Crane 160t</b>

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

## Executive summary

At the Council meeting of the 24<sup>th</sup> July 2013, following a detailed tender process Council resolved to accept a list of contractors that met the requirements of the tender for either wet or dry plant hire over a three year contract.

This report is recommending one additional contractor and one additional piece of plant from an contractor already accepted, be included on the preferred suppliers list after having received the required information from the contractor.

## Detailed report

Council has received a request by Strait Up Services Pty Ltd to be included on Council's preferred suppliers list and a request from Miskle Transport and Earthmoving Pty Ltd to include an additional item of plant onto the preferred suppliers list. The contractors have completed the relevant documentation and been assessed in accordance with the tender evaluation process. The process was provided to Council at the time of accepting the original tender and can be provided to Councillors again on request. It involved the following steps;

1. The Tender Assessment Panel undertook an objective analysis of tenderers' ability to meet both mandatory and desirable criteria.
2. The tendered information and specific questions were listed under the evaluation criteria and weighted in order of importance to the overall evaluation. Team members scored the tenders against the criteria in accordance with the Evaluation Plan.

As a result of this process, the additional suppliers will be incorporated into the preferred suppliers list.

## Financial implications

The costs of the projects carried out using wet and dry plant hire are recognised in the Operational Plan under the maintenance and construction of Councils assets.

## Strategic or policy implications

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

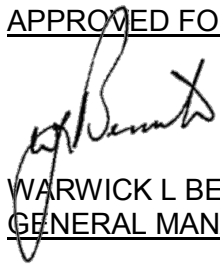
SALLY MULLINGER  
BUSINESS MANAGER WORKS

  
BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

6 September 2013

*Attachments:* 1. Wet and Dry Plant Hire 2013/03 Tender Evaluation – Additional Contractors  
(Included in the confidential section of the business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



## 6.2.12 2014 Waste Fund Capital Works

REPORT BY THE BUSINESS MANAGER RESOURCES & RECREATIONAL TO 4 SEPTEMBER 2013  
COUNCIL MEETING  
A0100056, F0570008

### RECOMMENDATION

#### That:

1. the report by the Business Manager Resources & Recreational on the 2014 Waste Fund Capital Works be received;
2. that Council endorse the 2014 waste fund capital works program as follows:

**Rural Waste Depot Upgrades**  
**Wollar WTS - fencing - \$20,000**  
**Goolma WTS - fencing - \$10,000**  
**Lue WTS - fencing - \$10,000**

**Mudgee Waste Depot Upgrades**  
**Weather station - \$10,000**  
**Leachate pump - \$4,000**  
**bin lifter - \$10,000**

**Waste sites rehabilitation**  
**Birriwa - \$20,000**  
**Goolma - \$20,000**  
**Mudgee - \$60,000**

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### Executive summary

The 2014 waste fund capital works program is provided for Councils endorsement. The 2014 Operational Plan currently details budget allowances in accordance with the 30 year Waste Financial Plan. This report provides the list of projects to be completed in accordance with that plan and asset replacement priority.

### Detailed report

The following table details the break-up of the capital works program for Waste Fund. The 2013/14 Operational Plan includes a budget for capital works including both asset replacement and site rehabilitation. As part of the rehabilitation there are works to occur at the Mudgee site to ensure on-going compliance with Council environmental licence and strategic planning work for future cell development.

<b>Program</b>	<b>Activity/Action</b>	<b>Funds Allocated</b>	<b>Year</b>	<b>Requirement for works</b>
<b>2014 Capital Program</b>				
<b>Rural Waste Depot Upgrades</b>	Wollar WTS fencing	20,000	2014	Upgraded fencing to replace damaged fencing and reduce available area for illegal dumping.
	Birriwa WTS fencing	10,000	2014	Fence site to reduce illegal dumping and renew fences
	Goolma WTS fencing	10,000	2014	Fencing of site to reduce illegal dumping, upgrade signs.
	Lue WTS	10,000	2014	Fencing of bulk collection area, upgrade signs.
<b>Mudgee Waste Depot Upgrades</b>	Weather Station	10,000	2014	Waste Licence requires Council to monitor weather and record data.
	Leachate Pump	4,000	2014	Waste Licence requires Council to manage leachate and dust. Upgrading the leachate pump will allow pumping from dam to the landfill for dust suppression
	bin lifter	10,000	2014	WHS and risk management of site activities.
<b>Waste Sites Rehabilitation</b>	Birriwa	20,000	2014	Old landfill sites around the region are progressively capped in accordance with EPA requirements and Councils 30 year plan
	Goolma	20,000	2014	Old landfill sites around the region are progressively capped in accordance with EPA requirements and Councils 30 year plan
<b>Mudgee Waste Facility</b>	Site and landfill cell survey	15,000	2014	Full site survey required to determine remaining life of current cell. Compaction rates are also required to be measured as part of the waste licence.
	New Cell Design Review	10,000	2014	The current landfill cell is estimated to have only a few years remaining. The new cell design is in draft form (2008) and needs to be completed.
	Waste Strategy	9,300	2014	Council does not have a Waste Strategic Plan. This work will commence that process.
	Leachate Management	25,700	2014	Council is working with the EPA on ground water issues. Hydrological study may need to be completed and installation of leachate trench and pump. This work needs to be fully costed when scope is known.
<b>Other works</b>		9,000	2014	Works that be required.
<b>TOTAL</b>		<b>183,000</b>		

## Financial implications

Council has allocated in the 2013/14 Operational Plan \$183,000 for capital works relating to asset replacement and waste sites rehabilitation. The listed program of works allows for \$9,000 of other works if required.

