



PUBLIC COPY

2019

MID-WESTERN REGIONAL COUNCIL
COUNCIL BUSINESS PAPERS

ORDINARY MEETING
WEDNESDAY 19 JUNE 2019



*A prosperous and progressive community
we proudly call home*



PO BOX 156
MUDGEES NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850
Fax: (02) 6378 2815
Email: council@midwestern.nsw.gov.au

12 June 2019

Dear Councillor

MEETING NOTICE
Ordinary Meeting
19 JUNE 2019
Open Day at 5:30PM

Council Meeting commencing at conclusion of Open day

Notice is hereby given that the above meeting of Mid-Western Regional Council will be held in the Council Chambers, 86 Market Street, Mudgee at the time and date indicated above to deal with the business as listed on the Meeting Agenda.

Members of the public may address the Committee Meeting at Open Day. Speakers are given five minutes to outline any issue of relevance to the Council. If you wish to speak at Open Day please contact the Mayor's Office on 1300 765 002 or 02 6378 2850 by 3.00 pm on the day of the meeting. Alternatively, please make yourself known to the General Manager prior to the commencement of the meeting.

Yours faithfully

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

BRAD CAM
GENERAL MANAGER

AGENDA

Item 1:	Apologies.....	9
Item 2:	Disclosure of Interest.....	9
Item 3:	Confirmation of Minutes.....	9
	3.1 Minutes of Ordinary Meeting held on 15 May 2019	9
Item 4:	Matters in Progress	10
Item 5:	Mayoral Minute.....	12
	5.1 Mayoral Minute: Windamere Dam Water Transfers.....	12
Item 6:	Notices of Motion or Rescission.....	18
	6.1 'Emergency+' App signage at rest stops throughout the region	18
Item 7:	Office of the General Manager	19
	7.1 Audit Risk and Improvement Committee Meeting 3 May 2019	19
	7.2 Fixing of Annual Fees for Councillors and the Mayor	24
Item 8:	Development	47
	8.1 MI0007/2019 - Modification to DA0122/2017 - Dual Occupancy, Shop and Subdivision - 1 Lewis Street, Mudgee	47
	8.2 MA022/2019 - Modification Application to DA0152/2015 (Bombira Estate) - 220 Ulan Road, Bombira.....	59
	8.3 Draft Development Control Plan 2013 Amendment 4 - Solar Energy Farms - Post Exhibition Report.....	85
	8.4 Housekeeping Amendment to Mid-Western Regional Local Environmental Plan 2012 - Post Exhibition.....	94
	8.5 General Amendment to Mid-Western Regional Local Environmental Plan 2012 - Post Exhibition	98
	8.6 Draft Mid-Western Regional Contributions Plan 2019 - Post Exhibition Report.....	128
	8.7 Events Assistance Policy Review.....	130
	8.8 Monthly Development Applications Processing and Determined.....	137
Item 9:	Finance	145

9.1	Delivery Program 2017/18 - 2020/21 and Operational Plan 2019/20	145
9.2	Write-off of Debts - Period 5/6/2018 to 23/5/2019	159
9.3	Monthly Budget Review April 2019.....	164
9.4	Emergency Services Levy.....	184
9.5	Request for consideration of Council accepting appointment as Crown Land Manager for Hargraves Catholic Cemetery.....	191
9.6	Clandulla Tennis Courts.....	198
9.7	Request for Tender 190517_S1_2019 - Supply & Delivery of Bulk Fuel.....	204
9.8	Local Preference Policy Review	208
9.9	Procurement Policy Review	225
9.10	Service Provider Management Policy Review	253
9.11	Asset Disposal Policy Review	255
9.12	Monthly Statement of Investment and Bank Balances as at 31 May 2019...	261
Item 10:	Operations.....	267
10.1	RFT 2018/33 Rylstone Pedestrian Bridge	267
10.2	Rylstone Dam Safety Review.....	271
10.3	Ulan-Wollar Road Realignment Stages 1 & 3.....	279
10.4	RFT 2018/32 Structural Improvements to Glen Willow Footbridge	283
Item 11:	Community	287
11.1	Code of Meeting Practice following public exhibition	287
11.2	Keeping of Animals in Urban Areas Policy Review.....	289
11.3	Glen Willow Sporting Complex Stage 2 Master Plan	297
11.4	Family Day Care Policy.....	303
11.5	Library Services - Quarterly Report.....	305
Item 12:	Reports from Committees.....	308
12.1	Mudgee Sports Council Meeting 30 April 2019.....	308
12.2	Gulgong Sports Council Meetings 8 February 2019, 8 April 2019 and 13 May 2019	312
12.3	Heritage Committee Meeting Minutes 30 April 2019.....	318
12.4	Mudgee Showground Management Committee - 7 May 2019.....	324
12.5	Local Traffic Committee- May Meeting 2019	329

Item 13: Urgent Business Without Notice340

Item 14: Confidential Session342

 14.1 Request for Financial Contribution 346

 14.2 2019/20 Insurance Renewal and Class Action 354

Item 15: Urgent Confidential Business Without Notice357

Item 16: Open Council.....357

Item 17: Closure357

Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 15 May 2019

Council Decision:

That the Minutes of the Ordinary Meeting held on 15 May 2019 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are separately attached.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Solar Energy Options	Res. 127/17 Ordinary Meeting 17/05/17	That Council: 2. endorse the strategy of installing solar panels on appropriate Council buildings to reduce ongoing electricity costs and deliver this strategy for at least one further Council building during the 2017/18 financial year.	To be reported to Council at a future meeting.
Update on LEC Matter MA0030/2017	Res. 390/17 Ordinary Meeting 13/12/17	That Council staff review the current road standards for subdivisions and that a report be brought back to Council for considerations.	To be reported to Council at a future meeting.
RFT 2017/21 Glen Willow Footbridge - Provision of Handrail Trusses and Piers	Res. 66/18 Ordinary Meeting 21/03/18	That Council: 1. investigate a more economical outcome and bring back a report when the cost of works are known.	To be reported to Council at a future meeting.
Glen Willow Stage 2 - Acceptance of Grant Funding	Res. 16/19 Ordinary Meeting 20/02/2019	That Council: 6. note that should Council be unsuccessful under the Regional Growth – Environment and Tourism Fund a further report will be brought back to Council identifying alternate funding sources, and amending the 2017/21 Delivery Program and 2019/20 Operational Plan.	To be reported at a future Council Meeting.
Model Code of Meeting Practice	Res 49/19 Ordinary Meeting 20/03/2019	That Council: 1. place the Draft Code of Meeting Practice on public exhibition for a period of 28 days, but allowing a period of at least 42 days during which submissions may be made to the Council, in accordance with s.361 of the Local Government Act 1993; and 2. place the Model Code of Meeting Practice on public exhibition that contains the non mandatory provisions that the Council may have applied; and 3. receive a further report on the Code of Meeting Practice following the exhibition period including all submissions on the matter.	Please refer to report 11.1 of this Agenda

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Representation by Kandos Rylstone Men's Shed for Council to Acquire the Former Gang Shed Premises at Kandos	Res 55/19 Ordinary Meeting 20/03/2019	That Council: 2. decline to purchase, at market value, the former Gang Shed premises at Kandos as described in the plan appended as Attachment 2 and instead seek opportunities and representations to acquire the premises at no or little cost to the community; and 3. receive a further report detailing the results of the submissions and representations in due course.	To be reported at a future Council Meeting
MA0022/2019 - Section 4.55 Modification to DA0152/2015 (Bombira Estate) - 220 Ulan Road, Bombira	Res 122/19 Ordinary Meeting 18/05/2019	That Council: 2. request the General Manager to go back to the developer and renegotiate the green space; and 3. consider a further report following the outcome of green space negotiations with the developer.	Please refer to report 8.2 of this Agenda
LGNSW Membership Renewal 2019/20	Res 117/19 Ordinary Meeting 18/05/2019	That Council: 1. receive the report by the Director Community on the LGNSW Membership Renewal 2019/20; and 2. defer payment membership to LGNSW due to the exorbitant cost of the membership, and 3. invite LGNSW to come and explain to Council the benefits and value of the membership to our Community.	To be reported at a future Council Meeting

Item 5: Mayoral Minute

5.1 Mayoral Minute: Windamere Dam Water Transfers

MAYORAL MINUTE

TO 19 JUNE 2019 ORDINARY MEETING
GOV400067,

RECOMMENDATION

That Council:

1. **object to the suspension of the Water Sharing Plan protocols allowing Windamere Dam to drop below 70GL when water transfers are occurring from the dam; and**
 2. **object to any further water trading that will drop Windamere Dam below 70GL.**
-

At a meeting of Macquarie-Cudgegong River Operations Stakeholders Consultation Committee (attached), it is recommended that the Bulk Water Transfer and carryover water be allowed to reduce the floor of Windamere below 70GL. It is suggesting as low as 60GL.

The water sharing plan protocols states that transfers of water from Windamere Dam must stop at 70GL, this at best then gives 3 to 4 years of town water supply. Taking another 10 GL out of the dam will reduce our water security to 2 to 3 years.

Windamere Dam has a very small catchment area and it will take longer to replenish water levels even in average rain. It is very different to the Burrendong Dam catchment area.



CR DES KENNEDY
MAYOR
11 June 2019

Attachments: 1. Macq Cudge ROSCCo_meeting recommendation_16 May 2019.



Macquarie-Cudgegong River Operations Stakeholder Consultation Committee (ROSCCo) –Meeting - Recommendations

Location: Narromine United Services Memorial Club,
58 Dandaloo St, NARROMINE

Date: Thursday 16 May 2019

Time: 10.00am

What Allocation Level for High Priority Users is Required to Survive?

Discussion

- Industry (Mines, Zoo and Fletcher International abattoirs) all identified that they will need an allocation in the area 70-80% to continue to operate next water year.
- 70-80% for HS, and tradability within categories will allow water to be redistributed in this market.
- Issue raised by the Cobar mines is that they lose 50% of their allocation through losses down the Albert Priest Channel and Nyngan Weir, so any reduction on their allocation has a bigger hit.
- Tritton – They also have delivery issues, 50% of the time with 100% of order ok, 50% of order would mean the mine shuts. Capital is an issue for water supply projects.
- Zoo –70 – 80% is feasible, have a 5ML reservoir on site, summer requires a daily supply. They have all their consumption and use data which they can provide to WNSW if required
- Town water allocations may need to be considered on an individual basis dependent upon alternative source options (Dubbo has access to groundwater where Nyngan and Cobar don't. Nyngan and Cobar lose up to 50% of their water in transmission losses down the Albert Priest channel and Nyngan Weir pool.
- 70-80% for LWU, but unevenly distributed, will either allow trades between towns or specific AWDs.
- Restriction to 70-80% of allocation does not mean same to all towns as impact of the restriction will be different to different towns.
- During millennium drought in 2007-08 Cobar town's water allocation was 15% higher than other towns in the Macquarie River.
- DPI Trangie Research Station holds specific purpose HS licence and with 30% allocation they can only manage agronomy research, however for managing stock they need to invest in buying water or feed.
- 30-40% for D&S will be sufficient, but very unevenly distributed, and AWD should be higher/equivalent to HS, therefore recommend 70-80% with tradability within D&S.
- No discussions on the expected allocations in 2019-20 for Cudgegong River, but LWU, S&D and HS allocations are expected to be 80% or higher. Starting allocations in Cudgegong River on 1 July 2007 during millennium drought for LWU, S&D and HS had been 80%.

Recommendation by ROSCCo

- Specific purpose HS licence allocation in Macquarie River >30%.
- LWU allocations in Macquarie River 80% and allow trading within licence category
- Regulated High Security in Macquarie River 70 – 80% and allow trading within licence category
- Stock and Domestic allocations in Macquarie 70 -80% and allow trading within licence category

What timeframe is manageable between flows in the regulated and unregulated sections including the creeks?

Discussion

- OEH advised that environmental focus will be on providing water to critical water holes for fish management. OEH is not advising water should be prioritised for the marshes.
- Unregulated streams indicate that a flow during winter should enable them to get through the summer for S&D requirements.
- Regulated stream downstream of Warren will need more regular flows – after 6-8 weeks users start to feel the pain
- The regulated streams also act as boundary fence and ceasing flows will need to be communicated early so downstream users can adjust.
- Irrigators advised to stop the flows downstream of Warren from June and was supported by Marsh landholders.
- Suggested the option to stop Main river at Warren in Winter but keep deliveries into Duck and Crooked till spring/summer. The storages in the creeks can only support 6-8 weeks of S&D requirements.
- There are holes in creeks which can hold water for fish refuge, but not in great condition. Water in ponds in Duck ck lasted long previously from summer -summer however this is not the case now due to low flows and silt.
- Mainly raised the issue about improving Infrastructure. Creeks have silted up over the many years so in the reg system there are very few holes which hold water. There needs to be the ability to excavate the silt out to improve pools. Water will not hold in Duck creek for very long at all.
- May need to look at desilting holes in the downstream sections of the creek to create larger water holes for S&D supplies and also fish habitat.
- NSW Fisheries commented that to dig holes there is a process and can be possible. Deep holes in river d/s of Warren (1.5 -3m) can provide fish refuge. Requested landholders that if they see any weir pool drying and potential fish kills to contact NSW Fisheries, rather than relocate and stress more fish.
- OEH commented that not enough water to do much in Marshes, interested in critical fish refuge particularly below Warren and effluent cks. EFRG decided not to call for translucent environmental water even if it is triggered.

Recommendation by ROSCCo

- Consider restricting flows downstream of Warren now with the view to restoring flows with the tributary inflows.

Priorities for downstream tributary flows

Discussion

Priority order as presented at ROSCCo

1. Tributary flows are managed adaptively.
2. Deliver current restricted regulated demands by reducing dam releases.
3. Restore flows in regulated sections that are stopped to allow access to BLR.
4. Divert flows to 'regulated' S&D replenishments, if not completed already.
5. Divert flows to 'unregulated' S&D replenishments – by matching available volume and duration with needs.
6. Deliver supplementary events when triggered as per WSP rules after allowing for higher priority requirements.

Recommendation by ROSCCo

- priorities for downstream tributary flows are endorsed as presented above

Temporary Works to Manage Storage & System Losses

Discussion

- Investigative works are underway for temporary works at Warren Weir and at Duck Creek and Crooked Creek regulators. Under current conditions regulated river flows beyond Warren and in Duck and Crooked creeks will cease from Spring to conserve water for town water supply and high security users.
- Investigative works are under way to implement pumping of the dead storage from Burrendong Dam to maintain town water supplies.
- Works are being planned to improve the channel capacity of the improved sections of the Duck creek to deliver freshes from the tributaries at a higher rate to restore flows.

Recommendation by ROSCCo

- Temporary works are supported.

What Trading rules should be applied for efficient operations?

Discussion

- About net 9,000 ML of allocation traded down from Cudgegong to Macquarie in this water year. On average about 6,000 ML is traded down every year. Up to now the traded allocations have been delivered in Macquarie River without resulting additional BWT from Cudgegong River.
- During millennium drought trading between Cudgegong and Macquarie Rivers remained suspended until improvements to the dam levels.
- Adaptation of following trading strategies were discussed for efficient water management operations,
 - Suspend trading between Cudgegong and Macquarie Rivers
 - In Macquarie River, permit trades that moves allocations to upstream only
 - In Macquarie River, permit trades to move downstream only with discounting for additional transmission losses as had been done in the Lachlan during millennium drought
 - Trades from Cudgegong are allowed but traded allocations are delivered only during tributary events and not from Burrendong Dam
 - Permit trading from Cudgegong River to Macquarie River on condition that the traded allocations are delivered if required with additional BWT which will result in Windamere Dam being drawn below 70 GL
 - Allow trades between licences within same licence categories, ie LWU and S&D
- All customers agreed that trade market should be left to operate (while WSP is not suspended) with trading within licence categories allowed to enable business to work together.

Recommendation by ROSCCo

- Permit trade market to operate as normal with trading within licence categories allowed to enable business to work together. If required, additional BWT is conducted to deliver traded allocations from Cudgegong River which will result in Windamere Dam being drawn below 70 GL.

Long-term options

Discussion

- Need to look at long-term drought management options to better manage the next drought. Options including piped supplies to Nyngan and Cobar towns and the mines, piped supplies to Wellington and Dubbo towns.
- Need to have this forum continue after the drought breaks. The valleys use of water is changing, permanent plantings Mines etc. Need to prepare best for next drought, no band-aid work, need permanent solutions

Recommendation by ROSCCo

- Need to have ongoing ROSCCo process for long term options

Other initiatives to assist stakeholders to manage drought

Discussion

- WaterNSW to seek system wide approval to permit individual landholders to secure essential S&D water supplies in river beds in sections where ceased to flow conditions are proposed for managing the drought.

Recommendation by ROSCCo

Keep Informed

Discussion

- Frequently asked questions (FAQ) to be developed and published on WaterNSW website and updated as required.
- WaterNSW's EWN system is setup with stakeholder contacts for various sections of the system to target communications appropriately.
- The regulated streams also act as boundary fence and ceasing flows will need to be communicated early so downstream users can adjust
- We need to have effective management of communication to ensure social media doesn't get false news stories.

Recommendation by ROSCCo

Item 6: Notices of Motion or Rescission

6.1 'Emergency+' App signage at rest stops throughout the region

NOTICE OF MOTION LISTED BY DEPUTY MAYOR PAUL CAVALIER
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, A0100035; GOV400022

MOTION

That Council fund the installation of signage promoting the Emergency+ App at rest stops throughout the region.

Background

The Emergency+ app is a free app developed by Australia's emergency services and their Government and industry partners.

The app uses GPS functionality built into smart phones to help a Triple Zero (000) caller provide critical location details required to mobilise emergency services.

Officer's comments

If Council wish to support this Notice of Motion then six small signs would need to be purchased and erected at the rest stops listed below:

- Percy Nott - Mudgee
- Windamere Dam - Castlereagh Highway
- Ilford - Castlereagh Highway
- Kandos - Bylong Valley Way
- Mudgee - Lue Road
- Rylstone - Bylong Valley Way

The total cost is expected to be less than \$1200 which could be covered within existing road maintenance budgets.

Item 7: Office of the General Manager

7.1 Audit Risk and Improvement Committee Meeting 3 May 2019

REPORT BY THE EXECUTIVE MANAGER, HUMAN RESOURCES
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, COR400236

RECOMMENDATION

That Council:

1. receive the report by the Executive Manager, Human Resources on the Audit Risk and Improvement Committee Meeting 3 May 2019; and
2. note the minutes for the Audit Risk and Improvement Committee meeting 3 May 2019.

Executive summary

This report is to advise Council of the matters given consideration at the first meeting of the Audit Risk and Improvement Committee held on 3 May 2019.

Disclosure of Interest

Nil.

Detailed report

The Audit Risk and Improvement Committee Charter requires the Committee to report to Council at the first opportunity (dependent on meeting schedules) after each meeting held. Attached to this report are the minutes of the meeting.

Community Plan implications

Theme	Good Governance
--------------	------------------------

Goal	An effective and efficient organisation
------	---

Strategy	Prudently manage risks association with all Council activities
----------	--

Strategic implications

Council Strategies

Not Applicable.

Council Policies

Audit Risk and Improvement Committee Charter.

Legislation

Not Applicable.

Financial implications

Not Applicable.

Associated Risks

Nil.

MICHELE GEORGE
EXECUTIVE MANAGER, HUMAN RESOURCES

29 May 2019

Attachments: 1. ARIC Minutes May 2019.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

2.

Minutes of the ARIC Meeting

Held at the Council Chambers, 86 Market Street, Mudgee
on 03 May 2019.

Present	Councillor John O'Neill; John Bentley, Independent Committee Member; John Stuart, Independent Committee Member; Brad Cam, General Manager; Leonie Johnson, Chief Financial Officer; Todd Dewey and Gabriel Faponle, Crowe Horwath; Michele George, Executive Manager Human Resources.
Apologies	Tim Johnston, Manager Governance (MWRC),
Visitors/Presenters	Simon Jones, Director Community; Jule Robertson, Director Development; Garry Hemsworth, Director Operations; Councillor Russell Holden.
Minute Taker	Michele George

The ARIC meeting commenced at 9.08am.

MINUTES OF PREVIOUS MEETING

Nil

Item 1: Matters in Progress

Audit, Risk and Improvement Committee

SUBJECT	DATE	RESOLUTION	ACTION

Item 2: Reports

- 2.1 INTRODUCTION AND ROLE OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE (ARIC)
COR400236, COR400236

The Audit Risk and Improvement Committee noted its responsibilities as outlined by the ARIC Charter and Internal Audit Policy.

- 2.2 ELECTION OF CHAIRPERSON
COR400236, COR400236

MOTION: Bentley/Stuart

That the Audit, Risk and Improvement Committee:

- 1. Elect John Stuart as it's Chairperson; and**
- 2. Elect John Bentley as it's Deputy Chair.**

The Motion was carried with the Committee voting unanimously.

1.

2.3 INTRODUCTION TO COUNCIL'S EXECUTIVE TEAM AND RESPONSIBILITIES

COR400236, COR400236

The Audit, Risk and Improvement Committee noted the Executive Team's responsibilities.

2.4 INTRODUCTION TO CROWE HORWATH AND RELATIONSHIP WITH THE COMMITTEE

COR400236, COR400236

The Audit, Risk and Improvement Committee noted the relationship it will have with Crowe Horwath (Aust) Pty Ltd.

2.5 RISK MANAGEMENT FRAMEWORK REVIEW

COR400236, COR400236

The Audit, Risk and Improvement Committee noted the review of the Risk Management Framework.

2.6 FRAUD CONTROL IMPROVEMENT

COR400236, COR400236

MOTION: Bentley/O'Neill

That the Audit Risk and Improvement Committee:

1. endorse the proposed plan of review for the Fraud Control Framework & Policy; and
2. commit to implement a suitable Fraud Control Health Check process

The Motion was carried with the Committee voting unanimously.

2.7 RECOMMENDED INTERNAL AUDIT 12 MONTH PLAN

COR400236, COR400236

MOTION: Bentley/O'Neill

That the Audit Risk and Improvement Committee endorse the following risk areas for inclusion in the annual internal audit plan:

1. Procurement Framework
2. Contract Management
3. Work, Health and Safety
4. Asset Management

The Motion was carried with the Committee voting unanimously.

2.

2.8 OTHER BUSINESS

Nil

2.9 NEXT MEETING DATES

COR400236, COR400236

MOTION: O’Neill/Bentley

That Audit Risk and Improvement Committee endorsed the forward 12 month meeting plan, including meeting dates as follows:

1. 16 August 2019
2. 8 November 2019
3. 7 February 2020
4. 1 May 2020

Item 3: General Business

Nil

Item 4: Correspondence

Nil

CLOSURE

There being no further business the meeting concluded at 11.55am.

7.2 Fixing of Annual Fees for Councillors and the Mayor

REPORT BY THE MANAGER GOVERNANCE
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, A0170031

RECOMMENDATION

That Council:

1. **receive the report by the Manager Governance on the 2019/20 Determination of the Local Government Remuneration Tribunal; and**
2. **fix fees for Councillors and the Mayor for the period July 2019 to June 2020 at \$20,280 for Councillors and an additional \$44,250 for the Mayor;**
 - (a) **Council pay the Deputy Mayor a fee, to be deducted from the additional fee payable to the Mayor, for periods of 7 days or more, where the Mayor is unable to carry out the duties of Mayor, such fee to be for the period that the Deputy Mayor acts in the role of the Mayor;**
 - (b) **the calculation of this fee to be determined at a pro rata rate of the Mayors Additional fee.**

Executive summary

This report addresses the need for Council to fix the annual fees for Councillors and the Mayor for the period July 2019 to June 2020. The report recommends an increase from \$19,790 to \$20,280 for Councillors and an additional payment to the Mayor increasing from \$43,170 to \$44,250.

Disclosure of Interest

Nil.

Detailed report

The Local Government Act 1993 provides that Council must pay an annual fee to each Councillor and to the Mayor. The Mayoral fee must be paid in addition to the fee paid to the Mayor as a Councillor. The Council may fix these fees and, if it decides to do so, the fees must be fixed in accordance with the determination of the Local Government Remuneration Tribunal. If Council does not fix a fee, it is required to pay the minimum fee determined by the Remuneration Tribunal.

The Act also provides that Council may pay the Deputy Mayor as fee determined by the Council for such time as the Deputy Mayor acts as in the office of the Mayor, such amount to be deducted from the Mayor's annual fee.

The Act provides that the Remuneration Tribunal must make a determination in relation to fees, not later than 1 May each year. The 2019 determination of the Remuneration Tribunal is attached. As a consequence of that determination, this Council has been categorised as rural, the fees applicable for the period July 2019 to June 2020 being:

- Councillor Minimum \$9,190 Maximum \$20,280.

- Mayor (additional fee) Minimum \$19,580 Maximum \$44,250.

Community Plan implications

Theme	Good Governance
Goal	Strong civic leadership
Strategy	Provide strong representation for the community at Regional, State and Federal levels

Strategic implications

Council Strategies

Community Strategic Plan

Council Policies

Payment of Expenses and Provision of Facilities to Councillors Policy

Legislation

Local Government Act NSW

Financial implications

These fees are accounted for in council's Operational Plan 2019/20

Associated Risks

Not Applicable.

TIM JOHNSTON
MANAGER GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

20 May 2019

- Attachments:*
1. OLG Circular to Councils Re 2019/20 determination of the Local Government Remuneration Tribunal - 19-07 / 20 May 2019 / A646892.
 2. 2019 - Annual Determination - Local Government Remuneration Tribunal.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Circular Details	19-07 / 20 May 2019 / A646892
Previous Circular	18-18
Who should read this	Councillors / General Managers
Contact	Council Governance / (02) 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

2019/20 Determination of the Local Government Remuneration Tribunal

What's new or changing?

- The Local Government Remuneration Tribunal (the Tribunal) has determined an increase of 2.5% to mayoral and councillor fees for the 2019/20 financial year, with effect from 1 July 2019.
- The Tribunal did not undertake a broad review of the categorisation of councils and considered only those requests where an individual submission was made. The Tribunal found that the current allocation of councils into the current categories is appropriate.
- The Tribunal will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020.

What this will mean for your council

- Sections 248 and 249 of the *Local Government Act 1993* require councils to fix and pay an annual fee based on the Tribunal's determination of 2.5% for the 2019/20 financial year.

Key points

- The level of fees paid will depend on the category the council is in.
- A council cannot fix a fee higher than the maximum amount determined by the Tribunal.
- If a council does not fix a fee, the council must pay the minimum fee determined by the Tribunal.

Where to go for further information

- The Tribunal's report and determination is available on the Office of Local Government's website www.olg.nsw.gov.au and on the NSW Remuneration Tribunal's website www.remtribunals.nsw.gov.au.



Tim Hurst
Chief Executive

**Local
Government
Remuneration
Tribunal**

Annual Report
and
Determination

*Annual report and determination under sections 239 and
241 of the Local Government Act 1993*

**15 April
2019**

Local Government Remuneration Tribunal

Contents

Contents	1
Executive Summary	2
Section 1 Introduction	3
Section 2 Background	3
Section 2 2018 Determination	4
Section 3 2019 Review	4
Categorisation	5
Fees	8
Other matters	10
Conclusion	10
Section 4 Determinations	12
Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2019	12
Table 1: General Purpose Councils - Metropolitan	12
Table 2: General Purpose Councils – Non-Metropolitan	13
Table 3: County Councils	14
Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors	15
Table 4: Fees for General Purpose and County Councils	15
Appendices	16
Appendix 1 Criteria that apply to categories	16

Local Government Remuneration Tribunal

Executive Summary

The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Planning and Public Spaces by 1 May each year as to its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

The Tribunal did not undertake a broad review of the categorisation of councils and considered only those requests where an individual submission was made. The Tribunal found that the current allocation of councils into the current categories is appropriate.

The Tribunal will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020. The criteria applicable to each of the categories are published in Appendix 1 of the determination and are unchanged from 2018.

Fees

The Tribunal has determined that the minimum and maximum fees applicable to each category will be increased by 2.5 per cent which is consistent with the government's policy on wages.

Local Government Remuneration Tribunal

Section 1 Introduction

1. The role of Assessor assisting the Local Government Remuneration Tribunal (the Tribunal), pursuant to section 236 (1) (b) of the *Local Government Act 1993* (the LG Act) was undertaken by Mr Ian Reynolds from 1 July 2015 until the expiration of his appointment on 27 November 2018. The Tribunal thanks Mr Reynolds for his contributions over those years.
2. On 28 November 2018, Dr Robert Lang was re-appointed as the Tribunal and Mr Brian Bell PSM was appointed to the role of Assessor assisting the Tribunal pursuant to section 236 (1) (b) of the LG Act. The role of Assessor assisting the Tribunal pursuant to 236 (1) (a) continues to be undertaken by Mr Tim Hurst, CEO, Office of Local Government, Department of Planning and Environment.

Section 2 Background

3. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
4. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
5. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A (1) of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
6. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government's wage policy pursuant to section 242A (3) of the LG Act.

Local Government Remuneration Tribunal

7. The Tribunal's determinations take effect from 1 July in each year.

Section 2 2018 Determination

1. The Tribunal considered ten requests for re-categorisation having regard to the case put forward and the criteria for each category. A multi variable approach was adopted in assessing each council against all the criteria (not only population) for the requested category and the relativities within the categories.
2. The Tribunal noted that at the time of making the determination only the population data as of 2016 was available.
3. The Tribunal found that the current categorisation for the ten councils was appropriate and noted that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations in the medium term.
4. The Tribunal's 2018 Determination was made on 17 April 2018 and provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.

Section 3 2019 Review

5. The Tribunal wrote to all mayors in December 2018 advising of the commencement of the 2019 Annual Review. In doing so the Tribunal noted that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020.
6. The Tribunal also stated that it does not intend to alter the groups that apply to individual councils unless there is a very strong case to do so. Any requests for a review should be supported by evidence which would indicate that the council is more appropriately allocated in another category based on the criteria.
7. The Tribunal also wrote to the President of Local Government NSW (LGNSW) in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal thanks the President and Chief Executive for making the time to meet with the Tribunal.
8. In response to this review the Tribunal received 20 submissions from individual councils and a submission from LGNSW. Those submissions addressed the allocation of councils into

Local Government Remuneration Tribunal

those categories and fees. The Tribunal also received a submission from a joint organisation requesting that the Tribunal determine the fees for members of the boards of joint organisations. A summary of the matters raised, and the Tribunal's consideration of those matters is outlined below.

Categorisation

9. Ten submissions received from councils requested re-categorisation now and two submissions requested re-categorisation when the Tribunal considers the categories in detail in 2020. Each of the ten requests for re-categorisation now were considered having regard to the case put forward and the criteria for each category.
10. At the time of making the determination the Tribunal had available to it the 30 June 2018 population data released by the Australian Bureau of Statistics (ABS) on 27 March 2019. In reviewing the submissions received the Tribunal also applied a multi variable approach assessing each council against all the criteria (not only population) for the requested category and the relativities within the categories.
11. The Tribunal finds that the allocation of councils into the current categories is appropriate but again notes that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations.
12. A few submissions have suggested alternative categorisation models. The Tribunal will consider this in detail in the 2020 review. The Tribunal intends to commence the 2020 annual review earlier than usual to ensure there is time to review the existing model and to examine alternatives. The Tribunal is of the preliminary view that a case may exist to revise the number of categories, and their applicable criteria, particularly for regional and rural councils.
13. A summary of the Tribunal's findings for each of the 2019 applications for re-categorisation is outlined in the following paragraphs.

Metropolitan Large

14. Canterbury-Bankstown and Penrith have sought re-categorisation to new categories noting that no changes to the categories of councils are planned until 2020. Canterbury-Bankstown has proposed a new categorisation model for consideration in the 2020 review. The proposed model would provide different categories for metropolitan councils. Penrith

Local Government Remuneration Tribunal

has again sought to be re-categorised to a new category - 'Metropolitan Large – Growth Centre'.

15. Both councils may wish to provide further details for consideration in the 2020 annual review.

Metropolitan Medium Councils

16. Inner West has again sought to be re-categorised to Metropolitan Large. The Tribunal outlined in the 2018 determination that Inner West did not demonstrate enough additional criteria to warrant re-categorisation at that time, but with population growth the council would likely be more comparable with other Metropolitan Large councils in the short to medium term.
17. The Tribunal has again considered in detail the features of Inner West having regard to the other criteria for Metropolitan Large councils. The Tribunal finds that Inner West does not provide the same degree of regional servicing or have an equivalent sphere of economic influence as other Metropolitan Large councils. This is supported by development and planning information published by the Greater Sydney Commission.
18. Inner West's June 2018 population of 198,024 is below the indicative population of other Metropolitan Large councils. Based on existing growth predictions it is likely Inner West will meet the minimum population threshold for inclusion in Metropolitan Large in 2020.

Metropolitan Small Council

19. Willoughby and Camden have sought to be re-categorised to Metropolitan Medium.
20. Willoughby's June 2018 population of 80,339 is below the indicative population of Metropolitan Medium Councils. The Tribunal outlined in the 2018 determination that Willoughby sought recognition of its scale of operations and businesses and regional significance of its centres and high percentage of non-resident visitors and workers. The Tribunal found the characteristics of the council were more appropriately aligned with those of other Metropolitan Small councils and found no case for it to be re-categorised at that time.
21. Willoughby's 2019 submission argues there is an over emphasis on resident population and no recognition of the complexity or burden on high volumes of non-resident populations.
22. As previously stated, the Tribunal considers a range of factors (not only population) in determining categories as required under section 240 of the LG Act. The Tribunal has again considered in detail the features of Willoughby having regard to the other criteria for other

Local Government Remuneration Tribunal

- Metropolitan Medium councils and finds that Willoughby has not demonstrated the criteria to warrant inclusion in the Metropolitan Medium group at this time.
23. Camden's 2018 population of 94,159 is below the indicative population of Metropolitan Medium councils. The Tribunal has considered the features of Camden having regard to the other criteria for Metropolitan Medium councils. The Tribunal finds that Camden does not provide the same degree of regional servicing or have an equivalent sphere of economic influence as Metropolitan Medium councils. The Tribunal notes however that the ABS identifies that Camden has the largest and fastest population growth in NSW. Based on existing growth predictions it is likely Camden will meet the minimum population threshold for inclusion in Metropolitan Medium in 2020.

Regional Strategic Area Councils

24. Central Coast has sought to be re-categorised to Regional City. The council submits that its characteristics are more like Newcastle and Wollongong (Regional City) and substantially different to Lake Macquarie (Regional Strategic Area). The Tribunal finds that Central Coast has not demonstrated the additional criteria to warrant inclusion in the Regional City group.

Regional Rural Councils

25. Shellharbour and Port Macquarie have sought re-categorisation to Regional Strategic Area.
26. Shellharbour's June 2018 population of 72,240 is significantly below the indicative population of Regional Strategic Area councils. In addition, the submission was not supported by evidence which would indicate that the council is more appropriately allocated in another category based on the criteria.
27. Port Macquarie's June 2018 population of 83,131 is significantly below the indicative population of Regional Strategic Area councils. The Tribunal finds that Port Macquarie has not demonstrated the additional criteria to warrant inclusion in the Regional Strategic Area group.
28. Port Macquarie (as an alternative) and Mid-Coast sought to be re-categorised to a new category between Regional Strategic Area and Regional Rural. Both councils may wish to provide further details for consideration in the 2020 annual review.

Rural Councils

29. Muswellbrook and Federation have sought to be re-categorised to Regional Rural.

Local Government Remuneration Tribunal

30. Muswellbrook's June 2018 population of 16,383 and Federation's June 2018 population of 12,462 are well below the indicative population of Regional Rural councils. Both councils have not demonstrated the additional criteria to warrant inclusion in the Regional Rural group.
31. The Tribunal also undertook a review of Hilltops having regard to its 2018 submission and the Tribunal's findings that re-categorisation at that time was not warranted:

"41. Hilltops Council has sought to be re-categorised from Rural to Regional Rural. The new Hilltops Council is an amalgamation of three former councils in the Rural category (Young, Boorowa and Harden). The submission states that the new council has increased complexity of business and should be recognised as Regional Rural.

42. The Tribunal notes that Hilltops has a population of 19,150 (2016) which is just below the indicative population range of Regional Rural councils. The category of Regional Rural currently includes one council – Broken Hill – which has a population similar to that of Hilltops. Broken Hill warrants categorisation as Regional Rural in recognition of the degree of regional servicing it provides to far western NSW. It is not considered that Hilltops provides the same degree of regional services and on that basis re-categorisation is not warranted at this time."

32. Hilltops' June 2018 population of 18,782 is below the indicative population range of Regional Rural councils. The Tribunal has reviewed the additional criteria and finds no reason to alter its findings as outlined in the 2018 determination.

Fees

33. The LGNSW submission requested that the Tribunal increase fees by the allowable maximum of 2.5 per cent. The submission also repeated its view that the current arrangement for setting fees is inadequate and does not compensate elected members for the significant workload and range of responsibilities which are expanding. Comparative information was presented in respect to board fees, fees paid to mayors and councillors of councils in Queensland, and salaries for members of Parliament. A report detailing the findings of an independent review conducted on current remuneration paid to councillors and mayors was also provided. The LGNSW submission

Local Government Remuneration Tribunal

- also requested that the Tribunal make a recommendation in support of the payment of superannuation.
34. Several submissions sought an increase to the allowable maximum of 2.5 per cent and raised similar issues to LGNSW in respect to the current fees not being adequate compensation for increased responsibilities and workload required to carry out mayoral and councillor duties and non-payment of superannuation. Several submissions also sought an increase significantly higher than the allowable 2.5 per cent or that fees be increased by benchmarking them to Principal CBD fees or population per councillor or using the base salary and allowances for Members of Parliament in the relevant region.
 35. Two submissions also raised the matter of fees for deputy mayors. The Tribunal addressed this matter in the 2018 determination and will make no further comment.
 36. The Tribunal has considered the submissions received. The Tribunal is mindful that the roles and responsibilities of councillors and mayors in NSW are outlined in the LG Act and notes that they are not necessarily comparable to the roles and responsibilities of councillors and mayors in other states, members of Parliament or members of boards and committees.
 37. The Tribunal again notes that some of the other matters raised by submissions are more appropriately dealt with in the context of the current Local Government reform agenda and are outside the Tribunal's powers.
 38. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
 39. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging, and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.

Local Government Remuneration Tribunal

Other matters

40. The submission from LGNSW and several councils have again raised the matter of the non-payment of superannuation. The Tribunal addressed this matter in the 2018 determination as outline below and will make no further comment:

“54. The matter of the non-payment of superannuation has been previously raised in submissions to the Tribunal and is not a matter for the Tribunal to determine. Section 251 of the LG Act confirms that councillors are not employees of the council and the fee paid does not constitute a salary under the Act. The Tribunal notes that the Australian Tax Office has made a definitive ruling (ATO ID 2007/205) that allows councillors to redirect their annual fees into superannuation on a pre-tax basis and is a matter for councils (Ref: Councillor Handbook, Oct 2017, Office of Local Government p.69).”

41. The Tribunal also received a submission from the Canberra Region Joint Organisation (CRJO) although no invitation to do so was issued by the Tribunal. The CRJO has requested that the Tribunal set chair and member fees for joint organisations in the 2019 annual determination.
42. The Tribunal is constituted under Chapter 9, Part 2, Division 4 of the LG Act. The Tribunal’s determinations apply to Councils, Mayors and Councillors within the meaning of Chapter 9 of the LG Act.
43. Joint organisations, including the Board of a joint organisation, are constituted under Chapter 12, Part 7 of the LG Act. The Tribunal’s jurisdiction does not apply to joint organisations, as provided for in section 400ZH(3)(e) of the LG Act.
44. On that basis the Tribunal has no power to consider the CRJO submission and it is a matter that the CRJO may wish to raise with the Minister for Planning and Public Spaces who is the Minister responsible for the LG Act. The Tribunal has written to the CRJO in the above terms.

Conclusion

45. The Tribunal’s determinations have been made with the assistance of the two Assessors - Mr Brian Bell and Mr Tim Hurst. The allocation of councils into each of the categories,

Local Government Remuneration Tribunal

pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, are outlined in Determination No. 2.

The Local Government Remuneration Tribunal

(Signed)

Dr Robert Lang

Dated: 15 April 2019

Local Government Remuneration Tribunal

Section 4 Determinations

Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2019

Table 1: General Purpose Councils - Metropolitan

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta

Metropolitan Large (8)	Metropolitan Medium (9)
Blacktown	Bayside
Canterbury-Bankstown	Campbelltown
Cumberland	Georges River
Fairfield	Hornsby
Liverpool	Ku-ring-gai
Northern Beaches	Inner West
Penrith	Randwick
Sutherland	Ryde
	The Hills

Metropolitan Small (11)
Burwood
Camden
Canada Bay
Hunters Hill
Lane Cove
Mosman
North Sydney
Strathfield
Waverley
Willoughby
Woollahra

Local Government Remuneration Tribunal

Table 2: General Purpose Councils – Non-Metropolitan

Regional City (2)	Regional Strategic Area (2)	
Newcastle	Central Coast	
Wollongong	Lake Macquarie	

Regional Rural (37)	Rural (57)	
Albury	Balranald	Kyogle
Armidale	Bellingen	Lachlan
Ballina	Berrigan	Leeton
Bathurst	Bland	Liverpool Plains
Bega	Blayney	Lockhart
Blue Mountains	Bogan	Moree Plains
Broken Hill	Bourke	Murray River
Byron	Brewarrina	Murrumbidgee
Cessnock	Cabonne	Muswellbrook
Clarence Valley	Carrathool	Nambucca
Coffs Harbour	Central Darling	Narrabri
Dubbo	Cobar	Narrandera
Eurobodalla	Coolamon	Narromine
Goulburn Mulwaree	Coonamble	Oberon
Griffith	Cootamundra-Gundagai	Parkes
Hawkesbury	Cowra	Snowy Valleys
Kempsey	Dungog	Temora
Kiama	Edward River	Tenterfield
Lismore	Federation	Upper Hunter
Lithgow	Forbes	Upper Lachlan
Maitland	Gilgandra	Uralla
Mid-Coast	Glen Innes Severn	Walcha
Mid-Western	Greater Hume	Walgett
Orange	Gunnedah	Warren
Port Macquarie-Hastings	Gwydir	Warrumbungle
Port Stephens	Hay	Weddin
Queanbeyan-Palerang	Hilltops	Wentworth
Richmond Valley	Inverell	Yass
Shellharbour	Junee	
Shoalhaven		
Singleton		
Snowy Monaro		
Tamworth		
Tweed		
Wagga Wagga		
Wingecarribee		
Wollondilly		

Local Government Remuneration Tribunal

Table 3: County Councils

Water (4)	Other (6)
Central Tablelands	Castlereagh-Macquarie
Goldenfields Water	Central Murray
Riverina Water	Hawkesbury River
Rous	New England Tablelands
	Upper Hunter
	Upper Macquarie

Local Government Remuneration Tribunal

Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2019 are determined as follows:

Table 4: Fees for General Purpose and County Councils

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	27,640	40,530	169,100	222,510
	Major CBD	18,430	34,140	39,160	110,310
	Metropolitan Large	18,430	30,410	39,160	88,600
	Metropolitan Medium	13,820	25,790	29,360	68,530
	Metropolitan Small	9,190	20,280	19,580	44,230
General Purpose Councils - Non-metropolitan	Regional City	18,430	32,040	39,160	99,800
	Regional Strategic Area	18,430	30,410	39,160	88,600
	Regional Rural	9,190	20,280	19,580	44,250
	Rural	9,190	12,160	9,780	26,530
County Councils	Water	1,820	10,140	3,920	16,660
	Other	1,820	6,060	3,920	11,060

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The Local Government Remuneration Tribunal
(Signed)

Dr Robert Lang

Dated: 15 April 2019

Local Government Remuneration Tribunal

Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety has been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Local Government Remuneration Tribunal

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum population of 200,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum population of 100,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Local Government Remuneration Tribunal

Regional City

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

Local Government Remuneration Tribunal

Rural

Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

Item 8: Development

8.1 MI0007/2019 - Modification to DA0122/2017 - Dual Occupancy, Shop and Subdivision - 1 Lewis Street, Mudgee

REPORT BY THE TOWN PLANNER
 TO 19 JUNE 2019 ORDINARY MEETING
 GOV400067, DA0122/2017

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner on the MI0007/2019 - Modification to DA0122/2017 - Dual Occupancy, Shop and Subdivision - 1 Lewis Street, Mudgee; and
- B. approve MI0007/2019 - Modification to DA0122/2017 - Dual Occupancy, Shop and Subdivision - 1 Lewis Street, Mudgee subject to the conditions of consent provided in Attachment 1, noting the modification of Condition 1 and the addition of Condition 51, 52 and Statement of Reasons as follows:
 - 1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Floor Plans	Dwg 6814/W2B	B D	26/10/2017 22/11/2018	Planned Environment Pty Ltd
Elevations	Dwg 6814/W3B	B C	26/10/2017 22/11/2018	Planned Environment Pty Ltd
Lighting & Window Plan	Dwg 6814/W5B	B	26/10/2017	Planned Environment Pty Ltd
Landscape Plan	Dwg 6814/W4B	B	26/10/2017	Planned Environment Pty Ltd
Subdivision Plan	Job No. BK488	A	26/09/2017	Jabek Pty Ltd

[AMENDED CONDITION MI0007/2019]

TO BE COMPLETED WITHIN 1 MONTH FROM THE DATE OF CONSENT OF MODIFICATION MI0007/2019:

- 51. A permanent fixed clear glass window panel shall be installed to the internal portion of the door frame to each balcony located on the east elevation within one month of the date of

consent of modification MI0007/2019. The height of the window panel must be a minimum of 800mm above the floor level and must be installed by a suitably qualified professional.

[NEW CONDITION MI0007/2019]

TO BE COMPLETED WITHIN 6 MONTHS FROM THE DATE OF CONSENT OF MODIFICATION MI0007/2019:

52. A Building Information Certificate issued by Council in accordance with Division 6.7 of the *Environmental Planning and Assessment Act 1979*, is to be obtained within 6 months of the date of consent of modification MI0007/2019 for the two balconies and door on the east elevation.

Note – Prior to the issue of a Building Certificate engineering certification for structural adequacy may be required. Please contact Council’s Building Surveyors prior to lodging an application for a Building Information Certificate to determine what information will be required to support an application for a Building Information Certificate.

[NEW CONDITION MI0007/2019]

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55 (1A)(a) and (b) of the *Environmental Planning and Assessment Act 1979*.
2. The proposed development satisfactorily addresses the issues raised in submissions received in response to public notification of the development, as follows:
 - Condition 51 has been imposed to ensure that the extent of overlooking into the private open space of 18 Market Street is generally not increased from that approved under the original development consent.
 - Condition 52 has been imposed to require a Building Information Certificate is obtained in relation to the building works already completed.

[NEW STATEMENT OF REASON MI0007/2019]

Executive summary

OWNER/S	J Wood, H Wood, D Mort & C Mort
APPLICANT:	Planned Environment Pty Ltd
PROPERTY DESCRIPTION	1 Lewis Street, Mudgee (Lot 1 DP1233900)
PROPOSED DEVELOPMENT	Modification to DA0122/2017 relating to a dual occupancy, shop and subdivision for the addition of balconies and doors (MI0007/2019)
ESTIMATED COST OF DEVELOPMENT:	\$535,000
REASON FOR REPORTING TO COUNCIL:	The application has been referred to Council for consideration as it exceeds staff’s <i>Delegation of Authority</i> , in that between 1-6 objections were received during the

	assessment period, and has been called up by a Councillor, during the circulation period.
PUBLIC SUBMISSIONS:	Two submissions.

Executive Summary

Council is in receipt of application MI0007/2019 received on 30 November 2018 to modify Development Consent DA0122/2017, which approved a dual occupancy, shop and subdivision at 1 Lewis Street, Mudgee.

The site contains an existing heritage listed building, which is being redeveloped from a former tyre shop to a two storey dual occupancy development (one to the rear and one to the front of the building), with a small shop to be located on the ground floor fronting Lewis Street.

The modification seeks approval for two small balconies and doors on the east elevation, replacing the currently approved openings, consisting of a fan light above, and a single side hung window below, leading to a Juliet Balcony. The balconies and doors have already been constructed - without development consent. The subject application proposes to legalise these works.

The application was notified in accordance with MWRDCP 2013, Part 1.12 *Community Consultation*. During the notification/assessment period, two (2) submissions were received.

The main issues raised in the submissions relate to the loss of privacy and overlooking because of the balconies facing the rear yard of 18 Market Street, Mudgee. Concern was also raised with the fact that the balconies had been constructed without development consent.

The applicant has proposed to address the issues of overlooking and loss of privacy through the installation of 800mm high panels of clear glass, fixed to each of the doorframes, leading to the balconies. This will restrict access onto the balcony, thereby minimising the incidence of overlooking and loss of privacy, but still allowing access for maintenance purposes. The intention is to restrict the extent of overlooking and loss of privacy, comparable to that approved under the original application.

The proposed development complies with the requirements of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, relevant State Environmental Planning policies, *Mid-Western Local Environmental Plan 2012* and *Mid-Western Regional Council Development Control Plan 2013* and is recommended for approval subject to conditions of consent.

Disclosure of Interest

Nil

Detailed report

Description of proposal

Council is in receipt of modification application MI0007/2019 received on 30 November 2018. The application proposes to modify development consent DA0122/2017 - which approved a dual occupancy, shop and subdivision at 1 Lewis Street, Mudgee – Figure 1. A Construction Certificate (Privately Certified CCP0097/2018) has been issued with works commenced.



Figure 1: Location Plan

The original application, DA0122/2017 approved two new 2600mm high x 900mm openings in the eastern elevation, located 6210mm off the boundary. Each opening consisted of a fan light above, and a single side hung window, leading to a Juliet Balcony, which consisted of cross railing fitted to the outside of the opening, giving the appearance of a very narrow balcony - noting, that no projections beyond the building wall were approved. The openings were to serve the ensuite and dressing room of the first floor bedroom. Between the boundary and the eastern elevation sits a flat roof carport (proposed). The approved elevations are in Attachment 2, with an excerpt provided in Figure 2.

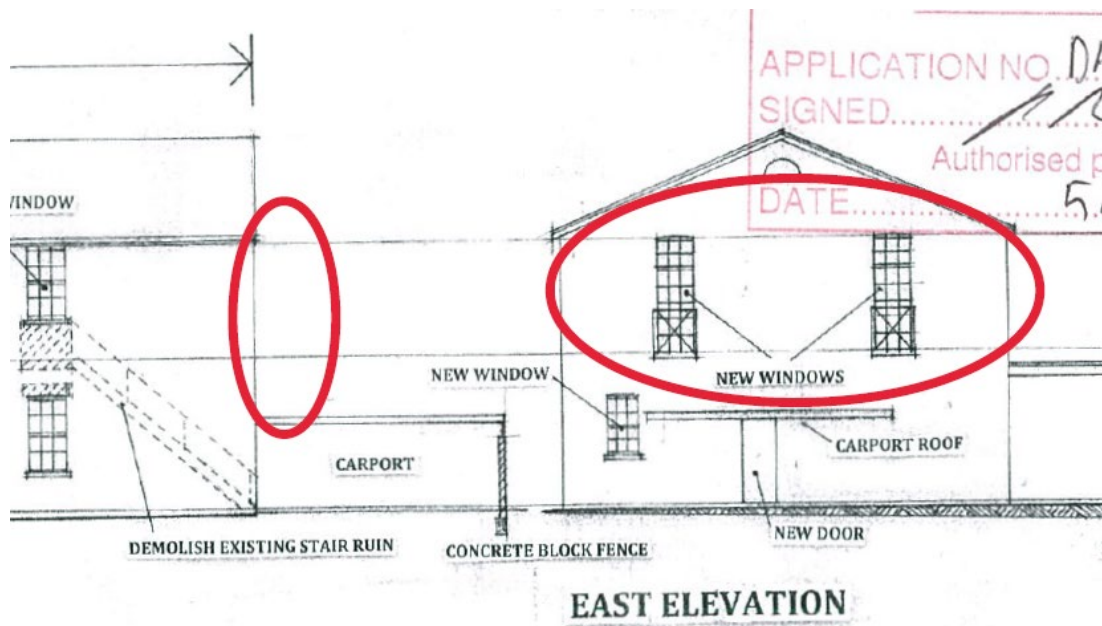


Figure 2: Approved Eastern Elevation

The modification application seeks approval to replace the approved Juliet balcony, windows and fan light with two small balconies and French doors. A 800mm high fixed clear glass window panel is to be fixed to the internal portion of the doorframe leading onto the balconies, thereby restricting direct access to the balconies. Each balcony has an area of 1.02m², with dimensions of 0.6m by 1.7m. The outer most edge of the balcony is set back 5610mm off the eastern boundary. The proposed elevations are in Attachment 3, with an excerpt provided in Figure 3.

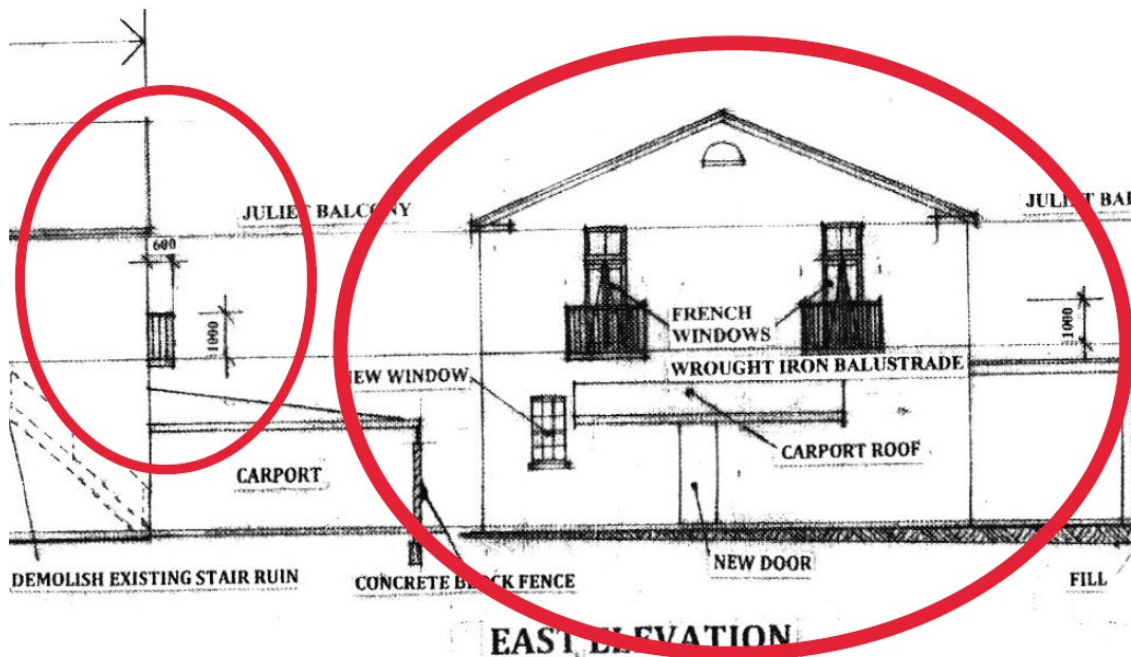


Figure 3: Proposed Eastern Elevation

The modification application was lodged following a complaint received by Council, that the balconies erected did not form part of the development consent. Following an investigation by Council, the modification application was lodged, in order to gain consent retrospectively for the works that have already been carried out. Photos of the as constructed balconies are provided in Attachment 4.

Assessment

The application has been assessed in accordance with Section 4.55 and 4.15 of the *Environmental Planning & Assessment Act 1979*. The main issues are addressed below as follows:

4.55(1A) Modifications involving minimal environmental impact

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

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

Comment The proposed modification is not likely to significantly increase the environmental impacts of that expected under the original proposal as discussed throughout the report.

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

Comment Council is satisfied that the proposed modification is substantially the same development as the original consent. The addition of two small balconies does not change the overall use of the building of an attached dual occupancy and shop approved under the original consent.

(c) it has notified the application in accordance with (i) the regulations, if the regulations so require, or (ii) a development control plan,

Comment The proposed modification application was notified in accordance with the requirements of the Mid-Western Regional Council Development Control Plan 2013, *Part 1.12 Community Consultation*. Two submissions were received.

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

Comment Two submissions were received in relation to the proposal. The views of the objector have been considered in the assessment of the report (refer relevant sections later in the report).

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment All matters under Section 4.15(1) of relevance to the modification are addressed below.

DA0122/2017 was determined with no Statement of Reasons (SOR), because the determination date of 2 March 2018 was prior to the requirement to provide and publicise Statement of Reasons, 1 July 2018.

Note - Should consent be granted, a Statement of Reasons will be provided pursuant to Clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*.

4.15(1)(a) Evaluation – Matters for consideration

4.15(1)(a)(i) THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENTS

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

The original development was considered against the Mid-Western Regional Local Environmental Plan 2012. The relevant issues that require reconsideration under the modification are set out below.

Clause 5.10 Heritage Conservation

Pursuant to Clause 5.10(4) consideration must be given to the effect of the proposed development on the heritage significance of the item and area concerned.

Comment

The primary consideration under this clause is whether the proposed balconies and associated doors will have an impact on the heritage significance of the area and the heritage item. In considering this, the applicant has provided an updated Statement of Heritage Impact to support the proposed modification concluding (in relation to the new openings on the east elevation):

- New openings are generally in type and character of the original brick wall openings, with brick header courses.
- New openings are on elevations away from the main street facade.
- New residential openings to the eastern wall are in keeping with the character of a Victorian terrace.

Having reviewed the revised Statement of Heritage Impact, and owing to the fact that the balconies and doors were considered acceptable, and supported by Council's Heritage Adviser, Council considers the impact of the proposed works on the heritage significance of the item and area to be low.

4.15(1)(a)(ii) THE PROVISIONS OF DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS (EPI)

No draft environmental planning instruments apply to the land to which the application relates.

4.15(1)(a) (iii) THE PROVISION OF ANY DEVELOPMENT CONTROL PLANS

Mid-Western Regional Development Control Plan 2013

An assessment is made of the relevant chapters and sections of this DCP. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

Part 3.1 Residential Development in Urban areas (single dwellings and dual-occupancies)

Building Setbacks

The proposed balconies will be setback more than 5m from the rear boundary which is in excess of the 900mm deemed to satisfy provisions.

Building Height

The objective for this control is that *Building height must ensure that adjacent properties are not overlooked or overshadowed.*

No deemed to comply provisions are specified, but it is noted that the subject modification is not proposing to alter the height of the building in any way. Furthermore, the applicant is now proposing the installation of an 800mm high glass panel to each of the French doors, restricting views from the existing ensuite and dressing room internally.

Privacy

The objective for Privacy is that *Development must ensure that reasonable privacy is achieved for new dwelling and existing adjoining residences and private open space.*

Council acknowledges that the use of the balconies, as originally proposed, would have resulted in some overlooking and some loss of privacy to the private open space area of 18 Market Street. A balcony serves no other use, other than to sit or stand upon, and as such, when in use, would have resulted in overlooking. Whether the degree of overlooking from the balconies is unreasonable has not been assessed, owing to amendments made to the application by the applicant, restricting access onto the balconies.

