



2015

COUNCIL BUSINESS PAPERS

Ordinary Meeting | WEDNESDAY 15 JULY 2015



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MUDGEE NSW 2850

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8 July 2015

Dear Councillor

MEETING NOTICE
Ordinary Meeting

Wednesday, 15 July 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

AGENDA

Item 1:	Apologies.....	4
Item 2:	Disclosure of Interest.....	4
Item 3:	Confirmation of Minutes.....	4
	3.1 Minutes of Ordinary Meeting held on 17 June 2015	4
Item 4:	Matters in Progress	34
Item 5:	Mayoral Minute	37
Item 6:	General Business	38
	6.1 Notices of Motion	38
	6.1.1 TV reception in Gulgong	38
	6.2 Reports	39
	6.2.1 DA0323/2015 Proposed illuminated, flashing sign at the Mudgee Golf Club 21 Robertson Street, Mudgee Lot 182 DP 1125697	39
	6.2.2 MA0054/2015 Hours and signage modification to DA0188/2014 Animal Establishment Lot 6 DP 880241 859 Castlereagh Highway	49
	6.2.3 Planning Proposal- Lot 1 DP 841458, Wyoming Road, Stubbo	60
	6.2.4 Caerleon Voluntary Planning Agreement – Request for deferment of Contribution for Water and Sewer	64
	6.2.5 Moolarben Coal Complex UG1 Optimisation Modification application for Project Approvals 05_0117 (Stage 1) and 08_0135 (Stage 2)	67
	6.2.6 Monthly statement of investments and bank balances as at 30 June 2015	81
	6.2.7 Financial Assistance Applications	87
	6.2.8 Additional Supplier - RFT 2013/03 Wet & Dry Plant Hire Preferred Supplier – THE Mining Pty Ltd	93
	6.2.9 Disposal of Assets Policy Review	95
	6.2.10 Write Off of Debts 4/11/2014 to 12/06/2015	99
	6.2.11 Dedication of Land as Road – Saleyards Lane	102
	6.2.12 Media Policy Review	105
	6.2.13 Draft Open Space and Recreational Asset Management Plan	110
	6.2.14 Roads Policies Review	112
	6.2.15 Business Use of the Footpath Policy	151
	6.2.16 Removal of Tree on Robertson Street	174
	6.2.17 Parking Patrol Agreements	182
	6.2.18 Fixing of Annual Fees for Councillors and the Mayor	184
	6.2.19 2015 Christmas Close Down	205
	6.2.20 Library Services - Quarterly Report April-June 2015	206

6.2.21	Code of Meeting Practice	209
6.2.22	Family Day Care Policy	211
6.2.23	Local Traffic Committee Minutes of Meetings held 12 June 2015	213
6.2.24	Mudgee Gulgong Access Committee Meeting	219
6.2.25	Gulgong Sports Council Meeting - May	222
6.2.26	Mudgee Sports Council Meeting - May	226
6.2.27	Mudgee Showground Management Committee	229
6.2.28	Mudgee Saleyards Management Committee	233
6.2.29	Rylstone & Kandos Access Committee Meeting	236

Item 7: Urgent Business Without Notice240

Item 8: Confidential Session

8.1.1	Future Development of Mortimer Street Site
8.1.2	Voluntary Planning Agreement Bylong Coal Project
8.1.3	Payment of Legal Costs – MWRC ats Peabody Pastoral Holdings P/L
8.1.4	Bed & Breakfast and Wedding Reception Facility Lot 142 DP 755418, 111 Mount Pleasant Lane Buckeroo

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 17 June 2015

Council Decision:

That the Minutes of the Ordinary Meeting held on 17 June 2015, Minute Nos 156/15 to 197/15 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are attached overleaf.

Mid-Western Regional Council

Date: 17 June 2015

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 17 June 2015, commencing at 6.00pm and concluding at 6.58pm.

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr JK Weatherley, Cr JR Webb, Cr L White.
IN ATTENDANCE	General Manager (B Cam), Director Development (C Van Laeren), Director Corporate (C Phelan), Director Community (S Jones), Governance Coordinator (A Gearon), Executive Secretary (M Sutton).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (E Watson), Radio 2MG (M Heldon)

Item 1: Apologies

Apologies were received for the absences of Councillor Max Walker and Director Operations (D Colwell).

156/15 MOTION: Thompson / Cavalier

That the apologies for the absence of Councillor Walker and Director Operations (D Colwell) be received and leave of absence for Councillor Waler be granted.

Item 2: Disclosure of Interest

Councillor Weatherley declared a non-pecuniary conflict of interest in Item 6.2.1 as he is a member of the Race Day Committee.

Councillor White declared a pecuniary conflict of interest in Item 6.2.31 as MRTI is a financial member of the organisation that employs Cr White.

Item 3: Confirmation of Minutes

157/15 MOTION: Cavalier / Shelley

That the Minutes of the Ordinary Meeting held on 20 May 2015 (Minute Nos. 113/15 to 155/15) be taken as read and confirmed.

The motion was carried with Councillors voting unanimously.

Mid-Western Regional Council

Date: 17 June 2015

Item 4: Matters in Progress**Reseal of Mayne, Herbert and Medley Streets in Gulgong****158/15 MOTION: Shelley / Weatherley****That Minute no. 1/15 be noted as completed.**

The motion was carried with Councillors voting unanimously.

Item 5: Mayoral Minute

There is no Mayoral Minute.

Item 6: General Business**6.1 RESCISSION MOTION**

PLANNING PROPOSAL 154 MARKET STREET MUDGEE (LOT 41 DP 703056 & LOT 1 DP564729)

GOV400023, GOV400043

159/15 MOTION: White / Webb**That Point 3 of the Council's decision on 15 April 2015 to PP_2014_MIDW_003_00 (Market Street Lot 41 DP 703056 and Lot 1 DP 564729) be and is hereby rescinded.**

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

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

Mid-Western Regional Council

Date: 17 June 2015

6.2 REPORTS TO COUNCIL

- 6.2.1 DA0304/2015, SHED AT MUDGEES RACECOURSE LOT 7300
DP 1163793 106 ULAN ROAD BOMBIRA
GOV400043, DA0304/2015

Councillor Weatherley declared a non-pecuniary conflict of interest in item 6.2.1 as he is a member of the Race Day Committee, left the room at 6.06pm, and did not participate in discussion or vote in relation to this matter.

160/15 MOTION: Shelley / Martens

That:

1. the report by the Senior Town Planner on Development Application DA0304/2015 for the shed at the Mudgee Racecourse – Lot 7300 DP1163793 106 Ulan Road Bombira be received;
2. that Development Application DA0304/2015 for the shed at the Mudgee Racecourse – Lot 7300 DP1163793 106 Ulan Road Bombira be approved subject to the following conditions;

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans 22702-GI01 rev C, 22702-A03 – 22702-A05 and the Application received by Council on 27 April 2015 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.
2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

3. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - a) the appointment of a Principal Certifying Authority and
 - b) the date on which work will commence.
 Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
4. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

Page 3 of the Minutes of the Ordinary Meeting of Council held on Wednesday 17 June 2015.

Mayor

General Manager

Mid-Western Regional Council

Date: 17 June 2015

- NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE**
5. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
 - a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - c) the name, address and telephone number of the principal certifying authority for the work,
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
 6. Prior to the commencement of works on site, the applicant shall advise Council's Development Directorate, in writing, of any existing damage to Council property.
 7. 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.

BUILDING CONSTRUCTION

8. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
9. 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.
10. 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.
11. The approved structures to be installed in accordance with the manufacturer's requirements.
12. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa
13. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.

Page 4 of the Minutes of the Ordinary Meeting of Council held on Wednesday 17 June 2015.

Mayor

General Manager

Mid-Western Regional Council

Date: 17 June 2015

14. The shed must not be adapted nor used for habitable, commercial or industrial purposes without prior approval of certifying authority.
15. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.
(Note: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered).When the access is complete, Council must be contacted to inspect the access and assign a rural road number.

FLOODING

16. The floor level is to be equal to or greater than the 20 year ARI flood (plus freeboard)
17. The structure is to have flood compatible building components below or at the 100 year ARI flood (plus freeboard)
18. The applicant is to demonstrate that the structure can withstand the forces of floodwater, debris and buoyancy up to and including the 100 year ARI flood (plus freeboard).
19. The shed is limited to the storage of the greyhound staring gate. No materials shall be stored below the design floor level which may cause pollution or be potentially hazardous during any flood.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

20. 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.

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

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

Councillor Weatherley returned to the room at 6.07pm.

Mid-Western Regional Council

Date: 17 June 2015

6.2.2 SUPPLEMENTARY REPORT – PLANNING PROPOSAL
‘BURRUNDULLA’, LOTS 3 & 4 DP1069441 SPRING FLAT
ROAD, MUDGEE

GOV400043, LAN900043, LAN900044

161/15

MOTION: Shelley / Kennedy**That:**

1. the supplementary report and report by the Town Planner on the Supplementary Report – Planning Proposal ‘Burrundulla’, Lots 3 & 4 DP1069441 Spring Flat Road, Mudgee be received;
2. Council support in principle the intent of the Planning Proposal for 2ha rural residential lots on the subject land with an additional requirement that the documentation be amended:
 - i) such that the land that is rezoned is limited to an area sufficient to accommodate 25 lots at the southern portion of the site; and
 - ii) to rezone a 20m wide corridor along Sydney Road to RE1 Public Recreation and vegetated to act as a visual buffer.
3. Prior to public exhibition of the Planning Proposal, a hydrological assessment be conducted to investigate the potential impacts of on-site effluent disposal on groundwater which feeds into the Mudgee town water supply and to demonstrate the most appropriate method of servicing;
4. The Planning Proposals be forwarded to the Department of Planning and Environment Gateway for determination.

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

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

6.2.3 PLANNING PROPOSAL BROADHEAD ROAD – REDUCTION
OF MINIMUM LOT SIZE

GOV400043, LAN900049

162/15

MOTION: White / Martens**That:**

Page 6 of the Minutes of the Ordinary Meeting of Council held on Wednesday 17 June 2015.

 Mayor

 General Manager

Mid-Western Regional Council

Date: 17 June 2015

1. the report by the Manager Strategic Planning on the Planning Proposal Broadhead Road – Reduction of Minimum Lot Size be received;
2. Council exercise the delegation in relation to the preparation of the amendment to Local Environmental Plan 2012 to reduce the minimum lot size in respect to Lot 9 DP 1150667 Broadhead Road, subject to the Opinion issued by Parliamentary Counsel.

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

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

6.2.4 SERVICING 238 BROADHEAD ROAD MUDGEES (BROADVIEW ESTATE)

GOV400043, P2109711

163/15 MOTION: Shelley / Weatherley

That:

1. the report by the Director, Development on the Servicing 238 Broadhead Road Mudgees (Broadview Estate) be received;
2. Council enter into the agreement as outlined in attachment 1 for the servicing of 238 Broadhead Road Mudgees including the provision of a sewer and water main.

The motion was carried with Councillors voting unanimously.

6.2.5 CENTRAL WEST REGIONAL GROWTH PLAN UPDATE

GOV400043, LAN900016, A0100001

164/15 MOTION: White / Cavalier

That the report by the Manager Strategic Planning on the Central West Regional Growth Plan Update be received.

The motion was carried with Councillors voting unanimously.

Mid-Western Regional Council

Date: 17 June 2015

6.2.6 TENDER FOR CONSTRUCTION OF THE HORATIO ST
DETENTION BASIN, MUDGEE

GOV400043, COR400088

165/15

MOTION: Thompson / Martens**That:**

1. the report by the Manager, Development Engineering on the Tender for Construction of the Horatio St Detention Basin, Mudgee be received;
2. Council accepts the tender submitted by A1 Earthworx Civil and Mining Pty Ltd for the construction of the Horatio St Detention Basin, Mudgee in accordance with clause 178 of the Local Government (General) Regulation 2005 at a tendered price of \$221,685.00 excluding GST;
3. Council authorises the General Manager to finalise and execute the contract on behalf of Council with A1 Earthworx Civil and Mining Pty Ltd for the construction of the Horatio St Detention Basin, Mudgee RFT 2015/02;
4. The General Manager be granted delegated authority to approve variations to the contract up to a cumulative total of 5% of the original contract sum; and
5. The unsuccessful tenderers be notified in writing.

The motion was carried with Councillors voting unanimously.

6.2.7 UPDATE ON THE NUMBER OF MATTERS DEALT WITH
UNDER THE PROTECTION OF THE ENVIRONMENT
OPERATIONS ACT 1997

GOV400043, ENV200046

166/15

MOTION: Cavalier / Weatherley

That the report by the Manager, Health and Building on the Update on the Number of Matters Dealt with under the Protection of the Environment Operations Act 1997 be received.

The motion was carried with Councillors voting unanimously.

6.2.8 DRAFT BUILDING ASSET MANAGEMENT PLAN

GOV400043, COU500082

167/15

MOTION: Shelley / Martens**That:**

1. the report by the Manager, Health and Building on the Draft Building Asset Management Plan be received;

Page 8 of the Minutes of the Ordinary Meeting of Council held on Wednesday 17 June 2015.

 Mayor

 General Manager

Mid-Western Regional Council

Date: 17 June 2015

2. the Draft Building Asset Management Plan be placed on public exhibition for 28 days;
3. if no submissions are received following public exhibition of the draft report, adopt the Building Asset Management Plan.

The motion was carried with Councillors voting unanimously.

6.2.9 FOOD INSPECTION UPDATE

GOV400043, A0130009

168/15 MOTION: Weatherley / White

That the report by the Manager, Health and Building on the Food Inspection Update be received.

The motion was carried with Councillors voting unanimously.

6.2.10 DEPARTMENT OF PLANNING AND ENVIRONMENT – INTEGRATED MINING POLICY

GOV400043, A0420126

169/15 MOTION: Shelley / Martens

That:

1. the report by the Director, Development on the Department of Planning and Environment – Integrated Mining Policy be received;
2. that Council make a submission as outlined in attachment 3 to this report with emphasis on:
 - cumulative impacts;
 - impacts on local infrastructure and roads;
 - cumulative social and economic impacts on communities directly impacted by the projects and those towns meeting accommodation requirements.

Requesting for a timelimit to be placed on SEAR's of 2 years Impact on agricultural uses and enterprises, and impacts of offsets.

The motion was carried with Councillors voting unanimously.

6.2.11 LAND & HOUSING SUPPLY MONITOR QUARTERLY REPORT

GOV400043, LAN900042

170/15 MOTION: Cavalier / Thompson

That the report by the Manager Strategic Planning on the Land & Housing Supply Monitor Quarterly Report be received.

The motion was carried with Councillors voting unanimously.

Page 9 of the Minutes of the Ordinary Meeting of Council held on Wednesday 17 June 2015.

Mayor

General Manager

Mid-Western Regional Council

Date: 17 June 2015

6.2.15 BORROWINGS POLICY REVIEW

GOV400043, FIN300032

174/15

MOTION: Shelley / Martens**That:**

1. the report by the Manager Finance on the Borrowings Policy Review be received;
2. Council adopt the revised Borrowings Policy.

The motion was carried with Councillors voting unanimously.

6.2.16 DELIVERY PROGRAM 2013–2017 AND OPERATIONAL PLAN 2016

GOV400043, FIN300064

MOTION: Webb / Thompson**That:**

1. the report by the Director Corporate on the Delivery Program 2013/14 - 2016/17 and Operational Plan 2015/16 be received;
2. Council receive all submissions to the draft 2015/16 Operational Plan as listed below, with the General Manager to respond to each submission as follows:
 - a) Friends of Putta Bucca Wetlands – be thanked for their submission, but decline the request;
 - b) Rylstone District Environment Society – be thanked for their submission, but decline the request;
 - c) Rylstone Kandos Business & Tourism – be thanked for their submission, but decline the request;
 - d) Gulgong Mudgee Rylstone Branch National Trust of Australia (NSW) – be thanked for their submission, advised of Council's current local heritage grant commitment and decline the request;
 - e) NSW Farmers Association Mudgee District Branch – be thanked for their submission, but decline the request;
 - f) Chris O'Grady – be thanked for his submission, and advised Council will acquire new lane ropes;
 - g) Shirley Tunnicliff – be thanked for her submission, and advised Council will undertake clean up works, tree planting, and plaque installation at Pinnacle Swamp Memorial Drive;
 - h) Kerry Morrissey – be thanked for his submission, and advised Council does not support the request for a lookout to be funded in 2015/16 and further investigations into traffic calming from Dabee Street/Railway Station access will be undertaken;
 - i) Mudgee Fine Foods – be thanked for their submission, and advised Council support their request for financial assistance for \$3,000 per annum for the next four financial years; and

Page 11 of the Minutes of the Ordinary Meeting of Council held on Wednesday 17 June 2015.

Mayor

General Manager

Mid-Western Regional Council

Date: 17 June 2015

- j) Rylstone Kandos Preschool – be thanked for their submission, and advised Council support their request for financial assistance for \$4,160 per annum for the next four financial years.
3. Council make the following changes to the 2015/16 – 2018/19 budget as exhibited and detailed in the report below, including funding sources;

*2015/16**Public Submissions*

- a) New swimming pool lane ropes in Mudgee \$12,000

March QBR rolled projects

- b) Coricudgy Bridge Repair \$52,613
 c) Fairydale Lane Upgrade \$497,000
 d) Horatio Street Detention Basin \$247,000
 e) Victoria Park Upgrades Cricket Nets \$30,000
 f) Avisford Reserve \$37,000
 g) Airport Terminal Extension \$220,000
 h) Rural Fire Service Cudgong Heritage Building \$85,000
 i) Rural Road Maintenance Charbon Area \$99,000
 j) Telephone System VOIP \$118,000
 k) Art Gallery Facility \$45,000
 l) Preschool Facility \$161,700
 m) Sewer Augmentation Rylstone & Kandos \$515,000
 n) Sewer Mains Bellevue to Rifle Range Road \$47,182
 o) Sewer Mains Rising Main Caerleon \$395,000
 p) Sewer Pump Station Flow Metering \$92,771
 q) Sewer Pump Station Caerleon \$142,000
 r) Decommission Mudgee Old Sewer Treatment Plant Putta Bucca \$183,200
 s) Water Augmentation Mudgee Headworks \$2,535,000
 t) Water Augmentation West Mudgee Extension \$470,000
 u) Water Augmentation Ulan Road Extension \$1,600,000
 v) Water Reservoir Flirtation Hill Mudgee \$23,711
 w) Community Recycling Centre \$60,903

Management Submissions

- x) Rural Fire Service Heritage Building \$544,200
 y) Gulgong CBD Unsealed Road Sealing allocate \$45,000
 z) Red Hill Tourism Development allocate additional \$230,000
 aa) Horatio Street Detention Basin additional \$74,000
 bb) Rifle Range Road change in funding to S94 \$115,000
 cc) Village Subsidy increase budget allocation by \$3,000
 dd) Increase Financial Assistance Program by \$21,000
 ee) Decrease Events Assistance Program by \$21,000
 ff) Mudgee Depot Parking Upgrade \$171,000
 gg) Kandos Pool Tiling increase budget estimate by \$130,000
 hh) Gulgong Pool Disabled Ramp remove from program and reduce budget
 ii) Community Recycling Centre increase by \$7,878
 jj) Saleyards Lane Water Main Extension allocate \$80,000

Page 12 of the Minutes of the Ordinary Meeting of Council held on Wednesday 17 June 2015.

Mayor

General Manager

- kk) Water Main Capital – Gulgong water treatment plant processing main \$21,000
 - ll) Water administration software allocate \$28,800 indexed across remaining years
 - mm) Saleyards Lane Sewer Main Extension allocate \$160,000
 - nn) Sewer Mains Capital – Sewer mains relining increase \$330,000
 - oo) Sewer Mains Capital – Bombira Rising Main allocate \$35,000
 - pp) Sewer administration software allocate \$18,000 indexed across remaining years
 - qq) Increase rating revenue by \$52,845 indexed across remaining years
 - rr) Defer Holtermann Collection Interactive Website \$20,000 to 2016/17
- 2016/17*
- ss) Include Holtermann Collection Interactive Website \$20,000 deferred from 2015/16
- 2017/18*
- tt) Kandos Museum remove support budget \$22,554
- 2018/19*
- uu) Transfer from Land Development Reserve to Asset Replacement Reserve \$1,000,000
4. Council make the following changes to the 2015/16 Fees and Charges as exhibited:
 - a) Section 603 certificate \$75, as determined by the Office of Local Government
 - b) Amended fee – Process Filing & Issue Fees – Civil Claims \$0.01 to \$10,000 Standard increase to \$186; and
 - c) Amended fee – Process Filing & Issue Fees – General Claims \$10,000.01 to \$100,000 Standard increase to \$456.
 5. Council place on public exhibition for a period of 28 days the following new Fees and Charges. If no submissions are received following public exhibition Council adopt the Fees and Charges below and include them in the 2015/16 Fees and Charges Schedule:
 - a) New fee - Glen Willow Field 2 - \$220 for full day hire including GST;
 - b) New fee - Glen Willow Fields 3, 4, 5 and 6; \$110 per field for full day hire;
 - c) Publish fee - Mudgee Town Hall Cinema Entry - Adult \$14, Concession \$10, Children under 5 years no charge, inclusive of GST; and
 - d) New fee - Mudgee Showground Pavilion Hire \$25 including GST for 2 hour fitness classes during winter
 6. Council adopts the Operational Plan for 2015/16 and Delivery Program for 2013/14 – 2016/17 as amended, including the Fees & Charges Schedule;

Mid-Western Regional Council

Date: 17 June 2015

7. Council considers an alternative rate model to reduce Farmland category increase from 1.3% for 2015/16 to 0.8% for 2015/16;
8. Mid-Western Regional Council hereby makes the following charges for the 2015/16 financial year:
- a) **Hunter Valley Catchment Special Rate**
A Hunter Valley Catchment Special Rate of 0.0131 cents in the dollar on the land value as at 1 July 2015 of all land within the catchment contribution area that has a land value in excess of \$300 and is rateable for the time being under the Local Government Act 1993.
Council contributes to the provision of watercourse management in the area controlled by the Hunter Local Land Services. A Hunter Valley Catchment Special Rate, which is determined by the Service, is to be applied for the purposes of the Local Land Services Regulation 2014 Part 4.
 - b) **Extra Charges**
The extra charges to be charged on overdue rates and charges shall be calculated at a rate of 8.5% per annum, on a daily simple interest basis;
 - c) **Domestic Waste Management Charge**
A Domestic Waste Management Charge of \$166 for all rateable and non-rateable properties within the service areas. Where there is more than one service the annual charge will be multiplied by the number of services;
 - d) **General Waste Disposal Charge**
A General Waste Disposal Charge of \$198 inclusive of GST for all rateable and non-rateable properties with the exception of certain Farmland properties that can identify in the manner required by Council that they have a landholding comprised of multiple adjoining assessments with a lesser number of residences than assessments; they will be charged for the number of residences. Where there is more than one service the annual charge will be multiplied by the number of services;
 - e) **Business Waste Management Charge**
A Business Waste Management Charge of \$211.20 inclusive of GST for all rateable and non-rateable Business category properties where a service is rendered. Where there is more than one service the annual charge will be multiplied by the number of services;
 - f) **Water Charges**
Water charges for rateable and non-rateable properties within the water supply area of:

<i>Charge Type</i>	<i>Type</i>	<i>Amount</i>
<i>Service Availability</i>	<i>20mm meter</i>	<i>\$144</i>
	<i>25mm meter</i>	<i>\$225</i>
	<i>32mm meter</i>	<i>\$369</i>
	<i>40mm meter</i>	<i>\$576</i>
	<i>50mm meter</i>	<i>\$900</i>
	<i>80mm meter</i>	<i>\$2,304</i>
	<i>100mm meter</i>	<i>\$3,600</i>

Page 14 of the Minutes of the Ordinary Meeting of Council held on Wednesday 17 June 2015.

Mayor_____
General Manager

Mid-Western Regional Council

Date: 17 June 2015

	<i>150mm meter</i>	<i>\$8,100</i>
<i>Usage - Residential</i>	<i>Per kL</i>	<i>\$2.81</i>
<i>Usage - Business</i>	<i>Per kL</i>	<i>\$2.81</i>
<i>Usage - Raw Water</i>	<i>Per kL</i>	<i>\$0.62</i>

In relation to strata units, each unit will be levied with a 20mm service availability charge. In relation to Torrens Title residential units, each unit will be levied with a 20mm service availability charge. In relation to vacant land where a water meter is not connected, each property will be levied with a 20mm service availability charge;

- g) Sewer Charges
Sewer charges for rateable and non-rateable properties within the sewer service area of:
- | <i>Charge Type</i> | <i>Amount</i> |
|--|----------------------|
| <i>Service availability - residential</i> | <i>\$739</i> |
| <i>Service availability - non-residential</i> | <i>\$412</i> |
| <i>Usage - Non-residential based on kLs of water used that would reasonably be deemed to enter sewer schemes</i> | <i>\$2.36 per kL</i> |

175/15

AMENDMENT: Shelley/Weatherley

1. the report by the Director Corporate on the Delivery Program 2013/14 - 2016/17 and Operational Plan 2015/16 be received;
2. Council receive all submissions to the draft 2015/16 Operational Plan as listed below, with the General Manager to respond to each submission as follows:
 - a) Friends of Putta Bucca Wetlands – be thanked for their submission, but decline the request;
 - b) Rylstone District Environment Society – be thanked for their submission, but decline the request;
 - c) Rylstone Kandos Business & Tourism – be thanked for their submission, but decline the request;
 - d) Gulgong Mudgee Rylstone Branch National Trust of Australia (NSW) – be thanked for their submission, advised of Council's current local heritage grant commitment and decline the request;
 - e) NSW Farmers Association Mudgee District Branch – be thanked for their submission, but decline the request;
 - f) Chris O'Grady – be thanked for his submission, and advised Council will acquire new lane ropes;
 - g) Shirley Tunncliff – be thanked for her submission, and advised Council will undertake clean up works, tree planting, and plaque installation at Pinnacle Swamp Memorial Drive;
 - h) Kerry Morrissey – be thanked for his submission, and advised Council does not support the request for a lookout to be funded in 2015/16 and further investigations into traffic calming from Dabee Street/Railway Station access will be undertaken;
 - i) Mudgee Fine Foods – be thanked for their submission, and advised Council support their request for financial

Page 15 of the Minutes of the Ordinary Meeting of Council held on Wednesday 17 June 2015.

Mayor

General Manager

- assistance for \$3,000 per annum for the next four financial years; and
- j) Rylstone Kandos Preschool – be thanked for their submission, and advised Council support their request for financial assistance for \$4,160 per annum for the next four financial years.
 - n) Refurbishment of entrance signs for the villages of Running Stream, Ilford and Bylong \$5,000.
3. Council make the following changes to the 2015/16 – 2018/19 budget as exhibited and detailed in the report below, including funding sources;

2015/16**Public Submissions**

- a) New swimming pool lane ropes in Mudgee \$12,000

March QBR rolled projects

- b) Coricudgy Bridge Repair \$52,613
- c) Fairydale Lane Upgrade \$497,000
- d) Horatio Street Detention Basin \$247,000
- e) Victoria Park Upgrades Cricket Nets \$30,000
- f) Avisford Reserve \$37,000
- g) Airport Terminal Extension \$220,000
- h) Rural Fire Service Cudgegong Heritage Building \$85,000
- i) Rural Road Maintenance Charbon Area \$99,000
- j) Telephone System VOIP \$118,000
- k) Art Gallery Facility \$45,000
- l) Preschool Facility \$161,700
- m) Sewer Augmentation Rylstone & Kandos \$515,000
- n) Sewer Mains Bellevue to Rifle Range Road \$47,182
- o) Sewer Mains Rising Main Caerleon \$395,000
- p) Sewer Pump Station Flow Metering \$92,771
- q) Sewer Pump Station Caerleon \$142,000
- r) Decommission Mudgee Old Sewer Treatment Plant Putta Bucca \$183,200
- s) Water Augmentation Mudgee Headworks \$2,535,000
- t) Water Augmentation West Mudgee Extension \$470,000
- u) Water Augmentation Ulan Road Extension \$1,600,000
- v) Water Reservoir Flirtation Hill Mudgee \$23,711
- w) Community Recycling Centre \$60,903

Management Submissions

- x) Rural Fire Service Heritage Building \$544,200
- y) Gulgong CBD Unsealed Road Sealing allocate \$45,000
- z) Red Hill Tourism Development allocate additional \$230,000
- aa) Horatio Street Detention Basin additional \$74,000
- bb) Rifle Range Road change in funding to S94 \$115,000
- cc) Village Subsidy increase budget allocation by \$3,000
- dd) Increase Financial Assistance Program by \$21,000
- ee) Decrease Events Assistance Program by \$21,000
- ff) Mudgee Depot Parking Upgrade \$171,000
- gg) Kandos Pool Tiling increase budget estimate by \$130,000

- hh) Gulgong Pool Disabled Ramp remove from program and reduce budget
 - ii) Community Recycling Centre increase by \$7,878
 - jj) Saleyards Lane Water Main Extension allocate \$80,000
 - kk) Water Main Capital – Gulgong water treatment plant processing main \$21,000
 - ll) Water administration software allocate \$28,800 indexed across remaining years
 - mm) Saleyards Lane Sewer Main Extension allocate \$160,000
 - nn) Sewer Mains Capital – Sewer mains relining increase \$330,000
 - oo) Sewer Mains Capital – Bombira Rising Main allocate \$35,000
 - pp) Sewer administration software allocate \$18,000 indexed across remaining years
 - qq) Increase rating revenue by \$52,845 indexed across remaining years
 - rr) Defer Holtermann Collection Interactive Website \$20,000 to 2016/17
- 2016/17**
- ss) Include Holtermann Collection Interactive Website \$20,000 deferred from 2015/16
- 2017/18**
- tt) Kandos Museum remove support budget \$22,554
- 2018/19**
- uu) Transfer from Land Development Reserve to Asset Replacement Reserve \$1,000,000
4. Council make the following changes to the 2015/16 Fees and Charges as exhibited:
- a) Section 603 certificate \$75, as determined by the Office of Local Government
 - b) Amended fee – Process Filing & Issue Fees – Civil Claims \$0.01 to \$10,000 Standard increase to \$186; and
 - c) Amended fee – Process Filing & Issue Fees – General Claims \$10,000.01 to \$100,000 Standard increase to \$456.
5. Council place on public exhibition for a period of 28 days the following new Fees and Charges. If no submissions are received following public exhibition Council adopt the Fees and Charges below and include them in the 2015/16 Fees and Charges Schedule:
- a) New fee - Glen Willow Field 2 - \$220 for full day hire including GST;
 - b) New fee - Glen Willow Fields 3, 4, 5 and 6; \$110 per field for full day hire;
 - c) Publish fee - Mudgee Town Hall Cinema Entry - Adult \$14, Concession \$10, Children under 5 years no charge, inclusive of GST; and
 - d) New fee - Mudgee Showground Pavilion Hire \$25 including GST for 2 hour fitness classes during winter

6. Council adopts the Operational Plan for 2015/16 and Delivery Program for 2013/14 – 2016/17 as amended, including the Fees & Charges Schedule;
7. Mid-Western Regional Council hereby makes the following rates and charges for the 2015/16 financial year:
 - a) **Residential Rural Rate**
A Residential Rural Rate of 0.651930 cents in the dollar on the land value as at 1 July 2015 of all land so categorised as Residential, with a minimum rate of \$623.88;
 - b) **Residential Urban Rate**
A Residential Urban Rate of 0.651930 cents in the dollar on the land value as at 1 July 2015 of all land so categorised as Residential and further subcategorised as Residential Urban, with a minimum rate of \$623.88;
 - c) **Farmland Rate**
A Farmland Rate of 0.608693 cents in the dollar on the land value as at 1 July 2015 of all land so categorised as Farmland, with a minimum rate of \$623.88;
 - d) **Business Rate**
A Business Rate of 0.949494 cents in the dollar on the land value as at 1 July 2015 of all land so categorised as Business, with a minimum rate of \$623.88;
 - e) **Business Rylstone Aeropark Rate**
A Business Rylstone Aeropark Rate of 0.949494 cents in the dollar on the land value as at 1 July 2015 of all land so categorised as Business and further subcategorised as Business Rylstone Aeropark, with a minimum rate of \$204.80;
 - f) **Mining Rate**
A Mining Rate of 7.778341 cents in the dollar on the land value as at 1 July 2015 of all land so categorised as Mining, with a minimum rate of \$623.88;
 - g) **Mining Coal Rate**
A Mining Coal Rate of 7.778341 cents in the dollar on the land value as at 1 July 2015 of all land so categorised as Mining and further subcategorised as Mining Coal, with a minimum rate of \$623.88;
 - h) **Hunter Valley Catchment Special Rate**
A Hunter Valley Catchment Special Rate of 0.0131 cents in the dollar on the land value as at 1 July 2015 of all land within the catchment contribution area that has a land value in excess of \$300 and is rateable for the time being under the Local Government Act 1993.
Council contributes to the provision of watercourse management in the area controlled by the Hunter Local Land Services. A Hunter Valley Catchment Special Rate, which is determined by the Service, is to be applied for the purposes of the Local Land Services Regulation 2014 Part 4.
 - i) **Extra Charges**
The extra charges to be charged on overdue rates and charges shall be calculated at a rate of 8.5% per annum, on a daily simple interest basis;

Mid-Western Regional Council

Date: 17 June 2015

- j) **Domestic Waste Management Charge**
A Domestic Waste Management Charge of \$166 for all rateable and non-rateable properties within the service areas. Where there is more than one service the annual charge will be multiplied by the number of services;
- k) **General Waste Disposal Charge**
A General Waste Disposal Charge of \$198 inclusive of GST for all rateable and non-rateable properties with the exception of certain Farmland properties that can identify in the manner required by Council that they have a landholding comprised of multiple adjoining assessments with a lesser number of residences than assessments; they will be charged for the number of residences. Where there is more than one service the annual charge will be multiplied by the number of services;
- l) **Business Waste Management Charge**
A Business Waste Management Charge of \$211.20 inclusive of GST for all rateable and non-rateable Business category properties where a service is rendered. Where there is more than one service the annual charge will be multiplied by the number of services;
- m) **Water Charges**
Water charges for rateable and non-rateable properties within the water supply area of:

<i>Charge Type</i>	<i>Type</i>	<i>Amount</i>
Service Availability	20mm meter	\$144
	25mm meter	\$225
	32mm meter	\$369
	40mm meter	\$576
	50mm meter	\$900
	80mm meter	\$2,304
	100mm meter	\$3,600
	150mm meter	\$8,100
Usage - Residential	Per kL	\$2.81
Usage - Business	Per kL	\$2.81
Usage - Raw Water	Per kL	\$0.62

In relation to strata units, each unit will be levied with a 20mm service availability charge. In relation to Torrens Title residential units, each unit will be levied with a 20mm service availability charge. In relation to vacant land where a water meter is not connected, each property will be levied with a 20mm service availability charge;

- n) **Sewer Charges**
Sewer charges for rateable and non-rateable properties within the sewer service area of:
- | <i>Charge Type</i> | <i>Amount</i> |
|--|----------------------|
| Service availability - residential | \$739 |
| Service availability - non-residential | \$412 |
| Usage - Non-residential based on kLs of water used that would reasonably be deemed to enter sewer schemes | \$2.36 per kL |

Mid-Western Regional Council

Date: 17 June 2015

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

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

6.2.17 DRAFT AIRPORT MASTER PLAN

GOV400043, A0820020

176/15

MOTION: Shelley / Weatherley

That:

1. the report by the Manager Corporate and Economic Development on the Draft Airport Master Plan be received;
2. Council places the Draft Airport Master Plan on public exhibition for a period of 14 days from 22 June 2015 to 3 July 2015;
3. Staff provide a further report back to Council following the exhibition period to consider any feedback received.

The motion was carried with Councillors voting unanimously.

6.2.18 TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE MARKET STREET MUDGEE

GOV400043, A0130008

177/15

MOTION: Cavalier / Thompson

That:

1. the report by the Manager, Health and Building on the Temporary Suspension of Alcohol Free Zone Market Street Mudgee be received;
2. the alcohol free zone located in Market Street between Lewis and Perry Streets be suspended between the hours of 4pm to 9pm on Saturday 26 September 2015 for the purposes of the Flavours of Mudgee festival.

The motion was carried with Councillors voting unanimously.

Mid-Western Regional Council

Date: 17 June 2015

6.2.19 ADDITIONAL SUPPLIER - RFT 2013/04 GENERAL
CONTRACTORS PREFERRED SUPPLIER – LASER
ELECTRICAL SERVICES

GOV400043, A0411304, COR400049

178/15 MOTION: Thompson / Cavalier

That:

1. the report by the Procurement Manager on the Additional Supplier - RFT 2013/04 General Contractors Preferred Supplier – Laser Electrical Services be received;
2. Council accepts the additional supplier for Tender 2013/04 for the provision of General Contractor Services

Contractor: Laser Electrical Services
Services Provided: Electrical Services

The motion was carried with Councillors voting unanimously.

6.2.20 NAMING OF THE NEW STREETS IN THE RYLSTONE
AERODROME AIRPARK SUBDIVISION OFF COXS CREEK
ROAD

GOV400043, R0790041

179/15 MOTION: Martens / Webb

That:

1. the report by the Revenue & Property Manager on the Naming of the new streets in the Rylstone Aerodrome Airpark subdivision off Coxs Creek Road be received;
2. Council formally approve the names of Aerodrome Road, Staggerwing Road, Mustang Road, Spitfire Road, Wirraway Road and Eagle Road for the streets in this subdivision;
3. Council reject the name of Clubhouse Road, and instead submit the name Eric Smith Road to the Geographical Names Board for approval.
4. That the Geographical Names Board be requested to vary their policy to permit the use of first and second names for road naming purposes.

The motion was carried with Councillors voting unanimously.

6.2.21 REALIGNMENT OF PART OF HENRY LAWSON DRIVE HOME RULE

180/15

MOTION: Cavalier / White

GOV400043, R0790175

That:

1. the report by the Manager Revenue & Property on the Realignment of Part Henry Lawson Drive Home Rule be received;
2. Council agrees to proceed with the formalisation procedures in relation to the realignment of those sections of Henry Lawson Drive by the opening and dedication of a public road over allotments 1 and 2 as cited in proposed plan "A" appended to this Report and; to proceed with the formalisation procedures in relation to the closing of those parts of Henry Lawson Drive, being allotments 3 and 4 as cited in proposed plan "A" appended to this Report;
3. compensation to the landowner is to be in the form of a land exchange of allotments 3 and 4 in proposed plan "A", being the land forming those parts of Henry Lawson Drive to be closed for, allotments 1 & 2 of the proposed plan "A" being the lands required for the road opening and dedication;
4. the General Manager negotiate all terms of agreement with the landowners in relation to the land exchange compensation and any other matters that may arise during the road closure and opening process;
5. Council is to incur all costs in relation to the road closure, road opening and transfer of allotments 3 and 4 to the landowner, including any reasonable costs incurred by the landowner for legal costs and the transfer of allotments 3 and 4 to the landowner;
6. the General Manager and Mayor be authorised to sign all documents necessary in relation to the formalisation of the closure and realignment of that part of Henry Lawson Drive by way of road closure and opening, and all documents necessary to complete the transfer of allotments 3 and 4 to the landowner;
7. Council authorises the affixing of the Common Seal to all documents necessary in relation to the formalisation of the closure and realignment of that part of Henry Lawson Drive by way of road closure and opening, and all documents necessary to complete the transfer of allotments 3 and 4 to the landowner.

The motion was carried with Councillors voting unanimously.

Mid-Western Regional Council

Date: 17 June 2015

6.2.22 POLICY REVIEWS – PENSIONER CONCESSIONS AND ROAD NAMING

GOV400043, RAT700040, A0340002, R0790141, R0790041, A0100021

181/15 MOTION: Weatherley / Martens

That:

1. the report by the Manager Revenue & Property on the Policy Reviews - Pensioner Concessions and Road Naming be received;
2. Council adopt the revised Pension Concession Policy; and
3. Council adopt the revised Road Naming Policy.

The motion was carried with Councillors voting unanimously.

6.2.23 SUMMARY OF OUTCOME - SALE OF LAND TO RECOVER OVERDUE RATES AND CHARGES – CHAPTER 17, PART 2, DIVISION 5, SECTION 713 OF THE LOCAL GOVERNMENT ACT 1993 CONDUCTED ON 9 MAY 2015

GOV400043, RAT700040, A0340011

182/15 MOTION: Thompson / Cavalier

That:

1. the report by the Revenue & Property Manager on the Summary of Outcome - Sale Of Land To Recover Overdue Rates And Charges – Chapter 17, Part 2, Division 5, Section 713 Of The Local Government Act 1993 conducted on 9 May 2015 be received;
2. Council note the outcomes summarised in this Report.

The motion was carried with Councillors voting unanimously.

6.2.24 CONSTITUTIONAL REFERENDUMS

GOV400043, GOV400006

183/15 MOTION: White / Martens

That:

1. the report by the Governance Coordinator on Constitutional Referendums be received;
2. the Council election process remain unchanged for the 2016 election.

The motion was carried with Councillors voting unanimously.

6.2.25 COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT PLAN

GOV400043, GOV400013

184/15 MOTION: Cavalier / Weatherley

That the report by the Governance Coordinator on the Councillor Induction and Development Plan be received.

The motion was carried with Councillors voting unanimously.

6.2.26 LGNSW ANNUAL CONFERENCE 2015

GOV400043, A0040005, COR400021

MOTION: Shelley / Thompson

That the report by the Governance Coordinator on the LGNSW Annual Conference 2015 be received.

185/15 AMENDMENT: Cavalier/White

That:

1. the report by the Governance Coordinator on the LGNSW Annual Conference 2015 be received;
2. Council approve the following delegates to attend the Local Government NSW Annual Conference in Sydney between Sunday 11 October – Tuesday 13 October, 2015.
 - General Manager
 - Mayor

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

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

6.2.27 STATEMENT OF BUSINESS ETHICS

GOV400043, INM700014

186/15 MOTION: Cavalier / White

That:

Mid-Western Regional Council

Date: 17 June 2015

1. **the report by the Governance Coordinator on the Statement of Business Ethics be received;**
2. **Council adopt the revised Statement of Business Ethics.**

The motion was carried with Councillors voting unanimously.

6.2.28 LOCAL PREFERENCE POLICY REVIEW

187/15 **MOTION:** Martens / Cavalier GOV400043, A0100021

That:

1. **the report by the Procurement Manager on the Local Preference Policy Review be received;**
2. **Council adopt the revised Local Preference Policy.**

The motion was carried with Councillors voting unanimously.

6.2.29 ANNUAL REPORTING OF CONTRACTUAL CONDITIONS OF SENIOR STAFF

188/15 **MOTION:** Cavalier / White GOV400043, A0385024

That the report by the General Manager on the Annual Reporting of Contractual Conditions of Senior Staff be received.

The motion was carried with Councillors voting unanimously.

6.2.30 EMPLOYEE OPINION SURVEY RESULTS 2015

189/15 **MOTION:** White / Cavalier GOV400043, PER400044

That the report by the Manager, Human Resources on the Employee Opinion Survey Results 2015 be received, noting the positive improvement in results.

The motion was carried with Councillors voting unanimously.

Mid-Western Regional Council

Date: 17 June 2015

6.2.31 MRTI QUARTERLY REPORT MARCH 2015

GOV400043, F0770077

Cr White left the room at 6.54pm

Councillor White declared a pecuniary conflict of interest in item 6.2.31 as MRTI is a financial member of the organisation that employs Cr White, left the room at 6.54pm, and did not participate in discussion or vote in relation to this matter.

190/15 MOTION: Shelley / Cavalier

That the report by the General Manager on the MRTI Quarterly Report March 2015 be received.

The motion was carried with Councillors voting unanimously.

Cr White returned to the room at 6.55pm

The following recommendations were adopted as a whole, being moved by Cr Shelley, seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 192/15 and concluding with Resolution No. 194/15.

6.2.32 GULGONG MEMORIAL HALL COMMITTEE

GOV400043, A0100024

191/15 MOTION: Shelley / Cavalier

That:

- 1. the report by the Manager, Health and Building on the Gulgong Memorial Hall Committee be received;**
- 2. Council note the minutes from the Gulgong Memorial Hall Committee meeting held on 1 June 2015.**

The motion was carried with Councillors voting unanimously.

6.2.33 CULTURAL DEVELOPMENT COMMITTEE MEETING MINUTES

GOV400043, REC800019

192/15 MOTION: Shelley / Cavalier

That:

- 1. The report by the Acting Manager, Community Services on the Cultural Development Committee Meeting Minutes be received;**
- 2. Council note the minutes of the Cultural Development Committee meeting held on 13 May 2015;**
- 3. Council endorse the appointment of Lizzy Galloway to the Cultural Development Committee.**

Page 26 of the Minutes of the Ordinary Meeting of Council held on Wednesday 17 June 2015.

Mayor

General Manager

Mid-Western Regional Council

Date: 17 June 2015

The motion was carried with Councillors voting unanimously.

6.2.34 MUDGEE AND GULGONG ACCESS COMMITTEE MINUTES

GOV400043, A0060008

193/15 **MOTION:** Shelley / Cavalier

That:

1. the report by the Acting Manager, Community Services on the Mudgee and Gulgong Access Committee Minutes be received;
2. Council note the minutes of the Mudgee and Gulgong Access Committee meeting held on 5 May 2015.

The motion was carried with Councillors voting unanimously.

6.2.35 LOCAL TRAFFIC COMMITTEE MINUTES OF MEETINGS HELD 10 APRIL AND 8 MAY 2015

GOV400043, A0100009

194/15 **MOTION:** White / Shelley

That:

1. the report by the Manager, Development Engineering on the Local Traffic Committee Minutes of Meeting held 10 April 2015 items 15/01 – 15/06, and Meeting held 8 May 2015 items 15/11 to 15/14 be received; accepted and endorsed.
2. Council note the event – “Gulgong Henry Lawson Festival” Saturday, 6 June 2015 – was classified by the LTC as a Class 2 event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeded with the following conditions:
 - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
 - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - c. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify' or a 'Design & Audit' certificate be included in the TMP;

Page 27 of the Minutes of the Ordinary Meeting of Council held on Wednesday 17 June 2015.

Mayor

General Manager

Mid-Western Regional Council

Date: 17 June 2015

- h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
- i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, NSW Police and the RMS are indemnified against any possible action as the result of the event;
- j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
- k. Maintain a four-metre wide emergency vehicle lane;
- l. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date; and
- m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.

The motion was carried with Councillors voting unanimously.

Item 7: Urgent Business Without Notice

7.1 Nil

Item 8: Confidential Session

195/15 MOTION: Cavalier / Shelley

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

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

Subject: General Manager's Performance Agreement 2015-2016

The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than councillors), in accordance with Section 10A(2) (a) of the Local Government Act, 1993.

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

The motion was carried with Councillors voting unanimously.

8.1.1 General Manager's Performance Agreement 2015 - 2016

GOV400043, A0381418

Mid-Western Regional Council

Date: 17 June 2015

196/15 **MOTION:** **White / Shelley**

That:

- 1. the report by the General Manager on the General Manager's Performance Agreement 2015 - 2016 be received;**
- 2. Council adopts the attached General Manager's Performance Agreement for the Financial Year 2015/2016.**

The motion was carried with Councillors voting unanimously.

