



PUBLIC COPY

2019

MID-WESTERN REGIONAL COUNCIL
COUNCIL BUSINESS PAPERS

ORDINARY MEETING
WEDNESDAY 20 FEBRUARY 2019



*A prosperous and progressive community
we proudly call home*



PO BOX 156
MUDGEES NSW 2850

86 Market Street MUDGEES
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77 Louee Street RYLSTONE

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13 February 2019

Dear Councillor

MEETING NOTICE
Ordinary Meeting
20 FEBRUARY 2019
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 12 December 2018

Council Decision:

That the Minutes of the Ordinary Meeting held on 12 December 2018 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are separately attached.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Solar Energy Options	Res. 127/17 Ordinary Meeting 17/05/17	That Council: 2. endorse the strategy of installing solar panels on appropriate Council buildings to reduce ongoing electricity costs and deliver this strategy for at least one further Council building during the 2017/18 financial year.	To be reported to Council at a future meeting.
Update on LEC Matter MA0030/2017	Res. 390/17 Ordinary Meeting 13/12/17	That Council staff review the current road standards for subdivisions and that a report be brought back to Council for considerations.	To be reported to Council at a future meeting.
RFT 2017/21 Glen Willow Footbridge - Provision of Handrail Trusses and Piers	Res. 66/18 Ordinary Meeting 21/03/18	That Council: 1. investigate a more economical outcome and bring back a report when the cost of works are known.	To be reported to Council at a future meeting.
Rylstone Lawn Cemetery	Res. 108/18 Ordinary Meeting 16/05/18	4. That Council staff bring back a report on the costs and any grant opportunities, and that Council consider a lawn cemetery at Rylstone as part of a future budget initiative.	To be reported to Council at a future meeting.
Bus Access to Red Hill	Res. 131/18 Ordinary Meeting 20/06/18	That a report be brought back to Council on options for improving access for buses and coaches to the Red Hill Precinct.	Res. 338/18 Ordinary Meeting 21/11/2018 Defer consideration of the Red Hill Bus Access and Parking Options as Council is seeking funding from the Federal Government.
Multi-use art facility - Kandos	Res. 253/18 Ordinary Meeting 19/09/18	That Council support in principle the concept of working with Cementa on the multi-use art facility proposal and purchase of 71 Angus Avenue, Kandos, dependent on relevant valuations and Council resolutions related to any expenditure.	To be reported at a future Council Meeting.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 Railway Line - Kandos to Gulgong

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, A0100035, TRA300009

MOTION

That Council contact the appropriate person in the State Government in regard to opening the railway line from Kandos to Gulgong.

Background

The State Government announced that a huge amount of money is available for opening older railway lines.

Officer's comments

The process for Fixing Country Rail changed in 2019. Fixing Country Rail 2019 is a strategic rail program, with decisions on projects informed by the 'Regional Rail Corridor Strategy', the 'Freight and Ports Plan 2018 - 2023' and other key rail network strategies developed by Transport for NSW.

A new Program Framework will be available in the coming weeks. The new process is that a list of projects was developed from the relevant strategies. A Prioritisation Panel will be convened to review and prioritise the list of projects. Top priority projects up to the funding amount for the year will be submitted to Infrastructure NSW and then to the NSW Government for: initial Business Case funding and then if the outcome is that the project is economically viable, they will then be submitted for delivery funding.

Although no longer a submission based program, Transport for NSW during normal consultation with industry stakeholders can identify new projects for consideration. Industry stakeholders can also email freight@transport.nsw.gov.au with ideas for consideration against the Framework strategies.

6.2 Application for State Road - Gollan Road

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, A0100035

MOTION

That Council negotiate with Dubbo Regional Council regarding the possibility of applying to the State Government about Gollan Road becoming a state road from Goolma to Murrumbong on the Golden Highway.

Background

A lot of traffic, including large trucks, use this road and there is a lot of potholes and bad sections creating a danger for road users.

Council will need to negotiate with Dubbo Council about this.

Officer's comments

This is a regional road and Council are working with Dubbo Regional Council to make joint submissions seeking funding for the upgrading of this Regional Road.

RMS have made it clear in the past that they are not supportive of adding additional Regional Roads to the State Road Register.

6.3 Lower Piambong Road and Goolma Road

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON

TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, A0100035

MOTION

That the council apply to have the corner of Lower Piambong Road and Goolma Road declared a blackspot and that they encourage the RMS to have the corner widened with a passing lane.

Background

There have been a number of accidents in that spot over the years. It's a very dangerous intersection on a bend of the Goolma Road and it wouldn't be a huge job to have a turning lane. The Goolma Road speed limit is 100km/ph and it is used the school bus and trucks.

Officer's comments

Council staff are in the process of completing upgrade work on Goolma Road just west of the Lower Piambong intersection, on behalf of RMS . Discussions with RMS indicate the next stage which includes the intersection is on their forward works program. However RMS is not in a position to confirm exactly when the works will be funded. The accident history at this intersection is not sufficient to qualify for Blackspot funding.

It is suggested that Council write to RMS requesting the next stage of the Goolma Road upgrade be funded as a priority and the works include an appropriate treatment at Lower Piambong Road intersection.

Item 7: Office of the General Manager

7.1 Review of the Work Health and Safety Policy

REPORT BY THE EXECUTIVE MANAGER, HUMAN RESOURCES
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, GOV400054

RECOMMENDATION

That Council:

1. **receive the report by the Executive Manager, Human Resources on the Review of the Work Health and Safety Policy; and**
 2. **adopt the revised Work Health and Safety Policy.**
-

Executive summary

The Work Health and Safety Policy has been reviewed to ensure compliance with relevant legislation and to ensure it is relevant for Council's requirements.

Disclosure of Interest

Nil.

Detailed report

The Work Health and Safety Policy confirms Council's commitment to providing a safe and healthy work environment so far as reasonably practicable and provides an overview of WHS responsibilities in accordance with the Work Health and Safety Act 2011. The policy also sets out the aims of Council's Work Health and Safety Management System:

- Provision and maintenance of a work environment without risk to health and safety
- Provision and maintenance of safe plant and structures
- Provision and maintenance of safe systems of work
- To continually monitor, identify and eliminate or reduce hazards and risks to health and safety
- Safe use, handling and storage of substances, structures and plant
- Provision and maintenance of adequate facilities for the welfare of workers
- Provision of adequate information, training, supervision for its workers
- Provision of health programs, activities and monitoring for its workers

Community Plan implications

Theme	Good Governance
Goal	An effective and efficient organisation
Strategy	Provide a positive and supportive working environment for employees

Strategic implications

Council Strategies

Delivery Program Action: Provide a safe, healthy and non-discriminatory working environment.

Projects/Service: Implement and embed a WHS Management System that reflects Australian Standard 4801.

Council Policies

Work Health and Safety Policy

Legislation

Work Health and Safety Act 2011 and Regulations

Financial implications

Not Applicable

Associated Risks

If Council does not maintain and promote a current Work Health and Safety Policy then it would not be meeting the requirements of AS4801 and the associated actions in the Delivery Program.

MICHELE GEORGE
EXECUTIVE MANAGER, HUMAN RESOURCES

25 January 2019

Attachments: 1. Amended Work Health and Safety Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



WORK HEALTH AND SAFETY POLICY



ADOPTED	VERSION NO	5.1
COUNCIL MEETING MIN NO 03417	REVIEW DATE	FEBRUARY 2019/2021
DATE: 2015 FEBRUARY 2017/2019	FILE NUMBER	A0100021

Mid-Western Regional Council (Council) is committed to providing a safe and healthy work environment for all workers and others in the workplace, so far as reasonably practicable. This is achieved with effective consultation between Management, and Workers and other Stakeholders in accordance with the requirements of the Work Health and Safety Act 2011 and Regulations.

To facilitate this, Mid-Western Regional Council will establish, implement and continues to maintain a Work Health and Safety Management System (WHSMS). The Work Health and Safety Management System WHSMS forms the foundation of a proactive, systematic and coordinated approach to the management of health and safety risks arising out of the business Councils undertakings. The WHSMS that embraces the risk management principles prescribed in AS/NZS 31000:2009 and provides for fair and effective workplace health and safety consultation, cooperation and issue resolution in relation to work health and safety.

Everyone within the workplace including Contractors, has a work health and safety responsibility, and Council's WHSMS

Mid-Western Regional Council's Work Health and Safety Management System aims to provide a framework to support everyone in continually upholding their these responsibilities on a daily basis.

Aims of the Work Health and Safety Management System

- Provision and maintenance of a work environment without risk to health and safety
- Provision and maintenance of safe plant and structures
- Provision and maintenance of safe systems of work
- To continually monitor, identify and eliminate or reduce hazards and risks to health and safety
- Safe use, handling and storage of substances, structures and plant
- Provision and maintenance of adequate facilities for the welfare of workers
- Provision of adequate information, training, supervision for its workers
- Provision of health programs, activities and monitoring for its workers

WHS Objectives

- Identification and management of work health and safety risks and compliance with the Work Health and Safety Act 2011 and Regulations;
- Maintaining effective communication with our Workers, Contractors, Visitors and other Stakeholders to ensure that safe work practices are undertaken in the workplace;
- Empowering individuals to adopt the highest standards of workplace health and safety practices to protect themselves and others in the workplace;
- To eliminate workplace incidents, injuries or illnesses;
- Monitoring, review, reporting and continuous improvement of the WHSMS

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WHS Responsibilities

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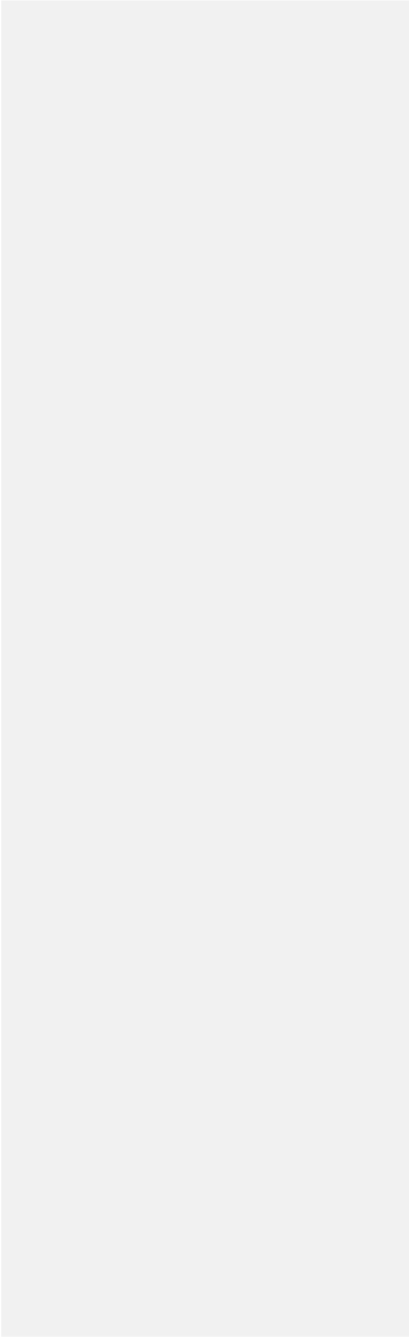
SENIOR MANAGEMENT : The General Manager, Directors and those involved in strategic decision making must exercise due diligence in ensuring that Mid-Western Regional Council complies with the duties of a "PCBU" defined in Section 19 of the Work Health and Safety Act 2011.

WORKERS : Workers have a duty to take reasonable care of themselves and others at the workplace. A worker includes a person who carries out work in any capacity for Council, including work as: an employee, a contractor, subcontractor, outworker, volunteer, apprentice or trainee and work experience students.

POLICY: | WORK HEALTH AND SAFETY

| **VISITORS :** Visitors to Council’s workplaces have a duty to take reasonable care of themselves and others at the workplace and cooperate with any reasonable instruction given by an employee of Mid-Western Regional Council.

| _____
GENERAL MANAGER: **DATE:** [MARCH FEBRUARY 20172019](#)



7.2 Commencement of the new Model Code of Conduct for Local Councils in NSW and Procedures

REPORT BY THE MANAGER GOVERNANCE
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, GOV400008

RECOMMENDATION

That Council:

1. **receive the report by the Manager Governance on the Commencement of the new Model Code of Conduct for Local Councils in NSW and Procedures**
2. **adopt the Model Code of Conduct 2018 and the Model Code of Conduct Procedures 2018; and**
3. **note that the provisions of the Model Code of Conduct and Procedures apply to volunteers of Council services and members of Council Advisory Committees.**

Executive summary

The 2018 Model Code of Conduct and Procedures have now been prescribed under the Local Government (General) Regulation 2005.

Council is required to adopt a code of conduct and procedures based on the 2018 model before 14 June 2019. The draft code of conduct and procedures were workshopped by Councillors in September 2018 during the consultation process conducted by the Office of Local Government (OLG).

Disclosure of Interest

Nil.

Detailed report

It has been the practice of the Council to adopt the OLG model code of conduct and the model procedures. It is recommended that Council adopt the Model Code of Conduct as written.

The Office of Local Government have advised Councils that a supplementary provision of a section titled **Use of Social Media** may be included into the council's code of conduct. It reads as follows and can be inserted as code 8.21 a):

You must not use social media to post or share comments, photos, videos, electronic recordings or other information that:

- a) is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council*
- b) contains content about the council that is misleading or deceptive*
- c) divulges confidential council information*

- d) *breaches the privacy of other council officials or those that deal with council*
- e) *contains allegations of suspected breaches of this code or information about the consideration of a matter under the Procedures, or*
- f) *could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment.*

If Council would like to include this provision then the resolution should be amended to include this additional clause 8.21.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Local Government Act and the Regulations

Financial implications

Not Applicable

Associated Risks

There is a risk of Council being non-compliant with Legislative requirements if they do not adopt a Code of Conduct and Procedures in accordance with the Regulations.

TIM JOHNSTON
MANAGER GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

3 January 2019

- Attachments:*
1. OLG Circular to Councils 18-44 Commencement of the new Model Code of Conduct. (separately attached)
 2. Model Code of Conduct for Local Councils in NSW 2018. (separately attached)
 3. Model Code of Conduct Procedure for Local Councils in NSW 2018. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 8: Development

8.1 DA0191/2015 - Subdivision - Torrens Title - 1 into 27 Lots - 196 Robertson Road, Mudgee

REPORT BY THE SENIOR TOWN PLANNER AND MANAGER, STATUTORY PLANNING
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, DA0191/2015

RECOMMENDATION

That Council:

- A. receive the report by the Senior Town Planner and Manager, Statutory Planning on the DA0191/2015 - Subdivision - Torrens Title - 1 into 27 Lots - 196 Robertson Road, Mudgee;
- B. approve DA0191/2015 - Subdivision - Torrens Title - 1 into 27 Lots - 196 Robertson Road, Mudgee subject to the following conditions and Statement of Reasons:

SCHEDULE A: CONDITIONS

PART 1: DEFERRED COMMENCEMENT CONDITIONS

1. This is a deferred commencement condition in accordance with Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* and this consent shall not operate until the following matters have been completed, to the satisfaction of Council.
 - a) Submission to and approval by Council of a Water Servicing Plan with supporting calculations, prepared by an appropriately qualified engineer, demonstrating that the proposed subdivision will be adequately serviced with sufficient volume and pressure of water. The Water Servicing Plan shall demonstrate compliance with *Mid-Western Development Control Plan 2013* and *National Specification – Water Supply Code of Australia*. The Water Servicing Plan shall show:
 - (i) Volume and location of water storage;
 - (ii) Indicative pipe size and location;
 - (iii) Depth of ground cover over underground infrastructure;
 - (iv) Location of fire hydrants;
 - (v) Details and location of any required pump stations;
 - (vi) Indicative easements for water storage and water pump stations, as required; and
 - (vii) Measures to minimise visual impact of water pumps and storage facilities.
 - b) Submission to and approval by Council of a Sewerage Servicing Plan with supporting calculations, prepared by an appropriately qualified engineer, demonstrating that the proposed subdivision will be adequately serviced by sewerage infrastructure. The Sewerage Servicing Plan shall demonstrate compliance with *Mid-Western Development*
-

Control Plan 2013 and National Specification – Sewerage Code of Australia. The Sewerage Servicing Plan shall show:

- (i) Location, size, and gradient of all sewer lines;
 - (ii) Depth of ground cover over underground infrastructure;
 - (iii) Location and details of manholes and rising mains;
 - (iv) Details and location of any sewer pump stations, if required;
 - (v) Indicative easements for sewer lines and sewer pump stations, as required; and
 - (vi) The impact on Endangered Ecological Communities and Threatened Species, if relevant.
- c) The registration with NSW Land Registry Services of an easement to drain sewer of a minimum 3m wide over the properties that the sewer line for the proposed development will traverse, between the development site and the nearest connection to the reticulated sewerage network. The easement shall burden the lots the sewer line traverses and benefit Mid-Western Regional Council, as per the submitted Sewerage Servicing Plan. The easements shall be over the following properties, or any alternative properties as agreed to by Council should another route be preferable, to achieve a sewer line connection into Council's existing reticulated sewer system:
- (i) Lot 3 DP1204702;
 - (ii) Lot 1 DP1000497;
 - (iii) Lot 2 DP1000497; and
 - (iv) Lot 8 DP1221711.
- d) Where required, the registration with NSW Land Registry Services of any easements over private property (other than the subject site) to accommodate water supply infrastructure, such as pump stations and storage tanks.
- e) An Ecological Assessment Report be prepared by a suitably qualified ecological consultant to identify any threatened species in:
- (i) the road reserve directly in front of both street frontages of the subject site;
 - (ii) within the area outside of the subject site approved for the sewer line extension; and
 - (iii) within any areas for water line extensions outside of the subject site.

Following the completion and findings of the Ecological Assessment Report, the necessary approvals from other government agencies are to be obtained and a copy provided to Council, to ensure the protection of any Threatened Species. These approvals may include:

- (i) A Controlled Activity Approval from the Department of Environment and Energy (DEE); and
 - (ii) Concurrence from NSW Office of Environment and Heritage (OEH).
- f) If a Biodiversity Offset site is required to meet the requirements of sub-condition (e.) above, details of the Biodiversity Offset site and any draft terms of restriction or covenants on title are to be submitted to and approved by Council.

Evidence that will sufficiently enable Council to be satisfied as to the compliance of the above matter/s must be submitted to Council within five (5) years of the date of determination.

If sufficient evidence of the satisfaction of the above matter/s is not received by Council within this time-frame, the consent will lapse pursuant to Section 4.53(6) of the *Environmental Planning and Assessment Act 1979*.

If sufficient evidence of the satisfaction of the above matter/s is received by Council within the above nominated time-frame, Council will notify the applicant/developer in writing of the date the development consent has become operative. The consent will become operative subject to the following conditions of consent.

Note: The development consent will lapse 5 years after it becomes operative, in accordance with Section 4.53 of the *Environmental Planning and Assessment Act 1979*.

PART 2: CONDITIONS OF CONSENT

PARAMETERS OF CONSENT

Approved Plans

1. 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 herein and/or any plan notations.

Title/Name	Drawing No/ Document Ref	Revision/Issue	Dated	Prepared by
Proposed Subdivision Lot Layout	6242 PS-V9 Sheet 1 of 4	V9	13/09/18	Le Mottee Group
Proposed Subdivision Lot Layout – Aerial Overlay	6242 PS-V9 Sheet 2 of 4	V9	13/09/18	Le Mottee Group
Proposed Subdivision Lot Layout – Aerial Overlay (Contours)	6242 PS-V9 Sheet 3 of 4	V9	13/09/18	Le Mottee Group
Proposed Subdivision Lot Layout (APZ and VRZ)	6242 PS-V9 Sheet 4 of 4	V9	13/09/18	Le Mottee Group
Ecological Assessment for a Residential Subdivision at 196 Robertson Road, Mudgee	-	-	February 2017	Firebird Ecosultants Pty Ltd

Note: Servicing Strategy plans, as submitted, have not been approved as they require consent and approval for creation of easements.

2. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.

GENERALAmended Plan Requirements

3. Where required by water supply requirements, as approved as part of Deferred Commencement Condition No 1(a), the plan of proposed subdivision must be amended. The amended plan is to provide for the creation of suitably sized reserves, to be vested in Council free of charge, that will provide for both pump station and storage tanks to ensure adequate volume and pressures to meet all requirements, specifically as related to fire-fighting requirements.
4. Where required by sewer design requiring pump station and rising mains, as approved as part of Deferred Commencement Condition No 1(b). The amended plan of the proposed subdivision must be amended to provide for the creation of a suitably sized reserve, to be vested to Council free of charge, that will provide for both pump station and any rising main requirements.
5. An amended plan of subdivision must be submitted to:
 - a) Create a four (4) metre by four (4) metre corner cut off/splay at the corner of Bruce Road and Robertson Road for road widening purposes; and
 - b) Provide a roll back kerb and gutter return with a radius of 8 metres at the intersection of Bruce and Robertson Roads. The roll back kerb and gutter need only apply to that part of the intersection adjacent to the north-east corner of the subject site.
6. The approved plan of subdivision shall be amended to increase the length of the internal road so that the edge of the cul-de-sac adjoins the western boundary of the subject site.

Note: This condition is applied to provide for a possibility of a future through road via the adjoining property to the west.

Other

7. The development is to be constructed in 2 stages, as outlined below:
 - a) Stage 1: All lots fronting Robertson Road (ie Lots 1 to 6, 25 and 26 – 8 lots) and residue lot, construction of the stormwater detention basin and any upgrade works required to Robertson Road.
 - b) Stage 2: Lots 7 to 24 and Lot 27 (ie 19 lots). This stage is to include the construction of:
 - (i) The internal road;
 - (ii) The driveways associated with Lots 11, 14, 23 and 24; and
 - (iii) Any upgrade works required within the Bruce Road road reserve.

All servicing is to be undertaken in accordance with the staging.

8. Proposed Lot 27 shall not be further subdivided by any future development application for subdivision.

Note: Another condition within this development consent will require a restriction on title to be applied to Lot 27, to ensure that proposed Lot 27 is not subdivided.

9. The strength of the concrete used for any concrete components in the development must be a minimum 25 Mpa.
10. No earthworks shall be undertaken within offset areas, environmental protection areas or Vegetated Riparian Zones of the creek.
11. The developer is to engage a registered surveyor at their own expense to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation is to be supplied to NSW Land Registry Services and Council.
12. All road crossings for services and utilities are to cross perpendicular to the road alignment and must be installed prior to the commencement of construction of base course and kerb and channel.
13. All activities on the subject site are to undertaken in accordance with the approved Construction Environmental Management Plan (CEMP) and Plan of Management (PoM).

Note: Conditions 50 and 51 of this development consent require the submission and approval of a CEMP and PoM.

14. As there are known Aboriginal objects within the proposed subdivision, that will be or are likely to be harmed from future residential development, prior to the release of the Subdivision Certificate for any of the lots, an Aboriginal Cultural Heritage Assessment Report must be prepared and submitted to Council for approval.

This report is to be prepared in accordance with the Office of Environment and Heritage's Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW. As per the Guide, the report is required to determine what Aboriginal cultural heritage is in the area, why it is important, what the likely impacts of the development will be, and how the impacts can be avoided, minimised or not avoided.

Where the impacts cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) is to be obtained.

15. Prior to the release of a Construction Certificate, the developer is to obtain a Controlled Activity approval from the NSW's Water Authority.
16. All General Terms of Approval issued in relation to the approved development, shall be complied with prior, during and at the completion of the development, as required.

The General Terms of Approval include the following:

- a) General Terms of Approval, issued by NSW Rural Fire Service, for a Bush Fire Safety Authority in accordance with Section 100B of the *Rural Fires Act 1997*.
- b) General Terms of Approval, issued by NSW's Water Authority, for a Controlled Activity Approval in accordance with Section 91 of the *Water Management Act 2000*.

17. The only waste derived fill material that may be received at the development site must be:
 - a) Virgin excavated natural material, within the meaning of the *Protection of the Environment Operations Act 1997*; and
-

- b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.
18. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
19. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.

Note: Prescribed condition pursuant to clause 98E of the *Environmental Planning and Assessment Regulation 2000* and Council requirement to preserve the stability of adjoining roads/public places

20. The developer is to ensure that any defects in the works that become apparent before and within the succeeding six (6) months after the registration of the subdivision plan, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.

Any unspent bond money will be returned to the developer at the end of the six (6) month period, less the cost of any rectification works carried out by Council.

Essential Energy

21. Satisfactory arrangements are to be made with Essential Energy for the re-location of any existing electrical infrastructure or for the creation of easements for any existing electrical or new electrical infrastructure.

Note: Refer to Essential Energy's Contestable Work Team for requirements.

22. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the property shall be complied with.

Transgrid

23. The design, construction, and restrictions on titles shall be undertaken in accordance with the conditions supplied by Transgrid for the proposed subdivision.

Note: Refer to Attachment D of this Decision Notice for a copy of the Transgrid conditions.

Stormwater

24. The Developer must provide for the design and construction of all stormwater drainage infrastructure to service the development.
25. Drainage design must provide for control of runoff from all external upstream catchments.
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26. Drainage design must provide for sufficient detention capacity and restricted outlets to limit the rate of runoff from the development to existing un-developed levels for a 1 in 1.5 year ARI storm event. Detention basin capacity must be provided for all large storm events up to and including a 1:100 year ARI storm event. Drainage design for any proposed detention basin must be accompanied by fully detailed runoff calculations certified by a suitably qualified professional engineer.
27. Drainage design must incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.
28. Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over any adjoining property must not occur without the consent of the owner of any affected property.
29. A minimum of two (2) approved roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries.
30. 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 1 metre wide shall be created over inter-allotment drainage in favour of upstream allotments.
31. Stormwater drainage is to comply with the Mid-Western Regional Council Development Control Plan and the standards referenced in Appendix B and D.

Water and Sewer Services

32. The applicant is to provide separate water and sewer reticulation services to each allotment within the subdivision.
33. Council does not permit other bodies to insert new junctions into “live” sewer and water mains. Please contact Council’s Operations Water and Waste Department by calling 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of the new sewer extension and water service (Private Works Order).
34. The developer is to extend and meet the full cost of water reticulation to service the development plus the cost of connecting to existing services. All water supply 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 Supply Code of Australia*.
35. The developer is to extend and meet the full cost of sewer reticulation to service the development plus the cost of connecting to existing services. All 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 – Sewerage Code of Australia*.

Note: The applicant/developer must obtain the necessary consents and approvals for creation of easements prior to the submission of design for Construction approval. Alternatively, a sewer drainage system will require the use of a pump station within the property to pump sewage to a suitable gravity main. The latter option does not require easements over private land.

36. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,844 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

Note: Council does not permit other bodies to insert new connections into 'live' water mains.

37. In the case of any lots that will be serviced by a water main constructed by the developer, a full water service is not required and the developer can elect to pay for a meter assembly only at a cost of \$390 for a 20 mm water meter.
38. In the case of any lots that will be serviced by a sewer main constructed by the developer the sewer junctions and risers required to service the proposed lots must be installed by the developer.

Roads

39. The developer is to upgrade Robertson Road for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	5.5 m (1 x 3.5m travel land with 1 x 2m sealed shoulder)
Footpath Width	1 x 4.5 m
Concrete Footpaths	Nil
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

40. The developer is to upgrade Bruce Road for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	5.5 m (1 x 3.5m travel land with 1 x 2m sealed shoulder)
Footpath Width	1 x 4.5 m
Concrete Footpaths	Nil
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.
Road surface height above creek crossing	Height sufficient for road surface to be above the 100 year ARI storm event flood levels within the creek. Culvert to be of sufficient width to accommodate full width road pavement and provision for future footpaths.

41. The new roads in the subdivision are to be constructed in accordance with the following:

Item	Requirement
Full Road Pavement Width	11 m
Footpath Width	2 x 4.5m
Concrete Footpaths	1 x 1.2m wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE (CIVIL WORKS)

The following conditions must be complied with prior to Council issuing a Construction Certificate for the civil works required for the proposed subdivision.

42. 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. A Construction Certificate is required for but not limited to the following civil works:
- a) Extension, as necessary, of water and sewer mains providing connections to each proposed Lot that may or may not require the developer to obtain consent for the creation of easements and approval to carry out works on private land;
 - b) Stormwater drainage including provision for both detention and water quality improvements to limit the rate of discharge of runoff to pre-development levels for a 1.5 year ARI storm event and detention for a storm event up to 1:100 year ARI;
 - c) Road construction for the new internal road;
 - d) Road pavement including widening and construction of kerb and channel for the entire lengths of the subject land abutting both Bruce Road and Robertson Road;
 - e) Footpath and kerb & gutter; and
 - f) Landscaping of public reserves.

All design is to be supported by fully detailed documentation including investigation reports and calculations (eg geotechnical investigation, stormwater runoff calculations including an assessment of upstream catchments, etc).

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

43. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*, prior to the issue of a Construction Certificate.
44. Details of the internal driveways within the access handles are to be submitted and approved by the Certifier (ie Council or a private Certifier) as part of the Construction Certificate. The details are to comply with the following:
- a) A 6m wide concrete crossover is to be provided at the entrance to the access handles for proposed Lots 23 and 24.

- b) A 3m wide concrete crossover is to be provided at the entrance to the access handles for proposed Lots 11 and 14.
 - c) A 6m wide sealed (concrete or bitumen) driveway is to extend for the full length of the right of carriageway to be provided over the access handles for proposed Lots 23 and 24. Provision must be made for the control of surface runoff (kerb or dish drain).
 - d) A 3m wide sealed (concrete or bitumen) driveway is to extend for the full length of the access handle for proposed Lots 11 and 14.
 - e) The design of the driveway and crossover is to comply with Aus-Spec #1 and Council's "Access to Properties Policy".
 - f) The details are to comply with the relevant provisions of AS2890.1-1993.
 - g) Should concrete be used, provide for construction joints and removable panels in the driveway so that the part of the concrete driveway can be removed while maintenance occurs on any underground water, sewer or stormwater infrastructure within the access handle.
45. Prior to the issue of a Construction Certificate a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.
46. The detailed design plans submitted for the issue of a Construction Certificate must show all finished surface levels. 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*.
47. 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:
- a) Saving available topsoil for reuse in the revegetation phase of the development;
 - b) Using erosion control measures to prevent on-site damage;
 - c) Rehabilitating disturbed areas quickly; and
 - d) Maintenance of erosion and sediment control structures.
48. 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.
49. Prior to the issue of the Construction Certificate, Council is to be provided with the certified copies of the Electrical and Telecommunications design for the subdivision.
50. A Construction Environmental Management Plan (CEMP) is to be submitted to and approved by Council and the Department of Environment and Energy, prior to the issue of a Construction Certificate or the commencement of any works/actions on the site. The CEMP is to include the following measures and/or comply with the following requirements:
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- a) The CEMP is to be prepared by a suitably qualified person.
 - b) Must provide for the protection of the following during construction:
 - (i) *Leucochrysum albicans* var. *tricolor* (Hoary Sunray);
 - (ii) Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely’s Red Gum Grassy Woodland and Derived Native Grassland;
 - (iii) *Acacia Ausfeldii* (Ausfeld’s Wattle); and
 - (iv) Vegetated Riparian Zones as identified on the approved subdivision plans.
 - c) The CEMP is to satisfy Condition 4 of the Controlled Action Approval, issued by the Department of Environment and Energy, provided as Attachment C to this Development Consent.
 - d) The CEMP is to address the relevant Transgrid Conditions provided as Attachment D to this development consent.
 - e) The CEMP is to address relevant matters that arise in the Ecological Assessment Report, additional Controlled Activity Approval and any OEH concurrence requirements or comments required by Condition 1 – Deferred Commencement Consent of this development consent.
 - f) The CEMP is to include an Erosion and Sediment Control Plan for the development prepared in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of “Soils and Construction – Managing Urban Stormwater”.
 - g) The CEMP is to include the means of fencing or similarly marking/delineating:
 - (i) The edge of the riparian buffer zone.
 - (ii) The edge of conservation clumps.
 - (iii) Construction access for the on-site detention basin.
 - (iv) Fencing is to be marked by peg and tape, or similar.
 - h) Construction works are not to occur outside of the construction zone or within areas fenced in accordance with the previous sub-condition.
 - i) Detailed measures for protecting vegetation within the near vicinity of the proposed on-site detention basin.
 - j) Stockpile areas shall be located outside riparian vegetation and at least 10m from native vegetation.
 - k) Wash down machinery and vehicles before entering the site and before leaving the site, to limit weed spread.
 - l) Areas proposed for disturbance where noxious weeds are present shall be managed according to the weed class.
 - m) Traffic management, including details of:
 - (i) Ingress and egress of vehicles to the site;
 - (ii) Management of loading and unloading of materials;
 - (iii) The location of heavy vehicle parking off-site; and
 - (iv) Designated routes for vehicles to the site.
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- n) Dust control, outlining measures to minimise the generation and off-site transmission of dust and fine particles, such as watering or damp cloth fences.
- o) Scour protection, points of construction or any other places where scour is likely within or near any protected waters or any part of the riparian zones on the site, are to be suitably protected against scour. Designs of scour protection works are to be based on predicted velocities and scour potential. Methods of construction are to be detailed.
- p) The CEMP must state the responsible person, including their position or status as a separate contractor, for implementation of these aspects of the CEMP.

51. A Plan of Management (PoM) is to be submitted to and approved by Council and the Department of Environment and Energy, prior to the issue of a Construction Certificate or the commencement of any works/actions on the site. The PoM is to include the following measures and/or comply with the following requirements:

- a) The PoM is to be prepared by a suitably qualified person.
 - b) The PoM must specify actions for the protection of the following in perpetuity:
 - (i) *Leucochrysum albicans* var. *tricolor* (Hoary Sunray);
 - (ii) Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland;
 - (iii) *Acacia Ausfeldii* (Ausfeld's Wattle);
 - (iv) Vegetated Riparian Zones as identified on the approved subdivision plans; and
 - (v) Species identified in the Ecological Assessment Report that could potentially use the site.
 - c) The PoM is to satisfy Condition 6 of the Controlled Action Approval, issued by the Department of Environment and Energy, provided as Attachment C to this Development Consent.
 - d) The PoM must address the recommendations of the *Ecological Assessment for a Residential Subdivision at 196 Robertson Road, Mudgee* (Firebird Ecosultants P/L, February 2017)
 - e) The PoM is to address relevant matters that arise in the Ecological Assessment Report, additional Controlled Activity Approval and any OEH concurrence requirements or comments required by Condition 1 – Deferred Commencement Consent of this development consent.
 - f) The PoM shall include the following measures, as a minimum:
 - (i) Maintenance of identified Vegetated Riparian Zones (VRZ's) with long grass, groundcovers and mature vegetation, in accordance with the relevant riparian zone guidelines prepared by DPI Water.
 - (ii) Appropriate fencing be erected to protect the ecologically sensitive areas.
 - (iii) A native vegetation restoration strategy be implemented, with a focus on regeneration of Box-Gum Grassy Woodlands and *L. albicans* var. *tricolor* (Hoary Sunray). This should involve an integrated approach to weed management and revegetation and should be developed in consultation with the relevant experts in native grassy vegetation restoration.
 - (iv) A weed management plan, with a focus on controlling noxious weeds on the site.
 - (v) Artificial nest boxes should be erected within the Box-Gum grassy Woodlands, at the recommended density of 8 nest boxes/ha (a minimum of 9 nest boxes, for 1.2
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ha of Box Gum Woodlands). The replacement nest boxes should cater for a range of hollow dependent fauna types, including birds, arboreal mammals and microchiropteran bats. An experienced ecologist is required to install the nest boxes.

- (vi) A monitoring plan be incorporated to ensure that the requirements of the PoM are being adhered to.
 - (vii) Consideration of the need for burning of the conservation areas and measures to control each burn over the long term. Measures to control each burn are required to stimulate germination of dormant AA seed while minimising damage/attrition rate of existing AA stems. The burning regime is to be determined in consultation with the Office of Environment and Heritage (OEH). It is recommended that any plans for burning areas supporting threatened species be discussed with and approved by OEH prior to each burn being undertaken, as there remains uncertainty regarding the impacts of burning regimes on some species and vegetation communities.
- g) Boundaries of riparian areas and conservation clumps are to be clearly marked.
 - h) Sediment erosion control measures are to be employed to ensure the riparian zones, conservation clumps and large trees are not impacted.
 - i) A monitoring plan, to ensure that the requirements of the PoM are adhered to.
 - j) Provide an indicative list appropriately qualified personnel to undertake monitoring, maintenance, replanting, weeding activities and monitoring/maintenance schedule.
 - k) Provide a draft linen plan and draft terms of restriction to protect and manage protected vegetation, ecological communities and riparian vegetation.
52. Prior to the issue of a Construction Certificate or the commencement of any works/actions on the site, the developer shall register protective covenant/s under Section 88B, 88D or 88E of the *Conveyancing Act 1919*. A draft of the Section 88B, 88D or 88E instrument is to be submitted to and approved by Council, prior to registration. The Section 88B, 88D or 88E instrument is to:
- a) Provide protection for the following in perpetuity:
 - (i) The offset area identified on the approved subdivision plan (coloured pink);
 - (ii) *Leucochrysum albicans* var. *tricolor* (Hoary Sunray) conservation areas;
 - (iii) Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland conservation area;
 - (iv) *Acacia Ausfeldii* (Ausfeld's Wattle) within the biodiversity offset area; and
 - (v) Vegetated Riparian Zones as identified on the approved subdivision plans.
 - b) Satisfy Condition 5 of the Controlled Action Approval, issued by the Department of Environment and Energy, provided as Attachment C to this Development Consent.
 - c) Link to the Plan of Management (PoM) approved in accordance with the previous condition of this consent.
 - d) Include a term to the effect that all buildings, as defined in the 10/50 Vegetation Clearing Code of Practice for NSW, must be built a minimum of 10 metres from vegetation identified as Box Gum Woodland.
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PRIOR TO THE COMMENCEMENT OF WORKS

53. Prior to the commencement of construction of infrastructure, the Developer must obtain a Subdivision Construction Certificate.
54. Any necessary alterations to, or relocations of, public utility services are 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.
55. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
56. Prior to the commencement of subdivision 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.

57. Runoff and erosion controls shall be installed prior to clearing and incorporate:
- Diversion of uncontaminated upslope runoff around cleared and /or disturbed areas and areas to be cleared and/or disturbed;
 - Sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
 - Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond completion of construction.
58. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:
- stating that unauthorised entry to the work site is prohibited;
 - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - the name, address and telephone number of the principal certifying authority for the work; and
 - The sign shall be removed when the erection or demolition of the building has been completed.
59. 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.

60. 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.

DURING CONSTRUCTION

61. The subdivision works are to be inspected by a Certifier (i.e. Council or a private certifier) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- a) Installation of sediment and erosion control measures;
 - b) Water and sewer line installation prior to backfilling;
 - c) Establishment of line and level for kerb and gutter placement;
 - d) Road pavement construction (proof roll and compaction testing of all pavement layers, sub-grade, sub-base, and base prior to sealing);
 - e) Road pavement surfacing;
 - f) Stormwater culvert and drainage pipe installation prior to backfilling; and
 - g) Practical Completion.
62. The developer is to grant Council unrestricted access to the site at all times to enable inspections to enable inspections or testing of the subdivision works.
63. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the subdivision works including the erection of any fences or hoardings.
64. 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 NSW Land Registry Services and Council.
65. 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.
66. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.
67. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
68. Street trees of a species approved by Council are to be provided at a minimum rate of two trees per allotment.
69. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
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70. 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.
71. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
72. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.
73. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:
- a) Demolition work is not be undertaken until:
 - Council has been provided with a copy of any required Hazardous Substances Management Plan;
 - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
 - b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
 - d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
74. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the SafeWork NSW and disposed of at an approved waste facility.
75. Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
76. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (eg Office of Environment and Heritage (OEH), WorkCover Authority, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.
- Note: Such materials cannot be disposed of to landfill unless the facility is specifically licenced by the EPA to receive that type of waste.
77. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from
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- leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

Under the Environmental Planning & Assessment Act 1979, a Subdivision Certificate is required before the linen plan of subdivision can be authorised for registration with NSW Land Registry Services.

- 78. An application for Subdivision Certificate, application fee and two (2) copies of the linen plans are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
- 79. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
- 80. Prior to the issue of a Subdivision Certificate, the developer must provide for the construction of all of the following works, relevant to the stage of subdivision. Such works are to be completed to the satisfaction of Council.
 - a) road widening;
 - b) provision of stormwater drainage infrastructure for the development; and
 - c) extension and connection of water and sewer services and utilities as necessary to provide for individual service connections for each proposed Lot.
- 81. Prior to the issue of a Subdivision Certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services, sewer services and water meters are located wholly within the lot that they serve.

Where lots are nominated to be development in future for dual occupancy development, dual services for water, sewer and stormwater are to be provided for the nominated lots.

- 82. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:
 - a) PDF; and
 - b) Dwg format or "Autocad compatible"

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

- 83. Street trees for the relevant subdivision stage are to be provided in accordance with the approved landscape plan for the subdivision.

Note: Condition 42(f) of this development consent required the submission and approval of a landscape plan for the public areas within the subdivision.

- 84. Any fencing nominated in the approved Plan of Management (PoM) to be established around areas of vegetation to be protected, are to be erected prior to the issue of a Subdivision Certificate.
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85. A sealed, all-weather access driveway is to be provided within the access handles and right of carriageway within proposed Lots 11, 14, 23 and 24.

Note: Detailed plans for driveways were required to be submitted and approved in accordance with Condition 44.

86. The adjustment of existing services or installation of new services and metres, 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.
87. The developer must provide Council and land purchasers with a site classification for each vacant lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of *Australian Standard AS 2870 – 2011: Residential Slabs and Footings*. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
88. The finished surface of all nature strips and verges must be graded to fall toward the kerb and channel and formed with a minimum 100 mm thick layer of clean topsoil free of stones and other impurities. Nature strips and verges are to be seeded or hydro-mulched with an approved grass prior to the issue of a Subdivision Certificate.

Defects Liability Bond

89. Prior to the release of the Subdivision Certificate, a defects liability bond of 5% of the construction costs for all civil engineering work (not carried out by Council), shall be lodged with Council.

The defects liability bond will be held by Council for a period of six (6) months from the completion of works, to ensure that any defects that become apparent during that time are remedied by the developer.

For the purposes of defining defects liability period, the works are considered to be completed when the subdivision certificate is registered with NSW Land Registry Services.

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.

Developer Contributions

90. In accordance with the provisions of section 7.11 of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Council Section 94 Development Contributions Plan 2005-2021*, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Subdivision Certificate for the relevant stage or number of lots to be created. Contributions are subject to increase in accordance the consumer price index and are payable at the rate applicable at the time of payment.

Section 94 Contributions		
The rates shown below are current up to 30 June 2019		
26 Additional Lots (credit for existing)		
Mudgee (Catchment 2)	Per Lot	26 Additional

		Lots
Transport Management		
Traffic Management	\$1,282.00	\$33,332.00
Open Space		
Local Open Space	\$2,013.00	\$52,338.00
District Open Space	\$2,732.00	\$71,032.00
Community Facilities		
Library Buildings	\$263.00	\$6,838.00
Library Resources	\$316.00	\$8,216.00
Drainage		
Drainage Works	\$0.00	0
Administration		
Plan Administration	\$614.00	\$15,964.00
Total	\$7,220.00	\$187,720.00

Note: The contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.

Note: Council's *Section 94 Development Contributions Plan 2005-2021* is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website www.midwestern.nsw.gov.au under Council Documents/Strategies and Plans.

91. Any unpaid Contributions or charges nominated in the development consent will be indexed to CPI at the beginning of each new financial year.

Certificate of Compliance

92. The developer shall obtain a *Certificate of Compliance* under the *Water Management Act 2000*, from Council.

Note: Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

Restrictions on Title

93. In the case where any Subdivision Certificate is sought prior to the commencement of any works or actions on the site, the developer shall register protective covenant/s under Section 88B, 88D or 88E of the *Conveyancing Act 1919*. A draft of the Section 88B, 88D or 88E instrument is to be submitted to and approved by Council, prior to registration. The Section 88B, 88D or 88E instrument is to:

- a) Provide protection for the following in perpetuity:
- (i) The offset area identified on the approved subdivision plan (coloured pink);
 - (ii) *Leucochrysum albicans* var. *tricolor* (Hoary Sunray) conservation areas;
 - (iii) Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland conservation area;
 - (iv) *Acacia Ausfeldii* (Ausfeld's Wattle) within the biodiversity offset area; and
 - (v) Vegetated Riparian Zones as identified on the approved subdivision plans.

- b) Satisfy Condition 5 of the Controlled Action Approval, issued by the Department of Environment and Energy, provided as Attachment C to this Development Consent.
- c) Link to the Plan of Management (PoM) approved in accordance with the previous condition of this consent.
- d) Include a term to the effect that all buildings, as defined in the 10/50 Vegetation Clearing Code of Practice for NSW, must be built a minimum of 10 metres from vegetation identified as Box Gum Woodland.

Note: Condition 51 requires the matters addressed in this condition to be satisfied prior to the issue of a Construction Certificate. Should a Construction Certificate be issued prior to the application for a Subdivision Certificate, then the matters addressed in this condition may already be satisfied.

- 94. 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, or extended through adjoining private properties as a result of this subdivision, where necessary.
- 95. Where the stormwater drainage arrangements for the subdivision result in an on-site detention system within proposed Lot 27, as identified in the approved plans, a drainage easement with an access handle to Robertson Road, over land not containing threatened species, is to be created over the on-site detention basin. The terms of the easement or restriction are to provide Council with maintenance access to the drainage reserve. The instrument shall identify Council as the sole party to vary the restriction.
- 96. Easements not less than 1 metre wide shall be created over any inter-allotment drainage in favour of upstream allotments. The Section 88B instrument and linen plans submitted with the application are to include details of any required inter-allotment stormwater easements.
- 97. A Section 88B instrument, providing a reciprocal right of carriageway over the access handles for proposed Lots 23 and 24, for the benefit of Lots 23 and 24, is to be submitted to Council, prior to the issue of a Subdivision Certificate. The reciprocal right of carriageway (ROW) is to comply with the following:
 - a) The reciprocal right of carriageway is to be in accordance with the approved plan of subdivision.
 - b) The location of the reciprocal right of carriageway is to be shown on the linen plans submitted with the application for Subdivision Certificate.
 - c) The terms of the reciprocal right of carriageway are to include the following:
 - (i) State that both the burdened/ benefitted lots are to pay an equal share of the maintenance costs of any works, including driveway surfacing, within the right of carriageway.
- 98. Easements for electricity purposes, as required by the electricity supply authority, shall be created. The Section 88B instrument and linen plans submitted with the application are to include details of any required electricity easements or restrictions on title required to imposed by electricity authorities/suppliers.

Note: Refer to Attachment D for a copy of the conditions supplied by Transgrid.

99. An instrument providing restrictions on title limiting the erection of dwellings, outbuildings and swimming pools to the locations identified in approved amended subdivision plan, is to be submitted to Council, prior to the issue of a Subdivision Certificate. The instrument shall identify Council as the sole party to vary the restriction.
100. An instrument providing any necessary easements or restrictions to ensure compliance with the "General Terms of Approval" issued by the NSW Rural Fire Service, attached to this development consent. The instrument shall burden proposed allotments as is appropriate, to the satisfaction of Council. The instrument shall identify Council as the sole party to vary the restriction.
101. For any stage that creates proposed Lot 27 or leaves it as a residue lot, an instrument providing restrictions on title preventing any further subdivision of proposed Lot 27 is to be submitted to Council, prior to the issue of a Subdivision Certificate. The instrument shall identify Council as the sole party to vary the restriction.

Road Dedication

102. The owner must dedicate for road purposes, free of cost to Council, a road widening along the site frontage to Robertson Road, to be detailed in a plan of subdivision/consolidation of the land. This road widening shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.
103. The proposed road within the subdivision shall be dedicated as a public road at no cost to Council. The public road shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.
104. The owner must dedicate for road purposes, free of cost to Council, a 4m by 4m splay at the intersection of Bruce Road and Robertson Road, to be detailed in a plan of subdivision/consolidation of the land.

Electricity and Telecommunication Certificates

105. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
 - b) Satisfactory evidence that arrangements have been for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose; and
 - c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots; or
 - d) As an alternative to b) or c), satisfactory evidence that a carrier will not require fixed line infrastructure to service the subdivision and satisfactory arrangements have been made for fixed wireless infrastructure to service the subdivision. This alternative is provided to address sites in areas mapped by NBN Co as being in a designated Fixed Wireless areas, as opposed to a mapped Fibre to the Node area.
-

106. Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authority's standards. Each allotment is to be provided with a service point/connection to an underground electricity supply.

SCHEDULE B: STATEMENT OF REASONS

1. The proposed development generally complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.
2. Sufficient justification has been provided for the Clause 4.6 variation to the minimum lot size requirement in Clause 4.1 of *Mid-Western Local Environmental Plan 2012*, on the basis that an over-sized lot will be created to accommodate the biodiversity conservation obligations for the whole subdivision.
3. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
4. The proposed development satisfactorily addresses the issues raised by the electricity providers, Transgrid and Essential Energy.

SCHEDULE C: ADVISORY NOTES

Mid-Western Regional Council

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
 2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
 3. Sections 8.2, 8.3, 8.4 and 8.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.
 4. If you are dissatisfied with this decision Sections 8.7 and 8.10 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
 5. To ascertain the date upon which the consent becomes effective, refer to Sections 4.20 and 8.13 of the EP&A Act.
 6. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
 7. The attached General Terms of Approval issued by NSW's Water Authority do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NSW's Water Authority for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.
-

A completed application form must be submitted to NSW's Water Authority together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's Development Consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NSW's Water Authority website at: www.water.nsw.gov.au > Water Licensing > Approvals.

- 8 This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Subdivision Certificate.

A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*.

Please be advised that as a precondition to the granting of a Compliance Certificate:

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable). The contributions amount to be paid will be the pro-rata amount for the relevant stage or number of lots to be created.

Section 64 Contributions				
The rates shown below are current up to 30 June 2019				
26 Additional Lots (credit for existing)				
	<i>ET/Unit</i>	<i>Value</i>	<i>Per Lot</i>	<i>26 Additional Lots</i>
Water Headworks	1.5	\$8,407.00	\$12,610.50	\$327,873.00
Sewer Headworks	1.05	\$3,838.00	\$4,029.90	\$104,777.40
Total Headworks				\$432,650.40

Note: Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.

- 9 Any future development application lodged within this subdivision under section 79BA of the *Environmental Planning and Assessment Act 1979* will be subject to requirements as set out in *Planning for Bush Fire Protection 2006* and the *Australian Standard AS3959 - Construction of buildings in bushfire prone areas*.

- 10 Proposed residential Lot 27 include patches of:

- *Leucochrysum albicans* var. *tricolor* (Hoary Sunray) – an endangered species under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act);
- Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland – a critically endangered ecological community (EEC) under the EPBC Act; and
- *Acacia Ausfeldii* (Ausfeld's Wattle) – threatened species under the *Threatened Species Conservation Act 1995* (TSC Act).

These areas on the lots are precluded from any form of development or earthworks. It is an offence to harm the threatened species. These identified areas are to be protected and maintained in accordance with the approved Plan of Management for the subdivision.

Advice from Essential Energy

- 11 If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- 12 Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.
- 13 Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.
- 14 Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines*.

SCHEDULE D: OTHER APPROVALS

1. General Terms of Approval – Natural Resource Access Regulator (Attachment A).
2. General Terms of Approval – NSW Rural Fire Service (Attachment B).
3. Controlled Action Approval – Department of Environment and Energy (Attachment C).
4. Conditions of Consent from Transgrid (Attachment D).

Executive summary

OWNER/S	Dankasar Pty Ltd
APPLICANT:	Le Mottee Group Pty Ltd
PROPERTY DESCRIPTION	196 Robertson Road, Mudgee (Lot 266 DP756894)
PROPOSED DEVELOPMENT	Subdivision – Torrens Title – 1 into 27 Lots
ESTIMATED COST OF DEVELOPMENT:	Not provided
REASON FOR REPORTING TO COUNCIL:	Subdivision creating more than 20 allotments. Application seeks variation from Council's development requirements by more than 10%
PUBLIC SUBMISSIONS:	Nil

The application seeks approval for the subdivision of the existing lot into 27 lots and the demolition of the existing structures on the site. A new road will be constructed within the subdivision, entering from Robertson Road and terminating in a cul-de-sac. The majority of proposed Lot 27 will be

utilised as an ecological offset area. The proposed subdivision will connect to the reticulated water and sewer networks.

A number of versions of the proposed subdivision have been submitted during the life of this development application, owing to the discovery of an endangered species, being the Hoary Sunray. This most recent version of the proposal was submitted to Council on 23 October 2018.

The application has been placed on public exhibition in accordance with Council policy on two (2) occasions. The exhibition periods ended on 16 January 2015 and 22 January 2018. No submissions were received.

The proposed subdivision involves a clause 4.6 variation to the minimum lot size requirement. The minimum lot size for the site is 2,000m², as the site is located in Area A. Proposed Lots 1 – 4 and 16 – 24 vary from the development standard by 1.35% to 38.55%. The application is required to be determined by Council as there are more than 20 lots proposed in the subdivision.

The application is recommended for approval.

Disclosure of Interest

Nil.

Background

The Site

The subject site is located at 196 Robertson Road, Mudgee. The northern boundary of the site adjoins Bruce Road. The eastern boundary of the site adjoins Robertson Road. An electricity easement traverses the south-west corner of the site. Two (2) creeks traverse the north-west corner of the site and converge to flow across Bruce Road. There is an existing house and shed to the centre of the site.

The adjoining property to the west is the Baptist Church site. The development on the northern side of Bruce Road consists of a residential subdivision. Land to the east and south of the site is typically used for rural or rural-residential purposes.

Part of the site accommodates Hoary Sunray, a small daisy type plant that is listed as an Endangered Species under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). In addition, parts of the site, typically the riparian areas along the creeks, contain Box-Gum Grassy Woodlands, a critically Endangered Ecological Community (EEC) listed under the EPBC Act. No threatened fauna species were identified on the site during field surveys, however, the site could potentially provide habitat for 14 threatened fauna species.

The site contains three (3) areas where Aboriginal objects, such as stone flakes, have been identified.

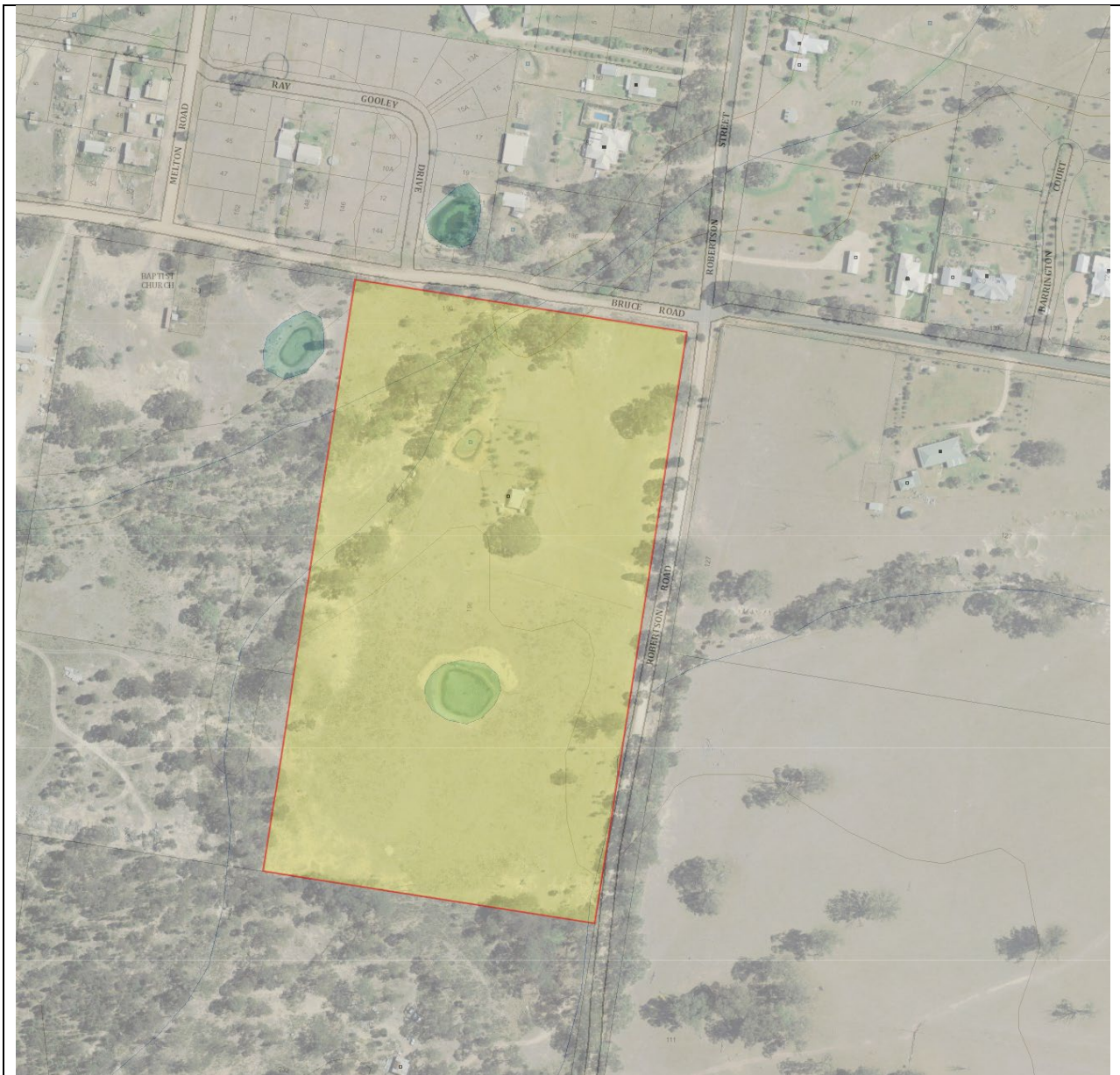


Figure 1: Subject site

The Proposed Development

The application seeks approval for the subdivision of the existing lot into 27 lots and the demolition of the existing structures on the site. The site is zoned R2 – Low Density Residential and subdivision is permissible with the consent of Council.

