



ORDINARY MEETING

WEDNESDAY 6 AUGUST 2014



PO BOX 156
MUDGEE NSW 2850

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

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30 July 2014

Dear Councillor

MEETING NOTICE
Ordinary Meeting

Wednesday, 6 August 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
GENERAL MANAGER

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Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 23 July 2014

Council Decision:

That the Minutes of the Ordinary Meeting held on 23 July 2014, Minute Nos 268/14 to 303/14 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 23 July 2014, commencing at 6.51pm and concluding at 8.05pm.

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb, Cr L White.
IN ATTENDANCE	General Manager (B Cam), Acting Director Mid-Western Operations (D Colwell), Director Development and Community Services (C Van Laeren), Director Finance & Administration (B Exelby), Corporate Communications Officer (P Goldsmith).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (D Snyder), Radio 2MG (M Heldon).

Item 1: Apologies

Apologies were received for the absence of Councillor Webb.

The Mayor noted that Councillor Webb had sought a leave of absence for this meeting and the next three Council meetings as he will be overseas.

178/14 MOTION: Shelley / Cavalier

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

The motion was carried with Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillor Walker declared a pecuniary conflict of interest in Items 6.2.1 and 6.2.3 as he is the applicant and owner.

Councillor Thompson declared a less than significant conflict of interest in Item 6.2.2 as he is a member of the Save the Old Gulgong Hospital Committee.

Councillor Cavalier declared a non-pecuniary conflict of interest in Item 6.2.15 as his business sponsors the Gulgong Sports Council.

Item 3: Confirmation of Minutes**179/14 MOTION: Shelley / Cavalier****That the Minutes of the Ordinary Meeting held on 25 June 2014 (Minute Nos. 259/14 to 267/14) be taken as read and confirmed.**

The motion was carried with Councillors voting unanimously.

Item 4: Matters in Progress

OLD GULGONG HOSPITAL

180/14 MOTION: Cavalier / Shelley**That Minute no. 46/14 be noted as completed.**

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 Weatherley	✓	
Cr White	✓	

Item 5: Mayoral Minute

There was no Mayoral Minute.

Item 6: General Business

6.1 NOTICES OF MOTION

6.1.1 SKATE PARK RYLSTONE

GOV400038, GOV400022

181/14 MOTION: Shelley / Cavalier

That Council investigates cost, design and locality of a skate park in Rylstone and a report be presented to Council for consideration.

The motion was carried with Councillors voting unanimously.

6.1.2 PAVEMENT SURFACE - MAYNE ST AND HERBERT ST
GULGONG

GOV400038, GOV400022

MOTION: Thompson / Martens

That the pavement surface in Mayne Street and Herbert Street, in the Gulgong CBD, be kept the same colour as the gravel used last time, and relevant material be supplied to ensure that outcome.

182/14 AMENDMENT: Cavalier / Shelley

That the budget for works in Mayne Street be asphalt and Herbert Street remain as an asphalt surface.

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

Councillors	Ayes	Nays
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr White	✓	

6.1.3 EVENTS FUNDING PROGRAM

GOV400038, GOV400022

MOTION:

That Councillors be informed of the number of events funded by the Events Funding Program for the last two years and the amount of funding that went towards each event.

The item was withdrawn.

6.1.4 RATING OF BUFFER ZONES - COURT COSTS INCURRED

GOV400038, GOV400022

183/14

MOTION: Thompson / Martens

That Council be given full details on the amount of costs for the court cases with the mines on the rating of buffer zones. This includes how much was paid by Council for each case and what deals were done with the different mines.

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

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

6.2 REPORTS TO COUNCIL

6.2.1 DA0389/2014 – PROPOSED CONSTRUCTION OF HORSE STABLES BUILDING, LOT 1 DP 1062660, 25A ROBERT HODDLE GROVE, BOMBIRA

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.1 as he is the applicant, left the meeting at 7.05pm and did not participate in discussion or vote in relation to this matter.

GOV400038, DA0389/2014

184/14 MOTION: Shelley / Cavalier

That due to changes to DA0389/2014, this DA be put back on exhibition for 14 days and then brought back to Council.

The motion was carried with Councillors voting unanimously.

Councillor Walker returned to the meeting at 7.07pm.

6.2.2 DA0331/2014 – PROPOSED DEMOLITION OF THE OLD GULGONG HOSPITAL – LOTS 195 AND 196 DP755434, 34 GOOLMA ROAD GULGONG

GOV400038, DA0331/2014

185/14 MOTION: Cavalier / White

That:

- 1. the report by the Manager Statutory Planning on the DA0331/2014 – Proposed Demolition of the Old Gulgong Hospital – Lots 195 and 196 DP755434, 34 Goolma Road Gulgong be received;**
- 2. Development Application 0331/2014 for the demolition of the Old Gulgong Hospital on Lots 195 and 196 DP755434, 34 Goolma Road Gulgong be refused for the following reasons:**

REASONS FOR REFUSAL

- 1. The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan 2012, 1.2 Aims of Plan (2) (b) (iv) as the proposed development does not protect, enhance or conserve a building of heritage significance.**
- 2. The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan 2012, 1.2 Aims of Plan (2) (d) as the proposal does not support and celebrate Mid-Western Regional heritage attributes.**
- 3. The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan 2012, clause 5.10 Heritage Conservation objective (a) to conserve the environmental heritage of Mid-Western Region**

4. The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan, clause 5.10 Heritage Conservation objective (b) to conserve the heritage significance of heritage items including associated fabric, settings and views.
5. The proposed development is inconsistent with the Mid-Western Regional Local Environmental Plan 2012, clause 5.10 (4) Effect of proposed development on heritage significance as the application proposes to demolish a locally listed heritage item.
6. The proposed development is inconsistent with the Heritage Impact Assessment Review which observed the heritage significance of the 1901 hospital building and that the building was capable of reuse.
7. The proposed development is inconsistent with the public interest demonstrated by the 60 submissions and the 700 signature petition objecting to the proposed demolition.

The motion was carried with Councillors voting unanimously.

6.2.3 MI0001/2015 – PROPOSED MODIFICATION TO ALLOW USE AS A DWELLING, LOT 1 DP 1062660, 25A ROBERT HODDLE GROVE, BOMBIRA

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.3 as he is the applicant, left the meeting at 7.24pm and did not participate in discussion or vote in relation to this matter.

GOV400038, P2170561

186/14

MOTION: Shelley / Cavalier

That:

1. The report by the Manager Statutory Planning on the Proposed Modification to allow use as a dwelling, Lot 1 DP 1062660, 25A Robert Hoddle Grove, Bombira be received;
2. MI0001/2015 for the Proposed Modification to allow use as a Dwelling, Lot 1 DP 1062660, 25A Robert Hoddle Grove, Bombira be approved subject to the following conditions;

APPROVED DEVELOPMENT

1. The development is to be carried out in accordance with the approved stamped plans, except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

BUILDING CONSTRUCTION

1. All future building work must comply with the requirements of the National Construction Code 2012, Volume Two, together with the relevant Australian Standards and also the Environmental

Planning and Assessment Act, 1979, as amended, and Regulations.

2. **Full details must be provided with the Construction Certificate application.**
3. **All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.**
4. **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 is permitted on Sundays and Public Holidays.**
5. **The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. Council encourages the separation and recycling of suitable materials.**
6. **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.**
7. **A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;**
 - **stating that unauthorised entry to the work site is prohibited, and**
 - **showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.**
8. **The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)**
9. **All stormwater is to discharge a minimum 3metres from the building in such a way as to not adversely affect adjoining properties.**
10. **Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:**
 - **Council is to give at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.**

11. The building is to be constructed using non-reflective building materials.

RESIDENTIAL COMPONENT

12. A Building Certificate for the fit out of the shed for residential purposes is to be obtained within three (3) months of the date of this consent.
13. An Approval to Operate issued under Section 68 of the Local Government Act 1993 for the onsite sewage management facility is to be obtained within three (3) months of the date of this consent.
14. The land must be used for intensive plant agriculture or fodder/ Lucerne crops in accordance with Clause 4.2B of LEP 2012 whilst ever there is a dwelling located on the land.
15. Lots 3 and 4 DP 1146240 and lot 1 DP 1062660 are to be consolidated and registered as one allotment within three (3) months of the date of this consent.

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 Weatherley	✓	
Cr White	✓	

Councillor Walker returned to the meeting at 7.25pm.

6.2.4 SECTION 95A – EXTENSION TO CONSENT – DA0327/2013 –
PROPOSED RECREATION FACILITY – LOT 2 DP 1035495 – 87
SHORT STREET MUDGEES

GOV400038, P1317062

187/14

MOTION: Shelley / White

That:

1. the report by the Manager, Statutory Planning on the Section 95A – Extension to Consent – DA0327/2013 – Proposed Recreation Facility – Lot 2 DP 1035495 – 87 Short Street Mudgee be received;
2. that the request to extend the consent under Section 95A of the Environmental Planning and Assessment act 1979 be declined.

AMENDMENT: Thompson / Kennedy

That Council grant the applicant a six month extension.

The amendment was put and lost with Councillors

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

6.2.5 PLANNING PROPOSAL GENERAL AMENDMENTS –
CONSIDERATION OF SUBMISSIONS AND PUBLIC HEARING

GOV400038, A0420254

188/14 **MOTION: Shelley / Weatherley**

That:

- 1. the report by the Manager Strategic Planning on the Planning Proposal General Amendments – Consideration of Submissions and Public Hearing be received;**
- 2. the proposed rezoning of land in Inglis Street to B4 Mixed Use be omitted and that the R3 General Residential zone be retained;**
- 3. Lot 47 DP 862452 Public Reserve 18A Macquarie Drive also known as Charmicheal Park be retained as community land; and**
- 4. the planning proposal and associated documentation be forwarded to the Department of Planning and Environment with a request that the amendments to the Local Environmental Plan 2012 be made.**

The motion was carried with Councillors voting unanimously.

6.2.6 WILPINJONG COAL – MODIFICATION 6

GOV400038, A0420169

MOTION: White / Martens

That:

- 1. the report by the Statutory Planner on the Wilpinjong Coal Mine Modification 6 be received;**
- 2. Council make a submission in accordance with this report.**

189/14 **AMENDMENT: Kennedy / Walker**

That:

- 1. the report by the Statutory Planner on the Wilpinjong Coal Mine Modification 6 be received;**
- 2. Council make a submission in accordance with the alternate submission tabled at the meeting.**

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

Page 10 of the Minutes of the Ordinary Meeting of Council held on Wednesday 23 July 2014.

Councillors	Ayes	Nays
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr White		✓

6.2.7 STRATEGIC PLANNING PROGRAM - UPDATE

GOV400038, A0420109

190/14 MOTION: White / Cavalier

That:

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

The motion was carried with Councillors voting unanimously.

6.2.8 MONTHLY STATEMENT OF BANK BALANCES AND INVESTMENTS AS AT 30 JUNE 2014

GOV400038, A0140304

191/14 MOTION: Weatherley / Cavalier

That:

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

The motion was carried with Councillors voting unanimously.

6.2.9 LIFESKILLS FINANCIAL ASSISTANCE

GOV400038, A0140201

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

- 1. the report by the Financial Accountant on Lifeskills Financial Assistance Application be received;**
- 2. Council provide financial assistance of \$25,000 to Lifeskills Plus Inc to be used for Stage One of the construction project at 10/13 Oporto Road.**

The motion was carried with Councillors voting unanimously.

6.2.10 FINANCIAL ASSISTANCE TOWARDS CONSTRUCTION OF A MOBILE BIOSOLIDS DEWATERING UNIT

GOV400038, F0740001

193/14 MOTION: Shelley / Weatherley**That:**

- 1. the report by the Business Manager Services on the Financial assistance towards construction of a mobile biosolids dewatering unit be received;**
- 2. Council accepts the NSW Government offer of \$111,381 (being 26.6% of total project cost, excluding GST) under the Country Towns Water Supply and Sewerage Program**
- 2. the Common Seal of Council be affixed to all necessary documentation; and,**
- 3. Council amends the management plan to include the grant funding of \$111,381 (excluding GST) and reduce transfers from sewer fund reserves of \$111,381 (excluding GST) in the 2014/2015 financial year.**

The motion was carried with Councillors voting unanimously.

6.2.11 RENAMING OF DENISON LANE, MUDGEE

GOV400038, A0790141

194/14 MOTION: Cavalier / White**That:**

- 1. the report by the Revenue & Property Manager on the Renaming of Denison Lane, Mudgee be received;**
- 2. Council rename Denison Lane to Gundys Lane.**

The motion was carried with Councillors voting unanimously.

6.2.12 NAMING ACCESS LANES OFF PERRAMS ROAD

GOV400038, A0790141, R0790041

195/14 MOTION: Thompson / Weatherley**That:**

- 1. the report by the Revenue & Property Manager on the naming of access lanes off Perrams Road be received;**
- 2. Council name access track 1 Wattle Brae Lane and access track 2 Sutters Lane.**

The motion was carried with Councillors voting unanimously.

