



COUNCIL BUSINESS PAPERS

ORDINARY MEETING

Wednesday 19 November 2014



PO BOX 156
MUDGEE NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850

Fax: (02) 6378 2815

Email: council@midwestern.nsw.gov.au

12 November 2014

Dear Councillor

MEETING NOTICE
Ordinary Meeting
Wednesday, 19 November 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 General Manager 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

AGENDA

Item 1:	Apologies.....	3
Item 2:	Disclosure of Interest.....	3
Item 3:	Confirmation of Minutes.....	3
	3.1 Minutes of Ordinary Meeting held on 5 November 2014	3
Item 4:	Matters in Progress	39
Item 5:	Mayoral Minute.....	40
Item 6:	General Business	41
	6.1 Notices of Motion	41
	6.1.1 Cricket Pitch Practice Net	41
	6.2 Reports	43
	6.2.1 DA0359/2014, Staged Subdivision - Torrens Title - 3 into 9 Lots at Windarra 132 Old Grattai Road, Erudgere	43
	6.2.2 DA0147/2015 – Placement of Ball Mill at Kandos Museum – Lot 9 Sec 1 DP 8161	70
	6.2.3 Monthly statement of investments and bank balances as at 31 October 2014	81
	6.2.4 Annual Report 2014	87
	6.2.5 Financial Assistance applications	94
	6.2.6 Financial Reserves Policy	105
	6.2.7 Write Off of Debts 21/2/2014 to 3/11/2014	114
	6.2.8 Lease to Gulgong Pre-School Inc.	117
	6.2.9 Naming of an unnamed lane off Dabee Road	123
	6.2.10 Evaluation of Expressions of Interest for Design and Construction of the Rylstone Pedestrian Bridge	129
	6.2.11 Water Main Cleaning Services	132
	6.2.12 Proposed reverse auction tender for supply of electricity to contestable sites and street lighting	135
	6.2.13 Red Hill Reserve Working Party	137
Item 7:	Urgent Business Without Notice	141
Item 8:	Confidential Session	
	8.1.1 MA0030/2015 - Proposed Subdivision, Lot 1 DP 1136192, Lots 65, 66 and 67 DP 755434, lot 168 DP 1145165, 96 Bergalin Road Gulgong	
Item 9:	Open Council	

Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 5 November 2014

Council Decision:

That the Minutes of the Ordinary Meeting held on 5 November 2014, Minute Nos 474/14 to 497/14 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are attached overleaf.

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 5 November 2014, commencing at 6.37pm and concluding at 7.41pm.

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb, Cr L White.
IN ATTENDANCE	General Manager (B Cam), Director, Development (C Van Laeren), Director, Operations (D Colwell), Director, Community (S Jones), Acting Director Corporate (L Johnson), Manager, Strategic Planning (E Densley), Corporate Communications Officer (P Goldsmith).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Heldon).

Item 1: Apologies

An apology was received for the absence of Councillor Shelley.

474/14 MOTION: Cavalier / Thompson

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

The motion was carried with Councillors voting unanimously.

Item 2: Disclosure of Interest

Councillor Walker declared a non-pecuniary conflict of interest in Item 6.2.11 as he is the owner and developer of the Riverside Estate subdivision.

Councillor Thompson declared a non-pecuniary conflict of interest in Item 6.2.14 as he is a committee member of one of the organisations which has requested Events Assistance.

John O'Malley from Intentus Chartered Accountants addressed Council and provided an overview of the 2013/14 Financial Statements and audit findings.

Item 3: Confirmation of Minutes

475/14 MOTION: Weatherley / Cavalier

That the Minutes of the Ordinary Meeting held on 15 October 2014 (Minute Nos. 459/14 to 473/14) be taken as read and confirmed.

The motion was carried with Councillors voting unanimously.

Item 4: Matters in Progress

Noted.

Item 5: Mayoral Minute

There is no Mayoral Minute.

Item 6: General Business**6.1 NOTICES OF MOTION**

There are no Notices of Motion.

6.2 REPORTS TO COUNCIL

6.2.1 ALTERATIONS AND ADDITIONS TO THE EXISTING SWIM FACILITY AND CHANGES TO CONDITIONS OF OPERATION, LOT 2 DP 1035495, 87 SHORT STREET MUDGEE

GOV400038, DA0075/2015

476/14 MOTION: Weatherley / Cavalier

That:

- 1. the report by the Statutory/Strategic Planner on the Alterations and Additions to the Existing Swim School Facility and Changes to the Conditions of Operation be received;**
- 2. the development application for Alterations and Additions to the Existing Swim School Facility and Changes to the Conditions of Operation be approved subject to the following conditions of consent:**

APPROVED PLANS

- 1. Development is to be carried out generally in accordance with stamped plans identified in the table below and the Application received by Council on 3 September 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.**

Plan Name	Sheet No/Plan No.	Revision	Prepared by
Locality Plan	Sheet 1 of 6 20644-A01	B	Barnson
Safe Design of Structures Notes	Sheet 2 of 6 20644-A02	B	Barnson
Site Plan & Notes	Sheet 3 of 6 20644-A03	B	Barnson
Floor Plan & Notes	Sheet 4 of 6 20644-A04	B	Barnson

Ambulatory Facility Details	Sheet 5 of 6 20644-A05	B	Barnson
Accessible Facility Details	Sheet 6 of 6 20644-A06	B	Barnson

2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy.

AMENDMENT

3. Approved operating times are from 9.30am till 6pm Monday to Friday, and 9.30am till 1pm on Saturdays. No classes are permitted on Sundays or public holidays. Class times are to be generally in accordance with the following table:

AM Classes:

At the discretion of the operator with no more than 10 swimmers and 2 instructors in each class, with 15 minute breaks between all sessions.

PM Classes:

At the discretion of the operator with no more than 12 swimmers and 3 instructors in each class with 15 minute breaks between all sessions.

4. No more than 20 non-swimming persons are permitted on site at any one time.

GENERAL CONDITIONS

5. There is not to be any 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, or otherwise as a result of the proposed development.
6. Noise associated with the use of mechanical plant and equipment must not give rise to any one of the following:
 - (a) Transmission of “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any affected receiver;
 - (b) A sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15 minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.
7. Any demolition works are to be carried out in accordance with Australian Standard AS2601 – The Demolition of Structures.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE - BUILDING

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

8. All building work is to comply with the requirements of the Access to Premises Standard.
9. Trade Waste Application will be required to be submitted and approved for the proposed public pool prior to occupation.
10. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

11. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - (a) the appointment of a Principal Certifying Authority and
 - (b) the date on which work will commence.
 - (c) Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
12. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.
NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE
13. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
 - (a) stating that unauthorised entry to the work site is prohibited, and
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - (c) the name, address and telephone number of the principal certifying authority for the work,

- (d) The sign shall be removed when the erection or demolition of the building has been completed.
14. Prior to the commencement of works on site, the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property.
15. The development site is to be managed for the entirety of work in the following manner:
- (a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - (b) Appropriate dust control measures;
 - (c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - (d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

PRIOR TO THE COMMENCEMENT OF WORKS - ENGINEERING

16. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.

BUILDING CONSTRUCTION

17. 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.
18. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
19. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
20. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections

deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.

21. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
22. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

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

23. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
24. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
25. Twenty (20) rear to kerb angled car parking spaces are to be provided between the eastern boundary of the subject property and Cox Street. The car parking spaces are to be:
 - line marked,
 - appropriate parking signs to be installed in the street; and
 - “No-Parking” signs provided adjacent to the site and adjoining driveway cross-overs.All works are to be done at full cost to the developer. All car parking and associated driveway works are to be completed prior to occupation of the development.

26. Prior to the issue of an occupation certificate for the internal alterations, all outstanding items listed on the deferred building certificate letter dated 29th October 2013 are to be completed. These include, but are not limited to:
- Certification is required from an Accredited Certifier stating the whole of the building (including the pool and associated structures) meets the requirements of the National Construction Code for a Class 9 (b) building. This certification is to include a fire safety schedule.
 - Certification is required from an accredited Certifier stating that the pool and associated building meets the requirements of the Swimming Pools Act 1992.
 - Certification is required from a practising Structural Engineer stating that the whole of the building (including the pool and associated structures) is structurally adequate for its intended use.
 - The building and associated amenities are to comply with the requirements of Division 3 of the Public Health Act 2010, Part 3 of the Public Health Regulation 2012 and Schedule 1 of the Public Health Regulation 2012.
 - A geotechnical report will be required that assesses the adequacy of the footings to support the structure. In particular, the report should address the capacity of the embankment that forms the part of the drainage channel and its suitability to support the building without risk of failure in a saturated condition.
 - Due to roof discharge outlets contributing to the scour of the embankment, measures will need to be implemented to prevent such scour to ensure that the bearing capacity of the embankment is not compromised in the future. Advice regarding this matter is to be obtained from a structural engineer.
 - An engineering consultant is to assess and report (including a detailed plan) on the location of the sewer main in relation to the structure and any foundations/piers that may be present. There shall be no structural loading allowed within the zone of influence of the sewer main. If this is not currently achieved, the engineers report shall provide design to achieve this requirement.
 - In addition to the above, a CCTV inspection recording of the sewer main internal between maintenance chamber NB_01 and maintenance chamber E_03, carried out in accordance with Sewerage Code of Australia WSA02 2002, clause 22.7 is required. Any defects in the area of structural loading will require rectification at your cost.
 - All electrical work is to be signed off by a licensed electrician to ensure that it complies with the relevant Australian Standards.

AMENDMENT: Thompson / Martens

That:

1. the report by the Statutory/Strategic Planner on the Alterations and Additions to the Existing Swim School Facility and Changes to the Conditions of Operation be received;
2. the development application for Alterations and Additions to the Existing Swim School Facility and Changes to the Conditions of Operation be approved subject to the following conditions of consent:

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans identified in the table below and the Application received by Council on 3 September 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.

Plan Name	Sheet No/Plan No.	Revision	Prepared by
Locality Plan	Sheet 1 of 6 20644-A01	B	Barnson
Safe Design of Structures Notes	Sheet 2 of 6 20644-A02	B	Barnson
Site Plan & Notes	Sheet 3 of 6 20644-A03	B	Barnson
Floor Plan & Notes	Sheet 4 of 6 20644-A04	B	Barnson
Ambulatory Facility Details	Sheet 5 of 6 20644-A05	B	Barnson
Accessible Facility Details	Sheet 6 of 6 20644-A06	B	Barnson

2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy.

AMENDMENT

3. Approved operating times are from 8.30am till 7.30pm and 9.30am till 1pm on Saturdays. No classes are permitted on Sundays or public holidays. Class times are to be generally in accordance with the following:

AM Classes:

At the discretion of the operator with no more than 15 swimmers and 2 instructors in each class, with 15 minute breaks between all sessions.

PM Classes:

At the discretion of the operator with no more than 15 swimmers and 3 instructors in each class with 15 minute breaks between all sessions.

4. No more than 20 non-swimming persons are permitted on site at any one time.

GENERAL CONDITIONS

5. There is not to be any 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, or otherwise as a result of the proposed development.
6. Noise associated with the use of mechanical plant and equipment must not give rise to any one of the following:
 - (a) Transmission of “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any affected receiver;
 - (b) A sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15 minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.
7. Any demolition works are to be carried out in accordance with Australian Standard AS2601 – The Demolition of Structures.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE - BUILDING

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

8. All building work is to comply with the requirements of the Access to Premises Standard.
9. Trade Waste Application will be required to be submitted and approved for the proposed public pool prior to occupation.
10. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

11. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - (a) the appointment of a Principal Certifying Authority and
 - (b) the date on which work will commence.
 - (c) Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

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

13. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
 - (a) stating that unauthorised entry to the work site is prohibited, and
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - (c) the name, address and telephone number of the principal certifying authority for the work,
 - (d) The sign shall be removed when the erection or demolition of the building has been completed.

14. Prior to the commencement of works on site, the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property.

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

PRIOR TO THE COMMENCEMENT OF WORKS - ENGINEERING

16. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.

BUILDING CONSTRUCTION

17. 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.
18. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
19. Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
20. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
21. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
22. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

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

23. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an

Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.

24. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
25. Twenty (20) rear to kerb angled car parking spaces are to be provided between the eastern boundary of the subject property and Cox Street. The car parking spaces are to be:
- line marked,
 - appropriate parking signs to be installed in the street; and
 - “No-Parking” signs provided adjacent to the site and adjoining driveway cross-overs.
- All works are to be done at full cost to the developer. All car parking and associated driveway works are to be completed prior to occupation of the development.
26. Prior to the issue of an occupation certificate for the internal alterations, all outstanding items listed on the deferred building certificate letter dated 29th October 2013 are to be completed. These include, but are not limited to:
- Certification is required from an Accredited Certifier stating the whole of the building (including the pool and associated structures) meets the requirements of the National Construction Code for a Class 9 (b) building. This certification is to include a fire safety schedule.
 - Certification is required from an accredited Certifier stating that the pool and associated building meets the requirements of the Swimming Pools Act 1992.
 - Certification is required from a practising Structural Engineer stating that the whole of the building (including the pool and associated structures) is structurally adequate for its intended use.
 - The building and associated amenities are to comply with the requirements of Division 3 of the Public Health Act 2010, Part 3 of the Public Health Regulation 2012 and Schedule 1 of the Public Health Regulation 2012.
 - A geotechnical report will be required that assesses the adequacy of the footings to support the structure. In particular, the report should address the capacity of the embankment that forms the part of the drainage channel and its suitability to support the building without risk of failure in a saturated condition.

- Due to roof discharge outlets contributing to the scour of the embankment, measures will need to be implemented to prevent such scour to ensure that the bearing capacity of the embankment is not compromised in the future. Advice regarding this matter is to be obtained from a structural engineer.
- An engineering consultant is to assess and report (including a detailed plan) on the location of the sewer main in relation to the structure and any foundations/piers that may be present. There shall be no structural loading allowed within the zone of influence of the sewer main. If this is not currently achieved, the engineers report shall provide design to achieve this requirement.
- In addition to the above, a CCTV inspection recording of the sewer main internal between maintenance chamber NB_01 and maintenance chamber E_03, carried out in accordance with Sewerage Code of Australia WSA02 2002, clause 22.7 is required. Any defects in the area of structural loading will require rectification at your cost.
- All electrical work is to be signed off by a licensed electrician to ensure that it complies with the relevant Australian Standards.

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

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

AMENDMENT: Kennedy / Thompson

That:

1. the report by the Statutory/Strategic Planner on the Alterations and Additions to the Existing Swim School Facility and Changes to the Conditions of Operation be received;
2. the development application for Alterations and Additions to the Existing Swim School Facility and Changes to the Conditions of Operation be approved subject to the following conditions of consent:

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans identified in the table below and the Application received by Council on 3 September 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.

Plan Name	Sheet No/Plan No.	Revision	Prepared by
Locality Plan	Sheet 1 of 6 20644-A01	B	Barnson
Safe Design of Structures Notes	Sheet 2 of 6 20644-A02	B	Barnson
Site Plan & Notes	Sheet 3 of 6 20644-A03	B	Barnson
Floor Plan & Notes	Sheet 4 of 6 20644-A04	B	Barnson
Ambulatory Facility Details	Sheet 5 of 6 20644-A05	B	Barnson
Accessible Facility Details	Sheet 6 of 6 20644-A06	B	Barnson

2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy.

AMENDMENT

3. Approved operating times are from 9.30am till 7pm and 9.30am till 5pm on Saturdays. No classes are permitted on Sundays or public holidays. Class times are to be generally in accordance with the following table:

AM Classes	
9.30am to 10.00am	No more than ten (10) swimmers and two (2) instructors
10.00am to 10.30am	No more than 10 swimmers and 2 instructors
	Fifteen (15) minute break
11.15am to 11.45am	No more than 10 swimmers and 2 instructors
11.45am to 12.15pm	No more than 10 swimmers and 2 instructors
12.15pm to 12.45pm	No more than 10 swimmers and 2 instructors
12.45pm to 1.15pm	No more than 10 swimmers and 2 instructors
PM Classes	
3.45pm to 4.14pm	No more than fifteen (15) swimmers and three (3) instructors.
	Fifteen (15) minute break
4.30pm to 5.10pm	No more than 15 swimmers and 3 instructors
	Fifteen (15) minute break

5.25pm to 6.00pm	No more than 15 swimmers and 3 instructors
	Fifteen (15) minute break
6.15pm to 7.00pm	No more than 15 swimmers and 3 instructors

4. No more than 20 non-swimming persons are permitted on site at any one time.

GENERAL CONDITIONS

5. There is not to be any 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, or otherwise as a result of the proposed development.
6. Noise associated with the use of mechanical plant and equipment must not give rise to any one of the following:
 - (a) Transmission of “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any affected receiver;
 - (b) A sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15 minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.
7. Any demolition works are to be carried out in accordance with Australian Standard AS2601 – The Demolition of Structures.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE - BUILDING

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

8. All building work is to comply with the requirements of the Access to Premises Standard.
9. Trade Waste Application will be required to be submitted and approved for the proposed public pool prior to occupation.
10. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

11. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - (a) the appointment of a Principal Certifying Authority and

- (b) the date on which work will commence.
 - (c) Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
12. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.
NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE
13. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
- (a) stating that unauthorised entry to the work site is prohibited, and
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - (c) the name, address and telephone number of the principal certifying authority for the work,
 - (d) The sign shall be removed when the erection or demolition of the building has been completed.
14. Prior to the commencement of works on site, the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property.
15. The development site is to be managed for the entirety of work in the following manner:
- (a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - (b) Appropriate dust control measures;
 - (c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - (d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

PRIOR TO THE COMMENCEMENT OF WORKS - ENGINEERING

16. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council

is to be indemnified against any works carried out by the contractor.

BUILDING CONSTRUCTION

17. 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.
18. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
19. Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
20. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
21. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
22. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

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

23. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
24. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety

certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

25. Twenty (20) rear to kerb angled car parking spaces are to be provided between the eastern boundary of the subject property and Cox Street. The car parking spaces are to be:

- line marked,
- appropriate parking signs to be installed in the street; and
- “No-Parking” signs provided adjacent to the site and adjoining driveway cross-overs.

All works are to be done at full cost to the developer. All car parking and associated driveway works are to be completed prior to occupation of the development.

26. Prior to the issue of an occupation certificate for the internal alterations, all outstanding items listed on the deferred building certificate letter dated 29th October 2013 are to be completed. These include, but are not limited to:

- Certification is required from an Accredited Certifier stating the whole of the building (including the pool and associated structures) meets the requirements of the National Construction Code for a Class 9 (b) building. This certification is to include a fire safety schedule.
- Certification is required from an accredited Certifier stating that the pool and associated building meets the requirements of the Swimming Pools Act 1992.
- Certification is required from a practising Structural Engineer stating that the whole of the building (including the pool and associated structures) is structurally adequate for its intended use.
- The building and associated amenities are to comply with the requirements of Division 3 of the Public Health Act 2010, Part 3 of the Public Health Regulation 2012 and Schedule 1 of the Public Health Regulation 2012.
- A geotechnical report will be required that assesses the adequacy of the footings to support the structure. In particular, the report should address the capacity of the embankment that forms the part of the drainage channel and its suitability to support the building without risk of failure in a saturated condition.
- Due to roof discharge outlets contributing to the scour of the embankment, measures will need to be implemented to prevent such scour to ensure that the bearing capacity of the embankment is not compromised in the future. Advice regarding this matter is to be obtained from a structural engineer.

- An engineering consultant is to assess and report (including a detailed plan) on the location of the sewer main in relation to the structure and any foundations/piers that may be present. There shall be no structural loading allowed within the zone of influence of the sewer main. If this is not currently achieved, the engineers report shall provide design to achieve this requirement.
- In addition to the above, a CCTV inspection recording of the sewer main internal between maintenance chamber NB_01 and maintenance chamber E_03, carried out in accordance with Sewerage Code of Australia WSA02 2002, clause 22.7 is required. Any defects in the area of structural loading will require rectification at your cost.
- All electrical work is to be signed off by a licensed electrician to ensure that it complies with the relevant Australian Standards.

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

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

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

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

6.2.2 MA0008/2015 – MODIFICATION OF CONSENT FOR
SUBDIVISION AT SHEPHERDS LANE, GULGONG
GOV400038, DA0344/2014

477/14

MOTION: Thompson / Martens

That:

1. the report by the Statutory/Strategic Planner on the MA0008/2015 – Modification of Consent for Subdivision at Shepherds Lane, Gulgong be received;
2. the modification be approved to amend the lot layout with condition 6 amended to seal the road to the access point of each lot, subject to the following conditions of consent:

CONDITIONS

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans (Drawing Number 21167P-01 Revision B Sheet 1 of 1) and the Application received by Council on 28 April 2014 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

GENERAL CONDITIONS

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

PRIOR TO THE COMMENCEMENT OF WORKS

3. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
 - (a) stating that unauthorised entry to the work site is prohibited, and
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - (c) the name, address and telephone number of the principal certifying authority for the work,
 - (d) The sign shall be removed when the erection or demolition of the building has been completed.

ENGINEERING CONDITIONS

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

own expense) any part of Council’s property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.

5. The construction of an all-weather vehicle access to each of block in the subdivision, in accordance with the following minimum guidelines as per RTA Road Design Guide (see attached drawing):
 - (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’.

6. The developer must upgrade Shepherds Lane to the access point for proposed Lots 2 and 3 to the following standard:

Item	Requirement
Road Pavement	Width
Nature Strip	4m
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

7. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.

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

9. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
10. The subdivision works are to be inspected by the Council (or an *Accredited Certifier* on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
 - Installation of sediment and erosion control measures
 - Water line installation prior to backfilling
 - Practical Completion
11. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
12. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
13. All accesses must comply with Council's Access Policy, AUSTROADS Part 4A and any other relevant RMS supplements.
14. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing within Council's road reserve.
15. A detailed engineering design supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid-Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of a *Construction Certificate*.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

16. Statutory Declarations from previous land owners are to be submitted to Council to provide evidence that no contaminating land uses have previously occurred on the subject land. In the event contamination is reported to have occurred, the land is to be tested by a suitably qualified person to ascertain the extent of the contamination. Any

subsequent remediation required is to occur prior to the issue of a subdivision certificate.

17. Under the Environmental Planning & Assessment Act, 1979, a *Subdivision Certificate* is required before the linen plan of subdivision can be registered with the Land Titles Office.
Note: The fee to issue a *Subdivision Certificate* is set out in Council's Fees and Charges
18. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
19. If the *Subdivision Certificate* is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
20. Electricity and telecommunications are to be supplied to each lot in the subdivision.
21. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:
 - A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - A certificate from Telstra/NBN indicating that they have acquired and accept all infrastructure constructed as part of the subdivision.
 - all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - an agreement be made between the developer and Council;
 - as to the security to be given to Council that the works will be completed or the contribution paid, and
 - as to when the work will be completed or the contribution paid.
22. In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

Transport Management
Traffic Management
Open Space

\$657

Local Open Space	\$0
District Open Space	\$2549
Community Facilities	
Library Buildings	\$247
Library Resources	\$296
Administration	
Plan Administration	\$573
TOTAL	\$4322

The motion was carried with Councillors voting unanimously.

6.2.3 MUDGEE AND GULGONG URBAN RELEASE STRATEGY CONSIDERATION OF SUBMISSIONS

GOV400038, LAN900042

478/14 MOTION: White / Cavalier**That:**

- 1. the report by the Manager Strategic Planning on the Mudgee and Gulgong Urban Release Strategy Consideration of Submissions be received;**
- 2. the Draft Urban Release Strategy be amended to:**
 - (a) correct the figures as they relate to the published Lot Size Map;**
 - (b) adjust the timing of release of the 2ha developments at George Campbell Drive and Burrundulla to account for the error in the interpretation of the Lot Size Map;**
 - (c) provide an explanation as to the relationship between the URS and other planning documents ;**
- 3. the amended Draft Urban Release Strategy be adopted by Council and forwarded to the Department of Planning and Environment for endorsement;**
- 4. that a report be presented to Council on a quarterly basis to monitor demand and supply of residential land in Mudgee and Gulgong;**
- 5. a further report be presented to Council to amend the Comprehensive Land Use Strategy including the Mudgee Town Structure Plan to incorporate options for future urban expansion including identification of opportunities for rural residential development.**

The motion was carried with Councillors voting unanimously.

6.2.4 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

GOV400038

479/14 MOTION: Cavalier / White**That the report by the Director, Development on the Monthly Development Applications Processing & Determined be received.**

The motion was carried with Councillors voting unanimously.

6.2.5 QUARTERLY BUDGET REVIEW SEPTEMBER 2014

GOV400038, FIN300062

480/14 MOTION: Cavalier / Martens**That:**

1. the report by the Acting Director, Corporate on the Quarterly Budget Review September 2014 be received;
2. the 2014/15 Operational Plan be amended in accordance with the variations as listed in the quarterly budget review attachments; and
3. the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure, be noted;
4. a new Internally Restricted Reserve called the Future Fund Reserve be created in order to set aside funds in order to invest and support alternate economic development, for a long term response to reduced coal industry within the Mid-Western region;
5. a new Externally Restricted Reserve called the Ulan Road Strategy Reserve be created in order to set aside funds as prescribed in the mine funding agreements;
6. Ulan Road Strategy Fund be closed and the funds be managed in accordance with the grant funding agreement and mine funding agreement.

The motion was carried with Councillors voting unanimously.

