

# 2019

MID-WESTERN REGIONAL COUNCIL  
**COUNCIL BUSINESS PAPERS**

ORDINARY MEETING  
WEDNESDAY 20 FEBRUARY 2019

## SEPARATELY ATTACHED ATTACHMENTS



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<b>Circular Details</b>	Circular No 18-44 / 18 December 2018 / A621282
<b>Previous Circular</b>	<i>18-24 Status of the new Model Code of Conduct for Local Councils in NSW and Procedures</i>
<b>Who should read this</b>	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Complaints Coordinators / Conduct Reviewers
<b>Contact</b>	Council Governance Team – (02) 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Council to Implement

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

### What's new or changing

- The new 2018 *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) and *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (Procedures) have now been prescribed under the *Local Government (General) Regulation 2005*. The new prescribed Model Code of Conduct and Procedures are available on OLG's website.
- Provisions governing the use of social media (clause 8.21) in the previously released version of the Model Code of Conduct issued on 5 September 2018 have been removed. However, it remains open to councils to adopt this provision as a supplementary provision of their code of conduct, should they choose to do so.

### What this will mean for your council

- Councils have six months from the date of prescription, (**14 December 2018 – 14 June 2019**) to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures. The transitional arrangements for the new Model Code of Conduct and Procedures are set out below.
- Councils' complaints coordinators should bring this circular and the attached FAQ to the attention of their council's conduct reviewers. Complaints coordinators should also inform conduct reviewers when the council has adopted a new code of conduct and procedures and provide copies.
- Councils should review their existing panels of conduct reviewers and determine to appoint a new panel using the expression of interest process prescribed under the Procedures if they have not done so in the past four years. Councils may appoint shared panels with other councils including through a joint organisation or another regional body associated with the councils.

### Key points

- Councils' existing adopted codes of conduct and procedures will remain in force until such time as councils adopt a new code of conduct and procedures



based on the Model Code of Conduct and Procedures prescribed under the Regulation.

- If a council fails to adopt a new code of conduct and procedures based on the new Model Code of Conduct and Procedures within six months of their prescription, the provisions of the new Model Code of Conduct and Procedures will automatically override any provisions of a council's adopted code of conduct and procedures that are inconsistent with those contained in the Model Code of Conduct and Procedures through the operation of sections 440(4) and 440AA(4) of the *Local Government Act 1993* (unless the inconsistent provisions of a council's adopted code of conduct are more onerous than those contained in the Model Code of Conduct).
- In adopting a new code of conduct and procedures, councils may include provisions that are supplementary to those contained in the Model Code of Conduct and Procedures. Councils may also impose more onerous requirements under their adopted codes of conduct than those prescribed under the Model Code of Conduct. However, councils must not dilute the standards prescribed under the Model Code of Conduct in their adopted codes of conduct.
- Some councils indicated in their feedback on the consultation draft of the Model Code of Conduct a preference for adopting separate codes of conduct for councillors, staff and delegates and committee members instead of a single code of conduct that applies to all council officials. To assist councils to do this, OLG has prepared bespoke versions of the Model Code of Conduct for councillors, staff and delegates and committee members for adoption, instead of a single code of conduct, should councils wish to do so.
- Code of conduct complaints must be assessed against the standards prescribed under the version of the council's code of conduct that was in force at the time the conduct the subject of the complaint is alleged to have occurred.
- Code of conduct complaints must be dealt with in accordance with the version of the council's procedures that were in force at the time the complaint was made.

#### Where to go for further information

- Further information is provided in the FAQ attached to this circular.
- The new Model Code of Conduct and Procedures and other associated documents are available on OLG's website at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au).
- OLG will be providing further guidance and assistance to councils to support implementation of the new Model Code of Conduct and Procedures during the six month transitional timeframe.
- For more information, contact the Council Governance Team by telephone on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).



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## FREQUENTLY ASKED QUESTIONS

### **What is the purpose of the Model Code of Conduct?**

The *Model Code of Conduct for Local Councils in NSW* prescribes the minimum ethical and behavioural standards all council officials in NSW are required to comply with. In doing so it seeks to:

- prescribe uniform minimum ethical and behavioural standards for all councils in NSW
- provide clear guidance to council officials on the minimum ethical and behavioural standards expected of them as council officials
- provide clear guidance to local communities on the minimum ethical and behavioural standards they can expect of the council officials who serve them
- promote transparency and accountability
- promote community confidence in the integrity of the decisions councils make and the functions they exercise on behalf of their local communities, and
- promote community confidence in the institution of local government.

### **How is the Model Code of Conduct prescribed?**

The Model Code of Conduct is prescribed under section 440 of the *Local Government Act 1993* (LGA) and the *Local Government (General) Regulation 2005* (the Regulation).

Under section 440 of the LGA, each council is required to adopt a code of conduct based on the Model Code of Conduct prescribed under the Regulation. Councils may enhance or strengthen the standards prescribed under the Model Code of Conduct in their adopted codes of conduct to make them more onerous. Councils may also supplement the provisions contained in the Model Code of Conduct with additional provisions in their adopted codes of conduct.

However, councils cannot dilute or weaken the standards prescribed in the Model Code of Conduct in their adopted codes of conduct. Provisions contained in a council's adopted code of conduct that are less onerous than those prescribed under the Model Code of Conduct will be invalid and the equivalent provisions of the Model Code of Conduct will override them through the operation of section 440 of the LGA.

### **How are the Procedures prescribed?**

The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* are prescribed under section 440AA of the LGA and the Regulation. Under section 440AA, each council is required to adopt procedures for the administration of their adopted code of conduct based on the Model Procedures prescribed under the LGA and Regulation. Councils' adopted procedures may contain provisions that supplement the Model Procedures, but a council's adopted procedure has no effect to the extent that it is inconsistent with the Model Procedures prescribed under the Regulation.

### **Are joint organisations and county councils required to adopt the Model Code of Conduct and Procedures?**

Yes.



### **Who does the Model Code of Conduct apply to?**

Section 440 of the LGA specifies the classes of council officials that a Model Code of Conduct prescribed under the Regulation may apply to. Under section 440, a Model Code of Conduct may be prescribed that applies to councillors, members of staff of councils and delegates of councils. For this reason, the Model Code of Conduct prescribed under the Regulation only applies to councillors, council staff and delegates of councils (including members of committees that are delegates of councils). These are all defined as “council officials” for the purposes of the Model Code of Conduct and the Procedures.

Section 440 also allows regulations to be made to apply the provisions of the Model Code of Conduct relating to the disclosure of pecuniary interests to members of a committee of a council (including the Audit, Risk and Improvement Committee) and advisers to councils. A regulation has been made to give effect to this and the new Model Code of Conduct contains provisions prescribing the obligations of committee members and advisers to councils in relation to the disclosure of pecuniary interests.

### **What is the regulatory scope of the Model Code of Conduct?**

The Model Code of Conduct applies to any conduct by a “council official” that is connected with their role as a council official or the exercise of their functions as a council official.

It is the personal responsibility of all council officials to ensure that their conduct complies with the ethical and behavioural standards prescribed under the Model Code of Conduct. This applies to both the exercise by council officials of their functions as a council official and any conduct (including in a private capacity) that is connected with their role as a council official.

### **Can councils adopt separate codes of conduct for councillors, staff and delegates and committee members?**

Yes. Some councils indicated in their feedback on the consultation draft of the Model Code of Conduct, a preference for adopting separate codes of conduct for councillors, staff and delegates and committee members instead of a single code of conduct applying to all council officials.

There is nothing to prevent councils from doing so, provided that the adopted codes of conduct, taken together as a package, reflect all the provisions contained in the prescribed Model Code of Conduct and are consistent with it. To assist councils to do this, OLG has prepared bespoke versions of the Model Code of Conduct for councillors, staff and delegates and committee members for adoption instead of a single code of conduct for councils wishing to do this.

### **Can a council extend the application of its adopted code of conduct to persons other than councillors, council staff and delegates of council?**

Yes. There is nothing under the LGA to prevent a council, when adopting a code of conduct based on the Model Code of Conduct, to extend its application to persons other than councillors, council staff and delegates of council.

In adopting a code of conduct based on the Model Code of Conduct, councils may amend the provisions of the Model Code of Conduct and the associated Procedures to extend their application to contractors, community members of wholly advisory committees and/or volunteers. In doing so, to be effective, councils will also need to

make it a condition of a contractor's engagement or volunteer's or advisory committee member's appointment that they comply with the council's adopted code of conduct.

**How many iterations of the Model Code of Conduct and Procedures have there been?**

The Model Code of Conduct has been reviewed every four years to address new and emerging issues and to reflect shifting community standards and expectations. The 2018 version of the Model Code of Conduct is the fourth iteration. The first iteration of the Model Code of Conduct was prescribed in January 2005 in support of amendments to the LGA that required the adoption of a code of conduct based on a prescribed Model Code of Conduct. Before this, councils were free to adopt their own codes of conduct with the result that ethical standards varied from council to council.

The 2018 version of the Procedures is the second iteration. The first iteration of the Procedures was prescribed in March 2013 in support of amendments to the LGA that required the adoption of procedures for the administration of council's adopted codes of conduct based on a prescribed Model Procedure.

**Why was the new Model Code of Conduct developed?**

The new 2018 version of the Model Code of Conduct gives effect to a key reform made by amendments passed by the NSW Parliament to consolidate the prescription of all ethical standards for local government into a single statutory instrument. Previously, ethical standards were prescribed from three sources, the pecuniary interest provisions of the LGA and the Regulation and the Model Code of Conduct.

Consolidating all ethical standards into a single instrument will:

- result in a better understanding of, and compliance, with ethical standards - council officials will no longer need to be familiar with their obligations prescribed from three separate statutory sources, the LGA, the Regulation and the Model Code of Conduct
- allow pecuniary interest breaches by councillors to be treated as "misconduct", meaning that minor breaches can be dealt with by the Chief Executive of OLG as an alternative to referral to the NSW Civil and Administrative Tribunal (NCAT) and suspensions for pecuniary interest breaches will be counted towards disqualification for the purposes of the "three strikes" automatic disqualification
- allow greater flexibility and efficiency in updating the standards to address emerging issues – amendments will now be able to be made by way of a Regulation amendment.

**How were the new Model Code of Conduct and Procedures developed?**

Moving the pecuniary interest provisions to the Model Code of Conduct necessitated a rewrite of the Model Code of Conduct. As part of this process, it was decided to also undertake a comprehensive review of the existing provisions of the Model Code of Conduct (as part of the regular four-year review cycle) and the Procedures.

In undertaking the review, OLG consulted extensively with councils and other stakeholders. In developing the new Model Code of Conduct and Procedures, there have been two rounds of public consultation:

- in late 2016, submissions were invited suggesting changes and improvements to the existing Model Code of Conduct and Procedures



- based on the feedback received from the first round of consultation, consultation drafts of the proposed new Model Code of Conduct and Procedures were developed and issued for comment.

The final versions of the 2018 Model Code of Conduct and Procedures have been informed by the comment received in response to the consultation drafts.

#### **What changes have been made in the 2018 version of the Model Code of Conduct?**

The most obvious change is that the pecuniary interest provisions previously contained in the LGA and Regulation have now been included in the Model Code of Conduct.

One of the recurrent themes of the feedback received in the first round of consultation on the new Model Code of Conduct was that the “principles-based” approach to prescribing ethical and behavioural standards in the previous version of the Model Code of Conduct resulted in some of the prescribed standards being too vague, meaning that the ethical and behavioural standards expected of council officials were unclear and that almost anything could potentially constitute a breach of a council’s code of conduct. In response to this, the Model Code of Conduct has been substantially redrafted to be more prescriptive and to more clearly identify the behaviours that it seeks to deter.

Other key changes include:

- new standards relating to discrimination and harassment, bullying, work health and safety, behaviour at meetings, access to information and maintenance of council records
- new rules governing the acceptance of gifts including mandatory reporting
- a new ongoing disclosure requirement for councillors and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them
- councillors will be required to disclose in their returns of interests whether they are a property developer or a close associate of a property developer.

#### **What changes have been made to the previously approved version of the Model Code of Conduct posted on OLG’s website on 5 September 2018?**

Provisions governing the use of social media (clause 8.21) in the previously released version of the Model Code issued on 5 September 2018 have been removed. However, it remains open to councils to adopt this provision as a supplementary provision of their code of conduct, should they choose to do so. Should councils require further assistance in relation to this, they may contact OLG’s Council Governance Team.

#### **What changes have been made in the 2018 version of the Procedures?**

In response to feedback, changes have been made to the Procedures to address the following issues:

- the role of the general manager in the receipt and initial management of code of conduct complaints about councillors
- the ability of complainants, who are unhappy with decisions of the council, to misuse councils’ codes of conduct by repackaging routine complaints as “code of conduct complaints”

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- the lack of recourse against members of the public who inappropriately disclose information about complaints they have made under a council's code of conduct.

These changes are outlined below:

**How can councils outsource and centralise the management of complaints about councillors through regional arrangements under the new Procedures?**

The new Procedures have sought to address concerns about the role of the general manager in the receipt and initial management of code of conduct complaints about councillors by giving general managers (and mayors in the case of complaints about the general manager) the flexibility to delegate their functions under the Procedures to another member of staff or a person external to the council.

The new Procedures have also been designed to allow councils to centralise the management of code of conduct complaints through a joint organisation, a regional organisation of councils or another shared arrangement should they choose to do so. This could be done, for example, through the establishment of a broader internal ombudsman function in a joint organisation or regional organisation of councils or through another shared arrangement to service member councils.

In particular:

- councils are able to establish and maintain regional panels of conduct reviewers through a joint or regional organisation of councils or another shared arrangement
- a staff member of a joint or regional organisation of councils or another member council can (in consultation with and through the executive officer of the joint organisation or general manager of the employer council) be appointed by general managers of member councils as the complaints coordinator for all member councils
- general managers and mayors of member councils can (in consultation with and through the executive officer of the joint organisation or general manager of the employer council) delegate their complaints management functions under the Procedures to a joint organisation or regional organisation of councils or to a staff member of another member council
- councils' internal ombudsman may, with the approval of OLG, be appointed to a panel of conduct reviewers allowing them to exercise the functions of a conduct reviewer, subject to their being able to meet the qualification criteria for conduct reviewers and being able to demonstrate to OLG's satisfaction a requisite degree of independence from member councils.

This offers a number potential benefits:

- centralisation of these functions through a joint organisation, a regional organisation of councils or another shared arrangement has the potential to deliver efficiencies and economies of scale and allows the development of a body of expertise within the region in the management of code of conduct complaints
- it allows general managers and mayors to divest themselves of the sometimes onerous responsibilities associated with code of conduct complaints management, allowing them to focus on their core responsibilities
- it allows all code of conduct complaints about mayors, councillors and general managers to be managed independently of the councils they relate to.



**How do the new Procedures address misuse of councils' codes of conduct?**

The purpose of a council's code of conduct is to prescribe the ethical and behavioural standards council officials are expected to comply with. The purpose of the Procedures is to support the enforcement of those standards. Consistent with this, councils' codes of conduct should not be used to deal with routine complaints.

The definition of a "code of conduct complaint" under the new Procedures has been tightened up to address the potential for misuse of councils' codes of conduct to re-litigate council decisions a person may disagree with or to re-prosecute complaints that have previously been addressed under councils' routine complaints management processes.

To be a code of conduct complaint, a complaint must show or tend to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct. Complaints that do not meet this definition of a "code of conduct complaint" must not be dealt with under the Procedures and are to be dealt with under councils' routine complaints management processes.

The new Procedures make it clear that the following are not code of conduct complaints:

- complaints about the standard or level of service provided by a council or a council official
- complaints that relate solely to the merits of a decision made by a council or a council official or the exercise of a discretion by a council or a council official
- complaints about the policies or procedures of a council
- complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.

**What recourse do the new Procedures provide against persons who inappropriately disclose information about code of complaints they have made?**

Allegations of breaches of a council's code of conduct must not be made publicly and information about code of conduct complaints and the consideration of code of conduct complaints is not to be publicly disclosed. This is to ensure the allegations are dealt with appropriately and fairly in accordance with the prescribed Procedures for the management of code of conduct complaints.

While council officials disclosing this information may face disciplinary action, under the previous Procedures there was no recourse against members of the public who did so. Under the new Procedures, where members of the public publicly disclose information about a code of conduct complaint they have made, general managers can determine, with OLG's consent, that the complainant is to receive no further information about their complaint and any future code of conduct complaints they make (subject to the requirements of the *Government Information (Public Access) Act 2009*).

**When must councils adopt a new code of conduct and procedures based on the new prescribed Model Code of Conduct and Procedures?**

Councils have six months from the date of prescription, (**14 December 2018 – 14 June 2019**) to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures.

**What are the transitional arrangements for the new Model Code of Conduct and Procedures?**

The following transitional arrangements apply to the new Model Code of Conduct and Procedures:

- Councils' existing adopted codes of conduct and procedures will remain in force until such time as councils adopt a new code of conduct and procedures based on the Model Code of Conduct and Procedures prescribed under the Regulation.
- If a council fails to adopt a new code of conduct and procedures based on the new Model Code of Conduct and Procedures within six months of their prescription, the provisions of the new Model Code of Conduct and Procedures will automatically override any provisions of a council's adopted code of conduct and procedures that are inconsistent with those contained in the Model Code of Conduct and Procedures through the operation of sections 440(4) and 440AA(4) of the LGA (unless the inconsistent provisions of a council's adopted code of conduct are more onerous than those contained in the Model Code of Conduct).
- In adopting a new code of conduct and procedures, councils may include provisions that are supplementary to those contained in the Model Code of Conduct and Procedures. Councils may also impose more onerous requirements under their adopted codes of conduct than those prescribed under the Model Code of Conduct. However, councils must not dilute the standards prescribed under the Model Code of Conduct in their adopted codes of conduct.
- Code of conduct complaints must be assessed against the standards prescribed under the version of the council's code of conduct that was in force at the time the conduct the subject of the complaint is alleged to have occurred.
- Code of conduct complaints must be dealt with in accordance with the version of the council's procedures that was in force at the time the complaint was made.

**Where can I get Word© versions of the new Model Code of Conduct and Procedures?**

If you require a Word© version of the new Model Code of Conduct or Procedures, please contact OLG's Council Governance Team.

# Model Code of Conduct

for Local Councils  
in NSW

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2018





**MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW**

2018

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**Part 1:**  
**Introduction**





This *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”) is made under section 440 of the *Local Government Act 1993* (“LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”).

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council’s or joint organisation’s adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not “council officials” for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council’s or joint organisation’s adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council’s or joint organisation’s adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council’s adopted code of conduct applies to, must comply with the applicable provisions of their council’s code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council’s code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

**Part 2:**  
**Definitions**



Definitions

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation



Model Code of Conduct for Local Councils in NSW

members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to



**Part 3:**  
**General Conduct**  
**Obligations**



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## General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
  - b) is contrary to statutory requirements or the council's administrative requirements or policies
  - c) is improper or unethical
  - d) is an abuse of power
  - e) causes, comprises or involves intimidation or verbal abuse
  - f) involves the misuse of your position to obtain a private benefit
  - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (*section 439*).

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## Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

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## Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
  - b) offends, humiliates or intimidates the person, and
  - c) creates a hostile environment.

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## Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
  - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
  - b) belittling or humiliating comments
  - c) spreading malicious rumours
  - d) teasing, practical jokes or 'initiation ceremonies'

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- e) exclusion from work-related events
  - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
  - g) displaying offensive material
  - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
  - b) disciplinary action for misconduct
  - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
  - d) directing a worker to perform duties in keeping with their job
  - e) maintaining reasonable workplace goals and standards
  - f) legitimately exercising a regulatory function
  - g) legitimately implementing a council policy or administrative processes.
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
  - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
  - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
  - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

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## Land use planning, development assessment and other regulatory functions

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### Work health and safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

### Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

### Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
  - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
  - c) deliberately seek to impede the consideration of business at a meeting.

**Part 4:**  
**Pecuniary Interests**





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## What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- a) your interest, or
  - b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- a) Your “relative” is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
  - b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
  - a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

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## What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a) your interest as an elector
  - b) your interest as a ratepayer or person liable to pay a charge
  - c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
  - d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code

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- e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
  - f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
  - g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
  - h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
  - i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
    - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
    - ii) security for damage to footpaths or roads
    - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
  - j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
  - k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA
  - l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
  - m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
  - n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
  - o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

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## What disclosures must be made by a designated person?

- 4.8 Designated persons include:
- a) the general manager
  - b) other senior staff of the council for the purposes of section 332 of the LGA
  - c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
  - d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.
- 4.9 A designated person:
- a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
  - b) must disclose pecuniary interests in accordance with clause 4.10.

- 4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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## What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

## What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

## What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

## What disclosures must be made by a councillor?

- 4.20 A councillor:
- a) must prepare and submit written returns of interests in accordance with clause 4.21, and

- b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

## Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a councillor or designated person, and
  - b) 30 June of each year, and
  - c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- a) they made and lodged a return under that clause in the preceding 3 months, or
  - b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.



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- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

## Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
  - a) at any time during which the matter is being considered or discussed by the council or committee, or
  - b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for

the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.

- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
  - a) a member of, or in the employment of, a specified company or other body, or
  - b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

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- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- a) the matter is a proposal relating to:
    - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
  - c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
  - b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.



**Part 5:**  
**Non-Pecuniary Conflicts**  
**of Interest**

## What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

## Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as

practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.

- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
  - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship



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- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

## Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
  - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
  - b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

## Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
    - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
  - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - b) that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

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## Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
  - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
  - c) require them to work while on council duty
  - d) discredit or disadvantage the council
  - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

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## Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.



**Part 6:**  
**Personal Benefit**





- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) a political donation for the purposes of the *Electoral Funding Act 2018*
  - b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
  - c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
  - d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
    - i) the discussion of official business
    - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
    - iii) conferences
    - iv) council functions or events
    - v) social functions organised by groups, such as council committees and community organisations.

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## Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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## How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
  - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
  - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
  - g) personally benefit from reward points programs when purchasing on behalf of the council.

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- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- the nature of the gift or benefit
  - the estimated monetary value of the gift or benefit
  - the name of the person who provided the gift or benefit, and
  - the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

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## Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
- invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
  - gifts of alcohol that do not exceed a value of \$50
  - ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - prizes or awards that do not exceed \$50 in value.

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## Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

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### “Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

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### Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

**Part 7:**  
**Relationships Between**  
**Council Officials**

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## Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
  - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
  - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
  - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.

- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

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## Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
  - b) ensure that their work is carried out ethically, efficiently, economically and effectively
  - c) carry out reasonable and lawful directions given by any person having authority to give such directions
  - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
  - e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

## Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.





**Part 8:**

**Access to Information and  
Council Resources**

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## Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise

available to members of the public, or the council has determined to make the information available under the GIPA Act.

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## Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

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## Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

## Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- subject to clause 8.14, only access council information needed for council business
  - not use that council information for private purposes
  - not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
  - only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

## Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
  - protect confidential information
  - only release confidential information if you have authority to do so
  - only use confidential information for the purpose for which it is intended to be used

- not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

## Personal information

- 8.12 When dealing with personal information you must comply with:
- the *Privacy and Personal Information Protection Act 1998*
  - the *Health Records and Information Privacy Act 2002*
  - the Information Protection Principles and Health Privacy Principles
  - the council's privacy management plan
  - the Privacy Code of Practice for Local Government

## Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:

- a) for the purpose of assisting your election campaign or the election campaign of others, or
- b) for other non-official purposes.

8.19 You must not convert any property of the council to your own use unless properly authorised.

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## Internet access

8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

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## Council record keeping

8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.

8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.

8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.

8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

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## Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.





**Part 9:**  
**Maintaining the Integrity**  
**of this Code**

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## Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
  - b) to damage another council official's reputation
  - c) to obtain a political advantage
  - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - f) to avoid disciplinary action under the Procedures
  - g) to take reprisal action against a person for making a complaint alleging a breach of this code
  - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
  - i) to prevent or disrupt the effective administration of this code under the Procedures.

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## Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
  - b) intimidation or harassment
  - c) discrimination, disadvantage or adverse treatment in relation to employment
  - d) dismissal from, or prejudice in, employment
  - e) disciplinary proceedings.

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## Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.

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- 9.8 You must comply with a practice ruling made by the Office under the Procedures.
- 9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

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## Disclosure of information about the consideration of a matter under the Procedures

- 9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

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## Complaints alleging a breach of this Part

- 9.15 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.



**Schedule 1:**  
**Disclosures of Interest and Other**  
**Matters in Written Returns**  
**Submitted Under Clause 4.21**



# Part 1: Preliminary

## Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

*de facto partner* has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

*disposition of property* means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property

- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

*occupation* includes trade, profession and vocation.

*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

## Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

## Part 2: Pecuniary interests to be disclosed in returns

### Real property

5. A person making a return under clause 4.21 of this code must disclose:
  - a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

### Gifts

9. A person making a return under clause 4.21 of this code must disclose:
  - a) a description of each gift received in the period since 30 June of the previous financial year, and
  - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
  - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
  - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - c) the donor was a relative of the donee, or
  - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

### Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
  - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

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13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - was made by a relative of the traveller, or
  - was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

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## Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - the nature of the interest, or the position held, in each of the corporations, and
  - a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - required to apply its profits or other income in promoting its objects, and
  - prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

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## Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

*close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

*property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

---

## Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:

- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
- b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
- c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

---

## Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

---

## Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
    - i) a description of the occupation, and
    - ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
    - iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
  - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

---

## Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
  - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:



- i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
- ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
  - i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
  - ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

---

## Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

**Schedule 2:  
Form of Written Return of  
Interests Submitted Under  
Clause 4.21**

---

## ‘Disclosures by councillors and designated persons’ return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.

6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word “NIL” is to be placed in an appropriate space under that heading.

---

## Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Model Code of Conduct for Local Councils in NSW

Disclosure of pecuniary interests and other matters by *[full name of councillor or designated person]*

as at *[return date]*

in respect of the period from *[date]* to *[date]*

*[councillor's or designated person's signature]*

*[date]*

**A. Real Property**

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June Nature of interest

---

**B. Sources of income**

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

---

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
---------------------------	--	--

---

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
-----------------------------	-----------------------------

---

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

*[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]*

---

**C. Gifts**

Description of each gift I received at any time since 30 June Name and address of donor

---

**D. Contributions to travel**

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
---	--------------------------------------	---

**E. Interests and positions in corporations**

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	--------------------	----------------------------------	---

**F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)**

**G. Positions in trade unions and professional or business associations**

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
---	-------------------------

**H. Debts**

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June
---

**I. Dispositions of property**

- Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
- Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

**J. Discretionary disclosures**

**Schedule 3:**  
**Form of Special Disclosure of**  
**Pecuniary Interest Submitted**  
**Under Clause 4.37**



1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

“Relative” is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse’s or your de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

### Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor’s principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person’s principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Model Code of Conduct for Local Councils in NSW**Special disclosure of pecuniary interests by** *[full name of councillor]*in the matter of *[insert name of environmental planning instrument]*which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the      day of      20 .

**Pecuniary interest****Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)**Relationship of identified land to councillor  
*[Tick or cross one box.]*

- The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).
- An associated person of the councillor has an interest in the land.
- An associated company or body of the councillor has an interest in the land.

**Matter giving rise to pecuniary interest<sup>1</sup>**Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)<sup>2</sup>*[Tick or cross one box]*

Current zone/planning control

*[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]*

- The identified land.
- Land that adjoins or is adjacent to or is in proximity to the identified land.

- 1 Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.
- 2 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

---

*Proposed change of zone/planning control*

*[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]*

---

Effect of proposed change of zone/planning control on councillor or associated person

*[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]*

---

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]*

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]



Procedures for the  
Administration of

# The Model Code of Conduct

for Local Councils in NSW

2018



**PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW**

2018

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**Part 1:**  
**Introduction**



These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

**Part 2:**  
**Definitions**



Definitions

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
investigator	a conduct reviewer
joint organisation	a joint organisation established under section 4000 of the LGA

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to





**Part 3:**  
**Administrative**  
**Framework**



## The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
  - a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
  - c) knowledge and experience of one or more of the following:
    - i) investigations
    - ii) law
    - iii) public administration
    - iv) public sector ethics
    - v) alternative dispute resolution, and
  - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
  - a) a councillor, or
  - b) a nominee for election as a councillor, or
  - c) an administrator, or
  - d) an employee of a council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.

**Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW**

- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

### The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

### The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct
  - b) liaise with and provide administrative support to a conduct reviewer
  - c) liaise with the Office and
  - d) arrange the annual reporting of code of conduct complaints statistics.



**Part 4:**  
**How May Code of Conduct**  
**Complaints be Made?**



---

## What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
  - a) complaints about the standard or level of service provided by the council or a council official
  - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
  - c) complaints about the policies or procedures of the council
  - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

---

## When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

## How may a code of conduct complaint about a council official other than the general manager be made?

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

## How may a code of conduct complaint about the general manager be made?

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.
- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.





**Part 5:**

**How are Code of Conduct**

**Complaints to be Managed?**



**How are Code of Conduct Complaints to be Managed?**

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**Delegation by general managers and mayors of their functions under this Part**

- 5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

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**Consideration of complaints by general managers and mayors**

- 5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

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**What complaints may be declined at the outset?**

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
  - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
  - c) is trivial, frivolous, vexatious or not made in good faith, or

- d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
- e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

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**How are code of conduct complaints about staff (other than the general manager) to be dealt with?**

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

**Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW**

- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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## **How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?**

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office
- under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure

**How are Code of Conduct Complaints to be Managed?**

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- b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
  - c) prosecution for any breach of the law
  - d) removing or restricting the person's delegation
  - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.
- 5.19 The general manager must notify the complainant of the referral of their complaint in writing.

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**How are code of conduct complaints about councillors to be dealt with?**

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
  - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

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**How are code of conduct complaints about administrators to be dealt with?**

- 5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.
- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.

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- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

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## How are code of conduct complaints about the general manager to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

**How are Code of Conduct Complaints to be Managed?**

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- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

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**How are complaints about both the general manager and the mayor to be dealt with?**

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
  - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

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**Referral of code of conduct complaints to external agencies**

- 5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.



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5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

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## Disclosure of the identity of complainants

5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:

- a) the complainant consents in writing to the disclosure, or
- b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
- c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
- d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
- e) it is otherwise in the public interest to do so.

5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

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## Code of conduct complaints made as public interest disclosures

5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these

**How are Code of Conduct Complaints to be Managed?**

procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

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### **Special complaints management arrangements**

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
  - b) impeded or disrupted the effective administration by the council of its code of conduct, or
  - c) impeded or disrupted the effective functioning of the council.

- 5.50 A special complaints management arrangement must be in writing and must specify the following:

- a) the code of conduct complaints the arrangement relates to, and
- b) the period that the arrangement will be in force.

- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.

- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.

- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

**Part 6:**

**Preliminary Assessment of  
Code of Conduct Complaints  
About Councillors or the  
General Manager by  
Conduct Reviewers**

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## Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
  - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
  - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
  - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
  - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven

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breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.

- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
  - b) comply with a lawful and reasonable request by the complaints coordinator, or
  - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

## **Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer**

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
  - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - d) to refer the matter to an external agency
  - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.

**Preliminary Assessment of Code of Conduct Complaints About  
Councillors or the General Manager by Conduct Reviewers**

- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
  - b) that the alleged conduct is sufficiently serious to warrant investigation, and
  - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
  - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
  - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
  - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.



## Referral back to the general manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

## Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
  - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
  - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
  - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
  - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
  - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved



**Preliminary Assessment of Code of Conduct Complaints About  
Councillors or the General Manager by Conduct Reviewers**

- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

**Part 7:**  
**Investigations of Code of  
Conduct Complaints About  
Councillors or the  
General Manager**

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## What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

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## How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
  - a) disclose the substance of the allegations against the respondent, and
  - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
  - c) advise of the process to be followed in investigating the matter, and

- d) advise the respondent of the requirement to maintain confidentiality, and
- e) invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and
- f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:

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- a) advise them of the matter the investigator is investigating, and
  - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
  - c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
  - 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

**Written and oral submissions**

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

**How are investigations to be conducted?**

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

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## Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

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## Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.

**Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW**

- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.
- 7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
  - b) make a determination that the conduct investigated either,
    - i) constitutes a breach of the code of conduct, or
    - ii) does not constitute a breach of the code of conduct, and
  - c) provide reasons for the determination.
- 7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
  - b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
  - c) that the respondent be counselled for their conduct
  - d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
  - e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
  - f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
  - g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered

Investigations of Code of Conduct Complaints About Councillors or the General Manager

- h) in the case of a breach by the general manager, that action be taken under the general manager's contract
  - i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
  - j) in the case of a breach by a councillor, that the council resolves as follows:
    - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
  - b) that a person or persons undertake any training or other education.
- 7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:
- a) the seriousness of the breach
  - b) whether the breach can be easily remedied or rectified
  - c) whether the respondent has remedied or rectified their conduct
  - d) whether the respondent has expressed contrition
  - e) whether there were any mitigating circumstances
  - f) the age, physical or mental health or special infirmity of the respondent
- g) whether the breach is technical or trivial only
  - h) any previous proven breaches
  - i) whether the breach forms part of an ongoing pattern of behaviour
  - j) the degree of reckless intention or negligence of the respondent
  - k) the extent to which the breach has affected other parties or the council as a whole
  - l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct
  - m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
  - n) whether an educative approach would be more appropriate than a punitive one
  - o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
  - p) what action or remedy would be in the public interest.
- 7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.40 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent



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- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
  - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
  - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
  - e) a description of any attempts made to resolve the matter by use of alternative means
  - f) the steps taken to investigate the matter
  - g) the facts of the matter
  - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - i) the investigator's determination and the reasons for that determination
  - j) any recommendations.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - b) the investigator's determination and the reasons for that determination
  - c) any recommendations, and
  - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.
- 7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.
- 7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)),

**Investigations of Code of Conduct Complaints About Councillors or the General Manager**

the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

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### **Consideration of the final investigation report by council**

- 7.47 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).
- 7.48 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.49 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.50 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.51 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.52 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.53 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion from the Office in relation to the report.
- 7.54 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.55 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.56 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.58 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.59 A council may by resolution impose one or more of the following sanctions on a respondent:

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- a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
  - b) that the respondent be counselled for their conduct
  - c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
  - d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
  - e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
  - f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
  - g) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach
  - h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
  - i) in the case of a breach by a councillor:
    - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.
- 7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.
- 7.62 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.



**Part 8:**

**Oversight and Rights of Review**



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## The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

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## Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

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## Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

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## Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
  - a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or

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- c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
- 8.20 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the mayor, and
  - b) the general manager or mayor must review any action taken by them to implement the sanction, and
  - c) the general manager or mayor must consider the Office's recommendation in doing so.
- 8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
  - b) the council must:
    - i) review its decision to impose the sanction, and
    - ii) consider the Office's recommendation in doing so, and
    - iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.





**Part 9:**

**Procedural Irregularities**



Procedural Irregularities

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
  - a) the non-compliance is isolated and/or minor in nature, or
  - b) reasonable steps are taken to correct the non-compliance, or
  - c) reasonable steps are taken to address the consequences of the non-compliance.

**Part 10:**  
**Practice Directions**



Practice Directions

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

**Part 11:**  
**Reporting Statistics on Code  
of Conduct Complaints  
About Councillors and the  
General Manager**

**Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager**

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
  - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
  - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
  - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
  - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
  - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
  - g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.



**Part 12:**  
**Confidentiality**



- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within at least 14 days or such other period specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
  - b) the complaints coordinator
  - c) the Office, and
  - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.













**Natural Resources  
Access Regulator**

Contact: Owen Meng  
Phone: 02 6841 7408  
Email: owen.meng@nrar.nsw.gov.au

General Manager  
Mid-Western Regional Council  
PO Box 156  
MUDGEES NSW 2850

Our ref: S961104581  
Our file: ERM2016/0501  
Your ref: DA191/2015

**Attention:** Ilija Susnja

23 November 2018

Dear Sir/Madam

**Re: Proposed modification to integrated development - DA191/2015  
under S96(1A) of the *Environmental Planning and Assessment Act 1979*.  
Work or activity described as: Subdivision Torrens Title - demolition of existing  
structures, 1 into 27 lot subdivision, a new road and associated works  
Located at: 196 Robertson Road MUDGEES**

I refer to Council's letter dated 13 December 2017 advising of the proposed modification or amendment to an integrated development proposal for the abovementioned property.

Based on a review of the information provided, NRAR has provided its General Terms of Approval and a copy of the GTA are attached.

NRAR should be notified if any further amendments result in more than minimal change to the proposed development or if additional works or activities are proposed.

Please direct any questions regarding this correspondence to Owen Meng by email to [owen.meng@dpi.nsw.gov.au](mailto:owen.meng@dpi.nsw.gov.au).

Further information on approvals required under the *Water Management Act 2000* is located at: [www.water.nsw.gov.au](http://www.water.nsw.gov.au) > [Water licensing](#) > [Approvals](#).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Binks'.

for

**Christopher Binks**  
**Water Regulation Officer**  
**Natural Resources Access Regulator**





Natural Resources  
Access Regulator

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

**Reference Number:** S961104581  
**Issue date of GTA:** 23 November 2018  
**Type of Approval:** Controlled Activity  
**Description:** Subdivision Torrens Title - demolition of existing structures, 1 into 27 lot subdivision, a new road and associated works  
**Location of work/activity:** 196 Robertson Road MUDGEE  
**DA Number:** DA191/2015  
**LGA:** Mid-Western Regional Council  
**Water Sharing Plan Area:** Macquarie Bogan Unregulated and Alluvial Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
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### Design of works and structures

GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
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### Erosion and sediment controls

GT0006-00001	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
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### Plans, standards and guidelines

GT0002-00604	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 20150191 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Dubbo Office, must be notified in writing to determine if any variations to the GTA will be required.
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GT0005-00250	A. The application for a controlled activity approval must include the following plan(s): - Erosion sediment control plan, structural design and specification plans, vegetation management plan, work schedule. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website Guidelines for riparian corridors on waterfront land, vegetation management plans watercourse crossings.
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### Rehabilitation and maintenance

GT0007-00006	When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator.
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4 Marsden Park Road, Calala, NSW 2340 | PO BOX 550, Tamworth, NSW 2340  
 water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au



Natural Resources  
Access Regulator

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

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**Reference Number:** S961104581

**Issue date of GTA:** 23 November 2018

**Type of Approval:** Controlled Activity

**Description:** Subdivision Torrens Title - demolition of existing structures, 1 into 27 lot subdivision, a new road and associated works

**Location of work/activity:** 196 Robertson Road MUDGEE

**DA Number:** DA191/2015

**LGA:** Mid-Western Regional Council

**Water Sharing Plan Area:** Macquarie Bogan Unregulated and Alluvial Water Sources

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### Reporting requirements

GT0016-00003 The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

**SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA191/2015 as provided by Council:

- PROPOSED SUBDIVISION
- LOT LAYOUT - AERIAL OVERLAY
- STIKS LAND PTY LIMITED
- LOT 266 DP 756894 - No. 196 ROBERTSON ROAD
- MUDGEES MID - WESTERN REGIONAL \_6242 PS-V9
- 1 to 4

All communications to be addressed to:

Headquarters  
4 Murray Rose Avenue  
Olympic Park NSW 2127

Headquarters  
Locked Bag 17  
Granville NSW 2142

Telephone: 1300 NSW RFS  
e-mail: csc@rfs.nsw.gov.au

Facsimile: 02 8741 5433



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The General Manager  
Mid-Western Regional Council  
PO Box 156  
MUDGEES NSW 2850

Your Ref: DA0191/2015  
Our Ref: D14/3853  
DA14123095202 MA

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**ATTENTION:** Ilija Susnja

15 November 2018

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Dear Ilija

**Integrated Development Application - 196 Robertson Road Mudgee 2850**

I refer to your correspondence dated 25 October 2018 seeking general terms of approval for the above Integrated Development Application in accordance with Section 4.55 of the 'Environmental Planning and Assessment Act 1979'.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

**Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity lots 1 to 27 shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

The areas marked VRZ (Vegetation Riparian Zone) as drawn by the Le Mottee Group, dated 13/9/18, referenced 6242 PS-V9 shall be excluded from being managed as part of this condition.

2. At the issue of subdivision certificate, suitably worded instruments shall be created over lots 14, 16 to 24 and 27 pursuant to section 88 of the 'Conveyancing Act 1919' which prohibits the construction of residential dwellings within the area marked as blue (APZ) upon the proposed subdivision lot layout drawn by the Le Mottee Group, dated 13/9/18, referenced 6242 PS-V9.

Mid Western Council shall be nominated as the prescribed authority for variation or removal of the instrument.

#### **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. Water, electricity and gas supplies shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

#### **Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

4. The proposed new public road shall comply with the acceptable solutions of section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006' except for the provision of a perimeter road.

#### **General Advice – consent authority to note**

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 4.14 of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

This letter is in response to a further assessment of the application submitted and supersedes our previous general terms of approval dated 22 January 2018.

Should you wish to discuss this matter please contact Matthew Apps on 1300 NSW RFS.

Yours sincerely



Nika Fomin  
**Manager, Planning and Environment Services (East)**

For general information on bush fire protection please visit [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



DOC18/23100  
DA0191/2015

Ms Lindsay Dunstan  
Manager Statutory Planning  
Mid-Western Regional Council  
PO Box 156  
MUDGEES NSW 2850

Dear Ms Dunstan

**Proposed Subdivision - 196 Robertson Road, Mudgee (DA0191/2015)**

I refer to your request dated 14 December 2017 seeking comment from the Office of Environment and Heritage (OEH) on the amended Ecological Assessment for the proposed subdivision at 196 Robertson Road, Mudgee.

We have reviewed the amended proposal and commend the proponent on the adjusted layout which significantly decreases the impacts on threatened species and ecological communities. Our recommendations are in **Attachment A** and detailed comments are provided in **Attachment B**.

OEH understands that the revised subdivision plan will still impact on Aboriginal objects and that an Aboriginal Heritage Impact Permit (AHIP) will be sought from OEH. Aboriginal consultation should be undertaken in accordance with Section 80C of the *National Parks and Wildlife Regulations 2009* and the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW). Further information relating to Aboriginal cultural heritage and applying for AHIPs is available on the OEH website at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au).

If you have any questions regarding this matter please contact Michelle Howarth on 02 6883 5339 or email [michelle.howarth@environment.nsw.gov.au](mailto:michelle.howarth@environment.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink that reads 'Samantha Wynn'.

**SAMANTHA WYNN**  
**Senior Team Leader Planning North West**  
**Regional Operations Group**

18 January 2018

Contact officer: MICHELLE HOWARTH  
02 6883 5339



## ATTACHMENT A

## OEH Recommendations - Biodiversity

## Subdivision - 196 Robertson Road, Mudgee

## Acronyms

OEH	NSW Office of Environment and Heritage
EPBC Act	Environmental Protection Biodiversity Conservation Act 1999
BC Act	Biodiversity Conservation Act 2016
EA	Ecological Assessment
BOMP	Biodiversity Offset Management Plan
PoM	Plan of Management
DoE	Department of Environment

Recommendations:

1. OEH recommends the following consent conditions be imposed as per the recommendations on page iv and v of the EA (dated February 2017):
  - (a) Within-lot preservation of ecologically sensitive areas (Box-Gum Grassy Woodlands, retained *L. albicans* var. *tricolor* (Hoary Sunray) and *A ausfeldii* (Ausfeld's Wattle) and riparian zones) be achieved through a combination of on-ground measures (such as fencing, native vegetation restoration, weed management and nest box installation) and through positive / restrictive covenants under Section 88B or 88E of the *Conveyancing Act 1919*.
  - (b) A PoM be developed and linked to the s88B or s88E instrument. The PoM must specify actions to protect and enhance Box-Gum Grassy Woodlands and habitat for the assessed species; it should include at a minimum the following measures:
    - (i) Appropriate fencing be erected to protect the ecologically sensitive areas.
    - (ii) 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.
    - (iii) 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 ha of Box Gum Woodlands). The replacement nest boxes should cater for a range a hollow dependent fauna types, including birds, arboreal mammals and microchiropteran bats. An experienced ecologist is required to install the nest boxes.
    - (iv) A monitoring plan be incorporated to ensure that the requirements of the PoM are being adhered to.
2. All buildings, as defined in the 10/50 Vegetation Clearing Code of Practise for NSW must be built a minimum of 10 metres from vegetation identified as Box Gum Woodland.
3. An offset package that includes like for like offsets for impacts to Ausfeld's Wattle (*Acacia ausfeldii*) and Box Gum Woodland should be considered. Offsets should be secured in perpetuity under an appropriate mechanism.

4. The proponent should seek advice from DoE regarding whether or not the impacts to Hoary Sunray are deemed a controlled action and require further assessment and/or offsetting.



## ATTACHMENT B

## OEH Detailed Comments - Biodiversity

## Subdivision - 196 Robertson Road, Mudgee

## 1. Ongoing management of Threatened Species and Ecological Communities

OEH notes that the proponent is proposing to include covenants under Section 88B or Section 88E of the *Conveyancing Act 1919* to provide ongoing protection of the biodiversity values on site specifically:

- Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community listed as critically endangered under the EPBC Act.
- White Box Yellow Box Blakely's Red Gum Woodland ecological community listed as endangered under the BC Act.
- Hoary Sunray (*Leucochrysum albicans* var. *tricolor*) listed as endangered under the EPBC Act.
- Ausfeld's Wattle (*Acacia ausfeldii*) listed as vulnerable under the BC Act.

OEH supports this approach to provide ongoing protection for the biodiversity values onsite and the implementation of the recommendations on page iv and v of the EA (dated February 2017).

Council should note that the covenants under the *Conveyancing Act 1919* do not provide suitable security when offsetting direct impacts. Impacts to native vegetation that cannot be avoided using prevention and mitigation measures should be offset.

The proposal will result in the clearing of a minimum of 10 Ausfeld's Wattle (*Acacia ausfeldii*) plants which are listed as vulnerable under the BC Act and 0.0351 hectares of White Box Yellow Box Blakely's Red Gum Woodland ecological community listed as endangered under the BC Act and Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community listed as critically endangered under the EPBC Act. We recommend that an offset be considered to adequately offset these impacts. Offsets should be secured in perpetuity under an appropriate mechanism.

OEH notes that the subject land falls within the 10/50 Vegetation Clearing Entitlement Area meaning that each landholder will be permitted to clear trees on their property within 10 metres of a home, and clear underlying vegetation such as shrubs on their property within 50 metres of a home, without seeking approval. OEH recommends that all buildings, as defined in the 10/50 Vegetation Clearing Code of Practise for NSW be built a minimum of 10 metres from vegetation identified as Box Gum Woodland.

Recommendations:

1. OEH recommends the following consent conditions be imposed as per the recommendations on page iv and v of the EA (dated February 2017):
  - (a) Within-lot preservation of ecologically sensitive areas (Box-Gum Grassy Woodlands, retained *L. albicans* var. *tricolor* (Hoary Sunray) and *A ausfeldii* (Ausfeld's Wattle) and riparian zones) be achieved through a combination of on-ground measures (such as fencing, native vegetation restoration, weed management and nest box installation) and through positive / restrictive covenants under Section 88B or 88E of the *Conveyancing Act 1919*.

- (b) A PoM be developed and linked to the s88B or s88E instrument. The PoM must specify actions to protect and enhance Box-Gum Grassy Woodlands and habitat for the assessed species; it should include at a minimum the following measures:
  - (i) Appropriate fencing be erected to protect the ecologically sensitive areas.
  - (ii) 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.
  - (iii) 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 ha of Box Gum Woodlands). The replacement nest boxes should cater for a range a hollow dependent fauna types, including birds, arboreal mammals and microchiropteran bats. An experienced ecologist is required to install the nest boxes.
  - (iv) A monitoring plan be incorporated to ensure that the requirements of the PoM are being adhered to.
- 2. All buildings, as defined in the 10/50 Vegetation Clearing Code of Practise for NSW must be built a minimum of 10 metres from vegetation identified as Box Gum Woodland.
- 3. An offset package that includes like for like offsets for impacts to Ausfeld's Wattle (*Acacia ausfeldii*) and Box Gum Woodland should be considered. Offsets should be secured in perpetuity under an appropriate mechanism.

## 2. Commonwealth listed species

OEH notes that the proposal was previously referred to the Commonwealth DoE and was subsequently deemed a 'Controlled Action', requiring assessment by preliminary documentation. It is also noted that the modified plan has tried to avoid or mitigate impacts on threatened species and EEC's, however the proposed proposal will still impact on 265 Hoary Sunray individuals and 0.0351 hectares of Box-Gum Grassy Woodlands – White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community. The Ecological Assessment concludes that an EPBC Act referral and concurrence of DoE is not required.

OEH recommends that the proponent seeks advice from DoE regarding whether these impacts are deemed a controlled action and require further assessment and/or offsetting.

### Recommendation:

- 4. The proponent should seek advice from DoE regarding whether the impacts to Hoary Sunray are deemed a controlled action and require further assessment and/or offsetting.



Australian Government  
Department of the Environment and Energy

## Approval

### Residential subdivision, 196 Robertson Road, Mudgee, NSW (EPBC 2015/7476)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

#### Proposed action

<b>person to whom the approval is granted</b>	Stiks Land Pty Limited
<b>proponent's ABN</b>	21103198714
<b>proposed action</b>	To construct a 27 lot residential subdivision on land at the intersection of Robertson and Bruce Roads at the southern extent of the Mudgee township in New South Wales [See EPBC Act referral 2015/7476, request for variation of proposal received 26 September 2016 and request for variation of proposal received 15 May 2017].

#### Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved


#### conditions of approval

This approval is subject to the conditions specified below.

#### expiry date of approval

This approval has effect until 31 December 2037.

#### Decision-maker

<b>name and position</b>	Dane Roberts A/g Assistant Secretary Assessments (NSW, ACT) and Fuel Branch
<b>signature</b>	
<b>date of decision</b>	22 September 2017

**Conditions attached to the approval**

1. The person taking the action must not clear more than 351 m<sup>2</sup> of the White Box Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community (**BGWG**), within the **footprint of the proposed action** as identified on Map 1.
2. The person taking the action must not clear more than 265 individual Hoary Sunray (*Leucochrysum albicans* var. *tricolor*) plants, within the **footprint of the proposed action**.
3. Within 5 years of **commencement**, the person taking the action must compensate for the loss of 265 individual Hoary Sunray plants by increasing the retained population of 775 to not less than 1035 ( $\pm 10\%$ ) individuals in the **offset site** identified on Map 1. The overall number of Hoary Sunray plants, which is 1035 ( $\pm 10\%$ ) individuals within the offset site, must be protected for the life of the approval (20 years).
4. Prior to **commencement** of construction, for the protection of Hoary Sunray and **BGWG**, the person taking the action must establish a Construction Environmental Management Plan (CEMP). The CEMP:
  - a. must indicate the boundaries of Hoary Sunray and **BGWG** (including buffer zones), to be protected for environmental conservation purposes
  - b. must describe appropriate erosion and sediment control measures, which are consistent with those specified in the Blue Book – Managing Urban Stormwater: Soils and Construction. Volume 2A Installation of Services (Department of Environment and Climate Change, 2008)
  - c. must include suitable weed control measures
  - d. must include monitoring of protected Hoary Sunray and **BGWG** to be undertaken weekly during construction, and any non-compliance observed, to be recorded in the Environment Issues Register. The register must include the date, the nature of the issue, the remedial action taken and any monitoring required as a result, and
  - e. must clearly state the responsible persons, including their position or status as a separate contractor, for implementation of these aspects of the CEMP.
5. Prior to **commencement** of construction, for the protection of Hoary Sunray and **BGWG**, the person taking the action must establish protective covenant(s), under Section 88D or 88E of the *Conveyancing Act 1919*. The covenant(s) must provide protection to the **offset site** and the **BGWG** conservation area in perpetuity.
6. Prior to **commencement** of construction, for the protection of Hoary Sunray and **BGWG**, the person taking the action must establish a Plan of Management (PoM) for the **Minister's** approval. The PoM must be linked to the covenant(s) under Section 88D or 88E of the *Conveyancing Act 1919* to provide protection to the offset site and the **BGWG** conservation area in perpetuity. The person taking the action must not commence the action unless the **Minister** has approved the PoM, which must:
  - a. include on-ground practical measures including:
    - i. permanent fencing of the Hoary Sunray offset and **BGWG** conservation areas
    - ii. restoration of **BGWG**, and
    - iii. management measures to control weed and disease during and post construction of the proposed development



- b. indicate hollow-bearing trees, which are likely habitat for native species, not to be removed
  - c. incorporate a monitoring plan to ensure that the requirements of the PoM regarding **BGWG** and Hoary Sunray are being adhered to
  - d. include hydrological and erosion control measures to maintain the quality and quantity of pre-development water flows into areas where **BGWG** and Hoary Sunray are found on site
  - e. demonstrate how the requirements of condition 3 will be achieved, including, but not limited to:
    - i. documenting and retaining for audit purposes that the retained population of Hoary Sunray plants (to not less than 1035 ( $\pm 10\%$ ) individuals in the offset site) has been achieved
  - f. indicate measurable performance indicators, which include:
    - i. an average increase in the site's retained Hoary Sunray population by approximately 7% annually to an overall increase in the offset population by no less than 34% over 5 years (an overall increase by at least 260 plants ( $\pm 10\%$ ))
    - ii. an increase in area of **BGWG** on the proposed action site from 1.2 ha to at least 1.5 ha, and
    - iii. improvement in the condition of the **BGWG** within the proposed action site from the low to moderate ecological value defined in Appendix A: The Firebird Ecosultants Ecological Assessment Report (section 3.1.3) of the finalised preliminary documentation to a moderate to high ecological value.
  - g. identify and describe the proposed offset site, and include maps clearly depicting Hoary Sunray and **BGWG** habitat within the offset site
  - h. regarding Hoary Sunray and **BGWG**, identify objectives for the ongoing condition of the **offset site**, management and monitoring actions, timeframes for implementation, and arrangements for funding of these for the duration of the offset
  - i. be submitted to the **Department** for approval by the **Minister** at least 4 months prior to the **commencement** of construction, and
  - j. be implemented if approved.
7. Within 30 days after the **commencement** of construction, the person taking the action must advise the Department in writing of the actual date of **commencement**.
8. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the CEMP and PoM, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.
9. Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.

10. The person taking the action must notify the Department by email (to: [EPBCMonitoring@environment.gov.au](mailto:EPBCMonitoring@environment.gov.au) or an email advised by the Department) of any actual or potential non-compliance with the conditions of this proposed approval, including any plan required by the conditions of this proposed approval, within 7 days of the person taking the action becoming aware of the actual or potential non-compliance.
11. The person taking the action may choose to revise the PoM approved by the **Minister** under conditions 6, without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact. If the person taking the action makes this choice they must:
  - i. notify the **Department** in writing that the approved plan has been revised and provide the **Department**, at least four weeks before implementing the revised plan, with an electronic copy of the revised management plan showing changes to the plan
  - ii. provide the **Department** with an explanation of the differences between the revised management plan and the approved management plan, and
  - iii. provide the **Department** with the reasons the person taking the action considers that taking the action in accordance with the revised management plan would not be likely to have a new or increased impact.
- 11A. The person taking the action may revoke their choice under condition 11 at any time by notice to the **Department**. If the person taking the action revokes the choice to implement a revised management plan without approval under section 143A of the Act, the management plan approved by the **Minister** must be implemented.
- 11B. Condition 11 does not apply if the revisions to the approved management plan include changes to environmental offsets provided under the management plan in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by the **Minister**. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised management plan would, or would not, be likely to have new or increased impacts.
- 11C. If the **Minister** gives a notice to the person taking the action that the **Minister** is satisfied that the taking of the action in accordance with the revised management plan would be likely to have a new or increased impact, then:
  - i. Condition 11 does not apply, or ceases to apply, in relation to the revised management plan; and
  - ii. The person taking the action must implement the management plan approved by the **Minister**.

To avoid any doubt, this condition does not affect any operation of conditions 11, 11A and 11B in the period before the day the notice is given.

At the time of giving the notice the **Minister** may also notify that for a specified period of time that condition 11 does not apply for one or more specified plan(s) required under the approval.

- 11D. Conditions 11, 11A, 11B and 11C are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised management plan(s) to the **Minister** for approval.

12. If, any time after 5 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.
13. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans and strategies referred to in these conditions of approval on a website for the life of the approval. Each management plan or strategy must be published on the website within 1 month of being approved by the **Minister** or being submitted under condition 11i.

**Definitions:**

**BGWG**, means the critically endangered EPBC Act listed White Box Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community.

**Commencement**, means any works associated with the action, other than surveys, acquisitions, fencing and signage.

**Department**, the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

**Finalised preliminary documentation**, means the report "Preliminary Documentation for a Residential Subdivision at 196 Robertson Road, Mudgee, EPBC 2015/7476 (February 2017)".

**Footprint of the proposed action**, means the area in Map 1.

**Minister**, the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the **Minister**.

**Offset site**, means the area marked by pink in Map 1.





**ATTACHMENT D: TRANSGRID CONDITIONS****Access and Maintenance**

1. The development is to be designed so that during construction phase TransGrid is not restricted from undertaking normal maintenance & inspection activities, and, at completion of works, **access** to Transmission Lines & structures shall be available at all times for TransGrid plant & personnel.
  - Confirmation is requested that the access point to the easement and travel along the easement to the structures will be off the Proposed Road (18 Wide), within the subdivision.
  - Access gates (to TransGrid's requirements) will be required to Structure 94M-341 situated on Lot 11, near boundary of Lot 12, should boundary fencing be proposed.
  - Any fencing proposed to be installed within the easement must in accordance with TransGrid's Fencing Guidelines.
2. Consideration is to be given in the design works for any proposed access ways/roads to TransGrid's easement & structures to cater for the weight and size of TransGrid's maintenance vehicles - **to withstand the 40ton load capacity of maintenance trucks.**
3. It must be ensured that the trench backfill for any services proposed within TransGrid's easement can safely withstand the 40ton load capacity of maintenance trucks without causing damage to any pipes/conduits and services.
4. During any future construction works, adequate precaution shall be taken to protect structures from accidental damage, and the easement area shall not be used for temporary storage of construction spoil, topsoil, gravel or any other construction material.
5. Safety clearances are to be observed near powerlines.
6. It should be noted that it is desirable to retain a continuous and unobstructed access way along the entire length of the easement. Where access is compromised by such developments, a condition of approval should be the provision of alternative access.

**Technical Conditions**

The development is technically acceptable according to the Easement Guidelines subject to the following constraints and conditions:

7. Fences on the easement will need to be of a wooden construction. Fence height must not exceed 2.5m as per TransGrid easement guidelines.
8. Fences must not obstruct or prevent access to TransGrid assets. All weather access to be provided from the public road to the power line structure to allow TransGrid access.
9. Buried services shall not come within 20m of the structure and buried services on the easement should be non-metallic.
10. Street lighting height will need to be limited within the easement according to the Easement Guidelines. Street lighting power will need to be electrically isolated from the electricity supply to the surrounding properties as per AS 3000. The point of isolation will need to be located outside of the easement.
11. Transmission structure 341 with 5m outer area cannot be located within any private property and No public personnel access to transmission structure 341 is required.

**Special Constraints for Blocks 11, 12, 13, 14, 15**

12. Metallic structures will not be permitted within 10m of the easement centreline and no electricity supply can be connected.
13. Above ground pools are not permitted within the easement.
14. In ground pools are restricted to the outer 5m of the easement.
15. No permanent parking of caravans, other camping vehicles or trucks is permitted within the easement.
16. Electricity supplies to properties will need to be underground.
17. The burning or lighting of fires is not permitted within the easement.
18. The storage of flammable, corrosive or explosive materials is prohibited on the easement.
19. Erection of children's play equipment must not be within 10m of the easement centreline.
20. Flying of remote controlled or autonomous aerial devices (such as UAVs) within 60 metres of structure 341 is prohibited.
21. Flying of any manned aircraft or balloon within 60m of transmission structures is prohibited.
22. Construction of houses or buildings (granny flats) is prohibited within the easement.
23. No planting or cultivating of trees or shrubs greater than 4.0 metres maximum possible height at maturity within the easement.
24. Must not obstruct or prevent access to TransGrid assets.
25. Not to use any machinery/objects with potential to extend (e.g. irrigation) greater than 4.3 metres in height or potential height for any object.
26. Irrigation equipment must not be capable of projecting a solid jet of water to within 4 metres of any overhead conductors and must use non-metallic piping.
27. The blocks in question here have a majority of the outdoor useable space restricted by the presence of the easement and this will be at odds with the purchaser's intended utilisation of the property.
28. It is TransGrid's opinion that while the proposed subdivision is technically acceptable such subdivisions which will place onerous constraints on future property owners should be discouraged.

**In addition to the above Specific Constraints, the following constraints apply for Blocks 11 and 12**

29. The movement of any vehicle or plant between the tower legs, within 5m of structure 341 is not permitted.
30. Machinery/objects with potential to extend must be at least 22 meters from structure 341.
31. No earth works are carried out within 20m from structure 341 without consultation with TransGrid.
32. Precautions must be in place to prevent damage to transmission line structures 341.



PP\_2018\_MIDWR\_002\_00 - IRF18/5830

Mr Brad Cam  
General Manager  
Mid-Western Regional Council  
PO Box 156  
MUDGEE NSW 2850

**Attention:** Sarah Armstrong, Manager Strategic Planning

Dear Mr Cam

**Planning Proposal (PP\_2018\_MIDWR\_002\_00 – 2255 Hill End Road, Grattai) – Additional Permitted Use and increase minimum lot size concerning Lot 4 DP 255618**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to include land Lot 4 DP 255618, 2255 Hill End Road, Grattai, as an Additional Permitted Use in Schedule 1 of the Mid-Western Regional Local Environmental Plan 2012 and increase in the minimum lot size affecting the land.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway determination for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office ten (10) weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment ([westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)) for administrative purposes.

All related files for LEP Amendment, including PDF Maps, Map Cover Sheet, planning proposal document and GIS Data, if available, must be submitted to the Department via the Planning Portal Website at

<https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>. To submit the data, Council is required to create an account and log in using these details.

In accordance with 'A guide for the preparation of local environmental plans'. Authorised plan making reporting template is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 3.36 submission when requesting the planning proposal be finalised.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Tim Collins from the Department of Planning and Environment, Western Region office to assist you. Mr Collins can be contacted on 5852 6800.

Yours sincerely



1.11.18

**Damien Pfeiffer**  
**Director Regions, Western**  
**Planning Services**

Encl: Gateway determination  
Authorised plan-making reporting template



## Planning & Environment

### Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_MIDWR\_002\_00):** to include the subject land as an additional permitted use to permit with consent an animal boarding or training establishment and increase the minimum lot size.

I, the Director Regions, Western at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act, 1979* that an amendment to the Midwestern Local Environmental Plan (LEP) 2012 to include the subject site as an Additional Permitted Use and increase to the minimum lot size affecting the land should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the *Environmental Planning and Assessment Act, 1979* as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing Local Environmental Plans (Department of Planning & Environment August 2016)*.

No consultation is required with agencies.

2. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the *Environmental Planning and Assessment Act, 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
3. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the *Environmental Planning and Assessment Act, 1979* subject to the following:
  - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - c. there is no outstanding written objection from public authorities.
4. Prior to submission of the planning proposal under section 3.36 of the *Environmental Planning and Assessment Act, 1979*, the final LEP maps must be





**Planning &  
Environment**

5. prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 1<sup>st</sup> day of November 2018.

A handwritten signature in black ink, appearing to read 'D Pfeiffer'.

**Damien Pfeiffer  
Director Regions, Western  
Planning Services  
Department of Planning and  
Environment**

**Delegate of the Minister for Planning**



## Planning & Environment

### Attachment 5 – Authorised plan-making reporting template

#### Reporting template for authorised LEP amendments

##### Notes:

- The planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:  
[Name]  
[Title]  
[Council name]  
Delegate of [Council name], the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

**Table 1: To be completed by the Department of Planning and Environment**

Stage	Date/Details
Planning proposal number	PP_2018_MIDWR_002_00
Date sent to DPE under section 3.34(1)	23 October 2018
Gateway determination date	1 November 2018

**Table 2: To be completed by the local plan-making authority**

Stage	Date/Details	Notified regional office
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date draft LEP requested from PCO		
Date draft LEP received from PCO		
Date PCO Opinion requested		
Date PCO Opinion received		
Date GIS data or maps provided/requested		
Date ePlanning confirmed mapping is suitable and sent to PCO		
Date LEP finalised		
Date sent to DPE requesting notification		



## Planning & Environment

**Table 3: To be completed by the Department of Planning and Environment**

Stage	Date/Details
Notification date and details	

**Additional relevant information:**





**Wagga Wagga**  
Level 1, 37 Johnston Street  
(02) 6921 8333

**Griffith**  
Level 1, 130 Banna Avenue  
(02) 6962 9922

admin@mjm-solutions.com  
mjm-solutions.com

15<sup>th</sup> June 2018

The General Manager  
Mid-Western Regional Council  
Po Box 156  
MUDGEES NSW 2850



RE: PLANNING PROPOSAL 2255 HILL END ROAD, GRATTAI

Dear Sir/Madam,

We refer to the accompanying documentation and cheque for required fees for a planning proposal for an additional permitted use and amendment to the minimum lot size of 2255 Hill End Road, Grattai.

Please also find enclosed a letter of authority from our client notifying Council of their authorisation for MJM Consulting Engineers to act on behalf of our client in respect of this application. As such, can you please ensure that a copy of all correspondence relating to this application is copied to our office.

Could you please also ensure that MJM Consulting Engineers are notified in writing of the applicable application details once the application is received and lodged with Council.

Should you require further information in relation to the attached application, please do not hesitate to contact our office.

Yours faithfully,  
**MJM CONSULTING ENGINEERS**

**JENNA AMOS**  
Planning Manager

Z:\Jobs\180169\_Dog breeding facility 2255 Hill End Road Grattai\180169\_CVrLtr\_060618.docx

Please return to records for scanning

\$8748-  
20 JUN 2018  
R/N: 405048



The General Manager  
Mid-Western Regional Council  
Po Box 156  
MUDGEE NSW 2850

RE: PLANNING PROPOSAL – 2255 HILL END ROAD, GRATTAI

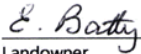
Dear Sir/Madam,

I am writing in relation to the accompanying planning proposal in respect of 2255 Hill End Road, Grattai.

I authorise MJM Consulting Engineers to act on my behalf in relation to this proposal, to make any necessary enquiries and to provide additional details. Please also extend a copy of any correspondence to MJM Consulting Engineers.

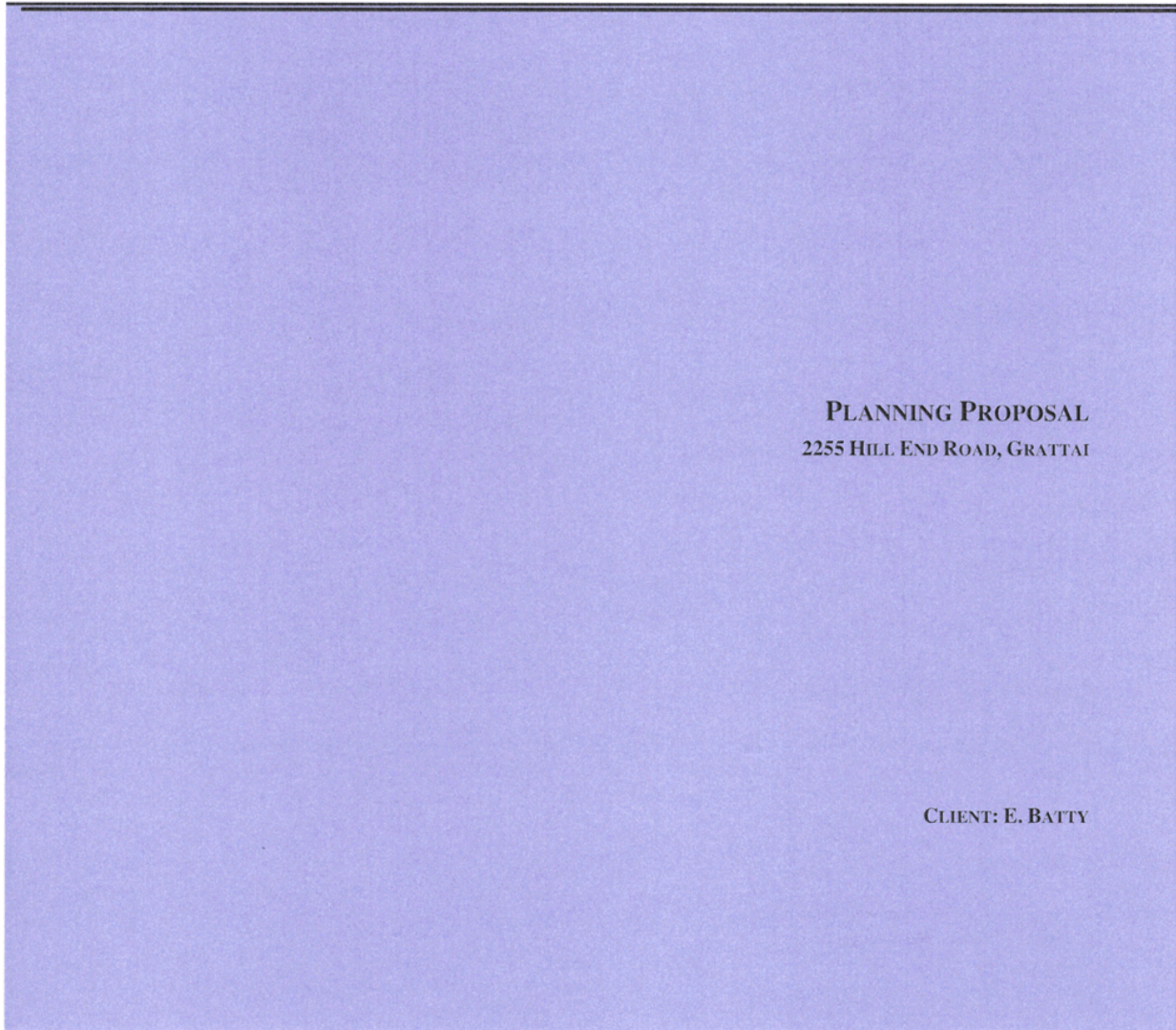
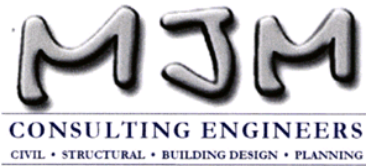
Please send any correspondence for MJM Consulting Engineers to [admin@mjm-solutions.com](mailto:admin@mjm-solutions.com)

Thank you in advance.

  
\_\_\_\_\_  
Landowner

Elizabeth Batty


Date:



**PLANNING PROPOSAL**  
2255 HILL END ROAD, GRATTAI

CLIENT: E. BATTY

Document Verification Schedule

		Project: Planning Proposal 2255 Hill End Road, Grattai					
		CIVIL • STRUCTURAL • BUILDING DESIGN • PLANNING					
Revision	Date	Prepared By		Checked By		Approved By	
Draft	26.04.18	Name	Jenna Amos	Name	Michael McFeeters	Name	Michael McFeeters
Rev A	29.05.18	Name	Jenna Amos	Name	Michael McFeeters	Name	Michael McFeeters
Rev B	1.06.18	Name	Jenna Amos	Name	Michael McFeeters	Name	Michael McFeeters

**MJM CONSULTING ENGINEERS**

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 Web [www.mjm-solutions.com](http://www.mjm-solutions.com)

Planning Proposal ■ 2255 Hill End Road, Grattai | May 2018

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**INTRODUCTION**

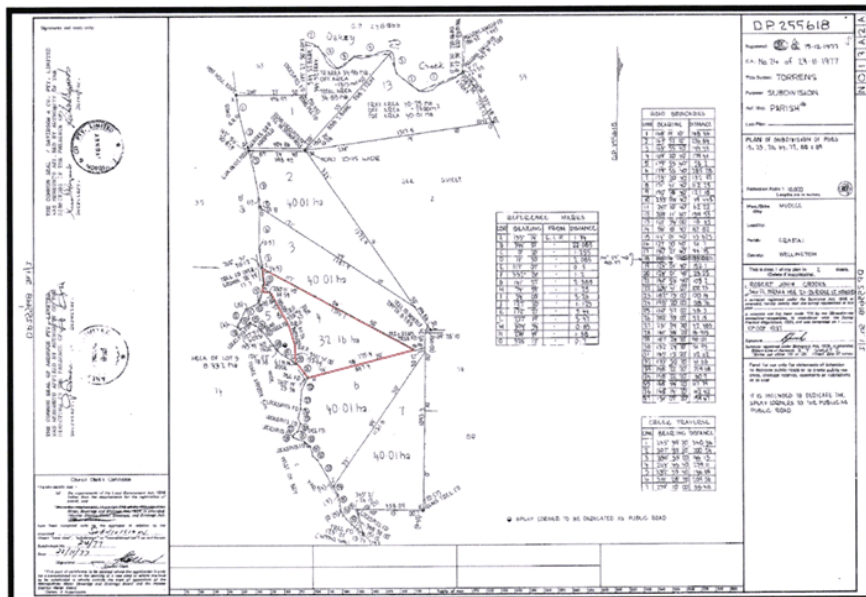
**SITE DESCRIPTION**

The property is known as 2255 Hill End road, Grattai. It is legally described as Lot 4 DP 255618 and is located approximately 30.4 km south west of Mudgee, NSW as shown in Figure 1 below.



**Figure 1.** Location of proposal site (Source: <https://www.google.com.au/maps>)

The site is 32.16 Ha in size and contains two existing approved dwellings, and facilities to undertake dog breeding on the property. An extract from the Deposited Plan for the property is provided in Figure 2 below.



**Figure 2.** Deposited Plan extract (Source: NSW Land Registry Services)

An aerial image of the property and surrounds is provided in Figure 3 below.



**Figure 3.** Aerial image of proposal site and surrounds (Source: <https://maps.six.nsw.gov.au/>)

**BACKGROUND**

This planning proposal seeks to add the additional included use of 'animal training and boarding establishment' to the existing R5 Large Lot Residential zoning of the property. This proposal would allow for a development application to be lodged with Council for continued use of the existing dog breeding facility which has been operated on the site for approximately the past ten years. Figure 4 below depicts the area of the property which contains the dog breeding facility, and other development on the site.



**Figure 4.** Aerial image of existing development on proposal site (Source: <https://www.google.com.au/maps>)

As shown in the above figure, the area of the property utilised for dog breeding, and approved residential purposes, is located within a cleared part of the site adjacent to the Hill End Road frontage.

Planning Proposal ■ 2255 Hill End Road, Grattai | May 2018

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This proposal has been prepared as directed by Council following discussions between Council and our client over the past 12 months in relation to obtaining development approval for the dog breeding facility. As the property is zoned R5 Large Lot Residential, the use which would permit the undertaking, being 'animal boarding and training establishment', is prohibited within the zone.

Following further discussions with Council in relation to the form of this proposal, Council advised to proceed with a planning proposal for an additional permitted use and minimum lot size amendment for the property. The additional permitted use would be 'animal boarding and training establishment', and the lot size amendment would amend the current minimum lot size from 12 Ha to 32.16 Ha, the existing size of the property, to satisfy Council that the property could not be further subdivided in future with the 'animal boarding and training establishment' use being permitted.

Email correspondence with Council is attached to this proposal for further information as Appendix A.



**Part 1. OBJECTIVES OR INTENDED OUTCOMES**

The objectives of this Planning Proposal are to amend the Mid-Western Region Local Environmental Plan 2012 to include the additional permitted use of ‘animal boarding and training establishment’ to the current R5 Large Lot Residential zoning of the subject property, and to amend the lot size map to reflect the minimum lot size of the property to be its existing size of 32.16 Ha to prevent future subdivision of the site.

The intended outcomes of this Planning Proposal are to allow the lodgement of a development application with Council for the continued use of the dog breeding facility, which has been operated on the property for approximately the past ten years, and to satisfy Council that the property cannot be further subdivided with the additional permitted use in place.

**Part 2. EXPLANATION OF PROVISIONS**

The objectives and outcomes described in Part 1 will be achieved by amending the Mid-Western Region Local Environmental Plan 2012 as follows:

- Amendment of *Schedule 1 Additional Permitted Uses* to identify the land subject to this Planning Proposal as *Item 4*, generally in the following terms:

*“4 Use of certain land at 2255 Hill End Road, Grattai  
(1) This clause applies to land at 2255 Hill End Road, Grattai, being Lot 4, DP 255618.  
(2) Development for the purposes of animal boarding or training establishment is permitted with development consent.”*

- Amendment of the Lot Size Map to identify the land subject to this planning proposal as having a minimum lot size of 32.16 Ha.

**Part 3. JUSTIFICATION****Section A. NEED FOR THE PLANNING PROPOSAL****Q1. IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?**

The planning proposal is not a result of any strategic study or report.

**Q2. IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?**

The intended outcome of this Planning Proposal can only be achieved through a site-specific amendment to the Mid-Western Regional LEP 2012 to permit development related to *animal boarding or training establishment*, with consent.

**Section B. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK****Q3. IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL, SUB-REGIONAL OR DISTRICT PLAN OR STRATEGY (INCLUDING ANY EXHIBITED DRAFT PLANS OR STRATEGIES)?**

There are no objectives or actions of the *Central West and Orana Regional Plan 2036* which are directly applicable to the planning proposal, however the proposal is also not inconsistent with any of the objectives or actions contained within the plan.

**a) STRATEGIC MERIT**

- Is the planning proposal consistent with the relevant regional plan outside the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment?

There are no objectives or actions of the *Central West and Orana Regional Plan 2036* which are directly applicable to the planning proposal, however the proposal is also not inconsistent with any of the objectives or actions contained within the plan.

- Is the planning proposal consistent with a relevant local council strategy that has been endorsed by the Department?

The proposal site is not specifically identified in the *Mid-Western Regional Comprehensive Land Use Strategy*, however the proposal is also not inconsistent with the contents of the strategy.

- Is the planning proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?

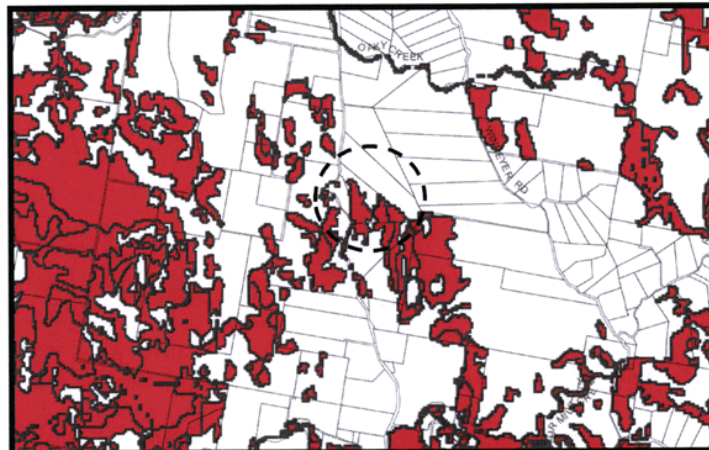
No, the planning proposal is not responding to a change in circumstances.

**b) SITE-SPECIFIC MERIT**

- Does the planning proposal respond to the natural environment (including known significant environmental values, resources and hazards)?

The site is identified as having high biodiversity sensitivity and groundwater vulnerability according to the Mid-Western Regional Local Environmental Plan 2012, and the property is also located within a bush fire prone area.

An extract from the Mid-Western Regional LEP 2012 Sensitivity Biodiversity Map is provided in Figure 5 below.