6.2.13 NAMING OF UNNAMED STREETS IN THE VALLEY GROVE
ESTATE SUBDIVISION

GOV400038, A0790141

196/14 MOTION: Cavalier / Martens**That:**

- 1. the report by the Revenue & Property Manager on the Naming of unnamed streets in the Valley Grove Estate subdivision be received;**
- 2. Council name road no 1 Charles Lester Place, road no 2 Pirie Close and road no 3 Michelle Court.**

The motion was carried with Councillors voting unanimously.

6.2.14 FLOOD STUDY FOR RYLSTONE AND KANDOS: FINAL STUDY REPORT

GOV400038, WAT500052

197/14 MOTION: Shelley / Weatherley**That:**

- 1. the report by the Acting Director, Mid-Western Operations on the Rylstone Kandos Flood Study and Committee be received;**
- 2. Council reconvene the Rylstone/Kandos Flood Committee;**
- 3. Note the final report of the Flood Study for Rylstone and Kandos;**
- 4. Proceed with public exhibition of the Flood Study for Rylstone and Kandos for a period of 28 days, noting that the Committee may provide further input during the exhibition period.**

The motion was carried with Councillors voting unanimously.

6.2.15 GULGONG SPORTS COUNCIL

Councillor Cavalier declared a non-pecuniary conflict of interest in Item 6.2.15 as his business sponsors the Gulgong Sports Council, left the meeting at 7.58pm and did not participate in discussion or vote in relation to this matter.

GOV400038, A0100056

198/14 MOTION: Shelley / White**That:**

- 1. the report by the Acting 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 18 June 2014 be noted.**

The motion was carried with Councillors voting unanimously.

Cavalier returned to the meeting at 7.59pm.

6.2.16 MUDGEES SPORTS COUNCIL

GOV400038, A0100013

199/14 MOTION: Shelley / Weatherley**That:**

- 1. the report by the Acting Director, Mid-Western Operations on the Mudgee Sports Council be received;**
- 2. That the minutes for the Mudgee Sports Council ordinary monthly meeting held on 30 June 2014 be noted.**

The motion was carried with Councillors voting unanimously.

6.2.17 MUDGEES SHOWGROUND MANAGEMENT COMMITTEE

GOV400038, F0650007

200/14 MOTION: Shelley / Weatherley**That:**

- 1. the report by the Acting Director, Mid-Western Operations on the Mudgee Showground Management Committee be received;**
- 2. the minutes of the Mudgee Showground Management Committee meeting of 8 April 2014 be noted.**

The motion was carried with Councillors voting unanimously.

6.2.18 KANDOS CENTENARY WORKING PARTY MINUTES

GOV400038, P1553611

201/14 MOTION: Shelley / Weatherley**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 09 and 23 June 2014, and the accompanying Income and Expenses and Budget reports**

The motion was carried with Councillors voting unanimously.

6.2.19 LOCAL TRAFFIC COMMITTEE MINUTES OF MEETINGS HELD
10 JUNE 2014 AND 8 JULY 2014

GOV400038, A0100009

202/14 MOTION: Shelley / Weatherley

That the report by the Acting Director, Mid-Western Operations on the Local Traffic Committee Minutes of Meetings held 10 June 2014 and 8 July 2014, items 14/16 to 14/28, be received, accepted and endorsed.

The motion was carried with Councillors voting unanimously.

6.2.20 MUDGEE & GULGONG ACCESS COMMITTEE MINUTES

GOV400038, A0060008

203/14 MOTION: Shelley / Weatherley**That:**

- 1. the report by the Manager, Community Services on the Mudgee & Gulgong Access Committee Minutes be received;**
- 2. Council note the minutes of the Mudgee & Gulgong Access Committee meeting held on 6th May and 4th June 2014.**
- 3. Council endorse the appointment of Darryl Mercy to the Committee**

The motion was carried with Councillors voting unanimously.

6.2.21 CULTURAL DEVELOPMENT COMMITTEE MINUTES JUNE
2014

GOV400038, A0420172

204/14 MOTION: Shelley / Weatherley**That:**

- 1. the report by the Manager, Community Services on the Cultural Development Committee Minutes June 2014 be received;**
- 2. Council note the minutes of the Cultural Development Committee meetings held on 30 June 2014.**

The motion was carried with Councillors voting unanimously.

6.2.22 HOME AND COMMUNITY CARE SERVICES QUARTERLY REPORT

GOV400038, A0060205, A0060202, A0060204, A0060203, A0060069

205/14 MOTION: Shelley / Cavalier

That:

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

The motion was carried with Councillors voting unanimously.

6.2.23 HEALTHY COMMUNITIES FUNDING

GOV400038, COS300021

206/14 MOTION: Thompson / Cavalier

That:

- 1. the report by the Manager, Information Services on the Healthy Communities Funding be received;**
- 2. Council endorse the proposal from the Healthy Communities Alliance for the expenditure of the Healthy Communities funding in the 2014/15 financial year.**

The motion was carried with Councillors voting unanimously.

6.2.24 DELEGATIONS TO GENERAL MANAGER

GOV400038, A0230005

207/14 MOTION: Shelley / White

That:

- 1. the report by the Manager Governance on the Delegations to General Manager be received;**
- 2. Council adopt the attached delegations for the General Manager.**

The motion was carried with Councillors voting unanimously.

6.2.25 ANNUAL REPORTING OF CONTRACTUAL CONDITIONS OF SENIOR STAFF

GOV400038, A0385024

208/14 MOTION: Shelley / Cavalier**That the report by the Manager Governance on the Annual Reporting of Contractual Conditions of Senior Staff be received.**

The motion was carried with Councillors voting unanimously.

6.2.26 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2014

GOV400038, A0110033

209/14 MOTION: Shelley / White**That:**

- 1. the report by the Manager, Information Services on the Local Government NSW Annual Conference be received;**
- 2. Council approve the Mayor and General Manager to attend the Local Government NSW Annual Conference in Coffs Harbour between Sunday 19th October and Tuesday 21st October, 2014;**
- 3. Council submit the following issues or motions (if any) for consideration at the Conference.**

AMENDMENT: Thompson / Martens**That:**

1. the report by the Manager, Information Services on the Local Government NSW Annual Conference be received;
2. Council approve two Councillors to attend the Local Government NSW Annual Conference in Coffs Harbour between Sunday 19th October and Tuesday 21st October, 2014;
3. Council submit the following issues or motions (if any) for consideration at the Conference.

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

Page 18 of the Minutes of the Ordinary Meeting of Council held on Wednesday 23 July 2014.

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

Item 7: Urgent Business Without Notice

7.1 There was no urgent business without notice

Item 8: Confidential Session

210/14 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 Manager Governance announced that the following matter would be considered in confidential session and the reason why it was being dealt with in this way.

Subject: Appeal DA0409/2013 Subdivision – Bergalin Road Gulgong

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

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

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.

GOV400038

211/14 MOTION: Kennedy / Cavalier

That this matter be dealt with as urgent business without notice.

The Mayor having ruled the matter to be of great urgency, the motion was put and carried.

8.1.1 Appeal DA0409/2013 Subdivision – Bergalin Road Gulgong

GOV400038, P2090761

212/14 MOTION: Cavalier / Shelley

That the recommendation of the confidential report be adopted.

The motion was carried with Councillors voting unanimously.

Item 9: Open Council

213/14 MOTION: Thompson / Cavalier

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 8.05pm.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Quarry Road – Kandos	Res. 64/12 Ordinary Mtg 15/2/2012	That consideration of this matter be deferred until discussions with Cement Australia have been completed.	No determination as yet.
Minimum Residential Lot Size and Multi Unit Housing	Res 165/14	Council staff investigate and report back to Council on options to ensure that corner blocks in subdivisions are adequately serviced in case dual occupancy developments occur, and research how other councils in NSW deal with this matter.	No report available at this time
Submissions to the Budget, Operational and Delivery Plan	Res. 219/14	<p>That:</p> <p>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;</p> <p>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;</p>	<p>Council staff will prepare a list in order of priority for consideration in the 2015/16 Operational Plan</p> <p>Council staff will prepare a report for Council's 20 August meeting</p>
		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.	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.

Item 5: Mayoral Minute

Nil.

Item 6: General Business

6.1 Notices of Motion

There are no Notices of Motion.

6.2 Reports

6.2.1 Section 82A Review of Determination DA0341/2014 – Proposed Use of Four Accommodation Cabins for Tourist and Visitor Accommodation – Lot 2 DP871401, 939 Henry Lawson Drive, Eurunderee

REPORT BY THE MANAGER, STATUTORY PLANNING TO 6 AUGUST 2014 COUNCIL MEETING
s82A review_da0341_2014_Henry Lawson Drive
GOV400038, DA0341/2014

RECOMMENDATION

That:

1. the report by the Manager, Statutory Planning on the Section 82A Review of Determination DA0341/2014 – Proposed Use of Four Accommodation Cabins for Tourist and Visitor Accommodation – Lot 2 DP871401, 939 Henry Lawson Drive, Eurunderee be received;
2. the Section 82A Review of Determination for Development Application 0341/2014 for the use of four accommodation cabins as Tourist and Visitor Accommodation at Lot 2 DP871401, 939 Henry Lawson Drive Eurunderee be approved as a Deferred Commencement Consent and the following conditions:

DEFERRED COMMENCEMENT CONDITION/S

A. The applicant is to apply for and obtain individual Building Certificates issued under the Environmental Planning and Assessment Act, 1979 for each of the four accommodation units.

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

B. An Approval to operate issued under Section 68 of the Local Government Act 1993 for the onsite sewage management facility is to be obtained from Council.

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

These conditions are to be complied with within six (6) months of the date of determination.

APPROVED PLANS

1. Development is to be carried out generally in accordance with the document titled "Submission for S.82A application – Tourist and Visitor Accommodation – Revised Proposal dated July 2014" and Revised plan

Drawing Number 21040-GIO1 Revision B dated 2 July 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. 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

PROPERTY ACCESS

3. The construction of a new all-weather vehicle access for Units 4 and 5, to be wholly located on Lot 2 DP871401 off Henry Lawson Drive in accordance with the following minimum guidelines;
 - (i) a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) from the boundary of the land with the public road;
 - (ii) a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
 - (iii) a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it.
 - (iv) the access shall be located such that adequate sight distances are achieved, as specified in the Austroads publication 'Intersections at Grade'.
4. Access to any of the Accommodation units is not to be via the right of carriageway located on Lot 1 DP871401.
5. The new access road is to be provided with dust suppression to reduce amenity issues for the adjoining buildings. Details of the design, location and proposed dust suppression method are to be provided to Council for approval prior to works commencing.

GENERAL

6. 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.
7. 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".
8. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, traffic generation or otherwise as a result of the proposed development.
9. The accommodation units are to be used for short stay visitor accommodation only (not Temporary Workers Accommodation or Multi

Unit Dwelling for permanent accommodation). Occupants are limited to a maximum stay of 12 weeks.

- 10. A Certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the development is to be submitted to Council prior to the issue of the Occupation Certificate.**
- 11. An Occupation Certificate is to be obtained for all of the buildings prior to the use of the buildings for tourist and visitor accommodation purposes.**
- 12. Accommodation building no.1 as shown on the Approved Plan is to be removed prior to the issue of Occupation Certificate.**

SIGNAGE

- 13. Any signage proposed on the site to identify the Tourist and Visitor accommodation is subject to a separate Development Application.**

Executive summary

APPLICANT	Stuart Faulkner
ESTIMATE COST OF DEVELOPMENT	N/A
REASON FOR REPORTING TO COUNCIL	Statutory requirement for section 82A Review of Determination to be reported to Council
PUBLIC SUBMISSIONS	1

Council has received a Section 82A application (Review of Determination) for the subject application. Section 82A of the Environmental Planning and Assessment Act 1979 allows an applicant within six months of the determination of the application to seek a review of the determination. The original development application was refused by Council in June 2014. As the original application was determined by Council, the review must also be determined by Council.

The Review under Section 82A must reconsider the application in its entirety. The applicant has sought approval for the use of four existing buildings on site, not five as previously sought. The applicant is seeking consent for the use as 'tourist and visitor accommodation', however has stated:

'it is understood from discussions with the managing agent that the cabins have been predominantly occupied by mining contractors since early 2014. Notwithstanding, they have not been accommodated long term by an individual contractors or their families, but rather have been accommodated by a succession of contractors staying on a short term basis'

This application and assessment is considering short term accommodation which for these purposes has been defined as a maximum of three months. This type of stay within self-contained buildings can be defined as 'serviced apartments'. Serviced apartments are a type of tourist and visitor accommodation.

The Review was notified to adjoining owners and an advertisement placed in the local press. Two submissions were received and provided as Attachment 3. The submissions do not raise any new concerns but simply reiterate the previous submissions. 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 review has identified that the application can be supported and is consistent with Council's Local Environmental Plan and Development Control Plan. The recommendation includes

conditions to address the unauthorised works, the length of stay allowed and a requirement not to use the right of carriageway.

The application is reported to Council as it is a statutory requirement under section 82A of the Environmental Planning and Assessment Act 1979. The determination must be made by a higher authority, i.e. if the application was determined under delegation then the review must be considered by Council.