## Strategic or policy implications

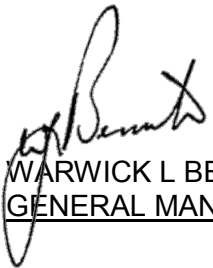
Council's 2013/14 Operational Plan and 30yr Waste Financial Plan.

JULIAN GEDDES  
BUSINESS MANAGER RESOURCES AND  
RECREATION

21 August 2013

*Attachments:* Nil.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



BRAD CAM  
DIRECTOR, MID-WESTERN  
OPERATIONS

## 6.2.13 Code of Conduct Review Committee

REPORT BY THE GENERAL MANAGER TO 18 SEPTEMBER 2013 COUNCIL MEETING

Code of Conduct Review Committee  
GOV400029, A0100056, GOV400008

### RECOMMENDATION

**That:**

1. **the report by the General Manager on the Code of Conduct Review Committee be received;**
2. **Council endorse the following Panel for Code of Conduct investigations and the General Manager be authorised to nominate one person from this Panel for Code of Conduct investigations when and if they arise.**
  - **Alex Irving**
  - **AllyGroup**
  - **Christopher Gallagher**
  - **David Crofts**
  - **Greg Waters**
  - **Internal Audit Bureau**
  - **John Harcourt Turner**
  - **John Kleem Consulting**
  - **Linda Petterson Consulting**
  - **LKA Group**
  - **Lloyd Graham**
  - **McCullough Robertson (Cameron Dean and Jeremy Kennedy)**
  - **Mediate Today**
  - **Peter Taylor**
  - **Pinnacle Integrity**
  - **Planning Urban Earth**
  - **Prevention Partners**
  - **Raquel Grieve**
  - **Sharon Handstein**
  - **Sinc Solutions**
  - **Strategic Risk Solutions**
  - **Terence Healey**
  - **Train Reaction**
  - **Woodward Legal**
  - **Stephen Flynn**
  - **David Clark**

---

### Detailed report

Council recently resolved that it would join with the Hunter Councils in the selection of a panel for Code of Conduct complaints. Please find attached a report presented to the Hunter Councils on Thursday 29 August 2013, advising of the Expressions of Interests process that Hunter Councils has undertaken. It is being recommended to Council that the list that has been presented to the Hunter Councils is also endorsed by this Council.

Because the Expressions of Interests process has taken a lot longer than originally anticipated, the General Managers of Hunter Councils have not yet had the opportunity to reduce the size of the responses down to a more manageable list. That will occur over the next few months. In the meantime, Council is required to endorse a panel by 30 September 2013, and this report recommends that, and, when the list has been reduced to a more manageable size, a further recommendation will be made to Council.

I have not included the actual Expressions of Interest comments from the various parties as they take fill at least two large folders. However if any Councillors would like to view them, then please contact my office.

I am also recommending to Council that two additional local names be added to the list, namely Mr Stephen Flynn and Mr David Clark, both who have undertaken work on Code of Conducts for Council in the past.

### Financial implications

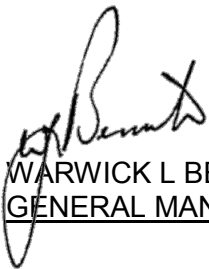
Council makes an allocation for Code of Conduct Reviews on an annual basis. Each Code of Conduct usually costs in the vicinity of \$3,000 to \$5000, depending on the extent of the investigation required.

### Strategic or policy implications

It is a requirement by the Division of Local Government that Council has a Panel for Code of Conduct investigations.

5 September 2013

*Attachments:* 1. Report to Hunter Councils on Expressions of Interests for Code of Conduct complaints.



WARWICK L BENNETT  
GENERAL MANAGER

6.4 CODE OF CONDUCT REGIONAL PANEL

**Report Author:** Roger Stephan, CEO

**Responsible Officer:** Roger Stephan, CEO

*EXECUTIVE SUMMARY:*

The purpose of this report is to seek the endorsement of a Code of Conduct Regional Panel.

---

*RECOMMENDATION:*

**THAT:**

- 1. The Code of Conduct Regional Panel be endorsed**
- 2. Copies of all expressions of interest received together with a detailed database of qualifications, costs and other relevant matters be provided to member Councils for their consideration.**

---

*REPORT:*

**BACKGROUND**

In December 2012 the Division of Local Government Department of Premier & Cabinet released a circular to advise Councils of a new Model Code of Conduct Framework and implementation arrangements attaching to that new Model Code.

This new Model Code replaced the previous Code and arrangements associated with it including the Regional Code of Conduct Panel arrangements initiated by all regions including the Hunter Region in 2009.

**REGIONAL PANEL PROCESS**

Part 3 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW - March 2013 (Attachment B) described the requirement and process to engage a panel of conduct reviewers.

