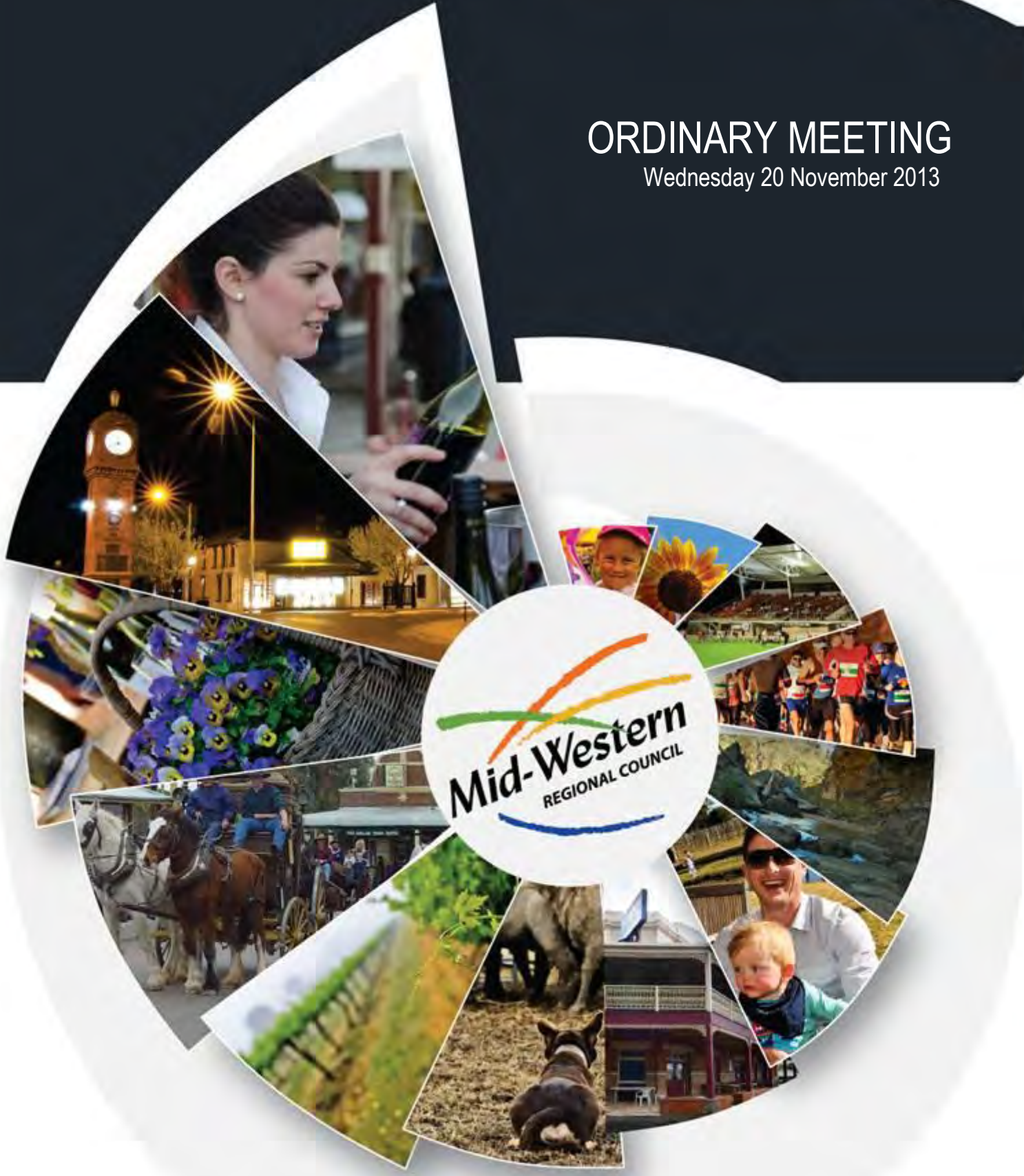




ORDINARY MEETING

Wednesday 20 November 2013





PO BOX 156
MUDGEE NSW 2850

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

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13 November 2013

Dear Councillor

MEETING NOTICE
Ordinary Meeting
Wednesday, 20 November 2013
Open Day at 5.30pm
Council Meeting commencing at conclusion of Open day

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

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

Yours faithfully

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

WARWICK L BENNETT
GENERAL MANAGER

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Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 6 November 2013

COUNCIL DECISION:

That the Minutes of the Ordinary Meeting held on 6 November 2013, Minute Nos 424/13 to 456/13 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are attached overleaf.

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 6 November 2013, commencing at 5.47pm and concluding at 6.55pm.

PRESENT	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), Manager Strategic Planning (Liz Densley), Manager Governance (I Roberts), Corporate Communications Officer (P Goldsmith).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (R Murray), Radio 2MG (C Bassett & M Heldon)

Item 1: Apologies

Apologies were received for the absence of Councillors Kennedy and Walker.

424/13 MOTION: Shelley / Weatherley

That the apologies for the absence of Councillor Kennedy and Walker be received and leave of absence granted.

The motion was put and carried.

Item 2: Disclosure of Interest

Councillor White declared a pecuniary conflict of interest in Item 6.1.2 as she is employed in the tourism industry.

Item 3: Confirmation of Minutes

425/13 MOTION: Weatherley / Webb

That the Minutes of the Ordinary Meeting held on 16 October 2013 (Minute Nos. 393/13 to 423/13) be taken as read and confirmed.

The motion was put and carried.

Item 4: Matters in Progress

Return of Royalties

426/13 MOTION: Shelley / White

That Minute no. 151/12 be noted as completed.

The motion was put and carried.

Rylstone Aerodrome

427/13 MOTION: Webb / Shelley

That Minute no. 299/13 be noted as completed.

The motion was put and carried.

General Manager's Performance Agreement 2013/14

428/13 MOTION: Webb / Shelley

That Minute no. 333/13 be noted as completed.

The motion was put and carried.

Rylstone Aerodrome Development – Payment of Fees and Charges

429/13 MOTION: Webb / Shelley

That Minute no. 380/13 be noted as completed.

The motion was put and carried.

Item 5: Mayoral Minute

There was no Mayoral Minute.

Item 6: General Business

6.1 NOTICES OF MOTION

6.1.1 KANDOS MUSEUM

GOV400022, A0100056, A0100035

430/13 MOTION: Shelley / Weatherley

That the opening of the Kandos Museum be delayed until Council has considered the comprehensive report with recommendation program of works from the General Manager which is expected in December 2013.

AMENDMENT: Thompson / Martens

That Council open the Kandos Museum as soon as possible and allocate \$100,000 from the \$1 million Cobbora Transition Fund.

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

Cr Martens asked that her name be recorded as having voted against the motion.

6.1.2 MUDGEE TOURISM AND COUNCIL EVENTS

GOV400022, A0100056, A0100035

Councillor White declared a pecuniary conflict of interest as she is employed in the tourism industry, left the meeting at 6.09pm and did not participate in discussion or vote in relation to this matter.

MOTION: Thompson / Martens

That Council be informed of the expected role of Mudgee Tourism and Council Events organisers towards tourist events in the Council area.

The motion was put and lost.

Councillor White returned to the meeting at 6.15pm.

6.1.3 VOTE COUNT AT MAYORAL AND DEPUTY MAYORAL ELECTIONS

GOV400022, A0100056, A0100035

MOTION: Thompson / Martens

That the Council Chambers be used to count the votes at the Mayoral and Deputy Mayoral elections

The motion was put and lost.

6.2 REPORTS TO COUNCIL

6.2.1 MA0015/2014 MODIFICATION OF DEVELOPMENT CONSENT DA0367/2013 FOR THE SUBDIVISION OF LOT 9 DP 1150667 AND LOT 1 DP 773024 INTO 70 RESIDENTIAL LOTS

GOV400029, A0100056, P2068561

431/13

MOTION: Weatherley / Shelley

That:

1. the report by the Statutory/Strategic Planner on the Modification of Development Consent DA0367/2013 for the subdivision of Lot 9 DP 1150667 and Lot 1 DP 773024 into 70 Residential Lots report be received;
2. Modification application MA0015/2014 be approved subject to the amended conditions of consent detailed below:

The approved plans have been modified in the following manner:

15. The developer is to upgrade Broadhead Road for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	6m @ 3% cross fall
Footpath Width	4.5 m
Concrete Footpaths	1.2 Wide
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Swales	Table drains, mitre drains, and culverts where necessary to comply with Council's stormwater to stormwater quality requirements.
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

15a) The developer is to upgrade Broadhead Road from the end of the seal to the proposed subdivision, such that it has a 6 metre wide road pavement width with a 1% one way cross fall towards the eastern side of the pavement.

16a) The new proposed roads one, two (2) and three (3) within the subdivision are to be constructed in accordance with the following:

Item	Requirement
Road Reserve width	18m
Pavement Width	9 m
Footpath Width	2 x 4.5 m
Concrete Footpaths	1 x 1.2 Wide
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

16b) Proposed road number four (4) within the subdivision is to be constructed in accordance with the following:

Item	Requirement
Road Reserve width	16m
Pavement Width	8 m
Footpath Width	2 x 4 m
Concrete Footpaths	1 x 1.2 Wide
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required

Mid-Western Regional Council

Date: 6 November 2013

Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

- 16c) Proposed road number five (5) within the subdivision is to be constructed in accordance with the following:

Item	Requirement
Road Reserve width	18m
Half Road Pavement Width	6m
Footpath Width	1 x 4.5 m
Concrete Footpaths	1 x 1.2 Wide
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Table drains, mitre drains, and culverts where necessary to comply with Council's stormwater to stormwater quality requirements.
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

20. The developer is to construct a Pedestrian/Cycle path that extends from the southern to the northern boundary of the development along the eastern side of the drainage reserve and the proposed detention basin at the development including connection to Road numbers 2 and 3. The path must be 2m wide and constructed in accordance with Ausroads 'Guide to Road Design Part 6A: Pedestrian and Cyclist Paths'.

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

Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Martens	✓	
Cr Shelley	✓	
Cr Thompson	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

6.2.2 MUDGEE COMMON PLAN OF MANAGEMENT

GOV400029, A0100056, F0650038

432/13

MOTION: Shelley / White

That:

1. the report by the Statutory/Strategic Planner on the Plan of Management for Mudgee Common, known as Lot 7304 DP1151583, 58 Common Road Mudgee, be received;
2. the Plan of Management for Mudgee Common, known as Lot 7304 DP1151583, 58 Common Road Mudgee, be adopted and forwarded to NSW Crown Lands for final approval.

The motion was put and carried.

6.2.3 STATE ENVIRONMENTAL PLANNING POLICY (MINING,
PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES)
2007 (MINING SEPP)

GOV400029, A0100056, A0420126

433/13

MOTION: Shelley / Weatherley

That:

1. the report by the Director, Development and Community Services on the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 be received;
2. Council make a submission in accordance with attachment 1 to this report.

The motion was put and carried.

MOTION: Thompson / Webb

That representations be made to the State Government to have this region declared part of the Upper Hunter coal fields rather than Western coal fields.

The motion was withdrawn.

6.2.4 PLANNING PROPOSAL MINOR AMENDMENTS – POST
EXHIBITION

GOV400029, A0100056, LAN900035

434/13

MOTION: Shelley / Martens

That:

1. the report by the Manager Strategic Planning on the Planning Proposal Minor Amendments – Post Exhibition be received;

2. Council exercise its plan making delegation under section 59 of the Environmental Planning and Assessment Act and request that the amendment to the LEP consistent with the intent of the Planning Proposal in relation to the following matters be made:

Amendment	Objective/Outcome
(a) Amendment to the R5 zone at Grattai – Lot 153 and 162 DP 756880,	Enable a dwelling to be erected on the lot
(b) Extension of the B3 Commercial Core zone over Lot 100 DP 1080880 (Mitre-10),	Consistent zone across the entire site
(c) Amend anomalies in the heritage schedule,	There were a small number of properties with incorrect descriptions
(d) Permissibility of camping in RE1 Public Recreation zone,	To amend the land use table for the RE1 zone to permit camping
(e) Amend an omission to the Lot Size Map – Lot 300 DP 1092535	To amend a mistake in the published Lot Size Map for this property in Perseverance Lane in Gulgong
(f) Reinstatement of Minimum Lot Size as per s73A Amendment No. 2	To correct a mistake on the Lot Size Map previously been corrected and subsequently undone in a mapping error to Amendment 4.

The motion was put and carried.

6.2.5 SEPTEMBER QUARTERLY BUDGET REVIEW

GOV400029, A0100056, FIN300061

435/13

MOTION: Shelley / White

That:

1. the report by the General Manager on the September Quarterly Budget Review be received;
2. the 2013/14 Operational Plan be amended in accordance with the variations as listed on pages 4 to 18 of the September 2013 Quarterly Budget Review;
3. Council notes that the amendments in the 2013/14 Operation Plan include the employment of a Senior Project Engineer for the roads capital works program;

4. Council decline the request for the NSW Origins Legends for the sum of \$10,000 towards their youth program for youth who have learning difficulties or other problems with attending school on a regular basis;
5. Council decline the request from Frontline Community Services for the sum of \$5,000 to set up a food care facility in Mudgee to provide free and low cost food to the most vulnerable individuals in our community;
6. Council decline the request from the Mudgee Civilian Rifle and Small Bore Club to fund materials for a fence on their property;
7. Council grants to the Kanandah Retirement Home the sum of \$4,650 for a wide hi-low bed to be funded from the Financial Assistance budget;
8. Council allocates the surplus funds in this quarterly budget review of \$120,000 to sealed roads maintenance to be used specifically for heavy patching and reseals;
9. the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure, be noted.

The motion was put and carried.

6.2.6 COUNCILLOR TRAINING

GOV400029, A0100056, A0110014

436/13

MOTION: Thompson / Webb

That:

1. the report by the General Manager on the Councillor training be received;
2. Council authorises the General Manager to approve individual Councillors' training as required and to report that training as part of the normal quarterly budget reviews.

The motion was put and carried.

6.2.7 FINANCIAL ASSISTANCE APPLICATIONS

GOV400029, A0100056, A0140201

437/13

MOTION: Webb / White

That:

1. the report by the General Manager 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 Triathlon Club	\$1200
Rylstone & Districts Pony Club Inc	\$648
Heartmovers	\$1000

3. Council hold the bond of \$150 paid by Rylstone & Districts Pony Club for the use of Rylstone Showground throughout the remainder of the year.
4. The following amounts be distributed from Councillor discretionary funds:

Councillor	Recipient	Amount
Cr Webb	Mudgee District Farmers Association tertiary scholarship for Australia Day	\$500
	New sign for Mudhut Creek Road indicating Spiny Burrgrass	\$300
Cr Martens	Iford Public School for prizegiving	\$200
	Rylstone Pensioners Seniors Planning Luncheon	\$250
	Kandos Pensioners Seniors Planning Luncheon	\$250
Cr Thompson	Cudgong Learning Community	\$200
	Gulgong Public School for prizegiving	\$200

The motion was put and carried.

6.2.8 CUDGONG RIVER FOOTBRIDGE

GOV400029, A0100056, COR400047

438/13

MOTION: Weatherley / Thompson

That:

- the report by the Director, Mid-Western Operations on the Cudgong River Footbridge be received;
- Council accepts J & R Industries for tender 2013/12 for Cudgong River Footbridge and that Council enter into a contract with J & R Industries in accordance with clause 178 of the Local Government (General) Regulation 2005.

3. Council authorises the General Manager to finalise and execute the contract on behalf of Council with J & R Industries for Tender 2013/12 Cudgegong River Footbridge for the sum of \$392,715.00 (excl. GST)
4. Council authorises the General Manager to approve variations to this contract of up to 5% from the tendered amount
5. The unsuccessful tenderer(s) be notified that their tenders were unsuccessful.

The motion was put and carried.

6.2.9 GRANT TO BLUE MOUNTAINS MAYORAL RELIEF FUND

GOV400029, A0100056, A0180141

439/13 MOTION: Thompson / Shelley

That:

1. the report by the General Manager on the Grant to Blue Mountains Mayoral Relief Fund be received;
2. Council grant to the Blue Mountains City Council Mayoral Relief Fund the sum of \$12,500 to assist the residents of that community in their recovery actions after the devastating fires of October 2013 to be funded from the Finance Assistance provision in the 2013/14 budget.

The motion was put and carried.

6.2.10 RESOURCES FOR THE REGION ROUND 2

GOV400029, A0100056, A0820020

440/13 MOTION: Shelley / Weatherley

That:

1. the report by the General Manager on the Resources for the Region Round 2 be received;
2. Council makes application by way of expressions of interest to Infrastructure NSW for the following projects for Round 2 of the Resources for Regions:
 - Caerleon Housing Development – Fairydale Lane
 - Caerleon Housing Development – water supply mains and reservoir
 - Caerleon Housing Development – Spine Road and Hill End Road
 - Mudgee Airport
 - Preschool and Childcare facility
 - Cope Road - Gulgong

- **Bylong Bridge - Rylstone**
- **Alternate Hunter Access Mine - Wollar - Bylong Road**
- **Bylong Valley Way**
- **Henbury Bridge Project**

The motion was put and carried.

6.2.11 YOUTH COUNCIL 2013/14 EXPENDITURE AND TERMS OF REFERENCE

GOV400029, A0100056, A0060048

441/13

MOTION: Weatherley / Shelley

That:

1. the report by the Manager, Community Services on the Youth Council 2013/14 Expenditure and Terms of Reference be received;
2. the Youth Council recommendation regarding allocation of funds be endorsed by Council as follows:
 - \$5,000 – Short Film Workshops
 - \$5,000 – Youth Events managed by the Youth Council and Manager Community Services.
 - \$15,000 – Small Youth related Infrastructure Project to be nominated by the Youth Council and managed by Manager Community Services including youth rooms in the Regional branch libraries.
 - \$5,000 Holiday Programs which are specially focussed in the villages.
 - \$10,000 towards the Kandos Loft to expand the service back to 2 days per week.
 - \$2,000 – Youth Week to match grant funding
 - \$8,000 – Region Wide Youth Programs managed by Manager Community Services.
3. Council commend the Youth Council for their excellent work.

The motion was put and carried.

6.2.12 THE LAND SYDNEY ROYAL SHOWGIRL COMPETITION

GOV400029, A0140201

442/13

MOTION: Martens / Thompson

That:

1. the report by the General Manager on the The Land Sydney Royal Showgirl Competition be received;
2. Council sponsor The Land Sydney Royal Showgirl Competition the sum of \$607 being \$107 for the Rylstone Hall hire and \$500 as

a cash sponsorship with the monies coming from the Financial Assistance provisions in the budget.

The motion was put and carried.

6.2.13 RYLSTONE ECO VILLAGE LTD

GOV400029, A0100056, P1528862

443/13

MOTION: Weatherley / Webb

That:

1. **the report by the General Manager on the Rylstone Eco Village Ltd be received;**
2. **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).**
3. **Council not offer any deferred payment for rates to the Rylstone Eco Village Ltd as adequate provisions exist in the rating legislation.**

The motion was put and carried.

Cr Thompson asked that his name be recorded as having voted against the motion.

6.2.14 COBBORA HOLDING COMPANY – VOLUNTARY PLANNING AGREEMENT

GOV400029, A0100056, A0420213

444/13

MOTION: Shelley / Weatherley

That:

1. **the report by the General Manager on the Cobbora Holding Company – Voluntary Planning Agreement be received;**
2. **Council endorse the Voluntary Planning Agreement with Cobbora Holding Company for the Cobbora Coal Project, and authorise the Mayor and the General Manager to affix the common seal of the Council thereto.**

The motion was put and carried.

6.2.15 ANNUAL REPORT ON CODE OF CONDUCT MATTERS

GOV400029, A0100056, A0110003

445/13 MOTION: Shelley / Weatherley

That the report by the Manager Governance on the Annual Report on Code of Conduct Matters be received.

The motion was put and carried.

6.2.16 COMPARATIVE INFORMATION ON NSW LOCAL
GOVERNMENT

GOV400029, A0100056, A0170031

446/13 MOTION: Shelley / Webb

That the report by the General Manager on the Comparative Information on NSW Local Government be received.

The motion was put and carried.

6.2.17 ANZAC PARK

GOV400029, A0100056, F0650003

447/13 MOTION: Webb / Shelley

That:

1. the report by the Business Manager Resources & Recreational on the Anzac Park be received;
2. a report be presented to Council as to the cost to Council of relocating the bomb and the structure required to protect the bomb.

The motion was put and carried.

6.2.18 HOME AND COMMUNITY CARE SERVICES – QUARTERLY
REPORT

GOV400029, A0100056, COS53000013, COS53000023, COS53000025, COS53000026

448/13 MOTION: Shelley / White

That:

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

The motion was put and carried.

6.2.19 MUDGEE SEWERAGE AUGMENTATION PROGRESS REPORT

GOV400029, A0100056, A0100055, F0740001

449/13

MOTION: Martens / Webb

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

The motion was put and carried.

6.2.20 GULGONG SPORTS COUNCIL

GOV400029, A0100056

450/13

MOTION: Shelley / Webb

That:

1. the report by the Director, Mid-Western Operations on the Gulgong Sports Council be received;
2. That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 10 August and 25 September 2013 be noted.

The motion was put and carried.

6.2.21 MUDGEE SPORTS COUNCIL

GOV400029, A0100056, A0100013

451/13

MOTION: Shelley / Webb

That:

1. the report by the Director, Mid-Western Operations on the Mudgee Sports Council be received;
2. That the minutes for the Mudgee Sports Council ordinary monthly meeting held on 26 August 2013 be noted.

The motion was put and carried.

6.2.22 SCORES ON DOORS – A FOOD SAFETY INITIATIVE

GOV400029, A0100056, A013004

452/13

MOTION: Weatherley / White

That:

1. the report by the Manager, Health and Building on the Scores on Doors – A food safety initiative be received;
2. That the scores on doors program be adopted by Council and implemented during the next round of food safety inspections.

The motion was put and carried.

6.2.23 TRANSFER OF WATER LICENCE

A0100056, F0780005, P0309411

453/13

MOTION: Shelley / Webb**That:**

1. the report by the Manager Governance on the transfer of water licence WAL34281 be received.
2. Council agree to the transfer of this water licence to Mr Mitchell Clapham.
3. Authority be granted for the transfer to be executed under the Common Seal of Council.

The motion was put and carried.

6.2.24 NBN IN THIS REGION

GOV400029, A0100056, A0070005

454/13

MOTION: Martens / Weatherley**That:**

1. the report by the General Manager on the NBN in this Region be received; and
2. Council write to the Federal MP for this Region, Mr Mark Coulton, and seek an explanation as to why the NBN rollout has ceased in this Region after the process had commenced and commitments made, and further seek an undertaking from the Federal Government as to when the NBN rollout is likely to recommence.

*The motion was put and carried.***Item 7: Urgent Business Without Notice**

There was no Urgent Business Without Notice

Item 8: Confidential Session

455/13

MOTION: Martens / 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: **Compliance – Existing Swim School (Recreation Facility), Lot 2 DP 533466, 87 Short Street, Mudgee**

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

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

Following an enquiry from the Deputy 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.

8.1.1 Compliance - Existing Swim School (Recreation Facility), Lot 2 DP 533466, 87 Short Street, Mudgee

GOV400029, A0100056, P131706

MOTION: Thompson/

That:

1. the report by the Director, Development and Community Services on the Compliance of the Existing Swimming School at Lot 2 DP 533466, 87 Short Street, Mudgee;
2. Council support the action of staff and acknowledge the need for serving the Emergency Order under the Environmental Planning and Assessment Act 1979 due to concerns regarding the operation of the facility and the risk to public safety;
3. Council work with Mick's Swim School to seek any appropriate Council or State Government grants to assist with the upgrade of this premise for which the business is eligible.

The motion lapsed for want of a seconder

456/13 MOTION: Shelley / Weatherley

That:

1. the report by the Director, Development and Community Services on the Compliance of the Existing Swimming School at Lot 2 DP 533466, 87 Short Street, Mudgee;
2. Council support the action of staff and acknowledge the need for serving the Emergency Order under the Environmental Planning

and Assessment Act 1979 due to concerns regarding the operation of the facility and the risk to public safety.

The motion was put and carried.

Item 9: Open Council

The Manager Governance announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 6.55pm.

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.
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 was determined at last Council meeting. RECOMMEND COMPLETION
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 was determined at last Council meeting. RECOMMEND COMPLETION
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 was determined at last Council meeting. RECOMMEND COMPLETION

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Purchase of Medical Centre, Gulgong	Res. 327/13 Ord Mtg. 21/08/13	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.	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.
Events Management and Financial Assistance Budget	Res. 328/13 Ord Mtg. 21/08/13	4. during the next Quarterly Review, Council increase the funding to the Events Management and Financial Assistance budgets.	This matter was determined at last Council meeting. RECOMMEND COMPLETION
Triamble Road Resident Proposal	Res. 405/13 Ord Mtg. 16/10/13	That: 3. Council seeks legal advice as to whether compensation is payable on land taken for road reserve through the Echo property in accordance with the points made in the public submissions; and 4. Council investigates whether the road through Echo property was ever gazetted as a military road.	Investigations into this matter have commenced and legal advice being sought.
Anzac Park	Res. 447/13	That: 2. a report be presented to Council as to the cost to Council of relocating the bomb and the structure required to protect the bomb.	The report will be presented to Council in December 2013.

Item 5: Mayoral Minute

Nil.

Item 6: General Business

6.1 Rescission Motions

6.1.1 Planning Proposal – Ulan Road

RESCISSION MOTION TO 20 NOVEMBER 2013 COUNCIL MEETING

131120 Public

GOV400029, GOV400022

We, the undersigned Councillors, give notice of our intention that the resolution of the Council Meeting on 1 May 2013 in relation to the Planning Proposal at 220 Ulan Road:

MOTION: Walker/Cavalier

That:

1. the report by the Manager Strategic Planning on the Planning Proposal – 220 Ulan Road Mudgee be received;
2. Council prepare an amending Local Environmental Plan for 220 Ulan Road to provide for residential development;
3. the Planning Proposal under section 55 of the Environmental Planning and Assessment Act for 220 Ulan Road Mudgee be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination;
4. a further report be presented to Council upon the completion of the exhibition addressing any submissions.

AMENDMENT: White/Martens

That consideration of this matter be deferred to permit preparation of a more detailed report including a study into the impact on adjoining land.

The amendment was put and lost.

The motion was put and lost on the casting vote of the Chairperson.

be and is hereby rescinded.

COUNCILLOR MAX WALKER

SIGNATURE

COUNCILLOR PAUL CAVALIER

SIGNATURE

COUNCILLOR JOHN WEATHERLEY



SIGNATURE

COUNCILLOR PETER SHELLEY



SIGNATURE

In the event that this Rescission Motion is carried, we propose to move the following motion:

That:

- 2. Council prepare an amending Local Environmental Plan for 220 Ulan Road to provide for low density residential development with a minimum lot size of 2000m²;**
- 3. the Planning Proposal under section 55 of the Environmental Planning and Assessment Act for 220 Ulan Road Mudgee be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination;**
- 4. a further report be presented to Council upon the completion of the exhibition addressing any submissions.**

Background

Please find attached the report of the Manager, Strategic Planning on the Planning Proposal at 220 Ulan Road (Attachment 1). This report supplies all the background information required.

General Manager's comment

For completeness and information of the community, the owner of this property is Councillor Des Kennedy. The attached report makes comment that it's Mr Des Kennedy and they should be referred to as one and the same.

11 November 2013

1.1.1 Planning Proposal – 220 Ulan Road Mudgee

REPORT BY THE MANAGER STRATEGIC PLANNING TO 1 MAY 2013 COUNCIL MEETING
ATTACH 1 Planning Proposal 220 Ulan Road Mudgee
A0100056, A0420258

RECOMMENDATION

That:

1. the report by the Manager Strategic Planning on the Planning Proposal – 220 Ulan Road Mudgee be received;
2. Council prepare an amending Local Environmental Plan for 220 Ulan Road to provide for residential development;
3. the Planning Proposal under section 55 of the Environmental Planning and Assessment Act for 220 Ulan Road Mudgee be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination;
4. a further report be presented to Council upon the completion of the exhibition addressing any submissions.

Executive summary

The purpose of this report is to resolve to prepare an amending LEP for land at 220 Ulan Road Mudgee being Lot 1 DP 1000182 (refer Figure 1 below). The Planning Proposal (PP) has been prepared by Minespex on behalf of Mr Des Kennedy to amend the Mid-Western Regional Local Environmental Plan 2012 (LEP 1012) Lot Size Map to facilitate subdivision to a minimum of 2000m².

Figure 1 Subject Site



Detailed report

Council adopted a Comprehensive Land Use Strategy (CLUS) which was endorsed by the Department of Planning and Infrastructure in August 2011. The CLUS acknowledged the site as having potential for future large lot residential development and was subsequently zone R2 Low Density Residential in the LEP 2012.

Unprecedented growth in the resources sector, in particular mining, has placed enormous pressure on the local housing market to a point where demand for vacant residential land is outstripping supply. A Local Services Assessment commissioned by the state government reports that the region could see the population increase to 33,100 by 2030 and result in a lot deficiency of 1200 in 2021 and 3896 in 2030. While this is the high growth scenario, there is no doubt that there will continue to be pressure on the property market above historic growth rates. This issue has been address to some extent by Planning Proposals for the Caerleon precinct (set to deliver around 1000 residential lots of various sizes), Saleyards Lane Planning Proposal (350-400 lots to 600m²) and Bellevue Road (35 lots to 600m²).

The Planning Proposal before Council has been prepared for Lot 1 DP 1000182 and will increase the residential yield of the site by 64 lots to 136 lots. The concept plan (below) includes a range of lot sizes from 6000m² to 2000m² and includes opportunities for connectivity with adjoining land. The proposal fronts Ulan Road, however access is limited to a single point and a lot configuration that ensure that development of the site can be undertaken having regard to the visual impact of on Ulan Road. The development is proposed to be completed in 6 stages of between 19 and 36 lots (indicative).



The land is currently zoned R2 Low Density Residential with a minimum lot size of 4000m². The PP does not propose to amend the zone, rather reduce the minimum subdivision size from 4000m² to 2000m².

The proposal includes:

- A concept plan a lot layout (above)
- An area for a detention basin and SPT for stages 4-6
- Open space
- Pedestrian/cycle link to Moggs Lane
- Connectivity through the site to accommodate orderly development of adjoining zoned land.

At this stage the lot layout is indicative only and any future development of the site would be subject to a development application for subdivision.

Servicing

Water and sewer are available and the site can be connected to the town water and sewer reticulation systems. As indicated above, stages 4-6 will require the installation of a sewerage pump station.

Reticulated water is available through the existing water reticulation system for both this site and the potential for another 170 on adjoining land in the future but not within the current levels of service adopted by Council without augmentation of the existing supply system. The options available for water supply will need to be negotiated with the proponent at the development application stage and may result in a reduction of pressure for existing dwellings.

Provisions

The intended outcome of the planning proposal is to enable residential development across the precinct. The amendment to the LEP will be an amendment to the Minimum Lot Size Map to reflect a minimum lot size of 2000m².

The detailed Planning Proposal to be submitted for Gateway Determination is Attachment 1.

Financial implications

Not applicable.

Strategic or policy implications

The planning proposal will reinforce the direction of growth as set through the Comprehensive Land Use Strategy and provide certainty in terms of the ongoing supply of residential land in the short term.

ELIZABETH DENSLEY
MANAGER STRATEGIC PLANNING



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY
SERVICES

15 April 2013

Attachments: 1. Planning Proposal (following at the end of the Business Paper)

APPROVED FOR SUBMISSION:



BRAD CAM
ACTING GENERAL MANAGER

6.2 Reports

6.2.1 Planning Proposal – Motel 16 Sydney Road Mudgee

REPORT BY THE ENVIRONMENTAL TOWN PLANNER TO 20 NOVEMBER 2013 COUNCIL MEETING
131120 Public
GOV400029, A0420246

RECOMMENDATION

That:

- 1. the report by the Environmental Town Planner on the Planning Proposal Motel 16 Sydney Rd be received;**
- 2. council proceed to amend the MWRC LEP 2012 to include a Motel as a Schedule 1 Use on the site 16 Sydney Rd, Mudgee.**

Executive summary

On 20 March 2013, council resolved to:

- 2. Council continue to negotiate with the Department of Planning for the amendment to be a Scheduled Use (motel) rather than change the zone of the site to SP3 Tourist;*
- 3. should the Department of Planning and Council fail to reach an agreement on the use of Schedule 1, the applicant be advised that Council no longer support the Planning Proposal.*

Subsequently, negotiations have been ongoing with the Department of Planning and a revised Gateway Determination has been issued which advises that the Department has delegated its plan making powers to council in this instance, permitting the use of schedule 1.

Integral to the revised determination was the applicant's submission of traffic impact information to the department, with in-principle approval correspondence from the Roads and Maritime Services.

The planning proposal was re-advertised following the departments revised advice and no submissions have been received by council in relation to the amendment.

Accordingly, it is now recommended a motel be included in the Schedule 1 Additional Uses for the site in the MWRC LEP 2012.

Detailed report

Council received a Planning Proposal from Minespex seeking rezoning of 16 Sydney Road, Mudgee from land use zone B5 Business Development to land use zone SP3 Tourist to facilitate construction of a Motel on the site.

The subject site is located approximately 2 km south east of the Mudgee Central Business District. It is composed of one lot, legally described as Lot 101 Deposited Plan 880939 that has an area of 8,408m². It contains a brick veneer dwelling c1950 and associated buildings at the southern end of the site. Its eastern boundaries adjoin Sydney Road and the Wallerawang Gwabegar Railway adjacent to their intersection. It is surrounded by industrial and bulky goods areas to the south; agricultural areas to the east; industrial, bulky goods and residential accommodation to the north; and private recreational area (Mudgee Golf Club) to the west.

As discussed in the original and subsequent reports, Council introduced an SP3 Tourism Zone into the LEP 2012. This zone extends along the southern side of Horatio Street and also applies to the motel and caravan park at the northern end of Market Street at the entrance to Mudgee. However, simply applying the SP3 Tourist zone to the site opens the possibility of inappropriate uses being developed other than a motel; for instance dwellings, multi-unit housing, residential flat buildings and function centres which are all prohibited in the B5 Business Development zoned.

It has been appropriate to explore alternatives for the planning proposal, namely the use of Schedule 1 of the LEP. The LEP 2012 includes provisions in clause 2.5 to enable additional permitted uses in a zone in which the use would otherwise be prohibited. Initially the Department of Planning resisted such an approach as Department circulars clarify that the schedule should only be used in exceptional circumstances. However it is considered that this is one such instance. As discussed in the original report a motel on the site has merit.

A motel, would be for short term accommodation, require regular deliveries and have a bulk and scale similar to industrial developments to the south along Sydney road. The residential area to the north contains motels and multiple dwelling developments in close proximity and surrounds an extension of the industrial area. The area is mixed and would not be incompatible with a motel on the site. In addition, the Railway, Sydney Road, and the Lions Rest area create a notable buffer between the site and residential area which would minimise a motels impact on its amenity. The site is part of a broader transitional area that would not likely be sensitive to another motel.

The merits of a motel on the site have now been further supported by the Department of Planning following the submission of additional information by the applicant. The information, addressing traffic impacts, was coupled with correspondence giving in-principle support for a motel on the site by the Roads and Maritime Services. Accordingly they have delegated the plan making powers. This involves council liaising with Parliamentary Counsel to finalise the amendment and forward it directly to the minister to be made.

In respect of these merits and outcomes of the gateway process it is recommended that the planning proposal is now incorporated into the LEP 2012 under Clause 2.5 and schedule 1 specifying that a motel is an additional use for the site.

Financial implications

Not applicable.

