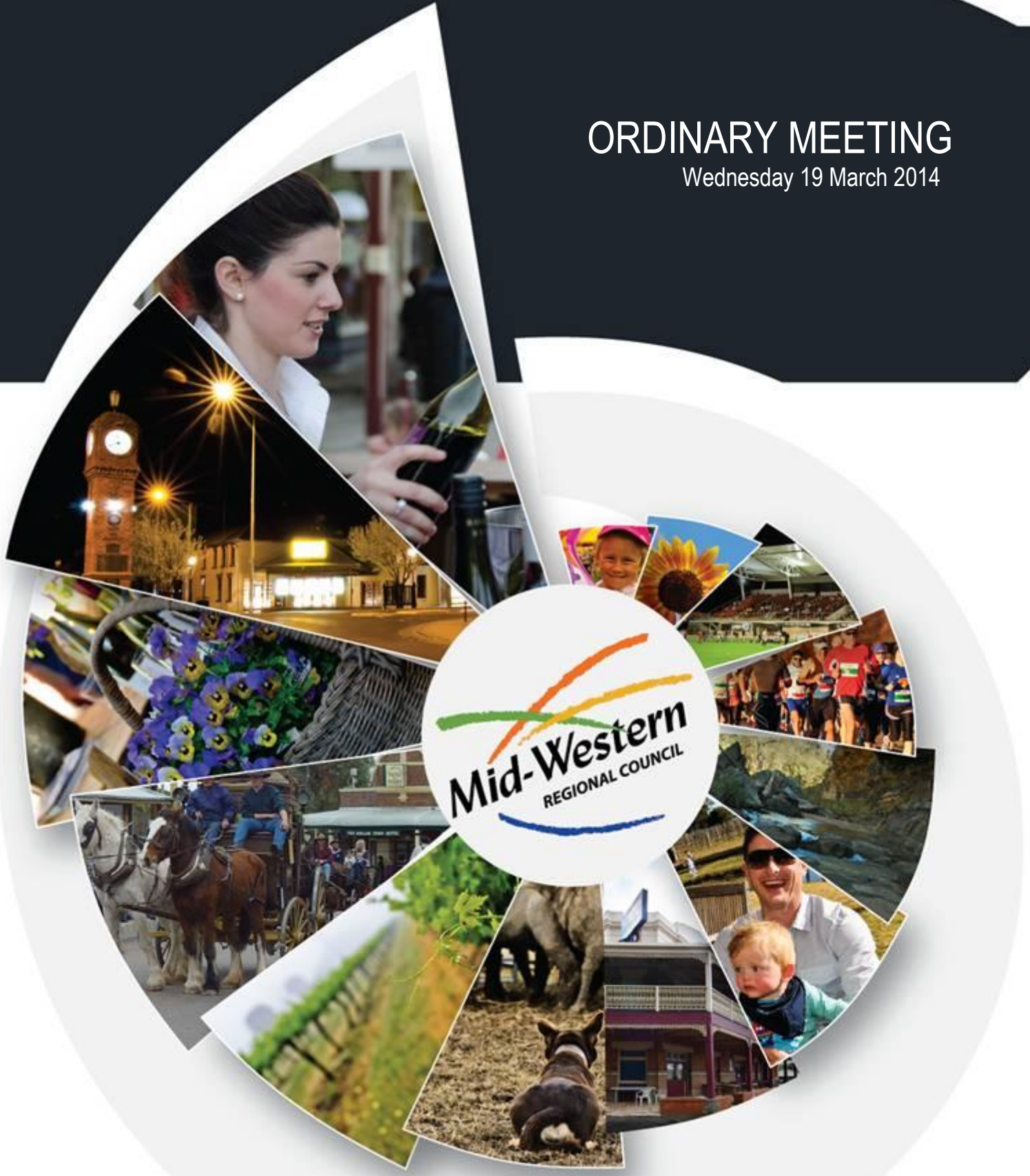


# ORDINARY MEETING

Wednesday 19 March 2014







PO BOX 156  
MUDGEE NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850  
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Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

12 March 2014

Dear Councillor

MEETING NOTICE  
**Ordinary Meeting**  
Wednesday, 19 March 2014  
Open Day at 5.30pm

*Council Meeting commencing at conclusion of Open day*

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

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

Yours faithfully

A handwritten signature in black ink, appearing to read "Warwick L Bennett", is written over the typed name and title.

WARWICK L BENNETT  
GENERAL MANAGER

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## Item 1: Apologies

## Item 2: Disclosure of Interest

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

## Item 3: Confirmation of Minutes

### **3.1 Minutes of Ordinary Meeting held on 5 March 2014**

#### *COUNCIL DECISION:*

That the Minutes of the Ordinary Meeting held on 5 March 2014, Minute Nos 66/14 to 87/14 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 5 March 2014, commencing at 5.47pm and concluding at 6.32pm.

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JR Webb, Cr L White.
IN ATTENDANCE	General Manager (WL Bennett), Director Mid-Western Operations (B Cam), Director Development and Community Services (C Van Laeren), Manager Governance (I Roberts), Corporate Communications Officer (P Goldsmith).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (R Murray), Radio 2MG (C Bassett).
<b>Item 1:</b>	<b>Apologies</b> Apologies were received for the absence of Councillors Martens and Weatherley.
<b>66/14</b>	<b>MOTION: Shelley / Cavalier</b>  That apologies for the absence of Councillors Martens and Weatherley be received and leave of absence granted.  <i>The motion was carried with Councillors voting unanimously.</i>
<b>Item 2:</b>	<b>Disclosure of Interest</b> <i>Councillors Shelley and Thompson declared a non-pecuniary conflict of interest in Item 8.1.1 as they were subject to the Code of Conduct Review.</i>  <i>Councillor Kennedy declared a pecuniary conflict of interest in Item 6.2.14 as his business provides services to the Day on the Green event which was considered by the Traffic Management Committee.</i>  <i>Councillor White declared a non-pecuniary interest in Item 6.2.11 as she works in the tourism industry.</i>
<b>Item 3:</b> <b>67/14</b>	<b>Confirmation of Minutes</b> <b>MOTION: Shelley / Cavalier</b>  That the Minutes of the Ordinary Meeting held on 19 February 2014 (Minute Nos. 43/14 to 65/14) be taken as read and confirmed.  <i>The motion was carried with Councillors voting unanimously.</i>
<b>Item 4:</b>	<b>Matters in Progress</b> <i>Noted.</i>
<b>Item 5:</b>	<b>Mayoral Minute</b> There was no Mayoral Minute.
<b>Item 6:</b>	<b>General Business</b>
	6.1 NOTICES OF MOTION  There were no Notices of Motion.
	6.2 REPORTS TO COUNCIL 6.2.1 DEVELOPMENT APPLICATION 0131/2014 PROPOSED SIX (6) LOT RESIDENTIAL TORRENS TITLE SUBDIVISION AT LOTS 214, 215 AND 253 DP 755434 83 ADAMS LEAD ROAD GULGONG  GOV400038, DA0131/2014
<b>68/14</b>	<b>MOTION: Walker / Shelley</b>  That:  1. the report by the Senior Town Planner on Development Application 0131/2014 Proposed Six (6) Lot Residential Torrens Title Subdivision at Lots 214, 215 and 253 DP 755434, 83 Adams Lead Road Gulgong be received;

2. the variation of the minimum lot size by 10% for proposed Lot 1 be supported in the proposed plan of subdivision of Lots 214, 215 and 253 DP 755434, 83 Adams Lead Road Gulgong;
3. Council approve Development Application 0131/2014 for the six (6) lot residential Torrens Title subdivision at Lots 214, 215 and 253 DP 755434, 83 Adams Lead Road subject to the following conditions:

#### APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans Job No 1468MU and the Application received by Council on 10 October 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.

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

2. Detailed engineering design plans (DWG and PDF), material samples, test reports and specifications is to be prepared in accordance with Council's DCP and the conditions of this development consent. The engineering design is to be submitted to and approved by Council prior to the issue of a Construction Certificate.
3. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.

#### CONSTRUCTION REQUIREMENTS

4. 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.
5. 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.
6. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

(Note: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered).

7. Basic right (BAR) turn treatments as shown in Figure 7.5 of the Austroads Guide to Road Design: Part4A shall be provided in Adams Lead Road at the intersection with the proposed internal road of the subdivision. The widened shoulders are to be sealed and built for 100kmph speed environment to provide a reasonable level of safety for traffic turning vehicle on the left hand side;
8. Basic left (BAL) turn treatments as shown in Figure 8.2 of the Austroads Guide to Road Design: Part4A shall be provided in Adams Lead Road at the intersection with the proposed internal road in the subdivision. The BAL facilities will also need to be sealed and built for a 100kmph environment;
9. Intersection and accesses shall be provided with lay-bys on the departure side for school bus stops.
10. Give Way Signs are to be installed on the proposed internal road at its the intersection with Adams Lead Road.
11. 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone at the intersection of Adams Lead Road and the proposed internal road in the subdivision, having the table drain directed through it.

12. The developer is to upgrade Adams Lead Road from Gossage Rd to the full frontage of the development in accordance with Council's Comprehensive DCP to a Rural Sealed Road and the following minimum specifications:
  - a) formation width 9.0m.
  - b) sealed width 6.0m.
  - c) seal type – 14/7 mm double-double.
  - d) standard cross-section with 3% fall.
  - e) pavement thickness – 150-300 mm.
  - f) pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.
  - g) Minimum compaction:
    - sub base 96% MDD
    - base course 98% MDD
  - h) Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.
13. The developer is to construct the proposed internal road in accordance with Council's Policy Road Classifications and Austroads standards to a Rural Sealed Road and the following minimum specifications:
  - a) formation width 9.0m.
  - b) sealed width 6.0m.
  - c) seal type – 14/7 mm double-double.
  - d) standard cross-section with 3%.
  - e) pavement thickness – 150-300 mm.
  - f) pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.
  - g) Minimum compaction:
    - sub base 96% MDD
    - base course 98% MDD
  - h) Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.
14. The construction of an all-weather vehicle access to each lot in the development is required. The accesses from the proposed internal road servicing the development shall be constructed in accordance with Austroads Guide to Road Design: Part 4 Figure 7.4 'standard rural property access' and any relevant RMS Supplements. The access shall have the following minimum specifications:
  - a) a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from edge of the traffic lane of the public road;
  - b) a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
  - c) a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it.
  - d) The access should be sealed a minimum of 10 metres from the edge of the travel lane to minimise mud on through road, match existing road levels and not interfere with road drainage.
  - e) Safe Intersection sight distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant RMS supplements should be provided in both directions at the vehicular access point servicing the proposed lots.
15. 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:
  - a) Construction of BAR/BAL treatments
  - b) Road pavement construction
  - c) Installation of vehicle accesses
  - d) Practical Completion
16. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time



will any ponding of stormwater occur on adjoining land as a result of this development.

17. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.

**PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE**

18. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.

**NOTE:** Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.

19. Under the Environmental Planning and Assessment Act 1979, a Subdivision Certificate is required before the linen plan of Subdivision can be registered with the Land Titles Office.
20. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of AS2870 - 1996. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
21. If the Subdivision Certificate is not issued in the financial year that the Development Consent was issued, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
22. 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.
23. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
  - a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of underground electricity supply to the subdivision.
  - b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
24. 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:

<i>Transport Management</i>	<i>Rate</i>	<i>No of Lots</i>	<i>Total</i>
Traffic Management	\$626	3	\$1,878
<i>Open Space</i>			
Local Open Space	N/A	N/A	N/A
District Open Space	\$2,424	3	\$7,272
<i>Community Facilities</i>			
Library Buildings	\$234	3	\$702
Library Resources	\$280	3	\$840
<i>Administration</i>			
Plan Administration	\$545	3	\$1635
<b>TOTAL PAYABLE</b>			<b>\$12,327</b>

AMENDMENT                      Councillor Webb/White

That:

1. the report by the Senior Town Planner on Development Application 0131/2014 Proposed Six (6) Lot Residential Torrens Title Subdivision at Lots 214, 215 and 253 DP 755434, 83 Adams Lead Road Gulgong be received;
2. the variation of the minimum lot size by 10% for proposed Lot 1 be supported in the proposed plan of subdivision of Lots 214, 215 and 253 DP 755434, 83 Adams Lead Road Gulgong;
3. Council approve Development Application 0131/2014 for the six (6) lot residential Torrens Title subdivision at Lots 214, 215 and 253 DP 755434, 83 Adams Lead Road subject to the following conditions:

#### APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans Job No 1468MU and the Application received by Council on 10 October 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.

#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

2. Detailed engineering design plans (DWG and PDF), material samples, test reports and specifications is to be prepared in accordance with Council's DCP and the conditions of this development consent. The engineering design is to be submitted to and approved by Council prior to the issue of a Construction Certificate.
3. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.

#### CONSTRUCTION REQUIREMENTS

4. 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.
5. 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.
6. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

(Note: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered).

7. Basic right (BAR) turn treatments as shown in Figure 7.5 of the Austroads Guide to Road Design: Part4A shall be provided in Adams Lead Road at the intersection with the proposed internal road of the subdivision. The widened shoulders are to be sealed and built for 100kmph speed environment to provide a reasonable level of safety for traffic turning vehicle on the left hand side;
8. Basic left (BAL) turn treatments as shown in Figure 8.2 of the Austroads Guide to Road Design: Part4A shall be provided in Adams Lead Road at the intersection with the proposed internal road in the subdivision. The BAL facilities will also need to be sealed and built for a 100kmph environment;
9. Intersection and accesses shall be provided with lay-bys on the departure side for school bus stops.
10. Give Way Signs are to be installed on the proposed internal road at its the intersection with Adams Lead Road.

11. 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone at the intersection of Adams Lead Road and the proposed internal road in the subdivision, having the table drain directed through it.
12. The developer is to upgrade Adams Lead Road from Castlereagh Highway to the full frontage of the development in accordance with Council's Comprehensive DCP to a Rural Sealed Road and the following minimum specifications:
  - a) formation width 9.0m.
  - b) sealed width 6.0m.
  - c) seal type – 14/7 mm double-double.
  - d) standard cross-section with 3% fall.
  - e) pavement thickness – 150-300 mm.
  - f) pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.
  - g) Minimum compaction:
    - sub base 96% MDD
    - base course 98% MDD
  - h) Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.
13. The developer is to construct the proposed internal road in accordance with Council's Policy Road Classifications and Austroads standards to a Rural Sealed Road and the following minimum specifications:
  - a) formation width 9.0m.
  - b) sealed width 6.0m.
  - c) seal type – 14/7 mm double-double.
  - d) standard cross-section with 3%.
  - e) pavement thickness – 150-300 mm.
  - f) pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.
  - g) Minimum compaction:
    - sub base 96% MDD
    - base course 98% MDD
  - h) Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.
14. The construction of an all-weather vehicle access to each lot in the development is required. The accesses from the proposed internal road servicing the development shall be constructed in accordance with Austroads Guide to Road Design: Part 4 Figure 7.4 'standard rural property access' and any relevant RMS Supplements. The access shall have the following minimum specifications:
  - a) a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from edge of the traffic lane of the public road;
  - b) a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
  - c) a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it.
  - d) The access should be sealed a minimum of 10 metres from the edge of the travel lane to minimise mud on through road, match existing road levels and not interfere with road drainage.
  - e) Safe Intersection sight distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant RMS supplements should be provided in both directions at the vehicular access point servicing the proposed lots.
15. 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:
  - a) Construction of BAR/BAL treatments
  - b) Road pavement construction
  - c) Installation of vehicle accesses
  - d) Practical Completion

- 16. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
- 17. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

- 18. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.

NOTE: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.

- 19. Under the Environmental Planning and Assessment Act 1979, a Subdivision Certificate is required before the linen plan of Subdivision can be registered with the Land Titles Office.
- 20. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of AS2870 - 1996. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
- 21. If the Subdivision Certificate is not issued in the financial year that the Development Consent was issued, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
- 22. 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.
- 23. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
  - a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of underground electricity supply to the subdivision.
  - b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
- 24. 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:

<i>Transport Management</i>	<i>Rate</i>	<i>No of Lots</i>	<i>Total</i>
Traffic Management	\$626	3	\$1,878
<i>Open Space</i>			
Local Open Space	N/A	N/A	N/A
District Open Space	\$2,424	3	\$7,272
<i>Community Facilities</i>			
Library Buildings	\$234	3	\$702
Library Resources	\$280	3	\$840
<i>Administration</i>			
Plan Administration	\$545	3	\$1635
<b>TOTAL PAYABLE</b>			<b>\$12,327</b>

The amendment was put and lost with Councillors voting as follows:

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier		✓

Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Shelley		✓
Cr Thompson	✓	
Cr Walker		✓
Cr Webb	✓	
Cr White		✓

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

Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Webb		✓
Cr White	✓	

6.2.2 DA 0226/2014 – PROPOSED MULTI DWELLING HOUSING DEVELOPMENT ( 4 UNITS) LOT 3 DP 1171264, 1 WILBETREE STREET GULGONG  
 GOV400038, DA0226/2014

69/14

**MOTION:** Webb / Cavalier

**That:**

1. the report by the Senior Town Planner on Development Application 0226/2014 Proposed four (4) Multi Dwelling Housing and Subdivision development, Lot 3 DP 1171264, Wilbetree Street Gulgong be received;
2. the variation of the minimum lot size for proposed Lots 31, 32, 33 and 34 be supported in the proposed plan of subdivision of Lot 3 DP 1171264, Wilbetree Street Gulgong;
3. Council approve Development Application 0226/2014 Proposed four (4) Multi Dwelling Housing and Subdivision development, Lot 3 DP 1171264, Wilbetree Street Gulgong subject to the following conditions:

**APPROVED DEVELOPMENT**

1. Development is to be carried out generally in accordance with stamped plans (Project No. 1.1, dated 30/09/2013, drawing No.s 01 – 08) prepared by Newall Homes 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.

**AMENDMENT**

2. A front fence is to be provided to the development. The fence is to be no higher than 1.2 metres and is to be generally of an open construction composed of timber and wire construction. Details are to be provided with the Construction Certificate.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

3. The developer shall obtain a *Certificate of Compliance* under the Water Management Act. This will require:
  - (a) Payment of a contribution for water and sewerage headworks at the following rate:
 

Water Headworks	\$12,049.00
Sewerage Headworks	\$ 7,154.00
<b>Total Payable</b>	<b>\$19,203.00</b>

- (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.

#### BUILDING CONSTRUCTION

4. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage.
5. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
6. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
7. All building work must comply with the requirements of the National Construction Code 2013, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
8. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.
9. Construction work noise that is audible at other premises is to be restricted to the following times.
  - Monday to Friday -- 7.00am to 6.00pm
  - Saturday -- 8.00am to 1.00pm
  - No construction work is permitted on Sundays and Public Holidays.
10. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site.

The Council encourages the separation and recycling of suitable materials.

11. During construction temporary toilet facilities are to be provided at or in the vicinity of the nominated work site and for this purpose provide either a standard flushing toilet or an approved sewage management facility.
12. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
  - stating that unauthorised entry to the work site is prohibited, and
  - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
13. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)
14. With the exception of work where there is in force an exemption under clause 187 or 188 of the Environmental Planning & Assessment Act 1979 all building work that involves residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.

No work is to commence until a copy of a Home Owners Warranty or Owner/Builders Permit have been submitted to Council.

15. All stormwater is to discharge to the street water table by the use of non-flexible kerb adapters. Alternatively, stormwater can connect to the inter allotment drainage system if it is available.

16. Erosion and sediment control measures being implemented prior to the commencement of works and must be maintained during the period of construction to prevent sediment and other debris escaping from the site. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
17. Prior to the commencement of any construction works, Council is to be given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the EP&A Act.
18. Adequate yard drainage together with appropriately sized sumps must be provided for the collection and disposal of ground surface waters to prevent a nuisance from these waters being caused to the property and/or adjoining properties. The disposal of ground surface waters must discharge to the street gutter or interallotment drainage easement. The ground water drainage system must be separate to the roof water drainage system. Full details must be submitted with the Construction Certificate application.
19. A Registered Surveyors Certificate showing the boundaries of the site and the proposed buildings plotted there on being submitted to the Principal Certifying Authority prior to the commencement of construction.
20. The requirements of the submitted BASIX Certificates must be installed and/or completed in accordance with the commitments contained in that Certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council prior to the commencement of the alteration/s.

#### PRIOR TO OCCUPATION

21. Prior to the occupation of a new building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
22. Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of those commitments.

#### ENGINEERING CONSTRUCTION

23. 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:
  - 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;
24. 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.
25. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
  - Installation of sediment and erosion control measures
  - Practical Completion
26. The developer is to upgrade the Short Street for the full frontage of the proposed development, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	4 m
Footpath Width	N/A
Concrete Footpaths	N/A
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 2.5m during minor events or adjacent to intersections.

**PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE**

27. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
28. 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.
29. Under the Environmental Planning & Assessment Act, 1979, a *Subdivision Certificate* is required before the linen plan of subdivision can be registered with the Land Titles Office.

(Note: The fee to issue a *Subdivision Certificate* is set out in Council's Fees and Charges)

30. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.

NOTE: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.

31. 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.
32. The adjustment of existing services or installation of new services and metres, 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.
33. Three metre wide easements, including associated Section 88B 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.
34. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and the appropriate Council standard drawings including M524-Urban Access, M525-Rural Access, M526-Industrial Access, M594-Kerb & Gutter Layback, as outlined in Councils "Access to Properties Policy".



Which states;-

Inspections - Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Technical Services Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

35. The applicant is to provide separate water and sewer reticulation services to each lot.
36. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lot 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.
37. 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 \$1,650.00 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

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

38. The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,425.00 per new junction to cover the cost of Council installing a junction in an existing main.

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

39. 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 Development Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:

Catchment 3 – No. Additional Lot/s - 3

Program	Total \$
<i>Transport Management</i>	
Traffic Management	\$1,881.00
<i>Open Space</i>	
Local Open Space	\$5,358.00
District Open Space	\$7,271.00
<i>Community Facilities</i>	
Library Buildings	\$ 702.00
Library Resources	\$ 841.00
<i>Administration</i>	
Plan Administration	\$1,635.00
<b>TOTAL PAYABLE</b>	<b>\$17,688.00</b>

#### GENERAL CONDITIONS RELATING TO THE DEVELOPMENT

40. A 1.8 metre high timber fence is to be provided to all side and rear boundaries prior to occupation of the development. All fencing is to be provided at full cost to the developer.
41. A 1.8 metre high timber fence or landscaping screen is to be provided between the private open space areas of the units, prior to occupation of the development.

42. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation.
43. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings.
44. Private open space areas for both unit 1 and unit 2 are to be provided with a level surface to at least 50% of the open space area.

The motion was carried with Councillors voting unanimously.

6.2.3 PLANNING PROPOSAL DWELLING ENTITLEMENT LOTS 28 & 29 DP 755414  
BOTOBOLAR – CONSIDERATION OF SUBMISSIONS

GOV400038, A0420258

70/14

**MOTION:** Webb / Cavalier

**That:**

1. the report by the Manager Strategic Planning on the Planning Proposal Dwelling Entitlement Lots 28 & 29 DP 755414 Botobolar – Consideration of Submissions be received;
2. Council exercise the delegation in relation to the preparation of the amendment to Local Environmental Plan 2012 to consolidate lots 28 & 29 DP 755414 and permit a dwelling house in association with intensive plant agriculture and that the plan be made subject to the Opinion issued by Parliamentary Counsel.

The motion was carried with Councillors voting unanimously.

6.2.4 UPDATE – STRATEGIC PLANNING PROGRAM

GOV400038, A0100056 A0420109

71/14

**MOTION:** Cavalier / Shelley

**That:**

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

The motion was carried with Councillors voting unanimously.

6.2.5 MONTHLY BUDGET REVIEW FOR JANUARY 2014

GOV400029, A0100056, FIN300062

72/14

**MOTION:** Cavalier / White

**That the report by the Manager Financial Planning on the Monthly Budget Review for January 2014 be received.**

The motion was carried with Councillors voting unanimously.

6.2.6 FINANCIAL ASSISTANCE APPLICATIONS

GOV400038, A0100056, A0140201

73/14

**MOTION:** Shelley / Walker

**That:**

1. the report by the Financial Accountant on the Financial Assistance Applications be received;
2. Council provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met, with the funding from the general financial assistance vote:

**Botobolar Community Committee**

**\$500**

	Painters@Mudgee	\$39
	Mudgee PCYC	\$1,000
	Prince of Wales Eisteddfod Committee	\$500
3.	Council provide financial assistance to the Gulgong Prince Of Wales Eisteddfod Committee to the amount of \$1,300 to be funded from the following Councillor's discretionary funds:	
	Cr Thompson	\$300
	Cr Webb	\$500
	Cr Cavalier	\$500
4.	Council provide financial assistance to the following organisations to be funded from from Councillor Cavalier's discretionary fund:	
	Mudgee Wolves Football Club	\$200
	Gulgong Show Society for the Gulgong Rodeo	\$200.

