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Business Papers 2020

MID-WESTERN REGIONAL COUNCIL

EXTRAORDINARY MEETING

TUESDAY 30 JUNE 2020



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

23 June 2020

Dear Councillor,

MEETING NOTICE
Extraordinary Meeting
30 JUNE 2020
Public Forum at 3.00pm
Council Meeting commencing at conclusion of Public Forum

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 speak at the Public Forum, which is held at 5:30PM immediately preceding the Council Meeting. Speakers are given five minutes to address items that are included in the agenda.

If you wish to register to speak at the Public Forum please contact the General Manager's Office on 1300 765 002 or 02 6378 2850 by 4.00 pm on the day before the meeting for approval.

Yours faithfully

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

BRAD CAM
GENERAL MANAGER

AGENDA

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Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

Nil.

Item 4: Finance

4.1 2020/21 Operational Plan and 2017/21 Delivery Program

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 30 JUNE 2020 EXTRAORDINARY MEETING
GOV400067, A0000000

RECOMMENDATION

That Council:

1. receive the report by the Chief Financial Officer on the Draft 2020/21 Operational Plan and 2017/21 Delivery Program;
 2. receive, consider and give thanks to all public submissions to the Draft Operational Plan 2020/21 and Revised Delivery Program 2017-2021, as listed below, with the Chief Financial Officer required to respond to each submission as follows:
 - 2.1 John Stewart – Council has considered your submission request for the installation of a roundabout at the intersection of Church and Denison Streets Mudgee and also a centre isle concrete barrier between Aldi and Mitre 10. Council declines to make changes to the Draft Operational Plan 2020/21 and 2017/21 Delivery Program as exhibited from 29 May 2020 to 25 June 2020 and will forward your submission to the Local Traffic Committee for review;
 - 2.2 G Roast – Council has considered your submission request for a footpath in Denison Street. Council declines to make changes to the Draft Operational Plan 2020/21 and 2017/21 Delivery Program as exhibited from 29 May 2020 to 25 June 2020 and notes that footpath works are currently being prioritised in accordance with the Pedestrian Access and Mobility Plan;
 - 2.3 Paul Christopherson – Council has considered your submission request for additional footpaths, particularly in west Mudgee. Council declines to make changes to the Draft Operational Plan 2020/21 and 2017/21 Delivery Program as exhibited from 29 May 2020 to 25 June 2020 and notes that footpath works are currently being prioritised in accordance with the Pedestrian Access and Mobility Plan;
 - 2.4 User 2365 - Council has considered your submission request for drainage Industrial Avenue Mudgee. Council declines to make changes to the Draft Operational Plan 2020/21 and 2017/21 Delivery Program as exhibited from 29 May 2020 to 25 June 2020 and notes that Council is currently completing the Flood Risk Management Study which will prioritise stormwater drainage issues;
 - 2.5 Mudgee RSL Sub-Branch - Council has considered your submission request for cleaning, restoration and relocation of the field gun in Lawson
-

Park to Robertson Park. Council will undertake required cleaning using existing parks and gardens maintenance budgets, however the restoration and relocation shall be investigated by staff and a report brought back to Council for consideration;

