







PO BOX 156  
MUDGEE NSW 2850

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

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

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

11 June 2014

Dear Councillor

MEETING NOTICE  
**Ordinary Meeting**

Wednesday, 18 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 be "BRAD CAM", written over a horizontal line.

BRAD CAM  
ACTING GENERAL MANAGER

## AGENDA

Item 1:	Apologies.....	4
	1.1.1 Recording of Council meeting	4
Item 2:	Disclosure of Interest.....	5
Item 3:	Confirmation of Minutes.....	5
	<b>3.1 Minutes of Ordinary Meeting held on 4 June 2014</b>	<b>5</b>
	<b>3.2 Confirmation of Minutes 21 May 2014</b>	<b>26</b>
	3.2.1 Confirmation of Minutes 21 May 2014	26
Item 4:	Matters in Progress .....	27
Item 5:	Mayoral Minute.....	29
Item 6:	General Business .....	30
	<b>6.1 Notices of Motion</b>	<b>30</b>
	<b>6.2 Reports</b>	<b>31</b>
	6.2.1 DA 0216/2014 – Change of Use from Residence to Child Care Centre and Extension of Existing Child Care Centre – Lot 4 DP 221682, 128 Mortimer Street, Mudgee	31
	6.2.2 DA0284/2014 Proposed Change of Use Antique shop & Cafe to Funeral Home - Lot 2 DP 837945, 131 Mortimer Street Mudgee	50
	6.2.3 DA0341/2014 – Proposed Use of Five Accommodation Cabins for Tourist and Visitor Accommodation – Lot 2 DP871401, 939 Henry Lawson Drive, Eurunderee	69
	6.2.4 MA0089/2014 – Modification of Building Envelope – Dwelling – Onsite Sewerage management facility - Lot 22 DP 1163342, 839 Hill End Road Erudgere	82
	6.2.5 Planning Proposal – Lot 110 DP 1029542, 277 Black Springs Road Eurunderee	90
	6.2.6 Monthly Development Applications Processing & Determined	102
	6.2.7 2014-15 Operational Plan	110
	6.2.8 Monthly statement of bank balances and investments as at 31 May 2014	112
	6.2.9 Financial Assistance applications	117
	6.2.10 Supply and delivery of stationery and ancillary items – T011415HUN	119
	6.2.11 Classification of Land – Lot 1 DP 1192154 45 Dunn Street Kandos	122
	6.2.12 Naming of new streets in The Ridge Estate subdivision	125
	6.2.13 Naming of the unnamed Lane next to Health One in Gulgong	132
	6.2.14 Ulan Road Upgrade – Investigation & Design Tender	139



---

6.2.15	Assessment of Quotation for Graders	143
6.2.16	Assessment of Quotation for Rollers	145
6.2.17	Assessment of Quotation for Truck and Dog Combination	147
6.2.18	Assessment of Quotation for Water Cart	150
6.2.19	Waste levy	153
6.2.20	Events Assistance for Gulgong Gold Cup	158
6.2.21	Kandos Bicentennial Industrial Museum – Legal Advice	163
6.2.22	Noxious Weeds Advisory Committee	165
6.2.23	Mudgee Saleyards Management Committee	176
6.2.24	Code of Meeting Practice amendment - Recording of Council meetings	178
6.2.25	Business Use of the Footpath	179
Item 7:	Urgent Business Without Notice .....	188
Item 8:	Confidential Session	
Item 9:	Open Council	

## Item 1: Apologies

### 1.1.1 Recording of Council meeting

REPORT BY THE DIRECTOR, FINANCE & ADMINISTRATION TO 18 JUNE 2014 COUNCIL MEETING  
Council Report - Recording of Council meeting  
GOV400038

#### RECOMMENDATION

**That:**

- 1. the report by the Director, Finance & Administration on the Recording of Council meeting be received;**
- 2. Council allow the recording of this meeting.**

---

#### 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.

It is expected that 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.

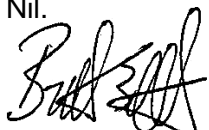
It would be appropriate that this report is considered by Council immediately after Apologies.

#### Financial and Operational Plan implications

Nil.

#### Community Plan implications

Nil.



BRETT EXELBY  
DIRECTOR, FINANCE AND ADMINISTRATION

10 June 2014

*Attachments:* Nil

#### APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER

## Item 2: Disclosure of Interest

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

## Item 3: Confirmation of Minutes

### **3.1 Minutes of Ordinary Meeting held on 4 June 2014**

#### Council Decision:

That the Minutes of the Ordinary Meeting held on 4 June 2014, Minute Nos 215/14 to 229/14 be taken as read and confirmed.

---

The Minutes of the Ordinary Meeting are attached overleaf.

## Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on Wednesday 4 June 2014, commencing at 5.55pm and concluding at 6.22pm.

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy 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), Manager Statutory Planning (G Bruce), Director Finance & Administration (B Exelby), Corporate Communications Officer (P Goldsmith).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (R Murray), Radio 2MG (C Bassett & M Heldon).

### Item 1: Apologies

An apology was received for the absence of Councillor Weatherley.

#### 178/14 MOTION: Shelley / Cavalier

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

The motion was carried with Councillors voting unanimously.

### 6.2.9 RECORDING OF COUNCIL MEETINGS

GOV400038, GOV400009

#### 179/14 MOTION: Shelley / Cavalier

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.

The motion was carried with Councillors voting unanimously.

### Item 2: Disclosure of Interest

There were no disclosures of interest.

**Item 3: Confirmation of Minutes**

MOTION: Shelley /

That the Minutes of the Ordinary meeting (minute nos. 178/213/14) and Extraordinary meeting held on 21 May 2014 (Minute nos. 214/14) be taken as read and confirmed.

The motion lapsed for want of a seconder.

**Item 4: Matters in Progress**

Noted.

Brad Cam left the meeting at 5.57pm.

**Item 5: Mayoral Minute**

5.1 EXTRAORDINARY MEETING OF COUNCIL

GOV400038

180/14

MOTION: Kennedy

That:

1. Council not hold the Extraordinary meetings of Council on Thursday 19 June 2014 for the purpose of interviews for the position of General Manager and on Monday 23 June 2014 to determine the Revenue Policy; and
2. Council hold an Extraordinary Meeting on Wednesday 25 June 2014 at a time to be determined for the purpose of the interviews for the position of General Manager and to determine the Revenue Policy.

AMENDMENT: Webb / Thompson

That Council defer the appointment of a new General Manager for 9 months or until the ICAC investigation is complete, whichever comes first.

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

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

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

Councillors	Ayes	Nayes
-------------	------	-------



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

Brad Cam returned to the meeting at 6.05pm.

## Item 6: General Business

### 6.1 NOTICES OF MOTION

The Notice of Motion was dealt with during the discussion of the Mayoral Minute.

### 6.2 REPORTS TO COUNCIL

#### 6.2.1 DA0284/2014 PROPOSED CHANGE OF USE ANTIQUE SHOP & CAFE TO FUNERAL HOME - LOT 2 DP 837945, 131 MORTIMER STREET MUDGEE

GOV400038, DA0284/2014

MOTION: Walker /

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.

The motion lapsed for want of a seconder.

6.2.2 DA NO. 0297/2014 – DUAL OCCUPANCY AND SUBDIVISION  
AT LOT 25 DP 1191367, 3 HARDWICK AVENUE, MUDGEE  
GOV400038, DA0297/2014

This matter was withdrawn from the business paper as the applicant is redesigning the proposed Dual Occupancy and that the information supplied to Council to date indicates that this development will be fully compliant.

6.2.3 MONTHLY BUDGET REVIEW FOR APRIL 2014  
GOV400038, FIN300062

**181/14**

**MOTION: Shelley / Martens**

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

The motion was carried with Councillors voting unanimously.

6.2.4 SUBMISSIONS TO THE BUDGET, OPERATIONAL AND  
DELIVERY PLAN  
GOV400038, COR400059

**182/14**

**MOTION: Shelley / Cavalier**

**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 and decline the request;
3. Council resolve the rate categorisation allocation at the Extraordinary Meeting of Council on 25 June;
4. Council allocate 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 advise 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 advised 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 staff prepare a report to Council regarding options of fulfilling the role of a Cultural Development Officer from existing staff;
14. Council include in the 2014/15 Operational Plan and Budget the annual operating costs of \$22,300 for web casting Council meetings and staff report to Council on options to reduce this cost;
15. Council include in the 2014/15 Operational Plan and Budget 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 include in the 2014/15 Operational Plan and Budget the sealing of 20 metres of Lochiel Lane Mudgee at a cost of \$4,000;
17. Council include in the 2014/15 Operational Plan and Budget an additional \$15,000 for operational costs for the Kandos Museum;
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;
19. Council allocate \$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 allocate \$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 allocate \$73,500 from the Sewer Reserves account for the purchase of a mobile sludge dewatering unit;
23. Council allocate a further \$70,000 from the Corporate Buildings budget to upgrade the Gulgong Service Centre;
24. Council recognise the income from Wilpinjong coal of \$260,000 for community' infrastructure and allocate the monies in the VPA reserve

25. Council allocate \$2,035,000 for the purchase of plant required to complete the Ulan Road and Cope Road projects and Council allocate \$1,003,000 for operation costs of that plant to be charged against Ulan and Cope Road, and Council allocate \$275,000 for plant purchase that was deferred in the March Quarterly Budget Review;
26. Council allocate \$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 allocate \$60,000 from the Section 94 reserves to undertake the review of the Section 94 plan;
28. Council allocate \$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
  - Add the following words to the Mudgee Showground Fees and Charges: “camping for regular hirers” to be \$11 for an unpowered site;
  - the camping sites fees at the Mudgee Showground be amended to \$29 for a powered site and \$22 for an unpowered site;
30. Council allocate \$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 allocate \$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; and
32. Council make a grant of \$7,000 to assist the Lifeskills Plus Inc Community Centre to be connected to Council’s mains water and that this be funded from Unrestricted Reserve Cash as part of the 2014/15 budget.

AMENDMENT: Thompson / Martens

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 and decline the request;



3. Council resolve the rate categorisation allocation at the Extraordinary Meeting of Council on 25 June;
4. Council allocate to the Western Academy of Sport the sum of \$1,220 from the Financial Assistance grants allocation;
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 advise 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 advised 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 staff prepare a report to Council regarding options of fulfilling the role of a Cultural Development Officer from existing staff;
14. Council include in the 2014/15 Operational Plan and Budget the annual operating costs of \$22,300 for web casting Council meetings and staff report to Council on options to reduce this cost;
15. Council include in the 2014/15 Operational Plan and Budget 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 include in the 2014/15 Operational Plan and Budget the sealing of 20 metres of Lochiel Lane Mudgee at a cost of \$4,000;
17. Council include in the 2014/15 Operational Plan and Budget an additional \$15,000 for operational costs for the Kandos Museum;
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;
19. Council allocate \$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 allocate \$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 allocate \$73,500 from the Sewer Reserves account for the purchase of a mobile sludge dewatering unit;
23. Council allocate a further \$70,000 from the Corporate Buildings budget to upgrade the Gulgong Service Centre;
24. Council recognise the income from Wilpinjong coal of \$260,000 for community' infrastructure and allocate the monies in the VPA reserve
25. Council allocate \$2,035,000 for the purchase of plant required to complete the Ulan Road and Cope Road projects and Council allocate \$1,003,000 for operation costs of that plant to be charged against Ulan and Cope Road, and Council allocate \$275,000 for plant purchase that was deferred in the March Quarterly Budget Review;
26. Council allocate \$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 allocate \$60,000 from the Section 94 reserves to undertake the review of the Section 94 plan;
28. Council allocate \$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
  - Add the following words to the Mudgee Showground Fees and Charges: “camping for regular hirers” to be \$11 for an unpowered site;
  - the camping sites fees at the Mudgee Showground be amended to \$29 for a powered site and \$22 for an unpowered site;
30. Council allocate \$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 allocate \$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; and
32. Council make a grant of \$7,000 to assist the Lifeskills Plus Inc Community Centre to be connected to Council’s mains water and that this be funded from Unrestricted Reserve Cash as part of the 2014/15 budget.

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

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

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

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

## 6.2.5 FINANCIAL ASSISTANCE APPLICATIONS

GOV400038, A0140201

183/14

**MOTION:** Shelley / Cavalier

**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; and
3. Funds be allocated as follows from Councillors' discretionary funds:

Councillor Webb	\$100	The View Club Singers
Councillor Martens	\$200	Rylstone Red Cross
	\$300	Pioneer House

The motion was carried with Councillors voting unanimously.

## 6.2.6 MUDGEES RIVERSIDE CARAVAN AND TOURIST PARK – LEASE AGREEMENT

GOV400038, P0233911

184/14

**MOTION:** Shelley / White

**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.

The motion was carried with Councillors voting unanimously.

## 6.2.7 CLOSURE OF SECTIONS OF SALEYARDS LANE ROAD RESERVE

GOV400038, P0596211

185/14

**MOTION:** Thompson / Martens

**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.

The motion was carried with Councillors voting unanimously.

#### 6.2.8 ASSESSMENT OF QUOTATION FOR WASTE HOOK LIFT TRUCK

GOV400038, A0419330

186/14

**MOTION:** Cavalier / Walker

**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.

The motion was carried with Councillors voting unanimously.



6.2.10 CULTURAL DEVELOPMENT COMMITTEE MINUTES

GOV400038, A0420172

**187/14 MOTION: White / Cavalier**

**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.**

The motion was carried with Councillors voting unanimously.

6.2.11 KANDOS CENTENARY WORKING PARTY MINUTES

GOV400038, P1553611

**188/14 MOTION: Shelley / Cavalier**

**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.**

The motion was carried with Councillors voting unanimously.

6.2.12 GULGONG SPORTS COUNCIL

GOV400038, A0100056

**189/14 MOTION: Shelley / Cavalier**

**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.**

The motion was carried with Councillors voting unanimously.

**Item 7: Urgent Business Without Notice**

None

**Item 8: Confidential Session****190/14 MOTION: Cavalier / Shelley**

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

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

**Subject: Saleyards Subdivision**

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

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

Following an enquiry from the Mayor, the General Manager 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 Saleyards subdivision**

GOV400038, DA0248/2014

**191/14 MOTION: Shelley / Cavalier****That:**

- 1. the report by the General Manager on the Saleyards subdivision be received;**
- 2. Council advertise state-wide a tender to sell the former Saleyards site, known as Lot 2 DP534336, Lot 399 DP132580, and Lot 532 DP1132581 which has recently been approved for a 48 lot residential subdivision;**
- 3. all tenders be forwarded to Council for determination as to whether or not Council will sell the site;**
- 4. the tender process to last 60 days, and the tender notice clearly indicate that Council may not necessarily accept all or any tenders;**

5. **Council demolish the old SES building prior to the public tender of this subdivision and remove all demolished waste from site.**

The motion was carried with Councillors voting unanimously.

**Item 9: Open Council**

**192/14 MOTION: Cavalier / Shelley**

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

The motion was carried with Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

**Closure**

There being no further business the meeting concluded at 6.22pm.

## 3.2 Confirmation of Minutes 21 May 2014

### 3.2.1 Confirmation of Minutes 21 May 2014

REPORT BY THE ACTING GENERAL MANAGER TO 18 JUNE 2014 COUNCIL MEETING

Confirmation of Minutes 21 May 2014

GOV400038, GOV400024

#### RECOMMENDATION

**That:**

1. **the report by the Acting General Manager on the Confirmation of Minutes 21 May 2014 (will be item 3.2) be received;**
2. **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.**

#### Detailed report

Please find attached the Minutes of the Ordinary Meeting of Council from 21 May 2014 and the Extra Ordinary Meeting of Council also on 21 May 2014. These minutes were not confirmed at the last meeting of Council of 1 June 2014. They need to be confirmed.

I am aware that the correctness of item 6.2.10 was raised at the meeting of 4 June. As Council is aware this meeting was recorded by the media and we have a recorded copy of parts of the meeting. I wish to advise that this section of the minutes were written after the review of the media recording and clearly reflect the deliberations and statements made at the 21 May meeting.

#### Financial and Operational Plan implications

Not applicable.

#### Community Plan implications

Not applicable.

5 June 2014

*Attachments:* 1. Minutes of Ordinary Meeting and Extra Ordinary Meeting 21 May 2014 (included at the end of the business paper)



BRAD CAM  
ACTING GENERAL MANAGER

## 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.	<b>No determination as yet.</b>
Old Gulgong Hospital	Res. 46/14	That Council support in principle the retention of the Gulgong Hospital building and defer the matter pending the decision of State Government	<b>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</b>
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.	<b>No report available at this time</b>
Submissions to the Budget, Operational and Delivery Plan	Res. 219/14	That:  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 Operational Plan and Budget;  Council include in the 2014/15 Operational Plan and Budget the annual operating costs of \$22,300 for web-casting Council meetings and staff report to council on options to reduce this cost;	<b>Council staff will prepare a list in order of priority for consideration in the 2015/16 Operational Plan</b>  <b>Council staff will prepare a report for Council's July meeting</b>

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
		Council allocate \$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.	<b>Council staff have engaged a consultant to prepare a Pedestrian Access Mobility Plan (PAMP). Following this report, a priority list will be prepared for Council's consideration.</b>

---

## Item 5: Mayoral Minute

---

There is no Mayoral Minute.

Item 6: General Business

---

**6.1 Notices of Motion**

---

There are no Notices of Motion.



## 6.2 Reports

### 6.2.1 DA 0216/2014 – Change of Use from Residence to Child Care Centre and Extension of Existing Child Care Centre – Lot 4 DP 221682, 128 Mortimer Street, Mudgee

REPORT BY THE SENIOR TOWN PLANNER TO 18 JUNE 2014 COUNCIL MEETING  
DA0216\_2014 Squeakers Child Care 128 Mortimer Street  
GOV400038, DA0216/2014

#### RECOMMENDATION

**That:**

1. the report by the Senior Town Planner on the DA0216/2014 – Change of Use from Residence to Child Care Centre and Extension of Existing Child Care Centre – Lot 4 DP 221682, 128 Mortimer Street, Mudgee be received;
2. Development Application 0216/2014 for the change of use from residence to child care centre and the extension of the existing child care centre at Lot 4 DP 221682, 128 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 355PLA-01 to 355PLA-06 issue B 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
3. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

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

#### PRIOR TO 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.

4. 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.

#### **PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE BUILDING**

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

5. All building work is to comply with the requirements of the Access to Premises Standard
6. 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.
7. 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**

8. 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.
9. The site shall be provided with a waste enclosure (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
10. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
  - a) stating that 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.
11. 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.

12. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
- a) diversion of uncontaminated upslope runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
  - b) 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.
  - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

#### **BUILDING CONSTRUCTION**

13. 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;
14. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia;
15. 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.
16. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction;
17. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
- a) Demolition work is not be undertaken until:
    - Council has been provided with a copy of any required Hazardous Substances Management Plan;
    - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
  - b) The removal, handling and disposal of any asbestos material (in excess of 10m<sup>2</sup>) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
  - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
  - d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.

18. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa;
19. Stormwater is to be conveyed to the existing property stormwater drains by way of a sealed pipe system. The existing drains are to be checked for adequacy and cleared of any obstructions;
20. 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;

#### **ENGINEERING CONSTRUCTION**

21. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense;
22. A total of 15 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:
  - (a) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
  - (b) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009.
  - (c) All car parking spaces are to be line-marked and provided with a hard standing, all weather compacted gravel surface and must be maintained in a satisfactory condition at all times;
  - (d) Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.

#### **PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

23. 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;
24. 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;
25. 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**

26. 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";
27. The centre is limited to 60 childcare places and approval must be obtained from the Department of Education and Communities prior to operation;
28. The approved hours of operation for the centre are Monday to Friday 7.00am to 6.00pm.

## Executive summary

APPLICANT	Sunrai Designs
ESTIMATED COST OF DEVELOPMENT	\$140,000
REASON FOR REPORTING TO COUNCIL	Unresolved submissions
PUBLIC SUBMISSIONS	3

The proposed development relates to the expansion of an existing childcare centre including:

- Conversion of an existing residence to a child care room,
- the erection of a new building to be used as a nursery, and
- the provision of additional parking at 128 Mortimer Street Mudgee.

The property, 128 Mortimer Street, measures 2,251 metres<sup>2</sup> and is zoned R3 Medium Density Residential. The subject site is developed for a single room child care centre and a residence with associated outbuildings. The use of the land for a child care centre is permissible with consent in this zone.

The application was notified to the adjoining land owners and advertised in the local paper as a non-residential use in a residential area. Three submissions were received and the issues raised by the submissions included noise, traffic, provision of off street parking and impact on adjoining development

The proposed development has been assessed against the provisions of Council's Local Environmental; Plan (LEP) 2012 and Comprehensive Development Control Plan 2013 (DCP 2013).

The application is consistent with the relevant provisions of the Mid-Western Regional LEP 2012 and Comprehensive DCP 2013.

The application is being reported to Council for approval due to the unresolved objections to the development.

## Detailed report

### 1. REQUIREMENTS OF REGULATIONS AND POLICES

#### **Mid-Western Regional Local Environmental Plan 2012 (LEP)**

The land is zoned R3 Medium Density Residential, child care centres are permissible in the zone with the consent of council.

The Zone Objectives have been provided and are considered below –

- *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.*

Comment: The application has generally addressed the objectives of the zone. The use of the site for a child care centre provides a facility and a service which meets the day to day needs of residents

#### 4.3 Height of buildings

(1) *The objectives of this clause are as follows:*

*(a) to establish a maximum height limit to which buildings can be designed in particular locations,*

*(b) to enable infill development that is of similar height to existing buildings and that is consistent with the heritage character of the towns of Mudgee, Gulgong, Kandos and Rylstone.*

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

Comment: The maximum height of buildings in this locality is 8.5 metres. The locality is a mix of single and two storey development with the existing dwelling and child care centre being single storey. The additions are proposed to be single storey in keeping with the existing buildings.

#### 5.10 Heritage conservation

(1) *Objectives*

*The objectives of this clause are as follows:*

*(a) to conserve the environmental heritage of Mid-Western Regional,*

*(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

*(c) to conserve archaeological sites,*

*(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Comment: The subject land is located within the Mudgee Heritage Conservation Area. There are no Items of Environmental Heritage adjoining or adjacent to the subject site. The development is located behind the buildings in Mortimer Street and will have minimal impact on the heritage Conservation Area.

#### Mid-Western Regional Development Control Code 2013 (DCP)

The DCP does not include development standards for child care centres. The provisions of Part 4.4 Signs and Part 5.1 Car Parking apply to the subject development.

<b>Part 4.4 Signs</b>	<b>Requirements</b>	<b>Compliance/Comment</b>
Residential Areas	(a) The sign shall only display the name and nature of the business, including address, hours of business, telephone number and the like	Existing signage complies

Part 4.4 Signs	Requirements	Compliance/Comment
	(b) The sign shall not be larger than one metre long and 300mm high	Existing sign
	(c) The sign shall not be erected higher than one metre above ground level	Existing sign
	(d) The above provisions apply to signage on the building or the site of the business. Advertising signage other land will not be permitted.	Complies
	(e) Council will not approve the use of flashing lights, bunting and other devices to attract attention to a business.	N/A
	(f) Any other signs to be erected on a property shall be considered in accordance with the type of business and whether there are any "existing-use" rights for signage.	N/A
	(g) Generally, only one sign will be allowed for home industries and home occupations.	N/A
<b>Part 5.1 Car Parking</b>		
Childcare Centre	1 space per 4 children	Complies

**Mid-Western Regional Section 94 Developer Contribution Plans**

As the application is for the expansion of an existing child care centre the relevant developer contribution plan is the Section 94A Contribution Plan. The subject site is located within Catchment 2 of the plan. The contribution payable is 0.5 % of the \$140,000 cost of the development being \$700.00

**Mid-Western Regional Developer Servicing Plans**

Mid-Western Regional Development Servicing Plan also applies to the proposed development for water and sewer headwork charges. The contribution towards water headworks charges is \$12,840 and for sewer headworks is \$5,880.

## 2. *IMPACT OF DEVELOPMENT*

### **(a) Context and setting**

The subject site is located in the centre of the block bounded by Mortimer, Court, Market Streets and Douro Road. The site is developed with a single room child care centre and a residence with a pool and garages.

The land adjoining is used for a mix of single and multi-dwelling residential development, a child care centre and commercial uses.

### **(b) Access transport and traffic**

The subject site is accessed from Mortimer Street by a battle axe driveway which is also a right of carriageway. Provision has been made for 15 off street parking spaces in compliance with Council's requirements.

The centre proposes to operate Monday to Friday between 7.00am and 6.00pm. The impact of increased vehicle movements from the proposed development will be substantially higher than the existing development. It is considered that the development site has been designed to cater for this traffic with the provision of additional car parking. The local road network is unlikely to be significantly affected by the development as there would be capacity within the local road network.

Child care centres have 2 peak periods during the day and at other times are very low. The conversion of these traffic movements over a whole day (AADT) is unlikely to affect the capacity of the road system and no improvements are required to the road network.

### **(d) Utilities**

The site is fully serviced with water, sewer, stormwater drainage, electricity and telecommunications connected to the existing development.

### **(e) Heritage**

The subject site is located within the Mudgee Heritage Conservation Area. The development is located behind the streetscape of Mortimer Street and will have minimal impact on the conservation area.

### **(m) Noise and vibration**

A noise assessment report on the proposed extension of the child care centre has been submitted for the application. The existing residence and the proposed nursery building provide acoustic barriers between the proposed development and the existing residences.

Council has approved the erection of 5 townhouses on an adjoining property including 4 two storey units. Proposed unit 3 and 4 will back onto the area designated as the 0 to 2 year old outdoor play area. The acoustic report assessed the potential noise impacts of the expansion of the child care centre.

The residential units face into a central courtyard with the backs of the units facing the proposed child care site. The buildings and fencing of the child care centre will act as a noise barrier for the ground floor areas while the rooms on the second floor facing the child care centre are bathrooms and stair wells minimising the impact of any noise from the proposed development.



The acoustical report identified the major impact of noise on the townhouse development as coming from the Imaginations Child Care Centre in Court Street. The outdoor play area of Imaginations faces directly into the townhouse development.

**(q) Economic and Social impact in the locality**

The development proposes 10 places for 0 to 2 year olds, 27 pre-school places and 23 places for 3 to 4 years. The provision of additional child care places for the community of Mudgee will create employment in the child care sector and increase the opportunities for parents to participate in employment.

**(s) Site design and internal layout**

The proposed development provides for improved parking and vehicular movements to and from the centre. Outdoor play areas have been designed to minimise noise impacts on adjoining properties.

**(u) Cumulative impacts**

The expansion of the existing Squeakers child care centre off Mortimer Street will not adversely impact on the existing child care facilities in the locality through increased noise or traffic movement.

3. *SUITABILITY OF THE SITE FOR THE DEVELOPMENT*

**(a) Does the proposal fit the locality**

The locality contains a mix of residential and commercial uses with another child care centre located in Court Street. Market Street and Douro Street in this locality are part of the Castlereagh Highway. The subject site is located in the centre of the block with medium density housing on two boundaries and a motel at the rear of the subject site.

The expansion of this existing child care centre is not out of character with this area.

**(b) Are the site attributes conducive with the development**

Yes, the site has adequate area to expand the existing centre, provide off street parking in compliance with Council's DCP and meet the requirements for outdoor play areas without adverse impacts on the adjoining land uses.