6.2.6 PRESENTATION OF FINANCIAL STATEMENTS 2013/14

GOV400038, FIN300028

481/14 MOTION: Cavalier / Walker

That the report by the Acting Director, Corporate on the Presentation of Financial Statements 2013/14 be received.

The motion was carried with Councillors voting unanimously.

6.2.7 NEW AND AMENDED 2014-15 FEES AND CHARGES

GOV400038, FIN300062

482/14 MOTION: Weatherley / Martens

That:

1. the report by the Acting Director, Corporate on the New and Amended 2014-15 Fees and Charges be received;
2. the following new fees and charges be added as written;

Fee/Charge Area	New Fee	New fee amount
Under All Other MWRC Sports Complexes excluding Glen Willow, Facility Hire	Other Event	\$150.00
Mudgee Showground - Casual Hirers	Animal Stall	\$94.00
Rylstone Showground - Security Bonds	Canteen	\$100.00

Fee/Charge Area	New Fee	New fee amount
	Bar	\$100.00
Rylstone Showground - Regular Hirers	Canteen	\$94.00
	Bar	\$97.00
Glen Willow Sports Complex - add Soccer/Touch Clubhouse - Business & Government Hire	Half day	\$110.00
	Full Day	\$215.00
	Weekly	\$800.00
Glen Willow Sports Complex - add Soccer/Touch Clubhouse - Private Hire	Half day	\$75.00
	Full Day	\$146.00
	Weekly	\$400.00
Glen Willow Sports Complex - add Soccer/Touch Clubhouse - Community Hire	Half day	\$50.00
	Full Day	\$80.00
	Weekly	\$215.00
Glen Willow Sports Complex - add Soccer/Touch Clubhouse - Security Bonds		\$550.00
Glen Willow Sports Complex - add Netball Clubhouse - Business & Government Hire	Half day	\$110.00
	Full Day	\$215.00
	Weekly	\$800.00
Glen Willow Sports Complex - add Netball Clubhouse - Private Hire	Half day	\$75.00
	Full Day	\$146.00
	Weekly	\$400.00
Glen Willow Sports Complex - add Netball Clubhouse - Community Hire	Half day	\$50.00
	Full Day	\$80.00
	Weekly	\$215.00
Glen Willow Sports Complex - add Netball Clubhouse - Security Bonds		\$550.00
Financial Services - Process Filing and Issue Fees	Examination Order - \$0.01 to \$100,000	\$80.00
	Writ of Execution - \$0.01 to \$100,000	\$78.00
	Warrant of Apprehension	\$78.00
	On-line Business or Company Searches	\$50.00
	Location Searches	\$50.00
	Title Searches	\$50.00
Financial Services - Professional Costs - Enforcement after Judgement – Amount of Claim \$0.01 to \$100,000	Attend and Examine - non-appearance	\$190.00
	Application to Set Aside Default Judgement	\$150.00

3. the following 2014-15 fee and charge descriptions be amended as written;

Fee/Charge Area	New Description
Under All Other MWRC Sports Complexes excluding Glen Willow	All bookings, including bookings made by Schools, for sporting fields other than Glen Willow are to be made through the relevant Sports Council, excluding Rylstone/Kandos.
Mudgee Showground - Security Bonds	Bar Shelter Poultry Pavilion

Fee/Charge Area	New Description
	Cattle Pavilion
	Major Event - hire of entire showground
	Minor Event - a large portion of the showground
	Sheep Pavilion - full day
	Sheep Pavilion - half day
	Woodworkers Shed
	Wool Shed
Mudgee Showground - Casual Hirers	Bar Shelter
	Poultry Pavilion
	Cattle Pavilion
	Kitchen and Hall
	Sheep Pavilion - full day
	Sheep Pavilion - half day
	Woodworkers Shed
	Wool Shed
Mudgee Showground - Casual Hirers - Conditions	Per Day
Rylstone Showground - Security Bonds	Major Event, add Condition: Entire Showground. Rate is per day, inclusive of camping, plus power and restoration charges.
Financial Services	Professional Costs - Amount of Claim \$20,000.01 to \$100,000
	Professional Costs - Enforcement after Judgement – Amount of Claim \$0.01 to \$100,000
Financial Services - Professional Costs - Enforcement after Judgement – Amount of Claim \$0.01 to \$100,000	Writ of Execution
	Examination Order
	Attend and Examine
	Warrant of Apprehension

4. the following 2014-15 fee and charges be amended as written; and

Fee/Charge Area	Amended Fee	New fee amount
Financial Services - Process Filing and Issue Fees	Civil Claims - \$0.01 to \$10,000 - Standard	\$93.00
	General Claims - \$10,000.01 to \$100,000 - Standard	\$228.00
	General Claims - \$10,000.01 to \$60,000 - Corporation	Delete fee line
	Service Fee, previously Service by post	\$68.00
	Service by Post - Corporation	Delete fee line
	Certified Copy of Order or Judgment - Standard	Delete fee line
	Certified Copy of Order or Judgment - Corporation	Delete fee line
	Registration of Interstate Judgement - Standard	Delete fee line
	Registration of Interstate Judgement - Corporation	Delete fee line
	Financial Services - Miscellaneous Debt Recovery Fees	Certificate of Judgement, previously Copy of Certificate of Judgment or Order - Standard

Fee/Charge Area	Amended Fee	New fee amount
	Copy of Certificate of Judgment or Order - Corporation	Delete fee line
Financial Service - Sheriff Service or Execution Process	Service of Document	Delete heading line
	Writ Property/Delivery	Delete fee line
Financial Service - Professional Costs - Amount of Claim \$0.01 to \$1,000	Default Judgment - Liquidated	\$108.00
	Default Judgment - Unliquidated	Delete fee line
Financial Services - Professional Costs - Amount of Claim \$1,000.01 to \$5,000	Default Judgment - Liquidated	\$162.00
	Default Judgment - Unliquidated	Delete fee line
Financial Services - Professional Costs - Amount of Claim \$5,000.01 to \$20,000	Default Judgment - Liquidated	\$216.00
	Default Judgment - Unliquidated	Delete fee line
Financial Services - Professional Costs - Amount of Claim \$20,000.01 to \$100,000	Default Judgment - Liquidated	\$270.00
	Default Judgment - Unliquidated	Delete fee line

5. the new 2014-15 fees and charges be advertised for 28 days before taking effect.

The motion was carried with Councillors voting unanimously.

6.2.8 FINANCIAL ASSISTANCE APPLICATIONS

GOV400038, A0140201

483/14 MOTION: Webb / Cavalier

That:

1. the report by the Financial Accountant on the Financial Assistance Applications be received;
2. Council amend the amount approved for in-kind support to Mudgee Young Driver Program approved on 6th August 2014, Minute 309/14, from \$2,188 down to \$400 and return the saving of \$1,788 to the financial assistance budget; and
3. Council provide a further \$1,200 of in-kind support to the Mudgee Young Driver Program in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met.

The motion was carried with Councillors voting unanimously.

6.2.9 INVESTMENT POLICY

GOV400038, A0140201

484/14 MOTION: Weatherley / Cavalier**That:**

- 1. the report by the Financial Accountant on the Investment Policy be received;**
- 2. Council adopt the revised Investment Policy.**

The motion was carried with Councillors voting unanimously.

6.2.10 CLASSIFICATION OF LAND – LOT 1 DP 1178967, 45 ROUSE STREET, GULGONG

GOV400038, P1973511

485/14 MOTION: Cavalier / Thompson**That:**

- 1. the report by the Revenue & Property Manager on the Classification of Land – Lot 1 DP 1178967, 45 Rouse Street, Gulgong be received;**
- 2. Council notify the public of its intention to classify Lot 1 DP 1178967 as Operational by exhibiting the proposal for 28 days and should there be no submissions from the public, the lands be so classified as Operational.**

The motion was carried with Councillors voting unanimously.

6.2.11 NAMING OF UNNAMED STREETS IN THE RIVERSIDE ESTATE SUBDIVISION

GOV400038, A0790141

Councillor Walker declared a non-pecuniary conflict of interest in Item 6.2.11 as he is the owner and developer of the Riverside Estate subdivision, left the meeting at 6.24pm and did not participate in any discussion or vote in relation to this matter.

486/14 MOTION: Weatherley / Martens**That:**

- 1. the report by the Revenue & Property Manager on the Naming of unnamed streets in the Riverside Estate subdivision be received;**
- 2. Council name road no 1 Loy Avenue and road no 2 Costigan Court.**

The motion was carried with Councillors voting unanimously.

Councillor Walker returned to the meeting at 6.25pm.

6.2.12 NAMING OF THE UNNAMED STREET IN THE SOUTHERN HEIGHTS ESTATE SUBDIVISION

GOV400038, A0790141

487/14 MOTION: White / Weatherley

That:

- 1. the report by the Revenue & Property Manager on the naming of the unnamed street in the Southern Heights Estate subdivision be received;**
- 2. Council name the street Ray Gooley Drive.**

The motion was carried with Councillors voting unanimously.

6.2.13 LUE ROAD HAVILAH ROAD CLOSURE

GOV400038, R0790197

488/14 MOTION: Webb / Cavalier

That:

- 1. the report by the Revenue & Property Manager on the Lue Road Havilah Road Closure be received;**
- 2. Council apply to the NSW Trade & Investment Crown Lands for the formal closure of the section of Lue Road Havilah traversing Lot 29 in DP 1194728;**
- 3. that Council authorise the transfer of the section of closed road to the owner of Lot 29 DP 1194728;**
- 4. that the Common Seal of Council be affixed to all necessary documentation to facilitate the road closure and transfer.**

The motion was carried with Councillors voting unanimously.

6.2.14 EVENTS ASSISTANCE FOR JANUARY TO JUNE 2015 EVENTS

GOV400038, A0820020

Councillor Thompson declared a non-pecuniary conflict of interest in Item 6.2.14 as he is a committee member of one of the organisations which has requested Events Assistance, left the meeting at 7.25pm and did not participate in any discussion or vote in relation to this matter.

489/14 MOTION: Cavalier / Walker

That:

1. the report by the Economic Development Officer on Events Assistance for January to June 2015 Events be received;
2. Council provide Events Assistance to:

Mudgee Fine Foods	\$500
Eurunderee Provisional School Inc	\$500
Gulgong Bowling & Sporting Club	\$500
Kandos Returned Services Community Club	\$500
Cudgegong Valley Antique Machinery Club	\$555
Gulgong Turf Club	\$1,000
Kandos Events	\$1,000
Polo in the Paddock	\$1,000
Mid-Western Dance Festival	\$1,118
Gulgong Prince of Wales Eisteddfod	\$1,360
Mudgee Bike Muster	\$2,500
Henry Lawson Festival Gulgong	\$2,500
Kandos Street Machine Show	\$2,500

The motion was carried with Councillors voting unanimously.

Councillor Thompson returned to the meeting at 7.26pm.

6.2.15 KANDOS BICENTENNIAL INDUSTRIAL MUSEUM –
PROPERTY TRANSFER PROPOSAL

GOV400038, P1553611, AO360015

490/14

MOTION: Webb / Cavalier

That:

1. the report by the General Manager on the Kandos Bicentennial Industrial Museum – Property Transfer Proposal be received;
2. Council place on public exhibition for 28 days, its intentions as outlined below:
 - To transfer the possession of the real property of the Kandos Bicentennial Industrial Museum, land, building, contents and collection, to the Kandos Bicentennial Industrial Museum Incorporated Association
 - To provide \$15,000 per annum in financial support for a period of 3 years to the Kandos Industrial Museum Incorporated Association
 - To provide land rate relief for a period of 3 years Kandos Industrial Museum Incorporated Association
 - To meet the cost of insurances for the Kandos Bicentennial Industrial Museum Incorporated Association, to the maximum cost of \$6,600

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

Councillors	Ayes	Nayes
Cr Cavalier	✓	

Councillors	Ayes	Nays
Cr Kennedy	✓	
Cr Martens		✓
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

6.2.16 COUNCIL MEETING SCHEDULE 2015

GOV400038, GOV400020

491/14

MOTION: Weatherley / Cavalier**That:**

1. the report by the Director, Community on the Council Meeting Schedule 2015 be received;
2. Council Meetings for the 2015 calendar year be scheduled as follows:
 - Wednesday, 4 February 2015
 - Wednesday, 18 February 2015
 - Wednesday, 4 March 2015
 - Wednesday, 18 March 2015
 - Wednesday, 1 April 2015
 - Wednesday, 15 April 2015
 - Wednesday, 6 May 2015
 - Wednesday, 20 May 2015
 - Wednesday, 3 June 2015
 - Wednesday, 17 June 2015
 - Wednesday, 15 July 2015
 - Wednesday, 5 August 2015
 - Wednesday, 19 August 2015
 - Wednesday, 2 September 2015
 - Wednesday, 16 September 2015
 - Wednesday, 7 October 2015
 - Wednesday, 21 October 2015
 - Wednesday, 4 November 2015
 - Wednesday, 18 November 2015
 - Wednesday, 2 December 2015
 - Wednesday, 16 December 2015;
3. Community Forums for 2015 be scheduled as follows:
 - 14 October 2015 Gulgong in the Gulgong Memorial Hall at 6.00pm
 - 11 November 2015 Rylstone/Kandos in the Rylstone Memorial Hall at 6.00pm.

The motion was carried with Councillors voting unanimously.

6.2.17 LOCAL TRAFFIC COMMITTEE MINUTES OF MEETINGS 16
SEPTEMBER 2014 AND 14 OCTOBER 2014

GOV400038, A0100009

492/14 MOTION: Martens / Cavalier

That the report by the Director, Operations on the Local Traffic Committee Minutes of Meetings 16 September 2014 and 14 October 2014 be received and items 14/29 to 14/41 be received, accepted and endorsed.

The motion was carried with Councillors voting unanimously.

6.2.18 KANDOS CENTENARY WORKING PARTY MINUTES

GOV400038, P1553611

493/14 MOTION: Walker / Cavalier**That:**

- 1. the report by the Manager, Community Services on the Kandos Centenary Working Party Minutes be received;**
- 2. Council note the minutes of the meeting held on 13th and 20th October 2014, and the accompanying Income and Expenses and Budget reports**

The motion was carried with Councillors voting unanimously.

6.2.19 MUDGEY SALEYARDS MANAGEMENT COMMITTEE

GOV400038, F0720036

494/14 MOTION: Webb / Cavalier**That:**

- 1. the report by the Director, 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 9th October 2014 be noted.**

The motion was carried with Councillors voting unanimously.

6.2.20 MUDGEY SHOWGROUND MANAGEMENT COMMITTEE

GOV400038, F0650007

495/14 MOTION: Webb / Cavalier

That the report by the Director, Operations on the Mudgee Showground Management Committee be received.

The motion was carried with Councillors voting unanimously.

Item 7: Urgent Business Without Notice**7.1 FINANCIAL ASSISTANCE FOR RYSLTONE KANDOS CHRISTMAS FESTIVAL**

GOV400029, A0140201

496/14 MOTION: Thompson / White**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.

497/14 MOTION: Webb / Cavalier**That:**

- 1. Council waive the bond of \$1,600.00 for the use of the Rylstone Showground for the Rylstone/Kandos Christmas Carnival;**
- 2. Council waive the bond of \$550.00 for the use of Kandos Hall for the annual Christmas Carols by Candlelight; and**
- 3. If any repairs or additional cleaning is required after each event due to damage from these events, Council will invoice the Rotary Club of Rylstone-Kandos for these costs.**

The motion was carried with Councillors voting unanimously.

Closure

There being no further business the meeting concluded at 7.41pm.

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.
Submissions to the Budget, Operational and Delivery Plan	Res. 219/14 Ordinary Mtg 4/6/14	That: Council staff be required to report to Council prior to December on the number of causeways on unsealed roads in the region and the cost of sealing the approaches to the causeways for consideration in the 2015/16 Operational Plan and Budget;	Council staff will prepare a list in order of priority for consideration in the 2015/16 Operational Plan
		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.
Completion of Banner Poles	Res. 411/14 Ordinary Mtg 17/9/14	<ol style="list-style-type: none"> 1. Council purchase six banner poles for Gulgong at a cost of approximately \$6000 to be funded from the strategic projects provisions. 2. Council allocate \$3000 to produce generic banners for the town of Gulgong to be used at times where community organisations are not utilising the banner poles. 3. Council put banner designs on public exhibition for a period of 14 days for the purpose of seeking community feedback, prior to the banners being produced. 	Council to seek feedback on the design of a generic banner. The design will then go on public exhibition.
Rylstone Skate Park	Res. 426/14 Ordinary Mtg 17/9/14	<ol style="list-style-type: none"> 1. Council support the construction of a skate park at Rylstone. 2. Council seek grant funding for this project. 	Awaiting outcome of grant funding applications.

Item 5: Mayoral Minute

Nil.

Item 6: General Business

6.1 Notices of Motion

6.1.1 Cricket Pitch Practice Net

LISTED BY COUNCILLOR PETER SHELLEY TO 19 NOVEMBER 2014 COUNCIL MEETING

Cricket Pitch Practice Net

GOV400022, GOV400038

MOTION

That:

1. Council fund and construct a Cricket practice net not exceeding \$6,000 from Capital reserves;
2. Funds not required be returned to Capital reserves;
3. Net to be located adjacent to Sammy's Flat Cricket pitch; and
4. Council continue to apply for grant funding to offset cost to ratepayers.

BACKGROUND

This motion seeks to advance the construction of these facilities.

This project is a community driven project that meets the needs and requirements for the youth of the town, at present we have no such facilities and I believe would provide much needed services for our youth. The cricket nets are a natural addition and much needed with this community entertainment precinct.

The demand is high for these facilities and as a Council I believe we should fully support the funding and construction of these much needed community assets.

Brief research as an example of price is:

- powder coated / galvanised green portable cricket net cage, 24ft (7.3m) mobile net, with wheels included anchor points.
- from Net World Australia including delivery is approximately \$4,000 retail and includes GST.
- preparation approximately cost for pitch would be \$600 includes a 3 metre slab 100mm deep.
- \$6,000 would cover incidentals and unused funds returned to capital reserves.

Comments by General Manager

Preliminary pricing on the cost of a set of cricket nets to be constructed indicate that a cost of \$12-\$15K may be required. This is based on costs for recent similar projects, including the pitch at Sammy's Flat and new netting at Billy Dunn Oval in Gulgong.

Cricket nets would usually be constructed with a half size pitch length slab (around 6-7 metres).

	\$	
Concrete	5,830.00	Half-length pitch each wicket
Shield turf	2,000.00	Half-length pitch each wicket
Fencing and netting	5,500.00	Estimate (re-netting Billy Dunn wickets recently cost \$3,300)
Earthworks	1,000.00	Estimate levelling, fill etc
Overheads / supervision	500.00	
Sub total	14,830.00	

6.2 Reports

6.2.1 DA0359/2014, Staged Subdivision - Torrens Title - 3 into 9 Lots at Windarra 132 Old Grattai Road, Erudgere

REPORT BY THE SENIOR TOWN PLANNER TO 19 NOVEMBER 2014 COUNCIL MEETING
DA0359-2014 Subdivision Hill End Road
GOV400038, DA0359/2014

RECOMMENDATION

That:

1. the report by the Senior Town Planner on the DA0359/2014, Staged Subdivision - Torrens Title - 3 into 9 Lots - Windarra 132 Old Grattai Road, Erudgere be received;
2. Development Application DA0359/2014 for the Staged subdivision - 3 into 9 Lots - Windarra 132 Old Grattai Road ERUDGERE be approved with the following conditions;

APPROVED DEVELOPMENT

1. Development is to be carried out generally in accordance with stamped plans and Statement of Environmental Effects dated April 2014 by Insites – Development Consultants 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.
 - a. Job No. I751MU, Dwg No. I751-001e Issue E
 - b. Job No. I751MU, Dwg No. I751-003b Issue B
 - c. Job No. I751MU, Dwg No. I751-004b Issue B

GENERAL CONDITIONS

2. A restriction as to user shall be created over lots 4, 6, 8, 9 and 10. The restriction on user shall be created in accordance with the relevant section of the Conveyancing Act incorporating a notation which identifies the building envelopes as depicted on the approved plans. The restriction is to have the effect of limiting future development for the purpose of dwelling houses and outbuildings to the building envelope areas due to culturally sensitive areas. Mid-Western Regional Council is to be nominated as the varying authority over all lots.
3. A restriction as to user shall be created over all lots. The restriction on user shall be created in accordance with the relevant section of the Conveyancing Act incorporating a restriction excluding any building over the area identified as High Biodiversity Sensitivity. Mid-Western

Regional Council is to be nominated as the varying authority over all lots.

ENGINEERING CONSTRUCTION

4. Prior to development the applicant shall advise Council's Development Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
5. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
6. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.

STORMWATER DRAINAGE

7. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

ROADS, KERBS AND VEHICULAR ACCESS

8. The construction of an all-weather vehicle access to all lots fronting Old Grattai Road, in accordance with the following minimum guidelines:
 - d. Council's Access Policy, AUSTRROADS Part 4A and any other relevant RMS supplements
 - e. a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from the edge of the traffic lane of the public road.
 - f. a minimum 4.0 metre wide hard-standing access
 - g. Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of Austroads Guide to Road Design 2010 and relevant Roads and Maritime Supplements shall be provided in both directions at the vehicular access points servicing the proposed lots from Old Grattai Road. For a 100 km/h speed zone the minimum SISD is 250 metres.
9. Vehicular access from Hill End Road to proposed lots 8 and 9 shall be via a combined single access point. The amended plan shall be submitted to Council for approval prior to the lodgement of the subdivision certificate.
10. Vehicular access from Hill End Road to proposed lot 10 and the combined vehicular access to proposed lots 8 and 9 shall be constructed in accordance with Figure 7.4 Part 4 Austroads Guide to Road Design 2010. Accesses shall be sealed a minimum of 10 metres from the edge of the westbound travel lane in Hill End Road, match

existing road levels and not interfere with existing road drainage. Accesses shall be formed so to provide a lay-by on the departure side of the access for use as a school bus stop/mail service shelter.

11. Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of Austroads Guide to Road Design 2010 and relevant Roads and Maritime Supplements shall be provided in both directions at the vehicular access points servicing the proposed lots from Hill End Road. For a 100 km/h speed zone the minimum SISD is 250 metres.

Note: To achieve SISD vegetation slashing, pruning and maintenance in Hill End Road reserve may be required.

12. To provide suitable storage capacity for the largest class of vehicle accessing the proposed lots, any gate, grid or similar structure installed in the accesses shall be setback appropriately (20m for single articulated) from the edge of the pavement in Hill End Road.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

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

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

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

15. If the Subdivision Certificate is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.

16. Electricity and telecommunications are to be supplied to the subdivision.

17. Prior to issue of the Subdivision Certificate, Council is to be supplied with:

- A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
- A certificate from Telstra stating that they accept control/acquisition of the telecommunications infrastructure for the development.
- all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
- an agreement be made between the developer and Council;
 - i. as to the security to be given to Council that the works will be completed or the contribution paid, and
 - ii. as to when the work will be completed or the contribution paid.

18. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
19. In accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:
SUBJECT TO CPI INCREASE

Transport Management	STAGE 1	STAGE 2	TOTAL
Traffic Management	\$2,643	\$1,321	\$3,964
Open Space			
Local Open Space	\$0	\$0	\$0
District Open Space	\$10,192	\$5,096	\$15,288
Community Facilities			
Library Buildings	\$979	\$489	\$1,468
Library Resources	\$1,179	\$590	\$1,769
Administration			
Plan Administration	\$2,295	\$1,148	\$3,443
TOTAL	\$17,288	\$8,644	\$25,932

Executive summary

APPLICANT:	WHELANS INSITES PTY LTD
ESTIMATED COST OF DEVELOPMENT:	\$0.00
REASON FOR REPORTING TO COUNCIL:	NUMBER OF SUBMISSIONS
PUBLIC SUBMISSIONS:	FIVE (5)
LOT/DP	LOT 2 DP 515013 LOT 65 DP 756897 LOT 30 DP 756897

The proposed development involves a 9 lot staged subdivision. The subject site is located between Old Grattai Road and Hill End Road within the locality of Erudgere to the west of the Mudgee town.

Six (6) lots will have frontage to Old Grattai Road which form Stage 1 and three lots will have frontage to Hill End Road. All lots measure in excess of the 12 hectare minimum.

The proposed development has been assessed in accordance with Council's Development Control Plan (DCP), specifically 7.2 Rural Subdivision. The proposed subdivision is considered generally consistent with the DCP.

The application was notified to adjoining land owners in accordance with Part 1.10 of the DCP. Five submissions of objection were received. The submissions have been attached, location identified on a locality map and discussed in the body of the report.

The application was to the Roads and Maritime Services (RMS) and the NSW Rural Fire Service (RFS) who provided advice that supports the application subject to specific conditions of consent.

The application is reported to Council due to the number of submissions received.

Detailed report

The proposed development involves a nine (9) lot staged subdivision. The first stage Lots 1 – 6 (6 lots) will all front Old Grattai Creek Road and stage two Lots 8 – 10 (3 lots) will all front Hill End Road. The lots range in size from 12 – 18 hectares.

1. REQUIREMENTS OF REGULATIONS AND POLICIES:

Mid-Western Regional Local Environmental Plan 2012 (LEP)

The land is zone R5 Large Lot Residential; subdivision is permissible with the consent of Council.