Strategic or policy implications

The revised gateway determination confirms the original intention that the amendment be by way of a permissible use in Schedule 1 of the LEP 2012 rather than change the zone or land use tables. A motel on the site has merit and is supported in principle by the RMS, primarily because the site is part of a broad transitional area that would not be sensitive to a motel. Accordingly, the proposal can be seen as having exceptional circumstances and is appropriate to be included as an amendment to LEP 12 as an inclusion as an additional use in Schedule 1.



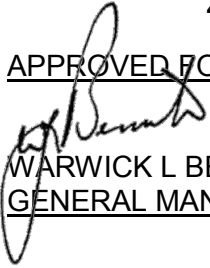
CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY
SERVICES

ALEX NOAD
ENVIRONMENTAL TOWN PLANNER

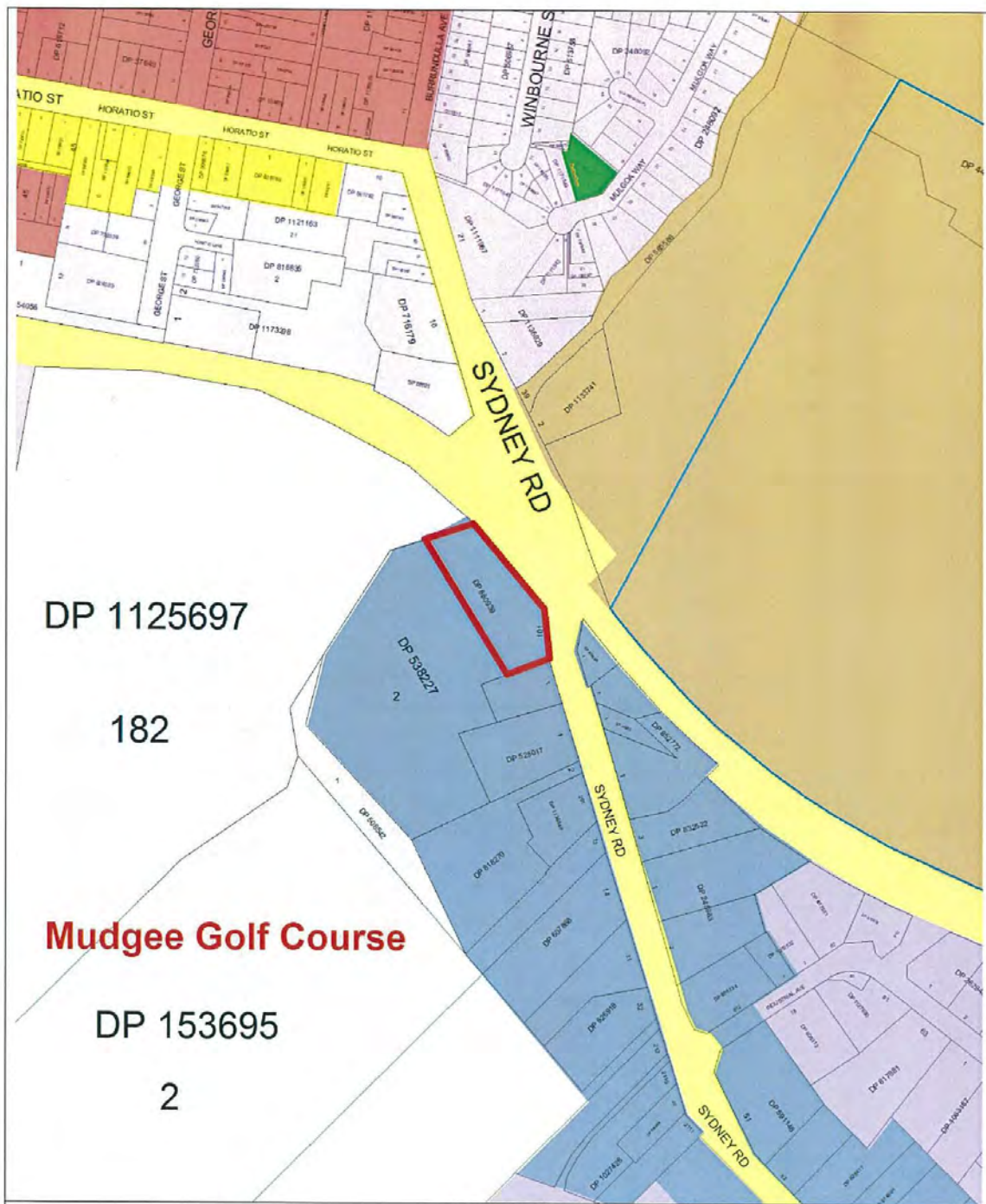
6 December 2012

- Attachments:*
1. Gateway Determination
 2. Delegation
 3. RMS Support
 4. Traffic Impact Statement

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER












Map Scale: 1:5,115

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



Printed on Tuesday, 12 November 2013



Contact: Dan Wagner
Phone: (02) 6841 2180
Fax: (02) 6884 8483
Email: daniel.wagner@planning.nsw.gov.au
Postal: PO Box 58, Dubbo NSW 2830

Our ref: PP_2013_MIDWR_002_00 (13/02094)
Your ref: A0100056, A0420246

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

Dear Mr Bennett

Request for revised Gateway Determination – 16 Sydney Road, Mudgee

I am writing in response to your Council's request for a revised Gateway Determination under section 56(7) of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal at 16 Sydney Road, Mudgee.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Revised Gateway Determination.

Council is to proceed with the planning proposal as originally submitted to the Department on 12 January 2013, which seeks to include Tourist and Visitor Accommodation as an Additional Permitted Use under Schedule 1 of the *Mid-Western Regional Local Environmental Plan 2012* at 16 Sydney Road, Mudgee.

The Minister delegated his plan making powers to Councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amended LEP is to be finalised within 9 months of the week following the date of the revised Gateway Determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Mr Dan Wagner of the Department of Planning and Infrastructure's Dubbo Regional Office on 02 6841 2180.

Yours sincerely



Neil McGaffin 21.6.13.
Executive Director
Rural and Regional Planning

Enc.
Revised Gateway Determination
Authorisation for Delegations
Delegated Reporting Template

Revised Gateway Determination

Planning proposal (Department Ref: PP_2013_MIDWR_002_00): to include Tourist and Visitor Accommodation at 16 Sydney Road, Mudgee as an Additional Permitted Use under Schedule 1 of the Mid-Western Regional Local Environmental Plan 2012.

I, the Executive Director, Rural and Regional Planning, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(7) of the EP&A Act that an amendment to the Mid-Western Regional Local Environmental Plan (LEP) 2012 to include Tourist and Visitor Accommodation at 16 Sydney Road, Mudgee as an Additional Permitted Use under Schedule 1 of the LEP should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to provide additional traffic information to address any implications the proposal may have on the road network during the construction and operation of the tourist facility.
2. Prior to undertaking public exhibition, Council is to also amend the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of *A guide to Preparing Planning Proposals (Department of Planning & Infrastructure 2012)*. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)* and must be made publicly available for **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW – Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the revised Gateway determination.

Dated 21st day of June 2013.



Neil McGaffin
Executive Director
Rural and Regional Planning
Delegate of the Minister for Planning
and Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Mid-Western Regional Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:


Number	Name
PP_2013_MIDWR_002_00	The planning proposal seeks to include Tourist and Visitor Accommodation at 16 Sydney Road, Mudgee as an Additional Permitted Use under Schedule 1 of the Mid-Western Regional Local Environmental Plan 2012.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 21st June 2013

A handwritten signature in blue ink, appearing to read 'Neil McGaffin', written over a horizontal line.

Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure

	 Transport Roads & Maritime Services
WST13/00106	

Mr Jim Disher
Jabek Pty Limited
46A Market Street
MUDGEES NSW 2850

Dear Sir,

Proposed motel; Lot 101 DP 880939, 16 Sydney Road Mudgee

Thank you for your email on 5 September 2013 forwarding preliminary drawings of a proposed motel at the above-mentioned land. Reference is also made to a site meeting attended by you, Barry Swords and Andrew McIntyre on 17 September 2013.

It is noted that the proposed development involves the construction of a 60 unit motel and restaurant/conference room.

As discussed on-site, Roads and Maritime Services in principle, does not object to the proposal but will await the lodgement of a Development Application (DA) and referral from Mid Western Regional Council before deciding whether to issue concurrence under Section 138 of the *Roads Act 1993*.

To assist you in the preparation of the DA, the following advice is provided:

- The proposed access to the subject land should be moved as far south as possible.
- A traffic assessment will need to be included in the DA addressing car parking and traffic generation. Justification will need to be provided where a reduction in on-site car parking is proposed on the basis that facilities provided in the motel development will be used in conjunction with other facilities on-site (e.g an occupant of a motel unit also attending a meeting in the conference room therefore only requiring 1 car space instead of 2).
- The traffic assessment will determine the level of access treatment, however based on discussions held on-site it is likely that an extension of the existing Two Way Right Turn Lane (TWRTL) in Sydney Road to service the subject land will provide an adequate level of safety for vehicles turning right into the development. At a minimum, the TWRTL would need to provide storage space for 2 vehicles waiting to turn right into the motel development. Section 8.3.4 of the RTA Delineation Manual will assist in the design of this extension. To access the delineation manual go to:
www.rms.nsw.gov.au/doingbusinesswithus/downloads/technicalmanuals/delineation/delineationsect8_i.pdf

Roads and Maritime Services

51-55 Currajong Street Parkes NSW 2870
PO Box 334 Parkes NSW 2870 DX 20256
www.rms.nsw.gov.au | 13 17 82

Jabek Pty Limited

Land Development Consultants
ABN: 52155702686

107-125 Bellevue Road
MUDGEE NSW 2850

Phone: 02 63721818
Mobile: 0427721818

Email: crooks.jabek@yahoo.com.au

19th September, 2013
Our Ref: BK101

General Manager
Mid Western Regional Council
86 Market Street
Mudgee, NSW 2850

Dear Sir,

RE: - PROPOSED REZONING – 16 SYDNEY ROAD, MUDGEE – TOURIST AND VISITOR ACCOMMODATION DEVELOPMENT - SUPPLEMENTARY TRAFFIC INFORMATION

Jabek Pty Ltd has been engaged by Deleki to provide information on expected traffic generation due to the above development to address the additional information requested by the Department of Planning and Infrastructure in their Revised Gateway Determination dated 21st June, 2013.

Proposed Development

The proposed rezoning at 16 Sydney Road, Mudgee is to facilitate the development of a tourist and visitor accommodation development consisting of an 80 bed motel.

Information on the proposed rezoning, including background information, site zoning details, environmental, social and economic impacts and site concept plan, has been previously provided in the planning proposal prepared by Minespex Pty Ltd and will not be included in this report.

The development will be accessed from Sydney Road, which forms part of the Castlereagh Highway (HW18). The road frontage to Sydney Road is approximately 47.5m long.

Supplementary Traffic Information – Planning Proposal, 16 Sydney Road, Mudgee

Expected Traffic Generation

The expected traffic increase generated by the development is shown in the table below for the completed fully operational development. Heavy vehicles have not been included as the development will not likely generate heavy vehicle traffic, only light and medium service vehicles. Heavy vehicle generation will be addressed during the construction phase of the development.

Number of motel rooms in development	Daily Vehicle Trips (fully operational)	Peak Hour Vehicle Trips (fully operational)
80	240*	32

Table 1: Expected Increase In Traffic Due to Development – Operational Phase (Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development)

Estimated figures for traffic generation during the construction phase of the development have been provided in the table below. Figures were estimated taking into account activities such as bulk excavation/earthworks, materials delivery (concrete, building supplies, precast units, precast trusses/frames, steel, etc.), site establishment and demobilisation. It is anticipated that the bulk earthworks design will generate a balanced cut/fill, lessening the requirement for heavy vehicles to transport material to and from site.

Daily light vehicle trips	Peak hour light vehicle trips	Daily heavy vehicle trips	Peak hour heavy vehicle trips
50	15	10 total	3

Table 2: Expected Increase In Traffic Due to Development - Construction Phase (Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development)

In order to reduce the impact of heavy vehicles during the construction phase of the project actions may be implemented such as requiring heavy vehicles to deliver materials to site outside of peak hour times if possible, and to use designated entry/exit points and appropriate traffic control if required. These measures may be further explored after a development application has been lodged and traffic impacts can be fully assessed.

Traffic Impacts

The Mudgee Traffic Study (Gennaoui, 2008) predicted the future traffic volume for the road system in and around Mudgee based on an additional 610 residential lots fully developed in the South Mudgee area. These traffic figures along with the increase in traffic volume due to this development and the corresponding level of service post development are shown in the table below:

	Future Predicted Daily Traffic	Increase in Daily Traffic Volume (due to development)	Volume Post Development
Sydney Road (At rail crossing)	9596	240	9736

Table 3: Expected Increase in Traffic Due to Development and Corresponding Level of Service- Peak Hour

Volumes

	Future Predicted Peak Hour Traffic (from 2008 traffic study)	Level of Service	Increase in Peak Hour Volume (due to development)	Volume Post Development	Level of Service Post Development
Sydney Road (At railway crossing)	1178 Total (603 N/E, 575 S/W)	A	32	1210	A

Table 4: Expected Increase in Traffic Due to Development and Corresponding Level of Service- Daily Volumes

It can be seen from the tables above that the traffic generated by the development will not alter the level of service of the surrounding road network and the increase in peak hour and daily traffic volumes will be minor.

Access to the Development

Access to the development will be from Sydney Road. The property frontage along Sydney Road is sufficient to allow construction of an access from the Southern boundary of the development.

Roads and Maritime Services (RMS) has been contacted and a site meeting was held with an RMS representative on 17th September to discuss the development and determine the

Supplementary Traffic Information – Planning Proposal, 16 Sydney Road, Mudgee

appropriate treatment method to ensure the safety of the Motel users turning right into the development from Sydney Road (and out of the development on to Sydney Road), as currently there is no provision for a safe right hand turn into and out from the development.

RMS correspondence is attached in Appendix A and states that RMS is favourable to constructing an extension of the existing Two Way Right Turn Lane (TWRTL) in Sydney Road and including a storage space capable of storing two cars waiting to turn right into the motel.

RMS also recommended pavement testing be conducted to confirm the suitability of the existing pavement, as the TWRTL extension will require traffic to use the edges of the existing travel lanes. Plans for the TWRTL extension and pavement testing will be conducted when a Development Application for the motel is lodged with Mid Western Regional Council.

JABEK PTY LIMITED



(J.Disher)

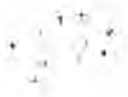
ENGINEER

References

AUSTROADS (2009), "Guide to Traffic Management Part 12: Traffic Impacts of Development".

AUSTROADS (2005), "Guide to Traffic Engineering Practice – Part 5: Intersections at Grade".

Gennaoui Consulting Pty Ltd (2008), "Mudgee Traffic Management Study", March 08, Revision H, Pennant Hills, NSW



APPENDIX A

Correspondence from Roads and Maritime Services Road Safety and Traffic Manager received 18/09/13.

6.2.2 DA0043/2014 – Subdivision (1 Lot into 2 Lots), 6 Avisford Court Mudgee, Lot 2 DP 1175532

REPORT BY THE ENVIRONMENTAL TOWN PLANNER TO 20 NOVEMBER 2013 COUNCIL MEETING
131120 Public
GOV400029, A0100056, P21689

RECOMMENDATION

That:

1. **the report by the Environmental Town Planner on the DA0043/2014 - Subdivision (1 Lot into 2 Lots) 6 Avisford Court Mudgee be received;**
2. **the Development Application DA0043/2014 the DA0043/2014 - Subdivision (1 Lot into 2 Lots) 6 Avisford Court Mudgee be refused for the following reasons:**
 - a) **The proposed lots do not meet the requirement for reticulated water services in order to activate the Area B Minimum Lot Size requirements specified in Clause 4.1(3A) of the MWRC LEP 2012.**
 - b) **Adequate justification under Clause 4.6 Exception to Development Standards of the MWRC LEP 2012 that the requirement for reticulated water services is unreasonable or unnecessary in the circumstances has not been provided.**
 - c) **The non-provision of reticulated water services will erode water pressures in the vicinity to unacceptable pressures in a suburban area of Mudgee where continuous water at reasonable pressures is expected by residents.**
 - d) **The holding tank and single user water pump stations arrangements proposed will not provide reliable water services to future dwellings and cause 3 adjoining lots to rely on such systems. Pressure will be placed on council to take up, upgrade, and maintain these systems by future residents.**
 - e) **The proposed lots will not have essential services under Clause 6.9 of the MWRC LEP 2012 in respect of supply of water in that it will not have reticulated water supply, or suitable road access in that Lot 202 will not have direct road frontage to Avisford Court.**
 - f) **The non-provision of 6m wide direct road frontage to Avisford Court for Lot 202 does not comply with the requirements of Clause 7.1 of the Development Control Plan 2013. It will create a 3 way contested driveway arrangement that will cause conflict between traffic from three lots and future owners in respect of maintenance.**
 - g) **The subdivision does not integrate with existing residential area as required by Clause 7.1 of the Development Control Plan 2013 in that the lots will not be provided with reticulated water supplies or have direct street frontage.**
 - h) **The 5m wide battle-axe handle and services easement provided a minimal width for the provision of water, sewer and stormwater lines from future**

dwelling to council infrastructure in Avisford Court. This arrangement will cause conflict during construction and maintenance of the lines required between future owners.

- i) The subdivision contravenes the conditions of DA0304/2011 and the covenants on the existing lots title made by council. The Conditions and Covenants prohibit further subdivision of the lot and construction of dual-occupancies. The application will subdivide the lot and facilitate two dwellings on the lots having the same impacts on visual amenity and water pressures etc, as a dual occupancy on the existing lot.**

Executive summary

The application seeks approval for the subdivision of the site from one lot into two lots. The lots are not serviced with reticulated "gravity fed" water services. They also rely on a battle axe handle frontage to Avisford Court with a reciprocal right of ways servicing them and an adjoining lot 6A Avisford Court to the east.

In Area B of the MWRC LEP 2012 lots can be subdivided to 4000m² provided they are serviced with reticulated water and sewer services. As the lots are not provided with reticulated water the subdivision does not comply with the requirements to activate the Area B Lot size.

Adequate justification for an exception to this development standard has not been forthcoming. The site is part of the suburban area of Mudgee where such services are expected to be provided to ensure continuous supply of water to the lots at reasonable pressures. Council staff have consistently applied this requirements across the LGA to lots under 2 hectares.

The tank and single user pump station arrangements proposed will not provide this standard of supply and will erode the existing low water pressures in the area such that there is little capacity left in the water system. Already residences in the area cannot operate multiple water taps effectively at the same time.

As a result of the subdivision three adjoining lots will have such water arrangements. It is likely that pressure will be placed on council by future owners to take up, upgrade and maintain the service as a reticulated 'gravity fed' water service. Accordingly the subdivision and the non-provision of water services cannot be supported.

In addition, the subdivision will not provide suitable road access to Avisford Court. Lot 202 will have no direct frontage to Avisford Court and rely on a reciprocal right of way over the battle axe handles for lot 201 and 6A Avisford Court. This will create a three-way right of carriageway arrangement that will create conflicts between vehicle movements and future owners regarding maintenance.

The 5m width of the battle axe handles presents another problem in that it leaves little area for the efficient provision of water, sewer and stormwater lines that will be required for future dwellings on the lots. 5m is a minimal width for the 6 lines that will be required and this will cause conflicts between future owners during their construction and maintenance. The available area service lines will be further constrained with the provision of a driveway in the handle.

Nonetheless, the subject site was only created after council required conditions and covenants to be included on the title which prevented further subdivision and dual-occupancies, primarily in response to the site not being able to be provided with reticulated water. The application seeks to rescind these conditions and covenants simply because the subdivision has been applied, rather

than demonstrating that these requirements are unreasonable and unnecessary, even though the reasons for imposing these conditions and covenants have not changed.

In respect of these issues outlined above the application is not recommended for approval.

Detailed report

PROPOSED DEVELOPMENT:

The application seeks approval for the subdivision of a site from one lot into two lots.

The site is known as Lot 2 DP 1175532 6 Avisford Court Mudgee and has an area of 1.4 hectares. It has a shared battle axe handle frontage to Avisford Court in a reciprocal right of way arrangement with the adjoining site to the east 6A Avisford Court.

The site and the adjoining site were created by subdivision under DA0304/2011 following approval at a council meeting. The sites are visually prominent, have servicing issues, and were approved with conditions and covenants to the effect that:

- No further subdivisions of the site would be permitted,
- No dual occupancies would be permitted on the site,
- The sites do not have access to reticulated water services – future dwellings must be provided with single user pump stations at owners expense and maintenance, and
- Future dwellings had to be provided within specified building envelopes on the site.

The application before council will require these conditions and covenants to be rescinded and then the site subdivided into two lots as follows:

- Lot 201 with an area of 7876m² and battle-axe handle 5m wide to Avisford Court,
- Lot 202 with an area of 6621m² relying on a reciprocal right of way over Lot 201 and adjoining Lot 1 DP 1175532 to Avisford Court i.e. no street frontage,
- Building envelopes 20m x 45m centrally located on the lots replicated from the existing site,
- Building envelopes to be serviced with water through future owner's provision of tanks and single user pump stations on each site, and
- Building envelopes to be provided with reticulated sewer to Avisford Court system.

ASSESSMENT:

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

1. REQUIREMENTS OF REGULATIONS AND POLICIES:

Mid-Western Regional Council

Clause 1.9A Suspension of Covenants, Agreements and Instruments

Clause 1.9A specifies that covenants and conditions on titles may not apply to the extent that they prevent permitted developments under the Act and Local Environmental Plan being undertaken, unless a covenant has been imposed by council.

The subject site and adjoining site to the east were created under DA0304/2011 following approval at a council meeting. The assessment report for that subdivision raised the visual prominence of the site and the water servicing issues it would cause i.e. the inability of the lots to be serviced with gravity fed water, and the erosion of low water pressures in the vicinity.

Accordingly the subdivision which created the lots was approved with conditions and covenants to be registered on the titles as follows:

- No further subdivisions of the site would be permitted,
- No dual occupancies would be permitted on the site,
- The sites do not have access to reticulated water services – future dwellings must be provided with single user pump stations at owners expense and maintenance
- Future dwellings had to be provided within specified building envelopes on the site.

With the current subdivision the applicant seeks to have these conditions and covenants rescinded by Council. However, issues raised under the previous assessment have not changed. The subject subdivision will still create lots that cannot be provided with gravity fed water and will further erode the low water pressures in the area.

Essentially the proposal will subdivide the site where it has previously been prohibited by Council and facilitate two future dwellings on the site which will have the equivalent visual and water services impacts as a dual occupancy on the site which was also prohibited under the previous consent.

Accordingly, the covenants cannot be recommended for rescission to facilitate the subdivision.

Clause 4.1 Minimum Subdivision Lot Size

The subject site is zoned R2 Low Density Residential. Subdivision is permissible in any zone with consent provided it satisfies minimum lots sizes specified in Clause 4.1 Minimum Subdivision Lot Size of the MWRC LEP 2012.

The subject site is identified as being in a minimum lot size Area B. Subdivision in Area B is permissible down to a lot size of 4000m² provided the lots will be serviced by a water reticulation system and sewerage system.

The proposed lots exceed the minimum lot size of 4000m² and can be drained to the reticulated sewer system in Avisford Court. However, the lots cannot be provided with reticulated water services, meaning traditional 'gravity fed' water services.

The majority of the lots and the building envelopes are above the 520m contour line which is the physical limit to Councils 'gravity fed' water supply. Future dwellings will rely on holding tanks and single user pump stations inside the lots to pump water up to the dwellings.

Advice has been provided from the applicant that the tanks required to satisfy this purpose may take over twelve hours to fill from the 'gravity fed' water system in Avisford Court given. Accounting for the proposed lots the water pressures in the locality would be 211kpa. Councils Development Engineers have advised that 200kpa is the minimum pressure required by relevant standards for reticulated water services. Such pressures mean that multiple water taps cannot be operated effectively at the same time.

Accordingly it is considered that the subdivision does not meet the minimum requirements in respect of the reticulated water system required by the MWRC LEP 2012 to activate the Area B 4000m² minimum lots size.

An 'Exception to the Development Standard' for reticulated water services to be provided with land subdivided under Area B was required to be submitted with the application.

Clause 4.6 Exceptions to Development Standards

Exceptions to development standards may be permitted by Council under clause 4.6 provided the applicant provides a written justification for the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances and that there are sufficient planning grounds to justify contravening the standard as required by the MWRC LEP 2012.

The applicant has not provided a coherent argument which justifies the non-provision of reticulated 'gravity fed' water connections to the lots. The application has been made relying on single user pump stations for water services primarily because they were previously approved by Council under DA0304/2011. The submission expects that the variation to the standard, and the associated Council covenants on the titles preventing subdivision and dual-occupancies, will be inherently accepted because the subdivision has been applied for.

An exception to the standard is not easily justified as the site is effectively part of the suburban area of Mudgee. There is an expectation in such areas that reticulated 'gravity fed' services are provided to lots by Council to ensure that occupants, owners and rate payers will have continuous water services around the clock at reasonable pressures, and Council staff have consistently required these services for lots under 2 hectares across the local government area.

The proposed arrangement relies on tanks filling over 12 hours and pumps being operated and maintained by future owners. Such systems are more liable to fail due to user error than Council gravity fed systems. In time this will lead to be pressure being placed on Council to take-up, upgrade, and maintain the services in a more reliable and co-ordinated system i.e. augment the local system with industrial pumps and providing the lots with a reticulated 'gravity fed' water system.

As the subdivision would result in three adjoining lots (the subject lots and adjoining lot to the east) being serviced by tanks and single user pumps, the potential for the service works and burden of maintenance to be placed on Council increases considerably.

Equally the arrangement is unacceptable because it will erode the water pressures in the locality servicing existing dwellings. The minimum standard for water pressures in suburban areas is 200kpa. The existing pressure in the area is just 217kpa, being insufficient to operate multiple water taps effectively at any one time. The proposed subdivision will erode pressures to 211kpa, and needlessly threaten (leave little capacity) Council's consistent supply of water to existing dwellings in the vicinity.

In respect of these significant issues it is considered the applicant has not adequately justified the exception to the development standard, particularly because it has not been demonstrated that the standard for reticulated 'gravity fed' water services for the lots is unreasonable or unnecessary in this case.

Clause 6.9 Essential Services

Clause 6.9 specifies that development consent must not be granted to development unless Council is satisfied that the essential services required for the development will be provided. The essential services include water, electricity, sewerage, stormwater drainage and suitable road access.

Suitable electricity, sewer and stormwater drainage can be provided to the proposed lots. However, the lots do not have suitable water services or road access.

As previously discussed the lots will not be provided with reticulated water services in the form of 'gravity fed' water. Rather they will rely on tanks and single user pump stations to provide the building envelopes and future dwellings with water. This is not acceptable as the site is part of the suburban area of Mudgee where Council, owners, occupants and rate payers expected that lots are provided with continual water supplies at reasonable pressures. The proposed tank and pump

systems will take over 12 hours to fill, are liable to fail due to use error, and may lead to pressure being placed on Council in the future to take up upgrade, and coordinate the water supply system in the future.

The lots also do not have suitable road frontage in that proposed Lot 202 will have no direct road frontage to Avisford Court and will rely on a right of carriageway over the battle axe handle of Lot 201 and the adjoining lot to the east. This means the lots will have a contested three way access that is liable to cause conflict between traffic from the lots and cause ownership and maintenance issues in the future. The contested battle axe handles are also only 5m wide and are extremely constrained for the provision of water, sewer and stormwater lines that will be required for future dwellings on each lot. Accordingly suitable access to a public road is not satisfactorily provided and does not meet the standard required by the MWRC LEP 2012.

Clause 6.10 Visually Sensitive Land

The site is identified as Visually Sensitive Land on maps relating to Clause 6.10 because it forms part of significant upper slopes on the urban fringe south of the town of Mudgee.

The site is cleared and located below the tree line covering the Avisford Nature Reserve to the south. It is a relatively steep site for Mudgee and can be seen occasionally from areas near the town centre. However, it is only a visually dominant site from roads in the immediate vicinity, i.e. along Avisford Court, Dewhurst Drive, and Oporto Road. It will have no visual impacts on the visual setting forming the backdrop to Mudgee, or facilitate development above ridgelines.

It has the potential only to facilitate development that may be a visual intrusion on the immediate vicinity. Due to the slope of the sites future dwellings are likely to be two storey and require substantial cut and fill. This increases the possibility of development that may affect the visual amenity of the vicinity. The subdivision doubles the potential of this occurring.

In addition to primary concern about the non-provision of reticulated water to the site, it is for such reasons that conditions and covenants were included on the previous consent which prohibited subdivision and dual-occupancies i.e. two dwellings, on the site.

MWRC Comprehensive Development Control Plan 2013

Development Control Plan 2013: Part 7 Subdivision

Clause 7.1 Urban Subdivision provisions apply to the proposed development. The subdivision complies with the provisions as follows:

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
Applies to	- land zoned residential	Complies.
	- rural residential lots <2hectares	Complies.
Lot size	- Minimum lot size as determined by MWRC LEP 2012.	Does Not Comply. Requires exception to development standard regarding reticulated service connections to activate Area B Minimum Lot Size of 4000m2. Variation not acceptable as part of suburban area where reticulated 'gravity fed' water connections expected to ensure

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
	<ul style="list-style-type: none"> - all lots have street frontage. 	<p>continuous supply at reasonable pressures.</p> <p>Does Not Comply. Lot 202 does not have street frontage to Avisford Court. It relies on reciprocal right of way over Proposed Lot 201 and adjoining lot to east. Variation not acceptable as creates three way contested vehicle and services access.</p>
	<p>lots increase in size relative to slope as follows:</p> <ul style="list-style-type: none"> - 0-10 percent: 600m² - 10-15 percent: 700m² - 15-20 percent: 800m² - >20: subdivision prohibited 	<p>Complies. Site has central gradient of ~16%.</p>
	<ul style="list-style-type: none"> - all lots have 16m width at building line in residential and village zones. - battle-axe handles in R2 & R5 residential zones have width of 6m 	<p>Complies.</p> <p>Does Not Comply. Proposed Lot 202 has no direct road frontage. It relies on reciprocal right of way over proposed Lot 201 and adjoining lot to east. Variation not acceptable as creates three way contested vehicle and services access.</p>
Lot Design	<ul style="list-style-type: none"> - For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development. 	Complies.
	<ul style="list-style-type: none"> - Lots generally rectangular in shape. 	Complies.
	<ul style="list-style-type: none"> - Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling. 	Complies.
Street Layout & Design	<ul style="list-style-type: none"> - Subdivision integrates with existing residential area. 	<p>Does not comply. Subdivision does not integrate with existing residential area as all lots in vicinity have direct uncontested street frontage to Avisford Court. The proposed subdivision does not provide Lot 202 with direct street frontage and accordingly is</p>

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
		overdevelopment in the area.
Utility Services	<ul style="list-style-type: none"> - servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development. 	<p>Does not comply. A surveyors plan has been provided which indicates easements for services will be provided. However specific plans of how the service lines will be laid out have not been provided.</p>
	<ul style="list-style-type: none"> - Evidence of consultation with relevant authorities submitted with application. 	<p>The battle axe handle is only 5m wide and will not effectively contain the water, sewer and stormwater plumbing lines i.e. 6 service lines, required for future dwellings on each lot. This issue will be amplified when the 4m wide sealed driveway is provided and further constrains the available room for services. It is likely this arrangement will lead to construction, maintenance and ownership issues between future owners.</p> <p>Complies. The application to Council represents consultation surrounding water, sewer and stormwater. It is expected that the site can be serviced with electricity and telecommunications.</p>

2. IMPACT OF DEVELOPMENT

(a) Context and Setting

The subdivision will not impact the visual amenity of Mudgee generally i.e. from the town centre. However, the site is relatively steep site. This characteristic increases the possibility that future development will be double storey and require substantial cut and fill that affects the amenity of the immediate vicinity. The subdivision of the site from 1 lot into 2 lots doubles this potential for these future features to impact the amenity of the neighbourhood.

(b) Access, transport and traffic

The access arrangements are not acceptable. Lot 202 does not have direct frontage to Avisford Court. It relies on a reciprocal right of way over the battle axe handle of Lot 201 and the adjoining lot to the east. It will create a three-way contested vehicle access and increase the likelihood of conflict between future owners in relation to traffic movements and maintenance.

(d) Utilities

The utility arrangements are not acceptable. The battle-axe handles servicing the lots are only 5m wide. The future dwellings on each of the building envelopes will be required to have water, sewer and stormwater lines i.e. 6 service lines in total, laid down the handle connecting to services in

Avisford Court. This is a highly constrained width of land in which to provide this number of services efficiently and will likely create conflict in construction and maintenance between owners in the future. The potential for this is compounded by the need for a sealed driveway to be provided which further constrains the provision of such lots.

(e) Heritage

The site is not a heritage listed site and is not within 300m of any known aboriginal artefacts. However, it is within 200m of a minor drainage line which is likely to contain aboriginal artefacts or sites.

(h) Soils

The site has been zoned and subdivided for residential purposes. It was created through a number of subdivisions which would have determined its suitability for residential uses.

(n) Natural Hazards

The subject site adjoins a significant area of vegetation to the south which becomes the Avisford Reserve and is identified as bushfire prone land. The application was referred to the NSW RFS as integrated development and a Bushfire Safety Authority has been issued for the subdivision.

(s) Site design and internal design

The site design is not appropriate in that it does not provide Lot 202 with direct street frontage to Avisford Court and creates a three-way contested access arrangement that will likely cause conflict between services and traffic for the lots.

(u) Cumulative Impacts

The subdivision will cause three lots to be created adjoining each other without reticulated 'gravity fed' water services. Each will be provided with tank and single user pump stations to supply the future envelopes on the lots. Such systems do not provide reliable water services as expected by residents, owners and rate payers in suburban areas. In time this arrangement will lead to pressure being placed on Council to take up, upgrade and maintain the systems.

Another cumulative effect of having three adjoining lots on such systems is that they will erode the low water pressures in the area servicing existing dwellings, and leave little pressure capacity above minimum water pressures required in suburban areas.

3. SUITABILITY OF SITE FOR DEVELOPMENT

(a) Does the proposal fit in the locality

The proposal does not fit in the locality as the lots will not be provided with reticulated 'gravity fed' water services and the lots will not have direct road frontage to Avisford Court as opposed to existing developments in the vicinity.

(b) Are the site attributes conducive to development

The site attributes are not conducive to the development. The building envelopes cannot be provided with reticulated 'gravity fed' water connections as expected in the suburban areas of Mudgee.

Further, the access for the existing lots are already constrained, to the point that an additional lot will not be able to be provided with reasonable direct frontage to Avisford Court. The subdivision will create a three-way contested access that is likely to create conflict between vehicles movements from each lot and between future owners regarding maintenance.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

The application was notified to adjoining neighbours. No submissions were received in relation to the development.

(b) Submissions from public authorities

No submissions from public authorities have been received in relation to the development.

5. THE PUBLIC INTEREST

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

The development will not affect federal, state or community interests. However it will effect local government interests. It will result in three adjoining lots relying on tanks and single user pump stations to supply water to building envelopes on the lots, in a suburban area of Mudgee where it is expected that lots are provided with reticulated 'gravity fed' water services. In time pressure is likely to be put on Council from future owners to take up, upgrade and/or maintain the water supplies to these lots.

6. CONSULTATIONS

(a) Health & Building.

Health & Building Department have advised that the width of the battle axe handles proposed will highly constrain the ability of plumbers and tradesmen to construct and maintain water, sewer and stormwater services for each lot, particularly as a sealed driveway is also required to be provide in the battle axe-handle which will further constrain the area available to provide these services.