The development site has been subject to past contamination from the operation of a gas works. The land was remediated several years ago under the auspices of the Environmental Protection Agency (EPA). The land would be suitable for the operation of a childcare centre.

4. *SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS*

**(a) Public Submissions**

Three submissions were received

<b>Submissions</b>	<b>Comment</b>
Increased traffic may impede right of carriageway to the land at the rear of Court Street	This is a private matter between the owners and users of the access. Car parking and manoeuvring areas are provided onsite for the users of the child care centre.
Concerned about noise from the increased number of children	This issue is addressed earlier in the report.

<b>Submissions</b>	<b>Comment</b>
Concerned about noise impacts on the proposed town house development	This issue is addressed earlier in the report with the acoustic report indicating that the Imaginations child care centre being the principle noise source in the area.
Increased traffic and parking in Mortimer Street dropping off/collecting children	There will be additional traffic movements in the locality as part of the development. These movements are considered acceptable given the capacity of the road system. Furthermore, the centre has been designed for parents to utilise the car park and drop off children on site.
Increased pedestrian movement down the right of carriageway requires a pathway to be constructed.	The increase in parking at the centre will limit the number of pedestrian movements along the driveway. A above.
Inadequate parking and turning area on site	The parking and turning areas comply with Council's DCP requirements
Increased traffic will affect the right of carriageway	This is a private matter between the owners and users of the access. Car parking and manoeuvring areas are provided onsite for the users of the child care centre.
Mortimer Street requires upgrading as a result of the increased traffic movement.	The likely traffic generation from the increased traffic movements for the child care centre does not warrant the upgrading of Mortimer Street in this location.
Lighting from the child care centre not to impact on adjoining properties	Required security lighting from the centre not to adversely impact on any adjoining properties

**(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 interest 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 the theme 1 Looking after our Community, Goal 1.1 – A Safe and Healthy Community.




ELIZABETH STONEMAN  
SENIOR TOWN PLANNER

CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

10 June 2014

- Attachments:*
1. Location Plan
  2. Site Plan
  3. Submissions (3)

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, consisting of a stylized capital letter 'B' followed by a horizontal line extending to the right.

BRAD CAM  
ACTING GENERAL MANAGER







## ATTACHMENT 3 - Submissions (3)


24.1.14.  
19 Court St  
Mudgee 2850.

Dear Sir /Madam,

in references to DA 0216/2014  
at 128 Mortimer St, Mudgee.

I have applied to have the  
'Right of Way' at the rear of my block  
19 Court St, registered with Lands Title Office.  
I have concerns that if this DA 0216  
goes ahead at 128 Mortimer St, increased  
traffic may impede access to the block at  
the rear of 19 Court St and may also  
have implications to its value when I seek  
to sell it.

Yours

  
SUSAN RIVERS.

27 January 2014

The Public Officer  
Mid-Western Regional Council  
PO Box 156  
Mudgee NSW 2850

**Re: Proposed DA0216/2014 – Proposed Childcare Centre @128 Mortimer St  
Mudgee**

I am very concerned that, if approved, this proposal will have a number of adverse impacts on surrounding neighbors.

My primary concern is the potential for excessive noise creation by increasing the number of children from around 25 per day up to 60 per day. The more than doubling of the number of children that will be playing outside, as well as the playground now being located immediately against the neighbors colourbond fence will certainly have an exponential increase on the current noise. This noise increase will adversely impact on the surrounding neighbors, their quality of life and the value of their properties.

I would ask that, at a minimum, Council require the applicant to have an independent Noise Impact Assessment carried out. If that assessment shows that an increase in noise would occur as a result of 35 more children playing in an open area surrounded by metal fences, as it most certainly will, then Council should request the applicant to provide noise reducing fencing and/or other noise reducing devices so as to minimize/remove the noise impact on the neighbors.

I am particularly concerned as there is a proposed townhouse development immediately adjacent to the proposed playground with 3 dwellings to be located between 3 and 6 metres from the proposed play area. The intention of this development is to provide rental accommodation. One of the most likely class of tenant will be miners who work shiftwork. Having their bedroom located less than 6 metres from a playground full of noisy children will be a major disincentive to many prospective tenants or purchasers of these townhouses.

I thank the council for the opportunity to comment on this development and look forward to their response.

Kind Regards

*G. J. Blogg*

Gary Blogg



1/4

138 Montrose St  
Mudgee

23 - Jan - 14



The General Manager,  
MWRC  
Market St  
Mudgee.

Re. DA. 0216 / 14 @ 128 Montrose St

Dear Sir/Madam,

I note the application is for 60 children. With 60 delivered by car there will be 120 coming, parking, escorting then leaving each morning mostly between 8-9am... and the same each afternoon. That's 240 (+ staff) parking because pre-schoolers must be carried or escorted by mothers to the centre's fenced grounds. The street will be parked out and traffic flow severely interrupted because 120 traffic / parking / movements cannot be accommodated on the proposed car park (9 spaces ... less 4 (say) staff leaves 5 max)



2/4

and the driveway (given that cars must enter and leave in forward direction) ... and 3 point turn in the car park won't be adequate. The present and proposed driveway is just squeezable for 2 cars passing so cars will, by necessity or choice, park on Montimer St. The mothers and children must be protected by a dedicated car proof walkway when walking from the cars parked in the street until delivered into the safe fenced grounds. This walkway will have to be placed in the driveway, now leaving one lane width. There will be a traffic jam. 2 cars could block the drive let alone 120. The consequence is that cars will back up, be unable to move, into Montimer St and then to the very close intersection with Ducoro St, the major highway. Could the applicant buy the hose adjoining the driveway and even then, is the driveway (proposed) to the rear car park adequately wide? This traffic congestion will affect my continued use of the laneway to

drive in and out. This would also apply  
to 132, 134, 136, 138 Montimer St and 19  
Count St.

as street parking will be inevitable  
I would expect council to address and  
solve some issues, namely:

- fix the fall of the gutter to the road  
on the N side of Montimer St as water  
does not drain fully because the gutter  
is low or sunken.
- seal the full width of Montimer St
- remove trees for <sup>good</sup> cars' vision on  
exiting the premises.
- install a footpath to Montimer St.
- install street lighting to a high  
visibility standard for the large  
traffic and people movements.
- Install a pedestrian crossing
- Install a 40k school zone.



4/4

I presume standard (pole) industrial  
type lights will be installed by the owners  
to the car park, driveway and yard. They  
must be turned off at a reasonable  
hour to prevent light annoying neighbours.  
This <sup>type of</sup> light is projected at present by  
"Imaginations" and is extremely pervasive.

Yours faithfully.

  
Harry Ferguson

138 Mortimer St  
Mudgee  
2850



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

REPORT BY THE MANAGER, STATUTORY PLANNING TO 18 JUNE 2014 COUNCIL MEETING  
DA0284\_2014 funeral home supplementary  
GOV400038, DA0284/2014

### RECOMMENDATION

#### That:

1. **the report by the Manager, Statutory Planning 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. **DA0284/2014 Proposed Change of Use Antique shop & Cafe to Funeral Home - Lot 2 DP 837945, 131 Mortimer Street Mudgee be determined by way of approval or refusal.**

### Executive summary

Council considered the application at its June 4 council Meeting and no decision was made. This report is to present the application back to Council in order that a decision be made as to whether the application should be approved or refused.

Council staff have recommended approval of the application, however should Council be of the mind to refuse the application, reasons for refusal are provided within this report.

Council is reminded of its obligations under the Local Government Act 1993 and the Environmental Planning and Assessment act 1979 to determine the application.

### Detailed report

The application is for a funeral home in a residential area that would ordinarily be a prohibited use. The application and site benefit from existing use rights and therefore the application can be considered.

Staff have recommended approval of the application and the proposed conditions of consent are attached to this report as Attachment 2.

As it appears that Council has some concerns with the proposed development, this report also provides reasons for Council's consideration should they wish to refuse the DA.

It should be made clear that the Staff recommendation for this application is approval in accordance with the report to Council on the 4 June 2014.

It is also important to note that Council is required under the Local Government Act 1993 to make a decision about this development application.

### 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.



GARY BRUCE  
MANAGER, STATUTORY PLANNING




CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

10 June 2014

- Attachments:*
1. Potential Reasons for Refusal
  2. Council Report from the 4 June Meeting
  3. Submission dated 5 June 2014 (1)

APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER

## ATTACHMENT 1

Potential Reasons for Refusal – DA0284/2014 – 131 Mortimer Street Mudgee

1. The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan 2012 as 'Commercial Premises' are prohibited within the R3 Medium Density Residential Zone.
2. The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan 2012 R3 Medium Density Residential Zone Objective as the proposal will reduce the opportunity for further residential development.
3. The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan 2012 R3 Medium Density Residential Zone Objective as the proposal does not provide for a variety of housing types.
4. The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan 2012 R3 Medium Density Residential Zone Objective as the land use is not one that meets the day to day needs of the locality.
5. The proposed development is likely to create land use conflict by locating a commercial premise in a residential zone through traffic movements, hours of operation and noise.
6. The proposed development of a building listed as an item of Environmental Heritage is inconsistent with 5.10 Heritage Conservation Objective (b) of the Mid-Western Regional Local Environmental Plan 2012 as the proposed driveway and car spaces that includes the sealing with concrete, bitumen or similar directly adjoining the building detrimentally impacts upon the 'setting' of the Item of Environmental Heritage.
7. The proposed development is not in the public interest to relocate a funeral home from a business zone to a residential zone.

## 6.2.4 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 enclosure (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 Environment 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 m<sup>2</sup> 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

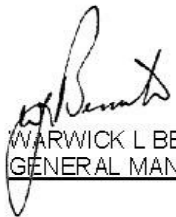
The assessment of the development application sits under theme 1 Looking after our Community, Goal 1.1 – A safe and Healthy Community.

ELIZABETH STONEMAN  
SENIOR TOWN PLANNER

23 May 2014

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

APPROVED FOR SUBMISSION:

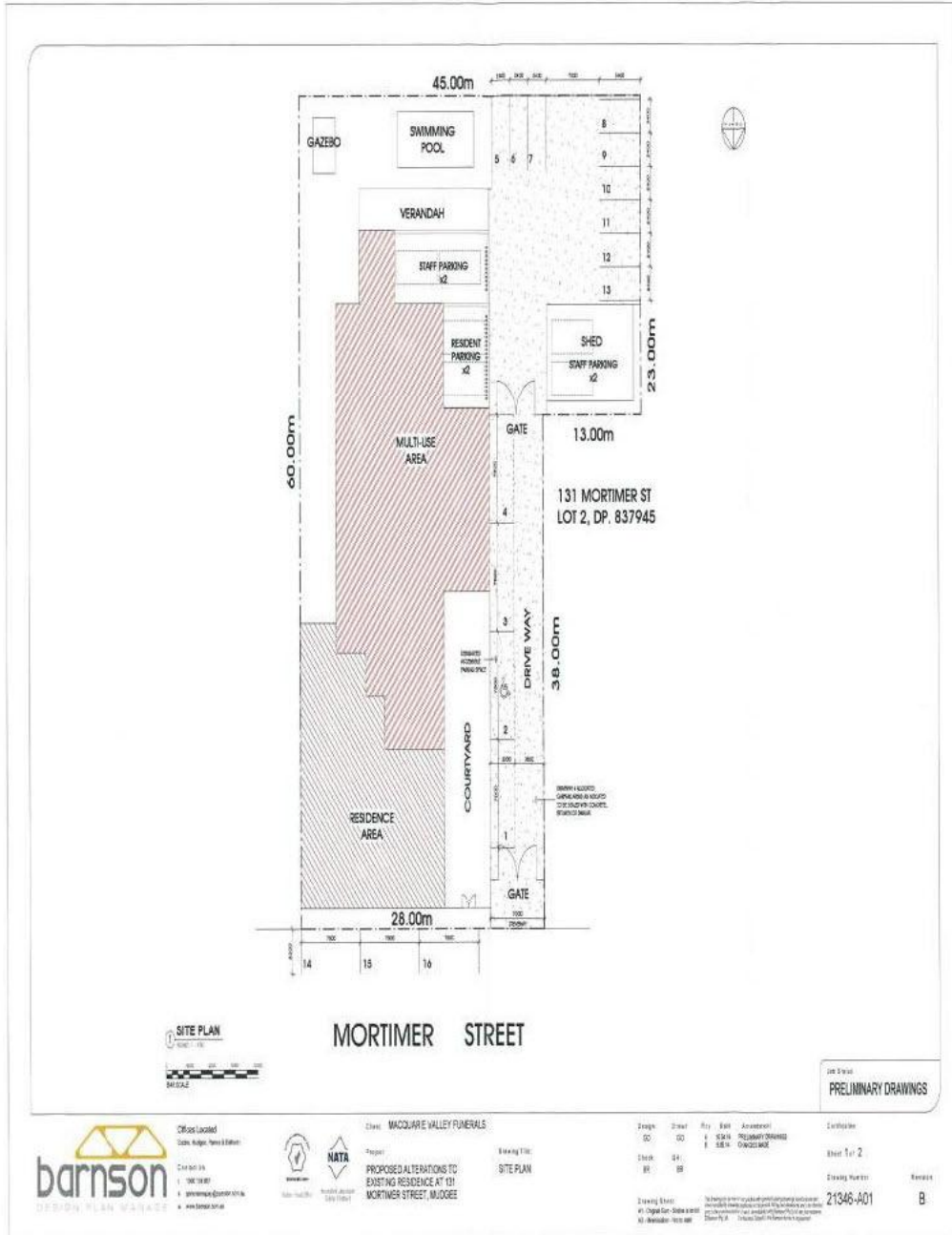
  
WARWICK L BENNETT  
GENERAL MANAGER

  
CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

ATTACHMENT 1 – Location Plan



ATTACHMENT 2 – Site Plan



ATTACHMENT 3 – Floor 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





## ATTACHMENT 3

Helen Evans  
131 Mortimer Street,  
Mudgee, 2850  
5<sup>th</sup> June, 2014

Mr. W. Bennett.  
General Manager.  
Mid-Western Regional Council,  
Mudgee.  
2850

Dear Mr. Bennett,

I am writing in reference to DA0284/2014 Proposed Change of Use Antique shop & Cafe to Funeral Home - Lot 2 DP 837945, 131 Mortimer Street Mudgee which was discussed at the Ordinary Council meeting on 4<sup>th</sup> June 2014.

I am the current owner of 131 Mortimer Street and would like a full explanation as to the reason why approval was not given at the council meeting, as no councillors voiced any concerns about the application prior to the vote.

Both myself and the buyers have thoroughly complied with the extensive professional Planning Departments investigation and decision making process. The Planning Department has spent months reviewing the application and its potential impacts. Their expert opinion was to fully support our application. They state:

**"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."**

Therefore, I would like to understand why the council did not support their expert finding.

At the Council Meeting there was one objection to the change from the owners of the neighbouring investment property (133 Mortimer Street) which, unfortunately, has not been occupied by tenants for more than two years, since the property burnt down. This property does have the right to access their car port using the driveway I own, and as can be seen in the plans this right is in no way affected, should they or new owners decide to rebuild. At the present time 133 Mortimer Street has been offered for sale (with an asking price) to my buyers Macquarie Valley Funerals.

None of the other boarding properties have objected to the change of use, and in general the change is welcomed within the neighbourhood.

I look forward to hearing a full and detailed explanation of the justification for not approving the Planning Departments expert recommendation.

Regards,



Helen Evans

## 6.2.3 DA0341/2014 – Proposed Use of Five Accommodation Cabins for Tourist and Visitor Accommodation – Lot 2 DP871401, 939 Henry Lawson Drive, Eurunderee

REPORT BY THE SENIOR TOWN PLANNER TO 18 JUNE 2014 COUNCIL MEETING  
DA0341\_2014 Henry Lawson Drive  
GOV400038, DA0341/2014

### RECOMMENDATION

#### That:

1. the report by the Senior Town Planner on the DA 0341/2014 – Proposed Use of Five Accommodation Cabins for Tourist and Visitor Accommodation – Lot 2 DP871401, 939 Henry Lawson Drive, Eurunderee be received;
2. Development Application 0341/2014 for the use of five accommodation cabins as Tourist and Visitor Accommodation at Lot 2 DP871401, 939 Henry Lawson Drive Eurunderee be refused for the following reasons:
  1. The proposed development is not consistent with the definition of Tourist and Visitor Accommodation as they house long term mining contractors;
  2. The proposed development could be characterised as multi dwelling housing which is prohibited in the RU4 Primary Production Small Lots Zone of Mid-Western Regional Local Environmental Plan 2012;
  3. The proposed development which could be characterised as multi dwelling housing is inconsistent with the RU4 zone objective “*To minimise conflict between land uses within this zone and land uses within adjoining zones*”;
  4. The proposed development which could be characterised as multi dwelling housing is inconsistent with the RU4 zone objective “*To ensure that land is available for intensive plant agriculture*”;
  5. The proposed development could also be characterised as Temporary Workers Accommodation as it houses long term mining contractors but is inconsistent with clause 6.11 (2) (a)(i) of the LEP 2012 as the subject site is located further than 5 kilometres from the relevant mining lease;
  6. The proposed development is not consistent with the definition of Temporary Workers Accommodation in Clause 6.11 (1) (c) of MWR LEP 2012 as the use of the proposed site will have a detrimental impact on the future use of the land and will conflict with an existing land use;
  7. The proposed development is not in the public interest as it used for a purpose that is inconsistent with the Mid-Western Regional LEP 2012 and Comprehensive DCP 2013.

---

### Executive summary

APPLICANT	Stuart Faulkner
ESTIMATE COST OF DEVELOPMENT	N/A
REASON FOR REPORTING TO COUNCIL	inconsistent with LEP and DCP and there are unresolved objections

The proposed development relates to the proposed use of five existing buildings for tourist and visitor accommodation on Lot 2 DP871401, 939 Henry Lawson Drive Eurunderee. The land is also used for agricultural purposes including grazing of cattle.

The property measures 101.5 hectares and is zoned RU 4 Primary Production – Small Lots. The subject site is developed with a residence, machinery shed containing two residential units, a shearing shed converted to a dwelling, former cellar door facility converted to a dwelling and a transportable house. The work undertaken on the site for the purposes of accommodating the mine workers has been undertaken without approval. The application was lodged after Council commenced enforcement action for carrying out a use of the site without approval.

The application was notified to the adjoining land owners and two submissions were received. The points of objection are that the use is not tourist and visitor accommodation but multi dwelling housing, access to the development, noise and that the accommodation buildings were erected without Council consent.

The proposed development has been assessed against the provisions of Council's Local Environmental Plan (LEP) 2012 and the Comprehensive Development Control Plan 2013 (DCP 2013). The proposed development could be characterised as either multi dwelling housing or temporary workers accommodation and not tourist and visitor accommodation. Council staff are of the opinion that the site is not used for tourist and visitor accommodation based upon evidence provided by the applicant.

Multi dwelling housing and temporary workers accommodation uses are inconsistent with the objectives of the zone. Multi dwelling housing is prohibited in the RU4 Primary Production Small Lots zone. The proposal, if considered as Temporary Workers accommodation does not meet the requirements in the LEP 2012. The proposed use as Temporary workers accommodation is also inconsistent with the provisions of DCP 2013.

The application is reported to Council due to the unresolved objections and the inconsistencies with the LEP 2012 and DCP 2013.

## Detailed report

### 1. REQUIREMENTS OF REGULATIONS AND POLICIES

#### **Mid-Western Regional Local Environmental Plan 2012 (LEP 2012)**

Mid-Western Regional LEP 2012 includes the definitions of tourist and visitor accommodation, multi dwelling housing and temporary workers accommodation.

*Tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:*

- (b) bed and breakfast accommodation,*
- (c) farm stay accommodation,*
- (e) serviced apartments,*

*but does not include:*

- (f) camping grounds, or*
- (g) caravan parks, or*
- (h) eco-tourist facilities.*



*Multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.*

*temporary workers' accommodation means any habitable buildings and associated amenities erected on a temporary basis for the purpose of providing a place of temporary accommodation for persons employed to carry out large-scale infrastructure, including development for the purposes of an extractive industry, mining, renewable energy or an electricity transmission or distribution network.*

Comment: The development application describes the use of the existing buildings as Tourist and Visitor Accommodation. Following an inspection of the property on 24 April 2014 and verbal information supplied by the applicant during the site inspection, the use of the buildings can be characterised as multi dwelling housing or temporary workers accommodation rather than tourist and visitor accommodation.

During the inspection of the buildings carried out by the Manager Health and Building and Senior Planner with the applicant, all the buildings were inspected. Four of the five buildings are fully self-contained dwellings and the fifth unit currently under construction is also proposed to be fully self-contained.

The applicant advised that the buildings were under long term lease to a private company for workers accommodation. All the buildings appeared to be occupied on a permanent basis. Council's officers concluded from the site inspection that all the buildings were being used for long term worker accommodation and therefore could not be characterised as Tourist and Visitor Accommodation.

It should be noted that the premises could be used as Tourist and visitor accommodation if the applicant decided to carry out the business in such a manner, but it is clearly not being used for such purposes.

The subject land is zoned RU4 Primary Production Small Lots, multi dwelling housing is prohibited in the zone and temporary workers accommodation is permitted only with consent.

The Zone Objectives have been provided and considered below –

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that land is available for intensive plant agriculture.*
- *To encourage diversity and promote employment opportunities related to primary industry enterprises, particularly those that require smaller holdings or are more intensive in nature.*

Comment: The proposed development of five self contained dwellings, if used as either *multi dwelling housing* or as *temporary workers accommodation* does not meet the objectives of the zone to enable sustainable primary industry and other compatible land uses; minimise conflict between landuses within the zone and landuses within adjoining zones, or ensure that land is available for intensive plant agriculture.

The relevant Clause of the LEP has been considered below:

### **6.11 Temporary workers' accommodation**

- (2) *Development consent must not be granted to development for the purposes of temporary workers' accommodation unless the consent authority is satisfied of the following:*
- (a) *the development is to be located:*
    - (i) *if the development relates to a mine—within 5 kilometres of the relevant mining lease under the Mining Act 1992, or*
    - (ii) *in any other case—within 5 kilometres of the large-scale infrastructure in which persons are to be employed,*
  - (b) *there is a need to provide temporary workers' accommodation due either to the large-scale infrastructure or because of the remote or isolated location of the land on which the large-scale infrastructure is being carried out,*
  - (c) *the development will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument,*
  - (d) *water reticulation systems and sewerage systems will be provided to adequately meet the requirements of the development,*
  - (e) *when the development is no longer in use, the land will, as far as practicable, be restored to the condition in which it was before the commencement of the development.*

Comment: The subject site is not located within 5 km of a relevant mining lease or large scale infrastructure project. The proposed use if considered as temporary workers accommodation does not meet the requirement in LEP 2012.

### **Mid-Western Regional Development Control Plan 2013 (DCP)**

The DCP provides criteria for assessing the suitability of a site for temporary workers accommodation where that proposal meets the requirements of Clause 6.11 of LEP 2012.

#### **6.2 TEMPORARY WORKERS ACCOMMODATION**

##### **Location**

Part 6.2 of the DCP specifically deal with Temporary Workers Accommodation (TWA). The DCP requires, which is consistent with the LEP, that the site of the proposed TWA must be within 5 kilometres of the relevant mining lease or major infrastructure project. The application does not meet the locational requirements of the DCP.

The subject development is not consistent with the provisions contained within the DCP for Temporary Workers Accommodation.

## **2. IMPACT OF DEVELOPMENT**

### **(a) Context and setting**

The subject site is located between Mudgee and Gulgong on Henry Lawson Drive at Eurunderee. The site is bounded by Snakes Creek Road to the south and Sills Lane to the north. The site was formerly Hill of Gold vineyard, however the vineyard has been removed and the area is now used for grazing.

Located on the site is the owners residence, a machinery shed containing two units, a 2 bed room self contained unit and a single bed room with on suite which is being converted to a fully contained unit. The existing shearing shed has been converted to a 3 bedroom dwelling. The former cellar door facility has been converted to a fully self contained 2 bedroom dwelling and located next to the former cellar door building is a two bedroom transportable home. All of the work that has been carried out on site for the purpose of operating the facility for accommodation has occurred without approval from Council.

The adjoining property, that has lodged a submission, is completely surrounded by the development site. This property owns the right of carriageway that is used to access the former cellar door dwelling and the transportable home. On the southern side of Snakes Gully Road is Robert Oatley winery and vineyard.

**(b) Access, transport and traffic**

The subject site fronts Henry Lawson Drive and has a vehicular access which serves the existing house and three of the dwellings. A second access to the property is over the existing right of carriageway, owned by Kurrara Cottages and accesses the other two dwellings the subject of the application.

The right of carriageway is over 500 metres long, gravelled and is mainly a single travel lane wide. Increased vehicular movements may require this access to be upgraded to reduce the potential for noise and dust generation.

The adjoining property is used for tourist and visitor accommodation and is in close proximity to the subject site. To maintain the amenity and serenity required by this operation, it is proposed that should the application be approved as Tourist and Visitor Accommodation, that the applicant be required to not use the right of carriageway as part of the business and that it only be used for personal reasons by the owner of the property.

**(d) Utilities**

Electricity and telecommunications are available. Water is provided by rainwater tanks and septic systems have been installed for the existing buildings.

**(f) Other land resources**

The development proposal would impact on the ability to develop intensive agriculture in the area through the proximity of the five dwellings. The additional dwellings have potential to generate land use conflicts with the existing horticultural activity through the intensification of residential development.

The proposed development would also restrict or prevent the redevelopment of the subject site for intensive agriculture due to the potential noise, dust and spraying activities associated with intensive agriculture.

**(k) Waste**

Adequate provision is required to be provided on site to provide waste disposal for the household waste from each of the dwellings. All solid waste generated by the development must be disposed of a licensed facility

**(m) Noise and Vibration**

The occupation of an additional five dwellings on the site will generate additional noise in the area from traffic movements. The use of five dwellings may create land use conflict with intensive agricultural activities that may generate noise from normal farming operations.

**(u) Cumulative impact**

The subject development application for the use of 5 existing buildings as dwellings will increase the number of dwellings in the area, increasing the potential land use conflicts associated with residential development in agricultural zones.

**3. SUITABILITY OF THE SITE FOR DEVELOPMENT****(a) Does the Proposal fit the locality**

The use of the site for temporary workers accommodation is out of character with the locality. The area is used predominately for viticulture with associated short stay tourist accommodation that does not impact on agricultural uses.

The proposed development before Council does not comply with the definition of tourist and visitor accommodation and is more relevantly considered Temporary Workers Accommodation and therefore is not suited to the RU4 Primary Production Small Lot zone.

**(b) Are the site attributes conducive to development**

Yes, the subject site would be conducive to serviced apartments for short stay tourist and visitor accommodation due to the site's rural setting if managed as such a facility.