*The motion was carried with Councillors voting unanimously.*

6.2.7 WRITE OFF OF DEBTS 1 JULY 2013 TO 20 FEBRUARY 2014  
GOV400038, A0140197 A0340005

74/14

**MOTION:** Walker / Cavalier

**That:**

1. the report by the Revenue & Property Manager on the Write Off of Debts 1 July 2013 to 20 February 2014 be received;
2. Council note the write offs totalling \$1,467.06 (being \$885.54 of unable to collect funds and \$581.52 of hardship grants) made under delegated authority for the period 1 July 2013 to 20 February 2014 and;
3. Council authorise the write off of those debts greater than \$2,500 as follows:

Cardinal Project Services Pty Ltd	\$3,141.94
Gulfoyle Wreckers (NSW) Pty Ltd	\$3,806.57
CCA Projects Receiver & Managers Appointed	\$5,582.48
<b>TOTAL:</b>	<b>\$12,531.00</b>

*The motion was carried with Councillors voting unanimously.*

6.2.8 POLICY REVIEW – CATEGORISATION AS RESIDENTIAL FOR RATING  
PURPOSES POLICY & HARDSHIP PROVISION – RATES & CHARGES POLICY  
GOV400038, A0340048

75/14

**MOTION:** Cavalier / Thompson

**That:**

1. the report by the Revenue & Property Manager on the Policy Review – Categorisation As Residential For Rating Purposes Policy & Hardship Provision – Rates & Charges Policy be received;
2. Council adopt the revised Categorisation As Residential For Rating Purposes Policy and the Hardship Provision – Rates and Charges Policy.

*The motion was carried with Councillors voting unanimously.*

6.2.9 INQUIRY INTO REGIONAL AVIATION SERVICES  
GOV400038, TRA300007

76/14

**MOTION:** Shelley / Cavalier

**That:**

1. the report by the General Manager on the Inquiry into Regional Aviation Services be received;

2. Council endorse the submission as amended for the Inquiry into the Regional Aviation Services.

*The motion was carried with Councillors voting unanimously.*

6.2.10 STREET BANNER USAGE

GOV400038, A0400016

77/14 MOTION: Shelley / White

That:

1. the report by the General Manager on the use of street banners be received;
2. Council adopt the attached policy as amended on street banner usage.

*The motion was carried with Councillors voting unanimously.*

Councillor White declared a non-pecuniary conflict of interest in Item 6.2.11 in that she works in the tourism industry, left the meeting at 6.10pm and did not participate in discussions or vote in relation to this matter.

6.2.11 MUDGEES REGION TOURISM INC: DEC 2013

GOV400038, F0770077

78/14 MOTION: Shelley / Cavalier

That the report by the General Manager on the Mudgee Region Tourism Inc: Dec 2013 be received.

*The motion was carried with the Councillors present voting unanimously.*

Councillor White returned to the meeting at 6.11 pm.

6.2.12 T101314HUN SINGLE SOURCE SUPPLY OF CATEGORY 1: DUCTILE IRON CEMENT LINED PIPE, CATEGORY 2: WATER & SEWER FITTING AND CATEGORY 3: VALVES

GOV400038, GOR500017

79/14 MOTION: Cavalier / White

That:

1. the report by the Procurement Manager on the tender T101314HUN Single Source Supply Of Category 1: Ductile Iron Cement Lined Pipe, Category 2: Water & Sewer Fitting And Category 3: Valves be received;
2. Category 1 – Ductile Iron Cement Lined (DACL) Pipes  
That Iplex Pipelines Australia Pty Ltd be awarded this Category as the Single Source supplier to participating Hunter member councils for the period 6/03/2014 to 31/12/2015, and that a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 31/12/2016;
3. Category 2 – Water and Sewer Fittings  
Cadia Group be awarded this Category as the Single Source supplier to participating Hunter member councils for the period 06/03/2014 to 31/12/2015, and that a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 31/12/2016;
4. Category 3 – Valves  
Cadia Group be awarded this Category as the Single Source supplier to participating Hunter member councils for the period 06/03/2014 to 31/12/2015, and that a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 31/12/2016.

*The motion was carried with Councillors voting unanimously.*

6.2.13 REVIEW OF DELEGATIONS TO GENERAL MANAGER

GOV400038, A0230005

80/14

**MOTION:** Shelley / Cavalier

**That:**

1. the report by the Manager Governance on the Review of Delegations to General Manager be received;
2. the revised delegations as shown on the attached documents be adopted.

*The motion was carried with Councillors voting unanimously.*

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.2.14 that his business provides services to the Day on the Green event considered by the Local Traffic Committee, vacated the Chair and left the meeting at 6.11pm and did not participate in discussions or vote in relation to this matter. In his absence Councillor Cavalier assumed the Chair.

6.2.14 LOCAL TRAFFIC COMMITTEE MINUTES – 11 FEBRUARY 2014

GOV400038, A0100009

81/14

**MOTION:** Shelley / Walker

**That:**

1. the report by the General Manager on the Local Traffic Committee Minutes – 11 February 2014 be received;
2. Council write to ADA Cottages advising that Council will make an application to Essential Energy requesting installation of street lighting along Angus Avenue for the frontage of their premises but Council requires confirmation from ADA Cottages that they will contribute 50% of the cost of the street light and installation.
3. Council install “No Parking” signs either side of the Mudgee High School bus driveway on Denison Street.
4. Council install “No Parking” signs either side of the driveway to Pioneer House in Gladstone Street.
5.
  - a) the “Give Way” sign at the intersection of Putta Bucca Road and Henry Lawson Drive remain unchanged; and
  - b) Council implement line marking at this location in accordance with the RMS delineation manual.
6.
  - a) Council note the current signage on Ulan Road has been inspected by Council officers and was found to be well positioned and visible; and
  - b) Council check that speed regulation repeater signs are positioned every kilometre in accordance with NSW Speed Zone Guidelines.
7. Council note the concerns raised by the individuals in regard to the car sales lot on the corner of Horatio and Lewis Streets Mudgee but takes no further action at this time.
8. the event – “A Day on the Green” at Robert Oatley Vineyard, 8 March 2014” – be classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:
  - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
  - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
  - c. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
  - d. Reimbursing Council for the cost of damage repairs;

- e. Complying with Council's Law Enforcement Officers' reasonable directives;
  - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
  - g. A Traffic Control Plan (TCP), certified by a person with a "Worksite Traffic Control Certificate" be included in the TMP;
  - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
  - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Mid-Western Regional Council, NSW Police Force and RMS are indemnified against any possible action as the result of the event;
  - j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
  - k. Maintain a four-metre wide emergency vehicle lane;
  - l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
  - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and
  - n. The event organiser apply to the RMS for a direction to restrict the speed limit as proposed.
9. the event – '2014 Henry Lawson Pilgrimage Drive'– be classified as a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events Version 3.4" and proceeds with the following conditions:
- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.3 and submitted to and approved by Council prior to the event;
  - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
  - c. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
  - d. Reimbursing Council for the cost of damage repairs;
  - e. Complying with any of Council's Law Enforcement Officers' reasonable directives;
  - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
  - g. the qualification of the person creating the Traffic Control Plan must be at a minimum a holder of the Select and Modify Certificate or the Design and Audit Certificate;
  - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
  - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Mid-Western Regional Council, NSW Police Force and RMS are indemnified against any possible action as the result of the event;
  - j. The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected;
  - k. Maintain a four-metre wide emergency vehicle lane;
  - l. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date; and
  - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tables for review.

*The motion was carried with the Councillors present voting unanimously.*

Councillor Kennedy returned to the meeting at 6.12pm and resumed the Chair.

6.2.15 MUDGEES SHOWGROUND MANAGEMENT COMMITTEE

GOV400038, F0650007

MOTION: Webb / White

That:

1. The report by the Director, Mid-Western Operations on the Mudgee Showground Management Committee be received;
2. Council adopts the following camping fees at the Mudgee Showgrounds at
  - a. \$24.00 including GST for a Powered Site; and
  - b. \$17.00 including GST for a Non-Powered Site;
3. These changed fees be placed on public exhibition for a period of 28 days and if no submissions are received the fees be implemented immediately.

82/14

**AMENDMENT: Shelley / Cavalier**

**That the report by the Director, Mid-Western Operations on the Mudgee Showground Management Committee be received.**

The amendment was put and on being put as the motion was again carried with Councillors voting as follows:

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Webb		✓
Cr White	✓	

6.2.16 MUDGEE SPORTS COUNCIL

GOV400038, A0100056, A0100013

83/14

**MOTION: Shelley / Webb**

That:

1. the report by the Director, Mid-Western Operations on the Mudgee Sports Council be received;
2. the minutes for the Mudgee Sports Council ordinary monthly meeting held on 28 January 2014 be noted.

*The motion was carried with Councillors voting unanimously.*

**Item 7: Urgent Business Without Notice**  
There was no Urgent Business Without Notice

**Item 8: Confidential Session**

84/14 **MOTION: Cavalier / White**

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

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

**Subject:** **Code of Conduct Review**

*The reason for dealing with this report confidentially is that it is a matter concerning alleged contravention of any code of conduct requirement applicable under Section 440 in accordance with Section 10A(j) of the Local Government Act, 1993.*

*Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it could adversely impact on Council's investigative functions.*

**Subject:** **Glencore Coal Rates Matter**

*The reason for dealing with this report 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. As the matters referred to in this report are still before the Court, discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it might prejudice Council's legal position.*

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

*The motion was carried with Councillors voting unanimously.*

Councillor Shelley declared a non-pecuniary conflict of interest in Item 8.1.1 as he was involved in the Code of Conduct Review, and left the meeting at 6.25pm and did not participate in discussions or vote in relation to this matter.

Councillor Thompson declared a non-pecuniary conflict of interest in Item 8.1.1 as he was involved in the Code of Conduct Review, made a brief statement to Council and then left the meeting at 6.25pm and did not participate in further discussions or vote in relation to this matter.

A written apology from Councillor Shelley was tabled.

**8.1.1 Code of Conduct Review**

GOV400038, GOV400039, GOV400040

**85/14****MOTION:** Cavalier / Walker**That:**

1. the report by the General Manager on the Code of Conduct Review be received;
2. Council acknowledges and accepts the written apology to the elected Council by Councillor Peter Shelley for his conduct at the Council meeting on 4 December 2013;
3. Councillor Thompson is required to provide a written apology to the elected Council for his conduct at the Council meeting on 4 December 2013;
4. Councillors Shelley and Thompson be advised that their conduct at the meeting on 4 December 2013 could be construed as misconduct within the provisions of Section 440F of the Local Government Act 1993 and any repetition may lead to Council proceeding with a formal censure pursuant to Section 440G.

*The motion was carried with Councillors voting unanimously.*

Councillors Shelley and Thompson returned to the meeting at 6.29pm.

**8.1.2 Glencore Coal Rates Matter**

GOV400038, A0340048

**86/14****MOTION:** Cavalier / Walker**That:**

1. the report by the General Manager on the Glencore Coal Rates Matter be received;
2. Council agree to negotiate with Ulan Coal Mines Pty Limited (owned by Glencore Xstrata) for the costs associated with the appeal of the rates categorisation case that Ulan Coal Mines Pty Limited took against Council in the Land and Environment Court up to the value of \$350,000 (including GST if any), and that the Mayor and the General Manager have delegated authority to finalise the negotiations and affix the common seal to any documentation required; and
3. Council fund this cost from the Community Plan Reserve Fund, and the 2013/14 Operational Plan and Budget be amended accordingly;



**4. Council authorise the write off of the line marking debt totaling \$33,000 inclusive of GST to Ulan Coal Mines Pty Ltd.**

*The motion was carried with Councillors voting unanimously.*

**Item 9:**                      **Open Council**  
**87/14**                      **MOTION:**              **Shelley / Cavalier**

**That the Council move to Open Council.**

*The motion was carried with Councillors voting unanimously.*

The Manager Governance announced the decisions taken in Confidential Session.

**Closure**

There being no further business the meeting concluded at 6.32pm.

## Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Rylstone/Kandos Sewerage Augmentation	S.85/10 Assets Mtg 1/12/10	That: 2. Council commence negotiations with the Department of Environment, Climate Change and Water to defer construction of a new Treatment Plant at Kandos until funds become available under the Country Town Water and Sewerage Scheme; 3. staff review options to stage the proposed works in this region to improve the affordability of the augmentation required to meet effluent discharge quality requirements.	<b>With the focus on delivering the Mudgee Sewer Works insufficient staff resources are available to review this scheme. It is anticipated that the first report will be presented to Council in April 2014</b>
Quarry Road – Kandos	Res. 64/12 Ordinary Mtg 15/2/2012	That consideration of this matter be deferred until discussions with Cement Australia have been completed.	<b>No determination as yet.</b>
Old Gulgong Hospital	Res. 46/14	That Council support in principle the retention of the Gulgong Hospital building and defer the matter pending the decision of State Government	<b>Awaiting the State Governments preferred course of action and/or decision</b>
Independent Local Government Review Panel Response	Res. 60/14	That Council defer endorsing a submission on the NSW Local Government Independent Review Panel as State Government has extended submissions by one month and Council has been invited to attend a forum on this matter in March.	<b>This matter will be referred to the Council meeting on the 2nd April 2014</b>
Review of the Local Government Acts Taskforce	Res. 61/14	That Council defer endorsing a submission on the Review of the Local Government Acts Taskforce as State Government has extended submissions by one month and Council has been invited to attend a forum on this matter in March.	<b>This matter will be referred to the Council meeting on the 2nd April 2014</b>

<b>SUBJECT</b>	<b>RESOLUTION NO. &amp; DATE</b>	<b>RESOLUTION</b>	<b>ACTION</b>
Protect the Drip Gorge	Res. 65/14	That Council defers this matter until the report is received from the Committee that is reviewing the future ownership and management of The Drip.	<b>Awaiting the findings of the committee investigating this matter</b>
Code of Conduct Review	Res. 85/14	That Councillor Thompson is required to provide a written apology to the elected Council for his conduct at the Council meeting on 4 December 2013.	<b>No written apology has been received at the time of the preparation of this business paper.</b>

Item 5: Mayoral Minute

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Nil.

## Item 6: General Business

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### **6.1 Notices of Motion**

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There are no Notices of Motion.

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## 6.2 Reports

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### 6.2.1 Planning Proposal 220 Ulan Road – Consideration of Submissions

REPORT BY THE MANAGER STRATEGIC PLANNING TO 19 MARCH 2014 COUNCIL MEETING  
Planning Proposal 220 Ulan Road  
GOV400038, A0420258

#### RECOMMENDATION

**That:**

- 1. the report by the Manager Strategic Planning on the Planning Proposal 220 Ulan Road – Consideration of Submissions be received;**
- 2. Council exercise the delegation in relation to the preparation of the amendment to Local Environmental Plan 2012 to reduce the minimum lot size in respect to Lot 1 DP 1000182, 220 Ulan Road from 4000m<sup>2</sup> to 2000m<sup>2</sup> and that the plan be made subject to the Opinion issue by Parliamentary Counsel.**

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#### Executive summary

On 20 November 2013 Council resolved to prepare a Planning Proposal for an amendment to Local Environmental Plan 2012 to increase the residential density of land zoned Low Density Residential R2 from 4000m<sup>2</sup> to 2000m<sup>2</sup> on Lot 1 DP 1000182, known as 220 Ulan Road.

The Department of Planning and Infrastructure (DOPI) issued a Gateway determination which was received by Council on 9 December. The Gateway Determination authorised Council to prepare the amended plan under delegation from the Director General of DOPI. The Gateway Determination required consultation with agencies and public exhibition for a period of 14 days. The two agencies consulted were Road and Maritime Services (RMA) and the Civil Aviation Safety Authority (CASA) neither of who raised objections. In addition two Public submissions were received.

#### Detailed report

The Regional Director classified the Planning Proposal as a low impact proposal meaning that the proposal meets the following criteria:

A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the Gateway determination is:

- Consistent with the pattern of surrounding land use zones and/or land uses
- Consistent with the strategic planning framework
- Presents no issues with regard to infrastructure servicing
- Not a principal LEP
- Does not reclassify public land

The Gateway determination (Attachment 1) included conditions requiring consultation with specific agencies and notification in the newspaper of a 14 day public exhibition period. The Gateway Determination also gave the Council delegation to make the amending plan.

The proposal was forwarded to both the Roads and Maritime Services (RMS) and Civil Aviation Safety Authority (CASA) both of whom provide a response (Attachments 2 &3).

The RMS did not object to the proposal and provided comments in relation to:

- the treatment of the intersection with Ulan Road (it is noted that while RMS refer to this section of Ulan Rd being in a 100km zone it has recently been reduced to 80km zone)
- The design treatment of the intersection
- Supports pedestrian/bike links and recommends consideration be given to a bus pickup/drop off

These comments are noted and relate entirely to the actual physical development of the site rather than the planning proposal and can be considered at the development application stage.

CASA similarly had no specific issues with the proposal that do not relate to the likely future use of the land and would be addressed through the development application process.

In addition to the authority submissions, Council received two submissions from the public exhibition process.

#### *AUSTRALIAN RURAL EDUCATION CENTRE (AREC)*

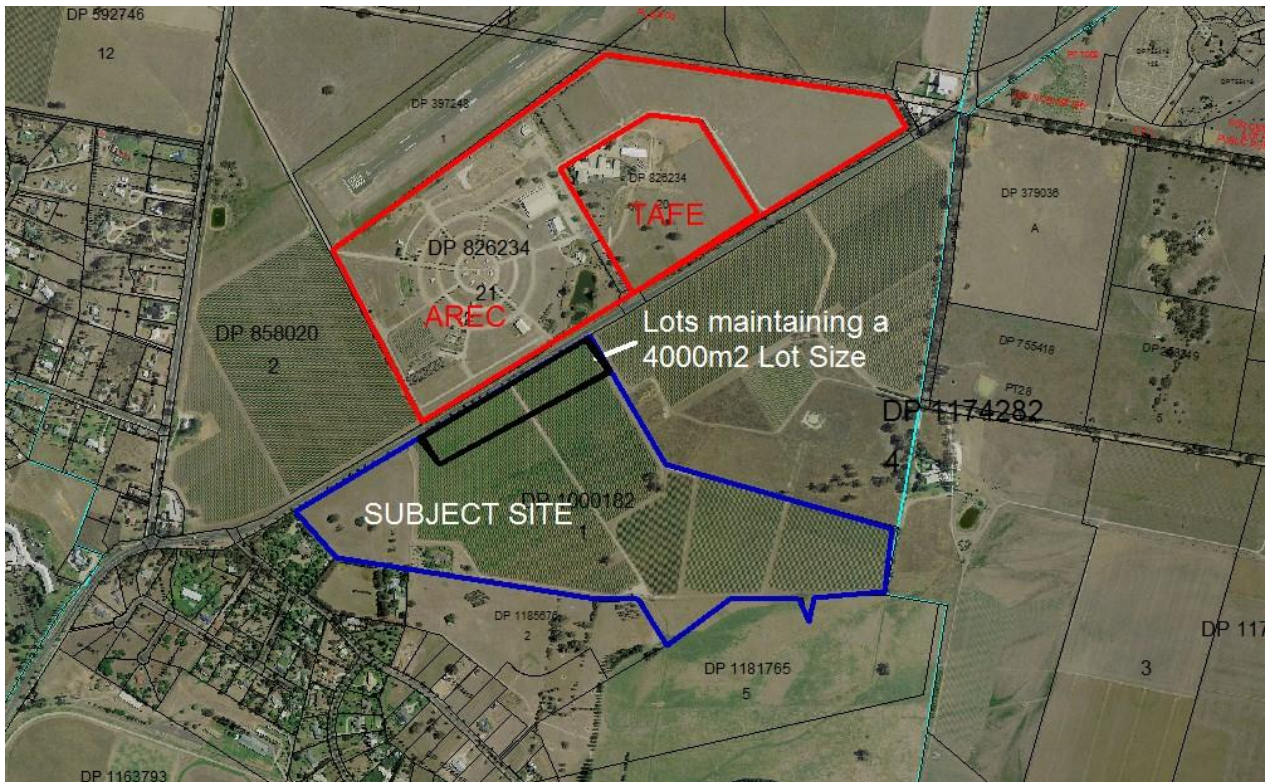
AREC stated (Attachment 4) that they moved to the current site from the showground in Mudgee to enable expansion of activities removed from the residential area. The concerns are raised as to the impact of proposed additional residential development on the existing land uses and with an increase in density there may be an increase in potential noise and traffic complaints.

The submission included a suggestion as to the possible inclusion of a condition or covenant on the any future subdivision DA acknowledging the use of the AREC site in relation to the potential noise and traffic impacts associated with activities at AREC.

The submission also stated that the only concerns AREC had with the initial rezoning were concerns relating to noise and traffic.

These comments are valid. The change in the minimum lot size will result in a greater density of residential development on the site. Concept plans submitted in support of the Planning Proposal address this to some extent by limiting the number of residential lots adjacent to Ulan Road to ten, six of which are 4000m<sup>2</sup> where the land is immediately opposite the AREC site and the other four being beyond the AREC site closer to Mudgee.

The aerial photograph shows the relationship between the subject site and AREC as well as that land proposed to retain a 4000m<sup>2</sup> minimum lot size.



In relation to the inclusion of any conditions of consent, these would be dealt with at such a time as Council were considering a development application for the subdivision of the site rather than at the rezoning stage.

#### *CULPITE*

A second public submission (attachment 5) was received from Mr Stratham Culpite. While he does not object to the development, Mr Culpite is concerned that the Planning proposal had overlooked the potential impact on threatened native flora and or fauna.

In response, it should be noted that land is already zoned R2 Low Density Residential. It is clear in the DOPI guidelines to preparing planning proposals that variations to an LEP amount to a variation to a specific control or controls in that instrument which are necessary to secure a particular development outcome for a site not the development itself. At this point, in so far as the zoning of the site is not altered by this proposal, any issues associated with specific impacts on flora and fauna are a matter for a development application. This proposal is increasing the density of development rather than changing the land use.

The submission makes a direct reference to a statement in the Planning Proposal as follows: "Groundcover was estimated at 95%. Weeds are well controlled on the land". From this Mr Culpite draws that the "property may be dominated by derived native grasslands" and goes on to state that these could therefore be a "White box yellow box Blakely's red gum woodland and derived native grassland" which is an Endangered Ecological Community (EEC).

When the land was originally rezoned it was the site of an operating vineyard. This is evident from the aerial photograph above. There is no evidence to suggest or indicate that the site in its current state would be an EEC and no additional studies and report were considered necessary. Further, as initially stated the land has already been rezoned. We are aware that the removal of trees with hollows is a Key Threatening Process. There are a number of isolated mature trees on the site which will require assessment and consideration in any development application, however, it is once again highlighted that this is not such an application.



### Process

Council has requested the assistance of the DOPI Planning Coordination and Support section to assist in the preparation of the new maps. The amendment will be to the following map sheets:

5270\_COM\_LSZ\_006\_160\_20130320  
5270\_COM\_LSZ\_006F\_020\_20121213  
5270\_COM\_LSZ\_006G\_010\_20120619

Following the confirmation of draft maps the documentation will be forwarded to Parliamentary Counsel for an Opinion. Once an Opinion has been received the draft plan will be made and the plan, along with an assessment report and completed delegation reporting template, will be sent to the DOPI who will then arrange notification.

### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

Managing land supply through strategic planning falls under the theme Looking After Our Community in the Community Plan under the goals of Vibrant Towns and Villages and Effective and Efficient delivery of Infrastructure. There are no specific strategies identified.



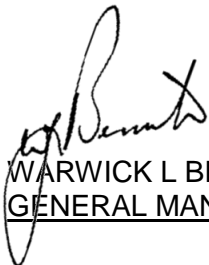
CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

ELIZABETH DENSLEY  
MANAGER STRATEGIC PLANNING

10 March 2014

- Attachments:*
1. Gateway Determination
  2. Submissions RMS
  3. Submission CASA
  4. Submissions AREC
  5. Submission Culpite

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



Contact: Wayne Garnsey  
Phone: (02) 68412180  
Fax: (02) 68848483  
Email: wayne.garnsey@planning.nsw.gov.au  
Postal:

Our ref: PP\_2013\_MIDWR\_007\_00 (13/19748)  
Your ref: (ED)A0420258

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

WJ  
L2D



Dear Mr Bennett,

**Planning Proposal (PP\_2013\_MIDWR\_007\_00) to amend Mid-Western Regional Local Environmental Plan 2012 – 220 Ulan Road, Mudgee**

I am writing in response to your Council's letter dated 22 November 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (EP&A Act) in respect of the planning proposal to change the lot size to 2000 m2 as it applies to Lot 1 DP 1000182 at 220 Ulan 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 Gateway determination.

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 (**Attachment 1**).

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the 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 (parliamentary.counsel@pco.nsw.gov.au) 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes at planmaking.monitoring@planning.nsw.gov.au.

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 section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

In accordance with "A Guide for the preparation of local environmental plans" attachment 5- Delegated plan making reporting template (**Attachment 2**) is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 59 submission.

Should you have any queries in regard to this matter, please contact Wayne Garnsey of the Western Regional office of the Department on 02 68412180.  
Yours sincerely,

 6-12-2013  
**Ashley Albury**  
**Regional Director**  
**Western Region**

*Encl.*

**Attachment 1** – *Written Authorisation to Exercise Delegation.*  
**Attachment 2** – *Delegated plan making reporting template.*



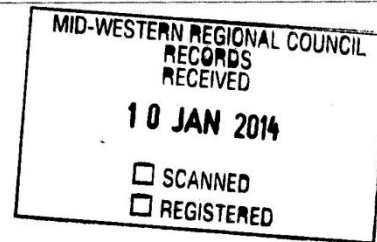
**Transport**  
Roads & Maritime  
Services

WST13/00159

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

**Attention Ms Liz Densley**

Dear Ms Densley



**Proposed Amendment to Mid-Western Regional Local Environmental Plan 2012;  
Lot 1 DP 1000182; 220 Ulan Road, Mudgee**

Thank you for your letter dated 13 December 2013 forwarding a Planning Proposal to amend the Mid-Western Regional Local Environmental Plan 2012.