- 2.6 Mudgee RSL Sub-Branch - Council has considered your submission request for cleaning of the War Memorial in Robertson Park before Remembrance Day 2020. Council agrees to undertake this cleaning using existing parks and gardens maintenance budgets;
 - 2.7 Mudgee Aero Club - Council has considered your submission request to leave ultralight aircraft in the Mudgee Aero Club fee structure and to retain the ability to add further aircraft to this fee at \$150 per aircraft. Council will amend the fee to include ultralight aircraft, and decline to add the condition of further aircraft at \$150;
 - 2.8 Wilpinjong Coal – Council has considered your submission objection to the Mining Category Rates. Council is confident that the Rate Model complies with all relevant laws in regard to the calculation of its Notional General Income and notes that Councils compliance, including those with the rate pegging provisions of the Local Government Act are subject to audit by the NSW Auditor General, who’s findings are referred to the Office of Local Government to ensure compliance. Council declines to make changes to the Draft Operational Plan 2020/21 and 2017/21 Delivery Program as exhibited from 29 May 2020 to 25 June 2020;
 - 2.9 NSW Minerals Council - Council has considered your submission objection to the Mining Category Rates. Council is confident that the Rate Model complies with all relevant laws in regard to the calculation of its Notional General Income and notes that Councils compliance, including those with the rate pegging provisions of the Local Government Act are subject to audit by the NSW Auditor General, who’s findings are referred to the Office of Local Government to ensure compliance. Council declines to make changes to the Draft Operational Plan 2020/21 and 2017/21 Delivery Program as exhibited from 29 May 2020 to 25 June 2020;
3. amend the 2020/21 Fee and Charges as outlined below and include in the Fees & Charges Schedule:
 - 3.1 Swimming Lessons – Accredited Lifesaving Program participants (FC0656). Amend from \$0.93 to \$1.00;
 - 3.2 Mudgee Aero Club (FC0035). Conditions amended to ‘for up to five ultralight or general aviation aircraft’;
 4. amend the draft 2020/21 Operational Plan Business Rylstone Aeropark Rate from 0.825875 cents in the dollar to 0.561968 cents in the dollar;
 5. adopt the Operational Plan for 2020/21 and Revised Delivery Program for 2017-2021, including the Fees & Charges Schedule;
 6. makes the following rates and charges for the 2020/21 financial year:
 - 6.1 A Residential Rural Rate of 0.608506 cents in the dollar on the land value as at 1 July 2020 of all land so categorised as Residential, with a minimum rate of \$694.88;
-

- 6.2 A Residential Urban Rate of 0.608506 cents in the dollar on the land value as at 1 July 2020 of all land so categorised as Residential and further subcategorised as Residential Urban, with a minimum rate of \$694.88;
- 6.3 A Farmland Rate of 0.433121 cents in the dollar on the land value as at 1 July 2020 of all land so categorised as Farmland, with a minimum rate of \$694.88;
- 6.4 A Business Rate of 0.825875 cents in the dollar on the land value as at 1 July 2020 of all land so categorised as Business, with a minimum rate of \$694.88;
- 6.5 A Business Rylstone Aeropark Rate of 0.561968 cents in the dollar on the land value as at 1 July 2020 of all land so categorised as Business and further subcategorised as Business Rylstone Aeropark, with a minimum rate of \$228.11;
- 6.6 A Mining Rate of 2.415262 cents in the dollar on the land value as at 1 July 2020 of all land so categorised as Mining, with a minimum rate of \$694.88;
- 6.7 A Hunter Valley Catchment Contribution Rate of 0.00947 cents in the dollar on the land value as at 1 July 2020 of all land within the catchment contribution area that has a land value in excess of \$300 and is rateable for the time being under the Local Government Act 1993. Council contributes to the provision of watercourse management in the area controlled by Hunter Local Land Services. A Hunter Valley Catchment Special Rate, which is determined by the authority, is to be applied for the purposes of the Local Land Services Regulation 2014.
- 6.8 The interest to be charged on overdue rates and charges shall be calculated at a rate of 0% per annum for the period 1 July 2020 to 31 December 2020, and 7% per annum for the period 1 January 2021 to 30 June 2021, on a daily simple interest basis;
- 6.9 A Domestic Waste Management Charge of \$297 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;
- 6.10 A General Waste Disposal Charge of \$220 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 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;
- 6.11 A Business Waste Management Charge of \$229 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;
- 6.12 Water charges for rateable and non-rateable properties within the water supply area of:

Charge Type	Detail	Amount
-------------	--------	--------

Service Availability	20mm meter	\$166
	25mm meter	\$259
	32mm meter	\$425
	40mm meter	\$664
	50mm meter	\$1,038
	80mm meter	\$2,656
	100mm meter	\$4,150
	150mm meter	\$9,338
<hr/>		
Usage - per kL	Residential	\$3.25
	Business	\$3.25
	Raw Water	\$1.15
	Standpipe	\$6.02

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.