The applicant in response to concerns of overlooking, raised by the neighbour, has amended the proposal to now include the installation of an 800mm high fixed clear glass window panel to the internal portion of the existing doorframe leading onto the balconies. The fixed panels will restrict direct access to the balcony, while still allowing the doors to be opened, and the balcony to be accessed for maintenance purposes.

By restricting access onto the balcony, the degree of overlooking will be comparable to that which was approved under the original consent. The original consent approved two new openings, being 2600mm high x 900mm wide, each consisting of a fan light above, and single side hung window below, leading to a Juliet Balcony. The Juliet Balcony consisted of cross railing fitted to the outside of the opening – giving the appearance of a very narrow balcony. In effect, the occupants of 1 Lewis Street, could stand in their ensuite or dressing room, with the window open (or closed), with unobstructed views to the east - limited only by the cross railing. The same outcome will result from the installation of the 800mm high glass panel, fixed to the existing doorframe.

Whilst the height of the fixed panel will not prohibit all access onto the balcony, it is of sufficient height to prevent the balconies being easily entered on to, but still allowing access for maintenance purposes. Should consent be granted to the modification, it is proposed that the fixed glass panels are installed as a condition of approval.

In addition to the above, the French doors serve non-habitable rooms, being an ensuite and dressing room; these rooms both adjoin a bedroom. In general terms, the majority of the waking hours are spent in living areas rather than the rooms which adjoin the French doors, meaning that the occurrence of any overlooking will be infrequent. Particular reference is made to *Romanin v Mosman Municipal Council [2004] NSWLEC 641* (paragraph 33) which states:

“...The fact that the overlooking opportunities are of some significance is not the determinative aspect in this case. What is determinative is the likely use of the balcony, particularly its association with a bedroom and being some distance including one level from the principal living area in the dwelling. This indicates the likely infrequent use of the balcony. Taking also into account the size of the balcony this indicates that its use for recreational purposes beyond any use associated with the bedroom is unlikely...”

In addition, reference is made to the planning principles provided in *Meriton v Sydney City Council [2004] NSWLEC 313* particularly with regard to **use** (refer to paragraph 46) which states:

The use of a space determines the importance of its privacy. Within a dwelling, the privacy of living areas, including kitchens, is more important than that of bedrooms. Conversely, overlooking from a living area is more objectionable than overlooking from a bedroom where people tend to spend less waking time.

In considering whether overlooking would have an unreasonable impact on privacy, it is useful to consider, for guidance purposes only, the standards relating to the construction of balconies allowed under State Environmental Planning Policy (Exempt and Complying Development Codes). This provides guidance as to what the State Government considers acceptable in terms of balconies and overlooking. Under this Code, the erection of balconies can be undertaken as Complying Development, where the setback is greater than 6m off the rear/side boundary, and the floor level above the natural ground level is less than 4m – without the need to provide any privacy

screens and regardless of what room they serve, i.e. living room, or dressing room. In relation to the subject application, had the building not been heritage listed, the applicant could have a balcony approved on the eastern elevation, to a depth of 200mm, as Complying Development. Refer Clause 3.12(2) & (3) and 3.15(3) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. In this case, an additional 400mm is proposed and considered a negligible increase.

Given the above and subject to the inclusion of the fixed glass panels as a condition of consent, it is considered that reasonable privacy is available to the adjoining properties private open space area.

4.15(1)(a)(iii a) THE PROVISIONS OF ANY PLANNING AGREEMENT OR DRAFT PLANNING AGREEMENT

No Planning Agreements are applicable.

4.15(1)(a)(iii a) THE PROVISIONS OF THE REGULATIONS

No matters prescribed by the Environmental Planning and Assessment Regulation 2000 impact determination of the modification application.

4.15(1)(b) LIKELY IMPACTS OF THE DEVELOPMENT

As discussed throughout the report, the modification is likely to have minimal impacts subject to conditions.

4.15(1)(c) SUITABILITY OF SITE FOR DEVELOPMENT

The site, as discussed, is considered suitable for the approved development.

4.15(1)(d) ANY SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

The application was notified to adjoining owners in accordance with Mid-Western Regional Development Control Plan 2013, *Part 1.12 Community Consultation*, for a period of 14 days, ending 9 January 2019. Two submissions were received in relation to the proposed modification. The issues raised in the submissions and Council officer's response are summarised below.

It is noted that one of the submissions has been included as a confidential attachment as it may disclose material which could be considered malicious or defamatory.

The proposed modification seeks approval for unauthorised building works

It is acknowledged that the proposal relates to unauthorised building works. It has been established in case law (refer *Windy Dropdown Pty Ltd v Warringah Council (2000) 111 LGERA 299* and *Willoughby City Council v Dasco Design and Construction Pty Ltd*) that a pre-existing development consent can be modified to grant consent retrospectively to works that have already been carried out. A Building Certificate will also be required to be obtained as a condition of approval, in order to regularise the building works.

It should be noted that Council can only give limited weight to the fact that works were illegally carried out. A formal assessment procedure has been invoked, when the applicant lodged a development application, and the authorities have made it clear that the fact that works were illegally carried out will not be a factor, which, of itself, justifies refusal of the application.

Overlooking / privacy issues

Concerns have been raised regarding overlooking from the balconies particularly into the backyard of 18 Market Street, Mudgee, with the request that the balconies be removed or alternatively fix obscure glazing to the three sides of the balconies to the height of 1.8m.

This particular issue has already been addressed in the DCP section of the report, and finds that reasonable privacy is still available to the adjoining properties private open space area, and as such, the removal of the balconies, or the fixing of obscure glazing to the three sides is not supported, or recommended. Refer to the Privacy section above, as addressed under the DCP provisions.

Remove the unauthorised elevated air-conditioning plant located on the first floor.

The air-conditioning unit is not the subject of this application and therefore the issues raised cannot be addressed under this application. Notwithstanding this, noise issues related to the air-conditioner can be pursued under the *Protection of the Environment Act 1997*, and addressed as a separate matter.

(b) Submissions from Public Authorities

No submissions were sought or received from public authorities.

4.15(1)(e) THE PUBLIC INTEREST

(a) Federal, State and Local Government interests and Community interests

No significant issues in the interests of the public are expected as a result of the proposed development.

SCHEDULE 1: COMMUNITY PARTICIPATION REQUIREMENTS

The following reasons, pursuant to clause 20(1) of Schedule 1, are given by Council for the granting of the consent, that is sought to be modified.

The determination decision was reached for the following reasons:

1. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55 (1A)(a) and (b) of the *Environmental Planning and Assessment Act 1979*.
2. The proposed development satisfactorily addresses the issues raised in submissions received in response to public notification of the development, as follows:
 - Condition 51 has been imposed to ensure that the extent of overlooking into the private open space of 18 Market Street is generally not increased from that approved under the original development consent.
 - Condition 52 has been imposed to require a Building Information Certificate is obtained in relation to the building works already completed.

CONSULTATIONS

(a) Heritage Advisor

Council's Heritage Advisor has not raised any concerns with the proposal.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning

Strategic implications

Council Strategies

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

Council Policies

Not applicable

Legislation

Environmental Planning and Assessment Act 1979

Financial implications

Not applicable

Associated Risks

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

In addition, if refused, Council will proceed to issue an order for the removal of the balconies and replacement of the French doors to that approved in the original consent.

SARAH HOPKINS
TOWN PLANNER

LINDSAY DUNSTAN
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

27 May 2019

- Attachments:*
1. Conditions. (separately attached)
 2. Approved Elevations under DA0122/2017. (separately attached)
 3. Proposed Elevations. (separately attached)
 4. Site Inspection photos of balconies as constructed. (separately attached)
 5. Submission 1. (Confidential)
 6. Submission 2. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.2 MA022/2019 - Modification Application to DA0152/2015 (Bombira Estate) - 220 Ulan Road, Bombira

REPORT BY THE SENIOR PLANNER
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, DA0152/2015

RECOMMENDATION

That Council:

- A. receive the report by the Senior Planner on the Modification Application to DA0152/2015 (MA022/2019) - Bombira Estate; and
- B. approve Modification Application to DA0152/2015 (MA022/2019) - Bombira Estate subject to the following conditions and statement of reasons:

Conditions of Consent (AMENDMENTS IN RED)

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans
 - ~~Drawing Number 22225-C00 Cover Sheet~~
 - ~~Drawing Number 22225-C01 Existing Site Plan~~
 - **Drawing Number 23949-PNL01 Proposed Lot Plan Revised Lot Masterplan (Revision G Ea)**
 - ~~Drawing Number 22225-C03 Proposed Staging Plan~~
 - ~~Drawing Number 22225-C04 Proposed Services Plan - Sewer~~
 - ~~Drawing Number 22225-C05 Proposed Services Plan - Water~~
 - ~~Drawing Number 22225-C06 Proposed Services Plan - Stormwater~~

and the Application received by Council on 4 November 2014 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

(AMENDED MA0016/2016)

(AMENDED MA0033/2016)

(AMENDED MA0029/2017)

(AMENDED MA0022/2019)

- ~~1 a The battleaxe access as shown on Barnson Drawing 23949-NL01 will not be permitted, with the land to be transferred to proposed Lot 8b.~~

(AMENDED MA0029/2017)

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – CIVIL

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

(Note: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered).
 3. Demonstration through provision of an Engagement Letter that the Subdivision has been registered with Telstra Smart Communities prior to issue of the Construction Certificate.
 4. The development site is to be managed for the entirety of work in the following manner:
 - a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 5. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
 6. A Construction Certificate is required for, but not limited to, the following civil works;
 - Water and sewer main infrastructure
 - Stormwater drainage such as inter-allotment drainage, detention basins,
 - Road construction
 - Footpath and kerb & gutter
 - Landscaping of public reserves

Note: No works can commence prior to the issue of the Construction Certificate.
 7. A detailed engineering design supported by plans, and an “Autocad compatible” Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid-Western Regional Council) and the conditions of this development consent.
 8. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The engineering design is to comply with Council’s Development Control Plan and the Standards referenced within Appendix B and D.
 9. Where the development requires access to private land, the developer shall provide Council with documentary evidence that an agreement has been entered into with the landholder prior to issue of a Construction Certificate. If utilities are to be located within the private land, an easement is to be created prior to release of the Construction Certificate.
-

10. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
- drainage reserves are to be turfed.
 - single strip of turf to be laid behind kerb and gutter.
 - saving available topsoil for reuse in the revegetation phase of the subdivision;
 - using erosion control measures to prevent on-site damage;
 - rehabilitating disturbed areas quickly;
 - maintenance of erosion and sediment control structures;
 - a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.

11. (DELETED MA0033/2016)

- 11a. As there are known aboriginal objects upon, or within the immediate vicinity of proposed lots 8a, 8b, 8c and Lot 44 that will be or are likely to be harmed from future residential development, prior to the release of the Subdivision Certificate for any of these lots, an Aboriginal cultural heritage assessment report must be prepared and submitted to Council for approval.

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

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

(AMENDED MA0033/2016)

12. Any registered easements or restrictions applicable to the site are to be removed from the title prior to the issue of a construction certificate for that stage to which the easement or restriction may apply.

PRIOR TO THE COMMENCEMENT OF WORKS

13. A Traffic Control Plan (TCP) completed by a "Certified Person" for the implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing
14. Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid-Western Regional Council as an interested party. Public Liability
-

Insurance is to include Mid-Western Regional Council as an interested party and a copy of the insurance policy including the Certificate of Currency is to be provided to Mid-Western Regional Council prior to the commencement of work. All work is to be at no cost to Council.

15. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
16. Prior to commencement of works, the submission of possible street/road names in order of preference, for the proposed new roads within the subdivision, are to be submitted to Council for approval.
17. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
18. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
19. Prior to the commencement of subdivision works, the following actions are to be carried out;
 - A site supervisor is to be nominated by the applicant;
 - Council is to be provided with two (2) days' notice of works commencing.

INFRASTRUCTURE

Stormwater Drainage

20. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Runoff (2001) for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.

Note: Post development flows must not exceed pre-development flows up to and including the 100 year ARI event. Any additional works required to satisfy this condition will be entirely at the developers cost.

(AMENDED MA0033/2016)

21. The trunk drainage system must be designed such that discharge from the subdivision satisfies the following water quality targets:

Post Development Stormwater Pollution Reduction Targets
<ul style="list-style-type: none">• Total Suspended Solids (TSS) – 85% reduction of the typical annual load• Total Phosphorus (TP) – 65% reduction of the typical annual load• Total Nitrogen (TN) – 45% reduction of the typical annual load• 90% of gross pollutant loads, oil and grease retained on-site

Note: Results from MUSIC modelling or equivalent shall be supplied with Construction Certificate Issue plans demonstrating that the design meets the above criteria.

22. All internal roads shall comprise roll back concrete kerb and gutter. Sub- surface drainage is required where gutter flows exceed 2.5m width during minor events (1 in 5yr ARI). If required, sub-surface drainage shall be located behind the kerb.
23. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1. An easement not less than 1.0m shall be created in favour of the upstream allotments for any Interallotment drainage.
24. One (1) roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of the installation of the kerb and gutter.
25. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil, to ensure sediment from the whole site is captured.
26. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

ROADS

27. The intersection of the new road within the subdivision and the Ulan Road is to be designed and constructed to comprise;
- A full length Rural Channelised T-junction – Full length (CHR) is to be provided in accordance with Figure 7.7 of Austroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalled and Signalled Intersections and RMS Supplements;
 - A Rural Auxiliary Left Turn Lane Treatment (AUL) on the major road is to be provided in accordance with Figure 8.4 of Austroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalled and Signalled Intersections and RMS Supplements;
 - All existing and proposed utility services shall be located clear of existing road pavements.
28. All internal roads within the subdivision must be designed and constructed to the following

standards:

Road 1 and 2

Item	Requirement
Full Road Pavement Width	13 m (2 x 3.5m travel lanes and 2 x 3m sealed shoulders/parallel parking lanes)
Nature Strip	2 x 4.5m
Concrete Footpaths	2.5m Wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections To be installed behind kerb

Road 5, 6, 8

Item	Requirement
Full Road Pavement Width	11 m (2 x 3.5m travel lanes and 2 x 2m sealed shoulders)
Nature Strip	2 x 4.5m
Concrete Footpaths	1.2m Wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections To be installed behind kerb

Road 3, 4, 9, 10 and 14

Item	Requirement
Full Road Pavement Width	8 m (2 x 4m travel lanes)
Nature Strip	2 x 4m

Concrete Footpaths	Nil
Seal	Two-coat flush seal 14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections To be installed behind kerb

Road 7, 11, 12 and 13

Item	Requirement
Full Road Pavement Width	9 m (2 x 3.5m travel lanes and 2 x 1m sealed shoulders)
Nature Strip	2 x 4.5m
Concrete Footpaths	1.2m Wide
Seal	Two-coat flush seal 14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections To be installed behind kerb

28a. ~~All internal roads within the subdivision must be designed and constructed to the following standards:~~

Wurth Drive to the Frontage of Lot 64 and Harvey Street

Item	Requirement
Full Road Pavement Width	13 m (2 x 3.5m travel lanes and 2 x 3m sealed shoulders/parallel parking lanes)
Nature Strip	2 x 4.5m
Concrete Footpaths	2.5m Wide to extend the full length of Wurth Drive

Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb

Webster Street, Page Circuit, Chapman Street, Nelthorpe Street and Wurth Drive from Lot 64

Item	Requirement
Full Road Pavement Width	9 m (2 x 3m travel lanes)
Nature Strip	2 x 4.5m
Concrete Footpaths	1.2m
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb

Joseph Place and Edwards Close

Item	Requirement
Full Road Pavement Width	8m (2 x 4m travel lanes)
Nature Strip	2 x 4m
Concrete Footpaths	Nil
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb

(AMENDED MA0029/2017)

29. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.
30. All electrical, telecommunication and water service crossings are to be perpendicular to the road centreline and performed prior to the addition of the base course and installation of kerb and gutter.
31. All stormwater, water and sewer main infrastructure road crossings must be installed prior to the addition of the base course and installation of kerb and gutter.
32. All water mains and associated fittings/valves should not be installed underneath a concrete structure such as the footpath.
33. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
34. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
35. All internal roads must be designed with design speed of 60km/hr.
36. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
37. A Give Way sign is required to be installed on the internal subdivision road at the junction with Ulan Road.
38. 50km/hr speed restriction signs, duplicated both sides of the road, are to be installed on Road 1 at the entry to the subdivision. These signs must also indicate 80km/hr for traffic leaving the subdivision.
39. The proposed internal road network should have sufficient width to accommodate the turning paths for service vehicles (e.g. rubbish collection and removalist vehicles). Particular attention should be given to cul de sac finishing points.

WATER AND SEWER

40. An application for a Compliance Certificate under the Water Management Act, 2000 is to be submitted to Council as the Water Supply Authority and approved prior to the issue of a Subdivision Certificate for each stage of the development.

~~Note: This will include (but is not limited to) the requirement to alter and extend services, upgrade and install ancillary infrastructure such as sewer pump stations and the payment of section 64 developer contributions.~~

Note: As a precondition to issuing a compliance certificate, the Council may require the alteration and extension of services, upgrading and installing ancillary infrastructure such as sewer pump stations and the payment of section 64 developer charges. Payment of

charges may also be paid in accordance with the relevant deferred payments provisions contained within the relevant Council Development Servicing Plans.

(AMENDED MA0029/2017)

- 41. Three metre wide easements, including associated Section 88B of the Conveyancing Act 1919 instruments, are to be created in favour of Council over any existing or newly constructed water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

Note: where an easement is proposed over private land for the purpose of servicing this subdivision, Council will require evidence that the easement has been created prior to release of the Construction Certificate.

- 42. The proposed sewer pump station to be located on proposed lot 403 135 is to be constructed above the probable maximum flood level. Details to be provided with the relevant Construction Certificate stage.

(AMENDED MA0022/2019)

EARTHWORKS

- 43. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

Contributions and other charges

- 44. In accordance with the provisions of s.94 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Developer Contributions Plan (CP), the developer will contribute a contribution per lot of ~~\$7022.00~~ \$7,085.00 (excluding house lot). The contributions are to be paid prior to the issue ~~at the lodgement~~ of the Subdivision Certificate for each stage, or- if Council receives a bank guarantee for the contributions payable in respect of a stage which meets the requirements set out in clause 1.10 of the CP the contributions for that stage will be payable 6 months after the date of issue of the Subdivision Certificate for the stage.

Catchment 2	
Section 94 Contributions	
Transport Management	
Traffic Management	\$1258.00 1247.00
Open space	

Local Open Space	\$1975.00\$1957.00
District Open Space	\$2681.002657.00
Community Facilities	
Library Buildings	\$258.00256.00
Library Resources	\$310.00307.00
Administration	
Plan Administration	\$603598.00
Total per lot	\$7085.7022.00

NOTE: Developer Contributions and all other fees and charges are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Development Department regarding any adjustments.

(AMENDED MA0016/2016)

(AMENDED MA0033/2016)

(AMENDED MA0029/2017)

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

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

NOTE: Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office. Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.

46. Following completion of the subdivision works, one full set of Work-As- Executed plans, in pdf and dwg format, which is "AutoCAD compatible", is to be submitted on disk to Council. All Work-As-Executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

47. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - b) A letter from the appropriate telecommunications authority Telstra indicating that they accept acquisition of the infrastructure provision of telecommunication services to the subdivision.

48. Prior to the issue of a Subdivision Certificate:
-

- a) all contributions must be paid to Council (subject to condition 44) and all works required by the consent be completed in accordance with the consent, or
- b) an agreement be made between the developer and Council; be paid to Council in accordance with this condition for the purpose of:
 - i) as to the security to be given to Council that the works will be completed or the contribution paid, and
 - ii) as to when the work will be completed ~~or the contribution paid.~~

(AMENDED MA0029/2017)

49. Following completion of all engineering works, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council for a twenty four month (24) period to ensure that any defects in such works are remedied by the developer.

Note: The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. The bank guarantee must not specify any time limitations on the operation of the guarantee.

50. The developer is to ensure that all defects in the works that become apparent within twenty four (24) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification.

Note: Any unspent bond money will be returned to the developer at the end of the twenty four (24) month period, less the estimated cost of any outstanding works.

51. The applicant shall repair in accordance with Aus-Spec# 1 and Council Standard Drawings any part of Council's property damaged during the course of this development.
- 51a. A post and rail style fence is to be erected to the satisfaction of Council along the rear boundary of any lot that abuts the Ulan Road Public Reserve prior to the issue of a Subdivision Certificate for those lots. Details of the fence are to be lodged with and approved by Council prior to erection.

(AMENDED MA0029/2017)

GENERAL

52. The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
- (a) Installation of sediment and erosion control measures
 - (b) Water and sewer line installation prior to backfilling
 - (c) Establishment of line and level for kerb and gutter placement
 - (d) Road pavement construction
 - (e) Road pavement surfacing
 - (f) Practical completion
-

All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.

53. If the Subdivision Certificate is not issued within the financial year of the date of determination, then the charges and contributions contained in this consent will be increased to the current rate at the time of payment.
54. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of AS2870 - 1996.
Results are to be submitted to Council prior to issue of the Subdivision Certificate.
55. The development is to be provided with completed drainage, pollution traps and open space areas as detailed in the approved landscape plans for each stage of the development. Any drainage or open space area within or adjacent to a stage is to be completed prior to the release of the Subdivision Certificate for that stage.
56. Street trees are required at a rate of two (2) trees per lot and are to be planted prior to the issue of the Subdivision Certificate. The trees are to be semi- mature and barricaded for protection
57. All open space areas are to be levelled, top soiled, turfed with the installation of an in ground irrigation system prior to the release of the Subdivision Certificate. The developer will maintain these areas for a period of two (2) years from the release of the Subdivision Certificate.
58. A shared Pedestrian/bicycle path is to be provided from the new entrance to the Southern boundary on Ulan Road. Engineering details of the access are to be provided with the construction certificate documentation for stage 3. The access is to be completed prior to the issue of subdivision certificate for stage 3.
59. An acoustic assessment be provided by a qualified acoustic engineer and that any recommendations arising from the report be required to be implemented during construction.
60. ~~A Restriction as to User is to be registered on the title of proposed lots 37, 39, 40, 41, 42, 43, 44, 45, 60, 63, 69 and 70 1, 3, 5, 12, 13, 16, 55, 56, 57, 58, 59, 60 stating that no direct access to Ulan Road is permitted.~~

~~(AMENDED MA0033/2016)~~

A Restriction as to User benefitting Council and on terms satisfactory to Council is to be registered on the title to all lots with a boundary to the Ulan Road public reserve (being lots 22-34 shown on plan 23949_P01 Revision ~~G-E~~) to the effect that:

- there is to be no direct access to the Ulan Road public reserve from the lot;
 - no above ground structures shall be erected on the lot within 15m of the boundary of the lot with the Ulan Road public reserve; and
-

- all fencing along the boundary to the Ulan Road public reserve is to be post and wire construction only.

(AMENDED MA0029/2017)

(AMENDED MA0022/2019)

61. The landscaped buffer along Ulan Road is to be extensively landscaped to provide a visual separation between Ulan Road and the subdivision. The landscaping is to incorporate both low and high growing species. Landscaped plans are to be submitted with the Stage 1 Construction Certificate and works completed prior to the issue of subdivision certificate for stage 1.
62. A detailed contamination site investigation is to be undertaken of the diesel tank and included with the construction certificate documentation for Stage 4. Any remediation measures included in the assessment must be completed prior to the issue of subdivision certificate for stage 4.
63. ~~[DELETED]A Restriction as to User is to be placed on proposed lots 40 to 45 55 to 60 inclusive restricting further subdivision of the land to assist in preserving the rural amenity of the northern gateway entrance into Mudgee.~~
- (AMENDED MA0033/2016)
- (DELETED MA0029/2017)
64. Proposed lot ~~403~~ 135 (detention basin) is to incorporate a passive recreation area in accordance with the provisions of Mid-Western Regional Development Control Plan 2013. Details of this are to be provided with the construction certificate documentation for stage 1. The recreation area is to be completed to the satisfaction of Council prior to the issue of subdivision certificate for stage 5.
- (AMENDED MA0029/2017)
65. The existing shed is to be lawfully demolished prior to the issue of subdivision certificate for stage 4.
65. ~~Construction of Road 12 must be completed prior to the registration of proposed lots 44 and 86~~
- (DELETED MA0029/2017)

STATEMENT OF REASONS

1. The proposed development complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.
 2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*.
 3. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
-

4. The proposal satisfactorily addresses the issue of overland drainage raised in submissions received in response to public notification of the development, as follows:
- a) Existing condition 20 requires the applicant to prepare a drainage report prior to issue of the construction certificate that must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI and post development flows must not exceed pre-development flows up to and including the 100 year ARI event. Any additional works required to satisfy this condition will be entirely at the developers cost.

Executive summary

OWNER/S	Maas Group Family Properties No. 5
APPLICANT:	Maas Group Properties
PROPERTY DESCRIPTION	220 Ulan Road, Bombira
PROPOSED DEVELOPMENT	Residential Subdivision of Land
REASON FOR REPORTING TO COUNCIL:	Prior Applications for Modifications Determined by Council
PUBLIC SUBMISSIONS:	Two (2) Submissions received

Council granted consent to Development Application DA0152/2015 for the subdivision of land creating 135 Residential Lots at 220 Ulan Road, BOMBIRA NSW 2850, Lot 1 DP1000182. The original application was determined at the 17 December 2014 Council meeting.

The first modification application to DA 0152/2015 (MA0016/2016) was submitted to Council relating to an amended subdivision plan and contributions amounts, this was approved by Council resolution on 16 March 2016.

The second modification to DA0152/2015 (MA0033/2016) was approved on 23 August 2016 by Council resolution and related to an amended subdivision plan to create 3 additional lots and amended conditions 11, 20, 44, 60, 63 and 66.

The third modification to DA0152/2015 (MA0029/2017) was refused by Council on the 16 August 2017 and related to an amended subdivision plan to include 9 additional lots and deferment of Section 64's and Section 94's via a bank guarantee for a period of 6 months. Appeal to Council's determination of the modification application (MA0029/2017) was subsequently lodged with the Land and Environment Court, with the appeal upheld and consent granted. Orders were made on 1 December 2017 by the Court.

Council is in receipt of a further Section 4.55 Application to modify DA0152/2015.

The modification (MA0022/2019) proposes to:

1. Amend the approved subdivision plan to remove the dedicated public reserve originally nominated on Lot 144 (comprising 2,458m²) of the approved plan by the Court (DWG23949_P01 REV E) to a residential allotment with no change in area or shape (DWG23949_P01 REV G); and
2. Consolidate approved Lots 135 and 136 for the purposes of a public reserve and to accommodate a larger stormwater detention basin over the lots (new total area comprises 5,164m²).

The proposed amendments to the subdivision plan results in the loss of one (1) lot (number of total lots from 152 to 151) and also a total loss of 425m² of designated public reserve within the subdivision.

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

The proposed modification was notified to adjoining neighbours, and two (2) submissions were received during the notification period. Both submissions were objecting to the discharge of water onto the landowners' private property from the proposed detention basin.

The modification application was referred to Council's meeting of 15 May 2019 whereby Council resolved unanimously as follows:

That Council:

1. *receive the report by the Senior Planner and Manager, Statutory Planning on the MA0022/2019 - Section 4.55 Modification to DA0152/2015 (Bombira Estate) - 220 Ulan Road, Bombira;*
2. *request the General Manager to go back to the developer and renegotiate the green space; and*
3. *consider a further report following the outcome of green space negotiations with the developer.*

As per the resolution, the General Manager, Director of Development and Manager of Statutory Planning met with the applicant on 25 May 2019.

Notwithstanding the meeting, the applicant seeks to maintain the modification application as originally proposed, ie. no additional open space is proposed to be provided. The applicant has instead submitted further information demonstrating that 95% of allotments are accessible via a walking distance of 400m-500m (comfortable 5 to 6 minute walk) within the Estate. Six (6) allotments are located within a 7 minute walk from these areas.

The applicant also submits that *the proposed location and enlargement of the public reserve presents a better planning and design outcome than originally consent to. The proposed site ensures a greater area for recreation, is accurately engineered for stormwater drainage within the subdivision, ensures efficient pedestrian and vehicle accessibility, improves maintenance efficiencies, and will provide for a greater pedestrian experience for residents can be enjoyed.*

This additional information provided by the applicant is included as Attachment 5.

Pursuant to the powers handed down by the General Manager, conferred under Section 378 of the *Local Government Act 1993*, and as the original application was approved by Council resolution, staff do not have the power to determine the application in accordance with their *Delegation of Authority*. Subsequently, the application is referred to a full Council meeting.

The application is recommended for Approval.

Disclosure of Interest

Nil.

Detailed report

The application has been assessed in accordance with Section 4.55 and 4.56 of the *Environmental Planning & Assessment Act 1979* as the original consent was granted by Council. It is noted that the most recent modification application (MA0029/2017) was determined by the Court. The main issues are addressed below.

REQUIREMENTS OF REGULATIONS AND POLICIES

4.55(1A) Modifications involving minimal environmental impact

(1A) Modifications involving minimal environmental impact

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

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

Comment The proposal to relocate the nominated public reserve and retain the stormwater detention basin within the proposed (although enlarged) Lot 135 of the subdivision is considered to be of minimal environmental impact. The proposal will result in the loss of one (1) lot from the overall approved residential subdivision, to a total of 151 lots. The proposal will also result in a loss of 425m² of dedicated public reserve due to the reduced lot size once lots 135 and 136 are consolidated. Council's DCP does not require a minimum area of Open Space or reserve within a Greenfield Subdivision, only that all lots are within 400m of a local park, playground or passive open space. A plan was provided to support the application nominating the 400m offset of the residential lots from all public reserves. This plan shows compliance with the DCP 2013. As a result, no variations to Council's Plans or Policies are sought by this modification application.

The existing conditions of consent (number 20 and 64) require the development of a detailed design over Lot 135 for stormwater management and a passive recreation area as part of the construction certificate documentation for this stage of the development which has not been sought to date.

On the basis of the existing conditions of consent covering the need for a detailed design of the public reserve proposed over Lot 135 (incorporating the park, detention basin and Sewer Pump Station), it is considered that no significant environmental impacts are raised by this proposed modification.

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

Comment Council is satisfied that the proposed modification is substantially the same development as the original consent granted being for the residential subdivision of the land.

(c) it has notified the application in accordance with:
(i) the regulations, if the regulations so require, and
(ii) a development control plan,

Comment The S4.55 Application was notified to adjoining neighbours as all previous applications were also notified.

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

Comment Two (2) submissions were received during the notification period. Both submissions raised objections relating to overland flow of stormwater. The content of the submissions is further considered below.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment All matters under Section 4.15(1) of relevance to the modification are addressed below.

(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Comment The applicant has submitted the Section 4.55(1A) application to Council in order to amend conditions of consent relating to the approved subdivision plan only. No further development consent is sought by the modification application in accordance with this part.

(8) Modifications by the Court

The provisions of this section extend, subject to the regulations, to enable the Court to modify a consent granted by it but, in the extension of those provisions, the functions imposed on a consent authority under subsection (1A) (c) or subsection (2) (b) and (c) are to be exercised by the relevant consent authority and not the Court.

Comment The applicant has submitted the Section 4.55(1A) application to Council as the relevant consent authority.

4.56 Modification by consent authorities of consents granted by the Court

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

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

Comment Council is satisfied that the proposed modification is substantially the same development as the original consent granted, being for the residential subdivision of the land.

- (b) *it has notified the application in accordance with:*
- (i) *the regulations, if the regulations so require, and*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Comment The Application was notified to adjoining neighbours as all previous applications were also notified.

- (c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*

Comment All persons who were originally notified of the proposal were also notified of the modification application submitted to Council.

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

Comment Two (2) submissions were received objecting to the proposed modification. The matters raised by the submissions relate to stormwater overflow and are further considered below.

- (1A) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

Comment All matters under Section 4.15(1) of relevance to the modification are addressed below.

- (2) *After determining an application for modification of a consent under this section, the consent authority must send a notice of its determination to each person who made a submission in respect of the application for modification.*

Comment Council will forward a notice of its determination following resolution by Council.

4.15(1)(a) Evaluation – Matters for consideration

(i) Do any environmental planning instruments (SEPP, REP or LEP) apply to the land to which the Application relates?

The proposed modification does not alter the proposal's compliance with the relevant State Environmental Planning Policies, considered as part of the original Development Application. No new considerations were required to be addressed as a result of the proposed modification.

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

The original development was considered against the Mid-Western Regional Local Environmental Plan 2012. The proposed modification does not give rise to any issues that need to be considered/reconsidered.

(ii) Do any draft environmental planning instruments (EPI) apply to the land to which the Application relates?

No draft environmental planning instruments apply to the land to which the Development Application relates.

(iii) Do any development control plans apply to the land to which the Application relates?

Mid-Western Regional DCP 2013

An assessment is made of the relevant chapters and sections of this DCP. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

Part 7.1 Urban Subdivision

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Applies to	
Land zoned residential; village zones; rural residential lots up to 2 hectares	Land is zoned Residential
Lot size	
Minimum lot size as determined by MWRC LEP 2012	Yes
All lots have street frontage	All lots continue to retain street frontage to new roads as part of the greenfield subdivision
Lots increase in size relative to slope as follows: – 0-10 degrees: 600m ² – 10-15 degrees: 700m ² – 15-20 degrees: 800m ² – >20: subdivision prohibited	No change in residential lot sizes or shapes to alter the slope of the lots
All lots have 16m width at building line in residential and village zones	Yes. Lots are of ample size and dimension
Battle-axe handles in R1, R3 and RU5 Village have width of 4m	Not applicable
Battle-axe handles in R2 and R5 residential zones have width of 6m	Not applicable
Lot Design	
For infill subdivision lot orientation maximises solar access	Yes. Achieves adequate solar

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
and takes account of existing pattern of development	access
For new release subdivision lot orientation maximises solar access by maximising north-south lots	All lots retain the same orientation within the subdivision
For new release subdivision east-west orientated lots have increased width and midpoint	As discussed above
Lots generally rectangular in shape	The development retains a majority of rectangular lots. The lots are all of sufficient size to accommodate a substantial building envelope
Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling	Generally achieved
Corner lots have sufficient area to allow dual occupancy and independent utility connection points	Yes
Street Layout and Design	
Traffic Impact Statement submitted for 5+ lots	Traffic Assessment provided under original DA, no significant changes to the traffic arrangements are proposed by this modification
Traffic Impact Statement submitted for all subdivisions where new road required	As above
Subdivision integrates with existing residential area	Yes
New roads must provide "through road" connections to surrounding roads and road heads where they exist in the locality	Yes, provided
Where cul-de-sac treatment unavoidable, pedestrian linkages between streets provided	No modifications to the Road layout proposed
Multiple cul-de-sacs and "no through roads" discouraged	As above
Maximum number of lots in cul-de-sac is 12 lots	As above
Subdivision >80 lots should not require backtracking	Connection roads to future subdivision provided
Road Standards for New Development	
Urban Road Standards required	Yes
1 x 1.2m footpath, barrier kerbing	Yes, where appropriate
Commercial and Industrial Subdivision roads: 22m road reserve, 13m carriageway, 2 x 4.5m nature strip, 1 x 1.2m footpath, barrier / rollover kerbing	Not applicable
Cycle ways and footpaths	
Cycle ways and pedestrian networks included in new subdivisions	Concrete footpaths will be provided in layout where appropriate
If subdivision site identified in Council cycle way plan or pedestrian strategy, subdivision needs to respond to strategy	Connectivity provided to Ulan Road
New subdivisions provide direct, convenient and safe access to major facilities	Yes, subdivision layout will extend to the existing connections to Mudgee
Cul-de-sacs may be required to include 10m wide shared overland flow/pathway	Not applicable

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Developer to provide contribution to Council for installation of cycle ways and footpaths prior to release of subdivision certificate	Yes, condition included in consent
Open Space	
Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space	Based on the submitted modification application, lots within Stages 1, 2 and 3 will be within 400m of the nominated public reserves (lots 18, 20 and 21) located towards Ulan Road and off Butler Circle. Stages 4 and 5 will be within 400m of the public reserve proposed on Lot 135 – Refer to DWG 23949_P05 REV D Titles Plan Showing Proximity to Green Space (included as <i>Attachment 2</i>).
Where on-site detention basins double as open space, must include raised level area which incorporates playground or fitness equipment etc and shading landscaping	Yes, to be provided. Condition 64 requires a design to be provided with the Construction Certificate
Landscaping	
Landscape plan provided, detailing treatment of public domain	Landscape plan required as part of CC application
Land dedicated as public reserve top soiled, levelled, turfed prior to release of subdivision certificate and maintained by developer for period of two years	Condition of consent already imposed
Street Trees	
Two (2) street trees provided per lot	Yes, condition already imposed
Developer provides levy to Council to provide these trees after 80% of works carried out	Yes, condition already imposed
Utility Services	
Servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development	Lots to be connected to reticulated water, sewer, electricity and telecommunications
Evidence of consultation with relevant authorities submitted with application	The modification application did not require further consultation with external authorities
Drainage	
As per Section 5.3 Stormwater and Drainage	Detailed stormwater plan to be lodged at CC stage. Condition has already been imposed in this regard

Mid-Western Regional Development Contributions Plan 2005–2021

The original application was levied with S64 and S94A contributions and the existing conditions will not be modified by this application.

(iiiia) Do any planning agreement or any draft planning agreement apply?

No Planning Agreements are applicable.

(iv) *The regulations*

Environmental Planning and Assessment Regulation 2000

No matters prescribed by the Regulations impact determination of the Application.

4.15(1)(b) Likely impacts of the development

The proposed changes are not likely to significantly increase any impacts that were expected by the original development and subsequently, the modification application is considered to be of minimal impact.

The proposal will effectively result in a reduction to the number of lots within the overall subdivision (from 152 to 151) as well as relocation of a Public Reserve (nominated as both a public reserve as required by existing condition 64 of the development consent as well as for stormwater detention and the location for the sewer pump station).

The matter of stormwater design will be subject to the requirements of condition 20 of the existing development consent which states:

- 20. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Runoff (2001) for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.*

Note: Post development flows must not exceed pre-development flows up to and including the 100 year ARI event. Any additional works required to satisfy this condition will be entirely at the developers cost.

Construction Certificates have currently only been released for Stages 1 – 3 of the subdivision.

4.15(1)(c) Suitability of Site for the Development

(a) Does the proposal fit in the locality?

Yes, the proposed development remains suitable for the site and the locality.

4.15(1)(d) Any submissions made in accordance with Act or Regulations

(a) Public Submissions

Section 1.12 of the DCP 2013 (Community Consultation) does not require notification or advertising of S4.55 Applications.

Notwithstanding this, as the original development application and subsequent modifications were notified, the proposed modification was also notified.

During the notification period, two (2) submissions were received. Both submissions object to the discharge of water onto the landowners' private property from the proposed detention basin.

In response to this matter, it is important to note that the location of a detention basin proposed over Lot 135 was approved as part of the original development application DA0152/2015 on 17

December 2014 and has been included on all plans approved under subsequent modifications. As such there is no intention by the applicant to relocate the already approved detention basin.

The stormwater design for each stage of the subdivision must ensure compliance with condition 20 of the development consent which states:

20. *The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Runoff (2001) for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.*

Note: Post development flows must not exceed pre-development flows up to and including the 100 year ARI event. Any additional works required to satisfy this condition will be entirely at the developers cost.

As Construction Certificates have only been released for stages 1 – 3, the details relating to the detention basin proposed on Lot 135 have not been provided to Council. However, compliance with condition 20 above will be required at each and every stage.

It is considered that the content of the objections made are based on drainage matters relating to earlier stages (and prior to the orders made by the Court under MA0029/2017) and as such the future detailed design of the detention basin over Lot 135 must be considered by Council at the time the Construction Certificate is submitted. Furthermore, the approval of the Construction Certificate shall only be issued if compliance with the existing conditions of consent are achieved by the applicant.

(b) Submissions from Public Authorities

No submissions were sought or received from public authorities.

4.15(1)(e) The Public Interest

(a) Federal, State and Local Government interests and Community interests

No significant issues in the interests of the public are expected as a result of the proposed modification to the development consent.

Consultations

(a) Health and Building

No consultation necessary.

(b) Technical Services

Council's Development Engineer provided comments regarding the proposed modification to the assessing officer following an onsite meeting with the applicant and consultants for the proposal. Clarification from the applicant was sought based on the outcomes of the onsite meeting as follows:

- *From an overall stormwater management perspective the proposed amendment means that all stormwater runoff would be directed to the one location for control / storage / dispersal. In the event of a large storm event (and any subsequent storm event that might occur within a short time thereafter) it would be difficult to ensure that*

discharge / dispersal could be managed in accordance with conditions of consent that limits the rate of runoff from the estate to un-developed levels for a 1: 1.5 year up to and including a 1:100 ARI storm event.

- *Current situation allows for runoff from larger storm events to discharge over adjoining land in a sheet flow. However concentration of stormwater runoff in one location would make it difficult to disperse without adverse effects on downstream properties.*
- *An alternative stormwater management strategy was suggested that would include more 'at source' controls such as each allotment / dwelling providing for detention tanks and dispersal on site. This suggestion appeared to be well received by the applicant and consultant who indicated that an overall stormwater management strategy would be further discussed.*

A response from the applicant's consultant was provided on 3 April 2019 as follows:

- *The proposed layout does not significantly alter the proposed drainage arrangements and that discharge flow rates can be managed in accordance with approval conditions as regards to rate of discharge.*
- *Concentrated runoff and discharge over adjoining properties will be avoided by including swales and other dispersal arrangements in the final design. Appropriate scour protection will be included where necessary.*
- *Recommendation is that a single basin was the most feasible design solution. Comment was also made that 'at source' controls are difficult to manage and maintain and potentially subject to failure as a result of lack of maintenance by individual property owners.*

In receipt of the final comments from Council's Development Engineer on 30 April 2019, conclusions were as follows:

- *From an engineering perspective the proposed amendment will still provide an area that will enable compliance with all Conditions related to stormwater management to be achieved.*
- *There are concerns at the inherent risk of 'putting all the eggs in one basket' regarding stormwater management and control. However, these can be properly addressed at the time of assessment of detailed design documentation prior to the issue of a Construction Certificate.*
- *Engineering has no objection to the approval of the proposed amendment.*

Comment: Based on the outcome of the referral response above, the only modifications to the conditions of consent relate to the approved plan of the subdivision.

(c) Heritage Advisor

No consultation necessary.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable.

Council Policies

Mid-Western Development Control Plan 2013.

Mid-Western Regional Local Environmental Plan 2012.

Legislation

Environmental Planning and Assessment Act 1979 (as amended).

Environmental Planning and Assessment Regulations 2000.

Financial implications

The proposed modification will alter the total number of lots (reduced by 1 lot) within the subdivision and subsequently will reduce the amount of developer contributions required to be paid to Council in accordance with the existing conditions of consent for Section 64 and Section 94 payments, by 1 lot.

Associated Risks

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

KAYLA ROBSON
SENIOR PLANNER

LINDSAY DUNSTAN
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

29 May 2019

- Attachments:*
1. Revised Subdivision Layout (REV G). (separately attached)
 2. Revised Lot Layout with Proximity to Green Space (REV D). (separately attached)
 3. Submission of Objection Number 1. (separately attached)
 4. Submission of Objection Number 2. (separately attached)
 5. Additional Information from Applicant - Passive Recreational Area. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.3 Draft Development Control Plan 2013 Amendment 4 - Solar Energy Farms - Post Exhibition Report

REPORT BY THE SENIOR PLANNER
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, LAN9000099

RECOMMENDATION

That Council:

1. **receive the report by the Senior Planner on the Draft Development Control Plan - Amendment 4 - Solar Energy Farms - Post Exhibition Report; and**
2. **adopt the revised Development Control Plan 2013 Amendment 4 – Solar Energy Farms as attached to this report.**

Executive summary

This report is presented to Council to adopt Amendment 4 to the Mid-Western Regional Development Control Plan (DCP) 2013 relating to Solar Energy Farms following the public exhibition period and resolution of Council from its meeting of 17 April 2019.

The Draft DCP 2013 Amendment 4 –Solar Energy Farms was placed on public exhibition for 28 days in accordance with Schedule 1 of the *Environmental Planning and Assessment 1979* (as amended).

During the exhibition period, eight (8) submissions were received for consideration by Council. As a result of the submissions, minor modifications have been made as highlighted in the attached report. A summary of the response to the submissions are further detailed below.

Disclosure of Interest

Nil.

Detailed report

As reported to Council at its meeting of 17 April 2019, Amendment 4 to the DCP 2013 for Solar Energy Farms will allow for detailed planning and design requirements for new solar farm developments whilst also supporting the planning controls in the Mid-Western Regional Local Environmental Plan 2012.

As there are no provisions available in the DCP for Solar Energy Farms, concern has arisen due to the current limitations of statutory development controls which provides for some certainty in assessment requirements and the development application process. Key matters for consideration included are:

- land use conflicts and site selection;
- impacts on prime agricultural land, businesses and tourism;
- development setbacks or buffers to adjoining lands and infrastructure;

- noise impacts from rotational panels, transformers and related infrastructure;
- visual impacts with respect to topography and proximity to scenic or public locations;
- waste management during construction, operation and decommissioning;
- environmentally sensitive land, watercourses and biodiversity;
- natural hazards such as flooding, erosion and bushfire;
- construction and ancillary impacts such as traffic and workforce management;
- ongoing site management such as weed control and vegetation management; and
- impact on Council's assets.

Following the 28 day public exhibition period, eight (8) submissions were received for Council's consideration. A copy of the submissions are provided in Attachment 1.

The following table provides a response to the matters raised in submissions.

Submission Issue	Response
<p><i>The proposed DCP does not align with Strategic Plans, Policies and Strategies (Specifically the Climate Change Policy Framework for NSW, NSW Renewable Energy Action Plan 2013, NSW Transmission Infrastructure Strategy 2018, and Central West and Orana Regional Plan)</i></p>	<p>In developing the DCP Amendment 4, relevant strategies and plans have been considered.</p> <p>The NSW Renewable Energy Action Plan 2013 (and completion report) discusses that the NSW Government is progressing work to increase NSW network capacity by prioritising Energy Zones in the Central-West, South-West and New England Regions of NSW. Specifically, the priority Central West Energy Zone currently surrounds Dubbo with up to 7,300 MW of renewable energy prioritised for this area. The majority of the Mid-Western Region is not prioritised under the 'Central West Energy Zone' by the NSW Government.</p> <p>The NSW Transmission Infrastructure Strategy 2018 highlights transmission infrastructure that is required within NSW to support an increase of renewable energy within the prioritised energy zones. There is no proposed increase to the transmission infrastructure in the Region under the 2018 Strategy.</p> <p>The Central West and Orana Regional Plan 2036 discusses key objectives for the Central West and Orana areas. Under Direction 9.1 of the Implementation Plan 2017-2019, it states that the Department of Planning will, in partnership with Council, '<i>Identify locations with renewable energy generation potential and access to the electricity network</i>'. This work is yet to be completed. However, through the DCP Amendment 4, Council will be able to provide a consistent approach to identifying and assessing suitable sites for renewable energy generation and this will help inform the mapping to be undertaken by the Department of Planning.</p> <p>The proposed DCP chapter aligns with the priorities of the Mid-Western Region including to '<i>support the mining and resources sector and associated</i></p>

	<p><i>businesses' and 'leverage opportunities from the Local Government Area's location and rural character to support the established food and tourism market' by enabling critical development guidelines to be formed for new Solar Energy Farms in the area. This will achieve the objectives of the DCP chapter being to 'ensure that impacts on agricultural land, business and tourism are appropriately considered'.</i></p> <p>The above plans and strategies ultimately do not limit or restrict private investment in renewable energy such as Solar Energy Farms for the Region where they are permitted with development consent in the relevant zone. The development guidelines prescribed by the DCP will assist Council moving forward to locate Solar Energy Farms (in the same manner as industrial, commercial and residential development) within appropriate site locations across the Region.</p>
<p><i>The DCP Chapter is too prescriptive (in comparison to the Solar Energy Guidelines released by the NSW Department of Planning and Environment in 2018) and Council seeks to inhibit renewable energy in the Shire</i></p>	<p>The proposed DCP chapter for Solar Energy Farms is intended as a development guideline in accordance with S3.42 of the <i>Environmental Planning and Assessment Act 1979</i> and is intended to support the aims of the Mid-Western Local Environmental Plan 2012 (LEP).</p> <p>All DCP's are required to provide prescriptive development controls in order to guide development appropriately and to also allow consideration of any application based on its merits. This approach is consistent with the consideration of all other forms of development in the Region, such as residential, industrial and commercial development contained within the DCP 2013.</p> <p>The DCP does not prohibit any development types, as prohibition is controlled by the Mid-Western LEP and relevant State Planning Policies.</p> <p>It is acknowledged that application of the DCP must demonstrate flexibility and therefore, the language used has been modified (ie. "shall" has been replaced by "should" throughout the document).</p>
<p><i>Objective 2 – to ensure that there is no unreasonable interference with the comfort or response of adjoining land users is vague and unclear</i></p>	<p>The level of comfort or response in terms of adjoining users is a clear objective which relates specifically to the level of acceptance of a solar energy farm on adjoining land owners. It is expected that consideration in the preparation of any development application for a Solar Energy Farm considers the impacts on adjoining landowners / occupiers for the life of the project.</p>
<p><i>Solar farms are consistent with Objective 3 – to ensure that impacts</i></p>	<p>The submission states that solar developments have a positive impact on small business and tourism, and</p>

<p><i>on prime agricultural land, businesses and tourism are appropriately considered</i></p>	<p>they encourage local growth and provide significant investment within the local area.</p> <p>Council does not dispute that Solar Energy Farms can make a positive impact on the local economy. However, any negative impacts should also be considered and given weight in the assessment process.</p> <p>The importance of including Objective 3 is to ensure both the positive and negative local impacts of any development are considered, and that development of one land use or industry is not at the expense of another land use or industry.</p> <p>To date, the Region has observed some short term benefits associated with construction of Solar Energy Farms for local businesses and employment opportunities, but limited long term benefits due to the very small operational workforce requirements.</p>
<p><i>DCP does not apply to State Significant Development (SSD)</i></p>	<p>Council is fully aware of the approval mechanisms relating to local and state development. The DCP will apply to local developments and will provide a guide to proponents undertaking SSD. It will also help NSW Department of Planning when determining applications to understand Council's expectations in relation to the development of Solar Energy Farms in the Region.</p>
<p><i>Details to be submitted in Statement of Environmental Effects are very specific and rarely unknown until detailed design finalised</i></p>	<p>The DCP chapter has been modified to remove the need for specific panel details (ie. model/make). However, the number, dimensions, generation capacity and height of the panel arrays is still included, as this information is required to fully assess any impacts of a development and demonstrate site suitability.</p>
<p><i>Any requirement for full spectrum noise testing should be based on advice from suitably qualified noise experts</i></p>	<p>The DCP chapter has been amended to remove the full spectrum noise testing. However, it is considered that a noise assessment covering both construction and operational phases is an important requirement for any development application submitted to Council.</p>
<p><i>Noise should be restricted to a maximum level of 35 dBA</i></p>	<p>All applications must consider the impacts of noise during both operational and construction phases. Noise control levels are established within existing policies such as The Noise Policy for Industry and the <i>Protection of the Environmental Operations Act</i>.</p>
<p><i>Electromagnetic radiation and interference evaluation will add complexity, time and cost to the development of solar farms and there is no evidence to support this is an</i></p>	<p>The DCP chapter has been amended to remove these requirements until greater evidence from an Australian source is available.</p>

<i>issue</i>	
<p><i>DCP should harmonise with State Environmental Planning Policy (Infrastructure) 2007 requirements</i></p>	<p>The State Environmental Planning Policy (Infrastructure) 2007 (SEPP) includes provisions for electricity generating works and solar energy system (Division 4 of the SEPP) within the prescribed zones and provides specific development standards under the exempt or complying development provisions.</p> <p>In response to the concerns raised by the submissions regarding the SEPP 2007 provisions and the DCP, the SEPP is a State Policy and the DCP chapter has been modified to make it clear that should the proposed solar energy farm not comply with the exempt or complying provisions of the SEPP 2007, a development application is required to be made to Council. The SEPP covers the smaller scale solar panels required by agriculture or on residential buildings being restricted to less than 10kW however specific setback requirements are included.</p>
<p><i>Setbacks are overly prescriptive, arbitrary in nature and will stifle renewable energy projects</i></p>	<p>A number of submissions did not support the proposed setbacks in the DCP. Whilst some submissions requested setbacks to be increased or make allowances for further discretion to increase setbacks where cumulative impacts are identified.</p> <p>As stated above, the DCP is a guideline and is used to set parameters around developments. In determining appropriate setbacks, consideration was given to setbacks for other forms of development and built outcomes for Solar Energy Farms in various locations. As a comparison, a single dwelling proposed to be located off a State or Regional Road should currently be setback 200m from the road under the DCP 2013.</p> <p>Notwithstanding the above, it is recognised that there are a range of factors which will influence the suitability of a site for this form of development, including the topography of the site, existing vegetation, the visual and cumulative impacts both from public view points and neighbouring properties. The requirement to undertake a visual impact assessment will support the assessment process and ensure flexibility is available for an applicant to submit relevant material to justify a variation to the setback requirements for a specific site.</p> <p>No modification to the setbacks within the DCP chapter have therefore been included on the basis of the above.</p>
<p><i>Consent for development cannot be refused on the basis that a planning agreement has not been entered into</i></p>	<p>It is agreed that a Planning Agreement is always negotiated voluntarily under Section 7.4 of the <i>Environmental Planning and Assessment Act</i>. The</p>

	DCP does not currently state that it is a mandatory requirement to enter into such an agreement.
<i>CASA approval is not necessary</i>	The proposed DCP amendment states that all issues raised by state agencies during the assessment process should be addressed (including CASA). CASA would be consulted if a Solar Energy Farm was proposed within the OLS.
<i>Prime agricultural land definition is ambiguous</i>	<p>The term 'prime agricultural land' is not defined under the Mid-Western LEP, the DCP 2013 or within the 2018 Solar Energy Guidelines and as a result, the word 'prime' has been removed from the DCP chapter.</p> <p>This maintains consistency with the aims of the Mid-Western LEP which refers to '<i>land of significance to agricultural production</i>' and '<i>provide a secure future for agriculture through the protection of agricultural land capability</i>'. The term 'prime' agricultural land is excluded from each objective.</p> <p>Notwithstanding the above, in the case of larger solar energy proposals to be located on RU1 or RU4 zoned land, the objectives of each zone must be addressed by any development application submitted in accordance with Section 4.15 of the <i>Environmental Planning and Assessment Act</i>.</p>
<i>Lanes to be given the same status as roads for setback provisions</i>	All roads within the Region are classified within the Council roads hierarchy. Whilst a public road may be called a 'lane', it is given the same status as a road, street, close, avenue or the like. The DCP currently states: <i>not be located within 200m from a formed Local Public Road</i> .
<i>Solar Farms will increase the land value of surrounding rural properties as determined by the Valuer General and at the same time decrease property valuations given proximity</i>	<p>The devaluation of properties is not specifically a planning consideration. Similarly, Council is not involved in the determination of land values by the Valuer General.</p> <p>Any application submitted must address the environmental, social and economic impacts in the locality in accordance with S4.15 of the <i>Environmental Planning and Assessment Act</i>. This could include, for example, the social or economic loss of land that is of significance to agriculture within the locality.</p>
<i>Risks associated with non-completion of rehabilitation and decommissioning works</i>	The DCP chapter outlines the information to be provided with any development application relating to final decommissioning and site restoration. Whilst there are acknowledged risks with respect to non-completion of rehabilitation works, this is also a risk which is present for all forms of development in the Region and there is no ability for Council to collect

	bonds or the like for works over private land.
<i>The DCP will lead to inefficient use of existing electrical infrastructure and unnecessary construction of additional distribution infrastructure</i>	The primary intent of any DCP is to ensure that suitable sites are selected for development which result in negligible impacts on the site, surrounding land and on nearby communities. The location of transmission infrastructure, including any extensions or upgrades required, is a matter for the proponent of a Solar Energy Farm to investigate prior to lodgement of a development application with Council.
<i>Solar generation facilities are singled out while other developments are largely unrestricted</i>	<p>The DCP amendment was developed in response to significant interest and questions from the community regarding development standards for Solar Energy Farms in the Region.</p> <p>The DCP already contains provisions relevant to other forms of development including wind farms, commercial development and temporary workers accommodation.</p>
<i>Unfair limitations on freedom of landowners and restriction on farmers to develop land within current planning laws</i>	<p>It is important to note that permissibility is just one step in the planning process. The fact that a development type is permissible within a zone, does not automatically provide development consent.</p> <p>Under the current planning law (S4.15 of the Environmental Planning and Assessment Act), a proposed development which requires development consent must take into consideration a range of environmental, economic and social matters. The DCP is intended to provide guidance in the assessment of these matters prior to the granting of development consent.</p>
<i>Statements that Council does not favour large expanses of land being covered with solar energy farms is inconsistent with the overarching permissibility provided by Council's LEP and the ISEPP</i>	As above, permissibility is just one step in the planning process. A full assessment of environmental, economic and social matters is required prior to granting of development consent and for some developments this will require any cumulative impacts to be considered. The DCP has been modified to expand the relevant statement ie. Council does not favour large expanses of land being covered with solar energy farms where there is significant cumulative impact.
<i>DCP will stifle investment in the Region and contradicts Council's mission to support business and investment activities that in turn generate opportunities for employment, income and sustainable economic growth</i>	<p>Key outcomes of the Community Plan include to provide a prosperous and diversified economy delivering lifestyle benefits to the community through employment, income and sustainable economic growth; and conserving and promoting the natural beauty of our Region.</p> <p>The DCP amendment is aligned to these key outcomes by ensuring that any new development</p>

	takes in to consideration the local character, impact on other industries and adjoining land owners. The assessment process should consider both the positive and negative impacts of a proposal.
--	---

The revised Amendment 4 to the DCP 2013 for Solar Energy Farms is included in Attachment 2 and incorporates changes made in red following the public exhibition period.

Community Plan implications

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

Strategic implications

Council Strategies

The amendment to the DCP supports the Mid-Western Regional Comprehensive Land Use Strategy adopted by Council with respect to the vision of the Region and minimisation of land use conflicts in rural areas.

Council Policies

The report is presented to adopt an amendment to the Mid-Western Regional Development Control Plan 2013.

Legislation

The amendment to the DCP is being undertaken in accordance with Part 3, Division 4 of the *Environmental Planning and Assessment Regulation 2000* and Schedule 1 of the *Environmental Planning and Assessment Act 1979* (as amended).

Financial implications

Nil.

Associated Risks

If Council does not wish to proceed with the Draft Development Control Plan – Amendment 4, the risk is that there will continue to be uncertainty for both proponents and members of the community around the standards and assessment criteria used by Council in considering Development Applications for Solar Energy Farms in the Mid-Western Region.

