



2015

COUNCIL BUSINESS PAPERS

Ordinary Meeting | WEDNESDAY 18 NOVEMBER 2015



PO BOX 156
MUDGEE NSW 2850

86 Market Street MUDGEE
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77 Louee Street RYLSTONE

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11 November 2015

Dear Councillor

MEETING NOTICE
Ordinary Meeting
Wednesday, 18 November 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

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Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 21 October 2015

Council Decision:

That the Minutes of the Ordinary Meeting held on 21 October 2015, Minute Nos 335/15 to 377/15 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are attached overleaf.

Mid-Western Regional Council

Date: 21 October 2015

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 21 October 2015, commencing at 6.28pm and concluding at 7.35pm.

| | |
|-----------------------|---|
| PRESENT | Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb. |
| IN ATTENDANCE | Acting General Manager (S Jones), Director Operations (D Colwell), Acting Director Development (L Densley), Manager Finance – Chief Operating Officer (L Johnson), Governance Coordinator (T Johnston), Executive Secretary (M Sutton). |
| MEDIA REPRESENTATIVES | Mudgee Guardian / The Weekly (E Watson), Radio 2MG (C Bassett) |

Item 1: Apologies

An apology was received for the absence of Councillor Lucy White.

335/15 MOTION: Cavalier / Webb

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

Item 2: Disclosure of Interest

Councillor Kennedy declared a non-pecuniary conflict of interest in Item 6.3.16 as he and his wife own the subdivision where the streets are to be named.

Councillor Thompson declared a non-pecuniary conflict of interest in Item 6.3.6 as he is a member of the Gulgong Race Club Committee.

Councillor Cavalier declared a significant non-pecuniary conflict of interest in Item 6.1.1 as he has a personal relationship with the current bus operator.

Item 3: Confirmation of Minutes

336/15 MOTION: Webb / Cavalier

That the Minutes of the Ordinary Meeting held on 16 September 2015 (Minute Nos.268/15 to 334/15) be taken as read and confirmed, including the following amendments:

Page 6 - Minute 280/15 should read "that Council appoint Councillor Thompson as the Councillor representative on the Mudgee & Gulgong Access Committee, and Councillor Webb the alternate representative".

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Page 7 - Minute 290/15 should read that Councillor Webb voted against the motion.

Pages 32 & 33 - Minute 299/15 should read that Councillor Shelley did not vote on this matter as he was not present at that time.

The motion was carried with Councillors voting unanimously.

Item 4: Matters in Progress

The following recommendations were adopted as a whole, being moved by Cr Cavalier, seconded by Cr Shelley and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No.337/15 and concluding with Resolution No.339/15.

Draft Airport Master Plan

337/15 MOTION: Cavalier / Shelley

That Minute no. 172/15 be noted as completed.

The motion was carried with Councillors voting unanimously.

Naming of the new streets in the Rylstone Aerodrome Air Park subdivision off Coxs Creek Road

338/15 MOTION: Cavalier / Shelley

That Minute no. 179/15 be noted as completed.

The motion was carried with Councillors voting unanimously.

TV Reception in Gulgong

339/15 MOTION: Cavalier / Shelley

That Minute no. 203/15 be noted as completed.

The motion was carried with Councillors voting unanimously.

Item 5: Mayoral Minute

There is no Mayoral Minute.

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Date: 21 October 2015

Item 6: General Business**6.1 NOTICES OF MOTION****6.1.1 FINANCIAL ASSISTANCE FOR GULGONG NIGHTRIDER BUS
GOV400022, GOV400043, FIN300052**

Councillor Cavalier declared a significant non-pecuniary conflict of interest in Item 6.1.1 as he has a personal relationship with the current bus operator, left the room at 6.32pm and did not participate in discussion or vote in relation to this matter.

340/15 MOTION: Kennedy / Thompson

That Council provide financial support of \$5,000 from Council's Financial Assistance Program, to the Gulgong Nightrider Bus.

The motion was carried with Councillors voting unanimously.

Councillor Cavalier returned to the room at 6.35pm.

**6.1.2 COUNCIL SUBMISSION ON KEPCO ENVIRONMENTAL
IMPACT STATEMENT**

GOV400022, GOV400043

341/15 MOTION: Webb / Shelley

That Council include in any submission on the KEPCO Environmental Impact Statement concerns over water extraction and the management of prime agricultural land.

The motion was carried with Councillors voting unanimously.

6.2 RESCISSION MOTION**6.2.1 DA0228/2015 COMMERCIAL SHOPS, SHOP TOP HOUSING
AND STRATA SUBDIVISION - THE REGENT THEATRE,
5-7 CHURCH STREET, MUDGEE**

342/15 MOTION: Walker / Shelley

That the Council's decision on 16 September 2015 to defer consideration of this development application until Development consent for the use of the right of way over Lot 1 DP86378 (Lawson Park Hotel) for the purposes of the development (in particular, access thereto), has been addressed, be and is hereby rescinded.

The motion was put and lost on the casting vote of the Mayor, with Councillors voting as follows:

Page 3 of the Minutes of the Ordinary Meeting of Council held on Wednesday 21 October 2015.

Mayor

General Manager

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| Councillors | Ayes | Nayes |
|---------------|------|-------|
| Cr Cavalier | | ✓ |
| Cr Kennedy | | ✓ |
| Cr Martens | | ✓ |
| Cr Shelley | ✓ | |
| Cr Thompson | | ✓ |
| Cr Walker | ✓ | |
| Cr Weatherley | ✓ | |
| Cr Webb | ✓ | |

6.3 REPORTS TO COUNCIL

6.3.1 PLANNING PROPOSAL FOR SMALL LOT
 AVIATION/RESIDENTIAL SUBDIVISION ASSOCIATED WITH
 AIRPORT ON LOT 63 DP 618063, GEORGE CAMPBELL DRIVE
 – POST EXHIBITION REPORT

GOV400043, LAN900050

343/15 MOTION: Kennedy / Walker

That report 6.3.1 be withdrawn.

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

| Councillors | Ayes | Nayes |
|---------------|------|-------|
| Cr Cavalier | | ✓ |
| Cr Kennedy | ✓ | |
| Cr Martens | | ✓ |
| Cr Shelley | ✓ | |
| Cr Thompson | ✓ | |
| Cr Walker | ✓ | |
| Cr Weatherley | ✓ | |
| Cr Webb | ✓ | |

6.3.2 2015-16 LOCAL HERITAGE GRANTS ALLOCATION

GOV400043, GRA600012

344/15 MOTION: Webb / Shelley

That:

1. the report by the Senior Town Planner on the 2015-16 Local Heritage Grants allocation be received;
2. Council provide a Local Heritage Grant for the following project:
 - a) \$1300 grant for the repair to the front awning and painting of the front façade at 47 Louee Street, Rylstone Lot A DP946966;

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3. **the 2015/16 Operational Plan be amended to increase the allocation for Local Heritage Program – donations and contributions to local bodies by \$1,300, funded from unrestricted cash.**

The motion was carried with Councillors voting unanimously.

6.3.3 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

GOV400043

345/15 MOTION: Shelley / Cavalier

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

The motion was carried with Councillors voting unanimously.

6.3.4 TEMPORARY SUSPENSION OF ALCOHOL FREE ZONES FOR SECTIONS OF CUDGEGONG AND LOUEE STREETS, RYLSTONE

GOV400043, A0100009

346/15 MOTION: Shelley / Cavalier

That:

1. **The report by the Acting Manager Health and Building on the Temporary Suspension of Alcohol Free Zones for sections of Cudgegong and Louee Streets, Rylstone be received;**
2. **The nominated alcohol free zones located in Cudgegong and Louee Streets Rylstone be suspended between the hours of 10am to 5pm on Saturday 7th November for the purposes of Rylstone StreetFeast 2015.**

The motion was carried with Councillors voting unanimously.

6.3.5 AIRPORT MASTER PLAN

GOV400043, A0820020

347/15 MOTION: Walker / Cavalier

That:

1. **the report by the Manager, Corporate & Economic Development on the Airport Master Plan be received;**
2. **Council adopt the Airport Master Plan.**

The motion was carried with Councillors voting unanimously.

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6.3.6 EVENTS ASSISTANCE FOR JANUARY TO JUNE 2016 EVENTS

GOV400043, ECO800009, FIN300052

348/15

MOTION: Thompson / Webb**That:**

1. the report by the Events Coordinator on the Events Assistance for January to June 2016 Events be received;
2. Council provides Events Assistance to:

| | |
|--|-------------|
| • 2016 Mid-Western Dance Festival | \$1,000 |
| • CLAYarc 2016 | \$2,536 |
| • Gulgong Folk Festival | \$2,000 |
| • Gulgong Henry Lawson Heritage Festival | \$2,500 |
| • Gulgong Rabbit Races | \$500 |
| • Kandos Bob Marley Festival | \$1,500 |
| • Kandos Food & Wine Festival | \$500 |
| • Kandos Garden Fair | \$500 |
| • Kandos Street Machine & Hot Rod Show | \$2,500 |
| • MGC Veteran Women's Two Day Tournament | \$1,111,000 |
| • MudFest International Short Film Festival | \$1,000 |
| • Mudgee Bike Muster | \$2,500 |
| • Mudgee Swap Meet | \$800 |
| • The 36th Gulgong Prince of Wales Eisteddfod 2016 | \$1,500 |
| • Wings Wheels & Wine | \$2,500 |

The motion was carried with Councillors voting unanimously.

Councillor Thompson declared a non-pecuniary conflict of interest in Item 6.3.6 as he is a member of the Gulgong Race Club Committee, left the room at 7.05pm and did not participate in discussion or vote in relation to the following motion.

349/15

MOTION: Cavalier / Martens**That Council provide event assistance to:**

- | | |
|--------------------|---------|
| • Gulgong Gold Cup | \$1,000 |
|--------------------|---------|

The motion was carried with Councillors voting unanimously.

Councillor Thompson returned to the room at 7.06pm.

6.3.7 MONTHLY BUDGET REVIEW AUGUST 2015

GOV400043, FIN300062

350/15

MOTION: Walker / Weatherley**That:**

1. the report by the Manager, Financial Planning on the Monthly Budget Review August 2015 be received;

2. the 2015/16 Operational Plan be amended in accordance with the variations as listed in the report below.

The motion was carried with Councillors voting unanimously.

6.3.8 MONTHLY STATEMENT OF INVESTMENTS AND BANK
BALANCES AS AT 30 SEPTEMBER 2015

GOV400043, FIN300053

351/15 MOTION: Shelley / Webb

That:

1. the report by the Manager Finance on the Monthly statement of investments and bank balances as at 30 September 2015 be received;
2. the certification of the Responsible Accounting Officer be noted.

The motion was carried with Councillors voting unanimously.

6.3.9 FINANCIAL ASSISTANCE APPLICATIONS

GOV400043, FIN300052

352/15 MOTION: Shelley / Cavalier

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:
 - Rylstone Women's Bowling Club \$ 500
 - Concierge Enterprises \$ 2,500
 - Gulgong Show Society Inc. \$ 3,000
 - Gulgong High School \$ 100
 - Anglican Diocese of Bathurst Parish of Rylstone-Kandos \$ 500
 - St Matthews Central School Parents and Citizens \$ 154
 - Gulgong Chamber of Commerce Inc. \$10,000
 - Jordan Woolmer – Deaf Basketball Australia \$ 500
 - Rylstone-Kandos Show Society Inc. \$ 3,000
 - Mudgee Show Society \$ 3,000
 - Mudgee High School \$ 100
 - The Pink Tractor Trek \$ 500
 - Kandos Rylstone Little Athletics Centre \$ 435
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:
 - Twin Town Players \$ 550

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- Kandos Public School \$ 500
 - Rotary Club of Rylstone-Kandos Inc. \$ 110
 - Mudgee High School Parents & Citizens Association \$ 185
 - Mudgee Civilian Rifle and Small Bore Club Inc. \$ 1,470
 - The Henry Lawson Society of NSW Inc. \$ 1,589
 - Mudgee Relay for Life 2016 \$ 1,250
 - Mudgee District University of the Third Age (U3A) \$ 1,000
 - Barnardos \$ 600
 - Painters@Mudgee 2016 \$ 164
 - Gulgong Historical Society Inc. \$ 2,391
 - Lifeskills \$ 315
 - Gulgong Pistol Club Inc. \$ 821
 - Kookaburra March \$ 1,021
 - Rotary Club of Mudgee & Rotary Club of Mudgee Sunrise \$ 211
 - Kandos Rylstone Mens Shed \$ 965
4. Council will not collect a facility hire bond from the following applicants for the events detailed in this report:
- Twin Town Players
 - Rotary Club of Rylstone-Kandos Inc.
 - Mudgee Relay of Life 2016
 - Mudgee District University of the Third Age (U3A)
 - Barnardos – Kandos Hall
 - Painters@Mudgee 2016
 - Kookaburra March
 - Rotary Club of Mudgee and Rotary Club of Mudgee Sunrise
5. Council decline the financial assistance applications from:
- Environmental Health Australia
 - Mudgee Bridge Club Inc.
 - The Mudgee Dressage Group
 - The Women's Shed
 - Department of Family & Community Services NSW
 - Gulgong Arts Council
 - The Rylstone District Trainers Group
6. Council support a budget variation for the Mudgee Showground works requested by the below applicants, with a budget variation to be recommended in the September Quarterly Business Review
- Mudgee Bridge Club Inc. \$ 5,000
 - The Mudgee Dressage Group \$ 550

The motion was carried with Councillors voting unanimously.

6.3.10 ADDITIONAL SUPPLIER - RFT 2013/04 GENERAL
CONTRACTORS PREFERRED SUPPLIER – EMS GROUP PTY
LTD

GOV400043, A0412910, COR400089

353/15

MOTION: Weatherley / Shelley

That:

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Mayor

General Manager

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1. **The report by the Procurement Manager on the Additional Supplier – RFT 2013/04 General Contractors Preferred Supplier – EMS Group Pty Ltd be received;**
2. **Council accepts the additional supplier for Tender 2013/04 for the provision of General Contractors;**
Contractor: EMS Group Pty Ltd
Services Provided: Labour Hire

The motion was carried with Councillors voting unanimously.

6.3.11 ADDITIONAL SUPPLIER - RFT 2013/03 WET & DRY PLANT HIRE PREFERRED SUPPLIER – GREATWOOD PTY LTD – TRADING AS GREATER WATER TRUCKS & TG HIRE
 GOV400043, A0412904, COR400052

354/15 MOTION: Cavalier / Shelley

That:

1. **the report by the Procurement Manager on the Additional Supplier - RFT 2013/03 Wet & Dry Plant Hire Preferred Supplier - Greatwood Pty Ltd – Trading as Greater Water Trucks & TG Hire be received;**
2. **Council accepts the additional supplier for Tender 2013/03 for the provision of Wet & Dry Plant Hire;**
Contractor: Greatwood Pty Ltd– Trading as Greater Water Trucks & TG Hire
Services Provided: Wet Hire - Water Trucks and Rollers

The motion was carried with Councillors voting unanimously.

6.3.12 REQUEST TO SUSPEND GENERAL WASTE DISPOSAL CHARGES AT RYLSTONE AERODROME AIRPARK
 GOV400043, FIN300052, 23249

355/15 MOTION: Shelley / Thompson

That:

1. **the report by the Revenue & Property Manager on the Request to Suspend General Waste Disposal Charges at Rylstone Aerodrome Airpark be received;**
2. **Council deny the request to waive, suspend or write-off the 2015/2016 General Waste Disposal Charge on any of the 42 properties comprising the Rylstone Aerodrome Airpark currently in the ownership of Loneragan Aviation P/L and Robert & Harriet Loneragan.**

The motion was carried with Councillors voting unanimously.

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Mayor

General Manager

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6.3.13 NAMING OF A NEW STREET IN THE BROADVIEW
SUBDIVISION

GOV400043, R0790041

356/15 **MOTION:** Cavalier / Weatherley

That:

1. the report by the Revenue & Property Manager on the Naming of a new street in the Broadview subdivision be received;
2. Council revoke the name Diamond Court for street No 4 off Broadhead Road;
3. Council rename street no 4 off Broadhead Road Lovett Court.

The motion was carried with Councillors voting unanimously.

The following recommendations were adopted as a whole, being moved by Cr Shelley, seconded by Cr Walker and carried with Councillors voting unanimously. Each recommendation is recorded with a separate resolution number commencing at Resolution No. 357/15 and concluding with Resolution No. 358/15.

6.3.14 NAMING OF AN NEW STREET IN THE CAERLEON ESTATE
SUBDIVISION OFF HILL END ROAD

GOV400043, R0790141

357/15 **MOTION:** Shelley / Walker

That:

1. the report by the Revenue & Property Manager on the Naming of a new street in the Caerleon Estate subdivision off Hill End Road be received;
2. Council name this street Hone Creek Drive.

The motion was carried with Councillors voting unanimously.

6.3.15 NAMING OF THE REMAINING SECTION OF OLD GEORGE
CAMPBELL DRIVE

GOV400043, R0790041

358/15 **MOTION:** Shelley / Walker

That:

1. the report by the Revenue & Property Manager on the Naming of the remaining section of Old George Campbell Drive be received;
2. Council name this road Goodger Place.

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Mayor

General Manager

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- 3. Council approve Condon and Masters for inclusion in the pre-approved names list for future use.**

The motion was carried with Councillors voting unanimously.

6.3.16 NAMING OF NEW STREETS IN THE SUBDIVISION OFF ULAN ROAD

GOV400043, R0790141

Councillor Kennedy declared a non-pecuniary conflict of interest in Item 6.3.16 as he and his wife own the subdivision where the streets are to be named, left the room at 7.10pm and did not vote or participate in discussion on this matter.

359/15 MOTION: Shelley / Weatherley

That:

- 1. the report by the Revenue & Property Manager on the Naming of new streets in the subdivision off Ulan Road be received;**
- 2. Council name road 1 Wurth Drive, road 2 Harvey Street, road 3 Croake Court, road 4 Goodlet Lane, road 5 Nelthorpe Street, road 6 Webster Street, road 7 Chapman Street, road 8 Bucholtz Street, road 9 Edwards Close, road 10 Joseph Place, road 11 Page Circuit and road 12 Butler Circle.**

The motion was carried with Councillors voting unanimously.

Councillor Kennedy returned to the room at 7.11pm.

6.3.17 DECONSTRUCTION OF ULAN WOLLAR TEMPORARY DETOUR ROAD

GOV400043, R4022001

360/15 MOTION: Walker / Shelley

That:

- 1. the report by the Manager Works on the Deconstruction of Ulan Wollar Temporary Detour Road be received;**
- 2. Council authorise the deconstruction of the temporary detour road up to the value of \$50,000.**

The motion was carried with Councillors voting unanimously.

6.3.18 MUDGEES GOLF CLUB FENCE – ROBERTSON ROAD

GOV400043, ROA100027

361/15 MOTION: Walker / Kennedy

That:

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Mayor

General Manager

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1. the report by the Director, Operations on the erection of a protective fence at the boundary of Mudgee Golf Course in Robertson Road;
2. Council agrees to contribute \$17,790 incl GST to 300m of protective fence on a 50/50 basis (tot. cost \$35,579 incl GST) with the Mudgee Golf Club;
3. the 2015/16 Operational Plan be amended to allocate \$16,500 towards the construction of this fence from unrestricted cash.

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

| Councillors | Ayes | Nayes |
|---------------|------|-------|
| Cr Cavalier | ✓ | |
| Cr Kennedy | ✓ | |
| Cr Martens | | ✓ |
| Cr Shelley | ✓ | |
| Cr Thompson | ✓ | |
| Cr Walker | ✓ | |
| Cr Weatherley | ✓ | |
| Cr Webb | ✓ | |

6.3.19 PROPOSED DEDICATION AS PUBLIC ROAD – ALLOTMENT
52 DP 1205480

GOV400043, 23294

362/15 MOTION: Walker / Cavalier

That:

1. the report by the Revenue & Property Manager on the Proposed Dedication as Public Road - Allotment 52 DP 1205480 be received;
2. Pursuant to Section 10 of the Roads Act 1993, Council dedicate Allotment 52 DP 1205480, as Public Road.

The motion was carried with Councillors voting unanimously.

6.3.20 CONSIDERATION OF CUSTOMER CONNECTIONS TO
COUNCIL'S RAW WATER TRANSFER PIPELINES

GOV400043, WAT500002

363/15 MOTION: Shelley / Weatherley

That Council defer making a decision until all options can be explored.

AMENDMENT: Webb/Cavalier

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1. the report by the Business Manager Services on the Consideration of customer connections to Council's raw water transfer pipelines be received;
2. requests for connection to Council's raw water transfer mains be renegotiated due to unacceptable risk to both Council's security of water supply and public health.
3. that negotiations include a restriction on water usage to address concerns of water supply.

Amendment withdrawn

FORESHADOWED AMENDMENT: Thompson/

In renegotiating agreements, the amount of water being used be allowed to continue where the number of lots changes.

The foreshadowed amendment lapsed for want of a seconder.

The motion was put and carried with Councillors voting unanimously.

6.3.21 RFQ 2015/14 PREFERRED SUPPLIERS LIST FOR BITUMEN SPRAY SEALING 2015/16 PROGRAM

GOV400043, COR400109

364/15

MOTION: Webb / Walker**That:**

1. the report by the Business Manager Works on the RFQ 2015/14 Preferred Suppliers List for Bitumen Spray Sealing 2015/16 Program be received;
2. Council endorses the following list of preferred suppliers for the provision of Bitumen Spray Seal for Council's 2015/16 spray seal program.
 - Downer Australia Pty Ltd
 - Fulton Hogan Industries Pty Ltd

The motion was carried with Councillors voting unanimously.

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6.3.22 RFT 2015/13 DESIGN AND CONSTRUCT FOUR BRIDGES

GOV400043, COR400108

365/15 MOTION: Webb / Walker

That:

1. the report by the Director, Operations on RFT 2015/13 Design and Construct Four Bridges be received;
2. Council accepts the tender submitted by Murray Constructions Pty Ltd for the design and construction of four bridges in accordance with clause 178 of the Local Government (General) Regulation 2005 at a tendered price of \$1,589,600 excluding GST;
3. Council authorise the General Manager to finalise and execute the contract on behalf of Council with Murray Constructions Pty Ltd for the design and construction of four bridges, Mudgee RFT 2015/13;
4. The General Manager be granted delegated authority to approve variations to the contract up to a cumulative total of 10% of the original contract sum; and
5. unsuccessful tenderers be notified that their tenders were unsuccessful.

The motion was carried with Councillors voting unanimously.

6.3.23 RFT 2015/07 WOLLAR ROAD UPGRADE - ENGINEERING INVESTIGATION, DESIGN AND PROJECT MANAGEMENT SERVICES

GOV400043, COR400102

366/15 MOTION: Cavalier / Walker

That:

1. the report by the Director, Operations on RFT 2015/07 Wollar Road Upgrade - Engineering Investigation, Design and Project Management Services be received;
2. Council accepts the tender submitted by Local Government Engineering Services for the Provision of Engineering Investigation, Design and Project Management Services for the Wollar Road upgrade in accordance with clause 178 of the Local Government (General) Regulation 2005 at a tendered price of \$639,260 excluding GST;
3. Council authorise the General Manager to finalise and execute the contract on behalf of Council with Local Government Engineering Services for the Provision of Engineering Investigation, Design and Project Management Services for the Wollar Road upgrade, Mudgee RFT 2015/07;

Page 14 of the Minutes of the Ordinary Meeting of Council held on Wednesday 21 October 2015.

 Mayor

 General Manager

Mid-Western Regional Council

Date: 21 October 2015

4. **The General Manager be granted delegated authority to approve variations to the contract up to a cumulative total of 10% of the original contract sum; and**
5. **unsuccessful tenderers be notified that their tenders were unsuccessful.**

The motion was carried with Councillors voting unanimously.

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. 367/15 and concluding with Resolution No. 373/15.

6.3.24 POLICY ON PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

GOV400043, A0110001

367/15 MOTION: Shelley / Cavalier

That:

1. **the report by the Acting General Manager on the Policy on Payment of Expenses and Provision of Facilities to Councillors be received;**
2. **Council endorse the unchanged policy on Payment of Expenses and Provision of Facilities to Councillors.**

The motion was carried with Councillors voting unanimously.

6.3.25 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS SECTION 449(3) RETURN – TABLING OF RETURNS

GOV400043, GOV400011, A0110004

368/15 MOTION: Shelley / Cavalier

That Council note the tabling of Councillor and Designated Persons Returns in accordance with the Local Government Act 1993 section 450A (2).

The motion was carried with Councillors voting unanimously.

6.3.26 CULTURAL DEVELOPMENT COMMITTEE

GOV400043, REC800019

369/15 MOTION: Shelley / Cavalier

That:

1. **the report by the Manager, Community Services on the Cultural Development Committee be received;**

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Mayor

General Manager

Mid-Western Regional Council

Date: 21 October 2015

2. Council note the minutes of the Cultural Development Committee meeting held on 9 September 2015;
3. Council endorse the report from the Public Art Advisory Panel to the Cultural Development Committee dated 22 September 2015.

The motion was carried with Councillors voting unanimously.

6.3.27 LOCAL TRAFFIC COMMITTEE MINUTES OF MEETING HELD
24 JULY 2015

GOV400043, A0100009

370/15 MOTION: Shelley / Cavalier

That the report by the Director Operations on the Local Traffic Committee Minutes of Meeting held 24 July 2015 items 15/21 – 15/29 be received; accepted and endorsed.

The motion was carried with Councillors voting unanimously.

6.3.28 GULGONG SPORTS COUNCIL – JULY AND AUGUST 2015

GOV400043, A0360003

371/15 MOTION: Shelley / Cavalier

That:

1. the report by the Acting General Manager on the Gulgong Sports Council meeting minutes be received;
2. the minutes of the Gulgong Sports Council ordinary monthly meetings held on 15 July 2015 and 12 August 2015 be noted.

The motion was carried with Councillors voting unanimously.

6.3.29 MUDGEES SPORTS COUNCIL MEETING – 25 AUGUST 2015

GOV400043, A0360013

372/15 MOTION: Shelley / Cavalier

That:

1. the report by the Acting General Manager on the Mudgee Sports Council Meetings - August and September 2015 be received;
2. the minutes for the Mudgee Sports Council ordinary monthly meetings held on 25 August and 28 September 2015 be noted.

The motion was carried with Councillors voting unanimously.

Mid-Western Regional Council

Date: 21 October 2015

6.3.30 RED HILL COMMITTEE MEETING –SEPTEMBER 2015

GOV400043, P0860011

373/15

MOTION: Shelley / Cavalier**That:**

1. the report by the Acting General Manager on the Red Hill Committee Meeting - 22 September 2015 be received;
2. the minutes for the Red Hill Committee held on 22 September 2015 be noted.

The motion was carried with Councillors voting unanimously.

6.3.31 FINANCIAL ASSISTANCE APPLICATION GULGONG
CHRISTMAS CELEBRATION 2015

GOV400043, FIN300052

374/15

MOTION: Webb / Cavalier**That:**

1. the report by the Manager Finance on the Financial Assistance Application Gulgong Christmas Celebration 2015 be received;
2. Council provide financial assistance to the following applicant in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:

| | |
|---|----------------|
| Gulgong Memorial Hall Committee - Gulgong Christmas Celebration | \$3,000 |
|---|----------------|

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

| | |
|---|-------------|
| Gulgong Memorial Hall Committee - Gulgong Christmas Celebration | \$58 |
|---|-------------|

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

Gulgong Memorial Hall Committee

The motion was carried with Councillors voting unanimously.

Item 7: Urgent Business Without Notice

7.1 Nil

Mid-Western Regional Council

Date: 21 October 2015

Item 8: Confidential Session**375/15 MOTION: Cavalier / Martens**

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 Acting 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: Voluntary Planning Agreement – Peabody Energy Australia (Wilpinjong)

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

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

Following an enquiry from the Mayor, the Acting 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 CONFIDENTIAL REPORTS

8.1.1 VOLUNTARY PLANNING AGREEMENT – PEABODY ENERGY AUSTRALIA (WILPINJONG)

376/15 MOTION: Cavalier / Walker**That:**

1. the report by the Acting Director Development on the Voluntary Planning Agreement – Peabody Energy Australia (Wilpinjong) be received;
2. Council draft a Voluntary Planning Agreement and accompanying Explanatory Note based on the following terms:

The Voluntary Planning Agreement (VPA) will extend for the life of the current project as follows:

- a. consistent with the existing agreement as provided by condition 12A of the Modification 5 approval issued by the Department of Planning and Infrastructure being \$12,000 per employee paid annually and adjusted for CPI (note the rate is currently \$12,541); and

Mid-Western Regional Council

Date: 21 October 2015

3. following the preparation of the documentation a further report be presented to Council for consideration prior to commencement of public exhibition.

The motion was carried with Councillors voting unanimously.

Item 9: Open Council

377/15 MOTION: Cavalier / Martens

That the Council move to Open Council.

The motion was carried with Councillors voting unanimously.

The Acting General Manager announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 7.35pm.

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. |
| 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. |

| SUBJECT | RESOLUTION NO. & DATE | RESOLUTION | ACTION |
|--|------------------------------------|--|---|
| 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. |
| 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. The General Manager has negotiated with two local suppliers and their estimates have exceeded the budget. Therefore, I recommend this matters in progress be completed. Council agreed for the General Manager to bring a report back to Council providing details of costings from local suppliers. Councillor Shelley has put a Notice of Motion in requesting a tender be called for the erection of a new footbridge over the Cudgegong River at Rylstone. |
| | 294/15 Ordinary Mtg 16/9/15 | | Council will inspect the Rylstone pedestrian bridge and access when attending the Community Forum in Rylstone. |

Item 5: Mayoral Minute

There is no Mayoral Minute.

Item 6: General Business

6.1 Notices of Motion

There are no Notices of Motion.

6.2 Reports

6.2.1 DA0072/2016, Dwelling House @ 52 Lue Road Milroy

REPORT BY THE SENIOR TOWN PLANNER TO 18 NOVEMBER 2015 COUNCIL MEETING
development application 0072-2016 dwelling 52 Lue Road
GOV400043, DA0072/2016

RECOMMENDATION

That:

1. the report by the Senior Town Planner on the Development Application 0072/2015 proposed dwelling Lot 313 DP 1183266 52 Lue Road Milroy be received;
2. that the Development Application 0072/2015 proposed dwelling Lot 313 DP 1183266 52 Lue Road Milroy be approved in accordance with the following conditions:

APPROVED PLANS CONDITIONS

3. Development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the two provided statement of environmental effects; one prepared Minespex and Sunrai Designs except as varied by the conditions listed herein.

| Title / Name: | Drawing No | Issue: | Date | Prepared by: |
|------------------------|------------|--------|------------|----------------|
| Site Plan | 407PIR-01 | D | 03/09/2015 | Sunrai Designs |
| Floor Plan | 407PIR-02 | D | 03/09/2015 | Sunrai Designs |
| First Floor & Sections | 407PIR-03 | D | 03/09/2015 | Sunrai Designs |
| Elevations | 407PIR-04 | D | 03/09/2015 | Sunrai Designs |

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

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE BUILDING

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

5. 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.
6. Prior to the issue of a Construction Certificate, certification is to be provided to Mid-Western Regional Council demonstrating that the unauthorised fill that has been imported to the building site is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM).

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

7. 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.

8. The site shall be provided with a waste enclose (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE.

9. 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.
10. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Act 1979 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.
11. If the work involved in the erection/demolition of the building:
- A) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - B) building involves the enclosure of a public place

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

12. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department, in writing, of any existing damage to Council property.
13. Prior to the commencement of works, 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.
14. 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

- 15. 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.
- 16. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
- 17. 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.

- 18. 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.
- 19. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
- 20. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
 - A) the method of protection; and
 - B) the date of installation of the system; and
 - C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - D) the need to maintain and inspect the system on a regular basis.
- 21. 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.
- 22. The requirements of BASIX Certificate number 654558S issued on 3 September 2015 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s

Septic tank

- 23. The on-site sewage management system shall comply with the On-site Sewage Disposal report prepared by K&H Geotechnical Services reference number

KHEFF1401 dated February 2014 and letter dated 14 September 2015 confirming amended site location.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

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

- 24. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.**

General

- 25. The finished floor levels of all buildings and other structures be located above the 100 year ARI plus 500mm freeboard.**
- 26. All structures to have flood compatible building components below or at the 100 year ARI flood level plus 500mm freeboard.**
- 27. Engineers report to certify that any structure can withstand the forces of floodwater debris and buoyancy up to and including a 100 year ARI flood plus 500mm freeboard.**
- 28. The Home Emergency Plan as prepared in accordance with NSW SES guideline shall be reviewed and submitted to Council every two years as measured from the commencement of works on the site.**
- 29. Main power supply is subject to the approval of the relevant electricity supplier, the incoming main commercial power service equipment, including all metering equipment, shall be located above the 100 year ARI flood level plus 500mm freeboard. Means shall be available to easily disconnect the building from the main power supply.**
- 30. Wiring - all wiring, power outlets, switches etc should, to the maximum extent possible, be located above the 100 year ARI flood level plus 500mm freeboard. All electrical wiring installed below the 100 year ARI flood level plus 500mm freeboard should be suitable for continuous submergence in water and should contain no fibrous components. Only submersible-type splices should be used below the 100 year ARI flood level plus 500mm freeboard. All conduits located below the 100 year ARI flood level plus 500mm freeboard should be so installed that they will be self-draining if subjected to flooding.**
- 31. Equipment - all equipment installed below or partially below the FPL should be capable of disconnection by a single plug and socket assembly.**
- 32. should any electrical device and/or part of the wiring be flooded, it should be thoroughly cleaned and replaced and checked by an approved electrical contractor before reconnection.**
- 33. Fuel - heating systems using gas or oil as a fuel should have a manually-operated valve located in the fuel supply line to enable fuel cut-off.**

34. **Installation** - the heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 mm above the 100 year ARI flood level plus 500mm freeboard.
35. **Ducting** - all ductwork located below the 100 year ARI flood level plus 500mm freeboard should be provided with openings for drainage and cleaning. Self-draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or flood below the 100 year ARI flood level plus 500mm freeboard, the ductwork should be protected by a closure assembly operated from above the 100 year ARI flood level plus 500mm freeboard.

PRESCRIBED CONDITIONS

36. **Building work must be carried out in accordance with the requirements of the Building Code of Australia.**
{Reason: Prescribed condition pursuant to clause 98 of the EP&A Regulation 2000}
37. **In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.**
{Reason: Prescribed condition pursuant to clause 98 of the EP&A Regulation 2000}
38. **A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:**
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.**
{Reason: Prescribed condition pursuant to clause 98A of the EP&A Regulation 2000}
39. **Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:**
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and

- (ii) **if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.**
 {Reason: Prescribed condition pursuant to clause 98B of the EP&A Regulation 2000}

Executive summary

| | |
|----------------------------------|--------------------------------|
| APPLICANT: | SUNRAI DESIGNS |
| ESTIMATED COST OF DEVELOPMENT: | \$650,000.00 |
| REASON FOR REPORTING TO COUNCIL: | COUNCIL DETERMINED DA0193/2015 |
| PUBLIC SUBMISSIONS: | NONE |
| LOT/DP | LOT 313 DP 1183266 |

Council has received development application 0072/2016 for a dwelling as required by Condition number seven (7) - Staged 2 of development application DA0193/2015.

Lot 313 DP 1183266 measures 20.18 hectares and is zoned RU4 Primary Production Small Lots. The subject site is developed with an existing shed and has frontage to Lue Road.

The subject site is located within the high hazard flood precinct, Council considered this at its 18th February meeting, supported the application and a development consent was issued. Pursuant to Division 2A 'Special procedures concerning staged development applications' of the Environmental Planning and Assessment Act *any further development application in respect of that site cannot be inconsistent with that consent*. In this case the consideration of this development application cannot be inconsistent with Development Application 0193/2015. Therefore, this assessment does not further consider any issues associated with the sites location in the high food hazard precinct. Therefore, this assessment relates to the specific considerations related to the construction of the dwelling itself.

REQUIREMENTS OF REGULATIONS AND POLICIES:

The development application for the dwelling as required as part of stage 2 has been assessed in accordance with Section 79C(1) and relevant subclauses of the Environmental Planning & Assessment Act 1979.

Section 79C(1)(b) likely impacts of the development

Context and Setting

The subject site is located directly north of the town of Mudgee and bound by Lue Road to the north and the Cudgegong River to the South. The site is developed with a shed.

Land adjoining to the north, east and west is also zone RU4 Primary Production Small Lots.

Access, transport and traffic

The subject site fronts Lue Road, condition 3 of Development Application 0193/2014 requires a driveway to be constructed.

Utilities

Electricity and telecommunication services are available in the locality.

Heritage

The Statement of Environmental Effects (SEE) submitted for DA0193/2015 was also provided with this application. The SEE includes a Cultural Heritage Assessment. The assessment was carried out on the subject site and two objects were identified along with scatters of existing resource materials such as quartz, volcanic material chert and quartzite. The SEE states the identified

artefacts will not be disturbed by the nominated building envelope. The Council at its 18th February 2015 meeting considered and approved (including aboriginal cultural heritage) of relocating the building envelope and resolved to relocate the dwelling to the existing shed pad.

Other land resources

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

Soils

Contamination risk and salinity were addressed in the Statement of Environmental Effects provided with the original application.

Air and Microclimate

During construction of any future structure onsite, there is the likelihood of limited impact; however this can be mitigated by dust suppression.

Flora & fauna

The subject land has been cleared. There is no significant flora or fauna on the site.

Noise & vibration

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

Natural Hazards

The site is affected by flooding, as discussed earlier in this report this matter was considered by Council at its 18 February 2015 meeting, where the Councillors approved the dwelling within the high flood hazard precinct.

Condition 9 of Stage 2 of Development Application 0193/2015 states –

The finished floor level of the future dwelling must be 500mm above the 1 in 100 year flood level.

The plans detail a 100 year ARI of 450.70 for the subject site. A finished floor area of 451.70 is notated on the plans, this finished floor level is in excess of the required 500mm above the 1 in 100 year flood level.

Construction

Standard conditions have been included within the recommendation.

Section 79C(1)(C) Suitability of the site for development**Does the proposal fit in the locality**

The locality is characterised by dwellings (predominantly located to the north of Lue Road) agricultural sheds and limited intensive agricultural pursuits. Therefore, the erection of the dwelling would be generally consistent with the locality.

Are the site attributes conducive to development

The subject site has frontage to Lue Road and is of sufficient size to achieve the required setbacks.

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

No submissions received.

Submissions from public authorities

No submissions received.

THE PUBLIC INTEREST

Federal, State and local government interests and community interests

It is within the community's interest to

CONSULTATIONS

Health & Building

The application was referred to Council's Manager of Health and Building, who provided the following comment –

It is acknowledge that there has already been fill imported to the site in contravention of the amounts permissible under the Exempt provision within the SEPP Code. In this regard it is recommended to include an additional condition to confirm the fill is clean fill, not contaminated and is suitable for its application. The compaction suitability of the fill will need to be considered separately by the certifier at Construction Certificate stage.

A section 68 application has been applied for and assessed. The new location has been confirmed as adequate given the holding tank and power etc will be located above the 1:100 year flood level. The system incorporates secondary treatment and is considered suitable for the site. A separate onsite sewerage management approval is provided with conditions.

Standard Building Code of Australia conditions also included in recommended conditions.

Should the application be supported then the following standard conditions are recommended.

Background

Council considered development application DA0193/2015 for a staged dwelling at 52 Lue Road, Milroy at its 18 February 2015 meeting. Council considered the matters outlined below the assessment report; the complete assessment report is provided as Attachment 1.

Section 79C(1)(a)(i) - Mid-Western Regional Local Environmental Plan 2012 - RU4 Primary Production permissibility and objectives; Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain zones; Clause 4.2B Dwelling houses on land in Zone RU4 Primary Production Small Lots; Clause 6.2 Flood Planning; Clause 6.9 Essential Services

Section 79C(1)(a)(iii) - Mid-Western Regional Development Control Plan 2012 – Part 5.2 Flooding; 6.1 Dwellings (Primary Production Small Lots and Building setbacks) and

Staff recommended refusal of the development application and provided seven (7) reasons, approval was granted subject to ten (10) conditions. An amendment was put forward and carried as a motion and gained Councillor support. The amendment included the relocation of the existing dwelling to the existing shed pad.

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



ELIZABETH DENSLEY
ACTING DIRECTOR, DEVELOPMENT

3 November 2015

- Attachments:*
1. DA0193/2015 Assessment Report
 2. Site plan, floor plan and elevations

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

1.1.1 DA0193/2015, Staged Development - Dwelling – Montaza - 52 Lue Road MILROY NSW 2850

REPORT BY THE SENIOR TOWN PLANNER TO 18 FEBRUARY 2015 COUNCIL MEETING
DA0193-2015 staged dwelling 52 Lue Road
GOV400043, DA0206/2015

RECOMMENDATION**That:**

1. **the report by the Senior Town Planner on the Development Application DA0193/2015 Proposed Staged Dwelling – Lot 313 DP 1183266 52 Lue Road Milroy be received;**
2. **that the Development Application 0193/2015 – Proposed Staged Dwelling – Lot 313 DP 1183266 52 Lue Road Milroy be refused for the following reasons;**
 1. **The proposed development for a dwelling to be located within the High Flood Risk Precinct is inconsistent with the Mid-Western Regional Development Control Plan Clause 5.2 Flooding – Development Controls Matrix 2 that does not support residential development in the high risk precinct.**
 2. **The proposed development for a dwelling to be located within the High flood risk Precinct is inconsistent with Clause 6.2 (1) of the Mid-Western Regional LEP 2012 as the development does not meet the objectives of the clause to minimise risk to life and property associated with flooding as a flood free access to Mudgee town cannot be achieved.**
 3. **The proposed development for a dwelling to be located within the High flood risk Precinct is inconsistent with Clause 6.2 (3) of the Mid-Western Regional LEP 2012 as the development is incompatible with the flood hazard, does not incorporate measures to reduce risk and may result in unsustainable social and economic costs to the community as a consequence of flooding.**
 4. **The proposed development for a dwelling to be located within the High Flood Risk Precinct is inconsistent with the Mid-Western Regional Development Control Plan Clause 5.2 Flooding Development Control, Performance Criteria (c) as a reliable access for evacuation to the Mudgee town cannot be achieved.**
 5. **The proposed development fails to provide a suitable road access to Mudgee town which is inconsistent with the Clause 6.9 Essentials Services of the Mid-Western Regional Local Environmental Plan 2012 as Council cannot be satisfied that emergency services can adequately access the site during a flood event or that the future inhabitants will have suitable means of access during flood/storm events.**
 6. **The proposed development for a dwelling with a front setback of 30 metres is inconsistent with the Mid-Western Regional Development Control Plan Clause 6.1 Dwellings in Rural Areas as the setback**

standard of 60 metres as it will degrade the existing open visual amenity of the locality.

7. The proposed development is not considered to be in the public interest as it will increase the costs to the community when emergency services are responding during flood events and may lead to further development on the floodplain.

Executive summary

| | |
|----------------------------------|--|
| APPLICANT: | TONY ADAMS |
| ESTIMATED COST OF DEVELOPMENT: | \$0 (STAGED DEVELOPMENT – DWELLING) |
| REASON FOR REPORTING TO COUNCIL: | SIGNIFICANT INCONSISTENCIES WITH THE LEP 2012 AND DCP 2013 |
| PUBLIC SUBMISSIONS: | NONE |
| LOT/DP | LOT 313 DP 1183266 |

Executive summary

Council has received a Development Application 0193/2015 for a staged dwelling at 'Montaza' 52 Lue Road, Milroy.

The proposed development relates to the staged development for a dwelling house on Lots 313 1183266 (Locality Plan provided as Attachment 1). The proposal seeks to establish the legal entitlement to erect a dwelling house.

Lot 313 DP 1183266 measures 20.18 hectares and is zoned RU4 Primary Production Small Lots. The subject site is developed with an existing shed and has frontage to Lue Road and is wholly located within the high flood risk precinct (Flooding Plan provided as Attachment 2).

The application was notified to adjoining land owners and an advertisement placed in the local press accordance with Part 1.10 of the DCP no submissions were received.

Development Application 0326/2014 for a staged dwelling on this site was refused by Council at its meeting on the 21 May 2014. The applicant has now lodged a new application with additional supporting information "Supplementary Report" (provided at Attachment 3). The information contained in the Supplementary Report is discussed in the body of this report.

The development application is being reported to Council for refusal as the application including additional information supplied fails to satisfy the significant inconsistencies with the LEP 2012 and DCP 2013 as the proposal is located in the high hazard flood precinct without a flood free access.

Detailed report

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

MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012 (LEP)

The land is zone RU4 Primary Production Small Lots dwellings are permissible with the consent of Council.

The Zone Objectives have been provided and considered below -

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

Comment: The applicant provided the previously submitted Statement of Environmental Effects. This does not provide a justification for the support of a dwelling in the high hazard flood precinct.

The relevant Clauses of the LEP have been considered below:

4.2A Erection of dwelling houses and dual occupancies on land in certain zones

(3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the land:

(a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land,

Comment: The subject site measures 20.18 hectares which meets the minimum lot size.

4.2B Dwelling houses on land in Zone RU4 Primary Production Small Lots

(1) The objective of this clause is to ensure that dwelling houses are erected only where they support the permitted agricultural use of the land.

Comment: Due to the site proximity to the town of Mudgee the necessity of a dwelling to be located on site remains questionable.

(2) Development consent must not be granted for the erection of a dwelling house on land in Zone RU4 Primary Production Small Lots unless the consent authority is satisfied that:

(a) the land is being used, or is intended to be used, for the purpose of intensive plant agriculture, and

Comment: The land is not being used for intensive plant agriculture. The applicant has provided details from the NSW Water Register; Water Access Licence 34209 for a 122 mega litre high security irrigation bore. The owner has requested copies of the actual licences however they are not yet available and therefore have not adequately demonstrated that the land can be used for the purpose of intensive plant agriculture.

(b) the dwelling house will be required to support the carrying out of the intensive plant agriculture or the irrigation of pasture and fodder crops, and

Comment: Due to the site close proximity to the town of Mudgee the necessity of a dwelling to be located on a site with such significant hazard remains questionable.

(c) the dwelling house is not likely to cause any land use conflict with existing agricultural uses being undertaken on neighbouring properties in the zone, and

Comment: The proposed dwelling location remains the same; close to the eastern boundary. The location is determined by the highest point on site; this location close to this boundary limits the opportunity for effective buffers.

(d) services for the supply of water and electricity to support that agricultural use are available or adequate arrangements have been made to make them available when required.

The applicant has provided details from the NSW Water Register; Water Access Licence 34209 for a 122 mega litre high security irrigation bore. However the specific licence has not been provided.

Clause 6.2 Flood Planning

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

- (a) *to minimise the flood risk to life and property associated with the use of land,*
- (b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) *to avoid significant adverse impacts on flood behaviour and the environment.*

Since the adoption of the Mudgee Floodplain Management Study and Plan no new dwellings have been constructed within the high flood risk precinct. Council has approved the use of an existing building as a dwelling on Willbertree Road which was located in the high risk zone. Council made the decision in 2002 to adopt the Floodplain Management Study and Policy to reduce the risk to life and property on land affected by flood hazard.

The 1 in 100 year flood event is the flood planning level. Council's DCP requires that finished floor levels are to be 500mm above the flood planning level. The natural ground level of the proposed dwelling location is 470mm below the flood planning level. This would result in a dwelling being built up 970mm only 30 metres from Lue Road.

In addition no flood free access can be achieved to and from the site. During a 1 in 100 year flood event, at the subject site Lue Road would be under water by approximately 500mm and up to 1.5 metres of water at the intersection with Ulan Road.

A flood free access cannot be achieved and therefore flood events will place a greater demand on emergency services and in turn costs to the community.

The applicant has made the following statements –

'the proposed development as supported by the information now submitted, previous Statement of Environmental Effects and Engineer Assessment do not indicate that the development will increase the risk to life and property above that may reasonably be associated to development of land in the 'low' or 'medium' flood risk precincts'.

The nature of the floodwaters, specifically velocity and depth of the water, is significantly different between the three flood risk precincts and therefore cannot be compared.

(3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*

- (a) *is compatible with the flood hazard of the land, and*
- (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *incorporates appropriate measures to manage risk to life from flood, and*

(d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*

(e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

The applicant has stated that one dwelling will not cause the community unsustainable cost with potential to be flooded only when levels reach above 500mm above the 1 in 100 year ARI. Council would argue that approving development contrary to an established standard erodes the effectiveness of the standard and subverts the planning process.

The applicant has provided the following summary of risk mitigation measures:

'The location of the proposed dwelling utilises the topography and reduces interference with the Lucerne crop irrigation system. The site increases the distance from the River to reduce the risk of flooding and is located to minimise any future fill requirements'

Comment: It is acknowledged that the building envelope has been located at the highest point on the site and increases the distance from the Cudgegong River, however the site, driveway and the entire Lue Road back to the intersection with Ulan road remains within the high risk precinct.

'The internal access driveway will be constructed at a height to ensure safe evacuation is possible. This reduces risk of cost for flood related emergency service evacuation.'

Comment: If the internal access driveway were constructed to a flood free height, this would not provide a flood free access as Lue Road back to the intersection with Ulan Road remains underwater. During a 1 in 100 year flood event, at the subject site Lue Road would be under water by approximately 500mm and up to 1.5 metres of water at the intersection with Ulan Road.

'The design of the proposed dwelling site is 500mm above the 1 in 100 year flood level to reduce risk of economic costs. The building materials below this height are able to be flood compatible.'

Comment: It is acknowledged that the proposed dwelling site can be built up to a level 500mm above the 1 in 100 years flood level, and appropriate material can be achieved, however a flood free access to the Mudgee town cannot be achieved.

'Management measures are proposed that mitigate risk of impacts of flood related cost. Including:

- *Irrigation infrastructure design to enable removal of key components,*
- *Preparation of a Home Emergency Plan,*
- *Responding to communication and monitoring of Flood situation, and public warning systems'*

Comment: It is acknowledge that suitable irrigation infrastructure can be designed, however the points rely on human reaction and such measures cannot be regulated.

The land is located within the High Flood Hazard Precinct.

Clause 6.9 Essential Services

Development consent must not be granted unless the consent authority is satisfied that essential services for the proposed development are available or that adequate arrangements have been made to make them available when required. The clause requires that all development have a suitable road access; i.e. flood free access.

The applicant has acknowledged that 'technically flood free access is not possible within the PMF extending over Lue Road'. However it should be stated that a flood free access cannot even be achieved in the more frequent 1 in 20 year flood event.

The applicant states an 'internal access driveway can be constructed to a similar level to Lue Road', this driveway and Lue road at the frontage of the proposed driveway would be under approximately 500mm of water. This is not a satisfactory flood free access.

Lue Road to the east enters the medium and low flood risk precinct. The applicant has stated emergency vehicles can access the site from the east. However this would require emergency vehicles travelling east along the Castlereagh Highway crossing the Cudgegong River at Rocky Water Hole Road, however this would also be affected during a flood event and then doubling back to the subject site. This would create unreasonable response times and detrimentally impact upon response times for other community members.

The applicant has discussed the importance of Evacuation Orders issued by the SES and the potential role in this situation. The SES registers properties that may need to be contacted to warn of emergency situations. Supporting an additional dwelling within floodplain would increase the burden on the SES when having to notifying property owners.

The applicant has provided the SES Home Emergency Plan that helps households prepare for floods etc. It is Council's role to mitigate or eliminate where possible the risk to human life and property and not create the need for households to prepare these types of plans. Supporting this application would not only rely on emergency services but also place a greater burden on the household.

In summary a flood free access cannot be achieved, therefore Council cannot be satisfied that emergency services can adequately access the site during a flood event via the road.