***Requirements and processes in regard to engagement of a panel of conduct reviewers:***

*A code of conduct complaint is a complaint that alleges conduct on the part of a Council official acting in their official capacity that on its face, if proven, would constitute a breach of*

- the standards of conduct prescribed under the Council's Code of Conduct.*
- 3.1 *The complaints coordinator will refer all code of conduct complaints about councillors or the general manager submitted to the complaints coordinator within 21 days of receipt of a complaint by the general manager or the Mayor.*
  - 3.2 *For the purposes of clause 3.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:*
    - a) *a panel of conduct reviewers established by the council, or*
    - b) *a panel of conduct reviewers established by an organisation prescribed under the Regulation.*
  - 3.3 *In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers.*
  - 3.4 *It should be noted that unless there is a complaint for investigation, the Conduct Review Committee will not be required to meet. There are no regular scheduled meetings for the Conduct Review Committee; all persons are formally appointed to the committee, but are only ever required to meet in the event of a formal complaint being referred to them.*
  - 3.5 *To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:*
    - a) *an understanding of local government, and*
    - b) *knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and*
    - c) *knowledge and experience of one or more of the following:*
      - i) *investigations, or*
      - ii) *law, or*
      - iii) *public administration, or*
      - iv) *public sector ethics, or*
      - v) *alternative dispute resolution, and*
    - d) *meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.*
  - 3.6 *A person will not be eligible to be a member of the panel of conduct reviewers if they are:*
    - a) *a councillor, or*
    - b) *a nominee for election as a councillor, or*
    - c) *an administrator, or*
    - d) *an employee of a council, or*
    - e) *a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or*
    - f) *a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or*
    - g) *a person who has a conviction for an indictable offence that is not an expired conviction.*

Hunter Councils is a prescribed entity under section 3.2.b).

## **REGIONAL RESPONSE**

In response to the new requirements a process was initiated seeking expressions of interest from qualified practitioners to become members of a Hunter Region Code of Conduct Panel.

The process was widely advertised and generated considerable interest. Its provisions / requirements included the following:

### *Purpose and procedure*

- 2.1 The purpose of this regional EOI process is to create a panel of providers that can be accessed by member Councils in regard to Code of Conduct Matters.

Once it has been finalised as a result of this EOI process, each Hunter Councils member Council will be able to access the Panel and engage either an individual reviewer or panel of reviewers. This access will be on an as needs basis with Councils giving consideration in the engagement process to a range of factors including, but not limited to, operational needs, suitable skills, qualifications or experience of panel members and, where appropriate, price.

- 2.2 Current or prospective membership of the Regional Code of Conduct Panel for another region will not, in and of itself, preclude or guarantee appointment to the Hunter Councils Regional Code of Conduct Panel.

### *Term of appointment*

- 5.1 The term of appointment to Hunter Councils Regional Panel of Conduct Reviewers will be a period of four (4) years from date of appointment. It should be noted that there is no remuneration involved in being appointed to the Regional Panel. Remuneration will result only after appointment by a Council to a Conduct Review Committee as required or on assignment as an individual conduct reviewer.
- 5.2 The commencement of the agreement is nominated as the date as stated in the letter of acceptance of submissions to the successful applicant. There shall be no agreement prior to the issue of a letter of acceptance.

## **EOIs RECEIVED**

Expressions of interest were received from the following individuals / entities / individuals acting on behalf of entities:

- Alex Irving
- AllyGroup
- Christopher Gallagher
- David Crofts
- Greg Waters
- Internal Audit Bureau
- John Harcourt Turner
- John Kleem Consulting



- Linda Petterson Consulting
- LKA Group
- Lloyd Graham
- McCullough Robertson (Cameron Dean and Jeremy Kennedy)
- Mediate Today
- Peter Taylor
- Pinnacle Integrity
- Planning Urban Earth
- Prevention Partners
- Raquel Grieve
- Sharon Handstein
- Sinc Solutions
- Strategic Risk Solutions
- Terence Healey
- Train Reaction
- Woodward Legal

Given the diversity of circumstances in which a provider might be accessed on Code of Conduct matters it is difficult to rank the submissions or to attribute any weighting to costs or other matters.

It is therefore suggested that all the submitting entities / individuals be placed on the Regional Panel and that member councils determine the degree to which any or all of the individuals / entities will be accessed at a local level either through confirmation of a Council specific Panel potentially drawn at least in part from the Regional Panel or by simple access to the Regional Panel.

A Council must determine its Panel by 30 September 2013.

## 6.2.14 Mudgee & Gulgong Access Committee

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 18 SEPTEMBER 2013 COUNCIL MEETING

REPORT Council 2013

GOV400029, A0100056, A0060008

### RECOMMENDATION

#### That:

1. the report by the Manager, Community Services on the Mudgee & Gulgong Access Committee be received;
2. Council note the minutes of the Mudgee & Gulgong Access Committee meetings held on 6 August and 3 September 2013
3. Council endorse the appointment of Graham Hedrick, Madeleine McCarthy and Steven Waller to the Mudgee & Gulgong Access Committee

### Executive summary

The Mudgee & Gulgong Access Committee meets monthly to highlight and promote accessibility issues in the region. The next meeting is to be held on Tuesday 1 October, 2013

### Detailed report

The Access Committee has experienced a number of resignations recently, and has found it difficult to reach a quorum for several months of this year. Members of the committee therefore talked to their networks in the community, and have now nominated 3 new members of the community for which it seeks Council's endorsement.

### Financial implications

Not applicable.

### Strategic or policy implications

Not applicable.

