



2015

COUNCIL BUSINESS PAPERS

Extraordinary Meeting | 4 FEBRUARY 2015



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28 January 2015

Dear Councillor

MEETING NOTICE
Extraordinary Meeting

Wednesday, 4 February 2015

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

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Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: General Business

3.1 Notices of Motion

3.1.1 Reseal of Mayne, Herbert and Medley Streets in Gulgong

LISTED BY CR PERCY THOMPSON TO 4 FEBRUARY 2015 COUNCIL MEETING

Reseal of streets in Gulgong in gravel (Cr Thompson)

GOV400022, GOV400043

MOTION

That Council seal the main sections of Mayne, Herbert and Medley Streets in Gulgong with similar coloured gravel to Mayne Street.

BACKGROUND

Gulgong is a famous heritage town, and Councils over the years have tried to keep it as similar to the past as possible. The colour of the streets are to resemble the gravel of the past and should be kept the same.

19 January 2015

Staff comments

This matter was previously considered by Council at its meeting of 23 July 2014. At the time, Council resolved that the budget for works in Mayne Street be asphalt and Herbert Street remain as an asphalt surface.

RECOMMENDATION:

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

3.2 Reports

3.2.1 Financial Assistance for Regional Aviation Services

REPORT BY THE ECONOMIC DEVELOPMENT OFFICER TO 4 FEBRUARY 2015 COUNCIL MEETING
Financial Assistance for Regional Aviation Services
GOV400043, A0820020

RECOMMENDATION

That:

1. the report by the Economic Development Officer on Financial Assistance for Regional Aviation Services be received;
 2. Council provide financial assistance to Fly Pelican to support the establishment of an RPT service between Mudgee and Sydney including:
 - \$195,000 as a financial grant to help cover initial establishment costs (in 3 monthly instalments of \$95,000, \$50,000 and \$50,000 commencing in February 2015)
 - 12 x monthly payments of \$15,000 in the first 12 months of operations to support the employment of relevant staff as required by CASA regulations
 - In-kind marketing and promotional activities to the value of \$12,000 related to the launch of the service over the first 3 months
 - Exemption from paying landing fees for the first 12 months (estimated income amount of \$60,000)
 - Provision of check-in and ground handling staff to facilitate ground operations at Mudgee airport (estimated expense of \$115,000 per annum) for the first 24 months
 3. Council authorises the General Manager to finalise and enter into the Air Service Start Up Support Agreement with Fly Pelican dated 5 February 2015;
 4. Council amend the 2014/15 Operational Plan by \$268,800 net expenditure, funded by a \$200,000 transfer from Airline Support Reserve and \$68,800 unrestricted funds; and
 5. Council make provision for the continued financial support of Fly Pelican in the draft 2015/16 Operational Plan at an estimated net impact of \$206,400.
-

Executive summary

This report considers the provision of financial assistance to Fly Pelican to establish a regular public transport (RPT) air service between Mudgee and Sydney.

A regular air service between Mudgee and Sydney has significant economic and social benefits. These benefits are well recognised in the community and therefore, it is recommended that Council provide financial assistance to Fly Pelican to re-establish the Mudgee to Sydney air service.

Detailed report

At its 3 December 2014 meeting, Council resolved to provide in principle support for a proposal to provide financial assistance to Fly Pelican to support the re-establishment of the Mudgee to Sydney air service. The financial assistance includes:

- \$195,000 as a financial grant to help cover initial establishment costs (in 3 monthly instalments of \$95,000, \$50,000 and \$50,000 commencing in February 2015);
- 12 x monthly payments of \$15,000 in the first 12 months of operations to support the employment of relevant staff as required by CASA regulations;
- In-kind marketing and promotional activities to the value of \$12,000 related to the launch of the service over the first 3 months;
- Exemption from paying landing fees for the first 12 months (estimated income amount of \$60,000); and
- Provision of check-in and ground handling staff to facilitate ground operations at Mudgee airport (estimated expense of \$115,000 per annum) for the first 24 months.

PUBLIC SUBMISSIONS

Council placed its intention to provide financial assistance to Fly Pelican on public exhibition for a six week period from 12 December 2014 to 23 January 2015.

Council received two written responses to the public notice (submissions attached). Whilst both were positive and recognised the importance of providing a regular air service between Mudgee and Sydney, one submission questioned the amount of financial assistance being contributed by Council and whether there were other ways that this could be better used.