The proposed subdivision involves a clause 4.6 variation to the minimum lot size requirement prescribed in *Mid-Western Regional Local Environmental Plan 2012*. The minimum lot size for the site is 2,000m², as the site is located in Area A. Proposed Lots 1 – 4 and 16 – 24 vary from the development standard by 1.35% to 38.55%.

The application proposes to construct the 27 lot subdivision in 3 stages, as follows:

- **Stage 1:** All Lots fronting Robertson Road, including Lots 1-6 plus Lots 25 & 26. This stage will also include the construction of the Stormwater Detention Basin.

- **Stage2:** Shall include Lots 7-24. This stage will include construction of the internal road and the two driveways associated with Lots 11 & 24.
- **Stage3:** will include the residue Lot (Lot 27) and any upgrade works required to Bruce Road.
- All servicing will be undertaken in accordance with the staging.

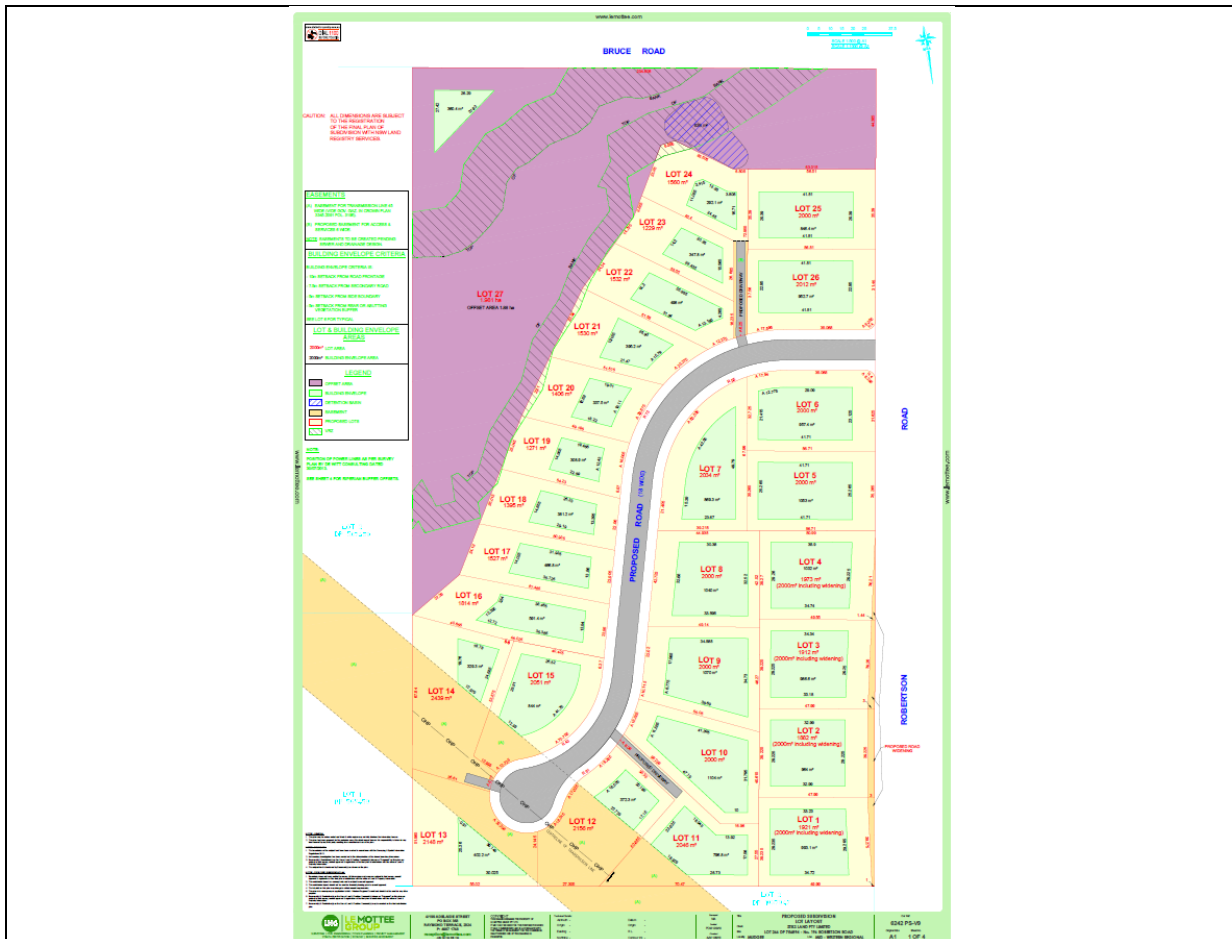


Figure 2: Proposed Site Plan

Further details regarding the proposed subdivision include:

Stormwater:

- Stormwater drainage from Lots 1 to 4 will be directed to Robertson Road.
- Stormwater drainage from Lots 5 to 26 will be directed to the on-site detention basin, to be located on the northern side of the site, within Lot 27 (see Figure 2).
- This detention basin will discharge into Bruce Road and the nearby creeks.
- Culverts will be constructed over the creek crossing in Bruce Road.
- MUSIC modelling has been undertaken to demonstrate that the post-developed site achieves the water quality targets in Council’s Development Control Plan.

Sewer:

- Reticulated sewerage infrastructure will be provided within the subdivision.
- The applicant proposes to extend a sewer line through neighbouring properties and connect into the sewerage system servicing Alexander Dawson Court (see Figure 3 below).

Water:

- Reticulated water will be supplied to the subdivision, connecting into the existing system in Robertson Road and Bruce Road.

Bushfire:

- 20 metre building setback is provided to the western boundary of the site, to accommodate a bushfire Asset Protection Zone (APZ).
- Bushfire APZ and power-line easement will restrict building envelopes on Lots 13 & 14.

Ecology:

- Proposed lot layout retains the creek in its natural location, the maximum building envelopes defined for each lot, in order to protect:
 - Hoary sunray (a flower);
 - Box-Gum Grassy Woodland (an Endangered Ecological Community); and
 - The Regent Honeyeater (a bird).
- The majority of Lot 27 is proposed to be set aside as a biological offset area (see purple area in Figure 2 above).
- Plan of Management to be prepared and controlled by a s88B restriction.
 - Native vegetation restoration strategy;
 - Provision of artificial nest boxes; and
 - No hollow bearing trees to be removed.

Road:

- Some road widening will be provided along the frontage of Lots 1 to 4.
- An upgrade of the concrete causeway over the creek in Bruce Road is proposed.
- Proposed Lot 27 will gain vehicle access directly from Bruce Road.
- A new internal road, entering from Robertson Road and ending in a cul-de-sac, is proposed to service the majority of the proposed lots.

Electricity and telecommunication services will be provided to each lot in the subdivision.

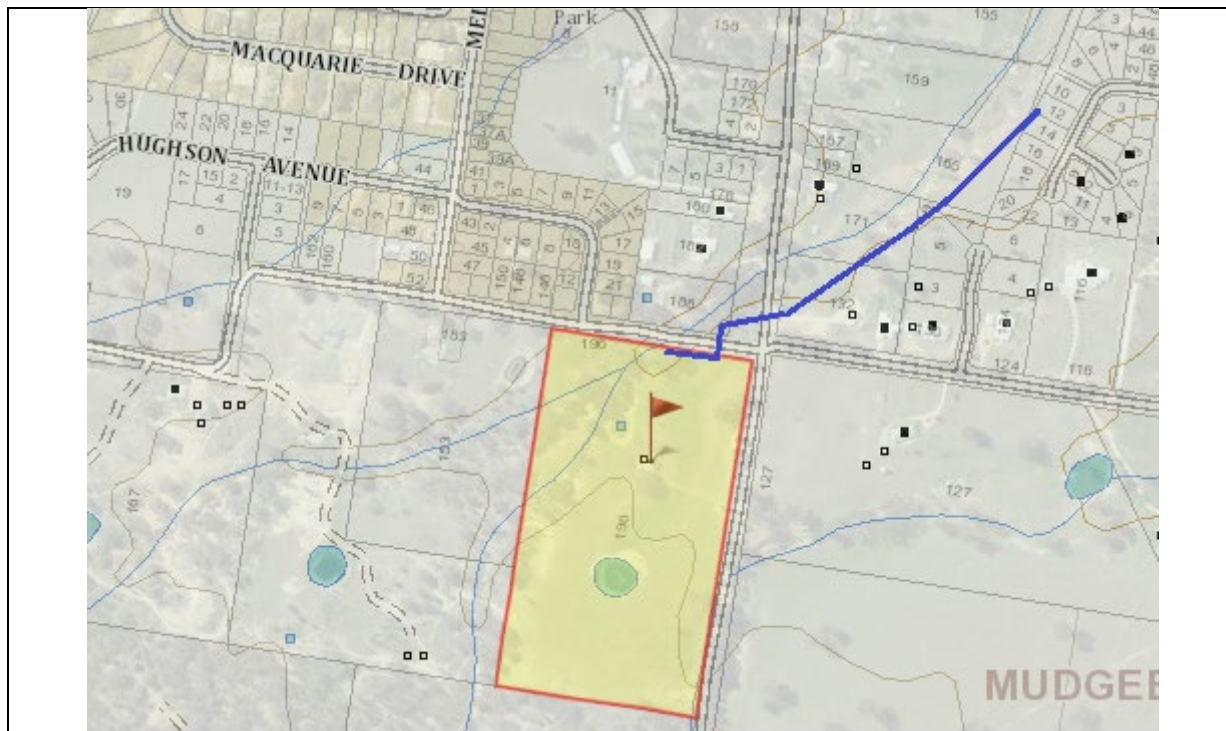


Figure 3: Indicative Sewer Line Location - Blue Line

Detailed report

LEGISLATIVE REQUIREMENTS

Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), approval by the Commonwealth Minister for the Environment is required for any action that may have a significant impact on the matters of national environmental significance.

The Ecological Assessment Report submitted with the application identified impacts on:

- *Leucochrysum albicans* var. *tricolor* (Hoary Sunray) – endangered species under the EPBC Act; and
- Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland – critically endangered ecological community (EEC) under the EPBC Act (hereafter referred to as 'Box-Gum Grassy Woodlands').

The proposal was referred to the Commonwealth Department of Environment and Energy (DEE) and was subsequently deemed a 'Controlled Action'. The DEE issued a Controlled Action Approval on 22 September 2017.

Threatened Species Conservation Act 1995 (TSC Act)

The *Threatened Species Conservation Act 1995* (TSC Act) lists threatened species, populations, ecological communities and key threatening processes to be considered under Section 1.7 of the EP&A Act.

The Ecological Assessment Report submitted with the application states the following:

Assessments of Significance under the EP&A Act (seven-part tests) and Significant Impact Assessments under the EPBC Act have acknowledged that the proposal has the potential to impact on a number of threatened species and one EEC. This impact however is not significant and, provided that the recommendations below are adhered to, is unlikely to place any viable local populations/communities at risk of extinction.

It is concluded that a Species Impact Statement and concurrence of OEH is not required. (p iv, Ecological Assessment, Firebird Ecoconsultants, February 2017)

A Species Impact Statement is not required for the proposed development and the recommendations provided in the report form conditions of consent.

Biodiversity Conservation (Savings and Transitional) Regulation 2017

The *Biodiversity Conservation Act 2016* (BC Act) commenced on 25 August 2017.

From 25 February 2018, any new application for development consent or modification to an approved development under Part 4 of the EP&A Act will be subject to the biodiversity assessment requirements of the BC Act. However, any *pending or interim planning applications* (refer to cl.27(1)(c.) of the Regulation), as defined in the Regulation, are not subject to the biodiversity assessment requirements of Part 7 of the BC Act, unless agreed to in writing between the applicant and Council. In this case, the application was submitted prior to 25 February 2018, no written agreement has been entered into and the former planning provisions in relation to biodiversity continue to apply.

There is no obligation or ability for Council to impose a requirement for offsetting biodiversity impacts for this application.

Environmental Planning and Assessment Act 1979 (EP&A Act)

Designated Development

Not applicable.

The proposed development is not identified as designated development, in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

Integrated Development

The proposed development triggers integrated development, in accordance with section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as follows:

- A controlled activity approval in accordance with Section 91 of the *Water Management Act 2000*.

The proposed development involves works, being the provision of sewer and stormwater lines, an on-site detention basin and culverts over the creek crossing in Bruce Road, which are within 40m of a watercourse.

In order to approve the development application, General Terms of Approval are required from DPI Water/ NSW Natural Resources Access Regulator. These General Terms of Approval have been received and are included as part of the recommendation.

- Bush Fire Safety Authority in accordance with s100B of the *Rural Fires Act 1997*.

The proposed development is for a residential subdivision within a bushfire prone area.

In order to approve the application, General Terms of Approval are required from NSW Rural Fire Service. These General Terms of Approval have been received and are included as part of the recommendation.

- Aboriginal Heritage Impact Permit (AHIP) in accordance with s90 of the *National Parks and Wildlife Act 1974*.

The proposed development will involve disturbance of Aboriginal objects.

General Terms of Approval from the NSW Office of Environment and Heritage (OEH) have not been received within the statutory timeframe for notification of General Terms of Approval, as specified in clause 70 of the *Environmental Planning and Assessment Regulation 2000*, being 40 days, thereby allowing Council to proceed to determine the application.

It should be noted that, in numerous correspondence, OEH have advised that they are aware the applicant will apply for an AHIP, which indicates that they are expecting an application for an AHIP after a development consent is issued.

SECTION 4.15(1) – MATTERS FOR CONSIDERATION - GENERAL

The application has been assessed in accordance with Section 4.15(1) of the Environmental Planning & Assessment Act 1979. The main issues are addressed below as follows.

(a) Provisions of any Environmental Planning Instrument and any draft EPI – 4.15(1)(a)(i) and (ii)

State Environmental Planning Policy No 55 – Remediation of Land

A consent authority is required to consider whether land the subject of a development application is contaminated. The subject land is occupied by a dwelling house and surrounded by relatively recent residential development. There is no evidence of the site being used in the past for contaminating land uses. Based on the surrounding uses, the inspection of the site and its current condition, the subject land is not considered contaminated.

A statutory declaration has been submitted from the previous landowner, stating that no contaminating activities had been undertaken from the property during her tenure. The content of the statutory declaration is reproduced as follows:

I the undersigned, as the historical owner of 196 Robertson Road (Lot 266 DP756894) Mudgee, confirm that the use of the land from the mid 1930's until I sold the property in 2014 was primarily used for residential purposes.

To the best of my knowledge, no activities such as sheep dipping, fuel storage, intensive agricultural or industrial uses took place that would give rise to consider the land or any part of the land to be contaminated.

In my opinion, there is no concern of contamination on the property at 196 Robertson Road (Lot 266 DP756894) Mudgee.

State Environmental Planning Policy (Infrastructure) 2007

The proposed subdivision:

- Is not located near a rail line or classified road; and

- Will not trigger the Traffic Generating Development threshold of 200 or more lots.

Clause 45 – Development likely to affect an electricity transmission network.

A Transgrid electricity line easement traverses the south-western part of the proposed subdivision. An Essential Energy power line traverses the site in a north-south direction. Clause 45(1)(b)(i) states that the clause applies where development is carried out adjacent to an easement. Clause 45(2) requires that where this clause applies, notice is to be given to the electricity supply authority for the area and Council is to consider any response received within 21 days.

Essential Energy

The most recent version of the proposed subdivision plans were referred to Essential Energy. Comments were received from Essential Energy on 6 February 2018. Essential Energy raises no objections to the proposal subject to:

- Satisfactory arrangements being made for the relocation of an existing electricity infrastructure;
- Satisfactory arrangements being made for the creation of any easements; and
- A Notice of Arrangement being supplied prior to issue of a Subdivision Certificate.

These matters have been addressed by **conditions**, to be included in the consent.

Transgrid

The most recent version of the proposed subdivision plans were referred to Transgrid. Comments were received from Transgrid on 3 May 2018. Transgrid raised no objections to the proposed development, subject to conditions. These conditions, include but are not limited to the following matters:

- Maintenance access to Transgrid powerlines is available at all times;
- Provision of access gates on the fenceline between lots 11 and 12;
- Any fencing within the easement is installed in accordance with Transgrid's fencing guidelines;
- The road to the easement is to be designed to withstand the 40 tonne load capacity of maintenance trucks;
- Any trench backfill in the easement can withstand the 40 tonne load capacity of maintenance trucks;
- During construction, electricity towers to be protected and no stockpiles of material to be stored within the easement; and
- Safety clearances to be observed near powerlines.

The **conditions** provided by Transgrid are incorporated into the recommendation.

State Environmental Planning Policy No 44 – Koala Habitat Protection

SEPP 44 applies to the proposal as Mudgee Shire Council is listed within Schedule 1 of the SEPP and the area of land associated with the proposal in the same ownership is greater than 1 hectare in size.

The Ecological Assessment Report submitted with the application verifies that no Koala Feed Trees are recorded within the site. Consequently, no part of the site may be classified as Potential Koala Habitat and no further provisions of SEPP 44 apply.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Not applicable.

The proposed development does not comply with the exempt requirements for subdivision and requires development consent from Council.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Not applicable.

This SEPP does not apply to the removal of a vegetation that is ancillary to the development for which development consent is required under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012)

The following clauses of the MWRLRP 2012 have been assessed as being relevant and matters for consideration in the assessment of the Development Application.

1.2 Aims of Plan

The proposed development is not contrary to the relevant aims and objectives of the plan.

1.4 Definitions

The following definitions within the LEP are applicable to the proposed development:

- Subdivision – as defined in s6.2 of the *Environmental Planning and Assessment Act 1979*;
- Demolition – of existing structures;
- Earthworks; and
- Road.

1.9 Suspension of covenants, agreements and instruments

Not applicable.

The Certificate of Title provided with the original application indicates that there is an electricity transmission line easement affecting the property. Supportive information in the application indicates that this easement is 45m wide.

The only other restriction on the Certificate of Title states that the land excludes minerals.

The current restrictions on title do not impact on the ability to subdivide the land.

2.3 Zone objectives and Land Use Table

The land is zoned R2 – Low Density Residential pursuant to MWRLEP 2012. The proposed *subdivision, demolition, earthworks and road* are permissible with the consent of Council in the zone and comply with the relevant objectives in that they will contribute to the housing needs of the community within a low density residential environment.

4.1 Minimum subdivision lot size

The proposed subdivision meets the objectives of the clause as the proposal:

- Will occur in a manner that promotes suitable land uses and development;
- Will minimise any likely impact of the subdivision on the amenity of neighbouring properties;
- Will provide lot sizes and dimensions that are able to accommodate development, consistent with relevant development controls; and
- Will not have an inappropriate impact on the natural environment.

The minimum lot size affecting the site is 2000m². The minimum lot size of 10ha would normally apply to the site. However, sub-clause (3A)(a) allows subdivision to lot sizes of 2000m², where each lot is serviced with reticulated water and sewer systems.

As part of allowing the reduced lot sizes down to 2000m², Council needs to be satisfied that the development can be connected to reticulated water and sewer systems. The application includes servicing plans showing that a reticulated water system will be connected to the reticulated water system in Bruce and Robertson Roads. Council's Development Engineer has advised that connection is possible, but additional pump and storage infrastructure will be required to ensure sufficient volume and pressure for fire hydrants and normal residential usage. There are insufficient details provided in the application to show where pump stations and water storage will be located on site. Consequently, it is recommended that the developer submit and obtain approval for a detailed water servicing plan. A **deferred commencement condition** is included in the recommendation to ensure this occurs, as it is a principal requirement allowing the reduced lot size.

The proposed sewer servicing strategy relies on extending a sewer line over neighbouring properties to connect into Council's system near Alexander Dawson Court. The applicant has provided Deeds of Agreement signed by the affected private property owners, indicating they agree to the registration of a sewer line easement over their properties. If these neighbours do not maintain their agreement until the necessary easement is created, then an alternative sewerage design will be required.

Council's Development Engineer has advised that the possible alternatives include piping the sewer along Robertson Road to connect into the system to the north in Robertson Street or to the west, along Bruce Road. Both of these options will necessitate the installation of pump stations, as the site is lower than these alternative connection points. It is not known whether these alternative designs will require easements to be created over private properties. However, it is considered that these alternative sewer connections will mainly utilise the road reserve.

In principle, the subdivision can be connected to reticulated water and sewer systems. A **deferred commencement** condition is included in the recommendation, requiring the submission and approval of detailed reticulated water and sewer designs, along with the creation of any easements, prior to the consent becoming operational. The use of a deferred commencement condition is appropriate as the applicant has not yet provided detailed designs for water supply and sewerage network for the development and these are mandatory components for allowing a reduced lot size. In addition, a **condition** is included in the recommendation requiring each lot to be connected to reticulated water and sewer services.

The proposed lot sizes are indicated in the following table:

Lot No.	Minimum Size (m ²)	Lot	Proposed Size (m ²)	Lot	Percentage Variation
1		2,000		1,921	3.95%
2		2,000		1,882	5.90%
3		2,000		1,912	4.40%
4		2,000		1,973	1.35%
5		2,000		2,000	0%
6		2,000		2,000	0%
7		2,000		2,034	0%
8		2,000		2,000	0%
9		2,000		2,000	0%
10		2,000		2,000	0%
11		2,000		2,046	0%
12		2,000		2,156	0%

13	2,000	2,148	0%
14	2,000	2,439	0%
15	2,000	2,051	0%
16	2,000	1,814	9.30%
17	2,000	1,527	23.65%
18	2,000	1,395	30.25%
19	2,000	1,271	36.45%
20	2,000	1,406	29.70%
21	2,000	1,530	23.50%
22	2,000	1,532	23.40%
23	2,000	1,229	38.55%
24	2,000	1,560	22.00%
25	2,000	2,000	0%
26	2,000	2,012	0%
27	2,000	18,800	0%

Proposed Lots 1 – 4 were originally 2,000m². However, the proposed road widening along Robertson Road slightly reduced the size of these lots.

Proposed Lots 5-15 and 25-27 comply with the minimum lot size.

Proposed Lots 16-24 are undersized, ranging in size from 1,229m² to 1,814m².

Proposed Lot 27, with an area of 1.88 ha includes the creeks, vegetated riparian zones, biodiversity offset area and the on-site detention basin.

The applicant has submitted a written request to justify the contravention of the development standard. This request is considered against Clause 4.6 below.

Clause 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (a) To provide an appropriate degree of flexibility to applying certain development standards to particular development,
 - (b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment: The proposed variation to the development standard has been considered against these objectives.

- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment: The development standard to be varied is not excluded from the operation of this clause.

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment: The application includes a written request demonstrating compliance with the above with the following arguments:

The original RPS State of Environmental Effects (p20) provides the following justification for the variation to the Minimum Lot Size for **Lots 1 to 4:**

Lots 1-4 on the eastern side of the site adjacent to Robertson Road are required to be reduced in size to accommodate the 3m of land to be dedicated to council for road reserve to accommodate safe pedestrian thoroughfare.

Compliance with the minimum lot size control is considered to be both unreasonable and unnecessary in the circumstances for the following reasons. The original scheme presented to Council prior to lodgement of the application was fully compliant with the 2000sqm minimum lot sizes...This scheme had to be adjusted to allow for the dedication of a 3m strip of land along the southern boundary to Council for pedestrian access alongside Robertson Road. A pedestrian path can only be accommodated along this side due to the construction of Robertson Road up to the property boundary with no allowance for pedestrian thoroughfare.

By way of explanation, when the Development Application was submitted on 11 December 2014, Robertson Road had been sealed, with no kerb or gutter. This reflects the situation as of the date this report was written. There is a creek on the eastern side of the sealed section of Robertson Road. This creek has impacted on the alignment of the sealed section of Robertson Road to such an extent that the western edge of the sealed section is approximately 1.50-2.0m from the property boundary. In order to accommodate a footpath verge between the proposed property boundary and the sealed edge of Robertson Road, the applicant will dedicate a 3m strip of land from the property frontage to add to the road reserve.

The application has provided following justification for the reduction in lot size for **Lots 16 to 24:**

- *During the life of the Development Application the proposed subdivision plan has been revised a number of times. This latest revision has decreased the number of Lots by two (2) and reinstated the creek to its natural location in an effort to reduce the environmental impact the development will have on the site. However, in doing this a number of Lots were created that stretched over the creek to the western boundary. Council advised they would favour reduced Lot sizes along the creek in order to reduce the maintenance issues with Lots that have to maintain parts of the offset on the opposite side of the creek. The Lots affected include; Lots 18-24 and each extend to the eastern side of the creek.*
- *...it is considered that flexibility in regards to Clause 4.1 in this instance will result in a better planning outcome in terms of the environment and ongoing maintenance of offsets. The area left for each of the reduced Lots is accessible and unencumbered by the creek.*
- *During the life of this Development Application the proposed subdivision plan has been revised a number of times. The latest version was necessary to gain the support of the Department of Industry (Land and Water Division), who weren't supportive of using an 88B to manage VRZ's over individual properties. Council advised they were in favour of a further reduction in lot size, on the basis that the reduction is to accommodate land area that will be used for long term ecological and riparian vegetation management.*

The proposed reduction in lot sizes is considered to be justified on the following grounds:

- The best ecological and environmental outcome is to contain all biodiversity offset areas and Vegetated Riparian Zones into one lot. Should the responsibility for maintaining vegetative area fall across a number of lots, it is highly likely that a significant area of vegetation will be removed as lot owners landscape their residential blocks. Consequently, the over-sized Lot 27 is proposed to contain all the vegetation management requirements.

- If the subject site was subdivided into 27 equal sized lots, the average lot size would be approximately 2,700m² (excluding road). Consequently, it is considered that the overall density of development is not above what is expected in Zone R2 and is actually lower.
- Council has allowed a reduction of lot sizes in the past, with a far greater reduction in lot size, as a compromise for the creation of a super-lot to accommodate biodiversity offset requirements (refer to Development Consent DA0190/2015).
- The proposed reduction in lot size for Lots 1-4 is minor and is necessary to accommodate the required road widening.
- Each of the proposed lots contain a building envelope large enough to accommodate a dwelling, with sufficient separation distance from bushfire hazards and building envelopes on adjoining lots.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

Comment: It is considered that the applicant's written request has adequately addressed the matters required to be demonstrated in subclause (3).

The main objective of the particular standard is to provide a density control for subdivision appropriate to Zone R2 – Low Density Residential. Taking into account the overall site, the proposed number of lots is commensurate with the number of lots expected to be created in Zone R2. In this instance, there is one grossly over-sized lot and a number of smaller lots is considered justifiable as compensation. The proposed lots are not so small (ie 600m²) that they are more appropriately located in Zone R1 – General Residential.

The proposed lots are designed to obtain sufficient solar access and provide building envelopes that will ensure a reasonable level of amenity is provided for future residences. The proposed road widening will facilitate pedestrian access along Robertson Road.

The proposed subdivision is consistent with the objectives of Zone R2 in that they will contribute to the housing needs of the community within a low density residential environment.

(b) the concurrence of the Secretary has been obtained.

Comment: Not applicable.

Assumed concurrence arrangements are to be used for this application. The proposed subdivision is not a rural subdivision and Council may determine a variation to the minimum lot size that is greater than 10%, in accordance with Planning Circular, dated 21 February 2018 "Variations to Development Standards".

(5) In deciding whether to grant concurrence, the Secretary must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

Comment: The variation to the development standard does not raise any matter of significance for State or regional planning.

The application states: *...There is no public benefit in upholding the minimum lot size in this instance. The proposed subdivision is in keeping with the expanding character of the areas and reduces the environmental impact originally proposed. Further, by reducing the lot sizes for Lots 18-24, these Lots are not encumbered by the creek and can be maintained without complication. Given the outlook to the rear of the lots (being the creek and rural land beyond) the Lots will not feel constrained or small, nor will their size be obvious from the public realm.*

The applicant's position in relation to public benefit is supported.

- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Comment: Not applicable. The site is not located within one of the nominated rural, large lot residential or environmental zones.

- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

Comment: This section of the Council Report will serve as that record.

- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 5.4.

Comment: Not applicable.

5.10 Heritage

Complies.

This clause applies to subdivision of land on which an Aboriginal object is located.

An Aboriginal heritage study was submitted with the original application. A walkover by members of the Mudgee Local Aboriginal Land Council was conducted as a basis for this report. The study identified three (3) locations where Aboriginal objects, such as stone fragments were found and recommended that these objects be recorded and removed from the site to a location providing safe storage.

A **condition** is included in the recommendation, requiring the developer to obtain an AHIP prior to commencement of works.

6.1 Salinity

Complies.

A small part of the site is identified on Council's mapping as being affected by salinity.

The proposed subdivision and associated works is unlikely to have an adverse impact on salinity processes on the land. As earthworks will be limited, relatively shallow and involve only necessary infrastructure and roadworks, it is not expected that salinity will have an adverse impact on the development.

A **condition** will be applied requiring concrete used in the works to be of sufficient strength to ensure reasonable durability.

6.2 Flood planning

Not applicable.

6.3 Earthworks

Complies.

Any earthworks will be ancillary to the proposed subdivision and will relate to the provision of services and the internal road – as such, they do not require separate development consent. No earthworks are proposed to create building platforms. Cut and fill may be considered in detail in future applications for development of the lots.

The proposal is not expected to have an adverse impact on existing drainage patterns and soil stability as:

- The existing creeks will be retained in their natural alignment; and
- **Conditions** may be imposed to ensure that appropriate sediment erosion controls are in place both during works and over the long-term.

The quality of fill to be imported to the site may be regulated by **condition**.

The proposed earthworks are not expected to have a significant impact on the amenity of adjoining properties. A **condition** may be applied to regulate dust during works.

Three (3) Aboriginal relics have been identified in the application. An Aboriginal Heritage Impact Permit will be required prior to commencement of works, in order to allow recording and collection of the Aboriginal artefacts, prior to the site being disturbed. A **condition** will be applied to this effect.

The proposed earthworks are in the vicinity of creeks and Endangered Ecological Communities. The proposal includes incorporating the riparian buffer and biodiversity offset area into Lot 27 and further protected by 88B instruments. A **condition** is recommended for no earthworks to be undertaken within the offset area or Vegetated Riparian Zones of the creek.

6.4 Groundwater Vulnerability

The site is identified as groundwater vulnerable in accordance with Council's mapping. No broad excavation is needed to facilitate the proposal and no significant impacts upon those matters

contained within clause 6.4(3) is expected as a result of the proposed development. The following factors are taken into consideration when considering groundwater vulnerability:

- Limited extent of excavation associated with the installation of road/s, water, sewerage and stormwater services;
- The size of the proposed lots do not permit unlicensed bores on the property;
- The proposed lots will be connected to reticulated water and sewer;
- Reticulated stormwater will be directed to an on-site detention system; and
- The future residential use of the proposed lots is not expected to have a significant impact on groundwater.

Based on the above factors, it is considered that the development would not cause groundwater contamination, adversely affect any groundwater dependent ecosystems, will not cumulatively impact potable water supply, and therefore no special measures, or conditions of consent would be considered necessary.

6.9 Essential Services

All essential services that are relevant to the proposal are available or will be available as a result of the proposed development, as follows:

- The proposed development may connect to the reticulated water supply available within Bruce Road and Robertson Road. A **deferred commencement condition** is included in the recommendation requiring submission and approval of a detailed water servicing plan.
- The proposed subdivision will need to provide a fire hydrant system, particularly along the proposed internal road. The **conditions** requiring submission and approval of a water servicing plan will include design for fire hydrants.
- The proposed development may be connected to existing electricity infrastructure servicing the site. Underground electricity is proposed.
- The proposed development may connect to the existing sewer system servicing Alexander Dawson Court or to the north on Robertson Street. It is unclear based on the available information whether easements or sewer pump stations will be required to service the proposed subdivision. A **deferred commencement condition** is included in the recommendation, requiring the submission and approval of a detailed sewer servicing strategy.
- A reticulated stormwater system directed into an on-site detention system is proposed. Stormwater will then discharge into Bruce Road and the nearby creek. A **condition** is included in the recommendation requiring the submission and approval of a detailed stormwater drainage plan.
- A new internal road is proposed to be constructed for the subdivision, giving the majority of lots street frontage of sufficient width to accommodate a driveway crossover in the future. Four (4) of the proposed lots, being Lots 11, 14, 23 and 24 will be accessed via a battle-axe handle arrangement. The battle-axe handles will have adequate width to accommodate traffic that may be associated with the future development of the lots. **Conditions** are recommended for the provision of rights-of-carriageway over shared battle-axe handles.

Conditions are recommended to ensure sufficient details and the necessary follow-on approvals are obtained in relation to the above matters.

Draft Environmental Planning Instruments

There are no draft Environmental Planning Instruments applicable to the proposed development.

(b) The provisions of any Development Control Plan or Council Policy – 4.15(1)(a)(iii)
Mid Western Regional Development Control Plan 2013 (the DCP)

4.7 Tree Preservation Order

Not applicable.

The trees on the property are not specifically listed in this section of the DCP. This section does not trigger the requirement to obtain approval to remove trees.

5.2 Flooding

Not applicable.

The site is not identified as being flood prone.

5.3 Stormwater Management

A Stormwater Concept Plan has been provided with the application. A reticulated stormwater system is proposed to service the lots and this system will discharge into an on-site detention basin. The on-site detention basin will, in turn, discharge to Bruce Road. The application demonstrates that stormwater may be appropriately managed, in accordance with the requirements of this section of the DCP. **Conditions** have been imposed requiring further details of the stormwater system to be submitted to and approved by Council officers.

5.4 Environmental Controls

Aboriginal Items

An Aboriginal heritage study has been provided with the original application which indicates that there are three (3) locations on the site containing Aboriginal objects, such as stone fragments. It is recommended that these objects be collected and appropriately stored off-site, prior to commencement of works. An Aboriginal Heritage Impact Permit (AHIP) is required before the objects can be disturbed. A **condition** is included in the recommendation, requiring the developer to obtain an AHIP prior to commencement of works.

Bushfire Management

The site is identified as bush fire prone land. Subdivision for residential purposes is integrated development requiring General Terms of Approval from NSW Rural Fire Service (RFS). The RFS issued General Terms of Approval on 15 November 2018, and these are included in the recommendation.

Riparian Environments

The watercourses running through the north-western part of the site contain riparian vegetation to be protected. These riparian areas are contained wholly within proposed Lot 27 and it is proposed to protect these areas by a restriction on title. The remaining lots within the subdivision will not intrude in the riparian zone. The proposed subdivision includes the provision of the creek crossing within Bruce Road, by placing culverts over the water crossing. These works triggered integrated development, requiring referral to Department of Primary Industries (Water)/Natural Resource Access Regulator (NRAR). General Terms of Approval were received from NRAR on 23 November 2018, and these are included in the recommendation.

Threatened Species and Vegetation Management

An ecological report identifying the proposed subdivision's impact on flora and fauna was submitted with the application. This report identified that a Species Impact Statement was not required and a Controlled Action Approval has been obtained from the Department of Environment and Energy.

Building in Saline Environments

Parts of the site are mapped as being saline. While the proposed development does not involve the erection of buildings, it is considered appropriate to apply a **condition** requiring that concrete used in road kerbing is of the minimum strength to withstand salt damage.

7.1 Urban Subdivision

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Applies to	
Land zoned residential; village zones; rural residential lots up to 2 hectares	Land is zoned Residential.
Lot size	
Minimum lot size as determined by MWRC LEP 2012	Variation. Some lots are below the 2,000m ² minimum lot size. Refer to LEP section of this report for justification of the variation.
All lots have street frontage	Complies. All lots have frontage to Robertson Road, Bruce Road and the proposed internal road. Four (4) lots within the subdivision utilise battle-axe handles to obtain street frontage.
Lots increase in size relative to slope as follows: – 0-10 degrees: 600m ² – 10-15 degrees: 700m ² – 15-20 degrees: 800m ² – >20: subdivision prohibited	Not applicable. The slope of the land has no bearing on the minimum lot size, in this case.
All lots have 16m width at building line in residential and village zones	Complies. All lots are over 16m wide at the building line.
Battle-axe handles in R1, R3 and RU5 Village have width of 4m	Not applicable.
Battle-axe handles in R2 and R5 residential zones have width of 6m	Complies. All proposed access handles are over 6m wide.
Lot Design	
For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development	Not applicable.
For new release subdivision lot orientation maximises solar access by maximising north-south lots	Complies. Adequate solar access.
For new release subdivision east-west orientated lots have increased width at midpoint	Complies. Width at mid-point of east-west orientated lots allows adequate solar access.
Lots generally rectangular in shape	Complies. The development includes a majority of rectangular lots. The lots are all of sufficient size to accommodate a substantial building envelope.
Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling	Not applicable.
Corner lots have sufficient area to allow dual occupancy and independent utility connection points	Complies. Proposed Lots 6 and 26 are of sufficient size to accommodate dual occupancy development.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Street Layout and Design	
Traffic Impact Statement submitted for 5+ lots	Complies. Traffic Impact Statement submitted with application demonstrating traffic impact satisfactory and Safe Intersection Site Distances at intersection of new road and Robertson Road.
Traffic Impact Statement submitted for all subdivisions where new road required	Complies. See previous.
Subdivision integrates with existing residential area	Complies.
New roads must provide “through road” connections to surrounding roads and road heads where they exist in the locality	<p>Not applicable. Connection to the property to the west not available. The owner of the adjoining property to the west recently obtained approval for a 1 into 2 lot subdivision and advised that they had no intention to further subdivide the property. The proposed road layout provides for the future possibility for a through-road connection should the adjoining property to the west be subdivided in future.</p> <p>While the owner of the adjoining property to the west has no intentions of subdividing, future owners of that property may subdivide. In order to accommodate this long range possibility, it is considered appropriate to require the internal road to be lengthened so that the cul-de-sac adjoins the western boundary of the subject site, in order to accommodate future subdivision to the west of the site, and a possibility of a future through road.</p> <p>Appropriate condition is recommended requiring preparation of an amended plan.</p>
Where cul-de-sac treatment unavoidable, pedestrian linkages between streets provided	Not applicable. The proposed cul-de-sac is not near other streets, and it is not practical to provide a pedestrian linkage to another street from the cul-de-sac.
Multiple cul-de-sacs and “no through roads” discouraged	Not applicable.
Maximum number of lots in cul-de-sac is 12 lots	<p>Variation. The proposed cul-de-sac serves 18 lots and its length is approximately 340m.</p> <p>The variation is justified as there is no through connection to the adjoining lot to the west, access is required to the Transgrid easement and the road layout minimises impact on the riparian corridor.</p>
Subdivision >80 lots should not require backtracking	Not applicable.
Road Standards for New Development	
Urban Road Standards required	Complies. The plans of the proposed new internal road and road widening along Robertson Road comply with the dimensions requirements. Condition to be applied regarding construction details for

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
	roads.
1 x 1.2m footpath, barrier kerbing	Complies. Conditions to be applied.
Commercial and Industrial Subdivision roads: 22m road reserve, 13m carriageway, 2 x 4.5m nature strip, 1 x 1.2m footpath, barrier / rollover kerbing	Not applicable.
Cycle ways and footpaths	
Cycle ways and pedestrian networks included in new subdivisions	Complies. Council Pedestrian Access Mobility Plan does not include any proposal to provide footpath along the frontages of the subject site. A condition is included in the recommendation to provide a concrete footpath along the internal road only.
If subdivision site identified in Council cycle way plan or pedestrian strategy, subdivision needs to respond to strategy	Not applicable.
New subdivisions provide direct, convenient and safe access to major facilities	Complies. Existing access to Mudgee retained.
Cul-de-sacs may be required to include 10m wide shared overland flow/pathway	Not applicable.
Developer to provide contribution to Council for installation of cycle ways and footpaths prior to release of subdivision certificate	Complies. Condition for standard contributions to be applied.
Open Space	
Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space	Variation. There are no local parks within 400m of the site. This variation is considered justified on the grounds that a large part of the site will be managed as biodiversity conservation area and local parks are within a short driving distance from the site.
Where on-site detention basins double as open space, must include raised level area which incorporates playground or fitness equipment etc and shading landscaping	Not applicable.
Landscaping	
Landscape plan provided, detailing treatment of public domain	Complies. A landscape plan was provided with the original application. This landscape plan will need be amended to accommodate the latest version of the proposed subdivision. Condition to ensure provision of appropriate landscaping.
Land dedicated as public reserve top soiled, levelled, turfed prior to release of subdivision certificate and maintained by developer for period of two years	Not applicable.
Street Trees	
Two (2) street trees provided per lot	Complies. A condition may be applied requiring the developer to provide 2 street trees per lot.
Developer provides levy to Council to provide these trees after 80% of works carried out	Not applicable.
Utility Services	
Servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development	Complies. Lots to be connected to reticulated water, sewer, electricity and telecommunications.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Evidence of consultation with relevant authorities submitted with application	<p>Condition for detailed servicing strategy.</p> <p>Complies. Consultation with electricity suppliers was undertaken during assessment of the application. Condition for Notice of Arrangement for electricity and telecommunications services, prior to the issue of a Subdivision Certificate.</p>
Dual utility services to be provided for lots nominated or Dual Occupancy	<p>Not applicable. The application has not nominated any lots for dual occupancy development.</p>

(c) Provisions of any Planning Agreement or Draft Planning Agreement – 4.15(1)(a)(iia)

No planning agreement applicable.

(d) Regulations – 4.15(1)(a)(iv)

Conditions prescribed by the Regulations are applied, where applicable. These conditions include requirements for compliance with the Building Code of Australia, signage for construction sites and excavation near property boundaries.

(e) The likely impacts of development – 4.15(1)(b)

Context and Setting & Site Design and Internal Design

The proposal is appropriate with regards to the surrounding context and setting. The proposal involves the subdivision of an existing property in the R2 – Low Density Zone on the southern end of the Mudgee township. The subdivision will create 27 allotments suitable for residential development. Surrounding the site are fairly recent residential subdivisions and rural/rural residential properties. The proposal will result in land use outcomes that are consistent with the surrounds and will enable the land to be used for residential purposes consistent with the objectives of the R2 – Low Density Residential zone.

Access, transport and traffic

The proposed subdivision will have direct frontage to Bruce Road and Robertson Road for access and a new road will be constructed within the subdivision.

The section of Robertson Road in front of the property has full width seal and no kerb and guttering. A half-road upgrade will be required along the Robertson Road frontage of the property, to provide a concrete kerb and a footpath reserve in front of the proposed subdivision. That part of Bruce Road in front of the site is currently unsealed and there is opportunity for further development on the northern side of Bruce Road – half road construction, concrete kerbing and a new creek crossing will be required along the Bruce Road frontage of the property. There are adequate sight distances at the intersection of the proposed new road and Robertson Road. The traffic generation from the proposed subdivision will not exceed the capacity of the local road network.

Utilities

The proposed subdivision is located in a built-up area and will have access to water, reticulated sewerage, electricity and stormwater infrastructure. However, Council’s Development Engineer has advised the following:

Water

There is an existing water main in Bruce Road from which supply could be drawn to extend the mains to service the development.

However, the land is an elevated parcel in south Mudgee and existing infrastructure and mains will not be able to provide adequate pressure and volume of supply to meet demand, particularly for fire-fighting pressures and volumes.

Any extension to water supply mains will require additional pump and storage infrastructure to be provided.

Sewer

There are sewer mains in the locality. However, similar to water supply, connection using a gravity fed sewer system requires access (and creation of necessary easements) over adjacent properties.

The applicant/developer must obtain all necessary consents and approvals for creation of easements prior to submission of design for Construction approval.

Alternatively, a sewer drainage system will require the use of a pump station within the property to pump sewage to a suitable gravity main.

All costs associated with the above mains extensions for water and sewer must be borne by the Developer.

Conditions of development consent will require the connection of each of the residential lots to any necessary utilities and any necessary amendments to the proposed subdivision to accommodate the additional water and sewerage infrastructure.

Heritage

The subject site is not affected by any items of European heritage.

An Aboriginal Cultural Heritage Assessment has been undertaken for the site by the Mudgee Local Aboriginal Land Council (MLALC) and is provided at Appendix 3 of the RPS Statement of Environmental Effects.

The Assessment revealed three sites of known Aboriginal Cultural Heritage. The following recommendations are made:

- (i) *Aboriginal Cultural Heritage site: Robertson Road 1 GPS 742953 N 6387633 E even though by previous roadside disturbances and farming practices etc Objects tend to be moved, or relocated beneath further topsoils.*
 - *Gateway entrance be relocated to development, area stabilised and revegetation along with community. Area monitored as a precautionary measure under the Due Diligence Act.*
 - *AHIP be applied Objects being collected, monitoring made available as top soil is removed, collect Objects, record and relocate within a stabilised area and put aside by developer for recognition.*
- (ii) *Aboriginal Cultural Heritage Site: Sawpit Gully Junction 2 GPS 742808E 6387726N*
 - *MLALC has an understanding of what works may be to be conducted regarding the development within this area of the Sawpit Gully. Unless there is some way to avoid impact by fencing off the area and future stabilisation required.*

- *AHIP be applied, Objects being collected, monitoring made available as top soil is removed, collect Objects, record and relocate with a stabilised area put aside by developer for recognition.*

(iii) *Aboriginal Cultural Heritage Site: Sawpit P/L 3 GPS 0742727E 6387518N. Aboriginal Cultural Heritage Site is situated south western boundary corner of the study area under the existing powerlines and easements. Objects initially located within the gateway entrance of powerline entrance to adjoining property inside the study area, further flakes were identified under the powerline easements with a 20 to 40m radius in and around a large exposure. Objects consisted of volcanic and quartz material.*

- *MLALC has an understanding of what works may have to be conducted regarding the development within this area of the Sawpit Gully. Unless there is some way to avoid impact by fencing off the area and future stabilisation required.*
- *AHIP be applied maybe in conjunction with Powerline easement works. Monitoring made available as top soil is removed, collect Objects, record and relocate with a stabilised area put aside by developer of recognition.*

An Aboriginal Heritage Impact Permit (AHIP) will be required prior to commencement of works. Page 5 of *Applying for an Aboriginal Heritage Impact Permit: Guide for Applicants* (Office of Environment and Heritage, May 2011) states:

If your proposed activity also requires consent or a determination under Part 4 of Part 5 of the EP&A Act you should obtain this first, and then lodge your application for an AHIP...

If your proposed activity is an integrated development, you must apply for your AHIP within 3 years of the date of development consent.

A **condition** is included in the recommendation to ensure an AHIP is obtained prior to commencement of works.

Other land resources

The approved development will not impact on other land resources.

Water

The proposal is not expected to create any water pollution issues, subject to establishment and maintenance of Vegetated Riparian Zones (VRA's) and water quality controls being implemented in the stormwater design. Council's Development Engineer has advised the following:

The land generally slopes toward an existing watercourse providing a natural drainage feature.

While drainage design would suggest that all stormwater runoff can be directed to the watercourse, it is essential that it be controlled by adequate design that includes both water quality and detention features to prevent erosion and scouring.

Suitable **conditions** for water quality measures to be incorporated into the detailed stormwater design and protection of vegetated riparian zones are included in the recommendation.

Soils

No significant impact expected. The land is not known to be affected by subsidence, slip or mass movement, or contamination. The proposal will not result in significant soil erosion or degradation.

Air and Microclimate

The development is not expected to impact air quality or microclimatic conditions.

Flora and Fauna

The Ecological Assessment Report submitted with the application identified that the proposed development would have an impact on the following:

- *Leucochrysum albicans* var. *tricolor* (Hoary Sunray) – endangered species under the EPBC Act;
- Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland – critically endangered ecological community (EEC) under the EPBC Act (hereafter referred to as 'Box-Gum Grassy Woodlands'); and
- *Acacia Ausfeldii* (Ausfeld's Wattle) – threatened species under the TSC Act.

The areas of the site where these species have been found is indicated in Figure 4 below.

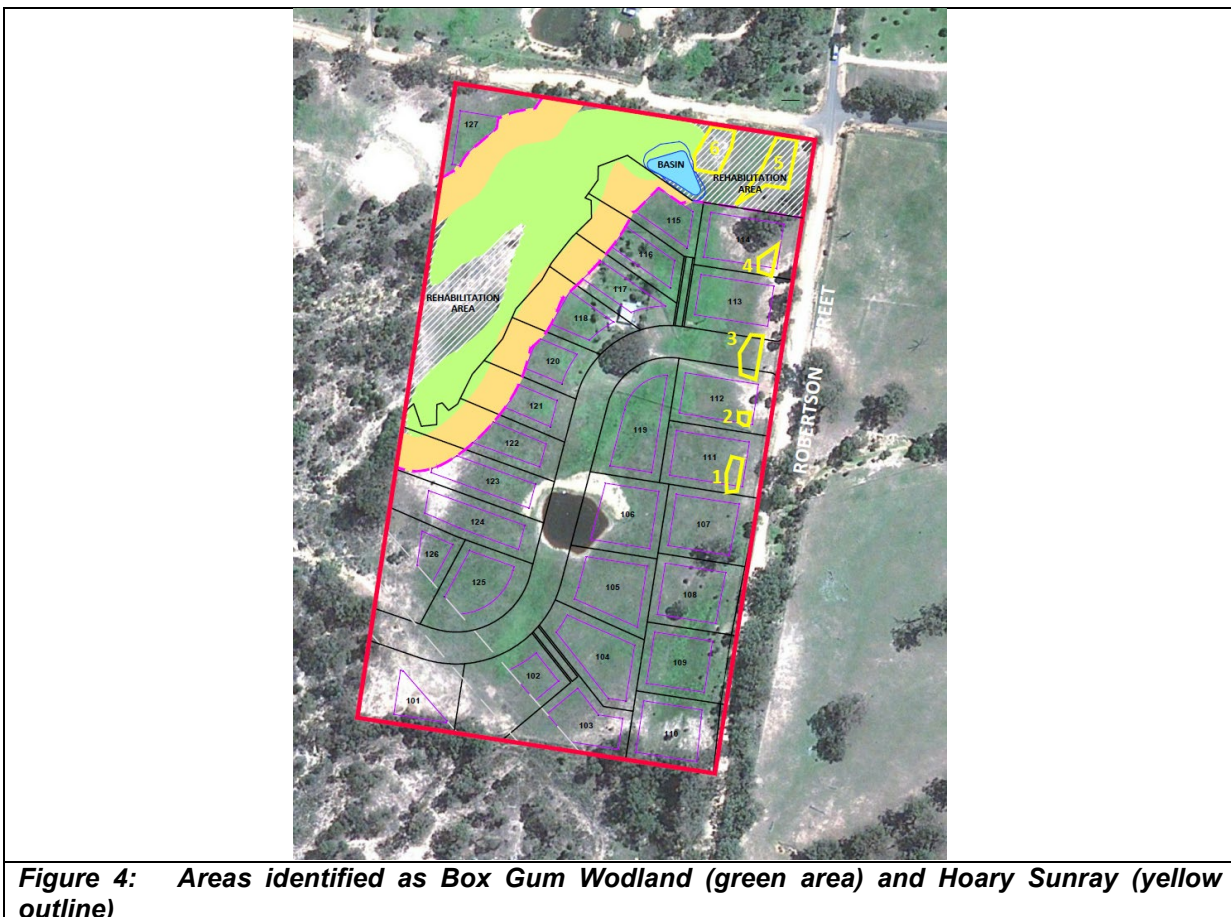


Figure 4: Areas identified as Box Gum Woodland (green area) and Hoary Sunray (yellow outline)

The proposal was referred to the Commonwealth Department of Environment and Energy (DEE) and was subsequently deemed a 'Controlled Action'. The DEE issued a Controlled Action Approval on 22 September 2017.

The Box Gum Grassy Woodland will be retained in proposed Lot 27 and protected through Section 88D or 88E covenants on title in accordance with the *Conveyancing Act 1919* and an associated Plan of Management. The Controlled Action Approval allows the removal of the minor amount of woodland required to construct the on-site detention basin.

The Controlled Action Approval allows the removal of 265 Hoary Sunray plants from the site. These 265 plants are located in Areas 1, 2, 3 and 4 and shown in Figure 4.

The Controlled Action Approval requires the retention of 775 Hoary Sunray plants on the site. This means that those locations identified as Areas 5 and 6 on the site will need to be preserved. Proposed and required preservation actions include protecting Hoary Sunray areas within Lot 27 through the use of Section 88D or 88E covenants on title, regular weeding and fencing of the individual area.

Future owners of the lots affected by preservation requirements should be made aware of their obligation. An **Advice Note** is included in the recommendation.

The Ecological Assessment Report identified that the site could form potential habitat for a number of threatened plant species, bird species and bat species. The application was referred to the Office of Environment and Heritage (OEH), who provided recommended **conditions** to be included in the approval.

It is considered that the proposed subdivision will not have a significant impact on threatened species, subject to:

- The conditions of the Controlled Action Approval, issued by DEE;
- The conditions recommended by OEH; and
- The recommendations of the Ecological Assessment Report.

The Ecological Assessment Report, Controlled Action Approval and comments from OEH have only accounted for threatened species within the boundary of the subject site (ie Lot 266 DP756894). No assessment of threatened species has been undertaken within the road reserve. Council has undertaken previous studies identifying that Hoary Sunray and Ausfeld's Wattle are located within the road reserve area in front of the site. It is necessary for these studies to be undertaken and any necessary approvals from other agencies to be obtained, prior to the design being undertaken for road upgrade works. A **deferred commencement condition** is included in the recommendation, to this effect.

The recommended deferred commencement condition will require a detailed water servicing strategy and sewer servicing strategy. It is not resolved where the water storage infrastructure, water pump stations, sewer pump stations and related infrastructure will be located on the subject site. If this infrastructure involves impacts on threatened species above that already accounted for, it may be necessary for the developer to obtain a second Controlled Action Approval from DEE and/or concurrence from OEH.

Waste

Waste service available.

Energy

Electricity is to be connected to the proposed lots. The energy needs of the development is not expected to place significant demands on the local infrastructure capacity/operation.

Noise and vibration.

The proposal is not a use that will generate significant noise, except for a limited duration over the construction phase.

Natural Hazards

The site is not identified as being effected by geological/soil instability or flooding.

The site is mapped as being bushfire prone land. As the proposal is for residential subdivision, the application constitutes integrated development requiring assessment by the NSW Rural Fire

Service (RFS). General Terms of Approval from the RFS have been obtained and are included in the recommendation.

Technological Hazards

Not applicable.

Safety, security and crime prevention

Increased passive surveillance as a result of the proposed development.

Economic and Social impact in the locality

Generally positive.

Construction

The impacts of construction activities may be regulated by conditions.

Cumulative impacts

The proposed development is not expected to contribute to cumulative impacts.

(f) The Suitability of the Site for the Development – 4.15(1)(c)

Does the proposal fit in the locality?

The proposed development fits into the residential context within which it sits. Utility services have the capacity to service the development, subject to detailed design.

Are the site attributes conducive to development?

Yes. The proposed development is designed to respond to bushfire, preserving water quality within the creek and the ecological constraints of the site. No adjoining land uses will have an adverse impact on the proposed subdivision.

(g) Submissions made in accordance with Act or Regulations – 4.15(1)(d)

Public submissions

The application was advertised in accordance with the provisions of *Mid Western Regional Development Control Plan 2012* - Section 1.12 Community Consultation on two (2) occasions. The submission periods ended on 16 January 2015 and 22 January 2018. No submissions were received.

(h) The Public Interest – 4.15(1)(e)

Federal, State and local government interests and community interests

There are no matters that would be considered to be contrary to the public interest.

Covenants and easements effecting the proposal

There is an existing 45m wide easement for electricity traversing the south-western part of the site. The proposed lot layout and internal road addresses the constraints imposed by this easement.

Conditions are imposed for any new easements to be created over the proposed subdivision.

CONSULTATIONS

Department of Environment and Energy

Controlled Action Approval issued. This approval is incorporated into the recommendation.

Natural Resources Access Regulator (formerly DPI Water)

General Terms of Approval (GTA's) were received from the Natural Resources Access Regulator on 23 November 2018. These GTA's are incorporated into the recommendation.

NSW Rural Fire Service

Amended General Terms of Approval (GTA's) were received from NSW Rural Fire Service on 5 November 2018. These GTA's are incorporated into the recommendation.

Office of Environment and Heritage

The application was referred to the Office of Environmental and Heritage (OEH) for comment. The OEH do not have a concurrence role in this application. OEH provided recommended **conditions** to be included in any development consent issued.

Development Engineer

Council's Development Engineer has provided conditions to address the detailed engineering matters. These **conditions** are incorporated in the recommendation.

