



ORDINARY MEETING

Wednesday 16 October 2013





PO BOX 156
MUDGEE NSW 2850

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

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9 October 2013

Dear Councillor

MEETING NOTICE
Ordinary Meeting
Wednesday, 16 October 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", is written over the typed name and title.

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 3 October 2013

COUNCIL DECISION:

That the Minutes of the Ordinary Meeting held on 3 October 2013, Minute Nos 374/13 to 392/13 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are attached overleaf.

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Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Thursday 3 October 2013, commencing at 6.59pm and concluding at 7.54pm.

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr JK Weatherley, Cr JR Webb, Cr L White.
IN ATTENDANCE	General Manager (WL Bennett), Director Mid-Western Operations (B Cam), Director Finance and Administration (C Phelan), Manager Statutory Planning (G Bruce), Manager Governance (I Roberts), Manager Health and Building (T O'Reilly), Town Planner (D Selems).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (R Murray), Radio 2MG (C Bassett & M Heldon)

Item 1: Apologies

An apology was received for the absence of Councillor MB Walker.

374/13 MOTION: Thompson / Martens

That the apology for the absence of Councillor MB Walker be accepted and leave of absence be granted.

The motion was put and carried.

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes

375/13 MOTION: Cavalier / Thompson

That the Minutes of the Ordinary Meeting held on 18 September 2013 (Minute Nos. 353/13 to 373/13) be taken as read and confirmed.

The motion was put and carried.

Item 4: Matters in Progress

Noted.

Item 6: General Business**6.2 REPORTS TO COUNCIL**

6.2.2 DA0327/2013 EXTENSION OF AN EXISTING SWIM SCHOOL (RECREATION FACILITY), LOT 2 DP 533466, 87 SHORT STREET, MUDGEE

GOV400029, A0100056, P131706

DEFERRED COMMENCEMENT

This is a deferred commencement condition in accordance with Section 80(3) of the Environmental Planning and Assessment Act 1979 and this consent shall not operate until it has been complied with to the satisfaction of Council.

376/13

MOTION: Shelley / Cavalier

That:

1. A Building Certificate issued under Section 149A-E of the Environmental Planning and Assessment Act 1979, for all Building works located onsite in association of the Swim School (Facility) is to be obtained from Council. This includes, but not limited to, the submission of a Structural Engineers Report on all the existing buildings to be prepared by a registered Structural Engineer, an identification survey and any building over Council's sewer main or a boundary rectified.

This condition is to be complied with within six (6) months of the date of determination.

APPROVED PLANS

1. The development is to be carried out generally in accordance with the stamped submitted plan and the Development Application received by Council, except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

GENERAL

2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy.

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3. All building work must be carried out in accordance with the provisions of the National Construction Code and the adopted Australian Standards referenced in the Building Code of Australia.
4. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing Code of Australia.
5. The Facility (swimming pool) is to comply with the requirements of the Public Health Act 2010 and its subsequent Regulations.
6. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measures is capable of performing to its specification.

PRIOR TO THE CARRYING OUT OF WORKS

7. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
 - A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - Council is to be given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
8. A sign shall be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out showing:
 - the name, address and telephone number of the principal certifying authority for the work, and
 - stating that unauthorised entry to the premises is prohibited, and
 - showing the name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours. The sign shall be removed when the erection or demolition of the building has been completed
9. All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.
10. Construction work noise that is audible at other premises is to be restricted to the following times:

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- Monday to Saturday -- 7.00am to 5.00pm
 - No construction work permitted on Sundays or Public Holidays.
11. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25).
 12. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. The Council encourages the separation and recycling of suitable materials.
NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE.

CARPARKING CONSTRUCTION

13. Twenty (20) rear to kerb car parking spaces are to be line marked with appropriate parking signs are to be installed in the street and no "parking signs" provided adjacent to the site and adjoining sites driveway crossovers. All works are to be done at the full cost of the developer.
Note: This will require approval by Council's Local Traffic Committee and Council's Development Engineer should be contacted in this regard.

DURING THE USE OF THE FACILITY

14. The Facility is approved for up to 20 clients using the Facility at any one time.
15. The Facility is to be completely enclosed by an approved childproof fence having a minimum height of 1.2 metres, measured on the outside with a maximum clearance under the fence of 75mm. An approved self-closing and self-locking gate is to be provided.
16. The Facility is to be used and operated as not to cause any amenity issues with the neighbouring properties, particularly in regard to noise.
17. The swimming pool and associated structures are to comply with the requirements of the Swimming Pools Act 1992 and its associated Regulations.

FOOD CONDITIONS

18. The food premise of the Facility is to be registered with Council. The premises will be subject to inspections by Council for which a fee will be payable.

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19. The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

20. A report be submitted from a practising and registered Structural Engineer certifying the structural sufficiency of the building including all detached structures associated with the development to ensure that they comply with the requirements of the Building Code of Australia.
21. A privacy screen of sufficient height and width shall be erected on the rear boundary of the development to screen the development and its activities.
22. All car parking and sign posting works are to be completed within six months of date of determination.

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 Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

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Presentation of Annual Financial Statements

Council's Auditor Mr John O'Malley from Intentus Chartered Accountants presented the Annual Financial Statements for 2012/13 and answered questions from Councillors.

Item 5: Mayoral Minutes

There was no Mayoral Minute.

Item 6: General Business (cont.)**6.1 NOTICES OF MOTION**

There were no Notices of Motion.

6.2 REPORTS TO COUNCIL (cont.)**6.2.1 PRESENTATION OF FINANCIAL STATEMENTS 2012/13**

GOV400029, A0100056, FIN300066

377/13 **MOTION: Cavalier / Weatherley**

1. That the report by the Director, Finance & Administration on the Presentation of Financial Statements 2012/13 be received; and
2. Council endorse Intentus Chartered Accountants (Mr John O'Malley) as Council's auditor.

The motion was put and carried.

6.2.3 MA0016/2014 PROPOSED TAXI SHELTER – 83-85 MORTIMER STREET, MUDGEE

GOV400029, A0100056, P0199662

378/13 **MOTION: Shelley / Weatherley**

That:

1. the report by the Town Planner on Modification Application No. 0016/2014, Proposed Taxi Shelter at 83 – 85 Mortimer Street, Mudgee be received; and
2. Modification Application No. 0016/2014, Proposed Taxi Shelter at 83 – 85 Mortimer Street, Mudgee be approved, subject to the following conditions detailed below:

APPROVED PLANS

1. Development is to be carried out generally in accordance with the stamped plans submitted to Council by Sundai Designs, Drawing No 358MWR-01 Issue C and dated July 2013, except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.
2. The development shall fully comply with the provisions of Council's Development Control Plan "Design for Accessibility". Details of compliance specially addressing the policy shall be provided with an application for Construction Certificate.
3. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with;
 - a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and form 7 of schedule 1 to the Regulations.
 - c) Council is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.
4. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
 - a) stating that unauthorized entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
5. If the work involved in the erection/demolition of the building;
 - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public placeA hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
6. When foundations are excavated, if filled ground is found, footings shall be designed by a Structural Engineer and Council must be notified in writing.

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7. Construction work noise that is audible at other premises is to be restricted to the following times:
Monday to Friday - 7.00am to 6.00pm
Saturday - 8.00am to 1.00pm
No construction work noise is permitted on Sundays or Public Holidays.
8. All building work must be carried out in accordance with the provisions of the Building Code of Australia, the Environmental Planning & Assessment Act 1979 and Regulations and the relevant Australian Standards.
9. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
10. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.
(Note: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered).

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

11. A set of structural drawings including paving treatment and levels are to be referred to Council's Access Committee for approval.
12. Engineering plans of any stormwater extensions are to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a Construction Certificate.

A detailed engineering design supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications is to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a Construction Certificate.

13. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid Western Regional Council prior to any work commencing.

ENGINEERING CONSTRUCTION

14. The driveway to the service station is to have a minimum width sufficient to allow manoeuvring access for heavy vehicles in accordance with Roads & Traffic Authority standards and sealed

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with a hard standing, all weather material and must be maintained in a satisfactory condition at all times.

15. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to the development. These should be constructed in accordance with Aus-Spec #1 and the appropriate Council standard drawings including M524-Urban Access, M526-Industrial Access, M594-Kerb & Gutter Layback.

Inspections - Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Development Engineer between 8.00am and 4.00pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

16. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
17. All stormwater runoff from this development is to be conveyed to Councils existing drainage system.
18. Adequate site distances from the driveway to the service station must still be maintained in accordance with the Roads & Traffic Authority standards. This includes trimming of trees to a safe height so as to maximise sight distances.
19. The building shall not be occupied or used until an Occupation Certificate has been issued.

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 Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

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6.2.4 REVIEW – COMPREHENSIVE DCP 2013 – DRAFT DCP
AMENDMENT NO.1

GOV400029, A0100056, A0420143

379/13

MOTION: Shelley / Cavalier**That:**

1. the report by the Manager Statutory Planning on the Review of the Comprehensive DCP 2013 be received;
2. the Draft Development Control Plan – Amendment No.1 be placed on public exhibition for the statutory period of 28 days;
3. a further workshop be held with practitioners during the exhibition period.
4. following the conclusion of the public exhibition period a report be presented back to Council for consideration.

*The motion was put and carried.*6.2.5 RYLSTONE AERODROME DEVELOPMENT – PAYMENT OF
FEES AND CHARGES

GOV400029, A0100056, P1463461

380/13

MOTION: Shelley / Webb**That consideration of this matter be deferred until the Council Meeting on 16 October 2013.***The motion was put and carried.*

6.2.6 MONTHLY BUDGET REVIEW FOR AUGUST 2013

GOV400029, A0100056, FIN300062

381/13

MOTION: Weatherley / Cavalier**That:**

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

The motion was put and carried.

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6.2.7 FINANCIAL ASSISTANCE APPLICATIONS

GOV400029, A0100056, A0140201

382/13 MOTION: Shelley / White

That:

1. the report by the Financial Accountant on the Financial Assistance Applications be received;
2. Council provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met, with the funding from the general financial assistance vote:
Twin Town Players Inc \$660
Dance with Attitude \$400
3. Council waive the bond of \$550 payable by Twin Town Players Inc to hire the Rylstone Hall. Bond to be payable from Financial Assistance budget if required.

The motion was put and carried.

6.2.8 KANANDAH RETIREMENT LTD – REQUEST FOR FINANCIAL ASSISTANCE

GOV400029, A0100056, A0140201

383/13 MOTION: Weatherley / Cavalier

That:

1. the report by the General Manager on the Kanandah Retirement Ltd – Request for Financial Assistance be received;
2. Council refer any contribution to the Kanandah Retirement Ltd to be considered as part of the September Quarterly Budget Review.

The motion was put and carried.

6.2.9 LANES IN GULGONG

GOV400029, A0100056, R0790192

384/13 MOTION: Thompson / Cavalier

That:

1. the report by the Manager Technical Services on the Lanes in Gulgong be received;
2. Council go through the road naming process for the lanes referred to as Un-named Lane 1 through 4 as depicted on the maps attached;

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3. Council include the following Gulgong roads in the Roads Asset Management Plan as maintained roads:
 - a. Un-named Lane 1 – 150m long off Bulga St parallel to Mayne St
 - b. Un-named Lane 2 – 230m long between Wenonah and Bowman Streets
 - c. Un-named Lane 3 – 190m long between Lynne and White Streets
 - d. Un-named Lane 4 – 330m long between Rouse St and Lynne St
 - e. Collins Lane – 150m long between White St and Robinson St.

The motion was put and carried.

6.2.10 MUDGEE SEWERAGE AUGMENTATION PROGRESS REPORT A0100056, A0100055, F0740001

385/13 MOTION: Shelley / White

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

The motion was put and carried.

6.2.11 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE GOV400029, A0100056, F0650007

386/13 MOTION: Webb / Cavalier

That:

1. the report by the Director, Mid-Western Operations on the Mudgee Showground Management Committee be received;
2. Council recognise the Mudgee and District Working Equitation (MADWEQ) as a regular user of the Mudgee Showground
3. Council approves and put onto public exhibition fees for 30 days the following new fees and charges
Security Bond - MADWEQ Practice Day \$150 per annum
Hire Fees – MADWEQ Practice Day \$100 per event
4. Council recognises the new fees and charges at the expiry of the public exhibition period if no submissions are received.

The motion was put and carried.

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6.2.12 NOXIOUS WEEDS ADVISORY COMMITTEE

GOV400029, A0100056, A0130077

387/13 MOTION: Thompson / Webb

That:

1. the report by the Noxious Weeds Administrator on the Noxious Weeds Advisory Committee be received;
2. the minutes of the Noxious Weeds Advisory Committee held on Monday 2 September 2013 are noted.

The motion was put and carried.

6.2.13 TOWN ENTRANCE SIGNS

GOV400029, A0100056, R0790215

MOTION: Martens / Thompson

That:

1. the report by the General Manager on the Town Entrance Signs be received;
2. Council not proceed with the new town entrance signs at this time and that the moneys re-allocated as part of the September Quarterly Budget Review.

388/13 AMENDMENT: Weatherley / Cavalier

That:

1. the report by the General Manager on the Town Entrance Signs be received;
2. Council not proceed with the new town entrance signs at this time and that the moneys re-allocated as part of the September Quarterly Budget Review; and
3. New town entrance signs be listed for consideration in conjunction with budget considerations for 2014/15

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

6.2.14 LOCAL TRAFFIC COMMITTEE MINUTES 10 SEPTEMBER 2013
GOV400029, A0100056, A0100009

389/13

MOTION: Webb / Thompson**That:**

1. the report by the Manager, Development Engineering on the Local Traffic Committee Minutes 10 September 2013 be received;
2. Bocoble Road - "Reduce Speed" warning sign be installed on Bocoble Road only prior to the Stop Sign Ahead on Bocoble Road;
3. Queens Pinch Road - the Queens Pinch Road 'intersection ahead' signs indicate the main priority of the road.
4. Henry Lawson Drive –
 - a) the "Give Way" signs and the advanced warning (symbolic) Give Way Ahead sign on the southern approach of the one-lane bridge over Pipe Clay Creek on Henry Lawson Drive be relocated so that they are on the northern approach of the bridge and prior to the Give Way sign being changed a public education program be undertaken;
 - b) the residents along Henry Lawson Drive be consulted as per the recommendation in the report; and
 - c) a copy of the Plan be forwarded to the Roads and Maritime Services for review of appropriate signage.
5. Intersection of Burrundulla and Rocky Waterhole Roads –
 - a) the works requests to move the priority cross roads signage (W2-1) from Burrundulla Rd to Rocky Waterhole Rd and remove small tree obscuring the Give Way ahead be noted; and
 - b) linemarking at the intersection be upgraded to be in accordance with RTA Delineation: Section 6 – Transverse Markings.
6. Mudgee Brewing - a loading zone of one parking space from 9am to 5:30pm Monday to Friday and 9am to 12pm on Saturdays be installed in front of the Mudgee Brewing Co. in Church Street, between Market and Short Streets Mudgee.
7. Church Street - "No Parking" signs be installed at the driveways of 166 and 168 Church Street.

The motion was put and carried.

6.2.15 REGISTER OF RETURNS DISCLOSING INTERESTS OF
COUNCILLORS AND DESIGNATED PERSONS

GOV400029, A0100056, A0110004

390/13

MOTION: Shelley / Cavalier

That:

1. the report by the Manager Governance on the Register of Returns disclosing interests of Councillors and Designated Persons be received; and
2. the Register of Returns disclosing the interests of Councillors and designated persons be tabled and it be noted that all Returns were submitted by the return date.

The motion was put and carried.

Item 7: Urgent Business Without Notice

There was no Urgent Business Without Notice

Item 8: Confidential Session

391/13

MOTION: Cavalier / Shelley

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

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

Subject: *Acquisition of Land Off Fairydale Lane Caerleon*

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

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it could prejudice Council's negotiations.

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

The motion was put and carried.

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392/13 8.1.1 ACQUISITION OF LAND OFF FAIRYDALE LANE CAERLEON
GOV400029, A0100056, P0596011
MOTION: Weatherley / Cavalier

That:

1. the report by the Revenue & Property Manager on the Acquisition of Land Off Fairydale Lane Caerleon be received;
2. Council approves the purchase of approximately 1.712 Ha of land identified as Railway Line Buffer land, currently being part of allotment 5 DP 1099321 and zoned for Public Recreation RE1, located at 74 Fairydale Lane Caerleon at a cost of \$150,000 inclusive of GST (if any) for the purpose of construction of pedestrian/cycle ways, roadway, facilitation of water infrastructure and other community purposes; and
3. Council will pay the costs associated with the subdivision of the land, the registration of the new Deposited Plan, and the vendor's and Council's relevant legal costs for the transfer of the ownership of the land; and
4. Council will pay for the materials and construct a 1.2 metre Rural Wire fence along the Railway Line Buffer land boundary and Council will relocate a gate that is currently located on the eastern end of the Railway Line Buffer land fronting Fairydale Lane; and
5. Council will extend the sewer line north across Fairydale Lane to the boundary of allotment 5 DP 1099321 at no cost to the vendors; and
6. the General Manager be delegated the authority to sign all documents to complete the purchase; and
7. Council authorises the affixing of the Common Seal to all documents necessary to complete the purchase; and
8. upon transfer of title to Council, public notice be given of the intention to classify the land as "Operational" and should Council not receive any submissions during the 28 day notification period, the land be so classified; and
9. Council amend the 2013/14 Operational Plan/Delivery Program budget to reflect the estimated total expenditure of \$184,700 to be funded from the Land Development Reserve.

The motion was put and carried.

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Item 9: Open Council

The Manager Governance announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 7.54pm.

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.	With the focus on delivering the Mudgee Sewer Works insufficient staff resources are available to review this scheme
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.	No determination as yet.
Return of Royalties	Res. 151/12 Ord. Mtg. 18/4/2012	That Council continue to fight for the return of royalties for the region.	A detailed business case has been presented to State Government and we now await final determination.
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.	This matter will raised again at the September quarterly budget review
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	This matter will raised again at the September quarterly budget review
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.	This matter will raised again at the September quarterly budget review

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Welcome Signs	Res. 278/13 Ord Mtg. 24/7/2013	<ol style="list-style-type: none"> 2. Council publicly exhibit the proposed designs and invite comment from the community; 3. Council approve the purchase of 12 signs to be installed at the following locations: <ul style="list-style-type: none"> - Rylstone at two locations - Gulgong at four locations - Mudgee at three locations - Kandos at three locations 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. 	<p>A report was presented to the last meeting</p> <p>RECOMMEND COMPLETION</p>
Rylstone Aerodrome	Res. 299/13 Ord Mtg. 07/08/13	<ol style="list-style-type: none"> 1. The report by the Director, Development and Community Services on the Rylstone Aerodrome – Section 94 Contribution and Rates be received 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. 	<p>A Report is included in this business paper</p>
Purchase of Medical Centre, Gulgong	Res. 327/13 Ord Mtg. 21/08/13	<ol style="list-style-type: none"> 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. 	<p>A letter has been sent to the respective parties seeking the information requested by Council. No response has been received to date. A follow up letter has been sent requesting when Council is likely to receive a response.</p>
Events Management and Financial Assistance Budget	Res. 328/13 Ord Mtg. 21/08/13	<ol style="list-style-type: none"> 4. during the next Quarterly Review, Council increase the funding to the Events Management and Financial Assistance budgets. 	<p>This matter will raised again at the September quarterly budget review</p>

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"> 1. the report by the Mayor on the General Manager's Performance Agreement 2013/14 be received; 2. consideration of this matter be deferred. 	A mayoral minute is included in this business paper
Cobbora Holding – Voluntary Planning Agreement	Res. 345/13 Ord Mtg. 04/09/13	<ol style="list-style-type: none"> 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. 	Public submissions close on 11 October 2013. A report will be presented at the next Council meeting (6 November 2013)
Rylstone Aerodrome Development – Payment of Fees and Charges	Res. 380/13 Ord Mtg. 03/10/13	That consideration of this matter be deferred until the Council Meeting on 16 October 2013.	A report is included in this business paper

Item 5: General Business

5.1 Notices of Motion

5.1.1 Ongoing membership to the Western Region Academy of Sport

LISTED BY CR PETER SHELLEY TO 16 OCTOBER 2013 COUNCIL MEETING

Business Paper PUBLIC 131016

A0100055, A0100035

MOTION

That Council seeks ongoing membership to the Western Region Academy of Sport

BACKGROUND

Council has contributed sporadically to the Western Region Academy of Sport over the last 8 years and yet the Academy has continued to support our region despite this. In 2013 they have asked for a contribution of \$1140 – which is 5c per capita.

This is the rate that all councils are asked to contribute. It has remained 5c per capita since 2006. All of the other councils in the Academy's catchment have agreed to contribute.

They have very limited funding available and rely on Local Government contributions to allow them to provide opportunities to the region's sportspeople.

Nancy Heslop, Executive Officer of the Western Region Academy of Sport, states;

"We ensure that we visit each LGA each and every year to conduct training and workshops. We have visited Mudgee every year - since I became involved in 2000.

We hold a number of events there each year. We understand how much travelling is required of pre-elite athletes and we ensure that our strength and conditioning team visit the athletes regularly in Mudgee during the season (saving them considerable travel)."

The following sportspeople were members of WRAS squads in 2013 –

- Golf: Zachary Kelly, Jayden Taylor
- Netball: Cindy Colley, Karlee Farthing (umpire), Lauren Flack
- Softball: Cody Dowel, Jahymi Dowel, Rhyan McNair, Cassie Plunkett, Brandon Roberson-Smith, Nathan Sharp, Rachael Sharp, Bria Toohey, Daniel Woods
- Staff: Alan Walker, Tracey Toohey, Neil Toohey, Nina Nytra

The following sportspeople have been signed up for 2014 –

- Cycling: Hamish Burke, Joshua Toovey
- Golf: Jayden Taylor
- Netball: Makayla Austin, Cindy Colley
- Softball: Cassandra Plunkett, Nathan Sharp, Rachael Sharp, Rachael Stait
- Staff: Nina Niytra

At their recent 2013 Presentation Evening, held at Charles Sturt University, Bathurst – the following won major awards –

- **Golf Strength and conditioning Athlete of the Year** – Jayden Taylor
- **Softball Strength and Conditioning Athlete of the Year** – Ryan McNair
- **Nomination for the Chairman's Award for Excellence** – Nathan Sharp
- **CSU Athlete of the Month for December and for March** – Jayden Taylor
- **Golf Squad Athlete of the Year** – Jayden Taylor
- **Softball Athlete of the Year** – Jahymi Dowel
- **Life membership** was also bestowed on ex-Lue resident, Beth Shea.

All from our region, and all great ambassadors for our region.

I think it is incumbent of us to at the least retain membership considering the benefit this organisation provides to our Council Area.



CR. PETER SHELLEY

Comments by General Manager

For the last 5 years Council has declined to be a member of the Western Region Academy of Sport. This decision has been made annually by the Council as part of the development of the management plan or operational plan. If Council chooses now to become a member it should include in the resolution that the membership be funded from the financial assistance budget.

8 October 2013

5.2 Reports

5.2.1 DA 0504/2013 - Alterations to BP Service Station, Lot 41 DP 998528, 77 Church Street, Mudgee

REPORT BY THE STATUTORY PLANNER TO 16 OCTOBER 2013 COUNCIL MEETING
Business Paper PUBLIC 131016
GOV400029, A0100056, P00221

RECOMMENDATION

That:

1. the report by the Statutory Planner regarding Development Application 0504/2013, Alterations to the existing BP Service Station at Lot 41 DP 998528, 77 Church Street Mudgee be received;
2. Development Application 0504/2013, Alterations to the existing BP Service Station at Lot 41 DP 998528 77 Church Street Mudgee be approved in accordance with the following conditions of consent.

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans identified in the table below and the Application received by Council on 21 June 2013 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

Plan Description	Drawing No:	Issue:	Drawn By	Dated
Proposed Site Plan	SK-08933-A001	2	SKM	29 April 2013
Site Demolition Plan	SK-08933-A002	2	SKM	29 April 2013
Canopy Elevations and Priceboard Details	SK-08933-A003	2	SKM	29 April 2013
Forecourt Pollution Control and Site Drainage Plan	SK-08933-D001	2	SKM	29 April 2013
Sedimentation and Erosion Control Plan	SK-08933-D002	2	SKM	29 April 2013
Fuel Tank Farm and Spel Puraceptor Section	SK-08933-T001	2	SKM	29 April 2013

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. Where a private certifier is appointed that is not the Council, an application under S68 of Local Government Act shall be lodged with Council for the carrying out of any plumbing and drainage works prior to those works commencing.

PRIOR TO THE COMMENCEMENT OF WORKS

3. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with;
 - a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and form 7 of schedule 1 to the Regulations.
 - c) Council is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.
4. A revised Traffic Control Plan is to be submitted which allows for a minimum 1.2 metre pedestrian walkway around the site during construction and remediation works.
5. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - using erosion control measures to prevent on-site damage;
 - rehabilitating disturbed areas quickly;
 - maintenance of erosion and sediment control structures;
 - a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.
6. If the work involved in the erection/demolition of the building is likely to cause;
 - pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient,
 - or the building work involves the enclosure of a public place

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

DURING WORKS

7. The site shall be provided with a waste enclosure (minimum 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

8. **Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil, to ensure sediment from the whole site is captured.**
9. **All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.**
10. **A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;**
 - a) **stating that unauthorized entry to the work site is prohibited, and**
 - b) **showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.**
11. **Construction work noise that is audible at other premises is to be restricted to the following times:**
Monday to Saturday - 7.00am to 5.00pm
12. **The installation of the underground petroleum storage tanks is to be carried out as per the requirements of the Protection of the Environment Operation (Underground Petroleum Storage Systems) Regulation 2008.**
13. **The forecourt design, excluding the disposal of waste water to sewer, is to comply with the Office of Environment and Heritage (formerly the Department of Environment and Climate Change) document titled 'Environmental Action for Service Stations'**

GENERAL CONDITIONS

14. **All building work must be carried out in accordance with the provisions of the Building Code of Australia, the Environmental Planning & Assessment Act 1979 and Regulations and the relevant Australian Standards.**
15. **The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.**
16. **All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.**
17. **Connection of any discharge from refuelling points at the service station to Council's sewerage system is prohibited effective since 1 June 2012 in accordance with NSW Office of Water new requirements for improving Risk Management for Discharges from Premises with Refuelling Points in Non-metropolitan NSW.**

Note: As the existing premises with a refuelling point will be refurbished, in accordance with the new requirements, the discharge from this area must be disconnected from Council's sewerage system. Where the premises do not have other trade waste discharges (eg. from a restaurant, vehicle wash, mechanical workshop), trade waste fees and charges would no longer apply.

Note: Business operators of such premises may remove spilled fuel by dry methods and/or direct any wastewater from refuelling points to a blind sump with an appropriate capacity. Such a sump must be pumped out by a suitable contractor for off-site management, when required.

18. The existing grassed area adjoining the eastern boundary of the site is to be retained.
19. A Validation Report for the removal of the underground petroleum storage tanks is to be provided to Council within 60 after the tanks are replaced and any remediation works carried out as per the requirements of the Protection of the Environment Operation (Underground Petroleum Storage Systems) Regulation 2008.
20. A bunded area that is capable of withstanding 110% of the liquid storage capacity will be required for the proposed tank area.
21. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
22. A Notice of Completion for the remediation work is to be provided to Council within 30 days after the completion of work and shall include the following details prescribed by State Environmental Planning Policy 55 – Remediation of Land:
 - a) be in writing prepared and signed by the person who carried out the work, and
 - b) provide the person's name, address and business telephone number, and
 - c) provide details of the person's qualifications to carry out the work, and
 - d) specify, by reference to its property description and street address (if any), the land on which the work was carried out, and
 - e) provide a map of the location of the land, and
 - f) state when the work was completed, and
 - g) specify the uses of the land, and the substances, that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment, and
 - h) specify the uses of the land immediately before the work started, and
 - i) briefly describe the method of remediation used in the work, and

- j) **specify the guidelines that were complied with in the work, and**
 - k) **specify the standard of remediation achieved (in the light of the use proposed for the land), and**
 - l) **show in what manner the work (if a category 1 remediation work) complied with the conditions of the relevant development consent, and**
 - m) **state what action must be maintained in relation to the land after the completion of the remediation work if the standard of remediation achieved is to be maintained.**
23. **The signage is to be securely affixed and is not to flash, move or be objectionably glaring.**
24. **Any further signage proposed on the site is subject to a separate Development Application.**

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

25. **All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the developer's/ Demolisher's expense.**

Executive summary

The proposal is for the removal and replacement of the existing fuel storage tanks, the upgrade of the forecourt area and the replacement of the existing 4m high canopy with a new 4.6 high canopy. There are no changes proposed for the existing shop.

The proposal is likely to involve some remediation work and as the site is located within a Heritage Conservation Area, the Remediation Works are considered Category 1 remediation works under State Environmental Planning Policy 55. This required the proposal to be advertised for a period of 30 days.

The site has been used as a service station for a number of years. The exact date the use commenced is unable to be determined from Council records. Service Stations are no longer a permissible use within the B3 Commercial Core zone. The proposed development relies on the existing use rights provisions contained within the Environmental Planning and Assessment Act and associated Regulation.

The application has been referred to Council due to the proposed cost of the development being outside of Council Officers' delegations to determine.

It is recommended that the proposed development for the replacement of the existing fuel tanks, refurbishment of the forecourt and replacement of the awning be approved subject to the conditions of consent contained in this report.

Detailed report

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

*REQUIREMENTS OF REGULATIONS AND POLICIES:****Provisions of any Environmental Planning Instrument and any draft EPI*****Mid Western Regional Local environmental Plan 2013**

The land is zoned B3 - Commercial Core pursuant to the Mid-Western Regional Local Environmental Plan 2012. The objectives of the zone area as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To promote the central business district of Mudgee as the major focus for retail and commercial activity in Mid-Western Regional.*
- *To consolidate business development in the Mudgee town centre and avoid unnecessary or inappropriate expansion of business-related land uses into surrounding residential neighbourhoods.*
- *To ensure that new development is compatible with the historic architectural character and streetscapes of the Mudgee commercial core area.*
- *To ensure that the form and layout of new development is designed to encourage free pedestrian movement and connectivity within the commercial core.*

The proposed works will have little impact on the character of the conservation area and will not have any impact on employment. Public transport will be unaffected by the proposal. Pedestrian movements will be impacted in the short term and will be managed by the implementation of a traffic control plan approved by Council.

The use of the site is defined as a service station under the LEP 2012 which is not a permissible land use within the zone. The development is considered an existing use pursuant to section 106 of the EP & A Act 1979 and alterations and additions are permitted to occur under clause 41 of the EP & A Regulation as long as they are of a minor nature. Although the required works are not considered minor, the resulting development at the completion of the works will be substantially the same as what currently exists. The upgrade works will result in a service station that will have less environmental impact than it does in its current state. The resulting development at the completion of the works is therefore considered compliant with the clause.

State Environmental Planning Policy No 55 – Remediation of Land

A consent authority cannot grant development consent to an application unless it has considered whether the land is contaminated. The use of the site as a service station is a use that is considered likely to cause contamination.

