



# 2016

COUNCIL BUSINESS PAPERS

Ordinary Meeting | WEDNESDAY 17 FEBRUARY 2016

\*\*PUBLIC COPY\*\*





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10 February 2016

Dear Councillor

MEETING NOTICE  
**Ordinary Meeting**  
Wednesday, 17 February 2016  
**Open Day at 5.30pm**

*Council Meeting commencing at conclusion of Open day*

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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 General Manager (or his delegate) prior to the commencement of the meeting.

Yours faithfully

A handwritten signature in black ink, appearing to be 'BRAD CAM', with a long horizontal line extending to the right.

BRAD CAM  
GENERAL MANAGER

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## Item 1: Apologies

## Item 2: Disclosure of Interest

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

## Item 3: Confirmation of Minutes

### 3.1 Minutes of Ordinary Meeting held on 16 December 2015

#### Council Decision:

That the Minutes of the Ordinary Meeting held on 16 December 2015, Minute Nos 420/15 to 459/15 be taken as read and confirmed.

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The Minutes of the Ordinary Meeting are attached at the end of the Business Paper (refer Attachment 3.1).

## Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
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.	<b>No determination as yet.</b>
Pedestrian Access Mobility Plan (PAMP)		Council allocate \$130,000 towards regional-wide new or upgraded footpath and cycleway infrastructure in the region and that staff prepare a report for the July meeting to recommend priorities for the expenditure of these funds.	<b>PAMP has been on public exhibition and a report is included in this business paper.</b>  <b>RECOMMEND COMPLETION</b>
Saleyards subdivision	Res 228/14 Ordinary Mtg 4/6/14	That: 2. Council advertise state-wide a tender to sell the former Saleyards site, known as Lot 2 DP534336, Lot 399 DP132580, and Lot 532 DP1132581 which has recently been approved for a 48 lot residential subdivision; 3. all tenders be forwarded to Council for determination as to whether or not Council will sell the site; 4. the tender process to last 60 days, and the tender notice clearly indicate that Council may not necessarily accept all or any tenders; 5. Council demolish the old SES building prior to the public tender of this subdivision and remove all demolished waste from site.	<b>Council has completed the demolition of the old SES building, and the survey of the subdivision is also complete.</b>  <b>Further discussion with Council to decide the best timing to call for a tender of this subdivision.</b>
Rural Fire Service Headquarters and Museum	565/14 Ordinary Mtg 17/12/14	3. That the General Manager be authorised to continue negotiations with the Rural Fire Service in order to subdivide the necessary 7100sm of land and negotiate an agreement for the timing, design and funding of the Rural Fire Service headquarters and museum at Mudgee.	<b>The General Manager has had a preliminary meeting with the RFS. They have confirmed they are happy with the 7,100 sm of land, and the timing of construction is 2 years away.</b>  <b>A report on the Rural Fire Service precinct development is included in this business paper.</b>

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Tender for cleaning services for Council buildings in the Mudgee/ Gulgong region	572/14 Ordinary Mtg 17/12/14	2. That Council not accept any tenders and delegate authority to the General Manager to negotiate with the tenderers as necessary.	<b>Council staff are undertaking a comparison of in-house versus external service provision.</b>
Council Contributions	44/15 Ordinary Mtg 18/2/15	That a discussion paper be prepared in relation to Council contributions and presented to Councillors at the April workshop, so that Councillors can consider how to best assist applicants who demonstrate an economic and social need.	<b>Council will be presented with options next financial year, after the Fit for the Future submission has been completed.</b>
Rylstone Pedestrian Bridge – Design & Construction Tender	140/15 Ordinary Mtg 20/5/15	That:  2. Council declines all tenders received on the basis that there is insufficient budget to design and construct the pedestrian bridge;  3. Authority is given to the General Manager to approach local companies for potential alternatives	<p><b>Council will be presented with options to the August Council meeting.</b></p> <p><b>The General Manager has negotiated with two local suppliers and their estimates have exceeded the budget. Therefore, I recommend this matters in progress be completed.</b></p> <p><b>Council agreed for the General Manager to bring a report back to Council providing details of costings from local suppliers.</b></p> <p><b>Councillor Shelley has put a Notice of Motion in requesting a tender be called for the erection of a new footbridge over the Cudgegong River at Rylstone (see Res. 421/15).</b></p> <p><b>RECOMMEND COMPLETION</b></p>

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
	294/15 Ordinary Mtg 16/9/15		<b>Council will inspect the Rylstone pedestrian bridge and access when attending the Community Forum in Rylstone.</b>  <b>RECOMMEND COMPLETION</b>
Pedestrian Bridge over Cudgegong River, Rylstone	421/15	That Council:  1. support the pedestrian bridge in Rylstone subject to funding;  2. consider the project as part of the 2016/17 budget process;  3. continue to lobby for grant funding for this project; and  4. approach the RMS for appropriate signage regarding speed zoning and pedestrian signage.	
Reseal of Angus Avenue, Kandos	422/15	That Council staff assess the reseal of Angus Avenue, Kandos as a priority and bring a report back to Council.	
Nuclear Waste Dump at Sally's Flat	423/15	That Council oppose a nuclear waste dump at Sally's Flat.	



## Item 5: Mayoral Minute

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There is no Mayoral Minute.

## Item 6: Notices of Motion or Rescission

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### 6.1 Breaches of Council's Media Policy

This Notice of Rescission is contained in the confidential section of the business paper, listed as Item 14.1.

## Item 7: Office of the General Manager

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Nil.

## Item 8: Development

### 8.1 DA0136/2016 Signage at 153 Bruce Road, Mudgee

REPORT BY THE TOWN PLANNER TO 17 FEBRUARY 2016 COUNCIL MEETING  
DA0136-2016 Signage at 153 Bruce Road, Mudgee  
GOV400054, P1146761

#### RECOMMENDATION

##### That Council:

- A. receive the report by the Town Planner on the DA0136/2016 Signage at 153 Bruce Road, Mudgee be received;
- B. approve DA0136/2016 Signage at 153 Bruce Road, Mudgee, subject to the following conditions:

#### APPROVED PLAN

- 1. The development is to be carried out in accordance with the following plan endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Plan	Reference	Prepared by	Date
Proposed sign plan	Mudgee Baptist Church – Ministry and Community Centre	Applicant	Received by Council 04 November 2015.

#### PRESCRIBED CONDITIONS

- 2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

#### PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

3. No work shall commence until a Construction Certificate has been issued 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.

4. The site shall be provided with a waste enclose (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.  
**NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE**

5. If the work involved in the erection/demolition of the structure;
  - 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.

6. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department, in writing, of any existing damage to Council property.

#### **BUILDING CONSTRUCTION**

7. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
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 noise is permitted on Sundays or Public Holidays.
9. 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.

#### **PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE**

The following conditions are to be completed prior to final use of the sign and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.



10. Prior to final use of the sign, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the structure.

#### **SIGNAGE**

11. The sign is to be maintained in good condition at all times.
12. The sign is to be securely affixed and is not to flash, move or be objectionably glaring.
13. Any further signage proposed on the site is subject to a separate Development Application.
14. The sign is to be erected on the front gable of the church fronting Bruce Road in accordance with the plans submitted with the application and in accordance with the following specifications:  
Maximum length: 4.88 metres  
Maximum height: 2.44 metres

#### Executive summary

<b>OWNER/S</b>	Baptist Churches of NSW Property Trust
<b>APPLICANT:</b>	Peter Willis
<b>PROPERTY DESCRIPTION</b>	Lot 2 DP 567459
<b>PROPOSED DEVELOPMENT</b>	Business Identification Sign
<b>ESTIMATED COST OF DEVELOPMENT:</b>	\$1,300
<b>REASON FOR REPORTING TO COUNCIL:</b>	DCP Sign Size Variation >10%
<b>PUBLIC SUBMISSIONS:</b>	Nil

The applicant is seeking approval for the erection of a building identification sign at the Mudgee Baptist Church at 153 Bruce Road, Mudgee (Lot 2 DP 567459).

The proposed metal sign is triangular in shape and will be fixed to the facade of the building within the gable end fronting Bruce Road. The sign has dimensions of 4.88m wide, 2.44m high and will be approximately 4.19m above ground level.

#### Disclosure of Interest

Nil.

#### Detailed report

##### **Proposal**

The applicant is seeking approval for the erection of a building identification sign at the Mudgee Baptist Church at 153 Bruce Road, Mudgee (Lot 2 DP 567459).

The proposed metal sign is triangular in shape and will be fixed to the facade of the building within the gable fronting Bruce Road (See Figure 1 below). The sign has dimensions of 4.88m wide, 2.44m high and will be approximately 4.19m above ground level. The proposed sign can be viewed in Attachment 1.



*Figure 1 Location of Proposed Sign*

### **Site and Surrounding Development**

The Baptist Church is located on the rural urban interface, at the intersection of Melton and Bruce Road. To the north of the site is residential zoned land, partially developed. To the south of the subject site is rural land, zoned RU1.

### *LEGISLATIVE REQUIREMENTS S79C(1)*

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

### *REQUIREMENTS OF REGULATIONS AND POLICIES:*

#### **Mid-Western Regional Local Environmental Plan 2012**

The land is zoned R2 Low Density Residential pursuant to Local Environmental Plan 2012. The proposed use is defined as *signage* and is permissible with Council consent. The proposed signage is also ancillary to the existing approved use of the site, being the Baptist Church.

The proposed sign is compatible with the zoning objectives, being to provide for the housing needs of the community and to enable other land uses that provide facilities or services to meet the day to day needs of residents.

#### **4.3 Height of Buildings**

This clause specifies a maximum height of buildings on the subject site of 8.5m. The existing church, approved DA029/2009 indicates a building height of 8m. The proposed sign does not project above the existing roof line and therefore complies.

There are no other direct provisions of the LEP that are relevant. The subject land is not identified to contain a heritage item, Aboriginal object or fall within a Heritage Conservation Area.

## State Environmental Planning Policy

### State Environmental Planning Policy No 64 – Advertising and Signage

The proposed development has been assessed against the assessment criteria contained within Schedule 1 of the SEPP and is deemed to be consistent.

Table 1 – Compliance with SEPP 64 Advertising and signage

<b>Assessment Criteria</b>	<b>Comment</b>
<b>Character of the area</b> <ul style="list-style-type: none"> <li>• Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</li> <li>• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</li> </ul>	<p>The proposed signage provides clear identification of the use of the existing development and is generally compatible with the streetscape and locality.</p> <p>There is no other signage evident in the immediate locality.</p>
<b>Special areas</b> <ul style="list-style-type: none"> <li>• Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</li> </ul>	<p>The proposed development is not located within an environmentally sensitive or heritage conservation area. The proposal will not detract from the amenity of the residential area. The sign is to be located upon the existing facade and will not project beyond the existing building envelope.</p>
<b>Views and vistas</b> <ul style="list-style-type: none"> <li>• Does the proposal obscure or compromise important views?</li> <li>• Does the proposal dominate the skyline and reduce the quality of vistas?</li> <li>• Does the proposal respect the viewing rights of other advertisers?</li> </ul>	<p>The proposal has no impact on views and/or vistas, as it is attached to an existing building and does not project beyond the building envelope.</p>
<b>Streetscape, setting or landscape</b> <ul style="list-style-type: none"> <li>• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</li> <li>• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</li> <li>• Does the proposal reduce clutter by rationalising and simplifying existing advertising?</li> <li>• Does the proposal screen unsightliness?</li> <li>• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</li> <li>• Does the proposal require ongoing vegetation management?</li> </ul>	<p>The proposed signage is considered to be consistent with the streetscape. The proposed signage will be fixed to the facade of the existing building and will not protrude above buildings or tree canopies.</p> <p>The triangular design of the sign is consistent with the roof profile and does not require ongoing vegetation management.</p>
<b>Site and building</b>	

<b>Assessment Criteria</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li>• Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</li> <li>• Does the proposal respect important features of the site or building, or both?</li> <li>• Does the proposal show innovation and imagination in its relationship to the site or building, or both?</li> </ul>	The size of the proposed sign is compatible with the scale of the existing building. The sign is to be located and contained wholly within the existing gable end fronting Bruce Road.
<b>Associated devices and logos with advertisements and advertising structures</b> <ul style="list-style-type: none"> <li>• Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</li> </ul>	No safety devices, platforms, lighting devices or logos have been designed as part of the signage or structure.
<b>Illumination</b> <ul style="list-style-type: none"> <li>• Would illumination result in unacceptable glare?</li> <li>• Would illumination affect safety for pedestrians, vehicles or aircraft?</li> <li>• Would illumination detract from the amenity of any residence or other form of accommodation?</li> <li>• Can the intensity of the illumination be adjusted, if necessary?</li> <li>• Is the illumination subject to a curfew?</li> </ul>	N/A – the sign is not proposed to be illuminated.
<b>Safety</b> <ul style="list-style-type: none"> <li>• Would the proposal reduce the safety for any public road?</li> <li>• Would the proposal reduce the safety for pedestrians or bicyclists?</li> <li>• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</li> </ul>	The proposed signage will have no impact on pedestrian, driver or cyclist safety. It is located upon the existing facade which is offset approximately 16 from Bruce Road

### Mid-Western Regional Development Control Plan 2013

Council has no specific controls for signage serving places of public worship that are located in residential areas. The only controls for signage in residential areas are those associated with a *business*, i.e. home business or home occupations. In the absence of controls for places of public worship in residential areas these have been used to consider the proposal, in the context of what is acceptable.

The proposal has been assessed against the provisions of Section 4.4 –Signs of DCP 2013.

<b>Business Signs - Residential areas Requirement</b>	<b>Comment</b>
(a) The sign shall only display the name and nature of the business, including address,	The sign contains the name of the church, being the Mudgee Baptist Church and a

### **Business Signs - Residential areas Requirement**

Requirement	Comment
hours of business, telephone number and the like;	graphical representation of a hill, sun and cross. See Attachment 1.
(b) The sign shall not be larger than one metre long and 300mm high;	<p>The proposed sign is 4.88m wide and 2.4m high.</p> <p>The size of the sign, although large compared to the business sign provisions, is considered acceptable in this instance. The sign is compatible with the scale of the building, it does not protrude beyond the existing facade, is positioned within the existing gable end, and is located approximately 16m off Bruce Road.</p> <p>For the above reasons the size of the sign is not considered to detract from the amenity of the residential area and therefore is deemed acceptable.</p>
(c) The sign shall not be erected higher than one metre above ground level;	<p>Proposed sign is 4.19m above ground level.</p> <p>The height of the sign above ground level is considered acceptable. The sign is to be affixed to an existing blank gable, fronting Bruce Road. It does not project beyond the existing building envelope, and for these reasons sits comfortably within the context of the existing development, particularly given the large mass and scale of the building.</p>
(d) The above provisions apply to signage on the building or site of the business. Advertising signage on other land will not be permitted.	Proposed sign to be fixed to the building. No signage on other land proposed.
(e) Council will not approve the use of flashing lights, bunting and other devices to attract attention to a business.	No flashing lights, bunting or other devices proposed.
(f) Any other signs to be erected on a property shall be considered in accordance with the type of business and whether there are any “existing-use” rights for signage.	Single sign proposed.
(g) Generally, only one sign will be allowed for home industries and home occupations.	Single sign proposed.

### **Section 64 – Water and Sewerage Development Servicing Plans**

Not applicable

### **Section 94 Contributions Plan**

Not applicable.



**Section 94A Contributions Plan**

Not applicable

*IMPACT OF DEVELOPMENT*

The impact of the proposed sign is negligible. The proposed sign is visually plain in design and the colour, size and style is considered to be generally compatible with the streetscape and locality. The size and location of the sign is suitable given the mass and scale of the existing building and setback off Bruce Road. The sign is not considered to detract from the amenity of the residential area.

*SUITABILITY OF SITE FOR DEVELOPMENT***Does the proposal fit in the locality**

Yes. The proposed sign is considered to be generally compatible with the streetscape and locality. The proposed sign is visually plain in design, respective of the mass and scale of the existing building, positioned upon an existing blank gable, located ample distance off Bruce Road.

**Are the site attributes conducive to development**

Yes. Owing to the large scale and mass of the existing building, well-established landscaping, large site area, and ample setback from Bruce Road the sign will not have a dominating presence in the streetscape.

*SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS*

The proposed development was notified in accordance with Section 1.12 Community Consultation requirements of DCP 2013. No submissions were received.

*THE PUBLIC INTEREST***Federal, State and local government interests and community interests**

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

*CONSULTATIONS***Health & Building**

Referred to Health and Building, with recommended conditions included in the recommendation, including the need to obtain a Construction Certificate and Occupation Certificate.

**Development Engineer**

Not applicable.

**Heritage Advisor**

Not applicable.

## Community Plan implications

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

## Financial implications

Not applicable.