The intention to provide financial assistance to Fly Pelican also attracted regional media interest.

FLY PELICAN AGREEMENT

A draft agreement from Fly Pelican is attached as a confidential attachment. It is treated as confidential as it discloses commercial information of a confidential nature that would, if disclosed, (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the in accordance with Section 10A(2)(i) and (ii) of the Local Government Act, 1993.

The draft agreement states that in return for financial assistance, Fly Pelican will provide 11 return flights per week between Sydney and Mudgee. This includes:

- Two daily return services between Sydney and Mudgee from Monday through to Friday (ie. one early morning flight and one late afternoon flight); and
- One daily return service between Sydney and Mudgee on Sundays (mid-afternoon flight).

DUE DILIGENCE

It is acknowledged that the regional aviation industry is a difficult industry to be operating in. There is no guarantee that providing financial assistance to Fly Pelican will ensure that the air service is commercially viable in the medium to long term. An assessment of these risks can be summarised as follows:

- Regional Aviation Industry Risk – the recent track record of the regional aviation is poor, however the owners of Fly Pelican have a history of running the profitable Aeropelican air service prior to it being sold to Brindabella
- Mining Industry Risk – the mining industry has been a strong supporter of the air service in the past. Industry growth has slowed which could potentially impact passenger numbers. However, mining personnel and related businesses still require travel outside the Region and the mines have indicated an ongoing need and support for an air service.

- Demand Risk – there are other potential uses of the air service in the future including for other industries, regular business, tourism, medical related travel and new major projects which will generate demand
- Commercial Risk – the ongoing viability of Fly Pelican is a risk as it is with any commercial activities. Fly Pelican has provided detailed financial forecasts for the first 2 years of operation to show its forecast financial performance (previously provided to Council under Confidential cover).

In order to minimise this risk as much as possible in an uncertain business environment, the following steps have been taken:

- Fly Pelican has provided Council staff with detailed financial forecasts to demonstrate the ongoing commercial viability of the air service, once the significant upfront establishment costs have been met;
- Council staff have negotiated an agreement which limits the amount of financial assistance to be provided prior to actual flights commencing to \$195,000, with the balance of financial assistance being provided on a monthly basis only if the air service is operating; and
- Council staff have undertaken due diligence to confirm that there are no outstanding financial matters for Fly Pelican, directors or related companies. This includes comprehensive register searches through the Australian Securities and Investments Commission.

It is also important to note that the owners and staff associated with Fly Pelican are the same owners and staff that previously operated the Aeropelican air service. As the Aeropelican air service operated successfully for a number of years prior to being sold to Brindabella, the owners and staff have significant experience with the Mudgee to Sydney route and understand what is required to make it commercially viable.

A regular air service between Mudgee and Sydney has significant economic and social benefits. These benefits are well recognised in the community and therefore, it is recommended that Council provide financial assistance as outlined above to re-establish the Mudgee to Sydney air services route.

Past research by the regional aviation industry indicates that economies of regional communities with regular passenger air services grow 1.85 times faster than those communities without such service. For the Mid-Western Region this means that the economic benefit of an air services is \$18 million additional Gross Revenue Product per annum as shown below.

Estimated size of local economy	\$2,017 million
Annual GDP growth without an air service	\$22 million
Annual GDP growth with an air service	\$40 million
Benefit of an air service (annual)	\$18 million

Financial and Operational Plan implications

The total amount of financial assistance to be provided is estimated at \$677,400, spanning the 2014/15, 2015/16 and 2016/17 financial years.

Component		2014/15	2015/16	2016/17	Total
Establishment costs	3 x monthly payments	195,000	0	0	195,000

Component		2014/15	2015/16	2016/17	Total
Operational staff	12 x monthly payments	45,000	135,000	0	180,000
Check-in/Ground handling support	Estimated cost over 24 months	28,800	115,200	86,400	230,400
Marketing/Promotions*	In kind support – 1 st 3 months of operations	12,000	0	0	12,000
Landing Fees	Waiver of fees – 1 st 12 months	15,000	45,000	0	60,000
Total		295,800	266,400	86,400	677,400

The items marked * will have nil impact on the adopted budget as it currently stands, as these items are in-kind support, or fees and charges to be waived. The landing fees will be recognised as revenue, with an offsetting expense entry for fee-waiver.