No other issues were raised by the Health and Building department.

(b) Development & Engineering.

Development Engineering Department have advised that the minimum water service pressures required in suburban areas is 200kpa. The water pressures in the vicinity of the site are already low and the subdivision will reduce the water pressures to just 211kpa leaving little capacity in the water services for existing dwellings and emergency services if required. The water pressures in the area are such that multiple water taps cannot be operated effectively at any one time.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

ALEX NOAD
ENVIRONMENTAL TOWN PLANNER

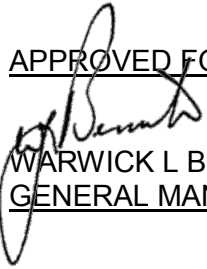
7 November 2013



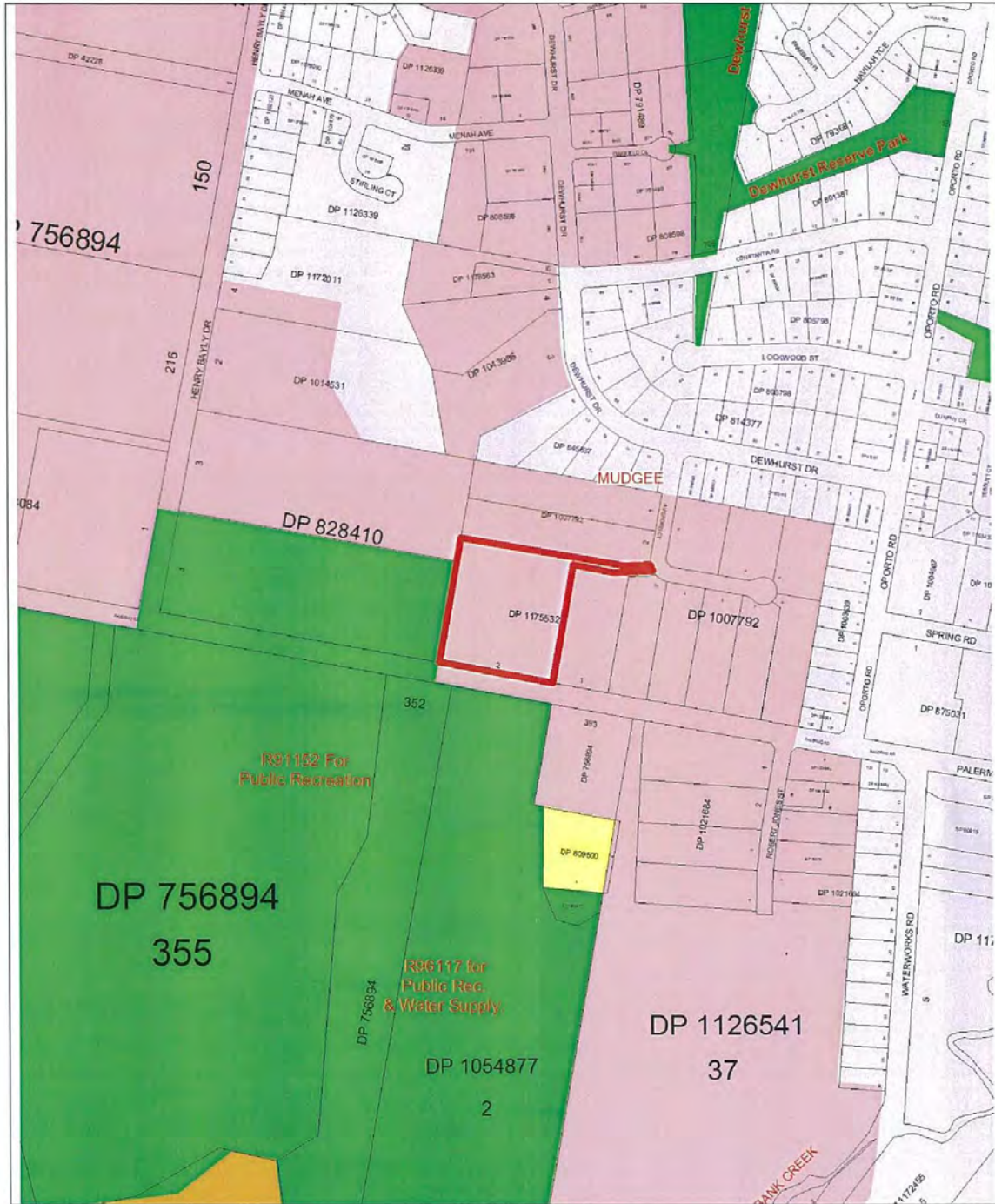
CATHERINE VAN LAEREN
DIRECTOR DEVELOPMENT AND
COMMUNITY SERVICES


- Attachments:*
1. Locality Plan
 2. Subdivision Plan
 3. Applicant Water Information.
 4. NSW RFS General Terms of Approval

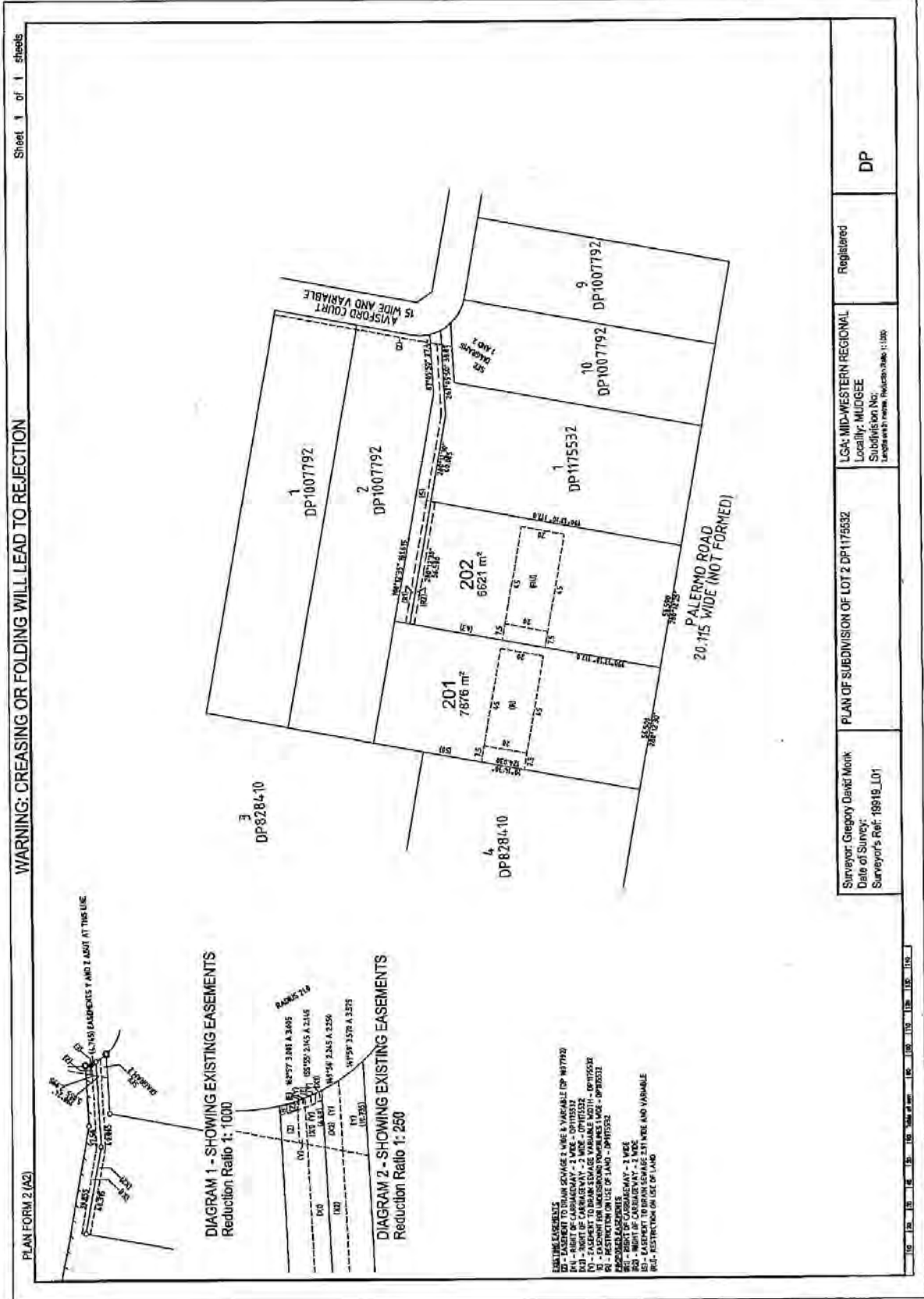
APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



<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>6 Avisford Court, Mudgee</p> <p>NORTH</p>	 Printed on Monday, 11 November 2013
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Registered	DP
LGA: MID-WESTERN REGIONAL Locality: MIDGEE Subdivision No: 240224/215/2000 (Midwestern Regional Council)	
Surveyor: Gregory David Monk Date of Survey: Surveyor's Ref: 18919_LO1	PLAN OF SUBDIVISION OF LOT 2 DP1175532

GJ Moore Pty Limited

Engineering Consultants
ABN: 36 118 262 794
PO Box 460, Mudgee NSW 2850
Phone: 02 6372 4693

03/10/2013

SUPPLEMENTARY REPORT

WATER SUPPLY TO AVISFORD CRT MUDGE

Proposed resubdivision of lots 2 & 3 (to lots 201202)

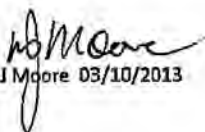
I wish to address the impact of this subdivision on the local water pressures. While an accurate, comprehensive assessment would be difficult due to the many variables, a worst case scenario (with all services being used simultaneously) may be assessed for the most hydraulically disadvantaged residence.

Avisford Crt is served by a 100 upvc/12 main from a 250 main in Dewhurst Dr. There are 10 existing services in this area expected to provide no more than 0.3 l/s. Therefore, 10 services would require a combined flow of 3 l/s, resulting in max $v = 0.37$ m/s & $HL = 1.6$ m /1000m, and 12 services would increase this to 3.6 l/s with max $v = 0.45$ m/s and $HL = 2.2$ /1000m

For the most hydraulically disadvantage property at RL 425 m, with a reservoir head of 235 kpa, the pressure loss would be 18 kpa for 10 services & 22 kpa for 12 services therefore the available head with 10 services would be 217 kpa and 211 kpa for 12 services. As stated in previous report 4000 l can be provided in 12 hours at 0.1 l/s, so time limited tank refilling could easily be managed to further reduce potential pressure losses.

Conclusion.

It is clear that even for an absolutely worst case scenario, pressure losses due to the extra lots would be quite small & certainly not significant.


W.J Moore 03/10/2013

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



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

Your Ref: AN:PC:P21689
Our Ref: D13/1931
DA13082788738 MA

ATTENTION: Alex Noad

16 September 2013

Dear Sir/Madam

Integrated Development for 2//1175532 6 Avisford Court Mudgee 2850

I refer to your letter dated 15 August 2013 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

1. Water for both Lots shall be supplemented with a pump system from the reticulated water supply from the street to a 10 000L non combustible water tank to be installed on each Lot once development starts. Upon completion of development the following requirements need to be complied with;
 - The water tank shall be made available or located within the inner protection area (IPA) and away from the structure.
 - A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water tank.
 - A 65mm metal Storz outlet with a gate or ball valve shall be provided.
 - If an underground tank is to be used an access hole of 200mm to allow tankers to refill direct from the tank shall be provided.

- All associated fittings to the tank shall be noncombustible.

General Advice – consent authority to note

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' may be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Matthew Apps on 1300 NSW RFS.

Yours sincerely



Nika Fomin

Acting Manager - Customer Service Centre - Glendenning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

6.2.3 DA0054/2014 – Subdivision (1 Lot Into 42 Lots), Lot 11 DP 841146, 54 Melton Road, Mudgee

REPORT BY THE ENVIRONMENTAL TOWN PLANNER TO 20 NOVEMBER 2013 COUNCIL MEETING

131120 Public

GOV400029, DA0054/2014

RECOMMENDATION

That:

1. **The report by Environmental Town Planner on the DA 0054/2014 – Subdivision (1 into 42), Lot 11 DP 841146, 54 Melton Road, Mudgee be received:**
2. **That Development Application No. 0054/2014 – Subdivision (1 into 42), Lot 11 DP 841146, 54 Melton Road, Mudgee be granted development consent subject to the following conditions or consent be granted in accordance with the following conditions with the deletion of Condition 2(a) subject to the satisfactory negotiated agreement between Council and the developer as to the provision of an open space area (including playground equipment) within the locality:**

APPROVED PLANS

1. **Development is to be carried out generally in accordance with stamped plans:**
 - **Proposed Development Urban Subdivision, DWG No.19917_C02 Rev.G, Drawn 7 November 2013 by BARNSON and the application received by Council on 8 August 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.

AMENDMENTS

2. **The plans are to be amended in the following manner:**
 - a) **Playground/ fitness equipment, landscaping and shade structures are to be provided in the onsite detention basin in accordance with the Comprehensive DCP 2013;**
 - b) **A 'restriction as to user' is to be included over Lot 29, 34, 41 & 42 in favour of Transgrid in accordance with Condition No.**

PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE

3. **Development Consent DA0116/2013 – Residential Subdivision (1 into 24 lots) be formally surrendered in accordance with Clause 97 of the Environmental Planning and Assessment Regulations 2000.**
4. **Development Consent DA0099/2014 – Demolition, and all remediation and validation is completed and a validation report submitted to Council stating that the land is suitable for residential purposes.**

5. The applicant is to obtain and provide to Council an Aboriginal Heritage Impact Permit under the National Parks and Wildlife Act 1974 from the NSW Office of Environment and Heritage.
6. The requirements of the General Terms of Approval Ref.9057331 issued by the NSW Office of Water be satisfied, and a copy of the Controlled Activity Approval provided to Council.
7. The requirements of stormwater quality, as specified in the DCP 2013, shall be addressed in the stormwater design prior to the issue of a Construction Certificate. Output of MUSIC modelling, or equivalent, is to be supplied to Council demonstrating that the strategy or devices so designed are adequate.

GENERAL

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

WATER AND SEWER INFRASTRUCTURE

9. The applicant is to provide separate water and sewer reticulation services to each lot.
10. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
11. The construction of sewer mains such that there is a separate and distinct sewer connection located wholly within the boundary of each proposed allotment, in accordance with the Local Government (Water, Sewerage and Drainage) Regulation and the WSA 02-2002 Sewerage Code of Australia at full cost to the developer.
12. Engineering plans of any mains extensions are to be lodged with Council and approved prior to the commencement of any construction.
Note: Council will quote on connecting any sewer or water main extension to the existing “live” main on receipt and approval of engineering plans.

Note: Council does not permit other bodies to insert new junctions into “live” sewer mains.
13. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,650 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE 39 x \$1650 = \$64350

OR

14. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$370 per lot to cover the cost of a 20mm meter and installation.

TOTAL PAYABLE 39 x 370.00 = \$14430

STORMWATER

15. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to Council for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.
16. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.
17. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.
18. 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:
- drainage reserves are to be turfed.
 - single strip of turf to be laid behind kerb and gutter.
 - saving available topsoil for reuse in the revegetation phase of the subdivision;
 - using erosion control measures to prevent on-site damage;
 - rehabilitating disturbed areas quickly;
 - maintenance of erosion and sediment control structures;
 - a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.
19. 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.
20. 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.

ROAD WORKS

21. The developer is to reconstruct Melton Road and Bruce Road for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Footpath Width	4.5 m,

Concrete Footpaths	1.2 m wide
Half Road Pavement Width	5.5 m @ 3% cross fall
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

22. The new roads in the subdivision are to be constructed in accordance with the following:

Item	Requirement
Road Reserve width	18m
Pavement Width	9 m
Footpath Width	4.5 m
Concrete Footpaths	1.2 m wide
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

23. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
24. Any existing vehicular crossings not utilised by the development shall be removed and the area restored to match the adjoining section of kerb and gutter prior to occupation of the development.
25. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 Council standards.
26. The engineering design plans for road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate. All road pavements shall be designed by a Professional Civil Engineer and based upon soil tests performed by a registered NATA soils Laboratory and the traffic loading in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council).
27. Street tree landscaping is to be provided within the proposed road reserves and Melton/ Bruce Roads. A plan for the proposed planting is to be submitted for approval by Council prior to the issue of a subdivision certificate. All landscaping is to consist of appropriately advanced trees in accordance with Clause 7.4 Street Design of the Mid Western Regional Council Residential Development Control Plan amended October 2009.

ENGINEERING DETAILS

28. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
29. A detailed engineering design with plans, and an "AutoCAD compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications are 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*.
30. A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.
31. 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.
32. Contractor's insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid Western Regional Council as an interested party.
33. Existing and proposed contours, including areas of fill are to be shown on detailed engineering plans.
34. All finished surface levels shall be shown on the plans submitted for the *Construction Certificate*. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
35. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an "AutoCAD compatible" work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
36. Following completion of all engineering works, a bond of 5% of the value of such works (not carried out by Council) or a minimum of \$2000.00, whichever is the greater, shall be lodged with Council.

Note: The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. The bank guarantee must not specify any time limitations on the operation of the guarantee.
37. The developer is to ensure that all defects in the works that become apparent within twenty four (24) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification.

Note: Any unspent bond money will be returned to the developer at the end of the twenty four (12) month period, less the estimated cost of any outstanding works.

38. No construction is to commence before a *Construction Certificate* is issued for the subdivision works. The works are to be constructed in accordance with the plans and specifications referred to in the *Construction Certificate*.

Note: The *Construction Certificate* may be issued by Council or an *Accredited Certifier*. Council's fee for this service is set out in Council's fees and charges.

39. The subdivision works are to be inspected by the Council (or an *Accredited Certifier* on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:

- installation of sediment and erosion control measures;
- water and sewer line installation prior to backfilling;
- establishment of line and level for kerb and gutter placement;
- road Pavement construction;
- road Pavement surfacing;
- practical Completion.

40. Upon inspection of each stage of construction, the Council (or an *Accredited Certifier* on behalf of Council) is also required to ensure that adequate provisions are made for the following:

- sediment and erosion control measures;
- traffic control measures;
- maintenance of public areas free from unauthorised materials, waste or other obstructions.

The developer is to grant Council (or an *Accredited Certifier* on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.

41. Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained for each stage and lodged with Council prior to the issue of the *Subdivision Certificate*.

42. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.

43. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:

- (a) A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
- (b) A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.

44. The applicant shall repair in accordance with Aus-Spec# 1 and Council Standard Drawings any part of Council's property damaged during the course of this development.

PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE

45. If the *Subdivision Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
46. Prior to the issue of a *Subdivision Certificate*:
- a) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - b) an agreement be made between the developer and Council;
 - i) as to the security to be given to Council that the works will be completed or the contribution paid, and
 - ii) as to when the work will be completed or the contribution paid.
47. Three metre wide easements, including associated Section 88 instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
48. Restrictions as to user, including associated 88 instruments, are to be created in favour of Transgrid over the title of lots 29, 34, 42 & 41 to the effect that Transgrid have permission to enter the property and maintain the transmission line at any time and that all future structures and fences must be located and designed to reasonably facilitate this access.

S94 CONTRIBUTIONS

49. In accordance with the provisions of section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Contribution Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:

Transport Management	Rate	No of Lots	Total
Traffic Management	1137.33	39	44356.02
Open Space			
Local Open Space	1785.46	39	69632.79
District Open Space	2424.23	39	94544.86
Community Facilities			
Library Buildings	233.69	39	9113.94
Library Resources	280.45	39	10937.44
Administration			
Plan Administration	545.29	39	21266.26
TOTAL PAYABLE	6406.44	39	249,851.30

SECTION 64 CONTRIBUTIONS

50. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000. This will require:

(a) Payment of a contribution for water and sewerage headworks for 39 Lots at the following rate:

Water Headworks	301,236.00
Sewerage Headworks	139,200.00
Total	440,436.00

(b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.

Executive summary

The application seeks approval for the subdivision of the site from one lot into 42 lots and the provision of associated infrastructure. The associated infrastructure includes the provision of two internal sealed roads and an on-site detention basin.

The site was previously used as a saw mill and will be remediated to appropriate levels for residential purposes in conjunction with a separate consent for demolition DA0099/2014.

The site contains aboriginal heritage and an AHIP will be required to be obtained for the destruction of an open camp site and relocation of artefacts. The subdivision also requires the removal of two drainage lines and these will require a controlled activity approval from the NSW Department of Water as per the General Terms of Approval. Conditions to these effect are recommended on the application.

The western portion of the site is highly constrained by a 132kv transmission line. Transgrid have commented that they do not support the subdivision as a number of boundary lines and fence lines will obstruct their access to the easement and power poles. To address this issue a 'super lot' (Lot 42) has been created underneath the bulk of the easement to maximise Transgrid's access. The boundaries have also been adjusted to minimise the lots that effect the easement and to ensure that the 30m maintenance radius required for the power poles is provided. A general restriction will also be required on the effected lots requiring access to the transmission lines to be maintained. Accordingly it is considered that appropriate alterations have been made to address Transgrid's concerns.

The subdivision complies with the provisions of the Mid-Western Regional Council Local Environmental Plan 2012. All lots satisfy the minimum lots size and will be connected to all essential services.

The subdivision also generally complies with the relevant provisions of the Development Control Plan 2012. It requires variations in respect of the number of lots relying on a cul-de-sac. The cul-de-sac is an efficient use of the land given the sites affectation by the transmission line and the variation is only one lot more than the standard.

No submissions have been received in relation to the subdivision. It is reported to Council as the cost of works is greater than \$1million and it involves the creation of more than 20 lots.

On balance, it is considered that the proposed subdivision is suitable for the site and surrounds. All potential environmental and technical issues can be addressed with suitable conditions. The subdivision will be a natural extension to the suburban areas of Mudgee and it is recommended for approval by Council.

Detailed report

PROPOSED DEVELOPMENT:

The application seeks approval for the subdivision of the site from 1 lot into 42 lots. The lots range in size from 900m² to 11949m² and will have frontage to Melton Rd, Bruce Road and two new internal roads.

Works associated with the subdivision include:

- The creation of 39 Residential allotments, a Drainage Reserve Lot (Lot 20), and a Stormwater Detention Basin Lot (Lot 1);
- Upgrading Bruce & Melton Rd with sealed hardstand and kerb and gutter;
- Removing and backfilling a natural drainage line running to the north east portion of the site including two dams;
- Constructing two internal roads with an 18m wide road reserve;
- Construction of a stormwater detention basin in the north eastern portion of the site that drains to Melton Rd, and
- Inclusion of a restricted area on lot 42 for the retention of aboriginal artefacts on site.

The application will supersede an approval previously issued on the site under DA0116/2013. A condition requiring this approval to be surrendered is recommended on the permit.

ASSESSMENT:

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

1. REQUIREMENTS OF REGULATIONS AND POLICIES:

The application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. The main issues are addressed below as follows:

Integrated Development

National Parks & Wildlife Act

The subject site contains an eroded drainage line in its western portion. A cultural survey of the site by the Mudgee Local Aboriginal Land Council identified that the eroded drainage line contains an Aboriginal Open Camp Site including artefacts. Accordingly it was recommended that an Aboriginal Heritage Impact Permit (AHIP) from the National Parks and Wildlife Service (NPWS) be sought for the destruction of the campsite and relocation of the artefacts. A condition to this effect is recommended on the permit.

To address this issue the subdivision includes a restricted area on Lot 42 where the artefacts can be relocated for preservation in context. This appears a suitable response subject to the issue of an AHIP by NPWS.

Water Management Act 2000

The subdivision requires the removal and backfilling of two natural drainage lines that include dams and overflows to the north east portion of the site. A controlled activity approval is required for the removal of these lines under the Water Management Act. The NSW Office of Water has

issued a General Terms of Approval for the subdivision requiring an approval to be obtained. A condition requiring compliance with the GTA is recommended on the approval.

State Environmental Planning Policies (SEPPs).

SEPP 55 Remediation of Land

The site has been utilised for agriculture and as a saw mill. Preliminary and Detailed contamination investigations of the site have been undertaken in association with the previous subdivision approval DA0116/2013 and a recent demolition approval DA0099/2014. The investigations were undertaken by qualified professionals, identified the contamination is limited to the sawmill area and recommended remediation plans for the site to make it suitable for residential uses. A condition requiring the remediation of the site in accordance with the consent issued under DA0099/2014 prior to commencement of works is recommended on the consent.

SEPP Infrastructure 2007

The western portion of the site is heavily affected by a 132kv transmission line and easement.

Under SEPP Infrastructure 2007 developments adjacent to transmission lines must be referred to the appropriate authority for comment. The relevant authority, Transgrid, have advised that they do not support subdivision on the basis that the boundary lines and fences underneath the easement will restrict their ability to access and maintain their transmission line and infrastructure. Under work cover requirements for instance a clear 30m radius would be required for maintenance of the power poles supporting. This radius would traverse a number of the proposed boundaries.

The SEPP merely requires that Council consider these comments and there is no statutory obligation to adhere to Transgrid's requirements. To address these issues and improve accessibility to the power poles and easements, the applicant dissolved a number of lots into a 'super lot' (Lot 42) under the transmission lines and relocated boundaries such that they are beyond the 30m working radius around the power poles. It is considered that these changes make a significant contribution to addressing Transgrid's comments.

Although a reduced number of boundaries and fence lines will still exist under the transmission lines, this is acceptable because they will be distant from the power poles and generally out from under the lines themselves. Coupled with this, a general restriction can be included on the affected lots clarifying that structures must be located sensitively such that Transgrid may be able to access and maintain the transmission lines at all times. A condition to this effect is recommended on the permit.

Mid Western Regional Council Local Environmental Plan 2012

Clause 4.1 Minimum Subdivision Size.

The site is zoned R1 General Residential and has a Minimum Lot Size of 600m². All lots proposed in association with the subdivision have a minimum lot size greater than 600m².

Clause 5.10 Heritage Conservation

The site is not a heritage listed site. However, it contains aboriginal cultural heritage. An open aboriginal camp site has been identified on the site and this will need to be destroyed and artefacts associated with it relocated to an appropriate location. In order for this to be undertaken the applicant will need to obtain an AHIP from the NPWS.

6.9 Essential Services

The subdivision will be serviced with all urban services. Reticulated water, sewer, stormwater and sealed roads will be extended to all lots in the subdivision.

MWRC Comprehensive DCP 2013

The subdivision complies with the Clause 7.1 Urban Subdivision provisions of Development Control Plan 2013 as follows:

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
Applies to	- land zoned residential	Complies.
Lot size	- Minimum lot size as determined by MWRC LEP 2012.	Complies.
	- all lots have street frontage.	Complies.
	- lots increase in size relative to slope.	Complies.
	- all lots have 16m width at building line in residential and village zones.	Complies.
	- battle-axe handles in R1, R3 & RU5 Village have width of 4m.	Complies.
Lot Design	- For new release subdivision lot orientation maximises solar access by maximising north-south lots.	Complies.
	- For new release subdivision east-west orientated lots have increased width and midpoint.	Complies.
	- Lots generally rectangular in shape.	Complies.
	- Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling.	Complies.
	- corner lots have sufficient area to allow dual occupancy and independent utility connection points.	Complies.
Street Layout & Design	- Traffic Impact Statement submitted for all subdivisions where new road required.	Complies. Melton Rd & Bruce Rd have capacity to accommodate traffic from subdivision and will be

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
		upgraded to facilitate safe traffic movements around the site.
	- Subdivision integrates with existing residential area.	Complies.
	- New roads must provide "through road" connections to surrounding roads and road heads where they exist in the locality.	Complies. Connection to Bruce Road Provided.
	- Where cul-de-sac treatment unavoidable pedestrian linkages between streets provided.	Complies. Pedestrian connectivity maximised with Bruce Rd connection.
	- multiple cul-de-sacs and "no through roads" discouraged.	Variation acceptable as site substantially constrained by transmission line easements and connectivity maximised with Bruce Rd connection.
	- maximum number of lots in cul-de-sac is 12 lots.	Variation acceptable as only minor variation to requirement and cul-de-sac efficient use of site. Only 13 lots have frontage to cul-de-sac.
Road Standards for New Development.	Urban Road Standards required as follows:	
	- Residential Road 31-120 lots: 18m road reserve, 9m carriageway, 2x4.5m, 1x1.2m footpath, roll-over kerbing.	Complies.
	- Minimum radius of cul-de-sac return is 8.5m with 12.5m road reserve.	Complies.
Cycle ways and footpaths	- cycle ways and pedestrian networks included in new subdivisions.	Complies.
	- if subdivision site identified in Council cycleway plan or pedestrian strategy subdivision needs to respond to strategy.	Complies.
	- New subdivisions provide direct, convenient and safe access to major facilities.	Complies.
		Complies. Footpaths will be

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
	<ul style="list-style-type: none"> - developer to provide contribution to Council for installation of cycle ways and footpaths prior to release of subdivision certificate. 	<p>provided by developer as part of road reserve design.</p>
Open Space	<ul style="list-style-type: none"> - Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space. - Where on-site detention basins double as open space must include raised level area which incorporates playground or fitness equipment etc and shading landscaping. 	<p>The Recommendation includes a requirement that playground equipment be incorporated into the reserve to be dedicate to Council.</p> <p>Alternatively, the recommendation also includes the ability for the developer to contribute (through agreement with Council) towards the provision of open space within the locality.</p> <p>Included in Recommendation.</p>
Landscaping	<ul style="list-style-type: none"> - Landscape plan provided detailing treatment of public domain. - Land dedicated as public reserve top soiled, levelled, turfed prior to release of subdivision certificate and maintained by developer for period of two years. 	<p>Complies.</p> <p>Complies. The detention basin will be dedicated to Council after 2 years. A condition to this effect is recommended on the consent.</p>
Street Trees	<ul style="list-style-type: none"> - 2 street trees provided per lot. - Developer provides levy to Council to provide these trees after 80% of works carried out. 	<p>Complies.</p> <p>Complies.</p>
Utility Services	<ul style="list-style-type: none"> - servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development. - Evidence of consultation with relevant authorities submitted with application. 	<p>Complies. However 5m battleaxe handle for services associated with lot 18 to be absorbed into lot 7 & 18 to ensure maintenance and not a become a thoroughfare.</p> <p>Complies.</p>

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
Drainage	As per Section 5.3 Stormwater & Drainage.	Complies. Conditions regarding stormwater quality recommended on permit.

2. IMPACT OF DEVELOPMENT

(a) Context and Setting

The subdivision will not affect the context and setting of the site. The site is cleared of vegetation and adjoins a residential subdivision to the north. Two residential subdivisions have also been approved on the opposite side of Melton Road. The subdivision is a natural extension to the residential areas of Mudgee and has been zoned R1 General Residential for this purpose.

(b) Access, transport and traffic

The subdivision will not affect the local road network. Melton and Bruce Road have the capacity to accommodate the traffic generated from the subdivision and will be upgraded along the sites frontages to be a sealed road. Two new sealed roads will be constructed within the subdivision. These will provided good connectivity to the existing road network and will provide all lots in the subdivision with direct frontage access to a road. The subdivision has been designed to allow safe passage of vehicles and pedestrians through the subdivision.

(c) Public domain

The subdivision proposes a restricted area in Lot 42 to be utilised for the relocation of artefacts subject to the approval of an AHIP.

The Recommendation includes a requirement that playground equipment be incorporated into the reserve to be dedicate to Council. Alternatively, the recommendation also includes the ability for the developer to contribute (through agreement with Council) towards the provision of open space within the locality.

(o) Technological hazards

The site is significantly burdened by a 132kv transmission line and an associated easement. Transgrid require ongoing access to the lines and a maintenance radius of 30m around the poles. A 'superlot' (Lot 42) has been created under the easement to maximise the access required. In addition the boundaries have been adjusted to ensure the maintenance radiuses are provided and the majority of the boundaries are out from underneath the lines. To complement this, restrictions will be included on the affected lots to ensure that future development and fencing does not restrict Transgrids access to the transmission lines.

Heritage

There are no known items of environmental heritage listed under the LEP located on the site or the immediate surrounds. The site is also not within a Conservation Area. The site does contain indigenous cultural heritage and this has been discussed previously. The Murong Gialinga ATSIC have provided comment.

Utilities

The site has access to and will be provided with adequate access to infrastructure.

Natural Environment

The site is largely cleared and the impact associated with the proposed development would not present an unreasonable impact on the natural ecology.

3. SUITABILITY OF SITE FOR DEVELOPMENT

(a) Does the proposal fit in the locality

The proposed subdivision fits in the locality. Residential subdivisions exist and are approved to the north and east of the site. The subdivision is a natural extension of the residential area of Mudgee and the site has been zoned for this purpose. It will have a positive impact on the amenity of the area by requiring the removal of the saw mill on the site.

(b) Are the site attributes conducive to development

The site attributes are conducive to the subdivision. It is a cleared and gently undulating site suitable for the construction of dwellings. Essential infrastructure can easily be extended from adjoining subdivisions to the site and the internal roads will provide good vehicle and pedestrian connectivity to the road network.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

No submissions were received in relation to the subdivision.

(b) Submissions from public authorities

No submissions were received from public authorities, other than as discussed above.

5. THE PUBLIC INTEREST

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

The subdivision will not affect federal, state and local government interests and community interests.