HEATH DENNERLEY  
TOWN PLANNER

LIZ DENSLEY  
ACTING DIRECTOR, DEVELOPMENT

28 January 2016

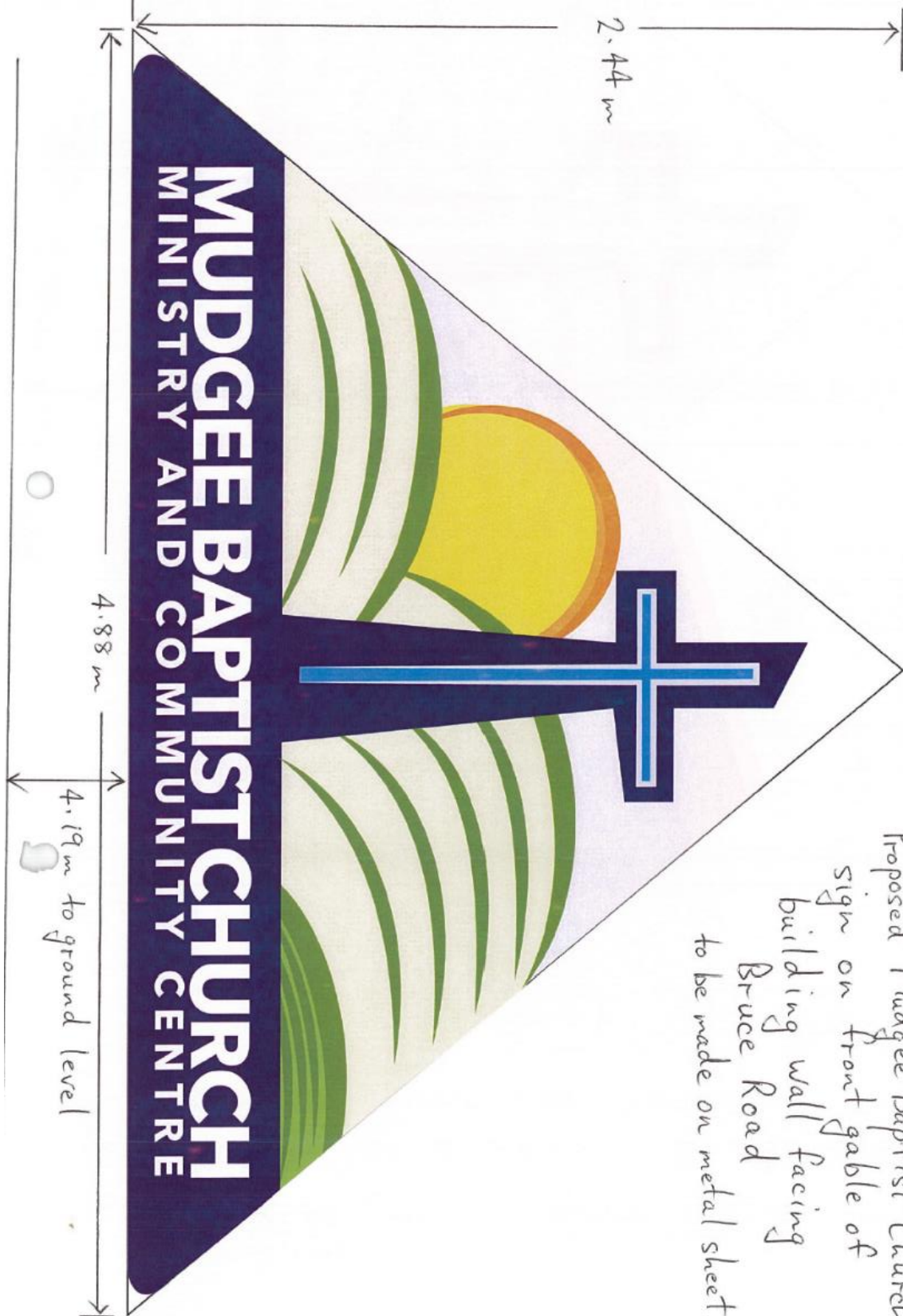
*Attachments:* 1. Proposed Sign Plan

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## ATTACHMENT 1

Proposed Sign Plan



Proposed Mudgee Baptist Church  
sign on front gable of  
building wall facing  
Bruce Road  
to be made on metal sheet.

## 8.2 DA0157/2016 – Dual Occupancy & Subdivision – 14 Loy Avenue, Mudgee

REPORT BY THE TOWN PLANNER TO 17 FEBRUARY 2016 COUNCIL MEETING

GOV400054, DA0157/2016

### RECOMMENDATION

**That Council:**

1. receive the report by the Town Planner on Development Application 0157/2016 – Dual Occupancy & Subdivision – Lot 8 DP 1205283, 14 Loy Avenue, Mudgee;
2. grant consent for Development Application 0157/2016 – Dual Occupancy & Subdivision – Lot 8 DP 1205283 at 14 Loy Avenue, Mudgee, subject to the following conditions:

### APPROVED PLAN CONDITIONS

1. Development is to be carried out in accordance with stamped plans identified in the table below and the application received by Council on 24 November 2015 except as varied by the conditions. 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.

Plan No.	Reference	Prepared by	Date
DRAWING NUMBER 24001-A103 REVISION 1	Site Plan	BARNSONS	23 NOV 15
DRAWING NUMBER 24001-A104 REVISION 1	Floor Plan	BARNSONS	23 NOV 15
DRAWING NUMBER 24001-A105 REVISION 1	Elevations	BARNSONS	23 NOV 15
DRAWING NUMBER 24001-A106 REVISION 1	Sections	BARNSONS	23 NOV 15
DRAWING NUMBER 24001-A107 REVISION 1	Subdivision Plan	BARNSONS	23 NOV 15
DRAWING NUMBER 24001-P01a REVISION A	Statement of Environmental Effects	BARNSONS	NOV 15

### GENERAL CONDITIONS

2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or water and sewer mains in accordance with Council Policy.
3. 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. The fence is to provide a screen to surrounding developments but must allow the passage of flood waters. Details are to be provided with the application for Construction Certificate.

4. A 1.8 metre high screen fence is to be provided between the private open space areas of the units, prior to occupation of the development. The fence is to provide a screen between the two developments but must allow the passage of flood waters. Details are to be provided with the application for Construction Certificate.
5. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation.
6. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings.
7. Private open space areas for both unit 1 and unit 2 are to be provided with a level surface to at least 50% of the open space area.

#### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE - BUILDING**

8. The developer shall obtain a Certificate of Compliance under the Water Management Act.

This will require:

Water Headworks	\$6,342.00
Sewerage Headworks	\$3,895.75
Total Payable	\$9,237.75

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

9. Prior to the commencement of works, 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.
10. All fencing below the 1 in 100 year flood level (448.8 AHD) shall be designed to allow the passage of water in the event of a flood. Details are to be provided to the PCA prior to the issue of the Construction Certificate.  
  
This can be achieved through providing open mesh fencing to the lower sections of the fence of 100mmx50mm or another approved fence design.
11. If the Construction 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.
12. Development Consent DA0273/14 (M0013/2015) is modified by this development consent in accordance with s80A(1)(b) of the Environmental Planning and Assessment Act 1970 . To finalise the modification the applicant is required to submit to Council a notice in accordance with cl 97 of the Environmental Planning and Assessment Regulations.



**PRIOR TO THE COMMENCEMENT OF WORKS**

13. 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) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

14. No work shall commence until a Construction Certificate has been issued 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.

15. The site shall be provided with a waste enclose (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

**NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE**

16. 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 unauthorised 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.
  - c) the name, address and telephone number of the principal certifying authority for the work,
  - d) The sign shall be removed when the erection or demolition of the building has been completed.
17. 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.
18. Runoff and erosion controls shall be installed prior to clearing and incorporate:-

- a) diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
- b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water.
- c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

#### **BUILDING CONSTRUCTION**

- 19. Prior to the pouring of the dwelling slab, a survey prepared by a registered Surveyor is to be submitted confirming the slab, when poured, will comply with the FFL of 449.3 AHD as indicated on the approved plans.
- 20. No additional fill is permitted on the site. The only variance to this is filling required for the vehicular access ramp leading into the garage level. Any such fill is to be contained within drop edge beams which are to extend no wider than the garage door opening.
- 21. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa
- 22. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
- 23. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
  - a) the method of protection; and
  - b) the date of installation of the system; and
  - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - d) the need to maintain and inspect the system on a regular basis.
- 24. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
- 25. 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 noise is permitted on Sundays or Public Holidays.
- 26. 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.
- 27. The requirements of BASIX Certificate number(s) 679683S\_03 and 679697S\_03 issued on 20 November 2015 must be installed and/or

completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s

28. All stormwater is to discharge to the street gutter with the use of non-flexible kerb adaptors. Alternatively, stormwater is to be connected to the approved inter-allotment drainage system.
29. Fill material shall not raise the existing surface level within the dedicated easement/s.

#### **ENGINEERING CONSTRUCTION**

30. Prior to Development the applicant shall advise Council's Operations Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
31. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Any existing fill onsite and any proposed new fill 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*.
32. 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.
33. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over inter-allotment drainage in favour of upstream allotments.
34. 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.
35. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
36. 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.
37. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to

each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and Council's "Access to Properties Policy".

38. 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 Operations Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice.
39. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.
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. 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.
42. The applicant is to provide separate water and sewer reticulation services to each allotment within the subdivision.
43. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1700 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

**TOTAL PAYABLE 1 x \$1,700 = \$1,700**

**NOTE: Council does not permit other bodies to connect into 'live' water mains.**

44. The developer is to provide a sewer junction for each dwelling in the subdivision. This can be achieved by making a payment to Council of \$1,550.00 per new junction to cover the cost of Council installing a junction in an existing main.

**TOTAL PAYABLE 1 x \$1,550 = \$1,550**

**NOTE: COUNCIL DOES NOT PERMIT OTHER BODIES TO INSERT NEW JUNCTIONS INTO "LIVE" SEWER MAINS.**

#### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

45. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.

46. All car parking and associated driveway works are to be completed prior to occupation of the development.
47. A Survey prepared by a registered surveyor is to be submitted to the PCA and Council, confirming the FFL of 449.3 AHD for the dwelling and clearances under all solid fencing are provided to 448.8 AHD

**PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

48. 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:** The fee to issue a *Subdivision Certificate* is set out in Council's Fees and Charges

49. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
50. If the Subdivision Certificate is not issued, for any reason whatsoever, by the end of the financial year immediately following 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.
51. Underground electricity and telecommunications are to be supplied to the Subdivision in accordance with the relevant authorities standards.
52. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
53. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats;
  - PDF
  - Dwg format or "Autocad compatible" All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
54. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:
  - a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
  - b) A certificate from Telstra stating that they accept control/acquisition of the telecommunications infrastructure to the development.
  - c) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent.
55. In accordance with the provisions of section 94(1)(b) of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Development Contributions Plan, a

**contribution shall be paid to Council in accordance with this condition for the purpose of: SUBJECT TO CPI INCREASE**

**Catchment No. 2 – 1 Additional Lot**

<b>Transport Management</b>	
<b>Traffic Management</b>	<b>\$1,196</b>
<b>Open Space</b>	
<b>Local Open Space</b>	<b>\$1,878</b>
<b>District Open Space</b>	<b>\$2,549</b>
<b>Community Facilities</b>	
<b>Library Buildings</b>	<b>\$246</b>
<b>Library Resources</b>	<b>\$295</b>
<b>Administration</b>	
<b>Plan Administration</b>	<b>\$573</b>
<b>TOTAL PAYABLE</b>	<b>\$6,737</b>

## Executive summary

<b>OWNER/S</b>	Grant and Justine Willoughby
<b>APPLICANT:</b>	Grant and Justine Willoughby
<b>PROPERTY DESCRIPTION</b>	Lot 8 DP 12052836, 14 Loy Avenue, Mudgee
<b>PROPOSED DEVELOPMENT</b>	Dual Occupancy & Subdivision
<b>ESTIMATED COST OF DEVELOPMENT:</b>	\$450,000
<b>REASON FOR REPORTING TO COUNCIL:</b>	Front setback variation exceeds 10% and called up by Council
<b>PUBLIC SUBMISSIONS:</b>	Nil

The proposal is for the construction of two (2) attached dwellings (dual occupancy), two and three bedrooms with integral garage and subsequent Torrens Title subdivision at Lot 8 DP1205283 also known as 14 Loy Avenue, Mudgee.

The land is zoned R1 General Residential and the proposal for attached dual occupancy dwellings is permissible with consent. The existing lot is approx. 601m<sup>2</sup> and the dual occupancy development with subdivision will result in lots of 300.5m<sup>2</sup> each, complying with Council's minimum lot size provisions for attached dual occupancy developments (Cl.4.1A).

A minor amount of fill will be required to achieve the required floor heights in relation to the flooding of the site. An inspection of the property has revealed that some fill has already been placed upon the site.

The proposal includes a variation to the private open space standards (both dwellings) and the front setback standard (Unit A) prescribed by Mid-Western Regional Development Control Plan 2013. The front setback encroachment of 3.9m represents a 13.3% variation to the minimum 4.5m, exceeding the 10% variation authority available to Council staff under delegation. The proposed variation is supported by Council staff.





### Location Plan

The application was referred to all Councillors for a period of 3 days in accordance with the delegations. Subsequently, the application was called up to Council for determination.

The application is recommended for approval.

## Disclosure of Interest

Nil.

## Detailed report

# PROPOSAL

Consent is sought for an attached dual occupancy development, two and three bedroom, with integral single car garage, with north facing rear alfresco.

## DESCRIPTION OF SITE

The site has an area of 601sqm and is currently vacant, within no notable vegetation present.

The property is located at the end of a cul-de-sac, on the northern side of Loy Avenue. Within the larger context, the site sits within a 26 lot subdivision, with 4 of the lots already developed (two existing dual occupancies).

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

## 1. REQUIREMENTS OF REGULATIONS AND POLICIES:

*Provisions of any Environmental Planning Instrument and any draft EPI*

## Mid-Western Regional Local Environmental Plan 2012

The land is zoned R1 General Residential pursuant to Local Environmental Plan 2012. The objectives of the zone are:

- *To provide for the housing needs of the community.*
- *To provide 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 proposed development is permissible with consent in the zone and will assist in providing additional housing to meet the needs of the community in an area that is serviced by all essential utilities.

#### **Clause 4.1A – Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings**

The objective of this clause is to achieve planned residential density in certain zones.

Comment:

A minimum lot size of 600m<sup>2</sup> applies to the land, however clause 4.1A allows the subdivision of 600m<sup>2</sup> lots into attached dual occupancy development. The proposal is 601m<sup>2</sup> into two lots of approx. 300.5m<sup>2</sup> consistent with the requirements of this clause.

#### **Clause 5.10 - Heritage Conservation**

The proposal is located in the Mudgee Heritage Conservation area, the objectives of the Heritage Conservation area are:

- *to conserve the environmental heritage of Mid-Western Regional,*
- *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- *to conserve archaeological sites,*
- *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Comment:

The proposal for a single story dual occupancy development is considered to be of minor impact to the immediate surrounds. Although the design does not address the heritage values of the town a precedent of modern design has been established in this area of Loy Avenue and the wider subdivision and therefore the impacts are considered acceptable.

#### **Clause 6.2 – Flood Planning**

The proposal is located in the Flood Planning area,

1. The objectives of this clause are as follows:
  - a. *to minimise the flood risk to life and property associated with the use of land,*
  - b. *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
  - c. *to avoid significant adverse impacts on flood behaviour and the environment.*
2. This clause applies to:
  - a. *land identified as "Flood planning area" on the Flood Planning Map, and*
  - b. *other land at or below the flood planning level.*
3. Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - a. *is compatible with the flood hazard of the land, and*
  - b. *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*



- c. *incorporates appropriate measures to manage risk to life from flood, and*
  - d. *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
  - e. *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*
4. A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.
  5. In this clause:

***flood planning area*** means the land shown as “Flood planning area” on the Flood Planning Map.

***flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

Comment:

As part of the approved subdivision (DA0273/2014) of 8-12 Short Street, Mudgee flooding was addressed and forms part of the covenant for each created lot. The flood heights were further refined under a modification (MA0013/2015) with specific (finished floor level) FFL for the lots established. In addition to this, Council resolved on 4 May 2015 to allow fill to assist in meeting the minimum freeboard height prescribed for each lot when located directly under the ‘main roof’ of the dwellings, this includes attached garages and alfresco areas located within the main roof.

Condition 49 of MA0013/2015 sets a FFL of 449.3m AHD for proposed lot 8 (the subject lot), which has been derived by adding 500mm freeboard to the 1:100 year flood level (448.8m AHD)

Condition 50 of MA0013/2015 states ‘*all fencing below the 1 in 100 year flood level (448.8m AHD) shall be designed so to allow for the passage of water in the event of a flood.*

The proposed development is consistent with the conditions of consent.

Therefore the overall subdivision and development of the site is considered to align with Council policy and resolutions and addresses Clause 6.2 of the LEP.

#### Provisions of any Development Control Plan or Council Policy

### **Mid-Western Regional Council – Development Control Plan 2013**

Consideration of the relevant provisions of the DCP are summarised in the table below. Where there are inconsistencies with the fast track provisions they are further discussed/assessed against the discretionary standards found in Part 3 DCP 2012.