The anticipated net impact on the 2014/15 Operational Plan will be \$268,800. This is proposed to be funded by a \$200,000 transfer from the Airline Support Reserve, and \$68,800 from unrestricted funds.

The anticipated impact on the 2015/16 Operational Plan will be \$266,400. This incorporates the expenses outlined above, plus a partial offset through recognition of an estimated \$15,000 of landing fees to be generated in the last quarter of 2015/16, following the expiration of the 12 month fee waiver period. The 2015/16 budget is currently being reviewed as part of our annual financial planning process. However, in its existing adopted format (as per the Delivery Program) the 2015/16 budget has a surplus working capital result of \$231,000. Provision of financial assistance in accordance with the recommendation in this report would bring the projected 2015/16 budget into a small working capital deficit position.

The anticipated impact on the 2016/17 Operational Plan will be \$26,400. This incorporates the expenses outlined in the table above, plus a partial offset through recognition of an estimated \$60,000 of landing fee revenue.

Community Plan implications

This project links to Council's Community Plan: Strategy 1.3.1 Provide infrastructure and services to cater for the current and future needs of our community.

JULIE ROBERTSON
ECONOMIC DEVELOPMENT OFFICER

CLARE PHELAN
DIRECTOR, CORPORATE

27 January 2015

Attachments: 1. Public Submissions (2)
2. Draft Air Service Start Up Agreement (included in the Confidential section of the business paper)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

Julie Robertson

From: Sandra Capper [sscapper@bigpond.com]
Sent: Friday, 12 December 2014 2:26 PM
To: Council
Subject: Air service

Good afternoon.

I have heard on radio and read in the Guardian, about the 'proposed' return of our Air Service. I just wish to say, how pleased I was to hear this, and also very pleased at the comments made by our Mayor Mr. Des Kennedy.

"Socially, it is of a major concern. "

Even if we run at a loss, I feel this has to be somehow accommodated.

I am alone here in Mudgee, with adult children in three 'other' states. One feels most isolated.

The Community Car is wonderful, but does not cover 'all' contingencies.

I am sure my personal situation, pertains to many others.

Kind regards

Sandra Capper.

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General Manager
Mid-Western Regional Council
15/12/14



Dear Sir/Madam,

Mid Western Regional Council is to be commended on it's initiative to secure another transport alternative in and out of Mudgee. It will be positive if the Mudgee community can again utilise a viable and sustainable air service.

I have a few questions for Council however.

Is a proportion or all of the approximately \$500,000 contribution from Council towards this project to be sourced from ratepayers?

If so, would all or part of this ratepayers money be refunded/recoverable if the venture 'falls over' in the first couple of years?

Could the proposal set a precedent for other businesses wishing to establish in Mudgee to seek, and possibly be eligible for, ratepayer funded financial support?

What are the statistics regarding the numbers and demographics of people in the Mudgee district who actually utilised the Mudgee to Sydney air service under previous operators? At \$200 - \$250 per ticket this information may be relevant.

Could the \$500,000 perhaps be better spent (with less associated risk) at a more tangible, 'grass roots' level? This may include e.g. low cost, emergency accommodation and/or improved facilities to help keep our kids active e.g. extension of the districts skate parks, BMX tracks or maybe water slides at the local pools.

Again, Council is to be acknowledged for it's efforts on this proposal though an informed community discussion should occur prior to this significant financial commitment being approved.

Yours Sincerely

Bill Kempton

43 RockyWaterhole Road

Mudgee

3.2.2 Financial Assistance Applications

REPORT BY THE FINANCIAL ACCOUNTANT TO 4 FEBRUARY 2015 COUNCIL MEETING

1 Financial Assistance report to council 04 February 2015

GOV400043, A0140201

RECOMMENDATION

That:

1. **the report by the Financial Accountant on the Financial Assistance Applications be received;**
2. **Council provide a donation of \$2000 to the Western Districts Ladies Golf Association 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.

WESTERN DISTRICTS LADIES GOLF ASSOCIATION

Mudgee Ladies Golf would like to make an application for sponsorship, for the Western Districts Ladies Golf Association (WDLGA) Open Tournament 2015 to be held in Mudgee for the week commencing 11th May 2015 and finishing 15th May 2015.