The Zone Objectives have been provided and considered below -

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: The approval of this subdivision will provide a supply of land within the low density residential environment.

The relevant Clauses of the LEP have been considered below:

4.1 *Minimum subdivision lot size*

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

(a) *to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,*

Comment: the size of the lots can accommodate the future development of dwellings and associated outbuildings.

(b) *to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,*

Comment: the impact of the additional dwellings associated with the subdivision has been considered and any impacts have been determined negligible.

(c) *to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,*

Comment: the dimensions of the proposed lots are suitable to accommodate the future development of dwellings.

(d) *to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,*

Comment: the land has been identified and zoned for the creation of such lots to accommodate dwellings, therefore minimising any land use conflict.

(e) *to ensure that subdivision does not have an inappropriate impact on the natural environment,*

The applicant has submitted both an ecological assessment and groundwater assessment to ensure no negative impacts of natural environment.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

Comment: All lots are in excess of the 12 hectare minimum.

6.4 Groundwater vulnerability

- (1) *The objectives of this clause are as follows:*
 - (a) *to maintain the hydrological functions of key groundwater systems,*
 - (b) *to protect vulnerable groundwater resources from depletion and contamination as a result of development.*
- (2) *This clause applies to land identified as "Groundwater vulnerable" on the Groundwater Vulnerability Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:*
 - (a) *the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),*
 - (b) *any adverse impacts the development may have on groundwater dependent ecosystems,*
 - (c) *the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),*
 - (d) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The subject site has been identified as 'groundwater vulnerable', accordingly the applicant has submitted a Groundwater Assessment that found the potential for an additional 8 stock and domestic bores would have no significant water level decline and is only 15% of the estimated sustainable yield of the area.

The provided Groundwater Assessment states the following 'given the low density nature of the proposed subdivision, it is not anticipated that the combined effects of the multiple septic systems will have any significant or widespread impact on groundwater quality'. The specific sites of dwellings will again be assessed with the any future application.

6.5 Terrestrial biodiversity

- (1) *The objective of this clause is to maintain terrestrial biodiversity by:*
 - (a) *protecting native fauna and flora, and*
 - (b) *protecting the ecological processes necessary for their continued existence, and*
 - (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*
- (2) *This clause applies to land identified as "Moderate Biodiversity Sensitivity" or "High Biodiversity Sensitivity" on the Sensitivity Biodiversity Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider:*
 - (a) *whether the development is likely to have:*
 - (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*

- (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
- (iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (iv) *any adverse impact on the habitat elements providing connectivity on the land, and*
- (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

This land has been identified as having ‘high biodiversity sensitivity’; accordingly the applicant has submitted an Ecological Assessment to demonstrate the development can occur consistent with the objectives.

The submitted Ecological Assessment verified the presence of small, disturbed and fragmented patches of Mixed Box – Red Gum – Rough Barked Apple Woodland which can be determined corresponding with the species as listed under the Threatened Species Conservation Act, not those species as listed under the Environment Protection and Biodiversity Conservation Act.

The Ecological Assessment also determined the presence of fauna, no threatened species were identified, although two threatened species may occur in the study area and / or utilise habitat resources of the study area on occasions while migrating.

The assessment concludes with the statement ‘any future development outside the areas of High Biodiversity Sensitivity is unlikely to adversely affect locally occurring flora and fauna species’, for this reason a restriction as to user has been included within the recommendation (Condition No. 3) that states no buildings shall be erected within the area identified as having a ‘high biodiversity sensitivity’.

6.10 Visually sensitive land near Mudgee

- (1) *The objective of this clause is to protect the visually and environmentally significant upper slopes on the urban fringe south of the town of Mudgee.*
- (2) *This clause applies to land shown as “Visually Sensitive Land” on the Visually Sensitive Land Map.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
 - (a) *will complement the visual setting forming the backdrop to Mudgee, and*
 - (b) *will be located to avoid visibility above ridgelines and any visual intrusion will be minimised.*

The subject site is only partially identified as ‘visually sensitive land’. The subject area cannot be viewed from the Mudgee Township due to the sites location beyond the Avisford / Mount Misery ridge. The subject site is not located on ridgelines.

Mid-Western Regional Development Control Plan 2013 (DCP)

The following table summarises the relevant issues in Part 7.2 of the DCP 2013:

Part 7.2 Rural Subdivision	Requirement	Compliance/Comment
Site Plan	<ul style="list-style-type: none"> • Site plan identifying existing vegetation, farm improvements including dwellings, sheds, dams, fences and access roads. • Application should: <ul style="list-style-type: none"> — Identify existing use of land; — Address access points/location public roads; 	The submitted site plan identified relevant land features.

Part 7.2 Rural Subdivision	Requirement	Compliance/Comment
	<ul style="list-style-type: none"> — Identify unformed roads/crown land within adjoining site; — Show easements and services; — Identify watercourses 	
Lot Size	<p>(a) Lots must be of sufficient area to enable the construction of a dwelling house, associated outbuildings, services, vehicle parking and access, private open space without excessive terracing and allow for maximum retention of existing vegetation.</p> <p>(b) The minimum area for subdivision will apply to that area that is considered productive for the agricultural pursuit for which the lot is being created.</p>	Each lot meets the minimum lot size and has sufficient area for the future placement of a dwelling house.
Services	<p>Where the proposed lot(s) is within 500m of an R1 General Residential or R2 Low Density Residential zone, the new lots must:</p> <ul style="list-style-type: none"> • have sealed road frontage and be connected to the sealed road network; • connect to the reticulated water and sewer infrastructure. 	The proposed lots are not located within 500 metres of an R1 General Residential or R2 Low Density Residential zone.
Roads	All roads within a rural subdivision are to be sealed or connected to the sealed road network if the proposed lots are less than 500 metres to the sealed road network.	No roads within the subdivision are proposed. Lots 8 – 10 have frontage to the sealed road Hill End Road. Lot 1 – 6 are located greater than 500 metres along Old Grattai Creek Road from the sealed Hill End Road.
Lot Design	<ul style="list-style-type: none"> • New lots to minimise environmental impacts including: <ul style="list-style-type: none"> — Soil disturbance/erosion — Creek/waterway crossings. — Tree removal — Adequate separation distances for new/existing development 	The proposal will have minimal environmental impact, subject to compliance with the conditions included within the recommendation.
Bushfire Prone Areas	Safe siting of lots within Bushfire Prone Areas is essential. Such sites should avoid the need for extensive clearing of native vegetation and must provide for safe access for Bushfire and Emergency Service vehicles where the land is Bush Fire Prone Land. A bushfire risk assessment must be submitted in accordance with Planning for Bushfire Protection 2006, a NSW Rural Fire Service Publication. Council is able to identify if the subject land is Bushfire Prone prior to the lodging of a development application. Please note a referral fee (payable to the NSW Rural Fire Service) is required with all mandatory referrals to the NSW Rural Fire Service.	The application was referred to NSW RFS who proposed no specific conditions.
Heritage	A cultural heritage assessment will be required to be submitted along with an application for subdivision where the subdivision will result the creation of a dwelling entitlement and there are overland drainage lines and/or elevated parts of the property (ridgelines and plateaus).	As detailed above, the Cultural Heritage Assessment considered the proposed dwelling envelopes and found them suitable.
Flora	The Native Vegetation Act 2003 prohibits the removal of native vegetation without prior permission from the relevant Local Catchment Management Authority. Applicants are advised to discuss any proposed clearing	As discussed in the report a suitable conditions detailing the restriction as to user will be included within the

Part 7.2 Rural Subdivision	Requirement	Compliance/Comment
	<p>of vegetation with their respective Catchment Management Authorities (CMAs) prior to lodging a development application with Council. The relevant CMAs are:</p> <ul style="list-style-type: none"> • Central West CMA • Upper Hunter CMA <p>It is also advised to check with OEH for any endangered communities or species that may be on your land. If there is a possibility of any Endangered Communities or species on your land a flora study is to be completed and submitted with the application.</p>	recommendation.
Fauna	<p>The OEH should also be consulted to identify any threatened fauna that might be on the development site. If there is a possibility of any threatened fauna species or their habitat on your land then a fauna study is to be completed and submitted with the application.</p>	As discussed in the report a suitable conditions detailing the restriction as to user will be included within the recommendation.
Battle axe handle	<p>Subdivision of land where access is proposed by a battleaxe handle is generally not supported by Council. A detailed submission supporting this type of access must be submitted with the development application. No more than two battle axe handles will be permitted. Where more than one battle axe handle is required the access will be redesigned, upgraded and designated as a public road such that all lots created have direct frontage to a road.</p>	Due to the shape of the existing lots, three battle axe accesses are proposed to provide access to the lots located within the centre of the development site. One battle axe handle is proposed to Hill End Road and two fronting Old Grattai Road, this is considered acceptable as all lots still have road frontage.
Water cycle management report	<ul style="list-style-type: none"> • Required for each lot capable of on-site effluent disposal. Report must include: <ul style="list-style-type: none"> — Nominal effluent management area; — Slope/aspect; — Other site constraints; • Plan must indicate nearby watercourses with min. buffer of 100m between EMA and perennial/intermittent creeks or min. 40m from drainage depressions. 	Each lot will have sufficient area for on-site effluent disposal. This is further supported in the Groundwater Assessment.
Telecommunications	<p>Are telecommunications able to be extended to service the lot?</p>	Telecommunications are available and can be extended to service the additional allotment.
Electricity	<p>Council requires that electricity services be provided to each allotment created with a dwelling entitlement. Proposed alternative methods of power supply will be considered by Council for subdivision in RU1 Primary Production Zone, RU4 Primary Production Small Lots Zone and R5 Large Lot Residential Zone where the development is more than 1km from the grid system or the cost to provide electricity exceeds \$30,000 per lot subject to a covenant being imposed on the land title stating that the provision of electricity to the allotment is to be provided by the landowner. The approval of alternative methods of power supply is at the discretion of Council.</p>	It can be assumed dwellings on land adjoining the site are connected to electricity and can be extended to the site. In addition the application was referred to Essential Energy who had no objection.

Part 7.2 Rural Subdivision	Requirement	Compliance/Comment
Land use history	Any application on rural land would need to demonstrate the previous use of the land and potential for contaminating land uses.	A statutory declaration has been supplied to Council.

Mid-Western Regional Section 94 Development Contributions Plan – Amendment 4

Section 94 contributions have been calculated in accordance with the Mid-Western Regional Section 94 Development Contributions Plan. The subject site is located within catchment 4. A credit was provided for the existing three lots (all of which measure in excess of 12 hectares, accordingly have an entitlement). Contributions were levied for the nine lots, the condition included within the recommendation details the contributions payable per stage.

2. IMPACT OF DEVELOPMENT

(a) Context and Setting

The subject site is located to the north west of the Mudgee town bound by Hill End and Old Grattai Creek Road. To the east are smaller rural residential allotment development with dwellings. To the west are larger allotments utilised for smaller scale agricultural uses including viticulture.

(b) Access, transport and traffic

Access to the proposed lots are from Hill End road and Old Grattai Creek Road. Proposed Lots 1 – 6 are proposed to gain vehicular access from Old Grattai Road and Lots 8 – 10 from Hill End Road. The application was referred to the Roads and Maritime Service (RMS) who made specific requests regarding the combined accesses and construction design; these have been included as conditions within the recommendation.

(c) Utilities

Onsite sewer management systems will be required for any future dwellings and it is anticipated water supply will be provided with rainwater tanks and possibly stock and domestic bores.

Electricity and telecommunication services can be connected to the subject site.

(d) Heritage

A Cultural Heritage assessment was carried out on the subject site, including the building envelopes and stated 'as no Aboriginal sites will be impacted at present the Mudgee LALC has no objection to the subdivision development proceeding'. However the report then goes on to discuss the significance of the site as recorded on the AHIMS data base;

'as a highly significant place due to the high amount of objects identified a source of high quality resource material. This would have been a place of gathering and is part of a travelling route that continues to the lower Cudgegong River system. We consider it to have significant Aboriginal Cultural landscape values'.

For that reason a restriction as to user regarding the building envelopes on Lots 4, 6 8, 9 and 10, those that front MacDonald's Creek will be included within the recommendation. Further, this area discussed in the report also has high biodiversity sensitivity, so this area will be subject to another restriction that excludes building in this area.

(e) Other land resources

The development proposal would not alter the impact or effect on other land resources.

(f) Water

As mentioned above a Groundwater Assessment was provided with the application and found the subdivision not be detrimentally impact upon or draw on the groundwater.

(g) Soils

Contamination risk and salinity have been addressed above in the report.

(i) Air and Microclimate

The development will not adversely affect air quality nor will the micro climate be adversely affected. During construction, there is the likelihood of limited impact; however this can be mitigated by dust suppression.

(j) Flora & fauna

As discussed above an Ecological Assessment was provided that details any potential impacts and mitigation measures.

(l) Energy

There are no energy concerns with this application. Proposed lots can be serviced with underground electricity.

(m) Noise & vibration

The subdivision is unlikely to significantly increase the noise impacts in the locality.

(n) Natural Hazards

The site is partially bushfire prone, the application was referred to Rural Fire Service and did not provide any specific conditions.

(q) Economic and Social impact in the locality

The provision of new rural small holding type lots will provide additional housing choice in the region.

(s) Site design and internal design

The development is designed to comply with Council's DCP 2013 including the provision of services and utilities.

3. SUITABILITY OF SITE FOR DEVELOPMENT**(a) Does the proposal fit in the locality?**

The proposed development will alter the locality as the site has been largely vacant for some time. The impacts are considered positive and will provide greater housing choice closer to facilities and services.

(b) Are the site attributes conducive to development?

The subject site has two road frontages making the site conducive to the development.

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

The application was notified to adjoining owners, five submissions were received, the issues raised are summarised and a staff comment provided below.

Submission	Staff Comment	Resolution
Groundwater vulnerability	Council requested a Groundwater Assessment be provided, the assessment considered the future potential of each lot having a stock and domestic bore. The report found any future maximum impact negligible on the groundwater supply.	Yes
High Biodiversity	An Ecological Assessment was submitted and have been discussed in detail above. The location of future dwellings have been excluded form high biodiversity areas.	Yes
Visually sensitive land	The site is partially affected and this matter has been addressed above. There are no significant ridgelines within the property and	Yes

Submission	Staff Comment	Resolution
	the property is not visible from Mudgee.	
Weeds	Weeds are dealt with under a separate piece of legislation.	N/A
Availability of Electricity	The application was referred to Essential Energy who had no objection to the proposed development. There is existing power lines within close proximity to the development	Yes
Dust	There is potential for dust to be generated during any future dwelling construction phase, suitable conditions will be included in those consents. Proposed access 8 and 9 will be combined reducing any potential dust impacts.	Yes
Traffic impacts along Old Grattai Road	The suitability of the road for the proposed subdivision has been considered by Council's Development Engineer and considered acceptable.	Yes
Suitability of dwelling location of Lot 10	Building envelopes have been identified and will be registered on the title for Lots 4, 6, 8 – 10, in accordance with the Cultural Heritage Assessment. However the future application for a dwelling will still need to be determined within the envelope itself. In addition, since this matter of the suitability of the dwelling envelope on Lot 10 was raised with the applicant the envelope was pegged onsite to demonstrate that in fact it was located on an elevated location on the proposed lot.	Yes

5. THE PUBLIC INTEREST

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

Negligible.

6. CONSULTATIONS

The RMS and NSW RFS have provided their comment and where appropriate have been included within the recommendation.

Essential Energy had no objection to the proposed development.

(a) Health & Building.

No objection subject to conditions included within the recommendation.

(b) Development Engineer.

No objection subject to conditions included within the recommendation.

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.

SARAH ARMSTRONG
SENIOR TOWN PLANNER

7 November 2014

- Attachments:*
1. Locality plan detailing location of Objectors.
 2. Site plan
 3. Letters of objection

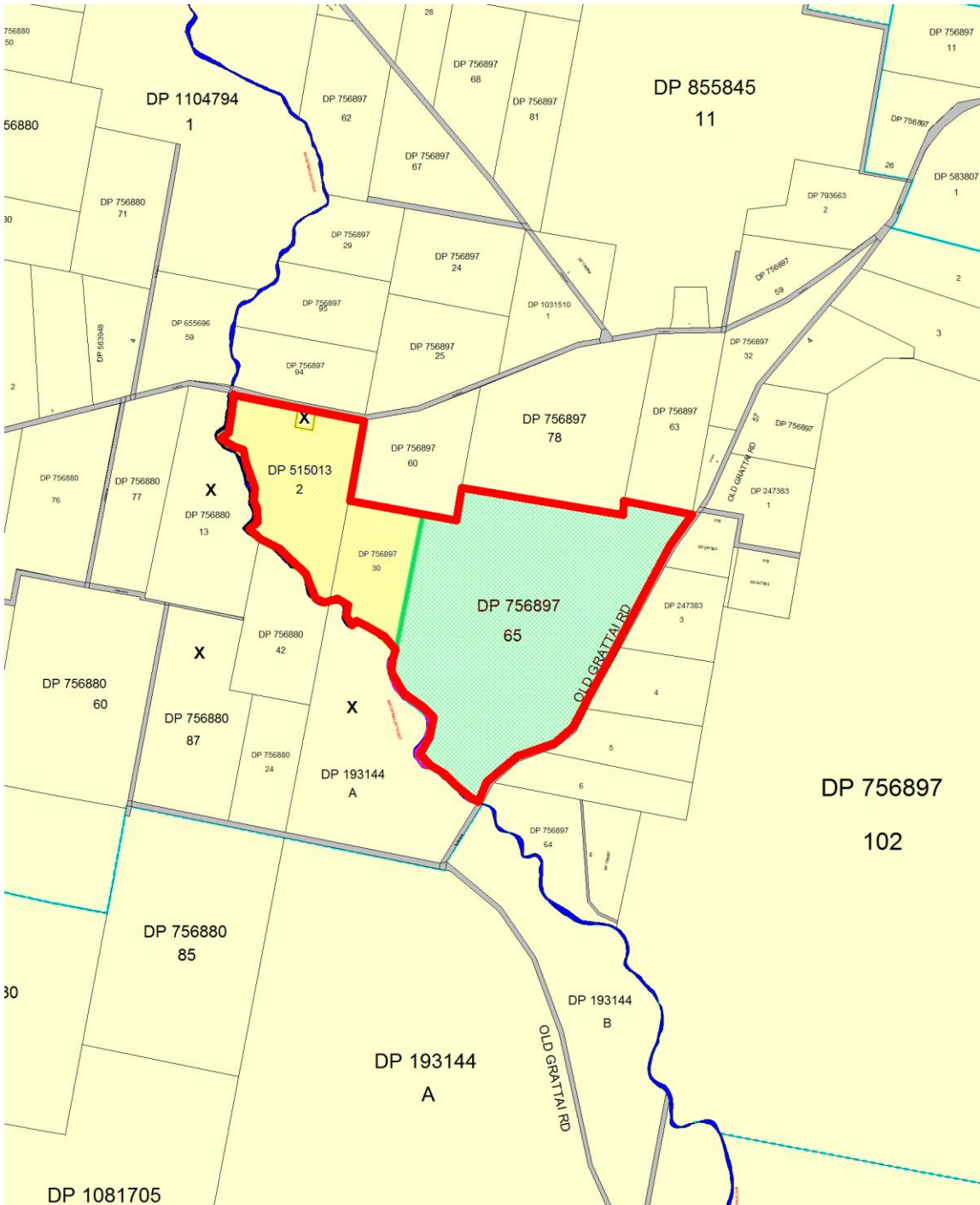
4. Groundwater Vulnerability
5. High Biodiversity Sensitivity

APPROVED FOR SUBMISSION:



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

ATTACHMENT 1



Map Scale: 1:20,490

Disclaimer

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

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

Legend



Parcel
Crown Land
Railway



Parish
Localities
LGA Boundary



Road
State Forest
Waterway

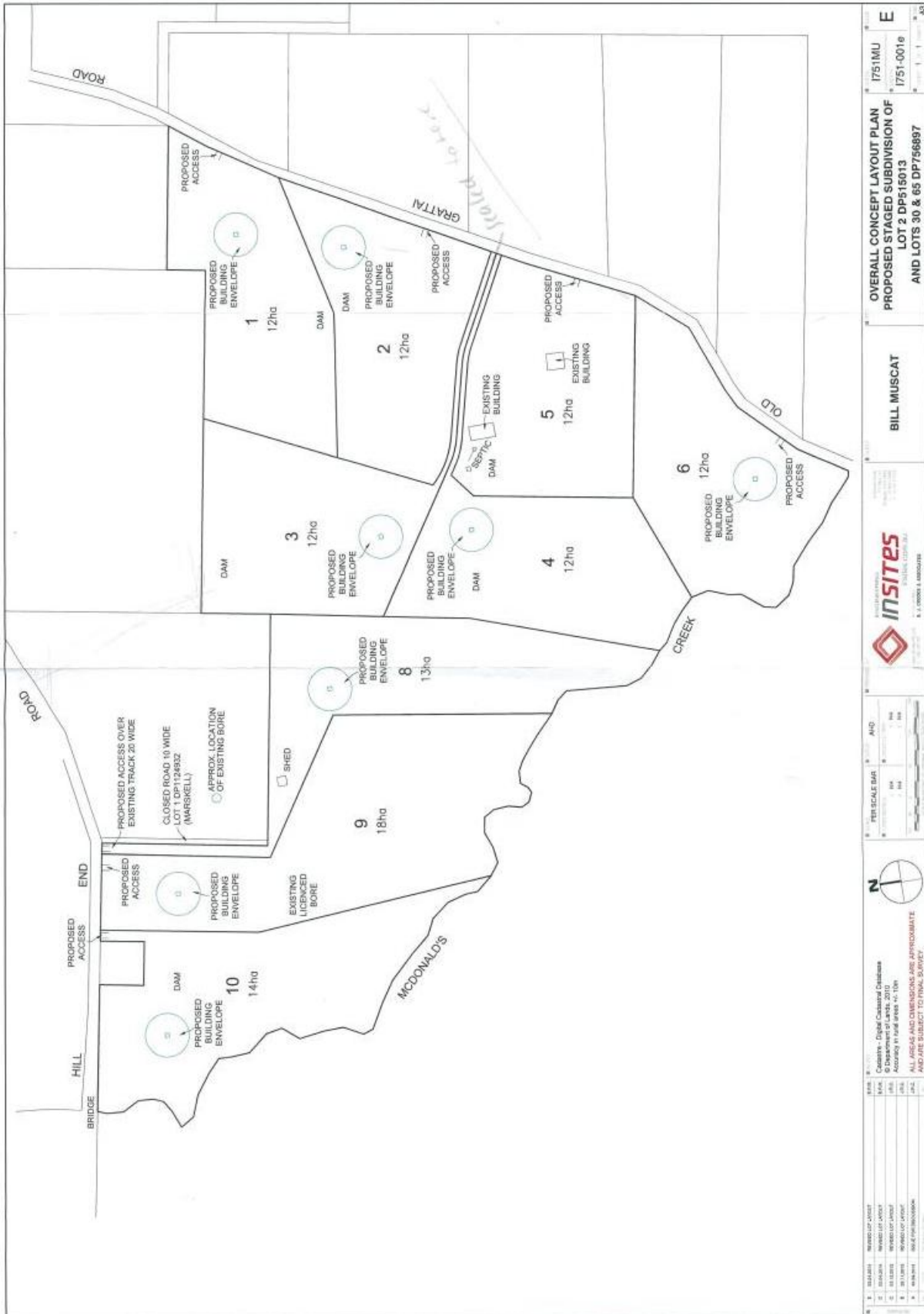


NORTH



Printed on Wednesday, 5 November 2014

ATTACHMENT 2



OVERALL CONCEPT LAYOUT PLAN
PROPOSED STAGED SUBDIVISION OF
LOT 2 DP515013
AND LOTS 30 & 65 DP756897

BILL MUSCAT

inSITES
 CONSULTANTS
 11 JONES & LINDSEY

Scale: 1:1000

North Arrow: N

Scale Bar: 0m, 10m, 20m, 30m, 40m, 50m, 60m, 70m, 80m, 90m, 100m

Notes:
 1. All areas and dimensions are approximate and are subject to final survey.
 2. All areas and dimensions are approximate and are subject to final survey.
 3. All areas and dimensions are approximate and are subject to final survey.
 4. All areas and dimensions are approximate and are subject to final survey.
 5. All areas and dimensions are approximate and are subject to final survey.
 6. All areas and dimensions are approximate and are subject to final survey.
 7. All areas and dimensions are approximate and are subject to final survey.
 8. All areas and dimensions are approximate and are subject to final survey.
 9. All areas and dimensions are approximate and are subject to final survey.
 10. All areas and dimensions are approximate and are subject to final survey.

Project Information:
 1751MU
 1751-001e
 E



ATTACHMENT 3

Chris and Carmen Robson
557 Hill End Rd
Erudgere
2850

28 May 2014

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



Dear Sir,

OBJECTION TO DA ON EXHIBITION - DA0359/2014 SUBDIVISION OF LOT2 DP515013 AND LOTS 30 & 65 DP756897, OLD GRATTAI ROAD

Thank you for the opportunity to be consulted as a neighbouring land owner regarding the proposed subdivision, however we object to the development in its current form. We have an established vineyard and have concerns about the impact of the development, including the following aspects:

Servicing of the Development re LEP Groundwater vulnerability; clause 6.4

The servicing of the development for water especially has been dismissed in the DA. Water cannot be serviced feasibly, especially in low rainfall periods by roof catchments. The sensitivity of our bore to ongoing irrigation use and fluctuations in the water table indicate that if the subdivision requires new bores to be installed, this will be at significant detriment to existing water users that depend on the bore water.