<i>Part 2 Fast Track Development Applications -</i>	
MINIMUM LOT SIZE	COMMENT / COMPLIES
Minimum lot size:	<b>Complies,</b>
○ Attached Dual Occupancy – Minimum 600m <sup>2</sup>	<b>601m<sup>2</sup></b>
○ Detached Dual Occupancy – Minimum 800m <sup>2</sup>	<b>attached</b>
○ <b>DETACHED DUAL OCCUPANCY IS PROHIBITED IN R2 LOW DENSITY RESIDENTIAL ZONE</b>	

*Part 2 Fast Track Development Applications -*

MINIMUM LOT SIZE	COMMENT / COMPLIES
<b>IF IN RURAL ZONE</b> , the site must have a staged dwelling approval or comply with the minimum lots size standards as designated by Mid-Western Regional Local Environmental Plan 2012 Lot Size Maps	<b>N/A</b>
<b>BUILDING SETBACKS</b>	
Building Setback from the Street <ul style="list-style-type: none"> <li>○ Zones R1, R2 and R3 where Lot size is less than 900m2: 4.5m and 5.5m to the garage</li> <li>○ Zones R1, R2 and R3 where lot size is greater the 901m2 and less than 1,999m2: 6.5 and 7.5 to the garage</li> <li>○ Zone R2 where 2000m2 to 1ha: 15m</li> <li>○ Zone R5 Less than or equal to 5ha: 30m</li> <li>○ Zones RU1, RU4 and R5 Greater than 5ha: 60m</li> <li>○ RU5: 7.5m</li> </ul>	<b>DOES NOT COMPLY.</b> <b>3.9m to front building line.</b> <b>Discussed below.</b>
Building Side/Rear setback <ul style="list-style-type: none"> <li>○ Zones R1, R2 and R3 where Lot size is less than 900m2: 900mm</li> <li>○ Zones R1, R2 and R3 where lot size is greater the 901m2 and less than 1,999m2: 900mm</li> <li>○ Zone R2 where 2000m2 to 1ha: 5m</li> <li>○ Zone R5 Less than or equal to 5ha: 20m</li> <li>○ Zones RU1, RU4 and R5 Greater than 5ha: 20m</li> <li>○ RU5: BCA</li> </ul>	<b>Complies, 900mm setback off each side boundary and a minimum 2.42m off the rear boundary.</b>
Building Secondary Frontage for corner lots setback <ul style="list-style-type: none"> <li>○ Zones R1, R2 and R3 where Lot size is less than 900m2: 0m for garages in laneways 2m to side boundary</li> <li>○ Zones R1, R2 and R3 where lot size is greater the 901m2 and less than 1,999m2: 2m</li> <li>○ Zone R2 where 2000m2 to 1ha: 7.5m</li> <li>○ Zone R5 Less than or equal to 5ha: 15m</li> <li>○ Zones RU1, RU4 and R5 Greater than 5ha: 15m</li> <li>○ RU5: 3m</li> </ul>	<b>N/A</b>
<b>BUILDING HEIGHT/ DESIGN</b>	
Proposed buildings are single story	<b>Complies</b>
The design is not a mirror or duplication for the two dwellings when fronting streets.	<b>Complies,</b> <b>each duplex has a different setback, window &amp; roof configuration and is finished in different materials.</b>
75% of Internal living areas shall receive at least three hours effective sunlight between the hours of 9.00 am and 3.00 pm on 21 June (Winter solstice).	<b>Complies,</b> <b>the orientation and location of openings of the proposed development allows effective sunlight access to be achieved.</b>

*Part 2 Fast Track Development Applications -***MINIMUM LOT SIZE****COMMENT / COMPLIES**

Both dwellings have direct street frontage, i.e. battleaxe arrangements are not permissible

**Complies.**

Minimum separation of 3 metres between buildings

**N/A – attached duplex**

The garage door or carport does not exceed 45% of the front elevation

**Complies,  
single car garage  
serving each dwelling**

All facades with street frontage contain windows

**Complies, seven  
windows contained  
within the street  
frontage**

Street frontage elevations contain minimum 5% openings

**Complies,  
combined glazing area  
of 10sqm within street  
frontage, equating to  
roughly 8% of the total  
elevation.**

Building is not a transportable or relocated dwelling

**Complies**

**SLOPE AND CUT AND FILL**

The slope of the site does not exceed 15%

**Complies**

Cut is limited to 1m

**Complies.  
Less than 1m**

Fill is limited to 600mm and is made up of clean fill and is accompanied by a geo-technical assessment demonstrating compaction complies with Australian Standards.

**Complies. Appropriate  
condition imposed  
in relation to the  
existing fill placed upon  
the site - to be certified  
as free of hazardous  
materials.**

Any cut and fill has been provided with retaining wall including drainage and is setback a minimum 300mm from the allotment boundary.

**N/A**

Fill does not direct stormwater onto adjoining properties and drainage pits for overland flow paths have been provided.

**Complies.  
All fill contained under  
roof, no displacement  
of stormwater  
proposed.**

Cut/fill is clear of any water or sewer easements.

**Complies.  
No easements existing  
or proposed within  
building footprint.**

**OPEN SPACE**

Private open space is located on the Northern or Eastern side of dwellings.

**Complies**

Private open space has direct access from main living areas

**Complies**

*Part 2 Fast Track Development Applications -*

MINIMUM LOT SIZE	COMMENT / COMPLIES
Each dwelling provides a Principal Private Open Space with a minimum of 80m <sup>2</sup> and a minimum dimension of 5 metres	<b>DOES NOT COMPLY.</b> <b>See comment below</b>
If alfresco is to be counted as Principal Private Open Space, it must be: <ul style="list-style-type: none"> <li>○ Located at or near ground level</li> <li>○ Have direct northerly aspect</li> <li>○ Create no more than 25% of principal open space</li> </ul>	<b>Complies, located at ground level, direct northerly aspect, contributes 20% (Unit A) and 13% (Unit B) to POS</b>
Where Principal Private Open Space is located within front set back: <ul style="list-style-type: none"> <li>○ Located behind suitably landscaped area</li> <li>○ Minimum width of 1.5 metres to the front boundary</li> </ul>	<b>N/A.</b> <b>Open space provided behind building line.</b>
75% of Principal Private Open Space shall receive a minimum of 3 hours sunlight between 9.00am and 3.00pm on 21 June	<b>Shadow diagrams have not been provided, however not required due to good orientation of proposal.</b>
SITE COVERAGE	
Maximum site coverage of 50%	<b>Complies.</b> <b>(45%)</b>
PARKING	
Each dwelling has two car parks with a minimum of one being a garage for each.	<b>Complies.</b> <b>Each dwelling provided with one garage and one stacked parking space located within front setback.</b>
Parking and manoeuvring areas are hard stand	<b>Complies.</b> <b>Paved hardstand areas.</b>
Driveways are located a minimum of 6m from any intersection	<b>Complies.</b> <b>Nearest intersection 75m east of subject site, with Perry Street</b>
UTILITIES	
Buildings are located clear of utility infrastructure	<b>Complies. Standard condition included within the recommendation.</b>
Building is not located within an easement for the purpose of utility infrastructure	<b>Complies.</b> <b>Building footprint clear of easements.</b>
Structure are located a minimum of 1500mm from the centre of water and sewer main	<b>Complies</b>
Details of water supply and sewer reticulation have been provided <ul style="list-style-type: none"> <li>○ If available within 500m applicant has proposed connection to reticulated network</li> <li>○ Where no water supply is available, applicant has provided a minimum 60,000 litres which includes a minimum of 20,000 litres reserved for firefighting purposes</li> </ul>	<b>Yes, site is serviced by water &amp; sewer along the frontage.</b>

**Part 2 Fast Track Development Applications -**  
**MINIMUM LOT SIZE**

**COMMENT / COMPLIES**

- Where no reticulated sewer is present, the applicant has proposed onsite disposal in accordance with section 68 of the Local Government Act 1919
- If reticulated services have not been proposed the site is a minimum of 5ha in size

All storm water flows to a gravity system

**Complies**

Buildings are not located in the path of overland flow

**Complies**

**FENCING**

1.8 metre high fencing is provided between Principal Private open spaces

**Complies. Standard condition included within the recommendation**

Front fences are open panel, do not exceed 1.2 metres in height and are not of colorbond material construction.

**N/A.**

Side fences located in front of the building line are open panel or a combination of open panel and masonry columns to match the front fence and do not exceed 1.2 metres in height.

**N/A**

Side and rear fences do not exceed 1.8 metres in height once behind the building.

**Complies. Standard condition included within the recommendation**

For corner allotments no fence, structure or landscaping in greater than 1 metre in height is located within the triangle formed by a sight line 12 metres x 6 metres from the intersection of the two street boundaries

**N/A**

Dividing fences do not affect the flow of surface water with the possibility of causing flooding.

**Standard condition regarding the 88b instrument included within the recommendation**

**Part 3 Discretionary Standards -**

**Private Open Space** – The proposed private open space (POS) for each dwelling is below the minimum standard of 80m<sup>2</sup> being 75m<sup>2</sup> (6% shortfall – Unit A) and 78m<sup>2</sup> (3% shortfall – Unit B). The POS areas are of a regular shape, receive good levels of solar access, with good flat useable land direct from the living areas. The variations are of a minor nature and are still considered to achieve the intent of the POS controls and are supported by Council staff.

**Front Boundary Setback** - The front boundary setback for Unit A does not comply with the minimum prescribed setback of 4.5m. The proposed setback is 3.9m and represents a 13.3% shortfall. The points of non-compliance are only partial sections of the front elevation and not a broad encroachment for the entire frontage as shown in Figure 1 below, which shows the approximate 4.5m front setback line in red. It is considered, given the extent and partial nature of the non-compliance, the curved nature of the front boundary, and the articulated design of the development, the proposed setback is acceptable.

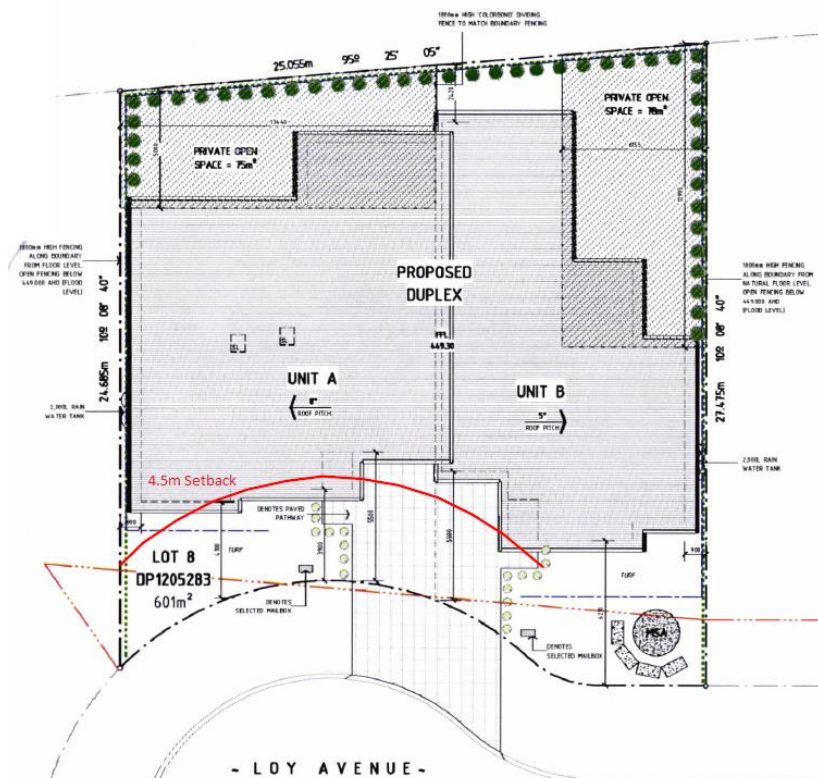


Figure 1 – Approximate front setback line

### Developer Contributions

Payment of Development Contributions as follows:

#### Section 64

<b>WATER</b>					
DESCRIPTION	ET/Unit		Credit	Debit	Total
Residential allotment (small) <650m²	0.75	\$ 1,238.01	1		\$6,342.00
				2	\$12,684.00
<b>WATER TOTAL</b>					<b>\$6,342.00</b>
<b>SEWER</b>					
DESCRIPTION	ET/Unit		Credit	Debit	Total
Residential allotment (small) <650m²	0.75	\$ 471.17	1		\$2,895.75
				2	\$5,791.50
<b>SEWER TOTAL</b>					<b>\$2,895.75</b>
<b>S.64 TOTAL CHARGES</b>					<b>\$9,237.75</b>

**\*SUBJECT TO CPI INCREASE**

Total charges for Section 64 are \$9,237.75 based on existing credits for a small lot in both categories.



**Section 94 Contributions Plan**

<b>Mudgee Catchment 1-2</b>		
<i>Section 94 Contributions</i>	<i>Per Lot</i>	<i>1</i>
<b>Transport Management</b>		
Traffic Management	\$1,216.41	\$1,216.41
<b>Open Space</b>	\$0.00	\$0.00
Local Open Space	\$1,909.00	\$1,909.00
District Open Space	\$2,592.77	\$2,592.77
<b>Community Facilities</b>	\$0.00	\$0.00
Library Buildings	\$249.94	\$249.94
Library Resources	\$299.95	\$299.95
Drainage	\$0.00	\$0.00
Drainage Works		
<b>Administration</b>	\$0.00	\$0.00
Plan Administration	\$583.20	\$583.20
<b>Total Per Lot</b>	<b>\$6,851.27</b>	<b>\$6,851.27</b>

**\*SUBJECT TO CPI INCREASE**

Section 94 contributions come to a total of \$6,851.27. The calculations are based on one additional lot being created.

## **2. IMPACT OF DEVELOPMENT**

It is considered the proposed dual occupancy (attached) and two lot subdivision will not have any adverse impacts on the natural or built environments. The site sits within a larger residential subdivision designed to accommodate such developments. The use is permissible and the design generally complies with Councils DCP.

The design of the single storey dwellings are considered to be generally in line with the objectives stated under Part 3 of the DCP. Conditions will be included to ensure the fill (both current and any proposed) is appropriate and for a survey to be obtained prior to pouring of the slab, confirming compliance with the FFL applicable for the living areas and for the bottom of the fence.

### Context and Setting

The proposed development will not have any adverse effect on the landscape/scenic quality, views/vista and access to sunlight on adjacent properties or in the locality. The development will comprise two (2) single story attached dwellings, consistent with the objectives of the zone and desired future character of the area.

### Access, transport and traffic

All dwellings have access to the sealed road network, which is considered sufficient to accommodate the additional loadings generated by the proposed development. Car parking is provided in accordance with Council's DCP.

### Energy and Utilities

All essential services and utilities are available and can be extended to service the additional dwellings. Subject to attached conditions.

### Heritage

There are no registered heritage items identified as being located on the site.

The property is located within the Heritage Conservation Area; however there is no established streetscape in the vicinity. The visual appeal of this portion of town lies with the river side areas and adjacent park land, a single story residence minimises the visual impacts.

#### Water

The development will not have any impact on water resources, subject to the conditions of consent contained at the end of this report.

#### Soils

The development is not anticipated to result in any soil erosion or sedimentation of watercourses, subject to compliance with the conditions of consent contained at the end of this report.

#### Waste

The site is able to be serviced by regular waste collection. Waste generated during construction will be stored on site and disposed of at an approved waste facility.

#### Noise & vibration

There are no anticipated long term impacts from the development. Noise generated during construction will be regulated by the conditions of consent.

#### Natural Hazards

The site is located within the medium risk flood impact area. As such the dwellings are required to have a finished floor level (FFL) of 449.3m to limit the potential flooding impacts. All fencing associated with the dwelling is required to allow the flow of water below the 1:100 year flood height, being 448.8 AHD. This can be achieved by open mesh fencing or the like and will be confirmed at Construction Certificate stage.

#### Technological hazards

Contamination was assessed as part of the original subdivision and no contaminants were found on the subject site.

#### Safety, security and crime prevention

Both dwellings have direct view of the street which ensures passive surveillance of the street is achieved.

#### Social and Economic impact in the locality

The proposal will not have any significant social or economic impact.

#### Site design and internal design

The site design and internal layout is deemed to be satisfactory as it generally complies with the relevant controls of the DCP 2013. Those areas of non-compliance have been addressed previously.

The following issues were reviewed and deemed not applicable:

- Public domain



- Other land resources
- Air and Microclimate
- Flora & Fauna
- Construction
- Cumulative Impacts

### **3. SUITABILITY OF SITE FOR DEVELOPMENT**

#### **Does the proposal fit in the locality**

The proposal is consistent with other developments in the immediate area. The subject lot fits within a larger 26 lot subdivision, partially developed. Few of the lots have been/or are within the process of being constructed. Two of these developments are dual occupancies, with one being two storey in height.

#### **Are the site attributes conducive to development**

The site is 601m<sup>2</sup> in area and is generally flat in nature. The site is flood prone, there are positive covenants requiring the FFL of the habitable portions of the dwelling to be 500mm above the 1:100 year flood level.

No Sewer or Water diagrams were provided with the application, the sewer easement at the front of the site can be used to connect to the town sewerage system. Water is available in the street frontage and will be the point of supply. Conditions to this effect have been provided.

The proposed design of the dwelling does not comply with the minimum FFL nor 'no fill' requirements as per the positive covenants applicable to the site. In this regard and as per Council's resolution 4<sup>th</sup> May 2015, the applicant is required to amend the parent consent (DA0273/20144 and MA013/2015) by way of notification to Council under clause 97 of the EP&A Regulations 2000. A condition of consent under 'Prior to issue of CC' is included and a proforma notice has been provided to the applicant for submission to Council.

The site is therefore deemed suitable for dual occupancy development.

### **4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS**

The application was notified to adjoining landowners in accordance with Council's Development Control Plan 2013. The notification period ended 11 December 2015 and no submissions were received.