It is noted that the proposed amendment seeks to reduce the minimum allotment size within the R2 Low Density Residential Zone on the subject land from 4000m<sup>2</sup> to 2000m<sup>2</sup>. A master plan has been developed for the subject land showing 136 residential allotments. Vehicular access is proposed via an internal road network connecting to one single access to Ulan Road.

The Traffic Analysis and supporting documentation has been reviewed. Roads and Maritime will not object to the Planning Proposal and provides the following comments for Council's consideration:

- The intersection of the proposed local road and Ulan Road is proposed to include Channelised Right (CHR) and Left (CHL) treatments. These intersection treatments will need to be designed for the current sign posted speed limit of 100km/h. Any request to reduce the speed zone will require a separate review and approval by Roads and Maritime;
- To determine the peak hour traffic volumes, the proponent has adopted a figure of 9% of the average daily traffic. Clause 4.8 Part 4A of Austroads Guide to Road Design 2010 assumes the design peak hour volume equals 8%-10% of daily traffic volumes in urban environments and 11%-16% of daily traffic volumes in rural environments. Given the current speed zone of 100km/h, the surrounding semi - rural environment and that Ulan Road is a main route to nearby coal mines, design of the proposed intersection treatment should be based on the maximum 16% of daily traffic volumes;
- Roads and Maritime encourages the facilitation of alternate methods of transportation and supports the proposal to provide a link from the subject land to existing bicycle/pedestrian paths. Consideration should also be given for a designated bus pick up/drop off area on Ulan Road for school and public transport buses.

Roads and Maritime Services

51-55 Currajong St Parkes NSW 2870  
PO Box 334 Parkes NSW 2870  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au) | 13 22 13

Please keep Roads and Maritime informed on the progress of this Planning Proposal. Should you require further information or wish to discuss this matter further, please contact Andrew McIntyre on (02) 6861 1453.

Yours faithfully

per: 

Peter Dearden  
Network & Safety Manager  
Western

210114



**Australian Government**  
**Civil Aviation Safety Authority**

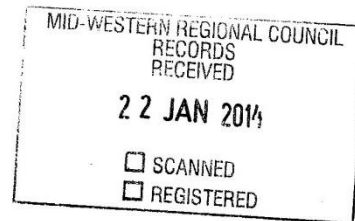
**AIRSPACE AND AERODROME REGULATION**

File Ref: G113/1502

Your Ref: A0420258

17 January 2014

Ms Liz Densley  
Mid-Western Regional Council  
PO Box 156  
MUDGEE NSW 2850



Dear Ms Densley,

I refer to your letter dated 13 December 2013 to the Civil Aviation Safety Authority (CASA) regarding the planning proposal to amend the lot size for the property at 220 Ulan Road, Mudgee.

CASA would like to provide the following response in reply to your invitation to comment on the planning proposal:

1. The airspace above the subject land is affected by the Mudgee Aerodrome Obstacle Limitation Surfaces (OLS) and Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS). Any development should be subject to consultation as per procedures published in the Mudgee Aerodrome Manual;
2. Any development on the subject land could be subject to lighting limitations. For lighting limitations refer to the Manual of Standards 139 (MOS) Chapter 9 Section 21 "Lighting in the Vicinity of Aerodromes"; and
3. Any increase in bird activity should be subject of the Mid-Western Council's Mudgee Aerodrome Bird and Animal Hazard Management Plan.

For any further clarification of this information, please call the CASA Aerodrome Inspector Slavica Despotovic on (02) 8651-3110 or [slavica.despotovic@casa.gov.au](mailto:slavica.despotovic@casa.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Slavica Despotovic', written over a horizontal line.

Slavica Despotovic  
Aerodrome Inspector  
Airways and Aerodromes



**Australian Rural Education Centre**

**Re: Local Environmental Plan - 220 Ulan Road**

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

29 January, 2014

Thank you for the opportunity to comment on the Planning Proposal for 220 Ulan Road.

Our only concern with the proposed residential development on the site is the impact on the existing uses of adjacent lands such as the AREC site. There is the opportunity for future residents complaining about any traffic increase at large events such as the Mudgee Small Farm Field Days, and any associated noise at events.

For example Council and planners would be well aware of the issue of people moving nearby an airport then proceed to complain about airport noise. It is this type of complaint that we see as an issue with the proposed planning changes.

AREC is a not for profit, community organisation and has run the Mudgee Small Farm Field Days event for some 37 years. For the first 19 years the event was held at the Mudgee Showground. AREC moved out of the town centre to the current site on Ulan Road due to space constraints and to move away from the largely residential area, to grow the event and to run additional activities free from impacts on local residents.

At the time that the LEP was prepared we noted our only concern, that existing land owners (AREC, TAFE & Mudgee Airport) would be impacted by residential housing and possible complaints about noise & traffic. With a greater number of lots due to the reduced lot size it is reasonable to expect there is a greater chance of complaints.

AREC would like council to insert a condition/covenant of any DA consent on development applications for the land described in the Planning Proposal that acknowledges AREC's existing use of their site for the Small Farm Field Days, and it's use for events rallies, musters and other activities. Such covenant should make clear to future purchasers of the residential blocks that there may be noise, traffic, that results from these uses on the AREC site. AREC would like council, to acknowledge this existing use by AREC, when dealing with any future complaints from residential owners towards the use of the AREC site.

Regards

  
Steve Garland  
General Manager

**From:** [Steve Culpite](#)  
**To:** [Council](#)  
**Subject:** Planning Proposal 220 Ulan Road Mudgee, Lot 1 DP 1000182  
**Date:** Thursday, 30 January 2014 9:21:21 AM

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Dear General Manager of Mid-Western Regional Council,

RE: Planning Proposal 220 Ulan Road Mudgee, Lot 1 DP 1000182.

I am writing to you with an objection to the current proposal, under the grounds that the potential for the presence of threatened native flora and/or fauna of this location have been overlooked.

The following quote was taken directly from the Planning Proposal: "Groundcover was estimated at 95%. Weeds are well controlled on the land". This quote is a preliminary indication that the property may be dominated by derived native grasslands. Based on the geographical location and landscape of the property, such derived native grasslands could possibly constitute a state and/or federally-listed endangered vegetation community known as "White box yellow box Blakely's red Gum woodland and derived native grassland". Yet this has been ignored.

Mature trees on the property may also contain state-protected 'tree hollows' essential for nesting by threatened and protected species including birds and bats. This is irrespective of whether trees are native or not. Likewise, any mature gum trees on the property may provide potential food resources for endangered birds. While I don't object to this development in its entirety, I recommend you obtain an adequate flora and fauna assessment of the site (just as you have done for potential indigenous heritage values) prior to seeking approval. Local conservation groups, environmental planners or ecology consultants may be able to provide this type of service. Local land services may also provide recommendations.

Best regards,

Statham Culpite  
Lawson, NSW  
[acridotherestrustus@gmail.com](mailto:acridotherestrustus@gmail.com)

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This e-mail has been scanned for viruses by MCI's Internet Managed Scanning Services - powered by MessageLabs. For further information visit <http://www.mci.com> or contact Information Technology Business Unit - Mid-Western Regional Council



## 6.2.2 Monthly Development Applications Processing & Determined

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 19 MARCH 2014  
COUNCIL MEETING

DA applications processing and determined REPORT TO COUNCIL FEBRUARY 2014  
GOV400038

### RECOMMENDATION

**That the report by the Director, Development and Community Services on the Monthly Development Applications Processing & Determined be received.**

### Executive summary

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

### Detailed report

Included in this report is an update for month ending 28 February 2014 of Development Applications determined and development applications processing. The report will detail:

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

### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

Not applicable.



CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES

7 March 2014

*Attachments:* 1. Monthly development applications processing and determined February 2014.

APPROVED FOR SUBMISSION:

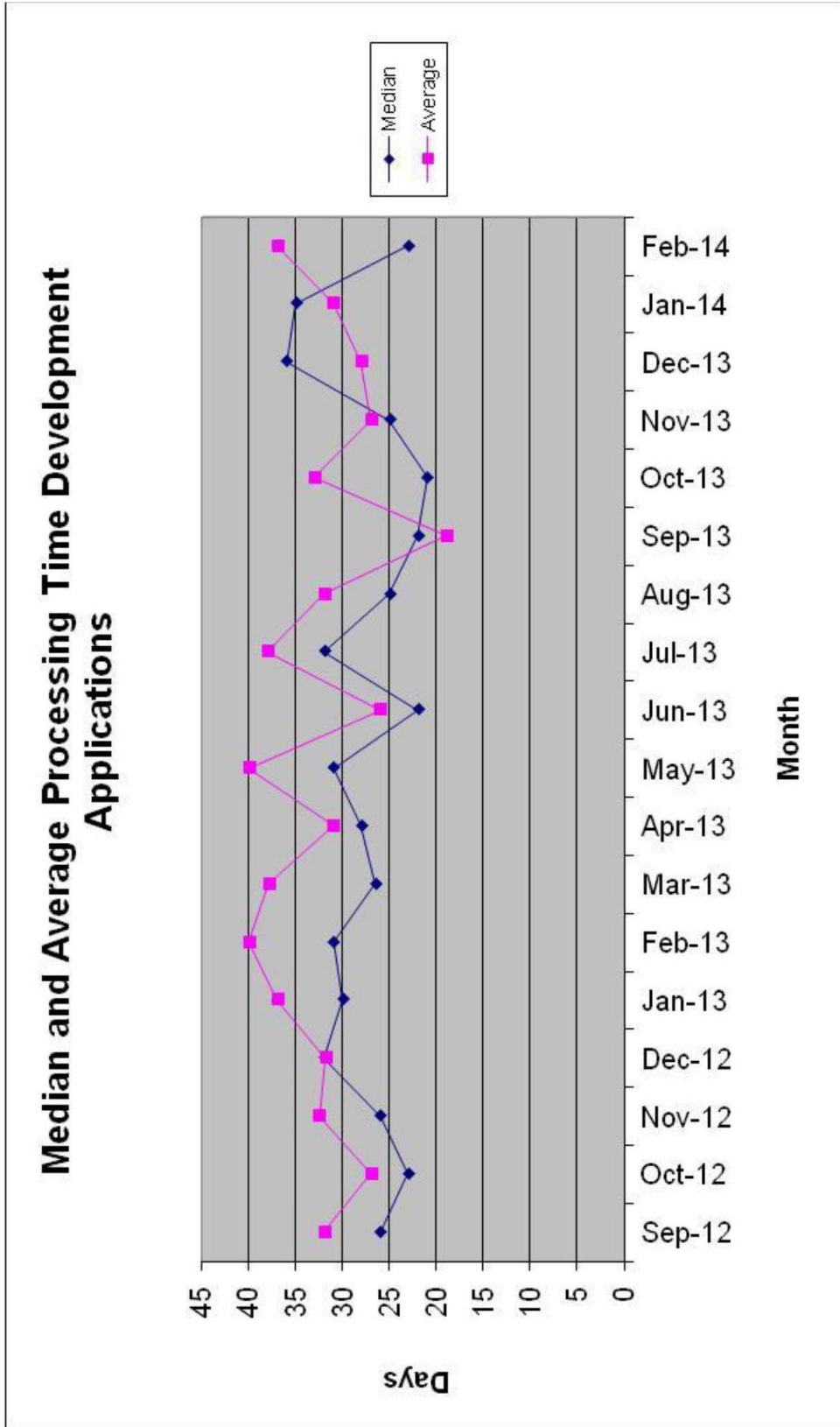


WARWICK L BENNETT  
GENERAL MANAGER

Monthly Development Application Processing Report – February, 2014

This report covers the period for the month of February, 2014.

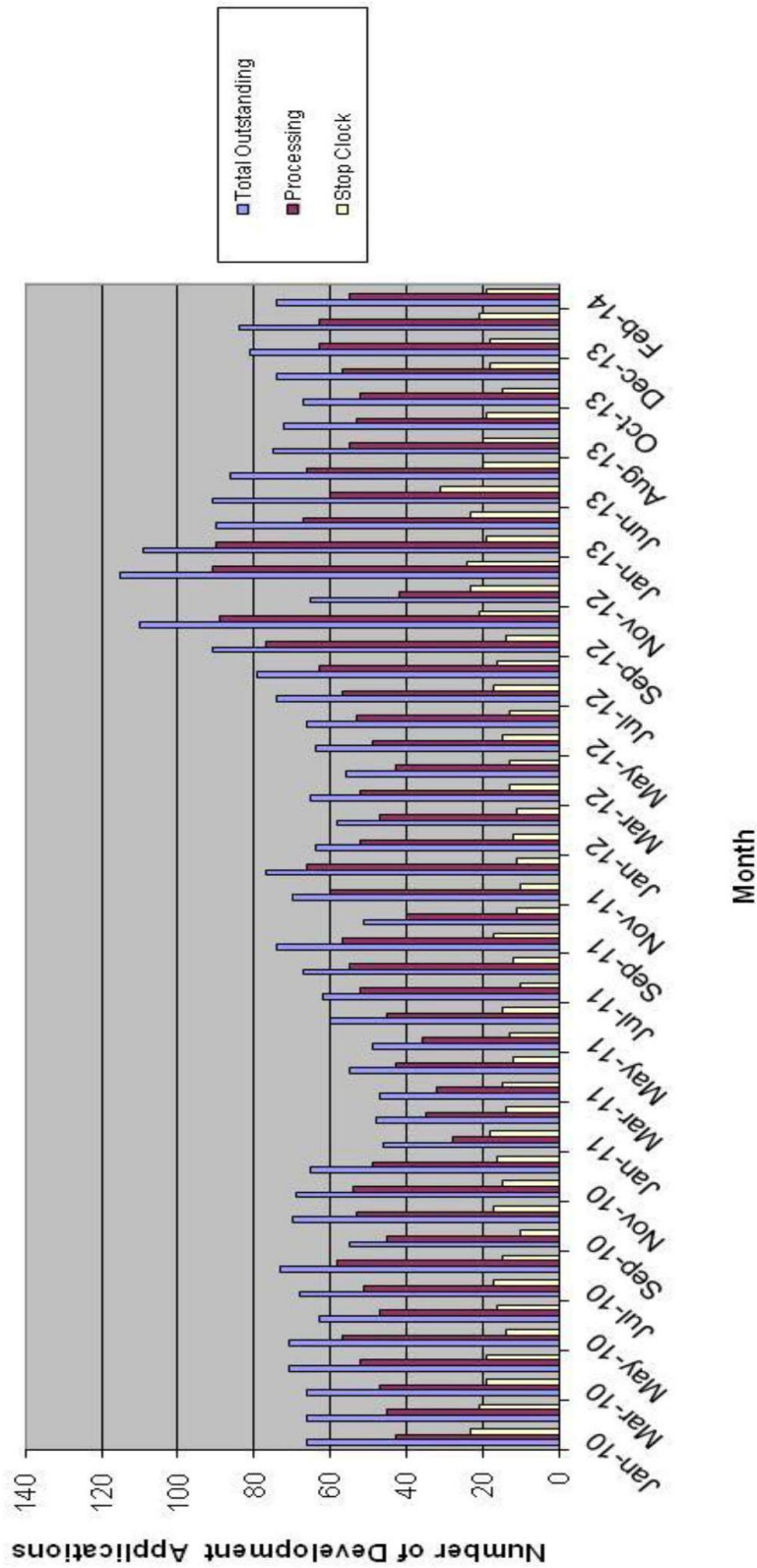
Graph 1 indicates the processing times up to 28 February, 2014 with the month of February having an average of 37 days and a median time of 23 days.



**Monthly Development Application Processing Report – February, 2014**

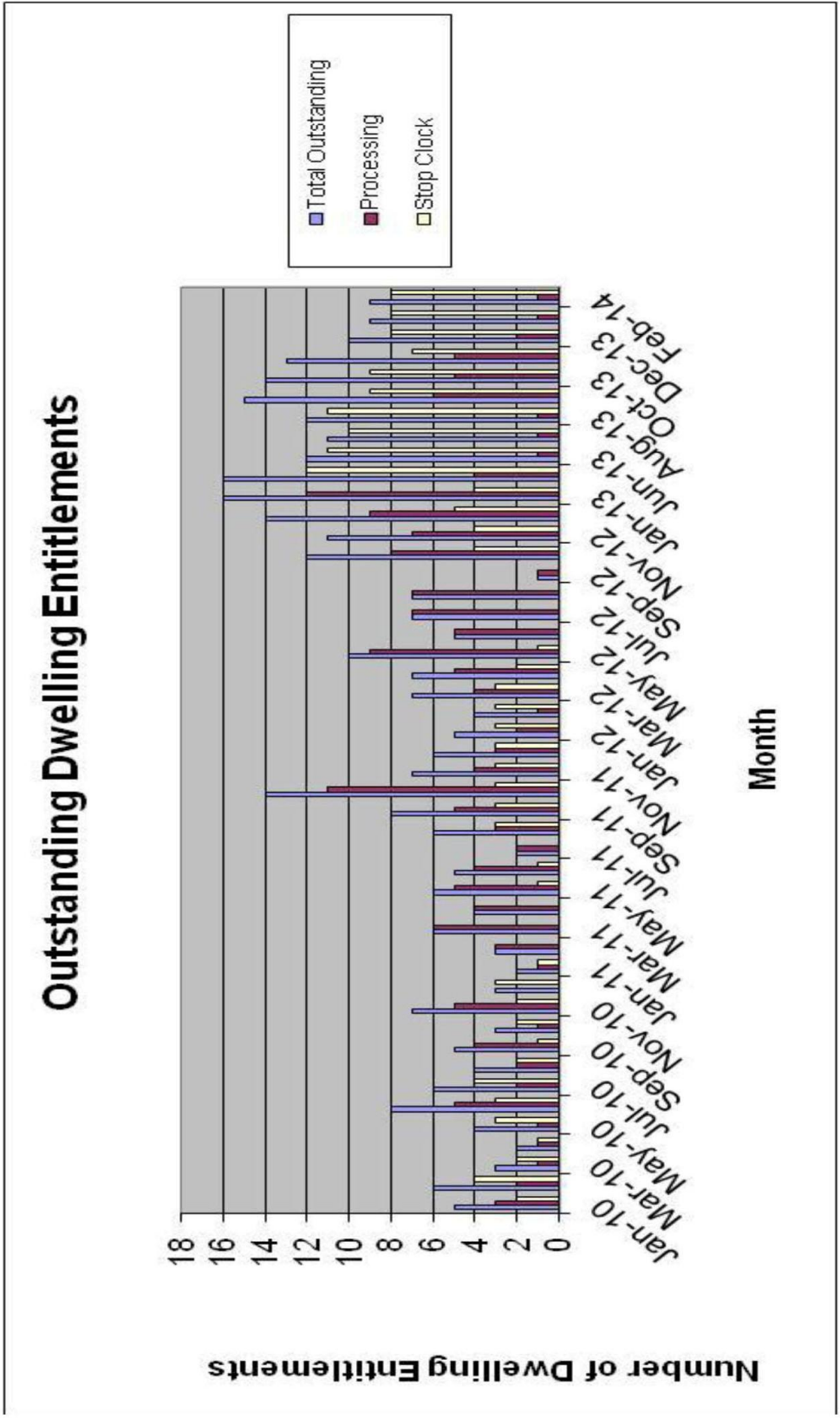
Graph 2 indicates the total number of outstanding applications (excluding dwelling entitlements), the number currently being processed and the number on "stop clock".

**Outstanding Development Applications**



Monthly Development Application Processing Report – February, 2014

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



## Monthly Development Application Processing Report – February, 2014

The Planning and Development Department determined 36 Development Applications either by Council or under delegation during February, 2014/2014.

### Development Applications Determined – February, 2014.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0021/2014	Subdivision - Torrens Title	62	Zimmer Lane	GULGONG
DA0059/2014	Subdivision - Torrens Title	56	Douro Street	MUDGE
DA0128/2014	Boundary Adjustment	842	Wallawaugh Road	HARGRAVES
DA0188/2014	Animal Establishment	859	Castlereagh Highway	MULLAMUDDY
DA0190/2014	Subdivision - Torrens Title	50-64	Bellevue Road	MUDGE
DA0196/2014	Dwelling House	1300	Cope Road	COPE
DA0204/2014	Animal Establishment	6264	Castlereagh Highway	RUNNING STREAM
DA0211/2014	Dual Occupancy	37	Melton Road	MUDGE
DA0236/2014	Garage	108B	Gladstone Street	MUDGE
DA0237/2014	Dwelling House	15	Clare Court	MUDGE
DA0254/2014	Pergola	5	Yamble Close	MUDGE
DA0256/2014	Shed less than 150m2	6	Kains Flat Road	COOYAL
DA0262/2014	Garage	80-82	Carwell Street	RYLSTONE
DA0270/2014	Pergola	21	Tongbong Road	GULGONG
DA0406/2013	Subdivision - Torrens Title	154	Rouse Street	RYLSTONE
DA0146/2014	Shed > 150m2	77	Tinja Lane	PUTTA BUCCA
DA0151/2014	Subdivision - Torrens Title	5500	Ulan Road	TURILL
DA0176/2014	Alterations & Additions	8	Lawson Street	MUDGE
DA0200/2014	Subdivision - Torrens Title	37	Hill End Road	CAERLEON
DA0117/2014	Subdivision - Torrens Title	502	Black Springs Road	BUDGE BUDGE
DA0177/2014	Commercial Alterations/Additions	107-111	Church Street	MUDGE
DA0193/2014	Subdivision - Torrens Title	160	Ulan Road	BOMBIRA
DA0197/2014	Community Facility	21	Cudgegong Street	RYLSTONE
DA0210/2014	Tourist Facility	1154	Castlereagh Highway	MENAH
DA0220/2014	Land Filling	33	Melton Road	MUDGE
DA0230/2014	Shed less than 150m2	162	Saints Lane	ST FILLANS
DA0235/2014	Dwelling House	1550	Crueline Road	CRUIDINE
DA0238/2014	Garage	10	Mountain View Road	MUDGE
DA0240/2014	Shed less than 150m2	23	Lions Drive	MUDGE
DA0244/2014	Sign	20	Sydney Road	MUDGE
DA0246/2014	Tourist Facility	845	Henry Lawson Drive	EURUNDEREE
DA0252/2014	Garage	2	Bumberra Place	BOMBIRA
DA0253/2014	Demolition	26	Mealey Street	MUDGE
DA0257/2014	Awning	3	Rayner Street	MUDGE
DA0268/2014	Garage	43	Court Street	MUDGE
DA0330/2012	Mine	8346	Bylong Valley Way	BYLONG

## Monthly Development Application Processing Report – February, 2014

## Development Applications currently being processed – February, 2014.

App/Proc ID	Description	House No	Street Name	Locality
DA0071/2014	AltAdd	480	Ridge Road	COOKS GAP
DA0191/2014	AltAdd	34	Crossings Road	MENAH
DA0205/2012	AltAdd	1834	Blue Springs Road	BUNGABA
DA0295/2014	AltAdd	89	Short Street	MUDGE
DA0290/2014	Carport	9	Barigan Street	MUDGE
DA0026/2014	ChangeUse - Portable office, storage containers	34-36	Main Street	ULAN
DA0217/2014	ChangeUse - Temporary Dwelling to Dual Occupancy	1509	Hill End Road	GRATTAI
DA0263/2014	ChangeUse - Dwelling to Restaurant	329	Tinja Lane	EURUNDEREE
DA0264/2014	ChangeUse - Units and Existing Carport into Office, Bus Shelter into Workshop	93-97	Angus Avenue	KANDOS
DA0278/2014	ChangeUse - Shed to Dwelling	2012	Aarons Pass Road	AARONS PASS
DA0014/2014	CommAltAdd	61-65	Ilford Road	KANDOS
DA0245/2014	CommPrem	1	Inglis Street	MUDGE
DA0173/2014	DualOcc	55	George Campbell Drive	BOMBIRA
DA0231/2014	DualOcc	217	Bergalin Road	GULGONG
DA0233/2014	DualOcc	1318	Castlereagh Highway	TALLWANG
DA0275/2014	DualOcc	28	Rifle Range Road	MUDGE
DA0279/2014	DualOcc	85	Inglis Street	MUDGE
DA0281/2014	DualOcc	35	Melton Road	MUDGE
DA0293/2014	DualOcc	4	Wentworth Avenue	MUDGE
DA0294/2014	DualOcc	12	Faucett Drive	MUDGE
DA0145/2014	Dwelling	480	Ridge Road	COOKS GAP
DA0214/2011	Dwelling	663	Castlereagh Highway	BURRUNDULLA
DA0221/2014	Dwelling	83	Campbells Creek Road	WINDEYER
DA0271/2014	Dwelling	36	Banjo Paterson Avenue	MUDGE
DA0274/2014	Dwelling	24	Nashs Flat Place	MUDGE
DA0282/2014	Dwelling	20	Mudgee Street	RYLSTONE
DA0283/2014	Dwelling	28	Bumberra Place	BOMBIRA
DA0285/2014	Dwelling	17	Nashs Flat Place	RYLSTONE
DA0468/2013	Dwelling	12	Miller Crescent	MUDGE
DA0277/2014	EducEst	269	Ulan Road	BOMBIRA
DA0286/2014	Fence	1	Fitzgerald Street	RYLSTONE
DA0243/2014	LghtIndust	20	Sydney Road	MUDGE
DA0255/2014	Pergola	2	Robert Jones Street	MUDGE
DA0292/2014	Pergola	98	Norris Lane	GALAMBINE
DA0357/2013	RecFacilit	312	Buckaroo Road	BUCKAROO
DA0327/2011	Shed	23	Horatio Street	MUDGE
DA0174/2012	ShedSmall	1	Rayner Street	MUDGE
DA0266/2014	ShedSmall	7	Tindale Street	RYLSTONE
DA0280/2014	ShedSmall	121	Wilson Road	WINDEYER
DA0047/2014	Sign	420	Cope Road	STUBBO
DA0179/2014	Sign	207-213	Denison Street	MUDGE