Item 9: Open Council Session

197/15 **MOTION:** **Cavalier / White**

That the Council move to Open Council.

The motion was carried with Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 6.58pm.

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.
Pedestrian Access Mobility Plan (PAMP)		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.
Saleyards subdivision	Res 228/14 Ordinary Mtg 4/6/14	That: 2. Council advertise state-wide a tender to sell the former Saleyards site, known as Lot 2 DP534336, Lot 399 DP132580, and Lot 532 DP1132581 which has recently been approved for a 48 lot residential subdivision; 3. all tenders be forwarded to Council for determination as to whether or not Council will sell the site; 4. the tender process to last 60 days, and the tender notice clearly indicate that Council may not necessarily accept all or any tenders; 5. Council demolish the old SES building prior to the public tender of this subdivision and remove all demolished waste from site.	Council has completed the demolition of the old SES building, and the survey of the subdivision is also complete. Further discussion with Council to decide the best timing to call for a tender of this subdivision.

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Rural Fire Service Headquarters and Museum	565/14 Ordinary Mtg 17/12/14	3. That the General Manager be authorised to continue negotiations with the Rural Fire Service in order to subdivide the necessary 7100sm of land and negotiate an agreement for the timing, design and funding of the Rural Fire Service headquarters and museum at Mudgee.	The General Manager has had a preliminary meeting with the RFS. They have confirmed they are happy with the 7,100 sm of land, and the timing of construction is 2 years away.
Tender for cleaning services for Council buildings in the Mudgee/ Gulgong region	572/14 Ordinary Mtg 17/12/14	2. That Council not accept any tenders and delegate authority to the General Manager to negotiate with the tenderers as necessary.	Council staff are undertaking a comparison of in-house versus external service provision.
Council Contributions	44/15 Ordinary Mtg 18/2/15	That a discussion paper be prepared in relation to Council contributions and presented to Councillors at the April workshop, so that Councillors can consider how to best assist applicants who demonstrate an economic and social need.	Council will be presented with options next financial year, after the Fit for the Future submission has been completed.
Sealing of maintained unsealed lanes in Gulgong CBD	119/15 Ordinary Mtg 20/5/15	That savings identified at the 4 February 2015 Council meeting from Mayne Street Reseal deferred works be reallocated to the sealing of any maintained unsealed lanes in Gulgong in priority order, and the 2014/15 Operational Plan be amended accordingly.	RECOMMEND COMPLETION
Rylstone Pedestrian Bridge – Design & Construction Tender	140/15 Ordinary Mtg 20/5/15	That: 2. Council declines all tenders received on the basis that there is insufficient budget to design and construct the pedestrian bridge; 3. Authority is given to the General Manager to approach local companies for potential alternatives	Council will be presented with options to the August Council meeting

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Sewer Mains rehabilitation program 2013-16 Variation to Contract	141/15 Ordinary Mtg 20/5/15	That: 2. Council in principle support the allocation \$330,000 from proposed Sewer Main Budget only to sewer main relining in the 2015-2016 operational plan; 3. Authorise the General Manager to negotiate a variation to contract within the budget allocation.	RECOMMEND COMPLETION
Potential Gallery Site	142/15 Ordinary Mtg 20/5/15	That this matter be deferred.	RECOMMEND COMPLETION
Draft Airport Master Plan	172/15 Ordinary Mtg 17/6/15	That: 2. Council places the Draft Airport Master Plan on public exhibition for a period of 14 days from 22 June 2015 to 3 July 2015	Staff to provide a further report back to Council following the exhibition period to consider any feedback received.
Naming of the new Streets in the Rylstone Aerodrome Airpark Subdivision off Coxs Creek Road	179/15 Ordinary Mtg 17/6/15	That: 2. Council formally approve the names of Aerodrome Road, Staggerwing Road, Mustang Road, Spitfire Road, Wirraway Road and Eagle Road for the streets in this subdivision; 3. Council reject the name of Clubhouse Road, and instead submit the name Eric Smith Road to the Geographical Names Board for approval.	The Geographical Names Board be requested to vary their policy to permit the use of first and second names for road naming purposes, with a report back to Council.

Item 5: Mayoral Minute

There is no Mayoral Minute.

Item 6: General Business

6.1 Notices of Motion

6.1.1 TV reception in Gulgong

LISTED BY CR JOHN WEBB TO 15 JULY 2015 COUNCIL MEETING

6.1.1 TV reception in Gulgong

GOV400022, GOV400043

MOTION

That Council, on behalf of the Gulgong community, contact the Federal Member for Parkes (Mark Coulton) with a view to providing a solution on improving the quality of television reception in the Gulgong area.

BACKGROUND

Currently, the quality of the Gulgong community's television reception is extremely poor, due to a lack of infrastructure in the area. As a result, the community has asked that Council contact the Federal Member for Parkes, to arrange for whatever steps need to be taken to improve TV reception to the same standard as that enjoyed in other areas of the region.

Comments by General Manager

Council will organise a meeting with Mark Coulton to discuss the way forward to ensure better quality of television reception in the Gulgong area.

6 July 2015

6.2 Reports

6.2.1 DA0323/2015 Proposed illuminated, flashing sign at the Mudgee Golf Club 21 Robertson Street, Mudgee Lot 182 DP 1125697

REPORT BY THE SENIOR TOWN PLANNER TO 15 JULY 2015 COUNCIL MEETING

DA0323/2015 golf club illuminated sign

GOV400043, DA0323/2015

RECOMMENDATION

That:

1. **the report by the Senior Town Planner on the proposed illuminated, flashing sign at the Mudgee Golf Club 21 Robertson Street, Mudgee Lot 182 DP 1125697 be received;**
2. **the report by the Senior Town Planner on the proposed illuminated, flashing sign at the Mudgee Golf Club 21 Robertson Street, Mudgee Lot 182 DP 1125697 be refused for the following reasons:**
 - A. **The proposed size, height, illumination and flashing sign is significantly inconsistent with Section 4.4 (a), (b), (c) and (e) of the DCP.**
 - B. **The proposed sign located adjoining the R1 General Residential is inappropriate and therefore inconsistent with Section 79C(1)(c).**

Executive summary

APPLICANT:	MUDGEE GOLF CLUB
ESTIMATED COST OF DEVELOPMENT:	\$15 000
REASON FOR REPORTING TO COUNCIL:	CALLED-UP
PUBLIC SUBMISSIONS:	2
LOT/DP	LOT 182 DP 1125697

The proposed development relates to the erection of an advertising sign. The sign will be illuminated, flash, have two panels erected in a 'v' shape, with an overall height of 3.3 metres and combined signage area of 4.84m². The sign will be located near the carpark entrance at 21 Robertson Street.

The sign was erected without Council approval.

Two (2) submissions were received during the notification period.

The sign is inconsistent with the Section 4.4 Signs in Residential Areas. This section identifies that there are a number of business located outside commercial areas. However, there proposed sign is significantly inconsistent with the subclauses (a), (b), (c) and (e).

Due to the sites sensitive location adjoining the established residential area and the significant inconsistency with Section 4.4 of the DCP the application is recommended for refusal. In assessing the applicant staff recommended an alternate location on Sydney Road which would not adversely impact on a residential area. The applicant has chosen to proceed with the original application.

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.

REQUIREMENTS OF REGULATIONS AND POLICIES:

Mid-Western Regional Local Environmental Plan 2012

The land is zoned RE2 – Public Recreation pursuant to the Mid-Western Regional Local Environmental Plan 2012. The proposed flashing illuminated sign is inconsistent with the objectives of the zone that seeks to provide a range of recreation facilities and compatible land uses in a natural setting. Furthermore, the site directly adjoins the R1 – General Residential Zone, again characterised by single dwellings, therefore the sign is inconsistent with the established land uses.

Mid-Western Regional Development Control Plan 2013 (DCP)

Section 4.4 Signs in Residential Areas of the DCP has been considered below:

Businesses in residential areas must have special controls to maintain the residential amenity of the neighbourhood.

The following criteria must be met for businesses in residential areas:

(a) The sign shall only display the name and nature of the business, including address, hours of business, telephone number and the like;

The information displayed on the sign includes details beyond that detail.

(b) The sign shall not be larger than one metre long and 300mm high;

The proposed two (2) signs measure 1.1metres x 2.2 metres, this is well in excess of the required.

(c) The sign shall not be erected higher than one metre above ground level;

The sign will have a height of 3.3 metres above ground level, again well in excess of the required.

(e) Council will not approve the use of flashing lights, bunting and other devices to attract attention to a business.

The proposed flashing is inconsistent with requirement.

IMPACT OF DEVELOPMENT

The erection of a sign on the subject site is considered appropriate, however the proposed location and size is inappropriate as it adjoins land established with residential dwellings.

SUITABILITY OF SITE FOR DEVELOPMENT

Does the proposal fit in the locality

The proposed illuminated, flashing, excess size of the sign is inconsistent with the locality developed with single dwellings.

Are the site attributes conducive to development

The subject site has frontage to Sydney Road within the industrial area, therefore the site as a more appropriate location for the erection of such a sign.

*SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS***Public Submissions**

The application was notified two submissions were received. The issues raised have been summarised in the table below and a staff comment provided –

<i>Issue raised</i>	<i>Staff comment</i>
Impact on the residential amenity.	The proposed sign has / will have a detrimental impact upon the residential amenity of the locality; therefore application is recommended for refusal.
Detrimental impact from the glare of the sign during both night and daylight hours.	The glare has / will have a detrimental impact upon the residential amenity of the locality; therefore application is recommended for refusal.
Offensive flashing etc	The proposed flashing etc is inconsistent with Section 4.4 of the DCP, therefore the application is recommended for refusal.
Advertising structures are prohibited within the RE2 – Private Recreation Zone	An advertising structure is defined as a structure used or to be used principally for the display of an advertisement. Advertising structures are a type of signage—see the definition of that term in this Dictionary. Signage is permissible in the RE2 – Private Recreation Zone.
Inconsistency with State Environmental Planning Policy No. 64	The proposed sign is inconsistent, therefore recommended for refusal.
Inconsistency with Section 4.4 Signs of Council's Development Control Plan	The proposed sign is inconsistent, therefore recommended for refusal.
Signage referred to in the applicants Statement of Environmental Effects is located in a very different context.	The existing signs referred too are located in very different contexts and provide no justification for the support of this sign.

Submissions from public authorities

No submissions received.

*THE PUBLIC INTEREST***Federal, State and local government interests and community interests**

The proposed sign is not in the community interest as it will have detrimental impacts upon the existing residential amenity of the locality.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

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



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

SARAH ARMSTRONG
SENIOR TOWN PLANNER

1 July 2015

Attachments: 1. Locality Plan
2. Submissions

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER



Map Scale: 1:2,221



Development Application: DA0323/2015
Property Address: 21 Robertson Street, Mudgee
Legal Description: Lot 182 DP 1125697



ATTACHMENT 2

Today's date: 05/06/2015

Development application number: 0323/2015

Proposed development: Proposed signage @ Mudgee Golf Club

Your name and address: Colin and Marcia Box
74 Robertson Street
Mudgee 2850

Reasons for submission: We don't feel that it is appropriate to have a large illuminated sign on a residential street and feel it detracts from the amenity of the area.
We own a residence opposite to the golf club entrance (22 Robertson Street) and it is far too bright and the glare into our residence is very offensive. The illumination of this sign also applies in daylight hours.

Political donations requirements: Yes

HANNAFORD COX CONNELLAN & McFARLAND

Solicitors

C J Connellan
R J McFarland
F J Smith
P R Orr

Associates:
A C Edwards
E E Gordon



ABN 21 661 535 392

62 Market Street
DX 6501 Mudgee
PO Box 234
MUDGEESBURGH NSW 2850
Tel: 02 6372 1666
Fax: 02 6372 4223
e-mail: info@hccm.com.au

Our Ref: ACE:219314
Your Ref: DA0323/2015

11 June 2015

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



Dear Sir/Madam

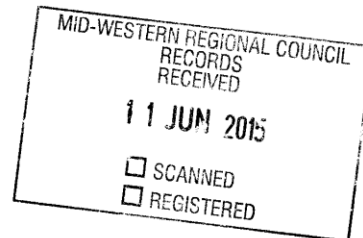
RE: DA0323/2015 – PROPOSED SIGNAGE AT MUDGEESBURGH GOLF CLUB

Please find enclosed a letter in respect of the above Development Application. We are forwarding the letter on behalf of our clients, Paul and Julie Crombie. We note that submissions in relation to the Application must be submitted to Council no later than today.

Please acknowledge your receipt of the letter by signing and dating the enclosed copy and returning it to us.

Yours faithfully
HANNAFORD COX CONNELLAN & MCFARLAND

ADAM EDWARDS



Paul and Julie Crombie
24 Robertson St
Mudgee 2850
0263723443
11 June 2015

The General Manager,
Mid-Western Regional Council
86 Market St Mudgee

Dear Sir,

Re:- DA0323/2015 - Proposed Signage @ Mudgee Golf Club

We wish to make a submission by way of an objection to the development proposed by Mudgee Golf Club in DA0323/2015. In our view, the development is prohibited by or, at the least, falls outside the relevant constraints imposed by:

- the *Environmental Planning and Assessment Act 1979* (the Act)
- the *Mid-Western Regional Local Environmental Plan 2012* (the LEP)
- the *State Environmental Planning Policy No 64 – Advertising and Signage* (SEPP 64)
- the *Mid-Western Development Control Plan 2013 (Amendment No 2, 17 December 2014)* (the DCP).

As the 'proposed' sign is already in place, our objection is based, in part, on our recent experience when the sign was temporarily in operation.

The sign consists of two digital electronic screens mounted on poles approximately 3.3m high, located directly opposite our home at 24 Robertson Street Mudgee. It comprises a double-sided illuminated sign angled such that we can see both screens from our front rooms, front veranda and front garden. Neighbours, vehicular traffic and pedestrians are also all exposed to the effects of the sign. The screens broadcast constantly changing patterns of writing and logos, at times cascading down the screens, scrolling across the screens, flashing and bursting into firework effects, rain effects, etc.

We note that the structure may fall within the definition of 'signage' under the LEP. However, given the stand-alone nature of the sign, it is also an 'advertising structure' within the meaning of the Act. As such, it is specifically prohibited in Zone R1 (our home), and not listed as 'permitted with consent' in Zone RE2 (Mudgee Golf Club). Although the proposed site is on a zone boundary, in our view the proponent has not made out any reason to invoke rule 5.3 of the DCP. In particular, the development is inconsistent with the objectives for development in both zones and there are no relevant planning principles which might promote the efficient and timely development of the land. We submit that the sign does not meet the objectives of Zone RE2:

- While the proponent suggests that the sign will attract visitors to the club, it is not required in order to enable the land to be used for private open space or recreational purposes. It is not on a thoroughfare and so is unlikely to attract many visitors who were not already headed to the Club;
- The sign does not enhance or provide a range of recreational settings and activities and is incompatible with adjoining land uses;
- The structure does nothing to protect or enhance the natural environment for recreational purposes.

The size, illumination and animated nature of the sign places it outside the scope of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Importantly, we note that the proposed sign is prohibited by SEPP 64, as it is not of a type excluded by section 9. Specifically, the sign meets the definition of 'advertising' because it carries more information than just the business name, address, logos, etc. (that is, it is not a 'business-' or 'building identification sign' within the meaning of SEPP 64). As 'advertising', it is prohibited under section 10 from being located in a residential zone. When considering the assessment criteria under Schedule 1 of SEPP 64, we submit that the proposed sign:

1. is inconsistent with any theme for outdoor advertising in the area or locality as there is almost no other advertising in the area and the proposal is entirely out of step with all other signage in the Mid-Western Region;
2. detracts from the amenity or visual quality of a residential area because it is entirely out of character for the locality;
3. dominates the skyline and reduces the quality of vistas from nearby homes, roadways and footpaths;
4. is of a scale, proportion and form that is inappropriate for the streetscape, setting and landscape and it detracts from the visual interest of the area;
5. does not respect the natural or man-made landscape features of the site nor does it show any innovation or imagination in its relationship to the site as it is entirely out of character for both a recreational and a residential area;
6. has no components applicable to this rule;
7. consists of illumination which results in an unacceptable glare which could also affect safety for pedestrians or vehicle traffic from all directions. The illumination detracts from the amenity of nearby residences. It does not seem that the intensity of the illumination can be adjusted. The proponent has suggested that the illumination be subject to a curfew of 8:00am to 8:00pm, or by agreement. However, it is our view that the sign is unacceptably bright and distracting, even during daylight hours.

We also draw Councils attention to the DCP at rule 4.4. There, 'Prohibited Signs' include 'Flashing Signs', being those 'illuminated at frequent intervals by an internal source of light.' As such, the proposed sign is clearly contrary to the published objectives of Council. Further, while the DCP does not address signs in the recreation zones, it does envisage their presence in 'residential areas' (page 35). The proposed sign falls outside all of the criteria for a sign in a residential area:

- (a) The sign displays more than merely the name and nature of the business, including address, hours of business, telephone number and the like;
- (b) The sign is larger than one metre long and 300mm high;
- (c) The sign has been erected higher than one metre above ground level;
- (d) The sign is not affixed to the building, although it appears to be within the site of the business;
- (e) Council will not approve the use of flashing lights and other devices to attract attention to a business;
- (f) The proponent has not established that its type of business has any particular need for a sign in the proposed style. There are no 'existing-use' rights for the sign;
- (g) While the Club premises are not 'home industries' or 'home occupations', there is already more than one sign on the site.

The proponent suggests that the venue is a tourist destination. However, the sign is not on any sort of thoroughfare so as to be classed as an identification sign with the purpose of

The size, illumination and animated nature of the sign places it outside the scope of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Importantly, we note that the proposed sign is prohibited by SEPP 64, as it is not of a type excluded by section 9. Specifically, the sign meets the definition of 'advertising' because it carries more information than just the business name, address, logos, etc. (that is, it is not a 'business-' or 'building identification sign' within the meaning of SEPP 64). As 'advertising', it is prohibited under section 10 from being located in a residential zone. When considering the assessment criteria under Schedule 1 of SEPP 64, we submit that the proposed sign:

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2. detracts from the amenity or visual quality of a residential area because it is entirely out of character for the locality;
3. dominates the skyline and reduces the quality of vistas from nearby homes, roadways and footpaths;
4. is of a scale, proportion and form that is inappropriate for the streetscape, setting and landscape and it detracts from the visual interest of the area;
5. does not respect the natural or man-made landscape features of the site nor does it show any innovation or imagination in its relationship to the site as it is entirely out of character for both a recreational and a residential area;
6. has no components applicable to this rule;
7. consists of illumination which results in an unacceptable glare which could also affect safety for pedestrians or vehicle traffic from all directions. The illumination detracts from the amenity of nearby residences. It does not seem that the intensity of the illumination can be adjusted. The proponent has suggested that the illumination be subject to a curfew of 8:00am to 8:00pm, or by agreement. However, it is our view that the sign is unacceptably bright and distracting, even during daylight hours.

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- (d) The sign is not affixed to the building, although it appears to be within the site of the business;
- (e) Council will not approve the use of flashing lights and other devices to attract attention to a business;
- (f) The proponent has not established that its type of business has any particular need for a sign in the proposed style. There are no 'existing-use' rights for the sign;
- (g) While the Club premises are not 'home industries' or 'home occupations', there is already more than one sign on the site.

The proponent suggests that the venue is a tourist destination. However, the sign is not on any sort of thoroughfare so as to be classed as an identification sign with the purpose of

6.2.2 MA0054/2015 Hours and signage modification to DA0188/2014 Animal Establishment Lot 6 DP 880241 859 Castlereagh Highway

REPORT BY THE SENIOR TOWN PLANNER TO 15 JULY 2015 COUNCIL MEETING
 MA0054/2015 Hours and signage modification to DA0188/2014
 GOV400043, DA0188/2014

RECOMMENDATION

That:

1. the report by the Senior Town Planner on the MA0054/2015 MA0054/2015 Hours and signage modification to DA0188/2014 Animal Establishment Lot 6 DP 880241 859 Castlereagh Highway be received;
2. the report by the Senior Town Planner on the MA0054/2015 MA0054/2015 Hours and signage modification to DA0188/2014 Animal Establishment Lot 6 DP 880241 859 Castlereagh Highway be approved subject to the amended and additional conditions shown in red;

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans and the Application received by Council on 25 November 2013 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – BUILDING

2. A schedule of the proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
3. All building work is to comply with the requirements of the Access to Premises Standard. Details of compliance are to be indicated on plans and submitted for assessment with the Construction Certificate.
4. 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

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

6. 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.
7. 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) Building 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.

BUILDING CONSTRUCTION

8. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
9. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
10. 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.
11. 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.

ENGINEERING CONSTRUCTION

12. The construction of an all-weather vehicular access to the business in accordance with the following minimum guidelines as per Roads and Traffic Authority Road Design Guide (see attached Drawing):
 - (i) a gate or stock grid (if applicable) set back a minimum of fifteen (15) metres from the boundary of the land with the public road;
 - (ii) a minimum of four (4.0) metres wide compacted gravel driveway, extending from the edge of the 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*”
 - (v) the access and driveway is to be maintained in a manner that does not generate dust nuisances to the adjoining dwellings. Failure to comply with this requirement may led to the requirement to seal the driveway
13. The access from Castlereagh Highway servicing the development shall be constructed in accordance with *Austroads Guide to Road Design: Part 4 Figure 7.4 'standard rural property access'* and any relevant Roads and Maritime Supplement. The access shall be sealed a minimum of 10 metres from the edge of the travel lane in the Castlereagh Highway, matching existing roads levels and not interfere with existing road drainage.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

14. 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

GENERAL

15. Waste Disposal is to occur in the following manner;
- Droppings, bedding, food wastes and animal bodies must be disposed of promptly and hygienically.
 - Use of a trade waste service for collection and disposal of wastes is preferred. Wastes shall not be incinerated on site.
16. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
17. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building
18. The premises is to be constructed and maintained in accordance with the *NSW Animal Welfare Code of Practice No. 5 – Dogs and Cats in animal boarding establishments*
19. The maximum number of boarding kennels permitted to be located on the subject site is two (2). The maximum number of dogs attending Dog-a-cise at any given time is to be a maximum of 21 animals
20. All fencing of outdoor areas to be used by Dog-a-cise is to be constructed as dog proof fencing a minimum of 1.8 metres high and heavy grade dog proof material.
21. The area on the eastern side of the property is to be screened with opaque material to a height of 1.8 metres so that the areas used for Dog-a-cise activities are visually screened from the adjoining property to minimise disturbance to stock and the dogs attending Dog-a-cise.

22. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
23. The hours of operation for the Dog-a-cise activity (**excluding dog obedience classes addressed in condition 23A**) are restricted to the following times:
Monday to Friday 8.00am – Friday 8.00am to 6.00pm

MA0054/2015 - additional conditions 23A and 23B

- 23A. **The dog obedience classes including all customer vehicular movements are restricted to between the hours of 8.00am until 12.00pm Saturday's. The classes are limited to a maximum of 10 dogs and dog owners must stay onsite at all times.**
- 23B. **The provisions of conditions 23A of this consent are to cease after six (6) months from the date of determination of application to modify consent number DA0188/2014 being application MA0054/2015. This condition may be modified or deleted by a further application pursuant to Section 96 of the NSW Environmental Planning and Assessment Act 1979.**
24. The building proposed to be used for the Dog-a-cise activities and the boarding kennels is to be insulated to reduce the impact of noise so that the noise level at the nearest receptor (dwelling) is no greater than 5 dBa above the background noise level
Note: Failure to comply may result in the closure of the business.

Condition amended by MA0054/2015

25. **The sign is to advertise only the name of the business and be no larger than two (2) square metres and have a maximum height of 2.5 metres from natural ground level.**

Executive summary

APPLICANT:	ROBYN YAVION
ESTIMATED COST OF DEVELOPMENT:	\$0
REASON FOR REPORTING TO COUNCIL:	ORIGINAL APPLICATION CONSIDERED BY COUNCIL
PUBLIC SUBMISSIONS:	TWO
LOT/DP	LOT 6 DP 880241

Council has received an application to modify Development Application 0188/2014. The modification relates to a larger sign and increased hours; Saturday morning 8am – 12pm. Obedience classes with the dog owners present will be run during that period.

Council approved Development Application 0188/2014 for an Animal Establishment known as 'Dog-a-cise' at the 19 February 2014 meeting.

Council notified the modification, two submissions were received. The main concerns raised in the submissions include, size of the sign, barking dogs, inconsistency with Zone Objectives, inadequate onsite sewer management, impact on amenity, alternate suitable sites, detrimental impact on farming operations, death of one cow, need to monitor property more frequently, traffic movements.

The proposed signage increase is consistent with Council's DCP; a condition is included within the recommendation regarding limiting the additional Saturday operating hours to 6 months. After which the applicant can lodge an application to seek those hours permanently. Accordingly the modification application is recommended for approval.

An ongoing compliance matter is continually being investigated by Council.

Detailed report

The application has been assessed in accordance with Section 96(1A) of the Environmental Planning & Assessment Act 1979 as detailed below -

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

The proposed modification is seeking approval for additional hours on the Saturday. It is likely that noise will be generated during these additional hours, it is considered the noise generated from the dogs will significantly less than that generated while they are left onsite for care. Accordingly, to ensure minimal environmental impact, a condition has been included within the recommendation limiting the additional hours for a trial period of 6 months. The proposed increase in signage size is consistent with the DCP requirements.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

The proposed development remains substantially the same development; the proposal is still consistent with the LEP definition of animal boarding or training establishment.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

The application was notified, two submissions were received, the issues raised in the submissions and summarised below and a staff comment provided.

Issue raised	Staff comment
Inadequate onsite sewer management	This matter will be investigated independently to the assessment of this modification.
Impact on amenity	The proposal will involve additional vehicular movements Saturday mornings; however the owners will be staying with the dogs. In addition it is recommended that consent be granted for a limited trial period of 6 months.

Issue raised	Staff comment
Alternate suitable sites	This is not a matter for consideration under Section 79C of the Environmental Planning and Assessment Act 1979. The applicant is not seeking to relocate the business.
Detrimental impact on farming operations / need to monitor property more frequently	The submission outlines the need for the adjoining landowner to monitor the site more frequently as they do not live onsite. The nature of the business on Saturdays is different to the current operation and the anticipated barking to be generated less. However, it is recommended that consent be granted for a limited trial period of 6 months.
Death of one cow	It is outlined in the submission that the death was caused by the consumption of a tress guard. This modification does not involve additional screen planting.
Traffic movements	The proposed additional hours will result in increased vehicular movements, however the number of dogs for the Saturday lessons are limited to 10 with an additional condition of consent. Further, it is recommended that consent be granted for a limited trial period of 6 months.

THE PUBLIC INTEREST

Federal, State and local government interests and community interests

Negligible.

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


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

1 July 2015

Attachments: 1. Locality Plan
2. Submissions

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER



ATTACHMENT 2

Mr Stephen Eagleton

Mrs Diane Eagleton

PO Box

Mudgee NSW 2850

The General Manager

Mid – Western Regional Council

86 Market Street

MUDGEES NSW 2850

Dear Sir

RE; DEVELOPMENT APPLICATION MA0054/2015 – PROPOSED ANIMAL ESTABLISHMENT –CHANGE TO SIGNAGE & HOURS @859 CASTLEREACH HIGHWAY MULLAMUDDY NSW 2850 LOT 6 DP880241

We are writing comments in the form of an objection to the above development application.

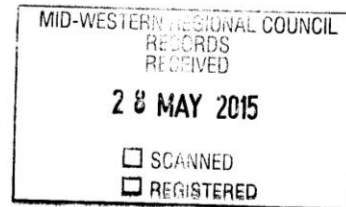
As an immediate neighbour to the proposed animal establishment detailed above we are again of the view that the proposed change of hours will **continue to have serious impact on our established farming operations, the wellbeing of our livestock (Sheep & Cattle) and will increase concerns regarding excessive traffic.**

Since the approval of the first Development Application we have lost a cow and have had much of our infrastructure damaged and witnessed the noise and disruption to a once peaceful property. Major points of objection are as follows:

The disturbance from the applicant's premises has caused my livestock to jump fences and push through gates. This is a result of our livestock being spooked and disturbed by the dogs barking and the business activities. Many of the fences and gates now have to be replaced or fixed.

Council has asked the applicant to plant a row of trees that adjoins our property. The small green plastic bags from these trees have been blown all over to our property and we have had to pick them up, 20 at a time on some occasions. One of our cows has eaten one of these bags and died as a result. This shows a complete lack of responsibility on the applicant's part and a detriment to our livestock and income.

Since the applicants first proposal we have increased the frequency and time spent on our property to monitor livestock, as we do not reside on the property. The increase of activity that this application implies means we then have to monitor our property even more regularly. This requiring a larger disruption to our farming activities on our primary property as we have to travel from our property of residence to constantly monitor stock on the property adjoining the applicant's animal establishment.



We also on occasions use our property for recreational purposes and entertain friends and family. We believe the little R&R time we do get will be effected also. We have many times during week days witnessed the noise and constant activity at the applicant's animal establishment and would find this noise and activity to be extremely evasive on a weekend, where peace and quiet is appreciated.

We can also advise the original Development Application has not been adhered to let alone this establishment now applying for another. An example that relates to the existing application - existing signage is 1.2m x1.2m and the original DA state the sign is to be 300mm x 1m.

We have been patient and understanding of the applicants activities to date, however operating on the weekends does imply major concerns for our livestock and lifestyle and we would be grateful if the council would take our objections in consideration when deciding the above mentioned development application. We would welcome the opportunity to meet with a representative of the planning department to illustrate our objections at first hand.

Yours sincerely

David D. Eagleton
27/5/15

Mr S & Mrs D Eagleton

From: [Phil Ferguson](#)
To: [Gary Bruce](#)
Subject: DA Mullamuddy
Date: Thursday, 28 May 2015 3:30:57 PM

DA 0188/2014

Response to application of modification to DA for signage and extension of operation.

SIGNAGE.

The first paragraph of the letter by the applicant acknowledges the ingress and egress is dangerous." up for a SAFER departure from the highway". The sign applied for must be be compliant with DCP2012 p. 35 Viz. max 2 m squared.and max 2.5 ht.overall.The applicant refers to "...A sign..." but it must be made clear this is not a double sided appuratus. The present 2 SIGNS are 1.4 m sq. and 2.4 ht. I note they have applied for sign of 4 metres squared ! Can it be shown that a sign 30 % larger can make conditions safer? That reason can be dismissed. The sign is an ADVERTISING sign clearly. To IDENTIFY the place adhere to the DA condition of 1 m by 300 mm. { noted in my letter to council recently} I note this condition has not been implemented in 13 months since they occupied. Can customers not be told the kilometre address { 859 Castlereagh hwy} or consult their Gps ? ?? Also I note the sign proof supplied to council says " MON to FRI .8 -6 ! !

DAYS OF OPERATION

There exists disturbance NOW and has SINCE occupation in 2014. Please consult records of calls to the dog barking ranger { 7 in number}. He has been competent and helpful but the occupants soon relapse to disturbance.I don't think the people will be considerate and seem to want to intimidate and threaten me { See police files of DEATH threat to me if necessary} and my next step is to invoke orders for disturbance at state Gov. level rather than council level. This will reflect on your competence and ability to monitor your own conditions set in the DA.

The LEP allows "animal training facility"{ despite this place satisfying not one of the objectives noted for R4 rural the former 1A1 } BUT does not mention HUMAN and CHILDREN training which the applicant cites for the extended day trading.

The combination of kids , parents , cars and dogs surely is the most potent mixture for creating disturbance to my right to peace ful enjoyment of life in this country of Australia { the right of every Australian citizen} {Recall this dwelling is 200 m away ,the prevailing wind blowing from that place to my dwelling and Me being uphill from the disturbance source. { noise travels most uphill, ref. the dog ranger}

Where are the adequate and compliant TOILET facilities and where does all that sewage go ??

Where is the adequate parking area ?

Has EPA been consulted and reported on the extra discharge of sewage.? I have seen 10 people living there and 7 dogs of the occupant apart from other dogs and horses boarded and apart from the dogs delivered each day . ,already.

What steps are in place to MITIGATE disturbance { above }.

What prevents these people doing what is normal for dog training { e.g. Mudgee obedience and kennel club }and use public grounds designed and designated e.g. showground or arec, These are AWAY from dwellings,

have compliant toilets ,shelters, parking, sensible and safe ingress and egress, and can be monitored {for litter and dog faeces } A heifer on the adjoining RURAL property died and was found to have a digestive tract obstruction of a plastic bag cover designed for young trees planted on the premises, most of which have died on the premises in question . The use of public place will satisfy all points raised by the occupants.

The ORIGINAL DA Feb 14.

This original DA has not been complied with and is continually breached esp with reference to sign and hours amongst other matters. { See my submissions to council planning ,Written and signed. AND reports to the ranger } I note apart from an auto response no reply has been made despite me asking politely for council's intentions to be made clear. There have been numerous complaints {sic} to the officer ranger. THIS original DA has not been complied with nor been inspected fully and " marked off " by council . The establishment and running of the premises has not settled and so there is no BASIS for judging additional extensions to DA. This request in question therefore forms part of the DA of Feb 14. and this part has not been before the councillors at the meetings and followed due process .

I have made clear above reasons to dismiss this application before planning and made suggestions which satisfy the desires of the occupants.

Yours faithfully,

P. Ferguson
831 Castlereagh Hwy,
Mullamuddy.

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6.2.3 Planning Proposal- Lot 1 DP 841458, Wyoming Road, Stubbo

REPORT BY THE TOWN PLANNER TO 15 JULY 2015 COUNCIL MEETING

Planning Proposal Wyoming Road, Stubbo
GOV400043, LAN900056

RECOMMENDATION

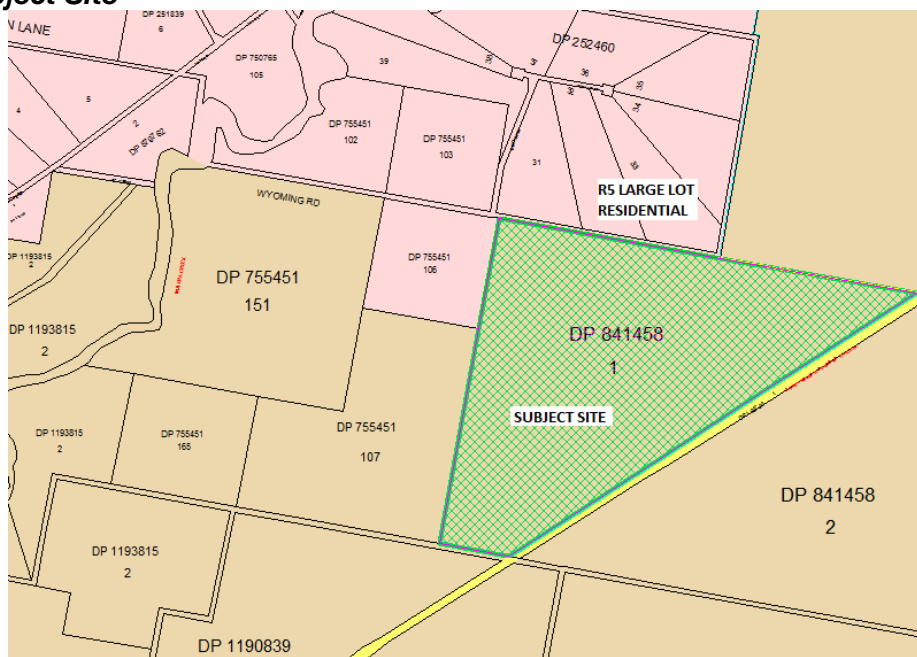
That:

1. the report by the Town Planner on the Planning Proposal- Lot 1 DP 841458, Wyoming Road, Stubbo Proposal – Lot 1 DP 841458 Wyoming Road, Stubbo be received;
2. Council prepare an amending Local Environmental Plan for Lot 1 DP841458 Wyoming Road, Stubbo to:
 - a) rezone a 12ha portion of land from RU1 Primary Production to R5 Large Lot Residential in accordance with the attached concept plan.
 - b) reduce the minimum lot size applying to the 12ha portion of land from 100ha to 12ha to enable subdivision of the land.
3. The Planning Proposal be forwarded to the Department of Planning and Environment for Gateway determination.

Executive summary

The purpose of this report is to resolve to prepare an amending LEP for land at 148 Wyoming Road, Stubbo being Lot 1 DP 841458 (refer Figure 1 below). The Planning Proposal has been prepared by Barnson Pty. Ltd. on behalf of Mr. David Newall to rezone a 12ha portion of the subject land from RU1 Primary Production Zone (with a minimum lot size of 100ha) to R5 Large Lot Residential Zone (with a minimum lot size of 12ha).

Figure 1 Subject Site



Detailed report

SUBJECT SITE

The subject lot has an area of 111.3ha and is located on the southern side of Wyoming Road approximately 7km north-east of Gulgong. The 12ha portion of the site proposed to be rezoned adjoins the south-eastern edge of Stubbo zoned R5 Large Lot Residential with a minimum lot size of 12ha.

Existing development on the site consists of a detached dual occupancy (situated approximately 55m apart). The intention of the rezoning is to enable the future subdivision of the land into two lots of 12ha and 99.3ha respectively, with an existing dwelling on each lot. The residual 99.3ha of RU1 Primary Production land is deemed to comply with the minimum lot size of 100ha.

The subject land is predominantly cleared having a long established use as low intensity grazing land. No physical constraints are identified on the site that would hinder the proposal and future subdivision.

Figure 2 Proposed Concept Plan of Subdivision



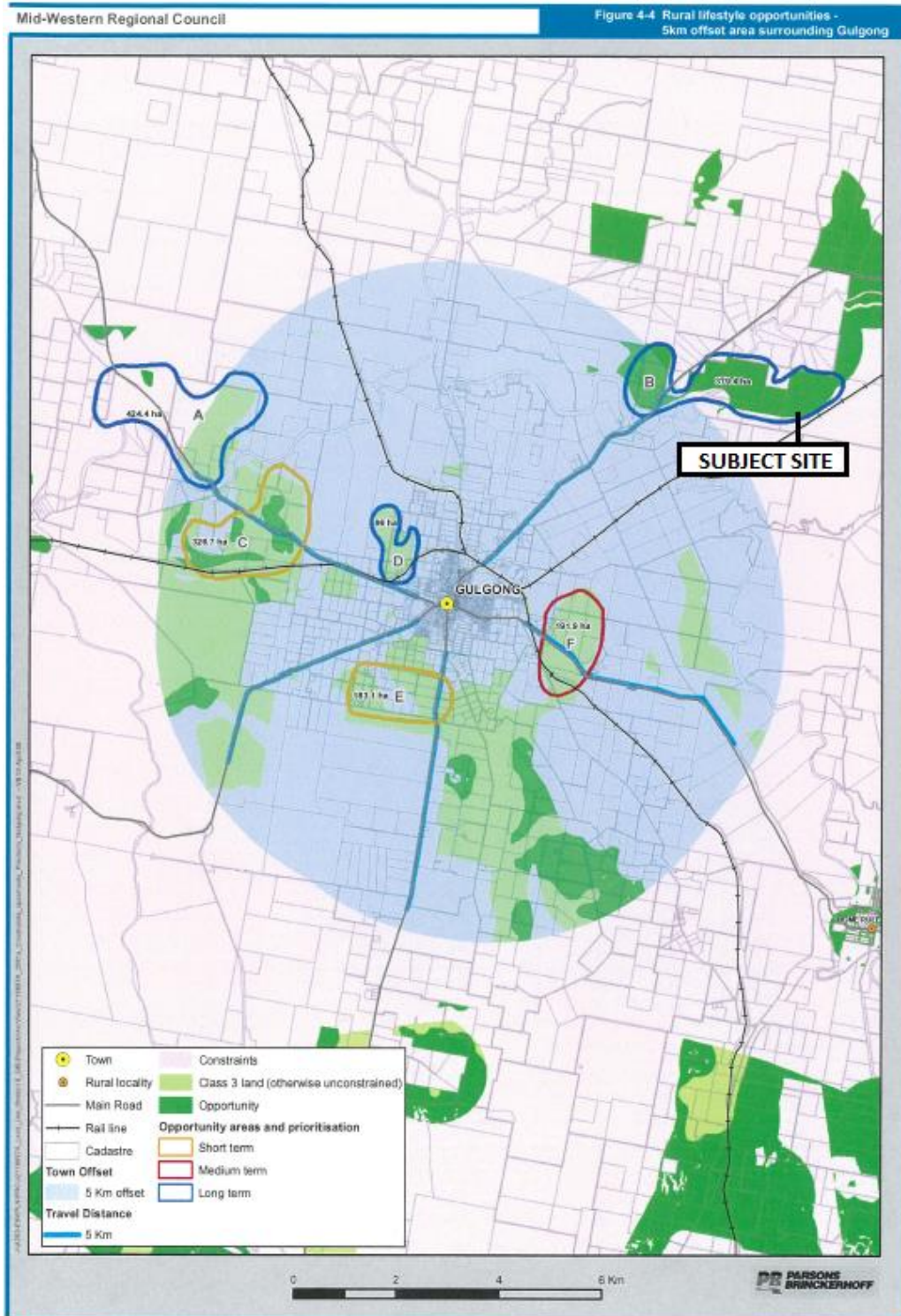
COMPREHENSIVE LAND USE STRATEGY

Council adopted the Comprehensive Land Use Strategy (CLUS) which was endorsed by the Department of Planning and Environment in August 2010. The land is identified in the CLUS as a potential rural lifestyle opportunity area in the long term (Figure 3 – Area B). Area B comprises an area of approximately 379.4 ha of rural land south of Stubbo with a recommended minimum lot size of 12ha.

Although Area B is identified as an opportunity area in the long term, the proposal is considered to be generally consistent with the CLUS. The proposed rezoning is limited to 12 hectares of land and would be contiguous with the adjacent R5 Large Lot Residential zone with corresponding 12ha minimum lot size on the northern and western boundaries of the site. The strategy identifies an estimated annual lot demand of 5 rural lifestyle lots per year. The creation of one additional R5 lot is not anticipated to have an adverse impact on larger RU1 Primary Production zoned land to the south and east.

The subject land is not identified as an urban release area in the Mudgee and Gulgong Urban Release Strategy.

Figure 3 Extract from CLUS- Rural Lifestyle Opportunities Gulgong



SERVICING

The existing dwellings on the site are independently serviced in terms of water supply, effluent disposal, electricity and telecommunications. The proposed 12ha minimum lot size does not require connection to reticulated water and sewer infrastructure pursuant to DCP 2013 requirements.

PROVISIONS

The intended outcome of the planning proposal is to enable the future subdivision of the land into two lots of 12ha and 99.3ha respectively, with an existing dwelling on each lot. The provisions will comprise of;

- An amendment to the Mid-Western Regional Local Environmental Plan 2012 Land Zoning Map to an R5 Large Lot Residential Zone in accordance with the concept plan (Figure 2).
- An amendment to the Minimum Lot Size Map to reflect a minimum lot size of 12ha.

The applicant has addressed all applicable Council Strategies, Planning Instruments and Section 117 Directions and the proposal is deemed to be generally consistent. A detailed Planning Proposal to be submitted for Gateway Determination is included at Attachment 1.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

The proposal is generally consistent with the Comprehensive Land Use Strategy.



HEATH DENNERLEY
TOWN PLANNER

CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

30 June 2015

Attachments: 1. Planning Proposal (included at the end of the Business Paper)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.4 Caerleon Voluntary Planning Agreement – Request for deferment of Contribution for Water and Sewer

REPORT BY THE DIRECTOR, DEVELOPMENT TO 15 JULY 2015 COUNCIL MEETING

Caerleon VPA

GOV400043, P1939562

RECOMMENDATION

That:

- 1. the report by the Director, Development on the Caerleon Voluntary Planning Agreement – Request for deferment of Contribution for Water and Sewer be received;**
- 2. delegation be given to the General Manager to amend the Voluntary Planning Agreement with Caerleon to allow a further deferment of payment of the Development Servicing Plan contributions until the 31 August 2016 but stipulating that the Indexation Start Date is the 19 September 2015 for the purposes of calculating CPI increases.**

Executive summary

Council has received a further request from the developer of the Caerleon subdivision to amend the Voluntary Planning Agreement (VPA) to allow deferment of the payment of contributions until 31 August 2016. The purpose of this report is to recommend to Council that the VPA be amended.

Detailed report

Council received a request from the developer of the Caerleon subdivision to defer the payment of Development Servicing Plan (DSP) contributions for water and sewer pursuant to the VPA until 31 August 2016. The basis of this request is outlined in an email received by the applicant and attached to this report as attachment 1.

Council has previously considered a request from the developer to defer payment at the meeting on 19 March 2014 and resolved:

- 3. the General Manager be given delegated authority to negotiate with Caerleon Mudgee a 12 month deferral of the DSP charges payable by Caerleon Mudgee for their development generally in accordance with the same parameters as contained within the agreed Voluntary Planning Agreement.*

On 16 April 2014 a letter was sent to the Director of Caerleon which amended the VPA in the following manner:

Clause 19 of schedule 3 which will now read

The first DSP charges are payable 24 months form the date of this agreement or on registration of a plan of subdivision creating the 100th lot, whichever comes first.

If the amendment referred to in the letter dated 16 April 2014 is enacted that the VPA would currently read in relation to the DSP charges the following:

The First DSP Charges are payable 24 months from the date of this agreement or on registration of a plan of subdivision creating the 100th lot, whichever comes first.

If 12 months from the date of this Agreement occurs first, then the First DSP Charges payable will be an amount for the number of lots that have been created by a plan of subdivision within 12 months from the date of the Agreement.

If the registration of the plan of subdivision creating the 100th lot occurs first, then the First DSP Charges payable will be an amount for the first 100 lots created by a plan of subdivision.

In relation to CPI increases, the commencement date for the calculation of CPI increases (referred to as the Indexation Start Dates) is linked to the date specified in schedule 3, therefore amending the VPA in the manner previously adopted results in the deferment of CPI increases as well. Therefore, whilst the staff recommendation supports the deferment of payments for another 12 months it is considered that CPI increases should be commenced from the effective date of the previous extension. The VPA is dated 19 September 2013 which means that the Indexation Start Date would be 19 September 2015. In providing an extension to the 31 August 2016 there will be 1 year of CPI increase.

Clause 25c of the EP and A Regulation allows for the amendment of a VPA by further agreement in writing signed by the parties.

Financial and Operational Plan implications

The request for deferment is made on the basis that the commencement of the project has been delayed. The commencement of design and construction of services has been delayed to coincide with the demand that would be generated by the development, with Council incurring minimal design costs to date in relation to the overall cost of the project. It was always the intention of the VPA to provide a 12 month deferment after commencement of construction, therefore the impact of the deferment is approximately the same as previous deferment. On this basis staff are recommending a further deferment.

Community Plan implications

Council entered into the VPA as a long term strategy to support the provision of additional housing to meet the demand which is consistent with the Community Plan. The support of the deferment is consistent with Council's original intention.



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

2 July 2015

Attachments: 1. Copy of email from Developer requesting deferment.