Mid-Western Regional Development Control Plan 2012 (DCP)

Part 5.2 Flooding

The DCP provides a matrix of land uses and their appropriateness in the three hazard precincts; low, medium and high. All residential development is excluded in the high flood risk precinct; therefore the DCP does not stipulate provisions for the development of any residential development in the high flood risk precinct. The applicant has stated strict adherence cannot be achieved although claims that the performance criteria can be met (as discussed in the below table)

| Part 5.2 Flooding | Requirement | Compliance/ Comment |
|----------------------|---|--|
| Flood Risk Precincts | High and Medium Flood Risk | Dwellings are not permitted in high hazard precinct. |
| Development Control | Performance Criteria (a) The proposed development should not result in any increased risk to human life. | The applicant discusses the construction of an internal driveway to Lue Road. Comment: Lue Road is inundated during a flood event and access cannot be gained via Rocky Water Hole Road. Therefore a flood free access cannot be achieved, so risk to human |

| Part 5.2 Flooding | Requirement | Compliance/ Comment |
|-------------------|--|---|
| | <p>(b) The additional economic and social costs which may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner and general community.</p> | <p>life cannot be mitigated.</p> <p>The applicant has stated the dwelling can be located up to 500mm above the 1 in 100 year flood event and impact can be managed by the landowner with the 8 hour warning time and enacting their 'SES Home Emergency Plan' and seek alternate accommodation in property the owner owns elsewhere.</p> <p>Comment: if the dwelling were approved the SES would still be relied upon during a flood emergency and the undue emphasis would be placed on future landowners to prepare a 'SES Home Emergency Plan' which Council has no legislative control over. Future owners might not own alternate property to relocate to during a flood emergency. Therefore a dwelling located in the floodplain will increase community costs through the use of emergency services and accommodating the relocation of future residents.</p> |
| | <p>(c) The proposal should only be permitted where effective warning time and reliable access is available for the evacuation of an area potentially affected by floods, where likely to be required.</p> | <p>The applicant has stated the owner does not agree with the 8 hour warning time and state it is 24 hours. The Bureau of Meteorology 'Flood Watch' and 'Flood Warning' and SES 'Evacuation Warning' can be relied upon.</p> <p>Comment: The warning time</p> |

| Part 5.2 Flooding | Requirement | Compliance/ Comment |
|-------------------|--|---|
| | | <p>is approximately 8 hours. In the NSW Department of Environment, Climate Change and Water document Impacts of Climate Change on Natural Hazards Profile – Western Region discusses the impacts of climate change on riverine flooding. The Report states the degree to which climate change will alter the frequency or intensity of major floods cannot yet be determined and further research will be needed to provide more specific advice on the potential scale of changes. Therefore Council when considering a hazard with the potential to worsen would always take a precautionary approach and not consider a warning time greater than 8 hours.</p> |
| | <p>(d) Development should not detrimentally increase the potential flood affectation on other development or properties.</p> | <p>The development will marginally increase the flood affectation on other properties by 0.008m to the maximum flood height. This could be considered minimal, but remains an impact.</p> |
| Fill | <p>Earthworks that change the nature of a watercourse and have the potential to affect upstream or downstream properties is not permitted.</p> | <p>The development will require approximately 1 metre of fill and therefore will impact on up and down stream properties</p> |
| | <p>This standard applies to watercourses in the high hazard flood risk precinct.</p> | |

| Part 5.2 Flooding | Requirement | Compliance/ Comment |
|--------------------------|---|--|
| Development Application | Applications must include information which addresses all relevant controls listed above, and the following matters as applicable. | Yes. |
| Survey Plan Details | Development applications for Flood Prone Land shall be accompanied by a survey plan showing:- | |
| | (a) The position of the existing building/s or proposed building/s; | Yes |
| | (b) The existing ground levels to Australian height datum around the perimeter of the building and contours of the site; | Yes |
| | (b) The existing or proposed floor levels to Australian height datum; and | Yes |
| | (c) A reliable access route, with regular levels to Australian Height Datum along the centreline of this route, wherever development is within a high or medium flood risk precinct. | No |
| | Applications for earthworks, filling of land and subdivision shall be accompanied by a survey plan (with a contour interval of 0.25m) showing relative levels to Australian height datum. | Yes |
| Flood Study | For large scale developments, or developments in critical situations, particularly where an existing catchment based flood study is not available, a flood study using a fully dynamic one or two dimensional computer model may be required. | Not provided. |
| | For smaller developments the existing flood study may be used if available and suitable (eg it contains sufficient local detail), or otherwise a one dimensional steady state flood model would normally suffice. A flood study must demonstrate that | Not provided, an Engineers Flood Assessment is provided. |

| Part 5.2 Flooding | Requirement | Compliance/ Comment |
|-------------------------------|---|--|
| | the cumulative impact of a development on flood levels for up and downstream properties is negligible. | |
| Part 6.1 Dwellings | | |
| Primary Production Small Lots | Business plan prepared by a suitably qualified professional detailing production costs, harvesting potential and conservative market prices | The applicant has provided an agronomist report. |
| Building Setbacks | Evidence of water licenses satisfactory for the use 60 metre front setback | <p>The applicant has provided details however not the specific licenses.</p> <p>The applicant is still proposing a setback of 30 metres and has provided the following justification:</p> <ul style="list-style-type: none"> • The mound will be incorporated in the landscaping and private open space. Comment: the applicant again highlights that the setback was reduced to mitigate the impacts of flooding and provide direct access to Lue Road. • The proposed setback is consistent with that of an existing dwelling on a site to the east. Comment: the dwelling discussed is located approximately 1 km east of the proposed dwelling site. The dwelling on the site directly adjoining to the east is located approximately 250m |

| Part 5.2 Flooding | Requirement | Compliance/ Comment |
|-------------------|-------------|---|
| | | <p>from the front setback and dwelling located across the road to the north are setback greater than 150 metres.</p> <ul style="list-style-type: none"> The main outlooks have been considered and one additional dwelling will not significantly change the setting <p>Comment: the impact of the proposed dwelling on the district outlooks is not the key visual impact rather the impact is that of the dwelling with a minimum finished floor level located 1.3 metres above natural ground level when viewed while traveling along Lue Road.</p> |

NSW Department of Environment, Climate Change and Water Impacts of Climate Change on Natural Hazards Profile – Western Region

The report discusses the impacts of climate change on riverine flooding. The report states the degree to which climate change will alter the frequency or intensity of major floods cannot yet be determined and further research will be needed to provide more specific advice on the potential scale of changes. It is possible that flood events may be less frequent but the impacts greater.

Council would therefore take a precautionary approach when considering hazards and the applicants' contention that the warning time may be 24 hours when the long established standard has been 8 hours is not supported.

2. IMPACT OF DEVELOPMENT

(a) Context and Setting

The subject site is located directly north of the town of Mudgee and bound by Lue Road to the north and the Cudgegong River to the South. The site is developed with a shed.

Land adjoining to the north, east and west is also zone RU4 Primary Production Small Lots.

(b) Access, transport and traffic

The subject site fronts Lue Road and has an existing vehicular access. As discussed above the proposal fails to provide flood free access to and from the site.

(d) Utilities

Electricity and telecommunication services are available in the locality.

(e) Heritage

A Cultural Heritage assessment was submitted with the original application. The assessment was carried out on the subject site and two objects were identified along with scatters of existing resource materials such as quartz, volcanic material chert and quartzite. The SEE states the identified artefacts will not be disturbed by the nominated building envelope.

(f) Other land resources

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

(h) Soils

Contamination risk and salinity were addressed in the Statement of Environmental Effects provided with the original application.

(i) Air and Microclimate

During construction of any future structure onsite, there is the likelihood of limited impact; however this can be mitigated by dust suppression.

(j) Flora & fauna

The subject land has been cleared. There is no significant flora or fauna on the site.

(m) Noise & vibration

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

(n) Natural Hazards

The site is affected by flooding as discussed earlier in this report. The flooding is of such a hazard that the DCP does not enable residential development within the high flood hazard risk precinct.

(q) Economic and Social impact in the locality

A flood free access cannot be achieved and therefore during flood events will place a greater demand on emergency services and in turn costs to the community.

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

Existing dwellings are located within the locality however they were approved prior to the Mudgee Floodplain Management Study and Plan.

(b) Are the site attributes conducive to development?

No, the subject site is located within the high flood risk precinct; this site with such a significant hazard is not conducive to the proposed development.

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

No submissions.

(b) Submissions from public authorities

No submissions.

5. THE PUBLIC INTEREST**(a) Federal, State and local government interests and community interests**

Supporting such development without a flood free access within the high flood risk hazard precinct is not in the public interest as it will place additional demand on emergency services during flood events. The applicant has stated the future dwelling can be constructed above the 1 in 100 year flood level and therefore any damage and associated costs due to flooding would be reasonably managed by the property owner. However this does not account for demand on emergency services and potential placing emergency service volunteer in endangerment and therefore is not in the public interest.

6. CONSULTATIONS

The application was notified to adjoining owners and no submissions were received.

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

05 February 2015

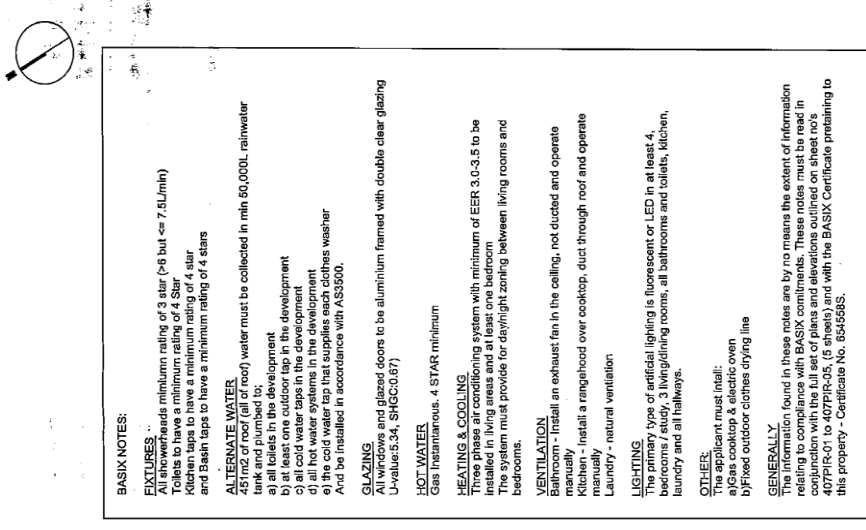
Attachments:

1. Locality Plan
2. Flooding Plan
3. Supplementary report provided by applicant
4. Site Plan and Flood Contours

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER



AREA ANALYSIS

| SQ.M | 50.2 Acres |
|---------------------|------------|
| SITE AREA | 64.90 |
| FIRST FLOOR AREA | 14.25 |
| FIRST FLOOR BALCONY | 316.07 |
| GROUND FLOOR AREA | 49.30 |
| ALFRESCO | 6.30 |
| PATIO 1 | 22.20 |
| PATIO 2 & PATHWAY | 26.21 |
| VERANDA | 477.23 |
| TOTAL | |

BASIX NOTES:

FIXTURES
 All rainwater minimum rating of 3 star (>6 but <= 7.5L/min) toilets to have a minimum rating of 4 star. Showerheads minimum rating of 4 star and Basin taps to have a minimum rating of 4 stars

ALTERNATE WATER
 45m² of roof (all of roof) water must be collected in min 50,000L rainwater tank and pumped to:
 a) all toilets in the development
 b) all shower heads in the development
 c) all cold water taps in the development
 d) all hot water systems in the development
 e) the cold water tap that supplies each clothes washer
 And be installed in accordance with AS3500.

GLAZING
 All windows and glazed doors to be aluminium framed with double clear glazing U-values <= 0.87.

HOT WATER
 Gas instantaneous, 4 STAR minimum

HEATING & COOLING
 Three phase air conditioning system with minimum of EER 3.0-3.5 to be installed in living areas and at least one bedroom
 The system must provide for day/night zoning between living rooms and bedrooms.

VENTILATION
 Bathrooms - install an exhaust fan in the ceiling, not ducted and operate manually
 Kitchen - install a rangehood over cooktop, duct through roof and operate manually
 Laundry - natural ventilation.

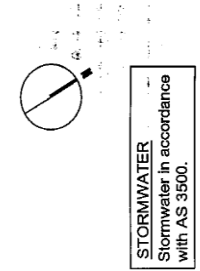
LIGHTING
 The primary type of artificial lighting is fluorescent or LED in at least 4 bedrooms / study, 3 living/dining rooms, all bathrooms and toilets, kitchen, laundry and all hallways.

OTHER:
 The applicant must install:
 a) A gas cooktop & oven
 b) Fixed outdoor clothes drying line

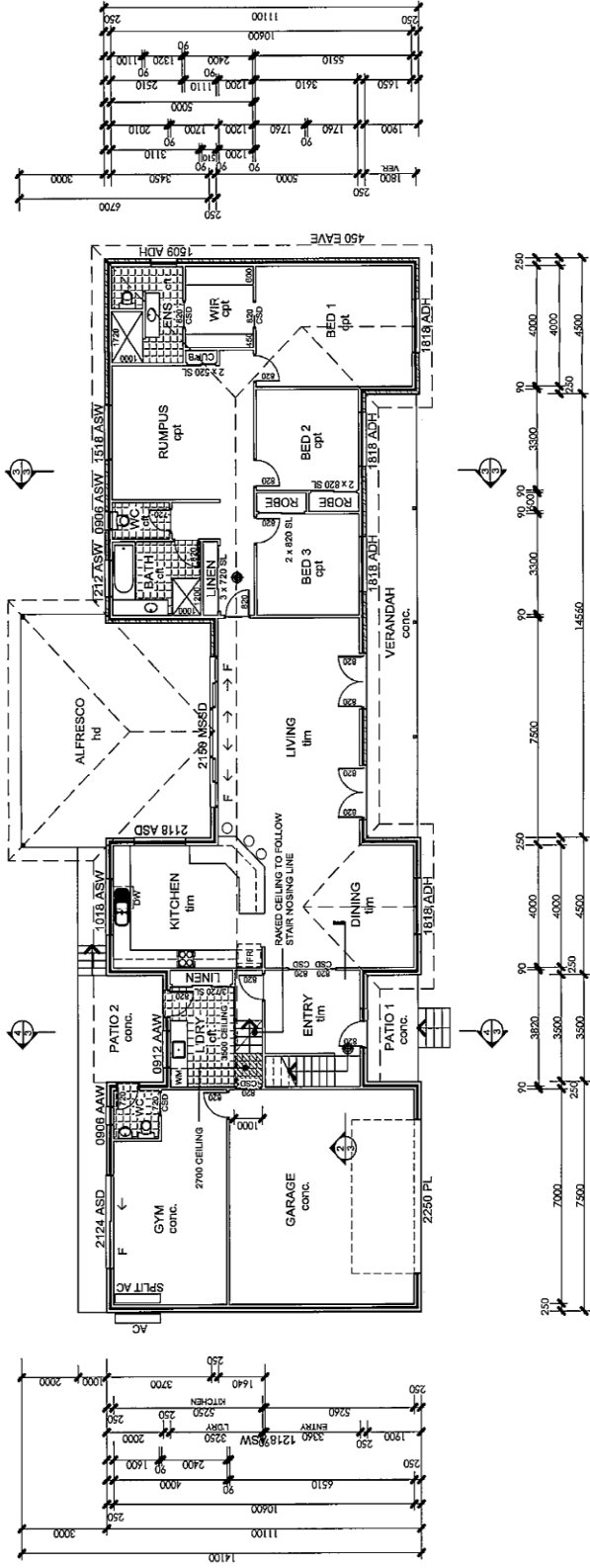
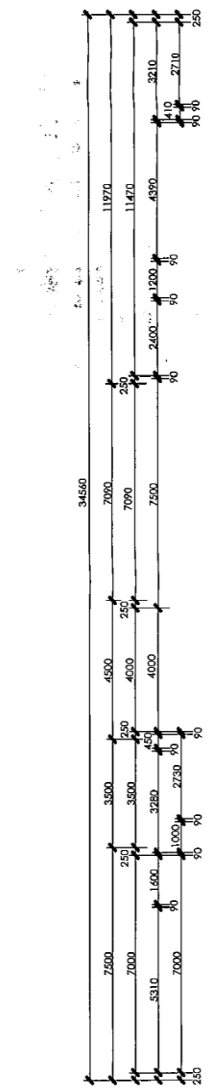
GENERALLY
 The information found in these notes are by no means the extent of information relating to compliance with BASIX commitments. These notes must be read in conjunction with the full set of plans and elevations outlined on sheet no's 407PIR-01 to 407PIR-05, (5 sheets) and with the BASIX Certificate pertaining to this property - Certificate No. 8545585.

1 SITE PLAN
 SCALE 1:2500

| | |
|--|--|
| <p>SUNRAI designs</p> <p>Rahlene Geddes Architectural Services 6 Robert Jones Street, Mudgee NSW 2850 P: 02 6372 3103 M: 0418 605 898 www.sunraidesigns.com.au</p> | <p>Client: Tom Adams</p> <p>Project: 52 Lue Road Mudgee NSW 2850</p> <p>Title: SITE PLAN</p> <p>Scale: 1:2500</p> <p>Date: July 2015</p> <p>Drawing Issue: 407PIR-01</p> <p>Drawn: RG/RR</p> <p>Issue: D</p> |
| | <p>03.09.15 04.08.15 22.07.15 16.07.15</p> <p>DA ISSUE TENDER ISSUE 1 TENDER ISSUE PRELIMINARY</p> <p>Date</p> |
| <p>This drawing is subject to copyright and the consent of Sunrai Designs.</p> | |
| <p>Notes</p> <ol style="list-style-type: none"> 1. Builder to confirm all dimensions before commencing any works. 2. If discrepancies occur on plans, designer is to be contacted. 3. All dimensions are in millimeters unless otherwise stated. 4. Use figured dimensions only. Do not scale from plans. 5. Site information is based on information supplied by the owner and must be verified by the supplier on acceptance of the plan. | |



STORMWATER
Stormwater in accordance with AS 3500.

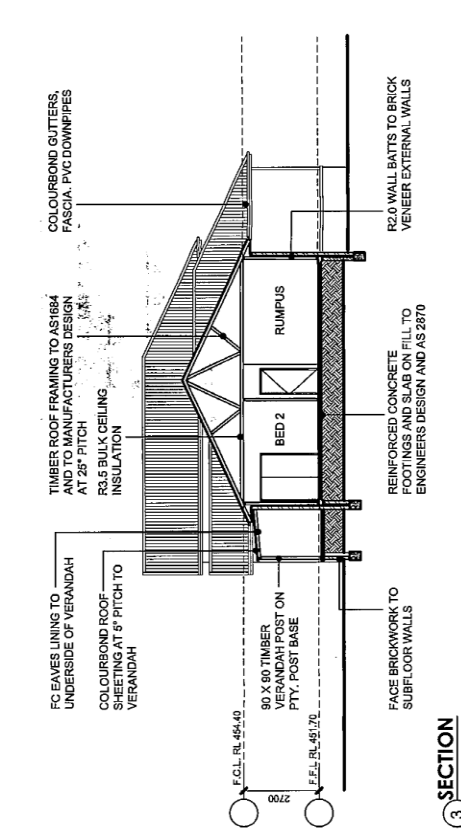


| AREA ANALYSIS | SQ. M | 50.2 Acres |
|---------------------|--------|------------|
| SITE AREA | 84.90 | |
| FIRST FLOOR AREA | 14.25 | |
| FIRST FLOOR BALCONY | 316.07 | |
| GROUND FLOOR AREA | 48.30 | |
| ALFRESCO | 22.30 | |
| PATIO 1 & PATHWAY | 26.21 | |
| VERANDAH | 499.23 | |
| TOTAL | | |

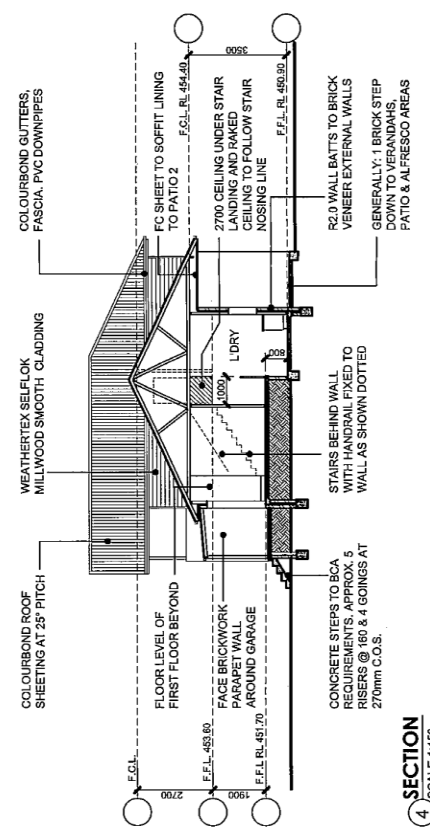
1 GROUND FLOOR PLAN
SCALE 1:150

- Notes**
1. Builder to confirm all dimensions before commencing any works.
 2. Discrepancies occur on plans, engineer to advise on site.
 3. All site works to be carried out in accordance with the site plan.
 4. Use figured dimensions only. Do not scale from plans.
 5. Site information is based on information supplied by the owner and must be verified by the supplier on acceptance of this plan.

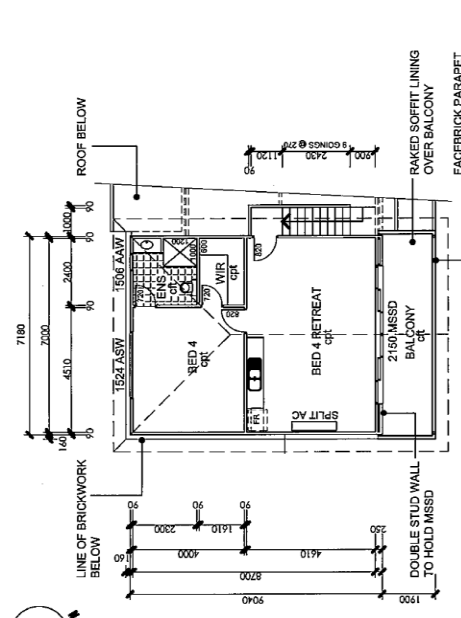
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| <p>SUNRAI designs</p> <p>RAI Architecture & Interiors</p> <p>6 Royal Lakes Street, Mudgee NSW 2850 p: 02 6372 3103 m: 0418 605 898 e: rai@sunraidesigns.com.au www.sunraidesigns.com.au</p> | <p>Client: Tom Adams</p> <p>Project: 52 Lue Road Mudgee NSW 2850</p> <p>Title: FLOOR PLAN</p> <p>Scale: 1:150</p> <p>Date: July 2015</p> <p>Drawing No.: 407PIR-02</p> <p>Issue: D</p> |
| | <p>03.08.15 03.09.15 22.09.15 16.07.15</p> <p>DA ISSUE TENDER ISSUE PRELIMINARY</p> |
| <p>Legend:</p> <p>cft - Aluminium framed awning window</p> <p>cpt - Carpet</p> <p>tim - Timber flooring over slab</p> <p>hd - Hardwood decking</p> <p>SD - Approved Smoke detector, hard wired to electrical supply</p> <p>ASD - Aluminium framed sliding door</p> <p>ADH - Aluminium framed double hung window.</p> <p>ASW - Aluminium framed sliding window.</p> | <p>AAW - Aluminium framed awning window</p> <p>MSSD - Aluminium framed multi-steeking sliding door</p> <p>1521 - Window code. First two no.'s refer to height, second two no.'s refer to width, eg. 1521 means 1500mm high x 2100mm wide. All standing window sizes.</p> <p>PL - Panel Lift Garage door</p> <p>PLY - pantry</p> <p>FZ - Refrigerator</p> <p>FR - Freezer</p> <p>WM - Washing machine space</p> |



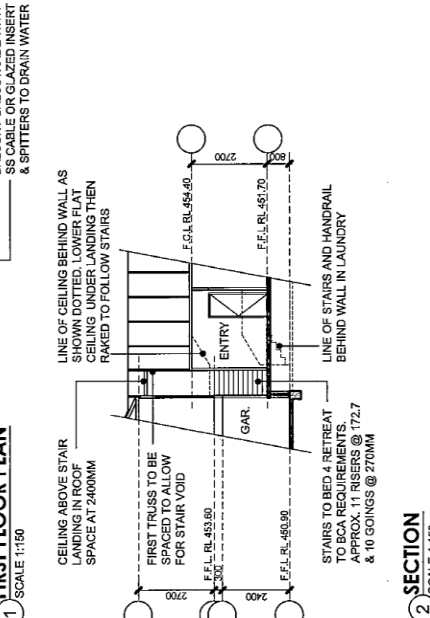
SECTION 3
SCALE 1:150



SECTION 4
SCALE 1:150



SECTION 1
SCALE 1:150



SECTION 2
SCALE 1:150

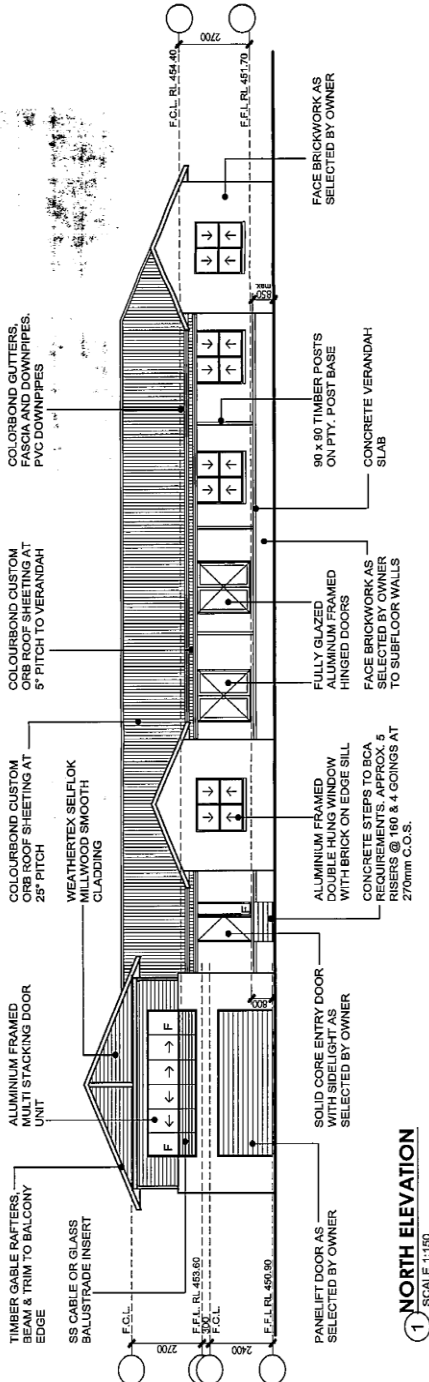


SECTION 1
SCALE 1:150

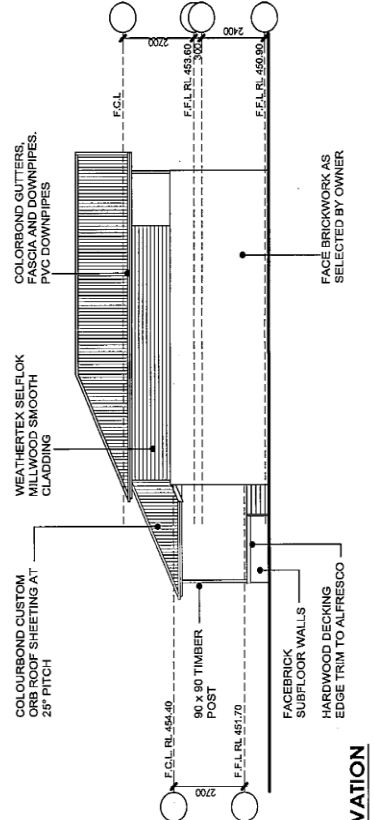


SECTION 2
SCALE 1:150

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|---|---|--|
| <p>SUNRAI designs</p> <p>6 Robert Jones Street, Mudgee NSW 2850 P: 02 6272 3168 M: 0418 008 696 www.sunraidesigns.com.au</p> | | Client: Tom Adams Project: 52 Lue Road Mudgee NSW 2850 Title: FIRST FLOOR & SECTIONS Scale: 1:150 Date: July 2015 Drawing No: 407PIR-03 Issue: D |
| Legend: cft - Ceramic floor tiles cpt - Carpet tm - Timber flooring over slab hd - Hardwood decking SD - Approved Smoke detector, hard wired to electrical supply ASD - Aluminium framed sliding door ADH - Aluminium framed double hung window ASW - Aluminium framed sliding window | AAW - Aluminium framed awning window MSSD - Aluminium framed multi-stacking sliding door 1521 - Window door, First fix no's refer to height, second two no's refer to width, eg. 1521 = 1500 high x 2170 wide PL - All standard window sizes PY - Panel Lift Garage door PR - Rainy RF - Refrigerator FZ - Freezer WM - Washing machine space | Date: 03.09.15 04.09.15 22.07.15 03.07.15 Description: DA ISSUE 1 TENDER ISSUE B PRELIMINARY C D |
| Notes: 1. Builder to confirm all dimensions before commencing any works. 2. If discrepancies occur on plans, designer is to be contacted. 3. All dimensions are in millimeters unless otherwise stated. 4. Dimensions are to face unless otherwise stated. 5. Site figured dimensions only. Do not scale from plans. 6. Site information supplied by the owner and must be verified by the supplier on acceptance of this plan. | | |



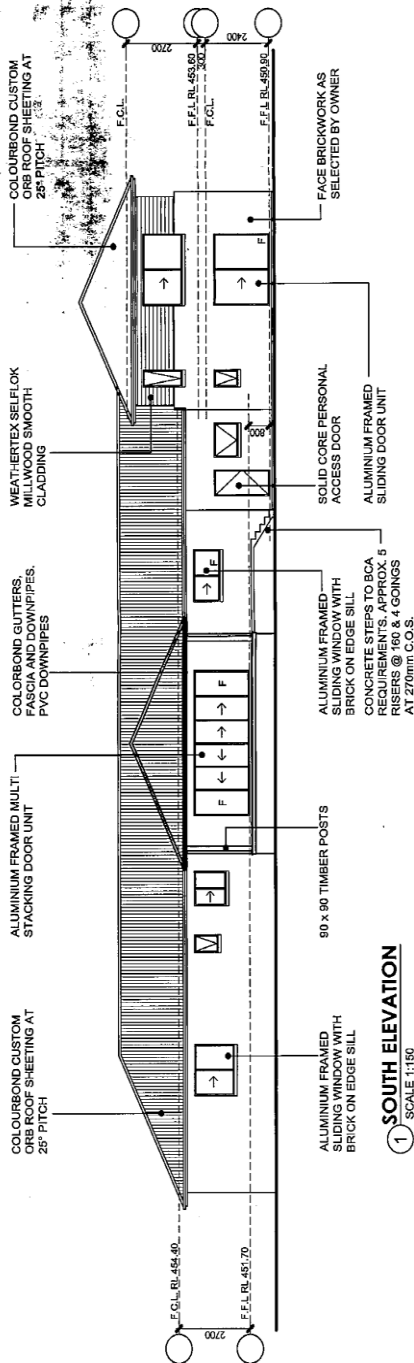
1 NORTH ELEVATION
SCALE 1:150



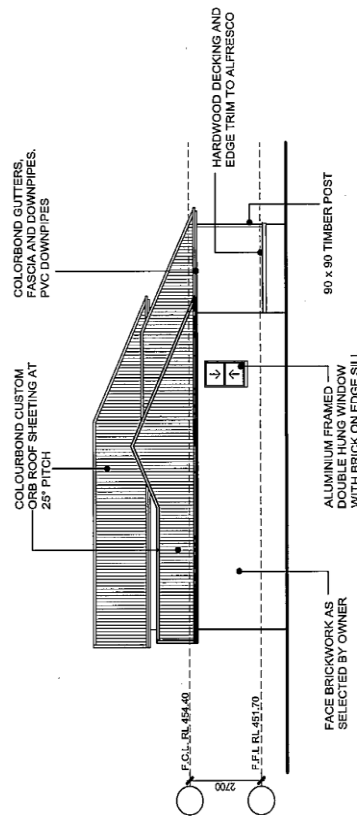
2 EAST ELEVATION
SCALE 1:150

Notes
1. Builder to confirm all dimensions before commencing any works.
2. If discrepancies occur on plans, designer is to be contacted.
3. All dimensions are in millimeters unless otherwise stated.
4. All materials are to be supplied by the owner and must be verified by the supplier on acceptance of this plan.
5. Site information is based on information supplied by the owner and must be verified by the supplier on acceptance of this plan.

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| <p>SUNRAI designs</p> <p>Raianne Geddes Architectural Services 6 Robert Jones Street, Mudgee NSW 2850 p: 02 6872 3105 m: 0418 605 898 www.sunraidesigns.com.au</p> | <p>Client: Tom Adams</p> <p>Project: 52 Lue Road Mudgee NSW 2850</p> |
| | <p>The ELEVATIONS</p> <p>Scale: 1:150</p> <p>Date: July 2015</p> <p>Drawing No: 407PIR-04</p> <p>Issue: D</p> |
| <p>DA ISSUE 03.09.15</p> <p>TENDER ISSUE 04.08.15</p> <p>PRELIMINARY 12.07.15</p> <p>Date</p> | <p>This drawing is subject to copyright and must not be reproduced or used without the consent of Sunrai Designs.</p> |
| <p>Issue</p> <p>A</p> <p>B</p> <p>C</p> <p>D</p> | <p>Description</p> |



1 SOUTH ELEVATION
SCALE 1:150



2 WEST ELEVATION
SCALE 1:150

| | |
|---|--|
| <p>SUNRAI designs</p> <p>Artistic Geodesic Architectural Services 6 Robert Jones Street, Mudgee NSW 2850 P. 02 6372 3103 M. 0418 605 888 www.sunraidesigns.com.au</p> <p>This drawing is subject to copyright and must not be reproduced or used without the consent of Sunrai Designs.</p> | <p>Client: Tom Adams</p> <p>Project: 52 Lue Road Mudgee NSW 2850</p> <p>Title: ELEVATIONS</p> <p>Scale: 1:150</p> <p>Date: July 2015</p> <p>Drawn: RG/RR</p> <p>Issue: D</p> |
| | <p>DA ISSUE 03.08.15</p> <p>TENDER ISSUE 04.08.15</p> <p>PRELIMINARY 22.07.15</p> <p>Issue Description:</p> |
| <p>Notes</p> <ol style="list-style-type: none"> 1. Builder to confirm all dimensions before commencing any works. 2. If discrepancies occur on plans, designer is to be contacted. 3. All dimensions are in millimeters unless otherwise stated. 4. Use figured dimensions only. Do not scale from plans. 5. Site information is based on information supplied by the owner and must be verified by the supplier on acceptance of this plan. | <p>407PIR-05</p> |

6.2.2 Planning Proposal for Small lot aviation/residential subdivision associated with Airport on Lot 63 DP 618063, George Campbell Drive – Post Exhibition Report

REPORT BY THE ACTING DIRECTOR DEVELOPMENT TO 18 NOVEMBER 2015 COUNCIL MEETING

Planning Proposal George Campbell Dr
GOV400043, LAN900050

RECOMMENDATION

That:

1. **the report by the Acting Director Development on the Planning Proposal for Small lot aviation/residential subdivision associated with Airport on Lot 63 DP 618063, George Campbell Drive – Post Exhibition Report be received;**
3. **the proponent prepare a preliminary contamination report consistent with condition 4 of the Gateway Determination for inclusion in the submission from Council under section 59 of the Environmental Planning and Assessment Act, 1979; and**
3. **following receipt of the preliminary contamination report Council exercise the delegation in relation to the preparation of the amendment to Local Environmental Plan 2012 to rezone land known as Lot 63 DP 618063, subject to the Opinion issued by Parliamentary Counsel.**

Executive summary

This matter was reported to Council in October 2015 and at that time deferred following representation and a written request from the land owner on the basis that this would provide an opportunity for further discussion with adjoining land owners and preparation of a preliminary contamination report. These matters have been addressed and the report has been re-tabled for consideration. The recommendation has been amended to remove the requirement for an access agreement on the basis of confirmation that Lot 63 DP 618063 has a proprietary right exercised over the subservient Lot 2 DP 851059 (Attachment 6). There being a legal point of access, the issue is the consistency with Council's strategic land use plan and the proposal has been found to be consistent. It should be noted that the adjoining owner has lodged a further submission objecting to the proposal (Attachment 5)

Background

Council at the request of the land owner On 14 December 2014 Council resolved to prepare an amendment to the Mid-Western Regional Local Environmental Plan 2012 (LEP) to permit the subdivision and development of land know as Lot 63 DP 18063 George Campbell Drive, Mudgee adjacent to the airport for small lot residential subdivision as follows:

Council support in principle the intent of the Planning Proposal with an additional requirement that the site be zoned SP2 Infrastructure which will ensure that residential development will only be permissible where it can be demonstrated that it occurs in association with a hanger or aviation-related development; and

the Planning Proposal be forwarded to the Department of Planning and Environment Gateway for determination.

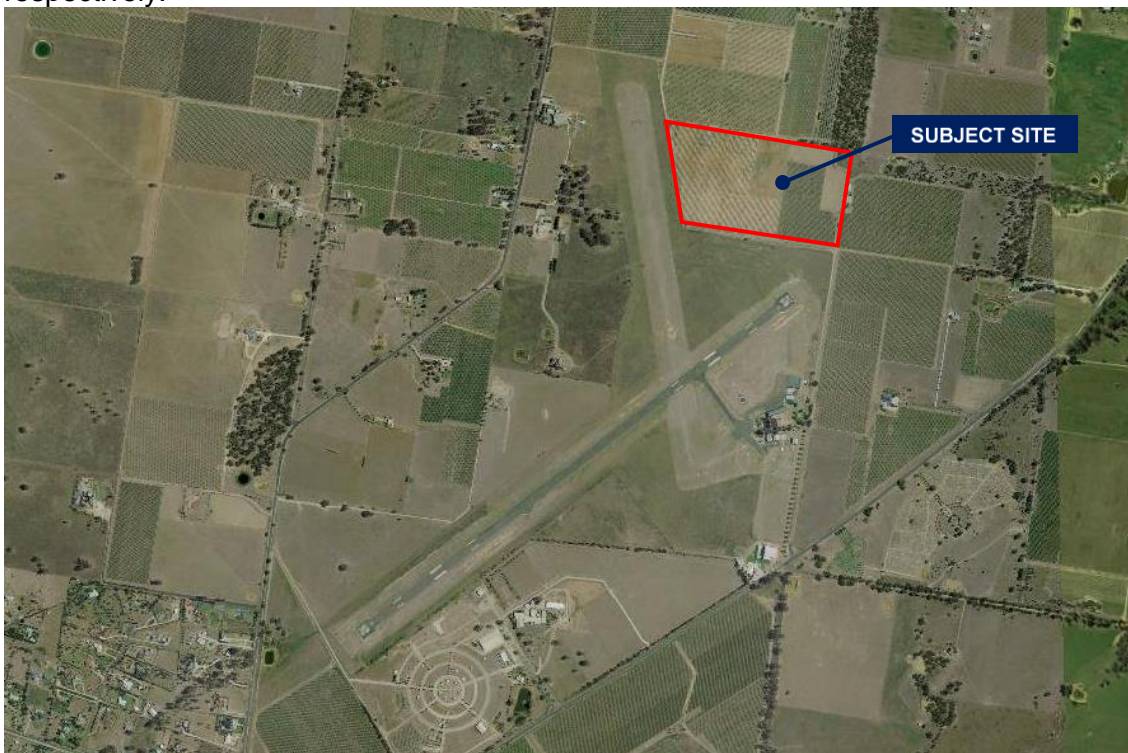
The proposal was subsequently referred to the Department of Planning and Environment in January 2015 and a Gateway Determination was issued on 27 March 2015 (Attachment 1). Following amendment to the proposal document as required by the conditional Gateway Determination, the proposal was placed on public exhibition for a period of 28 days from Friday 5 June 2015. A copy of the exhibited Planning Proposal documents is attachment 2 to this report.

The purpose of this report is to provide an overview of the process including the manner in which the conditions in the gateway determination have been addressed, the issues raised in the public submissions and the issues associated with the Right of Carriageway (ROC) as a means of access to the proposed development site.

The proposal is consistent with the Comprehensive Land Use Strategy (CLUS) and will achieve the outcomes in terms of reduced lot size and aviation/residential development.

Detailed report

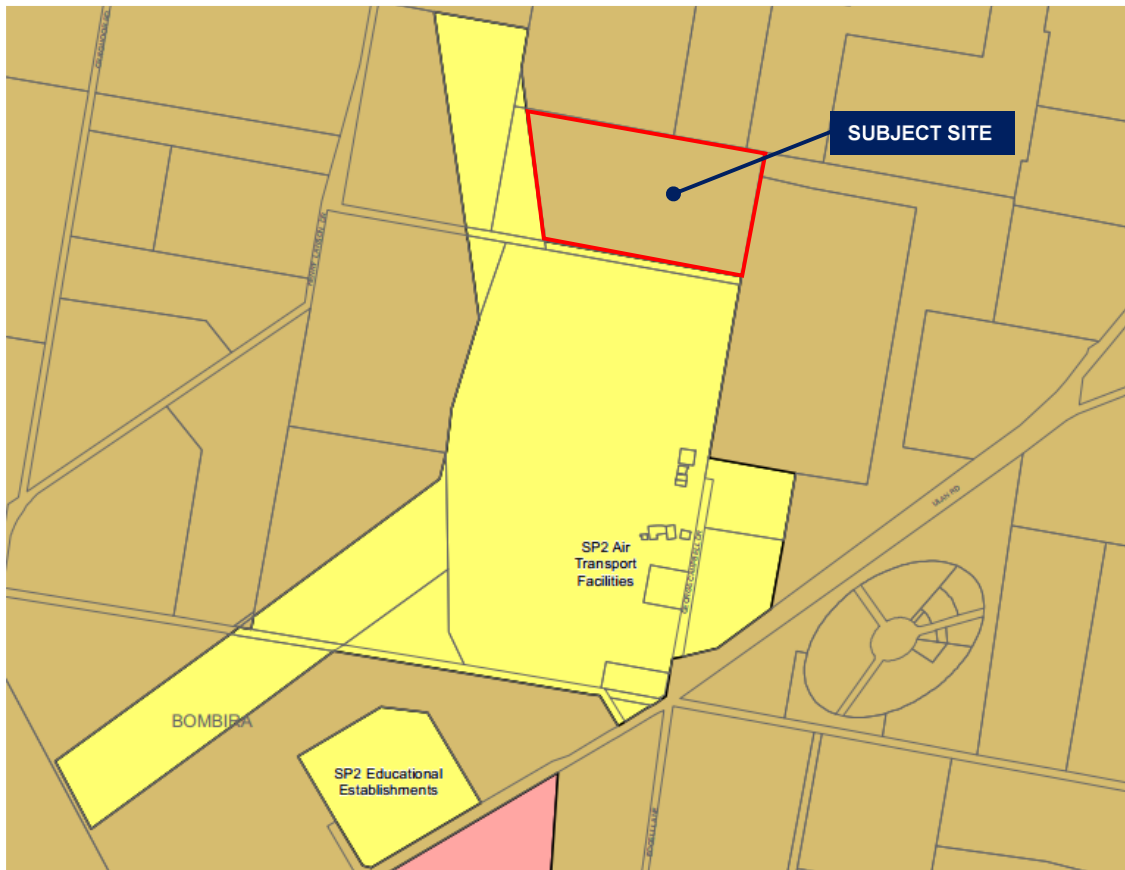
The subject land is located 5km northeast of Mudgee immediately north of the Mudgee Airport. The area of 16.75ha is currently zoned RU4 Primary Production and has currently development consent for the construction of dwelling and a dual occupancy under approvals issued in 2006 and 2013 respectively.



Subject Site – Extract from Planning Proposal

The proponents also own a lineal 1ha lot between the subject site and the airport on which Council have approved an application for the construction and subdivision of 11 hangers each of which including a short term residential accommodation. This development has access via a right of carriageway to George Campbell Drive. There has been ongoing discussion with the proponent as to whether or not this development will proceed and how it may be integrated with the additional rezoning. At this stage the consent remains valid although subject to access agreements with the adjoining land owner and suitable arrangements for servicing.

The planning proposal is seeking to reduce the minimum lot size to 2ha and zone the site SP1 Special Activities to facilitate the development of a residential airpark. The proponent argues that being only 50 minutes from Bankstown airport and a 2.5hr flight to Melbourne and Brisbane, Mudgee is well suited to the development which integrates residential living with hangers and access to the airport. The proposal is consistent with Council's adopted Comprehensive Land Use Strategy.



Extract from LEP 2012 Land Zoning Map (source GLN Planning Proposal)

The proposed amendment would include the following changes to the LEP 2012.

- 1) An amendment to the Land Zoning Map to include SP1 Special Activities on Lot 63 DP 618063 and associated Land Use Table in the instrument.

The objectives of the proposal are:

- to provide for special land uses that are not provided for in other zones
 - to provide for sites with special natural characteristics that are not provided for in other zones
 - to facilitate development that is in keeping with the special characteristics of the site for its existing or intended special use, and that minimises any adverse impacts on surrounding land
 - to encourage residential accommodation land uses within the vicinity of the airport that are incidental with aviation
- 2) Amending the Lot Size Map (Sheet LSZ_006F) by removing the **AB3** 20 hectare minimum lot size and replacing it with the **Z2** hectare minimum lot size.

It should be noted that the Department of Planning and Environment required that the SP1 Special Activities zone be used for the site rather than the SP2 Infrastructure zone as proposed in the initial

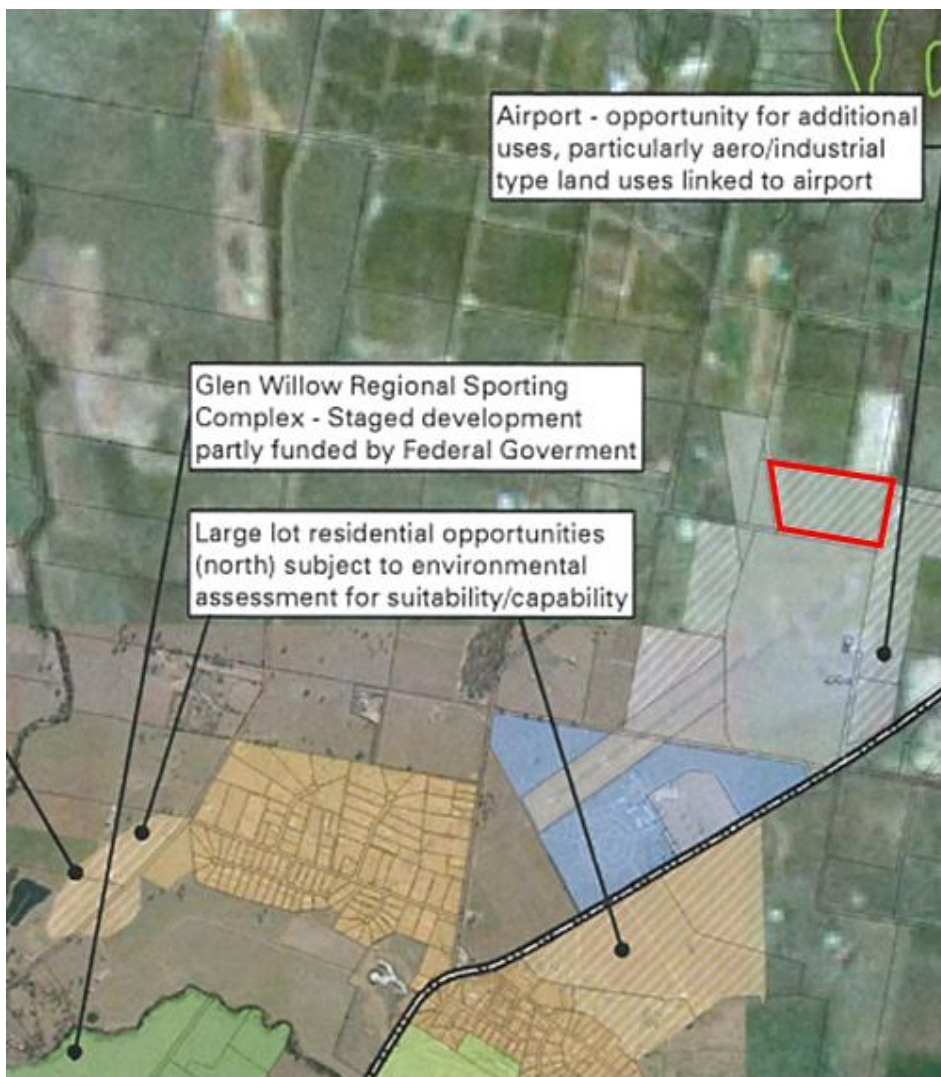
report and resolved by Council. The use of the SP1 zone enables greater control as to the development of the site being more specific than would otherwise have been the case.

COMPREHENSIVE LAND USE STRATEGY

The proposal is consistent with the Comprehensive Land Use Strategy (CLUS) which identifies the subject site as a having an opportunity for additional uses linked to the airport. The CLUS was adopted by Council in 2010 and provides a strategic framework for the future development of the Local Government Area. In formulating the CLUS high level constraints analysis addressed the suitability and capability of particular land for intensification of development having regard to the current status quo and potential for highest and best use of land. This included the identification of some areas rural land for higher density forms of development.

In this case, the CLUS looked at the airport and land immediately adjoining it as an area that have the potential for a higher order use taking advantage of the airport infrastructure. To that end, part of the land identified in the CLUS was rezoned Special Purposes Airport in the Mid-Western Regional Local Environmental Plan 2012 (LEP) in August 2012. This area along George Campbell Drive will be developed for aero-industrial development or development which relies to some extent of the airport and its proximity to this as a mode of transport.

The role of the CLUS is to identify direction in terms of strategic land use planning, however, it is the LEP that implements the CLUS though the rezoning process over which the local Council still has full autonomy.



Extract from the CLUS Town Structure Plan for Mudgee (site shown in red) source: GLN Planning Proposal

The proposal before Council now builds on that initial rezoning and the opportunity presented by the airport for growth consistent with Council's strategic direction as articulated in the CLUS.

GATEWAY DETERMINATION

The Gateway Determination issued by the Department of Planning and Environment included a number of conditions. The proposal was subsequently amended to clarify that the residential aspect of the development being was to be tied to the aero-related use in so far as development would have to include hanger facilities either attached too or in conjunction with the dwelling. A copy of the Planning Proposal as amended is attachment 2 to this report.

Council was required to consult with Airservices Australia in relation to the Aircraft Noise Exposure Forecast (ANEF) associated with the operation of the Mudgee airport. The ANEF was identified in the former Airport Masterplan adopted in 2005. The ANEF system is described in the Australian Standard AS2021 and is the only method used of controlling land use planning at all but two minor Australian aerodromes. It is not used to regulate aircraft operations, but rather to report on the effects of those activities. This system takes into account the frequency, intensity, time and duration of aircraft activities and calculates the total sound and energy generated at any location.

There is currently no ANEF approved for the Mudgee Airport, although the former Airport Masterplan does identify the 2004 and 2014 contours. The ANEF charts have not been endorsed by Airservices Australia and therefore provide only a guide in terms of land use planning. Despite that, they have been used to manage land use activities around the airport. The development that may result from the rezoning of the subject land is not inconsistent with the ANEF charts available and can be managed to address issues of noise.

The Gateway Determination also requires a preliminary contamination report which will need to be prepared prior to Council submitting the request for the plan to be made by the Minister under section 59 of the Environmental Planning and Assessment Act. Work has commenced in the preparation of the preliminary contamination report to satisfy this requirement. There are no early indications that land contamination at the site would preclude development.

OBSTACLE LIMITATION SURFACES AND ACCESS

The Obstacle Limitation Surfaces (OLS) sets the maximum heights permissible for future airport development and is captured in the Mid-Western Regional Local Environmental Plan 2012 in clause 6.8 Airspace Operations – Mudgee Airport. Council has the ability to exercise obstacle control within the full lateral and vertical limits of the OLS. The proposal was referred to CASA for comment because the land is impacted by the OLS which restricts the height of structures in the flight path. CASA have not made any formal response to the proposal, however, did advise Council that they we should be aware of any development that increases our liability in relation to the OLS and the airport generally.

In the initial proposal, the access to the site was via the existing ROC to George Campbell Drive. There were serious concerns as to the use of this access as the location of the ROC already means that any traffic on the road is breaching the OLS. Council staff and CASA voiced strong objection to intensification of the use of this road and would not support a rezoning that presents an increased risk to public safety. The applicant was advised that an alternative access would need to be identified.

ACCESS

The subject site has a second ROC to Eurunderee Lane 11m wide. The proponent engaged McLaren Traffic Engineering to assess the suitability of this access for the development. McLaren found that the 11m wide access way could readily accommodate the increased volume of traffic assessed to be up to 36 vehicles per day. The construction of the access consistent with the

AUSROADS "Guide to Road Design" could accommodate up to 150 additional vehicle trips more than three times the demand generated by the development. A copy of the correspondence from McLaren in attachment 3.

The use of the ROC will need to be addressed in the development application. Unless the development application proposes to undertake a development activity on land within the ROC the consent of the land owner will not be required.

The issue around the use of the ROC is not a necessarily strategic planning consideration beyond the following:

- Confirmation that the proprietary right exists such that any development on Lot 63 to the extent facilitated by the rezoning could utilise the access as a legal access; and
- Council's strategic planning documents identify the site as an opportunity area.