**Figure 5.** Location of proposal site on MWRLEP2012 Sensitivity Biodiversity Map  
(Source: MWRLEP2012 Sensitivity Biodiversity Map Sheet BIO\_006)

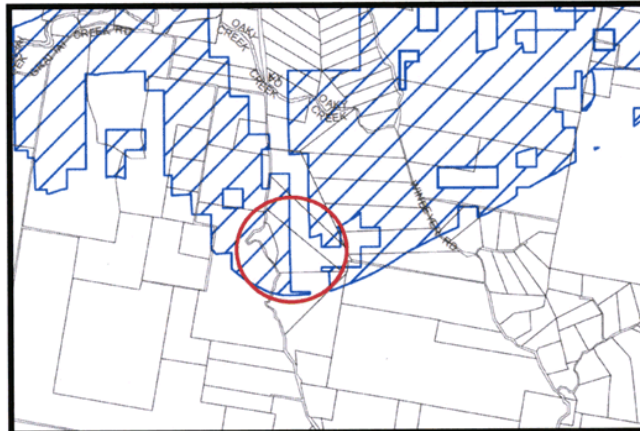
The site is already developed for the intended use and as such the purpose of this proposal is to allow lodgement of a continued use development application for the existing dog breeding facility. During assessment of the continued use development application, the affect of the existing dog breeding facility and associated undertaking would be assessed in relation to the biodiversity sensitivity of the land. However, should Gateway approval be granted for the proposal, the Department may require a Biodiversity Assessment to be undertaken in relation to assessing the affect the proposed use would have on the site's high biodiversity sensitivity. Should an assessment be required, the scope of the Biodiversity Assessment is proposed to include:

- Literature Review and Desktop Assessment
  - Flora and fauna database searches, BioNet (Atlas of NSW Wildlife) database search (10 km) for threatened species, populations and migratory species listed under the BC Act and EPBC Act Protected Matters Search Tool for species listed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).
  - Describe the State and Commonwealth listed flora and fauna species and populations, and ecological communities, that have the potential to occur in the vicinity of the proposed location; and
  - Assess the likelihood of impact upon threatened communities, populations and flora and fauna species identified as known, likely or having the potential to occur within the proposed location.
- Field Survey
  - A one-day field survey will be undertaken to map and validate vegetation and to provide a description of the vegetation communities, flora species and fauna assemblages within the proposed location. Habitat for and any observations of threatened flora and fauna will also be recorded.
- Reporting
  - Information gathered during tasks 1 and 2 will be used to prepare a constraints and opportunities report and will include:
  - General description of the survey site;
  - Description of methodologies;
  - Mapping and a description of the vegetation communities, fauna habitat characteristics, and any threatened flora and fauna species locations within the survey area and surrounding lands and any constraints to future development of the site.

An extract from the Mid-Western Regional LEP 2012 Groundwater Vulnerability Map is provided in Figure 6 on the following page.



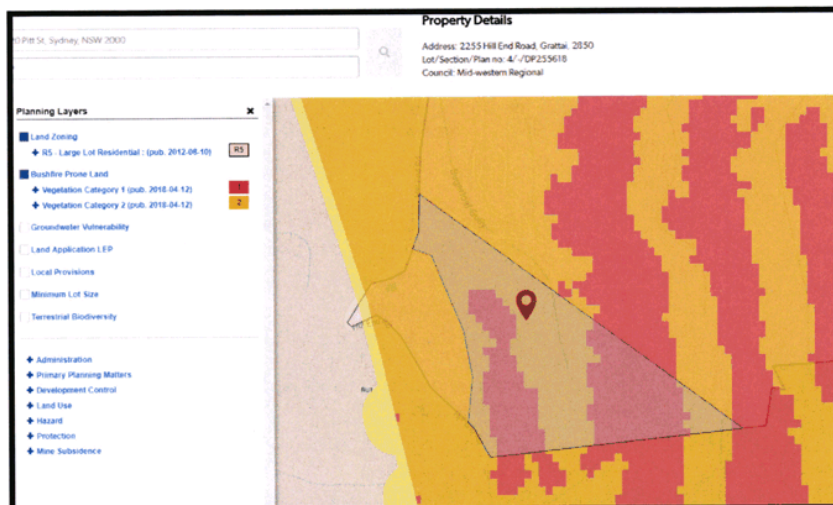
Planning Proposal ■ 2255 Hill End Road, Grattai | May 2018



**Figure 6.** Location of proposal site on MWRLEP2012 Groundwater Vulnerability Map (Source: MWRLEP2012 Groundwater Vulnerability Map Sheet GRV\_006)

It is not considered that the proposal would affect the groundwater vulnerability of the site, however we are guided by the Department's requirements in relation to this, should a Gateway determination be forthcoming.

The site is also located within a bush fire prone area as shown in Figure 7 below.



**Figure 7.** Bushfire prone land map of proposal site (Source: <https://www.planningportal.nsw.gov.au>)

The facilities to undertake dog breeding on the site are already established. Their appropriateness in relation to the bush fire risk to the property would be assessed by the NSW Rural Fire Service upon lodgement to Council of an integrated Development Application for continued use of the facilities. Further, as the site is located within a bush fire prone area, should this planning proposal be granted Gateway approval, the Commissioner of the NSW Rural Fire Service would be consulted for comment prior to exhibition of the proposal. Any further development on the site would also be subject to

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development consent approval, and integrated assessment of such by the NSW Rural Fire Service.

- Does the planning proposal respond to the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal?

The property is adjoined to the north and part of the western boundary by land zoned R5 Large Lot Residential. The R5 property to the north contains a residential dwelling, located approximately 110 metres from the property boundary, and the R5 property to the west is operated as a quarry.

Further, the remaining parts of the western and southern boundaries are adjoined by land zoned RU1 Primary Production. The additional included use requested by this planning proposal is an unspecified use permitted with consent in the adjoining RU1 zone. Figure 8 below depicts the zoning of the property and surrounding land.

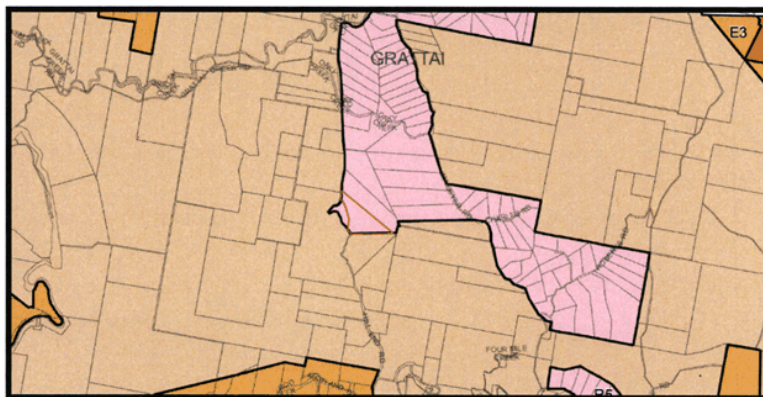


Figure 8. Land zoning of the property and surrounding land (Source: MWRLEP2012 Land Zoning Map 006)

The planning proposal is not likely to detrimentally affect the existing, approved and likely future uses of land within the vicinity of the proposal.

- Does the planning proposal provide the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?

The planning proposal would not require the provision of additional services or infrastructure as further development would not be required to be undertaken onsite to enable the proposed additional included use.

**Q4. IS THE PLANNING PROPOSAL CONSISTENT WITH A COUNCIL'S LOCAL STRATEGY OR OTHER LOCAL STRATEGIC PLAN?**

The proposal site is not specifically identified in the Mid-Western Regional Comprehensive Land Use Strategy, or any other local strategic plan, however the proposal is also not inconsistent with the contents of the strategy. Further, as noted previously in this proposal, Council advised that this proposal was the best way of addressing the existing dog breeding facility located on the site.

**Q5. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?**

Yes, the Planning proposal is consistent with applicable State Environmental Planning Policies as set out in Table 1 below.

**Table 1.** SEPPs Applicable to the planning proposal

SEPP	AIMS OF POLICY, IF APPLICABLE	CONSISTENCY	ASSESSMENT
SEPP ( <i>Vegetation in Non-Rural Areas</i> ) 2017	The aims of this Policy are: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	Yes	The planning proposal will not require the clearing of any vegetation on the property.

**Q6. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S. 9.1 DIRECTIONS)?**

Yes, the Planning proposal is consistent with applicable Ministerial Directions as set out in Table 2 below.

**Table 2.** SEPPs Applicable to the planning proposal

S.9.1 DIRECTION	REQUIREMENT	CONSISTENT/ INCONSISTENT/ JUSTIFIABLY INCONSISTENT WITH DIRECTION
<b>2 Environment and Heritage</b>		
2.1 Environment Protection Zones	Environmentally sensitive areas should be protected and preserved.	<b>Consistent:</b> The land is identified as "High Biodiversity Sensitivity" according to the Mid-Western Regional LEP2012 Sensitivity Biodiversity map. Any further development of the site would be subject to development consent approval, at which time the environmental impacts of the application would be considered by Council.  Further, the facilities to undertake dog breeding on the site are already established. The appropriateness of the facility and its affects, if any, on the biodiversity sensitivity of the property would be assessed by Council following lodgement of a Development Application for continued use.  The proposal would not require the removal on any vegetation, however should a Gateway determination be forthcoming, a biodiversity assessment could be undertaken, if directed by the Department, as per the scope described previously in this proposal.
<b>4 Hazard and Risk</b>		
4.4 Planning for Bushfire Protection	Life, property and the environmental should be protected from bush fire hazards and bush fire prone areas should be adequately managed.	<b>Consistent:</b> The land is located within a bush fire prone area. The facilities to undertake dog breeding on the site are already established, however their appropriateness in relation to the bush fire risk to the property would be assessed by the NSW Rural Fire Service upon lodgement to Council of a Development Application for continued use of the facilities.  Any further development on the site would also be subject to development consent approval, and integrated



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		assessment of such by the NSW Rural Fire Service.
<b>5 Regional Planning</b>		
5.10 Implementation of Regional Plans	The vision, land use strategy, goals, directions and actions in Regional Plans should be given legal effect.	<b>Consistent:</b> The property and its surrounds are not specifically referenced in the <i>Central West and Orana Regional Plan 2036</i> , however the proposal is not inconsistent with vision, land use strategy, goals, directions and actions contained within the plan.
<b>6 Local Plan Making</b>		
6.1 Approval and Referral Requirements	LEP provisions should encourage the efficient assessment of development by not unnecessarily including provisions that require the concurrence of development applications to a Minister or public authority.	<b>Consistent:</b> The planning proposal does not include any such provisions.
6.3 Site Specific Provisions	Unnecessarily restrictive site specific planning controls are discouraged.	<b>Consistent:</b> The planning proposal seeks to amend Schedule 1 of the LEP to permit the use of the site for 'animal boarding and training establishment' purposes, and to amend the lot size map to prevent any further subdivision of the property. It does not propose any unnecessarily restrictive provisions.

Please note, Directions 1.1 to 1.5 inclusive; 2.2 to 2.5 inclusive; 3.1 to 3.6 inclusive; 4.1 to 4.3 inclusive; 5.1 to 5.9 inclusive; 6.2, and 7.1 to 7.7 inclusive, are not applicable to the proposal.

**Section C. SECTION C. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

**Q7. IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?**

As discussed previously in this proposal, the site is identified as having high biodiversity sensitivity according to the Mid-Western Regional Local Environmental Plan 2012. The site is already developed for the intended use and as such the purpose of this proposal is to allow lodgement of a continued use development application for the dog breeding facility. There would be no further development of the site which would affect the natural environment and no clearing of any vegetation would be required.

However, should Gateway approval be granted for the proposal, a Biodiversity Assessment may be required to be undertaken in relation to assessing the affect the proposed use would have on the site's high biodiversity sensitivity. The scope of the Biodiversity Assessment proposed includes:

- Literature Review and Desktop Assessment
  - Flora and fauna database searches, BioNet (Atlas of NSW Wildlife) database search (10 km) for threatened species, populations and migratory species listed under the BC Act and EPBC Act Protected Matters Search Tool for species listed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).
  - Describe the State and Commonwealth listed flora and fauna species and populations, and ecological communities, that have the potential to occur in the vicinity of the proposed location; and



Planning Proposal ■ 2255 Hill End Road, Grattai | May 2018

- Assess the likelihood of impact upon threatened communities, populations and flora and fauna species identified as known, likely or having the potential to occur within the proposed location.
- Field Survey
  - A one-day field survey will be undertaken to map and validate vegetation and to provide a description of the vegetation communities, flora species and fauna assemblages within the proposed location. Habitat for and any observations of threatened flora and fauna will also be recorded.
- Reporting
  - Information gathered during tasks 1 and 2 will be used to prepare a constraints and opportunities report and will include:
  - General description of the survey site;
  - Description of methodologies;
  - Mapping and a description of the vegetation communities, fauna habitat characteristics, and any threatened flora and fauna species locations within the survey area and surrounding lands and any constraints to future development of the site.

**Q8. ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?**

The planning proposal is not likely to result in any other environmental effects. Any potential environmental impacts of the existing dog breeding facility on site would be assessed as part of a future development application to Council for continued use, should the planning proposal be successful.

**Q9. HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?**

The economic and social effects of the Planning Proposal are considered to be positive for the local area. The Planning Proposal will facilitate means for Development Application approval to be sought for continued use of the site for licensed dog breeding purposes. Should the planning proposal not succeed, the owners of the property would cease to operate the existing dog breeding facility, the sole source of their income for the past decade, which would may have detrimental effects on the local economy.

**Section D. STATE AND COMMONWEALTH INTERESTS**

**Q10. IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?**

The Planning Proposal would not require any additional public infrastructure to be provided to the site. Adequate public infrastructure is available for the Planning Proposal.

**Q11. WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?**

The views of the State and Commonwealth public authorities will not be known until after Gateway Determination, should it be forthcoming. The Gateway Determination would specify the public authorities requiring consultation, should there be any.

**Part 4. MAPPING**

The planning proposal would require amendment to the Mid-Western Regional LEP 2012 Lot Size Map LSZ\_006.

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Planning Proposal ■ 2255 Hill End Road, Grattai | May 2018

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**Part 5. COMMUNITY CONSULTATION**

The Gateway Determination, should it be forthcoming, will specify the community consultation that must be undertaken for the Planning Proposal. The consultation will be tailored to specific proposals generally on the basis of a 14 day exhibition period for low impact planning proposals and a 28 day exhibition period for all other planning proposals.

**Part 6. PROJECT TIMELINE**

Following lodgement of the planning proposal with Council, Council will develop a project timeline including reporting to Council, Gateway determination, public exhibition, reporting, Ministerial (or delegate) approval and implementation.

**APPENDICES**

Appendix A: Email correspondence from Council

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Planning Proposal ■ 2255 Hill End Road, Grattai | May 2018

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**APPENDIX A: EMAIL CORRESPONDENCE FROM COUNCIL**

**Jenna Amos**

---

**From:** Sarah Armstrong <Sarah.Armstrong@midwestern.nsw.gov.au>  
**Sent:** Tuesday, 17 April 2018 8:35 AM  
**To:** Jenna.Amos@mjm-solutions.com  
**Cc:** sortingout@mjm-solutions.com  
**Subject:** RESPONSE: Proposed Rezoning 2255 Hill End Road, Grattai

Hello Jenna,

Council would support the proponent lodging a Planning Proposal for an additional permitted use, maintained the currently zoning and amending the minimum lot size map to reflect the size of the existing lot.

I hope that answers your question.

Kind Regards,

Sarah

---

**From:** Jenna Amos [mailto:Jenna.Amos@mjm-solutions.com]  
**Sent:** Friday, 13 April 2018 5:26 PM  
**To:** Sarah Armstrong <Sarah.Armstrong@midwestern.nsw.gov.au>  
**Cc:** sortingout@mjm-solutions.com; sortingout@mjm-solutions.com  
**Subject:** RE: RESPONSE: Proposed Rezoning 2255 Hill End Road, Grattai

Good afternoon Sarah,

Thank you for your below response. In relation to your comments of possibly including 'animal training and boarding establishment' as an additional permitted use for the current zoning with an amendment to the minimum lot size, would Council be supportive of the addition of the use within the current zoning, with the nomination of a specific area of the site which is permitted to have the additional use? This way, Council would be satisfied that the property could not be subdivided in future to allow for this use on multiple lots, and the use would be concentrated in one nominated area of the property.

Alternatively, we would look at pursuing a zoning change to RU1.

Can you please advise if Council's preference would be for the additional permitted use in the current zoning, or the change to RU1?

Kind regards,  
[180169]

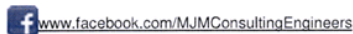
**Jenna Amos**  
Planning Manager

**MJM Consulting Engineers**

Structural • Civil • Building Design • Planning

**Wagga Wagga**  
Level 1, 37 Johnston St  
(02) 6921 8333

**Griffith**  
Level 1, 130 Banna Ave  
(02) 6962 9922



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**From:** Sarah Armstrong [<mailto:Sarah.Armstrong@midwestern.nsw.gov.au>]  
**Sent:** 13 April, 2018 3:18 PM  
**To:** Simone Jorgensen <[simone.jorgensen@mjm-solutions.com](mailto:simone.jorgensen@mjm-solutions.com)>  
**Cc:** [sortingout@mjm-solutions.com](mailto:sortingout@mjm-solutions.com)  
**Subject:** RESPONSE: Proposed Rezoning 2255 Hill End Road, Grattai

Hello Simone,

Please find below a response to your questions

1. *Is Council supportive, in principle, of an application for rezoning for the property from the existing R5 to RU1 which, if successful, would be followed by a Development Application for approval of the dog breeding facility?*

Council can consider a Planning Proposal for the above. However please be advised such a Planning Proposal would be considered 'inconsistent' in determining the application fee. An 'inconsistent' application fee is \$8748.00.

2. *If Council is supportive, in principle, of such a planning proposal, are you able to advise the minimum information requirements Council would deem necessary to progress the proposal? It is our assumption that as a minimum, the below specialist studies would be required:*

- Acoustic assessment (carried out late last year);*
- Bushfire assessment;*
- Flora and fauna assessment; and*
- Aboriginal and European heritage assessment;*

I believe the study will be required to be updated in accordance with the current requirements. Please ensure the Planning Proposal is prepared in accordance with DP&Es Guide to Preparing Planning Proposals.

3. *Other than the studies noted above, can Council advise of any further studies they believe may be necessary?*

Not at this stage.

4. *Given the minimum lot size of the surrounding RU1 zone being 100ha, would Council be supportive of a rezoning for the property to RU1 when its lot size is less than this minimum?*

Council has undersized allotments (and some with approved dwellings) with a RU1 zoning across the local government area.

5. *We had a brief discussion in relation to lodging the planning proposal and a development application for the facility with Council simultaneously. Can Council please provide further information on this requirement? We were of the understanding that until such time as a rezoning is successful (if this is the outcome), we would not be able to lodge a development application for the facility as the proposed use (animal boarding and training establishment) is prohibited in the current applicable zone.*

I have spoken to the Department of Planning and Environment and with the recent legislation changes they're not certain as to the mechanism? They have also suggested the Planning Proposal be lodged independently, Council would support this.

6. *Please advise if there are any other comments Council has on the proposal, or any advice Council may be able to offer prior to proceeding.*

It would also be worth exploring included the use as an additional permitted use and changing the MLS map to the current area of the subject lot. I would suggest this may be more likely to gain further staff consideration? This would still attract an inconsistent application fee.

Please let me know if you require any further clarification?

Thanks,  
Sarah

---

**From:** Simone Jorgensen [<mailto:simone.jorgensen@mjm-solutions.com>]  
**Sent:** Friday, 13 April 2018 1:59 PM  
**To:** Sarah Armstrong <[Sarah.Armstrong@midwestern.nsw.gov.au](mailto:Sarah.Armstrong@midwestern.nsw.gov.au)>  
**Cc:** [sortingout@mjm-solutions.com](mailto:sortingout@mjm-solutions.com)  
**Subject:** FW: Proposed Rezoning 2255 Hill End Road, Grattai

Good afternoon Sarah,

Please see below email, if you could please respond or give us a call as soon as possible it would be greatly appreciated.

Kind regards,  
[180169]

Simone Jorgensen  
Project Coordinator

## MJM Consulting Engineers

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**From:** Jenna Amos  
**Sent:** Wednesday, April 11, 2018 1:14 PM  
**To:** [sarah.armstrong@midwestern.nsw.gov.au](mailto:sarah.armstrong@midwestern.nsw.gov.au)  
**Cc:** [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au); [hevs.haven@skymesh.com.au](mailto:hevs.haven@skymesh.com.au)  
**Subject:** Proposed Rezoning 2255 Hill End Road, Grattai

Good afternoon Sarah,

As discussed this morning, we have been approached by the owner of 2255 Hill End Road in relation to preparing a planning proposal to rezone the property from the current R5 Large Lot Residential zone to RU1 Primary Production. The purpose of the rezoning is to enable the owners to legally utilise the land for dog breeding purposes, which is currently a use which is prohibited in the current zoning. In order to provide the owners with a scope of works and quotation for our services, we would like to confirm Council's expectations and requirements in relation to the planning proposal. Could Council please provide information in relation to the following:



1. Is Council supportive, in principle, of an application for rezoning for the property from the existing R5 to RU1 which, if successful, would be followed by a Development Application for approval of the dog breeding facility?
2. If Council is supportive, in principle, of such a planning proposal, are you able to advise the minimum information requirements Council would deem necessary to progress the proposal? It is our assumption that as a minimum, the below specialist studies would be required:
  - a. Acoustic assessment (carried out late last year);
  - b. Bushfire assessment;
  - c. Flora and fauna assessment; and
  - d. Aboriginal and European heritage assessment;
3. Other than the studies noted above, can Council advise of any further studies they believe may be necessary?
4. Given the minimum lot size of the surrounding RU1 zone being 100ha, would Council be supportive of a rezoning for the property to RU1 when its lot size is less than this minimum?
5. We had a brief discussion in relation to lodging the planning proposal and a development application for the facility with Council simultaneously. Can Council please provide further information on this requirement? We were of the understanding that until such time as a rezoning is successful (if this is the outcome), we would not be able to lodge a development application for the facility as the proposed use (animal boarding and training establishment) is prohibited in the current applicable zone.
6. Please advise if there are any other comments Council has on the proposal, or any advice Council may be able to offer prior to proceeding.

We would appreciate a written response to the above to be able to proceed with some certainty as to Council's support in principle, or otherwise, in relation to rezoning the property. If you have any questions in relation to the above, please do not hesitate to contact our office on 6921 8333 or respond to this email.

Kind regards,  
[180169]

Jenna Amos  
Planning Manager

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Proposed Animal Breeding Facility  
2255 Hill End Road, Grattai NSW  
Acoustical Assessment

---

REPORT R170448R2

Revision 2

Prepared for:

Hevs Haven Pty Ltd  
c/- DF Planning Pty Ltd  
11 Dartford Road  
Thornleigh NSW

17 September 2018

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Proposed Animal Breeding Facility  
 2255 Hill End Road, Grattai  
 Acoustical Assessment

PREPARED BY:

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DOCUMENT CONTROL

Reference	Status	Date	Prepared	Checked	Authorised
R170448R1	Revision 0	28 September 2017	Desmond Raymond	Camilo Castillo	Rodney Stevens
R170449R2	Revision 1	21 August 2018	Desmond Raymond	Thomas Carney	Rodney Stevens
R170449R2	Revision 2	17 September 2018	Desmond Raymond	Rodney Stevens	Rodney Stevens



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1 INTRODUCTION

Rodney Stevens Acoustics Pty Ltd (RSA) has been engaged to prepare a noise impact assessment for the proposed animal breeding facility to be located at 2255 Hill End Road, Grattai NSW.

Hevs Haven requires a statement addressing noise to accompany the Development Application (DA) for the proposal. The primary purpose of the assessment is to determine the noise impact from the operation of the proposed animal breeding facility to the nearest residential dwellings and where required provide in-principle design advice to achieve the requirements of acoustic amenity.

Specific acoustic terminology is used in this report. An explanation of common acoustic terms is provided in Appendix C.

2 PROJECT OVERVIEW

2.1 Proposed Development

The proposed development is to be located at 2255 Hill End Road, Grattai NSW. The project area and its surrounding environment are presented in Figure 2-1 below.

Figure 2-1 Project Area and Surrounding Environment



Aerial image courtesy of © 2018 nearmap ltd



The nearest residential receiver to be affected by the noise emissions from the proposed animal breeding development is identified to be 2247 Hill End Road to the north of the site. Nearest residence to the west is identified as 479 Windeyer Road approximately 2.1km from the proposed site. Residences to the south and east are too far to be affected by the noise emissions from the proposed development.

### 3 EXISTING NOISE ENVIRONMENT

Unattended noise monitoring for the development was carried out between 3 August and 6 August 2018 at the location shown in Figure 2-1. Noise monitoring was conducted for a period of 3 days being primarily weekend, in order to avoid any influences to the measurement from any heavy machinery or nearby agricultural earth moving machinery. The operation of the nearby Quarry also has the potential of influencing the noise measurements. This has been conducted as per the guidelines within *Noise Policy for Industry* Section B1.

The location was selected after a detailed inspection of the project area giving consideration to other noise sources that may influence the readings, the proximity of noise-sensitive receivers and security issues for the noise monitoring device and gaining permission for access from the residents or landowners. The results of the ambient noise monitoring are shown in Table 3-1.

Instrumentation for the survey comprised of a RION NL-42 Environmental Noise Logger (serial number 710677) fitted with a microphone windshield. Calibration of the logger was checked prior to and following measurements. Drift in calibration did not exceed  $\pm 0.5$  dBA. All equipment carried appropriate and current NATA (or manufacturer) calibration certificates.

#### 3.1 Noise Results

From the measured noise levels, the results have been summarised and presented in Table 3-1. These results represent the current Rated Background Noise Levels (RBL) at the monitoring location. The monitored baseline noise levels are detailed in Table 3-1.

Table 3-1 Measured Existing Noise Levels Corresponding Assessment Time Periods

Location	Measurement Descriptor	Measured Noise Level – dBA re 20 $\mu$ Pa		
		Daytime 7.00 am – 6.00 pm	Evening 6.00 pm – 10.00 pm	Night Time 10.00 pm – 7.00 am
Location 1	LAeq <sup>1</sup>	45	41	38
	RBL (Background) <sup>2</sup>	24	19	18

Note 1: The LAeq is essentially the average sound level. It is defined as the steady sound level that contains the same amount of acoustical energy as a given time-varying sound.

Note 2: The RBL noise level is representative of the average minimum background sound level (in the absence of the source under consideration), or simply the background level.





## 4 ASSESSMENT CRITERIA

### 4.1 Operational Noise Criteria – *Noise Policy for Industry*

Responsibility for the control of noise emissions in New South Wales is vested in Local Government and the EPA. The EPA oversees the Noise Policy for Industry (NPfI) October 2017 which provides a framework and process for deriving noise criteria. The NPfI criteria for industrial noise sources have two (2) components:

- Controlling the intrusive noise impacts for residents and other sensitive receivers in the short term; and
- Maintaining noise level amenity for particular land uses for residents and sensitive receivers in other land uses.

#### 4.1.1 Intrusiveness Criterion

For assessing intrusiveness, the background noise generally needs to be measured. The intrusiveness criterion essentially means that the equivalent continuous noise level (LAeq) of the source should not be more than 5 dB(A) above the measured Rated Background Level (RBL), over any 15 minute period.

#### 4.1.2 Amenity Criterion

The amenity criterion is based on land use and associated activities (and their sensitivity to noise emission). The cumulative effect of noise from industrial sources needs to be considered in assessing the impact. The criteria relate only to other industrial-type noise sources and do not include road, rail or community noise. The existing noise level from industry is measured.

If it approaches the criterion value, then noise levels from new industrial-type noise sources, (including air-conditioning mechanical plant) need to be designed so that the cumulative effect does not produce total noise levels that would significantly exceed the criterion.

#### 4.1.3 Area Classification

The NPfI characterises the site area as Rural – an area with an acoustical environment that is dominated by natural sounds, having little or no road traffic noise and generally characterized by low background noise levels. Settlement patterns would be typically sparse.

The area surrounding the proposed development falls under the “Rural” area classification.

#### 4.1.4 Project Specific Noise Levels

Having defined the area type, the processed results of the attended noise monitoring have been used to determine project specific noise criteria. The intrusive and amenity criteria for nearby residential premises are presented in Table 4-1. These criteria are nominated for the purpose of assessing potential noise impacts from the proposed development.

In this case, the ambient noise environment is not controlled by industrial noise sources and therefore the project amenity noise level are assigned as per Table 2.2 of the NPfI (Recommended Amenity Noise Levels). For each assessment period, the lower (i.e. the more stringent) of the amenity or intrusive criteria are adopted.

These are shown in bold text in Table 4-1.





Table 4-1 Operational Project Trigger Noise Levels

Receiver	Time of Day	ANL <sup>1</sup> L <sub>Aeq(15min)</sub>	Measured		Project Trigger Noise Levels	
			Actual Measured Background (RBL) <sup>2,3</sup> L <sub>A90(15min)</sub>	L <sub>Aeq</sub> Noise Level	Intrusive (as per policy) L <sub>Aeq(15min)</sub>	Amenity (as per policy) L <sub>Aeq(15min)</sub>
Residential	Day	50	35 <sup>3</sup>	45	<b>40</b>	47
	Evening	45	30 <sup>3</sup>	41	<b>35</b>	42
	Night	40	30 <sup>3</sup>	38	<b>35</b>	37

Note 1: ANL = "Amenity Noise Level" for residences in rural Areas.

Note 2: RBL = "Rating Background Level".

Note 3: RBL adjusted as per the requirements of NPfl Table 2.1

#### 4.2 Sleep Disturbance Criteria

The potential for sleep disturbance from maximum noise level events from premises during the night-time period needs to be considered. Sleep disturbance is considered to be both awakenings and disturbance to sleep stages.

Noise Policy for Industry provides the following guidelines on the project trigger noise levels:

Where the subject development/premises night-time noise levels at a residential location exceed:

- L<sub>Aeq,15min</sub> 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or
- L<sub>AFmax</sub> 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater,

For planning purposes the assumed level of background noise for the night-time period is taken to be the night-time Rating Background Level, as given in Table 4-1 resulting in a sleep disturbance criterion of:

- L<sub>Aeq(15min)</sub> 40 dBA (as per NPfl minimum requirements)
- L<sub>AFmax</sub> 52 dBA (as per NPfl minimum requirements)

### 5 NOISE ASSESSMENT

The following section summaries the results of animal noise predicted levels at the surrounding residential receivers due to the operation of the proposed breeding facility.

It is understood that the proposed breeding facility will breed dogs on site. As this is a breeding facility, it is envisaged that the dogs will be in a comfortable environmental without barking excessively. With behavioral training for the dogs and constant supervision the dogs can be controlled allowing the dogs to sleep throughout the night and be engaged in activities during the daytime.

Calculations of the amount of noise transmitted to the identified sensitive receiver from the proposed kennel have been made based on previous measurements and noise data collected by Rodney Stevens Acoustics.

Rodney Stevens Acoustics personnel had conducted noise measurements of the 68 dogs barking on site. The noise data was recorded using a Bruel & Kjaer Model 2250 Type I Sound Level Meter (Serial Number



3011625). Calibration for the equipment was checked prior to and following the measurements. Drift in calibration did not exceed 0.5dBA.

With all 68 dogs barking, sound pressure level of 97 dBA at 1m.

The calculated noise impact from the use of the development including the dogs engaged in outdoor activities and minimal activities at night are presented in Table 5-1 below.

Table 5-1 Predicted Noise Levels at Sensitive Receivers

Receiver Location	(Calculated) Predicted $L_{Aeq(15min)}$ Noise Level – dB(A)	Noise Criterion as per policy at Receiver Location – dB(A)	Compliance (Yes/No)
2247 Hill End Road			
Day Time	32	40	Yes
Evening	32	35	Yes
Night Time	22	35	Yes
Sleep Disturbance	49	$L_{Amax}$ 52	Yes
479 Windeyer Road			
Day Time	6	40	Yes
Evening	6	35	Yes
Night Time	0	35	Yes
Sleep Disturbance	0	$L_{Amax}$ 52	Yes

The predicted noise levels at the residential receivers shows compliance to the established noise criteria. It should be noted that there have been noise complaints regarding the noise emissions at night. RSA personnel observed the dogs reacting to wild life especially during the night. This could potentially cause sleep disturbance to the residents at 2247 Hill End Road.

## 6 RECOMMENDATIONS

### 6.1 Building Recommendations

Based on the potential for sleep disturbance, RSA recommends semi-enclosing the kennels for the night period (10pm to 7am). This can include installing an acoustically constructed colourbond fence on the north and eastern sides surrounding the kennels to allow the dogs outside access at night and still easily achieve sleep arousal criteria.

### 6.2 Complaint Handling

To maintain good community relationship with the neighboring properties, RSA recommends a complaint handling procedure established. This protocol is intended to ensure that noise complaint issues are addressed and that appropriate corrective action is identified and implemented as necessary. The complaint handling procedure is to include:

- The manager will record all verbal and telephone complaints in writing including details of the circumstance leading to the complaint and all subsequent actions.



- The manager and owner will investigate the complaint in order to determine whether a criterion exceedance has occurred or whether noise have occurred unnecessarily.
- If excessive or unnecessary noise have been caused, corrective action will be planned and implemented by the project manager.
- Complainants will be informed by the manager that their complaints are being addressed, and (if appropriate) that corrective action is being taken.

Complainants will be informed of the implementation of the corrective action that has been taken to mitigate the adverse effects.

## 7 CONCLUSION

Rodney Stevens Acoustics has conducted noise impact assessment for the proposed animal breeding facility located at 2255 Hill End Road, Grattai NSW. The assessment has predicted the noise impact to the nearest residential dwellings. The noise modelling resulted in compliance to the NSW EPA NPfI requirements. Recommendations have been made above to mitigate noise emissions during night time operations. RSA recommends planning approval be granted on the basis of acoustics.

Approved:-

Rodney Stevens - MAAS



## Appendix A – Acoustic Terminology

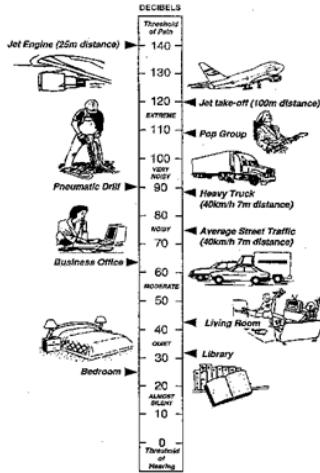
A-weighted sound pressure	The human ear is not equally sensitive to sound at different frequencies. People are more sensitive to sound in the range of 1 to 4 kHz (1000 – 4000 vibrations per second) and less sensitive to lower and higher frequency sound. During noise measurement an electronic ' <i>A-weighting</i> ' frequency filter is applied to the measured sound level <i>dB(A)</i> to account for these sensitivities. Other frequency weightings (B, C and D) are less commonly used. Sound measured without a filter is denoted as linear weighted <i>dB(linear)</i> .
Ambient noise	The total noise in a given situation, inclusive of all noise source contributions in the near and far field.
Community annoyance	Includes noise annoyance due to: <ul style="list-style-type: none"> <li>▪ character of the noise (e.g. sound pressure level, tonality, impulsiveness, low-frequency content)</li> <li>▪ character of the environment (e.g. very quiet suburban, suburban, urban, near industry)</li> <li>▪ miscellaneous circumstances (e.g. noise avoidance possibilities, cognitive noise, unpleasant associations)</li> <li>▪ human activity being interrupted (e.g. sleep, communicating, reading, working, listening to radio/TV, recreation).</li> </ul>
Compliance	The process of checking that source noise levels meet with the noise limits in a statutory context.
Cumulative noise level	The total level of noise from all sources.
Extraneous noise	Noise resulting from activities that are not typical to the area. Atypical activities may include construction, and traffic generated by holiday periods and by special events such as concerts or sporting events. Normal daily traffic is not considered to be extraneous.
Feasible and reasonable measures	Feasibility relates to engineering considerations and what is practical to build; reasonableness relates to the application of judgement in arriving at a decision, taking into account the following factors: <ul style="list-style-type: none"> <li>▪ Noise mitigation benefits (amount of noise reduction provided, number of people protected).</li> <li>▪ Cost of mitigation (cost of mitigation versus benefit provided).</li> <li>▪ Community views (aesthetic impacts and community wishes).</li> </ul>



- Noise levels for affected land uses (existing and future levels, and changes in noise levels).

Impulsiveness	Impulsive noise is noise with a high peak of short duration or a sequence of these peaks. Impulsive noise is also considered annoying.
Low frequency	Noise containing major components in the low-frequency range (20 to 250 Hz) of the frequency spectrum.
Noise criteria	The general set of non-mandatory noise levels for protecting against intrusive noise (for example, background noise plus 5 dB) and loss of amenity (e.g. noise levels for various land use).
Noise level (goal)	A noise level that should be adopted for planning purposes as the highest acceptable noise level for the specific area, land use and time of day.
Noise limits	Enforceable noise levels that appear in conditions on consents and licences. The noise limits are based on achievable noise levels, which the proponent has predicted can be met during the environmental assessment. Exceedance of the noise limits can result in the requirement for either the development of noise management plans or legal action.
Performance-based goals	Goals specified in terms of the outcomes/performance to be achieved, but not in terms of the means of achieving them.
Rating Background Level (RBL)	The rating background level is the overall single figure background level representing each day, evening and night time period. The rating background level is the 10 <sup>th</sup> percentile min L <sub>A90</sub> noise level measured over all day, evening and night time monitoring periods.
Receptor	The noise-sensitive land use at which noise from a development can be heard.
Sleep disturbance	Awakenings and disturbance of sleep stages.
Sound and decibels (dB)	Sound (or noise) is caused by minute changes in atmospheric pressure that are detected by the human ear. The ratio between the quietest noise audible and that which should cause permanent hearing damage is a million times the change in sound pressure. To simplify this range the sound pressures are logarithmically converted to decibels from a reference level of 2 x 10 <sup>-5</sup> Pa.

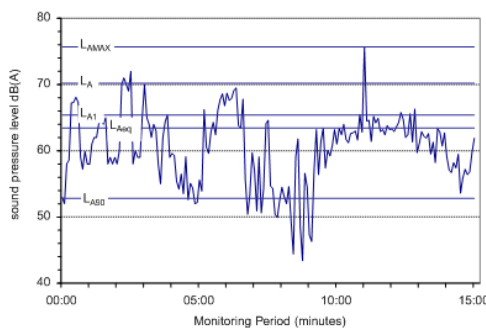
The picture below indicates typical noise levels from common noise sources.



dB is the abbreviation for decibel – a unit of sound measurement. It is equivalent to 10 times the logarithm (to base 10) of the ratio of a given sound pressure to a reference pressure.

- Sound Power Level (SWL)**      The sound power level of a noise source is the sound energy emitted by the source. Notated as SWL, sound power levels are typically presented in *dB(A)*.
- Sound Pressure Level (SPL)**      The level of noise, usually expressed as SPL in *dB(A)*, as measured by a standard sound level meter with a pressure microphone. The sound pressure level in *dB(A)* gives a close indication of the subjective loudness of the noise.
- Statistical noise levels**      Noise levels varying over time (e.g. community noise, traffic noise, construction noise) are described in terms of the statistical exceedance level.

A hypothetical example of A weighted noise levels over a 15 minute measurement period is indicated in the following figure:



**Key descriptor**

- LAmx Maximum recorded noise level.



- LA1 The noise level exceeded for 1% of the 15 minute interval.
- LA10 Noise level present for 10% of the 15 minute interval. Commonly referred to the average maximum noise level.
- LAeq Equivalent continuous (energy average) A-weighted sound pressure level. It is defined as the steady sound level that contains the same amount of acoustic energy as the corresponding time-varying sound.
- LA90 Noise level exceeded for 90% of time (background level). The average minimum background sound level (in the absence of the source under consideration).


Threshold                      The lowest sound pressure level that produces a detectable response (in an instrument/person).

Tonality                        Tonal noise contains one or more prominent tones (and characterised by a distinct frequency components) and is considered more annoying. A 2 to 5 dBA penalty is typically applied to noise sources with tonal characteristics.





Appendix B – Calibration Certificates



**Acoustic Research Labs Pty Ltd**

Level 7 Building 2 423 Pennant Hills Rd  
Pennant Hills NSW AUSTRALIA 2120  
Ph: +61 2 9484 0800 A.B.N. 65 160 399 119  
www.acousticresearch.com.au

**Sound Level Meter**  
IEC 61672-3:2013

**Calibration Certificate**  
Calibration Number C16717

---

**Client Details** Rodney Stevens Acoustics Pty Ltd  
1 Majura Close  
St Ives Chase NSW 2075

---

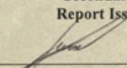
**Equipment Tested/ Model Number :** Rion NL-42EX  
**Instrument Serial Number :** 00546394  
**Microphone Serial Number :** 152908  
**Pre-amplifier Serial Number :** 46606

---

<b>Pre-Test Atmospheric Conditions</b>	<b>Post-Test Atmospheric Conditions</b>
<b>Ambient Temperature :</b> 23.7°C	<b>Ambient Temperature :</b> 24.2°C
<b>Relative Humidity :</b> 50.3%	<b>Relative Humidity :</b> 45.3%
<b>Barometric Pressure :</b> 98.8kPa	<b>Barometric Pressure :</b> 98.75kPa

---

**Calibration Technician :** Vicky Jaiswal      **Secondary Check:** Riley Cooper  
**Calibration Date :** 09/01/2017      **Report Issue Date :** 10/01/2017

**Approved Signatory :**  Juan Aguero

---

Clause and Characteristic Tested	Result	Clause and Characteristic Tested	Result
12: Acoustical Sig. tests of a frequency weighting	Pass	17: Level linearity incl. the level range control	Pass
13: Electrical Sig. tests of frequency weightings	Pass	18: Toneburst response	Pass
14: Frequency and time weightings at 1 kHz	Pass	19: C Weighted Peak Sound Level	Pass
15: Long Term Stability	Pass	20: Overload Indication	Pass
16: Level linearity on the reference level range	Pass	21: High Level Stability	Pass

The sound level meter submitted for testing has successfully completed the class 2 periodic tests of IEC 61672-3:2006, for the environmental conditions under which the tests were performed.


However, no general statement or conclusion can be made about conformance of the sound level meter to the full requirements of IEC 61672-1:2002 because evidence was not publicly available, from an independent testing organisation responsible for pattern approvals, to demonstrate that the model of sound level meter fully conformed to the requirements in IEC 61672-1:2002 and because the periodic tests of IEC 61672-3:2006 cover only a limited subset of the specifications in IEC 61672-1:2002.

---

Least Uncertainties of Measurement -			
Acoustic Tests		Environmental Conditions	
31.5 Hz to 8kHz	±0.12dB	Temperature	±0.05°C
12.5kHz	±0.18dB	Relative Humidity	±0.46%
16kHz	±0.31dB	Barometric Pressure	±0.017kPa
Electrical Tests			
31.5 Hz to 20 kHz	±0.12dB		

*All uncertainties are derived at the 95% confidence level with a coverage factor of 2.*

---



**NATA**  
WORLD RECOGNISED  
ACCREDITATION

This calibration certificate is to be read in conjunction with the calibration test report.

Acoustic Research Labs Pty Ltd is NATA Accredited Laboratory Number 14172.  
Accredited for compliance with ISO/IEC 17025.

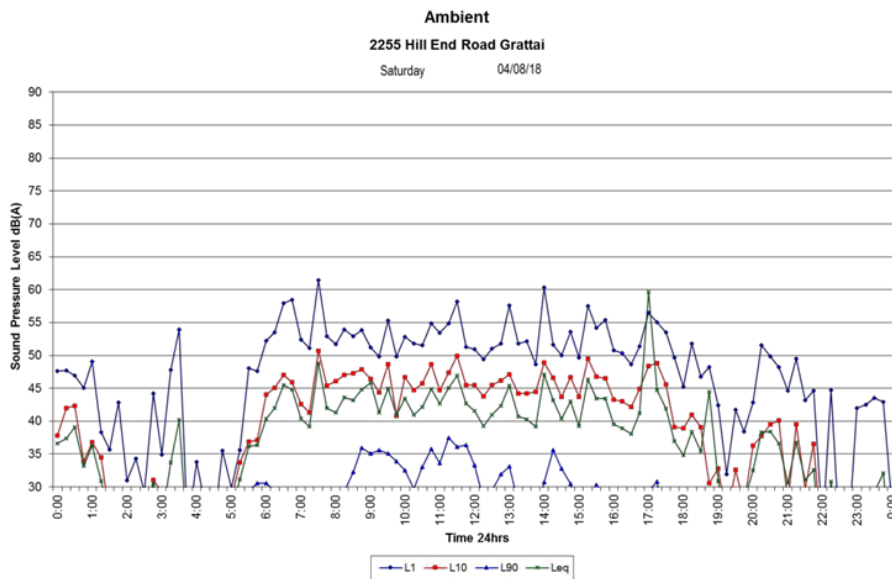
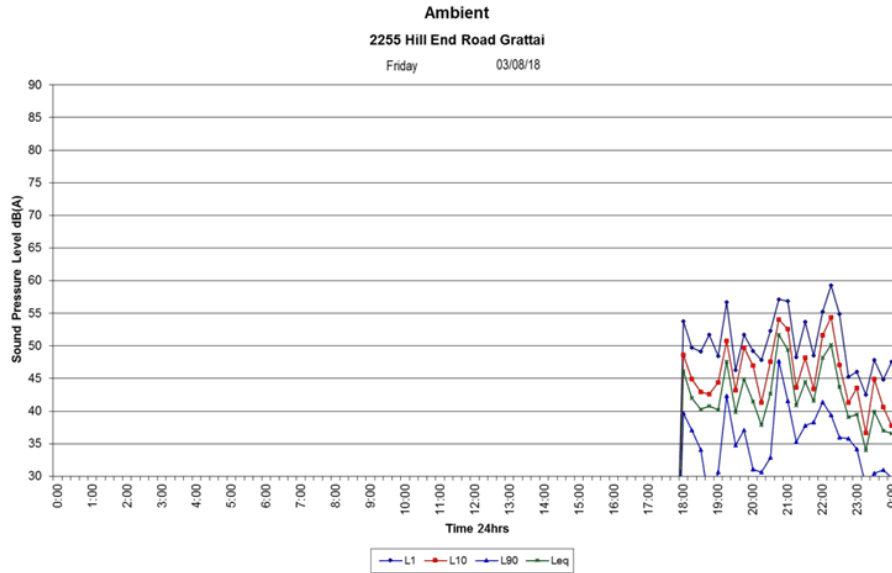
The results of the tests, calibrations and/or measurements included in this document are traceable to Australian/national standards.

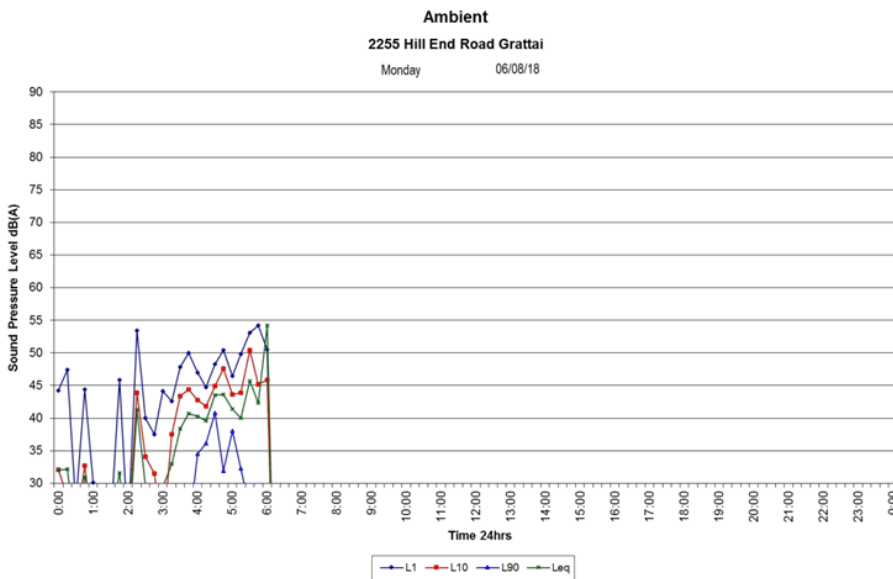
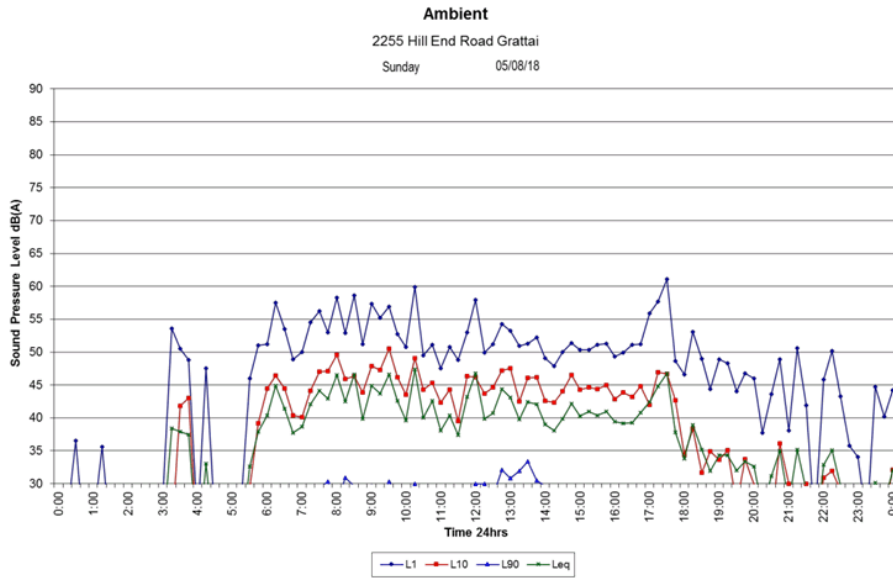
NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration and inspection reports.

PAGE 1 OF 1



Appendix C – Unattended Noise Monitoring Results







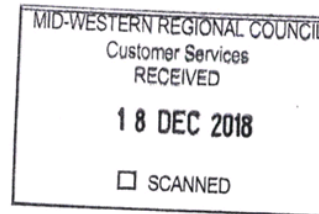
Mr Michael Hoffman & Mrs Margaret Hoffman  
2247 Hill End Road  
Grattai N.S.W. 2850  
Phone: (02) 63 733 473

Email: [REDACTED]

18<sup>th</sup> December 2018

General Manager  
Mid-Western Regional Council  
86 Market Street  
Mudgee N.S.W. 2850

Attention: General Manager



Dear Sir,

PLANNING PROPOSAL – PP\_2018\_MIDWR\_002\_00 – 2255 Hill End Road, Grattai – Additional Permitted Use and increase Minimum Lot Size Concerning LOT 4 DP 255618.

This letter is to notify our objection to the above planning proposal.

## Prohibited Uses

### 1: Animal Boarding, Training, Breeding

The R5 Large Lot Residential Zone – *Mid-Western Regional Local Environmental Plan 2012* expressly prohibits 'Animal boarding or training establishments'. As defined, animal breeding is also prohibited.

'Animal boarding or training establishments' is defined<sup>1</sup> as –

*animal boarding or training establishment* means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

### 2: Rural Industry

Rural industry is a prohibited use under land zoned as R5 Large Lot Residential – *Mid-Western Regional Local Environmental Plan 2012*.

Dog breeding on the scale of at least 68 dogs is a **rural industry**<sup>2</sup>. A puppy farm is for production of animals for commercial purposes.

<sup>1</sup> Mid-Western Regional Local Environmental Plan 2012 Dictionary

<sup>2</sup> rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,



## Existing Land Uses

### 1: Expansion Beyond Home Industry

Home industry is a permitted use within land zoned as R5 Large Lot Residential – *Mid-Western Regional Local Environmental Plan 2012*. The applicants, prior to expansion of their business may have operated a home industry<sup>3</sup>. The current business is not a home industry. We say it is an animal breeding, boarding and training establishment or a rural industry (see above). If council does not accept this, in the alternative it breaches sub paragraph (b) below.

'Home industry' is defined<sup>4</sup> as –

**home industry** means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

There is emission of noise from the property that interferes with the amenity of the neighbourhood<sup>5</sup>. Amenity of the neighbourhood intrinsically weights impacts on humans. This equates with amenity of the adjoining R5 lot which is a permanent full time home residence. We note council has declined to accept that 68 barking dogs equates to emission of noise. We ask council to acknowledge 'the facts speak for themselves'<sup>6</sup>. We have unsuccessfully sought examples of persons who would choose to live within 110m of this applicant's property. Further details are available on request.

- 
- (c) composting facilities and works (including the production of mushroom substrate),
  - (d) sawmill or log processing works,
  - (e) stock and sale yards,

(f) The regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

<sup>3</sup> The previous breeding was in a small house with one litter at a time. There are now 7 colour bond kennels and 7 fenced in pens housing dogs. There are now at least 68 dogs (before additional breeding litters and boarders) on the property.

<sup>4</sup> Mid-Western Regional Local Environmental Plan 2012 Dictionary

<sup>5</sup> Refer to the one page Dog Noise Diary submitted to council on 25<sup>th</sup> July 2018 and the two fourteen consecutive day Dog Noise Diaries submitted as requested by council on 25<sup>th</sup> July 2018 and 18<sup>th</sup> September 2018 by Michael Hoffman.

<sup>6</sup> We consider the principle of 'judicial notice' would apply in a court hearing to confirm this fact without the need for expert evidence.

Other emissions may include smell, waste water and waste products. We rely on council to make these assessments as we have no right of access to the premises but assume dog faeces and urine together with cleaning and anti-parasite chemicals are self-evident.

## 2: Failure to Meet Objectives of R5 Zoning

The objectives of R5 Large Lot Residential Zone<sup>7</sup> are –

### 1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

This application should not be approved because it undermines amenity of residential housing.

The objectives of the proposed amendments<sup>8</sup> conflict with the objective of 'minimise conflict between land uses within this zone'. Large numbers of dogs near residential housing unequivocally creates conflict between prohibited and permitted land uses within the R5 Zone.

The applicant's accept their operations interfere with amenity and the objectives of the R5 Zone as they will give up future residential subdivision if council permits the prohibited use for their property only. Should they cease in future to operate the facility, they still retain the right to subdivide.

## 3: The Precedent of Retrospective Amendment of the Local Environmental Plan

The applicant says 'council advised that this proposal was the best way of addressing the existing dog breeding facility located on the site'<sup>9</sup>.

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.

Public confidence requires transparency and avoidance of 'work arounds' to retrospectively pardon prohibited activity.

Some land users may 'game' the law by developing a site for a desired use before approval. These decisions are taken with the risk of future losses including capital losses and loss of future earnings from the prohibited activity.

<sup>7</sup> Mid-Western Regional Local Environmental Plan 2012 Land Use Table  
<https://legislation.nsw.gov.au/#/view/EPI/2012/374/partlanduseta/include8>

<sup>8</sup> See page 6 MJM Consulting Engineers 15 June 2018

<sup>9</sup> See page 10 MJM Consulting Engineers 15 June 2018

Please do not hesitate to contact us should you wish to discuss our objection or if you require further information or evidence.

We strongly urge council to comply with the terms of the R5 Zone noting prohibited uses. We reserve our rights regarding future legal proceedings in the event of an adverse decision.

Yours faithfully



Michael Hoffman

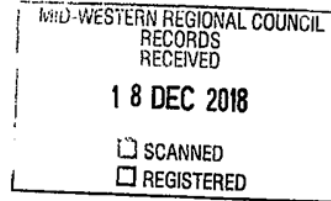


Margaret Hoffman



Mr and Mrs Nigel Butt  
2195 Hill End Road  
GRATTAI NSW 2850

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



Dear General Manager

**PLANNING PROPOSAL (PP\_2018\_MIDWR\_002\_00 – 2255 Hill End Road, Grattai) – Additional Permitted Use and Increase Minimum Lot Size Concerning Lot 4 DP255618**

We object to the above planning proposal as it is clearly prohibited.

The R5 Large Lot Residential Zone – *Mid-Western Regional Local Environmental Plan 2012* expressly prohibits 'Animal boarding or training establishments' which includes animal breeding.

The planning proposal also does not meet the objectives of the R5 Large Lot Residential Zone.

The proposal is outside the scale of a home industry (which is permitted) and may also be a rural industry which is prohibited under the R5 zone.

We urge Council as a public authority to comply with the legal requirements of the R5 zone.

We authorise Margaret Hoffman to lodge this objection with Mid-Western Regional Council on our behalf. [Redacted]

Yours faithfully

[Redacted]  
\_\_\_\_\_  
Nigel Butt

15-DEC-18  
\_\_\_\_\_  
Date

[Redacted]  
\_\_\_\_\_  
Lorraine Butt

15-DEC-18  
\_\_\_\_\_  
Date

Mr and Mrs Trevor Garment  
2139 Hill End Road  
GRATTAI NSW 2850



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

Dear General Manager

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The proposal is outside the scale of a home industry (which is permitted) and may also be a rural industry which is prohibited under the R5 zone.

We urge Council as a public authority to comply with the legal requirements of the R5 zone.

We authorise Margaret Hoffman to lodge this objection with Mid-Western Regional Council on our behalf.

Yours faithfully  
[Redacted signature]

[Redacted signature]  
Trevor Garment

14-12-18  
Date

[Redacted signature]  
Carol Garment

16/12/18  
Date

Mr and Mrs Paul Clifford  
1953 Hill End Road  
GRATTAI NSW 2850

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

MID-WESTERN REGIONAL COUNCIL RECORDS RECEIVED <b>1 8 DEC 2018</b> <input type="checkbox"/> SCANNED <input type="checkbox"/> REGISTERED
---

Dear General Manager

**PLANNING PROPOSAL (PP\_2018\_MIDWR\_002\_00 – 2255 Hill End Road, Grattal) – Additional Permitted Use and Increase Minimum Lot Size Concerning Lot 4 DP255618**

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The proposal is outside the scale of a home industry (which is permitted) and may also be a rural industry which is prohibited under the R5 zone.

We urge Council as a public authority to comply with the legal requirements of the R5 zone.

We authorise Margaret Hoffman to lodge this objection with Mid-Western Regional Council on our behalf.

Yours faithfully

[Redacted Signature]

Paul Clifford

17/12/18  
Date

[Redacted Signature]

Julie Clifford

14.12.18  
Date

**Property NSW**

("PNSW")

**Mid Western Regional Council**

("Council")

---

**DEED OF AGREEMENT FOR THE  
TRANSFER OF LAND**

---

**THIS Deed of Agreement** is made on \_\_\_\_\_ of \_\_\_\_\_ 2019

**PARTIES**

**PROPERTY NSW** (ABN 91 840 597 406) of Level 4, 66 Harrington Street, Sydney in the State of New South Wales ("PNSW") AND

**Mid Western Regional Council** (ABN 96 149 391 332) of 86 Market Street Mudgee in the State of New South Wales 2850 ("Council")

**RECITALS**

- A. PNSW is the owner of the Land.
- B. Council has agreed to purchase the Land and PNSW has agreed to transfer the Land in accordance with this Deed of Agreement.

**Operative Provisions**

**1. Definitions and interpretation**

In this Agreement, unless the context otherwise requires:

**"Agreement" or "Deed"** means this agreement which includes the attachments that are incorporated into this Agreement by reference, as amended from time to time in accordance with the terms of this Agreement.

**"Folio Identifiers"** means the folio identifier(s) for the Land attached at Attachment 1.

**"Land"** means Lot 113 DP 48439, being the whole of the lands contained in the Folio Identifiers.

**"Restriction on the Use of Land"** means the restriction on the use of land attached at Attachment 3.

**"Transfer"** means the transfer of the Land attached at Attachment 2.

**2. Commencement and Duration**

This Agreement commences on the date that this Agreement is made.

**3. Agreement to Transfer the Land**

PNSW agrees to transfer the Land and Council agrees to acquire the Land on the terms and conditions of this Agreement and subject to the community use restriction on the use of Land.

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#### **4. Consideration**

The consideration for the transfer of the Land is \$1.00.

If requested Council will provide the consideration to PNSW and upon receipt PNSW will provide the Restriction on the Use of Land and Transfer, together with the Certificate of Title, for Council to undertake registration with Land & Registry Services.

#### **5. Obligations of Council**

Following receipt of the dealings (Restriction on the Use of Land and Transfer) and the Certificates of Title for the Land from PNSW, Council will:

1. execute the Transfer as transferee,
2. attend to stamping of the Transfer;
3. lodge the Restriction on the Use of Land for registration at Land & Registry Services; and
4. lodge the Transfer for registration at Land & Registry Services.

Following registration of the Restriction of the Use of Land and the Transfer by Land & Registry Services, Council will provide to PNSW a copy of the Certificates of Title for the Land noting Council as registered proprietor as evidence of completion of the registration of the Restriction on the Use of Land and the Transfer which is the subject of this Agreement.

#### **6. Acknowledgements**

##### **6.1** Council acknowledges and agrees that:

- (a) Council accepts the Land relying on Council's own knowledge, inspection and enquiries and does not rely on any warranties or representations made by or on behalf of PNSW in respect of the Land;
- (b) Council acknowledges that the Land will be transferred in its condition and state of repair (including structural repair and any contamination or hazardous substances) at the date of this Agreement and subject to all faults and defects both latent and patent;
- (c) Council accepts the improvements and inclusions on the Land (if any) in their present condition and state of repair and PNSW is not liable for any loss, mechanical breakdown or fair wear and tear in respect of inclusions occurring after the date of this Agreement;
- (d) It has received the documents and reports in the possession of PNSW relevant to the Land as listed in Attachment 4; and
- (e) It accepts the Land and any restrictions and affectations, including but not limited to any contamination issues, and Heritage listing.

## 6.2 Definitions

<b>Authority</b>	In respect of a particular context or circumstance, each Federal, State or Local Government, semi-Government, quasi-Government or other body or authority, statutory or otherwise, including but not limited to any court or tribunal, having jurisdiction and responsibility in respect of that context or circumstance.
<b>Claim</b>	In relation to a person, any claim, cause of action, proceeding, suit or demand made against the person concerned, however it arises and whether it is present or future, fixed or unascertained, actual or contingent.
<b>Contamination</b>	The presence of any Chemical Substance or Hazardous Material in the Environment at a concentration above the concentration at which the substance is naturally present in the Environment in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the Environment. The terms <b>Contaminant</b> and <b>Contaminated</b> have the corresponding meanings. Contamination has the same meaning when used as a noun.
<b>Cost</b>	A cost, charge, expense, outgoing, payment, fee or other expenditure of any nature and includes taxes and duties.
<b>Chemical Substance</b>	Without limitation: <ul style="list-style-type: none"><li>(a) any chemical substance or mixture, including any pollutant, contaminant, chemical, raw material or intermediate whether solid, liquid, gaseous or otherwise;</li><li>(b) industrial solid, toxic or hazardous substance, material or waste;</li><li>(c) petroleum or any fraction thereof;</li><li>(d) asbestos or asbestos-containing material (including asbestos in structures);</li><li>(e) persistent organic pollutants and chlorinated hydrocarbons;</li><li>(f) heavy metals, such as mercury, cadmium and lead;</li><li>(g) radionuclides;</li><li>(h) volatile organic compounds;</li><li>(i) solvents; and</li><li>(j) pesticides,</li></ul> and includes by-products and derivatives of the above and all substances, material or wastes that are identified in or regulated under any Environmental Law.



<b>Environment</b>	<p>All components of the earth including:</p> <ul style="list-style-type: none"><li>(a) land, air and water;</li><li>(b) any layer of the atmosphere;</li><li>(c) any organic or inorganic matter;</li><li>(d) any living organism; and</li><li>(e) any human-made or modified features of structures and areas,</li></ul> <p>and includes interacting natural ecosystems that include components referred to in paragraph (a) to (e) of this definition.</p>
<b>Environmental Consultant</b>	<p>A suitably qualified and independent environmental consultant and, if the vendor directs in writing, a consultant from its approved panel of environmental consultants.</p>
<b>Environmental Law</b>	<p>Any law, whether statute (including regulations and policies enforceable by statute) or common law (including the laws of trespass, negligence and nuisance), concerning the Environment, including Laws concerning:</p> <ul style="list-style-type: none"><li>(a) emissions of Chemical Substances into the atmosphere, waters and Land;</li><li>(b) pollution or Contamination of the atmosphere, waters and Land;</li><li>(c) production, use, handling, storage, transportation and disposal of:<ul style="list-style-type: none"><li>(i) waste;</li><li>(ii) Hazardous Materials;</li><li>(iii) dangerous goods; and</li><li>(iv) Chemical Substances;</li></ul></li><li>(d) conservation, heritage, natural resources and renewable energy;</li><li>(e) threatened, endangered and other flora and fauna species;</li><li>(f) town planning;</li><li>(g) development; and</li><li>(h) construction of structures.</li></ul>
<b>Hazardous Material</b>	<p>Any substance, gas, liquid, chemical, mineral or other physical or biological matter that is:</p> <ul style="list-style-type: none"><li>(a) or may become toxic, flammable or inflammable;</li><li>(b) otherwise dangerous, harmful to the Environment or any life form or which may cause pollution, Contamination or any hazard or increase in toxicity</li></ul>

in the Environment or may leak or discharge or otherwise cause damage to any person, property or the Environment; or

(c) a material or compound controlled, prohibited or regulated from time to time by any Environmental Law.

<b>Land</b>	Includes any air or water in, on, above or beneath the ground.
<b>Law</b>	In a given circumstance or context, all statutes, rules, regulations, proclamations, ordinances, by-laws and applicable standards and policies of an Authority, whether federal, state, local or otherwise, relevant to that circumstance or context;
<b>Liability</b>	Any Claim, order, Loss or Cost.
<b>Loss</b>	Any loss (including loss of profit and loss of expected profit), Claim, action, liability, damage, Cost, charge, expense, outgoing, payment, diminution in value or deficiency of any kind or character and all legal (on a full indemnity basis) and other expenses incurred in connection with investigating or defending any Claim, whether or not resulting in any liability and all amounts paid in settlement of any Claim.
<b>Remediate</b>	<p>(a) Any or all of the investigation, treatment, removal, disposal, destruction, reduction, mitigation, dispersal, remediation or containment of the Contamination of the property;</p> <p>(b) the preparation of a long-term management plan (if any) for the Land; and/or</p> <p>(c) eliminating or reducing any hazard arising from the Contamination of the Land (including by preventing the entry of persons or animals on the Land).</p>

**Remediation** has the corresponding meaning.

### 6.3 PNSW disclosure

PNSW discloses that:

- (a) the Land may be affected by Contamination;
- (b) there may be non-compliance with Environmental Laws in relation to the Land; and
- (c) work may be required to investigate and remove Contamination from the Land or Remediate the property.

### 6.4 Council not to make requisition

Subject to Part IV of the *Conveyancing Act 1919* (NSW), Council may not make any Claim, requisition, delay completion, terminate or rescind because of any matter referred to in this Agreement.

---

**6.5 Council assumes risk**

- (d) Council agrees that it accepts liability for and assumes the risk of all Liability it may suffer or incur arising out of or in connection with Contamination in, on, above or under the Land; and
- (e) Council has inspected the Land and accepts the Land on an 'as is, where is' basis and subject to all defects (latent or patent).

**6.6 Release and indemnity**

On and from the earlier of the date on which Council takes possession of the Land and the date of completion, Council at its own Cost releases, indemnifies and continues to indemnify PNSW against:

- (a) each actual or potential Liability in relation to:
  - (i) the presence of any Contaminants found on, in or above or under the property or any Land adjoining or adjacent to the property;
  - (ii) compliance with the requirements of any Environmental Laws; and
- (b) all other Laws, requirements, or directions or notices of or administered by any Authority in respect of any Contaminants; and
- (c) the conduct and performance of any work required by any Authority in respect of any Contaminants or under any Environmental Laws.

**7. Notices**

A notice under this Agreement must be:

- (a) in writing, directed to the other party as specified on the front page of this Agreement; and
- (b) forwarded to the address of that party on the front page of this Agreement or the address last notified by the intended recipient to the sender.

**8. Miscellaneous**

- Assignment.** PNSW and Council must not assign or otherwise transfer any right or obligation under this Agreement without the other party's prior consent.
- Writing.** All amendments to this Agreement and all consents, approvals, waivers and agreements made under or pursuant to this Agreement must be evidenced in writing.
- Non-waiver.** No failure or delay by a party in exercising any right, power or remedy under this Agreement and no course of dealing or grant by that party of any time or other consideration, will operate as a waiver of a default by the other party. Any waiver of a default of this Agreement must be in writing and will not be construed as a waiver of any further breach of the same or any other provision.

- Severability.** If any part of this Agreement is prohibited, void, voidable, illegal or unenforceable, then that part is severed from this Agreement but without affecting the continued operation of the remainder of the Agreement.
- Relationship.** Neither party is an employee, agent or, partner of the other for any purpose.
- Entire Agreement.** This Agreement constitutes the entire agreement and understanding between the parties as to the subject matter of this agreement. Any prior arrangements, agreements, representations or undertakings as to the subject matter of this agreement are superseded.
- Counterparts.** This Agreement may be executed by counterparts by the respective parties, which together will constitute one agreement.
- Applicable law.** This Agreement is governed by, and must be construed in accordance with, the laws in force in the State of New South Wales.
- Governing jurisdiction.** Each party submits to the exclusive jurisdiction of the Courts exercising jurisdiction in the State of New South Wales and the courts of appeal there from.
-

**IN WITNESS** whereof the parties have executed this Deed.

**Execution by PNSW:**

**SIGNED, SEALED and DELIVERED** by )  
 )  
 )  
 as delegate on behalf of )  
**PROPERTY NSW** )  
 but not so as to incur any personal liability, )  
 in the presence of: )  
 ..... )  
 (signature of witness) (signature of delegate)

.....  
 (signature of witness)

.....  
 (print name of witness)

**Execution by Council:**

**SIGNED, SEALED and DELIVERED** for and )  
 on behalf of )  
**Mid Western Regional Council** )  
 ..... )  
 )  
 ..... )  
 (signature witness) )  
 )  
 ..... )  
 (signature)

.....  
 (signature)

.....  
 (print name of witness)

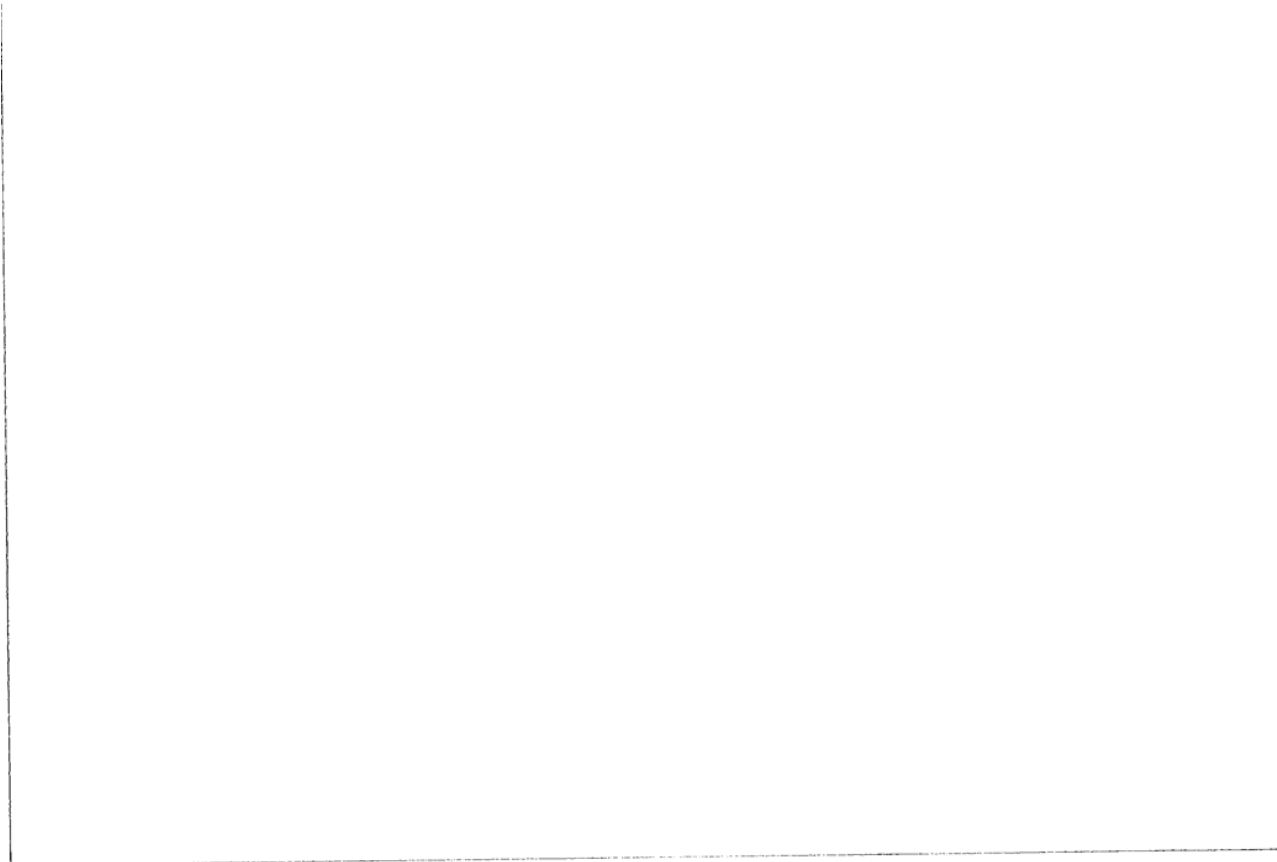


**ATTACHMENT 1  
FOLIO IDENTIFIERS**





**ATTACHMENT 2  
TRANSFER**



Form: 01T  
Release: 6.2

**TRANSFER**  
New South Wales  
Real Property Act 1900

Leave this space clear. Affix additional pages to the top left-hand corner.

**PRIVACY NOTE:** Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

**STAMP DUTY**

Revenue NSW use only

(A) **TORRENS TITLE** 113/48439

(B) <b>LODGED BY</b>	Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any	<b>CODES</b> <b>T</b> <b>TW</b>
		Reference:	

(C) **TRANSFEROR** Property NSW

(D) **CONSIDERATION** The transferor acknowledges receipt of the consideration of \$ 1.00 and as regards

(E) **ESTATE** the abovementioned land transfers to the transferee an estate in fee simple

(F) **SHARE TRANSFERRED**

(G) Encumbrances (if applicable):

(H) **TRANSFeree** Mid Western Regional Council

(I) **TENANCY:**

**DATE**

(J) I certify that I am an eligible witness and that an authorised officer of the transferor signed this dealing in my presence. [See note\* below].

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of witness:

Signature of authorised officer:

Name of witness:  
Address of witness:

Authorised officer's name:  
Authority of officer:  
Signing on behalf of:

I certify that I am an eligible witness and that an authorised officer of the transferee signed this dealing in my presence. [See note\* below].

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of witness:

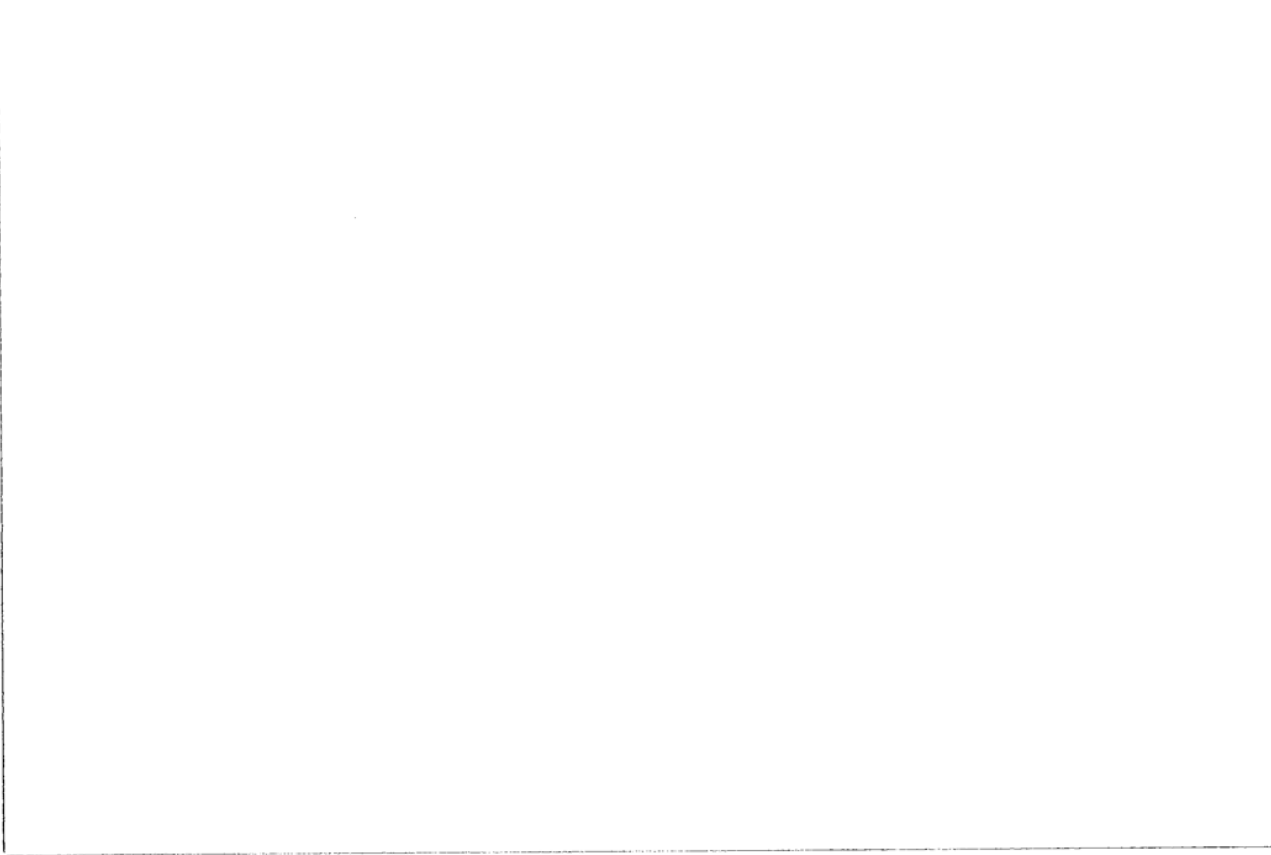
Signature of authorised officer:

Name of witness:  
Address of witness:

Authorised officer's name:  
Authority of officer:  
Signing on behalf of:

(K) The transferee \_\_\_\_\_ certifies that the eNOS data relevant to this dealing has been submitted and stored under eNOS ID No. \_\_\_\_\_ Full name: \_\_\_\_\_ Signature: \_\_\_\_\_

\* s117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation.



**ATTACHMENT 3  
RESTRICTION ON THE USE OF LAND**





Save As

Form: 13RVP  
Release: 3-0

**RESTRICTION ON THE  
USE OF LAND VESTED IN  
PRESCRIBED AUTHORITY**

Leave this space clear. Affix additional pages to the top left-hand corner.

New South Wales  
Section 88D(3) Conveyancing Act 1919

**PRIVACY NOTE:** Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) TORRENS TITLE	113/48439	
(B) LODGED BY	Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any  Reference:
(C) PRESCRIBED AUTHORITY	Property NSW	
		CODE <b>RV</b>

(D) The prescribed authority, being the registered proprietor of the abovementioned land, applies to have a recording made in the Register of a restriction on the use of land affecting that land the terms of which are set out in a true copy of the relevant order dated \_\_\_\_\_ annexed hereto and marked A \_\_\_\_\_ and certifies that no person or corporation has acquired an interest in the land.

DATE

(E) I certify that I am an eligible witness and that an authorised officer of the prescribed authority signed this dealing in my presence. [See note\* below].  
Certified correct for the purposes of the Real Property Act 1900 by an authorised officer of the prescribed authority.

Signature of witness:

Signature of authorised officer:

Name of witness:

Name:

Address of witness:

Position:

\* s117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation.  
ALL HANDWRITING MUST BE IN BLOCK CAPITALS



Annexure A – 13 RVP Restriction on the Use of Land Vested in Prescribed Authority

**Order for Restriction on the Use of Land**

Pursuant to section 88D(3) of the Conveyancing Act, the Land vested in Property NSW, a prescribed authority under the Act, and hereby described as Lot 113 in Deposited Plan 48439 is burdened by the restriction described in this Order.