6. CONSULTATIONS

(b) Development Engineer

The Development Engineer raised no objections to the subdivision subject to a number of standard conditions being included on the consent.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

ALEX NOAD
ENVIRONMENTAL TOWN PLANNER

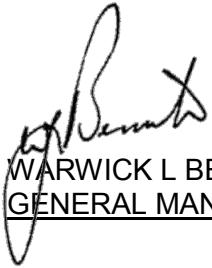


CATHERINE VAN LAEREN
DIRECTOR DEVELOPMENT AND
COMMUNITY SERVICES

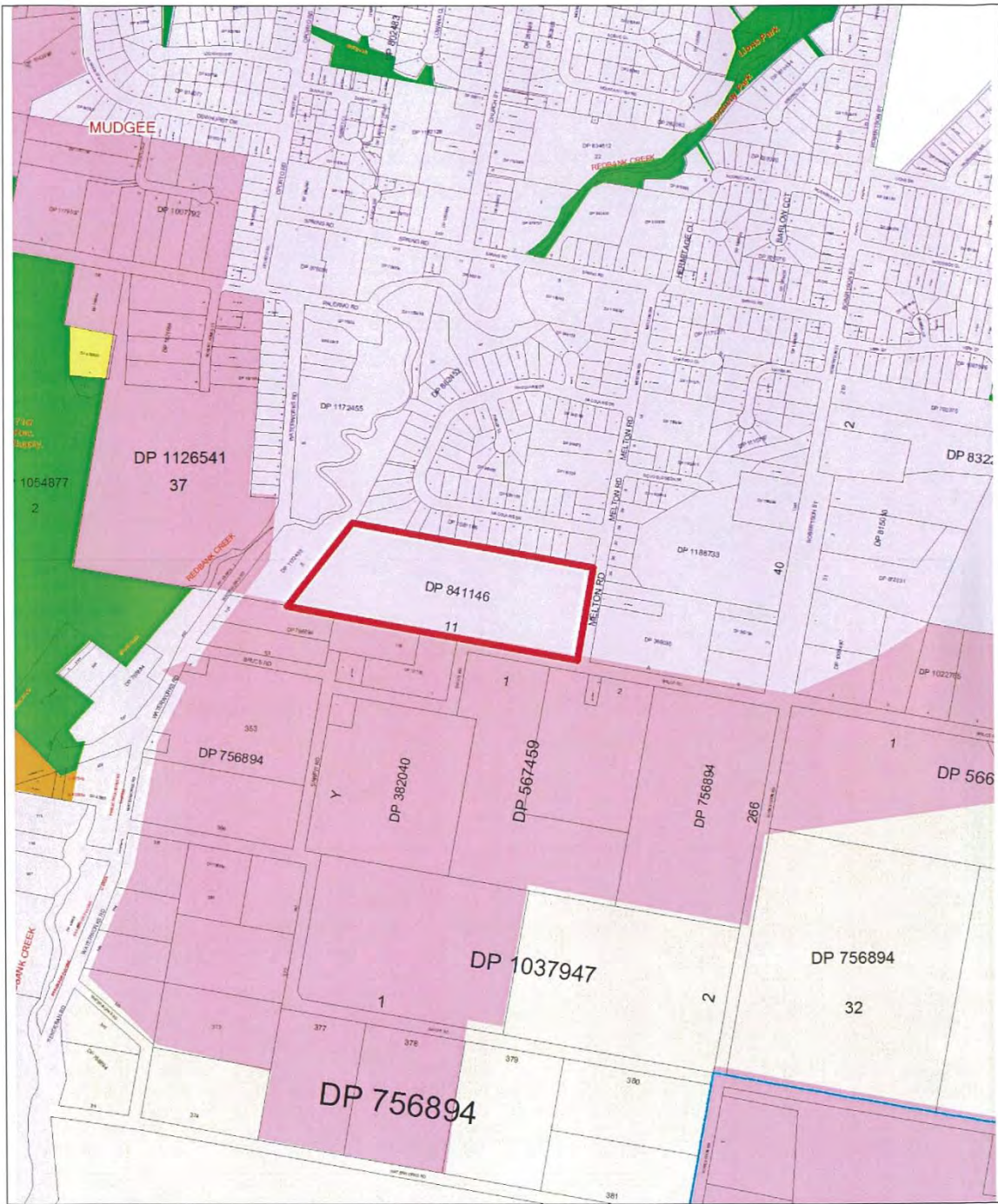
6 November 2013

Attachments: 1. Locality Plan
2. Subdivision Plan.
2. NSW Office of Water GTA

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



Map Scale: 1:8,605

Disclaimer

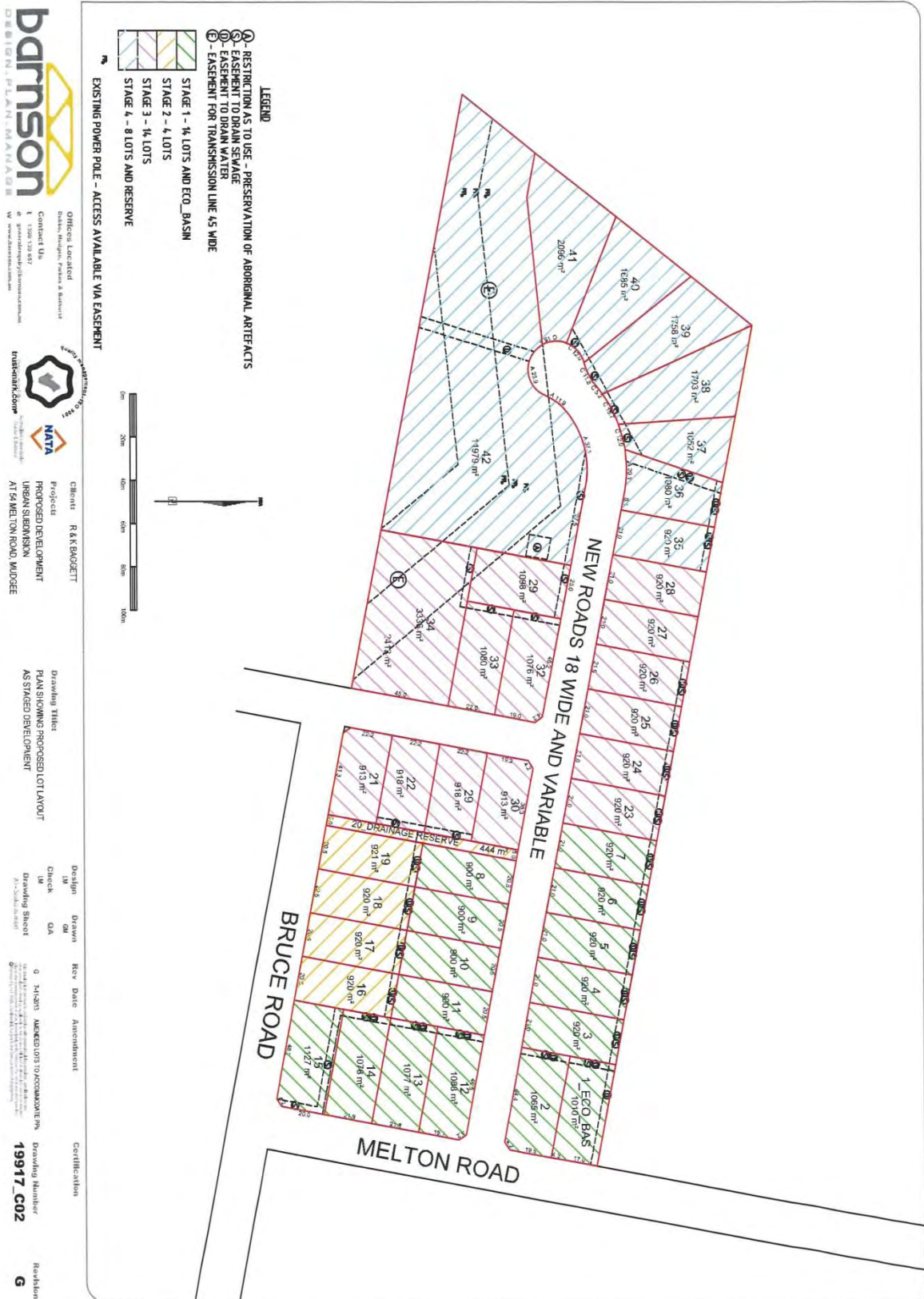
This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.

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.

LOCALITY PLAN - 54 MELTON ROAD, MUDGEE



Printed on Monday, 11 November 2013





Department of
Primary Industries
Office of Water

Contact: Jeanette Nestor
Phone: 02 6841 7447
Fax: 02 6884 0096
Email: Jeanette.nestor@water.nsw.gov.au
Our ref: 80 ERM2013/0791
Our file: 9057331
Your ref: DA0054/2014

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



23 October 2013

Attention: Alex Noad

NSW Office of Water

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA0054/2014
Description of proposed activity: Removal of dams and remnants of watercourse
Site location: 54 Melton Road Mudgee NSW 2850

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.



General Terms of Approval

for work requiring a controlled activity approval
under s91 of the Water Management Act 2000

Our Reference: 80 ERM2013/0791 **File No:** 9057331
Site Address: 54 Melton Road Mudgee NSW 2850
DA Number: DA0054/2014
LGA: Mid-Western Regional Council

Number	Condition
Plans, standards and guidelines	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA0054/2014 and provided by Council:</p> <p>(i) Site plan, map and/or surveys</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Works Schedule (ii) Erosion and Sediment Control Plan (iii) Soil and Water Management Plan</p>
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing.</p>
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</p>
Rehabilitation and maintenance	
6	N/A
7	N/A
Reporting requirements	
8	N/A
Security deposits	
9	N/A

Our Reference: 80 ERM2013/0791 **File No:** 9057331
Site Address: 54 Melton Road Mudgee NSW 2850
DA Number: DA0054/2014
LGA: Mid-Western Regional Council

Number	Condition
Access-ways	
10	N/A
11	N/A
Bridge, causeway, culverts, and crossing	
12	N/A
13	N/A
Disposal	
14	N/A
Drainage and Stormwater	
15	N/A
16	N/A
Erosion control	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
19	N/A
Maintaining river	
20	N/A
21	N/A
River bed and bank protection	
22	N/A
23	N/A
Plans, standards and guidelines	
24	N/A
25	N/A
26	N/A
27	N/A
END OF CONDITIONS	

6.2.4 Aboriginal Sensitivity Mapping and On-Ground Works Project

REPORT BY THE ENVIRONMENTAL TOWN PLANNER TO 20 NOVEMBER 2013 COUNCIL MEETING

131120 Public

GOV400029, A0100056, A0420248

RECOMMENDATION

That:

1. **the report by the Environmental Town Planner on the Aboriginal Sensitivity Mapping & On Ground Works Project be received;**
2. **the report by the Environmental Town Planner on the Aboriginal Sensitivity Mapping & On Ground Works Project be noted.**

Executive summary

Council staff have practically completed the Aboriginal Sensitivity Mapping and On Ground Works Project it received grant funding for from the Hunter-Central Rivers Catchment Management Authority.

The grant of \$80,000 has allowed council, in conjunction with the Mudgee Local Aboriginal Land Council and Murong Gialinga Atsic group, to commission and create electronic aboriginal sensitivity mapping to assist in the assessment of development applications, council works and cultural surveys.

It has been necessary for Council to enhance its attention to the protection of aboriginal cultural heritage. There are extremely high fines for the destruction or disturbance of sites and artefacts. Council is subject to the same legislation as private developers. Council is also constantly at threat from fines in relation to Development Assessments unless it requires appropriate due diligence. The potential fines under the National Parks and Wildlife Act for corporations for an offence is \$1.1 million.

Essentially the mapping clarifies when on-ground cultural surveys must be undertaken in relation to development applications and Council works. It operates in the same way that Council's flooding and bushfire mapping clearly demonstrate where additional investigations and information must be provided without question in order for those hazards to be appropriately addressed.

The mapping is now being utilised by the Planning Department and is already having a positive impact by highlighting the high sensitivity of the landscape and the need for protection of aboriginal artefacts across the local government area.

The grant has also allowed physical improvements to be undertaken at the DRIP and Hands on Rock sites north of Ulan Village. The improvements have included weed spraying, tree planting, the provision of bench seats, interpretive signage and a footbridge. These improvements will significantly enhance the whole community's enjoyment and understanding of these significant aboriginal sites.

Some minor works and cultural awareness training of works staff remains outstanding to finalise the project. These include follow up weed spraying, tree planting, and the attachment of signage boards to the structures provided. These items will be completed before the end of the calendar year.

The project has been a considerable success, not least because it has enhanced engagement between Council and the local aboriginal community. Council staff would like to extend its sincere thanks to the Mudgee Local Aboriginal Land Council and Murong Gialinga for their ongoing commitment to the project.

Detailed report

In late 2012 council won a grant from the Hunter Central Rivers Catchment Management Authority for the creation of GIS aboriginal sensitivity mapping, and to make improvements to the Drip and Hands on Rock cultural sites north of Ulan village. The grant totalled \$80,000, and required proportionate in-kind contributions from council staff. It was to be completed by the end of the 12/13 financial year.

The grant application was made with support from the Mudgee Local Aboriginal Land Council (MLALC) and Murong Gialinga (MG) Atsic group. It recognised Council required additional information to improve its procedures surrounding the protection of aboriginal heritage, particularly in relation to development assessments and Council's infrastructure programs. It also provided an opportunity for Council to enhance its engagement with the local aboriginal community.

The project commenced with preliminary consultations at Council's Aboriginal Reference Group. This informed the scope for the Aboriginal Sensitivity Mapping, and the improvements to be undertaken at the Drip and Hands on Rock. Such consultations continued throughout the life of the project.

Heritage Insights, a Melbourne based archaeology firm, was engaged to undertake the mapping component. Initially the mapping component was expected to include a landscape study and to obtain data on all known sites in the local government area. It also required a number of direct consultations with the aboriginal community and on-ground surveys.

Only a basic landscape analysis was realistic, and a visit to the NSW Office of Environment and Heritage in Sydney was required by council staff. The direct consultations with the community were highly beneficial. They provided context around where artefacts would be found in the landscape and highlighted that all areas are sensitive – there are no non-sensitive areas; only relatively more (high) sensitive areas. This was confirmed with the on-ground surveys revealing artefacts in disturbed areas along roadways in Mudgee, Kandos and near Goolma and Ulan.

The mapping that has been produced is composed of 5x GIS Maps. It indicates with 200m & 300m buffers the location of known artefacts and demonstrates that artefacts are highly likely to be found around known artefacts, and along minor and major waterways. As there are 3000+ known sites and the topography of the LGA is hilly, they show clearly it is a highly sensitive aboriginal heritage landscape. The mapping has already been put to use in the Planning Department and has greatly improved attention to cultural heritage issues in development assessments.

The physical works component of the project was originally conceived to include the extension of the board walk and rebuilding of eroded parts of the track at Hands on Rock. It also included the construction of a footbridge over Bombadeen Creek at the Drip, and the erection of interpretive signage, weed spraying and tree planting at both sites.

NPWS, OEH, Fisheries and Crown Lands were consulted in relation to the works, and Council's Operations Department, MLALC and MG contributed significant time, resources and personnel.

A number of challenges were experienced. At Hands on Rock, a cultural survey and potential dust impacts on the artwork meant the track rebuilding and board walk extension were abandoned. There were also no weeds to spray. Accordingly the scope of works was altered and reduced to

simply include the provision of bench seats at the head and tail of the track, interpretive signage and tree planting.

At the Drip, the track and distance to the Bombadeen Creek caused logistical issues. It was not practical for heavy metal beams or numerous wooden battens to be walked in from the car park. Accordingly Mudgee Helicopters were engaged to literally fly these items in. As such the construction of the footbridge was able to be completed in just three days. The footbridge integrates well within the landscape. Visitors barely hesitate when they cross it and it is doing well protecting the intersection of the creek and river from soil erosion.

Some minor works at the sites remain outstanding. These include follow up weed spraying and tree planting, and the attachment of interpretive signage boards to the structures provided once they are manufactured. Competing workloads have led to the delay. Nevertheless, the grant has been acquitted and a commitment has been made by MLALC to finalise the works before the end of the calendar year. This is appropriate as the content of the signage must be developed by the local aboriginal community.

The project also included cultural awareness training for office and works staff. The training for office staff has recently been completed by the Environmental Town Planner and Alecia Lonsdale from MLALC. It presented the mapping, addressed the legal framework around protection of aboriginal heritage and administering it in practice. It also considered the development of a specific MWRC Due Diligence procedure to create clear local guidelines to address these issues. The training for work staff will be completed by Alecia Lonsdale by the end of the calendar year.

Council Staff would sincerely like to thank all those who have been involved in the project and particularly the Mudgee Aboriginal Land Council and Murong Gialinga Atsic groups for their support. The project has made a significant contribution in increasing the ties between council and the local aboriginal community and made significant steps in ensuring that aboriginal heritage is addressed consistently throughout the local government area.

Financial implications

The project was financed with an \$80,000 grant from the Upper Hunter Catchment Management and required a proportionate in-kind contribution from council staff and the employment of members of the local aboriginal community. A significant amount of voluntary time was also provided by member of MLALC and MG. The grant has been acquitted.

Strategic or policy implications

The aboriginal sensitivity mapping has significant strategic and policy implications. It demonstrates that practically the whole LGA is a highly sensitive landscape and provides clear visual guidance on the need to undertake cultural surveys in relation to development assessments and Council's infrastructure works programs.

It has been necessary for council to enhance its attention to the protection of aboriginal cultural heritage. There are extremely high fines for the destruction or disturbance of sites and artefacts. Council is also constantly at threat from fines in relation to Development Assessments unless it requires appropriate due diligence. The potential fines under the National Parks and Wildlife Act for corporations for an offence is \$1.1 million.

Essentially the mapping clarifies when on-ground cultural surveys must be undertaken in relation to development applications and council works. It operates in the same way that Council's flooding and bushfire mapping demonstrate clearly the where additional investigations and information must be provided without question in order for those hazards to be appropriately addressed.



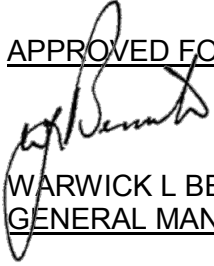
CATHERINE VAN LAEREN
DIRECTOR DEVELOPMENT AND
COMMUNITY SERVICES

ALEX NOAD
ENVIRONMENTAL TOWN PLANNER

4 November 2013

Attachments: Nil.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.2.5 Planning Proposal – Newson Dwelling Entitlement

REPORT BY THE MANAGER STRATEGIC PLANNING TO 20 NOVEMBER 2013 COUNCIL MEETING

Planning Proposal Newson

GOV400029, A0100056, LAN900041

RECOMMENDATION

That:

1. **the report by the Manager Strategic Planning on the Planning Proposal – Newson Dwelling Entitlement be received;**
2. **the Planning Proposal be forwarded the Department of Planning and Infrastructure for determination by the Gateway highlighting the preferred mechanism for achieving the intent of the proposal is an inclusion in Schedule 1; and**
3. **the Planning Proposal fees be change in accordance with the adopted Fees and Changes at a rate of \$3186.**

Executive summary

Council has received a Planning Proposal from Barnson in respect to the provision of a dwelling entitlement on Lots 28 and 29 DP 755414 Botobolar. In addition, the proponent has requested that Council consider waiving the Planning Proposal fee of \$3186 on the basis that the holding had an entitlement under a previous planning instrument.

Detailed report

FEE

The Planning Proposal fee is adopted in the Fees and Changes and covers part of the costs associated with the administration and processing of the application. There are two fees for Planning Proposals; a more significant fee for the a proposal that is considered inconsistent with the Comprehensive Land Use Strategy (CLUS) which is \$7965 and a lesser fee for all other proposals of \$3186. Initially, the proponent was advised that the proposal is outside the CLUS therefore the higher fee would be applicable. However, Barnson, in preparing the documentation have suggested that as a entitlement existed under the LEP 2008 and the CLUS suggests that it is the intention of Council that no entitlements should be “lost” as a result of the Comprehensive LEP, the proposal is in fact consistent with the CLUS. Further, the preliminary assessment of the proposal revealed that the provisions on which the original DA relied were in fact contained in the draft LEP 2010 (now LEP 2012). On this basis the lesser fee has been applied in this instance.

Regardless of the actual fee changed, there is a considerable amount of time and effort going into the preparation of an amendment to the LEP and the fees are established to account for this.

In this instance the proponent was of the understanding that the fee was the higher of the two and has requested that Council either reduce or waive the fee given the circumstances and nature of the particular proposal. The fee has been reduced as described above. Waving the fee altogether would set a precedent for all of the other proposals coming in to Council and is therefore not supported. However, should Council choose to release the proponent from the burden of the fee

an adjustment will need to be made to allocate the equivalent monies from the donations budget as is the practice.

PLANNING PROPOSAL

Background

The circumstances of the application would be familiar to Council. By way of background, Mr Newson had a development consent issued in 2003 under the provisions of LEP 1998 for a dwelling associated with an intensive agricultural activity on the consolidated lots which have an area of 28ha. The consent was a deferred commencement consent and required the owner to demonstrate compliance with the Floodplain Management Plan. This was not undertaken by the proponent (although as since been satisfied) and the development consent lapsed. The erection of a dwelling on the site was also conditional on the land being used for an intensive agricultural purpose, in this case olives.

On realising that the consent had lapsed, the applicant submitted a new application with a variation to the minimum lot size (100ha) for the erection of a dwelling. The variation was significant given that the lot would only have an area of 28ha and was not supported by planning staff. The application was referred to the Department of Planning and Infrastructure (DOPI) who also refused to accept that variation, however, suggested that consideration would be given to a Planning Proposal to facilitate the entitlement. Further, the DOPI suggested that such a proposal consider the CLUS and the suitability of the entire area for rezoning for lifestyle lots. This would have required that the CLUS be revised to the extent that the methodology and criteria for determining suitability of land for lifestyle development be entirely reviewed.

Initial discussion between Council staff and the consultant engaged by Mr Newson concluded that this approach would be both expensive, unfeasible and potentially undermine the entire strategic direction adopted by Council all for the sake of reinstatement of a single dwelling entitlement. A number of options were suggested including an amendment to the clauses relating to dwellings on agricultural land and the use of Schedule 1.

Overview

The Planning Proposal has been prepared by Barnson Pty Ltd on behalf of the proponent seeking to reinstate the dwelling entitlement on consolidated lots 28 & 29 DP 755414 Botobolar Road Botobolar. The proposal addresses the Comprehensive Land Use Strategy (CLUS) arguing that the proposal is not inconsistent with the intent of the CLUS in terms of the retention of dwelling entitlements, however, the dwelling entitlement existed only in association with the subdivision (in this case consolidation) to create an intensive agricultural lot above the minimum 20ha as specified in LEP 1998.

The following is an extract from the proposal:

4.1 Mid-Western Regional Comprehensive Land Use Strategy

The Mid-Western Regional Comprehensive Land Use Strategy ("the Strategy") dated October 2009 provides *"a basis for identifying options...to meet long term urban and rural growth needs... and provide direction for targeted growth in specific areas.*

The Strategy commenced preparation in 2007 by Parsons Brinkerhoff consultants for Council, and was adopted in 2009. Relevant sections of the Strategy are addressed as follows:

Section 2.1: Rural Land contains *a set of development principles upon which to build a Strategy for the rural lands.* Of particular relevance to the subject land is the principle:

- *Retain the ability to seek development approval for a dwelling on lots that have been created by Council for that purpose.*

In considering this principle, Council's deferred commencement consent under the now lapsed DA 0292/2003 granted consent to a dwelling subject to subdivision (consolidation) of the land into one lot of 28ha.

In considering the other principles for Rural Land as stated in Section 2.1, the proposal does not result in fragmentation of agricultural land nor give rise to land use conflict, nor is it considered to be inconsistent with any of the principles for rural land. As such the proposal relies upon the establishment of an intensive agricultural enterprise on the land, with an olive grove proposed in this regard to enable a dwelling on the land.

Section 2.3 Protection of the environment and natural resources identifies development constraints of relevance to the site. Those of particular relevance to the site are identified including *environmentally sensitive areas, rivers and creek lines, and groundwater / surface water management.* In relation to the existing building proposed for use as a dwelling, this is located approximately 75m from Stoney Creek which forms its northern boundary.

The future planting of an olive grove is identified within a cleared portion of the site between the proposed dwelling and Botobolar Road. The proposed dwelling has a 30KL water tank and the owner will apply for a new bore license for irrigation purposes subject to the Planning Proposal being supported. No physical constraints are identified under the Strategy to the proposed dwelling and olive groves on the land.

Section 2.6 Infrastructure Services identifies required services. The site benefits from sealed road access, electricity, telephone (land and mobile) and school bus services. Water is sourced on site and effluent disposal will be on site subject to the recommendations of a geotechnical assessment, which shall be prepared for a future DA for the dwelling.

Section 4.3.2 Irrigated Agriculture identifies several principles of relevance to the proposed olive grove on the site, which is an activity that is compatible with other agriculture in the locality. With consolidation of the land this prevents fragmentation of the land, and whilst the minimum lot size has increased to 100ha under LEP 2012, it is noted that the Strategy commenced preparation in 2007, prior to the making of the Interim LEP 2008 whereupon the potential for a dwelling entitlement was ultimately removed.

Section 4.7 Subdivision and dwelling entitlements specifically considers the circumstances of the proposal whereby:

All existing "dwelling entitlements" as recognised in the Mid-Western Interim Local Environmental Plan 2008, Rylstone Local Environmental Plan 1996 and the Merriwa Local Environmental Plan 1992 will be retained. It is also proposed to retain the current provision in the Interim Local Environmental Plan 2008 which makes it clear that lawfully created allotments on which a dwelling house could have been erected will retain that entitlement.

Noting that the deferred commencement consent DA 0292/2003 granted consent to a dwelling subject to subdivision (consolidation) of the land into one lot of 28ha, this provided a *lawfully created allotment* notwithstanding that the applicant did not carry out the necessary procedure to consolidate the land as approved.

In summary then, a review of the Strategy identifies that the Planning Proposal is not inconsistent with any of the relevant principles of the Strategy that relate to rural development.

The CLUS initially proposed to include a strategic direction relating to the increase in the minimum lot size for the erection of a dwelling in the rural zone from 100ha to 400ha. This being the case it also addressed the need to ensure that existing entitlements were preserved as a result there are provisions in the LEP 2012 clause 4.2A(g) which not only achieve that but reinstate entitlements that were wither not saved or omitted in the Interim LEP 2008 or had previously been removed by a sunset clause in LEP 1998.

The specific matter being considered in consideration of the proposal in this report is that the Council had undertaken a merit assessment of the proposal and issued a development consent that would enable the erection of a dwelling in association with an intensive agricultural activity as was permissible in the LEP 1998.

Under the provisions of LEP 1998 clause 12(6), development for the purposes of subdivision and a dwelling was permissible provided that

- (b) the Council is satisfied that:
 - (i) each allotment created by the subdivision has an area of at least 20 hectares and that, based on documentary evidence, each allotment is intended to be used for the purpose of intensive agriculture, and
 - (ii) adequate arrangements exist for the continuous and reliable supply of a sufficient quantity of water to the land, and

- (iii) the soil, topography, drainage and other physical characteristics of the land are such that intensive agriculture is a suitable use of the land, and
 - (iv) the land will not be used for intensive keeping of livestock, and
 - (v) an adequate area is available for the erection of a dwelling-house which will be ancillary to the use of the land and located, as far as is practicable, on land not capable of being used for the purpose of intensive agriculture, and
- (c) the Council has referred the application for consent to subdivide the land to NSW Agriculture and the Department of Land and Water Conservation or a similar expert body with a request for comment, and has taken into account any comments received within 14 days of the Council's request for comment.

These provisions were not saved in the Interim LEP 2008 nor in the LEP 2012. Council did, however, seek to reinstate the clause permitting the subdivision and erection of a dwelling in the RU1 Primary Production zone in association with intensive agriculture and having a minimum lot size of 20ha. The draft LEP 2010 (as it was then, now LEP 2012) submitted to the DOPI under section 62 of the act for a certificate for public exhibition included clause 4.1(3B) which related the subdivision of land in the RU1 Primary Production zone to 20ha for intensive agriculture and a dwelling similar to clause 12(6) above. The DOPI argued that this was inconsistent with the Rural Lands SEPP and as such should be removed (refer Development and Services Committee Report 1 December 2010 Draft LEP s62).

While Council staff are not of the view that the Planning Proposal now being considered addresses this as an holistic issue, under the circumstances it is not considered contrary to the intent of either the CLUS or the initial draft LEP 2010 (LEP 2012), in fact is consistent with Council's draft LEP 2010 submitted to the DOPI for public exhibition.

Precedent

The Planning Proposal is a matter dealt with under statute and technically precedent has no place nor is it a matter relevant to the determination as to whether the planning proposal should be supported. However, in addressing the proposal the likelihood of the floodgate effect was considered in terms of a number of similar proposals. Unique to this proposal is the fact that the entitlement was created via the provisions of LEP 1998 as outlined above rather than an entitlement that "existed" at some earlier point in time. The minimum lot size (MLS) for an intensive agricultural lot in the Primary Production zone was 20ha. This is consistent with the MLS in the Primary Production Small Lots zone (formerly the Intensive Agricultural zone). This is based on the absolute minimum area on which a commercially viable intensive agricultural activity could be undertaken was deemed to be 20ha. Whether this is in fact the case is again not a point for consideration in this case. In this instance the proponent exceeds this by over 40% with an area of over 28ha.

Further, the proponent had sort and gained development consent for the subdivision (consolidation) and was both unaware that the consent had lapsed and that neither the Interim LEP 2008 nor LEP 2012 saved the provisions. Further, it is fair to assume that the reasonable person in the position the proponent would have demonstrated the same limited understanding of the interrelationship between the CLUS, Interim and 2012 LEPs. This, together with the set of circumstances in which the original development application was approved support the case for the reinstatement of the dwelling entitlement in association with an intensive agricultural use with limited risk of precedent. If there are any cases with similar set of circumstances they will be individually considered, however, this seems remote.

Summary

Council approved a development application for a subdivision (consolidation) of the two lots which in association with an intensive agricultural land use permitted the erection of a dwelling on the site. The consent lapsed and despite the intention of Council to include the provisions under which it was approved into LEP 2012 the clause was omitted under direction from the DOPI. This is not a case supporting the reinstatement of these provisions verbatim, rather, it is seeking to acknowledge a valid case in which they had been used in the recent past. It is on this basis that that Planning Proposal submitted by Barnson Pty Ltd is supported.

The preferred mechanism for achieving the desired outcome is an amendment to the LEP 2012 to include the use in Schedule 1 as an additional permissible use. This makes the intention in respect to this site very specific and clear. However, there has been and continues to be some resistance by the DOPI to utilise this mechanism when there is an alternative, such as a zone which would accommodate the intent. The alternative to the use of Schedule 1 would be to rezone the subject land RU4 Primary Production Small Lots and amend the lot size map to indicate a 20ha MLS. The erection of the dwelling would be permissible under these circumstances and still remain conditional on the intended use of the land for intensive agriculture. However, it would be an isolated zone surrounded by RU1 Primary Production. This highly visual representation of the land will be more likely to cause confusion amongst adjoining land owners who are not privy to the circumstances of the case and is therefore not the preferred option although would be a palatable outcome.

Financial implications

Not Applicable, however, considerable resources have been allocated to this matter in the lead up to the lodgement of the application and through the development application process including representation directly to the Department of Planning in Sydney. Should Council resolve to waive the fees and adjustment of \$3186 will need to be made to the donations budget to account for this application.

Strategic or policy implications

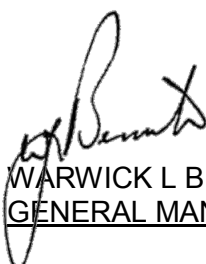
The Planning Proposal, should it proceed will result in an amendment to the LEP 2012 to enable the proponent to submit a development application for the erection of a dwelling on the subject land in conjunction with an intensive agricultural activity.

LIZ DENSLEY
MANAGER STRATEGIC PLANNING

4 November 2013

Attachments: 1. Planning Proposal (included at the end of the business paper).

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER


CATHERINE VAN LAEREN
DIRECTOR DEVELOPMENT & COMMUNITY SERVICES

6.2.6 Strategic Planning Program

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 20 NOVEMBER
2013 COUNCIL MEETING
131120 Public
GOV400029, A0100056, A0420109

RECOMMENDATION

1. **That the report by the Director, Development and Community Services on the Strategic Planning Program be received;**
2. **That the amended Strategic Planning Program as attached to this report be adopted.**

Executive summary

The purpose of this report is to provide an update on the Strategic Planning Program for 2013. The program was last reported to Council on the 24 July 2013. The program is outlined in the table included in this report.

Detailed report

The table attached to this report as attachment 1 outlines a Strategic Planning Program (SPP) for 2013/14. The table includes an indicative timeframe for projects but it should be noted that these timeframes need to be flexible due to the reliance on the Department of Planning and Infrastructure for the completion of some of the projects and the need to adjust the timetable to cater for un-programmed projects such as urgent planning proposals or State Significant Development.

The projects have been derived from various sources including Council resolutions, Local Service Assessment Report by Manidis Roberts, Comprehensive Land Use Strategy and best practice. Since last reporting the program a number of the projects have been completed. The table includes the SPP as last reported to Council with further amendments and comment in the fourth column.

Financial implications

Where possible grants will be sought to undertake strategic projects as outlined in the table in this report or funded from Section 94. All other work can be accommodated in the current delivery plan subject to changes in the indicative timetable as resources and constraints demand.

Strategic or policy implications

The Strategic Planning Program is an important program in coordinating Council's response and management to growth within the region. The studies and strategies that are included in the program will guide policy formulation and assist in establishing the future direction of Council.

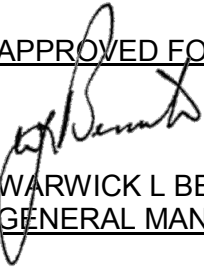


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

28 October 2013

Attachments: 1. Strategic Planning Program

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

Project Name	Description / Comment	Time Line as reported 24 July 2013	Comment / Amendments to Time Line
Strategic Plans and Strategies			
Comprehensive Development Control Plan	DCP has been implemented and the scheduled 6 month review has been undertaken with several amendments considered appropriate.	<ul style="list-style-type: none"> Six month review to be reported to Council in August. Exhibition in September. Report to Council in November. 	<ul style="list-style-type: none"> Reported to Council 3 October Exhibition 14 October to 11 November 2013. Industry workshop 31 October 2013 with 40 practitioners and staff attending. - Completed Report for adoption to delayed until 2 December to allow completion of exhibition prior to preparation of the report.
Recreation Strategy	The purpose of the Recreation Strategy is to review the current provision of open space and recreation facilities within the LGA examining the adequacy of provision and investigating opportunities for rationalisation of land holdings.	<ul style="list-style-type: none"> Draft Strategy to be presented to Council May 2013. Exhibition June/July 2013. Report to Council August 2013. 	<ul style="list-style-type: none"> Reported to Council 7 August 2013 for adoption. COMPLETED
Sensitivity mapping – Aboriginal Culture	This project is grant funded. The purpose of the project is to identify and map cultural sensitive landscapes to assist development and on ground works.	Report to Council in September 2013 with completed mapping and on ground works.	Implementation of the project has been completed. An information report will be presented to Council on 20 November 2013.
Affordable Housing Strategy.	The purpose of this strategy is to investigate options for the provision of Affordable Housing and to develop a Council Policy.	<ul style="list-style-type: none"> Discussion Paper and exhibition completed. Report Strategy and Draft Policy to Council May 2013. Exhibition of Policy April 2013. Report to Council for 	<ul style="list-style-type: none"> COMPLETED

Project Name	Description / Comment	Time Line as reported 24 July 2013	Comment / Amendments to Time Line
Review of Town Structure Plans	An initial workshop was held with Council on 4 th October 2012. As a consequence of the Service Assessment Report commissioned by the Department of Planning it is considered that the long term planning options for the development of Mudgee should be reviewed.	Report to Council in October to include a SWOT analysis and rough estimates of costs to service development area options.	<ul style="list-style-type: none"> Report to be presented to Council 20 November 2013.
Section 94 Plan	Council Section 94 Plan is out of date. A large number of the projects in the schedule of works are completed or the works identified are no longer appropriate. The White Paper has indicated that there will be a new approach to developer contributions and it is recommended that any review be delayed until the new year. <i>In the interim a minor amendment is proposed to incorporate a contribution for Gross Pollutant Traps rather than requiring each development to undertake water quality control measures.</i>	<ul style="list-style-type: none"> Amendment to Section 94 for GPTs report to Council August. Exhibition September. Report to Council in November. 	<ul style="list-style-type: none"> Report presented to Council 16 October 2013 to retain consultants to undertake concept design for GPT to allow costings. Ongoing timeline to be determined once response to brief obtained from consultants.
Planning System Review	Council has already endorsed a submission on the Green Paper. The release of the White paper is imminent and it is recommended that Council consider making a further submission regarding the amendment to the planning system. The timing of this project is driven by the DoPI but it is considered likely that submissions will be due by the end of May.		<ul style="list-style-type: none"> COMPLETED
Urban Release Strategy	The development of an Urban Release Strategy was an outcome of the Comprehensive Land Use Strategy (CLUS) and a commitment given by Council to the DoPI in endorsing the CLUS.	<ul style="list-style-type: none"> Submission of grant application completed. To date no advice has been received regarding the outcome 	<ul style="list-style-type: none"> Advised of successful grant application by press release 21 October 2013. Brief prepared and sent

Project Name	Description / Comment	Time Line as reported 24 July 2013	Comment / Amendments to Time Line
	of the grant application.		to the Regional Office of the DoPI for approval. At the time of writing this report a response had not been received. <ul style="list-style-type: none"> Time Line to be determined pending response to brief.
Implementation of the Land monitoring system	This is included in the discussion paper for Affordable Housing. There are benefits beyond the affordable housing implication for Council to implement a monitoring system including the ability to provide up to date information to developers and the promotion of sufficient land supply.	Commence 30 July 2013	Monitoring to be further refined as part of the Urban Release Strategy.
Flood Study – Kandos Rylstone	The study is completed and will be reported to the Floodplain Management Committee	Report to Council in September for adoption of the study.	Final comments referred to Consultant to complete study to enable report to Council. Report delayed by consultant.
Plan of Management – Flirtation Hill	Council has received a complaint regarding the current management of the site. It is evident that the site provides a number of opportunities regarding its future use and management and it is proposed that a Plan of Management be prepared to investigate all possible options including any option to rezone/ reclassify the land. The project has been timetabled to commence in January 2014 to coincide with the Investigation for the Regional Art Gallery/ Cultural Centre.	New Project	Timeline TBA – Completion by 30 June 2014
Investigation for Regional Art Gallery/ Cultural Centre	Project to commence in January 2014 and be completed by 30 June 2014.	New Project	Timeline TBA- Completion by 30 June 2014

Project Name	Description / Comment	Time Line as reported 24 July 2013	Comment / Amendments to Time Line
Mudgee Traffic Study	Traffic to be undertaken to inform the new Section 94 Plan.	New Project	Traffic Study Brief issued 21/10/13 Fee Proposal Deadline 08/11/13 Engage Consultant 28/11/13 Data Review and Methodology 19/02/14 Draft Report 30/04/14 Final Report and Completion 30/06/14
Planning Proposals (PP)			
73 A Amendment –	This is the mapping amendments required as a result of changes that the DoPI made to the Draft LEP post exhibition without first seeking editing by Council.		COMPLETED
Black Springs Road	At the DoPI awaiting publication. An amendment to the Lot Size Map to facilitate the subdivision of an existing 30ha lot into two consistent with surrounding development.		COMPLETED
Blaxland- Caerleon	At the DoPI for publication- delay with mapping. Submitted to the DoPI 04/01/13 Rezoning of the Caerleon Residential precinct.		COMPLETED
Saleyard Lane- Caerleon	At the DoPI for publication –delay with mapping. Rezoning of the former saleyards and adjoining land west to the railway corridor to facilitate residential development. At the DoPI for publication- delay with mapping. Submitted to DoPI 07/01/13		COMPLETED

Project Name	Description / Comment	Time Line as reported 24 July 2013	Comment / Amendments to Time Line
Grimshaw Lane	<p>Rezoning of land south of Gulgong to increase the development densities from 4000m² and 10ha minimum to general residential (approx. 400 lots)</p> <p><i>Council approved the final version of the maps on 11 July 2013 and have been advised that publication for the rezoning will occur in approximately 3 weeks from this date.</i></p>	COMPLETED	
Bellevue Road	<p>Rezoning of land on the southern side of Bellevue Road to increase the development densities from 4000m² to general residential (approx 30 lots)</p> <p><i>This project in on schedule with a report to Council included in this business paper.</i></p>	<ul style="list-style-type: none"> • Awaiting response from RFS • Exhibition May 2013 • Report to Council July 2013. • Submission to DoPI August 2013. 	<p>Waiting for mapping by DoPI likely to be published in conjunction with General Amendment Minor.</p>
Motel – Sydney Road	<p>Enabling clause in the LEP to permit the use of the site for the purpose of a motel.</p> <ul style="list-style-type: none"> • Submitted to the DoPI for gateway 15 January 2013. • Revised Gateway received 24 June & email sent to applicant requesting additional traffic information 24/6/13. 	<ul style="list-style-type: none"> • Awaiting additional information from applicant. 	<ul style="list-style-type: none"> • Information received. • Exhibition from 11 October 2013 to 25 October 2013. • Report to Council 20 November 2013.