The applicant has advised that any contamination discovered during excavation works would be remediated in accordance with the Contaminated Land Management Act 1997, SEPP 55, BP's guidelines and the Protection of the Environment Operation (Underground Petroleum Storage System Regulation). This will be enforced by the conditions of consent. Upon completion of the remediation works, a notice of completion will be required to be submitted to Council in accordance with clause 18 of the SEPP.

The development is considered Category 1 remediation works as the site is located within a heritage conservation area. Clause 13 of the SEPP categorises the development as 'Advertised Development' which required the proposal to be placed on public exhibition for a period of 30 days.

State Environmental Planning Policy No 64 – Advertising and Signage

The applicant proposes to replace the existing fuel price signage board with a new led display sign. The proposed sign will be 3.02m in height by 2.05m wide. The following is a checklist of the assessment criteria contained within Schedule 1:

Assessment Criteria	Comment
Character of the area <ul style="list-style-type: none"> - Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? - Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	The proposed signage is consistent with the existing signage that currently serves the service station.
Special areas <ul style="list-style-type: none"> - Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	The signage will only be visible to southbound traffic and is considered to have minimal impact on the amenity of the area.
Views and vistas <ul style="list-style-type: none"> - Does the proposal obscure or compromise important views? - Does the proposal dominate the skyline and reduce the quality of vistas? - Does the proposal respect the viewing rights of other advertisers? 	No views or vistas will be impacted by the proposed signage.
Streetscape, setting or landscape <ul style="list-style-type: none"> - Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? - Does the proposal contribute to the visual interest of the streetscape, setting or landscape? - Does the proposal reduce clutter by rationalising and simplifying existing advertising? - Does the proposal screen unsightliness? - Does the proposal protrude above buildings, structures or tree canopies in the area or locality? - Does the proposal require ongoing vegetation management? 	The new sign is of a similar scale to the existing price board sign.
Site and building <ul style="list-style-type: none"> - Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? - Does the proposal respect important features of the site or building, or both? - Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	The proposed signage board is consistent with the existing sign that is to be replaced and is similar to the signage that has recently been installed at other service stations in the vicinity.
Associated devices and logos with advertisements and advertising structures <ul style="list-style-type: none"> - Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	N/A
Illumination <ul style="list-style-type: none"> - Would illumination result in unacceptable glare? - Would illumination affect safety for pedestrians, vehicles or aircraft? - Would illumination detract from the amenity of any residence or other form of accommodation? - Can the intensity of the illumination be adjusted, if necessary? - Is the illumination subject to a curfew? 	The new sign will be illuminated by an LED display. A condition of consent will be required to prohibit the sign from being a flashing type of sign which would be unsuitable for the area.
Safety <ul style="list-style-type: none"> - Would the proposal reduce the safety for any public road? - Would the proposal reduce the safety for pedestrians or bicyclists? - Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	The location of the proposed sign will not impact on any sight distances and will not reduce the safety of pedestrians.

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

Development Control Plan 2013

The relevant sections of the DCP are section 4.4 relating to signage and section 4.5 relating to commercial development.

4.4 - Signage:

The sign board is defined as a post supported sign which is permitted by the DCP. The fascia of the new awning also contains the BP logo which is permitted by the DCP.

4.5 - Commercial Development:

The application has been assessed against the provisions of this part, with the main parts relating to the impact of the development on Church Street, impact on traffic and pedestrian access.

There will be a minor impact on pedestrian access around the site during the construction and remediation works. This will be temporary and will be controlled by a Traffic Management Plan. The impact on Church Street is considered to be positive as the new awning and upgraded forecourt area will improve the environmental impact and visual appearance of the service station.

(c) Section 94 & 64 Contributions***Payment of Development Contributions as follows:***

The subject site is within Catchment 1 as identified in the Section 94 Contributions Plan. As there is no increase in floor area, no contributions are applicable.

IMPACT OF DEVELOPMENT**Access and Traffic**

The site will be closed temporarily while the remediation works and tank replacement is carried out. During this time there is likely to be some minor impact on pedestrian traffic. Signage will need to be in place to direct pedestrians safely around the site.

Heritage

The site backs onto a heritage item, however there will be no impact on this item.

Water

The site presently drains untreated stormwater directly into Council kerb and gutter. As a result of the proposed development, all contaminated stormwater will be directed to collection pits and transferred to an oil separator for treatment. The treated stormwater can then be discharged into Council's kerb and gutter which is consistent with the NSW Office of Water's Circular LWU 13 which directly relates to this type of development.

Soils

It is likely that the soil beneath the existing fuel tanks will be contaminated. Remediation will be required to occur prior to the installation of the new tanks. The remediation works will be required to be carried out in accordance with SEPP 55 and its associated guidelines prepared by the Department of Planning, the Contaminated Land Management Act 1997, PoEO (UPSS) Regulation and the relevant Australian Standards.

Air and Microclimate

There is a minor risk of some odour being detected during the tank replacement and remediation stages of the development. This is likely to be short lived and is not expected to create an "Offensive Odour" as defined by Protection of the Environment Operations Act 1997.

Site Design

The Office of Environment and Heritage (formerly the Department of Environment and Climate Change) has published a document titled 'Environmental Action for Service Stations' which aims to improve the environmental management of such operations. The design of the site will ensure that vehicular movement for small and large vehicles is maintained or improved. Stormwater management will also be brought up to the standard required by the document.

The following issues were considered during the assessment of the application and considered not applicable to the proposed development:

- Flora and Fauna
- Noise and Vibration
- Natural Hazards
- Social Impact
- Economic Impact
- Crime Prevention

SUITABILITY OF SITE FOR DEVELOPMENT

The site is considered suitable for the proposed development as it will result in what will be substantially the same as the existing service station. The works are permissible with consent and any potential adverse impacts can be controlled with appropriate conditions of consent.

SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

The development was advertised for a period of 30 days in accordance with the provisions of SEPP 55 and the Environmental Planning and Assessment Regulation and no submissions were received.

A verbal request was made by a neighbour for the strip of lawn along the eastern boundary of the site to remain. The area is marked on the site plan as being 'existing concrete', however a site inspection confirmed that this area is grassed. This is a reasonable request as it provides a "green" barrier separating the service station from the adjoining residential use.

THE PUBLIC INTEREST

The carrying out of the proposed works is considered to be in the interest of the public as it will result in an upgraded facility that meets current environmental standards as well as being an improvement on the visual amenity of the streetscape.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

MARK LYNDON
STATUTORY/STRATEGIC PLANNER

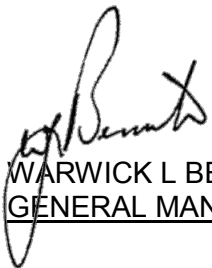


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY
SERVICES

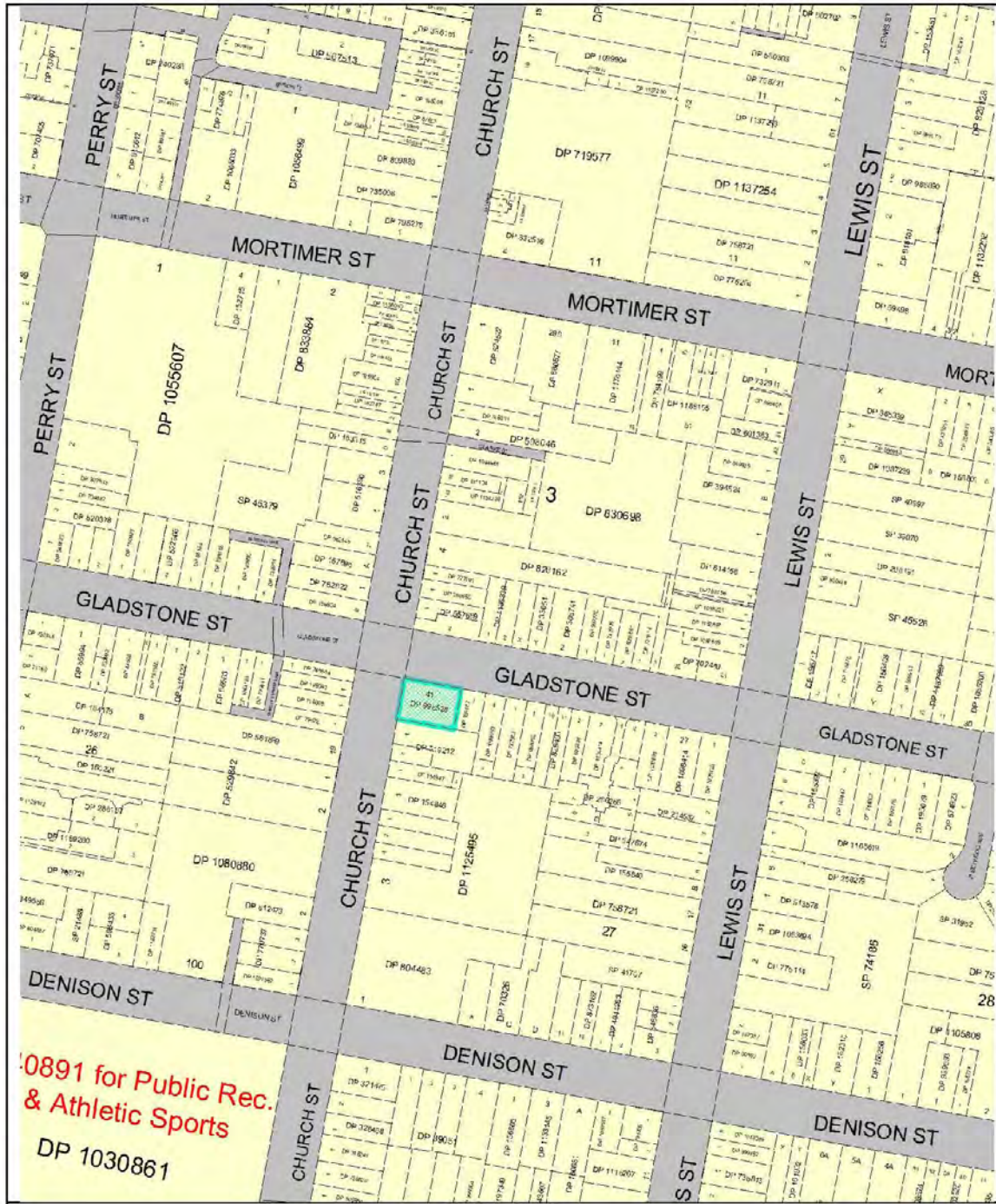
27 September 2013

Attachments: 1. Locality Plan
2. Proposed Site Plan and Elevations

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



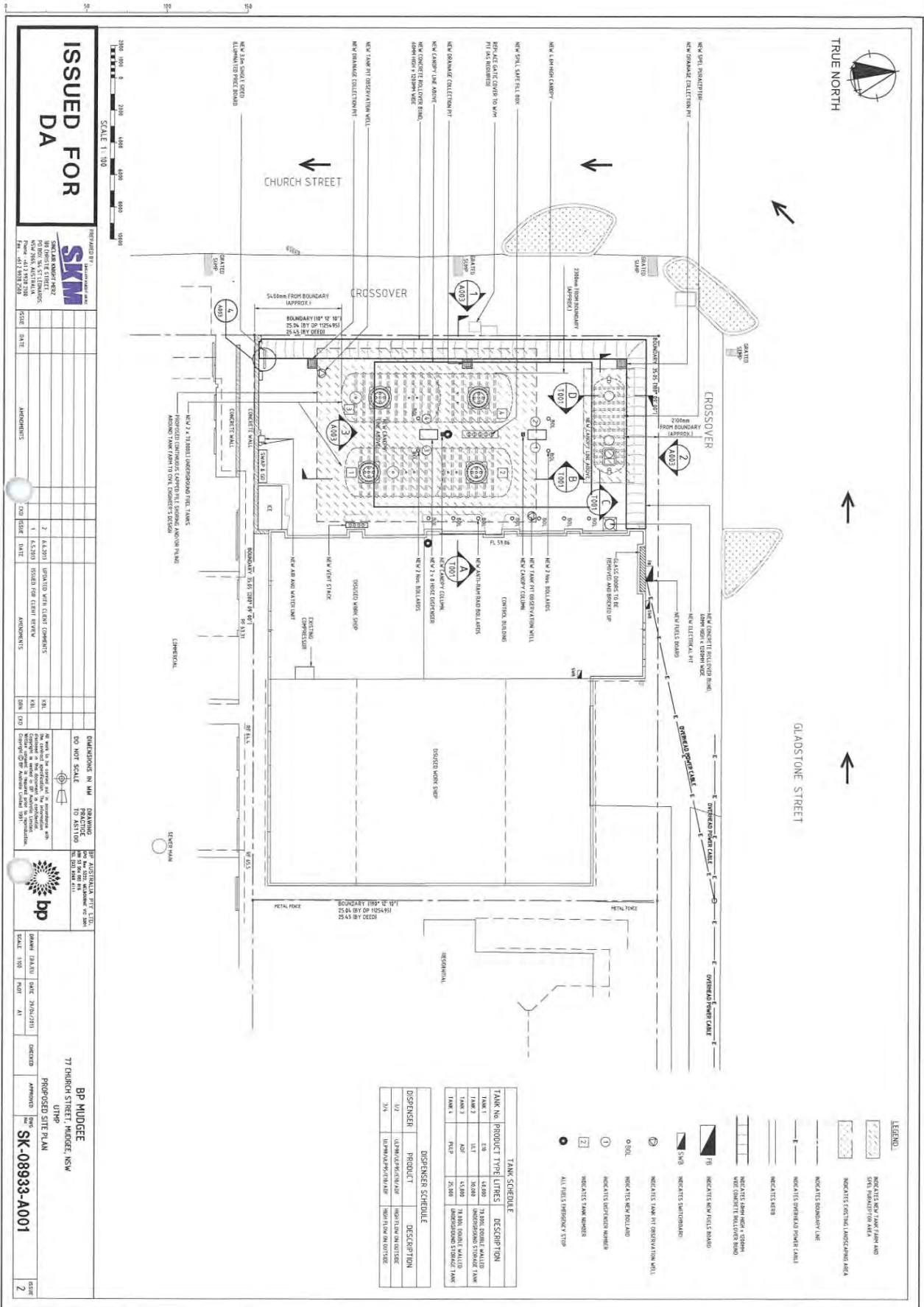
Disclaimer
 This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.
 This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.

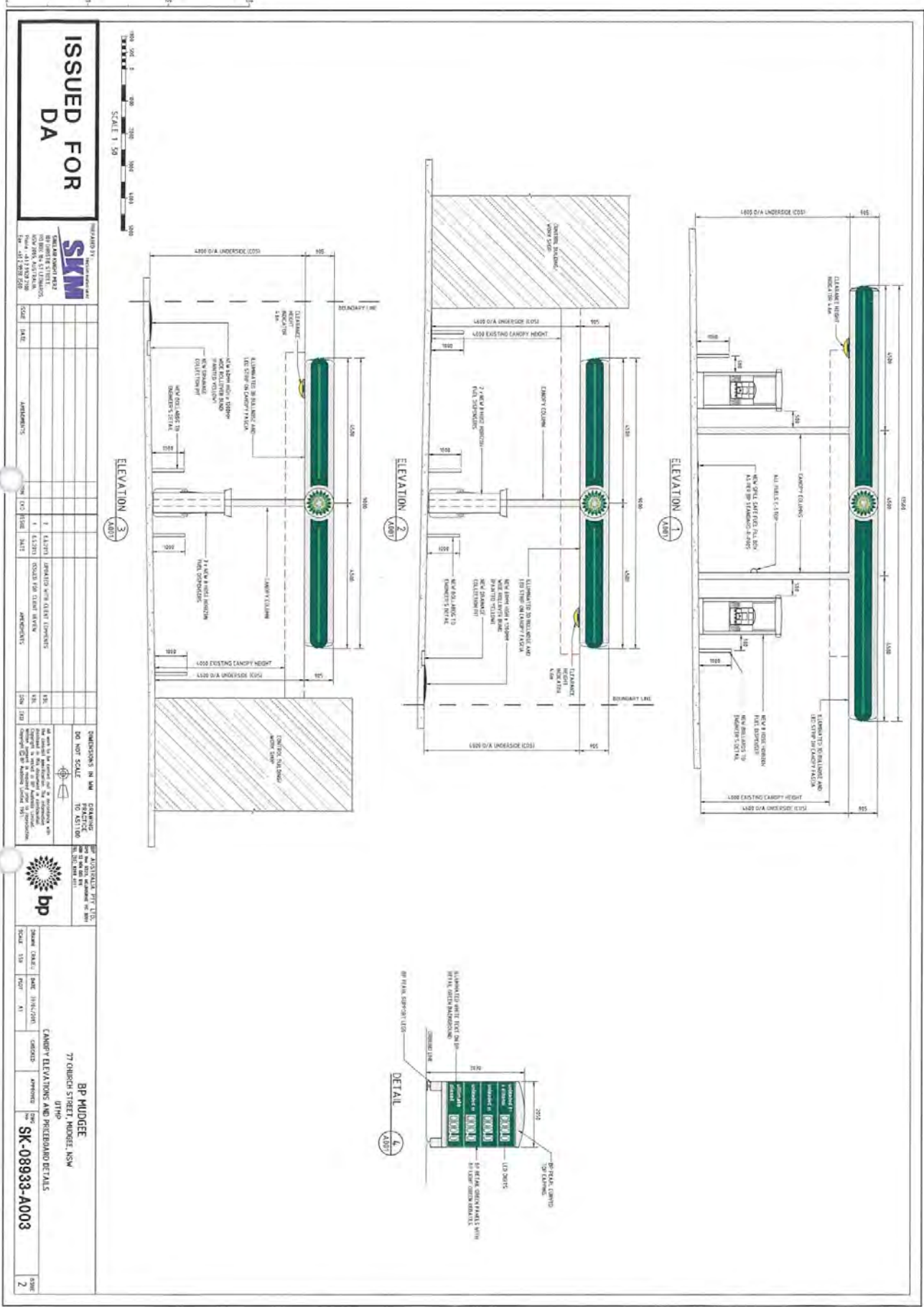
Legend

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

NORTH

Printed on Friday, 27 September 2013





ISSUED FOR DA



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NO.	DATE	DESCRIPTION
1	14/07/13	ISSUED FOR DA
2	15/08/13	ISSUED FOR DA
3	15/08/13	ISSUED FOR DA
4	15/08/13	ISSUED FOR DA
5	15/08/13	ISSUED FOR DA
6	15/08/13	ISSUED FOR DA
7	15/08/13	ISSUED FOR DA
8	15/08/13	ISSUED FOR DA
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10	15/08/13	ISSUED FOR DA
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5.2.2 Drainage Concept Plans for Mudgee

REPORT BY THE MANAGER STRATEGIC PLANNING TO 16 OCTOBER 2013 COUNCIL MEETING

Drainage Concept Plans

GOV400029, A0100056, A0420128

RECOMMENDATION

That:

1. **the report by the Manager Strategic Planning on the for Mudgee be received;**
2. **Council allocate \$25,000 from the Section 94 Plan Administration Fund to the preparation of a drainage concept plan for Mudgee.**

Executive summary

Council has on-going commitments to manage stormwater and water quality within the urban environment and has adopted provisions in the Development Control Plan (DCP) to facilitate this. A concept plan for drainage across the wider catch of Mudgee would also facilitate an amendment to the section 94 plan and would enable the cost of implementing water quality measures to be shared between Council and the development industry. Further, there are funding opportunities available to Council from time to time which will only be accessible if the DCP requirements can be supported through a strategy for implementation.

Detailed report

The Comprehensive Development Control Plan adopted by Council in February 2013 includes water quality requirement and targets for all new residential development. In order to better reach these targets and enable developers to better utilise developable land, additional downstream pollution control measures should be investigated.

A concept design would enable a holistic approach to the eight catchments across the Mudgee urban footprint and provide specific detail as to what treatments would be suitable in particular locations based on the existing land available and the requirements of the DCP. In formulating the plan, it would be a requirement to model cumulative impact of the proposed elements to ensure the water quality objectives as set out in the DCP are achieved.

Section 94 of the Environmental Planning and Assessment Act enables Council to levy developers for services and facilities required as a direct result of development. The preparation of an overall Concept Plan would then allow Council to review the Section 94 Contributions Plan to the extent that it includes a developer contribution for Stormwater/Drainage with the schedule of works evolving directly from the concept plan.

The contribution rate for any works set in the Section 94 Plan is apportioned between the existing and future estimated resident population, recognising that while there are some drainage measures in place to accommodate existing development, Council may need to contribute additional funds to the project above what is reasonably attributed to the development industry. This would be funded through the existing ongoing commitment to drainage.

Financial implications

The Section 94 Plan includes a contribution currently levied for Plan Administration. These funds are set aside to enable the review and updating of the plan as required including funding of studies that go to support the operation of the plan. The use of these funds for the preparation a concept plan for the eight catchments within the Mudgee urban footprint is consistent with the existing plan.

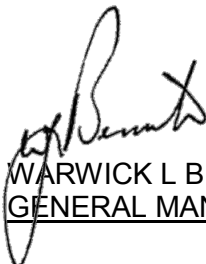
Strategic or policy implications

The preparation of a concept plan for drainage will provide direction and certainty for both the development industry, community and Council in the implementation of the Development Control Plan and management of water quality.

ELIZABETH DENSLEY
MANAGER STRATEGIC PLANNING

24 September 2013

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY
SERVICES

5.2.3 Mandatory Swimming Pool Inspection Program

REPORT BY THE MANAGER HEALTH & BUILDING TO 16 OCTOBER 2013 COUNCIL MEETING

Business Paper PUBLIC 131016

GOV400029, A0100056, DEV700006

RECOMMENDATION

That:

1. **the report by the Manager Health & Building on the Mandatory Swimming Pool Inspection Program be received;**
2. **Council note that no submissions were received during the public exhibition;**
3. **the Mandatory swimming pool inspection program commence by the 29 October 2013 with an initial inspection fee of \$100 and a re-inspection fee of \$100 (if required).**

Executive summary

As a requirement of recent amendments made to the Swimming Pools Act 1992 which came into force on 29 August 2013, Council is required to create and implement an ongoing inspection program of all swimming pools within the Local Government Area. It is a requirement of the Act that this program commence by 29 October 2013.

Council's proposed inspection program was reported to Council on the 21 August 2013 and the resolution included a 21 day public exhibition period.

Council also resolved to adopt an inspection fee of \$100 (with a further fee of \$100 required for reinspections) instead of the maximum fee of \$100 permitted by the Act.

This report provides advice to Council that no submissions were received and seeks Council's endorsement to commence the swimming pool program.

Detailed report

Section 22B which was added to the Swimming Pools Act 1992 on 29 August 2013 requires that;

- (1) *A local authority must, within 6 months after the commencement of this section, develop and adopt a program for the inspection of swimming pools in its area to ensure compliance with the requirements of this Part.*

Further to the above, it is a requirement of the Swimming Pools Regulation 2008 that this inspection program be created in consultation with the community.

In order to achieve the above and based on Council's current available resources, the Health & Building Department are proposing to carry out 260 inspections per annum which would require on average of five (5) inspections per week.

To ensure this inspection program runs as efficiently as possible pools will be grouped together based on their location with inspections carried out one area at a time. It is proposed that all pools be inspected prior to the inspection cycle commencing again.

The Swimming Pool Regulation 2008 requires that the inspection regime is based on the social justice principles of equity, access, participation and rights and it is required that the Council consult the community in relation to the development of the regime.

Council consulted with the community through public advertisement in Community News and Council's web site the newspaper for a period of 21 days and no submissions were received.

Financial implications

A fee of \$100 (maximum fee is \$150 as listed under Section 18A of the Swimming Pool Regulations 2008) will be charged for each initial inspection with a follow up inspection incurring a cost of \$100 (also listed under Section 18A of the Swimming Pool Regulations 2008).

Strategic or policy implications

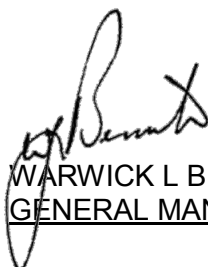
This inspection program will ensure that Council is meeting its legislative obligations under the Swimming Pools Act 1992.

TIM OREILLY
MANAGER HEALTH & BUILDING

4 October 2013

Attachments: Nil

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

5.2.4 Appeal by Mac Group Pty Ltd – Progress Report

REPORT BY THE MANAGER STATUTORY PLANNING TO 16 OCTOBER 2013 COUNCIL MEETING

Business Paper PUBLIC 131016

GOV400029, A0100056, A0420251

RECOMMENDATION

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

Executive summary

The Mac Group have appealed a decision by the Western Region Joint Regional Planning Panel (JRPP) to refuse a development application for a 400 bed temporary workers accommodation facility on the outskirts of Gulgong.

The purpose of this report is to provide monthly updates to the Councillors as to where the appeal is up to.

During August and September, the Appeal involved the exhibition of a revised stormwater management plan and the commencement of testing of the Gulgong Sewerage Treatment Plant (STP).

The Hearing will commence again in November with the following dates set side; 6, 7 and 8 November and the 25, 26 and 27 November 2013.

Detailed report

BACKGROUND

In October 2012 the Western Region Joint Regional Planning Panel refused a development application for the establishment of a 400 bed temporary worker's accommodation facility proposed to be constructed 1.5 km from Gulgong on the Cope Road.

Council had prepared an assessment report recommending refusal of the application and forwarded it to the Panel Secretariat in May 2012. The application was originally heard by the JRPP in June 2012 where they recommended deferral of the application pending legal advice as to the permissibility of the application. The legal advice was obtained from Sandra Duggan SC and the application was reheard in October 2012 where the JRPP refused the application.

All of the legal advice confirmed that the proposed use could be characterised as tourist and visitor accommodation and therefore the application could not be approved as the use was prohibited in the Agriculture zone.

Council also recommended refusal of the application on the grounds of significant impact on our capacity to provide water and sewer services to the township of Gulgong, social impact on the character of Gulgong and inconsistencies of the development with Council's Strategic planning documents.

THE APPEAL TEAM

- Barrister – Sandra Duggan SC
- Solicitor – Tony Pickup (Local Government Legal)
- Engineer – Dr. Daniel Martens

- Social Planner – Dr. Alison Ziller
- Town Planner – Gary Bruce

ACTIONS

The following actions were completed during this period;

- Received the amended design for the stormwater management plan;
- Exhibited the amended stormwater design for a period of two weeks;
- Arranged a meeting in Gulgong for the neighbours to attend so that they could get a better understanding of the stormwater plans;
- Council engineering expert (Dr. Martens) reviewed the water reticulation model carried out by Public Works with the Mac Group engineering expert;
- Commenced the testing of the Gulgong STP on the 23 September 2013.

Financial implications

Council is in the process of getting revised fee estimates given the extended hearing dates. The original fee estimate was approximately \$100,000.00.

Current expenditure on the Court Case since its commencement is approximately \$170,000 (\$76,500 in the previous financial year and \$94,000.00 so far this financial year).

Strategic or policy implications

Not applicable.



GARY BRUCE
MANAGER, STATUTORY PLANNING

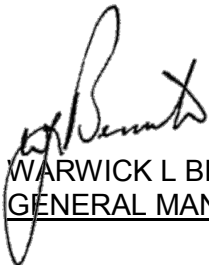


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

4 October 2013

Attachments: Nil

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

5.2.5 Review – Compliance Policy

REPORT BY THE MANAGER, STATUTORY PLANNING TO 16 OCTOBER 2013 COUNCIL MEETING
Review - Compliance Policy
GOV400029, A0100056, A0100049, A0100021

RECOMMENDATION

That:

1. **the report by the Manager, Statutory Planning on the Review of the Compliance Policy be received;**
2. **Council adopt the Compliance Policy with no amendments.**

Executive summary

Council adopted the Compliance Policy in May 2010. The Compliance Policy identifies how Council will deal with breaches of the Environmental Planning and Assessment Act 1979 such as land use complaints and unauthorised building works.

The Policy has been reviewed and it is recommended that no changes be made to the Policy.

Detailed report

Council is responsible for administering and enforcing a range of legislation related to planning, development, companion animals, pollution, and environmental health. These legislative responsibilities are set out in the following acts:

Local Government Act 1993
Environmental Planning and Assessment Act 1979
Impounding Act 1993
Protection of the Environment Operations Act 1997
Public Health Act 1991
Roads Act 1993
Roads Transport (General) Act 2005
Food Act 2003
Companion Animals Act 1998
Swimming Pools Act 1992
Rural Fires Act 1997
Threatened Species Conservation Act 1995

Council's preferred method of ensuring compliance is by working with those who are subject to the relevant legislation. In circumstances where voluntary compliance is not achieved, Council may use its powers of enforcement where necessary in accordance with the principles of fair and equal enforcement.

Council may provide educational programmes to assist the community in understanding their rights and obligations under the law, and Council's legal obligations as an authority.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.



GARY BRUCE
MANAGER, STATUTORY PLANNING

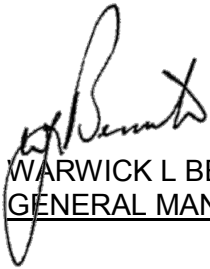


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

4 October 2013


Attachments: 1. Compliance Policy

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

	POLICY	ADOPTED C/M 19/5/10 MINUTE NO. 109/10
	COMPLIANCE	REVIEW: MAY 12 FILE NO. A0100049, A0100021

PLANNING AND DEVELOPMENT COMPLIANCE POLICY

1. INTRODUCTION

This document sets guidelines under which Mid-Western Regional Council ('Council') has responsibility and power to investigate and enforce matters relating to development and land use. The Policy has been prepared in accordance with the NSW Ombudsman Enforcement Guidelines for Councils of June 2002.

This document is not intended to be, nor is it, legally binding on Council or on any other organisation involved in the administration and enforcement of that legislation. It does not override the legislation or limit the discretion of Council to take any action it sees fit in accordance with its statutory responsibilities.

Council is responsible for administering and enforcing a range of legislation related to planning, development, companion animals, pollution, and environmental health. These legislative responsibilities are set out in the following acts:

Local Government Act 1993
Environmental Planning and Assessment Act 1979
Impounding Act 1993
Protection of the Environment Operations Act 1997
Public Health Act 1991
Roads Act 1993
Roads Transport (General) Act 2005
Food Act 2003
Companion Animals Act 1998
Swimming Pools Act 1992
Rural Fires Act 1997
Threatened Species Conservation Act 1995

Council's preferred method of ensuring compliance is by working with those who are subject to the relevant legislation. In circumstances where voluntary compliance is not achieved, Council may use its powers of enforcement where necessary in accordance with the principles of fair and equal enforcement.

Council may provide educational programmes to assist the community in understanding their rights and obligations under the law, and Council's legal obligations as an authority.

2. OBJECTIVES

- a) Increase community awareness of the laws and importance of compliance in order to maintain a healthy and safe environment;
- b) Determine the extent to which complaints of unlawful activity require investigation and regulatory action in a timely manner;
- c) Promptly identify any environmental impacts, health or safety issues;
- d) Confirm details of any previous history of unlawful activities on site or by the alleged persons;
- e) Identify illegal activities before they escalate so they can be addressed and rectified through negotiation.
- f) Promptly identify whether unlawful work / activity could apply for approval;
- g) Identify appropriate option for action being education, negotiation / mediation, or
- h) Taking regulatory action where necessary;
- i) Ensure Council's actions are in the public interest

3. DELEGATIONS FOR ENFORCEMENT ACTION

Delegations and authority conferred on staff to initiate various levels of compliance, investigation and enforcement are set out in the relevant Officers delegations, issued by the General Manager. Each Officer issued with delegations will be issued with an authority card.

