



ORDINARY MEETING

Wednesday 4 June 2014



Mid-Western
REGIONAL COUNCIL



PO BOX 156
MUDGEE NSW 2850

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28 May 2014

Dear Councillor

MEETING NOTICE
Ordinary Meeting

Wednesday, 4 June 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 and Extraordinary meeting held on 21 May 2014

Council Decision:

That the Minutes of the Ordinary Meeting held on 21 May 2014, Minute Nos 178/14 to 214/14 and the Minutes of the Extraordinary Meeting held on 21 May 2014, Minute No 214/14 be taken as read and confirmed.

The Minutes of the Ordinary and Extraordinary Meetings are attached overleaf.

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 21 May 2014, commencing at 6.27pm and concluding at 8.05pm.

PRESENT	Cr D Kennedy (Mayor), Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, 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), Director Finance & Administration (B Exelby), Manager Statutory Planning (G Bruce), Manager Governance (I Roberts), Corporate Communications Officer (P Goldsmith).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (R Murray), Radio 2MG (C Bassett), ABC News (L Lemke).

Item 1: **Apologies**

An apology was received for the absence of Councillor Cavalier.

178/14 MOTION: Shelley / White

That the apology for the absence of Councillor Cavalier be received and leave of absence granted.

The motion was carried with Councillors voting unanimously.

179/14 MOTION: Shelley / Thompson

That Council authorise the filming and recording of the public part of this meeting by the media, from the public gallery or media area only.

The motion was carried with Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.2.8 as he is a hotel owner and this policy may affect his business.

Councillor White declared a non-pecuniary conflict of interest in Item 6.2.22 as she works in the tourism industry.

Councillor Weatherley declared a non-pecuniary conflict of interest in Item 6.2.14 and 8.1.1 as he was a member of the Joint Regional Planning Panel that made the determination that was appealed to the Land and Environment Court.

Councillor Martens declared a non-pecuniary conflict of interest in Item 6.2.14 and 8.1.1 as she was a member of the Joint Regional Planning Panel that made the determination that was appealed to the Land and Environment Court.

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.1 as he is currently doing contractual work in his private business for the applicant.

Councillor Walker declared a non-pecuniary conflict of interest in Item 6.2.3 as he owns land on the opposite side of the road to the application.

Councillor Thompson declared a less than significant non-pecuniary conflict of interest in Item 6.1.3 as he was a member of the executive committee to save the Gulgong Hospital but did not consider his role on the committee required him to leave the room.

Councillor White declared a less than significant non-pecuniary conflict of interest in Item 6.2.4 as her family member has made a submission to this DA and stated that she did not believe she needed to leave the meeting.

Councillor Martens declared a less than significant non-pecuniary conflict of interest in Item 6.2.4 as she applied to be a member of the Kandos Museum Committee but does not hold an executive position and thus believes she did not need to leave the meeting.

Item 3: Confirmation of Minutes

180/14 MOTION: Shelley / Webb

That the Minutes of the Ordinary Meeting held on 7 May 2014 (Minute Nos. 154/14 to 177/14) be taken as read and confirmed, with the amendment that Councillor Webb voted against Item 6.1.2.

The motion was carried with Councillors voting unanimously.

Item 4: Matters in ProgressRylstone/Kandos Sewerage Augmentation**181/14 MOTION: Shelley / White****That Minute no. S.85/10 be noted as completed.**

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

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

Protect the Drip Gorge**182/14 MOTION: Shelley / White****That Minute no. 65/14 be noted as completed.**

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

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

Item 5: Mayoral Minute

There was no Mayoral Minute.

Item 6: General Business

6.1 NOTICES OF MOTION

6.1.1 INTRODUCE CREDIT CARD POLICY

GOV400022, GOV400038

183/14 MOTION: White / Martens

That Mid-Western Regional Council introduces a Credit Card Policy the purpose of which is to regulate the use of credit cards by councillors and staff and to provide guidelines on the issue and use of such cards. The policy should provide clarity of process for the cardholders by setting out instructions for use, the review of transactions and reporting on use of cards. Council's Director Finance should undertake an audit of credit card usage at least once in every 6-month period and provide a copy of the audit report to the council.

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

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

6.1.2 LAWSON PARK WEST AS ART GALLERY SITE

MOTION: Webb / White

That Council include Lawson Park-west as an option for the location of a Regional Art Gallery in the pARTicipate investigation.

The motion was put and lost on the Mayor's casting vote with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Kennedy		✓
Cr Martens	✓	
Cr Shelley		✓

Cr Thompson	✓	
Cr Walker		✓
Cr Weatherley		✓
Cr Webb	✓	
Cr White	✓	

6.1.3 OLD GULGONG HOSPITAL AS ART GALLERY SITE

GOV400022, GOV400038

MOTION: Webb / Thompson

That Council include the Old Gulgong Hospital as an option for the location of a Regional Art Gallery in the pARTicipate investigation and prepare a planning proposal to make the use permissible on the site.

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

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

6.2 REPORTS TO COUNCIL

6.2.1 DEVELOPMENT APPLICATION 0214/2014 PROPOSED SEVEN (7) LOT TORRENS TITLE INDUSTRIAL SUBDIVISION AND THE ERECTION OF INDUSTRIAL BUILDINGS AT LOT 210 DP775001, 36B SYDNEY ROAD, MUDGEE

GOV400038, DA0214/2014, P 8496

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.1 as he is currently doing contractual work in his private business for the applicant, left the meeting at 7.02pm and did not participate in discussion or vote in relation to this matter.

184/14 MOTION: Shelley / Weatherley

That:

- 1. the report by the Senior Town Planner on the Development Application 0214/2014 Proposed Seven (7) Lot Torrens Title**

Industrial Subdivision and the Erection of Industrial Buildings at Lot 210 DP775001, 36B Sydney Road, Mudgee be received;

- 2. Development Application 0214/2014 for the seven (7) lot Torrens Title Industrial subdivision and the erection of industrial buildings on each lot at Lot 210 DP775001, 36B Sydney Road Mudgee be approved subject to the following conditions:**

APPROVED PLANS

- 1. Development is to be carried out generally in accordance with stamped plans 3312-A01 to 3312-A09 and BK041.dwg Pages 1 to 4 and the Application received by Council on 16 December 2013 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.**
- 2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy**

AMENDMENTS

- 3. The maximum fill permitted to be placed on proposed Lot 1 is limited to 500mm above the existing natural ground level as shown on Plan No.BK041.dwg, Sheet 3 of 4.**
- 4. No roller-doors are to be constructed in the north-western wall of the proposed workshop on Lot 1 in the subdivision of Lot 210 DP775001.**
- 5. A 1.8 metre high lapped and capped timber fence is to be provided along the western and southern boundaries (Golf Club land and adjoining industrial development to the south) of the development prior to the commencement of any works on the site.**

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE - CIVIL

- 6. 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.**
- 7. A detailed engineering design (including sediment and erosion control) supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports**

- and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of a *Construction Certificate*.
8. Engineering plans of the sewer mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a *Construction Certificate*
Note 1: Council will quote on connecting any sewer or water main extension to the existing “live” main on receipt and approval of engineering plans.
Note 2: Council does not permit other bodies to insert new junctions into ‘live’ sewer mains.
 9. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5 year ARI. All storm water detention details including analysis shall be included with the drainage report
 10. The Cul-de-sac proposed at the end of Depot road must be designed pursuant to “AUSTROADS Design Vehicles and Turning Path Templates Guide 2013” to accommodate at least a B-Double turning radius (15m) when travelling between 5-15km/hr. The turning path plan must be submitted to Council prior to the issue of the Construction Certificate.
 11. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE - BUILDING

The following conditions must be compiled with prior to Council or an accredited Certifier issuing a Construction certificate for the proposed building.

12. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.

13. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
14. 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 | \$55,426.00 |
| Sewerage Headworks | \$26,959.00 |
| Total Payable | \$82,385.00 |
- (b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.

PRIOR TO THE COMMENCEMENT OF WORKS – CIVIL

15. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
16. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
17. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be provided to Mid-Western Regional Council as an interested party. All work is to be at no cost to Council.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

18. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a) the appointment of a Principal Certifying Authority and
- b) the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
19. The site shall be provided with a waste enclose (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are

contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE

20. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
 - a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - c) the name, address and telephone number of the principal certifying authority for the work,
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
21. Prior to the commencement of works on site, the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property.

CIVIL CONSTRUCTION

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

22. 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.
23. The developer is to grant Council (or an Accredited Certifier on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
24. The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
 - Installation of sediment and erosion control measures
 - Water and sewer line installation prior to backfilling
 - Establishment of line and level for kerb and gutter placement
 - Road and driveway pavement construction (including excavation, formwork and reinforcement)

- Road pavement surfacing
 - Practical completion
25. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.30am 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.
26. 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.
27. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.
28. The requirements for stormwater quality, as specified in the DCP, shall be addressed in the design prior to issue of the Construction Certificate. The design shall be such that there is no increased maintenance burden on Council.
29. The Developer must upgrade Depot road for the full frontage of the subdivision to the following standard:

Item	Requirement
Road Reserve Width	12 m
Pavement Width	2 x 3.5m travel lanes
Seal	Asphalt (Hot mix)
Drainage	To centre median swale

30. Car parking for lots 1-6 must comply with the following standards:
- All vehicles must be provided adequate means to exit the lot in a forward direction.
 - Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - Each disabled car parking space is to be in accordance with the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard as 2890.1 – 2004;
 - All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times;
 - The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority *Guide to Traffic Generating Developments 1992* and

Australian Standard AS2890.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.

31. 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: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.

32. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
- diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water;
 - maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

WATER AND SEWER

33. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development 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.
34. The applicant is to provide separate water and sewer reticulation services to each lot.
35. Three metre wide easements, including associated Section 88B Instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

BUILDING CONSTRUCTION

36. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental

Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.

37. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
38. Construction work noise that is audible at other premises is to be restricted to the following times:
Monday to Saturday - 7.00am to 5.00pm
No construction work noise is permitted on Sundays or Public Holidays.
39. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
40. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
41. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

42. 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
43. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
44. If the *Subdivision Certificate* is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
45. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision.
46. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:

- A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
 - all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or an agreement be made between the developer and Council;
 - as to the security to be given to Council that the works will be completed or the contribution paid, and
 - as to when the work will be completed or the contribution paid.
47. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an “Autocadcompatible” 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.
48. 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 of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
49. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of:
- The levy is: \$24,500 based on the estimated cost of development of \$ 2,450,000.00
50. 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 \$1650 per lot to cover the cost of installing both the service and a 20mm meter on the water main.
- 6 x \$1650 = \$9,900

TOTAL PAYABLE

Note: Council does not permit other bodies to connect to ‘live’ water mains.

OR

51. Where the water service has been provided by the developer. The developer is to provide a water meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$370.00 per lot to cover the cost of a 20mm meter and installation.

TOTAL PAYABLE 6 x \$370 = \$2,220

Note: Council does not permit other bodies to connect to 'live' water mains.

52. The developer is to provide a sewer junction for each dwelling in the subdivision. This can be achieved by making a payment to Council of \$1,450.00 per new junction to cover the cost of Council installing a junction in an existing main.

TOTAL PAYABLE 6 x \$1,450.00 = \$8,700

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

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

53. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
54. All car parking and associated driveway works are to be completed prior to occupation of the development.

CONDITIONS RELATED TO THE ONGOING USE OF THE SITE

55. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.
56. All loading and unloading in connection with the premises shall be carried out wholly within the site.
57. Garbage areas are to be adequately screened from public view with an opaque fence and / or adequate landscaping.
58. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.

59. All security fencing is to be pre-coloured or powder coated. Security fencing to the public road frontage is to be erected on or behind the front building line. Full details of proposed fencing is to be included on the landscaping plan.
60. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
61. No display or sale of goods is to take place from public areas or footpaths fronting the premises.
62. All 'Colorbond' material for the proposed sheds is to be non-reflective.
63. Hours of operation of the industrial buildings are restricted to the following times;
Monday to Saturday 7.00am to 6.00pm
No work is permitted on Sundays or Public Holidays
64. The combined maximum permitted noise level for all activities within the subject industrial development is 5dB(A) above the background noise level of 39dB(A) as measured at the property boundary of Lot 210 DP 775001 and the Mudgee Golf Course and the residentially zoned land.

The motion was carried with Councillors voting unanimously.

Councillor Walker returned to the meeting at 7.03pm.

6.2.2 DA0249/2014 – PROPOSED 45 LOT RESIDENTIAL
SUBDIVISION, LOT 2 DP 538790, 17-29 FAIRYDALE LANE, MUDGEE
GOV400038, DA0249/2014

185/14 MOTION: White / Shelley

That:

1. The report by the Senior Town Planner on Development Application 0249/2014 - 45 lot staged subdivision of Lot 2 DP538790 17-29 Fairydale Lane, Mudgee be received;
2. That Development Application 0249/2014 for 45 lot staged subdivision of Lot 2 DP538790 17-29 Fairydale Lane, Mudgee be approved subject to the following conditions:

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans BK083 CONCEPT.dwg dated 8 April 2014 sheet 1 of 2 and the Application received by Council on 21 January 2014 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

GENERAL

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

2. A new Restriction as to User be placed upon proposed lots 1 – 7 and 27 – 33 requiring all dwellings to be constructed in accordance with Category 2 Acoustic Treatment of Residences, Appendix C of the Department of Planning's publication, Development near Rail Corridors and Busy Roads – Interim Guidelines as follows;
 - Windows/ Sliding doors – Openable 6mm monolithic glass and full perimeter acoustic seals;
 - Timber frame or Cladding Construction – 6mm fibre cement sheeting or weatherboards or plank cladding externally, 90mm deep timber stud or 92mm metal stud, 13mm standard plasterboard internally with R2 insulation in wall cavity;
 - Brick veneer Construction – 110mm brick, 90mm deep timber stud or 92mm metal stud, minimum 50mm clearance between masonry and stud frame, 10mm standard plasterboard internally;
 - Double brick cavity Construction – 2 leaves of 110mm brickwork separated by 50mm gap;
 - Roof – Pitched concrete or terracotta tile or metal sheet roof with sarking, 10mm plasterboard ceiling fixed to ceiling joists, R2 insulation batts in roof cavity;
 - Entry door – 40mm solid core timber door fitted with full perimeter acoustic seals;
 - Floor – 1 layer of 19mm structural floor boards, timber joists on piers, or concrete slab on ground;
 - Ducted air conditioning and/or ventilation is to be provided to all living rooms and bed rooms.
3. A Restriction as to User be placed upon proposed lots 3 – 7 and 27 – 33 stating no habitable buildings are to be located on the allotments within the area twenty five metres from the rail line without a full noise assessment being undertaken by an acoustic consultant and a report detailing findings and recommendations.

4. A Restriction as to User be placed upon proposed lot 18 stating that multi dwelling housing is not permitted on the allotment due to non-compliance with Council's DCP.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

1. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
2. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid Western Regional Council prior to any work commencing.
3. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be provided to Mid-Western Regional Council. All work is to be at no cost to Council.
4. A detailed engineering design (including but not limited to sediment and erosion control, sewer/water main extensions, drainage networks and road works) supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council prior to the issue of a *Construction Certificate*.

Note 1: Council will quote on connecting any sewer or water main extension to the existing "live" mains on receipt and approval of engineering plans.

Note 2: Council does not permit other bodies to insert new junctions into 'live' sewer mains.

5. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
6. 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.

7. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed two (2) new roads within the subdivision, are to be submitted to Council for approval.
 8. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
 9. The developer is to grant Council (or an *Accredited Certifier* on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
 - The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
 - Installation of sediment and erosion control measures
 - Water and sewer line installation prior to backfilling
 - Establishment of line and level for kerb and gutter placement
 - Road and driveway pavement construction (including excavation, formwork and reinforcement)
 - Road pavement surfacing
 - Practical completion
- The contractor/owner must arrange an inspection by contacting Council's Development and Community 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.
10. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication *Australian Rainfall and Run-off to the Principal Certifying Authority* for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5yr ARI. All storm water detention details including analysis shall be included with the drainage report.

STORMWATER DRAINAGE

11. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb

and gutter. Such outlets shall be located near the projected line of allotment side boundaries.

12. 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.
13. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.

ROADS, KERBS AND VEHICULAR ACCESS

14. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
15. All accesses must comply with Council's Access Policy, AUSTROADS Part 4A and any other relevant RMS supplements.
16. The developer is to upgrade Fairydale Lane for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	5 m @ 3% crossfall
Nature Strip (x1)	4.5 m
Concrete Footpath (x1)	2.5m wide
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

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

Item	Requirement
Road Reserve Width	18 m
Pavement Width	9 m @ 3% crossfall
Nature Strip (x2)	4.5 m

Concrete Footpaths (x1)	1.2m wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

EARTHWORKS

18. 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: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.

19. Runoff and erosion controls shall be installed prior to clearing and incorporate:-

- diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
- sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water;
- maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

WATER AND SEWER

20. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development 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.

21. The applicant is to provide separate water and sewer reticulation services to each lot.

22. Three metre wide easements, including associated Section 88B of the *Conveyancing Act 1919* instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject

property, or extended through adjoining private properties as a result of this subdivision.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

23. 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
24. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
25. If the *Subdivision Certificate* is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
26. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision.
27. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:
- A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
 - all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - an agreement be made between the developer and Council;
 - as to the security to be given to Council that the works will be completed or the contribution paid, and
 - as to when the work will be completed or the contribution paid.
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. 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 of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.

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

Stage 1:

Transport Management	
Traffic Management	17,078
Open Space	0
Local Open Space	26,792
District Open Space	36,353
Community Facilities	0
Library Buildings	3,508
Library Resources	4,202
Administration	0
Plan Administration	8,173
TOTAL	96,105

Stage 2:

Transport Management	
Traffic Management	33,017
Open Space	0
Local Open Space	51,798
District Open Space	70,282
Community Facilities	0
Library Buildings	6,782
Library Resources	8,124
Administration	0
Plan Administration	15,800
TOTAL	185,803

31. 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:

Stage 1 (16 lots):

Water Headworks	\$ 132,546
Sewerage Headworks	\$ 58,872
Total Payable	\$ 191,418

Stage 2 (29 lots):

Water Headworks	\$ 222,918
Sewerage Headworks	\$ 103,992
Total Payable	\$ 326,910

(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.

32. 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 \$1650 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE 44 x \$1650 = \$72,600

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

OR

33. Where the water service has been provided by the developer. The developer is to provide a water meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$370.00 per lot to cover the cost of a 20mm meter and installation.

TOTAL PAYABLE 44 x \$370 = \$16,280

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

34. The developer is to provide a sewer junction for each dwelling in the subdivision. This can be achieved by making a payment to Council of \$1,450.00 per new junction to cover the cost of Council installing a junction in an existing main.

TOTAL PAYABLE 45 x \$1,450.00 = \$65,250

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

35. In accordance with the provisions of section 94 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council for Drainage in Catchment 2A. The contributions are subject to CPI INCREASE

Stage 1: 16 lots x \$5003.79 = \$80 060.64

Stage 2: 29 lots x \$5003.79 = \$145 109.91

The motion was carried with Councillors voting unanimously.

6.2.3 DA0326/2014 – PROPOSED STAGED DEVELOPMENT -
DWELLING – LOT 313 DP 1183266, 52 LUE ROAD MILROY
GOV400038, DA0326/2014

Councillor Walker declared a significant non-pecuniary conflict of interest in Item 6.2.3 as he owns land on the opposite side of the road to the application, left the meeting at 7.04pm and did not participate in discussion or vote in relation to this matter.

MOTION: Thompson / Weatherley

That this Development Application be deferred allowing the applicant to address the concerns raised in the planners' report.

186/14

AMENDMENT: Webb / Martens

1. the report by the Senior Town Planner on Development Application 0326/2014 for the staged development of a dwelling on Lot 313 DP1183266 52 Lue Road, Milroy be received;
2. That Development Application 0326/2014 for the staged development of a dwelling on Lot 313 DP1183266 52 Lue Road, Milroy be refused for the following reasons;
 1. The proposed development for a dwelling to be located within the High Flood Risk Precinct is inconsistent with the Mid-Western Regional Development Control Plan Clause 5.2 Flooding – Development Controls Matrix 2 that does not support residential development in the high risk precinct.
 2. The proposed development for a dwelling to be located within the High flood risk Precinct is inconsistent with Clause 6.2 (1) of the Mid-Western Regional LEP 2012 as the development does not meet the objectives of the clause to minimise risk to life and property associated with flooding.
 3. The proposed development for a dwelling to be located within the High flood risk Precinct is inconsistent with Clause 6.2 (3) of the Mid-Western Regional LEP 2012 as the development is incompatible with the flood hazard, does not incorporate measures to reduce risk and may result in unsustainable social and economic costs to the community as a consequence of flooding.
 4. The proposed development for a dwelling to be located within the High Flood Risk Precinct is inconsistent with the Mid-Western Regional Development Control Plan Clause 5.2 Flooding Development Control, Performance Criteria (c) as a reliable access is not available for evacuation.

5. The proposed development fails to provide a suitable road access which is inconsistent with the Clause 6.9 Essentials Services of the Mid-Western Regional Local Environmental Plan 2012 as Council cannot be satisfied that emergency services can adequately access the site during a flood event or that the future inhabitants will have suitable means of access during flood/storm events.
6. The proposed development for a dwelling with a front setback of 30 metres is inconsistent with the Mid-Western Regional Development Control Plan Clause 6.1 Dwellings in Rural Areas as the setback standard of 60 metres as it will degrade the existing open visual amenity of the locality.
7. The proposed development is not considered to be in the public interest as it will increase the costs to the community during flood events and may lead to further development on the floodplain.
8. The applicant has failed to demonstrate that the intensive plant agriculture use has sufficient water supply which is inconsistent with clause 4.2B of the Mid-Western Regional LEP 2012 and the Comprehensive DCP 2013 Part 6.1.

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

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

Councillor Walker returned to the meeting at 7.09pm.