Project Name	Description / Comment	Time Line as reported 24 July 2013	Comment / Amendments to Time Line
General Amendment	<p>The purpose of this planning proposal is to make corrections to the LEP and fix any anomalies. This PP will include:</p> <ul style="list-style-type: none"> • R5 Land at Grattai • Mitre 10 – Business • Environmentally Sensitive Land – Water Map • Ryestone Lot Size • Farm Adjustment Clause • Anomalies in the heritage schedule • Clause 4.2 a – dwelling on rural land • 2 ha minimum lot size at the airport. • Reclassify drainage reserves • Permissibility of camping in RE1 <p>There are some contentious issue in the amending LEP so additional time has been allowed in the time table for negotiations with the DoPI.</p>	<ul style="list-style-type: none"> • Report to Council completed. • Submission to DoPI for gateway August 2013 (may have to split Amendment based on complexity of changes) • Response from DoPI August 2013. • Exhibition October 2013. • Report to Council November 2013. • Submission to the DoPI for publication November 2013. 	<ul style="list-style-type: none"> • This planning proposal has been split into two with the non contentious issues included in the minor amendment and the more contentious issues that may take longer to resolve included in major amendments. See below.
General Minor Amendments	<ul style="list-style-type: none"> • Amendment to the R5 zone at Grattai – Lot 153 and 162 DP 756880, • Extension of the B3 Commercial Core zone over Lot 100 DP 1080880 (Mitre-10), • Amend anomalies in the heritage schedule • Permissibility of camping in RE1 Public Recreation zone, • Amend an omission to the Lot Size Map – Lot 300 DP 1092535 <p>Reinstatement of Minimum Lot Size as per s73A Amendment No. 2</p>	<ul style="list-style-type: none"> • See above 	<ul style="list-style-type: none"> • Report to Council 6 November. • Liaison with PC in regard to Opinion Nov 2013 • Submission to the Minister of Planning Dec 2013
General Major Amendments	<ul style="list-style-type: none"> • Environmentally Sensitive Land – Water Map 	<ul style="list-style-type: none"> • See above 	<ul style="list-style-type: none"> • Proceeded through Gateway 22 October but

Project Name	Description / Comment	Time Line as reported 24 July 2013	Comment / Amendments to Time Line
	<ul style="list-style-type: none"> • Farm Adjustment Clause • Clause 4.2 a – dwelling on rural land • 2 ha minimum lot size at the airport. • Reclassify drainage reserves 		formal notification of result yet to be received. <ul style="list-style-type: none"> • Timeline to be confirmed when formal notification received.
Maderia Road	Min No. 74/10 Ordinary Meeting 21 April 2010.	<ul style="list-style-type: none"> • Report to Council August 2013 – submission to DoPI for gateway • Gateway determination from the DoPI re exhibition requirements. – October 2013. • Exhibition November 2013 • Report to Council December 2013. • Submission to DoPI December 2013. 	<ul style="list-style-type: none"> • It is proposed to consider any rezoning of the site as part of an overall Plan of Management for Flirtation Hill. See above project
220 Ulan Road Mudgee	Planning Proposal to reduce the minimum lot size from 4 000m2 to 2 000m2	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • Rescission motion to be presented to Council 20 November 2013. Timeline to be determined pending the outcome of the rescission motion.
Henry Bayly Drive	Pre-lodgement discussions have been undertaken with staff for the rezoning of land on the western side of Henry Bayly Drive to increase the development densities from 4000m2 to general residential	<ul style="list-style-type: none"> • TBA 	<ul style="list-style-type: none"> • At this stage the project is not proceeding to be deleted from SPP.
	Submission imminent.		

Project Name	Description / Comment	Time Line as reported 24 July 2013	Comment / Amendments to Time Line
Rationalisation of Open Space	As a consequence of the Recreation Strategy it is envisaged that there will be an opportunity to rationalise some existing open space within LGA. This planning proposal will require a public hearing should there be any public submissions. <i>Amendment of timeframes to allow detailed investigation of existing open space.</i>	<ul style="list-style-type: none"> Commence Planning Proposal with initial report to Council June 2014 subject to finalisation of Recreation Strategy 	<ul style="list-style-type: none"> No action in the last reporting period.
Rationalisation of Open Space – Jubilee Park	As a consequence of the Recreation Strategy it is envisaged that there will be an opportunity to rationalise some existing open space within LGA. This planning proposal will require a public hearing should there be any public submissions.	<ul style="list-style-type: none"> TBA pending the outcome of the Recreation Strategy. 	<ul style="list-style-type: none"> Project deferred pending further discussion with Rugby Club.
Burrundulla Road Mudgee	Planning Proposal to rezone to R5 with a 2 ha. minimum. Inconsistent with the CLUS.	<ul style="list-style-type: none"> New Project 	<ul style="list-style-type: none"> Planning Proposal submitted 6 November 2013. Report to Council December 2014
Hill End Road Mudgee	Planning Proposal to rezone to General Industrial. Consistent with the CLUS.	<ul style="list-style-type: none"> TBA 	<ul style="list-style-type: none"> Meeting with applicant 25 October who confirmed they wish to proceed with the rezoning after some concerns with the minimum lot size. Exhibition commence 1 November 2013. Report to Council 18 December 2013 Submission to DoPI 20 December 2013.
Botabolar Road	Planning Proposal to allow dwelling.	<ul style="list-style-type: none"> TBA 	<ul style="list-style-type: none"> Report presented to Council 20 November 2013 for consideration.
116-118 Abattoir	Planning Proposal to rezone to R5 with a 2	<ul style="list-style-type: none"> New Project 	<ul style="list-style-type: none"> Planning Proposal

Project Name	Description / Comment	Time Line as reported 24 July 2013	Comment / Amendments to Time Line
Road Mudgee	ha. minimum. Inconsistent with the CLUS.		<ul style="list-style-type: none"> submitted 8 November 2013. Report to Council December 2014.
Development Applications			
Former saleyards Saleyard Lane	Preparation of a Development Application for residential development on the former saleyards site.	<ul style="list-style-type: none"> Preparation of the DA August 2013 Submission October 2013. To Council December 2013. 	<ul style="list-style-type: none"> Project delayed to requirement for additional investigation into Ecological Endangered Species. Redraft of the lot layout due the Ecologically Endangered Communities – Nov 2013. Lodgement of DA to Council December 2013.
Camping at Mudgee Showground			
Motor – X	Resolution 304/12	<ul style="list-style-type: none"> Completed 	
Resolution Corporate Services Committee 5 May 2010	<ul style="list-style-type: none"> DA currently on stop clock pending discussion with president of the club re access. Delayed due to access issues. 	<ul style="list-style-type: none"> Project delayed due to complication regarding access. Meeting held with club representative on the 24 October 2013 where it was confirmed that they wish to continue with the DA subject to the access being resolved. 	

Project Name	Description / Comment	Time Line as reported 24 July 2013	Comment / Amendments to Time Line
Mountain Bike Facility- Mudgee Common	As the Crown has now agreed to the preparation of a Plan of Management a DA will not be necessary for the use.	<ul style="list-style-type: none"> Approval has been gained from Crown Lands for the preparation of a Plan of Management (PoM) for the use to occur on the site. Meeting to be held with representative of the Bike Club on the 22 July to review the Draft PoM. Meeting to be held with residents and other users to discuss PoM week commencing 5 August 2013. Report to Council for exhibition 21 August 2013. Exhibition 28 days. Report to Council October 2013. 	<ul style="list-style-type: none"> Plan of Management reported to Council 6 November 2013 for adoption. COMPLETED
State Significant Development			
Cobbara Coal Project	Additional information of potential water impacts still outstanding from the proponent. A further submission will be made upon the review of this outstanding information by Council's consultant.	<ul style="list-style-type: none"> Presentation to PAC undertaken on 11 December 2012 - Completed Meeting with the PAC on 16 January 2013- Completed 	No further Action
Mount Penny Coal Project	Council made a adequacy review submission to the DoPI in September 2012.	TBA	
Wilpinjong Coal – expansion	Preliminary discussions have occurred regarding potential expansion and modification applications.	TBA	<ul style="list-style-type: none"> Submission sent on 13 September 2013 regarding Modification No. 5. Further Submission

Project Name	Description / Comment	Time Line as reported 24 July 2013	Comment / Amendments to Time Line
Lue Silver Mine – Bowden Kingsgate	Draft DGRs will be circulated to the Councillors for consideration.	<ul style="list-style-type: none"> • Draft DGRs to be submitted to DoPI by the 31 January 2013. - Completed • Planning Focus Meeting to be held in February 2013 – date yet to be confirmed. – Completed • Community visioning exercise April/May – Completed • Adequacy Review of EA - TBA 	<ul style="list-style-type: none"> • Meeting and submissions regarding the alternate heavy vehicle traffic routes. Council has received verbal advice from the DoPI that altered traffic routes will be readvertised.
Crudine Ridge Wind Farm		<ul style="list-style-type: none"> • Environmental Assessment on exhibition from 12 December 2012 to 19 March 2013. • Draft submission to be reported to Council 6 March 2013. - • Meeting held with proponent to discuss amendments to transport routes. A Preferred Project Plan will be submitted for Council's consideration. 	<ul style="list-style-type: none"> • Meeting and submissions regarding the alternate heavy vehicle traffic routes. Council has received verbal advice from the DoPI that altered traffic routes will be readvertised.
Liverpool Ranges Wind Farm		<ul style="list-style-type: none"> • Adequacy review due 31 January 2013. -Completed 	<ul style="list-style-type: none"> • No further action since the reporting period
Ungala Wind Farm		<ul style="list-style-type: none"> • Planning Focus Meeting March 2011 • Response to Draft DGRs submitted to DoPI 31 March 2011. – Completed 	<ul style="list-style-type: none"> • No further action since last report.

Project Name	Description / Comment	Time Line as reported 24 July 2013	Comment / Amendments to Time Line
Bylong East Duplication – Rail	<p>The Proposal comprises the construction of a new single line track and formation on the upside of the existing main line from the existing passing loop at Bylong, and will involve the reconfiguration of the Ulan line, providing approximately 5.3km of additional track to reduce section run times between Murrumbo Passing Loop and Bylong Passing Loop.</p>	<ul style="list-style-type: none"> • Adequacy Review of EA completed 20 June 2013. • Submission on DGRs due 21 January 2013. - Completed 	<ul style="list-style-type: none"> • No further action since last report.

6.2.7 Monthly statement of bank balances and investments as at 31 October 2013

REPORT BY THE FINANCIAL ACCOUNTANT TO 20 NOVEMBER 2013 COUNCIL MEETING

131120 Public

GOV400029, A0100056, A0140304

RECOMMENDATION

That:

1. **the report by the Financial Accountant on the monthly statement of bank balances and investments as at 31 October 2013 be received;**
2. **the certification of the Responsible Accounting Officer be noted.**

Executive summary

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

Detailed report

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

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

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

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

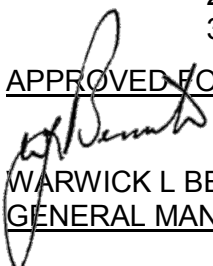
NEIL BUNGATE
FINANCIAL ACCOUNTANT

5 November 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

Monthly statement of bank balances and investments
For the month ended: 31-Oct-13

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
National Australia Bank	\$ 79,982	\$ 11,911,544	\$ 11,806,488	\$ 185,037	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 31/10/2013

Investments	Type	Amount	Yield %	Maturity Date	Placement			Govt Rating	NAV	% of Portfolio
					Date	Term	Rating			
National Australia Bank	At Call	\$ 350,000	2.80%	N/A		At Call	A-1+	1		1.0%
National Australia Bank	Term Deposit	\$ 1,000,000	3.80%	2/04/2014	2/10/2013	182	A-1+	2		2.8%
National Australia Bank	Term Deposit	\$ 1,000,000	3.80%	8/01/2014	9/10/2013	91	A-1+	2		2.8%
National Australia Bank	Term Deposit	\$ 500,000	3.76%	12/02/2014	16/10/2013	119	A-1+	2		1.4%
National Australia Bank	Term Deposit	\$ 1,000,000	3.76%	12/02/2014	30/10/2013	105	A-1+	2		2.8%
National Australia Bank	Term Deposit	\$ 2,000,000	4.06%	20/11/2013	31/07/2013	112	A-1+	2		5.7%
National Australia Bank	Term Deposit	\$ 500,000	3.95%	27/11/2013	7/08/2013	112	A-1+	2		1.4%
National Australia Bank	Term Deposit	\$ 500,000	3.91%	4/12/2013	15/08/2013	111	A-1+	2		1.4%
National Australia Bank	Term Deposit	\$ 1,000,000	4.15%	22/01/2014	17/07/2013	189	A-1+	2		2.8%
National Australia Bank	Term Deposit	\$ 1,000,000	3.80%	8/01/2014	4/09/2013	126	A-1+	2		2.8%
St George Bank	Term Deposit	\$ 1,300,000	3.75%	18/12/2013	28/08/2013	112	A-1+	1		3.7%
St George Bank	Term Deposit	\$ 2,500,000	3.70%	18/12/2013	18/09/2013	91	A-1+	2		7.1%
St George Bank	Term Deposit	\$ 800,000	3.70%	8/01/2014	25/09/2013	105	A-1+	2		2.3%
St George Bank	Term Deposit	\$ 1,500,000	3.80%	5/02/2014	9/10/2013	119	A-1+	2		4.2%
St George Bank	Term Deposit	\$ 1,000,000	3.92%	4/12/2013	15/08/2013	111	A-1+	2		2.8%
St George Bank	Term Deposit	\$ 1,000,000	3.75%	15/01/2014	11/09/2013	126	A-1+	2		2.8%
Commonwealth Bank	Term Deposit	\$ 1,000,000	4.10%	6/11/2013	25/07/2013	104	A-1+	1		2.8%
Commonwealth Bank	Term Deposit	\$ 1,000,000	4.10%	6/11/2013	25/07/2013	104	A-1+	2		2.8%
Westpac Bank	Term Deposit	\$ 1,200,000	3.59%	29/01/2014	23/10/2013	98	A-1+	1		3.4%
ANZ	Term Deposit	\$ 1,000,000	4.00%	13/11/2013	31/07/2013	105	AA	1		2.8%
ANZ	Term Deposit	\$ 1,000,000	3.66%	19/02/2014	31/10/2013	111	AA	2		2.8%
AMP	Term Deposit	\$ 1,000,000	3.80%	5/03/2014	4/09/2013	182	A+	1		2.8%
AMP	Term Deposit	\$ 2,700,000	3.80%	11/12/2013	11/09/2013	91	A+	2		7.6%
Macquarie Bank	Term Deposit	\$ 1,000,000	3.75%	18/12/2013	4/09/2013	105	A-1	1		2.8%
Macquarie Bank	Term Deposit	\$ 1,000,000	3.75%	18/12/2013	5/09/2013	104	A-1	2		2.8%
Bank of Queensland	Term Deposit	\$ 1,000,000	3.95%	26/02/2014	28/08/2013	182	A-2	1		2.8%
Bank of Queensland	Term Deposit	\$ 1,000,000	3.58%	8/01/2014	9/10/2013	91	A-2	2		2.8%
Newcastle Permanent	Term Deposit	\$ 500,000	3.70%	8/01/2014	2/10/2013	98	A-2	1		1.4%
Newcastle Permanent	Term Deposit	\$ 1,000,000	3.70%	15/01/2014	10/10/2013	97	A-2	2		2.8%
Beyond Bank Australia	Term Deposit	\$ 1,000,000	3.85%	11/12/2013	21/08/2013	112	A-2	1		2.8%
Members Equity Bank	Term Deposit	\$ 1,000,000	3.70%	29/01/2014	2/10/2013	119	A-2	1		2.8%
Members Equity Bank	Term Deposit	\$ 1,000,000	4.03%	27/11/2013	7/08/2013	112	A-2	2		2.8%
Longreach Series 26	Property	\$ 1,000,000		7/06/2014		7 yrs	A+	-	\$ 972,900	2.8%
	Linked Note									
Total Investments		\$ 35,350,000								100.0%

Financial Claims Scheme

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

ATTACHMENT 2

MWRC Policy Requirements:

Investments by Institution	Long/Short Term Ratings	Amount	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA/A-1+	\$ 8,850,000	25.0%	25.0%
Bankwest	AA/A-1+	\$ -	0.0%	25.0%
St George Bank	AA/A-1+	\$ 8,100,000	22.9%	25.0%
Commonwealth Bank	AA/A-1+	\$ 2,000,000	5.7%	25.0%
Westpac Bank	AA/A-1+	\$ 1,200,000	3.4%	25.0%
ANZ	AA/A-1	\$ 2,000,000	5.7%	25.0%
Citibank	A+/A-1	\$ -	0.0%	20.0%
Longreach	A+/A-1	\$ 1,000,000	2.8%	20.0%
AMP	A+/A-1	\$ 3,700,000	10.5%	15.0%
Macquarie Bank	A/A-1	\$ 2,000,000	5.7%	15.0%
ING Australia Bank	A/A-1	\$ -	0.0%	15.0%
Bendigo & Adelaide Bank	A-/A-2	\$ -	0.0%	10.0%
Bank of Queensland	A-/A-2	\$ 2,000,000	5.7%	10.0%
Newcastle Permanent	BBB+/A-2	\$ 1,500,000	4.2%	10.0%
Beyond Bank Australia	BBB+/A-2	\$ 1,000,000	2.8%	10.0%
Members Equity Bank	BBB+/A-2	\$ 2,000,000	5.7%	10.0%
IMB Ltd	BBB/A-2	\$ -	0.0%	10.0%
Peoples Choice C/Union	BBB/A-2	\$ -	0.0%	10.0%
Heritage Building Society	BBB-/A-3	\$ -	0.0%	10.0%
		<u>\$ 35,350,000</u>	<u>100.0%</u>	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AAA/A-1+	\$ 20,150,000	57.0%	100.0%
	AA/A-1	\$ 2,000,000	5.7%	100.0%
	A/A-1	\$ 6,700,000	19.0%	60.0%
	BBB/A-2	\$ 6,500,000	18.4%	20.0%
	BBB-/A-3	\$ -	0.0%	20.0%
	Unrated	\$ -	0.0%	20.0%
Managed Funds	AAA		0.0%	
	AA		0.0%	
	A		0.0%	
	BBB		0.0%	
	Unrated		0.0%	
		<u>\$ 35,350,000</u>	<u>100.0%</u>	

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

Less than 1 year	\$ 34,350,000	97.2%	30.0%	100.0%
Between 1 and 3 years	\$ -	0.0%	0.0%	70.0%
Between 3 and 5 years	\$ -	0.0%	0.0%	50.0%
More than 5 years	\$ 1,000,000	2.8%	0.0%	25.0%
	<u>\$ 35,350,000</u>	<u>100.0%</u>		

ATTACHMENT 3

Monthly Investment Portfolio Activity:

The below table shows monthly investment activity within the portfolio including investments that have matured and have been redeemed or re-invested, and new investments placed.

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance	Change in interest rate	Change in Term (days)	New Term Rate
National Australia Bank	\$ 980,000	\$ 630,000	\$ 350,000	0.00%	At Call	2.80%
Newcastle Permanent	\$ -	\$ -	\$ 500,000	New Deposit		3.70%
Members Equity Bank	\$ 1,000,000	\$ -	\$ 1,000,000	-0.58%	14	3.70%
National Australia Bank	\$ 1,000,000	\$ -	\$ 1,000,000	-0.32%	77	3.80%
National Australia Bank	\$ 1,000,000	\$ -	\$ 1,000,000	-0.33%	-14	3.80%
St George Bank	\$ 1,500,000	\$ -	\$ 1,500,000	-0.30%	14	3.80%
ING Australia Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
Bank of Queensland	\$ 1,000,000	\$ -	\$ 1,000,000	-0.65%	-14	3.58%
Newcastle Permanent	\$ -		\$ 1,000,000	New Deposit		3.70%
National Australia Bank	\$ 1,000,000	\$ 500,000	\$ 500,000	-0.44%	14	3.76%
Westpac	\$ 2,000,000	\$ 2,000,000	\$ -	Redeemed		
St George Bank	\$ 700,000	\$ 700,000	\$ -	Redeemed		
Westpac	\$ 1,200,000	\$ -	\$ 1,200,000	-0.61%	-7	3.59%
National Australia Bank	\$ 1,000,000	\$ -	\$ 1,000,000	-0.39%	0	3.76%
ANZ	\$ -	\$ -	\$ 1,000,000	New Deposit		3.66%
	<u>\$13,380,000</u>		<u>\$11,050,000</u>			

Net Portfolio Movement **\$2,330,000** Reduction

6.2.8 Naming of a New Unnamed Road off Blue Springs Road

REPORT BY THE REVENUE & PROPERTY MANAGER TO 20 NOVEMBER 2013 COUNCIL MEETING

131120 Public

A0100056, R0790041

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Naming of a New Unnamed Road off Blue Springs Road be received;**
2. **Council name the new road reserve off Blue Springs Road, Stubbo - Rissler Road.**

Executive summary

A new subdivision off Blue Springs Road in Stubbo includes a new road. Addressing requirements for the new subdivision will necessitate the naming of this new road.

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 this unnamed road.

Council received a submission in relation to the naming of the road from the property owner/developer in May 2013. Upon the DA being approved and Construction Certificate being issued, Council wrote to neighbours of the road reserve on 4/7/13 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 5/7/13 issue of the Mudgee Guardian. Submissions closed on 26/7/13 and during this period no additional submission were received. The following names were suggested by the developer:

Settlement Lane
Northview Road
Rissler Road

Financial implications

Cost of Gazettal notice at approx \$60. Purchase and installation of one street sign will be met by the Developer.

Street sign to be installed at the intersections of the new road with Blue Springs Road and to include No Through Road below the Road name.

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 road will allow the completion of 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 been advised of these possible road names and has no objection to them.

In accordance with Council’s Road Naming Policy, the name that Council endorses for the new road 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 name will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, the New South Wales Volunteer Rescue Association Inc, and, in the case of a classified road – Roads & Maritime Services, inviting submissions in writing for a period of 21 days.

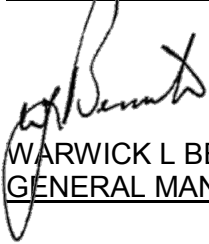
At the expiration time for the lodgement of submissions, a further report will be prepared for Council addressing any submissions received and recommending the formal adoption of the proposed road name, and Gazettal of the new road name.

DIANE SAWYERS
REVENUE & PROPERTY MANAGER

1 November 2013

- Attachments:*
1. Correspondence received from the Geographical Names Board
 2. Submissions
 3. Map of the new road reserve off Blue Springs Road.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1



Land & Property Information

Panorama Avenue BATHURST
P O Box 143
BATHURST NSW 2795
Tel: (02) 6332 8440
Fax: (02) 6332 8415
Email: bob.davis@lpma.nsw.gov.au
www.lpma.nsw.gov.au

The General Manager
Mid Western Regional Council
P O Box 156
MUDGEES NSW 2850

Attention: Carolyn Atkins

9th July 2013

Your Ref: CA: R0790041
Our Ref: T02/0175 2013 - 115

Dear Madam,

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

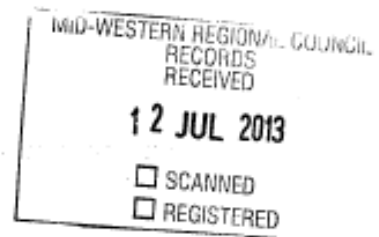
I refer to your letter of 4th July 2013 which proposed the following public road names:

SETTLEMENT LANE, NORTHVIEW ROAD, RISSLER ROAD

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the names have been reviewed under the GNB Guidelines for the Naming of Roads and I there is no objection to their use, providing they do not refer specifically to any living persons.

Yours Faithfully

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



From: Doug Seis [redacted]
Sent: Friday, 3 May 2013 07:21
To: <council@midwestern.nsw.gov.au>
Subject: Road Naming re: DA0295/2012

To whom it may concern in the property planning department,

In relation to the subdivision set out in development application no. DA0295/2012, at Blue Springs Road Gulgong, we have created a new access road that will be dedicated to Council. As instructed in the D.A, we would like to submit the following three road names for councils consideration.

SETTLEMENT LANE

RISSLER ROAD

NORTHVIEW ROAD

Thanking You
Doug Seis

"Rosevale"
Merotherie Road
Gulgong 2852
PH.

From: Doug Seis
Sent: Wednesday, 3 July 2013 9:49 PM
To: Carolyn Atkins
Subject: Re: Question in relation to Road Naming of the new road in your subdivision - DA0295/2012

Dear Carolyn,

Thank you for your email.

Please find the following information in regard to the proposed naming of the new road:

Settlement Lane: In acknowledgment of our family who settled in close proximity to this area in the early 1900's.

Rissler Road: In memory of my late brother in law, who died in April 2013. He was a well known member of the Gulgong community and had lived on the corner of this new road for many years.

Northview Road: This name reflects the captivating views to the north from each block in the subdivision.

Regards,

Doug Seis



6.2.9 Water Usage Charges – Undetected Leaks Policy Review

REPORT BY THE REVENUE & PROPERTY MANAGER TO 20 NOVEMBER 2013 COUNCIL MEETING

Water Usage Charges – Undetected Leaks Policy Review

GOV400029, A0100056, A0340048, F0780062

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Water Usage Charges – Undetected Leaks Policy Review be received;**
2. **Council adopt the revised Water Usage Charges – Undetected Leaks Policy.**

Executive summary

The existing Water Usage Charges – Undetected Leaks Policy has been reviewed and proposed amendments are suggested as part of Council's ongoing policy review program.

Detailed report

The proposed changes to the Water Usage Charges – Undetected Leaks Policy are consistent with the intent of the existing policy, and the amendments reflect the scope of Council's current business operations and current business practices.

The Sewer Usage Charges (Non-Residential Properties) clause has been introduced to formalise the current business practice of providing relief to non-residential properties subject to sewer usage charges based on water consumption where an undetected leak occurs which has not discharged to the sewer system. Currently, requests from businesses finding themselves in such a situation are presented to Council for consideration and determination. The inclusion of this clause in the Policy will enable the determination to be made at an administrative level under the proposed guidelines.

Financial implications

The proposed changes to the Policy relate to precautionary and anticipatory measures resulting in the consideration of genuine undetected leak situations only.

Strategic or policy implications

Water Usage Charges – Undetected Leaks Policy will be amended in accordance with Council's decision.


DIANE SAWYERS
REVENUE & PROPERTY MANAGER

6 November 2013

Attachment: 1. Water Usage Charges – Undetected Leaks Policy, with track changes.

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER

	POLICY	ADOPTED C/M Minute No.
	WATER USAGE CHARGES – UNDETECTED LEAKS	REF: F0780062 REVIEW: Oct 2015

PURPOSE

The purpose of this policy is to provide a framework for processing and assessing requests for a reduction in water usage charges due to an undetectable water leak.

OBJECTIVES

The objectives of this policy are to:

1. Provide some financial relief to property owners when water is lost due to an undetectable leak, whilst demonstrating to property owners that they have a responsibility for maintaining their private water infrastructure and services.
2. Provide a standard approach in dealing with requests for financial relief when water is lost due to an undetectable leak.

RELEVANT LEGISLATION

Local Government Act 1993
Local Government General Regulation 2005

RELATED POLICIES

Hardship Provision
Debt Recovery

POLICY

Water Usage Charges – (Residential Properties)

- a) A property owner is responsible for all water usage that is recorded on the water meter/s located on their property, notwithstanding there is a leak, which includes an undetectable leak.
- b) The determination of the application will be made by ~~Group Manager Finance and Administration~~ Manager Revenue & Property.
- c) The application is to be made on the appropriate form.
- d) The property for which the application applies must be land categorised as Residential for rating purposes in accordance with Section 516 Local Government Act.
- e) The applicant must be the owner/s of the property for which the application applies.
- f) The application must be received by Council within 24-60 days of the issue of the water usage account.
- g) The leakage must have been significant and undetectable. Significant leakage is determined if the water usage for the period in question is greater than 150 kilolitres and is 1.5 times greater than the previous 3 years daily average usage. Undetectable leakage is

WATER USAGE CHARGES – UNDETECTED LEAKS

defined as occurring within pipeline breaks or connections in the ground, under slabs or within walls and is clearly not visible by the owner.

- h) The submission of a copy of the licensed plumber's invoice or account should accompany the application outlining the cost of the repairs that were necessary, stating the location of the leak, the nature of the repairs and supported by a Statutory Declaration, advising that the entire service is in good condition and does not need replacing.
- i) Where the application meets the criteria specified, the water usage which is greater than 1.5 times the previous 3 years daily average water usage, will be charged at 2 times the rate of the raw water usage charge for the relevant financial year. A maximum reduction of \$2,500 being the amount that was raised initially to the amount raised based upon the raw water charge, applies. ~~The reduction will only be processed after the owner has paid the stipulated reduced amount.~~
- j) Only one application will be accepted as a result of an undetectable leak at the same property and by the same owner/s, regardless of whether it is a related event or a separate undetectable leakage.
- k) Applicants will be advised in writing of the decision within 30 days of receipt of the application.

Sewer Usage Charges – (Non-Residential Properties)

- a) In accordance with clause d) above, non-residential properties are ineligible for reduction in water usage charges under this policy.
- b) Where a non-residential property subject to sewer usage charges based on water consumption experiences an undetected leak which has not discharged to the sewer system, sewer usage charges will not apply in relation to the quantity of water estimated to be the subject of the leak.
- c) Clauses a), b), c), e), f), g), h), i) & k) above apply to any application under this part.

VARIATION

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.

6.2.10 Economic Development and Events Plan 2013/2014

REPORT BY THE ECONOMIC DEVELOPMENT OFFICER TO 20 NOVEMBER 2013 COUNCIL MEETING

131120 Public

GOV400029, A0100056, A0820020

RECOMMENDATION

That:

1. **the report by the Economic Development Officer on the Economic Development and Events Plan 2013/2014 be received;**
2. **Council endorses the Economic Development and Events Plan 2013/2014 as set out in this report and the General Manager provides quarterly updates on progress against this plan.**

Executive Summary

This report outlines the proposed Economic Development and Events Plan for 2013/2014. It identifies the key activities and primary areas of focus for encouraging economic development, and attracting and growing events in the Region.

Detailed report

Provided below are the key focus areas for economic development and events.

KEY FOCUS AREAS FOR ECONOMIC DEVELOPMENT

- **Economic and Business Profile** – collate and analyse economic statistics for the Region and produce an annual update to the booklet
- **Economic Think Tank** – conduct 2/3 forums with business leaders in the Region to encourage participation in economic development activities
- **Population Projections** – work with all government and agency stakeholders who use population data to ensure population data accurately reflects local economic activity
- **Mortimer Street Development** – identify opportunities for development on the Mortimer Street site
- **Specialised Grant Applications** – prepare detailed business cases for large grant applications including Resources for Regions, Cobbora Transition Fund, Regional Development Australia Fund
- **Best Practice Business Reviews** – undertake business reviews across the organisation to identify opportunities for efficiency/productivity improvements including HACC services, Ironed Out, business continuity
- **Airport Development** – manage expression of interest for design and feasibility to expand business activities at Mudgee Airport
- **Technology/Innovation Centre** – investigate feasibility of establishing a technology/innovation centre in the Region to further economic development
- **Jubilee Oval** – initial feasibility and assessment of options regarding Jubilee Oval
- **Planning for Growth** – monitor and present issues to government on growth related pressures including preschool and childcare shortages, health services and facilities

KEY FOCUS AREAS FOR EVENTS AND MARKETING

- **Trans Tasman International Touch Series** – hosting the 2014 event at Glen Willow which includes event management, marketing and game week activities
- **NSW Rugby Country Touch Championships** – hosting the 2014 event at Glen Willow which includes event management, marketing and game week activities
- **Country & Regional Living Expo** – promoting the Region as a great place to live, work, invest and visit at the 2 day August event
- **Flavours of Mudgee Festival** – event management and marketing of the annual Flavours of Mudgee Festival
- **KPMG Mudgee Wine Night** – support the promotion of the Region's wines to external markets and explore long term opportunities
- **NRL Event** – continue to work with NRL to attract future NRL events to the Region
- **Pyrmont Festival** – support the Mudgee Wine Grape Growers Association with maximising the economic benefits of this festival over the next 3 years
- **NSW Libraries Conference** – assist with event co-ordination for conference
- **Tourism** – provide input into tourism related matters as required in relation to Council's contract with MRTI

For Council's specific involvement in all other events held in the Region, refer to the separate Events Management report.