### **5. THE PUBLIC INTEREST**

Approval of the development application is considered to be in the public interest as it is consistent with the objectives of the zone.

### **6. CONSULTATIONS**

#### **(a) Health & Building.**

N/A

#### **(b) Technical Services**

N/A

(c) Heritage Advisor

N/A

## **7. CONCLUSION**

The proposal for the construction of the attached dual occupancy and subsequent Torrens title subdivision development is consistent with the objectives of the R1 General Residential zone and generally complies with the relevant objectives of the DCP 2013.

### Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community.

### Financial implications

Nil.

DREW ROBERTS  
TOWN PLANNER

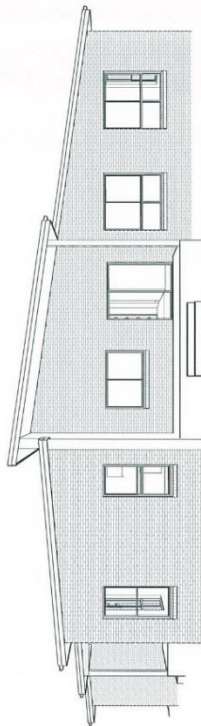
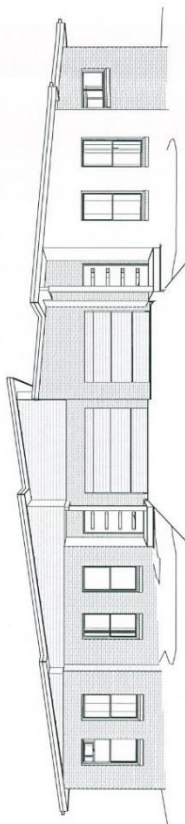
LIZ DENSLEY  
ACTING DIRECTOR, DEVELOPMENT

27 January 2016

*Attachments:* 1. Site Plan, Elevation Plan & Section Plan

### **APPROVED FOR SUBMISSION:**

BRAD CAM  
GENERAL MANAGER



## 01 | LOCALITY PLAN



GENERAL NOTES:

- [illegible]

CONSTRUCTION NOTES:

- [illegible]

[illegible]





## 02 SITE LAYOUT

SCALE: 1:100 (A1) or 1:200 (A3)



### LEGEND:

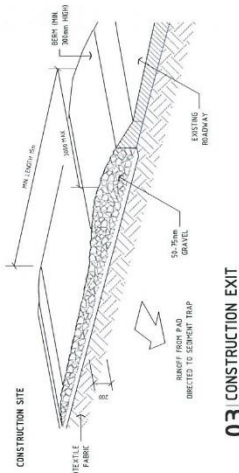
- DISTURBED AREA BOUNDARY
- SEDIMENT FENCE OR STRAWBALE FILTER
- EXISTENT TO DRAIN SEWAGE
- NATURAL STORMWATER AREA
- STRAWBALE FILTER

### SITING NOTES:

1. THIS PLAN IS PREPARED FROM A COMBINATION OF FIELD SURVEY & EXISTING RECORDS FOR THE PURPOSE OF PROVIDING A GENERAL INDICATION OF THE LOCATION OF THE PROPOSED DEVELOPMENT. THE EXISTING RECORDS ARE NOT GUARANTEED TO BE ACCURATE AND THE FIELD SURVEY IS NOT GUARANTEED TO BE COMPLETE. THE DEVELOPER IS ADVISED THAT THE PROPOSED DEVELOPMENT IS NOT TO BE CONSIDERED AS A FINAL DESIGN AND THAT THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
2. SERVICES SHOWN HEREIN HAVE BEEN LOCATED WHERE POSSIBLE BY FIELD SURVEY. IF NOT ABLE TO BE SO LOCATED, SERVICES HAVE BEEN PLACED FROM THE RECORDS OF RELEVANT AUTHORITIES WHERE AVAILABLE. THE DEVELOPER IS ADVISED THAT THE RECORDS OF RELEVANT AUTHORITIES ARE NOT ALWAYS ACCURATE AND THAT THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
3. PRIOR TO ANY CONSTRUCTION, EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF FURTHER UNDERGROUND SERVICES & DETAILED LOCATIONS OF ALL SERVICES INCLUDING:
  - OBTAIN TELSTRA'S "DUTY OF CARE" DOCUMENT REGARDING WORKING IN THE VICINITY OF TELSTRA PLANT
  - OBTAIN TELSTRA'S "DUTY OF CARE" DOCUMENT REGARDING WORKING IN THE VICINITY OF TELSTRA PLANT
4. SEDIMENT CONTROL STRUCTURES ARE TO BE INSTALLED PRIOR TO THE START OF THE CONSTRUCTION WORK. THE SEDIMENT CONTROL STRUCTURES ARE TO BE INSTALLED PRIOR TO THE START OF THE CONSTRUCTION WORK. THE SEDIMENT CONTROL STRUCTURES ARE TO BE INSTALLED PRIOR TO THE START OF THE CONSTRUCTION WORK.
5. ALL WORK IS TO BE UNDERTAKEN IN ACCORDANCE WITH THE DETAILS SHOWN IN THE DRAWINGS. THE SPECIFICATIONS & THE DIRECTIONS OF THE SUPERINTENDENT CONTRACTOR MUST BE FOLLOWED AT ALL TIMES. THE DEVELOPER IS ADVISED THAT THE SUPERINTENDENT CONTRACTOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DETAILS SHOWN IN THE DRAWINGS.
6. WHERE NEW WORKS ARE TO BE UNDERTAKEN, THE CONTRACTOR SHALL ENSURE THAT A SMOOTH EVEN PROFILE FREE FROM ANY OBSTACLES IS OBTAINED.
7. THE CONTRACTOR SHALL ARRANGE ALL SURVEY STATION TO BE CARRIED OUT BY A REGISTERED SURVEYOR.
8. CABLE IS TO BE TAKEN WHEN EXCAVATING NEAR EXISTING SERVICES. NO MECHANICAL EXCAVATIONS ARE TO BE UNDERTAKEN OVER TELSTRA OR ELECTRICAL SERVICES. HAND EXCAVATE IN THESE AREAS.

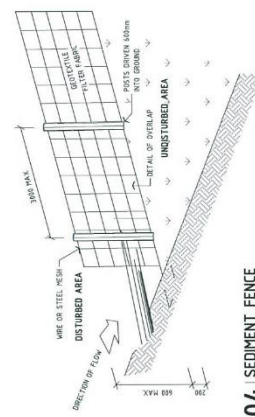
### EROSION & SEDIMENT CONTROL NOTES:

1. ALL EROSION & SEDIMENT CONTROL STRUCTURES ARE TO BE INSTALLED PRIOR TO THE START OF THE CONSTRUCTION WORK.
2. ALL SEDIMENT CONTROL STRUCTURES TO BE INSPECTED & MAINTAINED BY THE BUILDER AT LEAST WEEKLY. IF STRUCTURES ARE TO BE REMOVED, THEY ARE TO BE REINSTALLED & IMPROVED BY THE BUILDER.
3. ALL SEDIMENT RETAINING STRUCTURES TO BE CLEANED ON REACHING 50% STORAGE CAPACITY & SPREAD ON DISTURBED AREA.
4. ACCESS TO SITE IS TO BE THROUGH ONE OF THE ENTRY/EXIT SHOWN.
5. ALL VESSELATION OUTSIDE OF THE CONSTRUCTION AREA IS TO BE RETAINED WHERE POSSIBLE (VEGETATION BUFFER).
6. THE PROJECT MANAGER IS TO INFORM ALL CONTRACTORS OF THEIR OBLIGATIONS UNDER THIS PLAN.
7. ALL SLOPE WATER & DRAINAGE LINE TRENCHES ARE TO BE BACKFILLED WITHIN 24 HOURS OF COMPLETION & APPROVAL.
8. STOCKPILES OF BUILDING MATERIALS INCLUDING SAND & SOIL MUST BE LOCATED WITHIN THE DESIGNATED MATERIAL STOCKPILE AREA. A SEDIMENT FENCE OR STRAWBALE FILTER MUST BE INSTALLED WITHIN THE STOCKPILE AREA. THE BUILDER MAY REMOVE FURTHER STOCKPILE AREAS WITHIN THE SITE.
9. NO STORAGE OF MATERIALS OR VEHICLE MOVEMENTS ARE TO OCCUR OUTSIDE THE SITE BOUNDARIES.
10. TEMPORARY EROSION CONTROL MEASURES ARE SHOWN IN THIS PLAN.



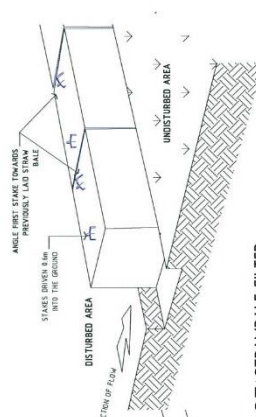
### 03 CONSTRUCTION EXIT

SCALE: 1:50 (A1)



### 04 SEDIMENT FENCE

SCALE: 1:12 (A1)



### 05 STRAWBALE FILTER

SCALE: 1:50 (A1)



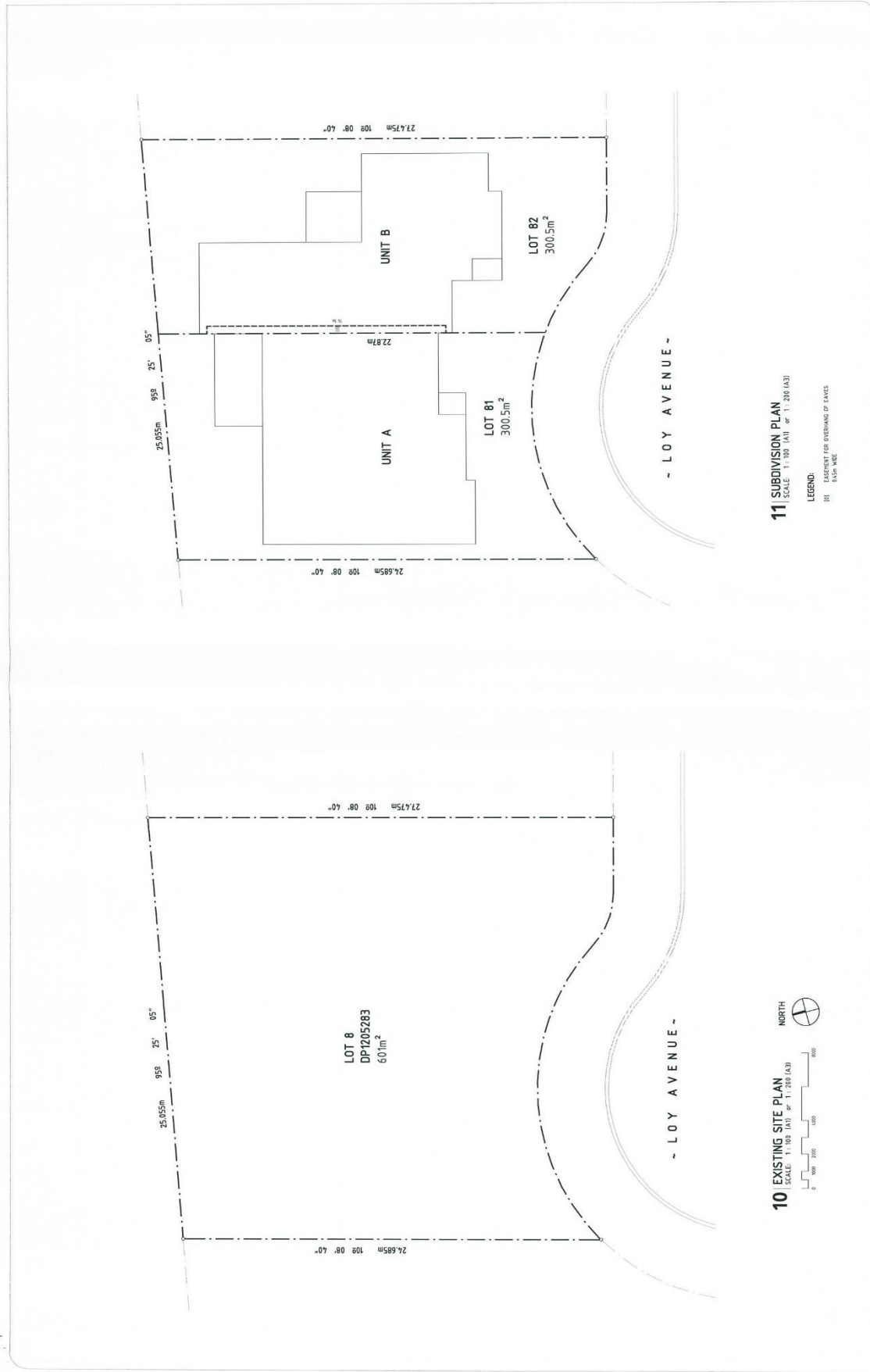












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 W: www.barnson.com.au

Client: LYNCH BUILDING GROUP

Project:  
 PROPOSED DEVELOPMENT AT  
 14 LOY AVENUE, MUDGEE NSW

NATA  
 Approved Practitioner  
 Date: 5/04/16

Drawing Title:  
 SUBDIVISION LAYOUTS

Rev	Date	Amendment
A	28/02/16	PRELIMINARY DRAWINGS
B	28/02/16	AMENDED AS PER CLIENTS REQUEST
C	28/02/16	AMENDED AS PER CLIENTS REQUEST
D	28/02/16	AMENDED AS PER CLIENTS REQUEST
E	28/02/16	AMENDED AS PER CLIENTS REQUEST
F	28/02/16	AMENDED AS PER CLIENTS REQUEST
G	28/02/16	AMENDED AS PER CLIENTS REQUEST
H	28/02/16	AMENDED AS PER CLIENTS REQUEST
I	28/02/16	AMENDED AS PER CLIENTS REQUEST
J	28/02/16	AMENDED AS PER CLIENTS REQUEST
K	28/02/16	AMENDED AS PER CLIENTS REQUEST
L	28/02/16	AMENDED AS PER CLIENTS REQUEST
M	28/02/16	AMENDED AS PER CLIENTS REQUEST
N	28/02/16	AMENDED AS PER CLIENTS REQUEST
O	28/02/16	AMENDED AS PER CLIENTS REQUEST
P	28/02/16	AMENDED AS PER CLIENTS REQUEST
Q	28/02/16	AMENDED AS PER CLIENTS REQUEST
R	28/02/16	AMENDED AS PER CLIENTS REQUEST
S	28/02/16	AMENDED AS PER CLIENTS REQUEST
T	28/02/16	AMENDED AS PER CLIENTS REQUEST
U	28/02/16	AMENDED AS PER CLIENTS REQUEST
V	28/02/16	AMENDED AS PER CLIENTS REQUEST
W	28/02/16	AMENDED AS PER CLIENTS REQUEST
X	28/02/16	AMENDED AS PER CLIENTS REQUEST
Y	28/02/16	AMENDED AS PER CLIENTS REQUEST
Z	28/02/16	AMENDED AS PER CLIENTS REQUEST

Drawing Number: 24001 - A107

Revision: 1

ISSUED FOR DA APPROVAL

## 8.3 Planning Proposal – 33 Robert Hoddle Grove, Bombira

REPORT BY THE STATUTORY/STRATEGIC PLANNER TO 17 FEBRUARY 2016 COUNCIL MEETING  
Planning Proposal - Rezoning and change to minimum lot size - 33 Robert Hoddle Grove, Bombira  
GOV400054, LAN900061

### RECOMMENDATION

#### That Council:

1. **receive the report by the Statutory/Strategic Planner on the Planning Proposal – 33 Robert Hoddle Grove, Bombira (Rezoning from RU4 Primary Production Small Lots to R5 Large Lot Residential and amend minimum lot size to from 20ha to 2ha – Part Lot 5 DP 1181765, Part Lot 61 DP 1181768 and Part Lot 2 DP 1062660);**
2. **support the Planning Proposal to rezone part of Lot 5 DP1181765, Part Lot 61 DP1181768 and Part Lot 2 DP1062662 from RU4 Primary Production Small Lots to R5 Large Lot Residential;**
3. **forward the Planning Proposal to the NSW Department of Planning & environment for Gateway Determination.**

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### Executive summary

Council has received a Planning Proposal from Barnson Pty Ltd on behalf of the land owners Colleen and Max Walker to re-zone in relation to land within Lot 5 DP 1181765, Lot 61 DP 1181768 and Lot 2 DP 1062660 from Primary Production Small Lots RU4 to Large Lot Residential R5 and a corresponding amendment to the minimum lot size (MLS) to 2ha (Attachment 1).

The proposal is inconsistent with the Comprehensive Land Use Strategy as adopted, however, is consistent with the amendments proposed to address the need and criteria for 2ha rural residential lots adjacent to Mudgee.

The determining factor in the consideration of this proposal is timing and the Urban Release Strategy. Council has, in the past 9 months supported amendments to the LEP to provide an additional 75 Large Lot Residential (2ha) lots across three sites in Mudgee (Spring Flat Road, Wilbertree Road and Broadhead Road). The URS identifies a demand for only 7 lots of this nature per annum. Therefore, at 75 lots supported for rezoning it represents a significant supply which will cater for the medium term. However, none of these sites are currently rezoned for this purpose and all of them have issues regarding impacts on groundwater, and in the case of Menah, impacts from flooding. Therefore there is no certainty that any of these will proceed. The key differences for this proposal are that it will be serviced by reticulated water and sewer which removes the groundwater issues and the site is located above the 1 in 100 flood line.