On merit and having regard to the current policy framework adopted by Council the re-zoning proposal can be supported. There are already approvals for two dwellings and the rezoning will facilitate the development of an additional four as an airpark development and linked to the airport.

The difficulty arises in so far as the adjoining land owner has raised concerns as to their displeasure with the intensification of the use of the ROC and similarly question the strategic need for the development at this location at this time (Attachment 5).

The position for Council is to balance strategic land use planning pursuing a higher order use on land identified as capable of supporting such a use with the desire of the immediate residents to preserve the character and use of the land for agriculture either now or at some later time.

At this stage it is sufficient to acknowledge that there is capacity in the access to support the development, however, prior to proceeding with the rezoning Council may consider it important that the access arrangement is secured. At this stage, a submission from the landowner affected by the ROC indicates a reluctance to support the proposal should it utilise the ROC.

SUBMISSIONS

Council received five public submissions in relation to the proposal, four of which are attached and the fifth remains confidential. The issues raised area largely around the potential for land use conflict between the residential aspect of the proposal and existing intensive agricultural activities. This really goes to the CLUS and the initial identification of the subject site as having a potential greater than agriculture because of the proximity to the airport. As indicated above the CLUS looked at highest and best use. In any land rezoning for intensification of use or density there will likely be conflict that needs to be managed and mitigated. With that in mind the following issues have been raised:

| Issue | Comment |
|--|--|
| The proposal will jeopardise farming activities, preventing the application of sprays. Issues of dust and noise generated by the adjoining farming operations. Affect ability to control foxes. Impact the suitability of the area for continued intensive agricultural uses Biosecurity | The proposal has the potential to increase the opportunity for an additional four dwellings associated with hangers. Persons undertaken spraying are required by legislation to consider weather including prevailing winds, temperature, proximity to neighbours. Surrounding land holders are already constrained by a significant number of residential receptors in the vicinity including tourist accommodation and a cellar door facilities with associated uses. |

| | |
|--|---|
| Airport Safety | There were concerns raised when the proposal included the intensification of use of George Campbell Drive. This has now been addressed with the alternative access to Eurunderee Lane. |
| Access | The access is now proposed to be via an intensification of the use of the ROW to Eurunderee Land. The landowner burdened by this ROW has indicated very strongly an unwillingness to accept the additional burden generated by the additional 4 dwellings. While this is an issue that would also need attention in any subsequent development application, it would be futile to rezone land if the access cannot be resolved. Hence it is proposed to seek that the proponent gain the consent of the adjoining owner prior to the proposal proceeding. |
| Irrigation bore access and fencing | The shared arrangements between the current land owners for water and fencing are matters beyond the extent of consideration for the rezoning. |
| Requirement for a buffer to the adjoining properties | This is not unreasonable and can be accommodated in the Development Application process. |

A further submission has been received from Roth in relation to the proposal. This has now also been attached (Attachment 5). The submission implores Council to reconsider its strategic land use planning in relation to development around the airport and the impact that additional traffic will have on neighbouring businesses.

In summary, the subject lot currently has approval for a dwelling and dual occupancy. The re-zoning will provide for up to an additional four residential premises providing they are linked to the airport, that is, they include hanger facilities with negotiated access to the air field. This form of development is consistent with the CLUS. There will be some impacts having an additional four dwellings, however, these can be minimised through the use of a buffer and management of the site. This is not a rezoning proposal for rural residential development as a standalone use. There are opportunities for this form of straight residential development elsewhere around Mudgee. This is about providing the opportunity to enter a market and deliver a product unique to the location adjacent to the airport and reliant on direct access to it. The amendment to the LEP will be very clear in terms of ensuring this link.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

The recommendation is consistent with the Community Plan. The strategic planning function sits under the theme Looking After Our Community in the Community Plan.



ELIZABETH DENSLEY
ACTING DIRECTOR, DEVELOPMENT

12 October 2015

Attachments: (included at the end of the business paper)

1. Gateway Determination
2. Planning Proposal as Exhibited
3. Traffic Assessment
4. Public Submissions
5. Additional Submission from Roth
6. Additional Information from landowner re ROC

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.3 Submission – Bylong Coal Project EIS

REPORT BY THE ACTING DIRECTOR DEVELOPMENT TO 18 NOVEMBER 2015 COUNCIL MEETING

Submission Bylong Coal Project
GOV400043, A0420219

RECOMMENDATION

That:

1. **the report by the Acting Director Development on the Submission – Bylong Coal Project EIS be received;**
2. **Council endorse the MWRC Submission in respect to the Bylong Coal Project as drafted and attached to this report; and**
3. **The submission be forwarded to the Department of Planning and Environment for consideration.**

Executive summary

The Department of Planning and Environment have received an application for State Significant Development consent under the *Environmental Planning and Assessment Act 1979* for an open cut and underground coal mine in the Bylong Valley from KEPCO Bylong Australia Pty Ltd. The Environmental Impact Statement (EIS) has been prepared by Hanson Bailey and is was on public exhibition from 23 September 2015 until 6 November 2015 during which time the community are provided the opportunity to make a public submission in respect to the proposal. MWRC have been granted an extension of time to finalise a draft submission made by the closure date of 6 November.

The purpose of this report is to outline the issues raised by Council in the draft submission and seek the endorsement for submission to the Department of Planning and Environment (DP&E) for consideration.

Detailed report

The areas of concern for MWRC in relation to the Bylong Coal Project (BCP) are identified below. These issues as expressed here have been articulated in a submission to DP&E.

TEMPORARY WORKERS ACCOMMODATION

During the course of the past 12 months Council have met with the proponent on a number of occasions to receive an update in terms of the Bylong Coal Project to the extent that the Council had a reasonable understanding of the scope, scale and scheduling of the proposed project. This, coupled with Council's initial response to the SEARs dated 20 February 2014 and the SEARs themselves, have served as a useful background in approaching the review of the final EIS documents. Through these sessions there has been one consistent message from Council to the proponent and that is there is no support for a Temporary Workers Accommodation facility (TWA) (it is noted that the EIS refers to a Workers Accommodation Facility, however, to maintain consistency with Council's planning instruments this use will be herein referred to as a TWA) and the basis that the commute to Mudgee and Rylstone from the project site is less than an hour. Further, the proponent has been aware of Council's intention to complete a full seal upgrade of Wollar – Bylong Road even prior to the announcement of the successful grant funding received under the royalties for regional program and yet the EIS document is still misleading in its reference to the road unsealed

and the commute to Mudgee an hour and 25 minutes. It is disappointing that despite the numerous meetings the EIS does not, in either the traffic impact assessment, economic or social impact assessment provide an option or scenario where there is no TWA.

The project is not remote as stated on p 70 of the Main Report. Rylstone is only 50km via road to the BCP. Mudgee is 95km Council has commenced work on the \$14M upgrade of the Wollar – Bylong Road. The EIS contends that a TWA is required for the following reasons:

- The size of the short term construction workforce has the potential to impact on the housing market
- As a risk management strategy to ensure accommodation is available for the project; and
- Manage the risk of the Wollar Road upgrade not being completed.

Council refutes these contentions outright.

Size of the Construction Workforce

Council questions size of the construction workforce and how these numbers have been determined. The region has managed to accommodate a mining construction workforce for a proposal larger than the BCP coupled with concurrent expansion at two other mines. The estimated construction workforce for Moorlarben was 220 and while this may have fluctuated, the construction phase was similar to that proposed in the BCP. The claim that there will be a peak of 800 employees is inflated and unsubstantiated in the EIS. Further, it is this inflated figure on which the justification for the TWA hinges. Council questions the need for a TWA for a brief period to accommodate a peak workforce that will exist for less than six months when 18.6% or 1,911 dwellings across the LGA are unoccupied (SIA p 117). In addition the region has evolved in recent years to accommodate fluctuations in the mining workforce and tourism. The *Social Impact Assessment* (SIA) makes reference to 274 hotel/motel accommodation beds in Mudgee (p 129), however, the available short term accommodation across all accommodation types (excluding residential dwellings) is closer to 1,855.

In the assessment of the impact of the project on housing, the SIA fails to consider a no TWA option and the analysis that has been undertaken does not quantify the “significant increase in demand” but does acknowledge that it would be only short term (p 136). *The Mudgee and Gulgong Urban Release Strategy (URS)*, adopted by Council and endorsed by DP&E in 2014 clearly articulates the ability of the housing market to accommodate the growth anticipated by mining in the LGA and included in its assessment estimated population generated by the BCP. There is no risk that the workforce anticipated in the first 6 years of the project cannot be accommodated in the community.

There is no evidence to suggest that the TWA is required in terms of housing availability in the short or longer term. Further, the social costs of TWA accommodation on those residing in them are now well documented to the extent that this should be a last resort option. The EIS does not address the social and psychological impacts on residents and families in a TWA environment and this needs to be addressed before any decision can be made as to the suitability of and need for this form of accommodation at this location.

Commitment to Wollar Road

In relation to Wollar Road and as stated below, Council has received \$14M funding from the State Government for the upgrade of this road. The funding was granted on the back of a business case that included the need for the work as a direct result of the BCP should it go ahead. It is also a strategic alternative route between Mudgee and the Hunter Valley. Work has already commenced on the project under the terms of the funding agreement and is due for completion in 2016. The upgrade will put the BCP which is already only 40 minutes from Rylstone, within a one hour commute of Mudgee. Therefore any reference to the road being unsealed should be removed as it is misleading.

The costs that the company have committed to the construction of the TWA should be diverted into investment in the local housing industry and on-going maintenance of the local road network between the BCP and Rylstone and the BCP and Mudgee.

Finally, consideration of the TWA as part of the BCP approval is of a concern in terms of the ease in which the life of a TWA should it be approved can be modified by the state government once the initial approval is in place. Council is concerned that should the TWA aspect of the proposal be approved in any form it will remain in place for the duration of the project and any economic benefit that the region would otherwise experience will be lost.

ECONOMIC IMPACTS

To a large extent the economic benefit for the region as a result of this project proceeding is around the employment and business opportunities generated. The potential direct and indirect impacts of the project (ie. the multiplier effect) are significant and would contribute to the overall strength of the local economy and neighbouring regions. Local businesses have adapted to the growth of major mining projects in the region in the last 5 years and are well positioned to continue to grow and prosper as new projects such as BCP commence. New businesses have also established themselves in the region over a similar timeframe to cater for mining activities and maximise the potential economic benefits available.

However, the potential economic benefits of the project will be significantly diminished in the first 6 years of the project based on the proposal to establish a TWA as part of the BCP. Whilst it is recognised that it is difficult to capture the direct workforce benefits during the construction phase of a major project because of the transient nature of the workforce (ie. the income benefits largely accrue outside the region), there are still potential benefits from construction whereby the workforce utilises local accommodation and services. As discussed above, local businesses have already planned for continued mining expansion in the Region and there is sufficient accommodation capacity to cater for both the construction needs of the mining industry and traditional forms of tourism activity. The proposed TWA not only takes away the income effect, but also eliminates the opportunity for local businesses to provide accommodation and hospitality services to the construction workforce. Combined with the negative impact on local agricultural production (ie. loss of \$3Mpa), the TWA does not delivery any economic benefit to the region at all.

It is important to note that the 800 construction workers associated with the BCP are considered as visitors to the region. According to Destination NSW, each visitor to the region contributes an average \$145 per day in additional expenditure. This represents potential income for the region of up to \$42.3 million per annum, depending on the length of stay and number of construction workers. This income generating opportunity for the region will not occur with a TWA.

CUMULATIVE IMPACTS

The project has failed to adequately address the “*likely interactions between the development and other existing, approved or proposed mining development in the vicinity of the site*” as required by the SEAR’s. In particular the activities at Wilpinjong and Moorlarban have been overlooked. For example, there has been no investigation as to the cumulative impact of education and a statement in the documentation that the government considers that it can manage this impact as part of the natural growth is insufficient. The SIA also fails to identify the cumulative social impact on the communities of Wollar, Ulan and now Bylong in terms, for example of the loss of identity through the closure of schools and loss of volunteers as properties have been acquired and communities shrunk. Similarly the traffic and transport impacts having regard to the existing mine traffic have not been considered, in particular from the intersection of Wollar Road with Ulan Road and into Mudgee. All of these issues should be examined in the SIA.

The community infrastructure fund set up under various planning agreements and via conditions of consent (in the case of Moorlarben) will support the roll out of priorities in the Community Plan. Those areas of greater concern are around health and education where local government is not primarily responsible for the delivery. It has been our experience that the service providers are

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VOLUNTARY PLANNING AGREEMENT

The council has been in negotiation with the company in regard to the VPA for community infrastructure contributions. There has been in principle agreement as follows:

- Subject to this Agreement, the Developer is to make the following Development Contributions in respect of the Development:
 - payment of \$1.5 million to the Council on the granting of the Development Consent by the Consent Authority and KEPCOs approval for the Development on the Land and the Other Land;
 - payment of \$1.25 million to the Council on the Mine Commencement Date; and
 - payment of \$0.05 per tonne of product coal transported by rail in connection with the Development to the Council towards the Community Investment Fund, which is payable within three months of the end of each Financial Year for the Term.

With a coal production of over 90Mt for the life of the project, the community infrastructure fund would receive over \$4.5M. The EIS makes reference to a Community Needs Assessment (CNA). The role of the CNA is not clear in the EIS and there were initial concerns as to the CNA particularly given the reference to commitments throughout the SIA. It has been confirmed by Worley Parsons that the CNA will outline the company's investment strategy to 2017. Council has a Community Plan (CP) developed out of the Integrated Planning and Reporting process and endorsed by the council and the community for implementation through the operational and delivery programs. As has been the case with previous VPA agreements, council intends to use the additional contribution to deliver community infrastructure in accordance with the commitments of the CP. There are concerns then that reference in the SIA to the CNA and numerous opportunities citing VPA is inconsistent with negotiations to date.

In addition to community infrastructure it is expected that the BCP will contribute to the ongoing maintenance of the local road network impacted by the development (see below).

TRAFFIC AND TRANSPORT

Council has some concerns regarding the *Bylong Coal Project Traffic and Transport Impact Assessment* (TIA) prepare by Parsons Brinckerhoff (Appendix Z), the most obvious being that a scenario without a TWA was not considered. This is despite the indication given by Council on numerous occasions that such a facility is unlikely to be favoured by Council or considered necessary with the upgrade of Wollar Road. The report does however acknowledge in Section 5.2 that the uncertainty surrounding the life of the facility will generate quite different outcomes in terms of traffic volumes. The TIA is therefore significantly flawed and should be reviewed to include a scenario in which the TWA is not built as an option.

The Wollar road upgrade presently being undertaken by Council is a project funded on the premise that the road would be heavily utilised by the mine, including commuter traffic. Indeed Section 3.5.4 of the report states that once the upgrade is complete the traffic will be in the vicinity of 500-1000 vehicles per day. This was an estimate provided to the proponent by Council on the basis of a commuting workforce. If the TWA is not built, and it is the position of Council that it cannot be justified and should not proceed, the traffic impact forecasts provided in the EIS will be substantially lower than in reality.

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However, the assessment has not considered how these intersections will perform at change of shift with all the workforce attempting to enter/leave the site within a short space of time. It is likely that motorists would experience queues and delays in this circumstance and the assessment will have failed to identify a much lesser level of service. Council concurs with the consultant's recommendation to conduct a formal safety audit to identify and prioritise road safety treatments. This should form the basis of any negotiation relating to contributions towards capital upgrades particularly for the section of road between Wollar Village and the Ulan Road intersection with Wollar Road.

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The report identifies two alternative routes for landholders located to the south of the project area to utilise when the Upper Bylong Road is re-aligned resulting in the isolation of private holding to the south of the lease area. These are the Budden Gap and Lee Creek Roads. Whilst neither route is ideal for the affected parties, the latter is Council's preferred option as the road is already formed and traverses comparatively moderate terrain and this was articulated in Council's initial submission to the SEAR's in February 2014. The Lee Creek Road alternative is a considerably simpler road to upgrade from a constructability point of view and is less problematic in terms of flooding. The access for the affected landholders should be negotiated prior to any approval being issued for the project.

It is further noted that there is a real potential for subsidence in parts up to 3m over more than 3km of Bylong Valley Way affecting 12 culverts. The EIS makes reference to remediation by re-levelling culverts where cracking and titles sufficient to cause a grade reverse and progressive road maintenance and repair work as mining progresses. Erosion protection may also be required to stabilise slopes. This would necessitate the implementation of speed restriction along the road and directly impacting the level of service of the infrastructure over a significant time period. Council is very concerned about the risk to public safety that this poses as well as an ongoing maintenance burden for Council. Any approval should ensure that the proponent is responsible for the ongoing cost associated with the maintenance and repair of this part of Bylong Valley Way. A full condition report of this road should be undertaken to determine the current condition of the asset as part of the approval process.

ROAD MAINTENANCE CONTRIBUTIONS

As discussed in the traffic section above, the lack of data around a development option that excluded the TWA is a serious concern not least because it then fails to then provide accurate traffic data against which to determine the initial adequacy of the transport route and maintenance contribution

for the Wollar Road, Lue Road or Bylong Valley Way over the life of the project. Council anticipates that any approval would include provision for such a contribution as a direct impact of the development on the local road network. Further in the response to the SEARs Council articulated that the EIS should include a Road Dilapidation Report and complete audit of local road infrastructure including the Bylong Valley Way, Wollar and Lue Roads. Again the TIA fails to address the full impact of the proposal on the local road network, in particular Wollar Road from Wollar to Mudgee which will likely be the transport route.

NOISE AND VIBRATION

Any approval needs to be responsive to noise impacts beyond those anticipated in the EIS. As has been the experience in Wollar with the Winpinjong project, the modelling in some instance does not adequately account for the actual local conditions particularly where topographic features are variables to the way noise travels.

Vibration will have a significant impact of the remaining buildings and those identified as significant (see heritage impacts below). This could only be addressed by repositioning the open cut pits or excluding open cut mining from the project.

HERITAGE IMPACT

Council supports the Bylong community in concerns raised as to the impacts on environmental heritage and the possible nomination of Tarwyn Park for an Interim Heritage Order.

Further community consultation should be undertaken with the key stakeholders (including Council) again exploring the option of relocating –

- Bylong Upper Public School
- Our Lady of the Sacred Heart Catholic Church
- Upper Bylong Post Office and Store
- Bylong Upper Hall

If the community does not respond to the invitation for the relocation of these items, it is they should be relocated and moth balled on the mine site until such a time an opportunity arises for relocation as opposed to demolition, particularly given the relatively short term open cut operation.

The curtilage of those items identified as partially impacted (table 10 – Impact Assessment Summary) items should be further clarified in more detail.

Council concurs with the proposals for the management of historic burial sites, however, suggests that should they be relocated out of the locality a memorial site should be dedicated including all the information on the headstones and the new burial site. The location of such a memorial should be identified in consultation with the Bylong community and Council.

EXTENT OF MINING BEYOND THE APPROVAL

There are real concerns about the “concessions” made by KEPCO since the purchase of the authorisations in 2010 (*Mine Justification Report* p 37). This only highlights that there remains a significant coal resource well beyond the horizon in the present application with the combined measured, indicated and inferred resource being 391.6Mt for the open cut (this approval is seeking to recover 33Mt) and 482.7Mt for the underground (91Mt under this approval). It is not only the experience of the MWRC community but other communities around the state that the initial approval for a mining project provide a platform for continuous expansion though Modifications invariably extending the life of the project well beyond the 25 year limit under regulation with economic feasibility then becoming the most significant determinant to ongoing production. This is not to discount the rigorous environmental and social impact assessment that is required for a modification to proceed but to simply identify that if this proposal is approved as is over 85% of the resource is still in the ground. Council has concerns that arguments as to efficient resource recovery verses the

social and environmental impacts and loss of additional agricultural land are unable to be adequately addressed under the current statutory approval process.

AGRICULTURAL LAND

The objective of the Strategic Regional Land Use Plans is to protect the states \$12 billion agricultural industry from mining and coal seam gas industries. The issues raised by the Gateway Panel in terms of the potential for direct and significant impacts on verified BSAL by the BCP are still not adequately addressed. Agricultural land, like coal is a finite resource, however, unlike coal if managed will continue to deliver net production indefinitely so while economically in the short term the net value of coal eclipses that of agriculture it is just that; short term.

The BCP has an impact on valuable and productive land beyond that which has been experienced in association with mining in the MWRC LGA in the past. There is 440.8ha of verified BASL within the project disturbance area alone. The agricultural land lost to mining as a result of this project equates to \$2.66M annually which is significant representing over 4% of the total production of the LGA. Council has noted the examples in the Hunter Valley cited in the *Rehabilitation Strategy* (Appendix W) where land has been restored, however, despite the best undertakings Council remains sceptical about the future reinstatement of land to production. The success of the rehabilitation will hinge on the soils stripping, handling and stockpiling all of which would be rigorously scrutinised and conditioned in any approval. In addition, Council questions the assumption that the impacts on land within the subsidence area will be indirect and temporary particularly in areas that are subject to subsidence which impacts the surface hydrology.

GROUNDWATER

The BCP relies on security of water from the Bylong River alluvial aquifer accessed by a number of groundwater bores. There is concern that the BCP in this assessment fails to adequately account for contingencies around water supply and fully address the Office of Water requirements for the EIS. In the submission to the SEARs, Council raised concerns about the allocation and security of water resources within the project area and beyond and the need to identify actual availability rather than assumptions as to the existing water licences.

In addition the EIS in relation to groundwater, like subsidence, proposes measures to manage impacts only if they occur, for example in relation to water security above and aquifer interference, rather than taking a precautionary approach.

BIODIVERSITY

The *Ecological Impact Assessment* (EIA) will need to be amended to include the impacts on any changes that may have been made and come into force under the EPBC Act since March 2014. The BCP will have significant direct and indirect ecological impacts with the removal of up to 753ha of native vegetation, however, it is noted that the offset areas proposed are populated with similar habitat. There is some concern that the Biodiversity Offset Sites are simply properties the ecological value of which are already protected through a combination of legislative controls at Commonwealth and State level together with land use zoning and associated provisions under the MWRC LEP 2012 all of which provide a reasonable level of protection from destruction and the offset areas should include identifying areas that are under threat. Further, Offset Areas 4 and half of Yarran View result in the loss of an additional productive agricultural land as a direct result of the project. In addition there is a failure to identify the mechanism proposed to conserve the offset sites and Council is concerned about the impact on rate income if land is taken out of production and sterilised in perpetuity.

REPRESENTATIONS FROM THE COMMUNITY

In its Open Day immediately prior to the commencement of the Ordinary Meeting of Council on 21 October 2015, Council heard submissions from a number of Bylong residents which Council would like to reinforce. The issues raised included;

- impacts on environmental heritage and the call for Council to support an Interim Heritage Order on Tarwan Park as well as concerns about loss of local heritage generally;

- Surface and Groundwater impacts and the inadequacy of the impact reports and mitigation measures;
- Loss of agricultural land to mining and questioning the feasibility of returning the land to its current state post mining;
- Loss of agricultural land through biodiversity offset areas;
- The long term value of agriculture in the region against the short term destruction as a result of open cut operations that will only recover a fraction of the coal resource;
- Noise and dust; and
- Access for land holders who will be isolated by the closure of Upper Bylong Road without any firm option for an alternative.
- Loss of community and social impacts associated with land acquisition including volunteer services such as RFS
- Cumulative social impacts as a result of closure of schools leading to a loss of focal point for small rural communities.

The option to exclude open cut mining from the operation altogether as a means of illuminating many of the issues outlined above and could be considered as an alternative. The EIS *Mine Justification Plan* (Appendix E) states that the Options Study did look at an underground only longwall mine within A287. This presented issues around rejects disposal that in the application as now presented is dealt with by utilising the void from the open cut operations, however, it does confirm that even in the current economic climate an underground only mine still delivers a marginal economic business case. This statement is contradicted in the Main Report of the EIS on page 79 where it is definitively stated that an underground only option is not economically feasible. This creates some confusion and should be clarified. While the inclusion of the open cut does improve the business case this still needs to be balance against the environmental impacts of open cut mining and in particular in this instance and in this location , the irreversible impacts on prime agricultural land and the objectives of the Strategic Land Use Plan. The project would still need to address the coal washing and reject disposal management as well as infrastructure all of which have the potential to still impact BSAL.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

The recommendation is consistent with the Community Plan. Minimising the impact of mining on the natural and built environment is strategy under the goal "Protect and enhance our natural environment" in theme 2 Protecting Our Natural Environment.



ELIZABETH DENSLEY
ACTING DIRECTOR, DEVELOPMENT

3 November 2015

Attachments: 1. MWRC Submission Bylong Coal Project November 2015

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1



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MUDGEE NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850

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ED:A420176

6 November 2015

Department of Planning and Environment
c/o www.planning.nsw.gov.au
Att; Stephen O'Donoghue

Dear Sir

Submission - SSD 14_6367 Bylong Coal Project EIS

Reference is made to the exhibition of the above proposal. Council submitted a draft report to the project on Friday 6 November 2015. A report on the proposal was considered by Council in the Ordinary Meeting on 19 November 2015 and now provide a final submission. The issues of concern to Council regarding the project include; questioning the need for the workers accommodation facility; social and economic benefit of the project to the community if the TWA proceeds; traffic and transport; subsidence impacts of Bylong Valley Way; the impact on agricultural land; surface and groundwater impacts; biodiversity and impacts on European Heritage.

Temporary Workers Accommodation

During the course of the past 12 months Council have met with the proponent on a number of occasions to receive an update in terms of the Bylong Coal Project (BCP) to the extent that the Council had a reasonable understanding of the scope, scale and scheduling of the proposed project. This, coupled with Council's initial response to the SEARs dated 20 February 2014 and the SEARs themselves, have served as a useful background in approaching the review of the final EIS documents. Through these sessions there has been one consistent message from Council to the proponent and that is there is no support for a Temporary Workers Accommodation facility (TWA) (it is noted that the EIS refers to a Workers Accommodation Facility, however, to maintain consistency with Council's planning instruments this use will be herein referred to as a TWA) and the basis that the commute to Mudgee and Rylstone from the project site is less than an hour. Further, the proponent has been aware of Council's intention to complete a full seal upgrade of Wollar – Bylong Road even prior to the announcement of the successful grant funding received under the royalties for regional program and yet the EIS document is still misleading in its reference to the road unsealed and the commute to Mudgee an hour and 25 minutes. It is disappointing that despite the numerous meetings the EIS does not, in either the traffic impact assessment, economic or social impact assessment provide an option or scenario where there is no TWA.

The project is not remote as stated on p 70 of the Main Report. Rylstone is only 50km via road to the BCP. Mudgee is 95km Council has commenced work on the \$14M upgrade of the Wollar – Bylong Road. The EIS contends that a TWA is required for the following reasons:

- The size of the short term construction workforce has the potential to impact on the housing market
- As a risk management strategy to ensure accommodation is available for the project; and
- Manage the risk of the Wollar Road upgrade not being completed.

Council refutes these contentions outright.

Size of the Construction Workforce

Council questions size of the construction workforce and how these numbers have been determined. The region has managed to accommodate a mining construction workforce for a proposal larger than the BCP coupled with concurrent expansion at two other mines. The estimated construction workforce for Moorlaben was 220 and while this may have fluctuated, the construction phase was similar to that proposed in the BCP. The claim that

there will be a peak of 800 employees is inflated and unsubstantiated in the EIS. Further, it is this inflated figure on which the justification for the TWA hinges. Council questions the need for a TWA for a brief period to accommodate a peak workforce that will exist for less than six months when 18.6% or 1,911 dwellings across the LGA are unoccupied (SIA p 117). In addition the region has evolved in recent years to accommodate fluctuations in the mining workforce and tourism. The *Social Impact Assessment* (SIA) makes reference to 274 hotel/motel accommodation beds in Mudgee (p 129), however, the available short term accommodation across all accommodation types (excluding residential dwellings) is closer to 1,855.

In the assessment of the impact of the project on housing, the SIA fails to consider a no TWA option and the analysis that has been undertaken does not quantify the "significant increase in demand" but does acknowledge that it would be only short term (p 136). *The Mudgee and Gulgong Urban Release Strategy (URS)*, adopted by Council and endorsed by DP&E in 2014 clearly articulates the ability of the housing market to accommodate the growth anticipated by mining in the LGA and included in its assessment estimated population generated by the BCP. There is no risk that the workforce anticipated in the first 6 years of the project cannot be accommodated in the community.

There is no evidence to suggest that the TWA is required in terms of housing availability in the short or longer term. Further, the social costs of TWA accommodation on those residing in them are now well documented to the extent that this should be a last resort option. The EIS does not address the social and psychological impacts on residents and families in a TWA environment and this needs to be addressed before any decision can be made as to the suitability of and need for this form of accommodation at this location.

Commitment to Wollar Road

In relation to Wollar Road and as stated below, Council has received \$14M funding from the State Government for the upgrade of this road. The funding was granted on the back of a business case that included the need for the work as a direct result of the BCP should it go ahead. It is also a strategic alternative route between Mudgee and the Hunter Valley. Work has already commenced on the project under the terms of the funding agreement and is due for completion in 2016. The upgrade will put the BCP which is already only 40 minutes from Rylstone, within a one hour commute of Mudgee. Therefore any reference to the road being unsealed should be removed as it is misleading.

The costs that the company have committed to the construction of the TWA should be diverted into investment in the local housing industry and on-going maintenance of the local road network between the BCP and Rylstone and the BCP and Mudgee.

Finally, consideration of the TWA as part of the BCP approval is of a concern in terms of the ease in which the life of a TWA should it be approved can be modified by the state government once the initial approval is in place. Council is concerned that should the TWA aspect of the proposal be approved in any form it will remain in place for the duration of the project and any economic benefit that the region would otherwise experience will be lost.

Economic Impacts

To a large extent the economic benefit for the region as a result of this project proceeding is around the employment and business opportunities generated. The potential direct and indirect impacts of the project (ie. the multiplier effect) are significant and would contribute to the overall strength of the local economy and neighbouring regions. Local businesses have adapted to the growth of major mining projects in the region in the last 5 years and are well positioned to continue to grow and prosper as new projects such as BCP commence. New businesses have also established themselves in the region over a similar timeframe to cater for mining activities and maximise the potential economic benefits available.

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Accurate predicted traffic volumes in any event provides Council the opportunity to adequately assess the increased maintenance needs of public roads. It is suggested that once the mine commences construction and progresses to operation that the Bylong Valley Way and the Wollar Road, between Wollar and the intersection of the Ulan Road, will require a higher levels of maintenance. Negotiations with the proponent to date have not included a contribution to Council for the ongoing maintenance of these sections of road due to mine related traffic. This maintenance cost will be strongly linked to traffic volumes, which in turn are affected by reliable baseline estimates and the implementation of accommodation facility.

The report identifies two alternative routes for landholders located to the south of the project area to utilise when the Upper Bylong Road is re-aligned resulting in the isolation of private holding to the south of the lease area. These are the Budden Gap and Lee Creek Roads. Whilst neither route is ideal for the affected parties, the latter is Council's preferred option as the road is already formed and traverses comparatively moderate terrain and this was articulated in Council's initial submission to the SEAR's in February 2014. The Lee Creek Road alternative is a considerably simpler road to upgrade from a constructability point of view and is less problematic in terms of flooding. The access for the affected landholders should be negotiated prior to any approval being issued for the project.

It is further noted that there is a real potential for subsidence in parts up to 3m over more than 3km of Bylong Valley Way affecting 12 culverts. The EIS makes reference to remediation by re-leveling culverts where cracking and titles sufficient to cause a grade reverse and progressive road maintenance and repair work as mining progresses. Erosion protection may also be required to stabilise slopes. This would necessitate the implementation of speed restriction along the road and directly impacting the level of service of the infrastructure over a significant time period. Council is very concerned about the risk to public safety that this poses as well as an ongoing maintenance burden for Council. Any approval should ensure that the proponent is responsible for the ongoing cost associated with the maintenance and repair of this part of Bylong Valley Way. A full condition report of this road should be undertaken to determine the current condition of the asset as part of the approval process.

Road maintenance contributions

As discussed in the traffic section above, the lack of data around a development option that excluded the TWA is a serious concern not least because it then fails to then provide accurate traffic data against which to determine the initial adequacy of the transport route and maintenance contribution for the Wollar Road over the life of the project. Council anticipates that any approval would include provision for such a contribution as a direct impact of the development on the local road network. Further in the response to the SEARs Council articulated that the EIS should include a Road Dilapidation Report and complete audit of local road infrastructure including the Bylong Valley Way, Wollar and Lue Roads. Again the TIA fails to address the full impact of the proposal on the local road network, in particular Wollar Road from Wollar to Mudgee which will likely be the transport route.

Noise and Vibration

Any approval needs to be responsive to noise impacts beyond those anticipated in the EIS. As has been the experience in Wollar with the Winpinjong project, the modelling in some instance does not adequately account for the actual local conditions particularly where topographic features are variables to the way noise travels.

Vibration will have a significant impact of the remaining buildings and those identified as significant (see heritage impacts below). This could only be addressed by repositioning the open cut pits or excluding open cut mining from the project.

Heritage Impact

Council supports the Bylong community in concerns raised as to the impacts on environmental heritage and the possible nomination of Tarwyn Park for an Interim Heritage Order.

Further community consultation should be undertaken with the key stakeholders (including Council) again exploring the option of relocating –

- Bylong Upper Public School
- Our Lady of the Sacred Heart Catholic Church
- Upper Bylong Post Office and Store
- Bylong Upper Hall

If the community does not respond to the invitation for the relocation of these items, it is they should be relocated and moth balled on the mine site until such a time an opportunity arises for relocation as opposed to demolition, particularly given the relatively short term open cut operation.

The curtilage of those items identified as partially impacted (table 10 – Impact Assessment Summary) items should be further clarified in more detail.

Council concurs with the proposals for the management of historic burial sites, however, suggests that should they be relocated out of the locality a memorial site should be dedicated including all the information on the headstones and the new burial site. The location of such a memorial should be identified in consultation with the Bylong community and Council.

Extent of Mining Beyond the Approval

There are real concerns about the “concessions” made by KEPCO since the purchase of the authorisations in 2010 (*Mine Justification Report* p 37). This only highlights that there remains a significant coal resource well beyond the horizon in the present application with the combined measured, indicated and inferred resource being 391.6Mt for the open cut (this approval is seeking

to recover 33Mt) and 482.7Mt for the underground (91Mt under this approval). It is not only the experience of the MWRC community but other communities around the state that the initial approval for a mining project provide a platform for continuous expansion though Modifications invariably extending the life of the project well beyond the 25 year limit under regulation with economic feasibility then becoming the most significant determinant to ongoing production. This is not to discount the rigorous environmental and social impact assessment that is required for a modification to proceed but to simply identify that if this proposal is approved as is over 85% of the resource is still in the ground. Council has concerns that arguments as to efficient resource recovery verses the social and environmental impacts and loss of additional agricultural land are unable to be adequately addressed under the current statutory approval process.

Agricultural Land

The objective of the Strategic Regional Land Use Plans is to protect the states \$12 billion agricultural industry from mining and coal seam gas industries. The issues raised by the Gateway Panel in terms of the potential for direct and significant impacts on verified BSAL by the BCP are still not adequately addressed. Agricultural land, like coal is a finite resource, however, unlike coal if managed will continue to deliver net production indefinitely so while economically in the short term the net value of coal eclipses that of agriculture it is just that; short term.

The BCP has an impact on valuable and productive land beyond that which has been experienced in association with mining in the MWRC LGA in the past. There is 440.8ha of verified BASL within the project disturbance area alone. The agricultural land lost to mining as a result of this project equates to \$2.66M annually which is significant representing over 4% of the total production of the LGA. Council has noted the examples in the Hunter Valley cited in the *Rehabilitation Strategy* (Appendix W) where land has been restored, however, despite the best undertakings Council remains sceptical about the future reinstatement of land to production. The success of the rehabilitation will hinge on the soils stripping, handling and stockpiling all of which would be rigorously scrutinised and conditioned in any approval. In addition, Council questions the assumption that the impacts on land within the subsidence area will be indirect and temporary particularly in areas that are subject to subsidence which impacts the surface hydrology.

Groundwater

The BCP relies on security of water from the Bylong River alluvial aquifer accessed by a number of groundwater bores. There is concern that the BCP in this assessment fails to adequately account for contingencies around water supply and fully address the Office of Water requirements for the EIS. In the submission to the SEARs, Council raised concerns about the allocation and security of water resources within the project area and beyond and the need to identify actual availability rather than assumptions as to the existing water licences.

In addition the EIS in relation to groundwater, like subsidence, proposes measures to manage impacts only is they occur, for example in relation to water security above and aquifer interference, rather than taking a precautionary approach.

Biodiversity

The *Ecological Impact Assessment* (EIA) will need to be amended to include the impacts on any changes that may have been made and come into force under the EPBC Act since March 2014. The BCP will have significant direct and indirect ecological impacts with the removal of up to 753ha of native vegetation, however, it is noted that the offset areas proposed are populated with similar habitat. There is some concern that the Biodiversity Offset Sites are simply properties the ecological value of which are already protected through a combination of legislative controls at Commonwealth and State level together with land use zoning and associated provisions under the MWRC LEP 2012 all of which provide a reasonable level of protection from destruction and the offset areas should include identifying areas that are under threat. Further, Offset Areas 4 and half of Yarran View result in the loss of an additional productive agricultural land as a direct result of the project. In addition there is a failure to identify the mechanism proposed to conserve the offset sites and Council is concerned about the impact on rate income if land is taken out of production and sterilised in perpetuity.

Representations from the Community

In its Open Day immediately prior to the commencement of the Ordinary Meeting of Council on 21 October 2015, Council heard submissions from the community which Council would like to reinforce. The issues raised included;

- impacts on environmental heritage and the call for Council to support an Interim Heritage Order on Tarwan Park as well as concerns about loss of local heritage generally;
- Surface and Groundwater impacts and the inadequacy of the impact reports and mitigation measures;
- Loss of agricultural land to mining and questioning the feasibility of returning the land to its current state post mining;
- Loss of agricultural land through biodiversity offset areas;
- The long term value of agriculture in the region against the short term destruction as a result of open cut operations that will only recover a fraction of the coal resource;
- Noise and dust; and
- Access for land holders who will be isolated by the closure of Upper Bylong Road without any firm option for an alternative.
- Loss of community and social impacts associated with land acquisition including volunteer services such as RFS
- Cumulative social impacts as a result of closure of schools leading to a loss of focal point for small rural communities.

The option to exclude open cut mining from the operation altogether as a means of illuminating many of the issues outlined above and could be considered as an alternative. The EIS *Mine Justification Plan* (Appendix E) states that the Options Study did look at an underground only longwall mine within A287. This presented issues around rejects disposal that in the application as now presented is dealt with by utilising the void from the open cut operations, however, it does confirm that even in the current economic climate an underground only mine still delivers a marginal economic business case. This statement is contradicted in the Main Report of the EIS on page 79 where it is definitively stated that an underground only option is not economically feasible. This creates some confusion and should be clarified. While the inclusion of the open cut does improve the business case this still needs to be balance against the environmental impacts of open cut mining and in particular in this instance and in this location, the irreversible impacts on prime agricultural land and the objectives of the Strategic Land Use Plan. The project would still need to address the coal washing and reject disposal management as well as infrastructure all of which have the potential to still impact BSAL.

As stated above, please consider this to be the submission from MWRC superseding the draft submission posted 6 November 2015. Should you have any queries in relation to this matter please contact Liz Densley Acting Manager Development on 63782850.

Yours faithfully

Brad Cam
GENERAL MANAGER

6.2.4 Land & Housing Supply Monitor Annual Report 2014/15 and First Quarter 2015/16

REPORT BY THE ACTING DIRECTOR DEVELOPMENT TO 18 NOVEMBER 2015 COUNCIL MEETING

Land Supply Monitor

GOV400043, LAN900042

RECOMMENDATION

That the report by the Acting Director Development on the Land & Housing Supply Monitor Annual Report be received.

Executive summary

The Land Supply Monitor was developed as part of the Urban Release Strategy Process. This report captures the June quarter, reports on annual supply and includes the September quarter 2015/16 Financial Year.

Detailed report

The Land Supply Monitor provides a tool to accurately gauge development activity. The following table represents a summary of activity in the 12 months to 30 June 2015. The statistics are still dominated by the approval of the Ulan Road Low Density residential development (2000m² MLS) subdivision in the December quarter 2014 but there was a jump in the number of residential subdivision (lots) approved in the final quarter of the 2014/15 year bring the total to 246 which is significantly less than the 710 for the previous year. There has been a drop in the number of Subdivision Certificates issued but conversely to the applications there was an increase overall from 2013/14.

Assumptions as to the jump in Occupation Certificates is problematic as they are not mandatory so not generally a true reflection of completion of housing.

In relation to the Complying Development Certificates, as highlighted in the previous report, the Department of Planning & Environment are working on a SEPP which proposes to establish a Regional Housing Codes SEPP in the hope to remove some of the complexities that have arisen in the application of a state wide code. At this stage there has been no date set for the release of this SEPP, however CDC's did jump by over 45% to 91 from 51 for the previous year.

The table below also provide as comparison to the total development activity for 2013/14.

Table 1: Annual Land Supply 2014/15

| | 1 July - 30 Sept 2014 | 1 Oct - 31 Dec 2014 | 1 Jan - 31 Mar 2015 | 1 April – 30 June | Total 2014/15 | Total 2013/14 |
|---|-----------------------------|------------------------|------------------------|----------------------|------------------|------------------|
| Subdivision | | | | | | |
| Residential Subdivision Applications (no. of lots approved - DAs) | 24 | 172 | 18 | 32 | 246 | 710 |

Notes: Council has approved 214 lots since July 2014. Of these 149 or 70% were between 2000 and 3999m² and include the subdivision at 220 Ulan Road. Only 10% of lots approved

| | 1 July - 30 Sept 2014 | 1 Oct - 31 Dec 2014 | 1 Jan - 31 Mar 2015 | 1 April – 30 June | Total 2014/15 | Total 2013/14 |
|---|-----------------------------|------------------------|------------------------|----------------------|------------------|------------------|
| were in the 600-1999m2 bracket which is considered the standard residential lot size in the R1 General Residential zone. | | | | | | |
| Residential Subdivision Certificates (no. of lots released) | 35 | 71 | 26 | 3 | 135 | 95 |
| Notes: Subdivision certificates are issued following compliance with conditions including payment of s64 and 94 contributions. | | | | | | |
| Dwellings | | | | | | |
| DA Approvals for Dwellings and Dual Occupancies (no. dwellings approved) | 44 | 24 | 24 | 31 | 123 | 148 |
| CDC's for Dwellings and Dual Occupancies (no. dwellings) | 6 | 3 | 2 | 12 | 23 | 50 |
| Total | 50 | 27 | 26 | 43 | 146 | 198 |
| Notes: The majority of dwellings are in the 600-1999m2 bracket which is considered the range of standard residential lot sizes in the R1 General Residential zone. There was some activity outside the residential zones on lots greater than 2ha. The number of CDC's remains low and includes those undertaken by private certifiers. | | | | | | |
| Occupation Certificates (no. dwellings) | 18 | 19 | 35 | 19 | 91 | 51 |
| Notes: The statistics for Occupation Certificates remains low and may indicate that all dwellings are not receiving OC's on completion. | | | | | | |

Table 2 below represents the statistics for the first quarter in the 2015/16 reporting period compared with the same period last year. As is evident from the table we are sitting at around 75% on subdivision applications compared to the same time last year and similarly down of 50% in Subdivision Certificates with only 10 new residential lots released onto the market in the first quarter of 2015. Gain the lag between approvals (2014) and release of lots to the market is evident and it is anticipated that a release of land at Caerleon, Ulan Road and Broadhead Road in the next three months will turn this around.

As in the other areas of development, the number of dwellings and dual occupancies being approved is also down on the same time last year.

TABLE 2: First Quarter 2015/16

| | 1 July - 30 Sept 2015 | 1 July – 30 Sept 2014 | YTD 2015/16 |
|---|-----------------------------|--------------------------|-------------|
| Subdivision | | | |
| Residential Subdivision Applications (no. of lots approved - DAs) | 6 | 24 | 6 |
| Notes: | | | |
| Residential Subdivision Certificates (no. of lots released) | 10 | 27 | 10 |

YTD 2015/16

1 July - 30 Sept 2015 1 July – 30 Sept 2014

Notes: Subdivision certificates are issued following compliance with conditions including payment of s64 and 94 contributions.

| Dwellings | | | |
|--|-----------|-----------|----|
| DA Approvals for Dwellings and Dual Occupancies (no. dwellings approved) | 18 | 44 | 18 |
| CDC's for Dwellings and Dual Occupancies (no. dwellings) | 9 | 6 | 9 |
| Total | 27 | 50 | |
| Notes: | | | |
| Occupation Certificates (no. dwellings) | 22 | 18 | 22 |

Notes: The statistics for Occupation Certificates remains low and may indicate that all dwellings are not receiving OC's on completion.

Financial and Operational Plan implications

The previous year performance is used as a measure in preparing the income estimates for the following operational plan and having more rigorous monitoring of development activity will facilitate more accurate budgeting. At this stage there is no recommendation to make adjustments to the budget.

Community Plan implications

The monitoring of residential land supply will meet the strategy 2.4 in Looking After Our Community in relation to the delivery of housing through effective land use planning.



ELIZABETH DENSLEY
ACTING DIRECTOR, DEVELOPMENT

3 November 2015

Attachments: Nil

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.5 Monthly Development Applications Processing & Determined

REPORT BY THE ACTING DIRECTOR DEVELOPMENT TO 18 NOVEMBER 2015 COUNCIL MEETING

DA applications processing and determined REPORT TO COUNCIL October 2015
GOV400043, A100055, A100056

RECOMMENDATION

That the report by the Acting Director Development on the Monthly Development Applications Processing & Determined be received.

Executive summary

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

Detailed report

Included in this report is an update for month ending 31 October 2015 of Development Applications determined and development applications processing. The report will detail:

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

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.



ALISON SCHUMACK
SYSTEMS COORDINATOR



ELIZABETH DENSLEY
ACTING DIRECTOR, DEVELOPMENT

4 November 2015

Attachments: 1. Monthly development applications processing and determined October 2015.

APPROVED FOR SUBMISSION:



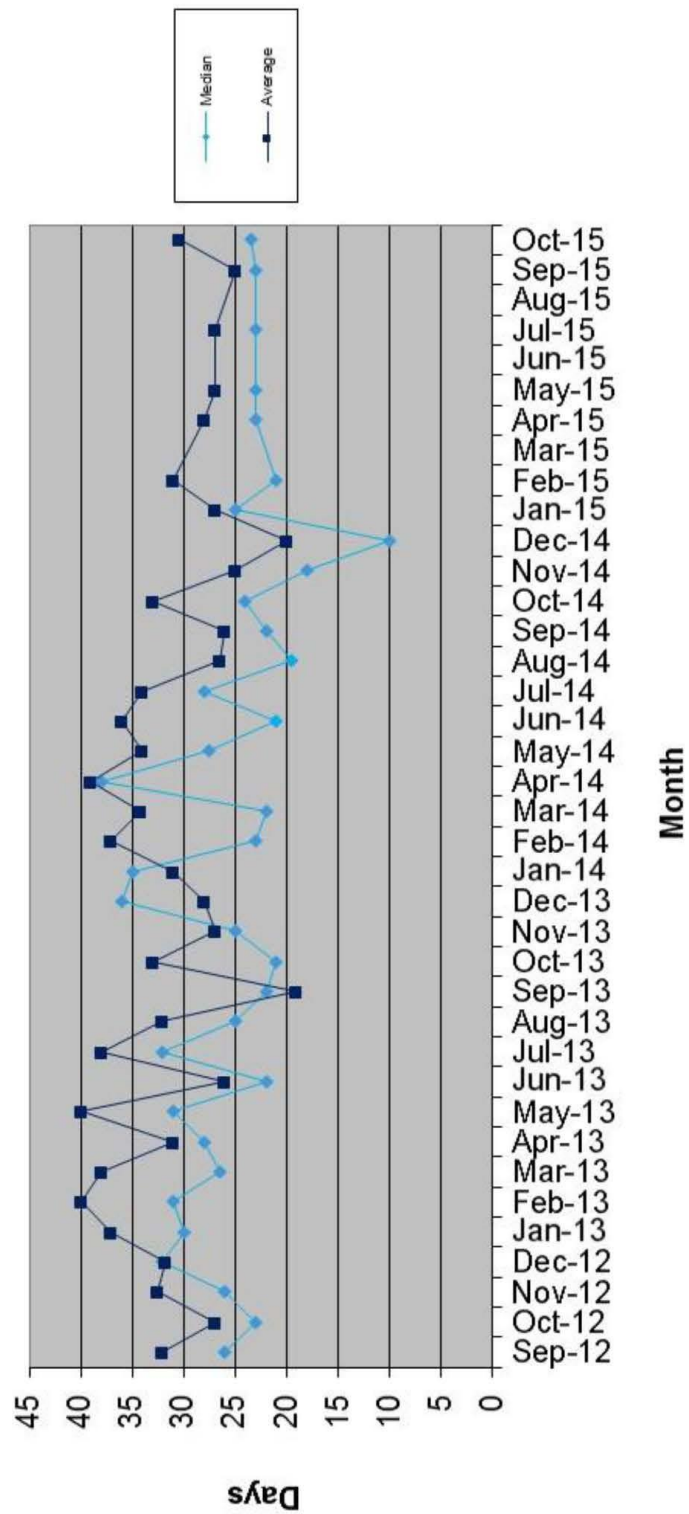
BRAD CAM
GENERAL MANAGER

Monthly Development Application Processing Report – October, 2015

This report covers the period for the month of October, 2015.

Graph 1 indicates the processing times up to 31, October 2015 with the month of October having an average of 30.4 days and a median time of 23.5 days.