Environmental Co-ordinator

Council's Environmental Co-ordinator reviewed the Ecological Assessment Report and the Controlled Action Approval issued by the Department of Environment and Energy (DEE) and stated:

I am now satisfied that they have all the necessary environmental approvals in place. From an environmental perspective the proposal could go ahead provided all conditions in the DEE approval are complied with. Council would need to impose additional environmental conditions.

Essential Energy

Essential Energy raised no objections to the proposal, subject to satisfactory arrangements being made to relocate electricity infrastructure and for a Notice of Arrangement to be obtained prior to the issue of a Subdivision Certificate. Comments from Essential Energy are incorporated into recommended **conditions** and **advice notes**, as appropriate.

Transgrid

Transgrid raised no objections to the proposal, subject to a number of conditions in relation to maintenance access, restrictions on title and construction impacts associated with their 45m wide easement traversing the site. **Conditions** are incorporated into the recommendation to address Transgrid's requirements.

DEVELOPER CONTRIBUTIONS

The proposed subdivision creates 27 new lots. The parent lot will carry a single ET credit for Section 94 contributions. Therefore, Section 7.11 contributions are payable for 26 lots/equivalent tenements (ETs). The subject site is located in Catchment 2. A **condition** will be applied requiring the payment of 26 ET's of Section 7.11 contributions, prior to the issue of a Subdivision Certificate.

Section 64 Contributions – Water and Sewer Headworks

The subject site is located in Council's water and sewer servicing areas.

Water

The existing lot, with an area of 7.284 ha, carries a 1.5 ET credit for a large residential lot.

All proposed lots are greater than 1,200m², so each proposed lot generates 1.5 ET of demand.

Water contributions are to be calculated on the basis of the following:

= (26 x 1.5 ET's) – (1.5 ET credit)

= (39 ET's) – (1.5 ET credit)

= 37.5 ET's

Sewer

The existing lot carries a 1.05 ET credit.

Sewer contribution are to be calculated on the basis of the following:

= (26 x 1.05 ET's) – (1.05 ET credit)

= (27.3 ET's) – (1.05 ET's)

= 26.25 ET's

Conditions are included in the recommendation to ensure the required contribution amounts are paid.

CONCLUSION

The proposed 27 lot subdivision, including demolition of existing structures on site, has been assessed against the requirements of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and has been found to be generally compliant with the application planning requirements.

The main issues raised during the assessment of the application include:

- (i) Threatened species on the site.

The Flora and Fauna Report submitted with the development application indicated that the proposed subdivision will have an impact on: Hoary Sunray, a threatened form of daisy; Box-Gum Grassy Woodlands; and Ausfeld's Wattle. In order to compensate for the loss of these species within the proposed residential lots, the majority of proposed Lot 27 is devoted to a biodiversity offset area. A Controlled Action approval has been issued by the Department of Environment and Energy for the removal of the threatened species from the proposed residential lots. NSW Office of Environment and Heritage has recommended conditions in relation to Ausfeld's Wattle. In short, the impact of the proposed subdivision on threatened species will not be significant, subject to the provision and maintenance of the remaining threatened species in the offset area.

The submitted Flora and Fauna Report focussed on that part of the proposed subdivision within the property boundary only. Road upgrade works are required in association with the proposed subdivision and an additional Flora and Fauna Report will be required that focusses on the road reserve. As it is unknown what offsets will be required for any threatened species in the road reserve, the need for an additional Flora and Fauna Report will be the subject of a **deferred commencement condition**.

- (ii) Variation to minimum lot size requirements.

The large offset area to be provided in Lot 27 absorbs a large proportion of the site, limiting the number of residential lots that meet the minimum lot size being created. Placing all the ecological protection and Vegetation Riparian Zones into one super-lot is a better planning outcome and it is considered reasonable to approve a number of lots that are below the minimum lot size of 2,000m². This aspect of the proposal has been previously discussed in detail in relation to Clause 4.6 of the *Mid-Western Regional Local Environmental Plan 2012*. It is noted the density is not above the density envisaged for the R2 zone – the site area divided by 27 lots would yield an average lot area of approximately 2,700m².

(iii) Three stages down to two stages.

The application proposes that the subdivision is developed in three stages. It is noted that proposed Stage 2 will leave proposed Lot 27 as a lone residue lot. It is not clear why a lone residual lot, which will not be further subdivided, would be created in Stage 2 of the development. Consequently, it is considered appropriate to apply a condition requiring the development to be undertaken in two (2) stages, as opposed to the three (3) stages proposed. This will ensure the road upgrades to Bruce Road will occur at the time Lot 27 is created.

(iv) Maintenance of the biodiversity offset area.

The application proposes that a Section 88B instrument over Lot 27 be created with the effect of preventing the owner of Lot 27 from clearing any vegetation in the offset area and Vegetated Riparian Zones. A condition is included in the recommendation requiring the necessary restriction to be created and registered for Lot 27, either prior to the issue of a Construction Certificate or Subdivision Certificate, whichever occurs earlier.

(v) The need for an Aboriginal Heritage Impact Permit.

The proposed subdivision will involve disturbance to three (3) locations where Aboriginal objects have been identified on site. The statutory time-frame for the NSW Office of Environment and Heritage to provide General Terms of Approval has expired and Council may proceed to determine the application. A condition is included in the recommendation requiring the developer to obtain an Aboriginal Heritage Impact Permit (AHIP) prior to any works being undertaken on the site, or alternatively, an AHIP will not be required if the applicant can demonstrate that the artefacts will not be damaged.

(vi) Need for easement over the proposed sewer line.

The application seeks to install a sewer line between the subject site and the sewerage system currently serving Alexander Dawson Close. The difference in elevation between the subject site and the proposed connection is approximately 7 metres, so there should be sufficient fall for this solution to be functional. This entails installing the sewer line across a number of private properties. The applicant has provided deeds of agreement with the affected property owners, indicating that, in principle, the property owners are agreeable to the installation of the sewer line and the associated easements over their property. The legal right to install the sewer line across the affected properties occurs only when the easements are created. A deferred commencement condition is included in the application to ensure that these easements are registered on title of the affected properties, before the development proceeds any further.

The proposed sewerage connection will only work if the affected neighbours agree to the registration of an easement over their properties. The neighbours have signed a Deed of Agreement in relation to the easement, but there is still some risk as to whether the easement will be created. Consequently, this matter has been addressed in deferred commencement conditions, which are drafted in such a way as to accommodate the proposed sewer line or any alternative sewer line routes.

Should one or more of the affected neighbours not agree to have the easement registered on the title over their property, the developer will need to utilise an alternative sewer strategy. One option is for a sewer line to be installed between the development site and the nearest sewer line located in Robertson Street. As the sewer line will generally be located within the road reserve, it is unlikely that easements over private property will be required. However, the connection point in Robertson Street is higher than the subject site, so a sewer pump station will be required somewhere within the development site.

The second alternative for sewerage connection will be to run a line from the subject site, along Bruce Road, to connect to the nearest connection in Bruce Road. The implications of this alternative route is similar to that of connecting into the network in Robertson Street.

- (vii) Further infrastructure required to provide sufficient water pressure.

The application proposes to connect into the existing water network located in Bruce Road and Robertson Road. Council's Development Engineer has advised that there is insufficient water pressure within the existing system to provide for domestic use as well as fire-hydrants. This matter may be addressed by providing water storage on site connected to pumps, to service the subdivision. A solution can be designed to provide sufficient water volume and pressure for the development. However, without knowing the specifics on water storage locations and pump locations, it is not possible to completely assess the impacts of this infrastructure on the subdivision design or ecological constraints on the site. Consequently, it is considered appropriate for a detailed water servicing plan to be required by a deferred commencement condition.

- (viii) Extension of the proposed cul-de-sac to the western boundary of the site.

The current proposal provides a cul-de-sac that terminates near the south-western corner of the site.

A development application has recently been approved on the adjoining property to the west, for a one (1) into (2) lot subdivision, providing a new residential lot well away from the subject site. During the assessment of the application, the owners of the adjoining property to the west indicated that they have no intention of subdividing the property.

While the current owners of the property to the west have no intention of subdividing, future owners of that property may wish to subdivide. It is considered appropriate that the proposed internal road be extended so that the proposed cul-de-sac adjoins the western boundary of the subject site, in order to accommodate a possible through road connection into the site to the west in future. A condition to this effect is included in the recommendation.

The extension the cul-de-sac will reduce the size of only two (2) lots within the proposed subdivision.

- (ix) Half-road construction in both Bruce Road and Robertson Road.

The part of Robertson Road in front of the site is sealed with bitumen. However, there is no kerb and gutter and the footpath reserve has not been formed. It is considered appropriate that the developer complete the road construction on one side of Robertson Road, directly in front of the subject site. This is in accordance with Council's standard practice. A condition is included in the recommendation to this effect.

The part of Bruce Road directly in front of the site is gravel. There is the potential for the property on the northern side of Bruce Road to be developed in the future. As this is the case, standard practice is that the developer will be required to upgrade the half of Bruce Road adjoining the subject site, by providing half a bitumen sealed road and concrete kerb and gutter. A creek crossing is located within the Bruce Road reserve in front of the subject site over which the applicant has proposed to provide a culvert creek crossing. As this culvert creek crossing will raise the level of the road surface, it is considered appropriate for the developer to provide a two-lane crossing over the creek, so that a split level road does not eventuate. A condition is included in the recommendation, to this effect.

In conclusion, it is recommended that the application be approved subject to a deferred commencement consent. The deferred commencement conditions will resolve uncertainties in relation to:

- The registration of easements;
- Detailed sewerage servicing plan;
- Detailed water servicing plan; and
- Outstanding ecological issues.

Community Plan implications

Theme	Protecting Our Natural Environment
Goal	Protect and enhance our natural environment
Strategy	Ensure land use planning and management enhances and protects biodiversity and natural heritage

Strategic implications

Council Strategies

Mid-Western Regional Local Environmental Plan 2012
Mid-Western Regional Development Control Plan 2013
Mid-Western Regional Development Servicing Plans

Council Policies

Not applicable

Legislation

Environmental Planning & Assessment Act 1979
Environmental Planning & Assessment Regulation 2000
Threatened Species Conservation Act 1995
Environmental Protection and Biodiversity Conservation Act 1999
Biodiversity Conservation (Savings and Transitional) Regulation 2017

Financial implications

Section 94 and Section 64 developer contributions will be collected in accordance with the Section 94 contributions plan and Development Servicing Plans.

Associated Risks

Should Council refuse the development application, the applicant may seek a further review of this decision or appeal through the Land & Environment Court.

ILIJA SUSNJA
SENIOR TOWN PLANNER

LINDSAY DUNSTAN
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

5 February 2019

- Attachments:*
1. Plans of proposed subdivision. (separately attached)
 2. Copy of NSW Natural Resources Access Regulator's General Terms of Approval. (separately attached)
 3. Copy of NSW Rural Fire Service's General Terms of Approval. (separately attached)
 4. Copy of comments from Office of Environment and Heritage. (separately attached)
 5. Controlled Action Approval from Department of Environment and Energy. (separately attached)
 6. Copy of Conditions from Transgrid. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.2 Planning Proposal Lot 4 DP 255618, 2255 Hill End Road, Grattai - Post Exhibition

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 20 2019 FEBRUARY ORDINARY MEETING
GOV400067, LAN900087

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Strategic Planning on the Planning Proposal Lot 4 DP 255618, 2255 Hill End Road, Grattai - Post Exhibition; and**
2. **exercise its delegation in relation to the preparation of the amendment to the Mid-Western Regional Local Environmental Plan 2012 to increase the minimum lot size and to enable the future land use of an animal boarding or training establishment in respect to Lot 4 DP 255618 subject to the Opinion issued by Parliamentary Counsel.**

Executive summary

At Council's 17 October 2018 meeting, Council resolved to support the Planning Proposal and to forward it to the NSW Department of Planning and Environment (DP&E) for a Gateway Determination. A conditional Gateway Determination was granted in November 2018. A copy of the Gateway Determination is provided as Attachment 1.

An animal breeding facility is currently prohibited within the R5 Large Lot Residential zone. The Planning Proposal seeks to make the land use permissible on the subject site and limit any future subdivision of the site to maintain current distance buffers.

The Planning Proposal was placed on public exhibition from Friday 23rd November 2018 and concluded Friday 21st December 2018. A copy of the Planning Proposal has been provided as Attachment 2, and a copy of the Acoustic Assessment is provided as Attachment 3. Four submissions were received during the public exhibition period.

The purpose of this report is to provide Council with a post exhibition report, detailing submissions received and to seek Council's approval to exercise its delegation in finalising the Planning Proposal.

Disclosure of Interest

Nil.

Detailed report

BACKGROUND

Planning Proposals

The term Planning Proposal is used to describe the process of rezoning or making an amendment to a Local Environmental Plan. A Planning Proposal application is a document that explains the

intended effect of the LEP amendment and provides a strategic justification for doing so. NSW Department of Planning & Environment (DP&E) has issued A Guide to Preparing Planning Proposals, to provide guidance and information on the process for preparing planning proposals.

The Gateway Process

DP&E is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in DP&E's A Guide to Preparing Local Environmental Plans.

Gateway Timeline

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan 2012 and the progress of the current Planning Proposal through the various stages.

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal Lodged	✓	Received 20 June 2018.
Staff Undertake Initial Assessment	✓	June – September 2018.
Council Decision to Support Proposal	✓	Planning Proposal is being reported to 17 October 2018 meeting.
Issue of Gateway Determination		
Council Requests Gateway Determination	✓	23 October 2018.
DP&E Issues Gateway Determination	✓	8 November 2018.
Gateway Conditions Satisfied	N/A	No specific gateway conditions to satisfy prior to public exhibition. Six standard conditions were included in the determination.
Consultation		
Consultation with Relevant Agencies	N/A	No agency consultation required.
Public Exhibition	✓	23 November 2018 until 21 December 2018.
Post-Exhibition Report to Council	✓	Planning Proposal Post Exhibition is being reported to 20 February 2019 meeting.
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

GATEWAY DETERMINATION

A conditional Gateway Determination was received on the 8 November 2018 and included six standard conditions.

CONSULTATION

Condition 1 of the Gateway Determination required Council to undertake community consultation with a public exhibition period of 28 days.

Community Consultation

The Planning Proposal and associated documentation was placed on public exhibition from Friday 23 November 2018 and concluded Friday 21 December 2018. The Community Consultation was undertaken in accordance with DP&E A Guide to Preparing Local Environmental Plans. Four submissions were received and have been provided as Attachment 3. One submission details concerns under the headings of Prohibited Uses and Existing Land Uses, the other three are signed proforma submissions. The issues raised in the submissions have been summarised in the table below and a staff comment provided. The submissions do not raise any matters for further consideration.

Issue raised in the submission	Staff comment
Animal boarding or training establishment, including animal breeding is prohibited.	Animal boarding or training establishments are prohibited within the R5 Large Lot Residential zone. Accordingly, Council is considering the Planning Proposal for the listing of an additional permitted use on the subject site in Schedule 1 of the Mid-Western Regional Local Environmental Plan 2012.
Dog breeding on the subject scale is a rural industry.	The Planning Proposal applicant has sought the land use Animal boarding or training establishment be listed in Schedule 1 Additional Permitted Uses. The definition of Animal boarding or training establishment specifically lists breeding of animals for commercial purposes. Dog breeding is not a rural industry.
The current dog breeding is not considered a 'home industry' due to the amenity impacts.	Council does not consider the current land use a 'home industry'. The scale is beyond that of a 'home industry'. However, as detailed in the submitted Acoustical Assessment the operation of the business, including noise generated, complies with the Noise Policy for Industry (October 2017).
The dog breeding use is inconsistent with the objectives of the R5 Zoning as it undermines the amenity of residential housing and creates conflict between land uses within the zone.	An Acoustical Assessment was submitted with the Planning Proposal. The report details the operation of the business, including noise generated, complies with the Noise Policy for Industry (October 2017).
The applicant accepts the operations interfere with the amenity as they propose to give up future subdivision potential.	The Acoustical Assessment demonstrates the noise generated by the business complies with the Noise Policy for Industry (October 2017). Limiting future subdivision will maintain the current buffers.
'Council advised that this proposal was the best way of addressing the existing dog breeding facility located on site'.	Council discussed various options with the proponent. Requesting the land use be included in Schedule 1 Additional Permitted Uses was one of these options.
'Public administration requires proper, good faith application of the law. Registered owners including ourselves purchased property in reliance on the zoning, understanding permissible home industry'.	The Planning Proposal process is undertaken in accordance with the Environment Planning and Assessment Act 1979 and A Guide to Preparing Local Environmental Plans prepared by the DP&E.
'Public confidence requires transparency and avoidance of work around to retrospectively pardon prohibited activity'.	The inclusion of this site for the use of an Animal boarding or training establishment is an acceptable additional permitted use to be listed in Schedule 1. The Planning Proposal process is independent to undertaking of unauthorised activities.

'Some land users may game the law by developing a site for a desired use before approval'.	The established unauthorised land use does not influence the recommendations of Council's staff.
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FINALISATION OF PLANNING PROPOSAL

The recommendation of staff is to proceed with the finalisation of the Planning Proposal. This will involve drafting LEP provisions and an amendment to the minimum lot size map.

Draft LEP

Included as part of the Gateway Determination is a written Authorisation to Exercise Delegation of the Minister's functions under Section 3.36 (previously Section 59) of the *Environmental Planning and Assessment Act 1979*. The documentation will be forwarded to the Office of Parliamentary Counsel to draft the amendment to the LEP and seek an Opinion that the plan may be made. A copy of the request will be forwarded to DP&E – Western Region. Following the receipt of the Opinion and lodgement and approval of the amended map on the Planning Portal, a request that the LEP amendment be notified will be made.

The landowner is still required to lodge a development application with Council to facilitate the development.

Community Plan implications

Theme	Building a Strong Local Economy
Goal	A prosperous and diversified economy
Strategy	Support the attraction and retention of a diverse range of businesses and industries

Strategic implications

Council Strategies

The Mid-Western Regional Comprehensive Land Use Strategy Part C details rural lifestyle opportunities across the region (lots zoned R5 with a minimum of approximately 12 hectares). The Planning Proposal would result in the potential reduction of one lot. There is currently a sufficient supply of strategically identified rural lifestyle lots, and therefore it is considered this reduction of one lot is not significant.

Council Policies

The forwarding of the Planning Proposal will not require any change to relevant policies.

Legislation

The Planning Proposal has been considered in accordance with Division 3.4 Environmental Planning Instruments - LEPs (previously Division 4) Local Environmental Plans of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Local Environmental Plan 2012.

Financial implications

The Planning Proposal is on a site not currently serviced by Council infrastructure. The future development of a commercial activity on the site will therefore have no financial implications for Council with regard to servicing.

Associated Risks

If Council does not wish to proceed with finalisation of the Planning Proposal, it can withdraw its support at this stage in the Gateway Process. Council would be required to formally resolve not to proceed with the Planning Proposal and advise the proponent and DP&E accordingly.

If Council choose not to continue to support the Planning Proposal, Council will have to consider taking enforcement action against the unauthorised land use.

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

2 January 2019

Attachments:

1. Gateway Determination. (separately attached)
2. Planning Proposal. (separately attached)
3. Acoustic Report. (separately attached)
4. Submissions. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.3 Events Assistance Applications

REPORT BY THE EVENTS OFFICER
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, ECO800009; FIN300052

RECOMMENDATION

That Council:

1. receive the report by the Events Officer on the Events Assistance Applications outside the application period;
2. provide Events Assistance to the below applicants (includes cash and in-kind amounts); and

Gulgong Uearthed	\$1000
Shute Shield	\$2031
Can Cruise 2019	\$480

3. increase the Events Assistance to the following applicant by the amount below:

CRL Representative Finals	\$856
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Executive summary

This report considers applications for Events Assistance under Council's Events Assistance Policy. It relates to events to be held between 1 January and 30 June 2019, which have been received outside the application period.

Disclosure of Interest

Nil.

Detailed report

Council's Events Assistance Program is designed to assist local community events that benefit the local economy and attract visitors to the Region. A maximum of \$2,500 per event per year is recommended. Under this program, the highest priority should be for events which:

- Attract the largest number of visitors to the Region; and
- Extend the duration of visitation to the Region (i.e. occur over a number of days)

A summary of requests and recommendation can be found in Attachment 1. Full applications for each event can be found in Attachment 2.

Gulgong UneARThed 6 - 10 June

If Council wishes to support the event in 2019, the recommended amount based on the scoring scale is \$1,000. This would be for in-kind support of waiving the venue hire fees for Gulgong Memorial Hall (\$891) and cash support of \$109 towards operational costs.

Shute Shield 27 April 2019

If Council wishes to support the event in 2019, the recommended amount based on the scoring scale is \$2,031. This would be in-kind funding to cover the cost of the hire of Glen Willow Sports Stadium and post event cleaning.

Can Cruise 16 March 2019

If Council wishes to support the event in 2019, the recommended amount based on the scoring scale is \$0. However, given the request is for in-kind support and the event was recognised with an Award at Council's 2019 Australia Day awards, it is recommended that the request for \$480 to cover the cost of the Mudgee Showground hire be supported.

CRL Representative Finals (Country Rugby League of NSW Limited) 6 April 2019

Council approved \$940 in in-kind funding at the November 2018 Council Meeting, to go towards to the hire of Glen Willow. However, total hire costs are \$1,796. It is recommended that Council support the event with an additional \$856 to cover the total hire cost of the facility and cleaning. Should this be approved the total funding provided to the CRL would be \$1,796 which is supported by the Events Assistance scoring system.

The Events Assistance scoring system below was used to score applications against set criteria.

Local community/volunteer participation in event		
Score	Definitive Answers	Value Judgement
0	Unsatisfactory	No or limited local community/volunteer participation or impact (<500 residents)
1	Poor	Community/volunteer participation or local benefits impacting (500 to 1,000 residents)
2	Satisfactory	Community/volunteer participation or local benefits impacting between (1,000 to 2,000 residents)
3	Good	Direct community/volunteer involvement or local benefits impacting (>2,000 residents)

Capacity to ensure event continues and develops in the future		
Score	Definitive Answers	Value Judgement
0	Unsatisfactory	First time event being held, no plans outlined in application, unclear capacity to deliver event
1	Poor	Limited event history (year one), limited plans outlined in application
2	Satisfactory	Event is at least two years old, appropriate planning
3	Good	Well-established event with detailed planning for the future outlined

Economic activity generated from event		
Score	Definitive Answers	Value Judgement
0	\$0-\$25K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
2	\$25K-\$50K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
4	\$50K-\$100K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
6	\$100K-\$150K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
8	\$150K-\$200K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
10	\$200K-\$250K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
12	\$250K-\$300K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
14	\$300K+	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)

Attachment 1 outlines the requests and recommendations for funding.

Community Plan implications

Theme Building a Strong Local Economy

Goal An attractive business and economic environment

Strategy Promote the Region as a great place to live, work, invest and visit

Strategic implications

Council Strategies

Applications for events assistance are required to have clear linkages to the Community Plan Towards 2030 outcomes. This includes promoting the region as a great place to live, work, invest

and visit. By supporting events that provide opportunities for local and visitor attendance, this increases visitation to the region and provides social and economic benefits to the region.

Council Policies

Events Assistance Policy – applicants are required to meet the eligibility criteria of the policy including attracting visitors the region.

Legislation

The Local Government Act 1993, Section 356, states: (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

Financial implications

Funding of \$60,000 is provided in the 2018/19 Operational Plan for Events Assistance. The current balance is \$27,601. Based on the scoring system above, the recommendation of staff is to provide \$4,367 in Events Assistance. This leaves a balance of \$23,234.

Associated Risks

If Council does not support these events, there is a risk that they may not go ahead in the future or that they are held at another location and therefore, there is the potential of lost economic benefits to the Mid-Western Region.

There is also a risk that an applicant provides false or fraudulent information in order to benefit from the program. This risk is minimised by the clear and transparent policy, process for approval, and feedback requirements of the program.

JOANNA LINDSAY
EVENTS OFFICER

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

15 January 2019

Attachments: 1. Events Assistance Summary of Scoring.
2. Events Assistance Applications Recieved.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Organisation	Name of event:	Total Attendance	Event Date/s:	Amount Requested in Cash	Amount Requested In-kind	Summary of Requested	Total Amount Requested (cash + in-kind)	Total Score (out of 20)	Funding recommended
Gulgong Arts Council	Gulgong UneARThed 2019	1420	6-10 June	\$ 109.00	\$ 891.00	Venue Hire - Memorial Hall Gulgong Operational Costs	\$ 1,000.00	12	\$ 1,000.00
Country Rugby League of NSW Limited	CRL Representative Finals	4500+	6-Apr	\$ -	\$ 856.00	Venue Hire - Glen Willow	\$ 856.00	18	\$ 856.00
The Rugby Club Foundation	Shute Shield	4000	27-Apr	\$ -	\$ 2,031.00	Venue Hire - Glen Willow	\$ 2,031.00	16	\$ 2,031.00
Crudgegong Cruisers Inc.	Can Cruise 2019	850	16-Mar		\$ 480.00	Venue Hire - Mudgee Showground	\$ 480.00	4	\$ 480.00

Event Assistance Funding Application - 1 January to 30 June 2019

#15

COMPLETE

Collector: Web Link 2 (Web Link)
Started: Monday, January 07, 2019 12:59:14 PM
Last Modified: Monday, January 07, 2019 4:18:38 PM
Time Spent: 03:19:24
IP Address: 1.158.2.165

Page 2: CONTACT DETAILS

Q1 Please enter your contact details below:

Name: Gulgong Arts Council
Organisation: Secretary
ABN: 13620581551
Address: PO Box 422
Suburb: GULGONG
State: NSW
Post Code: 2852
Email Address: artscouncilgulgong@hotmail.com
Phone Number: [REDACTED]

Q2 Website/Social Media

Website: www.gulgongarts.com
Facebook Page: Gulgong Arts Council

Page 3: EVENT INFORMATION

Q3 Name of event:

UneARTheD 2019 Art Show/Exhibition

Q4 Event Date/s:

6th - 10th June 2019

Q5 Number of days event is held:

4

Event Assistance Funding Application - 1 January to 30 June 2019

Q6 Event location:

Gugong Memorial Hall

Q7 Year the event was established:

2013

Q8 How often is the event held?

Annual

Q9 Event description:

Art Show/Exhibition

Q10 Event aims and objectives:

- To ensure a diverse exhibition program.
 - To enhance creativity amongst indigenous and people with disabilities
 - To expose visitors (tourists & community members) to quality art.
-

Q11 Desired outcomes of event:

- To attract an increase of exhibitors
 - To create a support network of artists/artisans in regional NSW
 - Explore potential of creativity with school age children, people with disabilities and the indigenous
 - Create an annual gathering space for the art community
-

Q12 Expected attendance numbers: (note: 'local' refers to Mid-Western LGA residents, 'visitors' refers to those coming from outside Mid-Western LGA)

Local Participants	580
Local Spectators	400
Visitor Participants	40
Visitor Spectators	400
Total Expected Attendance	1420

Q13 What methods do you use to collect data on attendance and visitor numbers?

Door attendance tickets

Q14 Target audience:

Non specific - all ages, capabilities

Event Assistance Funding Application - 1 January to 30 June 2019

Q15 Local community involvement (including local businesses and number of volunteers):

This event has strategic partners & collaboration including Red Hill Environmental Education Learning Centre, Gulgong Chamber of Commerce, Henry Lawson Festival, Orana Arts, Local, 14 Regional Schools and Preschools, Mudgee Arts, Gulgong Men's Shed, Mid-Western Regional Council, Glencore & Gulgong Arts Council member volunteers

Q16 Economic benefits of the event:

Visitation to Gulgong for the duration of the June long weekend 2017 exceeded 3,000. Gulgong Arts Council's UneARThed Art Exhibition/Competition also contributes to the economic benefits to Gulgong on this long weekend, bringing artistic tourists from Regional NSW and interstate

Q17 Community and social benefits of the event:

- Creates ongoing community engagement
 - Provides capacity building within the region
 - Enhances mental & physical health
 - Involves School Children of all ages
 - Includes ALL community members
-

Q18 How will Council's support of the event be recognised?

Council's support of this event will be recognised by way of MWRC logo on all promotional material including MWRC banner at event.

- Social media, newspapers, magazines, GAC web page and local & regional radio

Q19 How do you plan to market and promote the event?

- This event will be promoted and marketed by way of GAC web page, social media, magazines, local, regional newspaper articles, local & regional radio, Orana Arts, Arts Out West, Gulgong business community, Red Hill Environmental Education Centre, Regional and local schools, MWRC events calendar, tourist information, galleries/art space throughout the region and Henry Lawson Festival program.

Page 4: PROJECT BUDGET AND FINANCIAL DETAILS

Event Assistance Funding Application - 1 January to 30 June 2019

Q20 Please provide details of your event income:

Events Assistance Funding Requested:	\$1,000 to cover operational costs including hall hire Memorial Hall plus kitchen for one week.
Expected Sales Revenue (including entry/ticket sales):	\$2,000
Contribution from your Organisation/Club:	\$5,000
Sponsorship:	\$5896 (2018 figures) 2019 figures are pending at this stage and are expected to be much lower due to the current drought.
Stallholder Fees:	N/A
Total Income:	\$13,896

Q21 Please provide details of your event expenditure:

Marketing:	\$3,000
Venue Hire:	\$1,000
Other 1:	Prize pool \$4,800
Other 2:	Insurance \$1,200
Other 3:	Operational/Administration Costs \$1,500

Q22 Total Surplus/Deficit:

\$ **\$2,396 surplus**

Q23 If positive or surplus budget, please provide further details/explanation what this surplus will be used for:

The \$2,396 will be used to purchase portable plinths to use at future exhibitions

Q24 How do you plan to ensure the event will be sustainable in the future and not reliant on Council funding?

- Assessing and updating event management and plans post event.
- Address changes identified for improvements of event
- Exploring new marketing and promotional options.
- Researching what works for other successful Art Events.
- Financial management

Q25 Please outline the management structure of your event including key role and responsibilities, and the use of paid/unpaid staff?

Management structure of UneARThed Art Show/Exhibition 2019 is overseen by Gulgong Arts Council's President Rose Hensley and Secretary, Toni Morrison together with Treasurer Richard Cross and event co-ordinators Cecily Walters and Lance Morrison. Preparation and planning began in August and continues through to the acceptance of exhibits, curation of the exhibition and dismantle of the exhibition. This equals to approximately 1200hrs of unpaid work by committee and our members.

Event Assistance Funding Application - 1 January to 30 June 2019

Q26 Is your group/organisation Incorporated?	Yes
Q27 Is your group/organisation not-for-profit?	Yes
Q28 Have you registered for GST?	No
Q29 Do you have an ABN?	Yes, ABN:: 13620581551
Q30 Has your event previously received funding from Council?	Yes, If yes, please list year(s) of funding and amount(s) received:: 2016-\$500 2017-\$891 2018- \$891
Q31 Does the event hold current Public Liability Insurance? Events MUST have insurance to be eligible to receive funding.	Yes
Q32 Please upload a copy of your Certificate of Currency	
170501 REN - PL Certificate[12559] Insurance 2018.pdf(48.1KB)	

Page 5: FUNDING REQUESTED - MUST NOT EXCEED \$2,500

Q33 Please provide details of IN-KIND support requested AND value of support (dollar amounts):(e.g. Council venue hire fee, preparation of Traffic Control Plan, Traffic Control Personnel, Waste Management). Refer to Council's Fees and Charges (click here) for amounts.

Venue Hire	\$891
Total:	\$891

Q34 Please provide details of CASH support requested AND dollar amounts:For any cash funding received, copies of invoices may be required as evidence along with an invoice.

1.	\$109 Operational Costs
Total:	\$109

Page 6: AUTHORISATION OF APPLICANT

Event Assistance Funding Application - 1 January to 30 June 2019

Q35 Authorisation of Applicant:

Name:	Toni Morrison
Position	Secretary/Grants Officer
Date:	7th February 2019

Q36 I confirm:

that the information contained in the application form and within the attachments are true and correct.

,

that this application has been submitted with the full knowledge and support of the applicant.

Event Assistance Funding Application - 1 January to 30 June 2019

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, August 30, 2018 11:03:09 AM
Last Modified: Friday, August 31, 2018 11:27:06 AM
Time Spent: Over a day
IP Address: 101.178.134.191

Page 2: CONTACT DETAILS

Q1 Please enter your contact details below:

Name: Adrienne Lew
Organisation: Country Rugby League of NSW Limited
ABN: 55953246706
Address: Po Box 411
Suburb: Sydney Markets
State: NSW
Post Code: 2129
Email Address: alew@crlnsw.com.au
Phone Number: [REDACTED]

Q2 Website/Social Media

Website: <http://crlnsw.com.au/>
Facebook Page: <https://www.facebook.com/crlnsw>

Page 3: EVENT INFORMATION

Q3 Name of event:

CRL Representative Finals

Q4 Event Date/s:

6 April 2019

Q5 Number of days event is held:

1

Q6 Event location:

Glen Willow Regional Sports Stadium

Event Assistance Funding Application - 1 January to 30 June 2019

Q7 Year the event was established:

2018

Q8 How often is the event held?

Annual

Q9 Event description:

Host CRL grand final for the representative competitions.

Laurie Daley Cup, Andrew Johns Cup, Under 23 Country Championship and Women's Tackle Country Championship

Q10 Event aims and objectives:

Finals event for representative regional rugby league. Quality competitions for participants in Regional NSW.

Q11 Desired outcomes of event:

Host all finals in one venue on the one day in a central location.

Q12 Expected attendance numbers: (note: 'local' refers to Mid-Western LGA residents, 'visitors' refers to those coming from outside Mid-Western LGA)

Local Participants	50
Local Spectators	2000
Visitor Participants	150
Visitor Spectators	2500
Total Expected Attendance	4500+

Q13 What methods do you use to collect data on attendance and visitor numbers?

gate entry count for attendees

Q14 Target audience:

family and friends from the local and wider community with the shared interest of rugby league

Q15 Local community involvement (including local businesses and number of volunteers):

Mudgee Dragons RLFC and surrounding local junior rugby league clubs.

Q16 Economic benefits of the event:

CRL will house eight teams Mudgee over the weekend, using local accommodation and venue for a Friday evening reception. Additional family and friends that will travel to watch the game providing economic benefits to the local business.

Event Assistance Funding Application - 1 January to 30 June 2019

Q17 Community and social benefits of the event:

Provides an event that the community are able to watch quality football earlier in the season.

Q18 How will Council's support of the event be recognised?

Signage around the venue, acknowledgement through out the day, placement in the game day program and social media avenues.

Q19 How do you plan to market and promote the event?

CRL media contacts, social media, local newspapers (not just in the Mid-Western Region) for those teams that qualify into the finals.

Page 4: PROJECT BUDGET AND FINANCIAL DETAILS

Q20 Please provide details of your event income:

Events Assistance Funding Requested:	funding for venue hire
Expected Sales Revenue (including entry/ticket sales):	\$3000

Q21 Please provide details of your event expenditure:

Venue Hire:	\$800
Staff Costs:	CRL Employees / Volunteers from the local leagues

Q22 Total Surplus/Deficit:

\$	Deficit
----	----------------

Q23 If positive or surplus budget, please provide further details/explanation what this surplus will be used for:

n/a

Q24 How do you plan to ensure the event will be sustainable in the future and not reliant on Council funding?

Budgeting for the event, relying on the local league support and volunteers.

Q25 Please outline the management structure of your event including key role and responsibilities, and the use of paid/unpaid staff?

CRL - coordinate the event and run the logistics
 Mudgee Dragons - canteen, gates and volunteers to assist wher erequired (all proceeds made in the canteen go back to the club NOT CRL)

Q26 Is your group/organisation Incorporated? **No**

Event Assistance Funding Application - 1 January to 30 June 2019

Q27 Is your group/organisation not-for-profit?	Yes
Q28 Have you registered for GST?	Yes
Q29 Do you have an ABN?	Yes, ABN:: 55953246709
Q30 Has your event previously received funding from Council?	No
Q31 Does the event hold current Public Liability Insurance? Events MUST have insurance to be eligible to receive funding.	Yes
Q32 Please upload a copy of your Certificate of Currency	
CRL Ltd.pdf (103.5KB)	

abaker 12:51 PM Reply X

Requesting additional funds to cover the total hire cost of Glen Willow. Previous amount approved was based on a past hire cost by the CRL and is not reflective of their needs for this event.

Add a reply...

Page 5: FUNDING REQUESTED - MUST NOT EXCEED \$2,500



Q33 Please provide details of IN-KIND support requested AND value of support (dollar amounts):(e.g. Council venue hire fee, preparation of Traffic Control Plan, Traffic Control Personnel, Waste Management). Refer to Council's Fees and Charges (click here) for amounts.

Venue Hire	940
------------	------------

Q34 Please provide details of CASH support requested AND dollar amounts:For any cash funding received, copies of invoices may be required as evidence along with an invoice.

1.	n/a
----	------------

Page 6: AUTHORISATION OF APPLICANT

Q35 Authorisation of Applicant:

Name:	Adrienne Lew
Position	Operations Coordinator
Date:	31/08/18

Q36 I confirm:

that the information contained in the application form and within the attachments are true and correct.

,

that this application has been submitted with the full knowledge and support of the applicant.



EVENTS ASSISTANCE – SHUTE SHIELD

ITEM DESCRIPTION	Events Assistance
DATE:	Jan – July 2019
FROM:	Events Co-ordinator Joanna Lindsay
DATE FILED:	6 February 2019

Date - Saturday 27 April

Mudgee is set to host a first grade premiership round of the Rugby Union Shute Shield between Sydney University v Eastwood

The game is to be broadcast on Channel 7 and provides a good opportunity to continue to promote sports tourism in the Mid-Western Region.

A crowd of approximately 4,000 is anticipated to attend, with most being visitors to the Mudgee region. Organisers are currently working on arranging a mini market made up of local producers for spectators to enjoy.

It is recommended that Council support the event by an in-kind fee waiver of the hire of Glen Willow Stadium to the value of \$2,031.

Event Assistance Funding Application - 1 January to 30 June 2019

#17

COMPLETE

Collector: Web Link 2 (Web Link)
Started: Tuesday, January 22, 2019 1:52:36 PM
Last Modified: Tuesday, January 22, 2019 2:55:28 PM
Time Spent: 01:02:52
IP Address: 120.155.44.54

Page 2: CONTACT DETAILS

Q1 Please enter your contact details below:

Name: John Stuart
Organisation: Cudgegong Cruisers Inc
ABN: 42 822 332 782
Address: 119 Saints Lane
Suburb: St Fillans
State: NSW
Post Code: 2850
Email Address: [REDACTED]
Phone Number: [REDACTED]

Q2 Website/Social Media

Website: cudgegongcruisers.com.au
Facebook Page: <https://www.facebook.com/pages/category/Community/Cudgegong-Cruisers-Inc-239891635592/>

Page 3: EVENT INFORMATION

Q3 Name of event:

Can Cruise 2019

Q4 Event Date/s:

16 March 2019

Q5 Number of days event is held:

1

Event Assistance Funding Application - 1 January to 30 June 2019

Q6 Event location:

Mudgee Showground

Q7 Year the event was established:

2009

Q8 How often is the event held?

Annual

Q9 Event description:

The event is a Show 'N' Shine and Cruise through Mid Western Regional area followed by lunch and a charity auction

Q10 Event aims and objectives:

The aim of the event is a fund raiser for Mudgee Can Assist which is an local organisation providing financial support to cancer sufferers whilst they are undergoing treatment.

Q11 Desired outcomes of event:

To raise \$15,000 to be donated to Can Assist and other local charities

Q12 Expected attendance numbers: (note: 'local' refers to Mid-Western LGA residents, 'visitors' refers to those coming from outside Mid-Western LGA)

Local Participants	200
Local Spectators	500 many of these are in church street to view cars and motor bikes
Visitor Participants	50
Visitor Spectators	100
Total Expected Attendance	850

Q13 What methods do you use to collect data on attendance and visitor numbers?

Participants all complete a registration form

Q14 Target audience:

All the community interested in viewing immaculately presented vehicles

Event Assistance Funding Application - 1 January to 30 June 2019

Q15 Local community involvement (including local businesses and number of volunteers):

Local businesses including Moolarben Coal provide sponsorship to help defray costs. Cudgegong Cruisers and Can Assist have at least 30 volunteers assisting on the day.

Q16 Economic benefits of the event:

The event has an economic benefit as visitor participants from Sydney, Newcastle, Central Coast, Victoria, Lithgow, Orange and Bathurst stay over usually for 2 nights and spend in the local community.

Q17 Community and social benefits of the event:

The community benefits through the donations to Can Assist which then provides the financial support to cancer sufferers. The social benefit is that cancer sufferers are assisted at an extremely vulnerable time.

Q18 How will Council's support of the event be recognised?

Council website and Facebook pages and through local media including Real FM, 2MG and Mudgee Guardian as well as recognition on the day.

Q19 How do you plan to market and promote the event?

Flyers, local radio station, website, Facebook and other car club networks.

Page 4: PROJECT BUDGET AND FINANCIAL DETAILS

Q20 Please provide details of your event income:

Events Assistance Funding Requested:	\$480
Expected Sales Revenue (including entry/ticket sales):	\$9,000
Sponsorship:	\$4,000
Other 1:	\$6,000 auction proceeds
Other 2:	\$1,300 donations
Other 3:	\$500
Total Income:	\$20,800

Event Assistance Funding Application - 1 January to 30 June 2019

Q21 Please provide details of your event expenditure:

Marketing:	\$500
Venue Hire:	\$480
Other 1:	\$920 trophies
Other 2:	\$3,500 catering
Other 3:	\$400 Music

Q22 Total Surplus/Deficit:

\$ **15,000**

Q23 If positive or surplus budget, please provide further details/explanation what this surplus will be used for:

The surplus will be donated to Can Assist and other local charities

Q24 How do you plan to ensure the event will be sustainable in the future and not reliant on Council funding?

The event is sustainable however all funds raised are donated to charity.

Q25 Please outline the management structure of your event including key role and responsibilities, and the use of paid/unpaid staff?

The event is run by the Cudgegong Cruisers Committee and members, no one receives any payment for assisting on the day. Registrations are taken by the club secretary with assistance from other members. The auction is arranged by Glenn Box and conducted by Geoff Bartlett.
Can Assist members and other volunteers cook and serve breakfast and lunch.

Q26 Is your group/organisation Incorporated? **Yes**

Q27 Is your group/organisation not-for-profit? **Yes**

Q28 Have you registered for GST? **No**

Q29 Do you have an ABN? **Yes,**
ABN::
42 822 332 782

Q30 Has your event previously received funding from Council? **No**

Event Assistance Funding Application - 1 January to 30 June 2019

Q31 Does the event hold current Public Liability Insurance? Events MUST have insurance to be eligible to receive funding. **Yes**

Q32 Please upload a copy of your Certificate of Currency

Certificate of Currency Motorfest new dates.pdf(195.1KB)

Page 5: FUNDING REQUESTED - MUST NOT EXCEED \$2,500

Q33 Please provide details of IN-KIND support requested AND value of support (dollar amounts):(e.g. Council venue hire fee, preparation of Traffic Control Plan, Traffic Control Personnel, Waste Management). Refer to Council's Fees and Charges (click here) for amounts.

Venue Hire	\$480 venue hire already paid to MWRC
Total:	\$480

Q34 Please provide details of CASH support requested AND dollar amounts:For any cash funding received, copies of invoices may be required as evidence along with an invoice.

1.	0
Total:	0

Page 6: AUTHORISATION OF APPLICANT

Q35 Authorisation of Applicant:

Name:	John Stuart
Position	Treasurer
Date:	22 January 2019

Q36 I confirm: **that the information contained in the application form and within the attachments are true and correct.**
,
that this application has been submitted with the full knowledge and support of the applicant.

8.4 Australian Tourism Council's Advocacy Group

REPORT BY THE DIRECTOR DEVELOPMENT
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, A0820020

RECOMMENDATION

That Council:

1. **receive the report by the Director Development on the Australian Tourism Council's Advocacy Group; and**
2. **decline initial membership of the group as it already participates in various tourism networks and working groups.**

Executive summary

The purpose of this report is to consider an invitation to become a member of the Australian Tourism Council's Advocacy Group (ATCAG).

Disclosure of Interest

Nil.

Detailed report

Council has received an invitation from Byron Bay Council to join the Australian Tourism Council's Advocacy Group (ATCAG). Attached is a copy of the fact sheet outlines the proposed activities of the group and the four key issues that will form the basis of the working group's activities.

ATCAG is a newly established organisation and the initial membership charge is \$1,100 per Council per year. The ongoing amount is yet to be determined by the group and any research or communications activities undertaken will require members to contribute to these costs in addition to membership fees.

Council recognises the efforts of Byron Bay Council and others who are involved in establishing the group and the issues that the ATCAG will be focused may have some relevance to the Mid-Western Region. However, the recommendation of staff is to decline initial membership for the following reasons:

- Council already participates in a number of tourism networks and broader economic development working groups (such as Destination Country & Outback, RDA Orana, Orana Joint Organisation) and these forums provide opportunities to address relevant issues in co-operation with regional NSW stakeholders and neighbouring councils;
- The total investment required on an ongoing basis is uncertain at this stage i.e. future membership costs will depend on the research and activities the group undertakes;
- Meaningful participation in group activities and meetings will involve the commitment of staff resources, which will require increased resources in this area or redirection from other tasks.

Community Plan implications

Theme	Building a Strong Local Economy
Goal	An attractive business and economic environment
Strategy	Promote the Region as a great place to live, work, invest and visit

Strategic implications

Council Strategies

Building a Strong Local Economy is a key theme in the Towards 2030 Community Plan. Promoting the region as a great place to live, work, invest and visit is a key strategy under this theme.

Council Policies

Not Applicable.

Legislation

Not Applicable.

Financial implications

Initial membership of the group is \$1,100 for one year. Council will also be required to contribute to additional costs for any research and communication activities undertaken by the group, which at this stage are unknown.

If Council wishes to participate in the group, the costs of both membership and ongoing activities would need to be funded from unrestricted cash.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2018/19	✘	-	-
Future Years	✘	-	-

Associated Risks

The main risk in joining ATCAG is that the full cost of membership (both with ongoing activities and staff resources) is unknown at this stage. There are no risks associated with not joining ATCAG, as Council already participates in various tourism networks and working groups.

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

23 January 2019

Attachments: 1. ATCAG Fact Sheet.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Australian Tourism Council's Advocacy Group (ATCAG) FACT SHEET

Introduction

When it comes to managing tourism, LGA's across Australia share many of the same challenges including growth of holiday letting, peak season traffic and congestion, and impacts on our infrastructure. These challenges impact on achieving manageable visitor numbers across destinations, by way of declining visitation or over popularity.

We know that we can be more effective at engaging State and Federal Government and receiving support by working together and advocating with one voice. When councils band together, we speak with a louder voice and our proposed solutions can be easier to hear and harder to ignore.

By sharing information, knowledge and experience, councils can learn from each other to build resilience for communities in tourist destinations.

Background

In December 2017, over 50 councils took part in an initial meeting to consider the many and varied challenges facing LGA's as a consequence of tourism and its impacts. The meeting presented many challenges and a follow-up survey was used to establish the top four issues councils shared (see below). It was proposed that an advocacy group be established to lobby governments to address the critical issues faced by the broader group of councils Australia wide.

About the group

Based on the survey results and meeting, the preference is an action based group with a focus on research and advocacy. An overarching group, chaired by Byron Shire Mayor Simon Richardson, will provide a coordination and support role for the working groups, governed by a Terms of Reference to be agreed upon during the ATCAG's meeting.

The ATCAG will meet bi-annually and all member councils will be invited to attend these meetings. Working groups will be established and a chair and secretary will be nominated for each working group at the first meeting of ATCAG.

Working groups will comprise of elected members, CEO's or a combination.

The issues

These four issues will form the basis of the working groups to action:

1. Tourism impacts on infrastructure

Road, water, waste, toilets, beaches, tourist attractions and Crown land transfers, loss of national parks tourism.

2. Lack of Public Transport

Inland and regional tourist destinations facing declining visitor numbers that they say are linked to reduced bus and train services.

3. Increases to holiday and short-term rentals and impacts

Airbnb, holiday letting, impacts on affordable housing for local communities, conflicts on housing and issues-affordability, between residents and visitors.

4. Creating sustainable tourism opportunities and Agritourism

Looking at opportunities and current regulations/restrictions in place and work with operators and government to develop Agritourism.

Joining Investment

Byron Shire Council is delighted to offer initial administration and financial support for the inaugural meeting. In order to achieve its goals, the group will need to raise funds to cover administration and communication costs.

The Annual Investment will be: \$1,100 (Inc. GST) initial membership charge, per Council, per year with an ongoing amount to be determined by the group. The membership period is calendar year and commences on 1 January 2019.

If the working group commissions research or undertake a communications campaign, those costs will need to be covered by working group member councils and with support from the majority of participating working group members.

Join ATCAG

For more information, or to join, contact:

Gail Fuller

Tourism Officer

Phone: 0447 602 890

Email: tourismadvocacy@byron.nsw.gov.au

8.5 Transfer of Land Agreement for 90 Market Street

REPORT BY THE DIRECTOR COMMUNITY
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, REC800039

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Transfer of Land Agreement for 90 Market Street;**
2. **enter into the *Deed of Agreement For Transfer of Land* with Property NSW to purchase Allotment 113 DP48439 for \$1.00 (excluding GST);**
3. **authorise the General Manager and Mayor to sign all documentation, where necessary, in relation to the purchase of Allotment 113 DP48439; and**
4. **authorise the Common Seal of Council to be affixed to all documentation, where necessary, in relation to the purchase of Allotment 113 DP48439.**

Executive summary

This report seeks Council's formal agreement to accept the offer of the building at 90 Market Street, Mudgee from the State Government for the purposes of establishing an art gallery. The announcement on this was made in May by the Government. The final transfer deed of agreement has not been provided by Property NSW.

Disclosure of Interest

Nil.

Detailed report

The property at 90 Market Street (Lot 113 DP 48439) has been offered to Council by the State Government. This comes after many years of discussions over the future of the building and requests from the community for the establishment of an art gallery in the region.

The building itself has a long association with local government in the area, originally built as the Cudgegong Shire Council Chambers. When State Government agencies vacated the building a few years ago, it was identified by a number of prominent locals as a potential site for a gallery. This transfer of land agreement comes that end of a long road of negotiations.

It should be noted that the transfer comes with restrictions on its use, including that the primary purpose of the building for the next fifteen years should be as a gallery. Also, in agreeing to the transfer of ownership, Council also needs to accept that there will be ongoing costs for maintenance and asset management.

A gallery for the region is an important piece of cultural and community infrastructure and will assist in meeting a key community objective as established by numerous surveys and plans over many years.

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

Strategic implications

Council Strategies

Community Strategic Plan

Council Policies

Land Acquisition and Disposal Policy

Legislation

Local Government Act 1993

Financial implications

While there are limited financial implications in the transfer of ownership itself, there will still be some costs associated with this. However, the ongoing management of this additional asset will affect Council’s operational budgets and the intended use as a gallery will also have a significant impact in terms of initial building work to transform the building into a gallery with other associated uses. This will include capital expenditure on the existing building and any extensions to this as well as the ongoing maintenance and operation of the building.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2018/19	✘	-	✘
Future Years	✘	-	✘

Associated Risks

There is a risk in accepting the transfer of ownership if it is not the intent of Council to then establish an art gallery on the site.

SIMON JONES
DIRECTOR COMMUNITY

11 February 2019

Attachments: 1. Deed of agreement for the transfer of land, 90 Market Street and attachments. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.6 Regional Cultural Fund - Acceptance of Grant Funding

REPORT BY THE DIRECTOR DEVELOPMENT AND CHIEF FINANCIAL OFFICER
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, GRA600002

RECOMMENDATION

That Council:

1. **receive the report by the Director Development and Chief Financial Officer on the Regional Cultural Fund - Acceptance of Grant Funding;**
2. **accept \$2,292,800 in grant funding from the NSW State Government for the Regional Art Gallery;**
3. **authorise the General Manager to finalise and sign a funding agreement with the NSW Government for the Regional Art Gallery; and**
4. **amend the 2017/21 Delivery Program to:**
 - 4.1 **reduce 2019/20 grant funding by \$707,200;**
 - 4.2 **increase 2019/20 project expenditure by \$1,092,800;**
 - 4.3 **fund total deficit of \$1,800,000 by allocating VPA funding of \$1,200,000, with the remaining \$600,000 to be funded from unrestricted cash.**

Executive summary

The NSW Government has announced that Mid-Western Regional Council will receive \$2,292,800 in grant funding from Round 2 of the Regional Cultural Fund towards the development of a Regional Art Gallery.

The purpose of this report is to amend Council's Operational Plan and Delivery Program for the 2018/19 financial year, and to authorise the General Manager to accept the funding and sign the funding agreement and other relevant documentation.

Disclosure of Interest

Nil.

Detailed report

Council applied for grant funding from the NSW Government's Regional Cultural Fund in September 2018. The total cost of the Regional Art Gallery project as outlined in the business case is \$4,592,800, which includes refurbishment of the existing building, construction of a new building to accommodate further gallery and workshop space, offices and car parking. Council's application for grant funding requested \$3,992,800 from the NSW Government, with Council required to make a co-contribution to the project of \$600,000.

In January 2019, the NSW Government announced that Council's application was successful and that \$2,292,800 would be provided towards the project. As a result of the announcement, the co-contribution required from Council towards the project is \$2.3 million (i.e. 50% of the total project cost).

The Regional Art Gallery project is already identified in Council's 2017/21 Delivery Program and Operational Plan for the 2018/19 financial year with a total project expenditure of \$3,500,000, to be funded \$500,000 from developer contributions and \$3,000,000 from grant funding. This was based on the initial estimate of costs during the budgeting process for the 2018/19 Operational Plan. The development of the full business case in September 2018 required more detailed assessment of the project scope and analysis of individual activities involved, with a total estimated project cost of \$4,592,800. This funding is currently split over 2 financial years (2018/19 & 2019/20).

If Council accepts the \$2,292,800 from the NSW Government's Regional Cultural Fund, the required co-contribution from Council is \$2,300,000 (i.e. 50% of the total project cost).

It is recommended to fund the co-contribution from available restricted and unrestricted cash, with \$1.2 million to be funded from VPA (Wilpinjong Community Infrastructure) and the remaining \$600,000 to come from unrestricted cash.

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

Strategic implications

Council Strategies

A key strategy in Council's Towards 2030 Community Plan is to support arts and cultural development across the Region.

A Regional Art Gallery was identified by the Mid-Western Regional Community as a key strategic project for the Region as part of community consultation conducted for the 2016/17 review of the Community Plan. It was ranked as the fifth most important project for the over 40's age bracket and second for the over 60's age bracket.

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

If Council accepts grant funding from the NSW Government for the Regional Art Gallery, the 2017/21 Delivery Program will need to be amended as follows:

- Increase total project expenditure by \$1,092,800 (i.e. from \$3.5 million to \$4.6 million);
- Reduce grant funding by \$707,200 (i.e. from \$3,000,000 to \$2,292,800); and
- Increase VPA funding by \$1,200,000.

The remaining funding gap of \$600,000 will reduce unrestricted cash balances.

There are adequate unrestricted cash levels in the current 2017/21 Delivery Program to allow for this reduction and still meet Councils ongoing cash requirements.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2018/19	-	-	-
Future Years	X	X	X

Associated Risks

Not Applicable

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

30 January 2019

- Attachments:*
1. Business Case. (Confidential - separately attached)
 2. Funding Agreement. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.7 Glen Willow Stage 2 - Acceptance of Grant Funding

REPORT BY THE DIRECTOR DEVELOPMENT AND CHIEF FINANCIAL OFFICER
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, GRA600002

RECOMMENDATION

That Council:

1. receive the report by the Director Development and Chief Financial Officer on the Glen Willow Stage 2 - Acceptance of Grant Funding;
2. accept up to \$10 million in grant funding from the NSW State Government, if successful, under the Regional Growth – Environment and Tourism Fund for the Glen Willow Stage 2 project;
3. authorise the General Manager to finalise and sign a funding agreement, if successful, with the NSW Government for the Glen Willow Stage 2 project;
4. amend the 2017/21 Delivery Program in the 2019/20 financial year to increase grant funding by \$3.45 million and increase project expenditure by \$3.45 million;
5. note that Council does not yet meet the requirements under the Building Better Regions Fund, until matched funding is identified for the entire \$6.95 million approved grant;
6. approve commencement of works for all matched funding in the 2018/19 Operational Plan, made up of:
 - 6.1 \$400,000 grant funding under the Building Better Regions Fund;
 - 6.2 \$400,000 developer contributions as matched funding; and
7. note that should Council be unsuccessful under the Regional Growth – Environment and Tourism Fund a further report will be brought back to Council identifying alternate funding sources, and amending the 2017/21 Delivery Program and 2019/20 Operational Plan.

Executive summary

Council has recently submitted an application for a \$10.0 million grant from the NSW Government towards the Glen Willow Stage 2 project.

The purpose of this report is to amend the 2017/21 Delivery Program, so that if Council is successful in obtaining this grant, it has an adequate budget in place to accept the funding and sign the funding agreement and other relevant documentation.