Background

A Development Application for the proposed use of five existing buildings for tourist and visitor accommodation on Lot 2 DP871401, 939 Henry Lawson Drive Eurunderee was lodged with Council in April 2014. Whilst on site during the original assessment the applicant advised that the buildings were under long term lease to a mining contractor company. The use was then more likely characterised as 'multi dwelling housing' or 'temporary workers accommodation', both prohibited within the RU4 Primary Production Small Lots and therefore recommended for refusal.

The application was considered by Council at its meeting on the 18 June 2014 and was 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*

The original assessment report stated that "the premises could be used as Tourist and visitor accommodation if the applicant decided to carry out the business in such a manner".

Staff have met with the applicant and advised that the proposal was capable of being used for tourist and visitor accommodation but that the use could not be used for permanent occupation and that more information should be provided as to the nature of the lease with the mining contractor company. It was also expressly stated that the facility could not be used exclusively for the mining contractor's workers and that it would need to be available to the general public. This would then be considered more rightly as serviced apartments or tourist and visitor accommodation. The temporary structure used for accommodation (hut) has also been removed from the application and therefore the proposal is more akin to a development for tourist and visitor accommodation.

Detailed report

MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012 (LEP 2012)

The application seeks consent for the use of four buildings on site for tourist and visitor accommodation. Due to the nature of the buildings the use can be defined at 'serviced apartments'. Serviced apartments are a type of tourist and visitor accommodation.

The one bedroom portable cabin part of the previous application is not included as part of this application, this is shown on the plan provided as Attachment 2. The applicant is seeking approval for the use of the following existing buildings:

- 2 bedroom unit within office space within shed (located behind the principle dwelling)
- 3 bedroom detached cabin building (located to the western rear of the shed)
- 3 bedroom house addition (addition to existing shed located on the northern side of the site)
- 2 bedroom portable cabin (located at the rear of the shed on the northern side of the site)

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. This can be supported and conditions have been recommended to provide certainty around this issue.

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 does not propose to utilise the facility for permanent accommodation or for temporary workers accommodation. The development can be approved for tourist and visitor accommodation subject to conditions limiting occupation periods and requiring the use to be operated in a manner consistent with the definition of *Tourist and Visitor Accommodation*.

MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013 (DCP)

Temporary Workers Accommodation

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. The proposal has indicated that it is not nor will it be used for this purpose. Conditions have been imposed to ensure that the development is not to be used for this purpose.

Tourist and Visitor Accommodation

Section 6.4 of the DCP provides criteria for assessing application for tourist and visitor accommodation. Section 6.4 has been considered below:

Location

- Must comply with the MLS map or demonstrate compliance with Clause 4.2A of the LEP 2012.*
- All tourist and visitor accommodation has a residential component and therefore Council will not consider the establishment of any tourist and visitor accommodation on land on which a single dwelling is not permissible in the LEP 2012.*

Comment: The location of the self-contained buildings comply with the minimum lot size.

Design & Layout

- The development should address the constraints of the site including topography, existing vegetation*
- Development for the purpose of services apartments (cabins or the like) shall be limited to a maximum of 6 individual accommodation units and one permanent dwelling (or manager's residence).*

Comment: The buildings are existing onsite and do not require the removal of vegetation. The use of four self-contained buildings is proposed along with the existing dwelling.

Water Cycle Management

Council will require a Water Cycle Management Report which identifies that there is a suitable area capable of the disposal of on-site wastewater. The report must include a plan showing a nominal effluent management area for each proposed dwelling or cabin site (as the case may be), in relation to slope, aspect and other site constraints. The plan must indicate all nearby waterways with a buffer of a least 100 metres between effluent management areas and perennial or intermittent creeks or watercourses and 40 metres to drainage depressions.

Comment: A suitable condition is included within the recommendation.

Electricity

The proponent shall demonstrate that the development can be serviced by electricity either via connection to the grid or solar power. Generators will generally not be accepted as a source of electricity.

Comment: A suitable condition is included within the recommendation requiring connection to the grid or solar power.

Parking

Refer to car parking requirements section 5.1 in the DCP

Comment: The required car parking can be achieved onsite.

Signage

Refer to requirement for signs section 4.4 in the DCP

Comment: A suitable condition is included within the recommendation.

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.

The proposed use is not considered to be out of context with the locality and as the buildings are already in existence there will not be any new impacts.

(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. 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. As the proposal does not have owner's consent to use the right of way it is necessary that the site be provided with an alternate access.

The propose access is likely to be still in close proximity to the adjoining tourist accommodation operated by Kurrara Cottages. It is necessary that dust suppression be used on the new access and details are to be submitted to Council for approval.

(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 is located in close proximity to existing vegetation stand that is unlikely to be suitable for agricultural purposes. The proposed development is not considered to limit the use of the land for other purposes.

(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 four dwellings on the site will generate additional noise in the area from traffic movements. It is not considered that this will be a significant impact.

(u) Cumulative impact

Cumulative impacts may be associated with traffic movements but his is considered to be addressed by the recommendation requiring an alternate access.

3. SUITABILITY OF THE SITE FOR DEVELOPMENT

(a) Does the Proposal fit the locality

The use of the site for tourist accommodation is considered to be compatible with the locality. The area is used predominately for agriculture/viticulture with associated short stay tourist accommodation that does not impact on agricultural uses.

(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

The section 82A review of determination was advertised and notified to adjoining owners. Two submissions were received from the same people who objected previously to the original application. The submissions have reiterated

Submissions

Comment

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.

Submissions	Comment
The proposed use is more consistent with multi dwelling housing than tourist and visitor accommodation	The applicant has contended that the development is for temporary accommodation. The facility is capable of being used for this purpose subject to conditions of consent.
Multi dwelling housing is prohibited in the RU4 zone	Agree. Application is not for this purpose.
The site is being used to house short term mine workers	This is the applicant's contention. Council requires that facility is available to tourist and visitor on a temporary basis.
The application fails to meet the criteria for temporary mine workers accommodation	Agree, but not what the application is proposing.
The proposed development does not comply with the RU4 zone objectives	The proposal is not inconsistent with the objectives of the zone.
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 consent.
The dominant landholder (939 Henry Lawson Drive) is required to maintain the right of carriageway	This is a private matter between the owners and users of the access. A condition has been recommended that provides for an alternate access as owners consent has not been provided for use of the right of carriageway.
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.	A condition has been imposed requiring the proposed development to provide a new access on its own land rather than utilising the right of way.
The proposed development will increase noise levels impacting on the adjoining business	The noise levels are unlikely to be greater than adjoining land uses.

(b) Submissions from public authorities

No submissions

2. *THE PUBLIC INTEREST*

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

The public interest is preserved through the assessment of development applications in accordance with Council policy.

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



GARY BRUCE
MANAGER, STATUTORY PLANNING



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

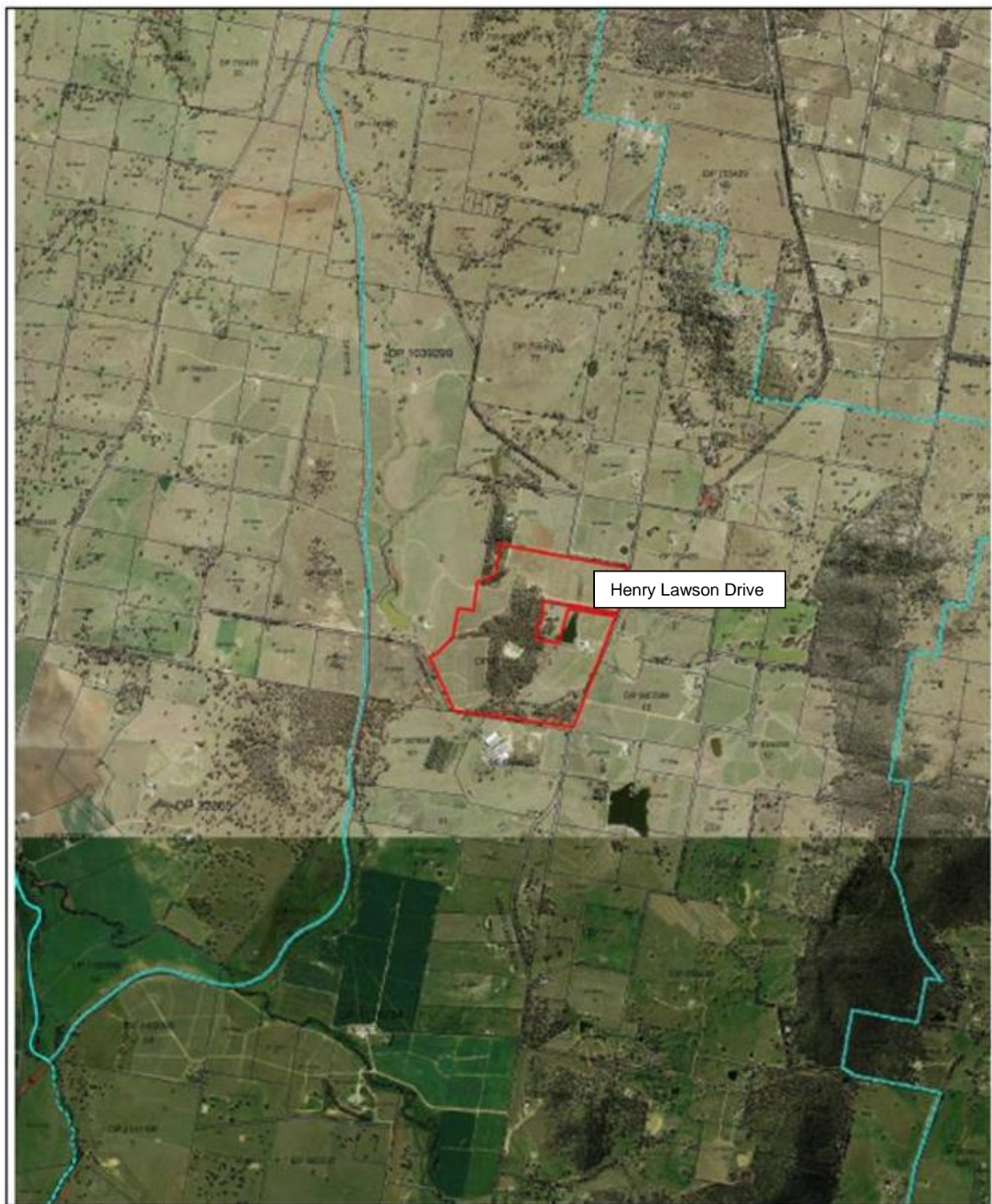
25 July 2014

- Attachments:*
1. Locality Plan
 2. Site Plan
 3. Public Submissions
 4. Submission (included in the confidential section of the business paper)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER



Map Scale: 1:36,780

Disclaimer

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

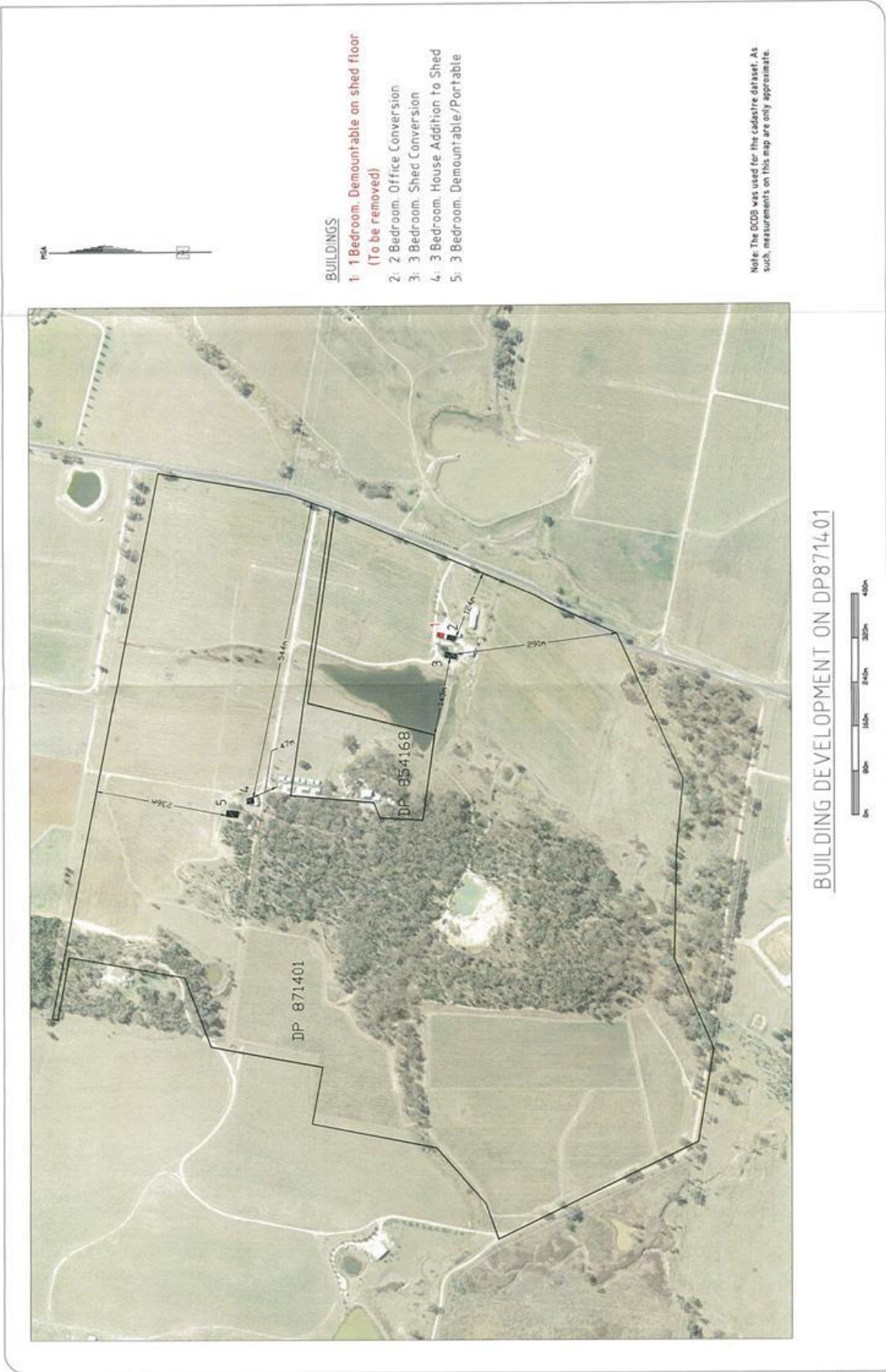
This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.