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

Charge Type	Detail	Amount
Service availability	Residential	\$890
	Non-Residential	\$497
<hr/>		
Usage - Non Residential	Based on kLs of water that would reasonably be deemed to enter MWRC sewer schemes	\$2.85
<hr/>		
Liquid Trade Waste - Annual Charge	Category 1 Discharger	\$99
	Category 2 Discharger	\$196
	Large Discharger	\$655
	Industrial Discharger	\$196 - \$ 655
	Re-inspection Fee	\$97
<hr/>		
Liquid Trade Waste - Category 1 without appropriate equipment	Per kilolitre	\$1.82
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Liquid Trade Waste - Category 2 with appropriate equipment	Per kilolitre	\$1.82
<hr/>		
Liquid Trade Waste - Category 2 without appropriate equipment	Per kilolitre	\$16.70

Executive summary

At the Ordinary Council Meeting on 20 May 2020, Council resolved to place an amended Draft 2020/21 Operational Plan and 2017/21 Delivery Program out on public exhibition for a further period of 28 days. The exhibition period commenced Friday 29 May 2020 and closed on 25 June 2020.

Following the public exhibition period, this report allows the Council to consider and respond to all public submissions made.

Disclosure of Interest

Nil.

Detailed report

Council has been through an extensive planning process over the past few months to determine an appropriate annual plan, culminating in the Draft 2020/21 Operational Plan and 2017/21 Delivery Program.

In April 2020, Council placed its' Draft Operational Plan 2020/21 and Revised Delivery Program 2017-2021 on exhibition. In this time, Council received a number of submissions that were considered, before amendments endorsed by Council on 20 May 2020. The Draft Operational Plan 2020/21 and Revised Delivery Program 2017-2021 was subsequently placed back on public exhibition for a further 28 days from 29 May to 25 June 2020.

PUBLIC SUBMISSIONS

A brief summary of each submission has been made below and a full copy is attached to this report.

2.1 – John Stewart - installation of a roundabout at the intersection of Church & Denison Streets Mudgee and also a centre isle concrete barrier on the road between Aldi and Mitre 10. This would prevent cars turning right into and out of Aldi and Mitre 10 from Church Street. Vehicles needing to enter Aldi or Mitre 10 can use the roundabouts to get them on the correct side of the road to enter to the left only and similarly exit to the left from Aldi.

2.2 G Roast – Request that streets in Mudgee have a footpath on at least one side for walking, wheelchairs and strollers. In particular Denison Street from Burrundulla Avenue to Lawson Street, and Cedar Avenue.

2.3 Paul Christopherson – Request that this plan and future plans allow additional funding for footpaths, particularly in West Mudgee.

2.4 User2365 – Have owned a business in Industrial Avenue Mudgee for 33 years and are still waiting for stormwater to be installed. During large storms the road turns into a river, comes over the gutter & into our workshop, also closing the lower part of the street to traffic as the water is too deep for cars to get through.

2.5 Mudgee RSL Sub-Branch – Request that the field gun in Lawson Park be cleaned and restored. In addition the Mudgee RSL Sub-Branch believe that the gun would be better place in Robertson Park in the vicinity of the War Memorial.

2.6 Mudgee RSL Sub-Branch – Request that the War Memorial in Robertson Park be cleaned before Remembrance Day 2020.

2.7 Mudgee Aero Club - Previously Council amended the Mudgee Aero Club annual fee with the condition that it is for up to five general aviation aircraft. The Mudgee Aero Club request that

Ultralight aircraft remain in the Mudgee Aero Club annual fee conditions and also return to the arrangement of being able to add aircraft at a nominal annual fee of \$150.00.

2.8 Wilpinjong Coal - have provided a detailed submission that objects to the proposed rate model for 2020/21. See Attachment 8 for full details.

2.9 NSW Minerals Council – have provided a detailed submission that objects to the proposed rate model for 2020/21. See Attachment 8 for full details.

RATES MODEL

The Rates Model proposed as part of the Draft 2020/21 Operational Plan and 2017/21 Delivery Program includes an increase to all rating categories of the IPART capped rate of 2.6%, distributed evenly. Land rating categories are:

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

It should be noted that changes to land valuations and categorisation of properties will impact the net increase of a rating category, which may result in an adjusted movement of more or less than the 2.6% capped rate.

Council notes that Notional General Income calculations including compliance with the rate pegging provisions of the Local Government Act are subject to audit by the NSW Auditor General, whose findings are referred to the Office of Local Government to ensure compliance.

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 and draft Operational Plan, 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

The below sections of the Local Government Act 1993 have been referenced in this report, and/or have been taken into consideration for the recommendation set out in this report.

LOCAL GOVERNMENT ACT 1993 - SECT 405405 Operational plan

(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.