Disclosure of Interest

Nil.

Detailed report

Council applied for grant funding from the NSW Government's Regional Growth – Environment and Tourism Fund in January 2019. A \$10.0 million grant was applied for as a contribution to the Glen Willow Stage 2 development.

In July 2018, Council was successful in obtaining a \$6.95 million grant from the Federal Government towards the Glen Willow Stage 2 project under the Building Better Regions Fund. As the grant requires matched funding (i.e. a 50% co-contribution), Council had applied to the NSW Government for the matched amount of \$6.95 million under the Regional Sports Infrastructure Fund.

As Council is yet to receive an official response regarding the success of this application, a further application was submitted in January 2019 for a total of \$10.0 million under the NSW Government's Regional Growth – Environment and Tourism Fund which includes:

- \$6.95 million (as Council's matched contribution for the Federal Government grant)
- \$3.45 million (for additional roads, pedestrian and vehicle access in and around the complex, lighting etc. which is essential for the optimal operation of the entire precinct)

The Glen Willow Stage 2 project is already identified in Council's 2017/21 Delivery Program and Operational Plan with a total project expenditure of \$13.9 million.

If Council is successful for the full amount applied for and accepts the \$10.0 million from the NSW Government's Regional Growth – Environment and Tourism Fund, the total project will increase from \$13.9 million to \$17.35 million. The following table shows the proposed source of funding.

Funding Source	2018/19	2019/20	Total
Federal Government (BBR Fund)	\$2,600,000	\$4,350,000	\$6,950,000
NSW Government (RET Fund)	\$0	\$10,000,000	\$10,000,000
Council (Section 94 Fund)	\$400,000	\$0	\$400,000
Total	\$3,000,000	\$14,350,000	\$17,350,000

The timing of the announcement for grant funding under the NSW Government's Regional Growth – Environment and Tourism Fund is unclear at this stage. If an announcement is not made prior to 1 March 2019, caretaker mode will be in place for the upcoming state elections and therefore, any announcement will be on hold.

This could result in a lengthy delay in commencing the Glen Willow Stage 2 project and may have implications for the Federal Government funding which has already been committed. In this case (i.e. if the NSW Government's grant funding is not announced by 1 March 2019), it is proposed that Council proceed with identifying alternate sources for the amount of \$6.55 million which is the balance of funds required to match the co-contribution for the Federal Government grant.

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

Strategic implications

Council Strategies

Towards 2030 Community Plan
Recreation Strategy 2013
Glen Willow Master Plan

Council Policies

Not Applicable

Legislation

Local Government Act 1993

Financial implications

If Council accepts \$10 million in grant funding from the NSW Government under the Regional Growth – Environment and Tourism Fund, the 2017/21 Delivery Program will need to be amended as follows:

- Increase total project expenditure by \$3.45 million in 2019/20 (i.e. from \$13.9 million to \$17.35 million); and
- Increase grant funding by \$3.45 million in 2019/20 (i.e. from \$13.5 million to \$16.95 million).

If a funding announcement is not made by 1 March 2019, the recommendation is that Council proceed with identifying alternative funding to match the remainder of the Federal Government grant. Currently, available funding options are as follows:

- developer contributions (\$2.75 million);
- restricted or unrestricted cash (\$800,000);
- loan funding (\$3 million).

Council has low levels of loan borrowings (with a debt service cover ratio of 9.4 compared to the benchmark of 2.0), and therefore, it is able to utilise loan funding to provide Council's co-contribution to the project.

The annual cash impact of loan funding \$3 million dollars, would be repayments (principal and interest) of an estimated \$210,000.

Knowing the above alternate funding is available should it be required, it is recommended that Council approve commencement of works in the 2018/19 financial year, for the matched funding amount of \$800,000 (\$400k Federal Grant & \$400k developer contributions) so that Council can begin to meet its requirements under the Federal Government grant and to not unnecessarily delay works while awaiting an announcement on the State Grant outcome.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2018/19	-	-	-
Future Years	x	x	x

Associated Risks

If Council does not wish to obtain loan funding to provide the co-contribution required for the Federal Government grant, it can continue to apply for NSW Government grants. The concern in this approach is that the project will need to be placed on hold and there may be lengthy delays in securing grant funding and/or grant funding may not be available at all in the future. This could result in Council being required to forfeit the Federal Government grant of \$6.95 million.

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

31 January 2019

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.8 NSW Government Community Building Partnerships Fund - Acceptance of Funding

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, GRA600031

RECOMMENDATION

That Council:

1. **receive the report by the Manager Economic Development on the NSW Government Community Building Partnerships Fund - Acceptance of Funding;**
2. **accept \$50,000 in grant funding from the NSW State Government, for Mudgee Showground Amenities Building;**
3. **authorise the General Manager to finalise and sign funding agreements with the NSW Government, for Mudgee Showground Amenities Building; and**
4. **amend the 2018/19 Operational Plan and 2017/21 Delivery Program as follows:**
 - **Increase Grant funding by \$50,000 and decrease Capital Reserves funding by \$50,000.**

Executive summary

The purpose of this report is to amend Council's Operational Plan and Delivery Program for the 2018-19 financial year, so that Council has adequate budgets in place to accept the funding and authorise the General Manager to sign the funding agreement and other relevant documentation.

Disclosure of Interest

Nil

Detailed report

Council applied for grant funding from the NSW Government's Community Building Partnerships Fund in June 2018 towards the Mudgee Showground Amenities Building Project. Council has been successful in this application and will receive \$50,000 towards the overall \$125,000 project.

A budget of \$125,000 was approved for the 2018/19 Financial Year from Capital Reserves Fund to undertake a re-development of the Mudgee Showground Amenities Building. The project will add a permanent bathroom facility to the Mudgee Showground and make the precinct a more desirable location for community members to host and attend events. The project will provide the Showground with more public toilets for community members and visitors to the region to use.

It is recommended that Council accept the grant funding of \$50,000 and endorse the proposed amendments to the Delivery Program and Operational Plan in 2018/19 to ensure the delivery of this project.

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

Strategic implications

Council Strategies

Council's Towards 2030 Community Plan has a range of strategies supported by this project including providing infrastructure and services to cater for current and future needs of the community.

Council Policies

Nil.

Legislation

Nil.

Financial implications

A total budget of \$125,000 has already been approved in the 2018/19 Operational Plan. The acceptance of a \$50,000 grant from the NSW Government Community Building Partnerships Fund requires an amendment to Council's Operational Plan in 2018/19 to increase Grant funding by \$50,000 and reduce Capital Reserves funding by \$50,000.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2018/19	-	X	-
Future Years	-	-	-

Associated Risks

Nil

ALINA AZAR
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

4 February 2019

Attachments: 1. Community Building Partnerships Funding Deed.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Community Building Partnership 2018 CBP18 - Funding Deed with Single Instalment Application CBP18 - 1266 From Mid-Western Regional Council - DRAFT

CBP18 - Funding Deed with Single Instalment

* indicates a required field

Parties

This deed is made between:

- (1) The Crown in right of the State of New South Wales represented by the Department of Family and Community Services ABN : 80 597 369 676 ("**us**", "**we**", "**our**" and "the **Department**"); and
- (2) The community organisation described below ("**you**", "**your organisation**").

Background

The **Community Building Partnership (CBP) Program** provides funding to improve community infrastructure for the people of NSW, and encourage the enhancement of local community based activities that create more vibrant and inclusive communities.

The **CBP Program** is a NSW Government initiative coordinated by the Department on behalf of the Department of Premier and Cabinet.

Contact Details of CBP Team

Phone: 02 8753 8144

Email: CBP2018@facs.nsw.gov.au

Community Organisation's Details

Legal name of the applicant organisation

Mid-Western Regional Council

This question is read only.

ABN

96 149 391 332

Information from the Australian Business Register	
ABN	96 149 391 332
Entity name	Mid-Western Regional Council
ABN status	Active
Entity type	Local Government Entity
Goods & Services Tax (GST)	Yes
DGR Endorsed	Yes
ATO Charity Type	Not endorsed More information
ACNC Registration	No
Tax Concessions	No tax concessions
Main business location	2850 NSW
Information current as at 12:00am yesterday	

Community Building Partnership 2018 CBP18 - Funding Deed with Single Instalment Application CBP18 - 1266 From Mid-Western Regional Council - DRAFT

Must be an ABN

Postal Address *

86 Market St
Mudgee NSW 2850 Australia

Correspondence address including suburb, state and postcode are required. A drop down menu will be available after you enter the address.

Organisation Contact Name *

Mr Brad Cam

Organisation Contact Position *

General Manager

Contact Telephone *

(02) 6378 2850

Enter areas code for landline. Must be an Australian phone number

Contact Email *

council@midwestern.nsw.gov.au

Where possible, use a generic email address for your organisation e.g., office@...; info@...

Project Location *

11 Nicholson St
Mudgee NSW 2850 Australia



Latitude: -32.60332 | Longitude: 149.58315

Street address including suburb, state and postcode is required. Please enter the address of the project location. If the project is to purchase or modify vehicle/s, please enter the garaged address of the vehicle/s. Prior approval by the CBP Program is required if the address entered is different from the address provided in the application form. Please contact CBP team if you have any question with the project location.

Name of the park field or oval [if relevant]

Operative Provisions

Terms and Conditions of this Funding Deed

Community Building Partnership 2018 CBP18 - Funding Deed with Single Instalment Application CBP18 - 1266 From Mid-Western Regional Council - DRAFT

Any 2018 CBP funding is subject to your agreement with these Terms and Conditions.

1. Intent of Project

By signing this Funding Deed your organisation is accepting responsibility for implementing the project in keeping with the Program Guidelines, your application for funding and the confirmed scope of works detailed in this Funding Deed (Schedule 1).

2. Duplicate Funding

CBP funding is for the construction or refurbishment of community infrastructure, or the purchase of capital equipment as detailed in the Program Guidelines. Multiple sources of funds may be used to meet the total costs of the project, however any other funding received must clearly be for a different component of the same project.

3. Local Councils

Local Council projects are required to match the CBP funding dollar for dollar. This is in the form of cash, provided from Local Council sources, or from external funding sources. In kind contributions cannot be counted as part of the Local Council's matching contribution.

4. Payment

CBP funds will be released subject to the Funding Deed being signed by both parties and all necessary documents being completed and returned (as detailed in Schedule 1) and otherwise in accordance with the terms of this Funding Deed.

For further information on invoicing please refer to Schedule 2 of this Funding Deed.

If your project has already been completed, please contact us to discuss alternative payment arrangements. You are also required to complete the Completion and Acquittal online form and deliver supporting evidence of completion to the Department.

For organisation without an ABN, invoices for the payment of CBP funds should be addressed to:

Department of Family and Community Services
Community Building Partnership Program
ABN 80 597 369 676
Locked Bag 4028, Ashfield NSW 1800

5. Compliance with any previous CBP funding round

Where you have received funding in a previous CBP round, you must demonstrate to the Department that you have completed, or are satisfactorily making progress with the implementation of the earlier project, and are complying with the terms and conditions of any previous CBP funding agreement. The Department will not release funding under this 2018 Funding Deed until such time that any outstanding issues with previous funding round(s) project(s) have been resolved to the Department's satisfaction.

Please contact the CBP Team to discuss the status of any incomplete CBP funded projects, or incomplete paperwork for earlier projects.

6. Completion and Unspent Funds (Surplus)

The project must be completed by **31 March 2020**.

If the project is not completed by **31 March 2020** project funding may be withdrawn. If you are unable to meet this deadline, please contact the CBP Team on 8753 8144 or at CBP2018@facns.nsw.gov.au.

If at the end of your project your organisation has unspent CBP funds, please contact the CBP Team prior to filling out the Completion and Acquittal online form. Unspent CBP funds may be required to be repaid; this is at the sole discretion of the Department.

7. Bank account

Community Building Partnership 2018 CBP18 - Funding Deed with Single Instalment Application CBP18 - 1266 From Mid-Western Regional Council - DRAFT

To process and record all CBP funding receipts and expenditure your organisation must maintain either:

- (a) a separate account at a financial institution; or
- (b) an existing general account at a financial institution where adequate internal financial controls are in place for the identification of the CBP funding, which is an authorised deposit-taking institution, located in New South Wales, including a bank, credit union or building society (the 'bank account').

CBP funds released to your organisation must be:

- held in the bank account; and
- used solely for the purposes of the CBP Program funded project.

Interest earned on CBP funds held in the bank account must be used solely for the purpose of the CBP Program funded project.

Should your project and its implementation be delayed for any reason, CBP funds already released as part of this Funding Deed must be held in the bank account until:

- they are applied solely for the purpose of the CBP Program funded project; or
- they are required to be returned or repaid to the Department in accordance with the Terms and Conditions of this Funding Deed.

The Department reserves the right to recoup funds already released and held in the bank account should the funded project not be making reasonable progress.

The Department will hold any awarded but unreleased funds in its account until such time as payment triggers can be satisfactorily demonstrated.

8. Contractors and Insurances

It is your responsibility to ensure that contractors (or project partners) that have appropriate skills, qualifications and experience are hired for the work proposed to be carried out, and that all work meets the requirements of this Funding Deed and complies with relevant legislation, standards and codes of practice. You are also responsible for ensuring that all contractors hold the appropriate licences and insurances.

Your organisation is responsible for maintaining the currency of any relevant insurances including but not limited to Directors and Officers Liability, Associations Liability, Public Liability and Worker's Compensation insurances.

9. Conflicts of Interest

You represent and warrant that as at the date of this Funding Deed, no Conflict of Interest exists or is likely to arise in relation to the entry into, or performance of obligations under, this Funding Deed. You undertake to notify the Department, in writing, immediately upon becoming aware of the existence, or possibility, of a Conflict of Interest. On receiving a notice of a Conflict of Interest, the Department may:

- (i) approve the continuation of the CBP funding arrangements under this Funding Deed, which approval may be subject to reasonable conditions to ensure appropriate management of the Conflict of Interest; or
- (ii) where in the Department's reasonable view the Conflict of Interest cannot be appropriately managed, terminate this Funding Deed.

In this clause 9, "Conflict of Interest" means a situation where the exercise of a person's duty or decision-making is influenced, potentially influenced, or may appear to be influenced, by a secondary interest, including (but not limited to) a private or business interest.

10. Variation

You **must** seek prior written approval from the Department to vary the CBP Program funded project. Variations to a project may include:

Community Building Partnership 2018 CBP18 - Funding Deed with Single Instalment Application CBP18 - 1266 From Mid-Western Regional Council - DRAFT

- changes to the nature of the project being funded, including the type of project, scope of works, location, revised priorities, increased / unforeseen costs etc.
- changes to the timeframe for delivery, including extensions to completion deadlines.

You **must** advise the CBP team, as soon as possible:

- if you are unable to proceed with the project under the agreed terms;
- if the project will not commence within 3 months of the date of receiving the first payment of CBP funding;
- if the project has been inactive for a period of 3 months or more; and
- if the legal status of your organisation changes.

You **must** contact the CBP team, as soon as possible, following changes to:

- project signatories;
- other details of your organisation; or
- your organisation's contact details including the name of the contact person, address, telephone number or email address.

11. Information Requests, Reporting and Acquittal

By entering into this Funding Deed your organisation agrees to provide any additional information by stated deadlines as may be requested by the Department from time to time. The failure to provide additional information by the stated deadline may result in:

- termination of this Funding Deed; and
- the organisation having to repay the CBP funding (spent and/or unspent CBP funds).

The CBP Program utilises the SmartyGrants online management system to assist in the implementation and management of the Program. By entering into this Funding Deed your organisation agrees to submit required project documentation and supply requested information through the SmartyGrants online management system. By entering into this Funding Deed your organisation and its representatives agree to abide by the SmartyGrants Privacy and Data Security/Usage Policies found on the SmartyGrants website (www.smartygrants.com.au) and the Program's online portal (<https://communitybuildingpartnership.smartygrants.com.au/>).

To log into the Program's online portal go to:

<https://communitybuildingpartnership.smartygrants.com.au/> and click on the 'log in' link at the top of the screen, then follow the prompts using your already established SmartyGrants registration. Should you require assistance please contact the CBP team.

Progress Reports and evidence of completion

Your organisation must submit Progress Reports and evidence of completion of project activities when requested by the Department, or as required. The Progress Report template is available through the SmartyGrants online management system.

Failure to provide a satisfactory Progress Report and other required evidence of completion of project activities by the due date may result in:

- termination of this Funding Deed; and
- the organisation having to repay the CBP funding (spent and/or unspent CBP funds).

Completion and Acquittal online form

You are also required to complete the Completion and Acquittal online form when the CBP Program funded project works are completed. This Completion and Acquittal online form includes the declaration that the CBP funds have been used only for purposes stated in the Funding Deed. The Completion and Acquittal online form must be completed within 30 days of project completion, with supporting evidence. The Completion and Acquittal online form is available through the SmartyGrants online management system.

Community Building Partnership 2018 CBP18 - Funding Deed with Single Instalment Application CBP18 - 1266 From Mid-Western Regional Council - DRAFT

Failure to provide a satisfactory Completion and Acquittal online form by the due date may result in:

- termination of this Funding Deed; and
- the organisation having to repay the CBP funding (spent and/or unspent CBP funds).

Supporting evidence for a Completion and Acquittal online form

The [supporting evidence](#) required to be attached to the Completion and Acquittal online form is scaled according to the grant amount awarded.

For details of the range of acceptable project completion and expenditure evidence, please refer to <https://www.nsw.gov.au/cbp>

Additional evidence may be requested by the Department to support your completion paperwork.

12. Termination of Funding Deed

The Department reserves the right to terminate this Funding Deed at any time. Action to recover or not release funds is at the discretion of the Department.

This Funding Deed may be terminated in accordance with the Program Guidelines by the Department for a number of reasons, including but not limited to:

- (a) failure to meet these Terms and Conditions;
- (b) if your organisation becomes insolvent, goes into liquidation or administration, is suspended or deregistered or otherwise becomes subject to any form of insolvency proceedings;
- (c) failure to make reasonable and timely progress in the implementation of the project;
- (d) provision of intentionally misleading or incorrect information as part of the application for funding or as part of this Funding Deed;
- (e) failure to deliver, by the due date, any documents or information that are required to be delivered to trigger the payment of the CBP funding;
- (f) failure to deliver, by the due date (or any agreed extension of the due date) any of the following:
 - (1) information that is requested by the Department;
 - (2) a satisfactory Progress Report (if required); or
 - (3) satisfactorily completed Completion and Acquittal form;
- (g) if your organisation uses the CBP funding for purposes other than those for which funding was approved;
- (h) if the Department considers that there has been a material adverse change in the circumstances, financial position or structure of the organisation;
- (i) if the Department considers that completion of the project is no longer viable; or
- (j) the Department exercising its rights under clause 9 (Conflicts of Interest).

The Department may:

- (i) in the case of an event specified in paragraphs (b), (d), (g), (h) or (j) above, immediately terminate this Funding Deed by notice in writing to your organisation; and
- (ii) in the case of any other default specified above, terminate this Funding Deed by notice in writing to your organisation if it fails to remedy the relevant default or provide a satisfactory response within 14 days from the date of receipt of a notice from the Department specifying the relevant default.

In the event of termination, the Department may request the immediate return of CBP funding (spent and/or unspent CBP funds).

Should your organisation wish to terminate this Funding Deed you must notify the CBP team in writing, including the reasons for doing so. You must contact the CBP team immediately

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if a decision has been made to either wind up or dissolve your organisation, or your organisation is suspended or deregistered.

13. Audit or Review

The Department reserves the right to audit, or review expenditure of, funds provided in relation to this Funding Deed. If this project is selected for audit or review you will be informed in writing of the Department's intention. Projects selected for audit will be given at least 14 days' notice, and a time and location for the audit will be arranged between the Department and your organisation.

14. Sale of Property / Equipment

CBP funding is provided to benefit local communities through the provision of local infrastructure. The sale, conversion or other disposal of facilities or capital equipment funded through the CBP Program is not consistent with this purpose. The sale, conversion or other disposal of CBP funded works within two years of completion of the project may require repayment of CBP funds at the discretion of the Department. You are required to notify the Department of any intended sale of capital equipment or infrastructure funded by the CBP Program.

15. Acknowledgements

Your organisation must acknowledge financial and other support received from the CBP Program of the NSW Government in its annual financial reports and in any public statements or other written material in relation to the project.

For projects that receive grants of more than \$100,000, signs must be displayed acknowledging the NSW Government funding.

By entering into this Funding Deed your organisation agrees to update the relevant Local Member of Parliament on the progress of your project. Your organisation also agrees to invite the Local Member of Parliament to attend any opening ceremonies or launches of the funded project(s).

If you wish to use the CBP logo to acknowledge support from the CBP Program, permission to use the logo must be requested in writing. Requests to use the CBP logo must be sent to the CBP team at CBP2018@facns.nsw.gov.au.

16. Waiver

The NSW Government, the Department and their respective officers do not accept any responsibility or liability for works carried out and bear no responsibility for projects.

No failure or delay by the NSW Government, the Department or their respective officers in exercising any right, power or remedy under this Funding Deed, and no course of dealing with your organisation, will operate as a waiver of a breach or a default by your organisation. Any waiver by the NSW Government, the Department or their respective officers of a breach or default under this Funding Deed will not be construed as a waiver of any further breach or default of the same or any other provision.

17. Compliance with law and responsibility

Your organisation must:

- (a) comply with all applicable standards, laws, regulations and policies;
- (b) not do anything that would cause the Department to breach any of its obligations under legislation;
- (c) obtain all necessary local council and other government department approvals required to conduct the project and otherwise fulfil its obligations under this Funding Deed;
- (d) without limiting Clause 8 (Contractors and Insurances), manage the CBP Program funded project and assume responsibility for the financial management, project planning, insurance and risk management of the project during its implementation;
- (e) be accountable for all of the CBP funds it receives under this Funding Deed; and

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(f) ensure that adequate financial and operational records and registers are kept and maintained while carrying out the project and retain such records for seven years after the date that is the earlier of the date the Completion and Acquittal online form is satisfactorily completed or the date of termination of this Funding Deed.

18. Notices

Notice Requirements: A notice under this Funding Deed must be:

- (a) in writing, directed to the representative of the organisation or nominated CBP Project Officer; and
- (b) forwarded to the address or the email address of the representative of the organisation or the Department:
 - (i) by post to: Department of Family and Community Services, Community Building Partnership Program, Locked Bag 4028, Ashfield NSW 1800; or
 - (ii) by email to: CBP2018@facss.nsw.gov.au.

When a notice is served: A notice under this Funding Deed will be deemed to be served:

- (a) in the case of delivery in person – when delivered to the recipient’s address for service and a signature received as evidence of delivery;
- (b) in the case of delivery by post – within three (3) business days of posting;
- (c) in the case of delivery by email – on receipt of confirmation by the sender that the recipient has received the email.

Delivery late in the day: Notwithstanding the above provisions of this clause 18 (Notices), if delivery or receipt of a communication is on a day which is not a business day in the place to which the communication is sent or is later than 5pm (local time in that place) it will be deemed to have been duly given or made at 9am (local time in that place) on the next business day in that place.

19. Relationship

- (a) Nothing in this Funding Deed is intended to create a partnership, joint venture or agency relationship between the parties.
- (b) Your organisation will not hold itself out to be an employee, partner, agent or representative of the Department or the NSW Government.
- (c) All work performed by you and all contracts made by you to carry out the project shall be performed and made by you as principal and not as agent for the NSW Government or the Department. In all dealings in relation to the project your organisation shall act solely on its own account.

20. Governing law and jurisdiction

The laws in force in the State of New South Wales govern this Funding Deed, and each party irrevocably submits to the exclusive jurisdiction of courts exercising jurisdiction in the State of New South Wales.

Schedule 1 Confirmation of Project Description and Payment Schedule

* indicates a required field

Confirmation of Project Scope

Project Title

Construction of an Amenities Building at Mudgee Showground

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This question is read only.

Brief Project Description

A steel clad amenities building with male and female toilets, showers and basins. The building will include skylights, seating benches, window louvres and a laundry.

This question is read only.

Approved Funding Amount

\$50,000.00

This question is read only.

Are there any changes to the works listed in the original application? *

- No, there is no change to the works listed in the application
- Yes, works changed due to partial funding
- Yes, works changed due to increased project costs - provide supporting documentation e.g. new quotes below
- Yes, works changed due to change of priorities - provide supporting documentation below
- Other:

Will your organisation be able to cover the shortfall in the funding? *

- There is no shortfall because the project is fully funded by CBP.
- No, organisation cannot cover shortfall. Revised / reduced works is required below.
- Yes, the organisation is able to cover the shortfall. See sources of additional funding below.

Source of additional funding *

Council budgeted funds.

Project Scope

Itemise works to be paid with CBP funding

Locksmith Work *
Laundry Tub, Bench Top and Bathroom Accessories
Painting
Tiling
Shower & Toilet Partitioning
Hot Water & Gas Systems/Connections
Carpentry
Skylights
Fix Set Plasterboard & Cornices
Electrical Work
Roof Cladding & Trims
Steel Frame

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Concreting
Plumbing
Excavation & Site Works

Please upload supporting documentation for the revised/reduced project activities if relevant

No files have been uploaded

Will your project involve the purchase / modification of a vehicle, including cars, buses, trailers, boat? *

No

Payment Schedule

CBP funding of projects up to \$60,000: the approved CBP funding amount is (subject to compliance with the terms of this Funding Deed) released as a single instalment.

CBP funding of any amount for projects where the organisation is a local government authority or a public school Parents and Citizens Association: is (subject to compliance with the terms of this Funding Deed) released as a single instalment.

Triggers for payment of the single instalment of CBP funding are:

1. Funding Deed signed by both parties.
2. Bank details correctly provided via online EFT Form.
3. No outstanding requested documentation such as owner's consent, development consent or insurance policy.
4. Invoice sent to and accepted by the Department [for Organisations **without an ABN**only]
5. Satisfactory compliance with prior grant rounds funded by CBP (if applicable).
Outstanding documents from prior funded CBP rounds may delay payment of your grant.

Documentation Checklist

Please attach the owner's consent, development consent / exemption and insurance policy below if they were not submitted at the time of application.

NOTE: If any of the required documents are missing, the Funding Deed will not be approved and funding cannot be released.

1. Development Consent

If development consent is required for your project, please attach it below. There is no need to attach it again if you have already attached it to your application. If development consent is no longer required, please attach evidence that your project is exempted. If you are not sure, contact your local council **before** submitting this Funding Deed.

2. Owner's Consent

If owner's consent is required for your project, please attach it below. There is no need to attach it again if you have already attached it to your application. If owner's consent is not required, please attach evidence that your project is exempted.

3. Public Liability Insurance Certificate of Currency

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If the Certificate provided at the time of application is still current, there is no need to attach it again. If the Certificate has not been provided before or if it has expired by the time of signing this Funding Deed, please upload a current one below.

4. Upload Supporting Documents - e.g. development consent, owner's consent, public liability insurance

Filename: 2018-19 Certificate of Currency - MWRC Public & Products Liability Insurance.pdf
File size: 94.9 kB

Please name your attachments clearly to indicate whether it is an owner's consent, development consent / exemption or public liability certificate. Each attachment should not exceed 5mb.

CBP Funding Deadlines

[A] Return of signed Funding Deed and other triggers for payment of the CBP funding.

- **Deadline: 31 March 2019** (31 July, where a Development Consent is required)

Consequences of not meeting deadline:

- Department will not release funding for your project (refer clauses 4, 7, 11 and Schedule 1).
- Department may terminate the Funding Deed (refer clauses 11 and 12).

[B] Submission of invoice (for Organisations **without** an ABN only)

- **Deadline: 30 June 2019** (31 October, where a Development Consent is required)

Consequences of not meeting deadline:

- Department will not release funding for your project (refer clauses 4, 7, 11 and Schedule 1).
- Department may terminate the Funding Deed (refer clauses 11 and 12).

[C] Return of Progress Reports as requested by the Department.

- **Deadline: 15 July 2019**

Consequences of not meeting deadline:

- Department may terminate the Funding Deed (refer clauses 11 and 12).
- Your organisation may have to repay CBP funding released (whether spent or unspent) (refer clauses 11 and 12).

[D] Final date for completion of your CBP Program funded project.

- **Deadline: 31 March 2020** (unless an agreed project extension is in place)

Consequences of not meeting deadline:

- Funding for your project may be withdrawn (refer clauses 6 and 7).
- Department may terminate the Funding Deed (refer clauses 11 and 12).
- Your organisation may have to repay CBP funding released (whether spent or unspent) (refer clauses 11 and 12).

[E] Delivery of the online Completion Report.

- **Deadline: 30 April 2020** (unless an agreed project extension is in place)

Consequences of not meeting deadline:

- Department may terminate the Funding Deed (refer clauses 11 and 12).
- Your organisation may have to repay CBP funding released (whether spent or unspent) (refer clauses 11 and 12).

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Schedule 2

* indicates a required field

Note

The Department **DOES NOT** accept digital signatures. You will not be able to complete Schedule 2 online. Please tick 'yes' to the question below to show you understand and go to the **What's Next section**.

I understand that CBP will not accept a digital signature *

Yes

What's Next

1. Sign Funding Deed

STEP 1: Click '**Review & Submit**' on the top left hand corner of your screen in SmartyGrants. Any unanswered mandatory questions will be marked in red for you to complete. Once completed, you need to click '**Review & Submit**' again.

STEP 2: Click the '**Download PDF**' button at the beginning or the end of your Funding Deed. Print a PDF copy of the Funding Deed. Complete the 'Recipient Organisation Agreement of Terms and Conditions' section below on the printed hard copy. We **DO NOT** accept digital signatures. Make sure the signature box is signed and dated clearly with a black / blue pen. Please note: authorised officers cannot witness each other's signature. Witnesses must be a third and/or fourth party.

STEP 3: Scan and save the entire signed Funding Deed. Click '**Attach**' below to upload the signed Funding Deed. Click the '**Submit**' button at the bottom of the screen. You will receive an email confirmation if your submission is successful. Attached to the email confirmation is a copy of the completed Funding Deed for your record.

2. Submit EFT Banking Detail Form

CBP funding amounts are paid by electronic fund transfer. You are required to provide bank details online in the EFT Banking Detail Form. Make sure you **Review & Submit** the form upon completion. **Please ensure bank details are correct as funds transferred to an incorrect bank account may not be recoverable.**

3. Invoice - DO NOT attach invoice now

Your duly signed Funding Deed will be countersigned by the delegated officer of the Department. You will receive by email a copy of the counter-signed Funding Deed. **If your organisation has an ABN** you will receive a confirmation email once your grant payment has been paid. **Organisations without an ABN** will receive a purchase order and invoicing instructions from CBP on how to claim the grant funding. Please follow closely the instructions on what to include and where to send the invoice or payment will be delayed.

Attach the signed Funding Deed *

No files have been uploaded

Recipient Organisation Agreement of Terms and Conditions

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I/we accept this offer of funding and by signing this Funding Deed confirm that I/we:

- have read and agree with the Terms and Conditions set out in this Funding Deed.
- confirm that the project description is correct as set out in **Schedule 1**.
- understand the requirements for payment as set out in **Schedule 1** of this Funding Deed.
- have read and understood **Schedule 2** of this Funding Deed.
- agree to provide updates and **Progress Reports** as required and otherwise upon request, with supporting evidence through the CBP Program's online portal, <https://communitybuildingpartnership.smartygrants.com.au/>.
- agree to complete the **Completion Report** and deliver evidence of completion within 30 days of completion of the project, through the CBP Program's online portal.
- understand that failure to comply with the Terms and Conditions set out in this Funding Deed may lead to the withdrawal of the CBP funding, termination of this Funding Deed and/or the requirement to repay the funding (whether spent or unspent).
- understand that where the grant recipient is registered to pay GST, the Department of Family and Community Services will issue a Recipient Created Tax Invoice [RCTI] to the grant recipient on request via email at COMSNGOsupport@facs.nsw.gov.au or phone 02 8753 8144.

I/We are signing this Funding Deed under *

- Execution Clause 1 - Please refer to the Constitution of your organisation for the number of signatories required for legal documents
- Execution Clause 2 - for community organisations incorporated pursuant to the Corporations Act 2001 [Cth]

Execution Clause 1

EXECUTED AS A DEED

SIGNED, SEALED AND DELIVERED BY *

Mid-Western Regional Council
Name of recipient organisation

ABN of recipient organisation

96 149 391 332

Signature of first authorised officer

Name and title of first authorised officer *

Mr Brad Cam - General Manager

In accordance with its constitution and, if applicable, any requirements for execution contained in the statute that establishes the recipient organisation in the presence of:

Signature of witness

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Name of witness *

Please note: The two authorised officers cannot witness each other's signature. Witnesses must be a third and/or fourth party.

Signature of second authorised officer**

Complete as required**

Name and title of second authorised officer**

Complete as required**

In accordance with its constitution and, if applicable, any requirements for execution contained in the statute that establishes the recipient organisation in the presence of:

Signature of witness**

Complete as required**

Name of witness**

Complete as required** Please note: the two authorised officers cannot witness each other's signature. Witnesses must be a third and/or fourth party.

Date *

28/11/2018

Must be a date.

Community Building Partnership Use Only

SIGNED, SEALED AND DELIVERED for and on behalf of the Crown in right of the State of New South Wales acting through the Department of Family and Community Services by its authorised officer named below but not so as to incur personal liability

Office Use Only	Office Use Only
Signature of authorised officer of the Department	
Name and Position	Ian Archer-Wright, Manager, Community Building Partnership
Signature of witness	
Name of witness	
Date	

8.9 Drought Communities Funding - Acceptance of Grant Funding

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, GRA600031

RECOMMENDATION

That Council:

1. receive the report by the Manager Economic Development on the Drought Communities Funding – Acceptance of Grant Funding;
 2. accept \$1,000,000 in grant funding from the Federal Government, if successful, for Glen Willow Scoreboard and Player Seating, Technology Fit-out in Mudgee Library, Outdoor Camp Kitchen for Mudgee Showground, Saleyards Canteen Upgrade, Kandos-Rylstone Shared Pathway Rehabilitation, Rylstone Caravan Park Works, Rylstone Pathway Concreting, Rylstone Showground Irrigation, Waratah Park Scoreboard and Discuss Nets, Bus Access to Red Hill, Victoria Park Gulgong Fence Replacement, Cudgong Waters Park Potable Water project;
 3. authorise the General Manager to finalise and sign funding agreements with the Federal Government if funding applications are successful, for Glen Willow Scoreboard and Player Seating, Technology Fit-out in Mudgee Library, Outdoor Camp Kitchen for Mudgee Showground, Saleyards Canteen Upgrade, Kandos-Rylstone Shared Pathway Rehabilitation, Rylstone Caravan Park Works, Rylstone Pathway Concreting, Rylstone Showground Irrigation, Waratah Park Scoreboard and Discuss Nets, Bus Access to Red Hill, Victoria Park Gulgong Fence Replacement, Cudgong Waters Park Potable Water project;
 4. amend the 2018/19 Operational Plan and 2017/21 Delivery Program as follows:
 - In 2018/19 for the Glen Willow Scoreboard, set the expenditure budget at \$300,650 to be funded \$150,000 from Drought Communities grant income and \$150,650 from NSW Department Industry grant income and remove \$150,650 in funding from unrestricted cash.
 - In 2018/19 for the Glen Willow Player Seating, set the expenditure budget at \$40,000 to be fully funded from Drought Communities grant income.
 - In 2019/20 remove the budget allocation of \$40,000 for the Glen Willow Player Seating funded from \$20,000 grant and \$20,000 Voluntary Planning Agreement contributions.
 - In 2018/19 for the Technology Fit-out in Mudgee Library project set the expenditure budget at \$49,000 to be fully funded from Drought Communities grant income.
 - In 2018/19 for the Outdoor Camp Kitchen and new amenities for Mudgee Showground set the expenditure budget at \$150,000 to be funded \$25,000 from Drought Communities grant income, \$50,000 from Community Building Partnership grant income and \$75,000 from Capital Program Reserve.
-

- In 2018/19 for the Saleyards Canteen Upgrade set the expenditure budget at \$50,000 to be funded \$41,000 from Drought Communities grant income and \$9,000 from Stronger Country Communities Programme grant income. Remove funding of \$20,000 from the Saleyards Reserve, \$7,901 from the Asset Replacement Reserve and \$99 from Saleyards Unrestricted Cash.
- In 2018/19 for the Kandos-Rylstone Shared Pathway Rehabilitation project set the expenditure budget at \$50,000 to be funded \$35,000 from Drought Communities grant income and \$15,000 from Community Building Partnership grant income.
- In 2019/20 remove the budget allocation of \$40,000 for the Kandos-Rylstone Shared Pathway Rehabilitation funded \$20,000 from grant income and \$20,000 from unrestricted cash.
- In 2018/19 for the Rylstone Caravan Park Works set the expenditure budget at \$60,000 to be funded \$40,000 from Drought Communities grant income and \$20,000 from unrestricted cash.
- In 2018/19 for the Rylstone Pathway Concreting set the expenditure budget at \$60,000 to be fully funded from Drought Communities grant income.
- In 2018/19 for the Rylstone Showground Irrigation set the expenditure budget at \$60,000 to be fully funded from Drought Communities grant income.
- In 2019/20 remove the budget allocation of \$60,000 for Rylstone Showground Irrigation funded from Asset Replacement Reserve.
- In 2018/19 for the Waratah Park Scoreboard and Discus Nets set the expenditure budget at \$100,000 to be fully funded from Drought Communities grant income.
- In 2018/19 for the Bus Access to Red Hill set the expenditure budget at \$100,000 to be fully funded from Drought Communities grant income.
- In 2018/19 for the Victoria Park Gulgong Fence Replacement set the expenditure budget at \$50,000 to be fully funded from Drought Communities grant income.
- In 2018/19 for the Cudgegong Waters Park Potable Water project set the expenditure budget at \$324,420 to be funded \$250,000 from Drought Communities grant income and \$74,420 from NSW Department of Industry grant income.

Executive summary

In December 2018, Council applied for funding for a number of projects from the Federal Government's Drought Communities Extension Programme. The purpose of this report is to amend Council's Operational Plan and Delivery Program for the 2018-19 and 2019-20 financial years, if the funding applications are successful, and authorise the General Manager to accept the funding and sign the funding agreement and other relevant documentation.

Disclosure of Interest

Nil

Detailed report

Council applied for grant funding from the Federal Government's Drought Communities Extension Programme in December 2018. The applications for funding included Glen Willow Scoreboard and Player Seating, Technology Fit-out in Mudgee Library, Outdoor Camp Kitchen for Mudgee Showground, Saleyards Canteen Upgrade, Kandos-Rylstone Shared Pathway Rehabilitation, Rylstone Caravan Park Works, Rylstone Pathway Concreting, Rylstone Showground Irrigation, Waratah Park Scoreboard and Discus Nets, Bus Access to Red Hill, Victoria Park Gulgong Fence Replacement, Cudgegong Waters Park Potable Water project. The amounts requested are provided in the following table:

Project	Amount received
Glen Willow Scoreboard and Player Seating	190,000
Technology Fit-out Mudgee Library	49,000
Showground Amenities - Outdoor Camp Kitchen Amenities	25,000
Saleyards Canteen Upgrade	41,000
Kandos-Rylstone Shared Pathway Rehabilitation	35,000
Rylstone Caravan Park Works	40,000
Rylstone Pathway Concreting	60,000
Rylstone Showground Irrigation	60,000
Waratah Park Scoreboard and Discus Nets	100,000
Bus Access Red Hill	100,000
Victoria Park Fence, Gulgong	50,000
Cudgegong Waters Park Potable Water	250,000

It is recommended, that should the funding applications be successful, that Council accept the grant funding of \$1,000,000 and endorse the proposed amendments to the Delivery Program and Operational Plan for 2018/19 and 2019/20 to ensure delivery of these projects.

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

Strategic implications

Council Strategies

Council's Towards 2030 Community Plan has a range of strategies supported by the projects proposed to be funded including providing infrastructure and services to cater for current and future needs of the community.

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

The following table summarises the budget changes required to include these projects and to remove future year budgets where project timing has been brought forward.

	Financial Year	
	2018/19	2019/20
Grant Funding		
Grant Drought Communities	1,000,000	
Grants Other*	78,420	(40,000)
Total Grant Funding	1,078,420	(40,000)
MWRC Funding		
Unrestricted Cash	170,749	20,000
VPA Reserve	0	20,000
Asset Replacement Reserve	7,901	60,000
Saleyards Reserve	20,000	0
Total MWRC Funding	198,650	100,000

* Note: \$20,000 of grant funding was already budgeted for Kandos Rylstone Shared Pathway in the 2018/19 year, however we secured \$15,000 from Community Building Partnership. This adjustment is accounted for above with Grants Other.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2018/19	-	✘	✔
Future Years	-	-	✘

Because the recommendations include renewing existing infrastructure, the grants will improve the Building & Infrastructure Renewal ratio in the first year, however as the above recommendations will also result in an increased infrastructure portfolio, the ratio will be negatively impacted in future years as shown in the table above.

Associated Risks

Not Applicable

ALINA AZAR
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

4 February 2019

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.10 Delivery Program 2017/21 Six Monthly Progress Report

REPORT BY THE DIRECTOR DEVELOPMENT
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, COR400116

RECOMMENDATION

That Council receive the report by the Director Development on the Delivery Program 2017/21 Six Monthly Progress Report.

Executive summary

Council is required to report on its progress against the adopted Delivery Program at least every six months. This report presents progress against the Delivery Program 2017/21 for the six months to 31 December 2018.

Disclosure of Interest

Nil.

Detailed report

Council adopted the 2017/2021 Delivery Program on 21 June 2017.

Section 404 of the *Local Government Act 1993* requires the General Manager to ensure progress reports are provided to Council, with respect to the principal activities detailed in the Delivery Program, at least every 6 months.

Community Plan implications

Theme	Good Governance
Goal	Strong civic leadership
Strategy	Provide clear strategic direction through the Community Plan, Delivery Program and Operational Plans

Strategic implications

Council Strategies

The 2017/21 Delivery Program forms part of Council's Integrated Planning and Reporting documentation.

Council Policies

Not applicable.

Legislation

Local Government Act 1993

Financial implications

Not applicable.

Associated Risks

Not applicable.

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

5 February 2019

Attachments: 1. Six Monthly Progress Report 2018/19. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.11 Land & Housing Supply Monitor 1 July 2018 - 31 December 2018

REPORT BY THE MANAGER, STRATEGIC PLANNING
 TO 20 FEBRUARY 2019 ORDINARY MEETING
 GOV400067, LAN900042

RECOMMENDATION

That Council receive the report by the Manager, Strategic Planning on the Land & Housing Supply Monitor 1 July 2018 - 31 December 2018.

Executive summary

The Land and Housing Supply Monitor was developed as part of the Urban Release Strategy process. This report provides the latest data for the six month period ending 31 December 2018.

Disclosure of Interest

Nil.

Detailed report

The table below provides data for the last five years and the most recent six month period ending 31 December 2018.

	2013/14	2014/15	2015/16	2016/17	2017/18	1 July – 31 Dec 2018
SUBDIVISION						
Residential subdivision applications (no. of lots approved – DA's)	710	246	80	30	22	46
Rural subdivision applications (no. of lots approved – DA's)	-	-	-	-	3	0
Industrial subdivision applications (no. of lots approved – DA's)	-	-	-	-	34	0
SUBDIVISION CERTIFICATES						
Residential subdivision certificate (no. of lots released)	95	135	18	34	17	12 lots (400 - 1000m2) 5 lots (2000m2) TOTAL = 17 lots
Rural subdivision certificate (no. of lots released)	-	-	-	-	30	9 lots (2 - 12ha) 0 lots (20ha) 0 lots (100ha) TOTAL = 9 lots
Boundary adjustment subdivision certificate	-	-	-	-	-	7

DWELLINGS						
DA approval for dwellings and dual occupancies (no. of dwellings approved)	148	123	95	87	101	38
CDC's for dwellings and dual occupancies (no. dwellings)	50	23	38	46	47	37
Occupation certificates (no. dwellings)	51	91	22	159	94	36

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning

Strategic implications

Council Strategies

The preparation of this report is an outcome of the Mid-Western Regional Urban Release Strategy December 2014.

Council Policies

Not applicable.

Legislation

Not applicable.

Financial implications

Not applicable.

Associated Risks

Not applicable.

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

31 January 2019

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.12 Monthly Development Applications Processing and Determined

REPORT BY THE DIRECTOR DEVELOPMENT
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067,

RECOMMENDATION

That Council receive the report by the Director Development on the Monthly Development Applications Processing and 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 of December 2018 and January 2019 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
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Goal	Vibrant towns and villages
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Strategy	Maintain and promote the aesthetic appeal of the towns and villages within the Region
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Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

28 November 2018

- Attachments:*
1. Monthly Development Applications Processing and Determined - December 2018.
 2. Monthly Development Applications Processing and Determined - January 2019.

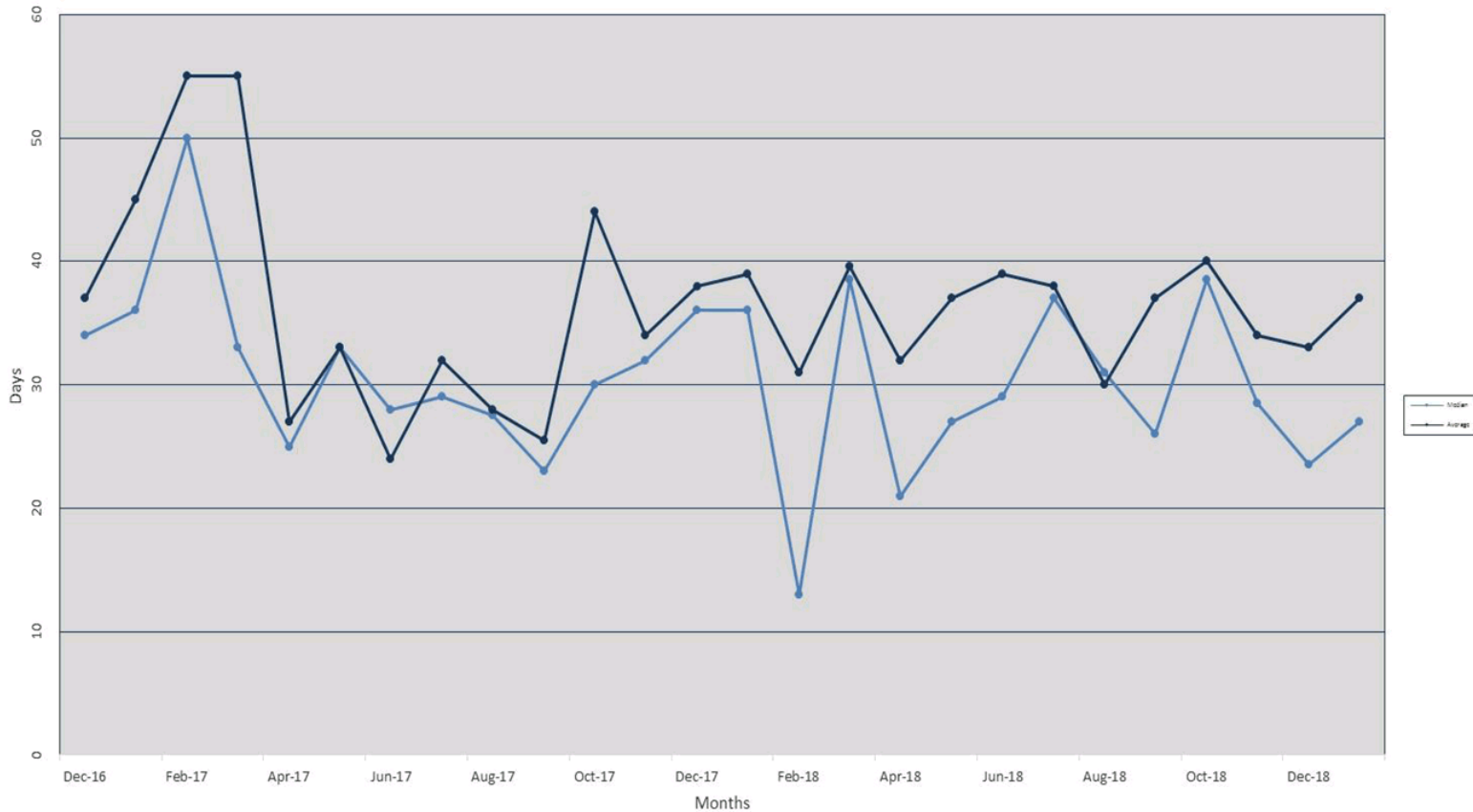
APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Monthly Development Application Processing Report – December 2018

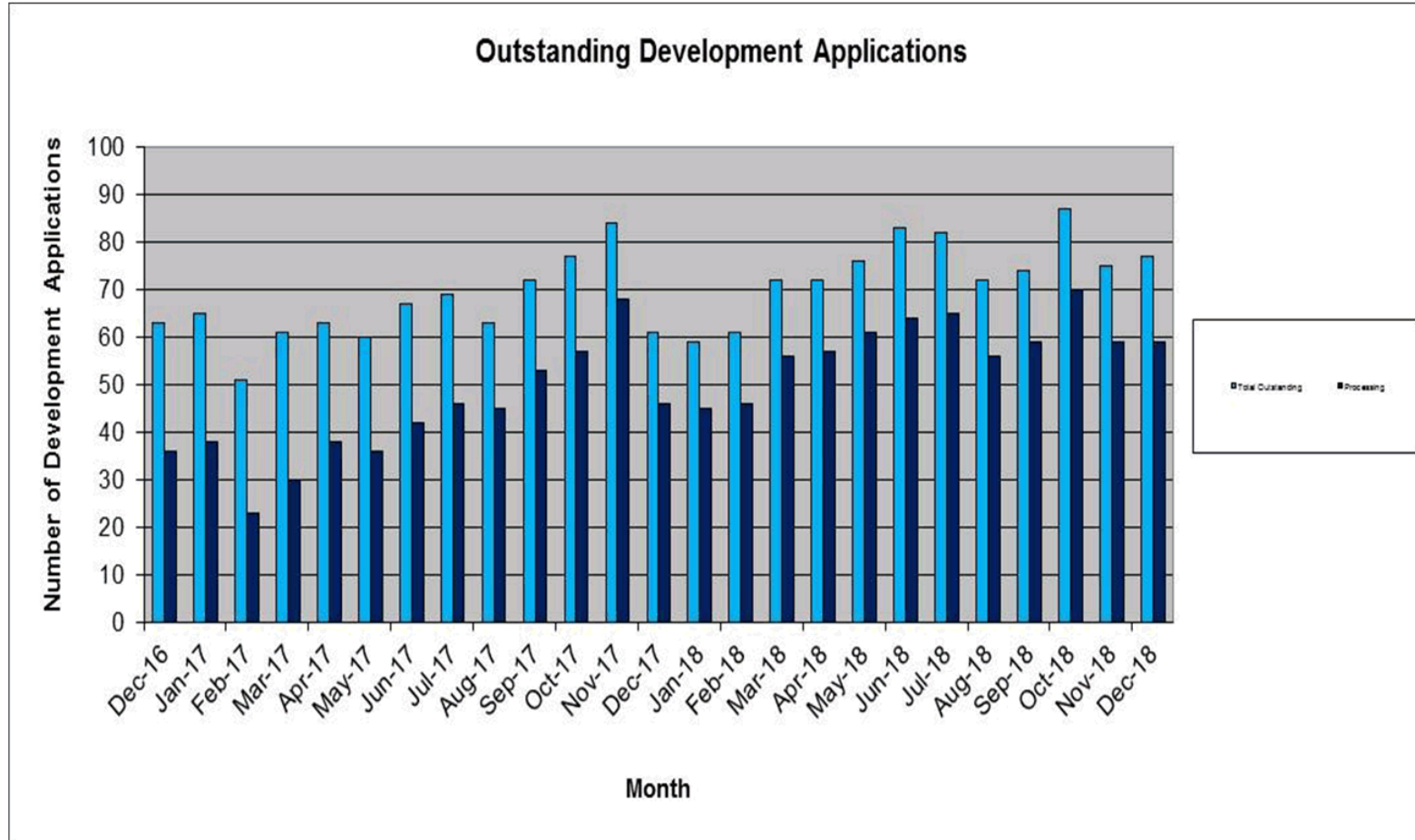
This report covers the period for the month of November 2018. Graph 1 indicates the processing times up to 31, December 2018 with the month of December having an average of 33 days and a median time of 23.5 days.

Median and Average Processing Time Development Applications



Monthly Development Application Processing Report – December 2018

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



Monthly Development Application Processing Report – December 2018

The Planning and Development Department determined 17 Development Applications either by Council or under delegation during December 2018.

