



2016

COUNCIL BUSINESS PAPERS

Ordinary Meeting WEDNESDAY 16 NOVEMBER 2016



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MUDGEE NSW 2850

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9 November 2016

Dear Councillor

MEETING NOTICE
Ordinary Meeting
16 NOVEMBER 2016
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 five minutes to outline any issue of relevance to the Council. If you wish to speak at Open Day please contact the Mayor's Office on 1300 765 002 or 02 6378 2850 by 3.00 pm on the day of the meeting. Alternatively, please make yourself known to the General Manager prior to the commencement of the meeting.

Yours faithfully

A handwritten signature in black ink, appearing to be "BRAD CAM", written over a horizontal line.

BRAD CAM
GENERAL MANAGER

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Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 19 October and the Extraordinary Meeting held on 26 October 2016

Council Decision:

That the Minutes of the Ordinary Meeting held on 19 October and the Extraordinary Meeting held on 26 October 2016 be taken as read and confirmed.

The Minutes of the Ordinary and the Extraordinary Meeting are separately attached.

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.
Saleyards Subdivision	Res 228/14 Ordinary Mtg 4/6/14	That Council: <ol style="list-style-type: none"> 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.
Negotiation with Mudgee Golf Club regarding road realignment and Fairways Estate acoustic barrier/buggy corridor maintenance	447/15 Ordinary Mtg 16/12/15	That: <ol style="list-style-type: none"> 1. The General Manager be authorised to be negotiate with the Mudgee Golf Club regarding land acquisition for a road realignment and footpath construction; and 2. The General Manager be authorised to negotiate the agreement for the ongoing maintenance of the buggy corridors within the Fairways Estate. 	Continued discussions with the General Manager of Mudgee Golf Club.
Cudgegong River – Lawson Park	70/16 Ordinary Mtg 20/4/16	That Council dredge Cudgegong River at Lawson Park from the weir back.	That Council apply for a Part 7 Fisheries

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
			<p data-bbox="1137 275 1434 607">Management Act permit with supporting documentation for the application, for the purpose of clearing the Cudgegong River at Lawson Park from the weir back.</p> <p data-bbox="1137 640 1434 842">The Department has indicated they will not support the clearing of the Cudgegong River at Lawson Park.</p> <p data-bbox="1137 880 1378 965">Recommend completion.</p>

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 Purchase of Two Graders for Gravel Road Maintenance

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 16 NOVEMBER 2016 ORDINARY MEETING
GOV400054, GOV4000054

MOTION

That Council purchase two new graders, the type with hydraulic rollers that fit behind the rippers, to be used for gravel road maintenance only.

Background

Cr Thompson and other Councillors have been inundated with calls from ratepayers about the state of the gravel roads within the region and that some of the bus runs are overdue for grading. The people in the out-laying areas of the region pay a huge amount of our rates every year and are entitled to have their roads maintained on time.

Officer's comments

I explained several months ago to Councillors that our capital road works and our grading and re-sheeting programs have been put into disarray and by the continued rain. I asked Councillors when fielding calls about grading to explain to the residents the issues that the staff have been facing and for the resident to just exercise some patience.

Council currently have 12 graders, 9 Council owned and 3 contract graders working on both capital and maintenance. Seven of these graders are currently working on our gravel network. Council have over 1200km of gravel network and we cannot get to every road immediately.

It is not just as simple as purchasing 2 new graders. This purchase will require ongoing costs and additional plant purchases over and above the 2 graders. The tow behind 7 tonne roller is not a current practice of Council. Therefore the purchase of 2 graders, 2 rollers and 2 water carts will result in more than \$1.2m of additional plant. It also means that Council will need to employ 6 new staff at a cost of \$500,000 a year.

The current practice is for Council to wet hire from contractors additional graders to meet the demands of grading and re-sheeting when conditions are at its best.

Council do not have sufficient funds to purchase this equipment and I therefore cannot support this recommendation.

Item 7: Office of the General Manager

7.1 Council Meeting Schedule December 2016 to June 2017

REPORT BY THE GOVERNANCE COORDINATOR
TO 16 NOVEMBER 2016 ORDINARY MEETING
GOV400054, GOV400054

RECOMMENDATION

That Council:

1. receive the report by the Governance Coordinator on the Council Meeting Schedule December 2016 to June 2017; and
2. re-schedule the Council Meeting set for Wednesday, 21 December 2016 to Wednesday, 14 December 2016; and
3. confirm the Council Meetings for the remainder of the 2016/17 financial year as follows:

Wednesday, 14 December 2016
Wednesday, 15 February 2017
Wednesday, 15 March 2017
Wednesday, 19 April 2017
Wednesday, 17 May 2017
Wednesday, 21 June 2017

Executive summary

The purpose of this report is to set the meeting program for December 2016 to June 2017.

Disclosure of Interest

Nil.

Detailed report

Council meetings are held each month (with the exception of January). Meetings are currently being held on the third Wednesday of each month, commencing at 5.30pm with an Open Day session.

Due to the close proximity of the scheduled December Council meeting on Wednesday, 21 December it is suggested that the December meeting be bought forward to Wednesday, 14 December.

This report confirms the meeting schedule for the remainder of the 2016/17 financial year.

Community Plan implications

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

Financial implications

Not applicable.

TIM JOHNSTON
GOVERNANCE COORDINATOR

SIMON JONES
DIRECTOR, COMMUNITY

27 October 2016

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 8: Development

8.1 DA0006/2017 - Subdivision, Multi Dwelling Housing & Detached Dual Occupancies, 235-241 Gladstone Street Mudgee

REPORT BY THE TOWN PLANNER
TO 16 NOVEMBER 2016 ORDINARY MEETING
GOV400054, DA0006/2017

RECOMMENDATION**That Council:**

1. receive the report by the Town Planner on the DA0006/2017 - Subdivision, Multi-Dwelling Housing & Detached Dual Occupancies, 235-241 Gladstone Street Mudgee;
2. approve DA0006/2017 – Subdivision, Multi-Dwelling Housing & Detached Dual Occupancies subject to the following conditions:

APPROVED PLANS CONDITIONS

3. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date	Prepared by:
Gladstone Street Elevation	113.4	B	27/06/16	Preferred Design & Drafting
Site Plan	1 of 36	B	27/06/16	Preferred Design & Drafting
Site Overview – Including Floor Plans	2 of 36	B	27/06/16	Preferred Design & Drafting
Landscape Plan	3 of 36	B	27/06/16	Preferred Design & Drafting
Preliminary Subdivision Plan	4 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 1 – Floor Plan	5 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 1 – Elevations	6 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 1 – Elevation, Sections, Roof Plan	7 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 2 – Floor Plan	8 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 2 – Elevations	9 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 2 – Elevation, Sections, Roof Plan	10 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 3 – Floor Plan	11 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 3 – Elevations	12 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 3 – Elevation, Sections, Roof Plan	13 of 36	B	27/06/16	Preferred Design & Drafting

Dwelling 4 – Floor Plan	14 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 4 – Elevations	15 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 4 – Elevation, Sections, Roof Plan	16 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 5 – Floor Plan	17 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 5 – Elevations	18 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 5 – Elevation, Sections, Roof Plan	19 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 6 – Floor Plan	20 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 6 – Elevations	21 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 6 – Elevation, Sections, Roof Plan	22 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 7 – Floor Plan, Roof Plan	23 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 7 – Elevations, Sections	24 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 8 – Floor Plan, Roof Plan	25 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 8 – Elevations, Sections	26 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 9 – Floor Plan, Roof Plan	27 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 9 – Elevations, Sections,	28 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 10 – Floor Plan	29 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 10 – Elevations	30 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 10 – Elevation, Sections, Roof Plan	31 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 11 – Floor Plan	32 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 11 – Elevations	33 of 36	B	27/06/16	Preferred Design & Drafting
Dwelling 11 – Elevation, Sections, Roof Plan	34 of 36	B	27/06/16	Preferred Design & Drafting
Shadow Diagram – Winter	35 of 36	B	27/06/16	Preferred Design & Drafting
Shadow Diagram – Summer	36 of 36	B	27/06/16	Preferred Design & Drafting
Site Plan and Flood Levels	MX10296.00-C01	D	27/06/16	Preferred Design & Drafting
Preliminary Subdivision	4 of 37	D	27/10/16	Preferred Design & Drafting
Proposed Subdivision of Lots 6 & 7 in DP790409	22952_L02		27.10.16	Barnson

PRESCRIBED CONDITIONS

4. That the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
5. 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.

6. 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:
 - 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.
 - 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.
7. 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

8. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, storm water and sewerage works is to be obtained from Mid-Western Regional Council.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

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

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

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

11. 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.
12. If the work involved in the erection/demolition of the building;
 - is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - 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.

13. The Applicant shall provide the Certifying Authority with certification from a practising structural engineer that the Class 1 buildings comply with:
 - Part 3.10.3 'Flood Hazard Areas' of the National Construction Code (NCC) and the relevant sections of the Australian Building Codes Board (ABCB) 'Standard for Construction of Buildings in Flood Hazard Areas'; or
 - Performance requirement P2.1.2 'Construction of buildings in flood hazard areas' of the NCC.
14. All residences/associated structures are to have flood compatible building components, as defined in Council's DCP 2013 Appendix A – Flood Schedules, below or at the 100 year ARI flood level (plus Freeboard).
15. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
16. 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:
 - showing the name, address and telephone number of the Principal Certifying Authority for the work;
 - 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
 - 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.

17. The development site is to be managed for the entirety of work in the following manner:
 - 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;
 - appropriate dust control measures;
 - construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
 - 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

18. 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.
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19. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
20. 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.
21. All mandatory inspections required by the *Environmental Planning & Assessment Act 1979* and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
22. 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:
 - the method of protection;
 - the date of installation of the system;
 - where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - the need to maintain and inspect the system on a regular basis.
23. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.
24. The requirements of BASIX Certificate number(s) 740357S, 740380S, 740389S, 740442S, 740454S, 740548S, 740550S, 740567S, 740577S, 740622S, 740625S issued on 30 June 2016 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.
25. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
26. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors. Please note this can be achieved by connecting to existing stormwater lines.
27. Drainage detail shall include provision for the drainage of surface water from the rear yards of all units so as to not poise a drainage nuisance to future dwelling owners.
28. Prior to the pouring of concrete slabs, a survey prepared by a registered surveyor is to be submitted to the Principal Certifying Authority and Council, confirming the location of dwellings to ensure fire separation is achieved.

CULTURAL HERITAGE

29. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

30. 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.
31. A survey prepared by a registered surveyor is to be submitted to Council, confirming all fencing below the 1 in 100 year flood level is designed to allow the passage of water in the event of a flood. The 1:100 year flood level shall be determined by subtracting 500mm freeboard from the Finished Floor Level of the closest residence.

This can be achieved through providing open mesh fencing to the lower sections of the fence of 100mm x 50mm or another approved fence design.

32. A survey prepared by a registered surveyor is to be submitted to Council, confirming the Finished Floor Level (FFL) of each dwelling achieves a 500mm Freeboard clearance above the 1 in 100 year flood event. FFLs shall be in accordance with the table below:

DWELLING UNIT	FINISHED FLOOR LEVEL
Unit 1	457.08m
Unit 2	456.97m
Unit 3	456.76m
Unit 4	456.69m
Unit 5	456.92m
Unit 6	457.09m
Unit 7	457.44m
Unit 8	457.50m
Unit 9	457.47m
Unit 10	457.50m
Unit 11	457.36m

33. All finished surface levels shall be shown on the plans, and comply with Triaxial Consulting's Independent Flood Study report documents below:
- MX10306.rpt.jd- dated 13 November 2015- Re: Proposed Multi Housing Development 237 Gladstone Street, Mudgee NSW 2850 Lots 6 & 7, DP790409
 - MX10296.00-C01 Issue D- Site Plan and Flood Levels 237 Gladstone Street Mudgee NSW 2850
 - MX10296.00-C02 Issue D- Site Plan and Flood Levels 237 Gladstone Street Mudgee NSW 2850

ENGINEERING CONSTRUCTION

34. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
35. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
36. The works are to be inspected by the Council (or an *Accredited Certifier* on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
 - Installation of sediment and erosion control measures
 - Water Main Extensions
 - Sewer Main Extensions
 - Stormwater drainage such as inter-allotment drainage
 - Practical Completion
37. Where stormwater drainage and sewer main extensions cross through private land three metre wide easements, including associated Section 88B of the *Conveyancing Act 1919* instruments, are to be created in favour of Council over any existing or newly constructed stormwater drainage or sewer mains located within the subject property, or extended through adjoining private properties as a result of this subdivision.

Note: where an easement is proposed over private land for the purpose of servicing this subdivision, Council will require evidence that the easement has been created prior to approval of the DA. If evidence of an easement being created cannot be provided to Council by the Applicant a deferred commencement condition will apply for the Development.

STORMWATER DRAINAGE

38. The Applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater run-off from the site is not increased beyond the existing undeveloped state up to and including a 1.5 year event. All stormwater detention details including analysis shall be included with the Drainage Report.
39. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over inter-allotment drainage in favour of upstream allotments.
40. Stormwater drainage design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.
41. Stormwater is to be collected via a system of gutters, drains and pits and piped to the existing on-site stormwater drainage network in accordance with AusSpec #1. Where necessary to avoid undue scouring of the natural drainage lines, energy dissipation devices are to be installed at the point of disposal.

EARTHWORKS

42. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
- Saving available topsoil for reuse in the revegetation phase of the development;
 - Using erosion control measures to prevent on-site damage;
 - Rehabilitating disturbed areas quickly; and
 - Maintenance of erosion and sediment control structures.
43. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
44. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.

CAR PARKING

45. A minimum of 16 car parking spaces are to be provided in association with the development. Car parking is to be provided in accordance with the following:
- Each parking space is to have a minimum dimension of 5.5m x 2.6m;
 - All car parking including visitor spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times; and
 - The vehicular entry and exit driveway is to have a minimum width of 6 metres (at the kerb line). Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to the development site. The entrance shall be constructed in accordance with Aus-Spec #1 and Council's Access to Properties Policy.

Note: Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – CIVIL

46. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.
47. A Construction Certificate is required for, but not limited to, the following civil works:
- Water and sewer main extensions; and
 - Stormwater drainage such as inter-allotment drainage.

Note: No works can commence prior to the issue of the Construction Certificate.

48. All finished surface levels shall be shown on the plans submitted for the Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS – CIVIL

49. A Traffic Control Plan (TCP) completed by a “Certified Person” for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
50. A copy of the Contractor’s public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
51. The development site is to be managed for the entirety of work in the following manner:
- 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;
 - Appropriate dust control measures;
 - Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - 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.
52. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
53. Prior to the commencement of works, the following actions are to be carried out:
- A site supervisor is to be nominated by the applicant;
 - Council is to be provided with two (2) days notice of works commencing; and
 - Council is to be notified in writing of any existing damage to Council’s infrastructure.

NOTE: Failure to comply with these conditions may result in damage to Council’s infrastructure. Any damage will be rectified at the applicant’s cost.

WATER AND SEWER

54. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
55. Three metre wide easements, including associated Section 88B Instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property that will become a Council asset, or extended through any private properties as a result of this subdivision.

Note: Council does not permit other bodies to insert new junctions/tappings into ‘live’ water and sewer mains. Please contact Council’s Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing

council@midwestern.nsw.gov.au to obtain a quote for the connection of water and sewer (Private Works Order).

56. At the completion of construction the developer shall obtain a *Certificate of Compliance* under the Water Management Act. This will require:

Payment of Developer Contributions. Payment of a contribution for water and sewerage headworks at the following rate:

SUBJECT TO CPI INCREASE

Water Headworks	\$45,502
Sewerage Headworks	\$24,342
Total Payable	\$69,844

57. The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.

PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE

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

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

#. The final inspection report shall be submitted to Council with the Subdivision Certificate application.

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

59. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:

- PDF
- Dwg format or "Autocad compatible"
- MapInfo Files

60. All work-as-executed (WAE) plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate. Council also requires the completion of the Asset Data spreadsheet (Council to provide at the request of the applicant).

61. All work-as-executed (WAE) plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

62. Any unpaid contributions or charges nominated in the development consent will be indexed to CPI at the beginning of the new financial year.
-

63. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - A certificate from the appropriate telecommunications authority stating that they accept control/acquisition of the telecommunications infrastructure to the development.
 - All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent.
64. Underground electricity, street lighting and telecommunications are to be supplied to the Development in accordance with the relevant authorities standards.
65. In accordance with the provisions of section 94(1)(b) of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Development Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:

Catchment No.2A – No. Additional Lot/s 9 in accordance with Council Fees and Charges (credit of 2 applied).