Monthly Development Application Processing Report – February, 2014

App/Proc ID	Description	House No	Street Name	Locality
DA0267/2014	Sign	33	Sydney Road	MUDGEE
DA0258/2014	SubStrata	31	Barjo Paterson Avenue	MUDGEE
DA0046/2014	SubTorrrens	4-6	Armstrong Street	RYLSTONE
DA0162/2014	SubTorrrens	46-50	Rouse Street	GULGONG
DA0171/2014	SubTorrrens	56-66	Henry Bayly Drive	MUDGEE
DA0178/2014	SubTorrrens	7291	Castlereagh Highway	ILFORD
DA0180/2014	SubTorrrens	71	Guntawang Road	GALAMBINE
DA0213/2014	SubTorrrens	265	Broadhead Road	SPRING FLAT
DA0214/2014	SubTorrrens	36B	Sydney Road	MUDGEE
DA0227/2014	SubTorrrens	1380	Castlereagh Highway	APPLE TREE FLAT
DA0239/2014	SubTorrrens	1872	Castlereagh Highway	CUDGEGONG
DA0248/2014	SubTorrrens	100	Saleyards Lane	MUDGEE
DA0249/2014	SubTorrrens	17-29	Fairydale Lane	MUDGEE
DA0260/2014	SubTorrrens	28	Horatio Street	MUDGEE
DA0273/2014	SubTorrrens	4-8	Perry Street	MUDGEE
DA0287/2014	SubTorrrens	14-16	Thomas Clark Place	MUDGEE
DA0289/2014	SubTorrrens	444	Merotheris Road	MEROTHERIE
DA0308/2012	SubTorrrens	433	Ulan Road	EURUNDEREE
DA0423/2013	SubTorrrens	1193	Yarrabin Road	YARRABIN
DA0448/2013	SubTorrrens	61-65	Bellevue Road	MUDGEE
DA0291/2014	SwimPool	269	Grattai Creek Road	GRATTAI
DA0140/2014	Trst Accom	97-99	Herbert Street	GULGONG
DA0154/2014	DwellingEnt	81	King Johns Lane	YARRAWONGA
DA0157/2013	DwellingEnt	809	Campbells Creek Road	WINDEYER
DA0158/2013	DwellingEnt	809	Campbells Creek Road	WINDEYER
DA0159/2013	DwellingEnt	809	Campbells Creek Road	WINDEYER
DA0160/2013	DwellingEnt	809	Campbells Creek Road	WINDEYER
DA0161/2013	DwellingEnt	809	Campbells Creek Road	WINDEYER
DA0162/2013	DwellingEnt	809	Campbells Creek Road	WINDEYER
DA0163/2013	DwellingEnt	809	Campbells Creek Road	WINDEYER
DA0203/2014	DwellingEnt	3454	Goolima Road	GOOLIMA

## Monthly Development Application Processing Report – February, 2014

### Heritage Development Applications currently being processed –February, 2014.

App/Proc ID	Description	House No	Street Name	Locality
DA0049/2014	ChangeUse - to dwelling	140-142	Mayne Street	GULGONG
DA0199/2014	SwimPool	67	Lewis Street	MUDGE
DA0216/2014	ChildCare	128	Mortimer Street	MUDGE
DA0226/2014	SubTorrens	1	Wilbefree Street	GULGONG
DA0229/2014	Sign	83-85	Mortimer Street	MUDGE
DA0234/2014	ChangeUse - Extension of fitness centre	96	Mortimer Street	MUDGE
DA0250/2014	DualOcc	15	Atkinson Street	MUDGE
DA0271/2011	AltAdd	87	Short Street	MUDGE
DA0276/2014	AltAdd	29	Douro Street	MUDGE
DA0284/2014	ChangeUse - Bed and Breakfast to Funeral Home	131	Mortimer Street	MUDGE
DA0288/2014	ChangeUse - Dwelling to Serviced Accommodation	29	Short Street	MUDGE



## 6.2.3 Caerleon Mudgee project issues

REPORT BY THE GENERAL MANAGER TO 19 MARCH 2014 COUNCIL MEETING

Caerleon DSP charges  
GOV400038, F0740000

### RECOMMENDATION

**That:**

- 1. the report by the General Manager on the Caerleon Mudgee project issues be received;**
- 2. Council decline the request from Caerleon Mudgee to financially contribute towards the cost of the Spine Road for the Caerleon subdivision;**
- 3. the General Manager be given delegated authority to negotiate with Caerleon Mudgee a 12 month deferral of the DSP charges payable by Caerleon Mudgee for their development generally in accordance with the same parameters as contained within the agreed Voluntary Planning Agreement.**

### Detailed report

Please find attached two requests from Caerleon Mudgee for Council's consideration. The issues are for Council to make a financial contribution towards the construction of the Spine Road and the second is for Council to amend its VPA with Caerleon to give a further 12 months for the payment of water and sewer charges. I will now deal with these issues separately.

#### *1. SPINE ROAD*

The attached letter (Attachment 1) from Caerleon Mudgee including separate costings from Jabek Pty Limited (Attachment 2) is requesting Council to contribute financially towards the Spine Road in the Caerleon subdivision. Council will recall that a specific request for this has been discussed informally in the past and Council has to date declined such a request. The reason that Caerleon Mudgee are seeking a financial contribution is because they intend to develop Stage 1 of their subdivision off the Hill End Road and they see benefits to Mudgee and of course their development if the Spine Road was developed immediately to give better access to Mudgee township by connecting up to Fairydale Lane. This would include pedestrian and cycleway access as well.

The cost of the Spine Road, pedestrian access and landscaping is contained within the Jabek Pty Limited letter and is estimated at \$4.6 million. The reasons why the request by Caerleon Mudgee is being made is well set out in the attached letter, and I will not endeavour to summarise those reasons.

Council has made a number of expressions of interest applications to Restart NSW to assist with the development of Spine Road. Those requests have not made it past the expressions of interest process to the full application. However, other requests by Council such as the development of Fairydale Lane and Saleyards Lane have been approved under the expressions of interest process.

The recommendation in this report is that Council not contribute towards the Spine Road. Any contribution from Council could be seen by other developers in the region as a subsidy. Although this will be a main transport link from the subdivision to Mudgee township, and in time will be Council owned, it is inappropriate in management's opinion that the ratepayers of this region

contribute financially towards this total development. In saying that, Council has worked tirelessly with the Caerleon developers to ensure that this development occurs and becomes a significant contribution to the growth of the region, but to extend that assistance to a financial subsidy would not be well received by the other developers in our opinion. This should not be taken in any way, shape or form that Council does not support this development. It certainly does, in my opinion, but Council needs to ensure that it treats all developers in the region equitably.

If Council was of the mind to fund all or part of the Spine Road development, Council would need to give consideration to either borrowing funds or delaying other projects in the region in order to allow the Spine Road development to occur. We simply do not have that type of money available that is of an unrestricted nature, which would allow Council to spend at its own discretion.

## 2. DSP CHARGES

The second application from Caerleon Mudgee is for Council to approve an extension of the water and sewer payments by 12 months on the subdivision. The attached email (Attachment 2) from Caerleon Mudgee sets out the reasons for this, basically relating around the delays with the commencement of this development.

The recommendation in this report is that the General Manager be delegated authority to amend the agreement with Caerleon Mudgee so that the payment of the DSP charges is delayed 12 months, or when the registration of plan of subdivision creating the 100<sup>th</sup> lot occurs. The effect of this recommendation does not have any significant financial impact upon Council, as the expenditure by the Council will not occur as early as expected because of the delays with the commencement of this subdivision.

## Financial and Operational Plan implications

Council does not have sufficient discretionary funds available to it for the development of the Spine Road from Fairydale Lane through to Stage 1 of the Caerleon subdivision. The cost is \$4.6 million and Council would either have to borrow the funds or delay other developments in the region.

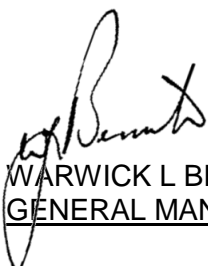
In regard to the delaying of the DSP charges, this will not have any effect upon Council's finances, as the development has been delayed and therefore Council's upfront capital commitment to the implementation of water and sewer infrastructure is also delayed.

## Community Plan implications

This Council is supportive of the Caerleon Mudgee development. Within the Council Community Plan the development of new housing is seen as a key objective. However, this should not be read as Council providing financial incentives or subsidies for developers.

3 March 2014

- Attachments:*
1. Correspondence from Caerleon Mudgee re Spine Road
  2. Costing for Spine Road from Jabek Pty Limited
  3. Email from Nathan Davis, Director, Caerleon Mudgee dated 13 February 2014



WARWICK L BENNETT  
GENERAL MANAGER



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

3rd March 2014

Dear Warwick,



### Spine Road at Caerleon

Following up from our meeting on Tuesday 11th February 2014, I wish to formally request on behalf of Caerleon Mudgee (CM), as the developer of Caerleon Estate (Caerleon), that Mid-Western Regional Council (Council) enter into an agreement with CM where Council undertakes the upfront funding of the construction of the spine road within the development and CM will contribute to the cost of these works through contributions from the sale of residential land lots.

Both CM and Council agree that the spine road is a distribution road critical to the expansion of the township of Mudgee. Further to this, both parties agree that the construction of this spine road as soon as possible is critical to delivering the housing supply needed to meet the township's increasing demand for houses and accommodation; demand driven by the rapid growth in population within the region as a result of the expansion of the nearby coal mines.

The delivery of the spine road quickly will help to keep property prices and rents from soaring (as has happened in previous years) due to the ability to bring housing lots to the market much quicker - by potentially as much as 3-5 years.

If CM is to build the spine road itself, it is forecast the spine road will connect to Fairydale Lane in 2019/2020 – based on current funding assumptions and commitments required by the banks. However, if Council commits to building the spine road, the connection to Fairydale Lane (at the Isbester's property boundary) from Hill End Rd - through the Neighbourhood Town Centre - could be possible by late 2015 (or even earlier).

As well as bringing the number of housing lots to the market quicker, the sooner the spine road can be constructed the sooner a wider range of housing product and choice can be brought to the market – from smaller lots around Caerleon's Neighbourhood Town Centre; to larger residential lots; through to rural-residential and large rural lifestyle lots. It will also mean that the Neighbourhood Town Centre (including the child care centre, a possible pre-school, cafes, retail shops and large open space parkland) can be developed much earlier – creating a vital community hub for the Estate.

Beyond increasing housing supply and providing a diversity of product, if the spine road is built quicker, it will also ensure Caerleon's acceptance by the local community as being part of the existing township and the social fabric of the community and not an isolated suburb that has no real connection to Mudgee.

Ultimately, the spine road is critical to opening up the rest of Caerleon for development – development we both agree is needed quickly to meet the fast growing housing demands of the Mudgee community.

The spine road will:

- collect traffic from local streets and carry a higher volume of vehicles, linking the site to the surrounding street network;
- link Hill End Road to Fairydale Lane (at the Isbester's property boundary);
- create a new connection to the CBD;
- provide access to Caerleon's Neighbourhood Town Centre and over time provide a new bus stop and bus route to encourage public transport use;
- provide an alternate route to the CBD for Caerleon residents, residents from surrounding areas and the planned Heavy Industrial area on Hill End Road;
- provide residents within and surrounding the Bellevue Hill Estate an alternate route to Gulgong and nearby areas; and
- ease pressure on existing streets, particularly the key intersections of Hill End Road and Castlereagh Hwy and Bell Street and Market Street.

The spine road will also provide a connected bicycle and pedestrian route from the CBD to Hill End Rd through Caerleon.

Works associated with the spine road include construction of the Hill End Road/spine road intersection, upgrades to the intersection of Castlereagh Highway and Hill End Road and the above mentioned bicycle/pedestrian path through the Estate.

CM understands Council has applied under the Regional Development Australia Fund (RDAF) for funding to contribute to the cost of the spine road. It is understood that, should the funding allocation be successful, Council will contribute wholly to the cost of the spine road construction. However, if unsuccessful, the town needs a back-up plan.

CM proposes that if the Council cannot secure funding from the Government then it will contribute to the construction of the spine road. Waiting for the determination on the funding allocations from Government grants and funds should not hold up the development of the spine road. The construction of the spine road should begin as soon as possible. Its construction is critical to the successful growth of Mudgee's township.

If a grant, or funding, is not received over time, CM's proposal is that Council initially funds the construction of the spine road and as each lot is registered, Caerleon Mudgee would contribute per lot or E/T equivalent over the life of the project.

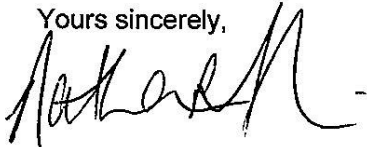
The contribution from CM to offset Council's initial outlay will also be added to by an increase in housing supply which will be brought on more quickly and thus more residents within the community will be paying rates and taxes for the services provided by Council earlier than can otherwise be expected.

Council's involvement in the construction of the spine road will:

- a) help the township expand quickly;
- b) reduce the housing crisis that is starting to take place again in Mudgee as rents and house prices start to increase dramatically with the expansion of nearby mines;
- c) ensure that this new suburb is seamlessly integrated into the wider Mudgee community and quickly becomes an important part of the social fabric of Mudgee and its larger community; and
- d) add much needed community facilities such as a child care and pre-school that will be accessible by more than just the population of the immediate Mudgee area, such as the residents in and around Gulgong, whilst also providing local facilities and a vital local hub for the residents of the Estate.

Warwick, we welcome the opportunity to discuss this request with you in further detail over the coming weeks as I believe we both agree, the building of the spine road quickly is integral to the success of the expansion of Mudgee's township.

Yours sincerely,



Nathan Davis  
Director  
Caerleon Mudgee Pty Ltd ATF  
Caerleon Mudgee Trust

Encl.: Spine Road – Benefits of the Infrastructure Project

## Spine Road – Benefits of the Infrastructure Project

The concept for Caerleon includes the creation of a main collector road (the spine road), which feeds the internal residential streets. The Neighbourhood Town Centre shops and cafes will be located on the spine road, as well as a neighbourhood park and bike paths which link the community to the Mudgee CBD.

The spine road will collect traffic from local streets in Caerleon, carrying a higher volume of vehicles than general residential streets and linking the site to the surrounding street network. The construction of the spine road includes associated improvements to Hill End Road – being a new intersection treatment where the spine road meets Hill End Road.

While most of Caerleon's residents will use the spine road to either access Hill End Road for trips north or for trips to the Mudgee CBD via Fairydale Lane, its ultimate purpose is to link Hill End Road to Fairydale Lane, opening up a new seamless connection to the CBD. This link is critical to supporting the livability and sustainability of the Caerleon project. It will ensure the development is an extension of the town rather than an isolated community with little or no integration with the broader area and its social fabric. Importantly, the spine road link will also service the Saleyards Precinct, and planned industrial development further west off Hill End Road.

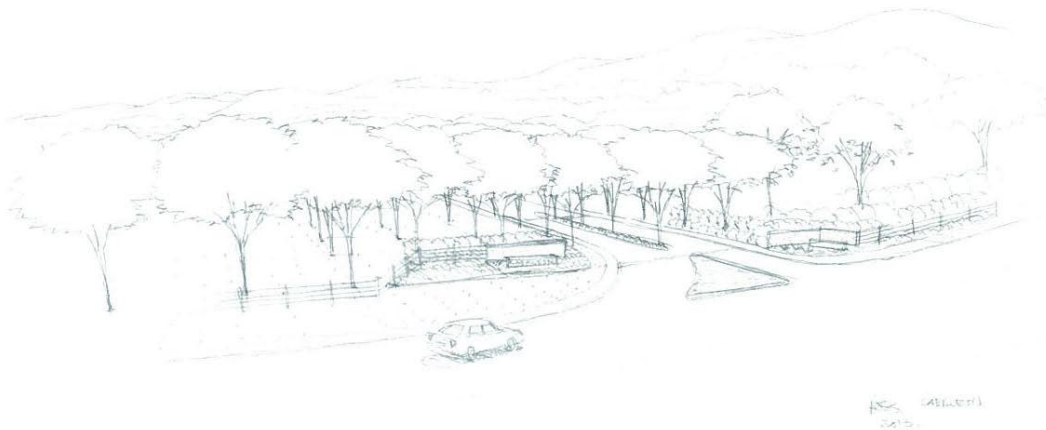
The construction of the spine road in the early phase of the Caerleon project will also be critical to accelerate the supply of housing. Bringing forward the release of land in Caerleon by constructing this critical element of road infrastructure means more house and land packages will be available to the market sooner than planned and that would otherwise not be economically feasible for the developer. This increase in supply will help limit the potential for dramatic increases in property prices and rents that have been experienced in the area in recent years.

In addition, the early construction of the spine road will support the early provision of the Neighbourhood Town Centre at Caerleon, facilitating the provision of a child care centre, a potential pre-school and other amenities within the neighbourhood centre to benefit Caerleon and the wider Mid-Western community.

The spine road will:

- Provide an alternate route to the CBD for Caerleon residents, other residents in neighbouring areas and the planned Heavy Industrial area on Hill End Road;
- Provide an alternate route to Gulgong and nearby areas for Caerleon residents, as well as residents within and surrounding Bellevue Hill Estate;
- Ease pressure on existing streets in Mudgee, particularly the key intersections of Hill End Rd/Castlereagh Hwy and Bell St/Market St;
- Provide for a potential new bus stop and bus route to encourage public transport use in the planned new community;
- Provide access to the Neighbourhood Town Centre (retail shops, cafes and restaurant, child care centre, pre-school and large open space parkland) more quickly to ensure the "heart" of the community is established in a timely manner and thus ensure the growth of Mudgee's township north towards Hill End Rd (and beyond) is a success;

- Provide quicker and easier access to community facilities such as the pre-school and child care centre for residents of Mid-Western LGA living north of Mudgee such as those in and around Gulgong;
- Create a connected bicycle and pedestrian route from the CBD to Caerleon and back, to encourage healthy lifestyles and physical activity; and
- Be tree-lined and pedestrian friendly to create an attractive, safe and active streetscape.







## Jabek Pty Limited

Land Development Consultants  
ABN: 52155702686

107-125 Bellevue Road  
MUDGEES NSW 2850

Phone: 02 63721818  
Mobile: 0427721818

Email: crooks.jabek@yahoo.com.au

30th January 2014  
Our Ref: BK010

Caerleon Mudgee Pty Ltd  
Level 5  
17 Bridge Street  
SYDNEY NSW 2000

### **ATTENTION: MR. NATHAN DAVIS**

Dear Dennis

### **RE: CAERLEON MUDGEES DEVELOPMENT - SPINE ROAD COSTING**

Following your request for an approximate costing of the spine road linking Hill End Road to Fairydale Lane, I submit the following information.

Based on the information supplied by you, I have carried out a high level preliminary estimate of costs to construct the above Spine Road adopting the following assumptions:

- Full construction of the Spine Road (1760m) to the current standard i.e 18.0 metre Road Reserve, 11 metre pavement
- Excludes Rock Excavation
- Earthworks have been estimated to achieve equal depth of cut and fill at the Road Boundaries. The aggregate of cut and fill has been adopted to estimate quantities of material moved. This averages out at 8.9m<sup>3</sup>pm,
- The length of road has been doubled to estimate the length of kerb and gutter, this should approximate to allow the construction of kerb returns for future intersections.
- Drainage has been estimate by assuming 450 diameter pipes for the total length of road with grated kerb inlet pits at 30 metre intervals throughout the total length of road.
- Pavement material has been estimated assuming average compacted thickness of 350mm.
- Construction of 1.2m concrete footpath either side of the Spine Road, Hill End Road to Creek Crossing (2260 metres)
- Construction of Concrete Bicycle plus path 2 metres wide Hill End Road to Creek Crossing via Railway Buffer then adjacent to Spine Road to Boundary (2050 metres)

- For the Hill End Road intersection ie. Hill End Road and the Spine Road and the intersection with the Castlereagh Highway. I have assumed the total length of widening at the same rate as the Spine Road, less, kerb and gutter.
- No costs have been allocated to road crossings for sewer, water, power and telephone as if these were to be constructed with the spine road, it would be necessary for full engineering design for the subdivision to be completed at this stage. However it should be noted that the cost for future installation will require additional works due to either underboring or trenching across the existing road formation.

### **ESTIMATE OF COSTS**

Full construction of the Spine Road including footpath either side of Spine Road and bicycle path requirement.

• Full construction of the Spine Road total length 1760 metres		<b>\$2,265,000.00</b>
		(see attached Bill of Quantities) item 1
• Main Creek Crossing Assume 4 X 2500 X 1500 Box Culverts 18 metres long (this is the same culvert on Sale Yards Road)		<b>\$250,000.00</b>
• Channel Crossing Assume 3 x 900 x 1800 Box Culvert 18 metres log complete with HW & Wings		<b>\$130,000.00</b>
• Hill End Road intersections including Extending 100 metres either side Of the Hill End Road at the Castlereagh Highway ie. 400 metres @ \$970.00		<b>\$388,000.00</b>
• Construction of concrete footpath 1.2 metres wide 2260 metres @ \$120.00	\$271,000.00	
and Bicycle way and footpath combined 2 metres wide 2050 metres @ \$180.00	\$370,000.00	<b>\$641,000.00</b>
• Landscaping - including tree planting, turfing etc., of Nature Strip Along Spine Road	12,000m <sup>2</sup>	
Along cycle way adjacent to Road 2	2,000m <sup>2</sup>	
Within Reserves (20 wide approx)	<u>32,000m<sup>2</sup></u>	
TOTAL AREA	46,000m <sup>2</sup>	
Less area of Paths and Bicycle way - 6,000m <sup>2</sup>		
Total Landscaping area 40,000m <sup>2</sup> @ \$17.50		<b>\$700,000.00</b>

<b>TOTAL:</b>	<b>ROAD</b>	<b>\$2,265,000.00</b>
	<b>CREEK CROSSING</b>	<b>\$ 250,000.00</b>
	<b>CHANNEL CROSSING</b>	<b>\$ 130,000.00</b>
	<b>HILL END ROAD</b>	
	<b>INTERSECTION</b>	<b>\$ 388,000.00</b>
	<b>FOOTPATH AND</b>	
	<b>BICYCLE WAY</b>	<b>\$ 641,000.00</b>
	<b>LANDSCAPING</b>	<b><u>\$ 700,000.00</u></b>
		<b>\$4,593,000.00</b>
	<b>5% CONTINGENCY</b>	<b><u>\$ 219,000.00</u></b>
		<b>\$4,593,000.00</b>
		<b>SAY \$4,600,000.00</b>

Yours faithfully  
**JABEK PTY LIMITED**



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

BILL OF QUANTITIES FOR ENGINEERING PLANS FOR DRAINAGE STAGE 1 GREENHILL ESTATE HILL END ROAD, MUDGEE					
<b>ESTIMATED QUANTITIES SETOUT HEREIN ARE PROVIDED MERELY FOR GUIDANCE OF TENDERERS, AND ARE NOT GUARANTEED CORRECT AND SHOULD BE CHECKED BY THE TENDERER.</b>					
NO	DESCRIPTION	QUANTITY	UNIT	RATE	PRICE
	<b>SPINE ROAD</b>				
1.	Preliminaries a) Establishment b) Survey Setout	ITEM			\$20,000.00
2.	<b>GENERAL:</b> Interference or adjustment to existing services.	ITEM		Cost + 10%	
3.	Clearing and Grubbing of area for roads & footpaths	31,700	m <sup>2</sup>	\$0.50	\$16,000.00
4.	Interference or adjustment to existing fencing.	ITEM			\$10,000.00
5.	<b>ROADS:</b> Stripping of topsoil and stockpiling.	31,700	m <sup>2</sup>	\$1.00	\$32,000.00
6.	Excavation for road, shoulders, footpaths, batters in all classes of material including spreading of surplus material on site as directed to achieve sub-grade level and design level excluding topsoil.		15,700 m <sup>3</sup>	\$12.00	\$188,000.00
7.	Trimming and consolidation of sub-grade for road pavement.	20,400	m <sup>2</sup>	\$2.00	\$41,000.00
8.	Construction of road pavement minimum, compacted thickness 200mm including trimming and consolidation for bitumen surfacing.	19,360	m <sup>2</sup>	\$31.00	\$600,000.00
9.	Two Coat Flush Seal 14/7 Double Double Seal	18,300	m <sup>2</sup>	\$13.00	\$238,000.00
10.	Respreading topsoil & seeding of footpaths batters and table drains to design level.	15,800	m <sup>2</sup>	\$2.00	\$32,000.00
11.	<b>CONSTRUCT ROLLOVER</b> Kerb & Gutter	3520	M	\$100.00	\$352,000.00
12.	<b>DRAINAGE:-</b>  Excavate in all classes of Material supply lay joint and backfill  450 ø RRJ RCP Class 2	1760	m	\$280.00	\$493,000.00
	<b>SUBTOTAL</b>				<b>\$2,022,000.00</b>

BILL OF QUANTITIES FOR ENGINEERING PLANS FOR BK010 - STAGE 1 CAERLEON ESTATE HILL END ROAD, MUDGEE					
ESTIMATED QUANTITIES SETOUT HEREIN ARE PROVIDED MERELY FOR GUIDANCE OF TENDERERS, AND ARE NOT GUARANTEED CORRECT AND SHOULD BE CHECKED BY THE TENDERER.					
NO	DESCRIPTION	QUANTITY	UNIT	RATE	PRICE

	<b>HILL END ROAD</b>				
	BROUGHT FORWARD				<b>\$2,022,000.00</b>
13.	<b>CONSTRUCT</b>				
	a) Grated Kerb Inlet Pits (GKIP)	59	ITEM	\$3,500.00	\$207,000.00
14.	<b><u>SOIL &amp; WATER MANAGEMENT:</u></b>				
	<b>&amp; OH &amp; S</b>		ITEM		\$18,000.00
15.	<b>TURF BEHIND KERB</b>	3520	m	\$5.00	\$18,000.00
	<b>TOTAL</b>				<b>\$2,265,000.00</b>

## ATTACHMENT 3

**From:** Nathan Davis [nathan@davisstack.com.au]  
**Sent:** Thursday, 13 February 2014 6:48 PM  
**To:** Warwick Bennett  
**Cc:** Catherine Van Laeren; Denis Ghersinich  
**Subject:** DSP charges

**Importance:** High

Dear Warwick,

Further to our meeting on Tuesday evening, I am formally writing to Council to request an extension of the payment of the First DSP charges.