KATE POWER  
MANAGER, COMMUNITY SERVICES



CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

6 September 2013

- Attachments:
1. Attachment – Access Committee Meeting Minutes – 06 August 2013
  2. Attachment – Access Committee Meeting Minutes – 03 September 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

**MINUTES OF THE ORDINARY MEETING OF THE MUDGEES AND GULGONG  
ACCESS COMMITTEE HELD ON TUESDAY 6<sup>th</sup> AUGUST  
COMMENCING 3.00PM IN THE COUNCIL COMMITTEE ROOM, MUDGEES.**

**PRESENT;** Access Committee members: Roger Barnes, Pamela Morris, Graham Hedrick, Mary Lovett, Councillor John Webb

**Council Staff:** Kate Power

**Guests:** Steven Waller, Madeleine McCarthy, Daryl Mercer

**1. APOLOGIES:** Victoria Barrett, Les Leighton, Tim O'Reilly

**2. CONFIRMATION OF PREVIOUS MINUTES**

The minutes were confirmed.

**Moved:** M. Lovett

**Seconded:** P. Morris

**3. MATTERS ARISING FROM MINUTES:**

3.1	Hazard Tiles at Target carpark exit	Kate
-----	-------------------------------------	------

**4. CORRESPONDENCE**

- Inward :

Dr Peter Roberts – re Mudgees Medical Centre pedestrian concerns

- Outward:

**5. DEVELOPMENT APPLICATIONS - Nil**

**6. GENERAL BUSINESS**

6.1 The Access Committee were grateful for the letter from Dr Roberts, and second his concerns

Motion – That Dr Roberts letter be provided to the Traffic Committee with support from the Access Committee

**Moved – R. Barnes**

**Seconded – J. Webb**

6.2 Graham Hedrick advised that tactiles have been installed at the public telephone outside The Book Case, but that they are required in a U shape

Motion – that a works request be entered for the U shape installation of tactile tiles at the public telephone outside The Book Case

**Moved – Graham Hedrick**

**Seconded – Mary Lovett**

6.3 Roger Barnes advised that there is a man hole on the Short St side of the Lawson Park Hotel that is a significant trip hazard for pedestrians

Motion – that a works request be entered for the advising of the trip hazard on the Short Street side of the Lawson Park Hotel

**Moved – R. Barnes    Seconded – G. Hedrick**

6.4 Pamela Morris provided photographs of pedestrian hazards in Herbert Street Gulgong.

Motion – that works requests be entered for the

- steep ramp in Herbert St/Little Bayley St
- drain in Herbert Street
- McDonald Bakery signage
- Overflow pipe of house at Bayly St and Herbert St

**Moved – P. Morris    Seconded – R. Barnes**

6.5 Mary Lovett provided the Access Committee with details of the screening of Australia at the Town Hall Cinema to show case Audio Descriptions for vision impaired. It will screen at 1.00pm on 22 September 2013

**Next Meeting Date – Tuesday 3 September 2013**

Agreed Actions:

1.	Dr Roberts letter forwarded to Traffic Committee	Kate
2.	Works request for tactile tiles at public telephone – PA0018/2014	Kate
3.	Works request for sink hole outside Lawson Park Hotel - PA0019/2014	Kate
4.	Works request for steep ramp in Herbert St/Little Bayley St - PA0020/2014	Kate
5.	Works request for drain in Herbert Street DR0015/2014	Kate
6.	Works request for McDonalds Bakery signage - SI0020/2014	Kate
7.	Works request for overflow pip Bayly and Herbert St - DR0016/2014	Kate

## ATTACHMENT 2

**MINUTES OF THE ORDINARY MEETING OF THE MUDGEES AND GULGONG  
ACCESS COMMITTEE HELD ON TUESDAY 3<sup>rd</sup> SEPTEMBER  
COMMENCING 3.00PM IN THE COUNCIL COMMITTEE ROOM, MUDGEES.**

**PRESENT:** Access Committee members:., Mary Lovett, Victoria Barrett, Graham Hedrick, Steven Waller, Rodger Barnes

**Council Staff:** Kate Power

1. **APOLOGIES:** Pamela Morris, Les Leighton, Tim O'Reilly, Madeleine McCarthy, John Webb
2. **CONFIRMATION OF PREVIOUS MINUTES**

The minutes were confirmed.

**Moved:** G. Hedrick                      **Seconded:** R. Barnes

**3. MATTERS ARISING FROM MINUTES:**

1.	Dr Roberts letter forwarded to Traffic Committee	Kate
2.	Works request for tactile tiles at public telephone – PA0018/2014	Kate
3.	Works request for sink hole outside Lawson Park Hotel - PA0019/2014	Kate
4.	Works request for steep ramp in Herbert St/Little Bayley St - PA0020/2014	Kate
5.	Works request for drain in Herbert Street DR0015/2014	Kate
6.	Works request for McDonalds Bakery signage - SI0020/2014	Kate
7.	Works request for overflow pip Bayly and Herbert St - DR0016/2014	Kate

**4. CORRESPONDENCE**

- Inward :

- Outward:

Dr Roberts letter forwarded to Traffic Committee for consideration

**5. DEVELOPMENT APPLICATIONS - Nil**

**6. GENERAL BUSINESS**

6.1 Rodger Barnes advised that the grates in Byron Place appear not to have been rotated yet.

Action Item – Kate to follow up with Andrew Kearins

6.2 Graham Hedrick advised that tactile tiles are required when pedestrians cross the Byron Place laneway that leads out to Mortimer St (between S&S Meats and the Mortimer Centre). There is a stop sign to stop vehicle traffic, but it remains a hazard for vision impaired pedestrians to cross and requires tactile indicators.