**1. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS****(a) Public Submissions**

Two submissions were received

<b>Submissions</b>	<b>Comment</b>
Council does not have the authority to retrospectively approve an illegal activity	Council can retrospectively approve a use, Council cannot retrospectively approve a building already constructed.
The proposed use is more consistent with multi dwelling housing than tourist and visitor accommodation	The proposed use of the land is better characterised as multi dwelling housing or temporary workers accommodation.
Multi dwelling housing is prohibited in the RU4 zone	Agree
The site is being used to house short term mine workers	Disagree, the site is being used to house long term mine workers, which was confirmed by the applicant
The application fails to meet the criteria for temporary mine workers accommodation	Agree under LEP 2012 and the DCP 2013
The proposed development does not comply with the RU4 zone objectives	Agree as referred to earlier in this report.
Buildings were installed without Council approval	The demountable units were installed without prior council consent. Both the Shearing Shed and the cellar door facility were converted to dwellings without Council

<b>Submissions</b>	<b>Comment</b>
The dominant landholder (939 Henry Lawson Drive) is required to maintain the right of carriageway	consent. This is a private matter between the owners and users of the access.
The proposed development will increase traffic using the right of carriageway increasing the cost of maintaining the access. The existing driveway is single lane only.	Upgrading of the access to reduce noise and dust generation and improve vehicular safety may be required.
The proposed development will increase noise levels impacting on the adjoining business	The noise levels are unlikely to be greater than if the site was used for tourist and visitor accommodation.

**(b) Submissions from public authorities**

No submissions

*2. THE PUBLIC INTEREST*

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

Protection of agricultural land suitable for sustainable intensive plant agriculture from residential uses is in the public interest reducing land use conflicts and maintaining the viability of agriculture production within the locality.

*3. 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



ELIZABETH STONEMAN  
SENIOR TOWN PLANNER

CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

4 June 2014

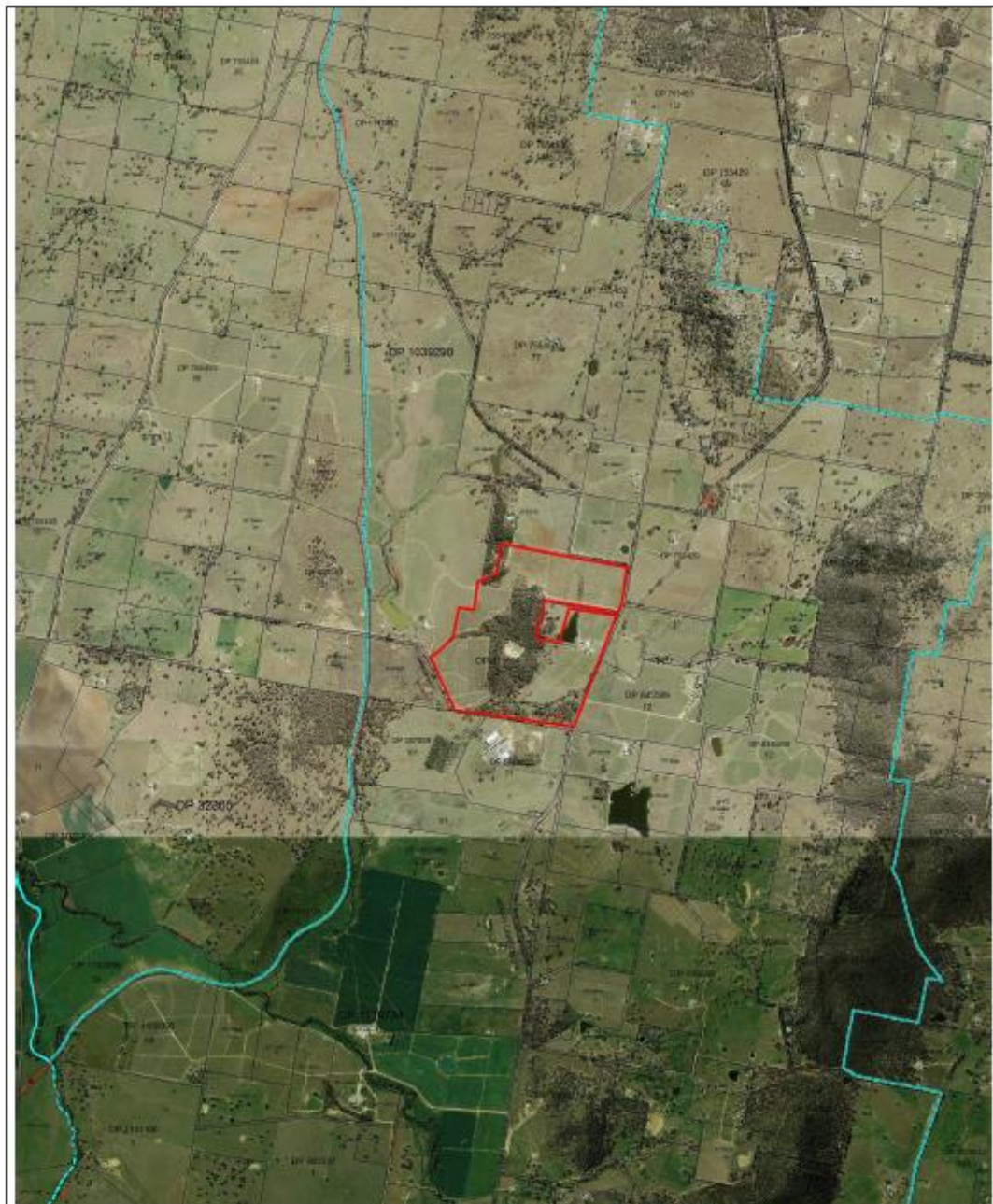
- Attachments:*
1. Location Plan
  2. Plan of Existing Buildings on subject site
  3. Public Submission (1)
  4. Public Submission (Confidential section)

APPROVED FOR SUBMISSION:































BRAD CAM  
ACTING GENERAL MANAGER

ATTACHMENT 1 - Location Plan



Map Scale: 1:36,780

<p><b>Disclaimer</b>                  This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.</p> <p>This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.</p>	<p><b>Legend</b></p> <table border="0"> <tr> <td></td> <td>Parcel</td> <td></td> <td>Patch</td> <td></td> <td>Road</td> </tr> <tr> <td></td> <td>Crown Land</td> <td></td> <td>Localities</td> <td></td> <td>State Forest</td> </tr> <tr> <td></td> <td>Railway</td> <td></td> <td>LGA Boundary</td> <td></td> <td>Waterway</td> </tr> </table>		Parcel		Patch		Road		Crown Land		Localities		State Forest		Railway		LGA Boundary		Waterway	<p style="text-align: center;">NORTH</p>  <p style="text-align: center;">Printed on Tuesday, 10 June 2014</p>
	Parcel		Patch		Road															
	Crown Land		Localities		State Forest															
	Railway		LGA Boundary		Waterway															



ATTACHMENT 2 - Plan of Existing buildings on subject site



## ATTACHMENT 3 - Submission



Mid-Western Regional Council  
Planning & Submissions Department  
PO Box 156  
MUDGEES NSW 2850

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

15 May 2014

Dear Sir



**DA0305/2014 – Proposed Use of Buildings as Tourist and Visitor Accommodation**

We object to the above development application lodged on the adjoining land on a number of grounds as outlined below.

1. In the first instance we question the legitimacy of lodging a development application for an existing and ongoing illegal use. It is our observation that the site is already being used as accommodation for mine workers including the operation of a bus which is more akin to the definition of multi dwelling housing or temporary workers accommodation than tourist and visitor accommodation. Even if the land use activity could be categorised as tourist accommodation the Environmental Planning and Assessment Act does not give Council the authority to issue a retrospective approval. Section 76A clearly provides that a development *may not be carried out except with development consent ..... unless:*
  - (a) *such a consent has been obtained and is in force, and*
  - (b) *the development is carried out in accordance with the consent and the instrument.*

Under this section Council has no authority to approve an existing, operating development. Council had a responsibility to require that all activity cease and a development application be lodged and considered. Allowing the illegal and unapproved use to continue is unacceptable and in the eyes of the community it significantly undermines the development application process in that it sends a message that an approval is simply an inconvenient formality on the part of both Council and the applicant.

2. Characterisation of the use – we question the characterisation of the use having regard to both the SEE lodged by the applicant and the LEP it is more consistent with the definition of multi dwelling housing than tourist accommodation.

Multi dwelling housing is defined in the LEP as:

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

The land is zoned RU4 Primary Production Small Lots. Multi dwelling housing is prohibited in the zone. The SEE identifies at least four dwellings on the subject land in addition to a make shift room in a shed.





The SEE further mentions seeking building certificates for existing dwellings. We question the permissibility of these structures, one of which is doubtless a transportable house, another a full conversion of the former winery and office into a dwelling, conversion of the shearing shed into a third dwelling and the existing house as a fourth dwelling. We fail to see on what grounds Council can approve a prohibited development.

3. The SEE claims the development is tourist and visitor accommodation. They have made no attempt to disguise the fact that the land use is already occurring on the site and that it is accommodation for mine workers and say on page 8 of the SEE "the premises may be .... Occupied by short term mine workers". Clearly this is an admission as to the intention of the use of the site and goes to the definition of a TWA more closely than tourist accommodation? We have noted the recent Council decision in relation to The Mac application in Gulgong. One of the issues with this application in applying the LEP was that it was lodged prior to the amendment to the LEP to define and include provisions for temporary workers accommodation. Council's case appears to be based on the fact that it is a TWA not tourist and visitor accommodation. Council has gone to significant lengths to restrict the development of TWA's in the local government area. The TWA clause says:

**6.11 Temporary workers' accommodation**

(1) *The objectives of this clause are as follows:*

- a. *To enable development for temporary workers' accommodation if there is a demonstrated need to accommodate employees due to the nature or the work or the location of the land on which that work is carried out,*
- b. *To ensure that temporary workers' accommodation is appropriately located,*
- c. *To ensure that the erection of temporary workers' accommodation is not likely to have a detrimental impact on the future use of the land or to conflict with an existing land use,*
- d. *To minimise the impact of temporary workers accommodation on local roads and infrastructure,*

(2) *Development consent must not be granted to development for the purposes of temporary workers' accommodation unless the consent authority is satisfied of the following:*

- a. *The development is to be located:*
  - i. *If the development relates to a mine- within 5 kilometres of the relevant mining lease under the Mining Act 1992, or*
  - ii. *In any other case- within 5 kilometres of the large-scale infrastructure in which persons are to be employed,*
- b. *There is a need to provide temporary workers' accommodation due either to the large-scale infrastructure or because of the remote or isolated location of the land on which the large-scale infrastructure is being carried out,*
- c. *The development will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument,*
- d. *Water reticulation systems and sewerage systems will be provided to adequately meet the requirements of the development,*
- e. *When the development is no longer in use, the land will, as far as practicable, be restored to the condition in which it was before the commencement of the development.*



(3) *In this clause:*

**temporary workers' accommodation** means any habitable buildings and associated amenities erected on a temporary basis for the purpose of providing a place of temporary accommodation for persons employed to carry out large-scale infrastructure, including development for the purposes of an extractive industry, mining, renewable energy or an electricity transmission or distribution network.

If council were to form the view that the development was not multi dwelling housing, clearly the definition in the LEP for TWA is more consistent with what Council itself knows to be the operation of the land use on this site. Further, the provision clearly states that such a development shall be located within a 5 km of a mine. Again, the application would fail to meet the criteria of the LEP and in fact be prohibited at this location.

We do not seek to present an argument as to the proposition that employees of a mine could not be categorised as visitors, what we do propose is that multi dwelling housing and in term temporary works accommodation provide more appropriate land use definitions based on the SEE submitted and the illegal use currently occurring at the site. To argue tourist accommodation rather than multi dwelling housing would be akin to building a detached dual occupancy in the R2 Low Density Residential zone, then applying for a building certificate and a DA for the use of the land for a boarding house or a bed and breakfast.

4. Objectives of the RU4 zone-The LEP recognises the value of agriculture and sustainable agricultural land through the zone and land use tables. There are zones suited to commercial development for both multi dwelling housing, tourist accommodation and temporary workers accommodation. This is the essence of sound land use planning and your Council do that very well. This development however is an opportunistic commercial venture that flies in the face of good planning and seeks to abuse the good faith of Council. The development as described in the SEE and as conducted is consistent with ALL of the objectives of the zone as follows.

- *To enable sustainable primary industry and other compatible land uses.*  
-Multi dwelling housing is not a use consistent or compatible with sustainable agriculture
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature*  
-The development does not promote employment in agriculture
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*  
-The development is contrary to this objective in that intensification of residential development at this location will lead to further land use conflict
- *To ensure that land is available for intensive plant agriculture*  
-The development undermines the value of prime agricultural land
- *To encourage diversity and promote employment opportunities related to primary industry enterprises, particularly those that require smaller holdings or are more intensive in nature.*  
-The use is totally unrelated to agriculture.



We currently operate vineyards and the largest winery in the region on adjoining land. The potential for on-going land use conflict is unacceptable. Further, we have concern that is Council were to approve this site for multi dwelling housing, there would be a flood of similar applications seeking to get around provisions clearly aimed at managing mine related accommodation and protecting adjoining agricultural enterprises from the conflict associated with intensification of residential development in agricultural zones.

Finally, we would like to thank Council for the opportunity to make a submission and trust the issues raised will be thoroughly investigated.

Should you require clarification at to any of the matters raised, please contact our Chief Financial Officer, Steve McClintock on 02 9433 3154.

Yours faithfully

Sandy Oatley  
Chairman  
Robert Oatley Vineyards Pty Ltd

## 6.2.4 MA0089/2014 – Modification of Building Envelope - Dwelling – Onsite Sewerage management facility - Lot 22 DP 1163342, 839 Hill End Road Erudgere

REPORT BY TRAINEE HEALTH AND BUILDING SURVEYOR TO 18 JUNE 2014 COUNCIL MEETING  
MA0089/2014  
GOV400038, DA0218/2014 – MA0089/2014, P22415

### RECOMMENDATION

#### That:

1. That the report by the Building Surveyor on Modification Application 0089/2014, for the proposed relocation of the approved dwelling and on-site sewerage management facility located at 839 Hill End Road, Erudgere be received; and
2. Modification Application No. 0089/2014, Proposed relocation of approved dwelling and on-site sewerage management facility located at 839 Hill End Road, Erudgere be approved;  
  
and subject to the following conditions detailed below;
3. Council resolve to allow the dwelling and associated structures outside of the registered building envelope.

### APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans and the Application received by Council on 20/05/2014 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 TERMS OF APPROVAL

2. The following conditions must be complied with prior to the Principal Certifying Authority (PCA) issuing a Construction Certificate. The conditions are required to satisfy the PCA that the proposal is consistent with the applicable development consent, the National Construction Code and all relevant Australian Standards.
  - The following information is to be submitted to Council prior to the commencement of works:
    - (a) Manufacturers details for the frames and roof trusses.
    - (b) Wind bracing details.
3. 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.

4. The site shall be provided with a waste enclosure (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**

5. 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.
6. Residential building work (in accordance with the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates:
- (a) in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number, and
    - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
  - (b) in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner builder permit number, or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

7. 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. Building 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**

8. 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.
9. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
10. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
  - a) the method of protection; and
  - b) the date of installation of the system; and
  - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - d) the need to maintain and inspect the system on a regular basis.
11. The requirements of BASIX Certificate number(s) 502810s\_02 issued on 31/01/2014 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s

#### **PRIOR TO OCCUPATION**

12. Prior to the occupation of a new building an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
13. A minimum of 45,000 litres of domestic water storage is to be provided for the proposed dwelling. At least 20,000 litres of water storage is to be available for fire fighting purposes.
14. Metal roof/wall cladding shall be provided in a non reflective colour scheme such as "Colorbond" steel sheeting.

---

### Executive Summary

APPLICANT:	Terry & Lisa Turner
ESTIMATED COST OF DEVELOPMENT:	n/a
REASON FOR REPORTING TO COUNCIL:	Council is the benefiting authority with regard to this Restriction
PUBLIC SUBMISSIONS:	No

Council has received an application for the Modification of the building envelope to allow for the construction of a dwelling and an on-site sewerage management facility located at 839 Hill End Road, Erudgere.

The original subdivision identified the building envelope in line with the Aboriginal Cultural Heritage Assessment. The building envelope required all development, including the on-site sewerage management facility, to be constructed within this area.

An additional Aboriginal Cultural Heritage Assessment has been submitted with this application supporting the proposed modification (see attached site plan).

Assessment of the application has found the proposed relocation to be acceptable and the recommendation is for approval.

The application is being reported to Council as it is the benefiting authority with regard to this restriction and staff does not have delegations to modify restrictions.

## Detailed Report

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

### *REQUIREMENTS OF REGULATION AND PLOICIES*

#### *(a) Provisions of any Environmental Planning Instrument and any draft EPI*

The proposal is permissible under Mid-Western Regional Council's Local Environmental Plan 2012.

The land is zoned 'R5 Large lot Residential' in accordance with the LEP 2012. The proposed development would be defined as a Dwelling and is permissible with the consent of Council.

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

The proposal is consistent with the deemed to satisfy provisions of Part 2 of the Development Control Plan 2013.

### *2. IMPACT OF THE PROPOSED DEVELOPMENT*

#### *(a) Context and Setting*

The subject site is located directly west of the town of Mudgee, in the locality of Erudgere and is bound by Hill End Road. The site is vacant. The allotments to the east, west and south are also zoned R5 Large Lot Residential.

#### *(b) Access, transport and traffic*

The subject site fronts Hill End Road and has an existing vehicular access.

#### *(d) Utilities*

There is power to the allotment, the proposal allows for the provision of potable water for the dwelling and cabin and an on-site sewerage management system.

(e) Heritage

An Aboriginal Cultural Heritage Assessment was carried out on the subject site, no objects were identified within the proposed area.

(g) Social impact in the locality

There will be very minimal social impact in the locality.

(s) Site design and internal design

The site design is considered appropriate for the proposal.

(t) Construction

The proposed structure will be timber framed with weather board cladding and a colour-bond corrugated iron roof on steel piers.

If approved, the building will be assessed against the requirements of the National Construction Code and its associated Australian Standards.

3. *SUITABILITY OF SITE FOR DEVELOPMENT*

(a) Does the proposal fit in the locality

The site is suitable for the proposed dwelling and on-site sewerage management facility. The applicant has submitted an Aboriginal Cultural Heritage Assessment for the affected area outside the building envelope. The report has identified no artefacts and will not impact upon any Aboriginal Cultural Heritage materials.

There are no other additional hazards.

4. *SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS*

(a) Public Submissions

No notification requirements.

(b) Submissions from public authorities

Not applicable

5. *THE PUBLIC INTEREST*

It is considered to be in the wider public interest.

6. *CONSULTATIONS*

(a) Town Planning

Council's Town Planning Department had no concerns with this application.

(b) Development Engineer

Council's Development Engineer had no concerns with this application.



## Financial implications

Not applicable.

## Strategic or policy 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

PAUL BLACKWELL  
TRAINEE HEALTH & BUILDING SURVEYOR

6 June 2014

### APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER

*Attachments:* 1. Locality Plan  
2. Site Plan

ATTACHMENT 1 – LOCALITY PLAN



Map Scale: 1:13,470

**Disclaimer**

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

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

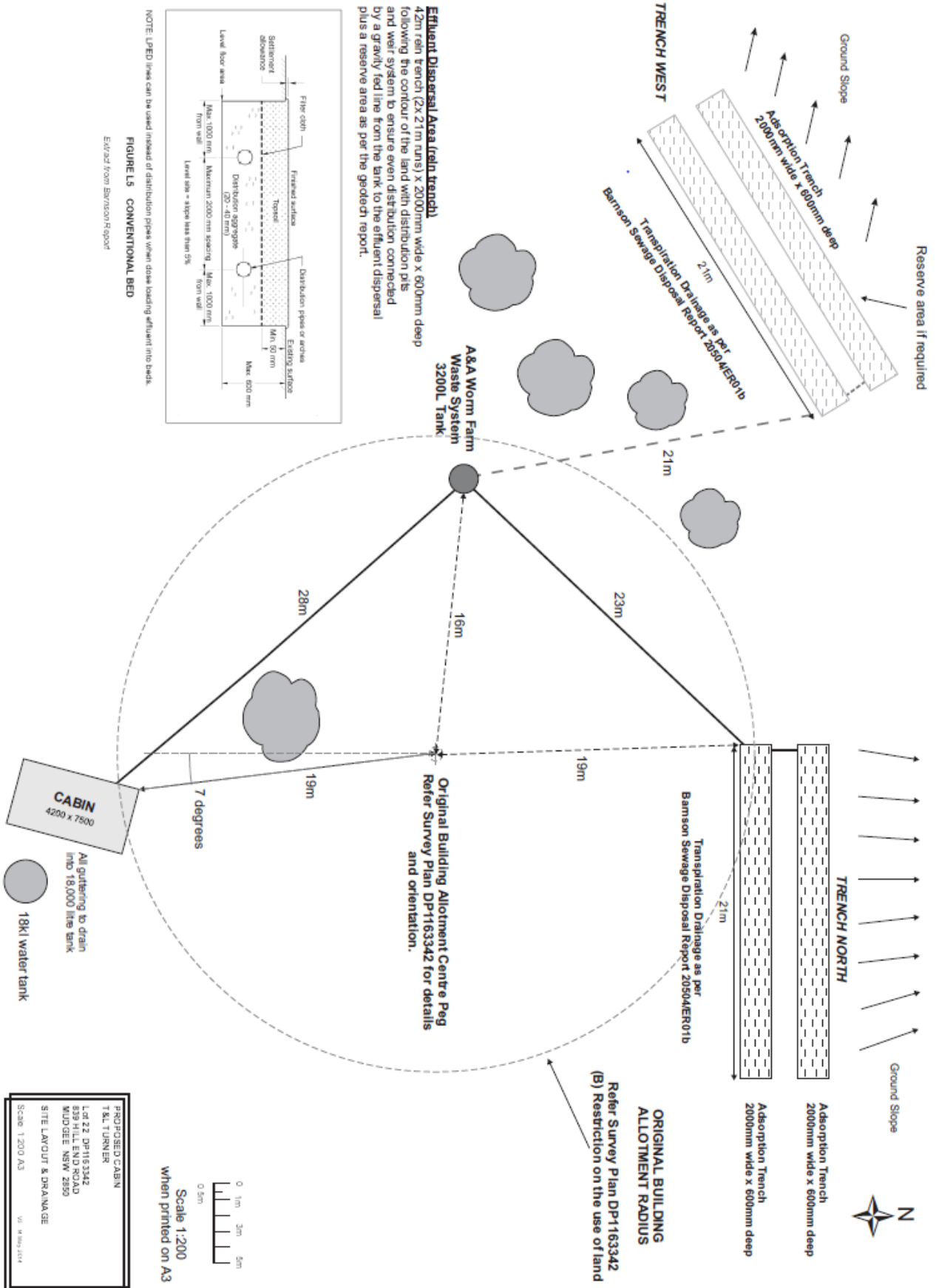
**Legend**

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

NORTH



ATTACHMENT 2 – SITE PLAN



## 6.2.5 Planning Proposal – Lot 110 DP 1029542, 277 Black Springs Road Eurunderee

REPORT BY THE STATUTORY/STRATEGIC PLANNER TO 18 JUNE 2014 COUNCIL MEETING

Black Springs Rd PP - Post exhibition report  
GOV400038, LAN900045

### RECOMMENDATION

#### That:

1. **the report by the Statutory/Strategic Planner on the Planning Proposal – Lot 110 DP 1029524, 277 Black Springs Road Eurunderee be received;**
2. **the Planning Proposal be forwarded to the Minister under section 58 of the Environmental Planning and Assessment Act requesting that the proposal proceed and that the Minister make the plan in accordance with section 59 of the Act.**

### Executive summary

On 5 February 2014, Council endorsed the Planning Proposal (PP) for the rezoning of part of Lot 110 DP 1029524, 277 Black Springs Road Eurunderee. The Planning Proposal was subsequently forwarded to NSW Planning & Environment (formerly Planning & Infrastructure) for Gateway Determination, which was issued on 26 March 2014. The PP went on public exhibition from 11 April 2014 to 9 May 2014 as per the requirements of the Gateway Determination and no submissions were received. Two submissions were received after the exhibition period had expired, however these have been considered in the assessment of the PP.

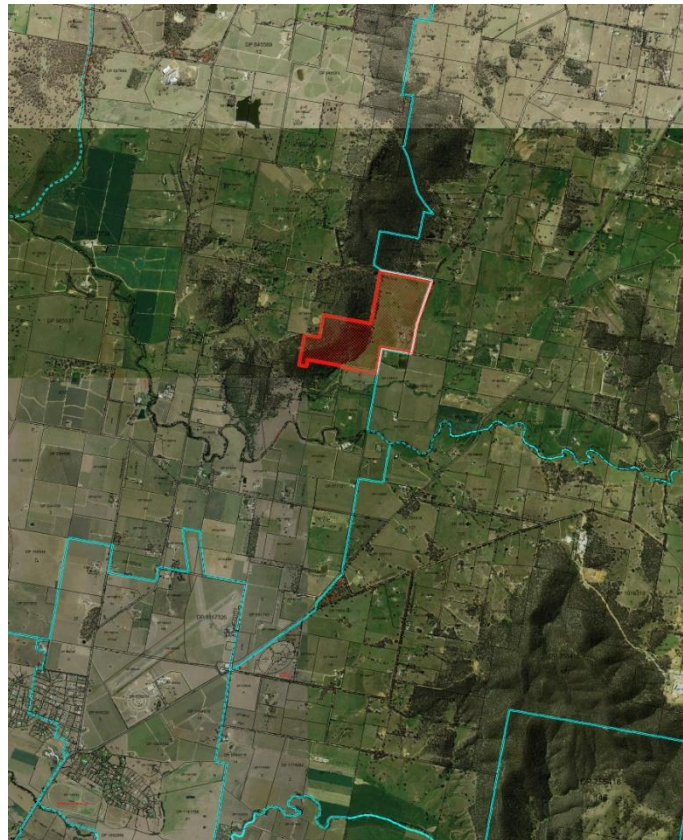
The public submissions raised the following issues:

- Insensitive, environmentally and scenically, for the location;
- Potential conflict between residential and agricultural land uses;
- Minimum lot size too small;
- Inconsistent with surrounding land uses;
- Concerned over potential future land uses that R5 zone permits.

The PP was prepared by Minespex on behalf of R & L Allen and will involve rezoning approximately 51.5ha of land out of the total 82ha from RU1 Primary Production to R5 Large Lot Residential. The remainder of the land will remain under E3 Environmental Management zoning. The minimum lot size will also be amended from 100ha to 12ha. The estimated lot yield of the PP is 4 lots.