KAYLA ROBSON
SENIOR PLANNER

LINDSAY DUNSTAN
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

29 May 2019

- Attachments:*
1. Copy of Submissions. (separately attached)
 2. Revised Development Control Plan 2013 Amendment 4. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.4 Housekeeping Amendment to Mid-Western Regional Local Environmental Plan 2012 - Post Exhibition

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, LAN900082

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Strategic Planning on the Housekeeping Amendment to Mid-Western Regional Local Environmental Plan 2012 - Post Exhibition; and**
2. **exercise its delegation in the preparation of the amendment to the Mid-Western Regional Local Environmental Plan 2012 to rezone land from RU4 Primary Production Small Lots to R5 Large Lot Residential at Upper Growee and include three additional items and correct the legal description of one item in Schedule 5 Environmental Heritage subject to the Opinion issued by Parliamentary Counsel.**

Executive summary

At Council's 18 October 2017 meeting, Council resolved to support the Planning Proposal and to forward it to the NSW Department of Planning and Environment (DP&E) for a Gateway Determination. A conditional Gateway Determination was granted in January 2018. A copy of the Gateway Determination is provided as Attachment 1.

The Planning Proposal addresses two matters:

1. Rezone land from RU4 Primary Production Small Lots to R5 Large Lot Residential at Upper Growee to resolve an oversight in the preparation of mapping of the LEP 2012; and
2. Include three additional items and correct the legal description of one item in Schedule 5 Environmental Heritage of the LEP 2012 in accordance with a previous Council resolution.

A copy of the Planning Proposal is provided as Attachment 2.

The Planning Proposal was placed on public exhibition from Friday 12 April 2019 and concluded Friday 10 May 2019. An email seeking rating clarification was received during the public exhibition period. Council provided a response and the landowner was satisfied. No formal submissions were received.

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

Disclosure of Interest

Nil.

Detailed report

BACKGROUND

Planning Proposals

The term Planning Proposal is used to describe the process of rezoning or making an amendment to a Local Environmental Plan. A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. NSW Department of Planning & Environment (DP&E) has issued A Guide to Preparing Planning Proposals, to provide guidance and information on the process for preparing planning proposals.

The Gateway Process

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

Gateway Timeline

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

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal Drafted	✓	October 2017.
Staff Undertake Initial Assessment	✓	No assessment required as the Planning Proposal is a housekeeping amendment and has been prepared by Staff.
Council Decision to Support Proposal	✓	Planning Proposal reported to 18 October 2017 meeting.
Issue of Gateway Determination		
Council Requests Gateway Determination	✓	21 November 2017.
DP&E Issues Gateway Determination	✓	31 January 2018.
Gateway Conditions Satisfied	✓	Gateway conditions were satisfied prior to Public Exhibition.
Consultation		
Consultation with Relevant Agencies	✓	Agency consultation undertaken.
Public Exhibition	✓	12 April 2019 – 10 May 2019.
Post-Exhibition Report to Council	✓	Planning Proposal Post Exhibition is being reported to 19 June 2019 meeting.
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

GATEWAY DETERMINATION

A conditional Gateway Determination was received on 31 January 2018 and included six standard conditions.

CONSULTATION

Condition 2 of the Gateway Determination required Council to undertake community consultation with a public exhibition period of 28 days.

Agency Consultation

The following agencies were consulted with in accordance with Gateway Determination condition 3:

- Department of Primary Industries – Agriculture
- Office of Environment and Heritage
- NSW Rural Fire Service
- Department of Planning and Environment – Resources and Energy

No specific comments were provided, except from the NSW Rural Fire Service. The NSW Rural Fire Service stated any future subdivision of the land is subject to the requirements of Planning for Bushfire Protection 2006 or any subsequent version.

Community Consultation

The Planning Proposal and associated documentation was placed on public exhibition from Friday 12 April 2019 and concluded Friday 10 May 2019. The Community Consultation was undertaken in accordance with DP&E A Guide to Preparing Local Environmental Plans. An email seeking rating clarification was received during the public exhibition period. Council provided a response and the landowner was satisfied. No formal submissions were received.

FINALISATION OF PLANNING PROPOSAL

The recommendation of staff is to proceed with the finalisation of the Planning Proposal. This will involve drafting LEP provisions.

Draft LEP

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

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning

Strategic implications

Council Strategies

The Planning Proposal is a housekeeping amendment, accordingly minor in nature and therefore minimal application of the Mid-Western Regional Comprehensive Land Use Strategy.

Council Policies

The steps involved towards the notification of the Planning Proposal will not require any change to relevant policies.

Legislation

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

Financial implications

Nil.

Associated Risks

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

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

22 May 2019

Attachments: 1. Gateway Determination. (separately attached)
2. Planning Proposal. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.5 General Amendment to Mid-Western Regional Local Environmental Plan 2012 - Post Exhibition

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, LAN900098

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Strategic Planning on the General Amendment to Mid-Western Regional Local Environmental Plan 2012 - Post Exhibition; and**
2. **exercise its delegation in the preparation of the amendment to the Mid-Western Regional Local Environmental Plan 2012 in relation to the Visually Sensitive Land Map and amendment to Clause 6.10 Visually Sensitive Land near Mudgee subject to the Opinion issued by Parliamentary Counsel.**

Executive summary

At Council's 17 April 2019 meeting, Council resolved to support the Planning Proposal and to forward it to the NSW Department of Planning and Environment (DP&E) for a Gateway Determination. The Planning Proposal related to the review of the Visually Sensitive Land Map, amendment to Clause 6.10 Visually Sensitive Land near Mudgee and prohibiting Electricity Generating Works within the RU4 Primary Production Small Lots zone.

DP&E advised that they could not support the prohibition of Electricity Generating Works within the RU4 Primary Production Small Lots zone. Accordingly, the Planning Proposal was amended to remove the proposed change to the RU4 Primary Production Small Lots land use table.

A Gateway Determination was then sought in relation to the amended Planning Proposal. A copy of the amended Planning Proposal is provided as Attachment 1. A conditional Gateway Determination was granted in May 2019. A copy of the Gateway Determination is provided as Attachment 2.

The Planning Proposal was placed on public exhibition from Friday 24 May 2019 and concluded Friday 7 June 2019. Two submissions were received; the matters raised are discussed in the body of the report. A copy of the submissions are provided as Attachment 3.

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

Disclosure of Interest

Nil.

Detailed report

BACKGROUND

Planning Proposals

The term Planning Proposal is used to describe the process of rezoning or making an amendment to a Local Environmental Plan. A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. NSW Department of Planning & Environment (DP&E) has issued A Guide to Preparing Planning Proposals, to provide guidance and information on the process for preparing planning proposals.

The Gateway Process

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

Gateway Timeline

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

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal Drafted	✓	Amended Planning Proposal drafted May 2019.
Staff Undertake Initial Assessment	✓	April – May 2019.
Council Decision to Support Proposal	✓	Planning Proposal reported to 17 April 2019 meeting.
Issue of Gateway Determination		
Council Requests Gateway Determination	✓	9 May 2019.
DP&E Issues Gateway Determination	✓	23 May 2019.
Gateway Conditions Satisfied	✓	Condition 1 required Council to prepare a draft Visually Sensitive Land map (provided as Attachment 4); the map was prepared and placed on public exhibition with the other documentation.
Consultation		
Consultation with Relevant Agencies	✓	Agency consultation with NSW RFS.
Public Exhibition	✓	24 May 2019 – 7 June 2019.
Post-Exhibition Report to Council	✓	Planning Proposal Post Exhibition is being reported to 19 June 2019 meeting.
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

GATEWAY DETERMINATION

A conditional Gateway Determination was received on 24 May 2019 and included seven standard conditions.

CONSULTATION

Community Consultation

Condition 2 of the Gateway Determination required Council to undertake community consultation with a public exhibition period of 14 days. The Community Consultation was undertaken in accordance with DP&E A Guide to Preparing Local Environmental Plans. Two submissions were received and have been provided as Attachment 3. The issues raised have been summarised in the table below and a staff comment provided.

<i>Issue raised in the submission</i>	<i>Staff comment</i>
Minor significance and is considered to be a low impact proposal.	The DP&E Guide to Preparing Local Environment Plans outlines what constitutes 'minor significance' and 'low impact' the proposed is considered to be. Further, after DP&E undertook its assessment it determined the Planning Proposal to be of 'minor significance' and 'low impact'.
Public exhibition for 14 days.	DP&E determined a 14 day period suitable.
Impact on value and possible uses of land.	The proposed amendment to the Visually Sensitive Land Mapping and Clause 6.10 of the LEP will not change the permissibility of land. It provides a matter for further consideration in the preparation and assessment of a development application. In some cases it will required an applicant to prepare a visual impact assessment.
Galvanised iron, Colourbond, windows and glass doors will not meet the requirements.	The scale of the development will be considered in accordance with the visual impact of the proposed land use. It is not the intention of the amendment to preclude the use of galvanised iron, Colourbond, windows and glass doors.
Justification for the amendment.	<p>The Planning Proposal has been prepared in response to an increasing number of renewable energy projects proposed in the Mid-Western Region and the visual outcomes of recent projects in rural areas including the Beryl Solar Farm.</p> <p>The Planning Proposal has also been prepared in response to the importance of the visual setting of the regions towns highlighted in the Comprehensive Land Use Strategy.</p> <p>Further, Council has continually demonstrated the valuing of town entrances through imposing development application conditions to minimise visual intrusion along town entrances.</p>
There is no similar restriction proposed for the other entrances to Mudgee or other towns.	<p>No mapping is currently established at other town entrances.</p> <p>The mapping currently exists for the southeast entrance to Mudgee. The proposed amendment maps the agricultural flats between the established ridgeline mapping. This visually significant agricultural flats landscape is highlighted in Council's Comprehensive Land Use Strategy.</p> <p>In a subsequent Planning Proposal, staff will identify the visually significant landscape</p>

	<p>entrances for the other towns within the region and also map those as Visually Sensitive Land.</p>
<p>How the Planning Proposal came about.</p>	<p>As mentioned above, the Planning Proposal has been prepared in response to an increasing number of renewable energy projects proposed in the Mid-Western Region and the visual outcomes of recent projects in rural areas including the Beryl Solar Farm.</p> <p>The Planning Proposal has also been prepared in response to the, importance of the visual setting of the regions towns highlighted in the Comprehensive Land Use Strategy.</p> <p>Further, Council has continually demonstrated the valuing of town entrances through imposing development application conditions to minimise visual intrusion.</p>
<p>The amendment will prevent practically all development in an important part of the region.</p>	<p>The Planning Proposal will not change the land use permissibility. The amendment will ensure the visual significance of the valued entrance to Mudgee from the southeast will be preserved for visitors and the current and future community.</p>
<p>Request that a public hearing be held.</p>	<p>DP&E did not outline the need for a public hearing.</p>
<p>Such views can hardly be considered sensitive in the Australian landscape or in the Mid-Western region.</p>	<p>Community consultation was undertaken in the preparation of the Comprehensive Land Use Strategy. The visual setting and entrance to town was highly valued by the community.</p> <p>Further, Council has continually demonstrated the valuing of town entrances through imposing development application conditions to minimise visual intrusion.</p>
<p>The draft amendment will stifle investment in the region, while impinging on landowners' rights to develop their land.</p>	<p>The proposed amendment provides a matter for consideration in the preparation and assessment of a development application. It does not change land use permissibility.</p> <p>It should be noted that not all permissible land uses can be achieved on a subject site.</p> <p>The land currently mapped visually sensitive is 13,189.26 hectares and proposed to be mapped is 17,136.23 hectares. The proposed area represents 1.96 percent of the local government area.</p>
<p>Would metal advertisements along the highway be allowed or will they have to be carved from wood.</p>	<p>Large advertising / billboard signage is generally not permissible.</p>

Agency Consultation

The NSW Rural Fire Service was consulted with in accordance with Gateway Determination condition 3. No comments have been received.

FINALISATION OF PLANNING PROPOSAL

The recommendation of staff is to proceed with the finalisation of the Planning Proposal. This will involve drafting LEP provisions.

Draft LEP

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

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning

Strategic implications

Council Strategies

The Planning Proposal is consistent with Clause 2.2.2 of Part C of the Comprehensive Land Use Strategy stipulates requirements for town gateways.

Council Policies

The steps involved towards the notification of the Planning Proposal will not require any change to relevant policies.

Legislation

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

Financial implications

Nil.

Associated Risks

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

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

5 June 2019

Attachments: 1. Planning Proposal.
2. Gateway Determination.
3. Submissions.
4. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

*Looking After
our Community*

PLANNING PROPOSAL
GENERAL
AMENDMENT 2019

REVIEW OF VISUALLY SENSITIVE
LAND, AMENDMENT TO CLAUSE 6.10
VISUALLY SENSITIVE LAND NEAR
MUDGEE

7 MAY 2019

MID-WESTERN REGIONAL COUNCIL
DEVELOPMENT: STRATEGIC PLANNING

■ ■ ■ ■ ■ TOWARDS 2030



DEVELOPMENT: STRATEGIC PLANNING | PLANNING PROPOSAL GENERAL AMENDMENT 2019

THIS DOCUMENT HAS BEEN PREPARED BY THE DEVELOPMENT DIRECTORATE FOR MID-WESTERN REGIONAL COUNCIL.

ANY QUESTIONS IN RELATION TO THE CONTENT OF THIS DOCUMENT SHOULD BE DIRECTED TO:
SARAH ARMSTRONG OR (02) 6378 2850

DATE OF PUBLICATION: 7 MAY 2019

Table of Contents

Overview	4
Introduction	4
Background	4
Part 1 - Objectives or Intended Outcome.....	5
Part 2 - Explanation of Provisions.....	6
Part 3 - Justification	7
Section A - Need for the Planning Proposal	7
Section B - Relationship to Strategic Framework	7
Section C - Environmental, Social and Economic Impact.....	9
Section D - State and Commonwealth Interests.....	9
Part 4 - Mapping.....	10
Part 5 - Community Consultation.....	11
Part 6 - Project Timeline	12
Proposed Timeline	12
Appendix 1 - Section 9.1 Directions.....	13

Overview

Introduction

The Planning Proposal Mid-Western Regional Local Environmental Plan General Amendment (the Planning Proposal) explains the intent of, and justification for, the proposed amendment to the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012).

The Planning Proposal is to implement a review of the application of the Visually Sensitive Land Mapping and amendment to Clause 6.10 Visually Sensitive Land near Mudgee.

The proposal has been prepared in accordance with Section 3.32 and 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and the relevant Department of Planning and Environment guidelines, including A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals.

Background

Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012) came into effect on 10 August 2012. MWRLEP 2012 is the consolidation of the previous planning controls into one local environmental plan. It is also a translation of those controls into the NSW Government's Standard Instrument Principal Local Environmental Plan.

DEVELOPMENT: STRATEGIC PLANNING | PLANNING PROPOSAL GENERAL AMENDMENT 2019

Part 1 – Objectives or Intended Outcome

The objective of the Planning Proposal is to implement an amendment to the Visually Sensitive Land Map and to Clause 6.10 Visually Sensitive Land near Mudgee.

Part 2 – Explanation of Provisions

The objectives and intended outcomes as described in Part 1 will be achieved through the amendment to the Visually Sensitive Land map and Clause 6.10 MWRLEP 2012.

Clause 6.10 Visually Sensitive Land near Mudgee will be amended, both the objective and development requirements. The clause will be amended to not only address both ridgelines, but also the agricultural flats between the ridgelines. It will be amended to incorporate wording similar to the below:

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

- incorporates appropriate measures to minimise any adverse visual impact on the landscape;
- will be screened from view from the Castlereagh Highway and other public places by existing vegetation or by planting indigenous vegetation;
- the development will be designed and sited to respond sympathetically to the land form of which it will form a part;
- the development will use unobtrusive and non-reflective materials to blend structures into the natural environment; and
- the development will incorporate appropriate measures to minimise the reflection of sunlight from glazed surfaces.

Part 3 – Justification

Section A - Need for the Planning Proposal

Q1: Is the planning proposal the result of any strategic study or report?

The Comprehensive Land Use Strategy (CLUS) established a town character for Mudgee. Mudgee's character is given by a unique combination of the natural and physical elements of a place. The undulating hills around Mudgee create a sense of enclosure and a sense of openness is given by the relatively flat agricultural land located along the Cudgegong River. This character is visually appreciated at the approaches to Mudgee. The most impressive of these is the approach into Mudgee from the southeast. A means of protecting this character was the mapping of visually sensitive land during the preparation of the Mid-Western Regional Local Environmental Plan 2012. This mapping identifies the ridgelines to the southwest of the Cudgegong River. However, it fails to identify the ridgelines to the northeast or the agricultural flats.

Significant community consultation occurred across the Mid-Western Region in the preparation of the CLUS. The community consultation presented a high level of appreciation of landscape and rural character. The CLUS states 'it is these important landscapes and rural character that attract tourists and contribute strongly to the local government areas' sense of place' and 'there is an established community value of the scenic qualities of our towns'.

Accordingly, the amendment to the Visually Sensitive Map and to Clause 6.10 is a result of the strategic work undertaken by Council in the preparation of the CLUS.

Q2: Is the planning proposal the best means of achieving the objectives or outcomes or is there a better way?

The amendment to the Visual Sensitive Land Map and Clause 6.10 Visually Sensitive Land near Mudgee is the best means to achieve the objectives.

Section B - Relationship to Strategic Framework

Q3: Is the planning proposal consistent with the application regional or sub-regional strategy?

The Central West and Orana Regional Plan 2036 applies to the Mid-Western Regional Local Government Area. Protecting visually significant land is consistent with the intent of the Plan.

Q4: Is the proposal consistent with Council's Community Strategic Plan or other local strategic plan?

Council's Towards 2030, Mid-Western Region Community Plan Protecting visually significant and agricultural land is consistent with the key themes of the Plan.

DEVELOPMENT: STRATEGIC PLANNING | PLANNING PROPOSAL GENERAL AMENDMENT 2019

Q5: Is the planning proposal consistent with applicable state environmental planning policies?

Yes. An analysis of the applicable State Environmental Planning Policies (SEPP's) is included in the following table. The proposal is either consistent with or not offensive to any applicable SEPP's.

SEPP	CONSISTENCY / RESPONSE
1 – DEVELOPMENT STANDARDS	Not relevant
14 – COASTAL WETLANDS	Not relevant
19 – BUSHLAND IN URBAN AREAS	Not relevant
21 – CARAVAN PARKS	Not relevant
26 – LITTORAL RAINFORESTS	Not relevant
30 – INTENSIVE AGRICULTURE	Not relevant
33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT	Not relevant
44 – KOALA HABITAT PROTECTION	Not relevant
47 – MOORE PARK SHOWGROUND	Not relevant
50 – CANAL ESTATE DEVELOPMENT	Not relevant
52 – FARM DAMS AND OTHER WORKS IN LAND AND WATER MANAGEMENT PLAN AREAS	Not relevant
55 – REMEDIATION OF LAND	Not relevant
62 – SUSTAINABLE AQUACULTURE	Not relevant
64 – ADVERTISING AND SIGNAGE	Not relevant
65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT	Not relevant
70 – AFFORDABLE HOUSING	Not relevant
71 - COASTAL PROTECTION	Not relevant
AFFORDABLE RENTAL HOUSING 2009	Not relevant
BASIX 2004	Not relevant
EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES 2017	Not relevant
EXEMPT AND COMPLYING DEVELOPMENT CODES 2008	Not relevant
HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY 2004	Not relevant
INFRASTRUCTURE 2007	Not relevant
INTEGRATION AND REPEALS 2016	Not relevant
KOSCIUSZKO NATIONAL PARK - ALPINE RESORTS 2007	Not relevant
KURNELL PENINSULA 1989	Not relevant
MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES 2007	Not relevant
MISCELLANEOUS CONSENT PROVISIONS 2007	Not relevant
RURAL LANDS 2008	Consistent
STATE AND REGIONAL DEVELOPMENT 2011	Not relevant
STATE SIGNIFICANT PRECINCTS 2005	Not relevant
SYDNEY DRINKING WATER CATCHMENT 2011	Not relevant
SYDNEY REGION GROWTH CENTRES 2006	Not relevant
THREE PORTS 2013	Not relevant
URBAN RENEWAL 2010	Not relevant
VEGETATION IN NON-RURAL AREAS 2017	Not relevant
WESTERN SYDNEY EMPLOYMENT AREA 2009	Not relevant

DEVELOPMENT: STRATEGIC PLANNING | PLANNING PROPOSAL GENERAL AMENDMENT 2019

SEPP	CONSISTENCY / RESPONSE
WESTERN SYDNEY PARKLANDS 2009	Not relevant

Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The relevant section 117 Directions are addressed in Appendix 1. The proposal is consistent with the relevant 117 Directions.

Section C - Environmental, Social and Economic Impact

Q8: 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?

The Planning Proposal aims to protect the landscapes features within the mapped areas, accordingly, no critical or threatened species, populations or ecological communities, or their habitats are likely to be impacted upon.

Q9: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As set out in A Guide to Preparing Planning Proposals, the purpose of this question is to ascertain the likely environmental effects that may be relevant. The nature of the planning proposal is such that no technical information is required.

Q10: How has the planning proposal adequately addressed any social and economic effects?

Not applicable.

Section D - State and Commonwealth Interests

Q11: Is there adequate public infrastructure for the planning proposal?

Not applicable as the Planning Proposal will not trigger an upgrade or reliance on public infrastructure.

Q12: What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Any consultation will be undertaken in accordance with any future Gateway Determination condition. However, due to the minor nature of the Planning Proposal it is considered unlikely any conditions will be agency consultation will be required.

DEVELOPMENT: STRATEGIC PLANNING | PLANNING PROPOSAL GENERAL AMENDMENT 2019

Part 4 – Mapping

Map Sheet CL1_006 Visually Sensitive Land will be amended to capture the ridgelines to the northeast above the 520 contour and the visually significant agricultural flats between the 2 ridges and extend to the south eastern urban limit of Mudgee.

Part 5 – Community Consultation

The proposal is of minor significance and is considered to be a low impact proposal as outlined in 5.5.2 Community Consultation “Guide to preparing local environmental plans” is:

- Consistent with the pattern of surrounding land use zones and/or land uses
- Consistent with the strategic planning framework
- Presents no issue with regard to infrastructure servicing
- Not a principal LEP
- Does not reclassify public land

As such the following consultation is proposed:

- An exhibition period of 14 days commencing on the date that a notice of exhibition is printed in the local news press
- Advertising in the local newspaper at the start of the exhibition period
- Advertising on Council's website for the duration of the exhibition period

Consultation with agencies external to Council is not considered necessary.

Part 6 – Project Timeline

The Planning Proposal is a minor amendment to the Mid-Western Local Environmental Plan 2012 and should be able to be achieved within 3 months of the date of the Gateway Determination.

Proposed Timeline

MILESTONE	DATE
Gateway Determination	May 2019
Completion of Technical Information	N/A
Agency Consultation	N/A
Public Exhibition	May / June 2019
Consideration of Submissions	July 2019
Mapping, Legal Drafting & Opinion	July 2019
RPA makes Plan	July / August 2019

Appendix 1 – Section 9.1 Directions

The Section 9.1 Directions have been identified in the table below. The planning proposal is generally consistent with the directions.

SECTION 117 DIRECTION	APPLICABLE	CONSISTENT	COMMENT
1. Employment and Resources			
1.1 Business & Industrial zones	No	N/A	
1.2 Rural zones	No	N/A	
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A	
1.4 Oyster Aquaculture	No	N/A	
1.5 Rural Lands	No	N/A	
2. Environment & Heritage			
2.1 Environment Protection Zones	No	N/A	
2.2 Coastal Protection	No	N/A	
2.3 Heritage Conservation	No	N/A	
2.4 Recreation Vehicle Areas	No	N/A	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	No	N/A	
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	No	N/A	
3.2 Caravan Parks and Manufactured Home Estates	No	N/A	
3.3 Home Occupations	No	N/A	
3.4 Integrating Land Use and Transport	No	N/A	
3.5 Development Near Licensed Aerodromes	No	N/A	
3.6 Shooting Ranges	No	N/A	
4. Hazard and Risk			
4.1 Acid Sulfate Soils	No	N/A	
4.2 Mine Subsidence and Unstable Land	No	N/A	
4.3 Flood Prone Land	No	N/A	

DEVELOPMENT: STRATEGIC PLANNING | PLANNING PROPOSAL GENERAL AMENDMENT 2019

4.4 Planning for Bushfire Protection	No	N/A
5. Regional Planning		
5.1 Implementation of Regional Strategies	No	N/A
5.2 Sydney Drinking Water Catchments	No	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.8 Second Sydney Airport: Badgerys Creek	No	N/A
5.9 North West Rail Link Corridor Strategy	No	N/A
5.10 Implementation of Regional Plans	Yes	Yes
6. Local Plan making		
6.1 Approval and Referral Requirements	Yes	Yes
6.2 Reserving Land for Public Purposes	No	N/A
6.3 Site Specific Provisions	Yes	Yes
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	No	N/A
7.2 Implementation of Greater Macarthur Land Release Investigation	No	N/A
7.3 Parramatta Road Corridor Urban Transformation Strategy	No	N/A
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	N/A
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A



PP_2019_MIDWR_002_00/IRF19/3306

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_2019_MIDWR_002_00) to amend Mid-Western Regional Local Environmental Plan 2012 – clause 6.10 Visually sensitive land near Mudgee.

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* (the Act) and amended documentation received on 9 May 2019 in respect of the planning proposal to amend clause 6.10 Visually sensitive land near Mudgee and the associated Visually Sensitive Land Maps.

As delegate of the Minister for Planning and Public Spaces, 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 six (6) months of 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 – Western Region office (westernregion@planning.nsw.gov.au).

All related files for the LEP Amendment, including planning proposal documents must be submitted to the Department via the Planning Portal Website at

www.planningportal.nsw.gov.au/planning-tools/on-line-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- December 2018" 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 to 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 enquiries about this matter, I have arranged for Ms Jessica Holland from the Department of Planning and Environment, Western Region office, to assist you. Ms Holland can be contacted on 5852 6800.

Yours sincerely



23.5.19

Damien Pfeiffer
Director Regions, Western
Planning Services

Encl: Gateway determination
Authorised plan-making reporting template



Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2019_MIDWR_002_00): to amend clause 6.10 Visually sensitive land near Mudgee and the associated Visually Sensitive Land Maps.

I, the Director Regions, Western at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Mid-Western Regional Local Environmental Plan (LEP) 2012 to amend clause 6.10 Visually sensitive land near Mudgee and the associated Visually Sensitive Land Maps should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is to prepare a draft amending Visually Sensitive Land Map Sheets (CL1_006 and 006H). These maps are to be publicly exhibited with the planning proposal in accordance with Condition 3 of this Gateway Determination.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) The planning proposal must be made publicly available for a minimum of **14 days**; and
 - (b) The planning proposal 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 Planning and Environment 2018).
3. Consultation is required to NSW Rural Fire Service to address Ministerial Planning Direction 4.4 Planning for Bushfire Protection. The NSW Rural Fire Service is to be provided to a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the planning proposal.
4. 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 Act. 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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act 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 are no outstanding written objections from public authorities.
6. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
7. The time frame for completing the LEP is to be **six (6) months** following the date of the Gateway determination.

Dated 23rd day of May 2019.



Damien Pfeiffer
Director Regions, Western
Planning Services

Department of Planning and
Environment

Delegate of the Minister for Planning
and Public Spaces

Attachment 5 – Plan making reporting template when Council is authorised to make the local environmental plan

Reporting template for LEP amendments where Council is authorised to make the plan

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- Planning proposal authority (PPA) is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the PPA should add additional rows to **Table 2** to include this information
- The PPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP tracking system, LEPs Online, is kept up to date
- A copy of this completed report must be provided to the department with the PPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2019_MIDWR_002_00
Date Sent to DPE under s3.34	24 April 2019
Date considered at LEP Review Panel	N/A
Gateway determination date	23 May 2019

Table 2 – To be completed by the PPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date Council requested draft LEP from PCO		
Date draft LEP received from PCO		
Date Council requested final PCO Opinion		
Date Council received final PCO Opinion		
Date Council provided/requested GIS data or maps.		
Date ePlanning confirmed mapping is suitable and sent to PCO.		
LEP Finalisation date (Date LEP made by GM (or other) under delegation)		
Date sent to DPE requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information:



Mr. Brad Cam – General Manager

Mid-Western Regional Council,
PO Box 156, Mudgee,
NSW 2850
E-mailed to: council@midwestern.nsw.gov.au

6th June 2019

**RE: PLANNING PROPOSAL –TO AMEND CLAUSE 6.10 VISUALLY SENSITIVE
LAND NEAR MUDGEES AND ASSOCIATED VISUALLY SENSITIVE MAP**

Dear Mr Cam,

I write to you in response to the Mid-Western Regional Council Planning Proposal to Amend Clause 6.10 Visually Sensitive Land Near Mudgee and Associated Visually Sensitive Map.

The Castlereagh Highway provides an entry point to Mudgee for visitors from Sydney, and the council should be applauded for its concern for the appearance of the local landscape. It is understandable that the scenic views of the tree-covered hills surrounding the local towns should be protected. However, the proposed amendment includes flat and low-lying areas that have been heavily modified since settlement. Much of the view along the Castlereagh Highway is cleared land with very limited native fauna and flora. This modified agricultural landscape is interspersed by residential, large-scale commercial, and industrial buildings, advertising signs and exotic trees and crops. Such views can hardly be considered sensitive in the Australian landscape or in the Mid-Western region. The proposed amendment is blunt, excessive and inappropriate.

Furthermore, we do not believe the proposed amendment is consistent with the allowable developments within the LEP. We do not support Council's view that the amendment will not have social and economic effects (ref Q10). The proposed amendment contradicts the Council's own mission statement: To support "*business and investment activities that in turn generate opportunities for employment, income and sustainable economic growth.*" Instead, the draft amendment will stifle investment in the region, while impinging on landowners' rights to develop their land.

This proposed amendment is only exhibited for 14 days and appears to have been rushed through to coincide with the proposed DCP Amendment 4 changes aimed at limiting solar photovoltaic development in the region. (While this aim is not explicitly stated in the proposal, it has been referenced in Council papers, including the Executive Summary of Item 8.1 of Council's meeting of 17 April 2019.) This amendment contrasts

Level 1, 19-23 Moore St, Turner ACT 2612

PO Box 6127, O'Connor ACT 2602
info@itpau.com.au

itpau.com.au

abn 42 107 351 673

p +61 (0) 2 6257 3511
f +61 (0) 2 6257 6511

IT Power (Australia)



with the *Central West & Orana Regional Plan* which supports economic development and has directions and actions that promote the development of renewable energy in the region.

The instrument, as presently drafted, is blunt and vague, and could have unintended consequences. For example, the amendment suggests that unobtrusive and non-reflective materials should be used. Will metal-clad buildings be allowed or would only mud-brick and stone buildings be permitted? Would metal advertisements along the highway be allowed or will they have to be carved from wood?

We respectfully request for this amendment to be reconsidered.

We would be keen to participate in further discussions with Council should there be opportunity to do so.

Yours sincerely,

Simon Franklin
Managing Director

Submission to Mid-Western Regional Council

SUBJECT Planning Proposal General Amendment 2019
 Review of visually sensitive land, amendment to clause 6.10 visually sensitive land near
 Mudgee

Submission by Christopher Cox, 3A Sydney Road, Mudgee.

This proposal which is on exhibition for only 14 days until 7 June 2019 is described in it as “minor significance and is considered to be a low impact proposal” and a minor amendment to the Local Environmental Plan 2012 but in fact if implemented will have a catastrophic effect on a significant part of the region to the southeast of Mudgee.

SPECIFICALLY

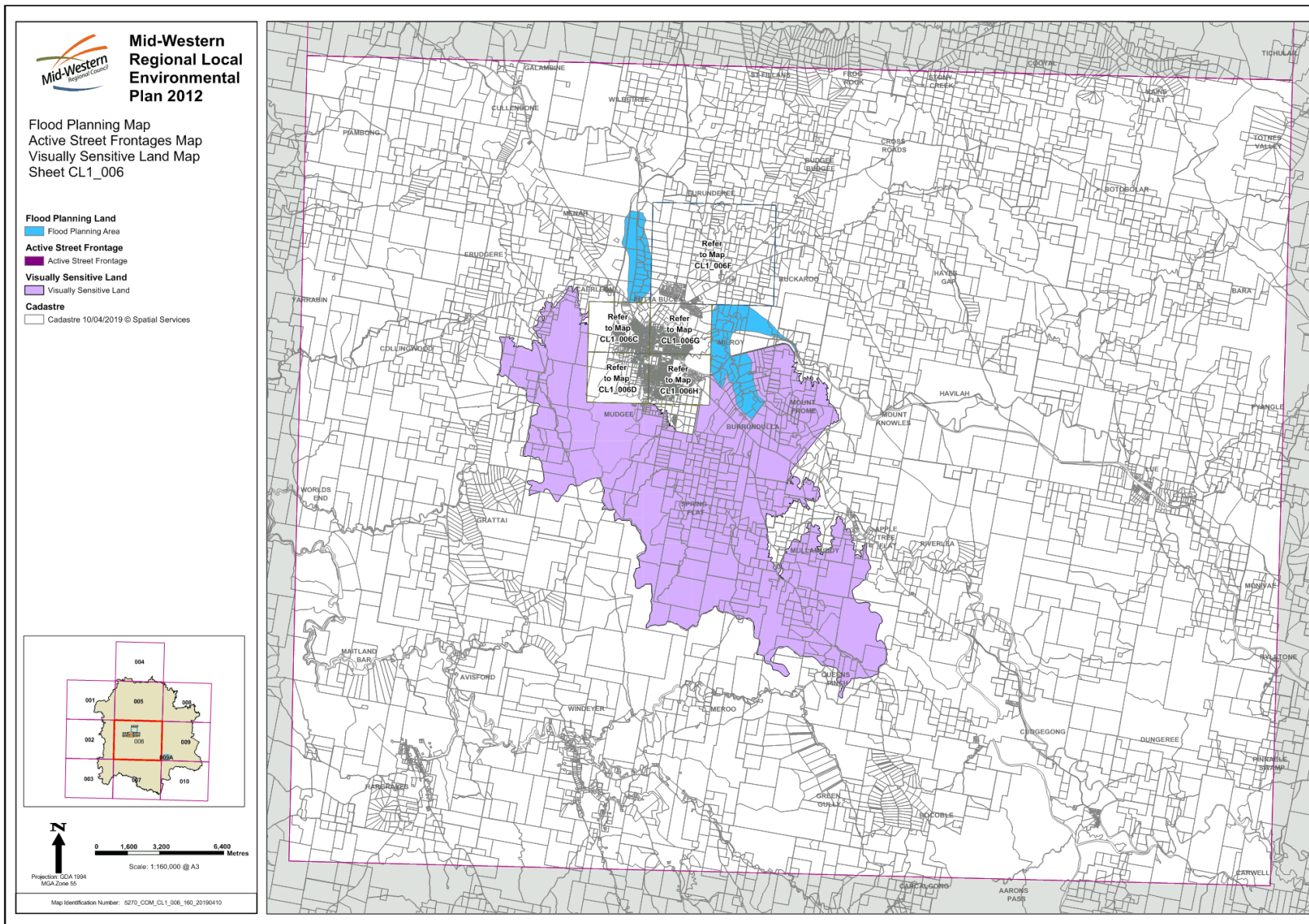
1. I submit that the proposal is discriminatory and will severely affect the value and possible uses of the affected land. The affected land is not only all the land fronting the Castlereagh Highway from Pine Ridge to the Spring Flat Road but also practically all the land visible from that section of the highway. The explanation of provisions in Part 2 makes clear that the intention is to prevent any development on the affected land unless it is screened from the highway, uses unobtrusive and non-reflective materials and incorporates measures to minimise the reflection of sunlight from glazed surfaces.
2. The amendment does not stipulate that these factors are merely to be taken into consideration. All of them must be met before consent will be granted. In other words, the only building to be allowed will be a building that is invisible from the highway, or any other public places, which presumably includes public roads, and is constructed of non-reflective materials which blend into the local environment. Galvanised iron and Colourbond rooves will be out as will windows and glass doors. The only structural development likely to satisfy the requirements would be a windowless mud hut.
3. The commencing sentence of Part 2 states “The objectives and intended outcomes as described in Part 1 will be achieved through the amendment to the Visually Sensitive Land map and Clause 6.10 MWRLEP 2012.” In Part 1 there is no statement of objectives and intended outcomes at all except the objective to implement an amendment. There is no justification in Part 1 for the proposal or explanation as to why it is required.
4. There is no similar restriction proposed for the other entrances to Mudgee, nor to the entrances to Gulgong, Goolma, Kandos or Rylstone. If implemented it will mean the complete stagnation of development in the affected area. The proposal is aimed squarely at that one stretch of road and a specific group of properties and contains no justification why the landowners in that group should be penalised.
5. I am intrigued as to how this proposal came about. So far as I can find it has not been raised in Council meetings or by any Councilor. Encouraged by the statement on

Council's website that, "Mid-Western Regional Council is committed to the proactive disclosure and dissemination of information about our operations, plans and decisions", I sought further information about it by an informal application for information. All I received from Council staff was a link to the report to the April Council meeting which I of course already had access to. Apparently, the statement on the website is interpreted by Council staff to mean the public is only entitled to know what it already knows. I would like Council to undertake an investigation as to the factors giving rise to it being brought before Council. My belief is that it is aimed at one specific property.

6. Question 10 of Part 3 of the proposal reads "Q10: How has the planning proposal adequately addressed any social and economic effects?" and the answer given is "Not applicable". I submit that a proposal that will result in the prevention of practically all development in an important part of the region and which will ensure that it becomes a backwater will have many and serious social and economic effects on that affected area in particular and the whole region. There is probably no existing structure on the highway or within sight of it which would pass the test.
7. I submit that a proposal which will have such a draconian effect on a significant part of the region and its residents should be the subject of community consultation and I request that a public hearing be held.
8. The proposal is poorly drafted and appears to have been prepared in haste resulting in probably unintended consequences and should be rejected outright by Council.

Submitted 7 June 2019

C H Cox.



8.6 Draft Mid-Western Regional Contributions Plan 2019 - Post Exhibition Report

REPORT BY THE DIRECTOR DEVELOPMENT
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, LAN900100

RECOMMENDATION

That Council:

1. **receive the report by the Director Development on the Draft Mid-Western Regional Contributions Plan 2019 - Post Exhibition Report; and**
2. **adopt the Mid-Western Regional Contributions Plan 2019.**

Executive summary

The Draft Mid-Western Regional Contributions Plan 2019 was placed on public exhibition for a period of 28 days with no submissions received.

The purpose of this report is to seek Council's approval to adopt the Mid-Western Regional Contributions Plan 2019, with some minor amendments to clarify definitions and examples to assist in the practical application of the plan.

Disclosure of Interest

Nil

Detailed report

At the April 2019 Council meeting, Council resolved to place the Draft Mid-Western Regional Contributions Plan 2019 on public exhibition for a period of 28 days. The public exhibition period commenced on 23 April with no submissions received.

It is noted that there have been some minor amendments made to the plan in order to clarify definitions and provide examples which will assist in the practical application of the plan, and correct table references. None of these changes are material or change the overall intent of the plan.

The recommendation is for Council to adopt the Mid-Western Regional Contributions Plan 2019, as attached to this report.

Community Plan implications

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

community

Strategic implications

Council Strategies

Towards 2030 Mid-Western Region Community Plan

Council Policies

Not Applicable

Legislation

Environmental Planning and Assessment Act 1979

Mid-Western Region Local Environment Plan 2012

Financial implications

The collection of developer contributions under this plan will provide a contribution towards the costs of local infrastructure over the next 10 years.

Associated Risks

Nil

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

4 June 2019

Attachments: 1. Revised Mid-Western Regional Contributions Plan 2019. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.7 Events Assistance Policy Review

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, GOV400047

RECOMMENDATION

That Council:

1. **receive the report by the Manager Economic Development on the Events Assistance Policy Review;**
2. **place the draft Events Assistance Policy on public exhibition for 28 days to receive any public submissions; and**
3. **adopt the revised Events Assistance Policy if no submission are received.**

Executive summary

The Events Assistance Policy was adopted in June 2016 and is due for review. In conducting the review, the opportunity exists to make minor amendments to streamline the application process for volunteer event organisers and to ensure an efficient implementation of the Events Assistance Program by Council staff.

This paper provides a recommendation to make two minor amendments to the Events Assistance Policy.

Disclosure of Interest

Nil

Detailed report

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

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

The proposed amendments to the Events Assistance Policy are outlined below.

1. Multi-Year Funding

There are a number of events that take place and are supported each year by Council. It has been suggested by event organisers that it would be helpful if the opportunity was provided to apply for multi-year funding. The proposed policy amendment supports this request and recommends that events with a proven success of a minimum of 2 years may be able to apply for up to 3 years of funding subject to the event continuing to meet the outcomes provided and the acquittal process.

2. Additional Points for In-Kind Requests

A recommendation is made to provide ten additional points in the scoring system to applicants that apply for funding that is 100% in-kind (i.e. towards venue hire, traffic management, waste management provided by Council). As these costs generally have the greatest influence over successful event outcomes, it is preferable that Council's contribution is directed towards these in-kind items instead of cash.

Community Plan implications

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

Strategic implications

Council Strategies

The Events Assistance program has clear linkages to the Community Plan Towards 2030 outcomes. This includes promoting the Region as a great place to live, work, invest and visit. The Events Assistance program supports events that provide opportunities for local and visitor attendance, this increases visitation to the region and provides social and economic benefits to the region.

Council Policies

Nil

Legislation

Nil

Financial implications

Council allocates an annual budget to fund the Events Assistance Program. In 2018/19 the amount allocated was \$60,000.

Associated Risks

The policy amendment allows for funding allocation of up to 3 years and there is a risk that events will not continue for the full 3-year period. This risk is minimised by approval of funds but not allocation physically until the event has been executed for each year that funding is approved.

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

ALINA AZAR
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

31 May 2019

Attachments: 1. Revised Events Assistance Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Events Assistance

*to prosper
and progress
communities*

Version 1.2	REFERENCE	GOV400047
COUNCIL MEETING MIN NO 8.2	REVIEW DATE	JUNE 2023
DATE: 15 JUNE, 2019	FILE NUMBER	GOV400047

Objective

The objective of this policy is to:

- Promote the region as a great place to live, work, invest and visit; and
- Assist community events which benefit the local economy by providing cash or in-kind support.

Policy

The Events Assistance Program is designed to assist community events which benefit the local economy and attract visitors to the region. All applications are to be completed via the online application form available on Council's website. If an applicant is unable to access the internet, facilities are available for lodgement at Council's Customer Service locations.

Eligibility Criteria

- Only not-for-profit events are eligible to apply for Events Assistance funding.
- Priority is given to events which demonstrate the ability to attract visitors the region and provide increased economic activity.
- Events can apply for up to a maximum of \$2,500 cash or in-kind for events. The final funding amount will be determined by Council.
- There will be two application periods per financial year:
- Period 1: Events taking place between 1 July and 31 December Period 2: Events taking place between 1 January and 30 June
- Events can only apply for Events Assistance funding if no other Council funding has been provided for the same event in the same year.
- Applications should be received according to the timeline below. For an event falling between 1 July and 31 December, the closing date for applications is 1 April (prior to the event period occurring). For an event falling between 1 January and 30 June, the closing date for applications is 1 October (prior to the event period occurring).

Application Guidelines

APPLICANTS MUST:

- Clearly state the aims, objectives and desired outcomes of the event.
- Ensure the event creates and promotes a positive image of the Mid-Western Region.
- Demonstrate the estimated number of locals and visitors who will be attracted to the event (and provide final accurate attendance figures post-event).
- Demonstrate a high level of support from the local community, local businesses and establish a strong committee of volunteers.
- Demonstrate the ability to successfully market and promote the event.
- Demonstrate the ability for the event to continue and develop in future years.

- Demonstrate other forms of sponsorship, financial income and support for the event.
- Demonstrate the expected economic impact and sustainability of the event (and provide final figures post-event).
- Hold current Public Liability insurance and a Certificate of Currency (noting Mid-Western Regional Council as an interested party) which must be received by Council before funding can be released.
- Ensure that Council's contribution to the event is recognised appropriately with Council's logo used on all marketing material and that all material be approved by Council prior to going to print.
- Provide a post-event evaluation within 28 days of the completion of the event, including photos, press clippings, copies of all marketing material, attendance figures, economic benefit of the event, involvement of the local community (including volunteers and businesses). Failure to complete the post-event evaluation survey will result in the applicant/event not being eligible for future funding.

MULTI-YEAR FUNDING

- Events with proven success of at least 2 years, may apply for multi-year funding of up to 3 years. Whereby funding will be allocated to the same event for each future year subject to the event continuing to meet planned event outcomes and Council's acquittal process.

INELIGIBLE APPLICATIONS/ACTIVITIES (BY DISCRETION OF COUNCIL):

- Events not staged in the Mid-Western LGA.
- Events run for commercial profit.
- Events which have already received funding from Council for the same event in the same year.
- Payment of wages or day-to-day operation funding for the organisation.
- Events with potential safety and/or environment hazards.

Timeline and Application Period

	Events falling between 1 July and 31 December Period 1	Events falling between 1 January and 30 June Period 2
Applications open online via MWRC website	1 March	1 September
Applications close	1 April	1 October
Report to Council Meeting (depending on timing of meeting)	May	November
Funding released (on receipt of invoice)	July	January

APPLICATIONS OUTSIDE APPLICATION PERIOD

- Applications received outside Council's formal application periods will be held until the following Event Assistance program period is open. These applications will be reported to Council as part of the following Events Assistance report.

Scoring Scale – Events Assistance Program

LOCAL COMMUNITY/VOLUNTEER PARTICIPATION IN EVENT

SCORE	DEFINITIVE ANSWERS	VALUE JUDGEMENT
0	Unsatisfactory	No or limited local community/volunteer participation or impact (<500 residents)
1	Poor	Community/volunteer participation or local benefits impacting (500 to 1,000 residents)
2	Satisfactory	Community/volunteer participation or local benefits impacting between (1,000 to 2,000 residents)
3	Good	Direct community/volunteer involvement or local benefits impacting (>2,000 residents)

CAPACITY TO ENSURE EVENT CONTINUES AND DEVELOPS IN THE FUTURE

SCORE	DEFINITIVE ANSWERS	VALUE JUDGEMENT
0	Unsatisfactory	First time event being held, no plans outlined in application, unclear capacity to deliver event
1	Poor	Limited event history (year one), limited plans outlined in application
2	Satisfactory	Event is at least two years old, appropriate planning
3	Good	Well-established event with detailed planning for the future outlined

ECONOMIC ACTIVITY GENERATED FROM EVENT

SCORE	DEFINITIVE ANSWERS	VALUE JUDGEMENT
0	\$0-\$25K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
2	\$25K-\$50K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
4	\$50K-\$100K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
6	\$100K-\$150K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
8	\$150k-\$200K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
10	\$200K-\$250K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
12	\$250K-\$300K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
14	\$300K+	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)

ADDITIONAL POINTS IN-KIND REQUESTS

SCORE VALUE JUDGEMENT

10	All events requesting 100% in-kind assistance receive 10 bonus points. Noting only up to cost of in-kind services will be funded
----	--

SCORES

SCORE	DEFINITIVE ANSWERS
19 to 20	\$2,500.00
16 to 18	\$2,000.00
13 to 15	\$1,500.00
9 to 12	\$1,000.00
5 to 8	\$500.00
5 to 8	\$0

* For internal use only, subject to Council approval and budget capacity.

8.8 Monthly Development Applications Processing and Determined

REPORT BY THE DIRECTOR DEVELOPMENT
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067,

RECOMMENDATION

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

Executive summary

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

Disclosure of Interest

Nil.

Detailed report

Included in this report is an update for the month of May 2019 Development Applications determined and Development Applications processing. The report will detail:

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

Community Plan implications

Theme	Looking After Our Community
-------	-----------------------------

Goal	Vibrant towns and villages
------	----------------------------

Strategy	Maintain and promote the aesthetic appeal of the towns and villages within the Region
----------	---

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

4 June 2019

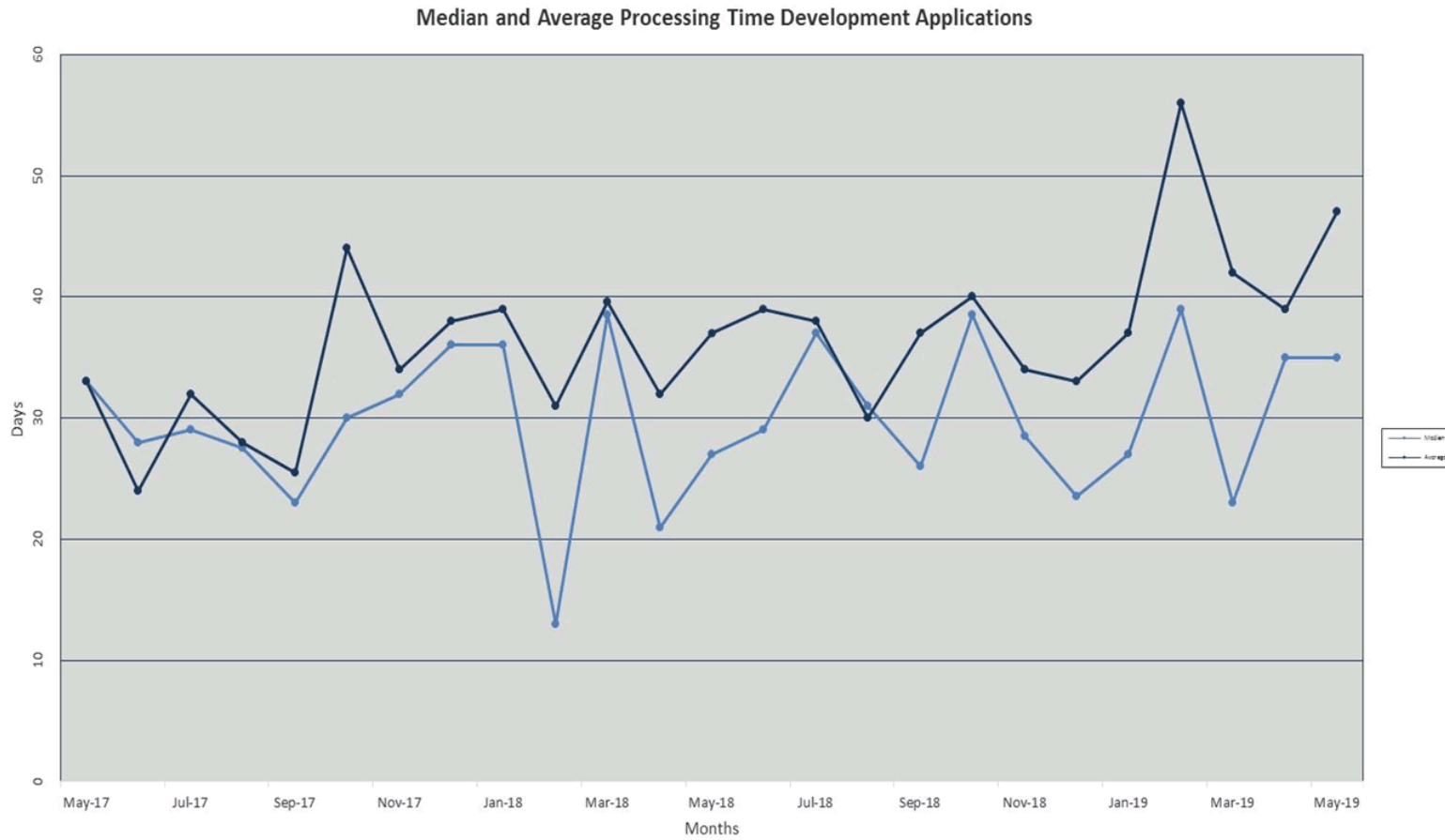
Attachments: 1. Monthly Development Applications Processing and Determined - May 2019.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

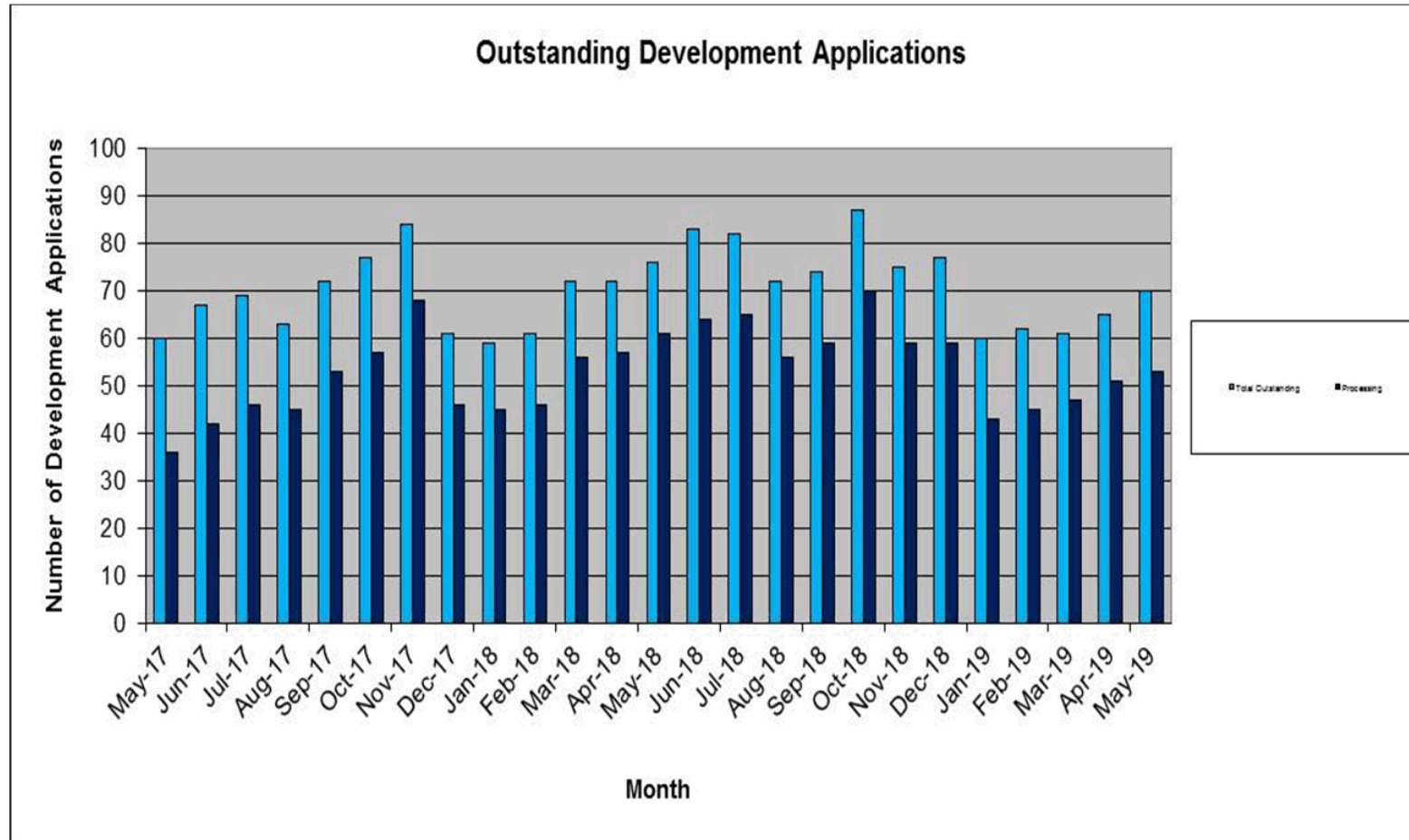
Monthly Development Application Processing Report – May 2019

This report covers the period for the month of May 2019. Graph 1 indicates the processing times up to 31, May 2019 with the month of May having an average of 47 days and a median time of 35 days.



Monthly Development Application Processing Report – May 2019

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



Monthly Development Application Processing Report – May 2019

The Planning and Development Department determined 22 Development Applications either by Council or under delegation during May 2019.