### Disclosure of Interest

Nil.





The land is predominantly cleared and currently used for grazing. While the proposal does provide a buffer between the intensive agricultural area and large lot residential zone, the road infrastructure seems inefficient. The proposal if supported on the basis of this concept plan lends itself to a further re-zoning proposal to better utilise the road by providing similar development on the southern side. While this is not identified in the proposal before Council now, it is a factor that should be considered if Council proceed in the future.

On November 5 2014 Council resolved that a “*report be presented to Council to amend the Comprehensive Land Use Strategy including the Mudjee Town Structure Plan to incorporate options for future urban expansion including identification of opportunities for rural residential development*”.

The 2ha issue is addressed in this report to the extent that would enable the Comprehensive Land Use Strategy (CLUS) to be amended to include criteria for rural residential development. The issue in relation to the amendment of the Town Structure Plan for general residential development is yet to be resolved, however, at this stage it is generally acknowledged that long term expansion could occur either south in the direction of Spring Flat or north across Hill End Road and “Menah”, therefore, the criteria for the location of the 2ha rural residential lots has had regard to the higher order potential of these areas and excludes these areas.

Council has subsequently endorsed the re-zoning of three sites that were the subject of Planning Proposals for 2ha rural residential lots which are considered to generally meet the criteria proposed to be inserted into the CLUS. The three proposals represent a land supply of 75 2ha rural residential lots.

The Urban Release Strategy (URS) was adopted by Council in December 2014 and subsequently endorsed by the Department of Planning and Environment. The URS included reference to the demand for 2ha rural residential land concluding that the demand generated based on current trends was up to 7. The URS states as follows:

***Large Lot Residential (2ha and over)***

*Demand for larger lots in Mudjee’s urban release areas is projected to average 7 lots per annum or 37 lots over 5 years. If land is released in accordance with the recommendations of the strategy there will be between 76 and 88 large residential lots available every five years until the year 2025. This level of supply will create a buffer of 39 -51 lots over that period which is sufficient to meet the required 5 year buffer of 37 lots. The analysis indicates that further land may need to be released in the long term to accommodate demand in the 10-20 year period if high levels of demand for 2ha lots were sustained.*

Source: *Mudjee and Gulgong Urban Release Strategy* 2014 page 16

Following the decision by Council to re-zone land at Broadhead Road, Spring Flat Road and Wilbertree Road, the Department of Planning and Environment has issued two Gateway Determinations (for Wilbertree Road and Broadhead Road). Planning staff are currently working on a response to consultation with the NSW Office of Water in relation to the sustainable water supply for the proposals prior to exhibition. The third of the proposals is yet to be forwarded to the Gateway.

***CRITERIA FOR 2HA RURAL RESIDENTIAL***

As discussed above, criteria have been developed to guide assessment as to the suitability of land for 2ha rural residential lots. These criteria have been given in principle support by the Department of Planning and Environment though the Gateway Determination for the Broadhead Road proposal with the inclusion of a criteria in relation to the provision of a sustainable water supply. The criteria are identified below:

The Development area:

1. can be managed to avoid land use conflict. Rural residential development should have regard to the surrounding agricultural land use and may in itself provide a buffer between higher density general residential land and agricultural land;
2. is unconstrained by flooding, that is above the flood planning level of the 1 in 100 ARI;
3. can be connected to the existing road network by sealed road access and is fully serviced by a sealed road;
4. is not visually intrusive and does not impact on the visual amenity or sensitive corridors identified in the CLUS on the Mudgee Town Structure Plan;
5. will not undermine future residential land opportunities. It should be located on land that is not, or unlikely to be suitable for general residential land at some point in the future. To this end the Mudgee Town Structure Plan identifies through areas both north and south that may be considered suitable for urban purposes at some point in the long term;
6. will not adversely impact on the groundwater system. Mudgee is fully within an area identified by the NSW Office of Water as being significant in terms of groundwater vulnerability. Any development, and in particular unserviced development should have regard to the potential impact on the groundwater system.
7. can be justified in terms of supply and demand and reference is made to the URS in terms of the likely anticipated demand (excluding land zoned but having a 2000-4000 option subject to servicing);
8. can be managed to reduce bushfire hazard;
9. is not significantly constrained by an area mapped as a high biodiversity sensitivity area;
10. should avoid agricultural land capability assessment class I-II agricultural land. The CLUS acknowledged that all of the land around Mudgee falls within the higher value agriculture land, however, preference should be given to land that is not within class I-II.

The criteria as identified above have been applied to the site to determine suitability.

<b>A. Criteria</b>	<b>B. Complies</b>	<b>C. Comment</b>
<b>D.</b> will not undermine future residential land opportunities	<b>E.</b> Yes	<b>F.</b> is outside both the north and south future urban investigation areas
<b>G.</b> can be managed to avoid land use conflict	<b>H.</b> Yes	<b>I.</b> May need additional safeguards
<b>J.</b> is unconstrained by flooding	<b>K.</b> Yes	<b>L.</b> Lots located above 1 in 100 ARI
<b>M.</b> can be connected to the existing road network by sealed road access	<b>N.</b> No	<b>O.</b> The concept plan submitted with the proposal shows access to the site across two unrelated parcels of land under separate ownership back to Ulan Road being Lot 2 DP 1185676 and Lot 1 DP 1000182. One of these is the site of an approved development application for subdivision (Lot 1 - Bonnyview) and the other as yet un-developed so the site is land-locked and has no legal access to Ulan Road (yet). A number of concept plans have been prepared for the residential development in this locality and it is assumed that ultimately both the adjacent parcels will be developed facilitating access to the subject site. The access also includes a

A. Criteria	B. Complies	C. Comment
		road with development on only a single side. Should the subdivision of Bonnyview not go ahead, access is available through two battle-axe handles and one reciprocal right-of-carriageway through Bombira Estate. This would reduce the lot yield to 2-3 lots.
<b>P.</b>		
<b>Q.</b> is not visually intrusive and does not impact on the visual	<b>R.</b> Yes	<b>S.</b>
<b>T.</b> will not adversely impact on the groundwater system	<b>U.</b> Yes	<b>V.</b> The site is identified as within the high groundwater vulnerability area & connection to water and sewer would be preferable.
<b>W.</b> can be justified in terms of supply and demand	<b>X.</b> No	<b>Y.</b> As discussed above, Council has supported the re-zoning of 75 2ha lots across three sites. However these are subject to a number of constraints and it is considered that these 5 lots are more appropriate due to the access to services and therefore could come online before the 75 already in the pipeline, subject to the access issue being addressed.
<b>Z.</b> can be managed to reduce bushfire hazard	<b>BB.</b> Yes	<b>CC.</b> Outside the bushfire hazard area.
<b>AA.</b>		
<b>DD.</b> Land is not constrained by identified biodiversity sensitivity	<b>EE.</b> Yes	<b>FF.</b> Unconstrained
<b>GG.</b> avoid agricultural land capability assessment class I-II agricultural land	<b>HH.</b> Yes	<b>II.</b> The site is identified in as moderate land and soil capability (3) in the eSPADE Google Maps-based information system administered by the Office of Environment and Heritage.

This site is considered to generally meet the criteria as identified other than for supply/demand and connection to a sealed road network.

### **Supply/Demand**

The approach to the provisions of residential land in Mudgee in the past has been to provide a wide range of lot sizes and opportunities without monopolising one particular area. This is evidenced in the provision of General Residential R1 land both in the Caerleon area and South Mudgee, and the Low Density Residential R2 both north and south of the town centre. Applying this philosophy does not limit Council to singling out one particular area but providing choice and the opportunity to strategically identify a number of locations of the urban fringe that may be considered suitable based on the set criteria.

In terms of supply and demand, as discussed above Council have supported planning proposals that will result in the availability of 75 2ha rural residential lots across three sites. Given the potential demand is 7 lots per annum this is considered adequate until 2025-2029 depending on actually take up of the land. However, due to the issues and constraints that apply to these previously supported sites there is potential that these may not proceed. Therefore, it is considered that the rezoning of the subject land for a yield of 5 fully serviced lots will not undermine the existing supply chain and is recommended to proceed to Gateway.

Should this proposal and the already supported 2ha proposals at Burrundulla, Broadhead Road and Menah go ahead, and assuming the demand matches that which was predicted in the URS, it would not be necessary to rezone any more lots of this nature for a significant period of time.

## Community Plan implications

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

## Financial implications

Nil.

MARK LYNDON  
STATUTORY / STRATEGIC PLANNING

LIZ DENSLEY  
ACTING DIRECTOR, DEVELOPMENT

5 February 2016

*Attachments:* (included at the end of the business paper)  
 1. Planning Proposal prepared by Barnson  
 2. Access details  
 3. Amended lot layout

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.4 Voluntary Planning Agreement for Exhibition – Bylong Coal Project

REPORT BY THE MANAGER STRATEGIC PLANNING TO 17 FEBRUARY 2016 COUNCIL MEETING  
VPA Bylong  
GOV400054, A0420219

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Strategic Planning on the Voluntary Planning Agreement – Bylong Coal Project;**
2. **place the Voluntary Planning Agreement on public exhibition for a period of 28 days in accordance with the requirements of the Environmental Planning and Assessment Act; and**
3. **receive for consideration a further report following the exhibition of the documentation.**

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### Executive summary

Kepco has made an offer to enter in a Voluntary Planning Agreement (VPA) (Attached) for the Bylong Coal Project currently under assessment by the Department of Planning and Environment. The purpose of this report is to proceed to public exhibition with the VPA.

### Disclosure of Interest

Nil.

### Detailed report

The General Manager, Mayor and senior staff have met with representatives from KEPSCO in relation to the Bylong Coal Project in relation securing a VPA for Community Infrastructure Contributions as a result of the impacts for the project on the MWRC community.

The following is a summary of the Bylong Coal Project from the Environmental Assessment prepared by Hansen Bailey , September 2015.

- The project is for the initial development of two open cut mining areas over an approximate 10 year period; total coal resource: 33Mt
- construction and operation of an underground coal mine for an approximate 20 year period commencing in around Project Year 7;
- a combined maximum extraction rate of up to 6.5 million tonnes per annum run-of-mine coal; Total 122Mt averaging about 5.5Mt
- construction and operation of administration, workshop, bathhouse, explosives magazine and other open cut and underground mining facilities, as well as haul roads and overburden emplacement areas;
- a workforce of up to approximately 800 during the initial construction phase and a peak of 470 full-time equivalent operations employees at full production; question the peak workforce as an over estimate based on the experience at other mines in the Region. There is no detail to support the high number of construction workforce.



- construction and operation of a Workforce Accommodation Facility (WAF) and associated access road from the Bylong Valley Way;
- construction and operation of a rail loop and associated rail load out facility and connection to the Sandy Hollow to Gulgong Railway Line to facilitate the transport of product coal;
- construction and operation of surface and groundwater management and water reticulation infrastructure, communications and electricity reticulation infrastructure, and road upgrades; and
- infilling of mining voids, progressive rehabilitation of disturbed areas, decommissioning of Project infrastructure and rehabilitation of the land progressively following mining operations.

While in the past Council has negotiated on the basis of employees, in this instance there is a move toward a more readily quantifiable sum around the actual coal transported. The terms of the VPA negotiated for consideration by Council are generally:

### DEVELOPER CONTRIBUTIONS

- a) *Subject to this Agreement, the Developer is to make the following Development Contributions in respect of the Development:*
  - i) *payment of \$1.5 million to the Council on the granting of the Development Consent by the Consent Authority and KEPCOs approval for the Development on the Land and the Other Land;*
  - ii) *payment of \$1.25 million to the Council on the Mine Commencement Date; and*
  - iii) *payment of \$0.05 per tonne of product coal transported by rail in connection with the Development to the Council towards the Community Investment Fund, which is payable within three months of the end of each Financial Year for the Term.*
- b) *The Parties acknowledge and agree that the amount of Development Contributions in:*
  - i) *clause 5(a)(i) and 5(a)(ii) will increase annually from 1 July 2017 in accordance with CPI; and*
  - ii) *clause 5(a)(iii) will increase annually at the start of each Financial Year following the initial payment following the end of the first Financial Year in accordance with CPI.*

Estimates in terms of the annual return for Council are in the order of \$325,000 pa for the life of the mine or \$6.2M over the life of the mine (indexed) a total of \$8.95M. While this is not tied to any specific project however, the EIS includes multiple references to a “Community Needs Assessment” which will be used to “guide potential investment under the VPA” as well as addressing the housing crisis deficit and education and training opportunities as components of the VPA. However, the crux of the agreement will see funds distributed in accordance with the priorities in the Community Plan while still allowing scope for suggestion by the company.

### Community Plan implications

Securing an additional funding source will enable Council to pursue multi priorities identified in the Community Plan.

### Financial implications

The terms of the offer have not specifically directed which projects can be funded by the VPA. The Environmental Planning and Assessment Act requires that a VPA be for a public purpose including the following:

- (2) *A public purpose includes (without limitation) any of the following:*
  - (a) *the provision of (or the recoupment of the cost of providing) public amenities or public services,*
  - (b) *the provision of (or the recoupment of the cost of providing) affordable housing,*

- (c) *the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,*
- (d) *the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,*
- (e) *the monitoring of the planning impacts of development,*
- (f) *the conservation or enhancement of the natural environment.*

LIZ DENSLEY  
ACTING DIRECTOR, DEVELOPMENT

2 February 2016

*Attachments:* 1. Draft VPA (included at the end of the business paper)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.5 Voluntary Planning Agreement – Peabody Energy Australia (Wilpinjong)

REPORT BY THE ACTING DIRECTOR, DEVELOPMENT TO 17 FEBRUARY 2016 COUNCIL MEETING

VPA Wilpinjong

GOV400054, A0420169

### RECOMMENDATION

**That Council:**

1. **receive the report by the Acting Director, Development on the Voluntary Planning Agreement – Peabody Energy Australia (Wilpinjong);**
2. **amend the Voluntary Planning Agreement to extend to the Wilpinjong Extension Project SSD 6764 as outlined in correspondence dated 15 December 2015 and placed on public exhibition for a period of 28 days in accordance with the requirements of the Environmental Planning and Assessment Act 1979; and**
3. **receive a further report for consideration, following the preparation of the documentation, prior to commencement of public exhibition.**

---

### Executive summary

Peabody Energy Australia has made an offer to enter in a Voluntary Planning Agreement (VPA) for the Wilpinjong Extension Project (the Project). The purpose of this report is to proceed to public exhibition with the VPA.

### Disclosure of Interest

Nil.

### Detailed report

The General Manager, Mayor and senior staff have met with representatives from Peabody Energy Australia to discuss the offer of an extension to the existing VPA for the proposed new operation into Slate Gully. The environmental assessment is nearing completion with the Department of Planning and Environment having issued the Secretary's Environmental Assessment Requirements on 9 December 2014 and it is expected that the application will be lodged with the Department prior to the end of November 2015.

The existing agreement came into force with the approval of Modification No 5 on 7 February 2014 and currently states in condition 12A:

*12A By 31 December 2012, the Proponent shall enter into an agreement with Council to pay community infrastructure and amenity contributions to Council equivalent to a total of \$12,000 (in dollar value) for each permanent employee/contractor at the site in excess of 100, with part-payments of this total to be:*

- (a) Spread equally over the following 20 years of mine life;*
- (b) Payable by 31 March each year; and*

- (c) *Indexed in accordance with the CPI for the December quarter of the previous year (except for the initial 2013 part-payment).*

*This requirement is in addition to the continuation of the previous planning agreement between the mine and Council.*

The only other change to the document (VPA attached) would be an extension to the life of the project by 5 years.

The proponent is aware that Council has a number of new and ongoing programs within the Local Government Area, aligned with its Community Plan and Operational Plan/Delivery Program, towards which VPA funding would be directed. As appropriate, Council would recognise the proponent's contribution.

## Community Plan implications

Securing an additional funding source will enable Council to pursue multi priorities identified in the Community Plan.

## Financial implications

The terms of the offer have not specifically directed which projects can be funded by the VPA. The Environmental Planning and Assessment Act requires that a VPA be for a public purpose including the following:

(2) *A public purpose includes (without limitation) any of the following:*

- (a) *the provision of (or the recoupment of the cost of providing) public amenities or public services,*
- (b) *the provision of (or the recoupment of the cost of providing) affordable housing,*
- (c) *the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,*
- (d) *the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,*
- (e) *the monitoring of the planning impacts of development,*
- (f) *the conservation or enhancement of the natural environment.*

LIZ DENSEY  
ACTING DIRECTOR, DEVELOPMENT

3 February 2016

*Attachments:* Nil.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.6 Monthly Development Applications Processing & Determined – December 2015

REPORT BY THE ACTING DIRECTOR DEVELOPMENT TO 17 FEBRUARY 2016 COUNCIL MEETING  
DA applications processing and determined December 2015  
GOV400054

### RECOMMENDATION

**That Council receive the report by the Acting Director Development on the Monthly Development Applications Processing & Determined – December 2015 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.

### Disclosure of Interest

Not applicable.

### Detailed report

Included in this report is an update for month ending 31 December 2015 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

### Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Maintain and promote the aesthetic appeal of the towns and villages within the Region

### Financial implications

Not applicable.