The land burdened is hereby restricted in that the registered proprietor shall not use or permit the lot to be used for purposes other than Community Purposes.

The expression “Community Purposes” must include 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. Ancillary uses are permissible where the use is subordinate or subservient, and not inconsistent, with the primary use of the land for “Community Purposes”.

The Community Purpose for this land must be for the primary purpose of an art gallery.

The prescribed authority is Property NSW and no other person or corporation has an interest in the land.

Property NSW is the authority empowered to release, vary or modify this restriction. This restriction shall not be removed for 15 years from the date of registration

Ordered by the Chief Executive Officer, Property NSW

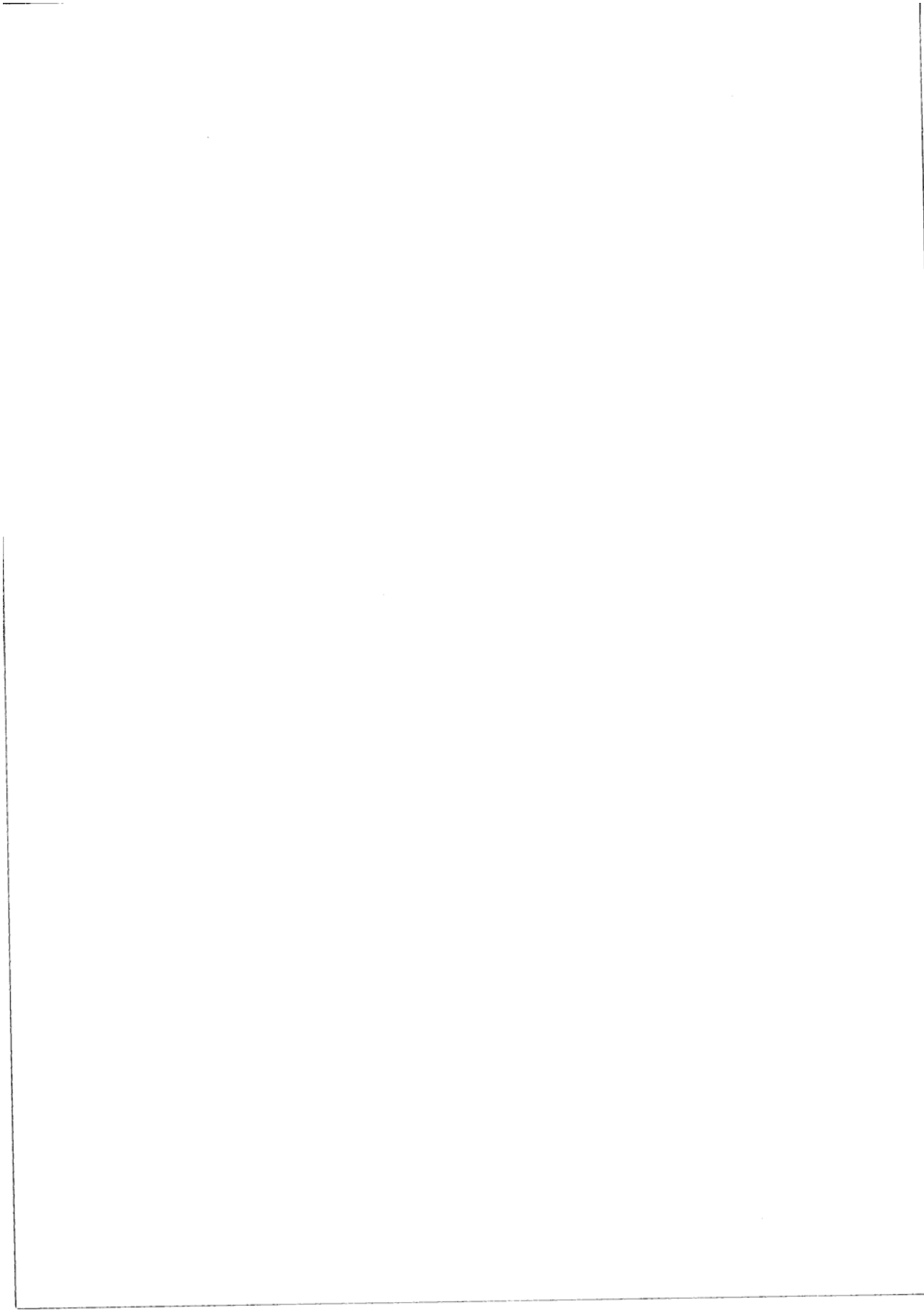
Brett Newman

Dated

Witness Name:

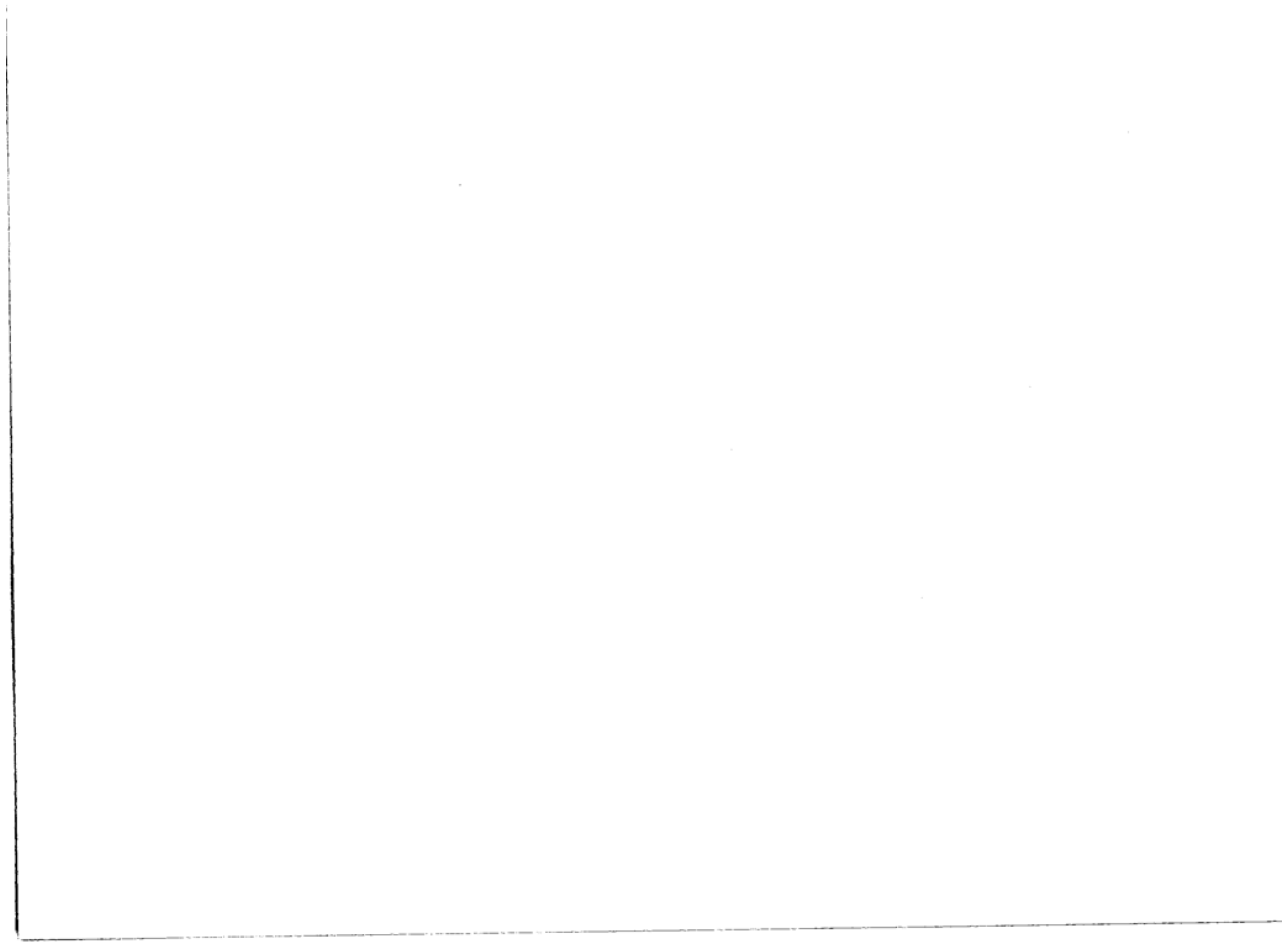
Witness Signature:

Witness Address



## **ATTACHMENT 4 DOCUMENTS AND REPORTS**

- 2014 Annual Fire Safety
- 2013 Fire Safety Audit Report
- 2008 Air and Water Audit Report
- 2013 Hazmat Report (Draft)
- 2013 Hazmat Register
- 2013 Heritage Asset Management Plan
- 2013 Mechanical Services Report
- 2008 Property Risk and Compliance Audit Report
- 2006 Security Report
- 2012 Thermographic Report
- Identification and GLA survey





**REGIONAL CULTURAL FUND  
FUNDING AGREEMENT**

**THIS IS AN IMPORTANT DOCUMENT. IT CONTAINS BINDING LEGAL  
OBLIGATIONS. READ IT CAREFULLY AND CONSULT YOUR SOLICITOR BEFORE  
SIGNING IT.**

<b>Project</b>	Mid-Western Regional Gallery and Cultural Centre
<b>Description</b>	Funding to support the construction and fit-out of a new Mid-Western Regional Gallery and Cultural Centre.
<b>RCF No.</b>	RCF18A083

**BETWEEN:**

<b>Name</b>	The Crown in right of the State of New South Wales acting through the Department of Planning and Environment (the <b>Department</b> )
<b>ABN</b>	38 755 709 681
<b>Address</b>	320 Pitt Street, Sydney, New South Wales, 2000

**AND**

<b>Name</b>	Mid-Western Regional Council ( <b>Recipient</b> )
<b>ABN</b>	96149391332
<b>Address</b>	PO Box 156 Mudgee NSW 2850 Australia

(the **parties**)

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Recipient	Mid-Western Regional Council
Project Title	Mid-Western Regional Gallery and Cultural Centre
RCF No.	RCF18A083



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Recipient	Mid-Western Regional Council
Project Title	Mid-Western Regional Gallery and Cultural Centre
RCF No.	RCF18A083

**SCHEDULES**

Schedule A - Agreement Details

Schedule B - Funding Milestones & Reporting Requirements

Schedule C - Media

Schedule D - Variations

**ATTACHMENTS**

Attachment 1 - Project Status Report (Milestone Payments)

Attachment 2 - Final Project Status Report (Final Payments)

Attachment 3 - Project Acquittal and Financial Certification

Attachment 4 - Variation Request Form

Attachment 5 - Governance & Terms of Reference

Attachment 6 - Project Guidelines

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Recipient	Mid-Western Regional Council
Project Title	Mid-Western Regional Gallery and Cultural Centre
RCF No.	RCF18A083

## BACKGROUND

- a) The NSW Government has established the Regional Cultural Fund to support local communities and to upgrade or develop cultural infrastructure to enable bold and exciting arts and culture that reflects the rich diversity of regional NSW.
- b) The Department has agreed to provide the Funding Amount from the Regional Cultural Fund to the Recipient to facilitate the carrying out of the Project, by the Recipient.
- c) The objective of this Agreement is to document the agreed outcomes for the Project including Milestones and timing for the payment of the Funding Amount and completion of the Project.
- d) The parties also agree that in the event that part of the Funding Amount is not required or used by the Recipient for the Project, that portion of the Funding Amount will be refunded by the Recipient to the Department.
- e) The parties also agree that any contingency, listed in Schedule B, is not in addition to the Funded Amount. The Contingency forms part of the Funded Amount but will only be released upon Department approval of a Variation request and with adequate proof of need.
- f) The Department agrees to provide, and the Recipient agrees to accept, the Funding Amount in accordance with the terms of this Agreement.

## OPERATIVE PROVISIONS

### 1. Definitions and Interpretation

In this Agreement, unless the contrary intention requires:

**Acquittal and Financial Certification** means Attachment 3 of this Agreement.

**Acquittal Date** means the date specified in Item 5 of the Agreement Details as the Acquittal Date, or another date agreed between the parties in writing.

**Administrator** means a Local Council approved by the Department that takes carriage of the Funding Amount on behalf of the Recipient.

**Agreement** means this agreement including all the Schedules and Attachments.

**Agreement Date** means the date that this Agreement is executed by the Recipient.

**Agreement Details** means Schedule A to this Agreement.

**Application** includes all documentation the Recipient submitted in its funding application to the Regional Cultural Fund.

**Approved Auditor** means a person who is:

- (a) registered as a company auditor under the *Corporations Act 2001 (Cth)* or an appropriately qualified member of the Institute of Chartered Accountants in Australia or of CPA Australia;

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Recipient	Mid-Western Regional Council
Project Title	Mid-Western Regional Gallery and Cultural Centre
RCF No.	RCF18A083

(b) not a principal, member, shareholder, officer, agent, subcontractor, employee or related entity of the Recipient or of a related body corporate (the terms “related entity” and “related body corporate” have the same meaning as in section 9 of the *Corporations Act 2001* (Cth)); and

(c) not the Recipient’s Qualified Accountant.

**Audited Financial Statements** means an organisation’s accounts audited by an approved auditor in compliance with Australian Auditing Standards and Australian Accounting Standards.

**Australian Accounting Standards** means the standards of that name maintained by the Australian Accounting Standards Board created by section 226 of the Australian Securities and Investments Commission Act 2001 (Cth).

**Australian Auditing Standards** means the standards prepared by the Auditing Standards Board of Australia and maintained by the Auditing and Assurance Standards Board created by section 227A of the Australian Securities and Investments Commission Act 2001 (Cth) or its international equivalent as determined by that Act.

**Budget** means a budget for the purposes of undertaking the Project and/or performing obligations under this Agreement as set out in the Application or as agreed pursuant to a Variation.

**Business Day** means any day that is not a Saturday, Sunday, gazetted public holiday or bank holiday in Sydney, New South Wales, and concludes at 5pm on that day;

**Capital Development** means the construction, alteration, renovations, completion or fitting-out of buildings and other facilities for arts and cultural use.

**Claim** means any cost, expense, loss, damage, claim, action, proceeding or other liability (whether in deed, contract, tort or otherwise), however arising and includes legal costs.

**Confidential Information** means any information and all other knowledge at any time disclosed (whether in writing or orally) to a party, or acquired by a party which:

- (a) is by its nature confidential;
- (b) is designated, or marked, or stipulated as confidential; or
- (c) the party knows or ought to know is confidential;

but does not include information which:

- (d) is or becomes public knowledge other than by breach of this Agreement;
- (e) is in a party’s lawful possession without restriction in relation to disclosure before the date or receipt of the information from another party or a third party;
- (f) has been developed or acquired by a party independently of this Agreement;
- (g) is ascertainable through independent enquiries;
- (h) maybe or is required to be disclosed pursuant to Premier’s Memorandum No. 2007-01 Public Disclosure of Information arising from NSW Government Tenders and Contracts dated 8 January 2007, as amended or updated from time to time; or
- (i) is required to be disclosed pursuant to law, regulation, legal process or by a regulatory authority.

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Recipient	Mid-Western Regional Council
Project Title	Mid-Western Regional Gallery and Cultural Centre
RCF No.	RCF18A083

**Conflict of Interest** means an actual or perceived conflict between a person's public duty and their private or personal interest.

**Contingency** means sums allocated within a budget or cost plan to cover the cost of unplanned or unexpected activities required to deliver the Project. Contingency is not intended for changes to the approved Project.

**Department** where the context permits, includes officers, delegates, employees and agents and successors of the Department of Environment and Planning (ABN 38 755 709 681).

**Detailed Design** means development of the concept design with the production of drawings, specifications and schedules to enable construction of the Project, including plans, elevations and sections which co-ordinate and integrate the work of other specialist consultants, together with other details describing the requirements for quality of materials, finishes and quality of work.

**Existing Material** means all Material in existence prior to the commencement of this Agreement:

- (a) incorporated in;
- (b) supplied with, or as part of; or
- (c) required to be supplied with, or as part of,

the Project Material.

**Final Project Status Report** means a report confirming that the Project has been completed, the actual cost of the Project and the date the works comprised in the Project were made available for use by the local community in-line with this Agreement.

**Funding Amount** means:

- (a) the funding amount payable by the Department under this Agreement as specified in Item 3 of the Agreement Details; and
- (b) any interest earned on the Funding once paid by the Department to the Recipient; and
- (c) is exclusive of GST

**GIPA Act** means the Government Information (Public Access) Act 2009 (NSW) (as amended from time to time).

**Governance** means the additional involvement of a Create Infrastructure representative in a Project Assurance role. A Create Infrastructure representative must be included as a member of the Project Control Group (PCG) or similar project body when:

- (a) The RCF grant is over \$1 million; or
- (b) The RCF grant is greater than 40 per cent of the project's total capital cost and the Department deems that such representation is appropriate in its absolute discretion.

**GST Law** means A New Tax System (Goods & Services Tax) Act 1999, related legislation and any delegated legislation made pursuant to such legislation.

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Recipient	Mid-Western Regional Council
Project Title	Mid-Western Regional Gallery and Cultural Centre
RCF No.	RCF18A083

**Insolvency Event** means the occurrence of any liquidation or insolvency event, including the appointment of an administrator, compromise, arrangement, merger, amalgamation, reconstruction, winding up, dissolution, deregistration, assignment for the benefit of creditors, scheme, composition or arrangement with creditors, insolvency, bankruptcy, or any similar procedure or, where applicable, changes in the constitution of any partnership or person, or death.

**Intellectual Property Rights** includes all copyright (including rights in relation to recordings and broadcasts), all rights in relation to inventions (including patent rights), registered and unregistered trademarks (including service marks), registered designs, and all other rights resulting from intellectual activity in the literary or artistic fields whether registered or not and whether existing in Australia or not and created at any time.

**Key Performance Indicator** means for the purpose of this Agreement, the same as 'Milestone'.

**Law** includes:

- (a) Acts of the Commonwealth and the State(s) and Territory(s) in which the Project will be undertaken, and any other relevant State or Territory;
- (b) ordinances, regulations, by-laws, orders and proclamations or other instruments of legal effect made under those Acts referred to in paragraph (a);
- (c) directions by any person exercising statutory powers regarding the Recipient or the Activity; and
- (d) all the requirements, standard, approvals, licences, registrations or permits of any government (including local government) department, authority, agency or regulatory body that apply to the Activity,

whether currently in force or coming into force on or after the date of this Agreement.

**Material** includes documents, equipment, software, goods, information and data stored by any means including all copies and extracts of the same.

**Milestone** means a milestone or stage of completion of the Project as set out in Schedule B (or as amended by a Variation Agreement).

**Moral Rights** means the right of integrity of authorship (that is, not to have a work subjected to derogatory treatment), the right of attribution of authorship of a work, and the right not to have authorship of a work falsely attributed as defined in the *Copyright Act 1968* (Cth).

**Other Contributions** means financial or in-kind resources (with in-kind resources valued at cost other than the Funding, which are specified in Schedule A and are to be used by the Recipient to perform the Project

**Payment** means that part of the Funding Amount released for the Project, from time to time, in accordance with Schedule B to this Agreement.

**Personal Information** has the same meaning as in the *Privacy and Personal Information Protection Act 1998* (NSW).

**Project** means the project under which the Department has agreed to provide Funding to the Recipient as further described at Schedule A Item 4 of this Agreement.

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Recipient	Mid-Western Regional Council
Project Title	Mid-Western Regional Gallery and Cultural Centre
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**Project Control Group (PCG)** is responsible for monitoring performance against project objectives, approving key engagements, deliverables, processes and endorsing project decisions – of both design, budget, procurement and release of funds. The PCG is a collection of key stakeholders or their representatives that meets regularly to keep the project on track in matters including, but not limited to time, cost and quality. PCG roles and responsibilities are further defined in Attachment 5.

**Project Guidelines** refers to the guidelines for the Project as described in Attachment 6 of this Agreement.

**Project Scope** means the works as described in the business case or project plan and other documentation submitted to Create Infrastructure – through Smarty Grants – on or before 21 September 2018 in connection with the Application. It includes all plans, drawings, descriptions, costings, quotes, concepts, pictures and briefs that were uploaded as a part of the RCF Application. It also includes any additional information submitted up till the 28<sup>th</sup> September 2018.

**Project Material** means all Material:

- (a) brought into existence for the purpose of performing obligations under this Agreement;
- (b) incorporated in, supplied or required to be supplied along with the Material brought into existence for the purpose of performing obligations under this Agreement; or
- (c) copied or derived from Material referred to in this definition above.

**Project Status Report** includes information about the Project to be provided to the Department in the format outlined at Attachment 1 to this Agreement. Information to be included in the progress status report and timeframes are specified at Schedule B to this Agreement.

**Recipient** includes, where the context permits, the officers, employees, agents, volunteers and subcontractors, and successors of the Recipient.

**Recipient Contribution** means the amount of the Recipient's funds to be contributed to the costs of the Project as specified in Item 3 of the Agreement Details (Schedule A).

**Recipient Created Tax Invoice (RCTI)** means a tax invoice created by the Recipient which complies with the Tax Invoice Requirements.

**Records** includes documents, information and data stored by any means and all copies and extracts of the same relating to the Funding Amount or the Project.

**Regional Cultural Fund or RCF** means the fund established by the NSW Government to support local communities and help the development of cultural infrastructure to enable bold and exciting arts and culture that reflects the rich diversity of regional NSW.

**Regional Cultural Fund Guidelines** means the document published by the Department which sets out the intent of the Regional Cultural Fund as well as eligibility for funding, the application process and acceptable uses of funds. A copy of which is attached as Attachment 6.

**Representative** means the Department's representative or Recipient's representative identified in Item 1 of the Agreement Details (Schedule A), as the context requires. The

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Recipient	Mid-Western Regional Council
Project Title	Mid-Western Regional Gallery and Cultural Centre
RCF No.	RCF18A083



Departments' Representative may delegate authority to another member of the Department to undertake duties on their behalf.

**Schedule** means a schedule to this Agreement and may include Annexures and incorporate other documents by reference;

**Special Conditions** means the particular requirements specified at Item 2 of the Agreement Details (Schedule A).

**Tax Invoice Requirements** means the requirements for tax invoices as outlined in Schedule B to this Agreement.

**Term** means the duration of this Agreement, beginning on the Agreement Date and ending on the Acquittal Date.

**Terms of Reference** means the information on Governance and Create Infrastructure involvement as contained in Attachment 5.

**Unexpended Funding** means any part of the Funding Amount that is unspent on the completion of the Project or Project Scope and includes any part of the Funding Amount that is committed but unspent. This may include the contingency.

**Variation** means any notable change to the Projects approved outcomes, scope, budget, components, location, completion timeframe, key milestone dates and use of RCF funding. Any variation will require the submittal and approval of a Variation Request Form in Accordance with Schedule D.

**Variation Request Form** means Attachment 4 to this Agreement.

**Variation Schedule** means changing an aspect/s of the Project including changes to the milestones, payment schedule, proposed works, key project team, the timeframe for delivery of activities or the Budget. Variations must be submitted using a Variation Request Form (Attachment 4 to this Agreement) and approved by the Department.

#### **1. Interpretation:**

Except where the context otherwise requires:

- (a) a singular number includes a reference to a plural number and vice versa;
- (b) any person or company will mean and include the legal personal representative, successor in title, and permitted assigns of such person or company as the circumstances may require;
- (c) words and expressions importing natural persons include partnerships, bodies corporate, associations and governmental and local authorities and agents;
- (d) statutes, regulations, ordinances or by-laws will be deemed for all purposes to be extended to include a reference to all statutes, regulations, ordinances or by-laws amending, consolidating or replacing same from time to time;
- (e) "includes" and "including" mean by way of example but without limitation;
- (f) monetary references are references to Australian currency;
- (g) where any time limit is pursuant to this Agreement falls on a Saturday, Sunday or public holiday in the State of New South Wales then that time limit will be deemed to have expired on the next Business Day;

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Recipient	Mid-Western Regional Council
Project Title	Mid-Western Regional Gallery and Cultural Centre
RCF No.	RCF18A083

- (h) where a party is comprised of more than one person, each of that party's obligations will bind those persons jointly and severally and will be enforceable against them jointly and severally;
- (i) the headings used in this Agreement are for convenience only and will not affect the interpretation of this Agreement;
- (j) no rule of construction operates to the detriment of a party only because that party was responsible for the preparation of this Agreement or any part of it;
- (k) this Agreement is binding when the first party executes the Agreement;
- (l) where there occurs a reference to the doing of anything by the Department including giving any notice, consent, direction or waiver, this may be done by any officer we duly authorise; and
- (m) the Special Conditions (if any) amend the operative provisions of this Agreement as specified in Item 2 of the Agreement Details.

**2. Term**

- 2.1 This Agreement commences on the Agreement Date and, unless terminated earlier, will continue for the Term.
- 2.2 The Recipient must commence and complete the Project by the Project commencement date and the Project completion date, respectively, as specified in Item 4 of the Agreement Details.

**3. Provision of Funding Amount**

**3.1 Precondition to Funding**

The Recipient agrees that it is a precondition of entitlement to the Funding that the Recipient must:

- (a) provide to the Department satisfactory evidence that the Recipient is an entity capable of entering into this Agreement and provide all such required identification details including an ABN;
- (b) correctly use the Recipient's name on all documentation provided to the Department;
- (c) have an ABN;
- (d) immediately notify the Department if the Recipient ceases to hold an ABN;
- (e) correctly quote the Recipient's ABN on all documentation provided to the Department;
- (f) supply proof of the Recipient's GST status, if requested by the Department; and
- (g) immediately notify the Department of changes to the Recipient's GST status.

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Recipient	Mid-Western Regional Council
Project Title	Mid-Western Regional Gallery and Cultural Centre
RCF No.	RCF18A083

**3.2 Funding Amount**

- (a) Subject to compliance by the Recipient with this Agreement, the Department will provide up to a maximum of the Funding Amount to the Recipient for the Project. The Funding Amount will be paid to the Recipient by instalments in accordance with the payment milestone schedule specified in Schedule B of the Agreement Details, and subject to the terms of this Agreement.
- (b) The Recipient agrees to receive, and must only use, the Funding Amount for the Project in accordance with the terms of this Agreement.
- (c) The Recipient acknowledges that any Contingency included in the Funding Amount will only be released upon submission, and subsequent approval, of a Variation Request.
- (d) The Funding Amount is the maximum amount of funding that the Department will pay to the recipient.
- (e) Recipients must demonstrate that the funding has been expended up to the amount claimed for payment.
- (f) The entire Funding Amount will not be paid to a Recipient if it is not required to complete the project.
- (g) The Department is not responsible for the provision of additional money to meet any expenditure in excess of the Funding Amount.

**3.3 Timing of payment:**

Prior to the Department making any Payments in accordance with this clause 3, the Recipient must provide to the Department a request for Payment with:

- (a) a valid Recipient Created Tax Invoice (RCTI) (including separate itemisation of the GST component) in accordance with the Tax Invoice Requirements for the relevant portion of the Funding Amount requested; and
- (b) a Project Status Report meeting the description and requirements specified at Schedule B to this Agreement.

**3.4 Recipient's and Other Contribution to the Project**

- (a) The Recipient must make the Recipient Contribution towards the Project and have secured any funding included in the Recipient Contribution on or before 31 December 2019.
- (b) The Recipient must ensure all Other Contributions have been secured for the Project on or before 31 December 2019.
- (c) The Recipient must notify the Department immediately if the Recipient is or may not be able to comply with clause 3.5 a) or clause 3.4 b).
- (d) The Department may terminate this Agreement under clause 18 if the Department decides in its absolute discretion that the Recipient is unable or may be unable to comply with this clause 3.4.

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Recipient	Mid-Western Regional Council
Project Title	Mid-Western Regional Gallery and Cultural Centre
RCF No.	RCF18A083

### 3.5 Project Costs

The Recipient acknowledges and agrees that the Funding Amount for the Project is the maximum amount to be paid under the Regional Cultural Fund towards the carrying out of the Project and that the Recipient:

- (a) has completed an adequate scope of works for the Project (as identified in the Application and any deliverables outlined in Schedule B); and
- (b) has completed an appropriate estimation of the costs of carrying out the Project;
- (c) is responsible for any costs that may be incurred at any time that exceed the Funding Amount for the Project (whether or not the Recipient expected to incur such costs) excluding Contingency funds as these are only released upon Department approval;
- (d) (or a nominated party) is responsible for ensuring all ongoing operational and maintenance costs arising from the Project (including any such costs incurred after the Term) are adequate for the ongoing life of the facility; and
- (e) must procure any additional funding above the Funding Amount that is necessary to ensure the Project is delivered and maintained in accordance with the terms of this Agreement.

### 3.6 Management of Funding

The Recipient agrees to spend the Funding only for the Project and in accordance with:

- (a) this Agreement; and
- (b) the Budget; and
- (c) The Recipient agrees to obtain prior written approval from the Department for any transfer or reallocation of more than 5% of any budget category.

### 3.7 Right to Withhold Funding

If the Recipient is not complying with this Agreement, the Department may withhold all or part of the Funding Amount until the Recipient complies with its obligations to the Department's satisfaction. If the Department withholds any part of the Funding Amount, the Recipient must continue to perform its obligations under this Agreement.

### 3.8 Repayment of Funding

Without limiting the Department's rights under this Agreement, the Department may by notice in writing recover some or all of the Funding Amount from the Recipient (as a debt due and payable on demand) in any of the circumstances set out below:

- (a) the Recipient is paid more than the Funding Amount;

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- (b) the Recipient has incorrectly claimed a Payment of some or all of the Funding Amount;
- (c) the Recipient has been paid the Contingency without having been granted approval to expend or proven need to expend
- (d) the Recipient abandons the Project (whether or not the Department has terminated the Agreement in accordance with clause 18) and does not resume performance of the Project within 10 Business Days after receiving notice requiring it to do so;
- (e) any part of the Funding Amount is unspent at the expiry of the Term;
- (f) the Recipient has not spent the Funding Amount in accordance with this Agreement; or
- (g) an Insolvency Event occurs in respect of the Recipient (whether or not the Department has terminated the Agreement in accordance with clause 18).

### 3.9 No Capacity

Where the Department is satisfied that the Recipient does not have the capacity to adequately:

- (a) manage the Funding; or
- (b) undertake the Project in accordance with this Agreement; or
- (c) the Recipient breaches this Agreement and the Recipient fails to remedy that breach within a reasonable time following receipt of a written request from the Department,

The Department may by Notice immediately do any or a combination of the following:

- (d) suspend, reduce or cease the release of Funding to the Recipient;
- (e) require the Recipient to refund some or all of the Funding to the Department;  
and
- (f) terminate the Agreement in accordance with the provisions of clause 18.

### 3.10 General

- (a) If the Department exercises its rights in accordance with clause 3.4, clause 3.7 clause 3.8 or clause 3.9, the Recipient must, within 20 Business Days after the date of the notice, repay or refund the Funding Amount (or part thereof) as specified in the notice.
- (b) The Department making any Payment under this Agreement does not constitute an admission that the performance of any part of the Project is in conformity with this Agreement and no Payment will be deemed to release the Recipient from its obligations under this Agreement.

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#### 4. Bank Account

- 4.1 To process and record all Payments, the Recipient must maintain either:
- (a) a separate account at a financial institution used solely in connection with the Funding; or
  - (b) an existing general account at a financial institution where adequate internal financial controls are in place for the identification of the Payments; or
  - (c) where the Recipient does not have an ABN, a contractual arrangement with an Administrator

which is an authorised deposit-taking institution, located in New South Wales, including a bank, credit union or building society ('bank account')

- 4.2 Any interest earned on the Payments held in a bank account must be used solely for the purpose of the Project.

- 4.3 On request from the Department, the Recipient must provide evidence of the separate financial controls in place in relation to the Funding Amount.

- 4.4 If clause 4.1 (c) applies:
- (a) the Administrator is not to be concerned with the terms, conditions, or contents of this Agreement (save as expressly specified herein)
  - (b) The Department will deposit the Funding Amount in line with Schedule B to the Administrator a nominated account
  - (c) The Administrator is irrevocably instructed to disburse the Funding Amount to the following recipients account as applicable
  - (d) The Department has the right to direct the Administrator to release all of the monies in the Administrators account to the Department.
  - (e) In the event of any dispute between the Recipient and the Department regarding the disbursement of any funds remaining in the Administrator's account, the Administrator shall act in accordance with the terms of this agreement.
  - (f) The Administrator Instructions under clause 4 may not be assigned by any party without the written consent of all parties.

- 4.5 All notices required to be given pursuant to these Instructions shall be in writing and shall be given by personal delivery, by mailing in a postage pre-paid certified or registered envelope or faxing or emailing the same to the addresses provided in Schedule A.

#### 5. Responsibility of the Recipient

- 5.1 The Recipient must carry out the Project:
- (a) lawfully, diligently, efficiently, safely, using all proper care and to a high professional standard;

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- (b) in accordance with the terms and conditions of this Agreement and any Variation approved by the Department from time to time;
  - (c) in accordance with all information, plans, drawings, designs or specifications submitted with the Application;
  - (d) in accordance with all laws, policies, guidelines and reasonable directions from the Department;
  - (e) in accordance with the Recipient's Budget submitted in the Application or as otherwise modified by the Department in this Agreement;
  - (f) in accordance with any Special Conditions (Schedule A, Item 2) including adherence to the Departments' Governance requirements and;
  - (g) diligently and to a high standard.
- 5.2 The Recipient must comply with the Regional Cultural Fund Guidelines (RCF) and the Application conditions.
- 5.3 The Recipient acknowledges and agrees that it is solely responsible for delivery and completion of the Project within the Term.
- 5.4 The Recipient must ensure that all personnel employed or engaged by the Recipient to work with any person under the age of 18 in connection with any part of the Project undergoes a Working with Children Check in accordance with the procedures set down by the Office of the Children's Guardian (or equivalent body from time to time);
- 5.5 The Recipient must hold all rights, permissions, approvals and consents required to conduct the Project, and otherwise fulfil its obligations under this Agreement.
- 5.6 The Recipient must not do anything that would cause the Department to breach its obligations under any legislation.
- 5.7 The Recipient must complete each Milestone by the date specified for completion of that Milestone, to the satisfaction of the Department.
- 5.8 The Recipient, at its first recognition of such, submit a Variation Request for the predicted change in milestone achievement or date of achievement.
- 5.9 The Recipient must use the Funded Amount only for the purpose of the Project and for no other purpose.
- 5.10 The Recipient is fully responsible for the performance and successful delivery of the Project and for ensuring compliance with the requirements of this Agreement, and will not be relieved of that responsibility because of any:
- (a) involvement by the Department in the performance of the Project;
  - (b) subcontracting of the Project;
  - (c) acceptance by the Department of Specified Personnel; or
  - (d) payment of any amount of Funding to the Recipient.

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The Recipient may not rely on any advice or representation made by the Department but must make its own enquiries and rely on its own advice and advice from its consultants.

- 5.11 The Recipient agrees to comply with all of the Department's reasonable requests, directions, monitoring or reporting requirements.
- 5.12 The Recipient agrees to keep financial accounts and records relating to the Funded Amount and Project that identify:
- (a) All receipts and payments related to the Project; and
  - (b) All interest earned on the Funded Amount.
- 5.13 In relation to conducting a final review and final evaluation of the Regional Cultural Fund Program, the Recipient agrees to:
- (a) respond to all of the Department's reasonable requests; and
  - (b) provide all reasonable assistance required by the Department;
  - (c) provide any information the Department reasonably requires.

## 6. Project Status Reporting and Keeping Records

- 6.1 The Recipient must provide a Project Status Report to the Department as set out within the Milestone Reporting Requirements at Schedule B to this Agreement. The Recipient must provide the Project Status Reports to the Department regardless of the Recipient's progress in carrying out the Project.
- 6.2 Each Project Status Report must be in the format set out in the Attachments to this Agreement and must address the matters specified, including the extent to which (and the times at which) Milestones have been completed, and whether the relevant outputs or outcomes in the table have been realised. Any major changes to the Project and any major issues arising out of the Project must be outlined in the Project Status Report.
- 6.3 The Department may also request a Project Status Report on a regular basis, outside of the Milestones noted, to inform RCF Reporting. This would, typically, be a monthly requirement to align with Governance project meetings (PCG's) or as otherwise requested.
- 6.4 Each Project Status Report must be endorsed by the Recipient's representative identified in Item 1 of the Agreement Details (Schedule A) before being provided to the Department.
- 6.5 The Recipient must, within 10 Business Days after a request, provide the Department with any additional Project Status Report, Budget or Records the Department requires.
- 6.6 The Recipient must participate in any survey or feedback request made by the Department, whether during or after the actual completion of the Project, including any:
- (a) confirmation questionnaire regarding the benefits of assistance received from the Department;
  - (b) independent survey of the Department's service levels and the effectiveness of assistance provided; and

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(c) the Department’s survey of Project outcomes.

6.7 The Recipient must create and maintain full and accurate accounts and records of the conduct of the Project including, without limitation, all:

- (a) Progress against the Milestones;
- (b) Receipt and use of Funding;
- (c) Other Contributions (if any); and
- (d) Creation, acquisition and disposal of Assets.

**7 Project Review and Evaluation**

7.1 The Recipient must make and keep full and accurate Records and must retain such Records for a minimum of 7 years after expiry or termination of this Agreement.

7.2 The Department may, at the Recipient’s cost, appoint an Approved Auditor to conduct audits under this Agreement.

7.3 If the Department wishes to conduct an audit under this Agreement, the Recipient must:

- (a) permit reasonable access to and the copying of the Recipient’s financial and other records by any appropriate person duly authorised by the Department;
- (b) answer all reasonable enquiries by any person duly authorised by the Department; and
- (c) provide reasonable assistance to any person duly authorised by the Department in the conduct of the audit or inspection.

7.4 The Recipient must if required provide the Auditor-General of NSW with access to accounting records and documentation in respect of Funding Amount provided under this Agreement.

7.5 The Recipient’s representative identified in Item 1 of the Agreement (Schedule A) must keep the Department up-to-date on all matters relevant to this Agreement and must regularly communicate with the Department’s representative.

7.6 The Recipient agrees to disclose, at least 10 Business Days prior to the following events occurring, all material matters that might have an impact on the Recipient’s obligations under this Agreement or on its financial situation or governance. These include:

- (a) any changes to key personnel including the chair, chief executive officer or equivalent and artistic director; and
- (b) any expected significant negative variation to projected end-of-year financial results and the Recipient’s proposed strategies to address the negative variation; and
- (c) any changes to the Recipient’s board composition, including expertise and special responsibilities of any new board members; and
- (d) Any changes to project timeframes; and

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(e) an Insolvency Event.

7.7 The Recipient must give the Department further information or Records within 10 Business Days after a request, or explanations as reasonably required by the Department.

## 8 Project Finalisation

The Recipient must provide to the Department within 3 months after the actual completion of the Project:

- (a) An Acquittal and Financial Certification in the format set out in Attachment 3 to this Agreement or as otherwise approved and communicated by the Department; and
- (b) A Final Project Status Report – endorsed by the Recipient’s representative identified in Item 1 of the Agreement before being provided to the Department.

## 9 Sub-Contractors

- 9.1 The Recipient remains fully responsible for the performance of the Project if the Recipient subcontracts the performance of any part of the Project.
- 9.2 The Recipient must ensure that all Funding Agreement, Contractors, Sub-Contractors or project partners (if any) and any person engaged to carry out the work:
- (a) have appropriate skills, qualifications and experience, and hold the appropriate licences and insurances, for the work they have been engaged to perform;
  - (b) adhere to all regulatory requirements associated with carrying out the Project.
- 9.3 Neither NSW Government nor the Department accept any responsibility or liability for works carried out and bear no responsibility for the Project.
- 9.4 Unless the Department agrees otherwise, the recipient must have a written contract with each of the Recipient’s subcontractors (subcontract) and ensure that each subcontract is consistent with, and allows the Recipient to give effect to, the Recipient’s obligations under this Agreement. If requested by the Department, the Recipient must notify the Department of any subcontractors appointed to carry out any of the Recipient’s obligations under this Agreement. The Recipient must notify the Department no later than 20 Business Days after the request from the Department.
- 9.5 The Recipient must, in any subcontract placed with a subcontractor, include a requirement for insurance that is consistent with the requirement for insurance under clause 13.
- 9.6 The Recipient is responsible for ensuring the suitability of a subcontractor for the work proposed to be carried out and for ensuring that such work meets the requirements of this Agreement.
- 9.7 The Department may direct the Recipient to terminate a subcontracting arrangement by notifying the Recipient in writing.

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9.8 The Recipient must, in any subcontract placed with a subcontractor, reserve a right of termination to take account of:

- (a) the Department's right to direct the Recipient to terminate that subcontract under clause 9.7; and
- (b) the Department's right of termination under clause 18;

and the Recipient must make use of that right in the event of a termination by the Department.

## **10 Acknowledgement and Publicity**

10.1 The Recipient must acknowledge the Funding Amount received from the Department for the Project in accordance with the NSW Government's Funding Acknowledgement Guidelines for recipients of NSW Government infrastructure grants (available at <https://communications.dpc.nsw.gov.au/assets/dpc-nsw-gov-au/files/Communications-and-Engagement/fa6fd6d77a/Funding-Acknowledgement-Guidelines-for-Recipients-of-NSW-Government-Grants.pdf>)

10.2 The Recipient must, unless the Department agrees otherwise, use the NSW Government's Waratah logo as set out at: <https://communications.dpc.nsw.gov.au/branding/> in conjunction with all acknowledgements of NSW Government support in accordance with the Funding Acknowledgement Guidelines.

10.3 The Recipient must provide the Department with at least 15 Business Days' notice of any proposed announcements, launches or public events relating to the Project, and provide an opportunity for a representative of the NSW Government to attend and speak at the launch or event.

10.4 The Department may, in its sole discretion, issue public communications on the provision of the Funding Amount to the Recipient and the progress of the Project. Where practicable to do so, the Department will give notice of such communications and their content to the Recipient.

10.5 If the Department determines that the Project (or any part of it) is not consistent with the purposes for which the Recipient was funded, and the Department gives the Recipient written notice of this, the Recipient must promptly remove the Department's acknowledgement and logo from all programs, promotional material and other printed or electronic material and publications relating to the Project.

## **11 GST and TAX**

11.1 The parties agree that all amounts referred to in this agreement are exclusive of GST.

11.2 If GST is imposed upon any supply made under this agreement (Taxable Supply) then the recipient of the Taxable Supply will pay to the supplier, in addition to any consideration payable for that Taxable Supply under this agreement (the "Consideration"), the amount of GST imposed upon the Taxable Supply.

11.3 Any increased amount will be payable to the supplier in the same manner and at the same time as the Consideration is payable to the supplier, provided that the recipient has

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received from the supplier a tax invoice in the form required by the GST legislation, setting out the amount of GST payable by the supplier on the Taxable Supply, and evidence of the supplier's registration for the purposes of GST. In all cases, any increased amount must be paid within 14 days of receipt of such tax invoice.

11.4 The Recipient agrees to pay all taxes, duties and government charges imposed or levied in Australia or overseas in connection with the performance of this agreement.

## **12 Indemnity and Release**

12.1 The Recipient must at all times indemnify and keep indemnified, hold harmless and defend the Department, the Crown in right of the State of New South Wales and its officers, employees and agents (those indemnified) from and against any liability or loss (including reasonable legal costs and expenses), which is suffered or incurred by, or made against, any of those indemnified arising directly or indirectly from any Claim by any person as a result of or in connection with any of the following:

- (a) a breach of this Agreement by the Recipient;
- (b) any unlawful, wrongful, wilful or negligent act or omission of the Recipient, or the officers, employees, agents, contractors or volunteers of the Recipient, in connection with this Agreement;
- (c) any illness, injury or death of any person caused or contributed to by the Recipient, the Recipient's employees, invitees, contractors, subcontractors in connection with this Agreement or the Project;
- (d) any loss or damage to real or personal property caused or contributed to by the Recipient, the Recipient's employees, invitees, contractors, subcontractors in connection with this Agreement or the Project; or
- (e) any act or omission by the Recipient, the Recipient's employees, invitees, contractors, subcontractors in connection with this Agreement that is in infringement of any Intellectual Property, or privacy rights of the Department or any third party.

12.2 The liability of the Recipient to indemnify those indemnified under this Agreement will be reduced proportionally to the extent that any unlawful, wrongful, wilful or negligent act or omission of those indemnified caused or contributed to the liability or loss.

12.3 The indemnity contained in this clause is a continuing obligation of the Recipient separate and independent of any other responsibility of the Recipient and will continue beyond the Term.

12.4 The Recipient agrees to release and discharge those indemnified from any action, proceedings, Claim or demand which, but for this provision, might be brought against or made upon those indemnified.

## **13 Insurance**

13.1 The Recipient must maintain during the Term all appropriate insurance policies including, but not limited to:

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- (a) workers compensation insurance as required by law (or personal income protection insurance in the instance of the Recipient being a business) for all employees involved in the delivery of the Project.
  - (b) public liability insurance to the value of not less than \$20 million in respect of each and every occurrence and unlimited in the aggregate for any one period of cover.
  - (c) Professional Indemnity in the amount reasonably required by the Department, not to be less than \$20 million per event and unlimited as to the number of events and shall be maintained for a period of 7 years
  - (d) insurance over all assets used in connection with the Project funded or partly funded by the Funding Amount, for their full replacement value.
- 13.2 On request by the Department, the Recipient must provide a copy of valid and current certificates of currency for the insurance and/or a warranty from its insurer that the policy extends to the Department and covers potential liability arising under this Agreement.
- 13.3 The Recipient must not do, permit or suffer any act, matter or thing or omission whereby the policy referred to in this clause may be vitiated, rendered void or voidable.
- 13.4 The insurance must cover liability of subcontractors and volunteers that may be involved in the Project.
- 13.5 The Recipient must comply with all reasonable requirements of the Department in relation to:
- (a) The identity of the insurer;
  - (b) The amount of any deductible or excess;
  - (c) The insurance being in the joint names of the Department and the Recipient, or noting the Department's interest on the policy;
  - (d) Not containing unacceptable or non-commercial exclusions from cover;
  - (e) The Department receiving a Notice, at the same time as the Recipient in relation to key policy events such as claims, cancellation, expiry and non-renewal;
  - (f) Inspecting the full terms of the policies of insurance for compliance with the Agreement

#### **14 Intellectual Property**

- 14.1 The Recipient owns the Intellectual Property Rights in all Project Material, subject to clause 14.2. Nothing in this clause affects the ownership of any Intellectual Property Rights in any Existing Materials.
- 14.2 The Recipient grants, and must arrange for any relevant third party to grant, to the Department, without cost, a permanent, perpetual, irrevocable, free, worldwide, non-exclusive licence (including a right of sublicense) to use the Intellectual Property Rights in the Project Material for the Specified Acts (as defined in clause 14.3).

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- 14.3 For the purposes of clause 14, the ‘Specified Acts’ means any of the following classes or types of acts or omissions by or on behalf of the Department:
- (a) using, reproducing, communicating (including communicating to the public), modifying or adapting all or any part of the Project Material, with or without attribution of authorship;
  - (b) supplementing the Project Materials with any other Material;
  - (c) using the Project Materials in a different context to that originally envisaged.
- 14.4 The Department licenses the Recipient to use the Department’s Existing Material (including copying it and supplying it to others), but only for the purposes of this Agreement. The Recipient uses any of the Department’s Existing Material at its own risk.
- 14.5 The Recipient must ensure that it has obtained all relevant Moral Rights consents in writing in connection with the Project Material and licences under clause 14.2. The consents must cover acts done before or after the date of the consent, and whether done by the Department or by someone claiming under or through the Department. On request by the Department, the Recipient must provide the Department with the original of the consent.
- 14.6 On request by the Department, the Recipient must bring into existence, sign or otherwise deal with any document which is considered necessary or desirable to give effect to this clause 14.

**15 Confidentiality**

- 15.1 **Obligation to keep confidential:** Each party must keep the Confidential Information of each other party in confidence and not disclose the Confidential Information to any person without the other party’s prior written consent, subject to clauses 15.2 and 15.3.
- 15.2 **Limited Disclosure:** A party may disclose the Confidential Information of another party to their personnel and legal and professional advisors provided they ensure that the such persons:
- (a) keep the Confidential Information confidential; and
  - (b) do not use the Confidential Information except for the purposes of this Agreement.
- 15.3 The Recipient acknowledges that the Department may disclose certain information in relation to the Agreement (including Confidential Information), in accordance with the Department’s obligations under the GIPA Act.
- 15.4 The Recipient must, within 5 Business Days after receiving a written request from the Department, provide the Department with immediate access to information that the Department advises the Recipient is required to be disclosed in accordance with the Department’s obligations under the GIPA Act.

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**16 Privacy**

16.1 The Recipient will:

- (a) ensure that Personal Information that is provided by the Department or collected by the Recipient under or in connection with this Agreement is used only for the purposes of this Agreement and is protected against loss, authorised access, use modification and disclosure, or against other misuse;
- (b) not disclose any Personal Information without the prior written consent of:
  - (i) the individual to whom the Personal Information relates; or
  - (ii) the Department,
 unless otherwise required or authorised by law;
- (c) comply with the Information Protection Principles applying to NSW public sector agencies under the Privacy and Personal Information Protection Act 1998 (NSW) when doing any act or engaging in any practice in relation to Personal Information as if the Recipient were an agency directly subject to that Act; and
- (d) include equivalent requirements regarding Personal Information (including this clause 16) in any subcontract entered into for conducting the Project under this Agreement.

**17 Variation**

17.1 This Agreement may only be varied by written agreement between the parties in accordance with the Variation Request Form (Attachment 4 to this Agreement) or any other Variation document required by the Department.

17.2 The Department may issue a Variation document at any time throughout the term of the Project.

17.3 Except and to the extent only of the variations contained in the Variation document, the Principal Agreement (this Agreement) shall remain in full force and effect and the parties severally agree to remain bound by the Principal Agreement, as varied by the Variation document.

**18 Ending this Agreement**

18.1 Termination for default: The Department may terminate this Agreement immediately by notice in writing to the Recipient if any of the following occur:

- (a) the Department is satisfied that any statement made by the Recipient in the Application or any other information provided by the Recipient is incorrect, incomplete or misleading in a way that may have affected the decision to approve the Funding Amount, the terms and conditions of this Agreement, or any action taken by the Department under this Agreement;
- (b) the Recipient breaches any of its obligations under this Agreement and the Department considers that the breach cannot be rectified, or the Recipient has

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- failed to remedy a breach of this Agreement within 10 Business Days after receiving a Notice to Remedy from the Department;
- (c) the Recipient varies the Project without the Department's written approval;
  - (d) the Recipient fails to satisfactorily meet the Milestones or deliver the Project or the Department considers that the Project is no longer viable;
  - (e) an Insolvency Event occurs in relation to the Recipient;
  - (f) the Recipient is unable to proceed with the performance of its obligations by reason of force majeure, war, strikes, riot or civil commotion (whether war be declared or not) or any other circumstance whatsoever beyond the Recipient's control;
  - (g) the Recipient acts in a manner that will cause damage to the Department's reputation;
  - (h) the Recipient does not use the expertise, skill, diligence and care in carrying out the Project, as outlined in this Agreement, to be expected from an experienced provider of activities of this nature;
  - (i) the Recipient is not properly certified or accredited to undertake the Project, as outlined in this Agreement;
  - (j) the Recipient does not lawfully carry out the Project, as outlined in this Agreement, in a timely manner; or

the Department considers that any non-compliance of any of the Recipient's obligations under this Agreement are not capable of remedy.

The Department is not liable to pay the Recipient any compensation or costs if this Agreement is terminated in accordance with clause 18 and the Recipient irrevocably and unconditionally releases the Department, the Crown in right of the State of New South Wales and their officers, employees and agents in respect of such termination.

### **19 Maintenance of Assets**

- 19.1 The Recipient agrees to maintain and not to demolish, eradicate, remove, dispose of, transfer or otherwise interfere with the infrastructure, facilities or improvements ('assets') created by or bought as part of the Project for 5 years after actual completion of the Project without obtaining the prior written consent from the Department.
- 19.2 As the Funding Amount is provided to benefit the local community, conversion or disposal of assets funded through the Regional Cultural Fund through sale or otherwise is not consistent with this purpose. The Recipient must notify the Department immediately if the Recipient intends to convert or dispose of the asset within 5 years of the actual completion of the Project.
- 19.3 On request by the Department, the Recipient must repay the Department all or part of the Funding Amount within one month of the disposal or conversion of the asset.

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19.4 Any repayment the Department claims from the Recipient under clause 19.3, will be a debt due and payable by the Recipient to the Department.

## **20 Continuing Obligations**

20.1 Rights and remedies not prejudiced: Any termination of this Agreement by the Department is without prejudice to any accrued rights or remedies of the Department.

20.2 Survival: Clauses 7 (Project Review and Evaluation), 12 (Indemnity and release), 13 (Insurance) 14 (Intellectual Property) 15 (Confidentiality), 16 (Privacy), 19 (Maintenance of Assets) and this clause 20 (Obligations when this Agreement ends) and any other clause of this Agreement which by its nature should survive termination will survive termination, expiry or repudiation of this Agreement.

## **21 Dispute Resolution**

21.1 The parties must attempt to settle any dispute in relation to this Agreement in accordance with the following provisions, before resorting to court proceedings or other dispute resolution process.

21.2 A party claiming that a dispute has arisen must notify the other party in writing giving details of the dispute (Dispute Notice) in accordance with the requirements of clause 21.

21.3 Following receipt of a Dispute Notice, each party must refer the Dispute to a senior representative, who:

(a) does not have prior direct involvement in the Dispute; and

(b) has authority to negotiate and settle the Dispute.

21.4 If the dispute is not resolved within 14 Business Days or within such further period as the parties agree in writing, from the date the Dispute Notice is received by the party to whom the Dispute Notice is given, the party which gave the Dispute Notice under clause 21.2 must refer the dispute to the Australian Disputes Centre Limited (ADC) for resolution in accordance with the mediation rules of the ADC.

21.5 If the dispute is not resolved within 28 Business Days (or such other period as agreed to in writing between the parties) after appointment of the mediator, or if no mediator is appointed within 28 days of the referral of the dispute to mediation, the parties may pursue any other procedure available at law for the resolution of the dispute.

21.6 Each party must pay its own costs of complying with this clause 21 and split the costs of the mediator evenly.

21.7 Nothing in this clause 21 will prevent either party from seeking urgent interlocutory relief.

## **22 Notices**

22.1 Change of contact details: The parties must inform each other within 7 days of any changes to its contact details set out in Item 1 of the Agreement Details.

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- 22.2 **Insolvency Events:** The Recipient must immediately notify the Department of any resolution by the Recipient to go into administration or liquidation or to enter into any scheme or arrangement with creditors under the Corporations Act 2001 (Cth) or any applicable insolvency law.
- 22.3 **Notice Requirements:** A notice under this Agreement must be in writing, and hand-delivered, posted or emailed to the Representative of the other party as specified in Item 1 of the Agreement Details.
- 22.4 **When a notice is served:** A notice under this Agreement 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 – on the day which is within four (4) Business Days after the date of posting;
  - (c) in the case of delivery by facsimile – at the time of dispatch if the sender receives a transmission report which confirms that the facsimile was sent in its entirety to the facsimile number of the recipient; or
  - (d) in the case of delivery by email – at the time sent, unless the sender is notified, by a system or person involved in the delivery of the email, that the email was not successfully sent.
- 22.5 **Delivery late in the day:** Notwithstanding clause 22 (Notices), if delivery or receipt of a Notice is on a day which is not a Business Day or is after 5pm on a Business Day, then it will be deemed to have been received on the next Business Day in that place.

### 23 **General**

- 23.1 **Entire agreement:** This Agreement, its attachments and items referenced there-in, constitutes the entire agreement and understanding between the parties as to the subject matter of this Agreement. Any prior arrangements, representations or undertakings as to the subject matter of this Agreement are superseded, whether orally or in writing.
- 23.2 **Non-waiver:** No failure or delay by a party in exercising any right, power or remedy under this Agreement and no course of dealing or grant by a party to the other party of any time or other consideration, will operate as a waiver of the breach or a default by a party. Any waiver by a party of a breach of this Agreement will not be construed as a waiver of any further breach of the same or any other provision.
- 23.3 **Conflict of interest:** The Recipient warrants that at the date of this Agreement, no Conflict of Interest exists or is likely to arise in relation to execution of this Agreement or its subject matter. The Recipient must immediately notify the Department, in writing, upon becoming aware of the existence, or possibility, of a Conflict of Interest and must comply with any reasonable directions of the Department to appropriately manage the Conflict of Interest, within the time frame stipulated by the Department in writing.
- 23.4 **Assignment:** The Recipient must not assign or novate obligations or interests under this Agreement without the prior written consent of the Department.

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**Schedule A – Agreement Details**

**Item 1: Contact Details**

<b>The Department</b>	
Address:	320 Pitt Street, Sydney NSW 2000
Representative:	Craig A. Limkin
Email:	<a href="mailto:regional@create.nsw.gov.au">regional@create.nsw.gov.au</a>
Phone:	(02) 8289 6575

<b>Recipient</b>	
Organisation Name:	Mid-Western Regional Council
Address:	PO Box 156 Mudgee NSW 2850 Australia
Representative:	Mr Brad Cam
Email:	<a href="mailto:brad.cam@midwestern.nsw.gov.au">brad.cam@midwestern.nsw.gov.au</a>
Phone:	(02) 6378 2850

**Item 2: Special Conditions (amendments or additions to standard conditions)**

A Project Control Group (PCG), or other such project governance body approved by the Department, must be established upon execution of the Funding Agreement and include a Create Infrastructure representative.
In 30 days of execution the Recipient must provide written confirmation and evidence that the Project Scope can be delivered within the available funding.
Recipient must provide written evidence of the ownership of the project site by 30 June 2019.

**Item 3: Funding details**

**Funding Amount**

<b>Funding Amount (Total)</b>	\$2,300,000 Ex GST
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**Recipient and/or Other Contribution**

<b>Amount</b>	\$2,292,800 Ex GST
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**Item 4: Project Definition**

<b>Project Commencement Date:</b>	No later than 31 December 2020
<b>Project Completion date:</b>	No later than 31 December 2021
<b>Project Description:</b>	Funding to support the construction and fit-out of a new Mid-Western Regional Gallery and Cultural Centre.
<b>Project Scope</b>	<p>Works will include:</p> <ul style="list-style-type: none"> <li>• Design and consultation</li> <li>• Development application</li> <li>• Internal refurbishment in existing building</li> <li>• External repairs and painting of existing building</li> <li>• Construction of extension at rear of current building</li> <li>• Internal development of extension, room construction, site layout and fit-out</li> <li>• External landscaping</li> <li>• A carpark</li> <li>• Finalise the internal fit-out</li> <li>• All utilities established</li> <li>• Signage</li> <li>• Construction and fit-out of the extension will include: a new entrance and foyer, an elevator, 4 x new gallery spaces, a gift shop, a cafe, 2 x collections stores, toilets, a sculpture garden, a seminar/conference space, and an artist in residence space</li> </ul>
<b>Project Guidelines</b>	The document published by the Department which sets out the intent of the Regional Cultural Fund as well as eligibility for funding, the application process and acceptable uses of funds. Please refer to Attachment 6 of this Agreement.

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**Item 5: Acquitting the Funding Amount**

<b>Acquittal Date</b>	3 months after: <ul style="list-style-type: none"><li>• actual completion of the Project; or</li><li>• earlier termination of this Agreement,</li></ul> whichever occurs first.
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To comply with the Department's reporting requirements, the Recipient must use the Project Acquittal and Financial Certification form (Final Payment). An example of this attached to this Agreement in **Attachment 3**.

The Recipient must provide the Department with a Profit and Loss Statement in accordance with the Reporting Requirement set out at **Schedule B** to this Agreement. This must be prepared by an Approved Auditor or suitably qualified professional as approved by the Department.

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## Schedule B – Funding schedule

Payment	Payment Amount	Milestone	Supporting Documentation Prior to the Department making any Payments in accordance with this clause 3, the Recipient must provide to the Department a request for Payment with:
1 <sup>st</sup> Payment	\$300,000	Payment upon execution of Funding Agreement.	A Project Status Report and RCTI must be provided prior to the Department making any Payment.
2 <sup>nd</sup> Milestone Payment	\$200,000	PCG is formed, Create Infrastructure included, and first PCG meeting held. It must be demonstrated that initial co-funding has been used to engage a Project Manager and s/he has produced and received PCG approval of: 1) a project budget showing ALL funding sources, timing of funding availability, & expected expenditure; and 2) a project plan/programme for key deliverables including, but not limited to, detailed design, consultation, DA, submission, tender documentation, tender issue, construction period, and practical completion.	A Project Status Report and RCTI must be provided prior to the Department making any Payment.
3 <sup>rd</sup> Milestone Payment	\$100,000	Payment upon receipt, PCG approval, and Council endorsement, of Detailed Design.	A Project Status Report and RCTI must be provided prior to the Department making any Payment.
4 <sup>th</sup> Milestone Payment	\$500,000	Payment upon receipt of Development Consent and PCG review of consent conditions. If there are conditions that may increase costs, a revised project plan and budget must be endorsed by the PCG before milestone payment can be claimed.	A Project Status Report and RCTI must be provided prior to the Department making any Payment.
5 <sup>th</sup> Milestone Payment	\$500,000	Payment upon receipt of building contractor's 50% completion claim and approved. Claimed/works completion to be validated by an independent Quantity Surveyor.	A Project Status Report and RCTI must be provided prior to the Department making any Payment.
6 <sup>th</sup> Milestone Payment	\$250,000	Payment upon receipt of building contractor's 75% completion claim and approved. Claimed/works completion to be validated by an independent Quantity Surveyor.	A Project Status Report and RCTI must be provided prior to the Department making any Payment.
7 <sup>th</sup> Milestone Payment and	\$200,000	Payment upon completion of project and submittal/approval of project reconciliation and Final Project Status Report.	Final Project Status Report, Project Acquittal, P&L Statement; Support Materials.

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Final Project Report			
Release of Contingency	\$250,000	Payment upon completion of project and submittal/approval of project reconciliation and Final Project Status Report.	Contingency forms part of the Funding Amount and will only be released upon submission, and subsequent approval by the Department, of a Variation Request.

Please note that the Department reserves the right to change the timing of Milestone Payments and conditions precedent required to trigger a Milestone Payment. At the Department's discretion any change will be notified to the Recipient in writing.

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**Schedule B (continued) – Milestone Reporting Requirements****Reporting requirements:**

1. You must provide to the Department:
  - (a) Reports meeting the description and requirements specified below, at the times and frequency specified below. We will prescribe the form of reports and manner of submission by written notice to you.
  - (b) All financial reports must comply with Australian Accounting Standards issued by the Australian Accounting Standards Board, as amended from time to time.

Report name	Description	Special requirements	Reporting period and frequency of submission
<b>Project Status Report</b>	1. A report documenting progress of the Project (see example at <b>Attachment 1</b> of this Agreement). The report must address the progress of milestone achievement as outlined in your Application.	The report must be signed by your authorised recipient representative as listed in Schedule A of the Funding Agreement.  The information in the Progress Report will be used to confirm expenditure of the Funding Amount, as well as provide evidence of meeting your Project Milestones as outlined in your Application.	Report to be submitted on request of your next payment milestone or as requested by the Department.
<b>Final Project Status Report</b>	1. A report documenting completion of the Project (see example template at <b>Attachment 2</b> of this Agreement); The report must address the achievement of milestones as outlined in your Application.	The information in the Final Project Status Report will be used to:  1. Demonstrate how you achieved your Project's objectives and those of the Regional Cultural Fund. 2. Outline whether you met your key project milestones as outlined in your Application. 3. Evaluate the overall success of the Regional Cultural Fund	Report to be submitted to us within 3 months or the earlier of:  (a) the completion of the Project; (b) the expiry of this Agreement; or (c) the termination of this Agreement.

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Report name	Description	Special requirements	Reporting period and frequency of submission
	2. A copy of promotional and marketing material and any media reports relating to the Project.		
<b>Project Acquittal and Financial Certification</b>	<p>1. A form confirming expenditure of the Funding Amount (see template at <b>Attachment 3</b> of this Agreement).</p> <p>2. A Profit &amp; Loss Statement</p>	<p>The information in the Project Acquittal and Financial Certification form will be used to confirm expenditure of the Funding Amount.</p> <p>1. All unspent money must be returned to us either:</p> <p>(a) by cheque submitted with the Final Report;                      or                      (b) electronically by EFT direct to our bank, on the same day as the Final Report is submitted to us.</p> <p>The Profit &amp; Loss Statement for the whole Project must:</p> <p>(c) be prepared in accordance with Australian Accounting Standards and any statutory requirements that govern your accounting and financial records;                      (d) be signed by your Chief Financial Officer or equivalent authorised officer; and                      (e) clearly identify that the Funding Amount has been spent solely on the Project and in accordance with the Agreement.</p>	<p>To be submitted to us within 3 months or the earlier of:</p> <p>(a) the completion of the Project;                      (b) the expiry of this Agreement; or                      (c) the termination of this Agreement.</p>

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Report name	Description	Special requirements	Reporting period and frequency of submission
<b>Ongoing Reporting Requirements</b>	By entering into a Funding Agreement under the RCF, you agree to provide the Department of Planning and Environment (the Department) the data necessary to evaluate the fund. This data will be held confidentially and only be presented holistically to evaluate the performance of the fund and your organisations data will not be published without your prior consent.	The requested data may include: 1. Number of visitors / attendees / tickets sold 2. Number of events / shows 3. Jobs (including volunteers) created within your organisation / region  And any other material/information the Department may reasonably require.	The Department will request data regularly via an online survey for a three-year period following the completion of the project. The survey must be completed and returned to the Department promptly.

2. You also acknowledge and agree:

- (a) the Department will maintain regular contact with you to monitor implementation of this Agreement including site visits as required by the Department;
  - (b) in addition to any other reporting obligations under this Agreement, you must, if the Department requests, provide additional information to the Department concerning the Project, subject to the Department's request being reasonable in terms of administrative overheads and costs involved with compliance.
3. The Department may use any information contained in reports it receives from you subject to compliance with its obligations under this Agreement not to disclose your Confidential Information.

#### Recipient Created Tax Invoice (RCTI) Agreement

When issuing a Receipt Created Tax Invoices to the Department, the following applies.

1. All Tax Invoices must:

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Recipient	Mid-Western Regional Council
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- i. be clearly addressed to the Department of Planning and Environment
  - ii. be sent to the Regional Cultural Fund team, at GPO Box 39 Sydney NSW 2001 and emailed to [regional@arts.nsw.gov.au](mailto:regional@arts.nsw.gov.au); and
  - iii. display prominently the words "Tax Invoice".
2. All Tax Invoices must contain the following information:
- a) creation date of the invoice
  - b) the name of the Project and RCF reference number
  - c) Your organisation's name and ABN
  - d) the instalment payment reference (i.e. Milestone 1);
  - iv. the amount requested;
  - v. the GST component (listed separately to the amount requested); and
  - vi. the total amount requested.

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**Schedule C – Media****Media, Public Announcements and Acknowledgement**

1. You must acknowledge the Funding Amount received from the Department for the Project in accordance with the NSW Government's Funding Acknowledgement Guidelines for recipients of NSW Government infrastructure grants as set out at: <https://communications.dpc.nsw.gov.au/assets/dpc-nsw-gov-au/files/Communications-and-Engagement/fa6fd6d77a/Funding-Acknowledgement-Guidelines-for-Recipients-of-NSW-Government-Grants.pdf>
2. You must, unless the Department agrees otherwise, use the NSW Government's Waratah logo as set out at: <https://communications.dpc.nsw.gov.au/branding/> in conjunction with all acknowledgements of NSW Government support in accordance with the NSW Government Funding Acknowledgement Guidelines.
3. You must provide the Department with at least 30 Business Days' notice of any proposed announcements, launches or public events relating to the Project, and provide an opportunity for a representative of the NSW Government to attend and speak at the launch or event.
4. Signage, including plaques, requirements are as per the NSW Government NSW *Funding Acknowledgement Guidelines* as set out in: <https://communications.dpc.nsw.gov.au/assets/dpc-nsw-gov-au/files/Communications-and-Engagement/fa6fd6d77a/Funding-Acknowledgement-Guidelines-for-Recipients-of-NSW-Government-Grants.pdf> with particular reference to acknowledgement requirements in line with the funding amount received, signage production and approval processes.
5. All images provided to the Department as part of your Project Status Reports need to meet the following requirements:
  - File format – JPEG, no smaller than 1MB (High resolution).
  - Indicate what the image is of, provide the names of anyone shown within the image and the name of the photographer.

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### Schedule D – Variations

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Regional Cultural Funding has been provided to your organisation for the purpose of delivering the Project as outlined in your Application and according to the terms within this Agreement. Changes to the outcomes, scope or components of the project, overall timeframes for completion, achievement of key milestone or utilisation of Regional Cultural Funds as outlined in your Application, may require you to submit a request for Variation.

#### When to ask for a Variation?

If you are seeking to make changes to your Project in any of the following areas:

- overall project outcomes
- project scope or concept
- project components
- project location
- timeframe for completion
- time frames for the achievement of key milestones
- payment schedule
- use of Regional Cultural Fund funding

you must contact the Regional Cultural Fund Office on (02) 8289 6575 or [regional@create.nsw.gov.au](mailto:regional@create.nsw.gov.au) to describe project changes **before** making any changes.

Some changes are small or do not affect the outcomes and delivery of your overall project and will not require a formal Variation request. When you contact RCF, we will inform you if you are in this category.

Other changes are more significant and need approval from The Department to ensure the Project or service still achieves what it was funded to do. If this is the case, the team will ask you to submit a written Variation Request.

An example of this template at **Attachment 4** of this Agreement. If a Variation request is deemed necessary, the Recipient must provide a Variation Request Form to the Department. If approved by the Department, a Variation Schedule will be provided by the Department to the Recipient.

Please note that except and to the extent only of the variations contained in the Variation, the Principal Agreement (this Agreement) shall remain in full force and effect and the parties severally agree to remain bound by the Principal Agreement, as varied by the Variation Schedule. Variations can only be approved for future events. You cannot ask for a Variation for reimbursement or a change already made. If you make a change without approval you may be in breach of your Funding Agreement. In addition, you may be requested to place all activities on hold while your Variation Request is assessed. Make sure you contact the Regional Cultural Fund as soon as you start considering any changes.

#### Can I ask for more money?

No, as this is one-off funding there is no option for additional funds to be provided.

#### How do we decide if a Variation is approved?

When assessing Variation Requests, the following will be considered:

- are the changes consistent with the objectives of the Regional Cultural Fund

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- the type and scope of change to the Project
- if the change to the project affects your projects eligibility as outlined in the Regional Cultural Fund guidelines still fits within the Regional Cultural Fund eligibility
- the impact of the change on intended outcomes including delivery timeframes and Project beneficiaries

#### **When will you know if your Variation is successful?**

You will receive an update on your Variation Request within 10 working days from when we receive your email. In most instances this first update will let you know if your request is approved or unsuccessful. If you requested significant changes, the update will let you know how much longer the assessment is likely to take and if any additional information is required. Once a decision is made, the outcome of your Variation Request will be emailed to you. If approved you will receive any Special Conditions and if required, a Funding Variation will be attached to your Funding Agreement.

#### **Could a Variation change my funding schedule?**

Yes, any Variations are directly related to your funding schedule. An approved Variation to your Project can impact on the timing of your next payment.

#### **Steps for a Variation Request**

1. Contact the Regional Cultural Fund to discuss your Variation needs on: **Phone (02) 8289 6575** or [regional@create.nsw.gov.au](mailto:regional@create.nsw.gov.au).
2. If advised by the Regional Cultural Fund, submit a written Variation Request.
3. Assessment of you Variation Request by The Department of Planning & Environment.
4. the Regional Cultural Fund will provide an update on your Variation Request within 10 days of receiving your written request.

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**Attachment 1**

**Progress and/or Project Status Report**

<b>Project Name:</b>	<i>[As per title listed in Application]</i>
<b>Location/Address:</b>	<i>[Where project is taking place/site]</i>
<b>Project Manager:</b>	<i>[Recipient PM]</i>
<b>Key Contact:</b>	<i>[Recipient key contact]</i>
<b>Forecast Completion</b>	<i>[Date – note if this has been amended]</i>
<b>Overall Current Project Status:</b>	<i>[insert colour based on the code outlined below]</i>
<p>Red: Serious issues affecting budget or timing or regarding progress, safety or perception of project. Adverse media coverage</p> <p>Amber: Some issues that may impact cost or timing. Significant decisions required to continue project design or delivery.</p> <p>Green: No issues with project. No significant holdpoints. No significant decisions pending. Project is tracking as projected.</p>	

**Project Update Summary:**

<i>Please provide an overall summary of the progress of the project in dot point form. Summary should address, at a minimum: Timing &amp; Budget changes, milestones reached, key decisions made, issues affecting any of these subjects &amp; any media coverages. Examples below:</i>	
<ul style="list-style-type: none"> <li>▪ <i>DA Approved</i></li> <li>▪ <i>Detailed design commenced [date]</i></li> <li>▪ <i>Variation received for Architect. Within budget</i></li> <li>▪ <i>Construction tender expected to be issued on [date]</i></li> <li>▪ <i>Local newspaper cover project favourably</i></li> </ul>	
<i>Risk: Note any risks that have been identified with a Probability of 3 or 4</i>	
<i>Please provide a cost report detailing actual spend to date and forecast spend</i>	

**Project Update Details:**

<i>Please provide details of project progress or issues. If there are no problems in a category, please note 'on target' or provide next expected milestone date. If there is a problem within a category, please note the details of the issue with any actions taken or required to remedy.</i>	
<b>Authorities/Approvals:</b>	<i>e.g. DA consent expected next week</i>
<b>Procurement:</b>	<i>e.g. Create Infrastructure to review Draft DA consent for inclusion in Contractor tender</i>
<b>Scope/Design:</b>	<i>e.g. Architect to provide new drawing for Gallery 1 east wall</i>

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**Attachment 1**

Cost/Budget:	<i>e.g. Architect provided variation for new drawing. PCG to approve</i>
Time/Program:	<i>e.g. Tender delayed until new drawing approved by PCG</i>
Quality Assurance:	<i>e.g. new specification for flooring required. Original has low risk rating</i>
Construction:	<i>e.g. Contractor EOI closes next week</i>
Operational Issues:	<i>e.g. Council to issue revised volunteer schedule</i>
WHS:	<i>e.g. Workcover provided minimum Public Liability insurance limits</i>
Communications/Media:	<i>e.g. Local paper ran favourable article on progress. Minister seeks update on completion date</i>

**Project Risk Tracking:**

<i>Probability: 1) Remote 2) Unlikely 3) Likely 4) Certain Impact: A) Minimal B) Marginal C) Significant D) Severe</i>			
Risk Identified	Probability	Impact	Mitigation actions / <b>Owner</b>
<i>Development Consent delayed</i>	<i>Unlikely 2</i>	<i>Marginal B</i>	<ul style="list-style-type: none"> <li>▪ <i>Have Council staff discuss internally</i></li> <li>▪ <i>Double check inclusion on Council meeting agenda</i></li> </ul> <b>Recipient to action</b>
<i>Construction tender delayed</i>	<i>Unlikely 2</i>	<i>Significant C</i>	<ul style="list-style-type: none"> <li>▪ <i>Action development consent mitigation above</i></li> <li>▪ <i>Prepare all other materials in the interim</i></li> <li>▪ <i>Amend RFT documents if Development consent causes design changes</i></li> </ul> <b>Recipient to action</b>
<i>Co-funding is unavailable</i>	<i>Remote 1</i>	<i>Severe D</i>	<ul style="list-style-type: none"> <li>▪ <i>Monitor funding partner budget approvals.</i></li> </ul> <b>Department to review</b>

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**Attachment 2**  
**FINAL PROJECT STATUS REPORT (Final Payment)**

<b>Project Name:</b>	<i>[As per title listed in Application]</i>
<b>Location/Address:</b>	<i>[Where project is taking place/site]</i>
<b>Project Manager:</b>	<i>[Recipient PM]</i>
<b>Key Contact:</b>	<i>[Recipient key contact]</i>
<b>Forecast Completion</b>	<i>[Date – note if this has been amended]</i>

*NB: This report must be completed in addition to your Project Acquittal and Financial Certification.*

<p><b>Project Review</b></p> <p>Outline how your Project met the objectives of the Regional Cultural Fund. <i>(E.g. Improved and encourage growth in NSW cultural diversity; Cultural Infrastructure was upgraded; shows value for money and strong ongoing viability; and, communities have experienced cultural, recreational and educational benefits)</i></p>
<p>Detail how your Project has been successful using measurable outcomes and provide any qualitative and quantitative data. <i>(E.g. enhanced quality of exhibitions, 12% more tickets sold, new/different groups utilising the asset, improved community connection, community engagement).</i></p>
<p>In terms of project planning, how has your Project achieved milestones with the initially defined resources? <i>(E.g. any additional personnel involved, any contingency funds used, any extra time you required etc.)</i></p>
<p>Please detail any issues that arose during your Project. Please give a brief explanation of how you resolved these issues. This also includes whether the Project met the Milestones as per the Funding Agreement.</p>

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**Attachment 2**

<p>How effective were the Project governance arrangements (your own or those mandated by Create Infrastructure)? Did your internal management perform well? Was working Create Infrastructure a positive experience?</p>

<b>Approval</b>		
	Recipient Authorised Representative	Department Representative
Signature		
Name		
Position		
Date		

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**Attachment 3**

**PROJECT ACQUITTAL & FINANCIAL CERTIFICATION**

To be completed at the end of the Project. This template is an example to inform you of the type of data that will be required.

<b>Project Name:</b>	[As per title listed in initial Application]
<b>Location/Address:</b>	[Where project is taking place/site]
<b>Project Manager:</b>	[Recipient Project Manager]
<b>Key Contact:</b>	[Recipient key contact]
<b>Completion:</b>	[Date – note if this has been amended]

Statutory Declaration  
 OATHS ACT 1900, NSW, NINTH SCHEDULE

I, [name of declarant]....., of .....[residence].....with the position [name of position of employment] with company [name of recipient and ABN]

do hereby solemnly declare and affirm that .....  
 an amount equal to the total Funding Amount paid by the Department (\$.....) has been expended on this Project in accordance with the terms and conditions of the Funding Agreement dated ..... with the Department.

I have complied with the Department’s acquittal process and have provided:

- A copy of our Profit & Loss Statement which clearly identifies that the Funding Amount has been spent solely on the Project and in accordance with the Agreement. I certify that this has been prepared by a suitably qualified professional; and
- A completed Final Project Status Report as evidence that I have met:
  - the objectives milestones as outlined in my Agreement and Application.
  - the objectives of the Regional Cultural Fund.

.....  
 And I make this solemn declaration, as to the matter (or matters) aforesaid, according to the law in this behalf made – and subject to the punishment by law provided for any willfully false statement in any such declaration.