4. RESPONDING TO ALLEGED NON-COMPLIANCE

If the investigation of a non-compliance results in Council confirming that a breach of the law has occurred, it has a range of enforcement options open to it and specific to the relevant legislation. These options vary between the relevant legislation and include:

- 1) Take no action
- 2) Provide advice or education in relation to achieving compliance
- 3) Conduct an investigation
- 4) Require information to be submitted to Council
- 5) Issue a formal caution
- 6) Issue a range of statutory notices (generally requiring some remedy within a specified timescale)
- 7) Issue a Penalty Infringement Notice
- 8) Commence civil proceedings
- 9) Seize equipment, articles or animals
- 10) Execute work required by a statutory notice where the recipient has not complied
- 11) Issue a range of statutory orders
- 12) Review, amend, place conditions upon, vary, revoke or suspend an approval or consent.
- 13) Take out an injunction.
- 14) Prosecute

5. EXERCISE OF DISCRETION

The legislation that Council administers provides Council with numerous enforcement tools, and with the discretion to determine when a particular enforcement option is to be utilised.

When exercising discretion, Council Officers are required to determine the most appropriate enforcement alternative for Council and for the community. When exercising discretion a Council Officer **must**:

- a) Ensure they have legal authority to make the decision or take the action
- b) Observe all procedural requirements laid down by law for making a decision
- c) Establish prerequisite facts including any facts or preconditions in the statute that must exist before a decision can be taken
- d) Take all relevant considerations into account including any facts, arguments, submissions or information
- e) Act in good faith
- f) Exercise the discretion independently and not act under the dictation or at the behest of any third person or body
- g) Act reasonably in exercising the discretion
- h) Avoid conflicts of interest and apprehended bias
- i) Act fairly and on the weight of evidence
- j) Give proper, genuine and realistic consideration to the merits of the particular case
- k) Not fetter their discretion
- l) Consider the impact of the decision
- m) Be consistent
- n) Exercise the discretion in accordance with the objects of the legislation;
- o) Either exercise the discretion in accordance with a current documented policy or provide a written explanation as to how the discretion was exercised and why such exercise was reasonable

6. INVESTIGATING COMPLAINTS

All complaints and matters received regarding allegedly unlawful activities will be **reviewed** to determine whether the matter requires enquiry or investigation. Further enquiries/investigation will not be initiated where:

- (1) The matter has already been investigated and resolved
- (2) Council has no jurisdiction
- (3) The activity is determined to be lawful without an investigation.

(4) Another body is a more appropriate agency to investigate and deal with the matter

(5) The complaint is frivolous or vexatious

If a decision is made not to investigate a complaint, this decision must be recorded with the reasons for that decision and the complainant so advised.

7. COMMENCING ENFORCEMENT ACTION

Each instance of non-compliance with the law is to be judged on its merits. Assessment of the breach and actions determined to be taken shall be consistent with the principles promoted in the objects of the relevant legislation.

In addition, wherever possible, Council will have regard to guiding documents produced by other authorities including the prosecution guidelines of the DPP and the NSW Ombudsman.

Council will use any enforcement powers available to it in a manner that is, in the opinion of Council, commensurate with the seriousness of the breach. Generally, this involves using the minimum power or intervention necessary to achieve the desired result, consistent with the degree, risk and urgency of the breach.

In considering which type of enforcement action to take Council will consider a variety of factors, including, but not limited to:

- A. The objects of legislation
- B. The measures most likely to ensure that preventative or remedial action is taken to secure compliance with legal requirements
- C. The seriousness of the contravention that has or may arise
- D. The extent of harm or potential harm to the public or the environment from the incident
- E. Any mitigating or aggravating circumstances
- F. The degree of culpability of the alleged offender
- G. The compliance history of the person or company
- H. The need for deterrence in relation to the individual, industry or Community at large
- I. The length of time since the alleged contravention occurred
- J. The alleged offender's willingness to cooperate with the council and, conversely, the extent and nature of any obstruction
- K. Whether the alleged offender notified the council of the contravention
- L. The extent and speed of corrective action that is required or has been undertaken
- M. The nature of the action undertaken by the alleged offender to correct the situation
- N. The extent of any benefit or advantage realised as a result of the alleged breach.

O. Consider the Public Interest

The decision to take enforcement action will **never be influenced** by:

1. The race, religion, gender, national origin or political associations, activities or beliefs of the alleged offender or any other person involved
2. Personal association or relationship with the alleged offender or any other person involved
3. Possible political advantage or disadvantage to the government or any political group or party
4. The fact that the alleged contravention is not known to the public
5. Possible effect of the decision on the personal or professional circumstances of those responsible for the enforcement decision.

5.2.6 Review 'Occupation of Caravans, Mobile Homes and Temporary Residential structures on Private Land' Policy

REPORT BY THE MANAGER HEALTH & BUILDING TO 16 OCTOBER 2013 COUNCIL MEETING

Business Paper PUBLIC 131016

GOV400029, A0100056, A0100021

RECOMMENDATION

That:

1. **the report by the Manager Health and Building on the Review of the Policy – Occupation of Caravans, Mobile Homes and Temporary Residential Structures on Private Land' be received;**
2. **Council adopt the amended Occupation of Caravans, Mobile Homes and Temporary Residential Structures on Private Land policy attached to this report.**

Executive summary

Council adopted the Occupation of Caravans, Mobile Homes and Temporary Residential Structures on Private Land Policy in November 2010. The Policy identifies how Council deals with the use of mobile structures for temporary residential purposes.

The Policy has been reviewed and it is recommended that some minor changes be made to the Policy.

Detailed report

The policy deals with the standards and time frames that Council permits the use of mobile structures for temporary residential purposes. The aim of the policy is to ensure that the public are made aware of what standards are applicable in these circumstances.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

TIM O'REILLY
MANAGER HEALTH & BUILDING

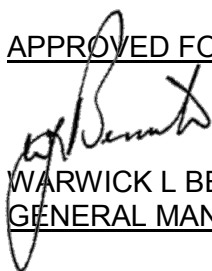


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES


4 October 2013

Attachments: 1. Occupation of Caravans, Mobile Homes and Temporary Residential Structures on Private Land Policy

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

	<p>POLICY OCCUPATION OF CARAVANS, MOBILE HOMES AND TEMPORARY RESIDENTIAL STRUCTURES ON PRIVATE LAND</p>	<p>ADOPTED C/M 17 November 2010 Minute No. 309/10</p> <p>REF: INSERT REFERENCE REV: INSERT REVISION NUMBER FILE NO. INSERT FILE NO.</p>
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OBJECTIVE

To provide guidance to enable Council to permit the temporary occupation of caravans and mobile homes on private land other than caravan parks in accordance with the Local Government Act.

POLICY

This policy applies to the Mid-Western Regional local government area.

1. A person shall not use or occupy a caravan or structure (other than an approved dwelling) for residential purposes on any land without prior consent and obtaining approval from Council.

~~2. A written application for approval shall be made to Council accompanied by a fee as set annually in Fees and Charges. A Development Application is to be lodged with Council~~

3. Approval will not be issued unless the following have been complied with:-

a) ~~a)~~ A Development Application for the erection of a permanent dwelling has been approved by Council or a Principal Certifying Authority.

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b) Adequate sanitary and ablution facilities have been provided to the satisfaction of the Council (temporary connection to be made to the sewer if available).

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c) Adequate all weather internal access road is provided (rural areas only).

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d) The Caravan or structure is to be inspected and an approval will not be issued for any caravan or structure unless the General Manager is satisfied that it is suitable for habitation.

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e) All dwellings not connected to town water supplies shall be provided by the owner/occupier with water storage facilities with a capacity of ~~4560~~ 20,000 litres. The storage facilities shall be designed so that 20,000 litres are reserved at all times for fire fighting purposes.

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~~4. The following conditions shall apply to the approval. Such conditions shall be agreed to in writing prior to it being issued:-~~

a) ~~a)~~ The approval shall be for an initial period of six months. However, Council may extend

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the period of the approval from time to time if it is satisfied that the erection of a permanent dwelling on the land is proceeding satisfactorily; provided that the period for any approval shall not exceed ~~eighteen~~ twelve months

- b) The property and particularly the area immediately surrounding the temporary living site shall be maintained in a clean and tidy state at all times. Building materials shall be stacked and stored in an orderly fashion.
 - c) No nuisance whatsoever to be caused by virtue of the occupation.
 - d) The caravan or structure is maintained in a habitable state at all times to satisfaction of Council.
 - e) The approval is not transferable.
 - f) Council reserves the right to revoke any approval given if the conditions are not complied with.
 - g) The applicant agrees to vacate the site within one month of approval being revoked and the applicant understands that legal proceedings will be initiated if a direction to vacate is not complied with.
5. Council may not require compliance with Clause 3a and 4a above and allow extended occupation of a caravan and mobile home if medical and financial evidence substantiates that there is no alternative.

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5.2.7 Review – 'Protective Fencing and Overhead Protective Structure in Public Places' Policy

REPORT BY THE MANAGER HEALTH & BUILDING TO 16 OCTOBER 2013 COUNCIL MEETING

Business Paper PUBLIC 131016

GOV400029, A0100056, A0100021

RECOMMENDATION

That:

1. **the report by the Manager Health and Building on the Review of the Policy – Protective Fencing and Overhead Protective Structures in Public Places be received;**
2. **Council adopt the amended Protective Fencing and Overhead Protective Structures in Public Places policy attached to this report.**

Executive summary

Council adopted the Protective Fencing and Overhead Protective Structures in Public Places Policy in July 2008. The Policy identifies how Council deals with encroachments onto public land during construction works.

The Policy has been reviewed and it is recommended that some minor changes be made to the Policy.

Detailed report

The policy deals with obstructions and encroachments onto public land during construction works. The aim of the policy is to maintain public safety during these events.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

TIM O'REILLY
MANAGER HEALTH & BUILDING



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES


4 October 2013

Attachments: 1. Protective Fencing and Overhead Protective Structures in Public Places Policy

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

	<u>POLICY</u> PROTECTIVE FENCING AND OVERHEAD PROTECTIVE STRUCTURE IN PUBLIC PLACES	ADOPTED C/M 16 July 2009 Minute No. 110/08 REF: INSERT REFERENCE REV: INSERT REVISION NUMBER FILE NO: INSERT FILE NO.
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OBJECTIVE:

To control and regulate the erection of protective fencing and overhead protective structures in public places in the Mid-Western Regional local government area.

POLICY:

1. No person shall erect a protective fencing and overhead protective structures in any public place within the Mid-Western Regional local government area without first obtaining written permission from the ~~General Manager~~ Council.
2. An application to erect protective fencing and overhead protective structures shall be in writing and shall include:-
 - i) Details of the construction and location of the proposed protective fencing and overhead protective structures;
 - ii) The length of time the protective fencing and overhead protective structures will be in place;
 - iii) A copy of a \$20 million Public ~~Risk-liability~~ Policy endorsed to cover Council;
 - v) An undertaking that the protective fencing and overhead protective structures will be temporarily or permanently, altered or removed, if directed to do so by the ~~General Manager~~ Council .

COUNCIL REGULATIONS:

1. Protective Fencing and Overhead Protective Structures.

The erection and maintenance of any protective fencing or overhead protective structures must be in accordance with the requirements of the ~~Occupational Health & Safety Regulation 2004~~ Workplace Health & Safety Act 2011.

2. Encroachments on footpaths.

~~Protective fencing and overhead protective structures shall be permitted to encroach upon footpaths for a maximum distance of 2.4 metres from the building alignment. Where it is proposed to fence off a section of the footpath, a minimum 1.2m width shall be maintained for pedestrian traffic.~~

Signs directing pedestrians to the thoroughfare shall be provided on the fence.

The ~~General Manager~~Council may restrict this projection to provide ~~ample~~-appropriate pedestrian footway or for the protection of the public.

3. The Protection of Public Infrastructure

- a) Prior to the erection of the Protective Fencing and Overhead Protective structure a full photographic record and audit shall be submitted and approved by Council of all public infrastructure (such as footpaths, drainage and the like) that may be impacted by the erection.
- b) All public infrastructure shall be restored to the pre-erection condition to the full satisfaction of Council.

4.. Maintenance.

- a) Protective fencing and overhead protective structures shall remain in place until the construction of the building is completed or building completely demolished;
- b) Hydrants, manholes or other footpath boxes shall not be covered in any way or access to them impeded;
- c) Uprights shall not be inserted into the footpath or roadway but shall be tenoned into sole plates;
- d) Vehicles shall not cross the footpath to gain access to the site except with permission from the ~~General Manager~~Council and a temporary planked crossing constructed;
- e) If an office is positioned upon the roof of a overhead protection structure the roof is to be sloped away from the footpath;
- f) Cranes shall not be placed upon the public way unless a permit has been obtained from the ~~General Manager~~Council ;
- g) Protective fencing and overhead protective structures permits do not allow the use of the roadway for the loading and unloading of vehicles;
- h) The use of the roadway for the storage of materials is not permitted without prior approval from the ~~General Manager~~Council.

5.2.8 Public Art Policy

REPORT BY THE DIRECTOR OF DEVELOPMENT AND COMMUNITY SERVICES TO 16 OCTOBER
2013 COUNCIL MEETING

Business Paper PUBLIC 131016

GOV400029, A0100056, A0420172

RECOMMENDATION

That:

- 1. the report by the Director of Development and Community Services on the Public Art Policy be received;**
- 2. Council adopt the Public Art Policy as attached to this report.**

Executive summary

Council considered a draft policy at the meeting on the 18 September 2013 and resolved to refer the draft policy back to the Cultural Development Committee to consider Council feedback and consider amendments to the draft policy. The purpose of this report is to present to Council a draft Public Art Policy for consideration and adoption.

Detailed report

The draft Public Art Policy has been formulated by the Cultural Development Committee. In formulating the draft policy the Committee held a workshop on Wednesday 14th of August.

The draft 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.

Upon the consideration of issues raised by the Council the Cultural Development Committee made amendments to the draft Policy in relation to:

- Clearly articulate that the role of the Public Art Advisory Panel (PAAP) is to make recommendations to Council who make the final decision in relation to maintenance, protection and the de-accessioning of public art;
- The Composition of the PAAP; and
- Valuation process.

A full copy of the policy with track changes is attached to this report.

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.

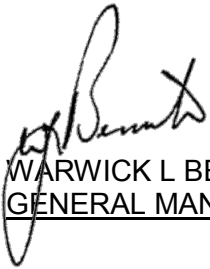


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES

25 September 2013

Attachments: 1. Track Changes version of the Public Art Policy
2. Final version of the Public Art Policy.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

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

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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.

The purpose of this policy is consistent with the Community Plan, under the theme of Looking After Our Community. It specifically relates to the following goals and strategies as identified in the Community Plan.

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<u>Goal</u>	<u>Strategies</u>
<u>2. Vibrant Towns and Villages</u>	<u>2.4 Maintain and promote the aesthetic appeal of the towns and villages within the Region.</u>
<u>4. Meet the diverse needs of the community and create a sense of belonging.</u>	<u>4.3 Support aets and cultural development across the Region</u>

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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

Public Art Policy - DRAFT

design and landscape architecture can assist the region to be recognised as a prosperous and progressive, and foster community pride.

Comment [T1]: Delete 'a'

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.

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.

The final decision on commissioning, selection, maintenance, protection and de-accessioning of public art will be made by the elected Council.

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;

Public Art Policy - DRAFT

- 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:

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

Comment [T2]: One of whom is to be the councillor appointed to the CDC

Comment [T3]: Be on the committee

Comment [T4]: Or the organisation of which MWRC is a member at the time

Comment [T5]: One of whom should be a practising artist with a minimum of 3 years

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

~~Key-The panel may seek the advice of~~ 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 representatives. 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

Public Art Policy - DRAFT

- 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. Any significant public art purchases should be referred to the PAAP for consultation prior to finalisation of the purchase.~~

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

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~~ consider, where appropriate, a budget for maintenance and conservation, and insurance of works, ~~e~~ 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.~~ Where appropriate, ~~P~~ 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 Policy - DRAFT

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

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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.

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.~~

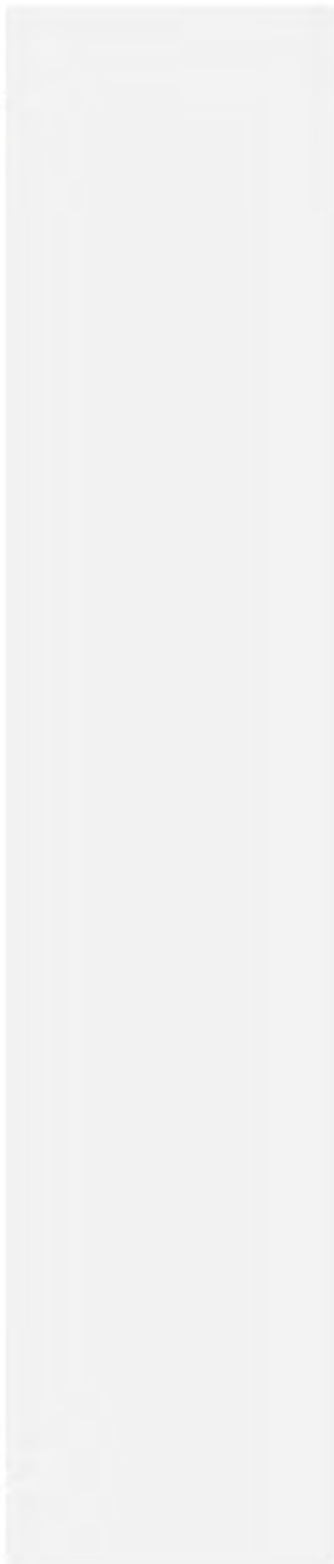
[Review of the Policy](#)


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Public Art Policy - DRAFT

[Any review of this policy is to be undertaken in conjunction with the Cultural Development Committee.](#)

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	POLICY	ADOPTED C/M Minute No. XXX / XX
	Public Art Policy Draft	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.

The purpose of this policy is consistent with the Community Plan, under the theme of *Looking After Our Community*. It specifically relates to the following goals and strategies as identified in the Community Plan.

Goal	Strategies
2. Vibrant Towns and Villages	2.4 Maintain and promote the aesthetic appeal of the towns and villages within the Region.
4. Meet the diverse needs of the community and create a sense of belonging.	4.3 Support arts and cultural development across the Region

Definition

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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 prosperous and progressive, and foster community pride.

Through this policy Council aims to:

Public Art Policy - DRAFT

- 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.

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)

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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;

Public Art Policy - DRAFT

- Evaluate public engagement with installations and programs;
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PAAP will include the following representatives:

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- One Cultural Development Committee member
- One representative from a regional arts body such as Orana Arts or the regional organisation which the Council is a member at the time.
- Three experienced regional community representatives, one of whom should be a practicing artist with a minimum of 3 years experience in public art. at least one should be a practising artist with a minimum of three years experience in public art

The panel may seek the advice of internal and external advisors with specialist expertise, such as architects and engineers. Membership is limited to two years, with the exception of the Councillor representatives. In the first year four of the committee will be appointed for three years to provide continuity.

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- Commissioning of new works
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Public Art Policy - DRAFT

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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

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 consider, where appropriate, a budget for maintenance and conservation, and insurance of works. Where appropriate, professional conservators will be engaged as required to restore works that have been damaged. All works not on display will be securely stored.

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
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- 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

Public Art Policy - DRAFT

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.

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

Review of the Policy

Any review of this policy is to be undertaken in conjunction with the Cultural Development Committee.

5.2.9 Crudine Ridge Wind Farm

REPORT BY THE GENERAL MANAGER TO 16 OCTOBER 2013 COUNCIL MEETING

Business Paper PUBLIC 131016

GOV400029, A0100056, A0420255

RECOMMENDATION

That:

1. the report by the General Manager on the Crudine Ridge Wind Farm be received;
2. Council strongly requests that the Department of Planning & Infrastructure place the application for the Crudine Ridge Wind Farm back on public exhibition for a further 60 days, because the proposed transportation routes are significantly different from the previously exhibited environmental assessment, and thus the effect on the community is much wider than previously envisaged;
3. Council strongly opposes the transportation of oversized and overweight loads for the Crudine Ridge Wind Farm to travel through the residential areas of Gulgong and Mudgee;
4. Council strongly opposes the transportation of oversized and overweight loads for the Crudine Ridge Wind Farm on Ulan Road as the current traffic volumes on Ulan Road are very high and such oversized and overweight vehicles will cause disruption and compromise safety beyond what is considered reasonable;
5. Council requires the Crudine Ridge Wind Farm proponents to maintain the position that they must use the Hill End, Windeyer and Pyramul Roads and upgrade those roads as per the Council submission dated March 2013;
6. If Aarons Pass Road from the Castlereagh Highway intersection to the project site entrance (distance 19.2 kilometres) is to be used for the transportation of oversized and overweight loads then the road to be upgraded at the proponents costs to the following standards.

Traffic Lanes (sealed)	2 x 3.5 metres
Shoulder (sealed)	2 x 0.5 metres
Shoulder (unsealed)	2 x 1.0 metres
TOTAL CARRIAGEWAY	10.0 metres

Detailed report

BACKGROUND

The Crudine Ridge Windfarm consists of approximately 106 towers and is generally located in the Pyramul area. The EIS was prepared and has been exhibited with the preferred transport route being along Hill End and Pyramul Road.

On Thursday 11 July 2013, staff met with representatives of the Crudine Ridge Wind Farm and were presented with a further transportation report which outlined two new routes which passed through the town of Mudgee for the transportation of wind farm components.

A report was prepared and included in the Council Business paper for the meeting of the 24 July 2013 in response to the proposed new routes. Upon representations from the proponent the

Department of Infrastructure and Development granted an extension for the Council submission until the 18 October 2013 to allow further negotiations between the proponent and Council regarding the transportation route.

The Mayor and staff met with the proponent on the 24 September 2013. At that meeting the proponent tabled an additional traffic route through Mudgee to the two previously proposed in the meeting on 11 July 2013.

The Environment Assessment statement – Page 34 of Appendix 14 – Crudine Ridge Wind Farm Transport Assessment states:

As a worst case, based on delivery of a total of three whole turbines per week and working on a six-day week, some five oversize loads per day would be generated. With the addition of a maximum of two semi-trailer loads of other equipment / components in the one day, it is assumed that the delivery of wind farm components would generate a maximum of 14 trips per day, inclusive of 10 oversize vehicle trips per day.

Council will recall that the initial environmental assessment had as the preferred route the Hill End Road, turning off onto Windeyer Road, on to Pyramul Road and up Aarons Pass Road to the main entrance to the Wind Farm site. Council in its submission dated March of this year stated that Council would like Hill End and Windeyer Roads to be upgraded to a 10 metre wide formation which included 7 metres of sealed carriageway, and the Pyramul Road be upgraded to 9.2 metres which included 6.2 metres sealed carriageway.

This upgrade is required because of the substantial amount of traffic, particularly through construction, that this project would generate.

The proponents have now informed Council that they now no longer intend to use that route for their oversized and overweight loads. These are the components for the wind towers, including the blades, generators, gearboxes and the towers themselves, which are imported through the port of Newcastle. These loads will be up to 75 metres in length and some of them could weigh as much as 75 tonnes. The developers now have three proposed routes which they will be seeking a change as part of their environmental assessment.

Overweight loads: These consist mainly of the generators and gearboxes with each load weighing approximately 75 tonnes. These are carted on vehicles which will be approximately 50 metres in length. The intention is to bring them from the Port of Newcastle, up the Golden Highway, turning on to the Castlereagh Highway through Gulgong (Medley Street), then following Castlereagh Highway to Mudgee township. In Mudgee township they will travel Market Street, Douro Street, Horatio Street and on to the Castlereagh Highway to Aarons Pass Road, and then travel the 19.2 kilometres along that road to the site entrance.

Oversized loads: These loads containing the blades will be 75 metres in length. They haven't finalised their options yet, but they have three proposals. The first is similar to overweight loads, but when they reach Mudgee township, they will turn left at Cox Street, then right onto Short Street, then right again on to Douro Street. This change in the route is because they can't get the loads around the roundabout at the corner of Douro and Market Street, so coming up from Short Street will give them a straight run at that intersection.

The other option for the oversized loads is to turn off the Golden Highway onto Ulan Road, travelling down Ulan Road to Mudgee township, turning left on to Short Street at the Lawson Park Hotel intersection. They will then

travel along Short Street to Lawson Street, turning right there, travelling the full length of Lawson Street, then left onto Horatio Street. They would then travel the full length of Castlereagh Highway on to Aarons Pass Road.

A copy of a map indicating the proposed routes is attached.

The Mayor and staff met with the proponent on the 24 September 2013. At that meeting the proponent tabled a new traffic route through Mudgee. The new route leaves Market Street by turning left at Cox Street, right onto Short Street, along Short Street, right onto Lawson Street, left onto Mortimer Street, right onto Burrundulla Ave and left onto Sydney Road. The route is shown on map in attachment 1 to this report. This route will take oversized vehicles through residential areas and along streets not design for heavy traffic. This proposed route change is in staff's opinion, a significant change from their proposal in the environmental assessment. Travelling up Douro Street, they will need to pass by two schools and Lawson Street certainly does not have the capability of coping with this amount of traffic. All traffic on the roads when these overweight and oversized loads pass will be required to stop. The Crudine Ridge Wind Farm proponents believe that the delay for local traffic will only be 5 minutes, but our experience, particularly within residential areas and corners is that the delay will be closer to 15 minutes.

The proponents made it very clear to the Councils representatives at the meeting that the changed route was decided on monetary grounds and they had no reasons why the community would be concerned about the changed route.

We have taken traffic counts in at the locations and those results are:

- Ulan Road prior to the bridge entering Mudgee - Count for the hour = 642 vehicles
- Horatio St., between Lawson and George St - Counts for the hour = 658 vehicles
- Douro St. Between Market and Mortimer St - Count for the hour = 381 vehicles
- Market St. prior to the Cox St. intersection – Count for the hour = 405 vehicles
- Short St. roundabout (total vehicles) – Count for the hour = 731 vehicles

We have had Council's traffic engineer review what in effect would be the impact on traffic flows if these loads came through our residential areas. The impacts and delays would be as follows:-

Ulan Road	Maximum queue length = 220 vehicles Time delay for any one vehicle = 12mins Time for queue to clear = 40mins
Douro St between Market and Mortimer	Maximum queue length = 150 cars Time delay for any one vehicle = 8 mins Time for queue to clear = 21mins
Horatio St, between Lawson and George	Maximum queue length = 210 vehicles Time delay for any one vehicle = 12 mins Time for queue to clear = 43mins
Market St, prior to Cox St. intersection	Maximum queue length = 160 vehicles Time delay for any one vehicle = 10mins Time for queue to clear = 35mins
Short St. roundabout	Maximum No. Vehicles queued = 165 vehicles (tot.)

Due to time constraints the traffic surveys relating to Market Street and the Short Street roundabout were conducted in the school holidays.

Council should note that there will be at least 10 of these oversized and overweight loads per day, six days per week for in excess of 4 months.

As well as the impact in the Mudgee township there will also be significant impact in Gulgong township along Medley Street. Although the distances are shorter the impact is not any less. Council should insist that the traffic diverts off Castlereagh Highway onto Goolma Road and return back onto Castlereagh Highway at the Gooree intersection.

Our other concern is that if the Ulan Road is used, then that is going to cause an enormous amount of disruption on a road that is already struggling to cope with the large traffic volumes. As we all know, the traffic volumes on this road outside of the 80km area are in excess of 4000 vehicles per day. With these oversized and overweight loads traversing along Ulan Road, it will slow traffic to 20km per hour, and will cause traffic delays of up to 20 minutes for each load. On that part of Ulan Road, heading into the Mudgee township, that 4000 vehicles per day increases to 9000.

The purpose of this report is to gain the support of the Department of Planning & Infrastructure to have this application put back on public exhibition. The proponents of the Crudine Ridge Wind Farm can simply not have a dramatic effect on part of our community that this change in transportation routes will have without giving the community the opportunity to comment. The Crudine Ridge Wind Farm proponents will oppose a further public exhibition process, as they do not believe that the effect of all of these loads will have any impact on the residential community in our region.

The proponents have stated clearly that they have not any previous experience at all of taking these oversized and overweight loads through towns the size of Gulgong and Mudgee. They do not believe there will be any impact at all on the residents or our community, which is a statement we found at best, bizarre.

The route survey that has been developed, that we have been given a copy of, also indicates that only minimal upgrade of Aarons Pass Road is required. They believe that just some gravel resurfacing and widening is required and the removal of some crests at the top of steep hills to allow their large vehicles to get over those crests. Council indicated in its submission that if the Aarons Pass Road was used from the intersection with Castlereagh Highway to the site entrance, then the upgrade costs would be in the vicinity of \$13.4 million. The Crudine Ridge Wind Farm proponents have stated that they intend to spend no more than \$2.4 million. The proponents have also stated that there will be no sealing on the roads required, and they will use water carts as a dust suppressant throughout the life of the construction period. Council must insist that the road be upgraded to the following standard to ensure community safety and protect the Council asset.

Traffic Lanes	2 x 3.5 metres
Shoulder (sealed)	2 x 0.5 metres
Shoulder (unsealed)	2 x 1.0 metres
TOTAL CARRIAGEWAY	10.0 metres

Even though they will incorporate some passing bays to allow the safe passing of local traffic, they stated quite clearly that they are not there to provide a community solution to the traffic requirements, only technical solutions to allow their vehicles to travel on the road. Council will need to lobby hard with the Planning Assessment Committee that hears this application, to ensure that Council does not get stung hard like we have on the Ulan Road Strategy.

We were further dismayed that the Crudine Ridge Wind Farm proponents have not yet assessed what other road route all other materials to the site will be transported on. For example, there is a considerable amount of concrete that will be used at the base of all of these towers. Although they are making the concrete on site, they will be carting water from Windermere Dam, but have yet to

make a determination where the gravel and cement will come from and what route they will use. They have not denied that these large trucks carrying gravel and cement will probably use the Hill End, Windeyer and Pyramul Roads, and they have no intentions of funding any upgrade of those roads, but may fund some maintenance work if it can be proven that these roads were damaged by vehicles travelling to their site.

In terms of damage throughout any of our other roads such as the residential areas, it is clear from the proponents that Council will need to prove that the damage was caused by the trucks travelling to and from the site before the proponents will make any monetary contribution to repairs.

Other issues raised by the proponents were as follows:

FIRE FIGHTING

The proponents stated they would be putting category 9 fire-fighting equipment on site but could not give an indication of how that fire-fighting equipment would be staffed. The proponents stated clearly that if aerial fire-fighting was required, it is up to the pilot of how close they go to wind towers and their expectation is pilots would go very close to allow water to be placed upon the fire.

VOLUNTARY PLANNING AGREEMENT

In the Council submission, Council suggested that a Voluntary Planning Agreement of \$80,000 per year for each tower be the basis of the Voluntary Planning Agreement as this is the amount that has been used for other developments in the state. The proponents have stated that they don't believe that their development will have any impact on this region that would warrant a VPA at that level, and will not be making payment to Council anywhere near the amount that is being sought.