WDLGA expects a capacity field of 220-230 lady golfers in which the majority of players will be from towns in the Western Districts, Sydney and Newcastle areas. They would like Mid-Western Regional Council to become the major sponsor and are seeking \$2,000 for the naming rights of this event. Publicity would include naming rights on the tournament flyer, signage at the Golf Course for the week of the Open, TV, radio and newspaper coverage.

It is recommended that Council provide a \$2000 donation to the Western Districts Ladies Golf Association.

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

Financial and Operational Plan implications

Funding of \$157,000 is provided in the Operational Plan for Financial Assistance. \$137,115 has been allocated to date, leaving a balance of \$19,885.

Should Council approve the recommendations in this report, a balance of \$17,885 will remain.

Community Plan implications

Council's Financial Assistance Policy applies.

NEIL BUNGATE
FINANCIAL ACCOUNTANT

CLARE PHELAN
DIRECTOR, CORPORATE

23 January 2015

Attachments: 1. Application for financial assistance

APPROVED FOR SUBMISSION:

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

BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

Attention : Brad Cam

Mon. 22nd Dec. 2014

General Manager

Mid-Western Regional Council

Mudgee Ladies Golf would like to make an application for sponsorship, from Mid-Western Regional Council, for the Western Districts Ladies Golf Association (WDLGA) Open Tournament 2015 to be held in Mudgee for the week commencing Monday 11th May 2015 and finishing on Friday 15th May 2105

Mudgee has been given the rights to host the 2015 event The last time Mudgee were hosts to this prestigious event was eleven years ago in 2004.

WDLGA expects a capacity field of 220-230 lady golfers. The majority of the players will be from towns in the Western Districts, Sydney and Newcastle areas. Motel, hotel and B & B accommodation in Mudgee are already being confirmed by visiting groups. We expect these ladies to patronise the wineries, eating establishments and shops in Mudgee bringing a large influx of money into our town.

We would like to invite Mid-Western Regional Council to become the major sponsor of this event. The amount we are seeking for naming rights for the event is \$2,000.

Publicity would be: naming rights on the tournament flyer, signage at the Golf Course for the week of the Open, TV, radio and newspaper coverage.

The flyer for the event is posted to all golf clubs in NSW in late **February**, so if you could consider our request by this date.

We received an email from Zola Spurr noting that the Council had received our request and it would be considered at the Council meeting on **18th March**. This would not give us the opportunity to publicise any sponsorship on the flyer. **Councillor John Webb** has indicated he has spoken to you on this matter, and its urgency. If Council could make consideration on this application for sponsorship at their February Meeting and inform us of the decision quickly then Mudgee Ladies Golf could get the flyer produced with naming rights.

An invitation would be extended to a representative of Mid-Western Regional Council to attend the Awards Presentation Dinner to be held at Mudgee Golf Club on Wednesday 12th May.

We are looking forward to establishing a sponsorship relationship with Council.

Regards

Patricia Jones

Lady President



Contact :115 Mortimer Street

Mudgee NSW 2850

mob: 0419 000085

home: 63723433

email: steve_trish@hotmail.com



3.2.3 Family request to dig a grave in Gulgong Cemetery

REPORT BY THE DIRECTOR, COMMUNITY TO 4 FEBRUARY 2015 COUNCIL MEETING

Cemetery Request

GOV400043, F0520021

RECOMMENDATION

That:

1. **the report by the Director, Community on the Request from the Lewis family to dig a grave at Gulgong Cemetery be received;**
2. **Council deny the request due to the liability implications under the provisions of Workplace Health & Safety legislation and the concerns of Council's Insurers.**

Executive summary

A letter has been received from the family of Don Lewis requesting that, when Don passes away, the family be allowed to hand dig his grave themselves at the Gulgong Cemetery as a mark of respect.

While sympathetic to the request, it is strongly recommended that permission not be granted as it would be a breach of Council's Cemeteries Policy. This Policy has been developed in such a way as to protect Council from the potential to breach Work Health & Safety legislation and to overcome potential public liability issues.

Detailed report

This report details the reasons why permission should not be granted and why a breach of the existing Cemeteries policy not be allowed.

WORK HEALTH & SAFETY

The Work Health & Safety Act and Regulations places responsibilities on Council as a "Person conducting a business undertaking" in the ownership and operation of a cemetery.