Development Applications Determined – May 2019

Appl/Proc ID	Description	House No	Street Name	Locality
DA0026/2019	Signage	75	Denison Street	MUDGEE
DA0159/2019	Change of use - Tourist Accommodation	499	Lue Road	MILROY
DA0189/2019	Dwelling House	9	Costigan Court	MUDGEE
DA0191/2019	Tourist and Visitor accommodation	31	Strikes Lane	EURUNDEREE
DA0207/2019	Garage	65	Dangar Street	KANDOS
DA0217/2019	Change of use - Vehicle Repair Station	8	Wilkins Crescent	MUDGEE
DA0220/2019	Alterations & Additions	33	Winbourne Street	MUDGEE
DA0222/2019	Shop	45	Louee Street	RYLSTONE
DA0226/2019	Alterations & Additions	715	Spring Flat Road	SPRING FLAT
DA0227/2019	Residential Shed	51	Medley Street	GULGONG
DA0229/2019	Dwelling House	37	Snelsons Lane	GULGONG
DA0230/2019	Carport	48	Winbourne Street	MUDGEE
DA0231/2019	Alterations & Additions	62	Lawson Street	MUDGEE
DA0232/2019	Change of use - Extension of Operating Hours - Takeaway Shop	56	Church Street	MUDGEE
DA0233/2019	Alterations & Additions	29	Bernards Road	YARRAWONGA
DA0237/2019	Dual Occupancy	4	Charles Lester Place	MUDGEE
DA0238/2019	Dual Occupancy	60	Bellevue Road	MUDGEE
DA0245/2019	Residential Shed	116	Robertson Street	MUDGEE
DA0248/2019	Dwelling House	9	Boxs Lane	BUDGEE BUDGE
DA0253/2019	Change of use - Business Premises	90	Louee Street	RYLSTONE
DA0259/2019	Residential Shed	8	Broadhead Road	MUDGEE
DA0269/2019	Residential Shed	5	Vera Court	MUDGEE

Monthly Development Application Processing Report – May 2019

Development Applications currently being processed – May, 2019.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0327/2011	Shed >150m2	23	Horatio Street	MUDGEES
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0325/2016	Change of use - Garage to Bedroom	179	Denison Street	MUDGEES
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0221/2017	Function Centre	141	Black Springs Road	EURUNDEREE
DA0266/2017	Residential Shed	3	Cudgegong Street	RYLSTONE
DA0004/2018	Multi Dwelling Housing	66	Dangar Street	KANDOS
DA0063/2018	Shed >150m2	434	Melrose Road	MOUNT FROME
DA0072/2018	Earthworks	290	Rocky Waterhole Road	MOUNT FROME
DA0102/2018	Change of use - Shed to Dwelling and Studio	111	Mount Pleasant Lane	BUCKAROO
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEES
DA0146/2018	Tourist and Visitor Accommodation	196	Rocky Waterhole Road	MOUNT FROME
DA0214/2018	Camping Ground	2970	Walkers Lane	LUE
DA0226/2018	Dwelling House	308	Cypress Drive	YARRAWONGA
DA0250/2018	Community Centre	363	Ulan Road	EURUNDEREE
DA0301/2018	Commercial Premises	20	Sydney Road	MUDGEES
DA0321/2018	Alterations & Additions	20	Mudgee Street	RYLSTONE
DA0020/2019	Residential Shed	8	Consadine Grove	SPRING FLAT
DA0089/2019	Change of use - Shed to Dwelling	2037	Coxs Creek Road	RYLSTONE
DA0106/2019	Subdivision - Torrens Title	316	Broadhead Road	SPRING FLAT
DA0167/2019	Residential Shed	150	Egans Lane	GULGONG
DA0195/2019	Subdivision - Torrens Title	45	Callaghan Street	CLANDULLA
DA0218/2019	Subdivision - Torrens Title	41	George Campbell Drive	EURUNDEREE
DA0224/2019	Dwelling House	257	Melrose Road	MOUNT FROME
DA0225/2019	Dwelling House	1677	Windeyer Road	WINDEYER
DA0228/2019	Recreation Facility (outdoor)	103	Wattlegrove Lane	LINBURN
DA0234/2019	Boundary Adjustment	1891	Queens Pinch Road	MEROO
DA0235/2019	Subdivision - Torrens Title	52	Wynella Street	GULGONG
DA0236/2019	Change of use - Storage of Packaged Wine	75	Shiraz Drive	GULGONG
DA0239/2019	Dwelling House	268	Cooyal Lane	COOYAL
DA0240/2019	Cellar Door Premises	1012	Henry Lawson Drive	EURUNDEREE

Monthly Development Application Processing Report – May 2019

DA0243/2019	Subdivision - Torrens Title	278	Perrams Road	AARONS PASS
DA0244/2019	Subdivision - Torrens Title	479	Wallawaugh Road	HARGRAVES
DA0246/2019	Shed >150m2	2061	Lower Piambong Road	PIAMBONG
DA0247/2019	Dwelling House	231	Springwood Park Road	COPE
DA0249/2019	Dual Occupancy	8	George Street	KANDOS
DA0250/2019	Dwelling House	977	Puggon Road	TALLAWANG
DA0251/2019	Animal Boarding or Training Establishment	2255	Hill End Road	GRATTAI
DA0252/2019	Residential Shed	6	Grant Bruce Court	MUDGEES
DA0256/2019	Boundary Adjustment	1601	Cope Road	COPE
DA0257/2019	Tourist and Visitor Accommodation	1257	Windeyer Road	WINDEYER
DA0258/2019	Dwelling House	1278	Spring Creek Road	YARRAWONGA
DA0260/2019	Dual Occupancy	92	White Circle	MUDGEES
DA0261/2019	Residential Shed	28	Lang Street	MUDGEES
DA0262/2019	Residential Shed	60	Rocky Waterhole Road	MOUNT FROME
DA0263/2019	Camping Ground	40	Grevillea Street	GULGONG
DA0264/2019	Dwelling House	156	Robertson Street	MUDGEES
DA0265/2019	Demolition	16	Sydney Road	MUDGEES
DA0266/2019	Garage	21	Callaghan Street	CLANDULLA
DA0267/2019	Residential Shed	10	Richards Street	MUDGEES
DA0270/2019	Dual Occupancy	11	Menah Avenue	MUDGEES
DA0271/2019	Residential Shed	11	Butler Circle	BOMBIRA
DA0272/2019	Dwelling House	241	Riverlea Road	RIVERLEA
DA0273/2019	Subdivision - Torrens Title	92	White Circle	MUDGEES
DA0274/2019	Residential Shed	6	Tebbutt Court	MUDGEES
DA0275/2019	Residential Shed	47	Macquarie Drive	MUDGEES
DA0277/2019	Dwelling House	280	Gardiners Road	TWO MILE FLAT
DA0278/2019	Dwelling House	2063	Lower Piambong Road	PIAMBONG

Monthly Development Application Processing Report – May 2019

Heritage Development Applications currently being processed – May, 2019.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE
DA0091/2017	Residential Shed	42	Louee Street	RYLSTONE
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE
DA0160/2019	Community Facility	16	Lindsay Street	HARGRAVES
DA0199/2019	Swimming Pool	18	Gladstone Street	MUDGEE
DA0208/2019	Change of use - Small Bar	107	Mayne Street	GULGONG
DA0215/2019	Commercial Alterations/Additions	88	Louee Street	RYLSTONE
DA0242/2019	Change of use - Health Consulting Rooms	103	Mortimer Street	MUDGEE
DA0254/2019	Dual Occupancy	100	Inglis Street	MUDGEE
DA0268/2019	Boundary Adjustment	99	Louee Street	RYLSTONE
DA0276/2019	Commercial Alterations/Additions	19	Inglis Street	MUDGEE

Item 9: Finance

9.1 Delivery Program 2017/18 - 2020/21 and Operational Plan 2019/20

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, FIN300179

RECOMMENDATION

That Council:

1. receive the report by the Chief Financial Officer on the Delivery Program 2017/18 - 2020/21 and Operational Plan 2019/20;
 2. receive and give thanks to all public submissions to the Draft Delivery Program 2017/18- 2020/21 and Draft Operational Plan 2019/20 as listed below, with the General Manager required to respond to each submission as follows:
 - 2.1 Sierra Escape – Council has declined the request for the sealing of Lower Piambong Road;
 - 2.2 Kandos Rylstone Community Radio Inc.- Council has declined the request for an additional \$6,000 to publish Community Capers;
 - 2.3 Gulgong Holtermann Museum (GHM) - Council has declined the request for repairing and widening of a section of Robinson St (Medley to Herbert Street) footpath;
 - 2.4 Susan Mills - Council has declined the request to repair and grade Egans Lane, Gulgong;
 - 2.5 Mudgee Dressage Group - Council has declined the request for additional footpaths, parking and shade trees at Mudgee Showground;
 - 2.6 Julie Consadine - Council has declined the request for a street light at 183-185 Market Street;
 - 2.7 Friends of the Historic Camping Tree - Council has declined the request for an information board and replacement of signage to the Historic Camping Tree Reserve;
 - 2.8 Mid Western Working Horse Association - Council has declined the request for development of a plan to improve accessibility, parking and landscaping at Mudgee Showground;
 - 2.9 Bob Lamond - Council has declined the request for grading Lower Piambong Road, reviewing the road maintenance plan and reconsidering project priorities;
-

- 2.10 Jo loane - Council has existing budget for a pedestrian crossing on Douro Street, south of railway crossing in 2019/20. This project will be referred to the Local Traffic Committee and is contingent on grant funding yet to be secured for 50% of the project cost;
- 2.11 Diana O'Mara - Council has declined the request for Healthy Communities classes to continue in Gulgong;
- 2.12 Alicia Anderson– Council has declined the request for sealing and repairs to Botobolar Road;
- 2.13 Alex Wisser - Council has declined the request for banner posts on Ilford Road and Bylong Valley Way
- 2.14 Stephen Hawkins – Council has declined the request for sealing the intersection of Ulan Road and Bobadeen Road;
- 2.15 Alex Wisser - Council has declined the request to repaint the Kandos sign on the silver tank at Ilford Road and Angus Avenue;
- 2.16 Peter Monaghan - Council has declined the request to amend the wording of strategy 1.2.1 to include 'and villages' at the end and for further education within Council's Heritage Conservation Area;
- 2.17 Ben Kurtz - Council has declined the request for installation of a pedestrian crossing on Church Street, Mudgee between Mortimer & Gladstone Street;
- 2.18 Peter and Carol Kurtz - Council has declined the request to seal approximately 150 metres of Bayly Street, Lue between Swanston Street and Dowling Street;
- 2.19 Garry Chapman - Council has declined the request to replace two causeways on the Wollar Road with pipes;
- 2.20 Mudgee Rylstone Gulgong Branch of National Trust of Australia (NSW) – Council has declined your request for further education within heritage conservation areas;
- 2.21 Botobolar Community Committee - Council has declined the request to upgrade the causeways along Wollar Road between the Budgee Budgee turn-off and Botobolar Road;
- 2.22 Rylstone and District Historical Society - Council has proposed budget of \$40,000 in 2019/20 for refurbishment of the Guides Hall Rylstone;
- 2.23 Mitchell & Daryl Clapham – Council advise that the rate model is based on the full 2.7% IPART increase distributed evenly across all rating categories;
- 2.24 Mudgee District Branch NSW Farmers Association – Council advise that the rate model is based on the full 2.7% IPART increase distributed evenly across all rating categories;
- 2.25 Mitchell & Daryl Clapham – Council advise that the rate model is based on the full 2.7% IPART increase distributed evenly across all rating categories;

3. give thanks to all public submissions and make the following amendments to the

Draft Delivery Program 2017/18 - 2020/21 and Draft Operational Plan 2019/20 budget as exhibited, and listed in the report below, with the General Manager required to respond to each public submission as follows:

3.1 Public Submissions

- 3.1.1 Scott Etherington - Council has supported the request for additional water bubblers in Lawson Park. In 2019/20 \$20,000 will be funded from Section 94 Developer Contributions;**
- 3.1.2 Rachel Clare - Council has supported the request for security cameras at the Adventure Playground in Gulgong. In 2019/20 \$15,000 will be funded from unrestricted cash;**
- 3.1.3 Cementa Inc. - Council has supported the request to assist in painting the interior of 71 Angus Avenue Kandos as a new art space. In 2019/20 \$3,000 will be funded from unrestricted cash;**
- 3.1.4 Gulgong District Tennis Association - Council has supported the request for resurfacing the tennis courts at the Gulgong Tennis facilities. In 2020/21 \$130,000 will be funded by \$65,000 grant income, \$32,500 contributions from Gulgong District Tennis Association and \$32,500 from Councils unrestricted cash;**
- 3.1.5 Mudgee Region Tourism – Council has supported the request for to develop a new 5-year Destination Management Plan (DMP) for the region. In 2019/20 \$50,000 will be provided to Mudgee Region Tourism to undertake the DMP, to be funded from unrestricted cash;**

3.2 Management Submissions

- 3.2.1 \$132,020 in 2019/20 to prepare the road pavement on Spring Flat South Lane in preparation for the seal extension, funded from Seal Extension Reserve;**
- 3.2.2 \$17,000 in 2019/20 to replace Air-Conditioning Units at Mudgee Water Treatment Plant, funded from Water Fund Reserves;**
- 3.2.3 increase to expenditure for the position of Senior Compliance Officer, including salary, overheads, phone, and computer of \$129,000 in 2019/20, \$132,500 in 2020/21, \$136,000 in 2021/22 and \$139,500 in 2022/23, funded from unrestricted cash;**
- 3.2.4 \$8,800 in 2019/20 for required works at 3/13 Cooyal Street Gulgong, funded from the Community Tenancy Scheme Reserve;**

3.3 March 2019 Quarterly Budget Review Statement rolled budgets–amendments to the 2019/20 Operational Plan (funding splits provided in the body of the report)

- 3.3.1 \$3,635,802 Kepco Bylong Coal Mine VPA**
 - 3.3.2 \$2,800,000 Commercial Property Purchase**
 - 3.3.3 \$784,950 Bylong Valley Way Upgrade Upper Bylong**
-

- 3.3.4 \$709,000 Plant Purchases
 - 3.3.5 \$500,000 Art Gallery Facility
 - 3.3.6 \$418,988 Bylong Valley Way & Wollar Road Intersection
 - 3.3.7 \$405,842 Victoria Park Lighting
 - 3.3.8 \$250,000 Mudgee Showground Grandstand
 - 3.3.9 \$225,692 Rylstone Pedestrian Footbridge
 - 3.3.10 \$188,000 IT Corporate Software
 - 3.3.11 \$180,000 Solar Farm Initiative
 - 3.3.12 \$177,751 Wollar Road Seal Extension Stage 5
 - 3.3.13 \$168,677 Mudgee Shared Cycle Loop
 - 3.3.14 \$155,673 Putta Bucca Eco Trail
 - 3.3.15 \$115,000 Mudgee Showground Grandstand Demolition
 - 3.3.16 \$100,000 Master Key System
 - 3.3.17 \$100,000 Website Development
 - 3.3.18 \$98,000 Earth Channel Enlargement Works
 - 3.3.19 \$87,109 Mudgee Flood Study
 - 3.3.20 \$70,000 Gulgong Hall Roof
 - 3.3.21 \$68,000 Stormwater Asset Survey
 - 3.3.22 \$67,500 Rylstone Library Capital
 - 3.3.23 \$60,000 Mudgee Washbay project
 - 3.3.24 \$60,000 IT Network Upgrades
 - 3.3.25 \$50,000 Depot Shed Project
 - 3.3.26 \$45,000 Corporate Strategic Initiative
 - 3.3.27 \$44,000 Double Cricket Nets at Glen Willow
 - 3.3.28 \$30,000 Rylstone Pathway Extension
 - 3.3.29 \$30,000 Community Transport Vehicle Replacement
 - 3.3.30 \$30,000 Gulgong Hall Painting
 - 3.3.31 \$30,000 Carmel Croan Tank and Veranda
 - 3.3.32 \$30,000 Server Room Capital Upgrade
-

- 3.3.33 \$30,000 Putta Bucca Walkway
- 3.3.34 \$30,000 Library Strategic Plan
- 3.3.35 \$29,600 Entrance Signage Project
- 3.3.36 \$27,000 Winter Street Footpath Extension
- 3.3.37 \$22,500 Rylstone Library Capital
- 3.3.38 \$20,000 Mudgee Pound Cage Repairs
- 3.3.39 \$20,000 Pit modifications at various locations
- 3.3.40 \$15,000 Pitts Lane Property
- 3.3.41 \$15,000 Kandos Preschool Extension
- 3.3.42 \$12,300 Street Lighting Upgrades at Mortimer, Market and Church Street Crossing
- 3.3.43 \$11,400 Denison Street Units Capital
- 3.3.44 \$9,990 Billy Dunn Fence
- 3.3.45 \$8,500 Cemetery Capital
- 3.3.46 \$7,000 Old Police Station
- 3.3.47 \$5,000 WHS
- 3.3.48 \$2,600,000 Glen Willow Upgrades Stage 2
- 3.3.49 \$2,480,000 Ulan Wollar Road Stage 1
- 3.3.50 \$170,000 Saleyards Lane Subdivision Stage 1
- 3.3.51 \$84,000 Munghorn Gap Realignment
- 3.3.52 \$69,200 Risk Officer Position Recruitment
- 3.3.53 \$62,500 Mudgee Showground Amenities
- 3.3.54 \$15,000 Waratah Park Fencing
- 3.3.55 \$15,000 IT Network Upgrades - Water Fund
- 3.3.56 \$15,000 IT Network Upgrades – Sewer Fund

4. place on public exhibition for 28 days, the following new Fees and Charges. If no submissions are received following public exhibition Council adopt the Fees and Charges below and include them in the Fees and Charges Schedule:

4.1 Regulated Systems – initial notification to register \$115

5. makes the following rates and charges for the 2019/20 financial year:

- 5.1 A Domestic Waste Management Charge of \$289 for all rateable and non-rateable properties within the service areas. Where there is more than one service the annual charge will be multiplied by the number of services;
- 5.2 A General Waste Disposal Charge of \$233.20 inclusive of GST for all rateable and non-rateable properties with the exception of certain Farmland properties that can identify in the manner required by Council that they have a landholding comprised of multiple adjoining assessments with a lesser number of residences than assessments; they will be charged for the number of residences. Where there is more than one service the annual charge will be multiplied by the number of services;
- 5.3 A Business Waste Management Charge of \$223 for all rateable and non-rateable Business category properties where a service is rendered. Where there is more than one service the annual charge will be multiplied by the number of services;
- 5.4 Water charges for rateable and non-rateable properties within the water supply area of:

Charge Type	Detail	Amount
Service Availability	20mm meter	\$161
	25mm meter	\$252
	32mm meter	\$412
	40mm meter	\$644
	50mm meter	\$1,006
	80mm meter	\$2,576
	100mm meter	\$4,025
	150mm meter	\$9,056
Usage - per kilolitre	Residential	\$3.16
	Business	\$3.16
	Raw Water	\$0.75
	Standpipe (potable)	\$5.84
	Standpipe (non-potable)	\$1.70

In relation to any multi-unit residential development, including any strata development, each unit will be levied a 20mm service availability charge. In relation to vacant land where a water meter is not connected, each property will be levied with a 20mm service availability charge.

- 5.5 Sewer charges for rateable and non-rateable properties within the sewer service area of:

Charge Type	Detail	Amount
Service availability	Residential	\$866
	Non-Residential	\$483
Usage - Non Residential –	Based on kilolitres of water	\$2.77

per kilolitre	that would reasonably be deemed to enter Mid-Western Regional Council sewer schemes	
Liquid Trade Waste - Annual Charge	Category 1 Discharger	\$96
	Category 2 Discharger	\$191
	Large Discharger	\$642
	Industrial Discharger	\$191 - \$ 642
	Re-inspection Fee	\$89
Liquid Trade Waste - Category 1 without appropriate equipment	Per kilolitre	\$1.79
Liquid Trade Waste - Category 2 with appropriate equipment	Per kilolitre	\$1.79
Liquid Trade Waste - Category 2 without appropriate equipment	Per kilolitre	\$16.40

6. **notes that a further report will be brought back to Council in order to make the general rates and any other charges;**
7. **notes that Council is required to make the rates before the 1 August 2019.**

Executive summary

Council has been through an extensive planning process over the past few months to determine which projects and initiatives would be undertaken across the next four financial years, culminating in the Draft Delivery Program 2017/18 - 2020/21 and Draft Operational Plan 2019/20.

Following the public exhibition period, this report seeks to consider submissions and make recommended changes based on those submissions.

It is recommended Council adopt the Delivery Program 2017/18 - 2020/21 and Operational Plan 2019/20, including the Fees and Charges Schedule.

Disclosure of Interest

Nil.

Detailed report

At its meeting of 6 May 2019, Council endorsed the draft Delivery Program 2017/18 - 2020/21 and Operational Plan 2019/20 to be placed on public exhibition for a period of 28 days. The exhibition period closed on Friday 7 June 2019, with a number of submissions received. Each submission made by a member of the public is presented to Council (refer to Attachment 1 – Public Submissions) and summarised below.

In addition to public submissions, management submissions are also discussed below. These include:

- management initiatives and updated costing
- the carrying forward of projects deferred at the March 2019 Quarterly Business Review
- new Fees and Charges recommended

PUBLIC SUBMISSIONS

The following list provides a summary of public submissions.

2.1 Sierra Escape –Request that Council reconsider sealing the entire Lower Piambong road as part of the Operational Plan 2019/20 for the benefit of the locals living there, road safety, visitors and the tourism sustainability of the region.

2.2 Kandos Rylstone Community Radio Inc.- Council funding of \$5,000 has been approved for 2019/20 and 2020/21. This goes towards the costs of publishing the Rylstone-Kandos district community newsletter, Community Capers.

The request asks for an additional \$6,000 dollars bringing the total to \$11,000 for the year starting in July 2019. This will still leave a shortfall which Kandos Rylstone Community Radio (KRR 98.7 FM) is prepared to cover as part of their commitment to our local community.

KRR is self-funded and is managed and operated entirely by volunteers. If they do not receive funding for Community Capers they have advised they will have to cease publication at the end of June.

2.3 Gulgong Holtermann Museum (GHM) - have requested for repair and widening of section of Robinson St (Medley to Herbert Street) footpath. Robinson St will also be a major thoroughfare between the Gulgong Gold Experience from GHM. GHM has laid new concrete at the rear of GHM at its own expense and under Council supervision. GHM requested that Council attend to the remainder as a matter of urgency.

2.4 Susan Mills - has requested for the upgrading of Egans Lane, Gulgong to address the worst 500 metres. It has become very difficult for the trucks delivering feed and taking the cattle to the sale yards.

2.5 Mudgee Dressage Group – have requested for additional footpaths, parking and shade trees for the disabled at Mudgee Showground. The showground lacks firm footpaths for unsteady walkers or people in wheelchairs can use. There are no dedicated parking area for people with disability to arrive and depart safely. Moreover, showground lacks shade after demolition of the grandstand.

2.6 Julie Consadine has requested for a streetlight at 183-185 Market Street. This is a very busy highway and it is dangerous for those leaving the hall at night to get across the road and into their cars.

2.7 Friends of the Historic Camping Tree - – have requested for additional information board and replacement of signage to Historic Tree Reserve. Visitors to the Reserve have no information as to the importance of the remains of an old tree set within a grand fence.

2.8 Mid Western Working Horse Association (MWWHA) – have requested for up to \$5,000 to prepare a plan to address accessibility, parking and landscaping at Mudgee Showground. MWWHA request for Council to:

- consult members of Riding for the Disabled Association and Access Committee to have integrated access plan for the three entrances, paths, pavilions and amenities
- improve surface of area adjacent to grass on Madeira Road side of grounds, around stockyards and loading ramp for benefit of horse owners/riders.
- Improve landscaping and planting of trees for appeal and to provide adequate shade for equine and cattle events.

2.9 **Bob Lamond** - has requested grading of Lower Piambong Road and a review of the road maintenance plan to include regular inspections, responsive repairs and 6-month quality grading to improve safety. In addition, Mr Lamond raises an objection to spending on an Arts and Cultural Centre as opposed to higher ranked priorities in community survey like Regent Theatre to be developed into Community Entertainment Centre.

2.10 **Jo loane** – has requested for pedestrian crossing on Douro Street, south of railway crossing. Council has proposed a budget of \$34,000. Before proceeding this project requires approval of the Local Traffic Committee and 50% grant funding.

2.11 **Diana O'Mara** - has requested for Healthy Communities classes to continue in Gulgong and not be moved to Mudgee.

2.12 **Alicia Anderson** - has requested repair and sealing of Botobolar Road. This road is a scenic drive into Upper Botobolar and is used by established businesses, wineries, farmers and school bus.

2.13 **Alex Wisser** - has requested for two purpose built poles for event banners and signage. The suggested location is to the right of existing road signs on Ilford Road and Bylong Valley Way. Kandos and Rylstone now have a robust calendar of events, markets and fairs including Street Feast, Street Machine, Sunday markets, the garden fair, and Cementa Festival amongst others. These events are often announced to visitors travelling Bylong Valley Way through signage and banners hung between the posts that hold up the road signage on Ilford Road, facing Bylong Valley Way. This ad hoc solution is not ideal and can look messy or leave event organisers competing for space. These issues can be easily resolved through the installation of two purpose built poles to the right of the road signs on which event banners and signage can be installed.

2.14 **Stephen Hawkins** - has requested for paving intersection of Ulan Road and Bobadeen Road after Ulan Coal Mines prepare surface.

2.15 **Alex Wisser** – has requested to have the lettering on a Kandos sign repainted. The sign is located at a town entry point on silver tank where Ilford Road meets Angus Avenue. The red lettering on the tank has faded and is now an eyesore that introduces the town to visitors.

2.16 **Peter Monaghan** - has requested for actions that will allow planning strategies to be better implemented than has been the case to date. The request asks Council to amend the wording of strategy 1.2.1 to include 'and villages' at the end. It also requests to commence an education program within Council's Heritage Conservation Area.

2.17 **Ben Kurtz** - has requested for installation of a pedestrian crossing on Church Street, Mudgee between Mortimer & Gladstone Street. This section of road is one of the few remaining in central Mudgee without a safe, marked crossing for pedestrians. The lack of a crossing hampers pedestrian access from the parking facilities behind Target to the surrounding businesses, schools and facilities. The large volume of traffic travelling on Church Street, combined with a large number of cars exiting the two nearby petrol stations and the parking lot, make it very difficult to cross the road safely.

2.18 **Peter and Carol Kurtz** - has requested for sealing of approximately 150 metres of Bayly Street, Lue between Swanston Street and Dowling Street. They experience the constant dust created by every vehicle using this street. Predominately-westerly winds fan this dust across the property and this street serves a growing number of households with multiple vehicles travelling the street frequently.

2.19 **Gary Chapman** - has requested to replace two causeways on the Wollar Road with pipes. The current causeways are too steep and out of date which is dangerous when flooded.

2.20 **Mudgee Rylstone Gulgong Branch National Trust of Australia (NSW)** – have requested an education program to promote heritage conservation and compliance with Council's LEP or DCP. The proactive education program can raise the awareness of those that live and work within Heritage Conservation Areas and reduce the cost of compliance.

2.21 **Botobolar Community Committee** – have requested to upgrade the causeways along Wollar Road between the Budgee Budgee turn-off and Botobolar Road. Concern was expressed about the design and state of disrepair of both causeways. Both are quite deep with steep approaches and exits resulting in vehicles being launched out of them if approached at the normal speed. While local vehicles slow down and drive through them diagonally to avoid the sudden lurch as they exit, drivers not familiar with the road hit them at 100kph and are thrown around as they exit.

2.22 **Rylstone and District Historical Society** - have requested for \$40,000 towards the repair and upgrade of what is titled 'Guides Hall Rylstone.' This building was constructed by the community circa 1910 and is socially and historically significant. It has a long history of use by the community (Red Cross, Library, Girl Guides, Children's Art, Supper Room, Dance Hall, Euchre Tournaments, etc.) Until recently, it provided a space used by a range groups and has the potential to again serve those groups, as well as possibly to provide a nursing mothers/baby change centre. The Rylstone and District Historical Society looks forward to having what is locally called 'The Small Hall' back in action and an asset for Rylstone.

2.23 **Mitchell & Daryl Clapham** - have requested that Council consider a nil increase for farmland rates for the oncoming year. The farm sector is experiencing very difficult seasonal conditions putting undue excessive financial pressure on many.

2.24 **Mudgee District Branch NSW Farmers Association** - There is no logical reason why the mining sector should enjoy lesser ad-valorem rate than farmland given their value and their capacity to pay. They strongly contend that the current rate structure is grossly inequitable, manifestly unfair and biased against farmland ratepayers.

2.25 **Mitchell & Daryl Clapham** -has requested Council to explain to the community the rationale behind the draft revenue model concerning the mining sector paying less than farmland.

PUBLIC SUBMISSIONS WITH AMENDMENTS TO THE OPERATIONAL PLAN

3.1.1 **Scott Etherington** - has requested additional bubblers in Lawson Park. Request for specific locations being Lawson Park West, playground, walking park and Lawson Park East. It is proposed to allocate \$20,000 to this project in 2019/20.

3.1.2 **Rachel Clare** - has request for additional security cameras to the Adventure Playground in Gulgong and other public areas in and around Gulgong. A petition signed by 213 local residents is provided. It is proposed to allocate \$15,000 for cameras at the Adventure Playground in Gulgong.

3.1.3 Cementa Inc. - have requested for \$3,000 to assist in painting interior of 71 Angus Ave Kandos as new art space. Repairs include painting interior of main hall, repairing stage, repairing and finishing electrics and replacing door at back of building. Cementa have a large base of volunteers but need materials and some trade services to make the space fit for use. Cementa estimate that these repairs would cost us up to \$6,000 and ask that council contribute half of that amount \$3,000. It is proposed to allocate \$3,000 to this project in 2019/20.

3.1.4 Gulgong District Tennis Association - have requested re-surfacing of the top five tennis courts at the Gulgong District Tennis facilities. Of major importance to the club is the resurfacing with Field Turf 19ml Club 40 Synthetic Grass to enhance the playing surface. Especially for Tuesday morning women's competition, these participants would prefer a softer surface. It is proposed that this project would cost a total of \$130,000. It is recommended in 2020/21 that Council contribute 25%, the Gulgong District Tennis Association contribute 25% and grant funding is to be applied for the remaining 50%.

3.1.5 Mudgee Region Tourism – have requested \$50,000 to develop a new 5-year Destination Management Plan (DMP) for the region. The current DMP, developed in-house 5-years ago, is outdated and most objectives have been achieved. The development of a professional DMP is necessary to support State and Federal funding opportunities, for our partners and ourselves. It is proposed to allocate \$50,000.

MANAGEMENT SUBMISSIONS

3.2.1 Preparation of the road pavement on Spring Flat South Lane - At Council's 17 April 2019 meeting it was resolved in minute 90/19 to approve the sealing of 2600m of Spring Flat South Lane

with a contribution from the applicants for the cost of the seal. It was noted in the report that the cost to undertake the capital upgrade is \$215,000. This involves a cost of \$132,020 to Council for preparation of base, and a cost to the applicant of \$82,980 for the initial two coat bitumen seal. The recommendation that Councils required \$132,020 be funded from profits from private works was unclear and therefore requires adjustment. The recommendation put forth is that this works is funded from Council's Seal Extension Reserve.

3.2.2 Replace Air-Conditioning Units at Mudgee Water Treatment Plant - In order to prepare for Water Treatment Plant upgrades Air-Conditioning Units at Mudgee Water Treatment Plant require replacement. This will be at a cost of \$17,000 funded from Water Fund Reserves.

3.2.3 Senior Compliance Officer – A proposal is recommended to introduce a new permanent position titled, Senior Compliance Officer. In close collaboration with the Governance Manager the position will develop, review, advise on and practice compliance and enforcement in accordance with policy and procedures that guide Council staff when addressing allegations of unlawful activities including:

- Compliance & Enforcement Policy of the Council
- The preliminary assessment of allegations and information
- Conducting investigations and collecting of evidence
- Choosing options after the investigation
- Discretionary decision making and relevant consideration in the enforcement context
- Deciding on prosecution action

3.2.4 Works at 3/13 Cooyal Street Gulgong – \$8,800 is recommended to complete required maintenance works at 3/13 Cooyal Street Gulgong. This will be funded from the Community Tenancy Scheme Reserve.

3.3 March Quarterly Budget Review Statement Adjustments - Listed in the attachments to this report are the projects that have been approved for deferral to 2019/20 in the March Quarterly Budget Review Statement. The table shows the income or expenditure and funding incorporated into the 2019/20 Operational Plan.

NEW 2019/20 FEES AND CHARGES TO BE EXHIBITED

4.1 Regulated Systems – initial notification to register \$115

Because of changes to the Public Health Act and Regulations, Councils are required to keep a register of 'Regulated Systems' (which include cooling towers and warm water installations to commercial premises). The owners are required to notify Council of any systems that fall into the definition of regulated systems.

The Council is required to keep a register and issue a unique ID number for each system. There is a maximum prescribed fee of \$115.00 for the initial notification.

Revenue Policy

The Rates Model proposed as part of the Operational Plan includes an increase to all rating categories of the IPART capped rate of 2.7%, distributed evenly. Land rating categories are:

- Farmland;
- Residential;
- Business; and
- Mining

In April 2019, Council received from the NSW Valuer General updated land valuations with a base date of 1 July 2018 for all properties within the Mid-Western Local Government Area. Rate assessments are based upon property valuations (ad valorem) as at 1 July 2018, with minimum amounts applied where appropriate. No base amounts apply to the proposed 2019/20 rate structure.

It is noted that Council is aware that a material land value change is likely to be received from the Valuer General in the next week, that is likely to have an impact on the Revenue Policy, in particular the Mining category, and as such Council is intending to finalise the Revenue Policy and make the general rates in a further report to Council. It is noted that the rates are required to be made before the 1 August 2019.

Community Plan implications

Theme	Good Governance
Goal	Strong civic leadership
Strategy	Provide clear strategic direction through the Community Plan, Delivery Program and Operational Plans

Strategic implications

Council Strategies

Relevant Integrated Planning and Reporting Strategies are taken into account during the process of developing the revised Delivery Program 2017/21 and draft Operational Plan 2019/20, including the Community Strategic Plan, and Resourcing Strategies.

Council Policies

Relevant Integrated Planning and Reporting Policies may influence the way the Delivery program and Operational Plan are developed, for example the Asset Management Policy.

Legislation

Section 405 of the Local Government Act 1993 requires that:

(1) A council must have a plan (its "operational plan") that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.

(2) An operational plan must include a statement of the council's revenue policy for the year covered by the operational plan. The statement of revenue policy must include the statements and particulars required by the regulations.

(3) A council must prepare a draft operational plan and give public notice of the draft indicating that submissions may be made to the council at any time during the period (not less than 28 days) that the draft is to be on public exhibition. The council must publicly exhibit the draft operational plan in accordance with the notice.

(4) During the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies.

(5) In deciding on the final operational plan to be adopted, a council must consider any submissions that have been made concerning the draft plan.

(6) The council must post a copy of its operational plan on the council's website within 28 days after the plan is adopted.

Part 4 of the Local Government Act 1993 provides requirements for Council in the making of rates and charges. Importantly rates or charges must be made by a Council resolution, with the last date by which a rate or charge must be made before 1 August.

Financial implications

Operating Performance Ratio – this ratio will decline due to deferred operating costs from the March Quarterly Budget Review and increase costs such as Senior Compliance Officer and contributions to Mudgee Region Tourism and Cementa.

Own Source Revenue - this ratio will decline due to deferred grant funded projects in the March Quarterly Budget Review and proposed contributions for the Gulgong Tennis upgrades.

Building and Infrastructure Renewal - Deferral of capital works from the March Quarterly Budget Review and additional capital work at Spring Flat Laner and 3/13 Cooyal Street will result in an improvement to this ratio in 2019/20.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
--------------------	------------------------------------	---------------------------	--

2018/19	-	-	-
Future Years	✘	✘	✔

Associated Risks

Not applicable.

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

16 May 2019

Attachments:

1. Public Submissions to Draft Operational Plan 2019/20. (separately attached)
2. March 2019 Quarterly Budget Review 2019/20 Variations. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.2 Write-off of Debts - Period 5/6/2018 to 23/5/2019

REPORT BY THE ASSISTANT MANAGER REVENUE AND PROPERTY
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, A0140197

RECOMMENDATION

That Council:

1. **receive the report by the Assistant Manager Revenue and Property on the Write-off of Debts - Period 5/6/2018 to 23/5/2019;**
2. **note the write-offs totalling \$4,438.50 made under delegated authority as stipulated in Attachment 1 to this Report for the period 5/6/2018 to 23/5/2019; and**
3. **authorise the write-off of those debts greater than \$2,500 and totalling \$37,505.25 as stipulated in Attachment 1 to this Report for the period 5 June 2018 to 23 May 2019.**

Executive summary

This report provides a summary of debts less than \$2,500 owed to Council that have been written off since 5th June 2018 under delegated authority and seeks Council's resolution to write off debts that are greater than \$2,500 that are owed to Council.

Disclosure of Interest

Nil.

Detailed report

The Local Government Regulations specify the requirements and restrictions placed on Council to write off debts, as outlined in the Legislation section of this report. The attached summary documents the delegated write offs and outlines the debts greater than \$2,500 that require Council's resolution to write off.

The total amount written off for the period 5 June 2018 to 23 May 2019 under delegation was \$4,438.50.

Consultation has been undertaken with Council's debt collection agent throughout the entire debt recovery process. The alternative option was to continue to pursue the debts, however this was not considered appropriate for the reasons stated in the attachment.

It is important to note that a debt that has been written off does not prevent Council initiating legal proceedings in the future to recover the debt. Any amount written off will be adjusted if part or all of the debt is subsequently recovered.

The total amount of debts greater than \$2,500 requiring a Council resolution to write off is \$37,505.25. This is the balance of a single large debtor which is required to be written off as the

liquidation of the debtor company resulted in no funds being available to settle unsecured debts. The final advice from the liquidator concerning this debt is attached.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Councils Debt Recovery & Credit Policies

Legislation

Sections 213 and 131 of the Local Government (General) Regulation 2005 specify restrictions on writing off debts owed to a council. Council has previously resolved that the General Manager be delegated to write off amounts up to \$2,500. Debts owed to Council that are greater than \$2,500 must have a Council resolution directing that the stipulated amounts be written off.

Regulation 213(5) states that a debt can only be written off if it satisfies one of the following criteria:

- a) if the debt is not lawfully recoverable, or
- b) as a result of a decision of a court, or
- c) if the council or the general manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.

Regulation 131(6) states that the general manager must advise the council of rates and charges written off by written order of the general manager.

Financial implications

The writing off of the amounts shown in the attachment will reduce the balances of outstanding receivables. The rates and sundry debtor write-offs exceed existing provisions for doubtful debts. The impact on operating performance ratio will depend on the assessment of other debts at financial year end.

Councils Credit Policy is in place to minimise the expenditure of valuable resources collecting and writing off overdue and bad debts.

There are no budget variations required for this write-off.

Associated Risks

Not Applicable

IAN CLAYTON
ASSISTANT MANAGER REVENUE AND
PROPERTY

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

23 May 2019

- Attachments:*
1. Write-off of debts 5-6-2018 to 23-5-2019 - Attachment 1.
 2. Write-off of debts 5-6-2018 to 23-5-2019 - Attachment 2 - Letter to creditors re Hardiman Engineering Pty Ltd.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Debts Written Off Under Delegation - Period 5/6/2018 - 23/5/2019

Account No	Debtor Name	Amount	Date of Debt	Background	Reason for Write-off	Date
FD0462	Honey Tree Cafe - Miss Kylee Robinson	321	1/05/2017	Outstanding Food Charges	Applicant is no longer trading at this premises - Unable to contact. Not economical to collect.	01/08/2018
DA0332/2015	Mr Mark Glenn Crossing					
9702530	Five Star Smash Repairs	206.7	13/05/2015	Recycling Charges	CCS Follow-up un-successful. Business closed	21/01/2019
9702941	Emma Carpenter	182.74	25/05/2015	Private Works	CCS Follow-up un-successful.	21/01/2019
9703101	Jason Ayoub	375.67	16/07/2016	Pony stall hire	CCS Followup un-successful.	21/01/2019
9703163	James Costello	687.5	26/10/2016	Home Modification charges	Funding arrangements prevent action to recover	21/01/2019
FP0075	Waratah Hotel Mudgee Pty Limited	97.6	1/08/2016	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
FP0083	Market Street Cafe	140	1/07/2013	Outstanding Footpath Charges	Changed Ownership/Poor Records to Justify Debt	13/02/2019
FP0092	Cherry Red Mudgee	10.3	3/01/2017	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
FP0102	Butcher Shop Café	200.6	1/08/2016	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
FP0104	Vintage Rose	87.3	1/08/2016	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
FP0105	Langswear	95	1/07/2014	Outstanding Footpath Charges	Changed Ownership/Poor Records to Justify Debt	13/02/2019
FP0135	The Reject Shop Limited	138.8	1/08/2016	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
FP0136	Vintage Rose & Aurora	87.3	1/09/2016	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
FP0138	Ripe Homewares	87.3	1/09/2016	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
FP0141	EyeCare Plus	87.3	1/09/2016	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
FP0143	Alby & Esthers	87.3	1/09/2016	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
FP0150	Midwest Valves & Controls	87.3	1/09/2016	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
FP0158	Solar Pump Solutions	386	1/09/2016	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
FP0159	Lunch on the Run	128.5	1/09/2016	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
FP0160	Inglis Realty	87.3	1/09/2016	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
FP0162	Absolute Services Group Pty Ltd	97.6	1/09/2016	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
FP0174	Made by Makers Au	190.3	1/08/2016-1/09/2016	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
FP0175	Joe Hum Accounting	98.63	1/06/2016 - 1/09/2016	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
FP0176	Denis Yeo & Associates	12.46	1/06/2016-1/08/2016	Outstanding Footpath Charges	2016 Annual Renewal Charges Raised Inconsistently with Existing Policy	13/02/2019
CDCP0072/2016	Amiato Pty Ltd	36.00	2/05/2016	Outstanding Rams Charges	Age of Application, Uneconomical to Collect	12/02/2019
CDCP0071/2016	Amiato Pty Ltd	36.00	2/05/2016	Outstanding Rams Charges	Age of Application, Uneconomical to Collect	12/02/2019
CDCP0005/2012	Varsity Finance Pty Limited	36.00	1/08/2011	Outstanding Rams Charges	Age of Application, Uneconomical to Collect	12/02/2019
OCPC0008/2013	Bell River Homes Pty Limited	36.00	3/09/2012	Outstanding Rams Charges	Age of Application, Uneconomical to Collect	19/02/2019
OCPC0012/2013	Bell River Homes Pty Limited	36.00	3/09/2012	Outstanding Rams Charges	Age of Application, Uneconomical to Collect	19/02/2019
DA0062/2017	Mr Samuel Cutting	278.00	1/08/2016	Outstanding Rams Charges	Age of Charge, MWRC Error	19/03/2019
		4,438.50				

Debts Written Off by Council Resolution - Period 5/6/2018 -

Account No	Debtor Name	Amount	Date of Debt	Background	Reason for Write-off	Date
9703104	Hardiman Engineering Pty Ltd	37,505.25	21/06/2016	Reimbursement of deposit on "Super Sweep" Broom.	Company wound up by liquidators with no funds available for unsecured debtors	23/5/209
		37,505.25				

DYE & CO. PTY LTD
INSOLVENCY PRACTITIONERS
CHARTERED ACCOUNTANTS

PO Box 557
Camberwell Vic 3124
165 Camberwell Road
Hawthorn East Vic 3123
ACN 074 516 073
Phone: (03) 9818 8800
Fax: (03) 9818 8111
Email: insolvency@dyeco.com.au
Web: www.dyeco.com.au

30 April 2019

When replying please quote
Our ref: RG: AL: Hardiman Engineering
Your ref:

TO THE CREDITOR AS ADDRESSED

Dear Sir/Madam,

**RE: HARDIMAN ENGINEERING PTY LTD (IN LIQUIDATION)
ACN 168 334 978
AS TRUSTEE FOR HARDIMAN FAMILY TRUST**

I refer to my previous circular dated 19 January 2018 and I advise as follows:

1. The abovenamed company was wound up on 20 October 2017 and I was appointed Joint and Several Liquidator.
2. I have finalised the realisation of the assets of the company. I confirm that the costs of the liquidation have absorbed all available funds and no dividend will be paid to any remaining creditors of the company.
3. I have completed the liquidators' investigations into the affairs of the company and I have lodged my report with the Australian Securities & Investments Commission. I have been advised by the Commission that it does not intend to conduct any further investigation into the affairs of the company.
4. I have today finalised the liquidation of this company and creditors who have not already done so, should now write off as irrecoverable, any balance still remaining in their ledgers.

Finally, I advise that I have now closed my file for this liquidation and I do not intend to issue any further reports to its creditors.

Yours faithfully


**ROGER DARREN GRANT
JOINT AND SEVERAL LIQUIDATOR**



DIRECTORS: NICHOLAS GIASOUMI ROGER GRANT SHANE DEANE

CV-K-223

'Liability limited by a scheme approved under Professional Standards Legislation'

9.3 Monthly Budget Review April 2019

REPORT BY THE MANAGER FINANCIAL PLANNING
TO 19 JUNE 2019 ORDINARY MEETING
GOV400066, FIN300065

RECOMMENDATION

That Council:

1. receive the report by the Manager Financial Planning on the Monthly Budget Review April 2019; and
2. amend the 2018/19 and 2019/20 Operational Plans in accordance with the proposed variations as listed in the Monthly Budget Review attachment to this report.

Executive summary

This report provides Council with information on the progress of the 2018/19 capital works program as at 30 April 2019. The report also recommends budget variations as shown in the attachment to this report.

Disclosure of Interest

Nil.

Detailed report

Over the period of the financial year, Council has an opportunity to review and approve variances to the Operational Plan. The attachment to this report provides the detailed information of recommended variations and includes the status of all capital works projects as at 30 April 2019.

This report recommends the carry forward of a material amount of expenditure from 2018/19 to 2019/20. The carry forward of this expenditure is recommended to allow continuation and commencement of projects in July 2019 as opposed to delaying until Council approval is received as required under Clause 211(3) of the Local Government (General) Regulation 2005.

Community Plan implications

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

Strategic implications

Council Strategies

The recommendation if approved will amend the 2018/19 and 2019/20 Operational Plans.

Council Policies

Not Applicable

Legislation

Clause 202 of the Local Government (General) Regulation 2005, states that the responsible accounting officer of a Council must:

- a) establish and maintain a system of budgetary control that will enable the council's actual income and expenditure to be monitored each month and to be compared with the estimate of council's income and expenditure, and
- b) if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of Council.

Clause 211(3) of the Local Government (General) Regulation 2005 states that budgets approved by Council automatically lapse at the end of a financial year. However, this subclause does not apply to approval and votes relating to:

- a) work carried out or started, or contracted to be carried out, for the Council; or
- b) any service provided, or contracted to be provided, for the Council; or
- c) goods or materials provided, or contracted to be provided, for the Council; or
- d) facilities provided or started, or contracted to be provided, for the Council before the end of the year concerned, or to the payment of remuneration to members of the Council's staff.

A budget approval that has lapsed may be reinstated by a resolution of Council.

Financial implications

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

The carry forward of budgets from one financial year to the next, in particular operational expenditure items, affects the operating results of each year.

Associated Risks

Approval of the budget variations proposed in this report are required ahead of the Budget Revotes from 2018/19 to 2019/20 in order to meet project deadlines. Should the variations not be approved there is a risk of delays in project commencement.

NEIL BUNGATE
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

29 May 2019

Attachments: 1. Monthly Budget Review Attachment - April 2019.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



*Good
Government*

MONTHLY BUDGET REVIEW – APRIL 2019

ATTACHMENT 1 – CAPITAL
PROGRAM UPDATE

19 JUNE 2019

MID-WESTERN REGIONAL COUNCIL
CORPORATE: FINANCE

■ ■ ■ ■ ■ TOWARDS 2030



THIS DOCUMENT HAS BEEN PREPARED BY NEIL BUNGATE, MANAGER FINANCIAL PLANNING 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: 19 JUNE 2019

1. Proposed Budget Variations

1.1 2018/2019

Community Plan Theme	Variation	Funding Source	Amount	Code
GENERAL FUND				
Positive Variations				
Building a Strong Local Economy	Cudgegong Waters Caravan Park Water Upgrade defer \$286,700 to 2019/20. Funding of \$154,258 unspent grant and grant income \$132,442 (contra)	Unspent Grant	154,258	F
Total Positive Variations			154,258	
TOTAL GENERAL FUND				
			154,258	
			<i>Non-cash variations</i>	0
			<i>Cash variations</i>	154,258
WATER FUND				
Positive Variations				
Protecting our Natural Environment	Water Augmentation Ulan Rd Extension - defer part of budget to continue works in 2019/20. Funded \$600,000 Water Reserves, \$39,497 Developer Contributions	Water Reserves/Water Developer Contributions	639,497	F
Protecting our Natural Environment	Water Augmentation Mudgee Headworks - defer part of budget to 2019/20	Water Developer Contributions	381,000	F
Protecting our Natural Environment	Rylstone Dam Upgrade - Defer \$563,000 to 2019/20. Funding of \$363,000 Water Reserves and \$200,000 grant income (contra)	Water Reserves	363,000	F
Protecting our Natural Environment	Chlorine Disinfection Gulgong Upgrade - contract completion in July, defer part of budget to 2019/20	Water Reserves	15,000	F
Protecting our Natural Environment	Sealing of Gulgong Water Filling Station savings	Water Unrestricted Cash	11,200	F
Total Positive Variations			1,409,697	
Negative Variations				
Protecting our Natural Environment	Water Treatment Plant Renewals overspent	Water Reserves	(11,200)	U
Protecting our Natural Environment	Gulgong Low Lift Pump – failure required urgent replacement	Water Reserves	(15,000)	U
Total Negative Variations			(26,200)	
TOTAL WATER FUND			1,383,497	
			<i>Non-cash variations</i>	0
			<i>Cash variations</i>	1,383,497
SEWER FUND				
Positive Variations				

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW

Community Plan Theme	Variation	Funding Source	Amount	Code
Protecting our Natural Environment	Charbon Sewer Augmentation - \$970,000 deferred commencement to 2019/20. Funding of \$550,443 Sewer Reserves, Grant income \$419,557 (contra)	Sewer Reserves	550,443	F
Protecting our Natural Environment	Sewer Pump Station Capital Works - Delay in land matters required budget deferred to 2019/20. Funding of Developer Contributions \$200,000 and Sewer Reserves \$70,000	Sewer Developer Contributions/Sewer Reserves	270,000	F
Protecting our Natural Environment	Sewer Mains Relining project complete with savings	Sewer Reserves	96,500	F
Protecting our Natural Environment	Sewer Smoke Testing project delayed commenced until July 2019	Sewer Unrestricted Cash	33,000	F
Total Negative Variations			949,943	
TOTAL SEWER FUND			949,943	
		<i>Non-cash variations</i>	0	
		<i>Cash variations</i>	949,943	

1.2 2019/2020

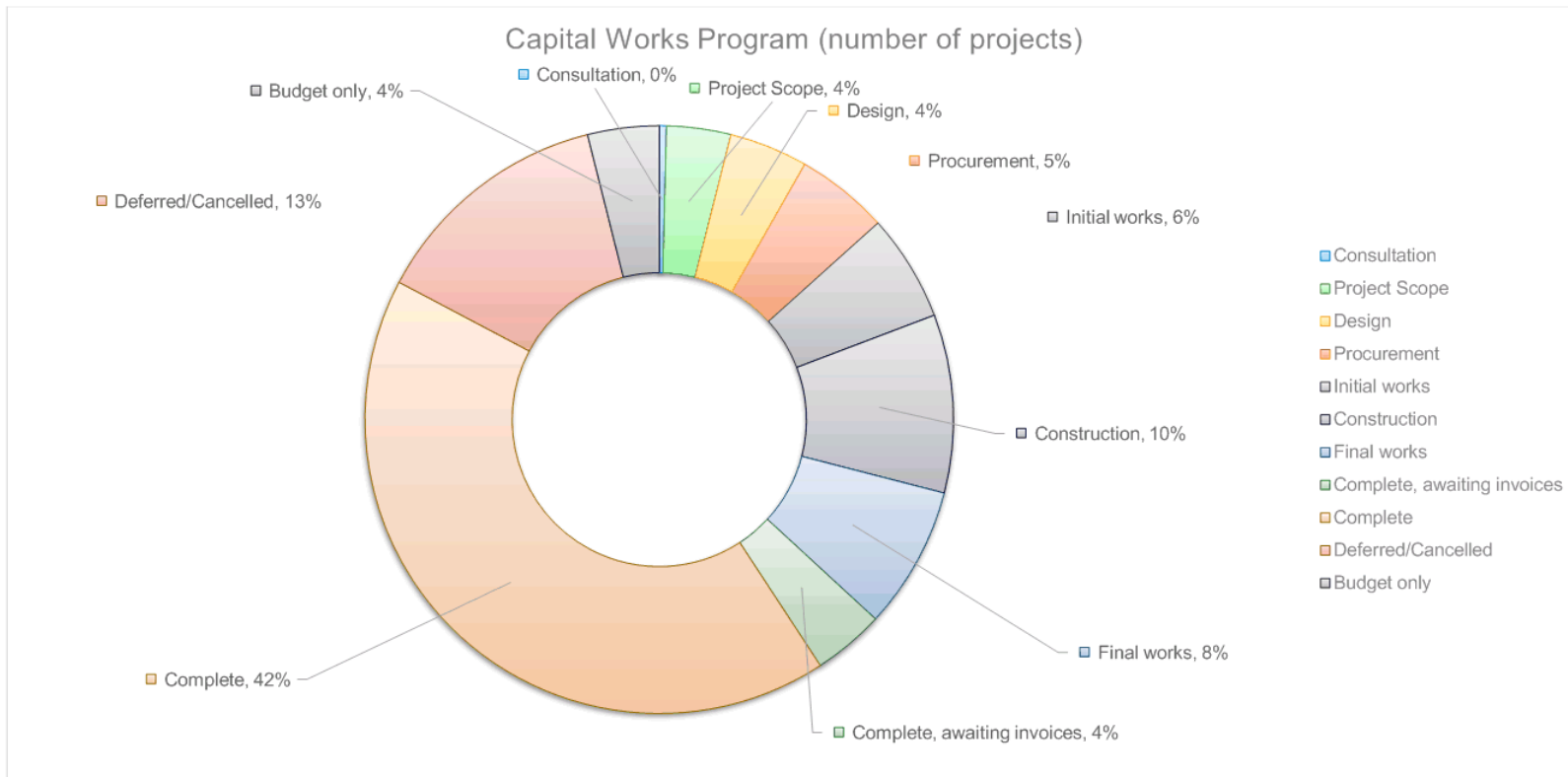
Community Plan Theme	Variation	Funding Source	Amount	Code
GENERAL FUND				
Negative Variations				
Building a Strong Local Economy	Cudgegong Waters Caravan Park Water Upgrade defer \$286,700 to 2019/20. Funding of \$154,258 unspent grant and grant income \$132,442 (contra)	Unspent Grant	(154,258)	U
Total Negative Variations			(154,258)	
TOTAL GENERAL FUND			(154,258)	
		<i>Non-cash variations</i>	0	
		<i>Cash variations</i>	(154,258)	
WATER FUND				
Negative Variations				
Protecting our Natural Environment	Water Augmentation Ulan Rd Extension - defer part of budget to continue works in 2019/20. Funded \$600,000 Water Reserves, \$39,497 Developer Contributions	Water Reserves/Water Developer Contributions	(639,497)	U
Protecting our Natural Environment	Water Augmentation Mudgee Headworks - defer part of budget to 2019/20	Water Developer Contributions	(381,000)	U
Protecting our Natural Environment	Rylstone Dam Upgrade - Defer \$563,000 to 2019/20. Funding of \$363,000 Water Reserves and \$200,000 grant income (contra)	Water Reserves	(363,000)	U
Protecting our Natural Environment	Chlorine Disinfection Gulgong Upgrade - contract completion in July, defer part of budget to 2019/20	Water Reserves	(15,000)	U
Total Negative Variations			(1,398,497)	

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW

Community Plan Theme	Variation	Funding Source	Amount	Code
TOTAL WATER FUND			(1,398,497)	
	<i>Non-cash variations</i>		0	
	<i>Cash variations</i>		(1,383,497)	
SEWER FUND				
Negative Variations				
Protecting our Natural Environment	Charbon Sewer Augmentation - \$970,000 deferred commencement to 2019/20. Funding of \$550,443 Sewer Reserves, Grant income \$419,557 (contra)	Sewer Reserves	(550,443)	U
Protecting our Natural Environment	Sewer Pump Station Capital Works - Delay in land matters required budget deferred to 2019/20. Funding of Developer Contributions \$200,000 and Sewer Reserves \$70,000	Sewer Developer Contributions/Sewer Reserves	(270,000)	U
Protecting our Natural Environment	Sewer Smoke Testing project delayed commenced until July 2019	Sewer Unrestricted Cash	(33,000)	U
Total Negative Variations			(853,443)	
TOTAL SEWER FUND			(853,443)	
	<i>Non-cash variations</i>		0	
	<i>Cash variations</i>		(853,443)	

U - Unfavourable
 F - Favourable
 C - Contra

2. Capital Program



\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Looking after our Community							
RURAL FIRE SERVICE - TOILET CONSTRUCTION	10	0	10	10	101%	0	Complete
MUDGEE POUND - CAGE REPAIRS	0	0	0	2	0%	0	Deferred/Cancelled
COMM. TRANSPORT- VEHICLE PURCHASE	0	0	0	0	0%	0	Deferred/Cancelled
CAPITAL -DENISON STREET UNITS	14	0	14	14	100%	0	Complete
CEMETERY CAPITAL PROGRAM	0	0	0	0	0%	0	Deferred/Cancelled
GULGONG LAWN CEMETERY EXTENSION	32	0	32	32	101%	0	Complete
REDHILL PUBLIC TOILETS - CAP UPGRADE	0	0	0	0	0%	0	Deferred/Cancelled
PUBLIC TOILETS - VICTORIA PARK GULGONG SHOWERS	10	0	10	4	35%	7	Construction
PUBLIC TOILETS - ROTARY PARK KANDOS PAINTING	2	0	2	2	97%	0	Complete
PUBLIC TOILETS - LAWSON PARK PAINTING (FLOOR)	1	0	1	1	94%	0	Complete
PUBLIC TOILETS - LAWSON PARK DAMAGE REPAIRS	4	0	4	4	99%	0	Complete
LIBRARY BOOKS	89	0	89	92	103%	0	Complete, awaiting invoices
RYLSTONE LIBRARY BRANCH	26	0	26	15	57%	0	Initial works
MUDGEE LIBRARY LIGHTING	4	0	4	1	36%	0	Complete, awaiting invoices
MUDGEE LIBRARY TECHNOLOGY FIT-OUT	49	0	49	0	0%	0	Procurement
CAPITAL UPGRADE - RYLSTONE HALL	20	0	20	3	14%	0	Complete
MUDGEE TOWN HALL - SENSORY SCREENING	0	0	0	0	0%	0	Deferred/Cancelled
CAP UPGRD-COMMUNITY BLD-BUDGET ONLY	0	0	0	1	0%	0	Budget only
GULGONG MEMORIAL HALL EXT. PAINTING	0	0	0	4	0%	0	Deferred/Cancelled
GULGONG MEMORIAL HALL ROOF	0	0	0	9	0%	0	Deferred/Cancelled
STABLES BUILDING PAINTING	5	0	5	5	96%	0	Complete
CAP UPGRD- SWIMMING POOLS BUDGET ONLY	0	0	0	13	0%	0	Budget only
POOL INFLATABLE	17	0	17	16	93%	0	Complete
POOL MATTS	28	0	28	28	101%	0	Complete

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
POOL MATT ROLLERS	29	0	29	32	110%	0	Complete
GULGONG POOL IRRIGATION	15	0	15	11	73%	0	Complete
MUDGEES SHOWGROUNDS - REDEVELOPMENT	0	0	0	0	0%	0	Deferred/Cancelled
GLEN WILLOW SPORTS GROUND UPGRADES	400	0	400	23	6%	85	Design
GLEN WILLOW NETBALL COURTS	110	0	110	113	103%	0	Complete
GLEN WILLOW SHED	15	0	15	14	96%	0	Complete
WARATAH PARK FENCING	35	0	35	35	101%	15	Construction
GLEN WILLOW PLAYER SEATING	40	0	40	0	0%	28	Procurement
GLEN WILLOW SCOREBOARD	301	0	301	0	0%	268	Initial works
GLEN WILLOW CRICKET NETS	0	0	0	0	0%	26	Deferred/Cancelled
MUDGEES SKATE PARK	214	0	214	214	100%	0	Complete
GULGONG SKATE PARK	161	0	161	161	100%	0	Complete
MUDGEES SHOWGROUNDS - AMENITIES	88	0	88	0	0%	3	Procurement
BILLY DUNN FENCE UPGRADE	48	0	48	47	98%	9	Construction
VICTORIA PARK GULGONG - FENCING	50	0	50	0	0%	0	Construction
MUDGEES TENNIS COURTS - CAPITAL UPGRADE	20	0	20	20	101%	0	Complete
VICTORIA PARK GULGONG - LIGHTING CAP UPGRADE	11	0	11	5	45%	6	Project Scope
MUDGEES SHOWGROUND AMENITIES PAINTING	8	0	8	7	93%	0	Complete
MUDGEES SHOWGROUND TOILET BLOCK PAINTING	5	0	5	5	105%	0	Complete
MUDGEES SHOWGROUND PAVILION COOLING	8	0	8	7	92%	0	Complete
WARATAH PARK SCOREBOARD & DISCUS NETS	100	0	100	0	0%	98	Initial works
MUDGEES SHOWGROUND INTERNAL ROAD ACCESS	22	0	22	9	41%	0	Complete
MUDGEES SHOWGROUND EQUIPMENT STORAGE	5	0	5	3	67%	0	Complete, awaiting invoices
KANDOS SPORTSGROUND GRANDSTAND SEATING	29	0	29	29	100%	0	Complete
BILLY DUNN GRANDSTAND - EXTERNAL PAINTING	22	0	22	21	96%	0	Complete
IRRIGATION RYLSTONE SHOWGROUND	60	0	60	0	0%	46	Initial works
PEOPLES PARK - CAPITAL UPGRADE	5	0	5	2	34%	0	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
PASSIVE PARKS - LANDSCAPING IMPROVEMENTS	5	0	5	5	92%	0	Complete, awaiting invoices
SCULPTURES ACROSS THE REGION	25	0	25	15	62%	0	Design
PLAYGROUND EQUIPMENT - ROTARY PARK KANDOS	40	0	40	40	100%	0	Complete
PLAYGROUND EQUIPMENT - APEX PARK GULGONG	50	0	50	53	106%	0	Complete
LAWSON PARK - RESTORATION STONE FENCE	12	0	12	0	0%	11	Complete, awaiting invoices
PLAYGROUND SHADING - BLACKMAN PARK	18	0	18	20	113%	0	Complete
ANZAC PARK GULGONG UPGRADES	51	0	51	30	60%	0	Final works
MUDGEES OUTDOOR WATER PARK	1,050	0	1,050	527	50%	0	Final works
DISTRICT ADVENTURE PLAYGROUND	900	0	900	276	31%	383	Construction
APEX PARK GULGONG CAPITAL UPGRADES	16	0	16	15	93%	0	Complete
PLAYGROUND SOFTFALL - APEX PARK GULGONG	65	0	65	65	100%	0	Complete
ROBERTSON PARK EQUIPMENT STORE	6	0	6	6	96%	0	Complete
LAWSON PARK PATH UPGRADES	62	0	62	54	87%	0	Final works
BLACKMAN PARK LIGHTING	30	0	30	0	0%	20	Initial works
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	Construction
ART GALLERY FACILITY	324	0	324	13	4%	0	Design
STREETSCAPE - CBD INFRASTRUCTURE	21	0	21	9	41%	11	Final works
Total	4,805	0	4,805	2,155	45%	1,017	

Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	192	0	192	65	34%	93	Construction
MUDGEES WASTE DEPOT UPGRADES	34	0	34	17	50%	6	Construction

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
NEW TIP CONSTRUCTION	100	0	100	82	82%	38	Deferred/Cancelled
WASTE SITES REHABILITATION	400	0	400	122	30%	194	Construction
MUDGEES RECYCLING - NEW LIFT	0	0	0	0	0%	0	Deferred/Cancelled
LEACHATE POND ENLARGEMENT	0	0	0	0	0%	0	Deferred/Cancelled
GULGONG WTS OFFICE REPLACEMENT	25	0	25	1	5%	21	Construction
HOOKLIFT BINS	48	0	48	49	102%	0	Complete
SEDIMENT POND AND PAPER BLOW FENCING	50	0	50	16	32%	0	Final Works
CAUSEWAY IMPROVEMENTS	0	0	0	0	0%	0	Budget only
LAWSON PARK WEST PIPE EXTENSION	17	0	17	3	19%	0	Initial Works
MUDGEES FLOOD STUDY & FLOODPLAIN MANAGEMENT PLAN	16	0	16	16	100%	56	Deferred/Cancelled
STORMWATER PUMP PITTS LANE	4	0	4	8	174%	0	Complete, awaiting invoices
LAWSON PARK CULVERT REPLACEMENT	110	0	110	0	0%	0	Initial Works
COX ST INLET PIT	10	0	10	0	0%	0	Initial Works
EARTH CHANNEL ENLARGEMENT WORKS	2	0	2	2	101%	0	Deferred/Cancelled
CAUSEWAY IMPROVEMENT - BOTOBOLAR RD	25	0	25	2	8%	10	Final works
CAUSEWAY IMPROVEMENT - PYRAMUL ROAD	37	0	37	4	9%	3	Initial works
PUTTA BUCCA WETLANDS CAPITAL	52	0	52	36	69%	0	Construction
PUTTA BUCCA WETLANDS EXTENSION	31	0	31	13	42%	5	Construction
WATER NEW CONNECTIONS	74	0	74	50	67%	0	Construction
WATER AUGMENTATION - MUDGEES HEADWORKS	661	(381)	280	0	0%	201	Construction
WATER AUGMENTATION - ULAN RD EXTENSION	1,529	(639)	890	844	95%	8	Final works
WATER RYLSTONE DAM UPGRADE	593	(563)	30	29	98%	0	Project Scope
WATER MAINS - CAPITAL BUDGET ONLY	0	0	0	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 MAINS - YOUNG ST GULGONG	34	0	34	0	0%	0	Procurement
WATER MAINS - HERBERT ST ROUSE TO MEDLEY	47	0	47	0	0%	0	Procurement

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
WATER MAINS - HERBERT ST STATION TO QUEEN	117	0	117	0	0%	2	Procurement
WATER MAINS - WHITE ST GULGONG	82	0	82	0	0%	0	Design
WATER PUMP STATION - CAPITAL RENEWALS	0	0	0	0	0%	0	Budget only
RESERVOIRS - RYLSTONE, KANDOS, CHARBON, CLANDULLA	55	0	55	0	0%	0	Consultation
RAW WATER SYSTEMS RENEWALS	17	0	17	0	0%	0	Design
WATER TREATMENT PLANT - RENEWALS	101	11	112	112	100%	0	Complete
WATER TREATMENT PLANT - pH CORRECTION SYSTEM	16	0	16	14	86%	0	Complete
ONLINE ANALYSER REPLACEMENT - M, G, R WTP (Inc Flouride)	8	0	8	7	91%	0	Complete
WATER METER REPLACEMENT	1,403	0	1,403	1	0%	1,627	Construction
SEAL GULGONG WATER FILLING STATION	98	(11)	87	87	100%	0	Complete
CHLORINE DISINFECITON - GULGONG - UPGRADE	145	(15)	130	101	77%	41	Final works
SEWER NEW CONNECTIONS	22	0	22	10	45%	0	Construction
SEWER AUGMENTATION - CHARBON & CLANDULLA	1,000	(970)	30	0	1%	0	Procurement
SEWER MAINS - CAPITAL BUDGET ONLY	20	0	20	0	0%	0	Budget only
SEWER MAINS RELINING	835	(97)	739	738	100%	0	Complete
SEWER PUMP STATION - CAPITAL RENEWALS	270	(270)	0	0	0%	0	Project Scope
Total	8,483	(2,935)	5,548	2,632	47%	2,304	

Building a Strong Local Economy

CUDGEGONG WATERS CARAVAN PARK	347	(287)	60	33	54%	0	Procurement
RYLSTONE CARAVAN PARK - CAPITAL	60	0	60	0	0%	0	Design
ENTRANCE SIGNAGE PROJECT	10	0	10	0	0%	0	Design
SALEYARDS - POST AND RAIL REPLACEMENT	15	0	15	10	65%	0	Final works
SALEYARDS CANTEEN	50	0	50	1	2%	17	Procurement
SALEYARDS SECURITY	5	0	5	5	100%	0	Complete
PROPERTY - MUDGEE AIRPORT SUBDIVISION	13	0	13	3	27%	0	Project Scope
PROPERTY - EX SALEYARDS STAGE I	130	0	130	65	50%	63	Design

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
TRACK TO RETURN & EARN	10	0	10	0	0%	0	Project Scope
PROPERTY - DEVELOPMENT MORTIMER ST	56	0	56	0	0%	56	Deferred/Cancelled
RYLSTONE KANDOS PRESCHOOL EXTENSION	97	0	97	4	4%	1	Procurement
COMMERCIAL PROPERTY PURCHASE	52	0	52	43	84%	0	Deferred/Cancelled
MORTIMER ST PRECINCT EXTERNAL PAINTING	7	0	7	7	95%	0	Complete
COMMERCIAL PROPERTY PURCHASE - MN311/18	910	0	910	906	100%	0	Complete
Total	1,762	(287)	1,475	1,078	73%	136	

Connecting our Region

BUS SHELTER GULGONG REPAIR STRUCTURE	5	0	5	1	13%	0	Procurement
URBAN RESEALS - BUDGET ONLY	0	0	0	0	0%	0	Budget only
URBAN RESEALS - MACKAY STREET SEG 10	5	0	5	5	100%	0	Complete
URBAN RESEALS - NANDOURA STREET SEG 70	7	0	7	7	100%	0	Complete
URBAN RESEALS - POMANY STREET SEG 20 - 30	9	0	9	9	100%	0	Complete
URBAN RESEALS - RHEINBERGER AVE SEG 10 - 20	12	0	12	12	100%	0	Complete
URBAN RESEALS - ROBERTSON ST SEG 20	22	0	22	22	100%	0	Final works
URBAN RESEALS - ROXBURGH ST SEG 10 - 20	13	0	13	13	100%	0	Complete
URBAN RESEALS - THOMPSONS LANE SEG 10,30	21	0	21	21	100%	0	Complete
URBAN RESEALS - WATTLE LANE SEG 10	3	0	3	3	100%	0	Complete
URBAN RESEALS - WHITE STREET SEG 100	6	0	6	6	100%	0	Complete
URBAN RESEALS - WYNELLA STREET SEG 50	6	0	6	6	100%	0	Complete
URBAN RESEALS - LOCKWOOD STREET SEG 10	11	0	11	11	100%	0	Complete
URBAN RESEAL - ANDERSON STREET SEG 10	2	0	2	2	100%	0	Complete
URBAN RESEAL - AUGUSTA CRESCENT SEG 10	3	0	3	3	100%	0	Complete
URBAN RESEAL - AVISFORD COURT SEG 10	6	0	6	6	100%	0	Complete
URBAN RESEAL - BARIGAN STREET	8	0	8	8	100%	0	Complete
URBAN RESEALS - BELLEVUE RD SEG 10 & 20	18	0	18	18	100%	0	Complete

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN RESEALS - BURGUNDY RD SEG 10	7	0	7	7	100%	0	Complete
URBAN RESEALS - DARREN DRIVE SEG10	8	0	8	8	100%	0	Final works
URBAN RESEALS - FLIRTATION AVE SEG 10	6	0	6	6	100%	0	Complete
URBAN RESEALS - HEADLEY PLACE SEG 10	0	0	0	0	0%	0	Deferred/Cancelled
URBAN RESEALS - HENRY BAYLY DR SEG 20	6	0	6	6	100%	0	Complete
URBAN RESEALS - HERBERT STREET SEG 40 & 50	0	0	0	0	0%	0	Deferred/Cancelled
URBAN RESEALS - HERBERT STREET SEG 90 - 120,150	0	0	0	0	0%	0	Deferred/Cancelled
URBAN RESEALS - HERMITAGE CLOSE SEG 10	6	0	6	6	100%	0	Complete
URBAN RESEALS - INGLIS STREET SEG 10	3	0	3	3	100%	0	Complete
URBAN RESEALS - JOHN STREET SEG 10	7	0	7	7	100%	0	Complete
URBAN RESEALS - LEWIS STREET SEG 70	7	0	7	7	100%	0	Complete
URBAN RESEALS - LITTLE BAYLY STREET SEG 10-20	7	0	7	7	100%	0	Complete
URBAN ROADS KERB & GUTTER CAPITAL	25	0	25	3	11%	0	Project Scope
REHAB - ROBINSON STREET SEG 80	21	0	21	0	0%	5	Complete, awaiting invoices
REHAB - COOYAL STREET SEG 10	0	0	0	0	0%	0	Deferred/Cancelled
REHAB - ANZAC AVE SEG 10 - 20	37	0	37	37	100%	0	Complete
REHAB - STEWART STREET SEG 10	4	0	4	4	100%	0	Complete
REHAB - DOURO STREET SEG 90	134	0	134	116	87%	30	Final works
URBAN HEAVY PATCHING	30	0	30	3	10%	0	Project Scope
URBAN REHAB - INGLIS STREET SEG 20 TO 30	7	0	7	6	92%	0	Complete
RESHEETING - URBAN ROADS	3	0	3	2	71%	0	Complete
URBAN ROAD -BUS ACCESS TO REDHILL	100	0	100	0	0%	2	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	93	92%	25	Final works
RURAL REHAB - LUE ROAD SEG 140	253	0	253	247	98%	5	Complete
RURAL REHAB - HENRY LAWSON DR SEG 220	302	0	302	302	100%	0	Complete
RURAL REHAB - NARRANGO RD SEG 70 & PART SEG 80	323	0	323	323	100%	0	Complete

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RURAL REHAB - BERYL ROAD WIDENING	526	0	526	384	73%	0	Final works
REALIGNMENT - ULAN WOLLAR RD	107	0	107	65	61%	5	Complete
HEAVY PATCHING	134	0	134	134	100%	0	Complete
CUDGEGONG ROAD GUARDRAIL	35	0	35	35	100%	0	Complete
RURAL RESEAL - BANKSIA WAY SEG 10	6	0	6	5	99%	0	Complete
RURAL RESEAL - BLUE SPRINGS RD SEG 50-100	282	0	282	282	100%	0	Complete
RURAL RESEAL - GLEN ALICE RD SEG 10,20,40	101	0	101	100	99%	0	Complete
RURAL RESEAL - SUMMER HILL RD NTH SEG 50	20	0	20	19	99%	0	Complete
RURAL RESEAL - TRIANGLE SWAMP RD SEG 30	11	0	11	10	100%	0	Complete
RURAL RESEAL - ULAN-WOLLAR RD SEG 40,150-190	154	0	154	153	99%	0	Complete
RURAL RESEAL - YARRAWONGA RD SEG 70-90	109	0	109	110	101%	0	Complete
ULAN WOLLAR ROAD - STAGE 1	3,031	0	3,031	653	22%	481	Construction
ULAN WOLAR ROAD - STAGE 2	1,158	0	1,158	1,147	99%	0	Complete
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	293	23%	324	Construction
REHAB BYLONG VALLEY WAY PART SEG 2110 & 2112	88	0	88	87	100%	0	Complete
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM	800	0	800	730	91%	5	Final works
BLACKSPOT BUDGET ONLY	0	0	0	1	0%	0	Budget only
REHAB BYLONG VALLEY WAY SEG 1040 TO 1045	10	0	10	10	100%	0	Complete
MUNGHORN GAP REALIGNMENT & UPGRADE	116	0	116	50	43%	62	Design
BVW SEG 2250 SURVEY AND DESIGN	35	0	35	35	100%	0	Complete
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	5	0	5	0	0%	0	Initial works
SEAL EXTENSION - BUNBURY ROAD	18	0	18	18	101%	0	Complete
SEAL EXTENSION - BLACK LEAD LANE	60	0	60	60	99%	0	Complete
SEAL EXTENSION - SPRING FLAT SOUTH LANE	83	0	83	0	0%	0	Project Scope
RESHEETING	1,324	0	1,324	1,325	100%	0	Complete
REALIGNMENT MALONEYS ROAD	12	0	12	10	89%	1	Complete

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
UNSEALED ROADS LAND MATTERS CAPITAL	20	0	20	(12)	-61%	11	Initial works
SEAL EXTENSION - WOLLAR ROAD	2,534	0	2,534	2,521	100%	79	Complete, awaiting invoices
SEAL EXTENSION - WOLLAR ROAD STAGE 4	2,275	0	2,275	2,185	96%	23	Final works
WOLLAR RD - STAGE 1 RECTIFICATION (CORTINA)	58	0	58	52	90%	0	Complete, awaiting invoices
HENRY LAWSON DRIVE BRIDGE	934	0	934	934	100%	0	Complete
GOODIMAN CREEK BRIDGE REPLACEMENT	741	0	741	741	100%	0	Complete
REGIONAL ROAD BRIDGE CAPITAL	15	0	15	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	122	101%	0	Complete
ULAN ROAD - WYALDRA LN TO QUARRY ENTRANCE 27.783	117	0	117	129	110%	0	Complete
ULAN ROAD - REHABS, WIDENING AND CONFORMING RESEALS - BUDGET	(0)	0	(0)	7	0%	0	Budget only
ULAN ROAD - ULAN WOLLAR RD INTERSECTION	410	0	410	405	99%	0	Complete
ULAN ROAD - HENRY LAWSON DRIVE INTERSECTION	350	0	350	313	89%	32	Complete
ULAN ROAD - REHAB SEGMENT 1420	79	0	79	79	100%	0	Complete
ULAN ROAD - MOGGS LN TO MT PLEASANT RD	422	0	422	121	29%	5	Construction
FOOTWAYS - CAPITAL WORKS	130	0	130	127	98%	0	Complete
PEDESTRIAN - PUTTA BUCCA WALKWAY	2	0	2	0	0%	1	Deferred/Cancelled
CYCLEWAY LINK LAWSON PARK TO PITTS LANE	20	0	20	20	101%	0	Complete
PEDESTRIAN BRIDGE RYLSTONE	17	0	17	18	102%	0	Deferred/Cancelled
GLEN WILLOW FOOTBRIDGE RECTIFICATION	2	0	2	1	51%	0	Final works
FOOTPATH - WINTER STREET TO WALKING TRACK	0	0	0	0	0%	0	Deferred/Cancelled
KANDOS RYLSTONE BIKE PATH	50	0	50	0	0%	32	Procurement
FOOTPATH - JACQUES STREET, WSTN SIDE	20	0	20	20	100%	0	Complete
PUTTA BUCCA ECO TRAIL	26	0	26	17	65%	14	Procurement
FOOTPATH JACQUES AND DANGAR INTERSECTION	25	0	25	3	11%	0	Construction

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
AIRPORT - TAXIWAY CIVIL WORKS	10	0	10	10	99%	0	Complete
AIRPORT - OBSTACLE LIGHTS	6	0	6	5	76%	0	Complete
AIRPORT - HANGAR	220	0	220	219	100%	0	Complete
AIRPORT - MAIN RUNWAY SURFACE ASSESSMENT	27	0	27	26	100%	0	Complete
Total	19,876	0	19,876	15,252	77%	1,140	

Good Government

CORPORATE BUILDINGS UPGRADE BUDGET ONLY	15	0	15	9	62%	0	Budget only
MUDGEES ADMINISTRATION BUILDING UPGRADE	0	0	0	0	0%	0	Deferred/Cancelled
RYLSTONE COUNCIL BUILDING	5	0	5	2	31%	0	Design
MUDGEES COTTAGE AERODROME	12	0	12	1	9%	0	Initial works
CAPITAL UPGRADE - MWRC DEPOT	0	0	0	0	0%	0	Deferred/Cancelled
MUDGEES TOWN HALL	5	0	5	0	0%	0	Design
GULGONG OFFICE CAPITAL	17	0	17	2	13%	14	Complete, awaiting invoices
GULGONG DEPOT CAPITAL	10	0	10	9	86%	0	Complete
OLD POLICE STATION CAPITAL	0	0	0	1	0%	0	Deferred/Cancelled
OPERATIONS ADMIN CAPITAL	30	0	30	3	11%	1	Construction
CARMEL CROAN BUILDING CAPITAL	0	0	0	3	0%	0	Deferred/Cancelled
BUILDINGS MASTER KEY SYSTEM	0	0	0	12	0%	0	Deferred/Cancelled
DOURO ST REFURBISHMENT	50	0	50	41	82%	0	Final works
COUNCIL POUND	0	0	0	0	0%	0	Deferred/Cancelled
IT SPECIAL PROJECTS	45	0	45	7	14%	13	Construction
IT NETWORK UPGRADES	0	0	0	9	0%	0	Deferred/Cancelled
IT CORPORATE SOFTWARE	64	0	64	31	48%	5	Construction
SERVER RECONFIGURATION	5	0	5	0	0%	4	Construction
SERVER ROOM MUDGEES CAPITAL UPGRADES	0	0	0	4	0%	0	Deferred/Cancelled

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
PLANT PURCHASES	4,716	0	4,716	4,479	95%	853	Final works
MUDGEES DEPOT WASHBAY	9	0	9	9	100%	0	Deferred/Cancelled
MUDGEES BULK OIL STORAGE	0	0	0	0	0%	0	Deferred/Cancelled
DEPOT SHEDS - STORES AND ROADS	0	0	0	0	0%	0	Deferred/Cancelled
SOLAR FARM INITIATIVE	70	0	70	53	75%	9	Final works
GULGONG DEPOT CAPITAL WORKS	4	0	4	3	77%	0	Complete
Total	5,057	0	5,057	4,677	92%	899	

Total Capital Works Program	39,982	(3,222)	36,760	25,793	70%	5,496
------------------------------------	---------------	----------------	---------------	---------------	------------	--------------

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.
Deferred/Cancelled	Project is no longer in current year's program
Budget only	Project for budget purposes only. Fully allocated out to projects.

9.4 Emergency Services Levy

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, FIN300071

RECOMMENDATION

That Council:

1. receive the report by the Chief Financial Officer on the Emergency Services Levy;
 2. note the changes to the Emergency Services Levy by the state government, including that:
 - 2.1 last December, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers;
 - 2.2 this Council supports this expanded workers compensation scheme;
 - 2.3 as a result of these changes, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy, without consultation;
 - 2.4 the expected increase in costs to local governments will be \$19m in the first year alone, and that there is little or no time to enshrine this charge in Council's 2019/2020 budgets;
 - 2.5 the estimated increase in Council's rating revenue for 2018/19, attributable to the IPART rate increase of 2.7% is roughly \$500,000;
 - 2.6 the cost impact to this Council of the Emergency Services Levy increase is \$152,640;
 3. decline to pay the Emergency Services Levy increase;
 4. requests that the Mayor write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state member/s to call upon the NSW Government to:
 - 4.1 fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated;
 - 4.2 highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018;
 - 4.3 explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector;
-

4.4 request that the Department of Premier and Cabinet and the Independent Pricing and Regulatory Tribunal be directed to investigate the current Emergency Services arrangements in NSW including the efficiencies and effectiveness to be gained by such an investigation.

5. write to the Office of Local Government and Revenue NSW advising of the decision of Council.

Executive summary

The NSW Government has made changes to workers' compensation to provide better protection for volunteer and career firefighters affected by work-related cancers. This will result in an increase in the cost of providing emergency services across the State, and has therefore resulted in an increase to the local councils, who are required to pay a contribution equivalent to 11.7% under the Rural Fires Act 1997.

Disclosure of Interest

Nil.

Detailed report

The changes implemented by the NSW Government have resulted in a materially increased Emergency Services Levy. The budget impact of the Emergency Services Levy (ESL) Council Contribution for 2019/20 will be in total a 24% increase. This is a \$152,640 increase compared to the current year.

Councils rating revenue increases are capped by IPART, and for the 2019/20 financial year, the cap was set to 2.7%. This cap is designed to hold Local Government accountable for increasing costs and minimise unnecessary rates increases to rate payers. This is made more difficult to achieve when the ESL increases by 24%, and materially impacts Councils ability to provide services to the community. Councils rating revenue saw an increase attributable to the IPART rate capped amount of about \$500,000. The increase to the ESL of \$152,640 absorbs over 30% of that increase.

The increase will be included in the annual emergency services levy paid by councils, commencing 1 July 2019. The Office of Local Government has advised that Councils will be able to pay the emergency services levy in quarterly instalments with the first quarterly instalment due 30 September 2019.

Council staff have provided information to LG NSW in regards to the impact of the ESL increase

Additionally, it is important to note that a short time before the NSW Government abandoned the FESL in 2017 Council decided to leave the Statewide Mutual Insurance Schemes and procure insurance out in the commercial market. Consequently we are now paying an ESL levy on our insurance in addition to the ESL contribution required of Council. The decision to leave the Statewide Mutual Insurance Schemes was made, given that FESL would see the levy no longer charged through insurance policies. In 2018/19 Council has paid a total \$111,356 ESL through insurance.

It is proposed that Council write to the NSW Premier and other relevant State members to raise Councils concerns about the above matters. The recommendation to the report clearly stipulates the concerns and information to be conveyed.

Community Plan implications

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

Strategic implications

Council Strategies

Councils Operational Plan 2019/20 currently does not have an approved budget to cover the increase in the ESL.

Council Policies

Not Applicable.

Legislation

The Rural Fires Act 1997 sets out the requirements of contributions paid by Councils under Section 110.

Financial implications

Should Council wish to pay the ESL of \$152,640, a budget variation to the Operational Plan 2019/20 would be required.

Associated Risks

There is a risk that interest or penalties may be applied to the outstanding debt, as the payable contribution is recoverable by the State Revenue Commissioner (section 113A, Rural Fires Act 1997).

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

30 May 2019

Attachments: 1. OLG - Council Circular 19-06 - Changes to Emergency Services Funding Arrangements.pdf.
2. Council Contribution Assessment Notice.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Circular Details	Circular No 19-06 / 08 May 2019 / A644248
Previous Circular	NA
Who should read this	Mayors/ Councillors / General Managers
Contact	Refer to <i>Where to go for further information</i>
Action required	Information

Changes to emergency services funding arrangements

What's new or changing

- The NSW Government has made changes to workers' compensation to provide better protection for volunteer and career firefighters affected by work-related cancers.
- The reforms reflect existing arrangements in other States and will ensure those who provide vital community services receive adequate medical care and support.
- This will result in an increase in the cost of providing emergency services across the State, which will be shared, as per the usual funding arrangements between insurance providers, the State Government and local councils.
- The local government share will be 11.7% of the cost of the emergency services levy.

What this will mean for your council

- The increase will be included in the annual emergency services levy paid by councils, commencing 1 July 2019.
- Councils will be able to pay the emergency services levy in quarterly instalments which will lessen the impact of the increase. The first quarterly instalment is not due until 30 September 2019 which provides more time for councils to review their budgets.

Key points

- The new emergency services levy amounts will vary between councils, depending on existing funding formulas.
- Councils should have already received a notice of assessment from Revenue NSW.

Where to go for further information

- Enquiries regarding the new legislative provisions should be directed to the State Insurance Regulatory Authority on 02 9289 1352.
- Enquiries in relation to emergency services levy notices of assessment should be directed to Revenue NSW on 1300 139 817 or ESL@revenue.nsw.gov.au.
- Information on the changes is also available on the [Revenue NSW website](#).



Tim Hurst
Chief Executive

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 44 913 630 046



Council Contribution Assessment Notice

Contribution amounts in this notice have been assessed by the Emergency Services Minister for the 2019/20 Tax Year

Issue Date 07 May 2019
Enquiries 1300 139 816 (8.30 am - 5.00 pm)
Website www.revenue.nsw.gov.au

MID-WESTERN REGIONAL CNCL
PO Box 156
MUDGEES NSW 2850

Council ID	144400795
Correspondence ID	1689226791

Assessment details

Total Council Annual Contribution (Combined RFS, SES & F&RNSW)	Amount Due \$ 792,500.34
Individual Contribution Assessment Totals	
NSW RURAL FIRE SERVICE	Amount Due \$ 692,874.00
NSW STATE EMERGENCY SERVICE	Amount Due \$ 38,604.34
FIRE AND RESCUE NSW	Amount Due \$ 61,022.00

Instalment details

Pay in four instalments	Payment Reference	Due Date	Amount Due
FIRST INSTALMENT	1689226692	30/09/2019	\$ 198,125.09
SECOND INSTALMENT	1689226700	31/12/2019	\$ 198,125.09
THIRD INSTALMENT	1689226718	31/03/2020	\$ 198,125.09
FOURTH INSTALMENT	1689226726	30/06/2020	\$ 198,125.07

You can find information on the current rate of interest at www.revenue.nsw.gov.au.

If your payment is not received by the due date, the instalment will be in arrears and collection activity will commence.

For information on how to set up a direct debit arrangement refer to the back of this notice.

For questions about the calculation of your assessment for the quarters specified, contact the relevant emergency services department. Their contact information is on the back of this notice.


Stephen R Brady
Chief Commissioner of State Revenue

Contribution Assessment matters other than payment

Revenue NSW is responsible for:

- Issuing the Council Contributions Assessment and Instalment Notices
- Collecting Emergency Service Levy Council Contribution payments


For questions about the calculation of your assessment contact the relevant Emergency Services using the details below:



NSW Rural Fire Service

Contact your local NSW RFS District Manager

www.rfs.nsw.gov.au



NSW State Emergency Services


Contact the Finance Helpdesk

Email: finance@ses.nsw.gov.au

Or the SES Finance Manager

Phone: 02 4251 6576

www.ses.nsw.gov.au



Fire and Rescue NSW

Brian Lin – Director Financial Strategy

Email: brian.lin@fire.nsw.gov.au

Phone: 02 9265 2951

www.fire.nsw.gov.au

Important Information

Revenue NSW prefers Council Contribution payments by client initiated direct debit. Set up a new Direct Debit arrangement or edit an existing payment arrangement via the Revenue NSW webpage www.revenue.nsw.gov.au.

- Use your council specific login access the secure web portal service
- Nominate your account details prior to the quarterly instalment due date

If you are unable to pay your quarterly instalment, contact TaxDebt@revenue.nsw.gov.au.

Property Levies Team contact details



For more information and services visit www.revenue.nsw.gov.au



1300 139 817



Phone enquiries
8.30 am – 4.30 pm, Mon. to Fri.



ESL@revenue.nsw.gov.au

Revenue NSW ISO 9001 - Quality Certified

Department of Finance, Services and Innovation

9.5 Request for consideration of Council accepting appointment as Crown Land Manager for Hargraves Catholic Cemetery

REPORT BY THE ASSISTANT MANAGER REVENUE AND PROPERTY
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, P0526311

RECOMMENDATION

That Council:

1. **receive the report by the Assistant Manager Revenue and Property on the Request for consideration of Council accepting appointment as Crown Land Manager for Hargraves Catholic Cemetery; and**
2. **decline the request for Council to accept appointment as the Crown Land manager for the Hargraves Catholic Cemetery being Lot 7041 DP 1095898 and advise CKM Law, representing the Trustees of the Roman Catholic Church, Diocese of Bathurst accordingly.**

Executive summary

Council has received correspondence from CKM Law representing the Trustees of the Roman Catholic Church, Diocese of Bathurst requesting that Council consider accepting appointment as the Crown Land Manager for the Hargraves Catholic Cemetery.

Disclosure of Interest

Nil.

Detailed report

The Hargraves Catholic Cemetery is located on Lot 7041 DP 1095898 which lies in the north western corner of the village of Hargraves. A plan of the land is attached to this report as Attachment 1. The land was dedicated for a Catholic Church and School in 1863 however the only current use of the land is for a cemetery. A copy of the Certificate of Title for the land is attached to this report as Attachment 2 confirming the above dedication. No Crown Land Manager has been appointed for this Reserve.

Council has had no previous responsibilities in relation to this cemetery and it is assumed the Catholic Church retains any existing records relating to interments.

CKM Law representing the Trustees of the Roman Catholic Church, Diocese of Bathurst has written to Council requesting that Council consider accepting appointment as the Crown land Manager for the Hargraves Catholic Cemetery. A copy of this request is attached to this report as Attachment 3. This correspondence states that the Church is concerned with the ongoing maintenance of records for the cemetery and management of future interments.

Should Council agree to accept appointment as the Crown Land Manager for this cemetery, there are a number of legal and financial obligations that would be transferred to Council. The

Cemeteries and Crematoria Act 2013 sets out responsibilities for record keeping, maintenance and operational responsibilities and the Crown Lands Management Act 2016 establishes considerable land management responsibilities including creation of a Plan of Management under the Local Government Act 1993 and compliance with the Native Title Act 1993. It is noted that Council currently carries out these responsibilities as required in relation to other cemeteries and Crown Land which are under Council's control.

Based on costs related to maintaining other rural cemeteries, additional costs would be incurred in carrying out routine maintenance of the cemetery in the order of \$4,000 to \$6,000 annually. The access road is not currently maintained by Council and is in relatively poor condition. There may therefore be costs in the future to provide improved access to the cemetery.

Should Council decline the request, it appears that the Trustees of the Roman Catholic Church would retain responsibilities relating to the cemetery records. It is expected that the Church would also be eligible for appointment as the Crown Land Manager in order to undertake the appropriate land management functions. The Church currently manages the numerous cemeteries located on Church owned land, so it is expected that it would have capacity and ability to undertake the responsibilities relevant to the Hargraves Catholic cemetery.

Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Provide equitable access to a range of places and spaces for all in the community

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

Cemeteries and Crematoria Act 2013 sets out responsibilities for record keeping, maintenance and operational responsibilities.

Crown Lands Management Act 2016 sets out land management responsibilities.

Local Government Act 1993 sets out specific land management responsibilities conferred by the Crown Lands Management Act 2016.

Native Title Act 1993 sets out requirements for the validation of acts carried out on land where native title exists or may exist.

Financial implications

Should Council accept appointment as the Crown Land Manager, additional costs of between \$4,000 and \$6,000 annually are expected for routine cemetery maintenance. This would result in a decrease to Councils Operating Performance Ratio.

Associated Risks

Nil

IAN CLAYTON
ASSISTANT MANAGER REVENUE AND
PROPERTY

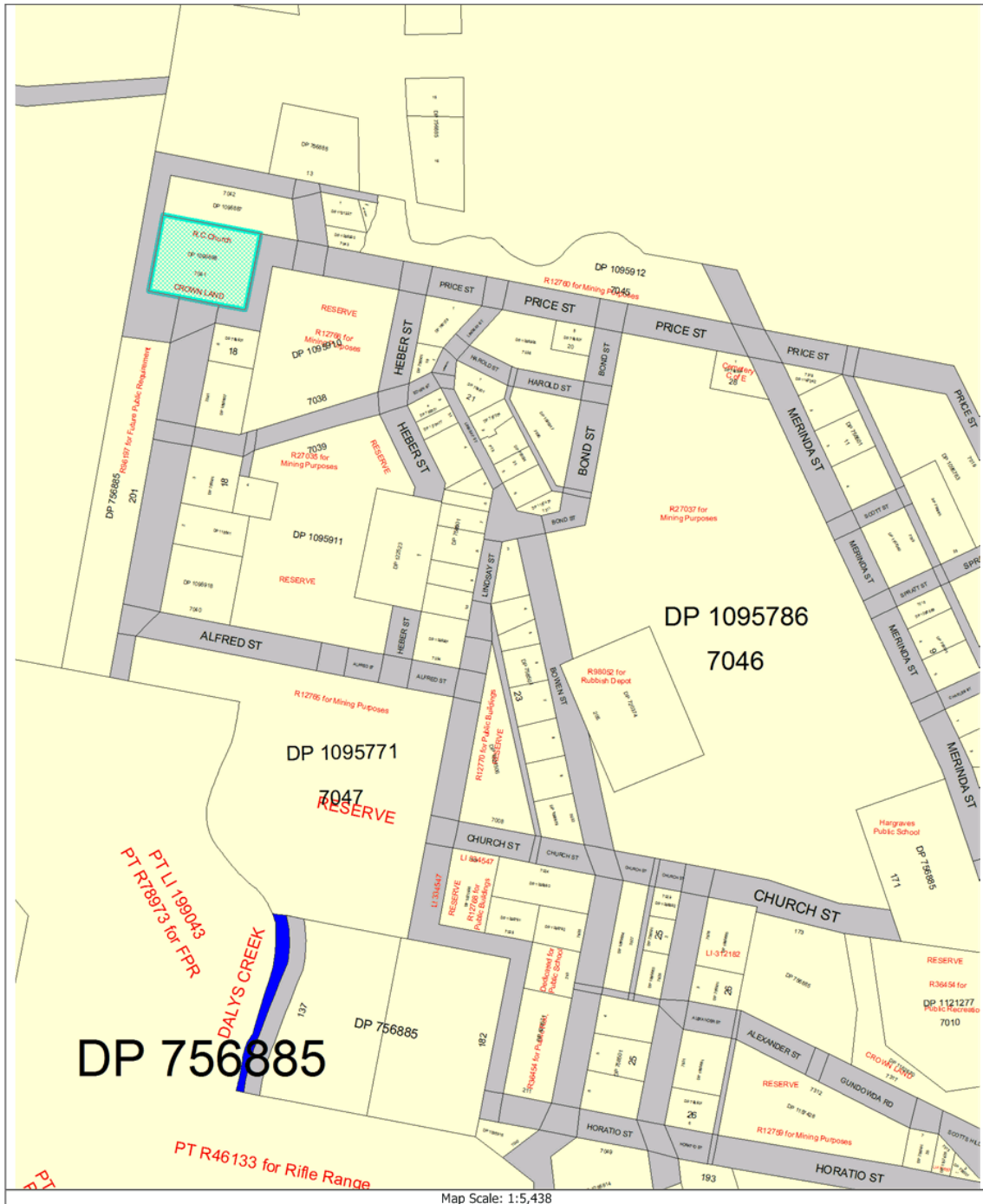
LEONIE JOHNSON
CHIEF FINANCIAL OFFICER





























30 May 2019

- Attachments:*
1. Request for consideration of Council accepting appointment as Crown Land Manager for Hargraves Catholic Cemetery - Attachment 1.
 2. Request for consideration of Council accepting appointment as Crown Land Manager for Hargraves Catholic Cemetery - Attachment 2.
 3. Request for consideration of Council accepting appointment as Crown Land Manager for Hargraves Catholic Cemetery - Attachment 3.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



<p>Disclaimer This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.</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>Legend</p> <table border="0"> <tr> <td></td> <td>Parcel</td> <td></td> <td>Parish</td> <td></td> <td>Road</td> </tr> <tr> <td></td> <td>Crown Land</td> <td></td> <td>Localities</td> <td></td> <td>State Forest</td> </tr> <tr> <td></td> <td>Railway</td> <td></td> <td>LGA Boundary</td> <td></td> <td>Waterway</td> </tr> </table> <p style="text-align: right;">NORTH</p>		Parcel		Parish		Road		Crown Land		Localities		State Forest		Railway		LGA Boundary		Waterway	 <p>Printed on Thursday, 30 May 2019</p>
	Parcel		Parish		Road															
	Crown Land		Localities		State Forest															
	Railway		LGA Boundary		Waterway															



LAND
REGISTRY
SERVICES **Title Search**



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7041/1095898

SEARCH DATE	TIME	EDITION NO	DATE
31/5/2019	8:17 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 7041 IN DEPOSITED PLAN 1095898
AT HARGRAVES
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF HARGRAVES COUNTY OF WELLINGTON
TITLE DIAGRAM DP1095898

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA154430)

SECOND SCHEDULE (4 NOTIFICATIONS)

- * 1 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- * 2 THE PLAN DEFINING THE LAND IN THIS FOLIO WHICH WAS PREPARED FOR IDENTIFICATION PURPOSES IS NOW SUITABLE FOR TITLE ISSUE. IT IS NOT A CURRENT PLAN IN TERMS OF SECTION 7A OF THE CONVEYANCING ACT 1919.
- * 3 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- * 4 THE LAND IS DEDICATED FOR A PUBLIC PURPOSE

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

CA 4Ian

PRINTED ON 31/5/2019

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

Copyright © Office of the Registrar-General 2019

Received: 31/05/2019 08:17:24



TIMOTHY CAIN | JANE KENSIT

OUR REF: JK:16053
YOUR REF:

28 February 2019

Attention: Tracey Kane
Mid Western Regional CouncilBy Email only: council@midwestern.nsw.gov.au

Dear Sirs,

RE: THE TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF BATHURST – CEMETARY AT HARGRAVES

We act for the Trustees of the Roman Catholic Church for the Diocese of Bathurst.

The Hargraves Catholic Cemetery is situated upon Lot 7041 DP 1095898 at Hargraves within the Mid Western Regional Council Area.

The land is owned by the State of NSW and there is a Dedication from 1863 for a Catholic Church, School and Presbytery. It appears that the catholic church, school and presbytery either never eventuated or have been removed over time. There is however a cemetery.

We have been advised by NSW DPI that no Crown Land Manager has been appointed with respect to the property.

As these communities become smaller and smaller fewer burials are taking place and we are concerned about the ongoing management of records for the cemetery.

The NSW Cemeteries and Crematoria (as part of NSW Department of Industry, Lands and Water) have recommended that we liaise with the local council to become crown land manager and to take over the legal obligations in relation to the interment rights issued in the cemetery. This ensures that there is one local authority holding handling all local interment rights in the area.

We seek Council's acceptance of them becoming the Crown Land Manager for the Hargraves Catholic Cemetery.

If you require any further information please do not hesitate to contact our Office.

We look forward to hearing from you.

Yours faithfully
CAIN KENSIT MESSENGER

Lial

ABN 47 483 842 132

PO Box 1485 | 101 William Street
Bathurst NSW 2795
DX 3113 BathurstPhone 02 6332 4711
Fax 02 6332 4712
ckmlaw.com.au

2.

Jane Kensit
Email: jkensit@ckmlaw.com.au

9.6 Clandulla Tennis Courts

REPORT BY THE ASSISTANT MANAGER REVENUE AND PROPERTY
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, P1439311

RECOMMENDATION

That Council:

1. **receive the report by the Assistant Manager Revenue and Property on the Clandulla Tennis Courts;**
2. **call for expressions of interest for the possible sale of Lot 7 Section 2 DP 758249 being the site of the Clandulla Tennis Courts;**
3. **obtain a valuation from a registered valuer for Lot 7 Section 2 DP 758249 being the site of the Clandulla Tennis Court; and**
4. **provide a further report to Council detailing the results of the expression of interest process and valuation.**

Executive summary

Council has received correspondence from an adjoining landowner requesting Council's consideration of their possible purchase of the land comprising the Clandulla Tennis Court.

Disclosure of Interest

Nil

Detailed report

The site is located on Lot 7 Section 2 DP 758249 and comprises the now dis-used club house and tennis court. The site was formerly licensed by the Clandulla Tennis Club, however the license lapsed some years ago. The facilities are currently unused with the improvements now being in some disrepair.

Council maintains the adjacent park and amenities comprising Lots 5 & 6 Section 2 DP 758249. Further public recreation land is available within the township of Clandulla being the Clandulla Sportsground which is owned by the Crown with MWRC as the Crown Land Manager.

This tennis court site is zoned RU5 Village, with minimum lot size for development being 1000 sqm. with Lot 7 being approximately 2040sqm. The land is Owned by Council and is classified as Operational Land for the purposes of Chapter 6 of the Local Government Act 1993. As such, the land is able to be sold if considered surplus to requirements.

Council's Land Acquisition and Disposal Policy requires that where land is capable of being disposed of on the open market and is able to be developed independently of any other property, the disposal shall be by competitive process involving public auction, private treaty, tender or expression of interest unless circumstances warrant disposal by direct negotiation.

The General Manager is to obtain at least one valuation of the land or interests in land to be provided by a Registered Valuer to establish the disposal value.

There does not appear to be circumstances in this case to justify sale by direct negotiation. Should Council resolve to dispose of this site, it is recommended the sale proceed initially via expression of interest. Results of this process and the valuation obtained would then be referred back to Council for further consideration.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Land Acquisition and Disposal Policy

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

IAN CLAYTON
ASSISTANT MANAGER REVENUE AND
PROPERTY

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

31 May 2019

Attachments:

1. Enquiry re possible purchase of Clandulla Tennis Courts - Katherine McDonald.
2. Title - Clandulla Tennis Courts.
3. Old System Title - Clandulla Tennis Court.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Erin Reid

From: Kat McDonald <[REDACTED]>
Sent: Sunday, 3 February 2019 2:27 PM
To: Council
Subject: Planning for council property - Clandulla Tennis Courts

Good Morning,

I write to enquire about the block of council land, on the corner of Nevell and Mead streets in Clandulla . It is the block with the disused tennis courts and empty progress society hall. My husband and I currently own the immediately adjacent block (8 Nevell Street).

My first enquiry is whether Council has any development plans for the block. Is there planning for repair? Or demolition of infrastructure on this block?

If the future plan is for council to potentially sell this block of land (either for residential or non residential use) my husband and I, would like to declare an interest in purchasing the lot. Ideally, we would utilise most of the current buildings on the block so clearing the block for sale would not be necessary.

I look forward to your response.

Thanking you,

Katherine McDonald

Ph : [REDACTED]
Email : [REDACTED]

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.



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 7/2/758249

SEARCH DATE	TIME	EDITION NO	DATE
29/5/2019	4:12 PM	-	-

VOL 3212 FOL 32 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 7 OF SECTION 2 IN DEPOSITED PLAN 758249
AT CLANDULLA
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF CLANDULLA COUNTY OF ROXBURGH
(FORMERLY KNOWN AS ALLOTMENT 7 OF SECTION 2)
TITLE DIAGRAM CROWN PLAN 1.2346

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF RYLSTONE (T F48798)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

CA 4Ian

PRINTED ON 29/5/2019

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

Copyright © Office of the Registrar-General 2019

Received: 29/05/2019 16:12:15

No. 19 21/1832

State of New South Wales.

[LAND GRANT.]



REGISTER BOOK, 3212 VOL. 3212 FOL. 32

28 7 21 D

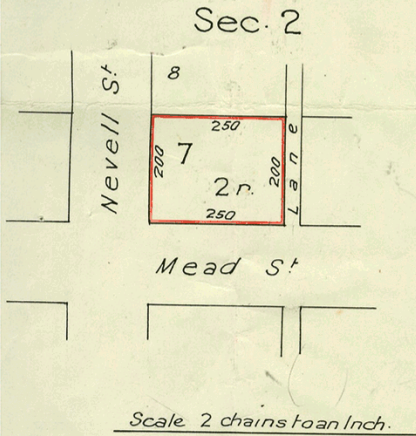
GRANT OF LAND SOLD BY PUBLIC AUCTION.

GEORGE V by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India:—
TO ALL to whom these Presents shall come, Greeting:—

Whereas at a Sale of Crown Lands by Public Auction held at Ryabone in Our State of New South Wales on the Thirtieth day of January one thousand nine hundred and eighteen in pursuance of notification in the Gazette dated the Fourteenth day of December one thousand nine hundred and seventeen Thomas William Taylor of Blandulla became the Purchaser of the Land hereinafter described for the sum of Eight pounds

Now Know Ye That for and in consideration of the said sum for and on Our behalf well and truly paid into the Treasury of Our said State before these presents are issued and of all and singular the premises WE HAVE GRANTED and for Us Our Heirs and Successors DO HEREBY GRANT unto the said Thomas William Taylor his

Heirs and Assigns subject to the Reservations and Exceptions hereinafter contained ALL THAT Piece or Parcel of Land in Our said State containing by Admeasurement Two roods be the same more or less situated in the County of Roxburgh and Parish of Blandulla, Village of Blandulla, allotment 7 of section 2.



Commencing at the South Western corner of the Section and bounded thence on the West by Nevell Street northerly two chains on the North by the Southern boundary line of allotment eight easterly at right angles to Nevell Street two chains fifty links to a lane on the East by that lane southerly parallel with Nevell Street two chains to Mead Street and on the South by Mead Street westerly two chains fifty links to the point of commencement

As per plan in the margin hereof. With all the Rights and Appurtenances whatsoever thereto belonging To Hold unto the said Thomas William Taylor his Heirs and Assigns for ever Prohibited Nevertheless And WE DO HEREBY RESERVE AND EXCEPT unto Us Our Heirs and Successors all Minerals which the said Land contains with full power and authority for Us Our Heirs and Successors and such person or persons as shall from time to time be authorised by Us or them to enter upon the said Land and to search for mine dig and remove the said Minerals And also all such parts and so much of the said Land as may hereafter be required for public ways viaducts canals railways tramways dams sewers or drains in over and through the same to be set out by Our Governor for the time-being of Our said State or some person by him authorised in that respect And also all sand clay stone gravel and indigenous timber and all other Materials the natural produce of the said Land which may be required at any time hereafter for the construction and repair of any public ways bridges or canals or for naval purposes or railways and tramways or any fences embankments viaducts dams sewers or drains necessary for the same together with the right of taking and removing all such materials by such person or persons as may be authorised in that behalf by the Governor as aforesaid Provided Lastly AND WE DO HEREBY RESERVE for Us Our Heirs and Successors and for the Governor as aforesaid by such person or persons as shall be by Us them or him authorised in that behalf full power to make and conduct through in under upon or over the said Land or any portion thereof all public ways viaducts railways tramways canals and all common or public drains and sewers which may be deemed expedient And the right of full and free ingress egress and regress into out of and upon the said Land for the several purposes aforesaid or any of them In Testimony Whereof We have caused this Our Grant to be Sealed with the Seal of Our said State

WITNESS Our Trusty and Well-beloved SIR WALTER EDWARD DAVIDSON, Knight


RECORDED and ENROLLED in the Registrar General's Office, at Sydney, in New South
Wales, this 29th day of July 1921.

P. McKeown
Registrar General.

No. B21899A TRANSFER dated 11th August 1925
from the said Thomas William Taylor to Allan
Henry Evans of [illegible] above.

of the land within described
Produced and entered 11th August 1925
at 4 mins past 11 o'clock in the forenoon.


P. McKeown
REGISTRAR GENERAL.



No. C166982 TRANSFER dated 22nd February 1933
from the said Allan Keith Evans to Arthur Frederick
Heath of Clarendon [illegible] above.

of the land within described
Produced 6th March 1933 and entered 21st March 1933
at 10 o'clock in the forenoon.


P. W. [illegible]
REGISTRAR GENERAL.



No. F48798 TRANSFER dated 2nd June 1949
from the said Arthur Frederick Heath to The
Council of the Shire of Croydon

of the land within described
Produced and entered 25th July 1949
at 2nd 30th past 2 o'clock in the afternoon.

J. H. Pills
REGISTRAR GENERAL.



Lot

13

*11F 48798.
R. Lloyd*

9.7 Request for Tender 190517_S1_2019 - Supply & Delivery of Bulk Fuel

REPORT BY THE PROCUREMENT MANAGER
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, COR400065

RECOMMENDATION

That Council:

1. **receive the report by the Procurement Manager on the Supply & Delivery of Bulk Fuel;**
2. **enter into contracts with Ocwen Energy and Oilsplus Holdings Australia for the Supply & Delivery of Bulk Fuel to Mid-Western Regional Council;**
3. **accept the term of the contract is to be 2 years, commencing 1 July 2019, with an optional 12 month extension, subject to supplier performance; and**
4. **delegate the authority to the Procurement Manager to accept or decline the optional, 12 month extension period, subject to supplier performance.**

Executive summary

Council assumed the opportunity to participate in the above tender that has recently been advertised and evaluated by Centroc. By utilising this service provided by Centroc, significant financial and resource savings have been achieved.

Centroc advertised the tender on behalf of their member Councils and permitted Mid-Western Regional Council to participate. This created an environment for greater buying power due to the increased quantities being tendered for.

From the approved suppliers provided to Council, the decision to accept Ocwen Energy and Oilsplus Holdings Australia provide Council the flexibility to obtain weekly pricing to maintain competitive rates and both suppliers have depots based in our Local Government Area, allowing the ability to call for fuel at any time.

Disclosure of Interest

Nil

Detailed report

Under the Local Government Act 1993, section 55 stipulates the requirements for Tendering, where a contract is over \$150,000 it needs to go to an open tender. Centroc, on behalf of member councils and Mid-Western Regional Council, has undertaken a formal Request for Tender (RFT) process in February 2019 to identify suitable providers for the supply and delivery of bulk fuel.

It is anticipated that Council will spend approximately \$1.42 million per annum on bulk fuel.

An open tender process was undertaken through the Centroc Tenderlink Portal with associated advertising as directed under the Local Government Act. The Request for Tender for the supply and delivery of bulk fuel opened on 29 January 2019 and closed on 20 February 2019.

The Tender Evaluation Panel (TEP) undertook an assessment of the responses in Orange on Monday 18 March using the Apet tender assessment tool. The TEP consisted of the following members, and was assisted by Kate Barker from Centroc:

- Peter Heffernan – Cabonne Council
- Chris Schumacher – Oberon Council
- Ben Howard – Parkes Shire Council

Tender Evaluation Criteria

The selection criteria advertised and used in selecting the successful respondents were:

- Compliance and conditions for participation
- Product
- Customer service and delivery
- Policies and quality assurance, and
- Pricing

Summary of Responses Received

The following companies submitted tender responses for S1_2019: Supply and Delivery of Bulk Fuel for Central NSW Councils (in alphabetical order):

- Dib Group
- GBS Distributions
- Inland Petroleum
- Liberty Oil Australia
- Ocwen Energy
- Oilplus Holdings Australia
- Park

Evaluation of Submissions

Evaluation rankings were as follows:

1. Oilplus Holdings Australia – 68.5%
2. Park – 65%
3. Ocwen Energy – 62.5%
4. GBS Distributions – 58%
5. Liberty Oil Australia – 55.5%
6. Dib Group – 51.5%
7. Inland Petroleum – 22%

Evaluation of the Preferred Tenderers

The TEP resolved to recommend a panel of preferred providers for the supply and delivery of bulk fuel, consisting of:

- Dib Group
- GBS Distributions
- Liberty Oil Australia
- Ocwen Energy
- Oilplus Holdings Australia
- Park

The recommended providers were selected based on their:

1. Compliance with the evaluation criteria
2. Demonstrated ability to meet Council's requirements, and
3. Competitive price for the services offered.

From the approved suppliers provided to Council, the decision to accept Ocwen Energy and Oilspus Holdings Australia provide Council the flexibility to obtain weekly pricing to maintain competitive rates and both suppliers have depots based in our Local Government area, allowing the ability to call for fuel at any time.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Procurement Policy

Legislation

Local Government Act 1993, section 55 - Tendering
Local Government (General) Regulation 2005

Should this tender not be accepted, Council will be forced to re-tender to ensure compliance with the Local Government Act (Section 55 – Tendering).

Financial implications

Fuel expenses are already budgeted for across departments, therefore there are no budget changes required to compensate for this tender.

Associated Risks

The ability for our operational staff to access bulk fuel is an essential requirement for Council plant. Previous risks identified are:

- inability to have fuel delivered to site within an appropriate timeframe
- poor quality fuel, and
- the inability to access suitable winter fuel.

From the evaluation details provided and previous experience with the selected organisations, the above risks have been mitigated. Within the last 3 years, Council have not received poor quality fuel damaging Council plant, we have been able to obtain suppliers that source winter fuel from Newcastle providing assurance that this fuel can withstand temperatures up to -11 degrees Celsius, giving consideration to last years winter reaching -9 in some areas of our LGA. Newcastle depots provide fuel from North America, hence the tolerance levels and both organisations have

depots based within our LGA, therefore have the ability to provide fuel more regularly, however maintaining appropriate pricing as delivery costs are reduced.

KRISTIE WARD
PROCUREMENT MANAGER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

4 June 2019

Attachments: 1. Supply & Delivery of Bulk Fuel - Pricing. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.8 Local Preference Policy Review

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, GOV400047

RECOMMENDATION

That Council:

1. **receive the report by the Chief Financial Officer on the Local Preference Policy Review;**
2. **place the revised Local Preference Policy on public exhibition for 28 days; and**
3. **adopt the revised Local Preference Policy if no submissions are received during the public exhibition period.**

Executive summary

A review of Council's Local Preference Policy (the Policy) has been undertaken to simplify the Local Preference provisions, and provide a better, more effective process. The economic impacts of local expenditure have been noted in the Policy.

Disclosure of Interest

Nil.

Detailed report

The Local Preference Policy have some material changes recommended, in order to simplify the process – making it easier to apply; and to improve the impact of local preference discounts.

Alterations proposed are shown in the attachment. A clean version of the revised Policy has also been attached, for ease of reading.

The main changes recommended are:

- to create 2 pricing discount categories:
 - \$1 - \$150,000 – 5% local preference pricing discount;
 - \$150,000 and greater – Up to 10% local preference pricing discount, where the decision as to the applicable amount of discount to apply is delegated to the Director or Executive Manager of the procuring department.
- these local preference discounts are an increase from the previous cap of 3%
- the process to validated as a local supplier has been made much simpler, with no previous registration of local service provider provision

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable.

Council Policies

By adopting the recommendation, Council is endorsing the Local Preference Policy changes to be placed out on public exhibition for comment. Should any submissions be received a further report will be presented back to Council for consideration. If no submissions are received at the end of the exhibition period, the revised policy will be adopted and apply from that date.

Legislation

Not applicable.

Financial implications

Not applicable.

Associated Risks

The recommended policy does not limit the financial discount when assessing a Local Service Provider contract. As Council will be subject to the actual price submitted, not the discounted price used in assessment, there is a chance Council may pay a considerably higher price for some services. The social benefits of expenditure in the region are noted in the Policy, and delegation has been provided to the Directors to ensure the Local Preference discount is carefully considered.

Disclosures of Interest are required to be reported and appropriately managed through the Tender Process. Should a Director make a decision on Local Preference percentages on a Tender, they will be required to disclose any interests. This reduces the risk of this Policy being used inappropriately for locals.

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

5 June 2019

Attachments: 1. POLICY - REVIEW- Local Preference Policy - tracked changes.
2. POLICY - REVIEW- Local Preference Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY

Local Preference Policy

*A prosperous
and progressive
community.*

ADOPTED	REFERENCE	2.0
COUNCIL MEETING MIN NO:	REVIEW DATE	
DATE:	FILE NUMBER	GOV400047

Objective

Council is committed to supporting the local economy and enhancing the capabilities of local business and industry. The objective of this policy is to create a framework that ensures Council gives due consideration to the actual and potential benefits to the local economy by sourcing goods and services locally, where possible, whilst maintaining a value for money approach at all times. Locally sourced goods and services will be used where price, performance, quality, suitability and other evaluation criteria are comparable with non-locally sourced goods and services. Locally sourced goods and services are those, which are procured from local service providers based permanently in the Mid-Western Regional Council area. This policy supports Council's commitment to achieve **thesocial and economic benefit as well as the** best value for money outcome to Council and the community, while maximizing opportunities for local organisations to compete for Council business.

This policy must be considered when:

- Ordering services, goods or materials or when engaging consultants;
- Tenders;
- Quotations

Legislative requirements

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Competition and Consumer Act 2010
- Fair Trading Act 1987 (NSW)

Related policies and plans

- Tendering Guidelines for NSW Local Government
- Council's Procurement Policy
- Code of Conduct
- Statement of Business Ethics

POLICY: LOCAL PREFERENCE POLICY | 2.02-0. ERROR! REFERENCE SOURCE NOT FOUND.

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

Formatted: Font: 9 pt, Not Bold, English (Australia)

Policy

Mid-Western Regional Council acknowledges that it has an important role to play in the local economy and is committed to assisting local industry engage in business with Council. To assist local industry and local economic development, Council will:

- Encourage a 'buy local' culture within the Council;
- Advertise all tenders, contracts and expressions of interest in the local media and by other means as deemed appropriate;
- Ensure links to all tenders, contracts and expressions of interest are available on Council's website;
- Disseminate contract and tender information to local industry, in a manner deemed appropriate;
- Package requirements in appropriately sized contracts to suit market capacity and encourage competition;
- Ensure that buying practices, procedures and specifications do not disadvantage local service providers and ensure transparency in quotation, tendering and contract management practices;
- Encourage local businesses to promote their goods and services to Council;
- Encourage the use of local distributors within the delivery chain whenever goods, materials or services have to be sourced from outside the local government area; and
- Apply a price preference discount, in favour of local service providers, as set out in this policy.

Social & Economic Development Considerations

Councils Community Plan includes:

Formatted: Font: (Default) +Body (Arial), 11 pt, Font color: Auto, English (United States)

Strategy 3.1.1 – Support the attraction and retention of a diverse range of businesses and industries.

Formatted: Font: (Default) +Body (Arial), 11 pt, Font color: Auto, English (United States)

Council is aware that investing in local businesses by engaging them, when appropriate, for Council works and services, assists in growing the local economy and results in positive social impacts for the community. . For every \$100,000 spent in the Local Government Area, this generates an additional \$169,000 in economic output and creates 1 additional job in the local economy.

Formatted: Font: (Default) +Body (Arial), 11 pt, Font color: Auto, English (United States)

Value for Money Considerations

Value for money is a key objective of Council's Procurement Policy. It ensures that Council achieves the best possible outcome for the amount of money spent. Value for money does not necessarily mean selecting the bid that offers the lowest initial price. It represents the best return and performance from the money spent over the entire life of the product or service.