The applicant needs to demonstrate objective ways of obtaining water, that will not affect this already sensitive and valuable commodity. The area for proposed subdivisions is clearly marked on the groundwater vulnerability map. We know from personal experience, that in this area ground water is extremely vulnerable. I understand that this is what clause 6.4 is asking for.

Why has this not been addressed but dismissed in the application when we are clearly mapped as a water vulnerable area?

Is the existing licenced bore noted on Lot 9 to service this proposed Lot only? We do not support a development that is not adequately serviced and that will impact on the water supply to established operations.

Currently our bore water is only just sustainable and is extremely user sensitive, to say the least. Other bores surrounding our property are obviously on the same aquifer. We cannot sustain our vineyard/income without water. We feel strongly that this proposed subdivision will have a drastic effect on our business, because of the vulnerability of the ground water in the Erudgere valley. We already know that just residential use of bore water for surrounding properties, have a profoundly negative effect, experienced in the last dry spell, when it was demonstrated that our ground water is extremely vulnerable.

Also with our land being zoned R5, agriculture for commercial use will clearly need validity of consent relevant legislation. As we do not join all of the proposed blocks, we would not be informed of many imminent future Development Applications, therefore we would not have the knowledge to object. It would also be these Development Applications that could potentially threaten our water, on top of the residential use that would have already made a scarce and valued commodity be near to nonexistent. The proposed block sizes of minimum 12h, do not rule out, but encourage different types of intensive farming. The people that buy these blocks may well, like to plant all sorts of things and not be for commercial use, but again want a bore to support this. You must see our validated concern.

Concern about the impact on the natural environment, identified high biodiversity area. LEP Terrestrial biodiversity; clause 6.5

Concerns are raised about the impact on the natural environment especially with regard to flora and fauna. We are concerned that the DA submission is not clear in how many trees will be affected or that proper assessment has been made as to what occurs at the site.

Known recorded observations of Koalas and the Regent Honeyeater occur within a 10km buffer of the site (Atlas of NSW Wildlife records). Also with reference to the Department of the Environment (EPBC Act Protected Matters Report) there are two communities that may occur in the area: Grey Box Grassy Woodland and derived native grasslands of south-eastern Australia (endangered) and White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland (critically endangered).

Council should not be able to approve a subdivision without considering the impact on the natural environment. The site has been grazed only in the past (as indicated by the stat. dec. with the DA). This would indicate that native grasses remain in the subject land as it has not been cropped, and the site retains native trees. We would suggest that if the site is significant as habitat or a significant ecological community it should follow that the number of lots should be significantly reduced, to lessen the clearing potential and long term impact on the natural environment.

Proposed subdivision is 'over development' of the land and does not address visual issues. LEP Visually sensitive land near Mudgee; clause 6.10

The DA will affect the visual amenity of neighbouring properties. Part of the land is mapped as 'Visually Sensitive land' in the LEP. This is testament to the topography of the locality. The DA has not considered the impact on the neighbouring properties views or the impact on 'Visually Sensitive Land' in accordance with the LEP.

The development standards of the DCP are also not appropriately considered or have not been met. The layout includes several battle-axe allotments contrary to the written SEE which states on pg 15 that no battle axe lots are proposed. This subdivision layout only assists an over-development of the site and is at the detriment to the visually sensitive landscape. We do not support building envelopes shown in the mapped visually sensitive sites (Lot 1, Lot 2 and Lot 6) or the proposed battle axe arrangements.

Concern that the DA does not meet DCP standards and LEP objectives

The development standards of the MWRLEP 2012 have not been appropriately considered. No proper consideration has been made of the established adjoining land uses and the impact on agricultural production (especially with RU1 zoning adjoining the site, and established water dependent intensive agriculture (bores)).

The objectives of the R5 zone are not addressed in the DA. The SEE states on page 4 that 'the land will support and promote productivity of agricultural land and will support agriculture in the region'. We do not agree! Additional dwellings and a potential drain on the available bore water, will add conflict not support our ongoing vineyard operation! Objectives of clause 4.1 of the LEP are not achieved. This DA will threaten our established use and ongoing productivity of the land.

The SEE indicated that the building sites may be relocated from the proposed envelopes shown on the plan. Clarification is sought on this matter.

The DA does not provide a Water Cycle Management Report. The developer should be required to show that effluent can be disposed on the site free from water courses and gullies etc.

Existing vegetation is not included as required by the DCP. The mapped 'Biodiversity Sensitive land' is not clear within the subdivision to know what impact will occur. We do not support a DA that clears the native trees.

Concern about the level of assessment for the DA

The Statement of Environmental Effects (SEE) submitted with the DA is lacking in the proper assessments. In addition to other items referred to above, the aboriginal heritage report (Appendix 4) referred to in the DA has not been available on exhibition. Please advise if this is available.

The riparian environment has not been mentioned or the application of the NSW Office of Water guidelines regarding vegetated riparian zones (VRZ).

Flora and fauna assessment as discussed above is warranted. The SEE only refers to access construction as a clearing impact, however we believe that the fence lines and provisions of essential services and

building envelopes nominated (with bushfire asset protection zones should be considered) should be considered.

The DA does not provide a Water Cycle Management Report.

The nature of the development is to facilitate nine (9) additional dwellings in the landscape. However the SEE dismisses any impact of the future dwellings, stating several times that though the DA provides building envelopes no construction is proposed so the impact is dismissed. This approach neglects to consider the impact of the development, the nature of the subdivision is to provide 9 additional dwelling opportunities the suitability of the site for this purpose and the potential impacts should not be dismissed and should be considered by Council.

Thank you again for the opportunity to provide a submission. Please keep us informed of the progress of this application.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Chris and Carmen Robson', written in a cursive style.

Chris and Carmen Robson

TAX / INVOICE

122 Church Street,
Mudgee NSW 2850

JOHN MARSKELL AGENCIES
A.B.N. 18 174 161 764
**Livestock Auctioneers,
Stock, Station & Real Estate Agents**

Telephone: (02) 6372 1139
Mobile: 0428 962 711
Fax: (02) 6372 4324

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

23.5.2014

Dear Sir

Re:- Proposed subdivision "Windarra" 132 Old Grattai Rd ERUDGERE NSW 2850

I wish to object on the grounds of no power lines to branch off existing lines on my property.

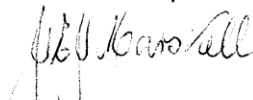
Where is the water coming from for these lots? Hopefully the purchaser won't be lined up at 2MG.

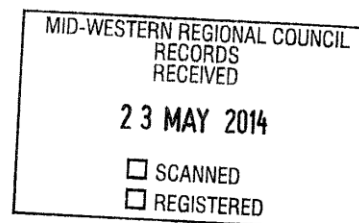
Weeds. This property has been a disgrace. A bit of attention by occupiers will not stop weeds both noxious and other from growing again. Therefore I strongly object to this owner walking away and the problem left to others.

A quarry on the South Eastern end of this property was not submitted to me for approval or otherwise. Therefore what is the council going to do about it being rejuvenated?

Thank you.

Yours faithfully


J.E.J. Marskell



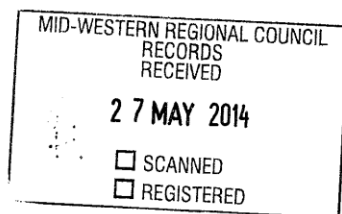
509 Hill End Rd
Mudgee : 2850
27.5.14

To The General Manager,

I am writing with regards to the proposed subdivision on Hill End Rd around our property. The proposed building site behind our house near the dam (Lot 10) with access on Hill End Rd is often a quagmire in the wet.

I am also concerned with the access road having to run around two sides of our house in the dry and making it become a dustbowl. Is this site definite or can the purchaser build elsewhere on the property.

Yours sincerely
Margaret Lucas.
M.L. Lucas.



MID-WESTERN REGIONAL COUNCIL
 RECEIVED
29 MAY 2014
 CUSTOMER SERVICE CENTRE

Grahame & Kate Dowling
 Varykino
 105 McDonalds Road
 Erudgere
 2850

29 May 2014

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

MID-WESTERN REGIONAL COUNCIL
 RECORDS
 RECEIVED
29 MAY 2014
 SCANNED
 REGISTERED

Dear Sir,

OBJECTION TO DA ON EXHIBITION - DA0359/2014 SUBDIVISION OF LOT2 DP515013 AND LOTS 30 & 65 DP756897, OLD

Thank you for the opportunity to view the proposed subdivision and the assistance granted me by Kim Orth when calling at council chambers recently.

Whilst our property does not adjoin the proposal, I must raise our concern in regards to water availability and the strain any new dwellings will place on the already depleted bore reserves within the area.

Our own bore water supply over the last few years has depleted substantially with constant running out after several hours use requiring waiting for the table to refill again before being able to again use the supply.

Other properties in the area apart from us [vineyards] have been having to use bore water supply due to the reduced rainfall over recent years and this has also contributed to the lessening of our own supply here at Varykino.

It is felt that any further development in the area will in time with each new dwelling built require bore water usage which will then further deplete what little bore reserves there are and possibly ruin us all economically and turn the area into a proverbial desert.

With this in mind we must lodge strong objection unless the council may perhaps propose extending the town water supply through to the Erudgere valley.

Yours faithfully

Grahame and Kate Dowling



Dear General Manager of Mid-western Regional Council,

RE: DA0359/2014

Council is obliged by the Environmental Planning and Assessment Act to consider this submission within the terms of the relevant legislation, plans and policies.

I am a local resident of Mid-western Regional Council Area and, as a resident I am concerned about the subdivisions along Old Grattai Road (DA0359/2014).

Please inform me how Mr Bill Muscat and Engineering Insites intend on avoiding impact to local Biodiversity Sensitive Areas, McDonald's Creek and its tributaries and any native vegetation within the proposed subdivision areas, including Endangered Box-Gum Woodlands and vulnerable animal habitat.

Please also inform me how Mr Bill Muscat, Engineering Insites and Mid-western Regional Council will reduce impact from increased traffic along old Grattai Road.

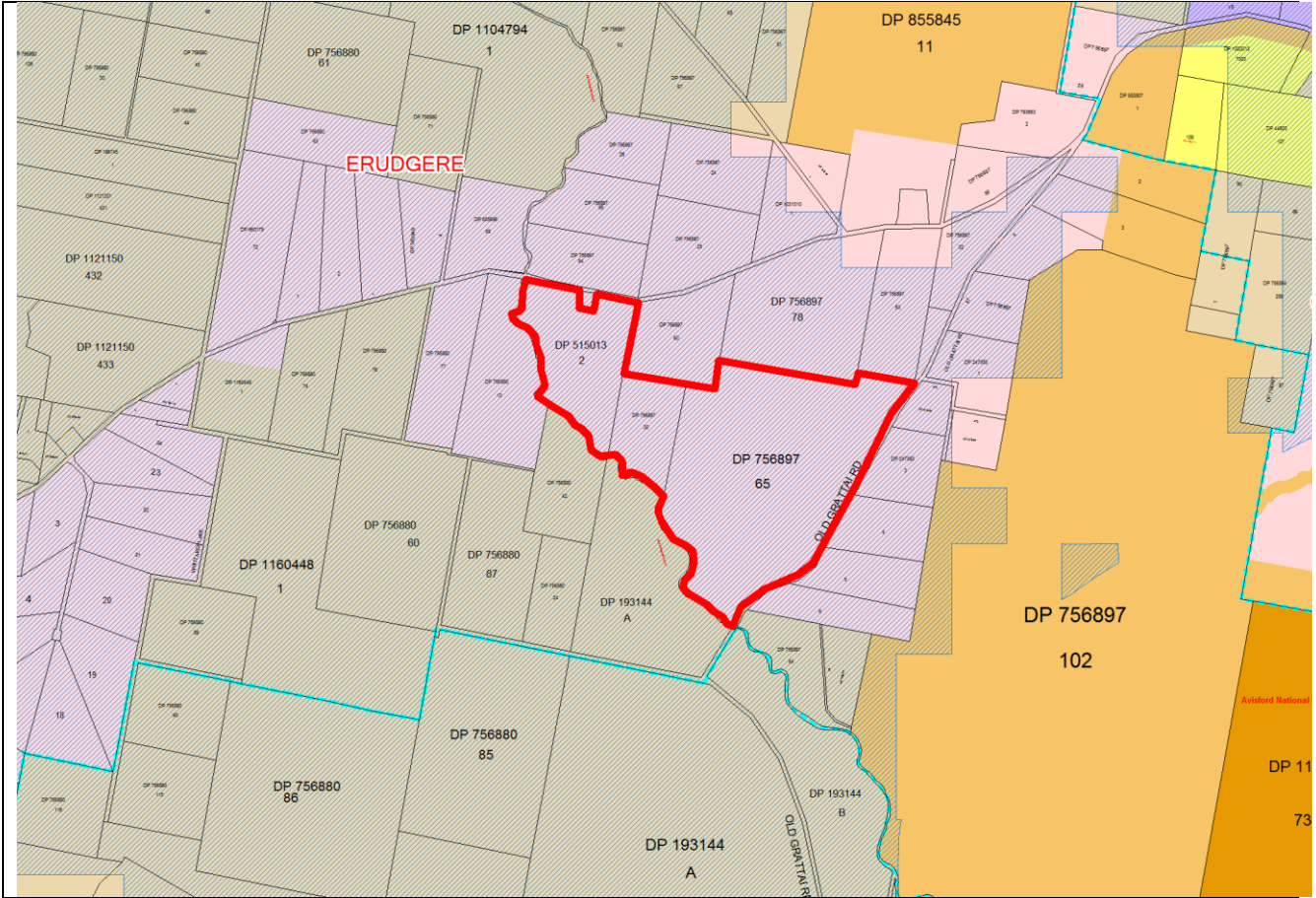
Has this subdivision site been assessed by a trained environmental professional? If this is the case could you please send a copy of the environmental scientist report addressing impact prevention to watercourses, native vegetation, plants and animals, traffic and noise to this email so I can read it and provide comment.

Please provide update, response and follow-up to my submission addressed to this email address to indicate that you have received and acknowledged my submission.

Best,

Mr S. C.
Mudgee, NSW

ATTACHMENT 4



Map Scale: 1:33,770

GROUNDWATER VULNERABILITY (blue hatched area)

Disclaimer

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

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

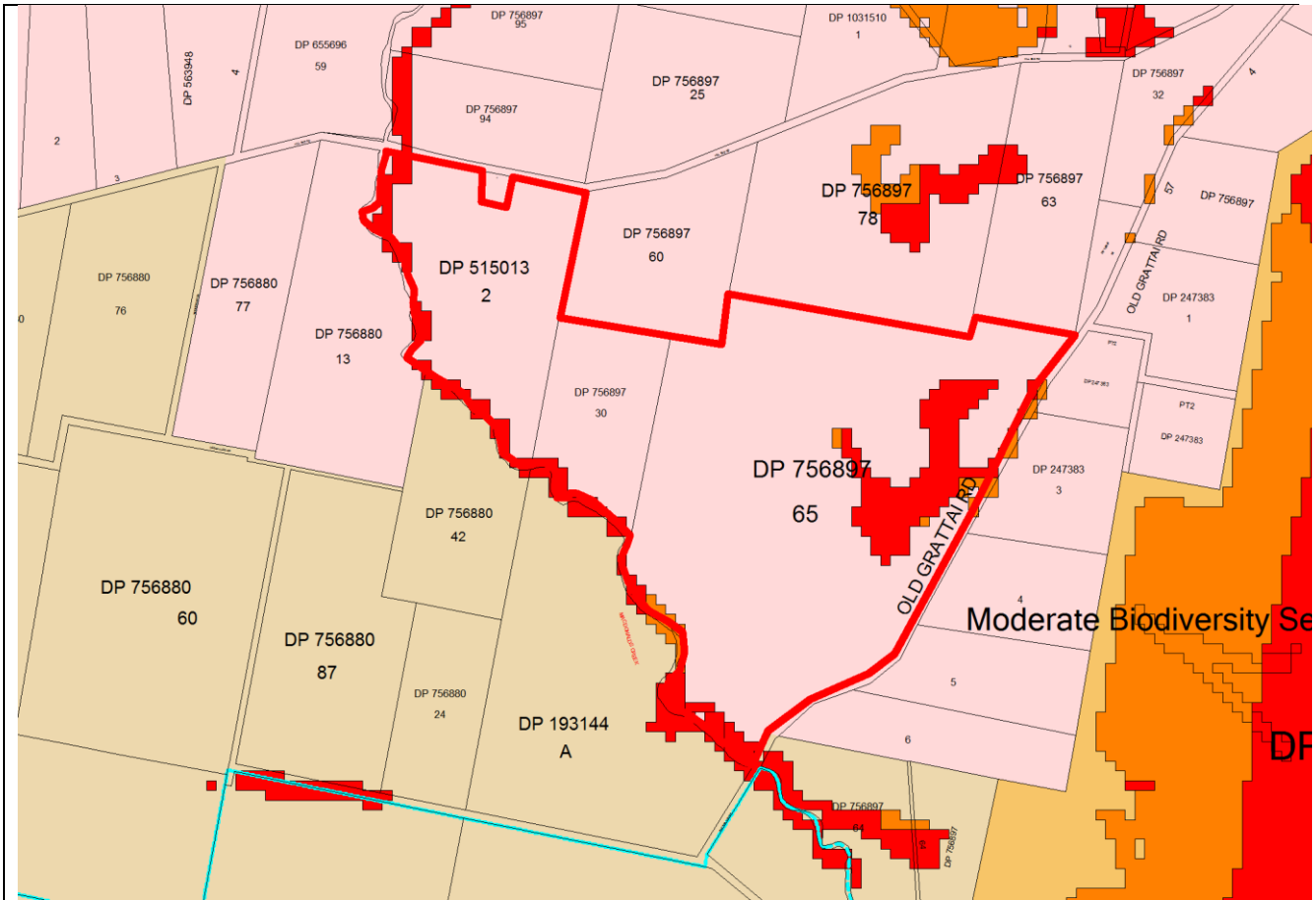
Legend

	Parcel		Parish		Road
	Crown Land		Localities		Forest
	Railway		LGA Boundary		Waterway



Printed on Monday, 10 November 2014

ATTACHMENT 5



Map Scale: 1:19,060

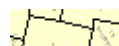




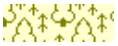



HIGH BIODIVERSITY SENSITIVITY (marked in red)

Disclaimer

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

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

Legend

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



Printed on Monday, 10 November 2014

6.2.2 DA0147/2015 – Placement of Ball Mill at Kandos Museum – Lot 9 Sec 1 DP 8161

REPORT BY THE TOWN PLANNER TO 19 NOVEMBER 2014 COUNCIL MEETING

REPORT Kandos Museum

GOV400038, DA0147/2015

RECOMMENDATION

That:

1. the report by the Town Planner on Development Application 0147/2015 – Placement of Ball Mill at Kandos Museum – Lot 9 Sec 1 DP 8161, 20-24 Buchanan Street, Kandos be received;
2. Development Application 0147/2015 – Placement of Ball Mill at Kandos Museum – Lot 9 Sec 1 DP 8161 at 20-24 Buchanan Street, Kandos be granted subject to the following conditions:

APPROVED PLAN CONDITIONS

1. Development is to be carried out generally in accordance with stamped plans Drawing A – Site Plan, Drawing B – Elevation Plan and Drawing C – Cross Sections and the Application received by Council on 28/10/2014 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

GENERAL CONDITIONS

2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy.
3. The structure is to be securely fixed to the ground prior to the area being accessible by the general public.
4. A fence of suitable design and height is to be erected around the structure to prevent unauthorised entry to the mill.
5. The existing items located upon the site are to be relocated on the site in an orderly fashion so as to not interfere with the amenity of the area and address the issue of public safety including fencing where considered necessary.

PRIOR TO COMMENCEMENT OF WORKS

6. A Traffic Control Plan (TCP) completed by a “Certified Person” for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.

7. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
8. The development site is to be managed for the entirety of work in the following manner:
 - 1) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - 2) Appropriate dust control measures;
 - 3) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - 4) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
9. Prior to the commencement of works on site, the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property.

CONSTRUCTION WORK

10. 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.
11. Construction work noise that is audible at other premises is to be restricted to the following times:
Monday to Saturday - 7.00am to 5.00pm

No construction work noise is permitted on Sundays or Public Holidays.
12. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

NOTE: The developer should contact a suitably qualified person to determine the necessary steps to protect aboriginal heritage.
13. All works are to be undertaken at no cost to Council.

Executive summary

The proposal involves the placement of a ball mill (salvaged from the former Kandos cement works) on Lot 9 Sec 1 DP 8161 to be utilised as a display in association with the adjacent Kandos Museum. The ball mill is approximately 14m in length and 4m in height and will be placed upon a concrete slab.

The site currently contains various display items used in conjunction with the museum, which will be required to be relocated in an orderly manner on the site and the implementation of measures such as fencing to ensure public safety.

Consent for the use of the overall site (Lots 9, 10 and 11) as an Information and education facility has already been granted under DA0326/2011.

This application is being referred to Council as Council is the owner of the land.

Detailed report

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

1. REQUIREMENTS OF REGULATIONS AND POLICIES:

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

Mid-Western Regional Local Environmental Plan 2012

The land is zoned RU5 Village pursuant to Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012). The proposal is to be used in conjunction with the adjacent museum (community facility) and is therefore permissible in the zone. The objectives of the zone are as follows:

- To provide for a range of land uses, services and facilities that are associated with a rural village,
- To promote development that is sustainable in terms of the capacity of infrastructure within villages.

The proposed community facility is of a scale suitable to the village of Kandos and can be catered for within the existing infrastructure capacity.

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

Mid-Western Regional Development Control Plan 2013

The proposal generally satisfies the provisions of the DCP. The placement of the ball mill is not expected to generate further demand for parking as it is intended to complement the existing museum experience for patrons not increase visitor numbers.

2. IMPACT OF DEVELOPMENT

(a) Context and Setting

The development is considered to be of a suitable scale for the village setting.

(b) Access, transport and traffic

No additional traffic generation is expected.

(c) Public domain

Not applicable.

(d) Utilities

Nil impact

(e) Heritage

The museum building is listed as a heritage item pursuant to MWRLEP 2012. The proposed location of the ball mill is not expected to impact upon the heritage values of the site.

The ball mill will provide a complimentary experience to museum patrons further enhancing the financial sustainability of the site. Consequently, the proposal will assist in the protection and ongoing maintenance of the heritage item.

(f) Other land resources

Nil

(g) Water

Nil

(h) Soils

The proposal includes approximately 1.5m of cut and some minor fill. The steep nature of the site will necessitate an increased level of cut to allow the erection of structures.

A condition will be placed upon the consent to ensure stormwater runoff does not interfere with adjacent properties.

(i) Air and Microclimate

Nil

(j) Flora & fauna

Nil

(k) Waste

Nil

(l) Energy

Nil

(m) Noise & vibration

No significant impact expected

(n) Natural Hazards

Nil

(o) Technological hazards

Nil

(p) Safety, security and crime prevention

No significant issues expected

(q) Social impact in the locality

A positive social outcome is anticipated.

(r) Economic impact in the locality

A positive contribution is anticipated.

(s) Site design and internal design

Considered acceptable.

(t) Construction

To comply with the Building Code of Australia (BCA).

(u) Cumulative Impacts

Nil

3. SUITABILITY OF SITE FOR DEVELOPMENT

(a) Does the proposal fit in the locality

The proposal generally fits within the village locality.

(b) Are the site attributes conducive to development

Yes.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

Nil submissions received.

(b) Submissions from public authorities

Nil submissions received.

5. THE PUBLIC INTEREST

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

No significant issues in the interests of the public are expected as a result of the proposed development.

6. CONSULTATIONS

Nil.

7. CONCLUSION

The proposed placement of the ball mill in association with the adjacent Kandos museum is considered to comply with the objectives of the RU5 Village zone and will not generate any significant impacts upon the surrounding area.

Financial and Operational Plan implications

All works to be undertaken and financed by the Kandos Bicentennial Industrial Museum Inc.

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.