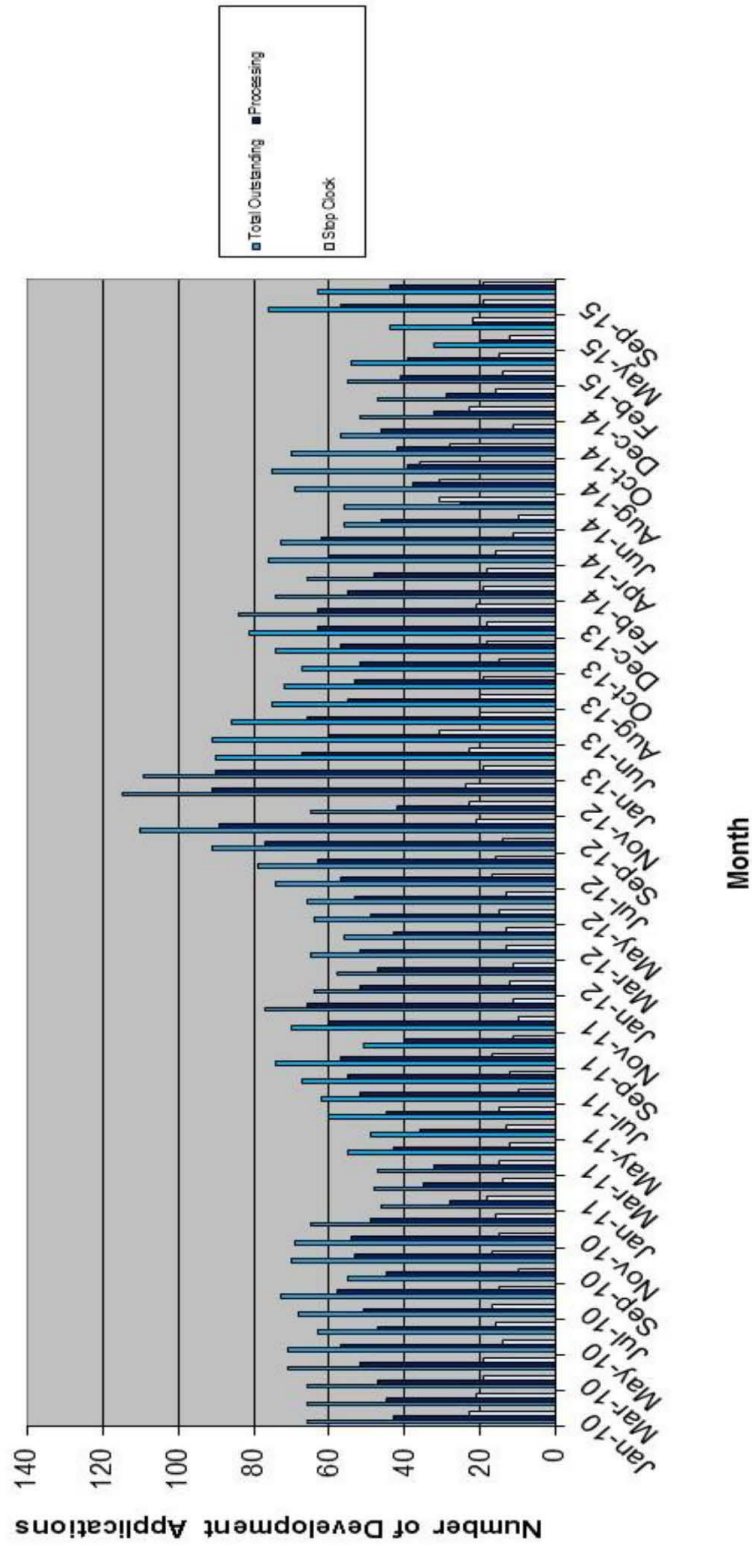
Median and Average Processing Time Development Applications



Monthly Development Application Processing Report – October, 2015

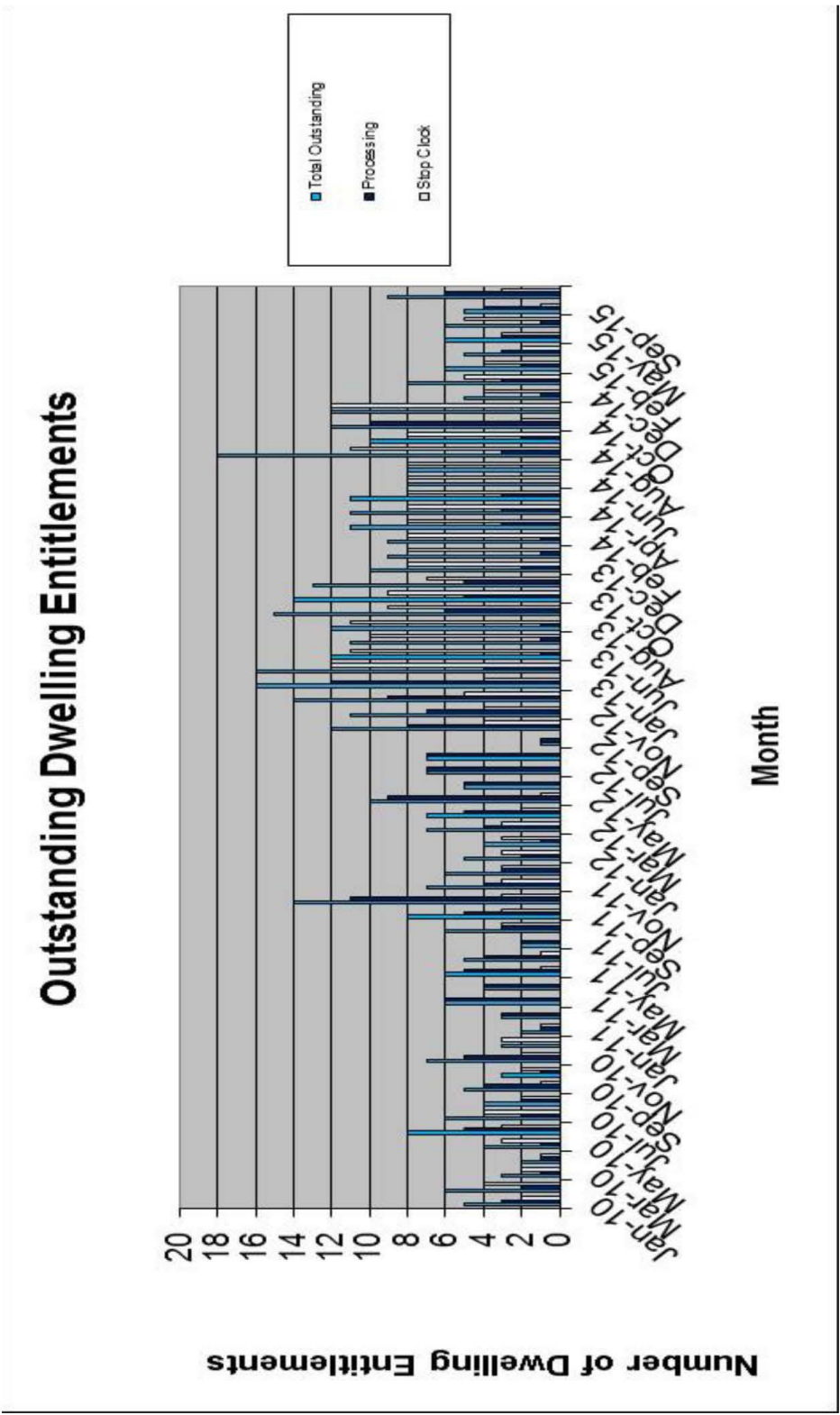
Graph 2 indicates the total number of outstanding applications (excluding dwelling entitlements), the number currently being processed and the number on “stop clock”.

Outstanding Development Applications



Monthly Development Application Processing Report – October, 2015

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



Monthly Development Application Processing Report – October, 2015

The Planning and Development Department determined 32 Development Applications either by Council or under delegation during October 2015.

Development Applications Determined – October 2015.

| Appl/Proc ID | Description | House No | Street Name | Locality |
|--------------|----------------------------------|----------|-----------------------|-------------|
| DA0355/2015 | Commercial Premises | 13 | Ulan Road | PUTTA BUCCA |
| DA0356/2015 | function centre | 1154 | Castlereagh Highway | MENAH |
| DA0003/2016 | Commercial Alterations/Additions | 139 | Church Street | MUDGE |
| DA0038/2016 | Dwelling House | 132 | Tinja Lane | EURUNDEREE |
| DA0047/2016 | Subdivision - Torrens Title | 71 | Banjo Paterson Avenue | MUDGE |
| DA0050/2016 | Alterations & Additions | 23 | Louee Street | RYLSTONE |
| DA0062/2016 | camping ground | 345 | Bylong Valley Way | ILFORD |
| DA0063/2016 | Dual Occupancy | 9 | Faucett Drive | MUDGE |
| DA0066/2016 | Subdivision - Torrens Title | 433 | Ulan Road | EURUNDEREE |
| DA0068/2016 | Industrial Building | 78 | Charbon Road | CHARBON |
| DA0069/2016 | Subdivision - Torrens Title | 434 | Nevels Road | CLANDULLA |
| DA0075/2016 | bed and breakfast accommodation | 1 | Bombira Avenue | BOMBIRA |
| DA0076/2016 | Alterations & Additions | 83 | Mayne Street | GULGONG |
| DA0080/2016 | Residential Shed | 51 | Medley Street | GULGONG |
| DA0081/2016 | Pergola | 95 | Mulgoa Way | MUDGE |
| DA0082/2016 | Alterations & Additions | 1167 | Mount Vincent Road | ILFORD |
| DA0085/2016 | Shed >150m2 | 34 | Aerodrome Road | RYLSTONE |
| DA0090/2016 | Carport | 23 | George Street | MUDGE |
| DA0091/2016 | moveable dwelling | 8 | Old Mill Road | GULGONG |
| DA0092/2016 | Carport | 8 | Lockwood Street | MUDGE |
| DA0093/2016 | Dwelling House | 322 | Beryl Road | GULGONG |
| DA0094/2016 | Dwelling House | 322 | Beryl Road | GULGONG |
| DA0095/2016 | Shed >150m2 | 1117 | Botobolar Road | GULGONG |
| DA0097/2016 | Alterations & Additions | 860 | Ulan Road | BOTOBOLAR |
| DA0100/2016 | Residential Shed | 10 | Avisford Court | BUDGE BUDGE |
| DA0105/2016 | Residential Shed | 109 | Tongbong Road | MUDGE |
| DA0106/2016 | Residential Shed | 7 | Roy Cross Place | RYLSTONE |
| DA0107/2016 | Residential Shed | 1089 | Spring Creek Road | GULGONG |
| DA0108/2016 | Garage | 2 | Grant Street | YARRAWONGA |
| DA0113/2016 | Residential Shed | 11 | Grant Street | MUDGE |

Monthly Development Application Processing Report – October, 2015

| | | | | |
|-------------|----------|----|----------------|--------|
| DA0115/2016 | Pergola | 19 | Winter Street | MUDGEE |
| DA0122/2016 | Carpport | 85 | Rodgers Street | KANDOS |

Monthly Development Application Processing Report – October, 2015

Development Applications currently being processed – October, 2015.

| App/Proc ID | Description | House No | Street Name | Locality |
|-------------|---|----------|----------------------|-------------|
| DA0056/2016 | telecommunications facility | 40 | Uralba Lane | ST FILLANS |
| DA0088/2016 | Shed >150m2 | 12 | Clubhouse Road | RYLSTONE |
| DA0086/2016 | Shed >150m2 | 2 | Clubhouse Road | RYLSTONE |
| DA0073/2015 | Alterations & Additions | 17 | Trefusis Avenue | MUDGE |
| DA0119/2016 | Alterations & Additions | 17 | Ilford Road | KANDOS |
| DA0138/2016 | Alterations & Additions | 1541 | Henry Lawson Drive | ST FILLANS |
| DA0073/2016 | Alterations & Additions | 71 | Lions Drive | MUDGE |
| DA0046/2016 | Alterations & Additions | 1581 | Yarrabin Road | YARRABIN |
| DA0118/2016 | Carport | 1 | Meroo Crescent | MUDGE |
| DA0125/2016 | Alterations & Additions | 64 | Queen Street | GULGONG |
| DA0278/2014 | Change of use – Shed to Dwelling | 2012 | Aarons Pass Road | AARONS PASS |
| DA0055/2016 | Change of use – agricultural to industrial shed | 1199 | Ulan Road | BUDGE BUDGE |
| DA0027/2016 | Commercial Alterations/Additions | 8 | Bell Street | MUDGE |
| DA0102/2016 | Dwelling House | 705 | Windeyer Road | GRATTAI |
| DA0097/2015 | Shed >150m2 | 264 | Goolma Road | GULGONG |
| DA0117/2016 | Demolition | 10 | Burrundulla Avenue | MUDGE |
| DA0121/2016 | Dual Occupancy | 187 | Rocky Waterhole Road | MOUNT FROME |
| DA0123/2016 | Dwelling House | 469 | Melrose Road | MOUNT FROME |
| DA0132/2016 | Dwelling House | 12 | Roy Cross Place | GULGONG |
| DA0352/2015 | Dwelling House | 216 | Tinja Lane | EURUNDEREE |
| DA0337/2015 | Dwelling House | 3 | Richards Street | MUDGE |
| DA0072/2016 | Dwelling House | 52 | Lue Road | MILROY |
| DA0214/2011 | Dwelling House | 663 | Castlereagh Highway | BURRUNDULLA |
| DA0112/2016 | Dwelling House | 2061 | Lue Road | HAVILAH |
| DA0126/2016 | Dwelling House | 315 | Lue ROAD | MILROY |
| DA0101/2016 | Shed >150m2 | 283 | Erudgere Lane | ERUDGERE |
| DA0129/2016 | Fence | 154 | Market Street | MUDGE |
| DA0008/2016 | Dwelling House | 270 | Black Soil Road | GRATTAI |
| DA0351/2015 | Home Industry | 354 | Yarrowonga Road | YARRAWONGA |
| DA0034/2016 | Extractive Industry | 2778 | Ulan Road | COOKS GAP |

Monthly Development Application Processing Report – October, 2015

| | | | | |
|-------------|-----------------------------|------|------------------------|-------------|
| DA0109/2016 | Subdivision - Torrens Title | 66 | Edgell Lane | BUCKAROO |
| DA0267/2014 | signage | 33 | Sydney Road | MUDGEES |
| DA0104/2016 | Residential Shed | 4 | Barlow Court | MUDGEES |
| DA0131/2016 | Residential Shed | 6 | Clifton Avenue | MUDGEES |
| DA0134/2016 | Residential Shed | 70 | Sains Lane | ST FILLANS |
| DA0137/2016 | secondary dwelling | 16 | Rodgers Street | KANDOS |
| DA0060/2016 | Service Station | 10 | Toole Road | ULAN |
| DA0099/2016 | serviced apartment | 10 | Tierney Lane | EURUNDEREE |
| DA0327/2011 | Shed >150m2 | 23 | Horatio Street | MUDGEES |
| DA0136/2016 | signage | 70 | Bruce Road | MUDGEES |
| DA0128/2016 | Dwelling House | 1818 | Windeyer Road | WINDEYER |
| DA0071/2016 | Subdivision - Torrens Title | 277 | Black Springs Road | EURUNDEREE |
| DA0308/2012 | Subdivision - Torrens Title | 433 | Ulan Road | EURUNDEREE |
| DA0191/2015 | Subdivision - Torrens Title | 196 | Robertson Road | MUDGEES |
| DA0065/2016 | Subdivision - Torrens Title | 148 | Spring Flat South Lane | SPRING FLAT |
| DA0178/2014 | Subdivision - Torrens Title | 7291 | Castlereagh Highway | ILFORD |
| DA0153/2015 | Swimming Pool | 19 | Nashs Flat Place | MUDGEES |
| DA0043/2016 | function centre | 162 | Eurunderree Lane | EURUNDEREE |
| DA0133/2016 | Alterations & Additions | 371 | Buckaroo Road | BUCKAROO |
| DA0110/2016 | Dwelling House | 0 | Ridout Lane | GULGONG |
| DA0134/2015 | Dwelling House | 4156 | Lue Road | CAMBOON |
| DA0130/2016 | Dwelling House | 39 | Pinnacle Swap Road | RYLSTONE |
| DA0007/2016 | Dwelling House | 173 | McMurrays Lane | WINDEYER |
| DA0050/2015 | Dwelling House | 3634 | Bylong Valley Way | RYLSTONE |
| DA0135/2015 | Dwelling House | 4156 | Lue Road | CAMBOON |
| DA0127/2016 | Dwelling House | 1794 | Windeyer Road | WINDEYER |
| DA0079/2016 | Dwelling | 1191 | Campbells Creek Road | WINDEYER |
| DA0135/2016 | Dwelling House | 31 | Strikes Lane | EURUNDEREE |

Monthly Development Application Processing Report – October, 2015

Heritage Development Applications currently being processed – October, 2015.

| App/Proc ID | Description | House No | Street Name | Locality |
|-------------|--|----------|-----------------|----------|
| DA0040/2016 | Alterations & Additions | 93 | Mayne Street | GULGONG |
| DA0124/2016 | Alterations & Additions | 144 | Market Street | MUDGE |
| DA0271/2011 | Alterations & Additions | 87 | Short Street | MUDGE |
| DA0111/2016 | Alterations & Additions | 20 | Buchanan Street | KANDOS |
| DA0098/2016 | Alterations & Additions | 49 | Church Street | MUDGE |
| DA0103/2016 | Alterations & Additions | 50 | Cox Street | MUDGE |
| DA0116/2016 | Carport | 20 | Belmore Street | GULGONG |
| DA0329/2015 | Change of use – nail shop to coffee shop | 63 | Church Street | MUDGE |
| DA0029/2016 | Commercial Alterations/Additions | 104 | Mayne Street | GULGONG |
| DA0114/2016 | Commercial Alterations/Additions | 49 | Church Street | MUDGE |
| DA0228/2015 | shop top housing | 5 | Church Street | MUDGE |
| DA0228/2015 | Motel | 5 | Church Street | MUDGE |
| DA0239/2015 | multi dwelling housing | 74 | Herbert Street | GULGONG |
| DA0120/2016 | Residential Shed | 1130 | Pyangle Road | PYANGLE |

6.2.6 Presentation of Financial Statements 2014/15

REPORT BY THE CHIEF FINANCIAL OFFICER TO 18 NOVEMBER 2015 COUNCIL MEETING
Presentation of Financial Statements 2015
GOV400043, FIN3000077

RECOMMENDATION

That the report by the Chief Financial Officer on the Presentation of Financial Statements 2014/15 be received.

Executive summary

Council's 2015 general purpose and special purpose financial reports have been audited and submitted to the Office of Local Government. Council's Auditor, Mr John O'Malley of Intentus Chartered Accountants, will make the public presentation of the financial reports at the 18 November 2015 Council meeting.

Detailed report

In accordance with Section 419 of the *Local Government Act 1993*, Council must present its audited financial reports together with the Auditor's reports at a meeting of the Council. Council has requested the Auditor to attend this meeting. Public notice of the meeting has been given in the approved form, in accordance with Section 418(3) of the Act.

Section 418 of the Act requires that the public presentation of the audited financial reports must not be more than 5 weeks after the auditor's reports are given to Council. The date of the Auditor's report is 30 August 2013, and the public presentation falls within the 5 week timeframe.

As per Section 420, any person may make a submission to Council regarding the audited financial reports or the Auditor's reports. Any such submissions must be in writing and must be lodged with Council within seven days of the reports being publicly presented. Council must ensure that copies of all submissions received by it are referred to the Auditor. Council may take any such action as it considers appropriate with respect to any such submission, including the giving of notice to the Director-General of any matter that appears to require amendment of the Council's financial reports.

Copies of the financial reports are available for inspection at the Mudgee, Gulgong and Rylstone Administration Centres. A copy of the report has also been placed on Council's web site. Copies of the reports have been distributed to Councillors.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Presentation of the Financial Statements 2014/15 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
CHIEF FINANCIAL OFFICER

5 November 2015

Attachments: 1. Audited Financial Statements for 2014/15 (presented as a separate document)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.7 Quarterly Budget Review Statement September 2015

REPORT BY THE MANAGER, FINANCIAL PLANNING TO 19 NOVEMBER 2015 COUNCIL MEETING
6.2.7 Quarterly Budget Review September 2015
GOV400043, FIN300064

RECOMMENDATION

That:

1. **the report by the Manager, Financial Planning on the Quarterly Budget Review Statement September 2015 be received;**
2. **Council endorse that the additional Roads to Recovery funding of \$852,314 for 2015/16 financial year be spent on the following projects:**
 - **\$547,000 on Pyramul Road seal extension**
 - **\$285,314 on Black Springs Road seal extension**
 - **\$20,000 on Inglis Street kerb and gutter and shoulder sealing**
3. **the 2015/16 Operational Plan be amended in accordance with the variations as listed in the quarterly budget review attachments; and**
4. **the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure, be noted.**

Executive summary

This report, with its incorporated attachments, makes up the September 2015 Quarterly Budget Review Statement of the 2015/16 Operational Plan. Proposed variations to the Operational Plan are included in the attachments, with relevant financial implications included below.

Detailed report

Clause 203 of the Local Government (General) Regulation 2005 states that the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.

A budget review statement must include or be accompanied by:

- (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and
- (b) if that position is unsatisfactory, recommendations for remedial action.

GENERAL FUND

Council finished the 2015 financial year with an unrestricted cash balance of \$9.606 million. The 2016 Original Budget for General Fund as adopted by Council projected a negative movement to 30 June 2016 in unrestricted cash of \$319k. Council has since adopted the following budget movements, summarised below.

| VARIATION | AMOUNT (\$'000) | MOVEMENT |
|--------------------------------------|-----------------|----------------------|
| Original Budget | (319) | Deterioration |
| Revotes | (408) | Deterioration |
| Council Minutes – July to Oct | (88) | Deterioration |
| September QBR | (747) | Deterioration |
| Estimated movement to 30 June | (1,562) | Deterioration |
| Projected balance at 30 June | 8,044 | |

A projected unrestricted cash balance of \$8.044 million represents about 7.5 weeks of Council's 2015/16 operating expenditure budget. This is a high level of unrestricted cash, and is adequate to ensure Council is able to meet its debts and obligations as they fall due.

In the next quarter, staff will be reviewing the levels of unrestricted and restricted cash to advise the recommended course of action in regard to the surplus unrestricted cash levels. It is important to ensure that Council focuses on a strategy to be Fit For the Future. This quarter, a recommendation to transfer \$300k to the Future Fund has been included in the list of variations. This is to ensure that Council continues to set aside funds to support future economic growth strategies.

VARIATIONS

Proposed variations to the 2015/16 Operational Plan for General Fund are included in the quarterly budget review attachments (attachment 1).

Roads to Recovery – additional funding

Council receive annual funding from the Roads to Recovery program, an initiative from the Australian Government to support the maintenance of the Council's local road infrastructure assets. In June 2015 it was announced that additional funding was to be provided to Council over the next two years with an additional \$852,314 allocated for the 2015/16 financial year.

It is proposed by the Manager Works, that the 2015/16 additional funding be spent on the following projects:

Pyramul Road Seal Extension Project

Pyramul Road is 18km long of which 11.5km is sealed. There are three short sections of unsealed road which are intermittently located between sections of sealed road. These short sections of unsealed road sandwiched between sealed sections make maintenance awkward and inefficient. Pyramul road is also a bus route.

It is proposed to seal the 3.3km missing link including the upgrade of two causeways in poor condition.

Black Springs Road Seal Extension Project

Black Springs Road is 11.6km long of which 7km is sealed. There is a 2.2km section of unsealed road which is sandwiched between long sections of seal. Similar to Pyramul road, maintenance is difficult and inefficient and we received numerous complaints from the community as it tends to deteriorate more rapidly between maintenance grades.

It is proposed to seal the 2.2km missing link.

Inglis Street Project

Council gave an undertaking to a resident in Inglis Street between Church and Perry Streets to construct a section of kerb and gutter outside her property. On inspection it was identified that this 40m section was the only part of this block of Inglis Street that did not have kerb and gutter or sealed shoulders.

It is proposed to seal the shoulders and construct concrete kerb and gutter.

Mudgee Showground

A recommendation has been included to vary the Capital Works program for the Mudgee Showground for 2015/16. The program of works included in the original budget was:

| | |
|--|---------------|
| Mudgee Showground - total | 34,000 |
| Dining Room, Showground, Nicholson St, Mudgee - general upgrade and replace ceiling and insulation | 23,000 |
| Gatehouse, Showground, Nicholson St, Mudgee - painting | 1000 |
| Ringside/Pony Club Shed, Showground, Nicholson St, Mudgee - replace fittings | 1000 |
| Cattle Pavilion, Showground, Nicholson St, Mudgee - replace gutter/downpipes | 5000 |
| Pigeon proofing Mudgee Showground - new stable block and livestock shed | 4000 |

The recommended works have been amended as:

| | |
|--|---------------|
| Mudgee Showground - total | 43,000 |
| Dining Room, Showground, Nicholson St, Mudgee - general upgrade and replace ceiling and insulation, new air conditioners | 42,500 |
| Dining Room, Showground, Nicholson St, Mudgee – capital contribution from showground users | (8,500) |
| Electricity Monitors | 2,000 |
| Showground cottage – replace floor covering | 3,000 |
| Pigeon proofing Mudgee Showground - new stable block and livestock shed | 4,000 |

An additional \$7,000 has been recommended to demolish the old stables. Demolition of the grandstand is currently being reviewed, if this work is required this financial year a separate variation will be recommended at that time.

WATER FUND

Council finished the 2015 financial year with a Water Fund cash balance of \$9.862 million, made up of:

| RESTRICTED/UNRESTRICTED | AMOUNT (\$'000) |
|-----------------------------|-----------------|
| S64 Developer Contributions | 4,491 |
| Water Reserves | 2,272 |
| Unspent Grants | 1 |
| Unrestricted | 3,098 |
| Total | 9,862 |

Council has a large amount capital works budgeted within the 2015/16 and 2016/17 Operational Plans, funded from restricted cash which will see these balances depleted, once complete.

The 2016 Original Budget for Water Fund as adopted by Council projected a positive movement to 30 June 2016 in unrestricted cash of \$199k.

Subsequent to the Original Budget, Council has adopted budget variations as summarised below:

| VARIATION | AMOUNT (\$'000) | MOVEMENT |
|--------------------------------------|-----------------|--------------------|
| Original Budget | 199 | Improvement |
| Revotes | 0 | Nil |
| September QBR | (6) | Deterioration |
| Estimated movement to 30 June | 193 | Improvement |
| Projected balance at 30 June | 3,291 | |

Proposed variations to the 2015/16 Operational Plan for Water Fund are included in the quarterly budget review attachments (attachment 1).

SEWER FUND

Council finished the 2015 financial year with a Sewer Fund cash balance of \$8.442 million, made up of:

| RESTRICTED/UNRESTRICTED | AMOUNT (\$'000) |
|-----------------------------|-----------------|
| S64 Developer Contributions | 2,037 |
| Sewer Reserves | 3,784 |
| Unrestricted | 2,621 |
| Total | 8,442 |

Council has a large amount of capital works budgeted within the 2015/16 and 2016/17 Operational Plans, funded from restricted cash which will reduce these balances, once complete.

The 2016 Original Budget for Sewer Fund as adopted by Council projected a negative movement to 30 June 2016 in unrestricted cash of \$1.090 million.

Subsequent to the Original Budget, Council has adopted budget variations as summarised below:

| VARIATION | AMOUNT (\$'000) | MOVEMENT |
|--------------------------------------|-----------------|----------------------|
| Original Budget | (1,090) | Deterioration |
| Revotes | 0 | Nil |
| September QBR | (6) | Deterioration |
| Estimated movement to 30 June | (1,096) | Deterioration |
| Projected balance at 30 June | 1,525 | |

Proposed variations to the 2015/16 Operational Plan for Sewer Fund are included in the quarterly budget review attachments (attachment 1).

WASTE FUND

Council finished the 2015 financial year with a Waste Fund cash balance of \$4.130 million, made up of:

| RESTRICTED/UNRESTRICTED | AMOUNT (\$'000) |
|-------------------------|-----------------|
| Waste Reserves | 2,827 |
| Unspent Grants | 0 |
| Unrestricted | 1,303 |
| Total | 4,130 |

The 2016 Original Budget for Waste Fund as adopted by Council projected a negative movement to 30 June 2016 in unrestricted cash of \$272k.

Subsequent to the Original Budget, Council has adopted budget variations as summarised below:

| VARIATION | AMOUNT (\$'000) | MOVEMENT |
|--------------------------------------|-----------------|----------------------|
| Original Budget | 272 | Deterioration |
| Revotes | 0 | Nil |
| September QBR | 0 | Nil |
| Estimated movement to 30 June | 272 | Deterioration |
| Projected balance at 30 June | 1,031 | |

Proposed variations to the 2015/16 Operational Plan for Waste Fund are included in the quarterly budget review attachments (attachment 1).

OTHER FUNDS

Saleyards Fund includes a recommended negative variation for \$16,177. This variation is to correct industrial risk insurance currently budgeted in General Fund for the Saleyards. No other funds include recommended variations this quarter.

CERTIFICATION

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005:

As the Responsible Accounting Officer, it is my opinion that the September Quarterly Budget Review Statement for Mid-Western Regional Council indicates that Council's projected financial position as at 30 June 2016 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2015/16 financial year.

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

Financial and Operational Plan implications

Proposed variations to the 2015/16 Operational Plan are included in the quarterly budget review attachments (attachment 1). Financial implications are discussed in the attachments, and in the detailed report above.

Community Plan implications

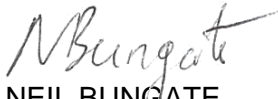
The Quarterly Budget Review meets Community Plan Theme 5 - Good Governance:

Goal 2: Good Communications and Engagement

Strategy 2.1: Improve communications between Council and the community and create awareness of Council's roles and responsibilities.

Goal 3: An Effective and Efficient Organisation

Strategy 3.3: Prudently manage risks associated with all Council activities.



NEIL BUNGATE
MANAGER, FINANCIAL PLANNING

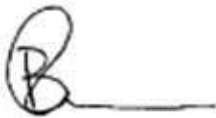


LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

10 November 2015

Attachments: 1. September Quarterly Budget Review Attachments (included under separate cover)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.8 Financial Assistance Applications

REPORT BY THE CHIEF FINANCIAL OFFICER TO 18 NOVEMBER 2015 COUNCIL MEETING
 6.2.8 Financial Assistance Report to November 2015
 GOV400043, FIN300052

RECOMMENDATION

That:

1. **the report by the Chief Financial Officer 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:**

| | |
|---|--------------|
| NSW Farmers Association | \$750 |
| Kandos High School | \$100 |
| Iford Public School Parents and Citizens | \$100 |
| Rylstone Uniting Church | \$500 |
3. **Council provide an in-kind contribution to the following applicant in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:**

| | |
|------------------------------|--------------|
| Mudgee Triathlon Club | \$350 |
| Kanandah Auxiliary | \$410 |
4. **Council will not collect a facility hire bond from the following applicant for the event detailed in this report:**

Kanandah Auxiliary
5. **Council not support the following requests for financial assistance, for the reasons provided in the report:**

Kandos Bicentennial Industrial Museum Inc.
Mudgee Indoor Swimming Club

Executive summary

This report considers requests for financial assistance under 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.

DONATION APPLICATIONS

Mudgee district branch NSW Farmers Association

The Mudgee District Branch of the NSW Farmers Association have requested support in awarding a scholarship to young farmers to the value of \$750.00. This scholarship program has been

supported by Council for a number of years and it is recommended to provide financial assistance of \$750.00, as requested.

Link to Community Plan: *Strategy 3.1.1. Support the attraction and retention of a diverse range of businesses and industries.*

KANDOS high school

Kandos High School is seeking financial assistance towards the schools end of year prize giving. The funds will be used to reward enormous achievements in academic and sporting prowess. This prize would be presented at the end of year Presentation Ceremony 14th of December 2015. It is recommended to provide financial assistance of \$100.00.

Link to Community Plan: *3.3.2 Build strong linkages with institutions providing education, training and employment pathways in the Region.*

Iford Public School Parents and Citizens

Iford Public School Parents and Citizens Association (P & C) are holding a 'Christmas Tree' Presentation night at Iford Hall on Saturday 5th of December 2015. They are requesting a donation which will go towards purchasing books for their end of year presentations as part of their 'Christmas Tree' function. It is recommended to provide financial assistance of \$100.00.

Link to Community Plan: *3.3.2 Build strong linkages with institutions providing education, training and employment pathways in the Region.*

Rylstone Uniting Church

On Christmas Day, there will be no opening of any pubs or clubs in the towns of Kandos and Rylstone. The Uniting Church has again decided to provide a lunch for those people in the area who are unable to join family and friends. The request is for a contribution towards the cost of this community based effort. It is recommended to provide financial assistance of \$500.00.

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

IN-KIND APPLICATIONS

Mudgee Triathlon Club

Mudgee Triathlon Club are a not-for-profit organisation run entirely by volunteers, they hold seven club races at the Mudgee pool, including hosting a race in the Central West Interclub Triathlon series. Mudgee Triathlon Club have requested Councils consideration to waive participant pool entry fees which are estimated to be approximately \$350 per season, and pool hire fees at \$1,058. It is recommended to waive participant entry fees for \$350.00, as the collection of such fees are difficult to administer. It is not recommended to waive the pool hire fee, as the swimming pool facilities are already subsidised and the Tri-Club will have sole access.

Link to Community Plan: *Strategy 1.4.1. Supports programs which strengthen the relationships between the ranges of community groups.*

Kanandah Auxiliary

Kanandah Auxiliary hold five card parties each year, the income generated from these events provide for extra equipment and facilities for the comfort of the residents.

The Auxiliary have requested to hire the Stables for 5 days over the coming financial year, to the value of \$410. It is recommended to provide financial assistance of \$410.00. 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 1.4.1. Supports programs which strengthen the relationships between the ranges of community groups.*

*APPLICATIONS NOT SUPPORTED***Kandos Bicentennial Industrial Museum Inc.**

Recently, Cement Australia donated the top gallant of the Type 3 Ropeway Tower along with a pair of ropeway buckets to the Museum.

A Development Application and Construction Certificate Application have been submitted to Council for the abovementioned to be relocated to 20 Buchanan Street (site of the museum), Kandos Bicentennial Industrial Museum Inc. request these fees to be reimbursed (\$1248).

Given the amount of financial assistance provided to Kandos Museum in the last 12 months, and the low balance of available funds for financial assistance, it is not recommended to provide further financial assistance at this time.

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

Mudgee Indoor Swimming Club

Mudgee Indoor Swimming Club is a not-for-profit organisation, they have approximately 50 children attending club night every Wednesday fortnight. The Mudgee Indoor Swimming Club have requested Councils consideration to waive the facility hire fees to the value of \$1540. Given that the swimming pools are already subsidised facilities and that the pool is closed early for the Swim Clubs use, it is not recommended to support this application for financial assistance.

Link to Community Plan: *Strategy 1.4.1. Supports programs which strengthen the relationships between the ranges of community groups.*

Financial and Operational Plan implications

Funding of \$148,000 is provided in the 2015/16 Operational Plan for Financial Assistance. \$132,581 has been allocated, leaving a balance of \$15,419. Should Council approve the November financial assistance applications as recommended, it will leave a balance of \$13,209.

Community Plan implications

The administration of the financial assistance program 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.

Each relevant assistance item is required to meet a strategy in the Community Plan, and each request has been linked to the relevant strategy in the Community Plan.



LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

9 November 2015

Attachments: 1. Applications for financial assistance

APPROVED FOR SUBMISSION:



BRAD CAM

GENERAL MANAGER

ATTACHMENT 1

MUDGEE DISTRICT BRANCH
N.S.W. FARMERS' ASSOCIATION

PRESIDENT:
Mr Mitchell Clapham,
"Hazelbrook",
Perram's Road,
ILFORD NSW 2850

Phone: 02-63588451
Email: hazelbrk@skymesh.com.au

SECRETARY/TREASURER:
Mrs Joyce Purtle,
87 Baker's Lane,
Linburn,
Via MUDGEE NSW 2850

Phone: 02-63735211
Email: joycepurtle@gmail.com

12th October, 2015

Mr Brad Cam
General Manager
Mid-Western Regional Council
Market Street
MUDGEE NSW 2850



Dear Brad,

I am writing to you again this year to seek your support in awarding a scholarship from the Mudgee District Branch of the N.S.W. Farmers' Association. We are very appreciative of your generous donation of \$750.00 last year and wondered if you would again be able to contribute the same amount.

We thank you most sincerely for your interest and support for this scholarship to help students studying agriculture.

Yours faithfully
**MUDGEE DISTRICT BRANCH OF
N.S.W. FARMERS' ASSOCIATION**

(Mrs) Joyce Purtle
Secretary/Treasurer.



KANDOS HIGH SCHOOL

ABN 15 260 183 583

Principal: James Armitage
 Deputy Principal: Chris Bowen
 Fleming Street, Kandos, N.S.W. 2848

Phone: 02 6379 4103
 Fax: 02 6379 4818

Email: kandos-h.school@det.nsw.edu.au

12 October 2015

Mid-Western Regional Council
 PO Box 156
 MUDGEE NSW 2850



Dear Sir/Madam

ANNUAL PRESENTATION DAY

Kandos High School's annual Presentation Day will be held on Monday 14th December at the Kandos High School Multipurpose Centre commencing at 1.00 pm.

Although expensive to administer, this is a significant event on the school's calendar which recognises and rewards the enormous achievements of our students. We would be most grateful if you could support us in the form of a cash donation towards academic and sporting prizes. Your donation will be acknowledged on the program and prize certificate.

We would also like to invite you to attend our Presentation Day. It would be appreciated if you could fill in the RSVP below and return it to Kandos High School by Monday 7th December 2015.

Yours sincerely

James Armitage
 Principal

KANDOS HIGH SCHOOL RSVP FOR PRESENTATION DAY 2015

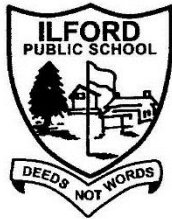
Mid-Western Regional Council

I will be attending Presentation Day Yes No

To allow for sufficient seating, please list all those attending: _____

I would like to present an award Yes No

If yes, please indicate the name and contact number for the person presenting the award: _____

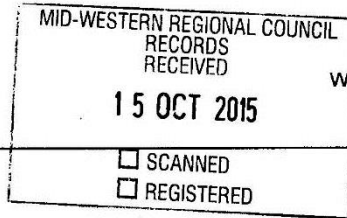


ILFORD PUBLIC SCHOOL P&C

6943 Castlereagh Highway
Ilford NSW 2850

Ph: (02) 63588507 Fax: (02) 63588524
Email: ilford-p.school@det.nsw.edu.au
Web: www.ilford-p.school.det.nsw.edu.au

President: Audrey Rutter



21st September 2015

Mid-Western regional Council
86 Market Street
Mudgee NSW 2850

Ilford Public School Parents and Citizens Association (P&C) would like to thank you for your generous support as we once again invite you to sponsor and attend our 'Christmas Tree' Presentation Night.

The 2015 Christmas Tree will be held at the Ilford Hall on Saturday 5th December at 5pm

As we are a small and somewhat isolated community, Ilford Public School P&C relies heavily on the generosity of local businesses to assist us in raising money to support our children through their education at Ilford Public School.

Your sponsorship will go towards purchasing books for our end of year presentations which will be part of our "Christmas Tree" event. Sponsorship beyond these costs will provide ongoing support and resourcing for our school.

We would also like to invite you to attend our celebrations. If you or your representative would like to attend the Christmas Tree function this year, we'd be grateful if you would complete and return the below form.

Please help us help our children at Ilford Public School through your support and generous donation.

Kind regards

Christine Moloney
Secretary
Ilford Public School P&C

Please make cheques payable to Ilford Public School P&C and post to:

**Ilford Public School P&C
Attention: Matt Maud, Treasurer
6943 Castlereagh Highway
Ilford NSW 2850**

2015 CHRISTMAS TREE ATTENDANCE

Business Name:.....

Contact / Attending Person/s Name/s:

Phone Number:

Rylstone Uniting Church
P.O. Box 112
Rylstone 2849

14th October 2015

To Whom it may concern.

*The General Manager
Mid West Council*

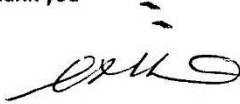
CHRISTMAS DAY DINNER 2015

First , thank you for all the previous support for this popular Christmas Day Dinner which Rylstone Uniting Church provides as an outreach for people who would otherwise be alone.

We are again hoping with your continued support to cater for another dinner this Christmas 2015

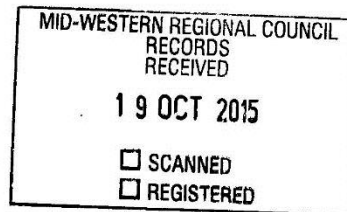
If you can help please contact Merilyn Mosher at merilyn.mosher@gmail.com or telephone her on 0416057839

Thank you



Christine Hunt
Secretary

Sent from my iPad





22 Buchanan St
Kandos NSW 2848

28th September 2015

Our Ref: KBIM-02-2015

Brad Cam Esq
General Manger
Mid-Western Regional Council
Market Street
Mudgee NSW 2850

Dear Brad,

Some small time ago Cement Australia donated to the museum the top gallant of a Type 3 Ropeway Tower along with a pair of ropeway buckets. We are now in a position to advance the installation of this donation at 20 Buchanan Street further strengthening the museum as a destination.

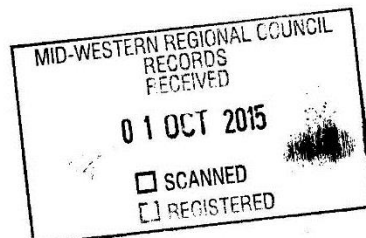
We have prepared a Development Application and a Construction Certificate application for the installation of the ropeway tower and ancillary works, attached.

We would be most appreciative if Council could waive its usual fees in relation to these two applications.

Yours faithfully

A handwritten signature in black ink, appearing to read "R.J. Sanderson".

Dr R.J. (Buzz) Sanderson
President





MUDGEE TRIATHLON CLUB

PO Box 802, Mudgee NSW 2850
www.mudgeetriclub.hwy.com.au

18 October 2015

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

FINANCIAL ASSISTANCE FOR 2015/2016 SEASON

Dear Brad,

On behalf of Mudgee Triathlon Club I would like to request a waiver of the pool hire fees for the 2015/2016 triathlon season club races as well as participant pool entry fees.

Mudgee Triathlon Club will be running seven club races at the Mudgee pool this season, including hosting a race in the Central West Interclub Triathlon series.

As the club is a not-for-profit run entirely by volunteers we would appreciate any financial assistance Mid-Western Regional Council can offer toward the half day hire fees.

We are also asking that participant pool entry fees be waived for the following reasons:

- Our club races require access to the pool via the back gate (on the opposite side to the kiosk). This will make it very difficult to monitor which participants have paid an entry fee and those who have a season ticket. Spectators also use this access point to watch the swim leg of the triathlon.
- The majority of our club members hold a season pool ticket. To check each participant and record their season ticket number and collect pool entry fees from those without a season ticket would create a significant increase in registration time and paperwork required by volunteers of the club.
- The fee waived would be minimal. From past experience our estimate is that less than \$50 of pool entry fee would be collected per race. This amounts to a total of \$350 over our triathlon season.

We look forward to a positive response and continuing the excellent relationship between Mudgee Triathlon Club and Mid-Western Regional Council.

Yours faithfully

Rebecca George
Secretary

Kanandah Auxiliary

Kanandah Retirement Village
21 Douro Street
Mudgee NSW
2850

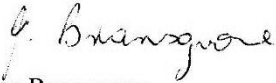
The Financial Manager
Mid Western Regional Council
86 Market Street
Mudgee 2850
28th October 2015

Dear Sir

On behalf of the Kanandah Auxiliary I would like to thank you for arranging to have the hiring fee for the Stables waived for the card parties held at the Stables during 2015. The Auxiliary hold five card parties each year and the money made at these events is one of the main sources of income for our Auxiliary. With this income we donate funds to the Kanandah Retirement Village to provide for extra equipment and facilities for the comfort of residents.

During 2016 we plan to hold Card Parties on the 19th February, 15th April, 17th June, 19th August and 21st October. These Card Parties are held in the Stables from 12.00 noon to 5.00pm. We would like to ask if you could consider waiving the hiring fees and bond to assist the auxiliary with it's important fund raising activities.

Yours faithfully


Jan Bransgrove
President
Kanandah Auxiliary



Mudgee Indoor Swimming Club

87 Short St,
Mudgee NSW 2850



Phone: 63722138
Mobile: 0428731344

Email – mudae.indoor@gmail.com



Natasha Davis
Secretary Mudgee Indoor
387A Melrose Road
Mudgee NSW 2850

Mid-Western Regional Council
Po Box 156
Mudgee NSW 2850

22nd October 2015

Re: Financial Assistance

Dear Mid-Western Regional Councillors,

We are requesting financial assisting by asking for a waiver of pool hire on Club nights. We currently have 50 children that attend club night every Wednesday fortnight. As you are aware we are a non for profit club and the burden of a charge of \$1500 is a drain on our donation drive. We ask our parents to do a lot of volunteering to keep our club viable, and this would be a significant relief.

Thank you for your consideration with this request

Yours Sincerely,

Natasha Davis
Secretary Mudgee Indoor



6.2.9 Monthly statement of investment and bank balances as at 31 October 2015

REPORT BY THE MANAGER, FINANCIAL PLANNING TO 18 NOVEMBER 2015 COUNCIL MEETING
Monthly statement of investment and bank balances as at 31 October 2015
GOV400043, FIN300053

RECOMMENDATION

That:

1. **the report by the Manager, Financial Planning on the Monthly statement of investment and bank balances as at 31 October 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.

Council should be aware that the Investments by Institution Portfolio limit for the National Australia Bank (NAB) has exceeded the policy limit by 1.7%. This breach is due to a higher than anticipated balance in the NAB at call account as at 31 October 2015, being \$2.488 million. Council received some significant deposits including RMS funding late in the month and were not able to invest these excess funds at short notice.

This breach of policy limit was rectified at the next available opportunity, as per the Policy requirements.

MWRC Policy Requirements:

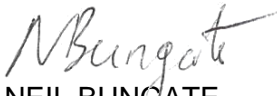
| Investments by Institution | Long/Short Term Ratings | Amount \$'000 | % of Portfolio | |
|----------------------------|----------------------------|------------------|----------------|--------------|
| | | | Actual | Policy Limit |
| National Australia Bank | AA-/A-1+ | 13,788 | 26.7% | 25% |
| Bankwest | AA-/A-1+ | 12,300 | 23.8% | 25% |
| St George Bank | AA-/A-1+ | 7,000 | 13.5% | 25% |
| ANZ | AA-/A-1+ | 6,300 | 12.2% | 25% |
| AMP | A+/A-1 | 4,500 | 8.7% | 15% |
| Bank of Queensland | A-/A-2 | 4,800 | 9.3% | 10% |
| Bendigo & Adelaide Bank | A-/A-2 | 1,000 | 1.9% | 10% |
| Members Equity Bank | BBB+/A-2 | 1,000 | 1.9% | 10% |
| Peoples Choice C/Union | BBB+/A-2 | 500 | 1.0% | 10% |
| Family First Credit Union | Unrated | 500 | 1.0% | 10% |
| | | 51,688 | 100% | |

Financial and Operational Plan implications

Not applicable.

Community Plan implications

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



NEIL BUNGATE
MANAGER, FINANCIAL PLANNING



LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

3 November 2015

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

APPROVED FOR SUBMISSION:


BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

For the month ended: 31-Oct-15

| Bank Account | Opening Balance | Receipts | Payments | Closing Balance | Overdraft Limit |
|--|-----------------|--------------|---------------|-----------------|-----------------|
| National Australia Bank (Corporate Cheque Account) -\$ | 2,767 | \$10,358,112 | \$ 10,296,875 | \$ 58,470 | \$ 700,000 |

The bank balances have been reconciled to the General Ledger as at 31/10/2015

| Investments | Type | Amount \$'000 | Yield % | Maturity Date | Term |
|---------------------------|--------------|---------------|---------|---------------|---------|
| National Australia Bank | At Call | 2,488 | 2.30% | NA | At Call |
| National Australia Bank | Term Deposit | 1,000 | 3.00% | 11/11/2015 | 195 |
| National Australia Bank | Term Deposit | 1,000 | 3.00% | 20/01/2016 | 217 |
| National Australia Bank | Term Deposit | 1,600 | 3.02% | 6/07/2016 | 364 |
| National Australia Bank | Term Deposit | 1,000 | 3.00% | 17/02/2016 | 196 |
| National Australia Bank | Term Deposit | 2,000 | 2.95% | 2/03/2016 | 195 |
| National Australia Bank | Term Deposit | 1,500 | 2.95% | 30/03/2016 | 196 |
| National Australia Bank | Term Deposit | 1,000 | 2.95% | 13/04/2016 | 189 |
| National Australia Bank | Term Deposit | 1,200 | 2.98% | 20/04/2016 | 189 |
| National Australia Bank | Term Deposit | 1,000 | 2.97% | 27/04/2016 | 182 |
| St George Bank | Term Deposit | 1,000 | 2.83% | 6/01/2016 | 210 |
| St George Bank | Term Deposit | 1,500 | 2.80% | 9/03/2016 | 189 |
| St George Bank | Term Deposit | 2,000 | 2.80% | 16/03/2016 | 196 |
| St George Bank | Term Deposit | 2,500 | 2.79% | 23/03/2016 | 196 |
| Bankwest | Term Deposit | 2,000 | 2.85% | 4/11/2015 | 182 |
| Bankwest | Term Deposit | 2,000 | 2.85% | 18/11/2015 | 189 |
| Bankwest | Term Deposit | 2,000 | 2.95% | 25/11/2015 | 189 |
| Bankwest | Term Deposit | 1,000 | 2.90% | 27/01/2016 | 210 |
| Bankwest | Term Deposit | 1,000 | 2.90% | 3/02/2016 | 210 |
| Bankwest | Term Deposit | 1,000 | 2.90% | 10/02/2016 | 189 |
| Bankwest | Term Deposit | 2,300 | 2.85% | 6/04/2016 | 189 |
| Bankwest | Term Deposit | 1,000 | 2.80% | 27/04/2016 | 184 |
| ANZ | Term Deposit | 1,000 | 3.00% | 9/12/2015 | 189 |
| ANZ | Term Deposit | 1,300 | 3.00% | 16/12/2015 | 196 |
| ANZ | Term Deposit | 1,500 | 2.79% | 27/01/2016 | 203 |
| ANZ | Term Deposit | 1,000 | 2.82% | 24/02/2016 | 203 |
| ANZ | Term Deposit | 1,500 | 2.80% | 24/02/2016 | 196 |
| AMP | Term Deposit | 1,000 | 2.75% | 9/12/2015 | 189 |
| AMP | Term Deposit | 1,000 | 2.90% | 10/02/2016 | 196 |
| AMP | Term Deposit | 1,000 | 2.90% | 17/02/2016 | 189 |
| AMP | Term Deposit | 1,500 | 2.90% | 17/02/2016 | 182 |
| Bank of Queensland | Term Deposit | 2,000 | 2.95% | 2/12/2015 | 189 |
| Bank of Queensland | Term Deposit | 1,500 | 3.00% | 13/01/2016 | 217 |
| Bank of Queensland | Term Deposit | 1,300 | 2.85% | 9/03/2016 | 191 |
| Bendigo & Adelaide Bank | Term Deposit | 1,000 | 2.90% | 16/12/2015 | 196 |
| Members Equity Bank | Term Deposit | 1,000 | 2.83% | 3/02/2016 | 175 |
| Peoples Choice C/Union | Term Deposit | 500 | 2.85% | 20/04/2016 | 182 |
| Family First Credit Union | Term Deposit | 500 | 2.85% | 20/04/2016 | 182 |
| Total Investments | | 51,688 | | | |

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+ | 13,788 | 27% | 25% |
| Bankwest | AA-/A-1+ | 12,300 | 24% | 25% |
| St George Bank | AA-/A-1+ | 7,000 | 14% | 25% |
| ANZ | AA-/A-1+ | 6,300 | 12% | 25% |
| AMP | A+/A-1 | 4,500 | 9% | 15% |
| Bank of Queensland | A-/A-2 | 4,800 | 9% | 10% |
| Bendigo & Adelaide Bank | A-/A-2 | 1,000 | 2% | 10% |
| Members Equity Bank | BBB+/A-2 | 1,000 | 2% | 10% |
| Peoples Choice C/Union | BBB+/A-2 | 500 | 1% | 10% |
| Family First Credit Union | Unrated | 500 | 1% | 10% |
| | | 51,688 | 100% | |

| Investments by S&P Rating | Short Term Rating | Amount \$'000 | % of Portfolio | |
|---------------------------|-------------------|------------------|----------------|-------|
| | | | Actual | Limit |
| Direct Securities | A-1+ | 39,388 | 76% | 100% |
| | A-1 | 4,500 | 9% | 60% |
| | A-2 | 7,300 | 14% | 30% |
| | A-3 | - | 0% | 20% |
| | Unrated | 500 | 1% | 10% |
| | | \$ 51,688 | 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 | 51,688 | 100% | 40% | 100% |
| Between 1 and 3 years | - | 0% | 0% | 60% |
| Between 3 and 5 years | - | 0% | 0% | 50% |
| More than 5 years | - | 0% | 0% | 25% |
| | 51,688 | 100% | | |

ATTACHMENT 3

Monthly Investment Portfolio Activity:

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

| 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 | 748 | | 2,488 | -0.08% | 0 | 2.95% |
| ME Bank | 2,000 | 2,000 | | Redeemed | | |
| National Australia Bank | 1,000 | | 1,200 | -0.02% | 21 | 2.98% |
| St George Bank | 1,000 | 1,000 | | Redeemed | | |
| Family First CU | 500 | | 500 | -0.25% | -21 | 2.85% |
| Bankwest | 1,000 | | 1,000 | -0.20% | 25 | 2.80% |
| National Australia Bank | 1,000 | | 1,000 | -0.23% | -70 | 2.97% |
| | 7,248 | | 6,188 | | | |
| Investment Portfolio Movement | (1,060) | Reduction | | | | |

ATTACHMENT 4

Portfolio Balance

\$ 51,688

| | Est. at 30 June 2016 \$'000 | As at 30 September 2015 \$'000 |
|---|-----------------------------------|---|
| Restricted Cash Summary | | |
| Water[^] | 6,614 | 10,207 |
| Sewer[^] | 8,855 | 8,211 |
| Waste[^] | 4,377 | 4,598 |
| Section 94 | 3,489 | 4,000 |
| Section 93 (VPA) | 1,185 | 850 |
| Trust Deposits | 670 | 670 |
| Unspent Grants | 461 | 556 |
| Reserves | 8,214 | 9,719 |
| Internal Reserves | 7,308 | 8,800 |
| Employee Leave Entitlements | 2,295 | 2,295 |
| Emergency | 200 | 200 |
| Land Development | 410 | 613 |
| Airport Development | - | (176) |
| Elections | 255 | 209 |
| Plant Replacement | 2,238 | 2,517 |
| Asset Replacement | 512 | 1,457 |
| Capital Program | 634 | 930 |
| Livestock Exchange | 45 | 36 |
| State Roads Warranty | 200 | 200 |
| Rylstone Community Services | 6 | 6 |
| Community Plan | 313 | 313 |
| Future Fund | 200 | 200 |
| External Reserves | 906 | 919 |
| 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 | 98 |
| Bequest – Kandos Museum | 32 | 33 |
| Community Transport Vehicle Replacement | 79 | 117 |
| Ulan Road Strategy | 440 | 440 |
| Total Restricted Cash | 33,865 | 38,811 |

* 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

6.2.10 Changes to 2015/16 Fees and Charges

REPORT BY THE FINANCIAL ACCOUNTANT TO 18 NOVEMBER 2015 COUNCIL MEETING
 Fees and Charges Nov 2015-16 Amendment Report
 GOV400043, FIN300064/ FIN300040

RECOMMENDATION

That:

1. The report by the Financial Accountant on the Changes to 2015/16 Fees and Charges be received;
2. Council resolve that the following charges be advertised for a period of 28 days as required in Section 610F of the Local Government Act;
3. The following new fee and charge take effect after 28 days public notice, if no submissions are received:
 - Sulo MG 240L bin wheels for replacement \$9.00 (gst exclusive)
4. The following amended fee structure take effect after 28 days public notice, if no submissions are received:

Appointment of Principal Certifying Authority and Building Compliance Inspections

Inspection Package Fees where Council is the Principal Certifying Authority

| | |
|--|----------|
| Residential Single Dwellings - | \$560.00 |
| Residential Dual Occupancies | \$327.00 |
| Section 68 Transportable Home | |
| Alterations and garages ≤ \$50,000 | \$222.00 |
| Alterations and garages > \$50,000 | \$337.00 |
| Residential Units | \$327.00 |
| Commercial or Industrial Class 2-9 under 300m ² | \$95.00 |
| Commercial or Industrial Class 2-9 from 300m ² to 2,000m ² | \$559.00 |
| Commercial or Industrial Class 2-9 over 2,000m ² | \$907.00 |

5. The following court fees are amended, as the regulations which set the fee have changed:

Financial Services Certificates

Process Filing & Issue Fees

| | |
|---|--------|
| Civil Claims - \$0.01 to \$10,000 - Standard | 190.00 |
| General Claims - \$10,000.01 to \$100,000- Standard | 468.00 |
| Examination Order - \$0.01 to \$100,000 | 164.00 |
| Writ of Execution - \$0.01 to \$100,000 | 80.00 |
| Warrant of Apprehension | 80.00 |
| Service Fee | 64.00 |
| Preparation Fees - bankruptcy notice/winding up | 300.00 |
| Preparation Fees - other documents | 150.00 |

| | |
|---|-----------------|
| Financial Services Certificates | |
| Process Filing & Issue Fees | |
| Miscellaneous Debt Recovery Fees | |
| Certificate of Judgment | 58.00 |
| Professional Costs - Amount of Claim \$0.01 to \$1,000 | |
| Issue Statement of Claim | 252.00 |
| Default Judgment - Liquidated | 112.80 |
| Professional Costs - Amount of Claim \$1,000.01 to \$5,000 | |
| Issue Statement of Claim | 378.00 |
| Default Judgment - Liquidated | 169.20 |
| Professional Costs - Amount of Claim \$5,000.01 to \$20,000 | |
| Issue Statement of Claim | 504.00 |
| Default Judgment - Liquidated | 225.60 |
| Professional Costs - Amount of Claim \$20,000.01 to \$100,000 | |
| Issue Statement of Claim | 630.00 |
| Default Judgment - Liquidated | 282.00 |
| Professional Costs - Enforcement after Judgement – Amount of Claim \$0.01 to \$100,000 | |
| Writ of Execution | 253.00 |
| Examination Order | 374.00 |
| Attend Examination | 300.30 |
| Attend and Examination - Non-appearance | 218.90 |
| Warrant of Apprehension | 199.00 |
| Application to Set Aside Default Judgment | 150.00 |
| Appearances on Behalf of Council | |
| Objections to or Refusal of Instalment Order | 150.00 |
| Defended Hearings of Claim | 300.00 |
| Winding-Up Costs Lump Sum | 2,142.00 |

Executive summary

Due to recent ATO GST ruling and a change to Local Court fees there is a requirement for Council to amend the published 2015/16 Fees and Charges. Furthermore, there has been some community concern that fees charged by Council when Council is acting as the Principal Certifying Authority (PCA) in a development may be anti-competitive, in the current fee structure. As a result a clarification of the breakdown of PCA fees is recommended. Some additional changes are being made at the same time, where necessary.