6.2.4 MA0080/2014 – INTERNAL ALTERATIONS TO THE KANDOS BI-CENTENNIAL INDUSTRIAL MUSEUM – LOTS 10 & 11 SEC. 1 DP 8161, 20-24 BUCHANAN STREET KANDOS
GOV400038, MA0080/2014

187/14 MOTION: Shelley / White
That:

1. the report by the Manager, Statutory Planning on the MA0080/2014 – Internal alterations to the Kandos Bi-Centennial Industrial Museum – Lots 10 & 11 Sec. 1 DP 8161, 20-24 Buchanan Street Kandos be received;
2. MA0080/2014 – Internal alterations to the Kandos Bi-Centennial Industrial Museum – Lots 10 & 11 Sec. 1 DP 8161, 20-24 Buchanan Street Kandos be approved with the following conditions;

APPROVED PLAN

1. Development is to be carried out in accordance with stamped plans and drawing forming part of application 0362/2011 received by Council on 15.06.2011 and drawings forming part of application MA0080/2014 received by Council on the 23.04.2014 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

GENERAL

1. Signage indicating the location of disabled parking is to be displayed at the driveway entrance to the site and adjacent to the new building entrance.
2. An entrance ramp at grade 1:14 is to be provided; the purpose being to enable wheelchair access to the building.
3. Internal upgrades to enable wheelchair access within the building are to be undertaken without compromising significant building fabric.

HEALTH AND BUILDING

4. Submission of construction certificate
No work is to commence until such time as Council has received a construction certificate for all the proposed works. Council or an Accredited Certifier may issue construction certificates.
5. Construction operating hours
Site works and building works, including the delivery of materials to and from the property are to be carried out between the hours of 7.00 am and 6.00 p.m. only from Mondays to Fridays and between 8.00 am and 1.00 p.m. only on Saturdays. No construction works or deliveries for the construction are to take place on Sundays or public holidays.

Compliance with Building Code of Australia

6. All building work must be carried out in accordance with the requirements of the Building Code of Australia. This includes, but is not limited to the following:
7. A second exit is to be provided to comply with Part D1.4 of the Building Code of Australia.
8. Both exits are to be constructed in accordance with Parts D1.10 and D2.13 of the Building Code of Australia.
9. Doors and latches are to comply with Parts D2.20 and D2.21 of the Building Code of Australia.
10. Handrails are to be provided to all ramps in accordance with Part D2.17 of the Building Code of Australia.
11. Two disabled car parking spaces shall be provided adjacent to the new entry of the building in accordance with part D3.5 of the Building Code of Australia.
12. Portable fire extinguishers shall be provided in accordance with Part E1.6 of the Building Code of Australia.
13. Exit signs and direction signs shall be upgraded/provided to comply with Part E4.5 of the Building Code of Australia.

Final Fire Safety Certificate

14. On completion of the alterations a copy of the final Fire Safety Certificate is to be provided to the Commissioner of NSW Fire Brigades, Council and a further copy is to be prominently displayed in the building.

Annual Fire Safety Certificate

15. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Certificate certifying that each specified fire safety measure is capable of performing to its specification.

Use Of Building Not To Recommence Until Conditions Of Consent Satisfied

16. The use of the premises is not to recommence until all terms of this consent have been satisfied.

Salinity prevention

17. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson		✓

Cr Walker	✓
Cr Weatherley	✓
Cr Webb	✓
Cr White	✓

6.2.5 PLANNING PROPOSALS: YAMBLE CLOSE, LOT 113
DP755433 SNELSON'S LANE GULGONG AND LOT SIZE FOR
MULTI-UNIT HOUSING

GOV400038, LAN900046

188/14

MOTION: Shelley / Weatherley

That:

1. **the report by the Manager Strategic Planning on the Planning Proposals: Yamble Close, Lot 113 DP755433 Snelson's Lane Gulgong and Lot Size for Multi-unit housing be received;**
2. **Council prepare a Planning Proposal to**
 - a) **amend the minimum lot size in Yamble Close to 2000m2,**
 - b) **facilitate the development of a Transport depot in Snelson's Lane Gulgong and**
 - c) **reduce the minimum lot size for Multi-unit housing from 400m2 to 300m2; and**
3. **the Planning Proposal be forwarded to the Gateway for determination.**

The motion was carried with Councillors voting unanimously.

6.2.6 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING &
DETERMINED

GOV400038

189/14

MOTION: Shelley / Martens

That the report by the Director, Development and Community Services on the Monthly Development Applications Processing & Determined in April 2014 be received.

The motion was carried with Councillors voting unanimously.

6.2.7 URBAN STORMWATER HARVESTING AND REUSE, MUDGEE
GOV400038, ENV200033

190/14 MOTION: Shelley / Martens

That:

1. the report by the Manager, Development Engineering on Urban Stormwater Harvesting and Reuse, in Mudgee be received;
2. Council not proceed with further investigation into stormwater harvesting and reuse in Mudgee.

The motion was carried with Councillors voting unanimously.

6.2.8 RE-ESTABLISHMENT OF ALCOHOL FREE ZONES
GOV400038, A0130008

191/14 MOTION: Shelley / White

That in the absence of the Deputy Mayor and with the Mayor declaring a conflict of interest and being required to leave the meeting, Councillor Weatherley Chair this section of the meeting.

The motion was carried with Councillors voting unanimously.

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.2.8 as he is a hotel owner, left the meeting at 7.12pm and did not participate in discussion or vote in relation to this matter, and in his absence Councillor Weatherley assumed the Chair.

192/14 MOTION: Thompson / Martens

That:

1. the report by the Manager, Health and Building on the Re-Establishment of Alcohol Free Zones be received;
2. That Council support the re-establishment of Alcohol Free Zones for a further four years within the Central Business Districts of Kandos, Rylstone, Mudgee and Gulgong in order to:
 - a) Improve community safety by preventing disorderly behaviour caused the by the consumption of alcohol
 - b) Contribute to increasing and fostering; accessible and safe areas, community confidence and pride in local identity.
 - c) Assist in preventing damage to business premises and infrastructure by creating safe areas adjacent to those business premises with the Central Business Districts.

The motion was carried with Councillors voting unanimously.

Councillor Kennedy returned to the meeting at 7.13pm and resumed the Chair.

6.2.9 MONTHLY STATEMENT OF BANK BALANCES AND INVESTMENTS AS AT 30 APRIL 2014

GOV400038, A0100056, A0140304

193/14 MOTION: Walker / Shelley

That:

- 1. the report by the Manager, Financial Planning on the Monthly statement of bank balances and investments as at 30 April 2014 be received;**
- 2. the certification of the Responsible Accounting Officer be noted.**

The motion was carried with Councillors voting unanimously.

6.2.10 FINANCIAL ASSISTANCE APPLICATIONS

GOV400038, A0100056, A0140201

Councillor Thompson requested that his discretionary funds be allocated to four organisations in Gulgong namely the Gulgong Turf Club (\$600), Henry Lawson Heritage Committee (\$200), Gulgong Sports Council (\$200) and the Save the Gulgong Hospital Committee (\$200).

After making this request, Councillor Thompson declared a pecuniary conflict of interest as he was an executive committee member of all four organisations and left the meeting at 7.18pm. Although Councillor Thompson participated in the discussion, he did not participate in the final voting.

The Council expressed concerns about the pecuniary interest that Councillor Thompson had failed to declare at the beginning of the meeting and then declared after he participated in the discussion. Council withdrew reference to Councillor Thompson's request when the motion was put to the vote.

194/14 MOTION: Shelley / Weatherley

That:

- 1. the report by the Financial Accountant on the Financial Assistance Applications be received;**
- 2. Council note that the Financial Assistance budget for 2013/2014 is fully expended. Councillors should consider any donations from their discretionary funds.**
- 3. Funds be allocated as follows from Councillors' discretionary funds:**

Councillor White	\$100	Disability Support Services
	\$100	Endurance Riders

Councillor Walker	\$500	Endurance Riders
Councillor Weatherley	\$500	Mudgee Performing Arts Society
	\$500	Music and Dramatic Society
	\$500	Twin Town Players
Councillor Martens	\$200	Kids and Carers Kandos
	\$200	Rylstone CWA
	\$200	Mudgee Disability Support Services
Councillor Kennedy	\$2000	Mudgee District Hospital

The motion was carried with Councillors voting unanimously.

Councillor Thompson returned to the meeting at 7.21pm and was informed of Council's decision.

6.2.11 CLASSIFICATION OF LAND – LOT 1 DP 1187003, LIBRARY LANEWAY 62A MARKET STREET MUDGEE

GOV400038, P0057611

195/14 MOTION: White / Shelley

That:

- 1. the report by the Revenue & Property Manager on the Classification of Land – Lot 1 DP 1187003, Library Laneway 62A Market Street Mudgee be received;**
- 2. Council notify the public of its intention to classify the land adjacent to the Mudgee Library being Lot 1 DP 1187003 as Operational by exhibiting the proposal for 28 days and should there be no submissions from the public, the lands be so classified as Operational.**

The motion was carried with Councillors voting unanimously.

6.2.12 PURCHASE OF LAND FOR HANGAR DEVELOPMENT AT MUDGEE AIRPORT

GOV400038, F0470025

196/14 MOTION: Weatherley / Martens

That:

- 1. the report by the General Manager on the Purchase of Land for Hangar Development at Mudgee Airport be received;**

2. Council decline the request by Mr Noel Dawson to purchase 3000 square metres of Council land at the Mudgee Airport adjacent to George Campbell Drive containing the aircraft hangar he owns.

The motion was carried with Councillors voting unanimously.

6.2.13 RATES 2014/15

GOV400038, RAT700032

Councillor Shelley left the room at 7.22pm during parts of the discussion on this matter and returned at 7.25pm and participated in the decision.

MOTION: Webb / White

That:

1. the report by the General Manager on the Rates 2014/15 be received;
2. Council maintains its current draft Revenue Policy that is on public exhibition as its preferred option.

197/14

AMENDMENT: Thompson / Kennedy

That Council puts out for public consultation for 28 days (from 23rd May until 20th June 2014) an amended draft Revenue Policy to include options for the portion of rates per category that will be raised in the 2014/15 financial year. Those options to be based on the following options:

1. the current draft Revenue Policy that has no increase in the rates revenue for the farmland, business and residential categories and the balance of the rating revenue be allocated to the mining category – being 31.5% and 33.1%.
2. Increasing the rates revenue for the farmland, business and residential categories by 1% with the balance of the rating revenue be allocated to the mining category – being 23.8% and 25.3%.
3. Increase the rates revenue for farmland, business and residential categories by 1% plus the portion of available catch up with the balance of the rating revenue be allocated to the mining category – being 14.6% and 16.1%.
4. Increasing the rates revenue for the farmland, business and residential categories by 2% with the balance of the rating revenue be allocated to the mining category – being 16.1% and 17.5%.
5. Increase the rates revenue for farmland, business and residential categories by 2% plus the portion of available catch up with the balance of the rating revenue be allocated to the mining category – being 6.9% and 8.3%.

And that Council hold an extraordinary meeting on Monday 23rd June to consider submissions on the revised draft Revenue Policy and the options contained therein and determine at that extra-ordinary meeting the allocation of rating revenue from each category for the 2014/15 financial year.

The amendment was put and carried on the Mayor's casting vote and on being put as the motion was again carried on the Mayor's casting vote with Councillors voting as follows:

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

6.2.14 MAC GROUP APPEAL

GOV400038, A0420251

The Mayor notified that this matter will be deferred pending discussions during the Confidential Section of this meeting.

6.2.15 ECONOMIC DEVELOPMENT AND EVENTS UPDATE Q1 2014

GOV400038, A0820020

198/14 MOTION: Shelley / Walker

That the report by the Economic Development Officer on the Economic Development and Events Update Q1 2014 be received.

The motion was carried with Councillors voting unanimously.

6.2.16 EARLY CHILDHOOD EDUCATION AND CARE SERVICES FACILITY

GOV400038, A0820020, COU500081

199/14 MOTION: Webb / Shelley

That:

- 1. the report by the Economic Development Officer on the Early Childhood Education and Care Services Facility be received;**

2. Council proceed with the development of an Early Childhood Education and Care Services Facility on the Council owned land in Saleyards Lane Mudgee;
3. Council does not operate the early Childhood Education and Care Services Facility but calls for expression of interest to operate the said facility and enters into a long term lease (15 Years) with an operator at market rental;
4. the General Manager be delegated authority to immediately proceed with a boundary adjustment to create an allotment of 1456 square metres from the Saleyards Lane property for the purpose of developing an Early Childhood Education and Care Services Facility;
5. the General Manager immediately proceed with obtaining all necessary consents to develop an Early Childhood Education and Care Services Facility on the Saleyards Lane site;
6. the General Manager immediately proceed with the project development for an Early Childhood Education and Care Services Facility including calling for expressions of interest to operate the facility and tenders for the design and construction of the facility;
7. Council authorises the General Manager and the Mayor to affix the Common Seal of the Council to all documentation with the State Government to have the allocation of the Cobbora Monies being transferred to Council; and
8. Council write to the State Treasurer, the Hon Andrew Constance, the MPs for Dubbo (Troy Grant) and Orange (Andrew Gee) and thank them sincerely for the financial grant that will allow an Early Childhood Education and Care Services Facility to be developed in this Region.

The motion was carried with Councillors voting unanimously.

6.2.17 SEAL EXTENSION NULLO MOUNTAIN ROAD AND LOCHIEL LANE

GOV400038, R9012001

200/14

MOTION: Shelley / Thompson

That:

1. the report by the Business Manager Works on the Seal Extension Nullo Mountain Road and Lochiel Lane be received;
2. Council consider as part of the 2014/15 budget that 2.0km length of steep hill section Nullo Mountain Road to be sealed at a cost of \$120,000 and 20m section at the Lochiel Lane, Mudgee be sealed at a cost of \$4,000.

The motion was carried with Councillors voting unanimously.

6.2.18 AUSTRALIAN DISABILITY ENTERPRISE ACCREDITATION

GOV400038, A0160007

201/14 **MOTION: Shelley / Weatherley**

That the report by the Business Manager Resources & Recreation on the Australian Disability Enterprise Accreditation be received.

The motion was carried with Councillors voting unanimously.

6.2.19 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE

GOV400038, F0650007

202/14 **MOTION: Walker / Shelley**

That:

1. **the report by the General Manager on the Mudgee Showground Management Committee be received;**
2. **that the Mudgee Showground Four Year Business Plan be received for information but not adopted as a council document;**
3. **Council advises the Mudgee Showground's Management Committee that it cannot adopt the four year business plan for the following reasons**
 - **a number of issues in the plan are contrary to Council policy**
 - **the additional operating costs stated in the business plan have not been accounted for in the four year forward delivery plan and budget**
 - **the capital works programme is beyond Council's financial means even if grants were successful and not included in the Council's Long Term Financial Strategy**
 - **operational costs such as marketing need to be realistically addressed as part of the ongoing operations budget**
4. **the business plan be referred back to the Mudgee Showground's Management Committee for review and amendment to ensure the plan aligns with Council policy and financial plans;**
5. **Council receive the minutes of the Mudgee Showground Management Committee from their bi-annual meeting held on the 4th February 2014.**

AMENDMENT: Webb / Martens

1. **the report by the General Manager on the Mudgee Showground Management Committee be received;**
2. **that the Mudgee Showground Four Year Business Plan be received and adopted as a council document;**
3. **Council receive the minutes of the Mudgee Showground Management Committee from their bi-annual meeting held on the 4th February 2014.**

The amendment was put and lost on the Mayor's casting vote with Councillors voting as follows:

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

The motion was then put and carried on the Mayor's casting vote with Councillors voting as follows:

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

6.2.20 FIXING OF ANNUAL FEES FOR COUNCILLORS AND THE MAYOR

GOV400038, A0110001

MOTION: Walker / Weatherley

That:

1. the report by the Manager Governance on the Fixing of Annual Fees for Councillors and the Mayor be received;
2. Council fix the fees for Councillors and the Mayor for the period July 2014 to June 2015 at \$10,740 for Councillors and \$23,440 for the Mayor;
 - (a) Council pay the Deputy Mayor a fee, to be deducted from the fee payable to the Mayor, for periods of 7 days or more, where the Mayor is unable to carry out the duties of Mayor, such fee to be for the period that the Deputy Mayor acts in the role of the Mayor;
 - (b) the calculation of this fee to be determined at a pro rata rate of the Mayor's annual fee.

203/14

AMENDMENT: Shelley / White

That the current fees payable to Councillors be retained.

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

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

6.2.21 JULY COUNCIL MEETING

GOV400038

204/14

MOTION: Walker / Weatherley**That:**

- 1. the report by the General Manager on the July Council Meeting be received;**
- 2. the Council meeting in July be held on Wednesday 23rd July 2014.**

AMENDMENT: Webb / White**That:**

- the report by the General Manager on the July Council Meeting be received;
- the Council meeting in July be held on Wednesday 9th July 2014.

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

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

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

Councillors	Ayes	Nayes
Cr Kennedy	✓	

Cr Martens	✓	
Cr Shelley	✓	
6 Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb		✓
Cr White		✓

6.2.22 MRTI QUARTERLY REPORT MARCH 2014

GOV400038, F0770077

Councillor White declared a non-pecuniary conflict of interest in Item 6.2.22 as she works in the tourism industry, left the meeting at 7.49pm and did not participate in discussion or vote in relation to this matter.

205/14 MOTION: Shelley / Walker

That:

- 1. the report by the General Manager on the MRTI Quarterly Report March 2014 be received.**
- 2. Council renegotiate with Mudgee Regional Tourism Inc the Key Performance Indicators for the 2014/15 financial year**

The motion was carried with Councillors voting unanimously.

Councillor White returned to the meeting at 7.50pm.

6.2.23 LOCAL TRAFFIC COMMITTEE MINUTES OF MEETING HELD 8 APRIL 2014

GOV400038, A0100009

206/14 MOTION: Walker / Shelley

That the report by the Manager, Development Engineering on the Local Traffic Committee Minutes of Meeting held 8 April 2014 be received.

The motion was carried with Councillors voting unanimously.

6.2.24 CULTURAL DEVELOPMENT COMMITTEE MINUTES

GOV400038, A0420172

207/14 MOTION: Shelley / Walker

That:

- 1. the report by the Manager, Community Services on the Cultural Development Committee Minutes be received;**
- 2. Council note the minutes of the Cultural Development Committee meetings held on 28 April 2014;**
- 3. Council appoint Scott Etherington to the Cultural Development Committee.**

The motion was carried with Councillors voting unanimously.

6.2.25 MUDGEES SPORTS COUNCIL

GOV400038, A0100013

208/14 MOTION: Shelley / Walker

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 April and 31 March 2014 be noted.**

The motion was carried with Councillors voting unanimously.

6.2.26 WORK HEALTH AND SAFETY POLICY

GOV400038, A0100021

209/14 MOTION: Shelley / Walker

That:

- 1. the report by the Manager, People and Culture on the Work Health and Safety Policy be received;**
- 2. Council adopt the Work Health and Safety Policy.**

The motion was carried with Councillors voting unanimously.

6.2.27 MARCH QUARTERLY BUDGET REVIEW

GOV400038, FIN300061

210/14 MOTION: Shelley / Walker

That:

- 1. the report by the Manager, Financial Planning on the March Quarterly Budget Review be received;**
- 2. the 2013/14 Operational Plan be amended in accordance with the variations listed in the March 2014 Quarterly Budget Review;**
- 3. Council approves the creation of an externally restricted financial reserve in order to allow for the provision of vehicle replacements in Community Transport as required by the funding body, Transport NSW;**
- 4. all works deferred to 2014/15 in the March Quarterly Business Review be included as a submission to amend the 2014/15 Operational Plan to incorporate these works and their corresponding funding;**
- 5. the surplus (being \$321,000) in the March quarterly budget review be referred to the deliberations of the 2014/15 Operational Plan and Budget submission process.**

The motion was carried with Councillors voting unanimously.

Item 7: Urgent Business Without Notice

None

Item 8: Confidential Session

211/14 MOTION: White / Webb

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

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

Subject: MAC Group Appeal

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

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

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

The motion was carried with Councillors voting unanimously.

8.1.1 MAC Group Appeal

GOV400038, A0420251

Councillors Martens and Weatherley declared a non-pecuniary conflict of interest in Item 8.1.1 as they were a member of the Joint Regional Planning Panel that made the determination that was appealed to the Land and Environment Court, left the meeting at 7.52pm and did not participate in discussion or vote in relation to this matter.

Upon leaving the meeting, Councillor Weatherley notified the Mayor that he would not be returning to the meeting or attending the Extraordinary Meeting to follow as he was not feeling well.

212/14 MOTION: Walker / Shelley

That:

1. **the report by the General Manager on the MAC Group Appeal be received;**
2. **Council not appeal the decision of Commissioner Dixon in regard to the MAC Services Group versus Mid-Western Regional Council (2014) in the NSW Land and Environment Court delivered on 29 April 2014;**

3. Council release to the community the legal opinion from Lindsay Taylor Lawyers which advises Council not to appeal.

AMENDMENT: Thompson / Webb

That Council write to the Miner's Union and anyone else willing to financially contribute to an appeal and if full financial commitments are made by these parties then Council lodges an appeal by 28th May.

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

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 Kennedy	✓	
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Webb	✓	
Cr White	✓	

Item 9: Open Council

213/14 MOTION: Shelley / White

That the Council move to Open Council.

The motion was carried with Councillors voting unanimously.

Councillor Martens returned to the meeting at 8.04pm.

The Manager Governance announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 8.05pm.

Minutes of the Extraordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 21 May 2014, commencing at 8.05pm and concluding at 8.09pm.

PRESENT	Cr D Kennedy (Mayor), Cr EE Martens (AM), 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), Director Finance & Administration (B Exelby), Manager Governance (I Roberts), Manager Statutory Planning (G Bruce), Corporate Communications Officer (P Goldsmith).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (R Murray), ABC News (L Lemke).

Item 1: **Apologies**

Apologies were received for the absence of Cavalier and Weatherley.

214/14 **MOTION: Kennedy / Shelley**

That the apologies for the absence of Councillors Cavalier and Weatherley be received and leave of absence granted.

The motion was carried with Councillors voting unanimously.

Item 2: **Disclosure of Interest**

Councillor Kennedy declared a non-pecuniary conflict of interest in Item 5.1.1 and 5.1.2 as he has been made aware by media coverage that he may be person of interest in the ICAC inquiry.

Councillor Walker declared a non-pecuniary conflict of interest in Item 5.1.1 and 5.1.2 as he is person of interest in the ICAC inquiry.