Development Applications Determined – December, 2018

Appl/Proc ID	Description	House No	Street Name	Locality
DA0046/2019	Subdivision - Torrens Title	20	Bell Street	MUDGEE
DA0063/2019	Boundary Adjustment	2358	Henry Lawson Drive	CANADIAN LEAD
DA0070/2019	Industrial Building	4	Industrial Avneue	MUDGEE
DA0072/2019	Subdivision - Torrens Title	20	Baskerville Drive	MUDGEE
DA0077/2019	Dwelling House	2	Canary Street	CLANDULLA
DA0087/2019	Carport	21	Stockmans Drive	PUTTA BUCCA
DA0096/2019	Residential Shed	166	Mortimer Street	MUDGEE
DA0103/2019	Residential Shed	846	Eurunderree Lane	EURUNDEREE
DA0111/2019	Dwelling House	555	Jennings Road	BARA
DA0118/2019	Commercial Alterations/Additions	3	Sydney Road	BURRUNDULLA
DA0120/2019	Change of use - Agricultural Produce Industry & Serviced Apartment	63	Oaklands Road	MOUNT FROME
DA0121/2019	Alterations & Additions	5	Dawson Street	RYLSTONE
DA0131/2019	Alterations & Additions	42	Louee Street	RYLSTONE
DA0139/2019	Alterations & Additions	75	Gladstone Street	MUDGEE
DA0141/2019	Residential Shed	12	Maher Place	MUDGEE
DA0142/2019	Residential Shed	19	Banksia Way	RYLSTONE
DA0280/2018	Subdivision - Torrens Title	155	Bruce Road	MUDGEE

Monthly Development Application Processing Report – December 2018

Development Applications currently being processed - December, 2018.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0327/2011	Shed >150m2	23	Horatio Street	MUDGEES
DA0191/2015	Subdivision - Torrens Title	196	Robertson Road	MUDGEES
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0325/2016	Change of use - Garage to Bedroom	179	Denison Street	MUDGEES
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0221/2017	Function Centre	141	Black Springs Road	EURUNDEREE
DA0266/2017	Residential Shed	3	Cudgegong Street	RYLSTONE
DA0303/2017	Change of use - Vehicle Repair Station	1	Inglis Street	MUDGEES
DA0004/2018	Multi Dwelling Housing	66	Dangar Street	KANDOS
DA0063/2018	Shed >150m2	434	Melrose Road	MOUNT FROME
DA0072/2018	Earthworks	290	Rocky Waterhole Road	MOUNT FROME
DA0102/2018	Change of use - Shed to Dwelling and Studio	111	Mount Pleasant Lane	BUCKAROO
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEES
DA0146/2018	Tourist and Visitor Accommodation	196	Rocky Waterhole Road	MOUNT FROME
DA0199/2018	Residential Shed	2018	Campbells Creek Road	CARCALGONG
DA0214/2018	Camping Ground	2970	Lue Road	LUE
DA0226/2018	Dwelling House	308	Cypress Drive	YARRAWONGA
DA0232/2018	Shed >150m2	1132	Bocoble Road	BOCOBLE
DA0250/2018	Community Centre	363	Ulan Road	EURUNDEREE
DA0301/2018	Commercial Premises	20	Sydney Road	MUDGEES
DA0311/2018	Alterations & Additions	6241	Iford Sofala Road	SOFALA
DA0321/2018	Alterations & Additions	20	Mudgee Street	RYLSTONE
DA0020/2019	Residential Shed	8	Consadine Grove	SPRING FLAT
DA0032/2019	Subdivision - Torrens Title	3	Sydney Road	BURRUNDULLA
DA0044/2019	Function Centre	111	Mount Pleasant Lane	BUCKAROO
DA0056/2019	Fence	42	Bateman Avenue	MUDGEES
DA0061/2019	Cellar Door Premises	138	Craigmoor Road	EURUNDEREE
DA0064/2019	Dwelling House	51	Elouera Road	STUBBO
DA0065/2019	Subdivision - Torrens Title	1049	Castlereagh Highway	MULLAMUDDY
DA0068/2019	Depot	14	Burrundulla Road	BURRUNDULLA
DA0082/2019	Subdivision - Torrens Title	45	Callaghan Street	CLANDULLA

Monthly Development Application Processing Report – December 2018

DA0089/2019	Change of use - Shed to Dwelling	2037	Coxs Creek Road	RYLSTONE
DA0098/2019	Dwelling House	23	Oxley Street	KANDOS
DA0106/2019	Subdivision - Torrens Title	316	Broadhead Road	SPRING FLAT
DA0107/2019	Residential Shed	176	Broadhead Road	SPRING FLAT
DA0108/2019	Change of use - Dwelling to Serviced Apartment	1343	Lower Piambong Road	PIAMBONG
DA0122/2019	Residential Shed	6	Robert Hoddle Grove	BOMBIRA
DA0125/2019	Commercial Alterations/Additions	5	Sydney Road	MUDGEES
DA0126/2019	Change of use - Industrial Training Facility	15	Industrial Avenue	MUDGEES
DA0130/2019	Signage	15	Lewis Street	MUDGEES
DA0134/2019	Dwelling House	21	George Street	MUDGEES
DA0135/2019	Residential Shed	3	Sawyers Place	MUDGEES
DA0140/2019	Dwelling House	8	Staggerwing Road	RYLSTONE
DA0143/2019	Awning	20	Industrial Avenue	MUDGEES
DA0144/2019	Change of use - Serviced Apartment	499	Lue Road	MILROY
DA0145/2019	Commercial Alterations/Additions	18	Bulga Street	GULGONG
DA0146/2019	Subdivision - Torrens Title	1193	Yarrabin Road	YARRABIN
DA0147/2019	Carport	53	Mudgee Street	RYLSTONE
DA0148/2019	Residential Shed	7	Roth Court	MUDGEES
DA0149/2019	Electricity Generating Works	18	Bulga Street	GULGONG
DA0150/2019	Tourist and Visitor Accommodation	23	Horatio Street	MUDGEES
DA0151/2019	Change of use - Small Bar and Signage	79	Market Street	MUDGEES
DA0156/2019	Retaining Wall	29	Robert Hoddle Grove	BOMBIRA
DA0157/2019	Cellar Door Premises	122	Strikes Lane	EURUNDEREE
DA0158/2019	Awning	1599	Cope Road	COPE
DA0159/2019	Change of use - Tourist and Visitor Accommodation	499	Lue Road	MILROY
DA0162/2019	Dwelling House	211	Riverlea Road	RIVERLEA
DA0163/2019	Dwelling House	64	Henry Bayly Drive	MUDGEES
DA0164/2019	Dwelling House	701	Coricudgy Road	KELGOOLA
DA0165/2019	Alterations & Additions	1544	Bocoble Road	CARCALGONG
DA0167/2019	Residential Shed	150	Egans Lane	GULGONG
DA0168/2019	Dwelling House	24	Flirtation Hill Lane	GULGONG
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA

Monthly Development Application Processing Report – December 2018

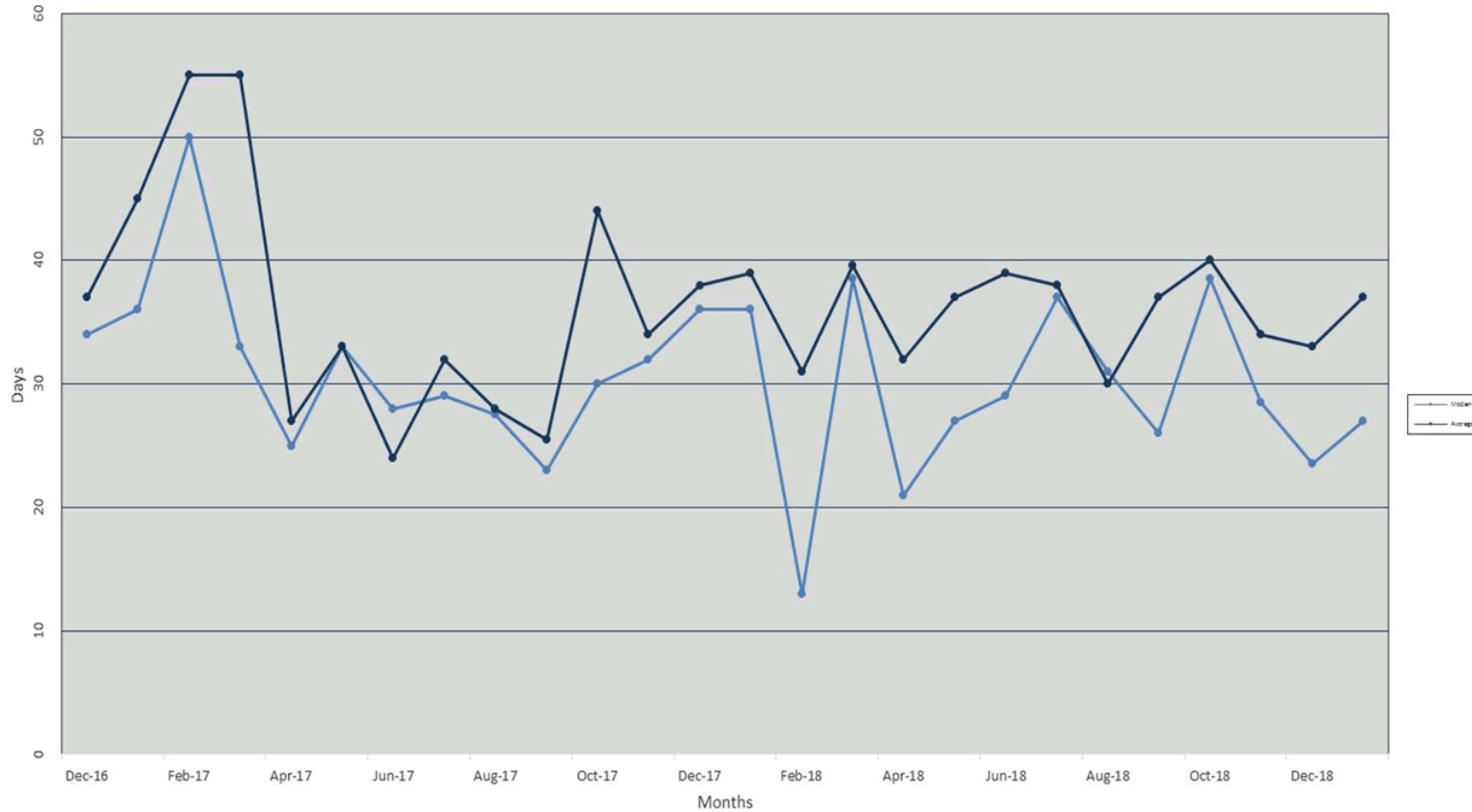
Heritage Development Applications currently being processed – December 2018.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE
DA0091/2017	Residential Shed	42	Louee Street	RYLSTONE
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE
DA0026/2019	Signage	75	Denison Street	MUDGEE
DA0062/2019	Subdivision - Community Title	13	Court Street	MUDGEE
DA0101/2019	Dwelling House	6	Anzac Avenue	KANDOS
DA0119/2019	Alterations & Additions	24	Perry Street	MUDGEE
DA0132/2019	Demolition	61	Horatio Street	MUDGEE
DA0152/2019	Alterations & Additions	9	Short Street	MUDGEE
DA0154/2019	Alterations & Additions	35	Gladstone Street	MUDGEE
DA0155/2019	Subdivision - Torrens Title	122	Market Street	MUDGEE
DA0160/2019	Community Facility	16	Lindsay Street	HARGRAVES
DA0161/2019	Alterations & Additions	13	Lovejoy Street	MUDGEE
DA0166/2019	Change of use - Fish and Chip Shop to Campaign Office	82	Mortimer Street	MUDGEE

Monthly Development Application Processing Report – January 2019

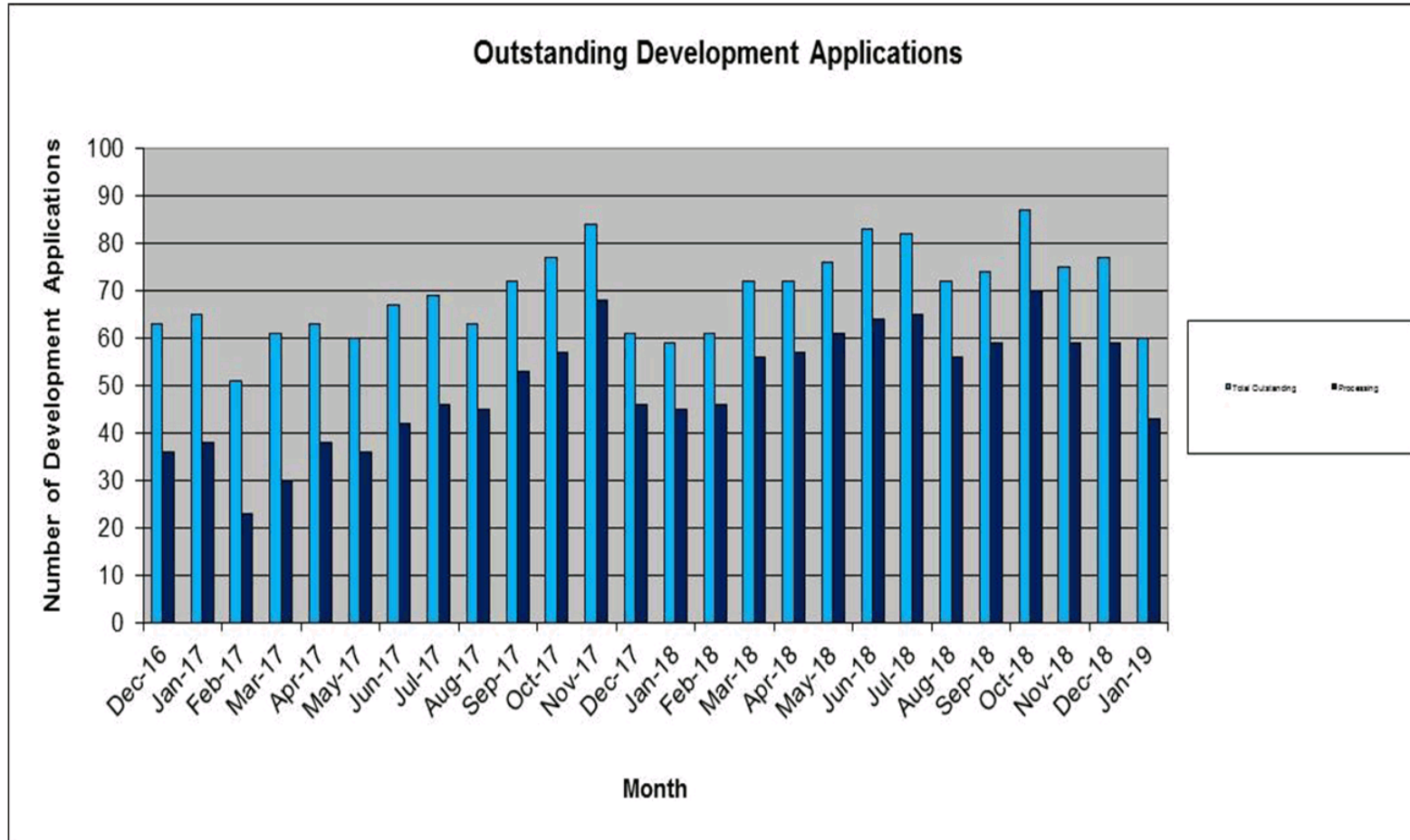
This report covers the period for the month of November 2018. Graph 1 indicates the processing times up to 31, January 2019 with the month of January having an average of 37 days and a median time of 27 days.

Median and Average Processing Time Development Applications



Monthly Development Application Processing Report – January 2019

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



Monthly Development Application Processing Report – January 2019

The Planning and Development Department determined 30 Development Applications either by Council or under delegation during January 2019.

Development Applications Determined – January 2019

Appl/Proc ID	Description	House No	Street Name	Locality
DA0199/2018	Residential Shed	2018	Campbells Creek Road	CARCALGONG
DA0032/2019	Subdivision - Torrens Title	3	Sydney Road	BURRUNDULLA
DA0044/2019	Function Centre	111	Mount Pleasant Lane	BUCKAROO
DA0056/2019	Fence	42	Bateman Avenue	MUDGEE
DA0061/2019	Cellar Door Premises	138	Craigmoor Highway	MULLAMUDDY
DA0064/2019	Dwelling House	51	Elouera Road	STUBBO
DA0065/2019	Subdivision - Torrens Title	1049	Castlereagh Highway	MULLAMUDDY
DA0068/2019	Depot	14	Burrundulla Road	BURRUNDULLA
DA0082/2019	Subdivision - Torrens Title	45	Callaghan Street	CLANDULLA
DA0101/2019	Dwelling House	6	Anzac Avenue	KANDOS
DA0116/2019	Alterations & Additions	50	Robertson Street	MUDGEE
DA0119/2019	Alterations & Additions	24	Perry Street	MUDGEE
DA0122/2019	Residential Shed	6	Robert Hoddle Grove	BOMBIRA
DA0126/2019	Change of use - Industrial Training Facility	15	Industrial Avenue	MUDGEE
DA0135/2019	Residential Shed	3	Sawyers Place	MUDGEE
DA0140/2019	Dwelling House	8	Staggerwing Road	RYLSTONE
DA0143/2019	Awning	20	Industrial Avenue	MUDGEE
DA0145/2019	Commercial Alterations/Additions	18	Bulga Street	GULGONG
DA0146/2019	Subdivision - Torrens Title	1193	Yarrabin Road	YARRABIN
DA0147/2019	Carport	53	Mudgee Street	RYLSTONE
DA0148/2019	Residential Shed	7	Roth Court	MUDGEE
DA0149/2019	Electricity Generating Works	18	Bulga Street	GULGONG
DA0150/2019	Tourist and Visitor Accommodation	23	Horatio Street	MUDGEE
DA0152/2019	Alterations & Additions	9	Short Street	MUDGEE
DA0153/2019	Alterations & Additions	25	Short Street	MUDGEE
DA0156/2019	Retaining Wall	29	Robert Hoddle Grove	BOMBIRA
DA0161/2019	Alterations & Additions	13	Lovejoy Street	MUDGEE
DA0168/2019	Dwelling House	24	Flirtation Hill Lane	GULGONG

Monthly Development Application Processing Report – January 2019

DA0169/2019
DA0170/2019

Swimming Pool
Dwelling House

523 Drip Lane
11 Alexander Dawson Court

COOYAL
MUDGEES

Monthly Development Application Processing Report – January 2019

Development Applications currently being processed – January, 2019.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0327/2011	Shed >150m2	23	Horatio Street	MUDGEES
DA0191/2015	Subdivision - Torrens Title	196	Robertson Road	MUDGEES
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0325/2016	Change of use - Garage to Bedroom	179	Denison Street	MUDGEES
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0221/2017	Function Centre	141	Black Springs Road	EURUNDEREE
DA0266/2017	Residential Shed	3	Cudgegong Street	RYLSTONE
DA0303/2017	Change of use - Vehicle Repair Station	1	Inglis Street	MUDGEES
DA0004/2018	Multi Dwelling Housing	66	Dangar Street	KANDOS
DA0063/2018	Shed >150m2	434	Melrose Road	MOUNT FROME
DA0072/2018	Earthworks	290	Rocky Waterhole Road	MOUNT FROME
DA0102/2018	Change of use - Shed to Dwelling and Studio	111	Mount Pleasant Lane	BUCKAROO
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEES
DA0146/2018	Tourist and Visitor Accommodation	196	Rocky Waterhole Road	MOUNT FROME
DA0214/2018	Camping Ground	2970	Lue Road	LUE
DA0226/2018	Dwelling House	308	Cypress Drive	YARRAWONGA
DA0250/2018	Community Centre	363	Ulan Road	EURUNDEREE
DA0301/2018	Commercial Premises	20	Sydney Road	MUDGEES
DA0311/2018	Alterations & Additions	6241	Iford Sofala Road	SOFALA
DA0321/2018	Alterations & Additions	20	Mudgee Street	RYLSTONE
DA0020/2019	Residential Shed	8	Consadine Grove	SPRING FLAT
DA0089/2019	Change of use - Shed to Dwelling	2037	Coxs Creek Road	RYLSTONE
DA0098/2019	Dwelling House	23	Oxley Street	KANDOS
DA0106/2019	Subdivision - Torrens Title	316	Broadhead Road	SPRING FLAT
DA0108/2019	Change of use - Dwelling to Serviced Apartment	1343	Lower Piambong Road	PIAMBONG
DA0125/2019	Commercial Alterations/Additions	5	Sydney Road	MUDGEES
DA0134/2019	Dwelling House	21	George Street	MUDGEES
DA0144/2019	Change of use - Serviced Apartment	499	Lue Road	MILROY
DA0151/2019	Change of use - Small Bar and Signage	79	Market Street	MUDGEES
DA0158/2019	Awning	1599	Cope Road	COPE
DA0159/2019	Change of use - Tourist and Visitor Accommodation	499	Lue Road	MILROY

Monthly Development Application Processing Report – January 2019

DA0162/2019	Dwelling House	211	Riverlea Road	RIVERLEA
DA0163/2019	Dwelling House	64	Henry Bayly Drive	MUDGEES
DA0164/2019	Dwelling House	701	Coricudgy Road	KELGOOLA
DA0165/2019	Alterations & Additions	1544	Bocoble Road	CARCALGONG
DA0167/2019	Residential Shed	150	Egans Lane	GULGONG
DA0172/2019	Dwelling House	350	Riverlea Road	RIVERLEA
DA0175/2019	Dual Occupancy	507	Yarrowonga Road	YARRAWONGA
DA0176/2019	Change of use - Serviced Apartment	68	Mortimer Street	MUDGEES
DA0177/2019	Alterations & Additions	7	Farthing Lane	MUDGEES
DA0178/2019	Function Centre	227	Melrose Road	MOUNT FROME
DA0179/2019	Dwelling House	41	Henry Lawson Drive	BOMBIRA
DA0180/2019	Alterations & Additions	4	Banjo Paterson Avenue	MUDGEES
DA0181/2019	Farm Building	910	Bara Road	BARA
DA0182/2019	Subdivision - Torrens Title	8	Upper Piambong Road	PIAMBONG
DA0183/2019	Shed >150m2	69	Wilson Road	WINDEYER

Monthly Development Application Processing Report – January 2019

Heritage Development Applications currently being processed – January, 2019.

App/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE
DA0091/2017	Residential Shed	42	Louee Street	RYLSTONE
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE
DA0026/2019	Signage	75	Denison Street	MUDGEE
DA0062/2019	Subdivision - Community Title	13	Court Street	MUDGEE
DA0132/2019	Demolition	61	Horatio Street	MUDGEE
DA0154/2019	Alterations & Additions	35	Gladstone Street	MUDGEE
DA0155/2019	Subdivision - Torrens Title	122	Market Street	MUDGEE
DA0160/2019	Community Facility	16	Lindsay Street	HARGRAVES
DA0166/2019	Change of use - Fish and Chip Shop to Campaign Office	82	Mortimer Street	MUDGEE
DA0171/2019	Commercial Alterations/Additions	99	Church Street	MUDGEE
DA0173/2019	Alterations & Additions	126	Market Street	MUDGEE
DA0174/2019	Fence	94	Medley Street	GULGONG

Item 9: Finance

9.1 Application for Proposed Road Closure of Slate Gully Road Wollar - Peabody Pastoral Holdings Pty Ltd

REPORT BY THE REVENUE AND PROPERTY MANAGER
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, R0183001

RECOMMENDATION**That Council:**

1. **receive the report by the Revenue and Property Manager on the Application for Proposed Road Closure of Slate Gully Road Wollar - Peabody Pastoral Holdings Pty Ltd and;**
 2. **agree to close Slate Gully Road Wollar being the subject of Peabody Pastoral Holdings Pty Ltd road closure application and as identified in Attachment 1 to this Report and progress the closure in accordance with Part 4 Division 3 Roads Act 1993, NSW Department of Industry Council road closures Fact Sheet July 2018 and Council's Land Acquisition and Disposal Policy and;**
 3. **accept the offer of \$220,000 (plus GST) made by Peabody Pastoral Holdings Pty Ltd for the purchase of the land vested in Council upon the proposed closure of Slate Gully Road Wollar as identified in Attachment 1 to this Report and;**
 4. **require that Peabody Pastoral Holdings Pty Ltd be responsible for all costs, including Council's reasonable legal costs, associated with the proposed closure and sale of Slate Gully Road Wollar as identified in Attachment 1 to this Report, including Council's reasonable legal costs and the cost of the Valuation report, dated 4 January 2018 and;**
 5. **authorise the General Manager to sign all documentation, where necessary, in relation to the proposed closure and subsequent sale of Slate Gully Road Wollar as identified in Attachment 1 to this Report;**
 6. **authorise the Mayor to sign any documentation, where additionally required to do so, in relation to the proposed closure and subsequent sale of Slate Gully Road Wollar as identified in Attachment 1 to this Report;**
 7. **authorise the Common Seal of Council to be affixed to all documentation, where necessary, in relation to the proposed closure and subsequent sale of Slate Gully Road Wollar as identified in Attachment 1 to this Report; and**
 8. **amend the 2018/19 Operational Plan to include \$220,000 for the proceeds on sale of the asset, with this income being transferred to the Public Road Closure Compensation Reserve.**
-

Executive summary

This report seeks to secure a resolution to the proposal by Peabody Pastoral Holdings Pty Ltd (the Applicant) for Council to close and subsequently sell to the Applicant, the entire length of Slate Gully Road Wollar (the Road) as identified in Attachment 1 to this Report.

The proposed Road closure and disposal processes are to be progressed in accordance with Part 4 Division 3 Roads Act 1993 (the Act), NSW Department of Industry Council road closures Fact Sheet July 2018 (the Fact Sheet) and Council's Land Acquisition and Disposal Policy (Policy).

Disclosure of Interest

Nil

Detailed report

In April 2017, the Minister for Planning granted Development Consent (SSD-6764) to Wilpinjong Coal P/L for the Wilpinjong Extension Project. Under this Development Consent, an additional open cut pit in Slate Gully (Pit 8) and associated infrastructure was approved.

Council has now received an application (Application for Closure) from the Applicant for consideration to be given to the closure and subsequent sale to the Applicant, of the entire length of the Road which falls within the Wilpinjong Coal Mine footprint. The application is identified as Attachment 2 to this Report.

The Road is a Council public road, formed and maintained by Council. The Road reserve is 20m and variable and created by Plan 250053. Its 3ha including a 1,348m x 5.0m wide gravel constructed roadway incorporating 4 x piped culverts with table drains and cut off drains on both sides of the Road. The Road currently provides access to 10 x separate allotments, nine of which are owned by the Applicant and one by Wilpinjong Coal Pty Ltd. Photographs of the Road reserve are documented as Attachment 3 to this Report.

As the Road has been formed and maintained by Council, the land, upon proposed closure of the Road reserve, will vest in Council under the Act and Council will be entitled to receive the proceeds of the proposed sale.

The preliminary actions and documentations required by the Act, the Fact Sheet and the Policy prior to presenting this application to Council for consideration, have been completed. These actions and documentations comprise the Road status being the Deposited Plan which created the Road, advertisement of the intention to close the Road in the Mudgee Guardian (27/7/2018 & 10/8/2018) and notification of the proposal to all affected parties and notifiable authorities.

The submission period to receive comments and objections closed on 24/8/2018, with one objection received from Essential Energy. Essential Energy qualified its objection to the proposal by requesting an easement for power lines be created on the survey plan for closure. The Applicant subsequently liaised with Essential Energy in this regard with the outcome being Essential Energy withdrew its objection on 6/12/2018.

A record of the preliminary actions and documentation and subsequent responses is identified as Attachments 4, 5 and 6 to this Report.

Should Council wish to consent to the Road closure application, the matter will be progressed through the further formal processes for road closure as stipulated by the Act, the Fact Sheet and the Policy.

Early Access

The Applicant has not sought to occupy the Road before the proposed sale has been completed i.e. Early Access. The Act provides the authority for a council to close a road to traffic if the proposal is consented to by Roads and Maritime Services under s118 of the Act or; is the subject of an order of the Minister to Council under s120 of the Act.

If the Early Access situation eventuates, the Applicant would then need to obtain consent from Council under s138 of the Act for all works it needs to carry out on the Road. A consent under s138 is required in order to erect a structure or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road.

It is considered that s138 would not allow for works to be conducted beyond the scope stipulated in this section of the Act and, in particular, would not allow for any part of the Road to be subjected to the actual open cut winning of coal, as opposed to, for example, mere surface preparation for such excavation and mining.

The consent would need to be ratified by a suitable written agreement between the Applicant and Council, which would comprise a suite of conditions akin to an ordinary licence and include a requirement for the payment of market rent for the term of the Early Access occupation.

Compensation

As directed by the Policy, a valuation of the Road was obtained by Council in order to determine a starting point for negotiation in relation to the disposal value of the land, which will vest in Council upon closure of the Road. The valuation, dated 4 January 2018, was assessed at \$270,000 (exclusive of GST). The complete valuation report is attached in the Confidential Section of the Business Paper.

On 23 April 2018, Council received a copy of a document compiled by the Applicant's valuer which was in response to Council's valuation report and assessment. The Applicant's valuation was assessed at \$200,000 (exclusive of GST). The Applicant's documentation is attached in the Confidential Section of the Business Paper.

A subsequent discussion between the General Manager and the Applicant has resulted in the Applicant offering \$220,000 (plus GST) for the acquisition of the land, which will vest in Council upon closure of the Road. The Applicant's offer is attached in the Confidential Section of the Business Paper.

The Policy recognises that it is not unreasonable for a disposal value of up to 10% variation from a valuation assessment obtained by Council to be negotiated and agreed upon - a 10% variation in this instance, would result in a \$243,000 disposal price. The Applicant's offer of \$220,000 (plus GST) however, represents only an 18.5% variation.

As further required by the Policy, the explanation for recommending the Applicant's offer of \$220,000 (plus GST) which is outside the stipulated variance, is that the Applicant feels Council's valuation has an added premium on top of the market value which the Applicant considers inappropriate. The compensation offer of \$220,000 (plus GST) is therefore a compromise between Council's valuation of \$270,000 (plus GST) and the Applicant's valuation of \$200,000 (plus GST).

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Land Acquisition and Disposal Policy - consideration of individual circumstances of a road proposed to be closed and the requirement for at least one current market value of the land by a registered valuer to determine compensation negotiation for the sale of the land.

Legislation

Roads Act 1993

Financial implications

Section 43 of the Act addresses the disposal of land comprising former public road owned by a council. Revenue received by Council from the proceeds of the sale of the land is to be used for acquiring land for public roads or for carrying out roadwork on public roads.

Accordingly, any sale proceeds will be restricted for use on public roads by transferring the proceeds into the Public Road Closure Compensation Reserve.

In accordance with the Policy, the Applicant will be responsible for all costs incurred in the Road closing process and disposal of the land upon closure, including Council's reasonable legal costs and the cost of the Valuation report dated 4 January 2018.

Associated Risks

Not Applicable

DIANE SAWYERS
REVENUE AND PROPERTY MANAGER

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

30 May 2018

- Attachments:*
1. Map of Slate Gully Road proposed to be closed. (separately attached)
 2. Application to close Slate Gully Road. (separately attached)
 3. Photographs of Slate Gully Road 4-1-2018. (separately attached)
 4. Record of preliminary actions & documentation - Guardian Advertisements. (separately attached)
 5. Record of preliminary actions & documentation. (separately attached)
 6. Road Status - DP creating Road. (separately attached)
 7. Valuation obtained by Council 4-1-2018. (Confidential - separately attached)
 8. Valuation obtained by Applicant 23-4-2018. (Confidential - separately attached)
 9. Applicants Offer. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.2 Classification of Land - Allotment 113 DP48439 90 Market Street Mudgee

REPORT BY THE REVENUE AND PROPERTY MANAGER
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, P0160211

RECOMMENDATION

That Council:

1. **receive the report by the Revenue and Property Manager on the Classification of Land - Allotment 113 DP48439 90 Market Street Mudgee; and**
2. **classify Allotment 113 DP48439 90 Market Street Mudgee as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993.**

Executive summary

This report seeks to formalise the classification of Allotment 113 DP48439, 90 Market Street Mudgee as Operational land.

90 Market Street Mudgee is currently being acquired by Council from Property NSW for the purposes which meet the current and future needs of the local community and of the wider public in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public and which includes an art gallery.

Disclosure of Interest

Nil.

Detailed report

As part of the process of classification of the land, Council resolved on 21 November 2018 to advertise its intent to classify Allotment 113 DP48439, 90 Market Street Mudgee as *Operational* in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 of the Local Government Act 1993. A copy of this report and Council Minute are appended as Attachment 1.

Council's intention to classify the land as *Operational* was subsequently advertised in the local newspaper on 30 November 2018. Written submissions were called for with the closing date for submissions being 28 December 2018. No submissions were received.

This report now seeks to complete the process of classification of the land as *Operational*.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Chapter 6, Part 2, Division 1 Local Government Act 1993

Financial implications

Not Applicable

Associated Risks

Not Applicable

DIANE SAWYERS
REVENUE AND PROPERTY MANAGER

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

11 January 2019

Attachments :1. Council Report & Minute 21/11/2018.
2. Advertisement Mudgee Guardian 30-11-2018.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL

COUNCIL MEETING EXTRACT
COUNCIL MEETING: 21 NOVEMBER 20189.4 CLASSIFICATION OF LAND - ALLOTMENT 113 DP48439 90
MARKET STREET MUDGEE

GOV400066, P0160211

331/18

MOTION: Shelley / Karavas**That Council:**

1. receive the report by the Revenue and Property Manager on the Classification of Land - Allotment 113 DP48439 90 Market Street Mudgee; and
2. give public notice of a proposed resolution to classify Allotment 113 DP 48439 as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the Act); and
3. receive a further report after the public notice exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.

The motion was carried with the Councillors voting unanimously.

9.4 Classification of Land - Allotment 113 DP48439 90 Market Street Mudgee

REPORT BY THE REVENUE AND PROPERTY MANAGER
TO 21 NOVEMBER 2018 ORDINARY MEETING
GOV400066, P0160211

RECOMMENDATION

That Council:

1. receive the report by the Revenue and Property Manager on the Classification of Land - Allotment 113 DP48439 90 Market Street Mudgee; and
2. give public notice of a proposed resolution to classify Allotment 113 DP 48439 as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the Act); and
3. receive a further report after the public notice exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.

Executive summary

This report seeks to commence the process for classification of Allotment 113 DP 48439 (the Allotment), being land located at 90 Market Street Mudgee, as *Operational* land.

Disclosure of Interest

Nil

Detailed report

Council has entered into an agreement with Property NSW to acquire the Allotment at 90 Market Street for the purpose of developing an art gallery complex.

As Council is acquiring the Allotment, it will need to carry out the required process to appropriately classify the Allotment as directed under Chapter 6, Part 2, Division 1 of the Local Government Act 1993 (the Act).

All public land must be classified as either *Community* or *Operational*. The purpose of classification is to identify clearly that land which should be kept for use by the general public (Community land) and that land which need not (Operational land).

Community Land would ordinarily comprise land such as a public park, reserve or sporting grounds. The use and management of Community Land is to be regulated by a Plan of Management.

Community land must not be sold (except in limited circumstances referred to in the Act). *Community* land must not be leased or licenced for more than 21 years and may only be

leased/licenced for more than 5 years if public notice of the proposed lease/ licence is given. In the event that an objection is made to the proposed lease/ licence, the Minister's consent is required. These restrictions do not apply to *Operational* land.

Operational land would ordinarily comprise land which facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as a works depot. It also includes land held as a temporary asset or as an investment.

Any land acquired by a council that is not classified under the Act i.e. resolved by council at the end of 3 months, is taken to have been classified as *Community* land.

Notwithstanding that the Allotment has not yet transferred to Council, the Act, at Section 31, allows councils to classify land before ownership has been completed, the advantage being that it allows for completion of the process within the stipulated 3 month period:

31 Classification of land acquired after 1 July 1993

(2) Before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land.

Given the intended use of the Allotment, it is proposed that the Allotment be classified as *Operational* land and that the legislated process be undertaken to reflect this.

To commence the process for the classification of the Allotment, Council must resolve its intentions to classify the Allotment as *Operational* land and its intention must be advertised for a period of 28 days, during which time written submissions to the proposed classification will be accepted. Upon completion of this process, a further report will be presented to Council on the outcomes of the exhibition and next steps in the classification process as required by the Act.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Chapter 6, Part 2, Division 1of the Local Government Act 1993, directs that all public land must be classified as either *Community* or *Operational* land.

Associated Risks

Not Applicable

MID-WESTERN REGIONAL COUNCIL | ORDINARY MEETING - 21 NOVEMBER 2018
REPORT 9.4

91

DIANE SAWYERS
REVENUE AND PROPERTY MANAGER

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

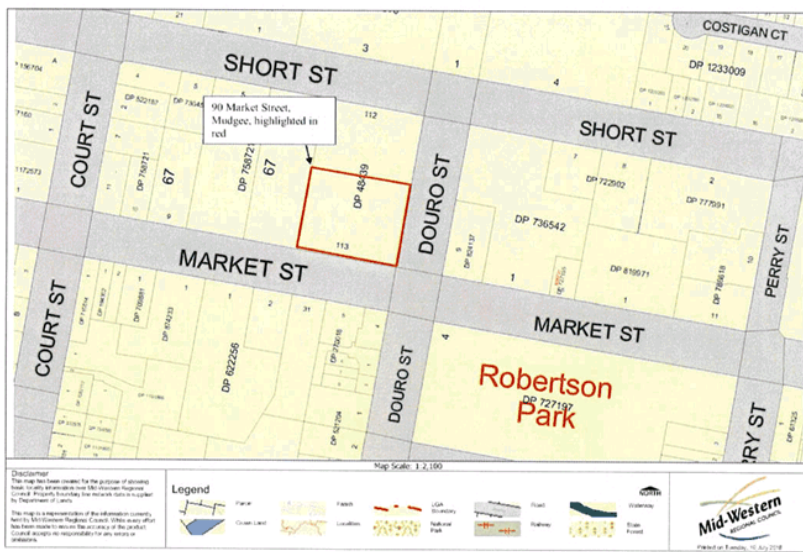
15 October 2018

Attachments: 1. Map of Allotment 113 DP 48439.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER





11/30/2018

eEdition

midwestguardian.com.au

Friday November 30, 2018 MUDGEE GUARDIAN 9

COMMUNITY NEWS LIFE

Celebrating a spectacular event success

ROTARY CLUB OF MUDGEE
 BY CHRIS STEPHENS

CELEBRATING the Mudgée Garden Spectacular's first year!
 Rotarians, gardeners, lecturers, gatekeepers, sponsors, CWA and community groups gathered for dinner at the Golf Club on Tuesday, November 20 to celebrate the completion of the first Mudgée Rotary Garden Spectacular.

A year in the preparation, six Mudgée gardens opened for inspection on the weekend of October 13-14. Over 700 people took the opportunity to see these private gardens, in the process donating money to three local community groups.

At the dinner, the efforts of all concerned to mount the Garden Spectacular were gratefully acknowledged by the Rotary Club of Mudgée, particularly the gardeners



A spectacular success!

who so generously prepared their gardens over seven months and opened their gates to visitors.

Garden aficionados had the joy of inspecting some of Mudgée's finest gardens, while knowing their entry fee was going back into the community. Proceeds of the Garden Spectacular provided \$2500 for distribution between the National Association for Lost and Great (NAGL), MLC, Danne Burnickie (left) and Tracy Lucas (right) of Mudgée Rotary Club. Bob Colby presenting \$2500 to Danne Burnickie (left) and Tracy Lucas (right) of Mudgée Rotary Club.

the Disabled. The Garden Spectacular was well received by the gardening population, and enquiries from as far away as Sydney are coming in for next year's event, which will be October 19-20, 2019.

The last regular Tuesday Club meeting for the year will be the AGM on December 4. We will return on February 5, 2019. In meantime December 5 Club Christmas party - 6.30pm, at Oriental Hotel; December 6 Pioneer house men morning tea, 10.00am; December 7 The Carols Sponsors breakfast, 7am at Parkland Resort. All invited. December 13 Carols at Mudgée Showground and December 20 Pioneer House men morning tea, 10.00am.

Picture: Treasurer of the Mudgée Rotary Club, Bob Colby presenting \$2500 to Danne Burnickie (left) and Tracy Lucas (right) of Mudgée Rotary Club.



The Fan's Horizon track reopened this week following the replacement of around 1,000 timber steps, marking the full recovery of the Warrumbungle National Park.

The final steps in fire recovery

WARRUMBUNGLE National Park is fully operational again after the re-opening of the final walking track affected by the 2013 fire.

"The completion of Fan's Horizon walking track is pretty much the last piece in putting Warrumbungle National Park back together after the devastation of the fire," National Parks and Wildlife Service area manager

John Whittall said. "For staff who have worked in the Warrumbungles before, during or after the rehabilitation program, this feels like the last piece of the puzzle, and we can now look forward to seeing our visitors once again be able to enjoy all that the park has to offer."

"Our staff have worked from across the entire National Parks and Wildlife Service and Office of Environment and Heritage to get the park back to an even higher standard than before the Warrumbungle fire."

reopening of our magnificent Visitor Centre and years of major works to rebuild the park and learn more about fire behaviour. "Our staff have worked from across the entire National Parks and Wildlife Service and Office of Environment and Heritage to get the park back to an even higher standard than before the Warrumbungle fire."

Mid-Western Regional Council WEEKLY ADVERTISEMENTS

TOWN HALL CINEMA

December movies online ticket sales now open!



Stock Impounded
 Council has impounded a horse on Putta Beca Road on Sunday 27 November 2018. If the horse is not claimed within seven (7) days from the date of this notice it will be sold at Public Auction. For further information, please call Joe Best on 0419 286 162.

Proposed Classification of Land

In pursuance of sections 31 & 34 of the Local Government Act, 1993, Council proposes to classify lot 11 (2P) 60/40 at 80 Market Street, Mudgee as Operational Land for the purposes which meet the current and future needs of the local community and of the wider public in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and which includes an art gallery. A period of twenty-eight days from the date of this notice is allowed for any person to lodge a written submission to the proposed classification. Submissions should be directed to the Council Manager, PO Box 156 Mudgee NSW 2850. Enquiries should be directed to Council's Property Department on 02465783203 or 1300 765 002.



Great careers start right here

- We are currently inviting applications for the following positions:
- Roads Labourers - 2 Positions - No. 4470038 - closes 7 December 2018**
 We are currently seeking general Road Labourers. These roles carry out physical labouring activities for road maintenance and construction works and other Council related infrastructure projects as defined in the Strategic and Management Plans.
 - Electrician - No. 4461126 - closes 17 December 2018**
 We are seeking a qualified and experienced industrial electrician to ensure the safe installation, maintenance and operation of electrical systems under the control of Mid-Western Regional Council.
 - Manager Works - No. 4461557 - closes 17 December 2018**
 An exciting opportunity is available to work with Council's Works team to deliver specific projects and maintenance works in line with Council's corporate and strategic goals. The position manages maintenance and construction works on State Roads, Regional Roads, Local Road Roads and Bridges within the Council area. The position is responsible for all road related infrastructure including bridges, drainage, footpaths and ancillary works.
 - Senior Health & Building Surveyor - No. 4415510 - closes 18 December 2018**
 A fantastic opportunity exists for a skilled and experienced Building Surveyor, with extensive experience in Local Government and A1 or A2 level Building Professional Board accreditation, to join our team at Mid-Western Regional Council as a Senior Building Surveyor within Council's Health and Building Services. You will be responsible for carrying out the functions of a Principle Certifier on behalf of Council.
 - Senior Pool Attendants - 4 Positions - No. 4281119 - closes 14 December 2018**
 Mid-Western Regional Council is an equal opportunity employer that values diversity. We encourage all suitable applicants to apply. Applicants must be eligible to work in Australia to apply for any positions at Council (please note as part of Mid-Western Regional Council's recruitment process, prior to an offer of employment being made, recruitment candidates will be required to undertake an employment bond).

For more information about these positions, or to apply online, please visit our website: <http://employment.midwestern.nsw.gov.au/>

Local Councillor, General Manager
 PO Box 156, Mudgee NSW, Mudgee NSW 2850
 Tel: 02 4657 8320 or 1300 765 002 | Fax: 02 4657 2493
 Email: info@midwestern.nsw.gov.au
www.midwestern.nsw.gov.au

9.3 Consolidation of land parcels - Kandos Pre-School

REPORT BY THE ASSISTANT MANAGER REVENUE AND PROPERTY
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, DA0292/2018

RECOMMENDATION

That Council:

1. **receive the report by the Assistant Manager Revenue and Property on the Consolidation of land parcels - Kandos Pre-School;**
2. **approve the consolidation of Lots 11 and 12 Section 22 DP 9704 as required by clause 29 of the approval of DA 0292/2018**
3. **authorise the General Manager to sign all documentation, where necessary, in relation to the consolidation of Lots 11 and 12 Section 22 DP 9704;**
4. **authorise the Mayor to sign all documentation, where additionally required to do so, in relation to the consolidation of Lots 11 and 12 Section 22 DP 9704; and**
5. **authorise the Common Seal of Council to be affixed to all documentation, where necessary, in relation to the consolidation of Lots 11 and 12 Section 22 DP 9704.**

Executive summary

This report seeks to obtain Council consent to the consolidation of the land that comprises the Kandos Childcare Centre and authorise execution of the required documents.

Disclosure of Interest

Nil.

Detailed report

Council approved DA0292/2018 – Childcare Centre Alterations & Additions – 27 Fleming Street, Kandos at its meeting of 19/9/2018. Clause 29 of the approval required consolidation of the two lots that comprise the Childcare Centre into a single allotment.

The purpose of this report is to authorise the consolidation and to allow execution of the required documents and the affixing of Council's Seal where required.

Attached to this report is the approval for DA0292/2018 and the draft plan of consolidation.

In accordance with clause 29, Lots 11 and 12 in DP9704 are to be consolidated prior to the issue of an Occupation Certificate.

Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Support programs which strengthen the relationships between the range of community groups

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

Not applicable

Financial implications

Not applicable

Associated Risks

Nil

IAN CLAYTON
ASSISTANT MANAGER REVENUE AND
PROPERTY

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

30 January 2019

Attachments: 1. Plan of Consolidation of Lots 11 & 12 Sec 22 DP 9704.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

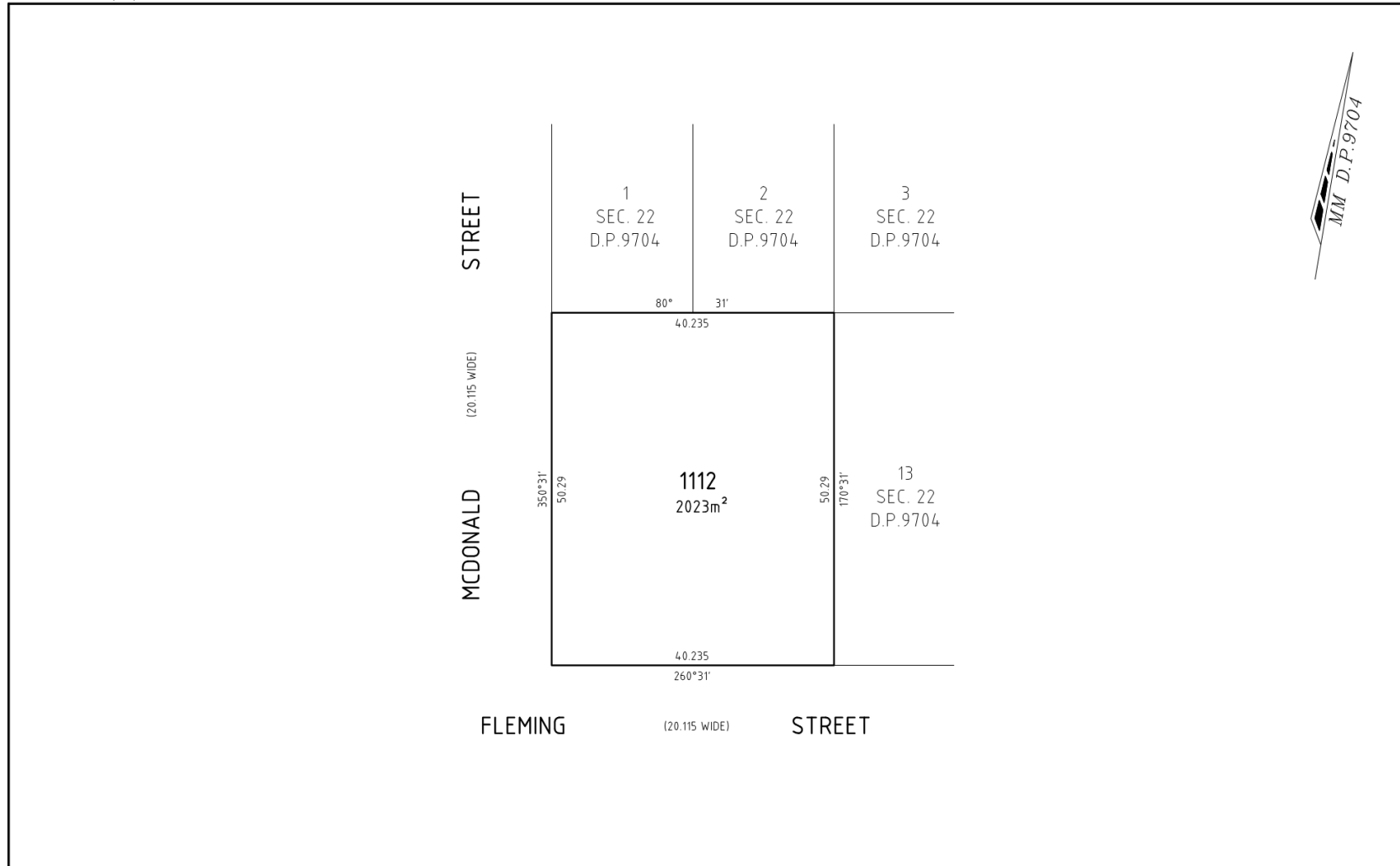
PLAN FORM 6 (2018)	DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 1 of 2 sheet(s)
Office Use Only Registered: Title System:		Office Use Only
PLAN OF CONSOLIDATION OF LOTS 11 & 12 SECTION 22 D.P.9704		LGA: MID-WESTERN REGIONAL Locality: KANDOS Parish: RYLSTONE County: ROXBURGH
<p style="text-align: center;">Survey Certificate</p> <p>I, <u>JASON WILLIAM LANDERS</u> of de Witt Consulting, P.O. Box 232 GULGONG 2852 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, is accurate and the survey was completed on, or</p> <p>*(b) The part of the land shown in the plan ("being"/"excluding ".....) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, the part surveyed is accurate and the survey was completed on..... the part not surveyed was compiled in accordance with that Regulation, or</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>.</p> <p>Datum Line:</p> <p>Type: *Urban/*Rural-</p> <p>The terrain is *Level-Undulating / *Steep-Mountainous-</p> <p>Signature: Dated:</p> <p>Surveyor Identification No: <u>8533</u></p> <p>Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p> <p><small>*Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</small></p>		<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>
		<p style="text-align: center;">Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of section 6.15 <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:.....</p> <p>Accreditation number:</p> <p>Consent Authority:.....</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:.....</p> <p><small>*Strike through if inapplicable.</small></p>
Plans used in the preparation of survey/compilation D.P.9704		Statements of intention to dedicate public roads, public reserves and drainage reserves, acquire/resume land.
Surveyor's Reference: 9283		Signatures seals and Section 88B Statements should appear on PLAN FORM 6A

PLAN FORM 6A (2017)	DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 2 of 2 sheet(s)										
Office Use Only	Office Use Only											
Registered												
PLAN OF CONSOLIDATION OF LOTS 11 & 12 SECTION 22 D.P.9704												
Subdivision Certificate number :	This sheet is for the provision of the following information as required: <ul style="list-style-type: none"> • A schedule of lots and addresses - See 60(c) SSI Regulation 2017 • <i>Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919</i> • <i>Signatures and seals see 195D Conveyancing Act 1919</i> • <i>Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.</i> 											
Date of Endorsement :												
<table border="1" style="margin: auto; border-collapse: collapse;"> <thead> <tr> <th style="padding: 2px;">LOT</th> <th style="padding: 2px;">STREET No.</th> <th style="padding: 2px;">STREET NAME</th> <th style="padding: 2px;">STREET TYPE</th> <th style="padding: 2px;">LOCALITY</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">1112</td> <td style="padding: 2px;">27</td> <td style="padding: 2px;">FLEMING</td> <td style="padding: 2px;">STREET</td> <td style="padding: 2px;">KANDOS</td> </tr> </tbody> </table>			LOT	STREET No.	STREET NAME	STREET TYPE	LOCALITY	1112	27	FLEMING	STREET	KANDOS
LOT	STREET No.	STREET NAME	STREET TYPE	LOCALITY								
1112	27	FLEMING	STREET	KANDOS								
SIGNED FOR AND ON BEHALF OF MID-WESTERN REGIONAL COUNCIL AS REGISTERED PROPRIETOR BY ITS AUTHORISED OFFICERS PURSUANT TO THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 CLAUSE 400:												
..... GENERAL MANAGER MAYOR											
If space is insufficient use additional annexure sheet												
Surveyor's Reference: 9283												

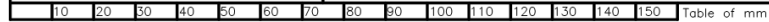
PLAN FORM 1(A3)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

SHEET 1 OF 1 SHEETS



Surveyor: JASON WILLIAM LANDERS de Witt Consulting Date of Survey: 11.01.19 Surveyor's Reference: 9283	PLAN OF CONSOLIDATION OF LOTS 11 & 12 SECTION 22 D.P. 9704	LGA: MID-WESTERN REGIONAL Locality: KANDOS Subdivision No: Lengths are in metres. Reduction Ratio 1:500	Registered	
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9.4 Community Grants Program

REPORT BY THE FINANCIAL ACCOUNTANT
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, FIN300159

RECOMMENDATION

That Council:

1. receive the report by the Financial Accountant on the Community Grants Program;
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy;

Kandos Public School – Presentation Day	\$250
Mudgee Writers – Mudgee Valley Writers Biennial Competition	\$500
Riding for the Disabled – Showground Arena bookings	\$4,640
Gulgong, Mudgee, Rylstone Branch - National Trust of Australia (NSW) – Venue hire	\$90
Kanandah Retirement Ltd – DA Fees for new	\$2,714

3. do not provide financial assistance to the following applicants, for the reasons provided in the report;

Mandurah Studio – Arts and Crafts Mudgee

Deirdre Butler – Art, Craft and Textile Exhibition

Executive summary

This report considers requests for financial assistance under Council's Community Grants Program Policy.

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
- 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 recommendations.

Applicant	Project/Activity	Total Project Cost \$	Funding Request \$	Total Score out of 9.00	Recommended Funding \$
Kandos Public School	Kandos Public School Presentation Day 2018	1,010	1,000	5.00	250
Mudgee Writers	Mudgee Valley Writers' Biennial Competition	2,250	1,000	6.67	500
Mandurah Studio - Arts and Crafts Mudgee	Art and Craft Local Tourist Signage	Unknown	Not Provided	1.00	0
Deirdre Butler	Art, Craft and Textile Exhibition - Stables Hire	235	235	3.67	0
Riding for the Disabled Association (NSW) Mudgee Centre	Showground arena bookings x 32	N/A	4,640	5.67	4,640
Gulgong, Mudgee, Rylstone Branch - National Trust of Australia (NSW)	Stables booking x 1	100	90	5.00	90
Kanandah Retirement Ltd	DA fees for the Kanandah Wattle Café	67,741	2,714	5.00	2,714

Disclosure of Interest

Nil.

Detailed report

The information provided below gives more detail on each application and the scoring against the policy criteria. Copies of all applications are provided as attachments to the report.

Kandos Public School

Presentation Day at Kandos Public School was held on the 12/12/2018. Presentation Day recognises the achievements and successes of students including ATSI students and students with disabilities from K-6 in English, Mathematics, Creative Arts, Science and Sport. Students are awarded with scholarships, prizes and vouchers to acknowledge high levels of achievement, participation and development.

Kandos high have requested a contribution towards the presentation day of \$1,000.

1.67 ★★
Benefits and link to the community plan

1.33 ★★
Consultation and collaboration with other local groups

2.00 ★★
Capacity to deliver the program or project

Link to Community Plan: 1.4.2 Supports arts and cultural development across the Region.

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

RECOMMENDATION

\$250

Mudgee Writers

Mudgee Valley Writers, (MVW) under the auspices of the State body of the Fellowship of Australian Writers NSW Inc. wish to run a Biennial writing competition in 2019 for adult, novice and children's sections of prose and poetry. The funding is required for the administration costs of the project, such as advertising, postage, stationery and a portion will go toward the prizes. The competition runs from Jan 2019 to July 2019.

Mudgee Writers have requested a contribution from Council of \$1000.

1.67 ★★
Benefits and link to the community plan

3.00 ★★★
Consultation and collaboration with other local groups

2.00 ★★
Capacity to deliver the program or project

Link to Community Plan: 1.4.2 Supports arts and cultural development across the Region.

RECOMMENDATION

\$500

Mandurah Studio - Arts and Crafts Mudgee

Mandurah Studio – Arts and Crafts Mudgee have requested that Council supply tourism signage situated on the State road network (Castlereagh Highway (roundabout at Horatio/Church intersection) to direct visitors to their art and craft shop. The Local Community Co Op Art and Craft Shop is just situated off the beaten track (at the old Railway Building), and they would love to bring it to more people's attention.

Please note that the Acting Manager – Works, also received the applicants request and they have responded to the applicant indicating that this request would need to be assessed and approved by the Tourist Attraction Signposting Assessment Committee (TASAC).

1 ★
Benefits and link to the community plan

0
Consultation and collaboration with other local groups

0
Capacity to deliver the program or project

NOT RECOMMENDED

Deirdre Butler

Deirdre Butler has applied to have the booking fee of \$235 reimbursed to her for an Art, Craft and Textile Exhibition being held at the Stables Gallery Mudgee at Easter 2019.

1.67 ★★
Benefits and link to the community plan

0.00
Consultation and collaboration with other local groups

2.00 ★★
Capacity to deliver the program or project

Link to Community Plan: 1.4.2 Supports arts and cultural development across the Region.

NOT RECOMMENDED

Riding for the Disabled Association (NSW) Mudgee Centre

Riding for the Disabled Association (NSW) Mudgee have applied for a fee waiver for the hire of the Showground Arena to be used on Wednesdays from 6am to 3pm, from the 1st of February 2019 to the 10th of December 2019, this equates to 32 bookings at \$145 per day, totalling \$4,640.

Riding for the Disabled is a not for profit organisation and we provide a fantastic service for our local residents with disabilities. This activity improves their confidence, communication, motor skills as well as having fun filled time with the horses and volunteers.

Please also note that at Councils meeting 1 February 2012 MN 28/12 it was approved for Riding for the Disabled to use the grassed area of the Showground at no cost effective from 1 July 2012.

3.00 ★★ ★
Benefits and link to the community plan

0.00
Consultation and collaboration with other local groups

2.67 ★★ ★
Capacity to deliver the program or project

Link to Community Plan: 1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community.

Link to Community Plan: 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles.

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

Link to Community Plan: Strategy 1.4.3 Support programs which strengthen the relationships between the range of community groups.

RECOMMENDATION

\$4,640

Gulgong, Mudgee, Rylstone Branch - National Trust of Australia (NSW)

A local event, focusing on “Stories of Gold” with static display, speakers and audiovisual input – all reflecting on the stores of gold across our Region. The event is open to the public and will be advertised locally.

The Gulgong, Mudgee, Rylstone Branch of the National Trust of Australia (NSW) have requested that the booking fee for the hire of the stables is waived, being a total value of \$90.

2.67 ★★ ★
Benefits and link to the community plan

0.00
Consultation and collaboration with other local groups

2.33 ★★ ★
Capacity to deliver the program or project

Link to Community Plan: 1.4.2 Supports arts and cultural development across the Region.

Link to Community Plan: 1.2.1 Respect and enhance the historic character of our Region and heritage value of our towns.

RECOMMENDATION

\$90

Kanandah Retirement Ltd

Kanandah Retirement Ltd are requesting that Council waive DA fees to the value of \$2,714 for the establishment of the Wattle Café.

Kanandah’s vision is to create a warm, inviting and vibrant entrance to our aged care facility by creating a café for residents and their families serving high quality barista coffee, a selection of fine teas as well as cakes, muffins and treats for children. In addition, a dedicated reception office will be created to serve the immediate needs of residents and their families. The café is not a commercial venture.

2.67 ★★ ★
Benefits and link to the community plan

0.33 ★
Consultation and collaboration with other local groups

2.00 ★★
Capacity to deliver the program or project

Link to Community Plan: 1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community.

Link to Community Plan: Strategy 1.4.3 Support programs which strengthen the relationships between the range of community groups.

RECOMMENDATION **\$2,714**

Community Plan implications

Theme	Good Governance
Goal	An effective and efficient organisation
Strategy	Pursue efficiencies and ongoing business improvement

Strategic implications

Council Strategies
Not Applicable

Council Policies
Recommendations are made under the Community Grants Program Policy.

Legislation
In accordance with the Local Government Act 1993 Section 356 granting of financial assistance must be approved by a Council resolution.

Financial implications

Funding of \$121,800 is provided in the Operational Plan for Financial Assistance. \$73,312 has already been allocated, leaving a balance of \$48,488.

Should Council approve the recommendations in the report, a balance of \$40,294 will remain.