Transport Management	
Traffic Management	\$ 11,223
Open Space	
Local Open Space	\$ 17,613
District Open Space	\$ 23,913
Community Facilities	
Library Buildings	\$ 2,304
Library Resources	\$ 2,763
Drainage	
Drainage Works	\$ 48,213
Administration	
Plan Administration	\$ 5,382
Total	\$ 111,411

SUBJECT TO CPI INCREASE

66. Following completion of all engineering works, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council for a twelve month (12) period to ensure that any defects in such works are remedied by the developer.
Note: The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. The bank guarantee must not specify any time limitations on the operation of the guarantee.
67. The developer is to ensure that all defects in the works that become apparent within twelve (12) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification.
Note: Any unspent bond money will be returned to the developer at the end of the twelve (12) month period, less the estimated cost of any outstanding works.
68. Prior to the issue of any Subdivision Certificate, to ensure compliance with Mid-Western Regional Local Environmental Plan 2012, amended plans must be submitted to and approved by Council showing the size of each lot as being equal to or greater than:

- a) 300sqm for multi dwelling housing
- b) 400sqm for dual occupancy (detached)

GENERAL

- 69. A 1.8 metre high screen fence is to be provided to all side and rear boundaries prior to occupation of the development. All fencing is to be provided at full cost to the developer.
- 70. A 1.8 metre high screen fence is to be provided between the private open space areas of the units, prior to occupation of the development.
- 71. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation.
- 72. All fencing forward of the building line shall not exceed 1.2m in height and be of timber or masonry materials.
- 73. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings.
- 74. The domestic air conditioning unit/s must be operated in accordance with the requirements of the *Protection of the Environmental Operations Act (Noise Control) Regulations 2000*.
- 75. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.
- 76. Waste collection from the Community Title allotments (multi dwelling housing) is to occur within the site and be carried out by a private contractor or by agreement with Council. No bins shall be placed on the kerb for collection.

The community management plan shall address the management of the communal bin storage area such that there are no impacts on the amenity of the neighbourhood from the storage bin waste on the site.
- 77. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping.
- 78. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".

Executive summary

OWNER/S	HAYLYN PROPERTY INVESTMENTS PTY LTD
APPLICANT:	HAYLYN PROPERTY INVESTMENTS PTY LTD
PROPERTY DESCRIPTION	235-241 GLADSTONE STREET, MUDGEE LOT 6 DP 790409 LOT 7 DP 790409
PROPOSED DEVELOPMENT	SUBDIVISION, MULTI DWELLING HOUSING & DETACHED DUAL OCCUPANCIES
ESTIMATED COST OF DEVELOPMENT:	\$2,680,000.00
REASON FOR REPORTING TO COUNCIL:	DEVELOPMENT VALUE EXCEEDS \$2 MILLION

PUBLIC SUBMISSIONS:	NIL
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Council is in receipt of Development Application DA006/2017 that seeks to undertake construction of seven multi dwelling housing and two detached dual occupancy dwellings, plus subdivision (Torrens and Community Title), on land known as Lot 6 and 7 DP790409, 235-241 Gladstone Street, Mudgee.

The combined area of Lots 6 and 7 DP 790409 is 5053m² and is zoned R1 General Residential under the Mid-Western Local Environmental Plan (LEP) 2012. The subject site is vacant with frontage to Gladstone Street. Part of the site is located within the low flood risk precinct.

The application was notified and advertised in accordance with Part 1.12 Community Consultation of Development Control Plan (DCP) 2013. No submissions were received, during the notification period ending 29 July 2016.

The proposed development has been assessed in accordance with Council's DCP and the LEP. The proposed development is considered generally consistent with Council's planning controls.

The application is recommended for approval subject to the conditions included within the recommendation.

Disclosure of Interest

Nil.

Detailed report

Specifically, the development will comprise subdivision and construction of two (2) lots (Lots 6 and 7 DP 790409) into:

- o Four Torrens Title Lots (Lots 1, 2, 3, 4). Each lot is to contain a detached dual occupancy dwelling consisting of 3 bedrooms, with attached garage, with frontage and vehicular access to Gladstone Street.
- o Community Title subdivision over the residue (3,406sqm), creating proposed lots 5-12. These lots are proposed to contain seven detached multi dwelling housing - five containing three bedrooms, and two containing two bedrooms, each with an attached garage, vehicular access to Gladstone Street, with no direct frontage – excepting the vehicular cross over and access way.

Note The residue parcel (3,406sqm) must be created under the Real Property Act 1900 (Torrens Title) prior to a community plan applying. This sequencing is the responsibility of the applicant/owner and does not hinder Council in its determination of the Community Title scheme.

The common areas within a Community Title scheme are known as the Association property and are comprised in lot 1 of the scheme. This again is the responsibility of the applicant/owner to rectify.

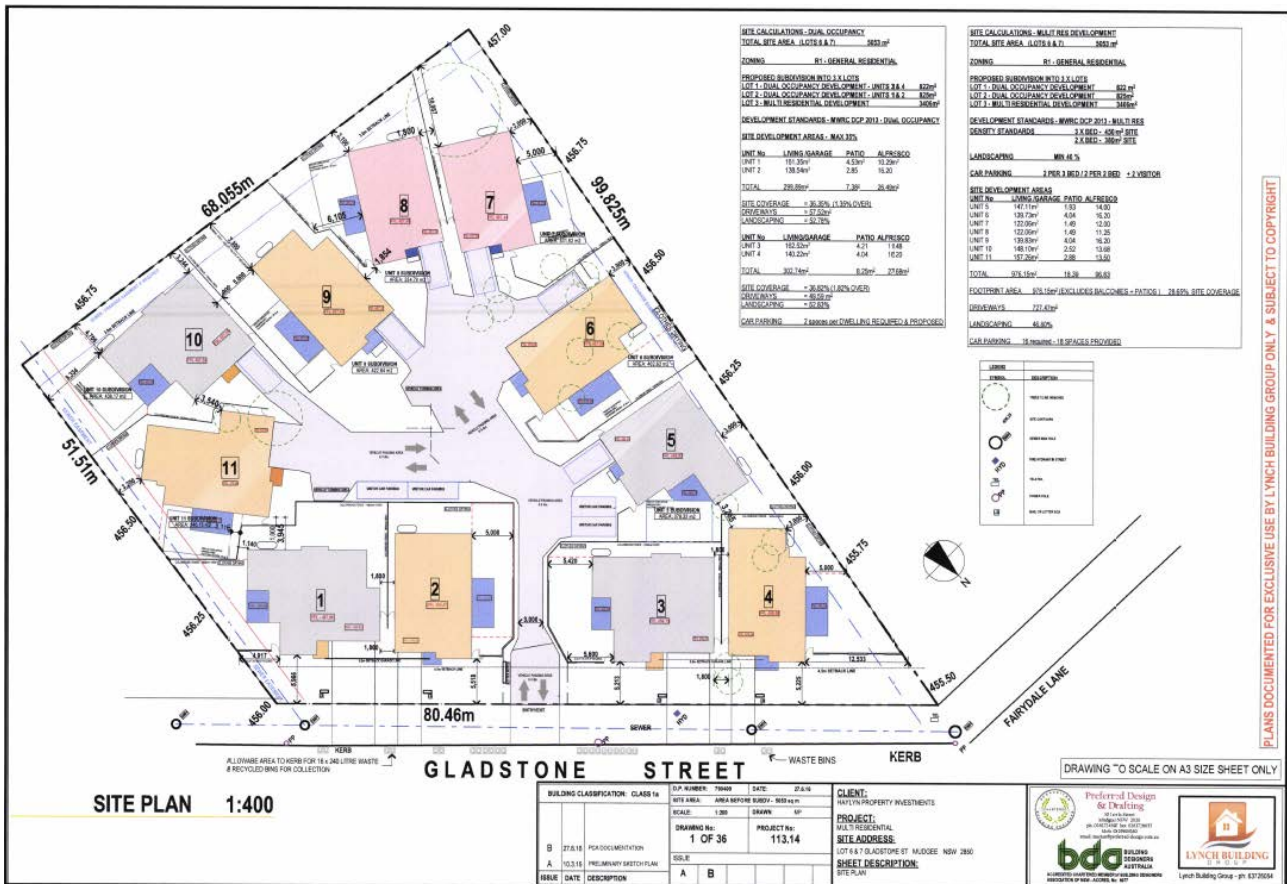


Figure 1 – Site Plan

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

REQUIREMENTS OF REGULATIONS AND POLICIES

State Environmental Planning Policy No. 55 – Remediation of Land

Site inspection and a review of records has not revealed any potential contaminating activities. Accordingly no further consideration of SEPP 55 is warranted.

Mid-Western Regional Local Environmental Plan 2012

The following clauses of Midwestern Regional Local Environmental Plan 2012 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Clause 1.4 Definitions

The development proposed is defined as multi dwelling housing and dual occupancy (detached), which means:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Clause 2.2 Zoning of land to which Plan applies

The subject site is zoned R1 General Residential.

Clause 2.3 Zone objectives and Land Use Table

The proposed development complies with the relevant objectives of the R1 General Residential zone in that it is providing a variety of housing types within a residential environment, with direct access to community facilities and services, and is permitted with consent.

Clause 2.6 Subdivision – consent requirements

It is proposed to subdivide the site into four (4) Torrens title allotments, plus seven (7) Community titles, which requires development consent.

Clause 4.1B Exceptions to minimum lot sizes

In accordance with this clause Council may grant development consent to a single development application for development that includes, both subdivision of land into two or more lots; and the erection of a dual occupancy (detached) or multi dwelling housing on each lot, if the size of each lot is equal to or greater than:

- 300sqm for multi dwelling housing
- 400sqm for dual occupancy (detached)

All multi dwelling housing proposed are to be on lots (Community Title) greater than 300sqm; ranging in size between 340.15sqm – 438.17sqm, compliant with this clause.

In relation to the detached dual occupancies, proposed Lot/Unit 1, 2 and 4 are compliant, achieving 437.12sqm, 400.69sqm and 425.88sqm respectively. Proposed Lots/Unit 3 does not comply, having a lot size of 398.74sqm.

In relation to the non-compliant lot – it is considered, given the negligible short fall (0.32%) that the consent be issued, with a condition requiring preparation of amended plans demonstrating compliance with the minimum lot size of 400sqm. The minor non-compliance can be easily rectified, with negligible impacts to the overall scheme's compliance, design and impact. For this reason, it is considered appropriate to impose a condition on the consent requiring the submission of a new lot layout demonstrating compliance with the minimum lot size of 400sqm, prior to the issue of any subdivision certificate.

Clause 4.3 - Height of buildings

According to the Height of Buildings Map, the maximum height of buildings on the site is 8m. The development proposes a maximum roof height varying from 5.51m to 6.04m, compliant with this clause.

Clause 5.10 Heritage Conservation

The land is mapped as being Aboriginally Sensitive however no known Aboriginal Heritage relics or items are known to be on or in close proximity to the site. Should any be found, work shall cease immediately and the relevant authorities notified. Furthermore, the site is not identified under Schedule 5 Environmental Heritage in LEP 2012 as being a heritage item or as being located within a heritage conservation area.

Clause 6.2 – Flood planning

No part of the land is defined as being within the *Flood Planning Area*, as shown on Council's Flood Planning Map (Sheet CL1_006C).

However, the land is identified as being within the flood planning level, as determined in the Mudgee Local Creeks Flood Study (2008). From this study Council has determined that part of the site is categorised as being within the Low Risk Flood Precinct – See Figure 2. Low Flood Risk Precincts, as defined in Councils DCP, is all land within the flood plain (i.e. within the Probable Maximum Flood) but not identified as either high or medium risk.

As part of the Development Application, Triaxial Consulting were engaged by the applicant to investigate the impact of flooding on the site and to determine the 100 year ARI flood level, from which calculations can be made to determine the required finished floor levels of the proposed dwellings (1:100 year flood + 500mm freeboard).

The Triaxial report has used the Local Creeks Flood Study, and developed a HEC-RAS model specifically for the Gladstone Street site. From this study, the nominated FFLs were calculated, as shown in Table 1. The table refers to the 1 in 100 year flood level at the upstream point of the nominated building pad and includes 500mm freeboard above the 100 year level. These FFLs will form a condition of consent.

DWELLING UNIT	FINISHED FLOOR LEVEL
Unit 1	457.08m
Unit 2	456.97m
Unit 3	456.76m
Unit 4	456.69m
Unit 5	456.92m
Unit 6	457.09m
Unit 7	457.44m
Unit 8	457.50m
Unit 9	457.47m
Unit 10	457.50m
Unit 11	457.36m

Table 1: Required Finished Floor Levels

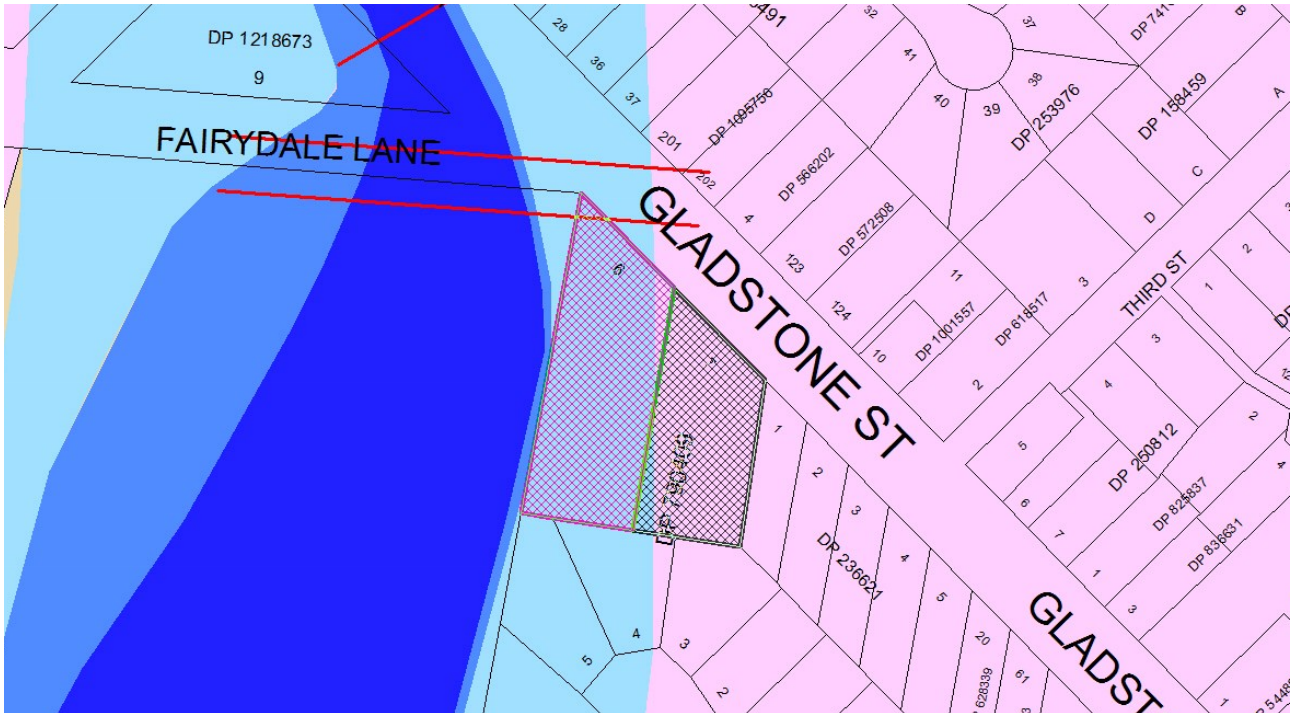


Figure 2 – Flood Affection

It should be noted, as per the Triaxial report, two large detention basins have been constructed upstream from the development within the last two years, they have been conservatively assumed not to reduce the 100 year flows adjacent to the site. The Mudgee Local Creeks Flood Study (2008) states that the flows at the Fairydale main arm could be reduced from 24.5m³/s to 16.2m³/s if detention were provided upstream, however for the purposes of this report the figure adopted for the 100 year event was 24.5³/s.

Further to the above, given the minor extent of flooding, the Low Flood Risk rating, the ability of residences to be constructed 500mm above the 1:00 year flood event, and the availability of flood free access east along Gladstone Street, the matters presented in clause 6.2 flood planning have been adequately addressed and no further consideration under this clause is warranted.

Clause 6.4 - Groundwater vulnerability

The site is identified as being groundwater vulnerable. No impacts are anticipated as the development only requires relatively shallow excavation activity from natural ground level. No bores or on-site septic permitted as part of this development.

Clause 6.9 - Essential services

Services are available to the proposed development. Town reticulated water supply and sewer connection are available and required for residential dwellings. Electricity is available and arrangements shall be made with Essential Energy for connection. On-site stormwater detention shall be designed in accordance with Council standards. Individual access via Gladstone Street is proposed for each of the dual occupancies. A single point of access/egress is proposed for the multi dwelling development to service the internal road network. All entry and exit of the site shall be done in a forward moving motion. Sewer and Water Headworks charges apply and are incorporated in the proposed conditions of consent in the recommendation.