LOCAL GOVERNMENT ACT 1993 - SECT 494494 Ordinary rates must be made and levied annually

(1) A council must make and levy an ordinary rate for each year on all rateable land in its area.

(2) Each category or subcategory of ordinary rate is to apply only to land of the same category or subcategory.

LOCAL GOVERNMENT ACT 1993 - SECT 509509 Maximum general income for a year

(1) A council must not make rates and charges for a year so as to produce general income of an amount that exceeds the notional general income of the council for the previous year as varied by the percentage (if any) applicable to the council under section 506, 508 (2) or 508A for the year for which the rates and charges are made, except as provided by section 511 or 511A.

(2) The "notional general income of a council for the previous year" is the amount that would have been derived if the same rates and charges as were made to produce the general income for that previous year had been so made but, in the case of rates, had been made in respect of:

(a) the valuations of rateable land in the council's valuation record applicable as at 1 July in that previous year and required under this Act to be used in that previous year for the making and levying of rates (not including valuations of those parcels of rateable land for which supplementary valuations referred to in paragraph (b) have been furnished), and

(b) supplementary valuations of rateable land having the same base date as those valuations and furnished to the council under the Valuation of Land Act 1916 during that previous year, and

(c) any estimates of increase in value of rateable land that are provided to the council under section 513 in respect of that previous year.

LOCAL GOVERNMENT ACT 1993 - SECT 532
532 Publication of draft operational plan

A council must not make a rate or charge until it has given public notice (in accordance with section 405) of its draft operational plan for the year for which the rate or charge is to be made and has considered any matters concerning the draft operational plan (in accordance with that section).

LOCAL GOVERNMENT ACT 1993 - SECT 533
533 Date by which a rate or charge must be made

A rate or charge must be made before 1 August in the year for which the rate or charge is made or before such later date in that year as the Minister may, if the Minister is of the opinion that there are special circumstances, allow.

Financial implications

All financial information is shown in the attached Draft Operational Plan 2020/21 and Revised Delivery Program 2017-2021.

Associated Risks

Not applicable.

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

22 June 2020

- Attachments:*
1. Submission 2.1 John2019.
 2. Submission 2.2 G Roast.
 3. Submission 2.3 Paul Christopherson.
 4. Submission 2.4 User 2365.
 5. Submission 2.5 Mudgee RSL Sub-Branch.
 6. Submission 2.6 Mudgee RSL Sub-Branch.
 7. Submission 2.7 Mudgee Aero Club.
 8. Submission 2.8 Wilpinjong Coal.
 9. Submission 2.9 NSW Minerals Council.
 10. Draft Delivery Program Draft Delivery Program 2017-2021 and Draft Operational Plan 2020/21. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

From: [Your Say Mid-Western Regional Council](#)
To: [Council](#)
Subject: John2019 completed Submission to the 2020/21 Draft Operational Plan
Date: Wednesday, 3 June 2020 7:52:44 AM

Caution: This email originated from outside the organisation.

John2019 just submitted the survey 'Submission to the 2020/21 Draft Operational Plan' with the responses below.

What section of the 2020/21 Draft Operational Plan would you like to provide feedback on?

Roads

Please provide a detailed description of your submission.

I would like council to consider the installation of a roundabout at the intersection of Church & Denison Streets Mudgee and also a centre isle concrete barrier on the road between Aldi and Mitre 10. This would prevent cars turning right into and out of Aldi and Mitre 10 from Church Street. Vehicles needing to enter Aldi or Mitre 10 can use the roundabouts to get them on the correct side of the road to enter to the left only and similarly exit to the left from Aldi. I understand that Mitre 10 laneway is already one way with no exit back to Church Street. I believe traffic flow would improve considerably if installed. Thank you for the opportunity to make a submission .

PRIVATE AND CONFIDENTIAL - MIDWESTERN REGIONAL COUNCIL

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1 June 2020

Mid-Western Regional Council

86 Market Street

MUDGEE NSW 2850

Dear Sirs

RE: FOOTPATH IN DENISON STREET, FROM LAWSON STREET TO BURUNDULLA ST.

Would it be possible for streets in Mudgee to have at least one side paved for those who like to (or need to) walk and those who have to use wheelchairs or strollers? More paving in general would be appreciated as walking on roads is dangerous and the grassy nature strips are often undulating and/or potholed.