Figure 1 - Location of subject site



### Detailed report

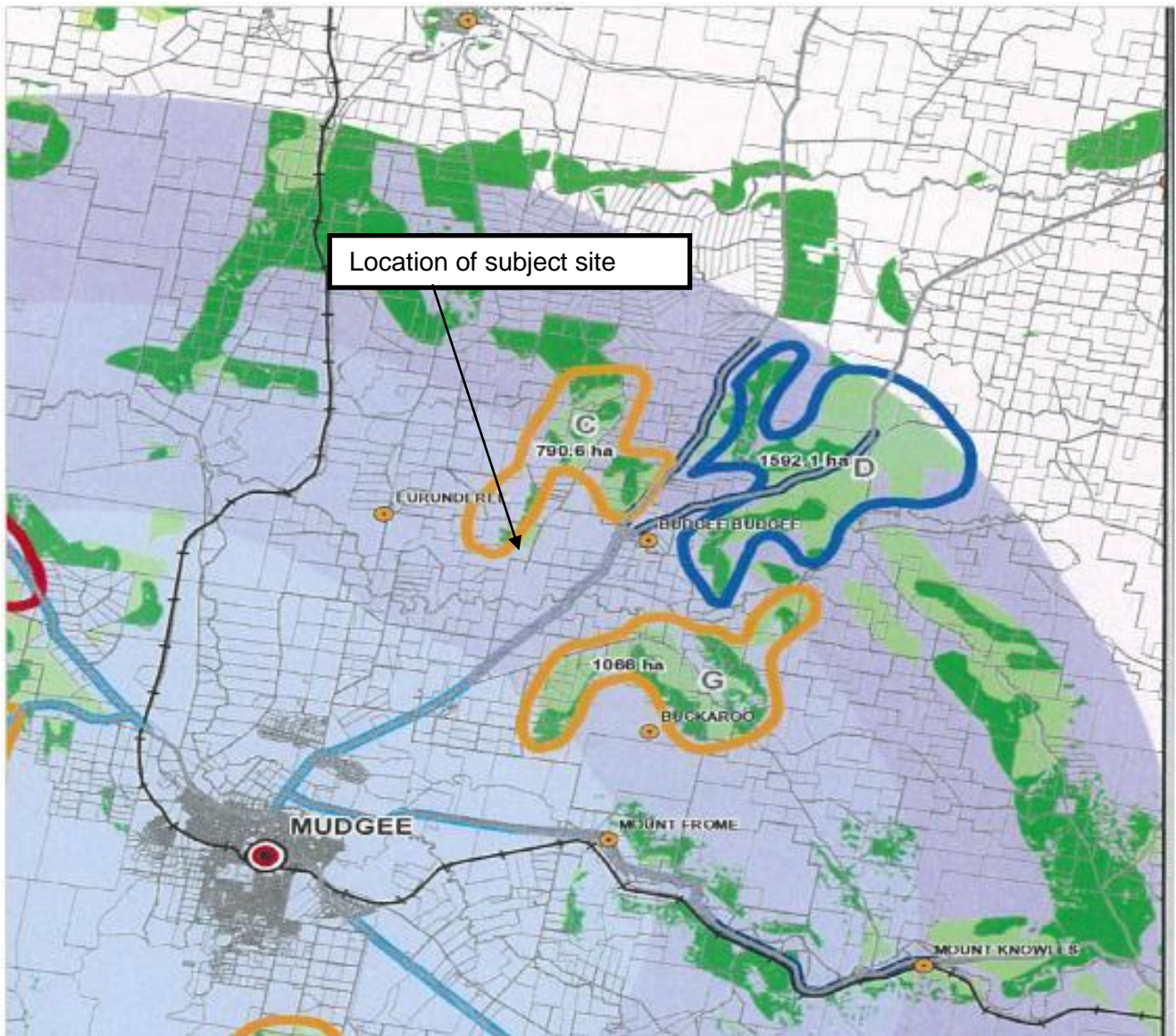
Following the resolution to proceed with the rezoning on 5 February 2014, the proposal was forwarded to NSW Planning & Environment (formerly Planning & Infrastructure) for Gateway Determination.

On 26 February:

- Community consultation is required to be carried out for a period of 28 days;
- No public hearing or consultation with public authorities is required;
- The timeframe for the completion of the amending LEP is 6 months from the date of the Gateway Determination.

A copy of the Gateway Determination is attached and the Planning Proposal is located at the end of the business paper.

The proposed zone is generally consistent with the Comprehensive Land Use Strategy (CLUS), although part of the land is located fractionally outside of the identified area in Figure 2.

**Figure 2 – Extract from Comprehensive Land Use Strategy**

The PP was prepared by Minespex on behalf of R & L Allen and seeks the rezoning of part of Lot 110 DP 1029524 from RU1 Primary Production to R5 Large Lot Residential. The land is currently split-zoned RU1 and E3 Environmental Management. The minimum lot size for the proposed R5 zoned land is to be 12ha and will yield 4 lots.

#### *SERVICING*

The land is not proposed to be serviced by reticulated water or sewer. These services will be catered for on-site which is consistent with the surrounding R5 zoned land to the north and east of the site.

Telecommunications and electricity are available and may be extended to service any additional lots created by any future subdivision.

### PROJECT TIMELINE

Stage	Date/Details
Dates draft LEP exhibited	Public exhibition held from 11 April 2014 till 09 May 2014.
Date of Public Hearing (If held)	N/A
Date sent to PCO seeking opinion	Opinion to be sought upon formal adoption by elected Council.
Date Opinion received	Opinion has not been sought at this stage.
Date Council resolved to adopt LEP	Anticipated to be adopted 18/6/14.
Date LEP made by GM under delegation	N/A at this stage
Date sent to Planning & Environment requesting notification	N/A at this stage

### PUBLIC SUBMISSIONS

Two submissions were received after the expiry of the exhibition period, however these have been considered in the assessment of the PP. The issues raised were:

Submission	Issues
van Gent	<ul style="list-style-type: none"> <li>• Insensitive, environmentally and scenically, for the location;</li> <li>• Potential conflict between residential and agricultural land uses;</li> <li>• Minimum lot size too small.</li> </ul>
Morris	<ul style="list-style-type: none"> <li>• Inconsistent with surrounding land uses;</li> <li>• Concerned over potential future land uses that R5 zone permits.</li> </ul>

#### Comment:

The rezoning will extend the existing R5 zoned land from the north to Black Springs Road which provides a logical zone boundary. All future lots will have frontage to a sealed road and the road reserve, in combination with the required setback for dwellings in the DCP 2013, will provide adequate separation between residential and agricultural land uses. The proposal is not considered environmentally insensitive as the E3 zoned part of the land is not changing. The subject area of land is relatively clear of vegetation and any future residential development on the site is unlikely to require clearing.

The comment regarding potential future development that may occur within the zone is relevant, however any of these uses will be subject to a development application which will thoroughly assess the suitability of any proposed development on the subject site.

The minimum lot size proposed (12ha) is consistent with other R5 land in the locality. Increasing this to 20ha is not considered reasonable as this would be more consistent with an RU4 Primary Production Small Lots zoning.

### PUBLIC AUTHORITY SUBMISSIONS

No public authorities were required to be consulted with as part of the exhibition process.

### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

The consideration of the Planning Proposal is consistent with Theme 1 Looking After Our Community, Goal 2.3 and Theme 2 Protecting Our Natural Environment, Goal 1.1.



CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

MARK LYNDON  
STATUTORY/STRATEGIC PLANNER

4 June 2014

*Attachments:* 1. Gateway Determination  
2. Public Submissions  
3. Planning Proposal (refer to copy supplied in 5 February 2014 business paper)

APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER





Our ref: 14/05217

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

Dear Warwick,

**Planning proposal to amend Mid-Western Regional Council Local Environmental Plan 2012**

I am writing in response to your Council's letter dated 10 March 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone part of the subject land from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size from 100ha to 12ha.

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

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

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

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Rebecca Kell, Planning Officer of the Western Regional Office of the department on 02 6841 2195.

Yours sincerely,

*a. m. albúry* 26-03-2014

**Ashley Albúry**  
General Manager, Western Region



## Gateway Determination

- **Planning proposal PP\_2014\_MIDWR\_001\_00:** to rezone land from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size from 100ha to 12ha.

I, the General Manager, Western Region at Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Mid-Western Regional Council Local Environmental Plan (LEP) 2012 to rezone land from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size from 100ha to 12ha should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
  - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.

No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

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

Dated 26 day of March 2014.

  
**Ashley Albury**  
 General Manager, Western Region

**Delegate of the Minister for Planning  
and Infrastructure**



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Mid-Western Regional Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 8 August 2012, in relation to the following planning proposal:

Number	Name
PP_2014_MIDWR_001_00	Rezone land from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size from 100ha to 12ha.

In exercising the Minister's functions under section 59, the Council must comply with Planning and Infrastructure's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 26 March 2014

  
**Ashley Albury**  
General Manager, Western Region

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the department**

Stage	Date/Details
Planning Proposal Number	PP_2014_MIDWR_001_00
Date Sent to Department under s56	10 March 2014
Date considered at LEP Review Panel	Considered by the Director Generals Delegate
Gateway determination date	

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

**Table 3 – To be completed by the department**

Stage	Date/Details
Notification Date and details	

#### Additional relevant information:

ATTACHMENT 2

**From:** Philip van Gent [philip@pvgwinery.com.au]  
**Sent:** Friday, 30 May 2014 12:32 PM  
**To:** Council  
**Subject:** Re planning proposal - Rezoning of Land - Black Springs Road, Eurunderee

Upon consideration to the planning proposal - Rezoning of Land - Black Springs Road, Eurunderee

I recommend that the existing proposal is too intensive, environmentally and scenically, for the location.

In addition a potential conflict exists between land uses within the proposed zone and the land use within the adjoining zones. - Especially to the south of the subject land which borders the Saddle Back Trial and the vineyard adjacent. In this area there exists potential conflict between normal agricultural/vineyard operations and Residential lots.

If rezoning is to occur, a minimum lot size is to be consistant with all the lots immediately adjacent to the subject land i.e. 20 Hectares.

Regards  
Philip van Gent

[sales@pvgwinery.com.au](mailto:sales@pvgwinery.com.au)  
[pvgwinery.com.au](http://pvgwinery.com.au)

---

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



**From:** Luke Morris [luke@barnson.com.au]  
**Sent:** Thursday, 29 May 2014 9:03 AM  
**To:** Catherine Van Laeren  
**Cc:** Mark Lyndon; Liz Densley  
**Subject:** RE: Rezoning of Land - Black Springs Road, Eurunderee

Good morning Catherine,

I have had a chat to a few of the neighbours and whilst we are not necessarily opposed to a re-zoning (of some sorts) as such, we feel 20Ha would be better for the following reasons:

- The provisions for R5 is inconsistent with the surrounding land-use (and this is a direct conflict with one of the objectives of the proposed zoning) - To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.;
- It opens up a can of worms as to what can possible go there in the future (and this is a direct conflict with one of the objectives of the proposed zoning)- To minimise conflict between land uses within this zone and land uses within adjoining zones.

We all have 50acre lots with grapes, nice outlook etc. If this proposal was to be rezoned, there is nothing stopping some putting in a neighbour shop, a plant nursery, a waste resources transfer station of a landscape materials supply business.

If the land was rezoned and someone wanted to put in a landscape materials supply business, how does that achieve the overall objective of minimising conflict between land uses?

As a said, we aren't necessarily opposed to a rezoning. Just not this one. We just want to future proof ourselves and the R5 allows too much flexibility in what can be approved in the future.

## **Zone R5 Large Lot Residential**

### **1 Objectives of zone**

To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.

To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.

To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.

To minimise conflict between land uses within this zone and land uses within adjoining zones.

### **2 Permitted without consent**

Extensive agriculture; Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

### **3 Permitted with consent**

Aquaculture; Bed and breakfast accommodation; Cellar door premises; Dual occupancies; Dwelling houses; Garden centres; Home industries; Intensive plant agriculture; Landscaping material supplies; Markets; Neighbourhood shops; Plant nurseries; Roadside stalls; Secondary dwellings; Serviced apartments; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4

Kind regards,

**Luke Morris**

B.E. MIEAust CPEng (NPER)

Director

**Barnson Pty Ltd**



Barnson aims to achieve the highest consulting standards in a friendly, ethical and professional manner. With a focus on client satisfaction Barnson can provide state of the art services at competitive rates. Offices are located in Dubbo, Mudgee, Parkes & Bathurst

**A:** Unit 2, 108-110 Market Street  
Mudgee, NSW 2850

**P:** 1300 138 657

**F:** (02) 6372 1688

**E:** [luke@barnson.com.au](mailto:luke@barnson.com.au)

**W:** [www.barnson.com.au](http://www.barnson.com.au)

"This message and any files transmitted with it are confidential and intended solely for the use of those persons to whom the message is addressed. If you have received this message in error please notify the sender immediately and then delete this message. Any unauthorised form of reproduction of this message or any files transmitted with it is strictly prohibited. Any views or opinions presented in this message are solely those of the author and do not necessarily represent those of Barnson Pty Ltd. The recipient should check this message and any attachments for the presence of viruses. Barnson Pty Ltd accepts no liability for any damage caused by any virus transmitted by this message."

## 6.2.6 Monthly Development Applications Processing & Determined

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 18 JUNE 2014  
COUNCIL MEETING

DA applications processing and determined REPORT TO COUNCIL May 2014  
GOV400038

### RECOMMENDATION

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

### Executive summary

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

### Detailed report

Included in this report is an update for month ending 30 April 2014 of Development Applications determined and development applications processing. The report will detail:

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

### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

Not applicable.



CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES

5 June 2014

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

APPROVED FOR SUBMISSION:



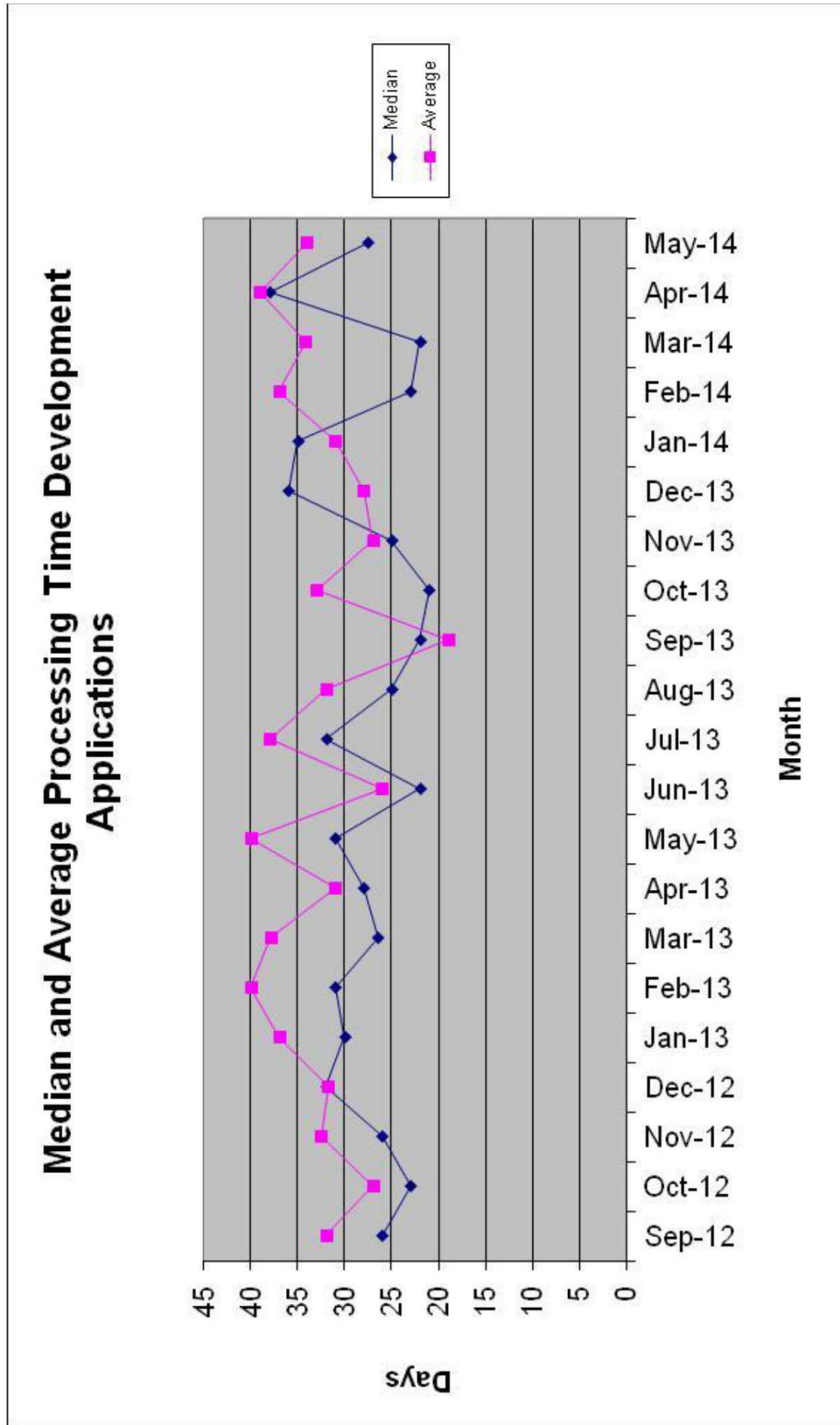
BRAD CAM  
ACTING GENERAL MANAGER



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

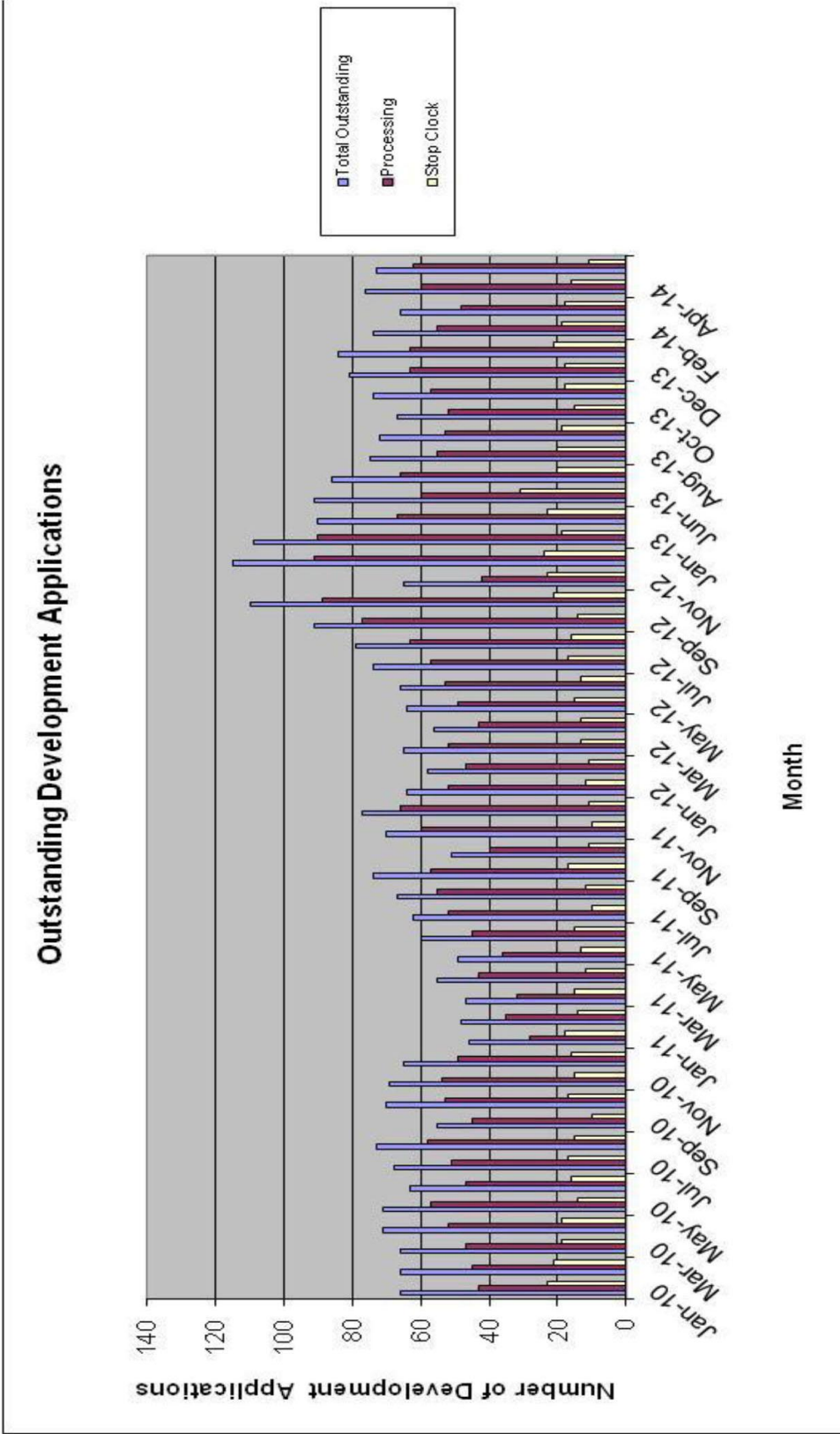
This report covers the period for the month of May, 2014.

Graph 1 indicates the processing times up to 31 May, 2014 with the month of May having an average of 34 days and a median time of 27.5 days.



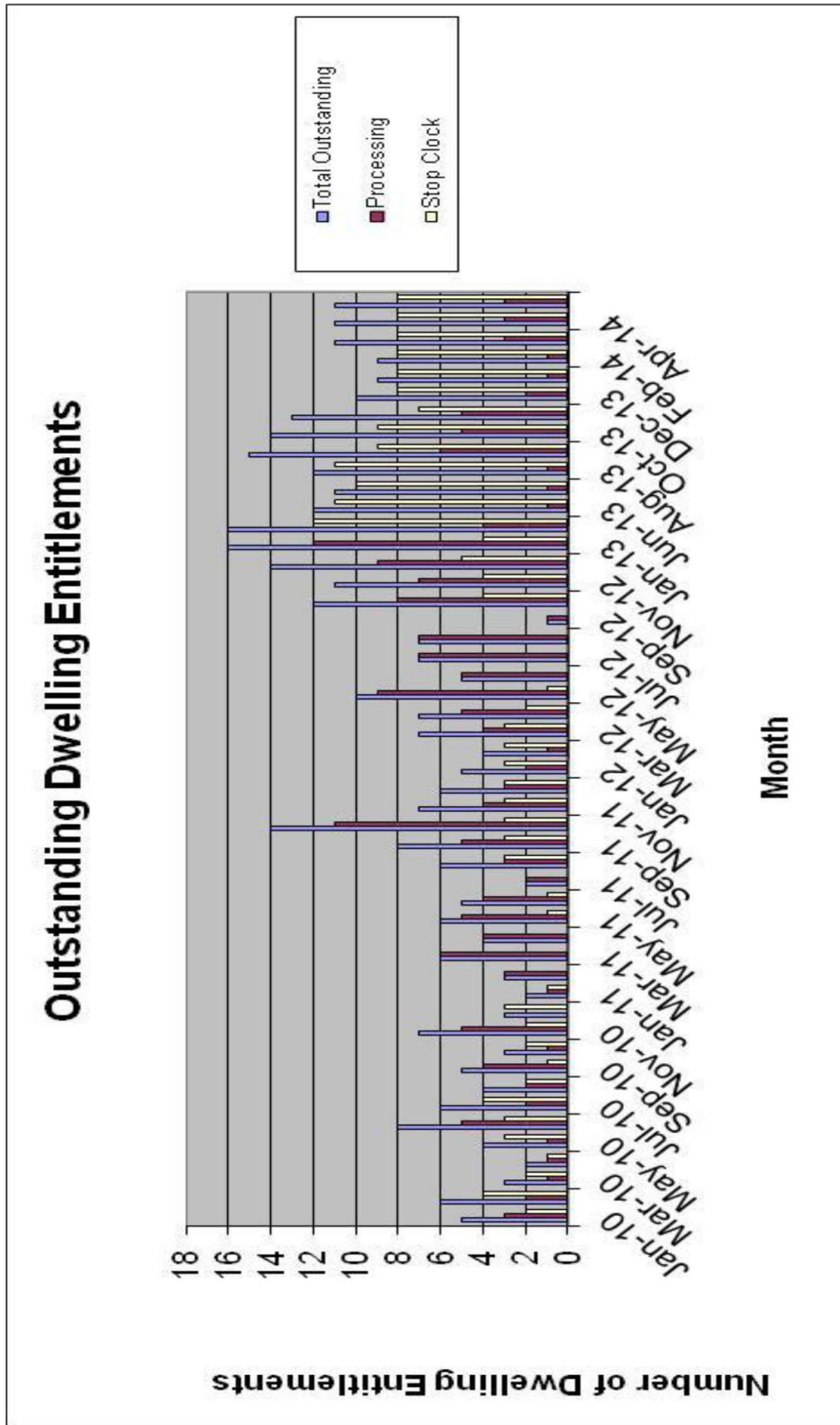
Monthly Development Application Processing Report – May, 2014

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



Monthly Development Application Processing Report – May, 2014

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



## Monthly Development Application Processing Report – May, 2014

The Planning and Development Department determined 32 Development Applications either by Council or under delegation during May, 2014.