Declared at: ..... on .....  
[place] [date]

.....  
 [signature of declarant]

in the presence of an authorised witness, who states:

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**Attachment 3**

I, ..... a .....  
*[name of authorised witness] [qualification of authorised witness]*

certify the following matters concerning the making of this statutory declaration by the person who made it: *[\* please cross out any text that does not apply]*

1. \*I saw the face of the person OR \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification<sup>1</sup> for not removing the covering, and
2. \*I have known the person for at least 12 months OR \*I have confirmed the person's identity using an identification document and the document I relied on was .....  
*[describe identification document relied on]*

.....  
*[signature of authorised witness] [date]*

<sup>1</sup> The only “special justification” for not removing a face covering is a legitimate medical reason (at September 2018)

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<sup>1</sup> The only “special justification” for not removing a face covering is a legitimate medical reason (at September 2018)

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Recipient	Mid-Western Regional Council
Project Title	Mid-Western Regional Gallery and Cultural Centre
RCF No.	RCF18A083

**Attachment 4**

**Variation Request Form**

<b>Project Name:</b>	<i>[As per title listed in Application]</i>
<b>Location/Address:</b>	<i>[Where project is taking place/site]</i>
<b>Project Manager:</b>	<i>[Recipient Project Manager]</i>
<b>Key Contact:</b>	<i>[Recipient key contact]</i>
<b>Forecast Completion</b>	<i>[Date – note if this has been amended]</i>
<b>Project Name:</b>	<i>[As per title listed in Application]</i>
<b>Location/Address:</b>	<i>[Where project is taking place/site]</i>
<b>Project Manager:</b>	<i>[Recipient Project Manager]</i>
<b>Key Contact:</b>	<i>[Recipient key contact]</i>
<b>Forecast Completion</b>	<i>[Date – note if this has been amended]</i>

<b>Type of Variation</b>
<b><i>Please review Variation advice in Schedule 'D' of your Funding Agreement. Please describe the nature of the variation.</i></b>
<i>Examples include: Release of Contingency, change in Milestone date, change in completion date, change of scope of works, change of contact person, change of co-funding, change of supplier/contractor</i>
<b>Reason for Request</b>
<b><i>What steps were taken to avoid this variation request and what has transpired to confirm need for a variation.</i></b>
<b>Expected Impact</b>
<b><i>Describe time, cost or contract impacts, case for change, capacity to deliver, value for money and engagement and reach</i></b>

<b>Total RCF Funding Amount</b>	\$
<b>Total Payments Received</b>	\$

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Recipient	Mid-Western Regional Council
Project Title	Mid-Western Regional Gallery and Cultural Centre
RCF No.	RCF18A083

**Attachment 4**

<b>Balance Remaining</b>	\$
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**Variation Approval:**

	Recipient Authorised Representative	Department Representative
Signature		
Name		
Position		
Date		

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Recipient	Mid-Western Regional Council
Project Title	Mid-Western Regional Gallery and Cultural Centre
RCF No.	RCF18A083

## Attachment 5

### Governance & Terms of Reference

#### 1. Background:

The NSW Government has established the Regional Cultural Fund (RCF) to support local communities and to upgrade or develop cultural infrastructure to enable bold and exciting arts and culture that reflects the rich diversity of regional NSW.

The Department has agreed to provide funding from the RCF, to the Recipient, to facilitate the carrying out of the Project by the Recipient. The Department must provide funds only where there is certainty of project completion and a realisation of the benefits mentioned above.

To ensure these benefits are achieved; projects of a certain monetary value or complexity are subject to a predefined governance structure. Whilst an RCF funding recipient is solely responsible for delivery and completion of their project, adherence to this governance structure is one of the conditions of receiving RCF funding and is noted in the **Special Conditions to Schedule A, Item 2** of your Funding Agreement.

The structure of this governance is simple; where an RCF funded project meets one of the conditions (below); a Create Infrastructure representative must be included as a member of the Project Control Group (PCG) or similar project body. As a guide, a Create Infrastructure (CI) representative would be included in RCF project governance where:

- The RCF grant is over \$1million; or
- The RCF grant is greater than 40 per cent of the project's total capital cost and the Department determines that representation is appropriate.

#### 2. Our Involvement:

##### 2.1 Create Infrastructure Representative

In general, we expect that any appointed CI representative would fulfil a project assurance role in RCF project governance. The CI representative would:

- maintain oversight of RCF-funded project progress;
- identify and where necessary escalate issues that could negatively impact the progress or completion of the project in accordance with the Funding Agreement;
- advise on project management issues in relation to Funding Agreement requirements;
- liaise with the managers of projects for access to project documentation as required;
- attend PCG and PCG meetings as appropriate; and
- organise health check reviews to gain independent assurance that a project will meet its objectives.

In practise, we see the CI representative role to be of greater assistance than these prescribed assurance functions. For example, your assigned CI representative could:

- provide advice on program timelines & milestones
- provide independent review of costs and budgets
- facilitate funding payments and variation requests
- review designs and provide 'second eyes' advice on design issues
- assist with regulatory approvals and referrals to other regulatory bodies
- take part in procurement briefing, assessment and engagement

In summary, your CI Representative is here to help you achieve your projects goals, not just monitor the spending of the Departments investment. With upfront assistance for a CI representative, a project is more likely to avoid undergoing a project health check review.

**Attachment 5****2.2 Health check reviews**

Create Infrastructure will also determine whether and when a health check review is required for an RCF project. This fulfils **Section 7.2** of the RCF Funding Agreement which states:

“The Department may, at the Recipient’s cost, appoint an Approved Auditor to conduct audits under this Agreement.”

The purpose of a Create Infrastructure health check review is to gain an expert reviewer’s insights regarding a project and an indication of whether it will be delivered on time, to cost and will realise the benefits outlined in the final business case.

The health check review considers all relevant aspects of the project and provides recommendations to the Project Sponsor to improve likelihood of successful project delivery. Health check reviews would be conducted by independent, qualified and experienced third parties, such as NSW Public Works Advisory or external providers, including those used by Infrastructure NSW.

Reviewers would use a pre-defined template based on the ‘Health Check in Delivery’ template developed by Infrastructure NSW. A health check review could be instigated at the request of the Executive Director, Create Infrastructure; or the request of the RCF Project Sponsor.

Create Infrastructure would develop the Terms of Reference for a health check review, inviting input from the RCF Project Sponsor. The Terms of Reference guide the Reviewers in conducting the health check review and would highlight key issues to be specifically considered.

A Create Infrastructure health check review would result in a brief report providing a snapshot of a project’s status and include prioritised recommendations for project manager to improve project delivery.

The RCF project would provide a response to these recommendations indicating how the project intends to address the recommendations and within what time-frame. The health check review report would be available to PCG, PSC or Project Board and to Create Infrastructure.

**3. Create Infrastructure PCG guidelines:**

Many funding Recipient organisations, that have a RCF governance implemented, will already be familiar with running PCG’s. However, some smaller organisations may not have this expertise. CI have provided the following as the Departments expectations or ‘Terms of Reference’ for running a PCG. It can be adopted by the Recipient or used as a comparison for an audit of existing organisation Terms of Reference.

**3.1 Purpose**

The Project Control Group (PCG) is responsible for monitoring performance against project objectives, approving key engagements, deliverables, processes and endorsing project decisions – of both design & budget.

**3.2 Authority and Decision Making**

While the primary responsibility of the project rests with the funded agency, the PCG is comprised of relevant parties, with appropriate experience, to provide strategic direction and advice.

**3.3 Guiding Principles**

The PCG is committed to establishing, maintaining and promoting good governance. It recognises the robust governance standards and commits to adhering to the Code of Ethics and Conduct for NSW Government Sector Employees.

In particular, members promote the following principles of public sector governance:



## **Attachment 5**

- Accountability — being answerable for decisions and having meaningful mechanisms in place to ensure the agency adheres to all applicable standards
- Transparency/openness — having clear roles and responsibilities and clear procedures for making decisions, exercising power, and communicating outcomes
- Integrity — acting impartially, ethically and in the interests of the agency, and not misusing information acquired through a position of trust
- Stewardship — using every opportunity to enhance the value of the public services, institutions and assets that have been entrusted to care
- Efficiency — ensuring the best use of resources to further the aims of the organisation, with a commitment to evidence-based strategies for improvement
- Leadership — achieving a wide commitment to good governance through leadership from the top

### **3.4 Role and Responsibility**

It is the responsibility of the PCG to:

- Provide strategic direction and oversight of implementation outcomes;
- Monitor performance against objectives;
- Make recommendations to and implement decisions;
- Undertake validation of project planning and scope;
- Approve key deliverables and processes;
- Approve all engagements with contractors and consultants;
- Approve expenditure of project funds and release of project funds to pay for project expenses incurred;
- Monitor expenditure within the Budget;
- Oversee project activities and achievement against milestones;
- Ensure compliance with the applicable government policy and frameworks;
- Monitor project risks;
- Approve variations and expenditure of contingencies (subject to Department approval)

### **3.5 Meeting Structure and Operations**

Meetings of the PCG will be held every month to ensure that adequate direction and approvals are received to maintain positive momentum.

The Recipient will chair the PCG meetings and is responsible for ensuring agendas, minutes and committee papers are distributed to members of the committee.

### **3.6 Decision making**

The Chair has responsibility for all key decision points, milestones, and contentious and contested issues for the achievement of the funding goals.

Decisions will be made by consensus within the PCG wherever possible. Where consensus cannot be reached, the decision may be made by the Chair, having taken all the relevant requirements and these Terms of Reference into account.

Where a decision needs to be made out-of-session, then a recommendation shall be made by the Project Director to the Chair. The Chair will provide information to and canvas opinion from all Project Steering Committee members. The Chair will then make a recommendation.

### **3.7 Dispute Resolution**

In the event of a dispute that the PCG and Chair are unable to resolve, the Chair will escalate the issue to the Minister for Arts.

The minutes of each meeting shall be recorded and distributed promptly to each member of the Group within one week of the meeting together with an updated Action Log. The agenda and PCG papers will also be distributed a minimum of three days in advance of the next scheduled meeting.



**Attachment 5****3.8 Project Control Group – Membership**

The PCG will consist of members from the following agencies and areas of expertise:

- Create Infrastructure
- Recipient
- Other agency nominated by Create Infrastructure
- Project Director
- Key Contractors – e.g. architect, builder, museum/theatre/arts consultant, quantity surveyor

**3.8.1 Proxies:**

Members who are unable to attend in person (or by teleconference) and do not have a delegate officially acting in their role, are unable to nominate a proxy, unless approved by the Chair.

Persons officially acting in a member's position are expected to participate and contribute, and formally report back to the member that they are representing.

If the Chairperson is absent from a meeting or vacates the Chair at a meeting, he/she will appoint another person to act as the Chair on a temporary basis. If the Chairperson is unexpectedly not present and has not appointed another member to act as Chair, members present will appoint a Chair.

**3.8.2 Other Participants**

The Chair may from time to time invite other individuals or groups to present to, or observe, meetings. Where agreed by the Chair, members may invite guests to attend meetings to provide expert advice and support to a specific topic raised. A guest's attendance is limited to the duration of discussion on that specific topic.

**3.9 Ground Rules**

Minimum governance behaviours include adherence to the Code of Ethics and Conduct for NSW Government Sector Employees and the NSW Planning CORE values of collaboration, openness, respect and empowerment. Members adopt the following ground rules guiding the conduct of meetings, and interactions between members outside of session:

**3.10 Collaboration**

- Actively foster collaboration through committing to at least one informal check-in with each of our colleagues every week.
- Consistently demonstrate collaboration through ensuring a regular, visible presence at key forums, meetings and gatherings.
- Support openness by respecting the need to treat information provided by team members with discretion.
- Actively encourage openness through supportive and sensitive giving and receiving of feedback.
- Respect
- Continually demonstrate respect by listening and allowing others to finish their point during our meetings.
- Positively display respect by standing as a team and backing the team decision.
- Actively encourage empowerment by allowing each of us to bring matters to the table for decision, discussion or information, without judgment.
- Take personal responsibility for communicating key priorities and key messages to our teams following our meetings

## **Attachment 5**

Ground rules can be reviewed every six months to recognise that as a unique team, interactions will evolve and change over time.

### **3.11 Quorum**

The quorum for PCG meetings is a minimum of half the total membership plus one (more than 50%). In the absence of a quorum the meeting may continue at the Chair's discretion. Proxies are included in the determination of a quorum.

### **3.12 Secretariat**

Secretariat support will be provided by a nominated person by the Chairperson.

Responsibilities of the Secretariat include:

- Preparing agenda and coordinating papers in consultation with the Chair
- Preparing an annual work plan and meeting schedule
- Recording and maintaining meeting proceedings (decisions and actions only).

### **3.13 Out of Session Papers**

Items will be managed out-of-session following usual business processes.

### **3.14 Performance**

Evaluation of functioning of the Group with respect to these Terms of Reference will be conducted via an annual review.

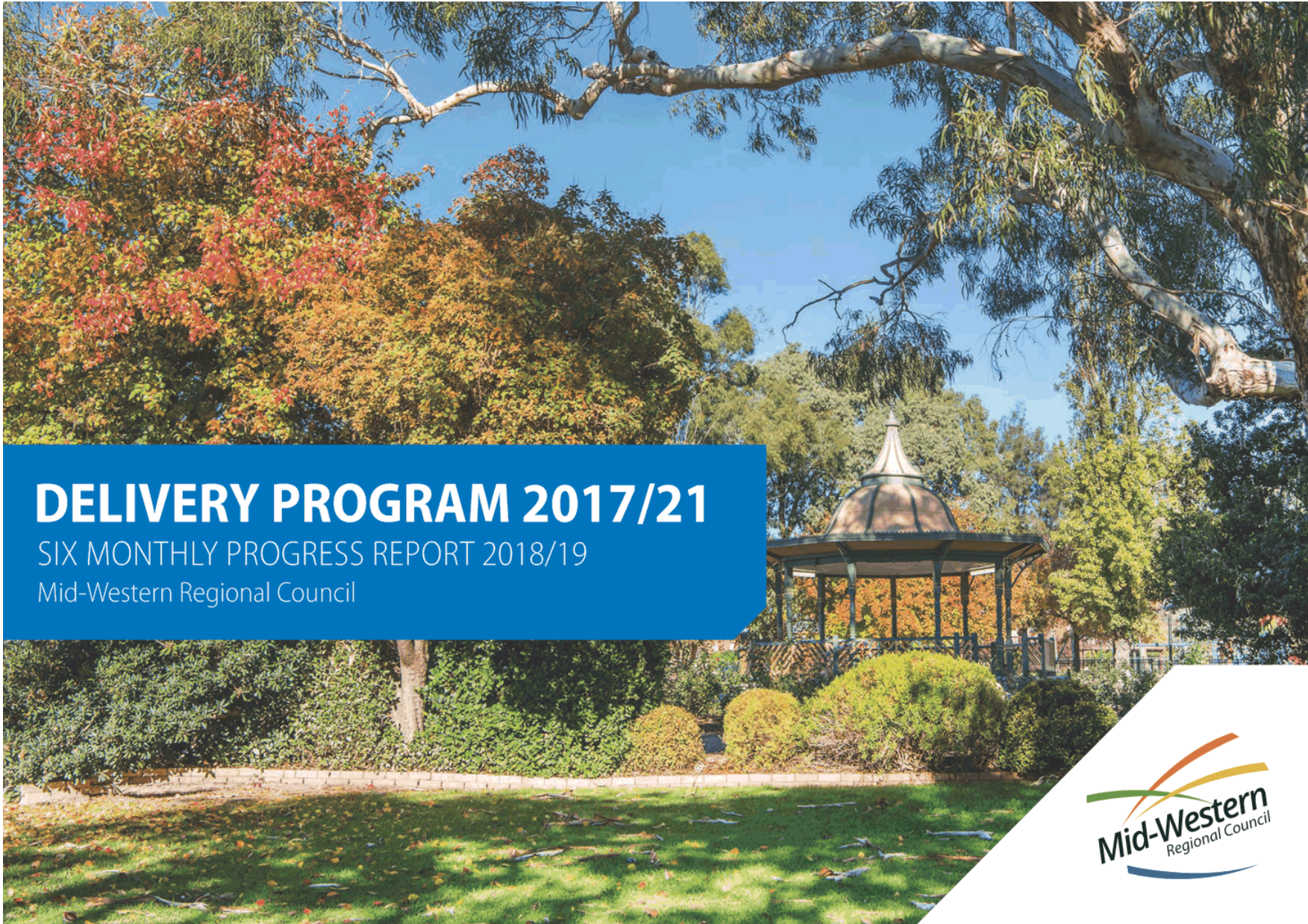
### **3.15 Confidentiality**

Members of the PCG may receive information that is regarded as confidential or has privacy implications. Members and proxies acknowledge their responsibility to maintain confidentiality and adhere to established practices and confidentiality provisions.

### **3.16 Conflicts of Interest**

Members and proxies must declare any conflicts of interest and manage those in consultation with the Project Director. This may relate to a position a member holds (for example, Chair of an external organisation) or to the content of a specific item for deliberation.





# DELIVERY PROGRAM 2017/21

SIX MONTHLY PROGRESS REPORT 2018/19

Mid-Western Regional Council



Six Monthly Progress Report | 2018/19

**Looking after our community**

Vibrant towns and villages with a rich history, a safe and healthy community, and a strong sense of community pride – a great place for families

[A safe and healthy community](#)

Maintain the provision of high quality, accessible community services that meet the needs of our community

Action	Project/Service	Comments	Status
Provide comprehensive community support programs that embrace social justice, access and equity	Provide Meals on Wheels service	Council continues to provide meals to local frail aged community members and those living with disability. These meals are subsidised through the Commonwealth Home Support Program or funded through the National Disability Insurance Scheme. Deliveries are made possible with the assistance of volunteers from a broad range of community groups and businesses.	Progressing
Provide comprehensive community support programs that embrace social justice, access and equity	Provide Community Transport service	Council continues to auspice the Mudgee Community Transport service. This service is heavily patronised by the region's elderly and those living with disability. It is particularly vital for the region given the lack of affordable and suitable public transport options. The service is made possible largely through funding from the Commonwealth Home Support Program and would not be possible with the service's dedicated team of volunteer drivers.	Progressing



## Six Monthly Progress Report | 2018/19

Action	Project/Service	Comments	Status
Provide comprehensive community support programs that embrace social justice, access and equity	Provide financial and in-kind support to MWRC Youth Council to deliver a range of youth oriented initiatives	Council has been proactive in delivering youth initiatives over the past 12 months, including public communications to raise awareness about youth resources available through Council's libraries and other community facilities, regular youth engagement in Mudgee, Kandos and Gulgong, initiating partnerships with local employers and educational institutions to maximise prospects for youth employment and skills development, facilitating youth-oriented workshops encouraging job-readiness and coordinating in excess of 35 events and activities aimed at the region's youth.	Progressing
Provide comprehensive community support programs that embrace social justice, access and equity	Provide Family Day Care service	Council continues to support local families by providing a Family Day Care service.	Progressing
Provide customer focused library and information services	Deliver high quality, modern library services at Mudgee, Kandos, Rylstone and Gulgong	Mid-Western Regional Council Library continues to provide residents with a comprehensive, current, visually inviting and accessible library service, enabling them to meet their information, recreation, education and cultural needs. The Library is administered through 4 library branches and a Mobile Library Service, and serviced through the provision of extensive print and online collections, which are freely available to all members of the community.	Progressing
Provide customer focused library and information services	Provide Mobile Library service	The Mobile Library continues to be an integral part of the Library's Outreach Service, visiting small school, outlying communities and housebound customers in their own homes or care facilities. The Mobile Library travels across the region on a 3-week rotation, extending the Library's reach within the community, through the loan of physical Library items, and by promoting the use of the Library's online resources.	Progressing

Six Monthly Progress Report | 2018/19

Action	Project/Service	Comments	Status
Provide customer focused library and information services	Deliver children and youth library programs including pre-school Bookworms and school holiday reading program	The Library continues to encourage a life-long love of books and reading through its 3 early literacy programs for small children - Born to Read, Toddler Tales, and Bookworms - as well as hosting a wide range of children's craft and storytelling sessions during the school holidays. There is a continuous high demand for the Library's Children's Services & Programs, including the annual special events - Dad's Night In, Bookweek, National Simultaneous Storytime, The Reading Hour, and the Summer Reading Program.	Progressing
Provide customer focused library and information services	Maintain an up to date library collection in accordance with Collection Policy	Mid-Western Regional Council Library continues to purchase items in line with the Collection Development Strategy. Items purchased include audio books, magazines, fiction and non-fiction for adults and children in both print and electronic formats, and DVDs.	Progressing

Work with key partners and the community to lobby for effective health services in our Region

Action	Project/Service	Comments	Status
Explore funding opportunities for improved health services and work in partnership with Western Local Area Health Network to promote health projects	Lobby government and industry for funding including potential upgrade of Mudgee Hospital	Council representatives continue to participate in the working group for the planning and redevelopment of Mudgee Hospital.	Progressing
Explore funding opportunities for improved health services and work in partnership with Western Local Area Health Network to promote health projects	Liaise with Western NSW Local Health District and work with local Medical Services Organisations through inter-agency meetings	A range of Council staff regularly attend interagency meetings in Mudgee and Kandos and representatives from Western NSW Local Health District are invited and also regularly attend these meetings.	Progressing
Explore funding opportunities for improved health services and work in partnership with Western Local Area Health Network to promote health projects	Provide accommodation assistance for Doctors in the region	Council has set aside funds to assist in providing accommodation for medical practitioners in the region if necessary. This is not, however, a necessity, given there is no current shortage of doctors in the region.	Not Due To Start

## Six Monthly Progress Report | 2018/19

Support networks, programs and facilities which promote health and wellbeing and encourage healthy lifestyles

Action	Project/Service	Comments	Status
Provide financial assistance in accordance with Council's Community Grants Program Policy	Provide financial assistance for local and regional bodies in accordance with Community Grants Program Policy	\$77,312 of the \$121,800 budget has been allocated to date. There are two application rounds remaining in 2018/2019.	Progressing
Promote and support programs aimed at increasing community health and wellbeing	Provide funding for Healthy Communities initiatives	Council funds a range of Healthy Communities programs across the region, including aqua fitness and local impact exercise classes in Gulgong and Mudgee. Both of these activities have solid participation rates and regularly receive positive feedback.	Progressing

Work with key partners and the community to reduce crime, anti-social behaviour and improve community safety

Action	Project/Service	Comments	Status
Support and implement programs which aim to reduce anti-social behaviour.	Maintain effective working relationship with NSW Police	Council continues to work closely with NSW Police on matters of community concern.	Progressing
Support and implement programs which aim to reduce anti-social behaviour.	Participate in the Liquor Accord as required	Council's H&B and Governance managers maintain contact with local liquor accords and are available to attend meetings, provide feedback and advice as requested.	Progressing
Support and implement programs which aim to reduce anti-social behaviour.	Maintain Alcohol Free Zones in Town Centres	Council's H&B officers continue to assess upcoming requests for the temporary suspension of AFZ where associated with major events.	Progressing
Support and implement programs which aim to reduce anti-social behaviour.	Increase lighting and other safety initiatives in parks and gardens as per Capital Works Program 2018/19	Lighting being installed at Blackman Park.	Progressing
Support and implement programs which aim to reduce anti-social behaviour.	Investigate options for CCTV cameras in town centres	Procedures being developed for Council use of CCTV in line with privacy considerations.	Progressing
Maintain clean and attractive streets and public spaces where people feel safe	Regular street cleaning and litter collection in town centres	Agreed service levels for street sweeping being maintained, and exceeded with new street cleaning roster recently introduced.	Progressing



Six Monthly Progress Report | 2018/19

Action	Project/Service	Comments	Status
Work effectively with State Agency partners to maintain and enhance public safety	Participate in review of Emergency Plan as required	Local Emergency Management Committee meets quarterly and plans are reviewed and updated as required.	Progressing
Effective public health regulation and continuing education	Work in partnership with the NSW Food Authority to address matters such as food premises inspections, safe food handling and food borne illness investigations	Council's H&B officers continue to offer advice to the community in regards to Public Health, primarily in the area of food safety regulations. Council's annual food inspection program commences in February 2019, whereby all fixed premises will be inspected.	Progressing
Effective public health regulation and continuing education	Continued support and promotion of Scores on Doors initiative	Council's H&B officers continue to inspect and score food premises in relation to the Scores on doors initiative.	Progressing
Effective public health regulation and continuing education	Onsite sewerage management registration and inspections	Council's H&B officers continue to assess applications for new OSSM systems and also inspect existing OSSM's. Given resourcing constraints, a dedicated program to inspect all OSSM's is not currently a viable option. Officers will continue to assess applications for new and existing systems where triggered by a development consent, Building Information Certificate, Approval to Operate application or by way of a complaint.	Progressing
Effective animal control regulation	Utilise website to actively re-home animals	Council continues to evolve the relationship with Friends of Mudgee Pound Facebook site for the re-homing of impounded dogs and cats.	Progressing
Effective animal control regulation	Encourage registration of dogs through Council media channels	Councils continues to increase compliance rates within the region with companion animal micro chipping days and increased registrations of companion animals. Council has formed a close partnership with a local branch of volunteers of the RSPCA. Rangers undertake patrols of towns and villages of the region promoting companion animals regulatory compliance.	Progressing

## Six Monthly Progress Report | 2018/19

Action	Project/Service	Comments	Status
Effective animal control regulation	Provide off leash dog areas	Council provides off leash dog areas in Gulgong, Mudgee and Rylstone, which are well supported by the community.	Progressing

## Vibrant towns and villages

Respect and enhance the historic character of our Region and heritage value of our towns

Action	Project/Service	Comments	Status
Review of Development Control Plan	Conduct annual review of Development Control Plan	Council is continually reviewing the Development Control Plan.	Progressing
Heritage advisory services and heritage conservation	Access to heritage funding through Local Assistance Program	All funds have been allocated, two projects have been completed.	Progressing
Support and assist preservation of important historical sites in the Region	Maintain historical sites within the region, for example Red Hill Reserve	The historical sites within the Mid-Western LGA are being maintained to ensure their preservation to enhance the historic character of our towns and region.	Progressing
Maintain the 2017/19 Mid-Western Regional Heritage Strategy	Implement actions identified in the 2017/19 Heritage Strategy	Council is continuing to implement the 2017/19 Heritage Strategy, with local heritage grants completed, facilitating Heritage Committee Meetings and engagement of the Heritage Advisor.	Progressing

Manage the impacts of mining operations in the Region

Action	Project/Service	Comments	Status
Monitor employment and population growth	Provide updated population estimates based on building statistics and employment growth	Council continues to monitor relevant statistics and update documentation in conjunction with government agencies.	Progressing
Meet regularly with mining companies	Hold quarterly meetings with mine managers	Quarterly meetings held with representatives of local mines.	Progressing

Six Monthly Progress Report | 2018/19

Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning

Action	Project/Service	Comments	Status
Ongoing monitoring of land release and development	Review and release land for development as required	Council utilises a Land Use Monitoring tool to monitor building approvals, subdivision approvals, construction and subdivision certificates against Council's Urban Release Strategy.	Progressing
Regular updating of the Comprehensive Land Use Strategy	Conduct annual review of Comprehensive Land Use Strategy	Council has undertaken a review of the Comprehensive Land Use Strategy inline with the Urban Release Strategy and the Land Use Monitoring details. Council will be strategically identifying rural lifestyle opportunities with a minimum lot area of 2 hectares.	Progressing
Promote affordable housing options within the Region	Provide funding to lease emergency housing for women and children leaving family violence	Council continues to work in partnership with Barnardos and Housing Plus to address issues of domestic violence and providing crisis accommodation across the region.	Progressing

Maintain and promote the aesthetic appeal of the towns and villages within the Region

Action	Project/Service	Comments	Status
Maintain and beautify civic open space and street access areas within towns and villages in the Region	Implement program of street beautification and tree planting	Trees planted along the Castlereagh Highway at 2MG, Nandoura Street in Gulgong and Rodger St in Kandos.	Completed
Maintain and beautify civic open space and street access areas within towns and villages in the Region	Work in partnership with local groups to apply for grants to buy and install sculptures across the region	Council works closely with the Cultural Development Committee to source sculptures for installation across the region. Works have recently been acquired through the annual Sculptures in the Garden event and Rylstone Sculptures Inc are also intending on gifting to the community two works from the 2017 Rylstone Wood Symposium.	Progressing
Application of appropriate building and development controls to protect and enhance the natural and built environment in the region	Deliver planning functions and building regulation in accordance with relevant legislation and adopted planning instruments	Council continues to undertake planning and building regulatory functions. Monthly reports are provided to Council on the number of applications determined and processing.	Progressing

## Six Monthly Progress Report | 2018/19

## Effective and efficient delivery of infrastructure

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

Action	Project/Service	Comments	Status
Review asset management plans and underpin with financial strategy	Review, update and develop asset management plans for each major category of infrastructure in accordance with AMP review schedule	Asset Management Plans are currently up to date and will be updated in the following year after the fair value revaluation process.	Progressing
Manage and maintain sportsgrounds, parks, reserves and playgrounds across the Region	Review and update Parks Management Plans	Passive parks completed, active parks drafted awaiting Crown to provide new templates.	Progressing
Manage and maintain sportsgrounds, parks, reserves and playgrounds across the Region	Maintain and operate public open space in accordance with agreed service levels	Maintenance occurring throughout the financial year. Tree planting and playground upgrades are being undertaken in passive parks. Ground fertilising and renovations occurring at sporting grounds.	Progressing
Manage and maintain sportsgrounds, parks, reserves and playgrounds across the Region	Passive parks and facilities upgrades as per Capital Works Program 2018/19	Parks maintained throughout the financial year.	Progressing
Manage and maintain sportsgrounds, parks, reserves and playgrounds across the Region	Public toilet construction and refurbishment as per Capital Works Program 2018/19	Council has continued with the construction and refurbishment of public toilets as per the capital works program.	Progressing
Manage and maintain sportsgrounds, parks, reserves and playgrounds across the Region	Playground installations and upgrades as per Capital Works Program 2018/19	Parks maintained throughout the financial year.	Progressing
Manage and maintain sportsgrounds, parks, reserves and playgrounds across the Region	Active parks and facilities upgrades as per Capital Works Program 2018/19	Council continues to manage and maintain the region's sportsgrounds.	Progressing
Manage and maintain cemeteries throughout the region	Maintain and operate town and rural cemeteries in accordance with adopted service levels and policy requirements	Works are undertaken throughout the financial year.	Progressing
Manage and maintain cemeteries throughout the region	GPS mapping of town cemeteries	New Gulgong lawn cemetery nearing completion. Plans for future sites at Gulgong and Rylstone being developed.	Progressing
Manage and maintain cemeteries throughout the region	Upgrades and extensions of cemeteries as per 2018/19 Capital Works Program	Cemeteries maintained throughout the financial year.	Progressing

Six Monthly Progress Report | 2018/19

Action	Project/Service	Comments	Status
Manage, plan and maintain buildings and other assets across the Region	Building upgrades and refurbishments as per Capital Works Program 2018/19	Works continue throughout the year in line with the capital works program.	Progressing
Maintain and operate swimming pool centres across the Region	Maintain and operate swimming pool facilities at Mudgee, Gulgong and Kandos in accordance with adopted service levels	Pools are maintained throughout the pool season (Sept - April). Dept of Health has inspected and passed the region's pools.	Progressing
Maintain and operate swimming pool centres across the Region	Undertake capital upgrades and renewals to swimming pool facilities as per Capital Works Program 2018/19	Pools are maintained and operated within pool and spa guidelines to ensure the pool season is enjoyed by all patrons. Construction of Mudgee Waterpark has commenced.	Progressing

Meet the diverse needs of the community and create a sense of belonging

Support programs which strengthen the relationships between the range of community groups

Action	Project/Service	Comments	Status
Provide youth representation through the Youth Council	Provide secretarial support for Youth Council	Council's Youth Services Officer has worked closely with the Youth Council to provide youth activities and events across the region throughout the second quarter of 2018/19. Youth Councillor numbers have increased during this period.	Progressing
Provide youth representation through the Youth Council	Provide funding for delivery of youth oriented initiatives	Council works in partnership with KEPCO Bylong Australia Pty Ltd to provide funding for a range of youth-oriented activities and events across the region throughout the year. Particular focus is also given to Youth Week and school holiday activities.	Progressing
Provide meaningful employment to members of the disabled community	Maintain policies that support employment for people with disabilities at MWRC	Council continues its support for the employment of people with disabilities, including through the Ironed Out and Recycling facilities.	Progressing
Provide meaningful employment to members of the disabled community	Continued operations of Mudgee Recycling and Ironed Out	Both Ironed Out and Mudgee Recycling continue to provide high levels of employment and service to Council's supported workforce.	Progressing

## Six Monthly Progress Report | 2018/19

Action	Project/Service	Comments	Status
Work with lead agencies to ensure adequate provision of a range of services	Attend inter-agency meetings	Several members of Council staff regularly attend interagency meetings in Mudgee and Rylstone. Council's Community Development Officers are responsible for providing secretarial support for these meetings and ensure that a range of community-centric topics are discussed, particularly those of local concern.	Progressing
Promote volunteering through the community	Run community services programs that encourage volunteering	Council's auspiced services, Community Transport and Meals on Wheels encourage volunteering. Community Development Officers also provide encouragement and link interested community members to other volunteer organisations, such as Rotary and the Lions Club.	Progressing

Support arts and cultural development across the region

Action	Project/Service	Comments	Status
Arts and cultural events promotion	Provide financial and in-kind support to events in accordance with Events Assistance Policy	Events Assistance program delivered in line with policy.	Progressing
Arts and cultural events promotion	Promote the use of Council facilities for significant events	Promoting venues for conferences and activities.	Progressing
Provision of meeting and exhibition space	Promote the use of community buildings and make available at reasonable cost	Continue to ensure that all Council buildings are available, in good working order and available to the community at a reasonable cost through the adopted Fees and Charges.	Progressing
Provision of meeting and exhibition space	Promote the use of exhibition space provided at Mudgee Library	The Mudgee Library is currently exhibiting the semi-permanent WS Tatlow Collection, which was gifted to Council in 2017. It is intended that this collection remain on display until a Regional Gallery is established.	Progressing

Six Monthly Progress Report | 2018/19

Action	Project/Service	Comments	Status
Coordinate and facilitate cultural and arts projects throughout the region	Liaise with Cultural Development Committee, Orana Arts and local arts and cultural groups to develop cultural and artistic projects within the region	The Cultural Development Committee and Council liaised with Sculptures in the Garden for its annual event in October 2018. The Cultural Development Committee also met regularly to discuss arts and cultural projects across the region, and were also included in consultation for public art for the Mudgee Hospital Redevelopment.	Progressing
Coordinate and facilitate cultural and arts projects throughout the region	Support arts events and programs in the region	Council and its Cultural Development Committee work to support a range of arts events and programs across the region, including the annual Sculptures in the Garden event and the bi-annual Rylstone Wood Symposium. Council is also a supporter of the region's arts societies and encourages use of the Mudgee Town Hall Theatre for productions and events by local community groups, such as the Mudgee Readers' Festival, dance schools and disability service providers. Council promotes its Lawson Park Sculpture Walk throughout the year and was also successful in obtaining a grant through the Country Arts Support Program in late 2018.	Progressing
Provide equitable access to a range of places and spaces for all in the community			
Action	Project/Service	Comments	Status
Public facilities to be accessible	Continue to monitor existing buildings	Council continues to monitor its public buildings and upgrade through the 30 year asset maintenance plan and the works request system. All maintenance and upgrades are in accordance with the accessibility standards.	Progressing



## Six Monthly Progress Report | 2018/19

Action	Project/Service	Comments	Status
Public facilities to be accessible	Deliver actions developed in the Disability Inclusion Action Plan	Council works closely with the Mid-Western Regional Access Committee that meets regularly to discuss matters of access across the region. Council also works to provide inclusive events and activities for the region's community, as well as visitors to the community.	Progressing
Coordinate the provision of local community centres and halls for community use	A variety of community facilities available for use	Council managed halls, facilities and sports grounds continue to be available to the community and can be booked through an internal booking system. All facilities are promoted on Council's website. There are plans to progress to a purpose build local govt booking software, which will allow greater access and booking capabilities for the community.	Progressing

Six Monthly Progress Report | 2018/19

## Protecting our natural environment

conserving and promoting the natural beauty of our region

### Protect and enhance our natural environment

Ensure land use planning and management enhances and protects biodiversity and natural heritage

Action	Project/Service	Comments	Status
Include biodiversity and heritage as key components in the development application process	Implement Development Control Plan (DCP) through the development assessment process	The Development Control Plan is considered during the assessment of development applications.	Progressing
Manage environmental and cultural factors impacted by physical works on Council lands	Prepare Review of Environmental Factors for MWRC works	REF's are prepared for council works as required in accordance with environmental legislation and requirements.	Progressing
Manage environmental and cultural factors impacted by physical works on Council lands	Work with local Aboriginal groups to effectively plan works involving sites of cultural significance	Coordination and communication with local aboriginal groups continues as required primarily through the REF process.	Progressing

Minimise the impact of mining and other development on the environment, both natural and built

Action	Project/Service	Comments	Status
Work with the community and government agencies to identify and address the issues and mitigate impacts associated with mining	Raise any issues as part of State Significant Development process	Council is actively engaged in the planning process for State Significant Development. This includes meeting with IPC representatives, making submissions and working with proponents to manage local impacts for the Bylong Coal, Beryl Solar, Ulan Coal, Wollar Solar, Crudine Ridge Wind Farm, Bowdens Silver and Mudgee Hospital projects.	Progressing
Work with the community and government agencies to identify and address the issues and mitigate impacts associated with mining	Represent MWRC on Community Consultative Committees	Councillors are represented on Community Consultative Committees for local State Significant Developments.	Progressing

## Six Monthly Progress Report | 2018/19

## Raise community awareness of environmental and biodiversity issues

Action	Project/Service	Comments	Status
Deliver projects which work towards protecting biodiversity and regeneration of native environment	Pursue grant funding for environmental projects	Limited funding opportunities available to date. However, work continues on several existing grant funded projects.	Progressing
Support National Tree Day	Facilitate National Tree Day activities	Council successfully coordinated national tree day plantings at Putta Bucca wetlands with both school planting days and general public tree planting day.	Completed
Work with schools to promote environmental awareness amongst students	Support Green Day	Council staff presented various talks and educational programs at Green Day as well as providing both organisational and logistical support to the organisers.	Completed

## Control invasive plant and animal species

Action	Project/Service	Comments	Status
Effective weeds management	Effective monitoring and management of noxious weeds across region	Council's weeds management program is being delivered in accordance with or above expected levels.	Progressing
Effective weeds management	Ongoing community education on noxious weeds	Education continues as part of inspection program. New resources have been created for distribution with rates notices. Staff attended Mudgee Small Farm Field Days with weeds education trailer and display.	Progressing
Effective weeds management	Undertake weed control on roadsides and MWRC land	Council's roadside spraying program is well underway with contract spraying and staff spraying occurring daily.	Progressing
Collaborate with agencies to manage feral animals	Support relevant agencies with community education and awareness programs	Council continues to cooperate with Local Land Services to manage feral animals in the region.	Progressing

Six Monthly Progress Report | 2018/19

Provide total water cycle management

Identify and implement innovative water conservation and sustainable water usage management practices

Action	Project/Service	Comments	Status
Encourage reduced water consumption through Best Practice Pricing	Maintain Best Practice water supply, sewerage and trade waste tariffs	Best practice water pricing structure is being maintained. The implementation of liquid trade waste charges is in the second year of a four year staged implementation.	Progressing
Implement water conservation and reuse programs	Ongoing community education on water conservation	Education provided through website and upcoming TV advertisement with OWUA.	Progressing
Work to secure water for agriculture and urban use	Work with State Government to secure domestic water supply	Council maintains ongoing dialogue with the State Government regarding water security.	Progressing
Play an active role in the implementation of the Murray Darling Basin Plan	Represent MWRC at Murray Darling Association meetings	Council is represented at the Murray Darling Association by Councillor Kennedy and Councillor Holden.	Progressing
Play an active role in the Cudgong Valley and Macquarie Valley User Group	Represent community at Customer Service Committee meetings for the Cudgong Valley and Macquarie Valley User Groups	Council continues to represent community interests at meetings.	Progressing

Maintain and manage water quantity and quality

Action	Project/Service	Comments	Status
Achieve NSW Government Best Practice Management of Water Supply and Sewerage	Implement an Integrated Water Cycle Management Strategy	Preliminary work completed and quotation obtained for staff review and consideration.	Progressing
Achieve NSW Government Best Practice Management of Water Supply and Sewerage	Ongoing implementation and review of the Drinking Water Management System	Working with Risk Edge and NSW Health to implement changes and provide training for all water and sewer staff. A final report will be prepared with recommendations, with some changes already implemented.	Progressing
Identify and plan future maintenance, renewals and upgrades for Council's water supply infrastructure	Water Supply infrastructure renewals and new works undertaken as per Capital Works Program 2018/19	Works program is progressing. Plans underway for Gulgong unlined cast iron main replacement.	Progressing

## Six Monthly Progress Report | 2018/19

Protect and improve catchments across the region by supporting relevant agencies

Action	Project/Service	Comments	Status
Support relevant agencies with implementation of regional plans	Represent MWRC interests as appropriate	Council is an active participant in the Central Tablelands Environment and Waterways Alliance including having access to regionally based programs and funding opportunities.	Progressing
Continue riparian rehabilitation program along waterways	Continue riverbed regeneration	Various grant funded planting projects occurring along local waterways with property owner support and participation.	Progressing
Continue riparian rehabilitation program along waterways	Maintenance and promotion of Putta Bucca Wetlands	General maintenance works on target. Due to climatic conditions, watering program initiated to support recent plantings.	Progressing
Provide education to the community of the importance of waterways	Ongoing community education on protecting waterways	Ongoing cooperation with LLS and Watershed landcare including joint grant funded projects.	Progressing

Maintain and manage waste water quality to meet Environmental Protection Agency standards

Action	Project/Service	Comments	Status
Identify and plan future maintenance, renewals and upgrades for Council's sewerage treatment infrastructure	Implement a system for the effective management of residential sewage at Charbon village	Council has tendered for a sewer reticulation system in Charbon and is preparing a recommendation for Council.	Progressing
Identify and plan future maintenance, renewals and upgrades for Council's sewerage treatment infrastructure	Sewer Infrastructure renewals and new works undertaken as per Capital Works Program 2018/19	Works program is progressing.	Progressing
Improve and develop treatment options to ensure quality of waste water meets EPA standards	Continue to improve outgoing water quality at all sewerage treatment plants across the Region	Continued testing and adjustment to treatment processes to meet EPA licence requirements.	Progressing
Achieve NSW Government Best Practice Management of Water Supply and Sewerage	Implement Liquid Trade Waste Policy and Pricing as per 4 year rollout program	Council continues the rollout of the program and to work with local businesses not yet compliant.	Progressing

Six Monthly Progress Report | 2018/19

Provide a water and sewer network that balances asset conditions with available resources and community needs

Action	Project/Service	Comments	Status
Identify and plan future maintenance, renewals and upgrades for Council's stormwater assets	Drainage renewal and new works undertaken as per Capital Works Program 2018/19	Projects have been identified and scoped for preparation of site specific requirements, detailed design and tasks. Documentation (specification, schedules and timelines) being prepared for issue of RFQ documentation with timelines to ensure completion by end of financial year. Further action for identification of specific projects will also be dependent on progress of stormwater drainage asset mapping.	Progressing
Identify and plan future maintenance, renewals and upgrades for Council's stormwater assets	Effectively maintain existing drainage network including built infrastructure and overland drainage reserves	Specific capital projects have been identified and scoped for preparation of site specific requirements, detailed design and tasks. Documentation (specification, schedules and timelines) being prepared for issue of RFQ documentation with timelines to ensure completion by end of financial year. Further action for identification of specific projects and maintenance schedules will also be dependent on progress of stormwater drainage asset mapping.	Progressing
Identify and plan future maintenance, renewals and upgrades for Council's stormwater assets	Identify and undertake culvert replacement and causeway improvement program	Two causeways have been identified for replacement and the approval process is underway. Construction is scheduled for March/April 2019. Stormwater culverts are replaced throughout the year when defects are identified.	Progressing
Identify and plan future maintenance, renewals and upgrades for Council's stormwater assets	Update Mudgee Flood Study and Flood Management Plan	Consultants undertaking flood study and preparation of draft plan.	Progressing

## Six Monthly Progress Report | 2018/19

## Live in a clean and environmentally sustainable way

Educate, promote and support the community in implementing waste minimisation strategies

Action	Project/Service	Comments	Status
Promote a philosophy of Reduce, Reuse, Recycle	Provide education on waste minimisation	Council in conjunction with Dubbo Regional Council and Narromine Shire Council have let a tender for a schools education program. An education program focused on TV, radio, print and social media is also being delivered by the joint sub regional group.	Progressing
Provide a domestic recycling and waste services for all residents through kerbside collection and rural waste transfer stations	Provide kerbside services and local recycling facilities	Council's kerbside collection service is operating as programmed. Waste Transfer Stations throughout the area are being maintained and upgraded as required.	Progressing
Promote home composting initiatives for green waste	Provide education on managing green waste	Ongoing education and promotion of organics re-use planned throughout the year.	Progressing

Work regionally to implement strategies that will enhance environmental outcomes in regards to waste management and minimisation

Action	Project/Service	Comments	Status
Participate in regional procurement contracts for waste services that provided added value	Provide regional scrap steel, green waste processing, used motor oil, household chemical collection and e-waste services	Council is an active participant in all NETWASTE regional contracts.	Progressing
Participate in regional investigations for collaborative solutions to problem wastes types	Participate in NetWaste steering committee for strategic direction of the group	Council is an active participant in both regional waste group and state waste committee.	Progressing
Apply for available grants under the NSW Government 'Waste Less Recycle More' package	Apply for grants to upgrade or introduce services to the community that reduce landfill tonnes and Co2 emissions	Work commenced on roll out of FOGO collection service to commercial customers funded by EPA grants.	Progressing



Six Monthly Progress Report | 2018/19

Support programs that create environmental awareness and promote sustainable living

Action	Project/Service	Comments	Status
Build community awareness through environmental education	Provide education to the community on environmental issues	State, national and other projects and programs are supported and promoted by Council as resources allow.	Progressing
Build community awareness through environmental education	Facilitate and promote community garden programs	No action currently due to lack of community requests for programme.	Not Progressing

Consider technologies in Council's facilities, infrastructure and service delivery to reduce ecological footprint

Action	Project/Service	Comments	Status
Implement alternative energy and sustainable technologies in physical works and service delivery	Consider opportunities for alternative energy and sustainable technologies (such as green energy programs or solar panel installation) as part of the capital works program	Working with consultants on solar opportunities.	Progressing
Implement alternative energy and sustainable technologies in physical works and service delivery	Work with Essential Energy to obtain funds for LED Street Lighting Retrofit	Orana JO is working with a consultant to submit a proposal to Essential Energy and the NSW State Government for LED upgrades in the region.	Progressing

## Six Monthly Progress Report | 2018/19

**Building a strong local economy**

A prosperous and diversified economy delivering lifestyle benefits to the community through employment, income and sustainable economic growth

[A prosperous and diversified economy](#)

Support the attraction and retention of a diverse range of businesses and industries

Action	Project/Service	Comments	Status
Promote the region to target businesses that complement key local industries	Conduct 2-3 marketing activities, conferences or events where the region can be promoted	Council has attended a number of activities to promote the region including attending Balmoral Wine Festival, Parramatta Wine Festival, a pop-up store in Parramatta Westfield and conducted an extensive social media campaign.	Completed
Work with business and industry groups to facilitate business development workshops for existing businesses in the region	Support the business chambers and industry groups by attendance at meetings as required	Attend meetings and events with business chambers and other industry groups as requested.	Progressing
Establish a process of capturing and monitoring relevant economic data to identify opportunities, trends and needs of local businesses	Produce annual update to Economic and Business Profile booklet	2018 Economic and Business Profile booklet completed and produced in hardcopy and web link.	Completed
Work with the community to identify economic development opportunities	Be aware of new business investors coming to the region and work with them to promote benefits	Continually reviewing market opportunities and providing advice to potential investors. Produced Economic and Business Profile to support.	Progressing
Work with the community to identify economic development opportunities	Conduct annual think tank forum to encourage business leaders to participate in local economic development	The next Think Tank will be held in May/June 2019.	Progressing
Work with the community to identify economic development opportunities	Identify opportunities to invest in infrastructure which attracts new business investors to the region	Attended a number of meetings with key industry groups and industry advisors.	Progressing
Work with Mudgee Region Tourism Inc (MRTI) to identify target markets and promote the region	Work with MRTI to identify visitor trends and marketing initiatives	Quarterly and ad-hoc meetings with MRTI to discuss region markets and opportunities for promotion.	Progressing

Six Monthly Progress Report | 2018/19

Action	Project/Service	Comments	Status
Develop existing events in the region and attract new event proponents to hold major events and festivals in the region	Submit bids for new events and conferences and support event proponents holding or seeking to hold events in the region	Submitted a range of bids for conferences and events in the region.	Progressing
Develop existing events in the region and attract new event proponents to hold major events and festivals in the region	Deliver Flavours of Mudgee in September 2018	Successfully delivered Flavours of Mudgee with an increase in crowd numbers to 11,500.	Completed

Encourage the development of a skilled and flexible workforce to satisfy local industry and business requirements

Action	Project/Service	Comments	Status
Work with business and industry groups to identify the main skills shortage areas	Encourage business leaders to provide feedback on skills issues	Regular quarterly meetings with industry groups.	Progressing
Encourage workers to move to the region for employment opportunities where skills shortages exist	Conduct 2-3 marketing activities, conferences or events where the region can be promoted	Council has attended a number of activities to promote the region including attending Balmoral Wine Festival, Parramatta Wine Festival, a pop-up store in Parramatta Westfield and conducted an extensive social media campaign.	Completed

An attractive business and economic environment

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

Action	Project/Service	Comments	Status
Provide brand leadership, market the Region's competitive advantages and investment opportunities	Conduct 2-3 marketing activities, conferences or events where the region can be promoted	Council has attended a number of activities to promote the region including attending Balmoral Wine Festival, Parramatta Wine Festival, a pop-up store in Parramatta Westfield and conducted an extensive social media campaign.	Completed

## Six Monthly Progress Report | 2018/19

Provide leadership on economic development initiatives and identify resources and infrastructure required to drive investment and economic growth in the region

Action	Project/Service	Comments	Status
Promote the development of infrastructure at the Mudgee Airport as an opportunity for business expansion in the aviation industry	Deliver infrastructure upgrades at Mudgee Airport Precinct in accordance with Restart NSW funding	All civil works relating to NSW Restart project completed. Telecom lines are yet to be installed.	Completed
Promote the development of infrastructure at the Mudgee Airport as an opportunity for business expansion in the aviation industry	Review airport development strategy and promotional opportunities in the future	The Mudgee Airport Master Plan was adopted in 2015. Council continues to pursue opportunities in accordance with the plan.	Progressing
Lobby State and Federal Government on infrastructure needs of local businesses including transport and communications linkages	Lobby government agencies and departments on the provision of infrastructure to meet community needs	Council continues to identify issues with local MPs and relevant government ministers.	Progressing

Support the expansion of essential infrastructure and services to match business and industry development in the region

Action	Project/Service	Comments	Status
Lobby State and Federal Government for expanded health and education services	Lobby government agencies and departments on the provision of infrastructure to meet community needs	Council continues to identify issues with local MPs and relevant government ministers.	Progressing

Develop tools that simplify development processes and encourage high quality commercial and residential development

Action	Project/Service	Comments	Status
Provide information to assist potential investors understand local development controls and assessment processes	Provide an overview of local development controls and assessment processes in a fact sheet	Work has commenced on the development of fact sheets.	Progressing

[A range of rewarding and fulfilling career opportunities to attract and retain residents](#)

Support projects that create new jobs in the Region and help to build a diverse and multi-skilled workforce

Action	Project/Service	Comments	Status
Work with lead agencies for employment to identify trends and discuss issues impacting employment	Work with major employers to identify trends and develop strategies to create employment opportunities across the Region	Reviewing trends and reporting through Economic and Business Profile.	Progressing

Six Monthly Progress Report | 2018/19

Build strong linkages with institutions providing education, training and employment pathways in the region

Action	Project/Service	Comments	Status
Work with lead agencies for education in the region to identify opportunities for economic growth	Pursue opportunities to develop a university outreach campus with offerings aligned to local industries	Ongoing conversations with Country Universities Campus. Also exploring opportunities to develop further relationship with University of Wollongong through iAccelerate program.	Progressing
Work with lead agencies for education in the region to identify opportunities for economic growth	Work with education providers on the provision of services to meet community needs	Working with TAFE NSW regarding Hospitality Excellence program. Currently on hold due to lack of funding.	Progressing

## Six Monthly Progress Report | 2018/19

## Connecting our region

Vibrant towns and villages with a rich history, a safe and healthy community, and a strong sense of community pride – a great place for families

High quality road network that is safe and efficient

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

Action	Project/Service	Comments	Status
Work with the RMS to improve road safety	Liaise with the RMS on road safety matters	Council continues to raise road safety issues with RMS through regular meetings including the Local Traffic Committee.	Progressing
Regulate effective and appropriate user activities on the road network	Provide local assessments to the National Heavy Vehicle Regulator as required	Council continues to assess applications received through the NHVR for the movement of oversize and overmass vehicles through the LGA on the local and regional road network. Applications are reviewed as received.	Progressing
Regulate effective and appropriate user activities on the road network	Review speed limits and traffic management	Speed and traffic management reviews are undertaken by Council in conjunction with RMS as required.	Progressing
Participate in relevant regional transport committees and working parties	Facilitate the Local Traffic Committee	Regular Traffic Committee meetings being undertaken.	Progressing

Provide a roads network that balances asset conditions with available resources and community needs

Action	Project/Service	Comments	Status
Review the Roads Asset Management Plan	Update data for Asset Management Plans in line with Fair Value reporting requirements	Asset data continues to be updated and reviewed to ensure the most accurate information is available.	Progressing
Implement the works program in accordance with the Roads Asset Management Plan	Manage State Roads in accordance with RMS contracts	Council continues to maintain the state road network under the Council Routine Maintenance Contract with RMS. Council have completed road widening projects on Goolma Road under an ordered works arrangement.	Progressing

Six Monthly Progress Report | 2018/19

Action	Project/Service	Comments	Status
Implement the works program in accordance with the Roads Asset Management Plan	Ongoing maintenance and upgrades of Regional Roads network	The Hill End Road project is largely complete with guard rail to be added in Q3 to finalise the project. Works will commence on the Bylong Valley Way rehabilitation in Q3. Maintenance continues throughout the year.	Progressing
Implement the works program in accordance with the Roads Asset Management Plan	Maintain local road network in accordance with established levels of service	Local road maintenance continues throughout the year. Significant gravel re-sheeting has been completed and maintenance grading continues in line with the program, with resources allocated to suit conditions and other works.	Progressing
Implement the works program in accordance with the Roads Asset Management Plan	Upgrade, renewal and extension of local roads in accordance with Capital Works Program 2018/19	Capital works projects are progressing as planned. The rural reseals are complete and urban reseals planned for Q3. Lue Road, Narrango Road, Anzac Avenue and Stewart Street rehabilitations have been completed. The remaining projects are planned for Q3 and Q4.	Progressing
Implement the works program in accordance with the Roads Asset Management Plan	Upgrade and renewal of local bridges in accordance with Capital Works Program 2018/19	Both the Henry Lawson Drive Bridge over Pipeclay Creek and the Goodiman Creek Bridge are complete.	Completed
Implement the works program in accordance with the Roads Asset Management Plan	Upgrade to Wollar Road in accordance with Restart NSW funding agreement	Forecast completion is March 2019. Intersection of Wollar Rd at Bylong Valley Way on hold awaiting approval of Bylong Coal Mine.	Progressing
Implement the works program in accordance with the Roads Asset Management Plan	Upgrades to Ulan Road in accordance with the Ulan Road Strategy	While the major upgrade works are complete, additional upgrade work to the Ulan Rd will continue. A reseal at Turill has been completed and works at the Ulan-Wollar Rd intersection are programmed for Q3.	Progressing
Pursue additional funding for upgrading of roads infrastructure	Lobby for additional funding for roads	Grant applications for major upgrades have been submitted to the Resources for Regions and Black Spot Program.	Progressing
Pursue additional funding for upgrading of roads infrastructure	Ensure major developers contribute to local road upgrades for the impact of additional development	Funding committed through Ulan Road Strategy and Resources for Regions program.	Progressing



## Six Monthly Progress Report | 2018/19

## Efficient connection of the region to major towns and cities

Develop a regional network in partnership with government agencies, that grows with the needs of residents and businesses

Action	Project/Service	Comments	Status
Support the continuation of commercial passenger services at Mudgee Airport	Work with operator to maintain regular passenger services to and from Sydney	FlyPelican commenced services in June 2015. The service remained operational at 31 December 2018.	Progressing
Support the continuation of commercial passenger services at Mudgee Airport	Operation and maintenance of Mudgee Airport in accordance with agreed service levels	Mudgee Airport meets all current safety and security requirements.	Progressing
Lobby for improved highway linkages along the Great Western Highway and Bells Line	Lobby for improved access to Western NSW from Sydney	Council continue to participate in transport infrastructure planning groups and meetings with relevant government agencies.	Progressing

Create a communication network that services the needs of residents and businesses

Action	Project/Service	Comments	Status
Pursue improved broadband and mobile coverage with Government and major service providers	Lobby for improved internet speeds and mobile coverage throughout the region	Council continues to pursue grant opportunities and lobby for improved mobile coverage and internet speeds. Council receives regular updates and raises issues relating to the rollout of the NBN.	Progressing

## An active travel network within the region

Develop and enhance walking and cycling networks across the region

Action	Project/Service	Comments	Status
Implement the Pedestrian Access Mobility Plan	Upgrade and renewal of footpaths and cycleways in accordance with Capital Works Program 2018/19	Council is currently obtaining survey and environmental approvals for the pedestrian bridges over both the Cudgegong River at Rylstone and Lawson Creek at Putta Bucca while also preparing tendering documentation. The footpath in Jacques St Kandos has been completed.	Progressing
Implement the Pedestrian Access Mobility Plan	Maintain existing footpath and cycleway network in accordance with established levels of service	Scheduled footpath maintenance has been completed. The remaining budget is for any urgent or emergency works required	Progressing

Six Monthly Progress Report | 2018/19

Action	Project/Service	Comments	Status
Implement the Pedestrian Access Mobility Plan	Extension of Cudgegong River shared pathway to Glen Willow/Putta Bucca	Council continues to develop the shared pathway.	Progressing
Support viable public transport options across the region			
Action	Project/Service	Comments	Status
Examine opportunities to develop viable public transport options	Investigate the demand for public transport with the community	NSW State Government has announced a trial of a Mudgee - Gulgong - Dubbo On Demand bus service commencing mid-year. No Council action required.	Completed

## Six Monthly Progress Report | 2018/19

**Good government**

A strong council that is representative of our community and effective in meeting the needs of the community

**Strong civic leadership**

Provide clear strategic direction through the Community Plan, Delivery Program and Operational Plan

Action	Project/Service	Comments	Status
Ensure actions of the Operational Plan and Delivery Program are completed on time, on budget and meets performance criteria	Successful delivery of 2018/19 Operational Plan	Progress is being made on the projects and initiatives identified in the 2018/19 Operational Plan.	Progressing
Ensure actions of the Operational Plan and Delivery Program are completed on time, on budget and meets performance criteria	Six monthly progress reporting against Delivery Program and comprehensive Quarterly Budget Reviews against Operational Plan	Six monthly progress reported to February Council meeting.	Progressing

Provide accountable and transparent decision making for the community

Action	Project/Service	Comments	Status
Ongoing review and enhancement of governance framework	Continue to hold "Open Day" prior to Council Meetings	Residents continue to actively engage with Council via the Open Day opportunities.	Progressing
Ongoing review and enhancement of governance framework	Promotion of upcoming Council meetings	The Community is informed of upcoming Council meeting dates using local media, Council's website and regular Community News publications.	Progressing
Ongoing review and enhancement of governance framework	Webcast of Council Meetings	Webcast of Council meetings continues on an ongoing basis.	Progressing
Provide professional development opportunities to support elected members in fulfilling their obligations as councillors	Provide access to professional development programs for elected members	Councillors professional development program adopted.	Progressing
Hold awareness sessions for potential candidates in the six months leading up to each Council election and ensure information packages are available	Develop program for candidate awareness sessions (next election due in 2020, or in case of a by-election)	A program was developed for the 2016 election. This program will be reviewed prior to the next election in 2020.	Not Due To Start

Six Monthly Progress Report | 2018/19

Provide strong representation for the community at Regional, State and Federal levels

Action	Project/Service	Comments	Status
Continue to lobby State and Federal Government on all matters that are of relevance to the region	Work with the Mayor to access Local Members and Ministers on relevant issues	Regular meetings held with local members and access provided to various ministers for specific issues.	Progressing
Continue to lobby State and Federal Government on all matters that are of relevance to the region	Strengthen relationships with local State and Federal members	Regular meetings held with local members and access provided to various ministers for specific issues.	Progressing
Continue to lobby State and Federal Government on all matters that are of relevance to the region	Engage with Regional Directors of State Government agencies	Regular meetings held with Regional Directors to discuss regional priorities. Hosted senior leaders visit in December 2018 to highlight key issues.	Progressing

Good communications and engagement

Improve communications between Council and the community and create awareness of Council's roles and responsibilities

Action	Project/Service	Comments	Status
Publish monthly editions of Community News	Community News distributed monthly to every household in the region	Community News continues to be delivered monthly in print, EDM and video format.	Progressing
Provide an up to date and functional web interface	Ensure web content is kept up to date and relevant	Website kept up to date and relevant. Planning underway for upgrade of website in 2019/20.	Progressing
Regularly report to the community in a variety of interesting ways	Increased use of all media avenues including social media, radio and television to communicate Council initiatives	Increased reach and engagement across all social media platforms including Facebook and Instagram. Also provided support to improve communication from other departments across Council.	Progressing
Operate and maintain a community works request system that provides timely and accurate information and responses	Maintain Works Request System and produce regular reporting on response times	Staff continue to monitor and follow up on overdue Council work requests and strive to achieve a 100% completion within 14 days. A monthly report is prepared and shared with all management through Council's Executive department.	Progressing

## Six Monthly Progress Report | 2018/19

Action	Project/Service	Comments	Status
Operate and maintain a community works request system that provides timely and accurate information and responses	Promote use of works request system for community to submit works requests	Continue to promote Council's work request system which is available via Council's website, in person at a Service Centre or via the Council's Customer Service call centre.	Progressing
Ensure the community has clear information about who to contact in Council	Provide a customer focused website	Council continues to maintain a website to support communication activities. A review of the website is currently underway to ensure the website is customer focused and easy to navigate for the community.	Progressing
Educate the community on Council's roles and responsibilities	Provide access to Council's corporate documents both through the website and Administration Centres	Council continues to make available all documents and publications for the community via the website and administration centres.	Progressing

Encourage community access and participation in Council decision making

Action	Project/Service	Comments	Status
Seek feedback on policy development and local issues	Ensure policies, strategies and proposals impacting the community are placed on exhibition for public comment	Established <a href="http://yoursay.midwestern.nsw.gov.au">yoursay.midwestern.nsw.gov.au</a> as a dedicated platform for community engagement.	Completed
Seek feedback on policy development and local issues	Utilise a range of formal and informal engagement tools to seek community feedback on a broad range of issues	Launched <a href="http://yoursay.midwestern.nsw.gov.au">yoursay.midwestern.nsw.gov.au</a> to undertake formal and ongoing community engagement.	Progressing
Provide opportunities and make it easy for the community to participate in and influence decision making	Encourage attendance at Council Meetings in person and via webcast	Residents are encouraged to review the Agency Information Guide available on Council's website, to engage with Council and be involved in the decision making process. This guide was updated in June 2018.	Progressing
Provide opportunities and make it easy for the community to participate in and influence decision making	Investigate and consult with the community on high priority projects as defined in the community consultation report for the Community Strategic Plan	Launched <a href="http://yoursay.midwestern.nsw.gov.au">yoursay.midwestern.nsw.gov.au</a> to deliver formal and ongoing community engagement. Projects utilised on this platform to date include Australia Day, Community Plan Proposals, Mudgee Water Park, Mudgee Skate Park, Gulgong Skate Park, Gulgong Adventure Playground and the Heritage Near Me project.	Progressing

Six Monthly Progress Report | 2018/19

An effective and efficient organisation

Pursue excellence in service delivery

Action	Project/Service	Comments	Status
Benchmark Council's service delivery against relevant organisations	Provide Planning and Building Statistics to Department of Planning	Reports are completed and submitted to the NSW Department of Planning as required.	Progressing
Benchmark Council's service delivery against relevant organisations	Participate in NSW LGPA, LGNSW, JO and other industry body surveys and benchmarking exercises	Staff continue to participate in relevant activities.	Progressing
Benchmark Council's service delivery against relevant organisations	Desktop analysis of annual financial results against other NSW councils	A review of comparative information will be undertaken when NSW Audit Office data is released for 2017/18.	Not Due To Start
Benchmark Council's service delivery against relevant organisations	Report on OLG group comparative data	A report on OLG comparative data will be prepared when 2017/18 data is released.	Not Due To Start
Conduct biennial community surveys	Undertake community surveys in 2018/19 and 2020/21	Planning has commenced for the next community survey to determine Council's service delivery performance and identify areas of improvement.	Progressing
Monitor community expectations regarding service delivery	Engage with the community on desired levels of service across Council functions	New communications tool launched in November 2018 to support community engagement activities and provide a forum to receive community feedback.	Progressing
Monitor community expectations regarding service delivery	Develop program of internal service reviews	Review of website commenced.	Progressing
Provide a responsive customer service function	Reply to all correspondence within 14 days	Records department continue to send acknowledgement letters within 2 business days and all requests for Council action / response are prioritized by the relevant department(s) and all endeavours are made to respond within 14 days.	Progressing
Provide a responsive customer service function	Review Customer Service Charter and deliver positive, informative, and professional front-of-house and phone customer service function	Service Level Agreements have been finalised and available for all staff, with a review of the Customer Service Charter to be completed by June 2019.	Progressing

## Six Monthly Progress Report | 2018/19

Provide a positive and supportive working environment for employees

Action	Project/Service	Comments	Status
Attract, retain and develop a skilled workforce	Implement a Leadership Program that includes merit based recruitment, performance management and legal responsibilities	Learning and Development Programs for the Leadership Team at Council are continuing throughout the year.	Progressing
Attract, retain and develop a skilled workforce	Develop a Learning and Development program targeted towards achievement of Delivery Program and areas of risk identified in Workforce Plan	The Learning and Development Program is progressing with individual and group training targeted towards the achievement of the Delivery Program and the Workforce Plan.	Progressing
Attract, retain and develop a skilled workforce	Provide a Leadership Capability Framework to develop current and future leaders which is linked to Learning and Development Plans	A Leadership Development Framework has been developed that links to Position Descriptions, Performance Appraisals and Learning and Development.	Completed
Attract, retain and develop a skilled workforce	Ensure all employees have clearly articulated accountabilities against which they will be assessed annually	All employees have Position Descriptions which detail key accountabilities. Performance appraisals for employees were undertaken in September 2018.	Completed
Provide a safe, healthy and non-discriminatory working environment	Establish a culture of workplace safety which includes daily pre-start meetings for outdoor staff and monthly Safety Toolbox Talks	Daily pre-start meetings form part of the daily risk assessment process for outdoor workers. Monthly safety talks are forwarded to Department Managers for inclusion at Department meetings.	Progressing
Provide a safe, healthy and non-discriminatory working environment	Implement and embed a WHS Management System that reflects AS4801 requirements	Council's WHS Management System is being reviewed and updated where required to reflect AS4801 requirements.	Progressing
Provide a safe, healthy and non-discriminatory working environment	Align workplace behaviour with core values of Respect, Integrity and Recognition	The core values are included in Position Descriptions, Performance Appraisals, Induction and Orientation and the General Managers Staff Updates.	Progressing
Provide a safe, healthy and non-discriminatory working environment	Implement and review the Equal Employment Opportunity Management Plan	The Equal Employment Opportunity Management Plan was reviewed at the end of the 2017/18 year and a new plan is in place for this year. Implementation of the plan is ongoing.	Progressing



Six Monthly Progress Report | 2018/19

Action	Project/Service	Comments	Status
Conduct biennial employee opinion surveys	Seek staff feedback via Employee Opinion Survey 2018/19 and 2020/21	The Employee Engagement Survey is due to commence in February 2019.	Not Due To Start
Conduct biennial employee opinion surveys	Identify and implement improvement strategies based on feedback from Employee Opinion Survey	Improvement strategies will be developed and implemented following the survey that is due to be undertaken in February 2019.	Not Due To Start

Prudently manage risks associated with all Council activities

Action	Project/Service	Comments	Status
Monitor and review Council's policies and strategies	Provide up to date Policy Register	Council's policy register is managed within the records management software ELO. Current policies are displayed on Council's website and PULSE software used to manage ongoing review processes.	Progressing
Monitor and review Council's policies and strategies	Identify and resolve existing policy gaps	A policy review register is used to monitor and review Council's policies and strategies, and staff continue to address gap areas.	Progressing
Monitor and review Council's policies and strategies	Education program to ensure staff understand policy requirements	Quarterly meetings are utilised to update the management team on policy changes improvements and policy review processes.	Progressing
Monitor and review Council's risks	Develop an enterprise risk management (ERM) framework relevant to Council's activities	Draft Framework has been prepared. Further resources to be allocated to finalisation and implementation of the framework.	Progressing
Provide long term financial sustainability through sound financial management	Examine opportunities to raise additional revenue	Council is pursuing commercial property and development opportunities to raise additional revenue. Negotiations are continuing.	Progressing
Provide long term financial sustainability through sound financial management	Explore a special rate variation with the community	Exploring a special rate variation is postponed while Council is currently pursuing grant funding and other opportunities to raise revenue.	Not Due To Start
Provide long term financial sustainability through sound financial management	Identify opportunities to increase revenue from property related investments	Council continues to identify and investigate commercial opportunities to support revenue growth.	Progressing

## Six Monthly Progress Report | 2018/19

Action	Project/Service	Comments	Status
Provide long term financial sustainability through sound financial management	Update Long Term Financial Plan	The Long Term Financial Plan is currently being updated following the adopted budget for 2018/19.	Progressing
Provide long term financial sustainability through sound financial management	Monthly reporting against budget and schedule for major works programs/strategic projects	All monthly budget reports were prepared for Council in accordance with the schedule.	Progressing
Provide long term financial sustainability through sound financial management	Comprehensive Quarterly Budget Review reporting	All Quarterly Budget Review Statements were complete within schedule and in accordance with the Office of Local Government Guidelines.	Progressing
Provide long term financial sustainability through sound financial management	Development of Rating Strategy to support LTFP	At the May 2017 Council meeting a Supplementary Motion concerning a proposal to adopt a Rating Strategy for the term of Council was put and lost.	Not Due To Start
Provide long term financial sustainability through sound financial management	Integration of long term impacts on financial sustainability indicators incorporated into Council decision making process	A reporting template was introduced in August 2017 which includes Fit For The Future sustainability ratio impacts of Council recommendations and options, with Long Term Financial Planning and Asset Management impacts included.	Completed
Comply with relevant accounting standards, taxation legislation and other financial reporting obligations	To achieve a high standard of financial management	Council received an unqualified audit report for the financial year ended 30 June 2018 on 26 October 2018.	Progressing
Comply with relevant accounting standards, taxation legislation and other financial reporting obligations	All rating, taxation, statutory, and grant reporting obligations satisfied in an accurate and timely manner	All statutory reporting and obligations have been completed on time, to date this financial year. Council is planning to complete implementation of the Single Touch Payroll reporting in February 2019.	Progressing
Pursue efficiencies and ongoing business improvement			

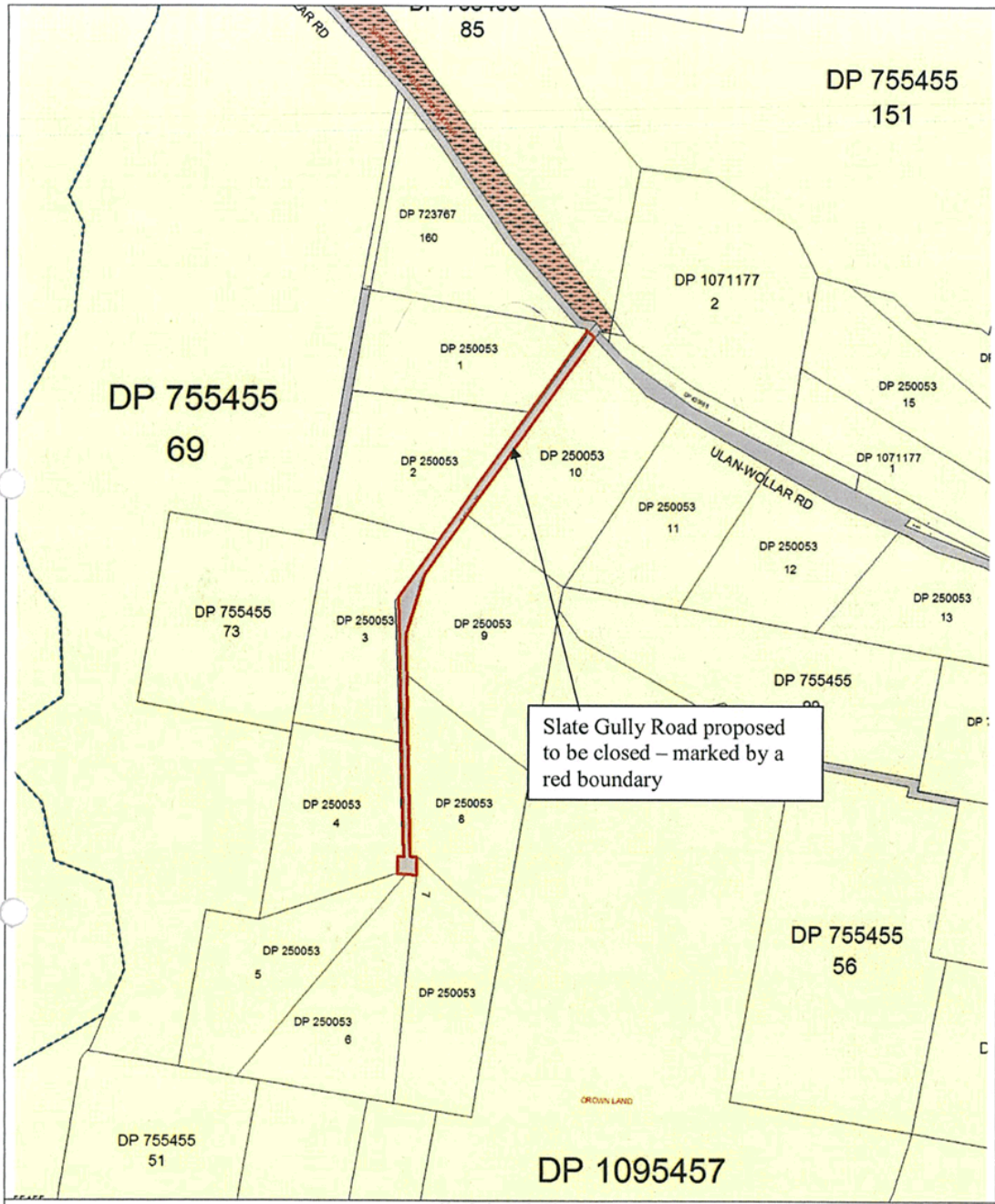
Action	Project/Service	Comments	Status
Provide effective and efficient internal support functions	Conduct quarterly Council Staff Updates across all work sites	Quarterly staff update meetings were held.	Progressing
Provide effective and efficient internal support functions	Effective capture and management of corporate records	Records staff continue to ensure compliance with the State Records Act and provide training and support to all users of Council's record management system.	Progressing

Six Monthly Progress Report | 2018/19

Action	Project/Service	Comments	Status
		A planned upgrade this year will improve efficiency and use of software.	
Provide effective and efficient internal support functions	Ongoing enhancements to Council procurement including Roadmap Best Practice Procurement project	This process will continue to be monitored in the future to ensure best practice is maintained.	Completed
Provide effective and efficient internal support functions	Provide effective Workshop services for Council fleet	All Council fleet meets RMS requirements and servicing is up to date.	Progressing
Enhance the information systems that support delivery of Council activities	Investigate options to increase speed and reliability of Council's network	Council is investigating the use of VPNs to increase the reliability and redundancy of Council's network. Council also continues to optimise the microwave radio links and network monitoring tools.	Progressing
Enhance the information systems that support delivery of Council activities	Continued investment in existing information systems to delivery productivity enhancements	Asset replacements have been completed and Data Centre Infrastructure upgraded. Upgraded GIS Mapping software is being investigated.	Progressing
Enhance the information systems that support delivery of Council activities	Implementation of mobility solutions for integrated asset management	Asset management system is now utilised in several operational areas. Mapping software yet to be integrated and work continues on the development of mobility systems.	Progressing
Ensure strategic and asset management plans are underpinned by sound financial strategies	Consider the full life cycle costs associated with the investment in new assets, with a focus on capital investment and existing assets	Consideration of the full cost of investing in new assets is now integrated into the process of reviewing new initiatives. As shown in the December Quarterly Budget Review, Council is forecast to exceed the infrastructure renewals ratio benchmark in 2018/19.	Progressing
Ensure strategic and asset management plans are underpinned by sound financial strategies	Review depreciation methodology and process	Depreciation methodology is reviewed as a part of the Fair Value process for assets each year. For 2018/19 and 2019/20 the revaluation of Roads, Bridges and Footpaths will be undertaken.	Progressing
Ensure strategic and asset management plans are underpinned by sound financial strategies	Ongoing improvements to asset data and asset system capabilities	Data cleansing has started for Roads, Bridges and Footpaths as part of the fair value process. Water and Sewerage system assets register upgrades are	Progressing

## Six Monthly Progress Report | 2018/19

Action	Project/Service	Comments	Status
Ensure strategic and asset management plans are underpinned by sound financial strategies	Integrate long term asset management considerations into Council decision making process	progressing well with data anticipated to be moved into the new asset system by April 2019.  A reporting template was introduced in August 2017, which includes Fit For Future sustainability ratio impacts of Council recommendations and options, with Long Term Financial Planning and Asset Management impacts included.	Completed
Ensure strategic and asset management plans are underpinned by sound financial strategies	Improved integration of Asset Management Plans and Long Term Financial Plan	The Long Term Financial Plan is currently being updated following the adopted budget for 2018/19.	Progressing



Slate Gully Road proposed to be closed – marked by a red boundary

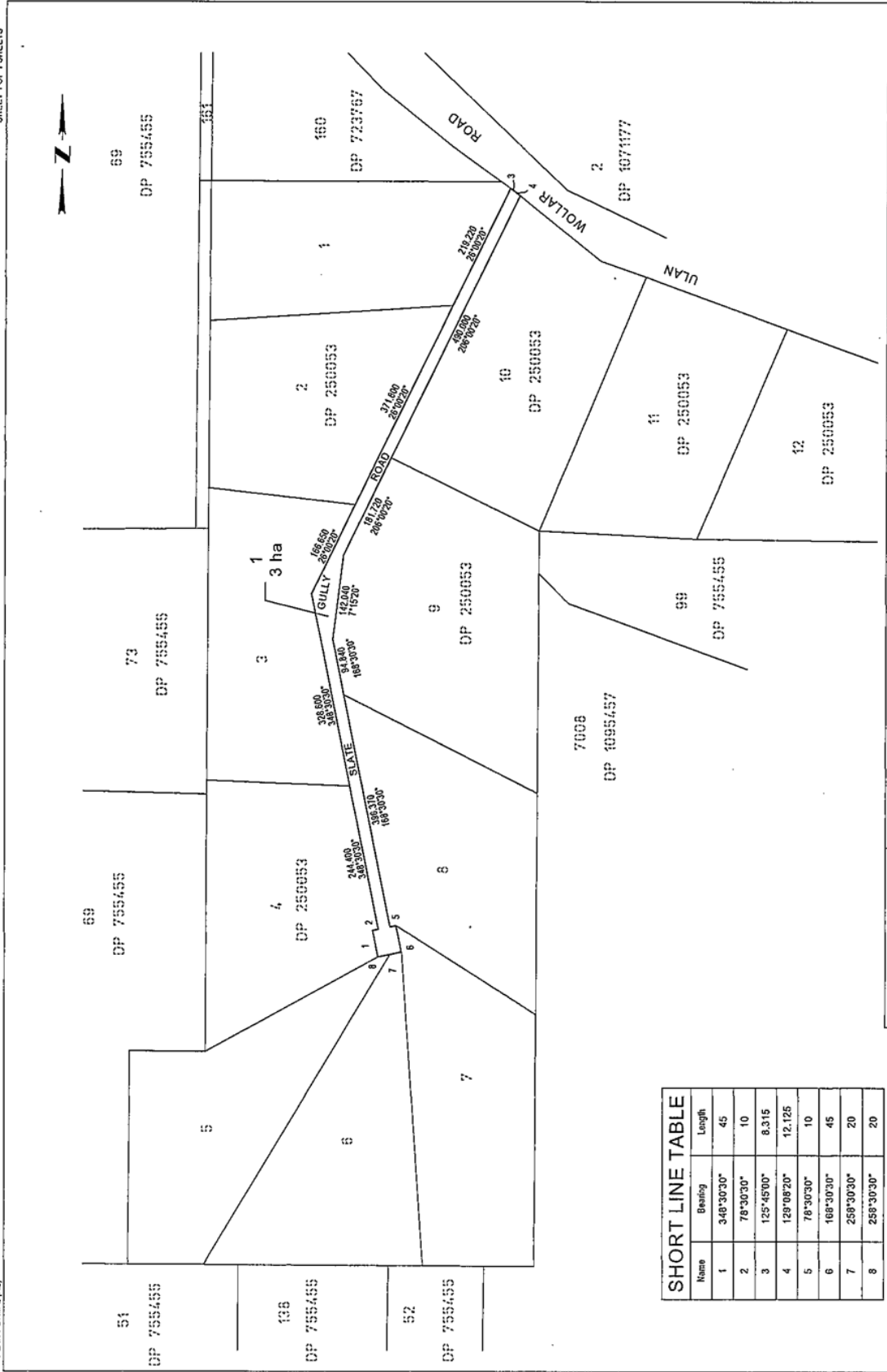
Map Scale: 1:12,150

<p><b>Disclaimer</b>                  This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.                  This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.</p>	<p><b>Legend</b></p> <table border="0"> <tr> <td></td> <td>Parcel</td> <td></td> <td>Parish</td> <td></td> <td>Road</td> </tr> <tr> <td></td> <td>Crown Land</td> <td></td> <td>Localities</td> <td></td> <td>State Forest</td> </tr> <tr> <td></td> <td>Railway</td> <td></td> <td>LGA Boundary</td> <td></td> <td>Waterway</td> </tr> </table> <p style="text-align: right;">NORTH</p>		Parcel		Parish		Road		Crown Land		Localities		State Forest		Railway		LGA Boundary		Waterway	<p>Printed on Tuesday, 3 October 2017</p>
	Parcel		Parish		Road															
	Crown Land		Localities		State Forest															
	Railway		LGA Boundary		Waterway															

PLAN FORM 2 (A2)

WARNING: GREASING OR FOLDING WILL LEAD TO REJECTION

SHEET 1 OF 1 SHEETS



**SHORT LINE TABLE**

Name	Bearing	Length
1	348°30'30"	45
2	78°30'30"	10
3	125°45'00"	8.315
4	129°08'20"	12.125
5	78°30'30"	10
6	168°30'30"	45
7	258°30'30"	20
8	258°30'30"	20

**SURVEYOR**  
 Name: PHELIP MARTEN ORR  
 Date: 09/09/2018  
 Reference: 2018-182

**L.O.A.:**  
 Locality: WOLLAR  
 Reduction Ratio: 1:500  
 Lengths in metres

**REGISTERED**  
 DP

**PLAN OF ROAD CLOSURE UNDER THE ROADS ACT, 1993 FOR CREATION AND ISSUE OF FIRST TITLE**





WILPINJONG COAL PTY LTD

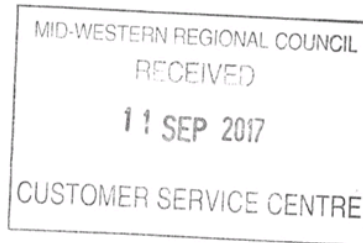
ABN: 87 104 594 634

100 Melbourne Street,  
South Brisbane QLD 4101

Locked Bag 2005  
Mudgee, NSW 2850  
Australia  
Tel + 61 (0) 2 6370 2500  
Fax + 61 (0) 2 6373 4524

7 September 2017

Mid-Western Regional Council  
86 Market Street  
Mudgee NSW 2850



Attention: Andrew Drummond

**Re: Application to Close Slate Gully Road**

Dear Andrew,

On 24 April 2017, Wilpinjong Coal Pty Limited (WCPL) was granted Development Consent (SSD-6764) by the Minister for Planning, for the Wilpinjong Extension Project (WEP). The WEP provides for the continued operation of the Wilpinjong Coal Mine (the Mine) at rates of up to 16 million tonnes per annum (Mtpa) of run-of-mine (ROM) out to 2033, and access to approximately 800 hectares (ha) of open cut extensions (Refer to **Figure 1**).