The Act and Regulation contain implications that the granting of permission to persons who are not employees of Council, to excavate and construct a grave within a Council owned and operated cemetery, without ensuring the adequate insurance, training, equipment, instruction and supervision of the persons involved, would be contrary to the essence of the WHS Regulation and Act.

With reference to particular sections of the Work Health and Safety Act 2011:

26 Duty of persons conducting businesses or undertakings that install, construct or commission plant or structures

- (2) *The person must ensure, so far as is reasonably practicable, that the way in which the plant or structure is installed, constructed or commissioned ensures that the plant or structure is without risks to the health and safety of persons:*
 - (a) *who install or construct the plant or structure at a workplace, or*
 - (b) *who use the plant or structure at a workplace for a purpose for which it was installed, constructed or commissioned, or*

- (c) *who carry out any reasonably foreseeable activity at a workplace in relation to the proper use, decommissioning or dismantling of the plant or demolition or disposal of the structure, or*
- (d) *who are at or in the vicinity of a workplace and whose health or safety may be affected by a use or activity referred to in paragraph (a), (b) or (c).*

27 Duty of officers

- (1) *If a person conducting a business or undertaking has a duty or obligation under this Act, an officer of the person conducting the business or undertaking must exercise due diligence to ensure that the person conducting the business or undertaking complies with that duty or obligation.*
- (5) *In this section, due diligence includes taking reasonable steps:*
 - (c) *to ensure that the person conducting the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking, and*
 - (d) *to ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information.*

INSURANCE

This situation could affect Council's right to insurance coverage for any event or claim arising as a result of the granting of permission, by Council. If insurance coverage is at risk, Council should consider whether it wishes to accept any associated risk itself.

The informal advice from the Insurer can be summarised as indicating significant concern, not just in relation to the action of digging a new grave but potential disturbance to other sites within the cemetery. While the insurers cannot provide a formal response until a claim is made (in the event that one were to be made), they have informally recommended that Council not amend its Cemeteries Policy.

The possibilities for accidents with the digging of graves are real and recognised and have been part of the formation of the policy and the procedures that Council has developed over time.

STANDARDS AND WORKCOVER

Under the Cemeteries and Crematoria Act 2013 No 105 [NSW], the cemetery agency controls all cemeteries in NSW - they appoint a cemetery operator (in this case Council) who are to undertake all burials. With reference to the **Safe Work Practices for Burial and Cremation Guidelines**:

5. GRAVES

Cemeteries must develop safe grave digging procedure manuals, tailored to their local conditions. These would cover all aspects of grave digging, shoring, trenching, backfilling and exhumation.

5.1 Grave Digging Personnel

The cemetery management authority should ensure that all personnel involved in digging and backfilling graves, and performing exhumations are adequately trained and appropriately equipped.

The qualifications that our staff are required to have by Workcover to prepare and dig graves are as follows:

- OHS White card – allows staff to work on site
- Manual Handling training

- Confined space – being that a person/persons are required to enter into a grave / confined space of a depth of over 1.5m, the person entering and an observer above ground are required to have the confined space qualification
- Gravesafe certificate allowing staff to prepare a gravesite to Australian standards

The expectation from Workcover would be that anyone involved in preparing and digging graves on a Council site would have these qualifications. Regardless of whether there was an accident, Council could open itself up to significant fines from Workcover if the family were allowed to be involved in the digging of the grave.

Again, from the Work Health & Safety Act 2011 and Regulations:

44 Requirements for prescribed qualifications or experience

(1) A person must not carry out work at a workplace if:

- (a) the regulations require the work, or class of work, to be carried out by, or under the supervision of, a person who has prescribed qualifications or experience, and*
- (b) the person does not have the prescribed qualifications or experience or the work is not carried out under the supervision of a person who has the prescribed qualifications or experience.*

The Regulations indicates that a penalty to Council of up to \$100,000 could be issued for allowing work to be undertaken where the person does not have the relevant training or accreditation to undertake such work.

STAFFING

Under the Cemeteries Act, Council cannot divest itself of responsibility for the digging of graves or transfer this responsibility to others. Supervision by Council staff, of persons unknown to Council would be impossible, in the sense that no supervisor could be expected to take responsibility for the possible consequences for each member of the group, without guarantees that they have met all the training requirements that enable them to work for Council and perform this particular task of preparing graves.