In the VPA signed between Caerleon Mudgee and MWRC dated the 19<sup>th</sup> September 2013 in Item 19 of Schedule 3, it states that the First DSP Charges are payable 12 months from the date of this Agreement or on registration of a plan of subdivision creating the 100<sup>th</sup> lot, whichever occurs first.

Unfortunately, with some of the delays that have taken place and the longer than expected time to secure sales to kick off construction, we will be well past 19<sup>th</sup> September 2014 before we start to get our lots registered.

In an effort to start construction earlier, we ask Council to consider extending the date for payment of the First DSP Charges a further 12 months so that payment is due not 12 months but 24 months from the date of the Agreement (being 19<sup>th</sup> September 2013) or on registration of a plan of subdivision creating the 100<sup>th</sup> lot, whichever occurs first. As mentioned at our meeting, the extra 12 months will mean we do not have to get as many pre-sales to start construction as our financier requires us to have enough sales to provide 100% coverage of the construction costs.

I understand from our conversation that this is not a common request, however, under the VPA, Clause 15.7 allows for a modification to the Agreement as long as it is agreed to and signed by the Parties to the Agreement.

Council's agreement to this amendment will allow us to start civil works quicker – potentially by up to 12 weeks – and have houses under construction just before Christmas this year rather than March 2015.

Thank you for the opportunity to formally request this and I look forward to hearing from Council in the near future.

Kind regards,  
Nathan

Director  
Caerleon Mudgee Pty Ltd  
ATF Caerleon Mudgee Trust

Nathan Davis

Level 5 · 17-19 Bridge Street · Sydney NSW 2000  
M · +61 414 988 565 · D +61 2 9253 0965 · F +61 2 9253 0901  
[nathan@caerleon.com.au](mailto:nathan@caerleon.com.au)



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## 6.2.4 Monthly statement of bank balances and investments as at 28 February 2014

REPORT BY THE MANAGER, FINANCIAL PLANNING TO 19 MARCH 2014 COUNCIL MEETING

Bankrep.docx

GOV400038, A0100056, A0140304

### RECOMMENDATION

#### That:

1. **the report by the Manager, Financial Planning on the Monthly statement of bank balances and investments as at 28 February 2014 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.

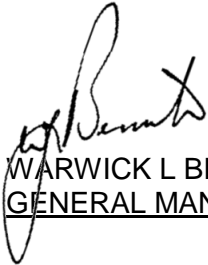


LEONIE JOHNSON  
MANAGER FINANCIAL PLANNING

6 February 2014

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

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



ATTACHMENT 1

For the month ended: 28-Feb-14

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
National Australia Bank	\$ 157,055	\$ 11,295,539	\$ 10,585,755	\$ 866,838	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 28/02/2014

Investments	Type	Amount	Yield %	Maturity Date	Placement Date	Term	Rating	Govt Rating	NAV	% of Portfolio
National Australia Bank	At Call	\$ 1,600,000	2.80%	N/A		At Call	A-1+	1		4.3%
National Australia Bank	Term Deposit	\$ 1,000,000	3.80%	2/04/2014	2/10/2013	182	A-1+	2		2.7%
National Australia Bank	Term Deposit	\$ 1,000,000	3.72%	24/04/2014	8/01/2014	106	A-1+	2		2.7%
National Australia Bank	Term Deposit	\$ 1,500,000	3.70%	28/05/2014	12/02/2014	105	A-1+	2		4.0%
National Australia Bank	Term Deposit	\$ 1,200,000	3.70%	12/03/2014	20/11/2013	112	A-1+	2		3.2%
National Australia Bank	Term Deposit	\$ 1,000,000	3.70%	12/03/2014	26/11/2013	106	A-1+	2		2.7%
National Australia Bank	Term Deposit	\$ 500,000	3.70%	19/03/2014	4/12/2013	105	A-1+	2		1.3%
National Australia Bank	Term Deposit	\$ 1,000,000	3.72%	23/04/2014	8/01/2014	105	A-1+	2		2.7%
St George Bank	Term Deposit	\$ 1,300,000	3.70%	26/03/2014	18/12/2013	98	A-1+	1		3.5%
St George Bank	Term Deposit	\$ 1,900,000	3.70%	26/03/2014	18/12/2013	98	A-1+	2		5.1%
St George Bank	Term Deposit	\$ 500,000	3.55%	14/05/2014	5/02/2014	98	A-1+	2		1.3%
St George Bank	Term Deposit	\$ 1,000,000	3.64%	19/03/2014	4/12/2013	105	A-1+	2		2.7%
St George Bank	Term Deposit	\$ 1,000,000	3.70%	16/04/2014	15/01/2014	91	A-1+	2		2.7%
St George Bank	Term Deposit	\$ 700,000	3.70%	19/03/2014	4/12/2013	105	A-1+	2		1.9%
St George Bank	Term Deposit	\$ 1,000,000	3.60%	30/04/2014	22/01/2014	98	A-1+	2		2.7%
St George Bank	Term Deposit	\$ 1,000,000	3.60%	4/06/2014	26/02/2014	98	A-1+	2		2.7%
ANZ	Term Deposit	\$ 1,000,000	3.65%	21/05/2014	19/02/2014	91	A-1	1		2.7%
ANZ	Term Deposit	\$ 1,300,000	3.65%	5/03/2014	26/11/2013	99	A-1	2		3.5%
ANZ	Term Deposit	\$ 1,700,000	3.66%	2/04/2014	3/01/2014	89	A-1	2		4.6%
ANZ	Term Deposit	\$ 2,000,000	3.68%	9/04/2014	8/01/2014	91	A-1	2		5.4%
ANZ	Term Deposit	\$ 1,000,000	3.64%	21/05/2014	6/02/2014	104	A-1	2		2.7%
AMP	Term Deposit	\$ 1,000,000	3.80%	5/03/2014	4/09/2013	182	A-1	1		2.7%
AMP	Term Deposit	\$ 2,700,000	3.75%	19/03/2014	11/12/2013	98	A-1	2		7.3%
Macquarie Bank	Term Deposit	\$ 1,000,000	3.50%	21/05/2014	20/02/2014	90	A-1	1		2.7%
Macquarie Bank	Term Deposit	\$ 1,000,000	3.50%	4/06/2014	27/02/2014	97	A-1	2		2.7%
ING Australia Bank	Term Deposit	\$ 1,500,000	3.72%	28/04/2014	6/11/2013	173	A-2	1		4.0%
Newcastle Permanent	Term Deposit	\$ 1,800,000	3.60%	5/03/2014	2/12/2013	93	A-2	1		4.8%
Beyond Bank Australia	Term Deposit	\$ 1,000,000	3.95%	12/03/2014	11/12/2013	91	A-2	1		2.7%
Beyond Bank Australia	Term Deposit	\$ 1,000,000	3.58%	14/05/2014	31/01/2014	103	A-2	2		2.7%
Members Equity Bank	Term Deposit	\$ 1,000,000	3.58%	7/05/2014	29/01/2014	98	A-2	1		2.7%
Longreach Series 26	Property Linked Note	\$ 1,000,000		7/06/2014		7 yrs	A+	-	\$ 992,800	2.7%
<b>Total Investments</b>		<b>\$ 37,200,000</b>								<b>100.0%</b>

**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+	\$ 8,800,000	23.7%	25.0%
St George Bank	AA/A-1+	\$ 8,400,000	22.6%	25.0%
ANZ	AA/A-1	\$ 7,000,000	18.8%	25.0%
Longreach	A+/A-1	\$ 1,000,000	2.7%	20.0%
AMP	A+/A-1	\$ 3,700,000	9.9%	15.0%
Macquarie Bank	A/A-1	\$ 2,000,000	5.4%	15.0%
ING Australia Bank	A-/A-2	\$ 1,500,000	4.0%	15.0%
Newcastle Permanent	BBB+/A-2	\$ 1,800,000	4.8%	10.0%
Beyond Bank Australia	BBB+/A-2	\$ 2,000,000	5.4%	10.0%
Members Equity Bank	BBB+/A-2	\$ 1,000,000	2.7%	10.0%
		<b>\$ 37,200,000</b>	<b>100.0%</b>	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AA/A-1+	\$ 17,200,000	46.2%	100.0%
	AA/A-1	\$ 7,000,000	18.8%	100.0%
	A/A-1	\$ 6,700,000	18.0%	60.0%
	BBB/A-2	\$ 6,300,000	16.9%	20.0%
	BBB-/A-3	\$ -	0.0%	20.0%
	Unrated	\$ -	0.0%	20.0%
Managed Funds	AAA		0.0%	
	AA		0.0%	
	A		0.0%	
	BBB		0.0%	
	Unrated		0.0%	
		<b>\$ 37,200,000</b>	<b>100.0%</b>	

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

Term to Maturity	Amount	Actual	% of Portfolio	
			Minimum	Maximum
Less than 1 year	\$ 36,200,000	97.3%	30.0%	100.0%
Between 1 and 3 years	\$ -	0.0%	0.0%	70.0%
Between 3 and 5 years	\$ -	0.0%	0.0%	50.0%
More than 5 years	\$ 1,000,000	2.7%	0.0%	25.0%
	<b>\$ 37,200,000</b>	<b>100.0%</b>		

ATTACHMENT 3

**Monthly Investment Portfolio Activity:**

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

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance	Change in interest rate	Change in Term (days)	New Term Rate
National Australia Bank	\$ 1,000,000		\$ 1,600,000	0.00%	At Call	2.80%
St George Bank	\$ 1,500,000	\$ 1,000,000	\$ 500,000	-0.25%	-21	3.55%
ANZ	\$ -		\$ 1,000,000	New Deposit		3.64%
National Australia Bank	\$ 500,000	\$ 500,000	\$ -	Redeemed		
National Australia Bank	\$ 1,000,000		\$ 1,500,000	-0.06%	0	3.70%
ANZ	\$ 1,000,000	\$ -	\$ 1,000,000	-0.01%	-20	3.65%
Macquarie Bank	\$ -		\$ 1,000,000	New Deposit		3.50%
AMP	\$ 1,500,000	\$ 1,500,000	\$ -	Redeemed		
Bank of Queensland	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
St George Bank	\$ -		\$ 1,000,000	New Deposit		3.60%
Macquarie Bank	\$ -		\$ 1,000,000	New Deposit		3.50%
	<u>\$ 7,500,000</u>		<u>\$ 8,600,000</u>			

**Net Portfolio Movement**      **\$1,100,000 Addition**

## 6.2.5 Essential Energy – Proposal to Gift Allotment 1 DP 1178967 to Council

REPORT BY THE REVENUE & PROPERTY MANAGER TO 19 MARCH 2014 COUNCIL MEETING  
Essential Energy – Proposal to Gift Lot 1 DP 1178967 to Council  
GOV400038, P1973511

### RECOMMENDATION

#### That:

1. **the report by the Revenue & Property Manager on Essential Energy - Proposal to Gift Allotment 1 DP 1178967 to Council be received;**
2. **Council accept Essential Energy's proposal to gift Allotment 1 DP 1178967 to Mid-Western Regional Council;**
3. **The General Manager be authorised to sign all necessary documentation in relation to the transfer of Allotment 1 DP 1178967 into Mid-Western Regional Council's ownership;**
4. **Council authorises the affixing of the Common Seal to all documents necessary to complete the transfer of Allotment 1 DP 1178967 into Mid-Western Regional Council's ownership;**
5. **Council pay its own legal costs for the transfer of the ownership of the land, the total amount of which is to be reimbursed to Council by the Rural Fire Service upon completion of the transfer;**
6. **upon transfer of title of Allotment 1 DP 1178967, Council notify the public of its intention to classify the land as Operational by exhibiting the proposal for 28 days and should there be no submissions from the public, the land be so classified as Operational;**
7. **Council publicly acknowledge Essential Energy's commitment to contributing to the safety of the community and appreciation of the services provided by the NSW Fire Service to the community of Gulgong.**

### Executive summary

The purpose of this Report is to seek Council's approval to accept Essential Energy's proposal to gift Allotment 1 DP 1178967 at 45 Rouse Street Gulgong to Mid-Western Regional Council. The land has been used by the Rural Fire Service since 2006 and is occupied by the Gulgong Rural Fire Brigade.

### Detailed report

In 2006 informal discussions were held between Essential Energy and Mid-Western Regional Council where the intention was created for Essential Energy to gift the allotment to Council for the use of the NSW Rural Fire Service – Gulgong Rural Fire Brigade.

In order to facilitate the gifting it was necessary for Essential Energy to subdivide its land. As it was necessary for the RFS to construct their infrastructure in the shortest possible time, an interim peppercorn lease agreement for the RFS to occupy the land from 2006 until the subdivision was completed was entered into between Council and Essential Energy. A four-bay station and associated infrastructure was built on the land for occupation by the Gulgong Rural Fire Brigade in 2006. The building vests in Council in accordance with Section 119 Rural Fire Services Act 1997.

The subdivision has now been finalised and Essential Energy is in a position to proceed with the gifting of the allotment to Council.

The area of the land is 4,806 m<sup>2</sup> and the Base Date 1/7/2013 Land Value is \$67,500. The land is zoned RE 1 Public Recreation.

### Financial and Operational Plan implications

Council is required to pay its own legal costs for the transfer of the ownership of the land. The total estimated legal cost is \$1,500 and this amount is to be reimbursed to Council by the RFS upon completion of the transfer.

### Community Plan implications

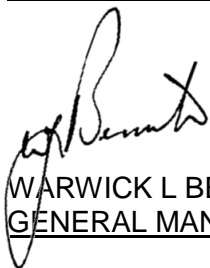
Section 119 of the Rural Fires Act 1997 provides that RFS assets, including buildings, vest in Council. By accepting Essential Energy's offer to gift the land to Council, Council is securing its control of the building.

DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

28 February 2014

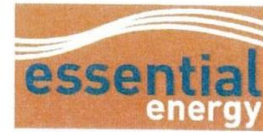
*Attachments:* 1. Essential Energy – letter of offer & plan/photograph

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## ATTACHMENT 1



Ref:GULG1286

26 February 2014

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

[council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

cc'd Diane Sawyer

To the General Manager Warwick Bennett

Dear Sir

**Lot 1 DP 1178967 - Essential Energy lease to Mid Western Regional Council**

Mid-Western Regional Council leases the above site from Essential Energy for the operation of the NSW Fire Services Gulgong.

The lease is a peppercorn arrangement and due to terminate on the 31 March 2014.

The original lease was entered into as a provisional arrangement put in place pending subdivision of the land and gifting by Essential Energy to Council for dedication to the NSW Fire Services of Gulgong.

The provisional arrangement was agreed between the parties as there was urgency for the fire services to construct their infrastructure in the shortest time possible to better position them in managing the busy fire seasons.

With the current lease due to expire, the subdivision finalised and the fire services being well established at the site, it is desirable for the gifting by transfer to be completed rather than continuing with the current arrangement of leasing.

In fulfilling the intention to gift the land, Essential Energy demonstrates its commitment to contributing to the safety of the community and acknowledges with appreciation the services provided by the NSW Fire Service to the community of Gulgong.

PO Box 5730 Port Macquarie NSW 2444 Telephone: (02) 6588 4677  
Email: [therese.daly@essentialenergy.com.au](mailto:therese.daly@essentialenergy.com.au) [www.essentialenergy.com.au](http://www.essentialenergy.com.au)

Upon receiving Council's acceptance to receiving the gifting of this parcel of land, Essential Energy's legal representative will be instructed to prepare documents to formalise the transfer of ownership to Mid Western Regional Council. It will be a requirement that each party pay their own legal costs.

It may be suitable for the Community Relations of both Essential Energy and Mid Western Regional Council to become involved to acknowledge the arrangement between the two parties.

I look forward to receiving Council's acceptance of this offer in due course.

Regards

Therese

A handwritten signature in black ink, appearing to read 'Therese Daly', written over a light blue horizontal line.

Therese Daly  
Property Leasing & Sales Team Leader



Map Scale: 1:1,575



**Legend**

- Parcel
- Crown Land
- Parish
- Localities
- LG A Boundary
- National Park
- Road
- Railway
- Waterway
- State Forest

**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. Mid-Western Regional Council accepts no responsibility for any errors or omissions.





## 6.2.6 ADA Financial Assistance request

REPORT BY THE GENERAL MANAGER TO 19 MARCH 2014 COUNCIL MEETING

ADA Financial Assistance

GOV400038, A0140402

### RECOMMENDATION

#### That:

1. **the report by the General Manager on the ADA Financial Assistance request be received;**
2. **Council makes a grant of \$2,636 to ADA Cottage to fund their recent development application and that an adjustment be made at the March Quarterly Budget Review to allow for this grant.**

### Detailed report

Please find attached a self explanatory letter from ADA Cottage in Kandos requesting Council to reimburse the cost of a recent development application.

At this time Council does not have any funds available within its financial assistance provisions. However, this is a worthwhile development for a not for profit organisation. The recommendation within this report is that Council makes a grant to ADA Cottage for \$2,636 from the Financial assistance provision of Council and that an adjustment be made at the March Quarterly Budget Review.

### Financial and Operational Plan implications

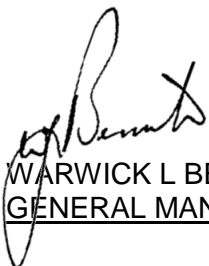
The request is for \$2,636 and although there are insufficient funds available in our Financial Assistance provision, a small adjustment to this effect can be made at the March Quarterly Budget Review.

### Community Plan implications

Not applicable at this time.

3 March 2014

*Attachments:* 1. Letter from ADA Cottage dated 19 February 2014



WARWICK L BENNETT  
GENERAL MANAGER

**ADA COTTAGE**  
**93-95 Angus Avenue, Kandos NSW 2848**

Mr W. Bennett  
General Manager  
MidWestern Regional Council  
PO Box 156  
MUDGEE NSW 2850

19 February 2014

Dear Mr Bennett

I am writing on behalf of the ADA Management Committee seeking relief in relation to the cost of a Development Application for a “change of use” for two Self Care Units at ADA Cottage in Kandos.

Over thirty years, ADA has grown into a marvellous community asset for the Kandos/Rylstone area which seeks to provide positive lifestyle choices for older people that will enrich their lives. ADA is a modern nineteen bed facility and our team of workers provide comfort, counselling and advocacy for residents, clients living at home, families, volunteers and staff as a holistic expression of care.

The Management Committee is endeavouring to maintain the necessary financial viability and compliance with the strict Accreditation Standards applied to this industry. In this regard, the sale of an older cottage in Rodgers Street required the relocation of storage space and accommodation for Community Services Staff. The conversion of two existing Self Care Units and an adjoining bus parking space will meet the need, but the cost of renovations is expected to absorb the income from the Rodgers Street sale.

ADA Cottage is a tax deductible charity and presently qualifies for certain funding from the Federal Government. It is clear however that changes to aged care finances in the next financial year will make it difficult for small facilities to function as independent bodies. In the circumstances, I would ask that Council give favourable consideration to our request for a refund of the \$2636.00 cost for a basic “change of use” application.

Your assistance would help ADA to meet the challenges confronting the aged care sector.

Yours sincerely

Val Warwick  
Chair  
ADA Management Committee

## 6.2.7 Naming of unnamed streets in The Ridge Estate subdivision

REPORT BY THE REVENUE & PROPERTY MANAGER TO 19 MARCH 2014 COUNCIL MEETING  
REPORT Council 2014  
GOV400038, R0790141

### RECOMMENDATION

#### That:

1. **the report by the Revenue & Property Manager on the Naming of unnamed streets in The Ridge Estate subdivision be received;**
2. **Council name road no 1 Hughson Avenue and road no 2 Rowe Street.**

### Executive summary

A new subdivision off Melton & Bruce Roads in Mudgee includes two new streets. Addressing requirements for the new subdivision will necessitate the naming of these new streets.

### Detailed report

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

Council wrote to neighbours of the road reserves on 31/1/14 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 7/2/14 issue of the Mudgee Guardian. Submissions closed on 28/2/14 and during this period 1 submission was received with the following names suggested:

- Hughson Avenue
- Rowe Street

### Financial implications

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

### Strategic or policy implications

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

The Geographical Names Board has been advised of these possible road names and has no objection to them.

In accordance with Council's Road Naming Policy, the names that Council endorses for the unnamed streets will be:

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

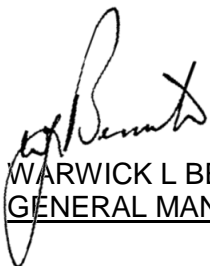
At the expiration time for the lodgement of submissions, a further report will be prepared for Council addressing any submissions received and recommending the formal adoption of the proposed street names, and Gazettal of the new street names.

DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

3 February 2014

*Attachments:* 1. Correspondence received from the Geographical Names Board  
2. Submissions  
3. Maps of the unnamed streets.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## ATTACHMENT 1



PO Box 143  
Bathurst NSW 2795  
T: 02 6332 8214  
F: 02 6332 8217  
E: [gnb@lpi.nsw.gov.au](mailto:gnb@lpi.nsw.gov.au)  
[www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

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

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

ATTENTION: Carolyn Atkins

Dear Carolyn

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

I refer to your letter of 28<sup>th</sup> February 2014, which proposed the following public road names:

**HUGHSON AVENUE and ROWE STREET**

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the name has been reviewed under the GNB NSW Road Naming Policy and there is no objection to their use, providing that they do not refer specifically to any living person.

Kind Regards,

Rhet Humphrys  
Geographical Names Board Secretariat

28<sup>th</sup> February 2014

23<sup>rd</sup> February 2014

Attention: The General Manager  
Mid-Western Regional Council  
P o box 156  
Mudgee nsw 2850

Owner: R & K Baggett Pty Ltd  
'The Ridge Estate'  
54 Melton Road  
Mudgee nsw 2850

Re: Proposed road naming

As per the list of approved names made available via Mid-Western Regional Council we formally request the naming of the road fronting Melton Road to be called 'Hughson Ave' & the through road fronting Bruce Road to be called 'Rowe Street'

Yours Faithfully



From Council's Pre-Approved Names listCOUNCIL MEETING 3 AUGUST 1993

Hughson - Richard Hughson was the first Mayor of the Municipality in 1860. Was an innkeeper and journalist.

Richard Roberts Hughson was born about 1826 and while I can't locate his arrival in Australia it looks like he was attracted to the goldrush being at Sofala in 1854 where he married Catherine Drane and where their first child was born. He had the licence to the Louisa Hotel in 1857 to 1858 at Louisa Creek (Hargraves). He was licensee at Royal Hotel in 1863, the Commercial Hotel from 1864 to 1875. In 1860 he was director of Mudgee Union Investment & Building Society. Also in 1860 he was elected alderman to first Mudgee Council was the town's first Mayor. He was on committee for improvements to public hospital in Mudgee and a member of the Masonic Lodge. His obituary states he was also a journalist.

Richard Roberts died on 13<sup>th</sup> March 1876. His wife Catherine died on 22<sup>nd</sup> November the same year. They had ten children, the youngest being 4 when parents died.