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

Hi Brad,

Further to our conversation this morning, can you please update us on how we are going with our request to Council below to defer payment of contributions due under our VPA?

As discussed, the intent of the VPA was that we would receive a slight delay in payment of contributions from when they fell due with the first 100 lots in an effort to bring forward the construction of Stage 1A. With Stage 1A due to start in mid-July now that our funding terms have been agreed in-principle with St George, we would be very much grateful if Council would consider providing a further extension of the payment date to August 31 2016. As long as construction starts in July, we believe this will provide us more than enough time to finalise settlements and provide Council with the funds due under the VPA. (I understand we requested June 2106 below, however, this was based on construction starting in May 2015 – a date we have missed courtesy of the change in construction finance terms provided by the bank. Now that an offer is on foot, we are hopeful there will be no more delays with the finance.)

I look forward to receiving your comments regarding this request.

Kind regards,
Nathan

6.2.5 Moolarben Coal Complex UG1 Optimisation Modification application for Project Approvals 05_0117 (Stage 1) and 08_0135 (Stage 2)

REPORT BY THE MANAGER STRATEGIC PLANNING TO 15 JULY 2015 COUNCIL MEETING
Moolarben UG1 Optimisation Modification
GOV400043, A0420176

RECOMMENDATION

That:

1. **the report by the Manager Strategic Planning on the Moolarben Coal Complex UG1 Optimisation Modification application for Project Approvals 05_0117 (Stage 1) and 08_0135 (Stage 2) be received;**
2. **the Council prepare a submission to the Department of Planning and Environment supporting the Modification and requesting that the assessment of the proposal adequately have regard to the cumulative impacts of mining on the community;**
3. **Council look at the policies in place to monitor and manage the short and long term cumulative impacts of mining in the region in anticipation of the next phase of growth.**

Executive summary

Council has received notification from the Department of Planning and Environment of the UG1 Optimisation Modification (UG1 OM) application for Stages 1 and 2 of the Moolarben Coal Project. The current approval allows for up to 4 million tonnes per annum (Mtpa) and the modification is for the extraction of approximately 3.7Mtpa of additional run-of-mine (ROM) coal over the life of the mine and increasing the maximum site total ROM coal rate to 21 (ie 13 Mtpa from open cut and 8 Mtpa from underground).

While no objection is raised to the proposal, it serves to highlight the need for Council to prepare and be resourced for the next phase of mining activity, in particular having regard to the cumulative impacts of multiple projects and the policies in place to address some of those impacts. The timeframe for consideration of the documents is very short given the potential impact on the community.

Detailed report

The proposed modification has been placed on Public Exhibition for a period of 21 days commencing Friday 3 July 2015 and concluding Friday 24 July 2015. Public submissions are being received up until that date.

An overview of the project is outlined in the Executive Summary (attachment 1) submitted as part of the Environmental Assessment. The Moolarben Coal Complex comprises four approved open cut mining areas and three approved underground areas with operations approved until 31 December 2038. The UG1 Optimisation Modification proposes the following (as extracted from the Executive Summary):

- *recovery of approximately 3.7 million tonnes of additional run-of-mine (ROM) coal over the life of the mine;*
- *an extension of UG1 longwall panels in the north-east by approximately 150 to 500 metres (m);*
- *an extension of two UG1 longwall panels in the south-west by approximately 75 m;*
- *relocation of the approved UG1 central main headings to the north-east;*
- *relocation of underground access to UG2 and UG4;*
- *longwall extraction of the portion of coal that forms the approved (central) main headings;*
- *an increase in the coal seam extraction height by approximately 300 millimetres to a maximum extraction thickness of 3.5 m;*
- *an increase to longwall panel void width from approximately 305 to 311 m;*
- *construction of a ROM coal conveyor (including crushing and screening station and transfer points) between the UG1 pit top facilities in OC1 and the coal handling and preparation plant to transport underground ROM coal;*
- *extension to the underground product coal stockpile in the coal handling and preparation plant area and relocation and expansion of the underground ROM coal stockpile at the UG1 pit top facilities;*
- *an increase in the maximum underground ROM coal production rate up to 8 million tonnes per annum (Mtpa) from UG1, UG2 and UG4 (combined);*
- *an increase in the maximum total site ROM coal rate to 21 Mtpa (i.e. 13 Mtpa from open cut operations and 8 Mtpa from underground operations);*
- *an increase in average daily rail departures from five to seven and increase in peak daily rail departures to nine;*
- *construction of Remote Services Facilities (including facilities and services necessary for the operation of an underground mine) and rear air intake shaft and associated fans above the extended UG1 longwall panels; and*
- *relocation of the underground Mine Infrastructure Area and site administration offices.*

The modification includes a number of environmental reviews, the key findings of which are provided in Table ES-1 in the Executive Summary.

Of particular significance to MWRC is the impact of the additional workforce on community and services infrastructure including housing for both the construction and operational phases of the project. The additional workforce will have an impact on the demand for housing, education services, health services and recreational facilities in the LGA.

The Community Infrastructure Assessment (CIA) was undertaken by Coffey Environments Australia Pty Ltd. The CIA does not include any analysis in terms of the impacts for the Stage 2 approval which is yet to commence. For example, this CIA suggests a need for an additional 145

places in primary and secondary education but this would be on top of the demand yet to be felt from Stage 2 and other applications yet to be assessed (such as Bylong).

The following information has been extracted from the Coffey CIA. The construction period associated with the modification is likely to occur during 2016 – 2017 with an average construction workforce of 120 peaking at 250 for two months during 2017. The increase anticipated is 30 employees above the currently approved workforce of 220.

The modification will also impact the operational workforce with an increase in personnel from 440 to 667 (average) with a peak operational workforce of 740 for 12-18 months during 2016 – 2017. The changes in the workforce are expected to result in an additional:

- 530 people in-migrating to the LGA for the remainder of the life of the Moolarben Coal Complex (a 2.4% increase in 2011 population).
- 91 people requiring short term accommodation during the peak construction phase (2017).
- 14 people requiring short term accommodation after the construction phase is complete.

Based on the distribution of the current Moolarben workforce, the residential distribution is as follows:

- Mudgee 450 (85% of migrants)
- Gulgong 53 (10%)
- Rylstone and Kandos 27 (5%)

The implication of the combined Stage 2 approval and UG1 OM is demand for housing for an additional 410 employees in the immediate short term.

The analysis and assumptions in the CIA conclude that the project will create demand for an additional 138 dwellings for a period of around 20 years with flow on employment generating demand for a further 74 dwellings. However, this needs to be considered in addition to the demand created by Stage 2 and other mining projects.

OTHER MINING PROJECTS

The CIA includes the cumulative impacts of other projects in particular Ulan, Wilpinjong and Bylong Coal Projects. In relation to the Bylong Coal Project, the CIA references Hanson Bailey 2014 stating that the operational workforce of 550 would be accommodated entirely at an on-site accommodation facility. This is not the understanding of Council and the CIA in addressing the cumulative impacts should include the operational workforce for Bylong Coal Project in the in-migration figures which will see an increase of at least another 2% in population and associated impacts. For example, using the assumptions in this CIA for Moolarben and applying those to Bylong, the additional demand for school places could be over 600 places collectively in the next 6 years (Moolarben 290, Bylong 290, Wilpinjong 30). Regardless of the accuracy or otherwise of these assumptions, it is critical that both the Department of Planning and Environment and Council look at these issues holistically and make decisions for both the community and the economy having regard to the long term implications of the cumulative impacts of multiple and concurrent approvals. The combined and sustained impact of these projects cannot be underestimated and at some point the Department in their assessment of the project should be responsible for collating the available data and providing a less ad hoc assessment. Similarly, the cumulative impact on health services seems to have been inadequately addressed and better data, more consistent modelling and monitoring is required to address these issues.

The issues for MWRC are ensuring that land and housing is available to accommodate the in-migration of up to 1,617 people in the next two-three years and a further 550 workers for Bylong (plus family up to 825 and a multiplier) from 2020. There is sufficient land zoned in both Mudgee and Gulgong to accommodate this growth without any lag typically associated with the rezoning

process and Council has adopted an Urban Release Strategy to manage the release of land as required. However, as has been the issue in the past, delivering the housing may be more problematic and Council will need to look at strategies to ensure that trades are available and delivering the housing required. If the capacity is not there, additional accommodation pressure will result as external builders and tradesmen compete with the construction and operational workforces for short term housing. Further, while the land and hard infrastructure is available, investment in housing and the limited capacity for local developers to carry projects and deliver in a short timeframe is likely to again be problematic and may result in short term housing affordability issues as has been the case in the past. Council should look at opportunities to monitor pressure on housing and provide incentives for investment in new housing.

If the Department fails to adequately address the cumulative impacts, Council needs to allocate resources to ensure that all is being done to manage growth, and that appropriate strategies and policies are in place and maintained to enable this to happen.

Project Approval (08_0135) (Stage 2) includes a community enhancement contribution of \$515 a year for each full time equivalent employee/contractor in excess of 320 being the approved workforce under the Stage 1 approval. The Environmental Assessment for the UG1 OM proposes an increase to the community enhancement contribution consistent with the 08_0135 approval of \$515 for each fulltime employee. This would see an additional \$2.6M in community contributions to \$6.3M over the life of the mine excluding the road maintenance commitments to the Ulan Road Strategy and Cope Road. The table below provides a summary of the contribution commitments.

Mine	Date	Approval	Output	Employees	VPA/ Community Enhancement	Roads
Moolarben Stage 1	2007	Project approval (MOD 1 – 8 – no change in contributions)	12 Mtpa	320	\$2.3 million (7,187/new employee)	\$1 million for Cope/Ulan Road maintenance \$1.25 million general road maintenance
Stage 2	2015	Project Approval (08_0135)	17 Mtpa (combined stage 1&2)	122	\$1.445million (\$11,188/new employee) \$515 per EFT over 320 EFT	TBD via Ulan Road Strategy Cope Road \$480K (2013 dollar value) @ \$120 per yr over first 4 years
UG1 OM		UG1 Modification	21 Mtpa (combined total MCO)	228 (667 combined av total)	\$2.583 M (2016-2038) \$515 per EFT over 320 EFT	

In addition to the Community Enhancement funding for local infrastructure, the State Government will need to address the potential shortfalls in the provision of health and education services generated as a result of the cumulative impact of mining in the MW Region.

The EA addresses groundwater, surface water, air quality, noise and flora and fauna. These have been summarised below.

Groundwater:

- Additional impacts from proposed modification are quite small and would be able to be accounted for through licensing.
- Mine water inflows predicted for the whole of Stage 2, recent modelling by HydroSimulations did not re-assess total mine inflows but was focussed on incremental impacts of proposed Modification to UG1.
- Mine flows to UG1 predicted to be up to 0.20 ML/d higher with modification. However an increase in flow rate is predicted to be only 0.19 ML/d in the year of peak inflows to UG1
- Inflow rates predicted to be unaffected by modification in other open cuts and underground mines.

- Additional drawdowns of groundwater levels in Quaternary alluvium and Tertiary palaeochannel alluvium predicted to be 0.3 m or less in magnitude and limited to immediate proximity of north-eastern end of UG1.
- This is reflected in slightly increased leakage rates from the alluvium to the underlying Permian during the mining of UG1. Additional leakage rate of up to 7.5 kL/d predicted to occur, with peak increase occurring during last year of mining UG1.
- A long-term increased rate of leakage 3.3 kL/d predicted to result from modification.
- Additional drawdowns of 0.3m or less considered acceptable according to Aquifer Interference Policy, which lists 2 m as minimum harm criterion value for connected alluvium.
- Drawdown impacts predicted to be greatest in Ulan seam with 6.5 m predicted as a result of modification.
- Extending UG1 results in longwall panels occurring further downdip and further below pre-mining potentiometric water pressure levels.
- Additional impacts associated with modification extend approx. 1.5 km from north-eastern end of UG1.
- Modification will have no potential impacts on drawdowns within Triassic Narrabeen Group sediments which overlie UG1, they are dry in that area.
- Average baseflow increase of 1.81 kL/d predicted to occur in Wilpinjong Creek North Catchment over duration of model simulation.
- Increase in baseflow/leakage impact relative to PPR mine plan predicted to peak 2.65 kL/d approx. 5 years after completion of extraction from UG1 and continue for long-term.
- Smaller impacts predicted to occur in other sub-catchments, adding peak impact predicted for Wilpinjong North Catchment for a total of 1.10 ML/y which will need to be accounted for by increased license allocation.
- Modifications are said to take little increase in total max water intake with groundwater licensing requirements. With an increase from 903 ML/y from 834 ML/y.

Key findings of overall assessment:

- Modification would have no material impact on stream base flow or natural river leakage for nearby stream. Largest effect would be on upgradient reach of Wilpinjong Creek where base flow is expected to reduce by approx. 0.002 ML/d.
- Expected to generate approx. 15% extra mine inflow at peak (approx 69 ML/y).
- Modification would cause little drawdown in alluvium bordering the north-eastern end of UG1.
- With exception of up to 6.5 m of drawdown in Ulan Seam in the north-eastern extent of UG1 there would be no noticeable change in drawdown as result of modification.
- It is unlikely that the modification would result directly or indirectly in a substantial change in hydrology of groundwater resources or surface water sources.

Air Quality:

- Construction of rear air intake shaft and ventilation fan where needed.
- Construction of remote services facilities.
- Relocation of underground mine infrastructure area.
- Relocation of underground access to UG2 and UG4.
- Construction of conveyor system between UG1 and OC1.
- Extension to underground product coal stockpile in CHPP area and relocation and expansion of underground ROM coal stockpile at UG1 pit top facilities.
- Increase in average daily rail departures from 5 to 7 and increase in peak daily rail departures to 9.

- Assessment on Greenhouse Gas emissions over life time of mine resulted in an increase as a consequence of the increased intensity of mining activities. Scope 1 change of 1.1% and Scope 2 change of 0.7%.
- Conveyor system has not been assessed however it is predicted that additional electricity use for system would generate less greenhouse gas emissions compared to diesel consumption for haul trucks.

Points outlined may increase the likelihood of poorer air quality. However, Moolarben have assessed Total Suspended Particulates (TPS) as reducing by approximately -28.2% as a result of increased efficiencies in handling coal i.e. conveyor belt for UG1.

There have also been assessments with regards to worst case scenario with the following proposing a more positive environmental outcome.

- Conveyer system proposed to reduce total dust emissions by effectively removing haul trucks between UG1 ROM stockpile and Stage 1 ROM coal facility.
- Continued implementation of reactive dust mitigation measures and ensuring best practice dust management measures are in place.

Flora & Fauna:

- Proposed modification for UG1 consists of approx. 8.4 ha of surface disturbance and 607 ha within the study area would be subject to subsidence impacts as part of modification, however 115.7 ha has already been approved in Stage 2.
- Surface disturbance area contains two BioMetric vege types, inc. White Box, Yellow Box, Blakely's Red Gum Grassy Woodland and Derived Native Grassland (Box-Gum Woodland), an EEC listed under TSC Act and CEEC under EPBC Act.
- No threatened species were recorded within surface disturbance areas of UG1 modification
- Underground area contains 5 BioMetric vege types inc. 2 EEC Box-Gum Woodland and Central Hunter Grey Box – Ironbark Woodland in NSW North Coast & Sydney Basin Bioregions which is listed under TSC Act.
- Threatened flora species *Pomaderris queenslandica* (Scant Pomaderris), and 6 threatened fauna species *Calyptorhynchus lathami* (Glossy Black Cockatoo), *Climacteris picumnus victorae* (Brown Treecreeper [eastern subspecies]), *Chthonicola sagittata* (Speckled Warbler), *Daphoenositta chrysoptera* (Varied Sittella), *Stagnopleura guttata* (Diamond Firetail) and *Miniopterus schreibersii oceanensis* (Eastern Bentwing-bat). All recorded within underground area.
- Based on assessments UG1 modification not considered unlikely to result in significant impacts to threatened biodiversity.
- 0.25 ha of EEC impacted by expanding mining.
- Impacts associated with proposed modification have been considered as not triggering need for an EPBC referral.
- As proposed modification results in less surface disturbance than approved Stage 2 Project, as result of relocation of haul road, there is a surplus in offset strategy for Stage 2. (i.e. 13.5 ha vs 18.5 ha)
- Fauna monitoring took place during winter which resulted in limitations being taken into account for migratory birds, reptiles and amphibians that may be present in summer. However, all are considered to have no impact except for Cattle Eagle, Eastern Great Egret, Square-tailed Kite, Turquoise Parrot, Swift Parrot, Masked Owl, Barking Owl, Forked Tailed Swift, Black-chinned Honeyeater, Regent Honeyeater, Eastern Freetail-bat, Eastern False Pipistrelle, Greater Broad-nosed bat, Eastern Cave Bat and New Holland Mouse with potential habitat existing within the study area.
- It outlines that the loss of potential habitat of these species is not significant as suitable habitat resources will remain outside of the proposed impact area.

- Series of indirect impacts likely to occur as result of modification, inc noise, vibration, dust and light pollution.
- No threatened flora or fauna species were recorded within the surface disturbance areas of modification.
- Approved BOS for Stage 2 adequately covers the impacts from the proposed modification, with surplus area as area to be cleared combined with that of the OC4 South West Modification is less than the area to be cleared for the approved Stage 2 Project.

Surface Water:

- Modification will result in minor changes to Moolarben Coal Complex water management infrastructure.
- Construction of small sediment dam within the Remote Service Facilities footprint to capture runoff from the RSF area and construction of drainage around RSF.
- Minor drainage works around the rear air intake shaft, Mine Infrastructure Area and coal stockpiles may also be required.
- Potential impacts include changes to catchment areas and drainage around north-east and south-west longwall extension areas, Mine Infrastructure Area in OC1 and coal conveyors and stockpiles.
- Impact on changes with subsidence.
- Impact on mine site water balance from changes in catchment areas and changes in water demand and underground mine flows.
- RSF footprint located outside of approved disturbance area is approx. 5.2 ha from the direct Wilpinjong Creek with 2.9 ha falling within the approved dam WP14. Change in catchment area to receiving waters due the RSF is minimal.
- Rear air intake shaft has proposed footprint of 0.25 ha during construction and reducing to approx. 0.02 ha during operations.
- Shaft vent above natural ground level.
- Disturbance impacts will be managed using best practice management procedures for erosion and sediment control with Moolarben having assessed there being little impact on receiving environment.
- Mine Infrastructure Area proposed within existing OC1 will be managed within existing OC1 water management system.
- Coal conveyor proposed to be constructed between OC1 and CHPP and associated stockpiles. All of stockpiles and majority of conveyor will be located within approved disturbance areas and will be managed in accordance with an approved water management plan.
- No adverse impact on receiving environment.
- Increased ponding as a result of UG1 modification causing subsidence.

Proposed management practices for modification issues:

- Change in disturbance area associated with proposed Mine Infrastructure Area and stockpiles located within existing/approved disturbance areas managed within OC1 water management system as well as the RSF footprint.
- Minor increase in potential ponding as result of subsidence will be managed through Extraction Plan Process including implementation of remediation measures if required.
- Increase of water demand of less than 5% associated with increased underground mining rate can be supplied from existing licensed sources and will have no adverse impact on other licensed water users. Almost fully compensated by predicted increase in UG1 mine flows.
- Increase in mine inflows to UG1 of up to 69ML/year can be managed via the existing surface water management system and will have no adverse impact on management of water onsite.

Traffic and Transport

The increase in the employee numbers will have a flow on impact on the traffic and transport, in particular on Ulan Road. The Council and Ulan Cluster of mines have a negotiated agreement for the upgrade of the Ulan Road. The additional traffic can be accommodated within the upgraded road network.

Noise

There will be negligible exceedance (1 decibel) of Project Approval noise limits at one privately owned residence. The modification proposes the continued implementation of:

- At source noise controls
- Predictive meteorological forecasting
- Real-time noise monitoring and performance indicators
- Attended noise monitoring

Noise continues to be the source of the most complaints associated with the operation and the ongoing monitoring and commitment to acquisition where required should be retained on any approval issued.

Financial and Operational Plan implications

The approval of the UG1 OM will result in a significant impact in terms of employment and demand for housing and flow on pressure on community facilities in particular health and education. Council will receive a financial benefit in the form of an additional Community Enhancement Contribution in the order of \$2.6M over the life of the project. This will not, however, assist with the pressure on those State Government funded services.

Council will need to consider allocating resources to better measuring and monitoring the cumulative impacts of mining as we move into a renewed growth phase with Moolarben, Wilpinjong and Bylong all coming on line in the short term.

Community Plan implications

Managing the growth of mining in the region is supported in the Community Plan under the strategy in Looking After Our Community 2.2 Manage growth pressure driven by mining operations in the Region and Protecting Our Natural Environment 1.2 Minimise the impact of mining and other development on the environment both natural and built.



ELIZABETH DENSLEY
MANAGER, STRATEGIC PLANNING

6 July 2015

Attachments: 1. Executive Summary

APPROVED FOR SUBMISSION:



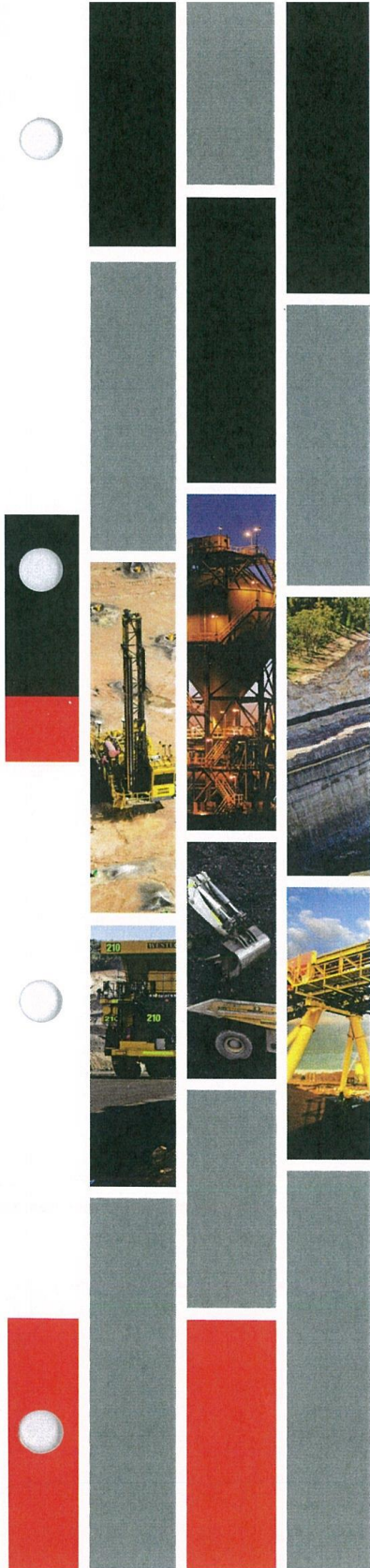
BRAD CAM
GENERAL MANAGER



Moolarben Coal Complex
UG1 Optimisation Modification

Environmental Assessment

EXECUTIVE SUMMARY



EXECUTIVE SUMMARY

ES1 BACKGROUND

The Moolarben Coal Complex is located approximately 40 kilometres north of Mudgee in the Western Coalfields of New South Wales (NSW) (Figure ES-1).

Moolarben Coal Operations Pty Ltd (MCO) is the operator of the Moolarben Coal Complex on behalf of the Moolarben Joint Venture (Moolarben Coal Mines Pty Ltd, Sojitz Moolarben Resources Pty Ltd and a consortium of Korean power companies). MCO and Moolarben Coal Mines Pty Ltd are wholly owned subsidiaries of Yancoal Australia Limited.

The Moolarben Coal Complex comprises four approved open cut mining areas (OC1 to OC4), three approved underground mining areas (UG1, UG2 and UG4) and other mining related infrastructure (including coal processing and transport facilities).

Mining operations at the Moolarben Coal Complex are currently approved until 31 December 2038 in accordance with Project Approval (05_0117) (Moolarben Coal Project Stage 1) as modified and Project Approval (08_0135) (Moolarben Coal Project Stage 2).

Environmental management and monitoring at the Moolarben Coal Complex is conducted in accordance with a range of management plans required in accordance with Project Approvals (05_0117) and (08_0135).

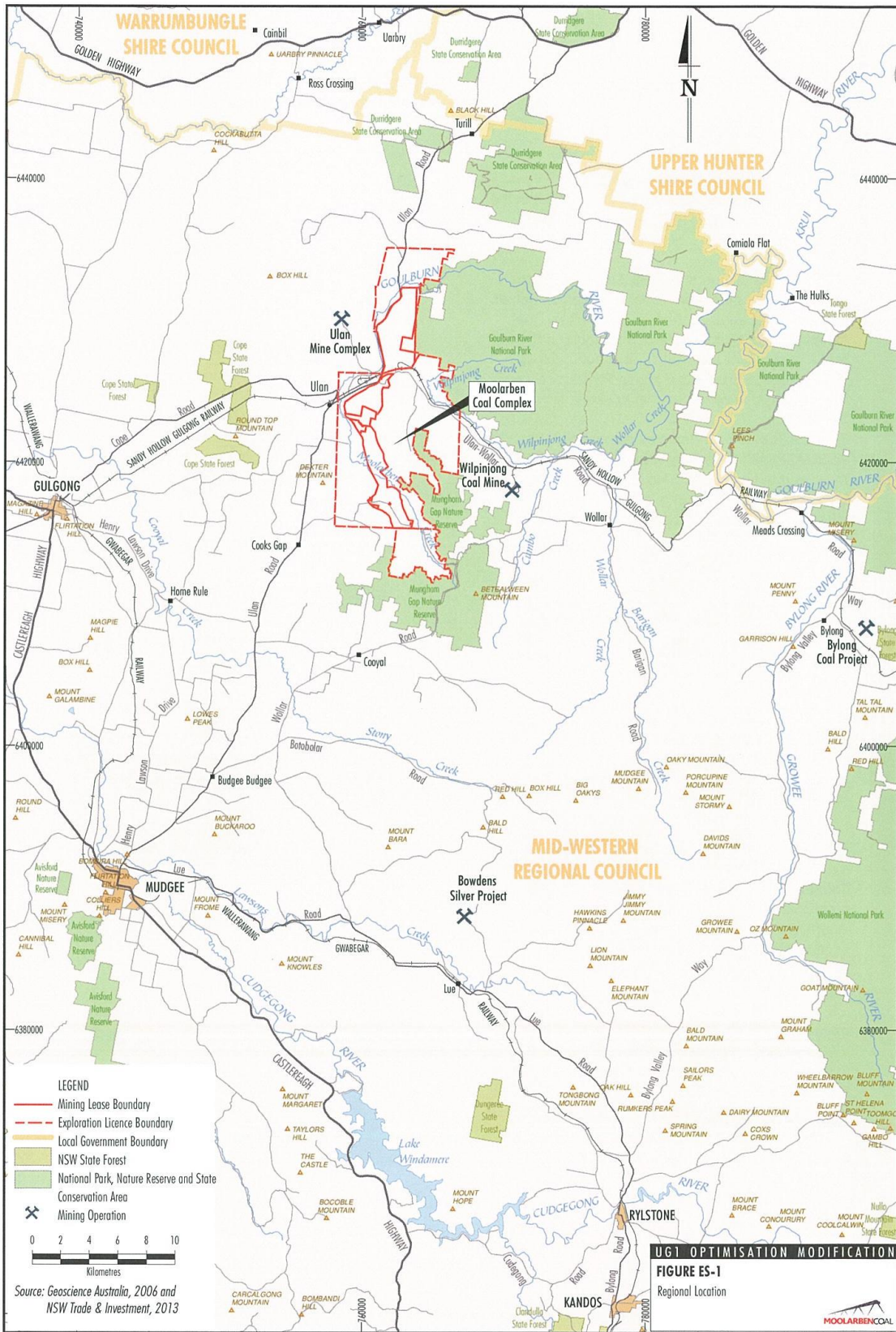
ES2 MODIFICATION OVERVIEW

This Environmental Assessment has been prepared by MCO to support a request to modify Project Approvals (05_0117) and (08_0135) under section 75W of the NSW *Environmental Planning and Assessment Act, 1979* (the UG1 Optimisation Modification).

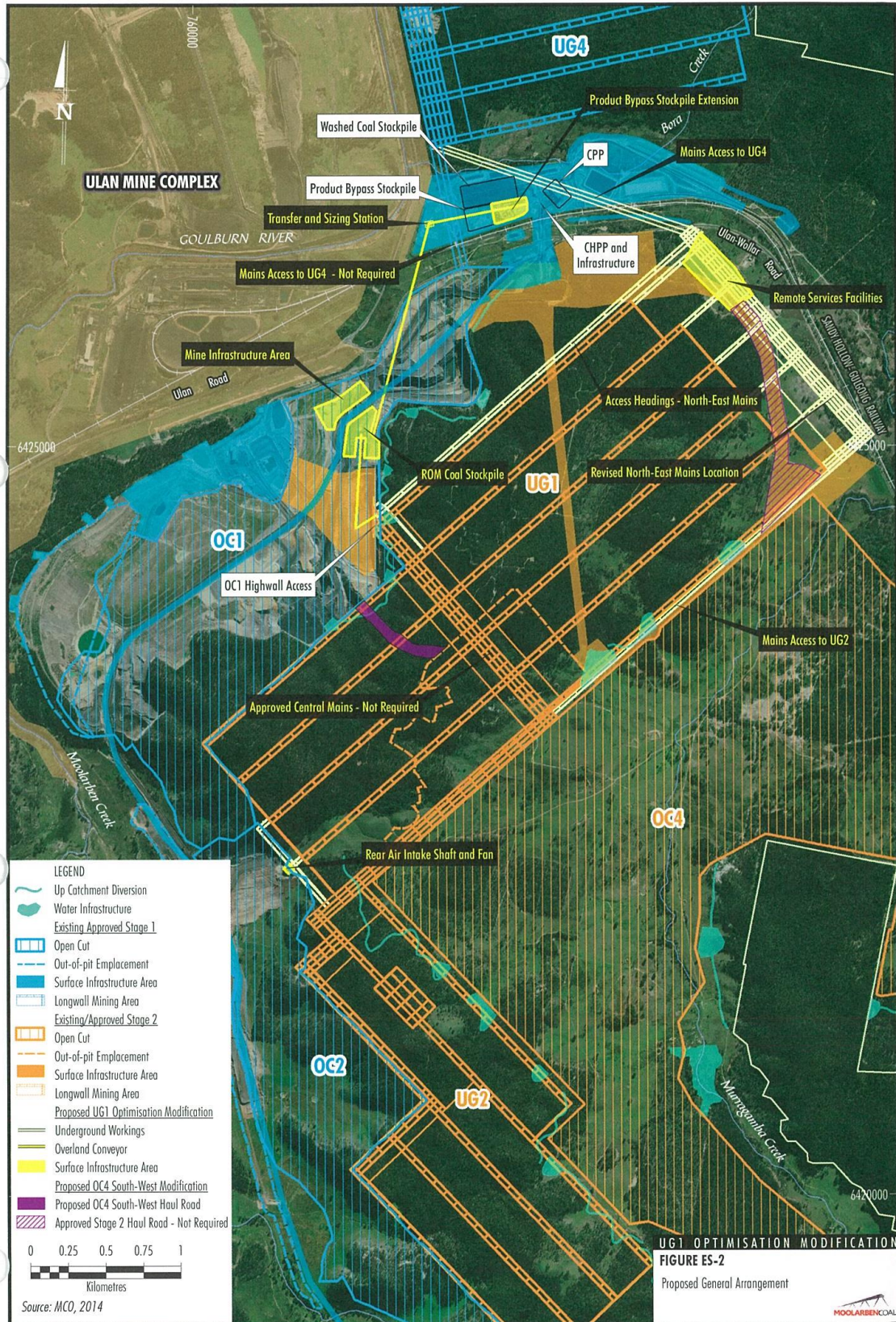
Following a review of mine planning, MCO has identified opportunities to extract additional economically viable coal and improve mining and processing efficiencies associated with the underground operations at the Moolarben Coal Complex, namely UG1.

As such, the UG1 Optimisation Modification proposes the following (Figure ES-2):

- recovery of approximately 3.7 million tonnes of additional run-of-mine (ROM) coal over the life of the mine;
- an extension of UG1 longwall panels in the north-east by approximately 150 to 500 metres (m);
- an extension of two UG1 longwall panels in the south-west by approximately 75 m;
- relocation of the approved UG1 central main headings to the north-east;
- relocation of underground access to UG2 and UG4;
- longwall extraction of the portion of coal that forms the approved (central) main headings;
- an increase in the coal seam extraction height by approximately 300 millimetres to a maximum extraction thickness of 3.5 m;
- an increase in longwall panel void width from approximately 305 to 311 m;
- construction of a ROM coal conveyor (including crushing and screening station and transfer points) between the UG1 pit top facilities in OC1 and the coal handling and preparation plant to transport underground ROM coal;
- extension to the underground product coal stockpile in the coal handling and preparation plant area and relocation and expansion of the underground ROM coal stockpile at the UG1 pit top facilities;
- an increase in the maximum underground ROM coal production rate up to 8 million tonnes per annum (Mtpa) from UG1, UG2 and UG4 (combined);
- an increase in the maximum total site ROM coal rate to 21 Mtpa (i.e. 13 Mtpa from open cut operations and 8 Mtpa from underground operations);
- an increase in average daily rail departures from five to seven and increase in peak daily rail departures to nine;
- construction of Remote Services Facilities (including facilities and services necessary for the operation of an underground mine) and rear air intake shaft and associated fans above the extended UG1 longwall panels; and
- relocation of the underground Mine Infrastructure Area and site administration offices.



MCM-14-05 UG1_OM_ES 2014



The UG1 Optimisation Modification also seeks an increase in the approved Moolarben Coal Complex construction and operational workforces to incorporate anticipated personnel for the approved underground and open cut operations.

The UG1 Optimisation Modification seeks to increase the peak construction workforce to 250 personnel for the Moolarben Coal Complex, with the peak expected to occur for a short period (2 months) during 2017.

An increase in the approved operational workforce for the Moolarben Coal Complex is sought from approximately 439 personnel to approximately 667 personnel on average. A peak operational workforce of 740 personnel would be required for 12 to 18 months during 2016 and 2017.

Other components of the approved Moolarben Coal Complex would **not change** as a result of the UG1 Optimisation Modification, including:

- operational mine life;
- hours of operation;
- blasting limits;
- Biodiversity Offset Strategy;
- site access; or
- open cut coal extraction limits.

ES3 ENVIRONMENTAL REVIEW

To assess the potential environmental impacts of the UG1 Optimisation Modification, a number of environmental reviews were completed with supporting specialist reports including:

- Subsidence Assessment (prepared by Mine Subsidence Engineering Consultants);
- Groundwater Assessment (prepared by Dundon Consulting with supporting groundwater modelling undertaken by HydroSimulations);
- Noise Assessment (prepared by SLR Consulting);
- Air Quality Assessment (prepared by Todoroski Air Sciences);
- Flora and Fauna Impact Assessment (prepared by EcoLogical Australia);
- Surface Water Assessment Review (prepared by WRM Water & Environment);

- Aboriginal Cultural Heritage Assessment (prepared by Niche Environment & Heritage);
- Road Transport Assessment (prepared by GTA Consultants); and
- Community Infrastructure Assessment (prepared by Coffey Environments Australia Pty Ltd).

A summary of the key findings of these environmental reviews and key commitments with respect to managing potential impacts is provided in Table ES-1.

ES4 JUSTIFICATION OF THE MODIFICATION

The UG1 Optimisation Modification would allow the recovery of approximately an additional 3.7 million tonnes of underground coal.

The UG1 Optimisation Modification would reduce the number of longwall mining equipment relocations from nine to five which would enable more efficient recovery of underground coal.

The proposed UG1 Optimisation Modification would improve the efficiency of integration of mining operations across the complex, access to the UG1 resource and transfer of underground coal to the Coal Handling and Preparation Plant area.

The UG1 Optimisation Modification is generally consistent with the subsidence impact performance measures in Project Approval (08_0135). In addition, the environmental review demonstrated that the UG1 Optimisation Modification can be conducted with minimal additional environmental impacts above those already approved for the Moolarben Coal Complex.

Moolarben Coal Complex – UG1 Optimisation Modification

Table ES-1
Key Outcomes of the UG1 Optimisation Modification Environmental Reviews

Environmental Aspect	Summary of Environmental Assessment Conclusions	Key Management, Mitigation or Monitoring Measures for the UG1 Optimisation Modification
Built Features ¹	Consistent with the performance measures outlined in Table 16 of NSW Project Approval (08_0135).	Implementation of Extraction Plan for UG1.
Cliffs and Steep Slopes	Consistent with the performance measures outlined in Table 15 of NSW Project Approval (08_0135).	Implementation of Extraction Plan for UG1.
Groundwater Resources	No adverse affects predicted on third-party groundwater users (in terms of the minimal harm considerations of the Aquifer Interference Policy). No material impact predicted on stream baseflow or natural river leakage for any nearby stream. Negligible drawdown in the alluvial aquifers.	Continued implementation of groundwater monitoring and management would continue to be conducted in accordance with the Water Management Plan. Holding of adequate groundwater licenses.
Surface Water Resources	No significant change to site water balance expected. No significant change to approved environmental consequences or proposed management measures for unnamed drainage lines.	Continued implementation of water management system and water monitoring network. Monitoring and remediation (if required) for potential subsidence impacts through Extraction Plan process.
Noise	Negligible exceedance (1 decibel) of Project Approval noise limit at one privately-owned receiver. Compliance with all other existing Project Approval noise limits.	Continued implementation of: <ul style="list-style-type: none"> At source noise controls. Predictive meteorological forecasting. Real-time noise monitoring and performance indicators. Attended noise monitoring.
Air Quality	Compliance with existing Project Approval air quality limits.	Continued implementation of: <ul style="list-style-type: none"> At source dust controls. Predictive meteorological forecasting. Real-time monitoring and performance.
Ecology	Disturbance of approximately 8.4 hectares of derived native grassland ² . The UG1 Optimisation Modification in conjunction with the OC4 South-West Modification would result in a reduction in the total area to be disturbed by the approved Moolarben Coal Complex. No significant impacts to threatened species, populations or communities.	Existing Stage 2 Biodiversity Offset Strategy adequately compensates potential impacts, with surplus area. Continued implementation of vegetation clearance protocols.
Aboriginal Heritage	Potential direct impacts to two isolated stone artefacts of low archaeological significance. No significant impact to Aboriginal sites as a result of additional subsidence is anticipated.	Continued implementation of monitoring and management measures through Heritage Management Plan. Salvage of sites that would be directly impacted as a result of surface disturbance works.
Road Transport	No significant impacts on the performance, capacity, efficiency and safety of the road network.	Continued contributions to road maintenance in accordance with Project Approval (05_0117) and Project Approval (08_0135).
Community Infrastructure	Existing community infrastructure in the Mid-Western Regional LGA is capable of servicing the increased population associated with the anticipated increase in the Moolarben Coal Complex workforce.	Additional contributions in accordance with Project Approval (08_0135) to reflect the anticipated increase in the Moolarben Coal Complex workforce. Continued support for local organisations in the region and continued contributions to Mid-Western Regional Council in accordance with Moolarben Coal Complex Planning Agreement and Project Approval (05_0117).
Visual	Negligible change in potential visual impacts from sensitive viewpoints.	Continued implementation of visual mitigation measures.

¹ Refer Table 16 of NSW Project Approval (08_0135).

² The vegetation mapping is considered to be conservative as parts of the area have a recent history of clearing and cultivation and some areas may be classified as regrowth.

6.2.6 Monthly statement of investments and bank balances as at 30 June 2015

REPORT BY THE MANAGER FINANCE TO 15 JULY 2015 COUNCIL MEETING

Investments and Bank balances June 2015.docx

GOV400043, FIN300053

RECOMMENDATION

That:

- 1. the report by the Manager Finance on the Monthly statement of investments and bank balances as at 30 June 2015 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 and Operational Plan implications

Council requested a list of restricted cash balances (internally restricted and externally restricted) to clarify what makes up Council's cash at bank. This has been provided as attachment 3. 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.

It should also be noted that the estimated restricted cash balances are a snap shot figure as at 30 June 2015, and do not take into account end of year accounting entries. The unrestricted cash figure for the 2014/15 year will be reported in the draft Financial Statements report and the June Quarterly Business Review, due to be presented at Councils August 2015 meeting.

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Prudently manage risk associated with all Council activities



LEONIE JOHNSON
MANAGER FINANCE

CLARE PHELAN
DIRECTOR, CORPORATE

1 July 2015

- 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:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

For the month ended: 30-Jun-15

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
National Australia Bank	\$ 659,595	\$12,441,649	\$ 13,086,537	\$ 14,707	\$ 700,000

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

30/06/2015

Investments	Type	Amount \$'000	Yield %	Maturity Date	Term	Rating
National Australia Bank	At Call	1,561	2.30%	N/A	At Call	AA-/A-1+
National Australia Bank	Term Deposit	1,600	3.58%	8/07/2015	182	AA-/A-1+
National Australia Bank	Term Deposit	1,000	3.30%	5/08/2015	182	AA-/A-1+
National Australia Bank	Term Deposit	2,000	3.14%	16/09/2015	189	AA-/A-1+
National Australia Bank	Term Deposit	1,000	3.03%	7/10/2015	189	AA-/A-1+
National Australia Bank	Term Deposit	1,000	3.00%	14/10/2015	168	AA-/A-1+
National Australia Bank	Term Deposit	1,000	3.20%	28/10/2015	252	AA-/A-1+
National Australia Bank	Term Deposit	1,000	3.00%	11/11/2015	195	AA-/A-1+
National Australia Bank	Term Deposit	1,000	3.00%	20/01/2016	217	AA-/A-1+
St George Bank	Term Deposit	700	3.37%	22/07/2015	182	AA-/A-1+
St George Bank	Term Deposit	1,300	3.40%	29/07/2015	180	AA-/A-1+
St George Bank	Term Deposit	1,500	2.95%	2/09/2015	189	AA-/A-1+
St George Bank	Term Deposit	2,500	3.00%	9/09/2015	189	AA-/A-1+
St George Bank	Term Deposit	1,000	2.80%	21/10/2015	204	AA-/A-1+
St George Bank	Term Deposit	1,000	2.83%	6/01/2016	210	AA-/A-1+
Bankwest	Term Deposit	1,800	3.40%	1/07/2015	175	AA-/A-1+
Bankwest	Term Deposit	1,000	3.40%	15/07/2015	182	AA-/A-1+
Bankwest	Term Deposit	1,500	3.05%	26/08/2015	189	AA-/A-1+
Bankwest	Term Deposit	1,000	3.00%	26/10/2015	159	AA-/A-1+
Bankwest	Term Deposit	2,000	2.85%	4/11/2015	182	AA-/A-1+
Bankwest	Term Deposit	2,000	2.85%	18/11/2015	189	AA-/A-1+
Bankwest	Term Deposit	2,000	2.95%	25/11/2015	189	AA-/A-1+
ANZ	Term Deposit	2,000	2.90%	30/09/2015	183	AA-/A-1+
ANZ	Term Deposit	1,000	3.00%	9/12/2015	189	AA-/A-1+
ANZ	Term Deposit	1,300	3.00%	16/12/2015	196	AA-/A-1+
AMP	Term Deposit	1,000	3.30%	12/08/2015	182	A+/A-1
AMP	Term Deposit	1,500	3.05%	19/08/2015	182	A+/A-1
AMP	Term Deposit	1,000	2.75%	9/12/2015	189	A+/A-1
Bank of Queensland	Term Deposit	500	3.10%	23/09/2015	189	A-/A-2
Bank of Queensland	Term Deposit	2,000	2.95%	2/12/2015	189	A-/A-2
Bank of Queensland	Term Deposit	1,500	3.00%	13/01/2016	217	A-/A-2
Bendigo & Adelaide Bank	Term Deposit	1,000	2.90%	16/12/2015	196	A-/A-2
Members Equity Bank	Term Deposit	1,000	3.18%	12/08/2015	180	BBB+/A-2
Members Equity Bank	Term Deposit	2,000	2.98%	7/10/2015	105	BBB+/A-2
Peoples Choice C/Union	Term Deposit	600	3.00%	23/09/2015	182	BBB+/A-2
Peoples Choice C/Union	Term Deposit	500	2.89%	25/11/2015	203	BBB+/A-2
Family First Credit Union	Term Deposit	500	3.10%	21/10/2015	175	Unrated
Total Investments		47,861				

Financial Claims Scheme

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

ATTACHMENT 2

MWRC Policy Requirements:

Investments by Institution	Long/Short Term Ratings	Amount \$'000	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA-/A-1+	11,161	23%	25%
Bankwest	AA-/A-1+	11,300	24%	25%
St George Bank	AA-/A-1+	8,000	17%	25%
ANZ	AA-/A-1+	4,300	9%	25%
AMP	A+/A-1	3,500	7%	15%
Bank of Queensland	A-/A-2	4,000	8%	10%
Bendigo & Adelaide Bank	A-/A-2	1,000	2%	10%
Members Equity Bank	BBB+/A-2	3,000	6%	10%
Peoples Choice C/Union	BBB+/A-2	1,100	2%	10%
Family First Credit Union	Unrated	500	1%	10%
		47,861	100%	

Investments by S&P Rating	Rating*	Amount \$'000	% of Portfolio	
			Actual	Limit
Direct Securities	AA-/A-1+	34,761	73%	100%
	A+/A-1	3,500	7%	60%
	A-/A-2	5,000	10%	20%
	BBB+/A-2	4,100	9%	20%
	BBB-/A-3	-	0%	20%
	Unrated	500	1%	20%
		\$ 47,861	100%	

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

Term to Maturity	Amount \$'000	Actual	% of Portfolio	
			Minimum	Maximum
Less than 1 year	47,861	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%
	47,861	100%		

ATTACHMENT 3

Portfolio Balance **\$ 47,861**

Restricted Cash Summary	Est. at 30 June 2015 \$'000	As at 30 June 2015 \$ '000
Water[^]	10,018	9,740
Sewer[^]	7,816	8,202
Waste[^]	4,005	4,036
Section 94	4,196	4,290
Section 93 (VPA)	666	945
Trust Deposits	933	1,005
Unspent Grants	461	556
Reserves	6,922	8,220
<i>Internal Reserves</i>	<i>5,977</i>	<i>7,623</i>
Employee Leave Entitlements	2,295	2,295
Emergency	200	200
Land Development	345	347
Airport Development	(235)	(235)
Elections	195	195
Plant Replacement	1,006	1,996
Asset Replacement	1,123	1,466
Capital Program	577	868
Livestock Exchange	32	52
State Roads Warranty	200	200
Rylstone Community Services	6	6
Community Plan	33	33
Future Fund	200	200
<i>External Reserves</i>	<i>945</i>	<i>597</i>
Waste Fund	^	^
Sewer Fund	^	^
Water Fund	^	^
Community Services	77	77
Community Tenancy Scheme	64	64
Family Day Care	118	90
Section 355 Committees Crown Land	-	-
Bequest – Simpkins Park	96	96
Bequest – Kandos Museum	32	32
Community Transport Vehicle Replacement	79	79
Ulan Road Strategy	479	159
Total Restricted Cash	35,017	36,994

* These figures are based on best estimates as at end of month only, and allow for material restricted cash movements.