Purchasing decisions will be assessed on a value for money basis whilst giving full consideration to:

- Open and effective competition, ensuring tenders are evaluated on equal footing;
- Ethical behaviour and fair dealing;

POLICY: LOCAL PREFERENCE POLICY | 2.02.0, ERROR! REFERENCE SOURCE NOT FOUND.

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

Formatted: Font: 9 pt, Not Bold, English (Australia)

- Compliance with specifications, guidelines and requirements
- The advantages of dealing with local businesses including local knowledge, networks and relationships, administrative and operational efficiencies, availability and access to after sales service and maintenance;
- The service provider's knowledge, experience and ability to fulfil the requirements of Council;
- Meeting the needs of the community;
- Whole-of-life cycle costs;
- Compliance with and capability to satisfy technical specifications, guidelines and other requirements such as financial capacity, industry reputation, and quality and safety systems;
- The service provider's commitment to supporting other local businesses through their subcontracting and service provider arrangements;
- Net benefits to Council including the benefits of maintaining an ongoing, innovative and competitive local business environment, including economic benefits and employment;
- Environmental protection; and
- Job creation potential.

Overall, the value for money assessment must deliver quality outcomes at competitive prices, whilst recognising the impact of procurement decisions by Council on local industry and economic development. Notwithstanding this policy, assessments in the selection criteria must also consider all of the above factors in conjunction with price and locality considerations.

Local Preference

For all quotations and tenders for the supply of goods, materials and/or services for Mid-Western Regional Council a price advantage is given to Local Service Providers (LSP). In the process of determining the successful service provider, a percentage will be nominally deducted from the Local Service Provider price for the purpose of price comparison. The following levels of price preference discounts will be applied under this policy;

- Purchases up to \$5,000 for registered-LSP's given 10% discount (non-tendered)
- Purchases over \$5,000 – \$100,000 for registered-LSP's given 5% discount
- \$150,000 – Where Council tender for goods &/or services a percentage will be allocated by way of weighted criteria to LSP's if deemed appropriate. The nominated discount may vary from 0% - 10%.

Council staff preparing tender documentation must provide, document and record the reasons why a certain percentage has or has not been allocated. The relevant Director or Chief Financial Officer will approve the nominated percentage discount applied to the weighted criteria from the information received. Purchases over \$100,000 for registered-LSP's given 3% discount

If this policy applies to a particular tender or quotation over \$100,000, any local service provider who lodges a tender or quotation will be granted a notional offset of the lesser of 3% or \$30,000 against that Local Service Providers submitted tender or quotation price, for the purposes only of evaluating and awarding the contract.

POLICY: ~~LOCAL PREFERENCE POLICY~~ | 2.02.0. ~~ERROR! REFERENCE SOURCE NOT FOUND.~~

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

Formatted: Font: 9 pt, Not Bold, English (Australia)

Applying a notional reduction in price will increase the competitiveness of a Local Service Provider against other service providers. ~~The \$30,000 cap on the offset is intended to limit the financial impact of this Policy.~~

As price is only one factor for consideration when evaluating any quotation or tender, the application of the nominal offset does not guarantee that the tenderer receiving the offset will be the successful applicant.

Formatted: Not Highlight

For the avoidance of doubt, the price actually paid by Council under any resulting contract or acceptance of pricing submitted, not including the offset – Council will be subject to the actual submitted price.

~~Specifications for the calling of quotations for services, goods or materials will indicate that council has a Local Preference Policy.~~

~~It will be noted that any service provider that wishes to be considered as a "Local Service Provider" must request and complete appropriate paperwork at least once every 3 years, or for the term of the tender, whichever is the lesser, and nominate on their quotation that this service provider is to be considered a "Local Service Provider", placing the onus of proof on the service provider.~~

A "Local Service Provider" will be defined as:

An organisation that operates from permanently staffed premises within the boundaries of Mid-Western Regional Council's LGA and has operated from those premises for a minimum period of three (3) months before submitting the quotation or tender.

An organisation that has less than 150 employees and is at least 50% owned by an individual (or individuals) that live WITHIN THE BOUNDARIES of Mid-Western Regional Council's LGA and has done so for a minimum period of three (3) months before the organisation submits the quotation or tender. It is assumed that the individual/s reside/s at their address on the electoral role. ~~The appropriate paperwork required to be submitted to be considered a "Local Service Provider" would include:~~

(a) ~~The address of the business premises within Mid-Western Regional Council's LGA.~~

(b) ~~The number of full time staff that operate from that premises~~

(c) ~~The name of the owner (or owners) of the organisation (and how they legally own at least 50% of the organisation submitting a quotation) and their address/es within Mid-Western Regional Council's LGA~~

Formatted: Body Bullet, Justified, No bullets or numbering, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

If subsequent investigations by Council prove that false declarations were made and this organisation should not be considered a "Local Service Provider" then the Local Preference Policy will not apply and that service provider will not be able to supply goods, materials and/or services to Mid-Western Regional Council for a period of 12 months.

~~Any changes to Council's Ordering of Services, Goods or Materials or Engaging Consultants Policy expenditure levels will automatically be reflected in this "Local Preference" policy.~~

The nominal percentage reduction for price comparison will not be applicable to any business that has more than 50% ownership by any person who is elected as a Councillor to represent Mid-Western Regional Council.

POLICY: LOCAL PREFERENCE POLICYLOCAL PREFERENCE POLICY | 2.02.0, ERROR! REFERENCE SOURCE NOT FOUND.

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

Formatted: Font: 9 pt, Not Bold, English (Australia)

EVIDENCE OF OWNERSHIP & RESIDENCE

~~Council will accept ASIC documents as proof of principal place of business and ownership (holding).
Council rates notices will also be accepted as evidence for principal place of business.~~

~~Decisions about~~Council will make the final determination as to the acceptable the status of a Local Service Provider ~~will be made by Council's nominated representative~~ and is not subject to challenge.

POLICY: LOCAL PREFERENCE POLICY | 2.02-0. ERROR! REFERENCE SOURCE NOT FOUND.

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

Formatted: Font: 9 pt, Not Bold, English (Australia)

Local Service Provider Application

1.1 Local Service Provider Details

NAME OF ORGANISATION SUBMITTING THE APPLICATION:	
NAME OF PERSON SUBMITTING THE APPLICATION	
ABN:	
ACN:	
TRADING NAME (if applicable – if 'no', please state NA)	
BUSINESS ADDRESS:	
POSTAL ADDRESS:	
CONTACT NAME:	
CONTACT EMAIL:	
CONTACT PHONE:	
NO. OF EMPLOYEES:	
NATURE OF BUSINESS:	

POLICY: LOCAL PREFERENCE POLICY | 2.02.0, ERROR! REFERENCE SOURCE NOT FOUND.

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

Formatted: Font: 9 pt, Not Bold, English (Australia)

1.2 — Ownership

The names of the owner/owners of the business and their residential address are:

Owner 1	
Name:	
Residential Address:	
Ownership %:	
Owner 2	
Name:	
Residential Address:	
Ownership %:	
Owner 3	
Name:	
Residential Address:	
Ownership %:	
Owner 4	
Name:	
Residential Address:	
Ownership %:	
Evidence of ownership:	

For additional owner details, please attach separate sheet

POLICY: [LOCAL PREFERENCE POLICY](#)[LOCAL PREFERENCE POLICY](#) | 2.02-0. [ERROR! REFERENCE SOURCE NOT FOUND.](#)

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

Formatted: Font: 9 pt, Not Bold, English (Australia)

2. Account Information

ACCOUNTS CONTACT PERSON	Name: Position: Phone no: Mobile phone no: Email:
ACCOUNT DETAILS	Bank Name: Account Name: BSB: Account No:

POLICY: LOCAL PREFERENCE POLICY | 2.02-0. ERROR! REFERENCE SOURCE NOT FOUND.

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

Formatted: Font: 9 pt, Not Bold, English (Australia)

OFFICE USE ONLY

Folder No: COR500089

LSP NO:

Compliance Confirmation

50% Owned by LGA resident/s:	Yes / No	Means of Verification:
Business Address in LGA:	Yes / No	
ABN check completed:	Yes / No	Attach ABN search confirmation
ASIC Details attached:	Yes / No	
Rates notice attached:	Yes / No	
Evidence of ownership attached:	Yes / No	

Application approval Accept / Decline

Date:

Verification completed by: **Signature:**



POLICY

Local Preference Policy

*A prosperous
and progressive
community*

ADOPTED	REFERENCE	2.0
COUNCIL MEETING MIN NO:	REVIEW DATE	
DATE:	FILE NUMBER	GOV400047

Objective

Council is committed to supporting the local economy and enhancing the capabilities of local business and industry. The objective of this policy is to create a framework that ensures Council gives due consideration to the actual and potential benefits to the local economy by sourcing goods and services locally, where possible, whilst maintaining a value for money approach at all times. Locally sourced goods and services will be used where price, performance, quality, suitability and other evaluation criteria are comparable with non-locally sourced goods and services. Locally sourced goods and services are those, which are procured from local service providers based permanently in the Mid-Western Regional Council area. This policy supports Council's commitment to achieve social and economic benefit as well as the best value for money outcome to Council and the community, while maximizing opportunities for local organisations to compete for Council business.

This policy must be considered when:

- Ordering services, goods or materials or when engaging consultants;
- Tenders;
- Quotations

Legislative requirements

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Competition and Consumer Act 2010
- Fair Trading Act 1987 (NSW)

Related policies and plans

- Tendering Guidelines for NSW Local Government
- Council's Procurement Policy
- Code of Conduct
- Statement of Business Ethics

POLICY: LOCAL PREFERENCE POLICY | 2.0, ERROR! REFERENCE SOURCE NOT FOUND.

Policy

Mid-Western Regional Council acknowledges that it has an important role to play in the local economy and is committed to assisting local industry engage in business with Council. To assist local industry and local economic development, Council will:

- Encourage a 'buy local' culture within the Council;
- Advertise all tenders, contracts and expressions of interest in the local media and by other means as deemed appropriate;
- Ensure links to all tenders, contracts and expressions of interest are available on Council's website;
- Disseminate contract and tender information to local industry, in a manner deemed appropriate;
- Package requirements in appropriately sized contracts to suit market capacity and encourage competition;
- Ensure that buying practices, procedures and specifications do not disadvantage local service providers and ensure transparency in quotation, tendering and contract management practices;
- Encourage local businesses to promote their goods and services to Council;
- Encourage the use of local distributors within the delivery chain whenever goods, materials or services have to be sourced from outside the local government area; and
- Apply a price preference discount in favour of local service providers, as set out in this policy.

Social & Economic Development Considerations

Councils Community Plan includes:

Strategy 3.1.1 – Support the attraction and retention of a diverse range of businesses and industries.

Council is aware that investing in local businesses by engaging them, when appropriate, for Council works and services, assists in growing the local economy and results in positive social impacts for the community. For every \$100,000 spent in the Local Government Area, this generates an additional \$169,000 in economic output and creates 1 additional job in the local economy.

Value for Money Considerations

Value for money is a key objective of Council's Procurement Policy. It ensures that Council achieves the best possible outcome for the amount of money spent. Value for money does not necessarily mean selecting the bid that offers the lowest initial price. It represents the best return and performance from the money spent over the entire life of the product or service.

Purchasing decisions will be assessed on a value for money basis whilst giving full consideration to:

- Open and effective competition, ensuring tenders are evaluated on equal footing;
- Ethical behaviour and fair dealing;

POLICY: LOCAL PREFERENCE POLICY | 2.0, ERROR! REFERENCE SOURCE NOT FOUND.

- Compliance with specifications, guidelines and requirements
- The advantages of dealing with local businesses including local knowledge, networks and relationships, administrative and operational efficiencies, availability and access to after sales service and maintenance;
- The service provider's knowledge, experience and ability to fulfil the requirements of Council;
- Meeting the needs of the community;
- Whole-of-life cycle costs;
- Compliance with and capability to satisfy technical specifications, guidelines and other requirements such as financial capacity, industry reputation, and quality and safety systems;
- The service provider's commitment to supporting other local businesses through their subcontracting and service provider arrangements;
- Net benefits to Council including the benefits of maintaining an ongoing, innovative and competitive local business environment, including economic benefits and employment;
- Environmental protection; and
- Job creation potential.

Overall, the value for money assessment must deliver quality outcomes at competitive prices, whilst recognising the impact of procurement decisions by Council on local industry and economic development. Notwithstanding this policy, assessments in the selection criteria must also consider all of the above factors in conjunction with price and locality considerations.

Local Preference

For all quotations and tenders for the supply of goods, materials and/or services for Mid-Western Regional Council a price advantage is given to Local Service Providers (LSP). In the process of determining the successful service provider, a percentage will be nominally deducted from the Local Service Provider price for the purpose of price comparison. The following price preference discounts will be applied under this policy;

- Purchases up to \$149,999 LSP's given 5% discount (non-tendered)
- Purchases over \$150,000 – Where Council tender for goods &/or services a percentage will be allocated by way of weighted criteria to LSP's if deemed appropriate. The nominated discount may vary from 0% - 10%.

Council staff preparing tender documentation must provide, document and record the reasons why a certain percentage has or has not been allocated. The relevant Director or Chief Financial Officer will approve the nominated percentage discount applied to the weighted criteria from the information received.

Applying a notional reduction in price will increase the competitiveness of a Local Service Provider against other service providers.

As price is only one factor for consideration when evaluating any quotation or tender, the application of the nominal offset does not guarantee that the tenderer receiving the offset will be the successful applicant.

POLICY: LOCAL PREFERENCE POLICY | 2.0, ERROR! REFERENCE SOURCE NOT FOUND.

For the avoidance of doubt, the price actually paid by Council under any resulting contract or acceptance of pricing submitted, not including the offset – Council will be subject to the actual submitted price.

A "Local Service Provider" will be defined as:

An organisation that operates from permanently staffed premises within the boundaries of Mid-Western Regional Council's LGA and has operated from those premises for a minimum period of three (3) months before submitting the quotation or tender.

An organisation that has less than 150 employees and is at least 50% owned by an individual (or individuals) that live WITHIN THE BOUNDARIES of Mid-Western Regional Council's LGA and has done so for a minimum period of three (3) months before the organisation submits the quotation or tender. It is assumed that the individual/s reside/s at their address on the electoral role.

If subsequent investigations by Council prove that false declarations were made and this organisation should not be considered a "Local Service Provider" then the Local Preference Policy will not apply and that service provider will not be able to supply goods, materials and/or services to Mid-Western Regional Council for a period of 12 months.

The nominal percentage reduction for price comparison will not be applicable to any business that has more than 50% ownership by any person who is elected as a Councillor to represent Mid-Western Regional Council.

Council will make the final determination as to the acceptable status of a Local Service Provider and is not subject to challenge.

POLICY: LOCAL PREFERENCE POLICY | 2.0, ERROR! REFERENCE SOURCE NOT FOUND.

9.9 Procurement Policy Review

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, GOV400047

RECOMMENDATION

That Council:

1. receive the report by the Chief Financial Officer on the Procurement Policy Review;
2. place the revised Procurement Policy on public exhibition for 28 days; and
3. adopt the revised Procurement Policy if no submissions are received.

Executive summary

A review of Council's Procurement Policy (the Policy) has been undertaken, and recommended changes are designed to improve usability, and provide an improved process.

Disclosure of Interest

Nil.

Detailed report

Provisions to allow reasonable exemptions have been broadened and made easier to access. A double exemption has been added with guidelines around appropriate exemption circumstances. Council's last revision of the Procurement Policy was on 20 February 2019, but this revision was deemed appropriate to improve operational work flow and make compliance easier to achieve whilst still ensuring appropriate financial controls are in place.

Alterations proposed are shown in the attachment and are summarised above.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable.

Council Policies

By adopting the recommendation, Council is endorsing the Procurement Policy changes to be placed out on public exhibition for comment. Should any submissions be received a further report will be presented back to Council for consideration. If no submissions are received at the end of the exhibition period, the revised policy will be adopted and apply from that date.

Legislation

The Local Government Act, section 55, sets out the parameters of tendering, and this is referenced in the Policy.

The Local Government Regulations also provide provisions around tendering process.

Financial implications

Not applicable.

Associated Risks

Not applicable.

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

5 June 2019

Attachments: 1. Policy - Procurement Policy.
2. Policy - Procurement Policy - Tracked changes.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Procurement Policy

*A prosperous
and progressive
community*

ADOPTED		VERSION NO	2.0
COUNCIL MEETING MIN NO	29/19	REVIEW DATE	DECEMBER 2020
DATE: 20 FEBRUARY 2019		FILE NUMBER	GOV400047

Objective

This policy aims to ensure Council's procurement of goods and services is legal, ethical and to Council's best advantage. The outcomes of this policy are:

- Open and fair competition;
- Value for money;
- Enhancement of the capabilities of local business and industry;
- Environmental protection; and
- Ethical behaviour and fair dealing
- Maintaining a high standard of health & safety management

Legislative requirements

- Local Government Act 1993
- Local Government (General) Regulation 2005
- WHS Act 2011

Related policies and plans

- Local Preference Policy
- Service Provider Management Policy
- Gifts & Benefits Policy
- Code of Conduct
- Statement of Business Ethics
- Risk Management Policy
- Disposal of Assets Policy
- HRWHS 008 WHS Responsibilities
- HRWHS 059 (Procedure) Framework for the Safety Management of Contractor & Construction Project Works

POLICY: PROCUREMENT POLICY |

Policy

In entering into contracts for the carrying out of work, or the supply of goods and services, Council officers will have regard to Mid-Western Regional Council's purchasing objectives as set out above.

Every effort should be made to ensure businesses operating within the Mid-Western Regional Council area are given an opportunity to quote.

The general objectives of this policy apply to all purchases regardless of whether payment is made via traditional Accounts Payable processes, petty cash or corporate purchase cards.

Those persons/organisations providing goods and services to Council shall be considered to be agents of Council and shall be required to comply with Council's relevant policies.

Breach of the requirements of this policy may result in disciplinary action.

Training of Staff

Staff involved in the procurement of goods and services will be appropriately trained in the relevant procedures to be followed.

Delegation of Authority

The General Manager has delegated authority to incur financial expenditure on behalf of Council under the following provisions:

- Where expenditure has been provided for in Council's budget; or
- to respond to an emergency, community safety issue or potential public liability issue at a cost not exceeding \$50,000;

The General Manager is authorised to enter into contracts on behalf of Council within the expenditure delegation authorised. The Delegation of Authority for the General Manager at item 3.2 allows the General Manager to accept Council tenders with a contract value of up to \$1,000,000 or a contract entered into through a prescribed entity tender, where all other tender requirements of section 55 of the *Local Government Act 1993* and Part 7 of the *Local Government Regulation 2005* are met.

Other Council Officers may only incur expenditure on behalf of the Council if:

- The Officer has been granted a financial delegation by the General Manager and such delegation is recorded in the Delegations Register; and
- The expenditure is provided for in Council's budget; or
- In the case of genuine emergency or hardship where the power to incur expenditure in these circumstances has also been delegated.

Council Officers may only receive an expenditure delegation greater than \$1,000 where the Officer has completed appropriate training or has relevant experience which, in the opinion of the General Manager, qualifies the Officer to the delegated level.

Any Officer incurring expenditure may only do so in accordance with any constraints imposed by the Council or the General Manager in respect to a financial delegation.

POLICY: PROCUREMENT POLICY |

NO OFFICER OTHER THAN THE GENERAL MANAGER MAY HAVE A PROCUREMENT DELEGATION EXCEEDING \$150,000.

Splitting of Orders

Council Officers are prohibited from splitting orders for the purposes of acquiring goods or services above their delegated financial and procurement levels, or to avoid the necessity to obtain quotes or call for tenders.

When party to a trade-in on goods, the delegated level of authority will be used for the purchase price of the goods not the purchase value less the trade in price.

Promotions & Incentives

The offering or acceptance of promotional goods, rewards, benefits or any other form of incentive in relation to the purchase of goods and services is strictly prohibited. Refer to Council's Gifts and Benefits Policy.

Allocation of Funds

Apart from delegated authority to purchase, it is essential that funds are made available for a purchase prior to any commitment being entered into. A budget allocation must have been made by Council in the Operational Plan or subsequent reviews for the purpose to which the proposed expenditure applies.

For special projects, contribution works, and grant works not specifically detailed in the Operational Plan, approval to purchase is dependent upon the funds being available. These funds must either be received or committed in writing by the funding body and accepted by Council.

For any job which exceeds the preliminary estimate by more than an immaterial amount, initial approval for works to commence must be given by the General Manager and reported to Council via the Quarterly Budget Review process.

Budget allocations are provided for a purpose. Expenditure contrary to this purpose, (such as using a budget in one area to cover another, or using a recurrent budget to fund a capital purchase and vice versa), must be approved initially by the General Manager and then reported to Council via the Quarterly Budget Review process.

Aggregation of Requirements

Council has the opportunity to utilise contracts offered by Prescribed Entities (Local Government Procurement & Procurement Australia). Council Officers are encouraged to seek opportunities to aggregate purchases within these alliances as well as other groups when applicable.

Local suppliers should be encouraged to submit a quotation or tender in these circumstances (with the Prescribed Entities), and advertising of such tenders or expressions of interest in locally circulated media (Community News, Mudgee Guardian) is essential.

POLICY: PROCUREMENT POLICY |

Purchase of Goods and Services up to \$100

Purchases may be made via corporate credit cards or out of petty cash except as defined otherwise by the General Manager. The use of official purchase orders is also available, but not preferred.

Purchase of Goods and Services above \$100 and up to \$1,000

Purchases may be made via corporate credit card except as defined otherwise by the General Manager. An alternative to a corporate card purchase is the use of a purchase request form upon receipt of the invoice. The use of an official purchase order is also available, but not preferred. Council staff may either request a specific purchase order or utilise Council's monthly order process.

For various services involving recurrent payments, such as telephone and electricity accounts, subscriptions, credit card purchases and monthly rentals, it is impractical to raise orders prior to receipt of the invoice.

Purchase of Goods and Services above \$1,000 and up to \$10,000

Purchases must be made by submitting an official purchase order to the supplier. Exceptions to placing a purchase order will be made for various services involving recurrent payments, such as telephone and electricity accounts, subscriptions, credit card purchases and monthly rentals, where it is impractical to raise orders prior to receipt of the invoice.

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or
- Accessing a Preferred Supplier Arrangement (PSA) or Pre-qualified Supplier Arrangement (PQA) (via Vendor Panel where applicable) or
- Obtaining at least two quotes (sole supplier situations excepted); including consideration for Council's Local Market Place on Vendor Panel;

In exceptional circumstances where two quotes cannot be obtained; for example, there is not any viable alternative products or suppliers or due to warranties and/or manufacturer requirements, the General Manager or CFO can provide an exemption providing sufficient evidence is provided with your application as to why two quotes cannot be achieved. An exemption must be obtained in writing using the approved form.

or

- Accessing Government contract pricing.

An exemption from obtaining two written quotations may only be issued by the Chief Financial Officer or the General Manager. An exemption must be obtained in writing using the approved form.

When utilising SOA, PSA or PQA procurement methods, Council must ensure that there is provision for the evaluation of the arrangements, including the removal of a supplier from an arrangement because of poor supplier performance.

An SOA or a PSA may be established if:

- The supply of goods or services is needed in large volumes and or on a frequent basis; and

POLICY: PROCUREMENT POLICY |

- Use of an SOA or PSA will obtain better value for money by aggregating demand for the goods or services required.

Purchase of Goods and Services above \$10,001 and up to \$50,000

Purchases must be made by submitting an official purchase order to the supplier. Public advertising for quotations is encouraged but is not essential. If public advertising is used, the responsible Director or Council's Manager Procurement will assess the coverage of such public advertising.

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or
- Accessing a Preferred Supplier Arrangement (PSA) or Pre-qualified Supplier Arrangement (PQA); (via Vendor Panel where applicable) or
- Obtaining at least three written quotes (sole supplier situations excepted) including consideration for Council's Local Market Place on Vendor Panel; or
- Accessing Government contract pricing.

An exemption from obtaining three written quotations may be issued by the CFO. An exemption must be obtained in writing using the approved form.

In exceptional circumstances where three quotes cannot be obtained; for example, there is not any viable alternative products or suppliers or due to warranties and/or manufacturer requirements, the General Manager or CFO can provide an exemption providing sufficient evidence is provided with your exemption application as to why three quotes cannot be achieved. An exemption must be obtained in writing using the approved form.

All quotations received are to be given due consideration in accordance with Mid-Western Regional Council's purchasing objectives.

All persons and organisations that provide a quotation must be advised in writing of the outcome.

When utilising SOA, PSA or PQA procurement methods, Council must ensure that there is provision for the evaluation of the arrangements, including the removal of a supplier from an arrangement because of poor supplier performance or the inclusion of Council's Service Provider Management Policy.

An SOA or a PSA may be established if:

- The supply of goods or services is needed in large volumes and or on a frequent basis; and
- Use of an SOA or PSA will obtain better value for money by aggregating demand for the goods or services required.

Purchase of Goods and Services above \$50,001 and up to \$150,000

Purchases must be made by submitting an official purchase order to the supplier.

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or

POLICY: PROCUREMENT POLICY |

- Accessing a Preferred Supplier Arrangement (PSA) or Pre-qualified Supplier Arrangement (PQA); (via Vendor Panel where applicable) or
- Accessing Government contract pricing; or
- Public advertising for quotations. The responsible Director or Chief Financial Officer will assess the coverage of such public advertising.
- An exemption from obtaining three written quotations may be issued by the General Manager. An exemption must be obtained in writing using the approved form.
- In exceptional circumstances where three quotes cannot be obtained; for example, there is not any viable alternative products or suppliers or due to warranties and/or manufacturer requirements, the General Manager can provide an exemption providing sufficient evidence is provided with your application as to why three quotes cannot be achieved. An exemption must be obtained in writing using the approved form.

An exemption from public advertising for quotations may only be issued by the General Manager. Should such an exemption be issued, a minimum of three written quotations must still be obtained. If three quotes are not obtainable, both the General Manager and the CFO must sign the exemption.

All quotations received are to be given due consideration in accordance with Mid-Western Regional Council's purchasing objectives.

All persons and organisations that provide a quotation must be advised in writing of the outcome.

At the end of major procurements, the performance of the contractor or supplier should be assessed. This information can be used in the assessment process for the award of future contracts.

Purchase of Goods and Services above \$150,000

Purchases in this category shall be administered in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Prior to proceeding on any form of procurement for this value, a budget and a job number must be allocated to the specific project

An official purchase order must be raised, and submitted to the supplier.

At the end of major procurements the performance of the contractor or supplier should be assessed. This information can be used in the assessment process for the award of future contracts.

Tendering

Section 55 of the Local Government Act 1993, in conjunction with the Local Government (General) Regulation 2005, provides the legislative framework that promotes the consistent use of good practice standards in local government tendering in a manner that is clear, consistent and readily accessible to all persons.

Tenders will be called for the provision of goods and or services that exceed \$150,000 in value (including GST). Exceptions may apply in certain circumstances as provided by section 55(3) of the Local Government Act 1993.

POLICY: PROCUREMENT POLICY |

Whenever Council is required by section 55 of the Local Government Act 1993 to invite tenders before entering into a contract, Council must decide the tendering method to be used. The options are:

- The open tendering method by which tenders for the proposed contract are invited by public advertisement;
- The selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement asking for Expressions of Interest;
- The selective tendering method by which recognised contractors selected from a list prepared or adopted by Council are invited to tender for proposed contracts of a particular kind.

The General Manager must approve the selective tendering methods prior to advertising (as an alternative to the open tendering method). The General Manager must also approve those selected tenderers from the Expression of Interest prior to undertaking the selective tender process.

- Or, Accessing a Standing Offer Arrangement (SOA); accessing a Preferred Supplier Arrangement (PSA); or accessing a Pre-qualified Supplier Arrangement

Part 7 of the Local Government (General) Regulation 2005 outlines the requirements for tender processes. The legislation and regulations should be complied with in all instances.

Council has a detailed Tendering Toolkit to guide Officers through the tendering process. This toolkit must be used for all tenders conducted by Council.

Tenders should be evaluated based on Council's purchasing objectives as well as but not limited to previous performance of contractors.

Accessing tenders through external organisations & prescribed entities

Council has the option to access tenders conducted by external organisations. This practice eliminates the need for Council to tender as an individual when there is demonstrated value for money from our alternatives due to a 'bulk buy' methodology.

Council can access current tenders listed with Local Government Procurement (Prescribed Entity), Procurement Australia (Prescribed Entity), Regional Procurement & Centroc by following the relevant participation procedures. Council is not limited to utilising tender arrangements as sought by the abovementioned organisations and is encouraged to utilise the most effective method of Tendering for Council's purchasing objective.

Council have the capability to compare pricing and if an alternative is deemed better value for money than we are capable of obtaining as a single organisation we may utilise these alternatives. Considerations must also be given to Contract terms and conditions of the alternative tender to ensure the needs and expectations of Council are met

When Council participate in an external organisations tenders the project manager should assess the qualification criteria including compliance, standing offer deed, specifications and any evaluation criteria if available. Considerations must also be given to contract terms and conditions of the tender to ensure the needs and expectations of Council are met.

When accepting a tender conducted by an external organisation appropriate approvals must still be sought from either Council or the General Manager, depending on estimated contract value.

POLICY: PROCUREMENT POLICY |

When Council utilise tenders from Prescribed Entities, an approved panel of Service Providers is supplied, Council may choose to do business with one or all of the suppliers. Where Council spend for any one quote is estimated to exceed \$150,000, and prior to approaching the panel of approved service providers, Council staff must obtain permission to proceed from the Manager Procurement or the CFO through Council's Procurement Evaluation Plan and the relevant Director. Once this documentation has been completed and approved, Council staff approach the appropriate approved Service Providers (via appropriate formats i.e. e-quoting portals) to provide a quote under the conditions of tender by the Prescribed Entity for the goods/services required.

The Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government must still be considered during the evaluation phase of the responses from the request for quote. The same responsibilities apply to a tender with regards to the security of documentation and pricing as well as commercial in confidence information.

The evaluation of the responses (quotes) must align to the methodology stated in the approved Procurement Evaluation Plan. An Approval Memorandum must be submitted to the General Manager for acceptance of the recommended applicant unless delegated otherwise.

Amending Tendered Rates

Tendered rates cannot be amended mid-contract unless the original tender documentation and contract specifically permits rate increase considerations and/or variations. All requests for rate increases must be made in writing to the appropriate Council delegate and must not exceed the most recent annual CPI rate increase (nearest quarter) All Groups (or the rate specified in the tender/contract).

All approved increases must be responded to in writing from Council's delegate.

Due Diligence

Due diligence of suppliers is to be carried out, where appropriate, where a tender is not required.

Due diligence of any supplier must be carried out in all Tender situations.

Receipt of Goods and Services

When the goods are received or the works and services carried out, a Goods Received declaration shall be completed in the prescribed format.

Council Specific Procurement

Council will call for tenders on a regular basis for the provision of certain goods and services. The frequency of tenders will be guided by legislative requirements and operational needs. These contracts may include, but are not limited to:

- The supply of fuel and oils
- Cleaning of Council premises
- Security services
- Bitumen sealing

POLICY: PROCUREMENT POLICY |

- Electricity supply
- Telecommunications

Tenders for casual plant hire will be publicly advertised as required. The advertisement will call for fixed rates from owners of specialised plant and equipment, for projects required to be carried out by Council on an as required basis. Quotations for capital works and any works over the nominated threshold value stated in the tender documents will be sought from these suppliers via VendorPanel.

Tenders for casual hire of trade services will be publicly advertised as required. The advertisement will call for pre-qualified suppliers of trade services for projects and routine maintenance required to be carried out by Council on an 'as required' basis. Quotations for capital works and any works over the nominated threshold value stated in the tender documents will be sought from these suppliers via VendorPanel prior to engagement.

Certificates of Insurance

Service providers must have appropriate levels of public, products liability and professional indemnity insurance as necessary. Service providers must also provide evidence of their workers compensation coverage where applicable. All required Certificates of Currency for appropriate insurance must be downloaded into VendorPanel prior to the engagement. If procuring outside of VendorPanel, service providers must provide relevant insurance requirements to the engaging Council staff member.

Service providers identified to be working with (near) children or vulnerable people will be required to complete Police Checks for subcontractors & working with children checks prior to entering any relevant site.

Publication of Successful Tenderers and Expressions of Interest

Council will maintain a register showing those successful Service Providers to Council in those cases where the contract value is in excess of \$50,000.

Work Health & Safety Management and Workplace Injury Management

Mid-Western Regional Council assigns a high priority to the continuous improvement of work health and safety and workplace injury management.

Council is responsible for:

Risk Assessments

A purchasing risk assessment (HRWHS 025) must be undertaken for all items/goods with regards to its potential use at the workplace. In undertaking the risk assessment the following factors are to be considered:

- Manner in which it is to be used and the suitability of the item for the purpose
- Hazards and risks presented by the item (including biological and chemical products) to be purchased

POLICY: PROCUREMENT POLICY |

- Potential impact on affected personnel
- Transport, Maintenance, Cleaning and Storage
- Any associated needs (e.g. appropriate firefighting gear) should an emergency with the item occur
- Legal requirements such as codes of practice or relevant standards
- Specifications which are required to ensure safe operation or use
- Training requirements
- The need to change work procedures
- The need for personal protective equipment(PPE)
- Technical data or information required
- Opinions of the users of the item
- Hazards and risks associated with compounds used in operating, maintaining, cleaning, transporting and storage of the items
- Environmental impact of disposal of waste arising from the above

All risk assessments are to be documented in Council's record system and undertaken in consultation with employees/ workers who may be affected by the purchase. All records of assessments, and details provided by the service provider shall be maintained in a file by the originator of the purchasing request or the life of the equipment and updated when any modifications are carried out. Previous records of assessments are to be archived as appropriate.

Plant & Equipment

In respect to the purchase of plant and equipment including furniture, the supplier will be requested to provide information regarding the hazards associated with the items and recommended controls to manage these hazards.

Suppliers of second-hand plant are specifically required to inform purchasers of any reasonably identifiable faults in the plant.

All plant and equipment must comply with all relevant Australian Standards.

Hazardous Substances

The Safety Data Sheets (SDS) and instructions for use for all hazardous substances must be obtained before the purchase of hazardous substances.

All substances must meet labelling and usage requirements of WHS legislation, standards and codes of practice. From January 2017 all suppliers must be compliant with Global Harmonisation System (GHS) for chemicals. This includes Pictogram Identification on all labels and documents

Any associated emergency control equipment including correct type of fire-fighting equipment and spill control is to be considered (re. Transport, use and storage) in the purchase of a hazardous substance.

POLICY: PROCUREMENT POLICY |

Personal Protective Equipment [PPE]

Prior to purchasing PPE, consideration on whether other forms of hazard control from higher up the hierarchy of hazard control can be implemented needs to be taken into account.

All personal protective equipment must comply with relevant Australian Standards. Since PPE is personal, when purchasing the individual needs of staff MUST be considered. Such needs will include, but not be limited to, individual body size, impairments, capabilities etc.

All employees/workers – including managers – associated with PPE, require training in correct selection, fitting, use, maintenance and storage of the PPE

Pre - Purchase Trials

Trials of equipment and substances including PPE will be undertaken where reasonably practicable, providing an opportunity for monitoring by relevant personnel and management to ensure that no previously unforeseen hazards arise during use.

Trials should also ensure consultation where appropriate e.g. the introduction of new types or brands of PPE.

Feedback from the trial is to be recorded on the Purchasing Risk Assessment (HRWHS 025).

Making a Decision to Purchase

If after the risk assessment, trials and/or the provision of information from the potential supplier, the level of risk associated with the item to be purchased cannot be controlled and is not acceptable, the item is not to be purchased. An alternate item is to be sourced and the process started again.

WHS Standards for Procurement of Service Providers

HRWHS 059 Safety Management Framework is to be referred to prior to the commencement of the service provider procurement process.

This procedure provides a framework for the determination of the level of WHS risk associated with any service to be provided, along with guidelines for WHS documents to be provided as part of any RFT or RFQ.

Service Providers Responsibilities

Service providers shall have a demonstrated commitment to, acceptable performance with, and a systematic approach to work, health and safety management and workplace injury management.

Service providers, their employees and subcontractors must comply with work, health and safety, workers compensation insurance, injury management and rehabilitation obligations under legislation, relevant industry codes of practice, safety procedures in applicable industrial awards and approved agreements, and the general law.

If a service provider is deemed a regular or high-risk service provider by Council's WHS Coordinator, all employees of the service provider must undertake Council's Contractor Specific Induction Program. This induction does not replace site-specific inductions.

POLICY: PROCUREMENT POLICY |

Principal contractors are accountable for compliance by their service providers with their legal obligations regarding their employees.

All service providers, their employees, their unions and subcontractors must also comply with their workplace obligations, including the provisions of all applicable industrial awards and approved agreements.

Arrangements or practices designed to avoid workplace obligations under relevant laws, industrial awards and approved agreements are not permitted.

Local Preference

Mid-Western Regional Council acknowledges that it has an important role to play in the local economy and is committed to assisting local industry engage in business with Council. To assist local industry and local economic development, Council's Local Preference Policy supports our commitment to providing opportunities for our local service providers.

Full details of Council's Local Preference Policy can be found on Council's website.

Service Provider Management Policy

The Service Provider Management policy aims to ensure Council's expectations and management of service providers (contractors) is legal, ethical and transparent for all parties. It is to provide guidance in the selection, management and monitoring of service providers engaged by Mid-Western Regional Council. The outcomes of this policy are: Clear & Defined Expectations & Responsibilities, Performance Management Criteria & Matrix, Protection of Supplier Rates and Ethical Behaviour & Fair dealing

Full details of Council's Service Provider Management Policy can be found on Council's website.

Variations of this policy

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

Definitions

SOA - Standing Offer Arrangement

- An agreement where the Service Provider allows Council to purchase goods and services at a set price for a set period of time

PSA - Preferred Supplier Arrangement

- An agreement where the Service Provider allows Council to purchase goods and services at a set price for a set period of time, however, Council place suppliers in a preferred order. This particularly relates to Wet & Dry Plant Hire and also Trades lists (to name a few). Lists are tendered for and suppliers are numbered from 1 to say 5 during the evaluation process. In the first instance Council must contact the number 1 supplier and if unavailable contact number 2 on so on.

PQA - Pre-Qualified (Prequalification) Arrangement

POLICY: PROCUREMENT POLICY |

- An agreement where Council create panels for regularly used goods or services, these may or may not be tendered for. Panels are created in VendorPanel (Councils' e-quoting portal) and Service Providers must meet Council's compliance requirements to be accepted. Prequalification panels allow Service Providers to nominate rates at time of quoting, any tendered rates are only used for tender evaluation, and therefore they may also be amended during the quoting process.
- This option allows Council to capture minimum compliance options for regularly used services providers as well as allowing service providers to present up to date pricing. The opportunity and potential for Council to obtain better value for money by creating a more competitive market is increased.

Prescribed Entity

- Any organisation that is specified in the Local Government (General) Regulation, Section 163 is recognised as a Prescribed Entity therefore approval is not required for acceptance of tenders sought from those specified.

VendorPanel

- Council's electronic quoting (e-quoting) portal

Council's VendorPanel Local Market Place

- VendorPanel Marketplace is an e-quoting portal enabling Council employees to directly contact businesses that Council may not utilise regularly or require tenders for, but may employ from time to time.

Due Diligence

- Is an investigation of a business or person prior to signing a contract, or an act with a certain standard of care.

Public Advertising

Public advertising may include:

- Local and Sydney newspapers
- VendorPanel



POLICY

Procurement Policy

*A prosperous
and progressive
community*

ADOPTED		VERSION NO	2.0
COUNCIL MEETING MIN NO	29/19	REVIEW DATE	DECEMBER 2020
DATE: 20 FEBRUARY 2019		FILE NUMBER	GOV400047

Objective

This policy aims to ensure Council's procurement of goods and services is legal, ethical and to Council's best advantage. The outcomes of this policy are:

- Open and fair competition;
- Value for money;
- Enhancement of the capabilities of local business and industry;
- Environmental protection; and
- Ethical behaviour and fair dealing
- Maintaining a high standard of health & safety management

Legislative requirements

- Local Government Act 1993
- Local Government (General) Regulation 2005
- WHS Act 2011

Related policies and plans

- Local Preference Policy
- Service Provider Management Policy
- Gifts & Benefits Policy
- Code of Conduct
- Statement of Business Ethics
- Risk Management Policy
- Disposal of Assets Policy
- HRWHS 008 WHS Responsibilities
- HRWHS 059 (Procedure) Framework for the Safety Management of Contractor & Construction Project Works

POLICY: [PROCUREMENT POLICY](#) | _____

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

Policy

In entering into contracts for the carrying out of work, or the supply of goods and services, Council officers will have regard to Mid-Western Regional Council's purchasing objectives as set out above.

Every effort should be made to ensure businesses operating within the Mid-Western Regional Council area are given an opportunity to quote.

The general objectives of this policy apply to all purchases regardless of whether payment is made via traditional Accounts Payable processes, petty cash or corporate purchase cards.

Those persons/organisations providing goods and services to Council shall be considered to be agents of Council and shall be required to comply with Council's relevant policies.

Breach of the requirements of this policy may result in disciplinary action.

Training of Staff

Staff involved in the procurement of goods and services will be appropriately trained in the relevant procedures to be followed.

Delegation of Authority

The General Manager has delegated authority to incur financial expenditure on behalf of Council under the following provisions:

- Where expenditure has been provided for in Council's budget; or
- to respond to an emergency, community safety issue or potential public liability issue at a cost not exceeding \$50,000;

The General Manager is authorised to enter into contracts on behalf of Council within the expenditure delegation authorised. The Delegation of Authority for the General Manager at item 3.2 allows the General Manager to accept Council tenders with a contract value of up to \$1,000,000 or a contract entered into through a prescribed entity tender, where all other tender requirements of section 55 of the *Local Government Act 1993* and Part 7 of the *Local Government Regulation 2005* are met.

Other Council Officers may only incur expenditure on behalf of the Council if:

- The Officer has been granted a financial delegation by the General Manager and such delegation is recorded in the Delegations Register; and
- The expenditure is provided for in Council's budget; or
- In the case of genuine emergency or hardship where the power to incur expenditure in these circumstances has also been delegated.

Council Officers may only receive an expenditure delegation greater than \$1,000 where the Officer has completed appropriate training or has relevant experience which, in the opinion of the General Manager, qualifies the Officer to the delegated level.

Any Officer incurring expenditure may only do so in accordance with any constraints imposed by the Council or the General Manager in respect to a financial delegation.

POLICY: [PROCUREMENT POLICY](#)[PROCUREMENT POLICY](#) |

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

NO OFFICER OTHER THAN THE GENERAL MANAGER MAY HAVE A PROCUREMENT DELEGATION EXCEEDING \$150,000.

Splitting of Orders

Council Officers are prohibited from splitting orders for the purposes of acquiring goods or services above their delegated financial and procurement levels, or to avoid the necessity to obtain quotes or call for tenders.

When party to a trade-in on goods, the delegated level of authority will be used for the purchase price of the goods not the purchase value less the trade in price.

Promotions & Incentives

The offering or acceptance of promotional goods, rewards, benefits or any other form of incentive in relation to the purchase of goods and services is strictly prohibited. Refer to Council's Gifts and Benefits Policy.

Allocation of Funds

Apart from delegated authority to purchase, it is essential that funds are made available for a purchase prior to any commitment being entered into. A budget allocation must have been made by Council in the Operational Plan or subsequent reviews for the purpose to which the proposed expenditure applies.

For special projects, contribution works, and grant works not specifically detailed in the Operational Plan, approval to purchase is dependent upon the funds being available. These funds must either be received or committed in writing by the funding body and accepted by Council.

For any job which exceeds the preliminary estimate by more than an immaterial amount, initial approval for works to commence must be given by the General Manager and reported to Council via the Quarterly Budget Review process.

Budget allocations are provided for a purpose. Expenditure contrary to this purpose, (such as using a budget in one area to cover another, or using a recurrent budget to fund a capital purchase and vice versa), must be approved initially by the General Manager and then reported to Council via the Quarterly Budget Review process.

Aggregation of Requirements

Council has the opportunity to utilise contracts offered by Prescribed Entities (Local Government Procurement & Procurement Australia). Council Officers are encouraged to seek opportunities to aggregate purchases within these alliances as well as other groups when applicable.

Local suppliers should be encouraged to submit a quotation or tender in these circumstances (with the Prescribed Entities), and advertising of such tenders or expressions of interest in locally circulated media (Community News, Mudgee Guardian) is essential.

POLICY: [PROCUREMENT POLICY](#)[PROCUREMENT POLICY](#) | _____

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

Purchase of Goods and Services up to \$100

Purchases may be made via corporate credit cards or out of petty cash except as defined otherwise by the General Manager. The use of official purchase orders is also available, but not preferred.

Purchase of Goods and Services above \$100 and up to \$1,000

Purchases may be made via corporate credit card except as defined otherwise by the General Manager. An alternative to a corporate card purchase is the use of a purchase request form upon receipt of the invoice. The use of an official purchase order is also available, but not preferred. Council staff may either request a specific purchase order or utilise Council's monthly order process.

For various services involving recurrent payments, such as telephone and electricity accounts, subscriptions, credit card purchases and monthly rentals, it is impractical to raise orders prior to receipt of the invoice.

Purchase of Goods and Services above \$1,000 and up to \$10,000

Purchases must be made by submitting an official purchase order to the supplier. Exceptions to placing a purchase order will be made for various services involving recurrent payments, such as telephone and electricity accounts, subscriptions, credit card purchases and monthly rentals, where it is impractical to raise orders prior to receipt of the invoice.

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or
- Accessing a Preferred Supplier Arrangement (PSA) or Pre-qualified Supplier Arrangement (PQA) (via Vendor Panel where applicable) or
- Obtaining at least two quotes (sole supplier situations excepted); including consideration for Council's Local Market Place on Vendor Panel;

In exceptional circumstances where two quotes cannot be obtained; for example, there is not any viable alternative products or suppliers or due to warranties and/or manufacturer requirements, the General Manager or CFO can provide an exemption providing sufficient evidence is provided with your application as to why two quotes cannot be achieved. An exemption must be obtained in writing using the approved form.

Formatted: Indent: Left: 0.5 cm, No bullets or numbering

-or

- Accessing Government contract pricing.

An exemption from obtaining two written quotations may only be issued by the Chief Financial Officer or the General Manager. An exemption must be obtained in writing using the approved form.

When utilising SOA, PSA or PQA procurement methods, Council must ensure that there is provision for the evaluation of the arrangements, including the removal of a supplier from an arrangement because of poor supplier performance.

An SOA or a PSA may be established if:

- The supply of goods or services is needed in large volumes and or on a frequent basis; and

POLICY: [PROCUREMENT POLICY](#)[PROCUREMENT POLICY](#) |

- Use of an SOA or PSA will obtain better value for money by aggregating demand for the goods or services required.

Purchase of Goods and Services above ~~\$10,000-001~~ and up to \$50,000

Purchases must be made by submitting an official purchase order to the supplier. Public advertising for quotations is encouraged but is not essential. If public advertising is used, the responsible Director or Council's Manager Procurement will assess the coverage of such public advertising.

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or
- Accessing a Preferred Supplier Arrangement (PSA) or Pre-qualified Supplier Arrangement (PQA); (via Vendor Panel where applicable) or
- Obtaining at least three written quotes (sole supplier situations excepted) including consideration for Council's Local Market Place on Vendor Panel; or
- Accessing Government contract pricing.

An exemption from obtaining three written quotations may **only** be issued by the **CFO General Manager**. An exemption must be obtained in writing using the approved form.

In exceptional circumstances where three quotes cannot be obtained; for example, there is not any viable alternative products or suppliers or due to warranties and/or manufacturer requirements, the General Manager or CFO can provide an exemption providing sufficient evidence is provided with your exemption application as to why three quotes cannot be achieved. An exemption must be obtained in writing using the approved form.

All quotations received are to be given due consideration in accordance with Mid-Western Regional Council's purchasing objectives.

All persons and organisations that provide a quotation must be advised in writing of the outcome.

When utilising SOA, PSA or PQA procurement methods, Council must ensure that there is provision for the evaluation of the arrangements, including the removal of a supplier from an arrangement because of poor supplier performance or the inclusion of Council's Service Provider Management Policy.

An SOA or a PSA may be established if:

- The supply of goods or services is needed in large volumes and on a frequent basis; and
- Use of an SOA or PSA will obtain better value for money by aggregating demand for the goods or services required.

Purchase of Goods and Services above ~~\$50,000-001~~ and up to ~~\$149150,999000~~

Purchases must be made by submitting an official purchase order to the supplier.

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

Formatted: Not Highlight

POLICY: [PROCUREMENT POLICY](#)[PROCUREMENT POLICY](#) |

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

- Accessing a Preferred Supplier Arrangement (PSA) or Pre-qualified Supplier Arrangement (PQA); (via Vendor Panel where applicable) or
- Accessing Government contract pricing; or
- Public advertising for quotations. The responsible Director or Chief Financial Officer will assess the coverage of such public advertising.
- An exemption from obtaining three written quotations may be issued by the General Manager. An exemption must be obtained in writing using the approved form.
- In exceptional circumstances where three quotes cannot be obtained; for example, there is not any viable alternative products or suppliers or due to warranties and/or manufacturer requirements, the General Manager can provide an exemption providing sufficient evidence is provided with your application as to why three quotes cannot be achieved. An exemption must be obtained in writing using the approved form.

Formatted: Not Highlight

An exemption from public advertising for quotations may only be issued by the General Manager. Should such an exemption be issued, a minimum of three written quotations must still be obtained. If three quotes are not obtainable, both the General Manager and the CFO must sign the exemption.

All quotations received are to be given due consideration in accordance with Mid-Western Regional Council's purchasing objectives.

All persons and organisations that provide a quotation must be advised in writing of the outcome.

At the end of major procurements, the performance of the contractor or supplier should be assessed. This information can be used in the assessment process for the award of future contracts.

Purchase of Goods and Services above \$150,000

Purchases in this category shall be administered in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Prior to proceeding on any form of procurement for this value, a budget and a job number must be allocated to the specific project

An official purchase order must be raised, and submitted to the supplier.

At the end of major procurements the performance of the contractor or supplier should be assessed. This information can be used in the assessment process for the award of future contracts.

Tendering

Section 55 of the Local Government Act 1993, in conjunction with the Local Government (General) Regulation 2005, provides the legislative framework that promotes the consistent use of good practice standards in local government tendering in a manner that is clear, consistent and readily accessible to all persons.

Tenders will be called for the provision of goods and or services that exceed \$150,000 in value (including GST). Exceptions may apply in certain circumstances as provided by section 55(3) of the Local Government Act 1993.

POLICY: PROCUREMENT POLICY | PROCUREMENT POLICY | _____

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

Whenever Council is required by section 55 of the Local Government Act 1993 to invite tenders before entering into a contract, Council must decide the tendering method to be used. The options are:

- The open tendering method by which tenders for the proposed contract are invited by public advertisement;
- The selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement asking for Expressions of Interest;
- The selective tendering method by which recognised contractors selected from a list prepared or adopted by Council are invited to tender for proposed contracts of a particular kind.

The General Manager must approve the selective tendering methods prior to advertising (as an alternative to the open tendering method). The General Manager must also approve those selected tenderers from the Expression of Interest prior to undertaking the selective tender process.

- Or, Accessing a Standing Offer Arrangement (SOA); accessing a Preferred Supplier Arrangement (PSA); or accessing a Pre-qualified Supplier Arrangement

Part 7 of the Local Government (General) Regulation 2005 outlines the requirements for tender processes. The legislation and regulations should be complied with in all instances.

Council has a detailed Tendering Toolkit to guide Officers through the tendering process. This toolkit must be used for all tenders conducted by Council.

Tenders should be evaluated based on Council's purchasing objectives as well as but not limited to previous performance of contractors.

Accessing tenders through external organisations & prescribed entities

Council has the option to access tenders conducted by external organisations. This practice eliminates the need for Council to tender as an individual when there is demonstrated value for money from our alternatives due to a 'bulk buy' methodology.

Council can access current tenders listed with Local Government Procurement (Prescribed Entity), Procurement Australia (Prescribed Entity), ~~and~~ Regional Procurement & Centroc by following the relevant participation procedures. Council is not limited to utilising tender arrangements as sought by the abovementioned organisations and is encouraged to utilise the most effective method of Tendering for Council's purchasing objective.

Council have the capability to compare pricing and if an alternative is deemed better value for money than we are capable of obtaining as a single organisation we may utilise these alternatives. Considerations must also be given to Contract terms and conditions of the alternative tender to ensure the needs and expectations of Council are met

When Council participate in an external organisations tenders the project manager should assess the qualification criteria including compliance, standing offer deed, specifications and any evaluation criteria if available. Considerations must also be given to contract terms and conditions of the tender to ensure the needs and expectations of Council are met.

When accepting a tender conducted by an external organisation appropriate approvals must still be sought from either Council or the General Manager, depending on estimated contract value.

POLICY: [PROCUREMENT POLICY](#)[PROCUREMENT POLICY](#) |

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

When Council utilise tenders from Prescribed Entities, an approved panel of Service Providers is supplied, Council may choose to do business with one or all of the suppliers. Where Council spend for any one quote is estimated to exceed \$150,000, and prior to approaching the panel of approved service providers, Council staff must obtain permission to proceed from the ~~General~~ Manager Procurement or the CFO through Council's Procurement Evaluation Plan and the relevant Director. Once this documentation has been completed and approved, Council staff approach the appropriate approved Service Providers (via appropriate formats i.e. e-quoting portals) to provide a quote under the conditions of tender by the Prescribed Entity for the goods/services required.

Formatted: Not Highlight

The Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government must still be considered during the evaluation phase of the responses from the request for quote. The same responsibilities apply to a tender with regards to the security of documentation and pricing as well as commercial in confidence information.

The evaluation of the responses (quotes) must align to the methodology stated in the approved Procurement Evaluation Plan. ~~The outcome does not require further approvals, however for the purpose of transparency it is recommended.~~ An Approval Memorandum must be submitted to the General Manager for acceptance of the recommended applicant unless delegated otherwise.

Amending Tendered Rates

Tendered rates cannot be amended mid-contract unless the original tender documentation and contract specifically permits rate increase considerations and/or variations. All requests for rate increases must be made in writing to the appropriate Council delegate and must not exceed the most recent annual CPI rate increase (nearest quarter) All Groups (or the rate specified in the tender/contract). All approved increases must be responded to in writing from Council's delegate.

Due Diligence

Due diligence of suppliers is to be carried out, where appropriate, where a tender is not required.

Due diligence of any supplier must be carried out in all Tender situations.

Receipt of Goods and Services

When the goods are received or the works and services carried out, a Goods Received declaration shall be completed in the prescribed format.

Council Specific Procurement

Council will call for tenders on a regular basis for the provision of certain goods and services. The frequency of tenders will be guided by legislative requirements and operational needs. These contracts may include, but are not limited to:

- The supply of fuel and oils
- Cleaning of Council premises
- Security services

POLICY: [PROCUREMENT POLICY](#) | [PROCUREMENT POLICY](#) |

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

- Bitumen sealing
- Electricity supply
- Telecommunications

Tenders for casual plant hire will be publicly advertised as required. The advertisement will call for fixed rates from owners of specialised plant and equipment, for projects required to be carried out by Council on an as required basis. Quotations for capital works and any works over the nominated threshold value stated in the tender documents will be sought from these suppliers via VendorPanel.

Tenders for casual hire of trade services will be publicly advertised as required. The advertisement will call for pre-qualified suppliers of trade services for projects and routine maintenance required to be carried out by Council on an 'as required' basis. Quotations for capital works and any works over the nominated threshold value stated in the tender documents will be sought from these suppliers via VendorPanel prior to engagement.

Certificates of Insurance

Service providers must have appropriate levels of public, products liability and professional indemnity insurance as necessary. Service providers must also provide evidence of their workers compensation coverage where applicable. All required Certificates of Currency for appropriate insurance must be downloaded into VendorPanel prior to the engagement. If procuring outside of VendorPanel, service providers must provide relevant insurance requirements to the engaging Council staff member.

Service providers identified to be working with (near) children or vulnerable people will be required to complete Police Checks for subcontractors & working with children checks prior to entering any relevant site.

Publication of Successful Tenderers and Expressions of Interest

Council will maintain a register showing those successful Service Providers to Council in those cases where the contract value is in excess of \$450,000.

Work Health & Safety Management and Workplace Injury Management

Mid-Western Regional Council assigns a high priority to the continuous improvement of work health and safety and workplace injury management.

Council is responsible for:

Risk Assessments

A purchasing risk assessment (HRWHS 025) must be undertaken for all items/goods with regards to its potential use at the workplace. In undertaking the risk assessment the following factors are to be considered:

- Manner in which it is to be used and the suitability of the item for the purpose

POLICY: [PROCUREMENT POLICY](#) | _____

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

- Hazards and risks presented by the item (including biological and chemical products) to be purchased
- Potential impact on affected personnel
- Transport, Maintenance, Cleaning and Storage
- Any associated needs (e.g. appropriate firefighting gear) should an emergency with the item occur
- Legal requirements such as codes of practice or relevant standards
- Specifications which are required to ensure safe operation or use
- Training requirements
- The need to change work procedures
- The need for personal protective equipment(PPE)
- Technical data or information required
- Opinions of the users of the item
- Hazards and risks associated with compounds used in operating, maintaining, cleaning, transporting and storage of the items
- Environmental impact of disposal of waste arising from the above

All risk assessments are to be documented in Council's record system and undertaken in consultation with employees/ workers who may be affected by the purchase. All records of assessments, and details provided by the service provider shall be maintained in a file by the originator of the purchasing request or the life of the equipment and updated when any modifications are carried out. Previous records of assessments are to be archived as appropriate.

Plant & Equipment

In respect to the purchase of plant and equipment including furniture, the supplier will be requested to provide information regarding the hazards associated with the items and recommended controls to manage these hazards.

Suppliers of second-hand plant are specifically required to inform purchasers of any reasonably identifiable faults in the plant.

All plant and equipment must comply with all relevant Australian Standards.

Hazardous Substances

The Safety Data Sheets (SDS) and instructions for use for all hazardous substances must be obtained before the purchase of hazardous substances.

All substances must meet labelling and usage requirements of WHS legislation, standards and codes of practice. From January 2017 all suppliers must be compliant with Global Harmonisation System (GHS) for chemicals. This includes Pictogram Identification on all labels and documents

POLICY: [PROCUREMENT POLICY](#) | _____

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

Any associated emergency control equipment including correct type of fire-fighting equipment and spill control is to be considered (re. Transport, use and storage) in the purchase of a hazardous substance.

Personal Protective Equipment [PPE]

Prior to purchasing PPE, consideration on whether other forms of hazard control from higher up the hierarchy of hazard control can be implemented needs to be taken into account.

All personal protective equipment must comply with relevant Australian Standards. Since PPE is personal, when purchasing the individual needs of staff MUST be considered. Such needs will include, but not be limited to, individual body size, impairments, capabilities etc.

All employees/workers – including managers – associated with PPE, require training in correct selection, fitting, use, maintenance and storage of the PPE

Pre - Purchase Trials

Trials of equipment and substances including PPE will be undertaken where reasonably practicable, providing an opportunity for monitoring by relevant personnel and management to ensure that no previously unforeseen hazards arise during use.