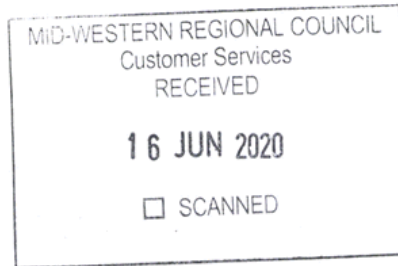
In particular, it would be most appreciated if it were possible to have the footpath extended from corner of Burrandulla and Denison Streets, to meet the footpath on the corner of Denison and Lawson Streets and in Cedar Avenue where one is forced to walk on the roadway, a footpath on one side would be wonderful!

Yours faithfully



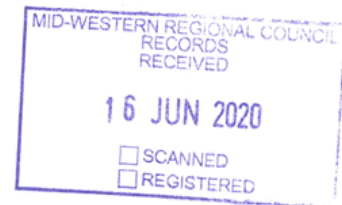
G. Roast





12 June 2020

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



Dear Sir,

Draft Operational Plan 2020/21

With reference to the above document on exhibition, I would like this Plan & future plans to incorporate additional funding towards the construction of footpaths, particularly in west Mudgee. There seems to be a real inconsistency of where footpaths exist - on some streets but not others & where they commence & stop. As a resident of Denison Street, every day I see pedestrians walking on the street due to no footpaths west of Cox Street. This presents a real danger for those children walking to & from school. It is the norm to see large numbers of pedestrians, children on foot & on scooters & bikes, mothers pushing prams, people on mobility scooters, people walking dogs & just generally walking on Denison Street in conjunction with motor vehicles. Denison Street has experienced an increase in volume of vehicular traffic since the introduction of the Return & Earn facility at Jubilee Oval & this increases the risk of injury or worse to pedestrians sharing the road with motor vehicles.

I note in the Plan, the Message From The General Manager states a "key focus on...footpath & pedestrian access" is wrong. A spend of \$386,000 on footpaths out of a total investment of \$23,600,000 on roads represents just 1.6%. It would seem then that footpaths is not a priority of Council & I believe it should be to reduce the risk of injury or worse to the pedestrians of Denison Street & other streets around Mudgee.

Please review the Plan & future plans to make footpaths a key focus to keep our pedestrians safe.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

Paul A. Christopherson

A black rectangular redaction box.

From: [Your Say Mid-Western Regional Council](#)
To: [Council](#)
Subject: user2365 completed Submission to the 2020/21 Draft Operational Plan
Date: Thursday, 4 June 2020 3:52:20 PM

Caution: This email originated from outside the organisation.

user2365 just submitted the survey 'Submission to the 2020/21 Draft Operational Plan' with the responses below.

What section of the 2020/21 Draft Operational Plan would you like to provide feedback on?

Other

Please give a title for the section you'd like to provide feedback on.

STORMWATER

Please provide a detailed description of your submission.

We have owned a business in Industrial Ave Mudgee for the past 33 years & as of yet we are still waiting for stormwater to be installed in Industrial Ave. During large storms the road turns into a river, comes over the gutter & into our workshop, also closing the lower part of the street to traffic as the water is too deep for cars to get through. We contributed a monetary contribution towards Stormwater all thoses years ago, Council really needs to finally get this sorted as we are all sick of being told there's no money in the budget.

PRIVATE AND CONFIDENTIAL - MIDWESTERN REGIONAL COUNCIL

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THE RETURNED AND



SERVICES LEAGUE

OF AUSTRALIA
NEW SOUTH WALES BRANCH INCORPORATED
"The Price of Liberty is Eternal Vigilance"

PRESIDENT: Geoff Robinson
HON. SECRETARY: Bill Burns
HON. TREASURER: David Nelson

MUDGEESUB-BRANCH
P.O. BOX 153
MUDGEES. NSW 2850
Ph 02 63724848
Email: mudgeeSB@rslnsw.org.au

16 June 2020

Mid-Western Regional Council
86 Market St
Mudgee NSW 2850

Dear Sir/Madam,

In 1920 Mudgee Shire Council was allotted a war trophy being one 75mm field gun captured by the Australian Light Horse during operations in the Palestine Campaign in 1917-1918 to be held in trust for the Australian War Memorial.

