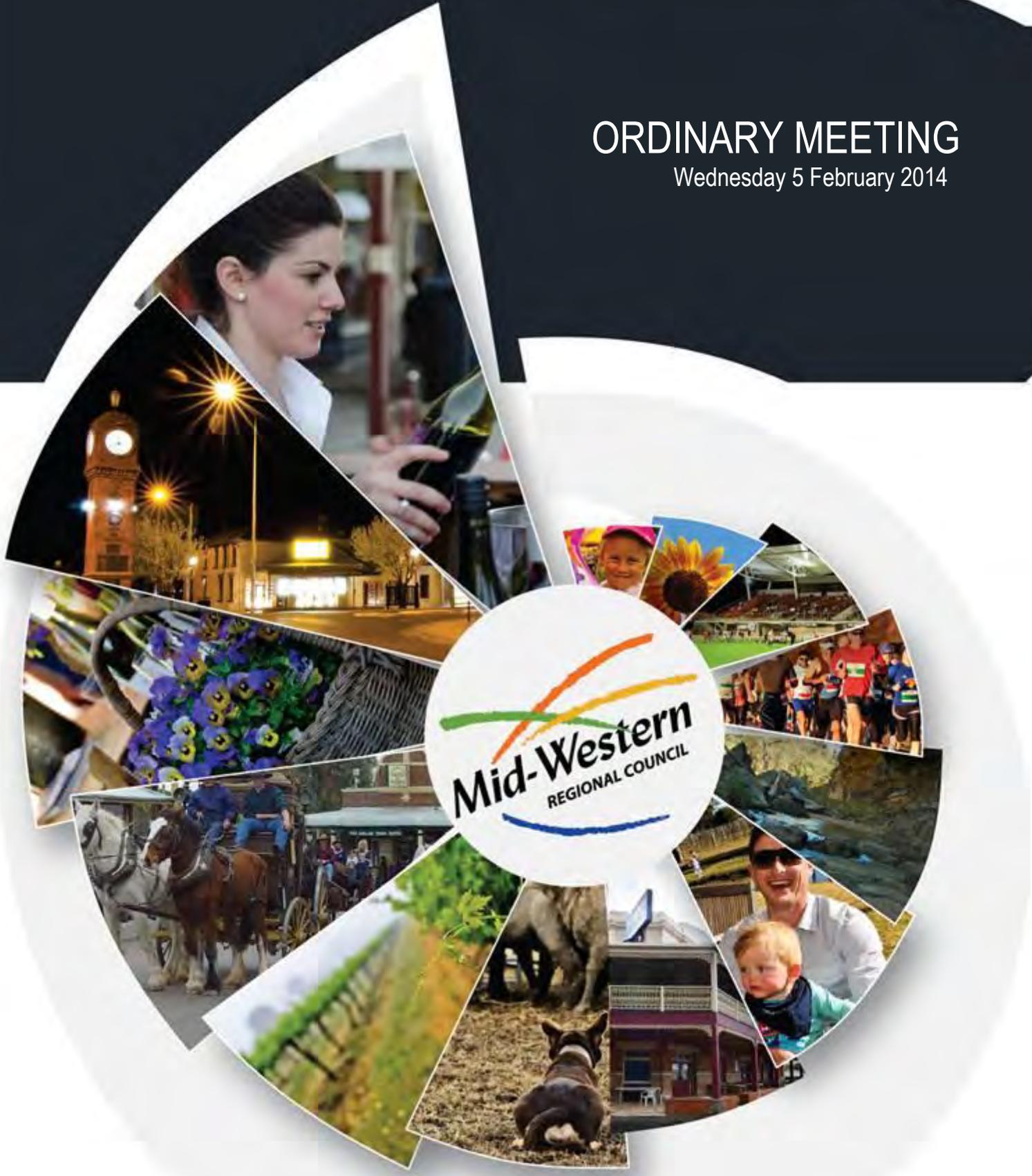




ORDINARY MEETING

Wednesday 5 February 2014





PO BOX 156
MUDGEE NSW 2850

86 Market Street MUDGEE
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

29 January 2014

Dear Councillor

MEETING NOTICE
Ordinary Meeting
Wednesday, 5 February 2014
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 5 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 Manager Governance prior to the commencement of the meeting.

Yours faithfully

A handwritten signature in black ink, appearing to read "Warwick L Bennett".

WARWICK L BENNETT
GENERAL MANAGER

AGENDA

Item 1:	Apologies.....	4
Item 2:	Disclosure of Interest.....	4
Item 3:	Confirmation of Minutes.....	4
	3.1 Minutes of Ordinary Meeting held on	4
Item 4:	Matters in Progress	32
Item 5:	Mayoral Minute.....	34
	5.1.1 Code of Meeting Practice – Amendment	34
Item 6:	General Business	35
	6.1 Rescission Motion	35
	6.1.1 Reinstating of Village Forums	35
	6.2 Notices of Motion	37
	6.2.1 Amendment to Payment of Expenses and Provision of Facilities to Councillors Policy	37
	6.2.2 Housing Plus George Street site - an explanation	39
	6.3 Reports	40
	6.3.1 Section 82A – Review of Determination – DA0409/2013 – Proposed 10 lot Subdivision – Lot 1 DP 1136912, lots 65, 66, and 67 DP 755434, lot 168 DP 1145165, 96 Bergalin Road Gulgong	40
	6.3.2 DA 019/02014 Demolition of Canteen and Construction of New Canteen at 21 Cudgegong Street Rylstone being the Rylstone Showground	70
	6.3.3 DA 0021/2014 Proposed 109 Lot Subdivision at 62 Zimmer Lane Gulgong, being Lot 519 DP 725032, Lots 9 & 10 DP 251803 and Lots 72, 150-159, 164-167, 229, 231-235 & 294 DP 755433	79
	6.3.4 Planning Proposal – Black Springs Road	104
	6.3.5 Tender 2013/20 Provision of Legal Services	110
	6.3.6 Planning Proposal – Hill End Road Industrial Post Exhibition Report	113
	6.3.7 Monthly Development Applications Processing & Determined	116
	6.3.8 pARTcipate – Investigation into possibilities for Art and Culture – The Process	125
	6.3.9 Monthly statement of bank balances and investments as at 31 December 2013	132
	6.3.10 Financial Assistance Applications	136
	6.3.11 Water Consumption – 5 Spring Road Mudgee - Property 20977	150
	6.3.12 Naming of a New Unnamed Road off Blue Springs Road	166
	6.3.13 Naming of unnamed Lanes in Gulgong	172

6.3.14	Classification of Land – Lot 46 DP 1191367 Drainage Reserve 14 Faucett Drive Mudgee	185
6.3.15	Tender For the Supply and Delivery of Ready Mix Concrete	188
6.3.16	Supply of quarry products RFT 2013-07 for additional contractor Ulan Stone Pty Limited	191
6.3.17	Wet and Dry Plant Hire Tender 2013/13 for additional contractors Glenora Constructions Pty Ltd and Miskle Transport and Earthmoving Pty Ltd	193
6.3.18	Rylstone Aerodrome – Water for RFS	195
6.3.19	Glen Alice Trail	202
6.3.20	Red Hill Recreation Reserve Trust Grant	204
6.3.21	Kandos Bicentennial Industrial Museum – Incorporated Association	207
6.3.22	Local Traffic Committee Minutes – 10 December 2013	213
6.3.23	Economic Development and Events Update Q4	218
6.3.24	Gulgong Sports Council	233
6.3.25	Red Hill Reserve Working Party	236
6.3.26	Mudgee Saleyards Management Committee	238
6.3.27	Mudgee & Gulgong Access Committee Minutes	240
6.3.28	Youth Council minutes	242
6.3.29	Sponsorship Acknowledgement Policy	245
6.3.30	Review of Gifts and Benefits Policy	248
6.3.31	Draft Pesticide Use Notification Plan	263
6.3.32	Keeping of Animals in Urban Areas	277
Item 7:	Urgent Business Without Notice	282
Item 8:	Confidential Session	
8.1.1	Senior Staff Employment contracts	

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

COUNCIL DECISION:

That the Minutes of the Ordinary Meeting held on 18 December 2013, Minute Nos 508/13 to 539/13 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are attached overleaf.

Mid-Western Regional Council

Date: 18 December 2013

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 18 December 2013, commencing at 5.55pm and concluding at 7.36pm

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb, Cr L White.
IN ATTENDANCE	General Manager (WL Bennett), Director Mid-Western Operations (B Cam), Director Development and Community Services (C Van Laeren), Senior Town Planner (E Stoneman), Manager Governance (I Roberts), Corporate Communications Officer (P Goldsmith).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (R Murray), Radio 2MG (M Heldon).

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor Kennedy declared a non-pecuniary conflict of interest in Item 6.2.4 as he is an adjoining landowner and is undertaking a similar development.

Item 3: Confirmation of Minutes

508/13 MOTION: Cavalier / Webb

That the Minutes of the Ordinary Meeting held on 4 December 2013 (Minute Nos. 485/13 to 507/13) be taken as read and confirmed.

The motion was put and carried.

Item 4: Matters in Progress

Purchase of Medical Centre, Gulgong

509/13 MOTION: Shelley / Cavalier

That Minute no. 327/13 be noted as completed.

The motion was put and carried.

Item 5: Mayoral Minutes

There was no Mayoral Minute.

Page 1 of the Minutes of the Ordinary Meeting of Council held on Wednesday 18 December 2013.

Mayor

General Manager

Mid-Western Regional Council

Date: 18 December 2013

Item 6: General Business

6.1 NOTICES OF MOTION

6.1.1 RECORDING AND WEBCASTING OF ALL COUNCIL MEETINGS

GOV400022, A0100035

MOTION: White / Shelley

That MWRC as a matter of urgency establishes the recording and webcasting of all Ordinary and Extraordinary meetings held in the Council Chamber excluding those parts of the meeting which are held in (in Confidential Session or those parts of the meeting closed to the public as provided by Section 10A of the Local Government Act 1993, and that the introduction of this procedure becomes an additional item in the MWRC Code of Meeting Practice (Clause 44 Acts of Disorder). Given the deterioration of behaviour at recent meetings, the introduction of recordings may give rise to an improvement in the conduct of councillors.

The motion was withdrawn.

MOTION: Cavalier / Walker

That:

1. Council agree in principle to record and webcast live Council meetings held in the Council Chambers, excluding those parts of the meeting closed to the public as provided by Section 10A of the Local Government Act 1993;
2. The introduction of this procedure become an additional item in the MWRC Code of Meeting Practice;
3. Council staff prepare a report with recommendations to Council outlining all options available to update the Council Chambers with modern technology to enable this procedure to be undertaken along with other complementary technologies including the full use of the NBN when and if available.

AMENDMENT: Thompson / Webb

That all Council meeting including Closed Sessions be recorded.

The amendment was put and lost. The motion was put and lost.

Mid-Western Regional Council

Date: 18 December 2013

6.1.2 2014 GULGONG FOLK FESTIVAL

GOV400022, A0100035

510/13

MOTION: Thompson / Martens

That Council donate \$2,000.00 to the 2013 Gulgong Folk Festival.

AMENDMENT: Shelley / Webb

That this funding request for the 2014 Gulgong Folk Festival be considered in the 2014-15 budget.

The amendment was put and lost. The motion was put and carried.

6.2 REPORTS TO COUNCIL

6.2.1 DA0168/2014 – MULTI DWELLING HOUSING: 8 X DWELLING UNITS, 32 HORATIO STREET MUDGEES, LOT 3 DP 618712

GOV400029, DA0168/2014, P12320

511/13

MOTION: Cavalier / Weatherley

That:

1. the report by the Environmental Town Planner on the DA0168/2014 – Multi Dwelling Housing: 8 x Dwelling Units, 32 Horatio Street Mudgees, Lot 3 DP 618712 be received;
2. DA 0168/2014 – Multi Dwelling Housing: 8 x Dwelling Units, 32 Horatio Street Mudgees, Lot 3 DP 618712 be approved subject to the following conditions:

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans and the Application received by Council on 12 November 2013 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;

ROADS AND MARITIME SERVICES

2. The development must be undertaken in accordance with the requirements and considerations of the Roads and Maritime Services as outlined in their letter dated 4 December 2013, Ref WST13/00147;

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

CONTRIBUTIONS

Page 3 of the Minutes of the Ordinary Meeting of Council held on Wednesday 18 December 2013

Mayor

General Manager

3. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of:
 - Traffic Management, Road Works, Open Space, Community Facilities and Plan Administration.
 - The levy is: \$13,130 based on the estimated cost of development of \$1,313,000
4. The developer shall obtain a Certificate of Compliance under the Water Management Act. This will require:
 - a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$30,821
Sewerage Headworks	\$25,492
Total Payable	\$56,313
 - b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer;
5. A cultural survey of the site is required to be undertaken by a suitably qualified professional. In the event that any aboriginal artefacts or sites are found on the site, the applicant must apply to the NSW Department of Environment and Heritage for an Aboriginal Heritage Impact permit to disturb or destroy the artefacts or sites;
6. A contamination investigation of the site is required to be undertaken by a suitably qualified professional. In the event that contamination is identified on site, the site must be remediated in accordance with a remediation action plan prepared by the same professional and validated accordingly prior to the commencement of construction works on site;
7. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council;
8. Engineering plans of any mains extensions are to be submitted to and approved by Council prior to the issue of a Construction Certificate;

Mid-Western Regional Council

Date: 18 December 2013

9. A detailed engineering design supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications is to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a Construction Certificate;
10. 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;
11. 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, the agreement shall clearly state that an easement of a specified width is to be created in accordance these consent conditions;
12. Engineering design of stormwater system is to be submitted and approved by Council prior to the issue of a Construction Certificate. Such design is to demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5-year ARI. All stormwater detention details shall be included with the Engineering plans;
13. The developer is to upgrade Denison Lane for the full width of the road from Horatio Street to the northern boundary of the development site. The upgrade is to include stormwater drainage and details are to be submitted to council for approval with the Engineering Construction Certificate;

BUILDING

14. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with;
 - a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and form 7 of schedule 1 to the Regulations.
 - c) Council is to be given at least two days notice of the date intended for commencement of building works, in

Mid-Western Regional Council

Date: 18 December 2013

accordance with Section 81A(2)(c) of the Act and Form 7 of Schedule 1 to the Regulations;

15. The site shall be provided with a waste enclosure (minimum 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials;
16. Toilet facilities are to be provided, at or in the vicinity of the site on which work is being carried out, at the rate of one toilet for every 20 persons employed at the site. Each toilet provided;
 - a) must be a standard flushing toilet, and
 - b) must be connected:
 - i) to a public sewer, or
 - ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council;
17. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
 - a) stating that unauthorized entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
18. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Act 1979 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force;
19. If the work involved in the erection/demolition of the building;
 - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed;
20. Construction work noise that is audible at other premises is to be restricted to the following times:

Monday to Friday	-	7.00am to 6.00pm
Saturday	-	8.00am to 1.00pm

No construction work noise is permitted on Sundays or Public Holidays;

- 21. All building work must be carried out in accordance with the provisions of the Building Code of Australia, the Environmental Planning & Assessment Act 1979 and Regulations and the relevant Australian Standards;**
- 22. The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council;**
- 23. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction;**
- 24. On completion of the building, the applicant/builder is to provide a written statement confirming that the requirements of the approved BASIX Certificate have been completed in accordance with those requirements;**
- 25. The building shall not be occupied or used until an Occupation Certificate has been issued;**
- 26. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections;**

ENGINEERING CONSTRUCTION

- 27. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1;**
- 28. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:**
 - Saving available topsoil for reuse in the revegetation phase of the subdivision;**
 - Using erosion control measures to prevent on-site damage;**
 - Rehabilitating disturbed areas quickly;**
 - Maintenance of erosion and sediment control structures;**

Mid-Western Regional Council

Date: 18 December 2013

29. 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;
30. Onsite water reticulation must be in compliance with the Australian Standards for onsite fire hydrant design AS3500.1 (metering requirements only) and AS2419.1:2005 – Fire Hydrant Installations which provides advice regarding onsite hydrant installation (i.e. not street hydrants) and details the requirements for plumbing installations for hydrant services;
31. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia;

Note: Council will undertake connection of approved sewerage reticulations to the existing 'live' sewerage system to service lot 171 at full cost to the developer. Upon issue of Construction Certificate, the applicant is advised to submit to Council a request to obtain quotation for the connection works to be undertaken by Council. Any request for quotation shall include a full set of approved construction plans and a proposed schedule of works.

Note: Internal fire fighting reticulation systems must be separately metered at full cost to the developer;

32. All units are to be separately water metered and all water meters are to be installed at the frontage of the development in Horatio Street;
33. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision;
34. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each dwelling at a suitable location. These should be constructed in accordance with Aus-Spec #1 and the appropriate Council standard drawings. Vehicular entrances shall have the following minimum characteristics:
 - a minimum of 6m width for the entry/Exit;
 - Including 2 passing lanes with a minimum formed width of 2.5m and length of 6m along the driveway;

Page 8 of the Minutes of the Ordinary Meeting of Council held on Wednesday 18 December 2013.

Mayor

General Manager

Mid-Western Regional Council

Date: 18 December 2013

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

35. An additional vehicular entrance comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings is to be provided in the upgraded Denison Lane to service the residential property at Lot 2 DP 618712. The layback shall be located as far as practical from the intersection of Horatio Street and Denison Lane (minimum 6 metres from the front property boundary) and allow for a vehicle parked in the garage on Lot 2 DP 618712 to exit the property in a forward direction;

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

36. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site;
37. Car parking spaces within the site of the development shall comply with the following requirements:
- Each parking space is to have minimum dimensions of 5.5m x 2.6m;
 - Each disabled car parking space is to be in accordance with the provisions of Councils Development Control Plan – Design for Accessibility.
 - All car parking spaces are to be line-marked and provided with a hard standing, all weather compacted gravel surface and must be maintained in a satisfactory condition at all times;
 - Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking;
38. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority (RTA) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications;

Mid-Western Regional Council

Date: 18 December 2013

39. All car parking and associated driveway works to be completed prior to occupation of the development;

GENERAL

40. 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).

41. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting";
42. A 1.8 metre high screen fence is to be provided to all side and rear boundaries prior to occupation of the development. All fencing is to be provided at full cost to the developer;
43. A 1.8 metre high screen fence or landscaping screen is to be provided between the private open space areas of the units, prior to occupation of the development;
44. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation.
45. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings;
46. Private open space areas for all units are to be provided with a level surfaces to at least 50% of the open space area;

PRIOR TO OCCUPATION

47. Prior to the occupation of a new building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building;
48. Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of those commitments;
49. Prior to issue of the Occupation 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 development.

Page 10 of the Minutes of the Ordinary Meeting of Council held on Wednesday 18 December 2013.

Mayor_____
General Manager

- b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the development.

The motion was put and carried with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens	✓	
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

6.2.2 DEVELOPMENT APPLICATION 0155/2014 - PROPOSED DEMOLITION AND REMEDIATION WORKS AND THE TEMPORARY INSTALLATION OF A CONCRETE CRUSHING PLANT AT LOT 3 DP1187085 AND LOT 143 DP755789, JAMISON STREET, (KANDOS CEMENT WORKS) KANDOS
GOV400029, DA0155/2014, P22268

512/13

MOTION: Shelley / Cavalier

That:

1. the report by the Senior Town Planner on the Development Application 0155/2014 Proposed Demolition of Selected Structures, Gutting and Filling of Below Surface Level Voids, Installation of Safety Controls, Removal of Waste, Remediation of Land and the Temporary Installation of a Concrete Crushing Plant at Lot 3 DP1187085 and lot 143 DP755789, Jamison Street Kandos be received;
2. Development Application 0155/2014 for the demolition of selected structures, gutting and filling of below surface level voids, installation of appropriate safety controls, removal of waste, remediation of land and the location of a temporary concrete crushing plant at Lots143 DP755789 and Lot3 DP1187085, Jamison Street Kandos be approved subject the following conditions:

APPROVED PLANS

Mid-Western Regional Council

Date: 18 December 2013

1. Development is to be carried out generally in accordance with stamped plans Figure 2 Statement of Environmental Effects and the Application received by Council on 30 October 2013 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.

DEMOLITION WORKS

2. The demolition is to be carried out in accordance with the Australian Standard 2601- 2001 Demolition of Structures, and WorkCover standards.
3. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
 - a) Demolition work is not to be undertaken until:
 - Council has been provided with a copy of the Asbestos Management Plan prepared by a suitable qualified occupational hygienist
 - Council has been provided with a copy of any required Hazardous Substance Management Plan;
 - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
 - b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
 - d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
4. Any structure proposed to be demolished by explosives is to be decontaminated and a report certifying the removal of asbestos, lead paint and other contaminants is to be submitted to Council prior to the structures demolition.
5. Demolition/Construction work noise that is audible at other premises is to be restricted to the following times:

Page 12 of the Minutes of the Ordinary Meeting of Council held on Wednesday 18 December 2013.

Mayor

General Manager

Monday to Saturday - 7.00am to 5.00pm

WASTE DISPOSAL

6. The demolition contractor shall contact Mid-Western Regional Council's Waste team a minimum of two weeks prior to the planned transportation of waste detailing the following:
 - The nature and type of the asbestos contaminated materials proposed to be delivered
 - The anticipated number and time of arrival at the waste facility of trucks per day
 - The transportation requirements and truck decontamination requirements prior to leaving the site
7. If the total amount of asbestos contaminated material proposed to be disposed of at the Mudgee Waste Facility will exceed 350m³ then the applicant or the demolition contractor is to contact the Business Manager Resources and Recreation to negotiate the further disposal of contaminated material prior to removing said material off site.
8. The applicant is to submit to Council a plan showing the location of the sub level areas filled and capped with the GPS details of each site where fill has been placed.
9. Any contaminated soil proposed to be disposed of at the Mudgee Waste Facility is to be decontaminated on site prior to removal to Council's Waste Facility. Council will not accept waste that is not classified as General Solid Waste
10. Council will not accept any recovered underground storage tanks at its waste facilities.
11. All contaminated material is to be disposed of to a licensed waste facility. Evidence of the disposal of material is to be submitted to Council.
12. Should the level of contaminated soil exceed the threshold under the Protection of the Environment Operations Act, an Environmental Protection License shall be obtained from the EPA.

GENERAL

12. The concrete crushing plant is to be removed from the site on the completion of the demolition works and the filling of the sub ground level voids.
13. The material to be used to fill the sub levels shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. All sub level areas proposed to be filled are to be compacted in accordance with AS3798-2007

Guidelines on Earthworks for Commercial and Residential Developments.

14. The development site is to be managed for the entirety of work in the following manner:
 - Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;
 - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

BUSHFIRE PREVENTION WORKS

15. Weather conditions are to be considered when using spark producing equipment and plant and is to be limited to times of lower bushfire risk, such as when temperature and wind are low and humidity is high.
16. When welding, grinding or gas cutting activities are being undertaken in the open, an area three (3) metres around the work area is to be cleared and wet down with adequate water or fire extinguishers ready and available for emergency use.

NOTE: BE AWARE THAT VEHICLES DRIVEN INTO GRASS CAN CAUSE FIRES WHEN HEATED AREAS OF THE VEHICLE COME INTO CONTACT WITH DRY GRASS

17. Vehicles are to follow existing tracks and constructed roadways and to park in marked car parks or cleared areas only when practicable.

SECTION 94A CONTRIBUTION

18. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council in accordance with this condition:

The levy is: \$60,000.00 based on the estimated cost of development of \$ 6,000,000.00.

19. An historic and photographic record of the buildings located on site is to be prepared and submitted to Council in accordance

Mid-Western Regional Council

Date: 18 December 2013

with NSW Heritage Office guidelines prior to the commencement of demolition works.

The motion was put and carried with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

6.2.3 COUNCIL SUBMISSION TO WESTERN REGION JOINT REGIONAL PLANNING PANEL – BYLONG QUARRY – LOTS 53, 55 AND 66 DP 755420, BYLONG VALLEY WAY, BYLONG GOV400029, A0100056, P2049061

513/13 MOTION: Walker / Cavalier

That:

1. the report by the Director, Development and Community Services on the Council Submission to the Western Region JRPP - DA 0330/2012 - Proposed Bylong Quarry, Bylong Valley Way, Bylong owned by Mudgee Dolomite and Lime Pty Limited be received;
2. Council not make any submission on the proposed Bylong Quarry owned by Mudgee Dolomite and Lime Pty Limited to the Western Region JRPP.

The motion was put and carried.

Mid-Western Regional Council

Date: 18 December 2013

6.2.4 PLANNING PROPOSAL – EDGELL LANE

GOV400029, A0100056, LAN900039

Councillor Kennedy declared a non-pecuniary conflict of interest as he owns an adjoining property and is undertaking a similar development, vacated the Chair, left the meeting at 6.32pm and did not participate in discussions or vote in relation to this matter. In his absence Councillor Cavalier assumed the Chair.

514/13 MOTION: White / Webb**That:**

1. the report by the Statutory/Strategic Planner on the Planning Proposal at Lot 4 DP 1174282 Edgell Lane Mudgee be received;
2. The Planning Proposal under Section 55 of the Environmental Planning and Assessment Act 1979 for Edgell Lane Mudgee be refused.

AMENDMENT: Shelley / Walker**That:**

1. the report by the Statutory/Strategic Planner on the Planning Proposal at Lot 4 DP 1174282 Edgell Lane Mudgee be received;
2. The Planning Proposal under Section 55 of the Environmental Planning and Assessment Act 1979 for Edgell Lane Mudgee be deferred pending finalisation of the Urban Release Strategy.

The amendment was put and lost. The motion was put and carried.

Councillor Kennedy returned to the meeting at 6.43pm and resumed the Chair.

6.2.5 DRAFT SECTION 94 PLAN – OPEN SPACE AMENDMENT

GOV400029, A0420128

515/13 MOTION: Thompson / Cavalier**That:**

1. the report by the Manager Strategic Planning on the Draft Section 94 Plan be received;
2. the Draft Section 94 Contributions Plan be placed on public exhibition for a period of 28 days in accordance with the requirements of the Environmental Planning and Assessment Act, should no submissions be received the Section 94 Plan be amended as outlined in Attachment 1.

The motion was put and carried.

Mid-Western Regional Council

Date: 18 December 2013

6.2.6 CRUDINE RIDGE WIND FARM – PREFERRED PROJECT
REPORT

GOV400029, A0420255

516/13

MOTION: Walker / Martens

That:

1. the report by the Director, Development and Community Services on the Crudine Ridge Wind Farm – Preferred Project Report be received;
2. Council make a submission to the Department of Planning as outlined in Attachment 2 to this report objecting to the project on the basis of the proposed traffic routes and the adverse impact on the road network and residents in the Mid-Western Region.

The motion was put and carried.

6.2.7 MONTHLY STATEMENT OF BANK BALANCES AND
INVESTMENTS AS AT 30 NOVEMBER 2013

GOV400029, A0100056, A0140304

517/13

MOTION: Shelley / Weatherley

That:

1. the report by the Financial Accountant on the Monthly statement of bank balances and investments as at 30 November 2013 be received;
2. the certification of the Responsible Accounting Officer be noted.

The motion was put and carried.

6.2.8 CLASSIFICATION OF LAND – LOT 2 DP 1186687, 22 GEORGE
CAMPBELL DRIVE EURUNDEREE

GOV400029, A0100056, P2239611

518/13

MOTION: Cavalier / Thompson

That:

1. the report by the Revenue & Property Manager on the Classification of Land - Lot 2 DP 1186687, 22 George Campbell Drive, Eurunderee be received;
2. in relation to Lot 2 DP 1186687, the land be classified as Operational.

The motion was put and carried.

Mid-Western Regional Council

Date: 18 December 2013

6.2.9 DEBT RECOVERY POLICY REVIEW

GOV400029, A0340048, A0340005

519/13 MOTION: Cavalier / Weatherley

That:

1. the report by the Revenue & Property Manager on the Debt Recovery Policy Review be received;
2. Council adopt the revised Debt Recovery Policy.

*The motion was put and carried.*6.2.10 NAMING OF NEW ROADS IN THE SUBDIVISION OFF
BATEMAN AVENUE

GOV400029, R0790141

520/13 MOTION: Cavalier / Shelley

That:

1. the report by the Revenue & Property Manager on the Naming of new roads in the subdivision off Bateman Avenue be received;
2. Council formally approve the names of Sawyers Place, Alexander Dawson Court and Wells Court for the new roads in the new subdivision off Bateman Avenue.

*The motion was put and carried.*6.2.11 BASE DATE 1 JULY 2013 GENERAL REVALUATION
SUMMARY

GOV400029, A0340048, A0340049, A0340003

521/13 MOTION: Webb / Cavalier

That the report by the Revenue & Property Manager on the Base Date 1 July 2013 General Revaluation Summary be received and noted.

The motion was put and carried.

6.2.12 ANZAC PARK

GOV400029, A0100056, F0650003

522/13 MOTION: Thompson / Cavalier

That:

1. the report by the Business Manager Resources & Recreational on the Anzac Park be received;

Mid-Western Regional Council

Date: 18 December 2013

2. the request by the Gulgong RSL Sub-branch to display their bomb in Anzac Park, Gulgong be approved with all costs to be funded by the Gulgong RSL.

The motion was put and carried.

6.2.13 INTEGRATED WATER CYCLE MANAGEMENT PROJECT

GOV400029, WAT500049

523/13

MOTION: White / Cavalier

That:

1. the report by the Business Manager Services on the Integrated Water Cycle Management Project be received;
2. Councillors Cavalier and Weatherley be the nominated representatives on the Integrated Water Cycle Management Project Reference Group.

The motion was put and carried.

6.2.14 MOBILE BIOSOLIDS DEWATERING UNIT

GOV400029, A0100056, 2013/17

524/13

MOTION: Cavalier / Walker

That:

1. the report by the Business Manager Services on the Mobile Biosolids Dewatering Unit be received;
2. Council not accept any of the tenders for the proposed contract;
3. Council enter into negotiations with TEMA Engineers Pty Ltd, Green Process Pty Ltd and VoR Environmental Australia Pty Ltd with a view to entering into a contract with one of these tenderers;
4. fresh tenders not be invited as all known mobile dewatering companies have submitted tenders and fresh tenders would be unlikely to identify new complying tenderers, technologies or lower tender prices;
5. Council negotiate with TEMA Engineers Pty Ltd, Green Process Pty Ltd and VoR Environmental Australia Pty Ltd as these tenderers have received the highest complying tender rankings in the tender assessment process; and,
6. a further report be presented to Council upon completion of negotiations for Council to consider and accept a tender.

The motion was put and carried.

Mid-Western Regional Council

Date: 18 December 2013

6.2.15 TENDER ASSESSMENT – NOXIOUS WEED SPRAYING
(PANEL)

GOV400029, A0100056, COR400049

525/13

MOTION: Cavalier / Martens

That:

1. the report by the Financial Accountant on the Tender Assessment – Noxious Weed Spraying (Panel) be received;
2. Council accepts the following panel for tender 2013-14 for Noxious Weed Spraying and that Council enter into a contract with the panel in accordance with clause 178 of the Local Government (General) Regulation 2005;
 - Small Farm Solutions
 - Pilley Contracting Pty Ltd
 - Specialised Weed Services Pty Ltd
 - SJ Landscape Constructions Pty Ltd
 - Toolijooa
 - Hunter Land Management
3. Council authorises the General Manager to finalise and execute the contract on behalf of Council with the panel for Noxious Weed Spraying 2013-14
4. The unsuccessful tenderer(s) be notified that their tenders were unsuccessful.

The motion was put and carried.

6.2.16 YARRAWONGA RD BRIDGE WIDENING TENDER

GOV400029, COR400055

526/13

MOTION: Thompson / Martens

That:

1. the report by the Manager Technical Services on the Yarrowonga Rd Bridge Widening Tender be received;
2. Council accepts Central West Civil for tender 2013-19 for the Design and Construction of the Extension to the one lane bridge on Yarrowonga Rd and that Council enter into a contract with Central West Civil in accordance with clause 178 of the Local Government (General) Regulation 2005.
3. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Central West Civil for 2013-19 for the Design and Construction of the Extension to the one lane bridge on Yarrowonga Rd for the sum of \$163,064 (excl. GST)

Mid-Western Regional Council

Date: 18 December 2013

4. Council authorises the General Manager to approve variations to this contract of up to 5% from the tendered amount
5. The unsuccessful tenderer(s) be notified that their tenders were unsuccessful.

The motion was put and carried.

6.2.17 TRIAMBLE ROAD

GOV400029, R4008001

527/13

MOTION: Cavalier / Martens

That:

1. the report by the General Manager on Triamble Road be received;
2. Council supply a copy of this legal advice to the Triamble Road affected parties;
3. Council resolves as a matter of principle that it will not participate in any legal or court proceedings over the matter of legal access at Triamble Road nor will Council fund any further research into the matter of the legality or not of the Triamble Road access matter;
4. Council reiterate its cash commitment of \$30,000 to assist in the construction of the road that was designated recently as a public road.

The motion was put and carried.

6.2.18 FUTURE EMPLOYMENT STATISTICS

GOV400029, A0100056, ECO800020

528/13

MOTION: Cavalier / Martens

That the report by the General Manager on the Future employment statistics be received.

The motion was put and carried.

6.2.19 AMENDMENT TO 2014 MEETING PROGRAMME

GOV400029, A0100004, A0100046

529/13

MOTION: Weatherley / Cavalier

That:

1. the report by the General Manager on the Amendment to 2014 Meeting Programme be received;
2. Council Meetings previously scheduled for:

Mid-Western Regional Council

Date: 18 December 2013

Wednesday, 8 October 2014
Wednesday, 22 October 2014

be changed to:
Wednesday, 1 October 2014
Wednesday, 15 October 2014, respectively;

3. the Gulgong Community Forum previously scheduled for:
Wednesday 15 October 2014

be changed to:
Wednesday 8 October 2014.

The motion was put and carried.

6.2.20 MUDGEES SPORTS COUNCIL

GOV400029, A0100013

530/13 MOTION: White / Weatherley

That:

1. the report by the Director, Mid-Western Operations on the Mudgee Sports Council be received;
2. the minutes for the Mudgee Sports Council ordinary monthly meeting held on 29 September 2013 be noted;
3. the minutes for the Mudgee Sports Council AGM meeting held on 28 October 2013 be noted;
4. the minutes for the Mudgee Sports Council ordinary monthly meeting held on 21 November 2013 be noted.

The motion was put and carried.

6.2.21 CULTURAL DEVELOPMENT COMMITTEE

GOV400029, A0420172

531/13 MOTION: White / Shelley

That:

1. the report by the Manager, Community Services on the Cultural Development Committee be received;
2. Council note the minutes of the Cultural Development Committee meeting on 3rd December 2013;
3. Council endorse the amended Terms of Reference for the Cultural Development Committee;

Mid-Western Regional Council

Date: 18 December 2013

4. Council endorse the nominations for appointment to the Public Art Advisory Panel of Chester Nealie, Anne Finnegan, Cameron Anderson and Ludwig Mlcek;
5. Council elect and appoint Mayor Des Kennedy as an additional Councillor representative to the Public Art Advisory Panel.

The motion was put and carried.

6.2.22 REVIEW OF GOVERNANCE POLICIES

GOV400029, A0100021

532/13

MOTION: Cavalier / Walker

That:

1. the report by the Manager Governance on the review of Governance policies be received;
2. Council confirm the current Problematic Complainants policy;
3. Council confirm the current Election of Mayor and Deputy Mayor policy.

The motion was put and carried.

6.2.23 NEW ASBESTOS MANAGEMENT POLICY

GOV400029, A0100056, A0250000

533/13

MOTION: Cavalier / Walker

That:

1. The report by the Manager People & Culture on the New Asbestos Management Policy be received;
2. Council adopt the Asbestos Management Policy.

The motion was put and carried.

6.2.24 RECORDS MANAGEMENT POLICY

GOV400029, INM700010

534/13

MOTION: Cavalier / Walker

That:

1. the report by the Manager, Information Services on the Records Management Policy be received;
2. Council adopt the revised Records Management Policy.

The motion was put and carried.

Mid-Western Regional Council

Date: 18 December 2013

Item 7: Urgent Business Without Notice

7.1 Local Land Services Board

GOV400029, GOR500025

535/13 MOTION: Martens / Webb**That this matter be dealt with as urgent business without notice.***The Mayor having ruled the matter to be of great urgency, the motion was put and carried.***536/13 MOTION: Webb / Thompson****That:**

1. the report by the General Manager on the Local Land Services Board be received;
2. Council write its own submission to the Chairman of the Independent Pricing and Regulatory Tribunal of NSW (IPART); the submission to support land under 2 ha be subject to LLS rates for a proposed rate base if they are identified as risk creators or beneficiaries; tenure blind as for rating; and opposing Local Government collecting the rates and no cost shifting from the State or Federal Governments (the Governments to honour their current funding commitments). And that Council oppose Local Government land being rated until further information is made available; a copy of the submission be sent to all Councillors prior to being sent with the Mayor having delegated authority to agree to any amendments to the proposed submission.

AMENDMENT: Shelley / Cavalier**That:**

1. the report by the General Manager on the Local Land Services Board be received;
2. Council writes to the Chairman of the Independent Pricing and Regulatory Tribunal of NSW (IPART supporting the submission by Local Government NSW which opposes a number of submissions made by the Local Land Services Board of Chairs.

The amendment was put and lost. The motion was put and carried.

Item 8: Confidential Session

537/13 MOTION: Cavalier / Walker

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

Following the motion to close the meeting being moved and seconded, the Manager Governance announced that the following matters would be considered in confidential session and the reason why they were being dealt with in this way.

Subject: Road Closure of Part Fairydale Lane and Road Opening Off Fairydale Lane onto Bell Street

The reason for dealing with this matter confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business in accordance with Section 10A(2)(c) of the Local Government Act, 1993.

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

Subject: Mudgee Town Structure Plan

The reason for dealing with this matter confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting business in accordance with Section 10A(2)(c) of the Local Government Act, 1993.

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

Following an enquiry from the Mayor, the Manager Governance advised that there were no written representations in respect of this matter and that no person in the gallery wished to make verbal representations.

The motion was put and carried.

B.1.1 Road Closure of Part Fairydale Lane & Road Opening Off Fairydale Lane onto Bell Street

GOV400029, P1062011

538/13 MOTION: Shelley / Weatherley

That:

1. the report by the Revenue & Property Manager on the Road Closure of Part Fairydale Lane & Road Opening Off Fairydale Lane onto Bell Street be received;

Mid-Western Regional Council

Date: 18 December 2013

2. Council proceed with the road closure of that part of Fairydale Lane described as "A" on the attached plan and proceed with the road creation and dedication of the land described as "B" on the attached plan being part of allotments 2 and 3 DP 820754.
3. Upon completion of the road closure and the road creation and dedication, the land described as "A" on the attached plan will be exchanged for the land described as "B" on the attached plan with Mr RJ Sanderson;
4. The General Manager negotiate all terms of agreement with Mr RJ Sanderson in relation to the exchange of the land described as "A" for the land described as "B" on the attached plan including any associated interim agreement that may be required to be put into place to access the sites before the road closure and/or the road creation and dedication have been completed;
5. The General Manager be authorised to sign all necessary documentation in relation to the road closure and the road creation and dedication and all documents necessary to complete the land exchange including any associated interim agreement;
6. Council authorises the affixing of the Common Seal to all documents necessary to complete road closure and the road creation and dedication and to all documents necessary to complete the land exchange including any associated interim agreement;
7. Council will incur the costs for the removal of any structures located on the proposed road site, costs associated with the subdivision of the land, the registration of the new Deposited Plan, and the vendor's and Council's relevant legal costs for the transfer of the ownership of the land and any interim agreement and the removal of the road surface and any excess overburden from that part of Fairydale Lane that is to be acquired by Mr Sanderson;
8. upon transfer of title of that land described as "A" on the attached plan to Council, Council notify the public of its intention to classify the land as Operational by exhibiting the proposal for 28 days and should there be no submissions from the public, the lands be so classified as Operational.

The motion was put and carried.

B.T.2 Mudgee Town Structure Plan

GOV400029, A0100056, LAN900044

MOTION: Webb / Thompson

That:

1. the report by the Manager Strategic Planning on the Mudgee Town Structure Plan be received;

Mid-Western Regional Council

Date: 18 December 2013

2. the Amendment to the Mudgee Structure Plan be adopted as a Draft with the preferred future residential investigation area being Option 2 of Spring Flat Road;
3. the sites at Burrundulla/Spring Flat be identified as investigation areas for lifestyle residential development 2-12ha subject to provision of reticulated water and preparation and consideration of detailed planning proposals;
4. the Putta Bucca area be identified on the Mudgee Town Structure Plan Map as an opportunity for expansion of the Low Density Residential zone with a minimum lot size of 2000m²-4000m² subject to the outcomes of the Urban Release Strategy; and
5. Council forward the Mudgee Town Structure Plan documentation to the Department of Planning and Infrastructure for endorsement and following that proceed to public exhibition for a period of 28 days.

539/13

AMENDMENT: Cavalier / White

That:

1. The report by the Manager of Strategic Planning on the Mudgee Town Structure Plan be received;
2. The Council defer consideration of the amendment of the Mudgee Town Structure Plan to allow:
 - a. a detailed investigation of the Development Servicing Plan (DSP) and Section 64 costs for Water and Sewer for both options; and
 - b. a design and costing of the necessary drainage works for Option 2 to ascertain the Section 94 costs for drainage;
3. A further report be presented to Council detailing the DSP for both options, cost for drainage and recommendation for amendment to the Mudgee Town Structure Plan.

The amendment was put and carried and on being put as the motion was again carried.

Item 9: Open Council

The Manager Governance announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 7.36pm.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Rylstone/Kandos Sewerage Augmentation	S.85/10 Assets Mtg 1/12/10	That: 2. Council commence negotiations with the Department of Environment, Climate Change and Water to defer construction of a new Treatment Plant at Kandos until funds become available under the Country Town Water and Sewerage Scheme; 3. staff review options to stage the proposed works in this region to improve the affordability of the augmentation required to meet effluent discharge quality requirements.	With the focus on delivering the Mudgee Sewer Works insufficient staff resources are available to review this scheme. It is anticipated that the first report will be presented to Council in April 2014
Quarry Road – Kandos	Res. 64/12 Ordinary Mtg 15/2/2012	That consideration of this matter be deferred until discussions with Cement Australia have been completed.	No determination as yet.
Triamble Road Resident Proposal	Res. 405/13 Ord Mtg. 16/10/13	That: 3. Council seeks legal advice as to whether compensation is payable on land taken for road reserve through the Echo property in accordance with the points made in the public submissions; and 4. Council investigates whether the road through Echo property was ever gazetted as a military road.	A report is included in the business paper in December 2013. RECOMMEND COMPLETION
Anzac Park	Res. 447/13	That: 2. a report be presented to Council as to the cost to Council of relocating the bomb and the structure required to protect the bomb.	The report is included in the business paper in December 2013 RECOMMEND COMPLETION

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Water Security Windamere Dam	Res. 462/13	That Council invites representatives of the NSW Office of Water to address Council on the water sharing agreement between Burrendong and Windamere Dams.	Meeting to be held on the 10th February.

Item 5: Mayoral Minute

5.1.1 Code of Meeting Practice – Amendment

MAYORAL MINUTE TO 5 FEBRUARY 2014 COUNCIL MEETING

Meeting procedures

GOV400038, GOV400020

RECOMMENDATION

That:

1. the Mayoral Minute regarding Code of Meeting Practice – Amendment be received; and
2. Council delete existing clause 35 of the Council's Code of Meeting Practice and replace with the following:

“35 MODE OF ADDRESS

- (1) All Councillors and staff, other than the Chairperson, who are invited to speak at a Council meeting must stand to address Council, unless prevented from doing so by disability or injury;
- (2) When Councillors wish to address the Council, they shall indicate by raising their hand and await the invitation by the Chairperson to speak;
- (3) A Councillor will not be required to stand when moving or seconding a motion only;
- (4) When the Chairperson stands any Councillor and/or staff who are speaking shall cease speaking and resume their seats immediately;
- (5) Where the Chairperson, a Councillor or staff member is speaking, all others present in the Chamber shall remain silent unless raising a point of order;
- (6) In addressing the Council, Councillors, staff and other persons addressing the Council shall at all times address other Councillors by their official designation, as Mayor or Councillor, as the case may be;
- (7) Councillors shall at all times conduct themselves in accordance with the general conduct obligations contained in the Council's Code of Conduct and shall respect the right of their fellow Councillors to speak without interruption.

I have been giving some consideration to how the meetings proceed in our Council Chambers, and now wish to seek Council's approval to introduce a process where Councillors stand to speak. It is my understanding that this used to occur in a number of Councils around Australia. This Mayoral Minute changes Clause 35 of the Code of Meeting Practice that will require Councillors and Staff to stand while addressing Council other than for the moving and seconding of motions. I believe this will give the authority to Councillors addressing the Council to speak without interruption unless of course a point of order is raised during the discussion.

I have been advised by staff that this change to the Code of Meeting Practice will require public advertisement for 28 days, however I am seeking from Council that we commence this process of standing when addressing the Council from this meeting onwards as a matter of good meeting practice and governance in the Chamber.



GR DES KENNEDY, MAYOR

Item 6: General Business

6.1 Rescission Motion

6.1.1 Reinstating of Village Forums

RESCISSION MOTION TO 5 FEBRUARY 2014 COUNCIL MEETING

140205 Council1

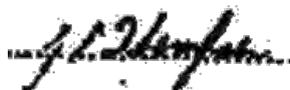
GOV400023

We, the undersigned Councillors, give notice of our intention that that part of the resolution of the Council Meeting on 20 November 2013 in relation to Village Forums that read:

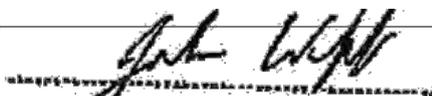
3. Council continue with Town and Village Forums in their present form.
4. Village Forums for 2014 be scheduled as follows:

9 April 2014	Hargraves Pyramul Windeyer Meroo	11.00am 1.00pm 2.30pm 4.30pm
14 May 2014	Wollar Cooyal/Botobolar Cooks Gap	2.30pm 4.30pm 6.00pm
15 October 2014	Yarrabin/Beragoo Goolma	2.00pm 4.00pm
12 November 2014	Ilford Bylong Lue	1.00pm 3.00pm 5.00pm

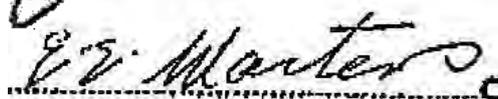
and was defeated be and is hereby rescinded.



COUNCILLOR PERCY THOMPSON



COUNCILLOR JOHN WEBB



COUNCILLOR ESME MARTENS

In the event that this Rescission Motion is carried, we propose to move the following motion:

- 1. Council continue with Town and Village Forums in their present form.**
- 2. Village Forums for 2014 be scheduled as follows:**

9 April 2014	Hargraves, Pyramul, Windeyer, Meroo
14 May 2014	Wollar, Cooyal/Botobolar, Cooks Gap
15 October 2014	Yarrabin/Beragoo, Goolma
12 November 2014	Ilford, Bylong, Lue

- 3. The times of the Forums and a number of senior staff attendance to be decided after consultation with the village residence and senior executives.**

11 December 2013

6.2 Notices of Motion

6.2.1 Amendment to Payment of Expenses and Provision of Facilities to Councillors Policy

LISTED BY CR PAUL CAVALIER TO 5 FEBRUARY 2014 COUNCIL MEETING

Amendment to Payment of Expenses Policy

GOV400022, GOV400038

MOTION

That Council amend the Payment of Expenses and Provision of Facilities to Councillors Policy - Part 2 - Payment of Expenses - b) Categories of Payment / Reimbursement (iii) Accommodation - to read as follows;

"Council may by resolution in advance of the event approve to meet all reasonable accommodation costs on the evening of the meeting for a Councillor when, in the opinion of the Council, travelling home would introduce undue risk to that Councillor. Accommodation will generally be booked by Council staff.

On "one off" occasions where in the opinion of the Mayor it would be impractical or introduce undue risk for the Councillor to travel home after the meeting, accommodation will be provided at Councils expense. If the Mayor is required to approve such expenses then that is to be reported to the Council in open meeting at the next Council meeting".

This amendment to the Payment of Expenses and Provision of Facilities of Councillors Policy be placed on public consultation for 28 days.

BACKGROUND

From time to time, it is reasonable to expect that Council meetings will run very late into the evening and travel by some Councillors to their homes late into the night after long meetings could introduce undue risk for a Councillor. The Payment of Expenses and Provision of Facility to Councillors Policy addresses this matter but not in an open and transparent manner. Under the current policy, the decision is simply left with the Mayor and/or General Manager.

Within the Policy -

Payment of Expenses - b) Categories of Payment / Reimbursement (iii) Accommodation it reads

"In those circumstances where, in the opinion of the Mayor or General Manager, because of the timing of the meeting, it would be impractical or introduce undue risk for the Councillor to travel home after the meeting, Council will meet reasonable accommodation costs (including sustenance and telephone calls) on the evening of the meeting for the Councillor. Accommodation will generally be booked by Council staff."

The amendment in this notice of motion proposes that Council makes

the decision or at a minimum Council is notified of the Mayors decision at the next available meeting. The intention of the amendment is simply to provide transparency to other Councillors and the community on expenses incurred by Councillors. Nothing else should be read into this proposed amendment.

6.2.2 Housing Plus George Street site - an explanation

LISTED BY CR PERCY THOMPSON TO 5 FEBRUARY 2014 COUNCIL MEETING

140205 Council1

GOV400022, GOV400038

MOTION

That an explanation of the demolition of the two fibro asbestos houses that were previously on the George Street site purchased by Housing Plus be given.

Why is it that the General Manager put in writing, and said verbally on a number of occasions that they were demolished illegally and that he was going to have it investigated, and now it is stated in the Guardian and on 2MG that permission was given.

BACKGROUND

As this has cost the Council \$103,680 in Tipping Fees and Housing Plus a considerable amount of money, an acceptable explanation is needed to be given to the ratepayers and residents.

Comments by General Manager

I think it is important that I clarify some facts in regard to this matter. I acknowledge that Council staff stated that the cost of removing the asbestos could have exceeded \$100,000. But at that time we were being informed that some 700 cubic metres of asbestos was proposed to be dumped. In fact the outcome was 700 cubic meters of waste soil with minimal amounts of specs of asbestos – none of which was consider by an Environmental Hygienist to be harmful.

Council's policy allows the General Manager to charge only the actual costs for disposing of commercial quantities of asbestos. In normal circumstances asbestos that is dangerous to human health must be wrapped in black plastic and buried in accordance with strict guidelines. Because this was only waste top soil there was no requirement for wrapping and that simply burying the product was all that was required. Thus Council's actual cost was considerably less, being only \$4,400.

It should again be pointed out that this work was carried out under the direction of the Environmental Hygienists and has been authorised and approved as correct procedure by the Environmental Protection Agency (EPA).

Consent for the demolition of these houses was issued by Council in June 2007.

RECOMMENDATION

That no further explanation is required on the removal of waste material from the Housing Plus property in George Street.

6.3 Reports

6.3.1 Section 82A – Review of Determination – DA0409/2013 – Proposed 10 lot Subdivision – Lot 1 DP 1136912, lots 65, 66, and 67 DP 755434, lot 168 DP 1145165, 96 Bergalin Road Gulgong

REPORT BY THE MANAGER, STATUTORY PLANNING TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, P2090761

RECOMMENDATION

That:

1. the report by the Manager, Statutory Planning on the Section 82A – Review of Determination – DA0409/2013 – Proposed 10 lot Subdivision – Lot 1 DP 1136912, lots 65, 66, and 67 DP 755434, lot 168 DP 1145165, 96 Bergalin Road Gulgong be received;
2. the Section 82A – Review of Determination – DA0409/2013 – Proposed 10 lot Subdivision – Lot 1 DP 1136912, lots 65, 66, and 67 DP 755434, lot 168 DP 1145165, 96 Bergalin Road Gulgong be approved in accordance with the following conditions;

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans and the Application received by Council on 7 January 2013 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.

ENGINEERING CONSTRUCTION

2. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of “Soils and Construction – Managing Urban Stormwater”. Points to be considered include, but are not limited to:
 - Saving available topsoil for reuse in the revegetation phase of the subdivision;
 - Using erosion control measures to prevent on-site damage;
 - Rehabilitating disturbed areas quickly;
 - Maintenance of erosion and sediment control structures;
3. 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.

4. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:

- Installation of sediment and erosion control measures
- Practical Completion

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. A detailed engineering design of the proposed road works and intersection supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications is to be prepared in accordance with AUS-Spec#1 and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a Construction Certificate.

CONSTRUCTION REQUIREMENTS

6. All works are to be constructed at the full cost of the developer, in a manner consistent with AustRoads, MWRC Development Control Plan 2013 and Council's standard drawings.
7. Basic right (BAR) turn treatments as shown in Figure 7.5 of the *Austrroads Guide to Road Design: Part4A* shall be provided in Bergalin Road at the intersection with the proposed internal road in the subdivision. The widened shoulders are to be sealed and built for 100kmph speed environment to provide a reasonable level of safety for traffic turning vehicle on the left hand side;
8. Intersection and accesses shall be provided with lay-bys on the departure side for school bus stops.
9. Give Way Signs are to be installed on the proposed internal road at the intersection with Bergalin Road.
10. A 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone at the intersection of Bergalin Road and the proposed internal road in the subdivision, having the table drain directed through it.
11. The developer is to upgrade Bergalin Road from the Castlereagh Highway to the full frontage of the development in accordance with Council's Development Control Plan 2013 and Austrroads standards to a Rural Sealed Road and the following minimum specifications:
- formation width 9.0m.
 - sealed width 6.0m.
 - seal type – 14/7 mm double-double.
 - standard cross-section with 3% fall.
 - pavement thickness – 150-300 mm.
 - pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.
 - Minimum compaction:
 - sub base 96% MDD
 - base course 98% MDD
 - Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.

12. The developer is to construct the proposed internal road in accordance with Council's Development Control Plan 2013 and Austroads standards to a Rural Sealed Road and the following minimum specifications:
- formation width 9.0m.
 - sealed width 6.0m.
 - seal type – 14/7 mm double-double.
 - standard cross-section with 3%.
 - pavement thickness – 150-300 mm.
 - pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.
 - Minimum compaction:
 - sub base 96% MDD
 - base course 98% MDD
 - Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.
13. The construction of an all-weather vehicle access to each lot in the development. The accesses from the proposed loop road servicing the development shall be constructed in accordance with Austroads Guide to Road Design: Part 4 Figure 7.4 'standard rural property access' and any relevant RMS Supplements. The access shall have the following minimum specifications:
- a) a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from edge of the traffic lane of the public road;
 - b) a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
 - c) a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it.
 - d) The access should be sealed a minimum of 10 metres from the edge of the travel lane to minimise mud on through road, match existing road levels and not interfere with road drainage.
 - e) Safe Intersection sight distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant RMS supplements should be provided in both directions at the vehicular access point servicing the proposed lots.
14. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- Construction of BAR/BAL treatments
 - Road pavement construction
 - Installation of vehicle accesses
 - Practical Completion
15. 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.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

16. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by Council's Authorised Officer.

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

NOTE: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.