Trials should also ensure consultation where appropriate e.g. the introduction of new types or brands of PPE.

Feedback from the trial is to be recorded on the Purchasing Risk Assessment (HRWHS 025).

Making a Decision to Purchase

If after the risk assessment, trials and/or the provision of information from the potential supplier, the level of risk associated with the item to be purchased cannot be controlled and is not acceptable, the item is not to be purchased. An alternate item is to be sourced and the process started again.

WHS Standards for Procurement of Service Providers

HRWHS 059 Safety Management Framework is to be referred to prior to the commencement of the service provider procurement process.

This procedure provides a framework for the determination of the level of WHS risk associated with any service to be provided, along with guidelines for WHS documents to be provided as part of any RFT or RFQ.

Service Providers Responsibilities

Service providers shall have a demonstrated commitment to, acceptable performance with, and a systematic approach to work, health and safety management and workplace injury management.

Service providers, their employees and subcontractors must comply with work, health and safety, workers compensation insurance, injury management and rehabilitation obligations under legislation, relevant industry codes of practice, safety procedures in applicable industrial awards and approved agreements, and the general law.

POLICY: [PROCUREMENT POLICY](#)[PROCUREMENT POLICY](#) | _____

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

If a service provider is deemed a regular or high-risk service provider by Council's WHS Coordinator, all employees of the service provider must undertake Council's Contractor Specific Induction Program. This induction does not replace site-specific inductions.

Principal contractors are accountable for compliance by their service providers with their legal obligations regarding their employees.

All service providers, their employees, their unions and subcontractors must also comply with their workplace obligations, including the provisions of all applicable industrial awards and approved agreements.

Arrangements or practices designed to avoid workplace obligations under relevant laws, industrial awards and approved agreements are not permitted.

Local Preference

Mid-Western Regional Council acknowledges that it has an important role to play in the local economy and is committed to assisting local industry engage in business with Council. To assist local industry and local economic development, Council's Local Preference Policy supports our commitment to providing opportunities for our local service providers.

Full details of Council's Local Preference Policy can be found on Council's website.

Service Provider Management Policy

The Service Provider Management policy aims to ensure Council's expectations and management of service providers (contractors) is legal, ethical and transparent for all parties. It is to provide guidance in the selection, management and monitoring of service providers engaged by Mid-Western Regional Council. The outcomes of this policy are: Clear & Defined Expectations & Responsibilities, Performance Management Criteria & Matrix, Protection of Supplier Rates and Ethical Behaviour & Fair dealing

Full details of Council's Service Provider Management Policy can be found on Council's website.

Variations of this policy

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

Definitions

SOA - Standing Offer Arrangement

- An agreement where the Service Provider allows Council to purchase goods and services at a set price for a set period of time

PSA - Preferred Supplier Arrangement

- An agreement where the Service Provider allows Council to purchase goods and services at a set price for a set period of time, however, Council place suppliers in a preferred order. This particularly relates to Wet & Dry Plant Hire and also Trades lists (to name a few). Lists are tendered for and suppliers are numbered from 1 to say 5 during the evaluation process. In the

POLICY: [PROCUREMENT POLICY](#) | _____

Formatted: Font: 9 pt, Bold, Font color: Accent 1, English (Australia)

first instance Council must contact the number 1 supplier and if unavailable contact number 2 on so on.

PQA - Pre-Qualified (Prequalification) Arrangement

- An agreement where Council create panels for regularly used goods or services, these may or may not be tendered for. Panels are created in VendorPanel (Councils' e-quoting portal) and Service Providers must meet Council's compliance requirements to be accepted. Prequalification panels allow Service Providers to nominate rates at time of quoting, any tendered rates are only used for tender evaluation, and therefore they may also be amended during the quoting process.
- This option allows Council to capture minimum compliance options for regularly used services providers as well as allowing service providers to present up to date pricing. The opportunity and potential for Council to obtain better value for money by creating a more competitive market is increased.

Prescribed Entity

- Any organisation that is specified in the Local Government (General) Regulation, Section 163 is recognised as a Prescribed Entity therefore approval is not required for acceptance of tenders sought from those specified.

VendorPanel

- Council's electronic quoting (e-quoting) portal

Council's VendorPanel Local Market Place

- VendorPanel Marketplace is an e-quoting portal enabling Council employees to directly contact businesses that Council may not utilise regularly or require tenders for, but may employ from time to time.

Due Diligence

- Is an investigation of a business or person prior to signing a contract, or an act with a certain standard of care.

Public Advertising

Public advertising may include:

- Local and Sydney newspapers
- VendorPanel

9.10 Service Provider Management Policy Review

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, GOV400047

RECOMMENDATION

That Council:

1. receive the report by the Chief Financial Officer on the Service Provider Management Policy Review;
2. place the Service Provider Management Policy on public exhibition for 28 days; and
3. request an additional report to Council to consider submissions and adopt the Service Provider Management Policy after public exhibition.

Executive summary

A review of Council's Service Provider Management Policy (the Policy) has been undertaken, and recommended changes are designed to improve usability, and provide a simplified framework that should be easier for Service Providers to understand.

Disclosure of Interest

Nil

Detailed report

There have been material changes to the Service Provider Management Policy. These changes are designed to make the Policy easier to understand and use, cover off on Councils improved WHS processes and deliver clear set of parameters for managing service providers.

This Policy provides the requirements to service providers and communicates the process that will be followed by Council.

Community Plan implications

Theme	Good Governance
-------	-----------------

Goal	An effective and efficient organisation
------	---

Strategy	Prudently manage risks association with all Council activities
----------	--

Strategic implications

Council Strategies

Not Applicable

Council Policies

Nil

Legislation

The Policy references the WHS Act 2011

Financial implications

Nil

Associated Risks

This policy is designed to manage and reduce associated risks that may arise when managing external service providers. Such risks include breach of process contract, WHS requirements, procurement requirements, chain of responsibility.

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

5 June 2019

Attachments: 1. Policy - Service Provider Management. (separately attached)
2. Policy - Service Provider Management - tracked changes. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.11 Asset Disposal Policy Review

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, GOV400047

RECOMMENDATION

That Council:

1. **receive the report by the Chief Financial Officer on the Asset Disposal Policy Review;**
2. **place the revised Asset Disposal Policy on public exhibition for 28 days; and**
3. **adopt the Asset Disposal Policy if no submissions are received.**

Executive summary

The Asset Disposal Policy has a recommended change to incorporate negotiated sales to other local government entities (councils).

Disclosure of Interest

Nil.

Detailed report

There is a minor change recommended to the restrictions around negotiated sales, and this change has been tracked for review in the attached draft policy.

When selling surplus stock items from Councils Store, sometimes the most appropriate market exists within other councils. This is because they provide similar functions to Council, and have a use for the same stock items. In the past, negotiated sales with other councils have occurred for small amounts of stock with a value of less than \$2000, and this was in line with the controls set in the Asset Disposal Policy. However, Council has a larger amount of surplus stock on hand (water meters), due to the integration over to Smart Meters, and would like to on sell these meters to other councils. It is noted that there are likely to be other scenarios where a negotiated sale to another council will provide the best outcome for Council.

Community Plan implications

Theme	Good Governance
-------	-----------------

Goal	An effective and efficient organisation
------	---

Strategy	Prudently manage risks association with all Council activities
----------	--

Strategic implications

Council Strategies

Not Applicable

Council Policies

This is a recommended change to an existing policy.

Legislation

Disposal of assets over \$150,000 require a tender process, however contracts between councils are exempt from requiring a tender – Local Government Act NSW 1993, section 55, part 3. Therefore, negotiated sales with other Councils do not require a financial cap.

Financial implications

Not Applicable

Associated Risks

Not Applicable

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

5 June 2019

Attachments: 1. POLICY - REVIEW - Disposal of Assets - June 2019 - tracked changes.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Disposal of Assets

*A prosperous
and progressive
community.*

ADOPTED		VERSION NO	VERSION 1.1
COUNCIL MEETING MIN	212/15	REVIEW DATE	JULY 2019
DATE:	15 JULY 2015	FILE NUMBER	A0100021

Objective

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

Legislative requirements

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

Related policies and plans

- Asset Management
- Code of Conduct
- Statement of Business Ethics
- Conflict of Interest
- Insert related policies and plans here

Policy

Guidelines

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

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

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

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

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

POLICY: ERROR! REFERENCE SOURCE NOT FOUND. | ERROR! REFERENCE SOURCE NOT FOUND., 15 JULY 2015.

Formatted: Font: 9 pt

Deleted: 15 JULY 2015[INSERT DATE]

Formatted: Font: 9 pt

Formatted: Font: 9 pt

Formatted: Font: 9 pt

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

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

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

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

Related Documents

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

Delegation

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

Conflict of Interest

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

Reasons for Disposal

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

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

Preparing Assets for Disposal

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

- Additional items not intended for sale

POLICY: ERROR! REFERENCE SOURCE NOT FOUND. | ERROR! REFERENCE SOURCE NOT FOUND., 15 JULY 2015

Formatted: Font: 9 pt
Deleted: 15 JULY 2015[INSERT DATE]
Formatted: Font: 9 pt
Formatted: Font: 9 pt
Formatted: Font: 9 pt

- Confidential documents
- Any other Council documents
- Software (which may lead to a breach of license or contain confidential data)
- Hazardous material

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

Disposal Methods

The principal methods for disposal of assets are:

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

Section 55 of the Local Government Act sets out the parameters for Tendering, and should be referenced and complied with, where relevant.

Sales to Staff and Councillors

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

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

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

Donations to Community Groups and Registered Charities

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

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

POLICY: ERROR! REFERENCE SOURCE NOT FOUND. | ERROR! REFERENCE SOURCE NOT FOUND., 15 JULY 2015

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

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

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

Variation

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

Formatted: Font: 9 pt
Deleted: 15 JULY 2015[INSERT DATE]
Formatted: Font: 9 pt
Formatted: Font: 9 pt
Formatted: Font: 9 pt

9.12 Monthly Statement of Investment and Bank Balances as at 31 May 2019

REPORT BY THE MANAGER FINANCIAL PLANNING
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, FIN300053

RECOMMENDATION

That Council:

1. receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 May 2019; and
2. note the certification of the Responsible Accounting Officer.

Executive summary

The purpose of this report is to certify that Council's investments have been made in accordance with legal and policy requirements, provide information on the detail of investments and raise other matters relevant to Council's investment portfolio as required.

Disclosure of Interest

Nil.

Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 31 May 2019.

Community Plan implications

Theme	Good Governance
-------	-----------------

Goal	An effective and efficient organisation
------	---

Strategy	Prudently manage risks association with all Council activities
----------	--

Strategic implications

Council Strategies

Not applicable.

Council Policies

Council's Investments Policy requires a written report each month setting out the entire investment portfolio.

Legislation

As per Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer certifies that;

- a) this report sets out details of all money that the Council has invested under Section 625 of the Act, and
- b) all investments have been made in accordance with the Act, the regulations and Council's investment policies.

Financial implications

Not applicable.

Associated Risks

Not applicable.

NEIL BUNGATE
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

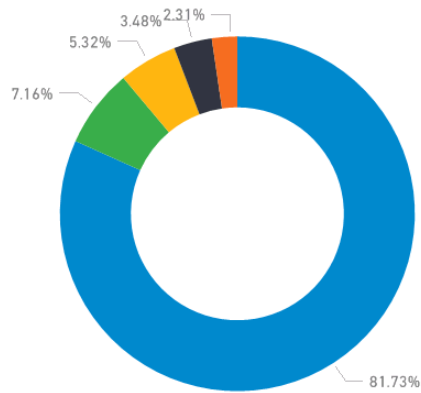
5 June 2019

Attachments: 1. Investment Report May 2019.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

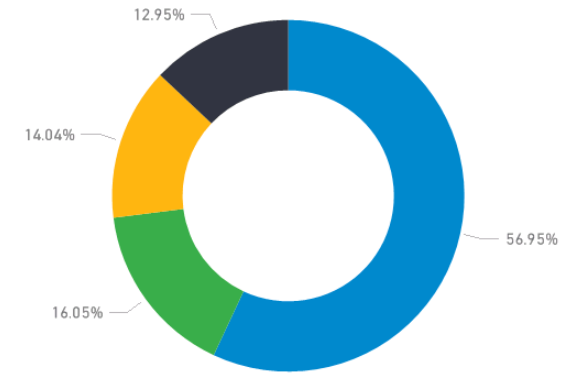
Investments by Type



Total Investment Portfolio

74.76M

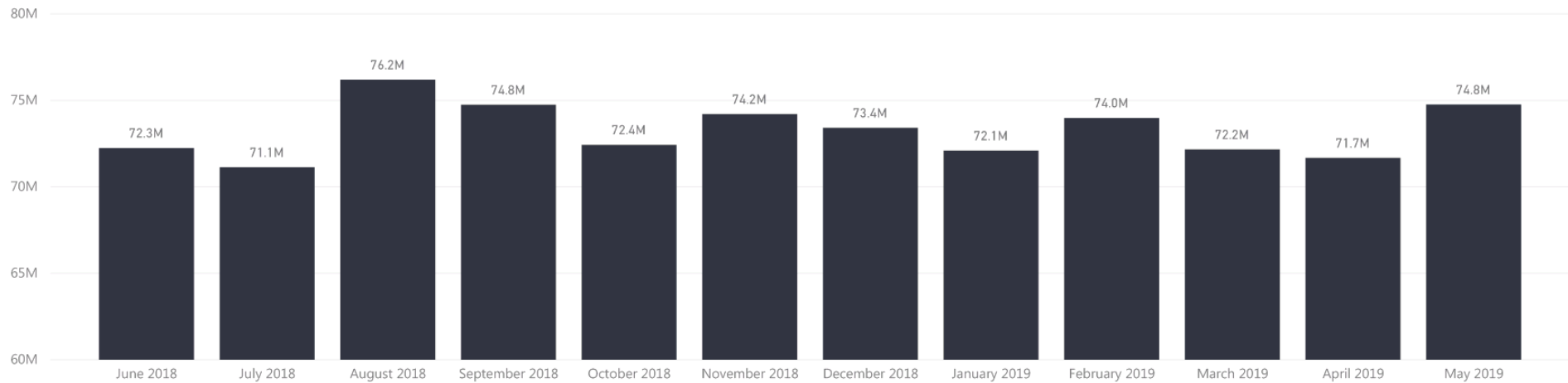
Investments by Long Term Rating



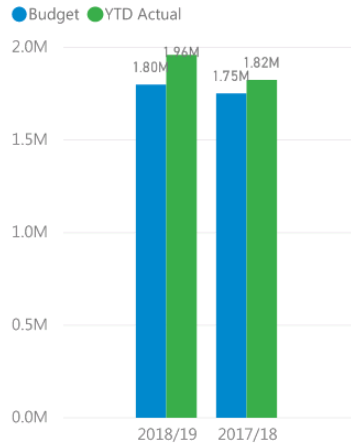
● Term Deposit ● TCorp - MTG Fund ● At Call ● TCorp - LTG Fund ● TCorp - Cash Fund

● AAA to AA- ● A+ to A- ● BBB+ to BBB- ● TCorp (Unrated)

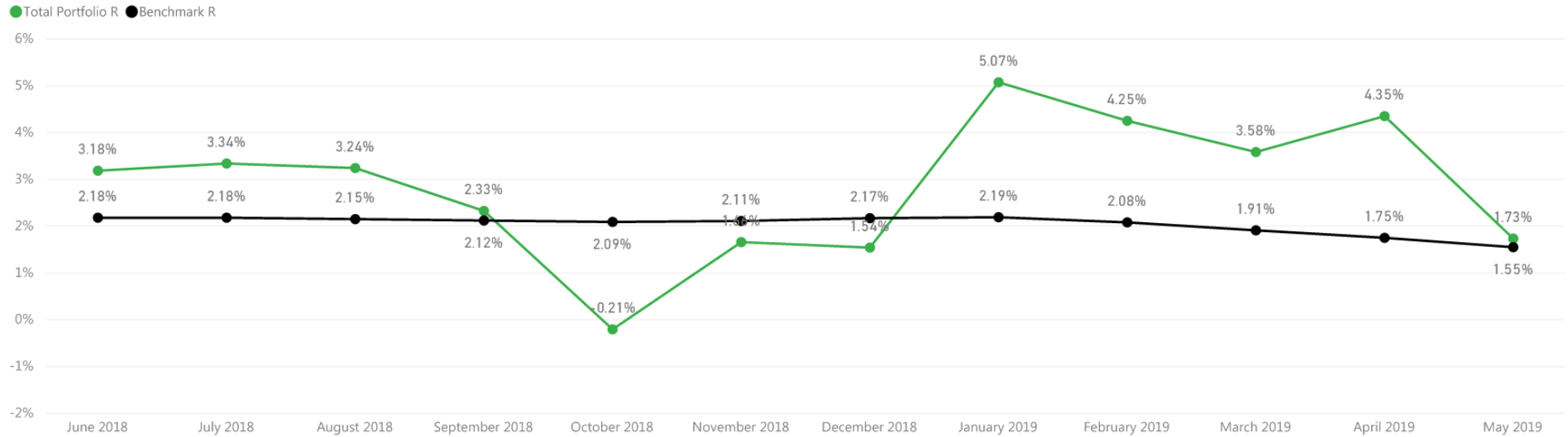
Portfolio Balance at End of Month



Income on Investments



Investment Performance



Institution	Investment Type	Term to Maturity	Principal Amount	Yield	Long Term Rating	Short Term Rating
Westpac	Term Deposit	68	\$ 1,500,000	2.71%	AA-	A-1+
Westpac	Term Deposit	320	\$ 1,000,000	2.85%	AA-	A-1+
NAB	Term Deposit	334	\$ 1,500,000	2.90%	AA-	A-1+
Westpac	Term Deposit	362	\$ 2,500,000	2.88%	AA-	A-1+
Westpac	Term Deposit	12	\$ 2,000,000	2.76%	AA-	A-1+
Bankwest	Term Deposit	26	\$ 1,000,000	2.74%	AA-	A-1+
Bankwest	Term Deposit	54	\$ 3,000,000	2.73%	AA-	A-1+
NAB	Term Deposit	40	\$ 2,000,000	2.71%	AA-	A-1+
NAB	Term Deposit	82	\$ 1,000,000	2.72%	AA-	A-1+
NAB	Term Deposit	96	\$ 1,500,000	2.71%	AA-	A-1+
NAB	Term Deposit	89	\$ 1,500,000	2.71%	AA-	A-1+
NAB	Term Deposit	110	\$ 1,500,000	2.75%	AA-	A-1+
NAB	Term Deposit	117	\$ 2,500,000	2.75%	AA-	A-1+
NAB	Term Deposit	124	\$ 1,000,000	2.75%	AA-	A-1+
NAB	Term Deposit	138	\$ 2,000,000	2.73%	AA-	A-1+
NAB	Term Deposit	250	\$ 1,500,000	2.75%	AA-	A-1+
Westpac	Term Deposit	474	\$ 1,500,000	2.63%	AA-	A-1+
NAB	Term Deposit	201	\$ 1,500,000	2.44%	AA-	A-1+
St George	Term Deposit	264	\$ 2,000,000	2.50%	AA-	A-1+
St George	Term Deposit	698	\$ 2,500,000	2.61%	AA-	A-1+
St George	Term Deposit	299	\$ 2,500,000	2.35%	AA-	A-1+
St George	Term Deposit	292	\$ 1,600,000	2.45%	AA-	A-1+
NAB	At Call	0	\$ 3,978,527	1.65%	AA-	A-1+
ING	Term Deposit	124	\$ 1,000,000	2.92%	A	A-1
ING	Term Deposit	278	\$ 2,500,000	2.86%	A	A-1
AMP	Term Deposit	222	\$ 2,000,000	2.75%	A	A-1
AMP	Term Deposit	138	\$ 1,000,000	2.75%	A	A-1
ING	Term Deposit	628	\$ 1,000,000	2.77%	A	A-1
AMP	Term Deposit	180	\$ 1,000,000	2.80%	A	A-1
AMP	Term Deposit	180	\$ 1,000,000	2.80%	A	A-1
AMP	Term Deposit	194	\$ 1,500,000	2.80%	A	A-1
AMP	Term Deposit	201	\$ 1,000,000	2.80%	A	A-1
Bank Of Queensland	Term Deposit	26	\$ 2,000,000	2.75%	BBB+	A-2
Rural Bank	Term Deposit	166	\$ 1,500,000	2.73%	BBB+	A-2
Bank Of Queensland	Term Deposit	201	\$ 1,500,000	2.60%	BBB+	A-2
Credit Union Australia	Term Deposit	82	\$ 1,000,000	2.75%	BBB	A-2
Defence Bank	Term Deposit	152	\$ 2,000,000	2.80%	BBB	A-2
Credit Union Australia	Term Deposit	166	\$ 1,000,000	2.85%	BBB	A-2
ME Bank	Term Deposit	236	\$ 1,500,000	2.38%	BBB	A-2
TCorp - Cash Fund	Other	1	\$ 1,727,253		TCorp (Unrated)	TCorp (Unrated)
TCorp - Long Term Growth Fund	Other	5	\$ 2,601,160		TCorp (Unrated)	TCorp (Unrated)
TCorp - Medium Term Growth Fund	Other	5	\$ 5,355,050		TCorp (Unrated)	TCorp (Unrated)
Total			\$ 74,761,989			

Term to Maturity	Amount \$'000	Actual	Cumulative Actual	Cumulative %	Policy Compliance
Less than 3 months	28,661,989	38%	38%	20%	OK
Between 3 months and 1 year	41,100,000	55%	93%	40%	OK
Between 1 year and 2 years	5,000,000	7%	100%	50%	OK
Between 2 years and 3 years	-	0%	100%	85%	OK
More than 3 years	-	0%	100%	0%	OK
Total	74,761,989				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	Bankwest	30%	OK	5%	4,000,000
	NAB	30%	OK	29%	21,478,527
	St George	30%	OK	12%	8,600,000
A	Westpac	30%	OK	11%	8,500,000
	AMP	15%	OK	10%	7,500,000
	ING	15%	OK	6%	4,500,000
BBB+	Bank Of Queensland	5%	OK	5%	3,500,000
	Rural Bank	5%	OK	2%	1,500,000
BBB	Credit Union Australia	5%	OK	3%	2,000,000
	Defence Bank	5%	OK	3%	2,000,000
	ME Bank	5%	OK	2%	1,500,000
TCorp (Unrated)	TCorp - Cash Fund	15%	OK	2%	1,727,253
	TCorp - Long Term G	15%	OK	3%	2,601,160
	TCorp - Medium Term	15%	OK	7%	5,355,050
Grand Total				100%	74,761,989

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100%	OK	57%	42,578,527
A+ to A-	40%	OK	16%	12,000,000
BBB+ to BBB-	20%	OK	14%	10,500,000
TCorp (Unrated)	15%	OK	13%	9,683,462
Grand Total			100%	74,761,989

Monthly Investment Portfolio Activity

The below table shows investments that have matured and have been redeemed or re-invested, and new investments placed.

Bank Accounts	Opening Balance \$'000	Redeemed Balance \$'000	Re-invested Balance \$'000	Change in interest rate	Change in Term (days)	New Term Rate
NAB (At call account	\$ 3,460		\$ 3,979			
TCorp - Cash Fund	\$ 1,724		\$ 1,727			
TCorp - Long Term G	\$ 2,633		\$ 2,601			
TCorp - Medium Term	\$ 5,363		\$ 5,355			
Credit Union Australia	\$ 1,000	\$ 1,000				
Bankwest	\$ 1,000	\$ 1,000				
Bankwest	\$ 1,500	\$ 1,500				
St George			\$ 2,000			
St George			\$ 2,500			
St George			\$ 2,500			
Bankwest	\$ 2,500	\$ 2,500				
St George			\$ 1,600			
Total	\$ 19,181	\$ 6,000	\$ 22,262	3,081	Addition	0

Item 10: Operations

10.1 RFT 2018/33 Rylstone Pedestrian Bridge

REPORT BY THE TENDERING AND CONTRACTS OFFICER
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, COR400207

RECOMMENDATION

That Council:

1. **receive the report by the Tendering and Contracts Officer on the RFT 2018/33 Rylstone Pedestrian Bridge;**
2. **decline to accept any of the tenders with respect to RFT 2018/33 Rylstone Pedestrian Bridge, in accordance with Clause 178(1)(b) of Local Government (General) Regulations 2005;**
3. **authorise the General Manager to enter into negotiations with Waeger Constructions Pty Ltd in accordance with Clause 178(3)(e) of Local Government (General) Regulations 2005;**
4. **decline to call fresh tenders as a satisfactory outcome can be negotiated, and the reason Council enter into negotiations is to explore if a more economical solution can be determined, in accordance with Clause 178(4)(a) and (b) of Local Government (General) Regulations 2005;**
5. **delegate authority to the General Manager to finalise a contract up to \$XXX;**
6. **delegate authority to the General Manager to approve variations to the contract up to a cumulative total of 10% of the original contract sum;**
7. **amend the Operational Plan 2019/20 to increase the budget for the Rylstone Pedestrian Bridge by \$200,500, funded from Unrestricted Cash; and**
8. **notify unsuccessful tenderers of the outcome.**

Executive summary

Council sought tenders from organisations that can offer excellent design, engineering and construction resources in the delivery of a clear 2.6m wide shared-path (pedestrian and cycleway) footbridge over the Cudgegong River in Rylstone.

The tendering process was initiated and a Procurement Plan and Tender Evaluation Plan were developed. A Tender Assessment Panel was formed, comprising representatives from the most relevant departments within Council. Members of the Tender Assessment Panel used the

Evaluation Plan and methodology to determine which tenderers offered the best value for money in the design and construction Rylstone Pedestrian Bridge.

Disclosure of Interest

All panel members signed a declaration prior to tender review indicating no disclosure of interest.

Detailed report

Advertised

Open to Market: 18 March 2019

Closed: 8 April 2019

21 days in total

The above tender was advertised in the:

- Mudgee Guardian on Friday 15 March 2019
- Council's e-Tendering portal – VendorPanel – 14 March 2019
- Sydney Morning Herald Tuesday 19 March 2019
- Information regarding this tender was published on Council's website 14 March 2019

Tenders Received

Four companies submitted tenders;

1. Bedrule Pty Ltd (Trading as TOBCO)
2. Bridge Check Australia Pty Ltd
3. Timber Restoration Systems Pty Ltd
4. Waeger Constructions Pty Ltd

Tenders were assessed against pre-determined evaluation criteria with the following weighting;

EVALUATION CRITERIA	WEIGHTING
1. Price	50%
2. Experience and Capability	25%
3. Understanding of Project Requirements	10%
4. Ability to meet the Project Program	10%
5. Management Systems	5%

Late Tenders

No late submissions were received.

Conforming Tenders

Four tenders met the mandatory requirements and proceeded to a detailed evaluation. The tender from Bedrule Pty Ltd has not provided designs for review of compliance, and therefore could not be scrutinised.

Evaluation Methodology

The objective of the evaluation was to select the tenderer offering the best outcome for Council in a rational and defensible way which is fair to all tenderers. The evaluation criteria were identified in the Request for Tender documentation.

Tender was evaluated strictly in accordance with the Tender Evaluation Plan and in compliance with the provision of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

Assessment Panel

Garry Hemsworth	Director Operations
Rob Saghafi	Senior Works Engineer
Kristie Ward	Manager Procurement

Evaluation Findings

All tenderers were assessed and scored against the evaluation criteria listed in the tender document and weighting in the Evaluation Scoresheet, to determine the Total Weighted Score. The application of the Local Preference Policy was not applicable in the evaluation.

Evaluation of tenderers against the specified evaluation criteria indicated the following tenderer has submitted the most superior tender representing the best value to Council for the Design and construction of Rylstone Pedestrian Bridge:

- *Waeger Constructions*

Community Plan implications

Theme	Connecting Our Region
Goal	An active travel network within the region
Strategy	Develop and enhance walking and cycling networks accross the region

Strategic implications

Council Policies

Procurement Policy

Financial implications

The design and construction of Rylstone Pedestrian Bridge has a budget allocation of \$532,500. The anticipated cost of works has been assessed, and the recommended tenderer is currently not budget compliant. Whilst further negotiations with Waeger Constructions Pty Ltd may yield a more favourable result for Council, it is expected that Council will need to amend the Operational Plan for 2018/19, and commit further funding towards this project.

It should be noted that from the four (4) tenders submitted the median price was \$822,000, so it is believed that the recommended tender reflects good value for money, furthermore the tendered values were very comparable and therefore a good measure of today's pricing.

It should be noted in 2017 the bridge code was reviewed and allowable deflections reduced. This has resulted in the steel beam weight increasing by 50%.

Without further financial commitment it is likely that this project, identified in Council's Pedestrian Access and Mobility Plan (PAMP) as an item of need, is unlikely to proceed.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
-------------	-----------------------------	--------------------	-----------------------------------

2018/19	-	-	-
Future Years	X	-	X

ALISON CAMERON
TENDERING AND CONTRACTS OFFICER

GARRY HEMSWORTH
DIRECTOR OPERATIONS

1 May 2019

- Attachments:*
1. Bridge Check Australia Pty Ltd. (Confidential - separately attached)
 2. Bedrule Pty Ltd. (Confidential - separately attached)
 3. Waeger Construction Pty Ltd. (Confidential - separately attached)
 4. Timber Restoration Systems Pty Ltd. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

10.2 Rylstone Dam Safety Review

REPORT BY THE MANAGER, WATER & SEWER
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, WAT500056

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Water & Sewer on the Rylstone Dam Safety Review;**
2. **receive the report by AECOM for the Rylstone Dam Safety Review.**
3. **note that the dam generally satisfies the NSW Dam Safety Committee (DSC) and the Australian National Committee on Large Dams (ANCOLD) criteria, however some major upgrade works are required; and**
4. **pursue grant funding from Safe & Secure, for two separable portions being design and construction phases.**

Executive summary

The Dam Safety Review of Rylstone Dam to assess the structural stability and condition of Rylstone Dam has been completed. The safety review was performed in accordance with NSW DSC and ANCOLD guidelines. The dam generally satisfies criteria of the guidelines, however some major upgrade works are required. The report was reviewed by an independent expert consultant and Council's Water and Sewer Management.

Works are required to both the left and right abutments, there is a possibility of over topping in a major flood event that could allow erosion of the abutments. The dam wall structure could then be compromised by side scouring impacting on the structural integrity of the dam.

It is recommended that Council note the findings of the report and review recommendations for ongoing monitoring and upgrades. It is recommended that Council apply for safe and secure funding for two separable portions. These being Stage 1 Design and Review by an independent consultant and Stage 2 Construction by a suitably qualified structural dam building company.

An Executive Summary of the AECOM Report attached for information. The full report is available on requested.

Disclosure of Interest

Nil

Detailed report

Council identified the need to perform a Dam Safety Review of Rylstone Dam in accordance with ANCOLD and NSW DSC guidelines. The dam safety review was completed as part of the process of addressing the concerns and recommendations resulting from the 2002 Portfolio Risk

Assessment for Rylstone Dam. The previous structural review of the dam performed in 1999 by the NSW Department of Public Works and Services recommended the installation of anchors.

The general scope of works from the Dam Safety Review included:

- Review the available information pertaining to the dam
- Perform an engineering geological assessment of the site including a site investigation drilling programme
- Perform a Probabilistic Seismic Hazard Assessment (PSHA) for Rylstone Dam.
- Undertake three-dimensional structural analyses of the dam for static and pseudo-static analysis
- Prepare a Dam Safety Review Report presenting the information collected, the results of the analysis and the key conclusions and outcomes.

The key conclusions from the Dam Safety Review are that the dam is in a satisfactory condition. The risk assessment and overtopping of the abutments in a flood event could erode the remaining embankment to the crest level of the dam.

Flood Handling Capacity

The current flood capacity (i.e. dam crest flood) was assessed to be a 1 in 100 AEP event based on the low point of the left and right abutments. This flood capacity does not meet acceptable flood capacity criteria for ANCOLD and DSC requirements for a high C Consequence Category Dam.

Foundation Geology

Based on the available information and the assessment of the geology and foundations of the dam, the following conclusions were made:

- The dam is constructed on a hard, strong bedrock foundation consisting mainly of the Rylstone Volcanics, a pale rhyolitic tuff. Foundation investigations did not identify any sheared or crushed zones that could represent low angle weak seams in the rock mass;
- There are no known faults nearby to the Dam. The nearest potential active fault sources are the Lapstone and Nepean faults located approximately 89km from the dam site;
- The foundation was assessed to be kinematically stable against sliding failure based on the joints and intersections defining wedges and confirmation from the site investigations that it is unlikely there are unfavourable low angle joints.

Seismic Hazard

A seismic hazard assessment was performed as part of the safety review. The assessment developed site specific response spectra which were used to confirm seismic loading is not critical to the dam.

Stability Evaluation

The dam was evaluated for static (normal operations and flood loads) and pseudo-static seismic loads in accordance with ANCOLD Guidelines and additional arch dam analysis criterion. Stresses, base forces and displacements were extracted from a three-dimensional finite element analysis which has been developed using the commercial software program ANSYS. The results from the model were processed to evaluate the dam against the acceptance criteria.

The flood loading at Rylstone Dam is such that the tailwater levels increase more rapidly than the reservoir levels and the critical loading of the dam is the 1 in 500 AEP flood event. The dam was

also assessed for the 1 in 2,000 AEP and the 1 in 10,000 AEP flood events in accordance with ANCOLD flood criteria.

The outcomes from the evaluation indicates that Rylstone Dam satisfies strength and sliding stability criteria for the static and pseudo-static load combinations assessed. The 1 in 500 AEP unusual flood load combination is considered to be critical loading of dam.

The key recommendations from the Dam Safety Review and capital works are:

- Construct concrete cutoff walls on the right and left abutments to limit erosion in an overtopping event; and
- Undertake an updated risk assessment of the dam to account for the revised consequence assessment and the removal of the left and right abutments.

Additional recommendations were related to ongoing operation and maintenance and are outstanding from previous inspections. Beyond the initial capital costs, the following items should have minimal ongoing costs:

- Develop formal Operations and Maintenance manual;
- Update Dam Safety Emergency Plan;
- Continued surveillance of the dam through routine and annual inspections and perform comprehensive dam safety inspections on a 5 yearly basis;
- Construct permanent survey monuments and perform annual surveys of the dam.

Community Plan implications

Theme	Protecting Our Natural Environment
Goal	Provide total water cycle management
Strategy	Protect and improve catchments across the Region by supporting relevant agencies

Strategic implications

Council Strategies

This project will contribute to the improvement and upgrade of Council assets.

A direct Council Strategy wasn't identified from the Community Plan on the Council website, however these works are compliant with Council Strategy for securing water supply.

The safety improvements will benefit the community and the downstream residents, insuring the dam integrity will not be compromised.

Council Policies

Not Applicable

Legislation

The Dam Safety Review and the O&M recommendations are requirements of NSW DSC. Having these in place and up to date may be required to secure funding for capital works.

Financial implications

There are costs associated with the Capital Works recommendation. AECOM has made no attempt to quantify these costs. When the design is complete, we will be in a position to estimate the construction cost and seek further grant funding.

The ongoing O&M costs are anticipated to be minimal and/or not increase the current costs of operating and maintaining the dam.

It is expected that the maintenance costs will be comparable with future maintenance estimates and therefore no change to the Operating Performance Ratio.

Council Strategies

This project will contribute to the improvement and upgrade of Council assets.

The undertaking of this recommendation will improve the safety and operational procedures for Rylstone Dam.

Associated Risks

It is suggested that the associated risks will decrease based on an improved understanding of the structure and improving O&M procedures and documentation.

TOM BALDWIN
MANAGER, WATER & SEWER

GARRY HEMSWORTH
DIRECTOR OPERATIONS

29 May 2019

Attachments: 1. Rylstone Dam Safety Review - Executive Summary.

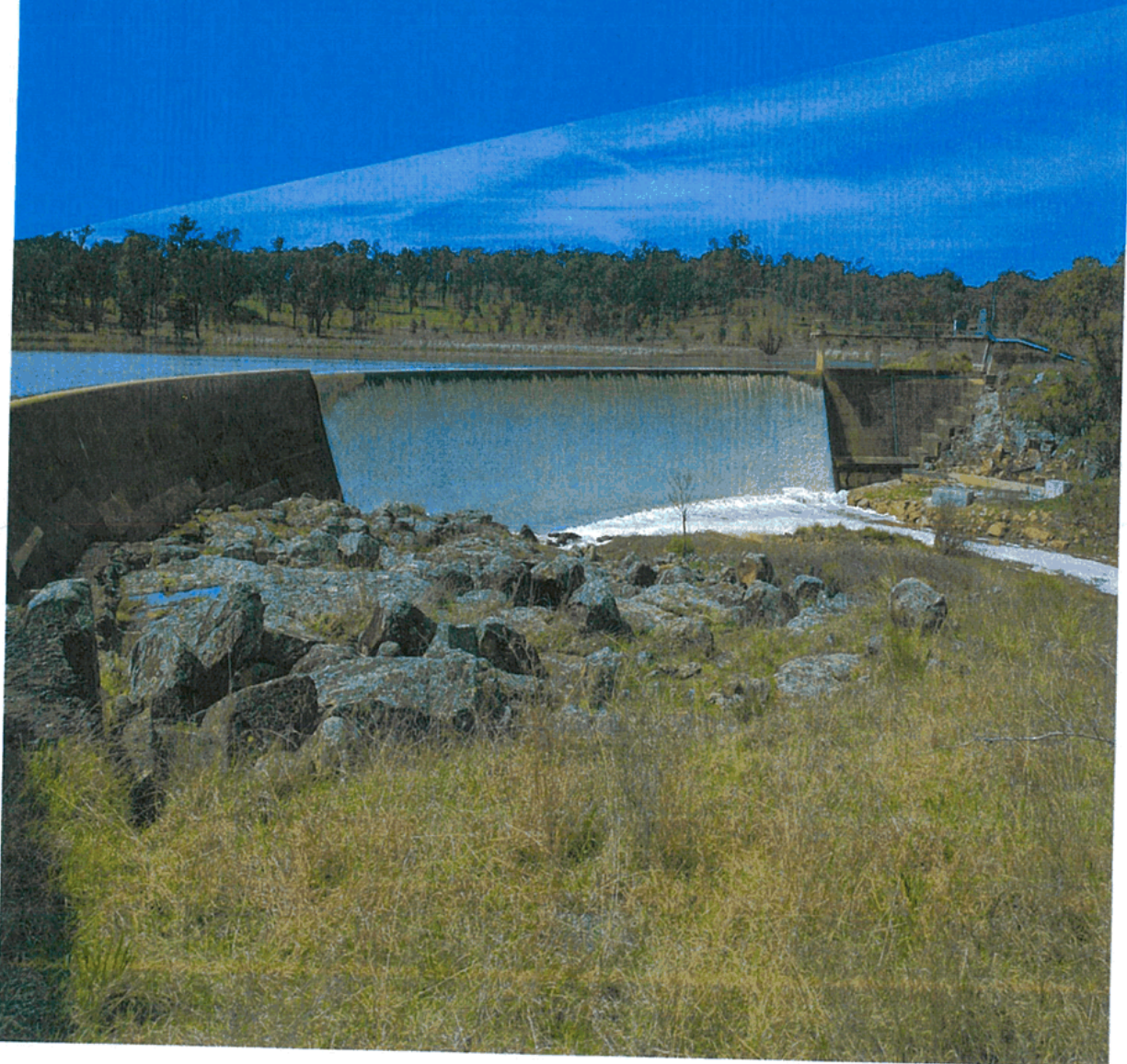
APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

AECOM Imagine it.
Delivered.

Rylstone Dam Safety Review
Mid-Western Regional Council
11-Feb-2019

Rylstone Dam Safety Review



AECOM

Rylstone Dam Safety Review

2

Rylstone Dam Safety Review

Client: Mid-Western Regional Council

ABN: 96149391332

Prepared by

AECOM Australia Pty Ltd
Level 10, Tower Two, 727 Collins Street, Melbourne VIC 3008, Australia
T +61 3 9653 1234 F +61 3 9654 7117 www.aecom.com
ABN 20 093 846 925

11-Feb-2019

Job No.: 60517419

AECOM in Australia and New Zealand is certified to ISO9001, ISO14001 AS/NZS4801 and OHSAS18001.

© AECOM Australia Pty Ltd (AECOM). All rights reserved.

AECOM has prepared this document for the sole use of the Client and for a specific purpose, each as expressly stated in the document. No other party should rely on this document without the prior written consent of AECOM. AECOM undertakes no duty, nor accepts any responsibility, to any third party who may rely upon or use this document. This document has been prepared based on the Client's description of its requirements and AECOM's experience, having regard to assumptions that AECOM can reasonably be expected to make in accordance with sound professional principles. AECOM may also have relied upon information provided by the Client and other third parties to prepare this document, some of which may not have been verified. Subject to the above conditions, this document may be transmitted, reproduced or disseminated only in its entirety.

Revision 0 – 11-Feb-2019
Prepared for – Mid-Western Regional Council – ABN: 96149391332

Executive Summary

This report presents the findings of the safety review of Rylstone Dam. Rylstone Dam is a concrete gravity arch dam located on the Cudgegong River near Rylstone, NSW and serves as a water supply dam for Mid-Western Regional Council. The safety review was conducted in general accordance with the Australian National Committee on large Dams (ANCOLD) Guidelines and NSW Dam Safety Committee (DSC) requirements. The evaluation of the dam indicates that Rylstone Dam satisfies strength and stability criteria. There are a number of Operations and Maintenance recommendations and small capital works required to satisfy ANCOLD and DSC requirements.

The dam is 15 m high 260 m long consisting of a 140 m long concrete gravity arch and right and left earth abutments. The dam is classified as a High C consequence Category based on the Potential Loss of Life (PLL) as estimated as part of the consequence assessment performed by HARC.

Flood Handling Capacity

The current flood capacity (i.e. dam crest flood) was assessed to be a 1 in 100 AEP event based on the low point on the left and right abutments. This flood capacity does not meet the acceptable flood capacity criteria for ANCOLD and DSC requirements for a High C Consequence Category dam.

Foundation Geology

Based on the available information and the assessment of the geology and foundations for the dam, the following conclusions were made:

- The dam is constructed on a hard, strong bedrock foundation consisting mainly of the Rylstone Volcanics, a pale coloured rhyolitic tuff. Foundation investigations did not identify any sheared or crushed zones that could represent low angle weak seams in the rock mass.
- There are no known faults nearby to the Dam. The nearest potentially active fault source is the Lapstone & Nepean Faults located approximately 89 km from the dam site.
- The foundation was assessed to be kinematically stable against sliding failure based on the joints and intersections defining wedges and confirmation from the site investigations that it is unlikely there are unfavourable low angle joints.

Seismic Hazard

A seismic hazard assessment was performed as part of the safety review. The assessment developed site specific response spectra which were used to confirm that seismic loading is not critical to the dam.

Stability Evaluation

The dam was evaluated for static (normal operations and flood loads) and pseudo-static seismic loads in accordance with the ANCOLD Guidelines and additional arch dam analysis criterion. Stresses, base forces, and displacements were extracted from the three-dimensional finite element analysis which was developed using the commercial software program ANSYS. The results from the model were processed to evaluate the dam against the acceptance criteria.

The flood loading at Rylstone Dam is such that the tailwater levels increase more rapidly than the reservoir levels and the critical loading on the dam is the 1 in 500 AEP flood event. The dam was also assessed for the 1 in 2,000 AEP and 1 in 10,000 AEP flood events in accordance with ANCOLD flood criteria.

The outcomes from the evaluation indicate that Rylstone Dam satisfies strength and sliding stability criteria for the static and pseudo-static load combinations assessed. The 1 in 500 AEP unusual flood load combination is considered to be the critical loading on the dam.

AECOM

Rylstone Dam Safety Review

ii

Operation, Maintenance, Emergency Management and Surveillance Program

There are a number of items that are recommended to be completed for the inspection and monitoring regime to be in general accordance with DSC and ANCOLD requirements. The recommended items include:

- Develop a formalised Operations and Maintenance manual.
- Updated the Dam Safety Emergency Plan and continue to update the plan annually.
- Perform comprehensive dam safety inspections every 5 years.

Recommendations

The following key recommendations are provided based on the findings of the dam safety review of Rylstone Dam:

1. Construct concrete cutoff walls in the crest of the remaining left and right abutments to limit erosion in the event of overtopping
2. Formalise an Operations and Maintenance manual, update the Dam Safety Emergency Plan and perform 5 yearly comprehensive dam safety inspections.
3. Outstanding from the 2008 surveillance report, "Construct permanent survey monuments and install surface movement monitoring points at strategic locations on the dam and carry out precise surveys on the dam annually as required by the DSC. Provide DWE with a copy of each survey for their records."
4. Perform an updated risk assessment based on the revised consequence assessment and the removal of the left and right abutments.

10.3 Ulan-Wollar Road Realignment Stages 1 & 3

REPORT BY THE SENIOR WORKS ENGINEER (MAJOR PROJECTS)
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, ROA100367

RECOMMENDATION

That Council:

1. receive the report by the Senior Works Engineer (Major Projects) on the Ulan-Wollar Road Realignment Stages 1 & 3;
2. approve to construct a side track on Stage 1 (\$95,000 excl GST);
3. approve the upgrade of the existing roadway between the second rail crossing and Robinsons Road (\$1,610,000.00 excl GST) known as Stage 3A;
4. amend the 2019/20 Operational Plan to increase the Ulan-Wollar Road Stage 1 expenditure budget by \$95,000 funded by contributions from Peabody Energy;
5. amend the 2019/20 Operational Plan to include a budget for Ulan-Wollar Road Stage 3A of \$1,610,000 funded by contributions from Peabody Energy; and
6. authorise the General Manager to negotiate final terms and sign all necessary contractual documentation to formally accept the funds from Peabody Energy.

Executive summary

Council has been requested by Wilpinjong Mine (Peabody Energy) to realign sections of the Ulan – Wollar Road to allow mining activities to be extended. Please refer to the attached sketch for staging details. This work is being undertaken by Council as a Private Works arrangement where full costs are paid by Wilpinjong.

Council has previously approved the construction of Stages 1 and 2 of the Ulan - Wollar Realignment project. Wilpinjong have requested a side track to be constructed in Stage 1 which will allow earlier mining in that area at a cost of \$95,000 ex GST.

In addition to this Stage 3 of the project has been rescheduled until 2024/25. Wilpinjong however have requested to upgrade the existing road in this Stage 3 section, between the second rail crossing and Robinsons Road (now called Stage 3A). This is to ensure there is a sealed road to their relocated Administration Centre, prior to the final Stage 3 works going ahead in the future. The upgrade of this section is at a cost of \$1,610,000 ex GST.

Disclosure of Interest

Nil

Detailed report

Program of Works

Stage 1 Eastern end of project – First 1.5km including the side track is to be completed by June 30 2019 with the remainder of the project completed by October 2019.

Stage 2 completed March 2019.

Existing road upgrade Stage 3A, between second rail crossing and Robinsons Road – This work will commence in October 2019 and will be completed by 2020.

Community Plan implications

Theme	Connecting Our Region
Goal	Efficient connection of the region to major towns and cities
Strategy	Create a communication network that services the needs of our residents and businesses

Strategic implications

Council Strategies

N/A

Council Policies

N/A

Legislation

N/A

Financial implications

All costs associated with the construction of the existing road upgrade between the second rail crossing and Robinsons Road will be paid by Peabody Energy.

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

Associated Risks

The section of road from the second rail crossing to Robinsons Road is in very poor condition the works proposed by Peabody will ensure the road is much safer for all road users.

DANNY OLDFIELD
SENIOR WORKS ENGINEER (MAJOR
PROJECTS)

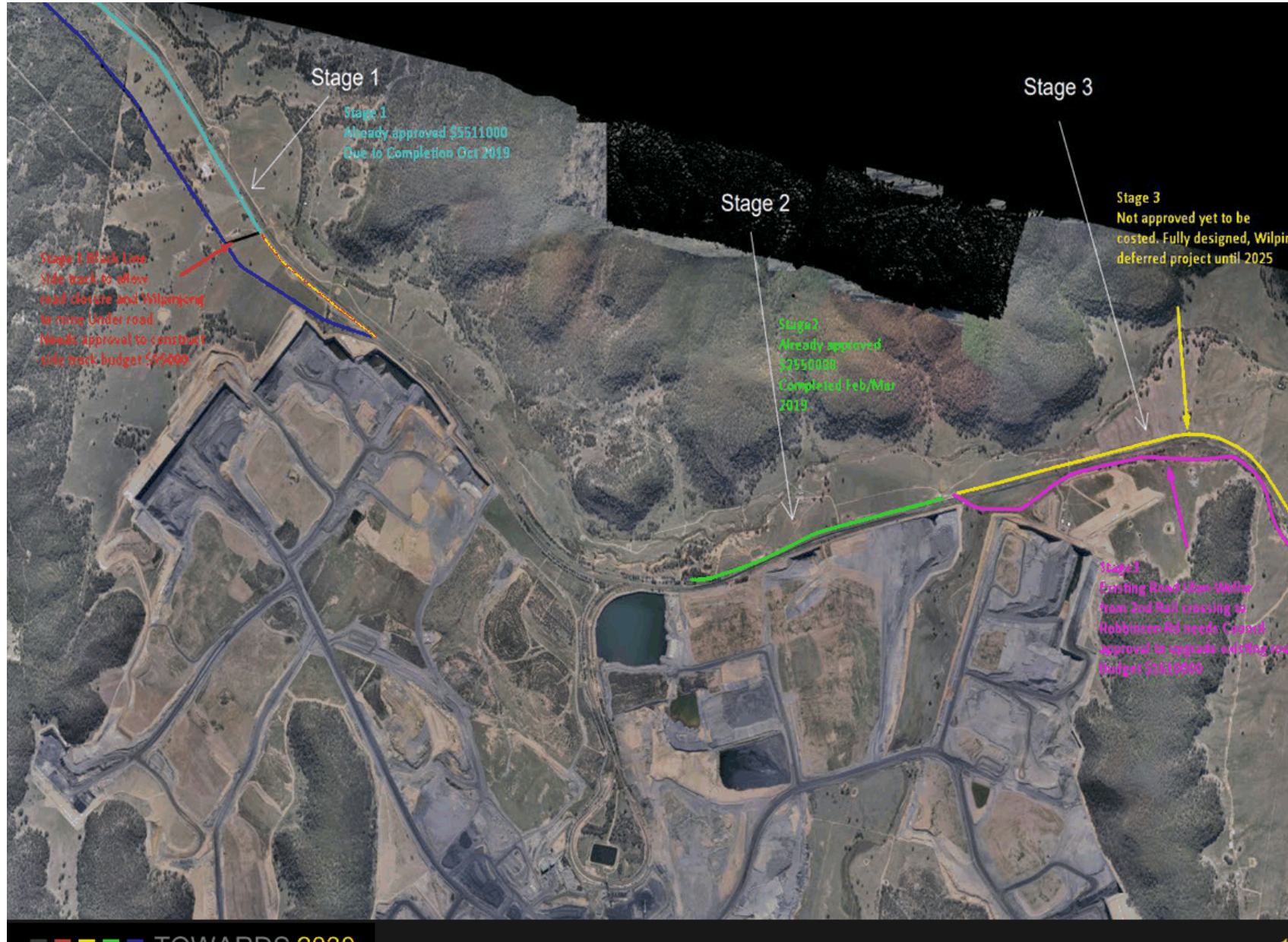
GARRY HEMSWORTH
DIRECTOR OPERATIONS

3 June 2019

Attachments: 1. Ulan-Wollar Rd project map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



10.4 RFT 2018/32 Structural Improvements to Glen Willow Footbridge

REPORT BY THE DIRECTOR OPERATIONS
TO 19 JUNE 2019 ORDINARY MEETING
GOV400054, COR400127

RECOMMENDATION

That Council:

- 1. receive the report by the Director Operations on the RFT 2018/32 Structural Improvements to Glen Willow Footbridge;**
- 2. decline to accept any of the tenders with respect to RFT 2018/32 Structural Improvements to Glen Willow Footbridge, in accordance with Clause 178(1)(b) of Local Government (General) Regulations 2005 ;**
- 3. cancel the proposal for RFT2018/32, in accordance with Clause 178(3) (a) of Local Government (General) Regulations 2005;**
- 4. close the bridge during major events which are likely to cause crowd loading on the Glen Willow Footbridge; and**
- 5. endorse a load limit on the bridge for a maximum of 10 people at any one time.**

Executive summary

Tenders were called on 13 December 2018 for the Provision of Structural improvements to the Glen Willow Footbridge, and closed 1 February 2019. Advertisements for the tender were placed in the Local Government Tender section of the Sydney Morning Herald, the Mudgee Guardian and on Council's website.

The tendering process was initiated and a Procurement Plan and Tender Evaluation Plan were developed. A Tender Assessment Panel was formed, comprising representatives from the most relevant departments within Council. Members of the Tender Assessment Panel used the Evaluation Plan and methodology to determine which tenderers offered the best value for money in the Provision Structural improvements to the Glen Willow Footbridge.

Disclosure of Interest

All panel members signed a declaration prior to tender evaluation indicating no disclosure of interest.

Detailed report

Reports on the Glen Willow Footbridge have been considered by Council at the September 2017, November 2017 and March 2018 meetings. The Glen Willow Footbridge over the Cudgegong River is dynamically sensitive to crowd loading. The amount of movement experienced under crowd loading make it difficult for some pedestrians to comfortably maintain their balance while crossing the bridge.

Council has tried limiting the numbers crossing the bridge following major events however this proved unsuccessful as the process was very slow and difficult to control numbers crossing and the resultant movement of the bridge.

During recent major events the bridge has been closed and all pedestrian traffic diverted along Pitts Lane and Ulan Road to cross the Cudgegong River at Holyoake Bridge. This has proven to be successful although there is some inconvenience to some pedestrians. Buses are provided during these events to ensure an alternate transport mode is available.

Tenders Received:

Six tenders received were as follows:

Bedrule Pty Ltd
Bridge and Civil Pty Ltd
CASA Engineering
High Shot
P&A Engineering
Waeger Constructions

Tenders were assessed against pre-determined evaluation criteria with the following weighting:

EVALUATION CRITERIA		weighting
1.	Price	40%
2.	Experience & Capability	30%
3.	Understanding of Project Requirements	15%
4.	Ability to meet the Project Program	10%
5.	Management Systems	5%

Late Tenders

No late submissions were received.

Conforming Tenders

Five tenders met the mandatory requirements and proceeded to a detailed evaluation. The tender from High Shot was deemed non conforming as it did not meet the project requirements. The tender received from P & A Engineering did not include a price for the pile caps however an upper and lower value was adopted and P & A were included in the evaluation.

Evaluation Methodology

The objective of the evaluation was to select the tenderer offering the best outcome for Council a rational and defensible way which is fair to all tenderers. The evaluation criteria and weightings were identified in the Request for Tender documentation.

Tenders were evaluated strictly in accordance with the Tender Evaluation Plan and in compliance with the provisions of the *Local Government Act 1993* and Local Government (General) Regulation 2005

Assessment Panel

Garry Hemsworth	Director Operations
Andrew Kearins	Manager Works
Neil Bungate	Manager Finance

Evaluation Findings

All tenderers were assessed and scored against the evaluation criteria listed in the tender document to determine the Total Weighted Score. The application of the Local Preference Policy was not applicable in the evaluation.

The tenders however are above the estimated cost. As there is an alternate solution to strengthening the bridge. That is to close the bridge during major events and limit the loading to 10 people at other times. It is recommended to cancel the proposed tender.

Community Plan implications

Theme	Connecting Our Region
Goal	An active travel network within the region
Strategy	Develop and enhance walking and cycling networks accros the region

Financial implications

There are no financial implications given the recommendation to cancel the tender.

Associated Risks

During periods when the bridge is not closed Council is reliant on signage to limit crowd loading on the bridge. There is also some CCTV surveillance. The load limit of a maximum of 10 people has been advised by a Bridge Consultant and is a risk mitigation measure.

Typically foot traffic is very light however unforeseen crowds could use the bridge and result in excess movement.

Also in the future it will be difficult for event organises to assess the number of pedestrians which may use the bridge and determine when to close the bridge.

The proposed arrangements only provide one pedestrian access route to and from the facility, however this will improve if future development goes ahead.

GARRY HEMSWORTH
DIRECTOR OPERATIONS

20 May 2019

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 11: Community

11.1 Code of Meeting Practice following public exhibition

REPORT BY THE MANAGER GOVERNANCE
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, GOV400067

RECOMMENDATION

That Council:

1. **receive the report by the Manager Governance on the Code of Meeting Practice following public exhibition;**
 2. **note that no public submissions were received; and**
 3. **adopt the new Code of Meeting Practice.**
-

Executive summary

Section 360 (2) of the Local Government Act 1993 permits Council to adopt a code of meeting practice. This code allows Council to set out standards for the conduct of Council meetings, in addition to those standards set by the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Disclosure of Interest

Nil.

Detailed report

The Office of Local Government (OLG) reported to Council in circular number 18-45 dated 18th December 2018 that following extensive consultation had the new Model Code of Meeting Practice prescribed under the Local Government (General) Regulation 2005.

The prescribed model code had two elements, mandatory provisions and secondly non-mandatory provisions allowing councils some variance in practice based on local circumstances.

Council has fulfilled its statutory obligations regarding public exhibition. No submissions from the community were received.

Community Plan implications

Theme **Good Governance**

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Local Government Act 1993

Financial implications

Not Applicable

Associated Risks

The risks of not complying with statutory requirements would arise if council did not adopt a code of meeting practice in accordance with the LG Act and Regulations.

TIM JOHNSTON
MANAGER GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

7 May 2019

Attachments: 1. MWRC Code of Meeting Practice 2018 . (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.2 Keeping of Animals in Urban Areas Policy Review

REPORT BY THE MANAGER GOVERNANCE

TO 19 JUNE 2019 ORDINARY MEETING
GOV400066, A0100021

RECOMMENDATION

That Council:

1. **receive the report by the Manager Governance on the review of the Keeping of Animals in Urban Areas Policy Review;**
2. **place the Keeping of Animals in Urban Areas Policy on 28 days public exhibition; and**
3. **endorse the Policy if no submissions are received.**

Executive summary

The policy provides direction for residents in relation to the keeping of animals in urban areas.

Council has powers under section 124 of the Local Government Act 1993 to prohibit, restrict or in some other way, require things to be done regarding the keeping of animals.

The policy does not apply to the keeping of dogs and cats that are regulated in accordance with the Companion Animals Act.

A recommended change to the policy is to include all urban land. The current policy only applies to land less than 1 hectare.

Disclosure of Interest

Nil.

Detailed report

The amenity of towns can be adversely affected by residents having animals other than companion animals kept in urban areas. This policy establishes the types of animals that cannot be kept in urban areas being, roosters, goats, sheep, cattle, and pigs.

The Policy provides for residents on land greater than 1 hectare to request variations by application to council. The policy encourages residents making application for variation to include letters of support from neighbouring residents.

The policy is dependant on the Local Government Act powers section 124 where council may issue Orders to prohibit, restrict or in some other way, require things to be done regarding the keeping of animals following investigation and required notices.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Keeping of animals in urban areas policy

Legislation

Local Government Act 1993

Financial implications

Not Applicable

Associated Risks

Risks to public health arise from the keeping of animals. This policy assists in managing such risks within the urban environment of the LGA.