Legend

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



Printed on Tuesday, 10 June 2014



BUILDINGS

- 1: 1 Bedroom. Demountable on shed floor (To be removed)
- 2: 2 Bedroom. Office Conversion
- 3: 3 Bedroom. Shed Conversion
- 4: 3 Bedroom. House Addition to Shed
- 5: 3 Bedroom. Demountable/Portable

Note: The DCGS was used for the cadastral dataset. As such, measurements on this map are only approximate.

BUILDING DEVELOPMENT ON DP871401



Official Logo: **Official Logo:**

Office Location: 10000 Mudgee Road, Mudgee NSW 2878
Contact Us: T: (08) 9391 2311 F: (08) 9391 2311
 E: info@midwesternregionalcouncil.nsw.gov.au W: www.midwesternregionalcouncil.nsw.gov.au

Client: COUNTRY SOAP & STEEL
Project: 899 HENRY LAWSON DRIVE MUDGEES NSW

Logo: **Logo:**

Design: DC
Check: QA
Designing: AS
Drawing Sheet: A2 - Scale as sheet

Rev Date: Amendments
 1 02/11/2014 BUILDING NUMBER 21040-G101
 2 04/11/2014 BUILDING NUMBER 21040-G101

Drawn: DC
Check: QA
Designing: AS
Drawing Sheet: A2 - Scale as sheet

Sheet of: 21040-G101
Revision: B

Drawing Title: BUILDING DEVELOPMENT

Logo: **Logo:**

Logo: **Logo:**

Logo: **Logo:**

 ROBERT OATLEY

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

Attn: Mr Gary Bruce

17 July 2014

Dear Sir

**S82 Application – Review of Determination of DA0341/2014 – Proposed Change of Use
Use cabins as Tourist & Visitor Accommodation at the Hill of Gold Vineyard, 939 Henry Lawson Drive,
Eurunderee**

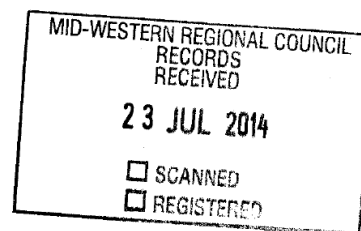
We refer to your letter of 9 July (addressed to Oatley Family Wines Pty Ltd, the previous name of Robert Oatley Vineyards Pty Ltd) advising of the above application for review of the Council's decision of 18 June to reject DA0341/2014 and inviting our comments.

We reiterate our objection to this Development Application on the grounds set out in our letter of 15 May, a copy of which is attached and advise that we fully support Council's decision to reject such Application.

Yours faithfully



Sandy Oatley
Chairman
Robert Oatley Vineyards Pty Ltd



COPY **ROBERT OATLEY**

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

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.

orders@robertoatley.com.au 02 9433 3255 PO Box 220 Artarmon NSW 1570



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.


 ROBERT OATLEY



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 if 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

6.2.2 Monthly Development Applications Processing & Determined

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 6 AUGUST 2014
COUNCIL MEETING

DA applications processing and determined REPORT TO COUNCIL June 2014

GOV400038

RECOMMENDATION

That the report by the Director, Development and Community Services on the 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 June 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

25 July 2014

Attachments: 1. Monthly development applications processing and determined June 2014.

APPROVED FOR SUBMISSION:



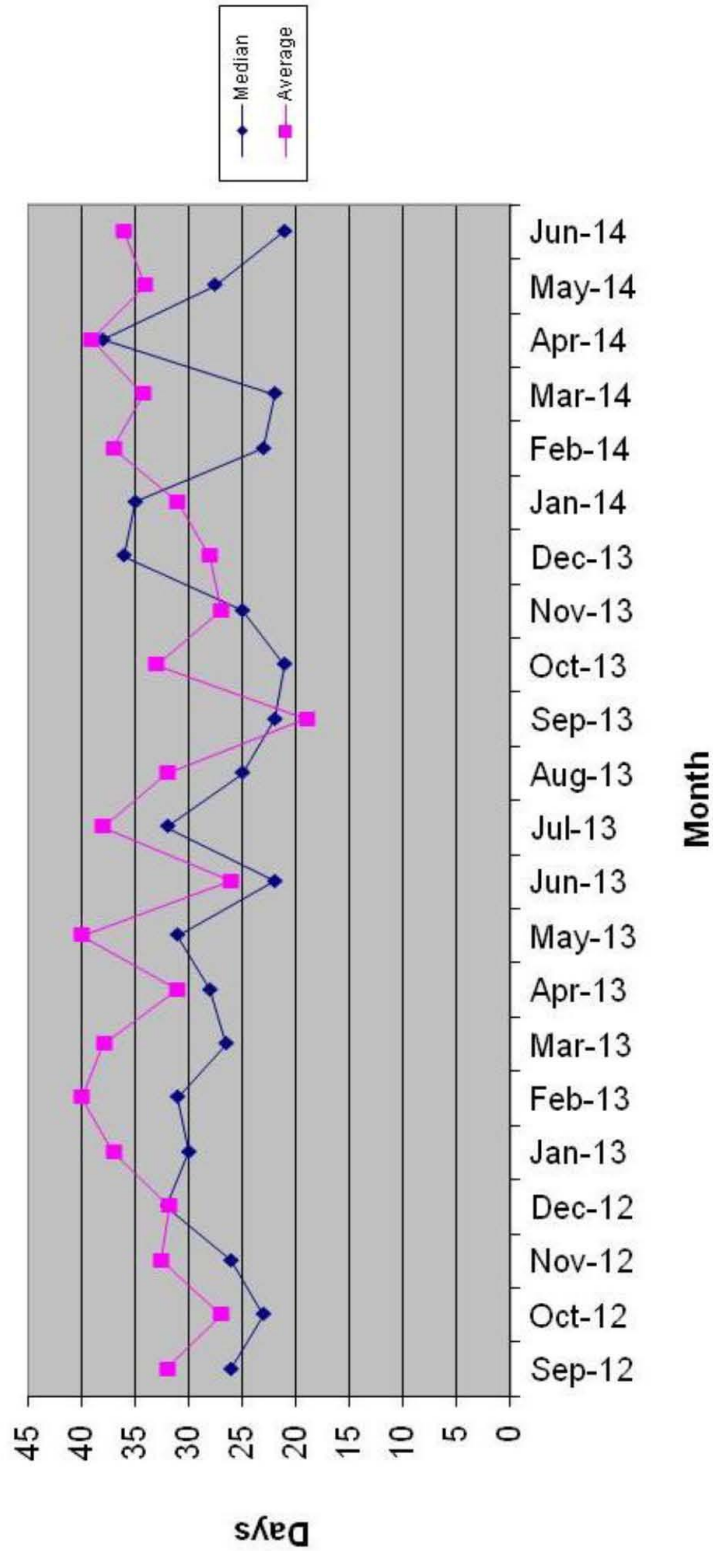
BRAD CAM
GENERAL MANAGER

Monthly Development Application Processing Report – June, 2014

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

Graph 1 indicates the processing times up to 30 June, 2014 with the month of June having an average of 36 days and a median time of 21 days.

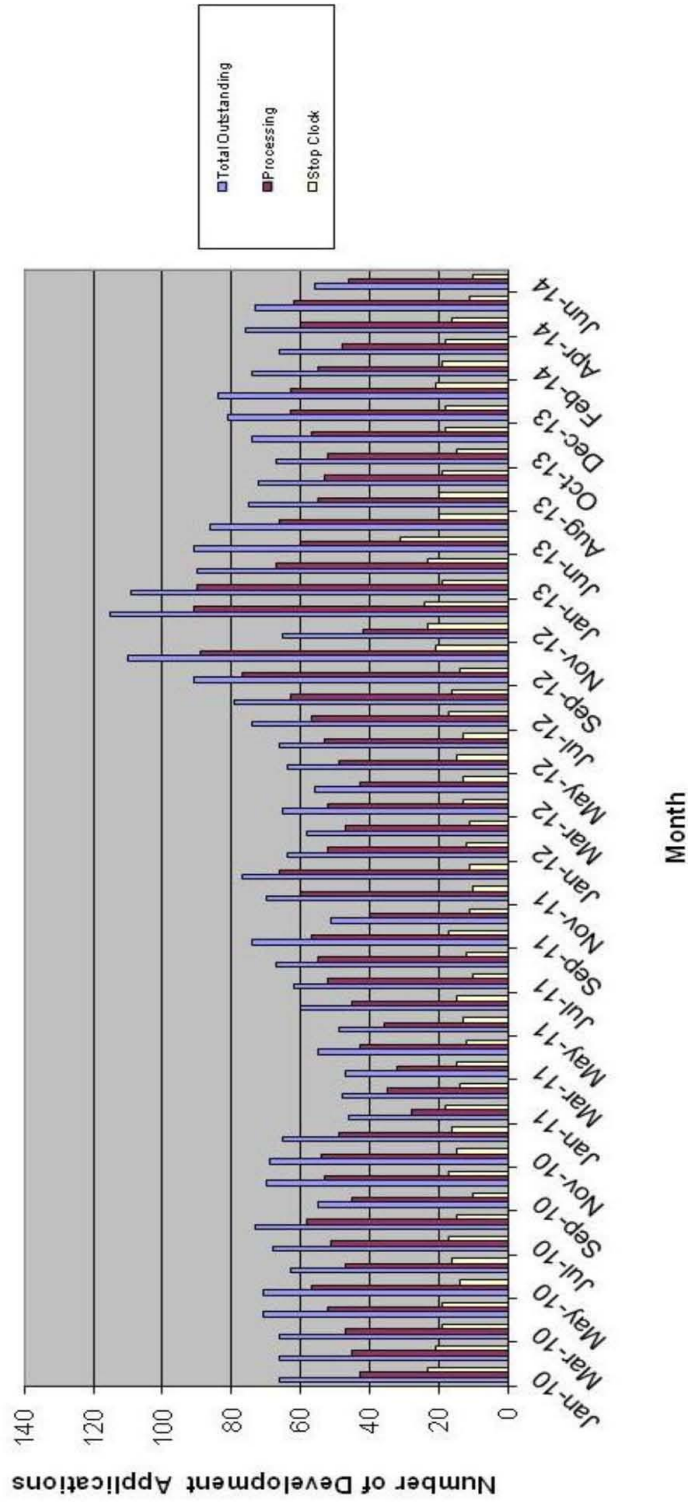
Median and Average Processing Time Development Applications