18. In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: SUBJECT TO CPI INCREASE

All Other Areas	
Section 94 Contributions	
Transport Management	
Traffic Management	\$3058
Open Space	
Local Open Space	\$0
District Open Space	\$11,822
Community Facilities	
Library Buildings	\$1144
Library Resources	\$1362
Administration	
Plan Administration	\$2660
Total Payable	\$20,046

19. If the *Subdivision Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.

20. Prior to the issue of a *Subdivision Certificate*:
- (a) all contributions must be paid to Council 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;
 - 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.

21. 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 electronically 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.

22. 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 certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.

Executive summary

Council has received a Section 82A application (Review of Determination) for the subject application. Section 82A of the Environmental Planning and Assessment Act 1979 allows an applicant within 6 months of the determination of the application to seek a review of the determination. The determination must be made by a higher authority, i.e. if the application was determined under delegation then the review must be considered by Council. As the original application was determined by Council, the review must also be determined by Council.

The Review under Section 82A must reconsider the application in its entirety, however it is also worth noting that the applicant has highlighted a number of conditions that he is particularly concerned with. These include conditions 7,8,12 and 14 of the development consent. These relate to three matters; the upgrade of Bergalin Road, the intersection treatment of Bergalin Road and the new road proposed by the subdivision, and the upgrade of a road to the west of the development site.

A copy of the original conditions under which the application was approved is provided as Attachment 3 with track changes provide to highlight where the conditions have been amended, if necessary.

The Review has identified that Council's original assessment was largely correct and that the intersection treatment and upgrade of Bergalin Road is required. Condition 14 requiring the upgrade of the road reserve to the west of the development site is considered unreasonable as no lots from the subdivision front the road and the applicant has been advised of this.

The upgrade of Bergalin Road is necessary as the development is considered an urban subdivision under the Comprehensive DCP 2013 adopted by Council in February 2013. The review must consider the DCP that was relevant at the time of the original assessment (noting that the DCP was amended in December 2013). The DCP states that the urban Subdivision provisions apply to residential zoned land up to 2 hectares in area. The development is for the subdivision of Large Lot Residential (R5) zoned land into 2 hectare allotments. The upgrade and construction of the road is necessary and it should be made clear that staff elected not to require the full suite of urban infrastructure requirements due to the disconnection between the subject site and the town of Gulgong. The cost of providing a full urban road with kerb and guttering, reticulated water and sewer would be an unreasonable impost on the developer.

The proposed intersection treatment is a requirement of Austroads that states, "*The Basic right turn treatment (BAR) shown in Figure 7.5 is the minimum treatment for right turn movements from a through road to side roads and local access points*". The full documentation and Figure 7.5 are shown as Attachment 7. Despite this, Council staff are willing to concede the requirement for a Basic Left Turn (BAL) as the amount of traffic generated from the development turning left into the development site would be negligible.

The Review was notified to adjoining owners and two submissions were received, they are provided as Attachment 5. Both submissions raised the same issue that if the Council determination was correct; then the conditions should remain as they were resolved in July 2013.

It is therefore considered after reviewing the application in accordance with Section 82A of the Environmental Planning and Assessment Act 1979 to recommend amendment of the development consent in the following manner:

- Retain Condition 7 which required the BAR;
- Delete Condition 8 which required the BAL intersection;
- Retain condition 12 which requires the upgrade of Bergalin Road.; and
- Delete Condition 14 requiring the upgrade of the road to the west of the subject site.

The amendments to the consent can be viewed as *track changes* in Attachment 3 to this report.

Background

The proposed development is for the subdivision of the existing Lots 65, 66 and 67 DP 755434, Lot 1 DP 1136192 and Lot 168 DP 1145165 at 96 Bergalin Road Gulgong into 10 x 2 hectare lots.

The land is zoned R5 Large Lot Residential pursuant to the Mid-Western Regional Local Environmental Plan 2012 and the minimum lot size prescribed by the LEP is 2ha. The current use of the land is for grazing.

The subdivision will consist of 10 lots measuring 2ha in area and the creation of an internal road to provide access to the lots.

The site is not subject to natural hazards such as bushfire, flooding or soil instability.

The application was originally referred to Council as it has been the subject of a number of objections and has been called up by an elected Councillor. It therefore could not be determined under the delegated authority of Council staff. The following issues were raised in the objections:

- Removal of prime agricultural land;
- Isolation of development from Gulgong;
- Maintenance and capacity of roads;
- Provision of essential services;
- Setback from agricultural land use on Lot 14 DP1172228 and impact on productivity.

The review of the application has resulted in the recommendation to amend the development consent subject to the upgrade of Bergalin Road and the provision of an adequate intersection treatment to the new road.

Detailed report

MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012 (LEP)

The land is zoned R5 Large Lot Residential pursuant to the LEP 2012. The objectives of the zone are:

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

The land is not considered environmentally sensitive and will provide an opportunity for additional housing within a rural setting. The site is not serviced by reticulated water or sewer and it is unlikely to be in the near future. It is therefore unlikely that there will be any additional demand on these services.

The land directly opposite the subdivision site on Bergalin Road is an approved feedlot and is also used for plant based agriculture. The main animal pen is approximately 650m from the south-

eastern corner of the site when measured using Council's GIS system. This should be more than sufficient separation to prevent any adverse impact from odour.

CLAUSE 6.1 SALINITY

Before determining a development application for development that, in the opinion of the consent authority, may affect the process of salinisation or is proposed to be carried out on land affected by groundwater salinity, the consent authority must consider the following:

- a) whether the development is likely to have an adverse impact of salinity processes on the land;
- b) whether salinity is likely to have an impact on the development;
- c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The site is not mapped as being subject to salinity; however the Mid-Western Local Government Area is generally prone to dry land salinity. Compliance with Council's policies and conditions of consent regarding subdivision construction methods and site management should be sufficient to ensure this clause is satisfied.

CLAUSE 6.4 GROUNDWATER VULNERABILITY

The site is not within an area mapped as being affected by groundwater vulnerability.

CLAUSE 6.9 ESSENTIAL SERVICES

Development consent must not be granted unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- a) the supply of water;
- b) the supply of electricity;
- c) the disposal and management of sewage;
- d) stormwater drainage or on-site conservation;
- e) suitable road access.

The development will provide for 10 lots of 2 hectares and this size lot is considered to be urban in its nature. It is therefore considered that suitable road access to and within the subdivision would be a two way sealed road. This is also consistent with other 2 hectare and rural residential subdivisions where applicants have been required to upgrade the road network and not just specifically in relation to roads fronting the development site.

Adequate provision can be made for electricity and this is a condition of consent.

Water supply and the disposal of sewage can be catered for on site. Normally a subdivision of this nature would be required to connect to reticulated water and sewer. Due to the isolated location of the subject site this provision was not required.

Development Control Plan 2013 (DCP)

The following section of the DCP 2013 is relevant to the proposal as the development relates to residential zoned land up to lots of 2 hectares. This is a particular issue for the applicant as it is his contention that the subdivision is rural in nature and that the rural subdivision standards apply. The DCP specifically states that the rural standards apply to land that is zoned rural. The land is zoned large lot residential (R5) and this is specifically noted in the LEP as being a residential zone.

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
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Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
Applies to	<ul style="list-style-type: none"> - land zoned residential - village zones - rural residential lots up to 2 hectares 	Yes, R5 and lots at 2 hectares
Lot size	<ul style="list-style-type: none"> - Minimum lot size as determined by MWRC LEP 2012. - all lots have street frontage. lots increase in size relative to slope as follows: <ul style="list-style-type: none"> - 0-10 degrees: 600m² - 10-15 degrees: 700m² - 15-20 degrees: 800m² - >20: subdivision prohibited - all lots have 16m width at building line in residential and village zones. - battle-axe handles in R1, R3 & RU5 Village have width of 4m. - battle-axe handles in R2 & R5 residential zones have width of 6m 	<p>Minimum Lot size is 2 ha</p> <p>All lots have frontage to a public road</p> <p>The slope of the land does not exceed 10 degrees and the lot sizes are all 2 ha.</p> <p>The frontages comply.</p> <p>There are no battle axe lots proposed</p>
Lot Design	<ul style="list-style-type: none"> - For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development. - For new release subdivision lot orientation maximises solar access by maximising north-south lots. - For new release subdivision east-west orientated lots have increased width and midpoint. - Lots generally rectangular in shape. - Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling. - corner lots have sufficient area to allow dual occupancy and independent utility connection points. 	<p>This is a green field estate</p> <p>Majority of lots are facing North South.</p> <p>Complies.</p> <p>Complies</p> <p>Complies</p> <p>complies</p>

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment	
Street Layout & Design	- Traffic Impact statement submitted for 5+ lots	No	
	- Traffic Impact Statement submitted for all subdivisions where new road required.	No	
	- Subdivision integrates with existing residential area.	This subdivision is not immediately adjacent to the existing town of Gulgong.	
	- New roads must provide "through road" connections to surrounding roads and road heads where they exist in the locality.	Does not comply. Can be justified given the low density of the development and the significant infrastructure costs to upgrade more roads to provide a through road access.	
	- Where cul-de-sac treatment unavoidable pedestrian linkages between streets provided.	Does not comply, however can be justified in that any pedestrian linkages would not be advantageous as the land is not adjacent to any other residential zoned land other than the land to the north.	
	- multiple cul-de-sacs and "no through roads" discouraged.		
	- maximum number of lots in cul-de-sac is 12 lots.	Complies	
- Subdivision >80lots should not require backtracking.	N/A		
Road Standards for New Development.	Urban Road Standards required as follows:	Standard of road construction has been specified in the proposed conditions of consent which is a lesser standard than that required in the DCP. The requirements of the DCP have not been utilised as the development is not contiguous with other residential zoned land and therefore Council's engineers have provided an acceptable compromise	
	- Minor Road/Cul-de-sac <10 lots: 15m road reserve, 8m carriageway, 2x4m nature strip, Nil footpath, roll-over kerbing.		
	- Residential Road 31-120 lots: 18m road reserve, 9m carriageway, 2x4.5m, 1x1.2m footpath, roll-over kerbing.		
- Major (Collector) Residential Road >120 Dwellings: 20m road reserve, 11m carriageway, 2x4.5m nature strip, 1x1.2m footpath, roll-			

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
	<p>over kerbing.</p> <p>- Sub-Arterial Road with Bus Route and or cycle lane (one side only): 22m road reserve, 13m carriageway, 2x4.5m nature strip, 1x1.2m footpath, barrier kerbing.</p> <p>- Commercial & Industrial Subdivision Roads: 22m road reserve, 13m carriageway, 2x4.5m nature strip, 1x1.2m footpath, barrier /roll over kerbing.</p>	<p>because to require the DCP standard would be unreasonable.</p>
Cycle ways and footpaths	<p>- Cycle ways and pedestrian networks included in new subdivisions.</p> <p>-If subdivision site identified in council cycleway plan or pedestrian strategy subdivision needs to respond to strategy.</p> <p>- New subdivisions provide direct, convenient and safe access to major facilities.</p> <p>- Cul-de-sacs may be required to include 10m wide shared overland flow/pathway.</p> <p>- Developer to provide contribution to council for installation of cycle ways and footpaths prior to release of subdivision certificate.</p>	<p>Does not comply and unreasonable given the nature of the development.</p> <p>As development is distant from the town, upgrade of linking roads has been required.</p> <p>N/A</p> <p>N/A, discussed above.</p>
Open Space	<p>- Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space.</p> <p>- Where on-site detention basins double as open space must include raised level area which incorporates playground or fitness equipment etc and shading landscaping.</p>	<p>N/A</p> <p>N/A</p>
Landscaping	<p>- Landscape plan provided</p>	<p>N/A</p>

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
	detailing treatment of public domain.	
	- Land dedicated as public reserve top soiled, levelled, turfed prior to release of subdivision certificate and maintained by developer for period of two years.	N/A
Street Trees	- 2 street trees provided per lot.	N/A
	- Developer provides levy to council to provide these trees after 80% of works carried out.	N/A
Utility Services	- servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development.	N/A – Note as the development is considered by the DCP to be an urban subdivision, Council could require the provision of these services, however staff have concluded that it is unreasonable to require these standards due to the prohibitive cost and distance to reticulated water and sewer.
	- Evidence of consultation with relevant authorities submitted with application.	Required as part of CC plans
Drainage	As per Section 5.3 Stormwater & Drainage.	N/A due to low density of development.

State Environmental Planning Policy No 55 – Remediation of Land

A consent authority must not grant consent to a development application unless it has considered whether the land is contaminated.

There was limited information submitted at the time of lodgment regarding previous land uses. This is difficult to substantiate as it can involve contacting previous land owners which may not be possible. The applicant claims in the Statement of Environmental Effects that the land has only been used for grazing, however there is no primary evidence submitted with the application to support the claim. A review of Council's archived black and white (undated) aerial photography confirms that the land has only been used for grazing on a small scale. There is no evidence that sheep dips or other potential sources of contamination are currently or were ever located on site.

State Environmental Planning Policy (Rural Lands) 2008

The land is classified as a rural residential zone by the SEPP. The following matters must be considered by the consent authority when assessing a development application within the zone:

- (1) *This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.*
- (2) *A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:*
 - (a) *subdivision of land proposed to be used for the purposes of a dwelling,*
 - (b) *erection of a dwelling.*
- (3) *The following matters are to be taken into account:*
 - (a) *the existing uses and approved uses of land in the vicinity of the development,*
 - (b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
 - (c) *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
 - (d) *if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,*
 - (e) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).*

The main use of the land at present is agricultural grazing, although the lot sizes and zoning preclude this from being a viable commercial enterprise.

There is an approved feedlot on the land on the southern side of Bergalin Road. The distance from the main feedlot pen to the nearest point of the subdivision is approximately 650m when measured using Council's GIS mapping. The part of the land directly across from the proposed subdivision appears to be used for lucerne production which is a use that is unlikely to create any adverse odour impacts.

It is therefore considered that the development is consistent with the Planning Principles contained in the SEPP.

Applicant's Submission

Applicant's Contention	Staff Comment
BAL/BAR requirement should be for the Castlereagh Highway intersection rather than the Bergalin Road and new road intersection	As advised in the report, Austroads specifically states that a BAR is the minimum standard for a right turn movement (Attachment 7)
BAL/BAR is only applicable when the road exists onto a major road or 'feeder' road.	As advised in the report, Austroads specifically states that a BAR is the minimum standard for a right turn movement from a through road to a side road. Bergalin Road is a through road. (Attachment 7)
RMS have advised that a BAL/BAR is only required where a road exits onto a road that is under the control of the RMS, i.e. Castlereagh Highway.	RMS have not provided this advice and it can be clearly seen from the Austroads documentation that a BAR is the minimum standard.
Land environment Court has held that turning/passing lanes are only applicable where the road carries in excess of 3,000 motor vehicles per day.	The Land and Environment Court have Planning Principles that provide a statement of a desired outcome and are developed from the Court's judgements. There are over 40 Planning Principles are none deal specifically with roads or intersection treatments.

Applicant's Contention	Staff Comment
Sight distances are good for the new intersection, however if there are any issues, a reduced speed limit could be adopted.	Council is not aware of any specific judgements dealing with a BAL/BAR treatment and roads carrying 3,000 movements however as this standard is not addressed in a planning principle each case would be considered on its own circumstances..
The BAR/BAL treatment will require the removal of trees and the road is unlikely to be of sufficient width.	Agreed, but this does not negate the need for the BAR treatment.
The requirement to upgrade Bergalin Road is not consistent with Council's DCP	The road and intersection upgrade will most likely require the removal of some trees. This will be dependent upon the design, which has not been undertaken. There is sufficient width for the intersection treatment as confirmed by Council's engineer.
Page 73 of the DCP (February 2013 version) and clause 7.2 relates to rural residential development.	This has been discussed in the body of the report but it should be noted that the DCP (adopted February 2013) specifically identifies this development as not being a rural subdivision. The urban subdivision provisions apply to land zoned residential and lots less than 2 hectares. These lots are 2 hectares in area and Council staff have developed a compromise to the road standard that is not to the standard required for urban subdivisions having regard to the location of the subject site.
Page 73 of the DCP (February 2013 version) and clause 7.2 relates to rural residential development.	Clause 7.2 and page 73 of the DCP specifically identifies that it relates to land zoned rural. The development is not a rural subdivision.

Public Consultation – Original Development Application

The application was originally notified to adjoining and adjacent landowners in accordance with part 1.10 of Council's Development Control Plan 2013 and 5 submissions were received, although 3 of these were identical. The original submissions are not attached to this review but the issues raised have been provided below. The following issues were raised:

- Removal of prime agricultural land;
- Isolation of development from Gulgong;
- Maintenance and capacity of roads;
- Provision of essential services;
- Setback from agricultural land use on Lot 14 DP1172228 and impact on productivity.

Land use classifications are defined under the NSW Agriculture, Agricultural Land Classification system. The land would be considered Class 3 Agricultural land under this system, however due to the existing lot sizes it is not suitable for intensive or extensive agricultural use. The land is now zoned R5 Large Lot Residential and there is a realistic expectation that the land should be able to be used for residential purposes.

The subject site is 1.1 kilometres by road and 1 km in a straight line from the edge of the residential zone in Gulgong. It is noted that the land between the subject site and the edge of the residential zone is zoned RU1 Primary Production and is generally used for low scale agricultural activities, however the separation of the development is not considered substantial and would not, by itself, be a reason to refuse the development.

Currently the road system is of gravel construction and is in reasonable condition for a minor rural road. The proposed development seeks to establish a rural residential style of development with lot sizes of 2 hectares and there is a reasonable expectation that the future lot owners would have access to a formed and sealed road network.

The road within the subdivision will be required to be sealed to prevent adverse dust impacts for future residential development.

The site has access to reticulated electricity and telecommunication infrastructure. Water storage and effluent disposal will be catered for on-site.

The separation from the feedlot on Lot 14 DP1172228 has been previously addressed in this report.

Public Consultation – Review under Section 82A of the EP&A Act 1979

The review was notified to adjoining owners and two submissions were received. The submissions raised the same issue and that was that if the Council assessment was correct, then the applicant should accept the determination and get on with the development.

Council staff agree with this stance and have carried out a review which has determined that the original assessment was largely correct, but that there is the capacity to remove 2 conditions relating to the upgrade of the side road (condition 14) and the requirement for a BAL intersection treatment (condition 7).

The Likely Impact of the Proposed Development On The Natural And Built Environment And Social And Economic Impacts In The Locality (Sect. 79C Assessment)

Context and setting

The land is considered to be rural in nature and adjacent to rural properties, however the land is now zoned large lot residential R5 and is suitable for residential purposes. The proposed lot sizes within the subdivision are considered to be urban in nature and therefore the provision of infrastructure associated with the development, including roads, is required to be of an urban standard.

Access, transport and traffic

An internal road has been proposed within the subdivision to provide access to the lots. The road within the subdivision as well as Bergalin Road will need to be sealed to minimize dust impacts on future dwellings within the subdivision.

The nature of the development in that it comprises 2 hectare allotments is considered to be urban there will be an expectation on future lot owners to have a urban standard of road system.

The application has been reviewed by Council's Development Engineer and it is considered that the Bergalin Road will need to be sealed from the subdivision site to the Castlereagh Highway; a distance of 650 metres.

Public domain

There is little public domain to be considered with the application.

Utilities

Utilities have been considered with other sections of this report.

Heritage

The site is not listed as an item of heritage and therefore there is not likely to be any impact on any European heritage.

The site is also not considered to be sensitive landscape from a cultural heritage perspective and the AHIMS search has confirmed that there are no recorded artifacts within the development site.

Water

Reticulated water is not available to proposed subdivision. All future dwellings within the subdivision will need to have provision for on-site water storage. This will be assessed with the application for any future dwelling.

Soils

The issue of potential contamination has been previously addressed in this report. The land is relatively flat and the development is not likely to have an adverse impact in terms of soil erosion or pollution of water bodies.

Air and the microclimate

The development is unlikely to have any significant impact on air or the microclimate, however the removal of the condition to upgrade and seal Bergalin Road would create the potential for dust nuisance from increased traffic movements associated with the subdivision.

Flora and fauna

The land has been significantly cleared in the past and has been used for grazing. There is no significant flora or fauna within the site that would be impacted by the proposed development.

Waste

Waste would not be generated until future dwelling were constructed on the land. These dwellings would utilize the nearest waste depot or transfer station.

Energy

The proposed subdivision would connect to the reticulated electricity network and details would be provided with any future subdivision certificate.

Noise and vibration

The proposed development would not generate any significant noise issues. The construction of the subdivision would generate some short term noise, however this can be ameliorate by hours of operation.

Natural hazards

The land is not mapped as being bushfire prone and vegetation is sparse in the area around the site.

There are no watercourses within the site and the land is not mapped as being flood prone. The topography shows that a minor overland flow path runs from south-east to north-west and cuts

across proposed lots 5 and 6. There is sufficient space within both of these lots for residential development outside of the overland flow path.

Safety, security and crime prevention

The development is unlikely to increase crime and the nature of the development is such that casual surveillance over large residential lots will be optimum and it is likely that the neighborhood will look out for each other.

Technological hazards

There are no hazardous land uses located in the immediate locality of the development. The issue of contamination has been addressed in other sections of this report.

Social and Economic Impact in the locality

The development will provide a future benefit to the town of Gulgong through new inhabitants contributing to the local economy and community.

Site design and internal design

All of the lots have direct frontage to a road which will be sealed and are of sufficient size to allow for the future construction of a dwelling, ancillary structures and effluent disposal area.

Cumulative impacts

The development is unlikely to contribute to any future cumulative impacts other than if the road is but required to be upgraded. The increase in traffic on Bergalin Road will impact on the existing properties and new properties with increased pressure on Council to seal the road.

The suitability of the site for the development

The development is considered suitable in the locality subject to the upgrade of the road network to provide a urban level of service to the 2 hectare allotments

The site attributes are considered conducive to the proposed development as the site is relatively flat, there are ample locations for proposed dwellings, infrastructure including electricity and telecommunications can be readily provided to the development and the road is capable of being upgraded to accommodate the proposed traffic generation created by the subdivision.

The public interest

It is considered that the public interest is best served by requiring the road and the new intersection to be upgraded as it provides a safer environment for the travelling public and would negate future pressure to spend public money on upgrading a road.

Financial and Operational Plan implications

There are financial implications associated with not requiring the road to be sealed. These are not immediate but it is likely that as people buy and develop these allotments, that there will be increased pressure on Council to upgrade and seal Bergalin Road should Council resolve to not require the upgrade of Bergalin Road.

Community Plan implications

Not applicable.



GARY BRUCE
MANAGER, STATUTORY PLANNING

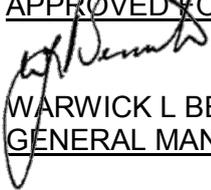


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

20 January 2014

- Attachments:*
1. Locality Plan
 2. Subdivision plan
 3. Track changes of the Development Consent (noting those conditions which have been amended).
 4. Applicant's Submission
 5. Public Submissions
 6. Extract of Austroads

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



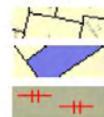
Map Scale: 1:9,195

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.

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.

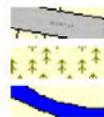
Legend



Parcel
 Crown Land
 Railway



Parish
 Localities
 LGA Boundary



Road
 State Forest
 Waterway



Printed on Monday, 20 January 2014

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans and the Application received by Council on 10 April 2013 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.

ENGINEERING CONSTRUCTION

2. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - Saving available topsoil for reuse in the revegetation phase of the subdivision;
 - Using erosion control measures to prevent on-site damage;
 - Rehabilitating disturbed areas quickly;
 - Maintenance of erosion and sediment control structures;
3. 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.
4. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
Installation of sediment and erosion control measures
Practical Completion

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. A detailed engineering design supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications is to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a Construction Certificate.

CONSTRUCTION REQUIREMENTS

6. All works are to be constructed at the full cost of the developer, in a manner consistent with AustRoads and Council's standard drawings.
7. Basic right (BAR) turn treatments as shown in Figure 7.5 of the *Austroads Guide to Road Design: Part4A* shall be provided in Bergalin Road at the intersection with the proposed internal road in the subdivision. The widened shoulders are to be sealed and built for 100kmph speed environment to provide a reasonable level of safety for traffic turning vehicle on the left hand side;
8. **DELETED - Basic left (BAL) turn treatments as shown in Figure 8.2 of the *Austroads Guide to Road Design: Part4A* shall be provided in Bergalin Road at the intersection with the proposed internal road in the subdivision. The BAL facilities will also need to be sealed and built for a 100kmph environment;**

9. Intersection and accesses shall be provided with lay-bys on the departure side for school bus stops.
10. Give Way Signs are to be installed on the proposed internal road at its the intersection with Bergalin Road.
11. A 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone at the intersection of Bergalin Road and the proposed internal road in the subdivision, having the table drain directed through it.
12. The developer is to upgrade Bergalin Road from Castlereagh Highway to the full frontage of the development in accordance with Council's Policy Road Classifications and Austroads standards to a Rural Sealed Road and the following minimum specifications:
 - formation width 9.0m.
 - sealed width 6.0m.
 - seal type – 14/7 mm double-double.
 - standard cross-section with 3% fall.
 - pavement thickness – 150-300 mm.
 - pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.
 - Minimum compaction:
 - sub base 96% MDD
 - base course 98% MDD
 - Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.
13. The developer is to construct the proposed internal road in accordance with Council's Council's Policy Road Classifications and Austroads standards to a Rural Sealed Road and the following minimum specifications:
 - formation width 9.0m.
 - sealed width 6.0m.
 - seal type – 14/7 mm double-double.
 - standard cross-section with 3%.
 - pavement thickness – 150-300 mm.
 - pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.
 - Minimum compaction:
 - sub base 96% MDD
 - base course 98% MDD
 - Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.
14. **DELETED** - The developer is to upgrade the road reserve at the western boundary of the subdivision from its intersection with Bergalin Road to the full frontage of the subdivision in accordance with Council's Policy Road Classifications and Austroads standards to a Local Access Road and the following minimum specifications:
 - formed width – 4.5 m.
 - Shape – 3% -6% - two way crossfall.
 - Natural materials.
15. The construction of an all-weather vehicle access to each lot in the development. The accesses from the proposed loop road servicing the development shall be constructed in accordance with Austroads Guide to Road Design: Part 4 Figure 7.4 'standard rural property

access' and any relevant RMS Supplements. The access shall have the following minimum specifications:

- a) a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from edge of the traffic lane of the public road;
 - b) a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
 - c) a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it.
 - d) The access should be sealed a minimum of 10 metres from the edge of the travel lane to minimise mud on through road, match existing road levels and not interfere with road drainage.
 - e) Safe Intersection sight distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant RMS supplements should be provided in both directions at the vehicular access point servicing the proposed lots.
16. The subdivision works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- Construction of BAR/BAL treatments
 - Road pavement construction
 - Installation of vehicle accesses
 - Practical Completion
17. 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.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

18. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
19. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.

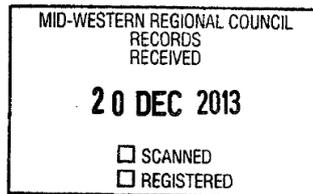
NOTE: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.

20. In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: SUBJECT TO CPI INCREASE

All Other Areas - 3	
<i>Section 94 Contributions</i>	
Transport Management	
Traffic Management	\$3058
Open Space	
Local Open Space	\$0
District Open Space	\$11,822
Community Facilities	
Library Buildings	\$1144
Library Resources	\$1362
Administration	
Plan Administration	\$2660

Total Payable \$20,046

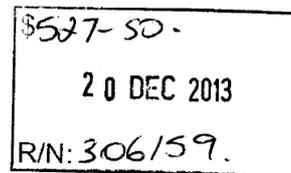
21. If the *Subdivision Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
22. Prior to the issue of a *Subdivision Certificate*:
 - a) all contributions must be paid to Council 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;
 - 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.
23. 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.
24. 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 certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.



P.O. Box 90,
Mudgee , 2850
18th December 2013.

13 20

The General Manager,
Mid-Western Regional Council,
Administration Centre,
86 Market Street,
Mudgee.



Dear Mr Bennett,

Re: D/A 0409/2013.

I refer to the meeting earlier this afternoon with you; Councillors Walker & Weatherley, and Gary Bruce of the Planning Department, and thank you for the time given to consider the various issues referred to in the précis I brought to the meeting.

While I note Condition 14 can be disregarded as being due to staff error, and while I still believe Conditions 7; 8 and 12 could, and should, be similarly treated as being mistakenly included, I now appreciate why a review of such conditions is specifically required and a fee payable.

I note Mr Bruce undertook to check the legislation as a matter of urgency however to definitely ascertain whether time continues to run for an appeal to be lodged with the Court when a granting authority has not completed a review prior to expiry of the 6months time limit set by the Act within which an appeal must be lodged.

Please have Mr Bruce advise me [in writing please] of the outcome of his inquiry before close of business this Friday [20.12.13] as if not so advised I believe I will regrettably be obliged to lodge an appeal keeping in mind Court time limits and the fact the next Council meeting is not until some date in February 2014.

I note your undertaking that should the review be undertaken and Council resolve to accept the submissions made to it about the Conditions in question, a refund of the review application fee of \$ 527.50 now enclosed will be made.

As to Conditions 7 & 8 I base my request for a review principally on the following grounds:

1. That at a meeting with them on 13.8.13 both planners responsible for the preparation of the D/A expressed their surprise and puzzlement as to why the shire's design engineer had insisted on the siting of the turning/passing lanes at the intersection of Bergalin Road and the proposed internal subdivision road rather than at the

intersection of Bergalin Road and the Castlereagh H'way. Mr Bruce undertook to check with the engineer who subsequently informed the planners that Roads & Maritime Services had confirmed Conditions 7 & 8 complied with the "minimum AusRoads standard".

2. While the stipulated passing lanes may well comply with such minimal standard, such standard [as confirmed to me by the RMS] is only applicable where a proposed subdivision or other proposed private road is to exit onto one of its major road or out onto a 'feeder road'. The road involved in the D/A, namely Bergalin Road, is neither a major road nor a feeder road but rather it is a very minor rural council road.
3. The shire engineer who contacted RMS at the request of the planners did not give the officer to whom he spoke the whole factual situation, and as it was a shire engineer making the inquiry, it was assumed by the RMS officer to whom he spoke that the call related to a road exiting onto a road for which the RMS had responsibility. No reference was made in the call to the fact a minor rural road only was involved [in fact no mention whatever was made of Bergalin Road.] As a result, the planners are mistakenly insisting on retention of the Conditions based on incomplete and totally misleading information.
4. The Land & Environment Court has held [and such information was conveyed by RMS to the shire's design engineer] that turning/passing lanes are only applicable, and reasonable D/A requirements, where a proposed subdivision road or other private road is to exit onto a road carrying in excess of 3000 motor vehicles a day. Obviously Bergalin road [should the subdivision proceed] would generate nothing like this number but more like a maximum of 25 to 30 per day [if that].
5. Sight distances east and west along Bergalin Road at the site of the proposed Bergalin Road/internal road intersection are good but if there were any concerns in this regard Council may consider setting what it considers to be an appropriate speed limit.
6. Advices from an engineer are that the turning or "passing lanes" required by Conditions 7 & 8 [mainly because of their stipulated speed standard of 100kph] may be up to 150 m in length requiring the removal of quite a number of trees. Such tree removal would have obvious ecological and aesthetic impacts on an approved subdivision sited in an area specifically identified in Council's Strategic Plan as an ideal location for re-zoning to permit a rural subdivision into 2ha allotments. Subject also to a full survey and a detailed design, further engineering advices are that [combined with road construction], Bergalin Road itself may well be of insufficient width to accommodate the "turning lanes".

Although, because of obvious time constraints, the above detail is not exhaustive I rely on it; also on the précis delivered to the meeting today, and to the various letters I have sent to Council over the past four months or so.



As to Condition 12: Obviously I cannot, without a thorough check of all my correspondence with Council, outline all of the points I have raised to date with Council concerning this Condition, but as with Conditions 7 & 8 [along with Condition 14] I believe Condition 12 has been mistakenly included in the D/A and should be removed entirely.

While, as applicants, we have always agreed with Condition 13 requiring the formation; sealing and drainage of the *internal subdivision road*, we object to retention of Condition 12 as it appears to be patently inconsistent with Council's own Development Control Plan introduced in February 2013.

Referring to the précis delivered to today's meeting, but as this letter will no doubt form part of the material to be considered as part of the review, I detail what I consider to be the pertinent and governing part of the DCP namely Clause 7.2:-

Clause 7.2 [page 73 of the DCP] provides guidelines for the subdivision of lands zoned "**Rural Residential**" and states, among other requirements, that "WHERE THE PROPOSED LOT/S ARE WITHIN 500 METRES OF AN R1 GENERAL RESIDENTIAL ZONE OR AN R2 LOW DENSITY RESIDENTIAL ZONE THE NEW LOT/S MUST....HAVE SEALED ROAD FRONTAGE AND BE CONNECTED TO THE SEALED ROAD NETWORK".

COUNCIL HAS FORMALLY CONFIRMED THAT OUR PROPOSED SUBDIVISION IN BERGALIN ROAD IS INDEED A 'RURAL SUBDIVISION' (AS DISTINCT FROM AN "URBAN SUBDIVISION") AND AS THE PROPOSED SUBDIVISION IS SITUATED WELL OVER THE STIPULATED 500 METRES FROM *EITHER* OF THE TWO ZONES REFERRED TO , COUNCIL IS BOUND TO COMPLY WITH ITS OWN DCP AND CANNOT INSIST ON BERGALIN ROAD BEING UPGRADED AS CALLED FOR IN CONDITION 12.

As a result we request that the D/A be amended by the deletion of Condition 12[and ,of course, of Conditions 7 & 8].

I await your advices.

Yours truly,
T.L. & A.R. Spring,

Per: 

ATTACHMENT 5

"Park View"
P.O. Box 56
Gulgong
2852
21-1-14

The General Manager.
Mr. W. Bennett.
Mid Western Reg Council
Mudgee.

Dear Sir,

Re Section 82A Review of Determination
Development application DA 0409/2013

Sir I feel Mr & Mrs Springs should have calculated these costs etc before making an application on this land. Council has made these decision & put forward these conditions to the Springs.

All these conditions should be carried out by the Springs, if they wish to go ahead with this Development.

Thanking You

W. J. G. Gossage

W. J. G. Gossage

120 Bergalen Rd.
Gulgoon. 2852

General Manager,
Mid-Western Regional Council.

21.1.14

Dear Sir,

Re: your letter 15.1.14 re DA0409/2013

Assuming the terms of the Determination were considered by Council to be necessary to meet planning requirements, for a substantial subdivision, they should not be relaxed.

Yours faithfully,

G. Chislett

(G. Chislett)

7.3 Right-turn Bans at Signalised Intersections

Consideration should be given to banning a right turn where:

- a right-turn lane cannot be provided and the right-turning traffic would cause a safety and/or a capacity problem
- sight distance is poor and cannot be corrected, and other options such as erecting advance signs are not satisfactory.

If the right-turn can be banned, several options may be considered as described in Section 2.2.3 of the *Guide to Traffic Management – Part 6: Intersections, Interchanges and Crossings* (Austroads 2007) and illustrated in Section 4.14 of this guide.

7.4 Right-turn Lanes for Cyclists

Right-turn lanes for cyclists are rarely used and should generally not be provided for cyclists at right-turn treatments on arterial roads or busy traffic routes because of the difficulty and crash risk for cyclists moving from the left of an intersection to the centre of the road in order to utilise such treatments. Conditions for the use of cyclist right-turn lanes and illustrations of their use at an intersection are provided in Section 10.6.4 of this guide.

7.5 Rural Right-turn Treatments – Undivided Roads

All the turn treatments described in this section are applicable to two-lane two-way rural roads. They can also be applied to multi-lane rural roads (divided and, less commonly, undivided), except for the BAR turn treatment.

7.5.1 Rural Basic Right-turn Treatment (BAR)

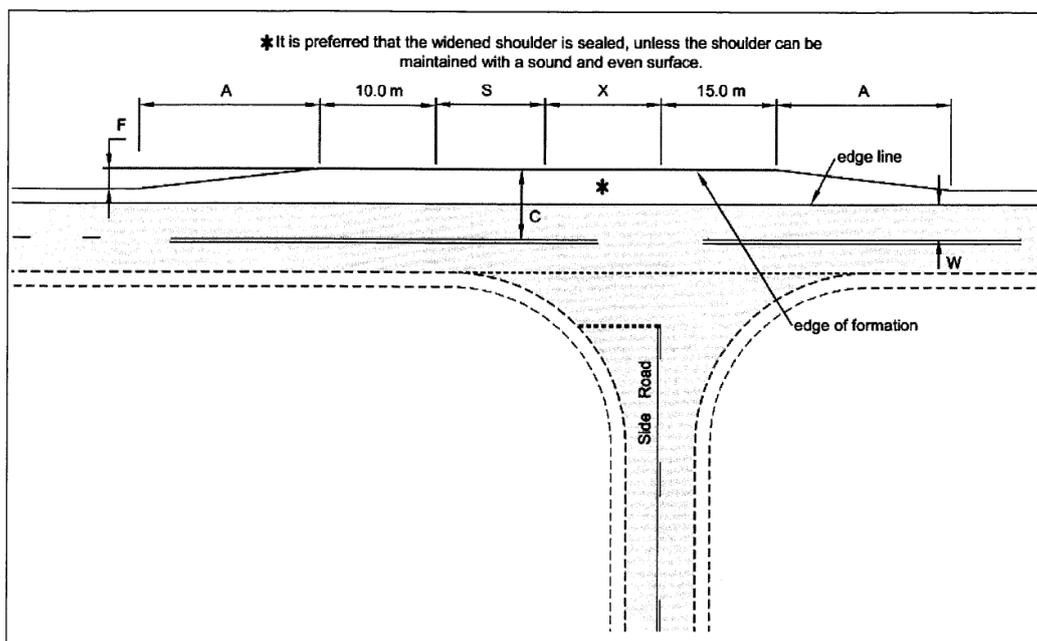
The basic right-turn treatment (BAR) shown in Figure 7.5 is the minimum treatment for right-turn movements from a through road to side roads and local access points. This treatment provides sufficient trafficable width for the design through vehicle to pass on the left of a stationary turning vehicle. This is achieved by widening the shoulder to provide a minimum width sufficient to allow the vehicles to pass. Substantial speed reduction (potentially half of the design speed) is a feature of this layout.

Other aspects of the design are:

- on a terminating intersection leg no special provision is usually made for right-hand turns when a BAR is used
- this layout can be used on both sealed and unsealed roads
- it is preferred that the widened shoulder at BAR turn treatments is sealed, unless the shoulder can be maintained with a sound and even surface
- this layout should not be used where there is reduced visibility to the turn treatment. Right turning drivers on the major road need to perceive the location of the side road and stop if necessary in the through lane before the intersection.

Where adequate through sight distance exists, BAR turn treatments will generally be marked with a broken centreline to allow overtaking on the major road through the intersection. This will not restrict overtaking opportunities, thereby minimising delays. However, there may be instances where a BAR turn treatment on a section of road with good overtaking opportunities will yield a high likelihood of crashes resulting from inappropriate overtaking through the intersection. In such cases, a barrier line should be used. Examples of such instances include the following:

Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections



Notes:

1. This treatment applies to the right turn from a major road to a minor road.

2. The dimensions of the treatment are defined thus:

W = Nominal through lane width (m) (including widening for curves). Width to be continuous through the intersection.

C = On straights – 6.5 m minimum

7.0 m minimum for Type 1 & Type 2 road trains

On curves – widths as above + curve widening (based on widening for the design turning vehicle plus widening for the design through vehicle).

$$A = \frac{0.5VF}{3.6}$$

Increase length A on tighter curves (e.g. those with a side friction demand greater than the maximum desirable). Where the design through vehicle is larger than or equal to a 19 m semi-trailer the minimum speed used to calculate A is 80 km/h.

V = Design speed of major road approach (km/h).

F = Formation/carrageway widening (m).

S = Storage length to cater for one design turning vehicle (m) (minimum length 12.5 m).

X = Distance based on design vehicle turning path, typically 10–15 m.

Source: QDMR (2006).

Figure 7.5: Basic right (BAR) turn treatment on a two-lane rural road

7.5.2 Rural Channelised T-junction – Short Lane Type CHR(S)

The CHR(S) turn treatment shown in Figure 7.6 is a more desirable treatment than the BAR treatment because it provides greater protection for vehicles waiting to turn right from the centre of the road. This treatment is suitable where there are low to moderate through and turning volumes. For higher volume sites, a full-length CHR turn treatment (Figure 7.7) is preferred.

6.3.2 DA 019/02014 Demolition of Canteen and Construction of New Canteen at 21 Cudgegong Street Rylstone being the Rylstone Showground

REPORT BY PAUL BLACKWELL TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, DA0197/2014, P16221

RECOMMENDATION

That:

1. That the report by Health & Building on DA 0197/2014, demolition of existing canteen, construction of new canteen and construction of awning to existing bar at the Rylstone Showground located at 21 Cudgegong Street, Rylstone be received; and
2. Development Application No. 0197/2014, demolition of existing canteen, construction of new canteen and construction of awning to existing bar at the Rylstone Showground located at 21 Cudgegong Street, Rylstone be approved, subject to the following conditions:

APPROVED PLANS

1. The development must be carried out in accordance with the approved stamped plans, except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).
2. Development is to be carried out generally in accordance with the stamped plans submitted to Council by Mary Kavanagh, Drawing 1-2 Dated 25/11/2013 & Drawing 3 Dated 3/10/2013, 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
3. Notwithstanding the approved plans, the structure is to be clear of any easements and/or any water and sewer mains in accordance with council policy.
4. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the Plumbing Code of Australia.
5. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
6. All building work must comply with the requirements of the National Construction Code, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.

7. **All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.**
8. **Construction work noise that is audible at other premises is to be restricted to the following times.**
 - **Monday to Saturday -- 7.00am to 5.00pm**
 - **No construction work is permitted on Sundays and Public Holidays.**
9. **Prior to the occupation of a new building, an Occupation Certificate must be obtained from the Principal Certifying Authority appointed for the erection of the building.**
10. **A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;**
 - **stating that unauthorised entry to the work site is prohibited, and**
 - **showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.**
11. **The strength of the concrete used for the reinforced concrete slab and piers must be 25MPa (N25)**
12. **All stormwater must discharge to the existing stormwater system on site.**
13. **Erosion and sediment control measures being implemented prior to the commencement of works and must be maintained during the period of construction to prevent sediment and other debris escaping from the site. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.**
14. **The removal or demolition of any materials (ie fibrous cement sheeting “fibro”) likely to contain asbestos must be carried out in accordance with the requirements of Work Cover and Australian Standard 2601 – 2005 “ Demolition of Structures”**
15. **All material containing asbestos must be disposed of to the Mudgee Waste Facility. Arrangements must be made with the Facility prior to disposal.**
16. **Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:**
 - a) **Council is to given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.**
17. **The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site.**

The Council encourages the separation and recycling of suitable materials.
NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE.
18. **If the work involved in the erection/demolition of the building;**

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

19. 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).

Executive Summary

Applicant	Mid-Western Regional Council
Estimated Cost of Development	\$ 93 000.00
Reason for reporting to Council	Council is the applicant
Public Submissions	No

Council has received a Development Application for the proposed demolition and construction of a canteen and construction of an awning to the existing bar located on the Rylstone Showground at 21 Cudgegong Street, Rylstone.

The canteen is proposed to be 14 meters by 9.5 meters by 3.0 meters high (approximately). The building will be constructed using steel frame on a concrete slab enclosed by colour-bond sheeting.

The awning which is proposed to be connected to the already existing bar consists of a steel skillion roof covering an area of 60 square meters.

The proposed works are being reported as Council is the applicant for the proposal.

Detailed Report

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

REQUIREMENTS OF REGULATION AND POLICIES

(a) Provisions of any Environmental Planning Instrument and any draft EPI

Mid-Western Regional LEP 2012

The land is zoned 'RU5 Village' in accordance with the Mid-Western Regional LEP 2012. The proposed development would be defined as a Kiosk and Bar area and is permissible with the consent of Council.

(b) Provisions of any Development Control Plan or Council Policy

There are no provisions within Council's Development Control Plan 2013 (DCP) that are relevant to this form of development.

2. *IMPACT OF THE PROPOSED DEVELOPMENT*

(a) Context and Setting

The proposal will provide an important community facility for future events held at the Rylstone Showground. The design of the proposed structure is simple and will fit in with the existing buildings and is not considered to adversely impact on the context and setting of the heritage significant townscape.

(b) Access, transport and traffic

The location and design of the Canteen and Awning will have minimal impact to the existing Road infrastructure. The proposed Canteen will be constructed in the existing position with the exception of a slight change to the orientation of the building so as to face the Showground. The awning for the Bar will encroach on the internal bitumen access road. This will have minimal impact to the public access as the road is used for internal use only.

(d) Utilities

There are no utilities issues with regard to the proposed Canteen and Bar awning.

(e) Heritage

The proposed development is outside the Heritage Conservation area of the Rylstone Township however it is considered the buildings will have no detrimental effect to the heritage significance of the Rylstone township.

(g) Social impact in the locality

The reconstruction of the Canteen and the Bar awning will have a positive social impact on the locality.

(s) Site design and internal design

The site design is considered appropriate for the proposal.

(t) Construction

The buildings are proposed to be constructed using steel frame on concrete slab. The canteen will be enclosed using colour-bond cladding.

If approved, the building will be assessed against the requirements of the National Construction Code and its associated Australian Standards.

3. *SUITABILITY OF SITE FOR DEVELOPMENT*

(a) Does the proposal fit in the locality

The proposed Canteen and Bar awning are seen to fit into the locality. The Canteen and Bar awning will provide an important community facility for the public for future events held at the Rylstone Showground. The design of the proposed structure is simple and will fit in with the existing buildings and is not considered to adversely impact on the context and setting of the heritage townscape.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

The Application was notified from 12 December 2013 until 10 January 2013 in accordance with Council's notification policy. During the notification period no submissions were received.

(b) Submissions from public authorities

The application was referred to the Lands Department for comment. No objections were received.

5. THE PUBLIC INTEREST

The proposed Canteen and Bar awning are seen to be in the Public Interest as the proposal will provide a new community facility which has been designed and located to maximise its benefit to the community and local organisations. Given the facility incorporates design elements to enhance accessibility to persons with limited mobility, the proposal is in the broad community interest.

6. CONSULTATIONS

(a) Town Planning

Council's Town Planning Department had no concerns with this application.

(b) Development Engineer

Council's Development Engineer had no concerns with this application.

Financial and Operational Plan implications

Funding of this project is in accordance with the Mid-Western Regional Council Operational Plan.

Community Plan implications

Not applicable.

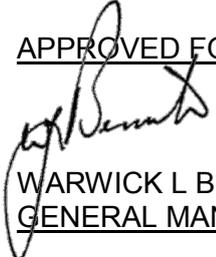
PAUL BLACKWELL
TRAINEE HEALTH & BUILDING SURVEYOR



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

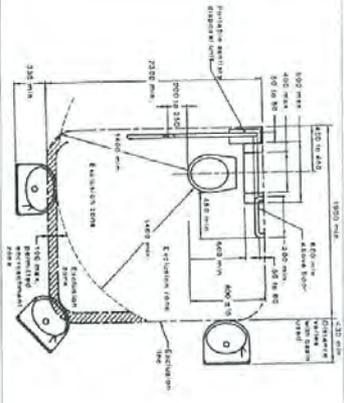
23 January 2014

APPROVED FOR SUBMISSION:

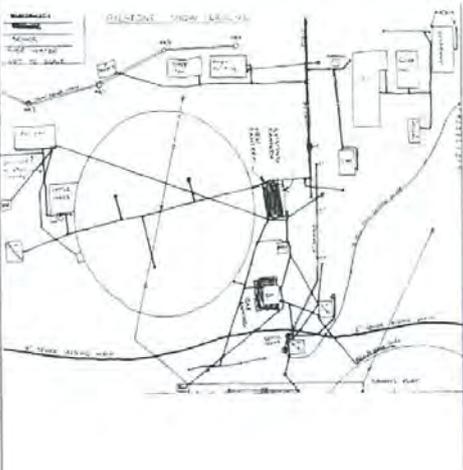


WARWICK L BENNETT
GENERAL MANAGER

Attachments: 1. Locality Plan
2. Site Plan
3. Awning Plan



Access Toilet Minimum Standards



Site Plan

- Scope of Work**
1. Disconnect services to and demolish/remove existing canteen, including floor slab.
 2. Realign aspect of new canteen to face show ring as shown on site plan.
 3. Install below ground electrical, plumbing and drainageservices.
 4. Prepare/form up/pour reinforced concrete footings and floor slab for new canteen (to AS2870, 2011).
 5. Install pre-fabricated steel wall and roof frames and awning to manufacturers' directions.
 6. Fit Colorbond roofing and cladding to new canteen. Install insulation to roof, ceiling and external walls.
 7. Install window and doors and construct servery as shown.
 8. Fit security bars to highlight windows and roller shutters to entry doors and servery.
 9. Install gyprock to walls and ceiling as per manufacturers' directions.
 10. Install commercial grade kitchen to layout shown (as per AS4674:2004 Design, Construction and fit-out of food) and connect to services (Elect, Water & Gas cooking/hot water) to supply authority regulations.
 11. Tiled floor finish to Kitchen, WC and Airlock. Wall tiles from floor to ceiling of same areas.

Scope of Work

Plans by



Mary Kavanagh
0425 275 749

Proposed New Canteen for Rylstone Kandos Showground Society MK II

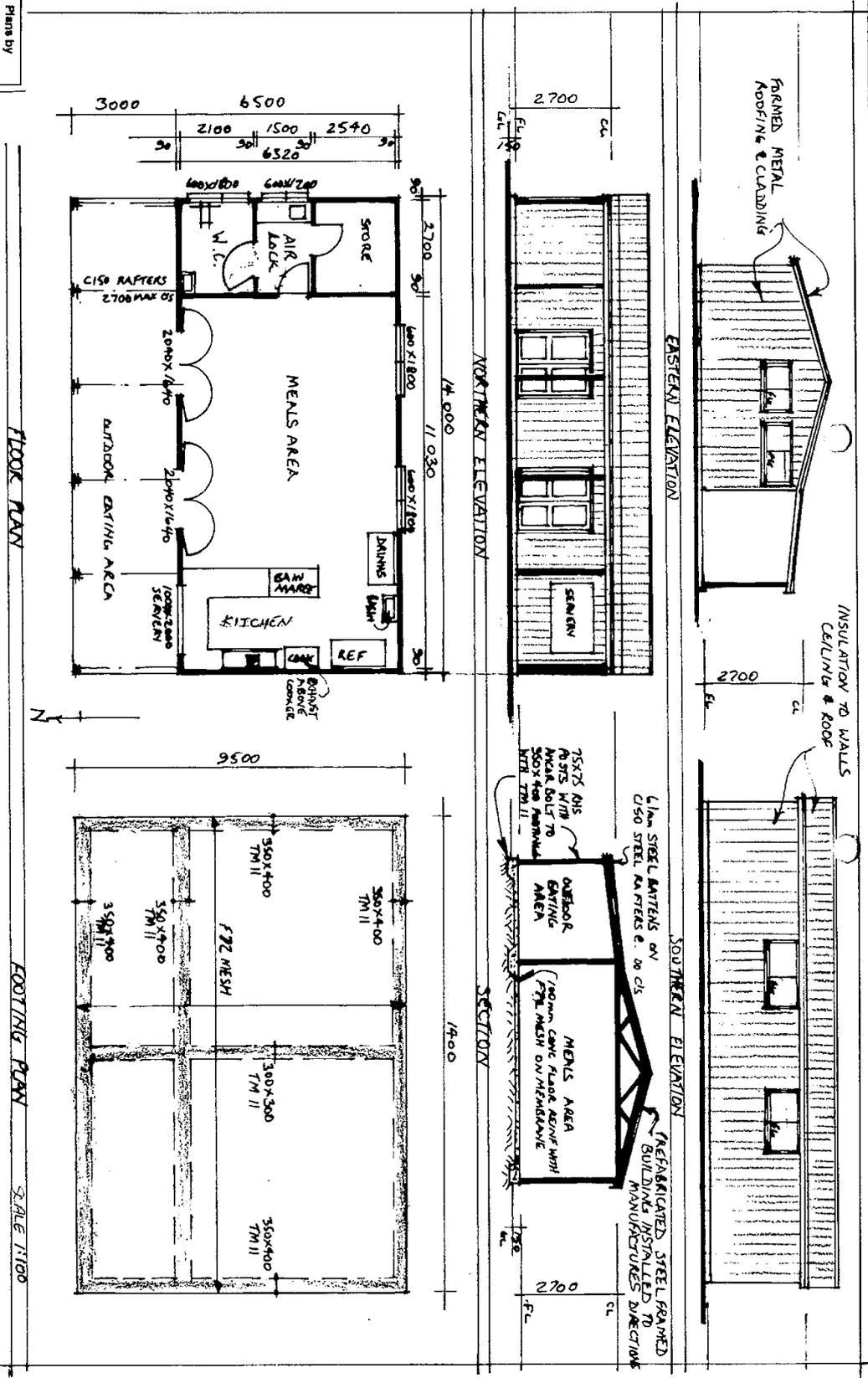
At Rylstone Showground, Rylstone, N.S.W.

Date 25.11.2013

Plans by
 Mary Kavanagh
 0425 276 748

Proposed New Canteen for Rylstone Kandos Showground Society MK II
 At Rylstone Showground, Rylstone, N.S.W.