*21/3/1876 DEATH of Mr R. R. HUGHSON - With regret we notice the death of Mr. R. R. Hughson, proprietor of the Mudgee Times, which occurred, after a lingering illness of five weeks duration, on the 13<sup>th</sup> inst, at his residence, Mudgee. The deceased gentleman's career, both as a journalist, and a private member of society, had been marked by a devotion to the interests of the community of which he was a member, and his kindness of heart and liberality of spirit had gained for him the sincere friendship and admiration of all. As a Mason he had taken particular interest in the advancement of the craft, and did much to promote its success in Mudgee. His death will be felt as a general loss in the district where he resided.*

Research conducted by the Lynne Robinson of the Mudgee Historical Society

COUNCIL MEETING 24/7/13

Rowe – Thomas Rowe was one of NSW most prominent and successful architects. He designed the Mechanics Institute in Mudgee, the Methodist Church in Ilford, the Presbyterian Churches in Hill End and Mudgee. He designed a huge portfolio of commercial, ecclesiastical and residential briefs from the 1850s until his death in 1899. Some still standing are the Sydney Hospital, the great Synagogue in Elizabeth Street Sydney and Newington College in Stanmore.

Excerpt from 27/2/13 submission from Deleki Pty Limited in relation to a street in the Nurrowin Estate subdivision. While unsuccessful in that instance, this name was approved for inclusion in the Pre-Approved Names list at Council's 24/7/13 meeting.



Rowe Place (Road No.2)

Thomas Rowe was an architect and one of NSW's most prominent, versatile and successful architects.

He designed-

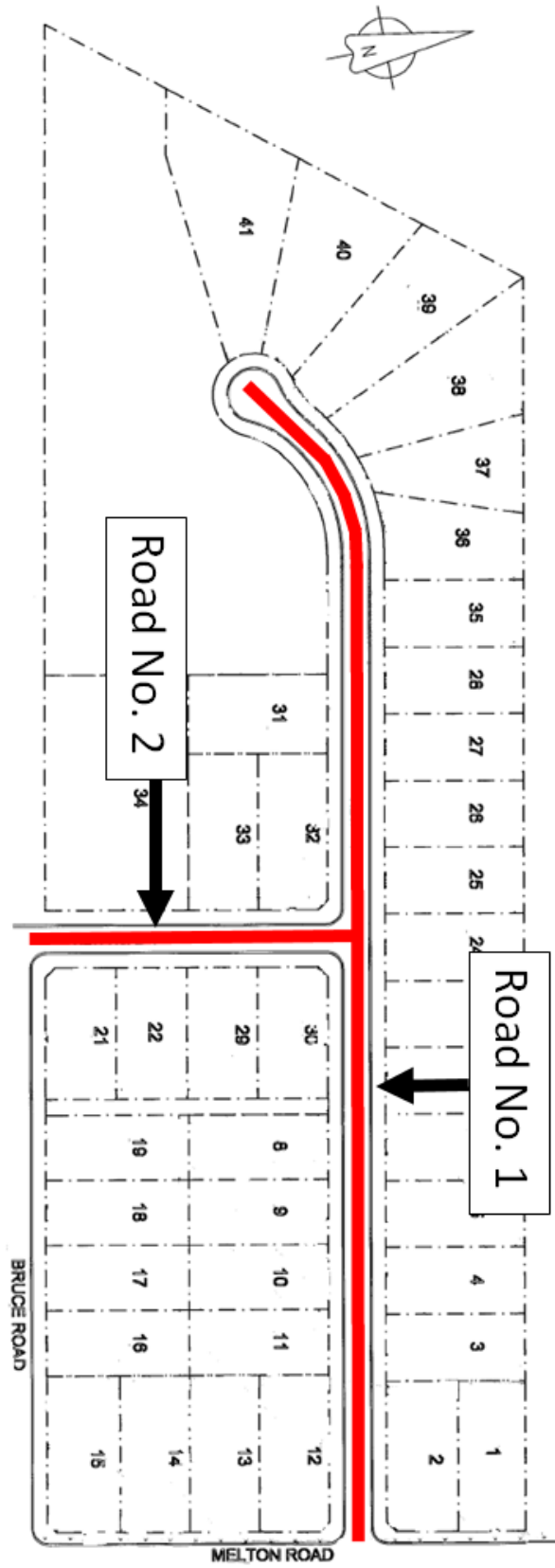
The Mechanics Institute completed in 1862  
The Methodist church at Ilford completed 1867  
Presbyterian church - Hill End  
St Pauls Presbyterian church Mudgee

He designed a huge portfolio of commercial, ecclesiastical and residential briefs from the 1850's until his death in 1899.

Significant buildings by Rowe remain, The Sydney Hospital, the great Synagogue in Elizabeth Street and Newington College at Stanmore.

Again in keeping with a theme of well known early Mudgee architects it is considered appropriate by us that the Road No.2 be called Rowe Place.

ATTACHMENT 3



## 6.2.8 Tender Assessment 2013-16 Chemical Supply Herbicides and Pesticides

REPORT BY THE BUSINESS MANAGER RESOURCES & RECREATIONAL TO 19 MARCH 2014  
COUNCIL MEETING

2013-16 Tender - Chemical Supply  
GOV400038, A0100056, COR400051

### RECOMMENDATION

**That:**

1. **the report by the Business Manager Resources & Recreation on the Tender Assessment 2013-16 for the provision of Chemical Supply Herbicides and Pesticides be received;**
2. **Council accepts the tenders from the following companies to form a supply list for the provision of herbicide and pesticide chemicals:**
  - **Landmark Mudgee**
  - **Mudgee CRT Centre**
  - **Globe Growing Solutions**
  - **Living Turf**

### Executive summary

Mid-Western Regional Council procures chemicals for the use in its day to day operations to a value that requires a tender under the provisions of Section 55 of the Local Government Act 1993.

Tenders were called on 11th October 2013 for the supply of chemicals as per the procurement plan and closed at 8th November 2013. Five tenders were received.

Advertisements for the tender were placed in the Local Government Tenders section of the Sydney Morning Herald, Community News, Tenderlink and Council's website.

The terms of the contract are for a panel to be formed that Council can obtain chemicals from and provide short term storage of the chemicals. Delivery of required chemicals with 48 hours is also a key component of the terms of the request for tender.

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

As this tender is designed to form a panel of suitable suppliers and chemical prices fluctuate over time, price was not a consideration in assessing the tenders and was not requested.

### Detailed report

#### *TENDERS RECEIVED*

Tenders received were as follows:

- Mudgee CRT Centre
- Living Turf
- Globe
- Landmark
- Simplot Partners

Each tender was assessed by the tender evaluation panel in accordance with the terms of the procurement plan and request for tender.

#### *LATE TENDERS*

Globe submitted a late tender after gaining prior approval to do so. The tender was received on Monday 11th November.

#### *NON CONFORMING TENDERS*

Under Section 7.2.3 of the Request for Tender CRT Mudgee, Landmark, Globe and Living Turf were requested to provide minor clarification on technical omissions by the Tender Evaluation Panel.

The tender submitted by Simplot Partners was considered to be a non conforming tender. This Tender did not adequately address the mandatory requirements or section 10 'Objectives' of the Request for Tender.

#### *EVALUATION METHODOLOGY*

The Procurement method enables best value for money for Council and provides procurement guidelines for staff when purchasing such chemicals, allowing consistency and best practice during the procurement process. This method is the most appropriate for the market in which we are targeting as it allows Council to create a panel in lieu of one single supplier.

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

#### *TENDER EVALUATION PROCESS*

The evaluation was conducted in four stages:

1. An initial cull of any seriously non-conforming tenders such as late tenders, tenders not following the instructions set out in the Request for Tender documents, or tenders which clearly were not of an acceptable standard to warrant further detailed evaluation. One tender was culled in this initial stage.
2. The Tender Assessment Panel undertook an objective analysis of tenderers' ability to meet both mandatory and desirable criteria.
3. The tendered information and specific questions were listed under the evaluation criteria and weighted in order of importance to the overall evaluation. Team members scored the tenders against the criteria in accordance with the Evaluation Plan.
4. This Tender Evaluation Report detailing the selection of each tenderer that is eligible to participate in the panel.

#### *ASSESSMENT PANEL*

Julian Geddes	Business Manager Resources and Recreation
Vince Forgione	Chief Weeds Officer
Nareeda Endacott	Director Operations Personal Assistant

### *EVALUATION FINDINGS*

All tenderers were assessed and scored against the evaluation criteria listed in the tender document and weightings in the Evaluation Plan (Attachment A), to determine the Total Weighted Score.

The four tenderers that were evaluated all meet the mandatory requirements and scope of requirements.

<i>Tenderer</i>	<i>Total Weighted Score</i>
CRT Mudgee	10.0
Landmark	10.0
Living Earth	10.0
Globe	8.1

### Financial implications

Each procurement of chemicals will seek quotes from the panel of tenders to get the most competitive price at the required time of procurement. The costs of procurement of chemicals for day to day operations is included in the operational plan.

### Strategic or policy implications

Not applicable.

JULIAN GEDDES  
BUSINESS MANAGER RESOURCES AND  
RECREATION

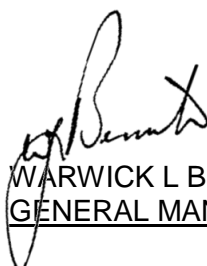


BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

28 February 2014

*Attachments:* 1. Tender Assessment Scores.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## Attachment One

REQUEST FOR TENDER 2013-16 - Chemical Supply Herbicides and Pesticides  
TENDER SUMMARY

		Tenderers			
		CRT - Mudgee	Living Turf	Globe Growing	Landmark - Mudgee
<b>Tender Assessment Details</b>					
<b>Conditions for Participation</b>					
Not bankrupt or insolvent		Y	Y	Y	Y
No significant deficiencies		Y	Y	Y	Y
Compliant with Workplace Act		Y	Y	Y	Y
Not named as terrorist organisation		Y	Y	Y	Y
Copy of Public liability and professional Indemnity Insurance Supplied		Y	Y	Y	Y
Certification to store chemicals provided		Y	N*	Y	Y
<b>Technical Worth</b>					
Demonstrated capability and experience to meet statement of requirements (95%)	Score	10	8	10	10
	Weighted Score	9.5	7.6	9.5	9.5
Ability to provide agronomy services (5%)	Score	10	10	10	10
	Weighted Score	0.5	0.5	0.5	0.5
<b>Total Assessment Score (out of 10)</b>		<b>10</b>	<b>8.1</b>	<b>10</b>	<b>10</b>

\* Noted in the process with applications submitted to obtain this criteria.

## 6.2.9 Noxious Weeds Advisory Committee

REPORT BY THE NOXIOUS WEEDS ADMINISTRATOR TO 19 MARCH 2014 COUNCIL MEETING  
REPORT Council 2014  
GOV400038, ENV200017

### RECOMMENDATION

#### That:

1. **the report by the Noxious Weeds Administrator on the Noxious Weeds Advisory Committee be received;**
2. **the minutes of the Noxious Weeds Advisory Committee held on Monday 3 March 2014 are noted.**

### Executive summary

Meetings of the Noxious Weeds Advisory Committee are held quarterly, the purposed of which is to review the overall strategic direction of noxious weed control in the Mid Western Regional Council are and to ensure desired outcomes are being achieved.

### Detailed report

Not applicable.

### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

Not applicable.

SUSAN BURNS  
NOXIOUS WEEDS ADMINISTRATOR

  
BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

4 March 2014

*Attachments:* 1. Minutes of the Weeds Advisory Committee Meeting held on 2 Sept 2013.

APPROVED FOR SUBMISSION:

  
WARWICK L BENNETT  
GENERAL MANAGER



## MINUTES

### MINUTES OF A MEETING OF THE NOXIOUS WEEDS ADVISORY COMMITTEE HELD AT 9 AM ON MONDAY 3 MARCH 2014 IN THE COMMITTEE ROOM, COUNCIL CHAMBERS, MUDGEE

**1. Apologies**

Nil

**2. Minutes of the Previous Meeting held on Monday 2 December 2013 (*Attachment 1*)**

Moved Cr Webb/Dusty Ireland that the previous minutes be accepted.

**3. Matters arising from the previous minutes**

**3.1 Noxious Weeds (Weed Control) Order 2014**

Weed Order 28 has now been revoked and the Noxious Weeds (Weed Control) Order 2014 has been gazetted and is in place. This was received last Friday 28 February 2014.

**3.2 Local Weed Control Management Plan**

As the new Weed Order is now in place it was suggested that the review of the Local Weed Control Management Plan be held over until the next meeting to allow staff time to prepare a new draft.

Moved Mitchell Clapham/Dusty Ireland that this be deferred until the next meeting.

**4. Correspondence Received**

Nil

**5. Inspection Program Statistics**



- 5.1** An updated 2014 Annual Report update as at 25/02/2014 was tabled. (*Attachment 2*)

Moved James Mort/Mitchell Clapham that the Inspection Report be accepted.

**6. General Business**

**6.1 Vacant position on the committee on the resignation of Jenene Kidston**

The advertisement would be placed in the Mudgee Guardian on Friday 7 March with nominations closing on Friday 21 March 2014.

Moved Brad Cam/Mitchell Clapham that an advertisement be placed in the Mudgee Guardian calling for community nominations to fill the vacant position.

**6.2 Weed Management Review**

The draft report on the review of weed management in NSW has now been received. The NRC (Natural Resources Commission) is seeking public feedback on the draft report until 6 April 2014 and will continue to consult with stakeholders and review public feedback to inform the final recommendations.

Some discussion was held in relation to the draft recommendations and it was agreed that a submission be prepared to the NRC. This submission is to be finalised at a special meeting of the committee to be held on Wednesday 26 March 2014 at 9 am.

A copy of the summary draft recommendations is attached (*Attachment 3*)

- 6.3** The next ordinary meeting is scheduled for Monday 2 June 2014

**7. Meeting Close**

The meeting closed at 10.25 am.



## MINUTES

**A MEETING OF THE NOXIOUS WEEDS ADVISORY COMMITTEE WAS HELD AT 9 AM ON MONDAY 2 DECEMBER 2013 IN THE COMMITTEE ROOM, COUNCIL CHAMBERS, MUDGEE**

James Mort (Chair) opened the meeting and congratulated Mid-Western Regional Council on the recent receipt of the Bluett Award. He also thanked Council for their support of the Weed Management Program. He said that the Weeds Team does a good job in weed management and thanks Council and Senior Management for their support.

Mr Mort also thanked staff and the committee for developing a positive relationship with Council and also for their work on the recent Weed Management Review.

**1. Apologies**

There were no apologies

**2. Minutes of the Previous Meeting held on Monday 2 September 2013**

Moved Cr John Webb/Dusty Ireland that the previous minutes be accepted.

**3. Matters arising from the previous minutes**

None

**4. Correspondence Received**

**4.1 Letter from Andrew Gee MP dated 23 September 2013 (Attachment 1)**

**4.2 Letter from Paul Toole MP dated 30 October 2013 with attached response from the Minister for Primary Industries (Attachment 2)**

Some discussion took place on the letter from the Minister for Primary Industries and in particular to possible amendments to Schedule 4 of the Environmental Planning and Assessment Regulation 2000 and it was decided that we should follow up with Scott Charlton, Manager Invasive Species Programs, DPI as suggested by the Minister.

Moved Cr John Webb/Mitchell Clapham that the Chairman phone Scott Charlton on the number provided by the Minister.

It was also suggested that a letter be sent to the new Minister Troy Grant

**4.3 Letter from Paul Toole MP dated 14 November 2013 with attached response from the NSW Minister for Primary Industries (Attachment 3)**

**5. Inspection Program Statistics**

**5.1 2014 Annual Report Update** (*Attachment 4*)

A verbal report was presented to the committee by Susan Burns with a hard copy to be sent to all committee members after the meeting. It was noted that property inspections conducted so far this year are 825, with new property inspections conducted 650. We have already exceeded our target of 650 private new inspections.

Reinspections conducted so far this year are 139 with 256 scheduled for the next three months.

A map showing the areas inspected and reinspected will be provided to all committee members.

**6. General Business**

**6.1 Resignation of committee member Jenene Kidston** (*Attachment 5*)

Committee member Jenene Kidston tabled her letter of resignation from the committee due to her relocation out of the region.

Moved Cr John Webb/Chair James Mort that the resignation be accepted and Jenene be thanked for her work on the Weeds Advisory Committee.

Nominations for a replacement committee member will be called for in the New Year.

**6.2 Weed Management Review Update**

Some discussion took place around Council's recent submission to the Weed Management Review and also the invitation issued to the Weeds Team to present to the Weed Review Panel in Orange on Wednesday 4 December.

**6.3 Noxious Weeds advertising and promotion**

It was noted that we have had some recent good exposure in the media including the Mudgee Guardian and Facebook and after some discussion it was decided that regular articles should also be placed in the Community News.

**7. Meeting Closed at 10.30 am**



# Andrew Gee MP

MEMBER FOR ORANGE

23 September 2013

Mr James Mort  
Chairman  
Weeds Advisory Committee  
Mid-Western Regional Council  
PO Box 156  
MUDGEES NSW 2850

Dear Mr Mort *James*

Thank you for your correspondence received regarding a recent meeting with members of the Weeds Advisory Committee.

I have noted your concerns and can confirm that I have raised the matter with the Hon Katrina Hodgkinson MP, Minister for Primary Industries.

I will contact you again when I receive a response.

Thank you again for sharing your views with me.

Yours faithfully

*Andrew Gee*  
Andrew Gee MP  
Member for Orange



**INATIONALS** *for Regional NSW*



Attachment 2

**Paul Toole MP**  
MEMBER FOR BATHURST ELECTORATE

30 October 2013

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

*Susan Burns  
Julian G.  
for Weeds  
Committee  
agenda.*



Dear Mr Bennett

Please find attached a copy of a response from the Minister for Primary Industries following representations I made on Councils behalf concerning the management of weeds by adjoining authorities.

I trust the response is of assistance and if you require any further information please do not hesitate to contact me.

Yours faithfully

*Paul Toole*

Paul Toole MP  
Member for Bathurst Electorate

THE NATIONALS for Regional NSW



[bathurst@parliament.nsw.gov.au](mailto:bathurst@parliament.nsw.gov.au)

Unit 1, 229 Howick Street  
(PO Box 2237)  
Bathurst NSW 2795

ph 02 6332 1300  
fax 02 6332 1900



**The Hon Katrina Hodgkinson MP**

Minister for Primary Industries  
Minister for Small Business



RECEIVED  
25/10/13

IM13/34800

17 OCT 2013

Mr Paul Toole MP  
Member for Bathurst  
PO Box 2237  
BATHURST NSW 2795

Dear Mr Toole *Paul,*

Thank you for your representations of 15 August 2013 on behalf of Mr Warwick Bennett, General Manager Mid-Western Regional Council, concerning the management of weeds by adjoining authorities and asking for consideration of changes to planning legislation to assist weed management processes.

I agree that there is a great deal of variation in the objectives of weed management programs across the state. In August this year I requested that the Natural Resource Commission conduct a review of this and similar weed management issues. I look forward to advice on the necessity of better regional consistency and how this may be achieved. The results of this review are expected in May 2014.

The use of the term eradication is in itself very subjective and in many cases this is very difficult, if not impossible to achieve. In reality, most local control authorities (LCAs) are actually using containment strategies to manage the impact of weed species.

I am aware that Upper Macquarie County Council (UMCC), your neighbouring LCA, has adopted a policy of conducting education and extension activities for widespread (class four) weeds in preference to undertaking legal action. I have requested that the NSW Department of Primary Industries Regional Invasive Species Officer for your region investigate this matter to insure that the objectives of your neighbouring Local Control Authority (LCA) are compatible with Mr Bennett's program.

Regarding Crown lands, obligations for noxious weed control on public lands including Crown lands rests with the "owner", in the case of Windamere dam it is the State Water Corporation. Where the lands are leased or otherwise occupied, this obligation is devolved to the occupier. If unoccupied, the State Water Corporation's responsibility for noxious weed control is limited to preventing the spread to adjoining lands. The tenant of public lands is subject to the same control obligations as any occupier of private lands. It is the responsibility of the LCA, in this case Mid-Western Regional Council to enforce these requirements.

.../2

The Hon Barry O'Farrell MP

-2-

Minister for Primary Industries

On the subject of planning legislation, I agree that any initiative that increases a prospective purchaser's awareness of their weed management obligations has merit. This issue has been raised on several occasions, and was included in a submission to the 2011 review of the *Noxious Weeds Act 1993*.

I prefer an approach that ensures prospective purchasers are informed of the most critical and objective information regarding noxious weeds matters. Therefore I have asked officers from the Department of Primary Industries to consult with other government agencies about possible amendments to Schedule 4 to the *Environmental Planning and Assessment Regulation 2000*.

Amendments to that Schedule could prescribe that some or all of the following must be included in a section 149 certificate issued under the *Environmental Planning and Assessment Act 1979*:

- Whether or not there are any weed control notices currently affecting the land;
- Whether or not there are any outstanding expenses payable to the local control authority or any resulting charge on the land; and/or
- A notice that absence of a weed control notice does not mean the absence of noxious weeds on the property, with advice that the purchaser may need to seek independent expert advice on that matter.

I have asked that Mr Scott Charlton Manager Invasive Species Programs be available to discuss this matter further with you. Mr Charlton may be contacted on 02 6391 3172.

Yours sincerely



**Katrina Hodgkinson MP**  
**Minister for Primary Industries**

**Paul Toole MP**  
MEMBER FOR BATHURST ELECTORATE

14 November 2013

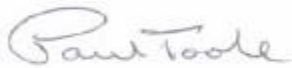
Mr James Mort  
Chairman  
Weeds Advisory Committee  
Mid-Western Regional Council  
PO Box 156  
MUDGEE NSW 2850

Dear Mr Mort

Please find enclosed a copy of a letter I have received from the NSW Minister for Primary Industries, the Hon. Katrina Hodgkinson MP concerning weed management in New South Wales.

If you wish to discuss this matter at greater length, please do not hesitate to contact Mr Scott Charlton, Manager Invasive Plant Programs, Biosecurity NSW on 02 6391 3172.

Yours faithfully



Paul Toole MP  
Member for Bathurst Electorate



THE NATIONALS for Regional NSW





**The Hon Katrina Hodgkinson MP**  
Minister for Primary Industries  
Minister for Small Business



RECEIVED  
3/11/2013

IM13/39828

Mr Paul Toole MP  
Member for Bathurst  
PO Box 2237  
BATHURST NSW 2795

Dear Mr Toole

Thank you for your representations of 24 September 2013 on behalf of Mr James Mori, Chairman Weeds Advisory Committee – Mid Western Regional Council, 86 Market St, Mudgee NSW, 2850, concerning weed management in NSW.

The NSW Government is committed to effectively resourcing weeds management at the regional level. During 2012/13 the Macquarie Invasive Species Project, of which Mid Western Regional Council is a key partner, received \$1,226,198 through the *NSW Weeds Action Program* to implement weeds programs. In general this funding program has proven very effective in allowing regional partners to address their own regionally specific weed priorities.

I appreciate Mr Mori's concerns about the need for consistent and coordinated approaches to weeds management across the state. As mentioned in Mr Mori's letter, the current weeds review being conducted by the Natural Resources Commission will investigate existing management frameworks and other institutional arrangements to determine if improvements can be made. I look forward to the results of this review in May 2014.

Concerning Section 64 certificates, I agree with Mr Mori that any initiative that increases a prospective purchaser's awareness of their weed management obligations has merit. This issue has been raised on several occasions, including in a submission to the review of the Act. Whilst I acknowledge that his suggested amendments to Section 64 could mean that prospective purchasers are better informed as to noxious weeds issues affecting particular land, I note that this would only occur if the prospective purchaser actually applied for a certificate under that section.

I prefer an approach that ensures prospective purchasers are informed of the most critical and objective information regarding noxious weeds matters. I have therefore asked officers from the Department of Primary Industries to consult with other government agencies about possible amendments to Schedule 4 to the *Environmental Planning and Assessment Regulation 2000*.

Mr Paul Toole

-2-

Minister for Primary Industries

Regarding the issue of consistent management obligations for both public and private land managers, I can assure you that this issue will be investigated during the current review as it has been included in the terms of reference for the review team. In the meantime, under Section 13 of the *Noxious Weeds Act 1993* public authorities are obliged to stop the spread of noxious weeds from their own land. Should the current level of declaration prove to be inadequate to enforce control, it is also the responsibility of the Local Control Authority to apply to have particular weed species considered for a more appropriate control class.

I have asked that Mr Scott Charlton, Manager Invasive Plant Programs, Biosecurity NSW, be available to discuss this matter further with you. Mr Charlton may be contacted on 02 6391 3172.

Yours sincerely



Katrina Hodgkinson MP  
Minister for Primary Industries

2.11.13



Attachment 5



## Department of Primary Industries

Mr James Mort  
Chairman, Noxious Weeds Advisory Committee  
Mid Western Regional Council  
Market St  
Mudgee NSW 2850

Dear James,

As you are aware NSW Department of Primary Industries deleted all extension officer positions in NSW at the end of June 2013. As the district agronomist at Mudgee my position was deleted.

I have now taken up a new position within NSW DPI, Division of Biosecurity NSW as Technical Specialist Farm Chemicals, and will soon be moving to Orange.