Monthly Development Application Processing Report – June, 2014

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

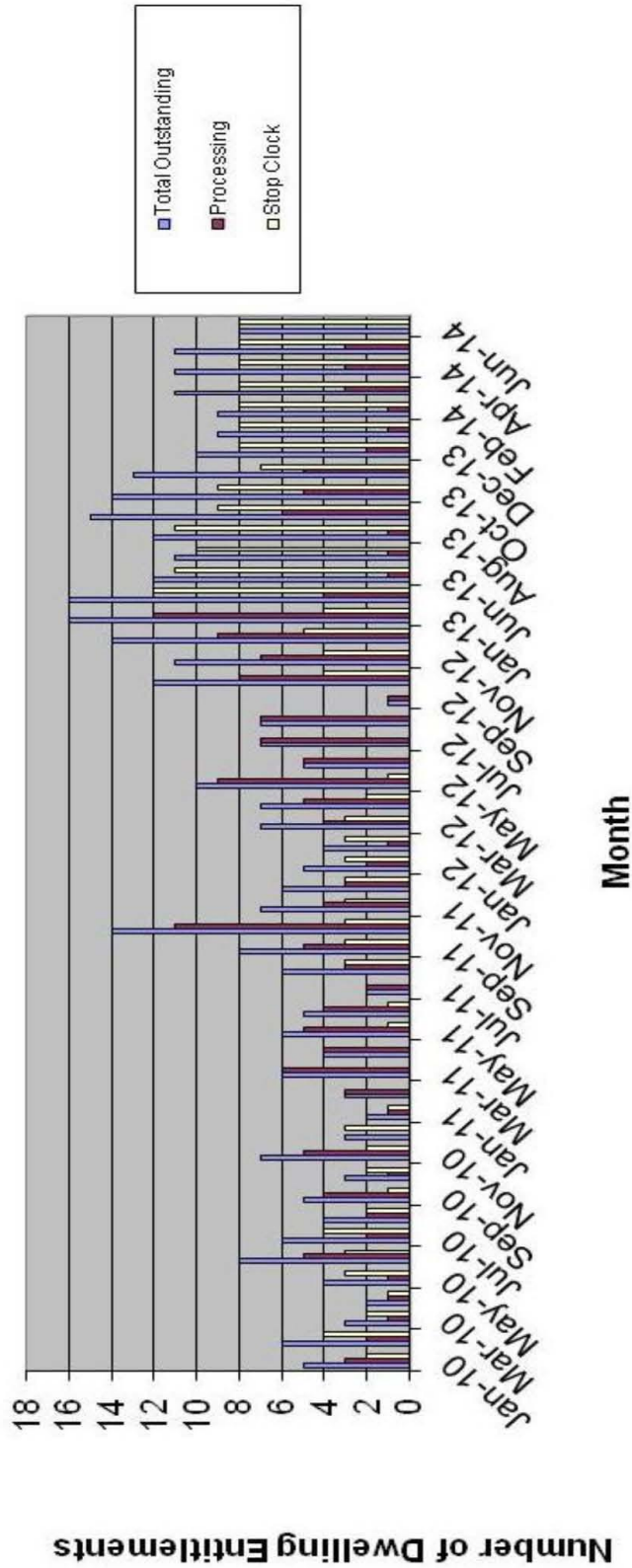
Outstanding Development Applications



Monthly Development Application Processing Report – June, 2014

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

Outstanding Dwelling Entitlements



Monthly Development Application Processing Report – June, 2014

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

Development Applications Determined – June, 2014.

App/Proc ID	Description	House No	Street Name	Locality
DA0213/2014	Subdivision - Torrens Title	265	Broadhead Road	SPRING FLAT
DA0216/2014	Child Care Centre	128	Mortimer Street	MUDGE
DA0221/2014	Dwelling House	83	Campbells Creek Road	WINDEYER
DA0321/2014	Staged Development - Dwelling	434	Meirose Road	MOUNT FROME
DA0330/2014	Staged Development - Dwelling	1664	Bylong Valley Way	KANDOS
DA0335/2014	Dwelling House	839	Bocoble Road	BOCOBLE
DA0336/2014	Carport	52	Lewis Street	MUDGE
DA0342/2014	Change of use to Food Premises	18	Louee Street	RYLSTONE
DA0346/2014	Dwelling House	241	Robertson Road	SPRING FLAT
DA0351/2014	Dwelling House	48	Buchanan Street	KANDOS
DA0353/2014	Demolition	9	Douro Street	MUDGE
DA0354/2014	Dwelling House	19	Lloyd Avenue	KANDOS
DA0356/2014	Dual Occupancy	10	Faucett Drive	MUDGE
DA0360/2014	Shed less than 150m ²	289	Putta Bucca Road	BOMBIRA
DA0361/2014	Shed >150m ²	3	Grevillea Grove	RYLSTONE
DA0362/2014	Carport	67	White Circle	MUDGE
DA0363/2014	Dual Occupancy	20	Rifle Range Road	MUDGE
DA0365/2014	Shed less than 150m ²	18	Short Street	RYLSTONE
DA0366/2014	Recreation Facility	213	Coxs Creek Road	RYLSTONE
DA0368/2014	Dwelling House	486	Cope Road	STUBBO
DA0369/2014	Boundary Adjustment	1019	Lower Plambong Road	PIAMBONG
DA0371/2014	Dwelling House	101	Mahons Road	COOYAL
DA0373/2014	Shed less than 150m ²	29	Stockmans Drive	PUTTA BUCCA
DA0374/2014	Dwelling House	9	Chappell Close	MUDGE
DA0375/2014	Alterations & Additions	1184	Coxs Creek Road	COXS CREEK
DA0377/2014	Garage	75	Ilford Road	KANDOS
DA0379/2014	Pergola	783	Henry Lawson Drive	EURUNDEREE
DA0387/2014	Dwelling House	54	Winter Street	MUDGE
DA0284/2014	Change of use Antique Shop & B&B to Funeral Home	131	Mortimer Street	MUDGE
	Change of use - Use 5 Cabins as Tourist and Visitor			
DA0341/2014	Accommodation	939	Henry Lawson Drive	EURUNDEREE
DA0239/2014	Subdivision - Torrens Title	1872	Castlereagh Highway	CUDGEONG
DA0333/2014	Change of use	24	Abernethy Close	MUDGE
DA0300/2014	Commercial Premises	5	Tindale Street	RYLSTONE
DA0311/2014	Subdivision - Torrens Title	52	Boronia Road	RYLSTONE
DA0323/2014	Change of use	38	Scotts Lane	GULGONG
DA0350/2014	Pergola	24	White Circle	MUDGE

Monthly Development Application Processing Report – June, 2014

Development Applications currently being processed – June, 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
DA0398/2014	AltAdd	25	Callaghan Street	CLANDULLA
DA0389/2014	AnimalEst	25A	Robert Hoddle Groce	BOMBIRA
DA0349/2014	Carport	177	Mayne Street	GULGONG
DA0384/2014	Carport	202	Market Street	MUDGE
DA0393/2014	Carport	191-193	Gladstone Street	MUDGE
DA0217/2014	ChangeUse - Temporary Dwelling to Dual Occupancy	1509	Hill End Road	GRATTAI
DA0278/2014	ChangeUse - Shed to Dwelling	2012	Aarons Pass Road	AARONS PASS
DA0367/2014	ChangeUse - shed to dwelling	73	Bellevue Road	MUDGE
DA0014/2014	CommAltAdd	61-65	Ilford Road	KANDOS
DA0331/2014	Demolition	34	Goolima Road	GULGONG
DA0013/2015	DualOcc	1	Nashes Flat Place	MUDGE
DA0383/2014	DualOcc	12	Rifle Range Road	MUDGE
DA0388/2014	DualOcc	38	Barjo Paterson Avenue	MUDGE
DA0011/2015	DwellAtch	1123	Botobolar Road	BOTOBOLAR
DA0003/2015	Dwelling	50	Wilson Road	WINDEYER
DA0010/2015	Dwelling	1123	Botobolar Road	BOTOBOLAR
DA0145/2014	Dwelling	480	Ridge Road	COOKS GAP
DA0214/2011	Dwelling	663	Castlereagh Highway	BURRUNDULLA
DA0327/2014	Dwelling	285	Botobolar Road	BOTOBOLAR
DA0378/2014	Dwelling	9	Doug Gudgeon Drive	MUDGE
DA0394/2014	Dwelling	3	Killens Road	BUDDEN
DA0395/2014	Dwelling	54	Dolomite Road	MOUNT KNOWLES
DA0468/2013	Dwelling	12	Miller Crescent	MUDGE
DA0001/2015	Earthworks	434	Melrose Road	MOUNT FROME
DA0277/2014	EducEst	269	Ulan Road	BOMBIRA
DA0012/2015	Shed	53	Pitts Lane	PUTTA BUCCA
DA0327/2011	Shed	23	Horatio Street	MUDGE
DA0382/2014	Shed	150	Edgell Lane	BUCKAROO
DA0002/2015	ShedResid	34	Broadhead Road	MUDGE
DA0007/2015	ShedResid	84	Carwell Street	RYLSTONE
DA0008/2015	ShedResid	7	Spring Road	MUDGE
DA0174/2012	ShedSmall	1	Rayner Street	MUDGE
DA0315/2014	ShedSmall	2	Robert Jones Street	MUDGE
DA0397/2014	ShedSmall	6	Scenic Close	MUDGE
DA0399/2014	ShedSmall	17	Nashes Flat Place	MUDGE
DA0267/2014	Sign	33	Sydney Road	MUDGE
DA0171/2014	SubTorrents	56-66	Henry Bayly Drive	MUDGE

Monthly Development Application Processing Report – June, 2014

App/Proc ID	Description	House No	Street Name	Locality
DA0178/2014	SubTorrrens	7291	Castlereagh Highway	ILFORD
DA0448/2013	SubTorrrens	61-65	Bellevue Road	MUDGE
DA0308/2012	SubTorrrens	433	Ulan Road	EURUNDEREE
DA0310/2014	SubTorrrens	243	Castlereagh Highway	BURRUNDULLA
DA0359/2014	SubTorrrens	132	Old Grattai Road	ERUDGERE
DA0372/2014	SubTorrrens	139	Robertson Street	MUDGE

Monthly Development Application Processing Report – June, 2014

Heritage Development Applications currently being processed – June, 2014.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	AltAdd	87	Short Street	MUDGE
DA0049/2014	ChangeUse - dwelling and alterations	140-142	Mayne Street	GULGONG
DA0234/2014	ChangeUse - Carport to Extension of Fitness Centre	96	Mortimer Street	MUDGE
DA0380/2014	ChangeUse - Retail to Office & Signage	79	Church Street	MUDGE
DA0004/2015	DwellMulti	26	Cox Street	RYLSTONE
DA0005/2015	Motel	142	Church Street	MUDGE
DA0009/2015	ScreenEnc	122	Medley Street	GULGONG
DA0006/2015	SignBusID	77	Medley Street	GULGONG
DA0324/2014	SubTorrens	90	Horatio Street	MUDGE
DA0199/2014	SwimPool	67	Lewis Street	MUDGE

6.2.3 Financial Assistance Policy

REPORT BY THE DIRECTOR, FINANCE & ADMINISTRATION TO 6 AUGUST 2014 COUNCIL MEETING

Financial Assistance Policy

GOV400038, A0140201

RECOMMENDATION

That:

1. **the report by the Director, Finance & Administration on the Financial Assistance Policy be received;**
 2. **Council adopt the Financial Assistance Policy.**
-

Executive summary

Based on a resolution of Council from Wednesday 18 June 2014 a change to the Financial Assistance Policy was required to ensure that all future financial assistance provided by Council was provided in accordance with the adopted resolution. The revised Financial Assistance Policy has been amended to reflect both the resolution and legislative requirements.

Detailed report

Section 356 of the Local Government Act 1993 provides Council with the authority to financially assist others. This section also places limitations on how such financial assistance may be provided.

For the purposes of the Mid-Western Regional Council and consistent with the intentions of the *Local Government Act 1993*, financial assistance is defined as “payments given to individuals or organisations which are not commensurate with a reciprocal benefit received by Council”.

This means that any donations, grants, reduction in fees and charges, contributions, in-kind support or subsidies that are provided by Council are considered the provision of financial assistance. Further, any such assistance must be for the purpose of Council exercising its functions.

As the act (section 377 of the *Local Government Act 1993*) explicitly prohibits the delegation of financial assistance to the General Manager or any member of staff, the decision as to whether to provide financial assistance rests with Council alone.

In offering some guidance on the issue, the Office of Local Government has previously issued advice encouraging Council's to achieve greater transparency and accountability by developing a policy on the granting of financial assistance to others. The advice included issues that should be addressed in any policy and supporting guidelines. Mid-Western Regional Council has most recently adopted such a policy in July 2012.

The resolution from 18 June 2014 that prompted the revision of the policy, eliminated the discretionary funds previously available to Councillors and required all financial assistance applications to demonstrate a direct linkage to the Towards 2030 Community Plan.

Further to those changes, on commencing the review of Council's Financial Assistance Policy, it became evident that the existing policy contained elements that were no longer considered compliant with the *Local Government Act 1993*.

As such a thorough review of the policy was conducted which included a benchmarking activity to ensure that Council's policy was both relatively consistent with other New South Wales Local Government financial assistance policies and compliant with legislative and regulatory requirements.

The result of which is a document that is an overarching policy concerning how council may provide financial assistance to our community. The Office of Local Government has also been consulted in the development of the policy to ensure that the intent of the legislation is adhered to.

This overarching policy provides the framework from which financial assistance programmes can be developed and administered. Council's existing financial assistance programmes currently include:

- Financial Support Programme
- Events Assistance Programme
- Local Heritage Fund
- Sustainable Communities Grants Initiative

Each of these programmes is supported by administrative procedures or guidelines. These guidelines are separate documents that provide specifics on how requests for financial assistance are to be administered and assessed by Council. Such documents will include information on how the wider community can participate in these programmes and include, application processes, assessment criteria, timing of assistance, the purpose of the programmes, eligibility criteria, amongst other related information. Each programme must adhere to the minimum requirements set out in the Financial Assistance Policy.