LIZ DENSLEY  
ACTING DIRECTOR, DEVELOPMENT

29 January 2016

*Attachments:* 1. Monthly Development Applications Processing & Determined – December 2015.

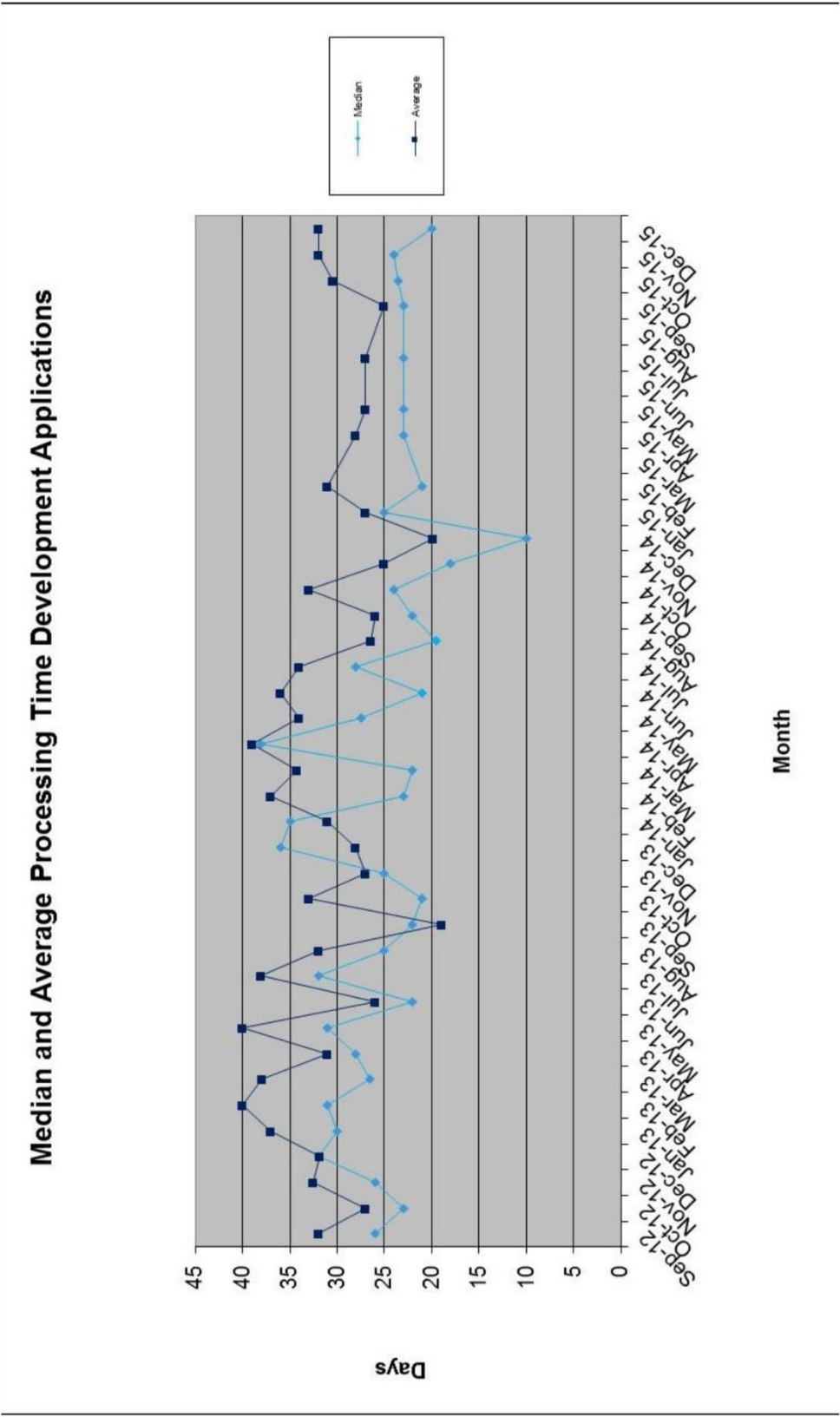
APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

Monthly Development Application Processing Report – December, 2015

This report covers the period for the month of December, 2015.

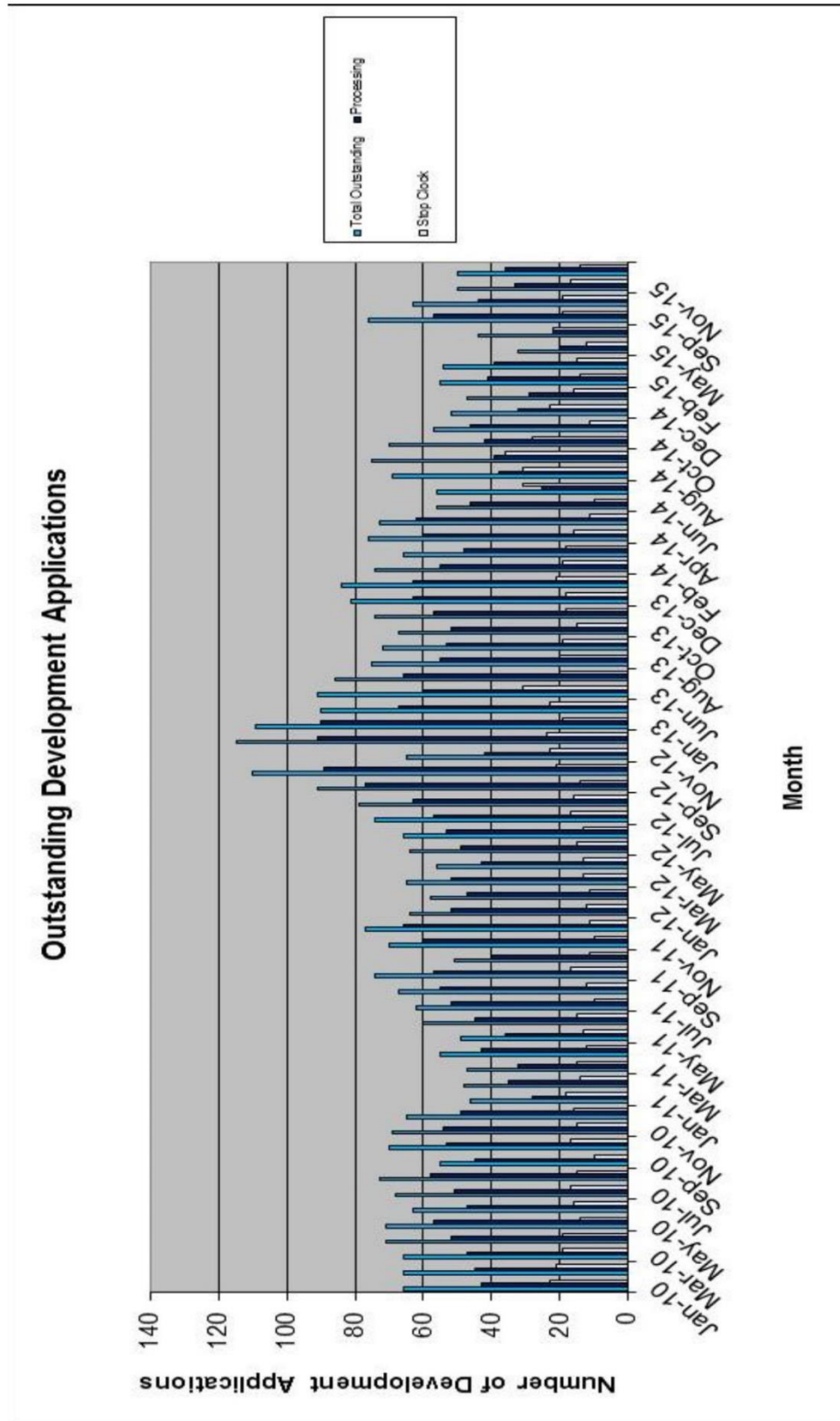
Graph 1 indicates the processing times up to December 2015 with the month of December having an average of 32 days and a median time of 20 days.





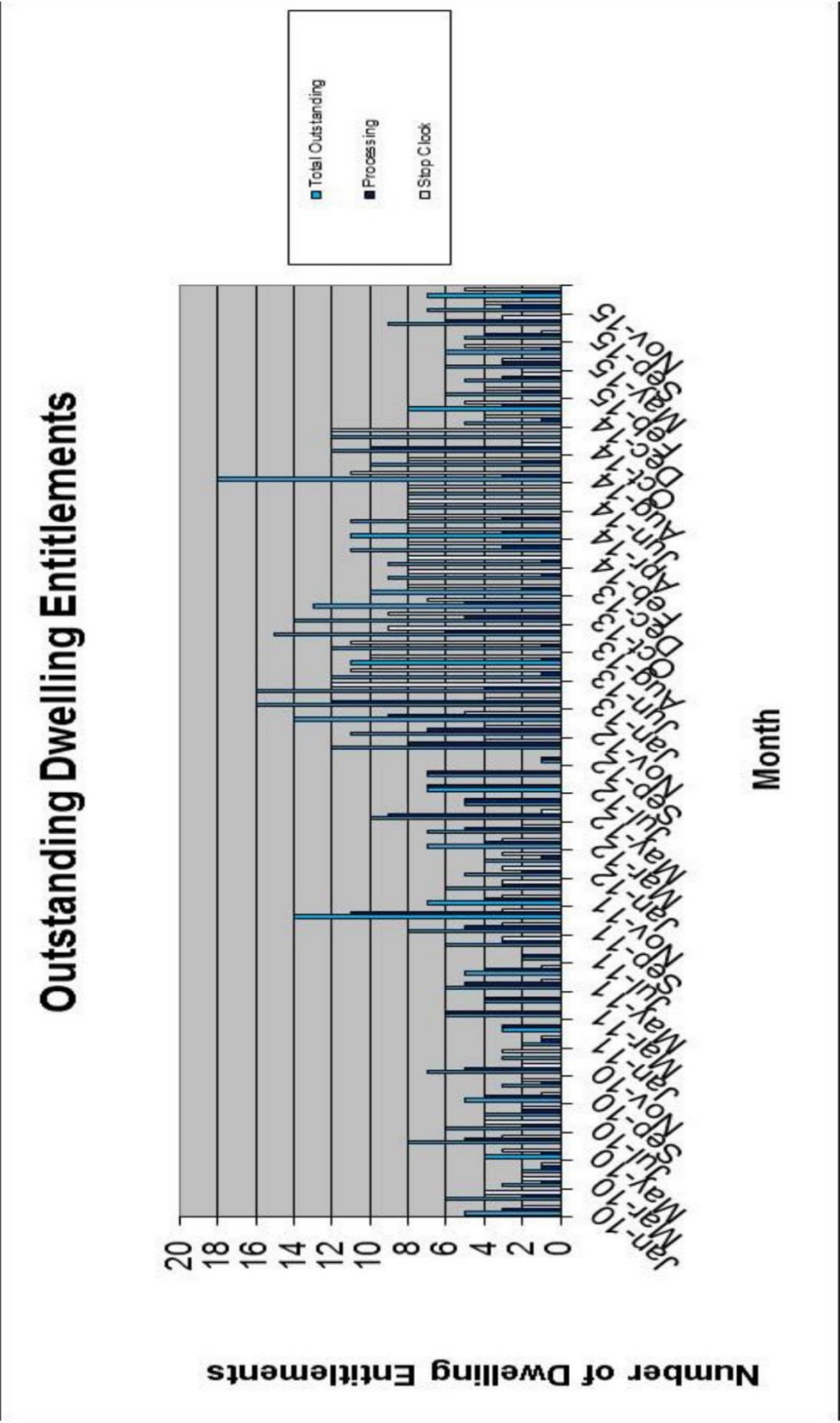
Monthly Development Application Processing Report – December, 2015

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



Monthly Development Application Processing Report – December, 2015

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, 2015

The Planning and Development Department determined 29 Development Applications either by Council or under delegation during December, 2015.

### Development Applications Determined – December, 2015.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0097/2015	Shed >150m2	264	Goolma Road	GOOLMA
DA0239/2015	multi dwelling housing	74	Herbert Street	GULGONG
DA0337/2015	Dwelling House	3	Richard Street	MUDGE
DA0352/2015	Dwelling House	216	Tinja Lane	EURUNDEREE
DA0060/2016	Service Station	10	Toole Road	ULAN
DA0065/2016	Subdivision - Torrens Title	148	Spring Flat South Lane	SPRING FLAT
DA0072/2016	Dwelling House	52	Lue Road	MILROY
DA0116/2016	Carport	20	Belmore Street	GULGONG
DA0118/2016	Carport	1	Meroo Crescent	MUDGE
DA0124/2016	Alterations & Additions	144	Market Street	MUDGE
DA0126/2016	Dwelling House	315	Lue Road	MILROY
DA0129/2016	Fence	154	Market Street	MUDGE
DA0133/2016	Alterations & Additions	371	Buckaroo Road	BUCKAROO
DA0137/2016	secondary dwelling	16	Rodgers Street	KANDOS
DA0141/2016	Subdivision - Torrens Title	24	Hill End Road	CAERLEON
DA0143/2016	Alterations & Additions	3263	Yarrabin Road	TWELVE MILE
DA0150/2016	Residential Shed	5	Brian Herber Grove	MUDGE
DA0152/2016	moveable dwelling	340	Jacksons Lane	BERYL
DA0153/2016	Dwelling House	25	Stewart Street	KANDOS
DA0154/2016	Dwelling House	137	Governor Road	STUBBO
DA0156/2016	Carport	65	Wynella Street	GULGONG
DA0158/2016	Dwelling House	239	Upper Botobolar Road	BOTOBOLAR
DA0159/2016	Residential Shed	13	Dabee Road	KANDOS
DA0160/2016	Residential Shed	96	Merinda Street	HARGRAVES
DA0161/2016	Dwelling House	374	Wollar Road	CROSS ROADS
DA0167/2016	Change of use	7027	Castlereagh Highway	ILFORD
DA0168/2016	Residential Shed	12	Worobil Street	GULGONG
DA0169/2016	Pergola	41	Dunn Street	KANDOS
DA0174/2016	Swimming Pool	6	Tongbong Road	RYLSTONE

## Monthly Development Application Processing Report – December, 2015

### Development Applications currently being processed – December, 2015.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0189/2016	Alterations & Additions	3	Mulgoa Way	MUDGE
DA0138/2016	Alterations & Additions	1541	Henry Lawson Drive	ST FILLANS
DA0073/2016	Alterations & Additions	71	Lions Drive	MUDGE
DA0046/2016	Alterations & Additions	1581	Yarrabin Road	YARRABIN
DA0202/2016	Alterations & Additions	15	Mortimer Street	MUDGE
DA0198/2016	Dwelling House	735	Kaludabah Road	PIAMBONG
DA0185/2016	Mine	7936	Bylong Valley Way	UPPER BYLONG
DA0192/2016	Change of use – shed to dwelling	2512	Henry Lawson Drive	GULGONG
DA0278/2014	Change of use – shed to dwelling	2012	Aarons Pass Road	AARONS PASS
DA0163/2016	Change of use – serviced apartment in existing cottage	227	Meirose Road	MOUNT FROME
DA0145/2016	Change of use	8	Wilkins Crescent	MUDGE
DA0055/2016	Change of use	1199	Ulan Road	BUDGE BUDGE
DA0027/2016	Commercial Alterations/Additions	8	Bell Street	MUDGE
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0203/2016	Dual Occupancy	58	Tierney Lane	EURUNDEREE
DA0123/2016	Dwelling House	469	Meirose Road	MOUNT FROME
DA0172/2016	Dwelling House	28	School Lane	BUDGE BUDGE
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0204/2016	Dwelling House	772	Bara Road	BARA
DA0171/2016	Dwelling House	14	Dunphy Crescent	MUDGE
DA0351/2015	Home Industry	354	Yarrowonga Road	YARRAWONGA
DA0181/2016	Pergola	16	Lang Street	MUDGE
DA0109/2016	Subdivision - Torrens Title	66	Edgell Lane	BUCKAROO
DA0267/2014	signage	33	Sydney Road	MUDGE
DA0165/2016	recreation facility (outdoor)	142	Winchester Crescent	COOKS GAP
DA0175/2016	Residential Shed	105	Bellevue Road	MUDGE
DA0195/2016	Residential Shed	34	Macquarie Drive	MUDGE
DA0193/2016	Residential Shed	43	Lecorfield Drive	BOMBIRA
DA0188/2016	Residential Shed	6	Bent Street	KANDOS
DA0205/2016	Residential Shed	78	Court Street	MUDGE



## Monthly Development Application Processing Report – December, 2015

DA0327/2011	Shed >150m2	23	Horatio Street	MUDGE
DA0136/2016	signage	153	Bruce Road	MUDGE
DA0190/2016	Subdivision - Strata Title	7	Hardwick Avenue	MUDGE
DA0191/2016	Subdivision - Strata Title	8	Hardwick Avenue	MUDGE
DA0197/2016	Subdivision - Torrens Title	11	Acacia Drive	RYLSTONE
DA0191/2015	Subdivision - Torrens Title	196	Robertson Road	MUDGE
DA0196/2016	Subdivision - Torrens Title	1276	Ullamall Road	ULLAMALLA
DA0178/2014	Subdivision - Torrens Title	7291	Castlereagh Highway	ILFORD
DA0157/2016	Dual Occupancy	14	Loy Avenue	MUDGE
DA0153/2015	Swimming Pool	19	Nashs Flat Place	MUDGE
DA0007/2016	Dwelling House	173	McMurrays Lane	WINDEYER
DA0050/2015	Dwelling House	3634	Bylong Valley Way	RYLSTONE
DA0134/2015	Dwelling House	4156	Lue Road	CAMBOON
DA0135/2015	Dwelling House	4156	Lue Road	CAMBOON
DA0170/2016	Dwelling House	155	Spring Flat South Lane	SPRING FLAT
DA0135/2016	Dwelling House	31	Strikes Lane	EURUNDEREE
DA0184/2016	Dwelling House	99	Merinda Street	HARGRAVES

## Monthly Development Application Processing Report – December, 2015

### Heritage Development Applications currently being processed –December, 2015.

App/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGE
DA0098/2016	Alterations & Additions	49	Church Street	MUDGE
DA0114/2016	Commercial Alterations/Additions	49	Church Street	MUDGE
DA0148/2016	Alterations & Additions	117	Gladstone Street	MUDGE
DA0162/2016	Demolition	21	Court Street	MUDGE
DA0177/2016	secondary dwelling	68	Lewis Street	MUDGE
DA0180/2016	Change of use	65	Church Street	MUDGE
DA0199/2016	Demolition	63	Horatio Street	MUDGE
DA0200/2016	Change of use	5	Lovejoy Street	MUDGE
DA0201/2016	Carport	19	Anderson Street	GULGONG

## Item 9: Finance

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### 9.1 Financial Assistance Applications

REPORT BY THE CHIEF FINANCIAL OFFICER TO 17 FEBRUARY 2016 COUNCIL MEETING  
Financial Assistance Report to February 2016  
GOV400054, FIN300052

#### RECOMMENDATION

##### That Council:

1. receive the report by the Chief Financial Officer on the Financial Assistance Applications;
2. provide an in-kind contribution to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:

Mudgee Sporting Clays Inc.	\$150
Pioneer Auxiliary Ladies P.A.L.S	\$204
Western NSW Community Legal Centre	\$121
3. not collect a facility hire bond from the following applicant for the event detailed in this report:

Pioneer Auxiliary Ladies P.A.L.S
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4. not support the following requests for financial assistance, for the reasons provided in the report:

LOBO Oz – Gary Weeks
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#### Executive summary

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

#### Disclosure of Interest

Nil.