Councillor Shelley declared a non-pecuniary conflict of interest in Item 5.1.1 and 5.1.2 as he is unaware what the complaint is about other than it could include Codes of Conduct complaints over the past 7 years.

Councillors Shelley, Walker and Kennedy left the meeting at 8.07pm.

The General Manager announced that the meeting could not proceed as there were only four Councillors remaining and five Councillors needed to be present for a quorum.

The reason there was no quorum was because two Councillors apologised and their apologies were received by Council, and three Councillors notified the meeting of their disclosures of interest had left the meeting.

Closure

There being no further business the meeting concluded at 8.09pm.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Quarry Road – Kandos	Res. 64/12 Ordinary Mtg 15/2/2012	That consideration of this matter be deferred until discussions with Cement Australia have been completed.	No determination as yet.
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	An application has been received by Council to demolish this building. This will be considered by Council in due course following a public exhibition process
Minimum Residential Lot Size and Multi Unit Housing	Res 165/14	Council staff investigate and report back to Council on options to ensure that corner blocks in subdivisions are adequately serviced in case dual occupancy developments occur, and research how other councils in NSW deal with this matter.	No report available at this time

Item 5: Mayoral Minute

Nil.

Item 6: General Business

6.1 Notices of Motion

6.1.1 Defer Appointment of a New General Manager

LISTED BY COUNCILLOR WEBB TO 4 JUNE 2014 COUNCIL MEETING

Defer Appointment of a New General Manager

GOV400022, GOV400038

MOTION **That Council defer the appointment of a new General Manager until the ICAC investigation is completed.**

BACKGROUND Now that this Council is involved in an investigation we should be concerned as to who would apply for this position. The Acting General Manager would be quite capable of managing Council until the enquiry is finished.

General Managers Comments

The following is an extract from the Local Government Act – sections 348, 349 and 351.

We have taken the liberty to discuss this with John Davies (Leader, Office of Local Government - Governance Unit). He confirms that Council may only appoint a person to act in the position of General Manager in a temporary capacity for 12 months. He says that appointment for any period beyond that would require Council to go through the normal advertising processes and merit based appointment.

I bring this matter to Council's attention because we have no indication of how long this investigation may take.

348 Advertising of staff positions

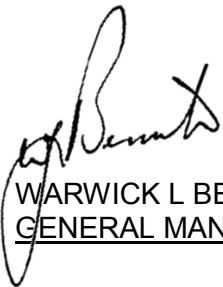
- (1) *When it is proposed to make an appointment to a position within the organisation structure of the council, the position must be advertised in a manner sufficient to enable suitably qualified persons to apply for the position.*
- (2) *If the position is a senior staff position, the requirement of this section is satisfied if the position is advertised at least twice in a daily newspaper circulating throughout the State.*
- (3) *This section does not apply to:*
 - (a) *the re-appointment, under a new contract, of a senior staff member, or*
 - (b) *the appointment of an employee if the term of employment is for:*
 - (i) *not more than 12 months, or*
 - (ii) *two or more periods that together are not more than 12 months in any period of 2 years.*

349 APPOINTMENTS TO BE ON MERIT

- (1) *When the decision is being made to appoint a person to a position:*
- (a) *only a person who has applied for appointment to the position may be selected, and*
 - (b) *from among the applicants eligible for appointment, the applicant who has the greatest merit is to be selected.*
- (2) *The merit of the persons eligible for appointment to a position is to be determined according to:*
- (a) *the nature of the duties of the position, and*
 - (b) *the abilities, qualifications, experience and standard of work performance of those persons relevant to those duties.*
- (3) *In determining the merit of a person eligible for appointment to a position, regard is to be had to the objects of Part 4 of this Chapter (see section 344)."*

*TEMPORARY APPOINTMENTS***351 Temporary appointments**

- (1) *If a position (including a senior staff position) within the organisation structure of the council is vacant or the holder of such a position is suspended from duty, sick or absent:*
- (a) *the council, in the case of the general manager's position, or*
 - (b) *the general manager, in the case of any other position, may appoint a person to the position temporarily.*
- (2) *A person who is appointed to a position temporarily may not continue in that position:*
- (a) *if the holder of the position is on parental leave-for a period of more than 24 months, or*
 - (b) *in any other case-for a period of more than 12 months.*



WARWICK L BENNETT
GENERAL MANAGER

6.2 Reports

6.2.1 DA0284/2014 Proposed Change of Use Antique shop & Cafe to Funeral Home - Lot 2 DP 837945, 131 Mortimer Street Mudgee

REPORT BY THE SENIOR TOWN PLANNER TO 4 JUNE 2014 COUNCIL MEETING
DA0284_2014 Funeral Home
GOV400038, DA0284/2014

RECOMMENDATION

That:

1. the report by the Senior Town Planner on the DA0284/2014 Proposed Change of Use Antique shop & Cafe to Funeral Home - Lot 2 DP 837945, 131 Mortimer Street Mudgee be received;
2. Development Application 0284/2014 for the change of use from antique shop and cafe to funeral home on Lot 2 DP 837945, 131 Mortimer Street Mudgee be approved subject to the following conditions:

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans 21346 – A01 and A02 and the Application received by Council on 21 February 2014 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.
2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – CIVIL

The following conditions must be compiled with prior to Council issuing a Construction certificate for the proposed subdivision works.

3. 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.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – BUILDING

The following conditions must be compiled with prior to Council issuing a Construction Certificate for the proposed building works.

4. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this

development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.

5. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
6. The developer is to grant Council (or an Accredited Certifier on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the works.
7. All building work is to comply with the requirements of the Access to Premises Standard
8. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – “Design, Construction and Fit-Out of Food Premises”, Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
9. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
10. Under Clause 94 of the Environmental Planning and Assessment Regulations 2000, the building is to be brought into conformity with the following Parts of the BCA Volume 1:

Part C; All applicable sections
Part D: All applicable sections of D1, D2, and D3
Part E: All applicable sections of E1, E2 and E4
Part F: All applicable sections of F1, F2, F3, F4 and F5

Details of compliance with the abovementioned Parts of the BCA are to be indicated on amended/additional plans and submitted to the Principle Certifying Authority for assessment with the Construction Certificate
11. Details are to be submitted to Council indicating how the building will comply with the requirements of the Public Health Act, 2012 and the Public Health Regulations 2012.
12. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 0.5% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of the provision of public facilities:

The levy is: \$1,000 based on the estimated cost of development of \$ 200,000.
13. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid Western Regional Council.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

14. Trade Waste Application will be required to be submitted and approved for the proposed mortuary prior to commencement of works.
15. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - a) the appointment of a Principal Certifying Authority and
 - b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

16. The site shall be provided with a waste enclose (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.
NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE

17. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
 - a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - c) the name, address and telephone number of the principal certifying authority for the work,
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
18. If the work involved in the erection/demolition of the building;
 - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place

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

19. The development site is to be managed for the entirety of work in the following manner:
 - 1 Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - 2 Appropriate dust control measures;
 - 3 Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - 4 Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

BUILDING CONSTRUCTION

20. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
21. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
22. Construction work noise that is audible at other premises is to be restricted to the following times:
Monday to Saturday - 7.00am to 5.00pm
No construction work noise is permitted on Sundays or Public Holidays.
23. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
24. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa
25. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors
26. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
27. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
28. 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.
29. The applicant is to upgrade the access from Mortimer St through to the new car park to the following standards and Council's Access Policy:
 - a) A minimum carriage-way width of 3.5m.
 - b) The road should be a sealed access formed using natural materials if suitable or otherwise approved road base compacted to a minimum of 98% standard MDD.
30. Car parking within and fronting the development is to comply with the following:
 - a) Car parking shall be implemented as shown on the approved drawings at the full cost of the Developer;
 - b) Each parking space is to have minimum dimensions pursuant to Australian Standard AS2890.1 – 2004;
 - c) Each disabled car parking space is to be in accordance with the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard as 2890.1 – 2004;

- d) All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times;
- e) Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.
- g) The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority Guide to Traffic Generating Developments 1992 and Australian Standard AS2890.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.
- h) 60 degree rear to kerb parking shall be implemented for the full frontage of the development and line marked/sign posted at full cost to the developer.
- i) Access is to be maintained to the adjoining property at 133 Mortimer Street over the right of carriageway

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

- 31. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
- 32. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy.

GENERAL

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

- 33. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of a Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
- 34. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- 35. Any air conditioning units and refrigeration units installed must be operated in accordance with the requirements of the Protection of the Environmental

Operations Act (Noise Control) Regulations 2000. Noise from the units is not to exceed 5dB(A) above the background noise level at the nearest residential receptor.

36. **The hours of operation for the Funeral Home are limited to 8.00am to 6.00pm Monday to Friday inclusive.**
37. **The number of funeral services held at the premises 131 Mortimer Street Mudgee is limited to a total of 100 per year. The maximum number of attendees at a funeral service is limited to 50 persons.**
38. **No embalming of cadavers is to be undertaken on the site.**
39. **The ongoing use as a funeral home is to comply with the Public Health Act, 2012 and public Health Regulations,2012**
40. **No signage is to be erected on the site without the prior consent of Council. Any signage proposed will be subject to a separate development application.**

Executive summary

applicant:	MACQUARIE VALLEY FUNERALS & MONUMENTS P/L
estimated cost of development:	\$200,000
reason for reporting to council:	APPLICATION RELIES ON EXISTING USE RIGHTS
public submissions:	1

The proposed development relates to the change of use from an antique shop and cafe to a funeral home on Lot 2 DP 837945, 131 Mortimer Street Mudgee. The proposal seeks approval for a commercial premise which is prohibited in the zone and is reliant on existing use rights.

The subject property has an area of 2,074 m² and is zoned R3 Medium Density Residential. The building is an Item of Environmental Heritage. The building is currently used for a residence, Bed and Breakfast accommodation and an antique shop. The Bed and Breakfast Accommodation and the residence are uses permitted within the R3 Medium Density Residential zone.

The property has existing consents for a cafe, shop and bed and breakfast accommodation. The antique shop is still operating, and the commercial kitchen associated with the cafe is still in place. Existing use rights are available for commercial premises on this land.

The application was notified to adjoining land owners and an advertisement placed in the local press as the development was identified as being of public interest. One submission was received.

The submission was generally concerned about a funeral home being located in a residential area.

The proposed development has been assessed against the provisions of Council's Local Environmental Plan (LEP) 2012, the Development Control Plan 2013 (DCP 2013), the *Environmental Planning and Assessment Act 1979* (EPA Act) and the *Environmental Planning and Assessment Regulations 2000* (EPA Regulations). Both the EP & A Act and Regulations place limitations on changing one existing use to another use not permitted in the zone, and on the intensification of the proposed use.

The application is being reported to Council for conditional approval as it involves the change of use to another use not permitted in the zone and reliant on existing use rights.

Detailed report

1. REQUIREMENTS OF ACTS AND REGULATIONS

Environmental Planning and Assessment Act 1979 (EP & A Act)

The applicable section of the EP & A Act is as follows

108 Regulations respecting existing use

(1) The regulations may make provision for or with respect to existing use and, in particular, for or with respect to:

(b) the change of an existing use to another use, and

(c) the enlargement or expansion or intensification of an existing use.

Comment: The above section of the Act permits the alteration or change of one existing use to another use prohibited in that land use zone with the consent of Council.

The Environmental Planning and Assessment Regulations outline the matters to be considered when assessing whether an existing use may be changed to another use and whether that use is an intensification of the use of the subject site.

Environmental Planning and Assessment Regulations, 2000 (EPA Regulations)

The applicable clause is as follows:

41 Certain development allowed

(1) An existing use may, subject to this Division:

(a) be enlarged, expanded or intensified, or

(e) if it is a commercial use—be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act), or

(2) However, an existing use must not be changed under subclause (1) (e) or (f) unless that change:

(a) involves only alterations or additions that are minor in nature, and

(d) does not involve a significant intensification of that existing use.

Comment: The proposal is to change one commercial use being the cafe and antique shop to another commercial use being the funeral home. Both consents for the cafe and shop are still in operation as neither use has been abandoned.

As the existing uses are defined as commercial premises and the proposed use is also defined as commercial premises the proposal can rely on the existing use provisions contained in the EP&A Act and Regulations.

Clause 41 (2) (d) of the Regulations requires that consideration be given to whether the proposed new use “*involves a significant intensification of that existing use*”.

The original consents for the cafe and shop didn't include hours of operation. While the cafe has not operated for a number of years and the antique shop has had irregular opening hours both uses have operated on weekends and public holidays in the past

The applicant has provided information to support the change of use including whether the proposal is an intensification of the existing use.

The proposed hours of operation of the funeral home are 8.00am to 6.00pm Monday to Friday, including two (2) memorial services per week with an estimated attendance of 30 people. From the assessment of the hours of operation and the likely traffic generation associated with the proposed funeral home there is no significant intensification of the existing use.

2. REQUIREMENTS OF LOCAL ENVIRONMENTAL PLANS AND DEVELOPMENT CONTROL PLANS

Mid-Western Regional LEP 2012

The site is zoned R3 Medium Density Residential. The objectives of the zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage higher-density residential development that is sympathetic to and compatible with the existing character of the Mudgee Heritage Conservation Area.*

The proposed development of a funeral home does not meet the objectives of the zone as the proposal is not for a facility that meets the day to day needs of the community.

A funeral home is defined as a commercial premises in LEP 2012 and all commercial premises are prohibited in the R3 zone.

Clause 5.10 Heritage Conservation

The Item of Environmental Heritage at 131 Mortimer Street is the brick two storey building at the front of the site. The applicants propose no alterations to the building and to use it as their private residence.

The offices and function area will be located within the modern rear extension. Only minor alterations to this building are proposed which will not impact on the heritage significance of the two storey building.

The use of the site for a commercial premise will assist with the retention of the heritage building on the site.

Comprehensive DCP 2013

5.1 CAR PARKING

The proposal meets the parking requirements required by the DCP 2013 with the provision of 2 covered resident parking spaces, 4 staff parking spaces including 2 enclosed spaces for funeral vehicles and 10 visitor parking spaces.

Mid-Western Development Servicing Plans (Water and Sewer)

The change of use does not attract additional Section 64 headworks.

Mid-Western Regional Section 94A Contributions Plan

The section 94A Contributions Plan applies to residential, commercial and retail development for development that have an estimated cost between \$100,001 and \$200,000; the levy is 0.5%.

The cost of the development is \$200,000 which equates to a levy of \$1,000.

3. IMPACT OF DEVELOPMENT

(a) Context and setting

The subject site is located on the southern side of Mortimer Street between Court Street and Cox Street, Mudgee. The site is developed with the former Stoddart Joinery building, a modern addition, garages garden area and pool. The most recent use of the site was the Settlers Antique Store and Cafe.

The area around the subject site is developed with a mix of single house and multi unit dwellings. Immediately adjoining the site to the west is a partially burnt and demolished timber cottage.

(b) Access, transport and traffic

The subject site fronts Mortimer Street with an existing driveway that is also provides a right of carriageway for the adjoining land at 133 Mortimer Street. The proposal includes 2 covered car spaces for the residence, 4 covered staff parking spaces, including 2 enclosed spaces for funeral home vehicles, 9 visitor parking spaces and one disabled space.

All driveway and parking areas are proposed to be hardstand and line marked.

The applicants have suggested that the on street parking in front of 131 Mortimer Street be sign posted and line marked as 60° parking to increase the potential number of spaces available.

(d) Utilities

Full services are available to the site. The change of use does not attract additional section 64 contributions.

(e) Heritage

The site is listed as an Item of Environmental Heritage. As discussed above the proposed minor alterations are located in the modern extension at the rear of the site.

(k) Waste

The proposal as advertised includes a small mortuary for the temporary storage of bodies. The proposal does not include the provision of embalming of bodies at the subject site.

A trade waste licence and disposal system will be required to manage any waste water that may be generated from the handling of bodies prior to funerals taking place.

(m) Noise and Vibration

The development has potential to increase the noise impacts in the area particularly from any refrigeration plant and air conditioning installed in the building. All air conditioning units and

refrigeration equipment installed at the premises must be sound insulated such that noise levels at the adjoining residences are not increased by more than 5dB(A) above the existing background noise levels

The proposed hours of operation, and limit on the number of funeral services to 2 a week for the funeral home will limit the noise impacts from vehicles and people entering and leaving from funeral services.

(q) Social impacts in the locality

This site has been used for commercial premises since the establishment of the joinery factory in the 1880's and the current proposal is a continuation of this commercial use. The social impact of the commercial use in this locality exists, with the degree of that impact varying with the type of use.

The establishment of a funeral home in the residential area will have a minor social impact on the immediate locality due to the nature of the use. The principle impact will be from people as they enter and leave the site attending a funeral services. The likely impacts of the development on the locality are not such as to warrant refusal of the application.

4. SUITABILITY OF SITE FOR DEVELOPMENT

(a) Does the proposal fit the locality

Existing development in the locality is a mix of single houses and multi dwelling developments including aged housing. The proposed intensity of the use of the site for a funeral home is considered to fit the locality, having regard to the existing use provisions.

(b) Are the site attributes conducive to development

The site has a history of commercial use and the proposal provides staff and visitor parking which was not required for the cafe and shop use. The site attributes are conducive to the proposed development

5. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

One submission was received. The points of the submission are as follows:

- A funeral home in a residential area conflicts with the general amenity of residents
- Funeral services would result in parking difficulties especially with the funeral cortege
- A funeral home in a residential area would have an adverse impact on land values.

Comment: Commercial premises are generally prohibited in residential zones as the commercial use may conflict with the amenity of the area. In this case the proposal is looking at a site that has a history of commercial use which minimises the impact on the amenity of the area.

Traffic generation from the funeral home has been addressed by the applicant by providing onsite parking for staff and visitors. There will be a minor impact on the availability of on street parking when funeral services are held.

The applicant has demonstrated that the potential impact on traffic generation from the funeral home development is no greater than the traffic generated by the current approved uses of a shop and cafe.

(b) Submissions from public authorities

No submissions

5. THE PUBLIC INTEREST

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

There are no matters of federal, state or local government and community interests relating to this application.

6. CONSULTATIONS

Not applicable

Financial and Operational Plan implications

Not applicable.

Community Plan implications

The assessment of the development application sits under theme 1 Looking after our Community, Goal 1.1 – A safe and Healthy Community.



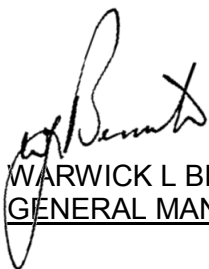
CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

ELIZABETH STONEMAN
SENIOR TOWN PLANNER

23 May 2014

- Attachments:*
1. Locality plan
 2. Site plan
 3. Floor Plan
 4. Submission (1)

APPROVED FOR SUBMISSION:

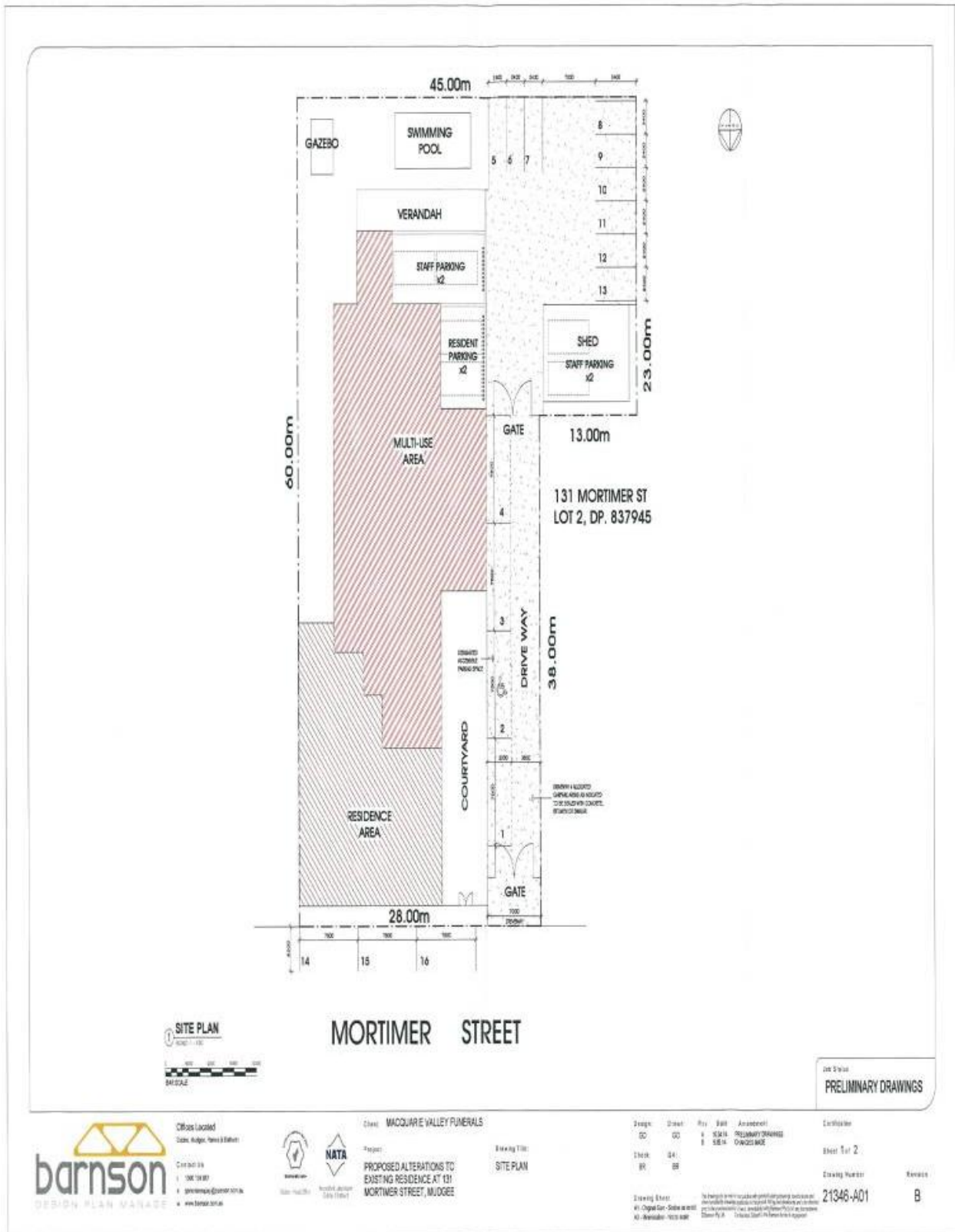


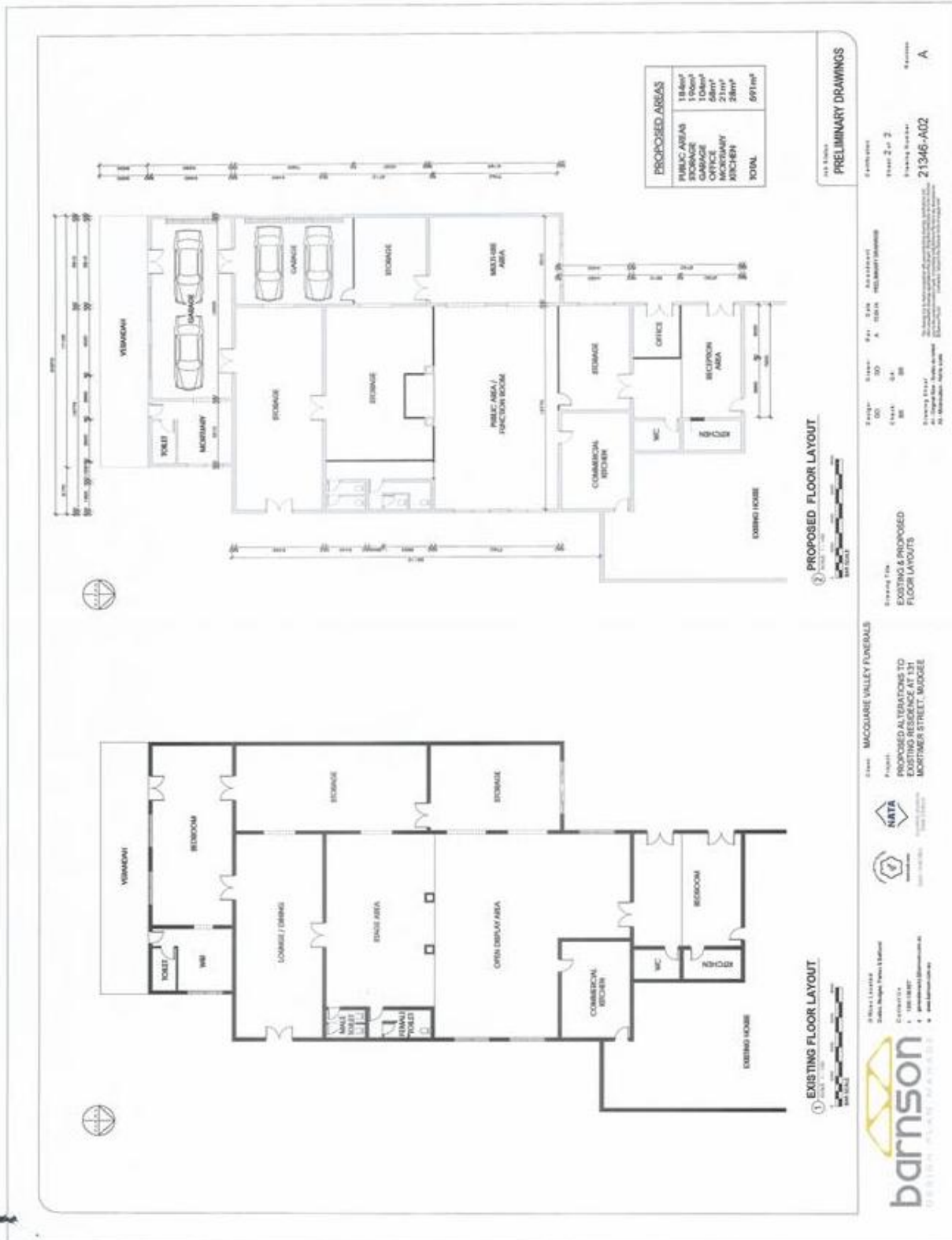
WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1 – Location Plan



ATTACHMENT 2 – Site Plan





ATTACHMENT 4 – Submission (1)

Myra Lillian Power
148 Mortimer Street
MUDGEE 2850

13 March 2014

The General Manager
Mid-Western Regional Council
86 Market Street
MUDGEE 2850.

Dear Sir

I am writing to object to the Development Application DA0284/2014 – Proposed Change of use – Bed & Breakfast to Funeral Home @ 131 Mortimer Street Mudgee NSW 2850 lot 2 DP 837945.

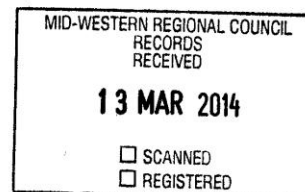
The grounds for my objection are as follows:-

- A funeral home in a residential area conflicts with the general amenity of residents, particularly in my circumstances, where I own two residential properties opposite the proposed site and another just around the corner at 26 Court Street.
- Changing from a bed and breakfast approved site, which has never been a problem to me, or anyone staying in my residences, is totally different to having a funeral home from where funeral services are conducted resulting in parking difficulties, especially where funeral corteges emanate.
- Having a funeral home in a residential area, specifically opposite or near my properties, would have an adverse effect on their values.

Yours truly



Myra Lillian Power



6.2.2 DA no. 0297/2014 – Dual Occupancy and Subdivision at Lot 25 DP 1191367, 3 Hardwick Avenue, Mudgee

REPORT BY THE STATUTORY/STRATEGIC PLANNER TO 4 JUNE 2014 COUNCIL MEETING
Dual Occupancy and Subdivision - Hardwick Avenue Mudgee
GOV400038, DA0297/2014

RECOMMENDATION

That:

1. **the report by the Statutory/Strategic Planner on the DA no. 0297/2014 – Dual Occupancy and Subdivision at Lot 25 DP 1191367, 3 Hardwick Avenue, Mudgee be received;**
2. **That DA No 0297/2014. Proposed Dual Occupancy and Subdivision, Lot 25 DP 3 Hardwick Avenue, Mudgee be deferred and the applicant requested to redesign the development to comply with Council’s requirements regarding solar access.**

Executive summary

The proposed development is for the construction of an attached dual occupancy and the subsequent torrens-title subdivision of the lots.

The lot is unusually shaped and has a north-east/south-west orientation, with an area of 775.8m². The dwellings are both 3 bedroom/2 bathroom and are to be constructed of brick veneer and colorbond roofing.

The applicant was requested to amend the design in writing and through various phone and email discussions. The applicant is unwilling to amend the design and Council staff are seeking Council’s support to require the applicant to amend the application.

The application fails to meet Council’s Comprehensive Development Control Plan (DCP) 2013 (Amendment 1), specifically relating to solar access to private open space and living areas.

The application does meet the other requirements of the DCP 2013, however solar access is considered to be important design aspect and Council has received further applications for the development of dual occupancies on this side of the road. Acceptance of this design will mean further inappropriate development that will have long term amenity issues for the future residents of the properties.

The application is reported to Council to seek compliance with Council’s DCP and ensure that future development maintains good solar access.

Detailed report

SECTION 79(1)(A)(I) PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 requires a consent authority to consider whether land is contaminated prior to the determination of a development application. This issue was addressed in the application for the subdivision of the site and the land is not considered to have any contamination issues.

Mid-Western Regional Local Environmental Plan 2012

The land is zoned R1 General Residential pursuant to the LEP 2012. The objectives of the zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

Whilst it is agreed that the construction of the proposed dual occupancy will assist in providing a variety of housing density in the locality, the development does not provide adequate solar access to the private open space and living areas which is considered an essential "housing need" for the community.

Clause 4.1A – Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

Development consent may be granted for the purpose of an attached dual occupancy if the area of the lot is equal to or greater than 600m². The subject lot has an area of 775.8m² which satisfies this clause.

Clause 4.1B – Exceptions to minimum lot sizes for certain residential development

Consent may be granted to the subdivision of an attached dual occupancy if the area of each resulting lot is greater than 300m². The subdivision of duplexes A and B will result in lot sizes of 371.774m² and 404.013m² respectively, which is considered to satisfy this clause.

SECTION 79C(1)(A)(II) ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT IS OR HAS BEEN PLACED ON PUBLIC EXHIBITION

No draft Environmental Planning Instrument's are relevant to the proposal.

SECTION 79C(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN

The following table is summary of the relevant deemed to satisfy provisions in Part 2.2 of the DCP 2013 (Amendment 1):

	YES	N/A
MINIMUM LOT SIZE		
<i>Minimum lot size:</i>	✓	
• <i>Attached Dual Occupancy – Minimum 600m²</i>		
• <i>Detached Dual Occupancy – Minimum 800m²</i>		
• DETACHED DUAL OCCUPANCY IS PROHIBITED IN R2 LOW DENSITY RESIDENTIAL ZONE		

	YES	N/A
IF IN RURAL ZONE , the site must have a staged dwelling approval or comply with the minimum lots size standards as designated by Mid-Western Regional Local Environmental Plan 2012 Lot Size Maps		✓
BUILDING SETBACKS		
Building Setback from the Street	✓	
<ul style="list-style-type: none"> Zones R1, R2 and R3 where Lot size is less than 900m²: 4.5m and 5.5m to the garage Zones R1, R2 and R3 where lot size is greater the 901m² and less than 1,999m²: 6.5 and 7.5 to the garage Zone R2 where 2000m² to 1ha: 15m Zone R5 Less than or equal to 5ha: 30m Zones RU1, RU4 and R5 Greater than 5ha: 60m RU5: 7.5m 		
Building Side/Rear setback	✓	
<ul style="list-style-type: none"> Zones R1, R2 and R3 where Lot size is less than 900m²: 900mm Zones R1, R2 and R3 where lot size is greater the 901m² and less than 1,999m²: 900mm Zone R2 where 2000m² to 1ha: 5m Zone R5 Less than or equal to 5ha: 20m Zones RU1, RU4 and R5 Greater than 5ha: 20m RU5: BCA 		
Building Secondary Frontage for corner lots setback	✓	
<ul style="list-style-type: none"> Zones R1, R2 and R3 where Lot size is less than 900m²: 0m for garages in laneways 2m to side boundary Zones R1, R2 and R3 where lot size is greater the 901m² and less than 1,999m²: 2m Zone R2 where 2000m² to 1ha: 7.5m Zone R5 Less than or equal to 5ha: 15m Zones RU1, RU4 and R5 Greater than 5ha: 15m RU5: 3m 		
BUILDING HEIGHT/ DESIGN		
Proposed buildings are single story	✓	
75% of internal living areas receive at least 3 hours effective sunlight between 9am-3pm during winter solstice (see discretionary standards)	x	
The design is not a mirror or duplication for the two dwellings when fronting streets.	✓	
Both dwellings have direct street frontage, i.e. battleaxe arrangements are not permissible	✓	
Minimum separation of 3 metres between buildings		✓
The garage door or carport does not exceed 45% of the front elevation	✓	
All facades with street frontage contain windows	✓	
Street frontage elevations contain minimum 5% openings	✓	
Building is not a transportable or relocated dwelling	✓	
OPEN SPACE		
Private open space is located on the Northern or Eastern side of dwellings. (see discretionary standards)	x	
Private open space has direct access from main living areas	✓	
Each dwelling provides a Principal Private Open Space with a minimum of 80m ² an minimum dimension of 5 metres	✓	
If alfresco is to be counted as Principal Private Open Space, it must be:		✓

	YES	N/A
<ul style="list-style-type: none"> • Located at or near ground level • Have direct northerly aspect • Create no more the 25% of principal open space 		
Where Principal Private Open Space is located within front set back:		✓
<ul style="list-style-type: none"> • Located behind suitably landscaped area • Minimum width of 1.5 metres to the front boundary 		
75% of Principal Private Open Space shall receive a minimum of 3 hours sunlight between 9.00am and 3.00pm on 21 June (see discretionary standards)	x	
SITE COVERAGE		
Maximum site coverage of 35% (see discretionary standards)	x (36%)	
PARKING		
Each dwelling has two car parks with a minimum of one being a garage for each.	✓	
Parking and manoeuvring areas are hard stand	✓	
Driveways are located a minimum of 6m from any intersection	✓	
UTILITIES		
Buildings are located clear of utility infrastructure	✓	
Building is not located within an easement for the purpose of utility infrastructure	✓	
Structure are located a minimum of 1500mm from the centre of water and sewer main	✓	
Details of water supply and sewer reticulation have been provided	✓	
<ul style="list-style-type: none"> • If available within 500m applicant has proposed connection to reticulated network • Where no water supply is available, applicant has provided a minimum 60,000 litres which includes a minimum of 20,000 litres reserved for fire fighting purposes • Where no reticulated sewer is present, the applicant has proposed onsite disposal in accordance with section 68 of the Local Government Act 1919 • If reticulated services have not been proposed the site is a minimum of 5ha in size 		
All storm water flows to a gravity system	✓	
Buildings are not located in the path of overland flow	✓	
FENCING		
1.8 metre high fencing is provided between Principal Private open spaces	✓	
Front fences are open panel, do not exceed 1.2 metres in height and are not of colourbond material construction.	✓	
Side fences located in front of the building line are open panel or a combination of open panel and masonry columns to match the front fence and do not exceed 1.2 metres in height.	✓	
Side and rear fences do not exceed 1.8 metres in height once behind the building.	✓	
For corner allotments no fence, structure or landscaping in greater than 1 metre in height is located within the triangle formed by a sight line 12 metres x 6 metres from the intersection of the two street boundaries		✓
Dividing fences do not affect the flow of surface water with the possibility of causing flooding.	✓	

The non-compliances identified above were then assessed under Part 3.1 Discretionary Development Standards which state:

Solar Access:

- a) *Development must have reasonable access to sunlight and must not unduly impede solar access of neighbouring dwellings.*
- b) *Dwellings are to be positioned to maximise solar access to living areas.*
- c) *Shadow diagram must include:*
 - *Location, size, height and windows openings of buildings on adjoining properties;*
 - *Existing shadow-casting structures such as fences, carports, hedges, trees etc.; and*
 - *Topographical details, including sectional elevations where land has any significant slope.*
- d) *Living areas and gardens should be orientated to the north to maximise solar access to these areas.*

Open Space

- a) *Sufficient open space must be provided for the use and enjoyment of the residents.*
- b) *A plan shall be submitted which demonstrates that the dimensions of the open space provides for functional space, including placement of outdoor furniture.*
- c) *Open space areas provided must be suitably located and landscaped to obtain adequate sunlight and protection from prevailing winds.*
- d) *Private open space for dual occupancy development is to be a minimum area of 80m² and have a minimum dimension of 5 metres (depth and width).*
- e) *Private open space for dual occupancy development is to be located behind the front building line and on the northern, eastern or western side of the dwelling.*

Comment:

It cannot be argued that the development has been positioned to maximise solar access when the living areas and private open space are located on the southern and south-western sides of the dwellings. Whilst it is acknowledged that this in part is due to the orientation of the lot, a smaller development such as a single dwelling would easily be able to comply. On what is essentially a new subdivision with few site constraints, there is no valid reason why Council's requirements should not be adhered to. Varying Council's development controls without adequate justification would undermine the value of the DCP and create precedent for future developments to alter the solar access requirement.

The applicant has submitted shadow diagrams at the request of Council to justify their argument; however these confirmed that the amount of sunlight that the private open space of duplex A receives is minimal. It should be noted that the shadow diagrams do not include any overshadowing caused by the 1.8m high fencing that will surround the site. Overshadowing by fences, roof overhangs and changes in level are considered relevant considerations in the assessment of solar access.

The non-compliance regarding site coverage is not considered an issue as site coverage can be up to a maximum 50% under the discretionary standards.

NSW Land & Environment Court Planning Principles

The NSW Land and Environment Court has a Planning Principle which covers the issue of solar access. Planning Principles are there to provide guidance and promote consistency when assessing development applications. In the *Benevolent Society v Waverley Council (2010) NSW LEC 1082*, the following statements are relevant:

"Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines."

Comment:

The submitted design, which is located on a greenfield subdivision, has not been designed with solar access as a high priority. Duplex A is of particular concern as the main living area will receive little to no direct sunlight. The north-western elevation of Duplex A has 2 windows measuring 1210mm x 514mm and 850mm x 1.800mm which may provide some light to the dining area and a small amount to the kitchen, but none to the main living area. As per the Planning Principle and Council's DCP requirements, it is considered that the development has not been designed to maximise solar access and this has arisen out of poor design.

"For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself"

"For private open space to be assessed as receiving adequate sunlight, regard should be had to the size of the open space and the amount of sunlight it receives....the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity."

Comment:

It is highly likely that a dual occupancy can be designed to comply with Council's requirements on this site, however in this case it would involve a major redesign or perhaps the deletion of a bedroom from one of the Duplexes. The applicant has been given sufficient time to redesign the development to comply with Council's requirements or to withdraw the application, however they have been unwilling to do this.

SECTION 79C(1)(B) THE LIKELY IMPACTS OF THAT DEVELOPMENT

Natural and Built Environment

There will be minimal impact on the natural environment arising from the proposed development as the site has been extensively disturbed during the construction of the subdivision. There is no vegetation on the subject allotment except for grasses and weeds.

In terms of the built environment, the development will have minimal impact on neighbouring properties and would appear consistent with the anticipated future streetscape of Hardwick Avenue. The subdivision is relatively new and only one dwelling is under construction.

Council has received a number of applications for dual occupancy development within this subdivision and it is anticipated that the proposed development would be consistent with the future streetscape.

The lack of solar access to the living areas and private open space, however, would create a reduced standard of residential amenity for any future occupants of the dwellings.

The subject site is not located within a Heritage Conservation Area or within or adjacent a heritage item.

Social and Economic Impact

The development is unlikely to significantly impact on the social or economic fabric of the locality and therefore the proposed development has a neutral to positive impact.

SECTION 79C(1)(C) THE SUITABILITY OF THE SITE

The land is zoned for residential purposes and there are other dual occupancies that have been approved in the vicinity of the site. The site is considered to be constrained for the purposes of dual occupancy development as the orientation of the lot on the southern side of the road would mean that dual occupancy development could only be carried out with a very well thought out design.

SECTION 79C(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

The application was notified to adjoining land owners in accordance with Part 1.12 of Council's DCP 2013 and no submissions were received.

SECTION 79C(1)(E) THE PUBLIC INTEREST

Approval of the development in its current form is not considered to be in the public interest as it creates an avoidable amenity issue for any future residents. Furthermore, it is considered in a general sense that good solar access should be attributed to all residential development and it is in the public interest that good solar access is required.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

The assessment of the development application sits under theme 1 Looking after our Community, Goal 1.1 – A safe and Healthy Community.



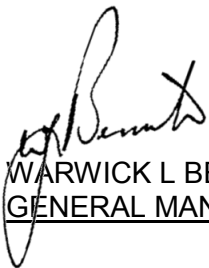
CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