This gun is currently in Lawson Park alongside a flagpole and both have been seriously neglected for quite some time. This historical artifact was designated as a War Memorial and should be treated with the respect that it deserves as one.

I would like to request that the gun and flagpole be cleaned and restored to its former glory. Mudgee RSL Sub-Branch is of the belief, that the gun would be better placed in Robertson Park in the vicinity of the main War memorial there. We suggest that this may be completed either as part of the current Operational Plan or as part of your asset maintenance budget.

We would appreciate your assistance in this matter and look forward to hearing from you.

Yours faithfully,

Bill Burns
Secretary
Mudgee RSL Sub-Branch





THE RETURNED AND SERVICES LEAGUE



OF AUSTRALIA
NEW SOUTH WALES BRANCH INCORPORATED
“The Price of Liberty is Eternal Vigilance”

PRESIDENT: Geoff Robinson
HON.SECRETARY: Bill Burns
HON.TREASURER: David Nelson

MUDGEESUB-BRANCH
P.O.BOX 153
MUDGEESUB, NSW 2850
Ph 02 63724848
Email: mudgeesb@rslnsw.org.au

16 June 2020

Mid-Western Regional Council
86 Market St
Mudgee NSW 2850

Dear Sir/Madam,

Mudgee RSL Sub-Branch would like to request that the War Memorial in Robertson Park be cleaned. It has become grubby in the section above the names as can be seen in the attached photos and we would appreciate it if you could add this maintenance to the Operational Plan or to your ongoing asset maintenance budget. If possible, we would like to see the memorial cleaned prior to our next official function (Remembrance Day 11/11/2020 Covid-19 health restrictions permitting).

We are happy to discuss this matter with you to seek a solution suitable to all parties.

We look forward to hearing from you.

Yours faithfully,

Bill Burns
Secretary
Mudgee RSL Sub-Branch







President: Gary Chapman
Secretary/Treasurer
Robert Duffy
PO Box 272
MUDGEE NSW 2850
☎ 0401 136 182
02 6372 4446 A/H

INCORPORATED
Established 1947

21st June 2020
The General Manager
Mr Brad Cam
Mid-Western Regional Council
Market St
Mudgee
NSW 2850

Dear Brad,
Re Draft 2020/21 Operational Plan

I write in response to the outcome of our previous submission re landing fees at Mudgee Airport.

We thank council for changing the annual landing fee from Ultralight aircraft to General Aviation aircraft.

However in our original submission we asked that GA aircraft be added to the item 2.8 leaving Ultralight aircraft in the fee structure.

Our other concern is the removal of the ability to add further aircraft to this fee. The Club currently has eight GA aircraft owned by members, the club owns an Ultralight and there is prospects of a further two GA aircraft, it would be my understanding under the arrangement agreed to by Andrew Drummond in 2018 we would have at this time six aircraft already, all owned by club members all of whom are residents of Mid-Western Regional Council.

Our proposal would be to return to the arrangement of adding additional aircraft at a nominal annual fee of \$150.00. The club has no objection should Council see fit to a moderate fee increase. Any addition to the annual should come with a stipulation they must be Club members and a resident of Mid-Western Regional Council.

Aircraft owned by club members are used on an irregular basis some would not be used for months at a time.

We thank you in anticipation of a favorable outcome, should you require further information don't hesitate to call me.

Yours faithfully

A handwritten signature in black ink, appearing to read "Rob Duffy".

Rob Duffy
Secretary/Treasurer
Mudgee Aero Club



26 June 2020

By email: brad.cam@midwestern.nsw.gov.au

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

WILPINJONG COAL PTY LTD

ACN: 104 594 694

100 Melbourne Street
Brisbane, Queensland 4101
GPO Box 164
Brisbane, Queensland 4001
Australia
Tel: 07 3225 5500

Delivery Program 2017/18 - 2020/21 and Operational Plan 2020/21

Wilpinjong Coal Pty Ltd provides this submission regarding the Delivery Program 2017/18 - 2020/21 and Operational Plan 2020/21 (**Plan**) proposed by the Mid-Western Regional Council (**Council**) that is currently on public exhibition.