### Development Applications Determined – May, 2014.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0180/2014	Subdivision - Torrens Title	71	Guntawang Road	GALAMBINE
DA0258/2014	Subdivision - Strata Title	31	Banjo Paterson Avenue	MUDGE
DA0294/2014	Dual Occupancy	12	Faucett Drive	MUDGE
DA0296/2014	Dual Occupancy	16	Rifle Range Road	MUDGE
DA0309/2014	Dwelling House	6	McLachlan Street	RYLSTONE
DA0317/2014	Dwelling House	409	Botobolar Road	BOTOBOLAR
DA0318/2014	Dual Occupancy	5	Hollingsworth Drive	GULGONG
DA0319/2014	Boundary Adjustment	259	Melrose Road	MOUNT FROME
DA0322/2014	Shed >150m2	63	Peach Tree Lane	RIVERLEA
DA0325/2014	Sign	71	Market Street	MUDGE
DA0332/2014	Dwelling House	5342	Ilford Sofala Road	SOFALA
DA0338/2014	Dwelling House	894	Bocoble Road	BOCOBLE
DA0343/2014	Carport	46	Wollar Road	BUDGE BUDGE
DA0345/2014	Change of use	2807	Ulan Road	COOKS GAP
DA0347/2014	Dwelling House	48	Winter Street	MUDGE
DA0348/2014	Dwelling House	7	Hollingsworth Drive	GULGONG
DA0352/2014	Alterations & Additions	1579	Castlereagh Highway	TALLAWANG
DA0355/2014	Shed >150m2	9	Mealey Street	MUDGE
DA0248/2014	Subdivision - Torrens Title	100	Saleyards Lane	MUDGE
DA0423/2013	Subdivision - Torrens Title	1193	Yarrabin Road	YARRABIN
DA0046/2014	Subdivision - Torrens Title	4	Armstrong Street	RYLSTONE
DA0214/2014	Subdivision - Torrens Title	36	Sydney Road	MUDGE
DA0249/2014	Subdivision - Torrens Title	17	Fairydale Lane	MUDGE
DA0279/2014	Dual Occupancy	85	Ingليس Street	MUDGE
DA0283/2014	Dwelling House	28	Bumberra Place	BOMBIRA
DA0299/2014	Boundary Adjustment	21	George Street	MUDGE
DA0326/2014	Staged Development - Dwelling	52	Lue Road	MILROY
DA0328/2014	Dual Occupancy	12	Hardwick Avenue	MUDGE
DA0329/2014	Dual Occupancy	33	Melton Road	MUDGE
DA0339/2014	Dual Occupancy	4	Faucett Drive	MUDGE
DA0340/2014	Shed less than 150m2	362	Ridge Road	COOKS GAP
DA0364/2014	Dwelling House	8	Maher Place	MUDGE



Monthly Development Application Processing Report – May, 2014

Development Applications currently being processed – May, 2014.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0071/2014	AltAdd	480	Ridge Road	COOKS GAP
DA0191/2014	AltAdd	34	Crossings Road	MENAH
DA0205/2012	AltAdd	1834	Blue Springs Road	BUNGABA
DA0375/2014	AltAdd	1184	Coxs Creek Road	COXS CREEK
DA0369/2014	BoundAdj	1019	Lower Piambong Road	PIAMBONG
DA0349/2014	Carpport	177	Mayne Street	GULGONG
DA0362/2014	Carpport	67	White Circle	MUDGE
DA0217/2014	Change of use – Temp Dwelling to Dual Occ	1509	Hill End Road	GRATTAI
DA0333/2014	Change of use - Dwelling to Bed & Breakfast Acc	24	Abernethy Close	MUDGE
DA0278/2014	Change of use - Shed to Dwelling	2012	Aarons Pass Road	AARONS PASS
DA0323/2014	Change of use - Existing Shed to Home Industries	38	Scotts Lane	GULGONG
DA0341/2014	Change of use - Use 5 Cabins as Tourist and Visitor Accommodation	939	Henry Lawson Drive	EURUNDEREE
DA0367/2014	Change of use shed to dwelling	73	Bellevue Road	MUDGE
DA0014/2014	CommAltAdd	61-65	Ilford Road	KANDOS
DA0300/2014	CommPrem	5	Tindale Street	RYLSTONE
DA0331/2014	Demolition	34	Goolima Road	GULGONG
DA0297/2014	DualOcc	3	Hardwick Avenue	MUDGE
DA0356/2014	DualOcc	10	Faucett Drive	MUDGE
DA0357/2014	DualOcc	11	Hardwick Avenue	MUDGE
DA0358/2014	DualOcc	38	Bellevue Road	MUDGE
DA0363/2014	DualOcc	20	Rifle Range Road	MUDGE
DA0376/2014	DualOcc	13	Hardwick Avenue	MUDGE
DA0145/2014	Dwelling	480	Ridge Road	COOKS GAP
DA0214/2011	Dwelling	663	Castlereagh Highway	BURRUNDULLA
DA0271/2014	Dwelling	36	Barjo Paterson	MUDGE
DA0327/2014	Dwelling	285	Botobolar Road	BOTBOLAR
DA0335/2014	Dwelling	839	Bocoble Road	BOCOBLE
DA0346/2014	Dwelling	241	Robertson Road	SPRING FLAT
DA0351/2014	Dwelling	48	Buchanan Street	KANDOS
DA0354/2014	Dwelling	19	Lloyd Avenue	KANDOS
DA0368/2014	Dwelling	486	Cope Road	STUBBO
DA0370/2014	Dwelling	150	Edgell Lane	BUCKAROO
DA0371/2014	Dwelling	101	Mahons Road	COOYAL
DA0468/2013	Dwelling	12	Miller Crescent	MUDGE

## Monthly Development Application Processing Report – May, 2014

App/Proc ID	Description	House No	Street Name	Locality
DA0374/2014	Dwelling	9	Chappell Close	MUDGEE
DA0378/2014	Dwelling	9	Doug Gudgeon Drive	MUDGEE
DA0221/2014	Dwelling	83	Campbells Creek Road	WINDEYER
DA0277/2014	EducEst	269	Ulan Road	BOMBIRA
DA0377/2014	Garage	75	Ilford Road	KANDOS
DA0350/2014	Pergola	24	White Circle	MUDGEE
DA0366/2014	RecFacilit	213	Coxs Creek Road	RYLSTONE
DA0327/2011	Shed	23	Horatio Street	MUDGEE
DA0361/2014	Shed	3	Grevillea Grove	RYLSTONE
DA0174/2012	ShedSmall	1	Rayner Street	MUDGEE
DA0315/2014	ShedSmall	2	Robert Jones Street	MUDGEE
DA0360/2014	ShedSmall	289	Putta Bucca Road	BOMBIRA
DA0365/2014	ShedSmall	18	Short Street	RYLSTONE
DA0373/2014	ShedSmall	29	Stockmans Drive	PUTTA BUCCA
DA0267/2014	Sign	33	Sydney Road	MUDGEE
DA0047/2014	Sign	420	Cope Road	STUBBO
DA0171/2014	SubTorrens	56-66	Henry Bayly Drive	MUDGEE
DA0178/2014	SubTorrens	7291	Castlereagh Highway	ILFORD
DA0213/2014	SubTorrens	265	Broadhead Road	SPRING FLAT
DA0239/2014	SubTorrens	1872	Castlereagh Highway	CUDGEGONG
DA0448/2013	SubTorrens	61-65	Bellevue Road	MUDGEE
DA0308/2012	SubTorrens	433	Ulan Road	EURUNDEREE
DA0310/2014	SubTorrens	243	Castlereagh Highway	BURRUNDULLA
DA0311/2014	SubTorrens	52	Boronia Road	RYLSTONE
DA0337/2014	SubTorrens	142	Wollar Road	BUDGEE BUDGEE
DA0344/2014	SubTorrens	21	Shepards Lane	GULGONG
DA0359/2014	SubTorrens	132	Old Grattai Road	ERUDGERE
DA0372/2014	SubTorrens	139	Robertson Street	MUDGEE

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

**Heritage Development Applications currently being processed – May, 2014.**

App/Proc ID	Description	House No	Street Name	Locality
DA0234/2014	Change of use - Carport to Extension of Fitness Centre	96	Mortimer Street	MUDGE
DA0284/2014	Change of Use - Antique Shop & B&B to Funeral Home	131	Mortimer Street	MUDGE
DA0324/2014	SubTorrens	90	Horatio Street	MUDGE
DA0336/2014	Carport	52	Lewis Street	MUDGE
DA0342/2014	Change of use to Food Premises	18-22	Louee Street	RYLSTONE
DA0353/2014	Demolition	9	Douro Street	MUDGE
DA0216/2014	ChildCare	128	Mortimer Street	MUDGE
DA0049/2014	Change of use to dwelling and alterations	140-142	Mayne Street	GULGONG
DA0199/2014	SwimPool	67	Lewis Street	MUDGE
DA0271/2011	AltAdd	87	Short Street	MUDGE
DA0334/2014	Sign	34-36	Inglis Street	MUDGE

## 6.2.7 2014-15 Operational Plan

REPORT BY THE DIRECTOR, FINANCE & ADMINISTRATION TO 18 JUNE 2014 COUNCIL MEETING

Council Report - 2014-15 Operational Plan

GOV400038, COR400059

### RECOMMENDATION

#### That:

1. **the report by the Director, Finance & Administration on the 2014-15 Operational Plan is received;**
2. **Council adopts the Operational Plan for 2014-15 and Delivery Programme 2014-2017.**

### Executive summary

Over the past few months, Council has been through an extensive planning process to determine which projects and initiatives would be undertaken across the next four financial years, culminating in the Operational Plan 2014-15 and the amended Delivery Programme 2014-2017. Following public exhibition, and consideration of submissions to the Draft Plans, it is recommended that Council adopt the amended Operational Plan/Delivery Programme for 2014 – 2017.

### Detailed report

The amended Delivery Programme 2014 – 2017 (incorporating the Operational Plan 2014-15) is attached. The Draft has been amended to include changes considered at the 4 June 2014 Council meeting, which encompasses Council's response to public submissions where applicable. These changes will also be incorporated into the Long Term Financial Plan which sets out a blueprint for the financial direction of Council over the coming ten years.

### Financial and Operational Plan implications

The Delivery Programme 2014 – 2017 (incorporating the Operational Plan 2014-15) sets out Council's planned activities, major projects and strategic direction for the next four financial years.

### Community Plan implications

The Delivery Programme 2014 – 2017 (incorporating the Operational Plan 2014-15) sets out Council's planned activities, major projects and strategic direction for the next four financial years.



BRETT EXELBY  
DIRECTOR, FINANCE AND ADMINISTRATION



6 June 2014

*Attachments:* 1. Delivery Programme 2014 – 2017 incorporating the Operational Plan 2014-15  
(included at the end of the Business paper)

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, appearing to be 'BRAD CAM', with a horizontal line extending to the right.

BRAD CAM  
ACTING GENERAL MANAGER

## 6.2.8 Monthly statement of bank balances and investments as at 31 May 2014

REPORT BY THE MANAGER, FINANCIAL PLANNING TO 18 JUNE 2014 COUNCIL MEETING  
Investments and Bank Balances.docx  
GOV400038, A0140304

### RECOMMENDATION

That:

1. **the report by the Manager, Financial Planning on the Monthly statement of bank balances and investments as at 31 May 2014 be received;**
2. **the certification of the Responsible Accounting Officer be noted**

### Executive summary

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

### Detailed report

As per Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer certifies that;

- a) this report sets out details of all money that the Council has invested under Section 625 of the Act, and
- b) all investments have been made in accordance with the Act, the regulations and Council's investment policies.

This report has been made up to the last day of the month preceding this meeting.

### Financial implications

Not applicable

### Strategic or policy implications

Not applicable



**LEONIE JOHNSON**  
**MANAGER FINANCIAL PLANNING**



**BRETT EXELBY**  
**DIRECTOR, FINANCE AND ADMINISTRATION**

4 June 2014

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

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, appearing to be the name 'BRAD CAM', with a long horizontal stroke extending to the right.

BRAD CAM  
ACTING GENERAL MANAGER

## ATTACHMENT 1

For the month ended: 31-May-14

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
National Australia Bank	\$ 349,013	\$ 10,442,217	\$ 10,107,167	\$ 684,063	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 31/05/2014

Investments	Type	Amount	Yield %	Maturity Date	Term	Rating	Govt Rating	NAV	% of Portfolio	Weighted Yield
National Australia Bank	At Call	\$ 2,120,000	2.80%	N/A	At Call	A-1+	1		5.5%	0.15%
National Australia Bank	Term Deposit	\$ 1,000,000	3.72%	1/10/2014	182	A-1+	2		2.6%	0.10%
National Australia Bank	Term Deposit	\$ 2,000,000	3.74%	22/10/2014	182	A-1+	2		5.2%	0.19%
National Australia Bank	Term Deposit	\$ 1,500,000	3.62%	3/09/2014	98	A-1+	2		3.9%	0.14%
National Australia Bank	Term Deposit	\$ 2,200,000	3.68%	25/06/2014	105	A-1+	2		5.7%	0.21%
National Australia Bank	Term Deposit	\$ 500,000	3.68%	9/07/2014	112	A-1+	2		1.3%	0.05%
St George Bank	Term Deposit	\$ 1,300,000	3.80%	24/09/2014	182	A-1+	1		3.4%	0.13%
St George Bank	Term Deposit	\$ 1,250,000	3.70%	23/07/2014	119	A-1+	2		3.3%	0.12%
St George Bank	Term Deposit	\$ 500,000	3.62%	5/11/2014	175	A-1+	2		1.3%	0.05%
St George Bank	Term Deposit	\$ 1,700,000	3.64%	16/07/2014	119	A-1+	2		4.4%	0.16%
St George Bank	Term Deposit	\$ 1,000,000	3.50%	30/07/2014	91	A-1+	2		2.6%	0.09%
St George Bank	Term Deposit	\$ 1,000,000	3.60%	4/06/2014	98	A-1+	2		2.6%	0.09%
St George Bank	Term Deposit	\$ 1,500,000	3.60%	6/08/2014	91	A-1+	2		3.9%	0.14%
Commonwealth Bank	Term Deposit	\$ 2,700,000	3.68%	16/07/2014	119	A-1+	1		7.0%	0.26%
Bankwest	Term Deposit	\$ 1,000,000	3.53%	11/06/2014	98	A-1+	1		2.6%	0.09%
ANZ	Term Deposit	\$ 1,000,000	3.65%	20/08/2014	91	A-1	1		2.6%	0.10%
ANZ	Term Deposit	\$ 1,300,000	3.64%	11/06/2014	98	A-1	2		3.4%	0.12%
ANZ	Term Deposit	\$ 1,700,000	3.65%	2/07/2014	91	A-1	2		4.4%	0.16%
ANZ	Term Deposit	\$ 2,000,000	3.67%	8/10/2014	182	A-1	2		5.2%	0.19%
ANZ	Term Deposit	\$ 1,000,000	3.65%	27/08/2014	98	A-1	2		2.6%	0.10%
ANZ	Term Deposit	\$ 1,200,000	3.64%	18/06/2014	105	A-1	2		3.1%	0.11%
Macquarie Bank	Term Deposit	\$ 1,000,000	3.50%	12/11/2014	175	A-1	1		2.6%	0.09%
Macquarie Bank	Term Deposit	\$ 1,000,000	3.50%	4/06/2014	97	A-1	2		2.6%	0.09%
Newcastle Permanent	Term Deposit	\$ 1,800,000	3.60%	25/06/2014	112	A-2	1		4.7%	0.17%
Beyond Bank Australia	Term Deposit	\$ 1,000,000	3.60%	18/06/2014	98	A-2	1		2.6%	0.09%
Bendigo & Adelaide Bank	Term Deposit	\$ 1,000,000	3.62%	13/08/2014	91	A-2	1		2.6%	0.09%
Members Equity Bank	Term Deposit	\$ 1,000,000	3.58%	29/10/2014	175	A-2	1		2.6%	0.09%
Members Equity Bank	Term Deposit	\$ 1,100,000	3.74%	1/10/2014	188	A-2	2		2.9%	0.11%
Longreach Series 26	Property	\$ 1,000,000		7/06/2014	7 yrs	A+	-	\$ 999,200	2.6%	
	Linked Note									0.00%
<b>Total Investments</b>		<b>\$ 38,370,000</b>							<b>100.0%</b>	

## Financial Claims Scheme

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

ATTACHMENT 2

**MWRC Policy Requirements:**

Investments by Institution	Long/Short Term Ratings	Amount	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA/A-1+	\$ 9,320,000	24%	25%
Bankwest	AA/A-1+	\$ 1,000,000	3%	25%
St George Bank	AA/A-1+	\$ 8,250,000	22%	25%
Commonwealth Bank	AA/A-1+	\$ 2,700,000	7%	25%
ANZ	AA/A-1	\$ 8,200,000	21%	25%
Longreach	A+/A-1	\$ 1,000,000	3%	20%
Macquarie Bank	A/A-1	\$ 2,000,000	5%	15%
Bendigo & Adelaide Bank	A-/A-2	\$ 1,000,000	3%	10%
Newcastle Permanent	BBB+/A-2	\$ 1,800,000	5%	10%
Beyond Bank Australia	BBB+/A-2	\$ 1,000,000	3%	10%
Members Equity Bank	BBB+/A-2	\$ 2,100,000	5%	10%
		<b>\$ 38,370,000</b>	<b>100%</b>	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AA/A-1+	\$ 21,270,000	55%	100%
	AA/A-1	\$ 8,200,000	21%	100%
	A/A-1	\$ 3,000,000	8%	60%
	BBB/A-2	\$ 5,900,000	15%	20%
	BBB-/A-3	\$ -	0%	20%
	Unrated	\$ -	0%	20%
Managed Funds	AAA		0%	
	AA		0%	
	A		0%	
	BBB		0%	
	Unrated		0%	
		<b>\$ 38,370,000</b>	<b>100%</b>	

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

Term to Maturity	Amount	Actual	% of Portfolio	
			Minimum	Maximum
Less than 1 year	\$ 37,370,000	97%	30%	100%
Between 1 and 3 years	\$ -	0%	0%	70%
Between 3 and 5 years	\$ -	0%	0%	50%
More than 5 years	\$ 1,000,000	3%	0%	25%
	<b>\$ 38,370,000</b>	<b>100%</b>		

## ATTACHMENT 3

**Monthly Investment Portfolio Activity:**

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

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance	Change in interest rate	Change in Term (days)	New Term Rate
National Australia Bank	\$ 650,000		\$ 2,120,000	0.00%	At Call	2.80%
St George Bank	\$ -		\$ 1,500,000	New Deposit		3.60%
Members Equity Bank	\$ 1,000,000	\$ -	\$ 1,000,000	0.10%	77	3.68%
St George Bank	\$ 500,000	\$ -	\$ 500,000	0.07%	77	3.62%
Beyond Bank Australia	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
Bendigo & Adelaide Bank	\$ -		\$ 1,000,000	New Deposit		3.62%
ANZ	\$ 1,000,000	\$ -	\$ 1,000,000	0.01%	-13	3.65%
ANZ	\$ 1,000,000	\$ -	\$ 1,000,000	0.00%	7	3.65%
Macquarie Bank	\$ 1,000,000	\$ -	\$ 1,000,000	0.00%	85	3.50%
National Australia Bank	\$ 1,500,000	\$ -	\$ 1,500,000	-0.08%	-7	3.62%
	<u>\$ 7,650,000</u>		<u>\$ 10,620,000</u>			

**Net Portfolio Movement**      **\$2,970,000** Addition

## 6.2.9 Financial Assistance applications

REPORT BY THE DIRECTOR, FINANCE & ADMINISTRATION TO 18 JUNE 2014 COUNCIL MEETING  
Council Report - Financial Assistance  
GOV400038, A0140201

### RECOMMENDATION

#### That:

1. **the report by the Director, Finance & Administration on the Financial Assistance applications be received;**
2. **Council note the balance of Councillor discretionary funds remaining.**

### Executive summary

As there have been no requests for financial assistance, this report provides Councillors with information concerning the balances remaining in each Councillor's discretionary allocation for the 2013-14 financial year.

### Detailed report

Council's ability to provide financial assistance stems from Section 356 of the Local Government Act 1993 which provides for financial assistance being provided under certain circumstances. For the purposes of the Councillor discretionary allocation, Council may provide financial assistance to others only if the funds form part of a specific programme, such as the Financial Assistance programme.

The Councillor's Discretionary vote for 2013-14 is \$2,000 per Councillor. Through the course of the 2013-14 financial year Councillors have provided discretionary funds to individuals and not for profit organisations in accordance with Council's policy.

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.

### Financial and Operational Plan implications

The balance of Councillor's discretionary vote for 2013-14 is provided below.

<b>Councillor</b>	<b>Balance</b>
Cr Thompson	\$1,200.00
Cr Shelley	\$0.00
Cr Walker	\$417.44
Cr Webb	\$0.00
Cr Martens	\$0.00
Cr Kennedy	\$0.00
Cr Weatherley	\$0.00
Cr White	\$0.00
Cr Cavalier	\$500.00

## Community Plan implications

The Local Government Act 1993 and Council's Financial Assistance Policy applies.



BRETT EXELBY  
DIRECTOR, FINANCE AND ADMINISTRATION

10 June 2014

*Attachments:* Nil

APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER



## 6.2.10 Supply and delivery of stationery and ancillary items – T011415HUN

REPORT BY THE DIRECTOR, FINANCE & ADMINISTRATION TO 18 JUNE 2014 COUNCIL MEETING

Council procurement report - Stationery and ancillary items

GOV400038, GOR500017

### RECOMMENDATION

#### That:

1. **the report by the Director, Finance & Administration on the Supply and delivery of stationery and ancillary items – T011415HUN be received;**
2. **Council select Australian Graphic and Office Supplies Pty Ltd, trading as Stuart and Dunn – Office Choice, as the primary source supplier for the supply and delivery of stationery and ancillary items to council for the period 01/07/2014 to 30/06/2016, and that a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 30/06/2017;**
3. **Council select Complete Office Supplies Pty Ltd (COS), as the secondary source supplier for the supply and delivery of stationery and ancillary items to council for the period 01/07/2014 to 30/06/2016, and that a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 30/06/2017.**

### Executive summary

Regional Procurement®, in accordance with Clause 166(a) of the Local Government (General) Regulation 2005, has called an open Panel Source tender for the Supply & Delivery of Stationery & Ancillary Items to participating HROC member councils.

This contract will run from 1 July 2014 for 24 months with a one year option to extend which is based on satisfactory performance by the successful tenderer.

This report is recommending that Council appoint as the principal supplier of stationery and ancillary items, Australian Graphic and Office Supplies Pty Ltd, trading as Stuart and Dunn – Office Choice.

In addition the report is recommending that a second supplier be included as the secondary supplier of stationery and ancillary items. The secondary supplier to be Complete Office Supplies Pty Ltd (COS).

### Detailed report

This tender was advertised in the following media:

- Newcastle Herald and on 15 February 2014
- Sydney Morning Herald on 18 February 2014
- TenderLink on 15 February 2014

Four (4) tenders in total were received from:

- Complete Office Supplies Pty Ltd (COS)
- Staples Australia Pty Ltd
- Lyreco Pty Ltd
- Australian Graphic and Office Supplies Pty Ltd t/as Stuart and Dunn Office Choice

**The tender evaluation was conducted on 26 March 2014 at Hunter Council by:**

- Adam Baxter Newcastle City Council
- Jayne Borthwick Port Stephens Council (Called in sick)
- Lindsay Clark Cessnock City Council (Called in sick)
- Darren Brazel Regional Procurement (Observer)
- Craig Wade Regional Procurement (Facilitator)

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

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

#### *METHODOLOGY*

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

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

#### *EVALUATION RESULTS*

<b>CRITERIA</b>	<b>%</b>	<b>Stuart and Dunn</b>	<b>Lyreco</b>	<b>Staples</b>	<b>Cos</b>
Tender Price Top 50	65	65.00	51.06	47.73	55.89
Tender Price Volatile	10	9.14	8.33	9.12	10.00
Referees	10	8.27	8.67	9.20	8.00
Customer Service	5	2.00	5.00	5.00	2.00
Quality Assurance	5	2.00	5.00	5.00	5.00
WH&S	5	4.00	4.00	5.00	5.00
<b>Total</b>	<b>100</b>	<b>90.40</b>	<b>82.06</b>	<b>81.05</b>	<b>85.89</b>

#### *EVALUATION OUTCOME*

This contract will run for 24 months from 1/07/2014 to 30/06/2016. A 12 month option may be taken up based on satisfactory performance by the successful tenderer.

This is a Panel Source tender for the Supply & Delivery of Stationery & Ancillary Items to participating HROC member councils. The panel results for Mid-Western Regional Council provide

an overall score for each supplier. The score is an indication of the best value for Council based upon the assessment criteria. Utilising that best value assessment the suppliers have been ranked in order of preference below.

Rank	Supplier
1	Australian Graphic and Office Supplies Pty Ltd t/as Stuart and Dunn Office Choice
2	Complete Office Supplies Pty Ltd (COS)
3	Lyreco Pty Ltd
4	Staples Australia Pty Ltd

To ensure the best possible value is achieved for Council the use of the two (2) highest ranking suppliers is recommended.

### Financial and Operational Plan implications

Due to legislative requirements Council has an obligation to ensure that the procurement process is undertaken within the guidelines and threshold nominated in Section 55 of the Local Government Act 1993.

As per the objections outlined in Council's Procurement Policy the procurement of goods & services must be legal ethical and to Council's best advantage.

### Community Plan implications

- Good Government
- Effective and efficient organisation.
- Strong Civic Leadership



BRETT EXELBY  
DIRECTOR, FINANCE AND ADMINISTRATION

6 June 2014

*Attachments:* 1. Evaluation Report T011415HUN Stationery (included in the confidential section of the business paper)

APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER

## 6.2.11 Classification of Land – Lot 1 DP 1192154 45 Dunn Street Kandos

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 JUNE 2014 COUNCIL MEETING  
Classification of Land – Lot 1 DP 1192154 45 Dunn Street Kandos  
GOV400038, P1985111

### RECOMMENDATION

#### That:

1. **the report by the Revenue & Property Manager on the Classification of land - Lot 1 DP 1192154 45 Dunn Street Kandos be received;**
2. **Council notify the public of its intention to classify Lot 1 DP 1192154 as Operational by exhibiting the proposal for 28 days and should there be no submissions from the public, the land be so classified as Operational.**

### Executive summary

This report seeks to commence the process for classification of Lot 1 DP 1192154, 45 Dunn Street Kandos, being vacant consolidated freehold land in the ownership of Mid-Western Regional Council.

### Detailed report

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

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


### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

The Council requires that this land parcel be classified as Operational to satisfy the conditions stipulated under Chapter 6, Part 2, Division 1 of the LGA relating to the classification of land.

DIANE SAWYERS  
REVENUE & PROPERTY MANAGER




BRETT EXELBY  
DIRECTOR, FINANCE AND ADMINISTRATION

30 May 2014

*Attachments:* 1. Plan Lot 1 DP 1192154

APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER



## 6.2.12 Naming of new streets in The Ridge Estate subdivision

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 JUNE 2014 COUNCIL MEETING  
Street Naming – Hughson Avenue and Rowe Street  
GOV400038, R0790141

### RECOMMENDATION

#### That:

1. **the report by the Revenue & Property Manager on the Naming of new streets in The Ridge Estate subdivision be received;**
2. **Council formally approve the names of Hughson Avenue and Rowe Street for the new roads in The Ridge Estate subdivision**

### Executive summary

Formal approval is requested to name the new roads in The Ridge Estate subdivision off Melton Road in Mudgee, Hughson Avenue and Rowe Street.

### Detailed report

Following the approval of The Ridge Estate subdivision off Melton Road, Council wrote to neighbours of the subdivision requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 7/2/14 issue of the Mudgee Guardian.

From submissions received, Council provisionally approved the names of Hughson Avenue and Rowe Street at their 19/3/14 Council Meeting.

The Geographical Names Board has been advised of these street names and has no objection.

Hughson Avenue and Rowe Street were advertised in the 4/4/14 issue of the Mudgee Guardian and on Council's website with no submissions received.

Notices of the new street names were served on Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire Service, NSW Rural Fire Brigades, NSW Police Force, NSW SES and NSW VRA with no objections received.

### Financial and Operational Plan implications

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

### Community Plan implications

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

In accordance with Council's Road Naming Policy, should Council formally endorse the naming of these new streets, notice of the approved names will be:

1. published in the Government Gazette and the Mudgee Guardian.
2. concurrently, notice of the new names will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, The New South Wales Volunteer Rescue Association Inc, and, in the case of a classified road - the RMS.