MARK LYNDON
STATUTORY/STRATEGIC PLANNER

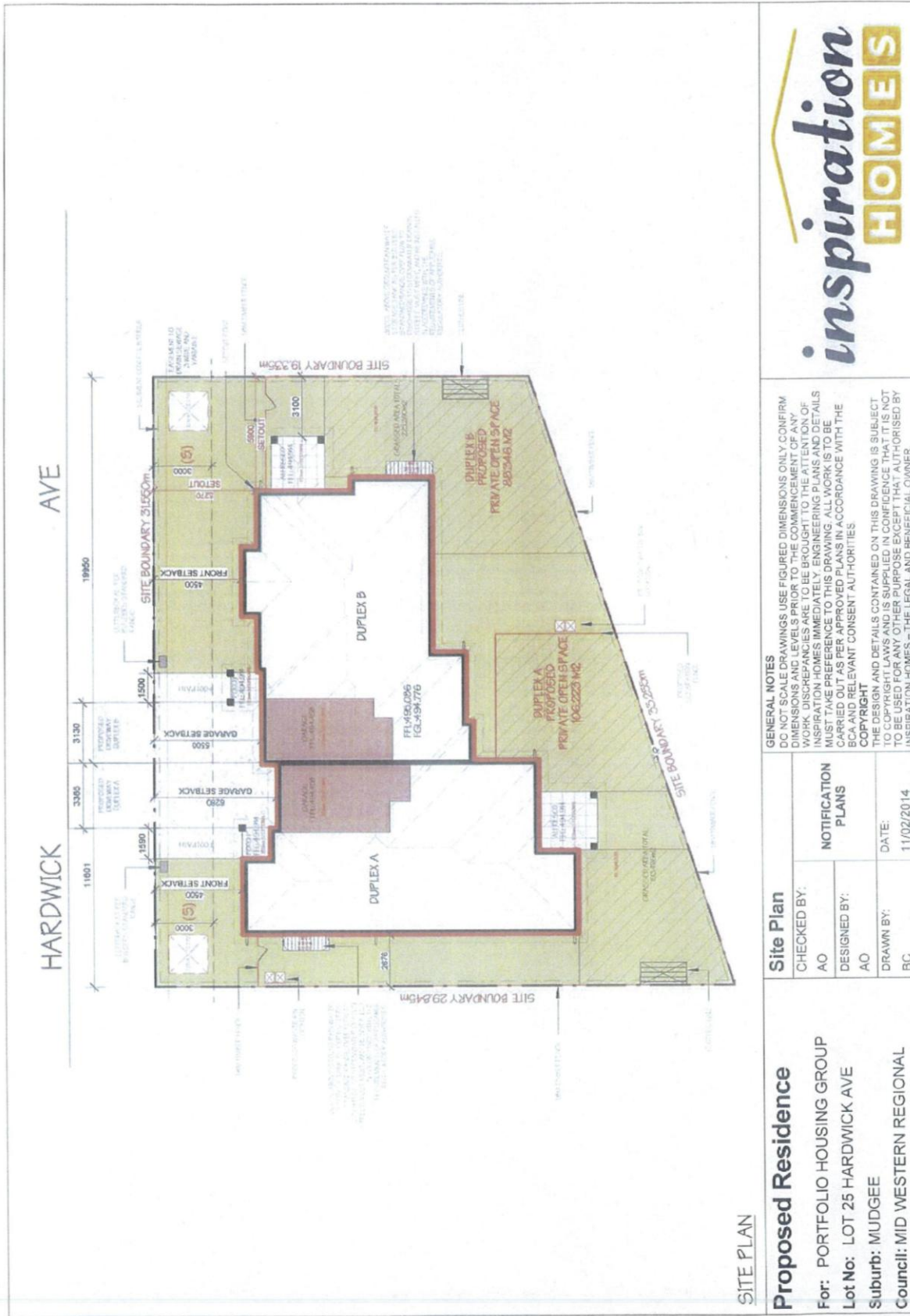
21 May 2014

Attachments: 1. Site plan, elevations and shadow diagrams
2. Locality plan

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



SITE PLAN

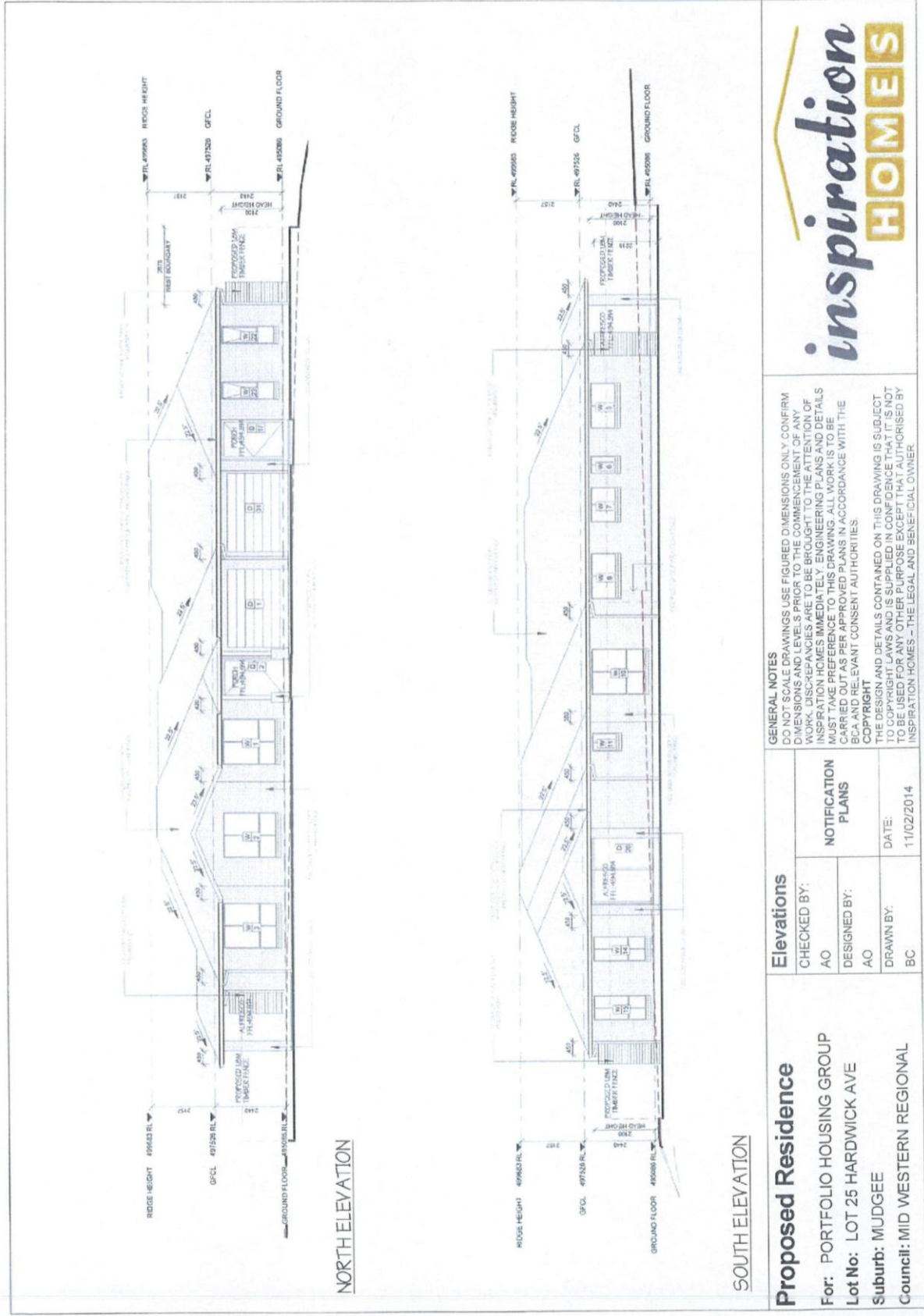
Proposed Residence
 For: PORTFOLIO HOUSING GROUP
 Lot No: LOT 25 HARDWICK AVE
 Suburb: MUDGEE
 Council: MID WESTERN REGIONAL

Site Plan
 CHECKED BY: AO
 DESIGNED BY: AO
 DRAWN BY: BC

NOTIFICATION PLANS
 DATE: 11/02/2014

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 DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. CONFIRM ALL DIMENSIONS FOR THE COMMENCEMENT OF ANY WORK. INSURANCE POLICIES ARE TO BE BROUGHT TO THE ATTENTION OF INSPIRATION HOMES IMMEDIATELY. ENGINEERING PLANS AND DETAILS MUST TAKE PREFERENCE TO THIS DRAWING. ALL WORK IS TO BE CARRIED OUT AS PER APPROVED PLANS IN ACCORDANCE WITH THE BCA AND RELEVANT CONSENT AUTHORITIES.
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NORTH ELEVATION

SOUTH ELEVATION

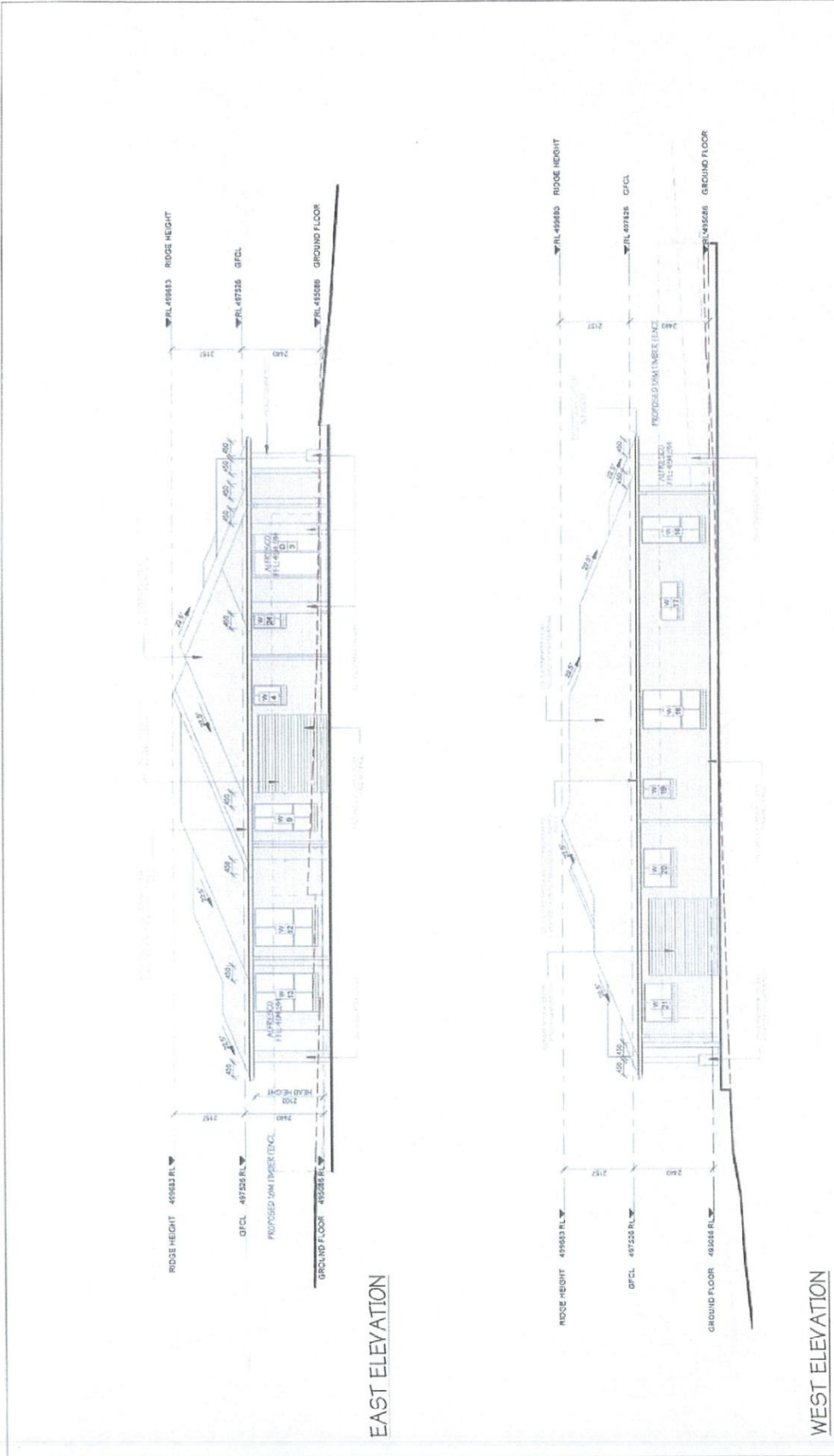
Proposed Residence
For: PORTFOLIO HOUSING GROUP
Lot No: LOT 25 HARDWICK AVE
Suburb: MUDGEE
Council: MID WESTERN REGIONAL

Elevations
 CHECKED BY:
 AO
 DESIGNED BY:
 AO
 DRAWN BY:
 BC

NOTIFICATION PLANS
 DATE:
 11/02/2014

GENERAL NOTES
 DO NOT SCALE DRAWINGS USE FIGURED DIMENSIONS ONLY. CONFIRM DIMENSIONS AND LEVELS PRIOR TO THE COMMENCEMENT OF ANY WORK. DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF INSPIRATION HOMES IMMEDIATELY. ALL ENGINEERING WORKS TO BE MUST BE DONE IN ACCORDANCE WITH THE DESIGN AND DETAILS CONTAINED ON THIS DRAWING IS SUBJECT TO COPYRIGHT LAWS AND IS SUPPLIED IN CONFIDENCE THAT IT IS NOT TO BE USED FOR ANY OTHER PURPOSE EXCEPT THAT AUTHORISED BY INSPIRATION HOMES - THE LEGAL AND BENEFICIAL OWNER.

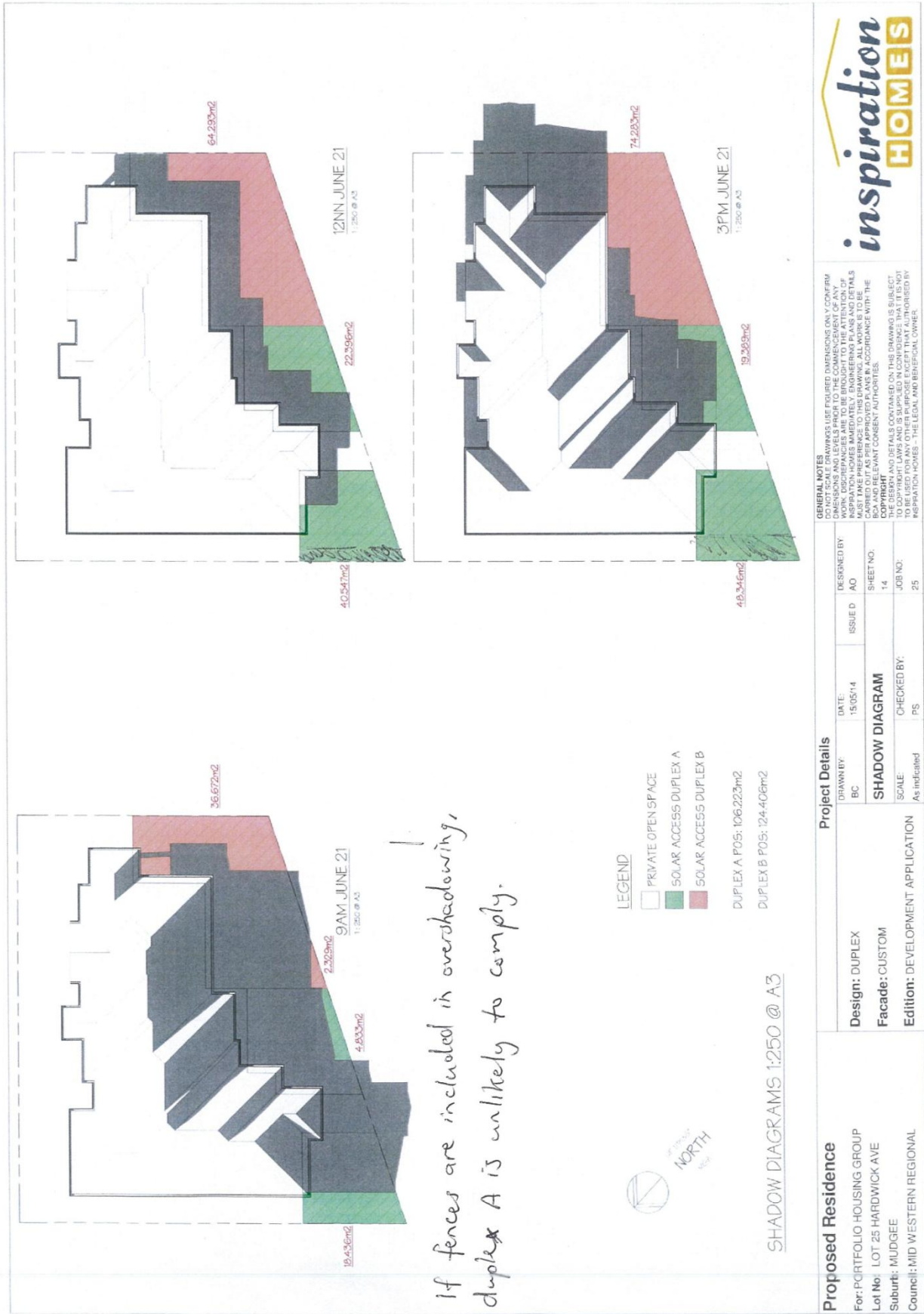




GENERAL NOTES
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Elevations	
CHECKED BY:	AO
DESIGNED BY:	AO
DRAWN BY:	BC
NOTIFICATION PLANS	
DATE:	11/02/2014

Proposed Residence
For: PORTFOLIO HOUSING GROUP
Lot No: LOT 25 HARDWICK AVE
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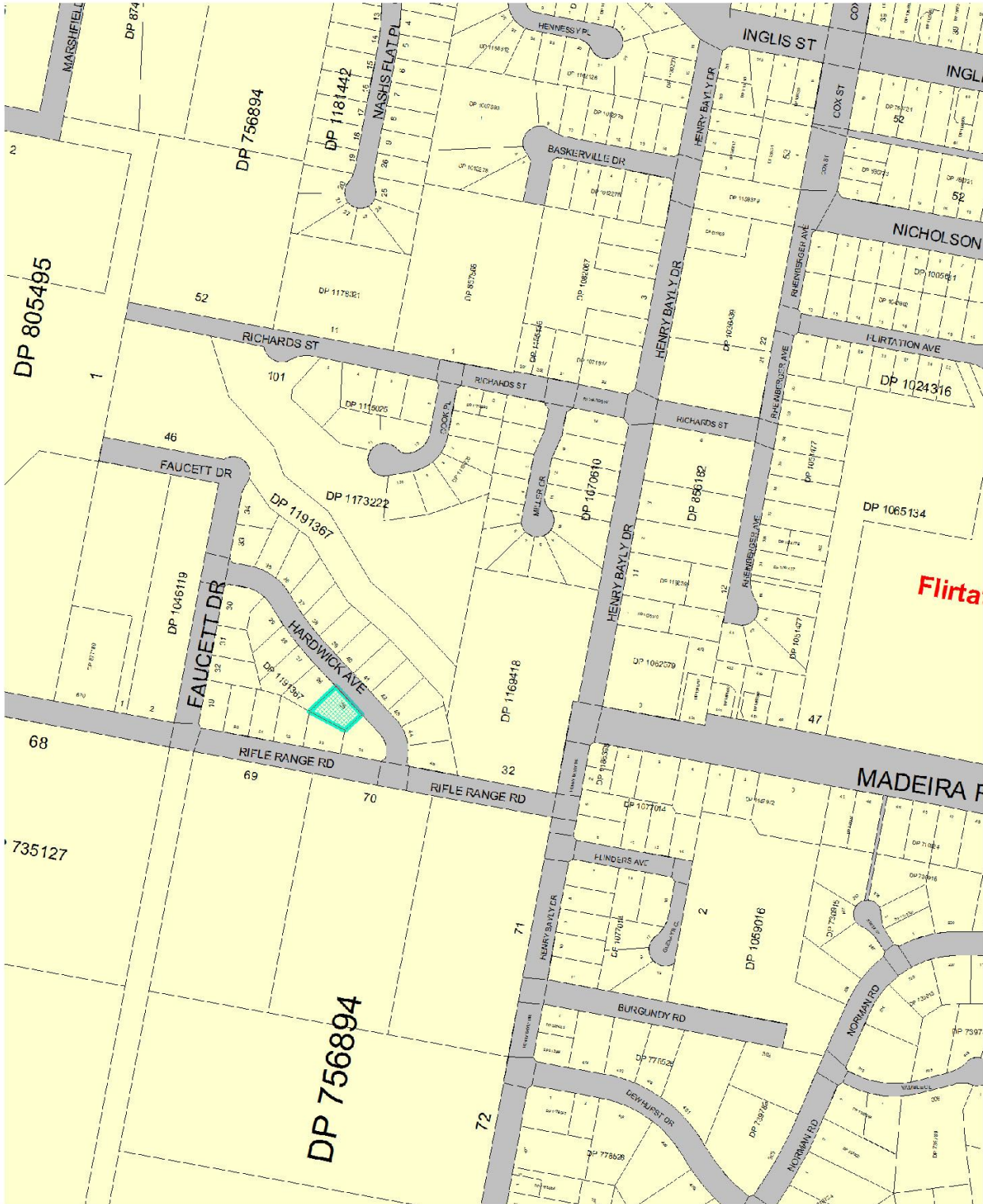
GENERAL NOTES
DRAWINGS ARE FIGURED DIMENSIONS ONLY. CONFIRM DIMENSIONS AND LEVELS PRIOR TO THE COMMENCEMENT OF ANY WORK. DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY. ALL WORK IS TO BE CARRIED OUT AS PER APPROVED PLANS IN ACCORDANCE WITH THE RELEVANT GOVT. REGULATIONS.
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DESIGNED BY:	DATE:	ISSUE D:
AO	15/05/14	
SHADOW DIAGRAM		
SHEET NO.:	CHECKED BY:	JOB NO.:
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Project Details								
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DESIGN:	DUPLEX							
FACADE:	CUSTOM							
EDITION:	DEVELOPMENT APPLICATION							

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ATTACHMENT 2



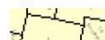








Map Scale: 1:4,415

Disclaimer

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

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

Legend

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



Printed on Thursday, 22 May 2014

6.2.3 Monthly Budget Review for April 2014

REPORT BY THE MANAGER, FINANCIAL PLANNING TO 4 JUNE 2014 COUNCIL MEETING

Monthly Budget Review

GOV400038, FIN300062

RECOMMENDATION

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

Executive summary

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

Detailed report

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

Budget Variations

This monthly budget review has no recommended budget variations, as it follows a thorough quarterly budget review.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.



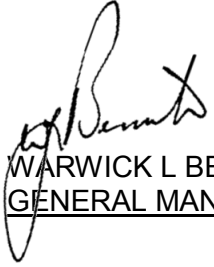
LEONIE JOHNSON
MANAGER FINANCIAL PLANNING

BRETT EXELBY
DIRECTOR, FINANCE & ADMINISTRATION

15 May 2014

Attachments: 1. Monthly Budget Review - Operational Plan/Delivery Program 2013/14 – April 2014 (included at the end of the business paper).