Due to these changes I am resigning my position on the Mid Western Region Noxious Weeds Committee from Tuesday 2<sup>nd</sup> December 2013.

I would like to thank the committee for your support, particularly in our combined effort to deal with the major weed issues in the Mid Western Council area and the greater region. I would like to congratulate the Mid Western Regional Council on your achievements well above and beyond those of most local control authorities in NSW, and the work of the committee in supporting this work.

I look forward to seeing Mid Western Regional Council continuing to lead the way by example in weed management in NSW.

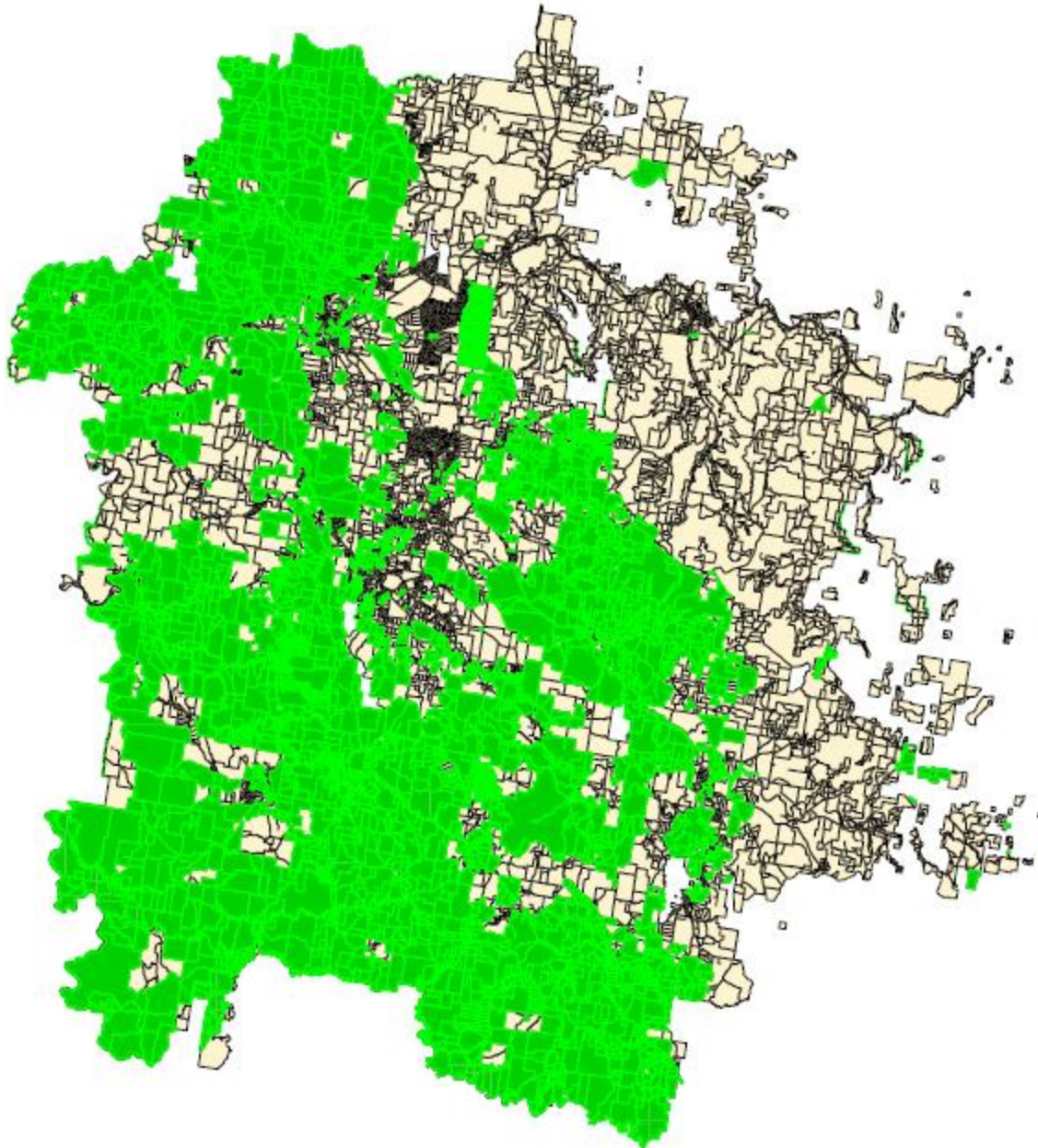
Yours sincerely

A handwritten signature in black ink that reads 'J. M. Kidston'.

Jenene Kidston  
Technical Specialist Farm Chemicals  
Biosecurity NSW  
29 November 2013



Inspections conducted since 1/6/2010



as at 18/2/14

Table 1: Summary of draft recommendations

The NRC recommends that:	
1	<p>The NSW Government should revise the current model for weed management based on:</p> <ol style="list-style-type: none"><li>a tenure-neutral approach to integrated weed management within the legislation, requiring all landholders to meet legislative and regionally agreed obligations</li><li>a clear division of responsibilities based on simplified weed categories:<ul style="list-style-type: none"><li>- <b>prevention and eradication</b> of incursions at the state scale</li><li>- <b>management of widespread weeds</b> at the local and regional scale.</li></ul></li></ol> <p>Proposed roles and responsibilities at the local, regional and state scales are summarised in <b>Figure 1</b>.</p>
2	<p>The NSW Government be accountable for the management of weed incursions including by:</p> <ol style="list-style-type: none"><li>establishing a reserve fund for responding to new high-risk new incursions (similar to the pest insect destruction fund)</li><li>preparing enforceable weed eradication plans consistent with response plans for other biosecurity responses, with funding arrangements to be negotiated between DPI and LLSs.</li></ol>
3	<p>The NSW Government should simplify and improve the transparency around weed declarations by:</p> <ol style="list-style-type: none"><li>reducing the number of weed categories to three: weeds prohibited from entering the state, weeds to be eradicated, and weeds to be managed as widespread weeds on a regional basis</li><li>developing a skills and stakeholder representation based Ministerial Weed Advisory Committee which will be responsible for transparent evaluation of weed declarations, based on assessment of potential long-term risks and impacts to the economy, environment and community</li><li>implementing a 'permitted list' for sale of plants within NSW, starting with aquatic plants and transitioning to all species within five years.</li></ol>
4	<p>The NSW Government should support a coordinated regional and localised approach to managing widespread weeds by:</p> <ol style="list-style-type: none"><li>continuing local level service delivery by LCAs</li><li>developing eleven statutory regional weed committees comprising LCAs, public and private landholders and community members (similar to the Bushfire Management Committee model) as subcommittees to LLS, and aligned with LLS borders</li><li>tasking the regional weed committees with developing regional plans and priorities for widespread weeds and surveillance</li><li>ensuring all regional plans are based on best available local knowledge, research findings and currently available technology and promote innovative approaches to behavioural change and adoption of integrated land management practices</li><li>encouraging state bodies and the Australian Government to align funding with regional priorities identified in these strategic plans.</li></ol>

**The NRC recommends that:**

- 5 The NSW Government should improve performance and accountability by:
- a. strengthening the enforcement provisions in any new legislation:
    - providing for more substantial penalties, based on the severity and type of the offense
    - assigning responsibility for enforcement action beyond the initial issuance of a weed control notice to LLS, and simplifying the requirements for taking action
  - b. developing state-wide service-delivery standards for LCAs. DPI should audit LCAs against these standards, with LLS given the ability to assume the LCA's surveillance responsibilities if the LCA cannot meet their obligations. LCAs would not be relieved of responsibilities to manage their own land or roadsides
  - c. assigning an independent state-level auditor to assess LLS and DPI's performance in weed management, and the extent to which funding has been allocated in line with strategic priorities
  - d. providing for consistent, state-wide weed mapping including:
    - adopting standard data protocols and record-keeping requirements, which are mandatory for any body receiving government funding for weed management
    - developing and maintaining a state-wide data sharing system for tracking weed distribution and density, which has current data from all LCAs
  - e. ensuring that data is readily available to stakeholders and regional managers for use in adapting management plans and actions.
- 
- 6 The NSW Government should improve risk management by:
- a. creating a general biosecurity obligation that requires all stakeholders to take all reasonable and practical measures to minimise biosecurity risks
  - b. establishing a property weed status certification scheme, using the existing surveillance and monitoring programs, which would be disclosed on the sale of land and provided to parties who lease public land.
  - c. requiring the registration of commercial entities whose activities generate weed risks, for example nurseries and fodder distributors, and making it an offence for un-registered entities to carry out these activities
  - d. encouraging greater self-management of weed risks by competent parties by providing for the establishment of industry contribution schemes and auditable compliance agreements
  - e. appointing LLS as the single authority to control declared aquatic weeds within a specified region.
- The NRC also recommends that the NSW Government advocate for a review of the requirements for obtaining a minor use permit to improve access to herbicides for incursions.
- 
- 7 The NSW Government should actively support weeds research and development by:
- a. rebuilding and maintaining NSW weeds research capacity
  - b. establishing a secure long-term funding strategy to deliver innovation and sustainable weed control outcomes together with the flexibility to respond to emerging priorities
  - c. prioritising areas for research and facilitating coordinated strategic research investment
  - d. supporting researchers to effectively communicate research findings to land managers
  - e. ensuring best available research and chemical choices are available to manage risk of herbicide resistance on roadsides.
-



## 6.2.10 Quarterly Report on the Workers Compensation Premium

REPORT BY THE MANAGER, PEOPLE AND CULTURE TO 19 MARCH 2014 COUNCIL MEETING  
Workers Compensation Premium Quarterly REPORT Council March 2014  
GOV400038, 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*

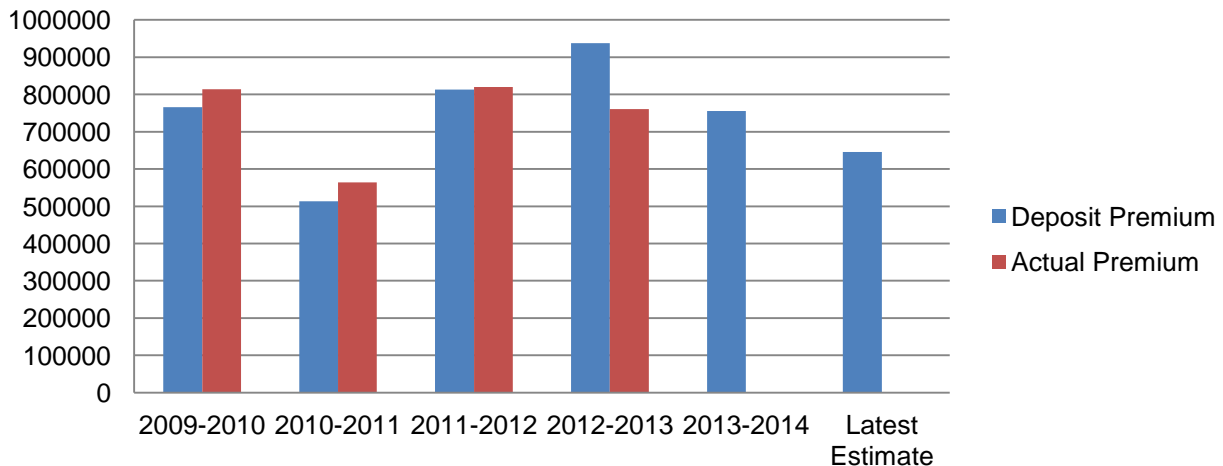
*Provide quarterly reports to Council on workers compensation premiums and claims costs, together with the details of any strategies being adopted to keep these costs to a minimum.*

### Detailed report

The following graph indicates the levels of premiums we currently pay for workers compensation, indicating the level also over the previous four years.

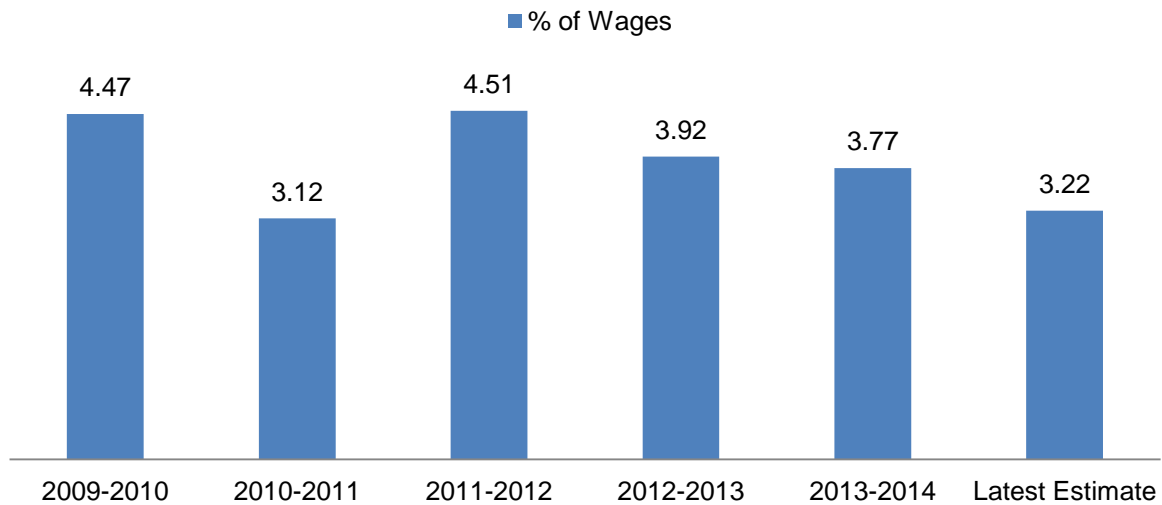
#### *WORKERS COMPENSATION PREMIUM HISTORY*

### MWRC WC Premium



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

### Workers Compensation Premium as a % of Wages



#### 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 (Premium 2013 – 2014 - Projections as at 27 February 2014)

#### Cost of Claims (Premium 2013 – 2014 - Projections as at 27 February 2014)

2012 – 2013	\$128,942
2011 – 2012	\$160,416

#### 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 deposit premium for 2013 - 2014 was \$755,000 and at the January quarterly budget review Council reduced that budget to \$650,000.

### Strategic or policy implications

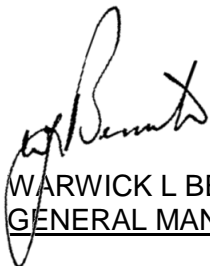
The safety of workers is paramount in the focus of the organisation. Our current policies and strategies are constantly reviewed but at the end of the day it's everyone's responsibility to stay safe on a day to day basis.

MICHELE GEORGE  
MANAGER, PEOPLE AND CULTURE

7 March 2014

*Attachments:* Nil

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.11 Anti-Discrimination and Equal Employment Opportunity Policy and Workplace Bullying Policy

REPORT BY THE MANAGER, PEOPLE AND CULTURE TO 19 MARCH 2014 COUNCIL MEETING  
Anti-Discrimination and EEO Policy and Workplace Bullying Policy REPORT Council 2014  
GOV400038, A0100021

### RECOMMENDATION

#### That:

1. **the report by the Manager, People and Culture on the Anti-Discrimination and Equal Employment Opportunity Policy and Workplace Bullying Policy be received;**
2. **Council adopt the Anti-Discrimination and Equal Employment Opportunity Policy and the Workplace Bullying Policy.**

### Executive summary

Recent changes to legislation have led to a review of Council policies in respect to workplace bullying and anti-discrimination. As a result of that review a new Anti-Discrimination and Equal Employment Opportunity Policy has been developed to replace the EEO and Workplace Diversity Policy and a new Workplace Bullying Policy to replace the Prevention of Discrimination, Harassment and Bullying Policy. Both new policies have been drafted to ensure compliance with relevant legislation.

### Detailed report

The Workplace Bullying Policy defines workplace bullying and legal responsibilities. The major changes from the old policy are:

- The new policy is focused specifically on workplace bullying; discrimination and sexual harassment is now addressed in the Anti-Discrimination and Equal Employment Opportunity Policy.
- There is greater detail on what constitutes direct and indirect bullying and what is not workplace bullying.
- There is a new informal and formal complaints procedure and more information on possible outcomes.
- The new policy defines the roles of Managers, Supervisors and workers in the prevention of workplace bullying.

The Anti-Discrimination and Equal Employment Opportunity Policy aims to provide an environment where employees and others in the workplace are treated fairly and with respect, and are free from unlawful discrimination, harassment and vilification. The major changes to the old policy are:

- The new policy has been updated to include all of the prohibited grounds of discrimination federally and in NSW.
- There is greater detail regarding direct and indirect discrimination and sexual harassment and vilification.
- The new policy sets out workers rights and responsibilities with respect to the policy and their conduct in the workplace.

- There is a new formal and informal complaints procedure and more detail on possible outcomes from a complaint.

### Financial implications

Not applicable.

### Strategic or policy implications

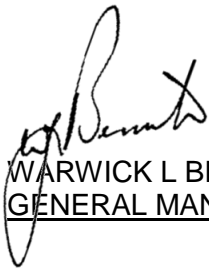
Not applicable.

MICHELE GEORGE  
MANAGER, PEOPLE AND CULTURE

13 February 2014

*Attachments:* 1. Anti-Discrimination and Equal Employment Opportunity Policy  
2. Workplace Bullying Policy

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## ATTACHMENT 1

	<b>POLICY</b>	ADOPTED Council Date.
	<b>Anti-Discrimination &amp; Equal Employment Opportunity</b>	REF: HRM 1C REV: 4 FILE No. A0100021

**1. Purpose**

Mid-Western Regional Council ('the Council') aims to provide an environment where employees and others in the workplace are treated fairly and with respect, and are free from unlawful discrimination, harassment, vilification and bullying.

The Council aims to ensure that when employment decisions are made, they are based on merit, not on irrelevant attributes or characteristics that an individual may possess. The Council also aims to create a work environment which promotes good working relationships.

**2. Commencement of Policy**

This policy will commence from 1 April 2014. It replaces all other Anti-Discrimination & Equal Employment Opportunity Policies (whether written or not).

**3. Application of Policy**

This Policy covers all employees of the Council (whether full time, part time or casual) and all persons performing work at the direction of, in connection with, or on behalf of the Council (for example contractors, subcontractors, agents, consultants, and temporary staff) (collectively "workers").

This Policy is not limited to the workplace or work hours. This Policy extends to all functions and places that are work related. For example, work lunches, conferences, Christmas parties and client functions. Equal Employment Opportunity (EEO) laws apply to all areas of employment, as well as the provision of goods and services.

This Policy does not form part of any Council employee's contract of employment. Nor does it form part of any other Council employee's contract for service.

**4. EEO laws**

Under EEO laws, discrimination, vilification, sexual harassment, bullying and victimisation are unlawful and strictly prohibited.

**5. Discrimination****5.1 Direct discrimination**

Direct discrimination in employment occurs when a person is treated less favourably than another in their employment because of a reason or ground which is prohibited by law. The prohibited grounds of discrimination are set out in the Federal, State and Territory laws and include sex, race, age etc. A full list of the grounds of discrimination which operate federally and in NSW will be relevant, and are listed out below.

- Race (including colour, nationality, descent, ethnic, ethno-religious or national origin, immigrant status)
- Sex
- Pregnancy (including potential pregnancy)
- Carers' responsibilities, family responsibilities, carer or parental status, being childless
- Religious belief or activity
- Marital status, relationship status
- Homosexuality, transexuality, sexuality, sexual orientation, lawful sexual activity, gender identity, transgender, intersex status
- Disability, including physical, mental and intellectual disability

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## Anti-Discrimination & Equal Employment Opportunity Policy

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- Breastfeeding
- Industrial/trade union membership, non-membership or activity
- Employer association membership, non-membership or activity
- Temporary absence from work because of illness or injury
- HIV/AIDS
- Spent convictions
- Age (including compulsory retirement)
- Political belief or activity
- Criminal record
- Medical record
- Defence service
- Association (i.e. association with a person who has one or more of the attributes for which discrimination is prohibited)

### 5.2 Indirect discrimination

Indirect discrimination may occur when an employer imposes a policy or requirement which applies to everyone equally but it in fact operates to disadvantage a particular group because of a characteristic of that group, such as their sex, age, race (ie - a prohibited ground of discrimination).

Example: The Council imposes a height restriction on all applicants for the position of 'Parking Officer', that is, an applicant must be over 185cm (6 feet) tall in order to be successfully considered for the position. This requirement at first glance appears fair because it applies to all applicants irrespective of gender. However, in practice this requirement will disadvantage women as a group because statistically, women are naturally shorter than men. So the effect is to disadvantage women because of their sex.

Discrimination also includes the situation where a worker harasses another person based on a ground of discrimination. Harassment is unwelcome conduct that a reasonable person would expect to offend, humiliate or intimidate.

### 6. Vilification

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, homosexuality, transgender, transexuality or HIV/AIDS. Vilification is a particularly serious breach of EEO laws and will be dealt with accordingly.

### 7. Sexual harassment

Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person. However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person. Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other workers can also be unlawful.

Examples of sexual harassment include, but are not limited to:

- 7.1 physical contact such as pinching, touching, grabbing, kissing or hugging
- 7.2 staring or leering at a person or at parts of their body
- 7.3 sexual jokes or comments
- 7.4 requests for sexual favours
- 7.5 persistent requests to go out, where they are refused
- 7.6 sexually explicit conversations
- 7.7 displays of offensive material such as posters, screen savers, Internet material etc

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**Anti-Discrimination & Equal Employment Opportunity Policy**

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- 7.8 accessing or downloading sexually explicit material from the Internet
- 7.9 suggestive comments about a person's body or appearance
- 7.10 sending rude or offensive emails, attachments or text messages.

**8. Bullying**

Bullying is repeated, unreasonable behaviour directed towards an individual or group that creates a risk to health and safety. Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten. Single incidents of unreasonable behaviour can also create a risk to health and safety and may escalate into bullying. There is no requirement that bullying be intentional.

It is not bullying for a manager or supervisor to counsel a worker about their performance. Performance counselling is a necessary part of ensuring that workers meet the Council's standards of work and behaviour. Also, other reasonable managerial actions such as disciplinary action, work directions and orders, and allocation of work in compliance with business needs and systems do not constitute bullying.

**9. Victimisation**

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint or they are involved in a complaint of unlawful conduct. Workers must not retaliate against a person who raises a complaint or subject them to any detriment.

**10. Rights and responsibilities**

All workers must:

- 10.1 understand and comply with this Policy;
- 10.2 comply with the Council's Code of Conduct;
- 10.3 ensure they do not engage in any unlawful conduct towards other workers, customers/clients or others with whom they come into contact through work;
- 10.4 ensure they do not aid, abet or encourage other persons to engage in unlawful conduct;
- 10.5 follow the complaint procedure in this Policy if they experience any unlawful conduct;
- 10.6 report any unlawful conduct they see occurring to others in the workplace in accordance with the complaint procedure in this Policy; and
- 10.7 maintain confidentiality if they are involved in the complaint procedure.

Workers should be aware that they can be held legally responsible for their unlawful conduct.

Workers, who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.

**11. Breach of this Policy**

All workers are required to comply with this Policy at all times. If an employee breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with the Council terminated or not renewed. For other workers a breach of this Policy could result in you losing your position.

If a person makes an unfounded complaint or a false complaint in bad faith (eg - making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

**12. Complaint handling procedure**

If a worker feels that they have been subjected to any form of unlawful conduct contrary to EEO laws this Policy or the Council's Code of Conduct, they should not ignore it. The Council has a complaint procedure



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## **Anti-Discrimination & Equal Employment Opportunity Policy**

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for dealing with these issues. The complaint procedure has numerous options available to suit the particular circumstances of each individual situation. The manner in which a complaint will be handled is solely at the discretion of the Council's Complaint Officer.

### **13. Examples of the ways in which a complaint can be dealt with**

#### **13.1 Confront the Issue**

If a worker feels comfortable doing so, they should address the issue with the person concerned. A worker should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stop. It may be that the person was not aware that their behaviour was unwelcome or caused offence.

This is not a compulsory step. If a worker does not feel comfortable confronting the person, or the worker confronts the person and the behaviour continues, the worker should report the issue to the Council's Complaints Officer.

If a worker is unsure about how to handle a situation and is also unsure if they want to make a complaint they should contact an EEO Contact Officer for support and guidance. The EEO Contact Officers aim to assist people uncertain about their rights. EEO Contact Officers are the Human Resources Officer and the OHS Coordinator.

#### **13.2 Report the Issue**

A worker should report the issue to the Complaints Officer. The Complaints Officer in the Council's workplace is the Manager People & Culture.

The Complaints Officer will aim to deal with the workers complaint in accordance with this Policy. There are two complaint procedures that can be used: informal and formal (detailed further below). The type of complaint procedure used will be determined by the nature of the complaint that is made.

#### **13.3 Informal Complaint Procedure**

Under the informal complaint procedure there is a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. Possible options include, but are not limited to:

- a) the Complaints Officer discussing the issue with the person against whom the complaint is made; and/or
- b) the Complaints Officer facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

The informal complaint procedure is more suited to less serious allegations that if founded, would not warrant disciplinary action being taken.

#### **13.4 Formal Complaint Procedure**

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted by the Complaints Officer or a person from outside the Council, appointed by the Council.

An investigation generally involves, collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the Complaints Officer or the external investigator will make recommendations about resolving the complaint.