Mid-Western Regional Development Control Plan 2013

Mid-Western Regional Council – Development Control Plan 2013, Sections 2.2 Dual Occupancy Development, 4.1 Multi Dwelling Housing and 7.1 Urban Subdivision applies to the development. Consideration of the relevant provisions of the DCP are summarised in the table below. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

Table 2: Mid-Western Regional Development Control Plan 2013

Part 4.1 Multiple Dwelling Housing	Requirement	Compliance/ Comments
Permissibility	<ul style="list-style-type: none"> - only permissible on lots > 1200m², and comply with one of the following; - In Mudgee or Gulgong Heritage Conservation Area, or - Village zone, or - lot with two street frontages, or - any lot with 25m wide frontage, or - not be located on lot adjoining approved or developed multiple dwelling lot outside Mudgee or Gulgong Heritage Conservation Area. 	<p>COMPLIES Lot size is 3406m²</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>COMPLIES</p>
Built Form	<p>Design</p> <ul style="list-style-type: none"> - existing buildings retained upgraded to integrate with new development. - Architectural features incorporated into design to provide visual relief and minimise bulk and scale. - Design optimises solar access and orientation, consistent with scale, spacing, setbacks, landscaping of buildings, and positively enhances streetscape. <p>Building scale, height and bulk</p> <ul style="list-style-type: none"> - development compatible with scale of buildings in locality and not visually intrusive. 	<p>COMPLIES</p> <p>N/A</p> <p>The proposed design incorporates varied fenestration, materials and articulation on both the frontage of the internal road network and side boundaries.</p> <p>The design is conscious of solar orientation with living areas oriented north and private open space linked to these living areas.</p> <p>COMPLIES</p> <p>The development is considered consistent with the existing bulk and scale of the existing and potential</p>

	<ul style="list-style-type: none"> - Consistent with objectives of zone. - appropriate building heights respect scale of future development for which provision is made in locality. - Maximum height measured from natural ground level to roof apex. - Buildings do not exceed two storeys or 8.5m in height. - Each development assessed on merits in terms of visual impact on streetscape and internal and external amenity. - Council may require shadow diagrams to be submitted. 	<p>surrounding developments. The multi dwelling housing is relatively secluded and not visually prominent from the street.</p> <p>The development is consistent with the objectives of the zone.</p> <p>The development consists of single storey residences ranging from 5.51m – 6.04m roof height. The proposal is consistent with the existing built form and transitions well.</p> <p>Single storey residences – maximum 6.04m in height.</p> <p>The streetscape is maintained through the development standards and is not visually prominent from the road where the proposed dual occupancies act as a visual barrier.</p> <p>Shadow diagrams were submitted and indicate surrounding properties can maintain their existing level of solar access to living areas and private open space as required.</p>
<p>Development Density</p>	<p>- Units accommodated on a site as follows:</p> <p>Kandos, Rylstone and Mudgee and Gulgong outside conservation areas:</p> <ul style="list-style-type: none"> - 1bdm unit: 1 unit per 300m² of site - 2bdm unit: 1 unit per 380m² of site - 3bdm unit: 1 unit per 450m² of site <p>Gulgong and Mudgee Conservation Areas:</p> <ul style="list-style-type: none"> - 1bdm unit: 1 unit per 250m² of site - 2bdm unit: 1 unit per 280m² of site - 3bdm unit: 1 unit per 310m² of site 	<p>COMPLIES</p> <p>Development not within the conservation area.</p> <p>2 x 2 Bedroom Units = 760m² 5 x 3 Bedroom Units = 2250m² Total: 3010m² (3406m² site)</p> <p>N/A</p>

	<p>- Minimum floor area excluding balconies and garages:</p> <ul style="list-style-type: none"> - 1bdm unit: 55m² - 2bdm unit: 70m² - 3bdm unit: 85m² 	<p>COMPLIES</p> <p>2 bed. Unit min = 100.59m² 3 bed. Unit min = 116.63m²</p>
Landscaping	<ul style="list-style-type: none"> - site landscaping >40% - landscaping advanced trees, preferably native species. - front setback landscaped to a depth of 5m 	<p>COMPLIES</p> <p>46% as shown on Landscape Plan. Mixture of native and other species.</p> <p>N/A</p>
Site coverage	<ul style="list-style-type: none"> - Maximum site coverage excluding driveways <40% 	<p>COMPLIES (32% site coverage, including patio and alfresco areas)</p>
Private Open Space	<ul style="list-style-type: none"> - each dwelling has Principle Private Open Space of 40m² with minimum dimensions of 5m depth and width. - Private open space directly accessible from living areas. - Rainwater tanks not located in principle private open space. - patios, decks, balconies only counted as Private Open Space if they have direct northerly access and <25% private open space requirement. - Dimensions <5m not counted as principle private open space. - principle private open space in front setback behind landscaped area 1.5m to front boundary. - fencing for front private open space behind landscaping and timber or masonry materials, not colour bond. 	<p>COMPLIES</p> <p>All dwellings have a minimum 40m² private open space, minimum dimension of 5m. Secondary private open space areas are also available.</p> <p>COMPLIES</p> <p>COMPLIES</p> <p>Only Unit No.11 requires inclusion of patio in calculation of POS – located on north eastern elevation. The POS should receive direct solar access until mid-afternoon and is therefore considered acceptable.</p> <p>COMPLIES</p> <p>N/A</p> <p>CONDITIONED. All fencing forward of the building line shall be no higher than 1.2m</p>

	<p>- 75% of private open space receives 3hrs sunlight between 9am-3pm on 21 June (winter solstice).</p>	<p>and of masonry or timber materials.</p> <p>COMPLIES – Shadow Diagram provided</p>
<p>Vehicular Access & Parking</p>	<p>Residential Parking as follows:</p> <ul style="list-style-type: none"> - 1bdm: 1 space - 2bdm: 2 spaces - 2bdm Mudgee & Gulgong Conservation Area & Kandos & Rylstone: 1 space - 3bdm: 2 spaces <p>Overflow Parking:</p> <ul style="list-style-type: none"> - 1 space per 5 units - For a (one) single dwelling above commercial premises 1space only required. - Car parking designed so ingress and egress can be achieved in one movement. - Parking located so vehicles can enter and exit in a forward direction. - geometric layout in accordance with Car Parking Requirements of DCP. <p>Vehicle Access Design</p> <ul style="list-style-type: none"> - Driveways not continuous straight lines and offset by landscaping. <p>Driveway designed as follows:</p> <ul style="list-style-type: none"> - 3m wide for 3-4 units - 6m wide for >5 units <ul style="list-style-type: none"> - driveways >30m long have 6m wide passing bays at intervals. - 6m width for first 5m of driveway where connects to major road. 	<p>COMPLIES</p> <p>7 units (2 and 3 bedroom) x 2 spaces = 14</p> <p>COMPLIES</p> <p>2 spaces required – 4 provided</p> <p>N/A</p> <p>N/A</p> <p>COMPLIES</p> <p>COMPLIES</p> <p>COMPLIES</p> <p>Driveway network varied width including landscaping</p> <p>CONDITIONED – access to be achieved in accordance with Aus-Spec #1 and Council’s Access to Properties Policy.</p> <p>N/A</p> <p>COMPLIES</p> <p>COMPLIES</p>

	<ul style="list-style-type: none"> - Driveway 2m from side boundary to provide landscaping strip for length of front setback. 	
Privacy & Amenity	<ul style="list-style-type: none"> - windows or balconies within 6m of windows or balconies of adjoining dwellings offset by 1m from opposite window or balcony or oriented or screened to ensure visual privacy. - first floor windows oriented or designed to minimise potential for overlooking of adjacent properties. - windows which overlook adjoining properties must be opaque or have sill windows at appropriate heights from floor level. - 1.8m high boundary and internal fencing provided. - All fencing provided at full cost to developer. - All fencing forward of building line constructed of timber and masonry materials. 	<p>N/A. no adjoining dwellings within 6m.</p> <p>N/A - Single storey only</p> <p>N/A - Single storey only, no overlooking to occur.</p> <p>COMPLIES</p> <p>CONDITIONED</p> <p>CONDITIONED</p>
Acoustic Privacy	<ul style="list-style-type: none"> - site layout separates recreational, parking, manoeuvring areas from bedroom areas. - Developments adjacent to uncontrollable noise generating infrastructure or development incorporate acoustic treatments to minimise entry of noise. 	<p>COMPLIES</p> <p>Layout generally separates bedrooms and noise generating (traffic) areas.</p> <p>N/A – Nil adjoining noise generation infrastructure or development.</p>
Waste Disposal	<ul style="list-style-type: none"> - garage area or external access to rear of units adequate for movement and concealing of 240ltr mobile garbage bins. - waste disposal areas do not effect amenity of residents or adjoining properties. 	<p>COMPLIES – Sufficient room to manoeuvre bins from rear of units to front.</p> <p>To ensure bins placed on the street do not negatively impacting the streetscape or amenity of those adjoining residences, an appropriate condition has been imposed to ensure arrangements are</p>

		made for private waste contractors to collect bins from within the multi dwelling estate. No kerb side collection to occur from the multi dwelling units.
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Part 3.1 Residential Development in Urban Areas	Requirement	Compliance/ Comments
Building Setbacks	Front Setback 4.5m to building line 5.5m to garage	COMPLIES
	Side/Rear Setback 900mm	COMPLIES
Building Heights	a) Elevated housing developments must minimise the impact on areas of predominantly single storey housing.	N/A
	b) Building height must ensure that adjacent properties are not overlooked or overshadowed.	COMPLIES, single storey, see Shadow Diagram provided.
Site Coverage	Dual occupancy development is not to exceed 50% site coverage	COMPLIES – Units 1 and 2 36.35%, Units 3 and 4 36.82%
Solar Access	Living areas and private open space areas are to be located with a northerly aspect.	COMPLIES
Privacy	a) Development must ensure that reasonable privacy is achieved for new dwellings and existing adjoining residences and private open space.	COMPLIES 1.8m fencing provided
Landscaping	a) Landscaping must enhance the quality of the built environment.	COMPLIES
	b) Species selection and location should improve energy efficiency through reducing heat gain through windows and deflecting winter winds.	COMPLIES COMPLIES, See Landscape Plan

	c) Plants with low maintenance and water requirements should be selected.	
Open Space	Private open space to be on the northern, western or eastern side of dwelling with direct access to living areas. Area to be 80m ² with a minimum dimension of 5 metres.	COMPLIES
Fencing	1.8 metre high fence to all boundaries including private open space areas. All fencing forward of building line cannot be 'Colorbond'	COMPLIES
Infrastructure	<p>a) Surface infrastructure (e.g. tanks, clotheslines) must not be located within front setback.</p> <p>b) Surface infrastructure must not be visible from the street.</p> <p>c) Garbage storage locations must be included in landscape plan and show how they will be screened.</p>	<p>COMPLIES</p> <p>COMPLIES</p> <p>CONDITIONED</p>
Access	All weather vehicle access is required to ensure that emergency services (fire, ambulance, police) are able to access the dwelling at all times.	COMPLIES
Part 5.2 Flooding	Requirement	Compliance/Comments
Flood Risk Precincts	<p>Each of the floodplains within the local government area which have been subject to flood investigations have been divided based on different levels of potential flood hazard. The relevant Flood Risk Precincts (FRP's) are outlined below.</p> <p>• Low Flood Risk All other land within the floodplain (ie. within the PMF extent) but not identified as either in a high flood risk or medium flood risk precinct.</p>	Part of the site is located within the low flood risk precinct. Flood controls apply.

Development Controls	<ul style="list-style-type: none"> • Matrix 1 – Urban Floodplains <p>Habitable floor levels to be equal to or greater than the 100 ARI flood (plus freeboard)</p> <p>All structures to have flood compatible building components below or at the 100 Year ARI flood (plus freeboard)</p> <ul style="list-style-type: none"> • Matrix 2 – All other floodplains. 	<p>COMPLIES. Flood study provided confirming FFLs 500mm above 100 ARI flood level.</p> <p>CONDITIONED.</p> <p>N/A</p>
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IMPACT OF DEVELOPMENT

Context and Setting

The development will comprise of seven (7) multi dwelling houses in the rear southern section of the block with two (2) x detached dual occupancies on 4 x Torrens title lots created at the front northern frontage of Gladstone Street.

Land adjoining the property is zoned RU1 Primary Production to the west and R1 General Residential in all other directions.

Access, transport and traffic

The dual-occupancies have direct access to Gladstone Street. The seven (7) multi dwelling units having an internal road network with a single driveway access/egress point between the two dual occupancies.

Public domain

The land is not adjacent to any public land. The site would not have any significant impact on the public domain.

Utilities

All essential services and utilities are available and can be extended to service the additional dwellings subject to upgrade.

Heritage

The site is not mapped as a place of Aboriginal heritage however is mapped as being Aboriginally Sensitive. A place of Aboriginal heritage is located approximately 225m north of the site. Whilst the development is in close proximity, it is not considered to impact on the significance of the place where it is separated by blocks of residential development. The site is highly disturbed and unlikely to contain items of Aboriginal Sensitivity. A standard condition has been included for all earthworks to ensure no items are disturbed if any are present.

The site is not heritage listed nor marked as being within a heritage conservation area.

Other land resources

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

Water

The development is not anticipated to have any impact on water resources, subject to the compliance with the conditions of consent contained in the recommendation.

Soils

The development is not anticipated to result in any soil erosion or sedimentation of watercourses, subject to compliance with the conditions of consent contained in the recommendation.

Air and Microclimate

Dust generation will occur during construction works, however, this impact will be limited and can be mitigated through normal dust suppression techniques.

Flora & fauna

The subject land has been essentially cleared of all vegetation, with high level grass cover, with sporadic trees positioned throughout the site. No significant flora or fauna present.

Waste

The site is able to be serviced by regular waste collection. The consent will be conditioned to ensure that arrangements are made with a private waste contractor to collect the waste from within the internal road network serving Units 5-11. Units 1-4 may be collected from Gladstone Street. Waste generated during construction will be stored on site and disposed of at an approved waste facility.

Energy

BASIX energy efficiency certificates for each dwelling have been lodged with the proposal, demonstrating compliance with the mandatory targets.

Noise & vibration

There are no anticipated long term noise impacts likely to arise from the development. Noise generated during construction will be regulated through the conditions of consent.

Natural Hazards

The site is affected by flooding but is not affected by any other natural hazard. Flood risk has been addressed earlier in the report.

Technological hazards

Site inspection and a review of records has not revealed any potential technological hazards.

Safety, security and crime prevention

The two dual occupancies have frontage to Gladstone Street, which offers passive surveillance of the streetscape. The orientation and design of the multi dwelling units in the complex offer passive surveillance opportunities, which are considered acceptable as per the provisions of Crime Prevention Through Environmental Design.

Social & Economic impact in the locality

The development will provide an alternate housing market further diversifying the area and generating economic activity within the community.

Site design and internal design

The site design and internal layout is deemed to be satisfactory as it complies with the relevant controls of the DCP 2013.

Construction

All works are to comply with the National Code of Construction.

Cumulative Impacts

No significant impacts are anticipated.

SUITABILITY OF SITE FOR DEVELOPMENT

Does the proposal fit in the locality

The proposal is consistent with other developments in the immediate area and complies with the relevant DCP provisions. The proposal is consistent with the desired future character, providing infill housing on an otherwise underutilised block.

Are the site attributes conducive to development

The site is considered suitable for residential development. Finished Floor Levels (FFLs) achieve 500mm above the 1 in 100 year flood level. The site is located amongst a mixture of new and older development with easy access to the central business district.

The flood affectation of the site has necessitated the FFLs being raised higher than otherwise expected, in some instances 960mm above natural ground level (Units 6 and 7). The FFLs have been raised through the placement of fill, retained by deepened edge beams. Given the fill is retained, and the fact the design does not give rise to privacy or solar access issues, complies with the maximum building height, the raised FFLs and fill proposed is considered acceptable.

SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

Public Submissions

The application was advertised and notified to adjoining landowners in accordance with Council's Development Control Plan 2013 for a period of two (2) weeks finishing 29 July 2016. No submissions were received.

Submissions from public authorities

No submissions from public authorities were sought or received.

THE PUBLIC INTEREST

Federal, State and local government interests and community interests

Approval of the development application is considered to be in the public interest as it is consistent with the objectives of the zone and provides additional housing opportunities in close proximity to services.

SECTION 64/SECTION 94 CONTRIBUTIONS

Lot 6 and 7 DP 790409 are rated separately and have both been paying individual water availability charges. As such the development will receive two (2) water headworks credits.

Headworks will be charged at the following rates:

a) Water Supply Headwork's Contributions

Credit 2 large Residential Allotment>1200m2= \$26,001.00
 Debit 11 small Residential Allotments<650m2= \$71,502.75

Net Cost = \$45,501.75

b) Sewerage Supply Headworks Contributions

Credit 2 large Residential Allotment>1200m2= \$8,311.80
 Debit 11 small Residential Allotments<650m2= \$32,653.50

Net Cost = \$24,341.70

c) S94 Contributions

The two existing lots have been credited for S94 Contributions. Contributions for 9 lots are required as per Catchment No.2A of the S94 Contributions Plan.

Note – subdivision developments are subject to S94 contributions not S94A - therefore no charge under S94A has been levied for the development.

Catchment No.2A – No. Additional Lot/s 9 in accordance with Council Fees and Charges.

Transport Management	
Traffic Management	\$ 11,223
Open Space	
Local Open Space	\$ 17,613
District Open Space	\$ 23,913
Community Facilities	
Library Buildings	\$ 2,304
Library Resources	\$ 2,763
Drainage	
Drainage Works	\$ 48,213
Administration	
Plan Administration	\$ 5,382
Total	\$ 111,411

CONSULTATIONS

Health & Building

Referred to Health & Building Department – Conditions included in the recommendation.

In summary, Health & Building advised:

A Construction Certificate is required for the works.