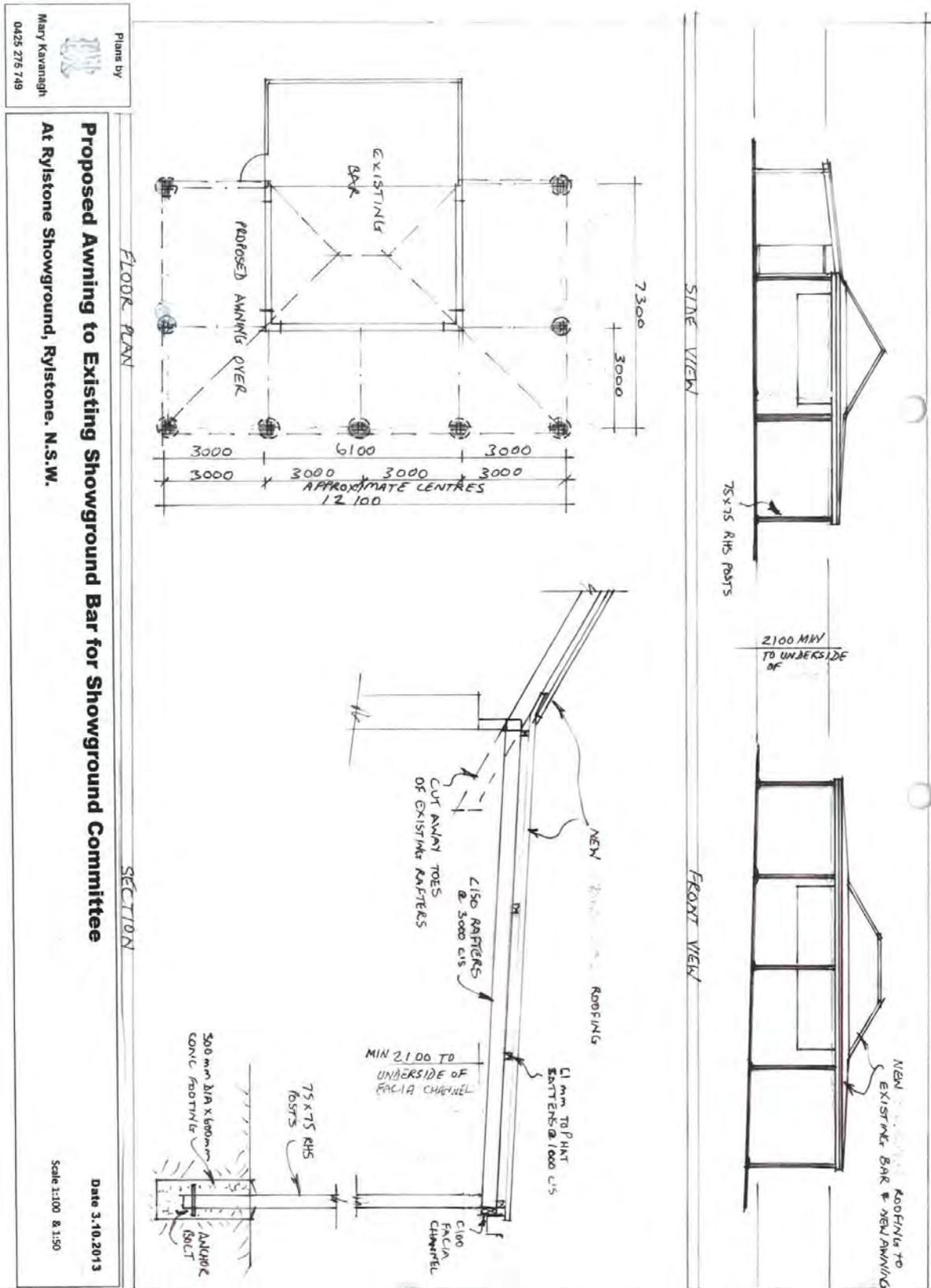
Date 25.11.2013
 Page 1 of 2



FLOOR PLAN

FOOTING PLAN

SCALE 1:100



6.3.3 DA 0021/2014 Proposed 109 Lot Subdivision at 62 Zimmer Lane Gulgong, being Lot 519 DP 725032, Lots 9 & 10 DP 251803 and Lots 72, 150-159, 164-167, 229, 231-235 & 294 DP 755433

REPORT BY THE SENIOR TOWN PLANNER TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, P1889264, DA0021/2014

RECOMMENDATION

That:

1. the report by the Senior Town Planner on the DA 0021/2014 Proposed 109 Lot Subdivision at 62 Zimmer Lane Gulgong, being Lot 519 DP 725032, Lots 9 & 10 DP 251803 and Lots 72, 150-159, 164-167, 229, 231-235 & 294 DP 755433 be received;
2. Development Application 0021/2014, for a 109 lot subdivision being 103 residential lots to be subdivided in two (2) stages, 3 lots for stormwater management and open space and 3 residual lots at 62 Zimmer Lane, Gulgong being Lot 519 DP 725032, Lots 9 & 10 DP 251803 and Lots 72, 150-159, 164-167, 229, 231-235, & 294 DP 755433 be approved subject to the following conditions:

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans F968EG P4-1 and the Application received by Council on 16 July 2013 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.
Note: this approval is for Precinct A only. Precincts B, C and D require the submission of individual development applications.

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. 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 suitable qualified geotechnical engineer. Fill placed in residential lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
4. No work shall commence until a *Construction Certificate* has been issued for the subdivision works and the applicant has notified Council of:
 - a) the appointment of a Principal Certifying Authority and
 - b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences. The works are to be constructed in accordance with the plans and specifications referred to in the *Construction Certificate*.

Note: Council's fee for this service is set out in Council's Fees and Charges

5. A site supervisor is to be nominated to the Council by the applicant prior to the issue
6. 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.
7. 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.
8. 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.
9. Engineering plans of the sewer mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a *Construction Certificate*.
10. 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. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a *Construction Certificate*.
11. 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
12. 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.
13. 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.
14. 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, the agreement shall clearly state that an easement of a specified width is to be created in accordance these consent conditions.

INFRASTRUCTURE

Stormwater Drainage

15. 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.
16. 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

- 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.

17. 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.
18. 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.
19. 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.
20. 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.

21. 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.
22. 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

Section 138 Roads Act – Roads and Maritime Services Requirements

23. The intersection of Springfield Lane and Castlereagh Highway shall be upgraded to include:
 - (a) Rural Channelised T-Junction – Short Lane Type [CHR(S)] in accordance with Figure 7.6 of Austroads Guide to Road Design 2010 – Part4A: Unsignalised and Signalised Intersections and Roads and Maritime Supplements (copy attached).
 - (b) Rural Auxiliary Left Turn Treatment – Short Turn Lane [AUL(S)] in accordance with Figure 8.3 of Austroads Guide to Road design 2010-Part 4A: Unsignalised and Signalised Intersections and Roads and Maritime Supplements (copy attached)
 - (c) Laybys on the departure side for school bus stops shall be provided in accordance with Figure 7.4 Part 4 Austroads Guide to Road Design 2010(copy attached). Extensions to the departure side should be a minimum length of fifteen (15) metres.
24. Castlereagh Highway is a state road and prior to the upgrade of Springfield Lane and Castlereagh Highway, the developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services. RMS will exercise its powers under Section 87 of the *Roads Act, 1993*, (the Act) and/or the functions of the road authority, to undertake road works in accordance with Section 64 and 71 and/or Sections 72 and/or 73 of the Act, as applicable, for all works under the WAD.
25. A Road Occupancy Licence is required prior to any works commencing within three (3) metres of the travel lanes of the Castlereagh Highway. Submission of a Traffic Management Plan incorporating a Traffic Control Plan may be required as part of this licence.
26. Safe Intersection Sight Distance (SISD) requirements outlined in the *Austroads Guide to Road Design Part4A* and relevant Roads and Maritime Supplements should be provided at all new and upgraded intersections
27. Pedestrian/cycle paths shall be provided to the subdivision in accordance with the submitted Statement of Environmental Effects and:
 - (a) Connect to the existing Gulgong pedestrian path network
 - (b) Provided prior to the completion of Stage 1
 - (c) Constructed and maintained in accordance with *Austroads Guide to Road Design 2009-Part6A*
28. 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.

29. The internal street network shall be designed to promote safe traffic movement. Section 7 of the *RTA Guide to Traffic Generating Development 2002* provides principles for road layout for residential subdivisions to limit traffic speeds. These include traffic calming measures to limit the distance between intersections to 70 metres or less, and limit cul de sac lengths to 80 metres or less.
30. Internal road pavements shall be designed by a suitably qualified engineer in accordance with Austroads procedures. Materials and testing requirements shall comply with those set out in AUSPEC Construction Specification C242 with sample locations selected as per RMS Specification Q4. All flexible pavements to be sealed with a two coat Class C170 bitumen flush seal (14/7mm double/double).
31. Internal road reserve and pavement widths are to be constructed in accordance with the following:

Zimmler Lane for the full frontage of the proposed subdivision

Item	Requirement
Half Road Pavement Width	4.5m with 3% cross fall
Nature Strip Width	4.5m
Concrete Footpath	1 x 1.2m Wide
Seal	Two-coat flush seal – C170 14/7 mm (Double/Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

Grimshaw Lane from the intersection of Anderson St for the full frontage of the proposed subdivision

Item	Requirement
Half Road Pavement Width	6m with 3% cross fall
Nature Strip Width	4.5m
Concrete Footpath	1 x 1.2m Wide
Seal	Two-coat flush seal – C170 14/7 mm (Double/Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

Road No. 5

Item	Requirement
Road Reserve	18m
Road Pavement Width	9m with 3% cross fall
Nature Strip Widths	4.5m
Concrete Footpath	1 x 1.2m Wide
Seal	Two-coat flush seal – C170 14/7 mm (Double/Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during

 minor events or adjacent to intersections.

Road No. 7

Item	Requirement
Road Reserve	18m
Road Pavement Width	9m with 3% cross fall
Nature Strip Widths	4.5m
Concrete Footpath	1 x 1.2m Wide
Seal	Two-coat flush seal – C170 14/7 mm (Double/Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

Road No. 6 for the full frontage of the proposed subdivision

Item	Requirement
Road Reserve	20m
Road Pavement Width	11m with 3% cross fall
Nature Strip Widths	4.5m
Concrete Footpath	1 x 1.2m Wide
Seal	Two-coat flush seal – C170 14/7 mm (Double/Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

Road No. 1 for the full frontage of the proposed subdivision

Item	Requirement
Road Reserve	18m
Road Pavement Width	9m with 3% cross fall
Nature Strip Widths	4.5m
Concrete Footpath	1 x 1.2m Wide
Seal	Two-coat flush seal – C170 14/7 mm (Double/Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

32. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the base course.
33. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 council standards
34. All road works and other associated traffic control measures are to be completed with each stage of the development and prior to the release of the Subdivision Certificate.

WATER AND SEWER

35. 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 the alter and extend services and the payment of section 64 developer contributions.

36. 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.

EARTHWORKS

37. 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.
38. Prior the issue of a Construction Certificate, all details relating to decommissioning the farm dam in preparation for a residential site, including methods, materials and equipment shall be provided to Council.

Contributions and other charges

39. 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, the developer will contribute:

Catchment 3

Section 94 Contributions

Transport Management	
Traffic Management	626.32
Open Space	
Local Open Space	1785.46
District Open Space	2424.23
Community Facilities	
Library Buildings	233.69
Library Resources	280.45
Administration	
Plan Administration	545.86
Total per lot	5896.00
Total Payable =	\$624,976

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 Planning and Development Department regarding any adjustments.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

40. 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.
41. 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.
42. 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 certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
43. Prior to the issue of a *Subdivision Certificate*:
- (a) all contributions must be paid to Council 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.
44. 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 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.
45. 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.
46. 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.

GENERAL

47. 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.

48. If the Subdivision Certificate is not issued, for any reason, within twelve (12) months 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.
49. 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*.
50. 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.
51. 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
52. 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*.

Executive summary

Applicant	Whelans Insites on behalf of Rathfobe Pty Ltd.
Estimated Cost of Development	N/A
Number of Lots	Precinct A - 103 residential lots, 3 lots drainage and 3 residual lots
Reason for reporting to Council	Exceeds delegation - Greater than 20 lots
Public Submissions	1

Council has received a development application for a subdivision of 62 Zimmer Lane Gulgong into 103 residential lots, 3 lots for stormwater drainage and detention basin with open space and 3 residual lots. The Statement of Environmental Effects indicates that the residential lot may be

developed in 20 lot phases. The development application was referred to the Roads and Maritime Services (RMS) as Integrated development and advertised in the local paper. The adjoining property owners were notified and the application was placed on Council's website. One public submission has been received.

The application has been referred to Council for determination as the number of lots exceeds the 20 lot threshold.

A concept plan for a total of 417 lots has been submitted to Council as part of the Statement of Environmental Effects (SEE) proposing four (4) precincts to be developed over time, with each precinct to be the subject of an individual development application. Each precinct has been designed as a standard alone development including all required infrastructure, stormwater and open space facilities. DA0021/2014 is for Precinct A, and the subdivision of the residue into allotments that correspond to the proposed precinct boundaries.

The application is supported and a Recommendation for approval has been included in this report.

Detailed report

62 Zimmer Lane Gulgong was the subject of a Planning Proposal being part of Amendment No. 6 to the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012) which rezoned the land from R2 Low density Residential to R1 General Residential. The result of this zoning change was to vary the minimum area for the subdivision of residential lots to 600m².

ASSESSMENT

1. REQUIREMENTS OF REGULATIONS AND POLICIES:

(a) Provisions of any Environmental Planning Instrument and any draft EPI

The land is currently zoned R1 General Residential pursuant to Mid-Western Regional Local Environmental Plan 2012, Amendment No. 6.

Objectives of zone

- To provide for the housing needs of the community
- To provide for a variety of housing types and densities
- To enable other land uses that provide facilities or services to meet the day to day needs of residents

Comment:

The subject land was rezoned on 20 August 2013 from R 2 Low Density Residential to R1 General Residential (MWRLEP 2012) where the minimum area for the erection of a dwelling is 600m². Prior to the rezoning the proposed development site was zoned R2 Low Density Residential which prohibited the subdivision as lodged.

The Environmental Planning and Assessment Act, 1979 requires that a Development Application be assessed under the Local Environmental Plan in force at the time of lodgement with consideration being given to any Draft Planning Instrument which has been exhibited at the time of lodgement. The weight given to the effect of the draft instrument on the development application is based on the stage of the draft instrument with more weight to be given to those instruments nearing finalisation than those just on exhibition.

In the case of DA0021/2014 the draft instrument was finalised during the application's assessment period, amending the existing LEP so that the proposed subdivision became permissible in the zone. The applicant has requested that the application be assessed under the amendment rather than the provisions in place at the time of lodging the development application

Minimum subdivision lot size (MWRLEP 2012)

(1) *The objectives of this clause are as follows:*

- (a) *to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,*
- (b) *to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,*
- (c) *to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,*
- (d) *to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,*
- (e) *to ensure that subdivision does not have an inappropriate impact on the natural environment,*
- (f) *to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.*

(2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*

(3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

Comment:

Amendment No. 6 rezoned the subject land so that the minimum subdivision lot size for the erection of a dwelling is 600m². The application, as submitted to Council, proposes four (4) precincts:

- Precinct A proposes 103 residential lots, roads, drainage and a super lot containing the residue of the land
- Precinct B, 77 residential lots and associated roads and drainage,
- Precinct C, 115 residential lots, roads and drainage
- Precinct D, 122 residential lots, roads and drainage

All the residential lots proposed have the required minimum area for subdivision. There is no minimum area for the erection of dwellings in the General Residential zone

The subdivision will have an impact on the adjoining area as this proposal "leap frogs" an existing large lot rural residential area that also has been rezoned to General Residential. The development will be required to be fully serviced with water, sewer and storm water drainage which will create the potential for the re-subdivision of the large lot residential blocks.

Longer term the proposed development will encourage the re-subdivision of the large residential lots as services become available. The impact on the adjoining rural land will be minimal due to the staging of the development over a substantial period of time.

(b) Provisions of any Development Control Plan or Council PolicyDevelopment Control Plan 2013

Part 7 of the DCP applies to the subdivision of urban land including residential allotments

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
Applies to	<ul style="list-style-type: none"> - land zoned residential - village zones - rural residential lots <2hectares 	Land has been rezoned to R1 General Residential with a 600m ² minimum area
Lot size	<ul style="list-style-type: none"> - Minimum lot size as determined by MWRC LEP 2012. - all lots have street frontage. lots increase in size relative to slope as follows: <ul style="list-style-type: none"> - 0-10 degrees: 600m² - 10-15 degrees: 700m² - 15-20 degrees: 800m² - >20: subdivision prohibited - all lots have 16m width at building line in residential and village zones. - battle-axe handles in R1, R3 & RU5 Village have width of 4m. - battle-axe handles in R2 & R5 residential zones have width of 6m 	<p>Minimum Lot size is 600m²</p> <p>All lots in precinct A have frontage to a public road</p> <p>The slope of the land does not exceed 10% and the lot sizes in Precinct A meet the minimum area requirement being larger than 600m²</p> <p>The minimum frontages comply with a number of lots wider than the minimum.</p> <p>There are no battle axe lots proposed in Precinct A</p>
Lot Design	<ul style="list-style-type: none"> - For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development. - For new release subdivision lot orientation maximises solar access by maximising north-south lots. - For new release subdivision east-west orientated lots have increased width and midpoint. - Lots generally rectangular in shape. - Lots on southern side of road provide greater frontage width for better solar orientation of future 	<p>This is a green field estate</p> <p>Majority of lots are facing North South in precinct A.</p> <p>7 lots out of 100 face east west.</p> <p>Complies</p> <p>Complies</p> <p>complies</p>

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
	<p>over kerbing.</p> <p>- Sub-Arterial Road with Bus Route and or cycle lane (one side only): 22m road reserve, 13m carriageway, 2x4.5m nature strip, 1x1.2m footpath, barrier kerbing.</p> <p>- Commercial & Industrial Subdivision Roads: 22m road reserve, 13m carriageway, 2x4.5m nature strip, 1x1.2m footpath, barrier /roll over kerbing.</p>	<p>Required by the RMS</p> <p>N/A</p>
Cycle ways and footpaths	<p>- Cycle ways and pedestrian networks included in new subdivisions.</p> <p>-If subdivision site identified in council cycleway plan or pedestrian strategy subdivision needs to respond to strategy.</p> <p>- New subdivisions provide direct, convenient and safe access to major facilities.</p> <p>- Cul-de-sacs may be required to include 10m wide shared overland flow/pathway.</p> <p>- Developer to provide contribution to council for installation of cycle ways and footpaths prior to release of subdivision certificate.</p>	<p>Cycle ways to be provided as per the SEE to connect to existing cycle ways and footpaths</p> <p>As development is distant from the town, upgrade of linking roads has been required.</p> <p>N/A</p> <p>Works proposed rather than contribution</p>
Open Space	<p>- Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space.</p> <p>- Where on-site detention basins double as open space must include raised level area which incorporates playground or fitness equipment etc and shading landscaping.</p>	<p>Open space is provided in all precincts as well as multi use of drainage reserves for links to open space.</p> <p>N/A</p>
Landscaping	<p>- Landscape plan provided detailing treatment of public domain.</p> <p>- Land dedicated as public reserve top soiled, levelled, turfed prior to release of subdivision certificate and maintained by developer for period of two years.</p>	<p>Detailed landscaping to be submitted as part of CC plans</p> <p>Condition of consent includes watering system</p>

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
Street Trees	- 2 street trees provided per lot. - Developer provides levy to council to provide these trees after 80% of works carried out.	Condition of consent 5% bond required for work defects refundable after 2 years
Utility Services	- servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development. - Evidence of consultation with relevant authorities submitted with application.	Provided and assessed. Required as part of CC plans
Drainage	As per Section 5.3 Stormwater & Drainage.	Detailed calculations and plans to be submitted to Council prior to the issue of the CC

(c) Section 94 & 64 Contributions

62 Zimmer Lane Gulgong is located within Catchment 3 Gulgong under the Mid-Western Regional Council Section 94 Development Contribution Plan 2005-2021. The contribution per residential lot is \$5896.

The subdivision if approved will be levied Section 94 Developer Contributions on the basis of 103 residential allotments and 3 residue allotments. The residue lots are to be levied as 3 single lots for this application as a dwelling could be erected on each of the large allotments as the land is zoned R1General Residential. The 3 lots proposed for stormwater drainage and open space will not be levied as the land will not be used for dwellings.

Payment of Development Contributions as follows:

Table: Payment of Development Contributions

(a) Traffic Management	\$66,389.92
(b) Local Open Space	\$189,258.76
(c) District Open Space	\$256,968.38
(d) Library Buildings	\$24,771.14
(e) Library Resources	\$29,727.70
(f) Plan Administration	\$57,860.10
TOTAL PAYABLE	\$624,976.00

Section 64 Developer Contributions Development Servicing Plan

The subdivision if approved will be levied section 64 developer contributions on the basis of the increase in Equivalent Tenements generated by the subdivision in accordance with Council's Development Servicing Plan

Payment for water and sewerage headworks at the following rate:

Water Headworks 103 x \$8033 + 3 x \$12,051 (residue lots) = \$863,552
Sewer Headworks 103 x \$3668 + 3 x \$3852 (residue lots) = \$389,360

The developer will also be responsible for the full cost for the adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code.

2. *IMPACT OF DEVELOPMENT*

(a) Context and Setting

The subdivision will significantly affect the context and setting of the subject site. The site is relatively flat, cleared for grazing with minimal tree cover and the surrounding area is rural in character. The land is some distance from Gulgong with this development “leap frogging” those areas closer to Gulgong. The land has been identified as suitable for urban development and rezoned for General Residential purposes. The land to the north of the subject is currently developed as large lot residential. The extension of urban services through this area may encourage re-subdivision of the larger lots into residential allotments.

(b) Access, transport and traffic

The Traffic Study provided with the Statement of Environmental Effects (SEE) indicated that the proposed subdivision of 417 Lots in four stages will impact on the existing road network requiring the upgrading and /or realigning of certain intersections, particularly with the Castlereagh Highway and Springfield Lane. The Roads and Maritime Services have required the upgrade of this intersection for the current application being stage 1.

Traffic impacts will be required to be reviewed as each stage is submitted to Council for consideration

(c) Public domain

Stage 1 will create new public areas. These areas require landscaping which is subject to approval by Council when the Construction Certificate plans are lodged. The development application addresses the relevant subdivision guidelines for the public domain.

(d) Heritage

There are no known European heritage listed items within the subject site. A cultural heritage survey of the site was undertaken for the SEE and no items were identified. Should any items be disturbed during construction, work will cease and the National Parks and Wildlife Service and the local aboriginal corporation will be advised.

(e) Water and Sewer

A concept servicing plan was submitted as additional information to address water and sewer supply for the proposed development. As the development is located some distance from existing infrastructure the plan included the infrastructure required to get the services to the site. These issues have been assessed and conditions proposed for the servicing of stage 1 of Precinct A.

The developer will be required to provide to Council a Compliance Certificate under the Water Management Act, 2000 prior to the issuing of a Subdivision Certificate. The Compliance Certificate is issued by the relevant Water Supply Authority when all infrastructure works and any payments required by that authority have been finalised to that authority's satisfaction.

Mid-Western Regional Council is the Water Supply Authority in relation to this application and the works likely to be required include:

- Provision of separate water and sewer connections to each lot at full cost

- Provision of water meters for each lot
- Provision of a sewer pump station to serve the development
- Extension of the sewer main infrastructure as required
- Payment of contributions as required by Council's Development Servicing Plan.

It should also be noted that during the Mac Group Court Case, the expert witnesses agreed that there was urgent upgrades required to the Gulgong Sewage Treatment Plant (STP). These include the aeration capacity of STP, the remediation of the soil for the effluent irrigation areas and the capacity of the sludge dewatering system. These matters have been identified by council as requiring urgent attention and would need to be rectified before any significant development where to connect into the Gulgong Sewerage system.

The proposed development will have a more gradual impact on the Gulgong sewerage system than the proposed accommodation facility proposed by the Mac Group. A condition has been imposed on the development requiring a Certificate of Compliance under the Water Management Act 2000. As a stage of the subdivision is being developed, Council will assess what works are required to be done to facilitate the release of the Compliance Certificate.

Gulgong Sewerage Treatment Plant (STP)

The assessment of Development Application 0021/2014 included a detail assessment of the likely impacts of the proposal on the Gulgong STP. The creation of 103 residential lots in two (2) stages will occur over a number of years and will provide housing choice without increasing the percentage rate of increase in housing supply in Gulgong.

The aeration capacity of the STP will not be adversely affected by the slow incremental increase in the number of dwellings connected to the sewerage system. It is anticipated that the rate of new dwellings erected in the area served by the Gulgong STP will not increase through this subdivision.

Council is currently negotiating with tenderers' for the acquisition of a mobile sludge dewatering plant. The subdivision is not anticipated to increase the rate of new dwellings being connected to the sewer and therefore will not adversely impact on the Best Practice program currently in operation at the STP.

The slow incremental increase in the number of dwellings connected to the sewer system will have minimal impact on the volume of effluent currently disposed of by irrigation and will not stress the soil structure of these areas.

There will be a further assessment of the impact of the proposed development prior to the issue of any Compliance Certificate under the Water Management Act.

(h) Soils

The area is not subject to subsidence or slip. Soil Classification reports are required for all residential lots in stages 1 and 2 of Precinct A

The history of the property submitted with the development application indicated that no dipping sites had been located on the property, nor the land used for intensive horticulture. The dwelling that had been erected on the farm had been demolished many years ago and the site converted to grazing. A detailed contamination report of the land is not considered necessary as the site is low risk for soil contamination

(i) Air and Microclimate

There are no issues with air quality in this locality. There is potential for dust nuisance to adjoining properties during the construction of the development. The applicant will be required to ensure dust nuisances don't arise

(j) Flora & fauna

The vegetation on the site has been extensively modified by grazing activities and extensively cleared of trees. The development of the site for residential purposes may improve the potential habitat for native species.

(k) Waste

Any waste from the construction of the subdivision will be disposed of at a licensed landfill facility. The SEE advised that there is no asbestos apparent on the site.

(l) Energy

The electricity supply will require to be upgraded to service the proposed development. Any alteration to the reticulation network is at the full cost to the developer. Internal reticulation to the subdivision is to be underground.

(n) Natural Hazards

The site has a slope of 10° or less across the total site. There are no identified flooding issues with the current level of development however drainage systems are required to handle the increased runoff from urban development including water quality issues.

The site of Precinct A is identified as affected by Ground Water Vulnerability in MWRLEP 2012. The development of residential lots is unlikely to adversely impact on the ground water resources as stormwater drainage is proposed to be piped to a detention system complete with water filtration and gross pollution traps.

A water quality system is proposed for the total development with all the precincts having a complete system so that water quality issues are managed at each stage.

Future precincts may be impacted by saline soils. Future applications will need to address the potential impact of salinity on infrastructure and buildings.

In conclusion while the subject site is affected by a range of natural hazards the possible impacts are not significant and can be mitigated by the design of the infrastructure.

(p) Safety, security and crime prevention

The subdivision design for Precinct A provides for all streets to be overlooked by development and the proposed park and drainage reserve fronts a public road with house lots overlooking the park areas.

All roads are through roads with road 6 being partially constructed for precinct A to become a through road in future Precincts.

(q) Social impact in the locality

The addition of 103 residential lots into the town of Gulgong will have a significant impact on the community. The potential additional population created by the proposed subdivision will increase demand for services and provide support for the existing community services and facilities located in Gulgong creating a more vibrant and sustainable community.

(r) Economic impact in the locality

Construction of the subdivision and the subsequent housing construction will be proved an economic boost to the region. Once the dwellings are occupied the increased economic activity generated by permanent residents will add to the existing economy of Gulgong. The small business centre at Gulgong has the potential to expand within the current zoned area.

(s) Site design and internal design

The subdivision design is in four precincts with each precinct having two stages. Precinct A is the closes to the existing services, has no cul-de-sacs and provides open space and linking drainage reserves to the detention basin. Further stages will be assessed at each stage. The concept design is flexible to allow for changes in the lot layout with affecting the provision of major infrastructure.

(t) Construction

Construction of the subdivision will be subject to conditions requiring the management of potential environmental impacts from dust, noise and stormwater with provisions to prevent erosion and pollution of waters.

(u) Cumulative Impacts

There will be cumulative impacts as the area becomes a residential neighbourhood. The likely impacts on the adjoining properties are required to be mitigated through the design and construction to improve stormwater drainage, road access and provide landscaping of the subdivision.

3. SUITABILITY OF SITE FOR DEVELOPMENT

(a) Does the proposal fit in the locality

Detailed land use studies were undertaken as part of the Planning Proposal for amendment 6 to MWRLEP 2012 which identified the land as suitable for residential development.

(b) Are the site attributes conducive to development

The development site is considered to be generally conducive to the development as submitted to Council.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

Council notified the adjoining land owners of the proposed development and advertised the proposed development in the local newspaper. Copies of the application were made available at the Gulgong Council Office.

One submission was received from an adjoining property owner. The grounds of the objection to the development are:

- When purchased land the area was semi rural
- Impact on native animals
- Welcome Reef Road and Springfield Lane are dirt roads. Traffic using these roads creates dust nuisances

- Welcome Reef Road when wet is Four Wheel Drive only.

Comment:

The land has been rezoned following a long process assessing the impacts of potential development on the area. Both Council and the Department of Planning and Infrastructure have assessed the area as suitable for development as a residential area. Conditions of consent require the upgrading of Springfield Lane, Zimmer lane and Grimshaw Lane.

The impact of the development on the native animal population will be minimal as the land is extensively cleared having been used for farming operations over a long period of time.

The residents of Precinct A, being within close proximity to Guntawang Street and Fisher Street, are more likely to access the Castlereagh Highway and Gulgong via these roads than travel down a unsealed road. Assessment of applications for the later stages of the total development will include an assessment of the standard required for Welcome Reef Road.

The upgrading of the intersection of Springfield Lane and the Castlereagh Highway has been required by the Roads and Maritime Services who assessed the full concept plan for the proposed area.

(b) Submissions from public authorities

Council referred the application to Roads and Maritime Services as the development application is Integrated Development under the *Environmental Planning and Assessment Act, 1979*. The RMS has responded by supplying conditions of consent relating to the required road works in relation to state roads.

5. THE PUBLIC INTEREST

Federal, State and local government interests and community interests

The development seeks to provide an additional supply of residential zoned land to assist the locality with the provision of housing. This application is consistent with the approved Planning Proposal approved by the Department of Planning and Infrastructure in August 2013.

6. CONSULTATIONS

(a) Development Engineer

The application was referred to Council's Development Engineer for assessment. A condition requiring the lodgement of a Compliance Certificate under the Water Management Act is to be placed on any approval. The Development Engineer also recommended stormwater drainage requirements and road standards for non- State roads.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Development Application 0021/2014 seeks to provide residential allotments at Gulgong in accordance with Council's Land Use Strategy and therefore is consistent with Council policy.



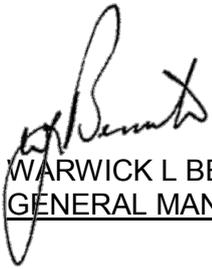
ELIZABETH STONEMAN
SENIOR TOWN PLANNER

CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

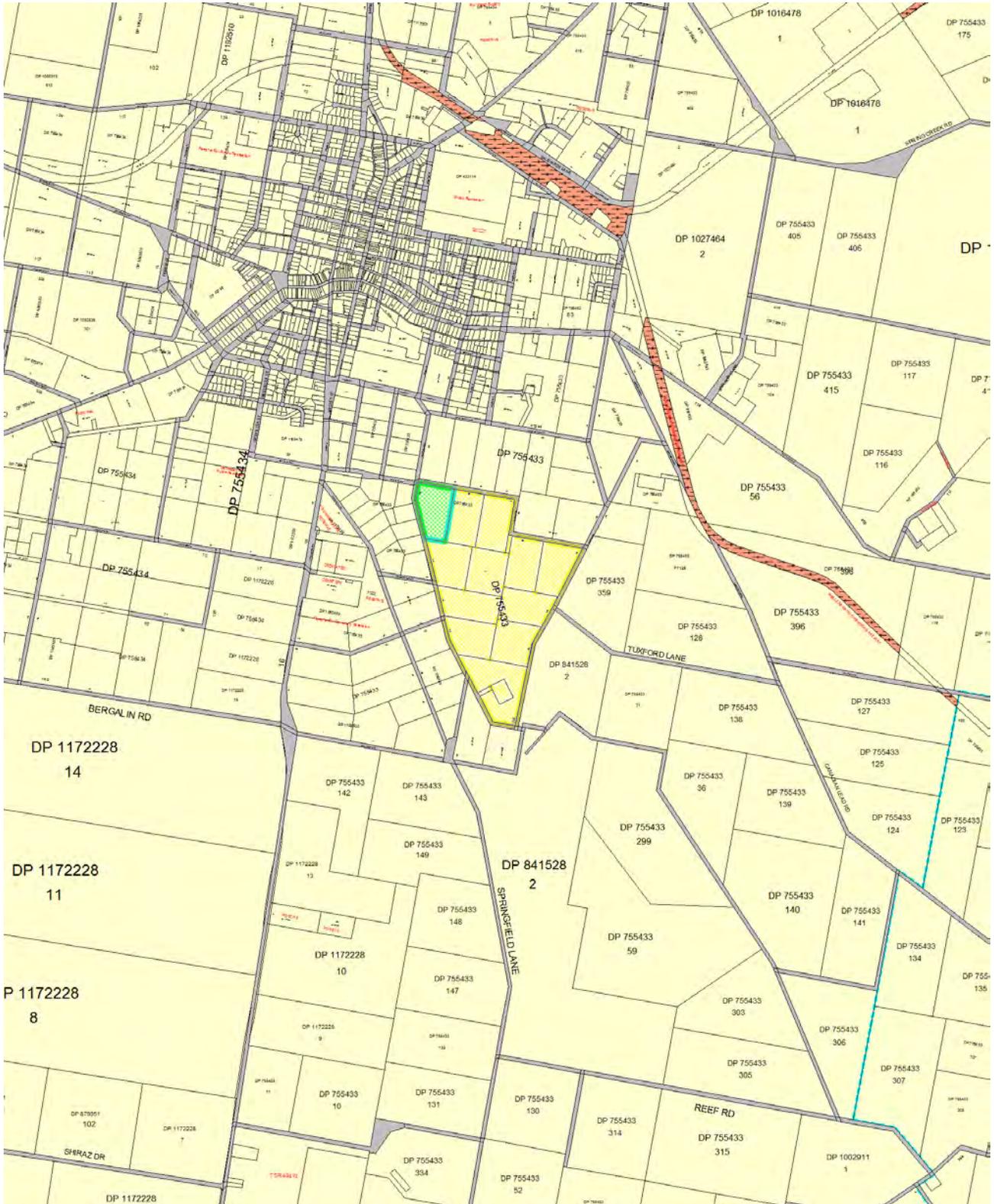
20 January 2014

Attachments: 1. Locality Plan
2. Subdivision Plan
3. Concept Plan
4. Public Submission

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER





5th September 2013

Andrew & Naomi Rouse
14 Welcome Reef Lane
Gulgong NSW 2852

Catherine Van Laeren
Group Manager, Planning & Development
Mid-Western Regional Council
86 Market Street
Mudgee NSW 2850

Dear Catherine,

Re: Development application DA0021/2014 – Proposed subdivision – Torrens Title @ 62 Zimmer Lane Gulgong NSW 2852 Lot 72 DP 755433, Lot 166 DP 755433, Lot 167 DP 755433 and 12 more.

We would like to voice our extreme opposition to this development. We bought our 10 acre block on Welcome Reef Lane overlooking all of the proposed development divisions above because we wanted a rural outlook. **We were assured this country was zoned semi-rural.** Therefore, we have spent of \$100,000 renovating the house to overlook this rural view.

We would also like to bring it to your attention that a mob of 20 Eastern Grey Kangaroos have lived in your proposed development site since we have been here and no doubt for a long time before. They provide great enjoyment for us, our neighbours and visitors. They are a protected species. We have also located many other native animals that use this area, for example we had this beautiful Echidna visit our front door only a few weeks ago.



Also, we would like to draw your attention to the fact that our front entrance, Welcome Reef Lane is a dirt road which barely copes with the small amount of traffic it has now. The road looks like it has never been touched by council and the dust that it, and Springfield Lane creates engulfs the house on a daily basis. It is a full time job cleaning it up, not to mention the health & safety risks for us and our young child, with another child on the way. On the flipside, in periods of wet weather Welcome Reef Lane is really only accessible by 4WD.

In summary, not only will your development seriously affect the sensitive ecology of the area but it will dangerously increase the traffic flow, dust and pollution for our property as Welcome Reef Lane will be the main throughfare to Mudgee.

Yours Sincerely,



Andrew Rouse
Rouse Tree Services, Business Owner
0425 368 368

6.3.4 Planning Proposal – Black Springs Road

REPORT BY THE STATUTORY/STRATEGIC PLANNER TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, LAN900045

RECOMMENDATION

That:

1. **the report by the Statutory/Strategic Planner on the Planning Proposal – Black Springs Road be received;**
2. **Council prepare an amending Local Environmental Plan for Lot 110 DP 1029542 Black Springs Road Eurunderee to provide for Large Lot Residential land with a minimum lot size of 12ha;**
3. **the applicant prepare amended mapping to remove proposed Lot 5 from the indicative lot layout;**
4. **the amended Planning Proposal under Section 55 of the Environmental Planning and Assessment Act 1979 for Black Springs Road Eurunderee be forwarded to the Department of Planning & Infrastructure seeking Gateway determination.**

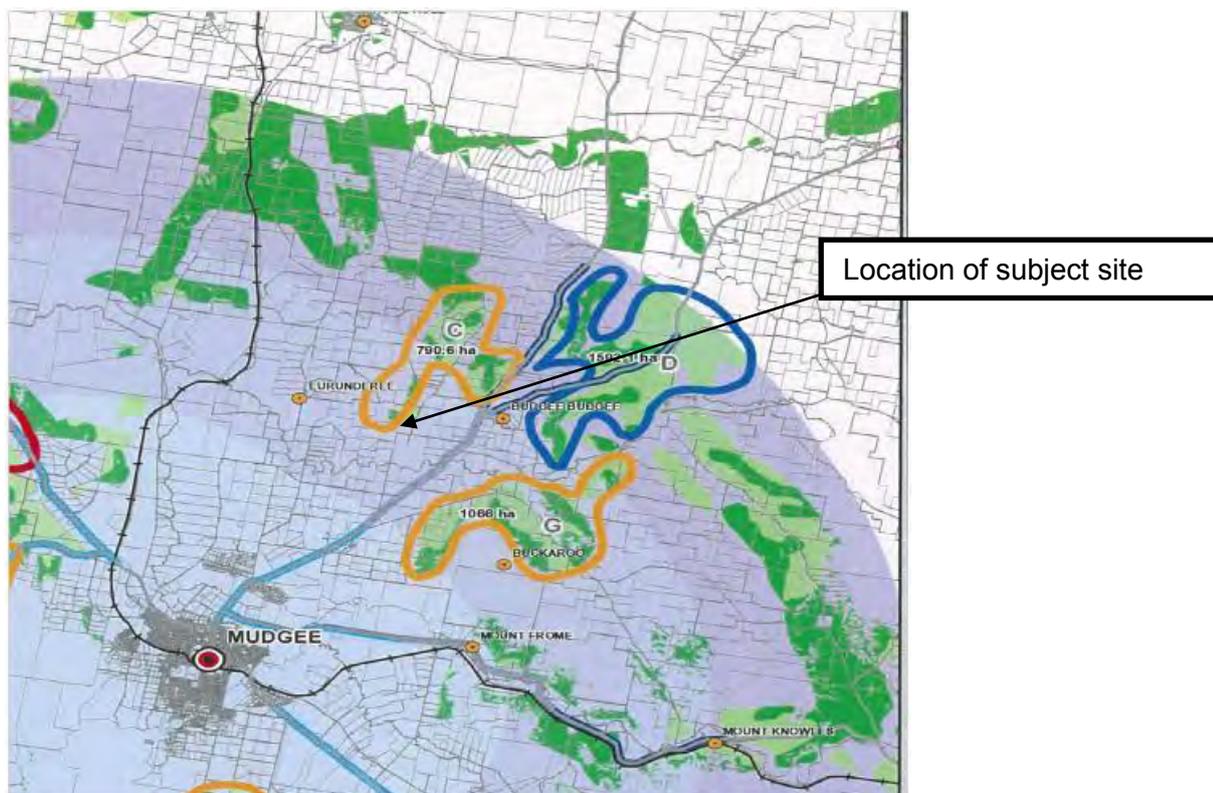
Executive summary

The purpose of this report is to allow Council to consider the preparation of an amending Local Environmental Plan (LEP) to rezone Lot 110 DP 1029542 from RU1 Primary Production to R5 Large Lot Residential and to amend the minimum lot size from 100ha to 12ha.

The total area of land subject to the rezoning is approximately 51.8ha out of the total 82ha of land available. The remainder of the land will remain under E3 - Environmental Management zoning. The estimated lot yield from the proposal is 5 lots, however it is recommended that only 4 lots be supported for reasons outlined later in this report.

The proposed zone is generally consistent with the Comprehensive Land Use Strategy (CLUS), although part of the land is located fractionally outside of the identified area in Figure 1. Should Council support the planning proposal, it will be forwarded to the Department of Planning & Infrastructure (DoPI) for Gateway Determination. The Gateway Determination will stipulate whether the rezoning should proceed and identify any necessary referrals, additional information required and exhibition requirements.

Figure 1 – Extract from Comprehensive Land Use Strategy



A full copy of the planning proposal prepared by Minespex on behalf of R & L Allen is attached to this report.

Detailed report

Subject Site

The site is identified as Lot 110 DP 1029542, 277 Black Springs Road Eurunderee and is located approximately 9.3km by road from Mudgee town centre and 1.4km west of Ulan Road.

The subject land contains a single dwelling and associated ancillary structures. The primary use of the land is for grazing.

1. OBJECTIVES OR INTENDED OUTCOMES

The applicant has provided the following statement which outlines the intended outcomes of the planning proposal:

The planning proposal intends to:

- *Support the CLUS intention to provide rural lifestyle development within the identified 'short term' opportunity area.*
- *Amend the corresponding zone maps to change the RU1 Primary Production land to R5 Large Lot Residential.*
- *Amend the corresponding lot size maps for the identified parcel to reduce the minimum lot size to accommodate the concept development.*

The objectives of the proposed R5 Large Lot Residential zone align with the vision for future development of the site. The concept plan as a whole provides a feasible option to provide residential housing in a rural setting while preserving and minimising impacts on, environmentally sensitive locations and scenic quality.

Comment:

The proposal goes a small way towards meeting the short term supply for rural lifestyle lots as identified in Table 4-5 of the CLUS. The amendment to the land zoning and minimum lot size will have minimal environmental impact, subject to further assessment at development application stage.

2. EXPLANATION OF PROVISIONS

The intended outcome of Planning Proposal is to be achieved by amending the land zoning and minimum lot size maps in accordance with the mapping shown in Part 4 of this report.

3. JUSTIFICATION

a) Need for Planning Proposal

The subject site falls on the edge of Area C – Rural Lifestyle as identified in the CLUS. Area C contains a developable area of approximately 553ha with an estimated lot yield of 46 lots.

The CLUS estimates that Mudgee will require 40-50 Rural Lifestyle lots per annum, with an estimated 200-500 required in the next 5-10 years. The current planning proposal will go a small way to satisfying the estimated demand.

b) Relationship to strategic planning framework

Comprehensive Land Use Strategy (CLUS)

The subject land was identified in Area C of the CLUS as being a short term priority for rural lifestyle lots. The site adjoins existing R5 residential allotments and directly fronts Black Springs Road which is sealed.

The indicative lot layout submitted with the planning proposal shows lots 1-4 at 12ha, with lot 5 proposed to be a split zone of E3 Environmental Management and R5 Large Lot Residential (30.2ha and 3.8ha respectively).

Lots 1-4 are supported, however lot 5 does not provide sufficient land within the proposed R5 part of the lot to meet the minimum lot size of 12ha recommended in Part 4.8.3 of the CLUS and prescribed in Council's LEP 2012. Any future dwelling on proposed lot 5 would need to factor-in bush fire asset protection zones, effluent disposal areas and chemical spray drift buffers to protect the residential use from adjacent agricultural activities. This would lead to a highly contained lot which is considered an undesirable outcome.

If Council is to support this planning proposal, it will be recommended that the applicant prepare amended mapping to reduce the estimated lot yield to 4 prior to it being forwarded to the Department of Planning & Infrastructure for Gateway Determination.

Relevant Section 117 directions:

Rural Zones

A planning proposal must not rezone land from a rural zone to residential under this direction, however a planning proposal may be inconsistent with this provision if it is justified by a relevant planning strategy. The proposal is considered consistent with the CLUS which was endorsed by the Department of Planning & Infrastructure and therefore satisfactory in regard to this direction.

Rural Lands

A planning proposal must be consistent with the Rural Planning Principles contained in State Environmental Planning Policy (Rural Lands) 2008, however a planning proposal may be inconsistent with this provision if it is justified by a relevant planning strategy. The proposal is considered consistent with the CLUS which was endorsed by the Department of Planning & Infrastructure.

Heritage Conservation

The applicant conducted an AHIMS search which identified one item of Aboriginal heritage located in the vicinity of the site. Prior to any future development on the site, a cultural heritage assessment will need to be undertaken to ensure that any heritage items are avoided.

It is anticipated that consultation with the Office of Environment & Heritage will be required as part of a Gateway Determination. Notification to the Local Aboriginal Land Council may also be undertaken during the exhibition period.

Residential Zones

This direction applies to existing and proposed residential zones with the objective of encouraging a variety of housing types that are adequately serviced and minimising the potential for land use conflict.

The need for additional large lot residential land has been identified in the CLUS and the proposal goes a small way to achieving this need. Reticulated water and sewer infrastructure is not available to service the site but this can be addressed with on-site water storage and effluent disposal. Electricity and telecommunications are available and will be required to be extended if the land is subdivided in the future.

Planning for Bush Fire Protection

The subject land is mapped as being bush fire prone with the main hazard coming from the vegetation within the E3 zone on the western part of the lot. There is sufficient space within the subject lot to allow for future residential development whilst complying with the provisions of 'Planning for Bush Fire Protection 2006' (PBP). It is anticipated that the NSW Rural Fire Service will be one of the agencies that Council will be required to consult with if Gateway Determination is granted. Full assessment of compliance with PBP will be undertaken if a development application for subdivision is submitted in the future.

c) Environmental, social and economic impacts:

The proposal will not result in the removal of vegetation and each of the proposed lots will have sufficient area to allow for a dwelling, effluent disposal area and ancillary structures without the need for removing any native vegetation. It should be noted, however, that this layout is not locked in and will be the subject of a separate development application if this planning proposal is endorsed.

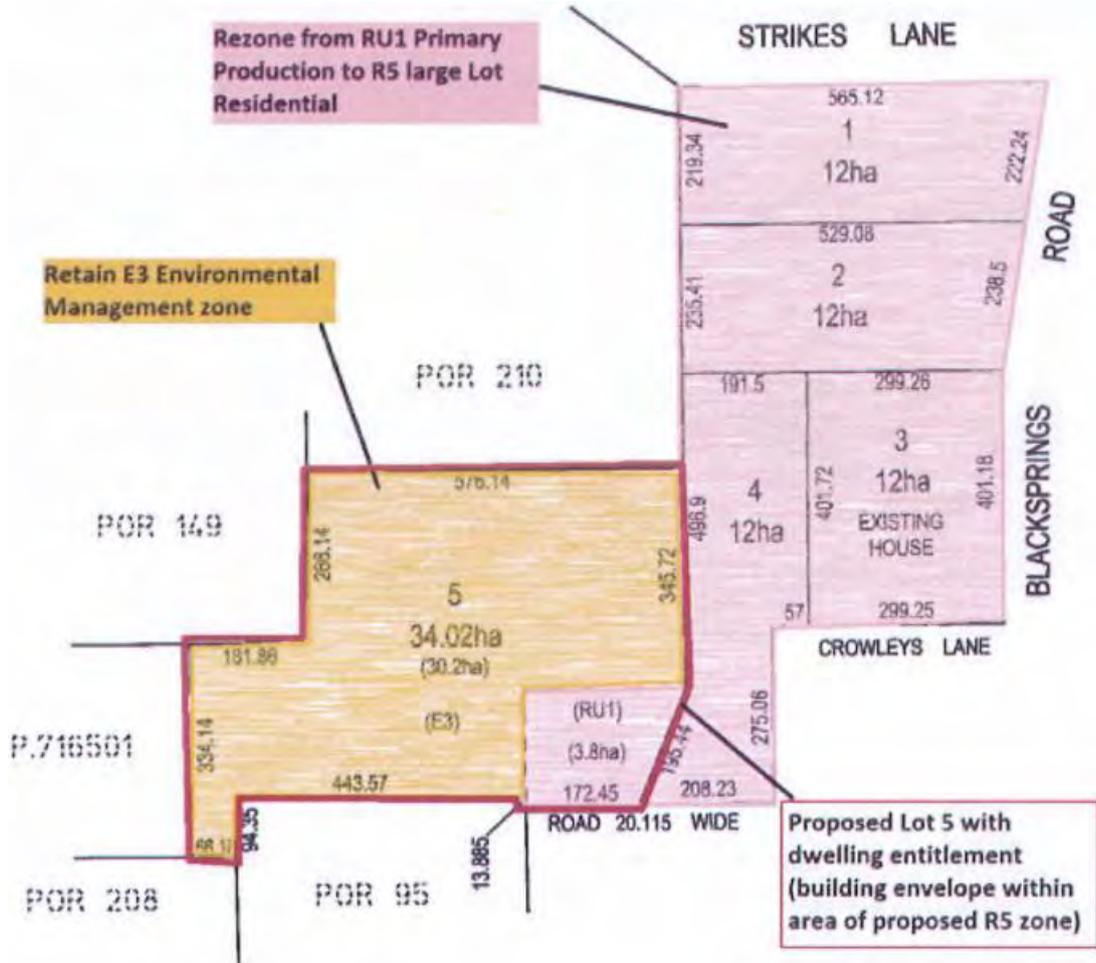
Council's mapping shows that the vegetation within the road reserve directly adjoining the subject land is of high conservation value and is likely to be an Endangered Ecological Community (EEC). Vegetation within the E3 zoned part of the land is mapped as being of high biodiversity sensitivity. No removal of this vegetation is considered likely if the land is rezoned to R5 Large Lot Residential.

The site contains an identified Aboriginal Heritage item and the applicant of the planning proposal makes reference to this. The applicant has stated that, as no ground disturbance is proposed at this stage, no further assessment of this issue is required prior to Gateway determination. This is considered to be acceptable as community consultation will be carried as required by the Gateway determination and this will include consultation with the local Aboriginal Land Council and NSW Office of Environment & Heritage.

d) State and Commonwealth interests

State and Commonwealth interests have been taken into consideration by the applicant and

1. MAPPING



2. COMMUNITY CONSULTATION

The applicant has advised that community consultation will be undertaken in accordance with the requirements of *A Guide to Preparing Planning Proposals*.

The length of the exhibition period will be determined by the DoPI.

Financial and Operational Plan implications

The applicant has paid the appropriate fees for the rezoning application.

Community Plan implications

Not applicable.

MARK LYNDON
STATUTORY/STRATEGIC PLANNER

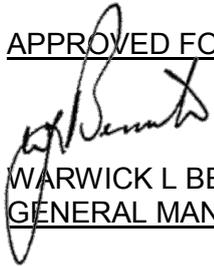


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY
SERVICES

10 January 2014

Attachments: 1. Planning Proposal prepared by Minespex on behalf of Mr & Mrs R & L Allen
(included at the end of the business paper).

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.3.5 Tender 2013/20 Provision of Legal Services

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 5 FEBRUARY 2014
COUNCIL MEETING
140205 Council1
GOV400038, COR400056

RECOMMENDATION

That:

1. **the report by the Director, Development and Community Services on the Tender 2013/20 Provision of Legal Services be received;**
2. **Council appoints the following suppliers under Tender 2013/20 for the provision of Legal Services as a panel of supplier for a contract term of 5 years, commencing 1 April 2014:**
 - **Flynn's Solicitors**
 - **Local Government Legal**
 - **Crennan Legal; and**
 - **Lindsay Taylor Lawyers**
3. **the General Manager be authorised to notify the successful and the unsuccessful tenderers and also authorised to appoint the appropriate legal firm for the issue requiring a legal opinion.**

Executive summary

Due to Council's increasing representation costs, it was necessary to conduct a tender for the purpose of creating a panel of professionals with the ability to represent Council in numerous legal matters.

Tenders were called from Friday 15th November 2013 and closed Friday 13th December 2013 at 2.00pm. The tender was advertised in Sydney Morning Herald, Mudgee Guardian and Tenderlink.

Terms of the contract are for a panel of suppliers for the provision of legal services for a period of five years.

The tender process was initiated and a Procurement Plan/Evaluation plan was developed. A tender assessment panel was formed, comprising of representatives from the most relevant departments within Council. The tender evaluation panel members used the evaluation plan and methodology to determine which tenderers satisfied the legal needs of Council.

The panel members consisted of:

- Warwick Bennett – General Manager
- Catherine Van Laeren – Direct Development & Community Services
- Ian Clayton – Assistant Revenue & Property Manager

Detailed report

TENDERERS

Twelve applications were received and assessed:

- Crennan Legal
- Flynn's Solicitors
- Houston Dearn O'Connor
- Kenny Spring Solicitors
- Lindsay Taylor Lawyers
- Local Govt. Legal
- Marsden's Law Group
- Meyer Vandenberg Lawyers
- Pikes & Verexers Lawyers
- MSB Lawyers
- Prevention Partners
- Sparke Helmore Lawyers

LATE TENDERS

No late tenders were received.

CONFORMING TENDERS

There were four tenders that were non conforming to various degrees at the time of evaluation. The main non compliance was insufficient insurance coverage, however, incorrect rates has also been submitted. Clarification was requested from all non conforming firms.

TENDER EVALUATION

The tender was assessed on Thursday 19 December 2013 by the abovementioned panel members. Kristie Ward was originally named as an evaluation panel member, however declared a conflict of interest for the evaluation process and removed herself from the tender evaluation panel.

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. Probity and confidentiality were maintained during the process.

Evaluation Criteria	Weighting
Price	20%
Experience in Local Government and Planning	60%
Availability and timeliness of advice	20%

Recommended for acceptance

Crennan Legal	Recommended for inclusion on panel
Flynn's Solicitors	Recommended for inclusion on panel
Lindsay Taylor Lawyers	Recommended for inclusion panel
Local Govt. Legal	Recommended for inclusion panel

Not recommended for acceptance

Houston Dearn O'Connor	Not recommended for panel
Kenny Spring Solicitors	Not recommended for panel

Marsden's Law Group	Not recommended for panel
Meyer Vandenberg Lawyers	Not recommended for the panel
Pikes & Verexers Lawyers	Not recommended for panel
MSB Laywers	Not recommended for panel
Prevention Partners	Not recommended for panel
Sparke Helmore Lawyers	Not recommended for panel

The appropriate solicitor will be selected from the panel depending on the nature of work, for example, conveyancing and local court proceedings would be handled by Flynn's Solicitors with large Land and Environment Court issues to be handled by Lindsay Taylor Lawyers.

Financial and Operational Plan implications

Legal costs are covered with the current operation plan with the necessary adjustment made for unforeseen court proceedings.

Community Plan implications

Not applicable.

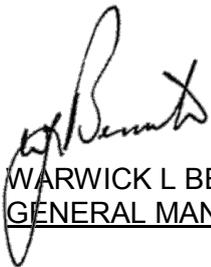


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

20 December 2013

Attachments: 1. Tenderers' detailed scores (included in confidential section of the business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.3.6 Planning Proposal – Hill End Road Industrial Post Exhibition Report

REPORT BY THE STATUTORY/STRATEGIC PLANNER TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, LAN900015, LAN900038, A0100056

RECOMMENDATION

That:

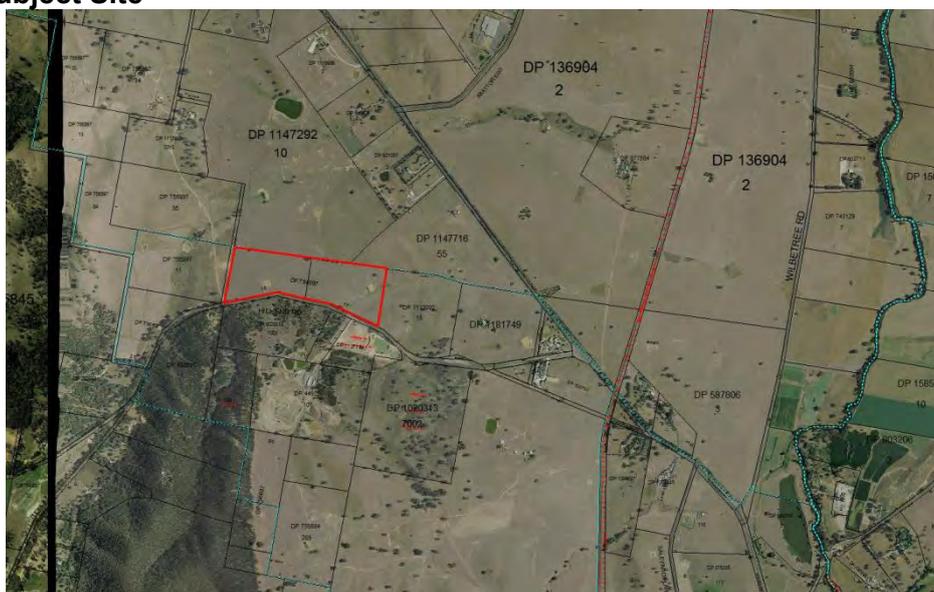
1. the report by the Statutory/Strategic Planner on the Planning Proposal – Hill End Road Industrial Post Exhibition Report be received;
2. the amending LEP be finalised and forwarded to the Minister with a request that the LEP be made in accordance with section 59 of the Environmental Planning & Assessment Act 1979.