Motion – that a works request be entered for the installation of tactile tiles at the on the footpath and laneway intersection between S&S Meats and the Mortimer Centre.

**Moved – Graham Hedrick    Seconded – Mary Lovett**

6.3 Tactiles at zebra and pedestrian island crossings were raised by Graham Hedrick.

He said that the zebra crossing at the library has tactiles all the way to the building lines so that he can find the way to the crossing, and asked about the standard in relation to tactiles at crossings

Action Item – Kate to follow up on standard with Sally Mullinger and Traffic Committee

6.4 Mary Lovett reminded the Access Committee about the details of the screening of Australia at the Town Hall Cinema to show case Audio Descriptions for vision impaired. It will screen at 1.00pm on 22 September 2013. Tickets are free and are available by phoning : Eileen : 63721115 or Mary : 63731293

**Next Meeting Date – Tuesday 1 October, 2013**

Agreed Actions:

1.	Follow up with Andrew Kearins re: grates in Byron Place walkway	Kate
2.	Works request be entered for the installation of tactile tiles at the on the footpath and laneway intersection between S&S Meats and the Mortimer Centre. - PA0022/2014	Kate
3.	Follow up tactile standards at pedestrian crossings	Kate

## 6.2.15 Cultural Development Committee – Public Art Policy

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 18 SEPTEMBER 2013 COUNCIL MEETING

REPORT Council 2013

GOV400029, A0100056, A0420172

### RECOMMENDATION

#### That:

1. **the report by the Manager, Community Services on the Cultural Development Committee - Public Art Policy be received;**
2. **Council note the minutes of the Cultural Development Committee meeting ordinary meeting held on 15 July 2013 and additional meeting held on 30 August, 2013;**
3. **Council adopt the Public Art Policy developed by the Cultural Development Committee.**

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### Executive summary

The Cultural Development Committee meets to highlight and promote cultural issues in the region, and in recent months, have spent time developing a Public Art Policy for Council's consideration. The next meeting of the committee is due to be held on Monday 16<sup>th</sup> September 2013.

### Detailed report

The Cultural Development Committee resolved at its July meeting to hold a workshop to engage artists and interested members of the community to contribute to the development of a Public Art Strategy.

The workshop was held on Wednesday 14<sup>th</sup> of August, and was facilitated by Judith James, a consultant who has provided strategic planning for local government, arts funding agencies, venues and companies across all art forms. Judith lives locally and is a recent member of the Cultural Development Committee.

Since the August public workshop, a policy was developed and considered by the Cultural Development Committee.

The policy encourages a commitment for Council to develop a public art program that reflects the region's natural and cultural heritage, engages the community and adds value to infrastructure, attractions and public amenity.

The policy importantly establishes an advisory panel of experienced community stakeholders that will guide Council on commissioning, selection, maintenance protection and de-accessioning of public art works.

The Cultural Development Committee has now endorsed the draft policy and now seeks Council's endorsement.

## Financial implications

The draft policy provides the opportunity for Council, with the help of the Public Art Advisory Panel, to explore local, regional and national options to fund future public art projects from governments, funding agencies, individual and corporate donors.

## Strategic or policy implications

The Public Art Policy provides a strong policy framework for the consideration of any public art installations in our region.

KATE POWER  
MANAGER, COMMUNITY SERVICES

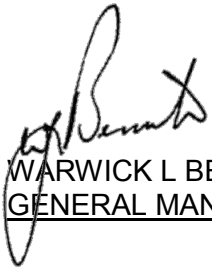


CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

6 September 2013

*Attachments:* 1. Attachment – Public Art Policy draft  
2. Attachment – CDC minutes 15 July 2013  
3. Attachment – CDC minutes 30 August 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



	<b>POLICY</b>	<b>ADOPTED</b> C/M Minute No. XXX / XX
	<b>Public Art Policy Draft</b>	REF: insert reference REV: insert revision number  FILE No. insert file no.

**Purpose of policy**

This policy sets out Council's commitment to developing a public art program that reflects our natural and cultural heritage, engages with our community and adds value to our infrastructure, attractions and public amenity.

**Definition**

Public art may be in any medium, and form, created by a single artist, group of artists or artists working with members of the community. It may be permanent, temporary or ephemeral and will be located in a place easily accessed by the public.

**Policy Objectives**

The quality and uniqueness of public environments demonstrate a community's creative ability and its aspirations. Council recognises that public art, integrated with good urban design and landscape architecture can assist the region to be recognised as a prosperous and progressive, and foster community pride.

Through this policy Council aims to:

- Develop and maintain a public art collection and program that is responsive to the region's natural and cultural history and which gives the region a distinctive voice;
- Encourage the participation in and appreciation of art by our communities;
- Add value to our infrastructure, attractions and public amenities
- Ensure the design, installation and maintenance of public artwork is in accordance with state and national standards of practice.

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Public Art Policy - DRAFT

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**Public Art Funding**

Council, with the help of the Public Art Advisory Panel (see next point), will explore local, regional and national options to fund future public art projects from governments, funding agencies, individual and corporate donors.