PRECEDENCE

For Council to allow a breach of policy as requested, the opportunity arises for a precedent to be set for future similar situations. Arguably, these are likely to be few in relation to digging graves but the same arguments could be made for numerous other tasks and areas for which Council has responsibility.

CONCLUSION

Any suggestion that the family could “sign a waiver” would be relatively meaningless within the context of the Cemeteries Act, Work Health & Safety legislation and Workcover requirements. It would also potentially not provide Council with any assurance in the light of public liability claims from others (e.g. damage to other graves).

Whether there is an accident or not, it seems clear that Council would potentially be in breach of legislation and open itself up to the possibility of significant penalty should the course of action requested by the family be allowed.

ALTERNATIVE OPTION

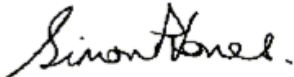
Council has no involvement in burials on private land. If there was such an appropriate place on an appropriate property available to the Lewis family, an application can be made to NSW Health for a private land burial. This would allow the family to then exercise their preference to dig the grave themselves on their own land.

Financial and Operational Plan implications

Not applicable

Community Plan implications

Not applicable.



SIMON JONES
DIRECTOR, COMMUNITY

20 January 2015

Attachments: 1. Letter from Andrew Lewis to the General Manager 24 December 2014.

APPROVED FOR SUBMISSION:



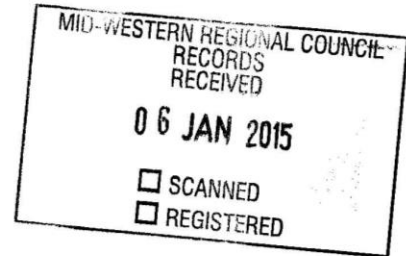
BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

Springvale Station, BOURKE NSW 2840

24th December. 2014

Brad Cam
General Manager
Mid-West Regional Council
86 Market Street
MUDGEES NSW 2850



Dear Brad

My name is Andrew Lewis and I live near Enngonia in the Bourke Shire, I am also Mayor of the Bourke Shire Council.

I am contacting you in regards to your council policy concerning burials at Mid-Western Regional Council cemeteries.

My father Don Lewis who has been a resident in the Gulgong district for Eighty Five years has been very sick for a number of months and is not expected to live much longer. As a mark of respect of his dedication and commitment to his family and local community, my two brothers, myself and three brother in-laws and his twelve grandsons request that we would be allowed to dig his grave.

I have been informed by your staff that this is contrary to council policy.

I would ask that our request be submitted to Mayor Kennedy and councillors at the next council meeting if you do not have authority to grant this request. You would understand the urgency of this request.

I believe that our request deserves special circumstance consideration with regards to the commitment our father Don Lewis has given to his local community over the past eighty five years.

Don Lewis was born in Gulgong private hospital on the 20th April 1929 to parents William "Tommy" and Bethel Lewis. He lived at Springfield Gulgong with his parents and brother for the next 25 years, he was the fifth generation of his family to live at Springfield. In 1957 he moved to the property Hartford on the northern side of Gulgong with his wife Edyth and growing young family. The family lived here until this property was sold in 1987 and they moved to 30 Mayne street Gulgong.

Besides managing his own property, Don also managed two properties for his parent's estate for 20 years. Don was also chief executor for his parent's estate for 30 years.

While managing all of the above and along with his wife Edyth raising a young family of six children Don was heavily involved in numerous organisations and committees.

Don was an active member of the local Bush Fire brigade. He was the main instigator and a founding member of the Deadmans Creek bush fire brigade and served as captain for three decades. He was appointed a group captain in recognition of his experience and expertise in fighting bush fires. Commissioner Koppberg presented Don with medals in recognition of his service.

Don was also involved with the local farmer's organisations through their various name changes. He was state treasurer for a couple of years in the 1950's. He served as president, secretary and treasurer of the local branches at various times over 50 years.

Don has been a member of Lodge Wyaldra at Gulgong since he was 18 and served as secretary for nearly 20 years. He received Grand Lodge honours in the late 1980's.

He has been involved with Gulgong Public School most of his life, having attended primary school at the Red Hill School and all his children attending the infants, primary and central schools at Gulgong as well. During the late 1960's don built the football fields at both the Red Hill School as well as the new primary school, levelling the fields with his own machinery at his own expense even though these were government schools.