Associated Risks

Not applicable

TRISH ELSEGOOD
FINANCIAL ACCOUNTANT

NEIL BUNGATE
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

31 January 2019

- Attachments:*
1. Community Grant Application - Kandos Public School.pdf. (separately attached)
 2. Community Grant Application - Mudgee Writers_Redacted.pdf. (separately attached)
 3. Community Grants Application Form - Tourist Signage_Redacted.pdf. (separately attached)
 4. Community Grants Application Form - art craft and textile exhibition_Redacted.pdf. (separately attached)
 5. Community Grant Application - Riding for the disabled_Redacted.pdf. (separately attached)
 6. Community Grant Application - Gulgong, Mudgee, Rylstone branch National trust of Aust_Redacted.pdf. (separately attached)
 7. Community Grant Application - Kanandah Retirement Ltd_Redacted.pdf. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.5 Quarterly Budget Review Statement - December 2018

REPORT BY THE MANAGER FINANCIAL PLANNING
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, FIN300179

RECOMMENDATION

That Council:

1. **receive the report by the Manager Financial Planning on the Quarterly Budget Review Statement - December 2018;**
2. **amend the 2018/19 Operational Plan and Delivery Program 2017/21 in accordance with the proposed variations as listed in the Quarterly Budget Review attachment to this report; and**
3. **note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure.**

Executive summary

This report, with its incorporated attachment, makes up the December 2018 Quarterly Budget Review Statement of the 2018/19 Operational Plan. Proposed budget variations to the Operational Plan with relevant financial implications are included in the attachment.

Disclosure of Interest

Nil.

Detailed report

The Quarterly Budget Review Statement 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.

Community Plan implications

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

Strategic implications

Council Strategies

The recommendation if approved will amend the 2018/19 Operational Plan. In accordance with the Delivery Program 2017/21 a comprehensive Quarterly Budget Review reporting is required to be completed within two months of period end.

Council Policies

Not applicable.

Legislation

Clause 203 of the Local Government (General) Regulation 2005 requires that:

- (1) Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.
- (2) A budget review statement must include or be accompanied by: (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and (b) if that position is unsatisfactory, recommendations for remedial action.
- (3) A budget statement must also include any information required by the Code to be included in such a statement.

Financial implications

Approval of all the proposed budget variations to the Operational Plan in this report will have the following impact on Council's projected cash balances:

Funding Source	Movement
2018/19	\$ 5,369,703
Asset Replacement Reserve	\$ 500
Capital Program Reserve	\$ 3,731
Unrestricted Cash	-\$ 221,964
Unspent Grants	\$ 63,984
Waste Unrestricted Cash	\$ 35,915
Water Unrestricted Cash	-\$ 10,000
Plant Replacement Reserve	\$ 391,341
Voluntary Planning Agreements	-\$ 7,000
Family Day Care Reserve	-\$ 36,204
Water Developer Contributions	\$ 2,000,000
Water Reserves	\$ 532,000
Sewer Developer Contributions	\$ 700,000
Waste Reserve	\$ 1,900,000
Saleyards Reserve	\$ 1,400
Non-cash	-\$ 4,000
2019/20	-\$ 3,371,200
Unrestricted Cash	-\$ 69,200
Unspent Grants	-\$ 70,000
Water Developer Contributions	-\$ 2,000,000

Funding Source	Movement
Water Reserves	-\$ 532,000
Sewer Developer Contributions	-\$ 700,000
2020/21	-\$ 2,000,000
Waste Reserve	-\$ 2,000,000

The impact of the proposed variations for each year is shown on page 22-24 of the attachment. The main drivers for change is deferral of large grant funded road upgrade projects.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2018/19	✓	✗	✓
Future Years	✗	-	✗

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

It is my opinion that the December Quarterly Budget Review Statement for Mid-Western Regional Council indicates that Council's projected financial position as at 30 June 2019 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2018/19 financial year.

Associated Risks

Not applicable.

NEIL BUNGATE
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

4 February 2019

Attachments: 1. December 2018 Quarterly Budget Review Statement. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.6 Monthly Statement of Investment and Bank Balances as at 31 December 2018

REPORT BY THE ACTING CHIEF FINANCIAL OFFICER
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, FIN300053

RECOMMENDATION

That Council:

1. **receive the report by the Acting Chief Financial Officer on the Monthly Statement of Investment and Bank Balances as at 31 December 2018; and**
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

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 31 December 2018.

Community Plan implications

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

Council Strategies

Not applicable.

Council Policies

Council's Investments Policy requires a written report each month setting out the entire investment portfolio.

Legislation

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.

Financial implications

Not applicable.

Associated Risks

Not applicable.

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

8 January 2019

Attachments: 1. Investment Report 31 December 2018.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

For the month ended: 31/12/2018

Investment Register as at 31 December 2018

Bank Account	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
NAB (Cheque Account)	116,946	14,098,802	14,225,954	(10,207)	700,000

The bank balances have been reconciled to the General Ledger as at 31/12/2018

Investments	Type	Amount \$'000	Yield %	Maturity Date	Term	Long Term Rating
National Australia Bank	At Call	5,252	1.90%	NA	At Call	AA-
National Australia Bank	Term Deposit	2,500	2.62%	23/01/2019	301	AA-
National Australia Bank	Term Deposit	1,500	2.90%	29/04/2020	728	AA-
National Australia Bank	Term Deposit	2,000	2.71%	10/07/2019	287	AA-
National Australia Bank	Term Deposit	1,000	2.72%	21/08/2019	308	AA-
National Australia Bank	Term Deposit	1,500	2.71%	4/09/2019	308	AA-
National Australia Bank	Term Deposit	1,500	2.71%	28/08/2019	280	AA-
National Australia Bank	Term Deposit	1,500	2.75%	18/09/2019	294	AA-
National Australia Bank	Term Deposit	2,500	2.75%	25/09/2019	294	AA-
National Australia Bank	Term Deposit	1,000	2.75%	2/10/2019	287	AA-
Bankwest	Term Deposit	1,500	2.80%	20/03/2019	266	AA-
Bankwest	Term Deposit	2,000	2.80%	27/03/2019	273	AA-
Bankwest	Term Deposit	2,000	2.80%	17/04/2019	286	AA-
Bankwest	Term Deposit	1,500	2.80%	15/05/2019	287	AA-
Bankwest	Term Deposit	1,000	2.80%	1/05/2019	266	AA-
Bankwest	Term Deposit	2,500	2.80%	29/05/2019	280	AA-
Bankwest	Term Deposit	1,000	2.74%	26/06/2019	294	AA-
Bankwest	Term Deposit	3,000	2.73%	24/07/2019	322	AA-
CBA	Term Deposit	1,000	2.79%	24/04/2019	363	AA-
St George Bank	Term Deposit	1,500	2.57%	9/01/2019	322	AA-

Investments	Type	Amount \$'000	Yield %	Maturity Date	Term	Long Term Rating
St George Bank	Term Deposit	2,500	2.70%	20/02/2019	280	AA-
Westpac	Term Deposit	1,500	2.71%	7/08/2019	546	AA-
Westpac	Term Deposit	1,000	2.85%	15/04/2020	742	AA-
Westpac	Term Deposit	2,500	2.88%	27/05/2020	728	AA-
Westpac	Term Deposit	2,000	2.76%	12/06/2019	371	AA-
AMP	Term Deposit	1,000	2.80%	6/03/2019	266	A
AMP	Term Deposit	1,000	2.85%	6/03/2019	252	A
ING Bank	Term Deposit	1,000	2.92%	2/10/2019	720	A
ING Bank	Term Deposit	2,500	2.86%	4/03/2020	728	A
Bank of Queensland	Term Deposit	1,000	2.75%	3/04/2019	238	BBB+
Bank of Queensland	Term Deposit	2,000	2.75%	26/06/2019	301	BBB+
Rural Bank	Term Deposit	1,500	2.80%	6/02/2019	280	BBB+
Bank Australia	Term Deposit	1,500	2.80%	24/04/2019	273	BBB
Credit Union Australia	Term Deposit	1,000	2.78%	1/05/2019	364	BBB
Credit Union Australia	Term Deposit	1,000	2.85%	13/11/2019	343	BBB
Credit Union Australia	Term Deposit	1,000	2.75%	21/08/2019	322	BBB
Defence Bank	Term Deposit	2,000	2.80%	30/10/2019	364	BBB
Members Equity Bank	Term Deposit	1,000	2.83%	3/04/2019	272	BBB
TCorp - Cash Fund	Managed Fund	1,709				TCorp (Unrated)
TCorp - Long Term Growth Fund	Managed Fund	2,388				TCorp (Unrated)
TCorp - Medium Term Growth Fund	Managed Fund	5,072				TCorp (Unrated)
Total Investments		73,421				
	Average Yield		2.70%			

Limit Compliance as at 31 December 2018

Investments by Institution	Long Term Rating	Amount \$'000	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA-	20,252	28%	30%
Bankwest	AA-	14,500	20%	30%
CBA	AA-	1,000	1%	30%
St George Bank	AA-	4,000	5%	30%
Westpac	AA-	7,000	10%	30%
AMP	A	2,000	3%	15%
ING Bank	A	3,500	5%	15%
Bank of Queensland	BBB+	3,000	4%	5%
Rural Bank	BBB+	1,500	2%	5%
Bank Australia	BBB	1,500	2%	5%
Credit Union Australia	BBB	3,000	4%	5%
Defence Bank	BBB	2,000	3%	5%
Members Equity Bank	BBB	1,000	1%	5%
TCorp - Medium Term Growth Fund	TCorp (Unrated)	5,072	7%	15%
TCorp - Long Term Growth Fund	TCorp (Unrated)	2,388	3%	15%
TCorp - Cash Fund	TCorp (Unrated)	1,709	2%	15%
		73,421	100%	

Investments by S&P Rating	Long Term Rating	Amount \$'000	% of Portfolio	
			Actual	Policy Limit
	AAA to AA-	46,752	64%	100%
	A+ to A-	5,500	7%	40%
	BBB+ to BBB-	12,000	16%	20%
	TCorp (Unrated)	9,168	12%	15%
	Unrated	-	0%	\$ 250,000
		73,421	100%	

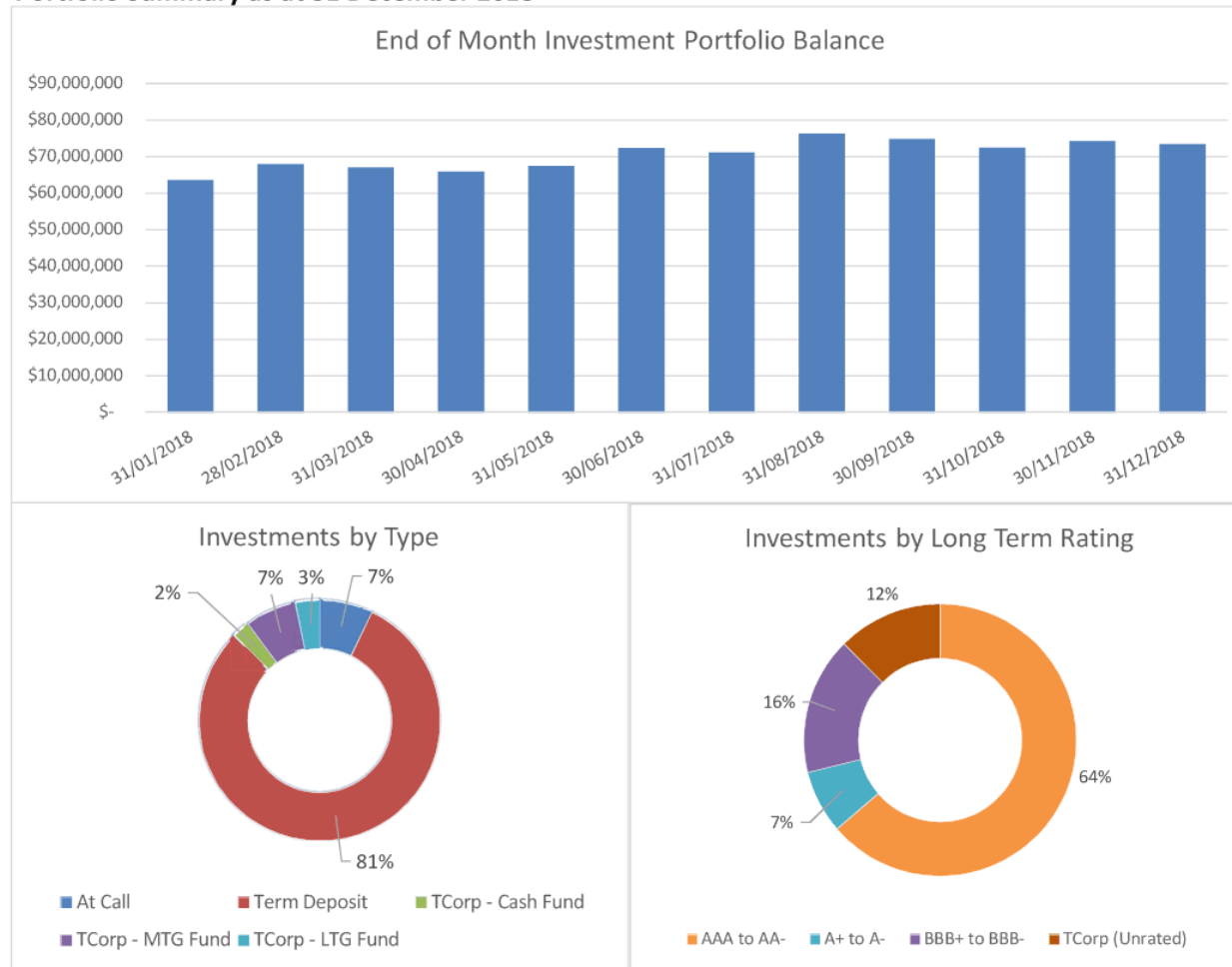
Term to Maturity	Amount \$'000	Actual	% of Portfolio	
			Cumulative Actual	Cumulative Minimum
Less than 3 months	27,921	38%	38%	20%
Between 3 months and 1 year	38,000	52%	90%	40%
Between 1 year and 2 years	7,500	10%	100%	50%
Between 2 years and 4 years	-	0%	100%	85%
More than 5 years	-	0%	100%	0%
	73,421	100%		

Monthly Investment Portfolio Activity

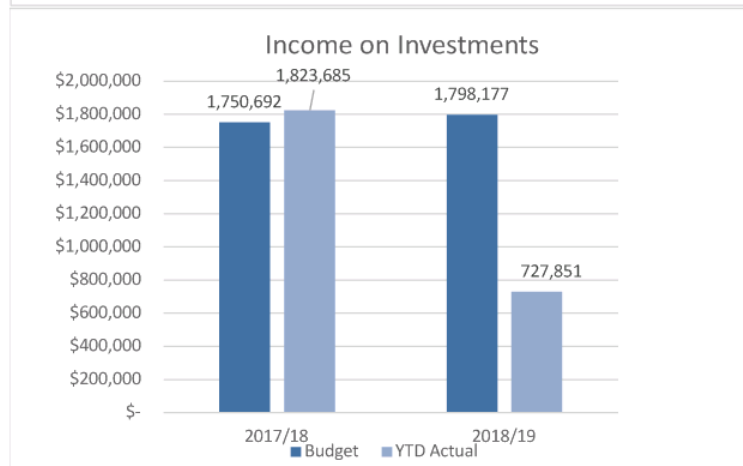
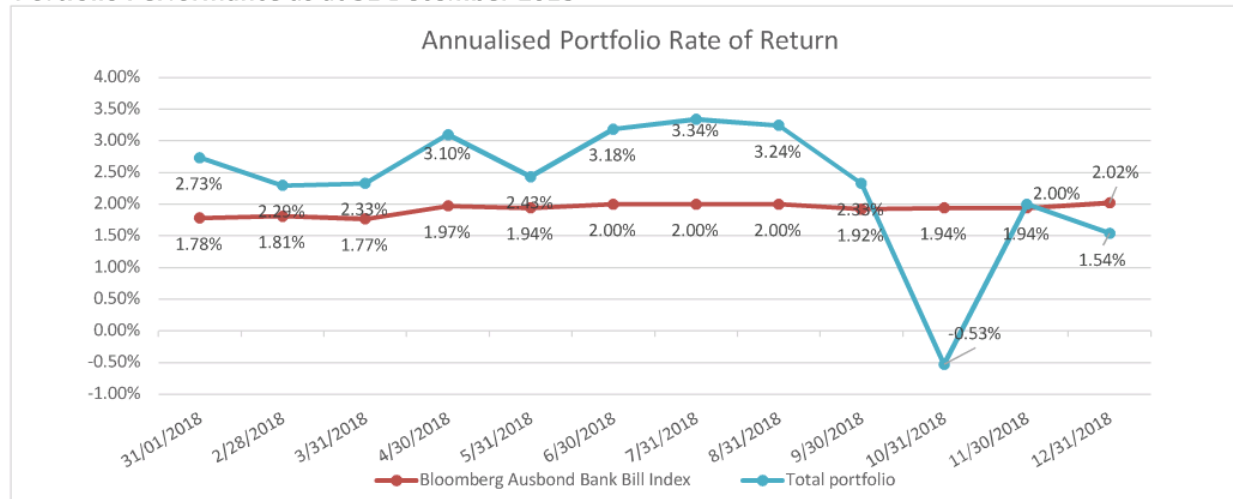
The below table shows investments that have matured and have been redeemed or re-invested, and new investments placed.

Bank Accounts	Opening Balance \$'000	Redeemed Balance \$'000	Re-invested Balance \$'000	Change in interest rate	Change in Term (days)	New Term Rate
NAB (At call account)	6,491		5,252			
TCorp - Cash Fund	1,707		1,709			
TCorp - Long Term Growth Fund	2,416		2,388			
TCorp - Medium Term Growth Fund	5,097		5,072			
National Australia Bank			2,500	New Deposit		2.75%
Credit Union Australia			1,000	New Deposit		2.85%
CBA	1,500	1,500		Redeemed		
National Australia Bank	1,000		1,000	0.15%	-	2.75%
CBA	1,500	1,500		Redeemed		
	19,711		18,921			
Investment Portfolio Movement			(791)	Reduction		

Portfolio Summary as at 31 December 2018



Portfolio Performance as at 31 December 2018



9.7 Monthly Statement of Investment and Bank Balances as at 31 January 2019

REPORT BY THE MANAGER FINANCIAL PLANNING
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, 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 January 2019; and**
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

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 31 January 2019.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable.

Council Policies

Council's Investments Policy requires a written report each month setting out the entire investment portfolio.

Legislation

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.

Financial implications

Not applicable.

Associated Risks

Not applicable.

NEIL BUNGATE
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

5 February 2019

Attachments: 1. Investments as at 31 January 2019.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

For the month ended: 31/01/2019

Investment Register as at 31 January 2019

Bank Account	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
NAB (Cheque Account)	(10,207)	13,863,355	13,814,269	38,879	700,000

The bank balances have been reconciled to the General Ledger as at 31/01/2019

Investments	Type	Amount \$'000	Yield %	Maturity Date	Term	Long Term Rating
National Australia Bank	At Call	2,763	1.90%	NA	At Call	AA-
National Australia Bank	Term Deposit	1,500	2.90%	29/04/2020	728	AA-
National Australia Bank	Term Deposit	2,000	2.71%	10/07/2019	287	AA-
National Australia Bank	Term Deposit	1,000	2.72%	21/08/2019	308	AA-
National Australia Bank	Term Deposit	1,500	2.71%	4/09/2019	308	AA-
National Australia Bank	Term Deposit	1,500	2.71%	28/08/2019	280	AA-
National Australia Bank	Term Deposit	1,500	2.75%	18/09/2019	294	AA-
National Australia Bank	Term Deposit	2,500	2.75%	25/09/2019	294	AA-
National Australia Bank	Term Deposit	1,000	2.75%	2/10/2019	287	AA-
National Australia Bank	Term Deposit	2,000	2.73%	16/10/2019	266	AA-
Bankwest	Term Deposit	1,500	2.80%	20/03/2019	266	AA-
Bankwest	Term Deposit	2,000	2.80%	27/03/2019	273	AA-
Bankwest	Term Deposit	2,000	2.80%	17/04/2019	286	AA-
Bankwest	Term Deposit	1,500	2.80%	15/05/2019	287	AA-
Bankwest	Term Deposit	1,000	2.80%	1/05/2019	266	AA-
Bankwest	Term Deposit	2,500	2.80%	29/05/2019	280	AA-
Bankwest	Term Deposit	1,000	2.74%	26/06/2019	294	AA-
Bankwest	Term Deposit	3,000	2.73%	24/07/2019	322	AA-
CBA	Term Deposit	1,000	2.79%	24/04/2019	363	AA-
St George Bank	Term Deposit	2,500	2.70%	20/02/2019	280	AA-

Investments	Type	Amount \$'000	Yield %	Maturity Date	Term	Long Term Rating
Westpac	Term Deposit	1,500	2.71%	7/08/2019	546	AA-
Westpac	Term Deposit	1,000	2.85%	15/04/2020	742	AA-
Westpac	Term Deposit	2,500	2.88%	27/05/2020	728	AA-
Westpac	Term Deposit	2,000	2.76%	12/06/2019	371	AA-
AMP	Term Deposit	1,000	2.80%	6/03/2019	266	A
AMP	Term Deposit	1,000	2.85%	6/03/2019	252	A
AMP	Term Deposit	2,000	2.75%	8/01/2020	371	A
AMP	Term Deposit	1,000	2.75%	16/10/2019	279	A
ING Bank	Term Deposit	1,000	2.92%	2/10/2019	720	A
ING Bank	Term Deposit	2,500	2.86%	4/03/2020	728	A
Bank of Queensland	Term Deposit	1,000	2.75%	3/04/2019	238	BBB+
Bank of Queensland	Term Deposit	2,000	2.75%	26/06/2019	301	BBB+
Rural Bank	Term Deposit	1,500	2.80%	6/02/2019	280	BBB+
Bank Australia	Term Deposit	1,500	2.80%	24/04/2019	273	BBB
Credit Union Australia	Term Deposit	1,000	2.78%	1/05/2019	364	BBB
Credit Union Australia	Term Deposit	1,000	2.85%	13/11/2019	343	BBB
Credit Union Australia	Term Deposit	1,000	2.75%	21/08/2019	322	BBB
Defence Bank	Term Deposit	2,000	2.80%	30/10/2019	364	BBB
Members Equity Bank	Term Deposit	1,000	2.83%	3/04/2019	272	BBB
TCorp - Cash Fund	Managed Fund	1,713				TCorp (Unrated)
TCorp - Long Term Growth Fund	Managed Fund	2,459				TCorp (Unrated)
TCorp - Medium Term Growth Fund	Managed Fund	5,163				TCorp (Unrated)
Total Investments		72,097				

Limit Compliance as at 31 January 2019

Investments by Institution	Long Term Rating	Amount \$'000	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA-	17,263	24%	30%
Bankwest	AA-	14,500	20%	30%
CBA	AA-	1,000	1%	30%
St George Bank	AA-	2,500	3%	30%
Westpac	AA-	7,000	10%	30%
AMP	A	5,000	7%	15%
ING Bank	A	3,500	5%	15%
Bank of Queensland	BBB+	3,000	4%	5%
Rural Bank	BBB+	1,500	2%	5%
Bank Australia	BBB	1,500	2%	5%
Credit Union Australia	BBB	3,000	4%	5%
Defence Bank	BBB	2,000	3%	5%
Members Equity Bank	BBB	1,000	1%	5%
TCorp - Medium Term Growth Fund	TCorp (Unrated)	5,163	7%	15%
TCorp - Long Term Growth Fund	TCorp (Unrated)	2,459	3%	15%
TCorp - Cash Fund	TCorp (Unrated)	1,713	2%	15%
		72,097	100%	

Investments by S&P Rating	Long Term Rating	Amount \$'000	% of Portfolio	
			Actual	Policy Limit
	AAA to AA-	42,263	59%	100%
	A+ to A-	8,500	12%	40%
	BBB+ to BBB-	12,000	17%	20%
	TCorp (Unrated)	9,334	13%	15%
	Unrated	-	0%	\$ 250,000
		72,097	100%	

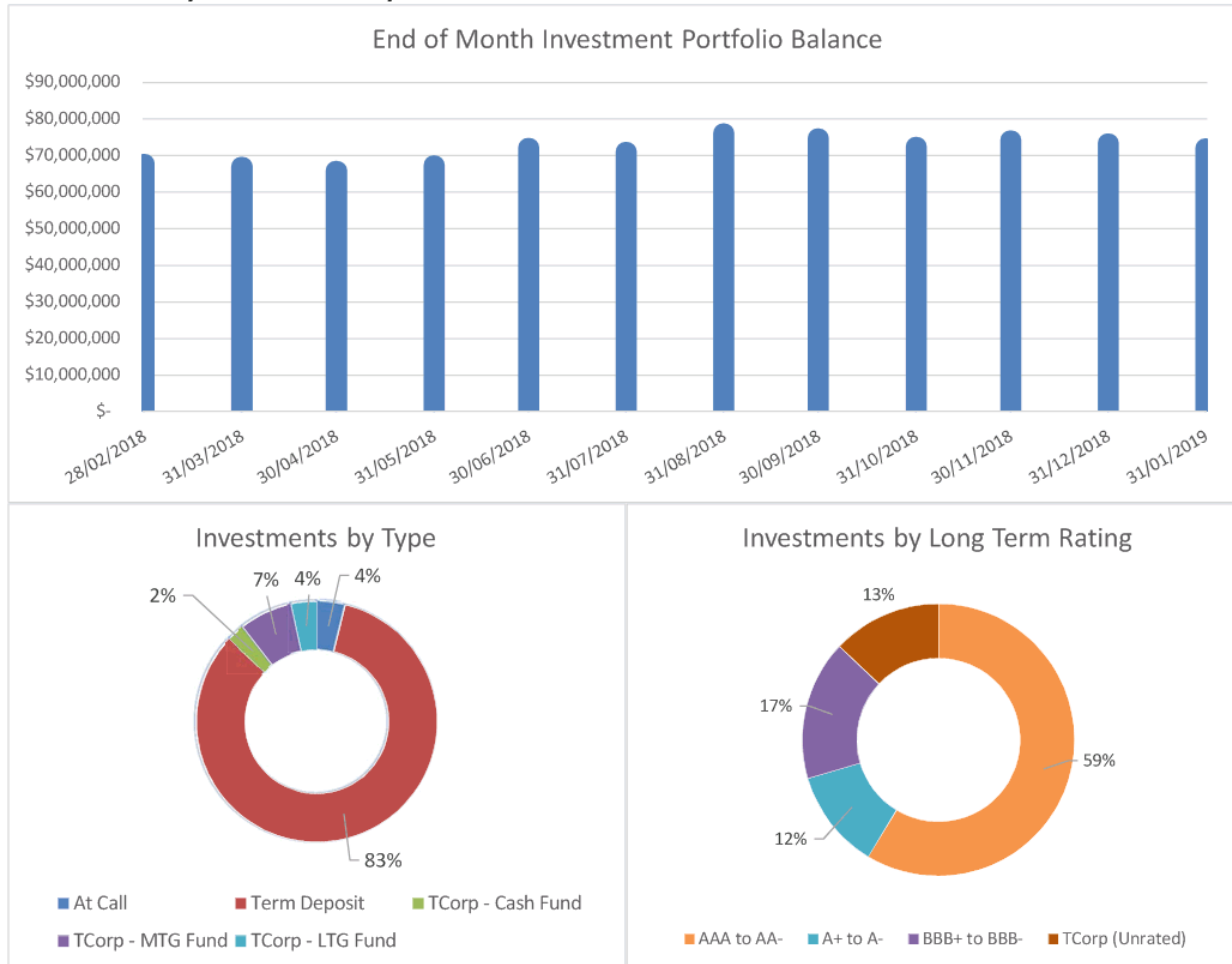
Term to Maturity	Amount \$'000	Actual	% of Portfolio	
			Cumulative Actual	Cumulative Minimum
Less than 3 months	30,097	42%	42%	20%
Between 3 months and 1 year	34,500	48%	90%	40%
Between 1 year and 2 years	7,500	10%	100%	50%
Between 2 years and 4 years	-	0%	100%	85%
More than 5 years	-	0%	100%	0%
	72,097	100%		

Monthly Investment Portfolio Activity

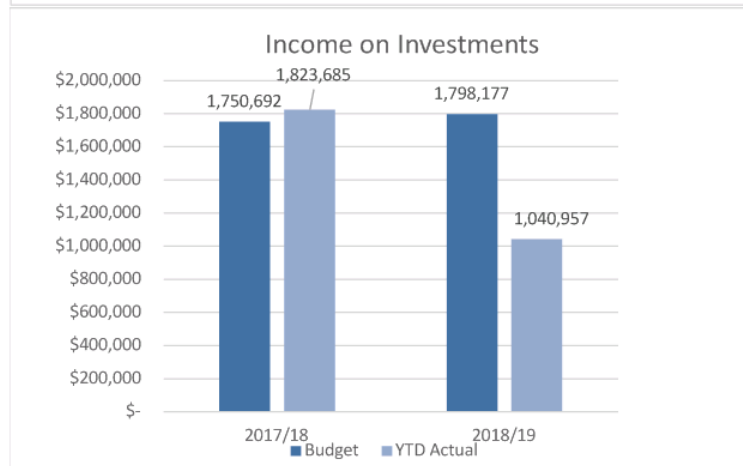
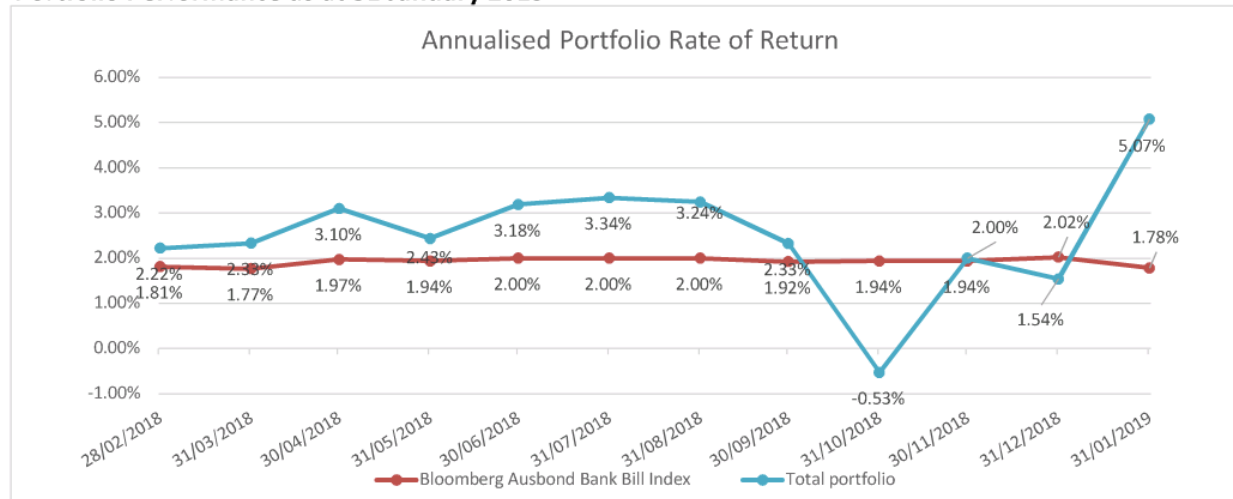
The below table shows investments that have matured and have been redeemed or re-invested, and new investments placed.

Bank Accounts	Opening Balance \$'000	Redeemed Balance \$'000	Re-invested Balance \$'000	Change in interest rate	Change in Term (days)	New Term Rate
NAB (At call account)	5,252		2,763			
TCorp - Cash Fund	1,709		1,713			
TCorp - Long Term Growth Fund	2,388		2,459			
TCorp - Medium Term Growth Fund	5,072		5,163			
AMP			2,000	New Deposit		2.75%
St George Bank	1,500	1,500		Redeemed		
AMP			1,000	New Deposit		2.75%
NAB	2,500	500	2,000	0.11%	(35)	2.73%
	18,421		17,097			
Investment Portfolio Movement			(1,324)	Reduction		

Portfolio Summary as at 31 January 2019



Portfolio Performance as at 31 January 2019



9.8 Procurement Policy Review

REPORT BY THE PROCUREMENT MANAGER
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, GOV400047

RECOMMENDATION

That Council:

1. **receive the report by the Procurement Manager on the Revised Procurement Policy Review; and**
2. **adopt the revised Procurement Policy.**

Executive summary

A review of Council's procurement policy was presented to Council on the 12 December 2018. Council approved the Policy subject to a 28 day exhibition period (ending in January 2019). No submissions were received. However, minor typographical errors have been identified by staff and amended, with the report now presented to Council for final approval. The updated Policy with track changes are shown on the attachment to this report.

Disclosure of Interest

Nil.

Detailed report

It was documented at the Council Meeting on the 12 December that the Policy be accepted pending a 28 days exhibition. Should no submissions be received, the Policy would be accepted, without further presentation to Council. However, Council staff have since identified some typographical errors in the original Policy presented in December and have provided these amendments to Council for endorsement, for the purpose of transparency.

Alterations proposed are identified via track changes in the attached document. All alternations to this Policy aim to improve the information available for users of the Policy by reducing areas that require interpretation, assumed knowledge or reference to another document for key information.

Community Plan implications

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

Council Strategies

Not applicable.

Council Policies

By adopting the recommendation, Council is endorsing the Procurement Policy by permitting the highlighted typographical changes and noting that the policy does not need to be placed on exhibition.

Legislation

Not applicable.

Financial implications

Not applicable.

Associated Risks

Not applicable.

KRISTIE WARD
PROCUREMENT MANAGER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

7 February 2019

Attachments: 1. POLICY Adopted Procurement Policy CM 12-12-18 Min.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Procurement Policy

*A prosperous
and progressive
community.*

ADOPTED		VERSION NO	2.0
COUNCIL MEETING MIN NO	367/18	REVIEW DATE	DECEMBER 2019
DATE: 12 DECEMBER 2018		FILE NUMBER	GOV400047

Objective

This policy aims to ensure Council's procurement of goods and services is legal, ethical and to Council's best advantage. The outcomes of this policy are:

- Open and fair competition;
- Value for money;
- Enhancement of the capabilities of local business and industry;
- Environmental protection; and
- Ethical behaviour and fair dealing
- Maintaining a high standard of health & safety management

Legislative requirements

- Local Government Act 1993
- Local Government (General) Regulation 2005
- WHS Act 2011

Related policies and plans

- Local Preference Policy
- Service Provider Management Policy
- Gifts & Benefits Policy
- Code of Conduct
- Statement of Business Ethics
- Risk Management Policy
- Disposal of Assets Policy
- HRWHS 008 WHS Responsibilities
- HRWHS 059 (Procedure) Framework for the Safety Management of Contractor & Construction Project Works

POLICY: ~~PROCUREMENT POLICY~~

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Policy

In entering into contracts for the carrying out of work, or the supply of goods and services, Council officers will have regard to Mid-Western Regional Council's purchasing objectives as set out above.

Every effort should be made to ensure businesses operating within the Mid-Western Regional Council area are given an opportunity to quote.

The general objectives of this policy apply to all purchases regardless of whether payment is made via traditional Accounts Payable processes, petty cash or corporate purchase cards.

Those persons/organisations providing goods and services to Council shall be considered to be agents of Council and shall be required to comply with Council's relevant policies.

Breach of the requirements of this policy may result in disciplinary action.

Training of Staff

Staff involved in the procurement of goods and services will be appropriately trained in the relevant procedures to be followed.

Delegation of Authority

The General Manager has delegated authority to incur financial expenditure on behalf of Council under the following provisions:

- Where expenditure has been provided for in Council's budget; or
- to respond to an emergency, community safety issue or potential public liability issue at a cost not exceeding \$50,000;

The General Manager is authorised to enter into contracts on behalf of Council within the expenditure delegation authorised. The Delegation of Authority for the General Manager at item 3.2 allows the General Manager to accept Council tenders with a contract value of up to \$1,000,000 or a contract entered into through a prescribed entity tender, where all other tender requirements of section 55 of the *Local Government Act 1993* and Part 7 of the *Local Government Regulation 2005* are met.

Other Council Officers may only incur expenditure on behalf of the Council if:

- The Officer has been granted a financial delegation by the General Manager and such delegation is recorded in the Delegations Register; and
- The expenditure is provided for in Council's budget; or
- In the case of genuine emergency or hardship where the power to incur expenditure in these circumstances has also been delegated.

Council Officers may only receive an expenditure delegation greater than \$1,000 where the Officer has completed appropriate training or has relevant experience which, in the opinion of the General Manager, qualifies the Officer to the delegated level.

Any Officer incurring expenditure may only do so in accordance with any constraints imposed by the Council or the General Manager in respect to a financial delegation.

POLICY: ~~PROCUREMENT POLICY~~

NO OFFICER OTHER THAN THE GENERAL MANAGER MAY HAVE A PROCUREMENT DELEGATION EXCEEDING \$150,000.

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Splitting of Orders

Council Officers are prohibited from splitting orders for the purposes of acquiring goods or services above their delegated financial and procurement levels, or to avoid the necessity to obtain quotes or call for tenders.

When party to a trade-in on goods, the delegated level of authority will be used for the purchase price of the goods not the purchase value less the trade in price.

Promotions & Incentives

The offering or acceptance of promotional goods, rewards, benefits or any other form of incentive in relation to the purchase of goods and services is strictly prohibited. Refer to Council's Gifts and Benefits Policy.

Allocation of Funds

Apart from delegated authority to purchase, it is essential that funds are made available for a purchase prior to any commitment being entered into. ~~A budget allocation must have been made by Council in the Operational Plan or subsequent reviews for the purpose to which the proposed expenditure applies.~~

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For special projects, contribution works, and grant works not specifically detailed in the Operational Plan, approval to purchase is dependent upon the funds being available. These funds must either be received or committed in writing by the funding body and accepted by Council.

For any job which exceeds the preliminary estimate by more than an immaterial amount, initial approval for works to commence must be given by the General Manager and reported to Council via the Quarterly Budget Review process.

Budget allocations are provided for a purpose. Expenditure contrary to this purpose, (such as using a budget in one area to cover another, or using a recurrent budget to fund a capital purchase and vice versa), must be approved initially by the General Manager and then reported to Council via the Quarterly Budget Review process.

Aggregation of Requirements

Council has the opportunity to utilised contracts offered by Prescribed Entities (Local Government Procurement & Procurement Australia). Council Officers are encouraged to seek opportunities to aggregate purchases within these alliances as well as other groups when applicable.

Local suppliers should be encouraged to submit a quotation or tender in these circumstances (with the Prescribed Entities), and advertising of such tenders or expressions of interest in locally circulated media (Community News, Mudgee Guardian) is essential.

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Purchase of Goods and Services up to \$100

Purchases may be made via corporate credit cards or out of petty cash except as defined otherwise by the General Manager. The use of official purchase orders is also available, but not preferred.

Purchase of Goods and Services above \$100 and up to \$1,000

Purchases may be made via corporate credit card except as defined otherwise by the General Manager. An alternative to a corporate card purchase is the use of a purchase request form upon receipt of the invoice. The use of an official purchase order is also available, but not preferred. Council staff may either request a specific purchase order or utilise Council's monthly order process.

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For various services involving recurrent payments, such as telephone and electricity accounts, subscriptions, credit card purchases and monthly rentals, it is impractical to raise orders prior to receipt of the invoice.

Purchase of Goods and Services above \$1,000 and up to \$10,000

Purchases must be made by submitting an official purchase order to the supplier. Exceptions to placing a purchase order will be made for various services involving recurrent payments, such as telephone and electricity accounts, subscriptions, credit card purchases and monthly rentals, where it is impractical to raise orders prior to receipt of the invoice.

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or
- Accessing a Preferred Supplier Arrangement (PSA) or Pre-qualified Supplier Arrangement (PQA) (via Vendor Panel where applicable) or
- Obtaining at least two quotes (sole supplier situations excepted); including consideration for Council's Local Market Place on Vendor Panel; or
- Accessing Government contract pricing.

An exemption from obtaining two written quotations may only be issued by the Chief Financial Officer or the General Manager. An exemption must be obtained in writing using the approved form.

When utilising SOA, PSA or PQA procurement methods, Council must ensure that there is provision for the evaluation of the arrangements, including the removal of a supplier from an arrangement because of poor supplier performance.

An SOA or a PSA may be established if:

- The supply of goods or services is needed in large volumes and on a frequent basis; and
- Use of an SOA or PSA will obtain better value for money by aggregating demand for the goods or services required.

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Purchase of Goods and Services above \$10,000 and up to \$50,000

Purchases must be made by submitting an official purchase order to the supplier. Public advertising for quotations is encouraged but is not essential. If public advertising is used, the responsible Director or Council's Procurement Manager will assess the coverage of such public advertising.

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or
- Accessing a Preferred Supplier Arrangement (PSA) or Pre-qualified Supplier Arrangement (PQA); (via Vendor Panel where applicable) or
- Obtaining at least three written quotes (sole supplier situations excepted) including consideration for Council's Local Market Place on Vendor Panel; or
- Accessing Government contract pricing.

An exemption from obtaining three written quotations may only be issued by the General Manager. An exemption must be obtained in writing using the approved form.

All quotations received are to be given due consideration in accordance with Mid-Western Regional Council's purchasing objectives.

All persons and organisations that provide a quotation must be advised in writing of the outcome.

When utilising SOA, PSA or PQA procurement methods, Council must ensure that there is provision for the evaluation of the arrangements, including the removal of a supplier from an arrangement because of poor supplier performance or the inclusion of Council's Service Provider Management Policy.

An SOA or a PSA may be established if:

- The supply of goods or services is needed in large volumes and or on a frequent basis; and
- Use of an SOA or PSA will obtain better value for money by aggregating demand for the goods or services required.

Purchase of Goods and Services above \$50,000 and up to \$149,999

Purchases must be made by submitting an official purchase order to the supplier.

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or
- Accessing a Preferred Supplier Arrangement (PSA) or Pre-qualified Supplier Arrangement (PQA); (via Vendor Panel where applicable) or
- Accessing Government contract pricing; or
- Public advertising for quotations. The responsible Director or Chief Financial Officer will assess the coverage of such public advertising.

An exemption from public advertising for quotations may only be issued by the General Manager. Should such an exemption be issued, a minimum of three written quotations must be obtained. An exemption must be obtained in writing using the approved form.

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All quotations received are to be given due consideration in accordance with Mid-Western Regional Council's purchasing objectives.

All persons and organisations that provide a quotation must be advised in writing of the outcome.

At the end of major ~~procurements~~, the performance of the contractor or supplier should be assessed. This information can be used in the assessment process for the award of future contracts.

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Purchase of Goods and Services above \$150,000

Purchases in this category shall be administered in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

An official purchase order must be raised, and submitted to the supplier.

At the end of major procurements the performance of the contractor or supplier should be assessed. This information can be used in the assessment process for the award of future contracts.

Tendering

Section 55 of the Local Government Act 1993, in conjunction with the Local Government (General) Regulation 2005, provides the legislative framework that promotes the consistent use of good practice standards in local government tendering in a manner that is clear, consistent and readily accessible to all persons.

Tenders will be called for the provision of goods and or services that exceed \$150,000 in value (including GST). Exceptions may apply in certain circumstances as provided by section 55(3) of the Local Government Act 1993.

Whenever Council is required by section 55 of the Local Government Act 1993 to invite tenders before entering into a contract, Council must decide the tendering method to be used. The options are:

- The open tendering method by which tenders for the proposed contract are invited by public advertisement;
- The selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement asking for Expressions of Interest;
- The selective tendering method by which recognised contractors selected from a list prepared or adopted by Council are invited to tender for proposed contracts of a particular kind.
- Or, Accessing a Standing Offer Arrangement (SOA); accessing a Preferred Supplier Arrangement (PSA); or accessing a Pre-qualified Supplier Arrangement

Part 7 of the Local Government (General) Regulation 2005 outlines the requirements for tender processes. The legislation and regulations should be complied with in all instances.

Council has a detailed Tendering Toolkit to guide Officers through the tendering process. This toolkit must be used for all tenders conducted by Council.

Tenders should be evaluated based on Council's purchasing objectives as well as but not limited to previous performance of contractors.

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Accessing tenders through external organisations & prescribed entities

Council has the option to access tenders conducted by external organisations. This practice eliminates the need for Council to tender as an individual when there is demonstrated value for money from our alternatives due to a 'bulk buy' methodology.

Council can access current tenders listed with Local Government Procurement (Prescribed Entity), Procurement Australia (Prescribed Entity) and Regional Procurement by following the relevant participation procedures. Council is not limited to utilising tender arrangements as sought by the abovementioned organisations and is encouraged to utilise the most effective method of Tendering for Council's purchasing objective.

Council have the capability to compare pricing and if an alternative is deemed better value for money than we are capable of obtaining as a single organisation we may utilise these alternatives. Considerations must also be given to Contract terms and conditions of the alternative tender to ensure the needs and expectations of Council are met

When Council participate in an external organisation tender the project manager should assess the qualification criteria including compliance, standing offer deed, specifications and any evaluation criteria if available. Considerations must also be given to contract terms and conditions of the tender to ensure the needs and expectations of Council are met.

When accepting a tender conducted by an external organisation appropriate approvals must still be sought from either Council or the General Manager, depending on estimated contract value.

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When Council utilise tenders from Prescribed Entities, an approved panel of Service Providers is supplied. Where Council spend for any one quote is estimated to exceed \$150,000, and prior to approaching the panel of approved service providers, Council staff must obtain permission to proceed from the General Manager through Council's Procurement Evaluation Plan. Once this documentation has been completed and approved, Council staff approach the appropriate approved Service Providers (via appropriate formats i.e. e-quoting portals) to provide a quote under the conditions of tender by the Prescribed Entity for the goods/services required. The evaluation of the responses (quotes) must align to the methodology stated in the approved Procurement Evaluation Plan. The outcome does not require further approvals, however for the purpose of transparency it is recommended.

Amending Tendered Rates

Tendered rates cannot be amended mid-contract unless the original tender documentation and contract specifically permits rate increase considerations. All requests for rate increases must be made in writing to the appropriate Council delegate and must not exceed the most recent annual CPI rate increase (nearest quarter) All Groups (or the rate specified in the tender/contract). All approved increases must be responded to in writing from Council's delegate.

Due Diligence

Due diligence of suppliers is to be carried out, where appropriate, where a tender is not required.

Due diligence of any supplier must be carried out in all Tender situations.

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Receipt of Goods and Services

When the goods are received or the works and services carried out, a Goods Received declaration shall be completed in the prescribed format.

Council Specific Procurement

Council will call for tenders on a regular basis for the provision of certain goods and services. The frequency of tenders will be guided by legislative requirements and operational needs. These contracts may include, but are not limited to:

- The supply of fuel and oils
- Cleaning of Council premises
- Security services
- Bitumen sealing
- Electricity supply
- Telecommunications

Tenders for casual plant hire will be publicly advertised as required. The advertisement will call for fixed rates from owners of specialised plant and equipment, for projects required to be carried out by Council on an as required basis. Quotations for capital works and any works over the nominated threshold value stated in the tender documents will be sought from these suppliers via VendorPanel.

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Tenders for casual hire of trade services will be publicly advertised as required. The advertisement will call for pre-qualified suppliers of trade services for projects and routine maintenance required to be carried out by Council on an 'as required' basis. Quotations for capital works and any works over the nominated threshold value stated in the tender documents will be sought from these suppliers via VendorPanel prior to engagement.

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Certificates of Insurance

Service providers must have appropriate levels of public, products liability and professional indemnity insurance as necessary. Service providers must also provide evidence of their workers compensation coverage where applicable. All required Certificates of Currency for appropriate insurance must be downloaded into VendorPanel prior to the engagement. If procuring outside of VendorPanel, service providers must provide relevant insurance requirements to the engaging Council staff member.

Service providers identified to be working with (near) children or vulnerable people will be required to complete Police Checks for subcontractors & working with children checks prior to entering any relevant site.

Publication of Successful Tenderers and Expressions of Interest

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Council will maintain a register showing those successful Service Providers to Council in those cases where the contract value is in excess of \$150,000.

Work Health & Safety Management and Workplace Injury Management

Mid-Western Regional Council assigns a high priority to the continuous improvement of work health and safety and workplace injury management.

Council is responsible for:

Risk Assessments

A purchasing risk assessment (HRWHS 025) must be undertaken for all items/goods with regards to its potential use at the workplace. In undertaking the risk assessment the following factors are to be considered:

- Manner in which it is to be used and the suitability of the item for the purpose
- Hazards and risks presented by the item (including biological and chemical products) to be purchased
- Potential impact on affected personnel
- Transport, Maintenance, Cleaning and Storage
- Any associated needs (e.g. appropriate firefighting gear) should an emergency with the item occur
- Legal requirements such as codes of practice or relevant standards
- Specifications which are required to ensure safe operation or use
- Training requirements
- The need to change work procedures
- The need for personal protective equipment(PPE)
- Technical data or information required
- Opinions of the users of the item
- Hazards and risks associated with compounds used in operating, maintaining, cleaning, transporting and storage of the items
- Environmental impact of disposal of waste arising from the above

All risk assessments are to be documented in Council's record system and undertaken in consultation with employees/ workers who may be affected by the purchase. All records of assessments, and details provided by the service provider shall be maintained in a file by the originator of the purchasing request or the life of the equipment and updated when any modifications are carried out. Previous records of assessments are to be archived as appropriate.

Plant & Equipment

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In respect to the purchase of plant and equipment including furniture, the supplier will be requested to provide information regarding the hazards associated with the items and recommended controls to manage these hazards.

Suppliers of second-hand plant are specifically required to inform purchasers of any reasonably identifiable faults in the plant.

All plant and equipment must comply with all relevant Australian Standards.

Hazardous Substances

The Safety Data Sheets (SDS) and instructions for use for all hazardous substances must be obtained before the purchase of hazardous substances.

All substances must meet labelling and usage requirements of WHS legislation, standards and codes of practice. From January 2017 all suppliers must be compliant with Global Harmonisation System (GHS) for chemicals. This includes Pictogram Identification on all labels and documents

Any associated emergency control equipment including correct type of fire-fighting equipment and spill control is to be considered (re. Transport, use and storage) in the purchase of a hazardous substance.

Personal Protective Equipment [PPE]

Prior to purchasing PPE, consideration on whether other forms of hazard control from higher up the hierarchy of hazard control can be implemented needs to be taken into account.

All personal protective equipment must comply with relevant Australian Standards. Since PPE is personal, when purchasing the individual needs of staff MUST be considered. Such needs will include, but not be limited to, individual body size, impairments, capabilities etc.

All employees/workers – including managers – associated with PPE, require training in correct selection, fitting, use, maintenance and storage of the PPE

Pre - Purchase Trials

Trials of equipment and substances including PPE will be undertaken where reasonably practicable, providing an opportunity for monitoring by relevant personnel and management to ensure that no previously unforeseen hazards arise during use.

Trials should also ensure consultation where appropriate e.g. the introduction of new types or brands of PPE.

Feedback from the trial is to be recorded on the Purchasing Risk Assessment (HRWHS 025).

Making a Decision to Purchase

POLICY: ~~PROCUREMENT POLICY~~

If after the risk assessment, trials and/or the provision of information from the potential supplier, the level of risk associated with the item to be purchased cannot be controlled and is not acceptable, the item is not to be purchased. An alternate item is to be sourced and the process started again.

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WHS Standards for Procurement of Service Providers

HRWHS 059 Safety Management Framework is to be referred to prior to the commencement of the service provider procurement process.

This procedure provides a framework for the determination of the level of WHS risk associated with any service to be provided, along with guidelines for WHS documents to be provided as part of any RFT or RFQ.

Service Providers Responsibilities

Service providers shall have a demonstrated commitment to, acceptable performance with, and a systematic approach to work, health and safety management and workplace injury management.

Service providers, their employees and subcontractors must comply with work, health and safety, workers compensation insurance, injury management and rehabilitation obligations under legislation, relevant industry codes of practice, safety procedures in applicable industrial awards and approved agreements, and the general law.

If a service provider is deemed a regular or ~~high-risk~~ service provider by Council's WHS Coordinator, all employees of the service provider must undertake Council's Contractor Specific Induction Program. This induction does not replace ~~site-specific~~ inductions.

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Principal contractors are accountable for compliance by their service providers with their legal obligations regarding their employees.

All service providers, their employees, their unions and subcontractors must also comply with their workplace obligations, including the provisions of all applicable industrial awards and approved agreements.

Arrangements or practices designed to avoid workplace obligations under relevant laws, industrial awards and approved agreements are not permitted.

Local Preference

Mid-Western Regional Council acknowledges that it has an important role to play in the local economy and is committed to assisting local industry engage in business with Council. To assist local industry and local economic development, Council's Local Preference Policy supports our commitment to providing opportunities for our local service providers.

Full details of Council's Local Preference Policy can be found on Council's website.

Service Provider Management Policy

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The Service Provider Management policy aims to ensure Council's expectations and management of service providers (contractors) is legal, ethical and transparent for all parties. It is to provide guidance in the selection, management and monitoring of service providers engaged by Mid-Western Regional Council. The outcomes of this policy are: Clear & Defined Expectations & Responsibilities, Performance Management Criteria & Matrix, Protection of Supplier Rates and Ethical Behaviour & Fair dealing

Full details of Council's Service Provider Management Policy can be found on Council's website.

Variations of this policy

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

Definitions

SOA - Standing Offer Arrangement

- An agreement where the Service Provider allows Council to purchase goods and services at a set price for a set period of time

PSA - Preferred Supplier Arrangement

- An agreement where the Service Provider allows Council to purchase goods and services at a set price for a set period of time, however, Council place suppliers in a preferred order. This particularly relates to Wet & Dry Plant Hire and also Trades lists (to name a few). Lists are tendered for and suppliers are numbered from 1 to say 5 during the evaluation process. In the first instance Council must contact the number 1 supplier and if unavailable contact number 2 on so on.

PQA - Pre-Qualified (Prequalification) Arrangement

- An agreement where Council create panels for regularly used goods or services, these may or may not be tendered for. Panels are created in VendorPanel (Councils' e-quoting portal) and Service Providers must meet Council's compliance requirements to be accepted. Prequalification panels allow Service Providers to nominate rates at time of quoting, any tendered rates are only used for tender evaluation, and therefore they may also be amended during the quoting process.
- This option allows Council to capture minimum compliance options for regularly used services providers as well as allowing service providers to present up to date pricing. The opportunity and potential for Council to obtain better value for money by creating a more competitive market is increased.

Prescribed Entity

- Any organisation that is specified in the Local Government (General) Regulation, Section 163 is recognised as a Prescribed Entity therefore approval is not required for acceptance of tenders sought from those specified.

VendorPanel

- Council's electronic quoting (e-quoting) portal

Council's VendorPanel Local Market Place

POLICY: ~~PROCUREMENT POLICY~~

- VendorPanel Marketplace is an e-quoting portal enabling Council employees to directly contact businesses that Council may not utilise regularly or require tenders for, but may employ from time to time.

Due Diligence

- Is an investigation of a business or person prior to signing a contract, or an act with a certain standard of care.

Public Advertising

Public advertising may include:

- Local and Sydney newspapers
- VendorPanel

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Item 10: Operations

10.1 Charbon Village Sewer System

REPORT BY THE WATER & SEWER TREATMENT TECHNOLOGIST
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, COR400202

RECOMMENDATION

That Council:

1. **receive the report by the Water & Sewer Treatment Technologist on the Charbon Village Sewer System;**
2. **accept the tender submission from Pressure Sewer Services Australia (PSSA) for the installation of a Pressure Sewer System (PSS) at the tendered the price of \$X,XXX,XXX.00**
3. **authorise the General Manager to finalise and execute the contract on behalf of Council with PSSA Pty Ltd.**
4. **authorise the General Manager to approve contract variations up to a cumulative total of 10% of the original contract sum; and**
5. **note that grant funding to the value of \$1,310,000 from Restart NSW has been provided for this project.**

Executive summary

The townships of Rylstone and Kandos are currently serviced by gravity sewer systems. The sewerage from these systems is treated by Trickling Filter technology, which does not meet industry standards for effluent water quality.

Charbon and Clandulla are serviced by On-site Sewer Management systems (septic systems). These systems are old with known failures.

In 2009 Council engaged Hydro Tasmania Consulting and NSW Public Works to investigate the development of a sewer system that would meet the current and future needs of the communities of Kandos, Rylstone, Charbon and Clandulla.

The recommendations resulting from this process was the development of

- A new Extended Aeration Sewer Treatment Plant at Kandos.
- Construction of new sewer networks at Charbon and Clandulla.
- Construction of pump stations and sewer rising mains to transfer all sewerage to the new treatment plant at Kandos.

With this in mind Council, in October 2018, called tenders for the construction of a sewer network and transfer pump station to service the village of Charbon. Four companies responded to the Request for Tender (RFT). Four submitted tenders for Pressure Sewer Systems (PSS) and two of the four also submitted tenders for a gravity sewer system with a sewer pump station and rising main to Kandos.

Disclosure of Interest

Nil.

Detailed report

Advertised

Open to Market: 26 October 2018

Closed: 30 November 2018

35 days in total

Then above tender was advertised in the:

- Mudgee Guardian on Friday
- Council's e-Tendering portal – Tenderlink and/or VendorPanel
- Sydney Morning Herald Tuesday
- Information regarding this tender was published on Council's Website

Tenders Received

There were six tender submissions from four companies. Four tenders were for Pressure Sewer Systems and two were for Gravity Sewer Systems. Of the six tender submissions received, four tenders were conforming and two tenders were non-conforming.