DIANE SAWYERS  
REVENUE & PROPERTY MANAGER



BRETT EXELBY  
DIRECTOR, FINANCE AND ADMINISTRATION

30 May 2014

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

APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER



ATTACHMENT 1



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

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

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

ATTENTION: Carolyn Atkins

Dear Carolyn

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

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

**HUGHSON AVENUE and ROWE STREET**

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

Kind Regards,

Rhet Humphrys  
Geographical Names Board Secretariat

28<sup>th</sup> February 2014

## ATTACHMENT 2

23<sup>rd</sup> February 2014

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

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

Re: Proposed road naming

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

Yours Faithfully



From Council's Pre-Approved Names list

COUNCIL MEETING 3 AUGUST 1993

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

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

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

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

Research conducted by the Lynne Robinson of the Mudjee Historical Society

COUNCIL MEETING 24/7/13

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

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

Rowe Place (Road No.2)

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

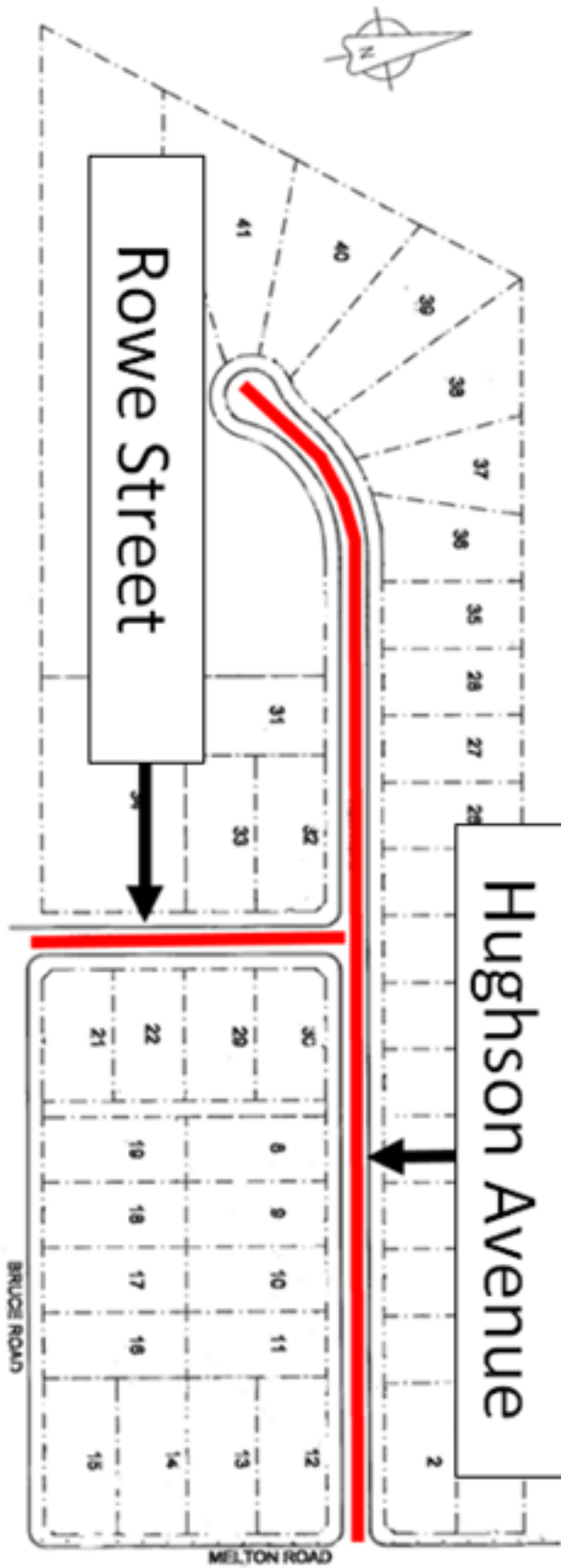
He designed-

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

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

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

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



## 6.2.13 Naming of the unnamed Lane next to Health One in Gulgong

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 JUNE 2014 COUNCIL MEETING

Street Naming – Auld Lane

GOV400038, R0790141

### RECOMMENDATION

#### That:

1. **the report by the Revenue & Property Manager on the Naming of the unnamed Lane next to Health One in Gulgong be received;**
2. **Council formally approve the name of Auld Lane for the lane next to Gulgong Health One.**

### Executive summary

Formal approval is requested to name the lane next to the Health One facility in Gulgong, Auld Lane.

### Detailed report

Following the development of the new Health One facility on Goolma Road, a lane to the west of the facility is being developed and Health One has requested the Lane be named. Council wrote to neighbours of the lane requesting their naming suggestions on 24/1/14 and public consultation was also invited in an advertisement placed in the 31/1/14 issue of the Mudgee Guardian.

From submissions received, Council provisionally approved the name of Auld Lane at their 16/4/14 Council Meeting.

The Geographical Names Board has been advised of this street name and has no objection.

Auld Lane was advertised in the 25/4/14 issue of the Mudgee Guardian and on Council's website with no submissions received.

Notices of the new street name were served on Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire Service, NSW Rural Fire Brigades, NSW Police Force, NSW SES and NSW VRA with no objections received.

### Financial and Operational Plan implications

Cost of Gazettal notice plus the placement of 2 street signs at an approximate cost of \$500. These costs are included in the 2013/2014 Operational Plan.

### Community Plan implications

Street naming is legislated under the Roads Act 1993. This Act empowers the authority in charge of the road with the rights to name it. The naming of this street will allow the completion of street addressing in the area. Section 162 of the Roads Act (1993) states that "a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the

name of a public road unless it has given the Geographical Names Board (GNB) at least two months notice of the proposed name.”

In accordance with Council's Road Naming Policy, should Council formally endorse the naming of this lane, notice of the approved name will be:

1. published in the Government Gazette and the Mudgee Guardian.
2. concurrently, notice of the new name will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, The New South Wales Volunteer Rescue Association Inc, and, in the case of a classified road - the RMS.

DIANE SAWYERS  
REVENUE & PROPERTY MANAGER



BRETT EXELBY  
DIRECTOR, FINANCE AND ADMINISTRATION

30 May 2014

*Attachments:* 1. Correspondence received from the Geographical Names Board  
2. Submission  
3. Map of the lane to be named.

APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER

## ATTACHMENT 1



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

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

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

ATTENTION: Carolyn Atkins

Dear Carolyn

**RE: Road Naming Objection – MAVIS AULD LANE**

With reference to your letter dated 28 February 2014 requesting the reconsideration of the objection raised by the Geographical Names Board (the Board) to the use of the road name **MAVIS AULD LANE** in the Mid-Western Regional Local Government Area.

The Board at its meeting held on 25 March 2014 considered Council's correspondence and resolved to uphold the objection to the name **MAVIS AULD LANE** as the proposed name contravenes the NSW Road Naming Policy.

To commemorate Mavis Auld Council are approved to use either **MAVIS LANE** or **AULD LANE** as both these alternatives meet the principles outlined in the NSW Road Naming Policy.

If you require any further advice on this issue please feel free to contact this office on 02 6332 8214.

Kind Regards,

Rhet Humphrys  
Geographical Names Board Secretariat

27<sup>th</sup> March 2014





PO BOX 156  
MUDGEE NSW 2850

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

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

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

CA: R0790141

28 February 2014

The Secretary  
Geographical Names Board  
Land & Property Information  
PO BOX 143  
BATHURST NSW 2795

### REQUEST RECONSIDERATION OF PROPOSAL

Dear Sir/Madam,

Council recently wrote to the Geographical Names Board with a proposal for the naming of a laneway next to the new Health One facility in Gulgong.

The proposal was to name the lane Mavis Auld Lane.

In response to our street naming proposal, Council received a letter, dated 28/2/13, from the GNB advising there was an objection to Mavis Auld Lane under *Principle 5 Acceptable Road Names* as the use of given or first names in conjunction with a surname is not normally acceptable, but may be considered if required to provide uniqueness for a significant name.

Mavis Auld was a dedicated Nurse and Matron at Gulgong District Hospital. There was a Community Health building, on the hospital site, that was named the Mavis Auld Building in memory of this well respected local lady. The building was demolished to make way for the new Gulgong Health One facility and it was hoped to retain the name of Mavis Auld in the name of the lane located next to the new facility.

In support of Council's proposal to name this lane, it is submitted that Mavis Auld, in its entirety is a significant name. The use of the full name in the lane name is required to ensure a memorial to this dedicated individual is maintained in this particular location.

On these grounds Council requests the Geographical Names Board to reconsider their objection.

Should you have any queries in relation to this matter please do not hesitate to contact me on ☎ 02 63782850 or 1300 765 002.

Yours faithfully

Carolyn Atkins  
Property Support Officer



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

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

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

ATTENTION: Carolyn Atkins

Dear Carolyn

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

I refer to your letter of 25<sup>th</sup> February 2014, which proposed the following public road name:

**MAVIS AULD LANE**

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the name has been reviewed under the GNB NSW Road Naming Policy and I would raise the following objection:

**MAVIS AULD LANE** – objection is raised under *Principle 5 Acceptable Road Names*. The use of given or first names in conjunction with a surname is not normally acceptable, but may be considered if required to provide uniqueness for a significant name.

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

Kind Regards,

Rhet Humphrys  
Geographical Names Board Secretariat

28<sup>th</sup> February 2014



The General Manager  
Mid-Western Regional Council  
Market St  
MUDGEE  
2850

23<sup>rd</sup> January 2014

Dear Sir,

Re: Submission for naming of a road.

The road to the Western side of the new MPS facility is unnamed, and the staff at Health One would like to request it be name Mavis Auld Way/Lane.

Mavis Auld was a well respected and loved nurse who worked at Gulgong District Hospital for many years. The previous Community health building, that was demolished to make way for the new facility, was named after her, so this would be an ideal opportunity to have this as a fitting memorial to her.

We appreciate your consideration of this matter. If you require any further details please contact Bernice Woods on 6374 1200.

Thank you for your assistance.

Yours faithfully

Bernice Wood  
NUM  
Gulgong Health One

Western NSW Local Health District  
Health One Gulgong  
ABN 50 629 556 404  
34 Goolma Road  
PO Box 13  
GULGONG NSW 2852  
Tel 02 6374 1200 Fax 02 6374 2261

ATTACHMENT 3



## 6.2.14 Ulan Road Upgrade – Investigation & Design Tender

REPORT BY THE SENIOR WORKS ENGINEER TO 18 JUNE 2014 COUNCIL MEETING  
2014-01 Ulan Road Design Tender Report to Council  
GOV400038, COR400061

### RECOMMENDATION

#### That:

1. **the report by the Senior Works Engineer on the Ulan Road Upgrade – Investigation & Design Tender be received;**
2. **Council accepts GHD Pty Ltd (GHD) price for Tender 2014/01 for the Investigation and Design of the Ulan Road Upgrade and that Council enter into a contract with GHD in accordance with clause 178 of the *Local Government (General) Regulation 2005*;**
3. **Council authorises the General Manager to finalise and execute the contract on behalf of Council with GHD for Tender 2014/01 for the Investigation and Design of the Ulan Road Upgrade for the sum of \$333,200 (excl. GST);**
4. **Council authorises the General Manager to approve variations to this contract of up to 5% of the tendered amount;**
5. **The unsuccessful tenderers be notified that their tenders were unsuccessful.**

### Executive summary

Council has received Federal funding through the Restart NSW fund and from the three mines on Ulan Road; viz, Ulan Coal Mine Limited (UCML), Wilpinjong Coal Operations (WCO) and Moolarben Coal Operations (MCO) to upgrade and maintain Ulan Road for the next 20 years.

MWRC, UCML, WCO and MCO have reached agreement in principle on the funding mechanism for the Project and the Deed of Agreement is close to being ratified.

A Procurement and Evaluation Plan was developed and ratified and Expressions of Interest (EOI) were called on 21 February 2014 for the Investigation and Design of the Ulan Road Upgrade. Advertisements for EOI were placed in the Local Government Tenders section of the Sydney Morning Herald, Mudgee Guardian, and Council's website and on Tenderlink.

An EOI Assessment Panel was formed comprising Procurement Coordinator, Kristie Ward, Business Manager Works, Sally Mullinger and Senior Works Engineer, Paul Crawford. Thirteen EOI's were received from both large and small consulting firms. Members of the EOI Assessment Panel used the Procurement and Evaluation Plan to evaluate and rate the applications and determined five consultants that would be requested to tender for the work.

A Request for Tender 2014/01 for the Investigation and Design of the Ulan Road Upgrade was placed on Tenderlink on 28 March, inviting tenders from the five chosen consultants. Tenders closed at 4:00pm on 29 April 2014.

Paul Crawford carried out an initial evaluation of the five tenders; the initial evaluation was then reviewed by the complete Tender Panel to determine the tenderer best able to satisfy the overall requirement of Technical Worth at a competitive cost and at an acceptable risk.

It is recommended that GHD Pty Ltd be awarded the contract for the Investigation and Design of the Ulan Road Upgrade.

## Detailed report

### *TENDERS RECEIVED*

Tenders were received from the five consultants, two of which also offered non-conforming tenders as below.

GHD Pty Ltd	Conforming
Constructive Solutions Pty Ltd	Conforming
Constructive Solutions Pty Ltd	Non-Conforming
Beca Pty Ltd	Conforming
Aurecon Pty Ltd	Conforming
Acor Consultants (NNSW) Pty Ltd	Conforming
Acor Consultants (NNSW) Pty Ltd	Non-Conforming

### *LATE TENDERS*

No late tenders were received, although clarification was sought on 21 May in respect of a price discount for MWRC providing traffic control.

### *AMENDED TENDERS*

Rehabilitation and widening work is currently being carried out on Ulan Road north of Mud Hut Creek Road; therefore, this design work was removed from the tender; this resulted in amended prices from the five tenderers.

### *EVALUATION METHODOLOGY*

The primary objective of the evaluation was to select the tenderer offering the best value for money in such a way as to be fair to all tenderers. The evaluation criteria and the weightings applied to each criterion are shown below.

Each non-price response to the Tender Response Schedule within the RFT was scored on a scale from 0 – 10. The response was judged definitively or as a value judgement as follows:

<b>Score</b>	<b>Definitive Answers</b>	<b>Value Judgement</b>
<b>0</b>	Unsatisfactory	Fails to meet the requirement. Unimaginative/No apparent economic benefit.
<b>2</b>	Poor	Minimal Compliance. Moderately creative/benefits difficult to assess.
<b>4</b>	Satisfactory	Moderately satisfies the requirement. Worthwhile concept/may realise benefits.
<b>6</b>	Good	Partially satisfies the requirement. Creative/enduring benefits over time.
<b>8</b>	Very Good	Satisfies the majority of the requirement. Highly creative/enduring high benefits.
<b>10</b>	Excellent	Fully satisfies the requirement. Exceptional/immediate & enduring high benefits.

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

#### TENDER EVALUATION PROCEDURE

The evaluation was carried out in five stages.

1. An initial review by Paul Crawford sought to discover any seriously non-conforming tenders such as late tenders, tenders not following the instructions set out in the Request for Tender documents, or tenders that clearly were not of an acceptable standard to warrant further detailed evaluation; no tenders were culled in this initial stage.
2. The Tender Assessment Panel then undertook an objective analysis of tenderers' ability to meet both mandatory and desirable criteria.
3. The tendered information and specific questions were listed under the evaluation criteria and weighted in order of importance to the overall evaluation. Team members scored the tenders against the criteria in accordance with the Evaluation Plan, from which a shortlist of two tenderers was determined.
4. Referee checks were undertaken on both shortlisted tenderers in order to determine their capacity to provide the services required.
5. This Tender Evaluation Report (Appendix A) details the rating of each shortlisted tenderer, and the final recommendation of the preferred tenderer for the Investigation and Design of the Ulan Road Upgrade for the consideration of Council.

#### ASSESSMENT PANEL

Paul Crawford	Senior Works Engineer
Sally Mullinger	Business Manager Works
Kristie Ward	Procurement Coordinator

#### EVALUATION FINDINGS

All tenderers were assessed and scored against the evaluation criteria listed in the Tender Document and the weightings noted above to determine the Total Weighted Score of each tenderer. The scores are listed below.

<b>Tenderer</b>	<b>Total Weighted Score</b>
GHD Pty Ltd	25.50
Aurecon Pty Ltd	25.46
Beca Pty Ltd	24.68
Constructive Solutions Pty Ltd (Non-Conforming)	24.53
Constructive Solutions Pty Ltd (Conforming)	24.13
Acor Consultants (NNSW) P/L (Conforming)	20.76
Acor Consultants (NNSW) P/L (Non-Conforming)	20.57

Both non-conforming tenders from Constructive Solutions and Acor Consultants offered a reduced scope of survey, whereby Acor proposed 15m survey intervals in lieu of the specified 5m intervals for intersections, and 20m intervals for the Mid Blocks in lieu of 10m intervals specified; Constructive Solutions proposed 25m intervals for Mid Blocks and 10m intervals for intersections.

The reduced survey scope proposed by the two non-conforming tenderers was investigated by the Panel and it was agreed that *the quality of the survey would be reflected in the quality of the design*, and that neither of the proposals merited further attention; therefore, the non-conforming tenders were removed from contention. Acor was also non-compliant in two areas and Constructive Solutions had not allowed for a drainage study of Cooyal Creek.

The relative closeness of the two highest rating companies, GHD and Aurecon posed the question of how to choose between the two consultants; a simple look at the weighted score and the pricing sees GHD slightly ahead; however, an analysis of the two tenders shows the lowest pricing as

being practically equally shared between the two companies. Nevertheless, the GHD price and rating is still that bit better than Aurecon, mainly because of the disparity between the two companies in the pricing of the Cope Road/UCML Surface Entrance/ UCML Administration Entrance intersections.

The GHD tender needed clarification in respect of the way in which a proposed \$24,000 *discount* would be applied if MWRC arranged traffic control. GHD responded by email with a further price reduction; however, costing of MWRC traffic control at \$800 to \$1,000 per day over the eleven week duration of the survey work sees the cost of MWRC providing traffic control exceeding the proposed *discount* by a considerable amount leading to the proposal being rejected.

#### REFEREE CHECKS

Referee checks were carried out for both GHD and Aurecon with all parties contacted providing good feedback in respect of the design work carried out by both consultants.

Evaluation of tenderers against the specified evaluation criteria indicates the following tenderer has submitted the most superior tender representing the best value to Council for the Investigation and Design of the Ulan Road Upgrade.

#### GHD PTY LTD

GHD Pty Ltd submitted a very competitive overall price, slightly cheaper than the other tenderers and has subcontracted the local company, Barnsons Pty Ltd to carry out the survey work. GHD has also shown that they have the capability, capacity and experience to carry out the work, with all referees giving good feedback about the company.

### Financial and Operational Plan implications

The Investigation and Design work for this project is funded by Restart NSW and the Mines, is integrated with the Operational Plan and incorporated through Councils Budget process.

### Community Plan implications

This project is strategically important in order to upgrade Ulan Road to cope with increased traffic volumes that are the direct result of the development and growth of the Mines.



PAUL CRAWFORD  
SENIOR WORKS ENGINEER



DARYL COLWELL  
ACTING DIRECTOR, MID-WESTERN OPERATIONS

26 May 2014

*Attachments:* 1. Appendix A – Tender Evaluation (included in the confidential section of the business paper)

#### APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER



## 6.2.15 Assessment of Quotation for Graders

REPORT BY THE BUSINESS MANAGER WORKS TO 18 JUNE 2014 COUNCIL MEETING  
REPORT Council 2014 - Graders  
GOV400038, A0419330

### RECOMMENDATION

#### That:

1. **the report by the Business Manager Works on the Assessment of Quotation for Graders be received;**
2. **Council accepts Hitachi Construction Machinery (Australia) Pty Ltd for VendorPanel quotation LGP16918 for the provision of two Class 15 John Deere 770GP graders for the quoted price of \$737,800 (excl GST) and that Council enter into a contract with Hitachi Construction Machinery (Australia) Pty Ltd 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

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 these are additional plant items specifically required for the Ulan and Cope Road construction jobs.

### Detailed report

The graders were 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:

Scott Clarkson	Plant Supervisor
Sally Mullinger	Business Manager Works
Ian Rothe	Works Officer
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, 10% warranty, 15% reliability and reference checking and 20% parts and service backup. The total weighted scores and quotations received are listed below;

Five companies submitted quotations for seven plant items. Quotations were received from;

- CJD Equipment
- GCM Agencies Pty Ltd
- Hitachi Construction Machinery
- Komatsu Australia
- Westrac Pty Ltd

Due to the contact date change at LGP Procurement, Westrac lodged their quotations directly with Council rather than LGP whilst they await their tenderpanel status to be updated.

Name	Make	Total Score
CJD Equipment	Volvo G930	\$ 7.56
GCM Agencies Pty Ltd	Sany SMG200	\$ 8.66
Hitachi Construction Machinery	John Deere 770GP	\$ 9.15
Hitachi Construction Machinery	John Deere 770G	\$ 8.63
Komatsu Australia	Komatsu GD655_5	\$ 8.11
Westrac	Caterpillar 12M	n/a
Westrac	Caterpillar 140M	\$ 8.09

The John Deere graders presented with more competitive pricing and superior servicing accessibility with excellent reference checking from Councils currently utilising these graders. The included extended warranty, with no cost of travel or labour, and the high build quality were also highly regarded. These graders will be primarily used in the construction works on the Ulan and Cope Roads.

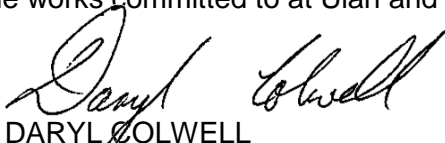
### Financial and Operational Plan implications

These items will be funded from the plant reserve.

### Community Plan implications

The selected equipment is required for the works committed to at Ulan and Cope Roads.

SALLY MULLINGER  
BUSINESS MANAGER WORKS

  
DARYL COLWELL  
ACTING DIRECTOR, MID-WESTERN OPERATIONS

5 June 2014

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

APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER

## 6.2.16 Assessment of Quotation for Rollers

REPORT BY THE BUSINESS MANAGER WORKS TO 18 JUNE 2014 COUNCIL MEETING

REPORT Council 2014 - Rollers

GOV400038, A0419330

### RECOMMENDATION

#### That:

1. **the report by the Business Manager Works on the Assessment of Quotation for Rollers be received;**
2. **Council accepts GCM Agencies Pty Ltd for VendorPanel quotation LGP16918 for the provision of two Multipac SSR200 smooth drum rollers and two Multipac SSRP200 pad foot rollers for the quoted price of \$528,000 (excl GST) and that Council enter into a contract with GCM Agencies Pty Ltd 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

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 these are additional plant items specifically required for the Ulan and Cope Road construction jobs.

### Detailed report

The rollers were assessed by Council mechanics, operators and managers in order to determine which vehicles 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:

Scott Clarkson	Plant Supervisor
Sally Mullinger	Business Manager Works
Ian Rothe	Works Officer
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, 10% warranty, 15% reliability and reference checking and 20% parts and service backup. The total weighted scores and quotations received are listed below;

Six quotations were received from;

- Conplant Pty Ltd
- GCM Agencies Pty Ltd
- JCB Construction Equipment Australia
- Semco Equipment Sales
- Tutt Bryant Equipment
- CJD Equipment

<b>Name</b>	<b>Make</b>	<b>Total Score</b>
Conplant Pty Ltd	Ammann	7.23
GCM Agencies Pty Ltd	Multipac	9.36
JCB Construction Equipment Australia	JCB	6.76
Semco Equipment Sales	Dynapac	6.67
Tutt Bryant Equipment	Bomag	7.05
CJD Equipment	Volvo	6.87

The Multipac rollers received positive reviews from those we contacted and GCM provide excellent after sales warranty and service. These rollers will be primarily used in the construction works on the Ulan and Cope Roads.

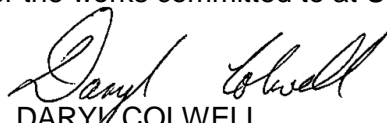
### Financial and Operational Plan implications

This item will be funded from the plant reserve.

### Community Plan implications

The selected equipment is required for the works committed to at Ulan and Cope Roads.

SALLY MULLINGER  
BUSINESS MANAGER WORKS

  
DARYL COLWELL  
ACTING DIRECTOR, MID-WESTERN OPERATIONS

29 May 2014

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

APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER

## 6.2.17 Assessment of Quotation for Truck and Dog Combination

REPORT BY THE BUSINESS MANAGER WORKS TO 18 JUNE 2014 COUNCIL MEETING  
REPORT Council 2014 - Truck and Dog  
GOV400038, A0419330

### RECOMMENDATION

#### That:

1. **the report by the Business Manager Works on the Assessment of Quotation for Truck and Dog Combination be received;**
2. **Council accepts Mack Trucks for VendorPanel quotation LGP15891 for the provision of one Mack Trident cab chassis with an M&S body and dog trailer for the quoted price of \$336,600 (excl GST) and that Council enter into a contract with Mack 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

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 this is an additional vehicle specifically required for the Ulan and Cope Road construction jobs.

### Detailed report

The truck and dog combination cart 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;

Scott Clarkson	Plant Supervisor
Sally Mullinger	Business Manager Works
Ian Rothe	Works Officer

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, 10% warranty, 15% reliability and reference checking and 20% parts and service backup. The total weighted scores and quotations received are listed below.

Nine companies submitted a total of thirteen cab chassis and body combinations. Quotations were received from:

- Freightliner Australia
- Hino Motor Sales Australia
- Volvo Trucks
- Mack Trucks
- Iveco Trucks Australia
- Isuzu Australia Limited
- UD Trucks
- Western Star Trucks
- Westrac Pty Ltd

Name	Cab Chassis	Body	Total Score
Freightliner Australia	Coronado 114 - DD15	Capital Body Works	7.45
Freightliner Australia	Coronado 114 - DD13	Capital Body Works	7.62
Hino Motor Sales Australia	Hino FS1ELLA-WAZ	Capital Body Works	7.71
Isuzu Australia Limited	Isuzu CXZ455	Capital Body Works	7.64
Iveco Trucks Australia	Powerstar	M&S	7.37
Mack Trucks	Trident	M&S	7.92
Mack Trucks	Trident	Sloanebuilt	7.57
Mack Trucks	Trident	Borcat	7.73
UD Trucks	Quon GW 26470	M&S	6.15
Volvo Trucks	FM13	M&S	7.75
Western Star Trucks	4800 Fleetspec II	Chris Body Builders	7.51
Western Star Trucks	4800 Fleetspec II	Hamelex	7.29
Westrac Pty Ltd	CAT CT630C	Chris Body Builders	7.16

The Mack Trident combined with an M&S body and trailer provides the best combination of price, suitability and an expectation of a reliable and long lasting work truck. This truck will be primarily used in the construction works on the Ulan and Cope Roads.

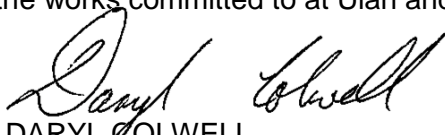
### Financial and Operational Plan implications

This item will be funded from the plant reserve.

### Community Plan implications

The selected equipment is required to for the works committed to at Ulan and Cope Roads.

SALLY MULLINGER  
BUSINESS MANAGER WORKS

  
DARYL COLWELL  
ACTING DIRECTOR, MID-WESTERN OPERATIONS

29 May 2014

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

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, appearing to be the name 'BRAD CAM' written in a stylized, cursive font.

BRAD CAM  
ACTING GENERAL MANAGER

## 6.2.18 Assessment of Quotation for Water Cart

REPORT BY THE BUSINESS MANAGER WORKS TO 18 JUNE 2014 COUNCIL MEETING

REPORT Council 2014 - Water Cart

GOV400038, A0419330

### RECOMMENDATION

#### That:

1. **the report by the Business Manager Works on the Assessment of Quotation for Water Cart be received;**
2. **Council accepts Mack Trucks for VendorPanel quotation LGP15891 for the provision of two Mack Metroliner cab chassis with Barry Burrows Engineering water tanks for the quoted price of \$546,000 (\$273,850.00 each excl GST) and that Council enter into a contract with Mack 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

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 these are additional vehicles specifically required for the Ulan and Cope Road construction jobs.