STAFF RESOURCES

Council allocates 2 staff to the implementation of Economic Development and Events activities outlined above. An allocation of approximate time spent on these activities is identified below.

Activities	Staff Time
Events & Marketing	1.2
Business Reviews	0.2
Large Project Feasibility	0.2
Specialised Grant Applications	0.3
Support GM & Mayor Initiatives	0.1
Total (FTE)	2.0

It is important to note that in the last 12 months Council's Economic Development Officer has been heavily involved in the preparation of specialised grant applications for large projects. This has included:

- Resources for Regions – 9 expressions of interest and 3 detailed applications
- Regional Development Australia Fund – 3 detailed applications

These applications involve detailed business case, cost-benefit analysis and economic impact studies which require specialist skills and experience. The large number of these applications has taken a significant amount of time and priority over other economic development activities in the last 12 months and will again in the next 12 months. Given the recent announcement of \$9.5 million from the Resources for Regions program for Ulan Road, it is believed this current investment of staff time has been highly valuable. If Council does not utilise existing staff resources, it is estimated that up to \$25,000 per application will be required to pay an external consultant to undertake this work and satisfy grant eligibility requirements.

Whilst these are the main activities identified for 2013/2014, it is important to recognise that Council's priorities may change based on additional factors or economic conditions and therefore, the delivery program will be adapted accordingly.

Financial implications

The costs of implementing these actions are included in the 2013/14 Management Plan.

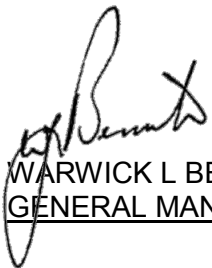
Strategic or policy implications

These actions are defined in the Economic Development Strategy.

JULIE ROBERTSON
ECONOMIC DEVELOPMENT OFFICER

4 November 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.2.11 Economic Development and Events Update Q3 2013

REPORT BY THE ECONOMIC DEVELOPMENT OFFICER TO 20 NOVEMBER 2013 COUNCIL MEETING

131120 Public

GOV400029, A0100056, A0820020

RECOMMENDATION

That the report by the Economic Development Officer on the Economic Development and Events Update Q3 2013 be received.

Detailed report

The attached document provides a progress update towards key activities that have been undertaken in relation to the implementation of the Economic Development Action Plan, including the attraction and growth of events in the Region for Q1-Q3 2013.

Some of the discussions and meetings in the Economic Development and Events area are commercial in confidence. These matters have been included as an attachment in the confidential section of the business paper, because it names individuals and companies that we are having commercial in confidence discussions with. Some events issues are also retained in confidential as we are in delicate discussions with some event organisers and don't want to jeopardise those discussions by making proposals public.

Financial implications

The costs of implementing these actions are included in the 2013/14 Management Plan.

Strategic or policy implications

These actions are defined in the Economic Development Strategy.

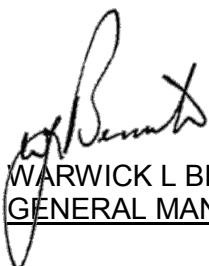
JULIE ROBERTSON
ECONOMIC DEVELOPMENT OFFICER

4 November 2013

Attachments:

1. Economic Development & Events Update Q1-Q3 2013.
2. Economic Development & Events Update Q1-Q3 2013 (commercial in confidence – included in the Confidential section of the business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

**ECONOMIC DEVELOPMENT
AND EVENTS UPDATE**

**Quarter 1 to Quarter 3
January to September 2013**



live • work • invest • visit





Economic Development Update

Provided below are a summary of key activities undertaken during Quarter 1 to Quarter 3 (ie. January to September) in relation to the implementation of the Economic Development Action Plan for 2013.

Mining Expansion

- Undertake review of Economic Assessment and Social Assessment documentation for Crudine Wind Farm project.
- Participation in Conversation with Lue meeting to support community consultation initiative conducted by Council's planning team.
- Meeting with NSW Department of Trade & Investment representatives to discuss key priorities for dealing with mining related matters in the Region and assessment of mining affected communities.
- Continued work with local businesses and businesses from outside the Region looking to pursue mining associated business opportunities.
- Participation in NSW Premier & Cabinet Mining and Resource Development Taskforce, include:
 - Presentation of challenges and opportunities for infrastructure to taskforce
 - Preparation of a case study for inclusion in report to NSW Government

Marketing of Region

- Preparation of Mudgee Regional Tourism Inc contract to provide visitor information services and tourism marketing for the Region, include review of KPIs.
- Guest presentation at the Local Government Tourism Conference in March 2013. The topic of the presentation was to discuss the development of the Glen Willow facility and the economic impact of Council's major events program.
- Guest presentation at the Building Regional Australian Summit in April 2013. The topic of the presentation was to discuss the opportunities and challenges faced with the expansion of coal mining activities in the Region.
- Prepare written submission and application for AR Bluett Award 2013 and follow up presentation to AR Bluett Trust.
- Meeting with Minister for Tourism and Destination NSW to explore opportunities for assistance with events marketing and promotional activities in the Region, including:
 - Proposal to attract an annual NRL premiership game to the Region
- Participation in monthly tourism stakeholders meetings with representatives from Mudgee Wine Grape Growers Association Inc, Mudgee Fine Foods Inc and Mudgee Regional Tourism Inc to exchange relevant information relating to events and tourism activities in the Region.



- Facilitate opportunity for a Mudgee Wine night to be held at large corporate event in Sydney to help promote Mudgee wine and encourage increased wine sales at Sydney restaurants, including site visit and briefing for winemakers.
- Participation in the Country & Regional Living Expo 2013 including follow up with all contacts regarding employment and business opportunities.

Planning for Growth

- Preparation for a meeting with Minister Hazzard in relation to the Local Service Assessment project and ongoing status of priorities.
- Preparation of full applications to the Regional Development Australia Fund including Round 3 (Mudgee Region Early Childhood Hub) and Round 4 (Caerleon Infrastructure Development).
- Preparation of a briefing paper outlining the current status and availability of preschool places across the region, including:
 - Preparation of a business case for the Mudgee Early Childhood Hub.
 - Meeting with Shadow Federal Minister for Childcare and Early Childhood Learning to discuss current preschool situation, family day care, options for future service delivery.
- Meetings with representatives from Western NSW Medicare Local to provide input into strategic plan and identify priorities regarding local health needs in the Region.
- Research and compilation of housing statistics and key indicators for affordable housing workshop, and presentation of data at workshop.
- Participation in Regional Development Australia Orana strategic plan workshops to update 2013-2016 plan.
- Continue to work with the relevant mines and the NSW State government agencies and departments on the upgrade of community infrastructure, including:
 - Response to the Ulan Road strategy, further correspondence with NSW State government representatives and meetings with mine managers.
 - Meetings with Western Health Network management and Minister for Health regarding population planning and health priorities for the Region.
 - Provide regular updates on population growth and new developments to assist State departments in population planning and demographic modelling including NSW Department of Planning and NSW Department of Education.
 - Preparation of expressions of interest for the NSW Resources for Regions program 2013
 - Meetings with representatives from NSW Trade & Investment regarding the status of mining developments, Resources for Regions program, local service and infrastructure priorities and other economic development opportunities.



- Meetings with representatives from NSW Department of Premier & Cabinet regarding economic activity in the region and the status of the regional directors project.
- Preparation of full applications to the Resources for Regions Program 2013 for the Caerleon Infrastructure Development, Mudgee Airport Upgrade and the Ulan Road Upgrade projects.
- Preparation of applications to the Regional Development Australia Fund Round 5 and 5B.
- Preparation of a discussion paper on population projections for the Mid-Western Region which compares the 2013 Interim Population Projections with the Local Services Assessment Population Projections.
- Meeting with visiting eye specialists to discuss change in NSW Health funding agreements and follow up letters to Minister for Health and local MP.
- Continue to work with Early Childhood providers both locally and outside the Region to identify solutions to the early childhood shortages, including:
 - Assistance with applications for the NSW Government's \$5m Preschool Capital Infrastructure program

Gulgong Hospital

- Continue to work with the NSW State Government and Western Health Network on the development of the Gulgong MPS.
- Working with Rural & Remote Medical Service to identify and recruit additional doctors to fill vacancies in Gulgong.

Investment Properties

- Ongoing management of leases of Mortimer St buildings by Target, Reject Shop, Video Ezy and Peter's Hot Bread Shop.

Business and Investment Guide

- Collect and update data as key statistics and indicators about the Region are released and make information available as supplement to hard copy guide including Coal Industry Statistics and Population Data.

Business Development and Investment Opportunities

- Continue to work with businesses and potential investors from outside the Region who are interested in pursuing local business, property and investment opportunities including:
 - Meeting with Orana Region Industry Network representative to discuss objectives of organisation and opportunities for local businesses to participate.
- Hosting RDA Orana Digital Texpo Conference at the Mudgee live site over 2 days in April 2013.



- Providing support for Mudgee Regional Excellence Program to encourage increased standards of customer service and local knowledge for those employed in the local hospitality industry.
- Working with local business and industry groups to provide support for local business development activities and opportunities, including:
 - Attendance and participation in local chamber of commerce meetings to discuss economic development and business opportunities
 - Assistance with installation of signage at Kandos Information Bay
 - Assistance with promotion of Mudgee Business Expo through community news, website and social media
- Co-ordination and promotion of NSW Small Biz Bus visit in July 2013.
- Meetings and correspondence with Brindabella management regarding operational issues and new schedule, including dealing with customer feedback received from airport users.
- Meeting and correspondence with TAFE Western NSW in relation to Short St facility and investigate options for community use when the property is vacated from 2016.
- Meeting with new manager of Mudgee BEC to discuss business development initiatives planned for next 12 months.

Economic Development Think Tank

- Facilitation of Economic Development Think Tank meeting in March to bring together leaders from a number of local businesses, industry and government agencies to discuss economic development opportunities.



Events Update

Provided below are a summary of key activities undertaken during Quarter 1 to Quarter 3 (ie. January to September) in relation to the attraction of new events and development of existing events in the Region for 2013.

Events Calendar

- A calendar of annual events has been developed to inform event attendance and assist in attracting new events to the Region in 2013. This tool is useful in informing all event stakeholders and the community about upcoming events and is available through Council's website. It is updated as notifications are received about new events.

NRL Eels v Titans

- Meetings and ongoing correspondence with National Rugby League, Parramatta Eels, Gold Coast Titans and Channel 9 representatives in relation to event including meetings and weekly conference calls with NRL and Channel 9.
- Planning for official launch of Parramatta Eels in Mudgee in conjunction with the Parramatta Eels staff at Glen Willow Stadium, with Channel 7 and Channel 9 media.
- Co-ordination of Council Project Team to manage venue arrangements including traffic management plan, catering options, food inspections, game day activities, ticketing, transport etc.
- Meetings with local community groups and businesses involved in event including Rugby League Clubs, Lions Club, VRA, SES, police. This includes working with stakeholders to identify event specific tasks and responsibilities and prepare maps for game day.
- Co-ordination of public activities in the week leading up to the game, including the open training session at Glen Willow, media point of contact and live recording of the Footy Show by Channel 9.
- Event management for game day including bump-in/bump-out of broadcast vehicles and equipment, assistance with corporate function, management of local catering facilities, ticket collection facilities, traffic co-ordination, security and game day staff.

NRL Future Events

- Meeting with NRL to discuss outcomes of NRL Eels v Titans and the potential for an annual NRL event to be held in the Region.



Flavours of Mudgee Festival

- Commence planning for "Flavours of Mudgee" street festival to be held as part of the September Wine Festival on 28 September 2013.
- Issued save the date reminders and expressions of interest to stall holders.
- Event management of Flavours of Mudgee Festival with approximately 6,000 attendees.

Australia Day

- Event planning and on the day co-ordination of the Australia Day celebrations in Gulgong including hosting Australia Day ambassador, management of Australia Day awards and citizenship ceremony.
- Awarding of Year of the Farmer scholarship \$3,000 to Jessica Holt as part of awards ceremony.
- Commence initial planning for 2014 Australia Day event and launch of nominations for Australia Day award recipients.

Town Hall

- Event planning and on the day co-ordination of the Town Hall official opening including managing official guests (including acting Governor General for Australia), arranging invitations and media management.
- Assistance with event planning and marketing for Town Hall Cinema launch.
- Continue to identify and attract events to the Town Hall including the 2013 Planning Conference Dinner and 2014 NSW Public Libraries AGM.

Growth of New Events

- Identifying opportunities to submit bids for events and conferences in the Region in conjunction with relevant local stakeholders, including:
 - 2013 Mudgee Mining Symposium, LG Tourism Conference 2014, Planning Institute of Australia NSW Branch Conference 2014, NSW Weeds Conference 2015.
- Successful bid to host the following conferences:
 - 2013 Planning Institute of Australia NSW Branch Conference 2013 (August). This conference will cater for 200 delegates for a 3 day conference.
 - 2014 Public Libraries NSW Conference in November 2014. This conference will cater for 250-300 delegates for a 3 day conference.
- Continue to work with event proponents in developing new events in the Region, including:



- Meetings and correspondence with CHS Sports Conveners, AusTouch, Country Rugby League, National Rugby League, Football NSW, Central West Rugby Union, NRL Eels, NRL Titans, OzTag Australia.
- Meetings with committee members organising the 2013 National Historic Machinery Rally to discuss event details and provide in-kind events assistance to help with the event management and marketing of a major event in the Region.
- Hosting Western NSW Mariners FC for all home games in 2013 (relocation from Bathurst). The season extends from April to September and includes up to 8 visiting teams per home round and their families, team support staff etc. All opposition teams are metropolitan based.
- Meeting with organisers of Cementa festival to provide feedback regarding event planning and logistics for new event in Kandos.
- Meeting with organisers of Australian Caravaning Club's annual Muster to be held in the Region in 2013.
- Hosting a mayoral reception for visiting international delegates and organizing committee of the international Clay Push Festival in Gulgong.
- Meeting with organisers of the TransTasman International Touch Series to be held in April 2014 to discuss event logistics and requirements.
- Provide assistance to Mudgee Rugby Club in a successful bid to host the 2014 NSW Country Championships at Glen Willow Regional Sports stadium.
- Provide assistance to Mudgee Junior Rugby League Club in a successful bid to host a Finals Round in 2014 at Glen Willow Regional Sports stadium.
- Meetings with organisers of 2014 Libraries Conference regarding event programming and logistics.

Support for Existing Events

- Continue to work with local event organizers in building the capacity of local events including:
 - Meetings and correspondence with local community, business or sporting groups to facilitate the following new or developing events in the Region:
 - January: Gulgong Folk Festival, Central Coast Mariners v AIS NYL Match (Football/Soccer), Red Hot Summer Tour
 - February: Cementa13, CHA Girls Softball Championships
 - March: Heroes & Icons Dinner, MudFest
 - April: National Historical Machinery Rally, Clay Push, An Afternoon with Rachael Treasure,



- May: Bob Marley Festival, RDA Orana Texpo, Sports Turf Association Conference
- June: Henry Lawson Heritage Festival, Mudgee Express Pass (Parramatta Eels)
- August: Mudgee Running Festival
- September: Kandos Hoedown, Go Grazing
- Events support and assistance provided to the following events:
 - Quarter 1: Cementa, Bylong Mouse Race, Youth Week Activities, Henry Lawson Festival, Bob Marley Festival
 - Quarter 2: Gulgong Bunny Races, Clay Push, Go Grazing, Mud Fest.
 - Quarter 3: Mudgee Running Festival, Mudgee Veterans Golf Week, Kandos Hoedown, Go Grazing,
- Co-ordination of street party at Gulgong Folk Festival and participation in Gulgong Folk Festival planning group.



Grants Update

Provided below is a summary of grants applications submitted during Quarter 1 to Quarter 3 (ie. January to September 2013).

Grants Applications

Grant	Funding Body	Project	Status
Seniors Week Grant	Department of Family and Community Services	Seniors Week activities	Successful
Country Passenger Transport Infrastructure Grants Scheme (CPTIGS)	Country Passenger Transport Infrastructure	Bus Shelter and Taxi Rank	Successful
Community Building Partnership	NSW Government	Restoration of Bylong Community Hall	Successful
Community Building Partnership	NSW Government	Upgrade of Hargraves Courthouse including building a deck	Successful
Investing in Women	NSW Government - Family and Community Services	Scholarship for women in non-traditional trades	Successful
Participation and Facility Program	NSW Department of Sport & Recreation	Mountain bike facilities in Avisford Reserve	Successful
RDAF Round 5 (now cancelled)	RDA	Footbridge over Cudgegong River	Successful
RDAF Round 5 (now cancelled)	RDA	Kandos Loft upgrades	Successful
RDAF Round 5 (now cancelled)	RDA	Gulgong Adventure Playground	Successful
RDAF Round 5 (now cancelled)	RDA	Rylstone Disabled Access Footbath	Successful
Beverage Container Recycling Grants 2013	Keep Australia Beautiful	Recycling bins in 4 CBDs	Successful
Participation and Facility Program	NSW Department of Sport & Recreation	Mountain bike facilities in Avisford Reserve	Successful
Resources for Regions	NSW Trade & Investment	Ulan Road	Successful
Resources for Regions	NSW Trade & Investment	Cope Road	Unsuccessful
Resources for Regions	NSW Trade & Investment	Bylong Valley Way	Unsuccessful
Resources for Regions	NSW Trade & Investment	Alternate Hunter access road	Unsuccessful
Resources for Regions	NSW Trade & Investment	Mudgee Airport Lights and Parking	Unsuccessful
Resources for Regions	NSW Trade & Investment	Mudgee Region Early Childhood Hub	Unsuccessful
Resources for Regions	NSW Trade & Investment	Caerleon Infrastructure	Unsuccessful
Resources for Regions	NSW Trade & Investment	Henbury Bridge Kandos	Unsuccessful



Country Library Funds Grants	State Library	Infant Reading Programs	Unsuccessful
RDAF	RDA	Pre-school	Unsuccessful
Cancer Council	Healthy Workplace Partnership Projects 2013/14	Sun screening program	Unsuccessful
Participation and Facility Program	NSW Department of Sport & Recreation	Disabled access at Kandos pool	Unsuccessful
Participation and Facility Program	NSW Department of Sport & Recreation	Disabled access at Gulgong pool	Unsuccessful
Participation and Facility Program	NSW Department of Sport & Recreation	Glen Willow Lighting and Footpath	Unsuccessful
TQUAL 2013-2014	Department of Resources, Energy and Tourism	Public Art	Unsuccessful
Regional Visitor Economy Fund	Destination NSW	Event marketing campaign	Unsuccessful
Regional NSW Sculpture Acquisition Program	NSW Government	Purchase of a piece from 'Sculptures by the Sea'	Unsuccessful
Environmental Restoration and Rehabilitation Program	The NSW Environmental Trust	Clearing of Willows and other weeds along Cudgegong River	Unsuccessful
Public Reserves Management Fund	DPI - Catchment and Lands	Mountain bike facilities in Avisford Reserve	Decision pending
Public Reserves Management Fund -	DPI - Catchment and Lands	Hot shot courts at Mudgee Tennis Courts	Decision pending
Public Reserves Management Fund	DPI - Catchment and Lands	Red Hill	Decision pending
Public Reserves Management Fund	DPI - Catchment and Lands	Billy Dunn Oval, Gulgong	Decision pending
Public Reserves Management Fund	DPI - Catchment and Lands	Windamere Dam	Decision pending
Local Government Energy Efficiency Program (LGEEP)	Department of Climate Change and Energy Efficiency	Solar on Council buildings	Decision pending
Community Support Program	Moolarben	Dad's Army - Putta Bucca Wetlands Water	Decision pending
Public Reserves Management Fund - 2013/14 Funding	DPI - Catchment and Lands	Avisford Nature Reserve	Decision pending
Public Reserves Management Fund - 2013/14 Funding	DPI - Catchment and Lands	Mudgee Tennis Courts	Decision pending
Public Reserves Management Fund - 2013/14 Funding	DPI - Catchment and Lands	Red Hill	Decision pending
Public Reserves Management Fund - 2013/14 Funding	DPI - Catchment and Lands	Billy Dunn Oval, Gulgong	Decision pending
Public Reserves Management Fund - 2013/14 Funding	DPI - Catchment and Lands	Windamere Dam	Decision pending



TQUAL 2013-2014	Department of Resources, Energy and Tourism	Public Art	Decision pending
Beverage Container Recycling Grants 2013	Keep Australia Beautiful	Recycling bins in 4 CBDs	Decision pending
Local Government Energy Efficiency Program (LGEEP)	Department of Climate Change and Energy Efficiency	Solar energy for Council buildings	Decision pending
Small Grants for Small Communities	Foundation for Rural and Regional Renewal	Sign for Botobolar Community Hall	Decision pending
Community Building Partnership	NSW Government	Gulgong disabled toilet	Decision pending
Community Building Partnership	NSW Government	Lifeskills refurbishment	Decision pending
Community Building Partnership	NSW Government	Bylong Community Hall	Decision pending
Community Building Partnership	NSW Government	Lue Community Hall	Decision pending
TIRF Round 2	Australian Department of Industry	Public Art	Decision pending
TIRF Round 2	Australian Department of Industry	Red Hill improvements	Decision pending

Successful Grants

The following successful grants applications were notified during Quarter 1 to Quarter 3:

- Promotion and marketing of Home Power Saving Program (\$4,000)
- Improvement of Mortimer Street, Mudgee taxi rank (\$17,000)
- Seniors week activities (\$1,000)
- Upgrade of Hargraves Courthouse including decking (\$5,000)
- Part restoration of Bylong Community Hall (\$2,000)
- Development of a mountain bike track at Avisford Nature Reserve (\$25,000)
- Scholarship for women in non-traditional trades (\$10,000)
- Beverage Container Recycling (\$40,000)
- Ulan Road upgrade and maintenance (\$9,500,000)

6.2.12 Council involvement in Events Management

REPORT BY THE GENERAL MANAGER TO 20 NOVEMBER 2013 COUNCIL MEETING

131120 Public

GOV400029, A0100056, ECO800009

RECOMMENDATION

That the report by the General Manager on the Council involvement in Events Management be received.

Detailed report

As part of the General Managers performance agreement I am required to report on Councils input in to events management. The strategic goal states

By the 30th November 2013 the General Manager present a report to Council indicating the events that Council will be involved in or will assist with and indicate the level of support both financially and in kind.

Please find attached a schedule of events in 2013 and 2014. The schedule includes Councils involvement whether it be financial or advice. The focus of the Council consideration should be for 2014 and what level of involvement does Council deemed to be appropriate in the events.

New events will always be developed through-out the year. That one of the great attributes to this very dynamic community. Those events also may need assistance. However the purpose of this report is to focus on known events and determine the Council and ratepayer input into the success of those events.

Financial implications

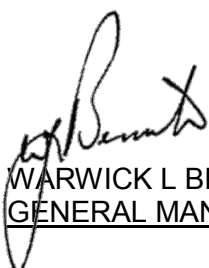
Council allocates the sum of \$30,000 for the events budget. This was increased in the September quarterly budget review to \$50,000 to allow for the support of the Pymont Festival and the NSW Country Rugby Championships. Council also specifically funds other events such as Flavours of Mudgee and also make grants to events from the financial assistance provision. Council has also complimented its financial support for events by granting monies from the financial assistance provision.

Strategic or policy implications

Council has a policy on events management which is available on request.

9 November 2013

Attachments: 1. Events Management Schedule



WARWICK L BENNETT
GENERAL MANAGER

Month	Event Name	Location	Council Involvement*	Council Cost	Source	Council Involvement*	Committed/Paid to Date	Recommended	Source
JANUARY	Cudgewong Valley Swap Meet	Mudgee	Financial Contribution only	\$770	Financial Assistance (\$500) Discretionary (\$270)	Financial Contribution only		\$500	Financial Assistance
JANUARY	Gulgong Folk Festival	Gulgong	Financial Contribution	\$2,000	Events Assistance	Event moved to December			
JANUARY	Kandos Street Machine Show	Kandos	Financial Contribution	\$8,000	Australia Day Budget	Council Managed Event	\$8,000		Australia Day Budget
JANUARY	Australia Day Celebrations	Nyngone	Council Managed Event		Events Assistance (\$2,500) Financial Assistance (\$1,500) Discretionary (\$4,000)	Council Managed Event			
FEBRUARY	Clemencia	Kandos	Event Advice	\$4,750	Financial Assistance (\$2,500)	Financial Contribution			Financial Assistance
FEBRUARY	Gulgong Show	Gulgong	Financial Contribution only	\$3,000	Financial Assistance	Financial Contribution only		\$3,000	Financial Assistance
FEBRUARY	Nyngone Show	Nyngone	Financial Contribution only	\$3,000	Financial Assistance	Financial Contribution only		\$3,000	Financial Assistance
MARCH	Mudgee Show	Mudgee	Financial Contribution only	\$4,000	Events Assistance	Financial Contribution only			Financial Assistance
MARCH	pre V Swap Meet	Mudgee	Financial Contribution only	\$2,500	Events Assistance	Financial Contribution only			Events Assistance
MARCH	Mudfest (Mudgee Short-film festival)	Mudgee	Event Advice	\$500	Events Assistance	Financial Contribution only		\$500	Events Assistance
MARCH	Bob Marley Festival	Kandos	Financial Contribution	\$2,500	Events Assistance	Financial Contribution only		\$2,500	Events Assistance
MARCH	25th Annual Jyflong Motocross Races	Jyflong	Financial Contribution only	\$2,500	Events Assistance	Financial Contribution only		\$2,500	Events Assistance
MARCH	Trekes & Icons Dinner	Mudgee	Event Advice only		Events Assistance	Event Advice only			Events Assistance
MARCH	Mudgee Bike Winter	Mudgee	Financial Contribution only	\$2,500	Events Assistance	Financial Contribution only		\$2,500	Events Assistance
MARCH	2014 NMA NSW Country Rugby Championships	Mudgee	N/A - not held in 2013		Events Assistance	Financial Contribution	\$10,000		Financial Assistance (\$2,500) Financial Assistance (\$7,500)
MARCH	Gulgong Bunny Races	Gulgong	Financial Contribution only	\$500	Events Assistance	Financial Contribution only		\$500	Events Assistance
APRIL	Wings, Wheels & Wine Show	Mudgee	N/A - biennial event not held in 2013		Events Assistance	Financial Contribution only			Events Assistance
APRIL	Go Grazing	Mudgee	Event Advice	\$500	Events Assistance	Financial Contribution only		\$500	Events Assistance
APRIL	Open Train - Thorman Touch Football Test Series	Mudgee	Financial Contribution only	\$2,500	Events Assistance	Council Managed Event	\$15,000		Events Assistance
APRIL	Mudgee Celebrity Golf Classic	Mudgee	N/A - biennial event not held in 2013		Events Assistance	Financial Contribution only			Events Assistance
APRIL	National Historical Machinery Rally	Mudgee	Financial Contribution only	\$5,000	Events Assistance	Financial Contribution only			Events Assistance
MAY	Nyngone Swap Meet	Nyngone	Financial Contribution only		Events Assistance	Financial Contribution only			Events Assistance
MAY	Pymont Uncorks Mudgee	Pymont	Financial Contribution only	\$2,500	Financial Assistance	Financial Contribution			Events Assistance
MAY	NR March	Mudgee	Council Managed Event	\$6,000	Separate Budget	Financial Contribution	\$14,000		Events Assistance
MAY	Mudgee Endurance Ride	Mudgee	Financial Contribution only	\$500	Financial Assistance	Financial Contribution only	\$10,000	\$500	Financial Assistance
JUNE	Henry Lawson Heritage Festival	Gulgong	Event Advice	\$3,000	Events Assistance (\$2,500) Discretionary (\$500)	Financial Contribution	\$2,500		Events Assistance
JULY	Mudgee Small Farm Field Day	Mudgee	Services provided in lieu of financial contribution	\$3,500	Services provided	Services provided in lieu of financial contribution	\$5,500		Events Assistance
AUGUST	Mudgee Readers Festival	Mudgee	Event Advice		Events Assistance	Financial Contribution			Events Assistance
AUGUST	Mudgee Running Festival	Mudgee	Financial Contribution only	\$2,500	Events Assistance	Financial Contribution only		\$2,500	Events Assistance
SEPTEMBER	Gulgong Jump Club Event	Gulgong	Financial Contribution only	\$5,000	Financial Assistance (\$2,500) Events Assistance (\$2,500)	Financial Contribution only		\$1,000	Events Assistance
SEPTEMBER	Mudgee Veterans Golf Week	Mudgee	Financial Contribution only	\$2,000	Events Assistance	Financial Contribution only			Events Assistance
SEPTEMBER	Mudgee Wine & Food Festival	Mudgee	Event Advice	\$2,500	Financial Assistance	Financial Contribution		\$2,500	Financial Assistance
SEPTEMBER	Kandos Head-on	Kandos	Financial Contribution	\$1,500	Events Assistance	Financial Contribution		\$1,500	Events Assistance
SEPTEMBER	Moorumbidgee	Mudgee	Financial Contribution only	\$2,000	Events Assistance	Financial Contribution only		\$2,000	Events Assistance
SEPTEMBER	Go Grazing	Mudgee	Event Advice	\$500	Events Assistance	Financial Contribution		\$500	Events Assistance
SEPTEMBER	Stations of Mudgee	Mudgee	Council Managed Event	\$10,000	Separate Budget	Council Managed Event	\$10,000		Events Assistance
OCTOBER	Back to Gulgong Weekend	Gulgong	Event Advice	\$6,550	Events Assistance (\$4,000) Financial Assistance (\$2,550)	Financial Contribution			Events Assistance
OCTOBER	Kandos Centenary Celebrations	Kandos	Financial Contribution		Events Assistance	Financial Contribution		\$8,000	General Fund
OCTOBER	Annual Mudgee Rugby 7s Carnival	Mudgee	N/A - one-off celebrations to be held in 2014		Events Assistance	Financial Contribution			Events Assistance
OCTOBER	Scultures to the Stars	Mudgee	Event Advice only		Events Assistance	Event Advice only			Events Assistance
OCTOBER	NSW Police Country Rugby Carnival	Mudgee	Purchasing sculpture only		Events Assistance	Request for \$6,000			Events Assistance
OCTOBER	A Day on the Green	Mudgee	Financial Contribution only	\$724	Financial Assistance	M/A - event only held in 2012			Financial Assistance
NOVEMBER	Public Libraries NSW Conference	Mudgee	NI		Financial Assistance	NI			Financial Assistance
NOVEMBER	Nyngone Street Feast	Nyngone	Event Advice	\$2,500	Separate Budget	Event Advice			Separate Budget
NOVEMBER	Hill Top Arts	Nyngone	Financial Contribution only	\$500	Events Assistance	Financial Contribution only		\$2,500	Events Assistance
NOVEMBER	Kandos Garden Fair	Kandos	Financial Contribution only	\$1,000	Financial Assistance	Financial Contribution only		\$1,000	Financial Assistance
NOVEMBER	Huntington Estate Music Festival	Mudgee	NI		Financial Assistance	NI			Financial Assistance
DECEMBER	Carols in Mudgee	Mudgee	Event Advice	\$5,000	Financial Assistance	Event Advice		\$5,000	Financial Assistance
DECEMBER	Gulgong Family Christmas Celebration	Gulgong	Financial Contribution	\$3,000	Financial Assistance	Financial Contribution only		\$3,000	Financial Assistance
DECEMBER	Starry & Kandos Christmas Celebrations	Kandos	Financial Contribution only	\$3,000	Financial Assistance	Financial Contribution only		\$3,000	Financial Assistance
DECEMBER	Gulgong Folk Festival	Gulgong	NI		Financial Assistance	Financial Contribution only			Financial Assistance
				TOTAL 2013	\$108,340		\$77,500	\$127,500	
				TOTAL 2014				\$50,000	

*Council Managed Event: event completely organised, managed and operated by Council
Event Advice: provide advice, attend meetings
Event Assistance: assist with event execution (e.g. printing, logistics)
Financial Contribution: from events assistance and/or financial assistance budgets

6.2.13 Association of Mining Related Councils

REPORT BY THE GENERAL MANAGER TO 20 NOVEMBER 2013 COUNCIL MEETING

131120 Public

GOV400029, A0100056, A0100006

RECOMMENDATION

That:

1. **the report by the General Manager on the Association of Mining Related Councils be received;**
2. **Council applies for membership of the Association of Mining Related Councils for the 2014 year. The Council delegates be the Mayor (and in his unavailability the Deputy Mayor) and the General Manager (or his delegate).**
3. **That Council make an adjustment to the December quarterly budget review to allow for the membership of the Association of Mining Related Councils.**

Detailed report

When the Council representatives were at the 2013 Local Government NSW conference we approached the trade stand of the Association of Mining Related Councils. It has become evident that this organisation has a much more strategic approach to all issue associated with mining and Local Governments interaction with State Government. I attach for Councils information the Associations newly adopted Strategic Framework.

It is the opinion of the Mayor and the writer that this Council should request membership of the Association of Mining Related Councils again and endeavour to use that organisation to assist this Council in matters associated with mining.

The recommendation in this report is that the Mayor and General Manager (or their alternative) attend their meetings in 2014 and make a further judgement on the effectiveness of the Association of Mining Related Councils.

Financial implications

The cost of membership of this Council would be \$10,000. Other costs would include travel and accommodation. If this recommendation is accepted then Council would need to make an adjustment in the December quarterly budget review to cover the cost of membership.

Strategic or policy implications

This Council was a member of the Association of Mining Related Council until 2010. It only requires a resolution of Council to reinstate that request to become a member.

9 November 2013

Attachments: 1. Association of Mining Related Councils – Strategic Framework 2013-16.


WARWICK L BENNETT
GENERAL MANAGER



**The Association of
Mining Related Councils**

**Strategic Framework
2013-2016**



Logo

The three arms of the triangle represent the components of the Association: councils, community and mines.

The triangular shape is recognised as the most stable geometric shape and represents consistency, stability, balance, and quality. It also echoes the profile of a mining tool.

The Cobalt blue colour was selected because of its association with the name of a metal.

The Association of Mining Related Councils Strategic Framework

The evolution of the Association and the birth of this Strategic Directions Statement

The Association of Mining Related Councils had its origins at a conference held in Wollongong in 1978 to discuss the building of a coal loader. At this Conference it was recognised that coal related local government areas needed to present a comprehensive, coordinated and co-operative approach to State and Federal Government given the rapid development of the coal industry in southern areas and in the Hunter region and the issues that this development was generating.

The above imperative ultimately led to the formation of an alliance at a conference convened by Wollongong City Council in 1982 and the birth of the Association of Coal Related Councils.

In 1993, the Association was approached to represent a metalliferous council and it became apparent that the Association could equally represent both interests and so it became the Association of Mine Related Councils.

In 1999, the Association expanded its base once again to represent Local Government in all aspects of mining, including extractive industries, gas exploration, quarries and minerals. In 2013 it was expanded again to include gas extraction.

A New Era

In 2013 the Association met to further chart a course for its future development. This Strategic Directions statement was developed as a result of discussions held and will be progressively expanded and implemented.

For the Association of Mining Related Councils to continue to achieve its potential as a leader in and resource for regional communities it now recognises that it must have at its disposal key information, responses and solutions that will drive positive change. The Association also understands that true effectiveness lies in being "top of mind" for all stakeholders in the carrying out, regulation and review of mining activity.

The Association believes that regional New South Wales needs a body such as the Association of Mining Related Councils to bring focus, communication and partnership to efforts to address mining impacts. Council delegates are excited by the potential of this new focus and see this Strategic Directions Statement as a catalyst for achievement, relevance and ongoing contribution to member Councils and their communities in the years ahead.