Late Tenders

There were no late tenders received.

Process of Evaluation

The process of evaluation, the methodology used and TEP members are in accordance to the information provided in the Procurement & Evaluation Plan.

Tender Evaluation Panel Members:

Chairperson	Vincent Ridley	Water & Sewer Treatment Technologist
Panel Member 1	Tom Baldwin	Acting Business Manager Services
Panel Member 2	Neil Bungate	Acting Chief Financial Officer

Probity

The tender has been conducted in accordance with Clause 166(a) of the Local Government (General) Regulation 2005. Conflict of Interest Declarations were signed by all participating evaluation panel members both on advertising of the tender and prior to evaluation. The declarations are available to be viewed if required.

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

The evaluation was conducted in accordance with the Local Government Tendering Guidelines and confidentiality and probity were maintained throughout the process.

Methodology

All tenders were assessed and scored against the evaluation criteria listed in the tender documentation and weightings in the evaluation plan to determine the successful applicant.

The responses from companies fell into two categories of technology:

1. Gravity Sewer System. In this system the sewerage from the resident's property travels under the force of gravity to a transfer pump station, where it is then pumped to the sewer treatment plant for treatment.
2. Pressure Sewer System. In this system the sewerage from the dwelling is collected in a small pressure pump out station located on each property. These pump the sewerage to a transfer pump station or directly to the sewer treatment plant.

The companies that tendered for the construction of the sewer system at Charbon were;

Company	Conforming	Type of System
J Holdings Group Pty Ltd	No	Gravity
J Holdings Group Pty Ltd	No	Pressure System
Newlands Civil Constructions	Yes	Pressure System
PSSA	Yes	Pressure System
Thompsons Irrifab	Yes	Pressure System
Thompsons Irrifab	Yes	Gravity

Conforming prices ranged from \$1,206,526 to \$2,448,128.

The tender evaluation methodology was adopted to ensure the selected tender offered the best value for money in a rational and defensible way which is fair to all tenderers and provides a low risk to Council. The evaluation criteria were identified in the Request for Tender documentation. Tenders were evaluated strictly in accordance with Tender Evaluation Plan and in compliance with the provisions of the Local Government Act 1993 and Local Government (General) Regulation 2005.

Preferred Option: The submission by PSSA was very comprehensive. It demonstrated the company had carried out system modelling to determine the flow velocity and sewerage age in the reticulation.

Should Council wish to stay with gravity then the only option presented was by Thompsons Irrifab. They demonstrated a good understanding of the system and what is required.

The recommendation to accept the tender from PSSA represents a shift in Councils approach to the development of the sewer systems in the region. Up to now, all sewer has been gravity with the sewerage either gravitating directly to the sewer treatment plant, or to a pump station from where it

is pumped. This type of system is more costly to construct with a low ongoing operational and maintenance cost.

The advantage of the pressure sewer system is it is cheaper to install, and can be installed at any location, without the need for major excavation to ensure the correct grade is maintained. Whilst a pressure sewer system is more affordable to construct there is an ongoing operational and maintenance cost over the life of the asset.

To sum up the basic difference is a shift in the use of the capital investment. The move is from a high initial outlay with a small ongoing cost to a low initial outlay with a slightly higher ongoing operational cost.

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

Strategic implications

Council Strategies

This project will contribute to the improvement and upgrade of Council assets

Council Policies

Environmental Policy

Legislation

No applicable

Financial implications

Council currently has within the 2017/21 Delivery Program a total budget of \$3,025,000 over 2 year (2018/19 & 2019/20), which includes \$1,310,000 of grant funding, with the remainder funded from Sewer Fund Reserves. If Council adopts the recommendation to construct a pressure sewer system at Charbon it will free up \$1,715,000 that can be used to fund the Rylstone to Kandos rising sewer main and upgrade the sewer pump station.

It is expected that the maintenance costs will be comparable with future maintenance estimates and therefore only minimal change to the Operating Performance Ratio. The Own Source Revenue Ratio will decrease due to the external funding and the Building and Infrastructure Renewal will increase due to the installation of the new asset.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2018/19	-	✗	✓
Future Years	-	✗	✓

Associated Risks

Although this project is well advanced, there has been little consultation with residents regarding their contribution to the costing of this project. Typically, the cost incurred by residents would be the connection of the internal plumbing to the new sewer system, the estimate by using private plumbers is in the vicinity of \$7,000. With this proposal this will occur during construction and is included in the contract price, this will include the connection of the pump unit to the residents private power supply and the plumbing connection to the internal private sewer lines. The connection of the internal sewer pipes will include a disconnection of any illegal storm water connections, these disconnections will not be extended to the street. That part of the project will be the responsibility of the residents.

All the internal plumbing will be assessed to comply with the AS3500 Plumbing Code, if the internal plumbing is non-compliant an estimate of the rectification costs of these defects will be supplied to both the owners and Council. If council agrees to pay these costs, there will be a need to recover these costs from the owners. The owners will also be responsible for sewer headworks charges of \$4288 (2019/20 fees & charges).

There are several options, which Council may offer to residents to pay the connection fee including upfront payment, regular term payments, a Caveat on the property, which is repaid upon the sale of the property. Council may also consider another subsidy towards these costs, of 50% discount on the Headworks Charge in recognition of the septic fees that the residents have paid prior to the availability of the sewer.

The residents will also be now required to pay an annual sewer access charge of \$864 (2019/20 fees & charges).

Staff will manage the construction project risks including works program and costs. Any construction risks associated with wet weather, environmental and all EPA approvals.

VINCENT RIDLEY
WATER & SEWER TREATMENT
TECHNOLOGIST

GARRY HEMSWORTH
DIRECTOR OPERATIONS

8 January 2019

Attachments: 1. Charbon Village Sewer System Evaluation Report. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

10.2 Bombira Estate Works In Kind Agreement

REPORT BY THE MANAGER DEVELOPMENT ENGINEERING
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, DA0152/2015

RECOMMENDATION

That Council:

1. **receive the report by the Manager Development Engineering on the Bombira Estate Works in Kind Agreement;**
2. **authorise the General Manager to enter into a “Works in Kind” Agreement generally as proposed by the Applicant but amended as necessary to reflect the change in amount to be credited based on current and future Developer Charges and based on approved plan of subdivision being a further One hundred and twenty-four (124) lots; and**
3. **apply credits for Works in Kind as (\$499,707.60) as calculated and recommended by Manager Development Engineering to be credited against Developer Contributions for Sewer Infrastructure payable by the Applicant for current and future stages (Stage 3 onwards) of the Bombira Estate development**

Executive summary

The Maas Group Family Properties are currently developing a staged residential subdivision (Bombira Estate) previously approved as DA0152/2015 and subsequently amended by MA0029/2017 in accordance with a Court Order. Stages 1 and 2 have been previously constructed that have created a total of twenty-eight (28) lots to date.

Servicing for subsequent Stages has required development of a servicing strategy to provide sewer infrastructure. The Applicant commissioned a Report to be prepared with a strategy plan, which was submitted providing four (4) options. Council officers undertook assessment of the options and recommended that Option 4 be accepted.

Option 4 includes requirements for construction of trunk mains, pump station and rising mains.

With reference to Paragraph 5.5.3 of Council’s “Development Servicing Plan for Mid-Western Regional Council - Sewerage” Council will consider an offer to enter into an agreement to pay the contributions by way of provision of “Works in Kind”.

The applicant is requesting Council enter into “Works in Kind Contributions Agreement” in lieu of payment of Developer Charges for sewer infrastructure.

Disclosure of Interest

Nil.

Detailed report

The Maas Group Family Properties are progressively developing a staged residential subdivision (Bombira Estate) previously approved as DA0152/2015 and subsequently amended by MA0029/2017 in accordance with a Court Order.

The existing approval allows for the creation of 152 lots. Stages 1 and 2 have been previously constructed creating 28 lots in total.

There are one hundred and twenty-four (124) remaining approved Lots to which developer charges can be raised. Based on current rates developer contributions payable at this time for the remaining undeveloped allotments amounts to \$499,707.60.

In order to provide an appropriate sewerage drainage system for the Bombira Estate subdivision development a report titled "Bombira Estate Sewerage Servicing Assessment" was prepared for the Maas Group Family Properties by Cardno (NSW/ACT) Pty Ltd dated 5 February 2018.

That report identified a number of servicing options. Council officers undertook assessment of the options and recommended that Option 4 be accepted as the preferred servicing plan. Option 4 requirements included:

- construction of an internal gravity network,
- a new Sewer Pumping Station,
- new Rising main,
- an upgrade to increase capacity of the existing Bombira Sewer pumping station, and
- construction of 2,500 metres of new rising main to pump effluent directly to the Putta Bucca Sewer Pumping Station.

The rationale behind Council's requirement to adopt Option 4 is that existing sewer from Bombira and Putta Bucca currently discharges by rising main to a gravity outfall at Lawson Park. The existing gravity main infrastructure from Lawson Park to Putta Bucca has insufficient capacity to deal with any additional loads that will be generated from the Bombira Estate and has previously been subject to overflows.

Typically, and as documented in Council's "Development Servicing Plan for Mid-Western Regional Council - Sewerage", all costs for the design, construction and servicing requirements for new subdivision development would be fully funded by the Developer.

However, this is usually limited to the construction of reticulation systems within the development boundaries. Connection is usually made to an existing 'collection system', in most cases being trunk mains adjacent the site.

In this particular case, the design of internal SPS and Rising Mains will also provide some community benefit given that capacity exists to also service future development to the north. A previous Development Approval has been given for a 45-lot subdivision on land identified as 66 Edgell Lane Buckaroo, being Lot 15 DP1194019. DA0109/2016 refers.

The Applicant has submitted a written request for Council to enter into a Works in Kind Agreement for Sewer Infrastructure in accordance with the requirements of Paragraph 5.3.3 of Council's "Development Servicing Plan for Mid-Western Regional Council - Sewerage".

The request to enter into a Works in Kind Agreement was accompanied by detailed design and a Draft Agreement, which includes detailed design and cost estimates for the internal sewer infrastructure construction requirements in accordance with DSP requirements.

The cost estimate for design and project management has been based on Cardno's previous experience for the design and delivery of pressure sewers and pump station. The estimates, when compared to the NSW Reference Rates Manual, Valuation of Water Supply, Sewerage and Stormwater Assets, as published by the Department of Primary Industries Office of Water are generally acceptable.

Based on the Construction BOQ as provided the cost of the Works in Kind being claimed is an amount of \$749,595.00.

However, it is recommended that some items claimed in the detailed Construction BOQ should not be included in the assessed value of work as these items would typically be undertaken as part of the subdivision works and not specifically related to construction of trunk mains, pumping station and rising main.

As noted above Manager Development Engineering is of the view that certain items are and should be the sole or primary responsibility of the Developer and are either rejected or reduced in value. The items recommended either for a reduced amount or not to be included are detailed in the table below.

Item No.	Item description	Total amount claimed	Amount recommended to be credited	Reason for Non- Inclusion or reduction in amount
1.3.2	Excavation, shoring, dewatering, trenching, and disposal of spoil	\$44,000.00	\$33,000.00	It is likely that spoil will be disposed on site and spread as allotment fill.
1.3.6	SPS Temporary fencing during construction	\$4,520.00	NIL	Site security during construction of subdivision infrastructure will be the responsibility of the Contractor and it does not form part of or add value as a permanent asset.
1.3.7	Location of existing services and site survey	\$16,500.00	\$5,500.00	As a greenfields site the developer is required to undertake this work. Only a portion might be attributed to trunk sewer infrastructure.
1.4.1	Connection to incoming DN150 PVC Sewer Pipe	\$4,500.00	NIL	Incoming sewer pipe forms part of the infrastructure that is responsibility of the Developer to provide and does not necessarily form trunk infrastructure.
1.6.1	Temporary Access Road along Wurth Drive (4m wide)	\$53,100.00	NIL	The Temporary Access road is to be constructed on the alignment Wurth Drive and will form pavement base for future road construction.
	TOTALS	\$122,620.00	\$38,500.00	
	TOTAL CLAIMED VALUE TO BE REDUCED BY	\$84,120.00		\$122,620 - \$38,500
	ORIGINAL CLAIMED VALUE FOR WORKS IN KIND CREDIT	\$749,595.00		
	RECOMMENDED VALUE OF CREDITS FOR WORKS IN KIND	\$665,475.00		

Accordingly, the value of works that might be credited as part of a Works in Kind Agreement is should be reduced to \$665,475.00.

However, as previously noted, the Developer Charge for Sewer that would be payable upon development of the balance of approved allotments is only \$499,707.60.

Accordingly, it is considered that Council should only enter into a Works in Kind Agreement that provides credit for Developer Charges for the approved number of allotments.

Developer contributions for sewer for the current Stage 3 comprising 15 lots will only amount to \$60,448.50.

Manager Development Engineering is recommending that the amount of credit based on current rates is limited to for Works in Kind as \$499,707.60.

The Applicant has requested that *“the value of the works in kind be credited in full and upfront to Bombira Estates contributions in lieu of otherwise payable sewer headworks charges.”*

The request for upfront payment or credit is not supported. It is recommended that staged credit should be applied to all subsequent stages as construction and the development progresses.

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

Strategic implications

Council Strategies

Nil.

Council Policies

Council’s Development Servicing Plan for Mid-Western Regional Council - Sewerage

Legislation

Nil.

Financial implications

There are no financial implications to existing budgets at this time. It should be noted, however that a decision to accept Works in Kind will result in a future budget adjustment to reflect the acceptance of assets instead of cash, which would be brought back to Council for the relevant budget period (through the Operational Plan or Quarterly Budget Reviews). It should also be noted that a credit for developer Charges is being given for current and future stages, and this will also impact Developer Contributions received.

Associated Risks

Nil.

DAVID WEBSTER
MANAGER DEVELOPMENT ENGINEERING

GARRY HEMSWORTH
DIRECTOR OPERATIONS

1 February 2019

- Attachments:*
1. Request to enter a Works in Kind Agreement Bombira Estate. (Confidential - separately attached)
 2. Extract Option 4 Bombira Sewerage Servicing Assessment. (Confidential - separately attached)
 3. Sewer Pump Station and Rising Main Cost Estimate. (Confidential - separately attached)
 4. Works In Kind Agreement. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 11: Community

11.1 NSW Government's Parking Fine Concessions

REPORT BY THE MANAGER GOVERNANCE
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, A0110038

RECOMMENDATION

That Council:

1. **receive the report by the Manager Governance on the NSW Government's Parking Fine Concessions; and**
2. **do not “opt in” to the Parking Fine concessions offered by NSW Government**

Executive summary

The NSW Government Treasurer Hon Dominic Perrottet wrote to the Mayors of all Councils in NSW (4 December 2018) encouraging them to opt into electing to receive parking fine concessions reducing the \$112 penalty for overstaying a timed parking zone to \$80.

The Treasurer's letter states that although parking fines play an important role in maintaining order and safety, NSW parking fines are much higher than in many cities in Australia and overseas.

Disclosure of Interest

Nil.

Detailed report

The Council has a variety of parking restriction signage erected in Gulgong, Mudgee, Rylstone and Kandos. The parking restrictions in central business districts are enforced by rostered patrols in the Mudgee Township only.

The Parking patrols in Mudgee are of benefit to residents promoting public amenity, safety and equity.

The Law Enforcement Officers are instructed to be very lenient in issuing penalties primarily adopting an educational approach often issuing warnings for first time breaches.

The monthly average of the total value of parking infringement notices issued is \$4,900. The current fine for overstaying a time parking zone is \$112.

Due to the council's educational and lenient approach during parking patrols, the current penalty sum of \$112 is appropriate for what is often repeat offences.

Community Plan implications

Theme	Building a Strong Local Economy
Goal	An attractive business and economic environment
Strategy	Support the expansion of essential infrastructure and services to match business and industry development in the Region

Strategic implications

Council Strategies

Not Applicable

Council Policies

Compliance and Enforcement Policy

Legislation

Road Rules 2014

Local Government Act 1993

Financial implications

If the parking fine penalties were reduced it will have a very minor adverse impact in Council revenue.

Associated Risks

Low risk issues reported.

TIM JOHNSTON
MANAGER GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

3 January 2019

Attachments: 1. NSW Treasurer RE Parking Fines.
2. LGNSW Member message Parking Fine concessions .

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



The Hon Dominic Perrottet MP
Treasurer and Minister for Industrial Relations

Clr Des Kennedy
Mayor
Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850



COPY

Dear Mayor,

ACT NOW TO TAKE ADVANTAGE OF PARKING FINE CONCESSIONS FOR YOUR CONSTITUENTS

In June this year the NSW Government announced plans to make parking fines fairer for residents across the state.

Parking fines play an important role in maintaining order and safety on our streets. But the penalty should not be out of proportion to the offence. At present, parking fines in NSW are much higher than in many cities in Australia and overseas, including Melbourne, Brisbane, London, and New York.

So we are taking action.

As a first step we reduced a range of State Government issued parking fines by 25 per cent.

Many Councils have noted they have no power to reduce parking fine amounts, which are set at a \$112 minimum under State legislation, and the Government has committed to providing Councils the freedom and flexibility to reduce their parking fines too.

Following broad consultation which revealed overwhelming support from the community for fine reductions, I am pleased to advise that the Government has now made the regulatory changes necessary for Councils to reduce their fines.

What are the changes?

Under the new framework, Councils can reduce their fines from \$112 to \$80. These concessions do not apply automatically. To make this change Councils must opt in, by advising me in writing by 1 January 2019. You can do this by completing the slip enclosed.

Councils that opt in by 1 January 2019 to reduce their fines will be recorded in the relevant regulation, which will be published on the NSW Government Legislation website, and will be able to charge lower fine amounts from 1 March 2019. A list of Councils who have opted in will be made public after 1 January 2019.

If you do not opt in by 1 January 2019, you will have further opportunities to opt in at later points in the next year, but the benefits to your constituents will be delayed.

The current arrangements for parking fines to be indexed annually will continue.

Grace Period

As well as reducing fines, I am pleased to advise that the Government will introduce a 10 minute grace period for paid parking of more than one hour, commencing on 31 January 2019.

The new grace period, which has also received overwhelming public support, will apply to all fining authorities, including Councils, and will be subject to certain exceptions in the interests of safety and preventing congestion (such as at the commencement of a clearway zone).

You should advise your parking inspectors of the grace period by 1 January 2019, as the grace period is required to be implemented by all parking issuing authorities from 31 January 2019.

More information about the changes to parking fines can be found in the enclosed attachments, and online at nswfinesreview.com.au. If you have any questions about the changes, please contact Claudia Solomon at NSW Treasury on 02 9228 4774 or FinesReview@treasury.nsw.gov.au.

The NSW Government's reforms to fines will make NSW a fairer place for the people who live and work here, and will reduce the financial burden on citizens across the state.

While Councils have previously been unable to reduce parking fines, there is now an opportunity to do the right thing by constituents and opt in to the new regulations.

I strongly encourage you to fill in the slip provided and return to me by 1 January 2019 so we can put the changes into effect as soon as possible.

Yours sincerely,



Dominic Perrottet MP
Treasurer
Minister for Industrial Relations

Attached:
Return Slip to Opt In to Lower Parking Fines
Attachment A – Administrative Arrangements to be listed in Schedule 5A
Attachment B – Parking offences
Attachment C – Grace period for certain parking offences

cc: General Manager of your Council

FILL IN THIS SLIP AND RETURN BY 1 JANUARY 2019

Yes, my council has agreed to opt in to charge lower parking fine amounts of \$80 instead of \$112, indexed annually as per current practices.

I understand that by advising you before 1 January 2019, the changes will take effect from 1 March 2019.

Name of Mayor _____

Name of Council: _____

Date of Council decision/resolution: _____

Signature: _____

Date: _____

RETURN TO:

The Hon. Dominic Perrottet MP
Treasurer
GPO Box 5341
SYDNEY NSW 2001

Or

office@perrottet.minister.nsw.gov.au

Administrative Arrangements to be listed in Schedule 5A

Attachment A

As per clause 123B (2) of the Road Transport (General) Amendment (Parking Fine Flexibility and Grace Period) Regulation 2018, Councils must advise the Treasurer in writing if they wish to opt in to charge \$80 instead of \$112 for penalty notices issued by its enforcement officers in relation the relevant offences.

Those Councils who opt in will then be listed in Schedule 5A as a Council which has opted in to the lower fines. If a Council has not opted in, then they will not be listed in Schedule 5A and the higher penalty of \$112 will continue to apply.

Note that the current indexation arrangements for parking fines will continue. Thus, as annual indexation occurs, the reduction in parking fines will be from, for example, \$114 to \$82 in 2019-20 (compared with \$112 to \$80 in 2018-19).

Arrangements to opt in to Schedule 5A

Due date for written advice to Treasurer to opt in:	Implementation date for opt in:
For 2019	For 2019
1 January 2019	1 March 2019
1 April 2019	1 June 2019
1 July 2019	1 September 2019
1 October 2019	1 December 2019
From then on annually	From then on annually
1 April 2020	1 July 2020
1 April 2021	1 July 2021

Arrangements to opt out of Schedule 5A

Due date for written advice to Treasurer to opt out:	Implementation date for opt out:
On an annual basis	On an annual basis
1 April 2020	1 July 2020
1 April 2021	1 July 2021

Note that the lead time between opting in and the implementation date reflects the time needed for the NSW government to make system changes, along with the time needed for both NSW government and Councils to update relevant manuals for parking issuing authorities.

Parking Offences**Attachment B**

The NSW government reduced ten level 2 parking offence amounts from 1 July 2018 (excluding those offences which might impact road safety), when issued by NSW Government authorities. The Government will reduce a further 42 level 2 parking offences with effect from 1 January 2019.

When Councils choose to opt in to charge lower parking fines for the initial ten level 2 parking offences from 1 July 2018, they will be also opting in to charge \$80 instead of \$112 for the additional 42 level 2 parking fines from 1 January 2019.

Currently Reduced Parking Fine Offences

Item	Law	Description
	ROAD RULES 2014	
1	Rule 168-1 (1)	Stop/park in restricted parking area
2	Rule 205	Park continuously for longer than permitted
3	Rule 207-1 (6)	Park without paying meter fee
4	Rule 207-1 (11)	Park after meter expired
5	Rule 207-3 (1)	Park without current ticket displayed
6	Rule 207-3 (4)	Park after ticket expired
7	Rule 179-1 (1)	Park without current loading zone ticket
8	Rule 179-1 (5)	Park after loading zone ticket expired
	LOCAL GOV'T ACT 1993	
9	Sec 650 (1)	Stand vehicle in area longer than allowed
10	Sec 650 (4)(a)	Not stand vehicle in marked parking space

Further Reduced Parking Fine Offences

Item	Law	Description
	ROAD RULES 2014	
	ANGLE PARKING	
11	Rule 210 (1)	Not park at 90° angle
120	Rule 210 (1)	Not park at 45° angle
13	Rule 210 (1)	Not park as on parking control sign/road marking
14	Rule 210 (1)	Not position vehicle correctly - front/rear (90° angle parking)
15	Rule 210 (1)	Not position rear of vehicle correctly (45° angle parking)
	PARKING BAYS	
16	Rule 211 (2)	Not park wholly within parking bay
17	Rule 211 (3)	Use more parking bays than necessary
	MINIBUS ZONE	
18	Rule 184 (1)	Stop in minibus zone (other)
	METER PARKING	

19	Rule 207-1 (1)	Park outside metered space
20	Rule 207-1 (12)	Park for longer than allowed by metered signs
21	Rule 207-2 (a)	Park in occupied metered space
22	Rule 207-2 (b)	Park across markings of metered space
		TICKET PARKING
23	Rule 207-3 (5)	Park for longer than allowed by ticket signs
24	Rule 207-4 (a)	Park in occupied ticket space
25	Rule 207-4 (b)	Park across marking of ticket space
		COUPON PARKING
26	Rule 207-5 (1)	Park without current coupon
27	Rule 207-5 (4)	Display more than 3 coupons at a time
28	Rule 207-5 (5)	Park after coupon expired
29	Rule 207-5 (6)	Park for longer than allowed by coupon signs
30	Rule 207-6 (a)	Park in occupied coupon space
31	Rule 207-6 (b)	Park across markings of coupon space
32	Rule 207-7	Park in pay parking area or space that is closed
		PARKING IN PHONE PARKING AREAS/SPACES
33	Rule 207-8 (1)	Park in phone parking area not pay parking fee as prescribed
34	Rule 207-8 (4)	Remain parked in phone parking area paid period expired
35	Rule 207-8 (5)	Remain parked in phone parking area beyond permissible
36	Rule 207-9 (1)(a)	Park in phone parking space while other vehicle in space
37	Rule 207-9 (1)(b)	Park in phone parking space not wholly inside markings
		TICKET LOADING ZONE
38	Rule 179-1 (4)	Display more than one loading zone ticket
39	Rule 179-1 (6)	Replace expired loading zone ticket
40	Rule 179-1 (7)	Park in discontinued ticket loading zone
	LOCAL GOV'T ACT 1993	PARKING
41	Sec 650 (1)	Stand vehicle in area other than time permitted
42	Sec 650 (4)(b)	Stand vehicle in occupied marked parking space
43	Sec 650 (4)(c)	Not stand vehicle wholly in marked parking space
44	Sec 650 (5)	Fail to comply with parking direction
45	Sec 650 (5)	Fail to comply with vehicle movement direction
46	650A (1)	Park vehicle in strata parking area etc contrary to sign
47	650A (1)	Park vehicle strata parking area etc not at times permitted
48	650A (1)	Park vehicle strata parking area etc not for time permitted
49	650A (4)(a)	Park vehicle not in marked parking space
50	650A (4)(b)	Park vehicle in marked parking space with other vehicle
51	650A (4)(c)	Park vehicle not wholly in marked parking space
52	650A (5)	Not comply with direction regarding parking or movement of vehicle

Grace period for certain parking offences**Attachment C**

A grace period of ten minutes will apply to paid parking of least one hour, where a coupon or ticket is purchased for the hour immediately before the grace period commences, from 31 January 2019.

To avoid adverse impacts on road safety or congestion, the grace period will not be available in the following circumstances:

(1) shared zones within the meaning of the *Road Rules 2014*; and

(2) where a prescribed parking control sign applies to the same length of road or area as that in which the relevant vehicle is parked for a:

- bus lane
- transit lane
- no stopping
- clearway
- loading zone
- bus zone
- mail zone
- special event parking.

It should be noted that the grace period does not apply to free parking, or where paid parking is at a meter (due to the additional complexity of determining whether a full hour of paid parking occurred before the meter expired).

Danielle Blackman

From: Local Government NSW <lgnsw@lgnsw.org.au>
Sent: Wednesday, 5 December 2018 5:10 PM
To: Council
Subject: NSW Government's Parking Fine Concessions

[View this email in your browser](#)



Attention: Mayors, Councillors, General Managers

NSW Government Parking Fine Concessions

Dear Colleague,

Last week the NSW Treasurer, the Hon Dominic Perrottet MP wrote to general managers regarding parking fine concessions.

As we have stated in our earlier [media release](#) this NSW Government bid to be kinder by reducing parking fines for overstayers could negatively impact all motorists, residents and ratepayers.

These regulations exist to improve road safety and manage traffic congestion and reducing fines may impact their deterrence effect.

We also note that by opting in, councils would reduce 52 fines, not just the original 10 announced on 1 July 2018.

Parking regulation is all about public amenity and equity, these are important and legitimate objectives and councils should not feel pressured to opt in to the new framework by Jan 31, there are later opportunities if councils wish to do so.

If you have any questions or would like more information, please [email](#) Shaun McBride, Senior Strategy Manager, LGNSW.



Kind regards,

Linda

Cr Linda Scott
President

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11.2 Botobolar Community Committee

REPORT BY THE MANAGER GOVERNANCE
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, P1234711

RECOMMENDATION

That Council:

1. **receive the report by the Manager Governance on the Botobolar Community Committee;**
2. **reinstate the Botobolar Community Committee as a section 355 Committee;**
3. **appoint Cr _____ to be the nominated representative on the Botobolar Community Committee; and**
4. **annually review the status of the Botobolar Community Committee in line with the Crown Lands Management Transition Plan.**

Executive summary

Council dissolved the Botobolar Community Committee as section 355 committees in 2009, it is apparent that the committee was not formally notified of the Council's decision until 2011 and for reasons that are unconfirmed continued to function as a 355 committee unaware of the change until they approached council in July 2018.

This report addresses concerns raised by the Committee and provides for those concerns to be appropriately managed as the council transitions other community committees and trusts who manage council assets on crown land to meet the requirements of the new Crown Land Management Act 2016 that commenced 1 July 2018.

It is appropriate to reinstate the Botobolar Committee as a section 355 Committee during the transition period that ends 1 July 2020.

Disclosure of Interest

Nil.

Detailed report

Council has land and building assets that are managed by community groups and Crown Trusts that are beneficiaries of councils Village subsidy scheme. The Executive has requested that a review be undertaken of these groups and recommendations made that to ensure the Council complies with the changes stemming from the new Crown Lands Management Act.

Commencing 1 July 2018, the new Crown Lands Management Act 2016 provides a revised management structure for crown reserves that recognises the diversity and capability of Crown land managers. The new Act provides improved transparency, enabling the community to have

confidence that crown reserves are appropriately managed for the benefit of the people of NSW, including through good governance.

The Botobolar Community Committee manages a multi-purpose facility; one function is to conduct community events organised by the Committee; secondly, it is a Fire Shed under the control of the RFS. This multi-purpose building is on land bequeathed to Council by Mr Jim Lynch of "York Huon" in the 1990's, it was bequeathed for the benefit of the Botobolar community and as a fire shed.

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

Strategic implications

Council Strategies

Crown lands management transition plan adopting the new provisions of the Crown Lands Management Act 2016.

Council Policies

Not Applicable

Legislation

Local Government Act
Crown Lands Management Act

Financial implications

Council provides for the provision of an annual subsidy to trusts and community groups who maintain Council assets in small communities across the LGA.

Associated Risks

Non-compliance of legislative functions of the council under the Crown Lands Management Act 2016.

Council assets and community events not having appropriate management and governance practices that may include insurance coverage is a risk to Council and the Community Groups.

TIM JOHNSTON
MANAGER GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

4 January 2019

Attachments: 1. Letter to Botobolar Community Committee Re s355 committee.
2. Botobolar Community committee response re s355 Committee.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEES NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

TJ:db | P1234711

24 August 2018

David Sargeant
Karrabool Olives
408 Botobolar Road
MUDGEES NSW 2850

Dear David,

Botobolar Community Committee

Thank you for making representations to Council in relation to the role and functions of the Botobolar Community Committee and the relationship between the Committee, Council and Rural Fire Services.

The matters raised are listed below with Council's responses following;

1. It is the Committee's understanding that the Botobolar Community Committee is established under section 355 of the Local Government Act and the committee continues to act in that capacity in accordance with the Terms of Reference developed by the Council. If this is not the case, when did it change, when was the Committee notified and what are the implications of the change?
2. What is the relationship between the RFS and the Committee in relation to the Botobolar Fire Shed and grounds?

Responses to point 1:

A search of council records has located documents demonstrating that the Council had resolved at their 3rd September 2009 general meeting to review the current section 355 Committees. At the 21st October 2009 (minutes attached) the Council resolved to discontinue 10 advisory committees including the Botobolar Community Committee as section 355 committees.

I have been unable to retrieve correspondence demonstrating the Council communicated the 21st October 2009 decision with the committee. If it is the case that council has not formally communicated the change in the status of the Botobolar Community Committee I am confident based on all other communications between council and the committee that it was an unfortunate administrative error that council apologises for, particularly in relation to the impact this may have on the Committee.

Council's records also demonstrate that the Botobolar Community Committee was retained by the Council as an "Organisation to which Council nominates a delegate". The other organisations are routinely the recipients of an annual village subsidy payment made by the Council to assist the committee with the costs of maintaining the building and grounds of the Botobolar Rural Fire Shed that is also utilised for community purposes.

The most significant implication for the Botobolar Community Committee is that of insurance coverage for their "community" activities held at the Fire Shed. There is no change to the insurance by Council of the building, the insurance that does not apply to cover the Botobolar Community Committee activities is that of public liability. It is my view that this lack of insurance cover would also extend to any maintenance work undertaken by volunteers of the committee on the building and on the grounds.

Response to point 2:

Council has undertaken discussion with the RFS requesting their commitment to continuing the close relationship that already exists between the RFS and the Botobolar Community Committee. This undertaking has been given by John Parnaby Director Assets & Infrastructure RFS NSW.

Councils in NSW have a service agreement with NSW RFS. Included within this agreement are the responsibilities of each agency for the maintenance of land and buildings utilised by the RFS. I have attached the relevant section (6) of the agreement for your reference. Please note that the agreement provides for *(with the prior agreement of the Council)* the premises may be used for purposes other than RFS purposes. This provision of the agreement can accommodate the community activities undertaken by the committee.

Conclusions

On the 15th June 1999 the Mudgee Shire Council dealt with business raised by Mr Jim Lynch proposing the establishment of a community committee, please refer to attached records.

The council continues to support the Committee through its village subsidy scheme.

There are options available to hopefully resolve the issues you have raised;

- NSW RFS will support formalising the relationship between the Committee for its ongoing access to the facility and the maintenance work that is undertaken and;
- that the Committee seeks its own public liability insurance to cover events that are an agreed use of the facility and that;
- council staff can assist the committee in achieving the above objectives or;
- make a request of the Council to reinstate the section 355 status of the Botobolar Community Committee

I thank you for liaising with council on these matters, please do not hesitate contacting me for clarification of the matters discussed.

Yours sincerely



TIM JOHNSTON
MANAGER, GOVERNANCE

P1234711

Botobolar Community Committee
c/- David Sargeant
Secretary
PO Box 45, Mudgee, NSW 2850

Mr Tim Johnston
Manager, Corporate Governance
Mid-Western Regional Council
86 Market Street
Mudgee, NSW 2850

October 18, 2018

Dear Tim

Re Botobolar Community Committee

Thank you for your letter of August 24, which was tabled and discussed at a meeting of the Botobolar Community Committee (BCC), Sunday September 16.

The Committee expressed its concern, dismay and disappointment to learn that as far back as October 2009, a general meeting of the Council resolved to discontinue the BCC as a Section 355 Council committee. The Committee is even more concerned that this decision was taken without consultation and that the decision was never communicated to the BCC.

In effect it means that the Committee, which has always acted in accordance with the Code of Practice issued by the Mid-Western Regional Council and maintained regular contact with the Council, has been left without any public liability cover for a period of nine years. Throughout this period of no insurance the Committee has conducted numerous functions and undertaken regular maintenance activities. This is quite an appalling situation and one that could have had quite serious implications for the BCC and its officers in the event of a mishap that resulted in damage to a 3rd party's property and/or bodily injury and an insurance claim.

In your email correspondence of August 10, 2018 you advise that councillors were provided with information relating to the S355 committees at a workshop held on October 21, 2009. You also note that the Council had discussions with its Insurer questioning the insurance of S355 committees after the Council resolved to discontinue their status and that this would have been conveyed to the Committees. We have no record of this ever being conveyed to the BCC.

We believe that it is a fair assumption that during the councillor workshop, information must have been made available to Councillors outlining the reasons why the S355 status of the Committees should be discontinued. **Is it possible to have this information made available to the BCC?** As it is our understanding that under section 241 a notice of the business must be in writing within such time before the meeting as is fixed by the council's code of meeting practice.

Section 3.7 of the Code of Practice for S355 Committees, dated July 2005, deals with the Councils right to dismiss/terminate or dissolve committees. The grounds for this are;

- The function ends,
- The facility use changes,
- Fraud,

- The Committee becomes dysfunctional, or
- With the election of a new Council.

Our committee is not aware that any of these grounds applied to the BCC Section 355 being cancelled. We can only assume that information must have been provided to Councillors during the workshop that found something to the contrary.

We also consider there was no change in the Councils behaviour that could have led the BCC to ever question its status as a S355 Committee. BCC continued to be advised that a Councillor had been delegated to the committee, as per the minutes in the September 3rd 2014 Ordinary meeting and, that it continued to receive an annual grant from the Council for the maintenance and upkeep of the grounds and property.

Relationship between MWRC, the RFS and BCC

You have advised the Council has entered into a contractual service agreement with the NSW Rural Fire Service and stated that control of the Botobolar Shed rests fully with the RFS. The assumption being any activities of the BCC can only be carried on with the agreement and blessing of the RFS.

The BCC has always understood and considered that the Botobolar Shed was established to serve a joint purpose, as a fire shed in the event of a fire emergency and as a community facility for the purpose of local community activities. The two functions sat side by side with the BCC having responsibility for the maintenance of the land and buildings as outlined in Section 3.2 of the Code of Practice.

Again at some stage this relationship has changed and the BCC has not been advised of this until your letter dated 24th August 2018. In that letter you have included Section 6 of an agreement between the Council and the RFS relating to Land and Buildings and noted that the agreement provides for the premises to be used for other purposes with the prior agreement of the Council. This appears to be provided for under Section 6.6 which states:

- 6.6 *The Commissioner will:*
- not occupy or use the Premises for any purpose other than the provision of rural fire services and any other purpose incidental thereto, without the prior consent of the Council, which shall not be unreasonably withheld or delayed;*
 - not assign the benefit of this licence or grant any sub-licence;*
 - keep the Premises clean and tidy and carry out minor repairs and maintenance in accordance with paragraph 6.8*
 - comply with all statutes, regulations and ordinances regarding its use of the Premises*

Our reading of this is that all power rests with the RFS which is totally contrary to the purpose for which the Botobolar Shed was originally set up.

Looking to the Future

The BCC is very interested in having the operation and the use of the Botobolar Shed as both a community and RFS facility clarified. You have suggested that this can be achieved by the BCC and RFS entering into a memorandum of understanding (MOU) and Section 6.6 appears to allow for this.

However before there is any discussion regarding any MOU, the issue of Public Liability insurance for the Committee needs to be resolved. We note that Section 6.5 of the agreement between the Council and the RFS states the Council will maintain building and public liability insurance.

As we have previously discussed, the cost of public liability insurance is prohibitive for a community committee of our type. We understand that where a person is a member of the RFS and is working as an RFS member doing maintenance work the RFS PL insurance might cover them. However if a person is not a member of the RFS and is doing similar work there is no PL cover. As an aside it should be noted the RFS has not undertaken any maintenance work on the Shed or grounds as required by section 6.8 of the service agreement. All work, maintenance and improvements have been done by the local community when and as required and now uninsured for public liability.

We also note that Section 6.5 states the Council will pay all electricity charges separately metered and charged to the Premises. Is this still the case?

At the meeting of the BCC it was resolved that an approach be made to the MWRC to have the BCC reinstated as a S355 committee for the following reasons:

- BCC continues to operate and maintain the Botobolar Shed and has always done so.
- It has always acted in good faith, understanding from when it was established that it was the community's responsibility to keep the shed and grounds in good condition.
- The population of the Botobolar area is increasing with a lot of new residents. The Shed plays a major role in bringing the community together, as was originally envisaged when the land was originally donated by Jim and Judy Lynch to the Council.
- As the Council continues to own the land and property, and carries building and public liability insurance it policies can be endorsed to include cover for the BCC - as it would have originally.

Finally the BCC and many of the community are active members of the RFS. The Committee agrees there should be a MOU with the RFS. However it is the Committee's preference that any MOU should be between MWRC, RFS and the BCC and Section 6.6 appears to require this.

Representatives of the BCC are happy to discuss this with you further.

Kind regards,
Yours Sincerely

David Sargeant
Secretary
Botobolar Community Committee

11.3 Community Services Quarterly Update - October to December 2018

REPORT BY THE MANAGER, COMMUNITY SERVICES
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, COS300015

RECOMMENDATION

That Council:

1. receive the report by the Manager, Community Services on the Community Services Quarterly Update - October to December 2018; and
2. note the recent services provided and activities coordinated by Council's Community Services Department.

Executive summary

This report aims to familiarise Council with services provided by its Community Services Department and to inform it of activities and events of note within this portfolio during the October to December 2018 period.

Disclosure of Interest

Nil.

Detailed report

A summary of recent activities and events, as well as items of note, for the various community services provided by Mid-Western Regional Council is detailed in the attached report. Services covered include Community Development, Community Transport, Family Day Care, Meals on Wheels and Youth Services.

There was nothing significant in relation to Cultural Matters to report on during this period, as Council continues to wait for feedback in relation to its funding application to the Regional Cultural Fund.

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

Strategic implications

Council Strategies

Not Applicable.

Council Policies

Not Applicable.

Legislation

Not Applicable.

Financial implications

Not Applicable.

Associated Risks

Not Applicable.

FIONA TURNER
MANAGER, COMMUNITY SERVICES

SIMON JONES
DIRECTOR COMMUNITY

14 January 2019

Attachments: 1. Service reports - Q4 2018.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

COMMUNITY DEVELOPMENT

Mudgee and Gulgong Interagency

Meetings continued every month until December 2018. Recent guest speakers included the Community Engagement Coordinator - Western and Far Western NSW National Disability Insurance Scheme and the Regional Coordinator for the Blue Mountains/Central West - Boosting the Local Care Workforce Program. Local issues considered continue to be the NDIS and the demolition of the Mudgee Hospital.

Rylstone and Kandos Interagency

Meetings were held monthly leading up to the Family Fun Day in October (although normally are held every 6 weeks). Networking and promotions are the main focus of these meetings although identifying needed services as well as supporting new endeavours has been a successful outcome of these meetings during this period.

Mudgee Child & Family Network

This network supplies and shares information regarding services, as well as provides a voice for implementing programs, services and events to target early intervention initiatives.

Mudgee People Against Violence Committee

A grant application was submitted to the NSW Government for International Women Day. The application was successful resulting on \$1000 dollars to be used for IWD 2019 project.

Seniors Week Planning Committee

The group started to meet in September to organise activities for Seniors Week 2019 and applying for funding. Seniors Week 2019 will run from 13th to 24th February. An application to Centennial Coal Mine was lodged, as well as one with Club Mudgee. The application to Centennial Coal was successful and the committee received the amount of \$800 dollars. The application to Club Mudgee still in progress.

Seniors' Stories to Share Program

The Seniors' program launched 'So many stories to share', a series of workshops held in Mudgee and Gulgong during November and December. The workshops allowed participants to share their authentic short story through many mediums and to digitally capture and create their own published story book to keep and share with family and friends.

This program encouraged creativity, fun, sharing uplifting stories and provided many new skills. The printed books will go on display at local libraries and then be presented to each participant at the Seniors Week 2019 luncheons.

Interagency communications

Weekly and monthly newsletters have been continually upgraded with 50 new subscribers. Information on Council and regional community services, grants, programs, projects, workshops and training opportunities are continually updated. The newsletters currently are sent to 289 interagency Members, regional services, schools and other community social service organisations.

Rylstone and Kandos Family Fun Day

The Rylstone and Kandos Family Fun Day was organised in conjunction with Kandos and Rylstone Interagency on 10 October 2018. The purpose of this annual event is to provide an opportunity for

services to connect with the community in a relaxed and fun environment. The Family Fun Day has become a feature event on the local calendar with this year's event attracting almost 300 attendees. Twenty-eight services came along to provide a nil cost activity on the day that supports wellbeing or provides positive opportunity for interaction.

White Ribbon Day

White Ribbons were sold in Mudgee in November to raise awareness of domestic violence on a local level. A short film, 'Jade' was shown in Mudgee Town Hall Theatre throughout the day.

COMMUNITY TRANSPORT

Transport Figures

CHSP Trips	1474
CTP Trips	151
NDIS Trips	86
DVA Trips	83
HRT	116
Total	1910

The new service software is not capturing unmet requests consistently at the moment. A manual report, however, has identified 17 unmet requests during this quarter; mainly due to driver and car unavailability and unreasonable appointment times. All have been requested for regional or Sydney trips.

My Aged Care

Forty-two referrals were received during this quarter, although only three new clients actually commenced service. The reasoning is that many customers are registering with My Aged Care 'in case' they require services in the future rather than to access the service immediately. The Services Pending list is monitored closely and all client are contacted and commenced according to contractual requirements.

Vehicles

There have been no incidents in this quarter. All vehicles have had safety audit to ensure all cars are carrying appropriate and up to date resources to comply with regulations and to ensure drivers and clients have access to resources required when cars are in use. This includes WHS auditing and replenishing of first aid kits.

A replacement for the wheelchair accessible Multivan is imminent as it is spending more time (and money) at the workshop, rather than being available for client use. An application for consent to replace the vehicle ahead of scheduling will need to be lodged with Transport for NSW as per contract conditions.

Volunteers

The service currently has 21 active volunteers. Two new volunteers have been recruited, inducted and trained and one volunteer retired during this quarter.

General

Improvements have been made by our software providers and Transport for NSW resulting in a more efficient flow of work. Further improvements will be made shortly, including a new online portal for customers to request service.

FAMILY DAY CARE

There are currently have 22 educators registered with the Scheme; ten in Mudgee, one each in Gulgong and Kandos and nine in Wellington, with approximately 145 children attending care each week.

Several educators had notified the Scheme that they would be finishing up at the end of 2018; two from Mudgee and one in Wellington. There are, however, three educators due to commence service in February 2019 (one each in Wellington, Mudgee and Gulgong).

This quarter was focussed on preparing for our ACECQA Assessment and rating visit, which took place in October. The Scheme was rated “Working Towards”. The greatest issue is staffing and support levels for the Scheme’s educators and this is being addressed by the current recruitment process.

MEALS ON WHEELS

Main Meals including hot meals, chilled deserts, sandwiches and soups

October	503
November	490
December	392
Total	1385

Frozen meals including meals, baked meals and breaky meals

October	76
November	60
December	35
Total	171

Active clients 30

Clients cancelled until further notice, in respite or with family 3

Meals on Wheels Volunteers

We currently have 13 organisations and businesses and nine individuals volunteering for Meals on Wheels, total of 162 volunteers. One long standing volunteer group is retiring due to lack of numbers within their organisation.

Christmas Period

The Christmas period saw a decline in meal requests due to clients spending time with family or travelling out of town. Ten clients required meals on Christmas Day. Lions Club donated cakes and puddings to our clients again for Christmas.

Future Plan

Yearly Surveys will again be sent to clients to complete and Client review assessments will also begin February. Promoting the Service in including Community News, distributing brochures, also set up meetings with relevant organisations informing them of our service and the process to engage in the service.

Growth funding

The Department of Health have provided Mudgee Meals on Wheels with further growth funding of \$10,513.40 over two years. In addition to client contributions, the service now receives \$82,815.22 grant funding annually.

YOUTH SERVICES

October school holiday activities

It was determined to run the same activity (an Escape Room Challenge) across the region these school holidays and to tie the event into the Rylstone Family Fun Day, which worked well. Nine of the 11 sessions were fully booked well in advance; use of the online booking system proved to be useful in allowing participants to book at any time and increase communication. Interaction on social media regarding the Challenge was extremely good.

Skills presentations

How to Adult sessions continued this quarter, with sessions covering mental health (with a focus on exam stress) and budgeting (a Lifeline partnership). Schedule conflicts with other events in the region has prompted a change to the timetabling of talks in 2019. The publicity continues to highlight the financial partnership with KEPCO Bylong.

Local Youth Forum

An intimate Youth Forum for local youth aged 12-25 was held in Gulgong on 4 December. The Forum was facilitated by Barnardos. The input received from the youth attendees reinforced the scope and goals of Council's endorsed Youth Strategy, as well as planned future projects and methods already enacted by Council's Youth Services.

KEPCO

A Youth Services Directory for local service providers and facilities is in the process of being prepared. This is a KPI under the funding deed with KEPCO. It is anticipated that this will be available for the community sometime in early 2019. Additionally, a detailed report to KEPCO addressing the Youth Services Officer tasks and KPIs was written and submitted prior to the 2018 Council Christmas closure.

11.4 Mudgee Community Transport Policy

REPORT BY THE MANAGER, COMMUNITY SERVICES
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, COS300013

RECOMMENDATION

That Council:

1. receive the report by the Manager, Community Services on the Mudgee Community Transport Policy; and
2. endorse the Mudgee Community Transport Policy.

Executive summary

The Mudgee Community Transport Policy has been reviewed and updated in response to industry reform.

Disclosure of Interest

Nil.

Detailed report

This review of the Mudgee Community Transport Policy is necessary given changes to relevant legislation and also the introduction of two agencies who are responsible for overseeing the provision of quality services, namely the Aged Care Quality and Safety Commission and the NDIS Quality and Safeguards Commission. A review is also necessary to ensure that the policy will be acceptable for an upcoming re-verification for the provision of NDIS supports.

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

Strategic implications

Council Strategies

The new policy will reflect particularly Council's Disability Inclusion Action Plan in terms of inclusiveness and accessibility.

Council Policies

The new policy relates to a number of Council's policies, including its Work Health and Safety and Complaints Policies. A complete list of related policies is provided for at the start of the revised document.

Legislation

The revised policy upholds an extensive number of legislative requirements, including those found in the Disability Services Act 1986 (Cth) Disability Inclusion Act 2014 (NSW) and the NSW Road Rules. A complete list of relevant legislation is listed at the start of the revised document.

Financial implications

The Mudgee Community Transport Service is funded predominantly by Transport for NSW pursuant to its funding agreement with Council, and from client contributions as noted in Council's fees and charges.

Associated Risks

Not Applicable.

FIONA TURNER
MANAGER, COMMUNITY SERVICES

SIMON JONES
DIRECTOR COMMUNITY

29 January 2019

Attachments: 1. Policy - Review - Mudgee Community Transport 2019. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.5 Library Services - Quarterly Report

REPORT BY THE LIBRARY SERVICES COORDINATOR

TO 20 FEBRUARY 2019 ORDINARY MEETING

GOV400067, F0620020

RECOMMENDATION

That Council receive the report by the Library Services Coordinator on the Library Services - Quarterly Report.

Executive summary

This report seeks to inform Council of the activities undertaken by the Mid-Western Regional Council Library Service, under the broad outlines of Customer Visits, Library Borrowings, Purchased items, Strategic Partnerships, and Sustainable Organisations. This report covers the period October to December 2018

Disclosure of Interest

Nil

Detailed report

CUSTOMER VISITS, LIBRARY BORROWINGS, & PURCHASED ITEMS

Visits to our Library branches during the October to December 2018 period are slightly below visits for the same period in the previous year.

Quarter	Visits
Oct-Dec 2018	22,697
Oct-Dec 2017	23,561

Across the Library Service, loans of library items remain stable when compared to the same period in 2017.

Quarter	Loans
Oct-Dec 2018	19,029
Oct-Dec 2017	19,105

Loans from the Mobile Library during Oct-Dec 2018 are slightly higher than for the same period in 2017.

Quarter	Loans
Oct-Dec 2018	1,363
Oct-Dec 2017	1,348

The use of library resources (library subscribed databases) has increased, when compared to the same period in 2017.

Quarter	Accesses
Oct-Dec 2018	1,108
Oct-Dec 2017	198

The Library continues to purchase new items in line with the Collection Development Strategy. These items include audio books, magazines, fiction and non-fiction for adults and children in both print and electronic format, and DVDs.

Quarter	Purchases
Oct-Dec 2018	2,284

STRATEGIC PARTNERSHIPS

The Library continues to support the Rotary/Council Mudgee Town Hall Cinema partnership on Council's behalf, by providing continuous administrative support, liaising with film distributors and Rotary, and provision of online/over the counter ticket sales. Over the Oct-Dec 2018 period, this totalled a minimum 95 support hours by Library staff, and included 25 movie screenings, reaching 1,429 customers.

Mudgee Museum continues to be a Library partner, providing a historical display exhibit at Mudgee Library, which is replaced frequently.

SUSTAINABLE ORGANISATION

Library staff set up a small browsing library at the Rylstone Office, in preparation for the much anticipated Rylstone Office/Library renovation during 2019. Rylstone residents now have access to borrow adult fiction, large print, non-fiction, young adult, children's books, DVDs, and a Chargebar (to recharge phones and other electronic devices), in addition to the existing use of public PCs and Wi-Fi.

The Library continues to encourage life-long love of books and reading through its literacy initiatives. During the Oct-Dec 2018 period, Library staff hosted 122 separate sessions/workshops for children and youth across our branches – reaching 1,033 children and young adults.

	Born to Read	Toddler Time	Bookworms	Preschool visits	Holiday Craft	Book Bouncers	International Games Week	School visits	Total
Sessions	24	16	48	1	21	3	7	2	122
Attendees	192	114	409	17	169	15	106	11	1033

The Library also hosted 16 events for adults – reaching 208 individuals.

	Bookgroup	1st Monday History Talks	Heritage Snapshot	Knitting Group	Barnardos	Totals
Sessions	2	1	1	3	9	16
Attendees	10	38	20	50	90	208

The Library continues to engage with the community through regular newspaper features, items in Council's Community newsletter, and via the Library's Facebook page. An email is sent monthly to subscribing customers and BookGroup members advising them of upcoming events and new items in the Library. A separate email is sent to schools and school librarians, which includes posters and instructions for use on a different online library database each month.

Mudgee Library continues to host a monthly Monday History talk, with local historians invited to present on a topic of interest to the wider community. The history talks have generated much local interest.

All branches of the Library hosted a range of well-attended children's craft and storytelling programs during the school holidays.

The Library continues to support the 'Wrap with Love' program, acting as collection points for knitted squares. Mudgee Library also supports a monthly knitting group at the Library.

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

Strategic implications

Council Strategies

The Library Services – Quarterly Report has been developed in line with the 2017/18 – 2020/21 Delivery Program and the Library's Collection Management Strategy.

Council Policies

Not applicable

Legislation

Not applicable

Financial implications

Not applicable

Associated Risks

Not applicable

MICHELLE MAUNDER
LIBRARY SERVICES COORDINATOR

SIMON JONES
DIRECTOR COMMUNITY

5 February 2019

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.6 Mudgee Town Hall Cinema - Activity Report 2018

REPORT BY THE LIBRARY SERVICES COORDINATOR
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, REC800016

RECOMMENDATION

That Council:

1. **receive the report by the Library Services Coordinator on the Mudgee Town Hall Cinema - Activity Report 2018.**

Executive summary

The Mudgee Town Hall Cinema began operation in July 2013, and continues to succeed as a partnership between Council and the two Mudgee based Rotary clubs. This report serves to outline the community patronage, fundraising activity and volunteer contribution of the Cinema.

Disclosure of Interest

Nil.

Detailed report

The Mudgee Town Hall cinema operates as a partnership between Mid-Western Regional Council, and Mudgee Rotary Club and the Rotary Club of Mudgee Sunrise. The cinema operates eight movie sessions on the first weekend of every month.

Council provides the venue, management and distributor negotiation aspects of the project, while the Rotary clubs provide the voluntary staff for candy bar (including stock purchasing), weekend ticket sales, ushering, projectioning and the like.

The success of the Mudgee Town Hall Cinema project is two-fold – it brings new release movies back to Mudgee on a regular basis, and has seen many happy adults and children enjoying cinema in their region. During 2018, a total of 5,216 tickets were sold.

Added to its success is the candy bar fundraising opportunity provided to Rotary, which has seen many community organisations and projects benefit.

Throughout 2018, Rotary volunteers have also made themselves available to screen either a Disability Friendly Screening or a special screening for schools once per month. While this option has not been taken up every month, customers who attend have been grateful for this opportunity.

During 2018, Rotary have raised a total of \$7,939.93 from the candy bar they operate. In addition to this, Council provides Rotary with a share of the ticket sales profit, and in 2018 this has added up to \$13,721.00. This means that the total amount of money contributed by Rotary back to the community during 2018 is \$21,660.93.

This is made possible by the many Rotary volunteers who each month serve as popcorn makers, ticket sellers and ushers at the movies. Rotary has estimated that each month, they provide the following amount of volunteer hours

- 16 hours for candy bar purchasing, candy bar setup, rostering of volunteers and distribution of posters around the Mudgee township
- 4 hours of volunteer projectionist time to screen movies
- 98 hours of volunteer time spent on ticket sales, ushering, and candy bar sales over 8 weekend movie sessions
- A total of 118 volunteer hours each month.

With some changes to volunteer hours required per month, and the unfortunate cancellation of movie weekends due to Cinema equipment malfunction, Rotary volunteered 1,068 hours during 2018. At a base rate of \$28 per hour, this equates to \$29,904 paid staff hours per annum.

Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Provide equitable access to a range of places and spaces for all in the community

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

Not applicable

Financial implications

Not applicable

Associated Risks

Not applicable

MICHELLE MAUNDER
LIBRARY SERVICES COORDINATOR

SIMON JONES
DIRECTOR COMMUNITY

6 February 2019

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 12: Reports from Committees

12.1 Mid-Western Regional Council Access Committee Update - October to December 2018

REPORT BY THE MANAGER, COMMUNITY SERVICES
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, COS300797

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community Services on the Mid-Western Regional Access Committee - October to December 2018; and**
 2. **note the minutes of the Mid-Western Regional Access Committee meetings held on 2 October 2018, 6 November 2018 and 4 December 2018.**
-

Executive summary

Council's Access Committee meets regularly to discuss and provide advice to Council on operational and strategic issues affecting physical access and inclusion for all residents and visitors to the region.

Disclosure of Interest

Nil.

Detailed report

Following on from the September 2018 Council meeting, the Committee met as a single committee for the entire region from October 2018. Expressions of interest were sought for new committee members but none were received.