### Detailed report

The water cart 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:

Scott Clarkson	Plant Supervisor
Sally Mullinger	Business Manager Works



Ian Rothe                                  Works Officer  
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, 10% warranty, 15% reliability and reference checking and 20% parts and service backup. The total weighted scores and quotations received are listed below;

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

- Volvo Trucks
- Mack Trucks
- Iveco Trucks Australia
- Isuzu Australia Limited
- Fuso Truck and Bus

Name	Cab Chassis	Body	Total Score
Volvo Trucks	FM11	Barry Burrows	8.22
Mack Trucks	Metroliner	Barry Burrows	8.44
Iveco Trucks Australia	Stralis	Barry Burrows	7.92
Isuzu Australia Limited	Isuzu FYH 2000	Capital Body Works	7.53
Isuzu Australia Limited	Isuzu FYH 2000	Barry Burrows	8.24
Fuso Truck and Bus	Fuso FS52SS3FAA	Barry Burrows	7.48
Fuso Truck and Bus	Fuso FS52SS3FAA	Capital Body Works	7.09

The Mack Metroliner combined with a Barry Burrows body provides the best combination of price, suitability and an expectation of a reliable and long lasting work truck. This truck will be primarily used in the construction works on the Ulan and Cope Roads. These vehicles also presented with the most favourable delivery times to meet our construction works.

Financial and Operational Plan implications

These items will be funded from the plant reserve.

Community Plan implications

The selected equipment is required to for the works committed to at Ulan and Cope Roads.

SALLY MULLINGER  
BUSINESS MANAGER WORKS

  
DARYL COLWELL  
ACTING DIRECTOR, MID-WESTERN OPERATIONS

29 May 2014

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

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, consisting of a stylized capital letter 'B' followed by a horizontal line extending to the right.

BRAD CAM  
ACTING GENERAL MANAGER

## 6.2.19 Waste levy

REPORT BY THE BUSINESS MANAGER RESOURCES & RECREATIONAL TO 18 JUNE 2014  
COUNCIL MEETING  
140618 Council  
GOV400038, F0570003

### RECOMMENDATION

**That:**

- 1. the report by the Business Manager Resources & Recreational on the Waste levy be received;**
- 2. Council write to the EPA expressing its objection to the introduction of a waste levy.**
- 3. While council expresses its objection to a levy if one were to be introduced council would deem option 4 to be the most desirable option to negotiate with the EPA. This is with a view to keeping 100% of the levy for waste minimisation functions that the levy is designed to achieve.**
- 4. Councils General Manager approaches our local Parliamentary members and also the Minister for Local Government to object to a levy in regional areas of NSW.**

---

### Executive summary

The NSW Government uses a range of policy tools to increase recycling and divert waste from landfills. The key economic instrument to drive greater waste avoidance in regulated areas is the waste levy.

Under Section 88 of the Protection of the Environment and Operations Act (POEO Act) 1997 occupiers of scheduled waste facilities are required to pay a levy for all waste received at that facility. The levy is applied to every tonne of waste disposed of at these facilities. The levy is not applied to waste that is recycled and then leaves the facility or waste that is processed on site in a specifically licensed area for allowable reuse.

The regulated areas paying the levy are the Greater Sydney Area, the East Coast Region (extended regulated area), Blue Mountains and Hunter (regional regulated area).

Each of these areas pay the following levy per tonne:

- Sydney Metropolitan Area - \$107.80
- Extended Regulated Area - \$107.80
- Regional Regulated Area - \$53.70

In 2012 the Minister for the Environment, the Hon Robyn Parker MP, commissioned the firm KPMG to conduct a review of the waste levy. In this review KPMG recommended extending the waste levy across the whole of NSW and exempting landfills of less than 5,000 tonnes per annum.

The NSW Government at the time did not support this recommendation and instead requested the EPA to carryout consultation with potentially affected Councils.

The levy is design to work as a market based mechanism that increase the relative price of disposal to encourage efforts to minimise the amount of waste produced and shift resources from disposal to higher order uses. The options paper is suggesting a \$10.00 per tonne levy to commence however the reality is could anywhere from \$10.00 to \$53.70 increasing year on year.

To this end the EPA released an options paper and held a workshop in Dubbo on Thursday 15 May 2014. Submissions to the levy extension need to be received by Friday 20 June 2014.

## Detailed report

### *OPTIONS PAPER*

The options paper issued by the EPA as of form of community consultation suggests there are four options for Council to consider for the extension of the levy:

1. Not extending the levy
2. Extending the levy across all NSW
3. Extending the levy across NSW, while exempting regional landfills that receive <5,000 tonnes per annum
4. Implementing an 'opt in' levy system where Councils currently located outside the levy area can choose to implement a waste levy at set or chosen rates.

### *OPTION 1 - NOT EXPANDING THE LEVY*

Maintaining the current levy arrangements would mean there would be no price signal discouraging landfill disposal. The EPA is concerned that there will be a widening gap between levy paying regulated areas and rural non regulated areas.

For Mid-Western Regional Council this is the preferred option as it is for most other Councils. Waste is generally not a business in region Australia as it is in the metropolitan areas. There are distinct differences and challenges with waste management in rural areas including more limited resources, lower populations and densities and long distances between population centres and Council run facilities.

The majority of waste facilities are operated by Councils in regional areas as opposed to private enterprise in metropolitan areas.

The levy collected is in part returned to via grants i.e. waste less recycle more grants (450 million dollars) to mostly levy paying areas. It is well known though that only one third of the levy is reinvested into the waste sector with the other two thirds going to consolidated revenue. Therefore the bulk of the levy is really just a tax.

Mid-Western is already proactive in optimising waste services including upgraded recycling through a new kerb-side system, waste transfer station system and sorting plant upgrades. The introduction of a levy due to the challenges faced in regional areas will not result improved waste reduction however, will further reduce the Councils capacity to invest in this area as a portion of local rates are diverted to the State Government.

### *OPTION 2 - EXTENDING THE LEVY ACROSS ALL NSW*

This option includes extending the levy to all landfills across NSW. The benefits of this approach are purported to be a strong economic incentive to increase recycling and resource recovery and ensuring gate prices reflect not only the costs of managing the facility but the social and environmental costs of land filling.

Local councils would also be eligible for funding under the WLRM grant program to consolidate landfills and for infrastructure improvements.

Mid-Western has one licensed landfill that already has a weighbridge and centralises all its waste to this point via the waste transfer stations and collection services. Councils model of not charging a gate fee and having 13 unrestricted waste transfer stations means Council could not charge a levy at the gate except for commercial customers. The levy would need to be shared equally through the general waste management charge.

The following table demonstrates the impact of the levy under certain price points based on 25,000 tonnes per annum of waste:

<b>Levy at:</b>	<b>Increase per assessment</b>	<b>Council wide</b>	<b>New GWMC</b>	<b>% of rate that is levy</b>	<b>1/3 possible returned over time in grants at government's discretion</b>
10.00	18.58	250,000.00	205.58	9.0	83,333.00
20.00	37.15	500,000.00	224.15	16.6	166,600.00
30.00	55.73	750,000.00	242.73	23.0	250,000.00
40.00	74.31	1,000,000.00	261.31	28.4	333,333.00
50.00	92.88	1,250,000.00	279.88	33.2	416,666.00

*\*Note: CPI or other council rate increases have not been added.*

As the table indicates if the levy increases from \$10.00 (if that is the introduced rate) the dollars leaving the community become substantial.

When the levy was introduced to the Regional Regulated area it started at \$10.00 and increases \$10.00 per year plus CPI. Council needs to consider not the introduced levy but where the levy will be in five years and the dollars leaving the community.

It is considered that while MWRC could implement further measures to prevent some waste going to landfill our location, size and resources prevent large scale reduction in tonnes to landfill. This issue means even with the levy, land filling will remain the cheaper option. The economic driver of the levy will therefore not be realised.

Council should reject this as an option for this location and support Netwaste view that a levy across NSW is not appropriate.

In this form the levy will generate revenue for the Government of \$11.7 million in the first year and nearly \$60 million over five years.

#### *OPTION 3 - KPMG RECOMMENDATION FOR LEVY EXTENSION*

This option is largely the same as option 2 for MWRC. This Option gives an exemption from the levy for landfills that receive less than 5000 tonnes per annum. As MWRC landfills more than 5000 tonnes there would be no exemption and we are unable to reduce landfill levels to this amount.

#### *OPTION 4 - OPT-IN LEVY SYSTEM*

Under this option, councils could choose to be added to a new levy area by advising the EPA that council wanted to 'opt in' to the levy system.

An opt-in levy system would give flexibility to regional councils that want a waste levy in place. This option could involve a uniform levy set by the EPA after consultation or a rate chosen by each individual Council. A levy of this nature may incentivise generators of waste to reduce waste to landfill and find legitimate alternatives to landfill.

This system could result in substantial differences in disposal fees between neighbouring LGAs resulting in some perverse waste management practices.

Funding would be unlocked for important waste and resource recovery initiatives run by council or those available under the WLRM initiative.

While Option 1 is the preferred option for MWRC Option 4 should be the second preference. This option would allow MWRC to potentially negotiate a levy system that would allow it to choose the rate and potentially negotiate to keep part of the levy upfront. Due to regional Councils varying so much in location, size and resources each Council should be able to negotiate a levy amount that reflects their ability to use this economic driver to achieve what it is intended to do.

MWRC has certain challenges that make mass reduction of landfill more difficult and participating in regional landfills where a levy is also charged is price prohibitive due to transport and other infrastructure costs.

The reality is the levy is two thirds tax and any money leaving the community is money no longer able to spent upgrading or improving services. MWRC has spent considerable amounts upgrading waste services and improving recovery rates without a levy prompting it to do so.

Council could consider an 'opt-in' option where Council charges a levy to improve recovery rates, education etc where it keeps 100% of the levy and links it to reportable outcomes through our community plan and waste strategic plan. There are many other models under this option Council could consider.

If Council were to 'opt-in' it should be at a much lower rate than suggested by the EPA due to the investment already made by the community to improve waste services and resources recovery efforts. The following table demonstrates some 'opt-in' figures to give an idea of the impact:

<b>Levy at:</b>	<b>Increase per assessment</b>	<b>Council wide</b>	<b>New GWMC</b>	<b>% of rate that is levy</b>	<b>1/3 possible returned over time in grants at governments discretion</b>
2.50	4.64	62,500.00	191.64	2.4	20,833.00
5.00	9.29	125,000.00	196.29	4.7	41,666.00
8.00	14.86	200,000.00	201.86	7.4	66,666.00
10.00	18.58	250,000.00	205.58	9.0	83,333.00

It should be noted no one knows what the 'opt-in' figure would be nor the actual degree the EPA is willing to negotiate if at all.

During the consultation with the EPA they have suggestion an outright rejection of the levy may not be a suitable response and Council's should consider other options.

Other points of interest of the levy:

- There is a large administrative burden in maintaining the reporting for the levy that will add additional costs on top of the levy.
- The levy if introduced will increase year on year.
- The levy will not provide a price signal to encourage resource recovery in regional areas and at \$10 or more per tonne (\$18 rate increase) will simply be absorbed in to the general waste management charge.
- The EPA has not provided any evidence of how the levy will in fact reduce landfill tonnes in regional areas considering the challenges faced in rural areas in regards to waste management.


## Financial and Operational Plan implications

If a waste levy is introduced there will be an impact on the general waste management charge for rate payers. Mid-Western does not charge a gate fee at weighbridge for residents and spreads the costs of waste management evenly throughout the rate base via the general waste management charge. Commercial contractors are charged a gate fee and levy plus administration costs will need to be added to these fees and charges. Until the levy price is known the cost to ratepayers is not clear. A scenario has been provided in the body of the report.

## Community Plan implications

Should a levy be introduced council may need to reconsider having thirteen waste transfer stations unmanned, open and accessible at all times. This scenario allows waste to flow from other regions into Mid-Western that local rate payers will pay the levy on. This could possibly change the level of service provided to the rural communities.

JULIAN GEDDES  
BUSINESS MANAGER RESOURCES AND  
RECREATIONAL



DARYL COLWELL  
ACTING DIRECTOR, MID-WESTERN  
OPERATIONS

6 June 2014

*Attachments:* 1. NSW EPA Extension of the Waste Levy Options Paper (included at the end of the business paper)

APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER

## 6.2.20 Events Assistance for Gulgong Gold Cup

REPORT BY THE ECONOMIC DEVELOPMENT OFFICER TO 18 JUNE 2014 COUNCIL MEETING

Events Assistance for Gulgong Gold Cup

GOV400038, A0140201

### RECOMMENDATION

**That:**

- 1. the report by the Economic Development Officer on the Events Assistance for Gulgong Gold Cup be received;**
- 2. Council requests a copy of the financial accounts from the Gulgong Gold Cup 2014 event and provides a contribution of up to \$1,500 towards the event if it has incurred a loss from Council's Events Assistance budget.**

### Detailed report

We have received an Events Assistance application from Gulgong Turf Club for the amount of \$2,500 towards the Gulgong Gold Cup. A copy of the application is attached.

The original application was declined as staff believed that this was a TAB race meeting (which would receive TAB funding and sponsorship). It is important to note that the intention of the Events Assistance Program is to support events which do not have a commercial/profit motive, as these events have the ability to generate greater income streams from sponsorship and ticket sales etc than do community/not-for-profit events.

We have since been informed that it is not a TAB meeting and have sent a follow up letter to the Gulgong Turf Club that the application would be reconsidered. The proposed \$2,500 contribution towards the event is requested for:

- |                         |         |
|-------------------------|---------|
| • Race book advertising | \$1,865 |
| • 2MG radio advertising | \$146   |
| • Discovery             | \$400   |
| • Posters               | \$90    |

As the race meeting is scheduled for Sunday 8 June 2014, it will be held prior to the next Council meeting. The Gulgong Turf Club would like the application to be assessed retrospectively, which given the ongoing correspondence that has occurred since the application was received is appropriate.

Given that the event will have occurred, it is recommended that the Gulgong Turf Club provides the Acting General Manager with the financial accounts from the event and if the event has incurred a loss, that Council make a contribution of up to \$1,500 towards these costs.

### Financial and Operational Plan implications

If the application is approved, the \$1,500 contribution will come from Council's Events Assistance budget.



## Community Plan implications

Council's policy on events management indicates a maximum of \$2,500.00 per event.

JULIE ROBERTSON  
ECONOMIC DEVELOPMENT OFFICER

4 June 2014

*Attachments:* 1. Copy of Gulgong Turf Club application for events assistance

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, consisting of a stylized capital letter 'B' followed by a horizontal line extending to the right.

BRAD CAM  
ACTING GENERAL MANAGER

ATTACHMENT 1

Event Assistance Funding Application - July 2014 to December 2014

#11



COMPLETE

Collector: New Link (Web Link)  
Started: Sunday, March 30, 2014 6:11:47 PM  
Last Modified: Sunday, March 30, 2014 8:33:41 PM  
Time Spent: 02:21:54  
IP Address: 144.137.72.250

PAGE 2: CONTACT DETAILS

Q1: Please enter your contact details below:

Name:	Diane Thompson
Organisation:	Gulgong Turf Club
Address 1:	37 Racecourse Rd
Address 2:	Mail:325 Mebul Rd Mebul 2852
Suburb:	Gulgong
State:	NSW
Post Code:	2852
Email Address:	thompsondm1@bigpond.com
Phone Number:	0263740226

PAGE 3: EVENT INFORMATION

Q2: Name of event:	Henry Lawson Festival 2014 Gulgong Gold Cup
Q3: Event Date/s:	8/6/2014
Q4: Number of days event is held:	1
Q5: Event location:	Gulgong Racecourse
Q6: Year the event was established:	Since 1983
Q7: How often is the event held?	Annual

Q8: Event description (including aims, objectives and desired outcomes):

Community Race Meeting run in conjunction with Henry Lawson Festival Birthday Celebration's Weekend. Attract tourist and Visitors for Long weekend and Supply Entertainment for them and Local Residents. To Run a successful Meeting and to continue with successful meetings in future years.

Q9: Expected attendance:

Locals	1,000
Visitors	2,000
Total	3,000

Event Assistance Funding Application - July 2014 to December 2014

Q10: Target audience:

3,000

Q11: Local community involvement (including local businesses and volunteers):

Henry Lawson Birthday Celebration Committee, Gulgong Sports Council Committee, Gulgong Men's Shed

Q12: Other sponsorship or income received for this event:

Requests for Sponsorships sent to possible Sponsors

Q13: Economic benefits of the event:

Attracts a lot of Tourist & Visitors who stay in Local Accommodation and spend money in our Council Area

Q14: Community and social benefits of the event:

Community Race Meetings bring Local and Visitors together to have a good time

Q15: How will Council's support of the event be recognised?

Advertisement in Local Media, Race Book & on the Race Day

Q16: How do you plan to market and promote the event?

Local Media, Posters, TV Adds with Henry Lawson Week End Advertisements

Q17: How do you plan to ensure the event continues and develops in the future?

Gulgong Turf Club has come a long way in the last few years improvements to tracks and facilities increasing crowds & local organisations participation has helped the Club grow and it now has a bright future with this support and hopefully the support of Council

Q18: Have you received funding from Council for this event previously? No

Q19: Does the event have current Public Liability Insurance? Events MUST have insurance to be eligible to receive funding. A copy of your Certificate of Currency must be provided. Yes

PAGE 4: FUNDING REQUESTED

Q20: Please provide details of in-kind support requested AND dollar amounts: (e.g. Council venue hire fee - \$200)

- |    |     |
|----|-----|
| 1. | Nil |
| 2. | Nil |
| 3. | Nil |

Q21: Please provide details of cash support requested AND dollar amounts: (e.g. TV advertising - \$500)

- |    |                                     |                      |
|----|-------------------------------------|----------------------|
| 1. | Race Book advertisement \$1,865.00, | 2 meg Radio \$146.00 |
| 2. | Discovery \$400.00.                 |                      |
| 3. | Posters \$90.00                     |                      |

Event Assistance Funding Application - July 2014 to December 2014

Q22: Total support requested: (must not exceed \$2,500)

In-kind support: Nil  
Cash support: \$2500.00

Q23: Any other information you wish to add?

Gulgong Turf Club is a Non- Profit Community Race Club who run a Community Race Meeting which Co insides with the Henry Lawson Birthday Celebrations June Long Week End Event

## 6.2.21 Kandos Bicentennial Industrial Museum – Legal Advice

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 18 JUNE 2014 COUNCIL MEETING  
Kandos Bicentennial Industrial Museum - Legal Advice  
GOV400038, GOV400029, P1553611

### RECOMMENDATION

#### That:

1. **the report by the Manager, Community Services on the Kandos Bicentennial Industrial Museum - Legal Advice be received;**
2. **the advice be noted by Council for future decision making on the transfer of ownership of the Kandos Bicentennial Industrial Museum.**

### Executive summary

This report provides the advice received from Flynn's Solicitors in relation to the transfer of ownership of the Kandos Bicentennial Industrial Museum from Council to an Incorporated Association.

### Detailed report

Advice was sought from Flynn's Solicitors in relation to

1. The efficacy of a delayed settlement
2. Transitional arrangements if a delayed settlement was adopted
3. The practical effect of the winding up or insolvency of the KBIM
4. The appropriateness of continual funding of KBIM

The advice is attached to this report, but provides

*'Whilst it would be possible to draft a Licence Agreement covering the delayed settlement period, it would be necessarily complex and we would recommend should only be adopted as a last resort.*

*We believe it would be far simpler and more appropriate to utilise a normal settlement period'*

This advice is provided to Council for consideration when making a decision about the transition of ownership of the KBIM.

### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

Not applicable.



CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY  
SERVICES

KATE POWER  
MANAGER, COMMUNITY SERVICES

6 June 2014

*Attachments:* 1. Kandos Bicentennial Industrial Museum – Legal Advice (included at the end of the business paper)

APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER

## 6.2.22 Noxious Weeds Advisory Committee

REPORT BY THE NOXIOUS WEEDS ADMINISTRATOR TO 18 JUNE 2014 COUNCIL MEETING  
Noxious Weeds Advisory Committee  
GOV400038, ENV200017

### RECOMMENDATION

#### That:

1. **the report by the Noxious Weeds Administrator on the Noxious Weeds Advisory Committee be received;**
2. **the nomination of Mr Andrew Blackman to the Weeds Advisory Committee be accepted;**
3. **the amended Local Weed Control Management Plan for Class 4 Noxious Weeds be adopted.**

### Executive summary

The Weeds Advisory Committee, which meets every 3 months, provides advice and recommendations to Council on matters relating to the strategic direction of noxious weed control.

### Detailed report

#### **Noxious Weeds Advisory Committee – Vacant Position**

Due to the resignation of one committee member nominations were called from interested community members to fill this vacant delegate position for the remainder of the term. Nominations were received from the following:

- Mr Andrew Blackman
- Mr Scott Lillis

While both nominees would be suitable to fill the vacant position it was felt that there could be a perceived conflict of interest as Mr Lillis is an approved noxious weed spraying contractor with Mid-Western Regional Council.

It was felt that Mr Blackman's professional expertise would be beneficial in planning the overall strategic direction of noxious weed control in Mid-Western Regional Council.

#### **Local Weed Control Management Plan for Class 4 Noxious Weeds**

Since the introduction of Weed Control Order 2014 in which the control measures on some weed species have changed it was necessary to amend the existing Local Weed Control Management Plan adopted by Council 21 December 2011 to align with the new Control Order.

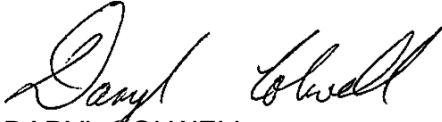
### Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

SUSAN BURNS  
NOXIOUS WEEDS ADMINISTRATOR

  
DARYL COLWELL  
ACTING DIRECTOR, MID-WESTERN  
OPERATIONS

3 June 2014

*Attachments:* 1. Minutes of the Weeds Advisory Committee meeting held on 2 June 2014.

APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER





## MINUTES

**MINUTES OF A MEETING OF THE NOXIOUS WEEDS ADVISORY COMMITTEE HELD AT 9 AM ON MONDAY 2 JUNE 2014 IN THE COMMITTEE ROOM, COUNCIL CHAMBERS, MUDGEE**

**PRESENT:** James Mort (Chair), Cr John Webb, Mitchell Clapham, Dusty Ireland, Brad Cam, Julian Geddes, Vince Forgione, Susan Burns.

**1. Serrated Tussock NSW Regional Coordinator Presentation**

James Mort welcomed Clare Hamilton, Serrated Tussock NSW Regional Coordinator to the meeting and Clare addressed the meeting and spoke about the Serrated Tussock Landscape Solutions 2010-2015 and the 2014 Progress Report of the Serrated Tussock Working Party. (*Attachments 1 and 2*). *At the conclusion of her presentation Clare left the meeting.*

**2. Apologies**

Nil

**3. Minutes of the Previous Meeting held on Monday 3 March 2014.**

Moved Cr Webb/James Mort that the minutes be accepted.

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

**4.1 Local Weed Control Management Plan for Class 4 Noxious Weeds**

The amended LWCMP was reviewed and discussed. It was suggested that the web address of Weed Control Order 2014 be included in the plan to assist landholders to review the necessary control measures. (*Attachment 3*)

Moved Mitchell Clapham/Cr John Webb that the amended plan be accepted.

**4.2 Expressions of interest for vacant position on the Committee**

Two expressions of interest were received and after some discussion Andrew Blackman was recommended as the successful nominee to the vacant position.

Moved Cr John Webb/Mitchell Clapham that Andrew Blackman be accepted as the recommended nominee.

**5. Inspection Program Statistics**

The 2014 Inspection Program statistics were presented. (*Attachment 4*)

Moved Dusty Ireland/Brad Cam that the statistics were accepted.

**6. General Business**

**6.1 Weed Management Review Update**

There was nothing further to report on the review.

**6.2 Next Meeting**

The next meeting is scheduled for Monday 1 September 2014

**7. Meeting Close**

The meeting closed at 10.30 am.

## Serrated Tussock Landscape Solutions 2010 – 2015

### Background

- The project “Serrated Tussock – Landscape Solutions” is funded under the NSW Governments Weed Action Program.
- It is one of 3 State-wide projects funded for 5 years.
- The project was promoted by the Serrated Tussock Working Party for NSW & ACT (STWP) with NSW DPI Staff assisting in the development of the project.
- Mid-Western Regional Council (MWRC) is the local control authority hosting the project, providing administrative support, housing the project officer and providing in-kind support.
- A Project Steering Committee was formed in 2010 to provide oversight to the project and includes members from the following organisation: MWRC, STWP, NSW DPI, Macquarie Valley Weeds Advisory Committee, Local Land Services (originally Catchment Management Authorities).
- The project began in April 2010 with the employment of the project officer, Clare Hamilton.
- The project is likely to continue into a sixth year due to the availability of carry-over funding which resulted from a delay in the initial employment of the project officer.

### Project Aim *(from original funding application)*

More effective coordination and strategic management of serrated tussock across NSW.

### Project Objectives *(from original funding application)*

1. Better district programs so landholders programs increase in effectiveness and there is a decrease in impact of serrated tussock.
2. Better regional programs.
3. Better cooperation of activities that recur within NSW, ACT and nationally.

### Funding received to date

Noxious Weeds Grant 2009/2010	\$155,000 (Some funds carried over due to delayed start)
NSW Weed Action Program 2010/2011	\$163,000
NSW Weed Action Program 2011/2012	\$130,000 (Funding reduced in line with Govt budget cuts)
NSW Weed Action Program 2012/2013	\$132,080
NSW Weed Action Program 2013/2014	\$135,250

### General

- With a State-wide focus the project officer’s activities are spread across the major areas of serrated tussock infestation being the Northern Tablelands, Central Tablelands, Southern Tablelands, ACT, Monaro and South Coast. General communications and alert advice is provided State-wide.
- As the project only employs one officer with a relatively small budget there is little scope for significant on ground works.
- The project activities can be broadly described at a strategic and operational level:
  - **Strategic**
    - Communications – including the development of a communications strategy and then website design and maintenance, regular e-newsletters, media releases, presentations to peak and representative groups

- Serrated Tussock Working Party (STWP) support.
- Weeds Officer training and support
- State wide activities and input (eg upcoming research forum, serrated tussock study tour)
  - **Operational**
    - Field days, chemical user training, plant identification training, weed management planning, group facilitation, assistance in funding applications, general enquiries.
- The project officer works closely with Local Control Authorities, Local Land Services (formerly CMA), Landcare and other community natural resource organisations.
- Operational activities and projects need to be driven by approaches from the above organisations where assistance is needed to initiate, facilitate or provide independent support.
- Most of the project officer's work with LCAs is with those that have been proactive in seeking support to implement coordinated, consistent action on serrated tussock.
- The project officer does not undertake activities specific to Weeds Officers of Local Control Authorities. When approaches are made relating to LCA activities these are passed on to the relevant Authority.

### Past and ongoing initiatives

- Weed officer training
- Website development and maintenance
- Communications – editorial, e-newsletter, media release, feature articles, case studies
- Lewis Ponds Land Management Group – formation and support in developing 2 successfully funded projects, on ground works and weed management planning initiatives
- Field Days
- Turon-Macquarie Weeds Working Group initiation and field days
- STWP support
- Input into MLA weeds strategic plan; Sydney University research proposals, Goulburn Mulwaree Council Noxious Weeds Policy Review; ACT Government Pest Plant Management Plan;
- Assistance in development of funding applications

### Future initiatives (2014)

- Research forum
- Weeds professionals study tour
- Lewis Ponds Landscape mapping and strategic plan development
- Ongoing communications with additional focus on small acre land holders
- Ongoing support to community and weeds professionals

### Mid-Western Regional Council initiatives

- Turon-Macquarie Weeds Working Group (Hill End)
- Razorback
- Hargraves/Grattai
- Watershed Landcare



# Serrated Tussock Working Party for NSW and the ACT

## 2014 Progress Report



This report card summarises the progress against our goals for serrated tussock eradication and control for NSW & the ACT, highlighting significant achievements

The STWP seeks to generate sustained action by all interested parties, including land managers, local, State and Commonwealth governments to deliver policies and committed action to reduce the impact of serrated tussock (and other weeds) on the environment, economic activities and public amenity.