As there is no requirement for an exhibition or consultation of the Financial Assistance Policy, on adoption by Council the policy will come into effect immediately. As the policy is different to the prior policy approach and to assist with the policy implementation, Officers, will over the next twelve (12) months provide assistance to applicants for financial assistance. This assistance will include assisting with the submission of requests to ensure that all policy requirements are adhered to prior to submitting financial assistance requests to Council for consideration.

Financial and Operational Plan implications

There are no immediate financial implications and all future financial assistance programmes must be included within Council's Operational Plan and relate to the functions of Council.

There already existing references to financial assistance programmes within the current Operational Plan.

Community Plan implications

The implications for the Community Plan are concerning the alignment requirement of all future financial assistance programmes with elements of the Towards 2030 Community Plan.



BRETT EXELBY
DIRECTOR, FINANCE AND ADMINISTRATION


24 July 2014

Attachments: 1. Financial Assistance policy

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

	POLICY	ADOPTED C/M Minute No.
	Financial Assistance	REV: 3 FILE No. A0140201

OBJECTIVE

Council has a number of programmes for providing financial assistance to groups and individuals in the Mid-Western community. The objective of this policy is to provide financial assistance in a consistent, equitable and transparent manner that meets the legislative requirements of Section 356 and Section 377 of the *Local Government Act 1993*.

SCOPE

This policy applies to requests received by Council, for financial assistance via donations, grants, subsidies or in-kind support. The policy is created to facilitate Council's functions subject to Section 356 of the *Local Government Act 1993*.

Specific Financial Assistance Programmes covered by this policy include:

- Financial Support Programme
- Events Assistance Programme
- Local Heritage Fund
- Sustainable Communities Grants Initiative

LEGISLATIVE REQUIREMENTS

Legislation governing the provision of financial assistance by Councils is outlined in Section 356 and Section 377 of the *Local Government Act 1993*.

RELATED POLICIES

- Sponsorship Acknowledgement Policy
- Conflict of Interest Policy

POLICY STATEMENT

Council receives many requests for financial and in-kind support from individuals and community organisations. This policy enables Council to determine an equitable and effective basis for the provision of financial assistance to meet the special needs of the community in line with Section 356 of the *Local Government Act 1993*.

In providing grants, donations, subsidies and in-kind support Council demonstrates its commitment to community capacity building and its support for appropriate services to the Mid-Western community.

DEFINITIONS

1. Community Grant

A community grant is a financial award given to a community organisation to develop a project or assist in the provision of a service or activity. A grant is given with conditions about its administration and with requirements regarding reporting the acquittal of the grant.

2. Donation

A donation is a one-off monetary contribution made by Council without consideration or conditions other than the donation must be used in accordance with Council's objectives and have a demonstrated benefit to the community.

3. Subsidy

A subsidy is a financial contribution provided to offset the operating costs of a community organisation over a period of time. Subsidies are provided to organisations to enable Council to fulfil its community service obligations such as aged care providers, disability service providers, sporting organisations, etc.

4. In-kind Support

An in-kind contribution (gift in kind) is the provision of assistance in lieu of providing a monetary contribution to support the programmes or daily operations of a community organisation. Such contributions include products, supplies and equipment, the use of corporate services or facilities and professional services or expertise. The monetary value of in-kind contributions are calculated as the actual costs of the products, services and/or salaries/wages plus statutory on-costs.

5. Financial assistance

For the purposes of this policy 'financial assistance' is defined as:

Payments given to individuals or organisations which are not commensurate with a reciprocal benefit received by Council.

It should be noted the following examples are not considered financial assistance and are therefore outside this policy:

- a) Payments made in exchange for the provision of a service which Council may otherwise provide itself.
- b) Statutory contributions such as SES, Rural Fire Service and NSW Fire Brigades;

Under this policy, a recipient who acts for private gain is any recipient other than a not-for-profit organisation.

POLICY

- 1 Under this policy, recipients may include not-for-profit individuals and organisations as well as those who act for private gain. The approval and reporting process is determined by the status of the recipient.
- 2 Applications will be considered on their merits, taking into account this policy, the guidelines established for each programme, the circumstances of each case, the availability of funds in Council's budget, and the relevant provisions of the *Local Government Act 1993*, as amended.
- 3 Council will monitor all funded projects to ensure the benefit to the community is realised and worthwhile.
- 4 Council will set aside funds each year within the Operational Plan as part of its commitment to financial assistance programmes.
- 5 Requests for assistance with payment for insurance coverage, will not be considered.
- 6 The Director Finance & Administration will be responsible for the completion of Council's annual report schedule in relation to Financial Assistance programmes. A quarterly report as to the status of each programme will also be provided to Council.
- 7 All applications for funding are to be in the prescribed form as determined by the requirements of each financial assistance programme. The minimum requirements for any request or application for financial assistance must include:
 - a) name of organisation or person seeking funding
 - b) address
 - c) contact person (including telephone, fax and email)
 - d) purpose of funding
 - e) amount of funding required
 - f) benefits to the community arising from the funding
 - g) a declaration attesting the information provided
 - h) acknowledgement of the requirement to report to Council on the outcomes of the funding
- 8 Council will be provided with a report for consideration at the second meeting in each month that includes all requests for financial assistance received during the period.
- 9 The report to Council is to include a statement relating to how the request aligns with or relates to the Towards 2030 Community Plan
- 10 Council will assess all future applications for funding against established criteria and the relationship with the Towards 2030 Community Plan.
- 11 Applicants should be aware that copies of applications for financial assistance may be included in a report to Council which will be published in the Council Business Paper and will be publicly available as well as being published on Council's website.

6.2.4 Financial Support Programme Applications

REPORT BY THE FINANCIAL ACCOUNTANT TO 6 AUGUST 2014 COUNCIL MEETING

Financial Support Programme

GOV400038, A0140201

RECOMMENDATION

That:

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

Mudgee Historical Society	\$3,000
Rylstone Kandos Preschool	\$1,000
Mudgee Show Society	\$3,000
Mudgee Shorts 2014	\$1,264
Kandos Rylstone Community Radio Inc (Community Capers)	\$10,000
Gulgong Heritage Festival Committee	\$2,500
Mudgee Fine Foods Inc	\$3,900
St John's Union Church Running Stream	\$800
Gulgong High School	\$100
Rotary Club of Mudgee Sunrise	\$5,000
Mudgee Baptist Church	\$1,000
Mudgee PCYC	\$2,188
The Henry Lawson Society of NSW Inc	\$1,536
3. Council provide financial support to the following events that has been approved in the operational plan:

Seniors Week	\$5,000
Gulgong Show	\$3,000
4. Council decline the financial assistance application from Jo and Nico Loane (on behalf of Mudgee Hockey tour of Samoa 2014);
5. Council decline the financial assistance application from Kandos Returned Services Community Club Ltd.

Executive summary

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

Detailed report

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

Council has approved two applications for financial assistance for events as a part of the Operational Plan for 2014/15 and these are for:

1.	Seniors Week	\$5,000
2.	Gulgong Show	\$3,000

Excerpts from all other applications for financial assistance along with staff comments on the applications are provided below for information.

MUDGEE HISTORICAL SOCIETY

Mudgee Historical Society Inc. is requesting financial assistance for the on-going maintenance of the museum and grounds and the functions performed by the Society at the Colonial Inn Museum. The requested funding is \$3,000 and for the refund of the general rates. As the organisation and museum site is exempt from general rates we recommend Council grant an amount of \$3,000 only which falls in line with past donations.

Link to Community Plan: *Strategy 1.2.1. Respect and enhance the historic character of our Region and heritage value of our towns*

RYLSTONE KANDOS PRESCHOOL

Rylstone Kandos Preschool is a non-profit organisation and is seeking financial assistance for the running expenses of the Preschool to the value of \$3980. As in previous years, it is recommended that the amount of \$1,000 be approved.

Link to Community Plan: *Strategy 1.1.1. Maintain the provision of high quality, accessible community services that meet the needs of our community.*

MUDGEE SHOW SOCIETY

The Mudgee Show Society is requesting that Council sponsor their 2015 annual show to the value of \$3,000. In the past Council has donated the amount of \$3,000 and the recommendation is that Council provide financial assistance to this event for the same amount for this financial year.

Link to Community Plan: *Strategy 3.2.1. Promote the Region as a great place to live, work, invest & visit.*

MUDGEE SHORTS 2014

Last year the Council donated 2 adult movie tickets to the *Short + Sweet* play festival, this year the name has changed to *Mudgee Shorts* but the festival is returning. The request is for financial assistance by way of waiving or writing off of fees for the theatre hire for the workshops to held at the Town Hall Theatre over weekends between June and October. In addition the request is also seeking that Council waive or write off the cost of movie tickets as a prize for the youth component of the festival. We recommend the amount of \$1,236.00 be approved for workshop venue hire of Town Hall and \$28 for the cost of 2 adult movie tickets.

Link to Community Plan: *Strategy 1.4.2. Support arts and cultural development across the Region.*

KANDOS RYLSTONE COMMUNITY RADIO INC (COMMUNITY CAPERS)

Kandos Rylstone Community Radio Inc is seeking continued support of The Community Capers local information letter. The agreed amount in the past has been to the amount of \$10,000 and it is recommended that the same amount be provided this financial year. Note that this is the last year of an agreement between Community Capers and Council for this level of support.

Link to Community Plan: *Strategy 1.1.1. Maintain the provision of high quality, accessible community services that meet the needs of our community.*

GULGONG HERITAGE FESTIVAL COMMITTEE

The Henry Lawson Heritage Festival Committee has applied for financial assistance to assist with the financing of Gulgong's largest event to be held over the June long weekend 2015. The Committee would like to apply for \$2,500 to help cover publicity costs for the event and it is recommended that this amount be approved

Link to Community Plan: *Strategy 3.2.1. Promote the Region as a great place to live, work, invest & visit.*

MUDGEE FINE FOODS INC

Mudgee Fine Foods Inc is requesting a grant in the amount of \$3,900 for their "Expo and Related Workshops" project. The vision and mission of Mudgee Fine Foods Inc is to help promote the food industry and culinary delights of Mudgee and the surrounding areas whom are committed to regional produce, their members and customers. The project is to allow them to establish a forum for the connection between a diverse and locally focused food economy. It is recommended that Council donate the amount of \$3,900.

Link to Community Plan: *Strategy 3.2.1. Promote the Region as a great place to live, work, invest & visit.*

ST JOHN'S UNION CHURCH RUNNING STREAM

St John's Union Church is applying for a grant of \$800. It is mentioned that this is to assist with costs relating towards insurance however as St John's Church is not affiliated with or owned by any particular denomination it is recommended that the requested amount of \$800 be approved on this occasion which will go towards maintaining the Church including the upkeep of the grounds and building.

Link to Community Plan: *Strategy 1.1.1. Maintain the provision of high quality, accessible community services that meet the needs of our community.*

GULGONG HIGH SCHOOL

Gulgong High School is conducting its annual Presentation Day on Friday 12th December 2014. They are requesting a donation towards this day and the donation will go directly towards scholarships and rewards for students in recognition of their efforts academically, school spirit and involvement in the larger Gulgong community. It is recommended that Council approve the amount of \$100.

Link to Community Plan: There is no clear linkage to a community plan strategy, however the financial assistance policy does allow for prize giving of up to \$100.

ROTARY CLUB OF MUDGEE SUNRISE

The Rotary Club of Mudgee Sunrise is seeking Councils support for the annual Carols community event. Although there is no request for a specific amount in the past financial assistance of \$5,000 has been provided to this event and it is recommended that Council provide again provide \$5,000.

Link to Community Plan: *Strategy 3.2.1. Promote the Region as a great place to live, work, invest & visit.*

MUDGEE BAPTIST CHURCH

Each year, Mudgee Baptist Church offers a holiday club for children in order to provide quality vacation care and support local working families. They are requesting \$1,000 in what would help them to continue to offer these places, maintain the concessionary rates and keep up the high standard of care. The recommendation is to grant the amount requested.

Link to Community Plan: *Strategy 1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community.*

MUDGEE PCYC

Mudgee PCYC in conjunction with Mudgee Toyota and National Driver Education are looking to run the program "Dare to Be Aware" in 2014. The dates of the program will be 19th, 20th & 21st September however depending on availability of the airport they would only need two of the proposed dates. Due to their being no monetary gain to Mudgee PCYC they are requesting financial assistance to waive the airport fees for the two days. We recommend that Council waive the airport fees at a total cost of \$2,188.

Link to Community Plan: *Strategy 1.1.4. Work with key partners and the community to reduce crime, anti-social behaviours and improve community safety.*

THE HENRY LAWSON SOCIETY OF NSW INC

The Henry Lawson Society is seeking reimbursement of \$1,536.46 for their receipt of rates for 2014/15. As in previous years, the money reimbursed would be used to pay for some of the awards, advertising and entry pamphlets for their Henry Lawson Literary Awards. We recommend that Council reimburse the Henry Lawson Society of NSW Inc. the amount of \$1,536.46.