The proposal shall be carried out on flood prone land. Accordingly the Australian Building Codes Board (ABCB) “Standard for Construction of Buildings in Flood Hazard Areas” shall be met.

The applicant should take steps to ensure that water hydrant access points are available for the development and accordingly water service hydraulics details need to be provided.

In order to ensure compliance with fire source requirements between units the applicant should be aware that a site survey set-out is to be provided by a registered practicing land surveyor prior to pouring of concrete slabs. The survey is to be conducted between each of the following units:

- Units 1 & 2
- Units 3 & 4
- Units 7 & 8

Development Engineer

Referred to Development Engineering Department – Conditions included in recommendation. In summary, the findings were:

1. Development adjoins a High Flood Zone with proposed units located within the Low and Medium Flood Zone- Independent Flood Study provided with the development application
2. Sewer 150mm PVC main available for connection from Gladstone Street
3. Stormwater drainage requires easement to be created over Lot B DP157039
4. Water available for connection from 100mm AC main from Gladstone Street. The nearest hydrants appears to be within 90m from the proposed units.

Heritage Advisor

Not applicable.

Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

Financial implications

Not applicable.

CAMERON AMOS
TOWN PLANNER

LINDSAY DUNSTAN
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON

DIRECTOR DEVELOPMENT

19 October 2016

Attachments: 1. DA0006/2017 Statement of Environmental Effects. (separately attached)
2. DA0006/2017 - Plans. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.2 Monthly Development Applications Processing & Determined

REPORT BY THE DIRECTOR DEVELOPMENT
TO 16 NOVEMBER 2016 ORDINARY MEETING
GOV400054, GOV400043, A100055, A100056

RECOMMENDATION

That Council receive the report by the Director Development on the Monthly Development Applications Processing & Determined.

Executive summary

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

Disclosure of Interest

Nil.

Detailed report

Included in this report is an update for the month ending 30 September 2016 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

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Maintain and promote the aesthetic appeal of the towns and villages within the Region

Financial implications

Not applicable.

JULIE ROBERTSON
DIRECTOR DEVELOPMENT
31 October 2016

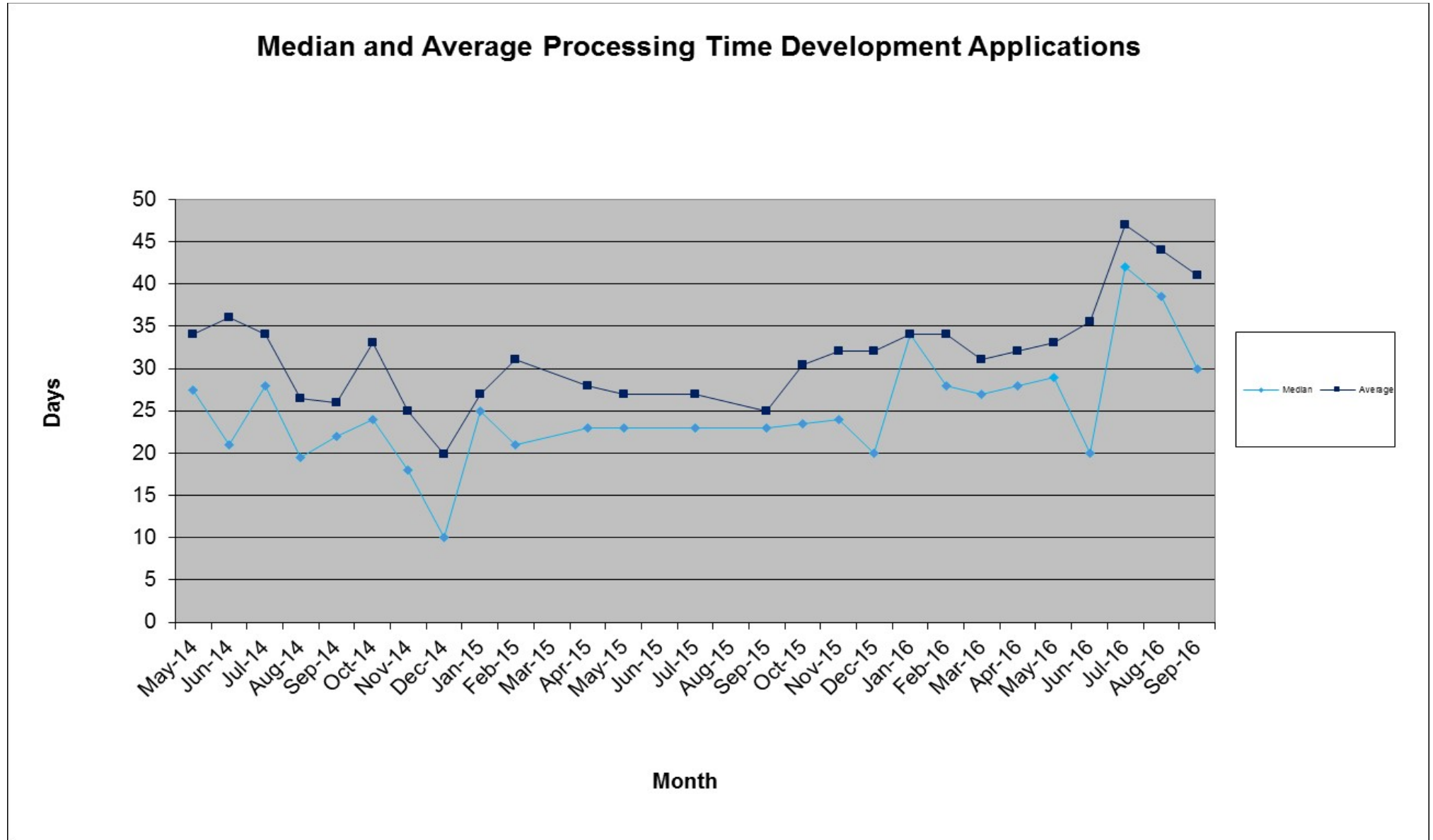
Attachments: Monthly Development Applications Processing & Determined

APPROVED FOR SUBMISSION:

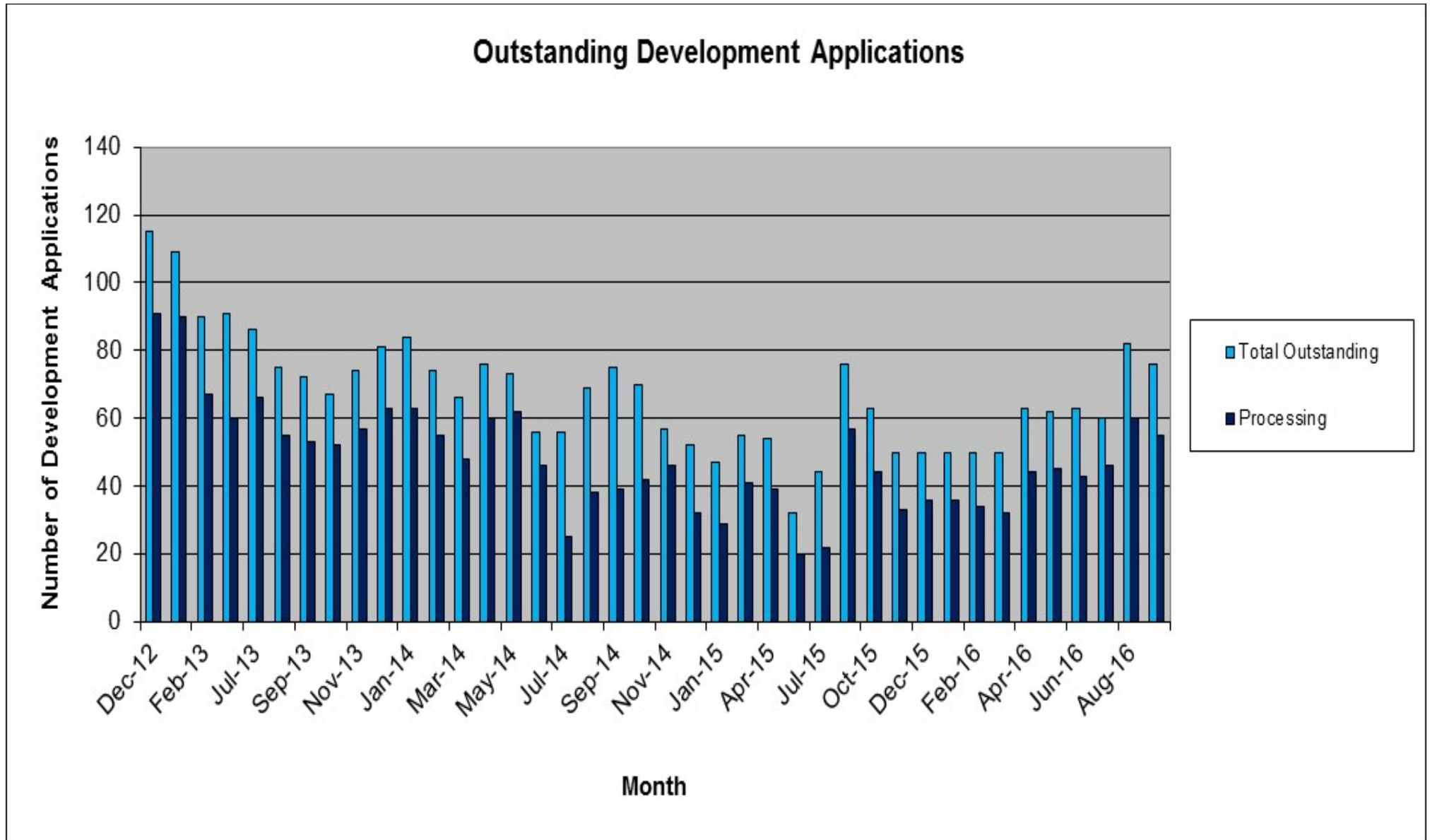
BRAD CAM
GENERAL MANAGER

This report covers the period for the month of September, 2016.

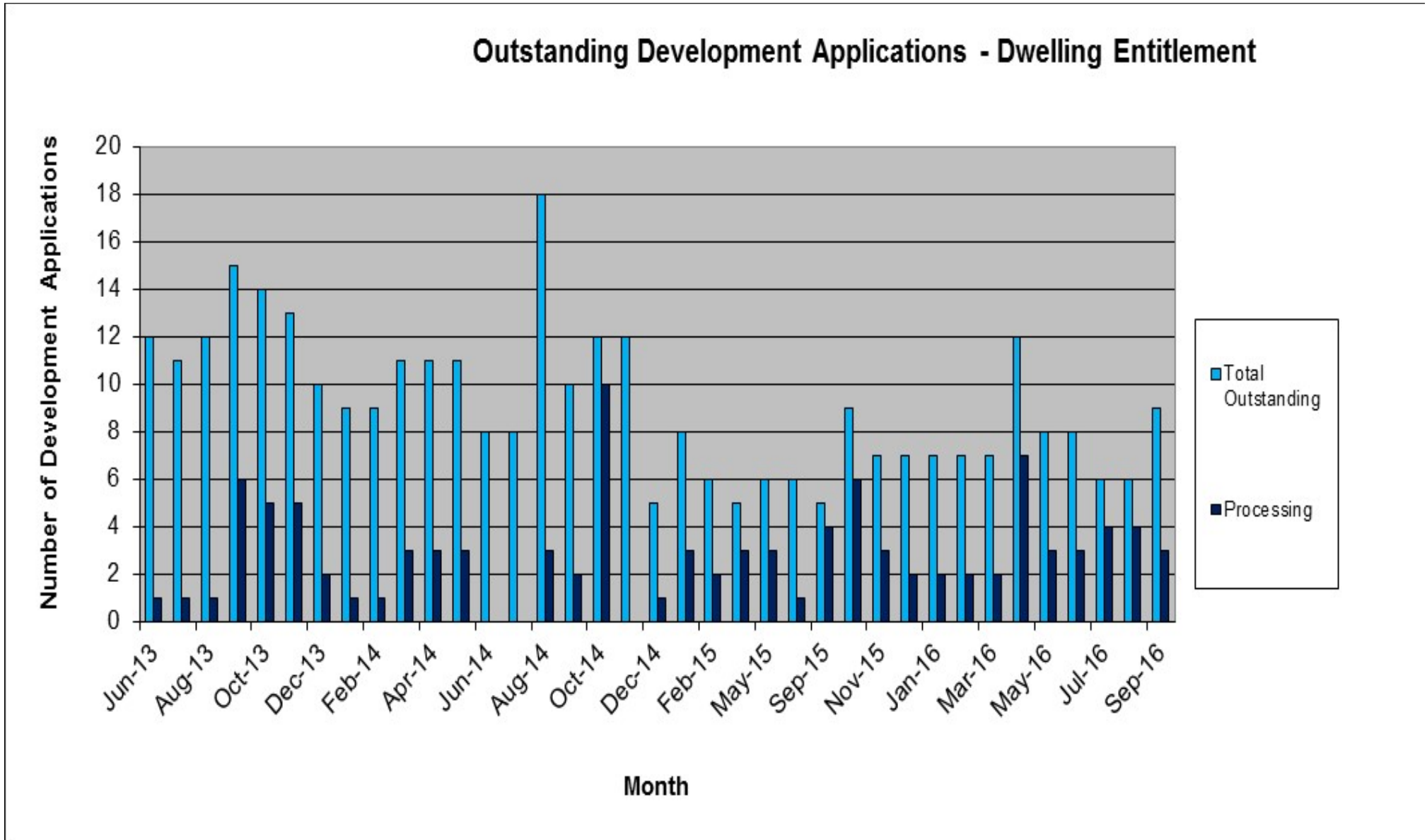
Graph 1 indicates the processing times up to 30, September 2016 with the month of September having an average of 41 days and a median time of 30 days.



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



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.



The Planning and Development Department determined 36 Development Applications either by Council or under delegation during September, 2016.

Development Applications Determined – September, 2016.

1.	Appl/ProcID	2.	Description	3.	House No	4.	Street Name	5.	Locality
	DA0004/2017		Pergola		10		Medley Street		GULGONG
	DA0005/2017		SubTorrens		11-19		Henry Bayly Drive		MUDGEE
	DA0008/2017		ShedResid		78		Douro Street		MUDGEE
	DA0009/2017		ShedResid		63		Church Street		MUDGEE
	DA0010/2017		Dwelling		10		Diana Drive		SPRING FLAT
	DA0016/2017		Dwelling		155		Black Lead Lane		GULGONG
	DA0017/2017		SubTorrens		957		Castlereagh Highway		MENAH
	DA0019/2017		Dwelling		3		Yarra Court		BOMBIRA
	DA0025/2017		Garage		8		Gawthorne Place		MUDGEE
	DA0028/2017		Shed		188		Mount Pleasant Lane		BUCKAROO
	DA0029/2017		Dwelling		10		Consadine Grove		SPRING FLAT
	DA0030/2017		SubCT		5		Bombira Avenue		BOMBIRA
	DA0031/2017		ShedResid		107-125		Bellevue Road		MUDGEE
	DA0035/2017		AltAdd		43		Rodgers Street		KANDOS
	DA0040/2017		AltAdd		76		Robertson Street		MUDGEE
	DA0042/2017		Dwelling		1		Loy Avenue		MUDGEE
	DA0044/2017		ShedResid		64		White Circle		MUDGEE
	DA0048/2017		Dwelling		13		Loy Avenue		MUDGEE
	DA0049/2017		ShedResid		14		Cainbil Street		GULGONG
	DA0050/2017		ShedResid		61		Rodger		KANDOS
	DA0053/2017		Demolition		644		Spring Flat Road		SPRING FLAT
	DA0055/2017		AltAdd		7		Reef Street		GULGONG
	DA0059/2017		Dwelling		289		Putta Bucca Road		BOMBIRA
	DA0062/2017		AltAdd		9		Abernethy Close		MUDGEE
	DA0063/2017		Garage		128		Triangle Swamp Road		BOCOBLE
	DA0064/2017		AltAdd		39		Mortimer Street		MUDGEE
	DA0070/2017		Dwelling		28		Bumberra Place		BOMBIRA

DA0072/2017	Carport	8	Bowman Street	GULGONG
DA0074/2017	AltAdd	11	Ilford Road	RYLSTONE
DA0092/2017	DwellMvabl	352	Iron Bark Road	KAINS FLAT
DA0314/2016	IndustAct	12	Industrial Avenue	MUDGEE
DA0323/2016	DwellMvabl	133	Mortimer Street	MUDGEE
DA0345/2016	AltAdd	68	Lower Piambong Road	MENAH
DA0352/2016	DwellMulti	57A	Cox Street	MUDGEE
DA0355/2016	CellarDoor	778	Castlereagh Highway	MENAH
DA0358/2016	EcoTourFac	1565	Lower Piambong Road	PIAMBONG

Development Applications currently being processed – September, 2016.