[^] Restricted Water, Sewer & Waste fund cash includes Section 64, Reserves and material unspent grants

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

Bank Accounts	Opening Balance \$'000	Redeemed Balance \$'000	Re-invested Balance \$'000	Change in interest rate	Change in Term (days)	New Term Rate
National Australia Bank	2,025	464	1,561	0.00%	At Call	0.00%
AMP			1,000	New Deposit		2.75%
Bendigo & Adelaide Bank			1,000	New Deposit		2.90%
ANZ	1,000		1,000	-0.56%	0	3.00%
ANZ	1,300		1,300	-0.56%	7	3.00%
Bank of Queensland	1,500		1,500	-0.60%	28	3.00%
St George	1,000		1,000	-0.72%	21	2.83%
National Australia Bank	1,000		1,000	-0.55%	28	3.00%
Newcastle Permanent	1,000	1,000		Redeemed		
ING	1,000	1,000		Redeemed		
Members Equity Bank			2,000	New Deposit		2.98%
	9,825	-	11,361			
Net Portfolio Movement	1,536	Addition				

6.2.7 Financial Assistance Applications

REPORT BY THE MANAGER FINANCE TO 15 JULY 2015 COUNCIL MEETING

Financial Assistance report to council 15 July 2015

GOV400043, FIN300052

RECOMMENDATION

That:

1. the report by the Manager Finance on the Financial Assistance Applications be received;

2. Council provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:

Seniors Week	\$5,000	
Mudgee Lions Club		\$2,500
Rotary Club of Mudgee Sunrise		\$7,000
Rotary Club of Rylstone-Kandos		\$3,000
Cooyal Parents Association		\$3,000

3. Council provide an in-kind contribution to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:

Mudgee Lions Club		\$150
Rotary Club of Mudgee Sunrise		\$1688
Rotary Club of Rylstone-Kandos		\$1681
Mudgee Historical Society		\$2883
Mission Australia		\$760
Rylstone Public School Parents & Citizens Association		\$190

4. Council will not collect a facility hire bond from the following applicants for the events detailed in this report:

Mudgee Lions Club
 Rotary Club of Mudgee Sunrise
 Rotary Club of Rylstone-Kandos
 Cudgegong Valley Physical Culture

5. Council provide financial assistance to the following applicants which were supported during preparation of the 2015/2016 Operation Plan:

Kandos Rylstone Community Radio Inc. for a period of 3 years (2015/16 -2018/19)		\$11,000
Western Region Academy of Sport		\$1,249

6. Council decline the financial assistance applications from;

Paroo Productions

**Bungaba Progress Association Inc.
Mr Riley Murphy – Audio Sound System, Rylstone Hall
Mudgee Polo Club
Ms Holly Manwaring – Possum Boxes, Lawson Park**

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.

SENIORS WEEK

The Seniors Week Planning Committee have requested \$5,000 towards the continuation of Seniors Week events in Kandos, Gulgong, Mudgee and Rylstone including luncheons, concerts and Seniors Week awards. This is a Section 355 committee of Council, and is supported and administered by Council staff. It is recommended that this request be supported again this year.

MUDGEE LIONS CLUB

The Mudgee Lions Club will be holding their annual Lions Twilight Markets on Friday 18 December 2015, it estimates attendance in excess of 1100 - supporting local stallholders, most of whom are small businesses.

The targeted audience is predominantly families, offering a very low-cost pre-Christmas event with games, activities and entertainment for all age groups.

The contribution sought is \$2,500 and will be utilised towards the costs for promotional expenses, further to this Council Officers recommend in-kind support for \$150 being the fee for the hire of Lawson Park. Note a facility hire bond will not be collected for this event, however if any damage should arise as a result of this event the applicant will be liable for the cost.

Link to Community Plan: *Strategy 1.4.3. Provide equitable access to a range of places and spaces for all in the community.*

ROTARY CLUB OF MUDGEE SUNRISE

The Rotary Club of Mudgee Sunrise is an active recreational community group within our region. Rotary will be holding their annual Carols by Candlelight at the Mudgee Showground on Saturday 19 December 2015.

This is a free family/community evening. Carol's aims to provide a safe, entertaining event for all families in the spirit of Christmas.

The contribution sought is \$10,000 which will be utilised towards the overall costs of running this event.

Council officers recommend an amount of \$7,000 for cash support plus in-kind support for \$1688 being the fee for the hire of Mudgee Showground. Note a facility hire bond will not be collected for

this event, however if any damage should arise as a result of this event the applicant will be liable for the cost.

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

ROTARY CLUB OF RYLSTONE-KANDOS INC

The Rotary Club of Rylstone-Kandos Inc. will be holding their annual Carols by Candlelight at the Rylstone Showground in December 2015.

The Rotary Club of Rylstone-Kandos run both a Community Christmas Carnival and a Community Carols by candlelight offering a free event which the whole family can enjoy.

The contribution sought is \$3,000 which will help meet the major up-front expenses and other significant recurring operation expenses for this event. Further to this, Council Officers recommend in-kind support for \$1681 being the fee for the hire of Rylstone Showground. Note a facility hire bond will not be collected for this event, however if any damage should arise as a result of this event the applicant will be liable for the cost.

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

COOYAL PARENTS ASSOCIATION

Cooyal Parents Association was formed in January 2013, as it was recognised that there was a need for playgroup, due to the increased population of small children in the area. It now has over 10 children who regularly attend playgroup each Thursday at the Cooyal Hall.

The Cooyal Parents Association have identified a need for playground equipment which would complement their playgroup's existing resources – the Association have worked extensively towards fund raising incentives, and have already raised \$18,000 towards their goal of a new playground at the Cooyal Hall.

The Cooyal Parents Association have sought funding from Council for the amount of \$10,000 to help realise their goal. Council Officers recommend a contribution of \$3,000 towards installation of play equipment.

Link to Community Plan: *Strategy 1.4.3. Provide equitable access to a range of places and spaces for all in the community.*

MUDGEES HISTORICAL SOCIETY INC

The Mudgee Historical Society is the owner of the Colonial Inn Museum located at 126 Market Street, Mudgee. The Colonial Inn Museum is managed and run by volunteers on a roster basis. The museum comprises of many different exhibits available for viewing by the general public for a small fee.

The Executives of the Mudgee Historical Society Inc. request Council consider in-kind support for 2015/2016 Land rates levied at \$2883.00 and an additional \$3000.00 toward running expenses. Council Officers recommend supporting only the in-kind request of \$2883.00.

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

MISSION AUSTRALIA

Mission Australia Housing and Accommodation Support Initiative based in Mudgee has been supporting local families with viable long term tenancies, social inclusion and to achieve their general all round wellness goals.

Mission Australia have requested assistance in providing support for these families with a Council donation of 4 x complimentary family season tickets to our local swimming pools.

Council recommends an in-kind contribution of 4 x Family Season Passes \$760.00

Link to Community Plan: *Strategy 1.4.3. Provide equitable access to a range of places and spaces for all in the community.*

RYLSTONE PUBLIC SCHOOL PARENTS & CITIZENS ASSOCIATION

Rylstone Public School Parents & Citizens Association are undertaking some major fundraising in order to purchase new equipment and programs for the Rylstone Public School. The Parents & Citizens have asked for Council's consideration for an in-kind donation of a Family Season pass for 2015/2016 at Kandos Swimming Pool for \$190. If successful this will be used as a prize in a raffle that will be run to raise much needed funds. It is recommended that Council support this request.

Link to Community Plan: *Strategy 1.4.3. Provide equitable access to a range of places and spaces for all in the community.*

CUDGEGONG VALLEY PHYSICAL CULTURE

Cudgegong Valley Physical Culture are a non-profit group focused towards improvement in health and fitness in our community – they will be showcasing the student's skills and abilities at their annual show to be held at the Gulgong Memorial Hall on Sunday 13 September 2015.

Cudgegong Valley Physical Culture have requested that Council consider waiving the collection of the facility hire bond. It is recommended that Council support this request.

Should the application be successful, the applicant will remain liable for any damage caused during the use of the facility.

Link to Community Plan: *Strategy 1.4.3. Provide equitable access to a range of places and spaces for all in the community.*

2015/16 Operational Plan Financial Assistance Applications

During the process of adopting the 2015/16 Operational Plan, Council received requests for financial assistance for the financial year ended 30 June 2016. These were reviewed and prioritised with other competing projects at Council. Although many worthwhile requests were received, it should be noted that Council is working within a budget and not all requests can be supported. The following requests were reviewed by Council and are now summarised below:

KANDOS RYLSTONE COMMUNITY RADIO INC

Kandos-Rylstone Community Radio Inc. (KRR 98.7 FM) has been publishing the Community Capers newsletter since 2008. This community group have been receiving \$10,000 per year from Council to contribute to its production, and have requested that Council to consider supporting the production of this newsletter for another three years, but at an increased amount of \$11,000 to cover increased mailing and publishing costs. It is recommended that this request be supported for a further 3 years.

WESTERN REGION ACADEMY OF SPORT

The Western Region Academy of Sport (WRAS) has again requested support for its continued operations. The amount of \$1,249 contribution is based on a per capita rate for each LGA and has had a 2.4% increase applied from last years contribution. It is recommended by Council Officers that this request for financial assistance be supported.

PAROO PRODUCTIONS

Paroo Productions is a local, independent production group, based in Dubbo who has recently been chosen as the 2015 recipient of the collaborative project with the Dubbo Filmmakers Group. Paroo invite Council to become part of their original screenplay titled "The Station" by way of sponsorship.

Officers do not recommend this submission be supported as the project is not within our Local Government Area and therefore does not directly benefit the Mid-Western area.

BUNGABA PROGRESS ASSOCIATION INC

Bungaba Progress Association Inc. have requested funding to enable the provision of lighting, power, wiring and accessories for the Bungaba Hall (Neville Williams Hall). It is estimated that the cost of this work would amount to \$13,500.

Council Officers do not recommend this submission as it is not a Council asset and was not deemed as high a priority as other competing projects.

MR RILEY MURPHY – AUDIO SOUND SYSTEM, RYLSTONE HALL

Mr Riley Murphy has requested funding for the purchase and installation of professional audio sound system in the Rylstone Hall. The estimated cost for this would be \$7,000.

Council Officers do not recommend this submission as it was not deemed as high a priority as other competing projects, in particular there are other maintenance works at Rylstone Hall that were considered by users as more urgent.

MUDGEES POLO CLUB

Mudgee Polo Club have requested funding for the purchase and installation of field boards and scoreboards at their playing fields, with an estimated cost in the vicinity of \$7,000.

Council Officers do not recommend this submission as it was not deemed as high a priority as other competing projects and would be installed at a commercial premise.

MS HOLLY MANWARING – POSSUM BOXES, LAWSON PARK

Ms Holly Manwaring has requested that Council purchase and install replacement possum boxes in Lawson Park and various locations within Mudgee. Council estimates the cost for this to be approximately \$2,000.

Council Officers do not recommend this submission as it was not deemed as high a priority as other competing projects.

Financial and Operational Plan implications

Funding of \$148,000 is provided in the 2015/16 Operational Plan for Financial Assistance. \$43,800 has been allocated to date (\$36,640 to Childcare Specialists Australia – Minute 90-15, \$3,000 to Mudgee Fine Foods - Minute 175-15, and \$4,160 to Rylstone Kandos Preschool – Minute 175-15) leaving a balance of \$104,200.

Should Council approve the recommendations in this report, a balance of \$64,099 will remain.

Community Plan implications

Council's Financial Assistance Policy applies.



LEONIE JOHNSON
MANAGER FINANCE



CLARE PHELAN
DIRECTOR, CORPORATE

6 February 2015

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

APPROVED FOR SUBMISSION:

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

BRAD CAM
GENERAL MANAGER

6.2.8 Additional Supplier - RFT 2013/03 Wet & Dry Plant Hire Preferred Supplier – THE Mining Pty Ltd

REPORT BY THE PROCUREMENT MANAGER TO 15 JULY 2015 COUNCIL MEETING

2013-03 Addition of THE Mining

GOV400043, A0411304, COR400052

RECOMMENDATION

That:

1. **the report by the Procurement Manager on the Additional Supplier - RFT 2013/03 Wet & Dry Plant Hire Preferred Supplier – THE Mining Pty Ltd be received;**
2. **Council accepts the additional supplier for Tender 2013/03 for the provision of Wet & Dry Plant Hire;**

Contractor: THE Mining Pty Ltd
Services Provided: Road Stabiliser & Spreader Truck

Executive summary

Council resolved at meetings in 2013 that tenders for the provision of Wet & Dry Plant Hire was accepted. These initial requests for tenders were accepted for a term of three years. Part of the resolution allowed additional suppliers to be added to the preferred suppliers' lists by resolution of Council.

This report is recommending that THE Mining Pty Ltd be included on the preferred supplier's list (overflow) after having received the required information from the contractor and reference checks completed.

Detailed report

In 2013 Council completed a detailed, objective analysis for the evaluation of tenderers for the provision of wet & dry plant hire which in turn created a preferred suppliers list.

Since the establishment of this lists the above service provider has requested Council consider their application to be included on Council's preferred supplier's lists.

As a result of Council's tendering processes and clauses therein, the additional supplier will be added to Council's relevant preferred supplier's list; however they will be placed on the overflow list. Council has existing contractors for pavement stabilising; therefore, this supplier would only be considered should the existing contract holders on the list be unavailable. This is to ensure consistency and security to the existing contractor.

Financial and Operational Plan implications

Nil

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Prudently manage risk associated with all Council activities

KRISTIE WARD
PROCUREMENT MANAGER



CLARE PHELAN
DIRECTOR, CORPORATE

9 June 2015

Attachments: 1. Proposed rates are presented in the confidential section of this business paper.

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.9 Disposal of Assets Policy Review

REPORT BY THE MANAGER FINANCE TO 15 JULY 2015 COUNCIL MEETING
Report_Disposal of Assets Policy Review
GOV400043, FIN300032

RECOMMENDATION

That:

- 1. the report by the Manager Finance on the Disposal of Assets Policy Review be received;**
- 2. Council adopt the revised Disposal of Assets Policy.**

Executive summary

Minor amendments are proposed to the Disposal of Assets Policy as part of Council's ongoing policy review program.

Detailed report

The Disposal of Assets Policy aims to ensure that all asset disposals are in accordance with legislative requirements; promotes value for money, accountability, fairness and impartiality; and avoids any conflict of interest. Only minor changes are proposed to terminology, and reflecting the Integrated Planning and Reporting framework.

A copy of the policy is attached with track changes shown.

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
MANAGER FINANCE


CLARE PHELAN
DIRECTOR, CORPORATE

2 July 2015

Attachments: 1. Disposal of Assets Policy (with track changes)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

	POLICY	ADOPTED C/M 454248 Minute No. 34448
	Disposal of Assets	REVIEW: DEC 2012 July 2015 FILE No. A0100021

OBJECTIVE

To ensure the disposal of assets surplus to Council requirements is carried out in a manner that promotes obtaining best value for money; accountability; fairness and impartiality; and avoids any conflicts of interest.

RELEVANT LEGISLATION

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

RELATED POLICIES

- [Asset Management](#)
- Code of Conduct
- Statement of Business Ethics
- [Conflict of Interest](#)

POLICY

General Guidelines

Assets referred to in this policy encompass all items of value to Council. This includes, but is not limited to, plant and equipment, office equipment, office furniture, stock items and software.

At all times, surplus assets or materials should be disposed of in a manner that maximises returns whilst ensuring open and effective competition.

~~Where need be, consultation with relevant business units and community consultation is conducted prior to disposal of significant assets. Furthermore, ensure that no other department within Council has a need for the asset.~~

~~All asset information is maintained prior to disposal to ensure that informed decision making pertaining to the disposal can be made.~~

~~Prior to disposal, all reasonable efforts are to be made to ensure no other department within Council has a need for the asset.~~

Items of historical or cultural significance should be given special regard ~~adhering to relevant guidelines and regulations, &~~

Any dangerous or hazardous goods are to be disposed of only in the authorised manner.

It is to be made clear to all prospective buyers that assets are sold as-is and at the buyers risk. Buyers are to rely on their own enquiries regarding the condition and workability of assets. No warranty or after sale service is to be offered on any assets disposed of.

All disposals must be notified in writing to Council's Finance Department with sufficient identifying information to allow disposed assets to be removed from Council Asset Registers.

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DISPOSAL OF ASSETS

A register will be maintained of all disposed assets with a value in excess of \$5,000 that will be publicly available.

Related Documents

Asset disposal should align with the Asset Management Plan (AMP) and Asset Management Strategy documents. The AMP will be reviewed on a regular basis and should disclose assets requiring replacement or redundancy.

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Delegation

The General Manager has delegated authority to dispose of Council owned assets that are surplus to requirements, excluding land which may only be disposed of by resolution of Council.

Conflict of Interest

Council officers involved in the disposal of assets are responsible for disclosing any actual or perceived conflicts of interest that may arise in the performance of their duties. Council officers must check that ensure there is no conflict of interest on their behalf prior to the commencement of each disposal activity. All perceived and actual conflicts of interest are to be referred to the General Manager.

Reasons for Disposal

A decision to dispose of a Council owned asset may be based on one or more of the following:

- Obsolescence
- Non-compliance with occupational health and safety standards
- Nil utilisation estimates in foreseeable future
- Nil usage in previous 6 months (stock items)
- Optimum time for maximum return
- Uneconomical to repair
- Replacement of an existing asset eg plant

Preparing Assets for Disposal

Thorough inspections must be carried out prior to disposal to ensure assets do not contain:

- Additional items not intended for sale
- Confidential documents
- Any other Council documents
- Software (which may lead to a breach of licence or contain confidential data)
- Hazardous material

As far as practical, any Mid-Western Regional Council branding or identifying marks should be removed. Stores should be notified if disposal of an asset impacts stock items, and spare parts held for a particular asset should be disposed of in conjunction with the asset.

Disposal Methods

The principal methods for disposal of assets are:

- Destruction – where assets are of no value
- Donation to registered charities or community organisations – where estimated asset value does not exceed \$2,000
- Negotiated sales – where estimated asset value does not exceed \$2,000 or to Rural Fire Service
- Auction – assets with an estimated value between \$2,000 and \$150,000 may be disposed of by public auction
- Tender – all assets with an estimated value between \$2,000 and \$150,000 may be disposed of by tender. All assets with an estimated value greater than \$150,000 must be disposed of by tender.

DISPOSAL OF ASSETS

Sales to Staff and Councillors

As a general principle, sale of assets to staff and councillors is not to occur outside of a public process.

The Independent Commission Against Corruption (ICAC) recommends that invitations to bid for the purchase of any surplus Council assets should not be limited to staff or to elected officials. Members of the public must also be provided with the opportunity to compete for the purchase.

However, it is recognised that on occasion there will be individual circumstances where sale to a staff member may be the most practical or fair and reasonable manner of disposal. In these instances, the General Manager is to document all decisions and reasons for such decisions in relation to the asset disposal.

Donations to Community Groups and Registered Charities

This method of disposal may not be used for assets with an estimated value greater than \$2,000.

Donations of assets surplus to Council requirements may only be made with the authority of the General Manager and only after exploring all avenues for recouping a fair value for Council.

A request by a community group or registered charity for the donation of Council assets must be made in writing. In evaluating such requests, the following must be considered:

- Community groups and registered charities should receive equitable treatment.
- A check should be made to ensure the group is not a disguised business operation providing funds or remuneration to the principals.
- A check should be made to ensure the group is not-for-profit and that the intended use of the asset is non-commercial.

The recipient group is responsible for the removal of the asset at no cost to Council.

VARIATION

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.

6.2.10 Write Off of Debts 4/11/2014 to 12/06/2015

REPORT BY THE REVENUE & PROPERTY MANAGER TO 15 JULY 2015 COUNCIL MEETING
 Write Off of Debts 4-11-2014 to 12-06-2015
 GOV400043, A0140197, A0340005

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Write Off of Debts 4/11/2014 to 12/06/2015 be received;**
2. **Council note the write offs totalling \$1,481.10 being made under delegated authority for the period 4/11/2014 to 12/06/2015 and;**
3. **Council authorise the write off of those debts greater than \$2,500 as stipulated in Attachment 1 to this Report totalling \$19,343.30, being \$16,123 Brindabella Airlines (Aerodrome landing fees: company liquidated – no funds available to pay creditors) and \$3,220 Ken Scifleet Junior (dog attack – legal action unsuccessful).**

Executive summary

This report provides a summary of debts less than \$2,500 owed to Council that have been written off since 4 November 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 4 November 2014 to 12 June 2015 under delegation was \$1,481.10. The total amount of debts greater than \$2,500 and requiring a Council resolution to write off is \$19,343.30.

The attached summary supports the delegated write offs and outlines 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 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



CLARE PHELAN
DIRECTOR, CORPORATE

12 June 2015

Attachments: 1. Summary of Debts Written Off Under Delegation - Period 4/11/2014 to 12/6/2015

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

Debts Written Off Under Delegation - Period 4/1/2014 to 12/6/2015

Account No	Debtor Name	Amount	Date of Debt	Background	Reason for Write-off	Date
	Ulan Water	486.54	Dec 2014 to Feb 2015	Standpipe water	Unsuitable water from Guligong's bulk water standpipe	28/04/2015
720 028 901	Mr. R E Merridew	\$54.11	2/10/2014	Avdata Aerodrome charges	Legal action unsuccessful - Uneconomical to collect	12/06/2015
720 028 897	Mr. R R Ekinci	\$72.34	2/10/2014	Avdata Aerodrome charges	Legal action unsuccessful - Uneconomical to collect	12/06/2015
720 028 893	MJ CPR Holdings Pty Ltd	\$139.80	2/10/2014	Avdata Aerodrome charges	Legal action unsuccessful - Uneconomical to collect	12/06/2015
720 028 919	Mr. R V Palmer	\$12.00	7/10/2014	Avdata Aerodrome charges	Legal action unsuccessful - Uneconomical to collect	12/06/2015
720 028 916	Mr. J R Ekinci	\$14.71	7/10/2014	Avdata Aerodrome charges	Legal action unsuccessful - Uneconomical to collect	12/06/2015
720 028 899	Mr. M Nolan	\$69.26	7/10/2014	Avdata Aerodrome charges	Legal action unsuccessful - Uneconomical to collect	12/06/2015
	Kiddas Investments Pty Ltd	\$34.96	7/10/2014	Avdata Aerodrome charges	Legal action unsuccessful - Uneconomical to collect	12/06/2015
720 028 913	Burdekin River Helicopters Pty Ltd	\$18.36	7/10/2014	Avdata Aerodrome charges	Legal action unsuccessful - Uneconomical to collect	12/06/2015
720 028 911	Mr. R J McGlone	\$23.25	7/10/2014	Avdata Aerodrome charges	Legal action unsuccessful - Uneconomical to collect	12/06/2015
720 028 912	Mr. A L Holding	\$18.51	21/10/2014	Avdata Aerodrome charges	Legal action unsuccessful - Uneconomical to collect	12/06/2015
720 029 156	Illawarra Flying School P/L	\$78.00	28/11/2014	Avdata Aerodrome charges	Legal action unsuccessful - Uneconomical to collect	12/06/2015
720029470	Mr. C Evans	\$13.50	6/02/2015	Avdata Aerodrome charges	Legal action unsuccessful - Uneconomical to collect	12/06/2015
720 029 469	Mr. I G Bell	\$13.99	11/02/2015	Avdata Aerodrome charges	Legal action unsuccessful - Uneconomical to collect	12/06/2015
720 029 464	Universal Home Loans Pty Ltd	\$42.82	12/02/2015	Avdata Aerodrome charges	Legal action unsuccessful - Uneconomical to collect	12/06/2015
720 028 904	Cumberland Aircraft Sales Inc.	\$30.01	12/02/2015	Avdata Aerodrome charges	Legal action unsuccessful - Uneconomical to collect	12/06/2015
720 029 683	Lilydale Flying School Pty Ltd	\$22.84	9/03/2015	Avdata Aerodrome charges	Legal action unsuccessful - Uneconomical to collect	12/06/2015
9702024	Brindabella Airlines	16,123.30	Mar to Dec 2013	Aerodrome landing fees	Company liquidated. No funds available to pay creditors	12/06/2015
9702356	Kenneth Peter Howard Sciffleet	3,220.00	7/11/2011	Costs relating to dog attack	Legal action unsuccessful - Unable to collect	12/06/2015
9702857	Judith Chapman	105.00	1/10/2014	Meals on wheels	Unable to collect	12/06/2015
9702858	Brian Aigie	231.10	June July & Oct 2014	Meals on wheels	Unable to collect	12/06/2015
		\$ 20,824.40				

6.2.11 Dedication of Land as Road – Saleyards Lane

REPORT BY THE REVENUE & PROPERTY MANAGER TO 15 JULY 2015 COUNCIL MEETING

Dedication of Land as Road – Saleyards Lane

GOV400043, P0596211

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Dedication of Land as Road – Saleyards Lane be received;**
2. **Council advertise its intention to dedicate the entire length of Saleyards Lane, as indicated in Attachment 1 to this Report, as public road pursuant to Section 17 of the Roads Act, 1993; and**
3. **Council dedicate by Gazettal notice the entire length of Saleyards Lane, as indicated in Attachment 1 to this Report, as public road pursuant to Section 16 of the Roads Act, 1993.**

Executive summary

The purpose of this report to seek Council's authorisation to proceed with the process to dedicate Saleyards Lane pursuant to Section 16 of the Roads Act, 1993 (the Act) as public road.

Detailed report

On 4 June, 2014 Council resolved to close parts of Saleyards Lane road reserve to enable the proposed closed areas to be incorporated into various allotments in accordance with the approved subdivision and childcare hub development and boundary adjustment previously approved by Council on 7 May, 2014 and 21 May 2014, respectively.

It has been discovered during mandatory investigations and information gathering relating to the road closure process of parts of Saleyards Lane, that the entire length of Saleyards Lane has never been properly dedicated as public road.

This situation is not uncommon within local government areas and The Act provides at Section 16, for councils to remedy such anomalies by formalising the dedication of a road reserve as public road by publishing a notice in the Government Gazette.

16 Council may dedicate certain land as a public road

(1) This section applies to land that is set aside for the purposes of a road left in a subdivision of land effected before 1 January 1907 (the date of commencement of the Local Government Act 1906) or in a plan of subdivision that was registered by the Registrar-General before 1 January 1920 (the date of commencement of the Local Government Act 1919).

(2) The council of the local government area within which such land is situated may, by notice published in the Gazette, dedicate the land as a public road.

(3) On the publication of the notice in the Gazette:

(a) the land described in the declaration becomes free of all trusts, restrictions, dedications, reservations, obligations and interests, and

- (b) the land is dedicated as a public road.*
- (4) No compensation is payable to any person with respect to any loss or damage arising from the operation of this section.*
- (5) Land may not be dedicated as a public road under this section if the Land and Environment Court has made a declaration under section 17 to the effect that the land may not be so dedicated or if an application for such a declaration is pending before that Court.*

Section 17 of the Act, directs that before dedicating land as a public road under Section 16, a council must cause at least 28 days' notice of its intention to do so.

In order to allow the progression of the road closure of parts of Saleyards Lane, as previously resolved, it is recommended that Council follow the provisions of Sections 16 & 17 of the Act to dedicate the entire length of Saleyards Lane as Council Public Road, as indicated in Attachment 1 to this Report.

Financial and Operational Plan implications

The cost of the proposed Gazettal notice will be approximately \$200 and will be funded from the Restart NSW Cobbora Transition Fund.

Community Plan implications

This report meets Community Plan Theme 4 Connecting Our Region:

Goal 4.1: High Quality road network that is safe and efficient

Strategy 4.1.1: Provide traffic management solutions that promote safer local roads and minimise traffic congestion

DIANE SAWYERS
REVENUE & PROPERTY MANAGER


CLARE PHELAN
DIRECTOR, CORPORATE

25 June 2015

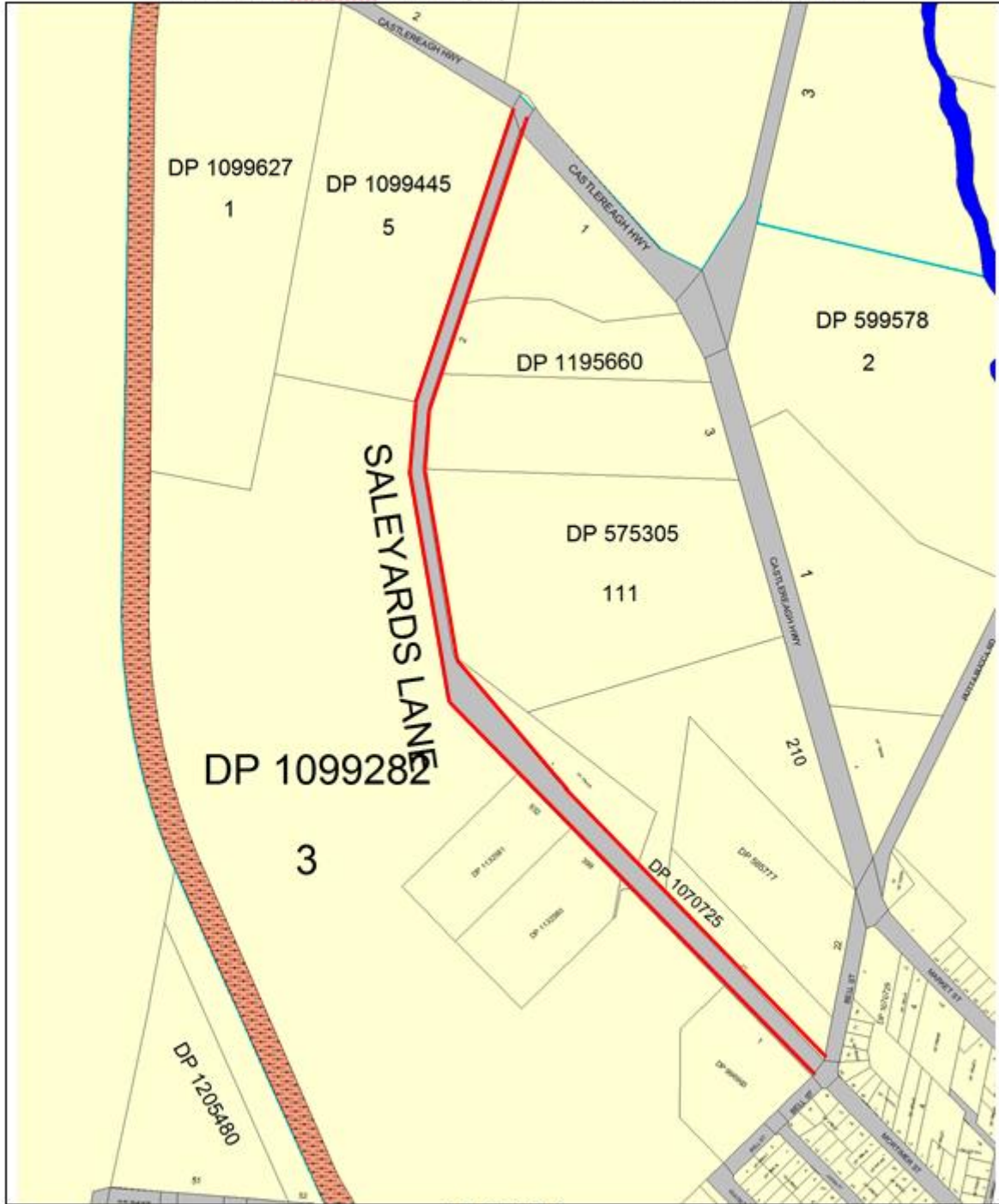
Attachments: 1. Plan of area of Saleyards Lane for proposed dedication

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

Plan of area of Saleyards Lane for proposed dedication – area outlined in red



Map Scale: 1:6,838

<p>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.</p>	<p>Legend</p> <table border="0"> <tr> <td></td> <td>Parcel</td> <td></td> <td>Parish</td> <td></td> <td>Road</td> </tr> <tr> <td></td> <td>Crown Land</td> <td></td> <td>Localities</td> <td></td> <td>State Forest</td> </tr> <tr> <td></td> <td>Railway</td> <td></td> <td>LGA Boundary</td> <td></td> <td>Waterway</td> </tr> </table> <p style="text-align: right;">NORTH</p>		Parcel		Parish		Road		Crown Land		Localities		State Forest		Railway		LGA Boundary		Waterway	<p>Printed on Friday, 26 June 2015</p>
	Parcel		Parish		Road															
	Crown Land		Localities		State Forest															
	Railway		LGA Boundary		Waterway															

6.2.12 Media Policy Review

REPORT BY THE MANAGER, CORPORATE & ECONOMIC DEVELOPMENT TO 15 JULY 2015
COUNCIL MEETING

Review of Media Policy
GOV400043, CMR200024

RECOMMENDATION

That:

1. **the report by the Manager, Corporate & Economic Development on the Media Policy Review be received; and**
 2. **Council adopt the revised Media Policy.**
-

Executive summary

This report provides a revised Media Policy which has been updated as part of the policy review process.

Detailed report

Minor revisions have been made to Council's Media Policy, as part of the policy review process. These minor amendments reflect changes in staff titles and responsibilities for media related activities.

All changes are shown as track changes on the policy attached.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

JULIE ROBERTSON
MANAGER, CORPORATE & ECONOMIC
DEVELOPMENT


CLARE PHELAN
DIRECTOR, CORPORATE


1 July 2015

Attachments: 1. Media Policy (with tracked changes)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

	POLICY	ADOPTED C/M Minute No.
	Media Policy	REF: 3 REV: 4 FILE No. A0100055 A0100021, A0320019

OBJECTIVE

To provide a framework for Councillors, staff, delegates and advisers to:

- Ensure all communication with the media is consistent, balanced, well-informed, timely, professional and appropriate.
- Clearly indicate Council's authorised spokespersons; limiting the possibility of miscommunication by ensuring comments to the media relating to Council are made only through those authorised spokespersons.
- Improve communication with customers and enhance Council's public image.
- Govern the use of Social Media by Council staff for the purposes of communication, promotion or general business on behalf of Council.

INTRODUCTION

Mid-Western Regional Council recognises that a well-run, competent, ethical and reputable organisation is the best way to promote a favourable image and that any public relations program is only as good as the organisation behind it.

Council will take advantage of interest from the media to further its reputation and inform the public about Council's activities. Council will also proactively distribute information to the media to communicate information about Council's activities and decisions. In dealing with the media, Councillors and Council officers must be careful to communicate accurate information.

Council welcomes enquiries from the media. All media representatives are to be treated in the same manner as any other customer of Council. That is, Council will attend to media requests promptly and with courtesy, honesty and respect. Council believes that a good relationship based on trust, familiarity and confidence is important between Council and the media.

SOCIAL MEDIA

Any reference in this policy to 'media', is also applicable to all forms of 'social media'. Social media includes the use of online tools for communication, promotion and conversation. Blogs, microblogs (eg: Twitter), social networks (eg: Facebook), podcasts and online video (eg: YouTube) are all types of social media.

A social media strategy is to be developed to provide a framework for the use of social media and provide clear objectives for the use of social media and community engagement. Mid-Western Regional Council website will be the main hub for Council's online presence and social media sites should link back to the main website.

Official/professional use

Mid-Western Regional Council staff members are required to sSeek the permission of a Group Manager-Director or the General Manager before establishing a social media site for a project or event. This should also be discussed with the Corporate Communications Officer to ensure appropriateness and relevance.

Personal use

Staff using social media in a personal capacity must not list Council email addresses in their contact details. When using social media for private purposes, staff must ensure it is clear that they are speaking only on behalf of themselves

Media Policy

DEALING WITH MEDIA ENQUIRIES

1. The Mayor, General Manager, ~~Group Manager~~ Director Mid-Western Operations, ~~Group Manager~~ Director Development and, ~~Director~~ Community Services, ~~Group Manager~~ Finance & Administration ~~Director Corporate and~~, Manager Corporate and Economic Development and Corporate Communications Officer are Council's official spokespersons on all matters. Only the General Manager or his nominee may nominate other staff to act as spokespeople for the Council.
2. Council's Corporate Communications Officer is responsible for co-ordinating media liaison and has been delegated authority to respond to media enquiries on behalf of Council.
3. No staff member, other than Council's authorised spokespeople listed in paragraph 1 above are to handle an enquiry from the media without prior approval from the General Manager.
4. Information given to the media requires the approval of the General Manager.
5. The Corporate Communications Officer is responsible for issuing media releases about Council's activities, decisions and plans subject to the General Manager's approval.
6. All staff are required to pass on important information to the Corporate Communications Officer which could be used as the basis for a media release or internal communication. The Corporate Communications Officer in consultation with other staff members will decide if the information warrants a media release and/or photo or other treatment.
7. Information that Council officers wish to communicate to the media is to be distributed by the Corporate Communications Officer only.

COUNCILLORS AND THE MEDIA

1. In their role as elected representatives, Councillors are free to talk to the media and utilise social media at any time on any issue of interest.
2. Every Councillor has a right to express a private opinion on any issue, whether or not that opinion reflects Council's official position but Councillors must carefully identify the role in which they speak.
3. Whenever Councillors publicly express their own opinions they must make it clear they are speaking for themselves, and not for Council, unless they are supporting a Council position.
4. When Councillors speak on behalf of Council they must express and support Council's entire policy on the issue at hand.
5. Any Councillor who feels unable to speak enthusiastically in support of a Council policy while formally representing Council faces a dilemma and must treat it in a similar fashion to a conflict of interest issue.
6. The Corporate Communications Officer will make him or herself available for consultation with the Mayor and Councillors if and when required.

SPEAKING TO THE MEDIA

1. Councillors and Council staff are encouraged to co-operate at all times with media outlets subject to the guidelines provided in this policy and to be proactive, as opposed to reactive, in their use of the media.

Media Policy

2. All media enquiries to staff should be directed to the Council's Corporate Communications Officer who will then contact the relevant [Group Manager/Director](#) or the General Manager.
3. Council staff must not speak to the media or use social media to communicate about matters related to Council unless authorised to do so by the General Manager, a [Group Manager/Director, the Manager Corporate and Economic Development](#) or the Corporate Communications Officer.
4. Council employees and Councillors may not provide any comment or information to the media or use social media with the intention of contesting or undermining Council policy or casting Council, Councillors or Council staff in a negative light.
5. Council employees may speak to the media, use social media or write Letters to the Editor as private individuals with the following restrictions:
 - a) They do not comment on Council business or policy;
 - b) They are not identified as Council employees;
 - c) Their comments are not perceived as representing official Council position or policy.
6. In the event of an industrial dispute (or an incident likely to lead to an industrial dispute), statements on behalf of Council employees should be issued via the relevant union.
7. Councillors and Council staff should not provide information off the record. Everything said to any media representative and anything communicated by social media may appear in a news story.
8. Contractors, volunteers or service providers employed by Council must refer all media enquiries relating to Council to the Corporate Communications Officer.

MEDIA RELEASES

1. Under no circumstances should a media release be issued quoting a Councillor or member of staff without that person's approval.
2. Media releases that are likely to generate enquiries from residents/ratepayers should be sent to all Customer Service staff.
3. Written media releases must be distributed to Councillors at least 2 hours prior to being released to the media

RESPONDING TO CRITICISM

1. Criticism about media content or the use of social media should be forwarded to the Corporate Communications Officer. Formal complaints about media content on behalf of Council staff should only be made by the General Manager in consultation with the Corporate Communications Officer.

CRISIS AND ISSUES COMMUNICATION

In the event of an emergency in the Council area, the following procedures will apply:

1. Corporate Communications Officer must be notified immediately of details of the incident.
2. Details of the incident must not be discussed with any media representatives by any staff unless approved in advance by the General Manager.

Media Policy

3. Requests by media to film, photograph or interview Council staff or Council assets involved in the emergency situation must be referred to the General Manager or the Corporate Communications Officer for approval.

COMMUNITY NEWSLETTER

While editorial coverage in independent media plays an important role, such reporting will always be limited due to limits on space, distribution quality and competition of news. Final decisions about stories published or broadcast by independent media are made by those media outlets, not Council. As such, Council needs a regularly published and widely distributed newsletter to communicate effectively to residents.

This communication is primarily undertaken via Council's newsletter and official news publication, the *Mid-Western Regional Council Community News*, a full-colour tabloid-size free newsletter published and distributed as directed by Council.

The core objectives of the production of a community newsletter are for Council to:

- Engage effectively with local residents, keep them informed and obtain their views with ongoing consultation
- Provide a framework for Council advertising to assure widest possible distribution
- Promote a range of services and activities for the benefit of the Council and the Mid-Western Region community

Community News will inform the public about policies, services, activities, events and other matters in an attractive, balanced, objective and accessible format. Specific editorial goals are:

1. To raise the profile of and seek feedback on key issues of Council, promote the Council's services and encourage greater involvement by residents in local democracy.
2. To inform the public about the work of Council, its policies, services, activities and events in an attractive, balanced and accessible format.
3. To explain how rate payers' money is spent by reporting on achievements and measuring them against the goals of the [Management Plan, Delivery Program and Operational Plan](#).
4. To improve consultation and encourage participation in the democratic process by seeking the views of local residents on Council services, plans, proposals and priorities.
5. To provide a civic vehicle through which other non-profit community service agencies and government bodies can distribute information to the Mid-Western community.

Editorial direction for *Community News* will be determined by the Corporate Communications [Manager-Officer](#) in liaison with the General Manager. Elected Councillors will exercise oversight of the content of the newsletter as part of the General Manager's performance review meeting or at more regular meetings if Council becomes concerned that the direction of *Community News* is not neutral and not meeting the goals of this policy.

Community News and other newsletters will not be used to promote the achievements or plans of a Councillor or group of Councillors or as a political platform by any Councillor or member of staff.

Community News will be produced in-house by Council staff. The Corporate Communications Officer and General Manager have final say on content.

6.2.13 Draft Open Space and Recreational Asset Management Plan

REPORT BY THE DIRECTOR, COMMUNITY TO 15 JULY 2015 COUNCIL MEETING

Draft Open Spaces and Recreational Asset Management Plan

GOV400043, PAR300023

RECOMMENDATION

That:

1. **the report by the Director, Community on the Draft Open Space and Recreational Asset Management Plan be received;**
2. **the Draft Open Space and Recreational Asset Management Plan be placed on public exhibition for 28 days.**
3. **If no submissions are received following the public exhibition period, that the Open Space and Recreational Asset Management Plan be adopted.**

Executive summary

Council is required as part of the Integrated Planning and Reporting process to formulate asset management plans for each of its major asset classes. This report recommends that the attached Draft Open Space and Recreational Asset Management Plan be placed on public exhibition for a period of 28 days and if no submissions are received adopt the draft report as the final Open Space and Recreational Asset Management Plan.

Detailed report

In accordance with the Integrated Planning and Reporting process, Council is required to formulate asset management plans for each of its major asset classes. The Goals and objectives of asset management are:

- setting levels of service and monitoring performance;
- managing the impact of growth through demand management and infrastructure investment;
- taking a lifecycle approach to developing cost-effective management strategies for the long term that meet defined level of service;
- identifying, assessing and appropriately controlling risks; and
- having a long term financial plan which identifies required, affordable expenditure and how it will be financed.

This Plan is for Council's open space and recreational assets. The Plan sets out present knowledge of the open space network, including replacement value and confidence levels associated with this information. The Plan identifies knowledge gaps and sets out the course of action to close those gaps and refine the valuation of open space and recreational assets. Ultimately, the Plan will inform long term financial strategies which take into account whole of life costs and assist Council in managing its open space and recreational assets in a sustainable manner.

This is Council's initial open space and recreational asset management plan and it is intended to be a living document that is reviewed each year. Community consultation and expectations will inform desired levels of service in subsequent reviews.

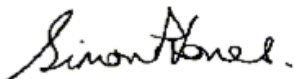
The Plan was introduced to Councillors at a workshop on June 17, 2015. This report recommends that the Draft be placed on public exhibition for a period of 28 days and further, if no submissions are received, adopt the draft as the final plan.

Financial and Operational Plan implications

All asset management plans will inform the long term financial and operational management of Council's assets. This Plan does not require further funds to be committed in developing the further knowledge or data collection at this stage.

Community Plan implications

Strategy 1.3.1 Provide infrastructure and services to cater for the current and future needs of our community.



SIMON JONES
DIRECTOR, COMMUNITY

30 June 2015

Attachments: 1. Draft Open Space and Recreational Asset Management Plan (included at the end of the business paper)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.14 Roads Policies Review

REPORT BY THE SENIOR WORKS ENGINEER TO 15 JULY 2015 COUNCIL MEETING

Roads Policies Review Report to Council

GOV400043, A0100021

RECOMMENDATION

That:

1. **the report by the Senior Works Engineer on the Roads Policies Review be received;**
 2. **Council adopt the revised Grids and Gates Policy; and**
 3. **Council adopt the revised Unmaintained and Unformed Roads Policy.**
-

Executive summary

A number of road related policies have been reviewed and the proposed amendments are suggested as part of Council's ongoing policy review program.

Detailed report

This report addresses a review carried out on two road related policies: Amendments have been made to the following policies:

- Grids and Gates Policy
- Unmaintained and Unformed Roads Policy

The amendments proposed are consistent with the intent of existing policies and are primarily minor changes to achieve clarity and consistency to reflect the scope of Council's current operations.

The respective policies are attached with alterations shown as 'tracked changes'.

It is recommended that council adopt the proposed changes.

Financial and Operational Plan implications

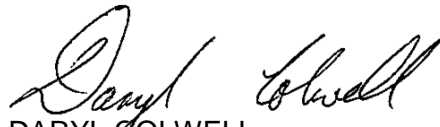
Not applicable.

Community Plan implications

Fits into the theme of 'Good Government', Strategy 5.3.3 'Prudently manage risks associated with all Council activities'



ANDREW KEARINS
SENIOR WORKS ENGINEER



DARYL COLWELL
DIRECTOR, OPERATIONS

1 July 2015


- Attachments:*
1. Grids and Gates Policy (track changes)
 2. Grids and Gates Policy (clean)
 3. Unmaintained and Unformed Roads Policy (track changes)
 4. Unmaintained and Unformed Roads Policy (clean)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1: GRIDS AND GATES POLICY

	POLICY	ADOPTED C/M 15 Dec 2010 Minute No. 342/10
	Grids and Gates	REVIEW: Dec 12 FILE No. A0100021

OBJECTIVE

To ~~define and register~~ provide guidance and approve the ~~desirable~~ locations and standards of grids and/or gates on public roads, gates and cattle grids. To ensure that Grids, grids and Gates, gates are installed and maintained to an acceptable standard.

POLICY

All grids and gates on Public roads that are controlled by Council must be approved by Council, registered and a permit provided. ~~A register of all existing gate & grid locations on maintained roads has been established and is maintained by Council.~~ The permit holder and owner is responsible under the Roads Act NSW 1993 for maintenance of the Grid, grid and Gate, gate, the bypass road to the gate and 20m of road on each approach to a grid.

~~Gates on unmaintained Council road reserves will remain the maintenance responsibility of the permit holder.~~

Gates shall not be permitted on roads with a traffic volume greater than 10 vehicles per day unless they are located adjacent to a grid. All grids are required to have a gate and bypass road installed beside them.

Use of electrified grids is NOT permitted.