Financial implications

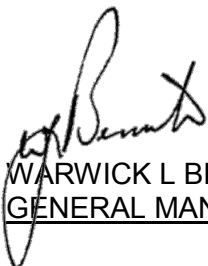
The cost to Council has the potential to be significant if the proponents are allowed to transport the product and materials to the site without upgrading road costs. The Council must ensure that we do not get caught up in another Ulan Road Strategy fiasco.

Strategic or policy implications

Not applicable at this stage.

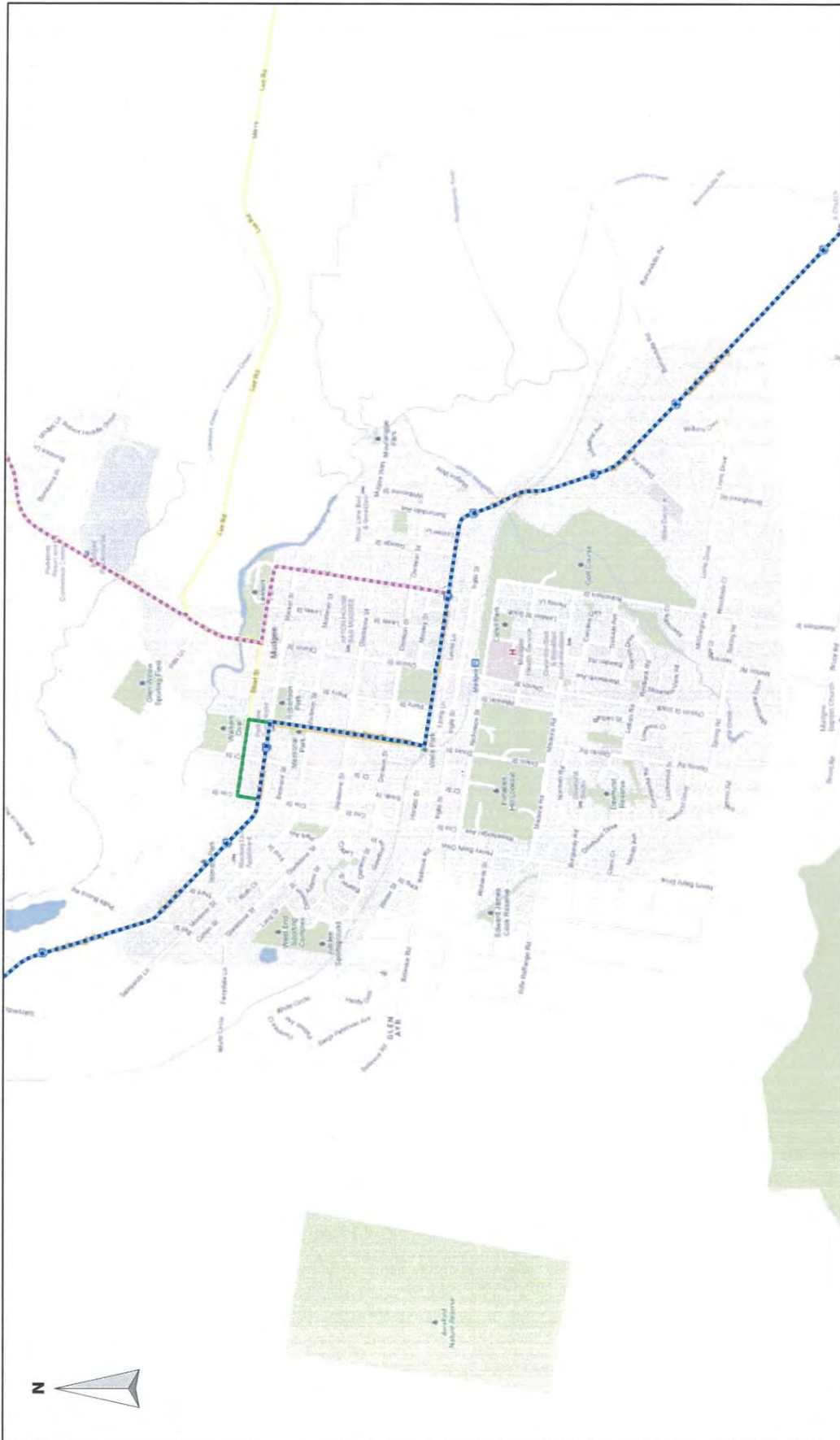
12 July 2013

- Attachments:*
1. Proposed vehicle route options through Mudgee (Option 1)
 2. Proposed vehicle route options through Mudgee (Option 2 & 3)
 3. Proposed vehicle route options through Gulgong




WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1



LEGEND OS / OM Vehicle Route Options Route Option 1 Route Option 1A (Overlength vehicles > 50 m) Route Option 1B (Overlength vehicles > 50 m)	COMPANY CRUDINE RIDGE WIND FARM PTY LTD	WIND FARM VER 1 SIZE A4
	TITLE PROPOSED OS / OM VEHICLE ROUTE OPTIONS THROUGH MUDGEE	REV A JOB NO 080401
DATE 10 JUL 2013	SCALE 1:37000	DWG NO CRU138
DRAWN BY S ISHERWOOD	CHECKED BY E MOUNSEY	SHEET 1 OF 1
SCALE BAR 0 5 km	Background imagery: Google Earth. All other data: Google Maps, WPCWP	



		CRUDINE RIDGE WIND FARM PTY LTD	
PROPOSED OS / OM		VEHICLE ROUTE OPTIONS THROUGH MUDGEE	
DATE	23 SEP 2013	SCALE	1:37000
DRAWN BY	S ISHERWOOD	CHECKED BY	E MOUNSEY
REV	A	DWG NO	CRU138
VER	2	SHEET	1 OF 1
JOB NO	080401	SIZE	A4

LEGEND

- OS / OM Vehicle Route Options
- Alternative Route A
- Alternative Route B

Background Imagery: Google Earth, All other data: Google Maps, WPOW
SCALE BAR 0 5 km



CRUDINE RIDGE WIND FARM PTY LTD



Proposed vehicle route through Gulugong

5.2.10 Triamble Road Resident Proposal

REPORT BY THE GENERAL MANAGER TO 16 OCTOBER 2013 COUNCIL MEETING

Business Paper PUBLIC 131016

GOV400029, A0100056, R4008001

RECOMMENDATION

That:

1. **the report by the General Manager on the Triamble Road Resident Proposal be received;**
2. **Council confirms its stance to the Triamble Valley Residents that it requires the signatures and approvals of all affected property owners including the Echo property owner before Council will commit any further resources to this access matter;**
3. **Council notes that if agreement is reached with the Echo property owners for land to be taken under the Just Terms Compensation Act, Council will be seeking from the adjoining property owners a contribution towards the land purchase of private property.**

Detailed report

Council will recall that after years of discussions and negotiations for legal access to a number of properties in the Triamble area agreement was reached with all parties. The former access had been through private property which was ceased after a neighbourhood dispute. That former access was never legal road. The alternative solution promoted by agreement between the residents of the area and the Council required the opening of a paper road. Council agreed to contribute \$30,000 to the physical works to make this access a reality. The \$30,000 contribution was made after a statement from one of the resident clearly stated that Council's estimate for the work was excessive and he and his neighbours could do the work for a much less price. Although that alternative access was agreed and signed by all parties including commercial banks (who held mortgages on the affected properties), it has been rejected by the residents as impracticable. This has been disappointing after Council placed considerable resources (both staff and financial) to reach a solution.

The Council has recently stated that it will not commit any further resources to this matter unless all residents agree in writing with an alternative solution. Please find attached a letter from some of the affected residents which offers an alternative solution. Unfortunately the letter is not signed by the property owner whose land the other residents are recommending be gazetted as road reserve.

The reality of this matter is:-

- The owner of the Echo property has constantly and forcefully informed the Council that they will oppose a portion of their land being gazetted as road reserve while alternative access to the other properties is available.
- If Council was of the opinion to acquire the land for road reserves it would need to compulsorily acquire the land and in doing so convince the Crown Lands that an alternative legal access was not available. There would be considerable legal costs and most likely a

Land and Environment Court hearing involved if the land owner opposed the compulsory acquisition.

- If Council did want to acquire this land for road reserve then Council would need to purchase the land at fair value - this was estimated in 2006 between \$240,000 and \$280,000. Council cannot just take private property for road reserve without adhering to the Just Terms Compensation legislation.

The recommendation in this report is for Council to inform the Triamble Valley Residents that until they have the signed authority from all affected land owners, in particular the owners of the Echo property that Council will not be pursuing this matter. The writer considers it would be unreasonable for the ratepayers of this region to fund a further solution for the access in this area when it has already funded one solution to date and that the problems created at this time were not a result of any actions by Council.

Financial implications

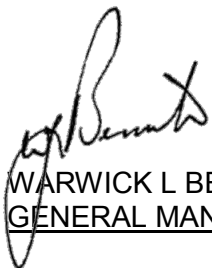
If the residents of Triamble Valley obtain the signatures of all affected property owners to agree on a solution, then Council's exposure to costs would be limited to funding minimal legal and survey costs as well as property purchase costs. The exact costs would require valuations and estimates to be prepared.

Strategic or policy implications

The Council policy stance on this matter has been for the residents to reach an alternative solution as the originally Council funded agreement is no longer acceptable.

8 October 2013

- Attachments:*
1. Triamble Valley Residents letter and attachments dated 18 September 2013.
 2. Letter from McPhee Kelshaw conveyancers dated 30 September 2013.



WARWICK L BENNETT
GENERAL MANAGER

Triamble Valley Residents

18th September 2013

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

Dear Mr Bennett

I am writing to you on behalf of the residents of the Triamble Valley to advise that residents have complied with the request of the Mid-Western Regional Council and yourself, as General Manager, and have agreed upon a new proposal regarding the re-opening of the Southern Triamble road.

The re-opening of the Southern Triamble road has been a difficult issue for the residents of the Triamble Valley and the Mid-Western Regional Council for over a decade.

The need to resolve the access issue is now critical, as local elderly residents living on working properties have virtually no access to emergency service and commercial vehicles and very limited access for private vehicles.

The Triamble Valley residents want to work with the Mid-Western Council to find a solution to this on-going issue.

As you would be aware, the original agreement residents were asked to sign in 2006 was unfortunately found to be inadequate, and as a result no action was taken.

The Triamble Valley Residents appreciate the Council's candour on this issue, and have complied with the Council's request agreeing to a new collective proposal held here within.

Every Triamble Valley resident who signed the original agreement that the Mid-Western Regional Council accepted in 2006 are signatories to this new proposal.

This new proposal, utilising the Council's Power under the Roads Act and consistent with the original Crown Grant for the construction and maintenance of the Southern Triamble Road, will allow the Mid-Western Regional Council to open the road at virtually no cost to ratepayers.

I humbly ask you to consider this proposal as a viable way forward in the hope that no further action is necessary.

Sincerely



Ben Hansen
On behalf of the Triamble Valley residents.

0419213635
ben.hansen@shieldtechnology.com.au
17 Quarry Rise
Port Macquarie NSW 2444



Triamble Valley Residents

Proposal for the re-opening of Southern Triamble Road



DATE: 18th September, 2013

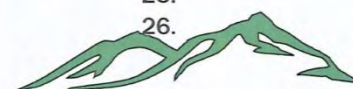
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1.0 - Executive Summary

The re-opening of the Southern Triamble road has been a difficult issue for the residents of the Triamble Valley and the Mid-Western Regional Council for over a decade.

The need to resolve the access issue is now critical, as local elderly residents living on working properties have virtually no access to emergency service and commercial vehicles and very limited access for private vehicles.

The Triamble Valley residents want to work with the Mid-Western Council to find a solution to this ongoing issue.

The original agreement residents were asked to sign in 2006 was found to be inadequate, and as a result no action was taken.

Mid-Western Regional Council General Manager, Warwick Bennett, has made it very clear in the local media that:

"I have explained to the landowners involved, that if they are dissatisfied with that agreement, they need to collectively agree on an alternative solution for the Council to consider... I want to see the end of this just as much as the landowners involved... it's up to these landowners to come to an agreement among themselves." (The Weekly, June 19 2013 - see attachment 10)

The Triamble Valley Residents appreciate the Council's candour on this issue, and have complied with the Council's request agreeing to a new collective proposal held here within.

Every Triamble Valley resident who signed the original agreement that the Mid-Western Regional Council accepted in 2006 are signatories to this new proposal.

This new proposal, utilising the Council's Power under the Roads Act and consistent with the precedent set by the original Crown Grant for the construction and maintenance of the Southern Triamble Road, will allow the Mid-Western Regional Council to open the road at virtually no cost to ratepayers.

The proposal for Council to consider, agreed to by residents, is as follows:

1. That the Mid-Western Regional Council use its powers under the Road's Act, in accordance with a number of its resolutions and recommendations including, but not restricted to those dated 3.5.2004; 2.2.2005; 16.3.2005; 20.9.2006 and open and gazette the Southern Triamble road to the wheat silos within Wing Vee, and the Crown Road leading to Sunset Plain and the Crown Road from the Southern Triamble Road, past the machinery shed within Echo leading to the Triamble Creek and the property Triamble on the northern side of Triamble Creek, as set out generally in letter dated 1.4.2004 to the then General Manager of the then Mudgee Shire Council.



- In 1964, the Cudgegong Shire Council approved a small subdivision within Wing Vee. In doing so it was statutorily required to consider a number of matters under the former Local Government Act, 1919. One such matter dealt with access to a public road. The profile of the subdivision plan shows it connecting to the Southern Triamble Road. There is no other public Road that could satisfy this statutory requirement.
- Given that the same Council had applied for public funds to maintain the road since 1950, it is not surprising that it approved the subdivision 14 years later in 1964
- Letter dated 15.10.2004 from the council solicitors (attachment 2) at page 2, paragraph 3 states:

“Council’s resolution to proceed with the resumption was arrived at upon the basis of Council’s belief that the road was a public Road and that there appeared to be no other practical alternative to ensure access to your client (s) land . . .”
- As recently as letter dated 20.7.2012 (attachment 3) the Council certified as to the public road status of the Southern Triamble Road. (The only obstruction in place, then or now, is the locked gate [Council refers to it as a “chain”] illegally placed by the owners of Echo).
- The road appears, currently, on every publicly available map from any source, as the only Triamble road in existence.

2.1 Council resolutions and intervening action

- As a result of representations to the former Mudgee Shire Council, the Council resolved on 3.5.2004 to utilise Council’s road opening powers under the Roads Act to provide a long term solution to the dispute.
- Letter dated 29.7.2004 (attachment 4) advised that surveyors had been engaged to carry out survey work in accordance with the resolution.
- On 20.1.2005 Council’s Road Engineer had estimated the cost of work (not land acquisition) on the Southern Triamble Road past the Echo homestead to be between \$10,000 to \$15,000 (copy of file note from Council’s file attachment 5).
- On 2.2.2005 the recommendation (Attachment 6) was made to the current Council (MWRC) that:

“Council proceed with all the necessary actions utilising Council’s road opening powers under the Roads Act to provide a long term solution to the current dispute.”

And (at page 4)

“Council has performed maintenance on a road . . .but . . . the subject road does provide the best possible access for all parties and the adoption of the recommendation will enable the conclusion of a difficult access dispute.”



- On 16.3.2005 (attachment 7) the recommendation was made to the current Council (MWRC) that the Council proceed with the recommendation of the former Mudgee Shire Council.
- On 20.12.2006 the MWRC resolved (Attachment 8) to:

“Approach the appropriate Minister requesting them to use their road opening powers to open the road through Echo which has historically been used as a public thoroughfare over an extended period and has been maintained by several Councils during that time.”

3.0 Current Situation

There have been a series of illegal obstructions placed by Echo across the public Southern Triamble Road, ranging from a telegraph pole (originally) and locked gates since 2004. At one stage the public road was ploughed up by Echo and an attempt made to plant trees to further hinder and prevent use of the public road.

4.0 Affect on Residents

Four family groups (two on the Southern side and two on the Northern side) are directly affected:

4.1 On the Southern side

- 96 year old Jack Suttor and daughter April from the pastoral holding 'Sunset Plain' require access from the Southern Triamble Road once it enters the Wing Vee property. There are obviously acute issues with regard to health and emergency service access.
- Ron and Judith Hansen, now in their 70's have no direct access to their property. 'Wing Vee' is an operating sheep and cattle property. As it stands the Hansens not only have no personal access to and from their property but have no access for commercial vehicles used to maintain their business including transporting stock, feed and wool-clip to and from Wing Vee.
- Their livelihood has been directly affected; costs have been increased by having to unload large road haulier trucks into smaller vehicles and trailers and attempting (through the good grace of their neighbours on the northern side) to transport goods into Wing Vee along the northern Triamble Road which is generally impassable (especially in wet weather). Hauliers refuse to bring loads past a certain point because of the access difficulty across the Triamble Creek (see attachment 11).
- Profit margins have been constantly eroded by the unreasonable increase in farming costs caused by the access issue. The local Stock and Station Agent has estimated the effect on the property value as a reduction of more than half.



4.2 On the Northern side

- Bill Suttor (Oaklyn pastoral holding) and his son Matthew Suttor (owner of the original 1835 Triamble historic house) have traditionally accessed the northern side by means of a Crown Road at right angles to the Southern Triamble road leading to across the Triamble Creek to the northern side.
- The same arguments as to the business viability of both these pastoral holdings (stock, feed, wool-clip) apply as they do to both 'Wing Vee' and 'Sunset Plain' (Matthew Suttor assists Jack and April Suttor in the management of their property).

4.3 Others

- The Cockerills had been renting a cottage on Wing Vee for many years, also serving as part-time Managers. This family have had to move away due to being prevented access to their home.

5.0 Necessity of Resolution

- The safety and livelihood of four rate paying families is under direct threat as a result of this ongoing access issue.
- The Southern Triamble Road which has been in existence since at least the 1900's if not earlier, has been maintained by every successive Council as a publicly owned asset using public funds to do so.
- The Triamble residents who previously signed the 'Lucerne Paddock' proposal, which proved unviable, are jointly seeking to work with the Mid-Western Regional Council, meeting General Manager, Warwick Bennett's admonition that:

"...if they are dissatisfied with that agreement, they need to collectively agree on an alternative solution for the Council to consider..." (The Weekly, June 19 2013).

- The Triamble residents are seeking for the Council to: adhere to its resolutions and those of previous councils on numerous occasions over a number of years; implement a cost-neutral solution to the problem; and open the Southern Triamble Road and gazette it to avoid any doubt for the future and thus solve the problem.



6.0 Unviable Alternatives to Southern Triamble Road

There have been many solutions investigated over the years to solve the access problem for families in the Triamble Valley - the majority have proven unviable. They are listed here, along with the reasons why they are unsuitable.

6.1 Northern Triamble Road - Unviable

- It is well documented that the physical route of the gazetted Northern Triamble road does not follow its legal definition, and there are significant encroachments and trespass into private property either side. When the map details are superimposed on an aerial photograph, this is immediately apparent.
- Council has admitted that they are aware of this, and the cost just to fix this aspect would well exceed costs of all proposals on the Southern side.
- The need to construct all-weather bridges over the Triamble Creek, suitable for heavy trucks, significantly adds to the cost, especially at the area known as "Reids Crossing."
- Council ceased maintenance of the Northern Triamble Road in about 1964, in favour of increased and ongoing maintenance on the Southern (ungazetted) Triamble Road using public money to do so.
- Significant expenditure was estimated by Council in 2005, to do any work on the Northern Triamble Road:
 - * \$350,000 + ("including a full survey of the track to realign to the road reserve and to bring the road to an acceptable condition and to make the road any thing like the standard of the Southern Triamble Road");
 - * \$50,000 — \$70,000 for two creek crossings all "without a substantial increase in rating income to cover the expense" (Terms of reply, by Kathy Woolley, Asst. General Manager MWRC, to George Souris MP, dated 15.4.2005, attachment 9).
- Another estimate, on a "worst case" scenario puts the cost at around \$283,000 (Report to Council dated 20th December, 2006, Attachment 8).
- Finally, the gazetted Northern Triamble Road ends at Oaklyn, but does not extend further into Wing Vee. In this regard, the statement in the Report to Assets Management Committee Meeting on 7.3.2007 contains this statement at page 2 in a discussion with respect to the "Lucerne Paddock" proposal:

" . . . it does not ensure all weather access to Wing Vee due to a number of low points further along the road on the old northern alignment . . ."



6.2 Other unviable alternatives

- The “Lucerne Paddock” proposal was a result of the Triamble Valley landowners being asked to sign a “Deed of Release” by Council. Residents were left under no doubt that if they did not, no further assistance would be provided.
- Prior to the negotiations with landholders, Council had received expert engineering advice from Mr Jim Finnimore, including the ‘Finnimore Memorandum’.
- Mr Finnimore’s advice to the Council confirmed that the lucerne paddock appeared to be flood prone. Advice also highlighted the presence of active erosion of the banks of the Triamble Creek in the area adjacent to the lucerne paddock road, and that erosion would have an adverse effect on any proposed road constructed along the then road reserve.
- Mr Finnimore also advised the Council that the creek crossing known as ‘Suttors Crossing’ was only a low level crossing, and that access would be lost in times of flood.
- Mr Finnimore also advised Council that the track which was being used for access to ‘Wing Vee’ and ‘Sunset Plain’ was only suitable for four wheel drive vehicles and could not be used by trucks because of the short steep entry into one creek crossing. There are also parts of this access track which would be impassable by all vehicles in wet weather.
- **It is important to note that the owners of Echo were not required to sign or agree to any proposal, while the owners on the Southern side were.**



7.0 Proposal

"I have explained to the landowners involved, that if they are dissatisfied with that agreement, they need to collectively agree on an alternative solution for the Council to consider... I want to see the end of this just as much as the landowners involved... it's up to these landowners to come to an agreement among themselves."

(Mid-Western Regional Council General Manager,
Warwick Bennett The Weekly, June 19 2013)

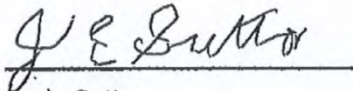
The Triamble Residents proposal for the re-opening of Southern Triamble Road is as follows:

1. That the Mid-Western Regional Council use its powers under the Road's Act, in accordance with a number of its resolutions and recommendations including, but not restricted to those dated 3.5.2004; 2.2.2005; 16.3.2005; 20.9.2006 and open and gazette the Southern Triamble road to the wheat silos within Wing Vee, and the Crown Road leading to Sunset Plain and the Crown Road from the Southern Triamble Road, past the machinery shed within Echo leading to the Triamble Creek and the property 'Triamble' on the northern side of Triamble Creek, as set out generally in letter dated 1.4.2004 to the then General Manager of the then Mudgee Shire Council.
2. That the Council notes that, as a result of precedence set by the original Crown Grants, it has no obligation to compensate any landowner, for any land required for public roads within the affected properties, and calls upon the Council to take advantage of this legal protection to facilitate this solution as a matter of urgency.
3. That the widths of all the roads indicated above be to the standard 1 chain, 66 feet, 22.1m width.
4. That the newly gazetted section of Triamble Road be maintained by Mid-Western Regional Council as part of its regular road maintenance cycle carried out which it had historically carried out on that section prior to 2003.


This proposal has been reviewed and agreed to by all residents of the Triamble Valley previously required to sign agreements on this issue by the Mid-Western Regional Council.



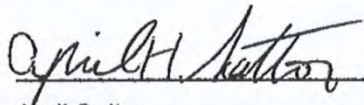
The following residents of the Triamble Valley agree with the heretofore mentioned proposal and jointly ask for consideration by the Mid-Western Regional Council:



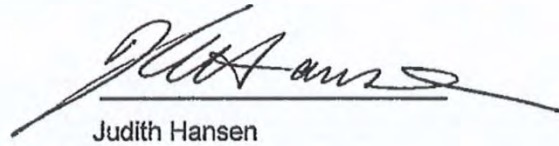
Jack Suttor
(‘Sunset Plain’)



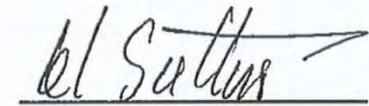
Ron Hansen
(‘Wing Vee’)



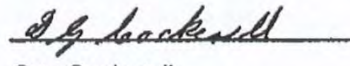
April Suttor
(‘Sunset Plain’)



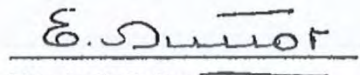
Judith Hansen
(‘Wing Vee’)



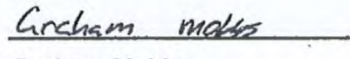
Bill Suttor
(‘Oaklyn’ - Triamble Station)



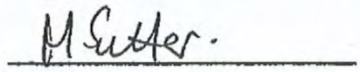
Sue Cockerall
(‘Wing Vee’)



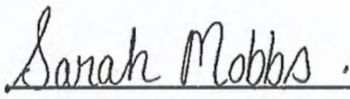
Elizabeth Suttor
(‘Oaklyn’ - Triamble Station)



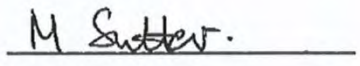
Graham Mobbs
(‘Wing Vee’)



Matthew Suttor,
(Triamble Station)



Sarah Mobbs
(‘Wing Vee’)



Melinda Suttor
(Triamble Station)



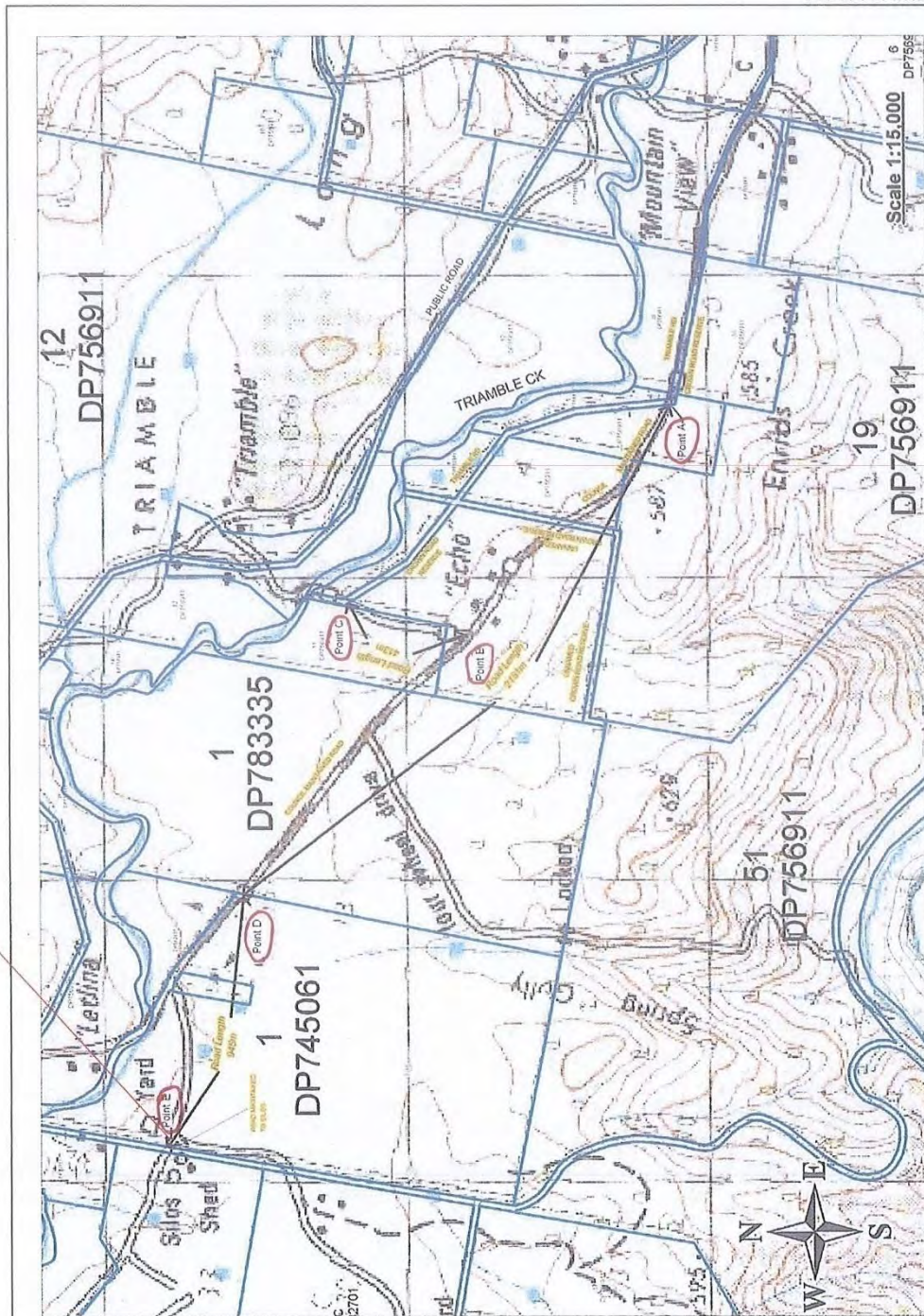
8.0 Attachments

Attachment 1

Report to Council Meeting – 20 December 2006

ATTACHMENT 1

Point E



Attachment 2

15.10.2004

McIntosh, McPhillamy & Co.

PARTNERS:

H. R. COLE
M. A. WORTHINGTON
P. L. CRENNAN
B. Ec., LL.B., Adv.Solic (Local Govt. & Plan)
M. M. SCHWAB
B. A., LL.B.
E. L. RIVERS
B. A., Dip. Ed., LL.B.
J. J. MATTHEWS
B. Leg. S
C. J. NICHOLS
B.A., LL.B.

ASSOCIATES:

E. J. PRATLEY
B. Ec., LL.B.
D. HUMPHRIES
B Sc Agr., D. Comm., LL.B.

Solicitors

Cnr. George and Howick Streets Bathurst NSW 2795
Telephone: 02 6331 1533
ABN 62 520 542 839

OUR REF: PLC.dr.40170

YOUR REF:



Liability limited by the
Solicitors Scheme, approved
under the Professional
Standards Act 1994 (NSW)



BUSINESS MANAGER:
C. W. STONESTREET

15 October 2004

Mr. Richard J. Bournes,
9 Terrymont Road,
WARRIMOO NSW 2774

Dear Sir,

**RE: MID-WESTERN REGIONAL COUNCIL
TRIANGLE ROAD ACCESS**

We are the solicitors for Mid-Western Regional Council in connection with issues surrounding the disputed access over Triamble Road at Hargraves. Our client has provided us with copies of recent correspondence from both R. J. Bournes on behalf of Mr. Hansen, and Hannaford Cox Connellan & McFarland on behalf of W. Suttor & J. Suttor rejecting the proposal for an exchange of easements by those parties with the property "Echo" as outlined in Council's letter dated 1 October 2004.

Council has had the opportunity to consider its position with respect to a request made on behalf of "Echo" which involves roadworks to be undertaken on a strip of the right of way as it traverses "Echo". That proposal is as follows:-

That Council effect roadworks on the track within "Echo" as follows:

- (a) *to form and bitumen seal the track from a point approximately 500 metres east of the homestead to a point beyond the machinery shed.*
- (b) *to form within the sealed section sufficient traffic calming devices to restrict the speed of the traffic to a maximum of 40 kph.*
- (c) *to fence the southern side of the track within "Echo" with gates as reasonably required for stock and machinery movements.*
- (d) *that at least two (2) motor bypass ramps be constructed within the track at points to be nominated.*

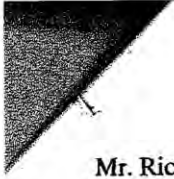
H:\PLC\W#1668-dr.WPD

Correspondence to:
PO Box 33
Bathurst NSW 2795
DX 3102 Bathurst
Fax: 6331 9279
Email: info@mcmc.com.au
Web: www.mcmc.com.au

13.