DREW ROBERTS
TOWN PLANNER

10 November 2014

Attachments:

1. Locality Plan
2. Site Plan, Elevation Plan & Section Plan
3. Photo of Ball Mill

APPROVED FOR SUBMISSION:



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

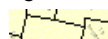









Map Scale: 1:2,080

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

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

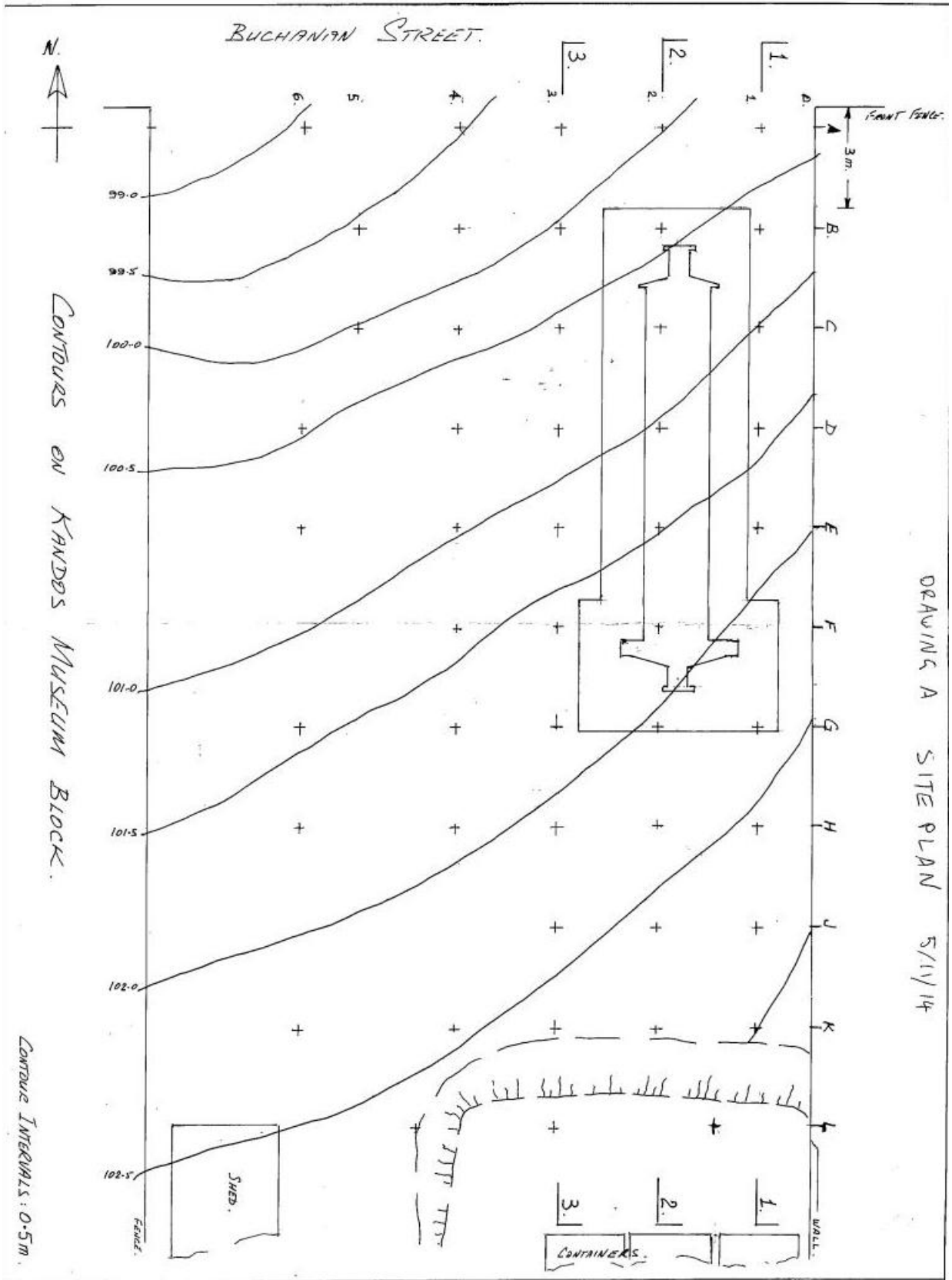
Legend

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

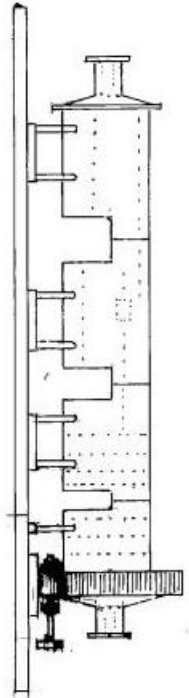


Printed on Monday, 10 November 2014

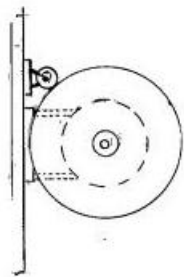
ATTACHMENT 2



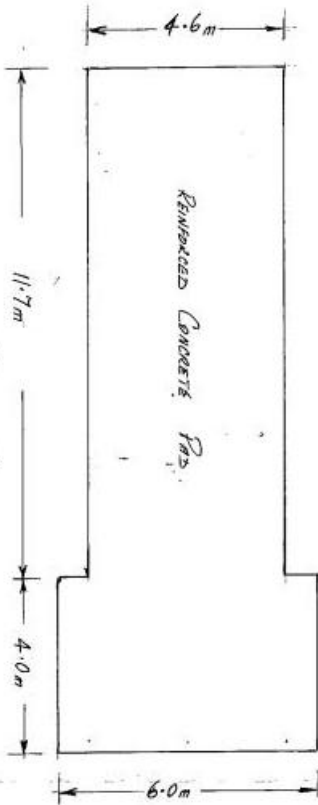
DRAWING & ELEVATION PLAN 5/11/14



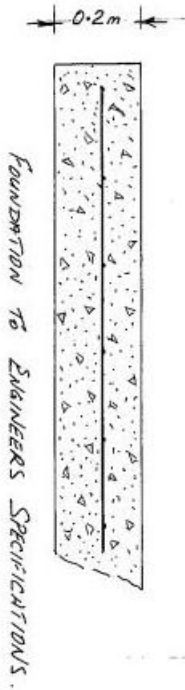
SIDE ELEVATION.



END ELEVATION.



PLAN VIEW.



PROPOSED CEMENT MILL EXHIBIT ON KANDOS MUSEUM BLOCK.

Drawn: Steve Morris



SITE PLAN.

ATTACHMENT 2



6.2.3 Monthly statement of investments and bank balances as at 31 October 2014

REPORT BY THE ACTING DIRECTOR, CORPORATE TO 19 NOVEMBER 2014 COUNCIL MEETING
Investments and Bank Balances.docx
GOV400038, A0140304

RECOMMENDATION

That:

1. **the report by the Acting Director, Corporate on the Monthly statement of investments and bank balances as at 31 October 2014 be received;**
 2. **the certification of the Responsible Accounting Officer be noted.**
-

Executive summary

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

Detailed report

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

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

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

Financial implications

As requested by Council, a fourth attachment has been provided which lists the restricted cash (internally restricted and externally restricted) balances as estimated at 30 June 2015, and reported in the September 2014 Quarterly Budget Review. These balances are provided to help clarify what makes up Council's cash at bank.

It should be noted that there are timing issues which occur when money is received (income) as budgeted in the Operational Plan and when expenditure occurs, throughout the year. These timing issues can cause fluctuations in the cash balance. The budgeted unrestricted cash balance is not the difference between cash at bank and estimated restricted cash, because of these timing differences. For a full breakdown of unrestricted cash, restricted cash and fund balances Council should refer to the most recent Quarterly Budget Review.

Policy implications

Council should be aware that the Investments by Rating portfolio limit for BBB/A-2 rated institutions has exceeded the investment operating plan limit by 1%. This is due to investments with higher ratings (eg A-1) being withdrawn for cash flow purposes towards the end of October, which has impacted the composition of the portfolio.

As per the Investment Policy requirements, management will rectify this at the first available opportunity.

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AA/A-1+	\$ 20,170,000	53%	100%
	AA/A-1	\$ 6,000,000	16%	100%
	A/A-1	\$ 4,000,000	10%	60%
	BBB/A-2	\$ 8,100,000	21%	20%
	BBB-/A-3	\$ -	0%	20%
	Unrated	\$ -	0%	20%
Managed Funds	AAA		0%	
	AA		0%	
	A		0%	
	BBB		0%	
	Unrated		0%	
		\$ 38,270,000	100%	

Community Plan implications

Theme **Good Government**

Goal An effective and efficient organisation

Strategy Prudently manage risk associated with all Council activities



LEONIE JOHNSON
ACTING DIRECTOR, CORPORATE

7 November 2014

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

APPROVED FOR SUBMISSION:



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

ATTACHMENT 1

For the month ended: 31-Oct-14

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
National Australia Bank	\$ 137,616	\$ 11,622,412	\$ 11,872,353	\$ (112,325)	\$ 700,000

The bank balance has been reconciled to the General Ledger as at

31/10/2014

Investments	Type	Amount	Yield %	Maturity Date	Term	Rating	Govt Rating	% of Portfolio
National Australia Bank	At Call	\$ 920,000	2.80%	N/A	At Call	A-1+	1	2.4%
National Australia Bank	Term Deposit	\$ 1,000,000	3.55%	1/04/2015	182	A-1+	2	2.6%
National Australia Bank	Term Deposit	\$ 1,000,000	3.58%	15/04/2015	175	A-1+	2	2.6%
National Australia Bank	Term Deposit	\$ 1,500,000	3.55%	3/12/2014	91	A-1+	2	3.9%
National Australia Bank	Term Deposit	\$ 1,500,000	3.65%	10/12/2014	168	A-1+	2	3.9%
National Australia Bank	Term Deposit	\$ 1,000,000	3.65%	4/02/2015	189	A-1+	2	2.6%
National Australia Bank	Term Deposit	\$ 2,000,000	3.65%	11/03/2015	189	A-1+	2	5.2%
St George Bank	Term Deposit	\$ 1,250,000	3.70%	28/01/2015	189	A-1+	1	3.3%
St George Bank	Term Deposit	\$ 500,000	3.62%	5/11/2014	175	A-1+	2	1.3%
St George Bank	Term Deposit	\$ 1,700,000	3.70%	21/01/2015	189	A-1+	2	4.4%
St George Bank	Term Deposit	\$ 1,500,000	3.65%	11/02/2015	189	A-1+	2	3.9%
St George Bank	Term Deposit	\$ 1,000,000	3.63%	3/12/2014	175	A-1+	2	2.6%
St George Bank	Term Deposit	\$ 1,500,000	3.50%	18/03/2015	173	A-1+	2	3.9%
St George Bank	Term Deposit	\$ 1,400,000	3.58%	29/04/2015	181	A-1+	2	3.7%
Commonwealth Bank	Term Deposit	\$ 1,400,000	3.50%	7/01/2015	189	A-1+	2	3.7%
Bankwest	Term Deposit	\$ 1,000,000	3.40%	17/12/2014	91	A-1+	1	2.6%
ANZ	Term Deposit	\$ 1,000,000	3.55%	26/11/2014	98	A-1	1	2.6%
ANZ	Term Deposit	\$ 1,300,000	3.54%	26/11/2014	168	A-1	2	3.4%
ANZ	Term Deposit	\$ 1,700,000	3.53%	14/01/2015	196	A-1	2	4.4%
ANZ	Term Deposit	\$ 1,000,000	3.59%	8/04/2015	182	A-1	2	2.6%
ANZ	Term Deposit	\$ 1,000,000	3.68%	4/03/2015	189	A-1	2	2.6%
AMP	Term Deposit	\$ 1,500,000	3.50%	18/02/2015	195	A-1	1	3.9%
AMP	Term Deposit	\$ 1,500,000	3.50%	25/02/2015	202	A-1	2	3.9%
Macquarie Bank	Term Deposit	\$ 1,000,000	3.50%	12/11/2014	175	A-1	1	2.6%
ING Australia Bank	Term Deposit	\$ 1,000,000	3.65%	17/12/2014	182	A-2	1	2.6%
ING Australia Bank	Term Deposit	\$ 1,000,000	3.54%	25/02/2015	189	A-2	2	2.6%
Bendigo & Adelaide Bank	Term Deposit	\$ 1,000,000	3.40%	12/11/2014	91	A-2	1	2.6%
Bendigo & Adelaide Bank	Term Deposit	\$ 1,000,000	3.56%	5/11/2014	133	A-2	2	2.6%
Bank of Queensland	Term Deposit	\$ 2,000,000	3.65%	19/11/2014	168	A-2	1	5.2%
Peoples Choice C/Union	Term Deposit	\$ 1,100,000	3.50%	25/03/2015	175	A-2	1	2.9%
Members Equity Bank	Term Deposit	\$ 1,000,000	3.48%	22/04/2015	175	A-2	1	2.6%
Total Investments		\$ 38,270,000						100.0%

Financial Claims Scheme

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

ATTACHMENT 2

MWRC Policy Requirements:

Investments by Institution	Long/Short Term		% of Portfolio	
	Ratings	Amount	Actual	Policy Limit
National Australia Bank	AA/A-1+	\$ 8,920,000	23%	25%
Bankwest	AA/A-1+	\$ 1,000,000	3%	25%
St George Bank	AA/A-1+	\$ 8,850,000	23%	25%
Commonwealth Bank	AA/A-1+	\$ 1,400,000	4%	25%
Westpac Bank	AA/A-1+	\$ -	0%	25%
ANZ	AA/A-1	\$ 6,000,000	16%	25%
Longreach	A+/A-1	\$ -	0%	15%
AMP	A+/A-1	\$ 3,000,000	8%	15%
Macquarie Bank	A/A-1	\$ 1,000,000	3%	15%
ING Australia Bank	A-/A-2	\$ 2,000,000	5%	10%
Bendigo & Adelaide Bank	A-/A-2	\$ 2,000,000	5%	10%
Bank of Queensland	A-/A-2	\$ 2,000,000	5%	10%
Newcastle Permanent	BBB+/A-2	\$ -	0%	10%
Beyond Bank Australia	BBB+/A-2	\$ -	0%	10%
Members Equity Bank	BBB+/A-2	\$ 1,000,000	3%	10%
Peoples Choice C/Union	BBB+/A-2	\$ 1,100,000	3%	10%
IMB Treasury	BBB/A-2	\$ -	0%	10%
Heritage Building Society	BBB-/A-3	\$ -	0%	10%
		\$ 38,270,000	100%	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AA/A-1+	\$ 20,170,000	53%	100%
	AA/A-1	\$ 6,000,000	16%	100%
	A/A-1	\$ 4,000,000	10%	60%
	BBB/A-2	\$ 8,100,000	21%	20%
	BBB-/A-3	\$ -	0%	20%
	Unrated	\$ -	0%	20%
Managed Funds	AAA		0%	
	AA		0%	
	A		0%	
	BBB		0%	
	Unrated		0%	
		\$ 38,270,000	100%	

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

Term to Maturity	Amount	Actual	% of Portfolio	
			Minimum	Maximum
Less than 1 year	\$ 38,270,000	100%	30%	100%
Between 1 and 3 years	\$ -	0%	0%	70%
Between 3 and 5 years	\$ -	0%	0%	50%
More than 5 years	\$ -	0%	0%	25%
	\$ 38,270,000	100%		

ATTACHMENT 3

Restricted Cash Summary (estimated balance as at 30 June 2015*)
--

Internal Reserves

Employee Leave Entitlements	\$ 2,450,000
Emergency	\$ 200,000
Land Development	\$ 1,462,000
Airport Development	\$ (234,000)
Elections	\$ 195,000
Plant Replacement	\$ 766,000
Asset Replacement	\$ 1,070,000
Capital Program	\$ 396,000
Livestock Exchange	\$ 43,000
State Roads Warranty	\$ 200,000
Rylstone Community Services	\$ 6,000
Kandos Museum	\$ -
Community Plan	\$ 313,000
Future Fund	\$ 200,000

External Reserves

Waste Fund	\$ 2,808,000
Sewer Fund	\$ 1,902,000
Water Fund	\$ 912,000
Community Services	\$ 77,000
Community Tenancy Scheme	\$ 64,000
Family Day Care	\$ 118,000
Section 355 Committees Crown Land	\$ -
Bequest – Simpkins Park	\$ 96,000
Bequest – Kandos Museum	\$ 32,000
Community Transport Vehicle Replacement	\$ 67,000

Total Reserves

<u>\$ 13,143,000</u>

Section 94

Traffic Management	\$ 421,000
Open Space	\$ 1,083,000
Community Facilities	\$ 502,000
Administration	\$ 171,000
Civic Improvements	\$ (4,000)
Car Parking	\$ 240,000
S94A Levies	\$ 390,000
Drainage	\$ (248,000)

Section 64

S64 Water	\$ 303,000
S64 Sewer	\$ 1,960,000

VPA

\$ 2,740,000

Total Developer Contributions

<u>\$ 7,558,000</u>

Unspent Loans	\$ -
Unspent Grants	\$ 398,000
Trust Deposits	\$ 837,000
Water Fund	\$ 2,948,000
Sewer Fund	\$ 1,921,000
Waste Management	\$ 1,463,000

Total Other Restrictions

<u>\$ 7,567,000</u>

Total Restricted Cash

<u>\$ 28,268,000</u>

*As reported in the September QBR estimated closing balance 30 June 2015.

ATTACHMENT 4

Monthly Investment Portfolio Activity:

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

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance	Change in interest rate	Change in Term (days)	New Term Rate
National Australia Bank	\$ 1,130,000	\$ 210,000	\$ 920,000	0.00%	At Call	2.80%
National Australia Bank	\$ 1,000,000	\$ -	\$ 1,000,000	-0.17%	0	3.55%
Members Equity Bank	\$ 1,100,000	\$ 1,100,000	\$ -	Redeemed		
Peoples Choice C/Union	\$ -		\$ 1,100,000	New Deposit		3.50%
ANZ	\$ 2,000,000	\$ 1,000,000	\$ 1,000,000	-0.08%	0	3.59%
St George Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
National Australia Bank	\$ 2,000,000	\$ 1,000,000	\$ 1,000,000	-0.16%	-7	3.58%
Members Equity Bank	\$ 1,000,000	\$ -	\$ 1,000,000	-0.20%	0	3.48%
Bankwest	\$ 1,500,000	\$ 1,500,000	\$ -	Redeemed		
St George Bank	\$ -		\$ 1,400,000	New Deposit		3.58%
	<u>\$ 10,730,000</u>		<u>\$ 7,420,000</u>			

Net Portfolio Movement **\$3,310,000** Reduction

6.2.4 Annual Report 2014

REPORT BY THE ACTING DIRECTOR, CORPORATE TO 19 NOVEMBER 2014 COUNCIL MEETING
REPORT_Annual Report 2014
GOV400038

RECOMMENDATION

That:

1. **the report by the Acting Director, Corporate on the Annual Report 2014 be received;**
2. **Council adopt the draft Annual Report 2014 and authorise it for release by the General Manager following finalisation of the Regional State of the Environment Report.**

Executive summary

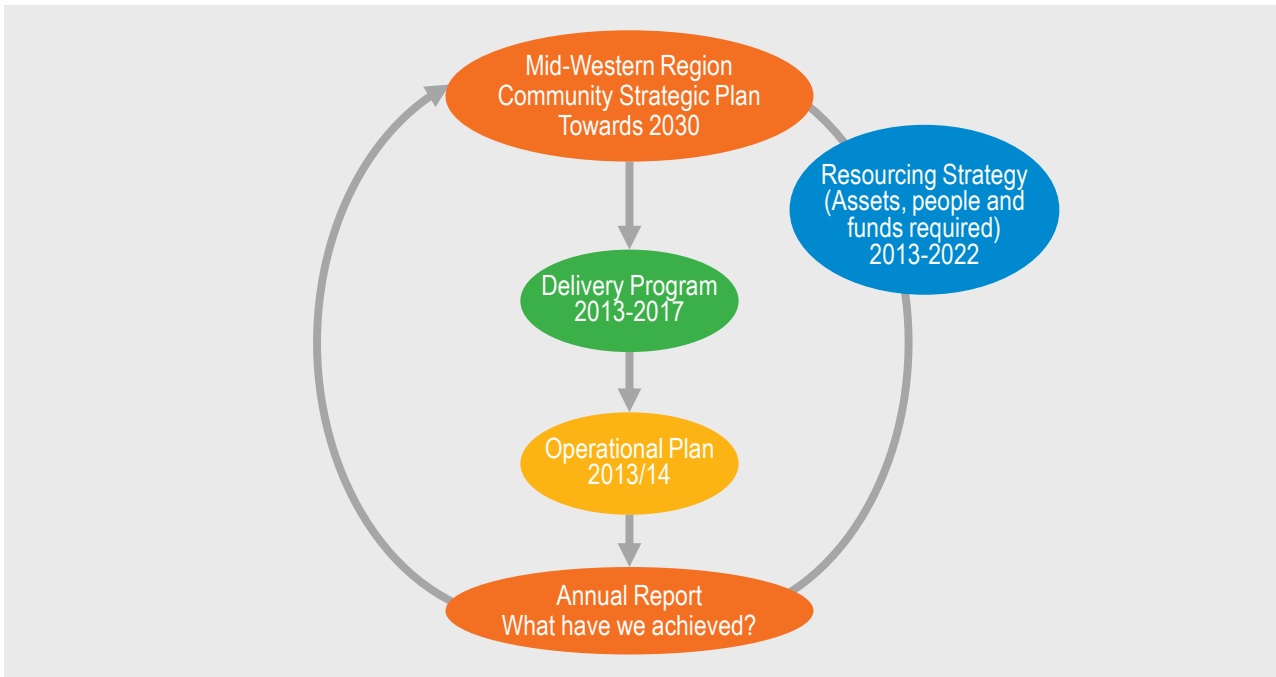
Council is required to prepare an Annual Report summarising the achievements of the financial year, along with a number of statutory disclosures, financial reports and a State of the Environment Report. The draft report has been prepared, and is enclosed under separate cover for Council review prior to its publication.

Detailed report

Part 4 Section 428 of the *Local Government Act 1993* requires that Council prepare an annual report within 5 months of the end of the year, outlining its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are undertaken. The Annual Report must be published on Council's website and the link forwarded to the Division of Local Government.

The Annual Report must contain a copy of Council's audited financial reports, State of the Environment report, and a number of other items of information as set out in various sections of the *Local Government (General) Regulation 2005*, in particular Section 217.

Excepting the end of term report, this is the final report to fall out of the annual Integrated Planning and Reporting framework, represented below.



The report includes a summary from the General Manager and the Mayor; an introduction to Council and the Mid-Western Region; a snapshot of financial results and achievements on activities; a Theme by Theme report on Council's performance in achieving its Delivery Program/Operational Plan; statutory information disclosures; a link to Council's audited financial reports; and the State of the Environment report.

A Regional State of Environment (SoE) report has been prepared in partnership with the Central West Catchment Management Authority through the Central West Local Government Reference Group, which comprises the 16 Local Government Areas within the Central West Catchment area. At the time of writing this Council report, SoE report is still in a draft format and yet to be finalised by the consultants engaged by the Central West CMA and LG Reference Group. The Snapshot of data for the Mid-Western Region has been included in the Draft Annual Report (see Attachment 2). The snapshot provides a range of environmental indicators for the 2013-14 years and should be read in conjunction with the Regional SoE. Once complete, the whole of the Regional SOE will be embedded in the Annual Report document, and it is recommended that the General Manager then be authorised to release the Annual Report 2014.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

This report meets Community Plan Theme 5 - Good Governance:
 Goal 3: An Effective and Efficient Organisation
 Strategy 3.3: Prudently manage risks associated with all Council activities

LEONIE JOHNSON
 ACTING DIRECTOR, CORPORATE

9 November 2014

Attachments: 1. Annual Report 2014 – Councillors only (to be provided as a separate attachment on Friday 14 November 2014)
2. 2013/14 State of the Environment Snapshot

APPROVED FOR SUBMISSION:



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT



2013-14 State of the Environment Snapshot

A State of the Environment (SoE) Report is an important management tool which aims to provide the community and Local Council with information on the condition of the environment in the local area to assist in decision-making.

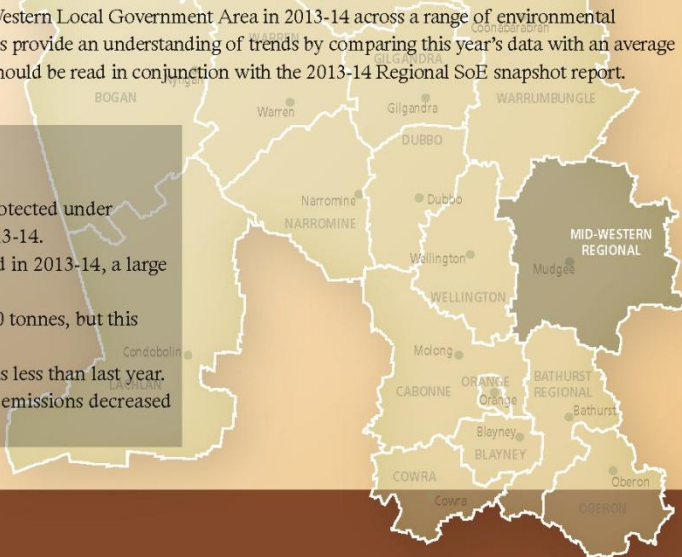
Since 2007, the Councils of the Greater Central West Region of NSW (see map) have joined to produce Regional SoE Reports as part of Council reporting requirements.

Recent changes to NSW legislation mean that Councils are no longer required to produce SoE Reports each year, but only once every four years, in the year of the Council election (which will next be in 2016). However, the participating Councils have decided to continue reporting on an annual basis so that they can provide a detailed Regional SoE report in 2016 that covers trends in the intervening years.

This is a brief snapshot of data for the Mid-Western Local Government Area in 2013-14 across a range of environmental indicators as shown in the tables below. The tables provide an understanding of trends by comparing this year's data with an average of previous years. The Council snapshot report should be read in conjunction with the 2013-14 Regional SoE snapshot report.

2013-14 Highlights

- ↑ An additional 31.5 hectares of land was protected under voluntary Conservation Agreements in 2013-14.
- ↓ 61 drinking water complaints were reported in 2013-14, a large increase from last year.
- ↓ Waste to landfill hit a new record of 44,100 tonnes, but this included 21,289 tonnes of fill/soil.
- ↑ Volume of material recycled per person was less than last year.
- ↑ Council's total operational greenhouse gas emissions decreased significantly from last year.