In the event of the ownership of the subject property being transferred, the permit holder shall produce the existing permit to the Council, together with an application to assign, in the form applicable at the time of assignment. Council maintains the right to refuse its consent to the assignment, so does the responsibility of the grid and/or gate

Approval

Grids and gates shall only be erected at locations approved by Council and as directed by the General Manager.

~~Approval may be granted for a permit to erect a stock grid and/or gate across and along road reserves subject to the applicants concurrence with the conditions contained within this policy~~

The owner or occupier of the land must apply to Council ~~for a permit to install the gate or cattle stock grid and/or gate~~ on the designated form attached to this policy. Such application must be accompanied by the prescribed fee as set out in Council's schedule of fees and charges and the written consent of the adjoining land owner(s) if they are acceptable to the application, of land on the other side of the road.

~~If Prior to permission is to be being granted for the erection of a grid and/or gate, gate/grid, an Council will advertisement shall be placed in a the local newspaper inviting interested persons to lodge objections in writing allowing 28 days for this to occur. Notice shall also be given to the adjacent land owner/s if their consent is not provided with the application.~~ If objections are received a report shall be prepared for submission to Council for determination.

~~Applications will only be considered if the road is fenced on one side only, or the road is not fenced at all and only where roads are not classed as~~ Applications will not be accepted if the road is fully fenced or the road is classified as Collector and above. For other roads with an average daily traffic volume greater than 20 (ADT > 20), only double grids will be permitted, whilst where the volume is less than 20 (ADT < 20), a single grid may be accepted.

~~Grids and gates shall only be erected at locations approved by Council and as directed by the General Manager.~~

Construction

Prior to commencement, approval must be obtained in writing from the General Manager. Then at least 14 days notice shall be given to the General Manager prior to commencing any work - the exact position of the grid and gate as agreed by council must be pegged on site.

The applicant shall fully indemnify Council in relation to the works required ~~in this licence~~ and to any and all damage to other services including water, electricity supply and communication services.

All work must be appropriately sign posted during construction in accordance with [Roads and Maritime Services \(RMS\) RTA](#) standards as set out in the [RTA-RMS](#) manual "Traffic Control at Worksites ~~Version 4~~". All work is to be undertaken at the owners' expense and risk.

The centre of the grid (or gate ~~if gate only installed~~) shall coincide with the centreline of the road. [Grids and Gates](#) shall be constructed at right angles to the road centreline.

Council requires all grids on roads to meet technical requirements including minimum width, load-bearing capacity, materials and visibility markings, according to the type of road (each grid must be paralleled by a gate). In the case of existing but previously unlicensed grids, a physical standard below that required for new installations may be accepted at the discretion of Council for the life of the current installation.

When the grid is on a curve, the cross fall [of the grid](#) shall conform to ~~the cant~~ that of the [curve road](#). The surface of the grid shall be 0.5m (\pm 0.1m) above the natural surface of the surrounding country.

Approach ramps shall be constructed for the full width of the running surface of the grid. The longitudinal grade of the approach ramps shall be such that the surface levels of the ramps deviate from the existing average grade of the road by not more than 1%. The fill used in the approach ramps shall be thoroughly compacted and finished to the satisfaction of the General Manager.

The owner shall construct [and maintain the approaches for a minimum of 20 metres](#) each side of the ~~gate and grid~~ [grid and/or gate](#) and must be fully reinstated and compacted [the pavement](#) to the requirements of the General Manager. The approach surface is to start flush with the grid. At 20m from the grid, the road surface is to grade away from the centreline of the road at a 6% crossfall. Alternatively, Council may require a one way crossfall of 6%. Council may also require the first 20m on each side of the grid to be sealed. The surface shall be constructed such that it does not become slippery when wet. Any repair/compaction required to be undertaken by Council will be charged for as Private Works.

A fully compacted 4m wide bypass road will also need to be constructed around each grid, through the adjacent gate.

The applicant shall construct drainage under the grid and adjacent gated bypass road, to ensure that no damming or ponding shall occur on the roadway.

Cattle Grids are to be capable of carrying a W7 or T44 legal axle loading with a factor of safety. These are available through a number of manufacturers. Details of the grid proposed to be installed and the proposed installation layout shall be submitted to Council for approval with the application.

Signs must be erected for any new ramp/grid installed on roads in this Council area which is less than 4.8m width, be signed as per Australian Standard 1742.2 - 2009, which requires the following:
~~if~~ the grid is less than 4.8m wide, width markers should be erected at the Grid, the sign NO OVERTAKING OR PASSING (R6-1a) should be erected 70m to 200m in advance of the Grid and Warning signs GRID (W5-16) and ONE LANE (W8-16) should be erected in advance of the sign R6-1a.

Details of grid structure, foundations, abutment, approach ramps, horizontal and vertical alignment shall be submitted with application and shall be sufficient to guarantee the safe transit of vehicles and shall not interfere with the natural drainage of the area.

Sufficient guide posts and rails shall be provided to satisfy road traffic safety requirements at the specific location.

Gates shall be a minimum 4.0 metres wide and be fully functional to enable unimpeded access.

Maintenance / Repairs

Where the Grid/Gate is on a maintained Council Road and has been constructed to Councils standards and approved for use by Council, the applicant shall be fully responsible for all maintenance and repairs of the gate/grid, signposting and the road approaches either side of the gate/grid.

Where an existing gate/grid is not being maintained to the appropriate standard, Council will serve notice on the occupier/owner to carry out remedial works within 7 days. Failure to comply with the notice will result in the levying of penalties as contained in the Roads Act, or cancellation of the permit. The General Manager may cancel the permit for failure to carry out remedial work or when changes occur to the classification or alignment of the road.

The owner or occupier shall be responsible for all removal and road reinstatement costs. The permission for any existing gates or cattle grids erected prior to the adoption of this policy shall be revised, and the owner or occupier be requested to comply with the current policy where deemed reasonable. Where the owner or occupier wishes to transfer permission for the gate or grid, they shall apply to Council and be subject to approval from the General Manager.

Any damage caused to the grid, gate etc. by Council or contractors engaged by Council during maintenance/construction of the road to be repaired at the licensee's-owners cost unless proven to be negligence of Council.

Renewal / Removal

Council may at any time revoke ~~this licence~~the approval or alter the above conditions.

Where an application is received for the removal of a gate/s and replacement by a grid the same conditions shall apply.

~~To ensure a consistent approach across the Region (in particular for existing grids and gates):~~

- ~~• The record of existing Grids will be used to identify those Grids not now in correct owners' names and those not now licensed with a permit.~~
- ~~• In cases where incorrect owners' names are identified, the matter be brought to the attention of owners in order to secure rectification of the position.~~
- ~~• In the case of those grids identified as unlicensed, the owners will be required to make application for the necessary Licence in the normal way, and these applications be dealt with in accordance with the guidelines recommended above.~~

Application for Installation of Grid / Gate on Public Road

Name:	
Address:	
Contact Phone #	
Describe proposed location (distance from nearest cross road / direction)	
Estimate Date for construction	
Estimated Traffic Volume per Day (No of Vehicles)	
Supporting Information (if deemed appropriate by the applicant)	
Agreement:	
Please find enclosed the fee applicable for granting of the permit and advertising the proposed grid and/or gate as identified in the Annual Fees & Charges of the Council. I understand that final approval and issue of the permit will not be provided until the designated public exhibition period has been completed. Further that if approval is not given due to objections leading to a Council resolution to refuse, then this these fees is are not refundable.	
	Signed & Dated (Applicant)
Office Use Only:	
Complies with Policy (Yes / No)	
Any drainage implications known	
Recommended course of action.	
Assessment / Inspection Undertaken by (print)	
Signed & Dated:	
Project Approved to proceed if agreement signed and returned (reason if refused)?	
Signed & Dated (General Manager):	

NOTES:

Procedure for Grids and Gates Assessment

Road Name : _____

Action	Approx time	Responsible Person	Comments	Date completed
Initial assessment of viability				
Complies with policy and standards				
Traffic Volume (V<10, 10<V<20, V>20)				
Lodgment of application and payment of fee				
Copy of mapping image /Lot DP details				
Site inspection				
Initial Approval to proceed with notification				
Notify Owner				
A list of landowners whose land be affected by road restriction				
Send letters to all affected landowners				
Gain permission for the road user restriction from:				
• Emergency Services				
• Energy Supplier				
• Telstra				
Place Ad in Community News				
28 days ad period				
Have any objections been received				
If objections, report to Council prepared				
14 Day notification Prior to Construction.				
Construction completion advised				
Final Inspection				

Name of Applicant: _____

Advert date: _____ Close Date: _____

ROADS ACT NSW 1993

128 Roads authority may grant permit

- (1) A roads authority may permit the occupier of any land through which an unfenced public road passes to erect a gate across the road at any place at which the road intersects a boundary fence.
- (2) A permit may not be granted with respect to a classified road except with the concurrence of the RTA.
- (3) A roads authority must cause notice of the granting of the permit to be published in a local newspaper.
- (4) The occupier for the time being of the land to which a permit relates is taken to be the holder of the permit.

129 Erection and maintenance of public gates

- (1) The holder of a public gate permit may, at any time after one month from the publication of the notice of the granting of the permit, erect a gate in accordance with the permit.
- (2) The holder of a public gate permit must ensure that:
 - (a) a notice is attached to both sides of the gate bearing the words "PUBLIC GATE" in letters at least 75 millimetres high, and
 - (b) both the gate and the notice are maintained in good condition.

Maximum penalty: 10 penalty units.

130 Revocation of permit

- (1) The roads authority may at any time revoke a public gate permit.
- (2) The occupier of the land the subject of a public gate permit that has been revoked must remove the gate within one month after notice of the revocation is served.

Maximum penalty: 10 penalty units.

131 Effect of permit

While a public gate permit is in force, the public gate to which it relates is taken not to constitute a public nuisance and does not give rise to an offence against this or any other Act.

132 Offences with respect to public gates

- (1) A person must not cause any damage to a public gate or to any notice attached to the gate in accordance with this Division.

Maximum penalty: 10 penalty units.

- (2) A person who opens a public gate must cause it to be closed again immediately after it has been used.

Maximum penalty: 10 penalty units.

(3) A person who fails to cause a public gate to be closed is liable for any loss or damage suffered by the occupier of the land adjoining the public road on which the gate is situated as a result of the gate having been left open.

133 Construction of by-pass around road gate

(1) An occupier of land adjoining an unfenced public road across which a public gate is situated at the point where the road intersects a boundary fence:

- (a) must not, unless the appropriate roads authority so permits, and
- (b) must, if the appropriate roads authority so requires,

construct a by-pass for vehicles at the intersection of the road with the boundary fence.

Maximum penalty: 10 penalty units.

(2) The roads authority may not permit or require the construction of a by-pass:

- (a) if the by-pass is to be used in connection with a public gate across a main road, except with the concurrence of the RTA, and
- (b) if the public gate is part of a rabbit proof, dog proof or marsupial proof fence, except with the concurrence of the local rural lands protection board.

(3) A by-pass is to consist of:

- (a) a ramp to allow vehicles to be driven over the top of the boundary fence, or
- (b) a cattle grid or sheep grid located beside the gate,

and must be constructed in accordance with such specifications as may be approved by the roads authority.

(4) If the appropriate roads authority so requires, the person permitted or required to construct a by-pass:

- (a) must construct the by-pass along the line of the road, and
- (b) must re-locate the gate beside the by-pass.

Maximum penalty: 10 penalty units.

(5) The occupier for the time being of land to which a permit relates is taken to be the holder of the permit.

134 Notice board to be erected at by-pass

(1) The occupier of land on which a by-pass is constructed must ensure that:

- (a) a notice, in the form required by the appropriate roads authority, is exhibited on a conspicuous notice board near each end of the by-pass, and

(b) both the by-pass and the notice are maintained in good condition.

Maximum penalty: 10 penalty units.

(2) A notice may prohibit vehicles exceeding a specified laden weight from being driven over the by-pass.

(3) If the appropriate roads authority requires a person to construct a by-pass, that authority may contribute to the cost of construction and erection of the notices.

135 Closing of by-pass

(1) A by-pass may be closed and the notices relating to the by-pass may be removed:

(a) if the public gate in connection with which the by-pass was constructed is removed, or

(b) if the fence of which the by-pass forms part is made rabbit proof, dog proof or marsupial proof.

(2) A person who closes a by-pass:

(a) must give notice of the closure to the appropriate roads authority before or immediately after the closure, and

(b) must take such steps as the appropriate roads authority directs to ensure the safety of persons using the road.

136 Revocation of by-pass permit

(1) The roads authority may revoke a permit given with respect to a by-pass by means of a notice served on the holder of the permit.

(2) The occupier of the land the subject of the permit must, within the time specified in the notice:

(a) remove the by-pass and its notices, and

(b) take such steps as are specified in the notice to ensure the safety of persons using the road.

Maximum penalty: 10 penalty units.

137 Offences

(1) A person must not:

(a) drive a vehicle over a by-pass in contravention of a notice displayed in connection with the by-pass, or

(b) wilfully damage or remove a notice displayed in connection with a by-pass, or


(c) wilfully obstruct or damage a by-pass.

Maximum penalty: 10 penalty units.

(2) A person who causes damage to a by-pass as a result of driving a vehicle over the by-pass in contravention of such a notice is liable for:

(a) the cost of any repairs to the by-pass necessary as a result of the contravention, and

(b) any loss or damage suffered by any other person as a result of the damage to the by-pass.

	POLICY	ADOPTED C/M 15 Dec 2010 Minute No. 342/10
	Grids and Gates	REVIEW: Dec 12 FILE No. A0100021

OBJECTIVE

To provide guidance and approve the location and standard of grids and/or gates on public roads.
 To ensure that grids and gates are installed and maintained to an acceptable standard.

POLICY

All grids and gates on Public roads that are controlled by Council must be approved by Council. The land owner is responsible under the Roads Act NSW 1993 for maintenance of the grid and gate, the bypass road to the gate and 20m of road on each approach to a grid.

Gates shall not be permitted on roads with a traffic volume greater than 10 vehicles per day unless they are located adjacent to a grid. All grids are required to have a gate and bypass road installed beside them.

Use of electrified grids is NOT permitted.

In the event of the ownership of the subject property being transferred, so does the responsibility of the grid and/or gate

Approval

Grids and gates shall only be erected at locations approved by Council and as directed by the General Manager or his delegate.

Approval may be granted to erect a stock grid and/or gate across road reserves subject to the applicants concurrence with the conditions contained within this policy

The owner or occupier of the land must apply to Council to install the stock grid and/or gate on the designated form attached to this policy. Such application must be accompanied by the prescribed fee as set out in Council's schedule of fees and charges and the written consent of the adjoining land owner(s) if they are acceptable to the application.

Prior to permission being granted for the erection of a grid and/or gate, Council will advertise in the local newspaper inviting interested persons to lodge objections in writing allowing 28 days for this to occur. Notice shall also be given to the adjacent land owner/s if their consent is not provided with the application. If objections are received a report shall be prepared for submission to Council for determination.

Applications will not be accepted if the road is fully fenced or the road is classified as Collector and above. For other roads with an average daily traffic volume greater than 20 (ADT > 20), only double grids will be permitted, whilst where the volume is less than 20 (ADT < 20), a single grid may be accepted.

Construction

Prior to commencement, approval must be obtained in writing from the General Manager or his delegate. Then at least 14 days notice shall be given to the General Manager or his delegate prior to commencing any work - the exact position of the grid and gate as agreed by council must be pegged on site.

The applicant shall fully indemnify Council in relation to the works required and to any and all damage to other services including water, electricity supply and communication services.

All work must be appropriately sign posted during construction in accordance with Roads and Maritime Services (RMS) standards as set out in the RMS manual "Traffic Control at Worksites". All work is to be undertaken at the owners' expense and risk.

The centre of the grid (or gate if gate only installed) shall coincide with the centreline of the road. Grids and gates shall be constructed at right angles to the road centreline.

Council requires all grids on roads to meet technical requirements including minimum width, load-bearing capacity, materials and visibility markings, according to the type of road (each grid must be paralleled by a gate). In the case of existing but previously unlicensed grids, a physical standard below that required for new installations may be accepted at the discretion of Council for the life of the current installation.

When the grid is on a curve, the cross fall of the grid shall conform to that of the road. The surface of the grid shall be 0.5m (\pm 0.1m) above the natural surface of the surrounding country.

Approach ramps shall be constructed for the full width of the running surface of the grid. The longitudinal grade of the approach ramps shall be such that the surface levels of the ramps deviate from the existing average grade of the road by not more than 1%. The fill used in the approach ramps shall be thoroughly compacted and finished to the satisfaction of the General Manager or his delegate.

The owner shall construct and maintain the approaches for a minimum of 20 metres each side of the grid and/or gate and must be fully reinstated and compacted the pavement to the requirements of the General Manager or his delegate. The approach surface is to start flush with the grid. At 20m from the grid, the road surface is to grade away from the centreline of the road at a 6% crossfall. Alternatively, Council may require a one way crossfall of 6%. Council may also require the first 20m on each side of the grid to be sealed. The surface shall be constructed such that it does not become slippery when wet. Any repair/compaction required to be undertaken by Council will be charged for as Private Works.

A fully compacted 4m wide bypass road will also need to be constructed around each grid, through the adjacent gate.

The applicant shall construct drainage under the grid and adjacent gated bypass road, to ensure that no damming or ponding shall occur on the roadway.

Cattle Grids are to be capable of carrying a W7 or T44 legal axle loading with a factor of safety. These are available through a number of manufacturers. Details of the grid proposed to be installed and the proposed installation layout shall be submitted to Council for approval with the application.

Signs must be erected for any new ramp/grid installed on roads in this Council area which is less than 4.8m width, be signed as per Australian Standard 1742.2 - 2009, which requires the following: if the grid is less than 4.8m wide, width markers should be erected at the Grid, the sign NO OVERTAKING OR PASSING (R6-1a) should be erected 70m to 200m in advance of the Grid and Warning signs GRID (W5-16) and ONE LANE (W8-16) should be erected in advance of the sign R6-1a.

Details of grid structure, foundations, abutment, approach ramps, horizontal and vertical alignment shall be submitted with application and shall be sufficient to guarantee the safe transit of vehicles and shall not interfere with the natural drainage of the area.

Sufficient guide posts and rails shall be provided to satisfy road traffic safety requirements at the specific location.

Gates shall be a minimum 4.0 metres wide and be fully functional to enable unimpeded access.

Maintenance / Repairs

Where the Grid/Gate is on a maintained Council Road and has been constructed to Councils standards and approved for use by Council, the applicant shall be fully responsible for all maintenance and repairs of the gate/grid, signposting and the road approaches either side of the gate/grid.

Where an existing gate/grid is not being maintained to the appropriate standard, Council will serve notice on the occupier/owner to carry out remedial works within 7 days. Failure to comply with the notice will result in the levying of penalties as contained in the Roads Act, or cancellation of the permit. The General Manager may cancel the permit for failure to carry out remedial work or when changes occur to the classification or alignment of the road.

The owner or occupier shall be responsible for all removal and road reinstatement costs. The permission for any existing gates or cattle grids erected prior to the adoption of this policy shall be revised, and the owner or occupier be requested to comply with the current policy where deemed reasonable. Where the owner or occupier wishes to transfer permission for the gate or grid, they shall apply to Council and be subject to approval from the General Manager or his delegate.

Any damage caused to the grid, gate etc. by Council or contractors engaged by Council during maintenance/construction of the road to be repaired at the owners cost unless proven to be negligence of Council.

Renewal / Removal

Council may at any time revoke the approval or alter the above conditions.

Where an application is received for the removal of a gate/s and replacement by a grid the same conditions shall apply.

Application for Installation of Grid / Gate on Public Road

Name:	
Address:	
Contact Phone #	
Describe proposed location (distance from nearest cross road / direction)	
Estimate Date for construction	
Estimated Traffic Volume per Day (No of Vehicles)	
Supporting Information (if deemed appropriate by the applicant)	
<p>Agreement: Please find enclosed the fee applicable for granting of the permit and advertising the proposed grid and/or gate as identified in the Annual Fees & Charges of the Council. I understand that final approval and issue of the permit will not be provided until the designated public exhibition period has been completed. Further that if approval is not given due to objections leading to a Council resolution to refuse, then these fees are not refundable.</p>	
_____ Signed & Dated (Applicant)	
Office Use Only:	
Complies with Policy (Yes / No)	
Any drainage implications known	
Recommended course of action.	
Assessment / Inspection Undertaken by (print)	
Signed & Dated:	
Project Approved to proceed if agreement signed and returned (reason if refused)?	
Signed & Dated (General Manager):	

NOTES:

Procedure for Grids and Gates Assessment

Road Name ; _____

Action	Approx time	Responsible Person	Comments	Date completed
Initial assessment of viability				
Complies with policy and standards				
Traffic Volume (V<10, 10<V<20, V>20)				
Lodgment of application and payment of fee				
Copy of mapping image /Lot DP details				
Site inspection				
Initial Approval to proceed with notification				
Notify Owner				
A list of landowners whose land be affected by road restriction				
Send letters to all affected landowners				
Place Ad in Community News				
28 days ad period				
Have any objections been received				
If objections, report to Council prepared				
14 Day notification Prior to Construction.				
Construction completion advised				
Final Inspection				

Name of Applicant; _____

Advert date; _____

Close Date; _____

ROADS ACT NSW 1993**128 Roads authority may grant permit**

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 - (a) a notice is attached to both sides of the gate bearing the words "PUBLIC GATE" in letters at least 75 millimetres high, and
 - (b) both the gate and the notice are maintained in good condition.

Maximum penalty: 10 penalty units.

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Maximum penalty: 10 penalty units.

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- (b) must, if the appropriate roads authority so requires,

construct a by-pass for vehicles at the intersection of the road with the boundary fence.

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- (b) if the public gate is part of a rabbit proof, dog proof or marsupial proof fence, except with the concurrence of the local rural lands protection board.

(3) A by-pass is to consist of:

- (a) a ramp to allow vehicles to be driven over the top of the boundary fence, or
- (b) a cattle grid or sheep grid located beside the gate,

and must be constructed in accordance with such specifications as may be approved by the roads authority.

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Maximum penalty: 10 penalty units.

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(3) If the appropriate roads authority requires a person to construct a by-pass, that authority may contribute to the cost of construction and erection of the notices.

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(b) if the fence of which the by-pass forms part is made rabbit proof, dog proof or marsupial proof.

(2) A person who closes a by-pass:

(a) must give notice of the closure to the appropriate roads authority before or immediately after the closure, and

(b) must take such steps as the appropriate roads authority directs to ensure the safety of persons using the road.

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(2) The occupier of the land the subject of the permit must, within the time specified in the notice:

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(b) take such steps as are specified in the notice to ensure the safety of persons using the road.

Maximum penalty: 10 penalty units.

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(1) A person must not:

(a) drive a vehicle over a by-pass in contravention of a notice displayed in connection with the by-pass, or

(b) wilfully damage or remove a notice displayed in connection with a by-pass, or

(c) wilfully obstruct or damage a by-pass.


Maximum penalty: 10 penalty units.

(2) A person who causes damage to a by-pass as a result of driving a vehicle over the by-pass in contravention of such a notice is liable for:

(a) the cost of any repairs to the by-pass necessary as a result of the contravention, and

(b) any loss or damage suffered by any other person as a result of the damage to the by-pass.

ATTACHMENT 3: UNMAINTAINED AND UNFORMED ROADS POLICY

	<p>POLICY</p>	<p>ADOPTED C/M Minute No.</p>
	<p>Unmaintained and Unformed Roads</p>	<p>REVIEW: FILE No. A0100021</p>

OBJECTIVE

1. To establish guidelines for the management and administration of unformed/~~unmaintained~~ roads, and road reserves.
- ~~2. To make a determination on those roads that should be incorporated into the maintained network.~~
3. To define guidelines that can be applied to all requests for maintenance of roads currently not on the maintained road register.

BACKGROUND

Council currently looks after approximately ~~1,375-200~~ km of unsealed roads at an annual cost in excess of \$2.76 million. ~~The roads that Council currently maintains are listed in Council Roads Asset Management Plan. There are hundreds of kilometres of roads in our local government area (LGA) that~~ ~~Over 160 km of roads~~ are presently identified as unmaintained, ie those that do not receive regular grading or any other works thereon. The ~~annual~~ cost to perform a maintenance grade on ~~each these~~ roads ~~bi-annually~~ would be approximately \$1,500,62,000 per ~~anum~~ grade/km (assuming appropriate formation ~~exists, an additional cost of some \$1.3million would be required to construct a single lane gravel road~~)

~~The length of unformed roads (i.e. paper roads) in the area has been estimated to be over 3,000 km. At an assumed average rate for construction in excess of \$20,000 per km for good open surface road (single lane in virgin country) it may cost over \$60 million to construct all of the presently unformed roads. This does not take into account that many of the unformed roads have never been constructed because they are over sand-hills, rocky ridges or swamps.~~

The issue of roads that should be maintained by Council is an emotive one, where in certain cases an expectation exists for Council to maintain every rural road to each ratepayer's property. This policy identifies roads or road segments not presently maintained by Council (Refer Attachment). This list of roads is not definitive as there are many "paper" roads within the region in which there may be access tracks. As Council is made aware of any named tracks they will be added to the list. Several roads do not have their length identified, as this information has not been sourced at this time.

With existing financial constraints it is unlikely that sufficient funding is available to adequately maintain Council's existing unsealed road network. To add any additional roads at this time would place an undue burden on the available funding.

The lack of a maintained road to every rural property could have some social impact due to the fact that access may not always be available for visitors to those properties. It also places an increased cost on the landowners to maintain their own access.

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UNMAINTAINED AND UNFORMED ROADS

All Councils are being urged to consider very carefully the creation of new assets as figures indicate that it may already be beyond the resources of governments, including local government to maintain existing assets. While council will receive requests for the creation of new roads it will give such requests consideration against the above background.

The unformed but surveyed roads are on occasions a hindrance and a liability to property owners as they may give access to parts of properties that cannot be managed for public access, and this could cause financial loss to the property owners and be a risk to council. There are occasions when in the public interest Council may give consideration to selling road reserves to the adjoining landowner(s) – refer Permanent Road Closures Policy.

POLICY

Public Road Reserves

Council will not maintain every public road reserve within the ~~shire~~ local government area whether formed tracks or unformed road reserves. Council will only provide a maintained road network within the limit of funds available as determined in the Road ~~Network Strategic~~ Asset Management Plan as amended from time to time.

Roads will only be added to the maintained list after consideration by Council and taking into account the cost to bring the road up to a minimum standard (as defined in the Road ~~Classifications and Standard Policy~~ Asset Management Plan) and the impact on the total roads program.

~~Roads, or sections thereof~~ Sections of road that service less than 5 residences will not be considered for addition to the maintained road list, noting that historically, there are maintained roads within the ~~shire~~ local government area that do not meet this requirement.

Road extensions beyond a property boundary will not be considered. Council considers that its first priority is to provide access to individual properties; access for the improved management of a property is the responsibility of the landowner.

Council may perform maintenance on unmaintained roads under a private works arrangement with the affected property owner(s) when plant is in the region and subject to current workloads.

Private individuals or Contractors may perform maintenance on public roads that are listed on the unmaintained ~~road register~~, if and only if:

- They have submitted an application to perform maintenance - ~~Such such~~ application shall detail the extents of proposed maintenance activities, experience of the person performing the works, and plant and equipment to be used for the maintenance;
- Appropriate traffic control plans are in place prior to undertaking the proposed works;
- The applicant has a current Public Liability Insurance Policy to cover any mishap which may occur with a recommended minimum level of indemnity of ~~\$40~~ \$20 million and such policy shall be suitable endorsed to cover Council

Where the subdivision of land creates a new road, a condition of the development approval will be that the developer constructs the new road in accordance with Council requirements.

Where the subdivision of land or a new development envisages the construction or upgrading of a road within an existing road reserve and the upgrade is solely for that development, a condition of approval will be that road access to that land is required to be upgraded to a standard sufficient to serve that development; ~~in other cases,~~ Council may negotiate with the proponent for a contribution to the cost of the upgrade to enable the application to meet the requirements of the ~~Development~~ development.

UNMAINTAINED AND UNFORMED ROADS

Approval of a dwelling on a property on an unformed road or track does not commit the Council to the construction or repairs of that road. Council works are dependant on finances available and works programmed.

Council will consider applications from adjoining owners for the closure and sale of unformed roads in the ~~shire~~ LGA in accordance with its Permanent Road Closure Policy.

Crown Road Reserves

Council does not maintain or administer Crown Road Reserves.

~~In the event of the~~ Department of Lands ~~proceeding~~ proceeds to transfer Crown Roads to Council, then Council will not maintain additional rural roads constructed as accesses to rural subdivision or properties.

~~Council may consider maintenance of Crown Roads where the road provides access to ten or more subdivided lots or separate land holdings capable of being occupied and the road is upgraded by the subdivider or land holders to conform to the standards for a single lane gravel road as specified in Council's Road Classification and Standards Policy.~~

Where the Crown Road provides access to 10 or more lots and the road is upgraded by the developer, Council may consider maintenance of the Crown Road. This will only be considered where the developer has constructed the road to conform with conditions of consent.

Private Roads

The following procedure shall be followed when a request is made to have the Council accept a privately owned road as a town road:

- An application to Council signed by all people having an interest in the road, such as owner in fee simple and abutting property owners having rights-of-way over the road, shall be presented. This application shall state that all parties having interest in the road will be willing to dedicate the subject road as a public road reserve. The application shall also be accompanied by a scaled drawing of the road, prepared by a licensed surveyor, locating the road with reference to existing roads, waterfronts, etc., and showing all abutting property lines.
- The Council shall accept no privately owned road unless it meets all of the minimum standards as set forth in Auspec and the Council's Road ~~Classification and Standards Policy~~ Asset Management Plan.
- A copy of the application will be submitted to Council ~~who~~ This Committee may suggest other requirements upon the applicants before the Council may accept the road.
- If Council accepts the transfer of the Road as a maintained public road, then the applicant(s) shall lodge a Subdivision Application for determination and registration of the road reserve.
- The road shall not be considered a Council maintained road until all conditions and requirements have been met and approved by the Council.

UNMAINTAINED AND UNFORMED ROADS

ROADS ACT 1993**6 Right of access to public road by owners of adjoining land**

(1) The owner of land adjoining a public road is entitled, as of right, to access (whether on foot, in a vehicle or otherwise) across the boundary between the land and the public road.

(2) The right conferred by this section does not derogate from any right of access that is conferred by the common law, but those rights are subject to such restrictions as are imposed by or under this or any other Act or law.

86 Functions of council in respect of private roads

(1) A council may direct the owner of a private road (other than a classified road) to carry out such work as, in the opinion of the council, is necessary to prevent the road from becoming unsafe or unsightly or, if of the opinion that it is appropriate that the work should be carried out by the council at its own expense, may carry out any such work itself.

(2) If there is more than one owner of a private road, the respective owners are liable to pay those expenses in such proportions as the council decides.

(3) In deciding the proportion of expenses to be paid by the respective owners, the council must have regard to:

- (a) the benefit that any particular land will derive from the work, and
- (b) the amount and value of any work carried out in respect of the road by the respective owners or occupiers of the land.

138 Works and structures

(1) A person must not:

- (a) erect a structure or carry out a work in, on or over a public road,
or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road,
or
- (d) pump water into a public road from any land adjoining the road,
or
- (e) connect a road (whether public or private) to a classified road,
otherwise than with the consent of the appropriate roads authority.

Maximum penalty: 10 penalty units.

(2) A consent may not be given with respect to a classified road except with the concurrence of the RTA.

(3) If the applicant is a public authority, the roads authority and, in the case of a classified road, the RTA must consult with the applicant before deciding whether or not to grant consent or concurrence.

(4) This section applies to a roads authority and to any employee of a roads authority in the same way as it applies to any other person.

UNMAINTAINED AND UNFORMED ROADS

(5) This section applies despite the provisions of any other Act or law to the contrary, but does not apply to anything done under the provisions of the [Pipelines Act 1967](#) or under any other provision of an Act that expressly excludes the operation of this section.

139 Nature of consent

(1) A consent under this Division:

(a) may be granted on the roads authority's initiative or on the application of any person, and

(b) may be granted generally or for a particular case, and

(c) may relate to a specific structure, work or tree or to structures, works or trees of a specified class, and

(c1) in relation to integrated [development](#) within the meaning of section 91 of the [Environmental Planning and Assessment Act 1979](#), is subject to Division 5 of Part 4 of that Act, and

(d) may be granted on such conditions as the appropriate roads authority thinks fit.

(2) In particular, a consent under this Division with respect to the construction of a utility service in, on or over a public road may require the service to be located:

(a) in such position as may be indicated in that regard in a plan of subdivision or other plan registered in the office of the Registrar-General with respect to the road, or

(b) in such other position as the roads authority may direct.

(3) In particular, a consent under this Division with respect to the erection of a structure may be granted subject to a condition that permits or prohibits the use of the structure for a specified purpose or purposes.

142 Maintenance of works and structures

(1) A person who has a right to the control, use or benefit of a structure or work in, on or over a public road:

(a) must maintain the structure or work in a satisfactory state of repair, and

(b) in the case of a structure (such as a grating or inspection cover) located on the surface of the road, must ensure that the structure is kept flush with the surrounding road surface and that the structure and surrounding road surface are so maintained as to facilitate the smooth passage of traffic along the road, and the person is, by this section, empowered to do so accordingly.

Maximum penalty: 30 penalty units.

(2) Subsection (1) applies to all structures and works in, on or over a public road, including structures and works for which there is no consent in force under this Division.

(3) Subsection (1) does not apply to a person whose right to the control, use or benefit of a structure or work consists merely of a right of passage that the person

UNMAINTAINED AND UNFORMED ROADS

has as a member of the public or a right of access that the person has as the owner of adjoining land.

(4) If:

(a) a roads authority has granted a consent under this Division to the doing of anything, and

(b) that thing has been or is being done otherwise than in accordance with the consent,

the roads authority may direct the holder of the consent to take specified action to remedy any damage arising from the doing of that thing otherwise than in accordance with the consent.

146 Nature of ownership of public roads

(1) Except as otherwise provided by this Act, the dedication of land as a public road:

(a) does not impose any liability on the owner of the road that the owner would not have if the owner were merely a person having the care, control and management of the road, and

(b) does not affect the rights or liabilities of any person under any easement or under any Act or law, and

(c) does not affect any rights of any person with respect to minerals below the surface of the road, and

(d) does not constitute the owner of the road as an occupier of the land, and

(e) does not authorise the owner of the road to dispose of any interest (other than an easement or covenant) in the land, and

(f) does not prevent any lands that were previously considered to be adjoining lands for the purposes of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) from continuing to be so considered.

(2) This section does not restrict the power of a roads authority to regulate the digging up of public roads pursuant to the provisions of any other Act.

UNMAINTAINED AND UNFORMED ROADS

Unmaintained Road Register


No	Road Name	Group	Chainage	Length	From	To
4170	Abbots Lane	Rural - Mudgee	0.00	2.60	MR 214	End
6875	Annie's Rock Road	Rural - Mudgee	0.00	0.80	Beryl	End
6816	Argyle Road	Rural - Mudgee	0.00	1.90	Queen's Pinch	End
6879	Badger's Lane	Rural - Mudgee	0.00	1.70	Drip Lane	Linburn Lane
6821	Baradale Road	Rural - Mudgee	0.00	1.30	Bara Road	End
4027	Bara-Lue Road	Rural - Mudgee	4.40	6.30	Causeway - From Ch 4.39	Bara Road
6831	Barossa Road	Rural - Mudgee	0.00	0.40	Queen's Pinch	End
6811	Bayly Lane	Rural - Mudgee	0.00	0.90	Cooyal Lane	End
4241	Beechworth Road	Rural - Mudgee	2.00	1.60	Gate On Top Of Hill	End
4247	Bishops View Road	Rural - Mudgee	1.80	0.40	3Rd Grid Start Unmaintained	End
4058	Black Soil Road	Rural - Mudgee	3.70	0.70	End Maintained	End
4686	Bobadeen Road	Rural - Mudgee	0.90	3.70	Start Gravel	End Road
6866	Brittania Road	Rural - Mudgee	0.00	2.90	Mudhut Creek	End
6880	Broadfield Road	Rural - Mudgee	0.00	1.80	Whitehouse	End
9065	Brogans Siding Road	Rural - Rylstone	0.00			
9051	Budden Gap Road	Rural - Rylstone	0.00	0.40	Bylong Valley Way	Upper Bylong Rd
6838	Bungulla Road	Rural - Mudgee	0.00	3.70	Ulan - Wollar	End
4238	Byrnes Lane	Rural - Mudgee	0.30	0.60	end Maintained	End
6806	Cannibal Hill Road	Rural - Mudgee	0.00	1.00	Old Grattai	End
6810	Carr's Gap Road	Rural - Mudgee	0.00	3.10	Lagoons	Murrumbidgee Rd
4074	Clarke's Creek Road	Rural - Mudgee	2.50	1.50	Causeway- End Maintained	End - Gate
6805	Clydemere Road	Rural - Mudgee	0.00		Oaklands	End
6859	Coming Event Lane	Rural - Mudgee	0.00		Springfield Lane	Grimshaw Lane
9061	Crooked Lane	Rural - Rylstone	0.00			
	Cuthels Lane	Rural - Mudgee	0.00		Spring Ridge Road	End
6862	Dolomite Road	Rural - Mudgee	0.00	3.40	Lue	End
9062	Dunns Swamp Road	Rural - Rylstone	0.00		Coricudgy Road	Park
6823	Evesham Road	Rural - Mudgee	0.00	1.10	Ullamalla	End
9107	Farrelly Street (BVW)	Rylstone	0.00	1.00	East Mudgee	End
6817	Firetail Lane	Rural - Mudgee	0.00	0.90	Wonga Roo	End
9035	Flatlands Road	Rural - Rylstone	0.00			
	Florence Close	Mudgee Town	0.00			
4104	Gardiners Road	Rural - Mudgee	3.50	0.50	From Ch 3.47	End
6854	Gibson's Lane	Rural - Mudgee	0.00	5.30	Goolma Road	Lwr Piambong Rd
6845	Glenrock Lane	Rural - Mudgee	0.00	0.50	White Cedars	End
6863	Gordons Gully Road	Rural - Mudgee	0.00	2.00	Jennings Rd Sth	End
4061	Grattai Creek Road	Rural - Mudgee	5.10	0.60	Gate Before Creek	End
4034	Green Gully Road	Rural - Mudgee	0.00	1.60	Queens Pinch Int	Causeway
6857	Grimshaw Lane	Rural - Mudgee	0.00		Anderson Street	Ridout Lane
4103	Gum Gully Road	Rural - Mudgee	1.70	1.00	Grid End Maintained	Gate End Road
4250	Happy Valley Road	Rural - Mudgee	0.80	0.80	Spring Creek	MR 598
	<u>Hassall Lane</u>	<u>Rural- Gulgong</u>			<u>Castlereigh Hwy</u>	<u>End</u>
6829	Hazelwood Road	Rural - Mudgee	0.00	1.40	Queen's Pinch	End
10000	Hearne Lane	Rural - Rylstone	0.00	1.60	Camerons Rd	End
6812	Hideaway Lane	Rural - Mudgee	0.00	1.50	Black Lead Lane	End
6839	Highland Home Road	Rural - Mudgee	0.00	1.60	Wallerwaugh	End
4127	Hughes Road	Rural - Mudgee	4.00	0.40	From Ch 3.95	End
4239	Hundys Creek Road	Rural - Mudgee	0.60	0.50	End Maintained	End
6867	Jenkings Lane	Rural - Mudgee	0.00	1.00	Castlereagh Highway	Lahey's Creek Rd
4118	Jennings Road North	Rural - Mudgee	8.00	2.80	From Ch 8 (Farmhouse)	Gordens Road
6116	Jennings Road South	Rural - Mudgee	0.00	3.00	Bara Road	Gordens Road
4045	Kaludabah Road	Rural - Mudgee	8.40	0.80	Start Unmaintained	End Road
6870	Karuma Road	Rural - Mudgee	0.00	1.00	Lambing Hill rd	End
6828	Kyewong Road	Rural - Mudgee	0.00	1.30	Windeyer	End

UNMAINTAINED AND UNFORMED ROADS

6830	Leven's Road	Rural - Mudgee	0.00	1.50	Hazelwood Rd	End
6871	Lobley Lane	Rural - Mudgee	0.00	0.50	Spring Ridge	Beryl Rd
9103	Louee Street (Part BVW)	Rylstone	1.30	0.20	Cycle Track (MR 215)	End
No	Road Name	Group	Chainage	Length	From	To
4251	Lyons Lane	Gulgong Town	0.20	0.30	Start Unmaintained	Nugget Lane
4415	Lyons Lane (Mudgee)	Mudgee Town	0.20	0.20	Court	Douro
4415	Lyons Lane (Mudgee)	Mudgee Town	0.00	0.20	Cox	Court
4415	Lyons Lane (Mudgee)	Mudgee Town	1.30	0.10	Lawson	End
6865	MacArthur Park Road	Rural - Mudgee	0.00	3.00	Upper Botobolar Rd	End
4130	Mahon's Road	Rural - Mudgee	1.50	0.70	From Ch 1.4 (Elbow)	Cooyal Ck Lane
4040	Maitland Bar Road	Rural - Mudgee	7.20	0.60	Grid (End Maintained)	End
9106	Mann Street	Rylstone	0.00	0.20	Coomber	(North) Short
6809	Maree Road	Rural - Mudgee	0.00	3.40	Barigan	End
6826	Martin's Crossing Road	Rural - Mudgee	0.00	1.10	Ulan Road	End
4242	Mayberry Road	Rural - Mudgee	1.80	1.50	End Maintained	End
6842	May's Place	Rural - Mudgee	0.20	0.10	Fire shed	End
6882	McMasters Road	Rural - Mudgee	0.00	0.70	Green Gully	Closed Gate
6868	Mineshaft Lane	Rural - Mudgee	0.00		Ulan Road	End
4059	Mogo Road	Rural - Mudgee	11.40	12.40	From Ch 11.4	End
6853	Mt. Misery Road	Rural - Mudgee	0.00	0.00	Rifle Range	End
4095	Murragamba Road	Rural - Mudgee	2.80	0.80	From Ch 2.75	End
6848	Nugget Lane	Gulgong Town	0.40	0.60	End Maintained	MR 598
9079	Old Ilford Road	Rural - Rylstone	1.10	0.60	end maintained	end
4258	Peach Tree Lane	Rural - Mudgee	0.00		Start	End
4194	Perke Road	Rural - Mudgee	0.50	0.50	From Ch 0.5	End
4146	Perseverance Lane	Rural - Mudgee	1.40	4.00	End Maintained	Spring Ridge Rd
6833	Peter's Creek Road	Rural - Mudgee	0.00	1.70	Barigan	End
4084	Pipeclay Lane	Rural - Mudgee	3.40	0.30	Causeway	end Road At Gate
4084	Pipeclay Lane	Rural - Mudgee	3.00	0.30	End Maintained	Causeway
4222	Pitts Lane	Mudgee Town	0.60	0.30	End Of Seal	End Road
4035	Prices Lane	Rural - Mudgee	5.70	2.50	Property "Glenmore"	End
4077	Puggoon Road	Rural - Mudgee	9.80	1.20	End Maintained - Gate	End
4135	Puggoon Siding Road	Rural - Mudgee	0.00	1.70	Jackson's Lane	End
9006	Quarry Road	Rural - Rylstone	0.00		13.71 Bylong Valley Way	End Seal
9006	Quarry Road	Rural - Rylstone	0.00	5.10	Start Gravel	Cudgong Rd
6846	Raydon Lane	Rural - Mudgee	0.00	1.10	Ulan Road	End
6856	Ridout Lane	Gulgong Town	0.00	1.20	Canadian Lead	Grimshaw Lane
4203	Roberts Road	Rural - Mudgee	2.10	2.00	Grid (End Maintained)	Causeway (5)
4246	Robinsons Road	Rural - Mudgee	1.30	1.40	End Maintained (Check)	End
6874	Rockford Lane	Rural - Mudgee	0.00	1.60	Yarrabin	End
6822	Rocky Glen Lane	Rural - Mudgee	0.00	0.50	Botobolar	End
610	Rosedale Road	Rural - Mudgee	0.00	1.20	Summer Hill Road	End
6861	Saddlers Creek Road	Rural - Mudgee	0.00	1.70	Cassilis Road	End
4692	Scotts Lane	Gulgong Town	0.50	0.40	Perserverance Ln	MR 233
4054	Sills Lane	Rural - Mudgee	2.10	3.40	From Ch 2.1	Wilbetree
4683	Smede's Lane	Rural - Mudgee	4.00	2.30	Summer Hill Road	End
6815	Tabrabucca Road	Rural - Mudgee	0.00	2.70	Aaron's Pass	End
6808	Tichular Road	Rural - Mudgee	0.00	2.10	Barigan	Tichilar Gate
6803	Tiendebah Road	Mudgee Town	0.00	0.20	Waterworks	End
6813	Tierney Lane	Rural - Mudgee	0.50	0.40	End Maintained	Henry Lawson Dr
6850	Tippings Road	Gulgong Town	0.00	0.40	Ulan Road	Black Lead Lane
4008	Triamble Road	Rural - Mudgee	24.90	6.60	Echo Gate	End
6877	Trilby Lane	Rural - Mudgee	0.00	2.00	Castlereagh Highway	End
710	Turill Bus Route	Rural - Mudgee	3.60	3.80	End Maintained	End
6858	Tuxford Lane	Rural - Mudgee	0.00	1.20	Canadian Lead	Ridout Lane
4252	Unnamed (Off BRdhead)	Rural - Mudgee	0.00	0.50		
6801	Upper Cumbo Road	Rural - Mudgee	0.60	3.20	Causeway1	Causeway2
6801	Upper Cumbo Road	Rural - Mudgee	0.00	0.60	Cumbo	Causeway1

UNMAINTAINED AND UNFORMED ROADS

6801	Upper Cumbo Road	Rural - Mudgee	3.80	1.90	Causeway2	MR 208
4041	Upper Piambong Road	Rural - Mudgee	9.70	1.40	From Ch 9.7 (Unmaintained)	End Road
6881	Wattlegrove Lane	Rural - Mudgee	0.00	1.50	Cassilis Road	End
6819	Waudong Creek Road	Rural - Mudgee	0.00	2.90	Hill End Road	End
6860	Welcome Reef Lane	Rural - Mudgee	0.00		Springfield Lane	Grimshaw Lane
No	Road Name	Group	Chainage	Length	From	To
6840	Westcourt Lane	Rural - Mudgee	0.00	1.90	Tinja Lane	Henry Lawson Dr
4123	Whistons Lane	Rural - Mudgee	2.70	0.40	Railway Line	End
6873	Williardt Lane	Rural - Mudgee	0.00	0.80	Canadian Lead	Wlwg-Gwbg Rlway
4096	Wilpinjong Road	Rural - Mudgee	5.60	1.50	From Ch 5.6	Bungulla
6827	Wilson Road	Rural - Mudgee	1.20	2.30	First Gate	Causeway
6827	Wilson Road	Rural - Mudgee	3.50	3.10	Causeway	End
4503	Wollar - Munghorn Street	Villages	0.20	0.10	Barnett St	Barigan St
4503	Wollar - Munghorn Street	Villages	0.30	0.20	Barigan St	End
4210	Wonga Roo Road	Rural - Mudgee	4.50	0.90	From Ch 4.5	End
4062	Woodburn Road	Rural - Mudgee	1.00	0.80	Top Of Hill	End Road
4224	Woorawa Road	Rural - Mudgee	0.00	1.40	Bocoble Rd	End
6825	Worlds End Road	Rural - Mudgee	0.20	2.30	From Ch 0.2 (1St Creek Xing)	End
4009	Yarrabin Road	Rural - Mudgee	23.90	0.20	End Maintained	End
			Total Length	183.30		

	POLICY	ADOPTED C/M Minute No.
	Unmaintained and Unformed Roads	REVIEW: FILE No. A0100021

OBJECTIVE

1. To establish guidelines for the management and administration of unformed/unmaintained roads, and road reserves.

3. To define guidelines that can be applied to all requests for maintenance of roads currently not on the maintained road register.