Oberon Office
152 Oberon Street
Oberon NSW 2787
Tel: 6336 0386

Attachment 2.1



15.10.2004

Mr. Richard J. Bournes,

- 2 -

15 October 2004

We understand that the proposal made on behalf of "Echo" is a return to a position which Messrs. Hansen and Suttor found acceptable (albeit on a without prejudice basis) in April 2004 in respect of which the owner of "Echo" withdrew thereby giving rise to the request to Council to intervene. It appears now that the "Echo" interests have returned to the negotiating table and that the position acceptable to your client(s) in April 2004 has been enhanced by the preparedness of Council now to undertake roadworks on the right of way as described.

Council urges your client(s) to rethink his/their position, particularly as Council is prepared to undertake the roadworks described above on the right of way.

Council's resolution to proceed with the resumption was arrived at upon the basis of Council's belief that the road was a public road and that there appeared to be no other practical alternative to ensure access to your client(s) land. It appears that that position has now changed in two ways:-

1. That an alternative access entitlement is in the offing; and
2. Council is prepared to expend money in the pursuit of a resolution which would involve the making up of the road to a standard which is higher than that which could be reasonably expected in the event of a resumption.

Our client seeks a review by your client(s) of the position and encourages Messrs. Hansen and Suttor to discuss the position together involving their representatives in a hope that a compromise may be capable of then being pursued with the owner of "Echo".

Please provide your response within seven days, whereupon Council will reconsider its position and determine such action as it is then prepared to take.

We await your response.

Yours faithfully
McINTOSH, McPHILLAMY & CO.

Paul Crennan

Attachment 3



Our ref: R4008001

20.7.2012
PO BOX 156
MUDGEE NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850
Fax: (02) 6378 2815

email: council@midwestern.nsw.gov.au

20 July 2012

Mr R Hansen
789 Great Western Highway
LINDEN NSW 2778

Dear Mr Hansen

ACCESS TO TRIAMBLE ROAD

It has come to Council's attention that a locked chain has been strung across Triamble Road.

As you would appreciate, unimpeded access must at all times be maintained to public roads.

I am writing to you to express Council's concerns in relation to this matter and to seek your assistance, as a local property owner, whose land Triamble Road traverses, in ensuring that the person who placed this chain across the road removes it forthwith.

Yours faithfully

A handwritten signature in black ink, appearing to read "Ian Roberts".

IAN ROBERTS
MANAGER GOVERNANCE

Attachment 4

Rec'd. 2/K/04 *29.7.2004*

MID-WESTERN REGIONAL COUNCIL

Darren Scotti:ko:R04008001 (Triamble - Surveyor Appointment let all)

29 July 2004

Mr Richard Bourne
9 Terrymont Road
WARRIMOO NSW 2774

Dear Mr Bourne

TRIAMBLE ROAD ACCESS DISPUTE

Council hereby advise, that further to Council's previous decision to compulsorily acquire the subject sections of Triamble Road, Mr Greg Monk of Central West Surveys has been engaged to undertake the necessary survey work.

In this regard Mr Monk has requested Council advise landowners that the necessary survey work will be completed within the next 2 weeks and this will require on-site work.

Should you have any queries in relation to this matter please do not hesitate to contact Darren Scotti of Council's Planning Section.

Yours faithfully



DARREN SCOTTI
MANAGER PLANNING & DESIGN

J:\Planning\Council Folder as before\WORK\Access work\Triamble\Triamble - Surveyor Appointment.doc

Attachment 5

MINOR LOCAL OF 1051
[20/1/05]

Mark Loaney/Mudgee Council/AU
01/20/2005 11:57 AM

To Kathryn Woolley/Mudgee Council/AU@Mudgee Council
cc
bcc
Subject Fw: Triamble 'Sealing'

History: This message has been deleted

For the purpose of your report, I would flag a cost of approximately \$15,000 for the sealing past Roydhouse property.

Regards,

Mark Loaney
AGM (Environment & Infrastructure)
Mid-Western Regional Council
ph. (02) 6372-5888
fax (02) 6372-5815

----- Forwarded by Mark Loaney/Mudgee Council/AU on 20/01/2005 11:43 AM -----



Scott Parsons/Mudgee Council/AU
20/01/2005 10:09 AM

To Mark Loaney/Mudgee Council/AU@Mudgee Council
cc
Subject Re: Triamble 'Sealing'

I would anticipate that this work would be tied in with other road reinstatement works and resheeting of which we have 11km identified in the strategic plan for triamble road over the next 3 years. If this were the case I would advocate a gravel resheet of this section first (0.2 x \$13k per km = say \$2.5k) prior to a 5m seal applied (0.2 x \$25k per km = say \$5k). Total of \$7,500. If we were to do this section in isolation from a larger program it may cost \$10,000 plus.

Regards

Scott Parsons

Mark Loaney/Mudgee Council/AU



Mark Loaney/Mudgee Council/AU
20/01/2005 08:59 AM

To Scott Parsons/Mudgee Council/AU@Mudgee Council
cc
Subject Triamble 'Sealing'

Scott - I need an approximate figure to seal 200m past Roydhouse homestead asap (old alignment). Kathy is doing report to Feb meetings in an effort to finalise this matter. I know a straight seal would be around \$5,000, but not sure what the pavement is like there, so I would expect the cost to be around \$10k???

Regards,

Mark Loaney
AGM (Environment & Infrastructure)
Mid-Western Regional Council
ph. (02) 6372-5888
fax (02) 6372-5815

Attachment 6

16/2/2005

2.2.2005

Report to Development and Services Committee Meeting – 2 February 2005

Page 1

ACCESS DISPUTE ON TRIAMBLE ROAD

RECOMMENDATION

That Council proceed with the all necessary actions utilising Council's road opening powers under the Roads Act to provide a long term solution to the current dispute.

INTRODUCTION

Despite an ongoing facilitation role Council has not been able to assist the neighbours involved in an access dispute in the area known as Triamble so that they could mutually resolve the issues.

This report recommends that Council proceed with the opening of a road to resolve the matter.

BACKGROUND

A copy of a report provided to the former Mudgee Shire Council in May 2004 (Attachment 4) is attached to provide background information on the access issues of residents in this area for Council's information.

A map showing the area is also attached to this report (Attachment 1) and is referenced throughout this report for clarity in identifying the access routes that are road reserves and where access has been used.

At this meeting on 3 May 2004 Council resolved:

"That if the proposed mediation fails, Council endorse staff action to date and concur that it is appropriate to utilise Council's road opening powers under the Roads Act to provide a long term solution to the current dispute."

Council has offered a range of formal and informal mediation services in attempting to have the parties resolve their access issues. Most recently, at the request of the Administrator, further negotiations were held between staff and relevant parties in late 2004.

However, the issue remains unresolved and it is recommended to Council that it now executes the remaining component of the above resolution regarding the use of Council's road opening powers under the section 102 of the Roads Act 1993 to finalise the access issues and Council's involvement in this matter, subject to confirmation of the road closing process being successful.

COMMENT

Prior to formulating that the recommendation for the road opening process be undertaken, Council staff have considered alternative and existing road reserves in the area to determine if they could be used to provide access to all parties without opening another road reserve.

Attachment 7

Report to Council Meeting – 16 March 2005

16.3.2005
Page 1

ACCESS DISPUTE ON TRIAMBLE ROAD



RECOMMENDATION

That Council proceed with the resolution made in May 2004 by the former Mudgee Shire Council to utilise its road opening powers under the Roads Act 1993 to provide a long term solution to the current dispute.

INTRODUCTION

Council received a report in February 2005 which provided an update and recommended that the Council's resolution of May 2004 to seek to open an existing road through "Echo", a property in the Triamble area, be enacted.

This matter was the subject of presentations to the February 2005 meeting by three owners of property, or their representatives, in the affected area.

The owners of "Triamble" and "Wing Vee" expressed their desire that the road opening should proceed.

The legal representative for the "Echo" property provided new information at the February 2005 meeting including suggesting an alternative route. Council determined, in accordance with the Council's long established and general practice to defer matters to allow for new materials submitted to Council as part of public presentations at Open Day session be considered, to defer the matter for one month.

This report provides an update and the assessment of the matters raised by the "Echo" legal representative and provides a summary of the materials submitted to and prepared by Council during that time.

BACKGROUND

At this meeting on 3 May 2004 Council resolved:

"That if the proposed mediation fails, Council endorse staff action to date and concur that it is appropriate to utilise Council's road opening powers under the Roads Act to provide a long term solution to the current dispute."

Council received a report at the 2 February Committees meeting where the recommendation from Council, adopted at the 16 February 2005 meeting was as follows:

"That consideration of this matter be deferred for one month to allow the issues raised by the various parties to be negotiated."

COMMENT

Council has over the last month committed significant efforts in assessing the options as expressed by the representative of "Echo" at the Council's 2 February meeting in accordance with the resolution from that meeting to defer the matter for one month.

Attachment 8.1

20.12.2006

MID-WESTERN REGIONAL COUNCIL**Council Meeting Extract****Council Meeting: 20 December 2006****ITEM 7: GENERAL BUSINESS****7. REPORTS TO COUNCIL****7.3 TRIAMBLE ROAD DECEMBER 2006 UPDATE**

A0100010, R4008001

249/06

MOTION: Walker/Moore**That Council**

1. investigate the cost of using the Crown Road Reserve through "Echo" and the cost of constructing a causeway on the public road crossing of Triamble Creek.
2. if the parties requiring access do not agree, Council will take no further action in regard to this access dispute.

The motion was put and carried.

Attachment 8.2

20.12.2006

Report to Council Meeting – 20 December 2006

TRIAMBLE ROAD DECEMBER 2006 UPDATE

REPORT BY GROUP MANAGER ASSETS
Triamble Dec06
A0100010, R4008001

RECOMMENDATION

That Council

1. not proceed with compulsory acquisition of land through 'Echo' for the purposes of creating a public road reserve from the end of Triamble Road to 'Wing Vee' and 'Triamble' at an estimated cost of \$283,000;
2. not construct a road along the Crown road linking the end of Triamble Road and the property 'Triamble' at an estimated cost of \$156,000, noting that legal access is already available on that road; and
3. write to all affected parties advising them that they are encouraged to continue negotiations for an easement, but that Council will take no further action in regard to this access dispute.

INTRODUCTION

Access through the property known as 'Echo' to 'Sunset Plains', 'Wing Vee', and 'Triamble' has been an ongoing issue for more than three years. A copy of the most recent report on this matter is provided for reference.

It should be noted that since Council has been involved in this matter Council has spent over \$30,000 in legal fees and the recent property valuation. In addition there have been hundreds of hours in staff time endeavouring to facilitate a resolution.

The dispute relates to two roads passing through 'Echo' referred to in previous reports as a 'Primary Easement' that Council had maintained for a significant period of time providing a linkage from the end of the public road network to 'Wing Vee' and a 'Secondary Easement' being the track that linked the primary easement to 'Triamble' adjacent to the 'Echo homestead'.

Staff have been recommending to Council for some time that the appropriate course of action would be to encourage the parties to resolve the dispute themselves. When those negotiations broke down earlier this year, Council passed the following two resolutions:

At it's meeting on 8 September 2006 Council resolved as follows:

"That:

1. Council investigate the cost of resuming the road through "Echo".
2. Council investigate a Land Board Hearing to provide access to "Triamble".

At it's meeting on 20 September 2006 Council resolved as follows:

Attachment 8.3



20.12.2006
✓

Report to Council Meeting – 20 December 2006

"That:

1. Council approach the appropriate Minister requesting them to use their road opening powers to open the road through Echo which has historically been used as a public thoroughfare over an extended period and has been maintained by several Councils during that time.
2. a costing be prepared on making the Crown Road Reserve through "Echo" to "Triamble" accessible."

These determinations indicated a willingness by Council to pursue its road opening powers to resolve the dispute, or facilitate the creation of a public road through 'Echo'.

This report provides an update on the progress with respect to enacting these resolutions.

COMMENT

At this stage it is understood that both 'Wing Vee' and 'Sunset Plains' are using the 'primary easement' whilst 'Triamble' continues to be denied access along the 'secondary easement'.

1. Resumption of Road through 'Echo'

"Valuations Out West" was given the following brief:

"To provide a valuation of the land as if compensation was to be paid to a dispossessed proprietor in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991. The valuation is required as evidence of value to assist Mid-Western Regional Council to acquire the land from the owner for the purpose of dedicating road reserves as public roads."

Council received the valuation on the 4 December which indicated the valuations as follows:

- Lands shown as A-D (Primary Easement): \$126,750 excluding GST
- Lands shown as A-D plus B-C (Primary + Secondary): \$142,000 excluding GST

In addition to the resumption costs, Council would be required to fence both sides of the road, where fences do not currently exist. The total costs expected to be incurred for the two scenarios presented above, ie either resumption of the road that had been maintained by Council, or both that road and the link across to 'Triamble' are as follows:

Option A: Primary Easement

• Just Terms Compensation:	\$126,750
• Fencing (1.1km)	\$38,500
• Roadworks (resheeting 2.1km)	\$30,000
• Drainage (allowance)	\$10,000
• Survey, Legal & Contingency	\$35,000
• TOTAL	\$240,250

Option B: Primary + Secondary Easement

• Just Terms Compensation:	\$142,000
• Fencing (1.6km)	\$56,000

Handwritten initials or mark.

Attachment 8.4

20.12.2006

Report to Council Meeting – 20 December 2006

• Roadworks (resheeting 2.5km)	\$37,500
• Drainage (allowance)	\$12,500
• Survey, Legal & Contingency	\$35,000
• TOTAL	\$283,000

If Council determined not to undertake any roadworks or drainage and define this road as an 'unmaintained' access, then the costs above become \$200,250 and \$233,000 respectively. The prices for fencing are based on recent quotations for fencing on Ullamalla Road.

It is clear from the above, that the previous position of encouraging settlement of the dispute between the parties is the least cost option to Council. To put this in perspective for option A, Council could seal 3.5km or gravel re-sheet 18km. Hence it is recommended that Council NOT proceed with Compulsory Acquisition. If Council determines to proceed with acquisition then it is suggested that the sealing program be reduced from 5.7km to 2km for the 2007/08 financial year.

2. Refer matter to a Lands Board Hearing

Correspondence was sent to the Lands Board in September and a response received on 24th November. Note that the possibility of using the Lands Board Hearing was also referred to the Solicitor representing the Triamble interests.

In summary the response indicates the relevant Crown maps locating the Crown road reserves. Those which Council did not previously have access to are currently being sourced.

Despite clarifying that Council had not yet determined to use its road opening powers, the advice indicates that the Minister could transfer this road to Council for the construction of a road on its alignment. However until the location of the Crown road is determined on site, the feasibility of constructing the road on its legal alignment is unknown.

Council could pursue this matter further with the Dubbo or Orange Department of Lands, as indicated in a follow up e-mail from the Lands Board, however their roads officer would have to form the view that it is a matter that the Minister can refer for inquiry and report, then that can occur.

3. Council approach the Roads Minister

Council wrote to the Minister for Roads on the 4 October 2006 requesting his assistance in this matter and received an acknowledgement letter on the 30 October. No further advice has been received at the time of preparing this report.

4. Construct Road on alignment of Crown Road to provide access to Triamble

Lucerne Paddock

A hold was placed on actioning this resolution until a response was received from the Lands Board Hearing. As indicated above, this information has now been received and the physical alignment of the road is to be determined so that the practicality of constructing on that alignment can be determined. From the contours it appears that the shorter link crosses the 'drop off' visible from the road. The longer alternative option is approximately 1.5km in length.

• Fencing (1.3km – both sides – total 2.6km)	\$91,000
• Roadworks (Construction 1.3km)	\$40,000
• Drainage (allowance)	\$15,000
• Contingency	\$10,000
• TOTAL	\$156,000

*avoiding
 the drop off
 adjacent
 to creek*

Attachment 9

15.4.2004

Workflow		Reference: IN05/272 /97C	
Status	Completed 15/04/2005	Deadline	01/04/2005
Type	<input checked="" type="checkbox"/> Letter	Priority	<input checked="" type="checkbox"/> Medium
Folder...	Disposal...		
R4008001 (1) Roads\Triamble Road General R4008001			

Representations on behalf of Mr John Roydhouse " Echo "
Triamble Rd Hargraves re Councils failure to maintain
Triamble Road Access - await advice
Debra
 Please prepare this a letter to go out next week
 To George Souris
 Re letter of.....

The access issues of a group of neighbours who had previously had agreement to drive through the property of "Echo" has been the subject of considerable correspondence, expenditure and time from Council in trying to assist the neighbours in resolving their dispute. The former Mudgee Shire Council resolved in May 2004 to compulsorily acquire a road through "Echo". Council has continued to attempt to seek an alternative to this action by encouraging the neighbours to settle what is really a matter for them to resolve as the preferred path through "Echo" is an established access in good condition. Council does not intend to build any road but has considered the access options in the area and the superiority of the existing road which until 12 months ago was used by all the neighbours promotes Council to seek the opening of the access as a public road as the parties involved have been unable to reach consensus on how they might restore access on this path.

Mr Roydhouse has provided Council with an engineering assessment to build a new road at a cost of \$900,000 with extensive drainage designs incorporated. Council has considered this engineering assessment and has determined that there is little to no cost involved as the road is in a suitable condition for its use and its location. It is on high ground with no creek crossings.

An alternate route, to the north of the road through "Echo" has been considered by Council and inspected on a number of occasions with the engineering assessment to be that it is in poor repair, with two creek crossings that will require between \$50,000 - \$75,000 each to repair and a track that meanders off the road reserve requiring full survey of the track to re-align to the road reserve. In addition, Council's staff have determined that this road is of inferior condition in terms of the base materials in place and it would require the importation of gravel to supplement the clay base which in a number of places is obviously difficult to pass in wet weather. Council's estimates to bring this road to an acceptable condition and to make the road anything like the standard of the access path through "Echo" are estimated to be \$350,000+. This road is declared an unmaintained road like X kms of others roads in the Shire and Council is not in a financial position that would enable the full maintenance of all roads without a substantial increase in rating income to cover the expense.

Council has attended two site visits in the past month attended by Council's Administrator, Council's Assistant General Manager and Acting Manager Roads on one occasion and a senior Roads Supervisor and Engineering Consultant, Mr Jim Finnemore, on another occasion. Mr Finnemore was specifically employed by Council to assess an alternative access path as suggested by Mr Roydhouse's barrister at the February Council meeting.

Council deferred its decision on this matter to accommodate this request from Mr Roydhouse.

Ultimately, the March Council meeting resolution on this matter was to defer the matter to allow Mr Roydhouse to submit materials on alleged economic impact of opening a public road through "Echo". This was contingent on the parties involved negotiating reasonable terms so that the access path could be immediately re-opened. This appears to Council to be an excellent compromise in a dispute which needs to be settled by these neighbours in preference to Council opening a public road through "Echo".

In addition to the two site visits (each trip takes at least a half day to complete) Council has responded to countless (often multiple emails daily) and has attended a number of

Attachment 10

THE WEEKLY

Mine wins rates appeal

From page 1

Peabody submitted in its cost order that "Council's process for re-categorisation, involving eight self-devised factors that had nothing to do with [land] use or the statute, necessarily lead to legal error".

The company also said "Council had no evidence contradicting Peabody's claims that the properties were used for residential or farming". Peabody claimed Council also changed its position on the land categorisations with little time before the court hearing.

Trying to show their actions were not "unreasonable", Council submitted that Peabody did not provide sufficient evidence of land use [other than mining] until April 2013.

"Upon receiving this evidence, the Council submitted, it acted promptly and reasonably in agreeing to the categorisations nominated by Peabody."

On Monday, Mid-Western Regional Council general manager, Warwick Bennett, said Council was considering its position and seeking an opinion on any appeal, to be lodged against the decision.

"Council will abide by the law as it has been found by the Court. The implication for individual parcels of land will depend on facts associated with those parcels of land, and the decision of the Court," Mr Bennett said.

Council will review all determinations made as a consequence of the July 2012 declarations and will apply any changes which result, to be effective from July 1, 2012.

To read the full judgement visit <http://bit.ly/11Vp6T>

WEATHER

Wednesday, June 19
Morning frost
Minimum-2
Maximum15

Thursday, June 20
Partly cloudy
Minimum-2
Maximum15

Friday, June 21
Showers developing
Minimum-1
Maximum15

Saturday, June 22
Possible shower
Minimum0
Maximum14

Sunday, June 23
Showers developing
Minimum-2
Maximum12

Monday, June 24
Shower or two
Minimum-2
Maximum10

Triamble residents seek end to 10-year dispute

A road block in the Triamble Valley is causing headaches for multiple families and elderly property owners who believe Mid-Western Regional Council has left them stranded.

Triamble Valley residents Ron and Judith Hansen along with 95-year-old Jack Suttor feel they have been abandoned by Mid-Western Regional Council in fight to re-open access from working sheep and cattle properties on Triamble Road.

Mr Hansen said he and Judith had been in the Valley since 1993 and Triamble Road was always accepted as the only direct road to their property "Wing Vee".

"Dick Smith owned the property in the 1980s and during his ownership, Triamble Road was the accepted public access," Mr Hansen said.

"Triamble Road, originating at Hargraves, has been in use publicly for over 100 years, and maintained by Council since the 1950s. Every map of the district shows the road as being public - that was our understanding when we bought this property."

The road passes through a neighbouring property, "Echo", as it approaches the gate to "Wing Vee". However, Echo's owners have put a locked gate across the road

leaving the Hansens land-locked.

The Hansens would have left the property entirely were it not for the kindness of a number of adjacent neighbours allowing them to use side tracks to work their way through to a stock gate on one of the paddocks. It is a band-aid solution that is becoming untenable.

"Last week we had to bring in a truck load of feed to keep our stock going. Usually the feed would be off-loaded and the truck on its way back to town by lunchtime. Instead, it took three long days as we unloaded from the main truck parked back up the road and ferried the feed in six small truck loads through the hazardous back tracks," Mr Hansen said.

"The Mid-Western Regional Council once maintained the road as theirs but it seems they've abandoned it and us along with it."

"There are five or six families in the Valley directly affected by this, including Jack Suttor and his daughter April of 'Sunset Plain'. They have been using this road all of their lives."

According to the Hansens, council records show the former Mudgee Council acted to resolve the situation permanently in 2004, agreeing to use its road opening powers under the Roads Act and purchase the small section

of road that passes through "Echo" for between \$10,000 and \$30,000.

A year later the newly formed Mid-Western Regional Council upheld the Mudgee Council plan, but a short time later overturned that decision and refused to provide any further help to the Hansens and the other six Triamble Valley families concerned in resolving the situation.

Mr Hansen's son Ben is concerned for his mother and father's safety and the security of the property should an emergency arise.

"Council has received reams of correspondence which show that all other roads into the property are extremely flood prone and in varying degrees of disrepair; they're only accessible, if at all, by a serious four wheel drive," Ben said.

"Dad is 75 years old. In 2008 he had an accident on the property that nearly killed him and we had to get a chopper in to rescue him. He was able to hold on until the chopper got there, but if it happens again, he might not be so lucky. If there was an emergency and a rescue chopper was not available, a normal ambulance just wouldn't be able to reach my parents."

"The situation is also hurting Mum and Dad financially. 'Wing Vee' is a working sheep and cattle

station; as it is, my parents can't get the wool trucks out after shearing and can't get feed trucks in during times of drought.

"The situation has ramifications for the whole valley. Two years ago the region was affected by catastrophic fire conditions. If a fire were to start anywhere on 'Wing Vee', fire vehicles simply wouldn't have the access they need because Triamble Road is shut. This could affect properties throughout the Triamble Valley and beyond."

"Mid-Western Regional Council's general manager is telling us they've spent a lot of money trying to 'solve' the situation and refuse to help further. However the original council plan was to buy the small section of the road that passes through 'Echo' for as little as \$10,000.

"I can't help feeling that the safety and security of my rate-paying parents, along with others in the Valley, isn't worth that amount of money to the Council; well it is to me."

"We're desperate now and looking to our state and federal representatives to intervene."

"We need someone to acquire the small section of road, unlock the gate and let my folks get on with their lives. The bottom line is, we just need help."



ROAD BLOCK: Triamble Valley residents Ron Hansen, Jack Suttor, April Suttor and Judith Hansen believe Mid-Western Regional Council has abandoned them from re-opening Triamble Road.

Residents must come to agreement, says council

Mid-Western Regional Council general manager, Warwick Bennett, said senior council staff have spent many hours trying to resolve a neighbour dispute about road access in the Triamble Valley.

"There is a long history of dispute over the Triamble Road. About \$100,000 worth of staff time and resources over five years has been wasted trying to resolve this issue for the landowners involved," Mr Bennett said.

The former access road ran through 'Echo', a private property.

Access became an issue in 2003 after a dispute between neighbours.

"Years later, Council, finally reached an agreement with all involved land owners which saw a written agreement signed by these land owners and mortgagors over a nine-month period," Mr Bennett said.

The involvement of mortgagors was to ensure banks affected by changes to property titles were involved.

"Since this agreement was

signed, it appears that disputes between neighbours have prevented the agreement from being carried out."

"This is frustrating for Council because during the nine-month process in which each party signed the agreement, there was ample opportunity for any party to inform Council that the decision was impracticable, which nobody did," Mr Bennett said.

"I have explained to the landowners involved that if they

are dissatisfied with that agreement, they need to collectively agree on an alternative solution for Council to consider," Mr Bennett said.

"I want to see the end of this just as much as the landowners involved. The ball is now in their court."

"Council cannot neglect other ratepayers by spending even more money on solving a neighbourhood dispute. It's up to these landowners to come to an agreement among themselves."

Attachment 11





Accredited Specialists Available In:-
• Property Law • Local Government & Planning Law
• Family Law
• Business Law

OUR REF: TC:RP:138207

YOUR REF:

30 September 2013

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



CONFIRMATION

Dear Mr Bennett,

**Southern Triamble Road – Mr Ronald Hansen and Mrs Judith Hansen
Proposed Method for Resolving Dispute Concerning Road Ownership and Road
Opening**

We refer to your letter dated 29 May 2013.

We agree that it is important that all parties understand the history of the matter. From the Council's perspective, it is also important for the Council to understand that both the Council and its predecessors maintained the southern Triamble Road for decades, prior to the emergence of the dispute between the owner of *Echo* and other land owners within the southern Triamble Valley.

As already noted, our clients lack any reliable all-weather road access to their property other than the southern Triamble Road. The proposal put forward by the Council to our clients in 2006 was intended to resolve that problem. However, in the discussions that took place in 2006, the Council did not address the engineering advice that it had received from its own engineering staff, prior to those discussions taking place.

That advice included a clear recommendation to the Council that the proposed construction of a new road through the *Echo* lucerne paddock proposal should be abandoned. Without the Council's expert engineering advice being drawn to their attention, the affected land owners in the Triamble Valley reluctantly accepted the Council's proposal.

In fact, there was no negotiation of the matter whatsoever. At the final meeting conducted between Councillors and officers of the Council of the one part and our clients of the other part, the Council gave an effective ultimatum to the land owners. Our clients were required to accept the proposal that was on the table, with some limited assistance to be provided by the Council to establish the lucerne paddock road, or to face the withdrawal of the Council from the entire matter. Given our clients' financial circumstances at the time, as a result of the then



PRINCIPALS
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AMANDA MALINOWSKY B.A., LL.B. Acc. Spec. (Family Law)
SOLICITORS
PAUL GRAZIER B.A., LL.B.



Mid-Western Regional Council
138207

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prolonged drought, there was no alternative other than to agree to the Council's proposal. However, we emphasise that our clients were not aware of the Council's engineering advice when they adopted that position.

We commend to the Council a careful review of the records in relation to the matter, including the correspondence initiated and received by the Council's solicitors. You will note from that correspondence the confirmation of the Council's belief that the road through *Echo* was a public road. That belief is consistent with the expenditure of public funds on the southern Triamble Road for decades, the identification of the road as part of the Council's road network and the Council's acceptance of responsibility for grading the road to keep it in good condition.

The reference in our letter to the funding secured from the Commonwealth Government and the New South Wales Department of Main Roads was not intended to suggest that such funding would continue to be available. Rather, the point was raised to confirm that public monies have been expended on the southern Triamble Road, including the portion of that road that passes through *Echo*, for decades.

We have noted in our previous correspondence that when Mr and Mrs Hansen purchased the *Wing Vee* property the southern Triamble Road (including the portion of the road constructed through *Echo*) was maintained by the then local Council. Mr and Mrs Hansen, acting in good faith, understandably concluded that a road maintained by the local Council was a public road.

In relation to the *Palmisano* decision, you may have misunderstood the point that we were making. In paragraph 4.5 of our letter to the Council dated 17 April 2013, we quoted relevant paragraphs from the *Palmisano* decision. We also noted in that letter that the words quoted from paragraph 3 of the decision, which we underlined for reference purposes, are identical with the terms of the Crown Grants of the land now comprising the *Echo* holding.

We regret that paragraph 4.6 of our letter caused confusion. We will now clarify the point that we were endeavouring to make.

As noted in that paragraph, Bryson J. concluded in his judgment in *Palmisano* that the opening of a road through land that was the subject of a Crown Grant, given in terms identical to the *Echo* grants, would not generate any entitlement to a claim for compensation by the owner of the land that was resumed to create the road. Such Crown Grants confer limited freehold title on the original grantees and their successors. The freehold title is at all times subject to the continuing reserved right of the Crown to take a road through land such as the *Echo* property.

In paragraph 4.9 of the same letter we sought to make a different point. The acquisition of land for the creation of a road, did not and will not generate any right to compensation. However, the acquisition of any part of the land for other purposes nominated in the Crown Grant would require the payment of compensation by the resuming authority.

Mid-Western Regional Council
138207

Page: 3

For example, and as quoted by Bryson J in paragraph 3 of the *Palmisano* decision, Crown Grants in the same terms as the *Echo* grants empower the Crown to resume land for public purposes other than the creation of a road. Land could be acquired for the purpose of securing stone, gravel, timber or other materials for the construction and repair of ways and bridges (not for the actual acquisition of the road itself). A resumption of the land for those additional purposes would require the Crown to pay compensation.

We trust that this explanation clarifies the matter. However we are more than happy to provide any further information that the Council may require to allow it to understand the point that we were making.

There is a wealth of material available to the Council, including material readily available from its own records, to confirm that the southern Triamble Road was used as the sole means of access to and from Hargraves by the residents of the Triamble Valley from the 1920's to mid 2000's. There is a wealth of evidence to confirm that the Council from time to time maintained the southern Triamble Road, including the portion of the road constructed through *Echo*, during these decades.

The Council is well aware that the closure of the southern Triamble Road is imposing real hardship on the landowners in the valley.

The Council is the local government authority for the Triamble Valley. The Council has, as one of its charter responsibilities, an obligation to exercise community leadership.