6.	Appl/ProcID	7.	Description	8.	H ouse No	9.	Street Name	10.	Locality
	DA0077/2017		Alterations & Additions		30		Norlenbah Road		ST FILLANS
	DA0093/2017		Residential Shed		74		Calderwood Road		RYLSTONE
	DA0098/2017		Shed >150m2		26		Aerodrome Road		RYLSTONE
	DA0068/2017		Alterations & Additions		203		Gorries Lane		GOOLMA
	DA0081/2017		Alterations & Additions		30		White Circle		MUDGEE
	DA0138/2016		Alterations & Additions		1541		Henry Lawson Drive		ST FILLANS
	DA0073/2016		Alterations & Additions		71		Lions Drive		MUDGEE
	DA0046/2016		Alterations & Additions		1581		Yarrabin Road		YARRABIN
	DA0060/2017		Awning		25		Oxley Street		KANDOS
	DA0046/2017		Boundary Adjustment		6		Henry Lawson Drive		BOMBIRA
	DA0047/2017		Boundary Adjustment		39		Swanston Street		LUE
	DA0083/2017		Boundary Adjustment		347		Ulan Road		BOMBIRA
	DA0145/2016		Change of use - Occupation		8		Wilkins Crescent		MUDGEE
	DA0278/2014		Change of use – Shed to Dwelling		2012		Aarons Pass Road		AARONS PASS
	DA0079/2017		Change of use – Bus Depot		10		Snleslons Lane		GULGONG
	DA0325/2016		Change of use – Garage to Bedroom		179		Denison Street		MUDGEE
	DA0026/2017		Change of use – Shed to Dwelling		409		Botbolar Road		BOTBOLAR
	DA0347/2016		Change of use – Garage to Cellar Door		196		Black Springs Road		BUDGEE BUDGEE
	DA0080/2017		Change of use – Shed to Dwelling		31		Strikes Lane		EURUNDEREE
	DA0027/2016		Commercial Alterations/Additions		8		Bell Street		MUDGEE
	DA0102/2017		Commercial Alterations/Additions		93		Angus Avenue		KANDOS
	DA0041/2017		Industrial Activity		10		Toole Road		ULAN
	DA0102/2016		Dwelling House		705		Windeyer Road		GRATTAI
	DA0024/2017		Dwelling House		151		Stubbo Road		STUBBO
	DA0039/2017		Dwelling House		11		Campbell Street		KANDOS
	DA0097/2017		Dwelling House		16		Tennant Close		MUDGEE
	DA0052/2017		Dwelling House		36		Hughson Avenue		MUDGEE
	DA0099/2017		Dwelling House		46		Rouse Street		GULGONG

DA0061/2017	Dwelling House	57	Beragoo Road	GRATTAI
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0056/2017	Dwelling House	90	Spring View Lane	BUDGEE BUDGE
DA0238/2016	Dwelling House	14	Dunphy Crescent	MUDGE
DA0335/2016	Dwelling House	346	Powells Road	PYANGLE
DA0045/2017	Alterations & Additions	10	Hill End Road	CAERLEON
DA0078/2017	Alterations & Additions	502	Black Springs Road	BUDGEE BUDGE
DA0315/2016	tourist and visitor accommodation	345	Bylong Valley Way	ILFORD
DA0094/2017	Dwelling House	5269	Barneys Reef Road	RUNNING STREAM
DA0267/2014	Signage	33	Sydney Road	MUDGE
DA0086/2017	Residential Shed	1321	Castlereagh Highway	APPLE TREE FLAT
DA0087/2017	Residential Shed	189	Church Street	MUDGE
DA0344/2016	Residential Shed	23	Ferris Street	CLANDULLA
DA0069/2017	Residential Shed	242	Mortimer Street	MUDGE
DA0082/2017	Residential Shed	37	Kellett Drive	MUDGE
DA0084/2017	Residential Shed	7	Clarendon Place	MUDGE
DA0038/2017	Residential Shed	8	Lloyd Avenue	KANDOS
DA0090/2017	Residential Shed	829	Kaludabah Road	PIAMBONG
DA0299/2016	Residential Flat Building	2	Smith Street	MUDGE
DA0327/2011	Shed >150m2	23	Horatio Street	MUDGE
DA0054/2017	Shed >150m2	3013	Ulan Road	COOKS GAP
DA0067/2017	Shed >150m2	1719	Hill End Road	GRATTAI
DA0088/2017	Shed >150m2	833	Goolma Road	GUNTAWANG
DA0058/2017	Pergola	9	Strikes Lane	EURUNDEREE
DA0191/2015	Subdivision – Torrens Title	196	Robertson Road	MUDGE
DA0071/2017	Subdivision – Torrens Title	218	Castlereagh Highway	GULGONG
DA0340/2016	Subdivision – Torrens Title	28	Melton Road	MUDGE
DA0051/2017	Subdivision – Torrens Title	31	Robert Hoddle Grove	BOMBIRA
DA0261/2016	Subdivision – Torrens Title	986	Crudine Road	CRUDINE
DA0178/2014	Subdivision – Torrens Title	7291	Castlereagh Highway	ILFORD
DA0021/2017	Subdivision – Torrens Title	69	Barneys Reef Road	GULGONG
DA0073/2017	Subdivision – Torrens Title	12	Panorama Court	RYLSTONE
DA0034/2017	Subdivision – Torrens Title	38	Hill End Road	CAERLEON
DA0006/2017	Subdivision – Torrens Title	239	Gladstone Street	MUDGE
DA0101/2017	Telecommunications Facility	4269	Wollar Road	WOLLAR

DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0076/2017	Dwelling House	351	Upper Piambong Road	PIAMBONG
DA0100/2017	Alterations & Additions	70	Norlenbah Road	FROG ROCK
DA0036/2017	Dwelling House	24	Lue Road	HAVILAH
DA0327/2016	Dwelling House	127	Snelsons Lane	GULGONG
DA0334/2016	Dwelling House	127	Tinja Lane	EURUNDEREE
DA0267/2016	Dwelling House	59	Nugget Lane	GULGONG
DA0244/2016	Dwelling House	217	Mudgee Street	RYLSTONE
DA0050/2015	Dwelling House	7	Bylong Valley Way	RYLSTONE
DA0184/2016	Dwelling House	110	Merinda Street	HARGRAVES
DA0134/2015	Dwelling House	24	Lue Road	CAMBOON

Heritage Development Applications currently being processed – September, 2016.

11.	Appl/ProcID	12.	Description	13.	House	14.	Street Name	15.	Locality
				No					
	DA0271/2011		Alterations & Additions	68			Short Street		MUDGEES
	DA0020/2017		Alterations & Additions	80			Louee Street		RYLSTONE
	DA0043/2017		Alterations & Additions	52			Louee Street		RYLSTONE
	DA0066/2017		Alterations & Additions	36			Herbert Street		GULGONG
	DA0075/2017		Residential Shed	5			Robertson Street		MUDGEES
	DA0085/2017		Commercial Premises	22			Mayne Street		GULGONG
	DA0089/2017		Alterations & Additions	21			Medley Street		GULGONG
	DA0091/2017		Residential Shed	20			Louee Street		RYLSTONE
	DA0095/2017		Garage	4			Barrington Court		MUDGEES
	DA0096/2017		Commercial Premises	62			Louee Street		RYLSTONE

8.3 Community Engagement Strategy

REPORT BY THE DIRECTOR DEVELOPMENT
TO 16 NOVEMBER 2016 ORDINARY MEETING
GOV400054, COR400124

RECOMMENDATION

That Council:

1. **receive the report by the Director Development on the Community Engagement Strategy; and**
2. **adopt the revised Community Engagement Strategy.**

Executive summary

This Community Engagement Strategy relates to the review and development of Council's Integrated Planning and Reporting Documentation, including the Community Plan and Delivery Program. It outlines how Council will engage with the community in developing these documents.

Disclosure of Interest

Nil.

Detailed report

A key responsibility of the newly elected Council is a review of its Integrated Planning and Reporting Documentation which includes the Community Plan and Delivery Program for the next 4 years. This documentation must be in place by 30 June 2017.

Under Section 402(4) of the Local Government Act 1993, Council is required to develop and implement a Community Engagement Strategy, which outlines how the community will be consulted during the review of the Community Plan and setting of the Delivery Program for the next 4 years.

Council adopted a Community Engagement Strategy in May 2010 to support the development of the 2013 Community Plan. Attached to this report is an updated Community Engagement Strategy which will be used to develop the 2017 Community Plan, Delivery Program and associated documents.

Community Plan implications

Theme	Good Governance
Goal	Good communications and engagement
Strategy	Encourage community access and participation in Council decision making

Financial implications

Nil.

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

4 November 2016

Attachments: 1. Community Engagement Strategy. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 9: Finance

9.1 Community Grants Program Applications - Christmas Celebrations

REPORT BY THE MANAGER, FINANCIAL PLANNING
TO 16 NOVEMBER 2016 ORDINARY MEETING
GOV400054, FIN300122

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Financial Planning on the Community Grants Program Applications - Christmas Celebrations;**
2. **Council provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Community Grants Program Policy, subject to those requirements being met;**

Rotary Club Rylstone & Kandos	\$3,000
Gulgong Men's Shed	\$3,000

3. **Council decline the following requests for financial assistance;**

**Gulgong High School
Kandos High School
Parklands Resort**

Executive summary

This report provides the results from a panel assessment of requests received for financial assistance. Applications have been assessed and recommendations are made under Council's Community Grants Program Policy.

Disclosure of Interest

Nil.

Detailed report

Provision is made in Council's Community Grants Program Policy to provide financial assistance to not-for-profit community based organisations, groups and individuals that offer a significant contribution to community outcomes and goals as provided in the Towards 2030 Community Plan. All applications were first reviewed for eligibility and then assessed by a panel of three staff against the following criteria relative to the amount of funding requested:

- Degree of benefit to the community aligned with the community plan
- Amount of resident participation

- Level of consultation and collaboration with other local groups
- Organisational capacity to deliver the program or project

Even though an application meets the criteria it may be judged that there is not a significant enough benefit to the community in order to fund or fully fund the request.

A summary of each application is shown below, together with panel assessment scoring and a recommendation.

The following scale illustrates the scoring results:



Rotary Club of Rylstone & Kandos

The Rotary Club of Rylstone & Kandos are seeking continued support for their annual Christmas Carnival. The carnival provides entertainment to children of the local community, promotes wellbeing within the community and provides a sense of fellowship as we enter the festive season.

Rotary have requested \$3,000 towards this event.

- 2 ★★
Benefits and link to the community plan
- 3 ★★★
Amount of resident participation
- 3 ★★★
Consultation and collaboration with other local groups
- 3 ★★★
Capacity to deliver the program or project

RECOMMENDATION \$3,000

Link to Community Plan: Strategy 1.4.1 Support programs which strengthen the relationships between the range of community groups.

Gulgong Memorial Hall Committee – Auspiced by Gulgong Men’s Shed

Gulgong Memorial Hall Committee has requested \$3,000 funding for this year’s Christmas Celebration, a long serving community event for Gulgong. This event is aimed at children, with Carnival rides and other activities, and is the only venue in Gulgong where children can have their photos taken with Santa.

At the time of reviewing their application, it was noted that they were yet to secure public liability insurance for this event.

It is recommended that the Gulgong Christmas Celebration receive a grant of \$3,000.

2 ★★*Benefits and link to the community plan***3** ★★★*Amount of resident participation***3** ★★★*Consultation and collaboration with other local groups***3** ★★★*Capacity to deliver the program or project***RECOMMENDATION** **\$3,000**

Link to Community Plan: Strategy 1.4.1 Support programs which strengthen the relationships between the range of community groups.

Gulgong High School

Gulgong High School wish to award the student with the highest HSC result for the year, a scholarship to contribute to their future studies. The aim is to also encourage students to strive to achieve their best and pursue academic excellence.

Gulgong High School have requested an amount of \$2,000. It is not recommended to support this application as it does not score above 5 stars and reflects minimal consultation, collaboration and resident participation within the community.

2 ★★*Benefits and link to the community plan***1** ★*Amount of resident participation***0***Consultation and collaboration with other local groups***2** ★★*Capacity to deliver the program or project***NOT RECOMMENDED**

Link to Community Plan: Strategy 1.4.1 Support programs which strengthen the relationships between the range of community groups.

Kandos High School

Kandos High School is seeking \$500 in financial assistance towards the schools end of year presentation day. The funds will be used to reward enormous achievements in academic and sporting prowess.

It is not recommended to support this application as it does not score above 5 stars and reflects minimal consultation, collaboration, resident participation within the community.

1 ★
Benefits and link to the community plan

1 ★
Amount of resident participation

0
Consultation and collaboration with other local groups

2 ★★
Capacity to deliver the program or project

NOT RECOMMENDED

Link to Community Plan: Strategy 1.4.1 Support programs which strengthen the relationships between the range of community groups.

Parklands Resort

Parklands Resort are requesting \$2,500 towards a New Year's Eve fireworks display.

As the application is from a private company it does not meet the general eligibility criteria whereby applicants must be not-for-profit organisations.

NOT RECOMMENDED

Community Plan implications

Theme	Good Governance
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

Financial implications

Funding of \$185,165 is provided in the Operational Plan for Financial Assistance. \$103,606 has already been allocated, leaving a balance of \$81,559.

Should Council approve the recommendations provided in this report, totalling \$6,000, a balance of \$75,559 will remain.

NEIL BUNGATE
MANAGER, FINANCIAL PLANNING

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

1 November 2016

Attachments:

1. Rotary Club of Rylstone & Kandos. (separately attached)
2. Gulgong Mens Shed - Christmas Celebration. (separately attached)
3. Kandos High School - Presentation Day. (separately attached)
4. Gulgong High School - Scholarship. (separately attached)
5. Parklands Resort - NYE Fireworks. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.2 Presentation of 2015/16 Financial Statements

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 16 NOVEMBER 2016 ORDINARY MEETING
GOV400054, FIN300114

RECOMMENDATION

That Council receive the report by the Chief Financial Officer on the Presentation of 2015/16 Financial Statements.

Executive summary

Council's 2015/16 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 16 November 2016 Council meeting.

Disclosure of Interest

Nil.

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 10 October 2016, 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.

Community Plan implications

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

Financial implications

Not applicable.

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

2 November 2016

Attachments: 1. Audited Financial Statements 2015/16. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.3 Monthly Statement of Investment and Bank Balances as at 31 October 2016

REPORT BY THE MANAGER, FINANCIAL PLANNING
TO 16 NOVEMBER 2016 ORDINARY MEETING
GOV400054, FIN300053

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 October 2016;**
2. **note the certification of the Responsible Accounting Officer.**

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.

Disclosure of Interest

Nil.

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.

Community Plan implications

Theme	Good Governance
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

Financial implications

Not applicable.

NEIL BUNGATE
MANAGER, FINANCIAL PLANNING

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

2 November 2016

Attachments: 1. Monthly Statement of Bank Balances and Investments.
2. Schedule of MWRC Investment Policy Requirements.
3. Monthly Investment Portfolio Activity.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Attachment 1

For the month ended:

31-Oct-16

Bank Account	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
National Australia Bank (Corporate Cheque Account) -\$	654,036	\$ 9,470,873	\$ 8,768,731	\$ 48,106	\$ 700,000

The bank balances have been reconciled to the General Ledger as at 31/10/2016

Investments	Type	Amount \$'000	Yield %	Maturity Date	Term
National Australia Bank	At Call	3,989	1.80%	NA	At Call
National Australia Bank	Term Deposit	1,000	3.00%	15/02/2017	364
National Australia Bank	Term Deposit	1,000	3.15%	16/11/2016	210
National Australia Bank	Term Deposit	2,000	3.00%	23/11/2016	203
National Australia Bank	Term Deposit	1,500	3.03%	21/12/2016	217
National Australia Bank	Term Deposit	1,600	2.92%	5/07/2017	364
National Australia Bank	Term Deposit	1,500	2.73%	4/10/2017	364
National Australia Bank	Term Deposit	1,000	2.76%	25/10/2017	364
St George Bank	Term Deposit	1,300	3.12%	9/11/2016	217
St George Bank	Term Deposit	2,000	3.00%	30/11/2016	210
St George Bank	Term Deposit	1,500	2.85%	25/01/2017	231
St George Bank	Term Deposit	1,000	2.75%	12/04/2017	224
St George Bank	Term Deposit	500	2.75%	12/04/2017	224
St George Bank	Term Deposit	2,000	2.80%	19/04/2017	224
St George Bank	Term Deposit	500	2.80%	19/04/2017	224
St George Bank	Term Deposit	1,500	2.75%	10/05/2017	224
St George Bank	Term Deposit	500	2.70%	5/04/2017	175
St George Bank	Term Deposit	500	2.70%	3/05/2017	203
Bankwest	Term Deposit	2,000	2.70%	14/12/2016	210
Bankwest	Term Deposit	1,500	2.54%	29/03/2017	217
Bankwest	Term Deposit	1,000	2.53%	26/04/2017	245
Bankwest	Term Deposit	1,500	2.52%	17/05/2017	238
AMP	Term Deposit	1,000	2.90%	4/01/2017	189
AMP	Term Deposit	2,000	2.85%	8/02/2017	189
AMP	Term Deposit	1,000	2.95%	15/03/2017	210
AMP	Term Deposit	1,000	2.95%	5/04/2017	217
Suncorp Metway	Term Deposit	2,000	2.50%	8/03/2017	208
Suncorp Metway	Term Deposit	1,500	2.55%	22/03/2017	210
Suncorp Metway	Term Deposit	1,000	2.55%	3/05/2017	231
Bank of Queensland	Term Deposit	800	3.00%	4/01/2017	224
Bank of Queensland	Term Deposit	2,000	3.00%	1/02/2017	224
Bank of Queensland	Term Deposit	800	2.75%	22/02/2017	203
Bendigo & Adelaide Bank	Term Deposit	1,500	2.85%	2/11/2016	364
ING Bank	Term Deposit	1,500	3.10%	1/03/2017	364
Members Equity Bank	Term Deposit	2,000	2.68%	26/04/2017	231
Beyond Bank	Term Deposit	1,500	3.00%	11/01/2017	224
Beyond Bank	Term Deposit	1,500	3.00%	18/01/2017	231
Newcastle Permanent	Term Deposit	1,500	2.80%	22/02/2017	196
Peoples Choice C/Union	Term Deposit	1,500	2.91%	7/12/2016	203
MyState Bank	Term Deposit	1,000	2.70%	29/03/2017	217
Family First Credit Union	Term Deposit	500	3.00%	25/01/2017	224
Total Investments		56,489			