Executive summary

On 7 August 2013 Council resolved to endorse the Planning Proposal (PP) for the rezoning of Lots 16 and 17 DP 756897 Hill End Road Mudgee from RU1 Primary Production to IN1 General Industrial. The PP was subsequently forwarded to the Department of Planning & Infrastructure for Gateway Determination. Council received delegation from the Minister for the PP. The PP went on public exhibition from 4 November 2013 for a period of 28 days and no submissions were received. Consultation with State Government agencies was also carried out concurrently with no issues raised from any of the departments. Copies of the responses are attached to this report.

The PP was prepared by Barnsons on behalf of Adam Woods and will involve the rezoning of Lots 16 & 17 DP 756897 and a reduction of the minimum lot size from 100ha to 3000m². The PP is considered to be consistent with the Comprehensive Land Use Strategy (CLUS).

Figure 1 – Subject Site



Detailed report

Following Council's resolution to endorse the PP on 7 August 2013, the PP was forwarded to the Department of Planning & Infrastructure on 15 August 2013 for Gateway Determination.

On 10 September 2012, Council received a response from the Department to advise that the PP may proceed subject to the following:

1. *Proceed and finalise the planning proposal within 12 months of the date of the Gateway Determination.*
2. *Community and Agency consultation occur for a minimum of 28 days. The following agencies are to be consulted:*
 - *NSW Office of Environment and Heritage*
 - *NSW Department of Primary Industries – Agriculture*
 - *NSW Rural Fire Service*
 - *NSW Office of Water*
 - *NSW Roads and Maritime Services*
3. *Council prepare amended maps which are at an appropriate scale and clearly identify the subject land for the Section 59 submission that are compliant with the Departments Standard technical requirements for LEP maps. The following maps are to be amended:*
 - *Lot Size Map (LSZ_006)*
 - *Land Zoning Map (LZN_006)*
4. *Council is to request the Department to draft and finalise the amendment no later than 6 weeks prior to the projected making of the amendment date.*
5. *A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).*

A copy of the Gateway Determination is Attachment 2 and the Planning Proposal submitted on behalf of the applicant is located at the end of the business paper.

The PP was prepared Barnsons on behalf of Adam Woods and includes Lots 16 & 17 DP 756897.

The land is currently zoned RU1 Primary Production under the LEP 2012. The Planning Proposal

Servicing

The site can be serviced by reticulated water and sewer, however this will be reliant on the Caerleon subdivision proceeding. If Caerleon does not proceed, the cost of providing these services will increase substantially for the developer of any future industrial subdivision.

Public Authority Submissions

The following agencies provided a response in relation to the PP:

- NSW Office of Environment & Heritage
- NSW Primary Industries – Fisheries
- NSW Trade & Investment – Resources & Energy
- NSW Roads and Maritime Services

No agencies objected to the proposal, however NSW RMS raised the following concerns:

- To fund road works, Council should develop a plan or instigate a planning agreement at subdivision stage to ensure adequate monies are collected for any necessary road upgrades.
- A traffic study will need to be prepared to assess the traffic impacts of future subdivision, taking into consideration future residential development within the Caerleon residential precinct.
- Access to new allotments should be directly obtained from an internal local road network.
- The intersection with Hill End Road should be designed and constructed to accommodate the largest vehicle required to access the future industrial subdivision.
- Safe Intersection Sight Distance (SISD) requirements will need to be provided in both directions at any new local road intersection with Hill End Road. For a 100km/h speed zone, the minimum SISD is 250m.

COMMENT

The issues raised are valid, however, they are able to be addressed at subdivision stage and should not pose any impediment to the progression of the planning proposal.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

The planning proposal reinforces the strategic direction given by the Comprehensive Land Use Strategy.

MARK LYNDON
STATUTORY/STRATEGIC PLANNER

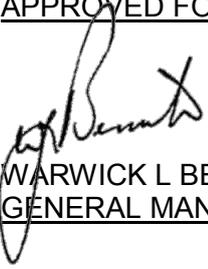


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

23 January 2014

- Attachments:* (included at the end of the business paper)
1. State Government Agency responses.
 2. Gateway Determination
 3. Planning Proposal (At end of business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.3.7 Monthly Development Applications Processing & Determined

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 5 FEBRUARY 2014
COUNCIL MEETING
140205 Council1
GOV400038

RECOMMENDATION

That the report by the Director, Development and Community Services on the Monthly Development Applications Processing & Determined in December 2013 be received.

Executive summary

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

Detailed report

Included in this report is an update for month ending 31 December 2013 of Development Applications determined and development applications processing. The report will detail:

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

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

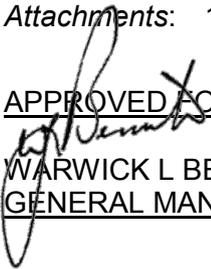


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT AND
COMMUNITY SERVICES

20 January 2014

Attachments: 1. Monthly development applications processing and determined December 2013.

APPROVED FOR SUBMISSION:

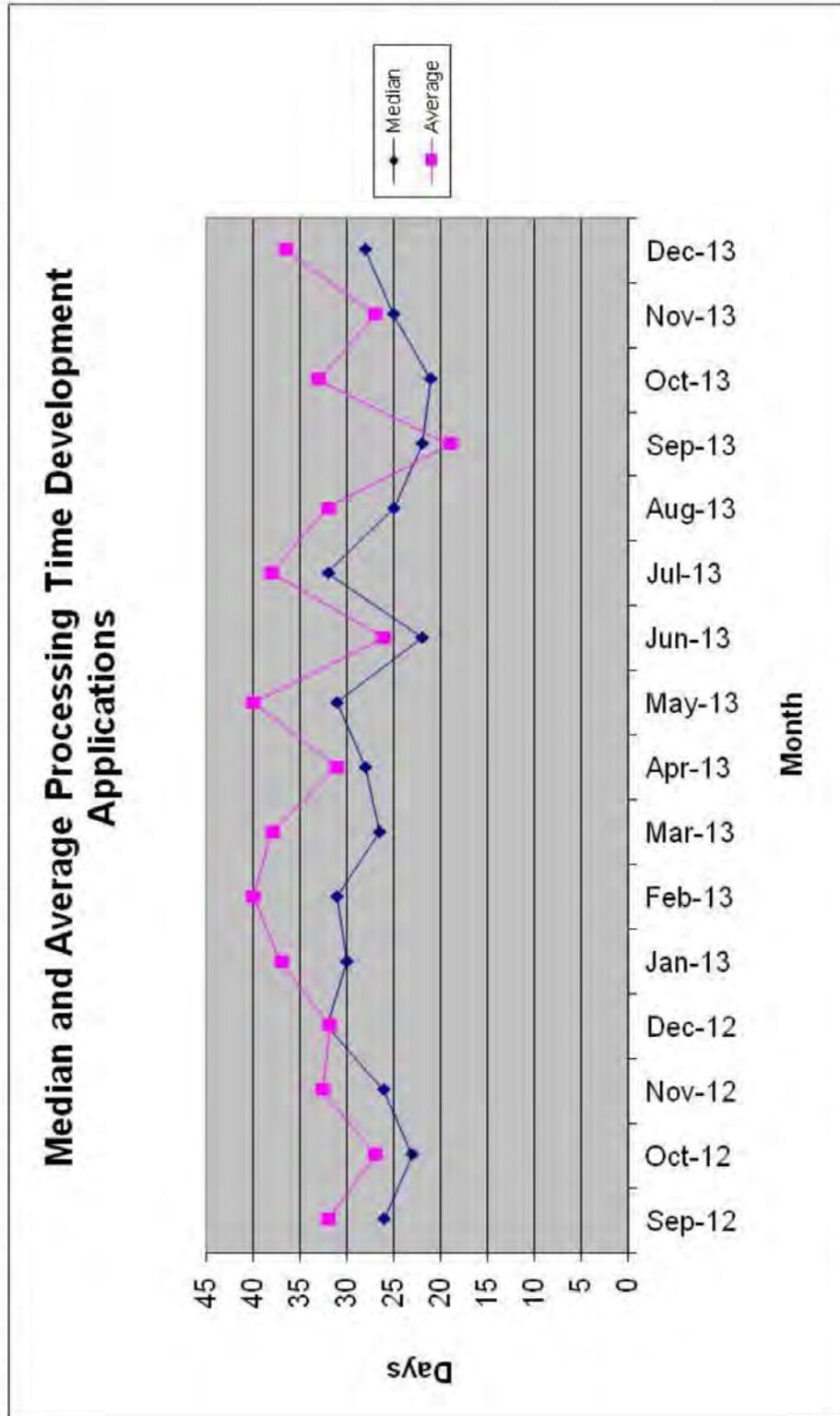


WARWICK L BENNETT
GENERAL MANAGER

Monthly Development Application Processing Report – December, 2013

This report covers the period for the month of December, 2013.

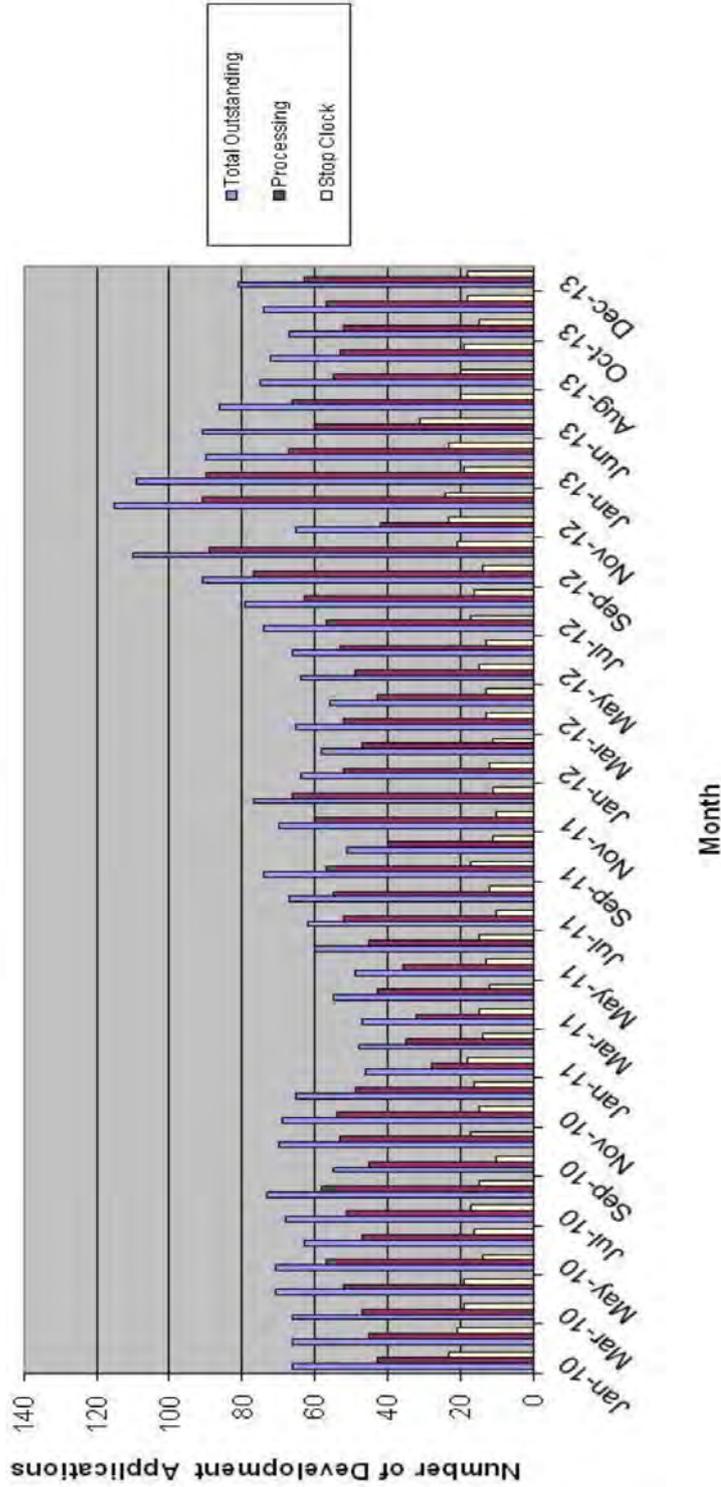
Graph 1 indicates the processing times up to 31 December, 2013 with the month of December having an average of 36.5 days and a median time of 28 days.



Monthly Development Application Processing Report – December, 2013

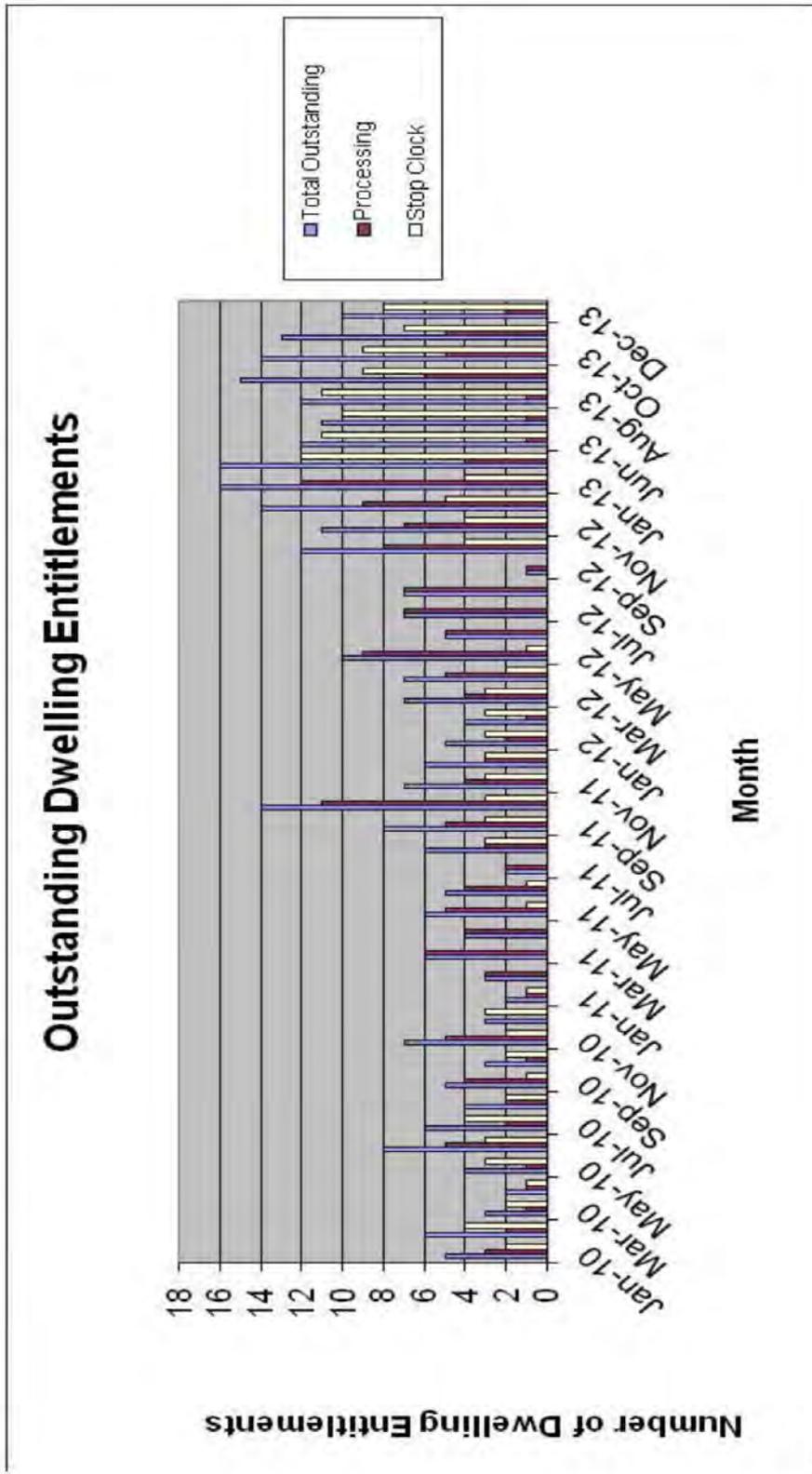
Graph 2 indicates the total number of outstanding applications (excluding dwelling entitlements), the number currently being processed and the number on “stop clock”.

Outstanding Development Applications



Monthly Development Application Processing Report – December, 2013

Graph 3 relates solely to dwelling entitlements and indicates the number of outstanding dwelling entitlement applications, the number on stop clock and the number being processed.



Monthly Development Application Processing Report – December, 2013

The Planning and Development Department determined 29 Development Applications either by Council or under delegation during December/December, 2013.

Development Applications Determined –December, 2013.

App/Proc ID	Description	House No	Street Name	Locality
DA0220/2012	Change of use - Temp Occupation shed	43	Henry Lawson Drive	BOMBIRA
DA0495/2013	Light Industry	5	Horatio Lane	MUDGE
DA0035/2014	Staged Development - Dwelling	3393	Hill End Road	HARGRAVES
DA0056/2014	Tourist Accommodation (owners do not live in)	38	Perry Street	MUDGE
DA0089/2014	Subdivision - Torrens Title	113	Madeira Road	MUDGE
DA0119/2014	Tourist Facility	121	Ulan Road	PUTTA BUCCA
DA0125/2014	Alterations & Additions	8	Mearns Street	MUDGE
DA0148/2014	Subdivision - Torrens Title	2584	Castlereagh Highway	TALLAWANG
DA0150/2014	Commercial Alterations/Additions	59	Market Street	MUDGE
DA0153/2014	Dwelling House	6	Spring Road	MUDGE
DA0155/2014	Demolition	1	Jamison Street	KANDOS
DA0158/2014	Subdivision - Torrens Title	177	Horatio Street	MUDGE
DA0161/2014	Change of use - video shop to bank	19	Church Street	MUDGE
DA0163/2014	Dwelling House	4445	Hill End Road	HARGRAVES
DA0164/2014	Dwelling House	13	Maier Place	MUDGE
DA0168/2014	Residential Flat Building	32	Horatio Street	MUDGE
DA0169/2014	Alterations & Additions	65	Court Street	MUDGE
DA0175/2014	Commercial Alterations/Additions	1	Sydney Road	MUDGE
DA0181/2014	Dual Occupancy	1	Hollingsworth Drive	GULGONG
DA0183/2014	Garage	43	Kellett Drive	MUDGE
DA0185/2014	Garage	19	Young Street	GULGONG
DA0186/2014	Staged Development - Dwelling	11	Cunninghams Lane	GULGONG
DA0187/2014	Change of use - Retail to Commercial Kitchen	59	Louee Street	RYLSTONE
DA0189/2014	Shed less than 150m2	8	Spring Road	MUDGE
DA0192/2014	Shed less than 150m2	12	Broadhead Road	MUDGE
DA0198/2014	Sign	2	Maitland Street	WOLLAR
DA0202/2014	Shed >150m2	1738	Lue Road	HAVILAH
DA0209/2014	Alterations & Additions	278	White Rock Road	PINNACLE SWAMP
DA0120/2014	Staged Development - Dwelling	1300	Green Gully Road	GREEN GULLY

Monthly Development Application Processing Report – December, 2013

Development Applications currently being processed – December, 2013.

App/Proc ID	Description	House No	Street Name	Locality
DA0230/2014	AltAdd	103	Montaza Road	TALLAWANG
DA0071/2014	AltAdd	480	Ridge Road	COOKS GAP
DA0038/2014	AltAdd	16	Lang Street	MUDGEES
DA0191/2014	AltAdd	34	Crossings Road	MENAH
DA0201/2014	AltAdd	99	Louee Street	RYLSTONE
DA0205/2012	AltAdd	1834	Blue Springs Road	BUNGABA
DA0188/2014	AnimalEst	859	Castlereagh Highway	MULLAMUDDY
DA0204/2014	AnimalEst	6264	Castlereagh Highway	RUNNING STREAM
DA0179/2012	BoundAdj	138B	Drip Lane	COOYAL
DA0128/2014	BoundAdj	842	Wallawaugh Road	HARGRAVES
DA0224/2014	Carport	1321	Castlereagh Highway	APPLE TREE FLAT
DA0217/2014	ChangeUse – Temp Dwell to Dual Occ	1509	Hill End Road	GRATTAI
DA0026/2014	ChangeUse – Portable office, storage containers	34-36	Main Street	ULAN
DA0172/2014	ChangeUse – Existing Shed to Dwelling	1463	Botobolar Road	BOTOBOLAR
DA0184/2014	ChangeUse - Swim School and storage sheds	13	Industrial Avenue	MUDGEES
DA0014/2014	CommAltAdd	61-65	Ilford Road	KANDOS
DA0197/2014	CommunFac	21	Cudgegong Street	RYLSTONE
DA0173/2014	DualOcc	55	George Campbell Drive	BOMBIRA
DA0205/2014	DualOcc	15	Inverness Avenue	MUDGEES
DA0206/2014	DualOcc	11A	Inverness Avenue	MUDGEES
DA0211/2014	DualOcc	37	Melton Road	MUDGEES
DA0160/2014	Dwelling	84	Carwell Creek	RYLSTONE
DA0194/2014	Dwelling	49	Banjo Paterson Ave	MUDGEES
DA0218/2014	Dwelling	839	Hill End Road	ERUDGERE
DA0221/2014	Dwelling	83	Campbells Creek Rd	WINDEYER
DA0207/2014	Dwelling	21	George Street	MUDGEES
DA0145/2014	Dwelling	480	Ridge Road	COOKS GAP
DA0174/2014	Dwelling	4A	Clare Court	MUDGEES
DA0196/2014	Dwelling	1300	Cope Road	COPE
DA0208/2014	Dwelling	1811	Blue Springs Road	BUNGABA
DA0214/2011	Dwelling	663	Castlereagh Highway	BURRUNDULLA
DA0468/2013	Dwelling	12	Miller Crescent	MUDGEES

Monthly Development Application Processing Report – December, 2013

DA0215/2014	Fence	119	White Circle	MUDGE
DA0220/2014	LandFill	35	Melton Road	MUDGE
DA0330/2012	Mine	8346	Bylong Valley Way	BYLONG
DA0357/2013	RecFacilit	312	Buckaroo Road	BUCKAROO
DA0212/2014	Shed	56	Wollar Road	BUDGE BUDGE
DA0222/2014	Shed	4250	Ulan Road	ULAN
DA0146/2014	Shed	77	Tinja Lane	PUTTA BUCCA
DA0327/2011	Shed	23	Horatio Street	MUDGE
DA0228/2014	ShedSmall	24	Guntawang Street	GULGONG
DA0174/2012	ShedSmall	1	Rayner Street	MUDGE
DA0195/2014	ShedSmall	1	Imber Court	MUDGE
DA0219/2014	Sign	26	Market Street	MUDGE
DA0047/2014	Sign	420	Cope Road	STUBBO
DA0179/2014	Sign	207-213	Denison Stret	MUDGE
DA0227/2014	SubTorrens	1380	Castlereagh Highway	APPLE TREE FLAT
DA0032/2014	SubTorrens	16	Henry Bayly Drive	MUDGE
DA0046/2014	SubTorrens	4-6	Armstrong Street	RYLSTONE
DA0151/2014	SubTorrens	5502	Ulan Road	TURILL
DA0166/2014	SubTorrens	69	Barneys Reef Road	GULGONG
DA0406/2013	SubTorrens	154	Tongbong Road	RYLSTONE
DA0423/2013	SubTorrens	1193	Yarrabin Road	YARRABIN
DA0448/2013	SubTorrens	61-65	Bellevue Road	MUDGE
DA0021/2014	SubTorrens	62	Zimmer Lane	GULGONG
DA0117/2014	SubTorrens	502	Black Springs Road	BUDGE BUDGE
DA0131/2014	SubTorrens	83	Adams Lead Road	GULGONG
DA0162/2014	SubTorrens	46-50	Rouse Street	GULGONG
DA0171/2014	SubTorrens	56-66	Henry Bayly Drive	MUDGE
DA0178/2014	SubTorrens	7291	Castlereagh Highway	ILFORD
DA0180/2014	SubTorrens	71	Guntawang Road	GALAMBINE
DA0190/2014	SubTorrens	50-64	Bellevue Road	MUDGE
DA0193/2014	SubTorrens	160	Ulan Road	BOMBIRA
DA0200/2014	SubTorrens	37	Hill End Road	CAERLEON
DA0213/2014	SubTorrens	265	Broadhead Road	SPRING FLAT
DA0214/2014	SubTorrens	36B	Sydney Road	MUDGE
DA0308/2012	SubTorrens	433	Ulan Road	EURUNDEREE

Monthly Development Application Processing Report – December, 2013

DA0210/2014	TouristFac	1154	Castlereagh Highway	MENAH
DA0140/2014	Trst Accom	97-99	Herbert Street	GULGONG

Monthly Development Application Processing Report – December, 2013

Heritage Development Applications currently being processed – December, 2013.

App/Proc ID	Description	House No	Street Name	Locality
DA0216/2014	ChildCare	128	Mortimer Street	MUDGE
DA0225/2014	ShedSmall	12	Honey Lane	MUDGE
DA0226/2014	SubTorrens	1	Wilbetree Street	GULGONG
DA0229/2014	Sign	83-85	Mortimer Street	MUDGE
DA0049/2014	ChangeUse – to dwelling	140-142	Mayne Street	GULGONG
DA0059/2014	SubTorrens	56	Douro Street	MUDGE
DA0199/2014	SwimPool	67	Lewis Street	MUDGE
DA0223/2014	ResFlatBld	4-8	Perry Street	MUDGE
DA0271/2011	AltAdd	87	Short Street	MUDGE
DA0096/2014	ChangeUse - community facility	107	Mortimer Street	MUDGE
DA0176/2014	mangement loss and grief	8	Lawson Street	MUDGE
DA0177/2014	AltAdd	107-111	Church Street	MUDGE
	CommAltAdd			

6.3.8 pARTcipate – Investigation into possibilities for Art and Culture – The Process

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 5 FEBRUARY 2014
COUNCIL MEETING

140205 Council1
GOV400038, REC800017

RECOMMENDATION

That:

1. **the report by the Director, Development and Community Services on the pARTcipate – Investigation into possibilities for Art and Culture – The Process be received;**
2. **Council adopt the process as outlined in the flowchart included in this report including a survey, public workshop, investigation and concept design for preferred options for the development of Art and Culture in this region.**

Executive summary

Council included in this year's Operational Plan an investigation into the provision of an art gallery for the Mid-Western Region. The purpose of this report is to present a draft process for Council's consideration for the investigation for the delivery of art services to the Mid-Western Regional Community.

Detailed report

A project identified in this year's Operational Plan is the investigation into the provision of an art gallery. During discussions with the community at the workshop for the formulation of the Public Art Policy and meetings of the Cultural Development Committee there appears that the community has an array of ideas regarding the development of art and culture in the region. This range of ideas also include a wide range of differing opinions the form and function of an art gallery. The investigation provides an ideal opportunity to collect the community's ideas and opinions in relation to the need for an art gallery and other ideas in relation to development of the arts. The collection of this information would be useful in long term planning and also in any future review of the Cultural Plan.

A draft process, called pARTicipate is outlined in the diagram below.

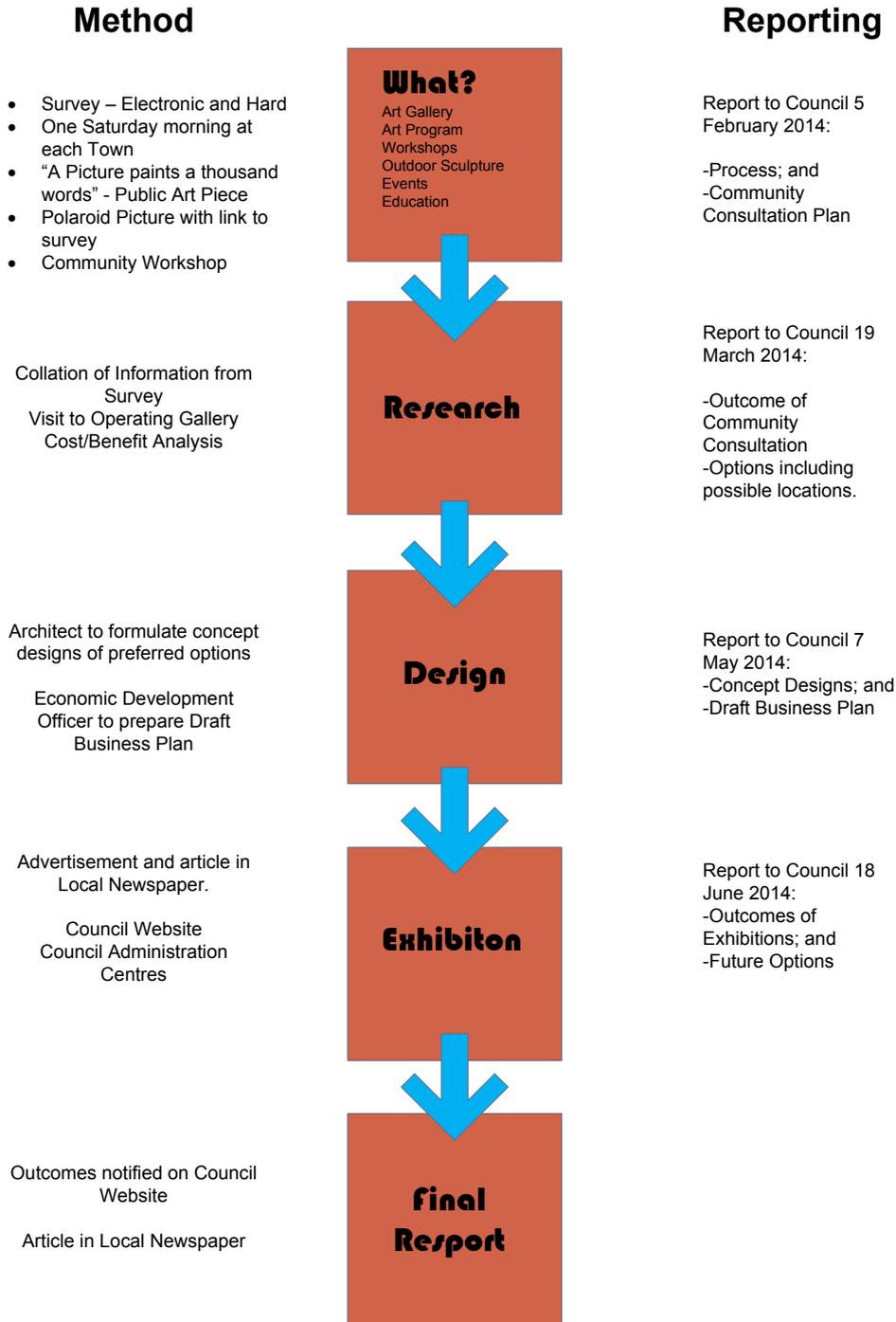
WHAT? – This is an important stage in the process. Central to the process is to clearly define that Council is not making a commitment to the delivery of any or all of the ideas that the community raise. However, it is considered important to identify the community's vision and needs for development of the arts in the region. For example, do we need an art gallery or would the needs of the community be better served through an art program, or a sculpture walk, education or an event? What would be the function of an art gallery? Would a gallery include workshops? Can it be combined with other services? Who would run the facility? How would it be economically sustainable? The answer to these questions and more will:

- guide the later stages of the process;
- guide the form, function and location of any facility;

- provide valuable information to Council on Community needs; and
- involve the community giving them ownership of the process and involvement in outcomes.

PARTicipate

An investigation into possibilities for art and culture.



It is proposed to formulate an electronic survey (see attachment 1 to this report) which will also be available in hard copy. A community engagement Saturday morning session will be held in three towns over February/ March. At each one of these session will be a continuous roll of paper where the community will be encouraged to write/ draw their ideas in relation to development of art in the

region. Whilst people are engaged in this process a polaroid picture will be taken which includes a link to the survey. Hard copy of the survey will also be available for members of the community to fill out on the spot. Early in the consultation phase a public workshop will be held to give a greater explanation of the process and allow community feedback outside of the survey. It is intended that the survey will also be publicised on facebook, website and through the local media.

RESEARCH – During this phase information from the survey, submissions and the public workshop would be synthesised to be presented to Council. In addition, it is intended to find out more about program and facilities currently being run elsewhere by local government. A cost/benefit analysis will be included in the report presented to Council for consideration. Council would also need to identify preferred options and locations for a facility if relevant.

DESIGN – Depending on the direction from Council the next stage would include designing concept plans for the preferred facility and location if relevant. This would involve the commissioning of services of an architect. In addition, a Business Plan would be developed for any facility or program involve so that Council and the community could gain an understanding of the ongoing cost of any facility or program. A report would be presented to Council in May Council presenting the concept designs and Business Plan and seeking approval for exhibition.

EXHIBITION – At this stage it is proposed to hold a formal exhibition of the options developed including the business plan. It may also be opportune to hold another community workshop to give direct feedback and explanation of the options.

FINAL REPORT – A final report back to Council after the exhibition of the concepts with the outcomes of the meeting communicated to the community.

As can be seen from the draft process it is intended to report to Council at each stage of the process.

Financial and Operational Plan implications

Council has identified \$20,000 in the Operational Plan towards the investigation. The proposed process will be completed within budget with completion date of June 2014.

Community Plan implications

This investigating provides Council with an opportunity to identify the needs and wants of the community for development of the arts in the regions. The investigation will provide important information, not only for Council to plan its immediate projects, but also projects in the future. It is important that throughout the process that the community understand that whilst Council is eager for them to submit their ideas that there is no commitment to delivery to all or any of the programs or facilities identified.

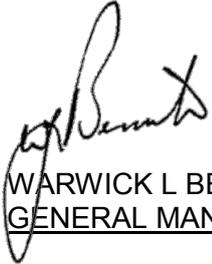


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES

22 January 2014

Attachments: 1. Draft Survey

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

pARTicipate

Please spend a few minutes to help us shape the future of arts and culture ...

More detailed submissions are invited from interested residents and community organisations.

These submissions should be addressed to the General Manager and emailed to council@midwestern.nsw.gov.au or posted to PO Box 156, Mudgee, NSW 2850.

*1. In which locality in the Mid-Western do you live?

*2. How old are you?

- 18 or younger
- 18 - 29
- 30 - 39
- 40 - 49
- 50 - 59
- 60 - 69
- 70 or older

*3. How are you currently involved in arts and culture in the Mid-Western Region?

Select as many as apply to you and leave a comment to provide additional information.

- Not involved
- General interest
- Sculpture
- Painting
- Music
- Dance
- Organised groups such as Cultural Development Committee?
- Business operator
- Studying

Other involvement?

pARTicipate

***4. What are the current barriers to you participating becoming further involved in arts and culture in the Mid-Western Region?**

Select as many as apply to you and leave a comment to provide additional information.

- No barriers
- Distance to travel
- Cost/prohibitive expense
- Need further education
- No available workshop space
- No gallery in the region

Other (please specify)

***5. When did you last visit an art gallery?**

- In the last week
- In the last month
- In the last six months
- In the last year
- In the last five years
- Can't remember
- Never

***6. What is your priority for the development of arts and culture in the Mid-Western Region?**

Rank your preferences.

<input type="text"/>	Workshops and studio space
<input type="text"/>	Arts programs using existing facilities
<input type="text"/>	Art gallery
<input type="text"/>	Education
<input type="text"/>	An event
<input type="text"/>	Generate support of existing organisations
<input type="text"/>	Other

pARTicipate

7. If your priority for the development of arts and culture in the region wasn't listed above, please give details of what this priority is:

6.3.9 Monthly statement of bank balances and investments as at 31 December 2013

REPORT BY THE FINANCIAL ACCOUNTANT TO 5 FEBRUARY 2014 COUNCIL MEETING

140205 Council1
GOV400038, A0140304

RECOMMENDATION

That:

1. the report by the Financial Accountant on the Monthly statement of bank balances and investments as at 31 December 2013 be received;
2. the certification of the Responsible Accounting Officer be noted.

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.

Detailed report

Clause 212 of the Local Government (General) Regulation 2005 requires that the Responsible Accounting Officer of a Council:

- a) must provide the Council with a written report (setting out details of all money that the Council has invested under Section 625 of the Act), to be presented at each Ordinary Meeting of the Council, and
- b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the Council's investment policies.

The report must be made up to the last day of the month immediately preceding the meeting.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

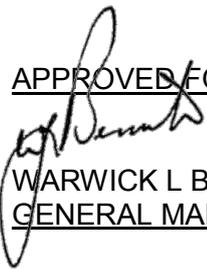
Not applicable.

NEIL BUNGATE
FINANCIAL ACCOUNTANT

7 January 2014

- Attachments:*
1. Monthly statement of bank balances and investments
 2. Schedule of MWRC investment policy requirements
 3. Monthly investment portfolio activity

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

For the month ended: 31-Dec-13

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
National Australia Bank	\$ 232,803	\$ 10,612,550	\$ 9,591,394	\$ 1,253,960	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 31/12/2013

Investments	Type	Amount	Yield %	Maturity Date	Placement Date	Term	Rating	Govt Rating	NAV	% of Portfolio
National Australia Bank	At Call	\$ 360,000	2.80%	N/A		At Call	A-1+	1		1.0%
National Australia Bank	Term Deposit	\$ 1,000,000	3.80%	2/04/2014	2/10/2013	182	A-1+	2		2.8%
National Australia Bank	Term Deposit	\$ 1,000,000	3.80%	8/01/2014	9/10/2013	91	A-1+	2		2.8%
National Australia Bank	Term Deposit	\$ 500,000	3.76%	12/02/2014	16/10/2013	119	A-1+	2		1.4%
National Australia Bank	Term Deposit	\$ 1,000,000	3.76%	12/02/2014	30/10/2013	105	A-1+	2		2.8%
National Australia Bank	Term Deposit	\$ 1,200,000	3.70%	12/03/2014	20/11/2013	112	A-1+	2		3.4%
National Australia Bank	Term Deposit	\$ 1,000,000	3.70%	12/03/2014	26/11/2013	106	A-1+	2		2.8%
National Australia Bank	Term Deposit	\$ 500,000	3.70%	19/03/2014	4/12/2013	105	A-1+	2		1.4%
National Australia Bank	Term Deposit	\$ 1,000,000	4.15%	22/01/2014	17/07/2013	189	A-1+	2		2.8%
National Australia Bank	Term Deposit	\$ 1,000,000	3.80%	8/01/2014	4/09/2013	126	A-1+	2		2.8%
St George Bank	Term Deposit	\$ 1,300,000	3.70%	26/03/2014	18/12/2013	98	A-1+	1		3.7%
St George Bank	Term Deposit	\$ 1,900,000	3.70%	26/03/2014	18/12/2013	98	A-1+	2		5.4%
St George Bank	Term Deposit	\$ 800,000	3.70%	8/01/2014	25/09/2013	105	A-1+	2		2.3%
St George Bank	Term Deposit	\$ 1,500,000	3.80%	5/02/2014	9/10/2013	119	A-1+	2		4.3%
St George Bank	Term Deposit	\$ 1,000,000	3.64%	19/03/2014	4/12/2013	105	A-1+	2		2.8%
St George Bank	Term Deposit	\$ 1,000,000	3.75%	15/01/2014	11/09/2013	126	A-1+	2		2.8%
St George Bank	Term Deposit	\$ 700,000	3.70%	19/03/2014	4/12/2013	105	A-1+	2		2.0%
Westpac Bank	Term Deposit	\$ 1,200,000	3.59%	29/01/2014	23/10/2013	98	A-1+	1		3.4%
ANZ	Term Deposit	\$ 1,000,000	3.66%	19/02/2014	31/10/2013	111	AA	1		2.8%
ANZ	Term Deposit	\$ 1,300,000	3.65%	5/03/2014	26/11/2013	99	AA	2		3.7%
AMP	Term Deposit	\$ 1,000,000	3.80%	5/03/2014	4/09/2013	182	A+	1		2.8%
AMP	Term Deposit	\$ 2,700,000	3.75%	19/03/2014	11/12/2013	98	A+	2		7.7%
AMP	Term Deposit	\$ 1,500,000	3.60%	26/02/2014	20/11/2013	98	A+	2		4.3%
ING Australia Bank	Term Deposit	\$ 1,500,000	3.72%	28/04/2014	6/11/2013	173	A-1	1		4.3%
Bank of Queensland	Term Deposit	\$ 1,000,000	3.95%	26/02/2014	28/08/2013	182	A-2	1		2.8%
Bank of Queensland	Term Deposit	\$ 1,000,000	3.58%	8/01/2014	9/10/2013	91	A-2	2		2.8%
Newcastle Permanent	Term Deposit	\$ 500,000	3.70%	8/01/2014	2/10/2013	98	A-2	1		1.4%
Newcastle Permanent	Term Deposit	\$ 1,000,000	3.70%	15/01/2014	10/10/2013	97	A-2	2		2.8%
Newcastle Permanent	Term Deposit	\$ 1,800,000	3.60%	5/03/2014	2/12/2013	93	A-2	2		5.1%
Beyond Bank Australia	Term Deposit	\$ 1,000,000	3.95%	12/03/2014	11/12/2013	91	A-2	1		2.8%
Members Equity Bank	Term Deposit	\$ 1,000,000	3.70%	29/01/2014	2/10/2013	119	A-2	1		2.8%
Longreach Series 26	Property Linked Note	\$ 1,000,000		7/06/2014		7 yrs	A+	-	\$ 972,900	2.8%
Total Investments		\$ 35,260,000								100.0%
	Average Yield		3.62%							

Financial Claims Scheme

- 1 Guaranteed to \$250,000
- 2 Not Covered

ATTACHMENT 2

MWRC Policy Requirements:

Investments by Institution	Long/Short Term Ratings	Amount	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA/A-1+	\$ 8,560,000	24.3%	25.0%
St George Bank	AA/A-1+	\$ 8,200,000	23.3%	25.0%
Westpac Bank	AA/A-1+	\$ 1,200,000	3.4%	25.0%
ANZ	AA/A-1	\$ 2,300,000	6.5%	25.0%
Longreach	A+/A-1	\$ 1,000,000	2.8%	20.0%
AMP	A+/A-1	\$ 5,200,000	14.7%	15.0%
ING Australia Bank	A/A-1	\$ 1,500,000	4.3%	15.0%
Bank of Queensland	A-/A-2	\$ 2,000,000	5.7%	10.0%
Newcastle Permanent	BBB+/A-2	\$ 3,300,000	9.4%	10.0%
Beyond Bank Australia	BBB+/A-2	\$ 1,000,000	2.8%	10.0%
Members Equity Bank	BBB+/A-2	\$ 1,000,000	2.8%	10.0%
		\$ 35,260,000	100.0%	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AAA/A-1+	\$ 17,960,000	50.9%	100.0%
	AA/A-1	\$ 2,300,000	6.5%	100.0%
	A/A-1	\$ 7,700,000	21.8%	60.0%
	BBB/A-2	\$ 7,300,000	20.7%	20.0%
	BBB-/A-3	\$ -	0.0%	20.0%
	Unrated	\$ -	0.0%	20.0%
Managed Funds	AAA		0.0%	
	AA		0.0%	
	A		0.0%	
	BBB		0.0%	
	Unrated		0.0%	
		\$ 35,260,000	100.0%	

*Investments lower than AA/A-1 are restricted to licenced banks, credit unions and building societies

Less than 1 year	\$ 34,260,000	97.2%	30.0%	100.0%
Between 1 and 3 years	\$ -	0.0%	0.0%	70.0%
Between 3 and 5 years	\$ -	0.0%	0.0%	50.0%
More than 5 years	\$ 1,000,000	2.8%	0.0%	25.0%
	\$ 35,260,000	100.0%		

ATTACHMENT 3

Monthly Investment Portfolio Activity:

The below table shows monthly investment activity within the portfolio including investments that have

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance	Change in interest rate	Change in Term (days)	New Term Rate
National Australia Bank	\$ 1,600,000	\$ 1,240,000	\$ 360,000	0.00%	At Call	2.80%
Newcastle Permanent	\$ -		\$ 1,800,000	New Deposit		3.60%
National Australia Bank	\$ 500,000	\$ -	\$ 500,000	-0.21%	-6	3.70%
St George Bank	\$ 1,000,000	\$ -	\$ 1,000,000	-0.28%	-6	3.64%
St George Bank	\$ -		\$ 700,000	New Deposit		3.70%
AMP	\$ 2,700,000	\$ -	\$ 2,700,000	-0.05%	7	3.75%
Beyond Bank Australia	\$ 1,000,000	\$ -	\$ 1,000,000	0.10%	-21	3.95%
Macquarie Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
Macquarie Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
St George Bank	\$ 1,300,000	\$ -	\$ 1,300,000	-0.05%	-14	3.70%
St George Bank	\$ 2,500,000	\$ 600,000	\$ 1,900,000	0.00%	7	3.70%
	<u>\$ 12,600,000</u>		<u>\$ 11,260,000</u>			

Net Portfolio Movement **\$1,340,000** Reduction

6.3.10 Financial Assistance Applications

REPORT BY THE FINANCIAL ACCOUNTANT TO 5 FEBRUARY 2014 COUNCIL MEETING

140205 Council1

GOV400038, A0100056, A0140201

RECOMMENDATION

That:

1. **the report by the Financial Accountant on the Financial Assistance Applications be received;**
2. **Council provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met, with the funding from the general financial assistance vote:**

Mudgee Valley Writers Inc	\$300
Mid Western Dance Festival 2014	\$214
P.A.L.S & Kanandah Auxiliary	\$432
Western NSW Community Legal Centre	\$300

3. **Council decline the financial assistance application from Mudgee PCYC due to insufficient funds and that this application be considered as part of the 2014/15 budget process.**

Executive summary

This report considers requests for financial assistance under the Council's Financial Assistance Policy.

Detailed report

Provision is made in Council's Financial Assistance Policy for community not for profit organisations, group and individuals which offer a significant contribution to the social, economic and/or environmental well being of the Community.

Following are excerpts from submissions for financial assistance, together with staff comments on the applications.

MUDGEE VALLEY WRITERS INC

Mudgee Valley Writers Inc are planning to hold their 14th Biennial Literary Competition this year and are seeking financial assistance to help assist with prizes. It is recommended that Council donate \$300.

MID WESTERN DANCE FESTIVAL 2014

The Mid-Western Dance Festival is a non-profit organisation and relies on entries to fund the dance festival. The committee would like to request that the booking fee of \$214 be waived for the use of the Gulgong Memorial Hall on 23rd & 24th April 2014 for Group Days.

P.A.L.S & KANANDAH AUXILIARY

P.A.L.S & Kanandah Auxiliary are required to find an alternative fund raising venue to hold card parties which raises funds for Pioneer House and Kanandah Retirement Ltd. The request is to see if they can hire The Stables at a reduced rate as the fees limit what funds can be raised for each of the facilities. P.A.L.S require the venue 4 times throughout the year and Kanandah Auxiliary require it 5 times throughout the year at a cost of \$48 per afternoon. As these are fundraising events, it is recommended that Council waive the booking fee for the use of the Stables at a total of \$432.

WESTERN NSW COMMUNITY LEGAL CENTRE

Western NSW Community Legal Centre travel once a month from Dubbo to Mudgee to provide free legal advice to clients who face economic, social or cultural disadvantage. They are a not-for-profit, community based organisation and are seeking financial assistance for the use of a room at the library. It is recommended that Council waive the hire cost for a room being quoted at \$300 over twelve months.

MUDGEES PCYC

The Mudgee Police and Citizens Youth Club are requesting funding to have a ventilation system installed. Funding required to fit the system has been quoted at \$2553.28. Due to insufficient funds remaining in the budget the recommendation is to decline making a donation from general funds.

Financial and Operational Plan implications

Funding of \$152,000 is provided in the Operational Plan for Financial Assistance. An additional \$30,000 has been allocated to the budget giving total funding of \$182,000. \$179,727.48 has been allocated to date, leaving a balance of \$2,272.52. Should Council approve the donations in accordance with the recommendation, a balance of \$1,026.52 will remain.

The Councillor's Discretionary vote for 2013/14 is \$2,000 per Councillor. The balances are detailed below:

Cr Thompson	\$1,600.00
Cr Shelley	\$1,450.00
Cr Walker	\$1,217.44
Cr Webb	\$1,200.00
Cr Martens	\$1,300.00
Cr Kennedy	\$2,000.00
Cr Weatherley	\$2,000.00
Cr White	\$450.00
Cr Cavalier	\$1,700.00

Community Plan implications

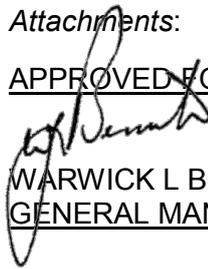
Council's Financial Assistance Policy applies.

NEIL BUNGATE
FINANCIAL ACCOUNTANT

23 January 2014

Attachments: 1. Applications for financial assistance

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER

Mudgee Valley Writers Inc

PO Box 356 Mudgee NSW 2850

President: Joan Taylor - Secretary/Treasurer: Jill Baggett



13th January 2014

Dear Mid-Western Regional Council

I am writing on behalf of Mudgee Valley Writers Inc. as their Secretary/Treasurer.

We are planning to hold our 14th Biennial Literary Competition this year and are wondering if Council has funds available to assist us in this endeavour. We have received much appreciated assistance from you for previous competitions and are hoping you will be able to help us with some funding once again.

The competition attracts entrants from all over Australia in both short story and poetry sections and is a good showcase for our district. We were able to produce an anthology of winning entries and offer cash prizes with our funding for the last competition and are hoping we may be able to offer excellent prizes again this year.

To tell you a little about Mudgee Valley Writers Inc:

We were founded in 1986

We are incorporated with Fellowship of Australian Writers.

We precede our monthly meeting with an informal lunch and chat.

Hold our meeting in accordance with FAW standards.

Follow our meeting with readings of member's stories or poems, which follow a preset choice of two monthly themes.

We host and judge a biennial National Competition in adult and novice sections of prose and poetry. Prizes include trophies, cash and certificates and, when funds permit, an anthology of winning entries.

Publish anthologies of members writings.

We encourage members own book launches and promotion.

Hold writing workshops.

Publicise member's achievements and activities in Writers Voice magazine.

Mudgee Valley Writers Inc birthday and Christmas are both celebrated with a special lunch.

We encourage members to think of and try fun and creative writing ideas at the meetings.

Promote our group and creative writing with available outlets promoting the Arts.

Host a fortnightly column, 'The Ink Spot', in The Mudgee Guardian newspaper.

Always welcome new members, whether experienced writers or not.

Thanking you.
Sincerely

Member of
Fellowship of
Australian Writers
NSW Inc

Jill Baggett

NA

Meets at 1pm (12 noon for lunch - optional) 2nd Tuesday each month - Mudgee Soldiers Club



Our Ref: Mid-Western Dance Festival Council Let Dec 2013

11 December 2013

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



Dear Mr Bennett,

We are proud to announce the launch of the MID-WESTERN DANCE FESTIVAL 2014. We have 33 committee members, the committee consisting of many locals involved with dance in our community. The committee appreciates the support of Council to bring the festival to the region. We hope that through Council's Financial Assistance Program, or other appropriate avenue, you accept this letter as request for a waiver of the Gulgong Memorial Hall costs for two days 23rd & 24th April 2014 for Group Days. Other avenues of support are through sponsorship or reduced rate for hire of Council buildings, to be considered by Council at a Council meeting. Further we request, if you could provide information on availability on the proposed dates;

- Set up & start on 23rd & 24th April in Gulgong,
- Competition & Workshop will relocate to Mudgee Town Hall from 1pm on 25th April.

The Festival provides opportunity for dancers to engage in a 'local' event and will be provided with training as well as competition. The Festival will offer a learning tool complimentary to the Eisteddfod. There is a need to provide local dancers opportunities to nurture and support these skills in our community. The Gulgong Eisteddfod was inundated with 1200 dance entrants in last year's Eisteddfod. The Mid-Western Dance Festival (non-profit organisation) will rely on entries to fund the dance festival. A clear demand for opportunities to demonstrate and express dance skills is continually shown through the level of participation in dance. The Festival committee aims to attract a similar number of entrants for the Festival and this will necessitate the use of a larger venue such as the Gulgong Memorial Hall. This would possibly bring 1200 people into Gulgong in late April 2014. This also spreads the financial benefits to our wider community. As we have received the waiver for fees for the Mudgee Town Hall we request that council consider do the same for our Gulgong Memorial Hall.

We will be delivering a sponsorship package with numerous media and signage opportunities to acknowledge Council's contribution and support of the Festival. Please express any interest to provide alternative sponsorship.

Please refer to following information outlining the details of the Festival:

Name: Mid-Western Dance Festival Committee

Primary Contacts: The Secretary, Genevieve Honey or The Chairperson, Naomi Bishop

Mail address: Perry Hall, 18 Perry Street
Mudgee NSW 2850

Mobile Phone Number: 0413 998 232

Phone Number: (02) 6372 9675

Email Address: midwesterndancefestival@hotmail.com

We are currently waiting on ABN & Insurance information, as it is early days. Once received we can inform you. We have Insurance arranged and can also provide a certificate early in January 2014. Bank account details and a draft budget are attached.

DETAILS OF THE EVENT: MID-WESTERN DANCE FESTIVAL 2014

The Festival will be open to the general public, with 5 days of competitions, workshops and showcase evening. The competition has a Syllabus including: group classes, solo, duo and trio as well as repertoire workshops; with var. genres, including: Ballet, Highland Dance, Tap, Jazz, Modern, Hip Hop and Contemporary. The aim is to engage dancers from the wider dance community & actively promote to and bring them to participate in sessions held at Mudgee Town Hall and Gulgong Memorial Hall. The Festival will offer a beneficial focus for young dancers providing both dance competition and dance workshops. The workshops are designed for children and young adults wishing to refine skills in the performing arts. The competition aims for fair and professional conduct with committee members of various backgrounds and relevant experience. An adjudicator will cast participants and choreograph a showcase, where prizes are to be awarded at the conclusion. Students will be encouraged to enjoy the company of like-minded peers and have the opportunity to utilise and experience the skills of a qualified adjudicator outside the typical Eisteddfod realm, with the choreographed workshops/showcase.

Local Mudgee and Gulgong dancers that may not be able to afford to travel to other similar festivals or competitions will benefit most. The participants are to directly benefit from exposure to training skills outside the usual teaching base, with a qualified adjudicator to be an independent contractor to the Committee. Dancers of all ages are catered for in categories of dance workshops and competition.