Under Development Consent (SSD-6764) an additional open cut pit in Slate Gully i.e. Pit 8 and associated infrastructure is now approved (Refer to **Figure 1**).

On the 24<sup>th</sup> July 2017, WCPL were advised by Mid-Western Regional Council a request in writing with an application fee of \$369.00 was necessary when making a request to close a Council owned road (this letter).

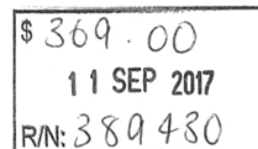
WCPL are seeking to close Slate Gully Road in preparation for mining activities scheduled for Pit 8 in early 2019, however other activities in preparation for mining will commence during 2018. Slate Gully Road is an sealed/unsealed Mid-Western Regional Council owned road<sup>1</sup>, approximately 1.4km in length with access from the Ulan-Wollar Road (Refer to **Figure 1** and **Figure 2**).

The land within Pit 8 is wholly owned by the WCPL (Refer to **Figure 3**) and there are no private residents living within the proposed mining area and immediate surrounds. The closure of Slate Gully Road will not have an impact on local residents as there is no requirement for the public to access this portion of WCPL controlled land. WCPL are seeking to close the road to restrict access to only WCPL personnel and contractors. The closure of Slate Gully Road is necessary to ensure the safety of the public is maintained when mining and related activities within Pit 8 commence.

If Mid-Western Regional Council requires additional information or seeks further clarity in regards to this letter application to close Slate Gully Road, then please call or email on the details provided below.

Regards

Ian Flood  
Manager Project Development & Approvals  
Wilpinjong Coal Pty Ltd  
Peabody Energy Australia



Mobile: +61 (0)417 049 493 | [iflood@peabodyenergy.com](mailto:iflood@peabodyenergy.com)

<sup>1</sup> Reference: [http://www.midwestern.nsw.gov.au/globalassets/S\\_2438/map---mwrc\\_road\\_map2.pdf](http://www.midwestern.nsw.gov.au/globalassets/S_2438/map---mwrc_road_map2.pdf)



Figure 1: The Approved Wilpinjong Extension Project (WEP)

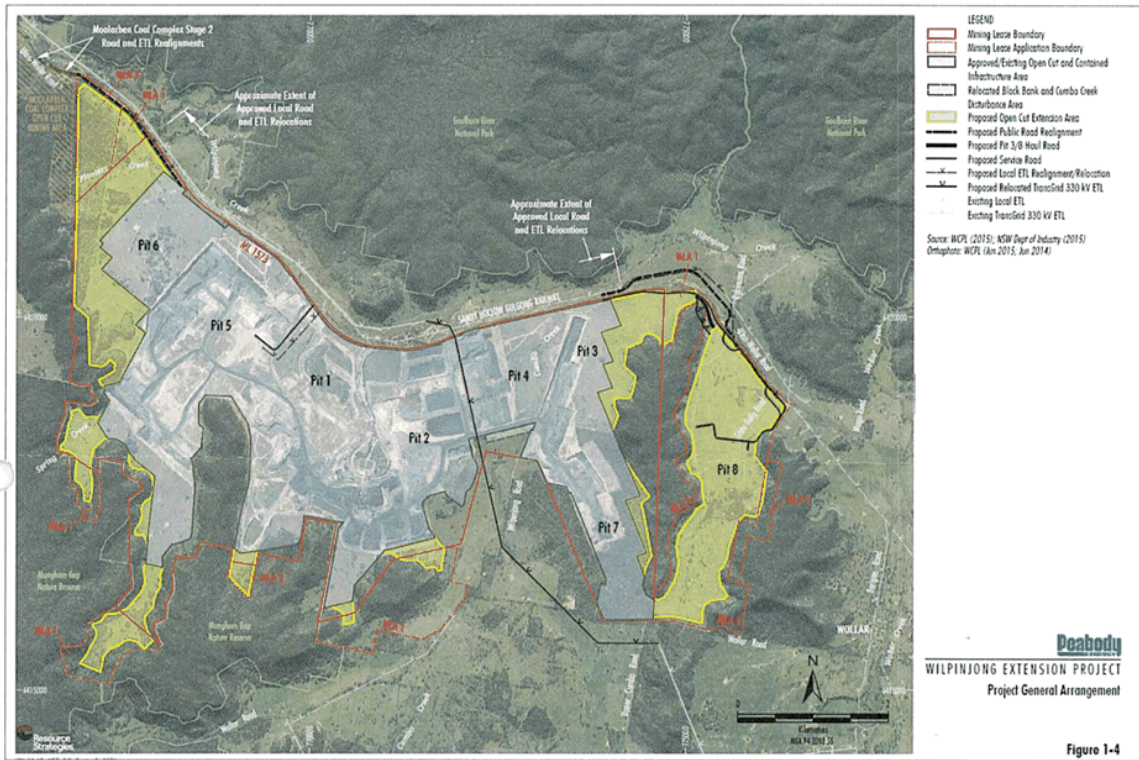


Figure 2: Slate Gully Road (within the approved Pit 8 mining area)

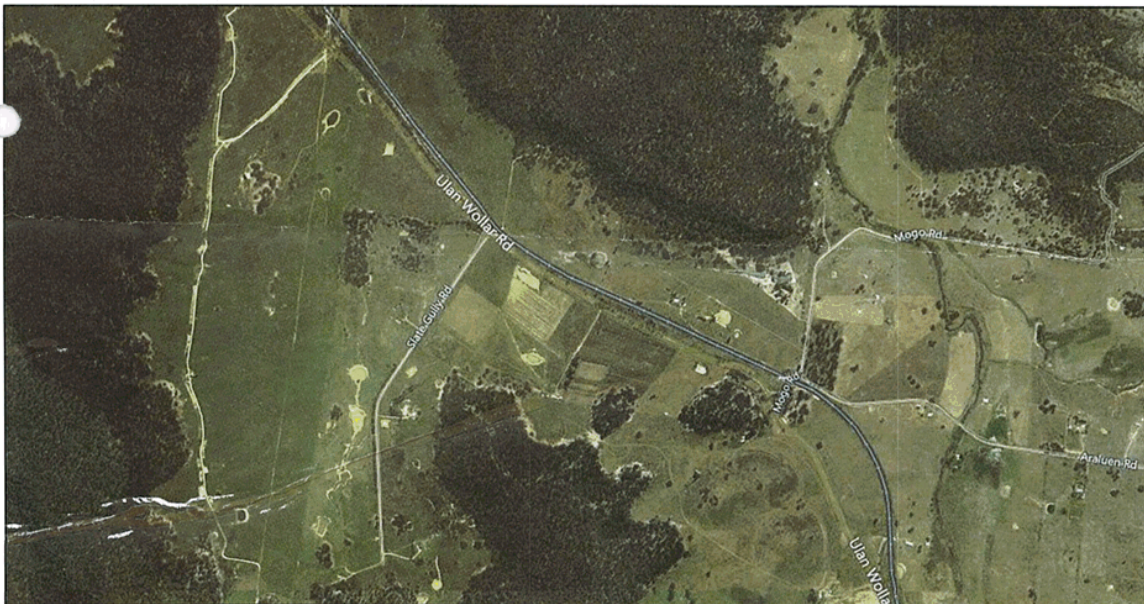
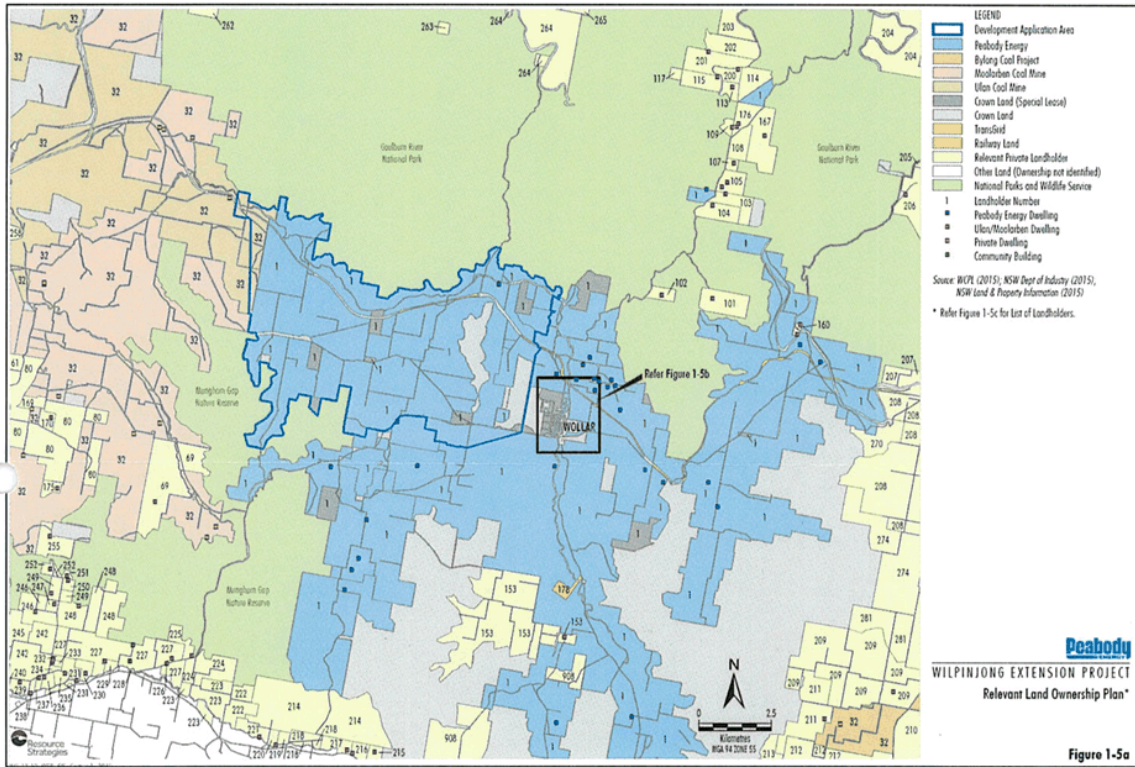


Figure 3: Relevant Land Ownership Plan





6.4 Photographs



View south from the northern end



View north from the southern end



View north west from southern end



View north east over adjacent land at the southern end of Road



View north from road bend



Piped Culvert traversing the Road

Friday July 27 2018 MUDGEE GUARDIAN 7

## Mid-Western Regional Council WEEKLY ADVERTISEMENTS

### REQUEST FOR TENDER

Mid-Western Regional Council is seeking 'Requests for Tender' (RFT) from interested parties for the provision of:  
**Chlorine Disinfection Systems at Gulgong and Mudgee - Reference: RFT 2018/19**

Council is seeking professional organisations that can provide a high standard of capability in the delivery of Chlorine Disinfection Systems at Gulgong and Mudgee.

Documents can be downloaded for free from 20 July 2018 at <http://www.midwestern.nsw.gov.au/business/tenders-Expressions-of-Interest/> - RFT 2018/19 - Chlorine Disinfection Systems at Gulgong and Mudgee, alternatively please request documents from [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au) in which a link to VendorPanel will be provided allowing access to documents. Tenders will close on **10 August 2018** at 12.00 noon.

### 2018-2019 LOCAL HERITAGE GRANTS ARE NOW OPEN

The grants help fund small maintenance and conservation projects for listed, significant and buildings located in a Heritage Conservation Area.

Grants range from \$500 to \$5,000 with matching or greater funding to be provided by the applicant. The application form is available on Council's website.

Applications must be submitted to Council by Friday **24 August 2018**.

### PROPOSED ROAD CLOSING UNDER SECTION 340 ROADS ACT 1993

In pursuance of the provisions of the Roads Act 1993, notice is hereby given that Mid-Western Regional Council proposes to close the Council public road listed in Schedule 1.

Schedule 1:

- Slate Gully Road in the Locality of Wallar, as depicted.

Upon closure of the road, Council intends to sell the land to an adjoining land owner.

All interested persons are hereby invited to make written submissions concerning the proposal to the General Manager, Mid-Western Regional Council, PO Box 156 MUDGEE NSW 2850, by 4.30pm on Friday, **24 August 2018**. Please note that under the provisions of the Government Information (Public Access) Act 2009, such submissions may be referred to third parties for consideration.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions before deciding whether to continue with the road closure proposal. Enquiries should be directed to Council's Manager of Revenue & Property on (02) 63782850 or 1300 765 062.



Friday August 10, 2018 MUDGEE GUARDIAN 7

## Mid-Western Regional Council WEEKLY ADVERTISEMENTS

### COUNCIL MEETING - WEDNESDAY, 15 AUGUST 2018

Council Chambers, 66 Market Street, Mudgee

Open Day 5.30pm, Meeting to commence at conclusion of Open Day

- |  |   |
|--|---|
| <p><b>Mayoral Minute</b></p> <ul style="list-style-type: none"> <li>Mayoral Minute: Assistance for Farmers Family Mental Health Day</li> </ul> <p><b>Notices of Motion or Rescission</b></p> <ul style="list-style-type: none"> <li>Corporate Jackets for Councillors &amp; the General Manager</li> <li>Showers for community members in the region affected by the drought</li> <li>Investigation of Kangaroo Meat Processing Plant</li> <li>Nightrider Bus Service</li> </ul> <p><b>Reports (open)</b></p> <ul style="list-style-type: none"> <li>2018 Christmas Close Down</li> <li>Planning Proposal part of Lot 2 DP 1301904 and Lot 4 DP 1204035 Wilberree Road and Castlewagh Highway, Menah - Post Exhibition</li> <li>Draft Development Control Plan Amendment 3</li> <li>New Year's Eve Celebrations</li> <li>Australia Day Awards Program Changes</li> <li>Events Assistance Appl - Mudgee Rugby Club Inc</li> <li>Easy to do Business (E2B) Program</li> <li>Monthly Development Appl Processing and Determined</li> <li>Budget Review: From 2017/18 to 2018/19</li> <li>New and Amended Fees and Charges 2018/19</li> <li>Monthly Statement of Investment and Bank Balances as at 31 July 2018</li> <li>Naming of Sonata Lane, Windyeyer</li> <li>Naming of Reddish Lane, Gulgong</li> </ul> | <ul style="list-style-type: none"> <li>Iron Barbs Road - Proposed Road Works</li> <li>Policy Review: Election of Mayor and Deputy Mayor</li> <li>Acceptance of Grant Funding for Cudgong Waters Caravan Park Water Systems Project</li> <li>Acceptance of Grant Funding for Glen Willow Sportsground Complex, Stage 2 Project</li> <li>Council Representation at Memorial Services Policy</li> <li>Memoandum of Understanding - Twin Town Players</li> <li>Community Services City Update - April to June 2018</li> <li>Library Services - Quarterly Report</li> <li>Mudgee and Gulgong Access Committee</li> <li>Rylstone and Kandos Access Committee</li> <li>Gulgong Memorial Hall Committee 10 July 2018</li> <li>Mid-Western Regional Youth Council</li> <li>Cultural Development Committee</li> <li>Local Traffic Committee Meeting - 20 July 2018</li> <li>Mudgee Regional Saltyards Committee</li> </ul> <p><b>Reports (closed)</b></p> <ul style="list-style-type: none"> <li>General Manager's Performance Agreement 2018-2019</li> <li>Mudgee and Gulgong Access Committee</li> <li>Proposed Disposal of 70 Court Street, Mudgee</li> </ul> <p><b>Reports (late)</b></p> <ul style="list-style-type: none"> <li>Application for Proposed Closure of Part Moolarben Road - Moolarben Coal Mines Pty Ltd, Sojitz Moolarben Resources Pty Ltd &amp; Kores Australia Moolarben Coal P/L</li> </ul> |
|--|---|

### PROPOSED ROAD CLOSING UNDER SECTION 340 ROADS ACT 1993

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**Lilian Mutyiri**

---

**From:** Andrew Kearins  
**Sent:** Tuesday, 30 October 2018 10:29 AM  
**To:** Lilian Mutyiri; Nicole Cassidy  
**Subject:** RE: Council Departments notification of proposed closure of Slate Gully road in Wollar- Planning , Roads and Water Departments

Lilian

I apologise for the delay in response, the Roads department have no objection to the closure of Slate Gully Rd however note that it is currently an asset of Council and is maintained on a 2 yearly schedule.

Regards

Andrew

Andrew Kearins | Senior Works Engineer  
Mid-Western Regional Council  
t 02 6378 2850  
f 02 6378 2815 | e [andrew.kearins@midwestern.nsw.gov.au](mailto:andrew.kearins@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850

---

**From:** Lilian Mutyiri On Behalf Of Council  
**Sent:** Monday, 29 October 2018 11:53 AM  
**To:** Nicole Cassidy <[Nicole.Cassidy@midwestern.nsw.gov.au](mailto:Nicole.Cassidy@midwestern.nsw.gov.au)>; Andrew Kearins <[Andrew.Kearins@midwestern.nsw.gov.au](mailto:Andrew.Kearins@midwestern.nsw.gov.au)>  
**Subject:** FW: Council Departments notification of proposed closure of Slate Gully road in Wollar- Planning , Roads and Water Departments

Hi Nicole & or Andrew

I am after Roads Department's response to the attached notification.

My response is required by tomorrow for the preparation of a Council Report.

Please note that this notification was sent to your Department on the 28<sup>th</sup> of August & Property is still waiting for your response.

Thank you

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
facebook | twitter | youtube



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**Lilian Mutyiri**

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**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Wednesday, 29 August 2018 2:44 PM  
**To:** Nicole Cassidy; Lindsay Dunstan; Tom Baldwin  
**Subject:** Council Departments notification of proposed closure of Slate Gully road in Wollar-  
Planning , Roads and Water Departments  
**Attachments:** Council Planning.docx; Council Roads Department.docx; Council Sewer & Water  
Department.docx; Newspaper advertisement 27-7-2018.docx; Map of Slate Gully  
Road Attachment.pdf

Good afternoon

Please find attached a proposed road closure for your consideration and response. I would be grateful if you provide your response by the end of this week.

If you require further information in relation to this matter you can contact me on my extension 2889.

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
facebook | twitter | youtube



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re-sent 29/10/18



MID-WESTERN REGIONAL COUNCIL  
PO Box 156, MUDGEE 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

LM | File Ref: R0183001

29 August 2018

Mid Western Regional Council – Roads Department  
PO Box 156  
MUDGEE NSW 2850

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner.  
The proposal to close the road was advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:  
Post: PO Box 156 MUDGEE NSW 2850  
Email: council@midwestern.nsw.gov.au

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified 28-day period, it will assume that Mid-Western Regional Council Roads Department has no objections to the proposal.

Please advise Mid-Western Regional Council within the 28-day period if Mid-Western Regional Council Roads Department requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

D Sawyers  
MANAGER REVENUE & PROPERTY



**Lilian Mutyiri**

---

**From:** Ilija Susnja  
**Sent:** Monday, 29 October 2018 2:53 PM  
**To:** Lilian Mutyiri  
**Cc:** Nareeda Endacott  
**Subject:** FW: Council Departments notification of proposed closure of Slate Gully road in Wollar- Planning , Roads and Water Departments  
**Attachments:** Council Planning.docx; Council Roads Department.docx; Council Sewer & Water Department.docx; Newspaper advertisement 27-7-2018.docx; Map of Slate Gully Road Attachment.pdf

Lilian,

I have looked into this matter for you.

All the properties surrounding Slate Gully Road are owned by either Peabody Pastoral Holdings Pty Ltd or Wilpinjong Coal Pty Ltd, both companies being associated with the Wilpinjong Mine.

Slate Gully Road and the properties it serves are included in development consent SSD-6764: Wilpinjong Extension Project.

As the existing properties and Slate Gully Road will be consumed by the extension (ie Pit 8) of Wilpinjong Mine, Town Planning have no objection to the closure of Slate Gully Road.

Yours faithfully,

Ilija Susnja



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](mailto:council@midwestern.nsw.gov.au)

LM | File Ref: R0183001

29 August 2018

Mid Western Regional Council – Planning Department  
PO Box 156  
MUDGEES NSW 2850

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner.  
The proposal to close the road was advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:  
Post: PO Box 156 MUDGEES NSW 2850  
Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified 28-day period, it will assume that Mid-Western Regional Council Planning Department has no objections to the proposal.

Please advise Mid-Western Regional Council within the 28-day period if Mid-Western Regional Council Planning Department requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

D Sawyers  
MANAGER REVENUE & PROPERTY

**Lilian Mutyiri**

---

**From:** Tom Baldwin  
**Sent:** Wednesday, 29 August 2018 3:29 PM  
**To:** Council; Lilian Mutyiri  
**Subject:** RE: Council Departments notification of proposed closure of Slate Gully road in Wollar- Planning , Roads and **Water Departments**

Hi Lilian,

MWRC has no water mains in this area.

Thanks  
Tom

---

**From:** Lilian Mutyiri On Behalf Of Council  
**Sent:** Wednesday, 29 August 2018 2:44 PM  
**To:** Nicole Cassidy <Nicole.Cassidy@midwestern.nsw.gov.au>; Lindsay Dunstan <Lindsay.Dunstan@midwestern.nsw.gov.au>; Tom Baldwin <Tom.Baldwin@midwestern.nsw.gov.au>  
**Subject:** Council Departments notification of proposed closure of Slate Gully road in Wollar- Planning , Roads and Water Departments

Good afternoon

Please find attached a proposed road closure for your consideration and response. I would be grateful if you provide your response by the end of this week.

If you require further information in relation to this matter you can contact me on my extension 2889.

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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E council@midwestern.nsw.gov.au

LM | File Ref: R0183001

29 August 2018

Mid Western Regional Council  
PO Box 156  
MUDGEE NSW 2850

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner. The proposal to close the road was advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:  
Post: PO Box 156 MUDGEE NSW 2850  
Email: council@midwestern.nsw.gov.au

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified 28-day period, it will assume that Mid-Western Regional Council Water and Sewer Department has no objections to the proposal.

Please advise Mid-Western Regional Council within the 28-day period if Mid-Western Regional Council Water & Sewer Department requires additional time to consider its position. Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

D Sawyers  
MANAGER REVENUE & PROPERTY

**Lilian Mutyiri**

---

**From:** Jamie Sleiman <Jamie.Sleiman@transgrid.com.au> on behalf of AM\_Property <AM\_Property@transgrid.com.au>  
**Sent:** Friday, 27 July 2018 1:36 PM  
**To:** Council  
**Subject:** RE: Transgrid notification of proposed road closure - Slate Gully Road  
**Attachments:** Transgrid.docx; Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx

Hi Lilian

**RE: File Ref: R0183001 - Proposed Road Closure - Slate Gully Road**

Thank you for your email to TransGrid regarding the abovementioned matter.

TransGrid can confirm that TransGrid's infrastructure is not affected by this proposed road closure, nor is the road utilised to access TransGrid infrastructure.

Should you wish to discuss this further, please do not hesitate to contact me.

Kind Regards

**Jamie Sleiman**  
Property Officer | Network Planning and Operations

TransGrid | 200 Old Wallgrove Road, Wallgrove, NSW, 2766  
T: (02) 9620 0291  
E: [Jamie.Sleiman@transgrid.com.au](mailto:Jamie.Sleiman@transgrid.com.au) W: [www.transgrid.com.au](http://www.transgrid.com.au)

---

**From:** Lilian Mutyiri <Lilian.Mutyiri@midwestern.nsw.gov.au> On Behalf Of Council  
**Sent:** Friday, 27 July 2018 11:25 AM  
**To:** AM\_Property <AM\_Property@transgrid.com.au>  
**Subject:** Transgrid notification of proposed road closure - Slate Gully Road

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Friday, 27 July 2018 11:25 AM  
**To:** 'AM\_Property@transgrid.com.au'  
**Subject:** Transgrid notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; Transgrid.docx

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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E council@midwestern.nsw.gov.au

LM| File Ref: R0183001

26 July 2018

Transgrid  
By e-mail; AM\_Property@transgrid.com.

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner.  
The proposal to close the road will be advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:  
Post: PO Box 156 MUDGEES NSW 2850  
Email: council@midwestern.nsw.gov.au

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified 28-day period, it will assume that Transgrid has no objections to the proposal.  
Please advise Mid-Western Regional Council within the 28-day period if Transgrid requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in cursive script, appearing to read "D. Sawyers".

D Sawyers  
MANAGER REVENUE & PROPERTY



**Lilian Mutyiri**

---

**From:** Survey/Ausgrid <survey@ausgrid.com.au>  
**Sent:** Monday, 30 July 2018 12:27 PM  
**To:** Council  
**Subject:** RE: Ausgrid notification of proposed road closure - Slate Gully Road

Hi Lilian,

This road closure is outside Ausgrids distribution network. Your local network distributor is Essential Energy.

Regards,

**Matthew Riddell | Principal Surveyor | Civil & Building Design | AUSGRID**

Level 2, 570 George Street Sydney NSW 2000 AUSTRALIA  
☎: 02 9272 3747 (Extn 33747) | 📠: 02 9272 6296 (Extn 36296) | 📞: 0419 214 362 | ✉: [mriddell@ausgrid.com.au](mailto:mriddell@ausgrid.com.au) |

Please consider the environment before printing this email

---

**From:** Lilian Mutyiri <Lilian.Mutyiri@midwestern.nsw.gov.au> **On Behalf Of** Council  
**Sent:** Friday, 27 July 2018 9:59 AM  
**To:** Survey/Ausgrid <survey@ausgrid.com.au>  
**Subject:** Ausgrid notification of proposed road closure - Slate Gully Road

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

☎ 02 6378 2850 |  
☎ 02 6378 2815 | ✉ [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
📍 86 Market Street | PO Box 156 Mudgee NSW 2850  
🌐 [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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This e-mail may contain confidential or privileged information. If you have received it in error, please notify the sender immediately via return e-mail and then delete the original e-mail. If you are the intended recipient, please note the change of sender email address to @ausgrid.com.au. Ausgrid has collected your

**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Friday, 27 July 2018 9:59 AM  
**To:** 'survey@ausgrid.com.au'  
**Subject:** Ausgrid notification of proposed road closure - Slate Gully Road  
**Attachments:** Ausgrid.docx; Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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E council@midwestern.nsw.gov.au

LM| File Ref: R0183001

26 July 2018

Ausgrid

By e-mail - survey@ausgrid.com.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner.

The proposal to close the road will be advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:  
Post: PO Box 156 MUDGEES NSW 2850  
Email: council@midwestern.nsw.gov.au

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified 28-day period, it will assume that Ausgrid has no objections to the proposal. Please advise Mid-Western Regional Council within the 28-day period if Ausgrid requires additional time to consider its position. Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability. If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in black ink, appearing to read "D Sawyers".

D Sawyers  
MANAGER REVENUE & PROPERTY

**Diane Sawyers**

---

**From:** Flood, Ian K. <IFlood@peabodyenergy.com>  
**Sent:** Friday, 7 December 2018 5:35 AM  
**To:** Diane Sawyers  
**Subject:** FW: Proposed Road Closing - Slate Gully Road, Wollar  
**Attachments:** Slate Gully road-req for easement 23.8.18.pdf

Diane,

See below email to Lillian regarding EE revised position for the Slate Gully road closure

Thanks

**Ian Flood**

Manager, Project Development & Approvals

**Peabody Australia**

1434 Ulan-Wollar Road | Wilpinjong, New South Wales 2850  
Locked Bag 2005 | Mudgee, New South Wales 2850  
Office Phone: +61 2 6370 2528 | Cell: +61 (0)417 049 493  
[iflood@peabodyenergy.com](mailto:iflood@peabodyenergy.com)

**Peabody**

---

**From:** Fiona Duncan <fiona.duncan@essentialenergy.com.au>  
**Sent:** Thursday, 6 December 2018 4:39 PM  
**To:** lillian.mutyiri@midwestern.nsw.gov.au; council@midwestern.nsw.gov.au  
**Cc:** Flood, Ian K. <IFlood@peabodyenergy.com>  
**Subject:** Proposed Road Closing - Slate Gully Road, Wollar

Hi Lillian,

Further to Essential Energy's letter to Council (as attached).

Essential Energy's Contestable Works department have advised that the assets currently located on this road (which is proposed to be closed) will be re-located / removed as part of ongoing project works with Wilpinjong Coal Mines.

Therefore, Essential Energy will no longer require the easement to be created.

If you any queries, please contact me.

Thanks.

Regards

Fiona Duncan  
Conveyancing Officer  
Legal & Conveyancing

Governance & Corporate Services



T: 02 6589 8773 (Ext 88773) | [conveyancingteam@essentialenergy.com.au](mailto:conveyancingteam@essentialenergy.com.au)  
PO Box 5730 Port Macquarie NSW 2444 | [essentialenergy.com.au](http://essentialenergy.com.au)  
General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

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**Diane Sawyers**

---

**From:** Flood, Ian K. <IFlood@peabodyenergy.com>  
**Sent:** Wednesday, 31 October 2018 10:53 AM  
**To:** Diane Sawyers  
**Subject:** FW: Proposed Road Closure - Slate Gully Road, Wollar

Diane,

Please see below response received from EE today FYI

Thanks

Ian

---

**From:** Fiona Duncan <fiona.duncan@essentialenergy.com.au>  
**Sent:** Wednesday, 31 October 2018 10:15 AM  
**To:** Flood, Ian K. <IFlood@peabodyenergy.com>  
**Subject:** Proposed Road Closure - Slate Gully Road, Wollar

Hi Ian,

Further to your recent telephone message.

I am still awaiting further information from Contestable Works, as to your advice of the line re-location (project # 116012).

I shall respond to yourself and Mid-Western Regional Council as soon as I can.

Thanks.

Regards

Fiona Duncan  
Conveyancing Officer  
Legal & Conveyancing  
Governance & Corporate Services



T: 02 6589 8773 (Ext 88773) | [conveyancingteam@essentialenergy.com.au](mailto:conveyancingteam@essentialenergy.com.au)  
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Ref: RM:RE:C974(Crown Roads)  
Your Ref: Slate Gully Road

23 August 2018

**By email: [Lilian Mutyiri@mid-western.nsw.gov.au](mailto:Lilian.Mutyiri@mid-western.nsw.gov.au)**

Lilian Mutyiri  
Mid-western Regional Council  
PO Box 156  
MUDGEE NSW 2850

Dear Lilian,

**Proposed Road Closings at Slate Gully Road**

We refer to the above matter and to your email of 27th July 2018.

Essential Energy has no objections to the proposal, however, powerlines are located within the section of road to be closed, as indicated on the attached diagram (along Slate Gully Road). Essential Energy requests that an easement is created for the powerlines as part of the road closure process.

The electrical infrastructure is wholly contained within the road to be closed. Once the road is closed and becomes private property, such infrastructure may not be protected. Therefore, Essential Energy requests that easements are created for the powerlines as part of the road closure process.

The easement is to be created using Essential Energy's standard easement terms current at the time of registration. An easement for overhead powerlines 20 metres wide is required. Currently, reference should be made to Part A of Memorandum AG189384

We look forward to receiving draft Section 88B Instrument and Plan for our approval.

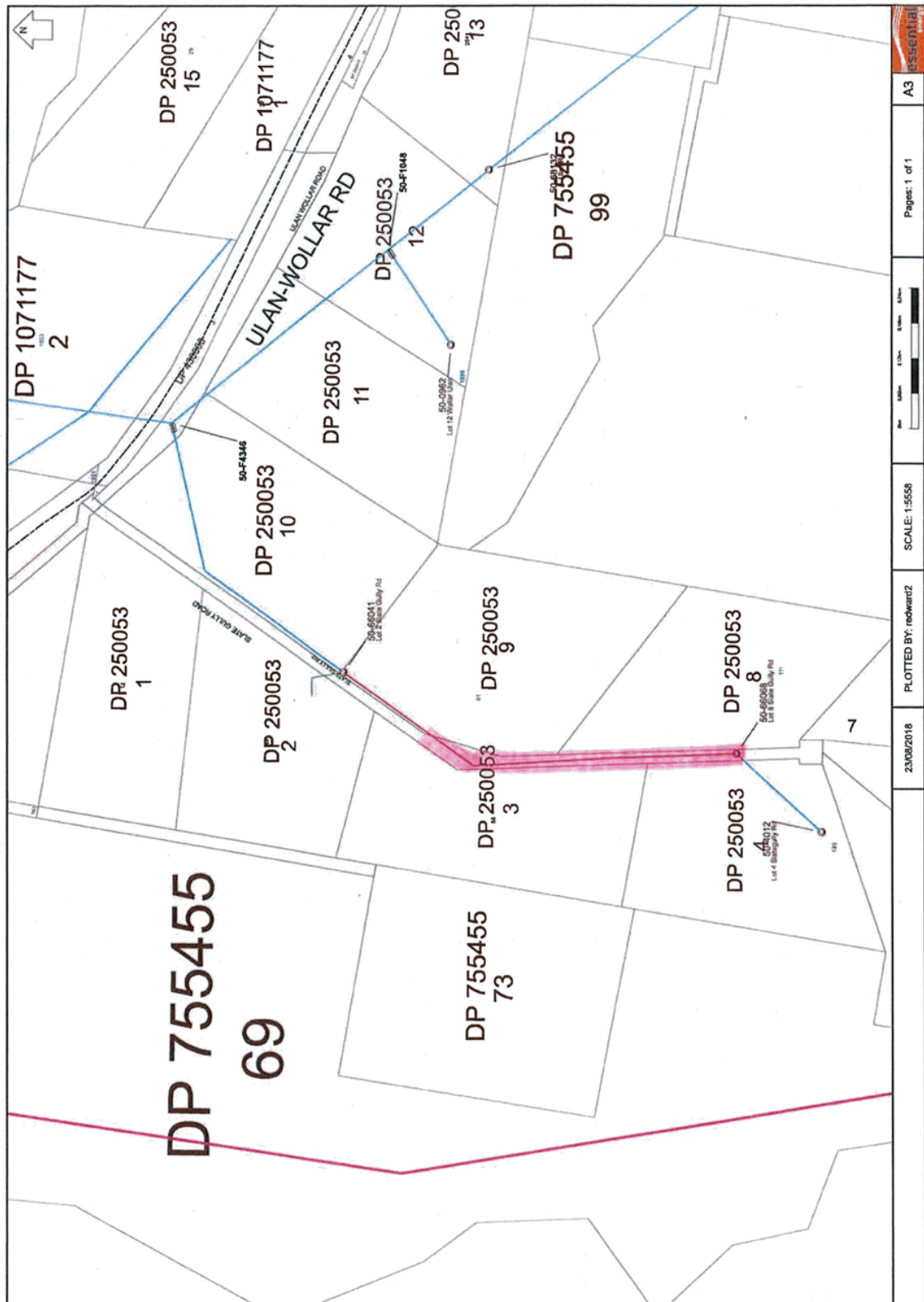
Should you require any further information, please contact Rebecca Edwards on (02) 6589 8050 or at [roadclosures@essentialenergy.com.au](mailto:roadclosures@essentialenergy.com.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read "Melinda White".

Melinda White  
**Acting Conveyancing Team Leader**





**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Friday, 27 July 2018 10:05 AM  
**To:** 'roadclosures@essentialenergy.com.au'  
**Subject:** Essential Energy notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; Essential Energy.docx

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
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E council@midwestern.nsw.gov.au

LM| File Ref: R0183001

26 July 2018

Essential-Energy

By e-mail; roadclosures@essentialenergy.com.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner. The proposal to close the road will be advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:  
Post: PO Box 156 MUDGEES NSW 2850  
Email: council@midwestern.nsw.gov.au

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified 28-day period, it will assume that Essential Energy has no objections to the proposal. Please advise Mid-Western Regional Council within the 28-day period if Essential Energy requires additional time to consider its position. Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability. If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in cursive script, appearing to read "D. Sawyers".

D Sawyers  
MANAGER REVENUE & PROPERTY

**Lilian Mutyiri**

---

**From:** Wayne Garnsey <Wayne.Garnsey@planning.nsw.gov.au>  
**Sent:** Monday, 30 July 2018 3:59 PM  
**To:** Lilian Mutyiri  
**Cc:** DPE PSVC Western Region Mailbox  
**Subject:** FW: Notification of proposed road closure - Slate Gully Road in Wollar Your Reference DS:R0183001  
**Attachments:** image005.emz

Lilian

Re Slate Gully Road enquiry  
Please see attached our previous comments

---

**From:** Wayne Garnsey  
**Sent:** Wednesday, 22 November 2017 4:03 PM  
**To:** lilian.mutyiri@midwestern.nsw.gov.au  
**Cc:** DPE PSVC Western Region Mailbox <westernregion@planning.nsw.gov.au>  
**Subject:** FW: Notification of proposed road closure - Slate Gully Road in Wollar

Lilian

Thank you for your further information

The Department of Planning and Environment – Western Region acknowledges the land – particularly lots 1 -10 DP 250053 are in the one ownership of Wilpinjong.

No objection is raised to the proposed road closure.

Council should consider that Lots 1 -10 DP 250053 may be legally created lots under clause 4.2A(3)(b) of the Mid Western Regional LEP 2012 and there may be an ability to lodge a development application seeking approval to erect a dwelling house on each lot. We clearly acknowledge that dwelling houses on these lots are incompatible with coal mining.

Should ownership or circumstances change in the future Council needs to be aware that legal access to these lots may be problematic

Should you require any further information please contact me

Regards

---

**From:** Lilian Mutyiri [mailto:Lilian.Mutyiri@midwestern.nsw.gov.au]  
**Sent:** Monday, 20 November 2017 3:17 PM  
**To:** DPE PSVC Western Region Mailbox <westernregion@planning.nsw.gov.au>  
**Subject:** Notification of proposed road closure - Slate Gully Road in Wollar

Good afternoon

I refer to your e-mail regarding the proposed closure of Slate Gully Road and access to the surrounding land.

**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Tuesday, 30 October 2018 9:52 AM  
**To:** 'Shayne Kneen'  
**Subject:** 3rd Resources & Energy notification of proposed road closure & request for a response - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; Resources & Energy.docx

Good morning Shayne

I refer to my e-mails below and to the attached documents regarding the proposed closure of a Council road within Mid-Western Regional Council. This is Council's third notification and your Department's response is required for the preparation of a Council Report.

I would be grateful if your Department respond within the week ending 2 November 2018.

.. you require further information please contact me on my direct number (02) 6378 2850.

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
[facebook](#) | [twitter](#) | [youtube](#)



*barred back*

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---

**From:** Lilian Mutyiri On Behalf Of Council  
**Sent:** Tuesday, 28 August 2018 11:30 AM  
**To:** 'landuse.minerals@geoscience.nsw.gov.au' <[landuse.minerals@geoscience.nsw.gov.au](mailto:landuse.minerals@geoscience.nsw.gov.au)>  
**Subject:** 2nd Resources & Energy notification of proposed road closure & request for a response - Slate Gully Road

Good morning

I refer to my e-mail below to yourselves on the 27<sup>th</sup> of July 2018.

The last date for you to respond to the attached notification was on the 23<sup>rd</sup> of August 2018. Council is still to receive your response in regards to the proposed closure.

It would be appreciated if Council could have your response to the notification by the 31<sup>st</sup> of August 2018.

If you require further information please contact me on (02) 6378 2850.

Regards

Lilian Mutyiri

**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Friday, 27 July 2018 11:07 AM  
**To:** 'landuse.minerals@geoscience.nsw.gov.au'  
**Subject:** Resources & Energy notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; Resources & Energy.docx

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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MID-WESTERN REGIONAL COUNCIL  
PO Box 156, MUDGEE 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](mailto:council@midwestern.nsw.gov.au)

LM | File Ref: R0183001

26 July 2018

The Secretary of NSW Department of Planning and Environment  
Resources & Energy

By email: [landuse.minerals@geoscience.nsw.gov.au](mailto:landuse.minerals@geoscience.nsw.gov.au)

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner.

The proposal to close the road will be advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:  
Post: PO Box 156 MUDGEE NSW 2850  
Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified 28-day period, it will assume that Resources and Energy has no objections to the proposal.

Please advise Mid-Western Regional Council within the 28-day period if Resources and Energy requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

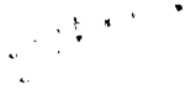
If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in blue ink that appears to read "D. Sawyers".

D Sawyers  
MANAGER REVENUE & PROPERTY







PO Box 2215, DANGAR NSW 2309  
Phone: 1300 886 235 (Option 2)  
Fax: (02) 4925 3517  
[roads.newcastle@crowland.nsw.gov.au](mailto:roads.newcastle@crowland.nsw.gov.au)  
[www.crowland.nsw.gov.au](http://www.crowland.nsw.gov.au)

16/08/2018

Mid-Western Regional Council  
PO Box 156  
MUDGEE NSW 2850  
Attn: Lilian Mutyiri

Via email: [Lilian.Mutyiri@midwestern.nsw.gov.au](mailto:Lilian.Mutyiri@midwestern.nsw.gov.au)

**Road:** Slate Gully Road, Wollar  
**Council Ref:** LM/R0183001 **Ref Date:** 27/07/2018  
**Crown Ref:** 18/05948#01

**RE: Mid-Western Regional Council – Notification of proposal to close council public road**

Dear Lilian

Thank you for notifying the department of council's above mentioned road closure proposal.

NSW Department of Industry – Lands & Water has undertaken an assessment of the proposal. The department has no objection to Council's proposal to close the council public road.

Enquiries regarding the above matter may be directed to the Business Centre - Roads Team at [council.roadclosures@crowland.nsw.gov.au](mailto:council.roadclosures@crowland.nsw.gov.au).

Kind regards

A handwritten signature in blue ink, appearing to be 'RS', with a long horizontal line extending to the right.

Rebecca Shaw

A/ Senior Business Services Officer

DOI Lands & Water – Business Centre  
Newcastle

**Lilian Mutyiri**

---

**From:** rebecca.shaw@crowmland.nsw.gov.au on behalf of Council RoadClosures  
<council.roadclosures@crowmland.nsw.gov.au>  
**Sent:** Thursday, 16 August 2018 12:04 PM  
**To:** Lilian Mutyiri  
**Cc:** Council  
**Subject:** Re: NSW DPI Crown Lands Branch notification of proposed closure of Slate Gully Road  
**Attachments:** Council Road Closure Proposals - Mid-Western Regional Council - Response to council proposal.pdf

Good Afternoon,

Please find the departments response to Councils proposal attached.

Kind regards,

Rebecca for

Council Road Closure Team | Business Centre, Newcastle  
NSW Department of Industry - Crown Lands & Water  
Level 3 | 437 Hunter St Newcastle NSW 2300  
Mail: PO Box 2215, Dangar NSW 2309  
Direct: T: (02) 4925 4104 | F: 02 4925 3517 | E: [council.roadclosures@crowmland.nsw.gov.au](mailto:council.roadclosures@crowmland.nsw.gov.au)  
W: <https://www.industry.nsw.gov.au/lands>

On 30 July 2018 at 10:07, Council RoadClosures <[council.roadclosures@crowmland.nsw.gov.au](mailto:council.roadclosures@crowmland.nsw.gov.au)> wrote:  
Good Morning,

Please find relevant correspondence attached.

Kind regards,

Rebecca for

Council Road Closure Team | Business Centre, Newcastle  
NSW Department of Industry - Crown Lands & Water  
Level 3 | 437 Hunter St Newcastle NSW 2300  
Mail: PO Box 2215, Dangar NSW 2309  
Direct: T: (02) 4925 4104 | F: 02 4925 3517 | E: [council.roadclosures@crowmland.nsw.gov.au](mailto:council.roadclosures@crowmland.nsw.gov.au)  
W: <https://www.industry.nsw.gov.au/lands>

On 27 July 2018 at 15:40, Council <[Council@midwestern.nsw.gov.au](mailto:Council@midwestern.nsw.gov.au)> wrote:

Good afternoon

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact me on (02) 6378 2850

Regards

Lilian Mutyiri

Property Officer

Mid-Western Regional Council

t 02 6378 2850 |

f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)

a 86 Market Street | PO Box 156 Mudgee NSW 2850

w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)

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**Diane Sawyers**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Friday, 27 July 2018 3:40 PM  
**To:** 'council.roadclosures@crowmland.nsw.gov.au'  
**Subject:** NSW DPI Crown Lands Branch notification of proposed closure of Slate Gully Road  
**Attachments:** Image of road.doc; Photographs of Road Reserve 4-1-2018.pdf; Map of Slate Gully Road Attachment.pdf; Council value on road and road works.docx; Newspaper advertisement 27-7-2018.docx; Plan of subdivision that created the road.tiff; DPI Crown Lands Branch notification.docx

Good afternoon

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact me on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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T 1300 765 002 or 02 6378 2850 | F 02 6378 2815  
E [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

LM | R0183001

27 July 2018

Business Centre—Roads  
NSW Department of Industry—Lands & Water

By email: [council.roadclosures@crowland.nsw.gov.au](mailto:council.roadclosures@crowland.nsw.gov.au)

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Closure of the road is proposed in order to sell the land to an adjoining land owner.

The proposal to close the road will be advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**Road status**

Mid-Western Regional Council acknowledges that it has the power to close council public roads only. Council's attached status report confirms that the road under proposal is a council road.

**Proposed vesting upon closure**

Council has provided evidence that the road is or was previously constructed.

**Departmental response required**

Mid-Western Regional Council requests formal departmental response to the road closure proposal within 28 days of this notice

Please advise Mid-Western Regional Council within the 28-day period if the Department requires additional time to consider its position. Council is aware that the Department will respond to all council road closure notifications

**What happens next?**

Once the submission period is completed, Mid-Western Regional Council will consider all submissions and decide on road closure suitability.  
If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely



D Sawyers  
MANAGER REVENUE & PROPERTY

**Attachments**

- Deposited Plan that created the road
- Proof of construction and maintenance of road by Council (Images & photographs)
- Council in-house records of road standard and works
- Newspaper advert
- Map of Slate Gully Road proposed to be closed



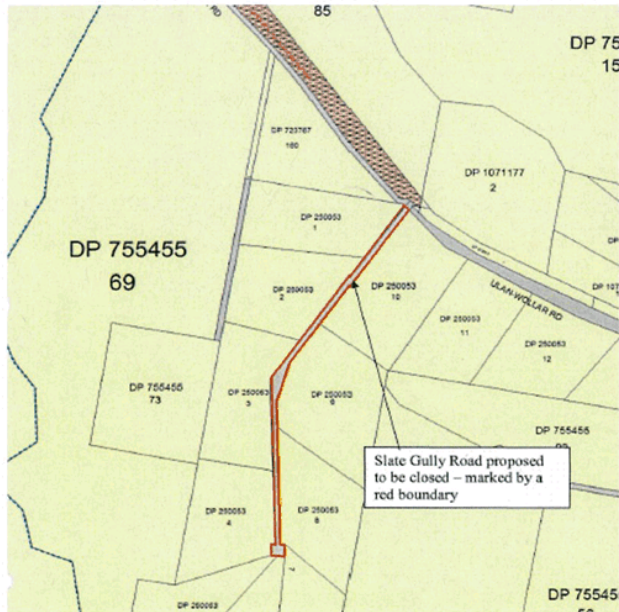


### PROPOSED ROAD CLOSING UNDER SECTION 38B ROADS ACT 1993

In pursuance of the provisions of the *Roads Act 1993*, notice is hereby given that Mid-Western Regional Council proposes to close the Council public road listed in Schedule 1.

Schedule 1:

- Slate Gully Road in the Locality of Wollar, as depicted:-



Upon closure of the road, Council intends to sell the land to an adjoining land owner.

All interested persons are hereby invited to make written submissions concerning the proposal to the General Manager, Mid-Western Regional Council, PO Box 156 MUDGEES NSW 2850, by 4.30pm on Friday 24 August 2018. Please note that under the provisions of the *Government Information (Public Access) Act 2009*, such submissions may be referred to third parties for consideration.

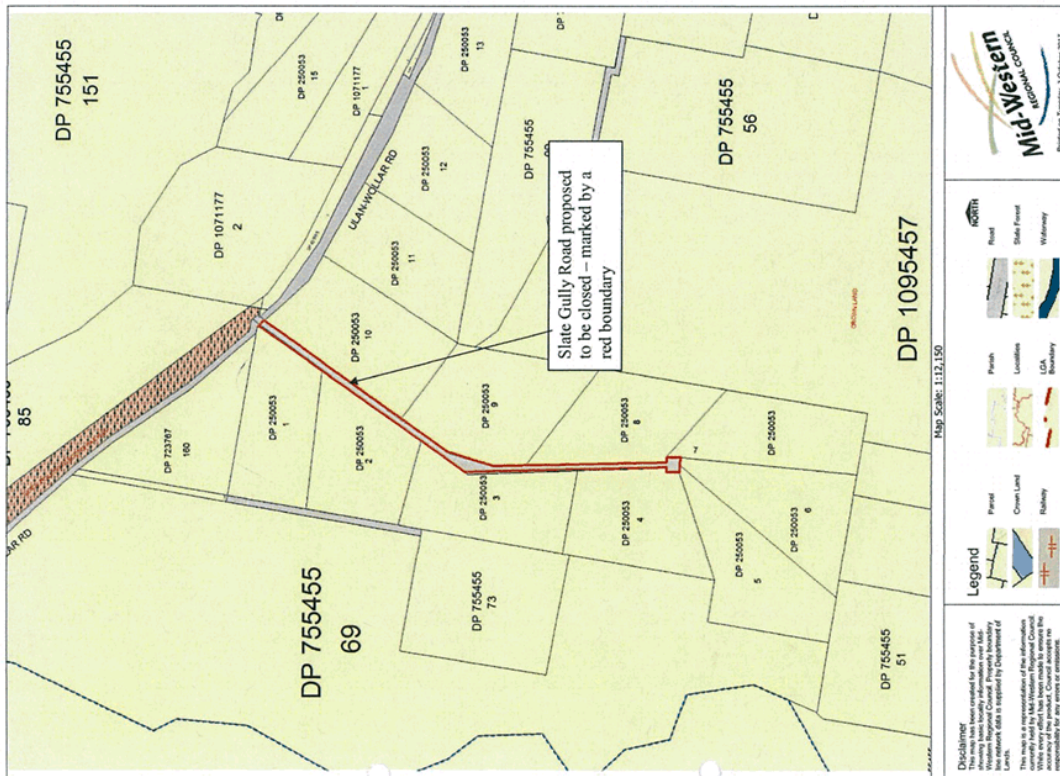
Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions before deciding whether to continue with the road closure proposal.

Council Ref: DS: R0183001

Enquiries: Manager Revenue & Property

Telephone: 02 63782850

General Manager, Mid-Western Regional Council



6.4 Photographs



Council in-house valuation of road and works completed on Slate Gully Road

Asset Number	Description	Current Asset Cost	Current Depreciation	Written Down Value
RS05962	Slate Gully Road Segment 10 - Earthwork	140,958.17	0.00	140,958.17
RS09246	Slate Gully Road Segment 10 - Subbase	9,241.25	3,225.29	6,015.96
RS22295	Slate Gully Road Segment 10 - Base	74,766.41	60,220.96	14,545.45
<b>3</b>		<b>224,965.83</b>	<b>63,446.25</b>	<b>161,519.58</b>



**Lilian Mutyiri**

---

**From:** lisa.harvey@crowland.nsw.gov.au on behalf of Council RoadClosures  
<council.roadclosures@crowland.nsw.gov.au>  
**Sent:** Wednesday, 31 October 2018 12:56 PM  
**To:** Daryl Lawrence  
**Cc:** Lilian Mutyiri  
**Subject:** Re: 2nd notification to NSW DPI Crown Lands Branch notification of proposed closure of Slate Gully Road  
**Attachments:** Council Road Closure Proposals - Mid-Western Regional Council - Response to council proposal.pdf

Good afternoon,

Please find attached response from Department of Industry Lands, previously provided on 16 August 2018.

If you have any further queries please do not hesitate to contact us.

Kind Regards

Lisa

Council Road Closure Team | Business Centre, Newcastle  
NSW Department of Industry - Crown Lands & Water  
Level 3 | 437 Hunter St Newcastle NSW 2300  
Mail: PO Box 2215, Dangar NSW 2309  
Direct: T: (02) 4925 4104 | F: 02 4925 3517 | E: [council.roadclosures@crowland.nsw.gov.au](mailto:council.roadclosures@crowland.nsw.gov.au)  
W: <https://www.industry.nsw.gov.au/lands>

On 31 October 2018 at 12:23, Daryl Lawrence <[daryl.lawrence@crowland.nsw.gov.au](mailto:daryl.lawrence@crowland.nsw.gov.au)> wrote:  
Hello Roads Team,  
I've just had a call from Council who are anxious for a response to this application which was lodged in July.  
Would one of the team be able to contact Lilian at Council to advise the status of this application please.  
Regards,

*D. Lawrence*

Daryl Lawrence | Group Leader Property Management  
NSW Department of Industry - Crown Lands & Water Division  
161 Kite Street | ORANGE | NSW 2800 | PO Box 2185 | DANGAR | NSW 2309  
Direct: T: 02 6391 4341 | F: 02 | M: 0428 602 895 | E: [daryl.lawrence@crowland.nsw.gov.au](mailto:daryl.lawrence@crowland.nsw.gov.au)  
Generic: T: 1300 886 235 | F: 02 | E: [orange.crownlands@crowland.nsw.gov.au](mailto:orange.crownlands@crowland.nsw.gov.au) | W:  
[www.crownland.nsw.gov.au](http://www.crownland.nsw.gov.au) | [www.trade.nsw.gov.au](http://www.trade.nsw.gov.au)

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----- Forwarded message -----

From: **Council** <[Council@midwestern.nsw.gov.au](mailto:Council@midwestern.nsw.gov.au)>  
Date: Wed, 31 Oct 2018 at 12:16  
Subject: 2nd notification to NSW DPI Crown Lands Branch notification of proposed closure of Slate Gully Road  
To: Daryl Lawrence <[daryl.lawrence@crowmland.nsw.gov.au](mailto:daryl.lawrence@crowmland.nsw.gov.au)>

Hi Daryl

Please refer to the attached 2<sup>nd</sup> notification .

Council requires a response by 5 November 2018.

Thank you

Lilian Mutyiri

Property Officer

Mid-Western Regional Council

t 02 6378 2850 |

f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)

a 86 Market Street | PO Box 156 Mudgee NSW 2850

w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)

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---

**From:** Lilian Mutyiri **On Behalf Of** Council

**Sent:** Friday, 27 July 2018 3:40 PM

**To:** '[council.roadclosures@crowmland.nsw.gov.au](mailto:council.roadclosures@crowmland.nsw.gov.au)' <[council.roadclosures@crowmland.nsw.gov.au](mailto:council.roadclosures@crowmland.nsw.gov.au)>

**Subject:** NSW DPI Crown Lands Branch notification of proposed closure of Slate Gully Road

Good afternoon

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact me on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |

f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)

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Department  
of Industry

PO Box 2215, DANGAR NSW 2309  
Phone: 1300 886 235 (Option 2)  
Fax: (02) 4925 3517  
[roads.newcastle@crowland.nsw.gov.au](mailto:roads.newcastle@crowland.nsw.gov.au)  
[www.crowland.nsw.gov.au](http://www.crowland.nsw.gov.au)

16/08/2018

Mid-Western Regional Council  
PO Box 156  
MUDGEES NSW 2850  
Attn: Lilian Mutyiri

Via email: [Lilian.Mutyiri@midwestern.nsw.gov.au](mailto:Lilian.Mutyiri@midwestern.nsw.gov.au)

**Road:** Slate Gully Road, Wollar  
**Council Ref:** LM/R0183001 **Ref Date:** 27/07/2018  
**Crown Ref:** 18/05948#01

**RE: Mid-Western Regional Council – Notification of proposal to close council public road**

Dear Lilian

Thank you for notifying the department of council's above mentioned road closure proposal.

NSW Department of Industry – Lands & Water has undertaken an assessment of the proposal. The department has no objection to Council's proposal to close the council public road.

Enquiries regarding the above matter may be directed to the Business Centre - Roads Team at [council.roadclosures@crowland.nsw.gov.au](mailto:council.roadclosures@crowland.nsw.gov.au).

Kind regards

A handwritten signature in black ink, appearing to be 'RS' followed by a long horizontal stroke.

Rebecca Shaw

A/ Senior Business Services Officer

DOI Lands & Water – Business Centre  
Newcastle

**Lilian Mutyiri**

---

**From:** Daryl Lawrence <daryl.lawrence@crowmland.nsw.gov.au>  
**Sent:** Wednesday, 31 October 2018 12:23 PM  
**To:** Council RoadClosures  
**Cc:** Lilian Mutyiri  
**Subject:** Fwd: 2nd notification to NSW DPI Crown Lands Branch notification of proposed closure of Slate Gully Road  
**Attachments:** Image of road.doc; Photographs of Road Reserve 4-1-2018.pdf; Map of Slate Gully Road Attachment.pdf; Council value on road and road works.docx; Newspaper advertisement 27-7-2018.docx; Plan of subdivision that created the road.tiff; DPI Crown Lands Branch notification.docx

Hello Roads Team,

I've just had a call from Council who are anxious for a response to this application which was lodged in July.

Would one of the team be able to contact Lilian at Council to advise the status of this application please.

Regards,

*D. Lawrence*

**Daryl Lawrence** | Group Leader Property Management

**NSW Department of Industry - Crown Lands & Water Division**

161 Kite Street | ORANGE | NSW 2800 | PO Box 2185 | DANGAR | NSW 2309

**Direct:** T: 02 6391 4341 | F: 02 | M: 0428 602 895 | E: daryl.lawrence@crowmland.nsw.gov.au

**Generic:** T: 1300 886 235 | F: 02 | E: orange.crownlands@crowmland.nsw.gov.au | W:

[www.crowmland.nsw.gov.au](http://www.crowmland.nsw.gov.au) | [www.trade.nsw.gov.au](http://www.trade.nsw.gov.au)

Please note: Our office is open by appointment only.

----- Forwarded message -----

From: **Council** <[Council@midwestern.nsw.gov.au](mailto:Council@midwestern.nsw.gov.au)>

Date: Wed, 31 Oct 2018 at 12:16

Subject: 2nd notification to NSW DPI Crown Lands Branch notification of proposed closure of Slate Gully Road

To: Daryl Lawrence <[daryl.lawrence@crowmland.nsw.gov.au](mailto:daryl.lawrence@crowmland.nsw.gov.au)>

Hi Daryl

Please refer to the attached 2<sup>nd</sup> notification .

Council requires a response by 5 November 2018.

Thank you

**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Wednesday, 31 October 2018 12:15 PM  
**To:** 'Daryl Lawrence'  
**Subject:** 2nd notification to NSW DPI Crown Lands Branch notification of proposed closure of Slate Gully Road  
**Attachments:** Image of road.doc; Photographs of Road Reserve 4-1-2018.pdf; Map of Slate Gully Road Attachment.pdf; Council value on road and road works.docx; Newspaper advertisement 27-7-2018.docx; Plan of subdivision that created the road.tiff; DPI Crown Lands Branch notification.docx

Hi Daryl  
Please refer to the attached 2<sup>nd</sup> notification .  
Council requires a response by 5 November 2018.  
Thank you

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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**From:** Lilian Mutyiri On Behalf Of Council  
**Sent:** Friday, 27 July 2018 3:40 PM  
**To:** 'council.roadclosures@crowmland.nsw.gov.au' <council.roadclosures@crowmland.nsw.gov.au>  
**Subject:** NSW DPI Crown Lands Branch notification of proposed closure of Slate Gully Road

Good afternoon

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact me on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
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w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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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](mailto:council@midwestern.nsw.gov.au)

LM | File Ref: R0183001

26 July 2018

Orange Crown Lands  
By e-mail; [council.roadclosures@crowland.nsw.gov.au](mailto:council.roadclosures@crowland.nsw.gov.au)

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner.

The proposal to close the road will be advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:  
Post: PO Box 156 MUDGEES NSW 2850  
Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified 28-day period, it will assume that Orange Crown Lands has no objections to the proposal.

Please advise Mid-Western Regional Council within the 28-day period if Orange Crown Lands requires additional time to consider its position.

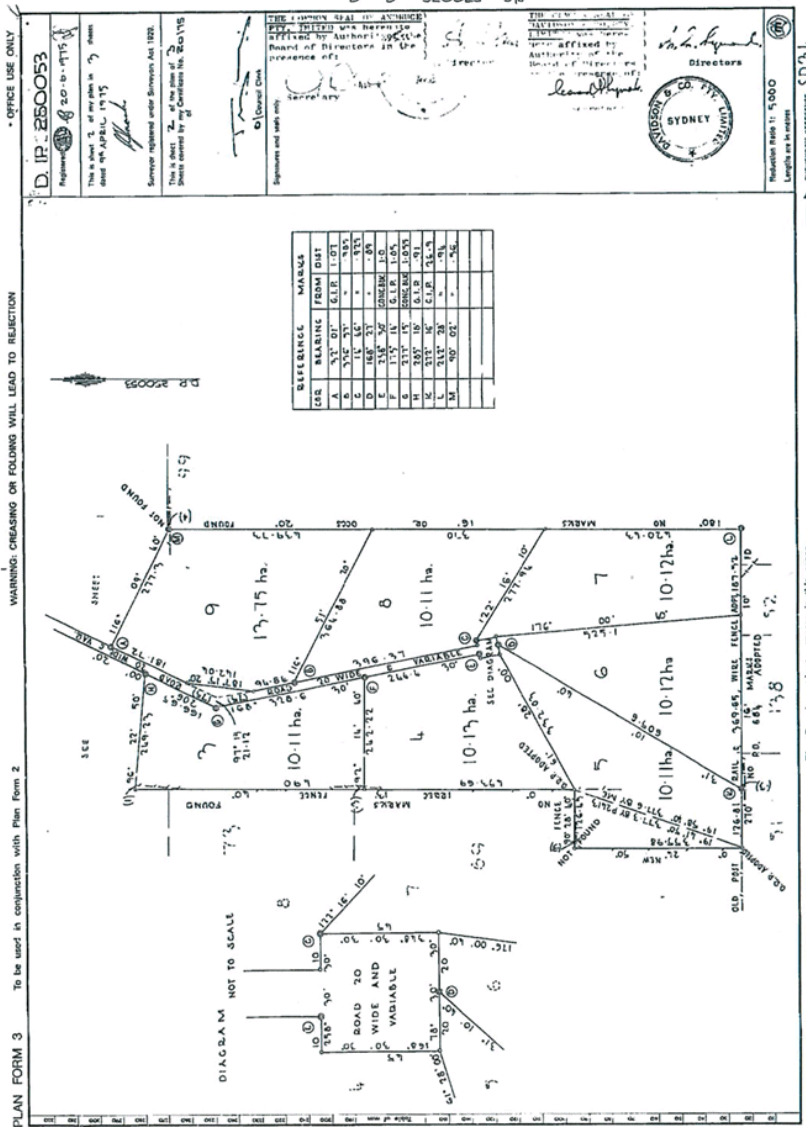
Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in dark ink, appearing to read "D. Sawyers".

D Sawyers  
MANAGER REVENUE & PROPERTY



I, the Surveyor General, do hereby certify that this negative is a photograph made of a plan or book of a document in my custody this 23rd day of June, 1975.

*Johnston*



PLAN FORM 2  
 Signatures and dates only.

**D. P. 250053**

Registered Plan of Subdivision  
 C.A. No. 2075 of 2014-1975

Trustee: TORRENS  
 Purpose: SUBDIVISION  
 Locality: PARISH

PLAN OF SUBDIVISION OF PORTIONS  
 17.1.1, 17.1.2, 17.1.3, 17.1.4, 17.1.5, 17.1.6, 17.1.7

Reduction Ratio: 1:1000

County: CUDJEGONG  
 Locality: WOLLAD  
 Parish: PHILIP

This is part of my plan 17.1.1, 17.1.2, 17.1.3, 17.1.4, 17.1.5, 17.1.6, 17.1.7.

For the use of the Registrar-General, the Registrar-General certifies that this plan is a true and correct copy of the original plan as deposited in my custody this 23rd day of June, 1975.

*Registrar-General*

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 Signatures and dates only.

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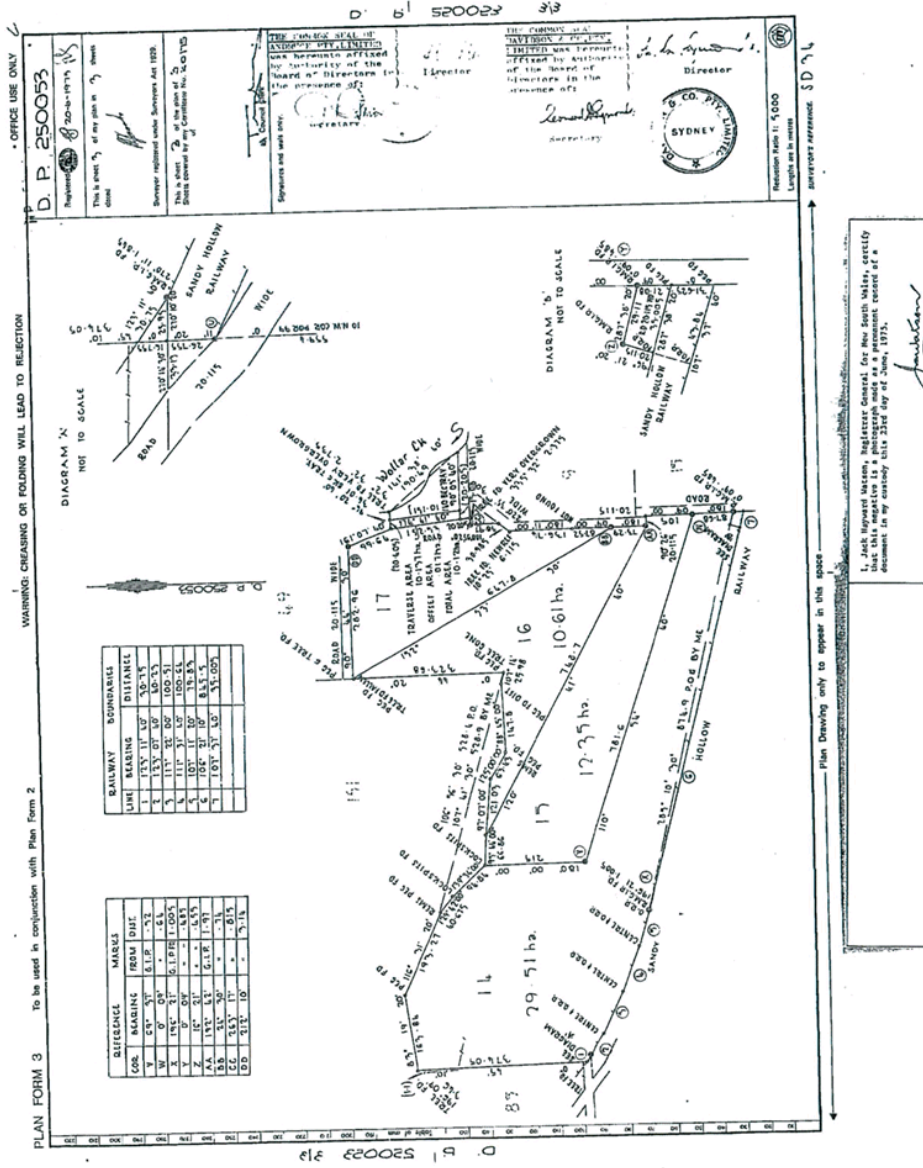
*Registrar-General*

LINE BEARING	DISTANCE
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WARNING: Electronic Document Supplied by LPI NSW for Your Internal Use Only. Box:MJDG /Doc:DP 0250053 P /Rev:15-Jun-1992 /Sts:OK/OK /Prt:07-Feb-2005 14:21 /Pgs:ALL /Seq:2 of 3



Box: MDS / Doc: DP 0250053 P / Rev: 15-Jun-1992 / Sts: OK / OK / Pct: 07-Feb-2005 14:21 / Pgs: ATL / Seq: 3 of 3  
WARNING: Electronic Document supplied by LPI NSW for your internal use only.

PLAN FORM 3 To be used in conjunction with Plan Form 2

WARNING: CHEATING OR FOLDING WILL LEAD TO REJECTION

OFFICE USE ONLY

D. P. 250053

THIS PLAN IS THE PROPERTY OF THE SYDNEY PORTLAND CEMENT CO. LTD. AND IS LOANED TO YOU BY THE DIRECTOR OF THE DEPARTMENT OF LANDS. IT IS NOT TO BE REPRODUCED, COPIED, OR IN ANY MANNER MISUSED WITHOUT THE WRITTEN PERMISSION OF THE DIRECTOR.

SYDNEY PORTLAND CEMENT CO. LTD.

Director

Secretary

Scale: 1:5,000

Lengths in metres

PLAN DRAWING ONLY TO APPEAR IN THIS SPACE

L. Jack Hayward Mares, Registrar General for New South Wales, certifies this document as a true and correct copy of a document in my custody this 23rd day of June, 1975.

J. Hayward



6.4 Photographs



View south from the northern end



View north from the southern end



View north west from southern end



View north east over adjacent land at the southern end of Road

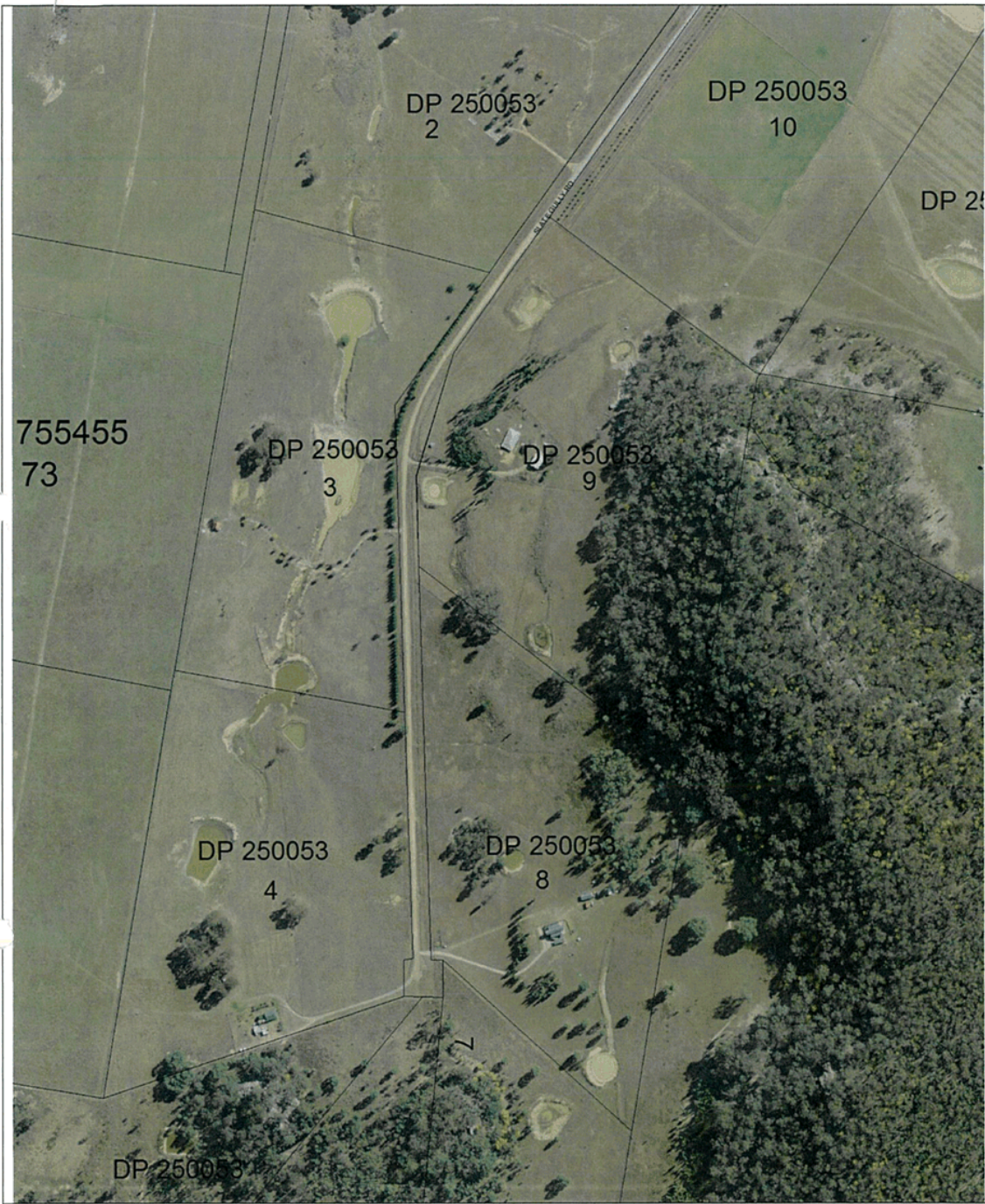






























View north from road bend



Piped Culvert traversing the Road





<p><b>Disclaimer</b> This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.</p> <p>This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.</p>	<p><b>Legend</b></p> <table border="0"> <tr> <td></td> <td>Parcel</td> <td></td> <td>Parish</td> <td></td> <td>Road</td> </tr> <tr> <td></td> <td>Crown Land</td> <td></td> <td>Localities</td> <td></td> <td>State Forest</td> </tr> <tr> <td></td> <td>Railway</td> <td></td> <td>LGA Boundary</td> <td></td> <td>Waterway</td> </tr> </table>		Parcel		Parish		Road		Crown Land		Localities		State Forest		Railway		LGA Boundary		Waterway	<p style="text-align: center;">NORTH</p>  <p style="text-align: center;">Printed on Friday, 29 September 2017</p>
	Parcel		Parish		Road															
	Crown Land		Localities		State Forest															
	Railway		LGA Boundary		Waterway															

**Lilian Mutyiri**

---

**From:** trent.alexander@dpi.nsw.gov.au on behalf of RecFishingPolicy Administration  
<recfishingpolicy.administration@dpi.nsw.gov.au>  
**Sent:** Monday, 30 July 2018 11:13 AM  
**To:** Council  
**Subject:** Re: DPI Fisheries notification of proposed road closure - Slate Gully Road

DPI Fisheries has no issues with the closure of the marked road as it will not limit access to any waterways.

Cheers,  
Trent

On 27 July 2018 at 10:07, Council <[Council@midwestern.nsw.gov.au](mailto:Council@midwestern.nsw.gov.au)> wrote:

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri

Property Officer

Mid-Western Regional Council

t 02 6378 2850 |

f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)

a 86 Market Street | PO Box 156 Mudgee NSW 2850

w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)

[facebook](#) | [twitter](#) | [youtube](#)

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---

PRIVATE AND CONFIDENTIAL - MIDWESTERN REGIONAL COUNCIL

**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Friday, 27 July 2018 10:07 AM  
**To:** 'Recfishingpolicy.administration@dpi.nsw.gov.au'  
**Subject:** DPI Fisheries notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; Fishing.docx

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
[facebook](#) | [twitter](#) | [youtube](#)



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MID-WESTERN REGIONAL COUNCIL  
PO Box 156, MUDGEE 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

LM| File Ref: R0183001

26 July 2018

NSW Department of Primary Industries - Fisheries  
By e-mail: [RecFishingPolicy.Administration@dpi.nsw.gov.au](mailto:RecFishingPolicy.Administration@dpi.nsw.gov.au)

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner.