Detailed report

The Local Government Act 1997 prescribes that Councils Fees and Charges are to be set within the draft Operating Plan, however allow for changes where a new service or changed service is provided, or where the regulations with which the fee is determined are amended:

610F Public notice of fees

- (1) *A council must not determine the amount of a fee until it has given public notice of the fee in accordance with this section and has considered any submissions duly made to it during the period of public notice.*
- (2) *Public notice of the amount of a proposed fee must be given (in accordance with section 405) in the draft operational plan for the year in which the fee is to be made.*

- (3) *However, if, after the date on which the operational plan commences:*
- (a) *a new service is provided, or the nature or extent of an existing service is changed, or*
 - (b) *the regulations in accordance with which the fee is determined are amended,*
- the council must give public notice (in accordance with section 705) for at least 28 days of the fee proposed for the new or changed service or the fee determined in accordance with the amended regulations.*

The following fees and charges are recommended for change, and the reasons are supplied.

Waste Management - GST Changes to the treatment of Kerbside Waste Charges

On 26th August 2015 the Commissioner of Taxation issued Class Ruling 2015/67. This ruling related to the GST treatment of Kerbside Waste Collection and affected all members of the Local Government Association of New South Wales (NSW) and the Shires Association of NSW. In the ruling the Commissioner clarified the GST treatment of charges for kerbside collection of waste and other charges associated with the collection of kerbside waste.

The Class Ruling is effective 26/8/15 and removes the GST on those charges highlighted in yellow on the following extract from the Fees and Charges 2015/16 schedule.

In addition Council now stocks a complete axle replacement to suit the 'Sulo MG 240L' Wheelie Bins. These axles were not available when the 2015/16 Fees and Charges were published. These now need to be added to the schedule so they can be purchased by residents to repair damaged bins. The cost of these does not include GST (per CR 2015/67).

| FN | FEE/CHARGE | Original GST Treatment | 2015/16 | Ammended GST Treatment (Per CR 2015-67) | 2015/16 Revised | CONDITIONS |
|--|---|------------------------------|---------|---|--------------------|--|
| WASTE MANAGEMENT | | | | | | |
| Waste Annual Charges | | | | | | |
| <i>Waste Annual Charges</i> | | | | | | |
| | Business Waste Management Charge | Yes* | 211.20 | No | 192.00 | |
| | Domestic Waste Management Charge | No | 166.00 | No | 166.00 | For weekly collection of 1 x 240L waste bin and 1 x 240L recycling bin per week per household |
| | General Waste Management Charge | Yes* | 198.00 | Yes* | 198.00 | |
| | <i>*From 1 July 2013, the Business Waste Management Charge and General Waste Management Charge are subject to GST as per ATO ruling</i> | | | | | |
| Recycling | | | | | | |
| <i>Business Recycling</i> | | | | | | |
| | Bulk Collection of Recycling Materials - Cardboard | Yes | 15.90 | Yes | 15.90 | Per cubic metre, with a minimum charge of 1m ³ |
| | Bulk Collection of Recycling Materials - Co-mingled | Yes | 15.90 | Yes | 15.90 | Per cubic metre, with a minimum charge of 1m ³ |
| | Kerbside Collection | No | 192.00 | No | 192.00 | On normal collection day only |
| | Special Recycling Collection | Yes | 28.00 | Yes | 28.00 | Per cubic metre, with a minimum charge of 1m ³ . By arrangement only and payment required in advance. |
| <i>Bin Purchases</i> | | | | | | |
| | 240 Litre Bins - Green, Blue or Yellow | Yes | 72.00 | No | 65.45 | |
| | Replacement Bin Lids - Yellow, Blue & Green | Yes | 11.67 | No | 10.61 | To suit Sulo MG 240L bin only |
| | Replacement Wheels | Yes | 6.23 | No | 5.66 | To suit Sulo MG 240L bin only |
| | Replacement Axle | N/A | N/A | No | 9.00 | To suit Sulo MG 240L bin only |
| Recycled Products Available for Sale | | | | | | |
| <i>Mulch - Processed Green Waste</i> | | | | | | |
| | Clean Chipped Mulch | Yes | 33.00 | Yes | 33.00 | Per cubic metre, includes loading |
| | Lower Grade Chipped Mulch | Yes | 16.90 | Yes | 16.90 | Per cubic metre, includes loading |
| | Certified Compost Mulch | Yes | 66.00 | Yes | 66.00 | Per cubic metre, includes loading |
| Trade Waste Collection - Mudgee & Gulgong | | | | | | |
| <i>Bin Rental - long term hire</i> | | | | | | |
| | Bin - 3 Cubic Metres | Yes | 70.00 | Yes | 70.00 | Per month |
| | Bin - 1.5 Cubic Metres | Yes | 60.00 | Yes | 60.00 | Per month |
| <i>Waste Removal Service</i> | | | | | | |
| | Bin - 3 Cubic Metres | Yes | 65.00 | Yes | 65.00 | Per service |
| | Bin - 1.5 Cubic Metres | Yes | 46.00 | Yes | 46.00 | Per service |
| | Bin - 240 Litres | Yes | 13.70 | No | 12.45 | Per service |

Debt Recovery - Changes to Current Charges and Additional Charges to be added

Debt Recovery Process Filing & Issue Fees are based upon the *Local Court Fees & Professional Costs* structure and are charged in relation to the recovery of outstanding rates, fees and charges. Council has been notified of the updated Local Court Filing Fees applicable from 1/8/2015 (please see changes in the table below). It is recommended that the fees be amended, and where applicable, new fees added to Council's *Debt Recovery Process Filing & Issue Fees* list, to reflect the actual cost to Council. Please see the changes highlighted in yellow on the following extract from the Fees and Charges 2015/16 schedule:

| FEE/CHARGE | GST | 2015/16 | 2015/16 Revised | CONDITIONS |
|------------|-----|---------|--------------------|------------|
|------------|-----|---------|--------------------|------------|

FINANCIAL SERVICES

Certificates

Section 603 Certificates

| | | | |
|--|----|-------|-------|
| <i>Section 603 Certificates - Aim to have 603 Certificates completed within 4 working days of receipt of 603 application</i> | No | 75.00 | 75.00 |
|--|----|-------|-------|

Debt Recovery

Interest on Overdue Rates & Annual Charges

| | | | |
|--|----|------|------|
| Interest on Overdue Rates & Annual Charges | No | 8.5% | 8.5% |
|--|----|------|------|

Process Filing & Issue Fees

Debt recovery fees are based upon the Local Court Fees & Professional Costs structure, and will be charged in relation to the recovery of outstanding rates, fees or charges. Debt recovery fees are subject to change without notice in accordance with any changes made to the Local Court Fees & Professional Costs structure.

| | | | | |
|---|----|--------|--------|---------------|
| Civil Claims - \$0.01 to \$10,000 - Standard | No | 186.00 | 190.00 | |
| General Claims - \$10,000.01 to \$100,000- Standard | No | 456.00 | 468.00 | |
| Examination Order - \$0.01 to \$100,000 | No | 80.00 | 164.00 | |
| Writ of Execution - \$0.01 to \$100,000 | No | 78.00 | 80.00 | |
| Warrant of Apprehension | No | 78.00 | 80.00 | |
| Service Fee | No | 62.00 | 64.00 | Per defendant |
| Preparation Fees - bankruptcy notice/winding up | No | N/A | 300.00 | |
| Preparation Fees - other documents | No | N/A | 150.00 | |

Miscellaneous Debt Recovery Fees

| | | | | |
|--------------------------------------|----|-------|-------|--|
| Certificate of Judgment | No | 48.00 | 58.00 | |
| On-line business or Company Searches | No | 50.00 | 50.00 | |
| Location Searches | No | 50.00 | 50.00 | |
| Title Searches | No | 50.00 | 50.00 | |

Professional Costs - Amount of Claim \$0.01 to \$1,000

| | | | |
|-------------------------------|----|--------|--------|
| Issue Statement of Claim | No | 240.80 | 252.00 |
| Default Judgment - Liquidated | No | 108.00 | 112.80 |

Professional Costs - Amount of Claim \$1,000.01 to \$5,000

| | | | |
|-------------------------------|----|--------|--------|
| Issue Statement of Claim | No | 361.20 | 378.00 |
| Default Judgment - Liquidated | No | 162.00 | 169.20 |

Professional Costs - Amount of Claim \$5,000.01 to \$20,000

| | | | |
|-------------------------------|----|--------|--------|
| Issue Statement of Claim | No | 481.60 | 504.00 |
| Default Judgment - Liquidated | No | 216.00 | 225.60 |

Professional Costs - Amount of Claim \$20,000.01 to \$100,000

| | | | |
|-------------------------------|----|--------|--------|
| Issue Statement of Claim | No | 602.00 | 630.00 |
| Default Judgment - Liquidated | No | 270.00 | 282.00 |

Professional Costs - Enforcement after Judgement - Amount of Claim \$0.01 to \$100,000

| | | | |
|-------------------|----|--------|--------|
| Writ of Execution | No | 242.00 | 253.00 |
| Examination Order | No | 358.00 | 374.00 |

| | | | |
|---|----|--------|--------|
| Attend Examination | No | 261.00 | 300.30 |
| Attend and Examination - Non-appearance | No | 190.00 | 218.90 |
| Warrant of Apprehension | No | 190.00 | 199.00 |
| Application to Set Aside Default Judgment | No | 150.00 | 150.00 |

Appearances on Behalf of Council

| | | | |
|--|----|-----|----------|
| Objections to or Refusal of Instalment Order | No | N/A | 150.00 |
| Defended Hearings of Claim | No | N/A | 300.00 |
| Winding-Up Costs Lump Sum | No | N/A | 2,142.00 |

Appointment of Principal Certifying Authority and Building Compliance Inspections – Breakdown of Currently Published Fees and Charges

BACKGROUND

The purpose of this report is to review the fees and charges associated with Health and Building components by removing confusion from interpretation of the fees, specifically where Council is the nominated Principal Certifying Authority (PCA) and is also required to undertake plumbing and drainage inspections.

Council is the Plumbing and Drainage Regulator responsible for carrying out inspections of new plumbing and drainage work within the Mid-Western Region. In this regard there are fees and charges associated with applications for and inspections of plumbing and drainage works.

Council may also be nominated as the Principal Certifying Authority responsible for undertaking mandatory building inspections associated with development. There are fees and charges associated with the applications for and inspections of building works.

The recommendation will be to remove the section 68 (s68) plumbing and drainage inspection fee from the PCA inspection fee, thus leaving only the fees associated with building inspections.

The s68 application and inspection fees will remain and apply as outlined under '*Application and Inspection fees for plumbing and drainage*'. These fees are to be charged for all development that proposes plumbing and drainage work regardless of whether Council is the nominated PCA or not. Please see the changes required on the following extract from the Fees and Charges 2015/16 schedule

CURRENTLY

Where Council is the nominated PCA, the fees and charges under '*Appointment of Principal Certifying Authority and Building Compliance Inspections*' makes reference that the fee also includes plumbing and drainage inspections however only indicates a single fee figure. This specifically relates to those inspection packages where both building and plumbing inspections are combined in the one fee.

RECOMMENDATION

It is proposed to make necessary amendments to the fees and charges for where Council is the PCA. The changes are to exclude the plumbing and drainage inspection component and only reflect the building inspection aspect. The appropriate fees for section 68 plumbing and drainage works will be drawn from the existing section '*Inspection fees for plumbing and drainage*'

Please refer to the attached spreadsheet which has been amended to exclude the s68 inspection fee from the PCA package fee.

In order to ensure that Council remains competitive as a Certifying Authority and is not under/over stating fees, it is also recommended that the Health and Building fees and charges be reviewed for the next financial year.

| | GST | 2014/15 | 2015/16 | Amended fee | |
|---|-----|---------|-----------------|-----------------|----------------|
| Appointment of Principal Certifying Authority and Building Compliance Inspections | | | | | |
| Inspection Package Fees where Council is the Principal Certifying Authority (including plumbing and drainage inspections) | | | | | |
| Residential Single Dwellings - | Yes | 794 | 814 | \$560.00 | Per dwelling |
| Residential Dual Occupancies | Yes | 794 | 581 | \$327.00 | Per dwelling |
| Section 68 Transportable Home | Yes | 268 | 275 | | |
| Alterations and garages with plumbing and drainage ≤ \$50,000 | Yes | 340 | 349 | \$222.00 | |
| Alterations and garages with plumbing and drainage > \$50,000 | Yes | 453 | 464 | \$337.00 | |
| Alterations and garages with no plumbing and drainage | Yes | 227 | 233 | | |
| Residential Units | Yes | 567 | 581 | \$327.00 | Per unit |
| Commercial or Industrial Class 2-9 under 299m2 300m2 | Yes | | 349 | \$95.00 | |
| Commercial or Industrial Class 2-9 from 300m2 to 2,000m2 | Yes | | 813 | \$559.00 | |
| Commercial or Industrial Class 2-9 over 2,000m2 | Yes | 1133 | 1161 | \$907.00 | |
| Additional building inspections as required > 30km from MWRC Mudgee Administration Centre | Yes | 160 | 164 | | |
| Building Inspection for Approvals > 5 years old > 30km from MWRC Mudgee Administration Centre | Yes | 160 | 164 | | |
| Application and Inspection Fees for Plumbing & Drainage where DA/CC not applicable or Council is not the Principal Certifying Authority | | | | | |
| Section 68 Application - to be charged for any works involving plumbing and drainage | No* | 100 | 150 | | |
| Plus inspection fees as listed below: | | | | | |
| Residential Dwellings | No* | 206 | 254 | | Per dwelling |
| Dual Occupancies | No* | 206 | 254 | | Per dwelling |
| Units | No* | 206 | 254 | | Per unit |
| Alterations and garages | No* | 206 | 254 | | Per structure |
| Commercial or Industrial Class 2-9 | No* | 206 | 254 | | Per unit |
| Trade waste | No* | 124 | 127 | | Per inspection |

Financial and Operational Plan implications

There will be no financial implications for Mid-Western Regional Council for the changes to Waste management fees as GST on these charges was previously collected by Council on behalf of the Australian Taxation Office. Therefore there will be no impact to the Financial and Operating Plan.

The changes to debt recovery fees are published by the Local Court. Council passes these fees on to parties that are the subject of debt recovery proceedings. Therefore there will be no impact on the Financial and Operating Plan.

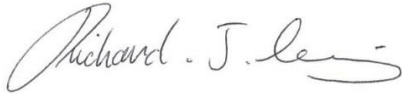
The changes to Appointment of Principal Certifying Authority and Building Compliance Inspections fees and charges only represent a further breakdown of current fees and charges. It is not expected that this will have a material impact on the Financial and Operating Plan.

Community Plan implications

The setting of Fees and Charges 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.



RICHARD IVEY
FINANCIAL ACCOUNTANT



LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

30 October 2015

Attachments: 1. ATO Class Ruling CR 2015/67
2. Local Court - Schedule of Fees

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER



Australian Government
Australian Taxation Office

Class Ruling

CR 2015/67

Page status: **legally binding**

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Class Ruling

Goods and services tax: GST treatment of waste management services supplied by NSW councils

| | |
|-------------------------------------|-----------|
| Contents | Para |
| LEGALLY BINDING SECTION: | |
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1 This publication provides you with the following level of protection:

This publication (excluding appendixes) is a public ruling for the purposes of the *Taxation Administration Act 1953*.

A public ruling is an expression of the Commissioner's opinion about the way in which a relevant provision applies, or would apply, to entities generally or to a class of entities in relation to a particular scheme or a class of schemes.

If you rely on this ruling, the Commissioner must apply the law to you in the way set out in the ruling (unless the Commissioner is satisfied that the ruling is incorrect and disadvantages you, in which case the law may be applied to you in a way that is more favourable for you – provided the Commissioner is not prevented from doing so by a time limit imposed by the law). You will be protected from having to pay any underpaid tax, penalty or interest in respect of the matters covered by this ruling if it turns out that it does not correctly state how the relevant provision applies to you.

What this Ruling is about

1. This Ruling sets out the Commissioner's opinion on the way in which the relevant provision(s) identified below apply to the defined class of entities, who take part in the scheme to which this Ruling relates.

Relevant provision(s)

2. The relevant provisions dealt with in this Ruling are:
- Section 9-5 of the *A New Tax System (Goods and Services Tax) Act 1999* (GST Act)
 - Division 81 of the GST Act, and
 - Division 81 of the *A New Tax System (Goods and Services Tax) Regulations 1999* (GST Regulations).

Unless otherwise stated, all legislative references in this Ruling are to the GST Act.

Class Ruling

CR 2015/67

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Class of entities

3. The class of entities to which this Ruling applies consists of all councils that are members of the Local Government Association of New South Wales (NSW) and the Shires Association of NSW.
4. Within this Ruling the class of entities is collectively referred to as Council.

Qualifications

5. The Commissioner makes this Ruling based on the precise scheme identified in this Ruling.
6. The class of entities defined in this Ruling may rely on its contents provided the scheme actually carried out is carried out in accordance with the scheme described in paragraphs 9 to 19 of this Ruling.
7. If the scheme actually carried out is materially different from the scheme that is described in this Ruling, then this Ruling:
 - has no binding effect on the Commissioner because the scheme entered into is not the scheme on which the Commissioner has ruled, and
 - may be withdrawn or modified.

Date of effect

8. This Ruling applies from the 26 August 2015 to all entities within the specified class who entered into the specified scheme during the term of the Ruling. This ruling replaces CR 2013/19, which is withdrawn under section 358-20 of Schedule 1 to the *Taxation Administration Act 1953* with a date of effect the same as the 26 August 2015. However, this Ruling will not apply to taxpayers to the extent that it conflicts with the terms of a settlement of a dispute agreed to before the date of issue of this Ruling (see paragraphs 75 and 76 of Taxation Ruling TR 2006/10).

Scheme

9. The following description of the scheme is based on information provided by the applicant.
10. Council is registered for goods and services tax (GST).
11. By force of section 220 of the *Local Government Act 1993 (NSW)* (LG Act), Council is a body politic of the State of NSW with perpetual succession and the legal capacity and powers of an individual, both in and outside the State.

Class Ruling

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12. Council is empowered under the LG Act to:
- provide goods, services and facilities and to carry out activities, appropriate to the current and future needs of local communities and of the wider public
 - maintain responsibility for administering the regulatory systems under the LG Act, and
 - manage, improve and develop the resources of their local government areas.
13. Council levies charges for waste management services (WMS) under sections 496, 501 and 502 of the LG Act.¹ Additionally, under subsection 608(1) of the LG Act, Council may charge and recover a fee for any service it provides.
14. Under section 496 of the LG Act, Council **must** make and levy charges for domestic WMS.
15. The term 'domestic waste management services' is defined in the Dictionary in the LG Act as:
- 'domestic waste management services' means services comprising the periodic collection of domestic waste from individual parcels of rateable land and services that are associated with those services.
16. Under subsection 496(2), section 502 or subsection 608(1) of the LG Act, Council **may** levy charges for domestic WMS according to the actual use of the service. These situations include where:
- the ratepayer requests an additional waste 'pick up'
 - Council agrees to provide a WMS to non-rateable land, such as, Crown land, school, church manse or police residence, or
 - Council agrees to provide a WMS to properties outside their normal service area (sometimes called scavenging area).
17. Council may provide WMS for non domestic customers, for example, shops, factories and office buildings. In some areas the private sector is competing with Council for the provision of these services. Council charges for WMS to non domestic customers are made under either section 501, 502 or subsection 608(1) of the LG Act.
18. Once the ratepayer has requested a WMS and Council has decided to provide and charge for this service, then the ratepayer is liable to pay the charge under section 561 of the LG Act. Any debt is then subject to enforcement procedures by law.

¹ Details of these sections are contained in Appendix 2.

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19. Council may also provide other services in relation to waste. These are:

- WMS provided within the grounds of apartment block complexes
- the supply, exchange or removal of bins or crates used in connection with the kerbside collection of waste
- a one off fee for changing a smaller kerbside bin to a larger one or vice versa
- removing a kerbside bin from a council's footpath (after a period of 48 hours since waste collection) and placement of that bin within the relevant property
- the occasional kerbside 'council clean up' for larger items, such as, whitegoods, furniture and mattresses that are not normally taken in the regular weekly or fortnightly WMS
- WMS to a collection point where a group of rural landowners take their domestic waste to a common area for pick up
- an application and renewal fee for listing on a council's approved list of private waste removal companies in relation to construction and demolition waste. The provider receives a discounted rate to a waste disposal site when on the approved list, and
- fees and charges in relation to waste disposal sites, garbage tips and refuse transfer stations. These include:
 - general, recycling and green waste
 - rural waste facility access cards, and
 - issuing of new or replacement keys to waste disposal sites.

Ruling

20. This Ruling addresses the GST treatment of the supply of WMS by Council on or after 1 July 2015.

Class Ruling

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21. Under section 81-15 and by virtue of regulation 81-15.01 of the GST Regulations, certain fees and charges are exempt² from GST. These include fees and charges for supplies of:

- the kerbside collection of waste³ or the supply, exchange or removal of bins or crates used in connection with the kerbside collection of waste, and
- a regulatory nature made by an Australian government agency.⁴

22. The following are examples of supplies of the kerbside collection of waste (domestic or non-domestic) that are exempt from GST due to paragraph 81-15.01(1)(a) of the GST Regulations:

- where a base fee for kerbside waste service availability is charged
- additional 'pick ups' of kerbside waste
- kerbside waste collection provided to properties outside the normal service area
- WMS to a collection point where a group of rural landowners take their domestic waste to a common area, that is not a waste disposal facility, for pick up
- the supply, exchange or removal of bins or crates used in connection with the kerbside collection of waste
- changing a smaller kerbside bin to a larger one or vice versa
- removal of waste from a house on Crown land, school, church manse or police residence
- removing a kerbside bin from Council footpath (after a period of 48 hours since waste collection) and placement of that bin within the relevant property, and
- the occasional kerbside 'Council clean up' for larger items, such as, whitegoods, furniture and mattresses that are not normally taken with the regular weekly or fortnightly WMS.

23. An example of a supply that is exempt from GST because it is of a regulatory nature is where the respective fee or charge is for an application or renewal for listing on Council's approved list of private waste removal companies in relation to construction and demolition waste.

² In this Ruling, if a fee or charge is not consideration for a supply and is not subject to GST, it is referred to as being 'exempt'.

³ 'Waste' includes green waste and recyclables under subregulation 81-15.01(2) of the GST Regulations.

⁴ Further explanation is provided in Appendix 1.

Class Ruling

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24. There are certain supplies to which Division 81 does not have an effect and therefore are not excluded from being for consideration by virtue of Division 81. These supplies need to be considered against the general rules in section 9-5 to determine if they are taxable. Examples of supplies of waste management services that are taxable supplies where the requirements of section 9-5 are satisfied are:

- services in relation to waste disposal sites, garbage tips and refuse transfer stations. These include:
 - general, recycling and green waste
 - rural waste facility access cards, and
 - issuing of new or replacement keys to waste disposal sites.

Commissioner of Taxation

26 August 2015

Appendix 1 – Explanation

ⓘ *This Appendix is provided as information to help you understand how the Commissioner's view has been reached. It does not form part of the binding public ruling.*

25. Subsection 7-1(1) provides that GST is payable on taxable supplies. As such, Council is liable to pay the GST payable on any taxable supply it makes. Section 9-5 states:

9-5 Taxable supplies

You make a **taxable supply** if:

- (a) you make the supply for *consideration; and
- (b) the supply is made in the course or furtherance of an *enterprise that you *carry on; and
- (c) the supply is *connected with the indirect tax zone; and
- (d) you are *registered, or *required to be registered.

However, the supply is not a *taxable supply to the extent that it is *GST-free or *input taxed.

(* Asterisked terms are defined in the Dictionary in section 195-1).

26. As Council is registered for GST and provides WMS in carrying on its enterprise in Australia, the issue that arises under section 9-5 is whether such services are supplies for consideration.

27. Section 9-39 provides special rules in relation to making taxable supplies. In particular, item 8 in the table in section 9-39 provides that where there is a payment of taxes, fees and charges the special rules in Division 81 may apply.

Division 81

28. Section 81-5 considers the effect of the payment of a tax. It states:

81-5 Effect of payment of tax

Australian tax not consideration

- (1) A payment, or the discharging of a liability to make a payment, is not the provision of *consideration to the extent the payment is an *Australian tax.

Regulations may provide for exceptions

- (2) However, a payment you make, or a discharging of your liability to make a payment, is treated as the provision of *consideration to the extent the payment is an *Australian tax that is, or is of a kind, prescribed by the regulations.
- (3) For the purposes of subsection (2), the *consideration is taken to be provided to the entity to which the tax is payable, for a supply that the entity makes to you.

Class Ruling

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Page status: **not legally binding**

29. The term 'Australian tax' is defined in section 195-1 as:

Australian tax means a tax (however described) imposed under an *Australian law.

30. 'Tax' is not defined in the GST Act. However, the following is the usual description of a tax, as cited in the High Court case of *Roy Morgan Research Pty Ltd v. Federal Commissioner of Taxation* (2011) 244 CLR 97, as per Latham CJ in *Matthews v. Chicory Marketing Board (Victoria)* (1938) 60 CLR 263.

.....a compulsory exaction of money by a public authority for public purposes, enforceable by law, and is not a payment for services rendered ...

31. The above description includes the words 'not a payment for services rendered'. It was discussed in *Air Caledonie International v. Commonwealth* (1988) 165 CLR 462 that in order to be classified as a fee for service rather than a tax, the fee or charge must be exacted for particular identified services provided or rendered individually to, or at the request or direction of, the particular person required to make the payment.

32. The relevant sections of the LGA, namely sections 496, 501, 502 and subsection 608(1) use the words 'levying', 'charges', 'services', 'service to that land' and 'fee' in relation to WMS. A payment to Council of a charge for a WMS is for an identified service provided. For this reason, we do not consider a payment, or the discharging of a liability to make payment, for a WMS to be a tax.

33. In contrast, a payment of ordinary rates satisfies the definition of a 'tax' as it is not for services rendered to the ratepayer. The activities of council of maintaining roads and parks, and the infrastructure of the council area are of benefit to anyone living in or visiting the council area, i.e. to the world at large.

Fees and Charges

34. Sections 81-10 and 81-15 consider the effect of certain fees and charges and state:

81-10 Effect of payment of certain fees and charges

Certain fees and charges not consideration

- (1) A payment, or the discharging of a liability to make a payment, is not the provision of *consideration to the extent the payment is an *Australian fee or charge that is of a kind covered by subsection (4) or (5).

Prescribed fees and charges treated as consideration

- (2) However, a payment you make, or a discharging of your liability to make a payment, is treated as the provision of consideration to the extent the payment is an *Australian fee or charge that is, or is of a kind, prescribed by the regulations.

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- (3) For the purposes of subsection (2), the consideration is taken to be provided to the entity to which the fee or charge is payable, for a supply that the entity makes to you.

Fees or charges paid for permissions etc.

- (4) This subsection covers a fee or charge if the fee or charge:
- (a) relates to; or
 - (b) relates to an application for;
- the provision, retention, or amendment, under an *Australian law, of a permission, exemption, authority or licence (however described).

Fees or charges relating to information and record-keeping etc.

- (5) This subsection covers a fee or charge paid to an *Australian government agency if the fee or charge relates to the agency doing any of the following:
- (a) recording information;
 - (b) copying information;
 - (c) modifying information;
 - (d) allowing access to information;
 - (e) receiving information;
 - (f) processing information;
 - (g) searching for information.

81-15 Other fees and charges that do not constitute consideration

The regulations may provide that the payment of a prescribed *Australian fee or charge, or of an Australian fee or charge of a prescribed kind, or the discharging of a liability to make such a payment, is not the provision of *consideration.

35. The term 'Australian fee or charge' is defined in section 195-1 as:

Australian fee or charge means a fee or charge (however described), other than an Australian tax, imposed under an *Australian law and payable to an *Australian government agency.

36. The term 'Australian law' is defined in section 995-1 of the *Income Tax Assessment Act 1997* (ITAA 1997) and relevantly includes a State law. It includes acts and law making powers which are delegated by parliaments, such as regulations, by-laws, proclamations and orders made under Acts. Therefore, the LG Act is an Australian law.

Class Ruling

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37. The term 'Australian government agency' is defined in section 995-1 of the ITAA 1997 and means:

- the Commonwealth, a State or Territory; or
- an authority of the Commonwealth or of a State or a Territory.

38. For the purposes of this Ruling it is accepted that Council comes within the definition of Australian government agency.

Fees and charges that constitute consideration

39. Where a fee or charge does not constitute consideration because of subsection 81-10(1) as a result of being a fee or charge covered by subsections 81-10(4) or (5), the operation of subsection 81-10(2) will make a fee or charge constitute consideration if it is prescribed by regulation 81-10.01 of the GST Regulations. Paragraph 81-10.01(1)(d) of the GST Regulations prescribes that a fee for the use of a waste disposal facility is consideration.

Fees and charges that do not constitute consideration

40. Where a fee or charge is not exempt as a result of the application of subsection 81-10(1) it still may be exempt if it is prescribed under regulation 81-15.01 of the GST Regulations which sets out those fees and charges that are prescribed for section 81-15 and which do not constitute consideration. One of these is the kerbside collection of waste or the supply, exchange or removal of bins or crates used in connection with kerbside collection of waste. Waste includes green waste and recyclables.

41. The ES states the following in relation to fees and charges for the kerbside collection of waste:

Fees and charges for kerbside collection of waste

Item [4] – paragraph 81-15.01(1)(a) and subregulation 81-15.01(2)

This paragraph and subregulation ensure that fees and charges for the kerbside collection of waste are not treated as the provision of consideration, and therefore do not give rise to a taxable supply under Division 81.

Kerbside waste collection fees are often, but not always, covered by general council rates. It is intended that all fees and charges for kerbside collection of waste are not consideration for a supply, so that these services are exempt from GST. This is regardless of whether the fees paid in relation to the service are compulsory or optional as kerbside collection of waste is a basic activity of local government.

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Kerbside collection includes a regular waste collection service conducted by an Australian government agency where, for practical reasons, the waste must be collected from inside the property boundary of the ratepayer, such as a waste service for residents of a high-rise residential complex. However, additional waste collection undertaken by a commercial entity is not considered to be kerbside collection even though it may be collected from the kerbside in some circumstances.

Examples of Australian fees and charges that will fall within this paragraph include, but are not limited to:

- Fees for kerbside collection of green waste as part of the normal kerbside waste collection stream;
- Fees for supply, exchange or removal of bins or crates used in connection with kerbside waste, including recyclables; and
- Fees for removal of waste from high rise residential apartments where residents have paid for this on their rates notice.

42. Another fee or charge that is prescribed for section 81-15 by virtue of regulation 81-15.01 of the GST Regulations is a fee or charge for a supply of a regulatory nature made by an Australian government agency.

Fees and charges covered by both regulations 81-10.01 and 81-15.01 of the GST Regulations

43. If a fee or charge is covered by both regulations 81-10.01 and 81-15.01 of the GST Regulations, regulation 81-15.02 of the GST Regulations determines which regulation would prevail. However, for regulation 81-10.01 to apply the fee or charge must first be covered by subsections 81-10(4) or (5). Fees and charges such as the kerbside collection of waste or for the supply exchange or removal of bins or crates used in the connection with the kerbside collection of waste, where they can also be made by private suppliers, are not covered by regulation 81-10.01 as they are not covered by subsections 81-10(4) or (5).

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Appendix 2 – Legislative references

44. Sections 496, 501, 502, 560 and subsection 608(1) of the LG Act state:

496 Making and levying of annual charges for domestic waste management services

- (1) A council must make and levy an annual charge for the provision of domestic waste management services for each parcel of rateable land for which the service is available.
- (2) A council may make an annual charge for the provision of a domestic waste management service for a parcel of land that is exempt from rating if:
 - (a) the service is available for that land, and
 - (b) the owner of that land requests or agrees to the provision of the service to that land, and
 - (c) the amount of the annual charge is limited to recovering the cost of providing the service to that land.

501 For what services can a council impose an annual charge?

- (1) A council may make an annual charge for any of the following services provided, or proposed to be provided, on an annual basis by the council:
 - water supply services
 - sewerage services
 - drainage services
 - waste management services (other than domestic waste management services)
 - any services prescribed by the regulations.
- (2) A council may make a single charge for two or more such services.
- (3) An annual charge may be levied on each parcel of rateable land for which the service is provided or proposed to be provided.

502 Charges for actual use

A council may make a charge for a service referred to in section 496 or 501 according to the actual use of the service.

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561 Who is liable to pay charges?

The person liable to pay a charge is:

- (a) the person who, if the charge were a rate and if the land on which the charge is levied were rateable in respect of that rate, would be liable under section 560 to pay the rate, or
- (b) the Crown in respect of land owned by the Crown, not being land held under a lease for private purposes.

608 Council fees for services

- (1) A council may charge and recover an approved fee for any service it provides, other than a service provided, or proposed to be provided, on an annual basis for which it is authorised or required to make an annual charge under section 496 or 501.

Class Ruling

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Page status: **not legally binding****Appendix 3 – Detailed contents list**

45. The following is a detailed contents list for this Ruling:

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| Class of entities | 3 |
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References

- Previous draft:*
- ANTS(GST)R99 81-10.01
 - ANTS(GST)R99 81-10.01(1)(d)
- Not previously issued as a draft
- Related Rulings/Determinations:*
- ANTS(GST)R99 81-15.01
 - ANTS(GST)R99 81-15.01(1)(a)
 - ANTS(GST)R99 81-15.01(2)
 - ANTS(GST)R99 81-15.02
- TR 2006/10; CR 2013/19
- Subject references:*
- Division 81 – Payment of taxes, fees and charges
 - Goods and services tax
 - Government entities
 - Government related entities
 - GST consideration
 - GST regulations
 - Local government
- ITAA 1997 995-1
 - LG(NSW)A93
 - LG(NSW)A93 220
 - LG(NSW)A93 496
 - LG(NSW)A93 496(2)
 - LG(NSW)A93 501
 - LG(NSW)A93 502
 - LG(NSW)A93 560
 - LG(NSW)A93 608(1)
- Legislative references:*
- ANTS(GST)A99
 - ANTS(GST)A99 7-1(1)
 - ANTS(GST)A99 9-5
 - ANTS(GST)A99 9-39
 - ANTS(GST)A99 Div 81
 - ANTS(GST)A99 81-5
 - ANTS(GST)A99 81-10
 - ANTS(GST)A99 81-10(1)
 - ANTS(GST)A99 81-10(2)
 - ANTS(GST)A99 81-10(4)
 - ANTS(GST)A99 81-10(5)
 - ANTS(GST)A99 81-15
 - ANTS(GST)A99 195-1
 - ANTS(GST)R99 Div 81
- TAA 1953
 - TAA 1953 Sch 1 358-20
- Case references:*
- Roy Morgan Research Pty Ltd v. Federal Commissioner of Taxation [2011] HCA 35; (2011) 244 CLR 97; 2011 ATC 20-282; (2011) 80 ATR 1
 - Matthews v. Chicory Marketing Board (Victoria) [1938] HCA 38; (1938) 60 CLR 263
 - Air Caledonie International v. Commonwealth [1988] HCA 61; (1988) 165 CLR 462

ATO references

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ATTACHMENT 2

SUMMARY OF FEES AND PROFESSIONAL COSTS

The following is a summary of the common fees payable and professional costs that can be claimed in Local Court proceedings. For the full list of fees payable, refer to the appropriate fees schedule.

Effective from: 1 August 2015

| LOCAL COURT - Civil fees | STANDARD | CORP |
|---|----------|------|
| Statement of claim (Small Claims Division, up to \$10,000) | 95 | 190 |
| Statement of claim (General Division, over \$10,000) | 234 | 468 |
| Service by post (fee per address) | 40 | N/A |
| File or register judgment or order of other court or tribunal | 88 | 176 |
| Application for re-hearing (after arbitration) | 409 | 818 |
| Request certified copy of judgment or order | 58 | N/A |
| Notice to produce (Rule 34, payable upon receipt of produced documents) | 78 | 156 |
| Examination Order (notice of motion) | 80 | 160 |
| Notice of motion (** see exception) | 80 | 160 |

**Exception - No fee applies to notice of motion for: *instatement order, Changing order, Garnishee order, Default judgment, Objection to instatement order, and any motion in Small Claims Division*

GARNISHEE AMOUNT

For period: 1 April 2015 to 30 September 2015

| | |
|--|----------|
| | \$470.20 |
|--|----------|

SHERIFF FEES

| | |
|--|-----|
| Writ for levy of property or delivery | 80 |
| Writ of possession | 332 |
| Warrant for arrest | 80 |
| Certified copy of writ (for registration against land) | 25 |
| Service of document | 64 |
| Execution of other process | 337 |

PROFESSIONAL COSTS - before judgment

| Amount of claim | \$0.01 - \$1,000 | \$1,000.01 - \$5,000 | \$5,000.01 - \$20,000 | \$20,000.01 - \$100,000 |
|---|------------------|----------------------|-----------------------|-------------------------|
| Issue Statement of Claim | 252.00 | 378.00 | 504.00 | 630.00 |
| Issue Statement of Claim - plus max GST | 277.20 | 415.80 | 554.40 | 693.00 |
| Default Judgment (liquidated claim or detention of goods) | 364.80 | 547.20 | 729.60 | 912.00 |
| Default Judgment (unliquidated claim) - plus max GST | 679.6 | 1019.2 | 1358.4 | 1731.40 |
| Default Judgment (unliquidated claim) - plus max GST | 692.56 | 994.4 | 1329.2 | 1574 |

PROFESSIONAL COSTS (Local Court) - After Judgment (enforcement)

| Amount of claim | All claims (\$0.01 - \$100,000) | Claim plus max GST |
|--|---------------------------------|--------------------|
| Writ | 253 | 278.30 |
| Examination Order (Solicitor attends and examines) | 374 | 411.40 |
| Examination (Judgment debtor fails to attend) | 273 | 300.30 |
| Issue warrant | 199 | 218.9 |

Fee Schedules:
 Civil Procedure Regulation 2012
 Criminal Procedure Regulation 2010
 Legal Profession Regulation 2005

| | | |
|----------------------------|---------|----------|
| Unpaid Support (per week) | 76 (LC) | 150 (OC) |
| Unpaid Support (per month) | 85 | 160 (OC) |

LOCAL COURT - Criminal and application proceedings

| | |
|--|-----|
| Court Attendance Notice | 89 |
| Application Notice | 89 |
| Application for adjournment | 89 |
| Appeal or Leave to Appeal (single offence or application notice) | 111 |
| Appeal or Leave to Appeal (more than one offence - CAN) | 171 |
| Appeal or Leave to Appeal (more than one application notice) | 58 |
| Certificate of conviction or dismissal | 58 |

LOCAL COURT - Miscellaneous fees

| LOCAL COURT - Miscellaneous fees | STANDARD | CORP |
|--|----------|--|
| Subpoena to produce and/or give evidence | 80 | 160 |
| Request production of court documents held by another court | 58 | 116 |
| Photocopy document - First 20 pages | 12.50 | N/A |
| Photocopy document - after 20 pages (for each 10 pages or part of) | 6.50 | N/A |
| Photocopy document - after 20 pages (for each 10 pages or part of) | 13.50 | plus additional fees if urgent request |
| Retrieval from Govt Repository | 33.50 | N/A |
| Retrieval from State Archives | 41 | 82 |
| Providing a service for which a fee not otherwise prescribed | 50.00 | N/A |
| Duplicate recording (per cassette tape or disc) | 85.00 | plus \$10.50 per page after first 8 |
| Transcript (under 3 months) | 105.00 | plus \$12.00 per page after first 8 |
| Transcript (3 months or older) | | |

INTEREST RATES

| From | To | Rate |
|-----------|-----------|--------------------|
| 01-Jan-15 | 30-Jun-15 | 6.50% Pre-judgment |
| 01-Jul-15 | 31-Dec-15 | 6.00% Pre-judgment |

For previous interest rates, refer to Local Court website
 (look under: Practice & Procedure / Interest Rates)

| Amount of claim | All claims (\$0.01 - \$100,000) | Claim plus max GST |
|---------------------------------|---------------------------------|--------------------|
| Issue statement of claim | 827 | 904.20 |
| Default judgment (liquidated) | 1225 | 1347.50 |
| Default judgment (unliquidated) | 1711 | 1882.10 |
| Writ | 498 | 547.80 |
| Order for examination | 647 | 711.70 |
| Issue warrant | 278 | 305.80 |

6.2.11 Prescribed Entity Tenders

REPORT BY THE CHIEF FINANCIAL OFFICER TO 18 NOVEMBER 2015 COUNCIL MEETING
6.2.11 Prescribed Entity Tenders
GOV400043, COR400065, FIN300086

RECOMMENDATION

That:

1. **the report by the Chief Financial Officer on the Prescribed Entity Tenders be received;**
2. **Council delegate the General Manager authority to accept any tenders run through a Prescribed Entity as defined in the Local Government (General) Regulations (2005) Section 163.**

Executive summary

This report is seeking endorsement for a change in the manner Council administer tenders through Prescribed Entities, by authorising the General Manager to accept tenders run through Prescribed Entities instead of sending a separate report to Council each time.

Detailed report

TENDERING REQUIREMENTS

The Local Government Act 1997 (the Act) & Local Government (General) Regulations 2005 (the Regulations) stipulate when procurement activity is required to go through a formal tender process. Generally, most activity over the threshold amount of \$150,000 is required to go to tender unless it is specifically excluded within the terms of Section 55 of the Act. Section 55(3)(a) of the Act allows an exclusion where the contract is made with a person prescribed by the regulations:

- (3) *This section does not apply to the following contracts:*
- (a) *subject to the regulations, a contract for the purchase of goods, materials or services **specified by a person prescribed by the regulations** made with another person so specified, during a period so specified and at a rate not exceeding the rate so specified*

Currently, a prescribed entity is defined in Regulation 163 as:

- (1A) *The following persons are prescribed for the purposes of section 55 (3) (a) of the Act:*
- (i) *Local Government Procurement Partnership (ABN 34 578 553 267),*
 - (ii) *MAPS Group Limited trading as Procurement Australia (ABN 45 058 335 363).*

Therefore, where Local Government Procurement (LGP) or Procurement Australia (PA) are providing the contract arrangement, Section 55 Tendering Requirements do not apply.

Acceptance of Tenders is prescribed under Regulation 178, and requires Council to accept or decline the tender formally:

- (1) *After considering the tenders submitted for a proposed contract, the council must either:*
 - (a) *accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*

(b) *decline to accept any of the tenders.*

It should be noted that under Section 377 of the Act, this responsibility cannot be delegated to the General Manager – however, this is only relevant to contracts required under Section 55 of the Act. Therefore, Prescribed Entities are excluded from this requirement.

- (1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:*
- (i) *the acceptance of tenders which are required under this Act to be invited by the council,*

LOCAL GOVERNMENT PROCUREMENT AND PROCUREMENT AUSTRALIA

Given that Council is not required to accept contracts provided through LGP or PA, it is recommended that these contracts are no longer reported to Council. This would reduce the number of reports in each monthly business paper and expedite procurement when utilising these entities.

Examples of contracts where we have utilised these entities in this business paper include:

1. Supply and delivery of bitumen emulsion
2. Replacement of Fuel Truck
3. Replacement of Water Cart

Financial and Operational Plan implications

Council should note that there is no financial limit on the value of these contracts and future supplies may be substantially more than the examples provided. Where there is an approved budget within the Operational Plan for the purchase, all legislative requirements will be met.

Community Plan implications

The administration of the financial assistance program 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
CHIEF FINANCIAL OFFICER

10 November 2015

- Attachments:*
1. Local Government Act 1997 Section 55 & 55 (A)
 2. Local Government (General) Regulation 2005 Regulations 163 & 178
 3. Local Government Act 1997 Section 377

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

LOCAL GOVERNMENT ACT 1993 - SECT 55

55 What are the requirements for tendering?

- (1) A council must invite tenders before entering into any of the following contracts:
 - (a) a contract to carry out work that, by or under any Act, is directed or authorised to be carried out by the council,
 - (b) a contract to carry out work that, under some other contract, the council has undertaken to carry out for some other person or body,
 - (c) a contract to perform a service or to provide facilities that, by or under any Act, is directed or authorised to be performed or provided by the council,
 - (d) a contract to perform a service or to provide facilities that, under some other contract, the council has undertaken to perform or provide for some other body,
 - (e) a contract for the provision of goods or materials to the council (whether by sale, lease or otherwise),
 - (f) a contract for the provision of services to the council (other than a contract for the provision of banking, borrowing or investment services),
 - (g) a contract for the disposal of property of the council,
 - (h) a contract requiring the payment of instalments by or to the council over a period of 2 or more years,
 - (i) any other contract, or any contract of a class, prescribed by the regulations.
- (2) Tenders are to be invited, and invitations to tender are to be made, by public notice and in accordance with any provisions prescribed by the regulations.
- (2A) Nothing in this section prevents a council from tendering for any work, service or facility for which it has invited tenders.
- (3) This section does not apply to the following contracts:
 - (a) subject to the regulations, a contract for the purchase of goods, materials or services specified by a person prescribed by the regulations made with another person so specified, during a period so specified and at a rate not exceeding the rate so specified
 - (b) a contract entered into by a council with the Crown (whether in right of the Commonwealth, New South Wales or any other State or a Territory), a Minister of the Crown or a statutory body representing the Crown
 - (c) a contract entered into by a council with another council
 - (d) a contract for the purchase or sale by a council of land
 - (e) a contract for the leasing or licensing of land by the council, other than the leasing or licensing of community land for a term exceeding 5 years to a body that is not a non-profit organisation (see section 46A)
 - (f) a contract for purchase or sale by a council at public auction
 - (g) a contract for the purchase of goods, materials or services specified by the NSW Procurement Board or the Department of Administrative Services of the Commonwealth, made with a person so specified, during a period so specified and at a rate not exceeding the rate so specified
 - (h) a contract for the employment of a person as an employee of the council
 - (i) a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders
 - (j) contract for which, because of provisions made by or under another Act, a council is exempt from the requirement to invite a tender

- (k) a contract made in a case of emergency
 - (l) a contract to enter into a public-private partnership
 - (m) if a council has entered into a public-private partnership-a contract entered into by the council for the purposes of carrying out a project under the public-private partnership (but only to the extent that the contract is part of the project that has been assessed or reviewed under Part 6 of Chapter 12)
 - (n) a contract involving an estimated expenditure or receipt of an amount of less than \$100,000 or such other amount as may be prescribed by the regulations
 - (o) a contract that is an environmental upgrade agreement (within the meaning of Part 2A)
 - (p) a contract or arrangement between a council and the Electoral Commissioner for the Electoral Commissioner to administer the council's elections, council polls and constitutional referendums.
- (4) A council that invites tenders from selected persons only is taken to comply with the requirements of this section if those persons are selected:
- (a) from persons who have responded to a public advertisement for expressions of interest in the particular contract for which tenders are being invited, or
 - (b) from persons who have responded to a public advertisement for recognition as recognised contractors with respect to contracts of the same kind as that for which tenders are being invited.

55A Extended operation of section 55 to council-related entities

- (1) A council must comply with the requirements of section 55 (including any regulations made under that section) even though the contract to which that section applies involves something being done to or by an entity that the council has formed or participated in forming.
- (2) However, if the entity concerned is formed under a public-private partnership, subsection (1) has effect only to the extent that the contract is not part of a project that has been assessed or reviewed in accordance with Part 6 of Chapter 12.
- (3) In this section:
"entity" means any partnership, trust, corporation, joint venture, syndicate or other body (whether or not incorporated), but does not include any such entity that is of a class **prescribed by the regulations** as not being within this definition.

ATTACHMENT 2

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - REG 163 Application of Part 7 - Tendering

- (1) This Part applies to all contracts for which a council is required by section 55 of the Act to invite tenders.
- Note :** This Part does not apply to other kinds of contracts. However, a council may apply provisions of this Part (with any necessary alterations) to other kinds of contracts if it wishes to do so.
- (1A) The following persons are prescribed for the purposes of section 55 (3) (a) of the Act:
- (i) Local Government Procurement Partnership (ABN 34 578 553 267),
 - (ii) MAPS Group Limited trading as Procurement Australia (ABN 45 058 335 363).
- (1B) To avoid doubt, a reference to a person prescribed by subclause (1A) includes any duly appointed agent of that person.
- (2) For the purposes of section 55 (3) (n) of the Act, section 55 does not apply to a contract involving an estimated expenditure or receipt of an amount of less than \$150,000.