The support of the performing arts will also generate spectator involvement and promote dance locally. With the event in the April school holidays, the Mid-Western Region will benefit through generation of visitors to Mudgee and Gulgong. Dancers and their families are expected to stay for the 5days (4 nights) of competition and workshops. The use of two venues in Mudgee and Gulgong support the regional event status.

Support has been rallied and committed to the festival from all representative organisations of the Mudgee and Gulgong dance community, with all dance schools represented on the organising committee. The wider local dance community consists of several Dance studios including; 1 in Gulgong, 4 in Mudgee, 2 in Wellington, 1 in Coolah, 1 in Dunedoo, 1 in Cobar, 1 in Molong, several in Bathurst, Orange & Dubbo. On behalf of the Committee, I ask for your support for our local talent, we hope that you are able to assist with any costs involved. Please do not hesitate to call to discuss any aspects of the Festival or if you require further details.

Kind Regards

Ms Naomi Bishop
The Chair Person
MID-WESTERN DANCE FESTIVAL

Attachment 1- Budget

Bank details are as follows;
 BSB. 012-740
 A/C. 286658835
 Name. Mid-Western Dance Festival

Mid-Western Dance Festival			
DRAFT Budget			
24th November 2013			
Category	Year1	Year2	Year3
Income			
Registration Fees	\$ 7,172.00	\$ 7,889.00	\$ 8,677.00
Ticket sales	\$ 4,650.00	\$ 5,115.00	\$ 5,626.00
Workshop Registrations	\$ 2,640.00	\$ 2,904.00	\$ 3,194.00
Programs	\$ 440.00	\$ 484.00	\$ 532.00
Canteen sales	\$ 9,000.00	\$ 9,900.00	\$ 10,890.00
Total Income	\$ 23,902.00	\$ 26,292.00	\$ 28,919.00
Expenses			
Venue hire	\$ 680.00	\$ 748.00	\$ 823.00
Adjudicator	\$ 3,000.00	\$ 3,300.00	\$ 3,630.00
Prize Money	\$ 1,910.00	\$ 1,910.00	\$ 1,910.00
Trophies & Certificates	\$ 450.00	\$ 450.00	\$ 450.00
Canteen/Catering	\$ 5,000.00	\$ 5,500.00	\$ 6,050.00
Insurance	\$ 246.00	\$ 254.00	\$ 262.00
Stationary & Misc items	\$ 800.00	\$ 880.00	\$ 968.00
Advertising	\$ 3,000.00	\$ 2,500.00	\$ 2,000.00
Total Expenses	\$ 15,086.00	\$ 15,542.00	\$ 16,093.00

Mid-Western Dance Festival



- 34. **Resin & Spraying** - The spraying of shoes & the use of resin in the dressing rooms is not permitted & will lead to disqualification. Please ensure you leave rooms tidy at all times. No tap shoes are to be worn in the hall unless covered.
- 35. **Scholarships** - The scholarship will be awarded by the Adjudicator to a competitor who displays the potential & ability to further their studies in their chosen field. Scholarship monies are intended for this purpose. **Age limit for junior scholarship is 12 yrs & under, senior scholarship 13 yrs & over.** Competitors must compete in at least three contrasting solo classes to be eligible. A winner is ineligible to enter the same scholarship for the following year's competition. A minimum of 8 entrants is required before a scholarship can be awarded at the Committee's discretion.
- 36. **Time Limits** - Competitors must comply with the times stated.
Minimum time for a Solo: 1.5 minutes. Maximum time limits: Restricted solos: under 2.5 minutes; Unrestricted solo: under 3 minutes; Duo/Trio: under 3 minutes. In case of non-compliance, adjudication will be at the discretion of the adjudicator.
- 37. **Upon Arrival - ALL competitors (including those in improvisation) must report to the session clerk on arrival & hand in relevant Dance CDs.**
- 38. **Venues** - All of the Dance section will be held at the Library Town Hall, Mudgee.

ADDITIONAL RULES & REGULATIONS FOR WORKSHOP

- 39. **Costume** - no costume will be required.
 - 40. **Attend workshop in classical ballet attire - class leotard & skirt / half tutu hair in a bun**
 - 41. **Prerequisite** - Students are expected to have previous dance tuition experience & stage experience.
- Candidates are not required to have competed in this competition.
Parents are encouraged to consult with your dance teacher, as they know your child.
- 42. **Adjudicator / Choreographer or committee member may inform a candidate to change levels.**
 - 43. **Attend all workshop classes** - Students are expected to perform & attend all classes to do so.
 - 44. **Workshop of repertoire over the 3 days repertoire classes are taken by the adjudicator.**
Candidates learn & perform Showcase.

2014 SYLLABUS

COMMENCING: Dates are subject to the number of entrants
Gulgong Memorial Hall Wednesday 23rd - 24th April
Mudgee Town Hall Friday 25th - 28th April

SHOWCASE PERFORMANCE
Mudgee Town Hall - Date to be announced
in the program-subject to entries
Tickets on the day \$15.00 & Concession \$10.00

THANK YOU FOR YOUR SUPPORT OF THE MID-WESTERN DANCE FESTIVAL
& THE ANNUAL SHOWCASE OF TALENT.

- 33 COMMITTEE MEMBERS
- MID-WESTERN REGIONAL COUNCIL
- MEN'S SHED GULGONG
- B.A STEWART ENGINEERING
- REPS SCHOOL OF DANCE
- DANCE WITH ATTITUDE
- TRACY-LEE MCKINNEY
- DANCE UNLIMITED

ADVERTISE YOUR BUSINESS IN OUR PROGRAM
SEND YOUR DONATION TO THE SECRETARY

GENERAL ADMISSION

Per Session: Adult - \$5.00; Child & Pensioner - \$3.00
Teacher's Pass can be provided on request at clerk desk.
Ticket sales at door only. Pre Bookings cannot be taken.

ACCOMMODATION IN GULGONG & MUDGE

Contact the Mudgee Visitors Information Centre (02 6372 1020)

ORDER OF EVENTS

This guide is subject to change as the Committee deems appropriate.

DANCE COMPETITION

- Commence with GROUPS at Gulgong Memorial Hall.
- Sessions of Solos, Duo & Trio's at Mudgee Town Hall.

REPERTOIRE WORKSHOPS

- Held ON STAGE at Mudgee Town Hall.
- General Admission fees open to the public.
- Workshop Classes; at the completion of the competition.
- To commence on the day of performance at midday.
- Return at 6pm to commence curtain up 7pm finish by 9pm

STAGE REHEARSAL SHOWCASE

ENTRIES CLOSE

28th Feb 2014, 5pm

NOTE:

Entry forms are enclosed. Please provide correct payment.
Late entries incur double the entry fee & cannot be accepted once the program has gone to print.

PLEASE NOTE:

All the required information is contained in the program.
The program will be available at a cost of \$5.50
(Includes postage & handling):

**The Secretary,
Mid-Western Dance Festival
Perry Hall, 18 Perry St
Mudgee, NSW, 2850**

DANCE CONVENOR

Pauline Hannaford 63759655

SECRETARY

Genevieve Honey 0424535985

PHOTOGRAPHER

Sarah Bell 0488438964

TREASURER

Belinda Burgoyne

CHAIRPERSON

Naomi Bishop

VICE CHAIRPERSON

Robin Newton

ANNOUNCERS

Bob Dickenson & Chris Hannaford

MEDIA LIAISON

Rebekah Bullock & Emma Yule,

CATERING MANAGERS

Darrell Bishop & Hannah Smiles

STAGE MANAGERS

Donna Dempster, Tennille Gaffney,

COMMITTEE MEMBERS

Tracy- Lee McKinney & Rochelle Sutherland,
Aaron Shekton, Lisa Smith, Lisa Farnsjo, Courtney Food, Bernadette Hayes,
Grace Jones, Jayne Lillis, Amy McKinney, Helen Oakley, James Porteville,
Heather Terrey, Jeanelle Wilkinson,

21. **Private Video Recording & Photography** – is absolutely prohibited anywhere in the hall, in compliance with Copyright, Child Protection Legislation & Duty of Care. **Disregarding this rule will result in the disqualification of the child(ren).** The services of a licensed professional photography company have been obtained. CDs & photos will be available to order.

22. **Prompting** - No prompting or assistance of any kind is to be given to any competitor, except from the Adjudicator. Special Needs groups are exempt. No teacher or parent shall be allowed on the stage area with a competitor. No parents to remain backstage or in the wings. **Disregarding this rule will result in disqualification of the performance.**

23. **Professionals** - All competitions are intended for amateurs only, except for those listed in the syllabus as being open to professionals as well. An amateur is one who does not, or has not, obtained his or her living by performing or teaching that branch which is subject to competition.

24. **Protests** - Any protests must be lodged verbally to the Session Convener or the Committee Members within ten minutes of the adjudicator's decision. A written explanation outlining the reasons for the protest must be submitted before the end of the Session, accompanied by a deposit of \$20. The protest will be decided by an *ad hoc* Protest Committee of a minimum of three, comprising of the Session convener & two or more Mid-Western Dance Festival Committee members (whoever is willing or available at the time). Their decision will be final. Should the protest be upheld, the deposit will be refunded. Verbal grievances or complaints to individual committee members or Mid-Western Dance Festival volunteers are not in the spirit of competition. They will not be tolerated & could lead to exclusion from any further participation in the Mid-Western Dance Festival.

25. **Private Pupils** – Student of an adjudicator during the 6 months prior to the end of the Dance Festival may not compete in sections to be judged by that adjudicator. Breach of this Rule will result in immediate disqualification of the participant.

26. **Private Video Recording & Photography** – are strictly prohibited in compliance with Copyright, Child Protection Legislation & Duty of Care.

27. **Performance Standard** – The Mid-Western Dance Festival aims for a high standard of dress, program material & presentation. Adjudicators may take these aspects into account when making their decisions.

28. **Rehearsals** – No rehearsals may be held on the stage once a section has commenced. A rehearsal is considered to be any form of practice performance, planned performance, or any part of a performance.

29. **Reports** - Will be available free of charge after the final adjudication of the class, & are to be obtained from the session clerk. Reports will not be forwarded afterwards. Group reports are to be collected by a teacher, not an entrant or parent without permission.

30. **Re-runs** – When a re-run (after a run-off) is permitted, the entrant may receive an adjudication but will not be eligible for a placing or a prize.

31. **Rules** - Please ensure you read the rules carefully & check all entries thoroughly as no alterations can be made once the program has been printed. We recommend you keep a copy of your entry to verify the details are correct.

32. **Responsibilities of Syllabi, Entry Forms & Programs** - The Committee will not be responsible for any omissions, alterations or errors that may occur in relation to entry forms & programs. Every care is taken in compiling the syllabus, entry form & programs. The entrant is responsible for ensuring their entry form is correct.

33. **Rules & Conditions** – All entries are received according to the conditions & rules of the Mid-Western Dance Festival Committee as stated.

2014 ADJUDICATOR/CHOREOGRAPHER

RUTH LANE ARAD RAD RTS
RAD TEACHING, DIPLOMA HONOURS RAD TUTOR

A former soloist with Sydney Festival and Perth City Ballet Companies, Ruth turned her talent to teaching after a shortened performance career due to a car accident.

Amongst her many qualifications she is an Associate of the Royal Academy of Dance and received her Teaching Diploma (with Honours) in 1984. As a Rotary Foundation Scholarship recipient, Ruth undertook 12 months study to complete 2 teaching certificates - Elementary (Highly Commended) and Intermediate (Honours) at the Royal Academy Headquarters in London.

She has also attained Teaching certificates in Ballet, Tap and Jazz with the British Dancing Association.

In 2009 she was appointed as an assessor for Australian Dance Vision.

Between 1977 and 1984, Ruth ran her own ballet school in Far North Queensland conducting classes for over 300 students in the first dedicated Dance Studio Complex in the area.

She has spent time teaching both vocational students and trainee teachers in Australasia, Japan and Hong Kong. As a specialised consultant she implemented the RAD Syllabus (Grades and Vocational Grades) into the International Dance School in Tokyo.

She held the position of Chairperson of the RAD Victorian Advisory Panel for 6 years prior to moving to Central Queensland where she is a co-founder of the Central Queensland Dancers Company.

Ruth is often invited to adjudicate many Competitions and Scholarships in NSW, Queensland and Victoria.

She is also kept busy by being invited to conduct teaching courses and choreograph children's ballets.

Ruth was appointed as a tutor for the RAD on the Certificate in Ballet Teaching Studies (CBTS) Programme at its commencement in 2004.

Ruth's passion for teaching has dominated her professional career and she is committed to passing on her experience and knowledge to the future generation of upcoming young teachers and performers to ensure that a high standard of classical ballet tuition continues.

With a teaching career spanning 35 years it is impossible to list all the teaching and coaching positions held. Some worth noting are:

- Company classes for West Australian Ballet and Australian Dance Theatre
- Classes at the vocational level for full time students at National Theatre Ballet School, Dance World 301 and the Dance Factory – Melbourne

Some highlights of her career include:

- Represented all of the trainee teachers studying at the RAD college, when asked to conduct a 'Performance Class' for the RAD Board of Governors, including Dame Margot Fonteyn and representatives of the UK Education Board.
- Privately coached David Atkins prior to his audition for 'Cats' when he successfully won the role of Mr. Mistoflfeles
- Meeting and becoming friends with Madam Irina Baronova, learning so much about ballet history "from the horse's mouth" and the importance of the passion of performance.

9. **Championships** – a. Perform two new routines
b. To compete in a Championship, competitors **must qualify** by dancing classes.
Tap Championship – a. Waltz/Slow Tap then a Speed / Up tempo Tap
b. Any two other tap classes (Tap Solo & Tap Improvisation)

Classical Championship – a. Classical Solo then a Demi Character
b. Any two other classical classes (Classical, Demi-Character, National Character or Classical Improvisation)

Jazz Championship – a. Jazz - up tempo/ Hip Hop then a Modern / Contemporary
b. Any two combinations of the following contrasting styles: jazz & modern/contemporary.
(Jazz / Hip Hop AND Modern Expressive/ Contemporary, solo or Improvisation).

10. **Disqualification - Adjudicator may instruct to stop a dance performance if there is a breach of any rule, the time limit is not followed, inappropriate lyrics, inappropriate dress or choreography, or dance practice is not safe. No glitter is permitted.**

11. **Duplication of items (a) - Competitors are not to compete more than once in any solo class.**

12. **Entries - Close with The Secretary, on the closing date & time listed. Entries must be received**

by post & must be on the official entry form or photocopy of the entry form. Entry forms must be accompanied with the full fee, plus program cost, payable by cheque or money order.

Payable to the Mid-Western Dance Festival. NO phone, fax or e-mail entries can be accepted.

Entries will not be accepted from any person who is or was, during the six months prior to the end of the Competition, taught or coached by the Adjudicator, but can attend the workshop.

A breach of this rule will result in **disqualification**. All entries must be signed by a parent, guardian or teacher over the age of 18 yrs. & therefore accepting all the rules & regulations as stated in this Syllabus. **Entry fees will not be refunded after the relevant closing date.**

The names of all competitors in duos & trios must be listed on the entry form.

13. **Etiquette** – Theatre etiquette. Applause is to be of polite encouragement & to be retained for the end of a performance. No inappropriate outburst, during any performance, whistling, stamping of feet etc will not be tolerated in this competition or showcase performance.

14. **Entrants** - Must make themselves available for the full session (morning, afternoon or night) to allow for any necessary changes. Entrants must be ready to perform at least 15 minutes before the class in which they are entered is due to commence.

15. **Emails** - Will only be accepted following contact with the secretary mudge@midwesternfestival@hotmail.com

16. **Improvisation uniform & Workshop attire** - All classes are to be danced in leotards and tights (stockings). Music will be chosen by the Adjudicator.

17. **Music CDs** - must be handed in at the beginning of the session to the Session Clerk. All requests in relation to the playing of CDs are to be made to the Session Clerk. Each dance should be at the beginning of a separate CD. It is the entrant's responsibility to have a duplicate CD with them at the performance, to be used in the event of a CD malfunction.

18. **Major Award Winners** – All the winners of the major awards should make themselves available to perform at the Showcase Performance if required.

19. **Order of Competition** - Competitors are to compete in the order in which their names appear on the official program, subject to changes if the Committee deem necessary. In **exceptional** circumstances, out of class performance may be permitted, at the discretion of the Dance Festival committee & the adjudicator.

20. **Own Risk** – All competitors perform at their own risk. The Mid-Western Dance Festival Committee is unable to accept any responsibility for performers, their equipment and/or personal belongings.

ENTRY FEES & PRIZES FOR ALL SECTIONS

Fees & prizes for the competition, except where otherwise stated are:

GROUP CLASSES	AGE GROUP	ENTRY	FIRST	SECOND & THIRD PLACE, HC
GROUP CLASSES	5 yrs. & under	\$15.50	\$10, Certificate	Certificates
	7&8 yrs.	\$16.00	\$10, Certificate	Certificates
	9&10 yrs.	\$16.50	\$10, Certificate	Certificates
	11&12 yrs.	\$17.00	\$10, Certificate	Certificates
	13&14 yrs.	\$17.50	\$10, Certificate	Certificates
SOLO CLASSES	15 yrs. & over	\$18.00	\$10, Certificate	Certificates
	SECOND & THIRD PLACE, HC			
	6 yrs. & under	\$5.50	Certificates	Certificates
	7&8 yrs.	\$6.00	Certificates	Certificates
	9&10 yrs.	\$6.50	Certificates	Certificates
DUO & TRIO CLASSES	11&12 yrs.	\$7.00	Certificates	Certificates
	13&14 yrs.	\$8.00	Certificates	Certificates
	15 yrs. & over	\$8.00	Certificates	Certificates
	SECOND & THIRD PLACE, HC			
	8 yrs. & under	\$6.00	Certificates	Certificates
CHAMPIONSHIP JNR	12yrs & Under	\$10.00	\$30 & Trophy First, \$20 2 nd , \$10 3 rd and Certificates	Certificates
	13yrs & Over	\$10.00	\$50 & Trophy First, \$30 2 nd , \$20 3 rd and Certificates	Certificates
	Junior	\$10.00	\$150 & Trophy	Certificates
	Senior	\$10.00	\$300 & Trophy	Certificates
	Senior	\$75.00	Renewal Classes over 2 days to prepare for the showcase.	Certificates
WORKSHOPS	All Levels			
	REPertoire WORKSHOP			
	Primary Level Workshop	2yrs dance experience	See additional rules below	
	Junior Level Workshop	3yrs dance experience	recommended age 6-8yrs	
DANCE COMPETITION SECTIONS - GROUP CLASSES	Intermediate Level Workshop	5yrs dance experience	recommended age 8-11yrs	
	Advanced Level Workshop	6yrs dance experience - pointe work & batterie	recommended age 11-14yrs	
			recommended age 12yrs & over.	
DANCE COMPETITION SECTIONS - SOLO CLASSES (open classes, there are no restricted sections)	G1. Classical Ballet Group	G2. Demi-Character Group	G3. National Character Group	S03. Classical Championship
	G4. Highland Dance Group	G5. Jazz Group	G6. Hip Hop Group	S05. Highland Dance
	G7. Modern Expressive Group	G8. Contemporary Dance Group	G9. Tap Dance Group	S09. Tap Championship Solo
	G10. Musical Comedy/Entertainment Group			S12. Own Choreography Solo
				S15. Jazz Championship Solo
DANCE COMPETITION SECTIONS - DUO & TRIO CLASSES	DT1. Classical Ballet	DT2. Demi-Character	DT3. National Character	
	DT4. Jazz	DT5. Hip Hop	DT6. Tap Dance	
	DT7. Modern Expressive	DT8. Musical Comedy/Entertainment	DT9. Contemporary	
DANCE COMPETITION SECTIONS - IMPROVISATION SOLO CLASSES	IM1. Classical Ballet Improvisation Solo	IM2. Demi-Character Improvisation Solo	IM3. Jazz Improvisation Solo	
	IM4. Modern Expressive Solo	IM5. Contemporary Improvisation Solo	IM6. Tap Improvisation Solo	

MAJOR AWARDS & SPECIAL PRIZES – to be announced

Adjudicator will announce a Major Award & Special Prizes at the conclusion of the showcase. Perpetual Trophy is to be retained by the awarded Dance Studio of the winner to be on display for 12 months.

RULES GOVERNING COMPETITION

Failure to conform to any of the following rules & conditions may lead to disqualification & withholding of prizes. The Committee's decision is final with regards to all questions of dispute arising out of, or not provided for by, these Rules & Conditions. All entries are received subject to this decision, which shall not be subject to any appeals by law, as such could be contrary to the spirit of "GOOD SPORTSMANSHIP" & friendly but professional competition. Bad language by entrants, their relatives or friends will not be tolerated. The entrant will be disqualified & the offender/s will be banned from the venue immediately, for the duration of the competition/ workshop.

- APRA Form 5** (downloadable from www.apra.com.au) must be attached to entry form. All photocopies will be destroyed at the conclusion of the session.
- Adjudicator** - The Adjudicator reserves the right to terminate a performance at any stage. The Adjudicator's decision is final unless a protest is lodged, in which case the Committee's decision is final. The Adjudicator also reserves the right to vary the allocation of prizes within a class, or if a satisfactory standard not be reached, to reduce or withdraw prizes. No competitor, teacher, parent or relative of a competitor may approach the adjudicator during the competition. Any communication must be through the Dance Festival Committee in writing.
- Age / Grade Limit** - The competitor's date of birth must be stated on the entry form. The age & workshop level of each competitor is recognised as at the 1st April each year. For duos or groups, where the competitors are of different ages the age limit for entry to that class is to be based on the age of the oldest competitor. The Committee reserves the right request proof of age, & to withhold any prizes until such proof has been obtained.
- Admission** - Competitors admitted free to the hall only during the session in which they are competing.
- Accompanist** - A CD deck & operator will be provided by the Mid-Western Dance Festival Committee but all competitors must ensure their CDs are clear, audible & of a satisfactory playing standard for the Adjudicator. All CDs must be clearly & appropriately marked with the competitor's number & class number. National Character & Demi-Character entries must have the name of their character clearly written on the CD. No other person other than members of the Mid-Western Dance Festival Committee may approach, interfere with, or operate the official equipment used by the Committee during the competition. The Adjudicator reserves the right to disqualify or demote any competitor who does not conform to our rules & regulations.
- Cancellations / Alterations** - The Committee reserves the right to combine or cancel a class as a result of there being fewer than three entries or to combine the class with the next age group. Prizes money in any of the classes may be lessened or not awarded as a result of there being fewer than 3 entries or if the standard of performance is not adequate. Based on the number of entrants the number of places awarded in a class may also be lessened. The Committee has the right to amend or alter the program at any given time, to assign a substitute adjudicator, to divide or combine any class or award, and/or to reschedule competition times earlier on the day.
- Curtains** - will remain open at all times. It is expected that Students know how to place themselves on stage immediately after the bell rings.
- Copyright Requirements**
The Law of Copyright applies to the Mid-Western Dance Festival. It is each competitor/teacher/schools responsibility to adhere to the Act. Competitors are responsible for all royalty & copyright payments & liabilities (if any). Any music taped/copied from copyright is the responsibility of the competitor & not the Mid-Western Dance Festival.

The President,
P.A.L.S
2/7 Fleetwood St.,
Mudgee. 2850

The President,
The Kanandah Auxiliary,
24 Lowana Close,
Mudgee. 2850

3/12/13

Mr. Warwick Bennett,
Mid Western Regional Council.

Dear Mr. Bennett,

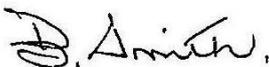
We are writing to you jointly, as we have a common problem with one of our fund raising ventures. Our two Auxiliary's alternate monthly to hold Card Parties, to raise funds for each facility, Pioneer House and Kanandah Retirement Ltd. These afternoons are very successful, and we are able to use the funds to purchase much needed equipment, for the comfort and enjoyment, of the Residents in these much needed facilities in our Community.

We charge \$5 per entry, and supply our guests with afternoon tea, while they play cards, some days we could have forty to fifty guests. We are however finding it most difficult to find a suitable venue in the town. We are at the moment considering the Stables complex, which has all the facilities that we need, however \$48 for the rental takes quite a bit out of our funds, so we were wondering if we would be able to rent the complex at a reduced rate.

Our other question is in regards to crockery, do you have any cups and saucers that we could use? If not would you have any secure cupboard space available for us to store our own crockery? In the past we have had to carry crockery crates into the venues, they are quite heavy, and our members are finding this lifting very difficult.

The first Card Party for 2014 will be in February, hoping that you will consider our requests,

Yours faithfully,



Mrs. Barbara Smith.
President P.A.L.S.



Mrs. Jan Bransgrove.
President Kanandah Auxiliary.



THE KANANDAH AUXILIARY

Mrs. Jan Bransgrove,
President of the Kanandah Auxiliary
24 Lowana Close,
Mudgee 2850
Ph. 63720806

17.12.13

Zola Spurr
Financial Officer
Mid Western Regional Council,
Mudgee

Dear Zola,

Thank you for your reply, regarding our requests, for the hiring of the Stables Complex, for our Card Parties. The following are the dates that The Kanandah Auxiliary would require to use the Complex, in 2014, the time would be from 12.30.p.m. to 4.30.p.m.

February 21st. April 11th. June 20th. August 15th. October-17th.

We understand the small margin of time between the February Council meeting, and our required date in that month, so to make sure we have that date, we will go ahead and book, and will be happy to pay the full amount for February.

In regards to the crockery, we will come in to the Council, and have someone take us to see the size of the available cupboard space, so that we can find a suitable container, thank you for this offer, we really appreciate being able to store the crockery on site.

Yours faithfully,



Jan Bransgrove – President of the Kanandah Auxiliary

Zola Spurr

From: Sharon Tomas [Sharon_Tomas@clc.net.au]
Sent: Friday, 10 January 2014 3:17 PM
To: Council; Patrick O'Callaghan
Cc: Simon Jones
Subject: Request Use of a Room at Mudgee Regional Library

Attention: Mr Warwick Bennett
General Manager
Midwestern Council

Dear Mr Bennett

Re Request of use of a room at Mid-Western Regional Council Library Mudgee Branch

Once a month the Western NSW Community Legal Centre (CLC) travels to Mudgee from Dubbo to provide free legal advice to clients who face economic, social or cultural disadvantage.

There are no public legal services such as a Community Legal Centre or Legal Aid office based in Mudgee and so the community relies Dubbo based services to provide outreach services.

At present the Western NSW Community Legal Centre visits Mudgee monthly and uses a room at the Carmel Croan Community Centre. However the demand for services has resulted in a second lawyer attending the outreach and needing a space to work preferably at a different location for up to 3 hours per visit. At the request of the Mudgee community the Community Legal Centre Solicitors are also available to provide Community Legal Education on a range of topics including: Wills, Estates & Power of Attorney, law relating to volunteers, disability issues, family law and employment law

Community Legal Centres are independently operating not-for profit, community-based organisations that provide legal services to the public, focusing on the disadvantaged and people with special needs.

We are hoping to partner with Mudgee Library and Mid-Western Council to expand these services to the community through the use of a room at the Library to see clients. Mudgee library has been identified as a safe, non-threatening, neutral environment for the clients to access legal services. Bookings would be made through Western NSW Community Legal Centre so no extra work would be required of library staff.

As Western NSW Community Legal Centre is a not for profit organization we are seeking to have the fees for the room waived for this outreach work.

I have spoken to Simon Jones Manager of Information Services and he advised me to contact you regarding this request.

Patrick O'Callaghan, Principal Solicitor, at Western NSW Community Legal Centre and myself are willing to talk further regarding this request.

Regards
Sharon

Sharon Tomas
CLSD Regional Coordinator
Regional Coordinator Western NSW
Recruitment and Retention RRR Project
P: (02) 6885 4233 M: 0400 847 727
E: sharon_tomas@clc.net.au

Application for Community Service Funding 2014

Monday, 16 December 2013

Registered Name: Mudgee Police and Citizens Youth Club
PO Box 181 Mudgee NSW 2850
ABN: 89401152271
Contact: Railene Doherty
Club Manager
Telephone: 0263721367 Fax: 0263726536
Email: Mudgee@pcycnsw.org.au

Mudgee PCYC.

The Mudgee PCYC is a recreational community based facility that focuses on the health, education and personal development of our youth. The Club provides a meeting place for our youth to assemble to participate in sporting activities taking them off the street and placing them in a safe and secure environment. For the younger generation an after school care facility is available, as well as a vacation care service, that plays a vital role in continued education, which aids social and moral development. Activities for seniors include boxercise, Cardio, Hydrotherapy and a modern fully functional gymnasium.

Mudgee PCYC also offers a resident police officer, Youth Case Manager, to work with children who are having difficulty with their roles in normal society, have offended or at a high risk of offending. In addition we have just completed a highly successful program working with students who were at a high risk or already disengaged from traditional educational settings. Mudgee PCYC is proud of its service to the local community and proud of the community it serves.

Funding Request.

As a not for profit community funded organisation the success of our service relies heavily upon grants and funding from both government and private enterprises. In providing the services we do at a cost that is minimal to the consumer we are sometimes required to ask for assistance to aid us to sustain a healthy and comfortable environment where our clients can feel safe and confident.

As an affordable community service, we have noticed that a large percentage of our clients are sick and injured adults who are enduring some form of rehabilitation. This has increased the client base in our gymnasium of health workers who have pointed out to us that an effective ventilation system is essential to our future success. While the gym has effective air circulation and cooling systems in place, it is in desperate need of ventilation as there are no windows or air escape systems. We have recently acquired a quote to have a ventilation system installed at a cost of \$2553.28. The introduction of this system would improve the environmental conditions for our clients and ensure their continued improvement.

In writing this letter the Mudgee PCYC is requesting the assistance of Mid-Western Regional Council to fund the fitting of this essential system. We at the PCYC understand that council hold the health and safety of our community in as high regard as we do and are sure that such a small request that will improve the capacity of our club to provide such a vital service may be possible. If you have any questions relating to the club, its service, or our request please do not hesitate to contact us on the above number.

Sincerely

Railene Doherty
Mudgee PCYC

6.3.11 Water Consumption – 5 Spring Road Mudgee - Property 20977

REPORT BY THE REVENUE & PROPERTY MANAGER TO 5 FEBRUARY 2014 COUNCIL MEETING

Water Consumption Property 20977 Salty

GOV400038, P2097711

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Water Consumption – 5 Spring Road Mudgee - Property 20977 be received;**
2. **Council decline the request made by Mr & Mrs Salty to waive the balance of water consumption charge amounting to \$701.04 incurred for the period 26/10/2012 to 21/2/2013.**

Executive summary

Council has received a request from the owners of 5 Spring Road, Mudgee to waive part of the charges in relation to their water consumption account for water usage for the period 26/10/2012 to 21/2/2013. The water usage for this period was 344kls and the consumption account was issued for a total of \$873.76. Mr & Mrs Salty cannot account for the consumption recorded on their water meter. The consumption incurred for the 2 previous billing periods amounted to 68kls and 133kls.

Detailed report

At Mr & Mrs Salty's request this matter is being referred to Council for further consideration.

Since receiving their water consumption account in March 2013 for the period 26/10/2012 to 21/2/2013, Mr & Mrs Salty, Revenue and Property staff members and Member for Orange Andrew Gee MP have held regular dialogue in relation to the amount of water recorded on the water meter and the payment of the consumption account for the period in question. Copies of correspondence in Attachment 1 to this Report provide details of the matter. The reply to Andrew Gee MP, dated 5 June 2013 comprehensively presents the situation and possible explanations for the higher than normal consumption and supports the recommendation to Council that the balance of the water consumption account should not be waived.

In summary:

The high consumption was recorded during this period where there was evidence of an overall correlation between high temperatures, low precipitation and generally higher than normal individual water usage. This consumption cannot be compared to consumption incurred during previous billing periods due to different seasons and peculiar seasonal conditions.

Council's Water staff could find no fault with the water meter calibration or the meter reading used to calculate the consumption for the period.

Mr Salty advised that there was no visible leak or even an undetected leak during this period. Council's Undetected Leaks Policy may have provided Mr Salty with some financial relief if it was identified that an undetected leak was the major cause for the consumption.

Mr Salty was informed of the opportunity to arrange for a full strip and flow test of the water meter in order to independently determine its accuracy, but has not requested that this test be undertaken to date. (Regulation 158 Local government (General) Regulation 2005 provides for the independent testing of a water meter).

Offers have been extended to Mr & Mrs Salty to enter into a suitable payment arrangement to finalise the outstanding balance in addition to requesting that they consider applying for the relief that may be afforded in Council's Hardship Provision Policy in relation to the accruing interest charges. No response to either of these forms of assistance has been forthcoming.

Water usage for subsequent billing periods has now dropped to 92kls (4 month autumn/winter period), 61kls (3 month winter/spring period) and 50kls (3 month spring/summer period).

Only \$172.72 of the \$873.76 account has been paid, being the equivalent of the charge for the period 29/6/2012 to 25/10/2012 (being a different season and seasonal conditions to the period in question). \$701.04 of the original charge remains outstanding, in addition to \$53.87 in interest charges.

Financial and Operational Plan implications

Any reduction to the billable amount would need to be funded from the Financial Assistance budget. The amount that Mr & Mrs Salty are seeking Council to waive is \$701.04.

Community Plan implications

There is no provision in the Local Government Act to waive or write-off the water consumption charges that have been incurred by the owners under the circumstances as outlined in this Report.

Council's Undetected Leaks Policy is not relevant as an undetected leak was not cited as the reason for the high consumption in this instance.

Regulation 158 Local government (General) Regulation 2005 provides for the independent testing of a water meter. This testing has not been requested by the owners.

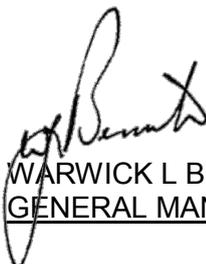
Council's Debt Recovery Policy and Hardship Provision Policy may provide some assistance to the owners in relation to a payment arrangement plan and relief in relation to interest charges. No response to either of these forms of assistance has been forthcoming from the owners.

DIANE SAWYERS
REVENUE & PROPERTY MANAGER

21 January 2014

Attachments: 1. Series of correspondence – 21/3/2013 to 26/11/2013

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER

2

Diane Sawyers

From: Ian Salty [iwsmsalt@bigpond.com]
Sent: Tuesday, 26 November 2013 1:25 PM
To: Council
Subject: FW: Water Rates Attent : Warwick Bennett

General Manager
Mid-Western Council
Att

Ian Clayton

In reply to our conversation yesterday dated 25th Nov 2013 concerning this outrageous water bill which was \$873.76
On 15th March 2013 as I only paid \$172.72 as I thought this was a fair amount in regards to my previous amount,

And the last two bills prior to this amount have been

12th July 2013 \$233.68 and the last bill dated

13th Nov 2013 for the amount of \$161.65

I cannot justify this extraordinary amount as previous email below, I have stated there are only 2 people living here.

We also have a large rain water tank in the back yard so I find this matter very hard to comprehend.

I would like you to take this issue back to the council for a further review as per our conversation and hopefully council may take into consideration and waiver this amount, as I feel this is unjustified.

Kind Regards
Ian Salty

From: Ian Salty [mailto:iwsmsalt@bigpond.com]
Sent: Thursday, 21 March 2013 12:05 PM
To: 'council@midwestern.nsw.gov.au'
Subject: Water Rates Attent : Warwick Bennett

Ian Salty

5 Spring Rd
Mudgee NSW 2850
Property No 20977

Mid-Western
Region Council

To
Warwick Bennett

I am email you with great concern regarding my escalating water bill . I have notified one of the Council Staff personnel at the Council office they in reply have sent down one of the council Team member to read the meter and he seems to think the meter is reading properly. I took a reading 2 days prior and it was reading 575 KL and that was the same as his reading .

Your office members said it was the dry spot over the Christmas period that caused the water bill to be so high, but we were away for two weeks over Christmas.

Why I am complaining about this bill as there is only two people residing in this house hold, we have a 3,000lt Rain water tank and we have had that much rain through this season so I used my tank which now is dry trying to conserve water.

Our first bill from the council was on the 02/08/2012 it was for \$319.20 which I thought was high but a lot of that was from the builders which was ok.

Our next Bill was on 22/11/2012 which was for \$172.72 which was not too bad.

This Bill 21/2/2013 is \$873.76 which I am not happy at all with at all and doesn't make sense as nothing has change in my household at all . So I decided to walk down our street and asked the people about their about their water bills .

Due to this outcome they are coming up with the same ridiculous amounts as well

And they too are not happy. My neighbors bill was approx. \$500 which she has 4 people in her household and others are even more expensive. We as a community are getting together to voice our concerns soon if this is not sorted.

I am hoping that commence sense will prevail. I have also been told I can get the meter checked but it will cost me \$300.00 which is absorbed as it is your meter.

I realize I have to pay for water but not that much so my proposal is I will pay the amount on my last bill which is \$172.72 until you get back to us with a reasonable explanation.

Also prior to this I rang your council office and seems that you have been inundated with phone calls regarding this issue as your staff are talking the backlash on this matter. This needs to be rectified or the matter will be taken further which I am already looking into

Regards



MS:P2097711

*Office of the Mayor*PO BOX 156
MUDGEE NSW 285086 Market Street MUDGEE
109 Herbert Street GULGONG
77 Louee Street RYLSTONEPh: 1300 765 002 or (02) 6378 2850
Fax: (02) 6378 2815

email: council@midwestern.nsw.gov.au

5 June 2013

Mr Andrew Gee MP
Member for Orange
123 Byng Street
ORANGE NSW 2800

Dear Andrew

MR IW & MRS SM SALTY – 5 SPRING ROAD MUDGEE
WATER USAGE CHARGES PERIOD 26/10/2012 TO 21/2/2013

I refer to your letter received on 16 May 2013 in relation to the representation made to you by Mr Ian Salty concerning his water usage account for the period 26/10/2012 to 21/2/2013.

It must be acknowledged that there is widespread research and documentation that establishes a significant relationship between climatic conditions and water usage – there is evidence of a correlation between temperature and precipitation and water usage. Although water pricing also influences water use, many households used more water during the period 26/10/2012 to 21/2/2013, when extraordinary climatic conditions prevailed with spates of high temperatures and lower than average precipitation. The result of that change in usage saw total residential water consumption for the Region increase by 61% over the same period last year.

Council has always advocated and encouraged households to take the responsibility to monitor both indoor and outdoor water use in order to further their knowledge and understanding of their water consumption. By monitoring water use and making appropriate changes to how water is used, households can save water and money. Council issues reminders about the importance of household responsibility for monitoring and managing usage on the reverse of every water consumption notice that is issued.

Council issued 6,929 water usage accounts during the period in question. Council did receive complaints from some individual households about the high usage recorded on their meters during the period in question. It has been ascertained that many of these households did not take the responsibility to monitor their water use on indoor or outdoor areas eg sprinklers, swimming pools and evaporative air conditioners etc during the period 26/10/2012 to 21/2/2013 and were consequently surprised and concerned with the consumption recorded.

Council is also aware that other households made a conscious decision to use more water during this time and monitored the use accordingly. These households were well aware of their increased consumption and the cost of that consumption was therefore of no surprise or concern to them at the time Council issued the Notices.

MID-WESTERN REGIONAL COUNCIL

2

Mr Salty's consumption of 344 kls for the period 26/10/2012 to 21/2/2013 cannot be compared to the previous period's consumption of 68 kls because of the different normal seasonal conditions (ie Winter/Spring and Spring/Summer months) prevailing during the respective periods and to the extraordinary conditions peculiar to the 26/10/2012 to 21/2/2013 period as previously outlined.

Again, Mr Salty's current consumption since 21/2/2013 cannot be compared to that of the period in question because of the reasons already cited and to the fact that Mr Salty indicated to Council on 10 April 2013, that he is now monitoring his consumption regularly and now also appears to have altered his water usage, at least, in relation to outdoors.

I confirm that a thorough investigation was conducted by Council's Water Staff on 19 March 2013 and that no fault with the water meter calibration or the meter reading used to calculate the consumption was established.

The only circumstances where a water usage account may be considered for an adjustment is where an undetected leak is identified (in accordance with Council's Undetected Leaks Policy) or where the water meter is found to be functioning incorrectly. It is noted that no leak has been identified in this case and the water meter calibration conducted on 19 March 2013 revealed no faults.

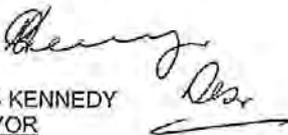
As previously conveyed to Mr Salty, Council can arrange for a full strip and flow test of the meter in order to determine its accuracy. The process would involve the removal and shipping of the meter to the NATA laboratory at Brisbane Water where the testing would take place. A full report of the findings would be provided to Council. A fee of \$230.00 would be required to be paid by Mr Salty. This amount would be refunded if the meter was found to be faulty and Mr Salty's water usage account would be subsequently adjusted in line with the test result.

It is requested that Mr Salty pay the balance of the water usage account, including accrued interest charges by 21 June 2013 notwithstanding that he may ultimately decide to proceed with the full strip and flow testing of the meter within the coming weeks.

Council also extends the opportunity to Mr Salty to contact Council's Revenue Section with a view to securing a payment arrangement in accordance with the terms set out in the Debt Recovery Policy if he so desires. In addition, Council's Hardship Provision Policy and accompanying Hardship Assistance Application may provide some relief in relation to the interest charged. The Debt Recovery Policy and the Hardship Provision Policy/Application are available on Council's web-site.

Please do not hesitate to contact me if you require any further information or clarification in relation to this matter.

Yours sincerely


DES KENNEDY
MAYOR



Andrew Gee MP

MEMBER FOR ORANGE

1 May 2013

Councillor Des Kennedy
Mayor
Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850



Dear Councillor Kennedy *Des*

Please find **enclosed** a copy of correspondence received from Mr Ian Salty of 5 Spring Road Mudgee, regarding his recent water bill.

Mr Salty advises me that his most recent water bill for the October/February 2013 period tripled from the previous bill. The bill was for a total of \$873.76. He believes this is an exorbitant amount of money as only two residents are living at the property and a rain water tank is installed on the property.

Mr Salty states that he has contacted Mid Western Regional Council regarding the water bill and the meter was checked by Council's Water staff but they were unable to find any fault.

Mr Salty has part paid this bill but is requesting a further review is conducted into this matter.

I would appreciate if you could address Mr Salty's concerns.

Thank you for your assistance in this matter.

Yours faithfully

Andrew Gee MP
Member for Orange



Rebecca Mackay

From: Ian Salty <iwsmsalt@bigpond.com>
Sent: Wednesday, 24 April 2013 2:01 PM
To: ElectorateOffice Orange
Subject: Water Rates
Attachments: Water Rates Attent : Warwick Bennett; RE: High Water Consumption for Ppty 20977 5 Spring Road Mudgee; Scan0010.jpg; Scan0011.jpg; Scan0009.jpg

Dear Andrew
Re: Travis

In regards to our telephone conversation 24 April 2013 I have forward our water bill hoping that We will be able to resolve this issue. I have explain the situation to Travis about the exorbitant water bill. As stated in our conversation we have had spoken to a lot of people in our street whom also have had the same issues with doubled or tripled water bills. I do not have an enormous yard and as it is a new home have no established trees at all in my backyard. My wife is scared to even water the plants she has. We also are taking daily readings from our water metre as well.

I have spoken to the council by phone and also by email and have forward these to you as well. We have paid the same amount to council as per last bill which I feel is fair until the matter is looked into as I do not like not paying my bills. The more people I talk to seems to really make my request seem warranted.

Kind regards
Ian Salty
P.S

I just forward through the two emails one from myself and the other in regards to the response from the council They also told me that it would cost me \$300.00 to send my water meter of to be checked but in their email they have said it will be \$230.00

Rebecca Mackay

From: Michelle.Skinner@midwestern.nsw.gov.au
Sent: Tuesday, 9 April 2013 3:41 PM
To: Ian Salty
Subject: RE: High Water Consumption for Pty 20977 5 Spring Road Mudgee

I refer to your comments outlined in your recent email to Council regarding the high water consumption at 5 Spring Road for the Oct/Feb 2013 billing period.

I understand that a thorough investigation has been conducted by Council's Water staff and that they were unable to establish any fault with the water meter calibration or the meter reading used to calculate your consumption account.

While I appreciate that this consumption was unexpected, I regret to advise that there is no provision in the Local Government Act to waive or adjust the amount of the water account in the absence of any defect in Council's water meter. It is always recommended that customers monitor consumption on a regular basis for early detection of problems of this nature.

Should you remain unconvinced as to the accuracy of the meter, Council could arrange to have the meter sent to the NATA laboratory for a full flow and strip test. A fee of \$230.00 would apply, which is refunded if the meter is found to be faulty. The account in question would also be adjusted in line with the test result.

I therefore must request payment of the account as issued by 19/4/2013.

Should you have any queries in relation to this matter please contact Councils Revenue Department on 02 6378 2850 or 1300 765 002.

Many thanks

Michelle Skinner
Snr Revenue & Recovery Officer
Mid-Western Regional Council
p - 02 6378 2840
f - 02 6378 2815
e - michelle.skinner@midwestern.nsw.gov.au
w - www.midwestern.nsw.gov.au

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WATER

WATER CONSUMPTION CHARGE

ABN 96 149 391 332

TAX INVOICE

3/

Mr IW Salty & Mrs SM Salty
5 Spring Road
MUDGEE NSW 2850



1066550



PO Box 156, Mudgee NSW 2850
Ph: (02) 6378 2850 • 1300 765 002
Fax: (02) 6378 2815
Email: council@midwestern.nsw.gov.au
Website: www.midwestern.nsw.gov.au

Property Number

20977

Property Location and Description
5 Spring Road MUDGEE NSW 2850
Lot 16 DP-1160098

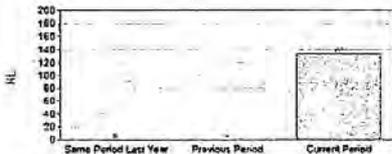
Issue Date **Interest Rate**
02/08/2012 10% p.a.

Due Date 16/08/2012

Meter No	Meter Type	SDF	Present Reading	Previous Reading	Consumption (kl)		
					Actual	Adjustments	Charged
11W138222	20MM	0.00	133 (29/06/2012)	0 (01/04/2012)	133	0	133

Meter No	Charge Description	Charges \$
11W138222	Water Usage Residential: @ \$2.40/kl	\$319.20

Payment Authority 403407
16/Aug.



WARWICK BENNETT
GENERAL MANAGER

Rebate: \$0.00
Arrears: \$0.00
GST: \$0.00

Please deduct any payments since	Total Amount Due
12/07/2012	\$319.20

Commonwealth Bank
Commonwealth Bank of Australia
ABN 48 123 123 124
MUDGEE, NSW

NAME: Mr IW Salty & Mrs SM Salty
PROPERTY NO.: 20977
TOTAL AMOUNT DUE: \$319.20

WATER CREDIT

Date / /

TELLER STAMP
/ /
INITIALS

No. OF CHQS: ABN: 96 149 391 332
Please fill in the following particulars of cheques. Proceeds of cheques, whilst credited to the account, are generally not available until cleared. Please refer to your account terms and conditions for details.

FREE OF TRANSFER FEE AT ANY C.B.A. BRANCH	CASH		
	AMOUNT OF CHEQUES		

DRAWER	BANK	BRANCH	TRAN-CODE
CUSTOMER REFERENCE No.	9074 4690 1	USER CODE	60183
FOR CREDIT OF MID-WESTERN REGIONAL COUNCIL			831

Total \$

0000009074469010601831

831

WATER

WATER CONSUMPTION CHARGE

ABN 96 149 391 332
TAX INVOICE



Mr IW Salty & Mrs SM Salty
5 Spring Road
MUDGEE NSW 2850

PO Box 166, Mudgee NSW 2850
Ph: (02) 6378 2850 • 1300 765 002
Fax: (02) 6378 2815
Email: council@midwestern.nsw.gov.au
Website: www.midwestern.nsw.gov.au



1005603

Property Number
20977

Property Location and Description
5 Spring Road MUDGEE NSW 2850
Lot 16 DP 1160098

Issue Date 22/11/2012 **Interest Rate** 10% p.a.

Due Date 6/12/2012

Meter No	Meter Type	SDF	Present Reading	Previous Reading	Consumption (kl)		
					Actual	Adjustments	Charged
11W138222	20MM	0.00	201 (25/10/2012)	133 (29/06/2012)	68	0	68

Meter No	Charge Description	Charges \$
11W138222	Water Usage Residential: @ \$2.54/kL	\$172.72

Paid. 6 Dec 2012
RPT No. 016953605



[Signature]
WARWICK BENNETT
GENERAL MANAGER

Rebate: \$0.00
Arrears: \$0.00
GST: \$0.00

Please deduct any payments since	Total Amount Due
08/11/2012	\$172.72

nab National Australia Bank Limited
MUDGEE, 64 Church Street, NSW ABN: 96 149 391 332

WATER CREDIT

TELLER STAMP / /	NAME: Mr IW Salty & Mrs SM Salty	Date / /
INITIALS	PROPERTY NO.: 20977	
No. OF CHQS	TOTAL AMOUNT DUE: \$172.72	
<small>Please fill in the following particulars of cheques. Proceeds of cheques, whilst credited to the account, are generally not available until cleared. Please refer to your account terms and conditions for details.</small>		
DRAWER	BANK	BRANCH
TRAN CODE: 60	USER CODE: 082726	CUSTOMER REF: 9074469
FOR CREDIT OF MID-WESTERN REGIONAL COUNCIL		Total \$

⑈009074469

⑈08200726⑈16993⑈8918⑈60

WATER

WATER CONSUMPTION CHARGE

ABN 96 149 391 332

TAX INVOICE

Bill arrived 12/3/2013.

Mr IW Salty & Mrs SM Salty
5 Spring Road
MUDGEE NSW 2850



PO Box 156, Mudgee NSW 2850
Ph: (02) 6378 2850 • 1300 765 002
Fax: (02) 6378 2815
Email: council@midwestern.nsw.gov.au
Website: www.midwestern.nsw.gov.au



100568

Property Location and Description
5 Spring Road MUDGEE NSW 2850
Lot 16 DP 1169038

Property Number

20977

Issue Date

01/03/2013

Interest Rate

10% p.a.

Due Date

15/3/2013

Meter No	Meter Type	SDF	Present Reading	Previous Reading	Consumption (kl)		
					Actual	Adjustments	Charged
11W138222	20MM	0.00	545 (21/02/2013)	201 (25/10/2012)	344	0	344

Meter No	Charge Description	Charges \$
11W138222	Water Usage Residential: @ \$2.54/kl	\$873.76

Michell Skinner

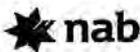
*Paid only \$172.72.
27th March 2013. RPT No. 017600509*



[Signature]
WARWICK BENNETT
GENERAL MANAGER

Rebate: \$0.00
Arrears: \$0.00
GST: \$0.00

Please deduct any payments since	Total Amount Due
26/02/2013	\$873.76



National Australia Bank Limited

MUDGEE, 64 Church Street, NSW

ABN: 96 149 391 332

WATER CREDIT

TELLER STAMP / / INITIALS	NAME: Mr IW Salty & Mrs SM Salty PROPERTY NO.: 20977 TOTAL AMOUNT DUE: \$873.76	Date / /
NO. OF CHQS	<small>Please fill in the following particulars of cheques. Proceeds of cheques, when deposited to the account, are generally not available until cleared. Please refer to your account terms and conditions for details.</small>	FREE OF TRANSFER FEE AT ANY NAB BRANCH
DRAWER	BANK	CASH
TRAN CODE: 60	USER CODE: 082726	AMOUNT OF CHEQUES
CUSTOMER REF. 9074469		Total \$
FOR CREDIT OF MID-WESTERN REGIONAL COUNCIL		

⑈009074469

⑈08200726⑈16993008918⑈60

Michelle Skinner

From: Ian Salty [iwsmsalt@bigpond.com]
Sent: Wednesday, 10 April 2013 10:51 PM
To: Michelle Skinner
Subject: RE: High Water Consumption for Pty 20977 5 Spring Road Mudgee

Hi Michelle

Just replying back to your email I am still not happy about this bill as there is only two adults residing at this address. Are you aware of the amount of complaints regarding this issue with other residents especially along this street ? Also I know your office has been inundated with complaints I recently saw a petition regarding this issue many residents regarding their recent water bill which I will be signing. Do you think a bill such as mine of \$800 especially considering the last two bill before is enormous and totally no fault of ours at all , so why should we pay it, would you ! We are now monitoring our water consumption but you say I have to pay to have the meter to be sent away this should be your duty of care for customers .

Yes a council water staff member came to investigate which I am thankful for but still no solution all we are asking for is a reasonable resolution as you can see by my last bill the ridiculous difference. I have already made payment to cover what I feel is fair the same as my last bill until you come to a resolution. I always pay my bills but this is just not right hoping this is taken higher as I want this rectified

From: Michelle.Skinner@midwestern.nsw.gov.au [mailto:Michelle.Skinner@midwestern.nsw.gov.au]
Sent: Tuesday, 9 April 2013 3:41 PM
To: Ian Salty
Subject: RE: High Water Consumption for Pty 20977 5 Spring Road Mudgee

I refer to your comments outlined in your recent email to Council regarding the high water consumption at 5 Spring Road for the Oct/Feb 2013 billing period.

I understand that a thorough investigation has been conducted by Council's Water staff and that they were unable to establish any fault with the water meter calibration or the meter reading used to calculate your consumption account.

While I appreciate that this consumption was unexpected, I regret to advise that there is no provision in the Local Government Act to waive or adjust the amount of the water account in the absence of any defect in Council's water meter. It is always recommended that customers monitor consumption on a regular basis for early detection of problems of this nature.

Should you remain unconvinced as to the accuracy of the meter, Council could arrange to have the meter sent to the NATA laboratory for a full flow and strip test. A fee of \$230.00 would apply, which is refunded if the meter is found to be faulty. The account in question would also be adjusted in line with the test result.

I therefore must request payment of the account as issued by 19/4/2013.

Should you have any queries in relation to this matter please contact Councils Revenue Department on 02 6378 2850 or 1300 765 002.

Many thanks

Michelle Skinner
Snr Revenue & Recovery Officer
Mid-Western Regional Council
p - 02 6378 2840
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e - michelle.skinner@midwestern.nsw.gov.au
w - www.midwestern.nsw.gov.au

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Response to concerns re escalating water bill at 5 Spring Road Mudgee & request for situation to be sorted out quickly - Ian Salty

From: Michelle Skinner/Council
To: Ian Salty <iwsmsalt@bigpond.com>
Subject: RE: High Water Consumption for Ppty 20977 5 Spring Road Mudgee
Date: Tuesday, 09 April 2013 03:41 PM

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Many thanks

Michelle Skinner
Snr Revenue & Recovery Officer
Mid-Western Regional Council
p - 02 6378 2840
f - 02 6378 2815
e - michelle.skinner@midwestern.nsw.gov.au
w - www.midwestern.nsw.gov.au

Concerns re escalating water bill at 5 Spring Road Mudgee & request for situation to be sorted out quickly - Ian Salty

From: Ian Salty <iwsmsalt@bigpond.com>
To: <council@midwestern.nsw.gov.au>
Subject: Water Rates Attent : Warwick Bennett
Date: Thursday, 21 March 2013 12:28 PM

Ian Salty

5 Spring Rd

Mudgee NSW 2850

Property No 20977

Mid-Western

Region Council

To

Warwick Bennett

I am email you with great concern regarding my escalating water bill . I have notified one of the Council Staff personnel at the Council office they in reply have sent down one of the council

Team member to read the meter and he seems to think the meter is reading properly. I took a reading 2 days prior and it was reading 575 KL and that was the same as his reading .