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.2.4 Submissions to the Budget, Operational and Delivery Plan

REPORT BY THE GENERAL MANAGER TO 4 JUNE 2014 COUNCIL MEETING

Submissions to Delivery Plan

GOV400038, COR400059

RECOMMENDATION

That:

1. the report by the General Manager on the Submissions to the Budget, Operational and Delivery Plan be received;
2. Council thank Mr Max Eady for his submission to seal Black Springs Road but declines the request;
3. Council resolve the rate categorisation allocation at the Extraordinary Meeting of Council on 23 June;
4. Council allocated to the Western Academy of Sport the sum of \$1,220 from the financial assistance grants allocation;
5. Council advise Cameron Scott Fell that it does not consider the Regent Theatre as a suitable fit for purpose venue for a modern Regional Art Gallery and that Council does not wish to pursue a private public partnership;
6. Council grant the Mudgee Chamber of Commerce the sum of \$10,000 towards the operation of their organisation to be funded from the Financial Assistance budget and that if any further funding is required in future financial years a report will be required of the effectiveness of this grant and a specific program for funding in future years;
7. Council thank Renae Hill for her submission and staff investigate the condition of 12 Mile Road and report back to Council in July on those areas that need upgrading from the resheeting or grading budget;
8. Council thank Damian and Louise Dewit for their submission and advise Mr & Mrs Dewit that it does not have the legislative powers to stop the public selling their vehicles on public roads;
9. Council advise the Mid-Western Community Health Alliance that it has made a financial contribution of \$50,000 in the 2013/14 financial year and that before any further funds are granted Council would like to see a report on the effectiveness of the Council grant;
10. Council staff be required to report to Council prior to December on the number of causeways on unsealed roads in the region and the cost of sealing the approaches to the causeways for consideration in the 2015/16 Operation Plan and Budget;
11. Council thanks Mr Stephen Sneesby for his submission in regard to additional cycleways in the region and advice that Council has allocated a further \$130,000 towards footpaths and cycleways in the region

12. Mrs Cheryl Grieff be thanked for her submission and advise that Council staff will inspect Wallinga Lane to ensure appropriate standards are being adhered to. Further, staff responds to all other issues contained within Ms Grieff's submission;
13. Council employs a Cultural Development Officer from January 2015 for a period of 6 months at a cost of \$60,000 and review the position as part of the 2015/16 financial year budget considerations at which time it will have a clearer direction on the future of a Regional Art Gallery;
14. Council includes in the 2014/15 Operational Plan and Budget the annual operating costs of \$22,300 for web casting Council meetings;
15. Council includes in the 2014/15 budget and operation plan the sealing of the hill section of Nullo Mountain Road for a distance of 2.0 kilometres at a cost of \$120,000;
16. Council includes in the 2014/15 budget and operation plan the sealing of the 20 metres of Lochiel Lane Mudgee at a cost of \$4,000; and
17. Council include in the 2014/15 Operational Plan and Budget an additional \$15,000 for operational cost for the Kandos Museum; and
18. Council include in the 2014/15 Operational Plan and budget all the works deferred in the March 2014 quarterly budget review totalling \$1,584,100 in general fund, \$1,120,000 in Water Fund and \$535,000 in sewer fund : and
19. Council allocates \$35,000 towards the lease and structural changes for the development of a community centre at the Salvation Army premises in Perry Street Mudgee, and a further \$15,000 for the ongoing operations and management of this facility and that Council relocates its Ironed Out activities to this premises if the lease negotiations are successful;
20. Council allocates \$130,000 towards regional-wide new or upgraded footpath and cycleway infrastructure in the region and that staff prepare a report for the July meeting to recommend priorities for the expenditure of these funds.
21. Council increases the allocation for legal expenses by a further \$50,000 to be realistic of actual costs that may be incurred.
22. Council allocates \$73,500 from the sewer reserves account for the purchase of a mobile sludge dewatering unit.
23. Council allocated a further \$70,000 from the Corporate Buildings budget to upgrade the Gulgong Service Centre
24. Council recognises the income from Wilpinjong coal of \$260,000 for communities' infrastructure and allocate the monies in the VPA reserve
25. Council allocates \$2,035,000 for the purchase of plant required to complete the Ulan Road and Cope Road projects and Council allocates \$1,003,000 for operation costs of that plant to be charged against Ulan and Cope Road, and Council allocates \$275,000 for plant purchase that was deferred in the March Quarterly Budget Review;

26. Council allocates \$50,000 for the development of playground facilities at the Gulgong tennis club with \$25,000 funded from grants and \$25,000 funded by General Funds.
27. Council allocates \$60,000 from the Section 94 reserves to undertake the review of the Section 94 plan.
28. Council allocates \$235,000 to the replacement of the fire damaged pavilion at the Glen Willow sports facility to be funded by insurance claims.
29. Council amend the fees and charges schedule to reflect the following:-
 - Interest on overdue account set at 8.5%
 - Additional fees at Mudgee Showground for Cudgegong Cruisers - \$440.00
 - Replace the words at Mudgee showground charges of “camping for regular events” to “Camping small events”
30. Council allocates \$20,000 towards some repair works required at the Council commercial building in Mortimer Street tenanted by The Reject Shop. This work to be funded from the Property Development account;
31. Council allocates \$70,000 for the repair of the Victoria Park fence adjacent to Church Street and the tennis courts to be funded from the Asset Replacement reserve.

Detailed report

The Operational and Delivery plan has been on public exhibition and closed on the 16th May 2014. The purpose of this report is to address those submissions, some Council directions since the Operation Plan and budget went on public submission and a number of staff recommendations on matters that have also recently arisen.

The Council has received a number of public submissions and requests for new matter/projects to be included in the 2014/15 Operational plan and budget. The first part of this report addresses those submissions.

Public Submissions (attached at the end of the business paper)

BLACK SPRINGS ROAD – MAX EADY SUBMISSION ATTACHED – COST \$120,000

Council has received a submission to seal Black Springs Road. This is a similar submission that Council has received in previous years. The sealing of this road is not considered a priority. Estimated cost is \$98,000.

RATES ALLOCATION

Council has received the following submissions on the allocation of the rates as per the Councils revenue policy. Those submissions are from

- NSW Farmers
- Glencore – Ulan Coal Mines Limited
- Peabody Pastoral Holdings Pty Ltd – Wilpinjong Coal Pty Ltd
- Yancoal Australia Ltd on behalf of Moolarben Coal Mines Pty Ltd

Council resolved at the 21st March meeting to place the Revenue Policy back on public submissions with additional options for the allocation of the rates split to the allowable categories. The revenue policy of Council including the allocation to the various categories will be addressed by Council at the Extraordinary meeting on the 23rd June.

WESTERN ACADEMY OF SPORT

The Western Academy of Sport has again requested Council to make a financial grant of \$1,165 to their organisation. This is being recommended to be funded from the Financial Grants Programme – similar to previous years.

REGENT THEATRE AS ART GALLERY

Cameron Scott Fell is seeking Council to consider a public private partnership to include the Regional Art Gallery. Management are of the opinion that converting this building into a modern art gallery with all the required environmental and vermin controls would be very expensive. If Council is still of the opinion to develop a “fit for purpose” modern regional art gallery then the conversion of an existing heritage building will be difficult

MUDGEES CHAMBER OF COMMERCE

The Mudgee Chamber of Commerce have requested Council makes a financial contribution to the ongoing operations of their organisation. Council will be aware that it makes contribution to the Gulgong Chamber of Commerce for their town coordinator. That is a grant of \$12,000. The recommendation in this report is that Council makes a grant of \$10,000 in the 2014/15 financial year towards the Mudgee Chamber and if they require ongoing funding then additional application will be required.

TWELVE MILE ROAD

A submission is attached from Renae Hill seeking that Council upgrade 12 Mile Road as in her opinion the road is not of a very high standard. Not only is the road used for local traffic it is also used as an alternate route to Burrendong Dam. The recommendation in this report is that Council engineering staff report to Council on the condition of 12 Mile Road with advice as to whether or not this road should receive priority funding from the grading and resheeting budgets.

HORATIO STREET CAR PARKING

A submission is attached from Damian and Louise Dewit expressing concern about the car parking on Horatio Street where private individuals are selling their vehicles. This matter has been addressed extensively by Council staff in the past and we have no legislative power to prohibit cars parking on this site for sale purposes other than putting in parking restrictions. The problem with introducing parking restrictions in this area is that it won't necessarily stop this area being used as a car lot if the vehicles are registered albeit for a restricted time. Vehicles will just use another section of town for their car sales. The recommendation in this report is that the Council staff write to Mr and Mrs Dewit explaining Council's legal position in regard to this car sales lot.

MID WESTERN HEALTHY COMMUNITIES ALLIANCE

Attached to this report is a submission from the Healthy Communities Alliance. As part of the March Quarterly Budget Review adopted by Council on 21 May a \$50,000 grant was made to this organisation. It is recommended in this report that no further monies be granted until the Healthy Communities Alliance can prove the effectiveness of the current \$50,000 granted and that an application will be accepted for the 2015/16 Operation Plan and Budget.

SEALING CAUSEWAYS APPROACHES

Mr Russell Marsh has requested Council to give consideration to sealing all of the approaches to causeways in the region for at least 20 metres either side of the causeway. The recommendation in this report is for staff to report sometime during the balance of this calendar year on the number of causeways and the cost of sealing the approaches for this matter to be considered as part of the 2015/16 Operation Plan and Budget.

CYCLEWAYS

A request from Stephen Sneesby is that Council allocate more funds to cycleways in the region. Council will recall that as part of the March Quarterly Budget Review there was a surplus of \$321,000. The recommendation in this report is that part of that surplus from the March Quarterly Budget review be used for walkways and cycleways in the region. The staff will need to prioritise a list of works in the next two months of where these additional funds will be spent.

As part of this submission Council is being asked to review the speed limit on Ulan Road from the existing 50kph to the AREC entrance. Staff will ask the RMS to review this although the last review has occurred in the last two years.

WALLINGA LANE ISSUES

Cheryl Grieff has made a submission on a wide range of issues associated with a lack of services they receive to their property but in her opinion they still pay significant rates. The council staff will inspect Wallinga Lane to ensure that the road is up to standard otherwise we will respond to all the other issues raised in Mrs Grieff's letter.

Council Resolutions and Requests

The following a requests or resolutions from Council meetings which have referred matters to the 2014/15 budget and Operation Plan

CULTURAL DEVELOPMENT OFFICER – COST \$60,000

At the 2nd April Council meeting the matter of a Cultural Development Officer was referred to this meeting for consideration. The Council has now determined to proceed with an Art Gallery and Cultural Centre in the 2015/16 financial year. The recommendation in this report is to employ a Cultural Development Officer for a period of six months commencing January 2015 and review the ongoing need for this position as part of the 2015/16 budget discussions. The \$60,000 allocated will employ a person for 6 months plus allow some \$20,000 to commit to projects. A copy of the position description and role profiles are attached.

WEB CASTING – ANNUAL OPERATING – COST \$22,300

Council has approved that all meetings are now streamed live over the web. The annual cost of this service is \$22,300 being:-

Streaming service (provided by InterStream)	\$15,120
Dedicated ADSL line	\$1,200
Staffing costs (assuming 2-3 hours per meeting)	\$6,000
Total operating costs (per annum)	\$22,320

NULLO MOUNTAIN ROAD – COST \$120,000

The Nullo Mountain Road is proving to be incredible difficult to maintain in wet conditions and even hold resheeting material on the road is ineffective. This is a school bus route. The recommendation

in this report is to 2.0 kilometres of the hill section of this road at a cost of \$120,000. This matter was discussed at the 21st May Council meeting.

LOCHIEL LANE – COST \$4,000

Council has resolved at the 21st May meeting to seal a small 20 metre of Lochiel Lane Mudgee that would be left between works done by developers.

KANDOS MUSEUM – COST \$15,000

Council resolved at the 7th May Council meeting to increase the operational grant to the Kandos Museum by \$15,000.00.

DEFERMENT FROM 2013/14 BUDGET – COST \$ 294,114

As part of the consideration of the March Quarterly Budget Review Council approval the deferral of the following works to include in the 2014/15 Operational Plan and Budget. These works are recommended to be included in this budget along with the revoting of the appropriate funding.

1. *Richards St crown road closure* – The Crown is taking up to 2 years to process road closure applications. Council is currently awaiting notification.
2. *Church St reseal (Railway to Meares)* – Due to wet weather and competing projects. Will complete with next year's Church St works for setup cost benefits.
3. *Property sale 45 Dunn St, Kandos* - Defer settlement to 2014/15, awaiting an amended certificate of title from LPI before sale can proceed.
4. *Glen Willow amenities* – large, insurance funded construction job, work is progressing as per construction schedule with completion date for mid August.
5. *Kandos Museum* – a new Development Application is in the process of being lodged with Council for changes to the original consent.
6. *Charbon roads maintenance (condition of consent Charbon Mine)* - Aim to pool funds over a few years to do more substantial road repairs at one time.
7. *Ulan Wollar Rd, use of plant on competing projects and better scale of works* if this budget is added to the contribution for 2014/15.
8. *Kandos to Clandulla Pedestrian path* – still awaiting ARTC approval.
9. *Charbon pedestrian bridge* - still awaiting ARTC approval.
10. *Community transport vehicles* – this is a continuing allocation from grant funding, no replacement vehicles required this year.
11. *Home modification & maintenance vehicle purchase* - this is a continuing allocation from grant funding, no replacement vehicles required this year.
12. *Rylstone/Kandos flood study* – the flood study is complete, and is due to go on exhibition after Council approval. The flood study makes up the first part of the grant funded works with deferral of the remaining budget to complete the second part of the grant funded works, the Flood Risk Management Plan.
13. *Percy Nott rest area* - contractor quotes were above allocated budget for this project, so Council will manage this work in-house. Competing projects before the end of the financial year necessitates deferral of this budget, it is now listed at the start of the works program for 2014/15.
14. *Fairydale Lane railway buffer zone* – currently negotiating approval from all stakeholders.
15. *Avisford reserve bike track* – this is a community run program, Council are assisting where required to complete this project.

16. Rylstone showground upgrade - heavy consultation with the community has meant that physical works were started late in the year. This work was planned to occur over 2 financial years. Canteen, fencing and parade rings are underway now.
17. Rural Fire Service Cudgong heritage building - construction of this building will be over two years. The RFS have approved works to commence in 2013/14 with the bulk of construction planned to occur in 2014/15.
18. Plant purchases and sales – this is an ongoing program of replacement. A variation to allow for a small adjustment timing of plant changeovers is recommended.

A summary of the funding of those deferrals is as follows:-

March QBR

General Fund	1,584,100
- Property Sales	(27,200)
- Insurance reimbursement	(235,000)
- Reserves	(736,903)
- Grants/Unspent grants	(426,097)
- VPA	(72,100)
Total General Fund	86,800
Water Fund	1,120,000
- Reserves	(120,000)
- S64	(1,000,000)
Total Water Fund	0
Sewer Fund	535,000
- Reserves	(535,000)
Total Sewer Fund	0

Staff submissions

COMMUNITY CENTRE – MUDGEE – COST \$50,000

There is an opportunity to lease the Salvation Army premise in Perry Street as a community centre. This property is at the rear of the Byron Place car park. The site would make an excellent parents room with access both to Byron Place and Perry St. Council could also relocate Iron Out to these premises which we are currently rental of \$18,000 per annum. There is also money allocated within the Public Toilets budget to assist with the development of a parent's room somewhere in Mudgee.

We also receive a number of requests for organisations to be housed for their weekly activities such as the Bridge Club and the U3A. Both these organisations are prepared to pay weekly rent for such a facility. This facility is ideal for such groups.

The building does need some internal structural changes but this cost could be reflected in the first year's rental with a reduced amount offered.

FOOTPATHS/CYCLEWAYS – COST \$130,000

As part of the 2013/14 March Quarterly Budget Review a surplus was declared for that period of approximately \$320,000. It is recommended to Council that a portion of these surplus funds be spent on new infrastructure or upgrades. The one area of Councils infrastructure that does need attention is footpath and/or Cycleways. The recommendation in this report is that Council allocate

\$130,000 for regional wide infrastructure on footpaths and that staff present a report in July indicating the locations in the region where the money will be spent.

LEGAL EXPENSES - COST: \$50,000

In previous years, Council has always short-allocated our legal expenses provisions in the budget. This matter is currently set at \$35,000. It is recommended in this report as part of the March budget review surplus that an additional \$50,000 be allocated to provisional legal services.

MOBILE SLUDGE DEWATERING UNIT – COST: \$73,500

Council will recall at a recent meeting the budget for the Mobile Sludge Dewatering Unit was increased by \$73,500 and the expenditure of this amount of money would occur in the 2014/15 financial year. The recommendation in this report reflects that resolution.

GULGONG SERVICE CENTRE – COST: \$70,000

When Council was putting the original budget together, we allocated \$20,000 from the corporate buildings budget for some painting and carpeting in the Gulgong Service Centre. On further review, this service centre needs more of an upgrade than just painting and carpeting to bring it up to the same standard as our other service centres. This report recommends that an additional \$70,000 be allocated from the corporate buildings budget towards the Gulgong Service Centre. The additional expenditure does not affect any other project in the corporate buildings budget as there was surplus of some \$80,000 yet to be allocated.

WILPINJONG COAL VPA – INCOME: \$260,000

Wilpinjong Coal paid Council a community infrastructure payment of \$260,000 which is put into Council VPA reserve. The recommendation in this report reflects that income.

COUNCIL PLANT – COST: \$2,035,000

Recently Council approved the purchase of new plant for the Ulan and Cope Road projects being funded by Resources for the Region and the coal mines. The majority of this plant will not be purchased in the current financial year, so the funds are allocated in the 2015 year to reflect the purchase. This was approved by Council at the 2 April 2014 meeting.

Also included in this report is \$1,003,000 for the operation of the above plant on the two jobs. This of course will be a cost direct to the Ulan and Cope Roads respectively. No additional cost to the budget will be incurred.

Within the March Quarterly Budget Review we deferred some plant purchases as they are not yet available for delivery. The carry forward cost is \$275,000 and all funded from the plant reserve account.

GULGONG TENNIS CLUB – COST: \$50,000

Council recently received a grant from Sport & Recreation of \$25,000 for the development of playground facilities at the Gulgong Tennis Club. Council has to match that grant dollar for dollar. The recommendation in this report reflects that grant and Council funding.

SECTION 94 PLAN – COST: \$60,000

Council has been deferring the review of our Section 94 plan pending the rewriting of the new Planning Act. As Council is aware, that new legislation is on hold and a completion date is

unknown. Council collects money through Section 94 contributions for administration of the Section 94 Plan. This report is recommending that Council now proceeds with the review of the Section 94 Plan to be funded from the administration provision of Section 94 contributions.

GLEN WILLOW SOCCER PAVILION – COST: \$235,000

As Council is aware, on 1 July last year the soccer pavilion at Glen Willow Sports Stadium was destroyed by fire. The replacement of that facility will not occur by 30 June 2014 and we expect a further \$235,000 of additional expenditure in the 2014/15 year. This is all funded by insurance. The recommendation in this report is to reflect the work that will be completed in the 2014/15 financial year.

FEES AND CHARGES SCHEDULE

There are three changes required to the fees and charges schedule, as follows:

- The interest that Council is able to charge on overdue rates and water charges is set by the State Government. That has been reduced to 8.5% from 9%. The recommendation in this report reflects that change
- Council staff have negotiated with the Cudgegong Cruisers for the use of the Mudgee Showgrounds and are putting in a fee of \$440
- At the Mudgee Showgrounds the camping for participants and events at the showgrounds needs a minor word changing from “Camping for regular events” to “Camping at small events”.

THE REJECT SHOP – COST: \$20,000

We are currently in the process of renegotiating the lease with The Reject Shop and as part of that negotiation, additional work is required, both structural and maintenance. The internal ceiling and the front of the building do need painting. Estimated cost is \$7,000. There is a new air conditioning unit required out the back at a cost of \$4,400 and the roof is currently leaking, with additional plumbing work required at an estimated cost of \$1,800. Additional to that, there is discussion over the exiting of the building. At least one door should be a push outward to open for fire purposes, and the tenants are seeking the installation of automatic opening doors. The total cost could be in the vicinity of \$10,000. We are in the process of completing these negotiations and we are seeking from Council an allocation of \$20,000 with the tenant funding the balance of the works.

VICTORIA PARK FENCING – COST: \$70,000

The fence around the tennis courts at Victoria Park are looking very dilapidated and does not do justice to the upgrade that the tennis club have recently completed. The cost to renew the fence on the roadside is \$70,000 and can be funded by the asset replacement reserve fund.

Financial and Operational Plan implications

This report covers all matters associated with the Budget and Operational Plan. The intention would be that the Operational Plan be put to the Council meeting on the 18 June 2014. The purpose of this report is to finalise the projects to be included in the Operational and Delivery Plans.

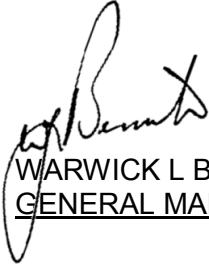
This total budget represents a deficit in our general fund of \$833,397. This reduces our total working capital to around \$4.9 million, which is considered acceptable.

Community Plan implications

All projects included in this report fall under a category within the Community Plan.

1 April 2014

- Attachments:*
1. Submissions to Delivery Plan (included at the end of the business paper)
 2. Budget Initiatives schedule (included at the end of the business paper)
 3. Position description and role profile – Cultural Development Officer



WARWICK L BENNETT
GENERAL MANAGER



POSITION DESCRIPTION

1. POSITION TITLE: CULTURAL DEVELOPMENT OFFICER

2. PURPOSE AND OUTCOME (WHAT IS THE POSITION HERE TO DO AND ACHIEVE?)

3. To promote and encourage cultural participation in the Mid-Western Region, through the coordination of workshops, programs, and attraction of artists, cultural events and exhibitions to our region.

4. ORGANISATION CHART (STRUCTURE)

Please refer to the Organisation Chart.

5. KEY JOB ACCOUNTABILITIES (WHAT WILL THE OCCUPANT BE HELD ACCOUNTABLE FOR ACHIEVING?)

- Coordinate the curation and promotion of all art exhibitions at Mudgee Library
- Coordinate at least one workshop activity relevant to each exhibition featured
- The development and maintenance of a community cultural directory
- Regular attendance and monthly reporting to the Cultural Development Committee
- Regular attendance at the Public Art Advisory Panel meetings
- Present cultural activities program report to Council on a quarterly basis
- Actively promote art and culture to residents and visitors
- Build relationships with local stakeholders including Orana Arts and the regions artist bodies including, but not limited to bodies related to
 - Visual art
 - Performing art
 - Sculpture and clay
 - Literature
 - Museums and galleries
- Maintain awareness of relevant state/national links with eg. Museums and Galleries NSW, Regional Galleries Association of NSW, Arts NSW, Australian Government Arts bodies
- Encourage, facilitate and coordinate artists and volunteer involvement in at least four workshop activities per year in Mudgee, and one of each outreaching to Gulgong, Kandos and Rylstone (encouraging and facilitating village involvement)
- Coordinate the Mudgee Art Prize sponsorship, entries, judging and promotion
- Coordinate and promote eight cultural programs/events per year, with outreach of at least one of each in Gulgong, Kandos and Rylstone(encouraging and facilitating village involvement)
- Attract a minimum of three sponsors or grants per year through local/regional channels and networks

SIGNATURES



POSITION DESCRIPTION

Incumbent	Date
Manager	Date
General Manager	Date



ROLE PROFILE

1. POSITION TITLE: CULTURAL DEVELOPMENT OFFICER

2. QUALIFICATIONS AND EXPERIENCE (INCLUDING EDUCATION AND TRAINING)

ESSENTIAL CRITERIA:

- Certificate III in Arts and/or Community Development related discipline and/or minimum of 2 years relevant work related experience
- Understanding of cultural development, arts and gallery environments
- Demonstrated involvement in the arts
- Class C Drivers Licence

DESIRABLE CRITERIA:

- Previous gallery management experience
- Previous community consultation experience

3. SKILLS AND ABILITIES (INCLUDING PERSONAL ATTRIBUTES AND QUALITIES)

ESSENTIAL CRITERIA:

- Effective communication Skills
- Project planning experience
- A demonstrated ability to work autonomously and as part of a team
- Effective report writing and oral communication skills
- Effective people management skills

DESIRABLE CRITERIA:

- Understanding of Aboriginal culture

4. GENUINE OCCUPATIONAL REQUIREMENTS

The physical demands herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform these essential job functions.

ENVIRONMENT: Work is performed primarily indoors with exposure to computer screens and other office equipment. Preparation for workshops and exhibitions may involve the transporting and lifting of heavy objects.

MOBILITY: Sitting for prolonged periods in an office environment.