**Ownership**

Wherever possible and appropriate public artworks will be owned by Council on behalf of the community.

**Public Art Advisory Panel (PAAP)**

PAAP is a group of experienced stakeholder representatives appointed by Council on the advice of the Cultural Development Committee, to guide it on the commissioning, selection, maintenance, protection and de-accessioning of public art works and programs.

PAAP has the following responsibilities:

- Evaluate proposals, acquisitions and public art programs within the parameters established by this policy and make detailed recommendations to Council;
- Advise on the resources Council will need for the purchase, installation, including any ground works, development approvals, ongoing maintenance, restoration and insurance for new and existing works;
- Oversee processes relating to the commissioning, procurement and de-accessioning of public art;
- Evaluate public engagement with installations and programs;
- Identify and advise Council of funding, partnership and donor opportunities;
- Ensure public art is appropriately interpreted for diverse audiences; and
- Review and evaluate Council's public art policy on a regular basis.

PAAP reports via the Cultural Development Committee to Council.

PAAP will include the following representatives:

- Councillor, to be filled by the Councillor appointed to the Cultural Development Committee, and shall run for the duration of the Council term
- One Cultural Development Committee member
- One Mudgee Arts representative

#### Public Art Policy - DRAFT

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- One representative from a regional arts body such as Orana Arts
- Three experienced community representatives, at least one should be a practising artist with a minimum of three years experience in public art

At least three members of PAAP will live outside the township of Mudgee but within the MWRC boundary.

Key internal and external advisors with specialist expertise, such as architects and engineers, may be temporarily co-opted to the group. Membership is limited to two years, with the exception of the Councillor representative. In the first year four of the committee will be appointed for three years to provide continuity.

#### Public Art Procurement

Mid Western Regional Council recognises the following methods for procuring public artworks:

- Commissioning of new works
- Commissioning of existing designs
- Purchase of existing works
- Leasing or fees for temporary installations
- Donations and bequests, works on loan
- Works acquired through competitions or other awards

The Public Art Advisory Panel will consider and assess all works before Council accepts them for installation and/or addition to the Public Art Register.

The creator retains copyright after a work is sold. At the time of purchase and commission Council will request permission to create and publish images of the artwork.

#### Bequests and donations guidelines

Donations or bequests are encouraged provided they adhere to this public art policy, and with the following provisos.

- The works are accepted only where the donor has legal title over the works and usually only if the gift is made on the basis of full transfer.
- The work's provenance can be clearly established and verifiable.
- Artworks are in good condition and Council is able to budget for foreseeable conservation, insurance and/or storage costs

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**Public Art Policy - DRAFT**

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All donors are publicly acknowledged

**Care of the collection**

Council acknowledges its responsibility to maintain, document and insure its public art collection. Prior to the approval of any public art installation, Council will allocate, where appropriate, a budget for maintenance and conservation, and insure works against damage and loss. As artwork values fluctuate, Council will obtain five-yearly estimates of its value from suitably qualified art valuers for insurance purposes. Professional conservators will be engaged as required to restore works that have been damaged. All works not on display will be securely stored. Council acknowledges the copyright is retained by the creator who will be consulted on the location, installation and interpretation of the work.

**Public Art Register**

Council maintains a register of permanent public artworks. All artworks in this register are considered assets in Council's Corporate Asset Management System.

The key information retained includes:

Artist's name

Title of work

Medium and materials

Size

Location

Value, date of valuation and valuer's name and organisation

Date of acquisition and image of the work

**De-accessioning or re-locating Artwork**

From time to time decisions need to be made about the relocation or removal of public artworks from Council's ownership for a range of reasons including:

- community relevance;
- public safety;
- changes to the design and use of the public space occupied by the artwork;
- a more appropriate site has become available for an artwork;
- the work sustains irretrievable loss or irreparable damage; and
- deterioration of the work has progressed to such a degree that conservation of the work is valued at a cost greater than its current or potential value.

Public Art Policy - DRAFT

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De-accessioning of an installation may occur as follows:

- Offered for sale or donation (as appropriate) to the donor or creator, in the first instance
- Offered to another collecting institution
- Exchanged, gifted or sold to appropriate individuals or institutions
- Resold on the public market
- Destruction or recycling, if no other option is deemed suitable

Proceeds from the sale of de-accessioned items will be used for Council's public art program.

DRAFT

**MINUTES OF MEETING OF THE  
MID-WESTERN REGIONAL COUNCIL CULTURAL DEVELOPMENT COMMITTEE  
HELD ON MONDAY 15 JULY 2013  
MEETING AT THE COUNCIL COMMITTEE ROOM, MUDGEE AT 5PM.**

**PRESENT:** Colin Jones, Judith James, Gai Rayner, Helen Harwood, Lucy White (Kate Power Council staff)

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

2. **APOLOGIES:** Leanne Wicks

3. **ADOPTION OF PREVIOUS MINUTES OF MAY MINUTES**

Moved: Judith James                      Seconded: Colin Jones                      **Minutes Accepted**

4. **MATTERS ARISING FROM THE MINUTES**

**4.1 PUBLIC ART POLICY**

The Public Art Policy and workshop were discussed at length. The relevant stakeholders were also identified by the Committee. It was agreed that Judith James to forward invitations and scope of workshop to the identified participants.