TIM JOHNSTON
MANAGER GOVERNANCE


SIMON JONES
DIRECTOR COMMUNITY

15 November 2017

Attachments: 1. Current Policy Keeping animals in Urban areas..
2. Proposed Keeping of Animals in Urban Areas Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

	POLICY	ADOPTED C/M 5/2/14 MINUTE NO. 39/14
	KEEPING OF ANIMALS IN URBAN AREAS	REVIEW: FEB 15 FILE NO: A0100021

OBJECTIVES

- 1 To inform the community of the statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes in the urban areas of Mudgee, Gulgong, Rylstone and Kandos.
- 2 To give guidance and advice to persons inquiring as to the keeping of animals for domestic purposes.
- 3 To establish standards, acceptable to the community, for the keeping of animals.
- 4 To publicly notify the circumstances that the Council will consider in determining whether to serve an Order under Section 124 of the Local Government Act, 1993 to prohibit, restrict or in some other way, require things to be done regarding the keeping of animals.
- 5 To identify which animals are prohibited within the Mid-Western Regional local government area and the circumstances in which such animals are prohibited.

PREAMBLE

This policy seeks to inform the Mid-Western community of Council's regulatory powers concerning the keeping of animals in the urban environment. The Policy aims to:

- (a) Minimise the incidence of nuisance being caused to persons;
- (b) Protect the welfare of farm animals;
- (c) Protect the welfare and habitat of wildlife; and
- (d) Minimise the disturbance of or damage to protected vegetation.

SCOPE

This policy applies to animals kept for domestic purposes but excludes companion animals (dogs and cats), control of which is adequately handled under the Companion Animals Act.

RELATED LEGISLATION

Generally, Council's powers to control and regulate the keeping of animals are provided under Section 124 of the Local Government Act, 1993 and the Local Government (General) Regulation, 2005.

The Council may, in the appropriate circumstances, issue an Order to:

- * prohibit the keeping of various kinds of animals;
- * restrict the number of various kinds of animals to be kept at a premises;
- * require that animals be kept in a specific manner.

The Council may also issue Orders requiring:

- * demolition of animal shelters built without the prior approval of Council;

- * the occupier to do or refrain from doing such things as are specified so as to ensure that land or premises are placed or kept in a safe or healthy condition.

It is advised that Council can exercise further controls over animals under the following Acts:

- * Protection of the Environment Operations Act 1997
- * The Impounding Act, 1993
- * Companion Animals Act 1998

GIVING OF ORDERS BY COUNCIL

Generally, where a problem is identified with the keeping of animals and it can not be resolved by consultation, the Council will proceed to issue a notice of intention to serve an Order. Normally a person will be given opportunity to make representation to Council prior to a formal Order being issued. In situations where urgency is required, an emergency Order may be issued without prior notice.

POLICY REQUIREMENTS

URBAN LAND

For the purposes of this policy, the term “urban” shall include all land in Mudgee, Gulgong, Rylstone and Kandos that is less than 1ha in area.

ANIMALS PROHIBITED IN URBAN AREAS

The following animals are not permitted to be kept in urban areas due to the likely impacts on health and amenity;

- Roosters;
- Goats;
- Sheep;
- Cattle; and
- Pigs.

VARIATION TO THIS POLICY

Variations to this policy may be sought, by the occupier of the land, by making written representation to Mid-Western Regional Council. Any proposal for a variation to this policy will be considered on a case-by-case basis and must provide the following information as a minimum:

- The size of the property;
- A site plan showing the location where the animals will be kept and the distance from any structures on site or on adjoining properties;
- The type of animals to be kept;
- The number of animals to be kept;
- Owners consent from the owner of the property;
- The likely impact of the animals on the environment and the amenity of the area;
- Information addressing any matters raised by Council in any correspondence.

Written support from neighbouring properties will be beneficial in supporting your case for a variation.

CONSIDERATIONS

In assessing any proposals seeking to vary this policy, as well as the specific provisions in Schedule 2 of the Local Government (General) Regulation 2005, the following matters shall be taken into consideration:

- The kind of animal that is suitable to be kept at any premises will be determined having regard for the size of the available yard area and the distance to the nearest dwelling or other prescribed building.
- Animals should be kept in a manner which does not:
 - * Create unclean or unhealthy conditions for people or for the animals.
 - * Attract or provide a harbourage for vermin.
 - * Create offensive noise or odours.
 - * Cause a drainage nuisance or dust nuisance.
 - * Create waste disposal problems or pollution problems.
 - * Create an unreasonable annoyance to neighbouring residents or fear for safety.
 - * Cause nuisance due to proliferation of flies, lice, fleas or other insects.
- Animals should not be kept at premises used for the manufacture, preparation, sale or storage of food for human consumption.
- Suitable shelter(s) should be provided for all animals. Certain species of animals are required to be kept in cages to prevent escape or attack by predators. Generally, other animals are to be securely enclosed with adequate fencing to prevent escape.
- Certain animal shelters and facilities should not be erected or located at a premise without the prior approval of Council. Animal owners wishing to erect such structures should consult Council to determine which structures require development approval.



POLICY

KEEPING OF ANIMALS IN URBAN AREAS

*A prosperous
and progressive
community*

ADOPTED	VERSION NO
COUNCIL MEETING MIN NO	REVIEW DATE
DATE:	FILE NUMBER A0100021 / GOV400047

Objective

This policy seeks to inform the Mid-Western community of Council's regulatory powers concerning the keeping of animals in the urban environment. The Policy aims to:

- Minimise the incidence of nuisance being caused to persons;
- Protect the welfare of farm animals;
- Protect the welfare and habitat of wildlife; and
- Minimise the disturbance of or damage to protected vegetation.
- To inform the community of the statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes in the urban areas of Mudgee, Gulgong, Rylstone and Kandos.
- To give guidance and advice to persons inquiring as to the keeping of animals for domestic purposes.
- To establish standards, acceptable to the community, for the keeping of animals.
- To publicly notify the circumstances that the Council will consider in determining whether to serve an Order under Section 124 of the Local Government Act, 1993 to prohibit, restrict or in some other way, require things to be done regarding the keeping of animals.
- To identify which animals are prohibited within the Mid-Western Regional local government area and the circumstances in which such animals are prohibited.

This policy applies to animals kept for domestic purposes but excludes companion animals (dogs and cats), control of which is adequately handled under the Companion Animals Act.

Legislative requirements

Generally, Council's powers to control and regulate the keeping of animals are provided under Section 124, Order 18, of the Local Government Act, 1993 and the Local Government (General) Regulation, 2005.

The Council may, in the appropriate circumstances, issue an Order to:

- prohibit the keeping of various kinds of animals;
- restrict the number of various kinds of animals to be kept at a premises;
- require that animals be kept in a specific manner.
- The Council may also issue Orders requiring:
 - demolition of animal shelters built without the prior approval of Council;
 - the occupier to do or refrain from doing such things as are specified so as to ensure that land or premises are placed or kept in a safe or healthy condition.

POLICY: KEEPING OF ANIMALS IN URBAN AREAS | 19 JUNE 2019

It is advised that Council can exercise further controls over animals under the following Acts:

- Protection of the Environment Operations Act 1997
- The Impounding Act, 1993
- Companion Animals Act 1998

GIVING OF ORDERS BY COUNCIL

Generally, where a problem is identified with the keeping of animals and it cannot be resolved by consultation, the Council will proceed to issue a notice of intention to serve an Order. Normally a person will be given opportunity to make representation to Council prior to a formal Order being issued. In situations where urgency is required, an emergency Order may be issued without prior notice.

Policy

URBAN LAND

For the purposes of this policy, *urban areas* are defined as residential land located:

- in Mudgee, Rylstone, Kandos and Gulgong towns; and
- zoned: R1, R2, R3, R5, RU5 that are 2 hectares or less in size

Land Zoning for a property can be identified through the NSW Planning Portal (Find a Property) <https://www.planningportal.nsw.gov.au/find-a-property>.

ANIMALS PROHIBITED IN URBAN AREAS

The following animals are not permitted to be kept in urban areas due to the likely impacts on health and amenity;

- Roosters;
- Goats;
- Sheep;
- Cattle; and
- Pigs.

VARIATION TO THIS POLICY

Variations to this policy may be sought, by the occupier of the land that is 1ha or greater, may make a written submission to Mid-Western Regional Council. Any proposal for a variation to this policy will be considered on a case-by-case basis and must provide the following information as a minimum:

- The size of the property;
- A site plan showing the location where the animals will be kept and the distance from any structures on site or on adjoining properties;

- The type of animals to be kept;
- The number of animals to be kept;
- Owners consent from the owner of the property;
- The likely impact of the animals on the environment and the amenity of the area;
- Information addressing any matters raised by Council in any correspondence.

Written support from neighbouring properties will be beneficial in supporting your case for a variation.

CONSIDERATIONS

In assessing any proposals seeking to vary this policy, as well as the specific provisions in Schedule 2 of the Local Government (General) Regulation 2005, the following matters shall be taken into consideration:

- The kind of animal that is suitable to be kept at any premises will be determined having regard for the size of the available yard area and the distance to the nearest dwelling or other prescribed building.
- Animals should be kept in a manner which does not:
 - Create unclean or unhealthy conditions for people or for the animals.
 - Attract or provide a harbourage for vermin.
 - Create offensive noise or odours.
 - Cause a drainage nuisance or dust nuisance.
 - Create waste disposal problems or pollution problems.
 - Create an unreasonable annoyance to neighbouring residents or fear for safety.
 - Cause nuisance due to proliferation of flies, lice, fleas or other insects.
- Animals should not be kept at premises used for the manufacture, preparation, sale or storage of food for human consumption.
- Suitable shelter(s) should be provided for all animals. Certain species of animals are required to be kept in cages to prevent escape or attack by predators. Generally, other animals are to be securely enclosed with adequate fencing to prevent escape.
- Certain animal shelters and facilities should not be erected or located at a premise without the prior approval of Council. Animal owners wishing to erect such structures should consult Council to determine which structures require development approval.

11.3 Glen Willow Sporting Complex Stage 2 Master Plan

REPORT BY THE DIRECTOR COMMUNITY

TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, PAR300584

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Glen Willow Sporting Complex Stage 2 Master Plan;**
2. **note the submissions after placing the Draft Glen Willow Sporting Complex Stage 2 Master Plan layout on public exhibition; and**
3. **endorse the Draft Glen Willow Sporting Complex Stage 2 Master Plan layout.**

Executive summary

The Draft Glen Willow Sporting Complex Stage 2 Master Plan layout was placed on public exhibition for 28 days from 22 March to 18 April 2019.

Two submissions were received and are attached to this report for consideration. A number of minor changes have been made to accommodate the potential for increased road infrastructure to assist in pedestrian and traffic movements during peak periods and major events.

Disclosure of Interest

Nil

Detailed report

At the March 2019 meeting, Council resolved to place the updated Glen Willow Master Plan on public exhibition. Two submissions were received and these are provided with this report. The first was from a resident of Pitts Lane presenting some concerns about the development, particularly around the use of fill and dust generated by earth movements as well as concerns around the potential for flooding of their property. The second was a submission from Mudgee Hockey concerned that by moving to the multi-use fields at Glen Willow there is no provision for amenities, canteen and storage for Hockey at the grounds.

With regard to the use of fill and the impacts of dust during construction, these are factors that will need to be managed. The aim of the project will be to use required fill from onsite rather than transporting in from off site. It is hoped that this will lessen the impact of dust through construction phases. Flood impact analysis has been undertaken for the footprint of Stage 2 works and this has concluded that the increased risk of flooding to the resident's property is minimal.

The point raised by Hockey in regarding to amenities for the multi-use is reasonable. There is a need for additional amenities infrastructure for these fields and this will need to be considered as the Glen Willow development continues.

There were no submissions from other sporting groups or associations.

A number of minor changes have been made to the layout since the exhibition period. The position of the Junior Rugby League amenities and the associated fields has been altered slightly. This is to accommodate the request for additional space for the youngest players without encroaching on the area closest to the creek at the northern boundary.

There are other components of Stage 2 that are not part of the current funding agreement. These includes artificial hockey fields, additional hard court netball courts as well as the expanded road and car-parking infrastructure. Passive recreation aspects such as the relocation of an expanded off-leash dog area and a picnic area at either the north or southern areas could be included in the future as well.

Other components that could be considered in the future could be:

- a cricket/athletics track/AFL oval in a location either in the south west area below the netball courts and related carpark
- an extension of the road network out to Putta Bucca Road to allow for a second entry point to the complex
- additional road infrastructure to assist traffic and pedestrian movement
- further development of the newly acquired land parcel at the south-eastern end of the complex

It is recommended that this Master Plan diagram be endorsed. As Stage 2 progresses, this may be refined further and documentation to allow for further funding applications will also be developed and provided to Council.

Community Plan implications

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

Strategic implications

Council Strategies

Community Strategic Plan
Recreation Strategy

Council Policies

Not applicable

Legislation

Not applicable

Financial implications

This Master Plan does not commit Council to any additional expenditure beyond those elements that have already been approved through the Delivery Program and Operational Plan.

Associated Risks

The works for Stage 2 have the potential to increase traffic and pedestrian movements during peak time. The updated Master Plan considers these impacts with suggested ways to minimise some of these risks.

SIMON JONES
DIRECTOR COMMUNITY

18 April 2019

Attachments:

1. Glen Willow Stage 2 Draft Master Plan - Pitt Response 16_03_2019.
2. Glen Willow Stage 2 Draft Master Plan - Hockey Response 29_03_2019.
3. Glen Willow Master Plan June 2019.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

From: heather pitt [REDACTED]
Sent: Tuesday, 16 April 2019 3:14 PM
To: Brad Cam <Brad.Cam@midwestern.nsw.gov.au>
Subject: To the General Manager Mr Brad Cam

To the General Manager Mr Brad Cam
Mid Western Regional Council

Dear Brad

Submission: Stage Two Glen Willow Regional Sports Complex

We wish to bring to your attention our concerns regarding stage two of the Glen Willow Sports Complex. We have significant issues and would like to bring to your attention the following facts.

We understand council has failed to adhere, to the existing Glen Willow Master Plan and as such would like to site the following references.

4.1 page 14. "The intention not to raise the entire site as this would have a detrimental effect on properties due to floodwater displacements"

4.4 page 18. "Cut and fill of existing material on site will be carried out to minimise flood volume impacts"

4.5 page 19. "As the site is flood prone, the development must not adversely impact adjoining properties"

Unfortunately council have clearly failed to comply with their existing master plan regarding the Glen Willow Sports Complex, and have in fact seriously increased the risk of flooding to our property.

As stage two is yet to be officially commenced we would like to make reference to the massive volumes of soil already delivered, which contradicts councils obligations as mentioned above. We would also like to voice our disapproval regarding the location of the road which appears to align with the rear boundary fence of our property.

In addition we would like to also note we strongly refute councils claims that flood mitigation works are not necessary, based upon the references cited and councils failure to adhere to operations as the master plan dictates. We would also like to refer to the recent council acquisition of 53 Pitts Lane, to which development of this site could add significantly, to the already greatly increased risk of flooding to our property, and we would request any available information regarding this development.

We would appreciate a prompt and efficient response regarding these issues, we trust a amicable solution can be met to resolve our concerns.

Regards
Graham and Heather Pitt

Sent from my iPad

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.

25th March 2019

General Manager,

Mid-Western Regional Council

PO Box 156
MUDGEES NSW 2850

Council@midwestern.nsw.gov.au

Dear Mr. Cam,

Re: Glen willow Stage 2 Funded works

Mudgee Hockey Association would like to provide feedback regarding the proposed stage 2 funded works.

Mudgee Hockey is pleased to be considered for access to the multi- purpose fields proposed in this stage.

Mudgee hockey does have some concerns about the use of these facilities.

Sharing the multi-use fields with Rugby Union and Junior Rugby League will pose some issues regarding site access and use-time potentially being restricted due to the size and requirements of these sports.

The requirements for line marking, grass length and field condition are distinctly different. Hockey requires short grass and smooth grounds. The grass length required by Rugby and League is longer than that required by hockey. The use of the fields by Rugby and League with scrums and football boots may result in the grounds being damaged, making hockey more dangerous with balls hitting the divots.

The lack of designated facilities for Mudgee District Hockey will put the association at a financial disadvantage. Without facilities for canteens and storage of equipment, the association will be unable to store the required equipment safely and unable to raise funds readily.

Finally, the current plans show no fencing between fields. Given the nature of hockey, best practice is to have high secure fencing around the goals to prevent injury to spectators and passers-by. The risk to rugby union and junior rugby league players and spectators will be significant without this fencing.

With the planned synthetic fields in Stage 2, it is not financially viable for the association to build these facilities at both locations.

Mudgee District Hockey Association thanks you for the opportunity to provide comment and for considering hockey when drafting these proposed works.

Natalie Richards

on Behalf of Mudgee District Hockey Association.

GLEN WILLOW DRAFT MASTERPLAN

- - - - - STAGE 2 (FUNDED WORKS)
- - - - - STAGE 2 (WORKS NOT YET FUNDED)
- █ FUTURE DEVELOPMENT ZONES
- ⋯ PROPOSED FUTURE WALKING PATHS
- WALKING PATH



VERSION 3.1 DATE: 21/05/2019

11.4 Family Day Care Policy

REPORT BY THE MANAGER, COMMUNITY SERVICES
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, COS300291

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community Services on the Family Day Care Policy; and**
2. **adopt the revisions to the Family Day Care Policy.**

Executive summary

The Mid-Western Regional Council Family Day Care Policy was last reviewed in November 2018. A review is necessary in light of the most recent Assessment and Rating Visit by the Department of Education in late 2018 and also in response to continuing amendments to relevant legislation.

Disclosure of Interest

Nil.

Detailed report

Revisions undertaken include:

1. The maximum number of Educators to be engaged by or registered with the Scheme being set at 30 as prescribed by the Department of Education;
2. The setting of a minimum ratio of one qualified family day care staff member for each 15 family day care educators engaged by or registered with the Scheme as prescribed by the Department of Education;
3. Focus has been placed on programming cycles and reflection as per advice received from the Department of Education;
4. Legislation and subordinated legislation has been reviewed and updated, where appropriate (including most recent Supplementary Regulations in force from 27 May 2019);
5. Terminology has been amended to ensure consistency throughout the policy;
6. Superfluous and unnecessary cross referencing has been removed;
7. Duplicate information has been removed; and
8. Other minor amendments.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable.

Council Policies

Not Applicable.

Legislation

The policy references a multitude of legislation (and subordinate legislation), not limited to:

- *Child Protection (Working with Children) Act 2012* (NSW)
- *Children and Young Persons (Care and Protection) Act 1998* (NSW)
- *Commission for Children and Young People Act 1998* (NSW)
- *Education and Care Services National Law Act 2010* (Cth)
- *Education and Care Services National Regulations* (Cth)
- National Quality Standards (NQS)
- *Ombudsman Amendment (Child Protection and Community Services) Act 1998* (NSW)
- *Work Health and Safety Act 2011* (NSW)
- *Work Health and Safety Regulation 2011* (NSW)

Financial implications

Not Applicable.

Associated Risks

The Family Day Care Policy is a lengthy and broad one and is intended to reduce Council's risks in relation to the services being provided under the Family Day Care Scheme.

FIONA TURNER
MANAGER, COMMUNITY SERVICES

SIMON JONES
DIRECTOR COMMUNITY

24 May 2019

Attachments: 1. Family Day Care Policy Review - Changes tracked. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.5 Library Services - Quarterly Report

REPORT BY THE LIBRARY SERVICES COORDINATOR

TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, F0620020

RECOMMENDATION

That Council receive the report by the Library Services Coordinator on the Library Services - Quarterly Report.

Executive summary

This report seeks to inform Council of the activities undertaken by the Mid-Western Regional Council Library Service, under the broad outlines of Customer Visits, Library Borrowings and Purchased items, Strategic Partnerships, and Sustainable Organisations. This report covers the period January to March 2019.

Disclosure of Interest

Nil

Detailed report

CUSTOMER VISITS, LIBRARY BORROWINGS, & PURCHASED ITEMS

Visits to our Library branches during the January to March 2019 period increased by 18% when compared to the previous quarter.

Quarter	Visits
Jan-Mar 2019	27,861
Oct-Dec 2018	22,718

Across the Library Service, loans of library items increased by 15% compared to the previous quarter.

Quarter	Loans
Jan-Mar 2019	22,439
Oct-Dec 2018	19,029

Loans from the Mobile Library during Jan-Mar 2019 increased by 18% compared to the previous quarter.

Quarter	Loans
Jan-Mar 2019	1,673
Oct-Dec 2018	1,363

The use of library resources (library subscribed databases) has remained stable, when compared to the same quarter of the previous year.

Quarter	Accesses
---------	----------

Jan-Mar 2019	596
Jan-Mar 2018	620

The Library continues to purchase new items in line with the Collection Development Strategy. These items include audio books, magazines, fiction and non-fiction for adults and children in both print and electronic format, and DVDs.

Quarter	Purchases
Jan-Mar 2019	1,325

STRATEGIC PARTNERSHIPS

The Library continues to support the Rotary/Council Mudgee Town Hall Cinema partnership on Council's behalf, by providing continuous administrative support, liaising with film distributors and Rotary, and provision of online/over the counter ticket sales. Over the Jan-Mar 2019 period, this totalled a minimum 90 support hours by Library staff, and included 25 movie screenings, reaching 1,281 customers.

Mudgee Museum continues to be a Library partner, providing a historical display exhibit at Mudgee Library, which is replaced frequently.

SUSTAINABLE ORGANISATION

The Library continues to encourage a life-long love of books and reading through its literacy initiatives. During the Jan-Mar 2019 period Library staff hosted 121 separate sessions/workshops for children and youth across our branches – reaching 1,034 children and young adults.

The Library also hosted 16 events for adults – reaching 167 individuals.

All branches of the Library hosted a range of well-attended children's craft and storytelling programs during the December 2018/January 2019 school holidays.

The Library continues to support the 'Wrap with Love' program, acting as collection points for knitted squares. Mudgee Library also supports a monthly knitting group at the Library.

Community Plan implications

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

Strategic implications

Council Strategies

The Library Services – Quarterly Report has been developed in line with the 2017/18 – 2020/21 Delivery Program and the Library's Collection Management Strategy.

Council Policies

Not applicable.

Legislation

Not applicable.

Financial implications

Not applicable.

Associated Risks

Not applicable.

MICHELLE MAUNDER
LIBRARY SERVICES COORDINATOR

SIMON JONES
DIRECTOR COMMUNITY

5 June 2019

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 12: Reports from Committees

12.1 Mudgee Sports Council Meeting 30 April 2019

REPORT BY THE DIRECTOR COMMUNITY
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, GOV400067, A0360013

RECOMMENDATION

That Council:

1. receive the report by the Director Community on the Mudgee Sports Council Meeting 30 April 2019; and
2. note the minutes for the Sports Council Meeting held 30 April 2019.

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Sports Council Meeting held on 30 April 2019.

Disclosure of Interest

Nil.

Detailed report

The Mudgee Sports Council receives an updated Works Request and Matters In Progress report together with updated financial details each month prior to their meetings.

Community Plan implications

Theme	Looking After Our Community
-------	-----------------------------

Goal	Effective and efficient delivery of infrastructure
------	--

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

The Mudgee Sports Council is operating under section 355 of the Local Government Act (1993), which allows it to exercise a function of Council.

Financial implications

Nil.

Associated Risks

Nil.

SIMON JONES
DIRECTOR COMMUNITY

13 May 2019

Attachments: 1. Mudgee Sports Council Meeting 30.4.2019.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mudgee Sports Council meeting

Mudgee Netball clubhouse

30-04-2019 1802.

Present: G. Robinson, L. Humphries (Rugby), M. Brydon (Jnr League), R. Smith (Rugby), K. Lang (Touch), E. Flack (Snr League), J. O'Neill MWRC Councillor, K. Bennetts (Little A's), M. Collins (Hockey), J. Cox (Netball), T. Kane MWRC Staff, & J. Johnson.

Apologies: P. Mitchell, N. Richards. Moved R. Smith, seconded M. Brydon.

Minutes read as true and correct. Moved M. Brydon seconded J. Johnson.

Business arising from previous meeting:

1. Nil.

Treasurers Report:

1. As per council report \$81,666.58 Sports assistance grants paid to A. Wilson, J. Emeny, & A. Bennetts.

Treasurers report moved J. Robinson, seconded J. Cox.

Secretary Report:

1. One letters of request for athlete assistance funding:
2. .Application for assistance grant from Justin Gossage who has been selected to represent Australia at the world titles in Malaysia 27th April to 4th May for Touch, he is playing in the U/30 team,
Motion that Justin Gossage be granted a sports assistance grant of \$500, as per Mudgee Sports Council guide lines. Moved K. Lang seconded R. Smith.

Move that all applicants be granted sports assistance grants on providing banking details, Moved G. Robinson, seconded K. Lang carried.

Works Request Updates:

1. Lights Jubilee- Being has done this week plus the panels on fencing.
2. Seating will be installed late March early April at Netball courts.
3. Range hood repaired Touch Soccer amenities, please be gentle as supply company gone out of business, parts will be hard to come by.
4. Hole to be repaired this week in front of Amenities block Touch/Soccer
5. The gates to Soccer/Touch awaiting fencing contractor.
6. Netball lights still to be checked.

Works Requests:

1. Plugs required for sinks canteen main stadium.
2. Check bolts to gates main stadium, have been bent over time and need replacing as gates very difficult to shut.

General Business:

1. Hockey having a gala day 4th May, and then commencing season 11th May, all areas have been cleaned, canteen and amenities.
2. Who is running balloon festival, will they need access to bar at Glen Willow, there will be food vendors on fields 5&6 25th May, and they will be using fields 1,5,6, the grounds will be closed from 2:30pm on Saturday the 25th may.
3. Jubilee Oval- The Earn and Return has become a major issue with the emergency access being blocked by truck picking up, motion from council that the earn and return will be moved to Tip. Amendment- email from Councillor O'Neill clarifying that the Earn and Return won't be moving but the access for the truck will be changed as part of a trial for 3 months.
4. Hiring of Glen Willow- no keys available when hiring main stadium, keys given but only opened gate, wouldn't open any other facilities, there is suppose to be a hirer set, keys that were given wouldn't open turnstile, so at moment there isn't a lock on the turnstile due to being cut, Tracey to organise.

Meeting closed

18:25

Next Meeting

28-05- 2019 .6PM. Mudgee Netball clubhouse

.

12.2 Gulgong Sports Council Meetings 8 February 2019, 8 April 2019 and 13 May 2019

REPORT BY THE DIRECTOR COMMUNITY
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, A0360003

RECOMMENDATION

That Council:

1. receive the report by the Director Community on the Gulgong Sports Council Meetings 8 February 2019, 8 April 2019 and 13 May 2019; and
2. note the minutes for the Gulgong Sports Council meetings held 8 February 2019, 8 April 2019 and 13 May 2019.

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Sports Council meetings held 8 February 2019, 8 April 2019 and 13 May 2019.

Disclosure of Interest

Nil.

Detailed report

The Gulgong Sports Council receives updated financial details each month prior to the meeting.

There are no further matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council separately providing detailed information and requirements. Operational matters raised will be dealt with in due course when staff receive additional information.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable.

Legislation

The Gulgong Sports Council is operating under Section 355 of the Local Government Act(1993), which allows it to exercise a function of Council.

Financial implications

Not applicable

Associated Risks

Nil.

SIMON JONES
DIRECTOR COMMUNITY

14 May 2019

- Attachments:*
1. Gulgong Sports Council 8 February 2019.
 2. Gulgong Sports Council Meeting 8 April 2019.
 3. Gulgong Sports Council Meeting Minutes 13 May 2019.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

GULGONG SPORTS COUNCIL
Monthly Meeting
Monday 8th February, 2019 @ Gulgong Bowling Club.

Meeting Opened; 6.00 pm

Apologies; T.Papworth

Moved; M.Freestone 2nd C.Rae Carried

Present; , B.Gudgeon, T.Kane MWRC, C.Rae Betty Rae , C.Holden, M.Freestone , M.Gaudry, L.Hawkins, P.Thompson,. G.Ellis, C. Forester, K.Miller MDKC.

Minutes; Minutes from last meeting be adopted dated 11th December, 2018.

Moved C.Holden 2nd P Thompson Carried

Council Business;

1. New seating to be installed at Victoria Park and Billy Dunn Oval.
2. Fencing to be installed at Billy Dunn Main Oval.
3. New fencing to be installed at Victoria Park Gulgong, Grant for new fence.
4. Ground maintenance for main oval at Billy Dunn, ground closed from 4th of March to 6th of April.
5. Grandstand at Billy Dunn being painted.
6. To check on grandstand at Billy Dunn for hand rails.

Finance; Balance; \$7300.37

Income;

Nil

Expenditure;

Nil

Motion that finance be accepted.

Moved B.Gudgeon 2nd M.Freestone. Carried

General Business;

1. BBQ area at main kiosk to be looked into, concrete slab and roof to be adopted.
2. Female change rooms to be considered at Billy Dunn.
3. Extra storage required for all sports at Billy Dunn.
4. Soccer needs storage at Victoria Park for training.

Meeting closed 7.00 pm.

Next Meeting; 6.00 pm Monday, 8th April, 2019 @ Gulgong Bowling Club.

President



Craig Holden.

**GULGONG SPORTS COUNCIL
Monthly Meeting
Monday 8th April, 2019 @ Gulgong Bowling Club.**

Meeting Opened; 6.00 pm

Apologies; S.Haney, M.Gaudry

Moved; M.Freestone 2nd C.Rae Carried

Present; B.Gudgeon, T.Kane MWRC, C.Rae Betty Rae, C.Holden, M.Freestone, M.Gaudry, L.Hawkins, P.Thompson, C. Forester, K.Miller MDKC, T.Papworth

Minutes; Minutes from last meeting be adopted dated 11th December, 2018.

Moved C.Holden 2nd P Thompson Carried

Council Business;

1. New seating to be installed at Victoria Park and Billy Dunn Oval.
2. New fencing to be installed at Victoria Park Gulgong, Grant for new fence, (June 30).
3. To check on grandstand at Billy Dunn for Holes in ceiling.
4. Line marker to be purchased for Billy Dunn Sports.
5. Access gate to be installed on eastern side of Billy Dunn Oval.
6. Security cameras to be investigated for Billy Dunn Grandstand and also Victoria Park.

Finance; Balance; \$6900.37

Income;

Nil

Expenditure;

T&K Jackson \$200.00 for works carried out at Billy Dunn Canteen.

Motion that finance be accepted.

Moved B.Gudgeon 2nd M.Freestone. Carried

General Business;

1. BBQ area at main kiosk to be looked into, concrete slab and roof to be adopted.
2. Female change rooms to be considered at Billy Dunn, onsite is required to see what can be done.
3. Extra storage required for all sports at Billy Dunn.
4. Soccer needs storage at Victoria Park for training.

Meeting closed 7.00 pm.

Next Meeting; 6.00 pm Monday, 13th May, 2019 @ Gulgong Bowling Club.

President

Craig Holden.



Page 1

GULGONG SPORTS COUNCIL
Monthly Meeting
Monday 13th May, 2019 @ Gulgong Bowling Club.

Meeting Opened; 6.00 pm

Apologies; T.Kane MWRC, C.Rae, B.Rae, K.Miller, T.Papworth.

Moved; M.Freestone 2nd C.Rae Carried

Present; B.Gudgeon GDCA, C.Holden Sports Council, M.Freestone Touch Football, M.Gaudry Tennis club, L.Hawkins Passive Parks, P.Thompson MWRC, C. Forester Kennel Club, S.Ellis GJRL, K.Tucker Kennel Club, D.Reynolds Kennel Club,

Minutes; Minutes from last meeting be adopted dated 11th December, 2018.

Moved C.Holden 2nd P Thompson Carried

Council Business;

1. New seating to be installed at Victoria Park and Billy Dunn Oval.
2. New fencing to be installed at Victoria Park Gulgong, Being installed gates has been notified of locations.
3. To check on grandstand at Billy Dunn for Holes in ceiling.
4. Line marker to be purchased for Billy Dunn Sports. This has been purchased, sporting clubs to make financial assistance to line marker.
5. Access gate to be installed on eastern side of Billy Dunn Oval, will be done in July.
6. Security cameras to be investigated for Billy Dunn Grandstand and also Victoria Park, council to look at funding.
7. The following clubs to be invoiced a one off payment towards new line marker;
Gulgong Senior Rugby League, Falcons Soccer Club, Gulgong Touch Football, Gulgong Little Athletics, \$300.00 per club, Gulgong Sports Council \$400.00 (to be taken from account)
Gulgong Junior Rugby League is exempt from paying as they already have purchased line marker.

Motion put forward by Craig Holden

Moved L.Hawkins 2nd P.Thompson Carried by all members.

8. Garbage bins required in toilets to cater for paper towels that have been installed, could this please be looked at as this was a problem with the paper towels being left on the floor, sports council will assist in purchase of these bins.
9. Gulgong Kennel Club requesting extra key for Victoria Park Gulgong, have been advised to apply through council by going on line, fill out the application form required and submit to council.

Finance; Balance; \$10,309.83

Income;

Nil

Expenditure;

Donation of \$200.00 to the Thompson children for state duties in lawn bowls total \$400.00. Details to follow.

Moved M.Freestone 2nd M.Gaudry Carried

Page 2

Motion that Finance Report be accepted.

Moved B.Gudgeon 2nd M.Freestone. Carried

General Business;

1. BBQ area at main kiosk to be looked into, roof to be adopted.
2. Female change rooms to be considered at Billy Dunn, onsite is required to see what can be done with Council, Gulgong Sports Council and Gulgong Sporting Clubs. We need to make a time to suit all.
3. Gulgong Kennel Club Re - August Dog Show; Gulgong Sports Council will assist in supply toilet paper, plastic bags for rubbish, extra port-a-loo. Tracey could you please order the following from the council store for me; 1 x ctn toilet paper, 20 x large plastic garbage bags and charge to Gulgong Sports Council.

Meeting closed 7.30 pm.

Next Meeting; 6.00 pm Monday, 8th July, 2019 @ Gulgong Bowling Club.

**President
Craig Holden.**

12.3 Heritage Committee Meeting Minutes 30 April 2019

REPORT BY THE
TO 19 JUNE 2019 ORDINARY MEETING
GOV400066, DEV700020

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Strategic Planning on the Heritage Committee Meeting Minutes 30 April 2019; and**
2. **note the minutes of the 30 April 2019 Heritage Committee Meeting.**

Executive summary

The purpose of this report is to advise Council of the considerations of the Heritage Committee meeting held on 30 April 2019.

Disclosure of Interest

Nil.

Detailed report

A copy of the minutes from the 30 April 2019 meeting are attached to this report.

There were no recommendations from the Heritage Committee Meeting held on the 30 April 2019.

Community Plan implications

Theme	Looking After Our Community
--------------	------------------------------------

Goal	Vibrant towns and villages
------	----------------------------

Strategy	Respect and enhance the historic character of our Region and heritage value of our towns
----------	--

Strategic implications

Council Strategies

Conducting Heritage Committee Meetings is consistent with Council's Heritage Strategy.

Council Policies

Not applicable.

Legislation

The Heritage Committee is operating under Section 355 of the Local Government Act 1993, which allows it to exercise a function of Council.

Financial implications

Not applicable.

Associated Risks

Not applicable.

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

27 May 2019

Attachments: 1. April Heritage Committee minutes.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

HERITAGE COMMITTEE MEETING MINUTES

MUDGEES – FOYER MEETING ROOM

TUESDAY 30 APRIL 2019 – 9.30AM

1. WELCOME and PRESENT

Chris Pearson, David Warner, David Mort, John Bentley, Cllr Holden, Cllr Paine, V Hollister, Peter Monaghan, Staff: Sarah Armstrong.

2. APOLOGIES**3. CONFIRMATION OF PREVIOUS MINUTES – February 2019**

Moved: Peter Monaghan second: Chris Pearson.

Note: Amendment to the February minutes - include request made that Minutes be distributed directly following meetings.

4. MATTERS IN PROGRESS

Matter	Responsible	Progress
Local Heritage Grants.	Development Directorate Committee consideration	2018-19 Grants. Works to be completed 26/4/19. Brief discussion of 1) the potential review of the Local Heritage Places Grants Policy to possibly provide funding for those offered a grant and failed to complete the works and 2) possibility for larger grants to be allocated.
Heritage Conservation Fact Sheet.	Development Directorate	First distribution will be to landowners of heritage items, a cover letter will accompany the fact sheet. Distribution to all landowners within the Heritage Conservation Area will require a Community Plan Proposal to fund such a project. Staff to investigate if this can be undertaken within current budget. Operational Plan on public exhibition until 7 June 2019. Committee to consider re-submitting a separate Community Plan Proposal (see 6.2 below).
Heritage Advisor.	Development Directorate	Funded until 30 June 2019. Staff will apply for OE&H grant.
Review of the Rylstone Main Street Study	Development Directorate	OE&H Grant and Council Community Plan Proposal.

Matter	Responsible	Progress
DCP Review – inclusion of Heritage Conservation provisions.	Development Directorate Committee Members	OE&H Grant and Council Community Plan Proposal unsuccessful. Heritage Conservation Area Statements of Significance prepared. Council staff engaged the Heritage Advisor to prepare a draft of heritage conservation provisions for the DCP, draft to be provided to Council end June 2018. DP&E have provided Council with draft DCP structure. Structure to be placed on public exhibition by DP&E. Council will amend DCP inline with structure and include heritage provisions. Request that Heritage Committee to be engaged for advice during process.
Proposed Heritage Conservation Area for Kandos	Sub committee	Project paused.
Heritage Near Me funding application ‘Snapshot of our Heritage’	Development Directorate	Heritage Talks completed, draft Statements of Significance for Kandos / Rylstone & Gulgong areas have been completed. Photographer has been engaged.
Gulgong block signage audit	Chris Pearson, David Warner, Barbara Hickson.	

5. BUSINESS ARISING FROM THE PREVIOUS MEETING

5.1 Traffic Signage with Gulgong

Remove all ‘no parking’ signs between intersections and where parking is restricted due to private driveway, pedestrian crossings etc. rather have painted hatching across the space.

Sarah Armstrong has referred the matter to Council’s Traffic Committee.

6. GENERAL BUSINESS

6.1 New Code of Conduct March 2019 (Tim joined the meeting at 10am)

Tim Johnston, Manager Governance presented to the Committee and highlighted that the Committee has obligations under the Code. The general obligations under the code apply and the committee must meet those obligations. The code extends to pecuniary interested and non- pecuniary interests.

If a committee member has concern re an interest, Tim is happy to discuss. Personal benefit: the Code now deals with that matter. Council can receive a gift, a declaration must be made. Access to information and Council resources - respect information received as privileged and confidential. Integrity of the Code - being critical of the Code or discussing the Code in Committee is not appropriate. Concerns around the Code should be brought to Sarah Armstrong and/or Tim Johnston’s attention.

6.2 Educate public as to rights/obligations, and awareness of conservation areas.

Chris Pearson spoke of the importance of the one page document being included with the rates notice and the importance of the Committee's Community Plan Proposal.

Sarah Armstrong outlined this idea had previously been presented and it had been decided the Heritage Conservation Fact Sheet be the focus. Discussion on possible alternative distribution (letterbox drop?) and importance of community education.

Sarah Armstrong suggested the Communications Officer create a post on Facebook, again running a focus in Community News, with conservation area maps and wording, and the idea of a feature within the Developers Newsletters.

6.3 Bringing all relevant proposed works by Council and its contractors to Planning.

Chris Pearson suggested co-ordinating all works at Planning (Development Directorate) for approval. David Warner highlighted that there was no consultation for the placement of bins within Gulgong. Where the former bins were removed footpath had not been repaired.

Sarah Armstrong stated that such a suggestion regarding the interaction of Directorates was an operational matter and not a matter for the Committee.

Councillor Holden discussed the role of the Heritage Committee.

Sarah Armstrong advised that works requests can be lodged for relocation of bins and repair of removed bins trip hazards.

Cllr Holden advised that he and Cllr Paine will invite Garry Hemsworth at attend the June meeting. Cllr Holden outlined the discussion around Terms of Reference.

Chris Pearson outlined the need for a person in Council to oversee all works within sensitive areas.

6.4 Media Policy

Sarah Armstrong provided copies of the Policy and spoke to the policy and the Committees obligation under the Policy.

6.5 Local Heritage Grants

Focus on the Local Heritage Grants in Rylstone *raised by* Virginia Hollister. General discussion resolved that status quo remain.

6.6 64 Lawson Street

Barbara Hickson raised the matter of 64 Lawson Street - a listed item, 1865, in poor state.

6.7 Fragile headstones

Barbara Hickson provided the Committee with an update.

6.8 Slides within the Rylstone Community Based Heritage Study

Peter to seek grant funding opportunities and follow up with the library. Sarah to follow up with the Records Team.

6.9 Meeting with Heritage Advisor

The Committee suggested that at the next meeting with Graham Hall it would be beneficial to discuss the DCP provisions.

7. CORRESPONDENCE

Nil.

Date of next meeting Tuesday 25 June 2019 (Cllr Holden will be an apology)

Schedule of meetings 2019 –

Tuesday 20 August
Tuesday 22 October
Tuesday 17 December

12.4 Mudgee Showground Management Committee - 7 May 2019

REPORT BY THE ADMINISTRATIVE ASSISTANT, OPERATIONS
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, F0650007

RECOMMENDATION

That Council:

1. receive the report by the Administrative Assistant, Operations on the Mudgee Showground Management Committee; and
2. note the contents of the minutes of the Mudgee Showground Management Committee Meeting held on 7 May 2019.

Executive summary

The purpose of this report is to advise Council of the considerations and recommendation of the Mudgee Showground Management Committee ordinary quarterly meeting held on 7 May 2019.

Disclosure of Interest

Nil.

Detailed report

The Showground Management Committee receives an updated works request and matters in progress report together with updated financial details quarterly. A copy of matters in progress and minutes are attached for Council's information.

Community Plan implications

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

Strategic implications

Council Strategies

Mudgee Showground Four Year Business Plan

Council Policies

Not Applicable

Legislation

Section 355 Local Government Act (1993)

Financial implications

Not Applicable

Associated Risks

Not Applicable

EMMA BROADFIELD
ADMINISTRATIVE ASSISTANT, OPERATIONS

GARRY HEMSWORTH
DIRECTOR OPERATIONS

31 May 2019

Attachments: 1. Mudgee Showground Management Committee Meeting-7 May 2019.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL

PO Box 156, MUDGEES NSW 2850

86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone

T 1300 765 002 or 02 6378 2850 | F 02 6378 2815

E council@midwestern.nsw.gov.au

MUDGEES SHOWGROUND MANAGEMENT COMMITTEE MEETING — 7 MAY 2019

Meeting Opened: 5:30 pm

Present: Cr Alex Karavas (Councillor), Tracy Lucas (RDA), Andrew Drummond (Council), Helen Chisholm (Mudgees Dressage Group), Shaune Meyer (MWWHA), Bill Robinson (Poultry)

Observer: Nil

Apologies: Cr Russell Holden (Councillor), Garry Hemsworth (Director Operations), Bianca Williams (Show Society), Andrew Beer (Show Society)

Minutes of Meeting held 5 February 2019 – Accepted

Moved – Bill Robinson

Seconded – Tracy Lucas

Matters in Progress

Matters in Progress discussed and updated as below

#	SUBJECT	MEETING DATE	ACTION	WHOM	PROGRESS
1.	Weed Spraying	5/2/19	Investigate weed control – white clover in main arena	Council	Will be sprayed when weather conditions and growing cycle permits
2.	Pigeons	5/2/19	Discuss with Jamie removal of pigeons	Bill	Ongoing
3.	Starters stand	5/2/19	Remove starters stand unless advised by end of Feb	Council	Council to remove as all groups have been consulted

There were no outstanding items from the previous meeting.

Correspondence

Letter from Access Committee regarding parking over the Douro Street footpath during the Mudgees Show. Bill to advise Show Society to put barricade up the entire length of the street for the next show.

Financial Report

Financial results were discussed and noted that both income and expenditure are tracking to be on budget for year end.

General Business

- Shaune thanked Council for the sand at the arena and advised it is much better
- New amenities building – currently the scope is being drawn up and will be put out to tender
- Suggested additional budget items to be sent in as submissions during the next month included; hard sealing the car parking area near the day yards, preparing a plan for more trees and tree planting, a plan for more accessible paths and roads
- Code of Conduct update was issues to all members
- There are a lot of toys and clothes left lying around near the stables – Renee to be sent a letter to keep the area clear for other users
- Disabled access around the showground was discussed and Councillor Karavas will discuss with Access Committee with a view to get a proposal for pathways and parking

Future meeting dates

6th August

5th November

Meeting closed at: 6.13 pm

Next meeting to be held 6th August at 5:30pm

AT THE OPERATIONS OFFICE

Matters in progress

#	SUBJECT	MEETING DATE	ACTION	WHOM	PROGRESS
4.	Weed Spraying	5/2/19	Investigate weed control	Council	
5.	Pigeons	5/2/19	Discuss with Jamie removal of pigeons	Bill	
6.	Starters stand	5/2/19	Remove starters stand unless advised by end of Feb	Council	

12.5 Local Traffic Committee- May Meeting 2019

REPORT BY THE EA TO DIRECTOR, OPERATIONS
TO 19 JUNE 2019 ORDINARY MEETING
GOV400067, A0100009

RECOMMENDATION

That Council:

1. receive the report by the EA to Director, Operations on the Local Traffic Committee- May Meeting 2019;
 2. classify the event – “Mudgee Running Festival 2019 (Marathon Weekend)” Sunday 18 August 2019 – as a Class 2 event under the “Guide to Traffic and Transport Management for Special Events Version 3.5” and proceed with the following conditions:
 - a. Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.5 and submitted to and approved by Council prior to the event;
 - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - c. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain and return areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. A Traffic Control Plan (TCP) certified by a person with a ‘Select & Modify’ or a ‘Design & Audit’ certificate be included in the TMP;
 - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;
 - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, NSW Police and the Roads and Maritime Services are indemnified against any possible action as the result of the event;
 - j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
-

- k. **Maintain a four-metre wide emergency vehicle lane;**
 - l. **Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date; and**
 - m. **Traffic Control plan to be in accordance with Roads and Maritime Services Traffic Control at Worksites Manual**
 - n. **The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.**
 - o. **Consent is required from Roads and Maritime Services for the Traffic**
 - p. **Management on classified sections of Short Street, Market Street and Ulan Road**
 - q. **Traffic Control plan to be in accordance with Roads and Maritime Services Traffic Control at Worksites Manual 2018**
3. **Amend condition 'n' of the Small Farm Field Days Event approval to: The intersection of Ulan Road and Henry Lawson Drive controlled by NSW Police between 2:30pm and 6:30pm 12 and 13 July 2019; and**
 4. **Note general business and correspondence items.**
-

Executive summary

The purpose of this report is to advise Council and seek support of the considerations and recommendations of the Local Traffic Committee (LTC).

Disclosure of Interest

Nil.

Detailed report

The Local Traffic Committee meeting was held 17 May 2019, one events were considered:

- Mudgee Running Festival - August 2019

General business items included:

- Bateman Avenue- Speeding issues
- AREC – Small Farm Field Days
- Linemarking CBD
- Mudgee Endurance Riders Association
- Opening of Cox Street

Late Report Items:

The committee proposed an amendment to previously approved recommendations for the Small Farm Field Days. A report was circulated via email 23 May 2019. A copy of the late report is included in the attachments.

Full discussion notes are included in the attachment to this report.

Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide traffic management solutions that promote safer local roads and minimise traffic congestion

GEMMA WILKINS
EA TO DIRECTOR, OPERATIONS

GARRY HEMSWORTH
DIRECTOR OPERATIONS

31 May 2019

Attachments: 1. Local Traffic Committee Minutes- May 2019.
2. Amendment to Small Farm Field Days- July 2019.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mid-Western Regional Council

Date: 17 May 2019

Minutes of the Local Traffic Committee

Held at the Operations Meeting Room, 54 Depot Rd, Mudgee
on 17 May 2019.

Present	Garry Hemsworth (MWRC), David Webster (MWRC), Phil Blackman, Cr Alex Karavas, Deanne Freeman (Roads and Maritime Services), Mark Fehon (NSW Police), Matt (NSW Police)
Apologies	
Secretary	Gemma Wilkins (MWRC),

The LTC meeting commenced at 9:35am.

MINUTES OF PREVIOUS MEETING

MOTION: RMS Deanne Freeman / Phillip Blackman

That the Minutes of the previous Local Traffic Committee held on 12 April 2019 be taken as read and confirmed.

- **Update Janene Pout to Prue Britt as Safety around schools officer**
- **Note that Speed signs to be on both sides of the road for AREC event and must be road work signs.**
- **Clarify wording of the disabled car spot in Kandos – Council will investigate upgrading existing space.**

2

MATTERS IN PROGRESS

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Mudgee Town Pedestrian Crossings	20 Jan LTC Meeting	Council conduct an audit on all crossings, place counts on Market and Church Street and provide a report to the committee with findings and suggestions for improvements	Final report received, no crossings are 100% compliant. Until works are completed NSW Police recommend we monitor incidents and may need to consider additional lighting during event periods.
Disabled parking Kandos IGA	28 April 2017	Roads and Maritime Services and Council to meet onsite and discuss viable options. Provide report to June meeting.	Council to investigate upgrade of current location.
Perry Street Parking Issues	15 June 2018	To monitor the parking issues that surround Mudgee High School	Extra line markings. Observation was undertaken. Formal counts will be coordinated for further information. Council have some ideas on improvements, may need to speak with Prue Britt (Safety Around Schools Officer).
Events Night with the Roads and Maritime Services	August 2018		Pending amendment of events process between planning department and operations department to make sure clear message provided by Council.
Request for 'No Parking' sign	August 2018	Request for a 'No Parking' sign to be placed at the northern end of Ten Dollar hotel.	Investigation and consultation in progress.
Request to review traffic flow of Gulgong CBD	November 2018 February 2019	Request a review of the traffic management and parking within the Gulgong CBD Report to be presented recommending 'no parking' signs changed to 'no stopping' in front of IGA Gulgong	
AREC Debrief	November 2018	Solutions highlighted in the debrief documents to be included in the traffic control plans for 2019 event.	Report included in last month LTC meeting and pending May Council meeting approval.
Mudgee CBD High Pedestrian Area	November 2018	Council in support of 40km CBD zone investigation.	Council forwarded request to Roads and Maritime Services Feb 2019. Advised assessment likely to be in next financial year.
Car parking – Rotary park Gulgong	February 2019	That Council approves the request for 3 hour parking restrictions to be implemented at the new carpark adjacent to the upcoming Gulgong Adventure playground pending detailed plan of signage location agreed to by committee.	Distribute copy of the plan when available. To be obtained from Tracey Kane

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
St Matthews Traffic Flow	February 2019	Organise meeting onsite Prue Britt, the safety around schools officer with Council, NSW Police and Principal to discuss options	Will arrange for Term two.
Saleyards Lane Traffic Calming	February 2019	Roads and Maritime Services to investigate speed zone	Inspection clarified it is a 50km zone by Roads and Maritime Services. An assessment not recommended for this particular area. Gemma phoned and spoke to complainant 10/5/19. Traffic counters will be placed. Roads and Maritime Services will check speed signage.
Oporto Road Speed Humps	February 2019	Council to provide traffic count data to NSW Police to aid increased presence.	

PAST EVENT DEBRIEF

EVENT	
Windeyer Endurance Ride	Debrief request sent late Feb, awaiting feedback.
Can Cruise	Council will write to organiser, express interest in number of participants, route at least 6 weeks prior to the event.
Mudgee Endurance Ride – 11 12 May	No problems noted. As a class 3 event if remains unchanged in 2020 it does not need to go to LTC.
Mudgee Night Glow – 25 May	
Henry Lawson Festival – 8 June	

CALENDAR OF EVENTS

APRIL	Date	Comments
ANZAC Day Marches	25 April 2019	Committee would like to see TCP for next year events. Write to organisers accordingly.
MAY	Date	Comments
NRL Game	19 th May 2019	Recommended
46 th Mudgee Endurance Ride	11 th and 12 th May 2019	Recommended
Mudgee Night Glow	25 th May 2019	Recommended
JUNE	Date	Comments
Henry Lawson Heritage Drive		Recommended
JULY	Date	Comments
Small Field Day Event		Recommended
AUGUST	Date	Comments
Mudgee Running Festival Kandos Street Machine	10 August	In this agenda
SEPTEMBER	Date	Comments
Flavours of Mudgee Rainbow Day		

4

Cudgegong Jump Club		
OCTOBER	DATE	Comments
Ride Against Cancer Mudgee Lions Club Mudgee Triathlon Season		
NOVEMBER	DATE	Comments
Rylstone Street Feast		
DECEMBER	DATE	Comments

Red = Unapproved

Green = Approved

19/013 MUDGEE RUNNING FESTIVAL 2019

RECOMMENDATION

That the event – “Mudgee Running Festival 2019 (Marathon Weekend)” Sunday 18 August 2019 – be classified as a Class 2 event under the “Guide to Traffic and Transport Management for Special Events Version 3.5” and proceed with the following conditions:

- a. Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.5 and submitted to and approved by Council prior to the event;
- b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
- c. Controlling noise as required by the *Protection Of The Environment Operations (Noise Control) Regulation 2000*;
- d. Reimbursing Council for the cost of damage repairs;
- e. Complying with Council's Law Enforcement Officers' reasonable directives;
- f. Maintain and return areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- g. A Traffic Control Plan (TCP) certified by a person with a ‘Select & Modify’ or a ‘Design & Audit’ certificate be included in the TMP;
- h. Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;
- i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, NSW Police and the Roads and Maritime Services are indemnified against any possible action as the result of the event;
- j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
- k. Maintain a four-metre wide emergency vehicle lane;
- l. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date; and
- m. Traffic Control plan to be in accordance with Roads and Maritime Services Traffic Control at Worksites Manual
- n. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.
- o. Consent is required from Roads and Maritime Services for the Traffic Management on classified sections of Short Street, Market Street and Ulan Road

- p. **Traffic Control plan to be in accordance with Roads and Maritime Services Traffic Control at Worksites Manual 2018**

MOTION: NSW Police Mark Fehon / Deanne Freeman

That the above recommendation be accepted and approved.

- Deanne requests that runner briefing session should include advising runners to stay as far left as possible from the centreline when on Ulan Road
- Confirm that road is closed where the turnaround point is, TCP seems to indicate closure at Black Springs/Eurunderee Intersection and Black Springs and Crowley Intersection
- Organiser response received 18 May: "The Black Springs Road turnaround will be closed to traffic, but we cannot guarantee that local traffic will not enter the closed road section. We will advise runners to give away to all traffic, including local traffic that may appear in the closed road sections."

19/014 GENERAL BUSINESS

BATEMAN AVENUE – SPEEDING ISSUES

Resident submitted works request states there are issues on Bateman Avenue:

"With more housing going up at the other end of Bateman Avenue, we are finding people are starting to use the street as a "drag strip". Would it be possible to have 2 sets of traffic calmers installed on the bend between 1 and 25 Bateman Avenue, as it is a dangerous bend with cars parked on the street, kids playing and traffic coming either way. There's going to be an accident. Or, could we please have signs making the street a 40km/h zone to slow traffic down."

- Noted. Committee in agreement that no further action to be taken.

AREC – SMALL FARM FIELD DAYS

Police attended meeting Monday 13 May. Police doing User pays arrangement at Ulan Road and Henry Lawson Drive. Adjustments have been made to exhibitor's entrance to increase flow of traffic into event. Organiser to advise mining companies of potential delays and more traffic in the area. Police will implement traffic control if needed at Henry Lawson.

- Report with changes to the event condition n. will be circulated via email to be included in the June Council meeting.

Change to be: The intersection of Ulan Road and Henry Lawson Drive controlled by NSW Police between 2:30pm and 6:30pm 11 and 12 July.

LINEMARKING CBD

Parking study currently being undertaken assessing parking around the CBD, this may come up as part of it.

Prepare report for consideration of line marking to be completed between the following sections

- Market street between Church and Lewis
- Mortimer Street between Church and Lewis

6

MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 17 MAY 2019

19/015 CORRESPONDENCE

MUDGEES ENDURANCE RIDERS ASSOCIATION

Notice received to amend the start time to earlier times. These changes will not have an effect on traffic movement and have been provided as notification only.

OPENING OF COX STREET

Inbound email was received advising that the Minister for Roads will be forwarding a letter to Council regarding a resident submission. No formal letter received to date, copy of email contact provided for information.

- Council to investigate and bring back report to committee on feasibility in correspondence with associated Rail Authorities.

MOTION: Councillor Alex Karavas / Phillip Blackman

CLOSURE

There being no further business the meeting concluded at 11:00am

0.0 Amendment to recommendations - Small Farm Field Days

REPORT BY THE EA TO DIRECTOR, OPERATIONS
TO 17 MAY 2019 LOCAL TRAFFIC COMMITTEE
A0100009, A0100009

RECOMMENDATION

That Council:

- 1. Amend condition 'n' of the Small Farm Field Days Event approval to: The intersection of Ulan Road and Henry Lawson Drive controlled by NSW Police between 2:30pm and 6:30pm 12 and 13 July 2019.**

Executive summary

A meeting between AREC and NSW Police has resulted in a proposed amendment to the conditions approved at 15 May 2019 Council meeting.

Detailed report

A report was presented to the April Traffic Committee meeting, and condition 'n' was included in the May Council meeting as:

- n. The intersection of Ulan Road and Henry Lawson Drive be monitored and a traffic control plan be implemented by appropriately trained traffic controllers if required;**

At the Local Traffic Committee Meeting held 17 May 2019 an amendment to condition 'n' has been proposed to reflect the changes discussed between AREC employees and NSW Police from meeting held 13 May 2019.

The meeting outcomes resulted in:

- AREC applying for NSW Police User pays so police can man the Ulan Road and Henry Lawson drive intersection
- Utilising NSW Police user pays eliminates the need for an additional TCP

As such the original condition is no longer relevant and requires amending. The amended condition will be:

- n. The intersection of Ulan Road and Henry Lawson Drive controlled by NSW Police between 2:30pm and 6:30pm 12 and 13 July 2019.**

This report recommends the amendment.

Financial implications

N/A

Strategic or policy implications

N/A

2

20 May 2019

Attachments: Nil

Item 13: Urgent Business Without Notice

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 14: Confidential Session

LOCAL GOVERNMENT ACT, 1993

10A *WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?*

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

10D *GROUND FOR CLOSING PART OF MEETING TO BE SPECIFIED*

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

664

DISCLOSURE AND MISUSE OF INFORMATION

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

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

2. (1B) Subsection (1A) does not apply to:
 - (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.

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

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

Maximum penalty: 50 penalty units

MOTION

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

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

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

CHAIRMAN

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

14.1 Request for Financial Contribution

The reason for dealing with this report confidentially is that it relates to advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in accordance with Section 10A(2)(g) of the Local Government Act, 1993.

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

14.2 2019/20 Insurance Renewal and Class Action

The reason for dealing with this report confidentially is that it relates to advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in accordance with Section 10A(2)(g) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of advice concerning litigation that would otherwise be privileged in production of legal proceedings on the grounds of legal professional privilege.

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

The General Manager will read out any written representations received.

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

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