Probably the major passion of our parents Don and Edyth beside their family has been there involvement with the Gulgong Pioneers Museum. From the moment his father Tommy Lewis donated the funds to the Gulgong Historical Society to enable this committee to purchase the Times Bakery at Gulgong to house museum exhibits, Don has been involved.

He has held several positions on the committee over the years, especially as honorary treasurer. Don and Edyth would have spent several thousand hours carrying out voluntary work for the museum over the past 50 years. Moving buildings, donating the blacksmiths shed and several horse drawn wagons. He was involved in setting up exhibits and restoring old engines. I remember as a teenager going with dad in his red ford truck on numerous occasions to pick up donated items and bring them back to the museum. One trip was too the Birriwa silo to remove and load the old oil engine, we also moved the locomotive from the " Bull Ring" at the Home Rule Kaolin mine to the museum. These were big jobs to carry out and Dad was mostly on his own except for us kids. Dad was very upset when a railway museum from the south coast proved to have a prior claim to the Locomotive and they removed it from the Gulgong museum.

Don would spend his weekends at the museum during the 1990's starting the old machines and talking to tourists explaining the history of these motors.

After moving to town Don and Edyth were volunteer drivers for meals on wheels. Don also supported Edyth for over 50 years in the organisations and committees she was a member of where she served terms as president, chairwoman, secretary and treasurer. These committees included Mothers Club, P and C, Gulgong Eisteddfod, Ten Dollar Town Arts and Craft Exhibition and the Steinway piano trust. They were instrumental in the fundraising and purchase of the Steinway piano for the Prince of Wales opera House.

Don was awarded the senior citizens award 2006 on Australia day 2007.

As you can observe Don has been dedicated to the local community all his life and I sometimes wonder how he had time to run his own business.

Brad all we are asking is that we be allowed to dig his grave when he passes away as a mark of respect love and honour to wonderful father, father in-law and grandfather.

Waiting for a favourable reply.

Yours sincerely,



Andrew Lewis

3.2.4 Rylstone Cricket Practice Nets

REPORT BY THE DIRECTOR, COMMUNITY TO 4 FEBRUARY 2015 COUNCIL MEETING

Rylstone Cricket Practice Nets

GOV400043, A0360011

RECOMMENDATION

That:

1. **the report by the Director, Community on the Rylstone Cricket Practice Nets be received;**
2. **Council determine to increase the scope of works for the Rylstone cricket net project to be a double net rather than a single net;**
3. **Council amend the 2014/15 Operational and Delivery Plan to increase the amount for the expenditure on the Rylstone cricket net project by \$5,000;**
4. **Council fund the increase in expenditure from the Capital Program Reserve.**

Executive summary

At the meeting of 19 November 2014, Council determined to fund and construct a cricket practice net at Sammy's Flat, Rylstone to an amount not exceeding \$15,000. Through the process of determining final quotes, an opportunity exists for Council to fund a double net for an additional \$5,000.

Detailed report

Council has determined to install a cricket practice net at Rylstone. According to the Council resolution, reference is made to the construction of a cricket net. Often cricket nets are constructed as double nets allowing cricket practice for more people concurrently, which is often ideal during the staging of a cricket match. The construction of a double net side by side means that much of the construction material is shared, therefore lessening the costs.

In preparing final quotes and authorisations for this project, the price of a single net has been shown to be approximately \$15,000 and the price of a double net is approximately \$20,000.

Specifically, the costs of the double net can be summarised as:

Description	Cost (\$)
Earthworks	1,500
Nets	12,250
Concrete	3,700
Synthetic turf	2,400
Total	\$19,850

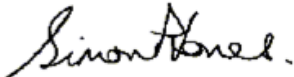
While it is entirely Council's decision to change the scope of works and expenditure for this project, it can be noted that modest savings have been made to a number of small projects in the parks and reserves areas during this financial year. These savings will be returned to the capital program reserves.

Financial and Operational Plan implications

A decision to proceed with this recommendation would reduce the Capital Program Reserve and increase the 2014/15 budget by \$5,000 of increased capital expenditure.

Community Plan implications

Not applicable.



SIMON JONES
DIRECTOR, COMMUNITY

23 January 2015

Attachments: Nil

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

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 4: Urgent Business Without Notice