This submission is also provided on behalf of Peabody Pastoral Holdings Pty Ltd, a related body corporate of Wilpinjong Coal Pty Ltd, and collectively we own a significant number of lots of land in the Council area within and around the Wilpinjong coal mine.

Land Valuation

We reiterate previously expressed concerns that the Council incorrectly increased its revenue derived from rates for the previous year of 2019/20 when applying the revised land valuations determined by the Valuer General in accordance with the Court decisions in the *Valuer-General v Perilya Broken Hill Ltd* [2013] NSWCA 265 and *Perilya Broken Hill Limited v Valuer-General* (No 6) [2015] NSWLEC 43 (**Perilya Decisions**).

The method by which Council increased its revenue for 2019/20 was clearly inconsistent with the guiding principles for councils set out in the *Local Government Act 1993* (NSW) which include that in exercising their functions "*Councils should act fairly, ethically and without bias in the interests of the local community*", and ignored the guidance given to the Council by the Office of Local Government in its letter dated 25 January 2018 in which it stated that the new valuations for Mining land "should not be used as a means to significantly increase its rating revenue".

Considering the above, we again request that the Council correct this misapplication of the revised land valuations by reducing its rates revenue to be more in line with the total income (plus allowed adjustments) and the rate model for 2018/19 so that the Mining category bears in the order of 12% of the total rate burden.

Rate Model

On page 13 of the Plan, it is stated that the Council can increase its total income from the levying of rates for the 2020/21 year by a maximum of 2.6% (as per s506 of the *Local Government Act 1993*, determined by IPART), and that the proposed rate model applies that capped increase of 2.6% evenly across all (four) rating categories. However, it appears that the rates model set out in the table on page 13 does not apply the 2.6% increase evenly across the four categories of land.

The total income to be raised by the levying of rates for the year 2020/21, as set out in the table on page 13, is estimated to be \$30.075 million, and that amount is an increase of 8.45% as compared to the total income that was estimated for the 2019/20 year. It is not disclosed in



the Plan for 2020/21 what was the notional general income of the Council for the previous (2019/20) year (as defined in s509 of the *Local Government Act 1993*) in order to evidence that the capped increase of 2.6% has been applied correctly by the Council.

According to the revised draft Plan, for the 2020/2021 financial year, the Council has proposed that the ad valorem rate applicable to land in the Mining category will be 2.415%, an increase of 37% as compared to the ad valorem rate of 1.763% that applied for the previous year, with the total income raised from the levying of rates on Mining land estimated to be \$12.66 million (an increase of 16% as compared to the previous year).

The draft Plan proposes that the ad valorem rates applied to land in the Business and Farmland categories will reduce, with an increase of 2.3% for Residential land, resulting in an increase in total income derived from rates on Farmland and Residential of more than the capped increase of 2.6% with only the Business category enjoying an increase of less than the capped increase.

Although we acknowledge that the Council is entitled to exercise discretion in formulating its rate model, including with respect to relativity between land categories, however it still must exercise that discretion in a manner consistent with relevant principles such as to act fairly and without bias and also to reflect the relative demand that the owners of land in each category place on the services and facilities provided by the Council. Further consideration should be given to the contribution mining makes to the community through direct and indirect spend and formal financial contributions beyond rates. Such contributions are unlikely to be as significant from the other rating categories.

We acknowledge that the effect of changes in land valuations, as part of the general valuation process that occurs every three years (most recently taking effect on 1 July 2019) and any supplementary valuations between the general valuations, can have an impact on the apparent relativity of rates applied to different categories. However, we object to the proposed rate model for 2020/21 that will disproportionately and significantly burden the Mining category of land as compared to the other three categories.

We request the Council to review the proposed rate model in the draft Operational Plan for 2020/21 to ensure that it complies with relevant laws including the IPART decision on the maximum increase in its general income for the coming year and also that it complies with the direction given to the Council by the Office of Local Government in its letter dated 25 January 2018 when taking into account the revised land valuation methodology for land in the Mining category used by the Valuer General.

Yours faithfully

A black rectangular box redacting the signature of Blair Jackson.

Blair Jackson
General Manager
Wilpinjong Mine



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

26 June 2020

By email: council@midwestern.nsw.gov.au

Re: Mid Western Regional Council Draft Operational Plan 2020-2021

Dear Mr ^{Brad} Cam,

The NSW Minerals Council (NSWMC) refers to Mid Western Regional Council (MWRC) Draft Operational Plan and Revenue Policy for 2020-2021 (Draft Plan) on public exhibition.