Your office members said it was the dry spot over the Christmas period that caused the water bill to be so high, but we were away for two weeks over Christmas.

Why I am complaining about this bill as there is only two people residing in this house hold, we have a 3,000lt Rain water tank and we have had that much rain through this season so I used my tank which now is dry trying to conserve water.

Our first bill from the council was on the 02/08/2012 it was for \$319.20 which I thought was high but a lot of that was from the builders which was ok.

Our next Bill was on 22/11/2012 which was for

\$172.72 which was not too bad.

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Due to this outcome they are coming up with the same ridiculous amounts as well

And they too are not happy. My neighbors bill was approx. \$500 which she has 4 people in her household and others are even more expensive. We as a community are getting together to voice our concerns soon if this is not sorted.

I am hoping that commence sense will prevail. I have also been told I can get the meter checked but it will cost me \$300.00 which is absorbed as it is your meter.

I realize I have to pay for water but not that much so my proposal is I will pay the amount on my last bill which is \$172.72 until you get back to us with a reasonable explanation.

Also prior to this I rang your council office and seems that you have been inundated with phone calls regarding this issue as your staff are talking the backlash on this matter. This needs to be rectified or the matter will be taken further which I am already looking into

Regards

Ian Salty

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6.3.12 Naming of a New Unnamed Road off Blue Springs Road

REPORT BY THE REVENUE & PROPERTY MANAGER TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, R0790041

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Naming of a New Unnamed Road off Blue Springs Road be received;**
2. **Council formally approve the name of Rissler Road for the new road in the new subdivision off Blue Springs Road.**

Executive summary

Formal approval is requested to name the new road in the subdivision off Blue Springs Road in Stubbo, Rissler Road.

Detailed report

Following the approval of a subdivision off Blue Springs Road, Council wrote to neighbours of the subdivision requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 5/7/13 issue of the Mudgee Guardian.

From submissions received, Council provisionally approved the name of Rissler Road at their 20/11/13 Council Meeting.

The Geographical Names Board has been advised of this road name and has no objection.

Rissler Road was advertised in the 30/11/13 issue of the Mudgee Guardian and on Council's website with no submissions received.

Notices of the new road name were served on Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire Service, NSW Rural Fire Brigades, NSW Police Force, NSW SES and NSW VRA with no objections received.

Financial and Operational Plan implications

Cost of Gazettal notice at approx \$60. Purchase and installation of one street sign and a No Through Road sign will be met by the Developer.

Community Plan implications

Street naming is legislated under the Roads Act 1993. This Act empowers the authority in charge of the road with the rights to name it. The naming of these streets will allow the completion of street addressing within the new subdivision. Section 162 of the Roads Act (1993) states that "a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months notice of the proposed name."

In accordance with Council's Road Naming Policy, should Council formally endorse the naming of these new streets, notice of the approved names will be:

1. published in the Government Gazette and the Mudgee Guardian
2. concurrently, notice of the new name will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, The New South Wales Volunteer Rescue Association Inc, and, in the case of a classified road - the RMS

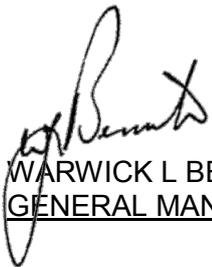
DIANE SAWYERS
REVENUE & PROPERTY MANAGER

9 January 2014

Attachments:

1. Correspondence received from the Geographical Names Board
2. Submissions
3. Map of the new road reserve off Blue Springs Road.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1



Land & Property Information

Panorama Avenue BATHURST
P O Box 143
BATHURST NSW 2795
Tel: (02) 6332 8440
Fax: (02) 6332 8415
Email: bob.davis@lpma.nsw.gov.au
www.lpma.nsw.gov.au

The General Manager
Mid Western Regional Council
P O Box 156
MUDGEES NSW 2850

Attention: Carolyn Atkins

9th July 2013

Your Ref: CA: R0790041
Our Ref: T02/0175 2013 - 115

Dear Madam,

ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008 SECTION 162 – NAMING OF PUBLIC ROADS

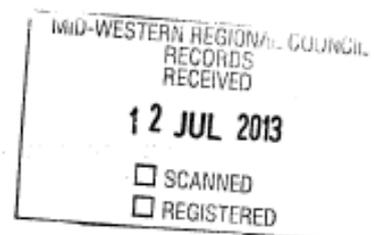
I refer to your letter of 4th July 2013 which proposed the following public road names:

SETTLEMENT LANE, NORTHVIEW ROAD, RISSLER ROAD

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the names have been reviewed under the GNB Guidelines for the Naming of Roads and I there is no objection to their use, providing they do not refer specifically to any living persons.

Yours Faithfully

Bob Davis, Team Leader DCDB Update
For Division Manager Information Sourcing



From: Doug Seis [redacted]
Sent: Friday, 3 May 2013 07:21
To: <council@midwestern.nsw.gov.au>
Subject: Road Naming re: DA0295/2012

To whom it may concern in the property planning department,

In relation to the subdivision set out in development application no. DA0295/2012, at Blue Springs Road Gulgong, we have created a new access road that will be dedicated to Council. As instructed in the D.A, we would like to submit the following three road names for councils consideration.

SETTLEMENT LANE

RISSLER ROAD

NORTHVIEW ROAD

Thanking You
Doug Seis

"Rosevale"
Merotherie Road
Gulgong 2852
PH.

From: Doug Seis
Sent: Wednesday, 3 July 2013 9:49 PM
To: Carolyn Atkins
Subject: Re: Question in relation to Road Naming of the new road in your subdivision - DA0295/2012

Dear Carolyn,

Thank you for your email.

Please find the following information in regard to the proposed naming of the new road:

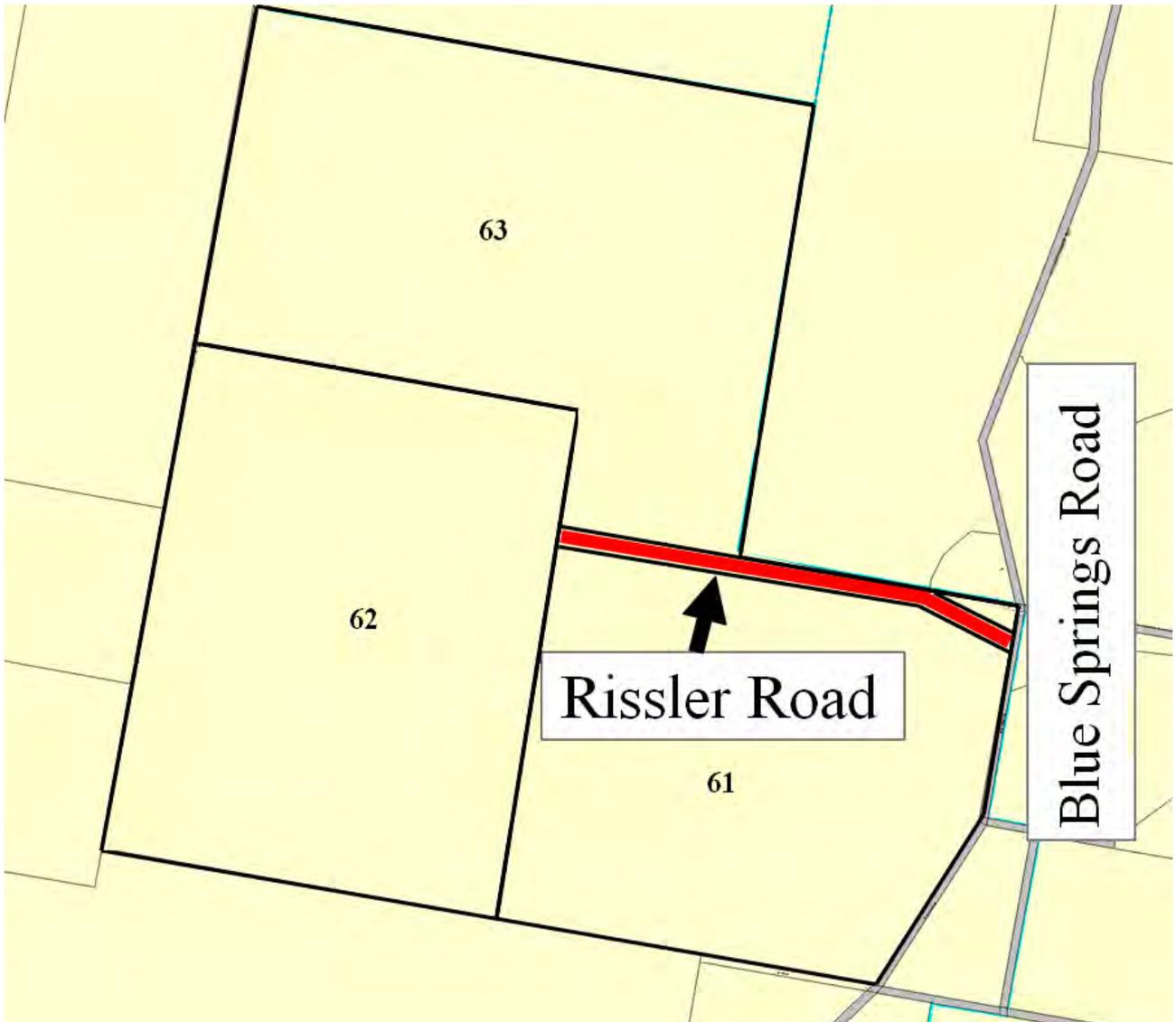
Settlement Lane: In acknowledgment of our family who settled in close proximity to this area in the early 1900's.

Rissler Road: In memory of my late brother in law, who died in April 2013. He was a well known member of the Gulgong community and had lived on the corner of this new road for many years.

Northview Road: This name reflects the captivating views to the north from each block in the subdivision.

Regards,

Doug Seis



6.3.13 Naming of unnamed Lanes in Gulgong

REPORT BY THE REVENUE & PROPERTY MANAGER TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, R0790141

RECOMMENDATION

That:

- 1. the report by the Revenue & Property Manager on the Naming of unnamed Lanes in Gulgong be received;**
- 2. Council name Lane no 1 Power House Lane, Lane no 2 Ryans Lane and Lane no 3 Wood Cutters Lane.**

Executive summary

Following a Report from the Manager Technical Services on 3/10/13 in relation to the maintenance of a number of lanes in Gulgong Council determined to name several unnamed lanes.

Detailed report

Council, being the Roads Authority, is required to name new or unnamed streets and roads. The purpose of this report is to provide a list of names submitted by the public from which Council can choose names for these unnamed lanes.

Council wrote to two members of the Gulgong Historical Society on 11/11/13 to determine if the unnamed lanes may have historical names. One lane was found to have been named Dewars Lane while the remaining 3 were still unnamed. Council wrote to neighbours of the unnamed lanes on 5/12/13 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 6/12/13 issue of the Mudgee Guardian. Submissions closed on 27/12/13 and during this period 5 submissions were received with the following names suggested:

- Allport Lane
- Dougan Lane
- Naughton Lane
- Bishop Lane. This submission cannot be accepted as it will conflict with Bishops View Road in Hargraves and is not eligible per the Geographical Names Board Guidelines.
- Angove Lane
- Power House Lane
- Golden Gate Lane
- Silver Dust Lane
- Ryans Lane
- Millers Lane or Edward Miller Lane. This submission cannot be accepted as it will conflict with Miller Crescent in Mudgee.
- Teddys Lane
- Wood Cutters Lane

The following are names from the List of Approved Street/Road names related to the Gulgong area.

- Spears Lane
- Boldrewood Lane
- Oldfield Lane

Financial and Operational Plan implications

Cost of Gazettal notice is approx \$60 and purchase and installation of five street signs approximately \$1800. These costs are included in the 2013/2014 Operational Plan.

Community Plan implications

Street naming is legislated under the Roads Act 1993. This Act empowers the authority in charge of the road with the rights to name it. The naming of the new street will allow the completion of street addressing within this new subdivision. Section 162 of the Roads Act (1993) state that “a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months notice of the proposed name.”

The Geographical Names Board has been advised of these possible road names and has no objection to most of them.

In accordance with Council’s Road Naming Policy, the names that Council endorses for the unnamed lanes will be:

1. advertised in The Mudgee Guardian inviting submissions in writing from the public for a period of 21 days.
2. concurrently, notice of the proposed names will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, the New South Wales Volunteer Rescue Association Inc, and, in the case of a classified road – Roads & Maritime Services, inviting submissions in writing for a period of 21 days.

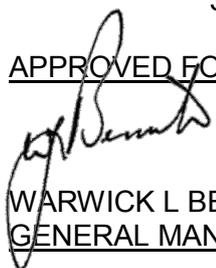
At the expiration time for the lodgement of submissions, a further report will be prepared for Council addressing any submissions received and recommending the formal adoption of the proposed street names, and Gazettal of the new street names.

DIANE SAWYERS
REVENUE & PROPERTY MANAGER

9 January 2014

- Attachments:*
1. Correspondence received from the Geographical Names Board
 2. Submissions
 3. Maps of the unnamed lanes.

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1



PO Box 143
Bathurst NSW 2795
T: 02 6332 8210
F: 02 6332 8217
E: gnb@pimsw.gov.au
www.gnb.nsw.gov.au

Plan Reference: C.A. 10750111
Case Reference:
Contact Officer: Wale Humphrys
Telephone No: 02 6332 8367
Email: wale.humphrys@pimsw.nsw.gov.au

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

ATTENTION: Carolyn Atkins

Dear Carolyn

**ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008
SECTION 162 – NAMING OF PUBLIC ROADS**

I refer to your letter of 5th December 2013, which proposed the following public road names:

**ALLPORT LANE, DOUGAN LANE, NAUGHTON LANE, BISHOP LANE or
SAMUEL BISHOP LANE, ANGOVE LANE, POWER HOUSE LANE, GOLDEN
GATE LANE, SILVER DUST LANE**

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the names have been reviewed under the GNB NSW Road Naming Policy and I would raise the following objection:

BISHOP LANE or SAMUEL BISHOP LANE – objection is raised under *Principle 4 Uniqueness, Duplication*, a road name will be regarded as a duplicate if it is the same or similar in spelling or sound to an existing name, regardless of the road type. There is already a **BISHOPS VIEW ROAD** located at Hargraves.

There is no objection to the other proposed names provided they do not refer specifically to any living person.

Should you wish to proceed with adoption of the name to which objection has been raised, then Council should write to the **Secretary of the Geographical Names Board, Lands Department, LPI Bathurst, PO Box 143, NSW 2795** setting out reasons why the name is valid. The matter will then be put to the Board who may choose to overturn the objections.

Kind Regards,

Rhet Humphrys
Geographical Names Board Secretariat

6th December 2013



PO Box 143
Bathurst NSW 2795
T: 02 6332 8214
F: 02 6332 8217
E: gnb@pi.nsw.gov.au
www.gnb.nsw.gov.au

View this page in: CA: 46790141
User Reference:
Contact Officer: Rhet Humphrys
Telephone No: 02 6332 8261
Email: rhet.humphrys@pi.nsw.gov.au

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

ATTENTION: Carolyn Atkins

Dear Carolyn

**ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008
SECTION 162 – NAMING OF PUBLIC ROADS**

I refer to your letter of 7th January 2014, which proposed the following public road names:

**RYANS LANE, MILLERS LANE OR TEDDY MILLER LANE, WOOD CARTERS
LANE, TEDDYS LANE**

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the names have been reviewed under the GNB NSW Road Naming Policy and I would raise the following objection:

MILLERS LANE or TEDDY MILLER LANE – objection is raised under *Principle 4 Uniqueness, Duplication*, a road name will be regarded as a duplicate if it is the same or similar in spelling or sound to an existing name, regardless of the road type. There is already a **MILLER CRESCENT** located in Mudgee.

There is no objection to the other proposed names provided they do not refer specifically to any living person.

Should you wish to proceed with adoption of the name to which objection has been raised, then Council should write to the **Secretary of the Geographical Names Board, Lands Department, LPI Bathurst, PO Box 143, NSW 2795** setting out reasons why the name is valid. The matter will then be put to the Board who may choose to overturn the objections.

Kind Regards,

Rhet Humphrys
Geographical Names Board Secretariat

9th January 2014

Queen Street,
Gulgong 2852

November 18, 2013

Carolyn Atkins
Property Support Officer
Mid-Western Regional Council
PO Box 156
MUDGEE 2850

Dear Carolyn

The attached names are of people who lived in Gulgong over a period of time and contributed to the town in many ways. Could give more details and names if necessary.

Hope this is of some help.

Yours faithfully,



Ruth Davis



Doctor Robert M. Allport [aka Dr. Bob] one of Gulgong's most respected Medical Practitioners for over 30 years, brilliant surgeon, coroner, president of various organizations, sportsman's. Died 1957.

Donald H Dougan, chemist for over 50 years, had a branch at Dunedoo in the 1930's president of the RSL, first president Gulgong Pioneers Museum and other organizations. With Robert Bowman and C.R. [Bill] Dempsey they had a display of old items in the CWA for the Gulgong Pool early 1960's, this is how the Museum got started. Died 1990.

Naughton Family first mentioned in 1871, Bernard had the Royal Oak Hotel, R.J. Naughton's Centennial Hotel 1898-1944, Edgar Naughton, Coach Builder, 1903 Lewis Naughton's, shop men and ladies clothing also in the early days had groceries, [two storey building on the corner of Mayne and Medley Streets] he was known as the 'Boot King'. Imelda Naughton daughter of Lewis and Hannah [nee Curran, her family had a cordial factory 1870's, where Coronation Park is now] was an accomplished pianist and played for many events in Gulgong.

Samuel Bishop, 1873 acting editor of the Gulgong Guardian, 1876 Town Clerk, Book and Stationery shop, Mayne Street, this shop was on the first \$10 note. Secretary of the Hospital, Auctioneer 1884-1915, Justice of the Peace, Correspondent for the Sydney Morning Herald with news of Gulgong.. Much respected citizen of Gulgong.

Angove Richard and Mary, Richard had a General Store 1871, died 1875, Mary was the Postmistress 1871—Albion Hotel 1880-81

GULGONG HISTORICAL SOCIETY INC. & PIONEERS' MUSEUM - Research Centre

*Research Centre, Pioneers Museum - P O Box 78 Gulgong NSW 2852
Phone: 02 63742624 - Email : gulgongpioneers@bigpond.com*

*The phone is not always attended as research is conducted on a volunteer basis.
The Research Centre is open on Tuesday and Wednesday 9.00 am to 2.00 pm*

Carolyn Atkins
Property Support Officer
Mid-Western Regional Council
P.O. Box 156
MUDGEE NSW 2852



Dear Carolyn

Further to my recent email in which I dealt with Lane No.4 on your map, I will now deal with the other 3 Lanes. To my knowledge and research these lanes have never been named.

I feel that naming these lanes in the memory of a particular person would not be appropriate, as at least two of these are unsealed and pretty unsightly at this point in time, so I'd suggest a name that reflects other subjects in the history of the town would be more suitable.

Lane 1 - This lane runs off Bulga Street to a dead end in the vicinity of the old power house. The power house building still stands as part of the motel complex in Medley Street, but very few would know that it ever existed, so naming this lane "Power House Lane" would resurrect the memory of this building which played an important part in the towns history.

Lane 2 & 3 - I will deal with both of these together as they are both in the northern part of the town. Recently the flour mill was closed and a great part of the towns history in flour making came to an end. Gulgong had another mill which is also still standing in Queen Street. They both produced a brand of flour which was exported to other parts of the world, and their names would only be known by very few people today, so I suggest that these lanes be named in their memory.

Lane 2 - "Golden Gate Lane", & **Lane 3** - "Silver Dust Lane".

Thanks Carolyn for giving me, and the Museum, a chance to contribute to the naming of these lanes in respect to the history of the town.

Barry Baldwin - Research Centre - Gulgong Museum

GULGONG PIONEERS MUSEUM - RESEARCH CENTRE -



Open Wednesday & Thursday
9am to 1pm
or by Appointment

73 Herbert Street
GULGONG NSW 2852



P.O. BOX 78
GULGONG
NSW 2852

(02) 6374 2624

gulgongpioneers@bigpond.com
www.gulgongmuseum.com

Gulgong Pioneers' Museum - 73 Herbert Street Gulgong NSW 2852

20-12-13.

Bowman St

Julgong.
2852

Mid-Western Council

Re naming of unnamed lane NO2. in Julgong

I am writing this submission on behalf of all current owners of 16 Moonlight St which backs onto the unnamed lane.

This property has been in my family since it was purchased after it was passed in at auction, by my Uncle Edward Ryan on 25-1-1916.

My father Francis Ryan then purchased it from his brother. It has been passed down through the family since then.

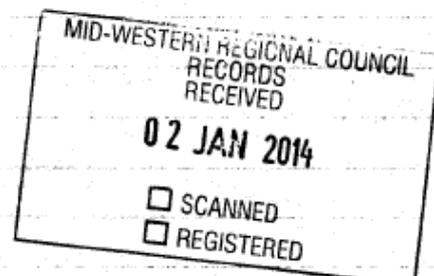
Current owners myself & four daughters being direct descendants of Francis Ryan

Our submission it be named Ryans Lane

Thanking You.

Zelma Drew-

M.A, M.J. NW and E.P. Drew.



Edward Mark Miller
Herbert Street
Gulgong NSW 2852

Re: Naming of Lane No 3, Gulgong.

My grandfather, Edward Miller lived and worked around Gulgong for most of his life.

My father, Edward (Teddy) Miller worked as a woodcutter and delivered firewood around all the back lanes, including this one.

Now I, Edward (Mark) Miller, live at 27 Herbert Street, after living in and around Gulgong all my life, so I think it fitting that this Lane be named 'Miller's Lane', in light of my family's long association with it, and also as a tribute to my father, who unfortunately died in 1970, aged 45.

Yours faithfully
Ed Miller

Per telephone discussion with Mr Miller 7/1/14 re the possibility that Miller's Lane would be ineligible due to duplication. He further suggested Teddy Miller Lane and Wood Cutters Lane. Should Teddy Miller Lane be ineligible a possible additional version could be Teddys Lane.

MID- WESTERN REGIONAL COUNCIL.
PO. BOX 156 MUDGEE N.S.W 2850.

D.J. & J.A. KELLY
P.O.BOX
GULGONG N.S.W.2852

27/12/13

RE.CA.RO790141
NAMING OF UNNAMED LANE

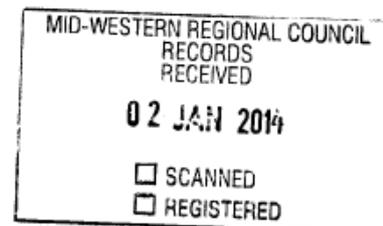
THE PROPERTY SUPPORT OFFICER

IN REFERENCE TO NAMING THE LANE BETWEEN BOWMAN. ST & WENONAH ST. GULGONG .WE DES. AND JEAN KELLY. WOULD LIKE OUR SUGESTION CONSIDEREI AS "RYAN'S LANE " AS THE RYAN FAMILY OWNED AND LIVED ON THE BLOCKS BOUNDING THAT AREA FROM THE EARLY 1900'S .THEY WERE OF THE EARLY SETTLERS AND THE FAMILY IN NUMBERS PLAYED A MAJOR ROLL IN GULGONGS DEVELOPMENT, BOTH IN SPORTING AND SOCIAL LIFE AND STILL WITH MANY DECENDENTS STILL DOING THE SAME TODAY. WE FEEL IT WOULD BE FITTING FOR THE PAST AND FUTURE RELATIVES TO BE RECOGNISED OF THEIR ANCESTORS ACHIEVMENTS IN THIS WAY .

THANKING YOU FOR YOUR CONSIDERATION

DES. & JEAN. KELLY.

John Kelly Jean Kelly.



From Council's Pre-Approved Names List:

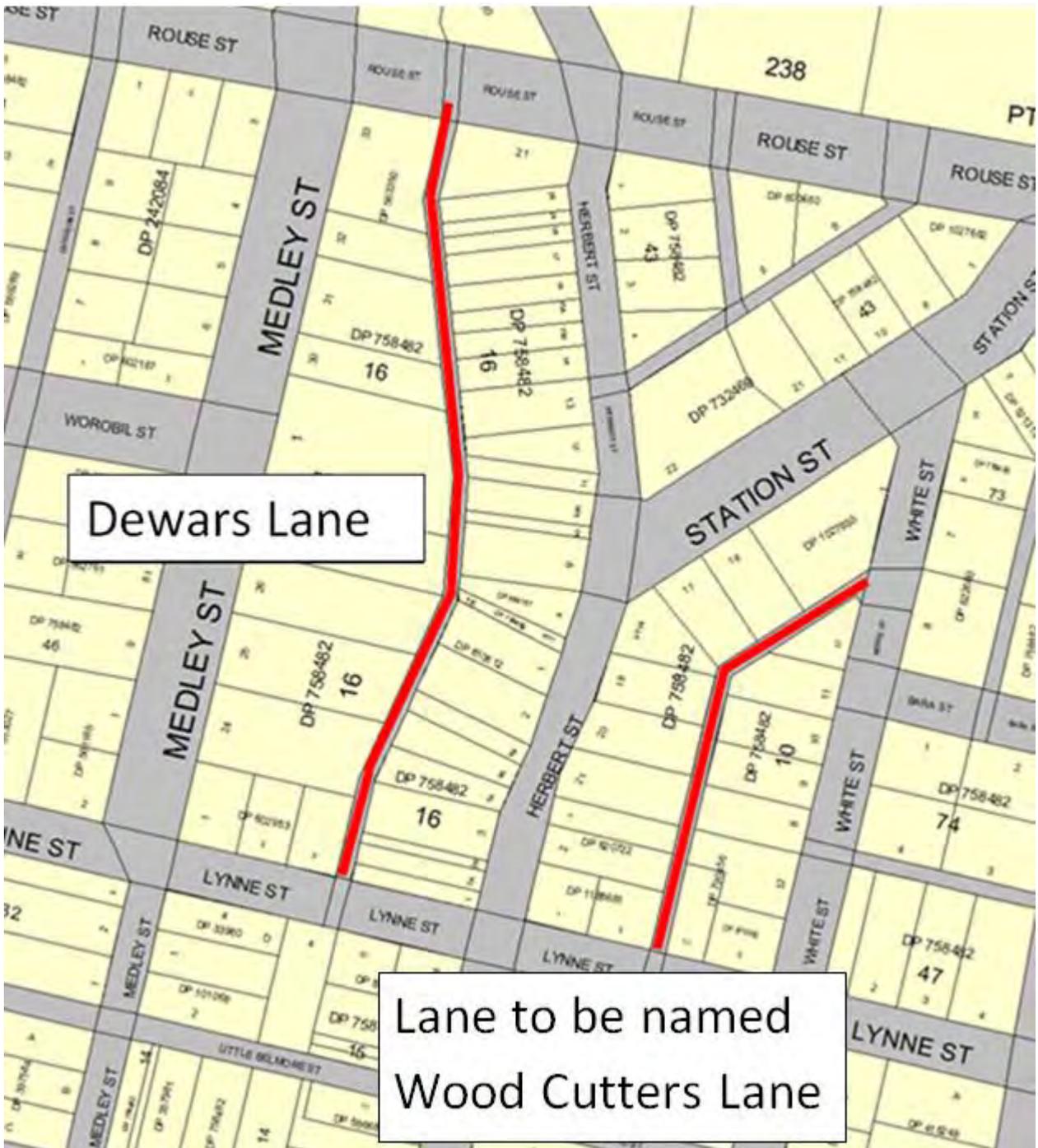
James Spears (Gulgong) – Proprietor of the Times Bakery late 1800s early 1900s and owner of property Wyaldra. Largely responsible for the establishment of the Gulgong Pioneers Museum on the old bakery. site. To be used in the Gulgong area.

Boldrewood (Gulgong). Rolf Boldrewood, author of Robbery Under Arms, The Miners Right and others. Rolf Boldrewood, was the pen name of Thomas Alexander Browne, Police Magistrate in Gulgong 1871-1881 and Gold Commissioner from 1872-1881. Died 11/3/1915. To be used in the Gulgong area

Approved Council Meeting 3/8/93

Oldfield – For the Oldfield Family – Richard Oldfield came to Australia and settled in Windsor then resettled in Gulgong during the gold rush. He married Mary Ann Field but was not a successful miner so he a stamping machine. With his sons he crushed rocks in Gulgong and Mebul. His son, George Oldfield, carried on the rock crushing business until it was not viable. George and his son William Oldfield then acquired a coach run to Gilgandra and Mudgee from Gulgong. Years later Cobb and Co acquired the coach run from George and William. William Oldfield became a Whyaldra Shire Council employee working as a horse and dray driver, then a road maintenance and grader drive. During World War II he went to Darwin and worked as a grader driver on the airfields, grading aerodrome areas when Darwin was bombed. After the war William (Bill) returned to Gulgong and continued working for Council as a garbage collector. When Bill retired, Mudgee Council presented him with a watch at a dinner in his honour after 30 plus years of service. Bill also served 25 years on the Gulgong Fire Brigade. The Oldfield family history started in 1865 until 1972, over one hundred years in Gulgong.

Approved Council Meeting 17/11/12



6.3.14 Classification of Land – Lot 46 DP 1191367 Drainage Reserve 14 Faucett Drive Mudgee

REPORT BY THE REVENUE & PROPERTY MANAGER TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, P2251311

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the Classification of Land – Lot 46 DP 1191367 Drainage Reserve 14 Faucett Drive Mudgee be received;**
2. **Council notify the public of its intention to classify Lot 46 DP 1191367 as Operational by exhibiting the proposal for 28 days and should there be no submissions from the public, the land be so classified as Operational.**

Executive summary

This report seeks to commence the process for classification of Lot 46 DP 1191367, being land vested in the ownership of Mid-Western Regional Council as part of the Nurrowin private subdivision and being for the purpose of a drainage reserve.

Detailed report

In accordance with the Local Government Act 1993 (LGA), all public land must be classified as either “Community” or “Operational” land. The purpose of classification is to identify clearly that land which should be kept for use by the general public (community land) and that land which need not (operational land). Community land would ordinarily incorporate land such as a public park. Land that is classified Operational would include land held as an asset, land which facilitates a council carrying out its functions or is land that may not be open to the public, such as in this case, where the land is required for drainage purposes.

To commence the process for the classification of this land parcel, Council must resolve to classify the land as Operational and its intention must be advertised for a period of 28 days during which time written submissions to the proposed classification will be accepted from the public. The classification can then be formalised after this period.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

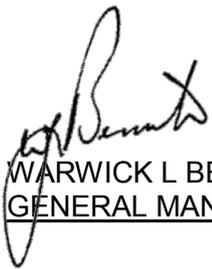
The Council requires that this land parcel be classified as Operational to assist with the use and development of the site for drainage purposes and to satisfy the conditions stipulated under Chapter 6, Part 2, Division 1 of the LGA relating to the classification of land.

DIANE SAWYERS
REVENUE & PROPERTY MANAGER

10 January 2014

Attachments: 1. Plan of Lot 46 DP 1191367

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1



6.3.15 Tender For the Supply and Delivery of Ready Mix Concrete

REPORT BY THE MANAGER TECHNICAL SERVICES TO 5 FEBRUARY 2014 COUNCIL MEETING

140205 Council1

GOV400038, A0100026

RECOMMENDATION

That:

1. **the report by the Manager Technical Services on the Tender For the Supply and Delivery of Ready Mix Concrete be received;**
2. **Council accepts the following suppliers as a panel of suppliers for the supply and delivery of Ready Mix Concrete for a contract term starting 1st March 2014 and expiring 30th June 2015:**
 - **Boral Resources (Country) Pty Ltd**
 - **Mudgee Mini Mix & Landscaping Pty Ltd T/as Mudgee Concrete**
 - **Holcim Australia Pty Ltd**
3. **Provision be made for a 12 month extension based on satisfactory supplier performance which may take this tender through to 30th June 2016;**
4. **Supplier prices are in accordance with the Schedule of Rates submitted by each tenderer.**

Executive summary

Regional Procurement® has called a Panel Source tender for the supply and delivery of Ready Mix Concrete on behalf of Mid-Western Regional Council.

This contract will run for 1st March 2014 and expiring 30th June 2015 with a 1 year option which may be taken up based on satisfactory performance by the successful tenderers.

Councils total concrete purchase amount is greater than \$150,000 over three years. Under the Local Government Act Council is therefore required to go through the tender process.

Detailed report

TENDERS RECEIVED

Three tenders were received and assessed.

- Boral Resources (Country) Pty Ltd
- Mudgee Mini Mix & Landscaping Pty Ltd T/as Mudgee Concrete
- Holcim Australia Pty Ltd

LATE TENDERS

Holcim Australia Pty Ltd tender was received late.

TENDER EVALUATION

The tender evaluation was conducted at Regional Procurement by:

- Leanne Roberts – Regional Procurement® (facilitator)
- Sarah Oliver - Regional Procurement®
- Michelle Partland – Regional Procurement®
- Peter Salafia - Regional Procurement®

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement® Tendering Code of Conduct and Tendering Evaluation Principles and Process. Confidentiality and probity was maintained throughout the process.

Conflict of Interest Declarations were signed by all participating evaluation panel members including the Regional Procurement facilitator. The declarations are available to be viewed if required.

EVALUATION CRITERIA & FINDINGS

The % weightings and criteria were agreed upon prior to the tender closing. The evaluation result is determined by:

- Adding the total \$ value of four (4) types and quantities of ready mixed concrete together to determine the lowest overall price.
- Each subsequent total \$ value is then divided into the lowest total amount to obtain a score.
- The tenderer's ability to meet specific requirements of the remaining evaluation criteria as determined by the panel and shown in the Evaluation Matrix

Evaluation Results

Criteria	% Weighting	BORAL	MUDGEES MINI MIX	HOLCIM
Tender Price (tender price will be evaluated by comparing several standard quantities and mix types across all tenderers). As this tender is of a 'Panel' nature the ultimate decision of which tenderer to use will rest with the individual council based on price and availability.	60	50.96	60.00	51.15
Quality Assurance	10	10.00	3.00	10.00
WH&S	5	4.00	3.00	4.00
Ecologically Sustainable Development	5	5.00	2.00	5.00
Referees	10	9.07	9.27	9.40
Physical Resources	10	10.00	10.00	10.00
Total	100	89.02	87.27	89.55

Based on the above evaluation results all tenderers are recommended to be included on the panel for supply of ready mix concrete for the period noting the option of the 1 year extension subject to satisfactory performance.

Financial and Operational Plan implications

Prices received through the tender are equal to or better than current pricing received from the suppliers. Councils total concrete purchase amount is greater than \$150,000 over three years. Under the Local Government Act Council is therefore required to go through the tender process.

Community Plan implications

Council's Procurement Policy applies and the Local Government Act.



ANDREW KEARINS
MANAGER TECHNICAL SERVICES

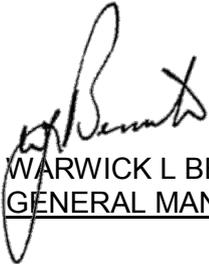


BRAD CAM
DIRECTOR, MID-WESTERN OPERATIONS

23 January 2014

Attachments: Nil

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.3.16 Supply of quarry products RFT 2013-07 for additional contractor Ulan Stone Pty Limited

REPORT BY THE BUSINESS MANAGER WORKS TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, A0411307

RECOMMENDATION

That:

1. **the report by the Business Manager Works on the Supply of quarry products RFT 2013-07 for additional contractor Ulan Stone Pty Limited be received;**
2. **Council accepts Ulan Stone Pty Ltd for tender 2013/07 for the supply of quarry products in accordance with Clause 178 of the Local Government (General) Regulation 2005 as listed below;**
3. **Additional contractors may be included on the preferred suppliers list if required during the contract period by resolution of Council.**

Executive summary

Following Council's resolution to invite tenders for the supply of quarry products to complete works listed in the management plan, tenders were called to establish a preferred list of suitable suppliers to provide services to Council until 2016.

This report is recommending that Ulan Stone Pty Ltd be included on the preferred suppliers list after having received the required information from the contractor.

Detailed report

Council has received a request by Ulan Stone Pty Limited to be included on Council's preferred suppliers list. The supplier has completed the relevant documentation and been assessed in accordance with the tender evaluation process. The process involved the following steps;

1. The Tender Assessment Panel undertook an objective analysis of tenderers' ability to meet both mandatory and desirable criteria.
2. The tendered information and specific questions were listed under the evaluation criteria and weighted in order of importance to the overall evaluation. Team members scored the tenders against the criteria in accordance with the Evaluation Plan.

As a result of this process, the additional supplier will be incorporated into the preferred suppliers list.

The Request for Tender called for ex works prices for products. The costs of transport can make up a significant part of the price for the supply of quarry products and is generally linked to the proximity of the quarry to the delivery location. Due to the large range of products and project locations this panel tender allows Council to achieve the best value for supply of quarry products depending on the delivery arrangements. Supply therefore will be allocated based on a combination of both product supply cost and cartage costs.

Financial and Operational Plan implications

The costs of the projects that require quarry products are recognised in the Management Plan under the maintenance and construction of Councils assets.

Community Plan implications

These recommended suppliers are required to meet the Council's maintenance and capital works program.

SALLY MULLINGER
BUSINESS MANAGER WORKS

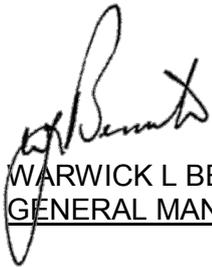


BRAD CAM
DIRECTOR, MID-WESTERN OPERATIONS

22 January 2014

Attachments: 1. Tender Evaluation - Supply of Quarry Products 2013-2016 – Additional Contractors (included in the confidential section of the business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.3.17 Wet and Dry Plant Hire Tender 2013/13 for additional contractors Glenora Constructions Pty Ltd and Miskle Transport and Earthmoving Pty Ltd

REPORT BY THE BUSINESS MANAGER WORKS TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, A0411303

RECOMMENDATION

That:

1. the report by the Business Manager Works on the Wet and Dry Plant Hire Tender 2013/03 for additional contractors, Glenora Constructions Pty Ltd and Miskle Transport and Earthmoving Pty Ltd be received;
2. Council accepts the revised list of preferred contractors for tender 2013/03 for the provision of Wet and Dry plant hire in accordance with clause 178 of the Local Government (General) Regulation 2005 as listed below for Wet Hire;

CONTRACTOR	PLANT	SIZE
Miskle Transport Earthmoving Pty Ltd	Water Truck	13000L
Glenora Constructions Pty Ltd	Excavator	5T
Glenora Constructions Pty Ltd	Excavator	4T
Glenora Constructions Pty Ltd	Skid Steer Loader	
Glenora Constructions Pty Ltd	Tipper Truck and Dog	
Glenora Constructions Pty Ltd	Tractor and Slasher	
Glenora Constructions Pty Ltd	Float	

3. Additional contractors may be included on the preferred suppliers list if required during the contract period by resolution of Council.

Executive summary

At the Council meeting of the 24th July 2013, following a detailed tender process Council resolved to accept a list of contractors that met the requirements of the tender for either wet or dry plant hire over a three year contract.

This report is recommending one additional contractor and one additional piece of plant from a contractor already accepted, be included on the preferred suppliers list after having received the required information from the contractor.

Detailed report

Council has received a request by Glenora Constructions Pty Ltd to be included on Council's preferred suppliers list and a request from Miskle Transport and Earthmoving Pty Ltd to include an additional item of plant onto the preferred suppliers list. The contractors have completed the relevant documentation and been assessed in accordance with the tender evaluation process. The process was provided to Council at the time of accepting the original tender and can be provided to Councillors again on request. It involved the following steps;

3. The tender assessment panel undertook an objective analysis of tenderers' ability to meet both mandatory and desirable criteria.
4. The tendered information and specific questions were listed under the evaluation criteria and weighted in order of importance to the overall evaluation. Team members scored the tenders against the criteria in accordance with the Evaluation Plan.

As a result of this process, the additional suppliers will be incorporated into the preferred suppliers list.

Financial and Operational Plan implications

The costs of the projects carried out using wet and dry plant hire are recognised in the Operational Plan under the maintenance and construction of Councils assets.

Community Plan implications

The recommended suppliers are required to meet the Council's maintenance and capital works program.

SALLY MULLINGER
BUSINESS MANAGER WORKS

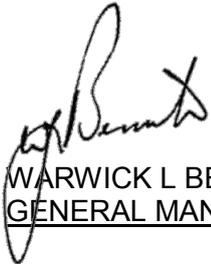


BRAD CAM
DIRECTOR, MID-WESTERN OPERATIONS

14 January 2014

Attachments: Nil.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.3.18 Rylstone Aerodrome – Water for RFS

REPORT BY THE GENERAL MANAGER TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, F0470030

RECOMMENDATION

That:

1. the report by the General Manager on the Rylstone Aerodrome – Water for RFS be received;
2. Council approve in principle to allow Mr Rob Loneragan of the Rylstone Aerodrome to extract water in or around the Rylstone water supply dam for the sole purpose of rural fire fighting storage capacity for aerial fire fighting purposes (It should be noted that the water supply is not available to meet the fire fighting water requirements of DA 0263/2012 but restricted for use by the Rural Fire Service for aerial fire fighting purposes.);
3. Council approve the creation of an easement and enter into a formal Licence agreement for the pump site and access to the pump site on Council land described as Lot 1 DP 228887 for the purposes of allowing a water pipeline for rural fire fighting purposes only in favour of the Rylstone Aerodrome. The costs of legalising the easement and Licence agreement are to be borne by Mr Rob Loneragan of the Rylstone Aerodrome development;
4. Council waive the easement compensation of \$1,700 and annual Licence fee of \$1,500 that it would be entitled to as owner of Lot 1 DP 228887 on the basis that the easement and Licence are required to facilitate the transfer of water from around the Rylstone water supply dam to the storage tank at the Rylstone Aerodrome for exclusive use by the RFS or other Government agencies for aerial fire fighting purposes;
5. the location of the extraction pump and solar panel be at the head of the Rylstone water supply dam at a location to be determined by the Council's Business Manager Services;
6. a water meter be installed at the pump site to record the amount of water transferred from the Dam to the storage tank at the Rylstone Aerodrome. Discrepancies in relation to water uptake and use will be investigated and unexplained discrepancies may lead to the water supply being cut-off and the Licence agreement terminated. The costs of the water meter and installation are to be borne by Mr Rob Loneragan. Mr Loneragan to supply monthly water meter readings in normal conditions and weekly meter readings in times of water restrictions.
7. prior to the final determination of the location of the extraction pump, Mr Rob Loneragan to provide all approvals from the NSW Office of Water;
8. Mr Loneragan be advised that the proposed pipeline is only permissible under the State Environmental Planning Policy (Infrastructure). Pursuant to this SEPP is it necessary that the pipeline installation be carried out by or on behalf of a public authority. Under these circumstances it will be necessary for Mr

Loneragan to produce evidence that the work is being carried out on behalf of the Rural Fire Service or retain the services of Council to undertake the work as private works. Either course will require the submission of a full Review of Environmental Factors (REF) consistent with Part 5 of the Environmental Planning and Assessment Act 1979. The full cost of any work and undertaking the REF will be funded by Mr Loneragan.

9. **the General Manager be delegated authority to finalise the easement and Licence agreement on behalf of Council and ensure that the general intent of this resolution be enacted;**
10. **the General Manager and the Mayor be delegated authority to affix the Common Seal of the Council to all documentation required to give effect to the legalisation of the easement and Licence agreement on Council land.**
11. **Council authorise the General Manager to waive any fees required to paid by the applicant under the Council policy for water pipelines on road reserves.**

Detailed report

Mr Rob Loneragan, on behalf of the Rylstone Aerodrome development is seeking approval from Council to extract water from the Rylstone Dam for Rural Fire Fighting purposes for aerial fire fighting. It is my understanding that Mr Loneragan will install a 150,000 litre tank for storage so that if there is any need for aerial fire fighting in the Rylstone area, aeroplanes can be filled at the Rylstone Aerodrome.

It should be noted that to achieve this outcome, Mr Loneragan requires a Licence agreement and easement across Council land to the Rylstone Dam and approval for a pipeline route to be installed along Cox's Creek Road to the Aerodrome.

It should also be noted that DA 0263/2012 required *on-site provision of water including the storage of 5,000L per combined usesite for fire fighting purposes*. It is a requirement of the consent that the development be undertaken in accordance with the Statement of Environmental Effects. In the Statement water, including water for fire fighting purposes is to be provided by rainwater. The proposed pipeline should not be used to meet the fire fighting water requirements for development on the aerodrome but restricted to providing water for the use of the Rural Fire Service for aerial fire fighting. Use of the water at the aerodrome has a greater potential to impact on the water security for the Rylstone town water supply.

Enclosed for your information (Attachment 1) is a copy of an aerial photograph showing the approximate location of the water pipeline. The line shown on the map from the road to the dam will need to be amended so that it's fully within the Council reserve. Also attached (Attachment 2) shows the location of the Council reserve bounded in pink. Within that Council reserve you will see a green star which is Mr Loneragan's preferred location for the extraction pump from the dam. I will now deal with each issue separately.

LOCATION OF PUMP

Council's water management staff would prefer to see the location of the extraction pump above the dam, or below the dam wall. The reason for suggesting that extraction should be below the dam is to ensure it doesn't place any further stress on Rylstone town water supply. Should the water supply be used for unapproved uses this will place an additional risk on the security of the town water supply for Rylstone. Upstream of the dam would still be better than from the dam, as it would still prevent extraction when the dam is low (i.e. no flow coming into dam). The location as indicated by the green dot on Attachment 2 is generally supported by the Business Manager of Services. Where ever the extraction point is a meter will need to be installed to ensure that the

water is only being used for the intended purposes. Monthly meter readings by the applicant shall be provided to the Council in normal conditions and weekly meter reading when water restrictions are in place.

The Cudgegong River at Rylstone is not regulated which means that there is probably no monitoring (by Office of Water) of licence holders re their compliance with licence conditions.

Consulting engineers completed a Rylstone Dam Water Balance in 2010 and found that irrigation consumption (licences other than Council's town water supply licence) was approximately 18% whereas Council town water use was approximately 17%.

Mr Loneragan has told us that only a works order (as opposed to a water licence) is required to extract water from the dam from the NSW Office of Water. This has been confirmed verbally by the Office of Water because the exemption applies for the suppressing of fires. They will not give the final approval until Council gives approval for the water to be taken and the easement.

EASEMENT ACROSS COUNCIL LAND

This report recommends that Council approve an easement across the Council land and a formal licence agreement for the pump site and access to the pump site. The costs of legalising the easement and the licence agreement are to be at the applicant's expense. Once the easement and Licence agreement are legalised, then the applicant would then have the ability to install the water pipe and the pump. It is my understanding that the pump will be powered by a solar panel.

As the owner of the land burdened by the easement, Council is entitled to compensation to be paid by the beneficiary of the easement. Additionally, an annual licence fee would be raised against the licensee for the pump site and access to same.

It is estimated that approximately \$1,700 in compensation would be required to be paid to Council by Mr Loneragan in relation to securing the easement and \$1,500pa for the Licence over those parts of Lot 1 DP 228887. However as the easement and Licence are required to facilitate the transfer of water from around the Rylstone water supply dam to the storage tank at the Rylstone Aerodrome for exclusive use by the RFS or other Government agencies for aerial fire fighting purposes, it is recommended the \$1,700 compensation entitlement and the annual Licence fee of \$1,500 be waived.

It is also recommended that a water meter be installed at the pump site to record the amount of water transferred from the Dam to the storage tank at the Rylstone Aerodrome. It is envisaged that once the 150,000 litre storage tank has been filled, no further water uptake will be required until and if, the RFS use any of the stored water for aerial fire fighting purposes.

The water meter will enable Council to monitor water uptakes and to correspond and relate these uptakes directly to the use of the water by the RFS or other Government agencies during specific fire fighting episodes. Any discrepancies will be investigated and any unexplained discrepancy may lead to the water supply being cut-off and the Licence agreement being terminated by Council.

The costs of the water meter and meter installation are to be borne by Mr Loneragan.

PIPE ON COUNCIL ROAD

The proposed pipeline is defined as *water reticulation system* under the Mid-Western Regional LEP 2012. Lot 1 DP 228887 and Cox's Creek Road, which includes the land upon which the proposed pipeline will be located, are zoned E3 Environmental Management. A water reticulation system is prohibited in the E3 Environmental Protection Zone. The State Environmental Plan - Infrastructure (Infrastructure SEPP) allows *water reticulated infrastructure systems* to be carried out by or on behalf of a public authority without consent on any land. Therefore the only way that the pipeline can be constructed on the land is if Council constructs the pipe line as private works or Mr

Loneragan is able to submit documentation that indicates that the pipeline is being installed on behalf of the rural fire service. Undertaking the work under the Infrastructure SEPP provision will require the submission of a REF which includes an investigation of impact on flora, fauna and aboriginal heritage.

You will note in Mr Loneragan's email (Attachment 3) that he is also seeking that the pipeline be included in the concrete culvert which exists on the road reserve. Council staff have no concerns with this happening as long as the pipe is securely connected to the underside of the top of the culvert pipe, and that the pipeline's existence be at Mr Loneragan's risk. Council from time to time clean out these culverts and will certainly take all care to ensure the pipeline isn't damaged, but often machinery involved can cause damage and any repairs from culvert cleaning should be at Mr Loneragan's expense.

The installation of the pipeline on the Council road reserve has existing authority to staff within the Council's policy. The policy also requires the applicant to pay a rental for the use of the water pipeline on the Council road reserve. As this water is required for RFS or other Government agencies for aerial fire fighting purposes it is recommended that this fee be waived

Financial and Operational Plan implications

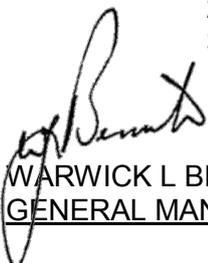
There is no financial cost to Council if the recommendations in this report are endorsed. – mention costs of forgoing easement compensation and annual Licence fee?

Community Plan implications

The installation of the pipeline along Council reserves is covered by existing policies. The creation of an easement across Council land requires a Council resolution.

Attachments:

1. Aerial photograph showing approximate location of water pipeline
2. Aerial photograph showing location of Council reserve (in pink)
3. Email from Mr Rob Loneragan dated 14 January 2014

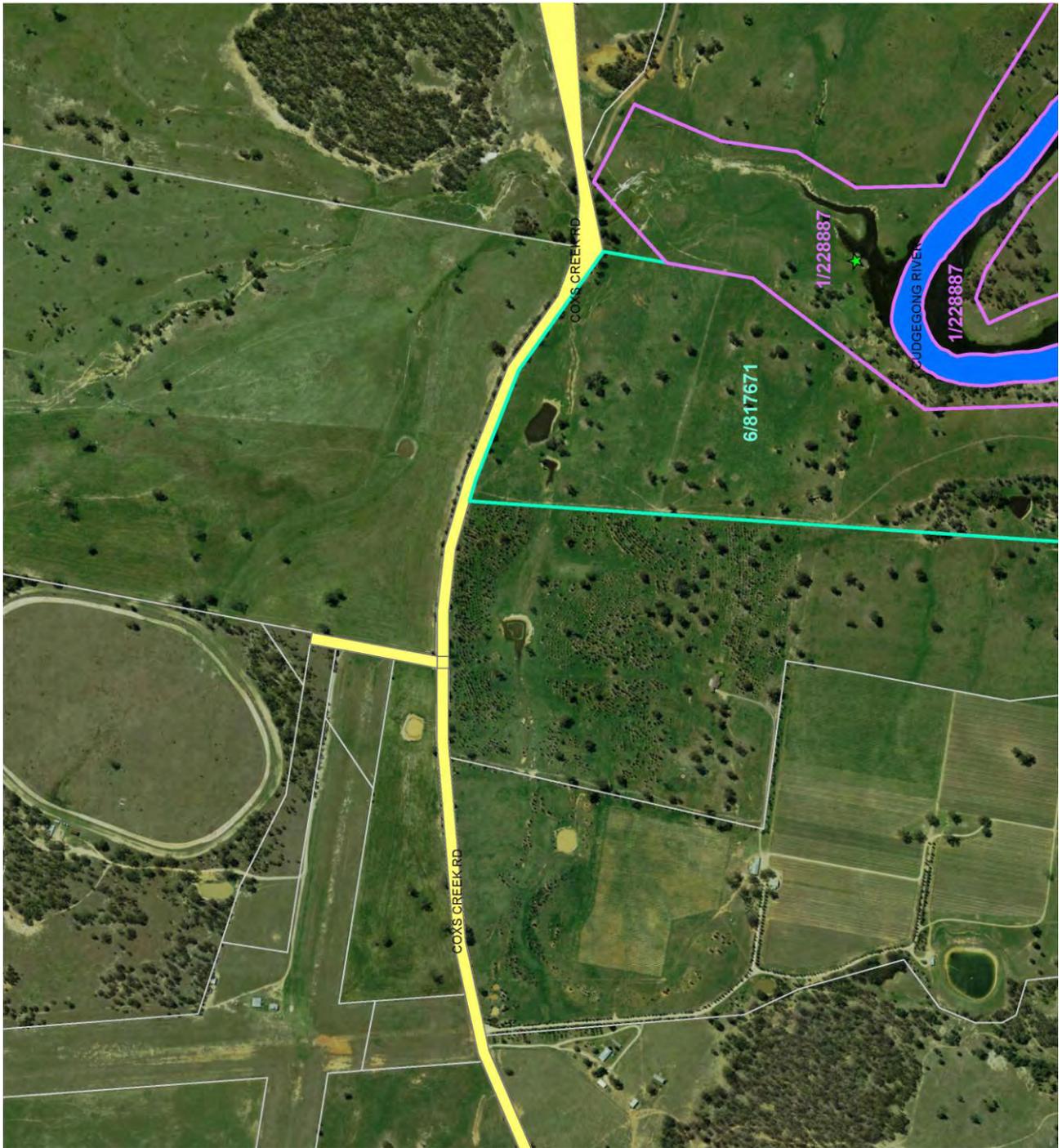


WARWICK L BENNETT
GENERAL MANAGER

15 January 2014



ATTACHMENT 2



From: [Rob Loneragan](#)
To: [Warwick Bennett](#)
Subject: Rylstone Aerodrome pipeline
Date: Tuesday, 14 January 2014 11:58:45 AM
Attachments: [Option #1 5th CC Road.png](#)
[ATT0001.htm](#)
[Loneragan Aviation Pump site.pdf](#)
[ATT0002.htm](#)
[MWRC RYL aerm Pipeline Application.pdf](#)
[ATT0003.htm](#)
[PastedGraphic-13.biff](#)
[ATT0004.htm](#)

Good morning Warwick

I refer to our meeting on the 6th January and subsequent on site inspection with Council's works engineer Sally Mullinger, regarding the proposed route for the pipeline from the Rylstone dam to the Aerodrome via the road reserve.

Could you kindly confirm the following:

1. Your agreement to allow the creation of an easement across Council's waterfront land at the dam.
2. Your approval that the pipeline route may be installed in the road reserve as per the attached plan.
3. That the 425mm concrete pipe which crosses under Coxs Creek Road adjacent to the Aerodrome be used for the pipeline to cross the road.

Attached also is the completed application form.

I look forward to your advice on this at your earliest convenience.