Land

Issue	Indicator	2010-11	2011-12	2012-13	2013-14	Trend
Contamination	Contaminated land sites - Contaminated Land Register	1	1	1	1	→
	Contaminated land sites - potentially contaminated sites	47	47	29	29	↑
	Contaminated sites rehabilitated	1	1	2	0	↓
Erosion	Erosion affected land rehabilitated (ha)	2	1	0	1	→
Land use planning and management	Number of development consents and building approvals	458	649	456	431	↑
	Landuse conflict complaints	5	7	10	12	↓
	Loss of primary agricultural land through rezoning			612	19	↑
Minerals & Petroleum	Number of mining and exploration titles			158	166	↓
	Area covered by mining and exploration titles (ha)			974,000	1,010,000	↓

↑ improvement → no or little change ↓ worsening trend

Note - the trend is based on comparing the average of the previous three years of reporting with 2013-14

Biodiversity

Issue	Indicator	2010-11	2011-12	2012-13	2013-14	Trend
Habitat Loss	Total area protected in Wildlife Refuges (ha)	7,652	7,652	7,652	7,652	→
	Total area protected in conservation reserves & under voluntary conservation agreements (ha)	1,139	1,277	1,349	1,381	↑
	Proportion of Council reserves that is bushland/remnant vegetation	17%	41%	41%	75%	↑
	Habitat areas revegetated (ha)	30	10	10	1	↓
	Roadside vegetation management plan	1	1	1	1	→
Threatened Species	Fish restocking activities: native species	80,613	25,911	92,213	87,155	↑
Noxious weeds and feral animals	Fish restocking activities: non-native species	46,000	20,000	41,000	39,000	↓
	Number of declared noxious weeds	105	112	112	118	↓
	Invasive species (listed noxious or WONS) under active management	8	21	24	27	↑

Water and Waterways

Issue	Indicator	2010-11	2011-12	2012-13	2013-14	Trend
Surface & Ground Water Quality	Average salinity levels in selected streams (EC)	445	468	515	536	↓
Riparian	Riparian vegetation recovery actions	7	4	3	2	↓
	Riparian vegetation recovery area (ha)	10	8	6	2	↓
Industrial/ Agricultural Pollution	Load Based Licencing volume (kg)	68,938	69,352	78,467	79,379	↓
	Exceedances of license discharge consent recorded	3	3	11	3	↑
	Erosion & Sediment Control complaints received by Council	2	1	3	3	↓
Stormwater Pollution	Number of gross pollutant traps installed	4	4	4	4	→
	Total catchment area of GPTs (ha)	118	118	118	118	→
	Water pollution complaints			2	0	↑
Dam Levels	Average dam levels	33.7%	51.6%	58.0%	52.9%	↑
Water extraction	Number of irrigation licences from surface water sources			404	325	↑
	Volume of surface water permissible for extraction under licences (GL)			43	36	↑
	Number of bore licences from groundwater resources			3,247	2,239	↑
	Volume of groundwater permissible for extraction under licences (GL)			33	31	↑
Council water consumption	Area of irrigated Council managed parks, sportsgrounds, public open space (ha)	63	69	69	70	↓
	Water used by council for irrigation (including treated and untreated) (ML)	0.2	51	215	109	↓
Town water consumption	Annual metered supply (ML)	1,492	1,493	1,828	2,023	↓
	Annual consumption (Total from WTP) (ML)	2,017	2,023	2,362	2,505	↓
	Average annual household use (kL/household)	178.9	169.6	202.7	221.0	↓
	Average level of water restrictions implemented	0.0	0.0	0.0	0.0	→
Town Water Quality	Number of instances drinking water guidelines not met	38	29	112	74	↓
	Number of drinking water complaints	0	18	32	61	↓

Towards Sustainability

Issue	Indicator	2010-11	2011-12	2012-13	2013-14	Trend
Waste Generation	Total waste entombed at primary landfill (tonnes)	20,283	17,054	26,394	44,100	↓
	Total waste entombed at other landfills (exc recyclables) (tonnes)	0	0	0	0	→
	Average total waste generated per person (tonnes)	0.89	0.74	1.12	1.85	↓
	Average cost of waste service per residential household	\$321	\$332	\$343	\$349	↓
Hazardous/ Liquid Waste	DrumMuster collections (number of drums)	2,751	3,057	1,599	1,164	↓
	Household Hazardous Wastes collected (kg)	161	2,079	2,471	4,216	↑
Reduce	Garden organics collected (diverted from landfill) (tonnes)	567	2,068	2,480	3,388	↑
	E-Waste collected (diverted from landfill) (tonnes)	6	6	6	0	↓
Recycle	Volume of material recycled (tonnes)	2,955	3,661	4,288	4,014	↑
	Volume of material recycled per person (kg)	129	159	183	168	↑
Littering and illegal dumping	Number of illegal waste disposal complaints to Council	7	3	6	14	↓
Engineering, Infrastructure and Civil Works	New road construction (km)	0.5	0.5	0	1	↓
	Road upgrades (km)	15	30	32	51	↓
Risk Management	Hazard reduction burns	0	0	14	9	↓
Climate Change Mitigation	Office paper used by Council (A4 reams)	1,057	2,136	2,282	1,984	↓
	Council sustainability initiatives	6	0	1	0	↓
Council Greenhouse Gas Emissions	Annual electricity consumption for Council controlled facilities (MWh)	4,342	3,814	4,083	5,250	↓
	Annual natural gas consumption for Council controlled facilities (Gj)		148		0	↑
	Annual bottled gas consumption for Council controlled facilities (L)	11027	5,665	15,563	10,752	↓
	Total fuel consumption (KL)	920	990	1,516	1,020	↑
	Council total operational greenhouse gas emissions (tCO ₂ -e/year)			24,099	21,594	↑
Community Greenhouse Gas Emissions	Small scale renewable energy uptake (kw installed)		502	993	1,022	↑

People and Communities

Issue	Indicator	2010-11	2011-12	2012-13	2013-14	Trend
Active community involvement	Environmental volunteers working on public open space (hrs)	180	110	400	150	↓
	Inclusion in DCPs & rural strategies	0	1	1	1	↑
Aboriginal Heritage	Extent of liaison with Aboriginal communities (self-assessed from 0 = none to 3 = High)	2.0	2.0	3.0	2.0	↓
	Development approvals on listed aboriginal sites	2	3	3	0	↑
	Number of indigenous heritage management actions/responses			2	4	↑
Non-Aboriginal Heritage	NSW Heritage Items	13	13	13	13	→
	Locally listed heritage items	526	526	526	526	→
	Actions to protect non-aboriginal heritage (including management plans)	0	3	1	0	↓
	Heritage buildings on statutory heritage lists demolished/degraded in past year	0	0	0	0	→
	Heritage buildings on statutory heritage lists renovated/improved in past year		1	3	4	↑

CASE STUDY: Aboriginal Sensitivity Mapping and Engagement (Mid-Western LGA)

In 2012, Mid-Western Regional Council won a \$80,000 grant from the Hunter Central Rivers CMA for the creation of GIS aboriginal sensitivity mapping, and to protect a number of culturally sensitive sites located in the CMA area. It also provided an opportunity for Council to enhance its engagement with the local Indigenous community. The works were completed in June 2014.

The grant application recognised that Council required additional information to improve its procedures surrounding the protection of Indigenous heritage, particularly in relation to development assessments and Council's infrastructure programs.

Essentially the mapping clarifies when on-ground cultural surveys must be undertaken in relation to development applications and Council works. It operates in the same way that Council's flooding and bushfire mapping clearly identifies where an area is highly sensitive, and additional investigations and information must be provided in order

for those hazards to be appropriately addressed. The mapping involved a number of direct consultations with the Indigenous community and on-ground surveys.

The physical works component of the project was undertaken by the Indigenous community with assistance from Council. The works were undertaken at two highly significant reserves located towards the north-east of the LGA. It included the construction of a footbridge and seating at The Drip, and the erection of interpretive signage, weed spraying and tree planting at both The Drip and Hands on Rock.

The project also included cultural awareness training for Council office and works staff. The training was facilitated by the Mudgee Local Aboriginal Land Council where the mapping was presented, the legal framework around protection of Indigenous heritage addressed, and Indigenous heritage and its importance discussed. Council's due diligence practises to create clear guidelines to address these issues were also discussed.



Footbridge at The Drip



Mid-Western Regional Council
86 Market Street
Mudgee NSW 2850
Phone: (02) 6378 2850
www.midwestern.nsw.gov.au

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

6.2.5 Financial Assistance applications

REPORT BY THE FINANCIAL ACCOUNTANT TO 19 NOVEMBER 2014 COUNCIL MEETING

Financial Assistance report
GOV400038, A0140201

RECOMMENDATION

That:

1. **the report by the Financial Accountant on the Financial Assistance Applications be received;**
3. **Council provide financial assistance of \$2,500 to the Mudgee Race Club Inc in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met.**

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.

MUDGEE RACE CLUB INC

The Mudgee Race Club has applied to host The Big Sports Breakfast show in the main street of Mudgee in conjunction with the 2014 Robert Oatley Mudgee Cup on Friday December 5th. The club is seeking assistance of \$2,500 to host this event.

In addition to the race day bringing thousands of visitors to the region the broadcast of Big Sports Breakfast will create wide media coverage to showcase the region.

It is recommended that Council provide \$2,500 to Mudgee Race Club to assist with hosting this event.

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

Financial and Operational Plan implications

Funding of \$157,000 is provided in the Operational Plan for Financial Assistance. \$105,467 has been allocated to date, leaving a balance of \$51,533.

Should Council approve the recommendations in this report, a balance of \$49,033 will remain.

Community Plan implications

Council's Financial Assistance Policy applies.

NEIL BUNGATE
FINANCIAL ACCOUNTANT



LEONIE JOHNSON
ACTING DIRECTOR, CORPORATE

24 October 2014

Attachments: 1. Applications for financial assistance

APPROVED FOR SUBMISSION:



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

ATTACHMENT 1

MUDGEE RACE CLUB INC**ABN 25 480 052 313**

October 21st 2014

MidWestern Regional Council

Market Street

Mudgee NSW 2850



Re: Assistance with Promotion of the Mudgee Region

The Mudgee Race Club is a not for profit and for the most part volunteer organization.

On Friday December 5th, we are hosting our 2014 Robert Oatley Mudgee Cup. This race day brings thousands of visitors into the area. We are always trying to improve our meeting and make the day more inviting for all and showcase this great region.

The Mudgee Race Club has applied to host The Big Sports Breakfast show in the Main street of Mudgee. The hosting of this event is costly, but the benefits for the area are untold. This program will start previewing the event starting two weeks before the Cup, and continue to promote the area leading into the Cup. On the morning of the cup the Big Sports Breakfast will be broadcasted live from the Main street of Mudgee. (Please find enclosed the proposal for the Big Sports Breakfast). Hosting of this event will be the first time that the show has gone to a country town over the Blue Mountains, and just another way of putting our area on the Map.

The Mudgee Race Club are asking for assistance with hosting of this event for the amount of \$2,500.00.

I understand that you have assisted other clubs with events and we would appreciate the support.

Mudgee Race Club has Erin Molan (NRL Footy Show/channel 9 news) as a guest, and also in conjunction with the tourism office we will have the National Editor of Life & Style (online) for Fairfax Media. We have also extended invitations to the Honorable Troy Grant M.P, and many other VIP ambassadors for the area.

Our entertainment on the day will be Tyler Hudson, an X Factor contestant.

Once again we would appreciate any type of assistance that can be offered for this important promotion for the area, and will work with the community to ensure the best outcome for all.

Regards

Colleen Walker

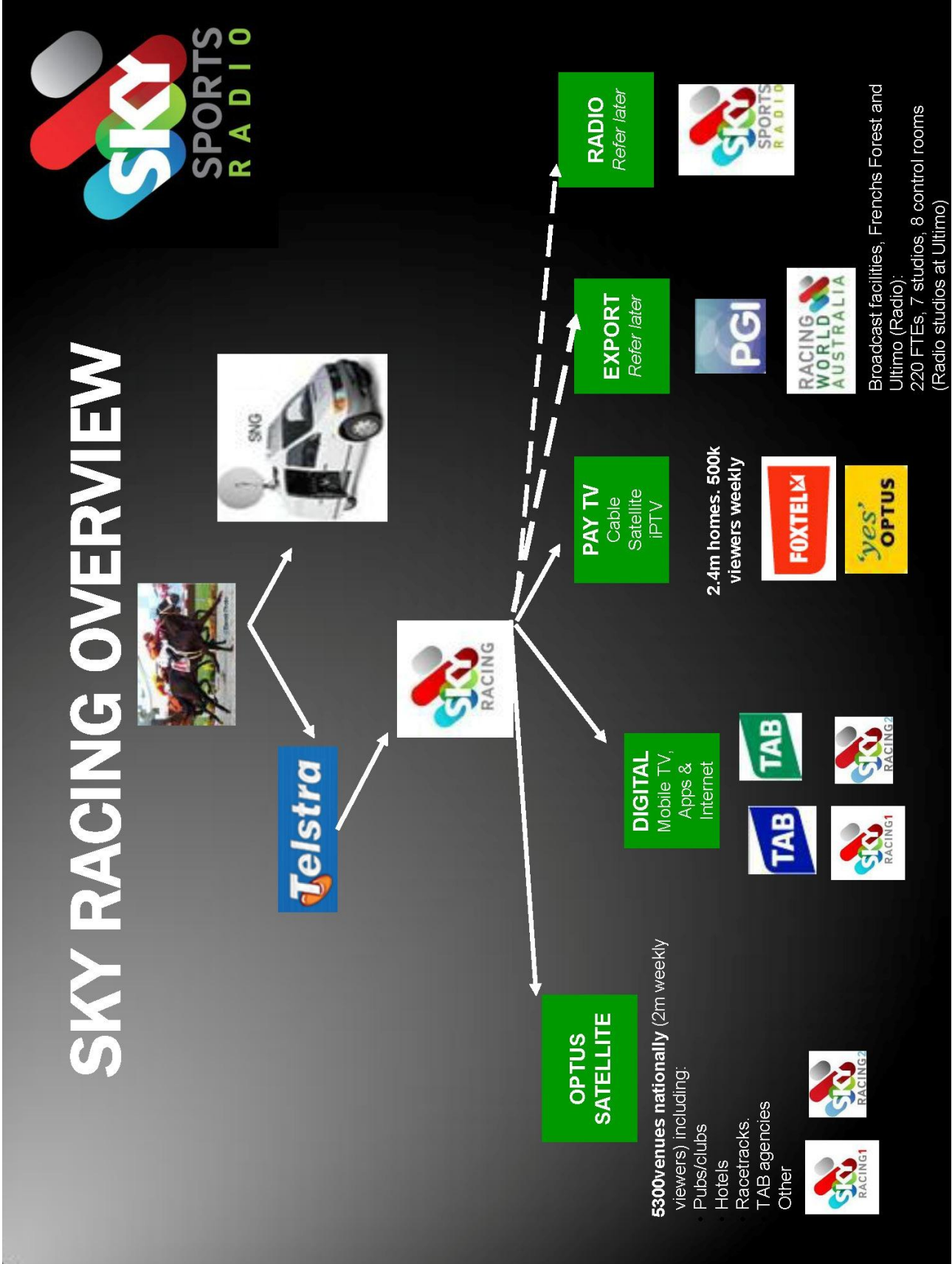
(Secretary)



BIG SPORTS BREAKFAST OUTSIDE BROADCAST

Mudgee Cup
Friday 5th December 2014





Big Sports Breakfast TV 2014



Is Australia's first sports and racing breakfast TV show

Sky Sports Radio's popular *Big Sports Breakfast* program has debuted on Australian television.

Sky has launched *Big Sports Breakfast TV* - a game-changer for TV and digital savvy sports fans around Australia.

In what is an Australian first, the popular radio program, is simulcast on Sky Racing 1 (Channel 519 on FOXTEL), streamed online at skyracing.tv and available on Apple and Android devices by downloading the Sky Racing and TAB apps.



Big Sports Breakfast TV is the only breakfast television program in Australia that is dedicated to sports and racing.

Broadcasted each weekday from 5:30am to 9am on Sky Sports Radio and is hosted by Michael Slater and Terry Kennedy.

T.K and Slats set the agenda for the day. Covering all the controversies and dramas from the world of sport. With strong Opinion, Sports best experts, Interviews and talkback

With a wealth of knowledge about sports and Horse Racing our Expert panel will not only be able to talk sport but be able to visually explain pressing sports news through out the world.

Big Sports Breakfast TV uses state-of-the-art technology for the display of social media updates and up-to-the minute data of sports events and results from around the globe.

Big Sports Breakfast TV Currently on Sky Racing 1



Broadcast Distribution

Channel	SR1	SR2	TVN
Pubs. Clubs	4,015	3,786	77
TAB Agencies	679	656	290
STV Forte/Optus	All Homes	Sports + \$5 Tier	\$1 All subs
Mobile TV	Optus, "3" & Vodafone	N/A	Bigpond
Internet /Apps	tab.com.au & skyracing.tv	Tab.com.au & skyracing.tv	Bigpond.com

SKY RACING 1

	Pubs/Clubs	Agencies	Other	Total
NSW	1976	228	271	2475
VIC	636	93	105	834
QLD	647	162	121	930
SA	292	57	43	392
ACT	38	17	7	62
NT	42	8	16	66
WA	260	92	65	417
TAS	124	22	27	173
	4015	679	655	5349

SKY RACING2

	Pubs/Clubs	Agencies	Other	Total
NSW	1959	228	133	2320
VIC	615	93	78	786
QLD	544	144	29	717
SA	219	55	22	296
ACT	34	17	4	55
NT	37	8	11	56
WA	254	90	46	390
TAS	124	21	23	168
	3786	656	346	4788

Viewers – Sky Racing

- .SR1 Average weekly STV Reach - 450,000
- .SRW Average weekly STV Reach - 97,044
- .Sky Racing consistently top 3 Men 25+ and Men 25-54 Saturdays 12-5pm

Audience Profile (last 4 weeks)

	Total Men %	Total Women %	P40+
Sky Racing 1	69	31	49
Sky Racing World	72	28	62

Listeners- Sky Sports Radio (Newspoll)

- .490,000 - Average weekly listeners
- .204,000 - Weekday Raceday
- .259,000 - Saturday Afternoon Racing
- .174,000 - Big Sports Breakfast (Michael Slater/Terry Kennedy)
- .Live streaming on TAB iphone/ipad + SSR App

Skyracing.tv Online Usage (monthly)

- .Average monthly visits 176,000
- .Average monthly pages viewed 3m+
- .Average monthly videos viewed 1.2m+
- .Average time on site 12m 34s
- .Live video streams viewed 1m+

Social Media June 2013

Face book	18,000
Twitter	59,000

Notes: Actual 30 June 2013

SKY SPORTS RADIO – Big Sports Breakfast Live from the Mudgee Cup 5th December

Strategy.

Terry Kennedy and Jimmy Smith will broadcast live from the Mudgee Cup on Friday the 5th of December Live Radio and Television Broadcast.

Live broadcast from 0530-0900am with Giveaways and promotion through out the morning to our listeners.

Sky Sports radio would plan to run an advertising strategy in the 2 weeks building up to the event as a Call to action to drive people to the event and to build hype and excitement.

We will run a series of promotions during the weeks building up on the Big Sports Breakfast with Michael Slater and Terry Kennedy. During our Flagship radio show.

A series of Pre Recorded 30 second spots to build reach and frequency Amongst our Audience.

A series of Sponsored credits to run...



SKY SPORTS RADIO – Big Sports Breakfast Live

Sky Sports Radio over the years has developed a reputation for delivering high quality live outside broadcast providing cost effective "on site" promotion of your business, product or service.

Our strong on air team of presenters can add enormous impact to your product launch or that special occasion.

All live outside broadcasts are complemented with an extensive pre – promotional campaign to draw as much attention possible to your big day. Added to this we are more than happy to incorporate product giveaways during the live outside broadcast to draw further attention to your business.

Entitlements of Out Broadcast Value Ad:

- 100 X 30 SEC COMMERCIALS (MAXIMUM OF 50 IN THE BSB). THESE COMMERCIALS CAN BE USED IN THE MONTH OF YOUR OUTSIDE BROADCAST.
- 30 X 30 SEC PRE- PROMOTIONAL POINTERS IN THE LEAD UP TO THE OUTSIDE BROADCAST, eg " *don't forget to join the big sports breakfast team as they broadcast live from Mudgee for the Mudgee Cup.....proudly brought to you by.....*"
- LIVE INTERVIEW IN THE BSB DURING THE OUTSIDE BROADCAST, WITH YOURSELF AND POSSIBLY ANOTHER HIGH PROFILE MEMBER.
- LIVE INTRO'S, AND PLAY ON'S DURING the big sports Breakfast, eg "welcome back to the Big Sports Breakfast,....."
- OPPORTUNITY FOR PROMOTIONAL GIVEAWAY'S.
- DATE'S SUBJECT TO AVAILABILITY. Friday the 5th of December

Total Investment = \$10,000+GST



Digital Added Value

Added Value:

Digital Presence:

-Banners and Logos placed on the Sky Racing web site

-Direct link to the web site from our home and landing page

-Sky Racing and Sports Radio Website Impressions.

Average monthly visits 90,984

Average monthly pages viewed 2,529,968

Average monthly videos viewed 970,097

Average time on site 12m 34s

Live video streams viewed 460,485

Utilize our talents Twitter and Face book Accounts to promote promo code.



Contact Details

Jesse McIntyre

Advertising Sales Executive – Radio and TV

Media Division - TABCORP
Sky Sports Radio & Sky Racing

Ph: 02 9218 1071 Mobile: 0415 400 382

Email: mcintyreje@tabcorp.com.au



6.2.6 Financial Reserves Policy

REPORT BY THE ACTING DIRECTOR, CORPORATE TO 19 NOVEMBER 2014 COUNCIL MEETING
 REPORT_Financial Reserves Policy
 GOV400038, A0070010, A0140326

RECOMMENDATION

That:

1. **the report by the Acting Director, Corporate on the Financial Reserves Policy be received;**
2. **Council adopt the revised Financial Reserves Policy.**

Executive summary

At the request of Council, and as a part of the review process defined in this policy, the Financial Reserves Policy has been updated.

Detailed report

The Financial Reserves Policy has been revised to include new Reserves opened recently by Council, and to define the limits and ongoing management requirements of these new Reserves:

1. Ulan Road Strategy – External Reserve;
2. Community Transport Vehicle Replacement – External Reserve;
3. Community Plan – Internal Reserve;
4. Future Fund – Internal Reserve

The following Reserves have been deleted due to all funds being utilised and the transfer of Kandos Museum operational matters to an external Incorporated Association:

1. Kandos Museum – Internal Reserve

Some other minor changes have occurred, in particular to bring the Policy up to date with Integrated Planning and Reporting linking documents and some changes to target balances in order to keep required financial reserves at an adequate balance to meet their purpose.

A copy of the proposed policy is attached.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

This report meets Community Plan Theme 5 - Good Governance:
 Goal 3: An Effective and Efficient Organisation
 Strategy 3.3: Prudently manage risks associated with all Council activities



LEONIE JOHNSON
ACTING DIRECTOR, CORPORATE

10 November 2014

Attachments: 1. Update Financial Reserves Policy

APPROVED FOR SUBMISSION:



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

ATTACHMENT 1

	POLICY	ADOPTED C/M Minute No. 462/12
	Financial Reserves	REF: Oct 2012 Nov 2014 FILE No. A0140326

OBJECTIVE

To provide a framework for the establishment and ongoing management of Financial Reserves.

RELEVANT LEGISLATION

- Local Government Act 1993
- Local Government (General) Regulation 2005

POLICY

Reserves are established to set aside funds for Council to allocate to specific projects, as required.

Prior to the creation of a Reserve, Council shall adopt operating parameters in relation to the Reserve which are to set out:

- The purpose of the Reserve;
- The basis of calculation for any transfer to the Reserve;
- The basis of calculation for any transfer from the Reserve; and
- The proposed allocation of any unexpended balance remaining in the Reserve following completion of the project.

Every Reserve created should have a very specific purpose, and relate back to the adopted Integrating Planning and Reporting (IP&R) strategies and plans of Council. There should be a clear link between ~~financial management plans~~ this policy, the Operational Plan/Delivery Program, and infrastructure and social management plans Councils Asset Management Plans and Community Plans.

Expenditure from and transfers to Reserves can only be authorised by resolution of Council, which must specify the amount. No transfer from any Reserve shall exceed the amount of the existing balance of the Reserve at the time of transfer, unless the Reserve overdraft has been approved by resolution of Council with the full impact of such overdraft taken into account for any financial management plans, and there is sufficient funds within the total Reserves balance to allow a temporary overdraft. Interest should be paid from the overdrawn Reserve account if the balance is material and interest is specified in the Reserve information as set out in the Authorised Reserves listing below.

Each Quarterly Budget Review report is to include a schedule of Reserves, showing:

- Opening Balance at 1 July;
- Estimated Transfer to Reserves;
- Estimated Transfer from Reserves;
- Estimated Closing Balance at 30 June; and
- Current Balance.

Income interest from investments is applied only to externally restricted funds. All other interest is allocated to General Purpose Revenue.