### Significant achievements:

#### Serrated Tussock Coordinator

- Secured funding from NSW Government for 5 year Coordination project.
- 40,000 ha under active projects
- Training:
  - Weeds Officers on landscape management and farming systems
  - Integrated weed management planning workshops
  - Chemical User accreditation
- Successfully applied for funding through Caring for Our Country, and Catchment Management Authorities
- 6 Field Days with over 250 people attending
- Formation of:
  - Lewis Ponds and District Land Management Group
  - Turon-Macquarie Weeds Working Group

#### Commitment to action

- Representation to State Government:
  - Meetings with Minister for Agriculture's policy advisors
  - Local Land Services Review Panel
- Submissions:
  - Draft Biodiversity Strategy
  - Local Land Services Efficiency and Effectiveness of the Audit Office
  - IPART Review of Weed Management in NSW.
- Successfully lobbied NSW Farmers to adopt a tenure blind strategic approach to weed control
- Input into RIRDC research on 'Improving the regional adoption of weed control'
- Promotion of new technologies and approaches to serrated tussock control

#### Communications

- Website, designed and maintained.
- E-newsletter, monthly distribution to over 450 subscribers
- Media releases and interviews
- Communications Strategy produced and implemented
- Production of fact, information sheets and case studies.
- Presentations:
  - Australian Property Institute's Annual Country Conference
  - Noxious Weeds Advisory Committee
  - Various NSW Weeds Advisory Committee
  - Landcare Leadership Program
  - Field Days, workshops, industry organisations

#### Productive collaborative action

- Development of STWP Action Plan
- Input into Goulburn Mulwaree Council Noxious Weeds Policy Review
- Input into Pest Plant Management Plan for Serrated Tussock Control in the ACT
- Facilitated district wide mapping in Lewis Ponds as a collaboration between adjoining Local Control Authorities
- Developed working relationship with agribusiness and industry organisations

The STWP's vision for serrated tussock is:

*The continuous suppression and destruction of serrated tussock on arable land, the identification and destruction of serrated tussock where dealing with it is beyond the capacity of the landholder, the stopping of the expansion of the weed's range and the stopping of seed rain everywhere.*

### ***STWP membership***

Peter Stark, President  
Stewart Thompson, Vice-president  
Nelson Quinn, Secretary  
Bill Kemp, Treasurer  
James Browning, member  
Mitchell Clapham, member  
Alan Heath, member  
Ann Herbert, member  
Terry Hayes, member  
Steve Taylor, member  
Peter Wykes, member

*For more information contact*  
*Peter Stark*  
*President*  
Phone: 02 6337 7119  
Mobile: 0428 377 119  
E-mail: starkis@skymesh.com.au

*Clare Hamilton*  
*NSW/ACT Serrated Tussock*  
*Coordinator*  
Mobile: 0428 791 359

clare.hamilton@midwestern.nsw.gov.au

## SerratedTussock

The *Serrated Tussock Working Party for NSW and the ACT* (STWP) is a landholder based group formed in 2006 in response to public concern at the potential for increasing the adverse effects of serrated tussock for the environment and agricultural production in NSW and the ACT.

### ***Ongoing work:***

*The STWP recognizes there is still significant work to do if land managers are to be encouraged, enabled and empowered to comply with good practice and the law. For example:*

- Rationalization of administrative arrangements for weed management in NSW, and integration with biosecurity and land management generally.
- Better understanding of progress, eg, by improving auditing and monitoring.
- Separation of weed extension and inspection functions from legal compliance action.
- Accurate and verifiable mapping of serrated tussock and other significant weeds for more targeted management and baseline data for management and control programs.
- Increased funding over the long term for all aspects of weed control including problem areas beyond the capacity of landholders to deal with successfully.
- Review of environmental offset arrangements to allow benefits to be directed to areas of environmental need for community gain.
- Ensure land dealings disclose any outstanding weed management issues eg, by vendor provided environmental reports or audited management schemes.
- Establishment of a permanent research facility for dealing with weed problems, including the relationship between weeds and environmental and farming system issues.



## LOCAL WEED CONTROL MANAGEMENT PLAN FOR CLASS 4 NOXIOUS WEEDS

This management plan is published in accordance with **Noxious Weeds (Weed Control) Order 2014**. The plan outlines the legal requirements for the control of Class 4 noxious weeds by private occupiers of land in the area of operation of the Mid-Western Regional Council.

### OBJECTIVES:

The control objective for weed control class 4 is to minimise the negative impact of those plants on the economy, community or environment of NSW.

### LEGAL OBLIGATIONS OF LANDHOLDERS, NOXIOUS WEEDS ACT 1993 (SECTION 12):

Private occupiers of land must control noxious weeds on land.

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control noxious weeds on the land as required under the order. NOTE: if an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under Section 18.

### DURATION OF PLAN:

The term of this Management Plan is for a period of 5 years from the date it is adopted, unless sooner amended or revoked.

### REQUIREMENTS OF THE LOCAL WEED CONTROL MANAGEMENT PLAN:

The growth and spread of Class 4 plants must be controlled to the extent specified in the following control measures (*whichever is applicable to property*):

#### 1. Properties where infestations cover an area EXCEEDING 20 HECTARES:

- a) The growth of all Class 4 plants must be managed in accordance with the control measures specified in the Noxious Weeds (Weed Control) Order 2014.
- b) Infestations must be continuously inhibited by a minimum of 20% annually including the area within 100 metres of a property boundary or recognised watercourse. The minimum treatment of 20% annually is cumulative; meaning that over a minimum of a five year period, 100% of infestations must be controlled.
- c) Class 4 weeds located on higher peaks and ridgelines that are recognised as having wind born seed with infestations identified as having potential to infest clean areas, must also be treated as a priority.

#### 2. Properties where infestations cover an area LESS THAN 20 HECTARES:

ALL Class 4 plants must be managed in accordance with the control measures specified in the Noxious Weeds (Weed Control) Order 2014.

**Contact Details:**

All correspondence to:       The General Manager  
Mid-Western Regional Council  
PO Box 156  
MUDGEES NSW 2850

Telephone enquiries:       (02) 6378 2850

The Noxious Weeds (Weed Control) Order 2014 can be found through the link on Council's website at [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)





## 6.2.23 Mudgee Saleyards Management Committee

REPORT BY THE BUSINESS MANAGER WORKS TO 18 JUNE 2014 COUNCIL MEETING

Saleyards Management Committee

GOV400038, F0720036

### RECOMMENDATION

That:

1. **the report by the Business Manager Works on the Mudgee Saleyards Management Committee be received;**
2. **that the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 8 May 2014 be noted.**

### Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 8 May 2014.

There are no 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.

SALLY MULLINGER  
BUSINESS MANAGER WORKS

  
DARYL COLWELL  
ACTING DIRECTOR, MID-WESTERN OPERATIONS

5 June 2014

*Attachments:* 1. Minutes of Mudgee Saleyards Management Committee ordinary bi-monthly meeting 8 May 2014

APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER

ATTACHMENT 1



PO BOX 156  
MUDGEE NSW 2850

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

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

email: council@midwestern.nsw.gov.au

MINUTES

**MINUTES OF THE MUDGEE REGIONAL SALEYARDS COMMITTEE MEETING HELD ON  
8 MAY 2014 COMMENCING AT 9AM AND CONCLUDING AT 9.55AM**

**Present:** Cr John Webb (Chair), Terry McDonald, Brad Cam (Council), Jason Pearce, John Little, Bob Kearins

**Observer:** Nareeda Endacott (Minute Secretary)

**1. APOLOGIES**

Cr Weatherly

*Moved: Terry McDonald 2<sup>nd</sup> Jason Pearce*

**2. MINUTES OF PREVIOUS MEETING**

**Recommendation:**

That the minutes of the meeting held on 20<sup>th</sup> February 2014 be accepted.

*Moved: Jason Pearce 2<sup>nd</sup> Cr Terry McDonald*

**3. MATTERS ARISING FROM MINUTES OF MEETING**

**4. GENERAL BUSINESS**

**Saleyard Statistics** – Report has remained within budget, maintained good statistics and tracking well in both income and expenditure.

*Moved: Terry McDonald 2<sup>nd</sup> Jason Pearce*

**5. BUSINESS WITHOUT NOTICE**

- Terry McDonald advised that the cattle crush failed at the store sale, recent repairs have not fixed the problem and it is now a safety risk to agents and vets.
- Black pen numbers are hard to read when sale is carried out in reverse. Request to have pen numbers repainted brighter and clearer.

**DATE OF NEXT MEETING – 19<sup>th</sup> June 2014**

**MEETING CLOSED 9.55 am**

## 6.2.24 Code of Meeting Practice amendment - Recording of Council meetings

REPORT BY THE MANAGER GOVERNANCE TO 18 JUNE 2014 COUNCIL MEETING

Recording of Council meetings

GOV400038

### RECOMMENDATION

That:

1. **the report by the Manager Governance on the Code of Meeting Practice amendment - Recording of Council meetings be received;**
2. **Council formally adopt the changes to the Code of Meeting Practice regarding the recording and webcasting of Council Meetings.**

### Executive Summary

To consider a report to confirm the webcasting of Council Meetings.

### Detailed report

Council, at its meeting on 16 April 2014 resolved to commence recording and of its meetings.

As this required a change to the Council's Code of Meeting Practice this proposal was placed on public exhibition with an advertisement in the Mudgee Guardian on Friday 25 April 2014 inviting submissions up to Friday 6 June 2014. No submissions were received.

Council needs to now formally adopt the changes to the Code of Meeting Practice for the recording and webcasting to commence.

### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

Not applicable.

IAN ROBERTS  
MANAGER GOVERNANCE

10 June 2014

*Attachment:* 1. Code of Meeting Practice (included at the end of the business paper)

APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER

## 6.2.25 Business Use of the Footpath

REPORT BY THE MANAGER GOVERNANCE TO 18 JUNE 2014 COUNCIL MEETING  
Business Use of Footpath  
GOV400038, A0100021

### RECOMMENDATION

**That:**

- 1. the report by the Manager Governance on the Business Use of the Footpath be received;**
- 2. Council formally adopt the policy and fee structure.**

### Executive summary

To adopt the policy and associated fee structure.

### Detailed report

At its meeting on 7 May 2014 Council gave consideration to a policy on the business use of the footpath and resolved as follows:

*“That:*

- 1. the report by the Manager Governance on the Business Use of the Footpath be received;*
- 2. the proposed policy and associated fee structure be placed on public exhibition for 28 days.*
- 3. a further report be submitted for Council’s consideration to consider submissions received.*
- 4. that the fees for business use on footpath for the whole region be as follows:*

<i>New Application fee</i>	<i>\$100</i>
<i>Annual renewal fee</i>	<i>\$75</i>
<i>Area fee per square metre</i>	<i>\$10”</i>

Public notice of this proposal was given in the Mudgee Guardian on 9 May 2014 with the period for public submissions closing at 4.00pm on Friday 7 June 2014. No submissions were received.

Council might not formally adopt the policy and associated fee structure.

### Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.



IAN ROBERTS  
MANAGER GOVERNANCE


7 June 2014

*Attachments:* 1. Business Use of the Footpath policy

APPROVED FOR SUBMISSION:



BRAD CAM  
ACTING GENERAL MANAGER

	<b>POLICY</b>	ADOPTED C/M Minute No. XXX / XX
	<b>Business Use of the Footpath</b>	REVIEW: FILE No. A0100021

### 1. Purpose

The purpose of this policy is to facilitate business use of the footpath in areas adjacent to business premises to ensure a pleasant and safe environment for shoppers and patrons without compromising the safety or amenity of the public domain or pedestrians using the public footpath or adjoining public spaces.

The policy applies to a range of businesses including cafes, restaurants and sandwich shops which meet the definition of "restaurant" under the Roads Act, 1993. It also covers business use of the public footpath for the purpose of displaying or advertising businesses or goods.

This policy aims to permit the establishment of business opportunities and to enhance the vibrant atmosphere in the commercial centres of the Mid-Western Regional Council local government area (MWRC LGA). The policy will allow the approval of business use of footpath areas, which may include tables, chairs, display units, advertising structures, shade umbrellas, planter boxes and the like to be placed on footpaths within the MWRC LGA adjacent to businesses where there is adequate footpath width for pedestrian circulation.

### 2. Areas to which this Policy applies

This policy applies to all footpath areas in the towns of Mudgee, Gulgong, Rylstone and Kandos.

### 3. How can I make an application to use the footpath?

Any businesses seeking to use a public footpath must obtain Council's approval prior to occupation. Permission will only be granted where the objectives of this policy have been achieved.

Applications must be made on the Business Use of the Public Footpath Application form which is available on Council's website or is available at Council's offices. Applications must be accompanied by a diagram showing how the footpath is proposed to be used with particular reference to the area of the proposed use.

### 4. What areas of the footpath can I use or not use?

Business use of footpath areas is permitted, with the approval of Council, generally on footpaths immediately adjacent to the shop front in locations that do not cause an impediment to other footpath users.

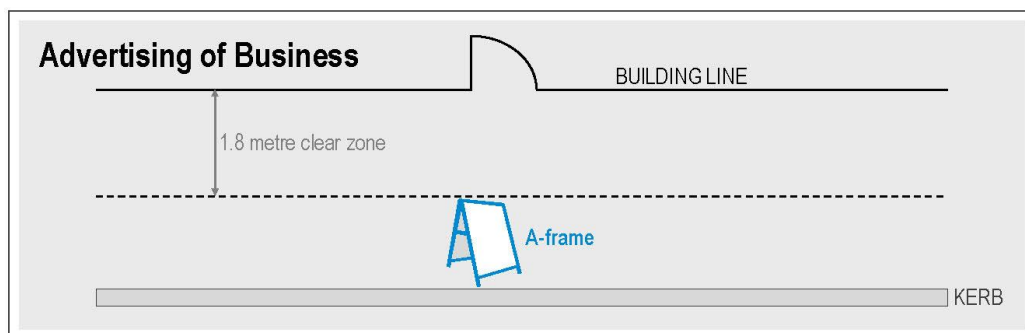
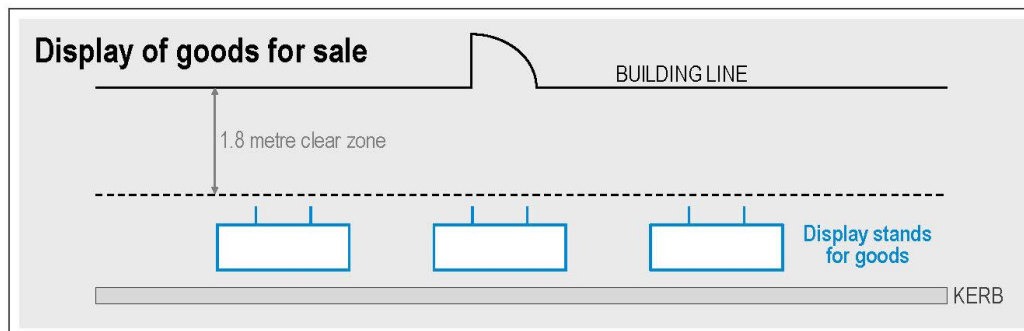
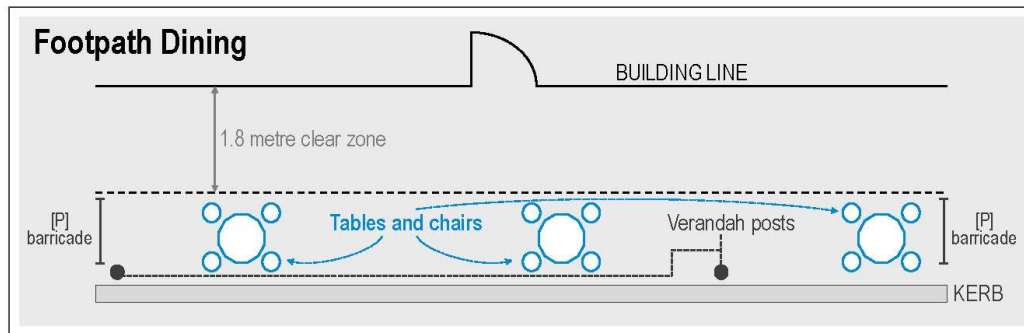
Business use of footpath areas may be either prohibited or restricted, in locations where they obstruct the clear view line of pedestrians or motorists. Clear view lines allow pedestrians to view on-coming traffic and motorists to observe pedestrian movements.

To ensure that access and equity objectives are met there will be a minimum width for pedestrian circulation of at least 1.8 metres continuously maintained, immediately adjacent to the property boundaries (generally the building line), for the clear passage of footpath users. Council may, on the merit of the particular situation, consider variation to this standard where the applicant can

### Business Use of the Footpath

show that the proposal is consistent with the surrounding environment, adequate pedestrian circulation is maintained or that agreement has been obtained from the relevant Access Committee.

Some examples of how footpaths may be used by businesses are set out diagrammatically below:



5. Do I need to provide evidence of my Public Liability insurance to use the footpath?

Permission for business use of the footpath will only be valid where adequate insurance cover is provided by the business. This compliance is required to ensure meeting the objective of the policy, i.e. protecting Council and the public interest while permitting effective use of the public footpath for business purposes. To ensure protection from claims that may arise as a result of business use of the footpath area the business operator must:

- Take out a public liability insurance policy for the sum of not less than \$20,000,000 which is to be in force at all times during the term of the approval.



---

### **Business Use of the Footpath**

---

- Extend the policy to indemnify Mid-Western Regional Council against any public liability claims arising from trading activities on the footpath.
- Provide proof of this current policy to Council with the application for approval. (This can be by way of a Certificate of Currency).
- Maintain this insurance policy during the term of the approval and provide updated Certificates of Currency each time the approval is renewed annually.

#### 6. What documentation will I get from Council to prove that I can use the footpath?

Council will issue a Permit to those who receive approval to use the footpath for business purposes.

The issue of Permits to use the footpath for business purposes will be at the sole discretion of the General Manager and will be subject to the payment of certain fees as prescribed by Council's Schedule of Fees and Charges.

This Permit must be prominently displayed in the front window of the business to which the Permit refers.

#### 7. What Conditions must I comply with to use the footpath?

All persons being issued with a Permit shall be required to comply with the following general conditions:

##### 7.1 Term

- Approvals shall only be for a period of 12 months.

##### 7.2 Fees

- The fees payable are reviewed and set by Council each year as part of its Schedule of Fees and Charges. Applicants should enquire at Council's offices or on Council's website as to current fees applicable or on Council's web site.

##### 7.3 Hours of Operation

- The hours of operation for any approved area must be the same as or less than the approved hours of operation of the associated business. The hours of operation for the approved area may be limited if it is considered that the amenity of the surrounding area or the safety of pedestrians or footpath diners may be adversely affected.

##### 7.4 Maintenance of Approved Area

- The approved area and area between the shop premises shall be kept clean at all times and any spilt food, liquid or other material likely to cause injury shall be removed immediately by the applicant/operator.

##### 7.5 Outdoor Furniture

- Outdoor furniture includes umbrellas, tables, chairs, display stands, advertising structures, A-frames, heaters, planter boxes and perimeter barricades.
  - Outdoor furniture must not contain parts that are likely to cause damage to the pavement, or sharp edges, hinges and other moving parts that may present a hazard to patrons..
-

---

**Business Use of the Footpath**

---

- Each business should adopt a single colour and style for tables and chairs in its particular area to provide consistency and identity.
- Outdoor furniture should be strong, durable, waterproof and weather resistant designed for commercial outdoor use. Tables and chairs should fold or stack for storage.
- All outdoor furniture must be temporary and must be able to be removed in extreme weather conditions.
- Outdoor furniture may be powder coated or polished aluminium, powder coated, brushed or stainless steel, natural or painted timber, or canvass. Under no circumstances shall outdoor furniture consist of "cheap" bulk manufactured plastic chairs. Surfaces such as table tops should be non-reflective. All outdoor furniture will be subject to the approval of Council.
- Planters should be terra cotta, concrete or reconstituted stone in natural, sandstone or terra cotta colour, or powder coated, brushed stainless steel or timber.
- Outdoor furniture is not to be placed outside the approved area under any circumstances.
- Display stands must be stable or firmly secured. Display stands should be a minimum height of 1,000mm and a maximum height of 1,200mm and width of 750mm. All display stands should be of high quality design.
- No part of the footpath is to be used for storage.
- Where the use of a heating device is proposed, details of the type, location and design must be included in the application. Heating devices must be designed in a manner which minimises risk and as such shall turn off automatically if overturned to prevent injury to patrons and property. Heating devices must be removed when not in use and suitably screened from public view. All outdoor heaters must comply with the relevant Australian Standards.

**7.6 Perimeter Barricades**

- Outdoor dining areas must be easily accessible from the public footway and must present an open and inviting image to entice participation. Planter boxes may be used to physically define the perimeters of the outdoor dining area. Enclosures should be kept to a minimum.
  - The use of framed fabric or any other style of low-height barriers, including planter boxes within public domain must be carefully designed and selected to ensure minimal impact on the use, enjoyment and safety of pedestrians and patrons. Barriers may be considered between adjoining cafe/areas to have clear demarcation between business activities. Barriers must be removed from the footpath when the business is not open. Barrier screens must not be used as an opportunity for advertising. Products, specials or sales may not be displayed on the screens. Pedestrians should not be forced onto the road carriageway by outdoor dining activities or other non-permanent items/structures on the footpath.
  - Planter boxes may be considered in open areas, where there is sufficient room and pedestrian movement is not impeded. The planter boxes must be well-maintained by the applicant. Council reserves the right to order the removal of planter boxes that are not properly maintained including the consistent provision of approved high-quality flowers or vegetation. Permanent planter boxes will only be considered on footpath areas where the footpath has been widened for specific business use.
  - The height of any solid barrier should be between 900 mm and 1,200 mm in height.
  - Solid barriers may be in the form of planter boxes containing vegetation to a total height between 900 mm and 1,200 mm.
  - Any proposed transparent solid barrier (such as Perspex) should comply with AS 1428.1 Access and Mobility, and should be clearly marked for the full width with a contrasting line.
-

---

## **Business Use of the Footpath**

---

### 7.7 Food and Drink

- Food and drink must be served on non-disposable crockery and cutlery. Food and drink must not be prepared in the area approved for outdoor eating.
- Paper, foam or plastic plates, cups and cutlery shall not be used for footpath outdoor dining areas.
- Appropriate footpath service shall be provided which includes as a minimum the removal of any dirty plates, cups, cutlery, footpath staining, and rubbish on a regular basis during each operating day.

### 7.8 Smoking

- Smoking is NOT permitted in any area used for dining or any other area as provided under the Smoke-free Environment Act 2000.

### 7.9 Alcohol

- The selling and consumption of any alcoholic or intoxicating liquor is prohibited.

### 7.10 Noise

- Amplified music is not permitted.

### 7.11 Business or Financial Transactions

- No business or financial transactions shall be carried out on the approved area. Such activities shall be carried out wholly within the confines of the premise. This does not include the giving and taking of bills, and associated tips and change.

### 7.12 Lighting

- Any proposed lighting must be included in the application for approval by Council and be in accordance with the relevant Australian Standards.

### 7.13 Signage/Advertising

- The following controls apply to all signage/advertising to be displayed on the approved area:
  - Signage/advertising is permitted only on A-frames, barriers and umbrellas.
  - Umbrellas must be of non-reflective material.
  - Signage on each umbrella must be consistent with all other umbrellas on the approved area.
  - No other signage will be permitted on any other structure on the footpath.

### 7.14 Safety

- The approved area shall not in any form reduce the safe egress of people from the business premises.

### 7.15 Access

- The applicant must provide access in accordance with AS1428 for people with disabilities.
  - No business use of the footpath will be permitted where the use would create access problems for people with disabilities.
-

### **Business Use of the Footpath**

---

#### 7.16 Public Assets

- The removal/relocation of any Council assets, such as rubbish bins and existing street furniture, shall be subject to Council approval and will be at the applicant's cost.
- The removal/relocation of any public utilities/infrastructure shall not be permitted unless justification on public benefit can be made to Council and approvals have been obtained from the relevant authorities. Works will be carried out at the applicant's cost.

8. If I sell my business, can I transfer my approval to use the footpath to the new owner?

No. The Permit cannot be transferred from one user to another. Should a business be sold the new business operator must make a new application to Council for permission to use the footpath.

9. Under what circumstances will a Permit to use the footpath be terminated?

A Permit can be terminated at any time by either party with one week's notice.

The Council may re-enter the approved area and terminate the licence, without notice, if:

- Any part of the Fee is in arrears for 14 days (whether or not the Council has demanded payment);
- The operator breaches the approval and does not remedy the breach within 14 days of receipt of written notice from the Council;
- In the Council's opinion, the road safety or traffic circumstances in regard to the approved area substantially change; or
- Council's approval granted pursuant to section 68 of the Local Government Act 1993 and section 125 of the Roads Act 1993 is either revoked by Council or lapses.

10. What are the Objectives of this policy?

The objectives of this policy are as follows:

#### 10.1 Access and Equity

- To ensure safety and convenient passage of all pedestrians when using public footpaths;
- To ensure the maintenance of clear view lines for both pedestrians and motorists, particularly near pedestrian crossings, street corners and key intersections; and
- To ensure adjoining premises are not adversely affected by any business use of footpath areas.

#### 10.2 Council and Community Protection

- To protect Council and the public interest while permitting effective use of public footpaths for business purposes;
  - To effectively address risk management issues for Council;
  - To ensure that business use of public footpaths will not cost the public purse; and
  - To ensure that public amenities will not be compromised by the provision of business use of footpath areas.
-

---

### **Business Use of the Footpath**

---

#### 10.3 Economic

- To enhance the economic viability of our local business by offering permits to use public footpaths for business purposes;
- To encourage trading and enhance our neighbourhood centres by providing a more vibrant and colourful atmosphere for shoppers;
- To provide for an active and integrated street front; and
- To maintain visibility and exposure of shopfronts.

#### 11. What Legislative Provisions regulate the use of the footpath?

The Roads Act 1993 and the Local Government Act 1993 generally require that a person shall not carry out any activity on a public road or place without the approval of Council.

Sections 125, 126 and 127 and in some cases Sections 137A-139F of the Roads Act 1993 allow Council to approve the use of a footpath for restaurant purposes, as long as using the footpath for this purpose is not taken to constitute a public nuisance and does not give rise to an offence against the Roads Act or any other relevant legislation.

Section 68 of the Local Government Act 1993 allows Council to approve the placing of articles on or to overhang the footpath.

Sections 137A-139F of the Roads Act, 1993 address legislative requirements for Street Vending activities.

#### 12. What Enforcement and Compliance action can Council take against those who do not abide by this policy?

Enforcement can be taken under the Roads (General) Regulation 2000 in relation the placement of obstructions on the footpath, or Section 125(1) and 121B of the Environmental Planning and Assessment Act 1979. Failure to comply with the conduct of business set out herein or with the enforcement order may result in receiving a fine or cancellation of the Permit. These offences incur set penalties set by State legislation.

---

*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**