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+	13,589	24%	25%
Bankwest	AA-/A-1+	6,000	11%	25%
St George Bank	AA-/A-1+	11,300	20%	25%
ANZ	AA-/A-1+	-	0%	25%
AMP	A+/A-1	5,000	9%	15%
Suncorp Metway	A+/A-1	4,500	8%	15%
Bank of Queensland	A-/A-2	3,600	6%	10%
Bendigo & Adelaide Bank	A-/A-2	1,500	3%	10%
ING Bank	A-/A-2	1,500	3%	10%
Beyond Bank	BBB+/A-2	3,000	5%	10%
Members Equity Bank	BBB+/A-2	2,000	4%	10%
Newcastle Permanent	BBB+/A-2	1,500	3%	10%
Peoples Choice C/Union	BBB+/A-2	1,500	3%	10%
MyState Bank	BBB/A-2	1,000	2%	10%
Family First Credit Union	Unrated	500	1%	10%
		56,489	100%	

Investments by S&P Rating	Short Term Rating	Amount \$'000	% of Portfolio	
			Actual	Limit
Direct Securities	A-1+	30,889	55%	100%
	A-1	9,500	17%	60%
	A-2	15,600	28%	30%
	A-3	-	0%	20%
	Unrated	500	1%	10%
		\$ 56,489	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	56,489	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%
	56,489	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	1,809		3,989	-0.25%	0	1.80%
National Australia Bank	2,000	500	1,500	-0.27%	147	2.73%
St George Bank	500		500	-0.25%	-42	2.70%
St George Bank	500		500	-0.25%	-14	2.70%
St George Bank	500	500		Redeemed		
Bank of Queensland	1,300	1,300		Redeemed		
National Australia Bank	1,000		1,000	-0.39%	154	2.76%
St George Bank	1,000	1,000		Redeemed		
	8,609		7,489			
Investment Portfolio Movement		(1,120)				Reduction

9.4 General Manager's Delegation of Authority for the Acceptance of Tenders

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 16 NOVEMBER 2016 ORDINARY MEETING
GOV400054, FIN300044

RECOMMENDATION

That Council:

1. **receive the report by the Chief Financial Officer on the General Manager's Delegation of Authority for the Acceptance of Tenders; and**
2. **delegate the General Manager authority to accept Council tenders with a contract value of up to \$1,000,000 where all other tender requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005 are met.**

Executive summary

With the recent introduction of the Local Government Amendment (Governance and Planning) Bill 2016, changes to Section 377 of the Local Government Act 1993 (the Act) regarding the general power of the council to delegate have resulted in the ability of Council to delegate acceptance of most types of tenders to the General Manager. As such, this report recommends delegating acceptance of tenders up to the value of \$1,000,000, where all other tender requirements of the Act and Local Government (General) Regulation 2005 (the Regulation) are met.

Disclosure of Interest

Nil.

Detailed report

Section 55 of the Act and Part 7 of the Regulation sets out all of the statutory requirements for a Council to procure goods and services through Tendering (attached). Previously, Section 377 of the Act expressly denied delegation of acceptance of tenders:

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:

...(i) the acceptance of tenders which are required under this Act to be invited by the council.

The changes to the Act that were introduced through the Local Government Amendment (Governance and Planning) Bill 2016 have resulted in the following replacement Section:

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:

...(i) the acceptance of tenders to provide services currently provided by members of staff of the council.

It should be noted by Council that this delegation excludes acceptance of tenders for services currently provided by members of staff of the council (which could therefore result in a reduction of staff positions, or increase operational resourcing).

Council has previously delegated authority to the General Manager to accept tenders through Prescribed Entities (19 November 2015). This has reduced the amount of tendering reports that are required to go to Council for a resolution, and has also resulted in a faster process of procuring through Prescribed Entity tenders. Currently, a tender process takes about 3 months to complete. Should Council delegate authority to the General Manager to accept tenders under \$1,000,000, the time required, in most cases, to complete the tender process would be shorter by several weeks. This assists service providers and operational activities, by ensuring a more efficient process, where appropriate.

It should also be noted that the Regulation still requires a council resolution where tenders for a proposed contract are not accepted and an alternate option is required, per Regulation 178 (attached in full, excerpt below). A resolution is required where there is a decision by Council to:

- (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.

Community Plan implications

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

Financial implications

There are no budgetary implications for this report.

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

2 November 2016

Attachments: 1. Local Government Act 1993 Sect 55 & 55(A).
2. Local Government (General) Regulation 2005 163 & 178.
3. Local Government Act 1993 Sect 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.

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).

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 to provide services currently provided by members of staff of 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.
- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:
- (a) the financial assistance is part of a specified program, and
 - (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and

(d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.

(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 Departmental Chief Executive except as provided by the instrument of delegation to the council.

9.5 Crudine Ridge Wind Farm P/L - Request for Agreement over part Old Crudine Road road reserve

REPORT BY THE REVENUE AND PROPERTY MANAGER
TO 16 NOVEMBER 2016 ORDINARY MEETING
GOV400054, A0420255

RECOMMENDATION

That Council:

1. **receive the report by the Revenue and Property Manager on the Crudine Ridge Wind Farm P/L - Request for Agreement over part Old Crudine Road road reserve;**
2. **enter into the proposed Lease agreement, as specified in Attachment 2 to this Report with Crudine Ridge Wind Farm P/L, subject to the Director of Planning's approval, to allow Crudine Ridge Wind Farm P/L to use that segment of Old Crudine Road road reserve pursuant to Section 149 of the Roads Act 1993 (NSW) for the permitted use as stipulated in the proposed Lease agreement;**
3. **authorise the General Manager to approve any further amendments to the proposed Lease agreement as may be required by the Director of Planning;**
4. **approve an annual initial Lease rent fee of \$2,000 (plus GST), which is to be increased annually by the Consumer Price Index and a market rent review every 5th anniversary of the commencement date of the term, for the permitted use of that segment of Old Crudine Road road reserve;**
5. **requires all costs associated with the proposed Lease agreement for the entire 75 year term, including Council's reasonable legal costs incurred in preparing the proposed Lease agreement and independent valuation costs, be borne by Crudine Ridge Wind Farm P/L;**
6. **authorise the General Manager and Mayor to sign necessary documentation in relation to the proposed Lease agreement; and**
7. **authorise the Common Seal of Council to be affixed to all documentation necessary in relation to the proposed Lease agreement.**

Executive summary

The purpose of this Report is to seek Council's consent to enter into a non-exclusive lease agreement with Crudine Ridge Wind Farm Pty Ltd (Wind Farm) for approximately 1.9ha of Old Crudine Road reserve (OCR) for the use of air space above and land below the surface of OCR for all activities associated with constructing, installing, operating, maintaining, replacing and decommissioning transmission infrastructure for the Wind Farm.

This matter was previously presented to Council on 17 August 2016. Council resolved to defer considering the request until further information and negotiations had taken place with the Wind

Farm. The additional information and outcome of the negotiations are now incorporated in this report and in the attachments appended to this report.

Disclosure of Interest

Nil.

Detailed report

CWP Renewables, representing the Wind Farm has requested Council consider entering into a non-exclusive lease agreement for a term of 75 years for approximately 1.9ha, being a 950 metre length of OCR road reserve within the Wind Farm development corridor to facilitate, specifically–

Use of air space above and land below the surface of the land for all activities associated with constructing, installing, operating, maintaining, replacing and decommissioning Transmission Infrastructure for the Wind Farm including placing improvements in areas adjacent to the road reserve located within the land. The use of air space above the land is permitted from a height of 6.7 metres above the land where there is a carriageway or 5.5 metres above the land where the land is not a carriageway.

The subject segment of OCR is Council controlled, unformed and unmaintained but with a track in use. The adjoining land is privately owned and forms part of the property known as “Boiga View”.

Attachment 1 to this Report shows a plan of the proposed agreement area.

The form of the proposed Lease agreement is pursuant to Clause 149 of the *Roads Act 1993* (NSW) to enter upon and use that segment of OCR for the permitted use, as stipulated above, in accordance with clause 3.

149 Leasing of land above or below public road

- (1) A roads authority may lease the air space above, or land below the surface of, any public road (other than a Crown road) that is owned by the authority.*
- (2) Such a lease may not be granted by a roads authority other than the RTA except with the approval of the Director of Planning.*
- (3) The Director of Planning must not approve a lease in respect of a public road if the granting of the lease would be inconsistent with the rights of passage and access that exist with respect to the road.*
- (4) The term of a lease, together with any option to renew, must not exceed 99 years.*

In accordance with this legislation at clause 3, Council will need to forward the proposed Lease agreement to the Director of Planning, NSW Planning and Environment for approval/amendment before it can be executed by Council and the Wind Farm.

The proposed draft Lease agreement is appended as Attachment 2 to this report.

Community Plan implications

Theme	Good Governance
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

Financial implications

The Wind Farm will be responsible for all costs associated with this matter for the proposed 75 year term of the agreement including Council's reasonable legal costs incurred in preparing the agreement and valuation costs.

It is proposed that the Wind Farm will pay Council an initial rent fee of \$2,000 p.a. (plus GST) which is to be increased annually by the Consumer Price Index, for the permitted use of OCR. This fee is based upon a market rent assessment valuation conducted in November 2016.

A copy of the valuation is appended as Attachment 3 to this report.

A market rent review will be conducted every 5th anniversary of the commencement date of the term.

DIANE SAWYERS
REVENUE AND PROPERTY MANAGER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

2 November 2016

Attachments:

1. Old Crudine Road - Proposed Agreement Area. (separately attached)
2. Proposed Draft Lease Agreement. (separately attached)
3. Valuation. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.6 Investments Policy

REPORT BY THE MANAGER, FINANCIAL PLANNING
TO 16 NOVEMBER 2016 ORDINARY MEETING
GOV400054, FIN300053

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Financial Planning on the Investments Policy;**
2. **place the draft Investments Policy on public exhibition for 28 days to receive any public submissions; and**
3. **adopt the Investments Policy if no submissions are received.**

Executive summary

Council's Finance department have conducted a complete and full review of the Investments Policy, resulting in a newly formed policy. A copy of the current Investments Policy and the proposed new policy are both attachments to this report.

The new policy has been developed with reference to the NSW Office of Local Government Investment Policy Guidelines and has been subject to review by TCorp (NSW Treasury Corporation).

Disclosure of Interest

Nil.

Detailed report

The objective of Council's Investments Policy is to provide a framework for managing the investment of money that is not, for the time being, required by the council for any other purpose.

This policy became due for review on 5 November 2016. The process undertaken in order to review this policy has been:

- A review of the existing Investment Policy was undertaken by TCorp
- TCorp recommendations and NSW Office of Local Government Investment Policy Guidelines were considered in drafting a new policy
- The newly drafted policy was reviewed and endorsed by the executive management
- The proposed new policy was requested to be reviewed by TCorp
- Council's Chief Financial Officer and Manager, Financial Planning met with TCorp's Senior Manager Local Government Service to discuss TCorp Hour Glass Funds and minor amendments suggested for the proposed new policy
- Minor amendments were made to proposed new policy

Important areas of change compared to the existing policy are discussed below.

Credit Quality Limits

Credit quality limits are now shown in the Investment Policy as opposed to the Investment Operating Plan internal document. This promotes better transparency as to the level of risk Council is exposed to in the investment portfolio.

A change in this framework is proposed in order to reduce the portfolio percentage cap applicable to rated entities:

- BBB+ through BBB- from 30% to 20%.
- A+ through to A- from 60% to 40%

An increase is proposed to the portfolio percentage cap applicable to rated entities AAA to AA- from 25% to 30%.

TCorp Hour-Glass Funds

The proposed new policy establishes a portfolio limit for investing in TCorp's Hour Glass Funds separate to investments whereby credit quality is not rated by Standard and Poor's. All Hour-Glass Funds are approved under the Ministerial Local Government Investment Order dated 12 January 2011 and are an eligible investment under the existing policy. These funds are ready made unit trusts catering to varying investment objectives and consists of:

- Four core diversified funds – Cash, Strategic Cash, Medium Term Growth and Long Term Growth Funds
- Twelve asset class funds – Single asset class specific to assist with asset allocation

Attachment 3 to this report provides further summary information from TCorp of Investment options for Local Councils.

Performance Benchmarks

Performance benchmarks have been replaced with the Bloomberg Ausbond Bank Bill Index, a leading benchmark for the fixed income market in Australia. A long term performance benchmark has been added to allow for appropriate benchmarking of investments extending beyond a two year term.

Community Plan implications

Theme	Good Governance
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

Financial implications

Not applicable.

NEIL BUNGATE
MANAGER, FINANCIAL PLANNING

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

2 November 2016

Attachments: 1. Proposed Investments Policy.
2. Current Investments Policy .
3. TCorp Investment Options for Local Councils.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Investments

*A prosperous
and progressive
community*

DRAFT	REFERENCE	1.0
COUNCIL MEETING MIN NO	REVIEW DATE	16/11/2017
DATE:	FILE NUMBER	FIN300053

Objective

The objective of this policy is to provide a framework for managing the investment of Council funds. It aims to ensure Council:

- Complies with the relevant legislative and regulatory requirements
- Identify risks, risk management strategies and establish tolerable levels of exposure to risk
- Give due consideration to the preservation of capital
- Maintain sufficient liquidity to meet all cash flow requirements
- Maximise the rate of return in line with all requirements of this policy
- Establish guidelines in relation to monitoring and reporting on investments
- Confirm delegations of authority and other governance matters in relation to investments

Legislative and regulatory requirements

- Local Government Act 1993 (NSW) Section 625
- Local Government (General) Regulation 2005 (NSW) Clause 212
- Ministerial Local Government Investment Order dated 12 January 2011
- The Trustee Amendment (Discretionary Investments) Act 1997 (NSW)
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Investment Policy Guidelines
- Office of Local Government Circulars

Approved Investments

Investments are limited to those allowed by the Ministerial Investment Order and must be denominated in Australian Dollars. Approved investments include:

- public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- debentures or securities issued by a NSW Council;
- interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution, but excluding subordinated debt obligations;
- bills of exchange issued by or accepted by an authorised deposit-taking institution and not more than 200 days to maturity;

POLICY: INVESTMENTS | 1.0, ERROR! REFERENCE SOURCE NOT FOUND.

- a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

Prohibited Investments

This policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow;
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest).

Related policies and plans

- Statement of Business Ethics
- Conflicts of Interest Policy

Policy

Delegation of Authority

Authority for implementation of the Investments Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager has in turn delegated the day-to-day management of Council's investments to the:

- Chief Financial Officer (Responsible Accounting Officer)
- Manager Financial Planning
- Financial Accountant
- Manager Revenue and Property

A minimum of two price quotations of like or similar investments must be obtained for the acquisition of all market investments in order to verify the fairness of the purchase price. Two authorised signatories, with appropriate delegation limits must approve each investment recommendation. Recommendations must be retained on file as a permanent record.

Any single investment exceeding \$5M, or, with a maturity term that exceeds 1 year must be authorised by the Responsible Accounting Officer or General Manager.

The General Manager must approve delegations in writing and record them in the Register of Delegations. Delegated officers are required to acknowledge that they have received a copy of this policy and understand their obligations in this role when investing funds on behalf of Council in accordance with this policy.

POLICY: INVESTMENTS | 1.0, ERROR! REFERENCE SOURCE NOT FOUND.

Adequate controls are in place to safeguard Council's assets, such as the separation of duties in relation to authorising and executing transactions through the requirement of two authorised signatories for each transaction.

Conflicts of Interest

Officers shall refrain from activities that would conflict with the proper execution and management of Council's investment portfolio. Council's Conflicts of Interest Policy provides guidance for recognising and disclosing any conflicts of interest.

In accordance with Council's Statement of Business Ethics, any independent investment advisors are also required to disclose any actual or perceived conflicts of interest.

Investment Risk

Investment risk can take many forms:

Credit risk – the risk that the institution Council has invested in fails to pay the interest and or repay the principal of an investment.

Liquidity risk – the risk an investor is unable to realise the investment at short notice due to the illiquid nature of a particular investment. This could potentially result in Council being unable to meet payments as and when they fall due.

Market risk – the risks associated with changes in market prices such as interest rates, currency and commodity prices.

Legislative risk – the risk of laws changing that affect investment value.