BACKGROUND

Council currently looks after approximately 1,200 km of unsealed roads at an annual cost in excess of \$2.7 million. The roads that Council currently maintains are listed in Council Roads Asset Management Plan. There are hundreds of kilometres of roads in our local government area (LGA) that are presently identified as unmaintained, ie those that do not receive regular grading or any other works thereon. The cost to perform a maintenance grade on these roads would be approximately \$1,500 per grade/km (assuming appropriate formation exists)

The length of unformed roads (i.e. paper roads) in the area has been estimated to be over 3,000 km. At an assumed average rate for construction in excess of \$20,000 per km for good open surface road (single lane in virgin country) it may cost over \$60 million to construct all of the presently unformed roads. This does not take into account that many of the unformed roads have never been constructed because they are over sand-hills, rocky ridges or swamps.

The issue of roads that should be maintained by Council is an emotive one, where in certain cases an expectation exists for Council to maintain every rural road to each ratepayer's property. This policy identifies roads or road segments not presently maintained by Council (Refer Attachment). This list of roads is not definitive as there are many "paper" roads within the region in which there may be access tracks. As Council is made aware of any named tracks they will be added to the list. Several roads do not have their length identified, as this information has not been sourced at this time.

With existing financial constraints it is unlikely that sufficient funding is available to adequately maintain Council's existing unsealed road network. To add any additional roads at this time would place an undue burden on the available funding.

The lack of a maintained road to every rural property could have some social impact due to the fact that access may not always be available for visitors to those properties. It also places an increased cost on the landowners to maintain their own access.

All Councils are being urged to consider very carefully the creation of new assets as figures indicate that it may already be beyond the resources of governments, including local government to maintain existing assets. While council will receive requests for the creation of new roads it will give such requests consideration against the above background.

The unformed but surveyed roads are on occasions a hindrance and a liability to property owners as they may give access to parts of properties that cannot be managed for public access, and this could cause financial loss to the property owners and be a risk to council. There are occasions when in the public interest Council may give consideration to selling road reserves to the adjoining landowner(s) – refer Permanent Road Closures Policy.

UNMAINTAINED AND UNFORMED ROADS

POLICY

Public Road Reserves

Council will not maintain every public road reserve within the local government area whether formed tracks or unformed road reserves. Council will only provide a maintained road network within the limit of funds available as determined in the Road Asset Management Plan as amended from time to time.

Roads will only be added to the maintained list after consideration by Council and taking into account the cost to bring the road up to a minimum standard (as defined in the Road Asset Management Plan) and the impact on the total roads program.

Sections of road that service less than 5 residences will not be considered for addition to the maintained road list, noting that historically, there are maintained roads within the local government area that do not meet this requirement.

Road extensions beyond a property boundary will not be considered. Council considers that its first priority is to provide access to individual properties, access for the improved management of a property is the responsibility of the landowner.

Council may perform maintenance on unmaintained roads under a private works arrangement with the affected property owner(s) when plant is in the region and subject to current workloads.

Private individuals or Contractors may perform maintenance on public roads that are unmaintained, if and only if:

- They have submitted an application to perform maintenance - such application shall detail the extents of proposed maintenance activities, experience of the person performing the works, and plant and equipment to be used for the maintenance;
- Appropriate traffic control plans are in place prior to undertaking the proposed works;
- The applicant has a current Public Liability Insurance Policy to cover any mishap which may occur with a recommended minimum level of indemnity of \$20 million and such policy shall be suitable endorsed to cover Council

Where the subdivision of land creates a new road, a condition of the development approval will be that the developer constructs the new road in accordance with Council requirements.

Where the subdivision of land or a new development envisages the construction or upgrading of a road within an existing road reserve and the upgrade is solely for that development, a condition of approval will be that road access to that land is required to be upgraded to a standard sufficient to serve that development. In other cases, Council may negotiate with the proponent for a contribution to the cost of the upgrade to enable the application to meet the requirements of the development.

Approval of a dwelling on a property on an unformed road or track does not commit the Council to the construction or repairs of that road. Council works are dependant on finances available and works programmed.

Council will consider applications from adjoining owners for the closure and sale of unformed roads in the LGA in accordance with its Permanent Road Closure Policy.

UNMAINTAINED AND UNFORMED ROADS

Crown Road Reserves

Council does not maintain or administer Crown Road Reserves.

If Department of Lands proceeds to transfer Crown Roads to Council, then Council will not maintain additional rural roads constructed as accesses to rural subdivision or properties.

Where the Crown Road provides access to 10 or more lots and the road is upgraded by the developer, Council may consider maintenance of the Crown Road. This will only be considered where the developer has constructed the road to conform with conditions of consent.

Private Roads

The following procedure shall be followed when a request is made to have the Council accept a privately owned road as a town road:

- An application to Council signed by all people having an interest in the road, such as owner in fee simple and abutting property owners having rights-of-way over the road, shall be presented. This application shall state that all parties having interest in the road will be willing to dedicate the subject road as a public road reserve. The application shall also be accompanied by a scaled drawing of the road, prepared by a licensed surveyor, locating the road with reference to existing roads, waterfronts, etc., and showing all abutting property lines.
- The Council shall accept no privately owned road unless it meets all of the minimum standards as set forth in Auspec and the Council's Road Asset Management Plan.
- A copy of the application will be submitted to Council who may suggest other requirements upon the applicants before the Council may accept the road.
- If Council accepts the transfer of the Road as a maintained public road, then the applicant(s) shall lodge a Subdivision Application for determination and registration of the road reserve.
- The road shall not be considered a Council maintained road until all conditions and requirements have been met and approved by the Council.

UNMAINTAINED AND UNFORMED ROADS

ROADS ACT 1993**6 Right of access to public road by owners of adjoining land**

(1) The owner of land adjoining a public road is entitled, as of right, to access (whether on foot, in a vehicle or otherwise) across the boundary between the land and the public road.

(2) The right conferred by this section does not derogate from any right of access that is conferred by the common law, but those rights are subject to such restrictions as are imposed by or under this or any other Act or law.

86 Functions of council in respect of private roads

(1) A council may direct the owner of a private road (other than a classified road) to carry out such work as, in the opinion of the council, is necessary to prevent the road from becoming unsafe or unsightly or, if of the opinion that it is appropriate that the work should be carried out by the council at its own expense, may carry out any such work itself.

(2) If there is more than one owner of a private road, the respective owners are liable to pay those expenses in such proportions as the council decides.

(3) In deciding the proportion of expenses to be paid by the respective owners, the council must have regard to:

- (a) the benefit that any particular land will derive from the work, and
- (b) the amount and value of any work carried out in respect of the road by the respective owners or occupiers of the land.

138 Works and structures

(1) A person must not:

- (a) erect a structure or carry out a work in, on or over a public road,
or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road,
or
- (d) pump water into a public road from any land adjoining the road,
or
- (e) connect a road (whether public or private) to a classified road,
otherwise than with the consent of the appropriate roads authority.

Maximum penalty: 10 penalty units.

(2) A consent may not be given with respect to a classified road except with the concurrence of the RTA.

(3) If the applicant is a public authority, the roads authority and, in the case of a classified road, the RTA must consult with the applicant before deciding whether or not to grant consent or concurrence.

(4) This section applies to a roads authority and to any employee of a roads authority in the same way as it applies to any other person.

UNMAINTAINED AND UNFORMED ROADS

(5) This section applies despite the provisions of any other Act or law to the contrary, but does not apply to anything done under the provisions of the [Pipelines Act 1967](#) or under any other provision of an Act that expressly excludes the operation of this section.

139 Nature of consent

(1) A consent under this Division:

(a) may be granted on the roads authority's initiative or on the application of any person, and

(b) may be granted generally or for a particular case, and

(c) may relate to a specific structure, work or tree or to structures, works or trees of a specified class, and

(c1) in relation to integrated [development](#) within the meaning of section 91 of the [Environmental Planning and Assessment Act 1979](#), is subject to Division 5 of Part 4 of that Act, and

(d) may be granted on such conditions as the appropriate roads authority thinks fit.

(2) In particular, a consent under this Division with respect to the construction of a utility service in, on or over a public road may require the service to be located:

(a) in such position as may be indicated in that regard in a plan of subdivision or other plan registered in the office of the Registrar-General with respect to the road, or

(b) in such other position as the roads authority may direct.

(3) In particular, a consent under this Division with respect to the erection of a structure may be granted subject to a condition that permits or prohibits the use of the structure for a specified purpose or purposes.

142 Maintenance of works and structures

(1) A person who has a right to the control, use or benefit of a structure or work in, on or over a public road:

(a) must maintain the structure or work in a satisfactory state of repair, and

(b) in the case of a structure (such as a grating or inspection cover) located on the surface of the road, must ensure that the structure is kept flush with the surrounding road surface and that the structure and surrounding road surface are so maintained as to facilitate the smooth passage of traffic along the road, and the person is, by this section, empowered to do so accordingly.

Maximum penalty: 30 penalty units.

(2) Subsection (1) applies to all structures and works in, on or over a public road, including structures and works for which there is no consent in force under this Division.

(3) Subsection (1) does not apply to a person whose right to the control, use or benefit of a structure or work consists merely of a right of passage that the person

UNMAINTAINED AND UNFORMED ROADS

has as a member of the public or a right of access that the person has as the owner of adjoining land.

(4) If:

(a) a roads authority has granted a consent under this Division to the doing of anything, and

(b) that thing has been or is being done otherwise than in accordance with the consent,

the roads authority may direct the holder of the consent to take specified action to remedy any damage arising from the doing of that thing otherwise than in accordance with the consent.

146 Nature of ownership of public roads

(1) Except as otherwise provided by this Act, the dedication of land as a public road:

(a) does not impose any liability on the owner of the road that the owner would not have if the owner were merely a person having the care, control and management of the road, and

(b) does not affect the rights or liabilities of any person under any easement or under any Act or law, and

(c) does not affect any rights of any person with respect to minerals below the surface of the road, and

(d) does not constitute the owner of the road as an occupier of the land, and

(e) does not authorise the owner of the road to dispose of any interest (other than an easement or covenant) in the land, and

(f) does not prevent any lands that were previously considered to be adjoining lands for the purposes of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) from continuing to be so considered.

(2) This section does not restrict the power of a roads authority to regulate the digging up of public roads pursuant to the provisions of any other Act.

UNMAINTAINED AND UNFORMED ROADS**Unmaintained Road Register**

No	Road Name	Group	Chainage	Length	From	To
4170	Abbots Lane	Rural - Mudgee	0.00	2.60	MR 214	End
6875	Annies Rock Road	Rural - Mudgee	0.00	0.80	Beryl	End
6816	Argyle Road	Rural - Mudgee	0.00	1.90	Queen's Pinch	End
6879	Badger's Lane	Rural - Mudgee	0.00	1.70	Drip Lane	Linburn Lane
6821	Baradale Road	Rural - Mudgee	0.00	1.30	Bara Road	End
4027	Bara-Lue Road	Rural - Mudgee	4.40	6.30	Causeway - From Ch 4.39	Bara Road
6831	Barossa Road	Rural - Mudgee	0.00	0.40	Queen's Pinch	End
6811	Bayly Lane	Rural - Mudgee	0.00	0.90	Cooyal Lane	End
4241	Beechworth Road	Rural - Mudgee	2.00	1.60	Gate On Top Of Hill	End
4247	Bishops View Road	Rural - Mudgee	1.80	0.40	3Rd Grid Start Unmaintained	End
4058	Black Soil Road	Rural - Mudgee	3.70	0.70	End Maintained	End
4686	Bobadeen Road	Rural - Mudgee	0.90	3.70	Start Gravel	End Road
6866	Brittania Road	Rural - Mudgee	0.00	2.90	Mudhut Creek	End
6880	Broadfield Road	Rural - Mudgee	0.00	1.80	Whitehouse	End
9065	Brogans Siding Road	Rural - Rylstone	0.00			
9051	Budden Gap Road	Rural - Rylstone	0.00	0.40	Bylong Valley Way	Upper Bylong Rd
6838	Bungulla Road	Rural - Mudgee	0.00	3.70	Ulan - Wollar	End
4238	Byrnes Lane	Rural - Mudgee	0.30	0.60	end Maintained	End
6806	Cannibal Hill Road	Rural - Mudgee	0.00	1.00	Old Grattai	End
6810	Carr's Gap Road	Rural - Mudgee	0.00	3.10	Lagoons	Murragamba Rd
4074	Clarke's Creek Road	Rural - Mudgee	2.50	1.50	Causeway- End Maintained	End - Gate
6805	Clydemere Road	Rural - Mudgee	0.00		Oaklands	End
6859	Coming Event Lane	Rural - Mudgee	0.00		Springfield Lane	Grimshaw Lane
9061	Crooked Lane	Rural - Rylstone	0.00			
	Cuthels Lane	Rural - Mudgee	0.00		Spring Ridge Road	End
6862	Dolomite Road	Rural - Mudgee	0.00	3.40	Lue	End
9062	Dunns Swamp Road	Rural - Rylstone	0.00		Coricudgy Road	Park
6823	Evesham Road	Rural - Mudgee	0.00	1.10	Ullamalla	End
9107	Farrelly Street (BVW)	Rylstone	0.00	1.00	East Mudgee	End
6817	Firetail Lane	Rural - Mudgee	0.00	0.90	Wonga Roo	End
9035	Flatlands Road	Rural - Rylstone	0.00			
	Florence Close	Mudgee Town	0.00			
4104	Gardiners Road	Rural - Mudgee	3.50	0.50	From Ch 3.47	End
6854	Gibson's Lane	Rural - Mudgee	0.00	5.30	Goolma Road	Lwr Piambong Rd
6845	Glenrock Lane	Rural - Mudgee	0.00	0.50	White Cedars	End
6863	Gordons Gully Road	Rural - Mudgee	0.00	2.00	Jennings Rd Sth	End
4061	Grattai Creek Road	Rural - Mudgee	5.10	0.60	Gate Before Creek	End
4034	Green Gully Road	Rural - Mudgee	0.00	1.60	Queens Pinch Int	Causeway
6857	Grimshaw Lane	Rural - Mudgee	0.00		Anderson Street	Ridout Lane
4103	Gum Gully Road	Rural - Mudgee	1.70	1.00	Grid End Maintained	Gate End Road
4250	Happy Valley Road	Rural - Mudgee	0.80	0.80	Spring Creek	MR 598
	Hassall Lane	Rural- Gulgong			Castlereigh Hwy	End
6829	Hazelwood Road	Rural - Mudgee	0.00	1.40	Queen's Pinch	End
10000	Hearne Lane	Rural - Rylstone	0.00	1.60	Camerons Rd	End
6812	Hideaway Lane	Rural - Mudgee	0.00	1.50	Black Lead Lane	End
6839	Highland Home Road	Rural - Mudgee	0.00	1.60	Wallerwaugh	End
4127	Hughes Road	Rural - Mudgee	4.00	0.40	From Ch 3.95	End
4239	Hundys Creek Road	Rural - Mudgee	0.60	0.50	End Maintained	End
6867	Jenkings Lane	Rural - Mudgee	0.00	1.00	Castlereagh Highway	Lahey's Creek Rd
4118	Jennings Road North	Rural - Mudgee	8.00	2.80	From Ch 8 (Farmhouse)	Gordens Road
6116	Jennings Road South	Rural - Mudgee	0.00	3.00	Bara Road	Gordens Road
4045	Kaludabah Road	Rural - Mudgee	8.40	0.80	Start Unmaintained	End Road
6870	Karuma Road	Rural - Mudgee	0.00	1.00	Lambing Hill rd	End
6828	Kyewong Road	Rural - Mudgee	0.00	1.30	Windeyer	End

UNMAINTAINED AND UNFORMED ROADS

6830	Leven's Road	Rural - Mudgee	0.00	1.50	Hazelwood Rd	End
6871	Lobley Lane	Rural - Mudgee	0.00	0.50	Spring Ridge	Beryl Rd
9103	Louee Street (Part BVW)	Rylstone	1.30	0.20	Cycle Track (MR 215)	End
No	Road Name	Group	Chainage	Length	From	To
4251	Lyons Lane	Gulgong Town	0.20	0.30	Start Unmaintained	Nugget Lane
4415	Lyons Lane (Mudgee)	Mudgee Town	0.20	0.20	Court	Douro
4415	Lyons Lane (Mudgee)	Mudgee Town	0.00	0.20	Cox	Court
4415	Lyons Lane (Mudgee)	Mudgee Town	1.30	0.10	Lawson	End
6865	MacArthur Park Road	Rural - Mudgee	0.00	3.00	Upper Botobolar Rd	End
4130	Mahon's Road	Rural - Mudgee	1.50	0.70	From Ch 1.4 (Elbow)	Cooyal Ck Lane
4040	Maitland Bar Road	Rural - Mudgee	7.20	0.60	Grid (End Maintained)	End
9106	Mann Street	Rylstone	0.00	0.20	Coomber	(North) Short
6809	Maree Road	Rural - Mudgee	0.00	3.40	Barigan	End
6826	Martin's Crossing Road	Rural - Mudgee	0.00	1.10	Ulan Road	End
4242	Mayberry Road	Rural - Mudgee	1.80	1.50	End Maintained	End
6842	May's Place	Rural - Mudgee	0.20	0.10	Fire shed	End
6882	McMasters Road	Rural - Mudgee	0.00	0.70	Green Gully	Closed Gate
6868	Mineshaft Lane	Rural - Mudgee	0.00		Ulan Road	End
4059	Mogo Road	Rural - Mudgee	11.40	12.40	From Ch 11.4	End
6853	Mt. Misery Road	Rural - Mudgee	0.00	0.00	Rifle Range	End
4095	Murragamba Road	Rural - Mudgee	2.80	0.80	From Ch 2.75	End
6848	Nugget Lane	Gulgong Town	0.40	0.60	End Maintained	MR 598
9079	Old Ilford Road	Rural - Rylstone	1.10	0.60	end maintained	end
4258	Peach Tree Lane	Rural - Mudgee	0.00		Start	End
4194	Perke Road	Rural - Mudgee	0.50	0.50	From Ch 0.5	End
4146	Perseverance Lane	Rural - Mudgee	1.40	4.00	End Maintained	Spring Ridge Rd
6833	Peter's Creek Road	Rural - Mudgee	0.00	1.70	Barigan	End
4084	Pipeclay Lane	Rural - Mudgee	3.40	0.30	Causeway	end Road At Gate
4084	Pipeclay Lane	Rural - Mudgee	3.00	0.30	End Maintained	Causeway
4222	Pitts Lane	Mudgee Town	0.60	0.30	End Of Seal	End Road
4035	Prices Lane	Rural - Mudgee	5.70	2.50	Property "Glenmore"	End
4077	Puggoon Road	Rural - Mudgee	9.80	1.20	End Maintained - Gate	End
4135	Puggoon Siding Road	Rural - Mudgee	0.00	1.70	Jackson's Lane	End
9006	Quarry Road	Rural - Rylstone	0.00		13.71 Bylong Valley Way	End Seal
9006	Quarry Road	Rural - Rylstone	0.00	5.10	Start Gravel	Cudgong Rd
6846	Raydon Lane	Rural - Mudgee	0.00	1.10	Ulan Road	End
6856	Ridout Lane	Gulgong Town	0.00	1.20	Canadian Lead	Grimshaw Lane
4203	Roberts Road	Rural - Mudgee	2.10	2.00	Grid (End Maintained)	Causeway (5)
4246	Robinsons Road	Rural - Mudgee	1.30	1.40	End Maintained (Check)	End
6874	Rockford Lane	Rural - Mudgee	0.00	1.60	Yarrabin	End
6822	Rocky Glen Lane	Rural - Mudgee	0.00	0.50	Botobolar	End
610	Rosedale Road	Rural - Mudgee	0.00	1.20	Summer Hill Road	End
6861	Saddlers Creek Road	Rural - Mudgee	0.00	1.70	Cassilis Road	End
4692	Scotts Lane	Gulgong Town	0.50	0.40	Perserverance Ln	MR 233
4054	Sills Lane	Rural - Mudgee	2.10	3.40	From Ch 2.1	Wilbtree
4683	Smede's Lane	Rural - Mudgee	4.00	2.30	Summer Hill Road	End
6815	Tabrabucca Road	Rural - Mudgee	0.00	2.70	Aaron's Pass	End
6808	Tichular Road	Rural - Mudgee	0.00	2.10	Barigan	Tichilar Gate
6803	Tiendebah Road	Mudgee Town	0.00	0.20	Waterworks	End
6813	Tierney Lane	Rural - Mudgee	0.50	0.40	End Maintained	Henry Lawson Dr
6850	Tippings Road	Gulgong Town	0.00	0.40	Ulan Road	Black Lead Lane
4008	Triamble Road	Rural - Mudgee	24.90	6.60	Echo Gate	End
6877	Trilby Lane	Rural - Mudgee	0.00	2.00	Castlereagh Highway	End
710	Turill Bus Route	Rural - Mudgee	3.60	3.80	End Maintained	End
6858	Tuxford Lane	Rural - Mudgee	0.00	1.20	Canadian Lead	Ridout Lane
4252	Unnamed (Off BRdhead)	Rural - Mudgee	0.00	0.50		
6801	Upper Cumbo Road	Rural - Mudgee	0.60	3.20	Causeway1	Causeway2
6801	Upper Cumbo Road	Rural - Mudgee	0.00	0.60	Cumbo	Causeway1

UNMAINTAINED AND UNFORMED ROADS

6801	Upper Cumbo Road	Rural - Mudgee	3.80	1.90	Causeway2	MR 208
4041	Upper Piambong Road	Rural - Mudgee	9.70	1.40	From Ch 9.7 (Unmaintained)	End Road
6881	Wattlegrove Lane	Rural - Mudgee	0.00	1.50	Cassilis Road	End
6819	Waudong Creek Road	Rural - Mudgee	0.00	2.90	Hill End Road	End
6860	Welcome Reef Lane	Rural - Mudgee	0.00		Springfield Lane	Grimshaw Lane
No	Road Name	Group	Chainage	Length	From	To
6840	Westcourt Lane	Rural - Mudgee	0.00	1.90	Tinja Lane	Henry Lawson Dr
4123	Whistons Lane	Rural - Mudgee	2.70	0.40	Railway Line	End
6873	Williardt Lane	Rural - Mudgee	0.00	0.80	Canadian Lead	Wlwg-Gwbg Rlway
4096	Wilpinjong Road	Rural - Mudgee	5.60	1.50	From Ch 5.6	Bungulla
6827	Wilson Road	Rural - Mudgee	1.20	2.30	First Gate	Causeway
6827	Wilson Road	Rural - Mudgee	3.50	3.10	Causeway	End
4503	Wollar - Munghorn Street	Villages	0.20	0.10	Barnett St	Barigan St
4503	Wollar - Munghorn Street	Villages	0.30	0.20	Barigan St	End
4210	Wonga Roo Road	Rural - Mudgee	4.50	0.90	From Ch 4.5	End
4062	Woodburn Road	Rural - Mudgee	1.00	0.80	Top Of Hill	End Road
4224	Woorawa Road	Rural - Mudgee	0.00	1.40	Bocoble Rd	End
6825	Worlds End Road	Rural - Mudgee	0.20	2.30	From Ch 0.2 (1St Creek Xing)	End
4009	Yarrabin Road	Rural - Mudgee	23.90	0.20	End Maintained	End
			Total Length	183.30		

6.2.15 Business Use of the Footpath Policy

REPORT BY THE DIRECTOR, COMMUNITY TO 15 JULY 2015 COUNCIL MEETING
Business Use of the Footpath Policy
GOV400043, A0100021

RECOMMENDATION

That:

- 1. the report by the Director, Community on the Business Use of the Footpath Policy be received;**
 - 2. Council adopt the amended Business Use of the Footpath Policy.**
-

Executive summary

Council at its meeting of 15 April 2015 (Minute No. 95 /15), resolved as follows:

That:

- 1. Council place the draft Business Use of the Footpath Policy on public exhibition for 21 days to provide the opportunity for comment from the community.*

The policy has been exhibited and submissions have been summarised and attached for the consideration of Council. As a result of information included by members of the public in their submissions, some minor changes are now proposed to the policy which was exhibited. Council may be of a mind to re-exhibit the draft policy, but since the proposed changes are minor and are designed to improve safety around footpath occupation, no re-exhibition is recommended. The further changes from the exhibited draft policy are shown in the attached policy with track changes.

The recommendation is that Council's intent as expressed at previous meetings be now applied and the new policy be adopted to take effect from 1 July, 2015.

Detailed report

THE POLICY BACKGROUND

Council has previously considered reports on this policy and the legal framework which necessitates policy around the private use of public footpaths, for commercial benefit. The adopted draft policy has been publicly exhibited and it remains for the Council to consider the submissions received, before formally adopting the Policy.

Sections 125, 126 and 127 and in some cases Sections 137A-139F of the Roads Act 1993 allow Council to approve the use of a footpath for restaurant purposes, as long as using the footpath for this purpose is not taken to constitute a public nuisance and does not give rise to an offence against the Roads Act or any other relevant legislation. Because of the obvious risks to pedestrian or wheel chair traffic, business use of footpath areas may not be permitted where there is not adequate footpath width for pedestrian circulation.

Different arrangements may need to apply if dining or signage is to be approved in areas with narrower footpaths, to allow safe pedestrian traffic but at the same time to separate diners or their prams, or advertising signs from reversing cars or parallel parked cars opening doors or tailgates.

Additional insurance coverage (public liability up to \$20 million rather than \$10 million) could also be considered for dining locations, in recognition of the potential for significant claims arising from the interaction of diners and parking cars, or the opening doors and tailgates.

The Submissions summarised:

Several submissions were effectively complaints about the application of application fees in Gulgong, Kandos and Rylstone. These concerns have been addressed by previous resolutions that application fees not be charged in those towns. Consequently, those submissions are not dealt with here.

Other submissions have been more in the nature of enquiries, about the placement of "A" frame signs on the footpaths, including in areas where footpaths are narrower.

One submission states:

"One issue that I have been asked to raise relates to the diagrams showing how footpaths should be used for dining and displaying of goods. Having tables, chairs, barricades, and display stands immediately adjacent to the kerb is not suitable for the town of Rylstone and much of Kandos where vehicular parking is parallel to the kerb. At least 1200mm clearance is required from the face of the kerb to allow the safe loading and unloading of goods and young children to the passenger side of vehicles. Council's garbage bin enclosures already create problems in this regard without further obstructions being created.

It is therefore suggested that where parallel parking occurs and all of the footpath verge is sealed, the 1.8 metre clear zone should be from the face of the kerb rather than the building line. There may need to be further flexibility where not all of the verge is sealed and/or where shrubs are planted."

This argument is reflected in at least one other submission, which points out that the display of goods for sale close to the kerb face, would be problematic in Gulgong or any area with parallel parking, where people need to open doors to access or alight from cars. Opinions are that in such locations, the placement of signs and products would be better against the building, possibly with the exception of "A" frames which have a smaller footprint.

The Rylstone & Kandos Access Committee suggested that having tables butted up to the kerb, makes it hard to get in and out of cars, as Rylstone has parallel parking. The Committee further suggested that perhaps a limit to the number of tables on the footpath, would ensure there was room to gain access to the footpath, from cars.

This Committee further agreed that the rules should not be too restrictive and that there should be no fees for struggling businesses in Kandos and Rylstone.

The Rylstone and Kandos Access Committee recognised that shop owners will need to have further public liability insurance and have to show this. The figure of \$10 million coverage was regarded by this Committee as too low and it was recommended that the figure for public liability insurance coverage be set at \$20 million.

The Mudgee & Gulgong Access Committee expressed appreciation for the opportunity to provide feedback, where an applicant seeks to circumvent the requirement for a 1.8m clearance between the business and any business-related footpath activity. The Committee noted that advertising hanging from the buildings above footpaths is preferable to footpath impediments.

Further comment relates to the number and location of garbage bins directly in front of one business, with a request that need for the number of bins be reviewed.

Another issue that needs to be considered as part of the assessment for outdoor dining applications is the potential close proximity between reverse parking vehicles and members of the public on the footpath. This shows the need for an assessment process as each situation and location can include unique circumstances that should be considered.

Another submission states:

“As you would be aware we own ...(property in)... Church St on which we pay considerable rates as well as maintaining verges at our expense & time.... We keep these areas neat & tidy at all times which is an asset to Church St. We do this at no cost to council. To expect us to pay for use I feel is not in the spirit that should exist between Council & businesses especially considering the very adverse conditions that exist for businesses currently.”

There was also commentary via local newspaper editorial, which tended to indicate support for some cost recovery associated with Council’s management of the Footpath dining policy.

The most recent correspondence which qualifies as a submission, followed an incident which occurred in Market St on Wednesday June 3rd. A motorist reported that she was reversing her car to park adjacent to a cafe when her car came close to a baby “stroller” which was positioned on the footpath, apparently near enough to the kerb to cause the nearby diners to berate this motorist for reversing too close to the stroller. The motorist was alarmed at the risk to safety of children who might be positioned close to the kerb and reverse parking bays.

She attended Council’s offices and wrote a letter expressing her concerns and suggesting a “ruling” or the placement of barriers which will “prevent strollers/prams or young children from being in jeopardy from parking cars in these situations”. This motorist’s recent experience with diners serves as notice to Council, of just one of the inherent risks associated with any approval of dining close to the kerb, in any street situation.

While this situation may be rare, it is suggested that the negotiated placement of a barrier or the delineation of the dining area by a painted line could assist in the recognition of which areas dining can take place and the potential danger of reversing vehicles into the area nearest the kerb.

The Policy presented for adoption is designed to provide as much certainty as possible to what is permissible in these areas while also recognising that situations on individual streets and individual towns will be different and need to be assessed individually.

It is important to note that even where there is no fee to be charged for the relevant application, the application is still required under the Roads Act and the assessment will need to be carried out and negotiated with Council staff.

Financial and Operational Plan implications

There is no financial advantage to Council, in the management of this policy for regulation of business use of footpaths for commercial gain. Revenues generated by Council will not cover the costs of ongoing policy administration. Fees where they apply are calculated to achieve only partial cost recovery.

Community Plan implications

1.4.3 - Provide equitable access to a range of places and spaces for all in the community

2.2.4 - Maintain and promote the aesthetic appeal of the towns and villages within the Region



SIMON JONES
DIRECTOR, COMMUNITY

2 July 2015


- Attachments:*
1. Policy – Business Use of Footpath
 2. Form – Business Use of Footpath
 3. Rylstone Kandos Business and Tourism - Footpath policy submission
 4. Margot Palk Objection to MWRC Letters re Footway Obstruction - Rylstone and Kandos & request for revision of footpath policy
 5. Footpath Policy Submission – Gulgong Newsagency - Haydn Clarke
 6. Footpath Policy Submission Faye Sheridan
 7. Footpath Policy Submission from Melanie Johnson
 8. Excerpts from the minutes of the Access Committees
 9. Footpath Policy Submission from Wendy Moyle

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

	POLICY	C/M xx/xx/xxxx Minute No. xxx / xx
	Business Use of the Footpath	REVIEW: xx/xxxx FILE No. A0100021

1. Purpose

The purpose of this policy is to facilitate business use of the footpath in areas adjacent to business premises to ensure a pleasant and safe environment for shoppers and patrons, without compromising the safety or amenity of the public domain for pedestrians using the public footpath or adjoining public spaces or for motorists parking or alighting from their vehicles adjoining public spaces.

The policy applies to a range of businesses including cafes, restaurants and sandwich shops which meet the definition of "restaurant" under the Roads Act, 1993. It also covers business use of the public footpath for the purpose of displaying or advertising businesses or goods.

This policy aims to permit the establishment of business opportunities and to enhance the vibrant atmosphere in the commercial centres of the Mid-Western Regional Council local government area (MWRC LGA). The policy will allow the approval of business use of footpath areas, which may include tables, chairs, display units, advertising structures, shade umbrellas, planter boxes and the like to be placed on footpaths within the MWRC LGA adjacent to businesses where there is adequate footpath width for pedestrian circulation and safe parking of vehicles.

2. What Legislative Provisions regulate the use of the footpath?

The Roads Act 1993 and the Local Government Act 1993 generally require that a person shall not carry out any activity on a public road or place without the approval of Council.

Sections 125, 126 and 127 and in some cases Sections 137A-139F of the Roads Act 1993 allow Council to approve the use of a footpath for restaurant purposes, as long as using the footpath for this purpose is not taken to constitute a public nuisance and does not give rise to an offence against the Roads Act or any other relevant legislation.

Section 68 of the Local Government Act 1993 allows Council to approve the placing of articles on or to overhang the footpath.

Sections 137A-139F of the Roads Act, 1993 address legislative requirements for Street Vending activities.

3. Areas to which this Policy applies

This policy applies to all footpath areas in the Mid-Western Regional Council area.

4. How can I make an application to use the footpath?

Any businesses seeking to use a public footpath must obtain approval prior to occupation. Permission will only be granted where the objectives of this policy have been achieved.

Business Use of the Footpath

Applications must be made on the Business Use of the Public Footpath Application form which is available on Council's website or is available at Council's offices. Applications must be accompanied by a diagram showing how the footpath is proposed to be used with particular reference to the area of the proposed use.

5. What areas of the footpath can I use or not use?

Business use of footpath areas is permitted, with the approval of Council, generally on footpaths immediately adjacent to the shop front, in locations that do not cause an impediment to other footpath users.

Business use of footpath areas may be either prohibited or restricted, in locations where they obstruct the clear view line of pedestrians or motorists. Clear view lines allow pedestrians to view on-coming traffic and motorists to observe pedestrian movements.

To ensure that access and equity objectives are met there will generally be a minimum width for pedestrian circulation of at least 1.8 metres continuously maintained, immediately adjacent to the property boundaries (generally the building line), for the clear passage of footpath users. Council may, on the merit of a particular situation and application, consider variation to this standard where the applicant can show that the proposal is consistent with the surrounding environment, adequate pedestrian circulation and parking safety is maintained or that agreement has been obtained from the relevant Access Committee.

Any commercial use of footpaths should be conditional upon the safety of potential users. Customers and their children must be protected from the possibility of contact with reversing cars as they park, or vehicle doors or tailgates as passengers alight. Barriers, markings ~~and~~ a setback from the kerb ~~may~~ will be required in many locations.

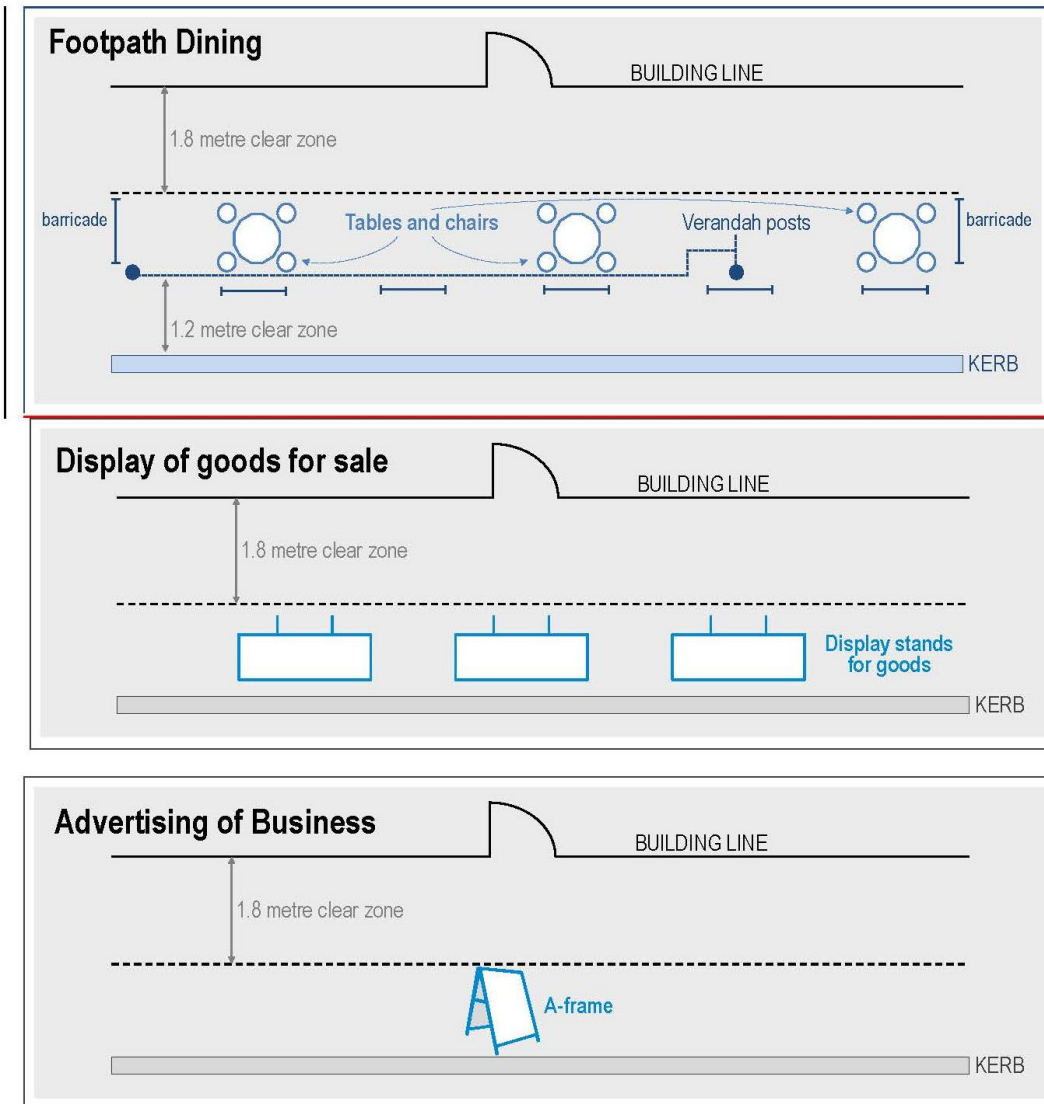
Where deemed necessary, a 1.2 metre setback from the kerb edge ~~will~~ may be required to ensure the safety of patrons dining at that boundary, from contact with moving motor vehicles.

Council may apply the 1.8 metre standard for pedestrian circulation, together with the 1 metre setback from the kerb, with the result that there may only be room for one row of tables on the remaining footpath. Where this constraint is deemed necessary, it is applied in the interests of public safety and pedestrian traffic.

Council may apply a setback from the kerb, for the location of "A" frame and other signage, to reduce the risk of damage to vehicles and pedestrians, from reversing cars contacting these signs.

Some examples of how footpaths may be used by businesses are set out diagrammatically below:

Business Use of the Footpath



6. Do I need to provide evidence of my Public Liability insurance to use the footpath?

Permission for business use of the footpath will only be valid where adequate insurance cover is provided by the business. This compliance is required to ensure meeting the objective of the policy, i.e. protecting Council, the community and the public interest while permitting effective use of the public footpath for business purposes. To ensure Council and community protection from claims that may arise as a result of business use of the footpath area the business operator must:

- ~~For footpath dining purposes including the seating of customers on furniture located on the footpath; take out a public liability insurance policy for the sum of not less than \$20,000,000 which is to be in force at all times during the term of the approval.~~
- ~~For the purposes of "A" frame signs and applications NOT involving the seating of customers on furniture located on the footpath; T~~ Take out a public liability insurance policy

Business Use of the Footpath

for the sum of not less than \$10,000,000 which is to be in force at all times during the term of the approval. In some cases where there is more extensive outdoor dining or use of the footpath, Council may require a public liability insurance policy of not less than \$20,000,000.

- Extend the policy to indemnify Mid-Western Regional Council against any public liability claims arising from trading activities on the footpath.
- Provide proof of this current policy to Council with the application for approval or when requested to do so (This can be -by way of a Certificate of Currency).
- Maintain this insurance policy during the term of the approval and provide updated Certificates of Currency each time the approval is renewed.

7. What documentation will I get from Council to prove that I can use the footpath?

Council will issue a Permit to those who receive approval to use the footpath for business purposes.

The issue of Permits to use the footpath for business purposes will be at the sole discretion of the General Manager.

This Permit must be prominently displayed in the front window of the business to which the Permit refers.

8. What Conditions must I comply with to use the footpath?

All persons being issued with a Permit shall be required to comply with the following general conditions:

8.1 Term

- Approvals shall be for a maximum period of 5 years.

8.2 Fees

- Council reserves the right to charge a fee for the administrative process of determining, approving and issuing permits.

8.3 Hours of Operation

- The hours of operation for any approved area must be the same as or less than the approved hours of operation of the associated business. The hours of operation for the approved area may be limited if it is considered that the amenity of the surrounding area or the safety of pedestrians or footpath diners may be adversely affected.

8.4 Maintenance of Approved Area

- The approved area and area between the shop premises shall be kept clean at all times and any spilt food, liquid or other material likely to cause injury or accident shall be removed immediately by the applicant/operator.

8.5 Outdoor Furniture

- Outdoor furniture includes umbrellas, tables, chairs, display stands, advertising structures, A-frames, heaters, planter boxes and perimeter and safety barricades.
-

Business Use of the Footpath

- Outdoor furniture must not contain parts that are likely to cause damage to the pavement, or sharp edges, hinges and other moving parts that may present a hazard to patrons or pedestrians.
- Each business should adopt a single colour and style for tables and chairs in its particular area to provide consistency and identity.
- Outdoor furniture should be strong, durable, waterproof and weather resistant designed for commercial outdoor use. Tables and chairs should fold or stack for storage.
- All outdoor furniture must be temporary and must be able to be removed in extreme weather conditions.
- Outdoor furniture may be powder coated or polished aluminium, powder coated, brushed or stainless steel, natural or painted timber, or canvass. Under no circumstances shall outdoor furniture consist of "cheap" bulk manufactured plastic chairs. Surfaces such as table tops should be non-reflective. All outdoor furniture will be subject to the approval of Council.
- Planters should be terra cotta, concrete or reconstituted stone in natural, sandstone or terra cotta colour, or powder coated, brushed stainless steel or timber.
- Outdoor furniture is not to be placed outside the approved area under any circumstances.
- Display stands must be stable or firmly secured. Display stands should be a minimum height of 1,000mm and a maximum height of 1,200mm and width of 750mm. All display stands should be of high quality design.
- No part of the footpath is to be used for storage.
- Where the use of a heating device is proposed, details of the type, location and design must be included in the application. Heating devices must be designed in a manner which minimises risk and as such shall turn off automatically if overturned to prevent injury to patrons and property. Heating devices must be removed when not in use and suitably screened from public view. All outdoor heaters must comply with the relevant Australian Standards.

8.6 Perimeter Barricades

- Outdoor dining areas must be easily accessible from the public footway and should as far as possible present an open and inviting image to entice participation. Planter boxes may be used in appropriate circumstances to physically define the side boundaries or perimeters of the outdoor dining area. Other eEnclosures should be kept to a minimum.
 - The use of framed fabric or any other style of low-height barriers, including planter boxes within public domain must be carefully designed and selected to ensure minimal impact on the use, enjoyment and safety of pedestrians and patrons. Barriers may be considered between adjoining cafe/areas to have clear demarcation between business activities. Barriers which are not fixed on site must be removed from the footpath when the business is not open. Barrier screens may be used for advertising in situations where the advertising is provided as an integral part of the barrier.
 - Removable barriers could be should be used to prevent diners, their prams or property from any placement closer to the kerb than one metre from the kerb. This measure is essential to prevent accidental contact between people and reversing or parking cars, or opening doors or tailgates. Alternatively, narrow line marking may assist in delineating the area approved for outdoor dining.
 - Pedestrians should not be forced onto the road carriageway by outdoor dining activities or other non-permanent items/structures on the footpath.
 - Planter boxes may be considered in open areas, where there is sufficient room and pedestrian movement is not impeded. The planter boxes must be well-maintained by the applicant. Council reserves the right to order the removal of planter boxes that are not properly maintained including the consistent provision of approved high-quality flowers or
-

Business Use of the Footpath

vegetation. Permanent planter boxes will only be considered on footpath areas where the footpath has been widened for specific business use.

- The height of any solid barrier should be between 900 mm and 1,200 mm in height.
- Solid barriers may be in the form of planter boxes containing vegetation to a total height between 900 mm and 1,200 mm.
- Any proposed transparent solid barrier (such as Perspex) should comply with AS 1428.1 Access and Mobility, and should be clearly marked for the full width with a highly visible contrasting line.

8.7 Food and Drink

- Food and drink must be served on non-disposable crockery and cutlery. Food and drink must not be prepared in the area approved for outdoor eating.
- Paper, foam or plastic plates, cups and cutlery shall not be used for footpath outdoor dining areas.
- Appropriate footpath service shall be provided which includes as a minimum the removal of any dirty plates, cups, cutlery, footpath staining, and rubbish on a regular basis during each operating day.

8.8 Smoking

- Smoking is NOT permitted in any area used for dining or any other area as provided under the Smoke-free Environment Act 2000.

8.9 Alcohol

- The selling and consumption of any alcoholic or intoxicating liquor is prohibited.

8.10 Noise

- Amplified music is not permitted.

8.11 Business or Financial Transactions

- No business or financial transactions shall be carried out on the approved area. Such activities shall be carried out wholly within the confines of the premise. This does not include the giving and taking of bills, and associated tips and change.

8.12 Lighting

- Any proposed lighting must be included in the application for approval by Council and be in accordance with the relevant Australian Standards.

8.13 Signage/Advertising

- The following controls apply to all signage/advertising to be displayed on the approved area:
 - Signage/advertising is permitted only on A-frames, barriers and umbrellas.
 - Umbrellas must be of non-reflective material.
 - Signage on each umbrella must be consistent with all other umbrellas on the approved area.
 - No other signage will be permitted on any other structure on the footpath.
-

Business Use of the Footpath

8.14 Safety

- The approved area shall not in any form reduce the safe egress of people from the business premises.

8.15 Access

- The applicant should provide access in accordance with AS1428 for people with disabilities.
- No business use of the footpath will be permitted where the use would create access problems for people with disabilities.
- In heritage areas with narrower footpaths, consideration will still be given to applications which take account of the needs of all persons who require clear lines of access past footpath obstacles.

8.16 Public Assets

- The removal/relocation of any Council assets, such as rubbish bins and existing street furniture, shall be subject to Council approval and will be at the applicant's cost.
- The removal/relocation of any public utilities/infrastructure shall not be permitted unless justification on public benefit can be made to Council and approvals have been obtained from the relevant authorities. Works will be carried out at the applicant's cost.