Regards

Rob

Attachments:

1. Aerial photo - Pipeline route from dam to Aerodrome
2. Lot and DP plan provided by NSW Water showing Council's foreshore land at Dam
3. MWRC Application Form

6.3.19 Glen Alice Trail

REPORT BY THE GENERAL MANAGER TO 5 FEBRUARY 2014 COUNCIL MEETING

140205 Council1
GOV400038, A0310010

RECOMMENDATION

That:

1. **the report by the General Manager on the Glen Alice Trail be received;**
2. **Council makes a submission to the Wollemi National Park Plan of Management, when the Plan of Management is open for public review, seeking that the Glen Alice Trail be opened for public vehicle use.**

Detailed report

Council will recall that at a previous meeting we wrote to the Minister for the Environment seeking that the Glen Alice Trail be opened up for four wheel drive vehicles. Attached is the response from the Office of Environment and Heritage. In that response, it is recommended to Council that we make a submission when the Wollemi National Park Plan of Management is open for review.

I have written to David Crust and advised him of this correspondence and to notify Council when that review is available for comment.

Financial and Operational Plan implications

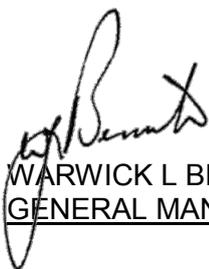
Nil at this stage.

Community Plan implications

Nil at this stage.

24 January 2014

Attachments: 1. Letter dated 20 December 2013 from Ann King, National Parks & Wildlife Service



WARWICK L BENNETT
GENERAL MANAGER



**Office of
Environment & Heritage**
NSW National Parks & Wildlife Service



Your reference: MD:A0310010
Our reference: MD13/4245
David Crust
6370 9000

Mr Warwick L Bennett
General Manager
Mid-Western Regional Council
86 Market St
MUDGEE NSW 2850



Dear Mr Bennett

I refer to your letter to the Minister for the Environment, the Hon Robyn Parker MP regarding the Glen Alice trail. Your letter was referred to the National Parks and Wildlife Service and I have been asked to reply.

The Glen Alice trail is identified as a 'management trail' in the Wollemi National Park Plan of Management, which was adopted by the Minister in 2000. A management trail is a trail designated for the purpose of park management activities and is not generally open for public vehicle access. The plan of management process involved extensive community consultation and a variety of viewpoints regarding trail designation were considered.

Access to the trail at its northern end is via a locked gate accessing Corricudgy State Forest. The southern end of the trail crosses several private properties and is not located on any kind of road reservation. I am advised by my staff that property owners in this area are reluctant to allow public vehicle access across their properties.

The trail currently attracts park visitors as it forms part of the Bicentennial National Trail for horseriding. It is also frequented by bushwalkers, canyoners, and mountain bikers. Opportunities for vehicular access to this region via Wollemi National Park include the popular camping site Dunns Swamp, Glen Davis and Newnes.

Given these factors, access for public vehicles along the Glen Alice trail is not currently being considered. However, the Wollemi National Park Plan of Management is due for review shortly, and this process will provide an opportunity to revisit trail designations and for community input.

Your Council's continued interest in increasing tourism to the region is appreciated. If you require any further information please contact David Crust, Area Manager Mudgee on 6370 9000 or email david.crust@environment.nsw.gov.au.

Yours sincerely

ANN KING 2012/17
Head - National Parks and Wildlife Service

PO Box 1967 Hurstville BC NSW 1481
43 Bridge Street Hurstville NSW
Tel: (02) 9995 5000 Fax: (02) 9585 6555
ABN 30 841 387 271
www.environment.nsw.gov.au

6.3.20 Red Hill Recreation Reserve Trust Grant

REPORT BY THE GENERAL MANAGER TO 5 FEBRUARY 2014 COUNCIL MEETING

140205 Council1

GOV400038, P0860011,F0590005

RECOMMENDATION

That:

- 1. the report by the General Manager on the Red Hill Recreation Reserve Trust Grant be received;**
- 2. Council match the \$50,000 grant with dollar for dollar funding for the underground mine shaft, rotunda roof and associated earthworks at the Red Hill Recreation Reserve with the \$50,000 of Council's money being funded from the Asset Capital Reserve account, and further that the 2013/14 Operational Plan and Budget be amended accordingly.**

Detailed report

Please find attached correspondence from Andrew Gee advising that one of Council's grant applications for the Red Hill Recreation Reserve has been successful. The amount approved by the State Government is \$50,000, and Council is required to match that dollar for dollar. The grant is for the construction of an underground mine shaft (tourist attraction), rotunda roof and associated earthworks.

The recommendation in this report is that Council match this grant, dollar for dollar with the Council contribution coming from the Asset Capital Reserve account. At the next meeting of Council, the December quarterly budget review report will be put up for Council's consideration and this additional funding will be addressed as part of that review.

Financial and Operational Plan implications

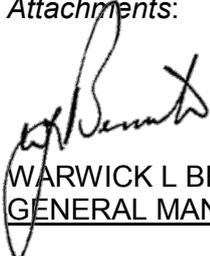
The approval of the recommendation in this report will require the asset capital reserve account to be adjusted by \$50,000 to fund the dollar for dollar funding required to match this grant. The estimated balance of the Asset Capital reserve as at 30 June 2014 will be \$170,000.

Community Plan implications

The upgrade of the Red Hill Recreation Reserve is part of Council's community plan.

24 January 2014

Attachments: 1. Letter from Andrew Gee MP dated 5 December 2013 with attached letter from Hon. Andrew Stoner dated 20 November 2013.



WARWICK L BENNETT
GENERAL MANAGER



Andrew Gee MP

MEMBER FOR ORANGE



5 December 2013

George Brad c

The Trustees
Red Hill Recreation Reserve Trust
C/- Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

Dear Trustees

Please find enclosed a copy of correspondence received from the Deputy Premier, the Hon. Andrew Stoner MP, advising of the success of your application for financial assistance.

I congratulate you on the success of your application, and wish you all the best with the implementation of the project.

If you have any further questions, please don't hesitate to contact my office.

Yours faithfully

Andrew Gee MP
Member for Orange

Asset Capital Reserve

*P086001
F 0590007*

THE NATIONALS for Regional NSW



RECEIVED
4.12.13

The Hon. Andrew Stoner MP
Deputy Premier
Minister for Trade and Investment
Minister for Regional Infrastructure and Services

PMIN 13/1132

The Trustees
Red Hill Recreation Reserve Trust
C/- Mid-Western Regional Council
PO Box 156
MUDGEE NSW 2850

20 NOV 2013

Dear Trust

I am pleased to advise that I have approved a 2013-14 Public Reserves Management Fund Program (PRMFP) grant of \$50,000 to the Red Hill Recreation Reserve Trust for construction of an underground mine shaft (tourist attraction) and rotunda roof, and associated earthworks, at the Reserve.

This financial assistance is offered on the terms set out in Annexure A.

The funds will be paid electronically to the Trust following your indication of acceptance and advice of banking details as set out in Annexure B. Offers that are not accepted within three months of the date of this letter will be considered as lapsed and withdrawn.

Receipt of the funding should be acknowledged by the Trust in its next annual report and copies of the financial statements submitted online in the Crown Reserve Reporting System (CRRS) – or via a paper form sent to CRRS, Department of Trade and Investment, PO Box 2185, Dangar NSW 2309 – within three months following the close of the trust's financial year.

I wish you well in your endeavours. Please contact your local Crown Lands office if you require any assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Andrew Stoner".

The Hon. Andrew Stoner MP
Deputy Premier
Minister for Trade and Investment
Minister for Regional Infrastructure and Services

6.3.21 Kandos Bicentennial Industrial Museum – Incorporated Association

REPORT BY THE GENERAL MANAGER TO 5 FEBRUARY 2014 COUNCIL MEETING

140205 Council1

GOV400038, P1553611, A0360015

RECOMMENDATION

That:

1. **the report by the General Manager on the Kandos Bicentennial Industrial Museum – Incorporated Association be received;**
2. **Council support the application of Buzz Sanderson/Esme Martens (delete one) to the Department of Fair Trading to be the Public Officer of the Incorporated Association for the Kandos Bicentennial Industrial Museum (KBIM)**
3. **Council allow the Public Officer to nominate a maximum of 5 people to assist with the relocation and storage of collection items to allow renovation.**
4. **Council fund the Department of Fair Trading application fees required to incorporate the association, being \$41 to reserve the name and \$121 to apply for incorporated association status**
5. **Within 30 days of receipt of Incorporated Association status from the NSW Department of Fair Trading, Council require the Public Officer to notify all individuals who expressed an interest in becoming a member of the Incorporated Association of their appointment as members, and hold the first Annual General Meeting of the Incorporated Association.**
6. **Council require the Public Officer to notify it of the Committee Members elected at the Annual General Meeting within 7 days of the meeting. The Annual General Meeting shall appoint the necessary committee members and officers bearers as required.**
7. **Upon receipt of committee member election results, Council process the transfer of ownership of the KBIM to the Incorporated Association**
8. **Council seek legal advice and take appropriate action to ensure that, in the event that the Incorporated Association should close, the ownership of the KBIM be transferred to NSW Museums and Galleries Association or equivalent body.**
9. **Council acknowledge that transfer of ownership of the KBIM will be completed by 1st June 2014, and that the KBIM Committee be permitted to set the reopening date, though requiring it to be at the latest 1 month prior to the Kandos Centenary events currently being planned.**
10. **Council fund the insurance of the Incorporated Association to the value of \$7911.55 for 3 years, and Council's commitment to continue this funding be reassessed after that 3 year period.**

-
11. **Council fund the rate relief of the Incorporated Association for 3 years, and Council's commitment to continue this funding be reassessed after that 3 year period.**
-

Executive summary

At its 4 December 2013, Council resolved to support the formation of an Incorporated Association (IA) for the Kandos Bicentennial Industrial Museum (KBIM). This report details the action taken to date and still required to ensure that the IA is formed and transfer of ownership of the KBIM is completed by 30 June 2014.

Detailed report

Resolution of Council - 4 December 2013

At its meeting on 4 December 2013, Council resolved the following:

That:

1. *the report by the General Manager on the Kandos Museum Operational Options be received;*
2. *Council undertake the building works to the value of \$95,542 to be funded as follows:*
 - *Asset Management Reserve budget \$73,382*
 - *Current Operations budget for KBIM \$10,000*
 - *Kandos Museum Building Reserve Fund \$12,160*
 - *and the 2013/14 Operational Plan be amended accordingly;*
3. *Council acknowledge that the KBIM will be open again from the 1 June 2014;*
4. *Expressions of interest be called for individuals interested in forming an Incorporated Association to operate the KBIM from its opening day before 1 June 2014. The Council to receive the expressions of interest and appoint the individuals to the Incorporated Association;*
5. *Council prepare a newsletter to the Kandos residents informing them of the upgrade works and the expressions of interest process for the new Incorporated Association;*
6. *the Kandos KBIM at 22 Buchanan Street, and the adjoining property of 20 Buchanan Street, be gifted to the Incorporated Association;*
7. *should the executors of the estate of the late Phyllis Simpkins be agreeable, the KBIM proportion of that bequest be allocated to the new Incorporated Association to assist with their management of the facility;*
8. *Council continues to fund the annual rates and insurance costs for the KBIM site and the new Incorporated Association be encouraged to dispose of the vacant block at 20 Buchanan Street. The proceeds from the sale of the vacant block to remain with the Incorporated Association for them to expend how the Incorporated Association consider appropriate;*

9. *Council make application to the Regional Visitor Economy Fund for a grant to match dollar for dollar Council's financial input into the building upgrade.*

Building Works

Planning for the building works is underway, and interior works will begin once the Public Officer for the IA is appointed. The Public Officer will be called upon for advice and guidance on the relocation and storage of the collected whilst internal renovations are carried out at the KBIM.

Once the Public Officer is nominated, it is acknowledged that there will be significant effort required to facilitate the relocation of the collection for the renovation of the KBIM. It is therefore recommended that Council allow the Public Officer to nominate 5 people to whom access will be granted to the KBIM for the purposes of collection storage and relocation only.

Opening Date of Museum

At its December meeting, Council acknowledged that the KBIM will be open again from 1 June 2014. There will be considerable administrative and collection work to be undertaken by the newly formed IA prior to the reopening of the KBIM, and it is considered the IA should be able to determine the opening date subject to it occurring on month prior to the Kandos Centenary Events.

Concerns regarding the proposed opening date have been raised by potential members of the IA during the Expression of Interest process. In setting the opening date in the previous Council report it was the intention that all work by Council and the transfer of ownership occur before 1 June 2014. It is therefore recommended that Council acknowledge that transfer of ownership to the IA will be completed by 30 June 2014, and that the KBIM Committee be permitted to set the reopening date of the KBIM, though requiring it to be at the latest, 1 month prior to the Kandos Centenary events currently being planned.

Expressions of Interest and Newsletter

On the 13th December 2013, Council placed Expression of Interest advertisements in the Mudgee Guardian and on its website, calling for Public Officer and membership nominations. The Expressions of Interests closed on 17 January 2014.

During that time, the attached flyer was also posted to each household in the Rylstone and Kandos localities.

Public Officer Nominations

Council received 2 nominations for Public Officer (applications are attached to this report)

- Buzz Sanderson
- Esme Martens

Membership Expressions of Interest

Council received 32 nominations for membership of the IA

- | | |
|-------------------|-------------------|
| • Denise Jamieson | • Sue Honeysett |
| • Ian Douglas | • Toby Dupree |
| • John Medcalf | • Kate Hodgkinson |
| • Jolieske Lips | • David Honeysett |
| • Jenny Brown | • T.L Ford |

- Peter Monaghan
- Alex Wisser
- Margot Palk
- Hillary Crawford
- Pamela O'Connor
- Julie Murray
- Gregory Sky
- Jo Brown
- Robert Tomlinson
- Daniel Hatton
- Fiona McDonald
- Daryl Clapham
- Keith Smith
- Colin Jones
- Lynette Syme
- Kenneth Hopkins
- Ann Finnegan
- Kevin Williams
- Hugh Malone
- Margaret Malone
- Samantha Madell
- Robyn Cafe
- Jennifer More
- James Nutting
- Esme Martens

As part of these nominations, some people indicated support for Buzz Sanderson whilst others supported Esme Martens as Public Officer. These nominations and support are attached to this report. All of these 35 individuals will be appointed members of the IA when its status is confirmed by the Department of Fair Trading.

Department of Fair Trading Requirements

The Department of Fair Trading (DFT) requires:

- The Public Officer to reserve a name for the IA using Form A1 on the DFT's website, and pay the \$42 fee associated with this. It is recommended that Council cover the cost of this application.
- The Public Officer to complete an application for registration of an IA using form A2 on the DFT's website, and pay the association \$121 fee association with this. . It is recommended that Council cover the cost of this application.
- The Public Officer to elect to adopt the DFT's model constitution, or a copy of an alternative proposed constitution.

The application for the IA will be made using the DFT's model constitution, as it covers all matters required by the *Associations Incorporation Act 2009*. The newly formed IA may elect to adopt an alternate constitution if and when it sees fit.

Annual General Meeting

Upon confirmation of the IA status, Council will require an Annual General Meeting (AGM) of members within 30 days, so that a committee may be elected. The 30 day requirement is to facilitate completion of the KBIM transfer by 1st June 2014. To facilitate the AGM, the Public Officer will be required to notify in writing all those who expressed an interest in being members of their appointment to the IA, as well as notice of the Annual General Meeting.

Within 7 days of the AGM, the Public Officer will be required to provide Council with a copy of the AGM minutes, which will detail the election of committee members. The Model Constitution provides the following

- 14.1 The committee is to consist of:
 - a. the office bearers of the association, and
 - b. at least 3 ordinary committee members.
- 14.2 The total number of committee members is to be 7
- 14.3 The office-bearers of the association are as follows:

- a. the president
- b. the vice-president
- c. the treasurer
- d. the secretary

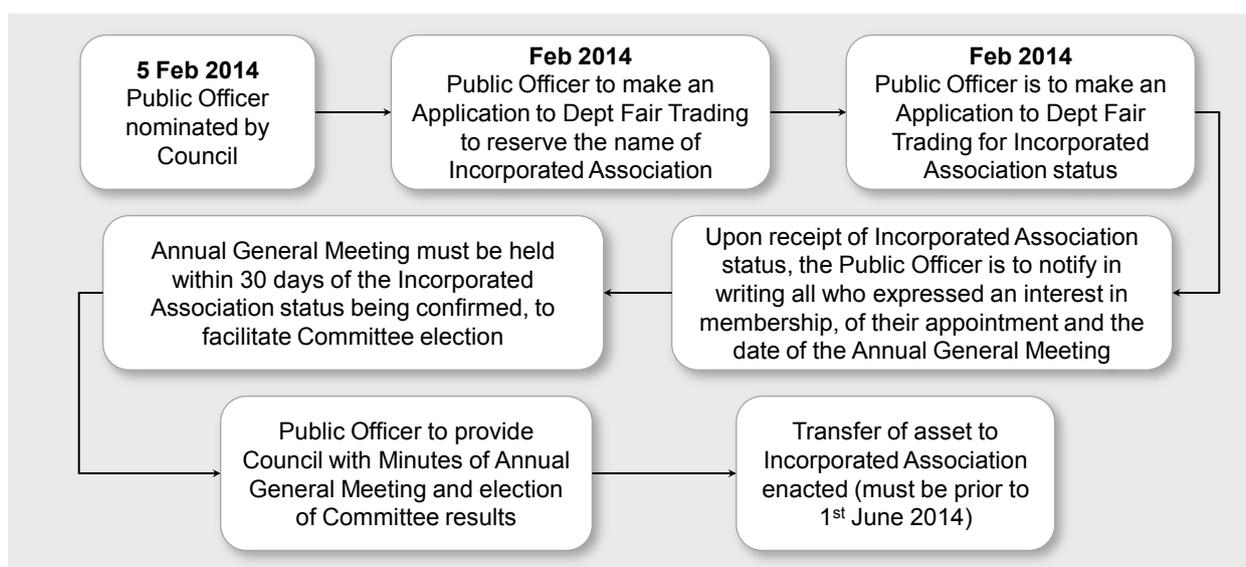
Property Transfer

The appropriate actions will be taken to ensure that ownership of the KBIM and its adjoining block are transferred to the IA when Council is advised of the committee of the IA. Legal advice will be sought and the appropriate instrument drafted to provide that, in the event that the IA should close, that ownership of the KBIM is transferred to NSW Museums and Gallery's Association or equivalent body..

Should closure of the IA occur, Council may wish to pursue granting of ownership to a regional cultural or museum body, or may elect to pursue the permanent closure and sale of the KBIM site.

Summary of Incorporated Association process

Below is a flowchart to briefly summarise the process and steps that will satisfy the NSW Department of Fair Trading and Council in order to incorporate the association.



Kandos Museum Community Meeting

On Thursday 9 January 2014, a Kandos Museum Community Meeting was held at the Kandos Country Women's Association, chaired by Peter Monaghan, with 38 attendees. The minutes of that meeting and a list of attendees is attached to this report. Since that meeting, Mr Monaghan has also provided an Options Paper summarising the sentiments of the community meeting, and the document is attached for the information of Council. While the community group would like to see an interim committee established, it is felt that the Public Officer, with the assistance of 5 others, will be sufficient to assist with the storage and renovation process. The AGM will be held within 30 days of the incorporated association status being confirmed, ensuring that the committee and office bearers will be quickly elected and able to begin preparation and planning for reopening.

Financial and Operational Plan implications

Insurance

A quotation has been obtained from Council brokers for insurance as detailed below. The premium quoted, including the administrative fee is \$7911.55. It is recommended that Council commit to providing the IA with \$7911.55 for the purposes of insurance for 3 years, and reassess that commitment after that time.

Insurance	To the value of
Fire and Perils	\$1,386,000
Burglary with forcible entry	\$30,000
Machinery breakdown	\$1,000
Fidelity	\$500
Electronic equipment	\$1,000
Money	\$2,000
Public liability	\$20 million

Rate Relief

It is recommended that Council commit to providing the IA with rate relief for the properties known as 20 and 22 Buchanan St Kandos. In 2013/14, the annual rate notice was \$883.20. Council commit to payment of rates for 3 years, and reassess that commitment after that time.

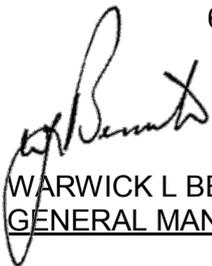
Community Plan implications

Not applicable.

20 January 2014

Attachments: (included at the end of the business paper):

1. KBIM Flyer
2. KBIM Nomination of Public Officer - Buzz Sanderson
3. KBIM Nomination of Public Officer – Esme Martens
4. KBIM Expressions of Interest for Membership
5. KBIM Community Meeting minutes
6. KBIM Community Meeting Options Paper



WARWICK L BENNETT
GENERAL MANAGER

6.3.22 Local Traffic Committee Minutes – 10 December 2013

REPORT BY THE MANAGER, DEVELOPMENT ENGINEERING TO 5 FEBRUARY 2014 COUNCIL MEETING

LTC Minutes – 10 December 2013

GOV400038, A0100009

RECOMMENDATION

That:

1. the report by the Manager, Development Engineering on the Local Traffic Committee Minutes – 10 December 2013 be received;
2. the "No Stopping" sign adjoining the driveway of the subject business in Robinson Street be moved to the east to exclude the subject business's driveway from the "No Stopping" zone and that 'No Parking' signs be installed adjoining the subject driveway;
3.
 - a. Council construct kerb blisters on Medley Street (at the intersection with Mayne Street, Gulgong) and relocate the stop signage from under shop awnings to the blisters to improve visibility of the signage; and
 - b. the blisters be constructed independent of the existing kerb and gutter to preserve the heritage importance of the drainage;
4. Council take no action in regards to the request for installation of no parking signs as there is no technical justification for the installation of no parking signs in Macquarie Drive;
5. the event – "Red Hot Summer Tour 2014 – Aussie Rock Extravaganza" at Parklands Resort, 8 February 2014" – be classified as a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events Version 3.4" and proceeds with the following conditions:
 - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
 - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - c. Controlling noise as required by the *Protection of The Environment Operations (Noise Control) Regulation 2000*;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. the qualification of the person creating the Traffic Control Plan must be at a minimum a holder of the Select and Modify Certificate or the Design and Audit Certificate;
 - 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 is 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 2 weeks prior to the date;
 - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and
 - n. The event organiser apply to the RMS for a direction to restrict the speed limit as proposed.
6. the event – “Flix in the Stix” at Gooree Park, 15 February 2014” – be classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:
- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
 - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - c. Controlling noise as required by the *Protection of The Environment Operations (Noise Control) Regulation 2000*;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. the qualification of the person creating the Traffic Control Plan must be at a minimum a holder of the Select and Modify Certificate or the Design and Audit Certificate;
 - 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, RMS and NSW Police Force is 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 2 weeks prior to the date;
 - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and
 - n. The event organiser apply to the RMS for a direction to restrict the speed limit as proposed.

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Local Traffic Committee (LTC) meeting held on 10 September 2013.

Detailed report

The minutes and discussion notes attached provide comment on the recommendations above.

Financial and Operational Plan implications

Minimal within maintenance budgets.

Community Plan implications

Austrroads Guide to Traffic Management Part 11: Parking
AS 1742.11-1999 : Manual of uniform traffic control devices - Parking controls.
AS1742 Manual of uniform traffic control devices – Parts 2 and 10.
AS2890.5-1993 Parking Facilities Part 5: On-street parking
RTA Guide to Traffic and Transport Management for Special Events Version 3.4

DARYL COLWELL
MANAGER, DEVELOPMENT ENGINEERING

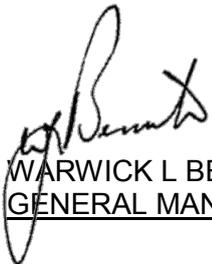


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

13 December 2013

Attachments: 1. Minutes and discussion notes of meeting held 10 December 2013
(reports available upon request)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY, 10 DECEMBER 2013**

Present: Daryl Colwell (Chairperson MWRC), Prue Britt (RMS), Mal Petrie (Members Representative), Inspector Julie Boon (NSW Police), and Mette Sutton (MWRC – Minute Secretary).

Apologies: Cr John Weatherley

The LTC meeting commenced at 9.30am.

13/80 MATTERS IN PROGRESS

ITEM	ACTION
NIL	Noted

13/81 SPECIAL EVENT DEBRIEF

SPECIAL EVENT	COMMENTS
Back to Gulgong Weekend	Noted
Cudgegong Jump Club ODE	Noted
Mudgee High School Rainbow Day	Noted
Mudgee Small Farm Field Days	Noted

13/82 REQUEST FOR LOADING ZONE – GOBBLE N GO, GULGONG

The recommendation in the report was moved by Prue Britt, seconded by Mal Petrie and carried as a recommendation to Council.

13/83 STOP SIGNS, INTERSECTION MAYNE & MEDLEY STREETS, GULGONG

The recommendation in the report was moved by Julie Boon, seconded by Prue Britt and carried as a recommendation to Council.

13/84 NO PARKING SIGNS, MACQUARIE DRIVE, MUDGEE

The recommendation in the report was moved by Mal Petrie, seconded by Julie Boon and carried as a recommendation to Council.

13/85 RED HOT SUMMER TOUR 2014, PARKLANDS RESORT – 8 FEB 2014

The recommendation in the report was amended to reflect the correct event date of 8 February 2014, then moved by Mal Petrie, seconded by Julie Boon and carried as a recommendation to Council.

13/86 FLIX IN THE STIX, GOOREE PARK – 15 FEBRUARY 2014

The recommendation in the report was moved by Prue Britt, seconded by Julie Boon and carried as a recommendation to Council.

MINUTES & DISCUSSION NOTES OF THE LTC MEETING 10 DECEMBER 2013

DISCUSSION NOTES FROM THE 10 DECEMBER 2013
LOCAL TRAFFIC COMMITTEE MEETING

Any items not listed in the discussion notes generally had minor discussions prior to the recommendation to the report being resolved by the Committee. In all those cases the items were relatively straight forward and the Committee agreed with the content of the reports.

13/83 STOP SIGNS, INTERSECTION MAYNE & MEDLEY STREETS, GULGONG

RMS representative offered that it would not be logical to have stop signs at one intersection on Mayne Street and not at the other intersection (Mayne and Herbert Streets) and would result in traffic congestion. Mayne Street is also the main route into Gulgong from Wellington.

Daryl reiterated that the heritage gutters would not be affected by the installation of the kerb blisters and that water will still flow. It was considered that traffic movements would not be impeded as a result of the kerb blisters.

The Committee agreed on the installation of kerb blisters and size B stop signs.

13/85 RED HOT SUMMER TOUR 2014, PARKLANDS RESORT – 8 FEB 2014

Date in recommendation to be changed to 8 February 2014. Daryl to contact Paul Maloney (RMS) to find out if event organiser is required to submit a road occupancy licence for the event.

GENERAL BUSINESS

Church Street adjacent to Mudgee Medical Centre

Daryl briefed the Committee on several concerns that Council has received from members of the community in regard to congested parking and pedestrian safety when crossing Church Street in the vicinity of the Mudgee Medical Centre. Council is commissioning a traffic study and will ask that this area be raised as an area of concern.

The meeting closed at 10.15am.

Next meeting to be held on Tuesday, 11 February 2014.

6.3.23 Economic Development and Events Update Q4

REPORT BY THE ECONOMIC DEVELOPMENT OFFICER TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, A0820020

RECOMMENDATION

That the report by the Economic Development Officer on the Economic Development and Events Update Q4 be received.

Executive summary

The attached document provides a progress update towards key activities that have been undertaken in relation to the implementation of the Economic Development Action Plan, including the attraction and growth of events in the Region for Q1-Q4 2013.

Some of the discussions and meetings in the Economic Development and Events area are commercial in confidence. These matters have been included as an attachment in the confidential section of the business paper, because it names individuals and companies that we are having commercial in confidence discussions with. Some events issues are also retained in confidential as we are in delicate discussions with some event organisers and don't want to jeopardise those discussions by making proposals public.

Financial and Operational Plan implications

The costs of implementing these actions are included in the 2013/14 Management Plan.

Community Plan implications

These actions are defined in the Economic Development Strategy.

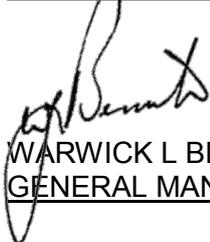
JULIE ROBERTSON
ECONOMIC DEVELOPMENT OFFICER

23 January 2014

Attachments:

1. Economic Development & Events Update Q1-Q4 2013.
2. Economic Development & Events Update Q1-Q4 2013 (commercial in confidence – included in the Confidential section of the business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

**ECONOMIC DEVELOPMENT
AND EVENTS UPDATE**

Quarter 1 to Quarter 4

January to December 2013



live • work • invest • visit





Economic Development Update

Provided below are a summary of key activities undertaken during Quarter 1 to Quarter 4 (ie. January to December) in relation to the implementation of the Economic Development Action Plan for 2013.

Mining Expansion

- Undertake review of Economic Assessment and Social Assessment documentation for Crudine Wind Farm project.
- Participation in Conversation with Lue meeting to support community consultation initiative conducted by Council's planning team.
- Meeting with NSW Department of Trade & Investment representatives to discuss key priorities for dealing with mining related matters in the Region and assessment of mining affected communities.
- Continued work with local businesses and businesses from outside the Region looking to pursue mining associated business opportunities.
- Participation in NSW Premier & Cabinet Mining and Resource Development Taskforce, include:
 - Presentation of challenges and opportunities for infrastructure to taskforce
 - Preparation of a case study for inclusion in report to NSW Government
 - Attendance at December meeting where the main agenda items were water issues associated with mining activity and allocation of time for working groups
 - Participation in working groups on housing challenges and assessing the ability of local Council's to respond to new mining proposals

Marketing of Region

- Preparation of Mudgee Regional Tourism Inc contract to provide visitor information services and tourism marketing for the Region, include review of KPIs.
- Guest presentation at the Local Government Tourism Conference in March 2013. The topic of the presentation was to discuss the development of the Glen Willow facility and the economic impact of Council's major events program.
- Guest presentation at the Building Regional Australian Summit in April 2013. The topic of the presentation was to discuss the opportunities and challenges faced with the expansion of coal mining activities in the Region.
- Prepare written submission and application for AR Bluett Award 2013 and follow up presentation to AR Bluett Trust.



- Meeting with Minister for Tourism and Destination NSW to explore opportunities for assistance with events marketing and promotional activities in the Region, including:
 - Proposal to attract an annual NRL premiership game to the Region
- Participation in monthly tourism stakeholders meetings with representatives from Mudgee Wine Grape Growers Association Inc, Mudgee Fine Foods Inc and Mudgee Regional Tourism Inc to exchange relevant information relating to events and tourism activities in the Region.
- Participation in the Country & Regional Living Expo 2013 including follow up with all contacts regarding employment and business opportunities.
- Facilitate KPMG Mudgee Wine night on 7 November which was held at KPMG in Sydney to help promote Mudgee wine and encourage increased wine sales at Sydney restaurants, including site visit and briefing for winemakers.

Planning for Growth

- Preparation for a meeting with Minister Hazzard in relation to the Local Service Assessment project and ongoing status of priorities.
- Preparation of full applications to the Regional Development Australia Fund including Round 3 (Mudgee Region Early Childhood Hub) and Round 4 (Caerleon Infrastructure Development).
- Preparation of a briefing paper outlining the current status and availability of preschool places across the region, including:
 - Preparation of a business case for the Mudgee Early Childhood Hub.
 - Meeting with Shadow Federal Minister for Childcare and Early Childhood Learning to discuss current preschool situation, family day care, options for future service delivery.
- Meetings with representatives from Western NSW Medicare Local to provide input into strategic plan and identify priorities regarding local health needs in the Region.
- Research and compilation of housing statistics and key indicators for affordable housing workshop, and presentation of data at workshop.
- Participation in Regional Development Australia Orana strategic plan workshops to update 2013-2016 plan.
- Continue to work with the relevant mines and the NSW State government agencies and departments on the upgrade of community infrastructure, including:
 - Response to the Ulan Road strategy, further correspondence with NSW State government representatives and meetings with mine managers.
 - Meetings with Western Health Network management and Minister for Health regarding population planning and health priorities for the Region.
 - Provide regular updates on population growth and new developments to assist State departments in population planning and demographic modelling including NSW Department of Planning and NSW Department of Education.



- Preparation of expressions of interest for the NSW Resources for Regions program 2013
- Meetings with representatives from NSW Trade & Investment regarding the status of mining developments, Resources for Regions program, local service and infrastructure priorities and other economic development opportunities.
- Meetings with representatives from NSW Department of Premier & Cabinet regarding economic activity in the region and the status of the regional directors project.
- Preparation of expressions of interest for the NSW Resources for Regions program 2013 Round 2 for Fairydale and Saleyards Lane Upgrade, Mudgee Water Supply Extension, Caerleon Spine Road, Cope Road, Bylong Bridge, Alt Hunter Access Mine Road, Bylong Valley Way, Mudgee Airport, Henbury Bridge
- Preparation of expressions of interest for the NSW Cobbora Transition Fund for Cope Road, Fairydale and Saleyards Lane Upgrade, Mudgee Airport, Regional Art & Innovation Centre, Retail Precinct Development
- Preparation of full applications to the Resources for Regions Program 2013 for the Caerleon Infrastructure Development, Mudgee Airport Upgrade and the Ulan Road Upgrade projects.
- Preparation of applications to the Regional Development Australia Fund Round 5 and 5B.
- Preparation of a discussion paper on population projections for the Mid-Western Region which compares the 2013 Interim Population Projections with the Local Services Assessment Population Projections.
- Meeting with visiting eye specialists to discuss change in NSW Health funding agreements and follow up letters to Minister for Health and local MP.
- Meeting with Infrastructure NSW in relation to the \$9.5 million grant for Ulan Road received under the NSW Resources for Regions Program Round 1 2013.
- Participation in RDA Orana Workforce Development Planning group, which includes representatives from government and large commercial organisations to address employment opportunities and skill shortages in the RDA Orana region.
- Continue to work with Early Childhood providers both locally and outside the Region to identify solutions to the early childhood shortages, including:
 - Assistance with applications for the NSW Government's \$5m Preschool Capital Infrastructure program
 - Prepare recommendation to the Cobbora Transition Fund for Council's \$1 million allocation to be granted to the Mudgee Region Early Childhood Hub



Gulgong Hospital

- Continue to work with the NSW State Government and Western Health Network on the development of the Gulgong MPS.
- Working with Rural & Remote Medical Service to identify and recruit additional doctors to fill vacancies in Gulgong.

Investment Properties

- Ongoing management of leases of Mortimer St buildings by Target, Reject Shop, Video Ezy and Peter's Hot Bread Shop.

Business and Investment Guide

- Collect and update data as key statistics and indicators about the Region are released and make information available as supplement to hard copy guide including Coal Industry Statistics and Population Data.

Business Development and Investment Opportunities

- Continue to work with businesses and potential investors from outside the Region who are interested in pursuing local business, property and investment opportunities including:
 - Meeting with Orana Region Industry Network representative to discuss objectives of organisation and opportunities for local businesses to participate.
- Hosting RDA Orana Digital Texpo Conference at the Mudgee live site over 2 days in April 2013.
- Providing support for Mudgee Regional Excellence Program to encourage increased standards of customer service and local knowledge for those employed in the local hospitality industry.
- Working with local business and industry groups to provide support for local business development activities and opportunities, including:
 - Attendance and participation in local chamber of commerce meetings to discuss economic development and business opportunities
 - Assistance with installation of signage at Kandos Information Bay
 - Assistance with promotion of Mudgee Business Expo through community news, website and social media
- Co-ordination and promotion of NSW Small Biz Bus visit in July 2013.
- Meeting and correspondence with TAFE Western NSW in relation to Short St facility and investigate options for community use when the property is vacated from 2016.
- Meeting with new manager of Mudgee BEC to discuss business development initiatives planned for next 12 months.



- Meetings and correspondence with Brindabella management regarding operational issues and new schedule, including dealing with customer feedback received from airport users.
- Meeting with NSW Transport in relation to Brindabella being placed in receivership in December 2013 and ongoing discussions regarding issuing of licences and holding time slots into Sydney Airport
- Meetings and correspondence with air service providers interested in taking over the licence to provide air services between Mudgee and Sydney.

Economic Development Think Tank

- Facilitation of Economic Development Think Tank meeting in March to bring together leaders from a number of local businesses, industry and government agencies to discuss economic development opportunities.



Events Update

Provided below are a summary of key activities undertaken during Quarter 1 to Quarter 4 (ie. January to December) in relation to the attraction of new events and development of existing events in the Region for 2013.

Events Calendar

- A calendar of annual events has been developed to inform event attendance and assist in attracting new events to the Region in 2013. This tool is useful in informing all event stakeholders and the community about upcoming events and is available through Council's website. It is updated as notifications are received about new events.

NRL Eels v Titans

- Meetings and ongoing correspondence with National Rugby League, Parramatta Eels, Gold Coast Titans and Channel 9 representatives in relation to event including meetings and weekly conference calls with NRL and Channel 9.
- Planning for official launch of Parramatta Eels in Mudgee in conjunction with the Parramatta Eels staff at Glen Willow Stadium, with Channel 7 and Channel 9 media.
- Co-ordination of Council Project Team to manage venue arrangements including traffic management plan, catering options, food inspections, game day activities, ticketing, transport etc.
- Meetings with local community groups and businesses involved in event including Rugby League Clubs, Lions Club, VRA, SES, police. This includes working with stakeholders to identify event specific tasks and responsibilities and prepare maps for game day.
- Co-ordination of public activities in the week leading up to the game, including the open training session at Glen Willow, media point of contact and live recording of the Footy Show by Channel 9.
- Event management for game day including bump-in/bump-out of broadcast vehicles and equipment, assistance with corporate function, management of local catering facilities, ticket collection facilities, traffic co-ordination, security and game day staff.

NRL Future Events

- Meeting with NRL to discuss outcomes of NRL Eels v Titans and the potential for an annual NRL event to be held in the Region.



Flavours of Mudgee Festival

- Commence planning for "Flavours of Mudgee" street festival to be held as part of the September Wine Festival on 28 September 2013.
- Issued save the date reminders and expressions of interest to stall holders.
- Event management of Flavours of Mudgee Festival with approximately 6,000 attendees.

Australia Day

- Event planning and on the day co-ordination of the Australia Day celebrations in Gulgong including hosting Australia Day ambassador, management of Australia Day awards and citizenship ceremony.
- Awarding of Year of the Farmer scholarship \$3,000 to Jessica Holt as part of awards ceremony.
- Working with community groups to plan for 2014 Australia Day event in Rylstone and processing of nominations for Australia Day award recipients.

Town Hall

- Event planning and on the day co-ordination of the Town Hall official opening including managing official guests (including acting Governor General for Australia), arranging invitations and media management.
- Assistance with event planning and marketing for Town Hall Cinema launch.
- Continue to identify and attract events to the Town Hall including the 2013 Planning Conference Dinner and 2014 NSW Public Libraries AGM.
- Event management for AR Bluett Award ceremony which was attended by Council, staff and community representatives.

Growth of New Events

- Identifying opportunities to submit bids for events and conferences in the Region in conjunction with relevant local stakeholders, including:
 - 2013 Mudgee Mining Symposium, LG Tourism Conference 2014, Planning Institute of Australia NSW Branch Conference 2014, NSW Weeds Conference 2015.
- Successful bid to host the following conferences:
 - 2013 Planning Institute of Australia NSW Branch Conference 2013 (August). This conference will cater for 200 delegates for a 3 day conference.
 - 2014 Public Libraries NSW Conference in November 2014. This conference will cater for 250-300 delegates for a 3 day conference.
- Continue to work with event proponents in developing new events in the Region, including:



- Meetings and correspondence with CHS Sports Conveners, AusTouch, Country Rugby League, National Rugby League, Football NSW, Central West Rugby Union, NRL Eels, NRL Titans, OzTag Australia.
- Meetings with committee members organising the 2013 National Historic Machinery Rally to discuss event details and provide in-kind events assistance to help with the event management and marketing of a major event in the Region.
- Hosting Western NSW Mariners FC for all home games in 2013 (relocation from Bathurst). The season extends from April to September and includes up to 8 visiting teams per home round and their families, team support staff etc. All opposition teams are metropolitan based.
- Meeting with organisers of Cementa festival to provide feedback regarding event planning and logistics for new event in Kandos.
- Meeting with organisers of Australian Caravanning Club's annual Muster to be held in the Region in 2013.
- Hosting a mayoral reception for visiting international delegates and organizing committee of the international Clay Push Festival in Gulgong.
- Provide assistance to Mudgee Rugby Club in a successful bid to host the 2014 NSW Country Championships at Glen Willow Regional Sports stadium.
- Provide assistance to Mudgee Junior Rugby League Club in a successful bid to host a Finals Round in 2014 at Glen Willow Regional Sports stadium.
- Working with organisers of 2014 NSW Public Libraries Conference regarding event programming and logistics.
- Working with organisers of the TransTasman International Touch Series to be held in April 2014 to discuss event logistics and requirements.
- Provide venue promotional material to accompany Mudgee Dragons proposal to develop a sister club relationship with St George Rugby League Club (including a 2014 trial between Mudgee Dragons and St George).
- Successful bid to host Western NSW Mariners for the 2014 season in the NSW Premier League competition; this includes Glen Willow being the home ground for 8 weekends during the season (with 8 teams playing per weekend) with visiting teams from Sydney.

Support for Existing Events

- Continue to work with local event organizers in building the capacity of local events including:
 - Meetings and correspondence with local community, business or sporting groups to facilitate the following new or developing events in the Region:



- January: Gulgong Folk Festival, Central Coast Mariners v AIS NYL Match (Football/Soccer), Red Hot Summer Tour
 - February: Cementa13, CHA Girls Softball Championships
 - March: Heroes & Icons Dinner, MudFest
 - April: National Historical Machinery Rally, Clay Push, An Afternoon with Rachael Treasure,
 - May: Bob Marley Festival, RDA Orana Texpo, Sports Turf Association Conference
 - June: Henry Lawson Heritage Festival, Mudgee Express Pass (Parramatta Eels)
 - August: Mudgee Running Festival
 - September: Kandos Hoedown, Go Grazing
 - October: Annual Rugby 7's Carnival, National Caravan Muster
 - November: Rylstone StreetFeast, Mudgee Business Expo
 - December: Carols in Mudgee
- Events support and assistance provided to the following events:
- Quarter 1: Cementa, Bylong Mouse Race, Youth Week Activities, Henry Lawson Festival, Bob Marley Festival
 - Quarter 2: Gulgong Bunny Races, Clay Push, Go Grazing, Mud Fest.
 - Quarter 3: Mudgee Running Festival, Mudgee Veterans Golf Week, Kandos Hoedown, Go Grazing.
 - Quarter 4: Rylstone StreetFeast, Gulgong Folk Festival, Motorfest
- Co-ordination of street party at Gulgong Folk Festival and participation in Gulgong Folk Festival planning group.



Grants Update

Provided below is a summary of grants applications submitted during Quarter 1 to Quarter 4 (ie. January to December 2013).

Grants Applications

Grant Name	Funding Body	Project	Outcome
Seniors Week Grant	Family and Community Services	Seniors Week activities	successful
Country Passenger Transport Infrastructure Grants Scheme (CPTIGS)	Country Passenger Transport Infrastructure	Bus Shelter	successful
Community Building Partnership	NSW Government	Restoration of Bylong Community Hall	successful
Community Building Partnership	NSW Government	Upgrade of Hargraves Courthouse including building a deck	successful
Investing in Women	NSW Government - Family and Community Services	Non-Traditional trades expo	successful
Participation and Facility Program	Sport & Rec	Avisford reserve & Mountain Bikes	successful
Maritime Museums of Australia Project Support Scheme	Australian National Maritime Museum	Restoration of Japanese flag at Kandos Museum	successful
Public Reserves Management Fund - 2013/14 Funding	DPI - Catchment and Lands	Mudgee Tennis Courts	successful
Public Reserves Management Fund - 2013/14 Funding	DPI - Catchment and Lands	Red Hill	successful
Public Reserves Management Fund - 2013/14 Funding	DPI - Catchment and Lands	Windamere Dam	successful
Beverage Container Recycling Grants 2013	Keep Australia Beautiful	Recycling bins in 4 CBDs	successful
Local Government Energy	Department of	Solar panels on Council	successful



Efficiency Program	Industry	buildings	
Public Reserves Management Fund	Department of Primary Industries	Improvements at Flirtation Hill Mudgee	unsuccessful
Youth Opportunities	NSW Government	Drama, theatre and music workshops for Youth at Town Hall	unsuccessful
Participation and Facility Program	Office of Communities, Sport & Recreation	Upgrade of Victoria Park cycleway, Mudgee	unsuccessful
Community Building Partnership	NSW Government	Upgrade of Victoria Park cycleway, Mudgee	unsuccessful
Community Building Partnership	NSW Government	Public accessible facility in Rylstone	unsuccessful
Community Building Partnership	NSW Government	Footpath/cycleway between Gulgong CBD and cemetery	unsuccessful
Community Futures Grant	RAS	Brain bank	unsuccessful
Tourism Industry Regional Development Fund Grants	Department of Resources, Energy and Tourism	Sculpture walk in Mudgee and Rylstone	unsuccessful
Country Library Funds Grants	State Library	Infant reading programs	unsuccessful
RDAF	RDA	Pre-school	unsuccessful
Cancer Council	Healthy Workplace Partnership Projects 2013/14	Alan Talbot	unsuccessful
Participation and Facility Program	Sport & Rec	Gulgong pool	unsuccessful
Participation and Facility Program	Sport & Rec	Kandos pool	unsuccessful
Participation and Facility Program	Sport & Rec	Glen Willow Street Lighting & Footpath	unsuccessful
Regional Visitor Economy Fund	Destination NSW	Event marketing campaign	unsuccessful
Regional NSW Sculpture Acquisition Program 2013	NSW Government		unsuccessful



Community Building Partnership	NSW Government	Orange: Gulgong disabled toilet	unsuccessful
Community Building Partnership	NSW Government	Orange: Lifeskills refurb	unsuccessful
Community Building Partnership	NSW Government	Bylong Community Hall	unsuccessful
Small Grants for Small Communities	Foundation for Rural and Regional Renewal	Sign for Botobolar Community Hall	unsuccessful
Participation and Facility Program	The Office of Communities, Sport and Recreation	Gulgong Adventure Park	decision pending
Participation and Facility Program	The Office of Communities, Sport and Recreation	Victoria Park Cycleway	decision pending
Participation and Facility Program	The Office of Communities, Sport and Recreation	Glen Willow car parking	decision pending
Participation and Facility Program	The Office of Communities, Sport and Recreation	Kandos Sports Ground canteen	decision pending



Successful Grants

The following successful grants applications were notified during Quarter 1 to Quarter 4:

- Promotion and marketing of Home Power Saving Program (\$4,000)
- Improvement of Mortimer Street, Mudgee taxi rank (\$17,000)
- Seniors week activities (\$1,000)
- Upgrade of Hargraves Courthouse including decking (\$5,000)
- Part restoration of Bylong Community Hall (\$2,000)
- Development of a mountain bike track at Avisford Nature Reserve (\$25,000)
- Scholarship for women in non-traditional trades (\$10,000)
- Beverage Container Recycling (\$40,000)
- Ulan Road upgrade and maintenance (\$9,500,000)
- Installation of solar panels on Council buildings (\$17,628)
- Upgrade of Mudgee Tennis Courts (\$40,000)
- Development of a tourism attraction at Red Hill (\$50,000)
- Installation of amenities block at Windamere Dam (\$187,000)

6.3.24 Gulgong Sports Council

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 5 FEBRUARY 2014 COUNCIL MEETING

140205 Council1

GOV400038, A0100056

RECOMMENDATION

That:

1. **the report by the Director, Mid-Western Operations on the Gulgong Sports Council be received;**
2. **That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 6 December 2013 be noted.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Sports Council Meetings held on 6 December 2013. The Sports Council receives an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meeting.

There are no further matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under separate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receives additional information.

Detailed report

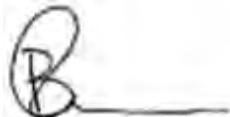
Not applicable

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

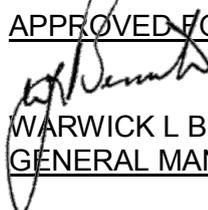


BRAD CAM
DIRECTOR, MID-WESTERN OPERATIONS

23 January 2014

Attachments: 1. Minutes of the Gulgong Sports Council Ordinary Meeting 6 December 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

Gulgong Sports Council
Monthly Meeting
6th December, 2013 at Gulgong Bowling Club

Meeting Opened: 7pm

Apologies: Percy Thompson – MWRC

Present: Craig Holden – President, Brian Gudgeon – Treasurer/Senior Cricket, Nicola Barnes – Secretary/Miniature Horses, Rhiannon Barnes – Cadet, Michele Gawdry – Tennis Club, Charlie & Betty Rae – Dog Obedience.

Motion 1 – “That apologies be accepted.”

Moved: C. Holden

Seconded: N. Barnes

All in favour – motion moved and carried.

Motion 2 – “That the minutes be accepted as read”

Moved: C. Holden

Seconded: B. Rae

All in favour – motion moved and carried.

Council Business:

1. Victoria Park Grandstand awning posts need to be fixed – what stage is this up to? No feed back at this stage.
2. New roller doors at Billy Dunn has been installed cannot access locks need to be changed to BBB. The wheelie bins will be locked in there.
3. Storage shed for Victoria Park Gulgong to installed, to discuss with Tracey Kane.
4. Cricket nets at Billy Dunn Oval needs repairs unsafe at this stage.

Correspondence:

Incoming: nil

Outgoing:

1. Affiliation Fees – invoices.

Finance Report:

Opening Balance:	\$1539.72
Income	nil
Expenditure	R& J Andrews Turf Delivery \$110.00

Motion 3 – “That the treasurer’s report be accepted.”

Moved: B. Gudgeon

Seconded: B. Rae

All in favour – motion moved and carried.

General Business:

1. Need nominations for presentation night.
2. PA Booking in December for Mudgee Pony Club – dates to be confirmed.
3. Next meeting need to book date for Presentation Night.
4. Email clubs few days before meeting as a reminder (Craig to email list to secretary).

Meeting closed: 8.20

Craig Holden – President



Next meeting –8th January 2014 – 7pm – Gulgong Bowling Club

6.3.25 Red Hill Reserve Working Party

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 5 FEBRUARY 2014 COUNCIL MEETING

140205 Council1
GOV400038, A0100056

RECOMMENDATION

That:

1. **the report by the Director, Mid-Western Operations on the Red Hill Reserve Working Party be received;**
2. **Note the minutes of the meeting of the Red Hill Reserve Working Party meeting held on 10 December 2013.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Red Hill Reserve Working Party ordinary quarterly meeting held on 10 December 2013.

There are no matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under separate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receive additional information.

Detailed report

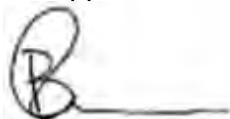
Not applicable.

Financial and Operational Plan implications

Not applicable

Community Plan implications

Not applicable.

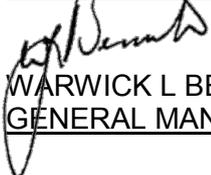


BRAD CAM
DIRECTOR, MID-WESTERN OPERATIONS

23 January 2014

Attachments: 1. Minutes of the Red Hill Reserve Working Party meeting held on 10 December 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



PO BOX 156
MUDGEE NSW 2850

86 Market Street MUDGEE
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

Minutes

**MINUTES OF MEETING FOR THE RED HILL WORKING PARTY HELD ON
10 December 2013 COMMENCING AT 5.05pm AND CONCLUDING AT 5.35pm**

Present Cr Percy Thompson, Brad Cam (Council), Maurice Gaudry, Chris Pearson, Peter Willis, Tony Harrison, David Warner

In Attendance: Nareeda Endacott (Minute Secretary)

1. APOLOGIES

Peru Perumal

Moved: Chris Pearson 2nd David Warner

2. MINUTES OF PREVIOUS MEETING

Recommendation: That the minutes of the meeting held on 13 June 2013 be accepted.

Moved: Maurice Gaudry 2nd Peter Willis

3. MATTERS ARISING FROM MINUTES OF THE MEETING

- Grant funding under the NSW Government's Public Reserve Management Fund (PRMF) for \$50,000 received. This grant must be matched dollar for dollar and requires a report to Council in February to accept the grant funding.
- Council's communication officer to investigate the status of MRTI's T-Qual accreditation.

Moved: Chris Pearson 2nd Maurice Gaudry

4. CORRESPONDENCE

Nil

5. GENERAL BUSINESS

Brad explained to the committee that the grant funding cannot be accepted until a decision is made at Council to match the grant funding dollar for dollar.

Brad had also met with Geoff Moore on site to draw up structural plans for the project. Geoff is currently designing counter lever to look up and down the mine shaft, Peru's plans are being used as a guide. A copy of Geoff's plans to be forwarded to Peru.

Discussion of design to use box culverts to the poppet head with pre cast floor then line with timber and gravel floor. Wiring to be installed for audio along with photos and artefacts for the second stage of project.

Chris Pearson raised the issue of access to the facility once built. How will it be locked, manned and secured and will there be a fee to access. These issues will be addressed throughout the development of the project.

6. BUSINESS WITHOUT NOTICE

Nil

7. DATE OF NEXT MEETING – 27th February 2014

6.3.26 Mudgee Saleyards Management Committee

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 5 FEBRUARY 2014 COUNCIL MEETING

140205 Council1
GOV400038, F0720036

RECOMMENDATION

That:

- 1. the report by the Director, Mid-Western Operations on the Mudgee Saleyards Management Committee be received;**
- 2. That the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 19 December 2013 be noted.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 19 December 2013.

There are no matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under separate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receives additional information.

Detailed report

Not applicable.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

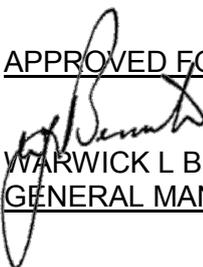


BRAD CAM
DIRECTOR, MID-WESTERN OPERATIONS

7 January 2014

Attachments: 1. Minutes of the Mudgee Saleyards Management Committee ordinary bi-monthly meeting 19 December 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1



PO BOX 156
MUDGEE NSW 2850

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

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

MINUTES

**MINUTES OF THE MUDGEE REGIONAL SALEYARDS COMMITTEE MEETING HELD ON
19 DECEMBER 2013 COMMENCING AT 9AM AND CONCLUDING AT 9.15AM**

Present: Cr John Webb (Chair), Terry McDonald, Brad Cam (Council), Cr John Weatherly,
Bob Kearins

Observer: Nareeda Endacott (Minute Secretary)

1. APOLOGIES

Adam McDougall, Jason Pearce, John Little, Barry Clapham

Moved: Bob Kearins 2nd Terry McDonald

2. MINUTES OF PREVIOUS MEETING

Recommendation:

That the minutes of the meeting held on 22nd August 2013 be accepted.

Moved: Terry McDonald 2nd Cr John Weatherly

3. GENERAL BUSINESS

It was brought to the attention of the committee that the A-frame sign is still being left up permanently. Terry McDonald to remind all agents that this sign is to be removed and only put in place when gate is locked.

Saleyard Statistics

The report is self explanatory and Saleyards remained within budget and maintained good sale statistics.