OTHER FACTORS: None identified



ROLE PROFILE

SIGNATURES

Incumbent	Date
Manager	Date
General Manager	Date

6.2.5 Financial Assistance Applications

REPORT BY THE FINANCIAL ACCOUNTANT TO 4 JUNE 2014 COUNCIL MEETING

Financial Assistance
GOV400038, A0140201

RECOMMENDATION

That:

1. **the report by the Financial Accountant on the Financial Assistance Applications be received;**
2. **Council note that the Financial Assistance budget for 2013/2014 is fully expended. Councillors should consider any donations from their discretionary funds.**

Executive summary

This report considers requests for financial assistance under the Council's Financial Assistance Policy.

Detailed report

Provision is made in Council's Financial Assistance Policy for community not for profit organisations, group and individuals which offer a significant contribution to the social, economic and/or environmental well being of the Community.

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

Due to the full allocation of financial assistance funds, it is recommended that Councillors consider using their discretionary funds to assist with the following requests:

PIONEER AUXILIARY LADIES (P.A.L.S)

P.A.L.S are a group of ladies who raise money to provide equipment and facilities for the care and comfort of the elderly citizens at Pioneer House Aged Care Home. At present, they are raising money to purchase some comfortable chairs at a cost of \$790 each. They would like to request a donation for the cost of one chair as they realise it will take some time to raise enough money to purchase the 22 chairs said to be needed.

AUSTRALIAN RED CROSS - RYLSTONE

Rylstone Red Cross Branch will be 100 years old this year. To celebrate the achievement and honour the good works Red Cross have done over the last 100 years, they would like to hold a celebration luncheon on Saturday 27th September 2014. Normally all monies raised have to be forwarded to Red Cross Headquarters, therefore Rylstone branch are requesting some assistance so that they can hold the luncheon. No amount was specified however any assistance made would be appreciated.

Financial and Operational Plan implications

Funding of \$152,000 is provided in the Operational Plan for Financial Assistance. An additional \$32,636 has been allocated to the budget giving total funding of \$184,636.

All general funding has been allocated for this financial year and only Councillor's discretionary funds remain.

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

Cr Thompson	\$1,200.00
Cr Shelley	\$0.00
Cr Walker	\$417.44
Cr Webb	\$100.00
Cr Martens	\$500.00
Cr Kennedy	\$0.00
Cr Weatherley	\$0.00
Cr White	\$0.00
Cr Cavalier	\$500.00

Community Plan implications

Council's Financial Assistance Policy applies.

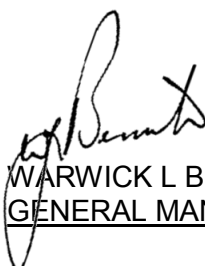
NEIL BUNGATE
FINANCIAL ACCOUNTANT

BRETT EXELBY
DIRECTOR, FINANCE & ADMINISTRATION

23 May 2014

Attachments: 1. Applications for financial assistance

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER

P.A.L.S

Pioneer Auxiliary Ladies

Pioneer House Aged Care, Court St Mudgee 2850

President

Barbara Smith

20th May 2014

Mr Des Kennedy

Mayor

Mudgee Shire Council

Dear Mr Kennedy

The P.A.L.S. members are at present raising money to purchase some comfortable chairs for the residents of Pioneer House Aged Care. These are to be placed in the lounge area of the D & C wings, as it is necessary to upgrade the area inline with the new government specifications and to attract new residents in the future.

The cost of these chairs is \$790 each and are covered in a material suitable to the use by residents hence the cost per chair.

We are wondering if you could help us in this endeavour with a donation for the cost of 1 chair, if you can we would be very grateful as you realise it will take time to raise enough money to purchase the 22 chairs needed.

Hoping you can help us in this endeavour we remain

Yours Sincerely

Marie Mclean

Secretary



the
POWER of
humanity



100 YEARS
PEOPLE HELPING PEOPLE
1914-2014

Mrs Claire Andu
'Bellrock'
1497 Coxs Creek Road
RYLSTONE NSW 2849

9th May 2014

*The General Manager
Mid Western Regional Council
Budget*
Dear *Dis*



How exciting, Rylstone Red Cross Branch will be 100 years old this year.

Red Cross Australia began in August 1914, just nine days after the commencement of World War 1 and the first branches to be formed in rural N.S.W., just a month later were, Rylstone and Collarenebri.

To celebrate this achievement and honour the good works Red Cross have done over the last 100 years, we would like to have a celebration luncheon on Saturday 27th September this year.

Normally all monies we raise have to be forwarded to Red Cross Headquarters, therefore, we are making an appeal for financial assistance so that we can hold this special luncheon.

We would appreciate any assistance you can give to this appeal and look forward to hearing from you.

In appreciation,

Yours sincerely,

Claire F. Andu

Mrs Claire F Andu
President
Rylstone Branch

6.2.6 Mudgee Riverside Caravan and Tourist Park – Lease Agreement

REPORT BY THE REVENUE & PROPERTY MANAGER TO 4 JUNE 2014 COUNCIL MEETING

Riverside Caravan Park Lease

GOV400038, P0233911

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Mudgee Riverside Caravan and Tourist Park - Lease Agreement be received;**
2. **Council endorse the new Lease between Council and Avonbell Pty Limited for the Mudgee Riverside Caravan and Tourist Park for an initial term of 5 years from 27 September 2013 to 26 September 2018 with one option to renew for a period of 5 years;**
3. **all necessary documents required to give effect to the new Lease be executed under the Common Seal of Council;**
4. **all legal costs associated with the drafting and execution of the new Lease be borne by Avonbell Pty Limited.**

Executive summary

The purpose of this Report is to seek endorsement of the new Lease agreement between Council and Avonbell Pty Limited for the lease of the Mudgee Riverside Caravan and Tourist Park (the Park).

Detailed report

The Park is leased to Avonbell Pty Limited on a 5 year initial term and two options to renew of 5 years each. The initial 5 year term expired on 26 September 2013. The rent as at the date of expiry was \$93,858.84 (excluding GST).

The Director of Avonbell Pty Limited, Mr Ian Mitchell exercised the option to renew the Lease for the next 5 years and a Market Rental Assessment valuation was subsequently obtained by Council. The valuation indicated the current market rent to be \$100,000 (excluding GST) which is to be increased annually for the next 5 years by the Consumer Price Index. Mr Mitchell has agreed with this valuation which will set the rent for the next 5 years.

In his letter to Council of 27 November 2013 agreeing to the valuation, Mr Mitchell also requested consideration to simplify the existing lease agreement and in particular to refine and summarise the Capital Works clause. The existing lease agreement requires specific capital works to be undertaken in each year of every option term. Mr Mitchell contends that currently some contemporary and important improvements are not being achieved due to the inflexibility of the Capital Works clause. It should be noted that all the capital works listed for the initial term of 5 years have been completed except for the Year 5 program that was not achieved due to issues around drainage.

Mr Mitchell's proposal is to undertake Capital Works of not less than \$15,000 per annum for each year of the Lease. Mr Mitchell would be required to provide proof of Capital Expenditure during

each year of the Lease by May of each year and in addition provide a summary of proposed Capital Expenditure for the subsequent 12 month period.

It is considered that this proposal is plausible and it is agreed that the simplification will result in relevant capital works being undertaken annually that will improve Council's asset and will retain or improve the Park's current accommodation star rating.

The proposed new Lease reflecting the current market rent of \$100,000 (excluding GST) and the provision for Capital Works of not less than \$15,000 per annum is attached to this Report for Council's consideration. The term of the proposed new Lease is for an initial period of 5 years from 27 September 2013 to 26 September 2018 with one option to renew for a period of 5 years. The 10 year period in total is commensurate to the remaining period of the existing lease.

Financial and Operational Plan implications

Council will receive relevant Capital Works upgrades on an annual basis to its asset without an impost on ratepayers.

The legal costs associated with the drafting and execution of the proposed new Lease are to be borne by Avonbell Pty Limited.

Community Plan implications

Not applicable.

DIANE SAWYERS
REVENUE & PROPERTY MANAGER

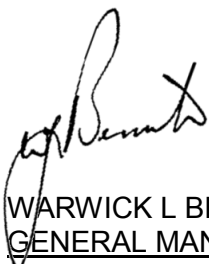
BRETT EXELBY
DIRECTOR, FINANCE & ADMINISTRATION

16 May 2014

Attachments: (included at the end of the business paper)

1. Proposed new Lease
2. Letter from Mr Mitchell dated 27 November 2013
3. Market Rental Assessment Valuation (in confidential section of the business paper)
4. Existing Lease

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.2.7 Closure of Sections of Saleyards Lane Road Reserve

REPORT BY THE REVENUE & PROPERTY MANAGER TO 4 JUNE 2014 COUNCIL MEETING

Closure of Section of Saleyards Lane Road Reserve

GOV400038, P0596211

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Closure of Sections of Saleyards Lane Road Reserve be received;**
2. **Council agree to the closure of those parts of the Saleyards Lane road reserve identified as hatched areas A, B and C on the attached plan and proceed with the lodgement of a Road Closure Application with Crown Lands Division;**
3. **the General Manager be authorised to sign all necessary documentation in relation to the closure of those parts of the Saleyards Lane road reserve;**
4. **Council authorises the affixing of the Common Seal to all documents necessary to complete the closure of those parts of the Saleyards Lane road reserve;**
5. **upon transfer of title of those lands to Council identified as hatched areas A, B and C on the attached plan, Council notify the public of its intention to classify the lands as Operational by exhibiting the proposal for 28 days and should there be no submissions from the public, the lands be so classified as Operational.**

Executive summary

The purpose of this Report is to seek Council's approval to close those parts of the Saleyards Lane road reserve identified as hatched areas A, B and C on the attached plan and proceed with the lodgement of a Road Closure Application with Crown Lands Division. The proposed closed areas are to be incorporated into various allotments in accordance with the recently approved subdivision and childcare hub development.

Detailed report

The Saleyards development zone includes an approved residential subdivision and approval for the establishment of an early childcare hub.

On 7 May 2014 Council approved a development application for a 48 lot residential subdivision on the former Saleyards site owned by Council and in addition, approved the demolition of the former SES building. On 21 May 2014, Council approved a boundary adjustment on the site to allow for the imminent establishment of early childhood education and care services facilities fronting Saleyards Lane.

In order to comply with the conditions of the recently approved residential subdivision and childcare hub, it is necessary to close those parts of the Saleyards Lane road reserve identified as hatched areas A, B and C on the attached plan. Once closed, these areas will form part of the various identified allotments within the residential subdivision and childcare hub as indicated on the plan.

It is intended for hatched Area A to be incorporated into the early childhood education and care services facilities site and hatched Areas B & C to be incorporated into various allotments within the approved 48 lot residential subdivision.

The ultimate decision to close these parts of Saleyards Lane will be made by the Crown Lands Division after a public process, where the possibility of closing the parts of the road will be advertised and all community members will have a chance to make submissions in relation to the closure.

As Saleyards Lane is formed and has always been maintained by Council, it is envisaged that upon the proposed closure, the land will vest in Council in accordance with the Roads Act 1993.

It should be noted that the Crown Lands Division is currently taking up to 2 years to finalise road closure applications.

The proposed reduction in the width of those parts of the existing Saleyards Lane road reserve to accommodate the development of the identified allotments will have no detrimental effects on traffic flow or cause safety concerns within the precinct.

Currently the width of the road reserve is 36 metres (road pavement 7 meters & 14.5 meters of verge either side), being much wider than the 16 metre-plus standard width of a residential road reserve. Upon closure, the width of the road reserve along this section will be 22.2 metres.

The total area to be closed is approximately 3,144 m².

Financial and Operational Plan implications

The proposed closure will be funded from the Restart NSW Cobbora Transition Fund.

Community Plan implications

The closing of those parts of the Saleyards Lane road reserve will enable the development of the Saleyards precinct to progress as planned and approved.

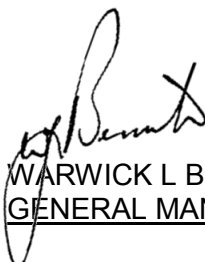
DIANE SAWYERS
REVENUE & PROPERTY MANAGER

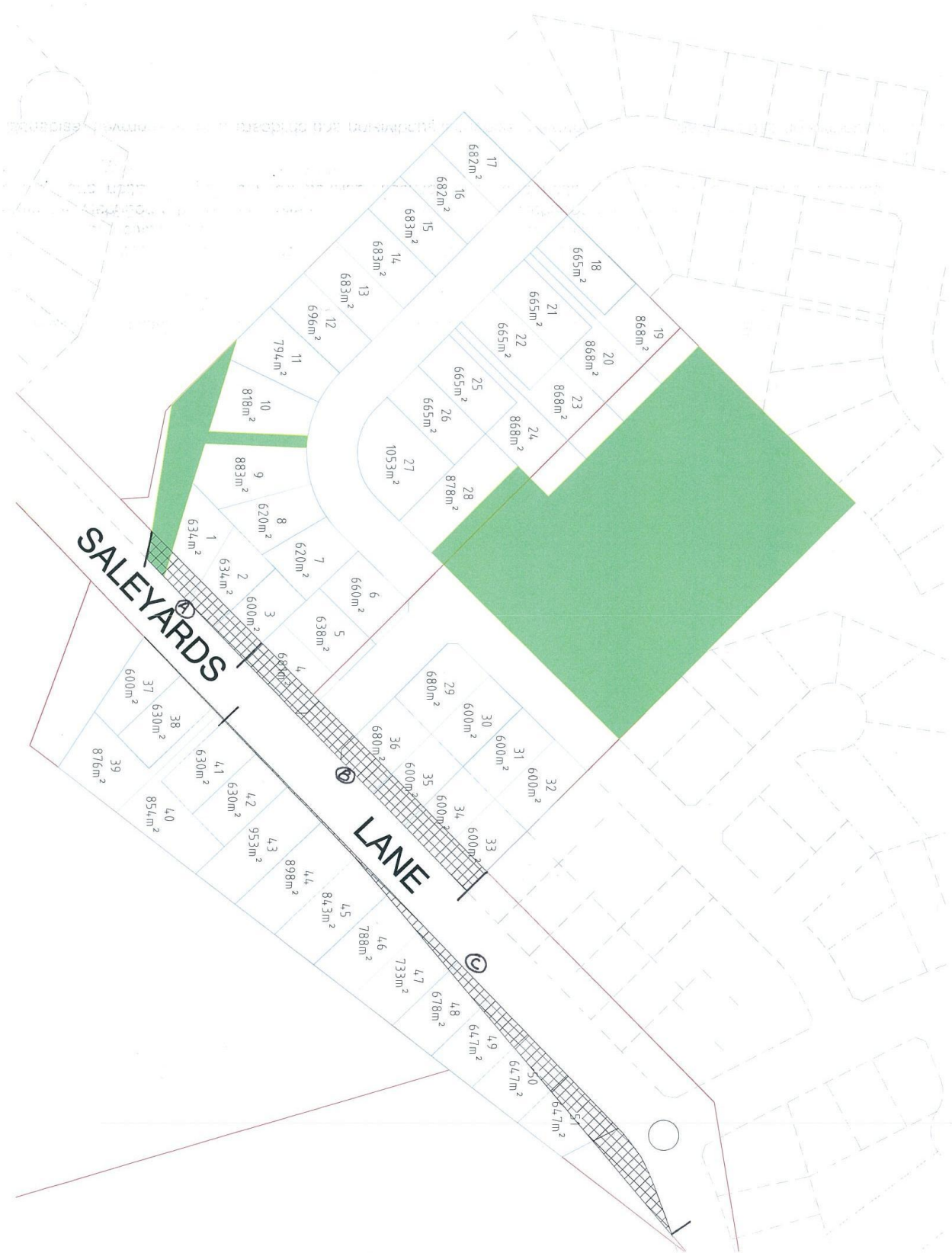
BRETT EXELBY
DIRECTOR, FINANCE & ADMINISTRATION

19 May 2014

Attachments: 1. Plan of proposed closure

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER



6.2.8 Assessment of Quotation for Waste Hook Lift Truck

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 4 JUNE 2014 COUNCIL MEETING
Assessment of Quotation for Waste Hook Lift Truck
GOV400038, A0419330

RECOMMENDATION

That:

1. **the report by the Director, Mid-Western Operations on the Assessment of Quotation for Waste Hook Lift Truck be received;**
2. **Council accepts Volvo Trucks for VendorPanel quotation LGP13533 for the provision of one Volvo FM11 cab chassis with a Palfinger hook lifting system for the quoted price of \$281,850.00 (Excl GST) and that Council enter into a contract with Volvo Trucks in accordance with clause 178 of the *Local Government (General) Regulation 2005*;**
3. **Council approves the General Manager to authorise variations up to 5% of the contract value;**
4. **The unsuccessful applicants are notified that their quotations were unsuccessful.**

Executive summary

Council's waste hook lift truck was involved in an accident and was considered a write off by the insurance company and as part of Councils plant replacement program quotations were sought for its replacement through VendorPanel, which is the web portal of Local Government Procurement (LGP). The amount received from Zurich as a total loss claim was \$139,909.09 (excluding GST). VendorPanel is a web portal where Council can either purchase direct from a schedule of rates contract or obtain quotes from LGP quotation based contracts. Transparency is provided to all parties when calling quotations, evaluating the responses and notifying suppliers of the outcome in the one portal. It also provides access to additional information such as Insurance details, web links, and company profiles, all regularly updated by the contractors themselves and verified by LGP.

LGP has been prescribed under s55 of the Local Government Act, allowing councils to utilise supply arrangements coordinated by LGP without the need to go to tender in their own right. Section 55 (3) of the Local Government Act provides a number of exemptions from the need for councils to call for tenders for goods and services.

A trade-in was not called for as the insurance company has settled in full and retained ownership of the wreck. The plant item recommended represented the best value to Council for the purpose of collecting waste and keeping our region clean and tidy.

Detailed report

The waste vehicle was assessed by Council mechanics, operators and managers in order to determine which vehicle gave Council the best value for money which includes running costs, the most reliability and also the most efficient vehicle possible. Short listed vehicles were physically examined and operated by a Council operator and mechanic where possible.

The assessment panel consisted of:

Neil Bungate	Financial Accountant
Scott Clarkson	Plant Supervisor
Julian Geddes	Business Manager Recreation and Resources and Recreation
Kylie Stewart	Waste Coordinator
Andrew Drummond	Business Manager Plant and Facilities

EVALUATION FINDINGS

All quotations were assessed and scored against the evaluation criteria listed in the RFQ (Request for Quotation) document and the weighted scores are based on 50% price, 20% capacity, 15% reliability and 15% parts and service backup. The total weighted scores and quotations received are listed below;

Eight companies submitted a total of sixteen cab chassis and body combinations. Quotations were received from;

- Volvo Trucks
- Paccar Daf
- Mercedes-Benz Trucks
- Manco Engineering Australia Pty Ltd
- Isuzu Australia Limited
- MAN Automotive Imports
- Fuso Truck and Bus
- Binskie Services Pty Ltd

No.	Name	Cab Chassis	Body	Total Score
1a	Volvo Trucks	Volvo FM11	Westrans	6.70
1b		Volvo FM11	Superior Pak - Succi 22t	7.52
1c		Volvo FM11	Superior Pak - Hiab 25t	7.83
1d		Volvo FM11	Palfinger	8.43
2	Paccar DAF	DAF FADCF75	Palfinger	7.89
3a	Mercedes-Benz Trucks	Mercedes Actros 3236	Westrans	7.19
3b		Mercedes Actros 3236	Palfinger	7.74
4	Manco	MAN TG-S	Manco	7.53
5a	Isuzu Trucks	Isuzu 700P	Superior Pak - Hiab 25t	8.28
5b		Isuzu 700P	Palfinger	8.30
5c		Isuzu 700P	Superior Pak - Succi 22t	8.00
6a	MAN Automotive Imports	MAN TG-S	Superior Pak - Succi 22t	7.30
6b		MAN TG-S	Superior Pak - Hiab 25t	7.63
7a	FUSO Truck and Bus	FUSO FS52SS3FAA	Superior Pak - Hiab 25t	7.96
7b		FUSO FS52SS3FAA	Westrans	7.42
8	Binskie Services Pty Ltd	Volvo FM11	Palfinger	8.31

The Volvo FM11 combined with a Palfinger hook lift body provides the best combination of price, suitability and an expectation of a reliable and long lasting work truck. Options not included in the pricing above that will be ordered separately include tarp covers for the bins. This truck will be used to clean up rural waste transfer stations and also provide fill at the waste facility.

Financial and Operational Plan implications

Whilst the purchase of this recommended plant item is funded from the plant reserve, due to it being written off prior to its scheduled replacement year and that delivery will be in the new financial year, a September Quarterly review item will be raised to reflect this movement in the plant fund.

Community Plan implications

The selected equipment is required to ensure that the outcomes of the waste strategic plan are met.

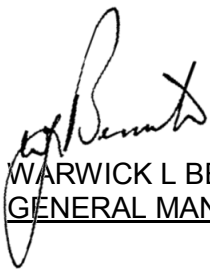


BRAD CAM
DIRECTOR, MID-WESTERN OPERATIONS

13 May 2014

Attachments: 1. Detailed scores and pricing included in the confidential section of the business paper.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.2.9 Recording of Council meetings

REPORT BY THE GENERAL MANAGER TO 4 JUNE 2014 COUNCIL MEETING

Recording of Council meetings

GOV400038, GOV400009

RECOMMENDATION

That:

1. **the report by the General Manager on the Recording of Council meetings be received;**
2. **Council allow for the recording of this meeting and request staff to prepare an amendment to the Code of Meeting Practice that will allow for the permanent webcasting and recording of Council meetings.**

Detailed report

Council has resolved to commence webcasting and recording of its meetings. To undertake the recording of meetings we require an amendment to the Code of Meeting Practice. This will be reported to Council at the 18 June 2014 meeting. Webcasting of meetings will be fully operational for the Ordinary meeting of Council on 23 July 2014.

In the meantime, we are trialling the recording and camera work required for webcasting at the next two meetings. Webcasting will not be live until the July meeting. The purpose of this report is to get approval from Council to record this meeting in accordance with the Code of Meeting Practice. It would be appropriate that this report is considered by Council immediately after Apologies.