Authorised Reserves of Mid-Western Regional Council

INTERNALLY RESTRICTED RESERVES

Reserve Name	Employee Leave Entitlements Reserve
Purpose	To ensure that adequate funds are available to finance employee leave entitlements such as long service leave, vesting sick leave, annual leave and redundancies
Calculation Basis	Transfers to and from the Reserve will be based upon projected end of year liabilities relating to employee leave entitlements. The calculation of such liabilities takes into consideration the anticipated timing of ELE payments based on a number of factors, including age demographics of MWRC employees.
Target Balance	Maximum of 50% of Employee Leave Liabilities as reported in Council's Annual Financial Statements.
Reserve Name	Emergency Reserve
Purpose	To fund emergency cleanup and repair works as a result of a natural disaster in the Mid-Western Region
Calculation Basis	Transfers to Reserves are based on achieving the target balance. Transfers from Reserves are calculated on cleanup and repair costs, not exceeding the available balance of the Reserve.
Target Balance	\$100,000
Reserve Name	Land Development Reserve
Purpose	To finance the costs associated with development and sale of land surplus to Council's requirements
Calculation Basis	Transfer to and from the Reserve are based on the net of sales and expenses related to land development, <u>including purchase of land by Council to meet operational needs.</u>
Target Balance	As per Council's Property Management & Development Strategy.
Reserve Name	Airport Development Reserve
Purpose	To finance the costs associated with development and sale of land at the Mudgee Airport

Calculation Basis	Transfer to and from the Reserve are based on the net of sales and expenses related to development of the Mudgee Airport facility. Interest will be payable on the overdrawn balance of the Reserve, <u>if material.</u>
Target Balance	As per Council's Property Management & Development Strategy.
Reserve Name	Elections Reserve
Purpose	To finance the costs of elections
Calculation Basis	Transfers to and from the reserves are based upon the estimated costs of conducting elections every four years.
Target Balance	Building up to a maximum of \$200,000 <u>250,000</u> over each four year period and reviewed after each election.
Reserve Name	Plant Replacement Reserve
Purpose	To ensure adequate funds are available to purchase a responsive and modern plant fleet at the optimum replacement point
Calculation Basis	Transfer to and from the Reserve are based upon: <ul style="list-style-type: none"> a) Plant operating results b) Plant depreciation c) Plant purchases as per the approved Plant Replacement Schedule d) Profit/loss on sales of plant
Target Balance	Operating Surplus + Depreciation + Profit on DOA – Purchases. This Reserve must maintain a minimum balance of \$250,000.
Reserve Name	Asset Replacement Reserve – General Fund
Purpose	To ensure adequate funds are available to replace existing assets to their previous level of service. Assets include equipment, transport and drainage infrastructure, corporate and community buildings, parks and sporting facilities.
Calculation Basis	Transfers to and from the Reserve are based upon projects adopted in the Strategic <u>IP&R</u> Asset Management Plans.
Target Balance	Sufficient to ensure adequate funding of related projects as per Strategic <u>IP&R</u> Asset Management Plans and Council's 10 Year Long Term Financial Plan.
Reserve Name	Capital Initiatives Reserve
Purpose	To provide funding for capital projects and Council initiatives not specifically identified in other reserves.

Calculation Basis Transfers to and from the Reserve are based on the existence of or proposal for an annual budget allocation for an identified specific capital project or Council initiative.

Target Balance Funds are only to accumulate based on specific purpose requirements.

Reserve Name **Livestock Exchange Reserve**

Purpose To provide funding for the development and enhancement of saleyards assets.

Calculation Basis Transfers to and from the Reserve are based upon operating surpluses of the Saleyards Fund, together with identified projects in the Saleyards Strategic Asset Management Plan.

Target Balance Sufficient to ensure adequate funding of saleyards related projects as per the Strategic Management Plan of the saleyards facility.

~~**Reserve Name** **Kandos Museum Reserve**~~

~~**Purpose** **To ensure adequate funds are available to replace existing assets of, and upgrades to, the Kandos Museum.**~~

~~**Calculation Basis** **Funds transferred to and from the Reserve will represent any surplus or deficit operating results (excluding surplus grant income), and savings to carry out specific planned capital projects.**~~

~~**Target Balance** **Sufficient to ensure adequate funding of Museum related projects as per the Strategic Management Plan of the Kandos Museum facility.**~~

Reserve Name **State Roads Warranty**

Purpose To provide a quasi self-insurance for State Road works contracts, should cost of contracts exceed agreed Roads and Maritime Services (RMS) contributions or road failures need repair as per RMS contract requirements.

Calculation Basis Transfers from the Reserve are only permitted where State Road actuals fail to achieve budgeted results by a significant amount, impacting Council's levels of unrestricted working capital.

Target Balance \$400,000 maximum

Reserve Name **Future Fund Reserve**

Purpose **To set aside funds in order to invest in future employment growth opportunities to support alternate economic development to the coal industry within the Mid-Western Region**

Calculation Basis	<u>Transfer to and from the Reserve are based on the existence of or proposal for an annual budget allocation for future economic development opportunities</u>
Target Balance	<u>Sufficient to ensure adequate funding of economic and job growth initiatives as they are raised.</u>
Reserve Name	<u>Community Plan Reserve</u>
Purpose	<u>A limited time Reserve to set aside Rating Revenue funds that were contested, until such time as the receipt of these funds is confirmed, and to fund legal expense as a result of this contestation until such time as the funds are depleted</u>
Calculation Basis	<u>Transfer to and from the Reserve are based capturing contested property rating income, and to fund continued legal costs in relation to these properties.</u>
Target Balance	<u>Reserve to be closed once depleted, no target.</u>

EXTERNALLY RESTRICTED RESERVES

Reserve Name	Water Supply Reserve
Purpose	To ensure adequate funds are available to replace existing water supply assets to their previous level of service and upgrade assets to meet future needs.
Calculation Basis	Transfers to and from the Water Supply Reserve will be in accordance with the adopted 30 year financial plan for the Water Supply Fund.
Target Balance	Sufficient to ensure adequate funding of related projects as per Strategic the IP&R Asset Management Plan and Council's 30 year financial plan.
Reserve Name	Sewer Reserve
Purpose	To ensure adequate funds are available to replace existing sewerage assets to their previous level of service and upgrade assets to meet future needs.
Calculation Basis	Transfers to and from the Sewerage Reserve will be in accordance with the adopted 30 year financial plan for the Sewerage Fund.
Target Balance	Sufficient to ensure adequate funding of related projects as per Strategic the IP&R Asset Management Plan and Council's 30 year financial plan.
Reserve Name	Waste Management Reserve

Purpose To ensure adequate funds are available to replace existing waste management assets to their previous level of service and upgrade assets to meet future needs.

Calculation Basis Transfers to and from the Waste Management Reserve will be in accordance with the adopted 30 year financial plan for the Waste Management Fund.

Target Balance Sufficient to ensure adequate funding of related projects as per [Strategic the IP&R](#) Asset Management Plan and Council's 30 year financial plan.

Reserve Name **Community Services Reserve**

Purpose To carry out Community Services projects and capture any operating surpluses of specific community service programs. Subcategories of this Reserve will relate to Family Day Care, Child Care Centre, HACC Programs, Community Transport and Other Community Services.

Calculation Basis Funds transferred to and from Reserves will represent any surplus or deficit operating results (excluding surplus grant income), and savings to carry out specific planned capital projects.

Target Balance \$100,000 maximum

Reserve Name **Community Transport Vehicle Reserve**

Purpose To set aside funds for the purchase and replacement of Community Transports vehicle fleet, including necessary upgrades to make vehicles fit for purpose as required under the Community Transport Funding Agreement.

Calculation Basis Funds transferred to and from Reserves will represent any surplus or deficit operating results (excluding specific purpose surplus grant income), and savings to carry out vehicle fleet replacement.

Target Balance \$100,000 maximum

Reserve Name **Community Tenancy Scheme**

Purpose To carry out upgrades of existing properties held under the Community Tenancy Scheme or additional housing under the scheme, in accordance with the associated Deed of Agreement.

Calculation Basis Funds transferred to and from the Reserve will represent any surplus or deficit operating results (excluding surplus grant income), and savings to carry out specific planned capital projects.

Target Balance Maximum \$300,000

Reserve Name **Crown Reserve S355 Committees**

Purpose To carry out projects and capture any operating surpluses of recreational activities carried out on Crown Reserves.

Calculation Basis Funds transferred to and from the Reserve will represent any surplus or deficit operating results (excluding surplus grant income) from the carrying out of activities on Council-controlled Crown Reserves by s355 Committees.

Target Balance Maximum \$100,000

Reserve Name **Bequest – Simpkins Park**

Purpose To preserve in trust the funds bequeathed to Council from the Estate of Phyllis Leeton Simpkins until such time as the expiration of the period limited by Perpetuity Act 1984 (estimated date of expiration is 2086).

Calculation Basis Funds may only be transferred from the Reserve upon the expiration period (2086), and are restricted to use for further improvements and beautification of Simpkins Park.

Target Balance \$83,896

Reserve Name **Bequest – Kandos Museum**

Purpose To preserve in trust the funds bequeathed to Council from the Estate of Phyllis Leeton Simpkins until such time as the expiration of the period limited by Perpetuity Act 1984 (estimated date of expiration is 2086).

Calculation Basis Funds may only be transferred from the Reserve upon the expiration period (2086), and are restricted to use at the Kandos Museum for such purposes as may be decided by the Trustees of the Museum.

Target Balance \$27,965

Reserve Name **Ulan Road Strategy Reserve**

Purpose To carry out Ulan Road Strategy projects and capture any operating surpluses or cash payments towards Ulan Road Strategy works, as designated in the relevant mine and grant funding agreements.

Calculation Basis Funds transferred to and from Reserves will represent any surplus or deficit annual results (excluding surplus grant income), and Councils designated operating contributions.

Target Balance As required to capture surplus funds at any given time.

6.2.7 Write Off of Debts 21/2/2014 to 3/11/2014

REPORT BY THE REVENUE & PROPERTY MANAGER TO 19 NOVEMBER 2014 COUNCIL MEETING

Write Off of Debts 21-2-2014 to 3-11-2014

GOV400038, A0140197 A0340005

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Write Off of Debts 21/2/2014 to 3/11/2014 be received;**
2. **Council note the write offs totalling \$594.18 made under delegated authority for the period 21/2/2014 to 3/11/2014 and;**
3. **Council authorise the write off of those debts greater than \$2,500 as stipulated in Attachment 1 to this Report totalling \$7,378.25.**

Executive summary

This report provides a summary of debts less than \$2,500 owed to Council that have been written off since 21 February 2014 under delegated authority and seeks Council's resolution to write off the debts that are greater than \$2,500 that are owed to Council as stipulated in the attached summary.

Detailed report

Sections 213 and 131 of the Local Government (General) Regulation 2005 specify restrictions on writing off debts owed to a council. Council has previously resolved that the General Manager be delegated to write off amounts up to \$2,500. Debts owed to Council that are greater than \$2,500 must have a Council resolution directing that the stipulated amounts be written off.

Regulation 213(5) states that a debt can only be written off if it satisfies one of the following criteria:

- a) if the debt is not lawfully recoverable, or
- b) as a result of a decision of a court, or
- c) if the council or the general manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.

Regulation 131(6) states that the general manager must advise the council of rates and charges written off by written order of the general manager.

Financial and Operational Plan implications

The total amount written off for the period 21 February 2014 to 3 November 2014 under delegation was \$594.18. The total amount of debts greater than \$2,500 and requiring a Council resolution to write off is \$7,378.25.

The attached summaries support the delegated write offs and outline the debts greater than \$2,500 that require Council's resolution to write off.

Consultation has been undertaken with Council's debt collection agent throughout the entire debt recovery process. The alternative option was to continue to pursue the debts, however this was not considered economical.

It is important to note that a debt that has been written off does not prevent Council taking legal proceedings to recover the debt. Any amount written off will be adjusted if part or all of the debt is subsequently recovered.

Community Plan implications

The Credit Policy ensures that Council does not consume valuable resources collecting and writing off overdue and bad debts.

This report meets Community Plans

Theme 5 - Good Governance:

Goal 3: An Effective and Efficient Organisation

Strategy 3.3: Prudently manage risks associated with all Council activities

DIANE SAWYERS
REVENUE & PROPERTY MANAGER



LEONIE JOHNSON
ACTING DIRECTOR, CORPORATE

3 November 2014

Attachments: 1. Write Off of Debts 21-2-2014 to 3-11-2014

APPROVED FOR SUBMISSION:



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

6.2.8 Lease to Gulgong Pre-School Inc.

REPORT BY THE REVENUE & PROPERTY MANAGER TO 19 NOVEMBER 2014 COUNCIL MEETING
Lease to Gulgong Pre School
GOV400038, P0453311

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Lease to Gulgong Pre-School Inc. be received;**
2. **Council enter into a formal Lease agreement with Gulgong Pre-School Inc. for an initial term of five years commencing from 1 July 2014, with two 5 year options, at a rental of \$400 plus GST per annum, with annual rent review in line with CPI;**
3. **Council agrees to the registration of such a Lease with a registered Plan of Subdivision (subject to approval);**
4. **Council give its consent to Gulgong Pre-School Inc. to the registration of a Mortgage of Lease on title for a period not exceeding ten (10) years from the date of registration of the proposed plan;**
5. **Council give its consent to the Caveat registered on title of the site for a period not exceeding ten (10) from the date of registration of the proposed plan;**
6. **Gulgong Pre-School Inc. will be responsible for initiating, progressing and finalising processes and documentation in relation to all aspects of the proposed Lease agreement, Mortgage of Lease and Caveat on title and will also be responsible for all costs incurred in relation to these processes and documentation, including the payment of Council's reasonable legal costs;**
7. **Council authorise the General Manager to negotiate with Gulgong Pre-School Inc. on any aspect of the proposed Lease agreement, Mortgage of Lease and Caveat on title that may arise during the course of these processes;**
8. **Council authorise the General Manager and Mayor to sign necessary documentation in relation to the proposed Lease agreement, Mortgage of Lease and Caveat on title;**
9. **Council authorises the Common Seal of Council to be affixed to all documentation necessary in relation to the proposed Lease agreement, Mortgage of Lease and Caveat on title.**

Executive summary

The purpose of this report is to obtain a resolution to the proposal to formalise the lease between Council and Gulgong Pre-School Inc. (the Pre-School), including a registration of a Mortgage of Lease and Caveat on title to enable the Pre-School to secure a Capital Works Grant from Early Childhood Education and Care, Department of Education and Communities (ECEC) for proposed refurbishment and extensions to the existing building the Pre-School currently occupies.

Detailed report

The Pre-School currently occupies a site where the land and building are owned by Council. The land is identified as Lot 1 Sec 28 DP 758482, being 110-114 Herbert Street, Gulgong. The same land parcel also accommodates the Gulgong Memorial Hall (the Hall), with a section of the Hall extension currently under formal lease to the Gulgong Men's Shed. Lot 1 Sec 28 DP 758482 is classified as Operational land. There is currently no formal lease agreement in place between Council and the Pre-School for that part Lot 1 Sec 28 DP 758482 (the site) occupied by the Pre-School. In accordance with Council's Fees and Charges, the Pre-School presently pays an annual hire fee, being \$400 for 2014/2015.

The Pre-School has recently been successful in obtaining a Capital Works Grant for \$532,565 from ECEC to refurbish and extend the existing pre-school building. Council issued development consent No 0492/2013 and Construction Certificate No 0172/2014 on 23/8/2013 and 30/4/2014, respectively for the proposed works.

The Director of the Pre-School has now advised that in order for this funding to be assured and subsequently released to the Pre-School, the solicitor for ECEC has instructed that certain security provisions over Council's land must be obtained by the Pre-School. These provisions are:

COUNCIL ENTER INTO A FORMAL LEASE AGREEMENT WITH THE PRE-SCHOOL

ECEC requires Council to enter into a formal lease agreement with the Pre-School for a guaranteed period of at least 10 years to correlate with the full term of the funding agreement between ECEC and the Pre-School.

In order to satisfy this provision it is proposed to offer the Pre-School a formal Lease agreement for an initial term of five years commencing from 1 July 2014, with 2 five year options, at a rental of \$400 plus GST per annum, with annual rent review in line with CPI. Given the duration of the proposed initial term along with the further 2 five year options and the occupation by the Pre-School of only part of Lot 1 Sec 28 DP 758482, it is required by the Registrar General for a plan to be produced of that area occupied by the Pre-School which is to be subsequently registered for Real Property Act registration purposes under Land & Property Information guidelines. Registration of the Lease on the title of the land is required to facilitate ECEC's other provisions, being the Mortgage of Lease by the Pre-School and the lodging of a Caveat on title.

There is no adverse implication to Council in relation to the registration of lease on title.

MORTGAGE OF LEASE BY THE PRE-SCHOOL REGISTERED ON TITLE

If the Pre-School actually owned the site, it would be able to give a mortgage of the site as security for the funding granted by ECEC. This not being the situation, ECEC requires the Pre-School to mortgage the proposed Lease of the site instead. A lease is a proprietary interest in land and just like any other proprietary interest it may be used as security for a grant. The Mortgage of Lease is required to be protected by a Caveat registered on title.

In order to satisfy this provision it is proposed that Council will give its consent to the Pre-School to register a Mortgage of Lease of the site on title for a period not exceeding ten (10) years from the date of registration of the plan.

The implication for Council in relation to the registration of the Mortgage of Lease is minimal as the mortgage of the lease (not Council's land) is an agreement between the Pre-School and ECEC. Any default on the terms of the mortgage by the Pre-School would allow ECEC to potentially transfer the lease to a third party to continue operating under the existing lease from Council. This situation is unlikely as there is no requirement for the Pre-School to repay any monies to ECEC, merely to ensure the money granted by ECEC is expended according to the funding agreement which runs for a period of ten (10) years.

CAVEAT REGISTERED ON TITLE

ECEC requires the Mortgage of Lease to be protected by a Caveat registered on title of the site. The effect of the Caveat is to restrict any other dealings with the site and acts as a written warning to anyone who checks the Certificate of Title of the site that the caveator, being in this instance ECEC, has an interest in it.

In order to satisfy this provision it is proposed that Council will consent to the registration of a Caveat of the site on title for a period not exceeding ten (10) years from the date of registration of the plan.

The implication for Council in relation to the registration of the Caveat is that it prevents the registration of any dealing, including a sale, unless the caveat is formally withdrawn, the caveat lapses or the caveator consents in writing to the dealing. Although this restriction will be in place for a period not exceeding ten (10) years, the effect is minimal as it is envisaged that the property will not be sold within this period as the Pre-School continues its operations.

Financial and Operational Plan implications

The Pre-School will be responsible for initiating, progressing and finalising processes and documentation in relation to all aspects of the lease agreement, Mortgage of Lease and Caveat on title and will also be responsible for all costs incurred in relation to these processes and documentation, including the payment of Council's reasonable legal costs.

Community Plan implications

This report meets Community Plan Theme 5 - Good Governance:
Goal 3: An Effective and Efficient Organisation
Strategy 3.3: Prudently manage risks associated with all Council activities

DIANE SAWYERS
REVENUE & PROPERTY MANAGER


LEONIE JOHNSON
ACTING DIRECTOR, CORPORATE

24 October 2014

Attachments: 1. Request from Gulgong Pre-School & ECEC for formal Lease agreement, Mortgage of Lease and Caveat on Title.
2. Preliminary plan of proposed Lease area.

APPROVED FOR SUBMISSION:



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

ATTACHMENT 1

From: eCEC Funding [mailto:ecec.funding@det.nsw.edu.au]
Sent: Friday, 20 June 2014 4:55 PM
To: gulprsch@bigpond.net.au
Subject: Capital Works Grants - Security Provisions - GULGONG Preschool

Dear Wendy

The Department's Principal Legal Officer has asked me to contact you regarding the security provisions for the Capital Works Grant and pass on the following:

I confirm our receipt of the funding documentation you have completed.

As you do not own the site where you are proposing to build, the Department will require a mortgage of your lease of the site from Mid-Western Regional Council to secure the grant of \$532,565 (including GST). Additionally it will lodge caveat on the title for the site noting its interest.

You should contact the Council and discuss its provision to you of a lease on terms satisfactory to you and the Department's requirement for the funding of a mortgage of the lease and a caveat on the title.

Additionally we will need you to sign the attached Authority so that we can complete the necessary documents to note the Department's interests on the Personal Property Securities Register.

Please do not hesitate to contact me if you have any questions or would like to speak to our Legal team.

Regards

1

Alison Boyd
A/Senior Project Officer | Partnerships and Programs
Early Childhood Education and Care Directorate
NSW Department of Education and Communities
T 1300 755 426 | E ecec.funding@det.nsw.edu.au

AUTHORITY & UNDERTAKING

We:

Gulgong Pre-School Inc

authorise Department of education and communities (ABN 40 300 173 822 ("**Department**")) (and its Lawyers) to complete and date the following documentation consisting of:

- Preschool Capital Works Grant Funding Agreement
- Mortgage of Lease
- deed of consent to mortgage of lease
- any other security documents

each in favour of Department and each dated on (or about or later than the date) of this document (the "**Funding and Security documents**") and Department is further authorised to undertake all necessary and reasonable actions in order to comply with the requirements of:

- Office of Land & Property Information (NSW),
and all similar government organisations/authorities located within any other State or Territory of Australia,
- Australian Securities & Investments Commission
- Lodge caveat to protect its interest in any lease of land;; and
- Personal Property Securities Register,

in relation to the Facility and Security documents.

Dated:

EXECUTED by Gulgong Pre-School Inc)
 in accordance with section 22 of the)
Associations Incorporation Act 2009:)

.....
 Signature of Authorised representative

.....
 Print Name [BLOCK LETTERS]

.....
 Signature of Authorised representative

.....
 Print Name [BLOCK LETTERS]



Gulgong Pre-School Proposed Lease Area

6.2.9 Naming of an unnamed lane off Dabee Road

REPORT BY THE REVENUE & PROPERTY MANAGER TO 19 NOVEMBER 2014 COUNCIL MEETING
Report to Council (final) - Street Naming – Bloodsworth Lane
GOV400038, R0790141

RECOMMENDATION

That:

- 1. the report by the Revenue & Property Manager on the Naming of an unnamed lane off Dabee Road be received;**
 - 2. Council formally approve the name of Bloodsworth Lane for the unnamed lane off Dabee Road.**
-

Executive summary

Formal approval is requested to name the unnamed lane off Dabee Road as Bloodsworth Lane.

Detailed report

Following advice from Council staff of the need to name an unnamed lane in Kandos, Council wrote to neighbours of the lane requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 15/8/14 issue of the Mudgee Guardian.

No submissions were received so Council provisionally approved the name Bloodsworth Lane from the Pre-Approved Names list at their 1/10/14 Council Meeting.

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

Bloodsworth Lane was advertised in the 10/10/14 issue of the Mudgee Guardian and on Council's website with one submission received following a phone call from neighbours of the lane who objected to Bloodsworth Lane and wished to submit Centenary Lane in honour of Kandos' recent centenary.

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

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

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

1. published in the Government Gazette and the Mudgee Guardian.
2. concurrently, notice of the new name will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South

Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, The New South Wales Volunteer Rescue Association Inc, and, in the case of a classified road - the RMS.

Financial and Operational Plan implications

Cost of Gazettal notice plus the placement of 1 street sign at an approximate cost of \$250. These costs are included in the 2014/2015 Operational Plan.

Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide traffic management solutions that promote safer local roads and minimise traffic congestion



DIANE SAWYERS
REVENUE & PROPERTY MANAGER

LEONIE JOHNSON
ACTING DIRECTOR, CORPORATE

5 November 2014

Attachments:

1. Correspondence received from the Geographical Names Board
2. Submissions received
3. Map of the lane to be named.

APPROVED FOR SUBMISSION:



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT



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

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

Attention: Carolyn Atkins

20th March 2013

Your Ref: CA: R0790141 R0790041
 Our Ref: T02/0175 2013 - 050

Dear Madam,

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

I refer to your letter dated 19th March 2013 which proposed the following public road names:

**LOVETT STREET, BLOODSWORTH STREET, MINORCA STREET,
 OAKBOROUGH STREET, RIVERSDALE STREET, SORATA STREET**

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

Yours Faithfully

Bob Davis 20/03/13

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



From the Pre-Approved Names List – Specific to the Rylstone Kandos Clandulla Charbon area

Minorca (Rylstone Kandos Clandulla Charbon) – Named for the convict ship Minorca which sailed in June 1801 and arrived in the New South Wales Colony on 31/1/1802 carrying free settler James Vincent. The pioneer pastoralist lived on the property Carwell.

Riversdale (Rylstone Kandos Clandulla Charbon) – Local pioneer James Vincent's daughter, Elizabeth, married John Nevell and two of their properties were resumed for Windamere Dam. One was called Riversdale.

Oakborough (Rylstone Kandos Clandulla Charbon) – Local Pioneer James Vincent's daughter, Elizabeth, married John Nevell and two of their properties were resumed for Windamere Dam. One was called Oakborough.