Vision:

To be the peak body in New South Wales empowering and resourcing local Councils and their Communities to address the challenges and opportunities created by mining.

Mission:

Through collaboration, advocacy, resource development, strategic initiatives, communication, partnership and support to build member value, to strengthen local capacity and to generate collective voice on mining related issues.

Role:

To assist in the development of partnerships, advocacy, support and resources so that stakeholders are empowered to protect the interests of their communities.

Strategic Initiatives:

1. Building Member Value and Capacity and our Association's Advocacy Strength

A central role for the Association – and an enabling strategy for its future success in Advocacy – will be the development, sharing and explanation of comprehensive, well researched and appropriately accessible resources on the extraordinary range of factors and consequences that mining brings to our regions. These are all complex issues, and our member Councils, their communities, industry and Government are looking to the Association to provide leadership, direction and a conduit for the sharing and development of ideas and expertise.

The Association's commitment is that it will build member value and capacity through the progressive development of position papers, resources and Advocacy Statements to assist the Association, its member Councils and their wider communities in addressing key mining related issues, in stating a case for a better deal for mining impacted communities and in building knowledge and awareness within government and community of the challenges and opportunities that mining activity generates in regional New South Wales.

The Association's critical areas of focus will include but not be limited to the following:

- 1.1 Learning from the Past: Best Practice in community and government response to the influx of mining into new regions / the critical up scaling of mining activity
- 1.2 Working towards a fair deal for Communities and Regions: The Case for the return of funding by the State Government to mining impacted communities
- 1.3 Building Co-Existence: Mechanisms to ensure the sustainable co-existence of resource extraction in all its forms with key agricultural industries
- 1.4 Balancing sustainable risk and future opportunity: How Mining has a future in Regional New South Wales
- 1.5 Identifying and implementing Best Practice in Community Engagement and Consultation
- 1.6 Managing the social, community, economic and environmental cumulative impacts of mining including but not limited to impacts:
 - competition for labour
 - sterilisation of agricultural land
 - health, air quality and access to social and educational services
 - surface and groundwater sources, and
 - existing and new release residential areas
- 1.7 Addressing the complexities and possibilities of the roles and responsibilities of each level of government in development assessment – the complexities, overlaps and resource implications
- 1.8 Ensuring a central role for communities in the assessment of applications relating to resource activity
- 1.9 Support in the conservation of mining heritage
- 1.10 Looking to the Future: Building a Positive Path for Regional Communities in the years after Mining
- 1.11 Production of technical papers including but not limited to:
 - Enhancing the role of local communities in managing mining related matters (planning and statutory matters, contribution plans, Ministerial discretion)
 - Building a better rating system: Removal of barriers to appropriate rating of land (e.g. Petroleum)
 - Managing Property Offsets
 - Ensuring transparency in and the resourcing of the enforcement of Conditions of Consent
 - Minimising impacts of resource extraction in water catchments – domestic, aquifer, riverine, etc.)

- Restoring environments: Site Rehabilitation after mining
- 1.12 Building acceptance by all levels of government that the Association is the peak body that effectively represents resource extraction affected communities.

2. Refining our structures to enhance effectiveness and response

As the Association has grown so have the demands on its resources and its systems and processes increased in complexity and resource intensity. It will resource the expanding strategic focus and strength of our Association by:

- 2.1 Developing protocols, delegations of authority and other systems to enhance the capacity of our Executive Officer and Executive Committee to speak for the Association on issues of current and emerging strategic importance
- 2.2 Seeking revision of the Constitution to link delegate membership of the Association to Council election cycles to enhance continuity, commitment and certainty of participation
- 2.3 Revising the practice of rotating meetings through regional areas and focusing on meeting locations – most especially in metropolitan Sydney – that will facilitate access to key Government and Industry decision makers
- 2.4 Supporting delegates in taking an active role in the Committee through the development of role statements and resources such as a Members Kit and enhanced access to resources through website upgrade and a member intranet
- 2.5 Forming a Technical Working Group to develop on behalf of the Association, key strategic resources identified in this plan and in future Association discussions
- 2.6 Forming a Management Advisory Group to assist the Executive in strategic directions of the Association
- 2.7 Reviewing and expanding the resourcing available to the Executive Officer to ensure that the momentum of the Association is sustained and its strategic priorities appropriately addressed
- 2.8 Developing a comprehensive and measurable system of review and reporting to allow the Executive Officer to monitor and communicate to the Association the ongoing status of its strategic initiatives
- 2.9 Developing communication channels, mentoring programs and activities that build on member Council and community expertise and available Government support and drive strategy development
- 2.10 Developing mechanisms to assist Committee Members from geographically diverse and dispersed areas to network and effectively communicate in meetings via the use of name tags, table name cards and other measures

- 2.11 Pursue grant funding to support the initiatives of the Association and member Council interests.

6.2.14 Quarterly Report on the Workers Compensation Premium

REPORT BY THE MANAGER PEOPLE & CULTURE TO 20 NOVEMBER 2013 COUNCIL MEETING

131120 Public

GOV400029, A0100056, A0205004

RECOMMENDATION

That the report by the Manager People & Culture being a quarterly report on the Workers Compensation Premium be received.

Executive summary

This report is in accordance with the General Manager's Performance Agreement for 2013-2014:

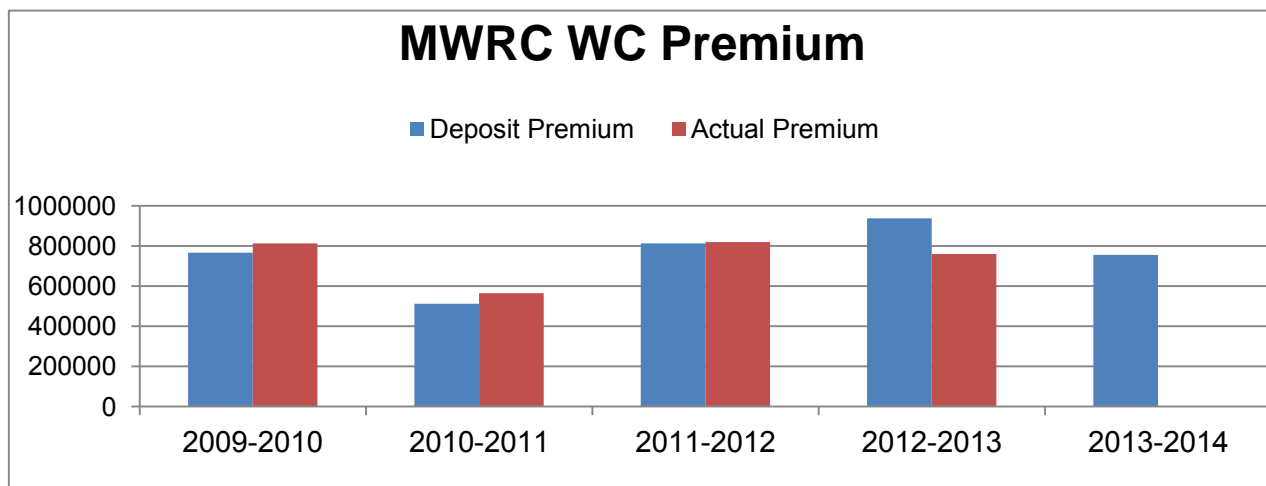
WORKERS COMPENSATION

Provide quarterly reports to Council on workers compensation premiums and claims costs, together with the details of any strategies being adopted to keep these costs to a minimum.

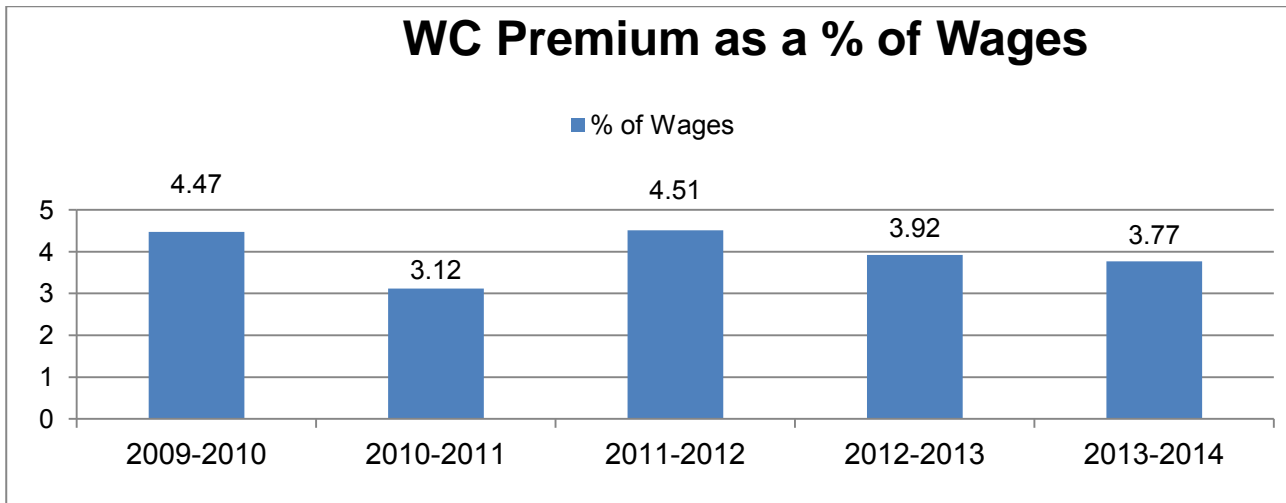
Detailed report

WORKERS COMPENSATION PREMIUM HISTORY

The following graph indicates the levels or premiums we currently pay for workers compensation, indicating the level also over the previous four years. The budgeted premium was \$800,000 and Council approved at the September budget quarterly review Council reduced that budget by \$100,000.



The next graph below represents the percentage of the workers compensation to actual wages paid.



DEFINITIONS

Deposit Premium: Council is required to pay a deposit premium in quarterly instalments at the commencement of the current Financial Year. This is based on an estimate of the wages for the Financial Year and an estimate of the cost of claims. The Deposit Premium can also be affected by any changes to the Workers Compensation Legislation, WorkCover Insurance Premium Order or the StateCover premium formula.

Actual Premium: The actual premium is calculated at the end of the Financial Year and is based on the actual cost of claims incurred throughout the year and the actual wages declaration for the year. After this calculation is completed Council may be sent an adjustment premium calculation to finalise the premium for the year and this may be an Invoice as a result of an increase in the premium, or a refund cheque where the final premium is lower than the Deposit Premium (as was the case in 2012-2013).

COST OF CLAIMS (DEPOSIT PREMIUM 2013 - 2014)

2012 – 2013 : \$115,945

2011 – 2012 : \$203,947

STRATEGIES TO REDUCE THE PREMIUM

- Workplace training and Safe Work Method Statements to ensure that employees know how to perform their duties in a safe manner
- Compliance training to ensure that all employees have current licences appropriate for their positions
- Pre-start checklists and risk assessments that are completed prior to work commencing
- Tool box talks to address any WHS issues as they arise
- Regular monthly workplace inspections and a schedule of corrective actions arising from the inspections
- Council has 9 Health and Safety Representatives to assist employee consultation and the resolution of WHS issues

- Liaising closely with medical providers and StateCover to facilitate an early Return to Work Program and reduce claims costs
- Liaising closely with Managers and Supervisors to facilitate an early return to work and a return to normal duties
- Training for all employees on their WHS obligations and the importance of early Incident/Injury/Near Miss reporting
- Incident/Injury/Near Miss Reports investigated and corrective actions completed
- Monthly reporting of incidents and injuries and workers compensation claims costs to the Executive and Managers
- StateCover training session for the Executive and Managers covering the premium calculation, impacts on costs and methods to reduce the premium.
- Injury Management training for Managers and Supervisors

Financial implications

The financial implications of the workers compensation are addressed in this report

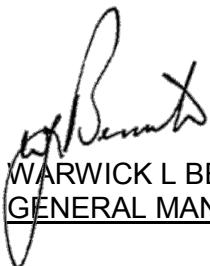
Strategic or policy implications

The safety of workers is paramount in the focus of the organisation. Our current policies and strategies are constantly reviewed but at the end of the day its everyone's responsibility to stay safe on a day to day basis.

MICHELE GEORGE
MANAGER, PEOPLE & CULTURE

8 November 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.2.15 Review of Investments

REPORT BY THE GENERAL MANAGER TO 20 NOVEMBER 2013 COUNCIL MEETING

131120 Public

GOV400029, A0100056, A0140304

RECOMMENDATION

That:

1. **the report by the General Manager on the Review of Investments be received;**
2. **Council not make changes to current investment policy or investment operational plan.**

Detailed report

As part of the General Managers performance agreement I am required to review Council investments with the strategic goal being:-

Review available investment rates, at least quarterly, and make recommendations to Council on any planned change to the current portfolio.

For background information I attach for Councillors information:-

1. Council's Investment Policy
2. Council's internal operating plan
3. Division of Local Government circular on investments
4. Ministerial Investment Order dated 12th January 2011 and gazetted February 2011
5. Division of Local Government - Investment Guidelines dated may 2010

Councils are guided by very strict protocol on investing monies. This follows on from the global financial crises when some Council invested in the "sub-prime" mortgage market in the USA and had possible exposure to considerable losses of public funds. At this point I wish to make it clear that Mid Western Regional Council was not exposed to any of these markets; neither did we lose any capital on the monies invested.

Council investment strategy is purposely very conservative. The Council policy has generally given that direction. The 2013/14 Investment Operating Plan achieves this objective using the following strategies to minimise risk:

- **Capital security:** Targeting investment in term deposits to preserve capital. Up to \$250,000 per Authorised Deposit-taking Institution (ADI) is then subject to Australian Government guarantee
- **Diversification:** Established credit rating framework which limits the amount invested with a particular financial institution based on credit ratings. This reduces Council credit risk ; the failure of an institution to pay the interest and/or repay the principal of an investment
- **Portfolio reviews:** In order to respond to market risk and exposure to interest rate risk a review of the investment portfolio and financial markets is undertaken quarterly.

- **Term to maturity framework:** This framework helps to minimise liquidity risk by ensuring Council maintains sufficient funds in working capital to meet planned and unforeseen liabilities as and when they fall due. Typically deposits are targeted at a term of less than 1 year. This will also reduce the maturity risks of holding longer term investments.

We are dealing with public funds and thus in my opinion need to ensure that all investment funds are secure. The amount to be gained by higher risk investments certainly would not exceed benefits of a conservative portfolio.

This report recommends that Council maintain its current policy and investment operation processes.

Financial implications

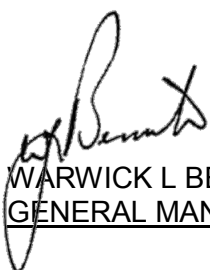
Council has estimated to receive \$1,150,500 from interest on investments for the 2013/14 financial year. Management predicted when the budgets were developed that interest rates would reduce. Thus the estimate is lower than previous years. However as indicated to Council last meeting we are still on budget with \$370,868 being raised in revenue from investment up until the 30th September 2013.

Strategic or policy implications

The Council policy is attached.

11 November 2013

- Attachments:*
1. Council's Investment Policy
 2. Council's internal operating plan
 3. Division of Local Government circular on investments
 4. Ministerial Investment Order dated 12th January 2011
 5. Division of Local Government – Investment Guidelines



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

	POLICY	ADOPTED C/M 17/07/12 Minute No. 300/12
	INVESTMENTS	REF: REV: Revision 2 FILE No. A0140304

OBJECTIVE

To provide a framework for the investment of Council funds that seeks to maximise earnings whilst having due consideration of the risk and security for that investment; and ensures that Council's liquidity requirements are being met.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity and the return of investment.

RELEVANT LEGISLATION

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Ministerial Investment Order 2008
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Department of Local Government Circulars

RELATED POLICIES

- Statement of Business Ethics
- Conflicts of Interest

POLICY**DELEGATION OF AUTHORITY**

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager may delegate the investment function to the Group Manager Finance and Administration (Responsible Accounting Officer). Other senior finance staff will assist in the day-to-day administration of the investment portfolio, and the General Manager may delegate investment function to the Senior Accountants for investment terms under 12 months as specified in the Investment Operating Plan.

The General Manager must approve delegations in writing and record them in the Register of Delegations. Delegated officers are required to acknowledge that they have received a copy of this policy and understand their obligations in this role.

PRUDENT PERSON STANDARD

Council's investment portfolio will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

ETHICS AND CONFLICTS OF INTEREST

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. Council's Conflicts of Interest Policy provides guidance for recognising and disclosing any conflicts of interest.

INVESTMENT POLICY

In accordance with Council's Statement of Business Ethics, any independent investment advisors are also required to disclose any actual or perceived conflicts of interest.

APPROVED INVESTMENTS

Investments are limited to those allowed by the Ministerial Investment Order and include:

-
- Any debentures or securities issued by a council ;
- Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (ADI), but excluding subordinated debt obligations;
- Bills of exchange guaranteed by an ADI and not more than 200 days to maturity;
- Investments with NSW Treasury Corp/Hourglass Investment Facility;

A deposit, or investment in an Hour-Glass investment facility, with the New South Wales Treasury Corporation; and Investments grandfathered under the previous Ministerial Investment Order

PROHIBITED INVESTMENTS

This Investment Policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

The use of leveraging (borrowing to invest) of an investment is prohibited.

RISK MANAGEMENT GUIDELINES

Investments to be placed are to be considered in light of the following key criteria:

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value;
- Diversification – the requirement to place investments in a broad range of products so as not to be over exposed to a particular sector of the investment market;
- Market Risk – the risk that the fair value of future cash flows of an investment will fluctuate due to changes in market prices;
- Liquidity Risk – the risk that an investor is unable to redeem the investment at a fair price within a timely period;
- Maturity Risk – the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatility; and
- Leveraging Risk – the magnification of an investors risk and return that occurs when the investor takes on financial leverage through an investment product.

INVESTMENT OPERATING PLAN

An Investment Operating Plan will run in conjunction with this Investment Policy. The Operating Plan is to be determined and reviewed on an annual basis, with appropriate consideration given to current economic conditions and forecasts, projected cash flows and Council's existing investment portfolio. The Operating Plan will outline:

- Council's cash flow expectations;
- Optimal target allocation of investment types, credit rating exposure and term to maturity exposure; and
- Appropriateness of overall investment types for Council's portfolio.

PROFESSIONAL ADVICE

INVESTMENT POLICY

Council may from time to time retain the services of suitably qualified investment professionals to provide assistance in investment strategy formulation, portfolio implementation and monitoring.

Any such advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of this Investment Policy.

Any independent advisor engaged by Council is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

PERFORMANCE BENCHMARKS

The benchmark performance for the investment portfolio is the official 11am Cash Rate for cash investments and the 90 day Bank Bill Swap Rate for enhanced or direct investments.

REPORTING AND REVIEWING OF INVESTMENTS

Documentary evidence must be held for each investment and details thereof maintained in the Investment Register. The documentary evidence must provide Council legal title to the investment.

Details to be included in the Investment Register:

- The source and the amount of money invested;
- Particulars of the security or form of investment in which the money is invested;
- The term of the investment; and
- The rate of interest to be paid, and the amount of money that Council has earned, in respect of the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least monthly.

Council will be provided with a written report each month setting out details of the entire investment portfolio. The report will confirm compliance of Council's investments with legislative and policy requirements. The report will be made up to the last day of the month immediately preceding the meeting.

As part of the quarterly budget review process, Council will be provided with a detailed commentary and performance benchmarking of the portfolio.

VARIATION

The Investment Policy will be reviewed every second year or as required in the event of legislative change. Council reserves the right to vary the terms and conditions of this policy. Any amendment to the Policy must be by way of Council resolution.

ATTACHMENT 2

	PROCEDURE	ADOPTED
	2013-14 Investment Operating Plan	Date: Next Review Date: 1 July 2014 FILE No. A0140304

OBJECTIVE

To provide details of appropriate investment strategies that will be utilised in conjunction with the current investment policy framework. The strategy will outline optimal target allocations of investment types, credit rating exposure and term to maturity exposure; and appropriateness of overall investment types for Council's portfolio. The strategy will also provide information on general economic conditions; and budgeted investment income which will be used to determine the parameters and investment plans to meet budgeted targets and protect capital.

EFFECTIVE DATE

1 July 2013 and will be reviewed annually, at financial year end.

RELATED DOCUMENTS

1. Mid-Western Regional Council Investment Policy
2. Ministerial Investment Order 2011
3. NSW Department of Local Government Investment Policy Guidelines
4. Local Government Act (NSW) 1993
5. Local Government (General) Regulation 2005
6. Trustee Act (NSW) 1925

INVESTMENT OBJECTIVES

- **Investment Policy** – The portfolio is at all times compliant with Mid-Western Regional Council's Investment Policy and relevant legislation and regulations.
- **Liquidity** – Under the Investment Operating Plan, Mid-Western Regional Council shall at all times maintain sufficient funds in working capital to meet the anticipated current liabilities of Mid-Western Regional Council. In addition, sufficient capital shall be retained in Short Term Funds to meet Mid-Western Regional Council's funding requirements, net of anticipated borrowings, for the following 12 month period.
- **Security** – Working Capital Funds, Short Term Funds and Long Term Funds are to be invested to target capital (principal) security over their nominated investment horizon to an extremely high probability level.
- **Income** - As a minimum that Mid-Western Regional Council's requirement for investment income as quantified in operational budgets is provided for. Generally, the expectation is for income comparable to the appropriate benchmark rate for the particular investment category.
- **Total Return** - Having provided for liquidity, security and income needs, total returns on Mid-Western Regional Council funds are maximised.

GENERAL ECONOMIC CONDITIONS

At its most recent meeting on 2 July 2013 the Reserve Bank of Australia Board decided to leave the cash rate unchanged at 2.75 per cent.

INVESTMENT STRATEGY

In Australia easing monetary policy has seen interest rates fall from 3.50 per cent in July 2012. This has resulted in recent interest rate cuts, and reduced long term interest rates on offer from most ADI's (Australian Deposit-taking Institutes).

We have seen the economy growing a bit below trend with lower commodity prices and reduced investment in the mining/resources sector. Some economists are forecasting a further .25 per cent reduction before December 2013. Inflation has been within target and is expected to remain so over the next one to two years.

Global financial conditions remain accommodative with prospects of increasing growth in 2014.

In view of this, the investment strategy has maintained a high security priority whilst ensuring Council's requirement for investment income is met. Expected cash flow may need to be reduced if interest rates continue to fall.

BUDGETED INCOME

Budgeted interest income has been set at \$1,150,500 for the full financial year. This takes into account interest expected on overdue accounts, S64 & S94 funds as well as other restricted funds such as Sewer, Water and Waste.

Included in estimated interest income are amounts relating to additional revenue from the recategorisation of a substantial number of properties from Farmland and Residential to Mining. In the event that such categorisations are not upheld Council is unlikely to achieve these budget estimates. The relevant amount for 2013/14 is \$192,000.

TARGETED INVESTMENT TYPES

Given the weak economic conditions and operational income requirements set out above, Council will continue to invest in capital secure investment types.

Short term investment trading and new deposits shall be placed in:

- At-Call Interest Bearing Accounts; and
- Term Deposits

Existing Long Term Investments shall be maintained and are currently held as:

- Sustainable Equity Linked Note; and
- Property Linked Note

Utilisation of the Financial Claims Scheme

In recent years Council has utilised the Financial Claims Scheme to further secure Council's invested capital. However, changes to this scheme that came into effect in September 2011 now mean that most term deposits are covered with individual Authorised Deposit-Taking Institutes (ADIs) to a maximum of \$250,000 only. As the Investment Operating Plan and Investment Policy is designed to protect principal, by limiting investment types by their credit rating, it is not recommended that deposits be reduced to this amount, nor is it feasible given Council's portfolio balance.

CREDIT RATING FRAMEWORK

Exposure to individual counterparties/financial institutions will be restricted by their S&P rating or equivalent, as follows:

Long Term Credit Ratings	Short Term Credit Rating	Portfolio Limit	Limit Per Institution
AAA	A-1+	100%	25%
AAA	A-1	100%	25%
A	A-1	60%	15%
BBB+	A-2	20%	10%

INVESTMENT STRATEGY

BBB-	A-3	20%	10%
Unrated	Unrated	20%	10%

• Investments with counterparties below AA (long term) and below A-1 (short term) are to be restricted to licensed banks, building societies and credit unions.

TERM TO MATURITY FRAMEWORK

The investment portfolio is to be invested with the following term to maturity constraints:

Term to Maturity	% of Portfolio	
	Minimum	Maximum
Less than 1 year	30%	100%
Between 1 and 3 years	0%	70%
Between 3 and 5 years	0%	50%
More than 5 years	0%	25%

Individual Investment Maturity Limits	Maximum Term
ADI issues rates A or above	10 years
ADI issues non-rates	6 months

DUTIES & RESPONSIBILITIES OF COUNCIL OFFICERS

Council officers should act with a duty of care, skill, prudence and diligence that a "prudent person" would exercise when investing and managing their own funds (sec 14 Trustee Act).

Internal controls will be utilised to safeguard Mid-Western Regional Council's assets. Separation of duties will be applied in the following way:

1. Authorisation of investments with a term of 12 months or greater will be limited to the General Manager and the Director Finance and Administration only;
2. Authorisation of investments with a term of less than 12 months will be limited to the General Manager, Director Finance and Administration, Manager Financial Planning, Financial Accountant and Manager – Revenue & Property, with a dual signatory requirement;
3. Investments will be placed by the Manager Financial Planning or Financial Accountant, as delegated by the Director Finance and Administration;
4. Investment Reports will be prepared by the Manager Financial Planning and must be reviewed and signed by the Director Finance and Administration;
5. Transactions will be executed as per AP procedures; and
6. A detailed register of all investments will be maintained and reconciled by Council

AUTHORITY TO AMEND STRATEGY

The General Manager of Mid-Western Regional Council and delegates may amend this strategy at any time where it is in the Mid-Western Regional Council's interest to do so.

WARWICK BENNETT
GENERAL MANAGER



Circular No. 11-01
Date 17 February 2011
Doc ID. A232163

Contact Finance Policy Section
02 4428 4100
dlg@dlg.nsw.gov.au

REVISED MINISTERIAL INVESTMENT ORDER

A revised Investment Order pursuant to section 625 of the *Local Government Act 1993* has been issued. The Minister for Local Government signed the revised Order on 12 January 2011 and it was published in the NSW Government Gazette on 11 February 2011. It replaces the Order dated 31 July 2008. The revised Order is attached to this circular.

Changes to the Investment Order include:

- the removal of the ability to invest in the mortgage of land (part (c) of the Investment Order dated 31 July 2008)
- the removal of the ability to make a deposit with the Local Government Financial Services Pty Ltd (part (f) of the order dated 31 July 2008)
- the addition of "Key Considerations" in the revised Investment Order, which includes a comment that a council's General Manager, or any other staff, with delegated authority by a council to invest in funds on behalf of the council must do so in accordance with the council's adopted investment policy.

Councils are reminded that on 25 May 2010 the Division of Local Government issued Investment Policy Guidelines (Circular to Councils 10-11 refers). It is expected that all councils will by now have adopted an Investment Policy in accordance with the Guidelines.

Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

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LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER

(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.


All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011


Hon BARBARA PERRY MP
Minister for Local Government

Department of Premier and Cabinet

Division of Local Government



Investment Policy Guidelines

May 2010



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Acknowledgement

The NSW Division of Local Government (DLG) wishes to thank the Western Australian Department of Local Government and Regional Development for the use of the *“Investment Policy Local Government Operational Guidelines – Number 19 February 2008”* that provided a source of reference for this document.

Disclaimer

These Investment Policy Guidelines have been prepared by the State of New South Wales through the DLG as an information source only.

While the DLG believes that this information will be of assistance, it is provided on the basis that you will not rely on this information without first making your own enquiries and obtaining your own professional advice specific to your council's particular circumstances.

1. INTRODUCTION

NSW councils were responsible for the management of over \$5.7 billion of cash and investments as at 30 June 2009. To assist councillors, General Managers and the Responsible Accounting Officers of councils to invest surplus funds in a prudent and appropriate manner, all councils are required to develop an investment policy. These Investment Policy Guidelines have been developed to provide assistance with the preparation of a policy and the prudent and appropriate management of a council's surplus funds.

Investments are not considered to be a principal activity for councils, but the knowledge and skill required to manage investments can be quite specialised.

1.1 Background

In the past there have been some concerns within the local government sector that some investments when invested through a third party were not held in the council's name. As a result, a survey of councils was undertaken in 2005. Some deficiencies were highlighted during the survey. The Director General of the then Department of Local Government issued Circular to Councils 06-70 reminding councils and council officers of the need for councils to have an investment policy and the reporting requirements associated with investing council funds. Advice on investing through a third party was also included in the circular, along with information related to the credit ratings of investment products and what councils should do if investments no longer comply with the Ministerial Investment Order.

In NSW some councils have been investing in structured products and, in particular, collateralised debt obligations (CDOs). CDOs are defined as *"a type of structured Asset Backed Security (ABS) that gain exposure to the credit of a portfolio of fixed income assets and divides the credit risk among different tranches, each with a different level of risk and return:*

- *senior tranches (rated AAA),*
- *mezzanine tranches (AA to BB), and*
- *equity tranches (unrated)" (Cole, April 2008).*

In 2007 concerns were heightened in relation to the decline in the "sub-prime" mortgage market in the USA and possible exposure of some councils with structured investment products to losses.

In order to clarify the exposure of NSW councils to any losses, a review was conducted under the direction of a Steering Committee chaired by the then Department of Local Government (DLG) with representatives from the Department of Premier and Cabinet and NSW Treasury. Mr Michael Cole was engaged to conduct the Review.

The Review investigated the impact on councils that had invested in structured financial products. The recommendations from the Review included:

- amendments to the Ministerial Investment Order
- grandfathering existing investments that are excluded by the proposed changes to the Ministerial Investment Order

- excluding the manufacturers and distributors of investment products from acting as investment advisors to councils
- suspending investments with specific credit ratings until December 2009
- ensuring councils are more fully aware of their obligations under the *Local Government Act 1993* and the *Trustee Act 1925 (NSW)* and
- issuing investment policy guidelines for councils.

The NSW Government has adopted all the recommendations from the report.

1.2 Objectives of investment policy guidelines

These guidelines are to apply to all general purpose and special purpose councils in New South Wales. They are issued under section 23A of the *Local Government Act 1993* (the Act).

The objectives of the guidelines are to:

- assist councils in investing funds in a prudent and appropriate manner
- outline legislation associated with the investment of surplus funds
- assist councils in preparing a suitable investment policy
- outline key issues when investing funds
- define duties and obligations of the council and council officers
- outline requirements for internal control procedures
- establish proper reporting and monitoring procedures.

1.3 What is an investment policy?

An investment policy is a governing document that guides the investment process. It should communicate the council's

- investment philosophy
- overall risk philosophy
- investment objectives and expectations
- identify the roles for those involved in the investment process, and
- detail the requirements for compliance with the policy's goals and procedures.

1.4 Who should use these investment policy guidelines?

Under section 8 of the *Local Government Act 1993*, the council's charter states that, among other things, a council must have regard to the long-term cumulative effects of its decisions. Councils are the custodians and trustees of public assets and are required to effectively account for and manage the assets for which they are responsible.

As the role of the elected council is to direct and control the affairs of the council in accordance with the Act, councillors should use these guidelines to ensure that the council:

- has an appropriate investment policy that guides the investment of ratepayers' funds in compliance with the council's charter
- approves the investment policy by resolution
- approves amendments to the investment policy by resolution
- reviews the policy each year, and

- has in place mechanisms to support the open and transparent reporting of council investments to the council and to the ratepayers.

The General Manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council. Therefore, the General Manager is responsible for implementing the council's decision in relation to the investment policy.

The Responsible Accounting Officer (RAO), as defined by the Local Government (General) Regulation 2005, is responsible for keeping the council's accounting records and ensuring that they are kept up to date and in an accessible form. Specifically in relation to investments, the RAO must provide reports to the council each month in relation to the money that council has invested, along with a certificate stating whether the investments have been made in accordance with the Act, the Regulations and the council's investment policy. It is therefore important that the RAO use these guidelines in the creation of the council's investment policy and in reporting to the council. Ultimately, however, it is the council that is responsible for the investments.

Council officers that are involved in selecting, reviewing and/or monitoring investment products should use these guidelines to ensure they understand the parameters, risks and expectations that councils are required to consider when developing an investment policy.

2. LEGISLATIVE FRAMEWORK

There are a number of legislative requirements that govern how a council may invest surplus funds. These include the *Local Government Act, 1993*, (the Act) the Local Government (General) Regulation 2005 (LGGR), and the Ministerial Investment Order (the Order).

2.1 *Local Government Act, 1993*

Section 625 of the Act refers to how a council may invest. It states that a council may invest money that is not, for the time being, required for any other purpose and that it may only be invested in a form that is notified by order of the Minister as published in the NSW Government Gazette.

Also an order of the Minister notifying a form of investment for the purposes of section 625 must not be made without the approval of the NSW Treasurer. A discussion on the order is included in section 4 – Types of Investments.

The acquisition of a controlling interest in a corporation or an entity within the meaning of section 358 of the Act (participation in the formation of corporations and other entities) is not an investment for the purposes of section 625.

Section 413 of the Act outlines the reporting requirements of councils in regard to their annual financial reports. Councils should recognise, measure and disclose their investments in accordance with the publications issued by the Australian Accounting Standards Board. For further guidance refer to the Local Government Code of Accounting Practice and Financial Reporting (the Code) and Australian Accounting Standards AASB 7 – Financial Instruments: Disclosures, AASB 132 – Financial Instruments: Presentation, AASB136 Impairment of Assets and AASB 139 Financial Instruments Recognition and Measurement.

Further, section 12 of the Act outlines the information councils are required to make publicly available, including a register of investments and copies of business papers and minutes for council and committee meetings that record information on investments.

It should be noted that it is considered good practice for a council's investment policy to be available to the public on the council's website.

2.2 *Local Government (General) Regulation 2005(LGGR)*

The LGGR at clause 212 provides further direction in relation to council investments in relation to reports. It states that:

1. 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:
 - (i) if only one ordinary meeting of the council is held in a month, at that meeting, or
 - (ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, 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.

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

2.3 Trustee Act 1925

Section 14 of the *Trustee Act 1925* (NSW) states that a trustee must exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of another person. The Trustee Act also refers to matters a trustee should have regard to when exercising a power of investment. They include:

- the purposes of the trust and the needs and circumstances of the beneficiaries
- the desirability of diversifying trust investments
- the nature of, and the risk associated with existing trust investments and other trust property
- the need to maintain the real value of the capital or income of the trust
- the risk of capital or income loss or depreciation
- the potential for capital appreciation
- the likely income return and the timing of income return
- the length of the term of the proposed investment
- the probable duration of the trust
- the liquidity and marketability of the proposed investment during, and on the determination of, the term of the proposed investment
- the aggregate value of the trust estate
- the effect of the proposed investment in relation to the tax liability of the trust
- the likelihood of inflation affecting the value of the proposed investment or other trust property
- the costs (including commissions, fees, charges and duties payable) of making the proposed investment
- the results of a review of existing trust investments in accordance the Trustee Act.

As councils are acting as custodians when investing public assets, they should take into account the matters detailed above when investing. Ultimately each council is responsible for its investment decisions.

2.4 Division of Local Government (DLG) Circulars

The DLG periodically issues circulars on matters of importance to councils. Circulars have been issued in the past providing directives and guidance in relation to council investments.

3. DEVELOPING AN INVESTMENT POLICY

Councils should maintain an investment policy that complies with the Act, the LGGR, and the Ministerial Investment Order and ensure it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds.