#### Detailed report

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



*MUDGEES SPORTING CLAYS INC.*

Mudgee Sporting Clay Target Association has been operating in the Local Government Area for over thirty five years, attracting many visitors to our region for clay shooting events.

Mudgee Sporting Clays Inc. are charged for their waste upon delivery at Mudgee Waste Depot, which is only usually required after a two day event. They have requested financial assistance to cover the cost of tipping fees throughout the year.

It is recommended to provide financial assistance of \$150.00 which would be equivalent to one year's rubbish disposal.

Link to Community Plan: *Strategy 1.4.1. Support programs which strengthen the relationships between the range of community groups.*

*PIONEER AUXILIARY LADIES - P.A.L.S*

The members of PALS would like to thank Council for allowing them the use of the Stables in 2015 at no cost and would like to request use of the Stables again this year to hold card parties. These events are used to raise funds towards the purchase of equipment at Pioneer House.

The complex is required 4 times throughout the year at a cost of \$51 per afternoon. It is recommended that Council provide in-kind support of \$204. Note a facility hire bond will not be collected for this event, however if any damage should arise as a result of this event, the applicant will be liable for the cost.

Link to Community Plan: *Strategy 1.1.3. Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles.*

*WESTERN NSW COMMUNITY LEGAL CENTRE INC.*

The Western NSW Community Legal Centre Inc is an extremely valued service which offers Mid-Western residents free legal advice. In prior years, Council has supported this worthy cause by in-kind support for hire of the Mudgee Library meeting room. We again recommend their application for hire of the Mudgee Library meeting room to the value of \$121.

Link to Community Plan: *Strategy 1.1.1. Maintain the provision of high quality, accessible community services that meet the needs of our community.*

*APPLICATIONS NOT RECOMMENDED***LOBO OZ – Gary Weeks**

LOBO OZ is the Lancair Owners and Builders Organisation Australian chapter, which hopes to raise awareness, improve safety and maintenance of amateur built experimental high performance aircraft. They have a number of private aircraft which will be landing at Mudgee Airport for a safety seminar. They have requested waiver of landing fees for their privately owned aircraft. Landing fees would be about \$15 per aircraft.

Council staff do not recommend support of this application as it does not support the community or region, and is a private event.

## Community Plan implications

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

## Financial implications

Funding of \$148,000 is provided in the 2015/16 Operational Plan for Financial Assistance. \$138,190 has been allocated to date (\$500 to Rylstone Uniting Church – Minute 389/15 were unable to utilise this donation and therefore have returned funds to budget, leaving a balance of \$10,784). Should Council approve the December 2015 financial assistance applications as recommended, it will leave a balance of \$10,309.

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

29 January 2016

*Attachments:* 1. Applications for financial assistance

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## ATTACHMENT 1

## MUDGEE SPORTING CLAYS INC.

17/12/2015  
C/- Secretary  
161 Denison St  
MUDGEE NSW 2850  
PH. 63722710 MOB. 0429722720

Dear Sir/Madam

The above mentioned club is a local clay target shooting association that has been operating in the local shire for over thirty five years. We have twice hosted the Australian Nationals, once in the year 2000 and again in 2014. These events have attracted clay target competitors from all over Australia and New Zealand. We also have hosted the NSW State Championship event on numerous occasions, which attracts many families to our area. Of course while in the Mudgee shire, they mainly stay in local motels or hotels and utilise local restaurants.

Our main concern now is that council has decided to charge our club for tipping fees. We have in the past always done the right thing by transferring our rubbish to the Mudgee tip without any cost to our club, which we appreciate. As we operate on crown land, we as a club do not pay council rates. Any profit that we make goes into improvements, which attracts more competitors to our club. It is hard to estimate the volume of rubbish that we dispose of throughout the year, but we mainly need to do so called tip runs after we host any two day events. The rubbish consists of food scraps and empty plastic shotgun cases, which I do not believe would be recyclable.

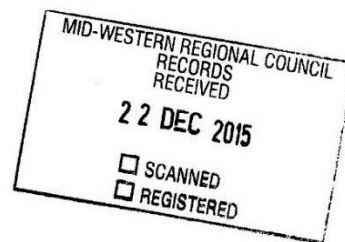
We are asking council if they would be prepared to help our club with financial assistance by dropping any tip fees. This would go a long way in helping our club run successful events throughout the year. We look forward to your reply.

Regards  
Max Holland

**P.A.L.S.**  
**Pioneer Auxiliary Ladies**  
*Pioneer House Aged Care, Court Street, Mudgee 2850*

Pioneer House Auxiliary Ladies  
President  
Susan Keirans  
Court Street  
Mudgee 2850.

Attention  
Neil Bungate  
Grants Officer  
Mid West Regional Council  
Market St  
Mudgee 2850



Dear Sir

The members of PALS would like to thank the council for allowing us the use of the Stables in 2015 at no cost and would like to inquire if these facilities will be able to be used again this year.

The venue was very popular with our card players which allowed us to raise a considerable sum to help with purchases for the residents of Pioneer House. The proceeds of this year's fund raising went to buying special pressure mattresses.

The dates we will require the Stables are Fri 18<sup>th</sup> Mar, 20<sup>th</sup> May, 15<sup>th</sup> Jul, and 16<sup>th</sup> Sept. So again I say thank you very much and hope that we can use the venue again this year

Yours Sincerely

Marie Mclean  
Secretary

---

**From:** Paul O'Keeffe [Paul\_O'Keeffe@clc.net.au]  
**Sent:** Thursday, 14 January 2016 4:33 PM  
**To:** Simon Jones  
**Subject:** CLC use of Mudgee Library

Dear Simon,

I am writing to ask if the Western NSW Community Legal Centre could again make use the Mudgee Library for our monthly free legal advice appointments.

As in the past, we would seek to use one meeting room in the Library on the first Tuesday of each month from 10:00 am until 12:00 midday.

If this proposal meets with yours and Council's approval, I will converse further with Michelle around the calendar for the year. At this stage I have given her draft dates as forewarning if approval is granted.

Many thanks for your consideration with this matter.

Yours faithfully

Paul

**Paul O'Keeffe** | Family Law Solicitor  
**Western NSW Community Legal Centre Inc**

**Ph:** 6884 9422 | **Fx:** 6884 9397  
**Email:** [Paul\\_O'Keeffe@clc.net.au](mailto:Paul_O'Keeffe@clc.net.au)

**From:** Gary Weeks <g.weeks550@gmail.com>  
**Sent:** Wednesday, 13 January 2016 7:18 PM  
**To:** Council  
**Cc:** Gary Linda Weeks  
**Subject:** LOBO Oz safety seminar fly-in Mudgee 19th to 21st February.

Dear Airport Operator,

I am writing to you to ask the council if they would consider sponsoring LOBO Oz in the way of waiving landing fees for the aircraft arriving to attend our upcoming safety seminar.

LOBO Oz is the Australian chapter of the Lancair Owners and Builders Organisation in the USA which was formed to help raise awareness, improve safety and maintenance of amateur built experimental high performance aircraft.

We have members flying into Mudgee from all states of Australia and our guest speaker has flown from the USA to attend.

Saturday is our big day as far as the safety presentation - to be held at the Hangar House with a dinner in town that evening. Whilst I don't have exact numbers as yet, we do have many rooms already booked in Mudgee and are expecting a good number of aircraft to fly in.

Mudgee airport was chosen as it has great facilities and a wonderful country town with a variety of most interesting things for our guests to do.

I hope the council can consider this request as it most certainly would be seen as a significant effort in supporting our aviation community.

Kind Regards

Gary Weeks

0416055011



## 9.2 Amended 2015/16 Fees and Charges – Submissions received

REPORT BY THE CHIEF FINANCIAL OFFICER TO 17 FEBRUARY 2016 COUNCIL MEETING  
Fees and Charges Amendment Submissions received  
GOV400054, FIN300064, FIN300040

### RECOMMENDATION

That:

1. the report by the Chief Financial Officer on the Amended 2015/16 Fees and Charges – Submissions be received;
2. Council thank Mr Whitehall for his submission and note his concerns over the 2015/16 Building Regulation fee structure;
3. Council staff perform a thorough review of all Building Regulation fees during the fee and charge setting process for 2016/17, ensuring that the Full Cost Recovery and Reference principles are maintained;
4. The following amended fee structure take effect as advertised, with no further changes recommended at this point of the financial year:

#### Appointment of Principal Certifying Authority and Building Compliance Inspections

##### *Inspection Package Fees where Council is the Principal Certifying Authority*

Residential Single Dwellings -	\$560.00
Residential Dual Occupancies	\$327.00
Section 68 Transportable Home	
Alterations and garages ≤ \$50,000	\$222.00
Alterations and garages > \$50,000	\$337.00
Residential Units	\$327.00
Commercial or Industrial Class 2-9 under 300m2	\$95.00
Commercial or Industrial Class 2-9 from 300m2 to 2,000m2	\$559.00
Commercial or Industrial Class 2-9 over 2,000m2	\$907.00

### Executive summary

This report reviews submissions received for the Building Regulation Fees and Charges, amended at the November 2015 Ordinary Council Meeting.

### Disclosure of Interest

Nil.

### Detailed report

Due to some community concern that fees charged by Council when Council is acting as the Principal Certifying Authority (PCA) in a development may be anti-competitive, a clarification of the breakdown

of PCA fees was recommended. There was no change to the existing fee amounts for these activities, but the fees were broken down into components to provide clarification and consistency. These fees and charges were required to go onto public exhibition for 28 days, before taking effect if no submissions were received. After the report was referred to Council, a single submission was received regarding the fee amounts for these particular fees. This submission is provided as an attachment to this report.

The Local Government Act 1997 prescribes that Councils Fees and Charges are to be set within the draft Operating Plan, however allow for changes where a new service or changed service is provided, or where the regulations with which the fee is determined are amended:

#### *610F Public notice of fees*

- (1) A council must not determine the amount of a fee until it has given public notice of the fee in accordance with this section and has considered any submissions duly made to it during the period of public notice.*
- (2) Public notice of the amount of a proposed fee must be given (in accordance with section 405) in the draft operational plan for the year in which the fee is to be made.*
- (3) However, if, after the date on which the operational plan commences:*
  - (a) a new service is provided, or the nature or extent of an existing service is changed, or*
  - (b) the regulations in accordance with which the fee is determined are amended,**the council must give public notice (in accordance with section 705) for at least 28 days of the fee proposed for the new or changed service or the fee determined in accordance with the amended regulations.*

As such, the recommendation is that these fees be reviewed thoroughly and with a particular focus on ensuring the principles of Referencing and Full Cost Recovery be maintained. However, due to the requirements of the Local Government Act, any further changes to these fees should be developed within the parameters and requirements of the 2016/17 Operational Plan.

Council staff have reviewed the calculated fees in comparison to nearby LGA fees of a similar category, and to other private operators. In both cases, the existing fees are not considerably out of line with the compared fees. If these fees were considerably different, it would warrant an earlier full review, however it is more appropriate to complete this review as part of the Operational Plan procedure, and there is no legitimate reason to expedite this review.

## Community Plan implications

<b>Theme</b>	<b>Good Government</b>
Goal	An Effective and Efficient Organisation
Strategy	Prudently manage risks associated with all Council activities.

## Financial implications

The fees and charges for Building Regulations are accounted for in the 2015/16 Operational Plan. Any changes to the fees and charges would impact the amount of revenue collected for this function, and a variation may need to be processed in a future Quarterly Business Review. No further change is currently recommended, therefore should the recommendation be approved as it stands, no impact to revenue budgets is anticipated.

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

5 February 2016

*Attachments:* 1. Submission from Mr Whitehall

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## ATTACHMENT 1

**From:** PETER WHITEHALL [<mailto:pwhitehall@bigpond.com>]  
**Sent:** Tuesday, 17 November 2015 1:04 PM  
**To:** Liz Densley <[Liz.Densley@midwestern.nsw.gov.au](mailto:Liz.Densley@midwestern.nsw.gov.au)>  
**Subject:** fees and charges

Thank you for your letter of 10.11.15

I note that the item going to council on 18.11.15 removes the free S68 approvals for all clients including council clients and that is to be applauded.

However the adjustment has resulted in Midwestern Regional Council offering the lowest inspection fees in NSW and certainly not within a bull's roar of cost recovery.

Council is required by National Competition Policy to charge fees which are at a minimum cost recovery when they are operating in a competitive area and most of the fees for both CC and CDC approvals and inspections are nowhere near cost recovery.

This means that council continues to operate unfairly.

I am cognisant of the fact that councils normally cannot amend their fees midway through a financial year unless there is a change brought on by regulation, however when a council's fees are currently unlawful I would be surprised if the Dept Local Government did not only say that council CAN change their fees to correct this midyear, but would be likely to say that council MUST change their fees to correct the situation.

Cost recovery means real cost recovery, and for a council that is going to involve a lot of factors - wages, on costs, vehicle costs, computer costs, office space costs, stationary costs, etc, etc.

I look forward to positive action by council on this matter.

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## 9.3 Quarterly Budget Review Statement December 2015

REPORT BY THE MANAGER, FINANCIAL PLANNING TO 17 FEBRUARY 2016 COUNCIL MEETING  
 Quarterly Budget Review December 2015  
 GOV400054, FIN300064,

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Financial Planning on the Quarterly Budget Review Statement December 2015;**
2. **amend the 2015/16 Operational Plan in accordance with the variations as listed in the quarterly budget review attachments; and**
3. **note the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure.**

### Executive summary

This report, with its incorporated attachments, makes up the December 2015 Quarterly Budget Review Statement of the 2015/16 Operational Plan. Proposed variations to the Operational Plan are included in the attachments, with relevant financial implications included below.

### Detailed report

Clause 203 of the Local Government (General) Regulation 2005 states that the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.

A budget review statement must include or be accompanied by:

- (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and
- (b) if that position is unsatisfactory, recommendations for remedial action.

#### GENERAL FUND

Council finished the 2015 financial year with an unrestricted cash balance of \$9.606 million. The 2016 Original Budget for General Fund as adopted by Council projected a negative movement to 30 June 2016 in unrestricted cash of \$319k. Council has since adopted the following budget movements, summarised below.

VARIATION	AMOUNT (\$'000)	MOVEMENT
Original Budget	(319)	Deterioration
Revotes	(408)	Deterioration
Council Minutes – July to Dec	(1,888)	Deterioration
September QBR	(747)	Deterioration



VARIATION	AMOUNT (\$'000)	MOVEMENT
December QBR proposed variations	(93)	Deterioration
<b>Estimated movement to 30 June 2016</b>	<b>(3,455)</b>	<b>Deterioration</b>
Projected balance at 30 June 2016	6,151	

A projected unrestricted cash balance of \$6.151 million represents about 5.6 weeks of Council's 2015/16 operating expenditure budget. This is a high level of unrestricted cash, and is adequate to ensure Council is able to meet its debts and obligations as they fall due.

#### VARIATIONS

Proposed variations to the 2015/16 Operational Plan for General Fund are included in the quarterly budget review attachments (attachment 1).