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - REG 178 Acceptance of tenders

- (1) After considering the tenders submitted for a proposed contract, the council must either:
- (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
 - (b) decline to accept any of the tenders.
- (1A) Without limiting subclause (1), in considering the tenders submitted for a proposed contract for the performance of domestic or other waste management services, the council must take into account whether or not existing workers (within the meaning of clause 170) will be offered employment or engagement on terms and conditions comparable to those applicable to the workers immediately before the tender was submitted.
- (2) A council must ensure that every contract it enters into as a result of a tender accepted by the council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176). However, if the successful tender was made by the council (as provided for in section 55 (2A) of the Act), the council is not required to enter into any contract in order to carry out the requirements of the proposed contract.
- (3) A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
- (a) postpone or cancel the proposal for the contract,
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
 - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
 - (f) carry out the requirements of the proposed contract itself.
- (4) If a council resolves to enter into negotiations as referred to in subclause (3) (e), the resolution must state the following:
- (a) the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)-(d),
 - (b) the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).

ATTACHMENT 3

LOCAL GOVERNMENT ACT 1993 - SECT 377 General power of the council to delegate

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:
 - (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under section 549 as to the levying of a rate,
 - (d) the making of a charge,
 - (e) the fixing of a fee,
 - (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) the acceptance of tenders which are required under this Act to be invited by the council,
 - (j) the adoption of an operational plan under section 405,
 - (k) the adoption of a financial statement included in an annual financial report,
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*,
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
 - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
 - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council.

6.2.12 Policy Delegation Updates

REPORT BY THE CHIEF FINANCIAL OFFICER TO 18 NOVEMBER 2015 COUNCIL MEETING

Policy delegation updates

GOV400043, GOV400047

RECOMMENDATION

That:

1. **the report by the Chief Financial Officer on the Policy Delegation Updates be received;**
2. **Council adopt the revised policies, as follows:**
 - **Financial Assistance Policy**
 - **Media Policy**
 - **Categorisation as Farmland for Rating Purposes Policy**
 - **Categorisation as Residential for Rating Purposes Policy**
 - **Credit Policy**
 - **Debt Recovery Policy**
 - **Public Interest Disclosure Internal Reporting Policy**

Executive summary

Due to the recent Council restructure, the position of Director Corporate no longer exists at Council. The following policies are directly affected by their reference to the previous Director Corporate, and the delegations within these policies have been recommended to be changed to the most appropriate alternative, based on new structure reporting lines.

Detailed report

Due to the recent Council restructure, seven current Council Policies refer to a position that is no longer existing within the Council Organisation Structure. Generally, these references are in response to delegations or responsibilities of Council.

The following policies refer to the Director Corporate/Director Finance & Administration, and listed are the recommended amendments:

1. Financial Assistance Policy – amend to CFO, responsibility of reporting Financial Assistance;
2. Media Policy – remove reference, dealing with media enquiries;
3. Categorisation as Farmland for Rating Purposes Policy – amend to CFO, delegation to approve report;
4. Credit Policy – amend to CFO, delegation to approve payment in advance;
5. Debt Recovery Policy – amend to CFO, responsibility of reporting overdue staff to the GM;
6. Public Interest Disclosure Internal Reporting Policy – amend to Director Community, responsibility as Disclosure Officer.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

The review and update of Council Policies 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
CHIEF FINANCIAL OFFICER

5 November 2015

Attachments: (included at the end of the business paper):

1. Revised Financial Assistance Policy (with track changes)
2. Revised Media Policy (with track changes)
3. Revised Categorisation as Farmland for Rating Purposes Policy (with track changes)
4. Revised Credit Policy (with track changes)
5. Revised Debt Recovery Policy (with track changes)
6. Revised Public Interest Disclosure Internal Reporting Policy (with track changes)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.13 REGPRO021617 – Supply and Delivery of Bitumen Emulsion

REPORT BY THE PROCUREMENT MANAGER TO 18 NOVEMBER 2015 COUNCIL MEETING
REGPRO021617 - Bitumen Emulsion report
GOV400043, GOR500017

RECOMMENDATION

That:

- 1. The report by the Procurement Manager on the Tender for the supply and delivery of bitumen emulsion be received;**
- 2. Council accept the tender of Fulton Hogan Industries as the single source supplier for the supply and delivery of bitumen emulsion. This tender will run for 36 months commencing 1 January 2016 and concluding 31 December 2019.**
- 3. Provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this through to 31 December 2020.**

Executive summary

Regional Procurement® has called Single Source tender for the Supply & Delivery of Bitumen Emulsion to participating HUN member councils, including Mid-Western Regional Council, OROC and RTC in accordance with Clause 166(a) of the Local Government (General) Regulation 2005.

The tender will run for a period of 36 months from the 1 January 2016 to 31 December 2019 with a 12 month extension option which may be taken up based on satisfactory performance by the successful tenderer.

The recommended single source supplier for Mid-Western Regional Council is Fulton Hogan Industries.

Detailed report

This tender was advertised in the following media:

Newspaper: Sydney Morning Herald
Date: 04/08/2015
Section: Local Government Tender Section
Size of ad: lineage ad

Newspaper: Gold Coast Bulletin
Date: 1/08/2015
Section: Local Government Tender Section
Size of ad: lineage ad

Newspaper: Western Magazine
Date: 3/08/2015
Section: Local Government Tender Section
Size of ad: lineage ad

- Uploaded to tenderlink 1/08/2015

Three (3) tenders in total were received from:

Fulton Hogan Industries Pty Ltd, Bitupave Limited t/as Boral Asphalt, Downer EDI Works Pty Ltd

Three (3) tender documents were sold.

PROBITY

The tender has been conducted in accordance with Clause 166(a) of the Local Government (General) Regulation 2005.

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

All tenderer insurance records were checked against Tender requirements and potential non-conformities were noted in the Evaluation Matrix for the consideration of the panel.

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

TENDER EVALUATION

The tender evaluation was conducted on 22nd September 2015 at Coonabarabran by:

- Randall Michael Warrumbungle Shire Council
- Facilitator: Craig Wade Regional Procurement®

Methodology:

The % weightings and criteria were agreed upon prior to the tender closing.

The evaluation result was determined by:

- Adding the total value of the cost of bitumen emulsion i.e (CRS60/62) for the appropriate delivery size based on tank capacity and delivery surcharge together to determine the lowest overall price.
- Rinsing and cleaning was not utilised in the evaluation matrix.
- The lowest overall amount was awarded the full Criteria % for each Category, as shown in the Evaluation Results Table on the following page.
- Each subsequent total \$ value was then divided into the lowest total amount to obtain a score.
- Other Evaluation Criteria was evaluated based on the following factors:
 - If the tenderer provided the required evidence to meet the benchmark, eg: ISO 9001:2008 certificate and QMS document contents page, the Evaluation Panel awarded full marks (5) for that category.
 - If the tenderer provided partial evidence to meet the benchmark, eg: provided a QMS document contents page but they are not ISO certified, the Panel determined a lower score of between 2-4 subject to the evidence in front of them.
 - If the tenderer failed to meet the benchmark completely, eg: they demonstrated no ability to meet the criteria and did not provide any evidence, the Panel awarded 0 points to the tenderer for that evaluation criteria.
- Each Tenderer's Referees Score was calculated by adding the total scores obtained from the Tenderer's three nominated referees (each totalling up to 25 points) and dividing this total by the maximum possible score of 75, then multiplying this number by the allocated matrix Weighting value (eg 5%). Refer evaluation Matrix for full debrief.

Note:

- No late tenders were received.
- All tenderers had been noted as active on the ASIC website.
- No tenders were deemed non-compliant.

EVALUATION OUTCOME:

That council select the best fit for purpose supplier for that council.

On assessment of Regional Procurements evaluation, Council determined to self-assess with regards to our specific needs and previous experience with these particular tenderers, therefore there were slight variations in scores with regards to the Customer Service component of the evaluation criteria outcome.

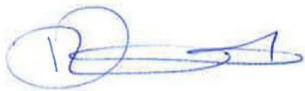
Financial and Operational Plan implications

Council are currently the LGP213 Local Government Procurement Contract agreement for the supply and delivery of bitumen emulsion.

Council has spent approximately \$186,000 on Bitumen Emulsion over the last 3 years, therefore justifying the need for this tender. Significant savings are made by the utilisation of this tender.

Community Plan implications

Council's Procurement Policy applies



KRISTIE WARD
PROCUREMENT MANAGER



LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

25 September 2015

Attachments: 1. Evaluation Matrix (included in the confidential section of the business paper.)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.14 Additional Plant (existing supplier) - RFT 2013/03 Wet & Dry Plant Hire Preferred Supplier – Andrew Turner Excavations & MAAS Plant Hire Pty Ltd

REPORT BY THE PROCUREMENT MANAGER TO 18 NOVEMBER 2015 COUNCIL MEETING

Additional Plant - Turner and MAAS

GOV400043, A0412904, COR400052

RECOMMENDATION

That:

1. **the report by the Procurement Manager on the Additional Plant (existing supplier - RFT 2013/03 Wet & Dry Plant Hire Preferred Supplier - Andrew Turner Excavations & MAAS Plant Hire Pty Ltd be received;**
2. **Council accepts the additional plant for these existing suppliers for Tender 2013/03 for the provision of Wet & Dry Plant Hire;**

Contractor: Andrew Turner Excavations
Additional Services Provided: Excavator – Rubber Track

Contractor: MAAS Plant Hire Pty Ltd
Services Provided: Soil Stabilizer and Lime Spreader Truck

Executive summary

Council resolved at meetings in 2013 that tenders for the provision of Wet & Dry Plant Hire were accepted. These initial requests for tenders were accepted for a term of three years. The resolution allowed additional suppliers to be added to the preferred suppliers' lists by resolution of Council. The above suppliers are currently existing suppliers of the Wet & Dry Plant Hire, however, have additional plant for hire, to the plant nominated in the original tender.

In accordance with Council's Contractor Management Procedure, a completed Additional Service Provider application (noting additional plant) was received by Council from Andrew Turner Excavations and MAAS Plant Hire Pty Ltd with all appropriate documentation attached. This report is recommending that the additional plant specified by Andrew Turner Excavations and MAAS Plant Hire be included on the preferred supplier's list (overflow only).

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 list the above service providers have requested Council consider their application to include additional plant on Council's preferred supplier's list. It is permissible for additional plant to be added during the course of the tender.

As a result of Council's tendering processes and clauses therein, the additional plant nominated by both suppliers will be added to Council's relevant preferred supplier's list, however they will be placed on the overflow list. These supplier's additional plant would only be considered should the existing

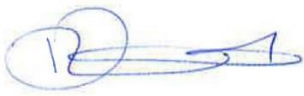
contract holders on the list be unavailable. This is to ensure consistency and security to the existing contractor/s.

Financial and Operational Plan implications

Nil.

Community Plan implications

| Theme | Good Government |
|--------------|--|
| Goal 3 | An effective and efficient organisation |
| Strategy 3.3 | Prudently manage risk associated with all Council activities |



KRISTIE WARD
PROCUREMENT MANAGER



LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

2 November 2015

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

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.15 Additional Supplier - RFT 2013/04 General Contractors Preferred Supplier – Clear Springs Fencing

REPORT BY THE PROCUREMENT MANAGER TO 18 NOVEMBER 2015 COUNCIL MEETING

Additional Supplier - Clear Springs Fencing

GOV400043, A0412910, COR400089

RECOMMENDATION

That:

1. **The report by the Procurement Manager on the Additional Supplier - RFT 2013/04 General Contractors Preferred Supplier – Clear Springs Fencing be received;**
2. **Council accepts the additional supplier for Tender 2013/04 for the provision of General Contractors;**

Contractor: Clear Springs Fencing
Services Provided: Fencing Contractor

Executive summary

Council resolved at meetings in 2013 that tenders for the provision of general contractors were accepted. These initial requests for tender were accepted for a term of three years. The resolution allowed additional suppliers to be added to the preferred suppliers' lists by resolution of Council.

This report is recommending that Clear Springs Fencing be included on the preferred supplier's lists after having received the required information from the service provider and Council having the capacity to engage additional fencing contractors.

Detailed report

In 2013 Council completed a detailed, objective analysis for the evaluation of tenderers for the provision of general contractors which in turn created a preferred suppliers list.

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

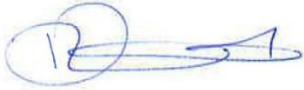
As a result of Council's tendering processes and clauses therein, the additional supplier will be added to Council's relevant preferred supplier's list; however they will be placed on the overflow list. Council has an existing contract for fencing, therefore, these service providers would only be considered should the existing suppliers on the list be unavailable.

Financial and Operational Plan implications

Not applicable.

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



LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

2 November 2015

Attachments: Rates are provided in the confidential section of the business paper.

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.16 Annual Report 2015

REPORT BY THE GOVERNANCE COORDINATOR TO 18 NOVEMBER 2015 COUNCIL MEETING
ANNUAL REPORT 2015
GOV400043

RECOMMENDATION

That:

1. **the report by the Governance Coordinator on the Annual Report be received;**
2. **Council adopt the draft Annual Report 2015 and authorise it for release by the General Manager.**

Executive summary

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

Detailed report

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

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

The report includes a summary from the General Manager and the Mayor; an introduction to Council and the Mid-Western Region; a snapshot of financial results and achievements against Delivery Program targets. The report also includes statutory information disclosures, audited financial statements; and the State of the Environment report.

The Annual Report has been prepared in accordance with the Integrated Planning and Reporting Guidelines for Local Government in NSW issued by the Office of Local Government in March 2013.

Financial and Operational Plan implications

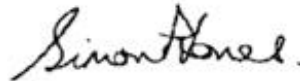
Not applicable.

Community Plan implications

5.2.1 Improve communications between Council and the community and create awareness of Council's roles and responsibilities.



TIM JOHNSTON
GOVERNANCE COORDINATOR



SIMON JONES
DIRECTOR, COMMUNITY

19 November 2015

Attachments: 1. Draft Annual Report (included at the end of the business paper)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.17 Cobbora Holding Company P/L – Request for Grant of Easements for Water Pipeline

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 NOVEMBER 2015 COUNCIL MEETING
CHC Request for Grant of Easement for Water Pipeline
GOV400043, R0011011

RECOMMENDATION

That:

1. the report by the Revenue & Property Manager on the Cobbora Holding Company P/L – Request for Grant of Easements for Water Pipeline – Request for Grant of Easements for Water Pipeline be received;
2. Council agree in principle to the granting of the two easements at the locations on part Sandy Creek Road, located within Lot 88 DP 750780 and that part Woodburn Road which is under Local Government jurisdiction between the boundaries of Lots 14 & 54 DP 750780, as shown in the attachments to the letter dated 10 August 2015 on behalf of Cobbora Holding Company Pty Ltd;
3. a valuation be obtained in accordance with Council's *Land Acquisition & Disposal Policy* for each of the two proposed easements at the locations on part Sandy Creek Road, located within Lot 88 DP 750780 and that part Woodburn Road which is under Local Government jurisdiction between the boundaries of Lots 14 & 54 DP 750780, as shown in the attachments to the letter dated 10 August 2015 on behalf of Cobbora Holding Company Pty Ltd;
4. the General Manager be authorised to determine the terms that would form any initial easement agreement, the final easement survey plans and section 88B instrument and to negotiate with Cobbora Holding Company Pty Ltd to secure the amount of compensation to be paid to Council as a result of the granting of the easements;
5. Cobbora Holding Company Pty Ltd is required to pay the amount of the determined compensation to Council upon Council signing any initial easement agreement;
6. Cobbora Holding Company Pty Ltd is required to construct the pipeline in accordance with the conditions and standards cited in Council's *Water Pipes Across and Along Roads Policy* and any other terms deemed relevant;
7. in relation to the proposed easement which runs parallel to that part Woodburn Road which is under Local Government jurisdiction between the boundaries of Lots 14 & 54 DP 750780, the proposed pipeline should not be constructed under the Road or table drain but in the verge or nature strip of the Road reserve;
8. all costs associated with this matter, including Council's reasonable administrative and legal costs and the costs of the valuations in relation to the two easements are to be borne by Cobbora Holding Company Pty Ltd;
9. the General Manager and Mayor be authorised to sign all documentation required to give effect to this resolution;

10. the Common Seal be affixed to any documentation required to give effect to this resolution.

Executive summary

The firm of lawyers representing Cobbora Holding Company Pty Ltd (CHC) has written seeking consent from Council in principle to the grant of easements where the proposed pipeline will cross 2 Council controlled road reserves.

Council's agreement in principle to the granting of the easements is required.

Detailed report

CHC proposes to supply water to the Cobbora Coal Project via a pipeline from the Cudgegong River.

The firm of lawyers representing CHC has written seeking consent from Council in principle to the grant of easements where the proposed pipeline will cross 2 Council controlled road reserves.

Council previously consented in principle on 16 April 2014 to CHC's request for the grant of 3 proposed easements on other Council roads within the vicinity of the Cobbora Coal Project area. This current request is for an additional 2 easements.

The proposed route of the pipeline crosses 2 Council controlled roads, part Sandy Creek Road, located within Lot 88 DP 750780 and that part Woodburn Road which is under Local Government jurisdiction between the boundaries of Lots 14 & 54 DP 750780. It is noted that Woodburn Road, near its intersection with Upper Mebul Road, is a Crown road reserve.

The easements proposed by CHC across Council's road reserves would convey a legal right in perpetuity to occupy and use those parts of Council's road reserves for water pipeline purposes whilst not preventing Council from utilising the road reserves for access purposes. Subsequent agreed details of the occupation and use of the road reserves would form part of the easement survey plan and section 88B instrument.

Council would be entitled to be paid compensation by CHC if Council agrees to grant the easements. It is recommended that the General Manager be authorised to determine and approve the terms of any initial easement agreement, final easement survey plans and section 88B instrument and to negotiate with CHC to secure the amount of compensation to be paid to Council. It is also recommended that CHC be required to make the payment to Council upon Council signing of any initial easement agreement.

Council's *Water Pipes Across and Along Roads Policy*, at clause 18, provides for the leasing of land for a pipeline as a possible option to the granting of an easement. It is considered that there would be an amount of uncertainty and difficulty ensuring the continuation of a lease agreement given that the ownership of the mining operations may change in the future. It is for this reason that the leasing option is not preferred. In view of the current circumstances it is considered prudent to receive upfront compensation from an existing entity via the granting of the easements.

Any agreement with CHC would also require that the conditions provided in Council's *Water Pipes Across and Along Roads Policy* regarding the construction of private pipelines on or under public road reserves and any other terms in relation to the construction deemed relevant, be strictly complied with.

In relation to the proposed easement that runs parallel to that part Woodburn Road which is under Local Government jurisdiction between the boundaries of Lots 14 & 54 DP 750780, the proposed pipeline should not be constructed under the Road or table drain but in the verge or nature strip of the Road reserve.

If Council is agreeable in principle to the grant of the easements for the pipeline, a draft easement survey plan and section 88B instrument will be submitted for Council's consideration by CHC's lawyers.

Financial and Operational Plan implications

Council will receive compensation for the easements. All costs, including Council's reasonable administrative and legal costs and the costs of the valuations for each proposed easement required to be secured under Council's *Land Acquisition & Disposal Policy*, are to be borne by CHC.

Community Plan implications

This report meets Community Plan:

Theme 5: Good Governance

Goal 3: An Effective and Efficient Organisation

Strategy 3.3: Prudently manage risks associated with all Council activities



DIANE SAWYERS
REVENUE AND PROPERTY MANAGER



LEONIE JOHNSON
MANAGER FINANCE
(CHIEF FINANCIAL OFFICER)

28 October 2015

Attachments: 1. Request Granting of Easement & Diagram of Proposed Easements
2. *Water Pipes Across and Along Roads Policy*

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

Partner Michelle Sirasch
 Writer Georgia Marjoribanks
 Direct line 02 4924 8915
 Email gmarjoribanks@mccullough.com.au
 Our reference GXM:MAS:159337-00147
 Your reference SPF:ELB:20140733

Lawyers | **McCullough
Robertson**

10 August 2015

Mr S Flynn
 Flynn Solicitors
 PO Box 1014
 MUDGEES NSW 2850

Fax 02 6372 2883 and Express Post

No. of pages: 4

Dear Mr Flynn

**Cobbora Holding Company Pty Limited and Mid-Western Regional Council
 Proposed agreement for grant of easement – Cobbora Coal Project Water Pipeline**

We refer to the proposed Agreement for grant of easement – Cobbora Coal Project Water Pipeline (**Agreement**) and your recent request for a plan showing the location of the proposed easements.

Background

- 1 As you are aware, Cobbora Holding Company Pty Limited (**CHC**) is the proponent of the Cobbora Coal Project, comprising an open cut coal mine and ancillary infrastructure at Cobbora. CHC intends to construct a pipeline to supply water from the Cudgegong River to the Cobbora Coal Project.
- 2 On 16 April 2014, Mid-Western Regional Council (**Council**) agreed in principle to the grant of three easements, which would allow the proposed water pipeline to cross three public roads within Council's LGA.

Additional easements

- 3 We are instructed to formally request Council's agreement in principle to the grant of water pipeline over two public roads, being:
 - (a) part Woodburn Road, between the boundaries of Lots 14 and 54 in DP 750780; and
 - (b) part Sandy Creek Road, located within Lot 88 DP 750780.
- 4 We confirm these easements were included in the correspondence to Council on 10 October 2014, but appear to have been overlooked in Council's review of the plans and subsequent consent to grant of easements.
- 5 **Attached** are plans showing the proposed location of the two easements:
 - (a) the Woodburn Road Easement is shown on sheet 3 of the plan dated 8 August 2013; and

This communication (including attachments) is only intended for its addressee and may contain privileged or confidential information. Unauthorised use, copying or distribution of any part of this document is prohibited. If you are NOT an intended recipient please notify us immediately and destroy the communication.

BRISBANE Level 11, 66 Eagle Street Brisbane QLD 4000 GPO Box 1855 Brisbane QLD 4001 T +61 7 3233 8888 F +61 7 3229 9949
 SYDNEY Level 16, 55 Hunter Street Sydney NSW 2000 GPO Box 462 Sydney NSW 2001 T +61 2 9270 8600 F +61 2 9270 8699
 NEWCASTLE Level 4, 251 Wharf Road Newcastle NSW 2300 PO Box 394 Newcastle NSW 2300 T +61 2 4924 8900 F +61 2 4924 8999

www.mccullough.com.au E info@mccullough.com.au A8N 42 721 345 951


Mr S Flynn
Flynn Solicitors
PO Box 1014

Lawyers | **McCullough
Robertson**

- (b) the Sandy Creek Road Easement is shown on sheet 8 of the plan dated 21 October 2014.
- 6 We are instructed to make an offer of compensation in the amount of \$9,000 plus GST per easement, consistent with the compensation sought by Council previously in relation to other easements for the same pipeline. The total amount of compensation payable to Council under the Agreement would therefore be \$45,000 plus GST, for the grant of five easements.
- 7 Please confirm whether this arrangement is acceptable to Council. If so, we will update the Agreement and prepare easement plans and section 88B instruments for Council's consideration.

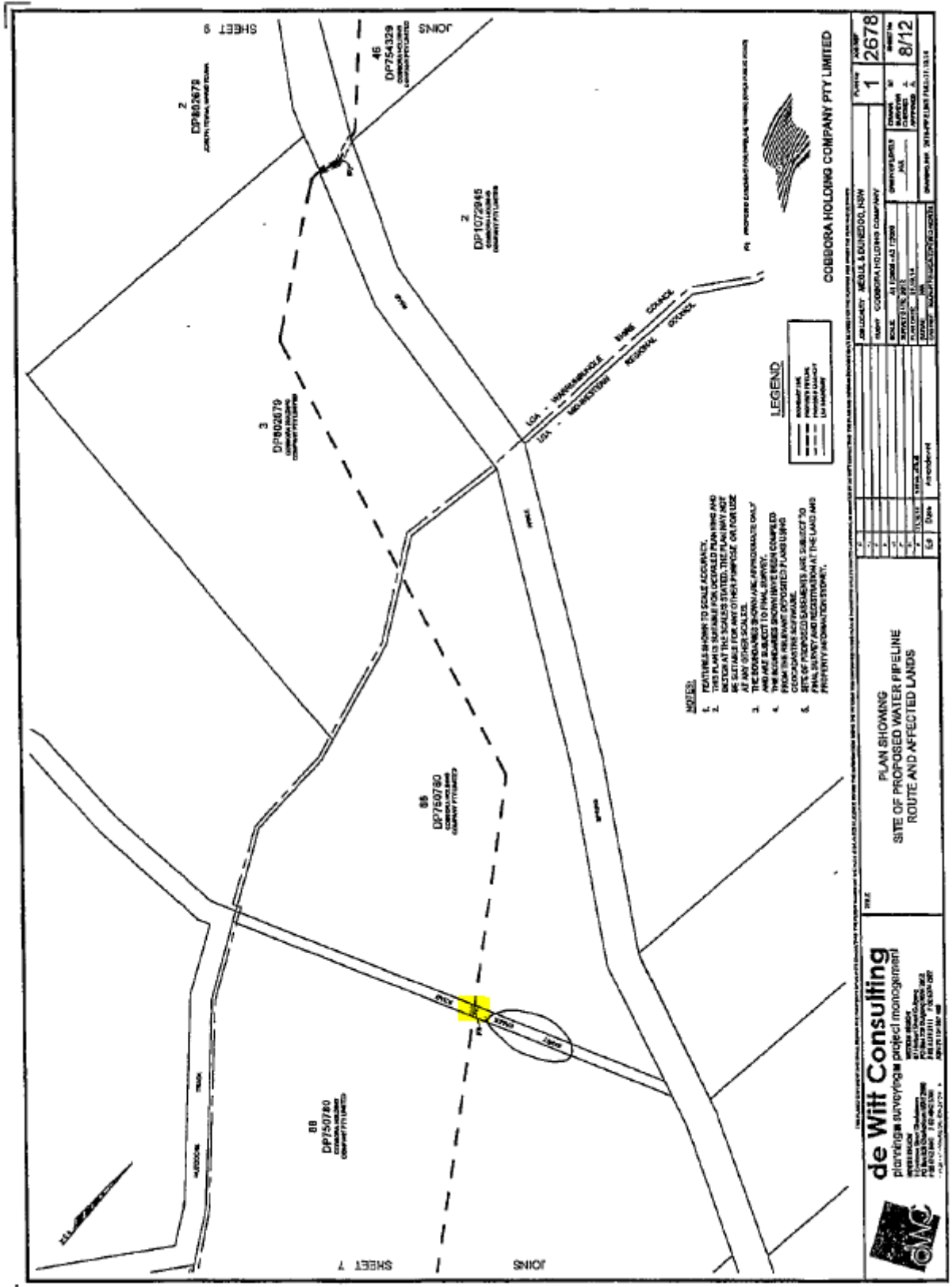
If you have any queries or would like to arrange a time to discuss this matter in detail, please contact Alex Caldwell on 02 4924 8907.

Yours sincerely



Michelle Sirasch
Partner

attachment



- NOTES:**
1. FEATURES SHOWN TO SCALE ACCURACY.
 2. DISTANCES SHOWN ARE APPROXIMATE AND SHOULD NOT BE RELIED UPON FOR ANY OTHER PURPOSE. ON SITE USE AT ANY OTHER SCALE.
 3. THE BOUNDARIES SHOWN ARE APPROXIMATE ONLY.
 4. THE BOUNDARIES SHOWN ARE APPROXIMATE ONLY.
 5. FROM THE RELEVANT DEPOSITED PLANS USING GEODATAING SOFTWARE.
 6. SITE OF PROPOSED SUBSTATION USE SUBJECT TO PROPERTY INFORMATION STUDY.



COBBORA HOLDING COMPANY PTY LIMITED

PROJECT NO: 1
 SHEET NO: 1
 DATE: 8/12

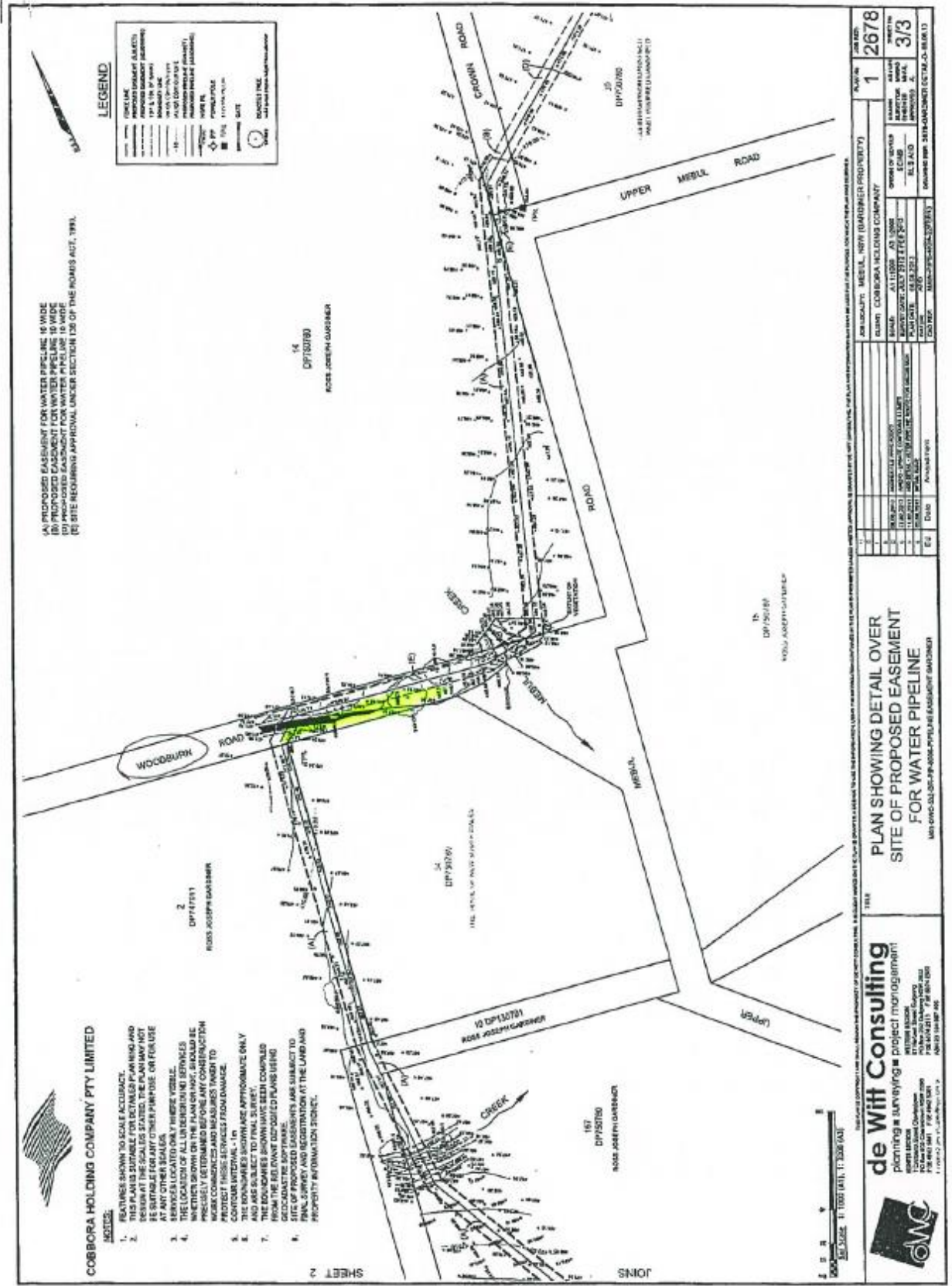
**PLAN SHOWING
 SITE OF PROPOSED WATER PIPELINE
 ROUTE AND AFFECTED LANDS**

de Witt Consulting
 planning | surveying | project management


15/151
 15/151
 15/151



| NO | REVISION | DATE | BY |
|----|--------------------|------|-----|
| 1 | ISSUED FOR TENDERS | 8/12 | JAN |



ATTACHMENT 2

| | | |
|---|---|---------------------------------------|
|  | POLICY | ADOPTED CM 6/6/13 Minute 212/13 |
| | Water Pipes Across and Along Roads | REVIEW: May 14 FILE No. A0100021 |

OBJECTIVE

To ensure that all private pipelines and associated infrastructure constructed on/under public road reserves are carried out to a high uniform standard and that the pipeline may not be a burden on the community.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, *'Connecting our Region High Quality Road Network that is Safe and Efficient'*

POLICY

Where it can be practically located, Council will grant approval for a private pipeline to be located in a public road reserve subject to compliance with the following conditions:-

1. Submission of detailed engineering plans showing details of the proposed pipeline and any other associated infrastructure. The location of pipeline is to be in accordance with requirements of the General Manager.
2. All works are to be undertaken in accordance with Aus-spec #1 (as amended by Mid Western Regional Council).
3. An assessment of the environmental effects of the proposed pipeline is to be undertaken in accordance with the Environmental Planning & Assessment Act and a review of environmental factors submitted to Council with the engineering plans.
4. A bond of \$10,000 (or as amended by Mid Western Regional Council) shall be lodged with Council to ensure that all defects in the works, which become apparent during the construction period and for a period of twelve (12) months after completion are remedied to the satisfaction of the General Manager. If these defects are not satisfactorily remedied Council may use bond moneys to carry out rectification works or disconnect the pipeline. Any unexpended bond money will be returned at the end of the twelve (12) month period, less the estimated cost of any outstanding works.
5. Any adjustments to utilities necessary to allow construction are to be carried out to the satisfaction of the relevant authority. Written confirmation of same will be required to clear the refund of the bond money.
6. The applicant will be required to provide details of the Department of Environment, Climate Change & Water's concurrence with the site of any proposed pump station location and copies of the authority to extract water in quantities commensurate to the size of the pipeline.
7. The applicant is to provide appropriate ongoing insurance cover to indemnify Council against any claims and cover the cost of any damage to Council assets arising from the operation or failure of this pipeline. Details of this insurance cover must be approved by Council prior to commencing the work and a certificate submitted on a yearly basis.

WATER PIPES ACROSS AND ALONG ROADS

8. The applicant is to complete an agreement with Council that any future maintenance would be carried out as and when required to Council's satisfaction and that the full cost of relocating or upgrading any section of the proposed pipeline affected by future realignment or upgrading of the adjoining roads will be met by the applicant.
9. Before any work is commenced, approval to the proposal must be obtained in writing. Prior written approval from the Roads & Traffic Authority is also required in respect of any roads under their control.
10. At the point of crossing the road, the pipe shall be sleeved in not less than 50mm diameter steel pipe or PVC pipe and such sleeve shall:
 - be laid at right angles to the centreline of the road
 - be not less than 0.5 metres below the road surface throughout its length
 - extend for not less than 1 metre beyond road shoulders/graded width on each side of the road.
11. The road surface must be fully reinstated and compacted to the General Managers requirements and shall be appropriately covered so as not to create a slippery surface. Any repair/compaction required to be undertaken by Council will be charged for as Private Works.
12. A pipe may be replaced within an existing sleeve, which meets the above requirements at any time without further approval.
13. Location Post to be erected adjacent to fence lines, indicating existence of underground pipes.
14. At least 14 days notice shall be given before commencing any work and the exact position being pegged.
15. All work must be appropriately signed during construction and at own risk.
16. Any damage caused to the pipe, sleeve or location posts by Council or contractors engaged by council during maintenance/construction of the road to be repaired at the licensee's cost.
17. Council may at any time revoke this licence or alter the above conditions.
18. Council reserves the right to charge an annual fee for the leasing of land for the pipeline subject to negotiation with the General Manager.
19. Council reserves the right to decline any application.

Upon full compliance with these conditions, a Construction Certificate can be issued. Under the Roads Act, Council must be notified of the date that construction will commence to allow adjoining landowners and other affected parties to be advised of the works.

Approvals are valid for a period of 2 years from the issue of the Construction certificate. The approval will lapse if the pipeline is not substantially commenced in that period.

WATER PIPES ACROSS AND ALONG ROADS

Application to Lay A Water Pipe Under Council Roads/Footpaths

| | |
|---|---------------------------------------|
| Name: | |
| Address: | |
| Contact Phone # | |
| Describe proposed location (distance from nearest cross road / direction) | |
| Estimate Date for construction | |
| Supporting Information (if deemed appropriate by the applicant) | |
| <p>Agreement: Please find enclosed the fee applicable for granting of the permit 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 all conditions contained within Council's "Water Pipes Across and Along Roads" Policy have been complied with.</p> | |
| | Signed & Dated (Applicant) |
| Office Use Only: | |
| Complies with Policy (Yes / No) | |
| Bond Paid / Drawings Supplied | |
| 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 or Delegate): | |

WATER PIPES ACROSS AND ALONG ROADS

ROADS ACT 1993 – SECT 101

Restoration of public road following excavation etc

101 Restoration of public road following excavation etc

(1) A roads authority may direct any person by whom a public road is dug up to restore the road to its previous condition.

(2) If a public road is damaged as a result of a leakage from, or breaking or bursting of, any object or work placed in, on or over the road, the appropriate roads authority may direct the person:

- (a) who was responsible for placing the object or work in, on or over the road, or
- (b) who has the care or control of the object or work, or
- (c) whose act or omission caused the leakage, breaking or bursting, to restore the road to its previous condition.

(3) A direction under this section may specify:

- (a) the manner in which or the standard to which, and
- (b) the period (being at least 14 days) within which, the direction must be complied with.

(4) Instead of giving a direction under this section, a roads authority may take such action as is necessary to restore the road to its previous condition.

(5) The costs incurred by a roads authority in taking action under this section are recoverable from the person referred to in subsection (1) or (2), as a debt, in a court of competent jurisdiction.

(6) Nothing in this section authorises a roads authority to recover an amount greater than that necessary to restore the road to its previous condition.

Adopted: Min No. 212/13 Ord Mtg 06.06.13
Re-Affirmed/Amended: Min No. 48/10 Ord Mtg 18/8/10
Review Date:
Related Files:

6.2.18 Relinquishment of Trusteeship of Reserve R81766 to NSW National Parks & Wildlife Service

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 NOVEMBER 2015 COUNCIL MEETING
Relinquishment of Trusteeship of Reserve 81766 to NPWS
GOV400043, P1895311

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Relinquishment of Trusteeship of Reserve R81766 to NSW National Parks & Wildlife Service be received;**
2. **Council agree to relinquish Trusteeship of Reserve R81766 and recommend to Trade & Investment – Crown Lands that NSW National Parks & Wildlife Service be appointed as Trust Manager;**
3. **Council support NSW National Parks & Wildlife Service’s proposal to add Reserve R81766 to the Goulburn River National Park.**

Executive summary

Council is the Trust Manager for Crown Reserve R81766 for Public Recreation (the Reserve), being the land upon which the public amenities building and car park are located adjacent to The Drip precinct.

The purpose of this Report is to consider a proposal from Office of Environment & Heritage, NSW National Parks & Wildlife Service (NPWS), for Council to support the transfer of the management of the Reserve to NPWS and ultimately, its addition to Goulburn River National Park (the National Park).

Detailed report

Council has been the Trust Manager of the Reserve since Council’s amalgamation with that part of Merriwa Shire Council in 2004. The Reserve is described as Lot 7301 DP 1136299, located adjacent to The Drip at 4882 Ulan Road Ulan, with an area of 8.156 Ha.

A public amenities building and car park, which service and support The Drip precinct, are located on this site.

Correspondence has been received from NPWS requesting that Council support and consent to the relinquishment of the management of the Reserve to NPWS.

The lands surrounding The Drip have recently been acquired by NPWS from Moolarben Coal Mine as part of the National Park. The NPWS is now looking to add the Reserve to consolidate the management and development of the area which includes the upgrade of visitor facilities. It is the NPWS’s aim that the Reserve will eventually be incorporated as part of the National Park.

The NPWS is presently in the process of preparing a masterplan to guide this process and provide an opportunity for all stakeholders to have input into ongoing development and management of the sensitive Drip precinct.

The Reserve is currently subject to an Aboriginal Land Claim. NPWS has advised that the Mudgee Aboriginal Land Council fully supports the inclusion of the Reserve into the National Park and are prepared to negotiate the Land Claim in order to progress the Reserve transfer. Crown's Lands has also confirmed that relinquishing the trusteeship from Council to NPWS will not impact on the Land Claim.

NPWS's proposal is appended to this Report.

It is recommended that Council consent to the relinquishment of the trusteeship and support its transfer, in the interim, to NPWS to allow facilitation of the NPWS's masterplan and upgrading and; ultimate incorporation of the site with the National Park.

Financial and Operational Plan implications

There has been no major capital income expenditure on the site since Council became Trust Manager in 2004.

Community Plan implications

This report meets Community Plan

Theme 2: Protecting our Natural Environment

Goal 1: Protect and Enhance our Natural Environment

Strategy 1.2: Minimise the impact of mining and other development on the environment, both natural and built



DIANE SAWYERS
REVENUE AND PROPERTY MANAGER



LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

27 October 2015

- Attachments:*
1. Letter dated 1/10/2015 from Office of Environment & Heritage, NSW National Parks & Wildlife Service
 2. Map of Reserve 81766

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1



**Office of
Environment & Heritage**
NSW National Parks & Wildlife Service



Mr Brad Cam
General Manager
Mid-Western Regional Council
Market St
Mudgee NSW 2850

Our reference:
Contact: David Crust 63709000

1 October 2015

Dear Brad,

**Re: Potential addition of the Drip Council Reserve R 81766 to Goulburn River
National Park**

I refer to our recent discussions regarding the potential transfer of Lot 7301 DP1136299 currently under trustee to Mid-Western Council as Reserve R81766. I'm now writing to advise you that the NSW National Parks and Wildlife Service (NPWS) is seeking Councils support for the transfer of the Reserve and ultimately, its addition to Goulburn River National Park.

As you would be aware, the lands surrounding the Drip have recently been acquired from Moolarben Coal Mine and gazetted as part of the National Park. The NPWS is now looking to add the remaining lands including the walking track to the Drip, picnic area and car park to the park to consolidate management of the area and develop and upgrade visitor facilities in this sensitive and popular natural feature.

The NPWS is currently in the process of preparing a masterplan to guide this process and provide an opportunity for all stakeholders to have input into the ongoing development and management of the precinct.

As you are also aware, the reserve is subject to an Aboriginal Land Claim (ALC 35338). Recently I met with the Mudgee Aboriginal Land Council who advised that they fully support the inclusion of the reserve into Goulburn River NP and indicated that they are prepared to negotiate the Land Claim in order to progress the reserve transfer.

As an interim measure, both Crown Lands and the Land Council are supportive of the "trusteeship" of the reserve being transferred from Council to the NPWS. This process will expedite the masterplan development and allow the NPWS to commit capital works funding to redevelopment of infrastructure on the reserve. The works envisaged include; upgrade of the walking track, replacement of the existing toilet, upgrade of picnic facilities, and realignment of the car park.

I would also appreciate Councils support in providing expert engineering advice to address safety issues with vehicles turning off the Ulan – Cassilis road into the reserve.

If you can advise me of Council's support for the proposal to transfer the trustee arrangements for the reserve to the NPWS, I will initiate the process with Crown Lands. I'll also ensure Council is included in the masterplan consultation process.

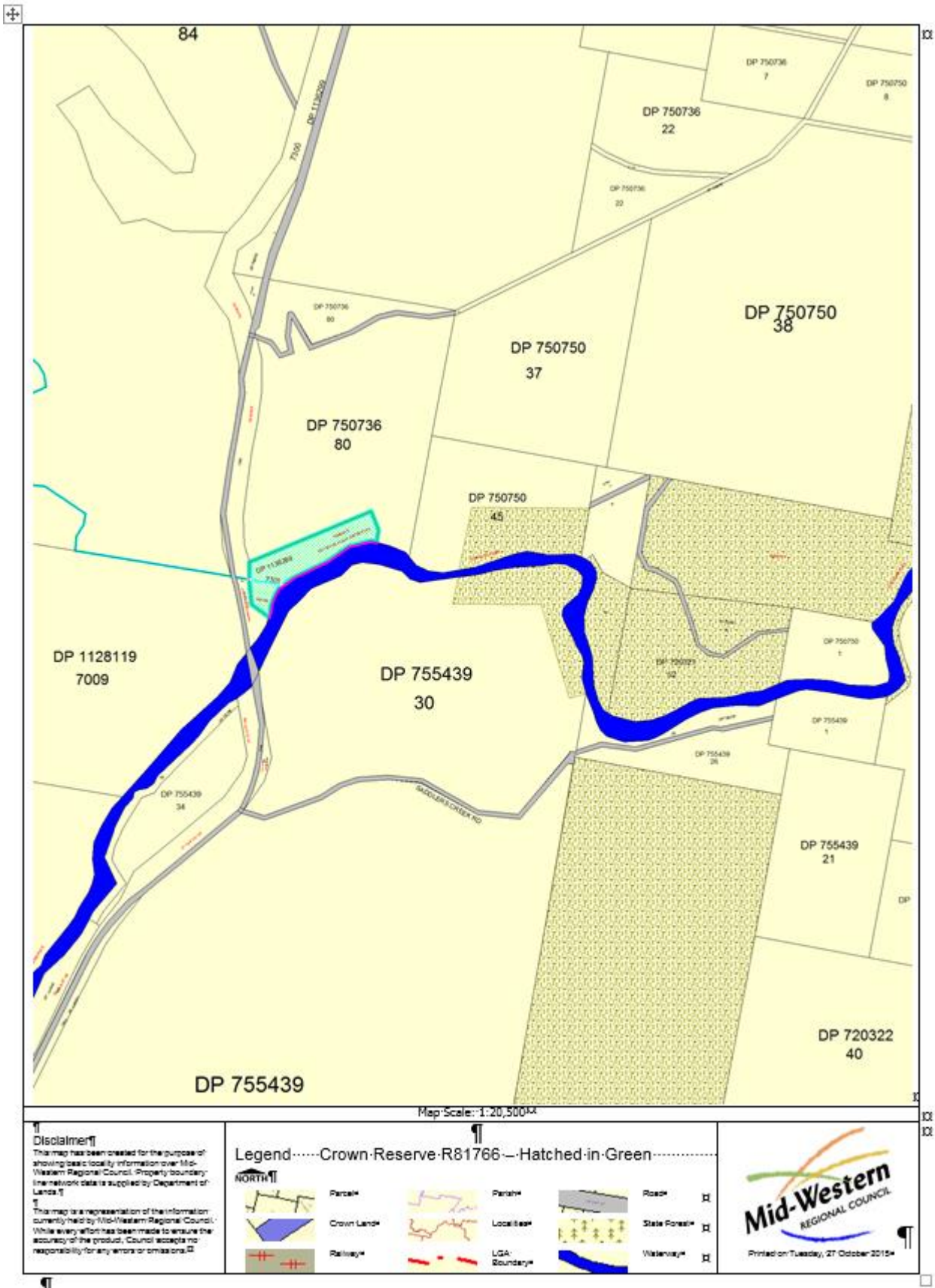
Please contact me on 63 70 9000 if you need any other information

27 Inglis Street Mudgee NSW 2850
Tel: (02) 6370 9000 Fax: (02) 6370 9010
ABN 30 641 387 271
www.environment.nsw.gov.au

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D. Crust', with a stylized flourish at the end.

David Crust
Area Manager Mudgee
National Parks and Wildlife Service



6.2.19 Naming of a New Street in a Subdivision off Bruce Road

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 NOVEMBER 2015 COUNCIL MEETING
Report to Council (final) Street Naming – Barrington Court
GOV400043, R0790041

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Naming of a New Street in a Subdivision off Bruce Road be received;**
 2. **Council formally approve the name of Barrington Court for this new street.**
-

Executive summary

Formal approval is requested to name the new street in a subdivision off Bruce Road, Barrington Court.

Detailed report

Following the approval of a new subdivision off Bruce Road, Council wrote to neighbours of the subdivision requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 31/7/15 issue of the Mudgee Guardian.

From submissions received, Council provisionally approved the name of Barrington Court at its 16/9/15 Council Meeting.

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

Barrington Court was advertised in the 25/9/15 issue of the Mudgee Guardian and on Council's website with no additional submissions received.

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

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

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

1. published in the Government Gazette and the Mudgee Guardian and;
2. concurrently, notice of the new names will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State

Emergency Service, The New South Wales Volunteer Rescue Association Inc, and, in the case of a classified road - the RMS.

Financial and Operational Plan implications

Cost of and installation of a street sign will be met by the developer.

Please note that Council is no longer required to pay Gazettal costs. This cost is now paid for by Land & Property Information as part of the Online Road Naming System.

Community Plan implications

This report meets Community Plan:

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



DIANE SAWYERS
REVENUE AND PROPERTY MANAGER



LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

30 October 2015

Attachments:

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

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER



ATTACHMENT 1

PO Box 143
Bathurst NSW 2795
T: 02 6332 8214
F: 02 6332 8217
E: gnb@lpi.nsw.gov.au
www.gnb.nsw.gov.au

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

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

ATTENTION: Carolyn Atkins

Dear Carolyn

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

I refer to your letter of 20th August 2015, which proposed the following public road names:

BARRINGTON COURT, ELIZABETH GROVE

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the names have been reviewed under the GNB NSW Addressing User Manual and there is no objection to their use.

Kind Regards,

Rhet Humphrys
Statutory Officer
Geographical Names Board of NSW
20 August 2015

ATTACHMENT 2

Mid-Western Regional Council
Market Street
MUDGEE. NSW. 2850
Attention - Caroline Atkins

Mrs Pip Purkiss
Bruce Road
MUDGEE. NSW. 2850

Dear Caroline,

Re Naming of new Cul de sac at 121 Bruce Road, Mudgee

I refer to our recent conversation about a subdivision at 121 Bruce Road, Mudgee (Lot 1 DP 3024 and Lot 9 DP 1150667) conducted by Pip Purkiss and Rebecca Ehlen. Our development application has been approved by Mid Western Regional Council and we have lodged our subdivision construction certificate. We hope to begin construction of our cul de sac in the next month and would like to submit two possible names for Council approval.

1st Preference

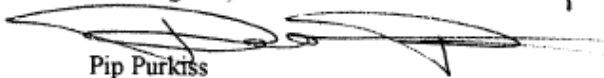
Barrington Court - In memory of our Great Great Grandmother Maria Barrington who was a pioneer of the Mudgee District (married to John Swords - farmer and businessman in Mudgee). Born 1837, Athy Kildare Ireland, arrived in Australia at the age of 12 Married by the Rev. James Gunther at St John's Anglican Church Mudgee in 1855 to John Swords and Died Mudgee 1902

2nd Preference

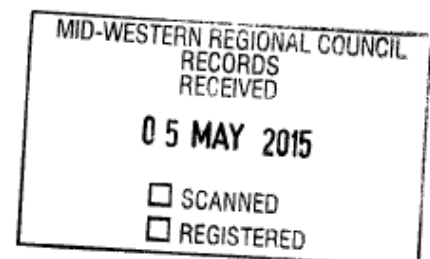
Elizabeth Grove - In memory of our Great Great Grandmother, Elizabeth Mary Swords (nee Robinson) married Joseph Christopher Barrington Swords - farmer in 1907 who was also a pioneer of the Mudgee/Moolarben District.

We look forward to hearing from you soon.

Kind regards,



Pip Purkiss



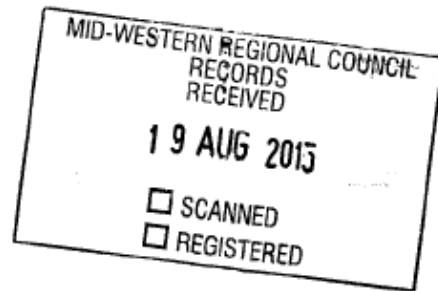
19th August 2015

Mid Western Regional Council

Attention: Carolyn Atkins

PO Box 156

Mudgee NSW 2850



Dear Carolyn

RE: NAMING OF A NEW STREET IN A SUBDIVISION OFF BRUCE ROAD MUDGEE

I refer to your letter dated 28 July 2015 in regard to the naming of the new street in our subdivision off Bruce Road Mudgee.

As discussed in our telephone conversation my sister Pip Purkiss has already put in a submission for the naming of the new road. We are jointly developing this subdivision and have discussed the name of the road and have decided we would like it to be called 'Barrington Court'.

As outlined in Pip's submission the name originally comes from our relative Maria Barrington, who was the daughter of an Irish rebel. Maria went on to marry John Swords who came to Mudgee in the early 1840's. The Swords name is well known in the Mudgee district and we thought we would like to honour one of the pioneering women of the area associated with the Swords family. My Grandfather was Douglas Joseph Barrington Swords and as his name also contains Barrington it would be really special for us, as his granddaughters, to also honour his memory.