Bloodsworth (Rylstone Kandos Clandulla Charbon) – James Bloodsworth was born in 1701 and sentenced to transportation in 1785. He came to the New South Wales Colony in the First Fleet onboard the Charlotte. James built kilns & instructed others in the art of brick making with his bricks going into the building of Sydney Cove's first building, Government House. He was commissioned by Governor Phillip to build his residence, then other buildings like warehouses and soldier's barracks, a clock tower, windmill and houses. On 15/12/1790 Governor Phillip was empowered to pardon Convicts so long as they did not return to England before their original sentence period expired. The next day James Bloodsworth was one of three men who received their freedom. On his emancipation James Bloodsworth became the first Master Builder in NSW (Australia). He passed away from illness at his house on South Row (O'Connell Street Sydney) on 21/3/1804 after a distinguished career in the building industry and as a respected citizen of the Colony. So great was the esteem in which he was held that he Governor King ordered what was then the equivalent of a State Funeral. By the 1840s James' son James Bellamy Bloodsworth and his wife Mari had land at Bathurst and Dabee (as the village of Dabee grew Governor Gipps named it Rylstone), starting the Bloodsworth family connection with the Rylstone area. Their second daughter, Ann and her husband James Brown also moved to Dabee (Rylstone) sometime after their marriage in 1840, where they took up farming.

Lambert (Rylstone Kandos Clandulla Charbon) – Jimmy Lambert Born 1823 and died in 1882. Acknowledged during his lifetime as the King of the Dabee tribe. Jimmy was well respected by both the indigenous and European communities.

James Vincent (Rylstone Kandos Clandulla Charbon) – Pioneer in the Rylstone Kandos area, arrived in the Colony of NSW on the Minorca on 31/1/1802. Held a public situation for several years under Governor King. Established the Carwell property near Rylstone in 1829 with John Nevell, also settling the Flatlands property. Died 11/6/1848 aged 77 and is buried in the Carwell Cemetery.

Not specific to any particular area so can also be used for this lane:

Endeavour – HMS Endeavour or HM Bark Endeavour was the ship captained by Lieutenant James Cook on his first voyage of discovery to Australia and New Zealand from 1769 to 1771. She was launched in 1764 as the collier Earl of Pembroke but was purchased by the Royal Navy in 1768 for a scientific mission to the Pacific Ocean to observe the 1769 transit of Venus, and to explore the seas for the surmised Terra Australis Incognita.

Resolution – HMS Resolution was the ship captained by Captain James Cook on his second and third voyages of exploration in the Pacific from 1772 to 1775 and 1776 to 1780, after Cook's death in 1779. She was launched in 1770 as the collier Marquis of Granby and was purchased by the

Royal Navy in 1771. She was originally registered as HMS Drake but was renamed HMS Resolution in December 1771.

ATTACHMENT 2

GORDON & KATHLEEN FULLER
72 Dabee Road
KANDOS NSW 2848
Ph 02 63794001


13 October 2014

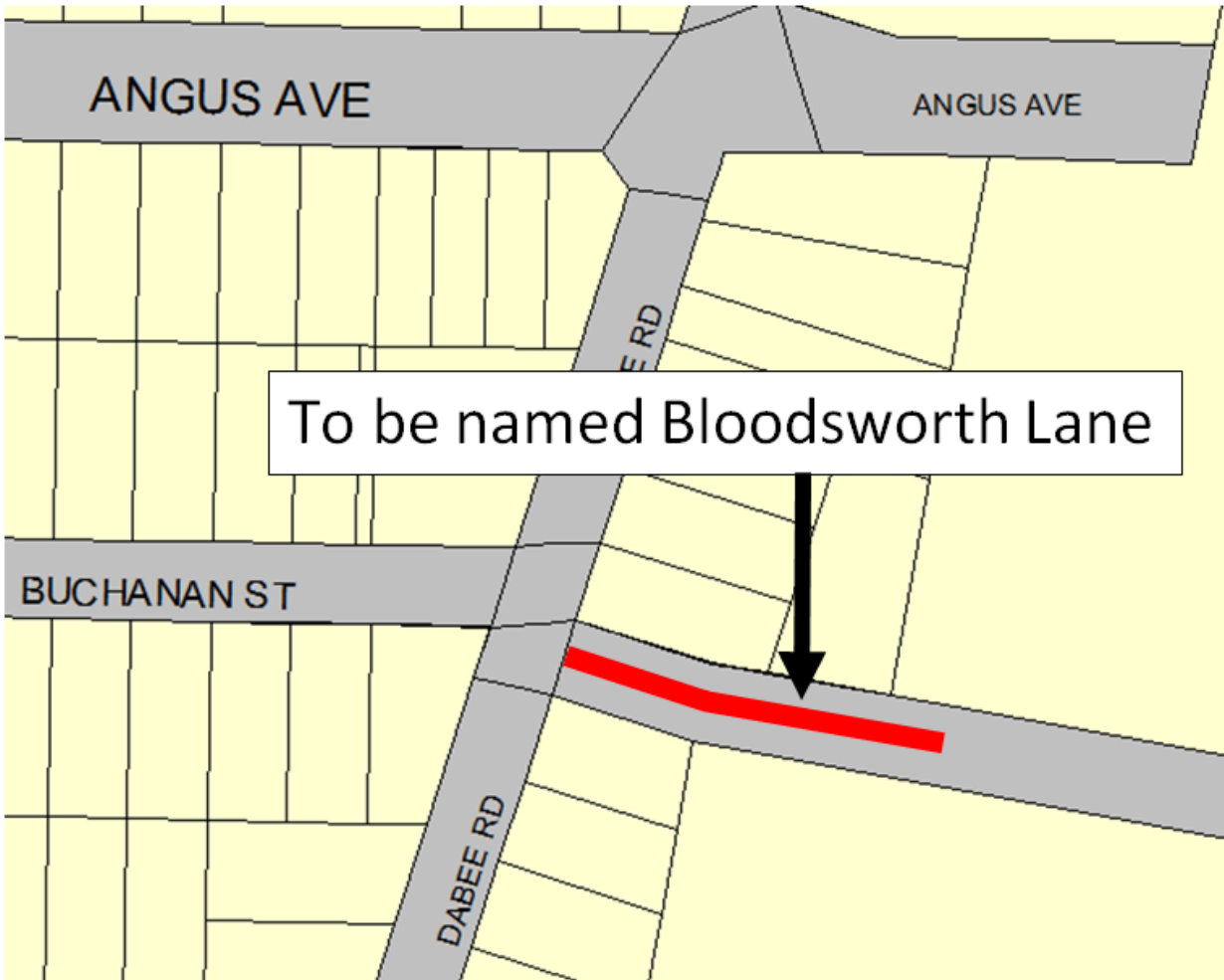
MID-WESTERN REGIONAL COUNCIL
Regional Property Department

Attention CAROLYN ATKINS

Following our phone conversation of Friday last concerning name of lane beside our property, my wife and I wish to submit **CENTENARY** in memory of recent KANDOS celebrations.

Yours faithfully,


Gordon Fuller



6.2.10 Evaluation of Expressions of Interest for Design and Construction of the Rylstone Pedestrian Bridge

REPORT BY THE SENIOR WORKS ENGINEER TO 19 NOVEMBER 2014 COUNCIL MEETING
 REPORT_Rylstone Pedestrian Bridge D&C EOI Evaluation
 GOV400038, COR400077

RECOMMENDATION

That:

1. **the report by the Senior Works Engineer on the Evaluation of Expressions of Interest for Design and Construction of the Rylstone Pedestrian Bridge be received;**
2. **Council accepts the recommendation of the Senior Works Engineer to request the following companies to tender for the work:**
 - **Waeger Constructions Pty Ltd**
 - **Steelworks Engineering Pty Ltd**
 - **Fleetwood Urban Pty Ltd**
 - **J&R Industries Pty Ltd**
 - **Wagners CFT Manufacturing Pty Ltd**
3. **The unsuccessful applicants be notified that their applications were unsuccessful.**

Executive summary

Expressions of Interest (EOI) for Design and Construction of the Rylstone Pedestrian Bridge were placed in local and Sydney papers and on Tenderlink on Tuesday 2 September and in the Guardian on Friday 29 August, closing on 29 September 2014.

Primary evaluation of the Expressions of Interest was carried out by the Senior Works Engineer; the Evaluation Committee met on 21 October 2014 to review the initial evaluation, jointly agree on the scoring of applications against the agreed criteria and to prepare the Evaluation Report that can be found in the Confidential Attachments section.

Detailed report

Expressions of Interest for Design and Construction of the Rylstone Pedestrian Bridge were placed in regional papers and on Tenderlink on 2 September and in the Mudgee Guardian on 29 August, closing on 29 September 2014.

The EOI requested details concerning the following Project Specific Evaluation Criteria associated with Technical Worth, with weighting as shown below:

Criteria	Weighting
Applicant's Experience and Capability	
Currently or recently completed work	10
Relationship Management & Cooperative Contracting	8
Proposed personnel	
Proposed Management Structure	8
Key Personnel	6
Proposed Sub-consultants	

Criteria	Weighting
Sub-consultant Details	4
Sub-consultant relevant recent experience	6
Understanding of the Project Requirements	
Key Risks	10
Proposed design management strategy	10
Innovations	6
Relationship Management & Communications	8
Understanding the Project Program	
Proposed Delivery Program	10
Anticipated Other Commitments	6
Management of Conflict & Resourcing Issues	8
TOTAL WEIGHTING	100

An Evaluation Scoresheet based on the above criteria was prepared and each application evaluated against the scoring scale shown in the table below:

SCORING SCALE

Score	Definitive Answer	Value Judgement
0	Unsatisfactory	Fails to meet the requirement Unimaginative No apparent economic benefit
2	Poor	Minimally satisfies the requirement Moderately creative Benefits difficult to assess
4	Satisfactory	Moderately satisfies the requirement Worthwhile concept May realise benefits
6	Good	Partially satisfies the requirement Creative Enduring benefits over time
8	Very Good	Satisfies the majority of the requirement Highly creative Enduring benefits over time
10	Excellent	Fully satisfies the requirement Exceptional Immediate and enduring benefits over time

Once the EOI had closed, the Senior Works Engineer carried out the primary evaluation of the applications against the above criteria; the Evaluation Committee noted below then met on 21 October 2014 to review the initial evaluation and to jointly agree on the scoring of applications against the agreed criteria; the Evaluation Committee then prepared the Evaluation Report to be found in the Confidential Attachments section.

The Evaluation Committee comprised the following members:

Name	Role	Position
Paul Crawford	Chairperson	Senior Works Engineer
Kristie Ward	Member	Procurement Coordinator
Sally Mullinger	Member	Business Manager Works

Risk, confidentiality and probity during the evaluation process were managed as follows:

- Electronic applications closed on the Tenderlink website at 4:00pm on 29 September 2014;

- Applicants were not contacted during the evaluation period;
- Applications were evaluated by the Evaluation Committee in a secure room, with applications stored securely at all other times; and
- Applicants' intellectual property and other confidential information were not disclosed to other applicants.

The three top ranked applicants are very experienced in the design and construction of pedestrian bridges and have the resources from which to draw capable personnel. The Committee believes that the professional approach adopted by these companies in preparing their applications gives every indication that the design and construction work will be carried out thoroughly and expertly and that the MWRC will be well satisfied with the result.

The Committee further believes that the two lower ranked companies, one of which has a good history with MWRC had prepared their applications with care and diligence and would also design, fabricate and install a bridge the same way.

Therefore, it is recommended that the following applicants (listed below in no particular order) be asked to tender for the Design and Construction of the Rylstone Pedestrian Bridge:

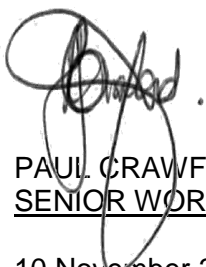
- Waeger Constructions Pty Ltd
- Steelworks Engineering Pty Ltd
- Fleetwood Urban Pty Ltd
- J&R Industries Pty Ltd
- Wagners CFT Manufacturing Pty Ltd

Financial and Operational Plan implications

The Design and Construction work for this project is integrated with the Operational Plan and incorporated through Councils Budget process.

Community Plan implications

This project is very important to provide a safe means of access for pedestrians and cyclists across the Cudgegong River at Rylstone.



PAUL CRAWFORD
SENIOR WORKS ENGINEER

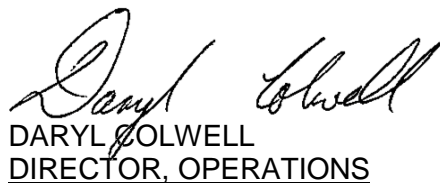
10 November 2014

Attachments: 1. Refer Detailed Evaluation Report (included in the Confidential section of the business paper).

APPROVED FOR SUBMISSION:



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT



DARYL COLWELL
DIRECTOR, OPERATIONS

6.2.11 Water Main Cleaning Services

REPORT BY THE BUSINESS MANAGER SERVICES TO 19 NOVEMBER 2014 COUNCIL MEETING
Water Main Cleaning Services1
GOV400038, WAT500032

RECOMMENDATION

That:

1. **the report by the Business Manager Services on the Water Main Cleaning Services be received;**
2. **the 2014/15 Operational Plan be amended to increase the current water main operation and maintenance budget by \$300,000 to allow for completion of a water main cleaning program, funded from Water Fund unrestricted cash.**
3. **Council accepts the proposal from Degremont Proprietary Limited in accordance with the Schedule of Rates detailed within the proposal without going to Tender, as there is an unavailability of competitive tenderers which would result in an unsatisfactory result should tenders be called.**
4. **the General Manager be authorised to execute the contract with Degremont Proprietary Limited up to an amount of \$300,000; and**
5. **the common seal of Council be affixed to the contract if required.**

Executive summary

Water quality complaints in Gulgong has increased significantly over the last year, with traditional flushing methods proving ineffective in maintaining an aesthetically acceptable water quality. The purpose of this report is for Council to consider ice pigging water main cleaning services delivered by Degremont Proprietary Limited. Water main cleaning is a maintenance activity, and as such it is recommended to increase the water main operational and maintenance budget to allow programming of ice pigging to commence in mid January 2015 predominantly in Gulgong.

Detailed report

Iron and manganese sediments and biofilms have built up in the Gulgong pipe network as a result of changes to the operation of the network, increasing degradation of old unlined cast iron pipes and infrequent flushing, resulting in a large increase in water quality complaints over the last year. Regular mains flushing programs over the last year have resulted wastage of large quantities of water for little improvement in reticulated water quality.

Water main cleaning technologies including air scouring, foam swabbing and ice pigging have been investigated, with the objective of achieving a better cleaning result and a decrease in the amount of water wasted. Ice pigging was found as the most cost effective, least disruptive method likely to remove the most sediment and biofilm from the pipe network without compromising the integrity of Gulgong's aging pipe network.

Ice pigging involves inserting chlorinated and salted ice through a hydrant into a water main, allowing the network water pressure to push the ice through the pipe and out of a downstream

hydrant. Sediment and biofilm is collected by the ice as it moves through the pipe. The water main cleaning is undertaken by a specialist contractor with access to industrial ice making and carrying equipment.

Due to the specialised nature of the ice pigging main cleaning technology, there is a single contractor offering this service in Australia. Degremont Pty Ltd (previously Aqualogy Environment Ltd) has undertaken ice pigging services for water authorities including Yarra Valley Water, Wingecaribee Shire Council and Gosford City Council.

Gosford City Council ran a tender for main cleaning services in 2013 in which Aqualogy Environmental Limited was selected in accordance with Regulation 177 of the Local Government (General) Regulation 2005. In accordance with Regulation 169(8), another public authority may adopt a list of contractors prepared by another public authority, provided the list was prepared following publication of a tender advertisement.

In accordance with Clause 55(3)(i) of the Local Government Act 1993, Council may resolve to enter into a contract for main cleaning services via ice pigging as due to the unavailability of competitive tenderers, a satisfactory result would not be achieved by inviting tenderers.

It is recommended that Council accept the Schedule of Rates Proposal from Aqualogy Environmental Limited for water main cleaning services.

Financial and Operational Plan implications

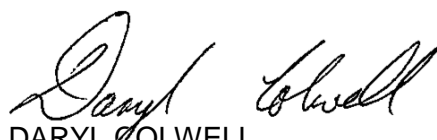
It is proposed to transfer \$300,000 from Water Fund unrestricted cash to the water mains operation and maintenance budget. Water Fund is operating with adequate unrestricted cash, and the financial impact of this variation is acceptable to Water Fund cash.

It is considered that the selected water main cleaning technology represents value to Council when compared with other cleaning technologies currently available.

Community Plan implications

To provide consistent potable water quality in our water supply reticulation systems, Council will need to consider ongoing water main cleaning programs along with renewals of aging unlined cast iron water mains. Based on the success of the proposed water main cleaning technology, a budget initiative may be recommended for systematic water main cleaning across the Local Government Area in future years.

CLAIRE CAM
BUSINESS MANAGER SERVICES


DARYL COLWELL
DIRECTOR, OPERATIONS

9 November 2014

Attachments: Nil

APPROVED FOR SUBMISSION:



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

6.2.12 Proposed reverse auction tender for supply of electricity to contestable sites and street lighting

REPORT BY THE FINANCIAL ACCOUNTANT TO 19 NOVEMBER 2014 COUNCIL MEETING

Reverse auction electricity supply

GOV400038, GOR500017

RECOMMENDATION

That:

1. **the report by the Financial Accountant on the proposed reverse auction tender for supply of electricity to contestable sites and street lighting be received;**
2. **Council commence the process of a reverse auction for supply of electricity from 1 July 2015 to 31 December 2017 for contestable metered sites and street lighting.**

Executive summary

Council's contracts for the supply of electricity to contestable sites and street lighting are nearing the end of their term. This preliminary report sets out and seeks approval for the proposed process for tendering of new electricity.

Detailed report

Council's current contracts for the supply of electricity to Council's contestable electricity sites and street lighting expire on the 30 June 2015.

Contestable sites are those where the annual electricity consumption exceeds 160MWh; currently Council has thirteen sites comprising water and sewer pumping stations, swimming pools, Mudgee Depot, Mudgee Sewer Treatment Plant and the Mudgee Administration Centre. The street lighting contract covers the towns of Mudgee and Gulgong. All other sites form part of the "small mass market sites" category. We are proposing a reverse auction process be undertaken in relation to the supply of electricity for contestable sites and for street lighting.

Council has entered into an agreement with Hunter Councils' Regional Procurement and their specialist energy sub-contractor, Energy Action to conduct a reverse auction tender for the supply of electricity from the 1 July 2015 to 31 December 2017. A reverse auction is where energy retailers bid for Council's business via the Energy Action web site, the auction is open for a prescribed period and the interested parties are able to bid until the auction closes. Tenderers are assessed against the evaluation criteria, price being the principal criteria. We are seeking a number of qualitative criteria including consolidated invoicing ability, Australian Energy Regulator registration and customer service history.

Due to the nature of the electricity market, quoted prices for electricity can only be held for a short period of time, usually between 5 to 7 days. To enable submission and evaluation of the tenders within this short validity period, it is proposed to present a supplementary report detailing the tender outcomes for Council's consideration at its meeting of 17 December 2014. The timeline for the reverse auction will be:

Reverse Auction (RA) time-line

- 11 November 2014 RA ad placed in Sydney Morning Herald and uploaded to Tenderlink
- 12 December 2014 RA closes 10.00am
- 12 December 2014 Conflict of Interest Declaration signed by evaluation panel members
- 12 December 2014 RA evaluation to be conducted at MWRC
- 17 December 2014 RA evaluation recommendation presented to Council
- 18 December 2014 Retail Supply Agreement to be signed by authorised Council delegate
- 19 December 2014 Energy Action to advise all unsuccessful bidders
- 01 July 2015 Contracts commence.

Financial and Operational Plan implications

The current spend for each contract is estimated at:


Contestable sites	\$860,000 per annum
Street lighting	\$185,000 per annum

A reverse auction is expected to achieve the best value result for Council.

Community Plan implications

Theme	Good Government
Goal	Strong civic leadership
Strategy	Provide accountable and transparent decision making for the community

NEIL BUNGATE
FINANCIAL ACCOUNTANT


LEONIE JOHNSON
ACTING DIRECTOR, CORPORATE

5 November 2014

Attachments: Nil

APPROVED FOR SUBMISSION:



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

6.2.13 Red Hill Reserve Working Party

REPORT BY THE DIRECTOR, DEVELOPMENT TO 19 NOVEMBER 2014 COUNCIL MEETING
Red Hill Reserve Working Party Minutes
GOV400038, P0860011

RECOMMENDATION

That:

1. **the report by the Director, Development on the Red Hill Reserve Working Party be received;**
2. **note the minutes of the Meeting of the Red Hill Reserve Working Party meeting held on 29 August 2014 and 24 September 2014.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Red Hill Reserve Working Party meeting held on 29 August 2014 and 24 September 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.

7 November 2014

- Attachments:*
1. Minutes of the Red Hill Reserve Working Party meeting held on 29 August 2014
 2. Minutes of the Red Hill Reserve Working Party meeting held on 24 September 2014

APPROVED FOR SUBMISSION:



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

ATTACHMENT 1



PO BOX 156
MUDGEE NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850

Fax: (02) 6378 2815

email: council@midwestern.nsw.gov.au

Minutes

**MINUTES OF MEETING FOR THE RED HILL WORKING PARTY HELD ON
29 August 2014 COMMENCING AT 3.30pm AND CONCLUDING AT 4.15pm**

Present Cr Percy Thompson, Brad Cam (Council), Alan Rickwood, David Warner, Ray and Maureen Hall

Observers: Tony Harrison, Joy Harrison, Michele McFarlane

In Attendance: Nareeda Endacott (Minute Secretary)

1. APOLOGIES

Chris Pearson, Peru Perumal, Maurice Gaudry, Paul Cavalier

Moved: David Warner 2nd Alan Rickwood

2. MINUTES OF PREVIOUS MEETING

Recommendation: That the minutes of the meeting held on 7 March 2013 be accepted.

Moved: Ray Hall 2nd Alan Rickwood

3. MATTERS ARISING FROM MINUTES OF THE MEETING

- T-QUAL has closed and the premier has announced a \$110 million grant for tourism activities in which looks to be replacing TQUAL.

4. CORRESPONDENCE

Brad discussed the results of an inspection of the Red Hill Mine Site by Robert Jay, Regional Inspector of Mines.

Before we break into the shaft or develop the site as a Tourist Attraction an application with NSW Trade and Investment Mine Safety must be submitted and approved. A certified mine engineering company must also complete the final stage of the project this cannot be completed by Council, quote will need to be obtained as the associated costs could be quite large.

Alan Rickwood suggested that we look at approaching local mines regarding either a monetary contribution towards to the project or use of their engineers.

5. GENERAL BUSINESS

Discussion was held concerning the use of the Cottage; Joy Harrison has nominated to run the tea room as either a committee member or as a private enterprise.

Red Hill cottage is currently tenanted on a month by month lease and Council is required to give 90 day notification period to evict the current tenant.

Council have received notification of the grant funding and Brad is meeting with Resources for Regions next week to sign the deed of release, we would expect to receive this funding approximately in late November to early December as this money cannot be spent until this funding is received.

Current tenants of the Red Hill Cottage will be given notice to vacate on the 1st December 2014 and must vacate property by 31st February 2015.

Discussion was held over the design of the reinforced concrete roof, cost of entry to the mine shaft and how the cottage will be run. Brad Cam suggested that a master plan be created to address design and operational purposes.

Council will engage an architect, engineer and landscaping designer to assist in creating this master plan. Architect to attend next committee meeting to discuss ideas and visit site.

6. BUSINESS WITHOUT NOTICE

Motion: That the Tipping Drain donated to Red Hill by David Warner be displayed inside the amphitheatre

Moved: Alan Rickwood 2nd Maureen Hall

**7. DATE OF NEXT MEETING – Meeting to be called mid – late September 2014
Meeting closed at 4.15pm**



PO BOX 156
MUDGEE NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850

Fax: (02) 6378 2815

email: council@midwestern.nsw.gov.au

Minutes

MINUTES OF MEETING FOR THE RED HILL WORKING PARTY HELD ON 24 September 2014 COMMENCING AT 11.00am AND CONCLUDING AT 11.50pm

Present Cr Paul Cavalier, Brad Cam (Council), Catherine Van Laeren (Council), Alan Rickwood, Chris Pearson, Ray and Maureen Hall, Joy and Tony Harrison

In Attendance: Nareeda Endacott (Minute Secretary)
Cameron Anderson – Architect

1. APOLOGIES

Maurice Gaudry, Michele McFarlane

2. MINUTES OF PREVIOUS MEETING

Recommendation: That the minutes of the meeting held on 29 August 2014 be accepted subject to the correction of *Tipping Drain* to Tipping Dray.

Moved: Alan Rickwood 2nd Joy Harrison

3. GENERAL BUSINESS

- Cr Cavalier was elected as Chair unopposed
- Cameron Anderson addressed committee to begin developing return brief to address the overall vision and functional requirements. Issues that need addressing include Building Code requirements and heritage factors. This review needs to occur ASAP prior to any further physical works.
Committee are to meet and determine on paper the exact direction and overall vision to give to Cameron to assist in the development of a design brief.
- Committee to meet with Engineer, Richard Van Laeren on site for opinion only as to addressing the possible risks involved in breaking into the mine shaft.
- Nominations to join the Red Hill Committee from Joy Harrison, Tony Harrison and Michele McFarlane were all accepted.

Motion: That the nominations from Joy Harrison, Tony Harrison and Michele McFarlane are accepted to join the Red Hill Committee

Moved: Chris Pearson 2nd David Warner

4. BUSINESS WITHOUT NOTICE

Nil

5. **DATE OF NEXT MEETING – Committee to meet once onsite meeting with Richard Van Laeren has taken place**

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