Link to Community Plan: *Strategy 1.4.2. Support arts and cultural development across the Region.*

JO AND NICO LOANE (ON BEHALF OF MUDGEES HOCKEY TOUR OF SAMOA 2014)

This application is a sponsorship request for a hockey tour to Samoa. As this application does not demonstrate a direct link to the community plan nor align with the purpose of the Financial Assistance Policy the recommendation is to decline financial assistance.

KANDOS RETURNED SERVICES COMMUNITY CLUB LTD

The Kandos Returned Services Community Club is in the process of planning an open talent quest and are requesting a donation towards the overall running costs. As this application does not demonstrate a direct link to the community plan nor align with the purpose of the Financial Assistance Policy the recommendation is to decline financial assistance.

Financial and Operational Plan implications

Funding of \$157,000 is provided in the Operational Plan for Financial Assistance. \$18,220 has been allocated to date, as listed in the below table, leaving a balance of \$138,780:

Council Resolution no.219/14	Western Academy of Sport	\$1,220.00
	Mudgee Chamber of Commerce	\$10,000.00
	Lifeskills Plus Inc	\$7,000.00

Should Council approve the donations in accordance with the recommendation, a balance of \$95,492 will remain.

Community Plan implications

Council's Financial Assistance Policy applies.

NEIL BUNGATE
FINANCIAL ACCOUNTANT


BRETT EXELBY
DIRECTOR, FINANCE AND ADMINISTRATION

25 July 2014

Attachments: 1. Applications for financial assistance (included at the end of the business paper)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.5 Rylstone Access Committee

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 6 AUGUST 2014 COUNCIL MEETING

Rylstone Access Committee Minutes 17 06 2014

GOV400038, A0060129

RECOMMENDATION

That:

1. **the report by the Manager, Community Services on the Rylstone Access Committee be received;**
2. **Council note the minutes of the Rylstone & Kandos Access Committee meeting of 17 June 2014.**

Executive summary

The Rylstone and Kandos Access Committee meets to highlight and promote accessible issues in the Rylstone and Kandos region.

Detailed report

At their June meeting, the Rylstone Access Committee (RAC) moved a motion to:

- *'RAC congratulate council has accepted the recommendation of the repair of Rylstone and Kandos cycleway.*
- *RAC would further recommend that any future reconstruction of Lue road that the shoulders been built up as these used increasingly by cyclists. This would work well with the stronger local focus on cycle events and would assist in improving safety to both rider and motorist. It also could be part of tourism cycling promotion.'*

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

KATE POWER
MANAGER, COMMUNITY SERVICES

24 July 2014

Attachments: 1. RAC Minutes 17 06 2014

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

RYLSTONE & KANDOS ACCESS COMMITTEE

MINUTES

Tuesday 17 June at 10.30 am
Council Chambers – Rylstone Office

- 1) **WELCOME and PRESENT;** S Tunnicliff, E Martens, J Mackin, J Monaghan,

S Tunnicliff welcomed everyone to the meeting and called for apologies

Staff V Handmer

- 2) **APOLOGIES:** K Morrissey, N Fraser,

- 3) **MOTION OF ACCEPTANCE OF APOLOGIES**

Put; J Monaghan

Seconded; J Mackin

Carried

- 4) **MOTION OF ACCEPTANCE OF MINUTES OF THE LAST MEETING (DEC). No quorum at the February meeting so no minutes (there are notes).**

Put; J Mackin

Seconded: S Tunnicliff

Carried

- 5) **CORRESPONDENCE**

In;

DA parking place at KRSCC

VH spoken to S Mullinger; S Tunnicliff spoke to Adrian Moore from council who said the footpath beside the bowling green needs to be repaired and then the parking space will go in on Jacques Street. Need to follow up.

Tracey Kane; flood light. The light has been put in a different position than discussed and while it lights up some of the area it does not light up the area under the trees which is where people using the hall park.

Out; nil

- 6) **MATTERS ARISING FROM PREVIOUS MEETING**

- 6.1 **Lighting outside Rylstone hall; works request lodged BL0128/2014;** A council electrician George has suggested a spot light attached to the Louee Street corner; this would hook into the existing wiring. NO news; the light has been put in above the side door that lights up to the trees but doesn't penetrate under them where the ground is uneven. Not sure if this predates the request.
- 6.2 Slow down and raised surfaces on approach to Rylstone Hospital; Daryl Colwell; no news but the approaching hospital sign has been erected. Now Completed
- 6.3 Bicycle track damage; upgrade to be put into pathways strategy to bring the standard up to that of around Mudgee.
- 6.4 Action; E Martens; took this up to estimate meeting and at this stage extra funding to repair is still in the budget.

Motion; RAC congratulate council has accepted the recommendation of the repair of Rylstone and Kandos cycleway.

RAC would further recommend that any future reconstruction of Lue road that the shoulders been built up as these used increasingly by cyclists. This would work well with the stronger local focus on cycle events and would assist in improving safety to both rider and motorist. It also could be part of tourism cycling promotion.

Put J Makin

seconded J Monaghan

Carried

6.5 Charbon footbridge still in walkways program including pedestrian footbridge. Discussion re this; concern about how long it is taking.

6.6 Charbon cycleway waiting for authority to use railway land.

6.7 Cutting through the island across from IGA would help people.

Motion; RAC still want it considered that that median strip at Angus Ave in front of IGA an access way be provided for pedestrians and trolleys. It has been noted that Kandos and Rylstone has an aging population and these issues will be greater as time goes by.

RAC notes that there is still no DA parking in front of IGA but this work is listed as completed.

Put J Monaghan Seconded J Mackin

7 GENERAL BUSINESS

7.1 resurfacing of cycleway/walking track

7.2 invitation to the new GM to attending the RAC August meeting Action; VH

ACTION LIST

Lighting at Rylstone Hall Cudgegong Street side;	Works request; BL0128/2014 completed but not in the recommended place
Approaching hospital and Slow down signs at HealthOne	The General Manager and Tim O'Reilly will look into this further. Approaching hospital signs have been erected. Completed.
Charbon Footbridge	Waiting for CRN and John Holland for approval
Bike track repair work request	The General Manager agreed to look into this request
Trolley ramp through median strip on Angus Ave	Action; T O'Reilly will ask B Cam and get back to RAC
Trolley Bay at IGA	No DA on record; back to IGA completed
DA parking places in front of new chemist and in front of IGA approved	completed
DA parking at KRSCC	RAC to write to council and request parking space action VH. No reply as yet
Pinnacle Swamp Avenue of trees to local men who had died in all wars and prunus trees along Mudgee St need replanting	Letter to council about putting this area on the Parks Register; to replace trees and put in a plaque; S Tunnicliff to let VH know what is there before she writes. Only 3 trees standing; need to find more info via old newspapers. ST to bring a copy of a newspaper article from the 1930s about it.
Layback at northern entrance to Rylstone request	Rotary would provide picnic table and shelter G Jose; to action
Removal of old town entrance signage	Works request to be done?
Bigger better signage for Dunns Swamp	Letter to National Parks?
Rylstone/Kandos on the bank of signs as you come into Mudgee (RTA?)	Letter to RTA?
Rylstone Disability pedestrian Hook to be looked at	Action T O'Reilly ACTION check this VH

**There being no more business; meeting closed 11.40am
Date of next meeting; 19 August 2014**

6.2.6 Mudgee Saleyards Management Committee

REPORT BY THE ACTING DIRECTOR, MID-WESTERN OPERATIONS TO 6 AUGUST 2014 COUNCIL MEETING

Saleyards Management Committee Council Report 6 Aug 2014
GOV400038, F0720036

RECOMMENDATION

That:

1. **the report by the Acting Director, Mid-Western Operations on the Mudgee Saleyards Management Committee be received;**
2. **that the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 17 July 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 17 July 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.



DARYL COLWELL
ACTING DIRECTOR, MID-WESTERN OPERATIONS

24 July 2014

Attachments: 1. Minutes of Mudgee Saleyards Management Committee ordinary bi-monthly meeting 17 July 2014

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER



PO BOX 156
MUDGEES NSW 2850

86 Market Street MUDGEES
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 MUDGEES REGIONAL SALEYARDS COMMITTEE MEETING HELD ON 17 JULY 2014 COMMENCING AT 9AM AND CONCLUDING AT 9.35AM

Present: Terry McDonald (Chair), Brad Cam (Council), Daryl Colwell (Council),
Jason Pearce, John Little, Bob Kearins, Barry Clapham, Adam MacDougall

Observer: Nareeda Endacott (Minute Secretary)

1. APOLOGIES

Cr John Weatherly, Cr John Webb

Moved: Jason Pearce 2nd Adam MacDougall

2. MINUTES OF PREVIOUS MEETING

Recommendation:

That the minutes of the meeting held on 8th May 2014 be accepted.

Moved: Bob Kearins 2nd Jason Pearce

3. MATTERS ARISING FROM MINUTES OF MEETING

Repairs to Cattle Crush have been completed and Agents are happy with outcome.
Pen numbers are ready to be repainted, agents to instruct at conclusion of meeting where they wish new numbers to be stencilled on pens and to identify issues with Bull pen numbering.

4. GENERAL BUSINESS

Saleyards Statistics – End of Financial year statistics provided to meeting, there has been a good result in terms of budget and in terms of income and expenditure. Cattle numbers and turnover are slightly down.

5. BUSINESS WITHOUT NOTICE

- Terry McDonald advised that there was a suspected dog attack at the Saleyards a fortnight ago. Initial investigations found no leads and no further attacks have occurred since.
- Incident occurred 2 – 3 weeks ago during a sale, a bull charged out of the scanner area at a horse being ridden by a contractor and threw the rider from her horse. Fortunately the rider was not injured and agents have since spoken with her regarding how to avoid this occurrence in the future. Incident was reported by Agents to Joe Best, follow up required to see if incident report has been lodged.
- Toolbox talks are still occurring prior to sales on a weekly basis and public are compliant new gate closure procedure.

Terry McDonald would like to thank Council on behalf of Agents for fixing the busted water pipes at the Saleyards after a large frost damaged the pipes in 15 different places and flooded pens with water in a timely and efficient manner.

Adam MacDougall asked if there was a group email he could send information to that would reach all of the agents. At this stage there is not and the only option is to contact all the agents individually.

MOTION:

Replacement of old Cattle Crush is included in the next financial year budget initiatives.

Moved: Jason Pearce 2nd Adam McDougall

DATE OF NEXT MEETING – 18th September 2014

MEETING CLOSED 9.35 am

6.2.7 Resources for Regions Fund

REPORT BY THE ECONOMIC DEVELOPMENT OFFICER TO 6 AUGUST 2014 COUNCIL MEETING

6.2.7 jr280714 Resources for Regions Fund

GOV400038, A0820020

RECOMMENDATION

That:

1. **the report by the Economic Development Officer on the Resources for Regions Fund be received;**
2. **Council submit expressions of interest to the Resources for Regions Fund the following projects:**

Bylong Valley Way Project (Kandos to Bylong)	\$2.5m
Alternate Hunter Access Road Project (Bylong to Wollar)	\$14.5m
Fairydale and Saleyards Lane Upgrade Project	\$6.7m
Mudgee Water Supply Extension	\$8.5m
Stage 2 Glen Willow Regional Sports Complex	\$5.0m
Gulgong Water & Sewer Upgrades	\$5.0m
Regional Art Gallery	\$4.0m
Red Hill Gulgong	\$0.5m
Mudgee CBD Retail Car Parking	\$1.0m

Detailed report

The NSW Government is inviting Expressions of Interest (EOI) for funding under the Restart NSW Resources for Regions program, with the objective to deliver improved local infrastructure and services to mining affected communities. The EOIs are for Round 3 of the program with total funding of up to \$89 million allocated for projects in eligible communities in 2014-15.

As Council is aware, we have been successful in applying for projects under both the first and second rounds of the Resources of Regions program, with Ulan Road, Cope Road and the Mudgee Airport all receiving funding. The Mid-Western Region has again been assessed as a mining affected community based on the eligibility criteria for this program.

A copy of the Resources for Regions program guidelines and application process is attached. The guidelines call for completed expressions of interest to be lodged by 15 August 2014.

Based on the guidelines provided, the following 9 projects would be suitable to put forward as expressions of interest:

Project	Amount Requested
Bylong Valley Way Project (Kandos to Bylong)	\$2.5m
Alternate Hunter Access Road Project (Bylong to Wollar)	\$14.5m
Fairydale and Saleyards Lane Upgrade Project	\$6.7m
Mudgee Water Supply Extension	\$8.5m
Stage 2 Glen Willow Regional Sports Complex	\$5.0m
Gulgong Water & Sewer Upgrades	\$5.0m
Regional Art Gallery	\$4.0m
Red Hill Gulgong	\$0.5m
Mudgee CBD Retail Car Parking	\$1.0m

Financial and Operational Plan implications

Not applicable at this time.

Community Plan implications

Not applicable at this time.

JULIE ROBERTSON
ECONOMIC DEVELOPMENT OFFICER

25 July 2014

Attachments: 1. Resources for Regions Expression of Interest Guidelines

APPROVED FOR SUBMISSION:

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

BRAD CAM
GENERAL MANAGER



Restart NSW Resources for Regions

Expression of Interest Guidelines
2014-2015



Deputy Premier's Message



Regional communities across NSW make a significant contribution to the economic prosperity of our State. From the agricultural, manufacturing and mining sectors to business, technology and community services, the wealth that is created from regional activity is as broad in its source as is its geographic origin.