Risk Management Strategies

There are risks associated with all investments. Council's primary consideration is the reduction of credit and liquidity risks. The following strategies aim to reduce these risks.

CREDIT QUALITY LIMITS

To reduce credit risk, Council will only invest in products with a Standard and Poor's (S&P) long-term credit rating of BBB- or stronger, with the exception of TCorp's Hour-Glass Funds. Investments in unrated entities will be restricted to the limits of the Commonwealth Guarantee (Financial Claims Scheme).

To further reduce risk Council's policy includes maximum holding limits for each rating category. Individual counterparties/financial institution limits are also established to ensure portfolio diversification which reduces the risk of being over exposed to a particular institution.

The following table applies to restrict investments in institutions by the S&P long-term credit rating. Percentage limits in the table refer to percentages of the total portfolio.

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Long-Term Credit Rating	Portfolio Limit	Limit Per Institution
AAA to AA-	100%	30%
A+ to A-	40%	15%
BBB+ to BBB-	20%	5%
TCorp's Hour-Glass Funds (No Rating)	15%	Not Applicable
No Rating	5%	Limited to the Commonwealth Guarantee amount

Credit guidelines to be adopted reference the S&P ratings system criteria and format. Credit ratings measure relative credit strength and in no way do they guarantee the Council against investment losses. Despite this challenge, credit ratings provide the best independent information available to assess exposure to credit risk. The format of S&P rating criteria is shown in the below table.

S&P		RATING DESCRIPTION	
LONG-TERM	SHORT-TERM		
AAA	A-1+	PRIME	INVESTMENT-GRADE
AA+		HIGH GRADE	
AA			
AA-			
A+	A-1	UPPER MEDIUM GRADE	
A			
A-			
BBB+	A-2	LOWER MEDIUM GRADE	
BBB			
BBB-			
NR	NR	NO RATING	NO RATING HAS BEEN REQUESTED

Investments graded lower than BBB- are not shown as they are considered non-investment grade speculative and therefore would be prohibited under this policy.

TERMS TO MATURITY FRAMEWORK

The term to maturity framework is structured around the cash requirements of the Council and the management of liquidity and market risk. The portfolio liquidity parameters specify the maximum and minimum amounts or percentages of the total investment portfolio that can be held within the

POLICY: INVESTMENTS | 1.0, ERROR! REFERENCE SOURCE NOT FOUND.

various investment maturity bands. The liquidity/maturity profile of the total investment portfolio must comply with the parameters shown in the table below.

Period to Maturity	Cumulative Minimum % of Total Portfolio
< 3 months	Greater of 20% or \$15 million
< 1 year	40%
< 2 years	50%
< 4 years	85%

The minimum requirement for short term access to investments is set at a minimum of \$15 million to ensure adequate funds are available to meet Council's expected liabilities based on the current budget.

Term to Maturity	Maximum % of Total Portfolio
< 3 months	100%
3 months to 1 year	80%
1 to 2 years	60%
2 to 4 years	50%
Greater than 4 years	15%

The term to maturity of individual investments will also be limited according to the institutions credit rating, as shown in the table below.

Long-Term Credit Rating	Maximum Term
A or above	10 years
Below A	1 year

PROCEDURE FOR THE BREACH OF LIMITATIONS OR THRESHOLDS

Where a breach of threshold or limitation occurs due to an unavoidable change in the total investment portfolio or downgrade in credit rating, the following process will apply:

- an immediate freeze is imposed on the acquisition of new investment in the relevant category until the portfolio can be effectively managed back to accord with the requirements of this policy
- the relevant category of investments must be managed back in accord with the policy limits within a period that takes into account any adversity created by market, liquidity and credit risk.

The immediate forced sale of the investment in breach of limits or thresholds will not be required.

Performance Benchmarks

Investment performance will be measured quarterly against the following benchmarks according to the term of investment.

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Term of Investment	Benchmark
< 2 years	Bloomberg Ausbond Bank Bill Index (Quarterly and 1 year)
2 years and over	Bloomberg Ausbond Composite 2-5 year Index

Reporting

Documentary evidence must be held for each investment and details thereof maintained in the Investment Register. The documentary evidence must provide Council legal title to the investment.

Details to be included in the Investment Register:

- The source and the amount of money invested;
- Particulars of the security or form of investment in which the money is invested;
- The term of the investment; and
- The rate of interest to be paid, and the amount of money that Council has earned, in respect of the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least monthly.

Council will be provided with a written report each month setting out details of the entire investment portfolio. The report will confirm compliance of Council's investments with legislative and policy requirements. The report will be made up to the last day of the month immediately preceding the meeting.

As part of the quarterly budget review process, Council will be provided with a detailed commentary and performance benchmarking of the portfolio.

Review of Policy and Investments

ANNUAL REVIEW

In accordance with the Local Government Code of Accounting Practice & Financial Reporting, Council will review the Investment Policy annual or in the event of significant legislative or market changes.

PROFESSIONAL ADVICE

Council may from time to time use the services of suitably qualified investment professionals to provide assistance in investment strategy formulation, portfolio implementation and monitoring.

Any such advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or

POLICY: INVESTMENTS | 1.0, ERROR! REFERENCE SOURCE NOT FOUND.

potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of this Investment Policy.

Any independent advisor engaged by Council is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

Definitions

Term	Meaning
Authorised Deposit-Taking Institution	Authorised Deposit-Taking Institutions are corporations which are authorised under the <i>Banking Act 1959</i> to accept deposits and conduct banking activities.
BBSW	The Bank Bill Swap reference rate (BBSW) is the average of mid-rate bank-bill quote from brokers on the BBSW Panel. The BBSW is calculated daily. Floating rate securities are most commonly reset quarterly to the 90-day BBSW.
Bill of Exchange	A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer.
Bloomberg Ausbond Bank Bill Index	The Bloomberg Ausbond Bank Bill Index is a leading benchmark for the fixed income market in Australia.
Commonwealth Guarantee (Financial Claims Scheme)	The Financial Claims Scheme (FCS) is an Australian Government scheme that protects depositors of authorised deposit-taking institutions (banks, building societies and credit unions) and policyholders of general insurance companies from potential loss due to the failure of these institutions. For banks, building societies and credit unions incorporated in Australia, the FCS provides protection to depositors up to \$250,000 per account-holder per ADI. The Scheme seeks to provide depositors with timely access to their protected deposits in the unlikely event of the failure of their ADI.
Debenture	A debenture is a document evidencing an acknowledgement of a debt, which a company has created for the purposes of raising capital. Debentures are issued by companies in return for medium and long-term investment of funds by lenders.
FRN	A Floating Rate Note (FRN) is a medium to long-term fixed interest investment where the coupon is a fixed margin ("coupon margin") over a benchmark, also described as a "floating rate". The benchmark is usually the BBSW and is reset at regular intervals – most commonly quarterly.
TCorp's Hour-Glass Funds	New South Wales Treasury Corporation (TCorp) is the financial markets partner for New South Wales public sector agencies. Hour-Glass Funds are permitted under Ministerial Local Government Investment Order. Hour-Glass Funds are ready made Unit Trusts catering to most investment objectives.

	POLICY	ADOPTED C/M 05/11/2014 Minute No. 484-14
	INVESTMENTS	REF: REV: FILE No. A0140304

OBJECTIVE

To provide a framework for the investment of Council funds that seeks to maximise earnings whilst having due consideration of the risk and security for that investment; and ensures that Council's liquidity requirements are being met.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity and the return of investment.

RELEVANT LEGISLATION

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Ministerial Investment Order 2008
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Department of Local Government Circulars

RELATED POLICIES

- Statement of Business Ethics
- Conflicts of Interest

POLICY

DELEGATION OF AUTHORITY

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager may delegate the investment function to the Manager Finance (Responsible Accounting Officer). Other senior finance staff will assist in the day-to-day administration of the investment portfolio, and the General Manager may delegate investment function to the Senior Accountants for investment terms under 12 months as specified in the Investment Operating Plan.

The General Manager must approve delegations in writing and record them in the Register of Delegations. Delegated officers are required to acknowledge that they have received a copy of this policy and understand their obligations in this role.

PRUDENT PERSON STANDARD

Council's investment portfolio will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

ETHICS AND CONFLICTS OF INTEREST

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. Council's Conflicts of Interest Policy provides guidance for recognising and disclosing any conflicts of interest.

INVESTMENT POLICY

In accordance with Council's Statement of Business Ethics, any independent investment advisors are also required to disclose any actual or perceived conflicts of interest.

APPROVED INVESTMENTS

Investments are limited to those allowed by the Ministerial Investment Order and include:

- Any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- Any debentures or securities issued by a council ;
- Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (ADI), but excluding subordinated debt obligations;
- Bills of exchange guaranteed by an ADI and not more than 200 days to maturity;
- Investments with NSW Treasury Corp/Hourglass Investment Facility;

PROHIBITED INVESTMENTS

This Investment Policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

The use of leveraging (borrowing to invest) of an investment is prohibited.

RISK MANAGEMENT GUIDELINES

Investments to be placed are to be considered in light of the following key criteria:

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value;
- Diversification – the requirement to place investments in a broad range of products so as not to be over exposed to a particular sector of the investment market;
- Market Risk – the risk that the fair value of future cash flows of an investment will fluctuate due to changes in market prices;
- Liquidity Risk – the risk that an investor is unable to redeem the investment at a fair price within a timely period;
- Maturity Risk – the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatility; and
- Leveraging Risk – the magnification of an investors risk and return that occurs when the investor takes on financial leverage through an investment product.

INVESTMENT OPERATING PLAN

An Investment Operating Plan will run in conjunction with this Investment Policy. The Operating Plan is to be determined and reviewed on an annual basis, with appropriate consideration given to current economic conditions and forecasts, projected cash flows and Council's existing investment portfolio. The Operating Plan will outline:

- Council's cash flow expectations;
- Optimal target allocation of investment types, credit rating exposure and term to maturity exposure; and
- Appropriateness of overall investment types for Council's portfolio.

PROFESSIONAL ADVICE

INVESTMENT POLICY

Council may from time to time retain the services of suitably qualified investment professionals to provide assistance in investment strategy formulation, portfolio implementation and monitoring.

Any such advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of this Investment Policy.

Any independent advisor engaged by Council is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

PERFORMANCE BENCHMARKS

The benchmark for the investment portfolio is to outperform the 90 and 180 Day Average Term Deposit Index as published by FIIG Securities Limited.

REPORTING AND REVIEWING OF INVESTMENTS

Documentary evidence must be held for each investment and details thereof maintained in the Investment Register. The documentary evidence must provide Council legal title to the investment.

Details to be included in the Investment Register:

- The source and the amount of money invested;
- Particulars of the security or form of investment in which the money is invested;
- The term of the investment; and
- The rate of interest to be paid, and the amount of money that Council has earned, in respect of the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least monthly.

Council will be provided with a written report each month setting out details of the entire investment portfolio. The report will confirm compliance of Council's investments with legislative and policy requirements. The report will be made up to the last day of the month immediately preceding the meeting.

As part of the quarterly budget review process, Council will be provided with a detailed commentary and performance benchmarking of the portfolio.

VARIATION

The Investment Policy will be reviewed every second year or as required in the event of legislative change. Council reserves the right to vary the terms and conditions of this policy. Any amendment to the Policy must be by way of Council resolution.



Investment Options for Local Councils

TCorp is the financial markets partner of the New South Wales public sector. We deliver better debt financing and investment outcomes to our clients due to our financial markets expertise and significant economies of scale. As a New South Wales Government entity, we have a unique understanding of our clients and share a genuine alignment of interests with New South Wales local councils.

TCorp offers a range of term deposits and managed investment options for New South Wales local councils.

Bank Term Deposit Distribution Service

Our centralised Bank Term Deposit Distribution Service enables local councils to efficiently establish, invest in and manage their term deposits.

Drawing on our relationships with a panel of Australian banks, we negotiate competitive rates over a range of terms. Our rates are posted daily on the TCorp Client Portal, allowing investors to select the term deposits that best meet their needs. Flexible investment terms from one month to 12 months are available.

We can negotiate and arrange custom solutions with our panel banks for local councils with specific needs.

Hour-Glass Funds

TCorp's Hour-Glass Funds are specifically designed for New South Wales public sector clients, including local councils¹. Within convenient managed fund structures that include diversified funds and single asset class funds, the Hour-Glass Funds offer ready-made solutions that cater for a variety of investment objectives, timeframes and risk appetites.

TCorp operates four Hour-Glass Core Funds, each offering a different risk and return profile. For each Hour-Glass Core Fund, TCorp determines an asset allocation that will best meet its objective.

The Hour-Glass Cash Fund and Hour-Glass Strategic Cash Fund invest in short dated Australian cash and fixed interest securities. Both funds are suitable for generating stable income, and offer a high level of liquidity.

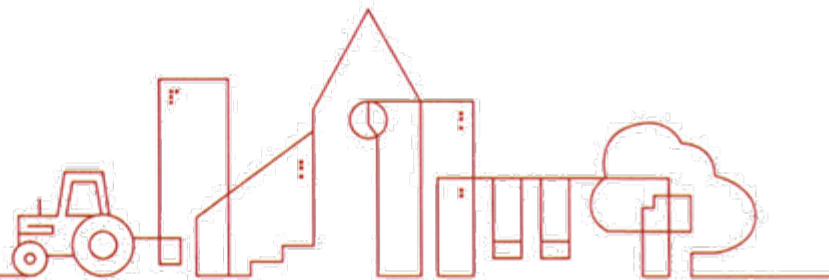
The Hour-Glass Medium Term Growth Fund and Hour-Glass Long Term Growth Fund invest in a blend of growth and defensive asset classes. Both funds are designed for investors with longer term time horizons and who can take additional investment risk to generate higher potential returns.

With more than \$15 billion in funds under management, costs per dollar of investment are reduced so investors enjoy the benefit of low fee structures.

More Information

For more information about TCorp's term deposits and Hour-Glass Funds, please call the Local Government Services team on **02 9325 9251**, or visit tcorp.nsw.gov.au/local_government_services

¹Local councils in New South Wales are permitted to invest in the Hour-Glass Funds (Local Government Act 1993 – Investment Order dated 12 January 2011).



9.7 Quarterly Budget Review Statement September 2016

REPORT BY THE MANAGER, FINANCIAL PLANNING
TO 16 NOVEMBER 2016 ORDINARY MEETING
GOV400054, FIN300065

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Financial Planning on the Quarterly Budget Review Statement September 2016;**
2. **amend the 2016/17 Operational Plan in accordance with the variations as listed in the Quarterly Budget Review Statement attachment to this report; and**
3. **note the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure.**

Executive summary

This reports, with its incorporated attachments, makes up the September 2016 Quarterly Budget Review Statement of the 2016/17 Operational Plan. Proposed budget variations to the Operational Plan with relevant financial implications are included in the attachments.

Disclosure of Interest

Nil.

Detailed report

Clause 203(1) of the *Local Government (General) Regulation 2005* requires a council's responsible accounting officer to prepare and submit a quarterly budget review statement (QBRS) that shows, by reference to the estimate of income and expenditure set out in the operational plan adopted by council, a revised estimate of income and expenditure for that year.

The QBRS presents a summary of council's financial position at the end of each quarter. It is the mechanism whereby councillors and the community are informed of council's progress against the operational plan and the last revised budget along with recommended changes and reasons for major variances.

A quarterly 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.

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 2017 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2016/17 financial year.

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

Community Plan implications

Theme	Good Governance
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

Financial implications

Proposed budget variations to the 2016/17 Operational Plan are included in the quarterly budget review statement attachments (attachment 1). Financial implications are also discussed in the attachments.

NEIL BUNGATE
MANAGER, FINANCIAL PLANNING

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

3 November 2016

Attachments: 1. Quarterly Budget Review Statement September 2016 Attachments.
(separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 10: Operations

10.1 Variations for the Horatio Street Detention Basin, Mudgee

REPORT BY THE MANAGER DEVELOPMENT ENGINEERING
TO 16 NOVEMBER 2016 ORDINARY MEETING
GOV400054, COR400088

RECOMMENDATION

That Council:

1. **receive the report by the Manager Development Engineering on the Variations for the Horatio Street Detention Basin, Mudgee, Contract No 2015/02;**
2. **approve the variations to the contract, increasing the contract value to \$249,675.75 ex.GST;**
3. **amend the 2016/17 Operational Plan for the Horatio Street Detention Basin by increasing the budget by \$50,000 funded from the asset replacement reserve; and**
4. **grant delegated authority to the General Manager to approve further variations to the contract up to a cumulative total of 10% of the revised contract sum.**

Executive summary

Council resolved at its 17 June 2015 meeting to enter into to a contract with A1 Earthworx Civil and Mining Pty Ltd for the tendered price of \$221,685.00 excluding GST. Through the construction phase a number of variations to the contract have been required to ensure environmental compliance and that the works are delivered fit for purpose. In accordance with the resolution, min165/15, the cumulative total of variations has now exceeded the 5% of the contract value and seeks a resolution of Council to accept the variations increasing the contract value to \$249,675.75 excluding GST

Disclosure of Interest

Nil.