9. If I sell my business, can I transfer my approval to use the footpath to the new owner?

No. The Permit cannot be transferred from one user to another. Should a business be sold the new business operator must make a new application to Council for permission to use the footpath.

10. Under what circumstances will a Permit to use the footpath be terminated?

A Permit can be terminated at any time by either party with one week's notice.

The Council may re-enter the approved area and terminate the approval, without notice, if:

- The operator breaches the approval and does not remedy the breach within 14 days of receipt of written notice from the Council;
- In the Council's opinion, the road safety or pedestrian circumstances in regard to the approved area substantially change; or
- Council's approval granted pursuant to section 68 of the Local Government Act 1993 and section 125 of the Roads Act 1993 is either revoked by Council, or lapses.

11. What are the Objectives of this policy?

The objectives of this policy are as follows:

11.1 Access and Equity

- To ensure safety and convenient passage of all pedestrians and customers when using public footpaths;
 - To ensure the maintenance of clear view lines for both pedestrians and motorists, particularly near pedestrian crossings, street corners and key intersections; and
 - To ensure adjoining premises are not adversely affected by any business use of footpath areas.
-

Business Use of the Footpath

11.2 Council and Community Protection

- To protect Council, the community and the public interest from potential insurance and liability claims, while permitting effective use of public footpaths for business purposes;
- To effectively address risk management and insurance liability issues for Council;
- To ensure that business use of public footpaths will not cost the public purse; and
- To ensure that the amenity of the general public will not be compromised by the provision of business use of footpath areas.

11.3 Economic

- To enhance the economic viability of our local businesses by offering permits to use public footpaths for business purposes;
- To encourage trading and enhance our neighbourhood centres by providing a more vibrant and colourful atmosphere for shoppers;
- To provide for an active and integrated street front; and
- To maintain visibility and exposure of shopfronts.

12. What Enforcement and Compliance action can Council take against those who do not abide by this policy?

Enforcement can be taken under the Roads (General) Regulation 2000 in relation the placement of obstructions on the footpath, or Section 125(1) and 121B of the Environmental Planning and Assessment Act 1979. Failure to comply with the conduct of business set out herein or with the enforcement order may result in receiving a fine or cancellation of the Permit. These offences incur set penalties set by State legislation.

ATTACHMENT 2



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

BUSINESS USE OF FOOTPATH
Application Form

Applicant Details

Surname: First Name:

Mailing Address:

Suburb: Postcode:

Phone (h): Phone (w):

Phone (m): Fax:

Email:

Registered Company Name:

Business Name:

Business Address:

Suburb: Postcode:

ABN Number: ACN Number:

Business Type:

Property Owners Consent (all owners)

Name (s):

Address:

Signature:

Company Seal:
(if applicable)

Where owner is a company or owner's corp, a seal/ABN & ACN must be provided

ABN: ACN:

Proposal (PART 1)

Location:

Area Proposed for outdoor display of goods/dining:	<input type="text"/>	Area:	<input type="text"/>	m ²
No. Of Displays:	<input type="text"/>	No. Of chairs:	<input type="text"/>	No. Of tables:
Date you prefer your footpath dining licence to start: (If approved) (Once approved you will be charged from this date)		<input type="text"/>		

Description of proposed Activity (please tick):

<input type="checkbox"/>	Outdoor Display of Goods	<input type="checkbox"/>	Other please specify below (e.g A-frames signs etc)
<input type="checkbox"/>	Outdoor Dining	<input type="text"/>	
<input type="checkbox"/>	Both of the Above		

Hours of Operation:

Proposal (PART 2)

The following items must be submitted with this application:

- A site plan of the proposed business use of the footpath area drawn to scale indicating:
 - Location of side and front boundaries of the applicant’s property;
 - Dimensions and boundaries of the proposed outdoor seating/display area;
 - Area (in square meters) of the outdoor occupation’
 - Number and location of proposed tables, chairs, umbrellas, gas heaters, planter boxes and lighting features in the outdoor area;
 - Kerb line of the street where the shop is located
 - Width of the footpath adjacent to the subject premises and its remaining width after the encroachment by the proposed outdoor occupation;
 - Width of shop front and entrances;
 - Location of all doorways and service openings;
 - Location and details of any parking restrictions applying at the kerb
 - Proximity of pedestrian or vehicular entrances serving the adjoining buildings; and
 - Location of all existing free-standing items on the street such as post office boxes, power poles, street furniture, rubbish bins, parking/streetsigns or other similar items, that are adjacent to the site
- A copy of the applicant’s current drivers licence or proof of identification
- Photograph of furniture that is being placed on the footpath
- Copy of current Public Liability Insurance (Certificate of Currency of at least \$10 million)

Business Use of Footpath Checklist

Have you (please tick):

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Completed the application form?
<input type="checkbox"/>	<input type="checkbox"/>	Provided a dimensional plan of the proposed area of footpath dining /use?
<input type="checkbox"/>	<input type="checkbox"/>	Provided a photograph of furniture?
<input type="checkbox"/>	<input type="checkbox"/>	Provided a written description of the type and means of securing street furniture and hours of operation?
<input type="checkbox"/>	<input type="checkbox"/>	Provided a copy of your current Public Liability Insurance (Certificate of Currency)

Applicant Declaration

I have read and fully completed the checklist, provided above. I comply with all of Council’s requirements and verify that the above information is true and correct.

Signature: Date:

ATTACHMENT 3

RKB&T

ABN 46 659 693 462

PO Box 119, KANDOS NSW 2848

Email:- rktsec@gmail.com

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

13th April 2015

Re: MWRC 'Business Use of Footpath' Policy

Dear Brad,

At the April meeting of our group the news that Council's 'Business Use of Footpath' policy would be reviewed was welcomed by our members. Furthermore the meeting resolved that I should write to Council requesting that RKB&T be involved in the review of the policy.

I note that consideration of the reviewed policy is an agenda item for this Wednesday's Council meeting, and I have read the draft document.

There is little point (or time) in commenting in detail until after Wednesday's meeting however I would request that the final draft on the policy be put on public display for 21 days to allow our members (and others) to comment more fully should they wish.

One issue that I have been asked to raise relates to the diagrams showing how footpaths should be used for dining and displaying of goods. Having tables, chairs, barricades, and display stands immediately adjacent to the kerb is not suitable for the town of Rylstone and much of Kandos where vehicular parking is parallel to the kerb. At least 1200mm clearance is required from the face of the kerb to allow the safe loading and unloading of goods and young children to the passenger side of vehicles. Council's garbage bin enclosures already create problems in this regard without further obstructions being created.

It is therefore suggested that where parallel parking occurs and all of the footpath verge is sealed, the 1.8 metre clear zone should be from the face of the kerb rather than the building line. There may need to be further flexibility where not all of the verge is sealed and/or where shrubs are planted.

Yours in local business & tourism,

A handwritten signature in black ink that reads "Peter Monaghan".

Peter Monaghan – Secretary of RKB&T

Rylstone-Kandos; Two Towns, One Community

Margot Palk

Convent and Chapel Wool Shop, Bridge View Inn, 28 – 30 Louee Street, Rylstone NSW 2849
conventandchapel@gmail.com

12 March 2015

Mr Tony Gearon
Governance Co-ordinator
Mid Western Regional Council
86 Market Street
Mudgee NSW 2850

Dear Mr Gearon,

Letter dated: 3 March 2015: Footway Obstruction

Last week I received a letter addressed to my newly established business from Mid Western Regional Council (MWRC). I anticipated it was a Welcome letter wishing me good luck with my venture and information on how MWRC could support me. I was dismayed to find instead that it was a letter requiring me to pay MWRC to place signs on the footpath and a threat to impound signs and fine me for non-compliance. I was disappointed to learn that most businesses in Kandos and Rylstone had also received the same directive.

I am a recent resident to the area, having purchased the Convent in Kandos two years ago. Since that time I have observed the locals grappling with the impact of major industry closures that have effected local businesses and the morale of the community. A quick glance down the main streets of both Kandos and Rylstone will show a sorry story of closed and struggling local businesses. In this context, I regard this letter from MWRC as, at best, ill considered, and at worst, a thoughtless revenue raising exercise.

Local businesses in Kandos and Rylstone need support and assistance from MWRC, not further financial imposts. The cost of footpath use permits and increased insurance is not insubstantial for businesses trying to cover costs, let alone make a living for their owners. I would hope that most MWRC employees and Councillors would be more concerned with growing healthy commercial centres and encouraging vibrant village atmospheres for tourists and locals rather than a small increase in revenue.

MWRC may charge these fees in Mudgee, however the towns and their economies are greatly different. There are few shops that have remained open in Rylstone and Kandos, with many clearly closed or being used as residences. Many businesses are only open a few days a week. The foot traffic is light – they are not major shopping or tourist venues and the local population to support the businesses is small. I also note that MWRC focuses its development, infrastructure and tourist promotion around Mudgee with the Mudgee businesses, in turn, directly benefitting from campaigns and investment. The same cannot be said for investment in Rylstone and Kandos to attract tourists, hence it is inequitable to apply the same rules and overheads.

I note that my shop is not impacted by these changes, however the actions of MWRC have greatly disappointed the local businesses and residents in terms of the lack of empathy and understanding of our community. I implore MWRC to reconsider this policy in regard to businesses in small rural towns such as Kandos and Rylstone and request you remove these requirements and apply your efforts to supporting these enterprises, encouraging vibrant and healthy commerce in struggling communities.

Sincerely,



Margot Palk

Owner, Good Samaritan Convent, Kandos
Principal, Convent and Chapel Wool Shop

Cc Bradley Cam, General Manager

Counsellors:

Des Kennedy

Paul Cavalier

Peter Shelley

Esme Martens

Percy Thompson

Max Walker

John Weatherley

John Webb

Lucy White

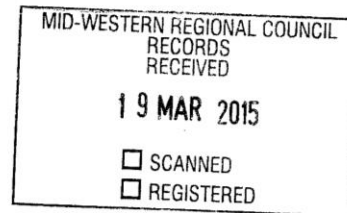
ATTACHMENT 5

**Gulgong Newsagency & Officesmart
Haydn & Rhonda Clarke**

108 Mayne Street (PO Box 100)
GULGONG NSW 2852
ABN20764 504 375
Telephone 02 63 741205 Fax 02 63 742019

16th March, 2015

Governance Co-Ordinator
Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850



Dear Sir,

**FOOTWAY OBSTRUCTION – GULGONG NEWSAGENTS
108 MAYNE ST GULGONG**

We note the contents of your letter dated 3 March 2015 and apologise for not replying earlier but we have been away for the past week.

We would like to advise you that we are in the process of completing our application however we are awaiting the signatures of the property owners and a reply from our Insurance Company.

There are a couple of items that I would like to bring to your attention and seek your assistance in clearing up prior to submission of our application.

1. In the **Business Use of the Footpath** – Display of goods for sale the diagram shows that the displays should be at the kerbside, however as we have parallel parking in Gulgong this would restrict passengers alighting from parked cars, is it possible for us to keep our displays adjacent to the building with the exception of an “A”

frame advertisement which doesn't have such a big footprint and could be located at the kerbside?

2. We effectively have 3 garbage bins in front of our business which we feel is a bit of overkill. We know that the Chamber Of Commerce lobbied the council to have more and better style of bins for Gulgong, we got a new double bin, however the old one was left in situ, is it possible to have the old bin removed?

Our application will be submitted as soon as we have the ancillary information required, pending application are we able to use the footpath to display goods and advertisements?

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Haydn Clarke', written in a cursive style.

Haydn Clarke

ATTACHMENT 6

From: Admin [<mailto:admin@mudgeehonda.com.au>]
Sent: Tuesday, 24 February 2015 11:12 AM
To: Council
Subject: footway 137 church st mudgee

Hi Tony;
In response to your correspondence dated 19th February 2015.

As you would be aware we own 137 135 & 133 Church St on which we pay considerable rates as well as maintaining verges at our expense & time including Inglis St & Lyons Lane.

We keep these areas neat & tidy at all times which is an asset to Church St. We do this at no cost to council.

To expect us to pay for use I feel is not in the spirit that should exist between Council & businesses especially considering the very adverse conditions that exist for businesses currently.

Trusting you will consider this matter and review your policy in our favour.

Kind regards

Fay Sheridan (Dealer Principal)

ATTACHMENT 7

From: Council
Sent: Monday, 9 March 2015 8:53 PM
To: Council
Subject: Have your say - online submission

First_name: Melanie
Surname: Johnson
Your_street: '
Town: Rylstone
State: NSW
Postcode: 2849
Phone_number:
Email_address: !
Your_say: Rylstone Foot Path Permits.

As a Rylstone resident I am concerned with the proposal put by councillors to make small businesses in Rylstone pay fees for placing signage and chairs etc onto the foot path. I am also concerned by the mentality that "what is good for Mudgee is good for Rylstone". Rylstone is a struggling small town, where business struggle to make ends meet, they do not have the foot traffic that Mudgee has, both in numbers of residents and tourists. Both Kandos and Rylstone communities are going through tough times, with very little employment opportunities in the area the numbers of residents are dwindling. The only source of income for some of the small businesses are tourists. Placing more pressure on these businesses is not the right thing to do for the area. I would encourage councillors to come out to Kandos and Rylstone and actually see how quiet the towns and small businesses are and actually take note of what is happening in the small towns in their electorate. our councillor Peter Shelley has expressed his concerns about this motion and I hope that the rest of councillors reconsider their view on this topic.

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RYLSTONE & KANDOS ACCESS COMMITTEE MINUTES - Excerpt

**Tuesday 21 April 2015 at 10.30am
Council Chambers – Rylstone Office**

7.1 Business use of footpaths – Amended Council policy

Simon Jones put this report before Council and he suggested it be tabled with RAC for feedback.

Policy states there should be 1.8m between building and tables or A frame signs but consent to do otherwise may be granted upon application. Applications will be available for feedback from Access Committees.

Whatever the outcome, agreements are open to discretion regarding permission and charging.

Feedback: RAC suggested that tables butted up to the curb makes it hard to get in and out of cars as Rylstone has parallel parking.

Maybe a limit to the number of tables on the footpath would ensure there was room to gain access to the footpath from cars.

RAC agreed the rules should not be too restrictive, with no fees for struggling businesses in Kandos and Rylstone.

The Committee recognised that shop owners will need to have further public liability insurance and have to show this. The figure of \$10 million was too low for the Committee and it was recommended the figure by \$20 million.

MUDGEES AND GULGONG ACCESS COMMITTEE MINUTES - Excerpt

**Tuesday 5 May 2015 at 3.00pm
Council Chambers Committee Room - Mudgee**

7.1 Draft Business Use of Footpath Policy – Seeking Committee feedback (F Turner)

Committee grateful for the opportunity to provide feedback where an applicant seeks to circumvent the requirement for a 1.8m clearance between the business and any business-related footpath activity. Noted that advertising hanging from the buildings above footpaths is preferable to footpath impediments.

ATTACHMENT 9

5/06/15

Attention Tony Greardon

Governance Co ordinator
Midwestern Regional Council
Dear Sir.

This letter is written to express my concern about the placement of chairs at outdoor dining and coffee shops.

On Wednesday 3/6/15 about 12.15pm. I reversed my car into a parking space adjacent to Elton's Coffee shop.

A group of women each with a stroller/pram were at the centre table, The tables were set out in a group of three. The centre table was slightly closer to the curb than tables 1 & 3. There was a stroller placed at the side but slightly behind the lady sitting with her back to the curb.

As reversed into the parking space I was not too far from the stroller. A gentleman at an adjacent table abused me for parking too close.

When I alighted from the car I was not as far back as the car next to me but still too close to the stroller.

Seems to me there should be some ruling regarding the placement of chairs at these tables or a movable barrier to prevent strollers/prams or young children being in jeopardy from parking cars in these situations.

In this event no one was hurt but the potential for danger was there.

I have seen the same thing happen to another driver parking a car outside The Butcher Shop Coffee Shop in Market St.

Hope Council will consider these events and find a solution. I would like to state that I not against out door dining but believe the safety; especially babies and small children should be of utmost concern to both parents and shopkeepers...

Wendy Moyle Gulgong



6.2.16 Removal of Tree on Robertson Street

REPORT BY THE DIRECTOR, COMMUNITY TO 15 JULY 2015 COUNCIL MEETING

Removal of Tree on Robertson Street

GOV400043, R1158001

RECOMMENDATION

That:

1. **the report by the Director, Community on the Removal of Tree on Robertson Street be received;**
2. **Council not approve the removal of the tree opposite 76 Robertson Street, Mudgee.**

Executive summary

The aim of this report is for Council to decide on the future of the gum tree located opposite 76 Robertson Street, Mudgee. Recently Council has received emails requesting the removal of this tree as residents are concerned about safety issues.

A report was presented to Council on 3 April 2013 regarding the same tree. At the time Council resolved not to remove the tree.

Detailed report

This gum tree is located opposite 76 Robertson Street, Mudgee on the road reserve. Council has received requests to remove this tree claiming that due to its close proximity to the road reserve it is a danger.

Council resolved not to remove the tree in 2013. Since that time there has been no deterioration in the health of the tree. The Blakely's Red Gum is over 25 years old. Traffic calming devices are located north and south of the tree slowing traffic along this stretch of road. It is located in a 50 km/hr zone between a bus stop sign and a delineated guide post but there is no barrier protecting the tree.

Upon inspection of this tree it appears to be in average condition with some deadwood in the canopy, decay middle of trunks. The tree is approximately 20m high with multi-trunk widths of 400mm to 450mm. The 2 leaders are approximately 1m from ground level.

The adjacent footpath has been constructed without the tree having to be removed and is at a safe distance away from where pedestrians will walk along the path.

However, it should be noted that based on traffic engineering aspects, the tree is within the clear zone and effectively being within the parking lane of the road. Traffic volumes are relatively high along this stretch of road having increased by approximately 45% over the last 7 years. If Council determined to keep the tree, an additional approach would be to install a tree guard and additional guide posts or line marking to delineate the edge of the road.

Based on previous Council decisions and the fact that the tree has not deteriorated, the recommendation is to not remove the tree. Given the proximity of the tree to the road, however,

Council does have the authority to remove the tree and this would certainly be an understandable and defensible decision.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Strategy 1.3.1 - Provide infrastructure and services to cater for the current and future needs of our Community.



SIMON JONES
DIRECTOR, COMMUNITY

1 July 2015

- Attachments:*
1. Email from Alison Wilson
 2. Email from Marcia Box
 3. Tree assessment and Photos

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

From: Alison Wilson
Sent: Thursday, 21 May 2015 6:04 PM
To: Council
Cc: Des Kennedy
Subject: Removal of tree in Roberston Street

I am writing to request an investigation into the removal of a large gum tree which is situated directly across the road from my residence, 76 Robertson St Mudgee. This tree poses safety issues for the following reasons:

- it has previously dropped branches and as the tree ages there is increasing risk that these instances will be more regular and be larger breakages.
- the weight of the 3 main branches of the tree all predominantly lean to the same side, which, is towards the road and thus if one fell would likely hit the powerlines, possibly damage my house and of course block the road.
- it is located within 2 metres of the roadside and one could argue that it actually sits on the existing road given that the asphalt surface has been placed around the tree itself. It is my understanding that the RMS recommends a 'clear zone' to ensure the safety of roadside environments. An adequate 'clear zone' is one which would be wide enough that in the event of a driver losing some control of their vehicle, would allow sufficient time for that driver to correct before hitting a roadside object. Even travelling at 50kms per hour, if a driver was to lose control for only a few seconds, the likelihood of them hitting the tree would be high due to its very close vicinity to the roadside.
- the road actually narrows considerably at the point where the tree is located which means that if a car or cars are parked in front of my residence (either side or on only 1 side of the road), there is not ample room for 2 cars using the street to pass safely.
- a bus sign/stop is located next to the tree which possibly impairs the visibility for drivers - be it the bus driver and/or of passers by not seeing someone waiting at the bus stop.
- at the lower end of Robertson Street a marked bike zone is designated on the edge of the road. It is assumed that despite the paint being faded and view of this path being impaired by recent resurfacing from Madeira Road Corner, that this path is continued the length of Robertson St. If this is the case, then the tree I refer to would literally be 'smack, bang' in the middle of the bike track.

A few other points I believe are pertinent as to why the tree should be removed:

Council is currently putting in a walking path along Robertson Street which is fantastic and a great step forward in relation to the safety of pedestrians who regularly walk that route. This tree, however, is also a concern in relation to the path. The path will run within 1 metre of the tree and possibly be impacted over time by the tree roots, thus leading to splitting and therefore future and ongoing maintenance costs.

The increased residential access via Robertson Street will only continue to grow as more and more houses are being built beyond Lions Drive, Spring and Melton Roads, which means that there is greater likelihood of an accident due to the location of this tree and the points I have raised earlier.

The speed humps either side do slow traffic, however, there are a large number of people who accelerate away from the hump quickly which again poses greater risk for losing that second or two of control. Again, the location of the tree would potentially impact greatly on safety if this was to occur.

Obviously with the work currently underway to construct the footpath, this is an opportunity to remove a tree that is likely to need removal at some stage in the future.

I hope that I have made valid points and that Council agrees that this tree does pose a range of potential risks and it sees the validity of removing it.

Thanks for your time and consideration. I await feedback on my concerns.

Regards

Alison Wilson

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ATTACHMENT 2

To: Council
Subject: Dangerous tree Robertson Street Mudgee

General Manager, Mayor and Councillors,
Midwestern Regional Council

I am writing in regarding to a tree which is growing beside the road opposite 76 Robertson Street Mudgee.

This tree has been hit twice, that I know of, one serious the other minor and after witnessing a near accident last week I thought it best to inform you of this.

Owing to many subdivisions in Mudgee south this road has become very busy.

When there are cars parked on the other side of the road near my place or next door cars coming up the road have to come out around the tree in question and the situation becomes quite dangerous.

The reason given to residents of Robertson some time ago not to take the tree out was that it would cause problems from some quarters of the community.

As the residents of Robertson Street witnessed a tree being removed just down the road 2 weeks ago, that wasn't a danger, could we please have this tree removed before there is a dangerous situation.

Could this e-mail be sent to General Manager, Mayor and Councillors please

Thanking you

Marcia Box

ATTACHMENT 3

Tree Removal Assessment & Approval Form

Location & Details	
<input checked="" type="checkbox"/> Mudgee <input type="checkbox"/> Gulgong <input type="checkbox"/> Kandos <input type="checkbox"/> Rylstone <input type="checkbox"/> Rural	
Location:	Opposite 76 Robertson Street (on golf course side)
Reason for request / assessment:	Complaints from public due to tree being in close proximity to road
Botanical name (attach photos):	Eucalyptus blakelyi
Common Name:	Blakely's Red Gum
Number of Trees:	1
Height/s:	20m approx
Surrounding Trees and the assessed tree(s) place in the landscape:	Variety of trees in golf course and on opposite side of road
Assessment (Visual)	
Trunk diameter 1 metre above ground:	Multi-trunked, ranging from 400mm to 450mm
Signs of ground movement or heaving	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Visible Defects	Small amount of deadwood in canopy, decay in middle of trunks
Soundness	<input type="checkbox"/> Sound <input checked="" type="checkbox"/> Semi-Sound <input type="checkbox"/> Unsound
Structural integrity of root system	Appears sound
Broken limbs	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Only small limbs
Unusual lean	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General health	<input type="checkbox"/> Good <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor / Fair
Existing / Potential to Damage Infrastructure	Road new pathway
Safety Risks to pedestrians / traffic	Traffic and pedestrians
Removal Impact:	<input type="checkbox"/> Low <input checked="" type="checkbox"/> Moderate <input type="checkbox"/> High
Assessment (Other)	
Details of any other measures taken to determine health / risk of tree	None
Recommendations	
Priority Ranking	
Action Recommended:	
Date: 05/06/15	Inspector
Approvals	
Approved Course of Action	<input type="checkbox"/> Remove <input type="checkbox"/> Retain <input type="checkbox"/> Monitor
Notifications Required?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notes:	
Date:	Director Community





6.2.17 Parking Patrol Agreements

REPORT BY THE DIRECTOR, COMMUNITY TO 15 JULY 2015 COUNCIL MEETING

Parking Patrol Agreements
GOV400043, LAW100031

RECOMMENDATION

That:

1. **the report by the Director, Community on Parking Patrol Agreements be received;**
2. **Council support entering into agreements with property owners for parking patrols on established parking areas on privately owned land and authorise the General Manager to negotiate these terms as required.**

Executive summary

While Council carries out regular patrols of parking areas under its control and authority, there are also a number of parking areas that exist on privately owned land. This report seeks Council's endorsement to enter into agreement with these property owners for Council rangers to patrol these parking areas.

Detailed report

There are a number of well-established parking areas for shoppers that are on private land and are not the responsibility of Council rangers to patrol. Over the years there has been an inconsistent approach to how these parking spaces are monitored. In one case there has been a long term formal agreement with the property owner and Council does monitor this car park and issues fines. In other cases there has been an informal agreement with the property owner to the same effect. There are other areas, such as the car park in front of Big W in Mudgee, where Council does not currently patrol the car parking.

The intent of this report is to seek Council's direction to standardise our approach to these parking areas on privately owned land. The recommendation is to seek a formal agreement that includes an acknowledgement of the responsibilities of Council and the property owner.

The approach of Council would be to negotiate to the following points:

- Council's monitoring of the car parking spaces would be carried out in line with Council's policies and procedures in the same manner as our patrols for Council controlled spaces
- Infringement notices would be handled through the State Debt Recovery Office
- The property owner would remain responsible for any maintenance issues including road surface maintenance, line marking and signs
- Council (or the property owner) would be able to end the agreement in a relatively short period of time if required (e.g. three or six months)

While there is potential for some revenue to be raised through these agreements, the reasoning behind the parking patrols is not for revenue. Ultimately, it is about making the car parking available in a fair and equitable manner, with a particular focus on ensuring that disability parking is used correctly.

Financial and Operational Plan implications

The signing of any new agreements is not expected to have any significant impact on the current budget. However, any agreement signed will be reviewed to determine whether an adjustment is appropriate.

Community Plan implications

Strategy 1.2.1 Provide infrastructure and services to cater for the current and future needs of our community.



SIMON JONES
DIRECTOR, COMMUNITY

25 June 2015

Attachments: Nil.

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.18 Fixing of Annual Fees for Councillors and the Mayor

REPORT BY THE DIRECTOR, COMMUNITY TO 15 JULY 2015 COUNCIL MEETING

Fixing of Annual Fees for Councillors and the Mayor

GOV400043, GOV400010

RECOMMENDATION

That:

1. **the report by the Director, Community on the Fixing of Annual Fees for Councillors and the Mayor be received;**
2. **Council fix the fees for Councillors and the Mayor for the period July 2015 to June 2016 at \$11,010 for Councillors and an additional \$24,030 for the Mayor;**
 - (a) **Council pay the Deputy Mayor a fee, to be deducted from the fee payable to the Mayor, for periods of 7 days or more, where the Mayor is unable to carry out the duties of Mayor, such fee to be for the period that the Deputy Mayor acts in the role of the Mayor;**
 - (b) **the calculation of this fee to be determined at a pro rata rate of the Mayor's annual fee.**

Executive summary

This report addresses the need for Council to fix the annual fees for Councillors and the Mayor for the period July 2015 to June 2016.

Detailed report

The Local Government Act 1993 provides that Council must pay an annual fee to each Councillor and to the Mayor. The Mayoral fee must be paid in addition to the fee paid to the Mayor as a Councillor.

The Council may fix these fees and, if it decides to do so, the fees must be fixed in accordance with the determination of the Local Government Remuneration Tribunal. If Council does not fix a fee, it is required to pay the minimum fee determined by the Remuneration Tribunal.

The Act also provides that Council may pay the Deputy Mayor as fee determined by the Council for such time as the Deputy Mayor acts as in the office of the Mayor; such amount to be deducted from the Mayor's annual fee.

The Act provides that the Remuneration Tribunal must make a determination in relation to fees, not later than 1 May each year. The 2015 determination of the Remuneration Tribunal is attached.

As a consequence of that determination, this Council has been categorised as rural; the fees applicable for the period July 2015 to June 2016 being:

	Minimum	Maximum
Councillor	\$8,330	\$11,010
Mayor	\$8,860	\$24,030

It is not mandatory for Council to fix the fees for Councillors and the Mayor. However, if Council does not fix these fees, the Act provides that the minimum fees will apply.

Council has generally resolved that the maximum fees shall apply. However, it is noted that last year, Council resolved to keep fees payable at the same level as the 2013/14 year. The fees that were resolved to be payable for the 2013/14 and 2014/15 years were \$10,480 for Councillors and an additional \$22,870 for the Mayor.

In addition, given that the Council has previously determined to pay a fee to the Deputy Mayor, Council might also consider continuing this practice, bearing in mind the relevant provisions of the Act (Section 249(5)) which states:

“(5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor’s annual fee.”

The recommendation above has been framed in such a way as to continue the process of paying a fee for the Deputy Mayor.

Financial and Operational Plan implications

The Remuneration Tribunal decision represents about a 2.5% increase in the maximum and minimum fees payable to Councillors and the Mayor. Assuming the Council agrees to pay the maximum fee, there is sufficient funds in the 2015/16 Members Expenses budget to cover this increase.

Community Plan implications

Strategy 5.1.1 - Provide clear strategic direction through the Community Plan, Delivery Programme and Operational Plans.



SIMON JONES
DIRECTOR, COMMUNITY

30 June 2015

Attachments: 1. 2015 Local Government Remuneration Tribunal Annual Report and Determination 13 April 2015

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

Local
Government
Remuneration
Tribunal

Annual Report
and
Determination

*Annual report and determination under sections 239
and 241 of the Local Government Act 1993*

13 April
2015

Local Government Remuneration Tribunal

Contents

Contents	1
Introduction	2
Section 1 Background	2
Section 2 Local Government Reform	3
Section 3 2015 Review	6
Scope of the Review - Categories	6
Submissions Received	7
Tribunal's Findings	10
Section 4 Determinations	14
Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2015	14
Table 1: General Purpose Councils	14
Table 2: County Councils	16
Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors	17
Table 3: Fees for General Purpose and County Councils	17

Local Government Remuneration Tribunal

Introduction

1. The role of Local Government Remuneration Tribunal (the Tribunal), pursuant to section 235 of the *Local Government Act 1993* (the LG Act) was undertaken by Ms Helen Wright from 13 December 2006 until the expiration of her appointment on 30 June 2014. The Tribunal wishes to express its appreciation of Ms Wright's contributions over those years.
2. On 4 February 2015, Dr Robert Lang was appointed to the role of Tribunal pursuant to section 235 of the LG Act and Mr Ian Reynolds was appointed to the role of Assessor assisting the Tribunal pursuant to section 236 (1) (b) of the LG Act. The role of Assessor assisting the Tribunal pursuant to 236 (1) (a) has been undertaken by Mr Steve Orr, Acting CEO, Office of Local Government, Department of Planning and Environment.

Section 1 Background

3. Pursuant to section 239 of the LG Act the Tribunal determines the categories of councils and mayoral offices and the allocation of each council and mayoral office into one of those categories.
4. Pursuant to section 241 of the LG Act the Tribunal determines in each category of council, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
5. In determining the maximum and minimum fees payable to each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.
6. The current policy on wages pursuant to section 146(1)(a) of the IR Act is articulated in the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* (Regulation). The effect of the Regulation is that public sector wages cannot increase by

Local Government Remuneration Tribunal

more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors.

7. The former Tribunal's Report and Determination of 2014 provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.

Section 2 Local Government Reform

8. Local government in NSW has been the subject of a significant reform agenda driven by the need to change. This has been supported by Local Government NSW (LGNSW) and the State Government. The process of creating a strong and viable local government sector began with the *Destination 2036* summit held in 2011. The outcome was the "*Destination 2036 Action Plan*" which identified 12 major initiatives to create a strong local government sector.
9. In 2012 the then Minister for Local Government appointed an Independent Local Government Review Panel (Panel) to formulate options for governance models, structures and boundary changes to improve the strength and effectiveness of local government and to help drive the strategic directions set out in the *Destination 2036 Action Plan*. The Local Government Acts Taskforce (Taskforce) was also appointed to review the LG Act and the *City of Sydney Act 1988*.
10. Following an extensive consultation program with stakeholders across NSW during 2012 and 2013 the final reports of the Panel and the Taskforce were released in October 2013. As outlined in the Tribunal's 2014 determination these reports make a broad range of recommendations which, if adopted in full or in part, could deliver significant reforms across local government in NSW.
11. The Government's response to the recommendations of the Panel and the Taskforce was released in September 2014 – '*Fit for the Future, NSW Government Response*'.
12. The Tribunal notes that the Panel has made a number of comments in relation to the adequacy of the existing remuneration arrangements and has proposed structural changes which may have an impact on the roles and responsibilities of councillors and mayors. Suggested changes include amendments to the LG Act to provide greater clarity in relation to the role of councillors and mayors. It has been proposed that in larger councils and in major regional councils, the role of mayor, and in some instances that of

Local Government Remuneration Tribunal

the deputy mayor, should be expanded to a full time office and remunerated accordingly.

13. The Government has supported these changes in principle, noting in their response:

“Stronger political leadership and effective representation are essential to strengthen local communities. In developing a new Local Government Act, the Government will consider how to embed these principles and achieve these outcomes.

In time for the next local government elections in 2016, the Government will:

- *Amend the legislated role of councillors and mayors to provide greater clarity generally in accordance with the Panel’s recommendations*
- *Introduce minimum two year terms and compulsory voting in mayoral elections for mayors elected by councillors, to facilitate leadership stability.”*

In response to whether the role of mayor should be full time the Government advised:

“The Government recognises the important role of the Mayor in providing leadership to the council and the community. It recognises that the role of Mayor will inevitably vary given the size of the council and the nature of the community and believes it is for the council to determine the appropriate time required to fulfil this important strategic role.”

14. The Panel also suggested that professional development programs be made available to councillors and that remuneration should be increased in recognition of enhanced skills.

15. The Government has not supported the Panel’s recommendation that councillors and mayors who successfully complete recognised professional development programs receive increased remuneration. In response to that recommendation the Government advised:

“The Government recognises the dedication of councillors across NSW to their local council and their communities and supports councillors receiving a fair level of remuneration, which reflects the nature of the role and the communities’ expectations of prudent use of ratepayer funds.

The Government believes an independent process, currently undertaken by the Independent Remuneration Tribunal, provides a fair means of setting councillor remuneration, with the current criteria taking into account, among other things, the size and the significance of the council.

The Minister for Local Government will ask the Tribunal to give further consideration to the criteria to better reflect the objectives of local government

Local Government Remuneration Tribunal

reform with a focus on those councils that have made the necessary changes to become "Fit for the Future".

The Government also believes that professional development, particularly for new councillors but importantly for all councillors, is essential for being an effective councillor rather than a justification for increasing councillor remuneration and expects all councils to have in place a professional development program for councillors."

16. In providing their response the Government also announced a package of support to strengthen communities and support councils to become Fit for the Future.
17. The Government intends to provide funding of up to \$1 billion to help NSW councils become Fit for the Future. The Fit for the Future package includes:
 - \$258 million to assist councils who decide to merge and make the changes needed to provide better services to communities;
 - Potential savings of up to \$600 million from cheaper finance for Fit for the Future councils to invest in local infrastructure;
 - Up to \$100 million savings through reductions in red tape and duplications;
 - Improvements to the local government system, including the laws that govern it, the way the State works with councils and the support that councils receive.
18. As part of a broad range of local government initiatives, councils have been asked to assess their current situation and consider the future needs of its community. The Panel recommended a range of structures for councils across NSW, based on the Panel's extensive consultation and research. Those options include:
 - voluntary mergers
 - forming regional joint organisations
 - a new model for the far west
 - a rural council option
19. Councils have been asked to prepare a roadmap for becoming Fit for the Future. The Roadmap is to address the viability of introducing one of the structures proposed having regard to:
 - scale and capacity
 - sustainability
 - efficiency, and
 - effective services and infrastructure.

Local Government Remuneration Tribunal

20. Councils have been asked to assess their current position and submit a Fit for the Future proposal by 30 June 2015. The proposals will be assessed by an independent expert panel which will make recommendations to the Minister for Local Government. It is expected that from October 2015 Fit for the Future councils will commence the implementation of their proposals.
21. The Tribunal also notes that a new local government act is expected to be introduced following the local government elections in September 2016.

Section 3 2015 Review

Scope of the Review - Categories

22. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. In accordance with the Act, the Tribunal has reviewed the categories as part of the 2015 annual review.
23. Pursuant to section 240 of the Act the Tribunal is required to determine categories according to the following matters:

“240 (1)

- *the size of areas*
- *the physical terrain of areas*
- *the population of areas and the distribution of the population*
- *the nature and volume of business dealt with by each Council*
- *the nature and extent of the development of areas*
- *the diversity of communities served*
- *the regional, national and international significance of the Council*
- *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government*
- *such other matters as may be prescribed by the regulations. “*

24. The former Tribunal undertook a fundamental review of the categories in 2012. In undertaking that review, the former Tribunal found that there was no strong case to significantly alter the current categories of councillor or mayoral office or to move

Local Government Remuneration Tribunal

individual councils between categories. The Tribunal notes that since 2012 there has been no reduction in the number of councils or significant changes to local government boundaries but significant progress has been made by the Government, LGNSW and local councils in progressing the reform process.

25. In reviewing the categories for 2015 the Tribunal considers the current reform initiatives, in particular Fit for the Future, to be relevant to the provision of efficient and effective local government.
26. On 4 March 2015, the Tribunal wrote to all mayors advising of the commencement of the 2015 Annual Review. The Tribunal invited submissions from councils as to whether Fit for the Future councils should be recognised in any future or alternative categorisation model. This proposal was consistent with the Government's response to the recommendations of the Panel. The Tribunal also wrote to the President of LGNSW in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal wishes to place on record its appreciation to the President and Chief Executive for meeting with the Tribunal.

Submissions Received

27. In response to this review the Tribunal received 15 submissions from individual councils and a submission from LGNSW. The key points from those submissions are summarised below.

Local Government NSW

28. The association's view is that a wholesale review of the categories is not practical until the conclusion of the Fit for the Future proposal and approval period and therefore a detailed analysis of the factors set out in Section 240 of the Act was not included in their submission.
29. However, the association has requested that a new category of 'Peri-Urban' be created to contain those councils that occupy a landscape on a major city fringe that is neither fully urban nor completely rural. Councils that would fit into this new category include Wollondilly and Hawkesbury River councils.
30. Given the statutory limitations in place LGNSW has also requested that councillor and

Local Government Remuneration Tribunal

mayoral fees be increased by the full 2.5 percent for 2015/16. LGNSW continues to advocate that councillors face an immense task juggling council workload, family responsibilities as well as paid work and such a significant time involvement is not appropriately recompensed through the current remuneration levels. The roles of councillor and mayor have expanded due to the introduction of new forms of strategic and corporate planning and, more recently, additional workloads are attributable to Fit for the Future and Joint Organisation pilots.

Major City

31. Wollongong City Council has sought the inclusion of transitional remuneration arrangements in this year's determination, rather than future determinations, to reflect extra responsibilities being undertaken through Fit for the Future and as a Pilot Joint Organisation. The Council argues that this was articulated and acknowledged in discussions concerning the scope and structure of Joint Organisations during workshops facilitated by the Office of Local Government.

Metropolitan Major

32. Penrith City Council has sought re-categorisation to Major City in view of the Council's identified role as a regional city for North Western Sydney and its expanding regional role for housing, transport, jobs and services. The Council supports a future categorisation model that provides a bonus or incentives for those councils that successfully demonstrate ongoing sustainability through their Fit for the Future proposals and Improvement Plans.

Metropolitan Centre

33. Submissions were received from Liverpool City Council, Sutherland Shire Council, The Hills Shire Council and Wyong Shire Council. All councils in this group have sought re-categorisation to a higher group.
34. Liverpool City Council has sought re-categorisation to either Metropolitan Major as a minimum or Major City. The Council argues that its similarities with Penrith City Council and Parramatta City Council support a consistent categorisation with either of these councils.

Local Government Remuneration Tribunal

35. The Hills Council argues that the current categorisation system does not recognise the complexities faced by Councillors in 'growth' councils. The Council also notes that it has a similar population and growth forecast to Penrith City Council which is in the Metropolitan Major category.
36. Wyong Shire Council has sought re-categorisation to Metropolitan Major on the basis that its functions are parallel to councils in that category.
37. Sutherland Shire Council has sought re-categorisation to Metropolitan Major and argues that it compares with Penrith City Council and Blacktown City Council which are categorised as Metropolitan Major.

Metropolitan

38. Submissions were received from Pittwater Council and Camden Council.
39. Pittwater Council has requested the Tribunal to make appropriate representations for changes to legislation to require councils to pay compulsory employer superannuation contributions for councillors. Under current law councillors are not deemed employees of a council and employer superannuation contributions are not required.
40. Camden Council has sought re-categorisation to Metropolitan Centre or alternatively to a new category for growth centres. Camden is a major growth centre and expects exponential growth over the next 25 years with a significant increase in population and dwellings and related increases to the Council's staffing, budget, services and councillors' workloads and obligations.

Regional Rural

41. Individual submissions were received from Albury City Council, Bathurst Regional Council, Bega Valley Shire Council and Hawkesbury City Council.
42. Albury City Council has requested that the Tribunal consider the provision of a deputy mayoral allowance in the fee structure noting that this may require a change to the LG Act. The experience of Albury City Council is that there are an increasing number of civic commitments on the mayor averaging five or more per week with the deputy mayor often required to assist in these matters.
43. Bathurst Regional Council has sought an increase of fees to reflect the increased role

Local Government Remuneration Tribunal

and responsibilities that councillors undertake.

44. Bega Valley Shire Council argue that the current remuneration levels are a barrier to many younger and working people standing for election. Also, the Council requests that any proposed categorisation model recognising Fit for the Future status should recognise not only councils that intend to amalgamate but also councils which participate in Joint Regional Organisations.
45. Hawkesbury City Council has sought re-categorisation to a higher or new category on the basis that it is different to other councils in Regional Rural.

Rural

46. Forbes Shire Council has sought an additional increase above 2.5% to account for the additional complexity and time obligations that are over and above councillors' business as usual work, as a result of the Integrated Planning and Reporting Framework, Independent Panels review report and Fit for the Future.

Tribunal's Findings

Categorisation

47. The Tribunal has reviewed the existing categories and finds that no change is warranted at this time. While LGNSW have put forward a proposal to create a new "peri urban" category, any consideration of new categories is not considered appropriate at this time given the current reform agenda. It is probable, should Fit for the Future initiatives proceed, that the structure of local government in NSW will change over the next few years. Any future Tribunal will need to consider categorisation based on the structure and composition of councils in NSW at that time.
48. The Tribunal has also considered those requests for re-categorisation from individual councils as outlined in the submissions. The Tribunal finds that the current categorisation of individual councils is appropriate at this time and no changes are warranted.
49. In making submissions councils were also asked to comment on whether Fit for the Future councils should be recognised in any future or alternative categorisation model.

Local Government Remuneration Tribunal

50. In seeking these views the Tribunal acknowledged that a number of Fit for the Future milestones will not be achieved prior to the Tribunal making its determination. The Tribunal's intention was to seek preliminary views on what factors should inform any future categorisation model, should changes to the structure of local government occur following the implementation of Fit of the Future. The Tribunal notes the preliminary view of LGNSW that any new set of factors for describing council categories should be capable of being applied to all councils rather than segregating councils based on their Fit for the Future status. LGNSW went on to acknowledge that, should the NSW local government sector undergo transition, in addition to revising the factors already prescribed by the Act that there will be a need to develop contemporary factors that recognise progressive change at the council level.
51. A number of submissions also raised with the Tribunal the additional work associated with participating in Fit for the Future and other reform initiatives, including work associated with the Integrated Planning and Reporting Framework and participation in Pilot Joint Organisations of Councils. The Tribunal acknowledges the significant work that has been undertaken by the Office of Local Government, LGNSW and individual councils in driving reform across the sector but considers that this does not warrant re-categorisation of councils at this time.
52. The Tribunal has not formed a view on any future categorisation framework at this point in time. While the Panel has proposed a number of alternative models for the governance of communities in NSW, any proposed changes will not be known until after the release of the Fit for the Future findings later in 2015.
53. Based on the existing Fit for the Future timeframes, the Tribunal may need to consider a revised categorisation model, including the fees that apply to those categories, during the 2016 annual review. Should the structure of any council areas in NSW change before then, the Minister for Local Government may direct the Tribunal to make a special determination to alter the existing determination to take account of any new arrangements.
54. The Tribunal is of the view that significant changes should prompt a revision of the criteria for determining categories and fees. Any new categorisation model may need to

Local Government Remuneration Tribunal

have regard to a broader or different set of criteria than those currently provided for in section 240 of the LG Act.

55. In reviewing the LG Act the Government may wish to consider the range of factors any future Tribunal should have regard to in determining categories. As one example, the Government has released "*A Plan for Growing Sydney*" that will guide land use planning decisions in Metropolitan Sydney for the next 20 years. The Greater Sydney Commission will work with local councils to implement growth and infrastructure plans. The expertise and work load expected of councillors and mayors with responsibilities associated with "*A Plan for Growing Sydney*" may be factors which the Tribunal should have regard to in determining categorisation and remuneration. The Tribunal expects that similar pressures will be placed on rural and regional councils to drive economic and social growth throughout NSW.
56. The Tribunal also notes that any revision to the fees as a result of any new categorisation model would need to balance the need to attract and retain experienced and capable elected representatives with the ability of councils to afford any potential increases. While money is not the primary motivator for undertaking public office, fees should adequately recognise the roles and responsibilities of councillors and mayors and assist in attracting suitably qualified and experienced candidates.
57. Finally, the Tribunal notes that it has received legal advice which would suggest that any re-categorisation of an existing council, which would have the effect of increasing the employee related costs in respect of those councillors by more than 2.5 per cent may contravene the intent of section 242A of the LG Act. This would appear to limit the Tribunal's ability to undertake its independent statutory functions. While the Tribunal has decided not to re-categorise any of the existing councils as part of this review, the ability of the Tribunal to determine revised categories or fees for a future local government structure may be limited by the scope of the existing legislation. The Tribunal will write to the Minister for Local Government to seek advice on this matter.

Fees

58. The Tribunal notes the comments made in submissions in regard to the payment of fees for deputy mayors. As noted by the former Tribunal the LG Act prevents the Tribunal

Local Government Remuneration Tribunal

from determining any fees for deputy mayors. The Government may wish to consider this matter in its review of the LG Act.

59. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to the councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
60. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and finds that the full increase of 2.5 per cent available to it is warranted. On that basis, having regard to the above, and after taking the views of the Assessors into account, the Tribunal considers that an increase of 2.5 per cent in the maximum and minimum fee for each category of councillor and mayoral office, including county councils, is appropriate and so determines.