The proposal to close the road will be advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:  
Post: PO Box 156 MUDGEE NSW 2850  
Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified 28-day period, it will assume that NSW Department of Primary Industries - Fisheries has no objections to the proposal.

Please advise Mid-Western Regional Council within the 28-day period if NSW Department of Primary Industries - Fisheries requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in cursive script, appearing to read "D Sawyers".

D Sawyers  
MANAGER REVENUE & PROPERTY

**Lilian Mutyiri**

---

**From:** property.management@industry.nsw.gov.au  
**Sent:** Tuesday, 28 August 2018 4:31 PM  
**To:** Council  
**Subject:** CSP440979 - FW: DPI Lands and Water Division notification of proposed road closure - Slate Gully Road  
**Attachments:** [Lands and Water Division - DPI.docx](#); [Map of Slate Gully Road proposed to be closed.pdf](#); [Newspaper advertisement 27-7-2018.docx](#)



To Mid Western Regional Council,

The Department of Industry has no objections to the advised proposed road closure, except in cases whereby access to any land owned by or in Trust by the Water Administration Ministerial Corporation (WAMC) or its predecessors being the Water Resources Commission and the Water Conservation and Irrigation Commission is affected. Previously, Crown Land provided a map identifying the registered title holders of the land surrounding the proposed road to be closed for our information to help identification.

In any cases whereby WAMC (or its predecessors) land is affected by a road closure, it is required that some form of legal access is maintained to the land and that this legal access aligns with physical "tracks in use". In these cases, please provide further aerial images identifying the WAMC land in relation to the proposed road closure and also highlight any visible physical tracks used to access the land.

Once this information is received, the Department will be able to assess if there are any objections or not.

Regards,

Tim Leach  
Property Services

CSP Service Centre  
Corporate Service Partners  
NSW Department of Industry

E: [property.management@industry.nsw.gov.au](mailto:property.management@industry.nsw.gov.au)  
W: <https://intranet.industry.nsw.gov.au/>

is coming... [click here](#) to find out what you can do to be prepared

{CMI: MCID1175466}

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**PRIVATE AND CONFIDENTIAL - MIDWESTERN REGIONAL COUNCIL**

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient you are hereby notified that any dissemination, distribution or copying of this email is strictly prohibited. If you have received this email in error please disregard the contents of the email, delete the email and notify the author immediately. Thank you.



**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Tuesday, 28 August 2018 11:26 AM  
**To:** 'property.management@industry.nsw.gov.au'  
**Subject:** FW: DPI Lands and Water Division notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; Lands and Water Division - DPI.docx

Good afternoon

I refer to my e-mail below to yourselves on the 27<sup>th</sup> of July 2018.

The last date for you to respond to the attached notification was on the 23<sup>rd</sup> of August 2018. Council is still to receive your response in regards to the proposed closure.

It would be appreciated if Council could have your response to the notification by the 31<sup>st</sup> of August 2018.

If you require further information please contact me on (02) 6378 2850.

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
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[facebook](#) | [twitter](#) | [youtube](#)



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**From:** Lilian Mutyiri On Behalf Of Council  
**Sent:** Friday, 27 July 2018 10:26 AM  
**To:** 'property.management@industry.nsw.gov.au' <property.management@industry.nsw.gov.au>  
**Subject:** DPI Lands and Water Division notification of proposed road closure - Slate Gully Road

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Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council



MID-WESTERN REGIONAL COUNCIL  
PO Box 156, MUDGEE NSW 2850  
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T 1300 765 002 or 02 6378 2850 | F 02 6378 2815  
E council@midwestern.nsw.gov.au

LM| File Ref: R0183001

26 July 2018

The Secretary of the NSW Department of Planning and Environment  
Lands & Water Division

By e-mail: [property.management@industry.nsw.gov.au](mailto:property.management@industry.nsw.gov.au)

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

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Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

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Yours sincerely

A handwritten signature in cursive script, appearing to read "D Sawyers".

D Sawyers  
MANAGER REVENUE & PROPERTY



Transport  
for NSW

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

**Attention:** Lilian Mutyiri

Dear Sir/Madam,

**Proposal to close a council public road at Slate Gully Road, Wollar 2850**

Thank you for your correspondence dated 26 July 2018 requesting Transport for NSW (TfNSW) provide advice regarding the subject road closure.

The proposed road closure has been referred to TfNSW, as a notifiable authority, under Part 4 of the Roads Act 1993. In this regard, the relevant information has been reviewed and TfNSW raises no objections to the proposed road closure.

If you have any further information regarding this matter, please do not hesitate to contact Mr. Lee Farrell, Transport Planner, via email at [lee.farrell@transport.nsw.gov.au](mailto:lee.farrell@transport.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "Mark Ozinga".

21/8/2018

Mark Ozinga  
Principal Manager, Land Use Planning & Development  
Freight, Strategy & Planning

CD18/06913

**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Friday, 27 July 2018 11:30 AM  
**To:** 'development@transport.nsw.gov.au'  
**Subject:** Transport for NSW - Land Use Planning & Development notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; Transport for NSW land use Planning and Development.docx

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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MID-WESTERN REGIONAL COUNCIL  
PO Box 156, MUDGEE 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

LM| File Ref: R0183001

26 July 2018

Transport for NSW  
Land Use Planning & Development  
By e-mail: development@transport.nsw.gov.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner.

The proposal to close the road will be advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:  
Post: PO Box 156 MUDGEE NSW 2850  
Email: council@midwestern.nsw.gov.au

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified 28-day period, it will assume that Transport for NSW-Land Use Planning Development has no objections to the proposal.

Please advise Mid-Western Regional Council within the 28-day period if Transport for NSW-Land Use Planning Development requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in cursive script, appearing to read "D. Sawyers".

D Sawyers

MANAGER REVENUE & PROPERTY

---



**Lilian Mutyiri**

---

**From:** Patrick\_Wu@sta.nsw.gov.au  
**Sent:** Monday, 27 August 2018 2:21 PM  
**To:** Council  
**Cc:** egwin\_Herbert@sta.nsw.gov.au; Lilian Mutyiri; Tony\_Moujalli@sta.nsw.gov.au  
**Subject:** Re: Request for a response from The State Transit Authority to the notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; The State Transit Authority x 3 emails.docx

Hello Lilian,

STA has no objections as this is outside its operation area.

thanks  
Regards

Patrick Wu  
Customer Operations Manager  
Brookvale Depot  
State Transit Authority  
Ph: 9941 5864  
Mob: 0429994138  
www.sydneybuses.info

▼ Council ---27/08/2018 01:53:06 PM---Good afternoon I refer to my e-mail below to yourselves on the 27th of July 2018.

From: Council <Council@midwestern.nsw.gov.au>  
To: "egwin\_Herbert@sta.nsw.gov.au" <egwin\_Herbert@sta.nsw.gov.au>, "Patrick\_Wu@sta.nsw.gov.au" <Patrick\_Wu@sta.nsw.gov.au>, "Tony\_Moujalli@sta.nsw.gov.au" <Tony\_Moujalli@sta.nsw.gov.au>  
Date: 27/08/2018 01:53 PM  
Subject: Request for a response from The State Transit Authority to the notification of proposed road closure - Slate Gully Road  
Sent by: Lilian Mutyiri <Lilian.Mutyiri@midwestern.nsw.gov.au>

Good afternoon

I refer to my e-mail below to yourselves on the 27<sup>th</sup> of July 2018.

The last date for you to respond to the attached notification was on the 23<sup>rd</sup> of August 2018. Council is still to receive your response in regards to the proposed closure.

It would be appreciated if Council could have your response to the notification by the 31<sup>st</sup> of August 2018.

If you require further information please contact me on (02) 6378 2850.

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Monday, 27 August 2018 1:52 PM  
**To:** 'egwin\_Herbert@sta.nsw.gov.au'; 'Patrick\_Wu@sta.nsw.gov.au';  
'Tony\_Moujalli@sta.nsw.gov.au'  
**Subject:** Request for a response from The State Transit Authority to the notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; The State Transit Authority x 3 emails.docx

Good afternoon

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It would be appreciated if Council could have your response to the notification by the 31<sup>st</sup> of August 2018.

If you require further information please contact me on (02) 6378 2850.

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
[facebook](#) | [twitter](#) | [youtube](#)



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---

**From:** Lilian Mutyiri On Behalf Of Council  
**Sent:** Friday, 27 July 2018 11:23 AM  
**To:** 'egwin\_Herbert@sta.nsw.gov.au' <egwin\_Herbert@sta.nsw.gov.au>; 'Patrick\_Wu@sta.nsw.gov.au' <Patrick\_Wu@sta.nsw.gov.au>; 'Tony\_Moujalli@sta.nsw.gov.au' <Tony\_Moujalli@sta.nsw.gov.au>  
**Subject:** The State Transit Authority notification of proposed road closure - Slate Gully Road

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Friday, 27 July 2018 11:23 AM  
**To:** 'egwin\_Herbert@sta.nsw.gov.au'; 'Patrick\_Wu@sta.nsw.gov.au';  
'Tony\_Moujalli@sta.nsw.gov.au'  
**Subject:** The State Transit Authority notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement  
27-7-2018.docx; The State Transit Authority x 3 emails.docx

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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PO Box 156, MUDGEE 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](mailto:council@midwestern.nsw.gov.au)

LM | File Ref: R0183001

26 July 2018

The State Transit Authority –Northern & Western Region  
By e-mails ; [Eqwin\\_Herbert@sta.nsw.gov.au](mailto:Eqwin_Herbert@sta.nsw.gov.au) , [Patrick\\_Wu@sta.nsw.gov.au](mailto:Patrick_Wu@sta.nsw.gov.au),  
[Tony\\_Moujalli@nsw.gov.au](mailto:Tony_Moujalli@nsw.gov.au)

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner. The proposal to close the road will be advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:  
Post: PO Box 156 MUDGEE NSW 2850  
Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified 28-day period, it will assume that The State Transit Authority –Northern & Western Region has no objections to the proposal.

Please advise Mid-Western Regional Council within the 28-day period if The State Transit Authority –Northern & Western Region requires additional time to consider its position. Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in cursive script, appearing to read "D Sawyers".

D Sawyers  
MANAGER REVENUE & PROPERTY



**Lilian Mutyiri**

---

**From:** MADDISON John <John.MADDISON@rms.nsw.gov.au>  
**Sent:** Monday, 30 July 2018 11:11 AM  
**To:** Lilian Mutyiri  
**Subject:** FW: Roads& Maritime Services notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; Roads & Maritime Parkes.docx

Dear Lilian

Roads and Maritime Services has no objection to the proposed road closure.

Regards  
John Maddison  
Senior Property Officer  
Property & Acquisition | Business Services  
T 02 6861 1463 F 02 6861 1496 M 0419 129 283  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)  
*Every journey matters*

**Roads and Maritime Services**  
51 - 55 Currajong Street Parkes NSW 2870

---

**From:** Lilian Mutyiri [mailto:Lilian.Mutyiri@midwestern.nsw.gov.au] **On Behalf Of** Council  
**Sent:** Friday, 27 July 2018 11:09 AM  
**To:** MADDISON John  
**Subject:** Roads& Maritime Services notification of proposed road closure - Slate Gully Road

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Friday, 27 July 2018 11:09 AM  
**To:** 'john.maddison@rms.nsw.gov.au'  
**Subject:** Roads& Maritime Services notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; Roads & Maritime Parkes.docx

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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E council@midwestern.nsw.gov.au

LM| File Ref: R0183001

26 July 2018

Roads & Maritime Services - Parkes  
By e-mail; [John.Maddison@rms.nsw.gov.au](mailto:John.Maddison@rms.nsw.gov.au)

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner.

The proposal to close the road will be advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:  
Post: PO Box 156 MUDGEE NSW 2850  
Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified 28-day period, it will assume that Roads & Maritime Services - Parkes has no objections to the proposal. Please advise Mid-Western Regional Council within the 28-day period if Roads & Maritime Services - Parkes requires additional time to consider its position. Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability. If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in cursive script, appearing to read "D. Sawyers".

D Sawyers  
MANAGER REVENUE & PROPERTY

**Lilian Mutyiri**

---

**From:** Brett Jackson <Brett.Jackson@fire.nsw.gov.au>  
**Sent:** Monday, 5 November 2018 11:49 AM  
**To:** Lilian Mutyiri  
**Subject:** RE: Commissioner of Fire & Rescue notification of proposed road closure - Slate Gully Road

Good Moring Lilian,

Fire & Rescue NSW has no objections to this closure.

Regards,

Brett



**SUPERINTENDENT BRETT JACKSON** JP  
Zone Commander Central West & Upper Hunter  
Region West 2 Bathurst | Fire and Rescue NSW  
T: (02) 6331 6372 | M: 0429 826 464  
Unit 2 / 114 Piper St, Bathurst, NSW 2795

---

**PREPARED FOR ANYTHING.**

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)



---

**From:** Lilian Mutyiri <[Lilian.Mutyiri@midwestern.nsw.gov.au](mailto:Lilian.Mutyiri@midwestern.nsw.gov.au)> **On Behalf Of Council**  
**Sent:** Friday, 2 November 2018 3:49 PM  
**To:** Info <[Info@fire.nsw.gov.au](mailto:Info@fire.nsw.gov.au)>  
**Subject:** FW: Commissioner of Fire & Rescue notification of proposed road closure - Slate Gully Road

Good afternoon

Council forwarded the attached notification on 27 uly and is still waiting for a response.

Please advise if your department is objecting or not objecting to the proposed road closure.

If you require further information please contact me on (0378 2850).

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
facebook | [twitter](#) | [youtube](#)



**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Friday, 2 November 2018 3:49 PM  
**To:** 'info@fire.nsw.gov.au'  
**Subject:** FW: Commissioner of Fire & Rescue notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; Commissioner of Fire & Rescue NSW.docx

Good afternoon

Council forwarded the attached notification on 27 July and is still waiting for a response.

Please advise if your department is objecting or not objecting to the proposed road closure.

If you require further information please contact me on (0378 2850).

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

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a 86 Market Street | PO Box 156 Mudgee NSW 2850  
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---

**From:** Lilian Mutyiri On Behalf Of Council  
**Sent:** Friday, 27 July 2018 10:02 AM  
**To:** 'info@fire.nsw.gov.au' <info@fire.nsw.gov.au>  
**Subject:** Commissioner of Fire & Rescue notification of proposed road closure - Slate Gully Road

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
[facebook](#) | [twitter](#) | [youtube](#)



**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Friday, 27 July 2018 10:02 AM  
**To:** 'info@fire.nsw.gov.au'  
**Subject:** Commissioner of Fire & Rescue notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; Commissioner of Fire & Rescue NSW.docx

Good morning

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Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

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f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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T 1300 765 002 or 02 6378 2850 | F 02 6378 2815  
E council@midwestern.nsw.gov.au

LM | File Ref: R0183001

26 July 2018

The Commissioner of Fire and Rescue NSW  
By e-mail: [info@fire.nsw.gov.au](mailto:info@fire.nsw.gov.au)

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

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Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**What happens next?**

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Yours sincerely

A handwritten signature in cursive script, appearing to read "D Sawyers".

D Sawyers  
MANAGER REVENUE & PROPERTY

**Lilian Mutyiri**

---

**From:** Greg Freeman <Greg.Freeman@rfs.nsw.gov.au>  
**Sent:** Wednesday, 15 August 2018 4:14 PM  
**To:** Lilian Mutyiri  
**Cc:** Troy Porter  
**Subject:** FW: Notification of proposed road closure - Slate Gully Road

Hi Lillian,

I have checked with my staff and senior volunteer in the Cooks Gap area and there seems to be no apparent issues with the closure.

Regards  
Greg

**Inspector Greg Freeman** | Operational Officer Level 3 | Cudgegong  
NSW RURAL FIRE SERVICE

---

**From:** Jayne Leary  
**Sent:** Wednesday, 15 August 2018 9:45 AM  
**To:** Greg Freeman <Greg.Freeman@rfs.nsw.gov.au>  
**Subject:** RE: Notification of proposed road closure - Slate Gully Road

Hi Greg

This is in Cooks Gap area. I've spoken to Bill Robinson and there are no apparent issues.

Jayne



**Jayne Leary** | District Services Officer | Cudgegong District  
NSW RURAL FIRE SERVICE  
54 Depot Rd Mudgee NSW 2850 | PO Box1155 Mudgee NSW 2850  
**P** 02 6372 4434 **F** 02 6372 6874 **M** 0427 026 146 **E** [Jayne.Leary@rfs.nsw.gov.au](mailto:Jayne.Leary@rfs.nsw.gov.au)  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) | [www.facebook.com/nswrfs](https://www.facebook.com/nswrfs) | [www.twitter.com/nswrfs](https://www.twitter.com/nswrfs)  
**PREPARE. ACT. SURVIVE.**

---

**From:** Troy Porter  
**Sent:** Saturday, 11 August 2018 12:44 PM  
**To:** Jayne Leary <[Jayne.Leary@rfs.nsw.gov.au](mailto:Jayne.Leary@rfs.nsw.gov.au)>  
**Cc:** Greg Freeman <[Greg.Freeman@rfs.nsw.gov.au](mailto:Greg.Freeman@rfs.nsw.gov.au)>  
**Subject:** FW: Notification of proposed road closure - Slate Gully Road

Hello,

Can you please have a look at this closure and advise Greg of any issues.

Thanks

**Superintendent Troy Porter** | District Manager | Cudgegong District  
NSW RURAL FIRE SERVICE



---

**From:** Cudgegong FCC  
**Sent:** Thursday, 9 August 2018 8:33 AM  
**To:** Troy Porter <[Troy.Porter@rfs.nsw.gov.au](mailto:Troy.Porter@rfs.nsw.gov.au)>; Greg Freeman <[Greg.Freeman@rfs.nsw.gov.au](mailto:Greg.Freeman@rfs.nsw.gov.au)>  
**Subject:** FW: Notification of proposed road closure - Slate Gully Road

FYI

---

**Kim Smith** | District Administration Officer | Cudgegong District  
NSW RURAL FIRE SERVICE

---

**From:** State Operations  
**Sent:** Friday, 27 July 2018 11:30 AM  
**To:** Cudgegong FCC <[CudgegongFCC@rfs.nsw.gov.au](mailto:CudgegongFCC@rfs.nsw.gov.au)>  
**Subject:** Notification of proposed road closure - Slate Gully Road

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
facebook | twitter | youtube



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---

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**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Friday, 27 July 2018 11:18 AM  
**To:** 'State.Operations@rfs.nsw.gov.au'  
**Subject:** The Commissioner of the NSW Rural Fire Service notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; The Commissioner of NSW Rural Fire Service.docx

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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T 1300 765 002 or 02 6378 2850 | F 02 6378 2815  
E council@midwestern.nsw.gov.au

LM| File Ref: R0183001

26 July 2018

The Commissioner of the NSW Rural Fire Service

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner.

The proposal to close the road will be advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:  
Post: PO Box 156 MUDGEE NSW 2850  
Email: council@midwestern.nsw.gov.au

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified 28-day period, it will assume that The Commissioner of the NSW Rural Fire Service has no objections to the proposal.

Please advise Mid-Western Regional Council within the 28-day period if The Commissioner of the NSW Rural Fire Service requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in cursive script, appearing to read "D Sawyers".

D Sawyers  
MANAGER REVENUE & PROPERTY

**Lilian Mutyiri**

---

**From:** Jarod Dashwood <Jarod.Dashwood@fcnsw.com.au>  
**Sent:** Thursday, 2 August 2018 2:28 PM  
**To:** Lilian Mutyiri  
**Cc:** Stephen Campbell; Christopher Eastaugh; Dorothy Denshire  
**Subject:** Slate Gully Road closure notification

Hi Lilian

FCNSW has no objection to the Slate Gully Road closure proposal.

Regards

Jarod

Jarod Dashwood | Forest Occupancy Supervisor  
Forestry Corporation of NSW | Northern Cypress District  
Cnr Chelmsford and Monash Streets | Dubbo NSW 2830  
PO Box 865 | Dubbo NSW 2830  
T: (02) 6841 4205  
M: 0410 149 385  
E: [jarod.dashwood@fcnsw.com.au](mailto:jarod.dashwood@fcnsw.com.au)  
W: [www.forestrycorporation.com.au](http://www.forestrycorporation.com.au)

---

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**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Friday, 27 July 2018 10:10 AM  
**To:** 'CrownRoadClosures@fcns.w.com.au'  
**Subject:** Forestry Corporation notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; Forestry Corporation.docx

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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T 1300 765 002 or 02 6378 2850 | F 02 6378 2815  
E council@midwestern.nsw.gov.au

LM| File Ref: R0183001

26 July 2018

Forestry Corporation  
By e-mail: [CrownRoadClosures@fcnsw.com.au](mailto:CrownRoadClosures@fcnsw.com.au)

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner.  
The proposal to close the road will be advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:  
Post: PO Box 156 MUDGEE NSW 2850  
Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified 28-day period, it will assume that Forestry Corporation has no objections to the proposal. Please advise Mid-Western Regional Council within the 28-day period if Forestry Corporation requires additional time to consider its position.  
Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.  
If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in cursive script, appearing to read "D Sawyers".

D Sawyers  
MANAGER REVENUE & PROPERTY



SS

**Lilian Mutyiri**

---

**From:** Central Tablelands LLS Admin <admin.ct@lls.nsw.gov.au>  
**Sent:** Monday, 3 September 2018 11:55 AM  
**To:** Council  
**Subject:** Re: 2nd Local Land Services - Central Tablelands notification of proposed road closure and request for a response - Slate Gully Road  
**Attachments:** image002.jpg

Central Tablelands Local Land Services have no objections so have not responded previously as per your instructions in original letter.

regards,

Robyn | Customer Service Officer, Bathurst Office  
Central Tablelands Local Land Services  
66 Corporation Ave Bathurst | PO Box 20 Bathurst NSW 2795  
T: 02 6333 2300 | F: 02 6331 6915  
W: [www.lls.nsw.gov.au](http://www.lls.nsw.gov.au)

Want to keep up with Central Tablelands LLS news/workshops/funding opportunities?  
Register for our e-newsletter: <http://centraltablelands.lls.nsw.gov.au/resource-hub/newsletters>



On Tue, 28 Aug 2018 at 12:18, Council <[Council@midwestern.nsw.gov.au](mailto:Council@midwestern.nsw.gov.au)> wrote:

Good afternoon

I refer to my e-mail below to yourselves on the 27<sup>th</sup> of July 2018.

The last date for you to respond to the attached notification was on the 23<sup>rd</sup> of August 2018. Council is still to receive your response in regards to the proposed closure.

It would be appreciated if Council could have your response to the notification by the 31<sup>st</sup> of August 2018.

If you require further information please contact me on (02) 6378 2850.

Regards

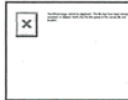
Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |

f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)

a 86 Market Street | PO Box 156 Mudgee NSW 2850

w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)



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**From:** Lilian Mutyiri **On Behalf Of** Council  
**Sent:** Friday, 27 July 2018 10:31 AM  
**To:** 'admin.ct@lls.nsw.gov.au' <[admin.ct@lls.nsw.gov.au](mailto:admin.ct@lls.nsw.gov.au)>  
**Subject:** Local Land Services - Central Tablelands notification of proposed road closure - Slate Gully Road

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Tuesday, 28 August 2018 12:18 PM  
**To:** 'admin.ct@lls.nsw.gov.au'  
**Subject:** 2nd Local Land Services - Central Tablelands notification of proposed road closure and request for a response - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; Local Land Services Central Tablelands.docx

Good afternoon

I refer to my e-mail below to yourselves on the 27<sup>th</sup> of July 2018.

The last date for you to respond to the attached notification was on the 23<sup>rd</sup> of August 2018. Council is still to receive your response in regards to the proposed closure.

It would be appreciated if Council could have your response to the notification by the 31<sup>st</sup> of August 2018.

If you require further information please contact me on (02) 6378 2850.

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
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---

**From:** Lilian Mutyiri On Behalf Of Council  
**Sent:** Friday, 27 July 2018 10:31 AM  
**To:** 'admin.ct@lls.nsw.gov.au' <admin.ct@lls.nsw.gov.au>  
**Subject:** Local Land Services - Central Tablelands notification of proposed road closure - Slate Gully Road

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Friday, 27 July 2018 10:31 AM  
**To:** 'admin.ct@lls.nsw.gov.au'  
**Subject:** Local Land Services - Central Tablelands notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; Local Land Services Central Tablelands.docx

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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E council@midwestern.nsw.gov.au

LM| File Ref: R0183001

27 July 2018

Local Land Services Central Tablelands  
By e-mail: admin.ct@lls.nsw.gov.au

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner.

The proposal to close the road will be advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:  
Post: PO Box 156 MUDGEE NSW 2850  
Email: council@midwestern.nsw.gov.au

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified 28-day period, it will assume that Local Land Services Central Tablelands has no objections to the proposal. Please advise Mid-Western Regional Council within the 28-day period if Local Land Services Central Tablelands requires additional time to consider its position. Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability. If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in cursive script, appearing to read "D Sawyers".

D Sawyers  
MANAGER REVENUE & PROPERTY





Our ref: DOC18/533442  
Contact: Regena Medhurst

Mid-Western Regional Council

PO Box 156  
Mudgee NSW 2850

31 July 2018

Dear Lilian,

**Roads Act 1993 ROAD CLOSING APPLICATION**

<u>Application number</u>	<u>Your Ref</u>
Part Slate Gully Road, Wollar	R0183001

Thank you for your email dated 27/07/2018 regarding the above mentioned proposed road closure application. The National Parks & Wildlife Service (NPWS) has no objection to these proposed road closures.

If you have any questions regarding this matter please contact me.

Yours sincerely



Regena Medhurst





MID-WESTERN REGIONAL COUNCIL  
PO Box 156, MUDGEE 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](mailto:council@midwestern.nsw.gov.au)

LMI File Ref: R0183001

26 July 2018

National Parks and Wildlife Service. Office of Environment & Heritage  
By e-mail: [OEH.Roads@environment.nsw.gov.au](mailto:OEH.Roads@environment.nsw.gov.au)

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner.

The proposal to close the road will be advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council within 28 days. Send your submission to:  
Post: PO Box 156 MUDGEE NSW 2850  
Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified 28-day period, it will assume that National Parks and Wildlife Service - Office of Environment & Heritage has no objections to the proposal.

Please advise Mid-Western Regional Council within the 28-day period if National Parks and Wildlife Service - Office of Environment & Heritage requires additional time to consider its position.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.

If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in blue ink, appearing to read "D Sawyers".

D Sawyers  
MANAGER REVENUE & PROPERTY

**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Friday, 27 July 2018 10:59 AM  
**To:** 'OEH NPWS Roads Mailbox'  
**Subject:** National Parks & Wildlife -OEH notification of proposed road closure - Slate Gully Road  
**Attachments:** Map of Slate Gully Road proposed to be closed.pdf; Newspaper advertisement 27-7-2018.docx; National Parks and Wildlife OEH.docx

Good morning

Please find attached a proposed road closure for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)  
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E [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

LMJ | File Ref: R0183001

31 October 2018

Wilpinjong Coal Pty Ltd  
Locked Bag 2005  
MUDGEE NSW 2850

By email: [IFlood@peabodyenergy.com](mailto:IFlood@peabodyenergy.com)

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner, (Peabody Pastoral Holdings P/L) The proposal to close the road was advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council by the 5<sup>th</sup> of November 2018. Send your submission to:  
Post: PO Box 156 MUDGEE NSW 2850  
Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified period, it will assume that Wilpinjong Coal Pty Ltd has no objections to the proposal.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.  
If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in black ink, appearing to read "D Sawyers".

D Sawyers  
MANAGER REVENUE & PROPERTY

Council Road Closing Adjoining Landowner Notification Template

File Ref: R0183001

Mid-Western Regional Council  
PO Box 156 MUDGEES NSW 2850

Comments on proposed road closure

Dear Sir/Madam

I/We, STEVEN HEDGES wish to provide my/our opinion in relation to the proposed road closures.

I/We:

Are in favour of the road closure

OR

Object to closure of the following roads for the reasons noted below.

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SIGNED: Steven Hedges

If signing on behalf of a Company please add Company title.(E.G., Director)

ABN/Company seal DIRECTOR  
WILPINGTON COAL PTY LTD  
ABN 87 104 594 694

DATE: 19-11-18

Contact Details:  
Home: \_\_\_\_\_  
Mobile: 0417 147635

PLEASE RETURN THESE PAGES TO MID-WESTERN REGIONAL COUNCIL WITHIN 28 DAYS.

**Lilian Mutyiri**

---

**From:** Lilian Mutyiri on behalf of Council  
**Sent:** Wednesday, 31 October 2018 10:35 AM  
**To:** 'iflood@peabodyenergy.com'  
**Subject:** Notification of proposed closure of Slate Gully Road to Wilpinjong Coal Pty Ltd - owner of neighbouring Lot 2 DP250053  
**Attachments:** Wilpinjong Coal Pty notification for owner of Lot 2 DP250053 (2).pdf; Newspaper advertisement 27-7-2018.docx; Map of Slate Gully Road proposed to be closed.pdf

Good morning Ian

Please find attached a proposed road closure documents for your consideration and response. If you require further information in relation to this matter you can contact Council's Property Department on (02) 6378 2850

Regards

Lilian Mutyiri  
Property Officer  
Mid-Western Regional Council

t 02 6378 2850 |  
f 02 6378 2815 | e [Lilian.Mukwewa@midwestern.nsw.gov.au](mailto:Lilian.Mukwewa@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850  
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T 1300 765 002 or 02 6378 2850 | F 02 6378 2815  
E [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

LMI File Ref: R0183001

31 October 2018

Wilpinjong Coal Pty Ltd  
Locked Bag 2005  
MUDGEE NSW 2850

By email; [IFlood@peabodyenergy.com](mailto:IFlood@peabodyenergy.com)

**PROPOSAL TO CLOSE A COUNCIL PUBLIC ROAD  
PART 4 DIVISION 3 ROADS ACT 1993  
SLATE GULLY ROAD WOLLAR 2850**

Dear Sir/Madam

Mid-Western Regional Council is currently considering the closure of the Council public road, being Slate Gully Road, as identified on the attached diagram. Council is proposing closure of the road to sell the land to an adjoining land owner, (Peabody Pastoral Holdings P/L) The proposal to close the road was advertised in the Mudgee Guardian on 27/07/2018. A copy of the advertisement is attached for your information.

**What should you do now?**

Please consider the proposal and provide a response to Mid-Western Regional Council by the 5<sup>th</sup> of November 2018. Send your submission to:  
Post: PO Box 156 MUDGEE NSW 2850  
Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**What happens next?**

If Mid-Western Regional Council does not receive a reply within the specified period, it will assume that Wilpinjong Coal Pty Ltd has no objections to the proposal.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions and decide on road closure suitability.  
If you have any further enquiries regarding this matter, please contact Mid-Western Regional Council.

Yours sincerely

A handwritten signature in blue ink, appearing to read "D Sawyers".

D Sawyers  
MANAGER REVENUE & PROPERTY



File Ref: R0183001

Mid-Western Regional Council  
PO Box 156 MUDGEE NSW 2850

**Comments on proposed road closure**

Dear Sir/Madam

I/We, \_\_\_\_\_ wish to provide my/our opinion in relation to the proposed road closures.

I/We:

Are in favour of the road closure

OR

Object to closure of the following roads for the reasons noted below.

\_\_\_\_\_

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SIGNED: .....

If signing on behalf of a Company please add Company title.(E.G., Director)

ABN/Company seal

DATE: .....

Contact Details:

Home: .....

Mobile: .....

PLEASE RETURN THESE PAGES TO MID-WESTERN REGIONAL COUNCIL WITHIN 28 DAYS.

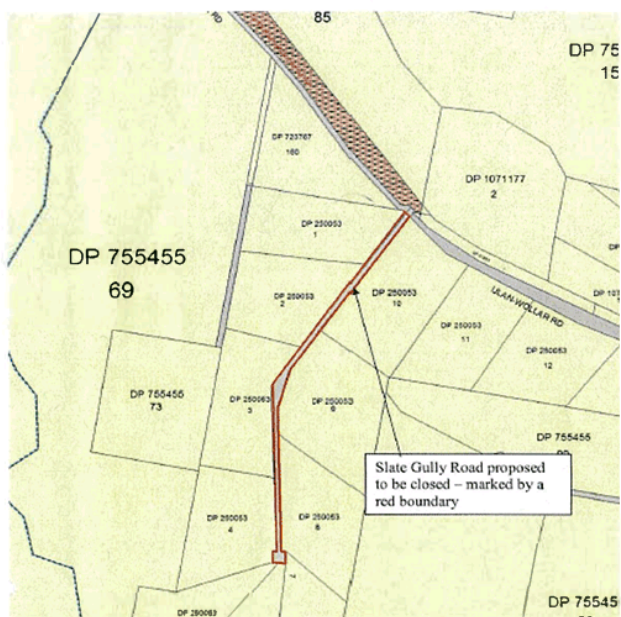


## PROPOSED ROAD CLOSING UNDER SECTION 38B ROADS ACT 1993

In pursuance of the provisions of the *Roads Act 1993*, notice is hereby given that Mid-Western Regional Council proposes to close the Council public road listed in Schedule 1.

Schedule 1:

- Slate Gully Road in the Locality of Wollar, as depicted:-



Upon closure of the road, Council intends to sell the land to an adjoining land owner.

All interested persons are hereby invited to make written submissions concerning the proposal to the General Manager, Mid-Western Regional Council, PO Box 156 MUDGEE NSW 2850, by 4.30pm on Friday 24 August 2018. Please note that under the provisions of the *Government Information (Public Access) Act 2009*, such submissions may be referred to third parties for consideration.

Once the submission period is completed, Mid-Western Regional Council will consider all duly made submissions before deciding whether to continue with the road closure proposal.

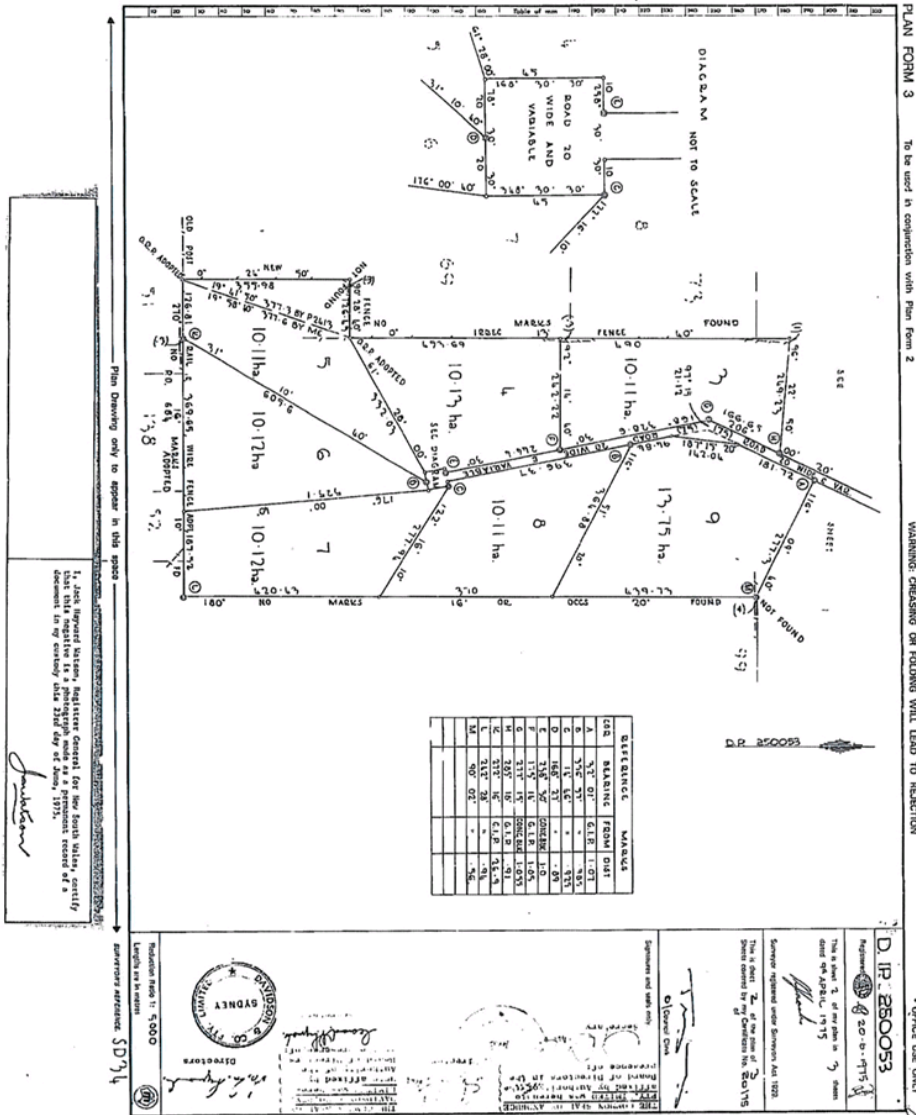
Council Ref: DS: R0183001

Enquiries: Manager Revenue & Property

Telephone: 02 63782850

General Manager, Mid-Western Regional Council

Box:MUDG /Doc:DP 0250053 P /Rev:15-Jun-1992 /Sts:OK.OK /Frt:07-Feb-2005 14:21 /Egs:ALL /Seq:1 of 3  
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PLAN FORM 3 To be used in conjunction with Plan Form 2

WARNING: CHANGING OR FOLDING WILL LEAD TO MISRECTION

ORANGE USE ONLY

Box:MUJG /Doc:DP 0250053 P /Rev:15-Jun-1992 /Sts:OK.OK /Frt:07-Feb-2005 14:21 /Pgs:ALL /Seq:2 of 3  
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PLAN FORM 2  
Signatures and seals only.  
From Drawing only to appear in this space

D P 250053 1/3

MID-WESTERN REGIONAL COUNCIL

DIRECTORS

Secretary

D P 250053 1/3

D. P. 250053  
20/06/1992  
Director

Secretary

D. P. 250053  
20/06/1992  
Secretary

D. P. 250053  
20/06/1992  
Secretary

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D. P. 250053  
20/06/1992  
Director

Secretary

D. P. 250053  
20/06/1992  
Secretary

D. P. 250053  
20/06/1992  
Secretary

1. All the proposed boundaries, easements, covenants, etc. for the proposed subdivision are shown on this plan. The areas shown are for the purposes of the Public Act and the Public Act. The areas shown are for the purposes of the Public Act and the Public Act.

OFFICE USE ONLY

D. P. 250053

CANDLES BOTS OF 26-1975

TORRENS

PUBIC SUBDIVISION

MELBOURNE PARISH

PLAN OF SUBDIVISION OF LAND

(1:10,000 SCALE)

MELBOURNE PARISH

D. P. 250053

20/06/1992

Director

Secretary

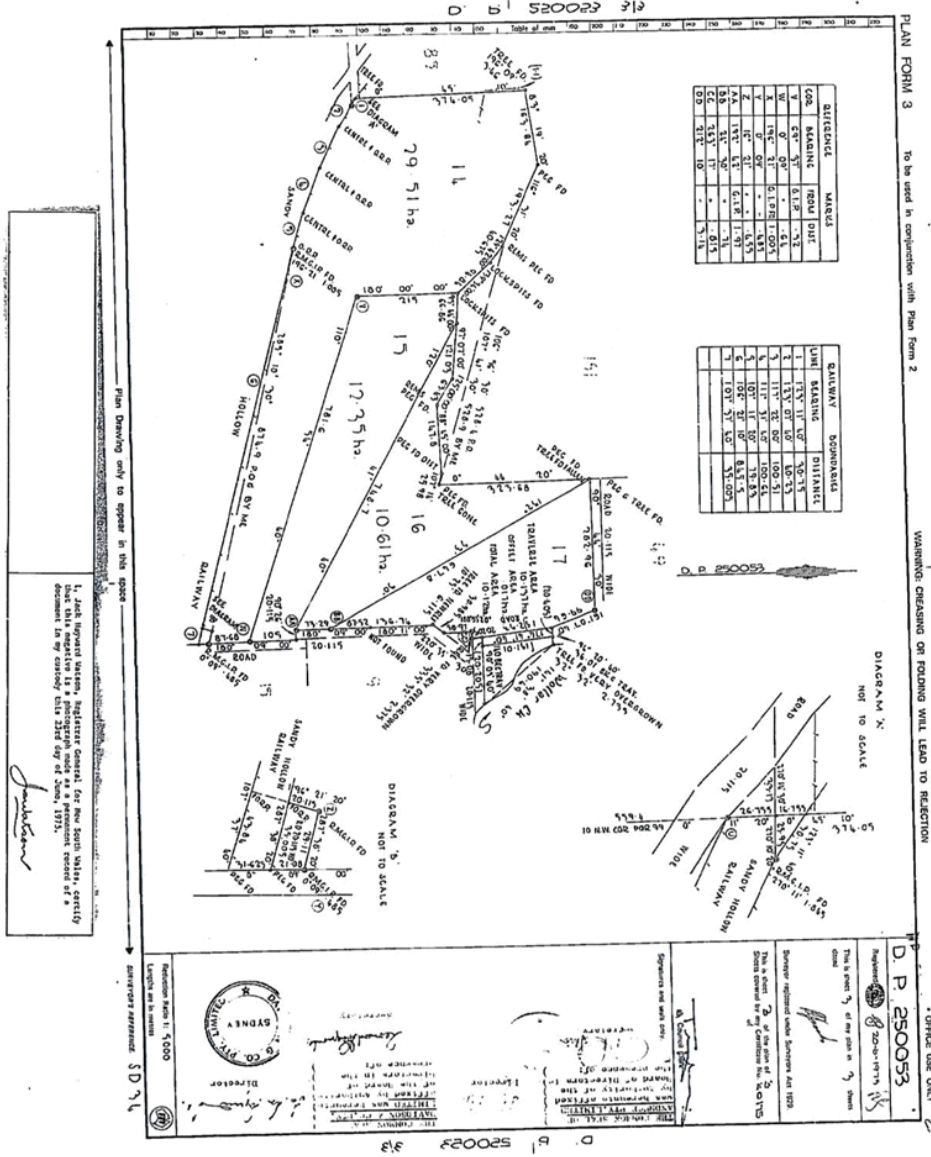
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Secretary



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Plan Drawing only to appear in this space

I, Jack Howard Stinson, Engineer General for New South Wales, certify that this is a true and correct copy of the original plan as shown to me by the applicant on the 25th day of June, 1975.

*Jack Howard Stinson*  
 Director

**D.P. 250053**

This is part 3 of an order of 3 sheets.

Surveyor registered under Surveyors Act 1970.

This is done in accordance with the provisions of the Survey Act 1970.

Scale shown on any Certificate No. 3017D.

**SYDNEY**  
 Director

Scale: 1:2500  
 Lengths are in metres

SD 71

PLAN FORM 3 To be used in conjunction with Plan Form 2

WARNING: CHANGING OR FOLDING WILL LEAD TO REFLECTION

OFFICE USE ONLY



## Application Form

### APPLICANTS DETAILS

Name of Organisation	Kandos Public School
Contact Person	Phillip Morley
Address	Dangar Street KANDOS NSW 2848
Phone	02 6379 4201
Email	phillip.morley@det.nsw.edu.au
ABN	87425087535
Bank Account Name	DET schools don't have bank account - school accepts cheques or can create an invoice
BSB	
Account Number	

### PROJECT / ACTIVITY DETAILS

Name of Project / Activity	Kandos Public School Presentation Day 2018	
Amount of funding requested	\$ 1,000.00	
Start and Finish date	START (click to tick)	FINISH (click to tick)
	12th December 2018	12th December 2018
Briefly, describe Project / Activity	Presentation Day at Kandos Public School recognises the achievements and successes of students including ATSI 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.	



 COMMUNITYGRANTS

ADDRESS CRITERIA

How will your project benefit the Mid-Western Region Community?

(Note: limited number of characters)

Students are recognised for their outstanding contribution to both the school and the community. Scholarships in a student's field of expertise allows them the opportunity to continue to develop in that area. A community grant from the council would contribute towards scholarships, vouchers and prizes for selected students.

What is the expected amount of resident participation?

(Please provide no. of estimated participants)

(Note: limited number of characters)

Kandos Public School have 134 students . We expect to have over 300 people attend the KPS Presentation Day from the community and further abroad. Over 50 awards will be handed out including Kindergarten and Year 6 graduation certificates, awards for outstanding levels of achievement in sports, citizenship, cultural, participation and the pursuit of excellence.

What level of consultation and collaboration with other local groups has your organisation undertaken?

(ie what other local community groups are or will be involved in this project?)

(Note: limited number of characters)

The local Community Charity Shop will be our special guest at this event - they will also be presenting awards. The KPS P&C will attend and present the Christmas Raffle. The Anglicare team will provide 10 Christmas hampers for a special prize draw. Staff from Kandos High School and representative from the Department of Education and Training will also attend. Local Creative Arts specialists and studios will also be attending including Dream Dance Academy, Wollemi Physical Culture and Jasmine's Music and Dance. We also wish to purchase a pool season ticket as a major prize for the Presentation Day with the community grant.

Outline your organisation's capacity to deliver the Project / Activity OR describe previous experiences.

(Note: limited number of characters)

The Kandos Public School Presentation Day is an annual event recognising student success and achievement within that given year. Honour boards have been kept and engraved and give evidence that the Presentation Day has been running successfully at Kandos Public School for over 50 years. A team of executives organise this event annually.

**COMMUNITY GRANTS**

Project Income	Community Grant (amount sought from Council)	\$ 1,000.00
	Expected Sales Revenue i.e. Entry Fee, Membership Sales	\$ 0.00
	Other Income	\$ 0.00
<b>TOTAL INCOME</b>		<b>\$ 1,000.00</b>

List proposed cash expenditure (provide copies of quotes for equipment)

Project Expenditure	10x \$20 vouchers for Diamond Privilege Badge students	\$ 200.00
	Scholastic Book Prizes - Citizenship/Cultural/Excellence/DUX/Class	\$ 339.92
	Family Season Pass to pool	\$ 220.00
	Engraved Pens for PBL Gold Privilege Badge students	\$ 150.00
	Printing/certificates/engraving of honour boards	\$ 100.00
<b>TOTAL EXPENDITURE</b>		<b>\$ 1,009.92</b>
<b>TOTAL SURPLUS / DEFICIT</b>		<b>-\$ 9.92</b>

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

*(Note: Unspent grants >\$200 will be required to be returned to MWRC)*

**FINANCIAL DETAILS**

	YES (click to tick)	NO (click to tick)
Is your group/organisation Incorporated?	<input type="radio"/>	<input checked="" type="radio"/>
Have you registered for Goods & Services Tax (GST) purposes?	<input checked="" type="radio"/>	<input type="radio"/>
Do you have an Australian Business Number (ABN)? Note: If you do not have an ABN please attach a 'Statement by Supplier' form	<input checked="" type="radio"/>	<input type="radio"/>



Has your organisation/group previously received a Community Grant from Council?	YES (click to tick) <input type="radio"/>	NO (click to tick) <input checked="" type="radio"/>
If yes, please advise date and amount	DATE / YEAR <input type="text"/>	AMOUNT \$ <input type="text"/>
Did your group return the acquittal form?	YES (click to tick) <input type="radio"/>	NO (click to tick) <input checked="" type="radio"/>
Closing bank balance from the most recent bank statement or treasurer's report	<input type="text"/>	
Comment on cash set aside for specific projects (optional)	<div style="border: 1px solid black; height: 60px;"></div>	

**APPLICATION CHECKLIST**

If the following are not attached with the application, this may result in the application not being considered.

	SUPPLIED? (click to tick)	
	YES	NO
A copy of the group's/organisation's most recent bank statement or treasurer's report	<input type="radio"/>	<input checked="" type="radio"/>
A copy of the group's/organisation's public liability insurance	<input type="radio"/>	<input checked="" type="radio"/>
Where the group intends to purchase equipment, a copy of the quote/s obtained	<input checked="" type="radio"/>	<input type="radio"/>
Where the groups/organisations does not have an ABN, 'Statement by Supplier' is required	<input checked="" type="radio"/>	<input type="radio"/>
If your group is not incorporated, please supply a letter from your auspicing body	<input checked="" type="radio"/>	<input type="radio"/>

**AUTHORISATION OF APPLICANT**

Name	Phillip Morley
Position	Principal
Date	28/11/2018

- I confirm that the information contained in the application form and within the attachments are true and correct.
- I confirm that this application has been submitted with the full knowledge and support of the applicant.
- I acknowledge the Community Grants Program acquittal requirements and understand that surplus funds may be required to be returned to Council.
- I am aware that this application will be reproduced in the Council Business Paper, and authorise public release of information provided.



## SUBMIT YOUR APPLICATION

**EMAIL:** After you complete this digital form, please save it to your computer and email to [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**DELIVER TO:** Customer Service Locations

86 Market Street  
MUDGEE

109 Herbert Street  
GULGONG

77 Louee Street  
RYLSTONE

**MAIL TO:** Mid-Western Regional Council  
Attn: Finance Department  
PO Box 156  
MUDGEE NSW 2850

[SUBMIT ONLINE](#)

[COMMUNITY GRANTS POLICY](#)

[PRINT MY APPLICATION](#)



# COMMUNITY GRANTS



## Application Form

### APPLICANTS DETAILS

Name of Organisation	Fellowship of Australian Writers NSW Inc on behalf of Mudgee Writers
Contact Person	Maureen Kelly OAM, JP Hon State Sec Fellowship of Australian Writers NSW Inc
Address	22 Promontory Way, North Arm Cove, NSW 2324
Phone	[REDACTED]
Email	honsecretary@fawns.org.au
ABN	59557152715
Bank Account Name	[REDACTED]
BSB	[REDACTED]
Account Number	[REDACTED]

### PROJECT / ACTIVITY DETAILS

Name of Project / Activity	Mudgee Valley Writers' Biennial Competition
Amount of funding requested	\$ 1,000.00
Start and Finish date	START (click to tick) 1/1/2019 FINISH (click to tick) 31/7/2019
Briefly, describe Project / Activity	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.



ADDRESS CRITERIA

How will your project benefit the Mid-Western Region Community?

(Note: limited number of characters)

MVW are established writers who are committed to nurture and develop new writing talent in the Mid Western Regional Council area. We have held writing workshops and participate fully in local events such as the Readers' Festival and Senior's week writing activities. The Mudgee Valley Writers Biennial competition provides an opportunity for local, rural and remote residents to showcase their creative writing works and have a forum for their voices to be heard.

What is the expected amount of resident participation?

(Please provide no. of estimated participants)

(Note: limited number of characters)

The competition is open to junior and senior children (Primary and Secondary) and to all adults. A member of the MVW visits local schools to encourage full participation. It is also promoted throughout Australia via writing magazines and journals such as The Fellowship of Australian Writers' (FAW) quarterly journal - The Writers' Voice.

What level of consultation and collaboration with other local groups has your organisation undertaken?

(ie what other local community groups are or will be involved in this project?)

(Note: limited number of characters)

MVW are incorporated with the Fellowship of Australian Writers' and consult with us in regard to meeting standards. During the running of competitions members of the MVW visit local schools to promote participation within the school community.

Outline your organisation's capacity to deliver the Project / Activity OR describe previous experiences.

(Note: limited number of characters)

The MVW run competitions annually. In 2018 they successfully ran the Norman McVicker Literary Competition only for school aged children. A local resident generously donates the funds for the costs of running the competition as well as the prize money. The prize was one by a student from the Coonabaran High School.





Project Income	Community Grant (amount sought from Council)	\$ 1,000.00
	Expected Sales Revenue i.e. Entry Fee, Membership Sales	\$ 1,250.00
	Other Income	
<b>TOTAL INCOME</b>		<b>\$ 2,250.00</b>

List proposed cash expenditure (provide copies of quotes for equipment)

Project Expenditure	Postage	\$ 200.00
	Stationery	\$ 300.00
	Prize monies	\$ 1,000.00
	Reimburse fuel costs	\$ 300.00
	Advertising	\$ 300.00
	Incidentals	\$ 150.00
<b>TOTAL EXPENDITURE</b>		<b>\$ 2,250.00</b>
<b>TOTAL SURPLUS / DEFICIT</b>		<b>\$ 0.00</b>

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

The surplus will go toward any other out of pockets expense for the judges such as photocopying or scanning etc.

*(Note: Unspent grants >\$200 will be required to be returned to MWRC)*

**FINANCIAL DETAILS**

	YES (click to tick)	NO (click to tick)
Is your group/organisation Incorporated?	<input checked="" type="radio"/>	<input type="radio"/>
Have you registered for Goods & Services Tax (GST) purposes?	<input type="radio"/>	<input checked="" type="radio"/>
Do you have an Australian Business Number (ABN)? Note: If you do not have an ABN please attach a 'Statement by Supplier' form	<input checked="" type="radio"/>	<input type="radio"/>

**COMMUNITY GRANTS**

Has your organisation/group previously received a Community Grant from Council?	YES (click to tick) <input checked="" type="radio"/>	NO (click to tick) <input type="radio"/>
If yes, please advise date and amount	DATE / YEAR 2014	AMOUNT \$ 500.00
Did your group return the acquittal form?	YES (click to tick) <input checked="" type="radio"/>	NO (click to tick) <input type="radio"/>
Closing bank balance from the most recent bank statement or treasurer's report	\$ 1,850.00	
Comment on cash set aside for specific projects (optional)		

**APPLICATION CHECKLIST**

If the following are not attached with the application, this may result in the application not being considered.

	SUPPLIED? (click to tick)	
	YES	NO
A copy of the group's/organisation's most recent bank statement or treasurer's report	<input checked="" type="radio"/>	<input type="radio"/>
A copy of the group's/organisation's public liability insurance	<input checked="" type="radio"/>	<input type="radio"/>
Where the group intends to purchase equipment, a copy of the quote/s obtained	<input type="radio"/>	<input checked="" type="radio"/>
Where the groups/organisations does not have an ABN, 'Statement by Supplier' is required	<input type="radio"/>	<input checked="" type="radio"/>
If your group is not incorporated, please supply a letter from your auspicing body	<input type="radio"/>	<input checked="" type="radio"/>

**AUTHORISATION OF APPLICANT**

Name	Maureen Kelly OAM State Secretary FAW on behalf Eila Jameson-Avey Mudgee Valley Writers
Position	Hon Secretary NSW
Date	9.12.2018

- I confirm that the information contained in the application form and within the attachments are true and correct.
- I confirm that this application has been submitted with the full knowledge and support of the applicant.
- I acknowledge the Community Grants Program acquittal requirements and understand that surplus funds may be required to be returned to Council.
- I am aware that this application will be reproduced in the Council Business Paper, and authorise public release of information provided.



### SUBMIT YOUR APPLICATION

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86 Market Street  
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109 Herbert Street  
GULGONG

77 Louee Street  
RYLSTONE

**MAIL TO:** Mid-Western Regional Council  
Attn: Finance Department  
PO Box 156  
MUDGEE NSW 2850

[SUBMIT ONLINE](#)

[COMMUNITY GRANTS POLICY](#)

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**Fellowship of Australian Writers NSW Inc.**  
**FINANCIAL SUMMARY YEAR ENDED 31 MARCH 2018**

	2018			2017		
	WORKING ACCOUNT	AWARD TRUST ACCOUNT	TOTAL	WORKING ACCOUNT	AWARD TRUST ACCOUNT	TOTAL
<b>INCOME</b>						
Advertising	50.00		50.00	0.00		0.00
Affiliation	15,975.00		15,975.00	16,283.00		16,283.00
Affiliation - Isolated Writers	1,357.00		1,357.00	1,334.00		1,334.00
Book Sales	453.00		453.00	499.00		499.00
Competition Entries	805.00		805.00	1,712.00		1,712.00
Donation - Branch Closures	4,975.46		4,975.46			0.00
Grant	16,200.00		16,200.00	2,000.00		2,000.00
Interest	616.36	1,169.49	1,785.85	595.77	1,263.68	1,859.45
Luncheon/Raffles	1,915.00		1,915.00	1,440.00		1,440.00
Miscellaneous Income	0.00	50.00	50.00	15.00		15.00
Writing Fellows	50.00		50.00	0.00		0.00
Write back stale cheque	20.00		20.00			0.00
<b>TOTAL INCOME</b>	<b>42,416.82</b>	<b>1,219.49</b>	<b>43,636.31</b>	<b>23,878.77</b>	<b>1,263.68</b>	<b>25,142.45</b>
<b>EXPENSES</b>						
Audit Fees	310.00		310.00	310.00		310.00
Bulletin	20,483.54		20,483.54	21,755.00		21,755.00
Depreciation	741.00		741.00	210.00		210.00
Early Bird Award	100.00		100.00	50.00		50.00
Filing Fees	0.00		0.00	54.00		54.00
Functions & Luncheon	2,400.00		2,400.00	1,890.00		1,890.00
Grant	10,367.80		10,367.80	2,000.00		2,000.00
Insurance	1,831.61		1,831.61	1,656.61		1,656.61
Judging Expenses	158.00		158.00	2,166.50		2,166.50
Petty Cash	232.82		232.82	487.06		487.06
Prizes	0.00		0.00	150.00		150.00
Rent	162.90		162.90	57.20		57.20
Sundry Expenses	0.00		0.00	256.00		256.00
Website	389.00		389.00	392.00		392.00
Workshop Travel & Accommodation	179.70		179.70	0.00		0.00
Prizes		950.00	950.00		2,600.00	2,600.00
<b>TOTAL EXPENSES</b>	<b>37,356.37</b>	<b>950.00</b>	<b>38,306.37</b>	<b>31,434.37</b>	<b>2,600.00</b>	<b>34,034.37</b>
<b>OPERATING SURPLUS/(DEFICIT)</b>	<b>\$ 5,060.45</b>	<b>\$ 269.49</b>	<b>\$ 5,329.94</b>	<b>(7,555.60)</b>	<b>\$ (1,336.32)</b>	<b>(8,891.92)</b>
<b>REPRESENTED BY</b>						
Working Accounts	23,258.67	\$ (156.93)	23,101.74	17,988.22	743.07	18,731.29
Public Fund Account	67.88		67.88	67.88		67.88
Term Deposits	24,284.48	56,568.05	80,852.53	24,284.48	55,398.56	79,683.04
Non-current Assets	525.00		525.00	735.00		735.00
<b>ACCUMULATED FUNDS</b>	<b>48,136.03</b>	<b>56,411.12</b>	<b>104,547.15</b>	<b>43,075.58</b>	<b>56,141.63</b>	<b>99,217.21</b>



Enquiries: 13 10 10  
Claims: 13 14 46 (24/7 for new claims)  
gio.com.au

Fellowship Of Australian Writers Nsw  
Inc  
801 Henry Kendall Gardens  
150 Maidens Brush Road  
Wyoming NSW 2250



**Not for Profit Protect**

Policy number



## Certificate of Currency

### Insured details

<b>Insured:</b>	Fellowship Of Australian Writers Nsw Inc ABN 59 557 152 715
<b>Period of insurance:</b>	13 October 2018 to 4:00pm 13 October 2019
<b>Business description:</b>	Nurturing And Developing New Writing Talent

### Your Cover

#### Public and products liability

	Limit of liability
Public liability	\$20,000,000
Products liability	\$20,000,000
Property in Your Custody or Control sum insured	\$20,000

#### Interested party

WINGECARRIBEE SHIRE COUNCIL	Franchisee
-----------------------------	------------

**FAW NSW STATE SECRETARY**

c/- 22 Promontory Way,  
NORTH ARM COVE, 2324  
Phone: (02)4997 3237: 0417 403 720  
[honsecretary@fawns.org.au](mailto:honsecretary@fawns.org.au)  
[www.fawns.org.au](http://www.fawns.org.au)



Mid-Western Regional Council  
PO Box 156  
Mudgee 2850

December 9, 2018

Dear Sir/Madam,

**re: Application for Community Grant - Mudgee Valley Writers  
Members of the Fellowship of Australian Writers NSW Inc**

On behalf of our Mudgee branch members, the Fellowship of Australian Writers NSW Inc (founded in 1928) write in support of their grant application for \$1,000 to conduct their Biennial writing competition open to all Australian Residents.

We are more than happy to auspice this grant and should Mudgee Valley Writers' application be successful, once the funding has been forwarded to us, as in the past with other branches, we will deposit the funding in our National Australia Bank account following which our State Treasurer will then forward the funding to Mudgee Valley Writers.

Should you require any further information regarding this application, please do not hesitate to contact the writer - [REDACTED] or email - [honsecretary@fawns.org.au](mailto:honsecretary@fawns.org.au)

Kind regards,

[REDACTED]

Maureen A Kelly, OAM, JP  
State Hon Secretary  
Fellowship of Australian Writers NSW Inc

**Patrons:**

Prof G A Wilkes,  
Prof E Webby AM, FAHA  
Ms Patti Miller BA, MA

**ABN 59 557 152 715**





# COMMUNITY GRANTS



## Application Form

### APPLICANTS DETAILS

Name of Organisation	Art and Crafts Mudgee
Contact Person	[REDACTED]
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
ABN	4123939475
Bank Account Name	[REDACTED]
BSB	[REDACTED]
Account Number	[REDACTED]

### PROJECT / ACTIVITY DETAILS

Name of Project / Activity	Art and Craft Local and Tourist Signage
Amount of funding requested	
Start and Finish date	START (click to tick) <input type="checkbox"/> FINISH (click to tick) <input type="checkbox"/>
Briefly, describe Project / Activity	



ADDRESS CRITERIA

How will your project benefit the Mid-Western Region Community?

(Note: limited number of characters)

A great Tourist Attraction for the Town

What is the expected amount of resident participation?

(Please provide no. of estimated participants)

(Note: limited number of characters)

We are solely a Local Community Co-Op run Art and Craft Shop. Affordability is hard, it only runs on commission from local Artisans

What level of consultation and collaboration with other local groups has your organisation undertaken?

(ie what other local community groups are or will be involved in this project?)

(Note: limited number of characters)

Outline your organisation's capacity to deliver the Project / Activity OR describe previous experiences.

(Note: limited number of characters)



Project Income	Community Grant (amount sought from Council)	<input type="text"/>
	Expected Sales Revenue i.e. Entry Fee, Membership Sales	<input type="text"/>
	Other Income	<input type="text"/>
<b>TOTAL INCOME</b>		<b>\$ 0.00</b>

List proposed cash expenditure (provide copies of quotes for equipment)

Project Expenditure	<input type="text"/>	
	<input type="text"/>	
	<input type="text"/>	
	<input type="text"/>	
	<input type="text"/>	
	<input type="text"/>	
<b>TOTAL EXPENDITURE</b>		<b>\$ 0.00</b>
<b>TOTAL SURPLUS / DEFICIT</b>		<b>\$ 0.00</b>

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

(Note: Unspent grants >\$200 will be required to be returned to MWRC)

**FINANCIAL DETAILS**

	YES (click to tick)	NO (click to tick)
Is your group/organisation Incorporated?	<input type="radio"/>	<input checked="" type="radio"/>
Have you registered for Goods & Services Tax (GST) purposes?	<input type="radio"/>	<input checked="" type="radio"/>
Do you have an Australian Business Number (ABN)? Note: If you do not have an ABN please attach a 'Statement by Supplier' form	<input type="radio"/>	<input checked="" type="radio"/>

## COMMUNITY GRANTS

Has your organisation/group previously received a Community Grant from Council?	YES (click to tick) <input type="radio"/>	NO (click to tick) <input checked="" type="radio"/>
If yes, please advise date and amount	DATE / YEAR <input type="text"/>	AMOUNT \$ <input type="text"/>
Did your group return the acquittal form?	YES (click to tick) <input type="radio"/>	NO (click to tick) <input checked="" type="radio"/>
Closing bank balance from the most recent bank statement or treasurer's report	<input type="text"/>	
Comment on cash set aside for specific projects (optional)	<div style="border: 1px solid black; height: 60px;"></div>	

### APPLICATION CHECKLIST

If the following are not attached with the application, this may result in the application not being considered.

	SUPPLIED? (click to tick)	
	YES	NO
A copy of the group's/organisation's most recent bank statement or treasurer's report	<input type="radio"/>	<input checked="" type="radio"/>
A copy of the group's/organisation's public liability insurance	<input type="radio"/>	<input checked="" type="radio"/>
Where the group intends to purchase equipment, a copy of the quote/s obtained	<input type="radio"/>	<input checked="" type="radio"/>
Where the groups/organisations does not have an ABN, 'Statement by Supplier' is required	<input type="radio"/>	<input checked="" type="radio"/>
If your group is not incorporated, please supply a letter from your auspicing body	<input checked="" type="radio"/>	<input type="radio"/>

### AUTHORISATION OF APPLICANT

Name	Deirdre Butler
Position	Member
Date	18/12/2018

- I confirm that the information contained in the application form and within the attachments are true and correct.
- I confirm that this application has been submitted with the full knowledge and support of the applicant.
- I acknowledge the Community Grants Program acquittal requirements and understand that surplus funds may be required to be returned to Council.
- I am aware that this application will be reproduced in the Council Business Paper, and authorise public release of information provided.



### SUBMIT YOUR APPLICATION

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Attn: Finance Department  
PO Box 156  
MUDGEE NSW 2850

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[COMMUNITY GRANTS POLICY](#)

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## Application Form

### APPLICANTS DETAILS

Name of Organisation	Art, Craft and Textile Exhibition
Contact Person	Deirdre Butler
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
ABN	
Bank Account Name	
BSB	
Account Number	

### PROJECT / ACTIVITY DETAILS

Name of Project / Activity	Art Craft and Textile Exhibition	
Amount of funding requested	\$ 235.00	
Start and Finish date	START (click to tick)	FINISH (click to tick)
	19/4/2019	22/4/19
Briefly, describe Project / Activity	Art, Craft and Textile Exhibition being held at the Stables Gallery Mudgee at Easter 2019	





ADDRESS CRITERIA

How will your project benefit the Mid-Western Region Community?

(Note: limited number of characters)

It is a great way to show local Artisan work to our community and our visiting tourists over the Easter break holidays

What is the expected amount of resident participation?

(Please provide no. of estimated participants)

(Note: limited number of characters)

8 to 12 Artisans

What level of consultation and collaboration with other local groups has your organisation undertaken?

(ie what other local community groups are or will be involved in this project?)

(Note: limited number of characters)

Only be local Artisans including 4 from Gulgong

Outline your organisation's capacity to deliver the Project / Activity OR describe previous experiences.

(Note: limited number of characters)

I have had 3 before when it was under Mudgee Art Council through Sam Paine  
Have missed the last 2 years in regards to cost.



Project Income	Community Grant (amount sought from Council)	\$ 235.00
	Expected Sales Revenue i.e. Entry Fee, Membership Sales	\$ 0.00
	Other Income	\$ 0.00
<b>TOTAL INCOME</b>		<b>\$ 235.00</b>

List proposed cash expenditure (provide copies of quotes for equipment)

Project Expenditure		
<b>TOTAL EXPENDITURE</b>		<b>\$ 0.00</b>
<b>TOTAL SURPLUS / DEFICIT</b>		<b>\$ 235.00</b>

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

(Note: Unspent grants >\$200 will be required to be returned to MWRC)

### FINANCIAL DETAILS

	YES (click to tick)	NO (click to tick)
Is your group/organisation Incorporated?	<input type="radio"/>	<input checked="" type="radio"/>
Have you registered for Goods & Services Tax (GST) purposes?	<input type="radio"/>	<input checked="" type="radio"/>
Do you have an Australian Business Number (ABN)? Note: If you do not have an ABN please attach a 'Statement by Supplier' form	<input type="radio"/>	<input checked="" type="radio"/>



Has your organisation/group previously received a Community Grant from Council?	YES (click to tick) <input type="radio"/>	NO (click to tick) <input checked="" type="radio"/>
If yes, please advise date and amount	DATE / YEAR <input type="text"/>	AMOUNT \$ <input type="text"/>
Did your group return the acquittal form?	YES (click to tick) <input type="radio"/>	NO (click to tick) <input checked="" type="radio"/>
Closing bank balance from the most recent bank statement or treasurer's report	<input type="text"/>	
Comment on cash set aside for specific projects (optional)	<div style="border: 1px solid black; height: 60px;"></div>	

**APPLICATION CHECKLIST**

If the following are not attached with the application, this may result in the application not being considered.

	SUPPLIED? (click to tick)	
	YES	NO
A copy of the group's/organisation's most recent bank statement or treasurer's report	<input type="radio"/>	<input checked="" type="radio"/>
A copy of the group's/organisation's public liability insurance	<input type="radio"/>	<input checked="" type="radio"/>
Where the group intends to purchase equipment, a copy of the quote/s obtained	<input type="radio"/>	<input checked="" type="radio"/>
Where the groups/organisations does not have an ABN, 'Statement by Supplier' is required	<input type="radio"/>	<input checked="" type="radio"/>
If your group is not incorporated, please supply a letter from your auspicing body	<input type="radio"/>	<input checked="" type="radio"/>

**AUTHORISATION OF APPLICANT**

Name	Deirdre Butler
Position	
Date	18/12/18

- I confirm that the information contained in the application form and within the attachments are true and correct.
- I confirm that this application has been submitted with the full knowledge and support of the applicant.
- I acknowledge the Community Grants Program acquittal requirements and understand that surplus funds may be required to be returned to Council.
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## Application Form

### APPLICANTS DETAILS

Name of Organisation	Riding for the Disabled Association (NSW) Mudgee Centre	
Contact Person	Tracy Lucas	Diane Burnicle
Address	[REDACTED]	
Phone	[REDACTED]	[REDACTED]
Email	Mudgee.rda@hotmail.com	
ABN	92 553 932 686	
Bank Account Name	[REDACTED]	
BSB	[REDACTED]	
Account Number	[REDACTED]	

### PROJECT / ACTIVITY DETAILS

Name of Project / Activity	Riding for the Disabled Mudgee Centre hire of Showground Arena	
Amount of funding requested	<del>\$2,000.00</del> 32 bookings @ \$145.00 per day	
Start and Finish date	START (click to tick)	FINISH (click to tick)
	1st February, 2019 6am to 3pm	10th December, 2019 3pm
Briefly, describe Project / Activity	Hire of the Showground arena for our riders on Wednesdays from 6am to 3pm. 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 a fun filled time with the horses and volunteers.	

\$4640.00

COMMUNITY GRANTS

ADDRESS CRITERIA

How will your project benefit the Mid-Western Region Community?

(Note: limited number of characters)

RDA Mudgee has many benefits to this Community, our riders from local schools such as CVPS, Gulgong Public School, Life Skills Plus and Glenray and also individual riders with disabilities from Rylstone & Mudgee.

What is the expected amount of resident participation?

(Please provide no. of estimated participants)

(Note: limited number of characters)

We endeavour to have 6 horses available with four classes each Wednesday of the school term all our riders are residents of Mid-Western Region. Approximately 24 riders each Wednesday weather permitting.

What level of consultation and collaboration with other local groups has your organisation undertaken?

(ie what other local community groups are or will be involved in this project?)

(Note: limited number of characters)

Outline your organisation's capacity to deliver the Project / Activity OR describe previous experiences.

(Note: limited number of characters)



Has your organisation/group previously received a Community Grant from Council?	YES (click to tick) <input type="radio"/>	NO (click to tick) <input checked="" type="radio"/>
If yes, please advise date and amount	DATE / YEAR <input type="text"/>	AMOUNT \$ <input type="text"/>
Did your group return the acquittal form?	YES (click to tick) <input type="radio"/>	NO (click to tick) <input checked="" type="radio"/>
Closing bank balance from the most recent bank statement or treasurer's report	<input type="text"/>	
Comment on cash set aside for specific projects (optional)	<div style="border: 1px solid black; height: 60px;"></div>	

APPLICATION CHECKLIST

If the following are not attached with the application, this may result in the application not being considered.

	SUPPLIED? (click to tick)	
	YES	NO
A copy of the group's/organisation's most recent bank statement or treasurer's report	<input checked="" type="radio"/>	<input type="radio"/>
A copy of the group's/organisation's public liability insurance	<input checked="" type="radio"/>	<input type="radio"/>
Where the group intends to purchase equipment, a copy of the quote/s obtained	<input checked="" type="radio"/>	<input type="radio"/>
Where the groups/organisations does not have an ABN, 'Statement by Supplier' is required	<input checked="" type="radio"/>	<input type="radio"/>
If your group is not incorporated, please supply a letter from your auspicing body	<input checked="" type="radio"/>	<input type="radio"/>

AUTHORISATION OF APPLICANT

Name	Tracy Lucas	Diane Burnice
Position	President	Secretary
Date	7th January 2019	

- I confirm that the information contained in the application form and within the attachments are true and correct.
- I confirm that this application has been submitted with the full knowledge and support of the applicant.
- I acknowledge the Community Grants Program acquittal requirements and understand that surplus funds may be required to be returned to Council.
- I am aware that this application will be reproduced in the Council Business Paper, and authorise public release of information provided.

**COMMUNITY GRANTS**

**SUBMIT YOUR APPLICATION**

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1/23/2019

Current details for ABN 92 553 932 686 | ABN Lookup



## ABN Lookup

### Current details for ABN 92 553 932 686

#### ABN details

Entity name:	RIDING FOR THE DISABLED ASSOCIATION (NSW) THE MUDGEE CENTRE
ABN status:	Active from 01 Nov 1999
Entity type:	Other Unincorporated Entity
Goods & Services Tax (GST):	Not currently registered for GST
Main business location:	NSW 2850

#### Australian Charities and Not-for-profits Commission (ACNC)

RIDING FOR THE DISABLED ASSOCIATION (NSW) THE MUDGEE CENTRE is registered with the Australian Charities and Not-for-profits Commission (ACNC) [as follows](#):

ACNC registration	From
Registered as a charity <a href="#">view ACNC registration</a>	03 Dec 2012

#### Trading name(s)

From 1 November 2023, ABN Lookup will not display trading names and will only display registered business names. For more information, click [help](#).

Trading name	From
RIDING FOR THE DISABLED ASSOCIATION NSW THE MUDGEE CENTRE	01 Sep 2000

#### Charity tax concession status

RIDING FOR THE DISABLED ASSOCIATION (NSW) THE MUDGEE CENTRE is a Public Benevolent Institution endorsed to access the following tax concessions:

Tax concession	From
Income Tax Exemption	01 Jul 2000

#### Deductible gift recipient status

RIDING FOR THE DISABLED ASSOCIATION (NSW) THE MUDGEE CENTRE is endorsed as a Deductible Gift Recipient (DGR) from 01 Jan 2005. It is covered by Item 1 of the table in section 30-15 of the *Income Tax Assessment Act 1997*.

#### Important

Please read [Deductible Gift Recipient \(DGR\)](#) information before making a gift.

ABN last updated: 28 Sep 2018

Record extracted: 23 Jan 2019

1/23/2019

Current details for ABN 92 553 932 686 | ABN Lookup

## Disclaimer

The Registrar makes every reasonable effort to maintain current and accurate information on this site. The Commissioner of Taxation advises that if you use ABN Lookup for information about another entity for taxation purposes and that information turns out to be incorrect, in certain circumstances you will be protected from liability. For more information see [disclaimer](#).



## Application Form

### APPLICANTS DETAILS

Name of Organisation	Culgong Mudgee Rylstone Branch, National Trust of Australia (NSW)	
Contact Person	John Bentley	
Address	[REDACTED]	
Phone	[REDACTED]	
Email	[REDACTED]	
ABN	n/a	
Bank Account Name	n/a	MID-WESTERN REGIONAL COUNCIL RECORDS RECEIVED  24 JAN 2019  <input checked="" type="checkbox"/> SCANNED <input checked="" type="checkbox"/> REGISTERED
BSB	n/a	
Account Number	n/a	

### PROJECT / ACTIVITY DETAILS

Name of Project / Activity	"Stories of Gold"	
Amount of funding requested	\$90-00 (waive of hire of Stables on the date)	
Start and Finish date	START (click to tick)	FINISH (click to tick)
	12:00 pm	4:00 pm
Briefly, describe Project / Activity	A local event, focussing on 'Stories of Gold', with static displays, speakers and audio-visual input – all reflecting on the stories of gold across our Region. The event is open to the public, & will be advertised locally.	

COMMUNITY GRANTS

ADDRESS CRITERIA

How will your project benefit the Mid-Western Region Community?

(Note: limited number of characters)

- 1) Provides an educational & social opportunity for this community to learn something of a significant aspect of local history & culture.
- 2) Funds raised will be retained by the Gulgong Mudgee Rylstone Branch of the National Trust (NSW) for regional purposes.

What is the expected amount of resident participation?

(Please provide no. of estimated participants)

(Note: limited number of characters)

- 1) The event is open to the public, & will be advertised as such.
- 2) 90-100 participants

What level of consultation and collaboration with other local groups has your organisation undertaken?

(ie what other local community groups are or will be involved in this project?)

(Note: limited number of characters)

This event has been organised by members of the Gulgong Mudgee Rylstone Branch of the National Trust (NSW) only.

Outline your organisation's capacity to deliver the Project / Activity OR describe previous experiences.

(Note: limited number of characters)

Members of this Branch are experienced in organising such events with alacrity and efficiency.  
The 'Open Homes' event of March 2017 saw 600 locals & visitors to Mudgee Mudgee successfully catered for, across 7 significant homes over 2 days, in terms of organisation, planning & execution of the event.



**COMMUNITY GRANTS**

Community Grant (amount sought from Council)	\$ 90-00
Project Income Expected Sales Revenue i.e. Entry Fee, Membership Sales	\$ 150-00
Other Income	—
<b>TOTAL INCOME</b>	<b>\$ 240-00 \$ 0.00</b>

List proposed cash expenditure (provide copies of quotes for equipment)

Project Expenditure	Publicity - printing of brochures	\$ 100-00
<b>TOTAL EXPENDITURE</b>		<b>\$ 100-00 \$ 0.00</b>
<b>TOTAL SURPLUS / DEFICIT</b>		<b>\$ 140-00 \$ 0.00</b>

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

See above - funds retained for future expenditure across Region by the Gulgong Mudgee Rylstone Branch of the National Trust NSW.

(Note: Unspent grants >\$200 will be required to be returned to MWRC)

**FINANCIAL DETAILS**

	YES (click to tick)	NO (click to tick)
Is your group/organisation Incorporated?	<input checked="" type="radio"/> ✓	<input type="radio"/>
Have you registered for Goods & Services Tax (GST) purposes?	<input checked="" type="radio"/> ✓	<input type="radio"/>
Do you have an Australian Business Number (ABN)? Note: If you do not have an ABN please attach a 'Statement by Supplier' form	<input type="radio"/>	<input checked="" type="radio"/> ✓

**COMMUNITY GRANTS**

Has your organisation/group previously received a Community Grant from Council?	YES (click to tick) <input checked="" type="radio"/>	NO (click to tick) <input type="radio"/>
If yes, please advise date and amount	DATE / YEAR 2017	AMOUNT \$5 000
Did your group return the acquittal form?	YES (click to tick) <input checked="" type="radio"/>	NO (click to tick) <input type="radio"/>
Closing bank balance from the most recent bank statement or treasurer's report	n/a - Treasurer's Report Attached	
Comment on cash set aside for specific projects (optional)		

**APPLICATION CHECKLIST**

If the following are not attached with the application, this may result in the application not being considered.