The Council abandoned many decades ago any maintenance of the northern Triamble Road. The Council invested its time and resources into the maintenance of the southern Triamble Road, to provide a safe and practicable road access for the residents of the valley. The closure of the road through *Echo* has disrupted that access and, on our instructions, jeopardised the safety of residents of the Triamble Valley.

In our clients' submission, particularly against the background of the engineering advice which the Council received, the Council has both a legal and a moral obligation to deal with this matter without further delay and to secure the re-opening of the southern Triamble Road.

Yours faithfully
McPhee Kelshaw



5.2.11 Rylstone Aerodrome development – payment of fees and charges

REPORT BY THE GENERAL MANAGER TO 16 OCTOBER 2013 COUNCIL MEETING

Business Paper PUBLIC 131016

GOV400029, A0100056, P1463461

RECOMMENDATION

That:

1. **the report by the General Manager on the Rylstone Aerodrome development – payment of fees and charges be received;**
2. **Council not create a new sub-category for rating purposes in relation to the Rylstone Aerodrome development; and**
3. **that Council adhere to the Section 94 Plan that allows a deferment of the payment of Section 94 contributions that is consistent with the criteria specified in the Section 94 Plan including a time limit of 2 years from the date of this resolution and lodgement of a bank guarantee (which includes CPI increases).**

Executive summary

Council requested a report on options for providing assistance to the proponents of the Rylstone Aerodrome development with respect to the timing and amount of payments of Section 94 development contributions, and rates and annual charges. These requests represent a significant departure from Council policy, and establish precedents, the implications of which require careful consideration.

This report was initially presented to the Council meeting of 3 October 2013, and was deferred to the next available meeting.

Detailed report

RATING IMPLICATIONS

The property numbers in question are 14634 (26.157 hectares, owned by Loneragan Aviation Pty Limited), and 14629 (8.23 hectares, owned by Mr Robert Loneragan).

Current Rating Structure

In accordance with Council's current rating structure, the subdivision would be treated in the following ways:-

- Upon registration of the Community Title, the Valuer General will provide Council with a separate land valuation for each allotment.
- In addition, the vacant allotments that are in the ownership of the subdivider at the time the valuation is made qualify for subdivision allowances (Sec 14T, 14L1A & 14L1B LVA). The objective of the allowances is to provide a subdivider with some rate relief as a result of the profitable expenditure out-laid in respect to effective land improvements, drainage works etc. performed on the land.

- Council is required to subtract the allowances from the land value before calculating the general rate. The effect is the rateable value is often significantly reduced and then attracts a Minimum Rate. The allowances lapse upon the sale of an allotment, building on an allotment and ultimately after 3 years from the first valuation date.

Under Council's current rating structure, the land parcels would be categorised as "Business" because they cannot be categorised as Farmland, Residential or Mining. The Business ad valorem rate of 0.922521 cents in the dollar, or the Minimum Business rate of \$595.56 currently applicable to all other parcels of land categorised as Business, would apply uniformly to the separate valuations.

The land values and allowances for each individual allotment are unknown at this point in time. The Business category LV cut-off for the Minimum rate is \$64,558. If the rateable land value (net of allowances) was around this cut-off, Minimum rates of \$595.56 would initially apply to each separate allotment.

Under Council's current rate structure, the same Minimum amount is currently applied uniformly to each category and sub-category. It is important to note that in 1986 that Council applied to the Minister for Local Government to increase the Minimum rate by 15% above the prescribed statutory amount. The application was approved on the basis that the Minimum increase would allow for "...a more equitable distribution of the rate burden.....and would bring rates paid by small rural holdings into line with actual costs to Council of providing services". The Minimum rate has been subsequently increased by Council by the full rate-pegging amount since 1987 to the 2013/2014 level of \$595.56. The prescribed minimum rate set by DLG for 2013/2014 is \$474.

Requested Rating Structure

During a representation to Council briefing session and to Council officers, the proponent of the Rylstone Aerodrome development requested that Council consider creating a new Business sub-category specifically relating to this development, with a substantially lower Minimum rate amount.

Council certainly could alter its rating structure to accommodate a Business sub-category, with the Aerodrome subdivision being the "centre of activity" and attracting a lower ad valorem and Minimum rate. Section 529 and 548 of the *Local Government Act 1993* provide that:

529 Rate may be the same or different within a category -

- (1) *Before making an ordinary rate, a council may determine a sub-category or sub categories for one or more categories of rateable land in its area.*
- (2) *A sub-category may be determined:*
 - (a) *for the category "farmland"-according to the intensity of land use, the irrigability of the land or economic factors affecting the land, or*
 - (b) *for the category "residential"-according to whether the land is rural residential land or is within a centre of population, or*
 - (c) *for the category "mining"-according to the kind of mining involved, or*
 - (d) *for the category "business"-according to a centre of activity.*

Note: In relation to the category "business", a centre of activity might comprise a business centre, an industrial estate or some other concentration of like activities.

- (3) *The ad valorem amount (the amount in the dollar) of the ordinary rate may be the same for all land within a category or it may be different for different sub-categories.*

548(2) If a council makes an ordinary rate for different categories or sub-categories of land, it may specify a different minimum amount for each category or sub-category of land.

The subdivision allowances as outlined above would still apply initially. Once an allotment is sold, the calculation of rates is based on the full land value, however with a new sub-category, the benefit of a lower ad valorem and minimum rate would be afforded to the new owner.

The request for a new sub-category with a lower minimum rate needs to be assessed having regard to the explanation for the level of Council's current Minimum rate as outlined above, and to its importance and relevance in relation to the recovering the costs of services provided to all properties, reducing inequalities in all rate accounts and determining the distribution of the rate burden. Council has just been through an extensive community engagement process in relation to the setting of the 2013/14 rates, with a comparatively large number of submissions received about the equity of a rating structure in which all categories and sub-categories are currently subject to the same level of minimum rates. Council could reasonably expect further community concern to be generated by creating a sub-category with a lower Minimum rate for a select group of ratepayers undertaking either a business, or a discretionary leisure activity.

Should Council agree to the request, it creates a potential precedent where sub-categories are created based on intensity of land use, irrigability, rural or urban locations, or centers of business activity. There is similar development proposed adjacent to the Mudgee Airport, which would be of a similar nature and character to the Rylstone Aerodrome development. Council would have to consider adopting a similar sub-category for this centre of business activity.

Upon formation of the Mid-Western Regional Council, there were three distinct rating structures for each of the former local government areas of Mudgee, Rylstone and Merriwa. By 2007/08, Council had moved completely to a uniform rating structure for the entire Mid-Western Region. This has been Council's policy position ever since, without use of any sub-category outside of Mining and Mining - Coal.

For each of these reasons, it is recommended to Council that the current rating structure, with regard to categories, sub categories, and Minimums not be altered.

Section 94 Contributions

An amended development consent was granted on the 31 May 2013 for a community title subdivision of the existing Rylstone Aerodrome including one adjoining allotment previously owned by Council. The subject site is approximately 34.5 ha in area and the subdivision creates 64 allotments for the purposes of aerodrome related development including, 25 lots for the purpose of erecting hangers and ancillary residential accommodation, 38 lots for hanger purposes only and 1 community lot that will contain the existing aerodrome infrastructure and future taxi ways and vehicle access. A condition of consent was the payment of the following Section 94 contributions prior to the release of the linen plan.

Transport Management	Rate	Lots	Total
Traffic Management	\$594	Per Lot 2 -26 inclusive	\$14,850
Open Space			
Local Open Space	\$0	N/A	\$0
District Open Space	\$2295	Per Lot 2 -26 inclusive	\$57,735
Community Facilities			
Library Buildings	\$221	Per Lot 2 -26 inclusive	\$5,525
Library Resources	\$265	Per Lot 2 -26 inclusive	\$6,625
Administration			
Plan Administration	\$517	Per Lot 2 -26 inclusive	\$12,925
TOTAL PAYABLE	\$3892	25	\$97,660

A request has been received for the deferment of the payment of Section 94 contributions until after the sale and settlement of each lot. The adopted Section 94 plans states the following in relation to the deferment of Section 94 Contributions:

1.10 Deferred or Periodic Payments

Council may accept the deferred or periodic payment of a contribution if the applicant or any other person entitled to act upon the relevant consent satisfies the Council that:

- a) Compliance with the provisions relating to when contributions are payable is considered unreasonable or unnecessary in the circumstances of the case; and*
- b) The deferment of payment or allowing periodic payments does not prejudice the timing or the manner of the provision of the public facility or service for which the contribution was required as outlined in the Capital Works Program, and*
- c) The full amount of the contributions being deferred is paid within 2 years.*

The decision to accept a deferred or periodic payment is at the sole discretion of Council.

All requests to Council for deferred or periodic payments should be formulated in writing based on consultation with Council and forwarded to Council prior to the determination of a development application by Council.

When Council allows a deferral of contributions, an appropriate bank guarantee shall be secured for the amount of contributions to be deferred. The conditions under which the Council may accept deferred settlement by way of lodgement of a bank guarantee are that:

- The bank guarantee be by an Australian bank the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to twenty five (25) months interest.*
- Any charges associated with establishing or operating the bank security are payable by the applicant.*
- The bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work.*
- The bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development.*
- The bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required.*
- Where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.*
- The bank guarantee is able to be redeemed within 24 hours notice from Council.*

The conditions under which the Council may accept payment by way of periodic payment for a staged development are that:

- The instalment be paid before the work commences on the relevant stage of the development;*
- The amount to be paid at each stage is to be calculated on a pro-rata basis in proportion to the demand for the relevant facility being levied by the overall development, plus CPI if required.*

Any deferred or periodic payment can only be granted where it is consistent with the criteria outlined in the Section 94 Plan. The Section 94 Plan statutory standing and to provide deferment on a basis that is inconsistent with the Plan would require amendment and exhibition of the Section 94 Plan prior to the deferment of payment being granted.

The request received by the developer is inconsistent with the Section 94 Plan as it includes a request to defer payment until the sale and settlement of the lots with no bank guarantee being offered. Council cannot agree to deferment on these terms without amendment of the Section 94 which would afford the same opportunity to other developers. It is therefore recommended that a deferment be offered to the developer that is consistent with the Section 94 plan including the time limit being 2 years from the date of the Council resolution and lodgement of a bank guarantee. It should be noted that the Section 94 contributions are subject to CPI increase and the bank guarantee should include those increases.

VOLUNTARY PLANNING AGREEMENT (VPA)

As Council is bound by the terms of the Section 94 Plan, should Council wish to consider the deferment of the payment of the Section 94 contributions, an option is available to enter into a Voluntary Planning Agreement (VPA) for this specific site. Council should note that entering into a VPA for this development will set a precedent for other development of a similar kind. Staff are aware of at least one other aerodrome type development proposed in Mudgee. The administration of payment of Section 94 fees under the terms proposed by the developer will be extremely difficult, time consuming and piecemeal. Council will be relying on the developer to declare that the land has been sold and to make payment. Under the Section 94 plan, payment of contributions at the linen release stage provides a mechanism for timing and method to ensure that Council receives payments. For these reasons entering into a VPA is not recommended. Should Council elect to enter into a VPA it is recommended that the following terms be consider:

- All cost, including staff time and legal costs be borne by the developer.
- That payment of the deferred Section 94 fees be within 14 days of settlement of the property should the developer breach this time limit than payment for all lots will become due immediately with interest to be charged for everyday where full payment is not received.
- That all Section 94 contributions be paid for those lots were the linen has been released within 12 months of entering into the VPA regardless of the level of sales.

An alternate option is available to the developer to allow him to stagger payment of Section 94. This is the staged development of the site which will result in a stage linen release. This option is often adopted by developers to assist in cash flow and test the market. This alternate will require the developer to amend the current consent to allow staging.

Financial implications

Should Council choose to create a new sub category with a lower Minimum rate than the other categories, then it would forgo rate revenue that it would otherwise be entitled to. Considering that the development creates a number of additional lots, accommodating people and businesses and placing additional burden on Council infrastructure and services, a lower minimum rate exacerbates the gap between Council's own-source revenue and operating expenditure and asset renewal requirements.

Strategic or policy implications

These requests represent a significant departure from Council policy, and establish precedents, the implications of which require careful consideration.

CLARE PHELAN
DIRECTOR FINANCE & ADMINISTRATION



CATHERINE VAN LAEREN
DIRECTOR DEVELOPMENT & COMMUNITY SERVICES

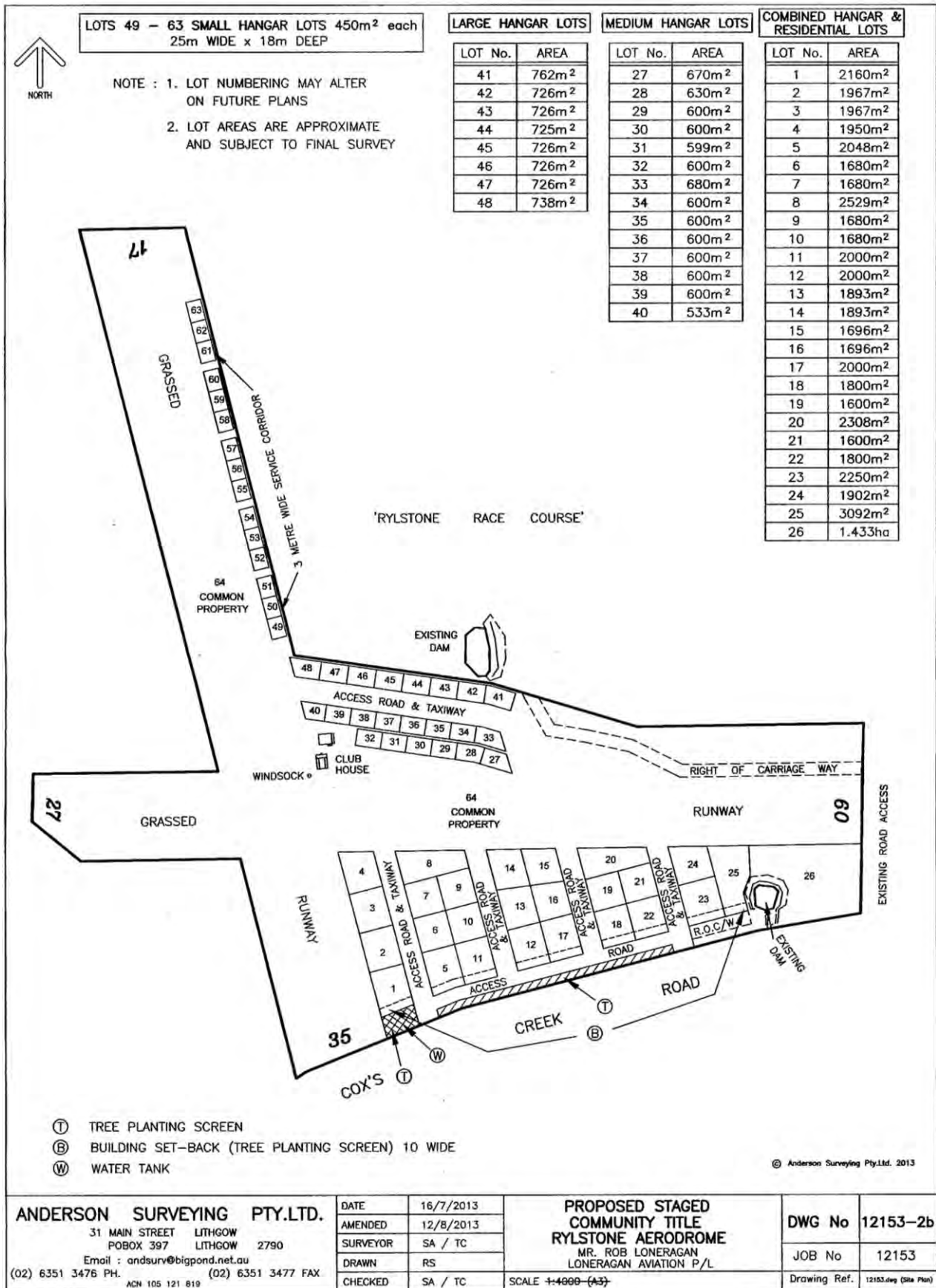
29 August 2013

Attachments: 1. Proposed staged community title – Rylstone Aerodrome by Anderson Surveying Pty Ltd.



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1



5.2.12 Draft Annual Report 2013

REPORT BY THE DIRECTOR, FINANCE & ADMINISTRATION TO 16 OCTOBER 2013 COUNCIL MEETING

Business Paper PUBLIC 131016

GOV400029, A0100056, COR400008

RECOMMENDATION

That:

1. **the report by the Director, Finance & Administration on the Annual Report 2013 be received;**
2. **Council adopt the draft Annual Report 2013 and authorise it for release by the General Manager following finalisation of the Regional State of the Environment Report.**

Executive summary

Council is required to prepare an Annual Report summarising the achievements of the financial year, along with a number of statutory disclosures, financial reports and a State of the Environment Report. The draft report has been prepared, and is enclosed under separate cover for Council review prior to its publication.

Detailed report

Part 4 Section 428 of the *Local Government Act 1993* requires that Council prepare an annual report within 5 months of the end of the year, outlining its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are undertaken. The Annual Report must be published on Council's website and the link forwarded to the Division of Local Government.

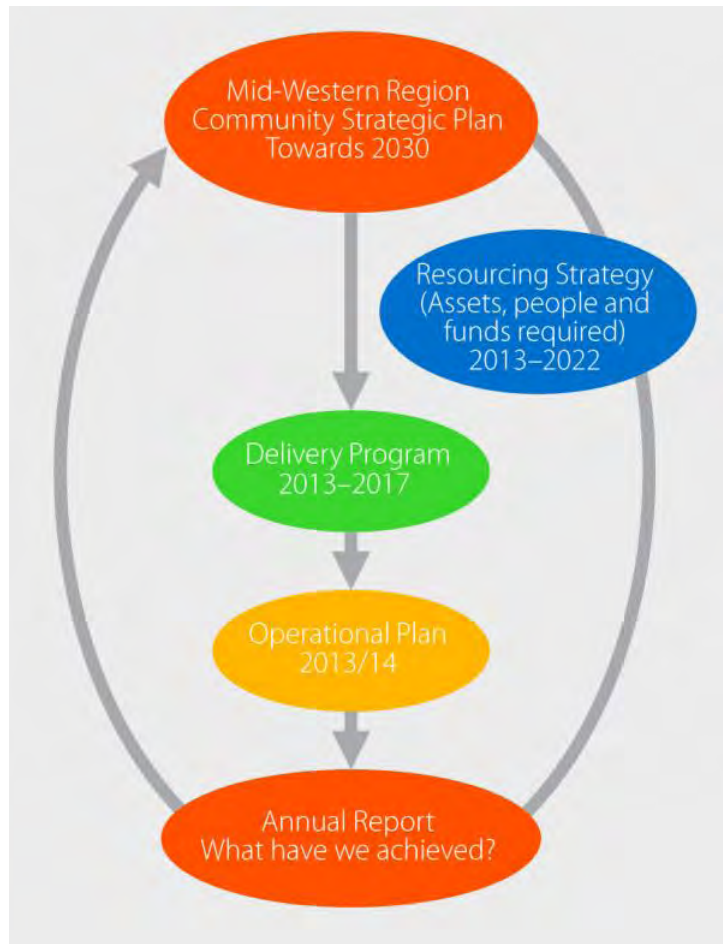
The Annual Report must contain a copy of Council's audited financial reports, State of the Environment report, and a number of other items of information as set out in various sections of the *Local Government (General) Regulation 2005*, in particular Section 217.

Excepting the end of term report, this is the final report to fall out of the annual Integrated Planning and Reporting framework, represented below. This is the first Annual Report to be prepared by Council under the new framework. We have attempted to ensure that it links clearly back to the Operational Plan/Delivery Program, by publishing it in a similar format. Each activity included in the Operational Plan/Delivery Program has a comment summarising achievements and progress made on that item during 2012/13, and visual representation on its status.

The report includes a summary from the General Manager and the Mayor; an introduction to Council and the Mid-Western Region; a snapshot of financial results and achievements on activities; a Theme by Theme report on Council's performance in achieving its Delivery Program/Operational Plan; statutory information disclosures; a link to Council's audited financial reports; and the State of the Environment report.

A Regional State of Environment (SoE) report has been prepared in partnership with the Central West Catchment Management Authority through the Central West Local Government Reference Group, which comprises the 16 Local Government Areas within the Central West Catchment area.

At the time of writing this Council report, SoE report is still in a draft format and yet to be finalised by the consultants engaged by the Central West CMA and LG Reference Group. Once complete, it will be embedded in the Annual Report document, and it is recommended that the General Manager then be authorised to release the Annual Report 2013.



Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

CLARE PHELAN
DIRECTOR, FINANCE & ADMINISTRATION

4 October 2013

Attachments: 1. Annual Report 2013 - Councillors Only (as a separate attachment to the business paper)

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER

5.2.13 Monthly statement of Mid-Western Regional Council bank balances and investments as at 30 September 2013

REPORT BY THE FINANCIAL ACCOUNTANT TO 16 OCTOBER 2013 COUNCIL MEETING

Bankrep

GOV400029, 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 30 September 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

Council should be aware that the Investments by Institution Portfolio limit for the National Australia Bank (NAB) has exceeded the policy limit by 1.5%. The following factors contributed to this breach of policy limit;

- NAB at call account balance as at 30/09/2013 being \$980k
- NAB maintaining competitive interest rates against other A-1+ rated institutions

This breach of policy limit will be rectified during the month of October as Council has \$4m with NAB maturing during the month.

MWRC Policy Requirements:

Investments by Institution	Long/Short Term Ratings	Amount	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA/A-1+	\$ 9,980,000	26.5%	25.0%
St George Bank	AA/A-1+	\$ 8,800,000	23.4%	25.0%
Commonwealth Bank	AA/A-1+	\$ 2,000,000	5.3%	25.0%
Westpac Bank	AA/A-1+	\$ 3,200,000	8.5%	25.0%
ANZ	AA/A-1	\$ 1,000,000	2.7%	25.0%
Longreach	A+/A-1	\$ 1,000,000	2.7%	20.0%
AMP	A+/A-1	\$ 3,700,000	9.8%	15.0%
Macquarie Bank	A/A-1	\$ 2,000,000	5.3%	15.0%
ING Australia Bank	A/A-1	\$ 1,000,000	2.7%	15.0%
Bank of Queensland	A-/A-2	\$ 2,000,000	5.3%	10.0%
Beyond Bank Australia	BBB+/A-2	\$ 1,000,000	2.7%	10.0%
Members Equity Bank	BBB/A-2	\$ 2,000,000	5.3%	10.0%
		\$ 37,680,000	100.0%	

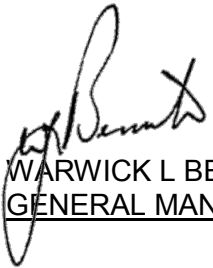
NEIL BUNGATE
FINANCIAL ACCOUNTANT

CLARE PHELAN
DIRECTOR, FINANCE & ADMINISTRATION

3 October 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: 30-Sep-13

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
National Australia Bank	\$ 1,190,049	\$ 13,414,219	\$ 14,524,287	\$ 79,982	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 30/09/2013

Investments	Type	Amount	Yield %	Maturity Date	Placement		Rating	Govt Rating	NAV	% of Portfolio
					Date	Term				
National Australia Bank	At Call	\$ 980,000	2.80%	N/A		At Call	A-1+	1		2.6%
National Australia Bank	Term Deposit	\$ 1,000,000	4.12%	2/10/2013	19/06/2013	105	A-1+	2		2.7%
National Australia Bank	Term Deposit	\$ 1,000,000	4.13%	9/10/2013	26/06/2013	105	A-1+	2		2.7%
National Australia Bank	Term Deposit	\$ 1,000,000	4.20%	16/10/2013	3/07/2013	105	A-1+	2		2.7%
National Australia Bank	Term Deposit	\$ 1,000,000	4.15%	30/10/2013	17/07/2013	105	A-1+	2		2.7%
National Australia Bank	Term Deposit	\$ 2,000,000	4.06%	20/11/2013	31/07/2013	112	A-1+	2		5.3%
National Australia Bank	Term Deposit	\$ 500,000	3.95%	27/11/2013	7/08/2013	112	A-1+	2		1.3%
National Australia Bank	Term Deposit	\$ 500,000	3.91%	4/12/2013	15/08/2013	111	A-1+	2		1.3%
National Australia Bank	Term Deposit	\$ 1,000,000	4.15%	22/01/2014	17/07/2013	189	A-1+	2		2.7%
National Australia Bank	Term Deposit	\$ 1,000,000	3.80%	8/01/2014	4/09/2013	126	A-1+	2		2.7%
St George Bank	Term Deposit	\$ 1,300,000	3.75%	18/12/2013	28/08/2013	112	A-1+	1		3.5%
St George Bank	Term Deposit	\$ 2,500,000	3.70%	18/12/2013	18/09/2013	91	A-1+	2		6.6%
St George Bank	Term Deposit	\$ 800,000	3.70%	8/01/2014	25/09/2013	105	A-1+	2		2.1%
St George Bank	Term Deposit	\$ 1,500,000	4.10%	9/10/2013	26/06/2013	105	A-1+	2		4.0%
St George Bank	Term Deposit	\$ 700,000	4.20%	23/10/2013	10/07/2013	105	A-1+	2		1.9%
St George Bank	Term Deposit	\$ 1,000,000	3.92%	4/12/2013	15/08/2013	111	A-1+	2		2.7%
St George Bank	Term Deposit	\$ 1,000,000	3.75%	15/01/2014	11/09/2013	126	A-1+	2		2.7%
Commonwealth Bank	Term Deposit	\$ 1,000,000	4.10%	6/11/2013	25/07/2013	104	A-1+	1		2.7%
Commonwealth Bank	Term Deposit	\$ 1,000,000	4.10%	6/11/2013	25/07/2013	104	A-1+	2		2.7%
Westpac Bank	Term Deposit	\$ 1,200,000	4.20%	23/10/2013	10/07/2013	105	A-1+	1		3.2%
Westpac Bank	Term Deposit	\$ 2,000,000	4.23%	23/10/2013	3/07/2013	112	A-1+	2		5.3%
ANZ	Term Deposit	\$ 1,000,000	4.00%	13/11/2013	31/07/2013	105	AA	1		2.7%
AMP	Term Deposit	\$ 1,000,000	3.80%	5/03/2014	4/09/2013	182	A+	1		2.7%
AMP	Term Deposit	\$ 2,700,000	3.80%	11/12/2013	11/09/2013	91	A+	2		7.2%
Macquarie Bank	Term Deposit	\$ 1,000,000	3.75%	18/12/2013	4/09/2013	105	A-1	1		2.7%
Macquarie Bank	Term Deposit	\$ 1,000,000	3.75%	18/12/2013	5/09/2013	104	A-1	2		2.7%
ING Australia Bank	Term Deposit	\$ 1,000,000	4.19%	9/10/2013	26/06/2013	105	A-1	1		2.7%
Bank of Queensland	Term Deposit	\$ 1,000,000	3.95%	26/02/2014	28/08/2013	182	A-2	1		2.7%
Bank of Queensland	Term Deposit	\$ 1,000,000	4.23%	9/10/2013	26/06/2013	105	A-2	2		2.7%
Beyond Bank Australia	Term Deposit	\$ 1,000,000	3.85%	11/12/2013	21/08/2013	112	A-2	1		2.7%
Members Equity Bank	Term Deposit	\$ 1,000,000	4.28%	2/10/2013	19/06/2013	105	A-2	1		2.7%
Members Equity Bank	Term Deposit	\$ 1,000,000	4.03%	27/11/2013	7/08/2013	112	A-2	2		2.7%
Longreach Series 26	Property	\$ 1,000,000		7/06/2014		7 yrs	A+	-	\$ 980,600	2.7%
Total Investments		\$ 37,680,000								100.0%
	Average Yield		3.85%							

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+	\$ 9,980,000	26.5%	25.0%
St George Bank	AA/A-1+	\$ 8,800,000	23.4%	25.0%
Commonwealth Bank	AA/A-1+	\$ 2,000,000	5.3%	25.0%
Westpac Bank	AA/A-1+	\$ 3,200,000	8.5%	25.0%
ANZ	AA/A-1	\$ 1,000,000	2.7%	25.0%
Longreach	A+/A-1	\$ 1,000,000	2.7%	20.0%
AMP	A+/A-1	\$ 3,700,000	9.8%	15.0%
Macquarie Bank	A/A-1	\$ 2,000,000	5.3%	15.0%
ING Australia Bank	A/A-1	\$ 1,000,000	2.7%	15.0%
Bank of Queensland	A-/A-2	\$ 2,000,000	5.3%	10.0%
Beyond Bank Australia	BBB+/A-2	\$ 1,000,000	2.7%	10.0%
Members Equity Bank	BBB/A-2	\$ 2,000,000	5.3%	10.0%
		\$ 37,680,000	100.0%	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AAA/A-1+	\$ 23,980,000	63.6%	100.0%
	AA/A-1	\$ 1,000,000	2.7%	100.0%
	A/A-1	\$ 7,700,000	20.4%	60.0%
	BBB/A-2	\$ 5,000,000	13.3%	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%	
		\$ 37,680,000	100.0%	

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

Term to Maturity	Amount	Actual	% of Portfolio	
			Minimum	Maximum
Less than 1 year	\$ 36,680,000	97.3%	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	2.7%	0.0%	25.0%
	\$ 37,680,000	100.0%		

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	\$ 300,000		\$ 980,000	-2.80%	At Call	0.00%
Westpac Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
National Australia Bank	\$ -		\$ 1,000,000	New Deposit		3.80%
AMP	\$ -		\$ 1,000,000	New Deposit		3.80%
Macquarie Bank	\$ -		\$ 1,000,000	New Deposit		3.75%
Macquarie Bank	\$ -		\$ 1,000,000	New Deposit		3.75%
ING Australia Bank	\$ 2,200,000	\$ 2,200,000	\$ -	Redeemed		
AMP	\$ -		\$ 2,700,000	New Deposit		3.80%
St George Bank	\$ -		\$ 1,000,000	New Deposit		3.75%
Westpac Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
St George Bank	\$ 2,500,000	\$ -	\$ 2,500,000	-0.45%	-14	3.70%
ING Australia Bank	\$ 1,500,000	\$ 1,500,000	\$ -	Redeemed		
St George Bank	\$ 800,000	\$ -	\$ 800,000	-0.45%	-5	3.70%
	\$ 9,300,000		\$ 11,980,000			

Net Portfolio Movement **\$2,680,000** Addition

5.2.14 Financial Assistance Applications

REPORT BY THE FINANCIAL ACCOUNTANT TO 16 OCTOBER 2013 COUNCIL MEETING

Business Paper PUBLIC 131016

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 following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met, with the funding from the general financial assistance vote:**

Mudgee Indoor Swimming Club

\$375

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.

MUDGEE INDOOR SWIMMING CLUB

Mudgee Indoor Swimming Club is a non-profit organisation and will be hosting a Western Area Qualifying Swimming Carnival at the Mudgee Pool on Sunday 01st December 2013. The request is to consider waiving the \$750 pool hire fee. Given the limited funds available remaining in this budget it is recommended that Council waive half the pool hire fee of \$375.

Financial implications

Funding of \$152,000 is provided in the Operational Plan for Financial Assistance. \$142,401.96 has been allocated to date, leaving a balance of \$9,598.04. Should Council approve the donations in accordance with the recommendation, a balance of \$9,223.04 will remain.