The mining sector in particular is a critical industry that delivers enormous economic returns and creates thousands of regional jobs. At the same time that this wealth is created, however, mining activity places additional stress on local infrastructure.

To help address this, the NSW Government has been allocating funding for improved infrastructure in mining affected communities since 2011 under the Resources for Regions program. To date, \$130 million has been reserved and of that, \$128 million has already been allocated to 24 diverse projects including road improvements, water security, airports, a hospital upgrade and a salesyard investment supporting the agricultural industry.

Resources for Regions runs for four years, during which time at least \$217 million will be provided to communities experiencing direct and indirect pressures on their infrastructure and services as a result of mining activity.

In 2014-15, eligibility for funding has been broadened to a greater number of Local Government Areas in response to community and stakeholder feedback and more sophisticated economic assessment methodology. For the first time, Broken Hill, Cessnock and Maitland LGAs will be able to put their hand up for funding along with the existing eligible communities of Cobar, Lithgow, Mid-Western, Muswellbrook, Narrabri, Newcastle, Singleton and Wollongong.

What we are doing

- ✓ Committed \$217 million to Resources for Regions
- ✓ Approved 24 projects for Resources for Regions funding in 8 Local Government Areas
- ✓ Committed a record \$1 billion this financial year to regional NSW

I encourage all potential applicants to read through these Guidelines and give consideration to projects that will improve economic growth and productivity in the State.

Both physical and social infrastructure will be funded and a wide range of organisations are eligible to apply, including local councils, NSW Government agencies, community groups, local businesses and non-government organisations. The focus will be on projects that create or enhance publicly owned assets. Innovative partnerships for the delivery of infrastructure are encouraged.

Through Resources for Regions in 2014-15, we look forward to supporting more worthy projects that will drive investment in priority regional infrastructure, stimulate jobs growth and advance services in the regions.

Andrew Stoner

NSW Deputy Premier

Resources for Regions



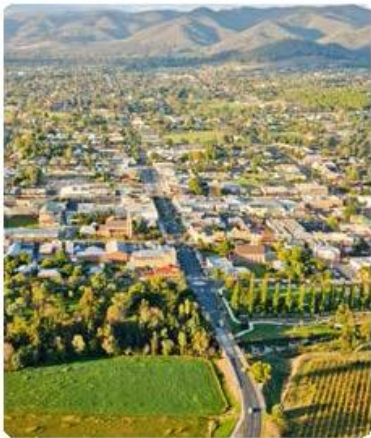
Supporting mining communities

Rebuilding regional NSW

Economic growth and productivity



RESOURCES FOR REGIONS INVESTMENT
\$128m
Invested by the NSW Government in local infrastructure since 2011



RESOURCES FOR REGIONS PROJECT
24 Projects
Since 2012 24 local infrastructure projects have been approved.



NSW NOW Restart NSW Resources for Regions

Expression of Interest Guidelines 2014-15

INVITATION

The NSW Government is inviting Expressions of Interest for funding under the Resources for Regions program.

The objective of the Resources for Regions program, established under the NSW Government's Restart NSW Fund, is to deliver improved local infrastructure and services to mining affected communities.

A total of \$217 million has been committed to mining affected communities through this program over four years from 2011-12 to 2014-15.

\$217m
Committed for local infrastructure

The mining industry makes a significant contribution to the economic prosperity of NSW, particularly in regional areas.

The NSW Government acknowledges that the mining activity that generates this wealth can also place additional stress on local infrastructure and services.

The NSW Government allocated \$10 million to the Resources for Regions program in 2012-13 and \$118 million in the 2013-14.

The NSW Government has now announced funding for 2014-15 for up to \$89 million.

RESTART NSW FUND

The Restart NSW Fund was set up to improve economic growth and productivity in the State and, for that purpose, to fund infrastructure projects that will improve, in the case of the Resources for Regions program, local infrastructure in regional areas affected by mining operations.

To be eligible, projects must be located in the following Local Government Areas:

- Broken Hill
- Cessnock
- Cobar
- Lithgow
- Maitland
- Mid-Western Regional
- Muswellbrook
- Narrabri
- Newcastle
- Singleton
- Wollongong

WHO MAY APPLY

Project nominations are invited from NSW Government agencies, local councils, community groups, local businesses and non-government organisations.

Project nominations involving partnerships between groups are encouraged; for example, business projects which seek to deliver infrastructure with common user benefits.

Funding will be allocated following an independent assessment process which will include consultation with relevant stakeholders, which may

include local councils, Members of Parliament and Regional Development Australia Committees.

Infrastructure NSW will manage the assessment process.

TYPES OF PROJECTS

The NSW Government recognises that rapid growth places pressure on both physical and social infrastructure in mining affected communities. The Resources for Regions program is therefore open to projects that cater for both economic and social infrastructure.

Economic infrastructure includes roads, rail, and local facilities to improve the movement of freight, airports, public transport, local water and sewerage projects.

Social infrastructure includes schools, hospitals, recreational facilities and childcare services and includes projects that support affordable housing and aboriginal employment and businesses.

All proposals will need to demonstrate how they meet the statutory purpose of the Restart NSW Fund, which is to improve economic growth and productivity in the State.

Given that the funding for Resources for Regions comes from the sale of publicly owned assets, the focus will be on projects that involve the creation or enhancement of publicly owned assets.

APPLICATIONS

Expressions of Interest are now invited for the 2014-15 Resources for Regions program.



The application procedure is a two-step process:

1. Expressions of Interest
2. Detailed Applications

Important milestones include:

- 4 July 2014**
Expressions of Interest open
- 15 August 2014**
Expressions of Interest close
- September 2014**
Announcement of shortlisted projects.
Invitations to submit Detailed Applications issued

Date to be advised 2014
Detailed Applications close

Q1 2015
Announcement of successful projects



Restart NSW Resources for Regions

FREQUENTLY ASKED QUESTIONS

Are NSW Government agencies eligible to apply?

Yes. NSW Government agencies, local councils, community groups, local businesses and non-government organisations are eligible to apply. Projects involving partnerships are encouraged.

Muswellbrook Hospital Stage 1 refurbishment is an example of a successful NSW Government project, in partnership with private funding.

How will projects be assessed?

Projects will be recommended to the NSW Government by Infrastructure NSW, following review by the Regional Independent Assessment Panel. NSW Trade & Investment and NSW Treasury will assist Infrastructure NSW with the application process.

Only Expressions of Interest that comply with the application requirements will be assessed. The projects will be assessed based on the Program Criteria listed below.

Program Criteria:

1. Strategic Assessment

- consistency with the objectives and purpose of the Restart NSW Fund, in this instance, *'infrastructure projects that will improve local infrastructure in regional areas that are affected by mining operations'*.
- alignment with NSW Government priorities, including the strategic infrastructure objectives outlined in the NSW 2021 Plan, the State Infrastructure Strategy, Community Strategic Plans and other regional strategies and policies.
- consistency with the objectives set out in the NSW Government's Response to the 2013 Economic Assessment of Mining Affected Communities.

2. Economic Assessment

- demonstrated capacity to improve economic growth and productivity in the State through the creation or enhancement of publicly owned assets.

3. Affordability

- affordability of the project relative to the available funding, taking into account net life-cycle cost impacts and allowing for on-going operating and maintenance requirements.

4. Deliverability

- demonstrated capacity of the proponent to deliver the project through robust strategies for procurement, project management and risk management.

How can my organisation apply?

Applicants should use the form provided and address all the Program Criteria.

Completed forms and all necessary material must be lodged with Infrastructure NSW by 15 August 2014.

By email: R4R@insw.com

By mail: Infrastructure NSW
Resources for Regions

PO Box R220

Royal Exchange NSW 1225

Infrastructure NSW will be assisted in the administration of the Resources for Regions program by NSW Treasury and NSW Trade & Investment. NSW Trade & Investment regional managers will provide local assistance and manage initial enquiries regarding planned projects.

What is the assessment process?

1. Expressions of Interest

Infrastructure NSW will carry out an initial assessment based on submitted Expressions of Interest with assistance from NSW Treasury and NSW Trade & Investment. NSW Trade & Investment will consult with relevant stakeholders who may include NSW government agencies, local councils, Members of Parliament and Regional Development Australia Committees.

Infrastructure NSW will shortlist those Expressions of Interest that best meet the Program Criteria and invitations to submit a more detailed application will be issued.

2. Detailed Applications

Infrastructure NSW will carry out a detailed evaluation of each shortlisted project, taking into account the original information provided in the Expression of Interest and any new material supporting the case for project funding.

Supporting information required in the second stage will include:

- a business case and economic appraisal for the project, including financial forecasts;
- asset procurement plans that are relevant to the project;

- risk assessment and management strategy;
- project delivery plans; and
- any other supporting documents requested by the Regional Independent Assessment Panel.

Regional Independent Assessment Panel

The Regional Independent Assessment Panel will consider the Expressions of Interest and the Detailed Applications and will make recommendations for shortlisting and for funding to Infrastructure NSW.

Following advice from the Regional Independent Assessment Panel, Infrastructure NSW will make final recommendations to the NSW Government.

Final funding decisions are made by the NSW Government.

How will successful projects be funded?

Funding for successful projects will be provided in accordance with the terms of a Funding Agreement between the Treasurer of NSW and the successful applicant. A copy of the Funding Agreement is available on the Infrastructure NSW web site. Funding is available by way of Progress Payments or Milestone Payments.

Confidentiality and Disclosure

Applicants are advised that any information contained in the Expression of Interest which is considered confidential must be notified to Infrastructure NSW with an explanation. Summary information about the project application, including whether or not the application is successful, will be posted on Infrastructure NSW's web site unless you advise Infrastructure NSW that you do not agree to its publication.

All information provided in the Expressions of Interest and Detailed Applications may be distributed to other government agencies to assist Infrastructure NSW in its evaluation. Except as disclosed, Infrastructure NSW will keep all information confidential and secure.

Any request made under the Government Information (Public Access) Act 2009 for access to an application, including information marked 'confidential', will be determined in accordance with the Act.



Restart NSW Resources for Regions 2014 - 2015

Expression of Interest

PLEASE COMPLETE THIS APPLICATION FORM AND ATTACH RELEVANT DOCUMENTS

Applicant Organisation		ABN
Postal Address		
Contact Person		Position
Telephone No.	Mobile No.	
Email Address		

Description of Project
What is the proposed infrastructure project?
Project Address
Where is the project to be located?
Is the applicant the owner of the land or the manager of the asset?
Project Timeline
(please provide the proposed start and end dates for your project)
Start / / End / /
Estimated total cost of the infrastructure
Funding requested (\$) from Resources for Regions and details of any other proposed funding contributions: (include name, contribution amounts and whether contributors are confirmed or prospective)

PLEASE PROVIDE PROJECT DETAILS RELEVANT TO ASSESSMENT CRITERIA

1 STRATEGIC ASSESSMENT: Consistency with objectives of the Restart NSW Fund Act and the NSW Government's Response to the 2013 Economic Assessment of Mining Affected Communities, alignment with NSW Government priorities (NSW 2012 Plan and State Infrastructure Strategy (www.2021.nsw.gov.au) and the LGA's Community Strategic Plans.	

2 ECONOMIC ASSESSMENT: BENEFITS What is the need? Will the infrastructure project, by relieving a particular stress, repairing a deteriorating asset, or improving a service not keeping up with demand, improve economic growth and productivity in the State? What are the expected economic benefits of the project, i.e. benefit-cost ratio.	

3 AFFORDABILITY: Describe the funding arrangements for this proposal and the applicant's affordability considerations. How will the applicant fund lifecycle costs of operation, maintenance and enhancements of this infrastructure?	

4 PROJECT DELIVERY:

(a) Risk Management

Describe the key project, service and financial risks for this proposal and the risk management approach.

(b) Implementation

Describe the implementation approach, including potential for partnerships, key milestones and estimated timetable.

DECLARATION

I certify that the information provided in and supporting this Expression of Interest is true and correct and that I am authorised to sign this Expression of Interest for and on behalf of the applicant organisation/company.

Signed	<input type="text"/>	Date	<input type="text"/>
Name	<input type="text"/>		
Position	<input type="text"/>		

All Expressions of Interest must be endorsed and signed off by the owner of the land or the asset manager before the project will be considered.

DECLARATION

I certify that the information provided in and supporting this Expression of Interest is true and correct and that I am authorised to sign this Expression of Interest as the owner of the land or asset manager.

Signed	<input type="text"/>	Date	<input type="text"/>
Name	<input type="text"/>		
Description of land or asset	<input type="text"/>		

Expressions of Interest must be lodged with Infrastructure NSW.

By mail: Infrastructure NSW
 Resources for Regions
 PO Box R220
 Royal Exchange NSW 1225

Email: R4R@insw.com

Website: www.insw.com

Expressions of Interest must be submitted by 5pm, 15 August 2014

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