	SUPPLIED? (click to tick)	
	YES	NO
A copy of the group's/organisation's most recent bank statement or treasurer's report	<input checked="" type="radio"/>	<input type="radio"/>
A copy of the group's/organisation's public liability insurance	<input type="radio"/>	<input checked="" type="radio"/>
Where the group intends to purchase equipment, a copy of the quote/s obtained	<input type="radio"/>	<input checked="" type="radio"/>
Where the groups/organisations does not have an ABN, 'Statement by Supplier' is required	<input type="radio"/>	<input checked="" type="radio"/>
If your group is not incorporated, please supply a letter from your auspicing body	<input type="radio"/>	<input checked="" type="radio"/>

**AUTHORISATION OF APPLICANT**

Name	John Bentley
Position	Chair, Gulgong Mudgee Rylstone Branch, National Trust (NSW)
Date	23/1/19

- I confirm that the information contained in the application form and within the attachments are true and correct.
- I confirm that this application has been submitted with the full knowledge and support of the applicant.
- I acknowledge the Community Grants Program acquittal requirements and understand that surplus funds may be required to be returned to Council.
- I am aware that this application will be reproduced in the Council Business Paper, and authorise public release of information provided.



**SUBMIT YOUR APPLICATION**

**EMAIL:** After you complete this digital form, please save it to your computer and email to [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**DELIVER TO:** Customer Service Locations

86 Market Street  
MUDGEE

109 Herbert Street  
GULGONG

77 Louee Street  
RYLSTONE

**MAIL TO:** Mid-Western Regional Council  
Attn: Finance Department  
PO Box 156  
MUDGEE NSW 2850

[SUBMIT ONLINE](#)

[COMMUNITY GRANTS POLICY](#)

[PRINT MY APPLICATION](#)



**The Gulgong-Mudgee-Rylstone Branch  
of the National Trust Australia (NSW)**

**Treasurer's Report**

**27.11. 2018**

**November Committee Meeting**

**Petty Cash Income**

bcf	\$	314.85
Meeting Donations	\$	nil
Event Donations	\$	nil

---

**\$ 314.85**

**Petty Cash Expenditure**

Hire of Facilities Museum	\$	nil	(NB. Forward payment of \$75 made in September)
Reimbursement of costs	\$	nil	
Donations to National Trust	\$	nil	(NB: National Trust has confirmed the \$ 500 donation by this branch in October 2018 has been directed to Dundallimal Homestead Dubbo as requested during our September meeting.)

---

**\$314.85**

**Balance** **\$ 314.85**



Christine Bentley (Treasurer)

1/25/2019

Current details for ABN 82 491 958 802 | ABN Lookup



## ABN Lookup

### Current details for ABN 82 491 958 802

#### ABN details

Entity name:	NATIONAL TRUST OF AUSTRALIA (NSW)
ABN status:	Active from 26 Apr 2000
Entity type:	Other Unincorporated Entity
Goods & Services Tax (GST):	Registered from 01 Jul 2000
Main business location:	NSW 2000

#### Australian Charities and Not-for-profits Commission (ACNC)

NATIONAL TRUST OF AUSTRALIA (NSW) is registered with the Australian Charities and Not-for-profits Commission (ACNC) as follows:

ACNC registration	From
Registered as a charity view ACNC registration	03 Dec 2012

#### Business name(s)

Business name	From
AUSTRALIAN HERITAGE AWARD	26 Apr 2000
EXPERIMENT FARM COTTAGE	26 Apr 2000
NATIONAL TRUST NORMAN LINDSAY GALLERY & MUSEUM	26 Apr 2000

#### Trading name(s)

From 1 November 2023, ABN Lookup will not display trading names and will only display registered business names. For more information, click help.

Trading name	From
NATIONAL TRUST OF AUSTRALIA NSW	26 Apr 2000

#### Charity tax concession status

NATIONAL TRUST OF AUSTRALIA (NSW) is a Charity endorsed to access the following tax concessions:

Tax concession	From
GST Concession	01 Jul 2005
FBT Rebate	01 Jul 2005
Income Tax Exemption	01 Jul 2000

#### Deductible gift recipient status

NATIONAL TRUST OF AUSTRALIA (NSW) is listed by name as a Deductible Gift Recipient (DGR) from 01 Jul 2000. It is covered by Item 1 of the table in section 30-15 of the *Income Tax Assessment Act 1997*.

NATIONAL TRUST OF AUSTRALIA (NSW) operates the following funds, authorities or institutions. Gifts to these

1/25/2019

Current details for ABN 82 491 958 802 | ABN Lookup

funds, authorities or institutions may be deductible.

Fund, authority or institution name	<a href="#">DGR Item</a>	From
NT (NSW) HOUSE MUSEUMS GROUP	Items 1 & 4	01 Jul 2000
NT (NSW) GALLERIES GROUP	Items 1 & 4	01 Jul 2000

 **Important**

Please read [Deductible Gift Recipient \(DGR\)](#) information before making a gift.

ABN last updated: 04 Dec 2018

Record extracted: 25 Jan 2019

### Disclaimer

The Registrar makes every reasonable effort to maintain current and accurate information on this site. The Commissioner of Taxation advises that if you use ABN Lookup for information about another entity for taxation purposes and that information turns out to be incorrect, in certain circumstances you will be protected from liability. For more information see [disclaimer](#).





## Application Form

### APPLICANTS DETAILS

Name of Organisation	Kanandah Retirement Ltd
Contact Person	te e ne hairman Kanandah ard Dire t r
Address	D r t M d ee
Phone	[REDACTED]
Email	[REDACTED]
ABN	
Bank Account Name	[REDACTED]
BSB	[REDACTED]
Account Number	[REDACTED]

### PROJECT / ACTIVITY DETAILS

Name of Project / Activity	Kanandah att e a e	
Amount of funding requested		
Start and Finish date	START (click to tick)	FINISH (click to tick)
	t er	Mar h
Briefly, describe Project / Activity	T reate a arm in itin and i rant entran et ra ed are a i a re ident and their ami ie er in hi h a it ari ta ine tea a e a a e m in and treat r hi dren l re e ti n i e i e reated t er e the immediate need re ami ie The a i n ta mmer ia ent re	



ADDRESS CRITERIA

How will your project benefit the Mid-Western Region Community?

(Note: limited number of characters)

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What is the expected amount of resident participation?

(Please provide no. of estimated participants)

(Note: limited number of characters)

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What level of consultation and collaboration with other local groups has your organisation undertaken?

(ie what other local community groups are or will be involved in this project?)

(Note: limited number of characters)

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Outline your organisation's capacity to deliver the Project / Activity OR describe previous experiences.

(Note: limited number of characters)

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re ident er i e



Project Income	Community Grant (amount sought from Council)	<input type="text"/>
	Expected Sales Revenue i.e. Entry Fee, Membership Sales	<input type="text"/> €
	Other Income	<input type="text"/>
<b>TOTAL INCOME</b>		

List proposed cash expenditure (provide copies of quotes for equipment)

Project Expenditure	Capital Expenditure	<input type="text"/>
	Operating Expenditure	<input type="text"/>
	Travel Expenditure	<input type="text"/>
	Staff Expenditure	<input type="text"/>
	Other Expenditure	<input type="text"/>
<b>TOTAL EXPENDITURE</b>		
<b>TOTAL SURPLUS / DEFICIT</b>		<b>\$ 0.00</b>

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

The aim of this project is to provide a safe and healthy environment for our community. The project will be used for the following purposes: [The text in this block is mirrored and mostly illegible in the original image]

(Note: Unspent grants >\$200 will be required to be returned to MWRC)

FINANCIAL DETAILS

	YES (click to tick)	NO (click to tick)
Is your group/organisation Incorporated?	<input checked="" type="radio"/>	<input type="radio"/>
Have you registered for Goods & Services Tax (GST) purposes?	<input checked="" type="radio"/>	<input type="radio"/>
Do you have an Australian Business Number (ABN)? Note: If you do not have an ABN please attach a 'Statement by Supplier' form	<input checked="" type="radio"/>	<input type="radio"/>



Has your organisation/group previously received a Community Grant from Council?	YES (click to tick) <input checked="" type="radio"/>	NO (click to tick) <input type="radio"/>
If yes, please advise date and amount	DATE / YEAR <input type="text"/>	AMOUNT \$ <input type="text"/>
Did your group return the acquittal form?	YES (click to tick) <input checked="" type="radio"/>	NO (click to tick) <input type="radio"/>
Closing bank balance from the most recent bank statement or treasurer's report	<input type="text"/>	
Comment on cash set aside for specific projects (optional)	<input type="text"/>	

APPLICATION CHECKLIST

If the following are not attached with the application, this may result in the application not being considered.

	SUPPLIED? (click to tick)	
	YES	NO
A copy of the group's/organisation's most recent bank statement or treasurer's report	<input checked="" type="radio"/>	<input type="radio"/>
A copy of the group's/organisation's public liability insurance	<input checked="" type="radio"/>	<input type="radio"/>
Where the group intends to purchase equipment, a copy of the quote/s obtained	<input checked="" type="radio"/>	<input type="radio"/>
Where the groups/organisations does not have an ABN, 'Statement by Supplier' is required	<input checked="" type="radio"/>	<input type="radio"/>
If your group is not incorporated, please supply a letter from your auspicating body	<input checked="" type="radio"/>	<input type="radio"/>

AUTHORISATION OF APPLICANT

Name	<input type="text" value="te e ne"/>
Position	<input type="text" value="hairman Kanandah ard Dire t r"/>
Date	<input type="text" value="t an"/>

- I confirm that the information contained in the application form and within the attachments are true and correct.
- I confirm that this application has been submitted with the full knowledge and support of the applicant.
- I acknowledge the Community Grants Program acquittal requirements and understand that surplus funds may be required to be returned to Council.
- I am aware that this application will be reproduced in the Council Business Paper, and authorise public release of information provided.



### SUBMIT YOUR APPLICATION

**EMAIL:** After you complete this digital form, please save it to your computer and email to [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**DELIVER TO:** Customer Service Locations

86 Market Street  
MUDGEE

109 Herbert Street  
GULGONG

77 Louee Street  
RYLSTONE

**MAIL TO:** Mid-Western Regional Council  
Attn: Finance Department  
PO Box 156  
MUDGEE NSW 2850

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Australian Government  
Australian Business Register

## ABN Lookup

### Current details for ABN 85 002 535 846

#### ABN details

Entity name:	KANANDAH RETIREMENT LTD
ABN status:	Active from 30 Mar 2000
Entity type:	<a href="#">Australian Public Company</a>
Goods & Services Tax (GST):	Registered from 01 Jul 2000
Main business location:	NSW 2850

#### Australian Charities and Not-for-profits Commission (ACNC)

KANANDAH RETIREMENT LTD is registered with the [Australian Charities and Not-for-profits Commission \(ACNC\)](#) as follows:

ACNC registration	From
Registered as a charity <a href="#">view ACNC registration</a>	03 Dec 2012

#### Trading name(s)

From 1 November 2023, ABN Lookup will not display trading names and will only display registered business names.

Trading name	From
KANANDAH RETIREMENT LIMITED	30 Mar 2000

#### ASIC registration - ACN or ARBN

002 535 846 [View record on the ASIC website](#)

#### Charity tax concession status

KANANDAH RETIREMENT LTD is a [Public Benevolent Institution](#) endorsed to access the following tax concessions:

Tax concession	From
GST Concession	01 Jul 2005
FBT Exemption	01 Jul 2005
Income Tax Exemption	01 Jul 2000



### Deductible gift recipient status

KANANDAH RETIREMENT LTD is endorsed as a Deductible Gift Recipient (DGR) from 01 Jul 2000. It is covered by [Item 1](#) of the table in section 30-15 of the *Income Tax Assessment Act 1997*.

### Important

Please read [Deductible Gift Recipient \(DGR\)](#) information before making a gift.

ABN last updated: 28 Sep 2018

Record extracted: 05 Feb 2019

### Disclaimer

The Registrar makes every reasonable effort to maintain current and accurate information on this site. The Commissioner of Taxation advises that if you use ABN Lookup for information about another entity for taxation purposes and that information turns out to be incorrect, in certain circumstances you will be protected from liability. For more information see [disclaimer](#).



## KANANDAH RETIREMENT LIMITED

21 DOURO STREET MUDGEE NSW 2850  
ABN: 85 002 535 846

Telephone: 02 6378 6400 Facsimile: 02 6378 6539  
Email: admin@kanandah.com.au



25 January 2019

Dear Mr Cam,

As Chairman of the Kanandah Board of Directors I am writing to you in respect of the café that we are creating in the foyer of our main building. The project is in its final stages and we plan to open to our residents and their carers in the coming weeks.

The café is sited wholly within our building and does not aim to attract business from the general public. It has been built to provide a place for carers to take their frail and elderly loved ones on an “outing” without leaving the safety of Kanandah. Research and experience tell us that such normal, non-institutional activities such as visiting a café and choosing from a menu are vitally important to the health and well-being of our residents, particularly those suffering dementias.

Our “Wattle Café”, like the rest of our facility will certainly be conducted on a not for profit basis. It has not been designed as a commercial venture. We hope though to operate on a “not for loss” basis.

Construction of the café was a very simple building project involving the installation of an external window, the removal of one non-loadbearing wall and the removal of internal glass dividers. Several power points were re-located and a simple connection to existing plumbing and drainage was required.

The builders quote for the entire job, including plumbing and electrical was less than \$20,000.

My concern is that on such a simple project by a not for profit community service organisation we were required to pay \$2714 in council fees. (DA \$493, Construction Certificate \$1971, Building Information Certificate \$250).

Council staff admitted that had the alterations to our building been exclusively for the residents as opposed to residents and their carers then none of the above would have been necessary. As it was it was still debatable if a DA and the subsequent other certificates were necessary.

The result was a significant extra financial burden for our organisation which will directly impact on our ability to provide other services to our residents.

*The Board of Directors of Kanandah would very much appreciate your consideration to providing a refund of some or all of these charges.*

Thank you for your consideration of this matter. I look forward to your response.

Yours Sincerely

Steve Jones  
(Chairman Kanandah Board of Directors)



Ack letter



*Good  
Government*

QUARTERLY BUDGET  
REVIEW STATEMENT  
DECEMBER 2018

ATTACHMENTS

20 FEBRUARY 2019

MID-WESTERN REGIONAL COUNCIL  
CORPORATE: FINANCE

■ ■ ■ ■ ■ TOWARDS 2030



CORPORATE: FINANCE |

THIS DOCUMENT HAS BEEN PREPARED BY NEIL BUNGATE, ACTING CHIEF FINANCIAL OFFICER FOR MID-WESTERN REGIONAL COUNCIL.

ANY QUESTIONS IN RELATION TO THE CONTENT OF THIS DOCUMENT SHOULD BE DIRECTED TO:  
NEIL.BUNGATE@MIDWESTERN.NSW.GOV.AU OR (02) 6378 2850

DATE OF PUBLICATION: 20 FEBRUARY 2019

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CORPORATE: FINANCE |

# 1. Proposed Budget Variations

1.1 2018/2019

Community Plan Theme	Variation	Funding Source	Amount
<b>GENERAL FUND</b>			
<b>Positive Variations</b>			
Good Government	Plant Replacement Schedule adjustments - delaying replacements due to low utilisation	Plant Replacement Reserve	371,341
Good Government	Operations Administration savings mainly due to staff vacancies	Unrestricted Cash	85,000
Good Government	Review of Corporate and Development wages, savings due to vacancies and leave identified of \$280k, offset by increased employee leave and entitlement expenses \$200k	Unrestricted Cash	60,000
Good Government	Part of WHS incentive funds to carry over to 19/20 to fund WHS officer contract	Unspent Grants	70,000
Looking after our Community	Family Day Care Reserve correction of 2017/18 result	Unrestricted Cash	36,204
Good Government	Bulk Oil Storage project no longer required, alternative solutions found	Plant Replacement Reserve	20,000
Looking after our Community	Mudgee Library Savings in RFID software \$41k, offset partially by increase required to contractors \$15k and casual wages \$15k	Unrestricted Cash	11,000
Connecting our Region	Glen Alice Rd Reseal savings	Asset Replacement Reserve	6,000
Looking after our Community	Town Hall Sensory Screening project not proceeding. This needed 50/50 funding and this has not been identified and we are delivering similar programs within budget.	Capital Program Reserve	3,731
Looking after our Community	Waratah Park Fencing completed under budget, VPA funds not required	Voluntary Planning Agreements	3,500
Connecting our Region	Return of unspent Country Passenger Transport Infrastructure grant lower than held in unspent grants reserve	Unrestricted Cash	1,396
<b>Total Positive Variations</b>			<b>668,172</b>
<b>Negative Variations</b>			
Connecting our Region	Local Bridge replacement over spent Goodiman Creek \$58k, Henry Lawson Drive \$20k	Unrestricted Cash	(78,000)
Connecting our Region	Street Lighting electricity costs increase	Unrestricted Cash	(70,000)



Community Plan Theme	Variation	Funding Source	Amount
Connecting our Region	Rural Sealed Local Roads project adjustments: Savings Lue Rd \$41,957 Blue Springs Rd \$11,080 Summer Hill Rd \$12,000 Ulan-Wollar Rd \$29,249 Triangle Swamp Rd \$6,000 Additional Funds Required Henry Lawson Drive \$80,000 Narrango Rd \$30,000 Heavy Patching \$20,000 Yarrowonga Rd \$20,000	Unrestricted Cash	(49,714)
Building a Strong Local Economy	Pitts Lane Property clean up	Unrestricted Cash	(40,000)
Looking after our Community	Family Day Care Reserve correction of 2017/18 result	Family Day Care Reserve	(36,204)
Building a Strong Local Economy	Additional budget required for due diligence on commercial property purchase	Unrestricted Cash	(32,000)
Looking after our Community	Active Parks additional budget required for replacing damaged light poles at Rylstone showground \$16k, repairs to Gulgong tennis court \$7,600 and 50% contribution to defibrillator grant \$3,750	Unrestricted Cash	(27,350)
Good Government	Recruitment of Risk Officer on contract to undertake enterprise risk management 18/19	Unrestricted Cash	(23,000)
Building a Strong Local Economy	Airport Operations - casual wages budget required for	Unrestricted Cash	(15,000)
Good Government	48 Depot Road office furniture required additional budget	Unrestricted Cash	(15,000)
Good Government	Rylstone Depot Roller Door replacement	Unrestricted Cash	(15,000)
Building a Strong Local Economy	Cudgong Water Caravan Park Sewer Upgrade	Unrestricted Cash	(11,500)
Looking after our Community	Gulgong Skate Park additional costs	Voluntary Planning Agreements	(10,500)
Looking after our Community	Glen Willow chemical storage required for safety	Unrestricted Cash	(9,000)
Good Government	Gulgong Office maintenance issues requires additional budget	Unrestricted Cash	(8,000)
Connecting our Region	Return of unspent Country Passenger Transport Infrastructure grant \$4,620 and clear out remaining reserve funds \$1,396	Unspent Grants	(6,016)
Looking after our Community	Mudgee Showground costs to remove kangaroos	Unrestricted Cash	(4,300)
Looking after our Community	Ironed Out requires upgraded air conditioning	Unrestricted Cash	(4,200)
Building a Strong Local Economy	Cudgong Waters Caravan Park additional maintenance	Unrestricted Cash	(4,000)
Building a Strong Local Economy	Rylstone Caravan Park additional maintenance	Unrestricted Cash	(4,000)
Good Government	Gulgong Depot Capital Works - racking is required for safe storage of signs	Asset Replacement Reserve	(4,000)
Looking after our Community	Public Toilets Operations - \$4k depreciation	Non-cash	(4,000)
Looking after our Community	Country Arts Support Program - 50% contribution to grant funding	Unrestricted Cash	(3,000)
Looking after our Community	Olinda Community Village Subsidy	Unrestricted Cash	(1,500)

## CORPORATE: FINANCE |

Community Plan Theme	Variation	Funding Source	Amount
Looking after our Community	Mudgee Showground Internal Access increase to cost of project	Asset Replacement Reserve	(1,500)
Looking after our Community	Public Toilets Operations - \$1k maintenance,	Unrestricted Cash	(1,000)
<b>Total Negative Variations</b>			<b>(477,784)</b>
<b>Contra Variations</b>			
Connecting our Region	State Roads Order Works - Allocate current projects out from budget only project	Unrestricted Cash	(4,017,140)
Connecting our Region	State Roads Ordered Works Projects includes: Razorback Shoulder Widening Apple Tree Flat Shoulders 2 Mile Flat Shoulders Mebul East Rehab Warrungunia Safety Sofala Curves Sofala Hill Cherry Tree Culvert Repair	Unrestricted Cash	4,017,140
Good Government	Drainage Diagram income budget transfer from Town Planning to Customer Service	Unrestricted Cash	60,900
Good Government	Drainage Diagram income budget transfer from Town Planning to Customer Service	Unrestricted Cash	(60,900)
Good Government	IT Wages savings due to vacancies	Unrestricted Cash	50,000
Good Government	IT Contract work expense required due to staff vacancies	Unrestricted Cash	(50,000)
Connecting our Region	Urban Roads linemarking project	Unrestricted Cash	31,597
Connecting our Region	Remaining Urban Reseals budget transferred to linemarking	Unrestricted Cash	(31,597)
Good Government	WHS Officer contract term	Unrestricted Cash	(25,000)
Good Government	WHS Incentive payment	Unrestricted Cash	25,000
Looking after our Community	RFS Portable Toilets	Grants & Contributions	(9,500)
Looking after our Community	RFS Portable Toilets - Reimbursed costs	Grants & Contributions	9,500
Connecting our Region	Black Lead Lane - Resheeting required before seal extension, budget was not revoted	Unrestricted Cash	(9,000)
Connecting our Region	Resheeting Local Roads - transfer required cost to black lead lane	Unrestricted Cash	9,000
Looking after our Community	Gulgong Cemetery Capital Extension additional landscape costs	Asset Replacement Reserve	(6,500)
Looking after our Community	Cemetery Capital budget to fund Gulgong extension costs	Asset Replacement Reserve	6,500
<b>Total Contra Variations</b>			<b>0</b>
<b>TOTAL GENERAL FUND</b>			<b>190,388</b>
	<i>Non-cash variations</i>		<b>(4,000)</b>
	<i>Cash variations</i>		<b>194,388</b>
<b>WATER FUND</b>			

Community Plan Theme	Variation	Funding Source	Amount
<b>Positive Variations</b>			
Protecting our Natural Environment	Amend timing of Water Augmentation project, partially deferred until 19/20	Water Developer Contributions	2,000,000
Protecting our Natural Environment	Amend timing of water main replacements, partially deferred until 19/20	Water Reserves	325,000
Protecting our Natural Environment	Amend timing of pump station project, deferred until 19/20	Water Reserves	207,000
<b>Total Positive Variations</b>			<b>2,532,000</b>
<b>Negative Variations</b>			
Protecting our Natural Environment	Orana Water Utilities Project costs	Water Unrestricted Cash	(10,000)
<b>Total Negative Variations</b>			<b>(10,000)</b>
<b>TOTAL WATER FUND</b>			<b>2,522,000</b>
			<i>Non-cash variations</i> 0
			<i>Cash variations</i> 2,522,000
<b>SEWER FUND</b>			
<b>Positive Variations</b>			
Protecting our Natural Environment	Amend timing of pump station project, deferred until 19/20	Sewer Developer Contributions	700,000
<b>Total Negative Variations</b>			<b>700,000</b>
<b>TOTAL SEWER FUND</b>			<b>700,000</b>
			<i>Non-cash variations</i> 0
			<i>Cash variations</i> 700,000
<b>WASTE FUND</b>			
<b>Positive Variations</b>			
Protecting our Natural Environment	Deferral of New Tip Construction - Consultants have identified 4 years remaining in the current cell with some redesign work.	Waste Reserve	1,900,000
Protecting our Natural Environment	Recycling Relief Grant funding	Waste Unrestricted Cash	35,915
<b>Total Positive Variations</b>			<b>1,935,915</b>
<b>Contra Variations</b>			

## CORPORATE: FINANCE |

Community Plan Theme	Variation	Funding Source	Amount
Protecting our Natural Environment	Mudgee Recycling New Lift completed last financial year. Transfer funds to sediment pond and fencing	Waste Reserve	50,000
Protecting our Natural Environment	Sediment pond and paper blow fencing project	Waste Reserve	(50,000)
<b>Total Contra Variations</b>			<b>0</b>
<b>TOTAL WASTE FUND</b>			<b>1,935,915</b>
	<i>Non-cash variations</i>		<b>0</b>
	<i>Cash variations</i>		<b>1,935,915</b>
<b>SALEYARDS FUND</b>			
<i>Positive Variations</i>			
Building a Strong Local Economy	Saleyards security project savings	Saleyards Reserve	1,400
<b>Total Positive Variations</b>			<b>1,400</b>
<b>TOTAL SALEYARDS FUND</b>			<b>1,400</b>
	<i>Non-cash variations</i>		<b>0</b>
	<i>Cash variations</i>		<b>1,400</b>

## 1.2 2019/2020

Community Plan Theme	Variation	Funding Source	Amount
<b>GENERAL FUND</b>			
<b>Negative Variations</b>			
Good Government	Part of WHS incentive funds to carry over to 19/20 to fund WHS officer contract	Unspent Grants	(70,000)
Good Government	Recruitment of Risk Officer on contract to undertake enterprise risk management 19/20	Unrestricted Cash	(69,200)
<b>Total Negative Variations</b>			<b>(139,200)</b>
<b>TOTAL GENERAL FUND</b>			<b>(139,200)</b>
	<i>Non-cash variations</i>		
	<i>Cash variations</i>		<b>(139,200)</b>
<b>WATER FUND</b>			
<b>Negative Variations</b>			

CORPORATE: FINANCE |

Community Plan Theme	Variation	Funding Source	Amount
Protecting our Natural Environment	Amend timing of Water Augmentation project, partially deferred until 19/20	Water Developer Contributions	(2,000,000)
Protecting our Natural Environment	Amend timing of water main replacements, partially deferred until 19/20	Water Reserves	(325,000)
Protecting our Natural Environment	Amend timing of pump station project, deferred until 19/20	Water Reserves	(207,000)
<b>Total Negative Variations</b>			<b>(2,532,000)</b>
<b>TOTAL WATER FUND</b>			<b>(2,532,000)</b>
	<i>Non-cash variations</i>		0
	<i>Cash variations</i>		<b>(2,532,000)</b>
<b>SEWER FUND</b>			
<b>Negative Variations</b>			
Protecting our Natural Environment	Amend timing of pump station project, deferred until 19/20	Sewer Developer Contributions	(700,000)
<b>Total Negative Variations</b>			<b>(700,000)</b>
<b>TOTAL SEWER FUND</b>			<b>(700,000)</b>
	<i>Non-cash variations</i>		0
	<i>Cash variations</i>		<b>(700,000)</b>

1.3 2020/2021

Community Plan Theme	Variation	Funding Source	Amount
<b>WASTE FUND</b>			
<b>Negative Variations</b>			
Protecting our Natural Environment	Deferral of New Tip Construction - Consultants have identified 4 years remaining in the current cell with some redesign work.	Waste Reserve	(2,000,000)
<b>Total Negative Variations</b>			<b>(2,000,000)</b>
<b>TOTAL WASTE FUND</b>			<b>(2,000,000)</b>
	<i>Non-cash variations</i>		<b>(2,000,000)</b>
	<i>Cash variations</i>		0

## 2. Unrestricted Cash by Fund

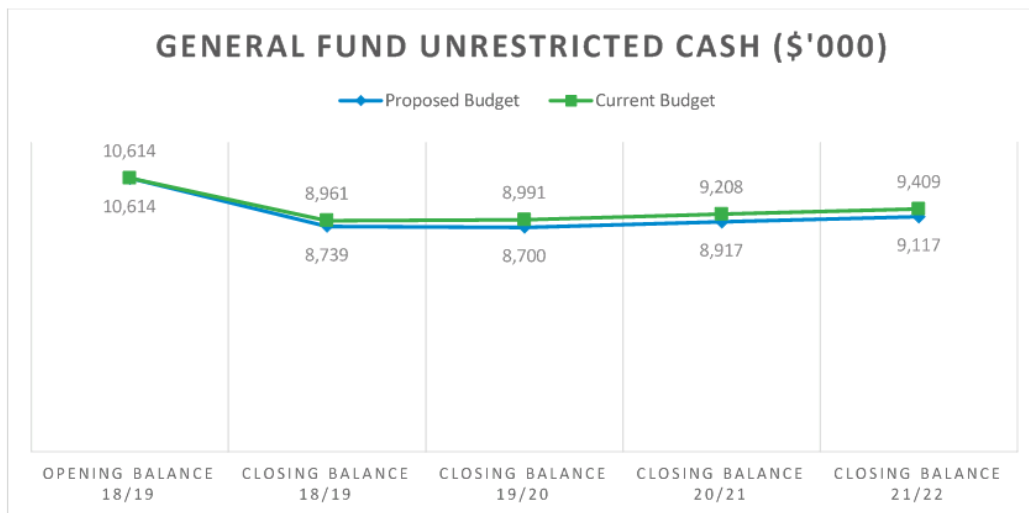
### 2.1 General Fund

Council finished the 2017/18 financial year with an unrestricted cash balance of \$10,614 million. As adopted by Council the Original Budget projected a decrease to 30 June 2019 of \$396,000. Council has since adopted the following budget movements, summarised below.

Variation	Amount (\$'000)	Movement
Original Budget	(396)	Decrease
Revotes	(661)	Decrease
Council Minutes – July to December	(359)	Decrease
September QBR variations	(237)	Decrease
December QBR proposed variations	(222)	Decrease
<b>Estimated movement to 30 June 2019</b>	<b>(1,875)</b>	<b>Decrease</b>
<b>Projected balance at 30 June 2019</b>	<b>8,739</b>	

A projected unrestricted cash balance of \$8.75 million represents about 7 weeks of Council's 2018/19 operating expenditure budget. This is a high level of unrestricted cash and is adequate to ensure Council is able to meet its debts and obligations as they fall due.

The General Fund projected unrestricted cash balance over the next four years is shown below.





## 2.2 Water Fund

Council finished the 2017/18 financial year with a Water fund unrestricted cash balance of \$1,636,000. As adopted by Council the Original Budget projected a decrease to 30 June 2019 of \$317,000. The budget movements are summarised below.

Variation	Amount (\$'000)	Movement
Original Budget	(317)	Decrease
Council Minutes – July to December	(63)	Decrease
September QBR variations	(44)	Decrease
December QBR proposed variations	(10)	Decrease
<b>Estimated movement to 30 June 2019</b>	<b>(434)</b>	<b>Decrease</b>
<b>Projected balance at 30 June 2019</b>	<b>1,202</b>	

## 2.3 Sewer Fund

Council finished the 2017/18 financial year with a Sewer Fund unrestricted cash balance of \$1,070,000. As adopted by Council the Original Budget projected a decrease to 30 June 2019 of \$316,000. The budget movements are summarised below.

Variation	Amount (\$'000)	Movement
Original Budget	(316)	Decrease
Council Minutes – July to October	(4)	Decrease
September QBR variations	(119)	Decrease
December QBR proposed variations	0	Nil
<b>Estimated movement to 30 June 2019</b>	<b>(439)</b>	<b>Decrease</b>
<b>Projected balance at 30 June 2019</b>	<b>631</b>	

## 2.4 Waste Fund

Council finished the 2017/18 financial year with a Waste Fund unrestricted cash balance of \$921,000. As adopted by Council the Original Budget projected an increase to 30 June 2019 of \$227,000. The budget movements are summarised below.

Variation	Amount (\$'000)	Movement
Original Budget	227	Increase
September QBR variations	(2)	Decrease
December QBR proposed variations	36	Increase
<b>Estimated movement to 30 June 2019</b>	<b>261</b>	<b>Increase</b>
<b>Projected balance at 30 June 2019</b>	<b>1,182</b>	

CORPORATE: FINANCE |

## 2.5 Other Funds

Council maintains a number of other funds including:

- Private Works
- Saleyards
- Mudgee Sports Council
- Gulgong Sports Council
- Rylstone Sports Council

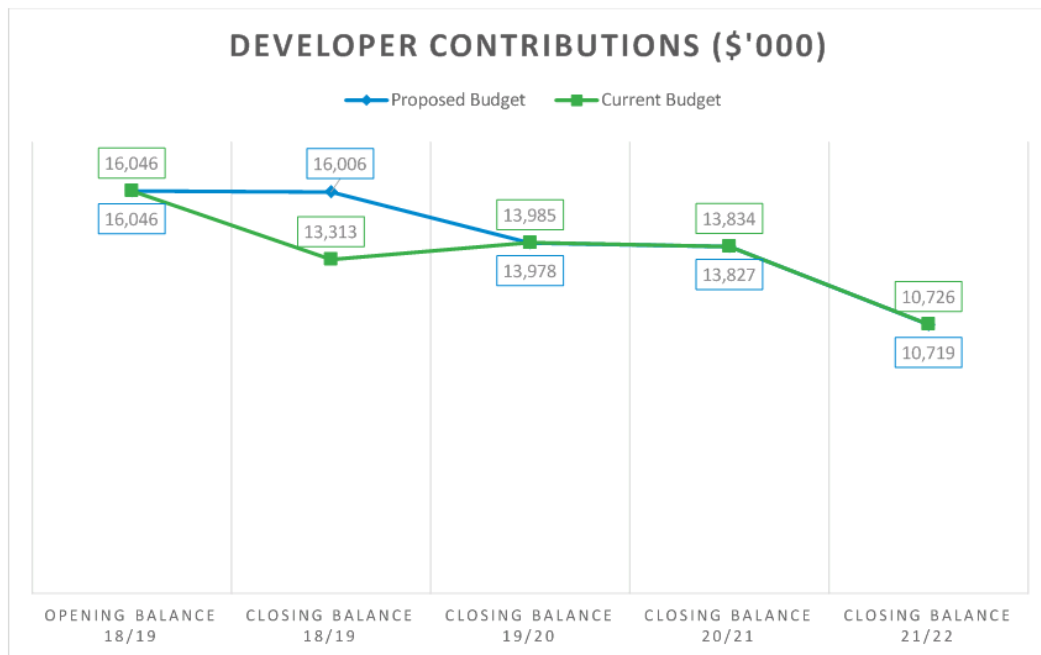
At 30 June of each financial year, the cash balance held in the above Funds forms part of the overall General Fund Unrestricted Cash Balance.

### 3. Developer Contributions – Section 64, 94 and 93F

Council finished the 2017/18 financial year with a Developer Contributions balance of \$16,046,000. As adopted by Council the Original Budget projected a decrease to 30 June 2019 of \$4,638,194. The budget movements are summarised below.

Variation	Amount (\$'000)	Movement
Original Budget	(4,638)	Decrease
Revotes	(67)	Decrease
Council Minutes – July to October	(15)	Decrease
September QBR variations	1,987	Increase
December QBR proposed variations	2,693	Increase
<b>Estimated movement to 30 June 2019</b>	<b>(40)</b>	<b>Decrease</b>
<b>Projected balance at 30 June 2019</b>	<b>16,006</b>	

The following chart shows the projected balances over a four year period.



## CORPORATE: FINANCE |

Detailed Section 64, 94 & 93F movements and current balances are as follows:

S94/64 Plan Item	opening balance	budget transfers to	budget transfers from	budget closing balance	current balance
Traffic Management	645	62	50	657	677
Open Space	1881	211	1,107	985	2,026
Community Facilities	615	38	32	621	602
Administration	404	31	70	365	359
Civic Improvements	(5)	0	0	(5)	(5)
Car Parking	253	0	0	253	253
S94A Levies	658	31	500	189	681
Drainage – 2A	93	37	0	130	127
<b>Total S94 Contributions</b>	<b>4,544</b>	<b>410</b>	<b>1,759</b>	<b>3,195</b>	<b>4,720</b>
S64 Sewer	2,803	268	200	2,871	2,923
S64 Water	5,742	538	1,625	4,655	6,019
Voluntary Planning Agreements	2,957	4,727	2,400	5,284	2,630
<b>Total Developer Contributions</b>	<b>16,046</b>	<b>5,943</b>	<b>5,984</b>	<b>16,005</b>	<b>16,292</b>

## 4. Loan Borrowings

Council's 2018/19 Operational Plan includes the proposed borrowings below.

Project	Fund	Original Budget \$'000	Current Budget \$'000	Proposed Variations \$'000	Proposed Budget \$'000	Actual YTD \$'000
Property – Saleyards Lane subdivision	General	0	0	300	300	0
<b>Total</b>		<b>0</b>	<b>0</b>	<b>300</b>	<b>300</b>	<b>0</b>

Following a successful grant application under the Low Cost Loans Initiative (LCLI) it is proposed to borrow \$1 million to fund the development of 25 lots at Saleyards Lane. The LCLI gives a 50% grant on loan interest charged on approved loans. The drawdown of funds is expected to be \$300,000 in 2018/19 and \$700,000 in 2019/20.

The proposed variations this quarter includes an estimate of the borrowing, subdivision expenses, interest charges, loan repayments and LCLI grant over the next four years. Once these budget variations are approved Council will seek quotes for loan funding and complete the LCLI agreement.

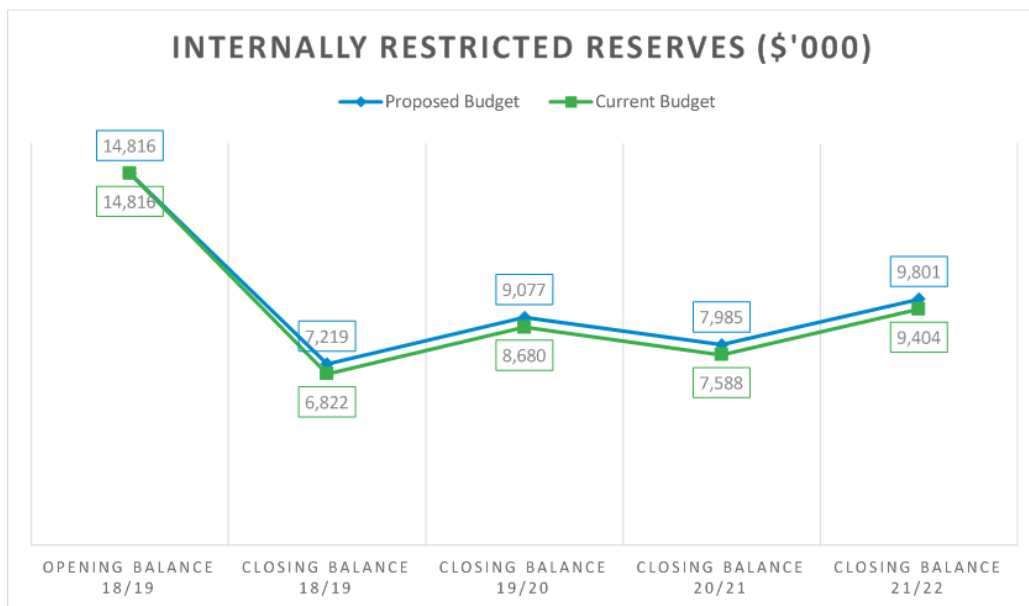
## 5. Reserves

### 5.1 Internally Restricted Reserves

Council finished the 2017/18 financial year with an Internally Restricted Reserve balance of \$14,816,000. As adopted by Council the Original Budget projected a decrease to 30 June 2019 of \$6,657,000. The budget movements are summarised below.

Variation	Amount (\$'000)	Movement
Original Budget	(6,657)	Decrease
Revotes	(399)	Decrease
Council minutes – July to December	(3,869)	Decrease
September QBR variations	2,931	Increase
December QBR proposed variations	397	Increase
<b>Estimated movement to 30 June 2019</b>	<b>(7,597)</b>	<b>Decrease</b>
<b>Projected balance at 30 June 2019</b>	<b>7,219</b>	

The following chart shows the projected balances over a four year period.





Detailed budgeted reserve movements are included in the following table.

Internally Restricted Reserves (\$'000)	Opening Balance	Budget Transfers To	Budget Transfers From	Budget Closing Balance	Current Balance
Employee Leave Entitlements	2,545	250	0	2,795	2,670
Land Development	5,075	0	5075	0	4,173
Election	186	17	0	203	195
Plant Replacement	3,772	4,114	5,579	2,307	4,571
Asset Replacement	1,887	1,388	2,398	862	1,959
Capital Program	371	600	858	113	500
Livestock Exchange	60	0	40	20	60
State Roads Warranty	400	0	0	400	400
Future Fund	500	0	0	500	500
Mudgee Bicentenary	20	0	0	20	20
<b>TOTAL</b>	<b>14,816</b>	<b>6,369</b>	<b>13,950</b>	<b>7,219</b>	<b>15,048</b>

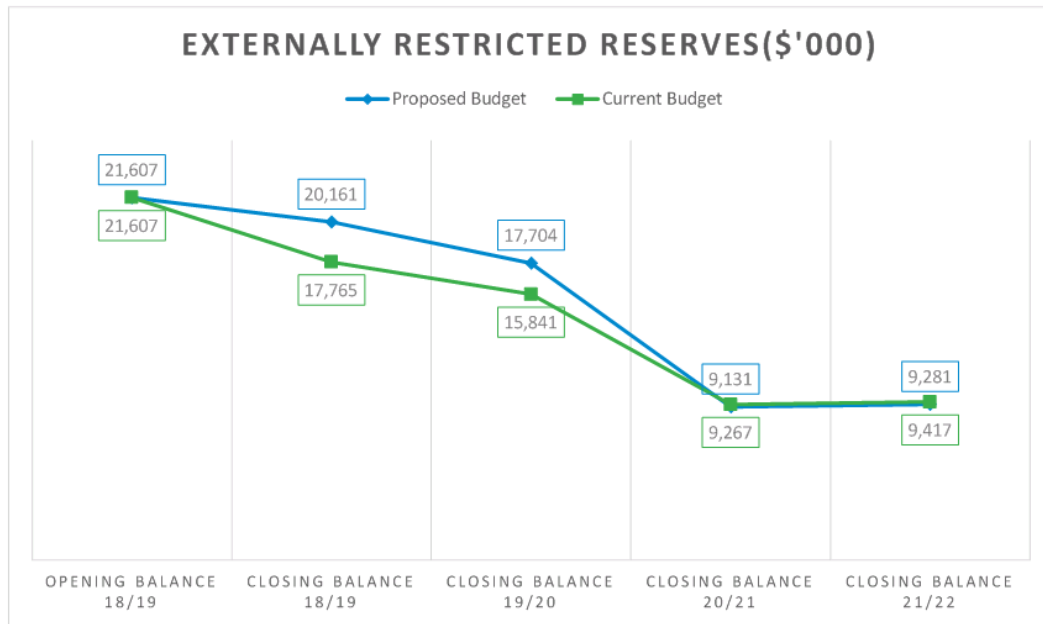
## 5.2 Externally Restricted Reserves

Council finished the 2017/18 financial year with an Externally Restricted Reserve balance of \$21,607,000 million. As adopted by Council the Original budget projected a decrease to 30 June 2019 of \$3,605,000. The budget movements are summarised below.

Variation	Amount (\$'000)	Movement
Original Budget	(3,605)	Decrease
Revotes	(1,968)	Decrease
Council Minutes – July to December	449	Increase
September QBR variations	1,282	Increase
December QBR proposed variations	2,396	Increase
<b>Estimated movement to 30 June 2019</b>	<b>(1,446)</b>	<b>Decrease</b>
<b>Projected balance at 30 June 2019</b>	<b>20,161</b>	

The following chart shows the projected balances over a four year period.

CORPORATE: FINANCE |



Detailed budgeted reserve movements are included in the following table.

Externally Restricted Reserves (\$'000)	Opening Balance	Budget Transfers To	Budget Transfers From	Budget Closing Balance	Current Balance
Waste	3,885	100	1,174	2,811	3,655
Sewer	7,449	2,300	1,492	8,257	7,861
Water	6,641	1,500	2,716	5,425	7,068
Community Services	77	0	0	77	77
Community Tenancy Scheme - Walter & Denison St Units	147	0	25	122	147
Family Day Care	145	31	36	140	116
Bequest - Simpkins Park	101	0	0	101	101
Community Transport Vehicle Replacement	126	44	121	49	137
Ulan Road Strategy	3,036	1,106	1,823	2,319	3,356
Public Road Closure Compensation	0	860	0	860	860
<b>TOTAL</b>	<b>21,607</b>	<b>5,941</b>	<b>7,387</b>	<b>20,161</b>	<b>23,378</b>

## 6. Unspent Grants and Contributions

Council finished the 2017/18 financial year with unspent grants and contributions of \$4,234,000. As adopted by Council the Original Budget projected a decrease of \$202,000 to 30 June 2019. The budget movements are summarised below.

Variation	Amount (\$'000)	Movement
Original Budget	(202)	Decrease
Revotes	(278)	Decrease
Council minutes – July to October	(3,158)	Decrease
September QBR variations	(63)	Decrease
December QBR proposed variations	64	Increase
<b>Estimated movement to 30 June 2019</b>	<b>(3,637)</b>	<b>Decrease</b>
<b>Projected balance at 30 June 2019</b>	<b>597</b>	

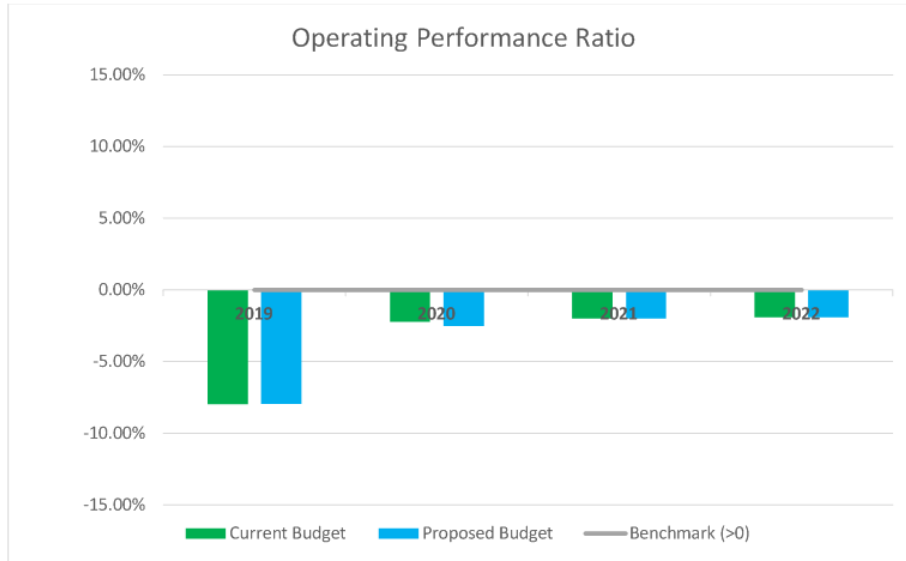
CORPORATE: FINANCE |

## 7. Consolidated Balance Sheet and Income Statement

Balance Sheet		
\$'000	ACTUAL YTD	ACTUAL 30 JUNE 2018
<b>ASSETS</b>		
<b>Current Assets</b>		
Cash & Cash Equivalents	5,247	6,481
Investments	60,668	55,824
Receivables	16,090	6,435
Inventories	1,362	1,197
Other	-	-
<b>Total Current Assets</b>	<b>83,367</b>	<b>69,937</b>
<b>Non-Current Assets</b>		
Investments	7,500	10,000
Receivables	137	181
Inventories	-	-
Infrastructure, Property, Plant & Equipment	936,280	931,099
Intangible Assets	289	346
<b>Total Non-Current Assets</b>	<b>944,206</b>	<b>941,626</b>
<b>TOTAL ASSETS</b>	<b>1,027,573</b>	<b>1,011,563</b>
<b>LIABILITIES</b>		
<b>Current Liabilities</b>		
Payables	2,394	5,267
Income received in advance		950
Borrowings	864	1,693
Provisions	6,502	6,501
<b>Total Current Liabilities</b>	<b>9,760</b>	<b>14,411</b>
<b>Non-Current Liabilities</b>		
Borrowings	12,976	12,976
Provisions	2,925	2,899
<b>Total Non-Current Liabilities</b>	<b>15,901</b>	<b>15,875</b>
<b>Total LIABILITIES</b>	<b>25,661</b>	<b>30,286</b>
<b>Net Assets</b>	<b>1,001,912</b>	<b>981,277</b>
<b>EQUITY</b>		
Retained Earnings	426,395	405,443
Revaluation Reserves	575,308	575,625
Other Reserves	209	209
<b>Total Equity</b>	<b>1,001,912</b>	<b>981,277</b>

Income Statement								
\$'000	ORIGINAL ANNUAL BUDGET	APPROVED VARIATIONS	REVISED ANNUAL BUDGET	ACTUAL YTD	% REVISED BUDGET	PROPOSED VARIATIONS	PROJECTED ANNUAL BUDGET	% PROJECTED ANNUAL BUDGET
<b>INCOME</b>								
Rates & Annual Charges	30,637	-	30,637	30,653	100%	-	30,637	100%
User Charges & Fees	15,321	(1)	15,320	3,724	24%	(106)	15,214	24%
Interest & Investment Revenue	1,897	-	1,897	937	49%	-	1,897	49%
Other Revenues	2,539	174	2,713	1,400	52%	16	2,729	51%
Grants & Contributions Operating	13,937	(2,389)	11,548	5,919	51%	166	11,714	51%
Grants & Contributions Capital	18,173	9,801	27,974	5,350	19%	(15)	27,959	19%
Gain on Disposal of Assets	857	(50)	807	874	108%	(16)	791	110%
<b>Total Income</b>	<b>83,361</b>	<b>7,535</b>	<b>90,896</b>	<b>48,857</b>	<b>54%</b>	<b>45</b>	<b>90,941</b>	<b>54%</b>
<b>EXPENDITURE</b>								
Employee Benefits & Oncosts	24,467	229	24,696	11,473	46%	(123)	24,573	47%
Borrowing Costs	936	-	936	468	50%	-	936	50%
Materials & Contracts	15,351	1,087	16,438	5,021	31%	130	16,568	30%
Depreciation & Amortisation	16,170	-	16,170	7,627	47%	4	16,174	47%
Other Expenses	6,880	192	7,072	3,912	55%	60	7,132	55%
Loss on Disposal of Assets	-	-	-	-	0%	-	-	0%
<b>Total Expenditure</b>	<b>63,804</b>	<b>1,508</b>	<b>65,312</b>	<b>28,501</b>	<b>44%</b>	<b>71</b>	<b>65,383</b>	<b>44%</b>
<b>Net Result</b>	<b>19,557</b>	<b>6,027</b>	<b>25,584</b>	<b>20,356</b>		<b>(26)</b>	<b>25,558</b>	
<b>Net Result before Capital Items</b>	<b>1,384</b>	<b>(3,774)</b>	<b>(2,390)</b>	<b>15,006</b>		<b>(11)</b>	<b>(2,401)</b>	

## 8. Key Financial Indicators

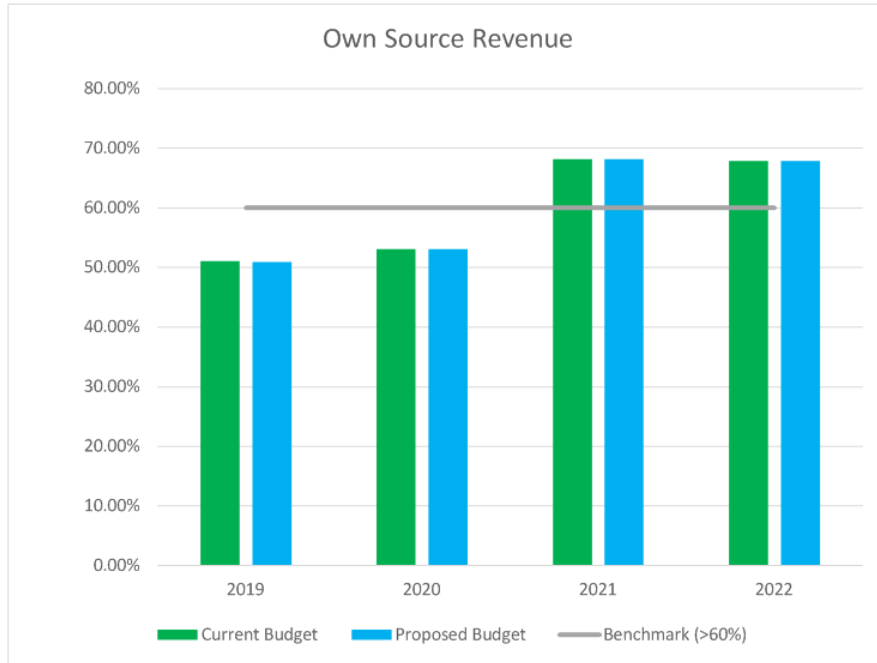


Note: Excludes Water & Sewer Fund

Measures Council's ability to keep operating expenses, including depreciation, within its continuing revenue.

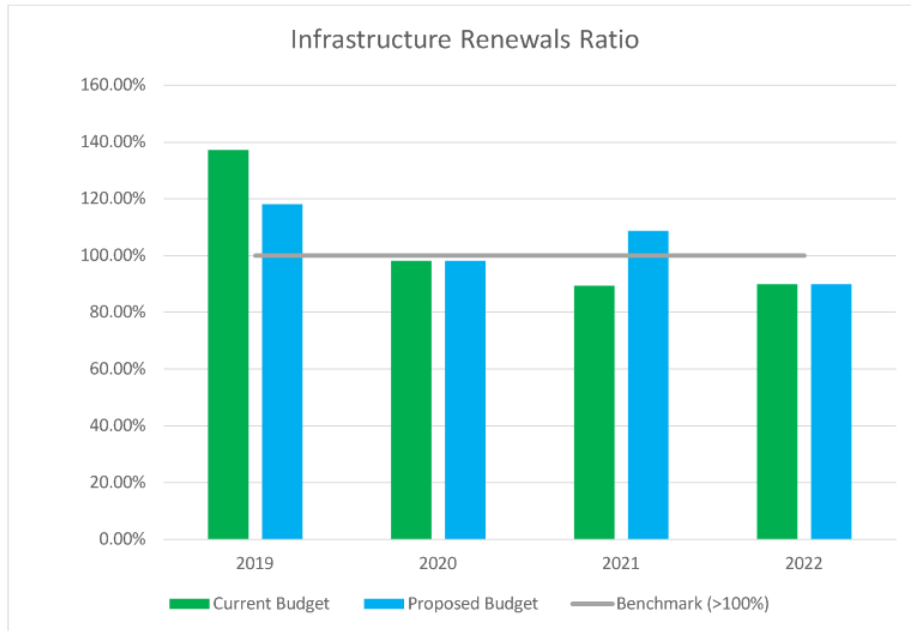
There is no significant change to this ratio this quarter.





Note: Excludes Water & Sewer Fund

Measures Council's degree of reliance on external funding There is no significant change to this ratio this quarter.



Note: Excludes Water & Sewer Fund

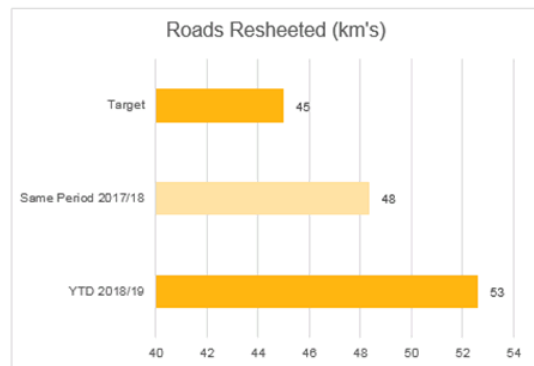
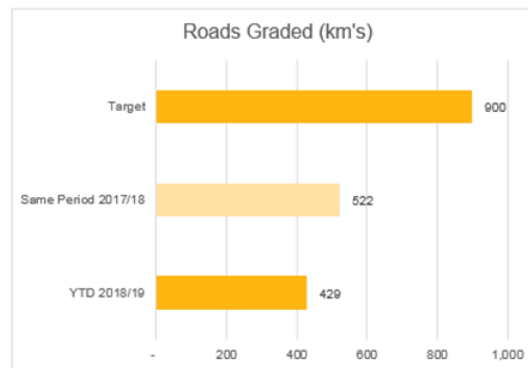
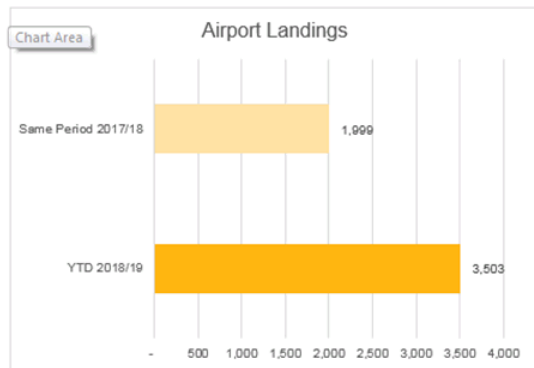
The rate at which assets are being renewed against the rate of depreciation

Deferral of some capital works has resulted in a deterioration in 2018/19 and improvement to 2020/21.

## 9. Budget Summary

### 9.1 Connecting Our Region

Key Performance Indicators

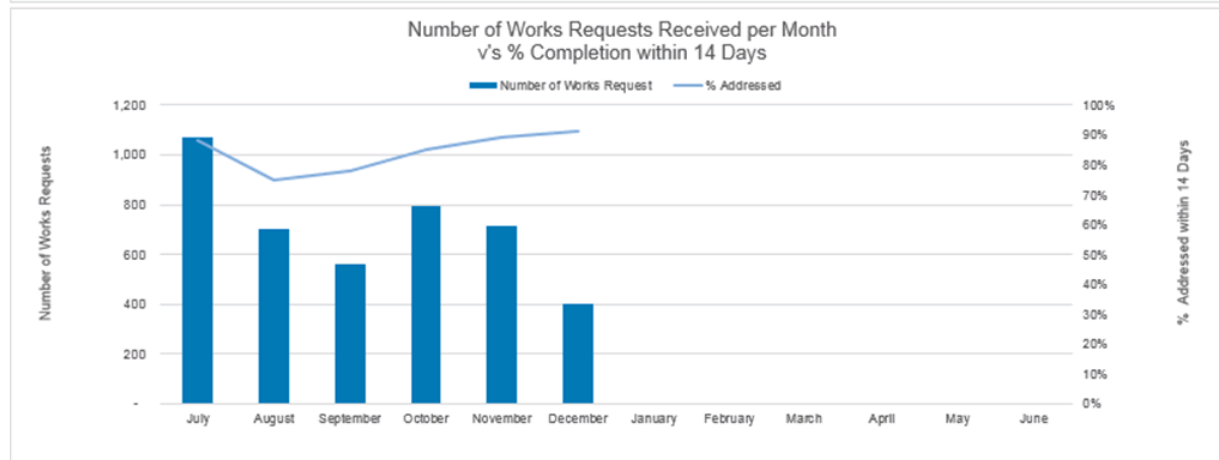
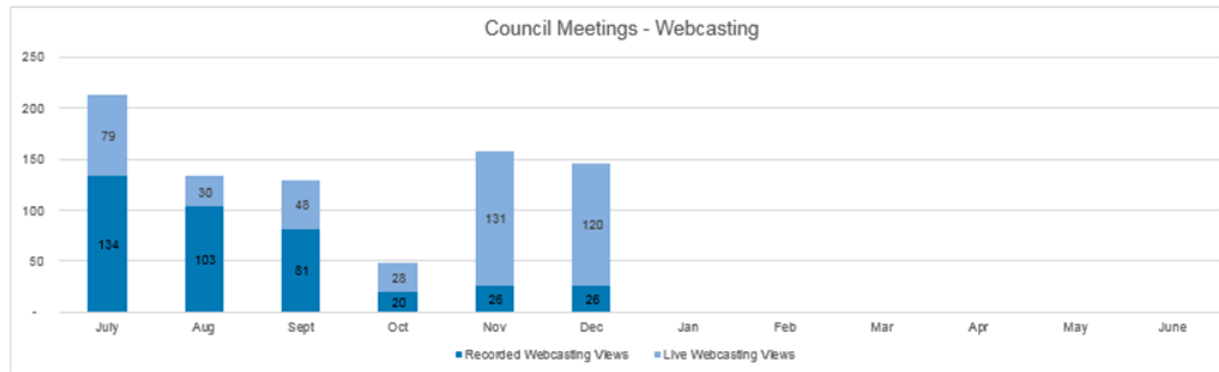


## Significant Capital Projects

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Commitments	Comment
<b>Connecting our Region</b>						
REALIGNMENT - ULAN WOLLAR RD	107	0	107	88	49	Council and Wilpinjong are in contract negotiations for Stages 1 and 2. Works in Stage 2 are planned to commence in January 2019, Stage 1 works have been delayed due to land matters.
REHAB BYLONG VALLEY WAY SEG 1030 & 1035	1,300	0	1,300	2	0	Project in planning phase, construction planned for February
MUNGHORN GAP REALIGNMENT & UPGRADE	200	0	200	23	18	The concept design is complete and revocation of road boundaries are required within the National Park.
SEAL EXTENSION - WOLLAR ROAD	2,946	0	2,946	1,520	756	Construction and sealing works in progress. Forecast completion 31 Mar 2019.
SEAL EXTENSION - WOLLAR ROAD STAGE 4	1,900	0	1,900	1,351	363	Construction and sealing works in progress. Forecast completion 31 Mar 2019, except for Bylong Valley Way Intersection - awaiting approval of Bylong Valley Coal Mine.
<b>Total</b>	<b>6,453</b>	<b>0</b>	<b>6,453</b>	<b>2,983</b>	<b>1,186</b>	

## 9.2 Good Government

### Key Performance Indicators



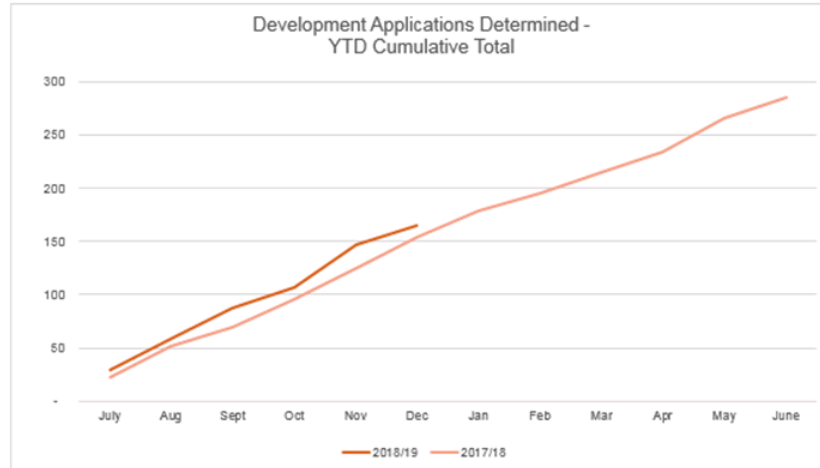
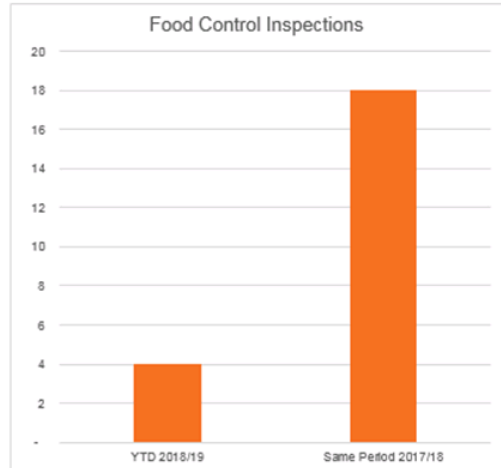
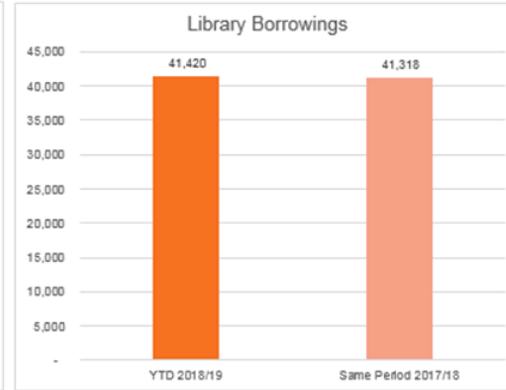
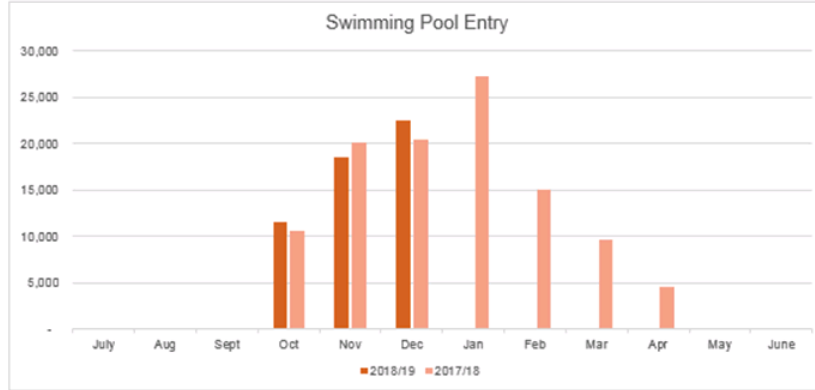
Significant Capital Projects

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Commitments	Comment
<b>\$'000</b>						
<b>Good Government</b>						
PLANT PURCHASES	6,123	(388)	5,735	1,151	3,015	Procurement of plant items is progressing on schedule.



### 9.3 Looking after Our Community

#### Key Performance Indicators

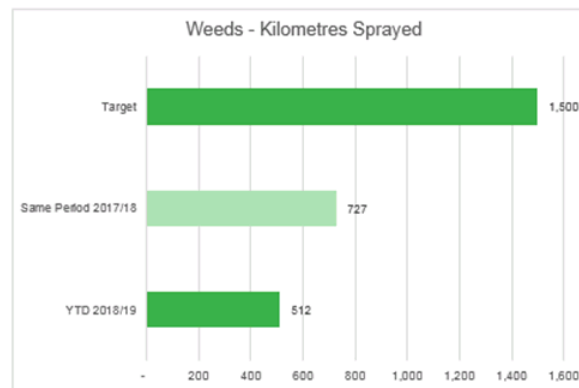
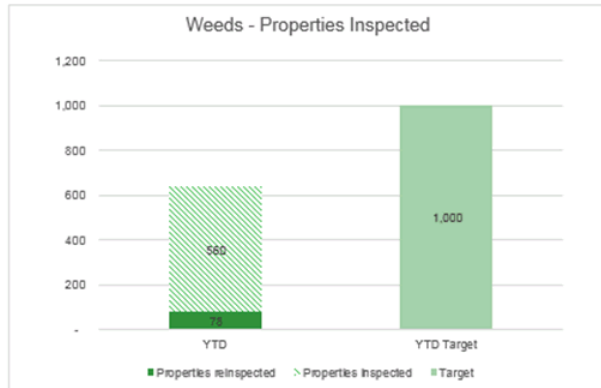
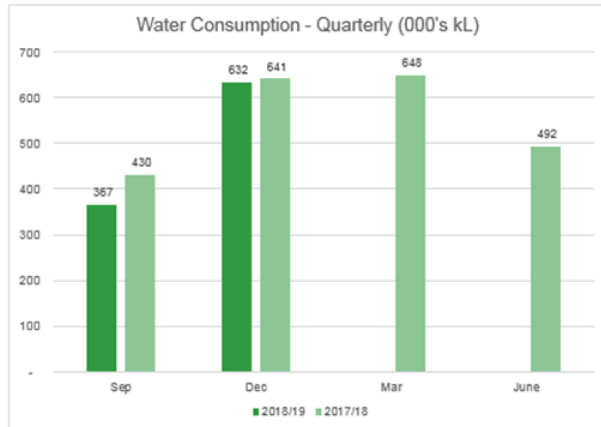


## Significant Capital Projects

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Commitments	Comment
<b>Looking after our Community</b>						
GLEN WILLOW SPORTS GROUND UPGRADES	3,000	0	3,000	2	5	Initial consultations and project scopes being undertaken
VICTORIA PARK GULGONG - LIGHTING CAP UPGRADE	580	0	580	5	0	Scope of works being drafted
MUDGEES OUTDOOR WATER PARK	1,050	0	1,050	7	671	Pump house installed, retaining wall to be built in January
DISTRICT ADVENTURE PLAYGROUND	920	0	920	50	719	Carpark completed, trees are being removed in January and playground work commencing in February
ART GALLERY FACILITY	524	0	524	0	8	Grant application submitted and awaiting outcome. Design and consultation is continuing.
<b>Total</b>	<b>6,074</b>	<b>0</b>	<b>6,074</b>	<b>65</b>	<b>1,403</b>	

## 9.4 Protecting our Natural Environment

### Key Performance Indicators



Significant Capital Projects

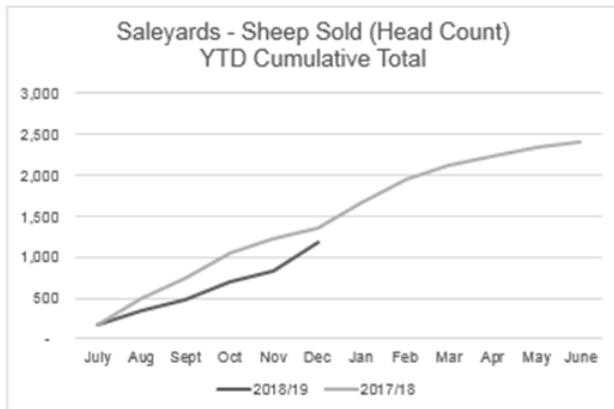
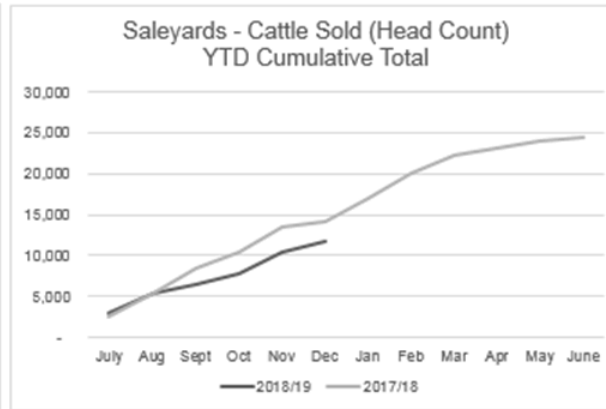
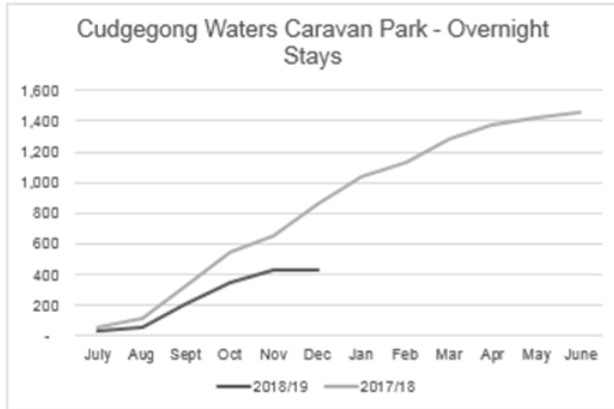
\$'000

Protecting our Natural Environment

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Commitments	Comment
NEW TIP CONSTRUCTION	2,000	(1,900)	100	9	76	Project to be deferred after new redesign of existing cell extended fill life a further 4 years.
WATER AUGMENTATION - MUDGEE HEADWORKS	2,696	(2,000)	696	0	0	Selected tenderer for detailed design & disinfection system. Deferred part of budget to 19/20.
WATER AUGMENTATION - ULAN RD EXTENSION	1,529	0	1,529	0	867	Contract awarded work commencing 07/01/2019
WATER METER REPLACEMENT	1,403	0	1,403	0	0	Proceeding with Smart Meter program following grant funding. Contractor has been engaged.
SEWER AUGMENTATION - CHARBON & CLANDULLA	1,000	0	1,000	0	0	The tender has closed and is in the assessment stage
<b>Total</b>	<b>8,628</b>	<b>(3,900)</b>	<b>4,728</b>	<b>9</b>	<b>943</b>	

## 9.5 Building a Strong Local Economy

### Key Performance Indicators



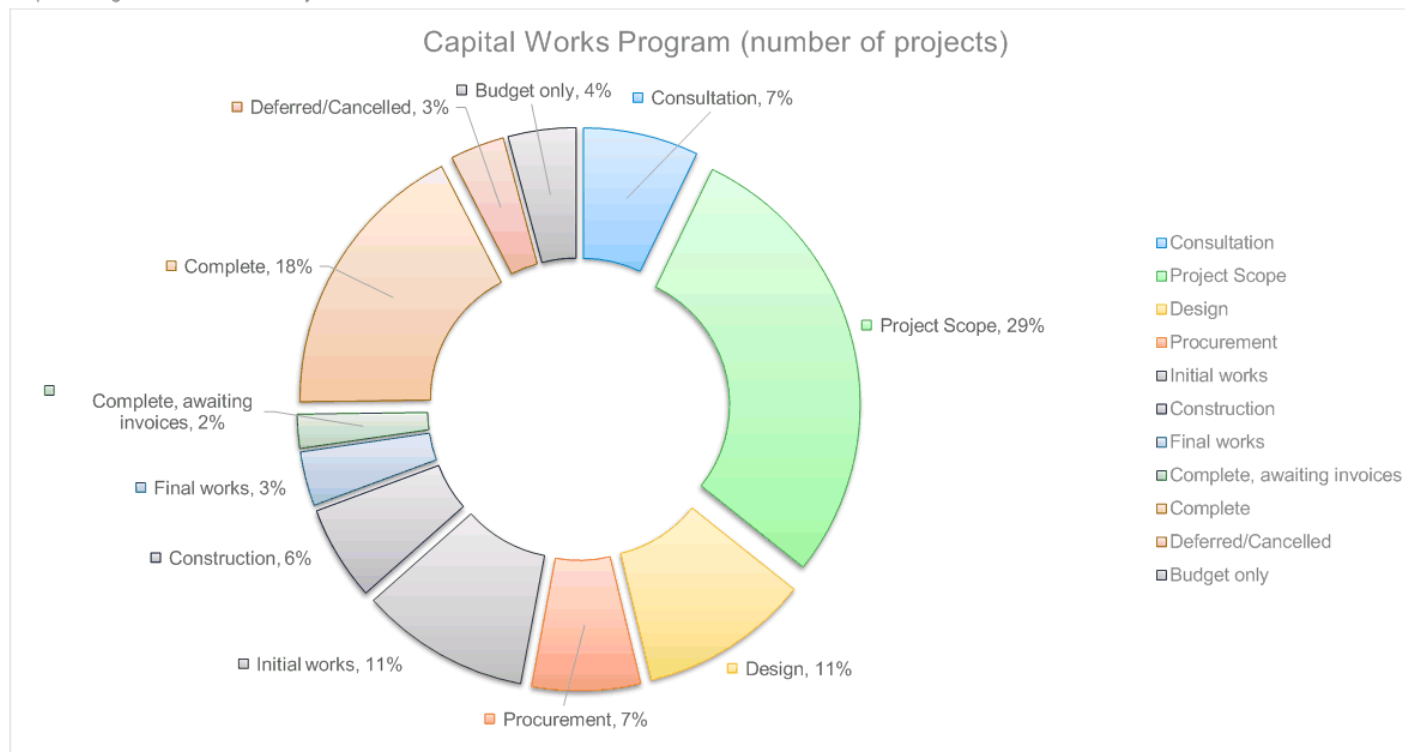
Significant Capital Projects

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Commitments	Comment
<b>\$'000</b>						
<b>Building a Strong Local Economy</b>						
PROPERTY - DEVELOPMENT MORTIMER ST	1,340	0	1,340	0	56	Awaiting feedback from interested parties.



## 10. Capital Works Program

Capital Program Status Summary



## KEY

Status	Description
Consultation	Engaging with stakeholders for ideas and to determine viability and direction for the project.
Project Scope	Initial concept, business case and project plan development.
Design	Initial and detailed design.
Procurement	Tendering, sourcing quotes or suppliers.
Initial works	Early stages of project delivery.
Construction	Major project activities are in progress.
Final works	Project is in final stages of completion or awaiting minor items.
Complete, awaiting invoices	Project work is complete. Waiting on invoices from suppliers for financial completion.
Complete	Project work is complete and all costs have been allocated.