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

Councillor	Amount
Cr Thompson	\$2,000.00
Cr Shelley	\$1,750.00

Councillor	Amount
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.

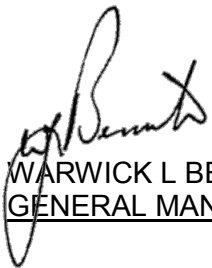
NEIL BUNGATE
FINANCIAL ACCOUNTANT

CLARE PHELAN
DIRECTOR, FINANCE & ADMINISTRATION

4 October 2013

Attachments: 1. Applications for financial assistance

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

Mudgee Indoor Swimming Club		Phone: 63722138 Mobile: 0407276449
87 Short St, Mudgee NSW 2850		

10th September 2013.

Mid-Western Regional Council
POB 156 Mudgee NSW 2850

RECEIVED
3 OCT 2013

BY: _____

RE: CARNIVAL POOL HIRE FEE

Dear Sir / Madam,

Mudgee Indoor Swimming Club will be hosting a Western Area Qualifying Swimming Carnival at the Mudgee Pool on Sunday 1st December 2013. Our annual carnival has a solid reputation with NSW and Western Area Swimming associations and attracts competitors and their families' families from all over NSW. Our carnival would generate not only substantial pool entry fees but help boost local businesses, accommodation services and local tourist attractions. Our club would like you to consider waving the \$750 pool hire fee.

Mudgee Indoor Swimming Club is a non-profit organisation and for us to run this carnival, we rely on generous financial sponsorships. As a club, we are promoting not only our chosen sport (swimming) but the Mudgee Region as a tourist destination.

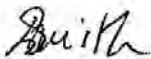
I am sure that you would be able to research the gate takings from our previous carnival (2011 – not 2012 due to pool renovations) to reassure you that there were quite a large number of visitors to the town. We have already had many enquiries from people well out of our local area as to when our carnival will be as they would like to take a short break with their families around the event.

You have kindly waived the fee in the past and we are hoping that you will be able to do so again.

I realise that this is a very busy time of year for you but your consideration of this matter would be greatly appreciated.

If you would like any further information please do not hesitate to contact myself or Mick O'Sullivan (President).

Yours Sincerely



Lisa Smith
Secretary Mudgee Indoor Swimming Club

MID-WESTERN REGIONAL COUNCIL
RECORDS
RECEIVED
- 3 OCT 2013
<input type="checkbox"/> SCANNED
<input type="checkbox"/> REGISTERED

5.2.15 Local Infrastructure Renewal Scheme Round 2

REPORT BY THE DIRECTOR, FINANCE & ADMINISTRATION TO 16 OCTOBER 2013 COUNCIL MEETING

Business Paper PUBLIC 131016

GOV400029, A0100056, FIN300062, FIN300030

RECOMMENDATION

That:

1. **the report by the Director, Finance & Administration on the Local Infrastructure Renewal Scheme Round 2 be received;**
2. **Council accept the funding offer of a 3% interest subsidy on borrowings relating to enabling infrastructure on the Caerleon Development;**
3. **Council authorise the application of the Common Seal to the funding agreement.**

Executive summary

Council has successfully applied for funding under round 2 of the NSW Local Infrastructure Renewal Scheme (LIRS) for borrowings relating to the provision of enabling infrastructure for the Caerleon development. This report seeks a resolution to accept the funding on offer.

Detailed report

Applications for funding under round 2 of the LIRS closed late in 2012. At the time, the Division of Local Government sought applications from Council falling under two categories, being infrastructure backlog and projects that enable provision of new housing. Council submitted an application in relation to potential loan funding for infrastructure required to be provided by Council in order to service the Caerleon development.

In August 2013, Council received notification that its application was successful, and any loan borrowing in relation to the project was eligible to receive an interest subsidy of 3% over 10 years up to a maximum benefit of \$702,366 excluding GST.

From January through to June, Council drafted and finalised its budget across the Operational Plan/Delivery Program. The only loan borrowings to be undertaken in relation to this project is \$1 million for water headworks. Council's adopted budget did not rely on the subsidy application being successful, and as such has modelled the loan at 6.5% over 20 years. The approval of the subsidy allows Council to affordably service the loan over a shorter period, saving a substantial amount of interest over the term of the loan, and freeing up borrowing capacity earlier so that Council can potentially undertake further loans to fund augmentation, backlog or new capital works.

If Council wishes to accept the subsidy offer, then the agreement must be signed under seal of Council.

The tender process for loan funding will occur in line with the cash flow requirements of the project. This is anticipated to be early in the new calendar year. A further report on the process and loan options will be presented to Council at that time.

Financial implications

Council's adopted budget has provided for the servicing of a \$1 million loan, at 6.5% with a 20 year term. \$90,000 per annum has been allocated for servicing of the loan. Total interest payable across the life of the loan is \$801,000.

Loans under the LIRS are restricted to a maximum term of 10 years, and must be finalised by 30 June 2025 (i.e. drawn down prior to 30 June 2015). Shortening the loan term to 10 years increases the annual amount required to service the loan to \$138,000. The total interest payable on a 10 year loan is \$376,000, less the eligible subsidy of \$165,000, giving a net interest cost of \$211,000. This represents an interest saving of \$590,000 for Council between a 20 year no subsidy loan, and a 10 year subsidised loan.

After Council has drawn down the loan, it must submit six-monthly claims to the Division of Local Government, with subsidy payments made to Council based on actual interest costs incurred. This means the subsidy income paid to Council will be at its highest at the beginning of the loan period, reducing over the 10 year life, as Council's annual interest expense declines. This does cause an uneven cash flow for Council which will be factored in to annual budgets as shown in the attachment, however ultimately the total saving to Council on interest expense far outweighs this consideration.

Strategic or policy implications

Not applicable.

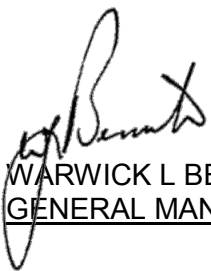
CLARE PHELAN
DIRECTOR, FINANCE & ADMINISTRATION

4 October 2013

Attachments:

1. Loan repayment summary
2. Local Infrastructure Renewal Scheme Agreement (at the end of the business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Total
10 years @ 6.5%											
Principal	73,737	78,608	83,800	89,336	95,237	101,528	108,234	115,384	123,006	131,131	1,000,000
Interest	63,821	58,950	53,758	48,222	42,321	36,030	29,323	22,174	14,552	6,427	375,578
Total Repayment	137,558	137,558	137,558	137,558	137,558	137,558	137,558	137,558	137,558	137,558	1,375,578
Subsidy	-	29,351	-	24,004	-	15,362	-	9,156	-	2,570	-
Net Cashflow	108,206	110,840	113,554	116,349	119,229	122,196	125,253	128,402	131,646	134,988	1,210,663
Less Principal											- 1,000,000
Total Interest											210,663

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Total
20 years @ 6.5%											
Principal	25,463	27,145	28,938	30,849	32,887	35,059	37,375	39,844	42,476	45,282	1,000,000
Interest	64,593	62,911	61,118	59,206	57,168	54,996	52,680	50,211	47,579	44,773	801,117
Total Repayment	90,056	90,056	90,056	90,055	90,055	90,055	90,055	90,055	90,055	90,055	1,801,117
Subsidy											
Net Cashflow	48,273	51,462	54,862	58,485	62,349	66,467	70,858	75,539	80,529	85,858	1,000,000
Less Principal	41,782	38,593	35,194	31,570	27,707	23,588	19,197	14,517	9,527	4,207	801,117
Total Interest	90,055	90,055	90,056	90,055	90,056	90,055	90,055	90,056	90,056	90,065	1,801,117

5.2.16 Classification of land – Lots 35 & 36 DP 1183478 Drainage Reserves Hollingsworth Estate Gulgong

REPORT BY THE REVENUE & PROPERTY MANAGER TO 16 OCTOBER 2013 COUNCIL MEETING
Classification of Land - Drainage Reserves at Hollingsworth Estate Gulgong
GOV400029, A0100056, P2234011, P2236111

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Classification of land – Lots 35 & 36 DP 1183478 Drainage Reserves Hollingsworth Estate Gulgong be received;**
2. **Council notify the public of its intention to classify Lots 35 & 36 DP 1183478 in the Hollingsworth Estate as Operational by exhibiting the proposal for 28 days and should there be no submissions from the public, the lands be so classified as Operational.**

Executive summary

This report seeks to commence the process for classification of Lots 35 & 36 DP 1183478, being land vested in the ownership of Mid-Western Regional Council as part of the Hollingsworth Estate private subdivision and being for the purpose of drainage reserves.

Detailed report

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

To commence the process for the classification of these two land parcels, Council must resolve to classify the lands as Operational and its intention must be advertised for a period of 28 days during which time written submissions to the proposed classification will be accepted from the public. The classification can then be formalised after this period.

Financial implications

Not applicable.

Strategic or policy implications

The Council requires that these two land parcels be classified as Operational to assist with the use and development of the sites for drainage purposes and to satisfy the conditions stipulated under Chapter 6, Part 2, Division 1 of the LGA relating to the classification of land.

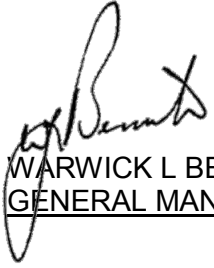
DIANE SAWYERS
REVENUE & PROPERTY MANAGER

CLARE PHELAN
DIRECTOR, FINANCE & ADMINISTRATION

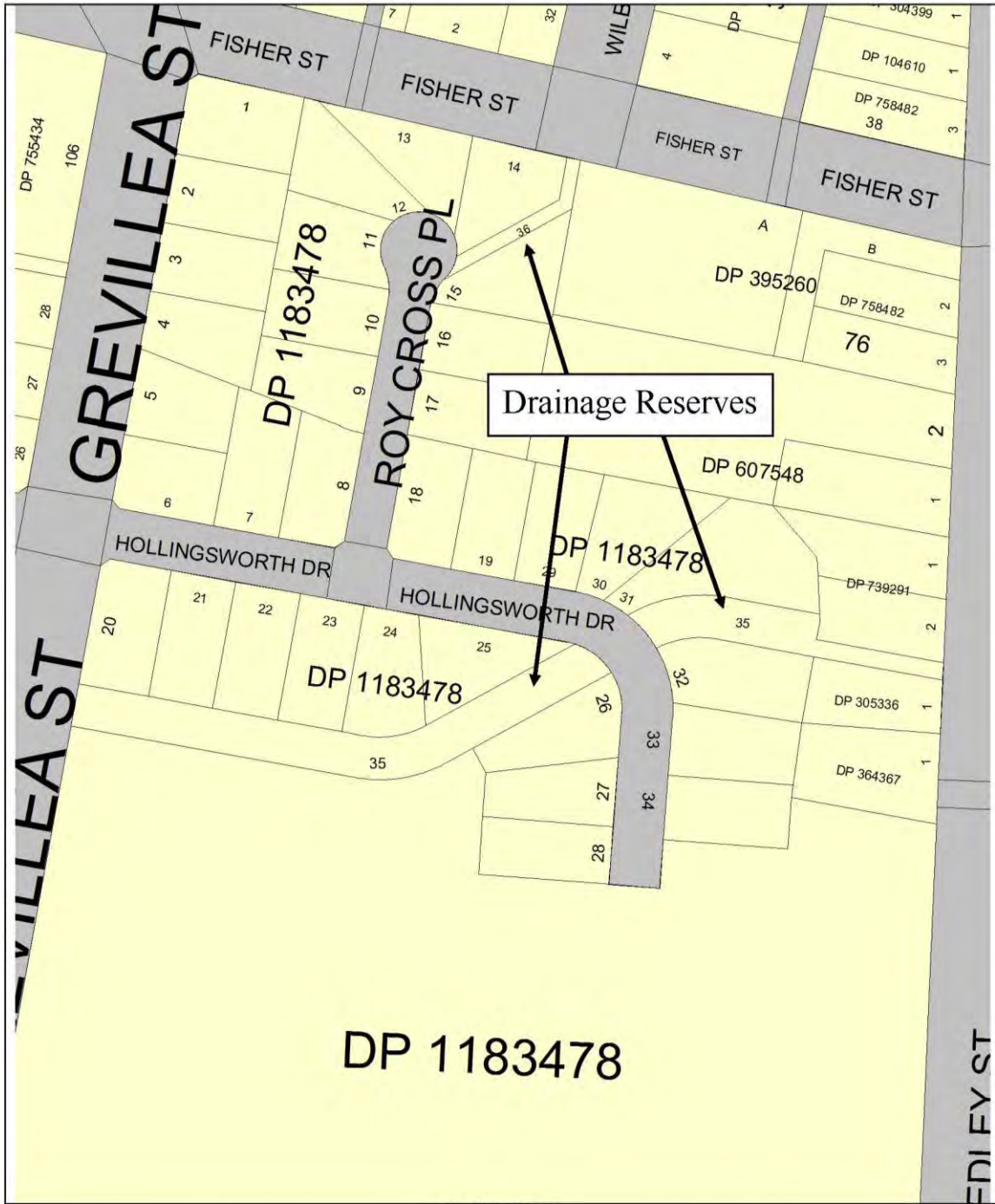
3 October 2013

Attachments: 1. Plan of Lots 35 & 36 DP 1183478

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



Map Scale: 1:1,877

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

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

Legend

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



5.2.17 Naming of New Unnamed Roads off Bateman Avenue

REPORT BY THE REVENUE & PROPERTY MANAGER TO 16 OCTOBER 2013 COUNCIL MEETING
Business Paper PUBLIC 131016
A0100056, R0790141

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Naming of New Unnamed Road off Bateman Avenue be received;**
2. **Council replace the preliminarily approved name of Janets Place with Sawyers Place in relation to road no. 1.**

Executive summary

The purpose of this report is to request the replacement of a preliminarily approved name as it has been found to be ineligible.

Detailed report

At Council's 18/9/13 meeting Wells Court, Alexander Dawson Court and Janets Place were approved as names for the three new streets in the subdivision off Bateman Avenue.

Council believed the submission from Mr & Mrs Hibberd for Janets Place related to a historical owner of the property, however, advice was received from Janet Anderson, previous property owner, that the reference in the submission actually relates to her. As road and street names cannot be named after living persons this would make Janets Place ineligible for use as a street name.

It is requested that Council approve Sawyers Place for road no. 1. Please note that the Sawyers family referred to is not directly related to the author of this report.

Financial implications

Per 18/9/13 Report.

Strategic or policy implications

Per 18/9/13 Report.

DIANE SAWYERS
REVENUE & PROPERTY MANAGER

CLARE PHELAN
DIRECTOR, FINANCE & ADMINISTRATION

1 October 2013

- Attachments:*
1. Report to the 18/9/13 Council Meeting re Naming of Unnamed Roads off Bateman Avenue
 1. Correspondence received from the Geographical Names Board

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER

6.2.3 Naming of New Unnamed Roads off Bateman Avenue

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 SEPTEMBER 2013 COUNCIL MEETING
Street Naming Amendment- Unnamed Road No 1 off Bateman Avenue
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, Dawson Court & Wells Court.

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.

Financial implications

Cost of Gazettal notice at approx \$60. Purchase and installation of three to four street signs will be met by the Developer,

Street signs 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 2

Jabek Pty LimitedLand Development Consultants
ABN: 52155702686107-125 Bellevue Road
MUDGEES NSW 2850Phone: 02 63721818
Mobile: 0427721818

Email: crooks.jabek@yahoo.com.au

18th February, 2013
Our Ref: BK003The General Manager
Mid Western Regional Council
Market Street
MUDGEES NSW 2850

Dear Sir

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

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: 
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.

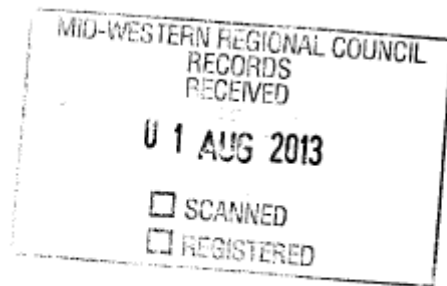
At much the same time he designed the Mudgee gaol, completed in 1862. The court house was also designed by Dawson. The court house and police station at Cassilis were also designed by Dawson.

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.

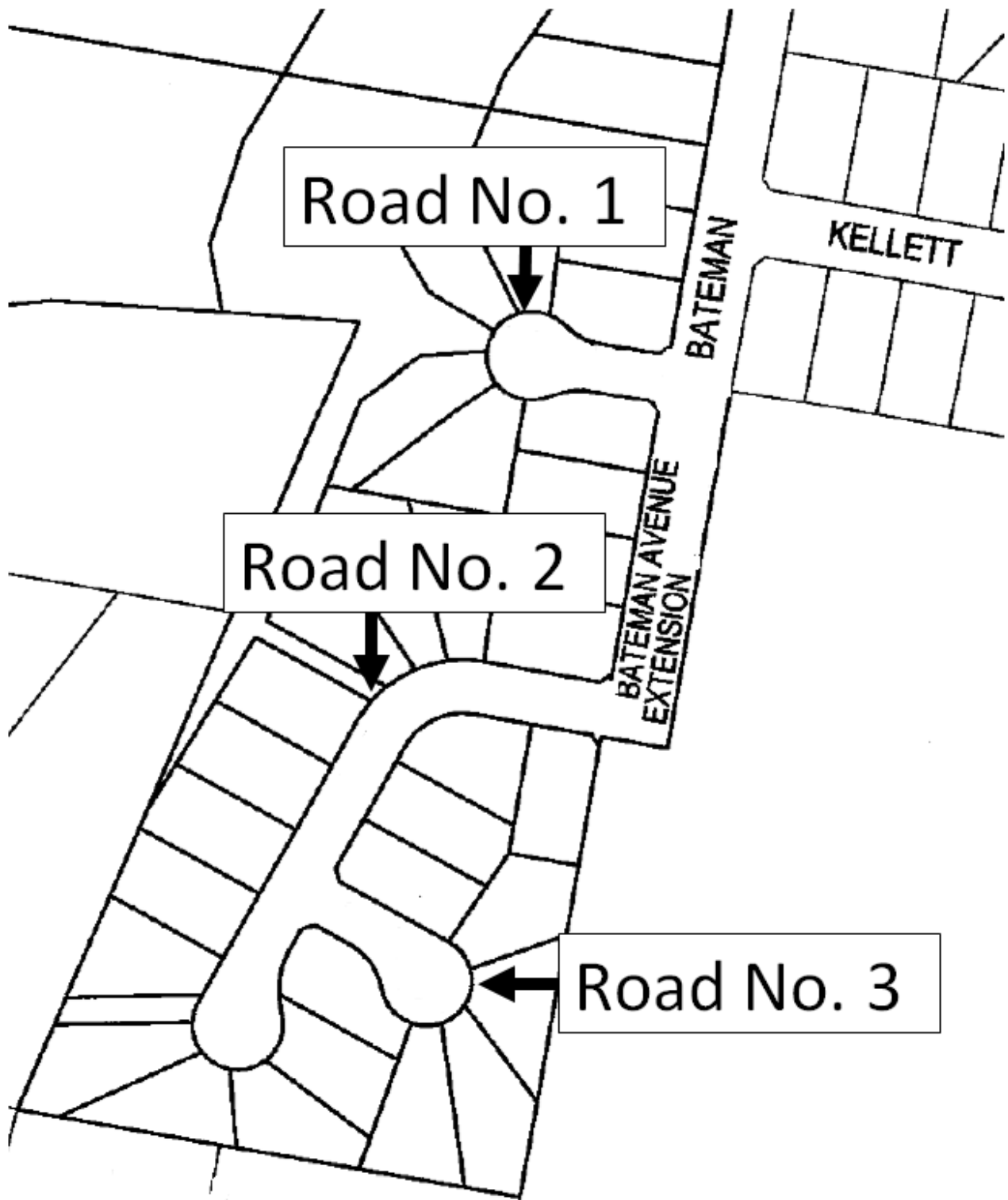


My submission of names for
the Bateman Avenue subdivision
are for the three roads.

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

Thanking you for your
consideration in this matter.

yours faithfully
Janet Anderson.





PO Box 143
Bathurst NSW 2795
T: 02 6332 8214
F: 02 6332 8217
E: gnb@lpi.nsw.gov.au
www.gnb.nsw.gov.au

(Vote Referrals: 1-800-999-411)
Vote Referrals
Customer Officer: Rhet Humphrys
Telephone No: 02 6332 4167
Email: rhet.humphrys@nsw.gov.au

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

ATTENTION: Carolyn Atkins

Dear Carolyn

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

I refer to your letter of 26th July 2013, which proposed the following public road names:

WELLS COURT, DAWSON or ALEXANDER DAWSON COURT

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the names have been reviewed under the GNB Guidelines for the Naming of Roads and I would raise the following objection:

DAWSON COURT – objection is raised under guideline ‘Uniqueness 1.1’ as the name is duplicated with the existing **DAWSON STREET**, Rylstone.

ALEXANDER DAWSON COURT is there for deemed acceptable as it provides uniqueness.

Should you wish to proceed with adoption of the name to which objection has been raised, then Council should write to the **Secretary of the Geographical Names Board, Lands Department, LPI Bathurst, PO Box 143, NSW 2795** setting out reasons why the name is valid. The matter will then be put to the Board who may choose to overturn the objection.

Kind Regards,

Rhet Humphrys
Geographical Names Board Secretariat

16th September 2013



PO Box 143
Bathurst NSW 2795
T: 02 6332 8214
F: 02 6332 8217
E: gnb@lpi.nsw.gov.au
www.gnb.nsw.gov.au

Your Reference: CA: R0790141
Our Reference:
Contact Officer: Rhet Humphrys
Telephone No: 02 6332 8363
Email: rhet.humphrys@lpi.nsw.gov.au

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

ATTENTION: Carolyn Atkins

Dear Carolyn

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

I refer to your letter of 29th August 2013, which proposed the following public road names:

JANETS PLACE, ANDERSON AVENUE or GROVE, BYRNES CLOSE, SAWYERS PLACE

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the names have been reviewed under the GNB Guidelines for the Naming of Roads and I would raise the following objections:

ANDERSON AVENUE or GROVE – objection is raised under guideline “Uniqueness 1.1” as the name is duplicated with the existing **ANDERSON STREET**, Gulgong and **ANDERSON ROAD**, Grattai.

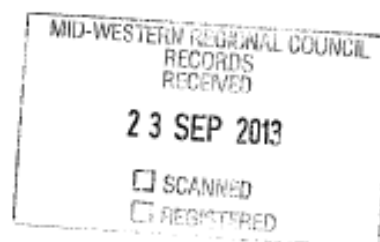
BYRNES CLOSE - objection is raised under guideline “Uniqueness 1.1” as the name is duplicated with the existing **BYRNES LANE**, Burrundulla.

Should you wish to proceed with adoption of the names to which objection has been raised, then Council should write to the **Secretary of the Geographical Names Board, Lands Department, LPI Bathurst, PO Box 143, NSW 2795** setting out reasons why the names are valid. The matter will then be put to the Board who may choose to overturn the objections.

Kind Regards,


Rhet Humphrys
Geographical Names Board Secretariat

17th September 2013



5.2.18 Tender panel for Asphalt Supply & Lay

REPORT BY THE PROCUREMENT MANAGER TO 16 OCTOBER 2013 COUNCIL MEETING
Business Paper PUBLIC 131016
GOV400029, A0100056, COR400049

RECOMMENDATION

That:

1. **the report by the Procurement Manager on the Tender panel for Asphalt Supply & Lay be received;**
2. **Council appoints the following suppliers under Tender 2013/15 for asphalt supply lay as a panel of suppliers for a contract term of 3 years starting 21 October 2013 and expiring 21 October 2016:**
 - **Downer**
 - **Boral Asphalt**
 - **Accurate Asphalt & Road Repairs**
3. **Provision be made for a 12 month extension based on satisfactory supplier performance which may take this tender through to 21 October 2017;**
4. **Supplier prices are in accordance with the Schedule of Rates submitted by each tenderer.**

Executive summary

Council's current asphalt supply and lay contract has expired. Council was required to invite tenders for the service of Asphalt – supply and lay. Tenders were called to become part of a tender panel.

Tenders were called on the 6th September 2013 and closed at 4pm on the 30th September 2013. Only three tenders were received.

Advertisements for the tender were placed in the Mudgee Guardian, Tenderlink and Council's website on the 6 September.

The terms of the contract are for Asphalt – supply and lay services for a period of which will provide services for the next three financial years, noting there is an option for a twelve month extension.

The tendering process was initiated and a Procurement Plan and Tender Evaluation Plan were developed. A tender assessment panel was formed, comprising of representatives from the most relevant departments within Council. Members of the tender evaluation panel used the evaluation plan and methodology to determine which tenderers' satisfied the Asphalt supply & lay requirements of Council.

Detailed report

TENDERS RECEIVED

Three tenders were received and assessed.

- Accurate Asphalt & Road Repairs
- Boral Asphalt
- Downer

LATE TENDERS

No late tenders were received.

CONFORMING TENDERS

No tenderer met all of the mandatory requirements, however each tenderer provided sufficient evidence to convince the Panel that acceptance was appropriate and evaluations could proceed. For example, Certificates of insurance were provided, however tenderers' were not a member of Statewide Contract Insurer Management Systems.

TENDER EVALUATION

The tender evaluations were conducted on 1st October 2013 at Mid-Western Operations. The tender evaluation panel consisted of;

Sally Mullinger	Business Manager Works
Andrew Kearins	Manager – Technical Services
Kristie Ward	Procurement Manager

Tenders were evaluated strictly in accordance with the tender evaluation plan, and in compliance with the provisions of the Local Government Act 1993 and Local Government (General) Regulation 2005. Probity and confidentiality were maintained during the process.

EVALUATION CRITERIA & FINDINGS

Evaluation Criteria	Weighting	Weighted Score		
		Downer	Boral	Accurate Asphalt
1. Price – whole of life costs	75%	7.5	7.02	5.20
2. Demonstrated capacity to meet Statement of Requirements	20%	2	2	1.6
3. Quality and effectiveness of Quality, Safety and Environmental Management System.	5%	.5	0.25	0.3
Total Weighted Score		10	9.37	7.10

All tenders were assessed and scored against the evaluation criteria listed in the tender documents and weightings in the evaluation plan, to determine the panel of preferred suppliers. Suppliers are listed in order of preference in the recommendation to Council.

Each tenderer supplied a schedule of rates.

The percentage 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.

Council will allocate works in accordance with the order of preferred suppliers (eg Downer, then Boral, then Accurate Asphalt & Road Repairs). Where the preferred supplier is unable to meet Council needs (for example, timing of works), Council may move to the next preferred supplier and so forth.

Financial implications

The costs of the projects carried out using the Asphalt suppliers are recognised in Council's Operational Plan and Delivery Program.

Strategic or policy implications

The recommended suppliers are required to meet Councils' Operational Plan and Delivery Program deadlines. Council has also satisfied its procurement obligations under Section 55 of the Local Government Act 1993, and Council's own Procurement Policy, and tendering toolkit.

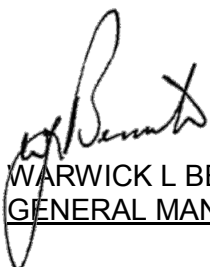
KRISTIE WARD
PROCUREMENT MANAGER

CLARE PHELAN
DIRECTOR, FINANCE & ADMINISTRATION

2 October 2013

Attachments: 1. Asphalt – Supply & Lay Tender Evaluation (included in the confidential section of the business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

5.2.19 Application for Gate on Grattai Creek Rd

REPORT BY THE MANAGER TECHNICAL SERVICES TO 16 OCTOBER 2013 COUNCIL MEETING

Business Paper PUBLIC 131016

GOV400029, A0100056, R0061001

RECOMMENDATION

That:

1. **the report by the Manager Technical Services on the Application for Gate on Grattai Creek Rd be received;**
2. **Council reject the application for a gate but approve a grid on Grattai Creek Rd approximately 4.8km from the intersection of Grattai Creek Rd and Hill End Rd between Lot 27 DP756884 and Lot 2 DP1145607.**

Executive summary

Council has received an application for a gate on Grattai Creek Rd Grattai. There have been numerous objections to the proposed gate. Council's policy on Grids and Gates requires a report to Council if objections are received to the proposed grid or gate.

Detailed report

The application requests permission to install a gate across Grattai Creek Rd on the boundary between Lot 27 DP 756884 and Lot 2 DP 1145607 approximately 4.8km from the intersection of Grattai Creek Rd and Hill End Rd.

Grattai Ck Road provides access for 7 properties past the proposed grid. Council policy states "Gates shall not be permitted on roads with a traffic volume greater than 10 vehicles per day unless they are located adjacent to a grid." The estimated Average Annual Daily Traffic at the location of the grid is 5-15 vehicles, so at or around the policy limit.

Consideration was given to placement of a traffic counter at the location; however it may give a misrepresentation of volumes as some of the properties are utilised on weekends only, so a small sample of traffic data may not give a proper indication of average volumes for the longer term.

There are a number of existing grids along the road. There is also one existing gate on the road approximately 200m past the proposed new gate. The existing gate is closed at times, dependent on stock location.

A number of objections to the proposed gate have been received from landowners on the road. They are attached to this report for Councillor information.

Financial implications

All costs associated with gates and grids are the applicant/owners responsibility. [Enter financial implications (if it does not apply, please type 'Not applicable' (not N/A).]

Strategic or policy implications

Councils Grids and Gates Policy is the relevant policy.



ANDREW KEARINS
MANAGER TECHNICAL SERVICES

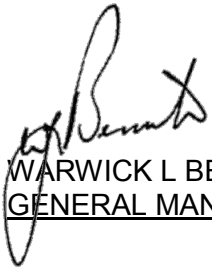


BRAD CAM
DIRECTOR, MID-WESTERN OPERATIONS

24 September 2013

Attachments: 1. Gate Application Documents
2. Letters of objection

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

Application for Installation of ~~Grid~~ / Gate on Public Road

Name:	MAL & ROBYN PATTERSON
Address:	P. O. BOX 4244 MUDGEEE 2850
Contact Phone #	0423495821
Describe proposed location (distance from nearest cross road / direction)	4.8 KM DOWN GRATTAI CREEK RD. (OFF HILLEND RD)
Estimate Date for construction	IMMEDIATELY AFTER APPROVAL
Estimated Traffic Volume per Day (No of Vehicles)	FOUR PER DAY
Supporting Information (if deemed appropriate by the applicant)	ONLY ONE PERMANENT RESIDENT PAST PROPOSED GATE. REST ARE ONLY SYDNEY CASUAL USERS AT BEST.
Agreement: Please find enclosed the fee applicable for granting of the permit as identified in the Annual Fees & Charges of the Council. I understand that final approval and issue of the permit will not be provided until the designated public exhibition period has been completed. Further that if approval is not given due to objections leading to a Council resolution to refuse, then this fee is not refundable.	<i>Rb Patterson</i> 8.8.2013 Signed & Dated (Applicant)
Office Use Only:	
Complies with Policy (Yes / No)	
Any drainage implications known	
Recommended course of action.	
Assessment / Inspection Undertaken by (print)	
Signed & Dated: Project Approved to proceed if agreement signed and returned (reason if refused)?	
Signed & Dated (General Manager):	

NOTES:

ADDITIONAL NOTES TO SUPPORT 'SINGLE GATE' APPLICATION



MAL + ROBYN PATTISON (DP1145607) PROPOSED SINGLE GATE MARKED ON MAP AS ← LOT 2.