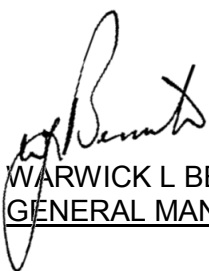
Financial and Operational Plan implications

Nil.

Community Plan implications

Nil.

26 May 2014



WARWICK L BENNETT
GENERAL MANAGER

6.2.10 Cultural Development Committee Minutes

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 4 JUNE 2014 COUNCIL MEETING

Cultural Development Committee Minutes 19052014

GOV400038, A0420172

RECOMMENDATION

That:

1. **the report by the Manager, Community Services on the Cultural Development Committee Minutes be received;**
2. **Council note the minutes of the Cultural Development Committee meetings held on 19 May 2014;**
3. **Council appoint Margot Palk to the Cultural Development Committee.**

Executive summary

The Cultural Development Committee meets to highlight and promote cultural issues in the region. The next meeting is due to be held on Monday 6th June 2014, at 5.00pm

Detailed report

The Cultural Development Committee are pleased to provide a nomination for Margot Palk to the Committee. Margot has a solid corporate law background, and a very keen interest in the region's culture and heritage given her involvement with The Convent Garden and the Kandos Museum.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

KATE POWER
MANAGER, COMMUNITY SERVICES


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

23 May 2014

Attachments: 1. CDC Minutes 19052014

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

**MINUTES OF MEETING OF THE
MID-WESTERN REGIONAL COUNCIL CULTURAL DEVELOPMENT COMMITTEE
HELD ON MONDAY 19th MAY 2014
MEETING AT THE COUNCIL COMMITTEE ROOM, MUDGEES AT 5.00pm.**

PRESENT: Judith James, Helen Harwood, Gai Rayner, Christopher Wright, Virginia Handmer, Amber Hooper (Council staff Kate Power, Catherine Van Laeren)

1. **WELCOME:** – Judith opened the meeting and thanked all for attendance

2. **APOLOGIES:** Councillor Lucy White, Sam Paine

3. **PREVIOUS MINUTES:** 28 April 2014

Moved – H Harwood Seconded – C Wright Motion carried

4. **Waste to Art**

Gai provided an update on the Waste to Art exhibition planning, reiterating the key dates being:

Artwork to be delivered to the Stables on Sunday 25th May
Judging by Sue Clarke will take place on the afternoon of 26th May
Opening of exhibition to be at 5.00pm on Monday 26th May

Motion – That a gold coin donation be the entry fee for the Waste to Art exhibition, and that those funds be donated to Mudgee Arts

Moved – V Handmer Seconded – J James Motion carried

5. **PAAP and CDC workshop – 5.30 - 6.30pm Wednesday 28th May, @ Fairview Artspace**

Judith advised that she has not yet been able to contact Chester Nealie in relation to co-facilitating the workshop, but will do so prior to the workshop

Gai advised that she will be an apology for the workshop

Action Item – Kate to have post-its, textas and the like at the workshop

6. **Sculpture Installation**

Catherine advised that she has been in direct contact with Council's Operations Department, and does hope that the final sculpture installation will be completed shortly.

7. **Microfinancing**

It was agreed by the committee that the appropriate body to progress a microfinancing project is Mudgee Arts.

Judith advised that she is willing to assist Mudgee Arts develop a project framework and assist with governance aspects.

Action Item – Judith will draft a framework document and provide it to Amber, so that she may ascertain Mudgee Arts position/willingness to progress project

8. Membership of the CDC

The Committee agreed that the final position remaining on the Cultural Development Committee should be filled by Margot Palk. It was agreed that Margot has a solid corporate law background, and a very keen interest in the region's culture and heritage given her involvement with The Convent Garden and the Kandos Museum

Motion – that the CDC recommend to Council the appointment of Margot Palk to the Cultural Development Committee

Moved – H Harwood Seconded – G Rayner Motion carried

10. Dropbox Sharing

Catherine expressed that Council's IT department may have some concerns over the use of Dropbox , and so it was agreed by the Committee to carry this item over to the June meeting.

**There being no further business the meeting closed at 6.00 pm.
Next proposed meeting date: 30 June, 2014 @ 5.00pm**

6.2.11 Kandos Centenary Working Party Minutes

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 4 JUNE 2014 COUNCIL MEETING

Kandos Centenary Working Party Minutes

GOV400038, P1553611

RECOMMENDATION

That:

1. **the report by the Manager, Community Services on the Kandos Centenary Working Party minutes be received;**
2. **Council note the minutes of the meeting held 12th May 2014, and the accompanying Treasurer's report**

Executive summary

The Kandos Centenary Working Party is a 355 Committee of Mid-Western Regional Council, responsible for the Centenary events planned in Kandos in October 2014.

Detailed report

The Kandos Centenary Working Party intends at its next meeting on Monday 26th May 2014, that the event timetable for the weekend will be finalised.

Further matters discussed at the 12 May 2014 meeting are contained in the attached minutes.

In the attached Treasurers report, Council will note its \$8000 contribution to the weekend events on 20 November 2013.

In addition to this, at its Rylstone office, Council has sold 11 copies of the book Rocky Mountain spirit, and therefore holds \$770 on the Working Party's behalf. Council continues to sell the books, and will pay the monies owing to the Working Party upon their request.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable

KATE POWER
MANAGER, COMMUNITY SERVICES

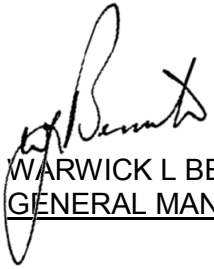


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY
SERVICES

22 May 2014

- Attachments:*
1. Kandos Centenary Working Party Minutes 12052014
 2. Kandos Centenary Working Party – Treasurers Report May 2014

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

MID-WESTERN REGIONAL COUNCIL

MEETING OF THE KANDOS CENTENARY WORKING PARTY

Monday 12 May 2014 commencing at 4.30pm at Kandos High School Library

Minutes

1. **Present:** B Stockwell, Cr Martens, L Pennell, K Smith, J Mackin, R Evans, L Edwards, P O'Connor, N Wills, C O'Sullivan, L Syme,

staff; V Handmer (minutes)
2. **WELCOME AND APOLOGIES**
3. Chairperson E Martens welcomed everyone to the meeting and called for apologies.
Apols; John Fitzgerald
4. **ADOPTION OF Apologies;**
put H Fuller seconded R Evans carried
5. **Adoption of the PREVIOUS MINUTES (14 April);**

6.2 add 'N Wills tabled the MWRC minutes (6.12.12); saying that the council needs to recind the motion relating to waiving payment for the publication of RMS.

(NW will contact K Power re payment of the monies from RMS books sold).

Acceptance of the minutes; put B Stockwell, seconded; P O'Connor, carried
6. **Secretarys Report/Correspondence: Pam O'Connor**

in; see attached list; some items not on list sent out prior to the meeting but KC will get updated list with minutes

out;
P O'Connor to send updated report electronically for distribution
discussion of the following items;
 1. Insurance; Cr Martens will contact Ian Roberts re KC not being a 355 Committee and answer relevant questions.
 2. Posters to be discussed in GB
 3. Historical Society Fire group.
 4. RMS Bal 17460.30 (\$840 still at council)
 5. E Martens mentioned meeting a Mrs Annette Pringle (nee White) born in Kandos and various info on family. She will pass the contact details onto P O'Connor.

Adoption of Secretary's Report

Put P O'Connor Seconded; L Syme

Carried

7. Treasurer's report; Naida Wills;

Income ball tickets; as of the 10th May \$3330 income from tickets. Bal \$22650.62
(note undeposited cash \$5400)

Cr Martens told the meeting that a councillor had asked her about the KC budget and noted that council had not had updates on the budget and other arrangements for the Centenary. V Handmer clarified that she does not send any minutes directly to council rather she send them to Kate Power who then provides a report to Council. Cr Martens said she would discuss this with the General Manager.

Put N Wills Seconded; L Edwards

Carried

8. BUSINESS ARISING FROM MINUTES

6.1 merchandise;

mugs, pens, water bottles, calico bags, pavers and their promotion/sale glasses etc for the Gala Ball
promotional; banners, flags, brackets for power poles

H Fuller lets take 5 minutes at the end of the meeting to allocate posters to put around.

Pavers; how do we arrange paver sales; Helen happy to do template flyer and promotion for this. Discussion about sizes, costs and a central large starter panel..ie KC 100 years; flyer to organisations and community groups, schools, clubs. H Fuller will send out a flyer.

Decision re merchandise needed; no more than 6 items....

- Pavers
- RMS book
- Silicon wrist bands; printed on/ de-bossed /tie dyed/ still to decide
- Commemorative Plates; Colleen and Esme will look into this (possibly Simone Mackin would do a design).
- Glasses; Colleen; these will be part of the Gala Ball event but also some available for sale.
- Jute bags; min 100 @\$3.53 so order 500 x mixed colour,

HF put LS sec carried

At this stage Mugs are on the wait and see list;

5.55pm B Stockwell left the meeting

6.2 Road Closure and parade arrangements; J Mackin submitted the plan to council; waiting for feedback from meeting tomorrow (13/05)

6.3 Floats for the Parade; Lesley; getting more commitment for floats. Also need somewhere for a static display of tractors and vintage cars. To be on next agenda.

6.5 insurance for the event update; hill climb, Sunday entertainment, Sunday markets around the railway. Some wp members said it would be good to encourage shops to bring their wares onto the footpath and also have stalls up the main street (does this need to be included in the schedule to be submitted to council re insurance?).

6.6 Sub committee reports;

- media coverage; face book, webpage, blog, gmail account; banners (H Fuller)

Motion; That KC invite Mudgee Guardian Robyn Murray to attend a meeting when she can fit it in.

Put; Lyn Syme

Seconded P O'Connor

Carried

- Gala Ball tickets/postcards/ sale of tickets; 138
 - Liquor licence needs to be lodged 18 days before the function. Organiser needs RSA. Terry O'Sullivan happy to do this. Logans suggested as a local winery with a good range to provide reasonable priced wine for the event (\$20 per bottle). Colleen will ask them and get back to the meeting. There was some discussion about asking Lowes and De Beaurepaires as they may also donate some wine or offer very good prices.
 - Alex Wisser may be prepared to take photos. The suggestion is \$20 per photo emailed to you. Extra if you get it on usb or printed. Colleen to ask Alex if he can do it. Cheryl MacCourt also does this kind of service where people can look on a website and purchase from images.
 - Marie Trouson called Colleen regarding available accommodation. There is confusion about whether there is any left. Could this info go on the KC website? Discussion regarding how much info re accommodation is provided; just a list and contact details? Otherwise it is very hard to keep track of. It's up to travellers to book for themselves.

6.20 L Syme left the meeting

- school involvement and photo display (Helen Fuller, Rose Evans, Lesley Pennell, Lynette Edwards, Pam O'Connor); photos H Fuller will bring up at staff meeting re having photo display as a school activity

K Power will provide photos from the museum to H Fuller with a decision in 2 weeks.

- Geelong Museum photos; discussion regarding some photos from Geelong Cement Works.
J Mackin told the meeting that 6 or more weeks ago he got a call from Henry Campbell who said he had some photos that may be of interest to Kandos.
He was an old acquaintance of Jim and Simone's and worked at the Kandos Cement Works and then at the Geelong plant. He told Jim the photos come

from Geelong Works Museum that was now closed and he had them and would arrange to get the photos to Jim.

He then followed up with a disc of images however the photos themselves have not arrived in Kandos as yet.

There is some confusion about what is the intention; it looks like the photos would be available for the centenary celebration and then could be given to the museum should they not already be there (Pam O'Connor says the large photos are already at Kandos Museum).

See attached copy of the letter from Henry Campbell to Jim Mackin.

- red bus tours; some questions from Ian Roberts; Cr Martens to follow up
- John Fitzgerald brochure; Colleen, Rose and Lynette made changes and streamlined the font etc. John was happy with this and said he would try and have an updated draft available by the next meeting. To be discussed at the next meeting.
- Kandos band (Rose Evans and Lynette Edwards);
- Jessie Hickman; discussion regarding Tara Brown and leading the parade. Discussion re insurances, risk assessments for all the events (Ian Roberts mentions this as well)
- Children's event; not at Kandos Pool now but will be at KRSCC; more info next meeting.
- Kandos Museum; not likely to be open...
- Convent Tour; on the Saturday. Margot Palk offering to open the Convent and provide scones and tea. Needs to go on the flyer
- Monday 6th Oct info; cemetery tour, Dunn's Swamp Tour (need to check with Colin Jones)
- Food; Anglican church happy to cook sausages and rissoles on the Saturday
 - Who is doing food; need a list of who is doing food, where, when and location

7 GENERAL BUSINESS:

7.1 Bronze, Silver and Gold Sponsors to receive tickets to the Gala Ball or other recognition of donation....could also have plates....

meeting closed at 7.13pm

8 Date of next meeting Monday 26 May 2014

ATTACHMENT 2

COMMUNITY GROUP FOR KANDOS CENTENARY 2014 INCOME & EXPENSES									
DATE	DETAILS	INCOME	GALA BALL	ON HAND CASH	PAYMENT	CHQ RECEIPT	BALANCE		
30/10/13	RELIANCE C.U.								
30/10/13	E.MARTINS RELIANCE MEMBERSHIP FOR GROUP	\$10.00			-\$10.00	CHQ RECEIPT SHARES			
31/10/13	RELIANCE C.U. FOR CHQ BOOK				-\$3.00	CHQ BOOK			
15/11/13	KANDOS RETURNED SOLDIERS COMMUNITY CLUB	\$1,000.00				1088519	\$997.00		
20/11/13	MID-WESTERN REGIONAL COUNCIL GRANT	\$8,000.00				MWRC 171464	\$8,997.00		
20/11/13	MID-WESTERN REGIONAL COUNCIL ART RAFFLE	\$1,736.00				MWRC 171464	\$10,733.00		
21/11/13	P.O'CONNOR GROUP STAMP & WINE RAFFLE COSTS				-\$76.90	894872	\$10,656.10		
30/11/13	INTEREST DEBIT RELIANCE CU				-\$0.02	INT	\$10,656.08		
02/12/13	CAKE RAFFLE	\$278.00				1096730	\$10,934.08		
02/12/13	RMS BOOK RAFFLE	\$142.00				1096730	\$11,076.08		
02/12/13	DONATIONS COLLECT RE CAKE RAFFLE	\$20.75				1096730	\$11,096.83		
06/12/13	RMS BOOK RAFFLE	\$70.00				1096729	\$11,166.83		
30/12/13	ALAN HOGAN SOLICITORS RYLSTONE DONATION	\$50.00				1095519	\$11,216.83		
31/12/13	INTEREST CREDIT RELIANCE CU	\$0.64				INT	\$11,217.47		
02/01/14	P.O'CONNOR GROUP POSTAGE COSTS				-\$15.00	894873	\$11,202.47		
02/01/14	P.O'CONNOR FOR RMS BOOK RAFFLE				-\$70.00	894874	\$11,132.47		
02/01/14	FINAL FOR CAKE RAFFLE	\$22.00				1084256	\$11,154.47		
22/01/14	KANDOS STREET MACHINE INC	\$100.00				1072369	\$11,254.47		
28/01/14	AUSTRALIA DAY RAFFLE	\$200.00		\$40.00		1084252	\$11,454.47		
05/02/14	POST CARD SALES - DOWN THE TRACK	\$32.00				1084253	\$11,486.47		
12/02/14	KANDOS COMMUNITY SHOP	\$1,000.00				1072360	\$12,486.47		
21/02/14	REIMBURSE ROSE EVANS COST AUST.DAY RAFFLE				-\$53.36	894875	\$12,433.11		
24/02/14	RMS BOOK RAFFLE \$204 SALES KEYRINGS/CARDS	\$252.00				1084254	\$12,685.11		
01/03/14	CHARBON COAL LTD	\$1,000.00				UVV	\$13,685.11		
03/03/14	MID WESTERN REGIONAL COUNCIL HALL HIRE + DEP				-\$857.00	894876	\$12,828.11		
07/03/14	RELIANCE CREDIT UNION	\$1,000.00				1084616	\$13,828.11		
17/03/14	POC STAMPS \$12 + Wine \$20 + Env \$4				-\$36.00	894877	\$13,792.11		
31/03/14	PROCEEDS TRIVIA NIGHT LESS CASH PAID AT EVENT	\$1,530.10				1087808	\$15,322.21		
31/03/14	RELIANCE CU INTEREST	\$1.56				INT	\$15,323.77		

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05/02/14	POST CARD SALES - DOWN THE TRACK	\$32.00				1084253	\$11,486.47	RMS SALE	
12/02/14	KANDOS COMMUNITY SHOP	\$1,000.00				1072360	\$12,486.47		
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17/04/14	RYLSTONE KANDOS BUSINESS & TOURISM ASSOC	\$500.00				1082005	\$15,923.77		
22/04/14	TAKINGS EASTER RAFFLE LESS \$450 PAID HELEN F	\$42.50					\$15,966.27		
23/04/14	TAKINGS EASTER RAFFLE LESS \$50 + \$14 H.F. & POC	\$177.90					\$16,144.17		
14/04/14	REIMBURSE LYNETTE EDWARDS COST TRIVIA NIGHT				-\$63.55	894878	\$16,080.62		
05/05/14	BALL TICKET SALES Lynette Edwards		\$3,240.00			1082020	\$19,320.62		
05/05/14	BALL TICKET SALES		\$720.00			Polic Bank Ltd	\$20,040.62		
06/05/14	BALL TICKET SALES		\$360.00			Shurnack	\$20,400.62		
07/05/14	BALL TICKET SALES		\$540.00			Barlow/Abdulla	\$20,940.62		
09/05/14	BALL TICKET SALES		\$720.00			O'Sullivan	\$21,660.62		
09/05/14	BALL TICKET SALES		\$270.00			Handner	\$21,930.62		
09/05/14	BALL TICKET SALES		\$360.00			H McPhee	\$22,290.62		
10/05/2014	BALL TICKET SALES		\$360.00			W Sullivan	\$22,650.62		
		\$17,265.45	\$6,570.00		-\$1,184.83		\$0.00		
							\$0.00		
							\$0.00		

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		\$17,265.45	\$6,570.00		-\$1,184.83		\$0.00		
							\$0.00		
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6.2.12 Gulgong Sports Council

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 4 JUNE 2014 COUNCIL MEETING

Gulgong Sports Council Minutes 9 April 2014

GOV400038, A0100056

RECOMMENDATION

That:

1. **the report by the Director, Mid-Western Operations on the Gulgong Sports Council be received;**
2. **That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 9 April 2014 be noted.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Sports Council Meetings held on 9 April 2014. The Sports Council receives an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meeting.

There are no further matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under separate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receives additional information.

Detailed report

Not applicable.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.



BRAD CAM
DIRECTOR, MID-WESTERN OPERATIONS

7 May 2014

Attachments: 1. Minutes of Gulgong Sports Council Ordinary Meeting 9 April 2014

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

Gulgong Sports Council
Monthly Meeting
Wednesday 9th April, 2014

Meeting Opened: 7pm

Apologies: Rhiannon Barnes

Present: Craig Holden – President, Brian Gudgeon – Treasurer/Senior Cricket, Nicola Barnes – Secretary/Miniature Horses, Michelle Gaudry – Tennis Club, Charlie Rae – Dog Obedience, Betty Rae – Dog Obedience, Percy Thompson – MWRC, Lynne Hawkins – Passive Parks

Motion 1 – “That apologies be accepted as read”

Moved: N. Barnes

Seconded: B. Gudgeon

All in favour – motion moved and carried.

Motion 2 – “That the minutes be accepted as read”

Moved: B. Rae

Seconded: C. Holden

All in favour – motion moved and carried.

Council Business:

1. The awning posts at Victoria Park Grandstand have been deemed safe by Mid Western Regional Council minor works to be carried out.
2. The security lights at Billy Dunn grandstand need cleaning out – they are absolutely covered in bugs and therefore the lights are nearly rendered useless. Waiting for response from Council.
3. The Broad jump and Triple Jump at Victoria Park need to be checked and may need new sand before Easter as when schools get back after Easter they have their Athletic carnivals. Craig to source some sand – Council to pay. Boards also will need replacing before 4th May.
4. Billy Dunn oval is closed due to water. Water from the swimming pool is escaping into Billy Dunn and will be closed until further notice. Senior League have been given permission to train at other end however closed to everyone else until notified any different by Council.
5. Billy Dunn – all tracks leading to No 2 & No 3 and main grand stand need gravel and pot holes filled in – urgently.

6. Councilor Percy advised \$20k in next budget has been allocated for storage shed for Billy Dunn oval. Sports council would like to thank Mid Western Regional Council and Percy.
7. Brad Cam advised that \$10k has been set aside for the toilet block at the Tennis Courts.

Finance Report:

Opening Balance: \$2,065.92

Closing Balance \$2,065.92

Income; Gulgong Touch Football Inc \$7075.00 Player's Fees

Accounts that need paying are:

Timber Yard - \$56.24 maintenance at Kiosk at Billy Dunn

Gulgong News \$100.79 Stationary

Newsagent \$66.90 – request sent to Council for payment for this amount in Feb. New account fees \$33.89. Brian to check with news agency about amount outstanding.

Motion 3 – “That accounts be paid”

Moved: B. Gudgeon

Seconded: N. Barnes

All in favour – motion moved and carried.

Motion 4 – “That the treasurer's report be accepted.”

Moved: B. Gudgeon

Seconded: C. Rae

All in favour – motion moved and carried.

Correspondence:

Nil

General Business:

1. Shirts for Sports Council sourced locally at \$35.00 including embroidery – need to order 10 shirts to get this price.

Motion 5 – “That we purchase shirts at said price.”

Moved: B. Gudgeon

Seconded: C. Rae

All in favour – motion moved and carried.

2. The ladies from the picture frame service will be coming out to measure up around end of April. Bowling Club and Development Fund have given permission to go ahead and update the board.
3. Presentation Night going ahead – sharing the night with Bowling Club and Rabbit Races presentation – 21st June starts 6:30pm
4. Meeting at Craigs place on 7th May at 7pm to organize nominations.

Meeting closed: 7:45

Craig Holden – President

A handwritten signature in black ink, appearing to read 'Craig Holden', is written over a horizontal dotted line. The signature is somewhat stylized and loops back.

Next meeting – 14th May – 7pm – Gulgong Bowling Club

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