In implementing an investment policy, councils should plan and understand their future cash flow requirements, which should be reflected in their long term financial plans. Councils should adopt a holistic approach to managing their finances, including developing strategic plans and long term financial plans, planning for long term asset management, determining cash flow requirements and identifying surplus funds that can be invested. Developing accurate strategic plans and long term financial plans is essential for determining when surplus funds are required.

Councils should develop appropriate monitoring systems to establish and forecast their cash requirements. Councils require a small cash balance of liquid funds to meet day-to-day operational expenditure, including a contingency amount that is also available to met unforeseen commitments.

Most councils have an overdraft facility, which is a fluctuating credit facility provided by a bank that allows a council's operating account to go into debit up to an agreed limit. However, it is important to note that councils will generally incur additional fees to access this facility.

When considering an investment in the capital markets or the long term financial markets, councils should consider the risks and their cash flow requirements. While a normal yield curve may suggest that councils will receive a greater return on their investments in the long term, there is also is a greater interest rate risk when investing.

Before investing any funds councils should establish an investment policy. As a minimum, an investment policy must comply with the Act, the LGGR and the Order and should:

- set the objectives of investing
- outline the legislative requirements
- ascertain authority for implementation and management of the policy
- establish the capital, liquidity/duration and return expectations
- determine the diversity of the investment portfolio
- define the risk profile
- establish legal title
- set benchmarks
- establish monitoring and reporting requirements
- define duties, obligations and required skills of the council and council officers, and
- set a date for the policy to be reviewed.

Each of these considerations is discussed in more detail in this section.

3.1 Objectives

In setting the objectives of an investment policy, councils will need to examine the amount of funds available for investing, the timeframes, the level of risk aversion and the capability of the council to manage and protect the investments. By providing a clear statement, consistency in the development of the investment policy and the implementation of the policy should follow.

3.2 Legislation

The investment policy should include references to the specific parts of the Act, LGGR, Ministerial Order, Local Government Code of Accounting Practice and Financial Reporting (the Code), Australian Accounting Standards, DLG circulars and any other legislation that influences how a council manages its investments.

3.3 Authority

The investment policy should clearly state if the council has delegated the authority to implement such a policy to the General Manager and whether the General Manager has delegated the day-to-day management of the council's portfolio to the RAO or another council officer.

3.4 Capital Security, Liquidity and Maturity

A council's main objective in investing funds should be to preserve the capital, ie, prevent any loss to the amount invested, while gaining the most advantageous rate of return with minimum risk. Councils should be familiar with the concept of the "time value of money". A dollar expected some time in the future is not equivalent to a dollar held today because of the time value of money. The dollar available today can be invested to earn interest so it will increase in value to more than one dollar in the future.

Councils will also need to consider the cash flow implications of investments and how the council will maintain liquidity to meet requirements as and when they fall due. A process for regularly identifying council's liquidity requirements should be included in the investment policy. Determining liquidity requirements provides direction on the term of investments to be placed.

3.5 Diversification

Councils should examine the need to diversify their investments, including setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk. A prudent risk management strategy is to diversify the allocation of funds across different financial institutions and government authorities, based on credit ratings. A credit rating is the opinion of a credit rating agency of the creditworthiness of the financial institution.

The investment policy should set maximum and minimum investment limits for each financial institution and government authority.

3.6 Risk Management

There are risks associated with all investments. Generally, the higher the rate of return, the higher the risk and the greater the variability of returns. Each council should recognise all risks and include its understanding, tolerance and permitted exposure to risks in its investment policy. When investing, councils should be primarily aware of their interest rate risks and credit default risks.

Councils are exposed to interest rate risk. Interest rate risk is the sensitivity of the value of assets, liabilities and future cash flows to a change in interest rates. The council will need to take into consideration the term structure of interest rates, having regard to the shape and the slope of the yield curve. The term structure of interest rates is the relationship between interest rates and term to maturity for debt instruments in the same risk class.

Council's interest rate risk management strategies and techniques need to be sufficiently robust to be able to respond to change as it occurs, especially if investing in the capital markets or longer term financial markets.

Credit default risk occurs when the institution (counterparty) that a council has invested in fails to pay the interest and or repay the principal of an investment. To minimise this risk, councils should ensure that the investment policy outlines the credit worthiness of the counterparties. Within the investment policy councils should provide a list of acceptable counterparties and suitable investment limits. In establishing a list of acceptable counterparties councils should consider:

- the credit ratings of the counterparty (if they have a rating)
- the type of institution within a credit rating band
- types of credit ratings applicable in the investment policy
- limits for related counterparties, and
- capitalisation restrictions.

Some other common risks when investing include market, liquidity and maturity risks.

Market risks are those risks associated with changes in the market prices and include changes in interest rates, currency and commodity prices. When undertaking investment decisions, councils should have a good understanding of the changes in the business cycle and its effect on interest rates.

Liquidity risks result from a lack of willing buyers in the market for the investment. As a result the investor is unable to realise the investments at a fair price in a timely period.

Maturity risks relate to the length of the term to maturity of the investment. The longer the term of the investment, the greater the length of the exposure (including greater exposure to interest rate, market and liquidity risks).

3.7 Legal Title

When a user of funds obtains finance from the provider of funds, the user must prepare a document that clearly defines the contractual arrangement that has been agreed. This is known as a 'financial instrument'. When councils enter into a financial instrument, it is important that the financial instrument clearly shows it is held in the name of the council.

3.8 Benchmarks

Performance benchmarks need to be established to be able to evaluate the investment outcomes against the investment objectives. Benchmarks show how well investments are matched to the rate of return expectations and the risk. Benchmarks can also be used to see whether the expectations set are reasonable or not. When

establishing benchmarks, councils must make sure that they are appropriate for the particular types of investments and can be easily measured.

The council's investment policy should establish a suitable benchmark for the council to review the returns on its portfolio. A widely used benchmark rate for financial instruments is the Australian Financial Markets Association (AFMA) Bank-Bill Reference Rate (BBSW). The bank bill interest rate is the wholesale interbank rate within Australia and is published daily in newspapers such as the *Australian Financial Review* and is also available on the internet. A comparison between council's benchmark and the return on council's portfolio should be included in the monthly report to council from the Responsible Accounting Officer.

3.9 Monitoring and reporting

A council's investment policy should establish guidelines in relation to monitoring and reporting on the council's investments.

Regular monitoring and review of investments will help ensure that the council's investment objectives are achieved. It should establish the performance of individual or pooled investments, monitor exposure to movements in markets, monitor movement against set benchmarks and certify that the investments are in accordance with the various legislation and council's investment policy.

The council's investment policy should set a minimum review of the investments each month.

The RAO is required to prepare a written report on the council's investments each month (clause 212, LGGR). The council's investment policy should include information on what is required to be presented to the council each month. The appendices to the guidelines incorporate a sample monthly report to council.

Any additional requirements, such as a quarterly report, should be set out in the council's investment policy.

Councils are also required to account for their investments in their annual financial statements. Each year the DLG produces the Local Government Code of Accounting Practice and Financial Reporting (the Code). The Code sets the minimum requirements set by the Australian Accounting Standards Board and the DLG in relation to all financial reporting matters. Councils should include a reference to the investment reporting as part of the annual financial statements in their investment policies.

3.10 Duties and responsibilities of the council officers

Council officers should act with the duty of care, skill, prudence and diligence that a prudent person would exercise when investing and managing their own funds. The "prudent person" principle is set out in section 14 of the Trustee Act.

The council's investment policy should communicate the duties, responsibilities and required skills of the council officers involved in investing council funds and timeframes for those particular duties. It is essential to provide a clear statement to guide council officers in exercising their investment duties. Council officers with investment responsibilities should have regard to the requirements of a trustee under the Trustee Act.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

One such duty that should be included is the requirement to maintain a separate record of money council has invested under section 625 of the Act. The record (investment register) must specify:

- the source and the amount of money invested
- particulars of the security or form of investment in which the money was invested
- the term of the investment (ie, placement and maturity dates where applicable), and
- if appropriate, the rate of interest to be paid, and the amount of money that the council has earned, in respect of the money invested.

The market value of investments should be included in the council's monthly investment report. The frequency of the revaluation of investments is a matter for councils depending upon the investments they hold and the risks that prices have moved materially since the last market revaluation.

In determining the duties and responsibilities of council officers, the council's internal controls should be taken into consideration. Adequate controls should be in place to safeguard council assets, such as the separation of duties in relation to authorising and executing transactions and reporting on the investments.

The investment policy should contain a statement to the effect that council officers should have the appropriate skills to undertake the investment functions of council and not engage in activities that would conflict with the proper implementation and management of the council's investments.

3.11 Review of Investment Policy and Investments

Council's investment policy should include a clause stating that the policy is to be reviewed at least on an annual basis and be amended as required. Amendments should be approved by a resolution of the council.

Good corporate governance requires councils to arrange a review of their investments by the internal audit committee of council to verify:

- that new investment types/products comply with the council's investment policy
- the value of investments held against set benchmarks at least monthly, and
- that investments have been placed in accordance with the council's investment policy.

Councils may also wish to seek expert financial advice from an investment advisor, who is licensed by the Australian Securities and Investment Commission, when undertaking this review.

Council's external auditor is also required to review council's investments as part of the audit of the Annual Financial Reports.

If a breach of council's investment policy occurs, council should be notified at its next ordinary meeting by council's RAO. Council should also consider notifying the DLG of any such breaches.

4. TYPES OF INVESTMENTS

The Ministerial Investment Order prescribes the types of investments that councils may invest in under section 625 of the Local Government Act. The Order applies to all investments from the date of signing by the Minister.

4.1 Investments held under a previous Ministerial Investment Order

Councils may continue to hold to maturity, redeem or sell investments that comply with previous Ministerial Investment Orders. Any new investments must comply with the most recent Order.

This provision, known as “grandfathering”, also applies to dividends from investments that are considered to be non-complying where councils had made arrangements prior to the release of the amended Order to reinvest the income stream into the now non-complying investment as part of a dividend reinvestment plan.

It should be noted that any restructure or switch to new investment products must comply with the current Order and be on a market value basis.

5. EXTERNAL INDEPENDENT REVIEW

A well written investment policy with clear objectives should make it easier for a review to be conducted. A review by council's internal audit committee can act as an intermediary to confirm that the investments clearly line up with the investment policy.

Council officers should ensure that before new investments are made, they establish whether a product complies with the investment policy and, where necessary, obtain independent financial advice in writing on the nature and risk of the financial product.

When obtaining investment advice, councils should make sure that the provider is a licensed advisor by the Australian Securities and Investment Commission. The advisor must not have any conflicts, or perceived conflicts, of interest in relation to the investment products being reviewed. Councils may also request further information from the advisor, such as, whether they are engaged in any legal disputes or are aware of any pending legal action against them.

Councils should obtain written confirmation from their independent investment advisors that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments they are recommending or reviewing.

Councils should be undertaking separate reference checks of advisors and not solely relying on the information provided by an advisor.

8. APPENDICES

6.1 Definitions

ADI

Authorised Deposit-Taking Institutions (ADI) are corporations that are authorised under the *Banking Act 1959* (Cwth) to take deposits from customers.

Bill of Exchange

A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer.

Credit Risk

Credit risk is the risk of loss to an investor due to the failure of the institution/entity with which an investment is held to pay the interest and/or repay the principal of an investment.

Debentures

A debenture is a document evidencing an acknowledgement of a debt, which a company has created for the purposes of raising capital. Debentures are issued by companies in return for medium and long-term investment of funds by lenders.

DLG

NSW Division of Local Government, Department of Premier and Cabinet

Grandfather Clause

Grandfather clause is a legislative clause, which, in prohibiting a certain activity, exempts those who were already engaged in the activity at the time the legislation was passed.

Interest Rate Risk

Interest rate risk is the risk that the fair value or future cash flows of an investment will fluctuate because of changes in market interest rates.

Investment Portfolio

The total pool of all of the council's investments.

LGGR

Local Government (General) Regulation 2005 (NSW)

Liquidity Risk

Liquidity risk is the risk an investor is unable to redeem the investment at a fair price within a timely period.

Market Risk

Market risk is the risk that the fair value or future cash flow of an investment will fluctuate due to changes in market prices.

Maturity Risk

Maturity risk is the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities.

Preservation of Capital

Preservation of capital refers to an investment strategy with the primary goal of preventing losses in an investment portfolio's total value.

Prudent person standard

Prudent person standard is a legal standard restricting the investing and managing of a client's account to what a prudent person seeking reasonable income and preservation of capital might exercise for his or her own investment.

Responsible accounting officer

Responsible Accounting Officer (RAO) of a council means a member of the staff of the council designated by the General Manager, or if no such member has been designated, the General Manager. (LGGR, clause 196)

Securities

For financial markets these are the many types of financial instruments (ie, documents) that are traded in financial markets (except futures contracts), eg, bonds and shares.

6.2 Sample Investment Policy

Objectives

To provide a framework for the investing of Council's funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of investment.

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.
- Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance.

Legislative Requirements

All investments are to comply with the following:

- *Local Government Act 1993*;
- *Local Government (General) Regulation 2005*;
- *Ministerial Investment Order*;
- *Local Government Code of Accounting Practice and Financial Reporting*;;
- Australian Accounting Standards; and
- Division of Local Government Circulars.

Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager may in turn delegate the day-to-day management of Council's Investment to the Responsible Accounting Officer or senior staff, subject to regular reviews.

Officers' delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest.

Approved Investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

Prohibited Investments

In accordance with the Ministerial Investment Order, this investment policy prohibits but is not limited to any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

Risk Management Guidelines

Investments obtained are to be considered in light of the following key criteria:

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);
- Diversification – setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk;
- Credit risk – the risk that a council has invested in fails to pay the interest and or repay the principal of an investment;

- Market Risk - the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices;
- Liquidity Risk - the risk an investor is unable to redeem the investment at a fair price within a timely period; and
- Maturity Risk - the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities.

Investment Advisor

The Council's investment advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

Measurement

As Council continues to hold grandfathered investments such as Collateralised Debt Obligations (CDOs), the investment returns for the portfolio is to be regularly reviewed by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least once a month to coincide with monthly reporting.

Benchmarking

Performance benchmarks need to be established and should be based on sound and consistent methodology.

Investment	Performance Benchmark
Cash	11am Cash Rate
Direct Investments	AFMA BBSW Rate: Average Mid - 90 day

Reporting and Reviewing of Investments

Documentary evidence must be held for each investment and details thereof maintained in an investment Register.

The documentary evidence must provide Council legal title to the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments

held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of that Council and in the spirit of this policy. Any amendment to the Investment Policy must be by way of Council resolution

5.3 Investment Policy Checklist

General Products Check List

General questions to consider when investing in simple products that are straight forward such as bank deposit, bills of exchange, bonds, etc.

1) Have you found out how the funds will be invested, how will they generate returns and how will these be paid to the council? (Could you describe to others how this product works?)

Yes No

2) Are you clear on the conditions associated with this type of investment and their level of risk?

Yes No

3) Does the investment meet the council's financial objective and complies with its investment policy?

Yes No

4) Are your product issuers licensed by the Australian Security and Investment Commission?

Yes No

5) Do you know if/how the investment may be affected by a major shift in the economy and market sentiment?

Yes No

6) Could the investment be liquidated in a timely manner without loss or penalty? i.e. can the council quickly get its money back out of this product if it needs to? Are there any fees to get out early?

Yes No

Note: If you answered No to any of the above questions, do your research and consult your financial adviser. If necessary, review your investment decision.

Investment Policy Check List

Include general items that should be incorporated into your council's investment policy. Have you included the following as part of your investment policy?

1) Clearly stipulated the investment objective.

Yes No

2) Specify the level of risk the Council is prepared to accept.

Yes No

3) Prohibit the

- i) purchase of speculative financial instruments &
- ii) use of leveraging of an investment portfolio.

Yes No

4) Identified the legislative requirements.

Yes No

5) List the allowable investments and/or prohibited investments.

Yes No

6) Specify investment parameters including the overall portfolio limits, counterparty credit framework and term to maturity framework.

Yes No

7) If applicable, require independent valuation of investments in order to reflect the current market prices.

Yes No

8) State the appropriate benchmarks for evaluating investment performance.

Yes No

9) Require a monthly report of the status and performance of investment portfolio.

Yes No

10) Require independent financial assessments of the value of the investment portfolio.

Yes No

*6.4 Sample Monthly Investment Report***Sample Monthly Investment Report as at 31 July 20__****Purpose**

To report the balance of investments held as at 31 July 20__.

Report

The investment returns for July 20__ exceeded the respective benchmarks and the budget for the month.

Included in this report are the following items that highlight Council's investment portfolio performance for the month to 31 July 20__ and an update of the investment environment:

- a) Council's Investments as at 31 July 20__
- b) Application of Investment Funds
- c) Investment Portfolio Performance
- d) Investment Commentary

Financial Impact

The actual interest income to 31 July 20__ is \$655,695 and compares favourably with the budget for the month of \$476,732.

Policy Impact

The Investment Policy is due for review in 20__ by the Director of Finance.

a) Council Investments as at 31 July 20__.

Pooled Managed Investment Group						
As at Date	Current Yield	Managed Fund	Rating	Purchase Price	Market Value	
31/7/__	8.3200	T-Corp Hour Glass Facility - Strategic Cash	NA	2,000,000	2,891,137.87	
31/7/__	8.6800	Citibank Fixed Out-Performance Cash Fund	AA-	20,000,000	20,878,914.81	
Sub total					23,770,052.68	
Floating Rate Note Investment Group						
As at Date	Current Rate	Borrower	Rating	Principal Value	Market Value	
31/7/__	8.0783	ANZ senior debt	AA-	3,000,000	3,010,990	
31/7/__	8.1200	NAB senior debt	AA-	4,500,000	4,502,340.15	
31/7/__	9.9850	CBA senior debt	AA-	2,000,000	2,003,240.00	
Sub total					9,516,570.15	
Bank Bill Investment Group						
Roll over Date	Current Rate	Borrower	Rating	Principal Value	Market Value	
10 Sep __	8.0300	National Bank of Australia	A-1+	3,961,112	3,966,364.58	
11 Oct __	7.9500	Commonwealth Bank of Australia	A-1+	3,990,001	3,991,168.92	
Sub total					7,957,533.50	
Term Investment Group						
Rollover Date	Current Yield	Borrower	Rating	Principal value	Market Value	
18 Sep __	8.1700	Bank of Queensland	A-2	2,000,000	2,000,000.00	
22 Sep __	8.3000	IMB Limited	A-2	5,000,000	5,000,000.00	
3 Jan __	8.3400	Bank of Western Australia	A-1+	3,500,000	3,500,000.00	
Sub total					10,500,000.00	
Term Investment Group & Cash Deposit Account						
Rollover Date	Current Rate	Borrower	Rating	Value		
Cash Account	7.1500	CBA (Business Saver)	A-1+	3,400,000.00		
22 Nov __	7.9700	NAB (loan offset)	AA-	2,392,324.57		
Sub total					5,792,324.57	
Total					\$67,536,480.90	

b) Application of Investment Funds

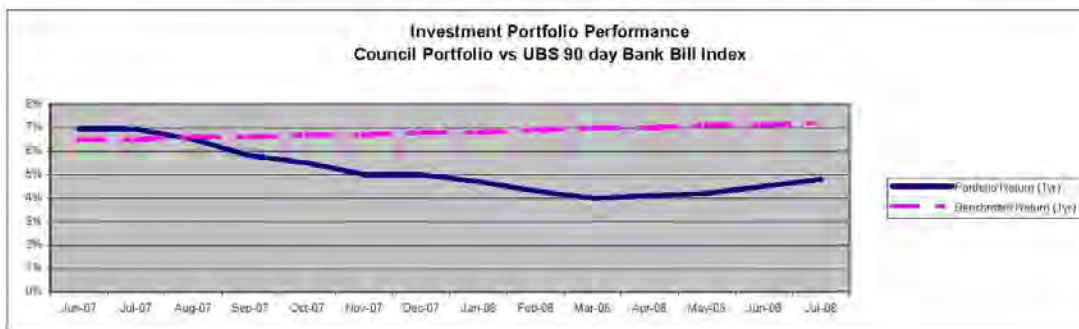
	Description	Value (\$)
Restricted Funds:		
Loan Offset Facility NAB		2,392,325
Loan Offset Facility CBA		490,000
Externally Restricted	Section 94 Old Plan Section 94A Plan Contributions	10,236,578 5,524,149
	Water Supply	11,662,124
	Sewerage Services	19,084,000
	Sportsfields, Domestic Waste, Unexpended grants	7,441,979
Internally Restricted Reserves*	Funds held for future at the discretion of the Council	5,070,725
Unrestricted Funds:	Funds Allocated to meet Current Budgeted Expenditure	5,634,600
	Total	67,536,480

* Externally & Internally Restricted Reserve figures are as at 31 July 20__ and are subject to final adjustment and external audit.

c) Investment Portfolio Performance

Investment Performance vs. Benchmark

	Investment Portfolio Return (%pa)*	Benchmark: UBS 90 day Bank Bill Index	Cash Fund Performance	Benchmark: 11am Cash Rate**
1 month	8.5	8.15	8.32	7.25
3 months	8.54	8.03	8.03	7.25
6 months	6.32	7.92	7.92	7.21
FYTD	8.57	8.15	8.32	7.25
12 months	4.69	7.49	7.37	6.92



d) Investment Commentary

The investment portfolio decreased by \$1.46m for the month. The decrease was due to additional expenditure over income for the July period. During July, various income was received totalling \$3.1m, including rate payments amounting to \$1.39m, while payments to suppliers and staff costs amounted to \$3.88m.

The investment portfolio is diversified across a number of investment types. This includes term deposits and on-call accounts.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Council's investment portfolio has been reviewed and rebalanced in favour of investments not subject to share market volatility. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities.

A revised Ministerial Order was released by the DLG on 18 August 2008 in response to the recommendations of the Cole Report and with transitional provisions to provide for existing investments. As at 31 July 20__, the portfolio included one non-compliant cash fund and its holdings are being reduced as opportunities to transfer arise.

Certification- Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2005* and Council's Investments Policy number POL 08/52.

Responsible Accounting Officer

RECOMMENDATION OF RESPONSIBLE ACCOUNTING OFFICER

- A. That the report indicating Council's Fund Management position be received and noted.
 - B. That the Certificate of the Responsible Accounting Officer be noted and report adopted.
-

6.5 Investment Advisor Selection Criteria

(Weightings are indicative and could be adjusted to suit individual Council preferences)

Ideal Investment Adviser Attributes	Desired?	Weight
Independence	✓	35
All remuneration comes directly from the client, not via commission, securities trading margin, or fees on related party products	✓	
Does not recommend related party investments – removing a major potential conflict of interest	✓	
Rebates all fees and commissions from product providers and issuers to client	✓	
Interests are aligned with those of client – adviser operates as a fiduciary	✓	
Transparency		5
All revenues relating to transactions, both direct and related are clearly disclosed. (Includes margins on securities trades, related party product fees etc)	✓	
Provides full detail of underlying securities in managed investments upon request	✓	
Commercial Model / Experience		20
Provides advice on all rated managed funds and any eligible direct security offering	✓	
Offers payment options to suit client (percentage fee, flat fee)	✓	
Provides access to institutional pricing on direct securities	✓	
Has established track record as a provider of advice services to Local Government	✓	
Personnel have significant experience / expertise in investment research and advice	✓	
Provides consulting on overall risk management relating to investments incl. operational risks	✓	
Each client has dedicated adviser/relationship manager and backup person	✓	
Taking all fees into account, both direct and indirect, the adviser provides real value for money	✓	
Research & Advice		25
Carries out original research on managed funds	✓	
Carries out original research on direct securities	✓	
Assists with development of investment policy	✓	
Provides advice from a total portfolio perspective	✓	
Is accountable for risk / return outcomes on <i>total</i> portfolio	✓	
Monitors market events and impact on client portfolios on a proactive basis	✓	
Makes a real endeavour to educate clients as well as provide research on specific securities	✓	
Portfolio Administration & Transactions		15
Provides client efficiency through online managed fund transactions	✓	
Provides client efficiency through online reporting in managed funds	✓	
Daily valuations of managed funds	✓	
Provides consolidated reporting of managed funds and direct securities in council friendly format	✓	
TOTAL		100

6.6 Recommendations from the Review of NSW Local Government Investments

Recommendation 1: All investment instruments (debentures, securities, stocks and deposits, but excluding discount instruments such as bills of exchange) in the Investment Order be defined to include both principal and investment income.

Recommendation 2: All existing investments by NSW Councils that may be excluded by any proposed changes to the Investment Order are to be grandfathered. For the avoidance of doubt, existing securities that become ultra vires under the proposed amendments to the Investment Order can continue to be held to maturity, redeemed or sold, but new investments must comply with the amended Investment Order. Note that investment portfolio restructurings / switches currently being offered by product manufacturers or advisors are specifically excluded from consideration if the switch investments are outside the amended Investment Order. If the proposed switch investment is within the amended Investment Order all transactions must be on a market value basis. Book value transactions are explicitly prohibited.

Recommendation 3: Product manufacturers / distributors should be excluded from being appointed investment advisors to Councils.

Recommendation 4: Investments specified in k) and l) of the Investment Order be suspended for the period to 31/12/2009 and be subject to a further review after this period to determine the relevance of using a credit ratings based approach to determining authorised investments, particularly in light of the current CDO credit experience. It should consider whether to restore the current investment powers under k) and l). Any such review should have specific regard to the trade-off between the cost of Government monitoring and Council compliance which would be required, and the prospective incremental investment return.

Recommendation 5: It is recommended that the current partial deregulation model operating in New South Wales be retained with the modifications suggested in Points 4.13, 4.15, 4.18 and 4.30 of this report, as well as the minor modifications set out in Points 4.39 and 4.41. Consistent with the existing Investment Order, interest income and capital growth investment options will continue to be available through the TCorp Hour-Glass Investment Facilities. This outcome provides a number of the advantages highlighted in the centralised model in section 6.19.

Recommendation 6: It is most important that the Councils' fiduciary responsibility in relation to investment activities under the *Local Government Act 1993*, should be reinforced strongly. All participants should be made explicitly aware of the obligations under the *Trustee Act 1925(NSW)*, and be requested to sign to acknowledge the same. Inclusion of the relevant sections of the Trustee Act in the Investment Order may also assist in this regard. In particular, it is important that long term assets including Section 94 funds are invested in a manner consistent with meeting future liabilities, on the basis that the nominal return sought is consistent with an acceptable level of investment risk.

Recommendation 7: With regards to the Investment Order section (m), permitted investments in securities should explicitly exclude subordinated obligations. The permitted investments under (m) must rank pari passu with deposits of the same group entities; under (f) mortgages over land should be restricted to first mortgages with a Loan to Value ratio of no greater than 60%, and under (g), permitted land investments are to explicitly exclude ASX listed property trust investments.

Recommendation 8: The NSW Department of Local Government should give consideration to releasing a document, similar in content to the Western Australian Department of Local Government and Regional Development, Investment Policy – Local Government Operational Guidelines- Number 19, February 2008 (refer Appendix C). Further as noted in this document, there are deemed to be significant benefits from external monitoring: "a well constructed investment policy with clear objectives will facilitate an external review. The review should act as an intermediary to confirm that the investments explicitly align with the investment policy."(7-3/92)

7. REFERENCES

1. Australian Financial Management Association - <http://www.afma.com.au>
2. Australian Securities and Investments Corporation - <http://www.asic.gov.au>
3. Best Practice Guide – Investments. LG Solutions, October 2005.
4. *Bills of Exchange Act 1909* (Cwth)
5. Investment Policy Guidelines - Queensland Government – Department of Local Government, Sport and Recreation.
6. Investment Policy. Local Government Operational Guidelines – Number 19 February 2008. Department of Local Government and Regional Development. Government of Western Australia.
7. *Local Government Act 1993* (NSW)
8. Local Government (General) Regulation 2005
9. Macquarie Dictionary, 3rd edn.
10. NSW Local Government Investments Best Practice Guide, NSW Local Government Finance Professionals
11. Review of NSW Local Government Investments – Final Report. Michael Cole, April 2008.
12. *Trustee Act 1925* (NSW)

6.2.16 Mudgee Regional Tourism Inc Quarterly Report – September 2013

REPORT BY THE GENERAL MANAGER TO 20 NOVEMBER 2013 COUNCIL MEETING

131120 Public

GOV400029, A0100056, F0770077

RECOMMENDATION

That:

1. **the report by the General Manager on the Mudgee Regional Tourism Inc Quarterly Report – September 2013 be received;**
2. **the Quarterly Report to 30 September 2013 from the Mudgee Regional Tourism Inc be noted.**

Detailed report

Please find attached the first quarterly report from the Mudgee Regional Tourism Inc (MRTI). Council funds the MRTI for contract tourism services to the value of \$360,000. As part of the contractual conditions Council has negotiated a number of Key Performance Indicators (KPI's) which MRTI are required to deliver upon.

At this time, MRTI are making progress towards achieving the KPIs set by Council. It is too early in the financial year to meaningfully assess the requirements of Council against achievements. That will commence after the second quarter at the end of December 2013.

Those KPIs are as follows:-

1. Monitor key indicators that measure tourist numbers to the LGA including the number of visitors attending each visitor centre, where they are from and how they have heard about the LGA and conduct an annual targeted campaign for participation in surveys about visitor experience in the in the LGA.
2. Provide all tourism related businesses in the LGA, whether a member of MRTI or not, with the opportunity to have a free website listing.
3. Attend and promote the LGA at a minimum of 4 events per year held outside the LGA to increase the number of domestic tourists to the LGA (at least 2 events to be held in new target markets).
4. Ensure monthly marketing communications with subscriber database.
5. Promote tourism-related Council events in MRTI marketing material without normal membership limitations, where the event benefits the LGA. The events promoted will be decided by the CEO of MRTI and the Council Events Coordinator or Economic Development Officer.
6. Ensure at least 15% of MRTI produced press releases for the LGA's media coverage (achieved through PR activity) represents tourism businesses and attractions in Kandos, Rylstone and Gulgong.
7. Ensure at least 2-3 different or new tourism businesses or attractions are pitched to media outside the LGA each quarter.
8. Ensure all major events in the LGA presented to MRTI are featured in What's On and Events Calendar.

9. Develop an annual marketing plan which provides the specific details of all marketing and promotional activities that will be undertaken on a monthly basis to actively promote the LGA as a tourism destination and provide opportunity for MWRC's input.

Financial implications

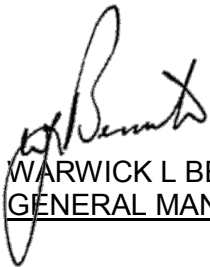
Council funds the operations of MRTI to the value of \$360,000 per annum. As part of that payment MRTI are to deliver on agreed contractual commitments

Strategic or policy implications

Not applicable at this time.

8 November 2013

Attachments: 1. MRTI Quarterly Report September 2013 (included at the end of the business paper)



WARWICK L BENNETT
GENERAL MANAGER

6.2.17 2014 Meeting Programme

REPORT BY THE MANAGER GOVERNANCE TO 20 NOVEMBER 2013 COUNCIL MEETING

Meeting Schedule 2014

GOV400029, A0100004, A0100046

RECOMMENDATION

That :

1. the report by the Manager Governance on the 2014 Meeting Programme be received.
2. Council Meetings for 2014 be scheduled as follows:

Wednesday, 5 February 2014
Wednesday, 19 February 2014
Wednesday, 5 March 2014
Wednesday, 19 March 2014
Wednesday, 2 April 2014
Wednesday, 16 April 2014
Wednesday, 7 May 2014
Wednesday, 21 May 2014
Wednesday, 4 June 2014
Wednesday, 18 June 2014
Wednesday, 16 July 2014
Wednesday, 6 August 2014
Wednesday, 20 August 2014
Wednesday, 3 September 2014
Wednesday, 17 September 2014
Wednesday, 8 October 2014
Wednesday, 22 October 2014
Wednesday, 5 November 2014
Wednesday, 19 November 2014
Wednesday, 3 December 2014
Wednesday, 17 December 2014

3. Council continue with Town and Village Forums in their present form.
4. Village Forums for 2014 be scheduled as follows:

9 April 2014	Hargraves	11.00am
	Pyramul	1.00pm
	Windeyer	2.30pm
	Meroo	4.30pm
14 May 2014	Wollar	2.30pm
	Cooyal/Botobolar	4.30pm
	Cooks Gap	6.00pm
15 October 2014	Yarrabin/Beragoo	2.00pm
	Goolma	4.00pm
12 November 2014	Ilford	1.00pm
	Bylong	3.00pm
	Lue	5.00pm

5. Town Forums for 2014 be scheduled as follows:

15 October 2014 Gulgong in the Gulgong Memorial Hall at 6.00pm
12 November 2014 Rylstone/Kandos in the Rylstone Town Hall at 6.00pm.

Executive summary

The purpose of this report is to set the meeting programme for 2014.

Detailed report

COUNCIL MEETINGS

Council meetings are currently being held on the first and third Wednesday of each month, commencing at 5.30 pm with an Open Day.

It is considered that this arrangement is working well and accordingly it is proposed that it continue. Only one Council meeting has been scheduled for July. It is the first month of the new financial year and generally that is a quiet time. It gives the Councillors an opportunity to have a small mid-year break from meetings.

It should be noted that the Local Government Act provides that Council must meet at least 10 times each year, each time in a different month. It should also be noted that Council has traditionally not met in January.

VILLAGE FORUMS

In the past, Village Forums have been scheduled on the second Wednesdays of the month so that these are held the week between Council meetings.

It would be appropriate for Council to decide on whether to continue with village forums in their current form. A number of the forums are only raising matters that could adequately be addressed by ringing the customer service at the Council Office and raising a works request.

A comparison of the numbers attending village forums over the past few years is set out below:

Village Location	2010	2011	2012	2013
Bylong	6	6	1	#
Cooks Gap	13	31	8	13
Cooyal/Botobolar	16	23	28	36
Goolma	4	6	8	17
Hargraves	24	16	12	20
Ilford	7	2	11	#
Lue	10	5	22	#
Meroo	16	*	19	14
Pyramul	11	10	10	17
Windeyer	13	13	8	8
Wollar	21	22	14	13
Yarrabin/Beragoo	10	17	12	10

* A village forum was not held in Meroo in 2011. It was held in conjunction with the Yarrabin/Beragoo Forum

The Bylong, Ilford and Lue Village Forums are scheduled for 13 November 2013.

TOWN FORUMS

Like the Village Forums it would also be appropriate for Council to consider whether to continue with Town Forums in their current form.

In the past, Town Forums have been scheduled on the second Wednesdays of the month so that these are held the week between Council meetings. A comparison of the numbers attending Town Forums over the past few years is set out below:

Town Forums	2010	2011	2012	2013
Rylstone/Kandos	6	5	5	#
Gulgong	6	24	21	17

NB: The Rylstone and Kandos Town Forums are held alternatively in each town. Mudgee does not have a Town Forum.

The Rylstone/Kandos Town Forum is scheduled to be held on 13 November 2013.

The recommendation above has been framed for Council to continue with Town and Village forums in their present form. If Council were of the view to consider other options to facilitate consultation with its widespread communities one alternative might be for Council to ask each community to select a representative(s) to bring in their community issues to the Council briefing where there is the opportunity for all Councillors to listen and obtain an understanding. Those community representatives could be paid mileage for their travel to meet the Council.

Financial implications

Funding for meetings is provided in the annual budget.

Strategic or policy implications

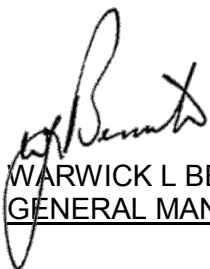
Council is required to hold at least 10 Council Meetings per year, each in a separate month.



IAN ROBERTS
MANAGER GOVERNANCE

5 November 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 7: Urgent Business Without Notice