"
 AS ABOVE

STEVE DORRINGTON. (DP 756884) LOT 27
 ADJOINING NEIGHBOUR. OCCASIONAL VISITOR TO HIS BLOCK.
HIS APPROVAL TO OUR SINGLE GATE APPLICATION IS INCLUDED.



ON MAP

MARK + DEBBIE HARVEY - 'AVONDALE'
 THEY LIVE DOWN A TRACK OFF GRATTAI CREEK ROAD, OVER
 GRATTAI CREEK TO "AVONDALE" HOMESTEAD. THEY ARE
 THE LAST PERMANENT RESIDENTS. SEE MAP □



ON MAP

PLEASE NOTE: MARK HARVEY KEEPS GATE CLOSED ACROSS GRATTAI CREEK RD. (APPROX. ONLY 110 METRES FROM OUR SINGLE GATE APPLICATION)

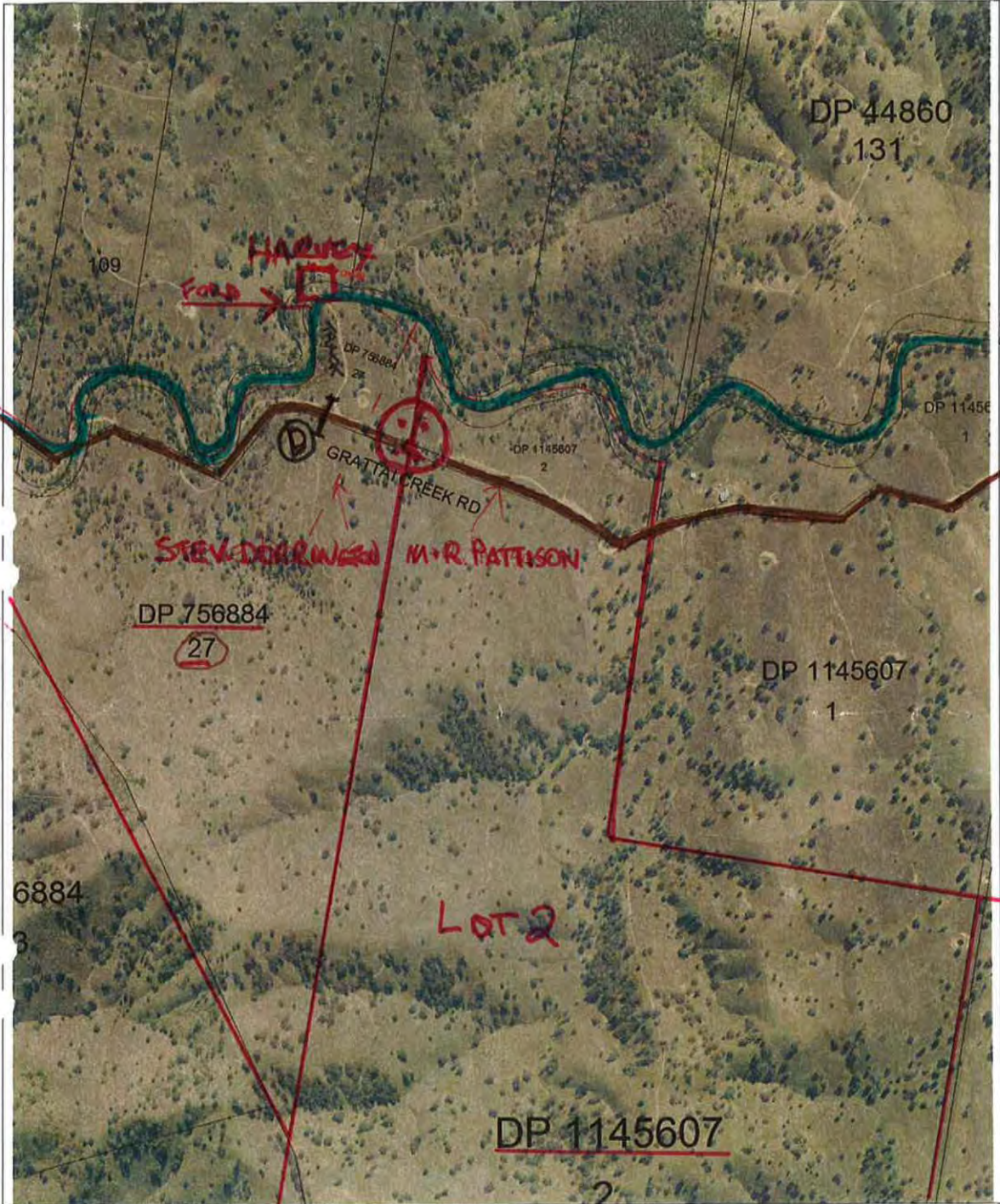
ROAD USAGE: COUNCIL POLICY = 10 VEHICLES PER DAY OR 20 PER WEEK MAX

	TRIPS PER DAY	TRIPS PER WEEK
M. HARVEY, CONTRACTOR ULAN MINE 5 DAYS	2 PER DAY	10 TRIPS P. WEEK
D. HARVEY = WORK AS NURSE AT NURSINGH. 4 DAYS PER DAY	2 PER DAY	8 TRIPS P. WEEK
BOTH GO TO CLUB ON FRIDAY NIGHT 1 NIGHT	2 TRIPS	2 TRIPS P. WEEK
OCCASIONAL TRIPS OUT WEEKENDS 1 CAR	2 TRIPS	2 TRIPS P. WEEK
		<u>22 TRIPS PER WEEK</u>

COUNCIL GATE POLICY:

GATES: MAX: 10 VEHICLES PER DAY
 OR 70 VEHICLES PER WEEK
 (WELL WITHIN COUNCIL POLICY)

GRATTAL GREEK ROAD (SINGLE LANE) 4-8 KM. FROM HILL END RD.



Map Scale: 1:12,680

<p>Disclaimer This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.</p> <p>This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.</p>	<p>Legend</p>		<p>NORTH</p>
	<p>Parcel</p> <p>Crown Land</p> <p>Railway</p>	<p>Parish</p> <p>Localities</p> <p>LGA Boundary</p>	

Mid-Western REGIONAL COUNCIL
Printed on Monday, 1 July 2013

*NOTE: PROPOSED 'SINGLE GATE' BETWEEN DOORINGTON AND PATTISON AS CIRCLED (NO TREES ON ROAD AS INDICATED.)

46 Yetholme Ave
Baulkham Hills
NSW 2153

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

Re: Road Closure Application on boundary of
573 Grattai Creek Rd
Grattai. NSW 2851

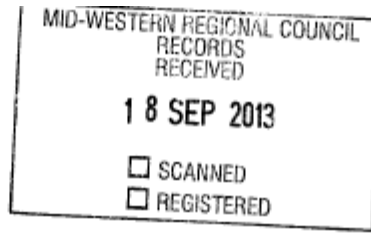
I hereby give permission for the application for a gate to be installed at the boundary of my property with land held by Mr Malcolm Pattinson at the above address.

If any further details are required from me, I can best be contacted on mobile 0403 016 235 or by email on stevedorrington@optusnet.com.au



Stephen Dorrington

12 Jul 13



22/08/2013

RE: NOTIFICATION OF APPLICATION FOR INSTALLATION OF GATE ON PUBLIC ROAD.

To Andrew Kearins (Road Engineer, Mid Western Operations),

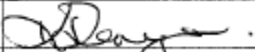

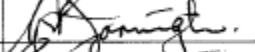


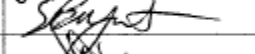
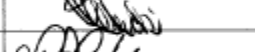
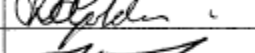
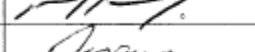
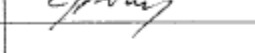
We the under signed being regular uses of the road in question, **strongly oppose** the installation of a gate across Grattai Creek Road 4.8km from its intersection with Hill End Road. The installation of a **Grid** incorporating a separate gate for stock, & heavy machinery movement is the only option.

A **gate** would,

- Be an inconvenience to all road uses.
- Would impede the response time of emergency vehicles, fact show that minutes can mean the difference between life & death. Only recently while attending to a helicopter crash on this very road in question, a number of ambulance drivers had to drive their units though fences as closed gates confused their direction, & delayed their arrival.
- if accidently left open or not secured correctly lead to stock escaping onto neighboring property.
- Impact on the numerous shift workers that live on the road, opening & closing of a gate in the middle of the night would not only being an inconvenience but also lead to danger/harm that could result from slips, trips & falls, especially in bad weather.

A **grid** would alleviate all of the above.

Name	Address	Signature
G. BRODIE	207 Market St Mudgee.	<i>G Brodie</i>
<i>L Alfond</i>	<i>21 D'Artois Rd Mudgee</i>	<i>L Alfond</i>
L Frost	176 WILBETREE RD MUDGEE	<i>L Frost</i>
J Pilly	96 Byrnes Lane Mudgee	<i>J Pilly</i>
<i>P Pilly</i>	" " "	<i>Patrick Pilly</i>
<i>L Frost</i>	176 Wilbetree Road, Mudgee	<i>L Frost</i>
J Brodie	207 Market St Mudgee	<i>J Brodie</i>

Name	Address	Signature
K. Dwyer	201 Market St Mudgee.	
T. Mansfield	Lot 2 Old Grattai Rd Mudgee	
S. JORRINSON	Lot 27 Grattai Cr Rd Grattai	
C. McMillan	11 Rayner St	
S. FURMER	7 RAWDEN RO MUDGEE	
S. Bryant	2778 Ulan Rd Cedars Gap	
P. Dine	35 Mungon Way Mudgee.	
Rod Golden	80 Court St Mudgee	
MARK HARVEY	504 GRATTAI CR Rd. MUDGEE	
D. HARVEY	504 GRATTAI CR RD MUDGEE	



S. MARK BOWLER & ASSOCIATES PTY. LTD.
ABN 12 056 116 619

LAND & ENGINEERING SURVEYORS

"The Old Bakery"
22 Plantation Street (PO Box 1)
Wentworth Falls NSW 2782



MEMBER OF THE INSTITUTION OF SURVEYORS
AUSTRALIA

MARK BOWLER

B.Surv., Grad. Dip. Surv. Proc.,
Principal Surveyor

Phone: **02 4757 1091**
Fax: 02 4757 3122
Mobile: 0414 571 191
Email: surveyor@pnc.com.au

OUR REF:

YOUR REF:

Mr Andrew Kearins
Roads Engineer
Mid-Western Operations
Mid-Western Regional Council
86 Market Street
MUDGEE NSW 2850



18 September 2013

**NOTIFICATION AND OBJECTION TO THE INSTALLATION OF A GATE
ON PUBLIC ROAD - GRATTAI CREEK ROAD, GRATTAI**

Dear Sir,

I own the property known as Road 6046 off Grattai Creek Road and travel on the public road you refer to in your letter to Mr and Mrs Harvey on 19 August 2013.

I request that a grid be placed on the new fence crossing.

Regards

Mark Bowler



Tubb & Associates Pty Ltd Superannuation Fund

Postal Address: 22 The High Road
Blaxland NSW 2774

Phone: (02) 4739 8342
Fax: (02) 4739 8382
Mobile: 0417768144
Email: david@tubb.com.au

17 September 2013

Mr Andrew Kearins
Roads Engineer
Mid-Western Operations
Mid-Western Regional Council
86 Market Street
MUDGEE NSW 2850

NOTIFICATION AND OBJECTION TO THE INSTALLATION OF A GATE ON PUBLIC ROAD - GRATTAI CREEK ROAD, GRATTAI

Further to councils letter 19th August 2013 regarding the proposal for the construction of a gate in lieu of a grid on Grattai Creek Road, Grattai we write to advise our firm position on not having a gate without a grid at on Councils road.

Our objection to the installation of a gate only on this public road is based on the following:

1. Multiple properties access beyond the proposed gate location resulting in there being more than 10 movements a day, on average, on Grattai Creek Road, Grattai. Grattai Creek Road is now approximately 18 kilometers beyond the proposed gate location and provides access to 7 rural properties.
2. Some of the residents are shift workers accessing the street at all hours of the day and night and should not be further inconvenienced.
3. Under Councils Grids and Gates policy, gates shall not be permitted on roads with a traffic volume greater than 10 vehicle movements on average per day. Therefore a grid would be the appropriate boundary crossing in this instance.
4. Maintain current level of road infrastructure. Grattai Creek Road is a Council maintained Road which has grids at all but one boundary crossing. To install a second gate on this public road is a retrograde step in the Council's objective in managing the Region's Road network and providing infrastructure that allows safe, convenient and comfortable travel to, from, and within the Region.
5. Inconvenience. We believe that it is unreasonable for the developer applicant to propose a gate that will inconvenience every property owner, visitor, worker, deliveries, service vehicles and livestock transport using the Public Road.

We have no objection to the applicant subdividing and selling their property and are completely in support of installing another grid however object to the installation of a gate.

Please feel free to contact me on 0417 768 144 during business hours or 6373 3352 after hours.

Regards

A handwritten signature in black ink, appearing to read "David Tubb". The signature is written in a cursive style with a large initial 'D'.

David Tubb
Director

GRAEME DRAPER
Grattai Creek Rd Mudgee
0437 064 793



Friday, 20 September 2013

I object to the application of a gate being installed on Grattai Creek Rd.
Approx 4.8km from Hill End Rd as shown on attached letter.

I object to this gate being put in and suggest a stock grid instead of the gate.

Yours Sincerely

A handwritten signature in black ink, appearing to read "G. Draper".

Graeme Draper

Kellie Morgan

Grattai Creek Rd Mudgee
info@physicalculture.net.au

Friday, 20 September 2013



OBJECTION: GATE ON PUBLIC ROAD

With regards to the application of a gate being installed on Grattai Creek Rd. Approx 4.8km from Hill End Rd as shown on attached letter.

I object to this gate being put in and suggest a stock grid instead of the gate.

Many Thanks

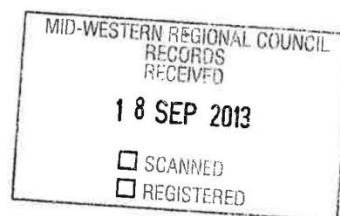
A handwritten signature in black ink, appearing to be "Kellie Morgan".

Kellie Morgan

16/09/2013

RE: NOTIFICATION OF APPLICATION FOR INSTALLATION OF A GATE ON PUBLIC ROAD

To **Andrew Kearins,**
Roads Engineers
Mid-Western Operations.



Sir,

I am writing to you in regards to the application to install a gate across Grattai Creek Road , 4.8 km's from it's intersection with Hill End Road. I am amazed or shocked may be the better word that yourself & council would even contemplate installing a gate across a public road. I am a Nurse & work permanent shift work, I travel the road in question every day & at all hours of the night. The installation of a **gate** across this road will require me to get out of my vehicle to open & then close it each time I travel the road, by doing this you will be exposing me to a high risk of injury beit by animal attacks both Feral & Domestic, not to mention the risk of tripping & falling in the dark, as the condition of the road is poor to say the least & I doubt you will be installing street lights above the so called gate. Do you expect me to carry a second change of clothing to work in bad weather as I will get soaking wet in opening & closing your gate?

I request that council only allow a **grid** across the road, & it be accompanied by a separate gate for stock movement.

I can only hope in this case common sense prevails.

Regards

Deborah Harvey

"Avondale"

504 Grattai Creek Road

Mudgee.

Deborah Harvey
Enrolled Enrolled nurse

16/09/2013

Mr Andrew Kearins
Roads Engineer
Mid-Western Operations
Mid-Western Regional Council
86 Market Street
MUDGEE NSW 2850



RE: OBJECTION TO THE INSTALLATION OF A GATE ON PUBLIC ROAD

Further to our discussion regarding my objection to installing a gate on Grattai Creek Road, Grattai, 4.8km from its intersection with Hill End road, I write to confirm my position that a grid should be installed which is in keeping with all other boundary crossing between my front gate and Hill End Road.

We have owned the property at 504 Grattai Creek Road, Grattai named Avondale since 2004. Our property is a working sheep farm and as such has the normal amount of daily traffic movements associated with running a property of this nature. Additionally, my wife Debbie works as a nurse at a local nursing home in Mudgee and is regularly on shift work that results in her leaving / returning to our property at night.

I write as an adjoining owner to object to the proposed installation of the only gate on Grattai Creek Road, Grattai on the following basis:

1. Councils Grids and Gates policy states that gates shall not be permitted on roads with a traffic volume greater than 10 vehicles per day. There are more than 10 vehicle movements per day on Grattai Creek Road.
2. Grattai Creek Road is a Council maintained Road which has grids at all boundary crossings between our front gate and Hill End Road and there are no grounds for reducing / restricting the current roads amenity to all of the neighbours using the road to access their properties.
3. Safety issues, particularly with my wife's work hours resulting in her using Grattai Creek road at night. I have concerns regarding her safety at night and during severe weather.

4. Council's web site under the section Roads and Bridges states that Councils prime objective in managing the Region's Road network is to provide infrastructure that allows safe, convenient and comfortable travel to, from, and within the Region. I believe that the installation of a gate on a road that currently does not have any is not in keeping with Councils objectives in that it is less safe, particularly for my wife, defiantly less convenient and comfortable having to open and shut a gate whenever we are using Grattai Creek Road. We are completely in support of installing another grid however object to the installation of a gate.

I trust this clarifies my position that I support a grid however object to the installation of a gate.

Regards 

Mark Harvey

Millenbong Pty Ltd**ABN 70 110 355 694**680 Grattai Creek Road
Grattai NSW 2850
Ph (02) 6373 3393

17 September 2013

Mr Andrew Kearins
Roads Engineer
Mid-Western Operations
Mid-Western Regional Council
86 Market Street
MUDGEE NSW 2850**RE: OBJECTION TO THE INSTALLATION OF A GATE ON PUBLIC ROAD
GRATTAI CREEK ROAD, GRATTAI**

Further to our discussion regarding our objection to installing a gate on Grattai Creek Road, Grattai we write to confirm our position believing a grid is the appropriate installation for this new subdivision's boundary not a gate as proposed.

Our objection to the installation of a gate on this public road is based on the following:

1. Multiple properties access beyond the proposed gate location resulting in there being more than 10 movements a day, on average, on Grattai Creek Road, Grattai. In October 2010 we worked with Council on your Road Naming program as we were advised that it was essential that the road and residences were correctly identified and named for rating and emergency services such as SES / Fire Brigade / Police / Ambulance / Telstra etc. This exercise resulted in some changes to Grattai Creek Road which is now approximately 18 kilometers beyond the proposed gate location and provides access to 7 rural properties. We attach a copy of the Council provided map for a section of Grattai Creek Road approximately 4 kilometers beyond the proposed gate installation.


Under Councils Grids and Gates policy, gates shall not be permitted on roads with a traffic volume greater than 10 vehicle movements on average per day. Therefore a grid would be the appropriate boundary crossing in this instance.

2. Maintain current level of road infrastructure. Grattai Creek Road is a Council maintained Road which has grids at all but one boundary crossing. To install a second gate on this public road is a retrograde step in the Council's objective in managing the Region's Road network and providing infrastructure that allows safe, convenient and comfortable travel to, from, and within the Region.
3. Inconvenience. We believe that it is unreasonable for the developer applicant to propose a gate that will inconvenience every property owner, visitor, worker, deliveries, service vehicles and livestock transport using the Public Road.

We have no objection to the applicant subdividing and selling their property and are completely in support of installing another grid however object to the installation of a gate.

Please feel free to contact me on 0418 401 194 during business hours or 6373 3393 after hours.

Regards

A handwritten signature in black ink, appearing to read 'S. Vaughan', written in a cursive style.

Stuart Vaughan
Director / Manager

5.2.20 Mudgee Showground Management Committee

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 16 OCTOBER 2013 COUNCIL MEETING

Business Paper PUBLIC 131016
GOV400029, A0100056, F0650007

RECOMMENDATION

That:

- 1. the report by the Director, Mid-Western Operations on the Mudgee Showground Management Committee be received;**
- 2. the Minutes of Mudgee Showground Management Committee of 3 September 2013 be received.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Showground Management Committee ordinary bi-monthly meeting held on 3 September 2013. The Showground Management Committee receives an updated Works Request and Matters in Progress report together with updated financial details bi-monthly. A copy of the Matters in Progress are attached for Council information.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.



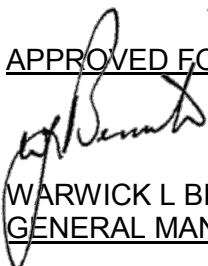
BRAD CAM
DIRECTOR, MID-WESTERN OPERATIONS

18 September 2013

Attachments:

1. Minutes of the Mudgee Showground Management Committee Meeting 3 September 2013
2. Matters in Progress

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

MUDGEES SHOWGROUND MANAGEMENT COMMITTEE MEETING — 3 SEPTEMBER 2013

Meeting Opened: 6.00 pm

Present: Cr John Webb, Brad Cam, Russell Holden, Bill Robinson, Lea Cuthbertson, Yasmin Crockett and Kim Wilson

Observer: Lesley Burgess (minute secretary)

Apologies: Malcolm Swords

Moved: Russell Holden Seconded: Bill Robinson that the apology be accepted.

Minutes of July's Meeting – Accepted with one amendment, Kim Wilson was minuted as being an apology, the minutes should have read, Kim Wilson was absent.

Moved: Russell Holden
2nd Brad Cam

Motion Carried

Minutes of the Extra Ordinary General Meeting held on the 28 May 2013 - Accepted

Moved: Russell Holden
2nd Kim Wilson

Motion Carried

Matters in Progress

- As per attached list.
- Lesley to forward a copy of all the Asset Registers received to date with the next minutes, together with the list that Brad Cam has of the Assets belonging to the Mudgee Showground.
- Brad Cam to phone Sandy Walker with regard to the Riding for Disabled Association using their grant money to erect the undercover arena at the Showground.
- It was agreed that the Acknowledgement of Hire form is to be emailed to Lesley Burgess duly completed after every event that the Horse Groups hold at the Showground.
- The Checklist was accepted and needs to be implemented at the Showground.

Correspondence

- Cr John Webb went through the correspondence.
 - Letter received from Mudgee and Districts Working Equitation (MADWEQ). Kim Wilson explained to the Committee the reason behind the new horse club that has been formed and affiliated. Kim went on to say that the Club would like to apply for the reduced regular hirers fees. The question as to where the MADWEQ could store their gear was discussed and Bill Robinson suggested either the Wool or Cattle Pavilion.
 - Brad Cam to organise
 - A report to Council requesting that MADWEQ club be accepted as regular users
 - A reply letter to the MADWEQ advising them of the decision of this Committee.

- Cr John Webb proposed that the MADWEQ be supported as regular uses of the Showground and that this Committee works with them to resolve their storage issue.

Moved: Russell Holden
2nd Kim Wilson

Motion Carried

- Letter received from the Pony Club. No objections to the portable cross-country fences being placed on the Showground was made by the members present. All the cross-country fences need to have Brad Cam's approval with regard to location and appearance before being installed at the Showground.

Moved: Yasmin Crockett
2nd Lea Cuthbertson

Motion Carried

- Late Correspondence from the Mudgee Show Society was received appointing Dean Rheinberger as their new delegate.

Moved: Russell Holden
2nd Lea Cuthbertson

Motion Carried

Financial Report

- Brad Cam went through the financial statement. Income in an amount of \$5,800.00 has been received and expenses are minimal at this stage.
- Brad Cam advised that he would like the Business Plan placed on the Agenda for the next meeting in order for it to be revised.

Moved: Bill Robinson
2nd Kim Wilson

Motion Carried

Kim Wilson

- Kim Wilson asked if the Horse Groups erected a lockable fenced bin enclosure next to the Pony Club Shed, whether Ken Jeffrey could put the bins away after being emptied. A key would be given to Ken to enable him to lock the bins away. Brad Cam felt that this was a good idea.
- Kim Wilson noted that the Council cleans and stocks the toilets for an event, however, during the event further restocking is the responsibility of the event organiser. The concern raised was that upon restocking the campers would be using the event organisers toilet supplies. A solution needs to be sought out.
- At present there is no decision with respect to fencing off of the camping area. This matter will be reassessed if the horses are seen to be posing a safety concern to the campers.
- Kim Wilson advised that the NSW Fire Brigade inspected their shed and asked where the fire hydrants are located. Brad Cam advised that there is one at the back of the grandstand and one next to the new pavilion. Brad advised that should there be a fire, the RFS would know where the closest fire hydrants are located.

Bill Robinson

- Brad Cam advised that the old stallion boxes were not going to be demolished and that Ken Jeffery was presently fixing them up.

Yasmin Crockett

- Yasmin advised that about two weekends ago Ken was using his mower around the horses. Brad Cam advised that the horse groups should phone him immediately this occurs.
- The Dressage Arena gate requires repairing so the arena can be locked. Lesley to put in a works request in order for Jim Reid in the workshop to make the necessary repairs.
- The new stable hirer Jessica Chapman is presently using the Dressage Arena daily. Brad Cam to phone Jessica and advise her of the rules for using the arenas at the Showground.

Lea Cuthbertson

- Lea requested that it be minuted that at their recent Ian Francis Horsemanship Clinic, Ian Francis a world known horseman commented on how fantastic the arena and facilities are at the Showground. He added that he was surprised that a country town could have such high-quality grounds.

Meeting closed at: 7 pm

Next meeting to be held 5 November 2013

ATTACHMENT 2

MATTERS IN PROGRESS

#	SUBJECT	MEETING DATE	ACTION	WHOM	PROGRESS
1	Asset Register to be created as to who owns what at the Showground's	3/4/12	To submit a complete Asset List to Council	Show Society	Received in part
2	Asset Register to be created as to who owns what at the Showground's	3/4/12	To submit a complete Asset List to Council	Animal Nursery	
3	Bill to write a letter to see if he can get the Council's small grant scheme to pay for the fans	5/2/2013	Try to recoup costs	Bill Robinson	
4	The toilet paper dispenser needs replacing/fixing, it is difficult to get the paper out of the dispenser	2/7/13	Works Requested needed	Lesley Burgess	BL0046/2014
6	A fence to be erected to enclose the camping area, mainly for safety reasons.	3/9/13		All	Needs further discussion and consideration
7	Brad Cam to phone Sandy Walker with regard to the RDA using their grant money to erect the undercover arena at the Showground.			Brad Cam	
8	The new checklist needs to be implemented		Ken Jeffrey needs to be advised of the new checklist.	Andrew Drummond	
9	Business Plan to be revised			All	
10	Ken to be advised of the bin enclosure that the Horse Groups are erecting.		Ken to be given a key to lock the bins away	Andrew Drummond	
11	The Dressage Arena needs the gate fixing as they currently are unable to lock the arena.		Works Request for Jim Reid	Lesley Burgess	Works Request No BL0070/2014

5.2.21 Conduct of Council elections

REPORT BY THE MANAGER GOVERNANCE TO 16 OCTOBER 2013 COUNCIL MEETING
ELECTIONS
GOV400029, A0100056, A0120012

RECOMMENDATION

That:

1. **the report by the Manager Governance on the conduct of Council elections be received;**
2. **Mid-Western Regional Council resolves that:**
 - a) **pursuant to Section 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") and election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council;**
 - b) **pursuant to Section 296(2) and (3) of the Act, as applied and modified by Section 18, a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council; and**
 - c) **pursuant to Section 296(2) and (3) of the Act, as applied and modified by Section 18, a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.**

Executive summary

This report addresses the need for the Council to pass a resolution regarding the engagement of the NSW Electoral Commission (NSWEC) to conduct Council elections.

Detailed report

Earlier this year the Local Government Act was amended to enhance the flexibility of councils to make decisions about the conduct their elections. Significantly, this provision stipulates that a council must pass this resolution at least 18 months prior to the date of the next ordinary election should it wish to utilise the services of the NSWEC to conduct elections. For Council's information the relevant provision of the Act is reprinted below.

"296 HOW ELECTIONS ARE TO BE ADMINISTERED"

- (1) Elections for the purposes of this Chapter are to be administered by the general manager of the council concerned, except as provided by this section.

Note: Section 18 provides that certain provisions of this Act (relating to the conduct of elections) apply to council polls and constitutional referendums, with such modifications as may be necessary, in the same way as they apply to elections.

- (2) A council can enter into an arrangement (an **"election arrangement"**) with the Electoral Commissioner, by contract or otherwise, for the Electoral Commissioner to administer elections of the council as provided by this section. If such an arrangement is entered into,

the Electoral Commissioner is to administer elections of the council in accordance with the arrangement.

- (3) An election arrangement for the Electoral Commissioner to administer all elections of a council can be entered into if:
 - (a) the council resolves at least 18 months before the next ordinary election of councillors that such an arrangement is to be entered into, and
 - (b) the arrangement is entered into no later than 15 months before the next ordinary election of councillors.
- (4) An election arrangement for the Electoral Commissioner to administer a particular election of a council (other than an ordinary election of councillors) can be entered into at any time if the council has resolved that an election arrangement for the election is to be entered into.
- (5) An election arrangement for the Electoral Commissioner to administer an ordinary election of councillors can be entered into less than 15 months before the election if:
 - (a) the council has resolved that an election arrangement for the election is to be entered into, and
 - (b) the Electoral Commissioner is satisfied that there are exceptional circumstances that make it necessary or desirable for the election to be administered by the Electoral Commissioner.
- (6) An election arrangement for the Electoral Commissioner to administer all elections of a council can be terminated by the council or the Electoral Commissioner at any time after the next ordinary election of councillors (by giving written notice of termination). If the arrangement is not terminated by either party after an ordinary election of councillors, the arrangement is automatically terminated 18 months before the next ordinary election of councillors.
- (7) The Electoral Commissioner is to administer the first election for an area after its constitution. Expenses incurred by the Electoral Commissioner (including the remuneration of election officials) in connection with such an election are to be met by the council and are recoverable from the council as a debt owed to the Electoral Commissioner.
- (8) This section does not apply to an election of the mayor or a deputy mayor by councillors.”

Council has received advice from both the NSWEC and the Division of Local Government (DLG) regarding the need to pass such a resolution in those circumstances where the council is desirous of utilising the services of the NSWEC. The DLG has also provided a draft wording for the resolution. It should be noted that if the services of the NSWEC are to be used to conduct elections, this would also apply to any council polls or constitutional referenda conducted.

It is the view of Council staff that the NSWEC carried out the necessary work involved with the 2012 ordinary election for this Council in a very competent and professional manner, with the costs involved coming in under budget. Accordingly, it is considered that the NSWEC should be engaged to conduct future elections, council polls and constitutional referenda for Council.

The recommendation above has been framed accordingly.

Financial implications

Funding is provided in the budget for electoral expenses.

Strategic or policy implications

Council is required by law to pass an appropriate resolution if it wishes to use the services of the NSWEC.

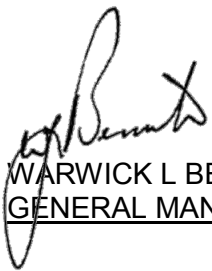


IAN ROBERTS
MANAGER GOVERNANCE

3 October 2013

Attachments: Nil.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 6: Urgent Business Without Notice