If the Council considers it appropriate for the safe and efficient conduct of an investigation, workers may be required not to report for work during the period of an investigation. The Council may also provide alternative duties or work during the investigation period. Generally, workers will be paid their normal pay during any such period.

## **Anti-Discrimination & Equal Employment Opportunity Policy**

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### **14. Confidentiality**

The Complaints Officer will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other workers in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the complaint. If a complaint is raised and it appears that unlawful conduct has potentially occurred, the Council will endeavour to take appropriate action in relation to the complaint.

All workers involved in the complaint must also maintain confidentiality, including the worker who lodges the complaint. Spreading rumours or gossip may expose workers to a defamation claim. Workers may discuss the complaint with a designated support person or representative (who is not a worker employed or engaged by the Council). However, the support person or representative must also maintain confidentiality.

### **15. Possible outcomes**

The possible outcomes will depend on the nature of the complaint and the procedure followed to address the complaint. Where an investigation results in a finding that a person has engaged in unlawful conduct, breach of this Policy or breach of the Code of Conduct that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the affected worker and the Council.

Agents and contractors (including temporary contractors) who are found to have engaged in unlawful conduct and/or breached this Policy or the Council's Code of Conduct, may have their contracts with the Council terminated or not renewed. For other workers, a breach of this Policy or the Council's Code of Conduct could result in the loss of their position.

The Council may take a range of other non-disciplinary outcomes to resolve a complaint, depending on the particular circumstances. Examples include, but are not limited to:

- 15.1 training to assist in addressing the problems underpinning the complaint;
- 15.2 monitoring to ensure that there are no further problems;
- 15.3 implementing a new policy;
- 15.4 requiring an apology or an undertaking that certain behaviour stop; and/or
- 15.5 changing work arrangements.

### **16. Questions**

If a worker is unsure about any matter covered by this Policy, they should seek the assistance of the Manager People & Culture or the Human Resources Officer.


### **Variations**

*The Council reserves the right to vary, replace or terminate this policy from time to time.*

### **Associated documents**

- Workplace Bullying Policy
- Code of Conduct
- Workplace Environment Statement

ATTACHMENT 2

	<b>POLICY</b>	ADOPTED Council Date. Insert date
	<b>Workplace Bullying</b>	REF: HRM 1D REV: 5 FILE No. A0100021

**1. Aim**

- 1.1. Mid-Western Regional Council ('Council') is committed to providing a safe and healthy work environment in which all workers are treated fairly, with dignity and respect.
- 1.2. This Policy outlines the Council's commitment to a safe workplace and is aimed at ensuring, so far as it reasonably can, that employees are not subjected to any form of bullying while at work. It also details the legal responsibilities of the Council and employees in relation to preventing bullying in the workplace.

**2. Commencement of Policy**

- 2.1. This Policy will commence on 1 April 2014. It replaces all other bullying policies (whether written or not).

**3. Scope**

- 3.1. This Policy covers all employees of the Council (whether full-time, part-time or casual) and all persons performing work at the direction of, in connection with, or on behalf of the Council (for example contractors, subcontractors, agents, consultants, and temporary staff) (collectively 'workers').
- 3.2. This Policy extends to all functions and places that are work related, for example, work lunches, conferences, Christmas parties and client functions. This Policy does not form part of any employee's contract of employment. Nor does it form part of any contract for service.

**4. Legal responsibilities**

- 4.1. Everyone at the workplace has a legal responsibility to prevent bullying from occurring.
- 4.2. Under relevant health and safety legislation (the 'Legislation') the Council has the primary duty to eliminate or minimise, as far as reasonable practicable, the risks to health and safety in the workplace. This duty includes the implementation of strategies to prevent workplace bullying. This Policy will assist the Council in complying with its legal responsibilities.
- 4.3. Workers are also required under the Legislation to take reasonable care for their own health and safety, as well as that of others at the Council's workplace. They must also comply with any reasonable instruction given by the Council. Compliance with this Policy will assist workers in meeting their legal responsibilities.

**5. What is workplace bullying?**

- 5.1. Workplace bullying is repeated, unreasonable behaviour, directed towards a worker or a group of workers that creates a risk to health and safety. It includes both physical and psychological risks and abuse.
- 5.2. 'Repeated behaviour' refers to the persistent nature of the behaviour and can refer to a range or pattern of behaviours over a period of time (for example, verbal abuse, unreasonable criticism, isolation and subsequently being denied opportunities – ie a pattern is being established from a series of events).
- 5.3. 'Unreasonable behaviour' means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten another person.

**6. Examples of workplace bullying**

## **Workplace Bullying Policy**

6.1. Bullying behaviours can take many different forms, from the obvious (direct) to the more subtle (indirect). The following are some examples of both direct and indirect bullying:

### Direct bullying:

- abusive, insulting or offensive language
- spreading misinformation or malicious rumours
- behaviour or language that frightens, humiliates, belittles or degrades, including over criticising, or criticism that is delivered with yelling or screaming
- displaying offensive material
- inappropriate comments about a person's appearance, lifestyle, their family or sexual preferences
- teasing or regularly making someone the brunt of pranks or practical jokes
- interfering with a person's personal property or work equipment, or
- harmful or offensive initiation practices.

### Indirect bullying:

- unreasonably overloading a person with work, or not providing enough work
  - setting timeframes that are difficult to achieve, or constantly changing them
  - setting tasks that are unreasonably below, or above, a person's skill level
  - deliberately excluding or isolating a person from normal work activities
  - withholding information that is necessary for effective work performance
  - deliberately denying access to resources or workplace benefit and entitlements, for example training, leave
  - deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers
- 6.2. The above examples do not represent a complete list of bullying behaviours. They are indicative of the type of behaviours which may constitute bullying and therefore unacceptable to the Council.
- 6.3. A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour.
- 6.4. A person's Intention is irrelevant when determining if bullying has occurred. Bullying can occur unintentionally, where actions which are not intended to victimise, humiliate, undermine or threaten a person actually have that effect.
- 6.5. Bullying in the workplace is harmful not only to the target of the behaviour but damages the Council's culture and reputation. It is unacceptable and will not be tolerated.

## **7. What does NOT constitute workplace bullying?**

7.1. Managing staff does not constitute bullying, if it is done in a reasonable manner. Managers have the right, and are obliged to, manage their staff. This includes directing the way in which work is performed, undertaking performance reviews and providing feedback (even if negative) and disciplining and counselling staff. Examples of reasonable management practices include:

- setting reasonable performance goals, standards and deadlines in consultation with workers and after considering their respective skills and experience;
- allocating work fairly;
- fairly rostering and allocating working hours;

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## **Workplace Bullying Policy**

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- transferring a worker for legitimate and explained operational reasons;
- deciding not to select a worker for promotion, following a fair and documented process;
- informing a worker about unsatisfactory work performance in a constructive way and in accordance with any workplace policies or agreements;
- informing a worker about inappropriate behaviour in an objective and confidential way;
- implementing organisational changes or restructuring; and
- performance management processes.

### **8. What steps will the Council take to prevent workplace bullying?**

8.1. The Council will take all reasonable steps to prevent bullying through a risk management process.

This process includes:

- identification of bullying risk factors- these are things and situations which could contribute to bullying such as the way in which staff are managed, or organisational change such as redundancies
- assessing and eliminating the risks, as far as reasonable practicable, or controlling, or minimising, them as far as reasonable practicable; and
- training workers about bullying, how to deal with it and its impact on the workplace.

### **9. Complaint Procedure**

9.1. If a worker feels that they have been bullied, they should not ignore it.

9.2. Any bullying issue should be brought to the Council's attention as soon as possible.

9.3. There are a number of options available for workers who feel they have been bullied:

#### Confront the Issue

If a worker feels comfortable doing so, they should address the issue with the person concerned. A worker should identify the bullying behaviour, explain that the behaviour is unwelcome and offensive and ask that it stop.

This is not a compulsory step. If a worker does not feel comfortable confronting the person, or the worker confronts the person and the behaviour continues, the worker should report the issue to their manager. If the manager is the alleged perpetrator, then the matter should be reported to a senior manager, or to the Manager People & Culture.

If at any time, a worker is unsure about how to handle a situation they should contact the Manager People & Culture for support and guidance.

#### Report the Issue

There are two complaint procedures that can be used to resolve bullying complaints: informal and formal (detailed further below). The type of complaint procedure used depends on the nature of the complaint that is made. The aim is to ensure that workers are able to return to a productive and harmonious working relationship as soon as possible.

### **10. Informal Complaint Procedure**

10.1. Under the informal complaint procedure there are a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. The manager or Manager People & Culture will determine which process to follow. The possible options include, but are not limited to, the manager or Manager People & Culture:

- discussing the issue with the person against whom the complaint is made; and/or
- facilitating a meeting between the parties in an attempt to resolve the issue and move

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**Workplace Bullying Policy**

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forward.

- 10.2. The informal complaint procedure is more suited to less serious allegations that if founded, may not warrant disciplinary action being taken.

**11. Formal Complaint Procedure**

- 11.1. The formal complaint procedure involves the worker making a written complaint and a formal investigation of that complaint. It is appropriate for more serious allegations, or if senior management are involved. Formal investigations may be conducted by the Council or by an external investigator appointed by the Council.
- 11.2. An investigation generally involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the Council or the external investigator will make recommendations about what actions should be taken to resolve the complaint and any appropriate disciplinary action.
- 11.3. If Council considers it appropriate for the safe and efficient conduct of an investigation, workers may be required not to report for work during the period of an investigation. The Council may also provide alternative duties or work during the investigation period. Generally, workers will be paid their normal pay during any such period.

**12. Dealing with bullying complaints**

- 12.1. In handling bullying complaints, the Council will adopt the following principles:

- Take all complaints seriously.
- Act promptly.
- Not victimise any person who makes a complaint, any person accused of bullying, or any witnesses.
- Support all parties.
- Be impartial.
- Communicate the investigation or complaint process to all parties involved, including estimating length of time for resolution.
- Maintain confidentiality - the Council will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other workers in order to determine what happened, to legal representatives or the Council's senior managers. It will also be necessary to speak to those against whom the complaint has been made in order to afford fairness. All workers involved in the complaint must also maintain confidentiality, including the worker who lodges the complaint. Spreading rumours or gossip may expose the worker responsible to a defamation claim.
- Act appropriately - if a complaint is made and it appears that bullying has occurred, the Council will endeavour to take appropriate action in relation to the complaint.
- Keep records – documentation is essential. A record of all meetings and interviews stating who was present and agreed outcomes should always be maintained.

**13. Possible outcomes**

- 13.1. The possible outcomes of an investigation will depend on the nature of the complaint. Where an investigation results in a finding that a person has engaged in bullying behaviour, that person will be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the affected worker and the Council.

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## **Workplace Bullying Policy**

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13.2. The Council may take a range of disciplinary action. Examples include, but are not limited to:

- Providing training to assist in addressing the problems underpinning the complaint
- Monitoring to ensure that there are no further problems
- Implementing a new Policy
- Mentoring and support from senior manager
- Requiring an apology or an undertaking that certain behaviour stop
- Changing work arrangements
- Transferring to another work area
- Issuing a written warning (this can be a first or final warning depending on the circumstances)
- Dismissal.

### **14. Management and Supervisor's role**

14.1. Managers and supervisors have a key role in the prevention of workplace bullying. Managers and supervisors must:

- ensure that they do not bully employees, other managers or supervisors, clients or customers;
- ensure that they do not aid, abet or encourage other persons to engage in bullying behaviour;
- ensure all staff who report to them are aware and understand this Policy and their responsibility to comply with it;
- ensure that all staff who report to them understand that any bullying in any form is unacceptable and will not be tolerated by the Council;
- act promptly and appropriately if they observe bullying behaviours;
- ensure that all staff who report to them understand that they should report any bullying behaviour;
- ensure all staff who report to them are aware and understand the complaint procedures; and
- act promptly if a complaint is made. If this is not possible, or is inappropriate, inform the Manager People & Culture as soon as possible.

### **15. Workers role**

15.1. All workers must:

- understand and comply with this Policy;
- ensure they do not engage in any conduct which may constitute bullying towards other workers, customers/clients or others with whom they come into contact through work;
- ensure they do not aid, abet or encourage other persons to engage in bullying behaviour;
- follow the Council's complaint procedure if they experience bullying;
- report any bullying they see occurring to others in the workplace in accordance with this Policy; and
- maintain confidentiality if they are involved in the incident complained of.

### **16. Breach of this Policy**

**Workplace Bullying Policy**

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- 16.1. The Council takes very seriously its commitment to providing a safe and healthy work environment, free from bullying. All workers are required to comply with this Policy.
- 16.2. If an employee breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with the Council terminated or not renewed.
- 16.3. If a person makes a false complaint, or a complaint in bad faith (e.g. making up a complaint to get someone else in trouble, or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

**17. More information**

- 17.1. If a worker is unsure about any matter covered by this Policy, or requires more information about workplace bullying they should seek the assistance of their manager, or of the Manager People & Culture. They may also wish to seek external advice from the relevant regulatory authority, such as WorkCover.

**Variations**

The Council reserves the right to vary, replace or terminate this Policy from time to time.

***Associated documents***

- Anti-Discrimination and Equal Employment Opportunity Policy
- Code of Conduct
- Workplace Environment Statement



## 6.2.12 Review of Policy on Payment of Expenses and Provision of Facilities to Councillors

REPORT BY THE MANAGER GOVERNANCE TO 19 MARCH 2014 COUNCIL MEETING

Expenses and facilities  
GOV400038, A0110001

### RECOMMENDATION

That:

1. **the report by the Manager Governance on the Review of Policy on Payment of Expenses and Provision of Facilities to Councillors be received;**
2. **Council formally adopt the proposed amendments to its policy on the Payment of Expenses and Provision of Facilities to Councillors.**

### Executive summary

To consider amendments to the Council's policy on the Payment of Expenses and Provision of Facilities to Councillors.

### Detailed report

Council at its meeting considered a Notice of Motion recommending amendments to the policy on the Payment of Expenses and Provision of Facilities to Councillors and resolved as follows:

*"That Council amend the Payment of Expenses and Provision of Facilities to Councillors Policy - Part 2 - Payment of Expenses - b) Categories of Payment / Reimbursement (iii) Accommodation - to read as follows:*

*'Council may by resolution in advance of the event approve to meet all reasonable accommodation costs on the evening of the meeting for a Councillor when, in the opinion of the Council, travelling home would introduce undue risk to that Councillor. Accommodation will generally be booked by Council staff.*

*On "one off" occasions where in the opinion of the Mayor it would be impractical or introduce undue risk for the Councillor to travel home after the meeting, accommodation will be provided at Councils expense. If the Mayor is required to approve such expenses then that is to be reported to the Council in open meeting at the next Council meeting'.*

*This amendment to the Payment of Expenses and Provision of Facilities of Councillors Policy be placed on public consultation for 28 days."*

A copy of Council's policy on the Payment of Expenses and Provision of Facilities to Councillors is attached, with the relevant amendments shown as "track changes".

In accordance with the provisions of the Local Government Act these amendments were placed on public exhibition with an advertisement in the Mudgee Guardian and an article on Council's website on 7 February 2014 inviting submission up to 4.30 pm on Friday 7 March 2014.

Two (2) submissions were received in relation to the proposed amendments, one being from the Mid-Western Regional Council Ratepayers Workshop (not attached) and the other from Mr Allan and Mrs Naida Wills (copy attached). Briefly, both submissions oppose the proposed amendments.

It should be noted that all the proposed amendment to the policy provided was for accommodation costs to be approved by the Council rather than the Mayor except on the odd occasion prior to a Council resolution being able to be obtained, a Councillor found that travelling would be a risk to their safety, then the Mayor has the authority to approve.

The submission made by Mr & Mrs Wills seems to indicate that such a change does not ensure transparency and does not promote impartiality. It is somewhat difficult to see how they could arrive at this conclusion. The Expenses and Facilities policy is adopted and altered by the Council itself in an open meeting – one cannot envisage anything more transparent than that.

The submission generated by the Mid-Western Regional Council Ratepayers Workshop was unsigned and contains remarks that could well be construed as defamatory. The General Manager has therefore not included this submission for those reasons and the authors of the submission have been asked to revise their submission to remove those alleged defamatory remarks and to supply a further copy, this time signed and named by the individual who has forwarded the submission on behalf of the workshop.

Council's attention is drawn to the relevant legislative provisions regarding its Expenses and Facilities policy, which are set out below:

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

- (1) *Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

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

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*

- (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and
  - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and
  - (c) a copy of the notice given under subsection (1).
- (5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.

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

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

As provided above, Council needs to consider the submissions made prior to formally deciding whether to make any amendments to the Expenses and Facilities policy.

### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

The Council's policy on the Payment of Expenses and Provision of Facilities refers.

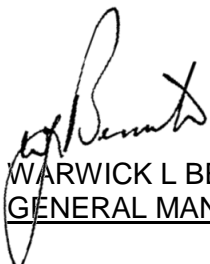


IAN ROBERTS  
MANAGER GOVERNANCE


10 March 2014

- Attachments:*
- 1. Policy on Payment of Expenses and Provision of Facilities to Councillors
  - 2. Submission from Allan and Naida Wills

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

	<b>POLICY</b>	<b>ADOPTED</b> C/M 18/9/13 Minute No. 362/13
	<b>Payment of Expenses and Provision of Facilities to Councillors</b>	<b>REVIEW: July 2014</b>  <b>FILE No A0110001</b>

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

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

**OBJECTIVES AND COVERAGE**

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

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

**REPORTING REQUIREMENTS**

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

**LEGISLATIVE PROVISIONS**Local Government Act 1993

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

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

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

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

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

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

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

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

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

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

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

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

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

Local Government (General) Regulation 2005

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

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

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

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

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

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

## **OTHER GOVERNMENT POLICY PROVISIONS**

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

This policy takes into account the following Circulars:

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

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

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

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

### ***ICAC publications***

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

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

## **PRIVATE BENEFIT**

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

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

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

## **APPROVAL ARRANGEMENTS**

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

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

Council does not provide general allowances to councillors.

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

Reimbursement and reconciliation of expenses

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

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

Claims will generally be paid within 14 days of receipt.

Payment in advance

Council will not generally make advance payments to Councillors.

**Spouse and partner expenses**

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

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

## a) Scope

Expenses will be paid for Councillors to attend:

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

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



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

b) Categories of Payment / Reimbursement

Council and Committee Meetings

(i) Travel

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

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

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

(ii) Meals

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

(iii) Accommodation

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

Council may by resolution in advance of the event approve to meet all reasonable accommodation costs on the evening of the meeting for a Councillor when, in the opinion of the Council, travelling home would introduce undue risk to that Councillor. Accommodation will generally be booked by Council staff.

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On "one off" occasions where in the opinion of the Mayor it would be impractical or introduce undue risk for the Councillor to travel home after the meeting, accommodation will be provided at Council's expense. If the Mayor is required to approve such expenses then that is to be reported to the Council in open meeting at the next Council meeting.

(iv) Spouses/Partners

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

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

(i) Travel

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

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

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

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

(ii) Out-of Pocket Expenses

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

(iii) Accommodation

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

Council may by resolution in advance of the event approve to meet all reasonable accommodation costs on the evening of the meeting for a Councillor when, in the opinion of the Council, travelling home would introduce undue risk to that Councillor. Accommodation will generally be booked by Council staff.

On "one off" occasions where in the opinion of the Mayor it would be impractical or introduce undue risk for the Councillor to travel home after the meeting, accommodation will be provided at Council's expense. If the Mayor is required to approve such expenses then that is to be reported to the Council in open meeting at the next Council meeting.

(iv) Spouses/Partners

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

Training Courses, Seminars or Conferences

(i) Registration

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

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(ii) Travel

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

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

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

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

(iii) Out-of-Pocket Expenses

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

(iv) Accommodation

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

Council may by resolution in advance of the event approve to meet all reasonable accommodation costs on the evening of the meeting for a Councillor when, in the opinion of the Council, travelling home would introduce undue risk to that Councillor. Accommodation will generally be booked by Council staff.

On "one off" occasions where in the opinion of the Mayor it would be impractical or introduce undue risk for the Councillor to travel home after the meeting, accommodation will be provided at Councils expense. If the Mayor is required to approve such expenses then that is to be reported to the Council in open meeting at the next Council meeting.

(v) Spouses/Partners

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

**Civic Business outside the LGA**

a) Scope

Expenses will be paid for Councillors to attend:

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

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

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

b) Categories of Payment/Reimbursement

(i) Registration

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

(ii) Travel

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

(A) Air

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

(B) Private Motor Vehicle

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

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

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

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

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

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

(C) Rail

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

(D) Taxi/Hire Car

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

(iii) Accommodation

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

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

(iv) Out-of-Pocket Expenses

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

(v) Spouses/Partners

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

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

**Care and other related expenses**

Councillors can claim up to \$100 per month for reimbursement of carer expenses that were incurred while attending Council business. This may include childcare expenses and the care of

immediate family members of Councillors who are elderly, have a disability and/or are sick. Reimbursement of childcare expenses will be made for children under 16 years of age only. Expenses will be paid on production of receipts.

#### **Communications expenses**

##### Telephone

Subject to the wishes of individual Councillors:

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

##### Internet

Subject to the wishes of individual Councillors:

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

##### Ongoing costs

Council will meet the cost of official calls and usage.

##### Provision for payment and monetary limits

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

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

Councillors will be responsible for all expenses above this amount.

##### Exceptional circumstances

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

#### **Administrative Expenses**

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

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

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

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

Councillors will receive the benefit of insurance cover for:

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

#### **Legal expenses and obligations**

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

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

Council will not:

- Meet expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term of office; or
- Meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances; or

- Meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

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

#### **Councillors**

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

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

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

- With the consent of the Councillor, be driven by the Councillor's spouse or partner as long as that person is legally licensed to drive the Council vehicle; or
  - Provided the Councillor is in the vehicle at the time, be driven by any other fully licensed driver.
- c) Meeting Rooms - Provision of meeting facilities in the Mudgee Administration Building for the purpose of Council, Committee and Working Parties/Special Committee meetings, and for meeting with constituents.
  - d) Photocopiers - provision of photocopying facilities generally for official purposes.
  - e) Combined Telephone/Facsimile/Answering Machine – for official purposes.
  - f) At the discretion of the individual Councillor, Personal desktop or laptop computer with access to the internet and appropriate Council software to a maximum value of \$5,000 – for official purposes. Council will provide associated training and software support.
  - g) Where practicable, provision of a Councillors room, incorporating meeting facilities, computer workstation, telephone, etc.
  - h) Provision of an Email address for Councillors, as requested, to facilitate access to Council's electronic mail.
  - i) Business Cards for his/her role as an elected representative.
  - j) A suitable name badge.
  - k) Protective apparel, including (where appropriate), hard hat, safety vest, safety footwear and sunscreen for on-site inspections.
  - l) Provision of administrative supplies (such as stationery, and supplies for computers and printers).

#### **Mayor**

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



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

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

- With the consent of the Mayor or Councillor, be driven by the spouse or partner of the Mayor or Councillor as long as that person is legally licensed to drive the Council vehicle; or
  - Provided the Mayor or Councillor is in the vehicle at the time, be driven by any other fully licensed driver.
- b) Mobile Telephone with a car kit - for official Council purposes.
- Council will meet the costs of service charges and official usage costs, with the Mayor to reimburse Council in respect of any private expenses incurred.
- c) Corporate Credit Card, to facilitate payment of official Council business expenses.
- d) Official stationary incorporating Mayoral letterhead for official Council correspondence issued under the hand of the Mayor.
- e) Business Cards for his/her role as Mayor.
- f) Secretarial Services - word-processing and administrative support provided by the Executive Secretary.
- g) Administrative Support - assistance with functions, organisations, meetings, and the like.
- h) Office Refreshments - as provided in the Mayoral Office for entertainment purposes.
- i) Where practicable, provision of an appropriate office, suitable for interviews and small civic receptions.
- j) Use of ceremonial clothing including Mayoral Robes and chains of office.
- k) A suitable name badge.

#### **Deputy Mayor**

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

#### **COUNCILLORS WITH DISABILITIES**

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

**PART 4: OTHER MATTERS****ACQUISITION AND RETURNING OF FACILITIES AND EQUIPMENT BY COUNCILLORS**

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

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

**CLAIMS FOR REIMBURSEMENT OF EXPENSES**

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

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

The General Manager,  
Mid-Western Regional Council  
[council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

7<sup>th</sup> March 2014.

RE: SUBMISSION ON CHANGES TO POLICY-PAYMENT OF EXPENSES AND  
PROVISION OF FACILITIES TO COUNCILLORS.

Dear Mr. Bennett and Councillors,

We believe these changes will be detrimental to the functioning of our Councillors  
and thus the Council.

At present some Councillors may see this as a power to discriminate against other  
fellow Councillors.

The proposal does nothing to ensure transparency as defined in the Local  
Government Guidelines for Policy on the provision of expenses and facilities to  
Councillors and Mayors.

The proposal does not ensure transparency of the decision making by the  
Councillors.

The proposal does not ensure impartiality in the decision making.


The proposal does not ensure strict guidelines over the decision making.

It is not a fair and reasonable proposal and could lead to future problems for the  
general and democratic running of Council.

We object for the above reasons.

Yours Faithfully,

Allan & Naida Wills  
704 Glen Alice Road  
Rylstone 2849  
02 6379 1450



cc The Minister for Local Government  
Division of local Government

*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**