NSWMC appreciates the opportunity to comment on the Draft Plan on behalf of our Member Companies operating in the MWRC local government area (LGA).

As you know, mining makes a significant economic contribution to the MWRC region. According to our latest 2018-19 NSW Minerals Council Expenditure Impact Survey, NSW Minerals Council Member Companies provided around 1,600 direct jobs for people living in the MWRC LGA, and these residents shared almost \$196 million in associated salaries.

In addition, around \$180 million was spent by our member companies on business purchases and community contributions, directly supporting 333 local supplier businesses.

The Survey report found the direct and consumption induced contribution is equivalent to 63% of total employment in MWRC and around 60% of the total Gross Regional Product of the MWRC LGA.

In addition to this contribution, mining operations also contribute directly to the revenues of MWRC through rates and Voluntary Planning Agreements (VPAs).

Adhering to the 2.6% rate peg limit set by IPART

NSWMC seeks clarification on how the total rates revenue fits within the IPART approved 2.6% rate peg limit.



Page 11 of the Revenue Policy states:

For the 2020/2021 rating year IPART has set the rate peg limit at 2.6%, Council will use this limit to set the rates and charges for the 2020/2021 rating year.

However, an analysis of the 2019-20 Revenue Policy against the 2020-21 Draft Revenue Policy indicates an approximate 8.6% increase in rates - from \$27.7M in 2019-20 to \$30.1M proposed for 2020-21.

NSWMC is therefore seeking information from MWRC on how the 2.6% rate peg limit set by IPART will be adhered to in the context of these proposed increases.

Increased and substantial ratings burden falling upon the mining industry

An analysis of rates revenue collected by MWRC since 2016-17 highlights a substantial and increasing proportion of the rates burden falling on the mining industry.

	2016-17 ¹	2017-18 ²	2018-19 ³	2019-20 ⁴	2020-21 ⁵
Mining rates	\$2.1M	\$2.2M	\$2.2M	\$10.9M	\$12.7M
Total Rates	\$17M	\$17.5M	\$18.5M	\$27.7M	\$30.1M
% of total rates	12.4%	12.6%	12%	39%	42%

The analysis also shows that between 2019-20 to 2020-21 rates collected from the Mining - General category will increase by almost 17% (from \$10.9M to \$12.7M).

This compares to increases of 3.8% for Residential (including urban), 3.2% for Farmland and 3.3% Business (including Rylstone Aeropark).

In addition, the analysis indicates that over recent years MWRC has grown increasingly reliant on the mining industry for rates revenue, which has increased from around 12% to over 40% of total MWRC rates revenue since 2016-17.

¹ 1 OLG time series data (16/17) [Your Council Report](#)

² 2 OLG time series data (17/18) [Your Council Report](#)

³ 3 MWRC- [Agenda of Ordinary Meeting - 20 June 2018](#)

⁴ 4 MWRC 2019/20 Revenue Policy - [DELIVERY PROGRAM 2017/18 – 2020/21 OPERATIONAL PLAN 2019/20](#)

⁵ 5 MWRC Draft 2020/21 Revenue Policy -



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Over the same period there has been minimal change to the overall level of mining activity in the LGA, and only a small increase in the number of local residents working in the industry.

Whilst the industry understands it has an important role in supporting the local region and reasonably contributing to the Council's rates revenues, this increased reliance on mining industry rates revenue does seem to be an unjustified targeting of our sector with higher and higher costs.

The Council Charter in Chapter 3 of the Local Government Act 1993 requires a Council to exercise its functions fairly, ethically and without bias. Burdening the Mining category with 40% of the rates revenue is arguably contrary with this requirement.

For these reasons, and to better reflect the significant local and regional economic benefits the mining industry already contributes, we respectfully request that Council amend its Draft Plan to share the rates burden more equitably across all ratings categories.

I appreciate your attention to this matter and look forward to hearing from you.

Yours Sincerely



Stephen Galilee
CHIEF EXECUTIVE OFFICER

Item 5: 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)

CONFIDENTIAL
SESSION

Item 6: Urgent Confidential Business Without Notice

Item 7: Open Council