6. BUSINESS WITHOUT NOTICE

Terry McDonald asked Brad about the incident which occurred between Mr Don Hobbs and Mr Rick Gordon at the Saleyards. Brad advised that Council had been contacted by Mr Gordon, the issue was investigated and Council have sent a letter to Mr Gordon advising that Council will not be pursuing the matter.

DATE OF NEXT MEETING –21st February 2014

MEETING CLOSED 9.15 am

6.3.27 Mudgee & Gulgong Access Committee Minutes

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, A0060008

RECOMMENDATION

That:

1. **the report by the Manager, Community Services on the Mudgee & Gulgong Access Committee Minutes be received;**
2. **Council note the minutes of the Mudgee and Gulgong Access Committee held on 3rd December 2013.**

Executive summary

The Mudgee and Gulgong Access Committee meets monthly to highlight and promote accessibility issues in the region. The next meeting is to be held on Tuesday 4th February 2014.

Detailed report

The Committee discussed matters arising from previous minutes and Council staff and a committee member will be meeting on site in early 2014 to discuss tactile indicators and their best installation at Mortimer Street recent construction area.

A number of agreed actions were made and these are listed in the minutes attached hereto.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

KATE POWER
MANAGER, COMMUNITY SERVICES

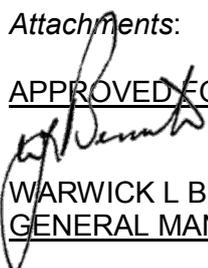


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

20 December 2013

Attachments: 1. Attachment – Access Committee Minutes – 3 December 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.3.28 Youth Council minutes

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, A0060048

RECOMMENDATION

That:

- 1. the report by the Manager, Community Services on the Youth Council minutes be received;**
- 2. Council note the minutes of the 26th November 2013 Youth Council meeting;**
- 3. Council endorse the nomination of Dylan Hayes Weber to be a member of the Mid-Western Regional Youth Council.**

Executive summary

This report seeks endorsement to appoint a new member to the Mid-Western Regional Youth Council.

Detailed report

Youth Council have been actively recruiting for new Councillors, and at their most recent meeting, tabled Dylan Hayes Weber's nomination, and seek Council's endorsement to appoint him. Currently, majority of Youth Council representation is from the Kandos area, and so Gulgong and Mudgee based youth are being actively encouraged to nominate to become involved.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

KATE POWER
MANAGER, COMMUNITY SERVICES

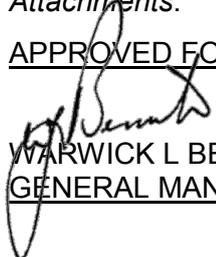


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

20 December 2013

Attachments: 1. Youth Council Minutes – 26 November 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

**MINUTES OF THE MEETING OF MWR YOUTH COUNCIL
AT 4.30 PM ON TUESDAY 26TH NOVEMBER 2013
AT THE LOFT YOUTH DROP IN CENTRE,
ANGUS AVE, KANDOS**

1. Attendance:

E Cole, J Marshall, J Foote, V Handmer (minutes)

Jessica Foote welcomed everyone to the meeting and called for apologies

2. Apologies:

M MacRae

Motion of acceptance of the apologies:

Put: J Foote, Seconded: E Cole. Carried

3. Acceptance of the minutes of the last meeting

Put: J Foote, Seconded: J Marshall. Carried

4. Correspondence:

4.1 Nomination from Dylan Hayes Weber tabled. VH has replied to Dylan; welcoming him and mentioning the road trip and other events with dates to be confirmed.

4.2 AFTRS invoice; dates; second half of Jan 2 days to be decided with AFTRS

5. Business Arising:

5.1 Road trip; Thursday 19 Dec VH pick up Kandos YC and meet Mudgee at 10am CCCC. Where to; Hargraves, Windeyer, Ilford, Charbon Clandulla Kandos Rylstone Mudgee. Lunch? Mixed sandwiches and drinks fizzy, poppers and water. Also possible we will come to Mudgee earlier and record safe driving messages with Mel at 2MG.

5.2 AFTRS workshop and ABC My Passion dates!!!! promotion flyer to schools VH to follow up with Lynette (AFTRS) and Ana Tovey (ABC) asap

5.3 Alumni date in Jan; Friday Night in the Youth Room; Friday 3rd Jan from 6pm; drinks, nibbles, music (ipod dock).

5.4 Summer Day program; Tuesday 21st Jan Charbon 10-12 cup cake decorating etc; Youth Council will support this event by attending and by making funds available for the cup cake decorating. If this grows into a partnership program with The Benevolent Society YC is willing to provide funds from the small villages budget.

Motion: Youth Council fund the Cup Cake decorating workshop on Tuesday the 21st January in partnership with The Benevolent Society with the view to working together in the villages of Charbon and Clandulla following this day.

Put J Foote, Seconded J Marshall. Carried

5.5 New youth councillors; Jai Cork hasn't returned a completed nomination form yet (Josh to follow up) and Jess will follow up the 2 St Matthews girls; getting postal addresses so VH can post nomination forms.

5.6 Radio and dangerous driving; Jessica Foote spoke to Mel at Real FM about youth councils commitment to get safer driving messages out to youth. She said she will help with a campaign on radio...such as short drive safely messages between songs. YC

Homework; come up with 3 messages each to be recorded either early on Thursday 19th (before the road trip); Jess to organise with 2MG...

6. General Business

- 6.1 Bluett Awards; Youth Councillors to attend from 6-8pm. VH pick up Emily and Josh at Rathdowney Bus Stop 5.00pm Meet Jess and hopefully Maddie at Mudgee town hall
- 6.1 Reports from youth council; Emily no news; Josh on the look out for new YC; Jessica working with Mel re radio ads (also on facebook page). Discussion regarding this and Josh suggested that YC start a group chat about safe driving; Jessica will create an event and also have it so people can vote for the 'best' message.
- 6.2 Youth week planning meeting in January ; Tuesday 21st after Summer Day meeting at the Rylstone Office is the suggested date and time. Youth Week is from the 4-13 April and the last week of school first term. This would mean a Trivia Night would either be on the 4th or 11th. YC to find out when exams/assessments are; everyone please email VH when you find out.
- 6.3 Small infrastructure; Emily and Josh; decision re spending; That the following items be provided by youth council infrastructure budget:

soft furniture for the youth reading area at Kandos Library;
and a vandal proof water bubbler at Gulgong Skate Park

In addition in regards to some monies available in Parks budget from the Mudgee skatepark; that a shaded table area be erected.

Put: E Cole, Seconded: J Marshall. Carried.

Meeting closed at 5.34pm

6.3.29 Sponsorship Acknowledgement Policy

REPORT BY THE GENERAL MANAGER TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, A0100020

RECOMMENDATION

That:

- 1. the report by the General Manager on the Sponsorship Acknowledgement Policy be received;**
- 2. Council adopt the Sponsorship Acknowledgement Policy as amended.**

Detailed report

The Sponsorship Acknowledgement policy is up for review. That policy is attached with minor amendments shown in red (track changes)

The changes are very minor and do effect the intent of the policy direction.

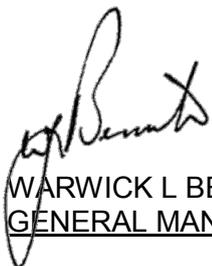
Financial and Operational Plan implications

Not applicable at this time.

Community Plan implications

No applicable at this time.

Attachments: 1. Policy – Sponsorship Acknowledgement



WARWICK L BENNETT
GENERAL MANAGER

24 January 2014

ATTACHMENT 1

	POLICY	ADOPTED C/M 16/11/11 MINUTE NO. 378/11
	SPONSORSHIP ACKNOWLEDGEMENT	REVIEW: NOV 13 FILE NO. A0100021

OBJECTIVE

To ensure appropriate recognition for Council sponsorships, whether they be in cash or in kind.

POLICY**Background**

Mid-Western Regional Council receives many requests each year for sponsorships or grants to support a wide range of potential recipients.

Some of these requests can be met through Council's Financial Assistance programme ~~Small Grants program~~ or by donations by individual Councillors from their discretionary funds. Other requests, however, involve significant amounts of money and/or Council in-kind contributions. In a number of cases, the event could not take place without Council's generosity.

In responding to requests for support, Council must determine whether the event is in the immediate community interest, has long-term potential to assist with economic development or serves a larger social good.

It is important when Council provides significant levels of sponsorship that ratepayers are made aware by the recipient that the event has been made possible in part by the provision of public monies.

Appropriate Recognition

The following guidelines are provided to assist event organisers in providing appropriate recognition for Council sponsorships, whether they be in cash or in kind.

1. LEVEL 1 SPONSORSHIP: \$0 to \$999

- a. If possible, Council's logo appropriately placed on any promotional material ~~notices~~ and/or event programs and the following statement printed on any promotional notices or event programs: "This event proudly supported by Mid-Western Regional Council."

2. LEVEL 2 SPONSORSHIP: \$1,000 TO \$1,999

- a. The following statement printed on all promotional material ~~notices~~ and/or event programs: "This event proudly supported by Mid-Western Regional Council" and the inclusion of Council logo.
- b. Where appropriate the Mayor or his/her representative invited to attend with a partner as guests of the event organiser.

3. LEVEL 3 SPONSORSHIP: \$2,000 to \$4,999
 - a. The following statement printed on any promotional **material** notices and/or event programs: "This event proudly supported by Mid-Western Regional Council" and the inclusion of Councils logo
 - b. Where appropriate the Mayor or his/her representative invited to attend with a partner as guests of the event organiser.
 - c. When appropriate, the Mayor or his/her representative invited to speak as part of the program.

4. LEVEL 4 SPONSORSHIP: \$5,000 and above
 - a. The following statement printed on any promotional **material** notices and/or event programs: "This event proudly supported by Mid-Western Regional Council" and the inclusion of Councils log
 - b. Where appropriate the Mayor and Councillors invited to attend with their partners as guests of the event organiser.
 - c. Where appropriate, the Mayor or his/her representative invited to speak as part of the program.
 - d. Naming rights or combined naming rights for locally organised events.
 - e. For events that visit or pass through the Region but are organised at a National or State level, for which naming rights would be inappropriate, such as the Great Escapade Bicycle Ride, the right for Mid-Western Regional Council, Mudgee Region Tourism Inc, the Mudgee Wine Grape Growers and other similar organisations to have a booth or stall at the event at Council cost to promote the Region throughout the event.

The General Manager may approve sponsorship recognition methods other than those provided in these guidelines in unusual cases where a deviation from these guidelines is in the best interest of Mid-Western Regional Council and the community.

6.3.30 Review of Gifts and Benefits Policy

REPORT BY THE MANAGER GOVERNANCE TO 5 FEBRUARY 2014 COUNCIL MEETING

Gifts and benefits

GOV400029, A0100021

RECOMMENDATION

That:

- 1. the report by the Manager Governance on the Review of Gifts and Benefits Policy be received; and**
- 2. Council adopt the revised Gifts and Benefits policy attached to this report.**

Executive summary

This report addresses a review of the Council's Gifts and Benefits policy.

Detailed report

When this policy was last reviewed in 2011, Council took a very hard line in relation to gifts and benefits. This was because the Model Code of Conduct was, at the time being reviewed by the Division of Local Government and it was anticipated that the Division would be making very draconian alterations to the Model Code about gifts and benefits.

The Council's policy was therefore changed to promote a zero tolerance in relation to gifts and benefits.

The Model Code was released in late 2012 with little or no changes to the section on gifts and benefits. It continued to float the concept of "token gifts" – thereby not according with the Council's adopted policy.

This issue has been reviewed over the past 12 months and it has become obvious particularly in discussions with staff during orientation and training sessions that the approach of summarily declining to accept all offers of gifts or benefits can lead to rather embarrassing situations eg Library staff who have been involved in "Book Worms" having to decline to accept cupcakes made by children as a means of expressing their appreciation.

The policy has therefore been rewritten to resolve this issue and to align it more closely with the Code of Conduct. The revised policy also endeavours to make it very clear what is acceptable and what is not.

Attached is a copy of the current policy with the proposed alterations shown as "track changes".

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

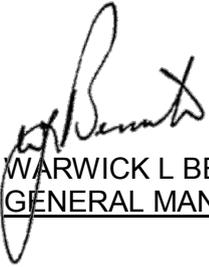


IAN ROBERTS
MANAGER GOVERNANCE

22 January 2014

Attachments: Gifts and Benefits policy

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

	POLICY	ADOPTED CM 19/10/11 Minute No. 308/11
	GIFTS and BENEFITS	REVIEW: Oct 13 FILE No. A0100021

PURPOSE

~~The purpose of this policy is to provide guidance to Councillors, employees and volunteers regarding the issue of receiving or being offered gifts or benefits and to ensure that in dealing with any gifts, benefits or the offer of gifts or benefits, Councillors, employees and volunteers are not influenced in the performance of their duties and that there is no perception of undue influence due to these offers.~~

SCOPE

~~This policy applies to the Mayor and Councillors and to all employees and volunteers of Mid-Western Regional Council when carrying out their civic duties.~~

BACKGROUND

This policy has been developed in order to recognise that the conduct of Council business may give rise to gifts or benefits of appreciation being offered to Council officials and that in appropriate circumstances it is acceptable for such gifts or benefits to be accepted.

Given the potential for acceptance of gifts and benefits to be misinterpreted and to cause reputational damage to Council and the Council officials involved, it is necessary for Council officials to conduct themselves in accordance with a recognised and appropriate set of acceptable procedures.

OBJECTIVE

The main objectives of this policy are to:

1. Ensure that Council officials are made aware of their obligations and responsibilities concerning the offer or acceptance of any gift or benefit; and
2. Provide guidance to Council officials in identifying, assessing and managing offers of gifts or benefits to ensure that they do not constitute or are perceived to constitute corrupt conduct.

STATEMENT OF INTENT

~~Council is committed to preventing corruption in all its forms. One form of corruption that can seriously damage the credibility of an organisation is bribery.~~

~~Councillors, employees and volunteers need to be aware that gifts and benefits may be specifically offered to influence the attitudes or decisions of the recipients in favour of the giver. In this case, the gifts or benefits must be regarded as bribes and the giving and acceptance of them is a criminal offence.~~

~~This Policy aims to provide guidelines for Councillors, Council employees and volunteers when acting in their official capacity in dealing with offers of gifts, benefits and bribes.~~

Council officials will act with integrity at all times. Acceptance of gifts and benefits has real and perceived opportunities for undermining integrity.

This policy sets out the basis on which Mid-Western Regional Council will manage offers of gifts or benefits in accordance with the obligations set out in the Council's Code of Conduct.

GIFTS AND BENEFITS

Gifts and benefits include, but are not limited to:

- ~~(a) — Money and gift cards;~~
- ~~(b) — Alcohol;~~
- ~~(c) — Ties, scarves, coasters, tie pins, diaries, chocolates or flowers;~~
- ~~(d) — Tickets to major sporting events (such as state or international cricket matches or matches in other sporting codes (including the NRL, AFL, FFA, NBL));~~
- ~~(e) — Corporate hospitality at a corporate facility at major sporting events;~~
- ~~(f) — Free or discounted products and services for personal use;~~
- ~~(g) — The use of facilities such as gyms, use of holiday homes, free or discounted travel.~~

POLICY STATEMENT

~~Duties and Responsibilities~~

~~A Councillor, employee or volunteer must not:~~

- ~~• Seek or accept a bribe or other inducement;~~
- ~~• By virtue of his or her position, acquire a personal profit or advantage which has a monetary value;~~

— Seek or accept any payment, gift or benefit intended or likely to influence, or that could reasonably be perceived by an impartial observer as intended or likely to influence the Councillor, employee or volunteer to:

- act in a particular way (including making a particular decision);
- to fail to act in a particular circumstance; or
- to otherwise deviate from the proper exercise of his or her official duties.

A Councillor, employee or volunteer must never accept an offer of money, regardless of the amount.

What do I do if I am offered a gift or benefit?

In a circumstance where a Councillor, employee or volunteer is offered a gift or benefit it must be politely refused.

The fact that you have been offered a gift or benefit which has been refused must be recorded in Council's Gifts and Benefits Register by completing the disclosure form attached.

What do I do if I receive a gift or benefit through the post?

In such situations the gift or benefit must be returned to the giver with a letter explaining that you are not permitted to accept such gift or benefit. However, where the value of such gift is less than \$5, such as a pen, mouse pad, or highlighter and the cost effectiveness of returning this gift is inefficient then the gift shall be placed in the corporate stationery cupboard.

What do I do if I am offered a gift or benefit that cannot be reasonably refused?

It is recognised that there may be occasions where an offer of a gift or benefit is made that cannot be readily refused without causing offence to the giver—for example from a visiting overseas delegation. In many foreign cultures the giving of gifts is an accepted way of doing business.

Where this occurs, you must:

- promptly notify your supervisor, Group Manager, General Manager or the Mayor;
- complete the Gifts and Benefits Register disclosure form attached; and
- surrender the gift or benefit received to the Council. The Mayor and General Manager will determine whether the gift or benefit can be readily returned or should be kept by the Council for appropriate display (usually in those cases where the gift or benefit is from an overseas visiting delegation in recognition of that visit). If neither is considered appropriate the gift or benefit will be auctioned with the proceeds being donated to a nominated charity.

What other situations should I avoid?

You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts or benefits or hospitality of any kind, is attempting to secure favourable treatment from you or the Council.

~~You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment from you or the Council. Immediate family members ordinarily include parents, spouses, children and siblings.~~

~~Improper and Undue Influence~~

~~You must not use your position to influence other Council officials in the performance of their public or professional duties to obtain a private benefit for yourself or somebody else. A Councillor will not be in breach of this policy where they seek to influence other Councillors through the exercise of their representative functions.~~

~~You must not take advantage (or seek to take advantage) of your status or position with Council or functions you perform for Council in order to obtain a private benefit for yourself or for any other person or body.~~

~~Allowable benefits~~

~~Generally speaking, benefits allowable in accordance with this policy include such things as free or subsidised meals, beverages or refreshments provided in conjunction with and consumed in association with:~~

- ~~▲ Council work related events such as training, education sessions, workshops;~~
- ~~▲ Conferences;~~
- ~~▲ Council functions or events;~~
- ~~▲ Social functions organised by groups, such as Council committees and community organisations;~~
- ~~▲ Invitations to and attendance at local social, cultural or sporting events.~~

~~Staff attending any of the above must obtain the General Manager's approval prior to the event.~~

~~What do I do if I win a prize at an official function I am attending?~~

~~On some occasions a Council official may receive a gift or prize as a result of entering a competition while engaging in official duties. For example, they may win a raffle or lucky door prize drawn at a conference or win a prize that was promoted as an incentive associated with their role as a Council official.~~

~~Gifts received as prizes should be considered on a case by case basis, taking into account the nature of Council's relationship with the prize giver. If Council has business dealings with the organisation that provided the prize, or discretionary power that could be exercised in the prize giver's favour, accepting the prize may lead to perceptions of improper influence.~~

~~The Gifts and Benefits Register must be used to record and manage gifts or benefits offered as a prize or incentive.~~

~~BRIBERY~~

~~A bribe is defined as a "gift or benefit offered to or solicited by a public official to influence that person to act in a particular way". Bribery includes offences committed under Section 204B and associated Sections of the Crimes Act 1900 (NSW).~~

~~Offering or accepting a bribe is a serious offence with severe consequences.~~

If a Councillor, employee or volunteer is offered a gift or money or other gift or benefit, which could be considered a bribe, that person must immediately notify his or her supervisor, Manager or Group Manager or the General Manager or Mayor providing full details.

The General Manager has a duty under the Independent Commission Against Corruption (ICAC) Act to inform the ICAC about any matter that he suspects or reasonable grounds concerns or may concern corrupt conduct. This includes bribery.

PROCUREMENT AND DISPOSAL OF GOODS AND SERVICES

Those Council officials involved in procurement, tendering or sales activities for Council should not accept a gift from potential or current, suppliers or buyers. A contract to supply goods or the opportunity to buy Mid-Western Regional Council assets can be highly profitable to the supplier or buyer. Suppliers and tenderers may attempt to influence procurement processes by offering gifts and benefits to Council officials responsible for making the decisions.

REPORTING TAKING OF BRIBES

Council recognises that it may not always be successful in its efforts to prevent bribery. Council encourages employees and members of the public to report incidences where they believe that bribery has occurred.

INTERNAL REPORTING

This situation is covered by Council's Public Interest Disclosure Internal Reporting policy. In general, the process of reporting bribery is the same as for other corrupt conduct.

FURTHER INFORMATION

If you wish to obtain further information or have any questions regarding how you manage a situation where you are offered a gift or benefit please contact either the Manager Governance, your Group Manager or the General Manager.

Further information, definition or key terms and concepts and processes for dealing with gifts and benefits can also be obtained from the ICAC website and in their publication *Managing Gifts and Benefits in the Public Sector – Toolkit*.

1. Executive Summary

The Gifts and Benefits Policy supports Council's Code of Conduct and provides direction for managing Gifts and Benefits.

A summary of how Gifts and Benefits will be managed by Councillors and staff, other than those gifts or benefits that must not be accepted by provisions elsewhere in this Policy, are as follows:

<u>Value of Offer</u>	<u>Councillor</u>	<u>Staff</u>
<u>Cash or cash-like gift of any value</u>	<u>Must not be accepted</u>	<u>Must not be accepted</u>
<u>Less than \$50</u>	<u>May accept – may wish to disclose in Register</u>	<u>May accept – may wish to disclose in Register</u>
<u>Between \$50 and \$250</u>	<u>May accept – must disclose in</u>	<u>May accept – must disclose to</u>

	<u>Register</u>	<u>Director, must disclose in Register</u>
<u>Between \$250 and \$500</u>	<u>May accept – must disclose in Register</u>	<u>May not accept until approved by Director – must disclose in Register</u>
<u>Greater than \$500 in total from same donor in one year</u>	<u>May accept – must disclose in Register. Must be disclosed in annual Disclosure of Interest Return</u>	<u>May not accept until approved by General Manager and must be declared in the Register. If a designated person, must be disclosed in annual Disclosure of Interest Return</u>

Matters to be considered when an offer of a gift or benefit is made are:

- who is making the offer to you, why the offer is being made, and how acceptance of the offer would be perceived by a member of the public; and
- the degree of openness of the offer and, if the donor attempts to conceal the gift or benefit, it should be refused.

Attached at Appendix A is the template Gifts and Benefits Declaration Form which is available in electronic form on the Council website.

2. Definitions

The following definitions apply to this policy:

Gifts may include, but are not limited to, items such as cash or cash-like gift, alcohol, clothes, products or tickets to a sporting or entertainment event.

Benefits may include, but are not limited to, hospitality, preferential treatment, access to confidential information, free access to services which are normally charged at a fee, or access to a private spectator box at a sporting or entertainment event.

Bribes are gifts or benefits given specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something.

Hospitality means the provision of meals, refreshments or other forms of entertainment.

Token value means the monetary limit of the value of gifts or benefits that may be accepted and do not require declaration in the Gifts and Benefits Register. This value is \$50 and therefore any gift or benefit valued at less than \$50 is considered to be of token value in accordance with this policy. The intent of the donor however, must also be considered when deciding whether to accept a token value gift or benefit.

Council official means Councillors, Council staff, Council Committee members, volunteers or delegated persons as defined in the Local Government Act 1993.

3. Introduction

This policy amplifies and supports Council's Code of Conduct in regard to managing offers of gifts or benefits.

Gifts or benefits may be provided to Council officials as a thank-you or as an appreciation for a task well done. Gifts or benefits may also be small token gifts such as a pen or calendar and are commonly offered in business situations or as a ceremonial gift provided from one organisation to another.

The acceptance or otherwise of gifts or benefits must be properly managed to ensure that they are not provided as a "gift of influence" where there is an intention by the donor to receive favourable treatment. Equally important is how gifts or benefits are perceived, regardless of the type or value.

This policy is designed to appropriately guide Council officials as to whether an offer of a gift or benefit should be refused or accepted and how to manage that acceptance. Fundamental to this policy is the "Gifts and Benefits Register" for the declaration and recording of the management of offers of gifts or benefits.

4. Purpose

The purposes of this policy are to:

- Ensure that Council officials are made aware of their obligations and responsibilities concerning the management of offers of gifts or benefits; and
- Provide guidance to Council officials in identifying, assessing and managing offers of gifts or benefits to ensure that they do not constitute, or may be perceived to constitute corrupt conduct.

5. Policy Coverage

This policy applies to all Council officials (Councillors, Council staff, Council Committee members and volunteers).

6. What should I do if I am offered a gift or benefit?

All Council officials should be aware that accepting gifts or benefits may be appropriate in some situations, but may constitute corrupt conduct, or be perceived to constitute corrupt conduct, in other situations. Each situation must be carefully assessed on its own merits.

The following are the procedures for Council staff to manage offers of gifts or benefits:

- If the offer is cash or a cash-like gift such as a gift voucher, credit card, debit card with credit on it, prepayment such as phone or internal credit, membership or an entitlement to discounts it must be refused and the incident reported to the General Manager immediately;
- Gifts or benefits must not be accepted by any Council official who is or could expect to be, or who has been in the last 12 months, directly involved in exercising discretionary judgment relating to any matter involving the donor;
- If the offer appears to be a bribe, you must decline the offer and inform the General Manager, who will immediately advise the ICAC and the Police, if appropriate;
- If the gift or benefit is less than \$50 in value, then it is of token value. It may be accepted and may be declared in the Gifts and Benefits Register.

- Offers of gifts or benefits of between \$50 and \$250 in value, either as one offer or cumulative offers in a 6 month period from one donor, that are accepted, must be disclosed to the relevant Director and must be declared in the Gifts and Benefits Register;
- Offers of gifts or benefits of between \$250 and \$500 in value, either as one offer or cumulative offers in a 6 month period from one donor, must be approved by the General Manager, prior to acceptance and, if accepted, must be declared in the Gifts and Benefits Register;
- In those instances where the value of the gift or benefit does not exceed \$500 and the Council official does not accept the gift or benefit, it shall not be necessary for the Council official to declare the gift or benefit in the Gifts and Benefits Register;
- In those instances where the value of the gift or benefit exceeds \$500, either as one offer or cumulative offers in a 6 month period from one donor, the gift or benefit may not be accepted until approved by the General Manager and then this must be declared in the Gifts and Benefits Register whether the gift or benefit is accepted or not;
- Council staff members, who are designated persons must also consider their disclosure obligations when completing their annual Disclosure of Interest Return. If the value, or cumulative value of gifts from one donor, exceeds \$500 in the Return year, the Gifts section of the annual Disclosure of Interest Return must be completed.

The procedures for Councillors to manage offers of gifts and benefits are:

- If the offer is cash or a cash-like gift such as a gift voucher, credit card, debit card with credit on it, prepayment such as phone or internet credit, membership or an entitlement to discounts, it must be refused and the incident reported to the General Manager or Mayor immediately;
- If the offer appears to be a bribe, you must decline the offer and inform the General Manager who will immediately advise the ICAC and the Police, if appropriate;
- If the gift or benefit is less than \$50 in value, then it is of token value. It may be accepted and may be declared in the Gifts and Benefits register;
- Offers of gifts or benefits above \$50 in value, or a cumulative value of \$50 in a 6 month period from one donor, and which are accepted, must be declared in the Gifts and Benefits register;
- In those instances where the value of the gift or benefit does not exceed \$500 and the Councillor does not accept the gift or benefit, it shall not be necessary for the Councillor to declare it in the Gifts and Benefits register;
- Councillors must consider their disclosure obligations when completing their annual Disclosure of Interest Return. If the value, or cumulative value of accepted gifts from one donor, exceeds \$500 in the Return year, the Gifts section of the annual Disclosure of Interest Return must be completed, in addition to declaring them in the Gifts and Benefits Register.

7. Gifts and Benefits Register

A gifts and benefits declaration form is provided for the purpose of making a declaration that will be included in the Gifts and Benefits Register.

8. General Obligations

Soliciting gifts or benefits is strictly prohibited under all circumstances.

If a Council official becomes aware of another Council official soliciting gifts or benefits, he or she should report the circumstances immediately to the General Manager. The General Manager must also inform the ICAC.

Offers of gifts or benefits that may not be bribes, but are suspected of being offered for the purpose of influencing a Council official's behaviour in his or her official capacity, should always be refused. In such circumstances the General Manager should be notified of the incident and the General Manager should consider whether to make a report to the ICAC.

Acceptance of gifts of cash or a cash-like gift such as a gift voucher, credit card, debit card with credit on it, prepayment such as phone or internet credit, membership or an entitlement to discounts is strictly prohibited in all cases, since in all likelihood such a gift would be perceived as an attempted bribe. This includes offers of money to cover expenses for trips to view samples of work or to expedite the decision making functions of Council. A monetary gift that is delivered (for example in the mail or by other means of funds transfer) must immediately be reported to the General Manager who should retain the gift for evidentiary purposes.

9. Token value gifts

The value of the gift must be considered when determining whether a gift or benefit may be accepted. A gift of token value may be accepted i.e. a gift of less than \$50 in value.

A token gift may include: inexpensive pen or stationery, key ring, coffee mug, promotional cap/hat, box of chocolates, flowers, modest value bottle of wine, food or drink.

Examples of gifts usually exceeding token value and which therefore must be declared through the Gifts and Benefits Register would include: tickets to sporting or entertainment events, electronic devices such as mobile phones, personal organisers and laptop computers, jewellery, works of art, discounted products for personal use, use of facilities such as gyms and holiday homes, free or discounted travel, items of clothing.

Even if the gift is determined to be of token value, the intent of the gift or benefit being offered must always be considered and where the intent is inappropriate the gift should not be accepted.

It may be difficult to determine the true value of a gift or benefit and whether it is above or below the token value of \$50. Council officials must adopt the approach of "if in doubt, complete the Gifts and Benefits Register".

10. Cumulative gifts or benefits

If a series of token gifts or benefits from one donor exceeds \$50 within a six month period the Council official must use the Gifts and Benefits Register to declare and manage the offers. If the series of gifts or an individual gift exceeds \$500, the gifts also must be declared by Councillors and designated persons on their annual Disclosure of Interest Return, in addition to declaring them in the Gifts and Benefits Register.

Council officials therefore must be cautious of "serial giving" and manage such offers through the Gifts and Benefits Register.

11. Gifts to family members

Council officials should take all reasonable steps to ensure that their immediate family members are also not the recipients of offers of gifts or benefits that could be perceived to be an attempt to influence the behaviour of the Council official. The Gifts and Benefits Register must be used to declare and manage offers to family members that could be perceived as being offers associated with the Council official's role.

12. Prizes and incentive schemes

On some occasions a Council official may receive a gift or prize as a result of entering a competition while engaged in official duties. For example, they may win a raffle or lucky door prize drawn at a conference or win a prize that was promoted as an incentive associated with their role as a Council official.

Gifts received as prizes must be considered on a case by case basis, taking into account the nature of Council's relationship with the prize donor. If Council has business dealings with the organisation that provided the prize or discretionary power that could be exercised in the prize donor's favour, accepting the prize may lead to perceptions of improper influence.

The Gifts and Benefits Register must be used to declare and manage gifts or benefits offered as a prize or incentive.

13. Cultural considerations

Sometimes people offer a gift or benefit because they believe it is expected or normal practice as it plays an important role in business protocols and professional life in many other societies. For example, business and government delegations from a number of countries customarily offer gifts to Council officials from other countries. However culture or tradition should never be used as an excuse to accept inappropriate gifts or benefits.

There may be circumstances where a gift that is unacceptable under this policy is inadvertently accepted by a Council official or may not easily be returned. Examples include: a wrapped gift that the recipient does not open in the presence of the gift donor, gifts accepted for cultural, protocol or other reasons, where returning it would be inappropriate, anonymous gifts received through the mail or left for the Council official without a return address, a gift received in a public forum where attempts to refuse or return it would cause significant embarrassment.

The Gifts and Benefits Register must be used to declare and manage such a gift or benefit.

14. Procurement and disposal of goods and services

Those Council officials involved in procurement, tendering or sales activities for Council must not accept any gift or benefit from potential, or current, suppliers or buyers. A contract to supply goods or the opportunity to buy Council assets can be highly profitable to the supplier or buyer. Suppliers and tenderers may attempt to influence procurement processes by offering gifts or benefits to Council officials responsible for making procurement decisions.

15. Hospitality and work-related functions

Many Council officials may attend work related functions as a representative of Council e.g. when giving presentations. As a general rule, offers of tea and coffee during a meeting or a

modest meal offered to a working group are a simple courtesy and not a gift or benefit. A useful measure of what would be acceptable hospitality is the type of hospitality Council would provide representatives from other Councils or agencies when conducting official duties.

Hospitality that extends beyond courtesy, such as invitations to participate in sports days or attend professional sporting events in a "corporate box", are benefits that must be managed through the Gifts and Benefits Register.

16. Regulatory and decision making functions

Some Council officials have discretionary roles in regulatory and approval functions such as inspection and certification and therefore make decisions which affect members of the community. These Council officials have significant discretion to impact on the livelihoods of private individuals or companies. These individuals or companies may seek to influence the outcome of the regulatory or approval process by offering gifts or benefits to the Council official. The offer of a gift or benefit of any value in circumstances where the person is seeking the exercise of Council's decision making discretion or where the person has sought the exercise of Council's decision making discretion in the previous 12 months must be refused.

17. Providing Council services

Council provides many services to the community such as library and community services. It is common for people who have received such services to show their appreciation to Council officials who have assisted them by giving a token value gift. For example, where a library customer provides a token value thank-you gift to a staff member who has assisted in researching a topic for them it is reasonable to accept the gift.

However, gifts of influence may be offered in an effort to receive preferential treatment from Council officials, and such gifts or benefits must be refused.

18. Disposal of gifts and future considerations

When a gift or benefit is received that should not be accepted and cannot be returned by the individual, Council must dispose of the gift in some way.

In some circumstances it may be appropriate to keep the gift within Council to provide benefit to the general public. For example, a gift of equipment that is useful in providing Council services, such as a whipper snipper to maintain Council land. Similarly, gifts from visiting delegations or personalised gifts, such as plaques with Council's name engraved, are to be kept within Council.

Some options for the management of the gift include: sharing the gift amongst all staff (for example a computer printer that could be networked), donating the gift to an appropriate charity, holding an auction with the proceeds going to a charity.

19. Reporting Breaches

Breaches of this policy should be reported directly to the General Manager. The General Manager must consider whether any reported breaches of this policy constitute suspected corrupt conduct, which must be reported to the ICAC in accordance with the requirements of Section 11 of the ICAC Act.

Other breaches of this policy will result in the commencement of the disciplinary process under the Code of Conduct.

20. Further information

- ICAC "Managing Gifts and Benefits in the Public Sector Toolkit" (2006)
- ICAC Brochure "Bribery, corrupt commissions and rewards" (2009)
- ICAC Publication "Providing Advice on Corruption Issues. A Guide for Community Leaders (2012)
- NSW Ombudsman "Public Sector Agencies Fact Sheet No. 7: Gifts and Benefits" (2012)
- ICAC website: www.icac.nsw.gov.au
- ICAC Telephone Advice Line: (02) 8281 5999 or toll free 1800 463 909

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6.3.31 Draft Pesticide Use Notification Plan

REPORT BY THE NOXIOUS WEEDS ADMINISTRATOR TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, A0130033

RECOMMENDATION

That:

1. **the report by the Noxious Weeds Administrator on the Draft Pesticide Use Notification Plan be received;**
2. **the Draft Pesticide Use Notification Plan be placed on public exhibition for a period of not less than twenty-eight (28) days.**

Executive summary

The purpose of this report is to ensure Council complies with the requirements of the Pesticides Regulation 2009.

Detailed report

The Pesticides Regulation 2009 requires public authorities, such as local councils and government agencies, to notify the community, in accordance with a notification plan, when they use or allow the use of pesticides in public places that are owned or controlled by the public authority.

These rules are based on the principle that people who live and work in an area have a basic right to know when public places in the area are treated with pesticides. Notifying people about pesticide applications means they can make an informed decision, for example, parents with young children may choose to delay a visit to the playground if they know pesticides have been applied that day.

Notifying members of the public about pesticide use before it happens does not mean that they can prevent the use of pesticides in the area. The aim of notification is to allow people to choose to reduce their exposure to pesticides if they wish. Notifying the community is now internationally recognised as best practice in pesticides management.

Under the Pesticides Regulation 2009, section 19, a public authority must not use, or allow any person to use, any pesticide in a prescribed public place that is owned by or is under the control of the public authority unless the public authority has first prepared, finalised and notified the Environment Protection Authority of a plan (*a pesticide use notification plan*) in accordance with this Division, and given public notice of the proposed use of pesticide in accordance with that plan.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

SUSAN BURNS
NOXIOUS WEEDS ADMINISTRATOR

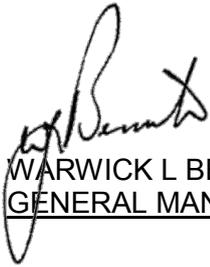


BRAD CAM
DIRECTOR, MID-WESTERN OPERATIONS

16 January 2014

Attachments: 1. Draft Pesticide Use Notification Plan

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

	POLICY	ADOPTED C/M MINUTE NO. XXX /
	DRAFT PESTICIDE USE NOTIFICATION PLAN	REF: INSERT REFERENCE REV: INSERT REVISION NUMBER FILE NO. A0130033

This pesticide notification plan has been prepared in accordance with the requirements of the Pesticides Regulation 2009 (the Regulation).

The aim of this plan is to meet the community's general right to know about pesticide applications undertaken by Mid-Western Regional Council in outdoor public places that are owned or managed by Council. This plan allows members of the community to take action to avoid potential contact with pesticides, if they wish. The council ensures that pesticides are applied to public places in a safe, responsible manner minimising harm to the community or environment.

The plan details how Mid-Western Regional Council will notify members of the community of pesticide applications made by the Council to public places.

The term 'pesticide' is applied to chemicals used to kill pests and minimise their impact on agriculture, health and other human interests. Pesticides are the general term given to herbicides, insecticides, fungicides, rodenticides etc.

The plan describes:

- What public places are covered by the plan
- Who regularly uses these public places and an estimate of the level of use
- How and when Council will provide the community with information on the pesticide applications in public places.
- Where the community can access the plan and get more information regarding Council's notification arrangements
- How future reviews of the plan will be conducted
- Contact details for anyone wishing to discuss this plan with Council.

The majority of pesticide use will comprise of applying herbicides for the control of weeds and applying insecticides to manage identified insect pests.

Further information on Council's pesticide use can be obtained by contacting Council's Noxious Weeds Administrator or Parks Technical Assistant on (02) 6378 2850 or by visiting the website www.midwestern.nsw.gov.au

1. PUBLIC PLACES COVERED BY THIS PLAN

Mid-Western Regional Council proposes to use and/or allow the use of pesticides in the following outdoor public places within the Council's area of responsibility:

- Parks and public gardens
- Child Care and Family Day Care Centres
- Playgrounds
- Pools
- Sporting Fields and Ovals
- Road verges and reserves
- Laneways and pathways
- Easements
- Drains
- Cemeteries
- Showground
- Saleyards
- Aerodrome
- Water treatment and sewerage plants/pump stations
- Animal Shelter/Pound
- Waste Management Facilities

This plan will also provide information on how notice will be provided to the community of pesticide use in the interiors of the following council buildings: Council chambers, library, community halls/centres and childcare facilities.

The Council's estimate of the level of community use, regular user groups and types of pesticide use in each of these categories of public places is summarised in the following table.

Although not required by the Regulation, a summary of the type of pesticide use in each category of public place is also provided.

Public places owned or controlled by Council	Regular user groups	Level of use of public place	Type of pesticide use
(a) Public parks and gardens	<ul style="list-style-type: none"> • Children and young families • Elderly people • General recreational users (joggers, dog walkers, picnickers etc) • Council staff 	Very high, frequent use by multiple users with short to medium length stays	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Broadscale insecticides • Fungicides • Fruit fly baits
b) Child Care Centres and Family Day Care	<ul style="list-style-type: none"> • Children • Young families • Parents • Council staff 	High	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides
c) Playgrounds	<ul style="list-style-type: none"> • Children • Young families • Council staff 	High	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides
d) Pools	<ul style="list-style-type: none"> • Families • Social groups • Council staff • Tourists • Swimming club • Community groups 	High	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides
e) Sporting Fields, ovals and related facilities	<ul style="list-style-type: none"> • Sporting clubs and associations • School sports groups • General recreational use (joggers, dog walkers etc) • Council staff 	High	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Broadscale insecticides • Fruit fly baits • Fungicides
f) Road verges and reserves	<ul style="list-style-type: none"> • Local residents or visitors • Council staff 	Low for rural roads Medium to high for urban roads	<ul style="list-style-type: none"> • Spot herbicides • Broadscale non-selective herbicides
g) Laneways and pathways	<ul style="list-style-type: none"> • Local residents • People in the vicinity • Visitors to the area • Children • Council staff 	Medium to high	<ul style="list-style-type: none"> • Spot herbicides • Broadscale non-selective herbicides

Public places owned or controlled by Council	Regular user groups	Level of use of public place	Type of pesticide use
h) Easements	<ul style="list-style-type: none"> • Local residents • People working in the vicinity • Children • Council staff 	Low to medium	<ul style="list-style-type: none"> • Spot herbicides • Broadscale non-selective herbicides
i) Drains	<ul style="list-style-type: none"> • Local residents living adjacent to the drain • Local residents or visitors walking or driving past drain • Council staff 	Low to medium	<ul style="list-style-type: none"> • Spot herbicides • Broadscale non-selective herbicides
j) Cemeteries	<ul style="list-style-type: none"> • Funeral Directors • Residents • Relatives of deceased • Visitors • Council staff 	Medium to high, especially at certain times of year such as Christmas, Mothers Day, Fathers Day	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Vermin Control (rabbit baits)
k) Water Treatment works and sewerage pumping stations	<ul style="list-style-type: none"> • Inspectors • Auditors • Public walking or driving past • Council staff 	Low	<ul style="list-style-type: none"> • Spot herbicides • Broadscale non-selective herbicides
l) Showgrounds	<ul style="list-style-type: none"> • Local residents • Showtime users • Horse users • Visitors to the area • Children • Council staff • Community groups 	Low - medium	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides
m) Aerodrome	<ul style="list-style-type: none"> • Pilots • Passengers • Families • Aero sport clubs • Farmers • Council staff 	Medium	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Vermin control (rabbit baits)

Public places owned or controlled by Council	Regular user groups	Level of use of public place	Type of pesticide use
n) Saleyards	<ul style="list-style-type: none"> • Stock • Farmers • Auctioneers • Council staff • Truck drivers 	Low - medium	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Vermin control (rabbit baits)
o) Works Depot	<ul style="list-style-type: none"> • Council staff • visitors • company reps • couriers • delivery drivers • sports reps 	Low	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Vermin control (rabbit baits)
p) Animal Shelter - Pound	<ul style="list-style-type: none"> • Council staff • Visitors 	Low - medium	<ul style="list-style-type: none"> • Spot herbicides • Spot insecticides • Broadscale selective herbicides • Broadscale non-selective herbicides • Vermin control (rabbit baits)
q) Interior or certain council buildings	<ul style="list-style-type: none"> • Library users (including young children, school groups and the elderly) • Young children and their carers (childcare facilities) • Parents groups / playgroups • Community associations • Church groups • General members of the public 	High	<ul style="list-style-type: none"> • Spot insecticides • Bait rodenticides • Spray termiticides • Spray ant control • Bait termiticides • Bait ant control • Bait bird control

2. NOTIFICATION ARRANGEMENTS

This section of the plan describes how and when Mid-Western Regional Council will provide notice of pesticide use in public spaces. It includes special measures for sensitive places that are adjacent to public places, arrangements for emergency pesticide applications and circumstances where notification will not be given.

These notification requirements are based on Mid-Western Regional Council's assessment of:

- the level of usage of public places where pesticide may be used
- the extent to which members of the public who are most likely to be affected by the pesticides (young children, sick, pregnant and elderly people) and are likely to use these areas regularly
- the extent to which activities generally undertaken in these areas could lead to some direct contact with pesticides (such as picnic areas where food is consumed; sporting or other recreational activities that result in contact with the ground)
- the type of pesticide used

Notice of pesticide use will be provided by one of the following or a combination of:

- signs
- information on Council's website (which will describe programmed, reactive and emergency pesticide use in public places)
- social media (Facebook)
- letter box drops
- advertising in Mudgee Guardian and The Weekly newspapers
- door knocks (in person)
- phone contact

Mid-Western Regional Council will also have a central register whereby individuals or organisations can nominate to have their details listed which allow them to be notified when certain types of pesticides are going to be used in certain places.

The Council uses small quantities of some pesticides that are widely available in retail outlets and ordinarily used for domestic purposes (including home gardening). The Council does not intend to provide notice for such pesticide applications other than by way of this description in this plan (or general information on Council's website). This will apply to minor control of indoor and outdoor insect pests using baits or aerosol spray cans and spot weed control using a wand or hand-held spray bottle.

All staff and contractors are to apply the pesticides according to best management practice whilst taking into account the particular conditions of each site requiring the application of pesticide.

When baiting of vermin such as rabbits occurs, staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

2.1 Outdoor Recreation Areas

The notification arrangements described below will apply to the following categories of public place owned or controlled by Mid-Western Regional Council.

- public parks and gardens
- playgrounds
- pools
- sporting fields, ovals and related sporting facilities

In these public places, signs will be provided to the general community near the application area or main entrances at least 48 hours prior to application and remain for at least 48 hours afterwards for the following pesticide uses:

- spot spraying herbicides
- broadscale selective herbicides
- broadscale non-selective herbicides
- broadscale insecticides
- fungicides
- fruit fly baiting (where part of ongoing program, first pesticide use only)

Where any of the above pesticide uses occur adjacent to **sensitive places** (see *definition of sensitive places under subsection 2.11 'Special measures for sensitive places'*), or are registered with Council on the **Pesticide Notification Central Register**, the occupiers will be provided 48 hours prior notice by phone, letterbox drop or in person (whichever is most practicable)

For **playgrounds, picnic areas and pools**, where an application of spot pesticide is necessary, prior notice will be extended to 7 days by placing signs for all the above pesticide uses. For these areas only, signage will be placed at entrances or near play area for at least 48 hours after application of spot herbicide or insecticide use or placement of ant control baits.

For **sporting fields, ovals and related sporting facilities**, sporting groups and occupiers of adjacent sensitive places who register interest with Council can also have notice of the above pesticide uses by email, phone or in person, of pesticide use 48 hours prior to application of pesticides.

For **roadside rest areas**, signs will be provided near the application area at the time of application and remain for at least 48 hours afterwards.

2.2 Outdoor public thoroughfares and easements accessible to the public

The notification arrangements described below will apply to the following categories of public place owned or controlled by Mid-Western Regional Council within the LGA:

- laneways and pathways
- road shoulders and verges
- road easements accessible or adjacent to public
- drains

Notification will only be given if the pesticide use will be adjacent to sensitive places or if the occupier has registered interest with Council on the Central Register.

2.3 Cemeteries

Information on the following types of pesticide use shall consist of signage placed at the entrance to each of the Council's cemeteries at least 48 hours prior to application and remain in place for 48 hours after application with the exception of baiting for vermin such as rabbits when staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

- broadscale non-selective herbicides
- broadscale insecticides
- fungicides
- large vertebrate baiting (rabbit control)

2.4 Showground

Information on the following types of pesticide use shall consist of signage placed at the each entrance to the showground at least 48 hours prior to application and remain in place for 48 hours after application with the exception of baiting for vermin such as rabbits when staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

Application of pesticides shall be carried out when there is no user group booking the area:

- broadscale non-selective herbicides
- broadscale insecticides
- fungicides
- large vertebrate baiting (rabbit control)

2.5 Aerodrome

Information on the following types of pesticide use shall consist of signage placed at each entrance to the aerodrome where application is near entrances, at least 48 hours prior to application and remain in place for 48 hours after application with the exception of baiting for vermin such as rabbits when staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

Where it is not near pedestrian areas, no notification will be provided unless required under the conditions for that pesticide.

- spot spraying herbicides
- broadscale non-selective herbicides
- broadscale insecticides
- fungicides
- large vertebrate baiting (rabbit control)

2.6 Saleyards

Information on the following types of pesticide use shall consist of signage placed at the entrance to the saleyards at least 48 hours prior to application and remain in place for 48 hours after application with the exception of baiting for vermin such as rabbits when staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

Timing of pesticide application should be so not to be carried out when saleyards are in use. Where it is not near pedestrian areas, no notification will be provided unless required under the conditions for that pesticide.

- spot spraying herbicides
- large vertebrate baiting (rabbit control)
- spot spraying of non selective herbicide

2.7 Works Depot

Information on the following types of pesticide use shall consist of signage placed at the each entrance to the depot where application is near entrances, at least 48 hours prior to application and remain in place for 48 hours after application with the exception of baiting for vermin such as rabbits when staff and contractors will adhere to all conditions (including signage and notification) for that pesticide.

Where it is not near pedestrian areas, no notification will be provided unless required under the conditions for that pesticide.

- spot spraying of non selective herbicide

- large vertebrate baiting (rabbit control)

2.8 Water treatment and sewerage plants/pump stations

Information on the following types of pesticide use shall consist of signage placed at the each entrance to the site where application is near entrances, at least 48 hours prior to application and remain in place for 48 hours after application. Where it is not adjacent to residential areas, no notification will be provided.

- spot spraying of non selective herbicide

2.9 *Animal Shelter/Pound*

Information on the following types of pesticide use shall consist of signage placed at the entrance to the site where application is near the entrance, at least 48 hours prior to application and remain in place for 48 hours after application. Where it is not near pedestrian areas, no notification will be provided.

- spot spraying of non selective herbicide
- broadscale insecticides

2.10 Certain Council buildings

For pesticide use in council chambers, council-owned libraries, community halls and centres and childcare facilities that are owned or controlled by Council, signs will be provided near the application area or main entrance at least 48 hours prior to application and remain for at least 48 hours afterwards for the following pesticide uses:

- spot use of insecticides
- bait rodenticides
- spray termiticides
- spray ant control

Information for the general community will be posted on Council's website and on social media about the above applications and on the following pesticide uses in the above council buildings:

- bait termiticides
- bait ant control
- bait bird control

In addition, 7 days prior notice of all programmed pesticide use in Council childcare facilities will be given to operators of the facilities.

2.11 Special Measures for sensitive places

Clause 18 of the Regulation defines a sensitive place to be any:

- school or pre-school
- kindergarten
- childcare centre
- hospital
- community health centre
- nursing home
- vineyard
- place declared to be a sensitive place by the EPA

For broadscale applications notice will be provided 48 hours prior to date of application. Where pesticide application is required near vineyards, application will be timed to avoid damage to crop and carried out in appropriate weather conditions. For non-emergency reactive spot pesticide use in outdoor public places adjacent to sensitive places, Council will provide 48 hours notice before commencing spraying application, to the occupier/user by phone or in person, whichever is most practicable.

For emergency pesticide application such as treating wasps or bees where the public may be harmed, 30 minutes notification, where practicable, by phone or in person will be provided so people are aware of the situation and why the pesticide must be used.

2.12 Emergency pesticide applications

In those cases where emergency applications of pesticides must be carried out in outdoor public places, Mid-Western Regional Council will, where possible, give notice by way of signage nearby at the time of application and on social media. When this is not possible, information can be obtained by request to the staff applying the pesticide.

3. WHAT INFORMATION WILL BE PROVIDED

In accordance with clause 20(1)(h) of the Regulation. Notices of pesticide use must include **all** of the following information:

- the full product name of the pesticide to be used
- the purpose of the use, clearly stating what pests are being treated
- the proposed dates or date range for the pesticide use
- the place where the pesticide is to be used
- contact telephone number and email address of the Council officer who persons can contact to discuss the notice
- any warnings regarding re-entry to the public place of application as specified on the product label or the Australian Pesticides and Veterinary Medicines Authority (APVMA) permit

Signs will be clearly recognisable to the general public and Council staff.

As already noted, Council's website will have a dedicated area that describes its programmed, reactive and, if practicable, emergency pesticide use in public places with a link to this notification plan.

4. HOW THE COMMUNITY WILL BE INFORMED OF THIS PLAN

Mid-Western Regional Council will advise residents of the plan and its contents by:

- making a copy available for public viewing free of charge during office hours at all Council Offices:
 - 56 Market Street Mudgee
 - Herbert Street Gulgong
 - Louee Street Rylstone
 - Depot Road Mudgee
- placing a copy of the plan on the Council website at www.midwestern.nsw.gov.au
- placing a notice in the Sydney Morning Herald, The Mudgee Guardian and The Weekly newspapers
- placing a notice in the NSW Government Gazette
- include a leaflet in the annual rates notice advising residents of the plan and where they can view a copy of it

5. FUTURE REVIEWS OF THE PLAN

The notification plan will be reviewed every 3 years unless regulations change during that period in which it will be reviewed as directed. The review will include:

- placing the plan on public exhibition, with the proposed changes and calling for public submissions
- in the light of public submissions, make recommendations for alterations to the plan if applicable.

6. CONTACT DETAILS

Anyone wishing to contact Council to discuss the notification plan or obtain specific details of pesticide applications in public places should contact:

Susan Burns
Noxious Weeds Administrator
PO Box 156
Mudgee NSW 2850

Phone (02) 6378 2850
Fax (02) 6378 2815
Email council@midwestern.nsw.gov.au

or access Council's website www.midwestern.nsw.gov.au

6.3.32 Keeping of Animals in Urban Areas

REPORT BY THE MANAGER GOVERNANCE TO 5 FEBRUARY 2014 COUNCIL MEETING

Keeping of animals

GOV400038, A0100021

RECOMMENDATION

That:

1. **the report by the Manager Governance on the Keeping of Animals in Urban Areas be received;**
2. **Council adopt the attached policy on the Keeping of Animals in Urban Areas.**

Executive summary

This report introduces a new policy aimed addressing complaints about certain types of animals being kept on urban properties Mudgee, Gulgong, Rylstone and Kandos.

Detailed report

Council staff have in recent months being receiving an increasing number of complaints about persons keeping animals on urban properties that are not suitable for this purpose. These complaints generally relate to "farm animals".

While the most recent complaints have been about pigs, there are other classes of animals that are considered to be out of place in an urban setting. Apart from pigs - roosters, goats, rams and cattle could impact on the amenity of residents in adjoining properties in closely settled urban areas. The noise from roosters crowing and the potential for goats, rams, cattle and pigs to attract flies and vermin and result in offensive odours are examples of problems that arise.

While Council is empowered by the Local Government legislation to control and regulate the keeping of such animals, at the present time Council has no specific policy in place on this subject and, as such, Council has been unable to satisfactorily resolve these complaints.

The attached policy serves to address that issue.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

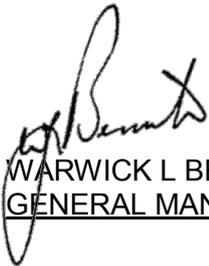


IAN ROBERTS
MANAGER GOVERNANCE

22 January 2014

Attachments: 1. Policy on Keeping of Animals in Urban Areas

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

	POLICY	ADOPTED C/M MINUTE NO.
	KEEPING OF ANIMALS IN URBAN AREAS	REVIEW: 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 urban areas in 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 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 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;
- Rams;
- 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.

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 7: Urgent Business Without Notice