Detailed Capital Works

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>\$'000</b>							
<b>Looking after our Community</b>							
RURAL FIRE SERVICE - TOILET CONSTRUCTION	0	10	10	0	0%	0	Consultation
MUDGEES POUND - CAGE REPAIRS	20	0	20	1	6%	0	Design
COMM. TRANSPORT- VEHICLE PURCHASE	173	0	173	0	0%	0	Project Scope
CAPITAL -DENISON STREET UNITS	25	0	25	0	0%	2	Initial works
CEMETERY CAPITAL PROGRAM	15	(7)	9	0	0%	0	Design
GULGONG LAWN CEMETERY EXTENSION	25	7	32	15	49%	15	Construction
REDHILL PUBLIC TOILETS - CAP UPGRADE	55	0	55	0	0%	0	Consultation
PUBLIC TOILETS - VICTORIA PARK GULGONG SHOWERS	10	0	10	0	0%	0	Project Scope
PUBLIC TOILETS - ROTARY PARK KANDOS PAINTING	10	0	10	2	19%	0	Complete
PUBLIC TOILETS - LAWSON PARK PAINTING (FLOOR)	5	0	5	1	21%	0	Complete, awaiting invoices
LIBRARY BOOKS	89	0	89	88	99%	0	Final works
RYLSTONE LIBRARY BRANCH	26	0	26	15	57%	0	Project Scope
MUDGEES LIBRARY LIGHTING	10	0	10	1	8%	0	Procurement
CAPITAL UPGRADE - RYLSTONE HALL	20	0	20	2	8%	0	Design
MUDGEES TOWN HALL - SENSORY SCREENING	7	(7)	0	0	0%	0	Deferred/Cancelled
CAP UPGRD-COMMUNITY BLD-BUDGET ONLY	8	0	8	1	8%	0	Budget only
GULGONG MEMORIAL HALL EXT. PAINTING	30	0	30	2	8%	0	Project Scope
GULGONG MEMORIAL HALL ROOF	70	0	70	5	8%	0	Project Scope
STABLES BUILDING PAINTING	10	0	10	1	8%	0	Initial works
POOL INFLATABLE	17	0	17	0	0%	16	Final works

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>\$'000</b>							
POOL MATTS	28	0	28	28	101%	0	Complete
POOL MATT ROLLERS	29	0	29	32	110%	0	Complete
GULGONG POOL IRRIGATION	15	0	15	11	73%	0	Complete
MUDGEES SHOWGROUNDS - REDEVELOPMENT	500	0	500	0	0%	0	Consultation
GLEN WILLOW SPORTS GROUND UPGRADES	3,000	0	3,000	2	0%	5	Project Scope
GLEN WILLOW NETBALL COURTS	110	0	110	113	103%	0	Complete
GLEN WILLOW SHED	15	0	15	14	96%	0	Complete
WARATAH PARK FENCING	54	(20)	34	34	100%	0	Complete
GLEN WILLOW SCOREBOARD	301	0	301	0	0%	0	Project Scope
GLEN WILLOW CRICKET NETS	30	0	30	0	0%	0	Project Scope
MUDGEES SKATE PARK	214	0	214	214	100%	0	Complete
GULGONG SKATE PARK	150	11	161	161	100%	0	Complete
MUDGEES SHOWGROUNDS - AMENITIES	125	0	125	0	0%	0	Design
BILLY DUNN FENCE UPGRADE	66	0	66	0	0%	16	Initial works
MUDGEES TENNIS COURTS - CAPITAL UPGRADE	20	0	20	20	101%	0	Complete
VICTORIA PARK GULGONG - LIGHTING CAP UPGRADE	580	0	580	5	1%	0	Project Scope
MUDGEES SHOWGROUND AMENITIES PAINTING	8	0	8	1	8%	0	Initial works
MUDGEES SHOWGROUND TOILET BLOCK PAINTING	5	0	5	0	8%	0	Initial works
MUDGEES SHOWGROUND PAVILION COOLING	8	0	8	1	8%	0	Procurement
MUDGEES SHOWGROUND INTERNAL ROAD ACCESS	5	2	7	0	0%	0	Project Scope
MUDGEES SHOWGROUND EQUIPMENT STORAGE	5	0	5	0	0%	3	Procurement
KANDOS SPORTSGROUND GRANDSTAND SEATING	34	0	34	29	84%	0	Complete, awaiting invoices

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>\$'000</b>							
BILLY DUNN GRANDSTAND - EXTERNAL PAINTING	30	0	30	2	8%	0	Project Scope
PEOPLES PARK - CAPITAL UPGRADE	5	0	5	0	0%	0	Consultation
PASSIVE PARKS - LANDSCAPING IMPROVEMENTS	5	0	5	0	0%	5	Initial works
SCULPTURES ACROSS THE REGION	25	0	25	18	74%	0	Consultation
PLAYGROUND EQUIPMENT - ROTARY PARK KANDOS	40	0	40	40	100%	0	Complete
PLAYGROUND EQUIPMENT - APEX PARK GULGONG	50	0	50	48	96%	0	Complete
LAWSON PARK - RESTORATION STONE FENCE	12	0	12	0	0%	11	Project Scope
PLAYGROUND SHADING - BLACKMAN PARK	18	0	18	9	51%	0	Complete
ANZAC PARK GULGONG UPGRADES	56	0	56	8	15%	12	Construction
MUDGEEO OUTDOOR WATER PARK	1,050	0	1,050	7	1%	671	Initial works
DISTRICT ADVENTURE PLAYGROUND	920	0	920	50	5%	719	Initial works
APEX PARK GULGONG CAPITAL UPGRADES	16	0	16	6	40%	0	Complete
PLAYGROUND SOFTFALL - APEX PARK GULGONG	65	0	65	65	100%	0	Complete
ROBERTSON PARK EQUIPMENT STORE	10	0	10	6	56%	0	Complete, awaiting invoices
LAWSON PARK PATH UPGRADES	62	0	62	31	51%	31	Construction
BLACKMAN PARK LIGHTING	30	0	30	0	0%	20	Procurement
DARTON PARK FENCING	8	0	8	7	99%	0	Complete
RYLSTONE RIVERBANK PICNIC TABLES	10	0	10	6	63%	0	Complete
PLAYGROUND EQUIPMENT - GOOLMA	4	0	4	0	0%	3	Initial works
ART GALLERY FACILITY	524	0	524	0	0%	8	Consultation
STREETSCAPE - CBD INFRASTRUCTURE	21	0	21	0	2%	0	Construction
<b>Total</b>	<b>8,888</b>	<b>(6)</b>	<b>8,882</b>	<b>1,105</b>	<b>12%</b>	<b>1,535</b>	

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>Protecting our Natural Environment</b>							
RURAL WASTE DEPOT UPGRADES	192	0	192	52	27%	0	Procurement
MUDGEES WASTE DEPOT UPGRADES	34	0	34	13	37%	4	Procurement
NEW TIP CONSTRUCTION	2,000	(1,900)	100	9	9%	76	Deferred/Cancelled
WASTE SITES REHABILITATION	400	0	400	122	30%	0	Procurement
MUDGEES RECYCLING - NEW LIFT	50	(50)	0	0	0%	0	Deferred/Cancelled
LEACHATE POND ENLARGEMENT	250	0	250	2	1%	0	Design
GULGONG WTS OFFICE REPLACEMENT	100	0	100	0	0%	0	Design
HOOKLIFT BINS	48	0	48	49	102%	0	Complete
SEDIMENT POND AND PAPER BLOW FENCING	0	50	50	0	0%	0	Consultation
CAUSEWAY IMPROVEMENTS	0	0	0	0	0%	0	Budget only
LAWSON PARK WEST PIPE EXTENSION	17	0	17	3	19%	0	Design
MUDGEES FLOOD STUDY & FLOODPLAIN MANAGEMENT PLAN	172	0	172	8	5%	68	Construction
KERB EXTENSIONS JACQUES AND DANGAR STREETS	50	0	50	0	0%	0	Project Scope
STORMWATER PUMP PITTS LANE	4	0	4	4	100%	0	Final works
LAWSON PARK CULVERT REPLACEMENT	110	0	110	0	0%	0	Design
COX ST INLET PIT	30	0	30	0	0%	0	Design
EARTH CHANNEL ENLARGEMENT WORKS	100	0	100	0	0%	0	Design
CAUSEWAY IMPROVEMENT - BOTOBOLAR RD	25	0	25	2	6%	0	Project Scope



	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>\$'000</b>							
CAUSEWAY IMPROVEMENT - PYRAMUL ROAD	37	0	37	2	4%	0	Project Scope
PUTTA BUCCA WETLANDS CAPITAL	52	0	52	11	21%	21	Construction
PUTTA BUCCA WETLANDS EXTENSION	31	0	31	13	42%	0	Construction
WATER NEW CONNECTIONS	74	0	74	38	52%	0	Construction
WATER AUGMENTATION - MUDGEE HEADWORKS	2,696	(2,000)	696	0	0%	0	Design
WATER AUGMENTATION - ULAN RD EXTENSION	1,529	0	1,529	0	0%	867	Procurement
WATER RYLSTONE DAM UPGRADE	593	0	593	0	0%	29	Initial works
WATER MAINS - CAPITAL BUDGET ONLY	769	(325)	444	0	0%	0	Budget only
WATER MAINS - ROBINSON STREET	43	0	43	43	100%	0	Complete
WATER MAINS - DANGAR STREET	158	0	158	158	100%	0	Complete
WATER PUMP STATION - CAPITAL RENEWALS	207	(207)	0	0	0%	0	Consultation
RESERVOIRS - RYLSTONE, KANDOS, CHARBON, CLANDULLA	55	0	55	0	0%	0	Deferred/Cancelled
RAW WATER SYSTEMS RENEWALS	17	0	17	0	0%	0	Budget only
WATER TREATMENT PLANT - RENEWALS	101	0	101	112	111%	0	Complete
WATER TREATMENT PLANT - pH CORRECTION SYSTEM	16	0	16	14	86%	17	Complete
ONLINE ANALYSER REPLACEMENT - M, G, R WTP (Inc Fluoride)	8	0	8	7	91%	0	Complete
WATER METER REPLACEMENT	1,403	0	1,403	0	0%	0	Budget only
SEAL GULGONG WATER FILLING STATION	98	0	98	0	0%	54	Project Scope
CHLORINE DISINFECITON - GULGONG - UPGRADE	110	0	110	1	1%	0	Deferred/Cancelled
SEWER NEW CONNECTIONS	22	0	22	8	36%	0	Initial works
SEWER AUGMENTATION - CHARBON & CLANDULLA	1,000	0	1,000	0	0%	0	Procurement
SEWER MAINS - CAPITAL BUDGET ONLY	20	0	20	0	0%	0	Budget only

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
SEWER MAINS RELINING	835	0	835	738	88%	94	Complete
SEWER PUMP STATION - CAPITAL RENEWALS	970	(700)	270	0	0%	0	Budget only
<b>Total</b>	<b>14,426</b>	<b>(5,132)</b>	<b>9,294</b>	<b>1,409</b>	<b>15%</b>	<b>1,231</b>	

### Building a Strong Local Economy

CUDGEGONG WATERS CARAVAN PARK	11	12	22	17	77%	0	Project Scope
RYLSTONE CARAVAN PARK - CAPITAL	20	0	20	0	0%	0	Project Scope
ENTRANCE SIGNAGE PROJECT	120	0	120	0	0%	0	Consultation
SALEYARDS - POST AND RAIL REPLACEMENT	15	0	15	0	0%	0	Design
SALEYARDS CANTEEN	28	0	28	1	2%	0	Project Scope
SALEYARDS SECURITY	6	(1)	5	0	0%	5	Procurement
PROPERTY - MUDGEE AIRPORT SUBDIVISION	13	0	13	2	12%	0	Design
PROPERTY - EX SALEYARDS STAGE I	300	0	300	17	6%	45	Design
PROPERTY - BURRUNDULLA LAND DEVELOPMENT	1	0	1	3	310%	0	Consultation
PROPERTY - DEVELOPMENT MORTIMER ST	1,340	0	1,340	0	0%	56	Project Scope
RYLSTONE KANDOS PRESCHOOL EXTENSION	297	0	297	3	1%	1	Design
COMMERCIAL PROPERTY PURCHASE	2,820	32	2,852	17	1%	0	Procurement
MORTIMER ST PRECINCT EXTERNAL PAINTING	9	0	9	1	6%	0	Initial works
CHILD CARE (DOURO) REFERBISHMENT	50	0	50	6	12%	0	Initial works
COMMERCIAL PROPERTY PURCHASE - MN311/18	910	0	910	98	11%	0	Complete, awaiting invoices
<b>Total</b>	<b>5,941</b>	<b>42</b>	<b>5,983</b>	<b>164</b>	<b>3%</b>	<b>107</b>	

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>Connecting our Region</b>							
BUS SHELTER GULGONG REPAIR STRUCTURE	5	0	5	0	8%	0	Project Scope
URBAN RESEALS - BUDGET ONLY	32	(32)	0	0	0%	0	Budget only
URBAN RESEALS - MACKAY STREET SEG 10	5	0	5	0	0%	4	Project Scope
URBAN RESEALS - NANDOURA STREET SEG 70	6	0	6	0	0%	4	Project Scope
URBAN RESEALS - POMANY STREET SEG 20 - 30	13	0	13	0	0%	6	Project Scope
URBAN RESEALS - RHEINBERGER AVE SEG 10 - 20	13	0	13	0	0%	8	Project Scope
URBAN RESEALS - ROBERTSON ST SEG 20	31	0	31	0	0%	15	Project Scope
URBAN RESEALS - ROXBURGH ST SEG 10 - 20	17	0	17	0	0%	9	Project Scope
URBAN RESEALS - THOMPSONS LANE SEG 10,30	16	0	16	0	0%	11	Project Scope
URBAN RESEALS - WATTLE LANE SEG 10	4	0	4	0	0%	2	Project Scope
URBAN RESEALS - WHITE STREET SEG 100	11	0	11	0	0%	5	Project Scope
URBAN RESEALS - WYNELLA STREET SEG 50	6	0	6	0	0%	3	Project Scope
URBAN RESEALS - LOCKWOOD STREET SEG 10	11	0	11	0	0%	8	Project Scope
URBAN RESEAL - ANDERSON STREET SEG 10	5	0	5	0	0%	2	Project Scope
URBAN RESEAL - AUGUSTA CRESCENT SEG 10	4	0	4	0	0%	2	Project Scope
URBAN RESEAL - AVISFORD COURT SEG 10	10	0	10	0	0%	5	Project Scope
URBAN RESEAL - BARIGAN STREET	5	0	5	0	0%	5	Project Scope
URBAN RESEALS - BELLEVUE RD SEG 10 & 20	32	0	32	0	0%	16	Project Scope

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>\$'000</b>							
URBAN RESEALS - BURGUNDY RD SEG 10	9	0	9	0	0%	5	Project Scope
URBAN RESEALS - DARREN DRIVE SEG10	13	0	13	0	0%	6	Project Scope
URBAN RESEALS - FLIRTATION AVE SEG 10	6	0	6	0	0%	5	Project Scope
URBAN RESEALS - HEADLEY PLACE SEG 10	5	0	5	0	0%	4	Project Scope
URBAN RESEALS - HENRY BAYLY DR SEG 20	14	0	14	0	0%	8	Project Scope
URBAN RESEALS - HERBERT STREET SEG 40 & 50	12	0	12	0	0%	7	Project Scope
URBAN RESEALS - HERBERT STREET SEG 90 - 120	18	0	18	0	0%	14	Project Scope
URBAN RESEALS - HERMITAGE CLOSE SEG 10	8	0	8	0	0%	4	Project Scope
URBAN RESEALS - INGLIS STREET SEG 10	8	0	8	0	0%	4	Project Scope
URBAN RESEALS - JOHN STREET SEG 10	10	0	10	0	0%	5	Project Scope
URBAN RESEALS - LEWIS STREET SEG 70	12	0	12	0	0%	6	Project Scope
URBAN RESEALS - LITTLE BAYLY STREET SEG 10-20	12	0	12	0	0%	6	Project Scope
URBAN ROADS KERB & GUTTER CAPITAL	25	0	25	1	3%	0	Initial works
REHAB - ROBINSON STREET SEG 80	21	0	21	0	0%	0	Project Scope
REHAB - COOYAL STREET SEG 10	30	0	30	0	0%	0	Project Scope
REHAB - ANZAC AVE SEG 10 - 20	34	0	34	0	0%	0	Project Scope
REHAB - STEWART STREET SEG 10	7	0	7	0	0%	0	Project Scope
REHAB - DOURO STREET SEG 90	214	0	214	0	0%	0	Project Scope
URBAN REHAB - INGLIS STREET SEG 20 TO 30	7	0	7	6	92%	0	Complete
RESHEETING - URBAN ROADS	15	0	15	2	13%	0	Initial works
URBAN ROADS LAND MATTERS CAPITAL	22	0	22	0	0%	0	Initial works
REHAB SHORT ST - PERRY ST TO CHURCH ST	101	0	101	0	0%	0	Project Scope
RURAL REHAB - LUE ROAD SEG 140	264	(42)	222	121	55%	0	Final works

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>\$'000</b>							
RURAL REHAB - HENRY LAWSON DR SEG 220	220	80	300	24	8%	1	Initial works
RURAL REHAB - NARRANGO RD SEG 70 & PART SEG 80	285	30	315	217	69%	0	Complete
RURAL REHAB - BERYL ROAD WIDENING	526	0	526	335	64%	100	Initial works
REALIGNMENT - ULAN WOLLAR RD	107	0	107	88	83%	49	Final works
HEAVY PATCHING	110	20	130	84	64%	0	Complete
CUDGEGONG ROAD GUARDRAIL	50	0	50	0	0%	9	Project Scope
RURAL RESEAL - BANKSIA WAY SEG 10	6	0	6	5	91%	0	Complete
RURAL RESEAL - BLUE SPRINGS RD SEG 50-100	272	10	282	282	100%	0	Complete
RURAL RESEAL - GLEN ALICE RD SEG 10,20,40	107	(6)	101	100	99%	0	Complete
RURAL RESEAL - SUMMER HILL RD NTH SEG 50	32	(12)	20	19	99%	0	Complete
RURAL RESEAL - TRIANGLE SWAMP RD SEG 30	17	(6)	11	10	95%	0	Complete
RURAL RESEAL - ULAN-WOLLAR RD SEG 40,150-190	244	(90)	154	152	99%	0	Complete
RURAL RESEAL - YARRAWONGA RD SEG 70-90	89	20	109	109	100%	0	Complete
ULAN WOLLAR ROAD - STAGE 1	5,511	0	5,511	31	1%	284	Procurement
ULAN WOLLAR ROAD - STAGE 2	2,358	0	2,358	93	4%	413	Initial works
RURAL SEALED ROAD LAND MATTERS	27	0	27	0	2%	0	Initial works
REHAB BYLONG VALLEY WAY SEG 1030 & 1035	1,300	0	1,300	2	0%	0	Project Scope
REHAB BYLONG VALLEY WAY PART SEG 2110 & 2112	100	0	100	0	0%	0	Project Scope
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM	800	0	800	479	60%	11	Construction
BLACKSPOT BUDGET ONLY	0	0	0	0	0%	0	Budget only

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>\$'000</b>							
REHAB BYLONG VALLEY WAY SEG 1040 TO 1045	10	0	10	10	100%	0	Complete
MUNGHORN GAP REALIGNMENT & UPGRADE	200	0	200	23	11%	18	Design
BVW SEG 2250 SURVEY AND DESIGN	9	0	9	0	0%	0	Design
BVW UPGRADE UPPER BYLONG AND WOLLAR ROAD	785	0	785	0	0%	0	Consultation
INTERSECTION BVW AND WOLLAR ROAD	419	0	419	0	0%	0	Consultation
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	5	0	5	0	0%	0	Initial works
SEAL EXTENSION - BUNBURY ROAD	18	0	18	0	0%	0	Project Scope
SEAL EXTENSION - BLACK LEAD LANE	51	9	60	26	44%	0	Complete
RESHEETING	1,308	(9)	1,299	1,210	93%	0	Construction
REALIGNMENT MALONEYS ROAD	12	0	12	10	89%	1	Final works
UNSEALED ROADS LAND MATTERS CAPITAL	20	0	20	(12)	-61%	11	Initial works
SEAL EXTENSION - WOLLAR ROAD	2,946	0	2,946	1,520	52%	756	Construction
SEAL EXTENSION - WOLLAR ROAD STAGE 4	1,900	0	1,900	1,351	71%	363	Construction
HENRY LAWSON DRIVE BRIDGE	856	73	929	904	97%	21	Complete
GOODIMAN CREEK BRIDGE REPLACEMENT	653	58	711	651	92%	7	Final works
REGIONAL ROAD BRIDGE CAPITAL	57	0	57	0	0%	0	Project Scope
ULAN ROAD - COPE RD TO UCML MINE ENTRANCE	125	0	125	125	100%	0	Complete
ULAN ROAD - WATTLEGROVE LN TO MIDBLOCK 19.999	120	0	120	121	101%	0	Complete
ULAN ROAD - WYALDRA LN TO QUARRY ENTRANCE 27.783	117	0	117	127	109%	0	Complete
ULAN ROAD - REHABS, WIDENING AND CONFORMING RESEALS - BUDGET	500	0	500	135	27%	262	Construction
ULAN ROAD - ULAN WOLLAR RD INTERSECTION	600	0	600	3	0%	211	Design



	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>\$'000</b>							
ULAN ROAD - HENRY LAWSON DRIVE INTERSECTION	412	0	412	3	1%	0	Design
FOOTWAYS - CAPITAL WORKS	109	0	109	104	95%	0	Final works
PEDESTRIAN - PUTTA BUCCA WALKWAY	32	0	32	0	0%	1	Project Scope
CYCLEWAY LINK LAWSON PARK TO PITTS LANE	20	0	20	20	101%	0	Complete
PEDESTRIAN BRIDGE RYLSTONE	533	0	533	0	0%	11	Design
GLEN WILLOW FOOTBRIDGE RECTIFICATION	22	0	22	1	4%	0	Procurement
FOOTPATH - WINTER STREET TO WALKING TRACK	27	0	27	0	0%	0	Consultation
FOOTPATH - JACQUES STREET, WSTN SIDE	20	0	20	20	100%	0	Complete
PUTTA BUCCA ECO TRAIL	400	0	400	0	0%	11	Design
MUDGEES SHARED CYCLEWAY/WALKING LOOP	308	0	308	0	0%	0	Consultation
AIRPORT - TAXIWAY CIVIL WORKS	22	0	22	0	1%	0	Procurement
AIRPORT - OBSTACLE LIGHTS	6	0	6	0	0%	0	Construction
AIRPORT - HANGAR	220	0	220	144	65%	0	Complete, awaiting invoices
AIRPORT - MAIN RUNWAY SURFACE ASSESSMENT	25	0	25	0	0%	26	Procurement
<b>Total</b>	<b>26,116</b>	<b>103</b>	<b>26,219</b>	<b>8,658</b>	<b>33%</b>	<b>2,746</b>	

### Good Government

CORPORATE BUILDINGS UPGRADE BUDGET ONLY	88	0	88	6	6%	0	Budget only
MUDGEES ADMINISTRATION BUILDING UPGRADE	0	0	0	0	0%	0	Deferred/Cancelled
RYLSTONE COUNCIL BUILDING	95	0	95	2	2%	0	Project Scope
MUDGEES COTTAGE AERODROME	10	0	10	0	0%	0	Project Scope
CAPITAL UPGRADE - MWRC DEPOT	0	0	0	0	0%	0	Deferred/Cancelled

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>\$'000</b>							
GULGONG OFFICE CAPITAL	20	0	20	1	6%	0	Project Scope
GULGONG DEPOT CAPITAL	10	0	10	1	6%	0	Initial works
OLD POLICE STATION CAPITAL	7	0	7	0	6%	0	Project Scope
OPERATIONS ADMIN CAPITAL	30	0	30	2	13%	0	Consultation
CARMEL CROAN BUILDING CAPITAL	30	0	30	2	6%	0	Initial works
BUILDINGS MASTER KEY SYSTEM	100	0	100	7	7%	0	Project Scope
IT SPECIAL PROJECTS	45	0	45	4	8%	0	Project Scope
IT NETWORK UPGRADES	60	0	60	9	14%	0	Design
IT CORPORATE SOFTWARE	252	0	252	4	1%	5	Design
SERVER RECONFIGURATION	35	0	35	0	0%	0	Project Scope
SERVER ROOM MUDGEES CAPITAL UPGRADES	30	0	30	3	9%	0	Design
PLANT PURCHASES	6,123	(388)	5,735	1,151	20%	3,015	Procurement
MUDGEES DEPOT WASHBAY	69	0	69	9	13%	0	Design
MUDGEES BULK OIL STORAGE	20	(20)	0	0	0%	0	Deferred/Cancelled
DEPOT SHEDS - STORES AND ROADS	50	0	50	0	0%	0	Consultation
SOLAR FARM INITIATIVE	250	0	250	50	20%	0	Initial works
GULGONG DEPOT CAPITAL WORKS	0	4	4	0	0%	0	Consultation
<b>Total</b>	<b>7,323</b>	<b>(404)</b>	<b>6,920</b>	<b>1,249</b>	<b>18%</b>	<b>3,019</b>	

### Total Capital Works Program

<b>62,694</b>	<b>(5,396)</b>	<b>57,298</b>	<b>12,585</b>	<b>22%</b>	<b>8,639</b>
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CAPITAL FUNDING (\$ '000)	CURRENT ANNUAL BUDGET	PROPOSED VARIATIONS	PROPOSED ANNUAL BUDGET	ACTUAL YTD BUDGET	ACTUAL YTD/ PROPOSED ANNUAL BUDGET
CAPITAL GRANTS & CONTRIBUTIONS	(24,961)	2	(24,959)	(5,303)	21%
LOANS	(300)	0	(300)	0	0%
EXTERNAL RESTRICTIONS					
S94 DEVELOPER CONTRIBUTIONS - GENERAL	(1,639)	0	(1,639)	(31)	2%
S64 DEVELOPER CONTRIBUTIONS - WATER FUND	(3,625)	2,000	(1,625)	(3)	0%
S64 DEVELOPER CONTRIBUTIONS - SEWER FUND	(900)	700	(200)	0	0%
S93F DEVELOPER CONTRIBUTIONS	(2,251)	(7)	(2,258)	(814)	36%
SPECIFIC PURPOSE UNEXPENDED GRANTS	(266)	(6)	(272)	(236)	87%
RESERVES - WATER	(3,248)	532	(2,716)	(324)	12%
RESERVES - SEWERAGE SERVICES	(1,492)	0	(1,492)	(738)	49%
RESERVES - DOMESTIC WASTE MANAGEMENT	(3,074)	1,900	(1,174)	(280)	24%
INTERNAL RESTRICTIONS					
RESERVES - PLANT & VEHICLE REPLACEMENT	(5,987)	408	(5,579)	(1,257)	23%
RESERVES - ASSET REPLACEMENT	(2,117)	1	(2,116)	(622)	30%
RESERVES - CAPITAL PROGRAM	(832)	4	(828)	(171)	21%
RESERVES - LAND DEVELOPMENT	(5,075)	0	(5,075)	(902)	18%
RESERVES - SALEYARDS	(41)	1	(40)		0%
GENERAL PURPOSE REVENUE	(6,886)	(138)	(7,024)	(1,904)	27%
<b>TOTAL CAPITAL FUNDING</b>	<b>(62,694)</b>	<b>5,396</b>	<b>(57,298)</b>	<b>(12,585)</b>	<b>22%</b>

## 11. Contract, Legal and Consultant Expenses

### CONTRACTS > \$50,000

The following contracts with a value greater than \$50,000 were entered into during the period 1 October 2018 to 31 December 2018 and have yet to be fully performed.

Note that individual Panel Tender appointments are not included in the table below. For example, provision of general contractor services. Council creates panels of preferred suppliers from the tender responses received. Purchases are then made from the preferred supplier lists, and purchase decisions may vary for particular works depending upon availability and location.

Contractor	Contract Detail/Purpose	Contract Value (\$)	Commencement Date	Duration (Mths)	Budgeted (Y/N)
Austek	Apex park Rubber softfall	70,664	29/10/2018	1	Y
Services Inc	Gulgong Skatepark	131,274	29/10/2018	2	Y
Courcraft Aust Pty Ltd	Glen Willow Netball Courts	122,419	29/10/2018	1	Y
Austek	Gulgong Adventure Playground	699,506	16/10/2018	6	Y
Waterfeatures by design	Mudgee Waterpark	845,580	9/10/2018	6	Y
P & A Engineering	Mudgee Airport Hangar replacement	162,600	29/08/2018	6	Y

#### LEGAL EXPENSES

This financial year to date, Council has incurred \$136,508 of legal expenses. The primary areas of expenditure are:

- Debt recovery
- Contract dispute
- Road closures
- Companion animal dispute
- Property acquisition
- Development Control

#### CONSULTANCIES

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally, it is the advisory nature of the work that differentiates a consultant from other contractors.

This financial year to date, Council has incurred \$283,948 of consultancy expenses. The primary areas of expenditure are:

- Road Design
- Tip design
- Flood Study
- Section 94 Plan
- Renewable energy plan

## 12. Councillor Fees and Expenses Paid or Reimbursed as at 31 December 2018

Councillor Expenses											
	General Operations	Cr Cavalier	Cr Holden	Cr Karavas	Cr Kennedy	Cr Martens	Cr O'Neill	Cr Paine	Cr Shelley	Cr Thompson	TOTAL
Councillor Fees	-	9,895.02	9,895.02	9,895.02	9,895.02	9,895.02	9,895.02	9,895.02	9,895.02	9,895.02	89,055.18
Mayoral Fees	-	-	-	-	21,585.00	-	-	-	-	-	21,585.00
Council Meeting Expenses (accommodation, travel and meals)	4,407.78	-	-	-	309.99	284.09	-	-	-	-	5,001.86
Conferences, Seminars and Representational/Lobbying Expenses (accommodation, travel and meals)	32.07	-	247.26	173.95	-	1,267.52	164.13	1,099.05	514.80	-	3,498.78
Provision of Vehicle	-	-	-	-	13,537.91	-	-	-	-	-	13,537.91
Memberships & Subscriptions	73,950.58	-	-	-	-	-	-	-	-	-	73,950.58
Miscellaneous expenses (meals, sundries, stationery, etc)	151.36	118.09	-	-	183.96	-	-	-	-	1.35	454.76
Provision of office equipment, such as laptop computer and telephones	184.71	1,728.35	750.00	201.45	712.47	1,158.38	201.45	156.70	462.97	156.70	5,713.18
Training and provision of skill development for Councillors	-	1,765.00	-	1,765.00	486.88	-	1,765.00	2,415.00	-	-	8,196.88
<b>Totals</b>	<b>67,397.21</b>	<b>13,506.46</b>	<b>10,892.28</b>	<b>12,035.42</b>	<b>47,240.05</b>	<b>12,605.01</b>	<b>12,025.60</b>	<b>13,565.77</b>	<b>10,872.79</b>	<b>10,053.07</b>	<b>220,994.13</b>







POLICY  
Community Transport

*A prosperous  
and progressive  
community.*

ADOPTED	VERSION NO	2.0
COUNCIL MEETING MIN NO 343/17	REVIEW DATE	NOVEMBER 2021
DATE: 15 NOVEMBER 2017	FILE NUMBER	GOV400047;COS300013

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POLICY: COMMUNITY TRANSPORT POLICY

COMMUNITY TRANSPORT | 2015 NOVEMBER 2017

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POLICY: COMMUNITY TRANSPORT POLICY

COMMUNITY TRANSPORT | 2.015 NOVEMBER 2017

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## Objective

To provide transport to meet the specialised needs of disadvantaged groups in the community, including isolated families, the frail aged, younger people with disabilities, and their carer's.

## Legislative requirements

- ~~Disability Services Act 1993 (NSW)~~ [1986 \(Cth\)](#)
- ~~Disability Inclusion Act 2014 (NSW)~~
- ~~Anti-Discrimination Act 1977 (NSW)~~
- ~~Community Services (Complaints, Reviews and Monitoring) Act 1993 (NSW)~~
- ~~Disability Service Standards (NSW) and National Standards for Disability Services 2013~~  
~~[National Disability Insurance Scheme Act 2013 \(Cth\)](#)~~  
~~[National Disability Insurance Scheme Code of Conduct](#)~~
- ~~[National Disability Insurance Scheme Practice Standards](#)~~
- ~~Aged Care Act 1997 (Cth)~~
- ~~[Australian Government Aged Care Quality Standards \(applicable from 1 July 2019\) and Aged Care Quality and Safety Commission Rules](#)~~
- ~~[Australian Government Department of Health Charter of Rights and Responsibilities - Home Care \(2017\)](#)~~
- ~~[Commonwealth Home Support Programme Guidelines and Manual](#)~~
- ~~Work Health and Safety Act and Regulation 2011 (NSW)~~
- ~~Privacy Act 1988 and Personal Information Protection Act 1998 (NSW)~~
- ~~[Privacy & Personal Information Protection Act 1998 \(NSW\)](#)~~
- ~~[Privacy Amendment \(Private Sector\) Act 2000](#)~~
- ~~[Archives Act 1983 and Statute Law Revision Act \(No. 1\) 2016](#)~~ ~~State Records Act 1998 (NSW)~~
- ~~[Government Information \(Public Access\) Act 2009 \(NSW\)](#)~~
- ~~[National Privacy Principles](#)~~
- ~~Passenger Transport Act 1990 (NSW)~~
- ~~Point to Point Transport (Taxis and Hire Vehicles) Regulation Act 2017~~ ~~2016 (NSW)~~
- ~~[Road Transport \(Vehicle Registration\) Regulation 2017 \(NSW\)](#)~~
- ~~[Transport Roads & Maritime Services Rules and Regulations](#)~~
- ~~Road Rules (NSW)~~

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## Related policies and plans

- ~~Community Care Common Care Standards~~
- ~~Statement of Rights and Responsibilities (1990)~~
- ~~Charter of Rights and Responsibilities Community Care (2017)~~
- ~~Transport for NSW Accreditation Standards for Operators of Community Transport Services~~
- ~~Transport for NSW Annual Funding Agreement with Mid-Western Regional Council dated 30 August 2016 as executed from time to time~~
- ~~Transport Roads & Maritime Services Rules and Regulations National Privacy Principles~~
- ~~[National Disability Insurance Scheme Act 2013](#)~~
- ~~Disability Inclusion Action Plan~~
- ~~Workplace Health & Safety Policy~~
- ~~Light Fleet Procedure~~

POLICY: COMMUNITY TRANSPORT POLICY

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- Purchase of Goods and Service Procedure
- Gifts and Benefits Policy
- Financial ~~Resources~~ Reserves Policy
- Complaints Policy
- Risk Management Policy
- Smoke Free Outdoor Areas Policy
- Records Management Policy
- Access to Information Policy

POLICY: COMMUNITY TRANSPORT POLICY

COMMUNITY TRANSPORT | 2.015 NOVEMBER 2017

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## Policy

The purpose of Mudgee Community Transport is to provide services and undertake activities which alleviate transport disadvantage within its operating area.

## Service Purpose, Philosophy and Outcome

### Philosophy

Mudgee Community Transport believes in:

- The right of people to make supported and independent choices in their own lives through, inter alia amongst other methods, access to information (initially and on an ongoing basis) in a format appropriate to their needs.
- The right of people to dignity, respect, privacy and confidentiality.
- The right of people to be valued as individuals.
- The right of people to have mobility and to have health and wellbeing.
- The right of people to access services on a non-discriminatory basis without prejudice because of gender, marital status, religious or cultural beliefs, political affiliation, particular disability, ethnic background, age, sexual preference, HIV status, inability to pay or geographic location.
- The right of the community to safe, comfortable and reliable services.
- The right of the community to answerable, accountable and responsive services.

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### Outcomes

The outcomes pursued by Mudgee Community Transport shall be:

- That people who are transport disadvantaged can live independently and with dignity within their community.
- That people who are frail aged and elderly, people who have disabilities those living with disability, and their carer's are appropriately supported where they choose to live in their own homes.
- That the Service operates in an effective, efficient and accountable manner.

### Target Groups

The target groups for specific Mudgee Community Transport services are defined by funding and regulatory guidelines. Mudgee Community Transport clients include:

- Frail aged people and their carers.
- People with disabilities living with disability and their carer's.
- People who are at risk of premature or inappropriate institutionalisation.
- People who are transport disadvantaged due to physical, socioeconomic or geographical factors.
- People from culturally distinct communities.
- People who are financially disadvantaged.



POLICY: COMMUNITY TRANSPORT POLICY

COMMUNITY TRANSPORT | 2015 NOVEMBER 2017

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## Service Promotion and Availability

### Objective

To promote Mudgee Community Transport to the community and individuals by means which are cost effective and culturally appropriate.

### Policy

- The Coordinator will ensure that the service is promoted appropriately through:
  - Responding to telephone inquiries.
  - Distribution of brochures/newsletters to community health centres, doctors' waiting rooms, other service agencies within the community as well as to clients of the service.
  - Ensuring information provided is current, accurate and timely, and in a way that is clear and easy to understand.
  - Targeting special needs groups.
  - Meetings including Interagency interagency, Disability disability Services services Network network, Aged aged Support support Groups groups.
  - Local media.
  - Community services/organisations such as Housing Plus, Barnardos, Lifeskills Inc, Mudgee Community Health and Mudgee Wellness Centre.
- The Coordinator will provide information about other local services and how to access them on enquiry.
- The Coordinator will clearly explain or provide information as to why transport services may be unavailable.
- The Coordinator will at least annually review service availability in accordance with changes to funding, availability of resources, demand and specific need.

### Objective

- To ensure that the service will be managed in an efficient and effective way in accordance with the Community Care Common Care Standards relevant aged care and disability standards (as amended from time to time) and the requirements of the annual Funding funding Agreements agreements between the Mid-Western Regional Council and Transport for New South Wales and any other funding body.
- To manage the Service in accordance with Mid-Western Regional Council Policies policies.
- To ensure that clients receive service that reflects well-planned, efficient and effective management.
- A commitment to ongoing planning and evaluation to make sure that the needs of the target group are understood and every effort is being made to address those needs.
- A commitment to continuous improvement in service delivery and management through activities such as annual audits, training and planning days, client surveys and prompt and thorough complaint management.

## POLICY: COMMUNITY TRANSPORT POLICY

COMMUNITY TRANSPORT | 2.015 NOVEMBER 2017

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## Policy

The planning, delivery, monitoring and evaluation of the ~~Service-service~~ are the responsibility of Mid- Western Regional Council through the Manager Community Services and the Coordinator. The process includes:

- Mid-Western Regional Council will appoint a ~~Service-Commonwealth Home Support Program Services~~ Coordinator ('the Coordinator') and Community Services Officers.
- Mid-Western Regional Council will provide financial management and accountability.
- Mid-Western Regional Council will ensure that relevant insurance is maintained covering Workers Compensation, Public Liability, Professional Indemnity as well as Building and Contents cover.
- Day to day management ~~of the service~~ will be the responsibility of the Coordinator in accordance with the signed ~~Role Profile and~~ Position Description.
- The Coordinator will ensure appropriate and accurate records for all major aspects of efficient operation of the service are kept in accordance with the requirements of funding bodies and Mid-Western Regional Council's Records Management Policy.

## Service Management

- The Coordinator will ensure the service budget is regularly monitored and adhered to.
- The Coordinator will ensure that the service adheres to all necessary legislation at Federal, State and Local level.
- Stakeholders of the service will be consulted by the Coordinator on a regular basis.
- Client input will be encouraged in the outcome of planning and evaluation activities.
- Reports will be presented to Council on a regular basis or as requested.
- The Coordinator will ensure that the funding agreements and audit reports are submitted within funding bodies' timeframes. Also ~~MDS~~-reports and ~~other~~-statistical data are submitted in a timely manner.

## Clients' Rights and Responsibilities

## Objective

- Clients of the ~~Service-service~~ and their carer's have the same rights as all members of the community. These rights are to be acknowledged and promoted at every opportunity.
- To assist clients to be confident in exercising their rights.
- To make sure clients and their carer's understand their responsibilities to the ~~Service service~~ and the volunteers providing the ~~transport~~-service.

POLICY: COMMUNITY TRANSPORT POLICY

COMMUNITY TRANSPORT | 2015 NOVEMBER 2017

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## Policy

### Clients' Rights

- Clients should be made aware of the standard of service which they can expect. Services should be provided in a safe manner which respects the dignity and independence of the client, is responsive to the social, cultural and physical needs of the client and the needs of the carer.
- Clients' access to services should be decided only on the basis of need and capacity of the service to meet that need. Clients have the right to refuse a service and refusal should not prejudice their future access to services.
- The client, or with their permission their carer or advocate, has access to all information about themselves held by Mudgee Community Transport in accordance with the provisions of Council's Access to Information Policy.
- In cases where a client has a legal guardian or advocate appointed to act on their behalf, the rights of the guardian or advocate are to be acknowledged and respected to the extent stipulated in the guardianship or advocacy arrangements.
- The client, and with their permission, their carer should be made aware of all the transport options available, and any associated charges.
- Mudgee Community Transport will conduct an annual survey and open and honest input is requested from its clients.
- Clients have the right to complain about the service they are receiving without fear of retribution.
- Complaints by clients will be dealt with fairly and promptly. The client may involve an advocate of their choice to represent his/her interests.
- Clients' views will be taken into account in the planning and evaluation of the service.
- Clients' right to privacy and confidentiality will be respected.

### Clients' Responsibilities

- Clients, or if appropriate, carer's, should provide reasonable notice if the Service is not required. Where possible a minimum of 2 working days' notice is required for cancellations thus allowing reassignment of vehicles to clients awaiting transport.
- Clients should recognise the potential demand on Mudgee Community Transport when making bookings and recognise that its resources (vehicles and volunteer drivers) are limited.
- Clients must utilise seatbelts and other vehicle safety devices as directed by the volunteer driver and in accordance with Roads and Maritime ~~Services road-Road rules~~Rules.
- Clients are not to act in a way that affects the health and safety of drivers and other clients.
- Clients must adhere to all reasonable instruction given to them by the driver.
- Clients should act in a way which respects the right of other clients and the volunteer driver.

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## POLICY: COMMUNITY TRANSPORT POLICY

COMMUNITY TRANSPORT | 2.015 NOVEMBER 2017

- Clients should respect the confidentiality of information about other clients or the volunteer driver which they may obtain whilst using the service.
- Clients need to take responsibility for the results of any decision they make.
- Clients are at all times to treat Mudgee Community Transport property in an appropriate respectful manner.
- Clients should advise of any additional cargo to be transport prior to undertaking a standard trip.
- Food and drink (with the exception of bottled water) are not to be consumed in the service vehicles.

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## Client Advocates

### Objective

To maintain the client's right to use an advocate of their own choice to negotiate on their behalf.

### Policy

- Clients wishing to use an advocate should inform the Coordinator of the name of the person they wish to negotiate on their behalf.
- Clients may request the Coordinator assist in identifying an appropriate person to act as an advocate. Advocacy must be in the best interest of the client and not an extension of the service.
- The client has the right to change their advocate at any time and should inform the Coordinator of any change.
- The Coordinator is to ensure that clients are aware of their right to use an advocate at the time of initial contact.
- Information regarding the right to advocacy should be included in the Service Brochure which is given to all clients at time of entry into the service.

## Client Entry to Service

### Objective

Mudgee Community Transport Service will endeavour to ensure that transport is available to the frail-aged, people with disabilities living with disability and their carer's and those who do not have access to public transport, as per the guidelines set down by the funding bodies associated with provision of funds for the operation of the service. The Service will be provided without discrimination in line with the guidelines, as provided by the relevant funding bodies.

### Policy

Mudgee Community Transport Service will provide transport needs to the target groups through

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referrals from:

- Medical ~~practioner~~practitioner.
- Hospital or any health or welfare service.
- A relative, friend, carer or neighbour.
- My Aged Care
- ~~NDIS~~The National Disability Insurance Scheme (NDIS).
- The person requiring the service.

Target Groups

- Within the targeted population there are a number of special needs groups:
  - Aboriginal and Torres Strait Islanders.
  - People from non-English speaking backgrounds.
  - People with dementia.
  - Financially disadvantaged persons.
  - People living in rural and remote areas.
- Clients must comply with regulations set down within Transport for NSW and Roads & Maritime Services guidelines or any other regulatory body when travelling in a Mudgee Community Transport vehicle.
- Following initial contact with Mudgee Community Transport, the Coordinator or Community Services Officer will provide the person requesting the service with a Client Information and Referral Record, Pricing and Guidelines Brochure, Travelling in Daylight Hours brochure and Clients Rights and Responsibilities and Charter of Care Recipients' Rights and Responsibilities – Home Care ~~(Department of Health)~~.
- On receipt of the completed Client Information and Referral Record, the Service will assess the client's eligibility to become a client of the service. The client will be informed as soon as this decision has been made.
- Regular assessments of clients need to be conducted to ensure effectiveness of service provided, particularly when clients' circumstances change.

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## Client Exit from the Service

Objective

To provide an amicable exit strategy for a client who wishes to withdraw from Mudgee Community Transport or a clear set of guidelines for the termination of service to a client who fails to comply with the policies and procedures of the service.

Policy

- A temporary or permanent withdrawal from the service may be made by the client or advocate to the Coordinator at any time (preferably in writing).
- The service may be withdrawn from the client if the Client Responsibilities as listed in the Client Rights and Responsibilities section are not met.

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- A client has the right to withdraw from Mudgee Community Transport at any time. This withdrawal does not hinder the client from receiving the Service at a later date.
- The Coordinator has the right to withdraw service if the client does not follow the responsibilities set out in the Pricing and Guidelines brochureservice brochure and behaves in a manner which does not respect the rights and safety of other clients and the Community Transport staff and volunteers.
- A client may be withdrawn from the service if the client fails/refuses to comply with regulations set down within Transport-NSW Roads & Maritime Services guidelines or any other regulatory body.

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- Before service is withdrawn, a letter will be forwarded to the client outlining reasons for any possible withdrawal of service and giving information on how the client can take further action if they desire.

These items should be read in conjunction with Mid-Western Regional Council's [Policies/policies](#), with particular reference to its Complaints Policy.

## Privacy and Confidentiality

### Objective

Protecting the privacy of clients is very important to the [Mudgee Community Transport Service service](#) and the following policy and procedure is designed to ensure that details about clients are kept confidential.

### Policy

- The privacy and confidentiality of clients will be maintained at all times and disposed of in accordance with the [privacy amendment \(private sector\) act 2000, the archives act 1983, and statute law revision act \(No. 1\) 2016, national National privacy Privacy principles Principles](#) and any other relevant legislation that comes into effect from time to time.
- The only information recorded and stored by the service will be information relevant to providing the service and what is agreed to and willingly given by the client on the Client Information and Referral Record.
- Information about the client's records held by the service will not be passed on to another service without the consent of the client. Consent can be in the form of a signature on the Client Information and Referral Record or verbally, in person or over the phone.
- Where clients have given permission to be referred to other agencies, their records will be passed on to the referral agency in person, via mail, fax or email. Only those records relevant to the referral recipient's services shall be passed on.
- Access to client files will be only by [Mid-Western Regional Council](#) staff who are directly involved in the work of Mudgee Community Transport. Information regarding clients will be stored appropriately within the office and the office will be locked when unattended.

## Physical Contact

### Objective

- Mudgee Community Transport acknowledges that in the day to day provision of its services, some physical contact between passengers and team members may be both appropriate and necessary.
- To avoid misunderstanding and distress arising from physical contact in the course of service delivery, team members (including volunteers) shall comply with the following policy.

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## Policy

- No Mudgee Community Transport team member shall have physical contact with a passenger except to assist or ensure their safe and comfortable use of Service, or in the case of first aid being required (by a current first aid certificate holder).
- Wherever practicable, no team member shall provide a service to a vulnerable or "at risk" client (e.g. children, people with intellectual disabilities) without the assistance an advocate or of another person nominated by the referring service or family member of the client.
- Wherever practicable, team members will clearly explain the reason for and nature of any intended physical contact between themselves and clients and obtain their consent.
- Mudgee Community Transport will endeavour to identify any cultural considerations relevant to physical contact between clients and team members and positively address them in the delivery of services.

**Suspected Client Trauma**

## Objective

- Mudgee Community Transport is a provider of passenger transport services. The team members are trained to provide transport services which cater to a variety of special needs experienced by people within our local community, but are not trained as welfare, health or legal specialists.
- Mudgee Community Transport does however acknowledge that, having a high degree of personal contact with many people who are otherwise isolated from the wider community, its team members are often in a position where they are the first and sometimes the only people to become aware of hardship, misfortune, distress or trauma which passengers may be experiencing.
- Whilst Mudgee Community Transport and its team members are not qualified to deal with a range of situations, the following policy shall be observed in order to safeguard the wellbeing of clients and bring suspected hardship or trauma to the attention of the appropriate authorities.

## Policy

- Cases of suspected trauma will be treated as confidential.
- No team member shall attempt to interfere, mediate or become in anyway personally involved where they suspect a client of experiencing trauma resulting from any form of abuse (e.g. sexual, child or elder abuse).
- Team members, upon becoming aware of a trauma possibly being experienced by a client, shall confidentially notify the Coordinator or his/her delegate if he/she is unavailable. The Coordinator shall in turn, with due regard for the privacy and wishes of the concerned client, promptly notify an appropriate carer, family member or professional agency.
- Any team members suspected of abusing a client will be immediately removed from the involvement of that client while allegations are investigated.

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- The Coordinator will ensure the interests of the client take precedence over those of the client's family or of other members of the community and will:
  - Assess the client's need for immediate medical attention and if required, ensure that it is provided;
  - Seek to Arrange-arrange emergency respite care, admission to hospital or referral to the police if the alleged abuser needs to be separated to ensure the client's safety while respecting the rights of the abuser;
  - Where necessary contact family members, the client's general practitioner and other community services involved;
  - Report all suspected or confirmed cases of abuse to the Mid-Western Regional Council's Work Health & Safety Coordinator; and
  - Once investigated, the Manager and Coordinator will determine if there is a legal requirement to report the incident and will ensure the matter is notified to the appropriate authority/s. There is a requirement within the Transport for NSW Funding Agreement that certain safety incidents be reported to it.
- Mudgee Community Transport acknowledges that each case of abuse is unique and that the determined interventions should take into account the nature and context of the abusive relationship and whether consent for intervention is given, other than in a situation where the law requires the matter to be reported.
- Mudgee Community Transport will maintain confidentiality of information and management of communication and documentation related to the incident of abuse in accordance with Mid-Western Regional Council's Privacy and Confidentiality Records Management Policy and National Privacy Principles.
- Team Members-members who have been involved in an incident of abuse related to one of their clients will be referred to counselling and support if deemed necessary and appropriate.

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## Clients at Risk at Home

### Objective

- Mudgee Community Transport acknowledges its duty of care to provide safe and comfortable transport services to its clients.
- As many of its clients require constant care or supervision, Mudgee Community Transport further acknowledges its responsibility to ensure that vulnerable or at risk clients are delivered into safe and appropriate environments upon service completion.

### Policy

- In situations where normal or intended arrangements fail to provide clients with an appropriate environment to be delivered into upon service completion (eg. a child is delivered to an empty home or an adult passenger is delivered into a home without power, heating or food) the following arrangements shall apply:
  - No client shall be left unattended in an unsafe or inappropriate environment.
  - Where a carer or guardian fails to meet a client as planned, and where operational consideration prevent a team member remaining with the client concerned, the ~~Service~~ ~~service~~ shall continue with the concerned client and return to that client's home upon service completion.
  - Where a client is returned to a home which does not provide a safe or habitable environment, and where operational considerations allow, team members shall render what assistance is safe and practicable in order to resolve the situation.
  - Wherever practicable, the Coordinator or nominated team member shall be immediately notified ~~or~~ ~~of~~ the situation.
  - Immediate communication will be made with "emergency contacts" (identified during client assessment) in order to resolve the situation.
  - Where reasonable action by Mudgee Community Transport cannot ensure a safe and appropriate environment for a client, the client shall be delivered to an appropriate agency.
- The Coordinator shall be responsible for keeping an up to date list of such agencies and ensuring adequate distribution of the information to team members.

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## Client Emergencies

### Objective

Mudgee Community Transport acknowledges its duty of care to provide safe and comfortable transport. Many clients of Mudgee Community Transport both live alone and are frail. It is an unfortunate reality that such people occasionally meet with accidents or illness and, isolated and immobile within their homes, are unable to summon help. It is also unfortunately not unheard of for a Mudgee Community Transport team member to be the first person to become aware of, or suspect such circumstances, which may require prompt action to ensure the wellbeing of the client concerned.

In consideration of these facts the following procedure shall apply when doubt exists regarding the wellbeing of a client upon calling at their home and receiving no answer.

### At the Client's Home

- After receiving no answer from the client upon calling at the door, and when there is good reason to suspect that the client is within the home, a "walk around" of the premises, including discreetly looking in windows, whilst calling the client, will be undertaken (the client may be in the backyard, [for example](#)).
- Wherever practicable, the Coordinator or nominated team member shall be immediately notified of the situation and then kept informed of any further developments.
- If necessary, neighbours should be discreetly questioned to establish the possible whereabouts of the client (eg. perhaps the intended client was seen leaving).
- Unless there is clear evidence that the client is within the house and in need of immediate first aid (in which case contact the police and ambulance, then wait for the police to be present before forced entry to the client's home is attempted), no further action shall be taken.
- Records including bookings/run sheets will be checked to ensure no information error has been made.
- Immediate communication will be made with "emergency contacts" (identified during client assessment) and other appropriate sources (eg. destination venue) in order to establish the whereabouts of the client.
- Where doubt continues to exist regarding the client's wellbeing, appropriate authorities including the police shall be informed of the need for immediate action.

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## Lost Clients on Return Journey

All passenger transport operators must deal with situations where clients do not present themselves or are late for scheduled return services. Such situations are however of particular concern for Mudgee Community Transport because many of its clients have special care needs and/or are vulnerable. In view of this fact, the following procedures shall apply where clients do not present themselves as arranged for return services.

- Wherever practicable, the Coordinator or nominated team member shall be notified immediately of the lost client situation and then kept informed of any further developments.
- Team members shall make all reasonable attempts to locate the client.
- All actions taken to locate a lost client, including postponing scheduled service departure, will be taken in consideration of the comfort and safety of other clients (eg. clients shall not be left for extended periods in vehicles where they are subject to extremes of heat/cold etc, vulnerable clients shall not be left unattended).
- If out of Mudgee and all reasonable attempts have been made to locate the client, contact police (as appropriate).

## Community Transport Office Procedure

- By contacting appropriate persons, including "emergency contacts", the Coordinator or nominated team member shall endeavour to establish whether the client has made alternate arrangements for their return.
- Where a client cannot be located before operational or client safety/comfort considerations require the departure of the service, appropriate persons including "emergency contacts" and agencies, including health and police departments will be informed.
- Destination/venue, next of kin, family, carers and/or "emergency contacts" of other clients will be contacted where significant delays of service will affect their expected time of arrival plans or arrangements.

## Passenger Illness or Injury

- Many Mudgee Community Transport clients are frail or of fragile health, and may unfortunately succumb to illness or injury whilst using a service.
- In view of this fact, the following procedures shall be applied:
  - Team members shall monitor the health and wellbeing of clients at all times during the delivery of services.
  - Illness or injury during a service will be responded to immediately using Universal Precautions Procedures (NB. Gloves provided in vehicle first aid or Universal Precautions Kit should always be worn when providing first aid) appropriate personal protection equipment (eg. disposable gloves).

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- o Priorities for team members responding to client illness or injury shall be:
  - minimising risk to any other client or team member.
  - obtaining emergency assistance as required (eg. ambulance).
  - delivering first-aid to their best ability (if first aid trained).
  - minimising distress to other clients.
  - conveying the client to an appropriate source of assistance (eg. hospital).
  - notifying the Coordinator or nominated team member of the situation.
  - keeping them informed of any further developments.
- Any blood or body fluid spill shall be dealt with using Universal Precautions procedures.

#### Mudgee Community Transport Office Procedure

- The next of kin or nominated "emergency contact" of the affected client will be contacted and advised of developments.
- Destination/venue, next of kin, family, carers and/or "emergency contacts" will be contacted where significant delays of service will affect expected arrival plans or arrangements.

## Infection Control

### Objective

To ensure the dangers of transmissible illness to both team members and clients are kept to a minimum.

### Procedure

#### MINOR INFECTIOUS ILLNESSES

- Where practicable, team members when effected by a minor illness such as a cold, will avoid close contact with clients, and in particular those who are frail or in poor health.
- ~~Team members~~Volunteers shall inform ~~the Coordinator~~staff, as soon as possible, if they suspect that they may be affected by a minor infectious illness and ~~the Coordinator will adjust~~the roster will be adjusted accordingly.

#### SPILL AND FLUID PROTECTION

- All blood and human body fluids (including urine, faeces and vomit) shall be treated as potential carriers of serious infectious disease.
- Prior to the delivery of Mudgee Community Transport services which involve contact with clients, team members shall wash hands and cover any cuts, abrasions, broken or damaged skin with a waterproof dressing.
- All Mudgee Community Transport vehicles shall be equipped with Universal Precautions Kits and First Aid Kits ~~and spill protection and cleaning supplies~~ which shall be replenished after each use ~~regularly~~.



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- Team members shall at all times, use ~~the Universal Precautions Kit~~ personal protection equipment ~~to when isolate isolating, remove removing, cleanse cleansing~~ and disinfecting any spill of blood or human body fluids.
- Where a team member has had an exposure to blood (contact through unprotected cuts, broken skin or damaged skin), this shall be reported immediately to the Coordinator. The Coordinator shall immediately contact an appropriate local medical adviser or:

**The Albion Centre**  
(Sydney Metropolitan)                      02 9332 9600  
Fax    02 9331 3490

- Spillage of blood or body fluids in Mudgee Community Transport vehicles shall be reported to the Coordinator and documented on the Vehicle Checklist Form attached to all drivers' ~~run sheets~~ daily paperwork or on the vehicle tablet, as appropriate.

## Lost Property

### Objective

Mudgee Community Transport team members are required to assist clients ensure that personal property is not left on vehicles. Items of property that do become lost shall be returned to their owners wherever possible. Additionally, Mudgee Community Transport is committed to maintaining privacy and confidentiality in the administration of lost property procedures.

### Procedure

#### Lost Property

- ~~Team members~~ Volunteers shall ensure that when assisting clients to disembark from a service all reasonable effort is taken to ensure that clients have not left any personal property on the vehicle. Any items found in the vehicle are to be either returned to the client on the day or returned to the Mudgee Community Transport ~~Office~~ office.

#### Found Property

- At the completion of each Mudgee Community Transport service, vehicles shall be inspected to ensure that no items of lost property remain on board. All items lost property identified shall be removed from the vehicle and returned to the Mudgee Community Transport Office.
- ~~The Coordinator or nominated team member shall be promptly notified of lost property items and relevant details shall be entered into the Mudgee Community Transport Lost Property Book.~~
- Items of lost property shall be inspected only for the purposes of:
  - establishing the identity of the owner.
  - establishing that no perishable or dangerous goods are contained.
- Perishable items shall be disposed of prior to collection as soon as they begin to deteriorate.

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- Dangerous goods shall be secured or disposed of according to the health and safety interests of team members.
- If ownership of items of lost property is established, all reasonable steps will be taken to contact the owner to inform them where the property is held and how they can arrange for its return.
- If ownership of lost property cannot be established:
  - The item shall be retained for a minimum of period of three months.
  - After this time lost property shall be disposed of ~~in accordance with Mid-Western Regional Council policy and the means of disposal noted in the Community Transport Lost Property Book.~~
- Claims of ownership of unidentified lost property shall be verified through the claimants' description of ~~the items~~ prior to their viewing or ~~inspecting it~~ inspection.

## Grievance Procedures

A grievance is defined as a wrong, real or imagined, considered as grounds for complaints, which can potentially be resolved. Clients, carers, volunteers or any other person has the right to complain about the ~~Service~~ service without fear of retribution.

Complaints are a valid form of feedback and may provide the opportunity to improve the quality or management of the ~~Services~~ service.

### Objective

- To provide a mechanism within the service structure to deal with complaints in a just, appropriate and effective manner.
- To ensure that clients and client advocates wishing to make a complaint are aware of procedures and steps in the complaint handling process.
- To ensure that all complaints are dealt with sensitively, objectively and confidentially.

### Policy

- Clients are invited and encouraged to use an advocate of their choice or have an advocate appointed to assist in making the complaint and to ensure the complaints procedure is followed.
- Clients making a complaint, either informally or formally, will not be excluded from receiving service in the future.
- The client will, in the first instance, make the complaint to the Coordinator. This may be verbal or in writing.
- The Coordinator will confirm with the complainant the accuracy of what has been recorded and explain what will happen next.

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- The Coordinator is to deal with the complaint as expeditiously as possible in accordance with the detail outlined in Council's Complaints Policy. If the matter needs to be referred to the Manager, Community Services, then the complaint must be made in writing.
- A letter acknowledging receipt of a written complaint should be forwarded within seven (7) working days.
- A follow-up letter is to be forwarded to the complainant when action has been completed.
- If the issue is not satisfactorily resolved, the service user should raise the matter directly with the Director, Community of Mid-Western Regional Council.
- These items should be read in conjunction with the Policies and Procedures, as developed by Mid-Western Regional Council with particular reference to the Complaints Policy.
- If after the above Complaints Policy procedure, the issue is still not resolved, the client can complain to the

The Ombudsman's Office  
(NSW) Community Services  
Division Level 24, 580  
George Street  
SYDNEY NSW 2000

Phone: 1800 451 524 (Freecall)  
Email: [nswombo.nsw.gov.au](mailto:nswombo.nsw.gov.au)  
Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

Aged Care Quality and Safety Commission  
GPO Box 9819  
SYDNEY NSW 2000  
Phone: 1800 951 822  
Email: [audit.feedback@agedcarequality.gov.au](mailto:audit.feedback@agedcarequality.gov.au)  
Web: [WWW.AGEDCAREQUALITY.GOV.AU](http://WWW.AGEDCAREQUALITY.GOV.AU)

NDIS Quality and Safeguards Commission  
PO Box 210  
PENRITH NSW 2750  
Phone: 1800 035 544  
Web: [WWW.NDISCOMMISSION.GOV.AU](http://WWW.NDISCOMMISSION.GOV.AU)

- The Coordinator is to ensure that complainants are protected from any repercussions, reprisals or victimisation following a complaint being made.
- The Coordinator or staff will ensure all complaints are recorded in a complaints register, are reviewed, and used to improve the quality of service provided.

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Fees and Charges

Objective

- To ensure that clients are aware of fees and charges relating to provision of the

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- To ensure that clients are not excluded from utilising the Serviceservice in cases of financial hardship.

Policy

- Fees charged for services provided by Mudgee Community Transport are recommended by the Coordinator in consultation with the Manager, Community Services and form part of the Fees and Charges which are developed within the Delivery Program and Operational Plan of Mid-Western Regional Council. These documents are placed on public exhibition with an open invitation for submissions from local residents. The Fees and Charges are presented to Council for approval as part of Council's public exhibition of the Operational Plan.

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- Essential changes to charges requiring implementation prior to the close of the current financial year and therefore unable to await inclusion in the next Operational Plan are advertised for ~~one month~~ 28 days to allow public comment.
- Should a client have difficulty in meeting the cost of the ~~Service~~ service, they will be able to negotiate with the Coordinator a plan to suit their individual position, or consult with a financial counsellor.
- Based on the client's completion of the ~~Application~~ application for ~~Review~~ review of ~~Fees~~ fees, the Coordinator will assess the client's ability to pay the standard fee and determine if special consideration is required, or if the client prefers, refer client to financial counsellor.
- Should special consideration be required, the Coordinator ~~or financial counsellor~~ should determine with client an option to suit their situation. This may be a time payment program, delayed payment, or another recommendation ~~from financial counsellor~~.
- In all circumstances during this process, the client's privacy and confidentiality will remain paramount, meaning that a decision be made in favour of the client rather than risk breaches or privacy and confidentiality.
- Should the client receive service which they cannot pay for, this will not exclude them from receiving service in the future.

## Recruitment of Volunteer Drivers

### Objective

To recruit and train adequate numbers of volunteer drivers who will provide a ~~competent service to the clients of Mudgee Community Transport~~ mix of members who will enable the delivery and management of safe and quality care to Mudgee Community Transport.

### Policy

- The Coordinator will recruit ~~suitable~~ volunteer drivers through advertising and promotion of the ~~Service~~ service throughout the community.
- Each prospective volunteer driver will be interviewed ~~and assessed to determine suitability for the role~~, and given ~~Information—information~~ Packs—packs on the ~~Service~~ service.
- Each prospective volunteer driver will complete a National Criminal History Record Check Consent as well as other paperwork as required by the service and Transport for NSW from time to time.
- Volunteer driver Criminal History Record Checks will be undertaken once every three years.
- ~~The Coordinator will inform the volunteer as soon as the Record Check has been returned.~~
- Prospective volunteer drivers will be offered orientation that will include:
  - Work Health & Safety
  - Tools for transport run sheets and ~~GPS navigation~~ tablets
  - The rights and responsibilities of volunteer drivers ~~and clients~~

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- Trial runs with an experienced volunteer drivers
- Volunteer drivers will be required to complete a driver application form, an emergency contacts form, an EFT form, roster preferences form, mobility parking declaration and a Volunteer Agreement.
- Training may be provided in the following:
  - First Aid
  - Driver Training courses conducted by accredited trainers.
  - Orientation training courses conducted by other local volunteer drivers
  - Volunteer training in manual handling and WHS conducted by accredited trainers
- All volunteer drivers must sign a Volunteer Agreement and are expected to comply with the Community Transport Council Policies.
- All volunteer drivers will attend quarterly meetings with the Coordinator that provide information, a review of operations and performance, training and consultation regarding the service.

RETIREMENT OF VOLUNTEER DRIVERS

- From a volunteer driver's 75th birthday onwards, driving for Community Transport is subject to annual Roads & Maritime Services licence renewals, annual medical reviews and functional testing, as well as Community Transport's discretion. Restrictions will be placed on the volunteer driver, limiting their travelling radius from Mudgee to Lithgow, Dubbo, Bathurst and Orange.
- Every effort will be made by Community Transport to limit the length of scheduled trips for those volunteer drivers beyond 75 years old.
- A volunteer driver is to advise the Coordinator in writing on his/her anniversary date, or at any time throughout the year, if applicable, of any changes or fluctuations in medical conditions that may prevent him/her (or cause him/her to be recommended not to drive by a medical practitioner) from legally driving. Further, the volunteer must provide evidence of a medical practitioner's subsequent clearance to drive prior to them returning to volunteer for Community Transport.

Vehicle/Volunteer Records

Objective

To ensure an efficient record system is in place to provide up-to-date data on all Mudgee Community Transport vehicles and volunteer drivers.

Policy

- The Coordinator is responsible for keeping up-to-date records on all vehicles and drivers used in the delivery of Mudgee Community Transport services.
- Volunteer drivers are required to provide, upon request, all necessary compliance

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~~records and certifications, as required from time to time.~~

- Each vehicle will have a file detailing information including:
  - Seating, luggage capacity and accessibility features.
  - ~~Registration and insurance renewal/expiry dates.~~
  - Records of damage/accidents/insurance claim forms
  - ~~Restraint obligations (for wheelchairs, walkers).~~

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- Each volunteer driver will have a file recording:
  - All relevant driver license information.
  - Current residential and postal addresses.
  - Current telephone number.
  - Relevant skills and training records.
  - ~~Notes regarding passenger compatibility.~~
  - Relevant medical details.
  - Police check report, including expiry date.
  - Working with Children Check clearance (where relevant).
  - Consent for licensing checks.

## Personal Presentation for Volunteer Drivers

### Objective

Whilst representing Mudgee Community Transport, each ~~team member~~volunteer shall be responsible for ensuring that their standards of personal presentation are maintained to a level which is appropriate to their responsibilities within the organisation.

### Policy

- Neat, casual clothing shall be worn whilst on duty. This clothing shall be appropriate to the occupational health and safety considerations of the individual work responsibilities of each team member, for example:
  - Sturdy comfortable footwear shall be worn at all times (no thongs).
  - Hats and other appropriate protection against sun damage shall be worn whilst outside the vehicle.
- Volunteer drivers have the option of wearing a polo shirt with the Mudgee Community Transport logo in the summer months as well as a jacket for the cooler months. These items of clothing will be purchased from Service funds and must not be worn when undertaking non-service activities.
- Personal hygiene shall be maintained to a standard which reasonably minimises any risk of offence to passengers or team members.
- No items of clothing or accessories shall be worn whilst representing the organisation which may be offensive to any passenger or other team member, for example:
  - Tee-shirts with political or religious slogans.
  - Badges or jewellery with contentious or potentially inflammatory insignia or symbols.
- Mudgee Community Transport places no general restrictions upon the jewellery or hairstyles worn by individual team members except that they must not present a safety hazard.

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## Disciplinary Measures for Volunteer Drivers

### Objective

In order to maintain high standards within Mudgee Community Transport, and to ensure safety standards are kept as a paramount priority, volunteer drivers will be subject to the same disciplinary measures as are applicable to employed team members.

### Policy

- Where a volunteer driver's work performance or conduct is considered unsatisfactory, the volunteer driver will be informed in the first instance of the nature of the unsatisfactory performance or conduct and of the required standard to be achieved.
- Unsatisfactory work performance or conduct shall include, but is not limited to, neglect of duties, breach of discipline, absenteeism and non-compliance with safety standards and funding body requirements.
- A written record shall be kept on the volunteer driver's electronic personnel file of any initial warning.
- Where there is reoccurrence of unsatisfactory work performance or conduct, the volunteer driver will be warned in writing by the Coordinator. Counselling will reinforce the standard of work or conduct expected and, where the volunteer is failing to meet those standards, a suitable review period for monitoring his or her performance, the severity of the situation, and whether disciplinary action will follow should the volunteer driver's work performance or conduct not improve.
- If the volunteer driver's unsatisfactory work performance or conduct continues or resumes following the formal warning and counselling, the volunteer driver shall be given a final warning in writing giving notice of disciplinary action should the unsatisfactory work performance or conduct not cease immediately.
- If the volunteer driver's work performance or conduct does not improve after the final warning further disciplinary action may be taken or the volunteer driver may be relieved of his or her driving duties.

## Smoking Policy

### Objective

To minimise the risk of tobacco related injuries and illnesses to both clients and drivers who use Mudgee Community Transport.

### Policy

- Mudgee Community Transport does acknowledge that some team members and clients may either choose to smoke or may be presently unable to overcome the strong addictive properties of nicotine.

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- In consideration of these facts the following shall apply:
  - No team member or client shall smoke in the Mudgee Community Transport office or vehicle, and per Council's 'Smoke Free Outdoors Area' Policy, or within 10 metres of a Council building.
  - No team member shall have a "cigarette break" which results in any danger to a passenger, team member or member of the general public (eg. leaving vulnerable clients unattended).
  - ~~Arrangements shall be made to provide reasonable "cigarette breaks" for both clients and team members where the lack of such "cigarette breaks" may affect the efficient delivery and/or receipt of safe and comfortable services.~~
- This Policy is to be read in conjunction with the relevant Mid-Western Regional Council policies relating to Smoke Free Outdoor Area Policy which have been developed within the guidelines of the *Work Health and Safety Act 2011*.

## Workplace Health and Safety Policy

### Objective

~~The workplace provides a~~ healthy and safe working environment for staff, volunteers and clients within the Mudgee Community Transport Service ~~are-is~~ considered to be of the utmost importance.

### Policy

All employees, volunteers and clients are required to comply within the WHS Guidelines as set out within the Mid-Western Regional Council Work Health and Safety Policy together with all other relevant policies, procedures and Safe Work Method Statements as developed within Council's guidelines, and any requirements deemed appropriate by Transport for NSW and the Point to Point Transport Commission.

~~Further compliance is required under:~~

- ~~CTO Occupational Health & Safety Manual – 2003.~~
- ~~Disability Services Occupational Health & Safety Project Report – October 2006.~~

Where possible, it is the policy of the Mudgee Community Transport Service to operate during daylight hours. To achieve this objective, bookings will only be accepted for transport during daylight hours, in recognition of our commitment to the safety of our volunteer drivers and our clients.

In addition, for trips to Sydney (or other extended destinations), there will be a limit of two drop off/pick up addresses per trip. Only with the approval of the Coordinator (or nominated team member) may an additional stop be scheduled, having regard to the proximity of the additional address to the priority booked in time drop off/pick up addresses. Further, a Sydney run sheet/tablet should be prepared in order to ensure that adequate time is set aside for the driver to have at least one hour out of the vehicle during the day to alleviate any potential physical and/or mental fatigue.

Where any driver is of the opinion that he or she may struggle with any journey (due to fatigue, illness or any other reason), he or she must make the Coordinator aware of this fact and

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arrangements will be made to replace the driver for that trip. There may be some instances of regional travel (including Sydney trips) where it may be appropriate for two drivers to be scheduled on for a trip in order that the driving be shared and all drivers are to be made aware that this is a reasonable request and one that should be made to the Coordinator as soon as practicable prior to the commencement of the journey.

The above items should be read in conjunction with Mid-Western Regional Council's policies and procedures.

## Manual Lifting and Handling

### Objective

- To ensure that employees and volunteers are adequately trained in manual handling techniques so that in the day to day provision of services they are able to safely undertake a range of routine and ad-hoc lifting and manual handling activities.
- Manual lifting and handling activities include both the general handling of office, vehicle and mobility equipment and assisting passengers to use Mudgee Community Transport services. Poor lifting and handling practices constitute a major threat to the health and safety of team members and passengers.

### Policy

- All Mudgee Community Transport team members shall accomplish safe lifting and handling of passengers, equipment and any other items by undertaking the following analysis of each task to determine an appropriate course of action.
- Instances where risks arising from routine or ad-hoc lifting and handling tasks have been identified shall be notified to the Coordinator.

### Assisting Passengers Who Use Wheelchairs

- Assisting passengers who use wheelchairs to get up or down kerbs and steps may be an essential part of helping them to use the Mudgee Community Transport's services. This is an area where extreme care is needed to ensure the safety of both passengers and team members/volunteers.
- It is unfortunately common for passengers who use wheelchairs to require assistance up or down a number of steps. Where no ramps, lifts or other accessibility arrangements exist, this task can seldom be accomplished by Mudgee Community Transport team members without considerable care and planning.
- Even where a team member may have the physical strength and agility to successfully assist a person using a wheelchair up or down a number of steps, there is rarely any margin for error and always a great deal of risk involved.
- To ensure the safety of both passengers and team members, the following shall apply to all Community Transport services:
  - No Community Transport team member shall attempt to provide assistance to a person using a wheelchair to negotiate more than two steps (up or down) at any one time where there is no level resting area in between.

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- o Where passengers who use wheelchairs require assistance to negotiate more than two steps (up or down) the Coordinator or nominated team member shall be responsible for ensuring that:
  - Enquiries regarding accessibility by other means (other entrances, ramps etc.) have been made on accepting booking.
  - Appropriately trained personnel equipped with suitable specialist equipment are obtained to assist the passenger, and/or
  - Where client consent is provided, referrals are made to relevant agencies (eg. Home Modifications) to overcome the problem.

#### Training

- Community Transport shall ensure that adequate information and training on the implementation.
- Application of safe lifting and handling techniques is made available to all team members.
- ~~Reference: CTO Manual Handling Training Program – 2005.~~

## Inspection and Maintenance of Vehicles

#### Objective

Ensuring that all vehicles are fully functional prior to each journey is an absolute priority in the delivery of the Mudgee Community Transport Service.

#### Policy

- At the commencement of each day's operation, any vehicle and all equipment to be used in a Mudgee Community Transport service shall be inspected to ensure that it is clean, safe and in good working order. ~~A pre-start check will be required via the vehicle tablet. A further post-trip check will be required via the vehicle tablet.~~
- At each handover, the new driver shall as a minimum, conduct a walk round inspection of the vehicle and, as far as is practicable, conduct a full vehicle and equipment inspection.
- Any defects or faults are to be reported using the community transport vehicle check list form ~~or online via the vehicle tablet.~~
- No Mudgee Community Transport vehicle shall be used in a service where inspection has resulted in the identification of a safety defect which ~~renders it not roadworthy within the definition of NSW Road Transport Regulations is not considered acceptable (or roadworthy, for want of a better term) pursuant to Light Vehicles Standards Rules within Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2017 (NSW).~~
- The Coordinator is responsible for the arrangement of routine service inspections through the Council Workshop.
- The Coordinator is responsible for arranging services in line with the manufacturers' guidelines together with repairs/replacement of tyres and other consumables.

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## Use of Seatbelts in Vehicles

### Objective

Mudgee Community Transport is committed to ensuring the safety and comfort of all its clients and recognises the essential function of client safety equipment in this area. Mudgee Community Transport shall therefore equip all its vehicles with safety equipment appropriate to the needs of all, including small children and people who use mobility aids.

### Policy

- All passengers and team members, except where a valid medical exemption is provided, are required to utilise appropriate safety equipment which may include seatbelts, child seats, child harnesses. Should a medical exemption be in place, the client is required to present this exemption to the Coordinator in each instance of travel, acknowledging that client circumstances may change).
- Wherever practicable, team members shall be responsible for ensuring prior to service commencement that passenger safety equipment appropriate to the safety needs of each passenger is:
  - Available in sufficient quantity.
  - Clean and in good working order.
- Parents and guardians seeking transport for children that require specific safety harnesses (such as booster seats or baby capsules) in the vehicles are required to provide the specific safety harnesses themselves. Mudgee Community Transport is unable to track infant and children's sizes and, therefore, the onus must be on the infant or child's parent or guardian to do so and select the appropriate safety equipment accordingly.
- It is the responsibility of the parent/guardian/carer of the child to fit the individual safety harness.
- All safety harnesses must comply with the current rules and regulations set by Transport Roads & Maritime Services ~~at the time~~ from time to time.
- ~~Team members~~ Volunteer drivers shall be responsible for ensuring that all appropriate safety equipment is utilised by passengers and is correctly fitted and secure.
- ~~Team members~~ Volunteer drivers shall be responsible for ensuring that all passenger safety equipment is safely and neatly secured within vehicles when not in use.

## Carriage of Mobility Aids and Goods in Vehicles

### Objective

Mudgee Community Transport is committed to ensuring the safety and comfort of all its ~~team members~~ volunteer drivers and passengers and recognises the dangers presented by incorrectly or poorly stowed items in its vehicles.

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## Policy

- No item shall be carried within a Mudgee Community Transport vehicle in a manner which will allow it to become a missile within the vehicle in the event of sudden deceleration (eg. an accident).
- No item shall be carried within a Mudgee Community Transport vehicle in a manner which will allow it to block an entrance, exit or emergency exit or the driver's view of the road and surrounding traffic, pedestrians, signs, etc.
- Wherever practicable, items will be carried within the boot of the vehicle.

An oxygen cylinder can only be carried in the vehicle if it is in the leather harness which can be strapped to the back of the front passenger seat. ~~There is a leather harness available in the Mudgee Community Transport office for such a purpose.~~

A gopher/scooter may be secured using the wheelchair straps in the appropriate Mudgee Community Transport vehicle however, ~~no client can remain seated in their gopher/scooter when being transported.~~ The client must be able to transfer to a fixed passenger seat. Should the gopher/scooter require operation in and out of the vehicle, this will be the responsibility of the client a carer not the driver or staff. This only applies to gophers/scooters that can be safely secured using the wheelchair restraints already fitted in the vehicle around the frame thus incurring minimal movement of the device.

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All wheelchairs being carried need to be secured in accordance with Australian Standards AS3696.19.2009 and the instructions outlined in the Freedom Van Operators Manual V1.09.4 (copy in vehicle) vehicle manuals (where appropriate).

## Vehicle Accidents or Breakdowns

### Objective

Despite Mudgee Community Transport's best efforts, vehicles do from time to time suffer from mechanical breakdowns. Mechanical breakdowns may include both faults which may render a vehicle inoperable and faults which may render a vehicle unsafe. In such cases, ensuring the safety and comfort of Mudgee Community Transport passengers, and affecting a swift return to normal service are our highest priorities.

### Policy

- In the event of a notifiable injury, illness or incident (including mechanical breakdown) immediate action will be taken by team members to minimise danger to passengers and to ensure their comfort, such action shall include:
  - Check for any danger to him or herself, any passengers or others.
  - Call for help, administer first aid all call 000 (or 112) if required.
  - Moving the vehicle to a safe position (away from traffic) where possible.
  - Where the vehicle cannot be moved, assisting passengers to move to a safe location.
  - Where the electronic ramp ~~falls-falls~~ in the wheelchair accessible vehicle, following the Freedom Van Operators operators Manual-manual V1.09.4 for manual release of the wheelchair ramp (copy in vehicle, where relevant).
  - Utilising appropriate safety equipment to minimise risk.



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- o Monitoring the wellbeing of passengers.
- o Keeping passengers informed of developments.
- The Coordinator or nominated team member shall be notified of the notifiable injury, illness or incident immediately and then kept informed of any further developments. The Coordinator or nominated team member will then immediately notify the Mid-Western Regional Council's Work Health & Safety Coordinator.
- Where the Coordinator or a nominated team member cannot be contacted, team member/s delivering the service shall, utilising the Emergency Contacts listed in the vehicle information log, determine a course of action leading to:
  - o Passengers being conveyed safely to their destination.
  - o The vehicle being recovered and conveyed to an approved repair facility.
  - o Obtaining a relief vehicle where necessary.
- Where alternate transport is organised to convey passengers to their destination, every effort shall be made to try to ensure that it is suited to the mobility needs of those passengers.
- All vehicle breakdowns shall be recorded in the Mudgee Community Transport Vehicle Check List Sheet and an Incident Report Form needs to be completed by the volunteer driver and delivered to the Coordinator.
- The Coordinator will oversee the notification next of kin, family, carers and/or "emergency contacts" where significant delays of service will affect expected arrival plans or arrangements.
- In the event of a near hit, incident or injury, the volunteer driver is to :
  - o Check for any danger to him or herself, any passengers or others.
  - o Call for help, administer first aid all call 000 (or 112) if required.
  - o Notify the Coordinator or nominated team member immediately. The Coordinator or nominated team member will then immediately notify the Mid-Western Regional Council's Work Health & Safety Coordinator.
  - o Complete and Incident Report Form and deliver it to the Coordinator within 24 hours of the incident/accident.
- Any Mudgee Community Transport vehicle which has developed a mechanical fault which renders it not roadworthy shall be withdrawn from service until the fault has been rectified and inspected by an authorised vehicle repairer.

## Fleet Policy

### Objective

To ensure the safe and efficient operation of the Mudgee Community Transport vehicle fleet.

To maintain the vehicles in the best possible condition in order to present the vehicles in a condition which allows minimum changeover costs thus keeping within the parameters of the budgetary constraints as set by the funding provided from the external funding bodies.

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## Policy

The Coordinator will:

- order the replacement vehicles in line with its Funding Agreement with Transport for NSW and Mid-Western Regional Council's Light Fleet and Procurement Policy Policies and ensure payment is made in a timely manner.
- ensure that the vehicles are maintained as per the manufacturers' guidelines by undertaking the booking of services and all other maintenance items as required.
- ensure that the vehicles are kept clean and in good condition at all times in order to achieve the best possible value for the vehicle upon changeover.
- ensure that the tyres on the vehicles are maintained and/or replaced in line with the level of roadworthiness required by the relevant regularity authorities.
- have any damage to vehicles assessed immediately and repairs carried out as soon as practicable to ensure the continued good condition of the vehicles.
- follow the guidelines as provided by Mid-Western Regional Council when dealing with any insurance claims and provide the relevant information to the Insurance Company or staff within Council as directed.

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~~This policy should be read in conjunction with all Mid-Western Regional Council Policy documents with particular reference to, Fleet Management, Procurement, Insurance and any other relevant documents.~~