Thank you for allowing our submission and as both my sister and I will be living in the new subdivision we would be honoured if you could accept our new street name 'Barrington Court'.

Kind Regards

Bec Ehlen



6.2.20 Naming of an Unnamed Lane between Inglis & Nicholson Streets

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 NOVEMBER 2015 COUNCIL MEETING
Report to Council (final) – Street Naming – Nolan lane
GOV400043, R0790141

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Naming of an Unnamed Lane between Inglis & Nicholson Streets be received;**
 2. **Council formally approve the name of Nolan Lane for this unnamed Lane.**
-

Executive summary

Formal approval is requested to name an unnamed Lane between Inglis & Nicholson Streets in Mudgee, Nolan Lane.

Detailed report

A new dual occupancy in Inglis Street in Mudgee includes a new dwelling to be accessed from the unnamed lane between Inglis and Nicholson Streets. Addressing requirements for this and any future dual occupancies will necessitate the naming of this unnamed street. Council wrote to neighbours of the unnamed lane requesting their naming suggestions and public consultation was also invited in an advertisement placed in the 3/4/15 issue of the Mudgee Guardian.

From submissions received, Council provisionally approved the name of Nolan Lane at its 16/9/15 Council Meeting.

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

Nolan Lane was advertised in the 25/9/15 issue of the Mudgee Guardian and on Council's website with no additional submissions received.

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

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

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

1. published in the Government Gazette and the Mudgee Guardian; and

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

Financial and Operational Plan implications

Purchase and installation of 3 street signs at an approximate cost of \$900. These costs are included in the 2015/2016 Operational Plan budget.

Please note that Council is no longer required to pay Gazettal costs. This cost is now paid for by Land & Property Information as part of the Online Road Naming System.

Community Plan implications

This report meets Community Plan:

Theme Connecting Our Region

Goal High quality road network that is safe and efficient

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



DIANE SAWYERS
REVENUE AND PROPERTY MANAGER



LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

30 October 2015

Attachments: (included at the end of the business paper):

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

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.21 Naming of an Unnamed Lane off Spring Flat Road

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 NOVEMBER 2015 COUNCIL MEETING
Report to Council - Street Naming – Plenty Road
GOV400043, R0790041

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Naming of an Unnamed Lane off Spring Flat Lane be received;**
 2. **Council formally approve the name of Plenty Road for this unnamed Lane.**
-

Executive summary

Formal approval is requested to name an unnamed Lane off Spring Flat Road in the Locality of Spring Flat, Plenty Road.

Detailed report

A new subdivision off Broadhead Road in Mudgee includes land to be accessed from an unnamed lane off Spring Flat Road. Addressing requirements for the new subdivision will necessitate the naming of this unnamed road. Council wrote to neighbours of the unnamed lane requesting their naming suggestions and public consultation was also invited in an advertisement placed in the 6/2/15 issue of the Mudgee Guardian.

From submissions received, Council provisionally approved the name of Plenty Road at its 16/9/15 Council Meeting.

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

Plenty Road was advertised in the 25/9/15 issue of the Mudgee Guardian and on Council's website with no additional submissions received.

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

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

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

1. published in the Government Gazette and the Mudgee Guardian; and

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

Financial and Operational Plan implications

Purchase and installation of 2 street signs at an approximate cost of \$600. These costs are included in the 2015/2016 Operational Plan budget.

Please note that Council is no longer required to pay Gazettal costs. This cost is now paid for by Land & Property Information as part of the Online Road Naming System.

Community Plan implications

This report meets Community Plan:

Theme Connecting Our Region

Goal High quality road network that is safe and efficient

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



DIANE SAWYERS
REVENUE AND PROPERTY MANAGER




LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

30 October 2015

- Attachments:*
1. Correspondence received from the Geographical Names Board
 2. Submissions received
 3. Map of the road to be named.

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1



PO Box 143
Bathurst NSW 2795
T: 02 6332 8214
F: 02 6332 8217
E: gnb@lpi.nsw.gov.au
www.gnb.nsw.gov.au

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

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

ATTENTION: Carolyn Atkins

Dear Carolyn

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

I refer to your email of 14th August 2015, which proposed the following public road names:

WEBSTER ROAD, PLENTY ROAD, RALPHS ROAD

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the name has been reviewed under the GNB NSW Addressing User Manual and there is no objection to their use.

Kind Regards,

Rhet Humphrys
Statutory Officer
Geographical Names Board of NSW
17 August 2015

ATTACHMENT 2

Lewis St

Mudgee NSW 2850

11-2-2015

General Manager

Mid Western Regional Council

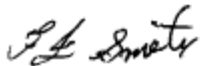
PO Box 156

Mudgee NSW 2850

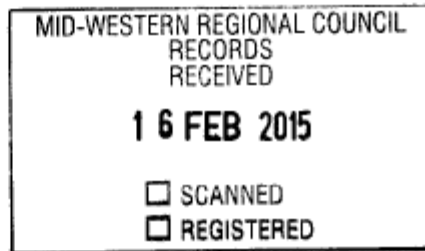
Dear Sir

In reply to the letter I received regarding the naming of the road between Spring Flat Road and Robertson Road I wish to submit my suggestion of "ALLIRA ROAD". This is an aboriginal word meaning 'Daughter' and as my late Mother was the daughter of an early Spring Flat family I feel this is an appropriate name for a road that adjoins the property my late parents owned for many years.

Yours Faithfully



Frederick James Smith



From Council's Pre-Approved Names List

Approved - COUNCIL MEETING SEP 2009

Ralphs Road (Mudgee South) – Named after Ralph Turner a POW in Changi Prison where he died aged 21. The Turner property was in the area of the road that was commonly named Old Reservoir Road (near Redbank Dam). Ralphs Road was approved by Council November 2008 as the name for this road but the residents in the area preferred Old Reservoir Road. Ralphs Road was changed to Old Reservoir Road by Council in September 2009. Ralphs Road was already approved so can be used for a new road name but preferably in the Mudgee South area.

Approved by the Geographical Names Board in their 17/1/13 letter

Henry Lawson Way

Young NSW 2594

3-8-2015

General Manager

Mid Western Regional Council

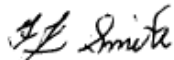
PO Box 156

MUDGEES NSW 2850

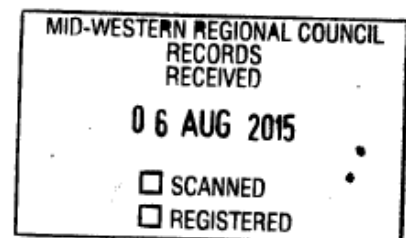
Dear Sir

In reply to your letter dated 29th July regarding the naming of the road off Spring flat road I would like to submit my suggestion of "PLENTY ROAD". My late mother was the daughter of the late James and Florence Plenty who were an early Spring Flat family. I feel this would be an appropriate name for a road that adjoins the property my late parents owned for many years.

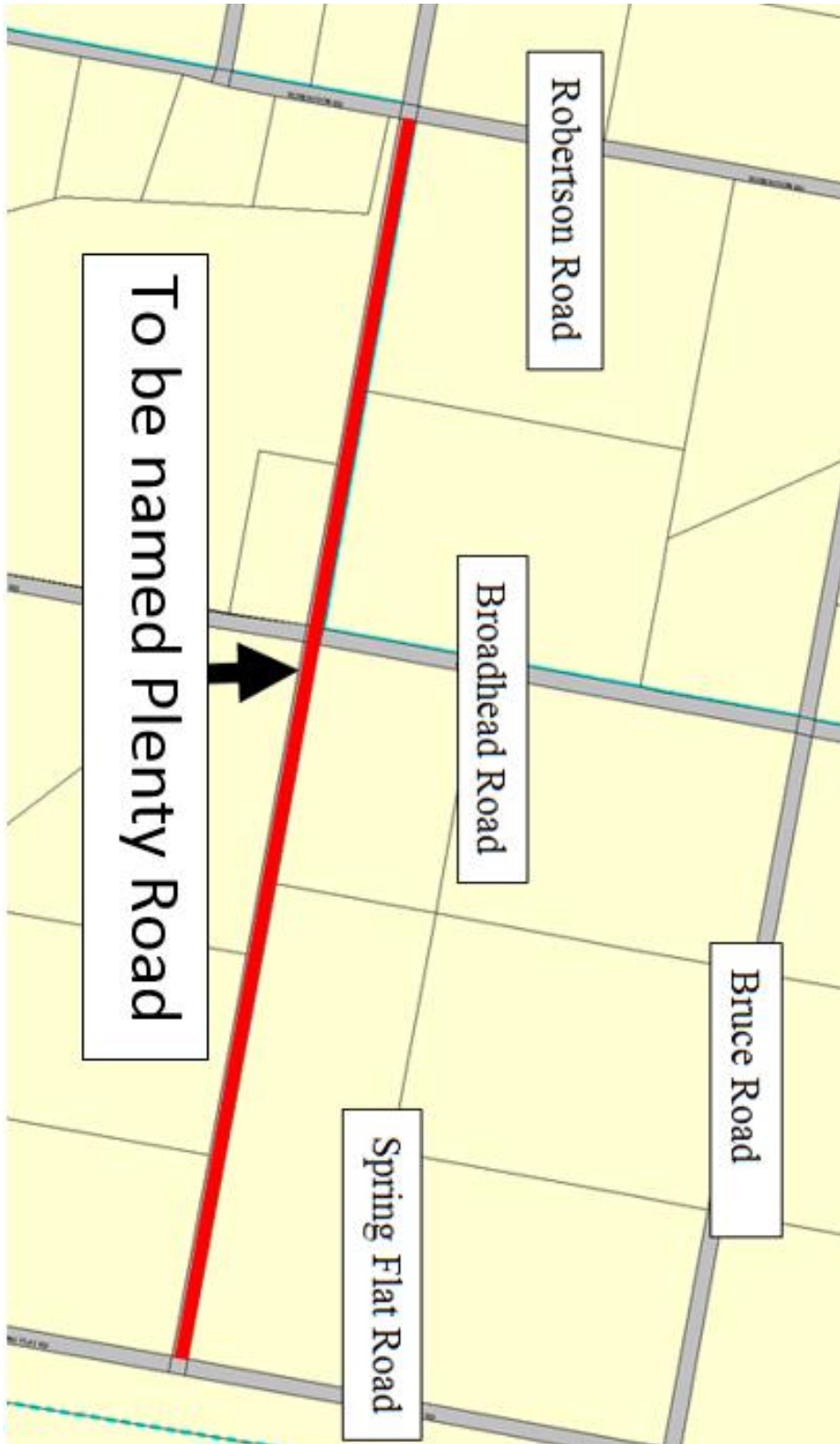
Yours Faithfully



Frederick James Smith.



ATTACHMENT 3



6.2.22 Formalisation of Road Widening – Spring Creek Road

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 NOVEMBER 2015 COUNCIL MEETING
Formalisation of Road Widening – Spring Creek Road
GOV400043, P0419911

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Formalisation of Road Widening - Spring Creek Road be received;**
2. **Pursuant to Section 9 Roads Act 1993 Council dedicates that part of allotment 449 DP 755433 having an area of 594 m² and as shown on Attachment 1 to this Report, as public road.**
3. **the General Manager be authorised to sign all documents necessary in relation to the dedication of that part of allotment 449 DP 755433 as shown on Attachment 1 to this Report, as public road;**
4. **Council authorises the affixing of the Common Seal to all documents necessary in relation to the dedication of that part of allotment 449 DP 755433 as shown on Attachment 1 to this Report, as public road.**

Executive summary

The purpose of this report is to seek Council's authority to formalise the physical road realignment that was completed sometime prior to the mid-1990s along Spring Creek Road Gulgong adjacent to the old Treatment Works owned by Council.

Detailed report

Spring Creek Road at Gulgong was widened sometime prior to the mid-1990s. The widening encroached onto part of Lot 449 DP 755433, being the old Treatment Works land owned by Council.

A plan was produced in 1997 to facilitate the dedication of 594 m² of the land as public road pursuant to Section 9 Roads Act 1993 however, the plan was never lodged. In addition, there does not appear to be a Council resolution authorising the dedication of Council owned land as public road.

It is recommended that Council authorise the dedication of 594 m² of the land as public road pursuant Section 9 Roads Act 1993 as shown on the proposed Road Opening plan which is appended as Attachment 1 to this Report.

Financial and Operational Plan implications

The procedural road opening costs will amount to approximately \$3,500. This amount will be funded from the current 2015/2016 Rural Sealed Roads Land Matters budget.

Community Plan implications

This report meets Community Plan:

Theme 4 Connecting Our Region
Goal 1 High quality road network that is safe and efficient
Strategy 1.1 Provide traffic management solutions that promote safer local roads and minimise traffic congestion



DIANE SAWYERS
REVENUE AND PROPERTY MANAGER



LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

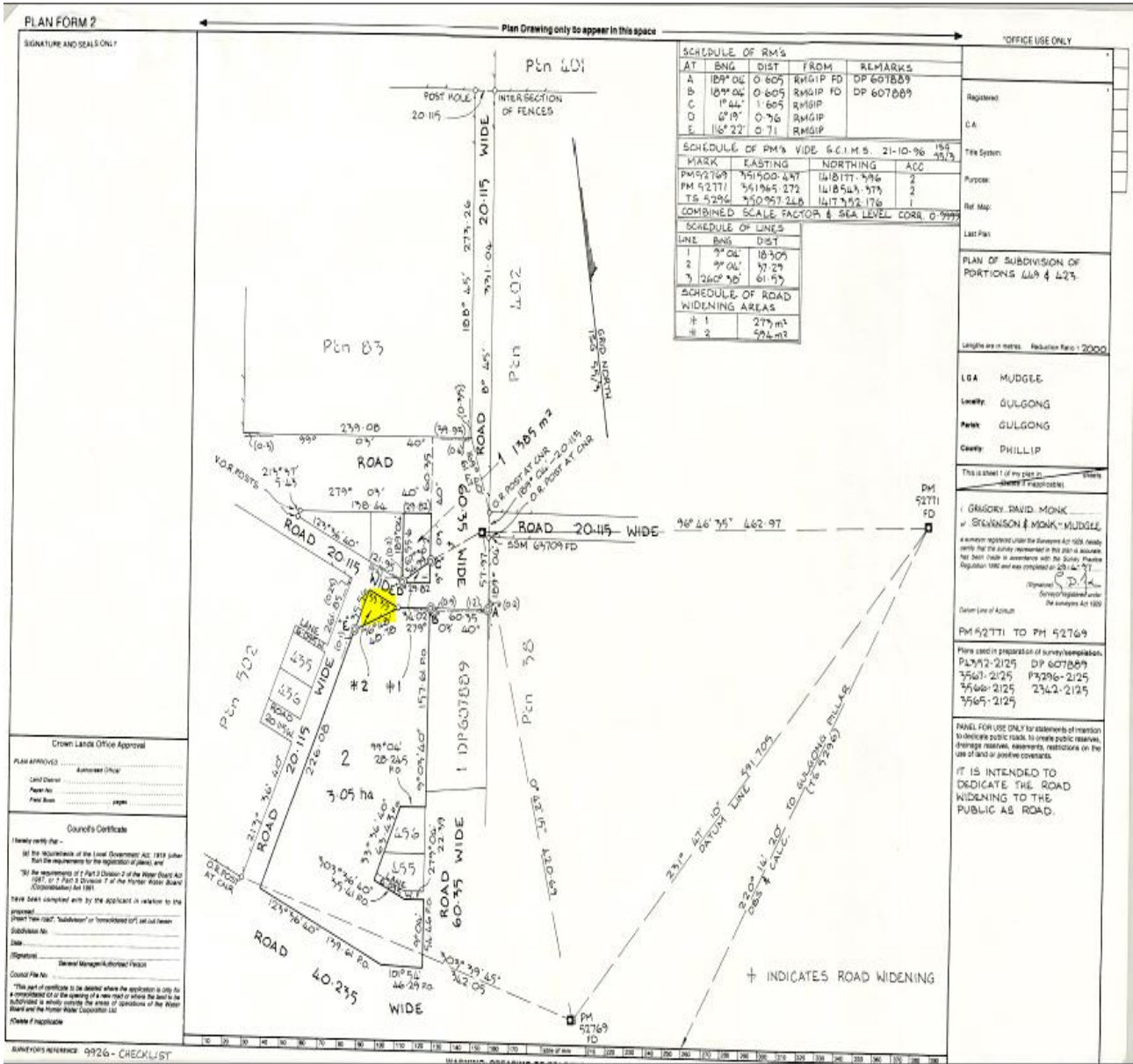
29 October 2015

Attachments: 1. Proposed Road Opening Plan

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER



Land proposed to be dedicated as public road is shaded "yellow"

6.2.23 Caerleon Subdivision – Supply of Water and Sewage Distribution Infrastructure

REPORT BY THE SENIOR WATER AND WASTE WATER ENGINEER TO 18 NOVEMBER 2015
COUNCIL MEETING

Caerleon Subdivision – Supply of Water and Sewage Distribution Infrastructure
GOV400043, COR400111

RECOMMENDATION

That:

1. **The report by the Senior Water and Waste Water Engineer for RFT 2015/16 “Caerleon Subdivision – Supply of Water and Sewage Distribution Infrastructure” be received;**
2. **Council accept the tender of Ledonne Constructions Pty Ltd for the supply and construction of single water trunk main and dual sewer rising mains for the amount of \$_____ (exc GST) in accordance with clause 178 of the *Local Government (General) Regulation 2005*;**
3. **the 2015/16 Operational Plan be amended to increase the project budget for the water main installation at Caerleon by \$219,000 (exc GST), to be funded from Water Reserves;**
4. **the 2015/16 Operational Plan be amended to reduce the Caerleon Sewer Main budget by \$196,000 (exc GST) to be returned to Sewer Reserves;**
5. **Council authorise the General Manager to enter into contract negotiations on behalf of Council with Poonindie trading as Ted Wilsons & Sons for the design and construction of the sewer pump station;**
6. **The General Manager be granted delegated authority to approve variations to both contracts up to a cumulative total of 10% of the original contract sum; and**
7. **The unsuccessful tenderers be notified that their tenders were unsuccessful.**

Executive summary

Tenderers for RFT 2015/16 were issued seeking contractors capable of supplying and installing water and waste water infrastructure to service the Caerleon Subdivision. The Request for Tender identified infrastructure requirements to service initial stages of the subdivision together with options to service the fully developed catchment of 1200 lots.

The scope of work for the tender included the separable portions of:

- A. Supply and installation of 3,268m of 300mm diameter water trunk main and two 2,058m of sewer rising mains of 150mm and 200mm diameter.
- B. Design and construction of a sewer pump station with capacity to service the initial stages of Caerleon subdivision, but also have the ability to easily increase its capacity to service the ultimate subdivision of 1200 lots.

The installation of the water and sewage distribution infrastructure has a combined budget allocation of \$2,068,000 of which \$1,989,400 remains available after engineering design and tendering. The budget estimate was developed prior to completing the engineering design and as a result the pump station budget was assembled against a concept scope of works.

This report recommends that the water main and sewer rising main construction be awarded to Ledonne Constructions Pty Ltd which is within the overall budget for the pipe line installations. This report also recommends delegating authority to the General Manager to negotiate the scope for the design and construction of the sewer pump station, to ultimately reduce the scope and cost during this phase so it's closer to the original estimate.

Detailed report

Tenders for RFT 2015/16 were called on the 22nd of September 2015 for Water & Sewage distribution services for the Caerleon development and closed 14th October 2015. The scope of works tendered included the separable portions consisting of:

- A. Supply and installation of a 3,268m, 300mm diameter water main and two 2,058m sewer rising mains of 150mm and 200mm diameter.
- B. Design and construction of a sewer pump station with capacity to service initial stages of Caerleon subdivision, but also have provision for ease of upgrades to service the ultimate subdivision capacity of 1200 lots.

Advertisements for the tender were placed in the Local Government section of the Sydney Morning Herald, the Mudgee Guardian and on Council's Website.

The tendering process was initiated and a procurement plan and tender evaluation plan were developed. A Tender Assessment Panel was formed comprising representatives from the most relevant departments within Council. Members of the Tender Assessment Panel used the Evaluation Plan and methodology to determine which tenderers offered the best value for money for both the pipeline installations and pump station design and construct.

The installation of the water and sewage distribution infrastructure has a combined budget allocation of \$2,068,000 of which \$1,989,400 remains available after engineering design and tendering. The budget estimate was developed prior to completing the engineering design and as a result the pump station budget was assembled against a concept scope of works.

This report recommends that the water main and sewer rising main construction be awarded to Ledonne Constructions Pty Ltd which is within the overall budget for the pipe line installations. This report also recommends delegating authority to the General Manager to negotiate the scope for the design and construction of the sewer pump station, to ultimately reduce the scope and cost during this phase so it's closer to the original estimate.

TENDER SUBMISSIONS

Tenders were received from the following vendors to supply the following separable portions;

| No | Company | Scope |
|-----------|--------------------------------------|--|
| 1 | Ted Wilsons & Sons (TWS) | Separable Portion B - Sewer Pump Station Only |
| 2 | A Plus Contracting Pty Ltd | Separable Portion pat A & B - Trunk Main, Rising Main & Sewer Pump Station |
| 3 | Ledonne Constructions Pty Ltd | Separable Portion pat A & B - Trunk Main, Rising Main & Sewer Pump Station |
| 4 | Precision Civil Infrastructure (PCI) | Separable Portion pat A & B - Trunk Main, Rising Main & Sewer Pump Station |

No late tenders were received.

Tenders were assessed against predetermined price (40%) and non-price (60%) components of their submissions.

CONFORMING TENDERS

All four tenderers were requested to provide further clarification in order to conform. Three tenderers responded to the request for clarification. Subsequently the non-responding tenderer was excluded from further participating in the tender review.

EVALUATION METHODOLOGY

The objective of the evaluation was to select the tenderer whose submission demonstrated the best value when comparing price, quality, safety, delivery schedule and relevant experience. The evaluation criteria and weightings were identified in the Request for Tender documentation.

Tenders were evaluated strictly in accordance with the Tender Evaluation Plan and in Compliance with the provisions of *the Local Government Act 1993* and *Local Government (General) regulation 2005*.

EVALUATION PANEL

- Claire Cam – Manager Water and Sewer
- Chris Urquhart – Senior Engineer – Water & Waste Water
- Richard Ivey – Financial Accountant

EVALUATION FINDINGS

All tenderers were assessed and scored against the evaluation criteria listed in the tender document and weightings in the Evaluation (Confidential Attachment), to determine the Total Weighted Score for each of the separable portions. The application of the local preference policy was applied in the evaluation and did not alter the rankings.

Evaluation of Separable Portion A against the specified evaluation criteria indicates that Ledonne Constructions Pty Ltd. have submitted the most superior tender, representing the best value to Council for the supply and installation of the sewer rising mains and water trunk main. It was also identified that Ledonne's submission to install the second sewer rising main to service the fully developed sewer catchment (1200 lots), increased the contract price by \$184,135 but realises a potential saving in the order of greater than \$200,000 (based on NSW DPI reference rates) by installing the dual pipes as part of this contract. The proposed budget commitment is recommended to Council due to the overall capital cost saving for the Caerleon catchment sewage distribution works.

Evaluation of the design and construct sewer pump station against the specified criteria indicates that Ted Wilson & Sons have submitted the most superior tender response, representing the best

value to council for separable portion B. The initial scope included in their submission for a package pump station is greater than the original design requirement and ultimately the current budget. It's understood that by optimising the scope against design requirements further savings could be realised and it's the recommendation of this report that Council authorise the General Manager to enter into contract negotiations to progress.

Financial and Operational Plan implications

| No | Current budget available after design and tender costs removed | Required Adjustment |
|----|--|-----------------------|
| 1 | \$871,391.72 | Increase by \$219,000 |
| 2 | \$802,716.00 | Decrease by \$196,000 |

Community Plan implications

Contribute towards achieving goals of providing total water cycle management via;

- A. Effective and efficient delivery of infrastructure through the provision of infrastructure and services to cater for the future needs of our community
- B. Maintain and manage waste water quality to meet Environmental Protection Agency (EPA) standards
- C. Maintain and manage water quantity and quality



CHRIS URQUHART
SENIOR WATER AND WASTE WATER ENGINEER



DARYL COLWELL
DIRECTOR, OPERATIONS

4 November 2015

Attachments: 1. 2015-16 Caerleon Water Services weighted scoring assessment (included in the confidential section of the business paper).

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.24 Supply of quarry products for additional supplier – Kandos Operations Pty Ltd

REPORT BY THE MANAGER WORKS TO 18 NOVEMBER 2015 COUNCIL MEETING

Council Report - Additional Supplier - Supply of quarry products

GOV400043, A0411307

RECOMMENDATION

That:

- 1. the report by the Manager Works on the Supply of quarry products for additional supplier – Kandos Operations Pty Ltd be received;**
- 2. Council accepts Kandos Operations Pty Ltd be included in the preferred suppliers lists for the supply of quarry products in accordance with Clause 178 of the Local Government (General) Regulation 2005.**

Executive summary

This report is recommending that Kandos Operations Pty Ltd be included on the preferred suppliers list after having received the required information from the supplier.

Detailed report

Council has received a request by Kandos Operations Pty Limited to be included on Council's preferred suppliers list. The supplier has completed the relevant documentation and been assessed in accordance with the preferred supplier process. The process involved the following steps:

1. The Assessment Panel undertook an objective analysis of supplier's ability to meet both mandatory and desirable criteria.
2. The supplied information and specific questions were listed under the evaluation criteria and weighted in order of importance to the overall evaluation. Suppliers were scored against the criteria in accordance with the Evaluation Plan.

As a result of this process, the additional supplier will be incorporated into the preferred supplier's list.

The supplier requirements called for ex works prices for products.

The costs of transport can make up a significant part of the price for the supply of quarry products and is generally linked to the proximity of the quarry to the delivery location. Council requires some flexibility in selecting appropriate suppliers of quarry products due to the large range of products, delivery arrangements and project locations. Supply is therefore allocated based on a combination of both product supply cost and cartage costs.

Financial and Operational Plan implications

The costs of the projects that require quarry products are recognised in the Management Plan under the maintenance and construction of Councils assets.

Community Plan implications

This report is in accordance with Community Plan theme of 'connecting our region'. More specifically, the goal of implementing a 'high quality road network that is safe and efficient'.



SALLY MULLINGER
MANAGER, WORKS



DARYL COLWELL
DIRECTOR, OPERATIONS

2 November 2015

Attachments: 1. Supply of Quarry Products Additional Supplier – Kandos Operations Pty Ltd – Evaluation (included in the confidential section of the business paper).

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.25 Replacement of Fuel Truck

REPORT BY THE MANAGER PLANT & FACILITIES TO 18 NOVEMBER 2015 COUNCIL MEETING
Replacement of Fuel Truck
GOV400043, A0300018

RECOMMENDATION

That:

1. **the report by the Manager Plant & Facilities on the Replacement of Fuel Truck be received;**
2. **Council accepts Isuzu Australia Limited for VendorPanel quotation VP37463 for the provision of one Isuzu FSR700/850 with an Almighty Industries body and diesel tank for the quoted price of \$143,292.64 (excl GST) and that Council enter into a contract with Isuzu Australia Limited in accordance with clause 178 of the Local Government (General) Regulation 2005;**
3. **Council approves the General Manager to authorise variations up to 10% of the contract value;**
4. **The unsuccessful applicants are notified that their quotations were unsuccessful.**

Executive summary

The current fuel truck has reached the end of its useful life to Council and quotations were sought through VendorPanel for its replacement which is covered in the current budget.

VendorPanel is a web portal where Council can either purchase direct from a schedule of rates contract or obtain quotes from Local Government Procurement (LGP) quotation based contracts. Transparency is provided to all parties when calling quotations, evaluating the responses and notifying suppliers of the outcome in the one portal. It also provides access to additional information such as insurance details, web links, and company profiles, all regularly updated by the contractors themselves and verified by LGP.

LGP has been prescribed under s55 of the Local Government Act, allowing councils to utilise supply arrangements coordinated by LGP without the need to go to tender in their own right. Section 55 (3) of the Local Government Act provides a number of exemptions from the need for councils to call for tenders for goods and services.

Detailed report

The fuel truck was assessed by Council mechanics, operators and managers in order to determine which quotation gave Council the best value for money, the most reliability and also the most efficient vehicle possible.

Seven quotations from three companies were received from:

- Fuso Truck and Bus
- Hino Motor Sales Australia P/L
- Isuzu Australia Ltd

The assessment panel consisted of:

- Scott Clarkson, Plant Supervisor
- Andrew Kearins, Roads Engineer
- Richard Ivey, Financial Accountant
- Andrew Drummond, Manager Plant and Facilities

EVALUATION FINDINGS

All quotations were assessed and scored against evaluation criteria and the total weighted scores are listed below:

| Company | Make | Model | Body | | Total score |
|---------------------------|-------|--------------|---------------------|-------|-------------|
| Fuso Truck and Bus | Fuso | Fighter 1224 | Almighty Industries | Steel | 7.93 |
| Fuso Truck and Bus | Fuso | Fighter 1224 | Almighty Industries | Poly | 8.40 |
| Fuso Truck and Bus | Fuso | Fighter 1627 | Aust Fuel Systems | Steel | 7.37 |
| Hino Motor Sales Aust P/L | Hino | FE 1426 | Almighty Industries | Steel | 7.92 |
| Hino Motor Sales Aust P/L | Hino | FE 1426 | Almighty Industries | Poly | 8.38 |
| Isuzu Australia Ltd | Isuzu | FSR 700/850 | Almighty Industries | Steel | 8.58 |
| Isuzu Australia Ltd | Isuzu | FSR 700/850 | Almighty Industries | Poly | 9.01 |

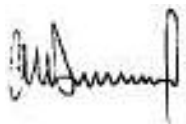
The Isuzu FSR700/850 with the fuel tank selected, represents the best value to Council and replaces Council current fuel truck with a steel tank.

Financial and Operational Plan implications

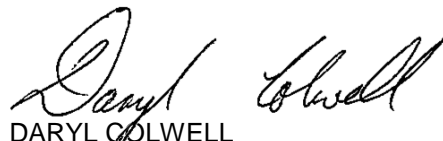
This item is recognised in the current plant replacement budget.

Community Plan implications

The selected equipment is required to meet Councils road maintenance and construction program.



ANDREW DRUMMOND
MANAGER PLANT & FACILITIES



DARYL COLWELL
DIRECTOR, OPERATIONS

30 October 2015

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

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.26 Replacement of Waste Landfill Compactor

REPORT BY THE MANAGER PLANT & FACILITIES TO 18 NOVEMBER 2015 COUNCIL MEETING
Replacement of Waste Landfill Compactor
GOV400043, A0300018

RECOMMENDATION

That:

1. **the report by the Manager Plant & Facilities on the replacement of Waste Landfill Compactor be received;**
2. **Council accepts GCM Enviro Pty Ltd for VendorPanel quotation VP37473 for the provision of one Tana E320 Landfill Compactor for the quoted changeover price of \$563,000 (excl GST) and that Council enter into a contract with GCM Enviro Pty Ltd in accordance with clause 178 of the Local Government (General) Regulation 2005;**
3. **Council approves the General Manager to authorise variations up to 10% of the contract value;**
4. **The unsuccessful applicants are notified that their quotations were unsuccessful.**

Executive summary

The current landfill waste compactor has reached the end of its useful life to Council and quotations were sought through VendorPanel for its replacement which is covered in the current budget.

VendorPanel is a web portal where Council can either purchase direct from a schedule of rates contract or obtain quotes from Local Government Procurement (LGP) quotation based contracts. Transparency is provided to all parties when calling quotations, evaluating the responses and notifying suppliers of the outcome in the one portal. It also provides access to additional information such as Insurance details, web links, and company profiles, all regularly updated by the contractors themselves and verified by LGP.

LGP has been prescribed under s55 of the Local Government Act, allowing councils to utilise supply arrangements coordinated by LGP without the need to go to tender in their own right. Section 55 (3) of the Local Government Act provides a number of exemptions from the need for councils to call for tenders for goods and services.

Detailed report

The waste compactor was assessed by Council mechanics, operators and managers in order to determine which quotation gave Council the best value for money, the most reliability and also the most efficient vehicle possible.

Five quotations from three companies were received, however one quotation was not evaluated as quotations were called for CCF Class 30 compactors and one compactor quotation was for a CCF Class 20 compactor that was deemed to be outside the quotation brief request. Quotations were received from:

- GCM Enviro Pty Ltd

- Tutt Bryant Equipment
- Westrac Pty Ltd

The assessment panel consisted of;

- Scott Clarkson, Plant Supervisor
- Julian Geddes, Manager Waste and Weeds Services
- Richard Ivey, Financial Accountant
- Andrew Drummond, Manager Plant and Facilities

EVALUATION FINDINGS

All quotations were assessed and scored against evaluation criteria and the total weighted scores are listed below:

| Company | Make | Model | CCF Class | Total score |
|-----------------------|-----------------|-----------|-----------|-------------|
| Tutt Bryant Equipment | Bomag | BC772RB-2 | 30 | 8.82 |
| GCM Enviro Pty Ltd | Tana E320 | E320 | 30 | 9.22 |
| GCM Enviro Pty Ltd | Tana E380 | E380 | 30 | 8.46 |
| WesTrac Pty Ltd | Caterpillar 826 | 826K | 30 | 8.10 |

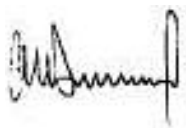
Council currently owns a Tana G290 and the Tana E320 Landfill Compactor received positive reviews from existing staff and also scored the highest in the evaluation process. This compactor will be stationed at the Mudgee Waste Transfer Station and the existing Tana G290 will be traded in.

Financial and Operational Plan implications

This item is recognised in the current plant replacement budget.

Community Plan implications

The selected equipment is required to meet Councils NSW Environment Protection Licence requirements and efficient landfill compaction in Protecting our Natural Environment and maximises the life of the current landfill area.



ANDREW DRUMMOND
MANAGER PLANT & FACILITIES



DARYL COLWELL
DIRECTOR, OPERATIONS

22 October 2015

Attachments: 1. Detailed pricing and analysis in the confidential section

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.27 Purchase of Water Cart

REPORT BY THE MANAGER PLANT & FACILITIES TO 18 NOVEMBER 2015 COUNCIL MEETING
Purchase of Water Cart
GOV400043, A0300018

RECOMMENDATION

That:

1. **the report by the Manager Plant & Facilities on the Purchase of Water Cart be received;**
2. **Council accepts Isuzu Australia Limited for VendorPanel quotation VP69142 for the provision of one Isuzu FYJ2000 with Barry Burrows Engineering body for the quoted price of \$247,896.36 (excl GST) and that Council enter into a contract with Isuzu Australia Limited in accordance with clause 178 of the Local Government (General) Regulation 2005;**
3. **Council approves the General Manager to authorise variations up to 10% of the contract value;**
4. **The unsuccessful applicants are notified that their quotations were unsuccessful.**

Executive summary

The purchase of this water cater is an addition to Councils current fleet and will be mainly utilised at the Mudgee waste facility for dust suppression and emergency relocation of raw sewerage and this new vehicle is covered in the current budget.

VendorPanel is a web portal where Council can either purchase direct from a schedule of rates contract or obtain quotes from LGP quotation based contracts. Transparency is provided to all parties when calling quotations, evaluating the responses and notifying suppliers of the outcome in the one portal. It also provides access to additional information such as Insurance details, web links, and company profiles, all regularly updated by the contractors themselves and verified by LGP.

LGP has been prescribed under s55 of the Local Government Act, allowing councils to utilise supply arrangements coordinated by LGP without the need to go to tender in their own right. Section 55 (3) of the Local Government Act provides a number of exemptions from the need for councils to call for tenders for goods and services.

Detailed report

The water cart was assessed by Council mechanics, operators and managers in order to determine which quotation gave Council the best value for money, the most reliability and also the most efficient vehicle possible.

Five quotations from five companies were received from:

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

- Volvo Trucks
- Western Star Trucks Australia

The assessment panel consisted of:

- Scott Clarkson, Plant Supervisor
- Claire Cam, Manager Water and Sewer
- Julian Geddes, Manager Waste and Weeds Services
- Richard Ivey, Financial Accountant
- Andrew Drummond, Manager Plant and Facilities

EVALUATION FINDINGS

All quotations were assessed and scored against evaluation criteria and the total weighted scores are listed below;

| Company | Make | Model | Total score |
|--------------------------|-------|------------|-------------|
| Fuso Truck and Bus | Fuso | FS52SS | 7.68 |
| Isuzu Australia Ltd | Isuzu | FYJ2000 | 9.25 |
| Mack Trucks | Mack | Metroliner | 8.78 |
| Volvo Trucks | Volvo | FM11 | 7.73 |
| Western Star Trucks Aust | Man | TGS35.360 | 7.57 |

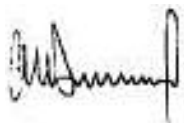
The Isuzu best met all the criteria required and was also the least expensive to Council.

Financial and Operational Plan implications

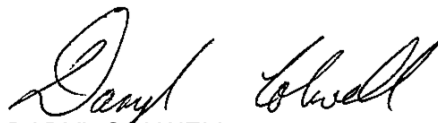
This item is recognised in the current plant replacement budget.

Community Plan implications

The selected equipment is required to meet Councils NSW Environment Protection Licenses requirements for dust suppression and also provide an emergency response ability for selective potential other environmental incidents such as fires as part of Protecting our Natural Environment.



ANDREW DRUMMOND
MANAGER PLANT & FACILITIES



DARYL COLWELL
DIRECTOR, OPERATIONS

30 October 2015

Attachments: 1. Detailed pricing and analysis in the confidential section

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.28 Pedestrian Access and Mobility Plan

REPORT BY THE MANAGER WORKS TO 18 NOVEMBER 2015 COUNCIL MEETING

Pedestrian Access and Mobility Plan

GOV400043, ROA100027

RECOMMENDATION

That:

- 1. the report by the Manager Works on the Pedestrian Access and Mobility Plan be received;**
 - 2. the Pedestrian Access and Mobility Plan is placed on public exhibition for a period of 28 days.**
-

Executive summary

A Pedestrian Access and Mobility Plan (PAMP) has been developed to provide Council with strategic and action plan for the management of the pathways and associated infrastructure to provide a safe and convenient network for pedestrians and cyclists. It provides details of the extent and condition of the existing pathway network and identifies and prioritises projects to guide Council spending over future years for both network expansion and renewal.

The plan includes the four major centres of Gulgong, Mudgee, Rylstone and Kandos and was developed with extensive community consultation and field audits applying best practice and design standards.

It is recommended that the PAMP be placed on exhibition for 28 days for public comment. Any submissions will be reviewed and the PAMP will return to Council for adoption.

The PAMP document was provided to Councillors on 16th September 2015 and there have been no amendments since.

Detailed report

Council were successful in securing 50% grant funding to develop the PAMP in 2014/15.

A PAMP team was set up including representation from Roads and Maritime Services (RMS), Council operational and planning staff, Access Committees and one community representative from Mudgee, Gulgong and the Rylstone / Kandos area. Objectives and study areas were developed by this group.

A desk top study was undertaken looking at existing infrastructure, in particular connectivity issues and pedestrian crash data.

A communication strategy was developed and the community were encouraged to become involved by providing input via a questionnaire survey. 284 responses were received. Targeted surveys were sent to schools, medical centres and aged care facilities. The questionnaires provided feedback as to how satisfied our community was with the network, identifying users, routes, destinations and the reasons why pathways are used or not used. It provided opportunity to suggest future infrastructure projects.

Field audits were carried out to determine the extent and condition of the existing networks. During this time safety and access issues were identified, i.e. gaps in the network and missing pram ramps etc.

The data from all sources was analysed to determine, prioritise and cost projects.

Following the development of the PAMP, Council will be in a better position to successfully apply for grant funding from RMS to support pedestrian infrastructure projects.

Financial and Operational Plan implications

The PAMP provides guidance to Council spending by identifying and prioritising future pathway infrastructure projects. The projects range from large to small and can be funded either by the allocated recurrent capital budgets or as an independent project.

Community Plan implications

The PAMP is fundamental in achieving the target of 'Develop and enhance walking and cycling networks across the Region' under the Connecting Our Region goal of 'High quality road network that is safe and efficient'.



SALLY MULLINGER
MANAGER, WORKS



DARYL COLWELL
DIRECTOR, OPERATIONS

28 October 2015

Attachments: 1. Pedestrian Access Mobility Plan (included at the end of the business paper).

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.29 Request for Councils Support for Cycle Trails along Rail Corridors

REPORT BY THE DIRECTOR, OPERATIONS TO 18 NOVEMBER 2015 COUNCIL MEETING
Request for Councils Support for Cycle Trails along Rail Corridors
GOV400043, R0790190

RECOMMENDATION

That:

- 1. the report by the Director, Operations on the Request for Councils Support for Cycle Trails along Rail Corridors be received;**
- 2. Council provide in principle support for the establishment of cycle trails along rail corridors in the Mid-Western Region.**

Executive summary

Council received a letter from Cyclists for Safe Cycling, Mudgee requesting to obtain Council's support in establishing cycle trails to be located along rail lines in the Mid-Western Region. Rail trails have proven successful for many other regions in Australia and it is therefore recommended that Council provide in principle support for the establishment of cycle trails along rail corridors in the Mid-Western Region.

Detailed report

Council received a request from Cyclists for Safe Cycling, Mudgee requesting Council support the establishment cycle trails along rail lines in the Mid-Western Region, particularly the rails from Kandos to Mudgee and Mudgee to Gulgong. The letter does not indicate what the writers intend to do with Council's support.

In the letter it is suggested that a number of regions within Australia have already taken the initiative in developing rail trails and have received significant economic benefit from Cycle tourism. Benefits could include attracting more visitors to the region and increased economic support of local food outlets, wineries and accommodation providers.

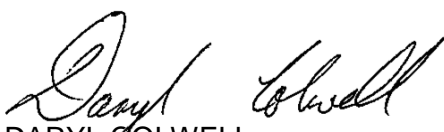
Therefore, this report recommends that Council support in principle the establishment of cycle trails along rail corridors in the Mid-Western Region.

Financial and Operational Plan implications

Not applicable

Community Plan implications

Supporting rail trails aligns with the 'Connecting Our Region' theme, specifically theme 1.3 'develop and enhance walking and cycling networks across the region.'




DARYL COLWELL
DIRECTOR, OPERATIONS

4 November 2015

Attachments: 1. Letter from Cyclists for safe cycling, Mudgee

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

Cyclists for safe cycling, Mudgee
C/- PO Box 610 Mudgee NSW 2850

To the General Manager: Mr. Brad Cam
and to all councillors
Mid-Western Regional Council
86 Market Street
MUDGEE NSW 2850



We write with a view to obtaining Council's support in looking to establish cycle trails to be located along rail lines in the Mid-Western Region. Of particular interest is the rail from Kandos to Mudgee and Mudgee to Gulgong.

The cycle trains can be created within the local rail corridor easement not along the actual rail line if necessary.

Councillors would no doubt be aware of the large number of persons who participate in cycle activities, either individually or club related in Mudgee and surrounding areas. We note the extent of participation in the cycle muster that is held each year in Mudgee attracting many visitors.

The availability of a cycle trail provides the most logical opportunity for creating safe cycle trails, whilst leaving the all-important option of the resumption of rail transport open in the future. Councillors would also no doubt be aware of the tragic loss of life of cyclists on public roads in the State and indeed in Mudgee. As such any opportunity to enable cyclists of all ages to enjoy the benefits of safe riding in the Mudgee District should be fully explored.

The benefits that would then be available to the region include but not limited to the attraction of many more visitors, which as a result extend to the tourist facilities such as food outlets, wineries and accommodation.

In recent years a number of regions within Australia and New Zealand have taken the initiative to actively boost bicycle tourism through rail trails. In the case of the Bright-Wangaratta Region the estimated economic benefit of cycle tourism is over \$12m per year.

The Otago Cycle Trail in New Zealand continues to receive yearly increased participants generating economic benefit of a similar amount. Indeed the New Zealand Prime Minister John Kay has stated: *"The Otago Council Rail Trail is a local economic success story."*

The then Minister for Transport Gladys Berejiklian in an address on 26 March 2014 concerning establishment of rail trails stated amongst other things:

"I am a personal fan of Rail trails and think they have a big future in our state, and if you look at what Victoria has done, it has been incredibly positive for their economy, for their tourism, for their lifestyle."

"I am also one for advocating that communities have to be united on the issue. So I'm of the view that if the community comes to me unanimously and says the Council, the Local member, the Community Groups 's when want this, well that when governments need to sit up and listen."

"We have a 20 year rail vision for NSW. My people now can exactly determine which bits of rail we need for the future and which bits we don't, which makes it easier and provides certainty when we are looking at the future corridors. So if part of a corridor is going to be converted to a rail trail, I've actually to go and seek the support of my colleagues in the lower house, which I think I can get, but the support of the colleagues in the upper house as well. And that means, for good reason, it has to be non-partisan, y is so important. Because it has to cross all political parties for it to be successful."

"The community unity is so important. Because if the community has come to us, and say the active transport people, the cyclists, the pedestrians, local government, the farmers, they're all happy with this and think it's a great boost for the local economy, great boost for healthy lifestyle, recreation, well that's exactly what we want to hear and we can take the next step of examining whether we can in perpetuity give up that bit of corridor for a rail trail."

"The amount of opportunities that Victoria generates by preserving their rail heritage but also rail trails is a huge boost for their tourist economy, but also promotes active transport."

The Honourable M S Veitch, MLC as member of the opposition introduce into Parliament in 2014 the Transport Administration Amendment (Rail Trails Community Management) Bill 2014. The object of which is to allow the Minister to enter into agreements with not for profit organisations or local councils for the use of disused railway lines for recreational activities.

It appears quite clear that both sides of politics are supportive of the establishment of Rail Trails. As you can see it is clear that community support is required, particularly Council.

Accordingly, before the matter can be taken further it is important that Council indicate its full support in principal. As to progress thereafter we are more than happy to do what we can either as individuals or in unison with Council. We trust Council will see the huge potential for the establishment of Rail Trails in the Mudgee District

We look forward to the opportunity of speaking to Council on the issue if necessary together with your reply.

Yours faithfully

NICK KASTELEIN

David Allworth
DAVID ALLWORTH

Barbara Hickson
BARBARA HICKSON

Norman Leonard
NORMAN LEONARD

Jenny Bolton
JENNY BOLTON

Belinda Daysdale
BELINDA DAYSDALE

Col Gyle

Royalist
ROD McFARLAND

Brian Wilkins
BRIAN WILKINS

Wendy Arnott
WENDY ARNOTT

Graham Beaton
GRAHAM BEATON

Wendy Arnott
WENDY ARNOTT

Wyll Sutton
WYLL SUTTON

Henry W Whiteside
HENRY W WHITESIDE

Cameron Whiteside
CAMERON WHITESIDE

Bill Ross
BILL ROSS

Madjo Cycle Club

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6.2.30 Business Use of Footpath Policy Amendment

REPORT BY THE DIRECTOR, COMMUNITY TO 18 NOVEMBER 2015 COUNCIL MEETING
Report to Council - Business use of Footpath Policy amendment on-premises liquor licence
GOV400043, A0100021

RECOMMENDATION

That:

1. **the report by the Director, Community proposing amendment of the Business Use of Footpaths Policy to include the service of alcohol in certain restricted circumstances be received;**
 2. **the Business Use of Footpaths be placed on public exhibition for 28 days.**
-

Executive summary

The Council provides businesses with the opportunity to conduct business on footpaths under permit in accordance with Council policy. An amendment to add the option for appropriately licenced cafes and restaurants to serve alcohol with meals is proposed and has been supported by groups such as Mudgee Region Tourism Inc, Mudgee Wine Grapegrowers Association and the Mudgee Chamber of Commerce. Council will seek public submissions and any relevant input from NSW Police.

Detailed report

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 policy was publicly exhibited. The Policy currently states that ***“the selling and consumption of any alcoholic or intoxicating liquor is prohibited”***.

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 wheelchair traffic, business use of footpath areas may not be permitted where there is not adequate footpath width for pedestrian circulation.

In considering the serving of alcohol on footpaths it is recognised that there are a number of licences that can be issued by licencing authorities:

- Club licence
- Hotel licence
- Small bar licence
- Limited licence
- On premises licence
- Packaged licence
- Producer/Wholesaler Licence

The policy amendment presented to Council only accommodates businesses that are cafes or restaurants holding a Liquor Licence for “On-Premises” service of alcohol and requires the businesses liquor licence mentioning Councils Use of Footpath permit. The amendment specifically

excludes businesses holding liquor licences with “primary service authorisation” (clubs and hotels) and “small bar licences”.

The “on-premises” liquor licence only allows the sale of alcohol with meals.

While it is understood that premises with club, hotel or small bar licences do serve meals, the approach taken is to ensure that there is no confusion between areas of the same facility and what can be provided to customers in different areas. Therefore the club, hotel or small bar licences have not been included in the proposed draft policy. It is expected that some feedback on these distinctions may be forthcoming through the public exhibition process.

In the event that there is a successful application made for the service of alcohol on the footpath, it is important that there is clear demarcation of the licenced area through the use of barricades. It is also recommended that a minimum of \$20 million in public liability insurance be provided. These suggested changes are also included in the draft policy.

Consideration will also need to be given to the ongoing interpretation of alcohol free zones within the Council region. Any successful application may require a change to this mechanism to ensure there was no conflict between the two potential regulations.

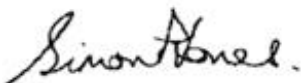
Financial and Operational Plan implications

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

6 November 2015

Attachments: 1. Letters from Mudgee Wine Grape Growers Association; Mudgee Region Tourism, Mudgee Chamber of Commerce

(included at the end of the business paper):

2. Draft Amended Business Use of Footpath Policy
3. Current Business Use of Footpath Policy – adopted July 2015

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

BURRUNDULLA
MUDGEES 2850

24th May 2015

Brad Cam
General Manager
Mid-Western Regional Council

Dear Brad,

As President of the Mudgee Wine Grape Growers Association, I would like to advise on behalf of the Association that we strongly support the initiative of MRTI calling for the consumption of alcohol “al fresco” to be permitted at cafes and restaurants which currently are able to serve food (but not alcoholic beverages) to diners on the footpaths outside their premises.

Some 10-15 years ago Council made an inspired decision, against some stringent opposition, to widen the footpaths in the CBD areas of Church Street and Market Street. Cafes and restaurants in this area were then permitted to place tables and chairs for their customers on the widened footpath, together with umbrellas, wind breaks and the like. This has greatly improved the appearance and ambience of the streetscape without hindering pedestrians passing by.

Visitors to the Burrundulla Cellar Door frequently remark on the pleasant atmosphere created by this initiative. Sometimes, however, they comment that they were not able to enjoy a glass of wine with their meal because they were seated outside.

In most parts of Australia, and in other parts of the world, al fresco dining takes place without any unnecessary restrictions or regulations - and no alcohol-related behavioural problems. Most visitors to the Mudgee region come to enjoy the wine and food experience we provide. It is a pity that currently they are sometimes partly denied this pleasure because of where they are sitting. For most of the year Mudgee's climate is conducive to outside dining, we should be doing our utmost to encourage it.

The Mudgee Wine Grape Growers Association and all the local wine producers have worked hard to establish the region's reputation for quality, service and friendliness. We would like to see a more diner-friendly policy in place to complement this image.

I urge Council to support the MRTI recommendation and approve the outdoors consumption of alcohol with meals at the listed cafes and restaurants.

Self-interest is not on my agenda, Burrundulla Wines does not supply wine to any of the cafes or restaurants mentioned.

Yours Sincerely,

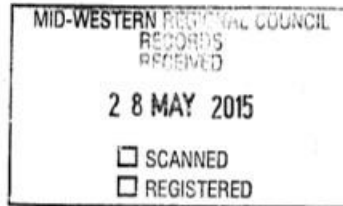
Ted Cox
President
Mudgee Wine Grape Growers Association

m. 0412 956 034

ted@burrundulla.com.au

Tuesday, 26 May 2015

Mr Brad Cam
General Manager
Mid-Western Regional Council
86 Market Street
Mudgee NSW 2850



Dear Brad

PROPOSAL TO ALLOW THE CONSUMPTION OF ALCOHOL WITH AL FRESCO DINING

The Mudgee Region Tourism Incorporated (MRTI) Board at its April Meeting supported a motion for the Board to approach the Mid-Western Regional Council (MWRC) on the topic of the consumption of alcohol with al fresco dining at those cafés and restaurants which have a liquor licence. Currently, this is not allowed under council regulations. MRTI would like MWRC to revisit its past decisions on this matter and approve the consumption of alcohol with appropriate restrictions.