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 13 April 2015

Local Government Remuneration Tribunal

Section 4 Determinations

Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2015

Table 1: General Purpose Councils

Table 1: General Purpose Councils (152)		
Category	Council	
Principal City (1)	Sydney	
Major City (3)	Newcastle Parramatta Wollongong	
Metropolitan Major (2)	Blacktown Penrith	
Metropolitan Centre (16)	Bankstown Campbelltown Fairfield Gosford The Hills Hornsby Hurstville Lake Macquarie	Liverpool North Sydney Randwick Ryde Sutherland Warringah Willoughby Wyong
Metropolitan (21)	Ashfield Auburn Botany Burwood Camden Canada Bay Canterbury Holroyd Hunters Hill Kogarah Ku-ring-gai	Lane Cove Leichhardt Manly Marrickville Mosman Pittwater Rockdale Strathfield Waverley Woollahra

Local Government Remuneration Tribunal

Table 1: General Purpose Councils (152)			
Category	Council		
Country Rural (32)	Albury Armidale Dumaresq Ballina Bathurst Bega Valley Blue Mountains Broken Hill Byron Cessnock Clarence Valley Coffs Harbour Dubbo Eurobodalla Great Lakes Goulburn Mulwaree Queanbeyan	Greater Taree Griffith Hawkesbury Kempsey Lismore Maitland Orange Port Macquarie-Hastings Port Stephens Shellharbour Shoalhaven Tamworth Tweed Wagga Wagga Wingecarribee Wollondilly	
Rural (77)	Balranald Bellingen Berrigan Bland Blayney Bogan Bombala Boorowa Bourke Brewarrina Cabonne Carrathool Central Darling Cobar Conargo Coolamon Cooma-Monaro Coonamble Cootamundra Corowa Cowra Deniliquin Dungog Forbes Gilgandra Glen Innes Severn	Gloucester Greater Hume Gundagai Gunnedah Guyra Gwydir Harden Hay Inverell Jerilderie Junee Kiama Kyogle Lachlan Leeton Lithgow Liverpool Plains Lockhart Mid-Western Moree Plains Murray Murrumbidgee Muswellbrook Nambucca Narrabri Narrandera	Narromine Palerang Parkes Oberon Richmond Valley Singleton Snowy River Temora Tenterfield Tumbarumba Tumut Upper Hunter Upper Lachlan Uralla Urana Wakool Walcha Walgett Warren Warrumbungle Weddin Wellington Wentworth Yass Valley Young

Local Government Remuneration Tribunal

Table 2: County Councils

Table 2: County Councils (14)	
Category	Council
Water (5)	Central Tablelands Goldenfields Water MidCoast Riverina Water Rous
Other (9)	Castlereagh – Macquarie Central Murray Far North Coast Hawkesbury River New England Tablelands Richmond River Southern Slopes Upper Hunter Upper Macquarie

Local Government Remuneration Tribunal

Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the Local Government Act 1993, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2015 are determined as follows:

Table 3: Fees for General Purpose and County Councils

Table 3: Fees for General Purpose and County Councils				
Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee	
	Minimum	Maximum	Minimum	Maximum
General Purpose Councils				
Principal City	25,040	36,720	153,200	201,580
Major City	16,690	27,550	35,470	80,260
Metropolitan Major	16,690	27,550	35,470	80,260
Metropolitan Centre	12,520	23,370	26,600	62,090
Metropolitan	8,330	18,380	17,740	40,090
Regional Rural	8,330	18,380	17,740	40,090
Rural	8,330	11,010	8,860	24,030
County Councils				
Water	1,660	9,180	3,550	15,080
Other	1,660	5,490	3,550	10,020

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

Local Government Remuneration Tribunal

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 13 April 2015

6.2.19 2015 Christmas Close Down

REPORT BY THE DIRECTOR, COMMUNITY TO 15 JULY 2015 COUNCIL MEETING

2015 Christmas Close Down

GOV400043, A0100056, A0260003

RECOMMENDATION

That:

- 1. the report by the Director, Community on the 2015 Christmas Close Down be received;**
- 2. Council notes that administrative centres, works depots and libraries will close for the Christmas holidays from 12 noon on Wednesday 23 December 2015, returning on Monday 4 January 2016;**
- 3. The community be notified through the Community News and appropriate signs be affixed to the doors of Council's premises advertising the closure period.**

Detailed report

Past practice has been for Council's workforce to take leave over the Christmas/New Year period. This is traditionally a very quiet period for Council services and thus provides a good opportunity for staff to take annual leave. Christmas Day and Boxing Day fall on a Friday and Saturday with Monday 28 December gazetted as a public holiday as per the Public Holidays Act. New Year's Day falls on a Friday. All other work days off will be treated as annual leave. The first day of the Christmas school holidays will be Thursday 24 December 2015.

Council essential and emergency services will be on call during the break.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.



SIMON JONES
DIRECTOR, COMMUNITY

30 June 2015

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.20 Library Services - Quarterly Report April-June 2015

REPORT BY THE LIBRARY SERVICES COORDINATOR TO 15 JULY 2015 COUNCIL MEETING

Library Services – Quarterly Report

GOV400043, FO620020

RECOMMENDATION

That the report by the Library Services Coordinator on the Library Services- Quarterly Report be received.

Executive summary

This report seeks to inform Council of the activities undertaken by the Mid-Western Regional Council Library Service, under the broad outlines of Customer Visits, Library Borrowings and Purchased Items, Lobbying and Advocacy, Ongoing Strategic Partnerships, and Sustainable Organisation. The report covers the period April to June 2015.

Detailed report

CUSTOMER VISITS, LIBRARY BORROWINGS AND PURCHASED ITEMS

The number of visits to our Library branches during the 2014/15 increased by 4.4%, compared to the previous financial year.

Year	Visits
2013/2014	119,057
2014/2015	124,353

Overall Library loans are maintained at the same level as the previous quarter.

Quarter	Loans
Jan – Mar 2015	25639
April – June 2015	25255

There was, however, a 13.4% decrease in Mobile Library loans compared to the previous quarter.

Quarter	Loans
Jan – Mar 2015	1564
April – June 2015	1353

The Library continues to purchase new items in line with the Collection Development Strategy. These items include fiction and nonfiction for adults and children, and audio books and magazines in both print and electronic format, and CDs and DVDs.

Year	Purchases
2013/2014	4603
2014/2015	4232

LOBBYING AND ADVOCACY

Ongoing engagement with the community through regular newspaper features, items in Council's Community Newsletter, and via the Library's Facebook page. Library staff were also invited to give a presentation on the Library's services to Community Health – May 2015.

ONGOING STRATEGIC PARTNERSHIPS

Mid-Western Regional Council Library continues its collaboration with ABC Open – Dubbo, recently confirming the continuance of monthly writing workshops for local writers at Mudgee Library.

The Library partnered with the Royal Australian Historical Society and Mudgee Historical Society to host a well-attended 2-day Regional History Seminar at the Mudgee Town Hall facility during April. It is expected this is only the first of such events to be held in the local region.

SUSTAINABLE ORGANISATION

All branches of the Library hosted a range of well-attended children's craft programs and storytelling during the April school holidays, on the themes of Autumn and Easter.

All Library branches continue to participate in the 'Wrap with Love' program, acting as collection points for knitted squares, with Mudgee Library hosting a 'World Wide Knit in Public' event in early June.

MWRC Library continues to support and participate in State and National reading and literacy programs, such as National Simultaneous Storytime – an annual campaign that aims to encourage young Australians to read and enjoy books, and was celebrated by over 300 children and their parents/carers in the Mudgee Town Hall Theatre – May 2015.

Support the NSW State Library's community initiatives via promotions on:

- 'Know Your Standards' and 'Know Your Drug Facts' – raising awareness about alcohol standard drinks, and drugs and drug use in the community, during Youth Week – April 2015;
- the Library as a LIAC (Legal Information Access Centre) – with the provision of a Find Legal Answers Tool Kit and Hot Topics publications for community use, particularly during National Law Week – May 2015.

Mudgee Library – in partnership with local schools and the Mudgee RSL sub-branch – hosted the country launch of children's author Libby Hathorn's new book, with a display in the Library of the historical research of local schoolchildren into family members who had served during war.

During the April – June period, Mudgee Library has held 2 Sustainability Workshops (Backyard Beekeeping, and Water Conservation), hosted a small music concert, and conducted a month-long Book Sale. The Library also hosted the Vision Australia Expo, showcasing new technology and devices suitable for people in the community with vision and/or print impairment.

Mid-Western Regional Council Library has rapidly expanded its digital collections over the April-June period, through the introduction of:

- a new downloadable audio book platform – Axis 360 – combining this with our existing Axis 360 ebook platform;
- online magazines – through the Library Zinio app – enabling customers to either read current and popular magazines online, or download them to read offline later;
- Storybox Library – featuring engaging online Australian stories read by some of Australia's finest storytellers; and,

- Access Video on Demand – featuring more than 13,000 videos and 207,000 video segments – organised in comprehensive collections for study purposes, and also containing many entertaining and interesting documentaries for the wider community.

Mudgee and Gulgong library staff were also involved in the refurbishment of the Gulgong Library & Office, from the physical replacement of old furniture and shelving with new, to the reshelving of 9,500 library items.


Financial and Operational Plan implications

Not applicable.

Community Plan implications

Strategy 1.1.1 - Maintain the provision of high quality, accessible community services that meet the needs of our community.

MICHELLE MAUNDER
LIBRARY SERVICES COORDINATOR


SIMON JONES
DIRECTOR, COMMUNITY

1 July 2015

Attachments: Nil

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.21 Code of Meeting Practice

REPORT BY THE DIRECTOR, COMMUNITY TO 15 JULY 2015 COUNCIL MEETING

Code of Meeting Practice

GOV400043, A0110003, GOV400043

RECOMMENDATION

That:

1. **the report by the Director, Community on the Code of Meeting Practice be received;**
2. **Council's revised Code of Meeting Practice be adopted with the provision "to provide that Ordinary Council meetings will generally be held once per month, on the 3rd Wednesday of each month, with no Ordinary meeting to be scheduled for January".**

Executive summary

As stated in the report to the Council meeting on 4 May 2015, it is recommended that Council proceed with changing its Code of Meeting Practice, to provide for monthly Council meetings. There is an additional recommendation to correct one omission of the word "not" from Part 2, Cl 5(4)(b) of the Council's Code, an omission which occurred when it was originally transcribed from the Model Code provided by the Office of Local Government.

Detailed report

At the Council meeting on 4 May 2015 it was resolved that:

1. *The report by the Director, Community on the Code of Meeting Practice for Council Meetings be received;*
2. *Council's Code of Meeting Practice be amended in Part 2, Cl 5(1) to provide that Ordinary Council meetings will generally be held once per month, on the 3rd Wednesday of each month, with no Ordinary meeting to be scheduled for January;*
3. *Council's Code of Meeting Practice be amended in Part 2, Cl 5(4)(b) to provide that if a motion for adjournment is negatived, the business of the meeting shall proceed and it shall not be in order for any councillor to again move for a motion of adjournment, within half an hour of the previous motion for adjournment being negatived;*
4. *The draft Code as amended, be placed on public exhibition for a period of 28 days, but allowing a period of at least 42 days during which submissions may be made to the Council, in accordance with S 361 of the local Government Act 1993.*

The draft Code was placed on exhibition as resolved and no submissions on the matter were received.

Council at its meeting of 3rd December 2014, resolved amongst other things, to trial the conduct of one Council meeting per month, for a period of five months, with the last meeting in the trial period to be the meeting scheduled for 17 June 2015.

The trial period has proceeded with strong indications that Council operates effectively with the reduced number of scheduled meetings, without unreasonable extension of meeting durations and without detriment to Council's operations. On the rare occasion when a matter arises which cannot wait until the next scheduled meeting, the extraordinary meeting provisions are available to Council, to deal with any appropriate matter.

It is recommended that Council now adopt the revised Code.

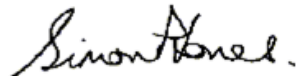
Financial and Operational Plan implications

Financial implications are considered minimal, as catering costs for meetings are modest and staff related costs are minimal, as those staff in attendance at meetings who receive payment, would generally receive time in lieu included into their normal week. There would be no appreciable Operational Plan implications.

Community Plan implications

5.1.2 – Provide accountable and transparent decision making for the community

5.2.2 – Encourage community access and participation in Council decision making



SIMON JONES
DIRECTOR, COMMUNITY

30 June 2015

Attachments: 1. Draft Amended Code of Meeting Practice (included at the end of the business paper)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.22 Family Day Care Policy

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 15 JULY 2015 COUNCIL MEETING

Family Day Care Policy

GOV400043, COS300291

RECOMMENDATION

That:

1. **the report by the Manager, Community Services on the Family Day Care Policy be received;**
2. **Council adopt the amended Family Day Care Policy.**

Executive summary

The Family Day Care Policy has been reviewed and updated in accordance with National Quality Framework Guidelines and are now in line with education and care services legislation and information provided by the Australian Children's Education and Care Quality Authority.

Detailed report

The Family Day Care Policy was last amended in 2012. After a period of consultation with educators and families, the new Family Day Care Policy is presented for adoption by Council. There are a number of changes to the Policy in line with changes to regulations. For ease of use, both the current and proposed policy are presented.

The following are new sub-policies:

1. Acceptance and refusal of authorisations;
2. Governance and management of the service;
3. Providing a child with a safe environment;
4. Advertising;
5. Information and communication technology;
6. Photographs/videos; and
7. Social media.

The following are updated and/or renamed sub-policies:

1. Assessment of a Family Day Care venue (previously Home safety);
2. Delivery and collection of children (previously Arrival and departure of children);
3. Non-compliance (Breach policy);
4. Emergency and evacuations (previously Emergency procedures);
5. Children's health and hygiene (previously Hygiene);
6. Inclusion and equity (previously Inclusion);
7. Nutrition and activity (previously Nutrition);
8. Pets and animals (previously Pets); and
9. Storage of dangerous substances and equipment has been absorbed into Providing a child with a safe environment and Protection from harm or hazards.

All other sub-policies have been updated according to current information from recognised authorities.


Financial and Operational Plan implications

Not applicable.

Community Plan implications

Strategy 1.1.1 - Maintain the provision of high quality, accessible community services that meet the needs of our community.

FIONA TURNER
MANAGER, COMMUNITY SERVICES


SIMON JONES
DIRECTOR, COMMUNITY

30 June 2015

Attachments: Available on Council's website:

1. Family Day Care Policies Combined June 2015 amended 27_05_15
2. Adopted Family Day Care Policy 2012

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.23 Local Traffic Committee Minutes of Meetings held 12 June 2015

REPORT BY THE DIRECTOR, DEVELOPMENT TO 15 JULY 2015 COUNCIL MEETING
LTC Minutes of Meeting 12 June 2015
GOV400043, A0100009

RECOMMENDATION

That the report by the Director, Development on the Local Traffic Committee Minutes of Meeting held 12 June 2015 items 15/15 – 15/20 be received and endorsed.

Executive summary

The purpose of this report is to advise Council and seek support of the considerations and recommendations of the Local Traffic Committee (LTC) meeting held on 12 June 2015.

Detailed report

The minutes and discussion notes for the LTC meetings held 12 June 2015 are attached.

Financial and Operational Plan implications

Minimal with maintenance budgets.

Community Plan implications

Not applicable.

THOMAS NATSA
MANAGER DEVELOPMENT ENGINEERING



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

1 July 2015

Attachments: 1. Minutes and discussion notes of LTC meeting – 12 June 2015
(reports available upon request)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
HELD ON FRIDAY, 12 JUNE 2015**

Present: Thomas Natsa (MWRC – Chairperson), Prue Britt (RMS), Cr John Weatherley, Inspector Julie Boon (NSW Police), Phillip Blackman (Community representative), Catherine Van Laeren (MWRC - Director Planning & Development), Will Hopcroft (MWRC – Development Engineer), Mette Sutton (MWRC – Executive Secretary) and Anthea Bennett (MWRC).

The LTC meeting commenced at 9.35am.

The minutes of the previous meeting held 8 May 2015 accepted as correct.

Moved: Cr John Weatherley; Seconded: Prue Britt

15/15 MATTERS IN PROGRESS – nil

ITEM	ACTION
Lower Piambong Road/Goolma Road intersection	<p>Council officer to follow up with the traffic counts and the Transport Co-ordinator at Transport for NSW (stationed in Bathurst) to assess the viability of options.</p> <p>Council to analyse traffic counts that have been received.</p>
Mudgee Small Farm Field Days	<p>If not resolved prior to 12/06 meeting, LTC to finalise whether Rocky Waterhole Road should be used as a detour following email sent on 2/6/15 by T Natsa to P Britt & J Boon advising that Council GM was requesting the police officer he spoke with in relation to using Rocky Waterhole Rd to discuss this matter with J Boon.</p> <p><i>Police had differing opinions on alternate route to be used and apologised for the confusion. Suggested to use Rocky Waterhole Road as a 'direct' route, not a detour route.</i></p> <p><i>C. Van Laeren expressed the need to reduce traffic movements through the Mudgee CBD as requested by the Council GM.</i></p> <p><i>P. Blackman suggested electronic signage at the intersection.</i></p> <p><i>P. Britt not able to advise appropriate speed reduction for the Castlereagh Highway at this location in the meeting.</i></p> <p><i>It was discussed that a Traffic Control Plan reducing the speed on the Castlereagh Highway be provided for the intersection of Rocky Water Hole Road and the Castlereagh Highway.</i></p> <p><i>Council to prepare the required TCP in order to expedite the approval process, it was also noted that the organisers have already been requested to make for multiple changes to the TMP.</i></p> <p>The Committee recommended that: Rocky Water Hole Road be used as a direct route to the event; and that a Traffic Control Plan reducing the speed on the Castlereagh Highway be provided for the intersection of Rocky Water Hole Road and the Castlereagh Highway. Moved: Insp Julie Boon; Seconded: Cr John Weatherley</p>

15/16 SPECIAL EVENT DEBRIEF – nil

15/17 CUDGEGONG JUMP CLUB ONE DAY EVENT – 8-9 AUGUST 2015

The following recommendation was moved by Prue Britt seconded by Inspector Julie Boon and carried as a recommendation to Council.

That the event – *Cudgegong Jump Club One Day Event, 8-9 August 2015* – be classified as a Class 2 Event under the *Guide to Traffic and Transport Management for Special Events Version 3.4* and proceeds with the following conditions:

- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the *Guide to Traffic and Transport Management for Special Events Version 3.3* and submitted to and approved by Council prior to the event;
- b. Events are to be undertaken in accordance with the requirements of the NSW Police Service with their approval documentation forwarded to Council for notation;
- c. Controlling noise as required by the *Protection of The Environment Operations (Noise Control) Regulation 2000*;
- d. Reimbursing Council for the cost of damage repairs;
- e. Complying with Council's Law Enforcement Officers' reasonable directives;
- f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- g. the qualification of the person creating the Traffic Control Plan must be at a minimum a holder of the Select and Modify Certificate or the Design and Audit Certificate;
- h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
- i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
- j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected. Such notification is to be in writing;
- k. Maintain a four-metre wide emergency vehicle lane;
- l. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
- m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tables for review; and
- n. The supplied transport management plan, including traffic control plans are to be updated with current industry contacts.

15/18 HIGH CUBE CAFÉ AT 94 LIONS DRIVE, MUDGEE

The following recommendation was moved by Cr John Weatherley seconded by Inspector Julie Boon and carried as a recommendation to Council.

That:

1. the widening of Lions Drive and the installation of traffic calming devices on Lions Drive be referred to Council for inclusion in the 2015/16 budget; and
2. Failing Council to provide a budget for point 1, the LTC recommends reverting to the recommendation as written in the report.

15/19 REJECT SHOP ACCESS RAMP – NO STOPPING SIGNS

The following recommendation was moved by Cr John Weatherley seconded by Prue Britt and carried as a recommendation to Council.

That this matter be deferred to the next LTC meeting following further investigation.

15/20 PARKING DROP OFF ZONE AT ST MATTHEWS SCHOOL, LEWIS STREET MUDGEE

The following recommendation was moved by Prue Britt seconded by Cr John Weatherley and carried as a recommendation to Council.

That the LTC seek the recommendations of a meeting held by RMS on 11 June 2015, and that a recommendation on this matter be deferred until those meeting outcomes are reviewed.

DISCUSSION NOTES FROM THE 12 JUNE 2015
LOCAL TRAFFIC COMMITTEE MEETING

15/17 CUDGEGONG JUMP CLUB ONE DAY EVENT – 8-9 AUGUST 2015

Committee considered the crossing of Henry Lawson Drive for this event, noting that a riderless horse had escaped the cross country component held at Shawwood Estate last year and had ran across Henry Lawson Drive back to the AREC site.

The Committee noted the reduced speed requested for Henry Lawson Drive and that the crossing will be manned by the VRA.

The Committee supported the recommendation in the report.

15/18 HIGH CUBE CAFÉ AT 94 LIONS DRIVE, MUDGEE

Cr Weatherley strongly opposed the recommendation as written noting that prohibiting parking in front of a commercial business would be an unfair precedent. Cr Weatherley suggested that consideration be given to other traffic control devices measures and that 'no parking' should be a last resort. The problem is speed on Lions Drive and the open space. He would support lineation, traffic calming devices, signage.

Insp Boon also not supportive of recommendation suggesting that speed is a problem the entire length of the road, as is resident parking further up the road. The entire street is too narrow for parking on both sides. Insp Boon offered to speak to the appropriate internal officer regarding increased Police patrols.

Prue Britt offered that vehicles driving on the wrong side of the road is a safety issue.

It was suggested funding for traffic calming devices and for widening of Lions Drive could be considered by Council as part of the budget process for 2015/16.

Committee agreed that two options be considered by Council; the widening of Lions Drive and the installation of traffic calming devices, and that if that was unsuccessful that the Committee support the recommendation as written.

15/19 REJECT SHOP ACCESS RAMP – NO STOPPING SIGNS

Staff noted that the ramp was existing and that all that was being asked was for the installation of no parking signs either side of the ramp to allow access to the ramp by people with prams, wheelchairs.

RMS representative suggested referring to the RMS standard for this application, and to the original design for the pedestrian refuge.

Committee deferred a recommendation pending further investigation of the site design and RMS standard.

15/20 PARKING DROP OFF ZONE AT ST MATTHEWS SCHOOL, LEWIS ST

The RMS representative advised that the RMS had held a meeting the day prior to look at traffic movements in Lewis Street, including the school zone. The meeting included Sharon Grierson from the RMS and Janine from Safety at Schools. Council staff were unable to confirm if Council was represented at that meeting as all staff present were unaware that this meeting had been held.

The Committee agreed to seek the outcomes from the RMS meeting held 11 June, and that a recommendation on this matter be deferred pending those outcomes.

15/21 OTHER BUSINESS

Future LTC Meeting Dates

RMS representative noted that the second Friday of each month is not a suitable meeting date as it is also the meeting date of the Dubbo LTC every second month. Committee agreed to meet on Friday 24 July, being the only Friday available to all in July.

There being no further business, the meeting closed at 10:45am.

Next meeting to be held Friday, 24 July 2015.

6.2.24 Mudgee Gulgong Access Committee Meeting

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 15 JULY 2015 COUNCIL MEETING
Mudgee Gulgong Access Committee Meeting - June
GOV400043, A0060008

RECOMMENDATION

That:

1. **the report by the Manager, Community Services on the Mudgee and Gulgong Access Committee be received ;**
2. **Council note the minutes for the Mudgee and Gulgong Access Committee meeting held on Tuesday, 2 June 2015.**

Executive summary

The Mudgee and Gulgong Access Committee meetings monthly to highlight and promote accessibility issues in the region. The next meeting is to be held on Tuesday, 7 July 2015.

Detailed report

A number of matters arose at the meetings as well as discussions related to ongoing issues. These are included in the minutes.


Financial and Operational Plan implications

Not applicable.

Community Plan implications

Strategy 1.4.3 - Provide equitable access to a range of places and spaces for all in the community.

FIONA TURNER
MANAGER, COMMUNITY SERVICES


SIMON JONES
DIRECTOR, COMMUNITY

30 June 2015

Attachments: 1. Minutes – Mudgee Gulgong Access Committee 2 June 2015

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

**MINUTES OF THE ORDINARY MEETING OF THE MUDGEE AND GULGONG
ACCESS COMMITTEE HELD ON TUESDAY 2 June 2015
COMMENCING 3.00PM IN THE COUNCIL COMMITTEE ROOM, MUDGEE.**

1. WELCOME**PRESENT:**

Access Committee members: Councillor Percy Thompson, Victoria Barrett, Rodger Barnes, Renee Lamshed, Pamela Morris, Stephen Waller, Mary Lovett

Council staff: Fiona Turner

2. APOLOGIES: Les Leighton**3. CONFIRMATION OF PREVIOUS MINUTES 5 May 2015**

The minutes were confirmed.

Moved: R Barnes Seconded: V Barrett

4. MATTERS ARISING FROM MINUTES:

4.1 Works request for mobility access to western barbeque facility in Lawson Park East logged (8 May 2015)

4.2 Works request for mobility access to eastern barbeque facility in Lawson Park East logged (8 May 2015)

4.3 Works request for replacement door to public toilet facilities in Byron Place Arcade logged (8 May 2015)

5. CORRESPONDENCE

5.1 Inward:

- Email from MWRC Building Services Coordinator confirming door in Byron Place will be investigated (29 May 2015)

5.2 Outward:

- Letters to passenger transport and disability services regarding MLAK facilities (1 June 2015)

6. DEVELOPMENT APPLICATIONS

Nil

7. GENERAL BUSINESS

7.1 Companion cards and Seniors cards (S Waller)

Stephen would like to campaign for more businesses to promote savings associated with these cards.

The Rotary/Council-run movies in Town Hall Theatre may be open to promoting companion card benefits.

6.2.25 Gulgong Sports Council Meeting - May

REPORT BY THE DIRECTOR, COMMUNITY TO 15 JULY 2015 COUNCIL MEETING

Gulgong Sports Council Meeting - May

GOV400043, A0360003

RECOMMENDATION

That:

1. **the report by the Director, Community on the Gulgong Sports Council be received;**
2. **that the minutes for the Gulgong Sports Council ordinary monthly meeting held on 18 May 2015 be noted.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Sports Council Meetings held on Wednesday 18 May 2015.

Detailed report

The Sports Council receives an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meeting.

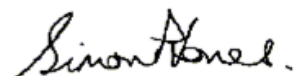
There are no further matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under separate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receives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

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Strategy 1.3.1 Provide infrastructure and services to cater for the current and future needs of our Community.



SIMON JONES
DIRECTOR, COMMUNITY

29 June 2015

Attachments: 1. Minutes – Gulgong Sports Council 18 May 2015

APPROVED FOR SUBMISSION:

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

BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

Gulgong Sports Council
Monthly Meeting
Wednesday 18th May, 2015

Meeting Opened: 7pm

Apologies: Lynne Hawkins

Present: C. Holden - President, B. Gudgeon - Senior Cricket, B. Rae - Dog Obedience, C. Rae - Volunteer, N. Barnes - Miniature Horses, J Mobbs – Gulgong Bowling Club, , Tanya Lillyst-Gulgong Soccer, Samantha McGovern- Gulgong Soccer, M.Gaudry- Tennis

President read previous minutes.

Motion 1 – “That the minutes be accepted as read”

Moved: C. Holden

Seconded: C. Rae

All in favour – motion moved and carried.

Council Business:

1. New seating required for grandstand area at Billy Dunn, could you please advise is this going to go ahead. (no correspondence as yet)

Finance Report:

Accounts that need to be paid are:-

R&J Engineering \$140.25 Broad Jump repairs Victoria Park

Image Signs \$500.00 Honour Board

Gulgong News Agency \$131.22 Stationary

Income;

Players Fees; Gulgong Cricket Assoc \$1,591.00

Motion 2 – “That accounts be paid and income be banked”

Moved: B. Gudgeon

Seconded: N. Barnes

All in favour – motion moved and carried.

Correspondence: Nil

General Business:

1. Sports Council Presentation Night has been cancelled this year due to no response regarding nominations. Nominations that have been received will be awarded a plaque for their achievements.
2. Discus and Broad Jump pit to altered due to the commencement of Junior Athletics in October 2015. Craig to obtain quotes.
3. Storage for Junior Athletics needs to be looked at as soon as Junior Football works out where they going to be based. To contact junior league where this is at.
4. Donation to Senior League regarding new club room, \$500.00 donation towards honour boards, this work is to carried out by Image Signs. Moved B.Gudgeon 2nd C.Rae Carried.

Meeting closed: 8.00

Craig Holden – President

Next meeting 17th June– 6.30pm – Gulgong Bowling Club.

6.2.26 Mudgee Sports Council Meeting - May

REPORT BY THE DIRECTOR, COMMUNITY TO 15 JULY 2015 COUNCIL MEETING

Mudgee Sports Council Meeting - May

GOV400043, A0100013

RECOMMENDATION

That:

1. **the report by the Director, Community on the Mudgee Sports Council be received;**
2. **That the minutes for the Mudgee Sports Council ordinary monthly meeting held on 26 May 2015 be noted.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Sports Council Meetings held on 26 May 2015.

Detailed report

The Sports Council receives an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meeting.

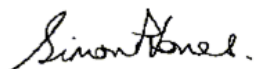
There are no further matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under separate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receives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

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Strategy 1.3.1 - Provide infrastructure and services to cater for the current and future needs of our community.



SIMON JONES
DIRECTOR, COMMUNITY

29 June 2015

Attachments: 1. Mudgee Sports Council Minutes 26 May 2015

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

Mudgee Sports Council Minutes**26-05-2015****18:05.**

Present: P. Mitchell, G. Robinson, J. Wiltshire (Netball,.) D. Sprigg (Softball), J. Weatherley (MWRC Rep), S. Jones (MWRC staff rep, G. Robinson, M. Collins (Hockey), G. Bartrim (Rugby) M. O'Keefe (AFL), S. Hazelwood Mudgee Guardian, M. Brydon (Jnr League) & J. Johnson.

Apologies: C. Kurtz, A. Whale, G. Parker, M. Winsper, R. Clayton, K. Lang, apologies be accepted moved D. Sprigg, seconded G. Bartrim.

Minutes read as true and correct from previous meeting. Moved J. Weatherley seconded D. Sprigg.

Business Arising from previous meeting:

1. Fridge still to come from Geoff's place for Victoria Park, canteen area still has Cricket gear in it.
2. Geoff emailed all sports award nominees.
3. The draft master plan meeting to be held at 5:30pm at the netball club house prior to the next sports council meeting 30th June.
4. Cricket pitch held to next meeting 30th June.
5. Old Netball courts nothing planned, lights cannot be turned, Greg to discuss with Simon.
6. Score board being installed as we meet 26/05.
7. Lights for Victoria Park, poles arrive next week, hopefully fully installed mid June.

Treasurer's Report:

1. \$57,902.95 in the account, no update since last meeting.
2. Outstanding payments from Jnr Cricket, Snr Cricket, and ? Touch.
3. Periodic payments for council \$995.44, and \$260.45. Moved G. Robinson, M. O'Keefe.

Secretary Report:

1. Child safety program 5th June, can book through Sport & Rec.
2. Rachel Sharp payment processed.
3. Letter from Mick Bollar he is now the CHS Softball co-ordinator making a booking for the 2nd and 3rd August 2016 for CHS Boys Softball carnival requires all of West End and user groups will need to remove goals prior to this carnival, he also requires a 4th field is it possible to use Jubilee.
4. PSSA Softball booked for West End the 11th June and 29th July could Hockey please move goals. Moved G. Robinson , seconded M. Brydon.

Works Request Updates:

1. Glen Willow- Sprinkler head holes fields lifted.
2. West End- Sprinkler heads work completed.
3. Cahill Park dressing sheds, still need to be cleaned.
4. Ladies toilets West End- Jenny to check if this work has been completed.
5. Lights at Cahill Park continue.
6. Cricket Nets at Victoria Park will be repaired when fencing done.

Works Requests:

1. Request Change rooms and toilets at Cahill Park be cleaned as a matter of urgency.

2. Door handle needs replacing at West End canteen, irrigation line near Lang St dribbling needs checking.
3. Door locks for canteen ad office at Netball clubhouse.
4. No Hot Water in disable Visitors change room Victoria Park
5. Locks broken disable toilet Home change room Victoria Park.
6. Bench broken Home Change room Victoria Park.
7. 2 Lights out Southern End Jubilee.

General Business:

1. Meeting for master plan to be held 30th June 5:30pm.
2. Welcome back to Mike Brydon after a very long absence.
3. Draft management plan for Mid Western Regional council is out for discussion.
4. When is the pedestrian crossing going in at Glen Willow, will it be light, and the gate is a problem, could it be light by solar lighting, or could some sort of reflectors be installed very dangerous especially in the Winter.
5. Hockey is training Monday evenings at Glen Willow.

Meeting closed 18:40

Next meeting to be held Tuesday 30/06/15

At Mudgee Netball clubhouse.

6.2.27 Mudgee Showground Management Committee

REPORT BY THE DIRECTOR, OPERATIONS TO 15 JULY 2015 COUNCIL MEETING
Report to Council - Mudgee Showgrounds - Minutes Apr 2015
GOV400043, F0650007

RECOMMENDATION

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

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Showground Management Committee ordinary bi-monthly meeting held on 7 April 2015. The Showground Management Committee receives an updated Works Request and Matters in Progress report together with updated financial details bi-monthly. A copy of the Matters in Progress are attached for Council information

Detailed report

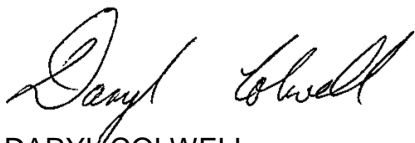
Not applicable.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

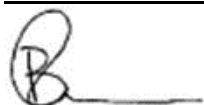


DARYL COLWELL
DIRECTOR, OPERATIONS

1 July 2015

Attachments: 1. Minutes of the Mudgee Showground Management Committee Meeting 7 April 2015

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

MUDGEE SHOWGROUND MANAGEMENT COMMITTEE MEETING — 7 APRIL 2015

Meeting Opened: 6.00 pm

Present: Cr John Webb, Daryl Colwell, Bill Robinson, Malcolm Swords

Observer: Lesley Burgess (minute secretary)

Apologies: Russell Holden, Rick Field, Helen Chisholm, Dana Willmott, Dean Rheinberger

Moved: Bill Robinson, Seconded: Malcolm Swords that the apologies be accepted.

Motion Carried

Minutes of Februarys' Meeting – Accepted

Moved: Bill Robinson
2nd Daryl Colwell

Motion Carried

Matters in Progress

- As per attached list.
- Tap at sheep pavilion installed and completed. Bill advised that the tap was only moved about 5 meters. The tap to be effective needed to be on the other side of the pavilion. Bill felt \$700.00 was expensive for works done.

Correspondence

- Funding - Cr Webb advised that initially Council was going to make two separate submissions, one for the amenities block and the other for the grandstand. However, it was felt that if we applied for two separate grants that only one, the amenities block, would be granted. It was therefore decided to roll the two together, and one grant application of \$900,000.00 has been submitted. The proposal is to put the amenities block under the new grandstand, together with a storage room and Show Society office. Cr Webb also put forward the new grandstand as an initiative in Council's 2015-2016 budget, however the funding application was not approved.
- Helen Chisholm's application to Moolarben Coal Mine for self-help is to be encouraged and commended. Mudgee Dressage Group applied for funding for drainage around the bottom end of the dressage arena (northern side) and also for funding to improve their sand arena.

Financial Report

- Daryl reviewed the financial report. 75% of year has passed and 81% of budget expended.
- Daryl outlined his duties as a "public officer"
- The grandstand has been barricaded to prevent access due to structural concerns.

Fees & Charges

- Cr Webb reviewed the proposed fees and charges for 2015-2016 and advised that the increases were mainly CPI. Changes to the fees and charges included -
 - New fee - Table and chair hire
 - Slight reduction to camping fees
 - New fee - Pony Club Training Area - daily

- New fee - Pony Club Training Area - hourly
- New fee - annual fee for regular Horse Group hirers. Rules regarding this fee need to be finalised. But will include -
 - All bookings will continue to be made through customer service
 - A limit to the number of events that can be held per year (still to be decided)
- Regular hirers that are currently on our fees and charges schedule and who have not utilised the showground for the past 18 months will be removed from the regular hirers section.

Cr Webb advised that these new fees and charges will be placed on public exhibition for 28 days so submissions by users can be made.

General Business

- The Pony Club shed is registered on Council's asset register for the sole purpose of insurance. Ownership/maintenance of the Pony Club shed rests with the Mudgee Pony Club members. Accordingly the repairs needed to the roller doors are the responsibility of the Mudgee Pony Club.
- The estimate of \$18,000.00 to pigeon proof the sheep pavilion and horse stables seems excessive. Quotes are required in order to ascertain an accurate cost.
- Bill Robinson advised that they were 60+ cattle that used the cattle wash during the Mudgee Show and the rubble drain was unable to cope, and as a result the area became very boggy. Daryl advised Bill that animal waste is unable to be diverted into the storm water drain. It was agreed that as the cattle wash bay is used at this capacity infrequently no upgrade was required.
- Bill would like the sheep pavilion to have its own septic to eliminate the biowaste and help with drainage. It was felt that a septic is too expensive and that the biowaste is good fertilizer.
- Bill advised that the water runoff from the old sheep pavilion is washing out underneath the concrete of the wool shed and the spoon drain at the sheep pavilion needs extending. Lesley to do a works request.
- Cr Webb advised that the Main Pavilion needs to be utilised more so as to generate additional funds.
- Lesley to send out an email to all members to ascertain whether an earlier starting time for this meeting would be possible.

Meeting closed at: 6:50pm

Next meeting to be held 2 June 2015 at 5:30pm

MATTERS IN PROGRESS

#	SUBJECT	MEETING DATE	ACTION	WHOM	PROGRESS
1.	Strangles virus - More info needed: <ul style="list-style-type: none"> • quarantine period • cost of the vaccination. 	3/6/14	Lesley to order 3 signs.	Daryl Colwell	Sign to be erected at the showground advising Council recommends that horses be vaccinated. 07/10/2014 Daryl to look into the wording for the sign 9/12/14 Sign to include the PIC Number ND433989
2.	Parking area behind Pony Club to be laid with roadbase	3/6/14		Andrew Drummond	Part of Saleyards Lane is to be closed; the bitumen currently on this road will need to be removed together with any roadbase. Daryl to investigate whether the roadbase from Saleyards Lane can be reused and utilised at the Showground. 9/12/14 Anticipated this will take place if the road base is suitable early next year, noting that the Mudgee Show is on the 7/3/14
3.	Advertising to be placed in caravan and camping magazines to promote our cheaper camping fees to the public.	5/8/14		Ken Jeffrey & Andrew Drummond	The fees for camping are still high as our amenities are very basic. Daryl Colwell would like the fees reviewed again. 9/12/14 Look at reducing the fees in July when the new fees and charges schedule is reviewed. 7/4/15 Advertise our new fees and charges once they have been approved
4.	Advertising in the "Marry Me Mudgee" Magazine	9/12/14	Cost is \$250 for a 1/4 page (40 words plus image)	Andrew Drummond	Wording and Photo needed. 3/2/15 – Cr Webb to talk to Julie Robertson with regard to getting an event held. 7/4/15 consider giving the next wedding a discount in order to use their photos.
5.	Drainage - Bill concerned about sheep pavilion flooding during rainfall. Water coming off gravel.	03/02/2015	Awaiting quotes	Andrew Drummond	BL0282/2015 – No budget
6.	Drainage - Helen advised amenity block drainage ineffective. Rainfall results in amenities receiving flooding.	03/02/2015	Awaiting quotes	Andrew Drummond	BL0282/2015 – No budget

6.2.28 Mudgee Saleyards Management Committee

REPORT BY THE DIRECTOR, OPERATIONS TO 15 JULY 2015 COUNCIL MEETING
Council Report- Mudgee Saleyards Committee Minutes June 2015
GOV400043, F0720036

RECOMMENDATION

That:

1. **the report by the Director, Operations on the Mudgee Saleyards Management Committee be received;**
2. **the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held 11th June 2015 be noted.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 11th June 2015.

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.

Detailed report

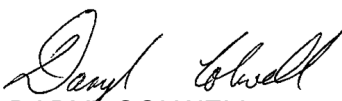
Not applicable.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

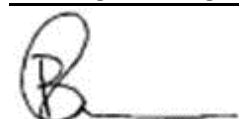
Not applicable.


DARYL COLWELL
DIRECTOR, OPERATIONS

2 March 2015

Attachments: 1. Minutes of Mudgee Saleyards Management Committee ordinary bi-monthly meeting 11th June 2015

APPROVED FOR SUBMISSION:


BRAD CAM
GENERAL MANAGER

MINUTES

MINUTES OF THE MUDGEER REGIONAL SALEYARDS COMMITTEE MEETING HELD ON 11th June 2015 COMMENCING AT 9:05AM AND CONCLUDING AT 9:20AM

Present: Cr John Webb (Chair), Daryl Colwell (Council), Terry McDonald, Cr John Weatherly, Jason Pearce

Observer: Gemma Wilkins (Minute Secretary)

1. APOLOGIES

Adam McDougall, Jason Pearce, Barry Clapham, Bob Kearins, John Little

Moved: Cr John Weatherly 2nd: Terry McDonald

2. MINUTES OF PREVIOUS MEETING

Recommendation:

That the minutes of the meeting held on 9th April 2015 be accepted.

Moved: Terry McDonald 2nd: Cr John Weatherley

3. MATTERS ARISING FROM MINUTES OF MEETING

- Bull pens completed.
- Latch on H3 completed.
- Entry sign removal completed. TM thanked Council for removing in the timely matter prior to sale. DC to obtain quote for cost of refurbishment. Terry & Jason advised they don't mind if the sign stays or goes to Museum.
- Resting Yards: Cr John Weatherly requested that ongoing maintenance is to be continued for the yards. DC will follow up with Manager. Cr John Webb reminded meeting attendees that works requests can be raised at any time for maintenance issues.

4. CORRESPONDANCE

Nil in, nil out

5. GENERAL BUSINESS

Saleyard Statistics – Daryl advised financials are on target with heavy patching in the loading area still to be completed prior to the end of financial year. Terry mentioned that sales are expected to drop over the coming months due to seasonal fluctuations

6. BUSINESS WITHOUT NOTICE

Terry McDonald

- Requested that resting paddock upgrades be completed in the coming financial year. Wants the same steel fencing as the external boundaries for each pen and heavy stock proof gates

Motion: Half the resting paddocks be upgraded to steel fencing and stock proof gates in 2015/2016 financial year

Moved: Cr John Webb 2nd: Cr John Weatherley

Cr John Weatherley

- Suggested that Saleyards Committee should dedicate a meeting to discuss wishes for the coming years budget.

DATE OF NEXT MEETING – 13th August 2015 9:00am

MEETING CLOSED 9:20am

6.2.29 Rylstone & Kandos Access Committee Meeting

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 15 JULY 2015 COUNCIL MEETING

Rylstone & Kandos Access Committee Meeting - June

GOV400043, A0060129

RECOMMENDATION

That:

1. **the report by the Manager, Community Services on the Rylstone & Kandos Access Committee be received be received;**
2. **Council note the minutes for the Rylstone & Kandos Access Committee meeting held on 16 June 2015.**

Executive summary

The Rylstone and Kandos Access Committee meets to highlight and promote accessible issues in the Rylstone and Kandos region. The next meeting is due to be convened on 18 August 2015.

Detailed report

A number of matters arose at the meetings as well as discussions related to ongoing issues. These are included in the minutes.

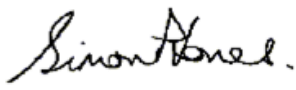
Financial and Operational Plan implications

Not applicable.

Community Plan implications

Strategy 1.4.3 Provide equitable access to a range of places and spaces for all in the community.

FIONA TURNER
MANAGER, COMMUNITY SERVICES


SIMON JONES
DIRECTOR, COMMUNITY

30 June 2015

Attachments: 1. Minutes – Rylstone & Kandos Access Committee 16 June 2015.

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

Mr McLachlan wrote that mobility parking at RMS Rylstone complied with building codes at the time of completion and there is a space. Chair noted that the initial letter should have been about Mobility parking at HealthOne not MPS (which is the hospital).

Motion;

That Mr Jeff Morrissey be invited to the next RAC meeting for a HealthOne mobility parking site inspection.

Put C Andu

Seconded J Mackin

Carried

1/06/15 Brad Cam, Office of the General Manager

Installation of mobility aid (pole) at Rylstone Newsagent has been rejected by the newsagent citing delivery obstruction for Post Office and newsagent. Chair suggests moving it south to in front of the former Soil Conservation building (currently a beauty salon).

Motion:

RAC to write a letter to the General Manager suggesting the pole be moved further down the road (in front of the former Soil Conservation Building).

Moved S Tunnickliff

Seconded C Andu

Carried

Out:

13/05/15 Western NSW Local Health District; regarding mobility parking at RMS (confusion about locality; this needs to be at HealthOne not RMS)

9/6/15 Provision of a Mobility Parking Space next to KRSCC (as in the road marking and appropriate signage be installed).

6) MATTERS ARISING FROM PREVIOUS MEETING

See action list

7 GENERAL BUSINESS

Carrie Hooper with a PAMP access to Rylstone Hospital presentation; postponed to a later meeting.

8 AOB

8.1 Jim Mackin tabled a 2013 letter from the General Manager listing funds that were then available for work in the Charbon vicinity.

There was \$100,000 to complete the Charbon Bridge pedestrian bridge and \$80,000 to complete cycleway/walkway to Charbon.

Motion:

Letter be sent to the General Manager asking that the allocated funds of \$180,000 being \$100,000 that was set aside for Charbon pedestrian bridge and \$80,000 (from Budget 13-14) for the Kandos Charbon walkway/cycleway for be used to complete from the end of the existing cycleway to Charbon Bridge

Put J Mackin**Seconded C Andu****Carried**

8.2 Clr E Martens told the group that she had been approached by people regarding the condition of Fitzgerald Street, in particular that the gutter has been dug out deeply and makes it impossible to park and passenger to alight from the car. This needs to be investigated (VH to call Andrew Kearins about this and report back).

8.3 Graham Jose; My concern that it seems business property owners or proprietors can stop Council providing the provision of disabled access services for the community in the business areas.

Motion:

That a letter be written to the General Manager voicing disappointment and concern about the apparent ability of business owners/proprietors to dictate use of Council property, particularly in relation to disability access to public facilities. In the case of the IGA, the parking space was approved by the Traffic Committee and was in the process of installation when stopped. RAC would like the provision of public access infrastructures to proceed as soon as possible for the benefit of everyone.

Put G Jose**Seconded C Andu****Carried**

8.4 Shirley Tunnicliff spoke about her concern that Louee Street, Rylstone, has no mobility parking spaces and that people are forced to call from the footpath to access banking and postal/newsagent services. She will investigate potential MP sites and report back next meeting.

Meeting closed at 11.20

ACTION LIST

Pedestrian hook in Louee Street in the vicinity of ATM/Post office	Hook refused by PO/newsagent. RAC to work out another location
Disabled parking at KRSCC	Monitor this to confirm work is completed
IGA Kandos Disabled Parking space approved but manager refused permission.	RAC to approach him again and try and resolve issue
Layback at Northern entrance to Rylstone, picnic table installation	Council accepted the donation of \$250 (attach copy of rotary letter (in ELO)) with planting in spring
Carrie Hooper present PAMP options parking in Rylstone and Kandos	Presentation moved to a meeting later in the year
HealthOne Rylstone Disabled Parking	Invite Jeff Morrissey to a site meeting and meeting at HealthOne at the next meeting.

Date of next meeting; Tuesday 18th August 2015

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