**Motion: That Judith James facilitate the workshop, and circulate two dates for consideration by stakeholders**

Moved: Colin Jones                      Seconded: Judith James                      **Motion Carried**

5. **GENERAL BUSINESS**

**5.1 Dabee exhibition**

Colin Jones detailed the success of Council in securing the Dabee exhibition funding, and advised that he will be working closely and meeting with Lynne Symes in the near future.

**5.2 Kandos Museum**

Kate Power provided an update to the Committee on the closure of the Kandos Museum. The closure is unfortunate, but the museum will remain closed until the appropriate governance structures are in place.

There being no further business the meeting closed at 6.05pm.

Next proposed meeting date: Monday 16<sup>th</sup> September, 2013 at 5pm

**MINUTES OF MEETING OF THE  
MID-WESTERN REGIONAL COUNCIL CULTURAL DEVELOPMENT COMMITTEE  
HELD ON MONDAY 30 AUGUST 2013  
MEETING AT THE COUNCIL COMMITTEE ROOM, MUDGEES AT 4.30PM.**

**PRESENT:** Colin Jones, Lucy White, Judith James, Helen Harwood, Christopher Wright, Katrina Odgers, Virginia Handmer, Kate Power (Council Staff)

1. **WELCOME:** – The meeting opened at 5.05pm and everyone welcomed by Colin Jones
2. **APOLOGIES:** Nil
3. This meeting is called in addition to the Cultural Development Committee's regular meeting, to consider the Public Art Policy formulated from the recent stakeholder workshop.

**3.1 Draft Public Art Policy**

Judith James tabled a draft of the public art policy that was developed out of the workshop held on 14 August 2013.

The Committee considered the policy, and changes to be made were noted.

Motion –The Cultural Development Committee endorse the Public Art Policy with amendments, to be reported to Council's 18 September meeting

Moved – Helen Harwood      Seconded – Colin Jones      Motion carried

(Judith James to provide Kate with revised policy)

**3.2 Workshop participant feedback**

The Committee expressed its gratitude to the participants of the workshop, and will report back to them on the revised policy.

Motion: That the draft policy endorsed by the Cultural Development Committee be provided to participants from the workshop, and seek from them any expressions of interest for appointment to the Public Art Advisory Panel

Moved: Colin Jones      Seconded: Katrina Odgers      **Motion Carried**

Helen Harwood, along with the rest of the Committee, thanked Judith James for her facilitation of the workshop, and drafting of the policy.

There being no further business the meeting closed at 5.30pm

Next proposed meeting date: Monday 16<sup>th</sup> September, 2013 at 5pm (regular meeting).

## 6.2.16 Gulgong Sports Council

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 18 SEPTEMBER 2013 COUNCIL MEETING

Report to Council - Gulgong Sports Council - July 2013

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 10 July 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 10 July 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

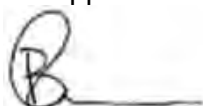
Not applicable.

### Financial implications

Not applicable.

### Strategic or policy implications

Not applicable.



BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

29 August 2013

*Attachments:* 1. Minutes of the Gulgong Sports Council Ordinary Meeting 10 July 2013

APPROVED FOR SUBMISSION:

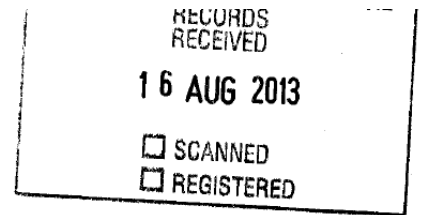


WARWICK L BENNETT  
GENERAL MANAGER



ATTACHMENT 1

Gulgong Sports Council  
Monthly Meeting  
Wednesday 10<sup>th</sup> July, 2013



**Meeting Opened:** 7pm

**Apologies:** Charlie Rae

**Present:** Craig Holden – President, Brian Gudgeon – Treasurer/Senior Cricket, Nicola Barnes – Secretary/Gulgong Pony Club/Miniature Horses, Percy & Diane Thompson – MWRC, Lynn Hawkins – Passive Parks, Roger Wisbey – Gulgong JRL.

**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. Have requested steel door with hinge otherwise will just get kicked in again – waiting further information from Council.
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. Need to get gravel for behind the school at gateway to top oval as there is a huge drop off and large pot holes – still waiting on information from Council.
4. Gulgong Sports Council have been advised that surveillance cameras are being quoted on for Billy Dunn, could Council please advise and update the Sport Council in regards to this. To date still haven't received any updates. Also what is happening with security of both sporting grounds at Gulgong.
5. Meeting held on 12<sup>th</sup> June regarding Re-recreational Strategy Draft, discussion was on the following points – Bookings, Communication, Spots council Relationship to Council including involvement and input, Glen Willow complex and cost cutting. Please refer to letter sent to Council from the Gulgong Sports Council regarding the Draft. Have received letter stating that they received our letter but nothing further.
6. Victoria Park Grandstand awning posts need to be fixed please refer to photo's attached to June's minutes. A work request was raised through the Gulgong Office – request has not been actioned by Council at this stage.