Detailed report

Council resolved at its 17 June 2015 meeting to enter into to a contract with A1 Earthworx Civil and Mining Pty Ltd for the tendered price of \$221,685.00 excluding GST. To date there have been 3 variations approved under delegated authority to the total value of \$4,761.76 as detailed below;

Variations	Detail	Value
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Variation 1	Revised quantities of material to be removed from site due to reduction in scope	-\$7,632.58
Variation 2	Asbestos assessment, report and removal	\$15,514.34
Variation 3	Items removed from the Contract due to reduction in scope	-\$3120.00

Subsequently there have been further variations to the contract which have either been at Council's request or are for works outside of the Scope of Works under the Contract. A list of the variations is provided below:

Variations	Detail	Value
Variation 4	Pushing out of material at the stockpile site on Saleyards Lane	\$3,100.00
Variation 5	Provision of ENM Report in place of the VENM Report provided for in the Contract	\$9,240.00
Variation 6	Extra 5m of Gabion Baskets, Geofabric and Reno Mattress	\$5,268.75
Variation 7	Removal of/ and reinstatement of bollards	\$845.60
Variation 8	Removal of unsuitable material for the placement of 1050mm pipeline	\$4,025.00
Variation 9	Additional compaction tests as a result of the unsuitable material	\$750.00

Total value of variations for approval is \$23,229.35.

Total value of variations under the Contract are \$27,991.11, this represents an increase of 12.63% to the tendered price.

Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

Financial implications

Budget amount was set to the Tendered Price leaving no allowance for contingencies. Works are now complete on the Winter Street Detention Basin and remaining funds are to be transferred to the Horatio Street Detention Basin Project. This will be undertaken as part of the quarterly review.

A large proportion of the variations to date are attributed to encountering illegally dumped asbestos, which cannot be left exposed and by law must be disposed of in an environmentally responsible manner. Another large contributor to the variations is due to encountering unsuitable material. Unsuitable material cannot be measured prior to works commencing as it is sub surface and quantities are indeterminable at the time of tendering.

DANIEL BUCKENS
MANAGER DEVELOPMENT ENGINEERING

DARYL COLWELL
DIRECTOR, OPERATIONS

31 October 2016

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 11: Community

11.1 Commonwealth Home Support Program Quarterly Update

REPORT BY THE MANAGER, COMMUNITY SERVICES
TO 16 NOVEMBER 2016 ORDINARY MEETING
GOV400054, GOV400054, A0060030, COS300013, COS300023, COS300026

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community Services on the Commonwealth Home Support Program Quarterly Update; and**
2. **note the activity reports from the Commonwealth Home Support Program funded services.**

Executive summary

This report seeks to inform Council of the activities undertaken by the Commonwealth Home Support funded services that are auspiced by Council. This report covers the period July to September 2016 (inclusive).

Disclosure of Interest

Nil.

Detailed report

Mid-Western Regional Council auspices Community Transport, Home Modifications and Maintenance, Host Family Respite and Meals on Wheels. These services are jointly funded under the Commonwealth Home Support Program by the State Government (Ageing, Disability and Home Care) and the Federal Government (Department of Health).

Community Transport is the exception to this as it is administered by Transport for NSW and whilst the majority of funding comes through the CHSP, there is also additional funding provided by the Department of Veterans Affairs, NSW Health and through Transport for NSW directly.

Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community

Financial implications

Not applicable.

FIONA TURNER
MANAGER, COMMUNITY SERVICES

SIMON JONES
DIRECTOR, COMMUNITY

2 November 2016

Attachments: 1. CHSP quarterly reports.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

MUDGEES COMMUNITY TRANSPORT QUARTERLY UPDATE**JULY TO SEPTEMBER 2016****Transport figures Q3/2016**

117 trips classed as Health Related Transport trips.

1427 trips classed as Commonwealth Home Support Program trips.

227 trips classed as Community Care Support Program trips.

658 trips classed as Community Transport Program trips.

35 trips classed as Department of Veterans Affairs trips.

Total: **2464 trips**

There have been 23 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).

Volunteers

We currently have 24 volunteers on our books, with one new driver commencing during this period.

Staffing

Recruitment has been finalised for the vacant position of Community Transport Coordinator. Existing Council employee, Kim Stanton commenced in the role on 10 October 2016.

MUDGEE HOME MODIFICATION AND MAINTENANCE SERVICE

JULY TO SEPTEMBER 2016

For this quarter we attended to \$8474.60 worth of modifications for nine clients. Work was carried out in Mudgee, Gulgong, Kandos, Baradine, Mebul and Coonabarabran.

During this quarter we also submitted three major modification applications to Carewest. Currently we have eight major modifications applications in progress.

At the moment we have 25 regular jobs in progress.

This quarter saw the completion of home modifications for works of the following:

Mudgee

- Maintenance: Adjusted back and side doors that would not close.
- Supplied and installed an access ramp with handrails to front access. # DVA - Roberts

Gulgong

- Supplied and installed a grabrail in toilet and shower recess. Supplied a concrete ramp to back access with handrails. Installed a wedge ramp to back access door. #1091

Kandos

- Supplied and installed a grabrail in shower recess. #1118
- Supplied and installed four grabrails in house, a hand-held shower and applied self-adhesive tape to step in lounge room. #1113

Baradine

- Supplied and installed five grabrails – in toilet, shower recess, front access steps, back access near ramp, back access ramp to toilet. #1109

Mebul

- Supplied and installed a grabrail in the shower recess and installed a shower slider bar to support the shower head.

Coonabarabran

- Supplied and installed grabrails to the toilet, the bathroom wall, the bedroom wall, the hallway outside the bedroom, and a grabrail at top of stairs. # 1102
- Supplied and installed a grabrail to the shower recess. #1105

Backlog:

There are eighteen outstanding referrals received since August 2016 that require inspection and quote preparation.

HOST FAMILY RESPITE CARE SERVICE

JULY TO SEPTEMBER 2016

Respite Care Provided:

960.5 hours of respite care provided to

7 people with a disability and

1 sibling by

7 volunteer respite families.

Service overview

Host Family Respite Care Service is a NSW Community Care Support Program which is funded and administered by the Department of Family and Community Services (FaCS) Ageing, Disability and Home Care (ADHC). The service recruits and trains volunteers who are individually matched with a child or adult with a disability, to provide short term care and support so that carers can have a short break.

Service performance

The service continues to deliver well above funded requirements, the current quarter reflects this performance with total hours of respite care provided nearly double that which is required by FaCS.

Demand for the service continues to be strong, with a wait list, and new enquiries made each month.

Service challenges

Recruiting new volunteers continues to present challenges to the service. There is a current wait list of 5 children and their families, as well as 2 siblings, requesting respite for whom there is no suitable volunteer within the community identified.

As the NSW Government prepares for the National Disability Insurance Scheme to be rolled out in Western NSW in July 2017, there are diminishing funding resources. It has become increasingly difficult to refer families who are waiting for respite to other respite options, as has occurred in the past, as funding is no longer available. This is placing increased pressure and stress on families who are already often under strain.

With changes to disability funding, and the imminent transition to the NDIS, the future of the service is unclear.

MEALS ON WHEELS**JULY TO SEPTEMBER 2016****Main meals** including hot meals, chilled meals, sandwiches and soups

July	634
Aug	713
Sept	745
Total	2092

Frozen meals including regular meals, roasts and breakfast egg meals

July	67
Aug	66
Sept	110
Total	243

Current number of **Active Clients** for deliveries

Total	30
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Current number of **Clients cancelled until further notice**

Total	5
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Current number of **Clients using the frozen meal option**

Total	14
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Number of clients have been steady, with some cancellations due to illness and also permanent cancellations due to being placed in care facilities. New referrals have also come through.

Alison Whittaker, the new Community Service Officer primarily responsible for coordination of the Meals on Wheels service, commenced on the 23 August 2016. Letters of introduction were sent to stakeholders, including clients, contractors and volunteer organisations. Enclosed were updated rosters for volunteers and complimentary Meals on Wheels Care Card for clients.

New systems are being developed and put into place for the in order to improve efficiencies in reporting, communications, and workflow between staff, clients, volunteers and contractors.

Item 12: Reports from Committees

12.1 Mudgee Showground Management Committee Meeting

REPORT BY THE MANAGER, PLANT AND FACILITIES
TO 16 NOVEMBER 2016 ORDINARY MEETING
GOV400054, F0650007

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Plant and Facilities on the Mudgee Showground Management Committee Meeting held on 2 August 2016; and**
2. **note the contents of the minutes of the Mudgee Showground Management Committee Meeting held on 2 August 2016.**

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 2 August 2016.

Disclosure of Interest

There are no disclosures of interest for this report.

Detailed report

The Showground Management Committee receives an updated works request and matters in progress report together with updated financial details bi-monthly. A copy of the matters in progress are attached for Council information.

Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

Financial implications

Not applicable.

ANDREW DRUMMOND
MANAGER, PLANT AND FACILITIES

25 October 2016

Attachments: 1. Mudgee Showground Management Committee Meeting Minutes August 2016.

APPROVED FOR SUBMISSION:

DARYL COLWELL
DIRECTOR, OPERATIONS



MUDGEE SHOWGROUND MANAGEMENT COMMITTEE MEETING — 2 August 2016

Meeting Opened: 5:30 pm

- Present: Cr John Webb (Councillor), Daryl Colwell (Director Operations), Bill Robinson (Poultry Group), Russell Holden (Building Users) and Barry Nott (Mudgee Show Society),
- Observer: Lesley Burgess (Minute Secretary)
- Guests: Astrid O'Connor and Melissa Quinn (Mudgee Dressage Group)
- Absent: Dana Willmott (Mudgee Pony Club) & Malcolm Swords (Livestock & Other Animal Groups)
- Apologies: Helen Chisholm (Mudgee Dressage Group) & Rick Field (Mid-Western Working Horse)

Moved: Bill Robinson, Seconded: Barry Nott: Apologies be accepted.

Motion Carried

Minutes of the June's Meeting – Accepted

Moved: Russell Holden

2nd: Bill Robinson

Motion Carried

Matters in Progress

1. As per attached list.
2. Bill would like to put up a barrier above the roller door to prevent the pigeons getting into the Wool Pavilion. Bill to liaise with Daryl before installing.
3. Daryl advised that NSW Office of Water has no record of the borehole at the showground so we would need to register and licence the bore. A quote to uncap and clean out the bore to ascertain whether it is a feasible water supply to be obtained. Cr Webb advised that the borehole was originally drilled as a demo during the field days.

Correspondence

1. Email received from Renee Bridger, as the person that caused her issues has now left and no longer has a horse at the showground, the matter should now be resolved.

Financial Report

1. EOFY income is \$96,607.79 against a budget of \$61,500 with camping being the major contributor to the increased income.
2. Expenses were \$157,901.35 with a budgeted amount of \$163,300.00 with the good result attributed by responsible spending.
3. The Financial report was accepted -

Moved: Russell Holden

2nd: Bill Robinson

Motion Carried**General Business*****Russell Holden***

Russell advised that the showground stables were lit up all night recently and felt that push button timers to control the lights should be installed.

Barry Nott

Advised that the Show Society are purchasing their own stackable chairs for the Show.

Bill Robinson

- Advised that the Show Society has a new President, Barry Nott.
- The Poultry Club has hosted a number of shows recently and they have had such good publicity and feedback that the Parkes show is now to be held in Mudgee.
- Bill would like to know why the toilet extension to the Bridge Club building was not discussed at this meeting. Daryl to ask Brad Cam to let this committee know of any activities concerning the Bridge Club building. As a result of the new toilet extension there are concrete steps now lying next to the Bridge Club these need to be removed as they are a hazard.

Mel

- Advised that the Dressage Group will be bringing official competitions back to Mudgee.
- Would like the holes in the main arena fixed for their August competition.

Russell Holden

- Gave a vote of thanks to Cr John Webb for his term as a Councilor and for his contribution to this committee

Moved: Russell Holden
2nd: Bill Robinson

Motion Carried

Meeting closed at: 6:10 pm

Next meeting to be held 8 November at 5:30pm

AT THE OPERATIONS OFFICES

MATTERS ARISING

#	SUBJECT	MEETING DATE	ACTION	WHOM	PROGRESS
1.	Promote the Main Pavilion for Weddings	4/8/15		All	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. 4/2/16 We could possibly have a Wedding at the showground on 11/3/17 (Isaac) Look into using their photos to promote the showground on our website - giving them a discount of hire fees to use their photos
2.	Costing to have a grandstand erected	1/12/15		All	
3.	Costing to have netting placed in buildings where pigeons are a problem	7/6/16		All	
4.	A quote to uncap and clean out the bore to ascertain whether it is a feasible water supply to be obtained	2/8/16		Council	
5.	Pricing for push button timers for the lights at the stables	2/8/16		All	

12.2 Gulgong Sports Council Meeting 12 September 2016

REPORT BY THE DIRECTOR, COMMUNITY
TO 16 NOVEMBER 2016 ORDINARY MEETING
GOV400054, A0360003

RECOMMENDATION

That Council:

1. **receive the report by the Director, Community on the Gulgong Sports Council Meeting 12 September 2016; and**
2. **note the minutes of the Gulgong Sports Council Meeting held on 12 September, 2016.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Sports Council Meeting held on 12 September, 2016.

Disclosure of Interest

Nil.

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 not 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 receive additional information.

Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

Financial implications

Not applicable.

SIMON JONES
DIRECTOR, COMMUNITY

25 October 2016

Attachments: 1. Gulgong Sports Council meeting minutes 160912.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

**Gulgong Sports Council
Monthly Meeting
Monday, 12th September, 2016**

Meeting Opened: 6.30pm

Apologies: L.Hawkins, Tracey Kane-MWRC,

Present: C. Holden - President, B. Gudgeon - Senior Cricket, MWRC - B.Rae, C. Rae Sports Council, P. Thompson MWRC, M.Gaudry - Gulgong Tennis, Tim Papworth-Athletics, Mark Freestone-Fouch Football, Steve Haney, Jane Wiltshire-Netball

President read previous minutes.

Motion 1 – “That the minutes be accepted as read”

Moved: C. Holden

Seconded: C.Rae

All in favour – motion moved and carried.

Council Business:

1. Centre Kiosk at Billy Dunn oval needs attention asap as electrical wiring has been pulled down and is unsafe, down pipes need to be replaced also gutter needs cleaning and reinstated, doors into kiosk needs attention as they are hard to open.
2. Billy Dunn main oval southern end needs leveling out and proper drainage as water just sits there and makes it hard for mowing and also being damaged from being wet. This needs urgent attention.
3. Cameras needed at top kiosk to help prevent vandals from damaging facilities.
4. Discussion of playing on wet fields need to be attended to as some clubs are wondering why they cannot play when the grounds are closed. A meeting of clubs and council may need to happen for explanation.

Finance Report:

Balance; \$44224.76

Income;

Nil

Expenditure;

Gulgong Timber & H,ware \$162.80 Repairs and painting of rails Vic Pk

Plumbing Worx \$420.35 Installation of taps and new pipe

Aussie country Catering \$137.60 Toilet Hire

Motion – Finance report to be accepted, all accounts to be paid.

Moved: B. Gudgeon Seconded: M.Gaudry

All in favor – motion moved and carried.

Correspondence: Nil

General Business:

1. Working bee painting of rails Vic Park
2. Goal posts at Vic park to be removed.

AGM

Election of Office Bearers;

President; Craig Holden
Vice President; Mark Lillis
Secretary; Craig Holden
Treasurer; Brian Gudgeon

Presidents Report;

Craig thanked all of those who helped during 2016 and Tracey Kane and her staff for all the work that has been carried out during the year.

Meeting closed: 8.30

Craig Holden – President



10th October, 2016 Gulgong Bowling Club at 6.30pm.

Item 13: Urgent Business Without Notice

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 14: Confidential Session

LOCAL GOVERNMENT ACT, 1993

10A

WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

10D

GROUND FOR CLOSING PART OF MEETING TO BE SPECIFIED

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
 - (a) the relevant provision of section 10A(2)
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

664

DISCLOSURE AND MISUSE OF INFORMATION

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
 - (e) with other lawful excuse.

16. (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.

17. (1B) Subsection (1A) does not apply to:
 - (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.

- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.

- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
 - (a) the determination of an application for an approval, or
 - (b) the giving of an order.

Maximum penalty: 50 penalty units

MOTION

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

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

CHAIRMAN

The following matters have been listed for consideration in Confidential Session:

14.1 Sale of Land to Recover Overdue Rates and Charges - Chapter 17, Part 2, Division 5, Section 713 Local Government Act 1993

The reason for dealing with this report confidentially is that it relates to discussion in relation to the personal hardship of a resident or ratepayer in accordance with Section 10A(2)(b) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of (b) discussion in relation to the personal hardship of a resident or ratepayer.

14.2 General Manager's Performance Agreement 2016 - 2017

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

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of personnel matters concerning a particular individual (other than Councillors).

14.3 Proposal to Lease Shop 2/81 Mortimer Street Mudgee

The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of confidential.

The Chairman will then ask the General Manager if there are any written representations from the public on the proposed closure of the meeting.

The General Manager will read out any written representations received.

The Chairman will ask if anyone in the gallery would like to make verbal representations in regard to the matters now to be considered in Confidential Session.

The Chairman will then put the motion "to close the meeting" to the vote.