Background

Currently, MWRC does not allow the consumption of alcohol with meals (or without) at any of the licenced cafés or restaurants in our region who currently use the footpaths for al fresco dining experiences. The MRTI Board contacted a number of its members, more detail below, about this subject and, further, has received considerable feedback from visitors to our region about this issue. Considering the vast majority of visitors to the Region are here to enjoy the food and wine experience and are from metropolitan areas, where for them al fresco dining is a matter of course and occurs at many licenced cafés and restaurants across the state, it is an important issue to raise for our destination's food and wine profile.

Research

The MRTI Board has consulted with:

- Orange City Council
- Bathurst City Council
- NSW Office of Liquor, Gaming and Racing
- Mudgee Police
- Mudgee Wine Grape Growers Association
- Mudgee Fine Foods
- Mudgee Chamber of Commerce
- Cafés and restaurants who have a liquor licence and currently offer al fresco dining

MUDGEE REGION TOURISM
VISITMUDGEEREGION.COM.AU

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84 MARKET STREET
MUDGEE NSW 2850

ABN 18 997 389 853

**A total of five in Mudgee Region – Arbuckles, Sajos, Market Street Café, Mudgee Brewery and Eltons. At time of investigation there were none known in Gulgong, Rylstone or Kandos. Applicable businesses under this proposal have been asked to submit letters of support to MWRC.*

Both Orange and Bathurst have alcohol free zones in their metropolitan area and both have two licenced restaurants (in Orange one of them is a bistro) which have been approved for the consumption of alcohol with food on public footpaths. In both cases approval for licenced cafés and restaurants is given under state planning regulations as below (extract from the policy of Orange City Council):

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides exempt development (development consent NOT required) for the use of a footway or public open space within the meaning of the Roads Act 1993 as an outdoor dining area associated with lawful food and drink premises, provided the following development standards can be achieved:

The standards specified for that development are that the development must:

- (a) not be associated with a pub or a small bar, and
- (b) be carried out in accordance with an approval granted under section 125 of the Roads Act 1993, including in accordance with any hours of operation to which the approval is subject, and
- (c) be carried out in accordance with any approval granted under section 68 of the Local Government Act 1993.

Pubs or small bars need approval through a development application and are therefore separated from the above process. The Office of Liquor and gaming have stated that they will, for a \$200 fee, extend the licence of a restaurant or café as long as approval is given by the Council.

Those restaurants/Cafés who currently have a liquor licence and undertake al fresco dining have all said they would welcome a decision to allow the consumption of alcohol with meals.

In approaching the local Police we were told that the Police have no position on this but they would like to be involved in any discussion with the Council.

Why allow the consumption of alcohol with al fresco dining?

MRTI is representing the Tourism Industry across Mudgee Region, its members as well as visitors, in making this proposal to MWRC.

Local licenced restaurants and cafés have all stated they are continually questioned by visitors when they are told they cannot consume alcohol if they dine on the footpath. Given we are a wine region with over 40 wineries/cellar doors, a boutique brewery and a distillery, this restriction seems incongruous.

Whilst our competition for the tourism dollar is extensive, places like Newcastle, the South Coast, Bathurst and Orange all have processes whereby the consumption of alcohol with meals is approved, it is appropriate for our region to at least keep pace with those areas. From purely a tourism aspect it does make sense.

Recommendation

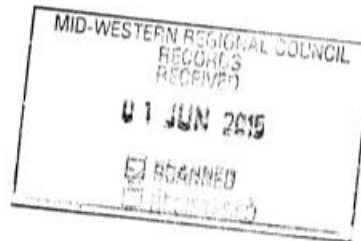
The MRTI Board recommends that MWRC approves the consumption of alcohol with meals at those cafés and restaurants where al fresco dining occurs. It is understood that consumption can only take place with meals at times during lunch and dinner and suggested times are 12pm to 2.30pm for lunch and 5.30pm to 10pm for dinner. Alcohol should only be served to the table by a person with appropriate RSA qualifications.

Yours sincerely



Cara George
CEO
Mudgee Region Tourism

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www.visitmudgeeregion.com.au



28 May 2015

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

RE: PROPOSAL TO ALLOW THE CONSUMPTION OF ALCOHOL WITH ALFRESCO DINING

Dear Brad,

The Mudgee Chamber of Commerce understands that many local organisations, including the MRTI, have approached Council recently to request a change to the current regulations governing the consumption of alcohol with alfresco dining.

As you are aware, the Mudgee Chamber of Commerce represents over 100 local businesses. We have an active and vocal membership who is invested in the successful future of our beautiful town. The vibrancy and attractiveness of our town cannot exist without a healthy and prosperous business community.

The Mudgee Chamber of Commerce would support changes to council regulations that allow licensed restaurants and cafes in our region to serve their customers alcohol when they are dining in the café's pre-approved footpath alfresco area.

Our region relies on tourism and our wineries and active street frontages play an important part in this. Neighbouring tourist centres already allow alcohol consumption with alfresco footpath dining. Visitors to Mudgee are increasingly expecting this to be available here and are surprised and often disappointed to discover it is not.

Mudgee Chamber of Commerce is happy to participate in further discussions on this topic. Mudgee's business owners believe it has economic merit and is worthy of further consideration.

Regards

A handwritten signature in black ink, appearing to be 'Ed Turner'.

Ed Turner
Vice President

6.2.31 Companion Animals Management Plan Review

REPORT BY THE GOVERNANCE COORDINATOR TO 18 NOVEMBER 2015 COUNCIL MEETING
Report to Council - Companion Animals Policy Review
GOV400043, ENV200001

RECOMMENDATION

That:

1. the report by the Governance Coordinator on the Companion Animals Management Plan review be received;
2. the Companion Animals Policy be placed on public exhibition for 28 days;
3. if no submissions are received following the public exhibition period, that the Companion Animals Policy be adopted by Council.

Executive summary

The principal object of the Companion Animals Act is to provide for the effective and responsible care and management of companion animals. Section 6A provides for the General duties of councils as follows:

- (a) to promote awareness within its area of the requirements of this Act with respect to the ownership of companion animals, and
- (b) to take such steps as are appropriate to ensure that it is notified or otherwise made aware of the existence of all dangerous, menacing and restricted dogs (including dogs that might reasonably be considered to be the subject of a declaration under Division 1 or 6 of Part 5) that are ordinarily kept within its area.

The Act also provides for Councils responsibilities in relation to;

- Part 2 - Compulsory Identification and Registration of Companion Animals
- Part 3 - Responsibilities for Control of Dogs
- Part 4 - Responsibilities for Control of Cats
- Part 5 - Special Provisions Relating To Control of Dogs
- Part 6 - Assistance Animals
- Part 7 - Procedures for Dealing with Seized or Surrendered Animals
- Part 7a - Enforcement Powers
- Part 8 - Identification and Registration Procedures

The Council is adopting this Policy defining the strategic management of its legislative responsibilities and requiring annually the development of a Companion Animals Annual Work Plan.

Detailed report

Council adopted a Companion Animals Management Plan in 2013. The plan is due for review in 2015. The review has identified the need to split the Management Plan into a Policy statement and an annual work plan.

The Policy provides the strategic framework for key areas of responsibility and focus of the Companion Animals Annual Work Plan. The priorities are:

- Promoting responsible pet ownership
- Public Safety
- Registration and Identification
- Nuisance Animals and excessive barking
- Impounding animals
- Animal welfare
- Cat management
- Dog Off leash facilities

Financial and Operational Plan implications

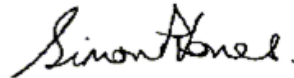
Council's 2015/16 operating plan budget provides for net expenditure of \$220,000 on Animal Control to achieve the aims of the Community Plan and the Annual Work Plan.

Community Plan implications

Strategy 1.1.4 - Work with key partners and the community to reduce crime, anti social behaviour and improve community safety



TIM JOHNSTON
GOVERNANCE COORDINATOR



SIMON JONES
DIRECTOR, COMMUNITY

3 November 2015

Attachments: (included at the end of the business paper)

1. Draft Companion Animals Policy
2. Companion Animals Annual Work plan 2015/16
3. Current Companion Animals Management Plan – adopted 2013

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.32 Home and Community Care Quarterly Report

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 18 NOVEMBER 2015 COUNCIL MEETING

HOME AND COMMUNITY CARE QUARTERLY REPORT

GOV400043, A0060030, COS300025, COS300013, COS300023, COS300026

RECOMMENDATION

That:

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

Executive summary

This report seeks to inform Council of the activities undertaken by the Home and Community Care funded services that are auspiced by Council. These services are Host Family Respite Care, Home Modification and Maintenance, Meals on Wheels and Community Transport. This report covers the period July to September 2015 (inclusive).

Detailed report

Mid-Western Regional Council auspices four services that are known as Home and Community Care (HACC) Services. These services are jointly funded under the HACC program by the State Government (Ageing, Disability and Home Care) and the Federal Government (Department of Social Services).

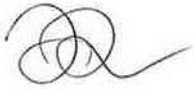
Community Transport is the exception to this as it is administered by Transport for NSW and while the majority of funding comes through the HACC Program, there is also additional funding provided by the Department of Veterans Affairs, NSW Health and through Transport for NSW, directly.

Financial and Operational Plan implications

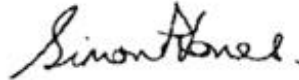
Not applicable.

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

4 November 2015

Attachments: 1. HACC Quarterly Report to Council July to September 2015.

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

MUDGEE COMMUNITY TRANSPORT QUARTERLY UPDATE JULY - SEPTEMBER 2015

Transport figures Q3/2015

75 trips classed as Health Related Transport trips.

1,815 trips classed as Home and Community Care trips.

741 trips classed as Community Transport Program trips.

40 trips classed as Department of Veterans Affairs trips.

Total: **2,671 trips** (11 less trips than the previous quarter)

There have been 46 unmet requests for transport, of which 17 were for health-related transport. The reason for this is usually vehicle or driver unavailability but other reasons include unreasonable appointment times (9.00am in Sydney, for example).

Referrals

The Department of Social Services' My Aged Care Portal commenced this quarter. There are still numerous issues with the referral services so the registration of new clients (particularly those aged 65 and over) is more arduous and protracted than expected. Feedback has been provided to the Department through peak bodies.

Vehicles

We replaced one Camry during this period.

Volunteers

We currently have 22 volunteers on our books.

We lost one driver since the last quarter due to him not wanting to undertake a medical fitness-to-drive review as per contractual requirements with Transport for NSW. Another driver moved out of the area. We did, however, commence one new driver during this period.

Two drivers volunteered to undertake a training day in Dubbo in September 2015, arranged by Western Region Community Transport Forum. It was disappointing that more volunteers did not take up this free offer.

**MUDGEES HOME MODIFICATION AND MAINTENANCE SERVICE QUARTERLY UPDATE
JULY - SEPTEMBER 2015**

For this quarter we attended to \$958.00 worth of modifications for 3 clients. Work was carried out in Mudgee and Kandos.

During this quarter we also submitted 2 Level 2/3 Application's to our regional meeting. Currently we have 6 Level 2/3 applications in progress from our Regional Meeting.

At the moment we have 19 Level 1 jobs in progress.

Modifications & Maintenance

This quarter saw the completion of home modifications for works of the following:

Mudgee

Supplied and installed 3 grabrails to front step, front door and near kitchen/dining area. #1083

Supplied and installed a handrail at the kitchen step – DVA – Cole

Kandos

Supplied and installed a grabrail in bathroom and at front door – DVA - Robbins

MUDGEES AND DISTRICT HOST FAMILY RESPITE CARE QUARTERLY UPDATE JULY - SEPTEMBER 2015

Respite care provided

A total of 679 hours of respite were provided during the quarter made up of:

- 671 hours of care given to children and adults with a disability plus
- 8 hours given to a sibling through the Sibling Support Program.

The above care was provided to:

- 8 clients by
- 8 volunteer respite families.

Great outcomes to celebrate

One teenaged client enjoyed a 10 day beach holiday with the host family volunteers; enjoying activities that would not usually be available to the teenager.

One carer was able to go on a long planned 3 week holiday with the assistance of 2 volunteer respite carers, who helped to ensure their child was cared for in their absence.

New referrals

There have been 2 new referrals to the service; one for a young person with a disability and one for a sibling.

Volunteers

There are currently 2 new volunteers who are in the early stage of completing security checks and induction training. 2 long standing volunteers have retired or ceased volunteering.

There are currently 2 young people with a disability and 1 sibling awaiting a volunteer to be matched with them. It is anticipated that the two new volunteers will be matched with two of these young people once their induction is complete.

Recruitment

Recruitment promotion has been undertaken via email to Council staff; 'Community News' and Mudgee/Gulgong Interagency. Service promotion was also undertaken at the Rylstone Family Fun Day.

Service summary

This quarter initially witnessed a reduction in usual hours of service provision whilst the new Coordinator learned the role. The service is, however, still providing hours of service in excess of the contracted quarterly outputs. It is anticipated that as recently recruited volunteers become ready to commence, and as interest is gained from new volunteers, there will be an increase in hours of output in the next quarter.

There are several challenges faced by respite nationally as the National Disability Insurance Scheme (NDIS) is rolled out. Given that respite will not fit within the current model of funding for the NDIS, the future of the Host Family Respite Care Service is not yet known.

**MEALS ON WHEELS QUARTERLY REPORT
JULY - SEPTEMBER 2015**

Hot meals

| | |
|-------------|----------------|
| July | 447 hot meals |
| August | 395 hot meals |
| September | 442 hot meals |
| Total meals | 1284 hot meals |

Frozen meals

| | |
|-----------|------------------|
| July | 154 frozen meals |
| August | 240 frozen meals |
| September | 228 frozen meals |
| Total | 622 frozen meals |

24 active clients receiving hot meals.

17 clients receiving frozen meals on a needs basis.

July: Two new clients referred by Carewest as part of their Compac, with a total of 132 hot meals and 18 frozen meals being delivered to the clients over their contract period. One client has continued on the service after her contract expired and is extremely happy that she does not have to cook meals.

September: One new client referred by Carewest as part of her Compac.

A few clients found it difficult to shop and cook during the winter months and received a hot meal each day until they were comfortable again to venture out and undertake their shopping again. Update of volunteer Police records is ongoing.

6.2.33 Library Services Quarterly Report July – September 2015

REPORT BY THE LIBRARY SERVICES COORDINATOR TO 18 NOVEMBER 2015 COUNCIL MEETING

Library Services Quarterly Report July – September 2015
GOV400043, FO620020

RECOMMENDATION

That Council receive and note the report by the Library Services Coordinator on the Library Services – Quarterly Report.

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 & Access, & Purchased items, and Sustainable Organisations. The report covers the period July to September 2015.

Detailed report

CUSTOMER VISITS, LIBRARY BORROWINGS & ACCESS, & PURCHASED ITEMS

Visits to our Library branches during the 2014/15 July to September period has increased by 7.3% from the previous quarter.

| Year | Visits |
|-------------------|---------------|
| April – June 2015 | 29,634 |
| July – Sept 2015 | 31,798 |

Loans of Library items has increased by 3.8% on the previous quarter.

| Year | Loans |
|-------------------|--------------|
| April – June 2015 | 25,033 |
| July – Sept 2015 | 26,009 |

Loans of Library items from the Mobile Library remain steady.

| Year | Loans |
|-------------------|--------------|
| April – June 2015 | 1,353 |
| July – Sept 2015 | 1,260 |

The Library continues to purchase new items in line with Collection Development Strategy. These items include audio books, magazines, fiction and nonfiction for adults and children in both print and electronic format, and CDs and DVDs.

| Quarter | Purchases |
|------------------|------------------|
| July – Sept 2014 | 659 |
| July – Sept 2015 | 1186 |

Demand for the Library's online resources continues to grow exponentially, with the number of 'accesses', including the borrowing of ebooks, eaudiobooks and online magazines, increasing by 99.4% compared to the same quarter last year.

| Year | Accesses |
|------------------|-----------------|
| July – Sept 2014 | 4,405 |
| July – Sept 2015 | 8,785 |

SUSTAINABLE ORGANISATION

Kandos Library has recently had outdated children's furniture, adult chairs and lounges replaced with new furniture, and a Chargebar installed.

During the recent Spring school holidays, all branches had well-attended storytelling and craft sessions. We welcomed artist Matt Lin for a day of manga workshops in Mudgee, which were well-received, with positive responses from all attendees.

The Library successfully launched the 'Ten Minutes a Day' early literacy initiative in September, and were pleased to accept \$15,000 of resources funded by the Newcastle Permanent Charitable Foundation. The initiative is designed to teach parents & carers of the importance of reading to children, and make literacy fun. The launch included some formalities, a story reading by General Manager Brad Cam, children's rhymes & songs, and morning tea.

The Library has registered to undertake the accreditation process to be recognised as an esmart library – this will see the library, library staff and library users connected and equipped with the skills needed for smart, safe and responsible use of technology.

Financial and Operational Plan implications

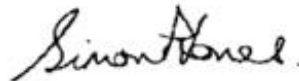
Not applicable.

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

9 November 2015

Attachments: Nil

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.34 Mudgee Showground Management Committee Meeting Minutes

REPORT BY THE MANAGER PLANT & FACILITIES TO 18 NOVEMBER 2015 COUNCIL MEETING
Mudgee Showground Committee Meeting Minutes
GOV400043, F0650007

RECOMMENDATION

That:

1. **The report by the Manager Plant & Facilities on the Mudgee Showground Management Committee be received;**
2. **the demolition of the grandstand proceed due to safety concerns, with the intention of having the grandstand replaced;**
3. **A two tier fee structure for profit and non-profit organisations hiring Council's facilities at the Showground be investigated;**
4. **The old stables block and yards be demolished.**

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 6 October 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's information.

Detailed report

The Mudgee Showground Committee met on 16 October 2015 to discuss matters associated with the Mudgee Showground. The following motions were put and carried:

- Minutes of the August Meeting were accepted, after an amendment was made to General Business which should have read "The Bridge Club are prepared to enter into a contract to lease the Kitchen and Hall Building"
- This committee agrees in principle to the demolition of the grandstand due to safety concerns, with the intention of having the grandstand replaced.
- Council staff to investigate a two tier fee structure for profit and non-profit organisations hiring Council's facilities at the Showground.
- Demolish the old stable block and yards.

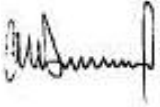
In relation to the Grandstand the recommendation to Council is just to demolish in order for this work to proceed. Options will be investigated for its replacement.

Financial and Operational Plan implications

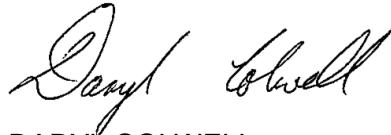
Not applicable.

Community Plan implications

Not applicable.



ANDREW DRUMMOND
MANAGER PLANT & FACILITIES



DARYL COLWELL
DIRECTOR, OPERATIONS

28 October 2015

Attachments: 1. Minutes of the Mudgee Showground Management Committee Meeting
6 October 2015

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

MUDGEES SHOWGROUND MANAGEMENT COMMITTEE MEETING — 6 OCTOBER 2015



Meeting Opened: 6 pm

Present: Cr John Webb (Councillor), Daryl Colwell (Director Operations), Bill Robinson (Poultry Group), Helen Chisholm (Mudgee Dressage Group), Rick Field (Mid-Western Working Horse), Barry Nott (Mudgee Show Society), Dana Willmott (Mudgee Pony Club), Malcolm Swords (Livestock & Other Animal Groups)

Observer: Lesley Burgess (Minute Secretary)

Apologies: Russell Holden (Building Users)

Moved: Bill Robinson, Seconded: Barry Nott that the apology be accepted.

Motion Carried

Minutes of the August Meeting – Accepted, after an amendment was made to General Business which should have read - "The Bridge Club are prepared to enter into a contract to lease the Kitchen and Hall Building" -

Moved: Bill Robinson
2nd: Barry Nott

Motion Carried

Matters in Progress

- As per attached list.
- Daryl has investigated the pooling of water in the day yards and advised that the day yards are situated in a retention basin and water is intended to drain that way.
- Dana suggested that we approach the organisers of the "Mudgee Wedding Expo" advising that we are prepared to waive our fees if they are prepared to hold their Expo at the Showground.
- The cool-room that was in the Kitchen & Hall Building has been sold on eBay.

Correspondence

- Daryl to organise to meet Jenny Beechey at the Showground to discuss options to repair the main arena.
- A lawn roller for the main arena has been ordered and will be paid for using the 'plant fund'
- Correspondence received from the Mudgee Show Society requesting that they be granted permission to erect a shed to be used as an office was discussed. Council has submitted a grant application for a new Grandstand and if this is successful the Show Society's office will be part of this new structure.

When the old grandstand is demolished the following interim arrangements were agreed-

- The Show Society would use the old bar area as their office during the Mudgee Show, the cool-room in this bar would be sold/removed.
- The Show Society would use the Main Pavilion for their monthly meetings
- The Woolshed would be used for their storage.
- Council has no objection to the Mudgee Show Society seeking a grant in order to purchase seating which will be placed on the eastern side of Equestrian Arena. Council will assist with this grant.

- Cr Webb asked whether barricading was needed at the front of the grandstand and whether this could be reduced to the entrances only. Daryl to investigate.
- Letter received from Mudgee Dressage requesting financial assistance. A decision will be made by Council at their meeting on 21 October.
- Mudgee Dressage Group would like to take over the maintenance of their arena and then not pay hire fees for the Dressage Arena. Daryl to consider and advise.

Financial Report

- No report

General Business

Cr Webb

- On behalf of Russell, Cr Webb asked whether an annual fee had been created for the hire of the new shed erected by Cudgegong Cruisers.
- The demolishing of the grandstand was discussed and a motion made -
"This committee agrees in principle to the demolition of the grandstand due to safety concerns, with the intention of having the grandstand replaced."

Moved: Barry Nott
2nd: Bill Robinson

Motion Carried

Dana Willmott

- Dana would like a two tier fee system namely, one for businesses/groups that use the facilities at the showground to make a profit and another fee structure for non-profit organisations. After discussions it was agreed that Daryl would do more research first. A motion was made -
"Council staff to investigate a two tier fee structure for profit and non-profit organisations hiring Council's facilities at the Showground."

Moved: Dana Willmott
2nd: Rick Field

Motion Carried

Daryl Colwell

- After discussions a motion was made for the demolition of the old stable block and yards.

Moved: Daryl Colwell
2nd: Rick Field

Motion Carried

Bill Robinson

- Bill advised that they have received a \$2,400.00 grant from Glencore to finish off the poultry cages.
- The Poultry Group will be holding four shows next year
- Bill asked whether they could place the BBQ plate that is currently in the Kitchen and Hall Building into their kiosk. This was agreed to by the Committee.
- Bill advised that the stable users are placing piles of manure next to the manure pit. Lesley to write a letter to the stables hirers advising that they need to place the manure inside the manure pit

Helen Chisholm

- Helen wanted it minuted that the Mudgee Dressage Group were very annoyed at the double booking that occurred last month which was due to a Customer Service error.

Meeting closed at: 7:30 pm
Next meeting to be held 1 December 2015 at 6:00 pm

MATTERS IN PROGRESS

| # | SUBJECT | MEETING DATE | ACTION | WHOM | PROGRESS |
|-----|---|--------------|-----------------|----------------------------------|--|
| 1. | Parking area behind Pony Club to be laid with roadbase | 3/6/14 | | Andrew Drummond | 4/8/15 - No Landfill from saleyards Lane, Will need to source from elsewhere. |
| 2. | Advertising to be placed in caravan and camping magazines to promote our cheaper camping fees to the public. | 5/8/14 | | Lesley Burgess | 4/8/15 – To ascertain whether we can advertise on Wiki Camping |
| 3. | Promote the Main Pavilion for Weddings | 4/8/15 | | Andrew Drummond & Daryl Colwell | 7/4/15 Consider giving the next wedding a discount in order to use their photos. 6/10/2015 Cr Webb advised that he intends to help promote the Main Pavilion for functions. |
| 4. | Drainage - Sheep pavilion flooding during rainfall. Water coming off gravel. | 03/02/2015 | Awaiting quotes | Andrew Drummond | BL0282/2015 |
| 5. | Drainage - amenity block drainage ineffective. Rainfall results in amenities being flooded. | 03/02/2015 | | Andrew Drummond | BL0282/2015 4/08/2015 - The silt at the door way needs to be lowered. Caretaker to fix. |
| 6. | Surface water accumulation around the Dressage Arena | 2/6/15 | | Daryl Colwell | 6/10/2015 - Helen advised that the arena has now been laser levelled which has reduced the flooding considerably. However there is still pooling at the entrance to their arena. |
| 7. | Rainwater is running into the Pony Club Shed due to erosion between the Equestrian Arena and the shed. | 2/6/15 | | Pony Club | 4/8/15 – Inspection carried out and the issue appears to be the downpipe which is not connected. Pony Club is responsible for their own shed so a working bee to dig a drench was suggested. |
| 8. | Ascertain whether barricading is needed at the front of the grandstand | 6/10/2015 | | Daryl Colwell | |
| 9. | Mudgee Dressage Group would like to take over the maintenance of their arena & not pay hire fees for dressage arena | 6/10/2015 | | Daryl Colwell Andrew Drummond | |
| 10. | Two Tier Fee system for profit and non-profit organisations. | 6/10/2015 | | Daryl Colwell Andrew Drummond | |
| 11. | The Cool-room in the old bar shelter to be removed/sold | 6/10/2015 | | Andrew Drummond | |

6.2.35 Mudgee Saleyards Management Committee Meeting Minutes

REPORT BY THE DIRECTOR, OPERATIONS TO 18 NOVEMBER 2015 COUNCIL MEETING
Mudgee Saleyards Management Committee Meeting Minutes
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 8th October 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 8th October 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

4 November 2015

Attachments: 1. Mudgee Saleyards Committee Minutes 8th October 2015 Meeting

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

MINUTES

MINUTES OF THE MUDGEER REGIONAL SALEYARDS COMMITTEE MEETING HELD ON 8th OCTOBER COMMENCING AT 9:02AM AND CONCLUDING AT 9:20AM

Present: Cr John Webb (Chair), Daryl Colwell (Council), Terry McDonald, Cr John Weatherly, Bob Kearins, John Little

Observer: Amanda Buckley (Minute Secretary)

1. APOLOGIES

Adam McDougall, Barry Clapham, Jason Pearce

Moved: Bob Kearins 2nd: John Little

2. MINUTES OF PREVIOUS MEETING

Recommendation:

That the minutes of the meeting held on 13th August 2015 be accepted.

Moved: Terry McDonald 2nd: Cr John Little

3. MATTERS ARISING FROM MINUTES OF MEETING

- Historic Mudgeer Saleyards sign has been delivered to the Museum.
- Cattle Crush Balehead – Service Manager from Arrow is due to arrive at the end of next week (16.10.15). Daryl to advise Terry McDonald when he arrives.

4. CORRESPONDANCE

Nil in, Nil out

5. GENERAL BUSINESS

Saleyards Statistics – Sales are down at the moment which was expected.

Wooden Steps – Terry McDonald advised that the wooden steps near the asphalt where the trucks can turn around are quite dangerous. The truck drivers often use these steps at night to access the showers. Daryl advised to put a works request on.

Bull Pens – Bob Kearins has queried why bulls are not being sold in the bull pens, this has occurred the last three weeks. Bulls should be put in the pens for safety reasons. Terry McDonald to advise agents that all bulls being sold must be in the bull pens.

Damage to Council Property – Daryl advised that the police have questioned someone in regards to vandalism of Council property. Daryl to follow up.

6. BUSINESS WITHOUT NOTICE

Nil

DATE OF NEXT MEETING – 10th December 2015 at 9:00am

MEETING CLOSED 9:20am

6.2.36 Gulgong Sports Council - September 2015

REPORT BY THE DIRECTOR, COMMUNITY TO 18 NOVEMBER 2015 COUNCIL MEETING
GULGONG SPORTS COUNCIL – SEPTEMBER 2015
GOV400043, A0360003

RECOMMENDATION

That:

- 1. the report by the Director, Community on the Gulgong Sports Council September meeting minutes be received;**
- 2. the minutes of the Gulgong Sports Council ordinary monthly meeting held on 16 September 2015 be noted.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Sports Council Meeting held on 16 September 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.

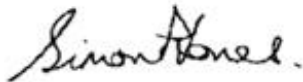
There are no further matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under separate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receives 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

4 November 2015

Attachments: 1. Gulgong Sports Council Minutes – 16 September 2015

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

Gulgong Sports Council
Monthly Meeting
Wednesday, 16th September, 2015

Meeting Opened: 7pm

Apologies: B. Rae, P. Thompson

Present: C. Holden - President, B. Gudgeon - Senior Cricket, MWRC - C. Rae – G. Lillyst, M. Lillyst, K. Lillyst, B. Lithgow, C. Saliba, T. Lillyst, D. Brown - Soccer Club Gulgong, M. Gaudry- Tennis, T. Kane - MWRC, L. Hawkins – Sports Council.

President read previous minutes.

Motion that the minutes be accepted as read" Moved:
C. Holden

Seconded: C. Rae

All in favour - motion moved and carried.

Council Business:

1. Safety Nets at Victoria Park to be adjusted for Little Athletics; work to commence shortly.
2. The Annual AGM Meeting was a success with President Craig Holden being returned to office as this is his 16th year as President. Greg Lillyst is Snr Vice President and Brian Gudgeon is returned to office as Treasurer with 25 years plus service to Sports Council. A full report will be forwarded to Council shortly.
3. The President Craig Holden explained to clubs the importance of their clubs to attend meetings for the survival of the Sports Council and information that is required by MWRC.
4. Gulgong Sports Council requires a new laptop computer, could you please advise the procedure in purchasing or supplying the Sports Council with this request.

Finance Report: Balance; \$3860.62

Income; Gulgong Junior Rugby League; Players Fees \$1296.00

Expenditure; D'Fortune Bistro; AGM Meeting \$400.00

Motion – Finance report to be accepted.

Moved: B. Gudgeon Seconded: C. Rae

All in favour – motion moved and carried.

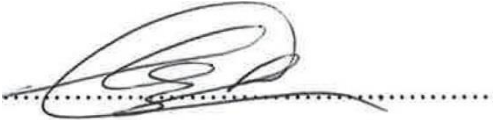
Correspondence: Nil

General Business:

1. The small presentation night went well with the Annual AGM.
2. Discus and broad Jump pit to be altered due to the commencement of Junior Athletics in October 2015. Work has been carried out and completed.
3. Storage for Junior Athletics has been fixed and completed.
4. The discus and shot put nets need to be altered before October for the little athletics to come up to the correct standard, Work to commence shortly as Tracey Kane has authorized works and finance to carry out work by Price Fencing.

Meeting closed: 9.00

Craig Holden –President ...

A handwritten signature in black ink, appearing to be 'CH', is written over a horizontal dotted line.

Next meeting- 14th October, 2015 Gulgong Bowling Club at 7.00pm.

6.2.37 Weeds Advisory Committee Meeting Minutes

REPORT BY THE NOXIOUS WEEDS ADMINISTRATOR TO 18 NOVEMBER 2015 COUNCIL MEETING

Weeds Advisory Committee Meeting Minutes
GOV400043, ENV200017, ENV200042

RECOMMENDATION

That:

1. **the report by the Noxious Weeds Administrator on the Weeds Advisory Committee be received;**
2. **the minutes of the Noxious Weeds Advisory Committee held on Monday 7 September 2015 be noted;**
3. **the amended Local Weed Control Management Plan be adopted.**

Executive summary

Meetings of the Weeds Advisory Committee are held quarterly, the purpose of which is to review the overall strategic direction of noxious weed control in the Mid-Western Regional Council area, and make recommendations to Council that ensure desired outcomes are being achieved.

Detailed report

The Local Weed Control Management Plan 2014 has been reviewed and amended to assist Council officers in the enforcement of the Noxious Weeds Act. The Committee recognises that the majority of owners/occupiers of private land implement satisfactory weed control programs using their own initiative. This amended Local Weed Control Management Plan strengthens compliance measures for those persons who do not have effective weed control programs in place.

Financial and Operational Plan implications


Not applicable.

Community Plan implications

The Weeds Advisory Committee play a strategic role in looking after our natural environment theme of the Community Plan, the goal of which is to protect and enhance our natural environment and in particular strategy 1.4 'control invasive plant and animal species.'



SUSAN BURNS
NOXIOUS WEEDS ADMINISTRATOR



DARYL COLWELL
DIRECTOR, OPERATIONS

22 September 2015

- Attachments:*
1. Minutes of the Noxious Weeds Advisory committee held Monday 7 September 2015.
 2. Local Weed Control Management Plan adopted by Council 18 June 2014 – Min 255/14
 3. Draft Amended Local Weed Control Management Plan Ver 2 – 1 June 2015

APPROVED FOR SUBMISSION:

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

BRAD CAM
GENERAL MANAGER



MINUTES

MINUTES OF A MEETING OF THE NOXIOUS WEEDS ADVISORY COMMITTEE HELD AT 9 AM ON MONDAY 7 SEPTEMBER IN THE OPERATIONS MEETING ROOM, DEPOT ROAD, MUDGEE

1. **Apologies**
Mitchell Clapham
2. **Introduction of new Chief Weeds Officer Sean Richardson**
James Mort introduced and welcomed Sean Richardson to the meeting and asked Sean to give a brief overview of his past work experience.

Sean gave an overview of his previous positions which include Elders as an Agronomist and Merchandise Manager, Nufam as the State Horticulture Manager and Syngenta as a Marketing Manager and most recently a business analyst.
3. **Minutes of the Previous Meeting held on Monday 4 May 2015**
Moved Cr Webb/Andrew Blackman that the minutes be accepted. *Carried.*
4. **Matters arising from the previous minutes**
 - 4.1 **Follow up meeting with representatives from State Water re Windamere Dam Foreshore**
Some discussion took place regarding Windamere Dam foreshores and it was decided that Sean Richardson would follow up with the representatives of the Office of State Water and look at arranging a field visit to the location with members of the Committee date and agenda to be advised.

He said it was important to identify the 5 year strategy for noxious weed management on the foreshores including those under the Office of State Water and individual occupiers. Chair suggested another site visit is made with State Water representatives later in the year to discuss long term strategy including the earlier suggestion by SW on possible actions it could take to encourage lessees to plan and undertake regular weed control.

Mitchell Clapham asked the Chair to raise the issue of follow up work on the blackberries already sprayed by burning off as now was the best time to do so.
 - 4.2 **Letter sent to Minister of Primary Industries**
Members were disappointed that no response had been received from the Minister to our letter of 25 May 2015. The only response was received from Mr Michael Johnsen, MP, Member for Upper Hunter who advised that he has made representations to the Minister drawing his attention to Council's request for the Section 64 Weeds Certificate to be included on sale contracts.

4.3 Meeting request with Mr Troy Grant MP

Moved Cr Webb/Dusty Ireland that a letter be sent to Mr Troy Grant MP with an invitation to meet with members of the Committee when he is next in the Mudgee area.
Carried.

5. Inspection Program - Strategic/Statistics**5.1 Final Report for 2015** *(Attachment 1)*

Included in this report are numbers of non-compliant properties < 40 Ha and > 40 ha

5.2 2016 Report to date *(Attachment 2)***5.3 2016 Inspection Program**

Sean Richardson presented the 2016 financial year inspection program to the meeting showing an electronic map of the MWRC area and the areas scheduled for inspection and reinspection this financial year.

These statistics were noted and accepted by the meeting.

6. Correspondence

6.1 Letter sent to the Minister Niall Blair with copies sent to Troy Grant MP, Michael Johnsen MP, Paul Toole MP *(Attachment 3)*

6.2 Letter received from Michael Johnsen MP *(Attachment 4)*

7. General Business**7.1 Noxious Weeds Enforcement Policy**

Susan Burns asked the committee to consider postponing the introduction of the Noxious Weeds Enforcement Policy until the proposed Biosecurity Act is implemented in the new year. She advised that the Draft Noxious Weed Enforcement Policy will involve changes to our processes, software, letter templates etc and since the release of the Biosecurity Bill it has become obvious that further changes will be necessary on its implementation and repeal of the Noxious Weeds Act.

It was suggested that the Local Weed Control Management Plan as amended at the previous meeting be recommended to Council for adoption. The committee agreed.

7.2 Terms of Reference Review

The review of the current Terms of Reference adopted by Council 6 February 2013 was held over from the last meeting pending advice from the Governance Officer.

Julian advised that the Code of Practice for Section 355 Committees adopted in 2005 is currently being reviewed and updated by the Governance Officer and therefore amendment to the Terms of Reference would not proceed until completion of this review.

7.3 Serrated Tussock Working Party Report

A report "Serrated Tussock – Landscape Solutions" prepared by Clare Hamilton June 2015 was tabled for information.

James Mort advised that Mitchell Clapham would like to discuss this document further and therefore the meeting suggested that discussion on this report be deferred until the December meeting.

It was also suggested that an invitation be extended to Claire Hamilton to attend the meeting and speak to the committee about the report.

7.4 African Lovegrass

A request has been made by Mitchell Clapham to consider having African Lovegrass declared noxious in Mid-Western Region.

Discussion took place regarding African Lovegrass and the problems surrounding this weed. Sean Richardson advised that there would be several challenges if this weed was declared noxious and felt that further investigation is required.

Cr Webb advised that African Lovegrass is rampant in his area and St Fillans.

It was suggested that further discussion on this subject should be deferred until the December meeting to allow for further research and investigation by the Chief Weeds Officer.

7.5 Macquarie Valley Weeds Advisory Committee

Cr John Webb and Sean Richardson attended a recent meeting of the committee in Dubbo. Some topics discussed included where MVWAC fits in the future pending the introduction of the Biosecurity Act and creation of the three regional weeds advisory committees for each of the LLS regions.

7.5 Events

Cr Webb asked about our presence at the Small Farm Field Days. Some discussion took place. Susan Burns advised that we attended as part of the Council corporate stand however because of the location of the stand it wasn't as successful as we had hoped. She advised that we would be attending the Field Days next year however on another site, possibly closer to the location of the LLS.

Discussion also took place regarding the use of the Weeds Shed at the Showground and Susan explained that we have held several events at the shed in the past. We would be attending Green Day this Thursday and plan on holding further "mini field days" for specific landholders on that site in the future.

8. Next Meeting

The next meeting is scheduled for Monday 7 December 2015

9. Meeting Closed at 10.45 am.

Attachment 1

Annual Report 2015

| NOXIOUS WEED MANAGEMENT - ANNUAL REPORT 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--------------------------|------|---------------|-----------------|------------------------------|-------------------------------------|-----------|---------------|---------------------------|-----------------|-------------------------|---------------------|-----------------------------------|-----------------------------------|---------------|---------------|-------------------------------------|------------------|-------------------------|-----------------------|------|---------|-----------|----------|-----------|--------------|------------|---------------------|---------|---------|
| Month | PROPOSED INSPECTIONS | | | | | COMPLETED INSPECTIONS/REINSPECTIONS | | | | | | | NOTICES | | | | ACTUAL INSPECTIONS BY PROPERTY TYPE | | | | | | | | | | | | | |
| | Proposed New Inspections | New | Reinspections | s18 Inspections | TOTAL PROPOSED REINSPECTIONS | Completed | Completed | Reinspections | Completed on Reinspection | s18 Inspections | Completed on top of s18 | TOTAL REINSPECTIONS | TOTAL INSPECTIONS & REINSPECTIONS | No. of Non-compliant properties** | s18 Inspected | s18 Inspected | s20 Action taken | s20 Action taken | Private New Inspections | Private Reinspections | TSRs | Manures | Nurseries | Salvages | Pet Shops | Council Land | Crown Land | Roadside km treated | Hectare | |
| Jul | 79 | 119 | 24 | 2 | 26 | 145 | 180 | 122 | 16 | 5 | 1 | 0 | 17 | 197 | 36 | 34 | 2 | 0 | 2 | 178 | 62 | 0 | 62 | 0 | 0 | 1 | 1 | 0.0 | 13411.3 | |
| Aug | 176 | 443 | 31 | 5 | 36 | 479 | 410 | 322 | 24 | 6 | 5 | 1 | 29 | 439 | 63 | 47 | 11 | 2 | 1 | 400 | 29 | 3 | 129 | 0 | 0 | 3 | 4 | 0.0 | 28156 | |
| Sep | 158 | 316 | 22 | 3 | 25 | 341 | 340 | 270 | 19 | 12 | 5 | 1 | 24 | 364 | 47 | 34 | 8 | 1 | 0 | 321 | 25 | 1 | 132 | 0 | 0 | 0 | 4 | 12 | 0.0 | 26180 |
| Oct | 202 | 386 | 18 | 1 | 19 | 205 | 226 | 135 | 16 | 4 | 1 | 0 | 17 | 243 | 58 | 46 | 3 | 0 | 0 | 223 | 17 | 0 | 116 | 0 | 0 | 0 | 0 | 0 | 0.0 | 33655 |
| Nov | 42 | 116 | 11 | 5 | 16 | 132 | 78 | 51 | 2 | 2 | 0 | 0 | 2 | 80 | 8 | 19 | 0 | 0 | 0 | 74 | 3 | 0 | 35 | 0 | 0 | 0 | 0 | 0 | 0.0 | 1040 |
| Dec | 25 | 52 | 71 | 32 | 103 | 155 | 30 | 12 | 43 | 17 | 38 | 1 | 79 | 109 | 28 | 51 | 40 | 3 | 1 | 30 | 81 | 0 | 98 | 0 | 0 | 0 | 0 | 0 | 0.0 | 1326 |
| Jan | 25 | 6 | 46 | 15 | 61 | 67 | 6 | 4 | 37 | 21 | 16 | 9 | 53 | 59 | 14 | 11 | 11 | 2 | 0 | 6 | 53 | 0 | 53 | 0 | 0 | 2 | 0 | 250.0 | 21035.4 | |
| Feb | 25 | 6 | 64 | 14 | 78 | 84 | 10 | 6 | 60 | 37 | 19 | 7 | 78 | 89 | 14 | 25 | 17 | 2 | 0 | 10 | 55 | 0 | 58 | 0 | 0 | 0 | 0 | 0 | 0.0 | 440.6 |
| Mar | 25 | 2 | 112 | 29 | 141 | 143 | 12 | 6 | 90 | 41 | 31 | 11 | 121 | 133 | 28 | 49 | 18 | 3 | 2 | 12 | 119 | 0 | 0 | 0 | 0 | 0 | 1 | 34.6 | 23865.3 | |
| Apr | 25 | 4 | 91 | 25 | 116 | 120 | 7 | 6 | 64 | 37 | 16 | 8 | 80 | 87 | 8 | 29 | 12 | 3 | 0 | 7 | 79 | 1 | 81 | 0 | 0 | 0 | 0 | 0 | 0.0 | 907.8 |
| May | 25 | 2 | 85 | 10 | 95 | 97 | 18 | 17 | 128 | 74 | 33 | 14 | 161 | 179 | 32 | 43 | 19 | 2 | 1 | 10 | 160 | 8 | 111 | 0 | 0 | 0 | 1 | 523.7 | 26582.6 | |
| Jun | 25 | 1 | 55 | 7 | 62 | 63 | 52 | 37 | 109 | 68 | 18 | 10 | 127 | 179 | 22 | 38 | 8 | 1 | 0 | 49 | 157 | 0 | 39 | 3 | 0 | 1 | 0 | 0 | 0.0 | 1397.2 |
| Totals | 832 | 1253 | 630 | 148 | 778 | 2031 | 1369 | 985 | 608 | 324 | 181 | 62 | 789 | 2158 | 356 | 476 | 147 | 19 | 7 | 1320 | 860 | 13 | 892 | 3 | 0 | 1 | 10 | 19 | 2521.5 | 24341.7 |
| Compliance % | | 72% | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| WAP TARGET | | 369 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Outstanding/Over | | 1000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Council Targets | | 1500 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

** Non-compliant means non-compliance with the Noxious Weeds Act - it should be noted that the landholder may be complying with a Weed Management Plan.

C:\bentburton\app\del\reporting\ELO Digital Office\MWR\CEL\023\mwr2015\Noxious Weed Management Report including WAP requirements.xlsx

10/20/2015 2:50 PM

Attachment 2

Annual Report 2016

| NOXIOUS WEED MANAGEMENT - ANNUAL REPORT 2016 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|----------------------|---------------|-----------------|----------------|-------------------------------------|-----------|-----------|-----------|-----------|-----------|----------------------|-----------------------|---------------------|-----------------------------------|--------------------|-------------------------------------|--------------------|--------------------|-------------------------------|-------------------|------------------|-------------------------|-----------------------|------|-----------|----------|-----------|--------------|------------|----------------------|-------------------------|
| Month | PROPOSED INSPECTIONS | | | | COMPLETED INSPECTIONS/REINSPECTIONS | | | | | | | NOTICES | | | | ACTUAL INSPECTIONS BY PROPERTY TYPE | | | | | | | | | | | | | | | |
| | New | Reinspections | s18 Inspections | TOTAL PROPOSED | Completed | Completed | Completed | Completed | Completed | Completed | s20 Quote inspection | s20 Final Inspections | TOTAL REINSPECTIONS | TOTAL INSPECTIONS & REINSPECTIONS | Inspected < 40 Hrs | Inspected > 40 Hrs | Inspected > 40 Hrs | Completed > 40 Hrs | s18 issued (nots amended s18) | Show Cause issued | s20 Action taken | Private New Inspections | Private Reinspections | TSRs | Nurseries | Salvages | Pet Shops | Council Land | Crown Land | Roadside kms treated | Total Hectare Inspected |
| Jul | 72 | 66 | 23 | 161 | 105 | 86 | 47 | 24 | 19 | 9 | 0 | 0 | 66 | 171 | 50 | 40 | 121 | 79 | 12 | 0 | 0 | 104 | 66 | 0 | 0 | 0 | 0 | 1 | 0 | 0.0 | 33788.26 |
| Aug | 95 | 17 | 3 | 115 | 107 | 81 | 17 | 12 | 8 | 8 | 1 | 1 | 25 | 134 | 28 | 26 | 106 | 77 | 6 | 1 | 0 | 102 | 25 | 1 | 0 | 0 | 0 | 0 | 4 | 0.5 | 35797.48 |
| Sep | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Oct | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Nov | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dec | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Jan | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Feb | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mar | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Apr | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| May | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Jun | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Totals | 167 | 83 | 26 | 276 | 212 | 167 | 64 | 36 | 27 | 17 | 1 | 1 | 91 | 305 | 78 | 66 | 227 | 156 | 18 | 1 | 0 | 206 | 91 | 1 | 0 | 0 | 0 | 1 | 4 | 0.5 | 69586 |
| Compliance % | | 79% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| WAP TARGET | | 789 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Outstanding/Over | | 1000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Council Targets | | 1500 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

** Non-compliant means non-compliance with the Noxious Weeds Act - it should be noted that the landholder may be complying with a Weed Management Plan.

K:\Operations\Waste and Weeds Services\Weeds\Inspection Program\Annual Weed Management Report including WAP requirements.xlsx

7/20/2016 2:54 PM

Attachment 3



PO BOX 156
MUDGEE NSW 2850

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

Ph: 1 300 765 002 or (02) 6378 2850
Fax: (02) 6378 2815

email: council@midwestern.nsw.gov.au

SB:ENV200042

25 May 2015

The Hon. Niall Blair, MLC
Minster for Primary Industries
GPO Box 5341
SYDNEY NSW 2001

Dear Minister

Mid-Western Regional Council congratulates you on your appointment as Minister for Primary Industries and would like to bring your attention to a letter sent to the previous Minister, Katrina Hodgkinson, in relation to weed management in New South Wales. A copy of this letter is attached for your reference.

The purpose of this letter is to raise the issue of Section 64 Noxious Weeds Certificates being a required attachment to the contract of sale for all rural properties similar to the section 149 Planning Certificate.

Although current legislation allows for the application of this certificate, it is apparent that not all purchasers' solicitors and/or conveyancers are requesting same and therefore the purchaser is unaware of the noxious weed problems they will inherit. Council has written to both The Law Society of New South Wales and the Australian Institute of Conveyancers requesting their assistance in informing their members of the importance of obtaining a Section 64 Weeds Certificate for their clients in the purchase of any rural property however it is disappointing to note that no response has been received from either of these organisations.

Council is finding that with the increasing number of land exchanges comprising of lifestyle or leisure use properties, many of these potential rural landholders are still ignorant of their ownership responsibilities and their obligations in relation to noxious weed management. We believe that by making the Noxious Weed Certificate a compulsory attachment to the Contract for Sale on all rural properties any potential purchaser would be made aware firstly of the Noxious Weeds Act and also if any Weed Control notices are current on the property thereby being fully aware of any noxious weed problems they may inherit.

By making this Certificate a compulsory application on the sale of any rural property there would also be an incentive to rural landholders selling their properties to ensure that noxious weeds are managed throughout their tenure.

.../2

MID-WESTERN REGIONAL COUNCIL

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Accordingly, Mid-Western Regional Council would appreciate the Minister re-visiting this recommendation especially with the proposed introduction of the NSW Biosecurity Act and the recent Weed Management Review.

Yours sincerely



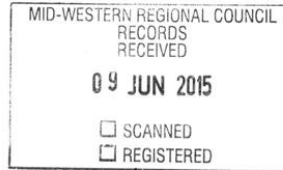
BRAD CAM
GENERAL MANAGER

cc Troy Grant MP, Michael Johnsen MP, Paul Toole MP



Michael Johnsen MP
MEMBER FOR UPPER HUNTER ELECTORATE

3 June, 2015



Mr. Brad Cam,
General Manager,
Mid-Western Regional Council,
P.O. Box 156,
MUDGEE. N.S.W. 2850

Dear Mr. Cam,

Receipt is acknowledged of your copy of correspondence concerning Section 64 Noxious Weeds Certificates being a required attachment to the Contract of Sale of all rural properties similar to the 149 Planning Certificate.

I wish to advise I have made representations to the Minister for Primary Industries, The Hon. Niall Blair MLC, drawing to his attention Council's request for the Section 64 Weeds Certificate to be included on sale contracts.

I shall be in touch with you as again as soon as I receive the Minister's reply.

Hoping this may be of some assistance.

Yours sincerely,

Michael Johnsen MP,
Member for Upper Hunter

THE NATIONALS for Regional NSW



Come on up!

email upperhunter@parliament.nsw.gov.au web www.michaeljohnsen.com.au
office 20 Bridge Street, Muswellbrook NSW 2333 mail PO Box 493, Muswellbrook NSW 2333
ph 02 6543 1065 fax 02 6543 1416
MichaelJohnsenMP @natsforhunter

Contact Details:

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

Telephone enquiries: (02) 6378 2850

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



LOCAL WEED CONTROL MANAGEMENT PLAN FOR CLASS 4 NOXIOUS WEEDS

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

OBJECTIVES:

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

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

Private occupiers of land must control noxious weeds on land.

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

DURATION OF PLAN:

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

REQUIREMENTS OF THE LOCAL WEED CONTROL MANAGEMENT PLAN:

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

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

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

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

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



DRAFT LOCAL WEED CONTROL MANAGEMENT PLAN

FOR CLASS 4 NOXIOUS WEEDS

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

OBJECTIVES:

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

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

Private occupiers of land must control noxious weeds on land.

If an occupier fails to comply with their obligations under the Noxious Weeds Act, those obligations may be enforced against the owner of the land as well as the occupier by a Weed Control Notice issued under Section 18.

DURATION OF PLAN:

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

REQUIREMENTS OF THE LOCAL WEED CONTROL MANAGEMENT PLAN:

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

1. **PROPERTIES LESS THAN 40.5 HECTARES (100 acres):**
 - **ALL** Class 4 plants must be managed in accordance with the control measures specified in the Noxious Weeds (Weed Control) Order 2014 i.e. *"The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread"*
2. **PROPERTIES GREATER THAN 40.5 HECTARES (100 acres):**
 - The growth of Class 4 plants must be managed in accordance with the control measures specified in the Noxious Weeds (Weed Control) Order 2014 i.e. *"The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread"* by ensuring the impact of the plant on adjoining land is minimised and/or removed by treating as an immediate priority:
 - ✓ All infestations within 100 metres of the property boundary or recognised watercourse; **and**
 - ✓ All infestations on higher peaks and ridgelines that are recognised as having wind born seed and identified as having potential to infest clean areas; **and/or**
 - ✓ As per the terms of a Weed Management Plan approved by Council.

As a guide, at least 20% of the infestation must be treated annually.

Contact Details: All correspondence should be addressed to The General Manager, Mid-Western Regional Council, PO Box 156, MUDGEE NSW 2850 - Telephone enquiries: (02) 6378 2850

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

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