7. Gulgong Community and Sports Council has put a lot of money, time and effort into beautifying Victoria Park and the front entrance. We request that Council please return it to its former glory as the work that has been done there recently by the development contractors that has been carried out has made the entrance to the park an absolute disgrace the way it has been left. All the plants have been ripped out, there's a massive dip at front entrance, entrance needs is just a small part of what needs to be done to return it to how it was. The Sports Council would like to have a meeting with a delegate from Council onsite regarding this matter. Photo's of the mess that has been left are attached.

**Finance Report:**

Opening Balance:	\$2,253.32
Income;	
Ground Fees	\$1,248.00
Donation	\$100.00
Sports Council Income @ 50% of fees + Donation	\$724.00
Expenditure	\$396.25
Closing Balance: Sports council	\$2581.07

**Income:-**

\$1,248.00 = Gulgong Junior League Association fees (50% to Mid Western)

\$100 = Mid-Western Valves Donation for Awards Night

**Expenditure:-**

\$44.22 – Gulgong Timber & Hardware – painting gear

\$98.23- John Hardwright Signs – Victoria Park

\$253.80-Gulgong Bowling Club – Memorial dinner

**Motion 2 – “That accounts be paid”**

Moved: B. Gudgeon

Seconded: P. Thompson

All in favour – motion moved and carried.

**Motion 3 – “That the treasurer’s report be accepted.”**

Moved: B. Gudgeon

Seconded: C. Holden

All in favour – motion moved and carried.

**Correspondence:**

**Incoming:**

1. Mudgee & Districts Kennel & Obedience Club Monthly Newsletter
2. Letter from Alayna Gleeson of Council regarding seeking of information on Sports Grounds for their new system ( received via E-mail).

**Outgoing:**

1. Gulgong Sports Council's replied to Alayna Gleeson's correspondence regarding sports grounds facilities (replied via E-mail).

**Motion 4** – “That the correspondence be accepted.”

Moved: N. Barnes

Seconded: B. Gudgeon

All in favour – motion moved and carried

**General Business:**

1. Gulgong Sports Council is having its AGM on the 11<sup>th</sup> September at 7pm at the Gulgong Bowling Club. A representative from each club that use Councils grounds have to attend the AGM under Mid-Western Regions Council Policy. It is compulsory that any club using said grounds sends a representative to the meeting. It is also imperative to the survival of the Gulgong Sports Council to have people attend and also take on some responsibility and nominate for positions. If we don't then Gulgong is going to lose another vital service to our Sporting Community and our Community at large.
2. 6<sup>th</sup> October 2013 Camel Races are going to be held at the Gulgong Race Course – we need people at the gate to help out.
3. The hand rail at front of Billy Dunn grandstand is in need of a paint job and has been for quite awhile. Motion put forward to see if Peter Reagan will paint for us at a cost of no more than \$500.

**Motion 5** – “That the hand rail at Billy Dunn Grandstand gets a new paint job”.

Moved: C. Holden

Seconded: B. Rae

All in favour – motion moved and carried

4. Previously Gulgong Sports Council have had younger members of our Community do a cadetship with the Council and learn all aspects of the positions within the Sports Council and also the role it plays within the community. We have another young member of our community who would like to take on that role...Rhiannon Barnes.

**Motion 6** – “Nominate and elect Rhiannon Barnes to the cadetship within the Gulgong Sports Council”

Moved: C. Holden

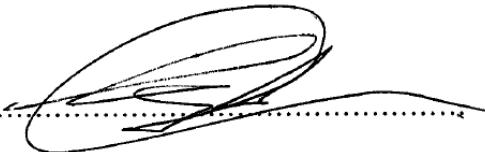
Seconded: B. Gudgeon

All in favour – motion moved and carried

Rhiannon Barnes accepts the position.

Meeting closed: 8.30

Craig Holden – President

A handwritten signature in black ink, appearing to be 'Craig Holden', written over a dotted line. The signature is stylized and somewhat cursive.

Next meeting – 14<sup>th</sup> August 2013 – 7pm – Gulgong Bowling Club

## 6.2.17 2013 Christmas Close Down

REPORT BY THE GENERAL MANAGER TO 18 SEPTEMBER 2013 COUNCIL MEETING

2013 Christmas Close Down

GOV400029, A0100056, A0260003

### RECOMMENDATION

#### That:

1. **the report by the General Manager on the 2013 Christmas Close Down be received;**
2. **Council notes that administrative centres, works depots and the Libraries will close for the Christmas holidays at 12 noon on Friday 20 December 2013, returning on Thursday 2 January 2014; and**
3. **Public will be notified through the Community News and appropriate signs be affixed to the doors of Council's premises advertising of the closure period.**

### Detailed report

Past practice has been for Council's workforce to take leave over the Christmas/New Year period. This is traditionally a very quiet period for Council services and thus provides a good opportunity for staff to take annual leave.

Christmas Day and Boxing Day fall on a Wednesday and Thursday respectively, and New Years Day on a Wednesday, and have been gazetted as public holidays. All other work days off will be treated as annual leave.

The first day of the Christmas school holidays will be Friday 20 December 2013.

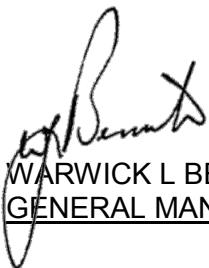
Of course Council essential and emergency services will be on call during the break.

### Financial implications

Not applicable

### Strategic or policy implications

Not applicable.



WARWICK L BENNETT  
GENERAL MANAGER

4 September 2013

*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