The Committee discussed a number of matters (detailed in the attached minutes), including the possibility of new public seating being installed in both Mudgee and Gulgong and the engagement of a consultant to audit placement of tactile ground surface indicators within Mudgee. Both of these projects have been raised as Community Plan Proposals for the 2019-2020 budget planning.

Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Provide equitable access to a range of places and spaces for all in the community

Strategic implications

Council Strategies

Council's Disability Inclusion Action Plan supports collaboration between Council and its Access Committee, to provide advice on operational and strategic issues affecting access for all residents of and visitors to the region.

Council Policies

Not applicable

Legislation

Mid-Western Regional Council is committed to an inclusive and accessible region and seeks to meet its obligations under the Disability Discrimination Act 1992 and the NSW Disability Inclusion Act 2014 through its Disability Inclusion Action Plan.

Financial implications

Not applicable.

Associated Risks

Not applicable.

FIONA TURNER
MANAGER, COMMUNITY SERVICES

SIMON JONES
DIRECTOR COMMUNITY

11 January 2019

Attachments:

1. MWRC Access Committee - Minutes - 2 October 2018.
2. MWRC Access Committee - Minutes - 6 November 2018.
3. MWRC Access Committee - Minutes - 4 December 2018.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE

MINUTES – 11AM, TUESDAY 2 OCTOBER 2018

AT ADMIN FOYER MEETING ROOM, MUDGEE

1. Welcome

Present: Victoria Barrett, Pamela Morris, Stephen Waller, Mary Lovett

Council Staff: Fiona Turner, Alison Whittaker

Councillor: Sam Paine

Absent: Les Leighton, Roger Barnes

2. Receive apologies: Councillor Alex Karavas

3. Confirm Minutes of 4 September 2018 meeting of the Mudgee and Gulgong Access Committee

Moved: Stephen Waller

Seconded: Pamela Morris

4. Matters arising from Previous Minutes:

4.1 Correction of Name in Minutes of 4th September 2018 - Victoria Bennett to Victoria Barrett. Corrections made to minutes document by A Whittaker.

5. Correspondence:

Nil.

6. Development Applications:

Nil.

7. General Business:

7.1 **Changes to Council Access Committees.** The Mudgee & Gulgong Access Committee and Rylstone & Kandos Access Committee was disbanded to form one



Access Committee and to be called the Mid-Western Regional Council Access Committee. Councillor Sam Paine explained the idea for the merge came from the fact that we are under one Council in one Region and therefore it makes sense to have one Access Committee under that one Council and one Region.

The Rylstone & Kandos Access Committee has dissolved and Applications for Members has been submitted for advertisement in The Mudgee Guardian for Friday 5th October 2018. The advertisement has encouraged all interested parties from the Mudgee & Gulgong, however more focused on gaining interest from those in the Rylstone & Kandos area.

The meetings for the new Mid-Western Regional Council Access Committee will be held on the first Tuesday of each Month. Venues February to December are yet to be sort & confirmed. Meetings will be held in all areas based on a rotating model. Mudgee will be the predominant meeting point, then allocated to Gulgong & Rylstone Kandos areas in alternate months or where current matters concern either Mudgee, Gulgong, Rylstone or Kandos and it is essential that members meet in that area to inspect matters being discussed.

Victoria Barrett confirmed that she will stand down when meetings will be held in Rylstone & Kandos area as this will be too far for her to travel to attend.

Community Transport will be offered to those who are eligible who require to travel to Mudgee and then travel in a Mid-Western Regional Council fleet vehicle where seats are available to travel to Rylstone and Kandos.



Documents provided to Committee members present and to absentees of this meeting are as follows:

- September 2018 Council meeting minutes (Item 11.1) – Unconfirmed copy.
- Terms of Reference – only major change is the Name and make- up of the committee and Venue.
- Disability Inclusion Action Plan – Endorsed 2016 and no change.
- NSW Office of Local Government Model Code of Conduct for Local Councils in NSW – outlines member responsibilities, behaviours etc. New copies will be distributed to all members when document is reviewed and endorsed in December 2018.

7.2 **Increased recreational traffic on footpaths.** M Lovett raised the matter concerning increasing activity with bikes, strollers, goffers and recreational vehicles on the streets in the warmer months. Mary Lovett wanted to know who is responsible for the regulation and policing of this traffic on footpaths. Councillor Sam Paine confirmed Council has policies and procedures in regards to business activity staff will look into the recreational regulations and confirm which regulating body is responsible and report back at the next meeting.

7.3 **Seating Locations – Mudgee.** Locations for new seating sites were identified by the Access Committee in the Mudgee Region and are as follows:

1. Mudgee Tennis Court Side Church Street – opposite Elders 115/113 Laser Plumbing has tree shade.
2. Between Mitre 10 and Vet Hospital Church Street – near phone box opposite 89 Church Street.



3. Outside Service NSW 37-39 Church Street has shade in morning.
4. The Salvation Army Building Perry Street.
5. Club Mudgee Perry Street near Tooheys Sign and Car Park.
6. Corner of Perry Street and Gladstone Street- Auto One Mudgee on grass area, morning shade
7. St Pauls Presbyterian Church under tree near Kanandah Units Sign and Driveway.
8. 115 Mortimer Street – House has brick Wall
9. 25 Court Street – House has bush hedge and shade in morning.
10. 108 Gladstone Street – has a yellow/grey brick wall and waterway.

Map of locations accompanying these meeting minutes for members reference.

- 7.4 **Public Showering facilities in Mudgee Region.** M. Lovett raised concerns for those in drought effected areas with no water and the need for public showers in the Mudgee area to allow community members to have access to daily hygienic practices. Various ideas have been considered by Council, however regulating these areas and insurance have been major recourses required for such a service. With very limited capability to ensure these resources are available have amounted to no further action been taken to this matter in the Mid-Western Region.

8. Matters pending:

- 8.1 Consultant audit and advice for tactile placements in Mudgee CBD. This matter will be carried over to the new Mid-Western Regional Council Access Committee Meetings.



- 8.2 Public seating in Mudgee and Gulgong. This matter will be carried over to the New Mid-Western Regional Council Access Committee Meetings.

Meeting Closed at 11.34am

Next meeting date – 6 November 2018 – Venue To Be Confirmed and all members notified.



MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE

MEETING MINUTES – 11AM, TUESDAY 6 NOVEMBER 2018

AT ADMIN FOYER MEETING ROOM, MUDGEES

1. Welcome

Councillors: Sam Paine, Alex Karavas

Council Staff: Alison Whittaker

Access Committee Members: Victoria Barrett (Chair), Les Leighton, Pamela Morris, Stephen Waller, Roger Barnes, Renee Lamshed

2. Receive apologies

Fiona Turner, Mary Lovett

3. Confirm Minutes of 2 October 2018 meeting of the MWRC Access Committee

Moved: Stephen Waller

Seconded: Pamela Morris

4. Matters arising from Previous Minutes:

4.1 Access and Shared footpaths

F. Turner emailed with committee queries regarding Access and Shared footpaths to Mid-Western Regional Council Works Engineer – Copy of Email Response attached to minutes

4.2 Clock Awards Hard Copy Nominations

A. Whittaker contacted via email Mudgee Rotary for confirmation, of how hard copy nomination forms are incorporated and made accessible to community members. Copy of Email response attached to minutes containing explanation.

5. Correspondence:

In

- 5.1 Email from Carrie Hooper (MWRC) regarding Access and shared footpaths – 10 October 2018 – Copy attached to minutes



- 5.2 Email from NSW Health Infrastructure regarding what's happening at Mudgee Hospital – 16 October 2018
- 5.3 Email from Marg Barnes on behalf of Mudgee Rotary – explaining the process for Hard Copy Nominations for the Mudgee Clock Awards –Copy attached to minutes

Out

- 5.4 NIL

6. Development Applications:

6.1 DA Circulation

L. Leighton raised concern that the committee members have not received DA's for quite some time. A.Whittaker explained that only DA which involve public assess will be forwarded to members for review. Councillors Payne and Karavas and A Whittaker were not aware of any new DA's, however will look into the past month of DA's to ensure they have not missed any which require forwarding to members.

7. General Business:

7.1 Expressions of interest to join MWRC Access Committee

There have been no submissions to date from Kandos/Rylstone or Gulgong.

7.2 Live Better – Access at a Glance Program Explained – Renee Lamshed

This program is a pilot program and is gaining interest in the Orange area, and is proposed to be something the Mudgee area could adopt.

The program is using window signage and stickers to inform community members if a space is accessible. At the same time, business become more aware of the possibilities available to enhance and promote their accessibility.

Renee will research more detailed information regarding, responsibilities, decision making, business and council involvement and requirements for the program. Information sheet attached or enclosed with minutes for review and further discussion at the next meeting.

7.3 Fund Raising – Sue- Ellen Lovett

P. Morris advised that Sue-Ellen Lovett has excelled in her fundraising for the Wellness Centre in Dubbo, raising \$70,000, a wonderful effort for a great cause.

7.4 Mobility Scooters in Mudgee Area

R. Barnes mentioned some mobility scooter users in the Mudgee area are not being responsible regarding the speed they are travelling in public areas, where they are



parking and generally is of opinion they are “an accident waiting to happen”. Discussions and questions raised involved the legislation and policing of these small vehicles. A Whittaker to follow up on legislation and rules for next meeting.

8. Matters pending:

- 8.1 Consultant audit and advice for tactile placements in Mudgee CBD.
- 8.2 Public seating in Mudgee and Gulgong.
- 8.3 Access at a Glance
- 8.4 Information regarding legislation, rules and policing for mobility scooters

Meeting Closed 11.37am

Next meeting date – 4 December 2018 – Venue Admin Foyer Meeting Room, at 11am.



**MINUTES OF THE MUDGEES AND GULGONG ACCESS COMMITTEE
HELD AT 11AM, TUESDAY 4TH DECEMBER 2018
AT THE ADMIN FOYER MEETING ROOM , MUDGEES**

1. Welcome

Councillors: Sam Paine, Alex Karavas

Access Committee Members: Victoria Barrett (Chair), Pamela Morris, Stephen Waller,
Les Leighton

Council Staff: Fiona Turner, Marie Hensley (Minutes)

Apologies: Mary Lovett

2. Confirm Minutes of 6th November 2018 meeting

The minutes were confirmed.

Moved: Les Leighton

Seconded: Pamela Morris

3. Matters arising from previous Minutes:

3.1 Seating in Mudgees District – Victoria Barrett

Mobility Scooters in Mudgees area. Fiona Turner presented findings on legal use of mobility scooters in urban areas in NSW. This document outlined footpath usage and speed legalities. A copy of this document will be distributed with the December minutes.

4. Correspondence:

4.1 In – Nil

4.2 Out - Nil

5. Development Applications:

Nil



6. General Business:

6.1 Disability Access in privately owned spaces – S.Waller

Toilets on the church grounds have been sanctioned as 'children only' and access to alternative disability toilet is some distance away.

It was proposed that Stephen discuss the issue directly with the Pastor.

7. Matters Pending

7.1 Consultant audit and advice for tactile placements in Mudgee Community Plan proposal will be lodged in the New Year

7.2 Public Seating in Mudgee and Gulgong – Community Plan proposal will lodged in the New year.

Meeting closed 11.28am

Next meeting: Tuesday 5th February 2019, in the Admin Foyer Meeting Room at 11am

12.2 Mid-Western Regional Youth Council

REPORT BY THE MANAGER, COMMUNITY SERVICES
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, COS300610

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community Services on the Mid-Western Regional Youth Council;**
2. **note the minutes of the Mid-Western Regional Youth Council meetings convened on 13 November 2018 and 11 December 2018; and**
3. **endorse the nominations of Ayden Seis and Lucah Hill as Youth Councillors.**

Executive summary

This report seeks to inform Council of recent Youth Council discussions and activities.

Disclosure of Interest

Nil.

Detailed report

The Mid-Western Regional Youth Council has participated in a variety of different events and activities during the final quarter of 2018.

The Youth Council partnered with Mid-Western Regional Council Library in November to run the first ever International Games Week events in the region. Five events were offered, with three being for youth. The popularity of youth events (the Dungeons & Dragons session was fully booked with a waiting list) has reiterated the interest in gaming within the region. International Games Week was also used to launch the Youth Council's donation of contemporary tabletop games to the Library.

Youth Council also began its planning for the January 2019 school holidays in earnest. Events planned include a pool party in Kandos, a bicycle safety and repair course in Mudgee, a Dungeon and Dragons games day (following on from the successful event in November) in Gulgong, and a further Escape Game challenge (to be devised by Youth Councillors) in Mudgee.

From school holidays events, the Youth Council will move swiftly towards planning the 2019 Youth Week calendar.

Youth Council recruited two Youth Councillors during this period, new representatives from Gulgong and St Matthews Catholic School.

Further detail of recent Youth Council activities and discussions can be sourced from the minutes attached to this report.

Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Support programs which strengthen the relationships between the range of community groups

Strategic implications

Council Strategies

Council's Youth Strategy provides direction and recommendations for Council and the community to benefit local youth. The Mid-Western Regional Youth Council also takes direction from this document when considering future planning.

Council Policies

Not Applicable.

Legislation

Not Applicable.

Financial implications

Not Applicable.

Associated Risks

Not Applicable.

FIONA TURNER
MANAGER, COMMUNITY SERVICES

SIMON JONES
DIRECTOR COMMUNITY

16 January 2019

Attachments: 1. Youth Council Minutes - 13 November 2018.
2. Youth Council Minutes - 11 December 2018.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MINUTES OF YOUTH COUNCIL MEETING

DATE: 13 November 2018
VENUE: Mudgee Council Chambers,
Market Street, Mudgee
COMMENCEMENT TIME: 4:15pm

1. ATTENDANCE

1.1. In Attendance

Youth Councillors: Brody Munday (Youth Mayor, and Chair), Courtney Boxsell, Angus Danson, Nicola Hayes-Weber, Dylan Hayes-Weber

Councillors: Councillor Sam Paine (Deputy Mayor), Councillor Alex Karavas

Council Staff: Sam Sbisà (Youth Services Officer, and Minutes), Fiona Turner (Manager, Community Services)

Visitor/Prospective Youth Councillor: Ayden Seis

1.2. Apologies: Aliya Della-Libera, Daniel Trevethan

Motion: Acceptance of apologies.

Moved: B. Munday Seconded: C. Boxsell - Carried

2. MINUTES – 9 October 2018

Motion: Acceptance of minutes.

Moved: B. Munday Seconded: C. Boxsell - Carried

3. CORRESPONDENCE IN/OUT

None.

4. EXISTING BUSINESS

4.1. Youth Council Events

4.1.1. **International Games Week**

Reaction to International Games Week events was mixed, but overall it was felt that this was a good partnership between the Library and Youth Council:

- Kandos – Tabletop Gaming; no registrations, and no attendees; B Munday commented that rehearsals for the school musical may have affected attendance.
- Gulgong – Tabletop Gaming; no registrations, 6 players out of 10 available spots. Great feedback.
- Mudgee – Dungeons & Dragons; fully/over booked. Originally 12 places available, the volunteer Games Masters agreed to take extra players, so that 15 could be accommodated. There were 3 more enquiries at the door. Feedback from players and Youth Councillors was that it was an excellent event, and should be repeated. The only negative feedback was that it needed to be longer, and some would have preferred a Gulgong location.
- Library events: Tabletop Games (8-12 year olds) – 5 registrations, 2 attendees; a few people were seen to be using the large chess board; no one attended or booked into the film screening. There are significant license limitations around advertising the films, which may be responsible for the lack of attendance.

4.1.2. Summer school holiday activities

S Sbisa reported that Birrang Enterprise wish to run a bicycle safety and repair course in Mudgee on 17 January for those aged 10+, and a skateboard and scooter session for those aged 12+. There is the possibility of partnering with them on this. Youth Council have agreed that it is a good idea and to proceed. Discussion about other activities followed. Youth Council decided to continue running at least 1 activity in each main area of the region. S Sbisa commented that *How to Adult* would be running in January, with Council shut down and public holidays, not many days remained to run activities. N Hayes-Weber suggested that the provision a courtesy bus to larger events would allow more people to participate, all agreed to investigating the cost of a minibus. It was determined to move the photography workshop to autumn for better light options. Proposed activities for the January School Holidays are:

- Birrang workshops at Mudgee Skatepark.
- Dungeons & Dragons at Gulgong or Mudgee.
- Pool activity (e.g. pool party – it was noted that 2MG already do this – or water polo) at Kandos.
- Video Game design workshop (one or two days) at Mudgee; S Sbisa has attempted to locate a facilitator – most contacts will be away in January.
- Escape Room; physical room challenge that Youth Councillors would write themselves.
- Film screening – Mudgee (this is a backup event, should another activity fall through)

Action Point: Youth Councillors to collaborate on Escape Room – volunteers sought.

Action Point: S Sbisa to investigate cost of a courtesy min-bus to transport youth to events.

Action Point: S Sbisa to investigate feasibility of running an event at the Kandos or other public pool.

4.2. Youth Council logo/branding

4.2.1. S. Sbisa spoke to Council's marketing department yesterday. They have had some changes to their staffing lately. A graphic designer is currently working on design options. If the logo is to be used for January school holidays, the options will likely have to send the options out as a flying minute.

Action Point: S. Sbisa to liaise with Council regarding logo, and options as Flying Minute when available.

4.3. Youth Council Forum

4.3.1. No new suggestions for topics for the proposed Central West Youth Council Forum were brought for discussion. The topic of discussing advertising issues was raised again. S Sbisa reported that there would be a large Youth Advisory Committee forum/conference happening in Blacktown next year; it might be a good idea for someone from the Youth Council to attend and get a better idea of ways in which to run the proposed event. Determined to get more information on the Blacktown event before proceeding.

Action Point: S Sbisa to obtain more information about the 2019 YAC Conference happening in Blacktown.

5. BUSINESS ARISING

5.1. Meeting schedule for 2019

5.1.1. It has been decided that Youth Council will not have any formal meetings in January 2019, and that the first meeting will occur in February. All agreed that continuing with the current pattern of meetings on the second Tuesday of the month would be preferable. F Turner commented that should quorum not be met that meetings should be postponed rather than cancelled to improve decision making times and reduce meeting duration. Location of future meetings are to be advised due to the possibility of a new member from Gulgong joining, and the impending renovations at Rylstone Council Chambers.

5.2. Youth Week 2019

5.2.1. Dates for the 2019 Youth Week have been announced: 10-18 April. While the dates are not ideal (school holidays are 6-22 April, and Easter is 19-22 April), the original proposed dates were to fall over Easter. Determined that planning for the 2019 Youth Week activities need to start much earlier than that of YW2018. Discussion of proposed activities and events followed:

- Art competition, speak to Orana Arts about assisting with judging again. Gift vouchers are not possible as prizes, due to association with alcohol. Proposed art supplies or similar prizes. Investigate location possibilities for exhibition; Stables vs Library for example.
- Flash Fiction competition, ask Mudgee Readers' Festival if they would like to continue to partner on this project. Potential prizes could include stationery sets. N Hayes-Weber proposed a writing

workshop a few weeks prior to the competition close date to assist with the quality of received entries; this may be something that MRF may want to also partner on.

- Photography with phone cameras session.
- Outdoor activity of some sort.
- Trivia session – all agreed to continue with this, but that the format needs thought; presently attendance is almost entirely Mudgee High School students, several youth didn't attend in 2018 due to the prize being awarded to the school not the winning team (several exit surveys from the event reflected this), also suggested to look at utilising Cahoot for the answer sheets, some commented one of the good things about the trivia event was the lack of social media/phone interaction.

5.3. Youth Soup Session winner project

5.3.1. C Boxsell informed the Youth Council that the winner Jessica Nipperess is attempting to create a scavenger hunt in Mudgee, which would be an ongoing free event in which participants would attempt to solve a riddle involving a Henry Lawson poem to prevent a fictional 'bomb' exploding the Town Hall. The hunt would be for everyone, and intended launch is January 2019. Jessica Nipperess currently has \$250 in funding from the Orana Arts Youth Soup Session. She is seeking assistance with funding, and advertising the event from the Youth Council. Youth Council would like more information before committing; perhaps Ms Nipperess could approach the Youth Council next month herself with more details. F Turner also suggested she may like to apply for a Community Grant through Council; Ms Nipperess would need an auspice to do so, but perhaps Orana Arts would be able to assist her with that.

5.4. Blunside Skatepark Series

5.4.1. Youth Council were reminded about the Blunside competition which was financially committed to last year. The event is scheduled for 1 December, and was meant to occur in Mudgee. Due to delays in the Mudgee Skatepark renovations, a new location needs to be determined. S Sbisa is meeting with the competition organiser on Friday to discuss new location options, it is hoped that this will be Gulgong (works concluded on the new park on Sunday). Youth Council are asked to assist with promoting the event and if possible attending. There will be a very small amount of time for the competition organisers to promote the event, so all assistance would be beneficial.

6. GENERAL BUSINESS

6.1. Youth Councillor attendance

6.1.1. B. Munday raised the issue of Youth Councillor attendance, involvement, and the effect on quorum. Some Youth Councillors have not attended a meeting in many months, and a number have not replied to Flying Minutes or emails in general. After discussion it was decided that persons not contributing should be removed from the Youth Council. It was agreed to adopt the same conditions as listed in the Code of Meeting Practice for Councillors (see below). Youth Councillors will be removed should they not lodge an apology for 3 consecutive meetings. It was also noted that apologies do not have to be accepted, and these would count towards expulsion.

Mid-Western Regional Council - Code of Meeting Practice
ABSENCE FROM COMMITTEE MEETINGS

55. (1) A member ceases to be a member of a Committee if the member (other than the Mayor):

- (a) has been absent from three (3) consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences; or
- (b) has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences. (see Clause268(1) LGGR)

Action Point: S Sbisa to circulate the Meeting Code of Practice with meeting minutes.

7. DETAILS OF NEXT MEETING

7.1.1. Tuesday 11 December 2018, Mudgee Council Chambers, Market Street Mudgee.

5:20PM Meeting closed.

SUMMARY OF ACTION ITEMS

TASK / ACTION	RESPONSIBILITY	COMPLETION
Ensure up-to-date photo taken or email a photo of a similar format to those on the website to S Sbisa.	L Blackwell D Hayes-Weber	31.08.2018
Liaise with Council staff as to the updating of Youth Councillor images to the webpage.	S Sbisa	Ongoing
Circulate Meeting Code of Practice.	S Sbisa	30.11.2018
Obtain Youth Council Logo options from Council.	S Sbisa	11.12.2018
Youth Councillors to collaborate and create escape room for January school holidays	All interested Youth Councillors	11.12.2018
Investigate cost of courtesy mini-bus for January school holiday activities.	S Sbisa	11.12.2018
Investigate possibility of school holiday activity at a public pool, preferably Kandos.	S Sbisa	11.12.2018



MINUTES OF YOUTH COUNCIL MEETING

DATE: 11 December 2018
VENUE: Mudgee Council Chambers,
Market Street, Mudgee
COMMENCEMENT TIME: 4:06pm

1. ATTENDANCE

1.1. In Attendance

Youth Councillors: Angus Blackwell, Courtney Boxsell, Angus Danson (Chair), Nicola Hayes, Dylan Hayes-Weber, Lucah Hill, Ayden Seis

Councillors: Councillor Sam Paine (Deputy Mayor), Councillor Alex Karavas

Council Staff: Sam Sbisa (Youth Services Officer, and Minutes), Fiona Turner (Manager, Community Services)

1.2. Apologies: Brody Munday, Daniel Trevethan

Motion: Acceptance of apologies.

Moved: C. Boxsell Seconded: A. Blackwell - Carried

2. MINUTES – 9 October 2018

Motion: Acceptance of minutes.

Moved: N. Hayes Seconded: C. Boxsell - Carried

3. CORRESPONDENCE IN/OUT

3.1. Youth Council have received a VIP invitation to attend Council's Australia Day celebrations at Gulgong on 26 January. See Attachment 1 for more information and RSVP details.

3.2. Email received 20.11.2018 (Attachment 2) from the Youth Development Officer at Gunnedah Shire Council. Their Youth Council is interested in becoming "pen pals" with other regional/rural youth councils, to open dialogue and share information. Youth Council would like to accept their invitation, D Hayes-Weber suggested that should meeting times be compatible, that video conferencing might be a good way to communicate.

Action Point: S Sbisa to draft out reply and send to YC as Flying Minute.

4. EXISTING BUSINESS

4.1. Youth Council Events

4.1.1. **Summer school holiday activities**

- Pool event – Kandos has swimming lessons in the morning for most of January, so any event would need to be in the afternoon. There is no booking charge to Youth Council to use the venue, but each person attending would need to pay \$3-\$5 entry fee. Youth Council are happy to proceed, would prefer to run the event on 7 January.
- Courtesy bus – S Sbisa reported on rough costings (exact prices are not available until specific dates, times, and destinations are supplied to the bus companies) to provide bus services between town for Youth Council events. Youth Council agreed not to offer a bus service for any of the January events, but to keep these rough costings in mind for future events.

- Bicycle/skate event with Birrang Enterprise – looks to be proceeding on Thursday 17 January at the Mudgee Skatepark. New Youth Council logo has been sent to Birrang for inclusion on publicity.
- Role Playing Game [RPG] / Dungeons & Dragons [D&D] – the event at Gulgong looks like it will have to be on the small scale due to availability of Games Masters to run the games.
- Escape Room – L Hill and D Hayes-Weber have been designing a room for the January holidays and offered two options. Youth Council elected to proceed with a Zombie Apocalypse scenario. Final puzzles still need to be written and sent to S Sbisa/Council for review and insurance etc. clearance prior to proceeding. The group discussed the possibility of running the scenario in Gulgong and Kandos during other school holiday periods in 2019.
- Video Game Design workshop – S Sbisa has located a company who offer a variety of interesting game and virtual reality workshops. They should be available in January, and can accommodate 10 participants. Their fees appear reasonable; an exact quote could not be obtained prior to the meeting, as final charges will depend if Bathurst are willing to partner on the event and share travel costs etc. Youth Council agreed to proceed with booking a game design workshop for January 2019.

Action point: L Hill and D Hayes-Weber to complete writing escape room puzzles and send to S Sbisa.

Action point: S Sbisa to book all relevant facilitators and venues for events as listed above.

4.1.2. Youth Week 2019 (10 – 18 April)

- Art competition: S Sbisa has spoken to Library staff, and at this point they would be willing to host the exhibition in the Mudgee Library again (pending prior bookings etc). The Stables have prior bookings on 11 & 12 April. Orana Arts have been contacted and are willing to partner again, details will be finalised next year. Discussion regarding event location resulted in agreement that the Mudgee Library would provide the best options for 2019. Youth Council agreed to run the competition in the same format as 2018 (e.g. prizes: 1st, 2nd, 3rd, and Public Choice award), and with no theme. All agreed it would be best to send information to local schools in February.
- Flash Fiction competition: [See above regarding exhibition location]. Mudgee Readers' Festival have been contacted and are willing to partner again. They are not running their short story exhibition in 2019, but have raised the possibility of contributing tickets to a MRF event as part of the prize pool; details will be finalised next year – all thought this was an excellent idea. Youth Council agreed to run the competition in the same format as 2018 (e.g. two age categories and prizes: 1st, 2nd, 3rd), and with no theme. All agreed it would be best to send information to local schools in February. Contact has been made with a potential facilitator to run a writing workshop prior to event, and have received a quote of \$200 for a four hour workshop and \$100 for a 2 hour workshop (plus travel costs if events are out of Mudgee) for running sessions at local high schools, and external spots. It was noted that MWRC Library will be introducing a writing group/class similar to the Book Bouncers (book club) in 2019, so it might be best to offer the workshops in conjunction with the schools if possible.
- Photography session: Youth Councillors wish to run this event themselves, and not book a facilitator. Potential locations were discussed with no final resolution.
- Outdoor activity: Youth Councillors would like to investigate the possibility of booking Laser Tag at PCYC Mudgee.
- Town Hall Cinema: The cinema will be running during Youth Week. There is the potential that a youth aimed film could be screened. *Captain Marvel* should be available (rating will need to be suitable for all youth ages for it to be screened). Youth Council would like to open discussion with the Town Hall Cinema Committee after rating of *Captain Marvel* is released.
- Trivia event: Discussion postponed until February meeting.

Action Point: A Danson to investigate possibility of running Laser Tag activity at PCYC Mudgee.

Action Point: S Sbisa to liaise with Library staff regarding use of Mudgee Library for the exhibitions.

Action Point: S Sbisa to liaise with writing workshop facilitator and schools as necessary.

5:15 PM N. Hayes and D Hayes-Weber left the meeting

7. DETAILS OF NEXT MEETING

7.1.1. Tuesday 12 February 2019, Mudgee Council Chambers, Market Street Mudgee.

5:32PM Meeting closed.

SUMMARY OF ACTION ITEMS

TASK / ACTION	RESPONSIBILITY	COMPLETION
Ensure up-to-date photo taken or email a photo of a similar format to those on the website to S Sbisa.	L Blackwell D Hayes-Weber	31.08.2018
Liaise with Council staff as to the updating of Youth Councillor images to the webpage.	S Sbisa	Ongoing
Write letter to Gunnedah Youth Council advising MWRC would like to accept their invitation. Send as Flying minute for approval by Youth Councillors.	S Sbisa	20.12.2018
Complete Escape Room puzzle write up etc. and sent to S Sbisa for review.	L Hill D Hayes-Weber	13.12.2018
Book facilitators and venues for January School Holiday activities.	S Sbisa	13.12.2018
Create, and distribute advertising for school holiday activities.	S Sbisa	17.12.2018
Forward S Sbisa's contact details to J Nipperess for assistance with Quest Project.	C Boxsell	20.12.2018
Obtain quotes and purchase Youth Council branded banners.	S Sbisa	31.01.2019
Liaise with Library staff about use of Mudgee Library for Youth Week exhibitions.	S Sbisa	11.02.2019
Liaise with facilitator and local schools regarding writing workshops to link into Flash Fiction competition.	S Sbisa	11.02.2019
Advise MRF of interest in partnering on Trivia Event.	S Sbisa	11.02.2019
Contact PCYC about booking their Laser Tag facilities for Youth Week 2019.	A Danson	12.02.2019

Attachment 1.



MID-WESTERN REGIONAL COUNCIL
PO Box 155, WINDGATE 3529 NSW
24 Market Street, Widgee | 119 Herbert Street, Gulgong | 77 Limes Street, Tylmore
T 1300 755 302 or 02 6378 2850 F 02 6378 2850
E council@midwestern.nsw.gov.au

30 November 2018

Dear Youth Council,

SUBJECT: INVITATION – AUSTRALIA DAY CELEBRATIONS

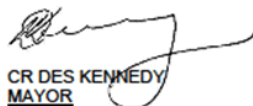
I would like to invite you to attend the annual Mid-Western Regional Council Australia Day Celebrations which will be held at Anzac Park – Herbert Street Gulgong, from 8.00am to midday on Saturday 26 January, 2019.

Celebrations will include a free community breakfast, live music and children's activities before the Official Ceremony commences at 10.00am.

An invitation is also extended to your family and friends as we celebrate what's great about Australia Day – everyone, everywhere!

Please kindly RSVP by Friday 11 January to Maddison Grey or Joanna Lindsay by phone on 6378 2850 or email maddison.grey@midwestern.nsw.gov.au.

Yours Faithfully,



CR DES KENNEDY
MAYOR

Attachment 2.

From: fydo@lists.youthaction.org.au on behalf of [Emojong - Sewa](#)
To: fydo@lists.youthaction.org.au
Cc: [Customer Service](#)
Subject: [fydo] Youth Council networking - anyone interested?
Date: Tuesday, 20 November 2018 2:44:07 PM

Hi Everyone,

The Gunnedah Youth Council is interested in starting a dialogue with other Youth Councils as a means of exchanging events tips, and also getting to know the issues that other Youth Council's face around the state.

I know the NSW Youth Council Conference is on next year, but in the meantime, would anyone be interested in being our pen pal or something similar?

Looking forward to hearing from interested Youth Councils/Advisory Committees ☺.

Kind Regards,
Sewa

Sewa Emojong | Youth Development Officer
Gunnedah Shire Council (83 Elgin Street) | PO Box 63, Gunnedah NSW 2380
t 02 6740 2275 | f 02 6740 2110 | m 0427 103 415 | e sewaemojong@infoqunnedah.com.au

Find us at: www.infoqunnedah.com.au or www.thecivic.com.au or www.facebook.com/qunnedahshire

I acknowledge the Kamilaroi Aboriginal Nation as the traditional owners and custodians of the land on which I live, work and play. I pay my respect to Elders past and present and to the young leaders of tomorrow.

PRIVACY AND CONFIDENTIALITY NOTICE | The information contained in this email is intended for the named recipients only. It may contain privileged, private and confidential information and if you are not the named intended recipient, you must not copy, distribute or take any action in reliance on it. If you have received this email in error, please notify us immediately by email or by the telephone number listed above.

Attachment 3.



Attachment 4.

From: Jessica Nipperess

Date: 11 December 2018 at 1:59:49 pm AEDT

To: Courtney Boxsell

Thank you for considering helping the Quest Project.

‘The Quest’ will be a fun activity for anyone living in or visiting Mudgee to participate in. ‘The Quest’ will take participants on a walking trail around the main areas of Mudgee during which they will hunt for clues to solve an overall puzzle and save the town of Mudgee! ‘The Quest’ will be based on an intriguing storyline created to capture people’s imaginations while they take on the Quest trail.

Participants will be provided with directions to follow that lead them around different parts of town where they will be instructed to look for clues. The clues will be on local landmarks and places of interest along the set trail path. The answers to the clues will be needed to complete the overall quest puzzle.

‘The Quest’ will build our community by setting families and friends out on an adventure around their own wonderful town. It will get kids and families up and moving, and actually appreciating a few hours without screens and having fun together. It is also free! How often can you find something fun and free to do nowadays? Mudgee will be able to add this to its list of free activities available. This way everyone will be able to experience ‘The Quest’ no matter who they are.

We need some help with:

- **Library Contacts** - We would like to hand out the clue packs at the library and display posters there, and need someone who we can talk to, to help that happen.
- **Council Contacts** - We need to check that the Quest project doesn’t go against any laws or regulations that the council has. We also will want to do some advertising on the council social media page.
- **Advertising** - any advertising that you can possibly do for us, even if it’s just a quick word at an event, would be greatly appreciated.
- **Money for Advertising** - We will need about \$200 for printing posters, flyers and paying for other advertising materials. We are happy to display the youth council on all of our advertising to say that the Quest project is ‘supported by the Mudgee Youth council’.

Jessica Nipperess

St Matthews Catholic School. 7R. Hargraves 1. 2018.

12.3 Mudgee Sports Council Meetings 26 November 2018 and 29 January 2019

REPORT BY THE MANAGER RECREATION SERVICES
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400066, A0360013

RECOMMENDATION

That Council:

1. **receive the report by the Manager Recreation Services on the Mudgee Sports Council Meetings 26 November 2018 and 29 January 2019;**
2. **note the minutes for the Mudgee Sports Council meeting held 26 November 2018; and**
3. **endorse the increase of sports grants for athlete assistance from \$450 to \$500 and amend the Mudgee Sports Council Terms of Reference to reflect this change.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Sports Council meeting held on 26 November 2018 and 29 January 2019.

Disclosure of Interest

Nil.

Detailed report

The Mudgee Sports Council receives an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meetings.

At the Mudgee Sports Council meeting held 29 January 2019 a motion was put forward to increase the sports grants for affiliated Sports Council members for athlete assistance from a maximum of \$450 to \$500 per individual.

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

Strategic implications

Council Strategies

Not Applicable.

Council Policies

Not Applicable.

Legislation

The Mudgee Sports Council is operating under Section 355 of the Local Government Act (1993), which allows it to exercise a function of Council.

Financial implications

Not Applicable.

Associated Risks

Nil.

TRACEY KANE
MANAGER RECREATION SERVICES

SIMON JONES
DIRECTOR COMMUNITY

24 January 2019

- Attachments:*
1. Mudgee Sports Council Meeting Minutes 26 November 2018.
 2. Mudgee Sports Council Meeting minutes 29th January 2019.
 3. Terms of reference.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mudgee Sports Council meeting**26-11-2018 1810.**

Present: P. Mitchell, R. Smith (Rugby), K. Marshall(Netball), N. Richards(Hockey), G. Robinson, K. Bennetts(Little Athletics), T. Kane (MWRC Staff), R. Lang(touch), J. Johnson.

Apologies: L. Humphries (Rugby), P. Blackwell (MWRC), S. Jones (MWRC), Councillor J. O'Neill (MWRC). Moved apologies be accepted K. Bennetts, seconded R. Lang.

Minutes read as true and correct, with amendment to commencement time to 1830. Moved R. Smith seconded K. Bennetts.

Business arising from previous meeting:

1. Nil.

Treasurers Report:

1. as per council report \$85,620.30
2. ? As to if Hockey has now paid fees Hockey rep to check.

Treasurers report moved G. Robinson, seconded R. Smith.

Secretary Report:

1. Softball fees of \$163 waived by council, this is the same as the PSSA knockout, clarified for local schools are free not out of towners.
2. Letter from Tracey re ground closures'- ground closures' for 2019 Glen Willow Fields 1 & 2, Jubilee, Cahill Park 4th March reopen 5th April for Rye grass reseeding, Victoria Park 4th April reopen 4th may, prior to closure of Victoria Park Hockey clinic 03/04/19.
3. **Council requesting AFL and Cricket remove gear from canteen and storage area at Victoria Park prior to 4th April so Hockey can move from west End to Victoria Park, Cricket need to do major clean up prior 4th April, Tracey will be contacting both groups.**
4. Tracey will do template for ground usage whilst fields are closed to allow training, she will also factor in Hockey for training in the upcoming season, whilst Victoria Park closed.

Works Request Updates:

1. Bollards should be installed.
2. Roll tops for Cahill and fencing Jubilee to be inspected.
3. Lights still waiting for cherry picker.
4. Weeds sprayed walkers Oval.
5. Broken window ongoing.
6. Concrete at Netball awaiting new budget.
7. Painting Netball carpark on going.

Works Requests:

1. Lock broken on Hockey storeroom door.
2. Request for seating to run along Netball courts may be 4 seats 2 on each court, Tracey will get quote.

3. Glen Willow- Lock broke apart to main gates to touch/soccer fields.

General Business:

1. **Reminder to all sports that sports award nominations are now due .**
2. How do we encourage sporting bodies to get grants, is there for all affiliated clubs?
3. Could council modify their application for assistance policy for yearly events like the Rugby 7's, to just a letter for long term events that occur yearly. Should be included with season booking form as an addition, also ground waiving fees for annual events like Rugby 7's.
4. **Please be aware of the Park usage policy Sports groups driving on fields. cars seen on Glen Willow fields whilst Cricket being played, vehicles on fields compact the surface as well as damage irrigation.**
5. Requesting sign in and sign out for events- we don't know who is on the fields when large events taking place, the sign in/out would be for club volunteers and events staff, also need to let on site staff know who is there, council staff will be instructed to be more vigilant and ask. Request all users to be more vigilant with who is around.
6. Main stadium- again the BBQ area left dirty prior to event on 10th November usage, where are we up to with the cleaning program, problem with who is responsible for cleaning when event held in conjunction with council, problem with who is responsible for cleaning BBQ area which continues to be left out, resulting in next user spending unnecessary time cleaning before using.
7. Audit done for Glen willow as requested by NSW Soccer.
8. Parking around Glen Willow- need to remind user groups to encourage safe parking in car parks around Glen Willow.

Meeting closed

18:57

Next Meeting

28th January 2019

Mudgee Sports Council meeting**Mudgee Netball clubhouse****29-01-2019 1802.**

Present: P. Mitchell, R. Smith (Rugby), J. Copps (Netball), G. Robinson, K. Bennetts (Little Athletics), L. Humphries (Rugby), M. Brydon (Jnr League), E. Flack (Snr League), A. Whale (Jnr Cricket), & J. Johnson.

Apologies: T. Kane (MWRC), P. Blackwell (MWRC), S. Jones (MWRC), Councillor J. O'Neill (MWRC), N. Cavangah (Jnr Cricket) & K. Marshall (Netball) Moved apologies be accepted L. Humphries, seconded E. Flack .

Minutes read as true and correct, with amendment to commencement time to 1830. Moved R. Smith seconded I. Humphries.

Business arising from previous meeting:

AFL and cricket will need to remove equipment by end of cricket season to accommodate the move of Hockey to Victoria Park from West End, Cricket is aware and will do so at end of season, unsure at this stage if anything has been organised by AFL, council may need to organise cleaning services to bring canteen area up to standard.

Treasurers Report:

As per council report \$89,346.39, only out going sports grant to assist athlete.

All winter sports paid for 2018 season, All Summer sports are reminded that 18/19 season fees are due.

Treasurers report moved G. Robinson, seconded M. Brydon..

Secretary Report:

Nil.

Works Request Updates:

Bollards have been installed.

Roll tops for Cahill and fencing Jubilee to be inspected.

Lights to be repaired the 19/02/19.

Broken window ongoing.

Lights fields 3 & 5 Glen Willow out.

Painting Netball carpark on going.

Lock fixed on Hockey storeroom door.

Works Requests:

Victoria Park- 5 lights out on light tower request they be added to list.

Request for sensor lighting at Netball clubhouse, for added security.

No water at Netball clubhouse.

General Business:

Training timetable- sent to all user groups for March/April whilst grounds are closed for reseeding by Tracey, the combination posts don't have tracks for soccer nets to be installed, there may be an issue with league who are now training Wednesday and Friday nights to accommodate shift workers, clubs need to discuss any issues with Tracey.

SPORTS AWARDS – Nominations will now close the 8th February, selections will take place the 16th February at MacDonald Lawson at 9am, emails have been sent to swimming, Tennis, Marshall Arts, Mudgee Golf club, Cudgie Jumping Club, Mudgee Softball, Mudgee gymnastics, Mudgee Dirt bikes, Mudgee Bowling club, Mudgee show jumping, Mudgee Clays,. We are still looking for a guest speaker, Robbo to chase same. **We are booked into the Mudgee Golf club on 22nd February at 6 for 6;30pm. For catering numbers must be in by 17th February, clubs will be allocated tickets, children will also require tickets, the policy will be no ticket no entry. MOTION; THAT MUDGEE SPORTS COUNCIL MEET THE COST OF THE SPORTS AWARDS DINNER: Moved L. Humphries seconded K. Bennetts, carried.**

Should we round the sports grants for athlete assistance up to \$500 from \$450, **MOTION: THAT MUDGEE SPORTS COUNCIL INCREASE ATHLETE ASSISTANCE GRANT FROM \$450 TO \$500** Moved G. Robinson seconded R. Smith. Motion carried.

closed

18:40

Next Meeting

25th February 2019.

Mudgee Netball clubhouse.



TERMS OF REFERENCE

Mudgee Sports Council

*A prosperous
and progressive
community*

DATE ADOPTED:	15 FEBRUARY 2017
MINUTE NUMBER:	35/17

REVIEW DATE	FEB 2021
FILE NUMBER	A0360013

Preamble

Mid-Western Regional Council appreciates the advice, voluntary time, interest and dedication demonstrated by members of its Advisory Committees. Council will give serious consideration to recommendations stated in minutes of Advisory Committees. Such recommendations are considered in the context of Council's Operational and Delivery Plan and strategic planning processes.

Responsibilities

- a) The Mudgee Sports Council will:
- Provide advice to Council on priorities for capital works on sporting grounds and facilities.
 - Provide advice on recommended fees and charges for the use of sporting grounds and facilities.
 - Promote participation in sport to the widest possible cross section of the community, including through the running of Sports Awards.
 - Assist Council staff in the allocation of sporting grounds to any sporting organisation or person for any organised sporting activity including practice (Affiliated Mudgee Sports Council members – refer section c below). These groups will be accountable to the Council for their appropriate use of the facilities.
 - Submit proposals for minor ground improvements to the Council for its consideration. Urgent ground improvement works (including building issues) shall be submitted via Council's Works Request System.
 - Set affiliation fee for Sports Council members for confirmation by Council.
 - Facilitate liaison between different sporting groups.
- b) Mid-Western Regional Council will be responsible for:
- Managing the bookings and collecting fees and hire charges from Sports Council members and other users of sporting grounds.
 - Ensuring that the Mudgee Sports Council is informed of all bookings and scheduled maintenance
 - Allocating 50% of fees as well as Sports Council membership fees collected from affiliated Mudgee Sports Council members into the Mudgee Sports Council budget.
 - Regular mowing and watering of the fields.
 - Building maintenance on Council-owned buildings.
 - Any major maintenance or works in respect of the sporting grounds.
 - Maintenance of a key register (for keys supplied by Council).
 - Cleaning and stocking of public amenities.

POLICY: MUDGEES SPORTS COUNCIL

- c) Affiliated Mudgee Sports Council members will be responsible for:
- Cleaning and maintaining change rooms and canteens and other Council facilities used.
 - Ensuring the security of keys provided to them.
 - The appropriate use of the grounds and associated facilities, ensuring they are not abused in any way and that grounds are left in a clean and tidy state.
 - Provision of toilet paper and paper towels (hand wash) in change rooms.

Composition of Committee

The Committee shall comprise one (1) delegate from each affiliated incorporated sporting group association in Mudgee and one (1) Councillor delegate from Mid-Western Regional Council.

Meeting Frequency and Quorum

The Committee shall be scheduled to meet once per month, except in December, with a minimum of four meetings per year.

The meeting will be held on the last Monday of the month from October to March and the last Tuesday of the month from April to September, subject to change as agreed by the Mudgee Sports Council.

The quorum for an ordinary meeting will be five (5). The quorum for an Annual General Meeting will be half of the number of financial members plus one.

Financial Contributions to Clubs, Individuals and Teams

The Mudgee Sports Council may recommend for Council's approval, funding to affiliated Sports Council members to a maximum of \$3,000 per group per year for ground improvements. This amount is to be reviewed at each Annual General Meeting.

The Mudgee Sports Council may recommend for Council's approval, funding to individual sporting representatives from affiliated Sports Council members to a maximum of \$450 per individual as per the criteria on, and through the submission of, the completed application form. This amount is to be reviewed at each Annual General Meeting.

Applications for funding from sporting teams will be considered under the special assistance clause and is to be submitted on the designated application form.

Council Contact and Support

The Director, Community or delegate is the Council contact officer for the Mudgee Sports Council.

12.4 Local Traffic Committee Meeting - February 2019

REPORT BY THE ADMINISTRATION OFFICER, OPERATIONS
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400054, A0100009

RECOMMENDATION

That Council:

1. receive the report by the Administration Officer for the Director, Operations on the Local Traffic Committee Meeting;
 2. Approve the event held at *Glen Willow Regional Sporting Event: Charity Shield – Dragons vs Rabbitohs* on 2 March 2019 be classified as Class 2 events under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:
 - a) A *Special Events Transport Management Plan (TMP)*, is to be prepared in accordance with the *Guide to Traffic and Transport Management for Special Events Version 3.4* and submitted to and approved by Council prior to the event;
 - b) Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - c) Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
 - d) Reimbursing Council for the cost of damage repairs;
 - e) Complying with any of Council’s Law Enforcement Officers ‘reasonable directives’;
 - f) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g) A Traffic Control Plan (TCP) certified by a person with a Prepare a Work Zone Traffic and Audit Certificate under the old qualifications framework to be included in the TMP;
 - h) Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;
 - i) Council must be provided with a current copy of a public liability insurance policy in the amount of a least \$20 million. Such a policy is to note that Council, NSW Police Force and the Roads and Maritime Services is indemnified against any possible action as the result of the event;
 - j) The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected;
-

- k) **Maintain a four-meter wide emergency vehicle lane;**
- l) **Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;**
- m) **The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tables for review.**

And the following special conditions:

- n) **Pitts Lane will be closed to all traffic other than those displaying an event parking pass, disabled parking permit and shuttle buses. All other vehicles will be directed to racecourse and Parklands parking;**
 - o) **Traffic management personnel will be in place at the round-a-bout intersecting Pitts Lane, Lue and Ulan Roads;**
 - p) **Traffic management personnel will be in place along Lue Road, on approach to the round-a-bout instructing drivers to continue straight through round-a-bout if accredited to do so or turn right and proceed to racecourse and Parklands parking;**
 - q) **Signage to be displayed at the intersection of the Castlereagh Highway and Rocky Waterhole Road, advising alternate route to the venue;**
 - r) **Signage to be displayed at the intersection of the Castlereagh Highway and Putta Bucca Road, advising alternate route to the venue;**
 - s) **Ulan Road will be reduced to a 50km/hr speed limit from the current 80km/hr zone until Henry Lawson Drive.**
3. **Accept as additional information: “The Windeyer Endurance Ride” event to be held on 23rd and 24th February 2019, was presented to the Local Traffic Committee. This event is deemed a Class 3 event according to the “*Guide to Traffic and Transport Management for Special Events*”, and does not need Local Traffic Committee Approval. It only needs the approval of Council and the Police.**
- 4 **Accepts as additional information of a Traffic Control Plan (TCP) for the Kandos Street Machine. This event was approved on DA0037/2018 but needed to supply the TCP.**

Executive summary

The purpose of this report is to advise Council and seek support of the considerations and recommendations of the Local Traffic Committee (LTC).

Disclosure of Interest

There are no disclosures of interest associated with this report.

Detailed report

The Local Traffic Committee meeting was due to be held 18 January 2019, however due to the low number of agenda items the LTC reports were distributed via email.

Events for consideration include:

- Glen Willow Sporting Event: Charity Shield – Dragons vs Rabbitohs

The reports for these events were distributed via email Friday 18 January 2019 for comment by committee members. RMS and NSW provided agreeance to the proposed recommendations for the event. No other comments were receive.

This report recommends the considerations given by the LTC on the above events.

Community Plan implications

Theme	Good Governance
Goal	Good communications and engagement
Strategy	Improve communications between Council and the community and create awareness of Council's roles and responsibilities

Financial implications

Nil

MICHELLE NEILSON
ADMINISTRATION OFFICER, OPERATIONS

GARRY HEMSWORTH
DIRECTOR OPERATIONS

29 January 2019

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

12.5 Cultural Development Committee

REPORT BY THE MANAGER, COMMUNITY SERVICES
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400066, REC800019

RECOMMENDATION

That Council:

1. receive the report by the Manager, Community Services on the Cultural Development Committee; and
2. note the minutes of the Cultural Development Committee convened on 5 December 2018.

Executive summary

The Cultural Development Committee meets to discuss and provide advice to Council on matters concerning arts and culture across the region, including the commissioning, selection, maintenance and de-accessioning of items forming Council's art collection.

Disclosure of Interest

Nil.

Detailed report

The Cultural Development Committee continues to discuss a range of options for a future regional art gallery, including its theme or focus and what types of exhibitions and spaces the Committee would like to see within the facility.

The Committee considered a donation of a painting of Cudgegong Valley to Council and, having regard to Council's Art Collection Policy, are of the opinion that it is not recommended that Council accept this offer. This has been noted in the minutes. The Committee, instead, recommends that it be suggested to the donor that the painting be more appropriately gifted to the Colonial Inn Museum in Mudgee.

Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Support arts and cultural development across the Region

Strategic implications

Council Strategies

Not applicable.

Council Policies

The Mid-Western Regional Council Art Collection policy provides a set policy for Council's art collection, including works gifted to Council.

Legislation

Not applicable.

Financial implications

Not applicable.

Associated Risks

Not applicable.

FIONA TURNER
MANAGER, COMMUNITY SERVICES

SIMON JONES
DIRECTOR COMMUNITY

2 January 2019

Attachments: 1. CDC Minutes - December 2018.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEES NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

CULTURAL DEVELOPMENT COMMITTEE

MINUTES

5 December 2018

Meeting commenced 4.30pm

1. **PRESENT:** Scott Etherington (Chair), Councillor Sam Paine, Portia Lindsay, Melanie Trethowan, Fiona Turner (staff)

2. **APOLOGIES:**

Lizzy Galloway, Virginia Handmer, Simon Jones (staff), Alicia Leggett, Simon Staines, Alex Wisser

3. **ART STRATEGY AND PLANNING – MUDGEES HOSPITAL (BRONWEN COLMAN, CREATIVE ROAD – BY TELEPHONE)**

Creative Road has been tasked with producing an art strategy for the Mudgees Hospital redevelopment. They have a budget of \$30,000 and are looking for the best art with big impact. Architects have suggested that there is, in particular, one key site for art: a 20 metre wall in the interior of the building (a digitised image, perhaps?). There is also an opportunity for a piece involving a brickwork pattern (external).

The Committee was asked to recommend themes for the works and discussed the regional heritage and history. It was suggested that the theme of the area's natural environment would be timeless, as well as sympathetic to the indigenous population. It would also allow for possible abstract works, and may also accommodate rich, natural colours.

The Committee also suggested that Creative Road be in contact with Aleisha Lonsdale and Georgia Mansur (F Turner and P Lindsay having previously met with Creative Road and recommended they consult with Councillor Paine (Mudgees Arts), A Wisser (Cementa), V Handmer (Rylstone Sculptures Inc), Chester Nealie, Amber Hooper and Rose Hensley (Gulgong Arts Council)). Creative Road will prepare a shortlist of artists to respond to a brief.

B Colman proposed that the joint 2019 Council/Sculptures in the Garden acquisition be installed on hospital grounds. Unfortunately, this is not an option whilst Council focuses so strongly on a Sculpture Walk towards (hopefully) the site of the new gallery.

The timing for the strategy will be a draft available in January 2019, with it to be finalised the following month.

4. **REGIONAL GALLERY UPDATE (F TURNER)**

Council is still waiting on:

- (a) An announcement regarding its Regional Cultural Fund Application; and

(b) A transfer by Property NSW of 90 Market Street.

Council has also placed on public exhibition a proposal to reclassify the land at 90 Market Street as Operational Land.

M Trethowan noted that she had heard through media channels of a gallery that offers artist accommodation (in the form of a basic bedsit). Also discussed the opportunity to have the café open not just during core gallery hours. P Lindsay discussed her recent visit to the Tweed Heads Gallery. She reported that the placement of windows and the use of Huon Pines knocked down to during construction phase within the architecture are both extremely sympathetic treatments for the environmental setting of the gallery. She also appreciated sliding wooden 'gates' that were used to lock up the on-site gift shop and information desk after hours. Will provide images to F Turner. All ideas to consider at the design stage.

5. OFFER OF DONATED ART BY JOHN SALVANA (F TURNER)



Oil on paperboard, 75cm x 49cm.

The painting depicts the Cudgegong Valley prior to it being dammed. It has been offered to Council by Odette O'Neill on behalf of her husband who passed away two years ago.

The artist: Born in Stuart Town (not New Zealand, as previously reported), John Salvana studied at the Art Society in Sydney in 1897 and in 1912 under Frank Calderon (1865-1943) in London. Later he was a theatre artist in Brisbane.

The Committee was directed to Council's Art Collection Policy, which discusses, amongst other matters, whether the work fills a gap or builds on strengths within the existing collection and also whether there is an appropriate location for the work to be displayed or stored. A conclusion was reached that the Committee recommend that the gift not be accepted but suggest to the donor that it may be more appropriate to offer it as a gift to the Colonial Inn Museum in Mudgee.

6. COUNTRY ARTS SUPPORT PROGRAM (F TURNER)

Council has recently been successful in securing a CASP grant for \$3,000. The project is titled 'Growing a Community's Cultural Ecology' and will see a Council staff member lead two local, professional artists to develop work in a residency with public outcomes. The residencies will attach to community development events revolving around a selected day or week or month of local or national significance (eg, NAIDOC Week, Volunteers Week). M Trethowan suggested that Green Day may be an option to explore.

7. SCULPTURES IN THE GARDEN ACQUISITIONS (F TURNER)

Still need site for installation of Richard Nagel acquisition.

Flame Within
Recycled farm machinery and sandstone
Richard Nagel
Sculptures in the Garden 2018 Moolarben Acquisition Prize
Catalogue price \$4,500. Prize \$5,000.

Councillor Paine confirmed that the artist is happy to replace the base with a larger (taller) block of sandstone if it suits the selected installation site better.

Suggestions provided:

- (a) The intersection of the Walkers Oval path and Short Street;
- (b) The intersection of the Walkers Oval path and the river.

8. ORANA ARTS UPDATE (P LINDSAY)

CASP grants recently announced, including one for Mid-Western Regional Council (discussed above).

OA starts its 'Ask an Arts Worker' series in the new year, providing local artists an opportunity to discuss events, grants, cultural issues, etc. The Mudgee event is to be run at Mudgee Art House on 14 January from 10:30am to 2:30pm.

OA's Stakeholder Forum will be convened on 4 February 2019 from 10am-2pm at Dubbo Blackbox Theatre. Council/this Committee is encouraged to send representation.

Addendum: An invitation will be included in the upcoming Local Government newsletter from OA.

The arts community continues to wait for Create NSW funding announcements.

Meeting closed at 5.30pm.

Next meeting: 4.30pm on 6 February 2019 – Town Hall Theatre Green Room.

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 *GROUNDINGS 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.

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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.
1. (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.
2. (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 Request for Financial Contribution

The reason for dealing with this report confidentially is that it relates to advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in accordance with Section 10A(2)(g) 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 a potential legal matter.

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.

CONFIDENTIAL
SESSION