#### Roads to Recovery

Positive unrestricted cash variations totalling \$319,273 are proposed to transfer unspent Roads to Recovery Funding to current cash funded projects. Those previously cash funded projects are:

- Sealing Maintained Lanes in Gulgong (\$53,000)
- Spring Ridge Road Culvert Replacement (\$85,000)
- Unsealed Local Roads Resheeting Program (\$181,273).

Cost savings have been achieved in completed Roads to Recovery projects at:

- Spring Flat Road (\$26,843)
- Black Springs Road (\$23,285)
- Lue Road Segment 350 (\$30,245).

Cost savings are estimated to be achieved at:

- Church Street (\$23,000)
- Magpie Lane (\$45,000)
- Yarrabin Road Segment 140 (\$10,000)
- Yarrabin Road Segments 20,30,40 (\$43,700)
- Windeyer Road (\$37,000)
- Bocoble Road (\$13,700)
- Lue Road Segments 80, 90 (\$6,500)
- Narrango Road Segment 20 (\$30,000)

Rural Reseal of Narrango Road Segment 30 (\$30,000) was completed in 2014/15 and is proposed to be cancelled.

#### Unsealed Local Roads Grading Program

A negative variation of \$300,000 is proposed to increase the unsealed local roads grading program budget. At our current grading rate we would require an additional \$435,000 to meet the 818km level of service in the asset management plan.

#### WATER FUND

Council finished the 2015 financial year with a Water Fund cash balance of \$9.862 million, made up of:

RESTRICTED/UNRESTRICTED	AMOUNT (\$'000)
S64 Developer Contributions	4,491
Water Reserves	2,272
Unspent Grants	1

Unrestricted	3,098
<b>Total</b>	<b>9,862</b>

Council has a large amount of capital works budgeted within the 2015/16 and 2016/17 Operational Plans, funded from restricted cash which will see these balances depleted, once complete.

The 2016 Original Budget for Water Fund, as adopted by Council, projected a positive movement to 30 June 2016 in unrestricted cash of \$199k.

Subsequent to the Original Budget, Council has adopted budget variations as summarised below:

<b>VARIATION</b>	<b>AMOUNT (\$'000)</b>	<b>MOVEMENT</b>
Original Budget	199	Improvement
Revotes	0	Nil
September QBR	(6)	Deterioration
December QBR proposed variations	(5)	Deterioration
<b>Estimated movement to 30 June</b>	<b>188</b>	<b>Improvement</b>
Projected balance at 30 June 2016	<b>3,286</b>	

Proposed variations to the 2015/16 Operational Plan for Water Fund are included in the quarterly budget review attachments (attachment 1).

#### *SEWER FUND*

Council finished the 2015 financial year with a Sewer Fund cash balance of \$8.442 million, made up of:

<b>RESTRICTED/UNRESTRICTED</b>	<b>AMOUNT (\$'000)</b>
S64 Developer Contributions	2,037
Sewer Reserves	3,784
Unrestricted	2,621
<b>Total</b>	<b>8,442</b>

Council has a large amount of capital works budgeted within the 2015/16 and 2016/17 Operational Plans, funded from restricted cash which will reduce these balances, once complete.

The 2016 Original Budget for Sewer Fund as adopted by Council projected a negative movement to 30 June 2016 in unrestricted cash of \$1.090 million.

Subsequent to the Original Budget, Council has adopted budget variations as summarised below:

<b>VARIATION</b>	<b>AMOUNT (\$'000)</b>	<b>MOVEMENT</b>
Original Budget	(1,090)	Deterioration
Revotes	0	Nil
September QBR	(6)	Deterioration
December QBR proposed variations	0	Nil
<b>Estimated movement to 30 June 2016</b>	<b>(1,096)</b>	<b>Deterioration</b>
Projected balance at 30 June 2016	<b>1,525</b>	

Proposed variations to the 2015/16 Operational Plan for Sewer Fund are included in the quarterly budget review attachments (attachment 1).

#### *WASTE FUND*

Council finished the 2015 financial year with a Waste Fund cash balance of \$4.130 million, made up of:

<b>RESTRICTED/UNRESTRICTED</b>	<b>AMOUNT (\$'000)</b>
Waste Reserves	2,827
Unspent Grants	0
Unrestricted	1,303
<b>Total</b>	<b>4,130</b>

The 2016 Original Budget for Waste Fund as adopted by Council projected a negative movement to 30 June 2016 in unrestricted cash of \$272k.

Subsequent to the Original Budget, Council has adopted budget variations as summarised below:

<b>VARIATION</b>	<b>AMOUNT (\$'000)</b>	<b>MOVEMENT</b>
Original Budget	(272)	Deterioration
Revotes	0	Nil
September QBR	0	Nil
December QBR proposed variations	87	Improvement
<b>Estimated movement to 30 June</b>	<b>(185)</b>	<b>Deterioration</b>
Projected balance at 30 June	1,118	

Proposed variations to the 2015/16 Operational Plan for Waste Fund are included in the quarterly budget review attachments (attachment 1).

#### *OTHER FUNDS*

No other funds include recommended variations this quarter.

#### *CERTIFICATION*

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005:

*As the Responsible Accounting Officer, it is my opinion that the December Quarterly Budget Review Statement for Mid-Western Regional Council indicates that Council's projected financial position as at 30 June 2016 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2015/16 financial year.*

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

## Community Plan implications

<b>Theme</b>	<b>Good Government</b>
Goal	Good Communications and Engagement
Strategy	Improve communications between Council and the community and create awareness of Council's roles and responsibilities
Goal	An Effective and Efficient Organisation
Strategy	Prudently manage risks associated with all Council activities

## Financial implications

Proposed variations to the 2015/16 Operational Plan are included in the quarterly budget review attachments (attachment 1). Financial implications are discussed in the attachments, and in the detailed report above.

NEIL BUNGATE  
MANAGER, FINANCIAL PLANNING

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

3 February 2016

*Attachments:* 1. December Quarterly Budget Review Attachments (included at the end of the business paper)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 9.4 Monthly statement of investment and bank balances as at 31 December 2015

REPORT BY THE MANAGER, FINANCIAL PLANNING TO 17 FEBRUARY 2016 COUNCIL MEETING  
 Monthly statement of investment and bank balances as at 31 December 2015  
 GOV400054, FIN300053

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Financial Planning on the Monthly statement of investment and bank balances as at 31 December 2015;**
2. **note the certification of the Responsible Accounting Officer.**

### Executive summary

The purpose of this report is to certify that Council's investments have been made in accordance with legal and policy requirements; provide information on the detail of investments and raise other matters relevant to Council's investment portfolio as required.

### Disclosure of Interest

Nil.

### Detailed report

As per Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer certifies that;

- a) this report sets out details of all money that the Council has invested under Section 625 of the Act, and
- b) all investments have been made in accordance with the Act, the regulations and Council's investment policies.

This report has been made up to the last day of the month preceding this meeting.

### Community Plan implications

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

## Financial implications

Not applicable.

NEIL BUNGATE  
MANAGER, FINANCIAL PLANNING

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

11 January 2016

*Attachments:*

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

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## ATTACHMENT 1

For the month ended:

31-Dec-15

Bank Account	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
National Australia Bank (Corporate Cheque Account)	\$ 294,861	\$12,441,413	\$ 12,764,360	\$ (28,085)	\$ 700,000

The bank balances have been reconciled to the General Ledger as at 31/12/2015

Investments	Type	Amount \$'000	Yield %	Maturity Date	Term
National Australia Bank	At Call	2,432	2.30%	NA	At Call
National Australia Bank	Term Deposit	1,000	3.00%	20/01/2016	217
National Australia Bank	Term Deposit	1,600	3.02%	6/07/2016	364
National Australia Bank	Term Deposit	1,000	3.00%	17/02/2016	196
National Australia Bank	Term Deposit	2,000	2.95%	2/03/2016	195
National Australia Bank	Term Deposit	1,500	2.95%	30/03/2016	196
National Australia Bank	Term Deposit	1,000	2.95%	13/04/2016	189
National Australia Bank	Term Deposit	1,200	2.98%	20/04/2016	189
National Australia Bank	Term Deposit	1,000	2.97%	27/04/2016	182
National Australia Bank	Term Deposit	1,000	2.91%	11/05/2016	182
St George Bank	Term Deposit	1,000	2.83%	6/01/2016	210
St George Bank	Term Deposit	1,500	2.80%	9/03/2016	189
St George Bank	Term Deposit	2,000	2.80%	16/03/2016	196
St George Bank	Term Deposit	2,500	2.79%	23/03/2016	196
Bankwest	Term Deposit	1,000	2.90%	27/01/2016	210
Bankwest	Term Deposit	1,000	2.90%	3/02/2016	210
Bankwest	Term Deposit	1,000	2.90%	10/02/2016	189
Bankwest	Term Deposit	2,300	2.85%	6/04/2016	189
Bankwest	Term Deposit	1,000	2.80%	27/04/2016	184
Bankwest	Term Deposit	1,500	3.00%	1/06/2016	189
Bankwest	Term Deposit	1,000	2.95%	8/06/2016	191
Bankwest	Term Deposit	2,000	2.95%	15/06/2016	198
Bankwest	Term Deposit	700	3.00%	13/07/2016	210
ANZ	Term Deposit	1,500	2.79%	27/01/2016	203
ANZ	Term Deposit	1,000	2.82%	24/02/2016	203
ANZ	Term Deposit	1,500	2.80%	24/02/2016	196
ANZ	Term Deposit	1,000	2.94%	29/06/2016	203
AMP	Term Deposit	1,000	2.90%	10/02/2016	196
AMP	Term Deposit	1,000	2.90%	17/02/2016	189
AMP	Term Deposit	1,500	2.90%	17/02/2016	182
Bank of Queensland	Term Deposit	1,500	3.00%	13/01/2016	217
Bank of Queensland	Term Deposit	1,300	2.85%	9/03/2016	191
Bank of Queensland	Term Deposit	2,000	3.00%	22/06/2016	203
Bendigo & Adelaide Bank	Term Deposit	1,500	2.85%	2/11/2016	364
ING Bank	Term Deposit	2,000	2.89%	4/05/2016	182
Members Equity Bank	Term Deposit	1,000	2.83%	3/02/2016	175
Members Equity Bank	Term Deposit	1,800	3.05%	27/07/2016	231
Peoples Choice C/Union	Term Deposit	2,000	2.93%	25/05/2016	189
Peoples Choice C/Union	Term Deposit	1,500	2.93%	18/05/2016	182
Family First Credit Union	Term Deposit	500	2.85%	20/04/2016	182
<b>Total Investments</b>		<b>55,832</b>			

## ATTACHMENT 2

## MWRC Policy Requirements:

Investments by Institution	Long/Short Term Ratings	Amount \$'000	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA-/A-1+	13,732	25%	25%
Bankwest	AA-/A-1+	11,500	21%	25%
St George Bank	AA-/A-1+	7,000	13%	25%
ANZ	AA-/A-1+	5,000	9%	25%
AMP	A+/A-1	3,500	6%	15%
Bank of Queensland	A-/A-2	4,800	9%	10%
Bendigo & Adelaide Bank	A-/A-2	1,500	3%	10%
ING Bank	A-/A-2	2,000	4%	10%
Members Equity Bank	BBB+/A-2	2,800	5%	10%
Peoples Choice C/Union	BBB+/A-2	3,500	6%	10%
Family First Credit Union	Unrated	500	1%	10%
		55,832	100%	

Investments by S&P Rating	Short Term Rating	Amount \$'000	% of Portfolio	
			Actual	Limit
Direct Securities	A-1+	37,232	67%	100%
	A-1	3,500	6%	60%
	A-2	14,600	26%	30%
	A-3	-	0%	20%
	Unrated	500	1%	10%
		\$ 55,832	100%	

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

Term to Maturity	Amount \$'000	% of Portfolio		
		Actual	Minimum	Maximum
Less than 1 year	55,832	100%	40%	100%
Between 1 and 3 years	-	0%	0%	60%
Between 3 and 5 years	-	0%	0%	50%
More than 5 years	-	0%	0%	25%
	55,832	100%		

**Monthly Investment Portfolio Activity:**

	Opening Balance	Redeem ed Balance	Re-invested Balance	Change in interest rate	Change in Term (days)	New Term Rate
Bank Accounts	\$'000	\$'000	\$'000			
National Australia Bank	2,235		2,432	-0.08%	0	2.95%
Bank of Queensland	2,000		2,000	0.05%	14	3.00%
AMP	1,000	1,000		Redeemed		
ME Bank			1,800	New Deposit		3.05%
ANZ (Mudgee Branch)	1,000	1,000		Redeemed		
ANZ			1,000	New Deposit		2.94%
ANZ (Mudgee)	1,300	1,300		Redeemed		
Bendigo & Adelaide Bank	1,000	1,000		Redeemed		
Bankwest			700	New Deposit		3.00%
	8,535		7,932			

Investment Portfolio Movement	(603)	Reduction
-------------------------------	-------	-----------

## 9.5 Monthly statement of investment and bank balances as at 31 January 2016

REPORT BY THE MANAGER, FINANCIAL PLANNING TO 17 FEBRUARY 2016 COUNCIL MEETING

Monthly statement of investment and bank balances as at 31 January 2016

GOV400054, FIN300053

### RECOMMENDATION

**That Council:**

1. **receive the report by the Manager, Financial Planning on the Monthly statement of investment and bank balances as at 31 January 2016;**
2. **note the certification of the Responsible Accounting Officer.**

---

### Executive summary

The purpose of this report is to certify that Council's investments have been made in accordance with legal and policy requirements; provide information on the detail of investments and raise other matters relevant to Council's investment portfolio as required.

### Detailed report

As per Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer certifies that;

- a) this report sets out details of all money that the Council has invested under Section 625 of the Act, and
- b) all investments have been made in accordance with the Act, the regulations and Council's investment policies.

This report has been made up to the last day of the month preceding this meeting.

### Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Prudently manage risk associated with all Council activities

## Financial implications

Not applicable.

NEIL BUNGATE  
MANAGER, FINANCIAL PLANNING

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

2 February 2016

*Attachments:*

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

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, appearing to be 'BRAD CAM', with a horizontal line extending to the right.

BRAD CAM  
GENERAL MANAGER

## ATTACHMENT 1

For the month ended:

31-Jan-16

Bank Account	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
National Australia Bank (Corporate Cheque Account) -\$	28,085	\$11,298,900	\$ 11,203,039	\$ 67,776	\$ 700,000

The bank balances have been reconciled to the General Ledger as at 31/01/2016

Investments	Type	Amount \$'000	Yield %	Maturity Date	Term
National Australia Bank	At Call	2,137	2.30%	NA	At Call
National Australia Bank	Term Deposit	1,600	3.02%	6/07/2016	364
National Australia Bank	Term Deposit	1,000	3.00%	17/02/2016	196
National Australia Bank	Term Deposit	2,000	2.95%	2/03/2016	195
National Australia Bank	Term Deposit	1,500	2.95%	30/03/2016	196
National Australia Bank	Term Deposit	1,000	2.95%	13/04/2016	189
National Australia Bank	Term Deposit	1,200	2.98%	20/04/2016	189
National Australia Bank	Term Deposit	1,000	2.97%	27/04/2016	182
National Australia Bank	Term Deposit	1,000	2.91%	11/05/2016	182
National Australia Bank	Term Deposit	1,000	3.05%	20/07/2016	196
St George Bank	Term Deposit	1,500	2.80%	9/03/2016	189
St George Bank	Term Deposit	2,000	2.80%	16/03/2016	196
St George Bank	Term Deposit	2,500	2.79%	23/03/2016	196
St George Bank	Term Deposit	1,000	3.02%	13/07/2016	189
Bankwest	Term Deposit	1,000	2.90%	3/02/2016	210
Bankwest	Term Deposit	1,000	2.90%	10/02/2016	189
Bankwest	Term Deposit	2,300	2.85%	6/04/2016	189
Bankwest	Term Deposit	1,000	2.80%	27/04/2016	184
Bankwest	Term Deposit	1,500	3.00%	1/06/2016	189
Bankwest	Term Deposit	1,000	2.95%	8/06/2016	191
Bankwest	Term Deposit	2,000	2.95%	15/06/2016	198
Bankwest	Term Deposit	700	3.00%	13/07/2016	210
Bankwest	Term Deposit	1,000	2.93%	17/08/2016	203
ANZ	Term Deposit	1,000	2.82%	24/02/2016	203
ANZ	Term Deposit	1,500	2.80%	24/02/2016	196
ANZ	Term Deposit	1,000	2.94%	29/06/2016	203
AMP	Term Deposit	1,000	2.90%	10/02/2016	196
AMP	Term Deposit	1,000	2.90%	17/02/2016	189
AMP	Term Deposit	1,500	2.90%	17/02/2016	182
Bank of Queensland	Term Deposit	1,300	2.85%	9/03/2016	191
Bank of Queensland	Term Deposit	2,000	3.00%	22/06/2016	203
Bank of Queensland	Term Deposit	800	3.10%	3/08/2016	203
Bendigo & Adelaide Bank	Term Deposit	1,500	2.85%	2/11/2016	364
Members Equity Bank	Term Deposit	1,000	2.83%	3/02/2016	175
Members Equity Bank	Term Deposit	1,800	3.05%	27/07/2016	231
Members Equity Bank	Term Deposit	1,500	3.09%	10/08/2016	196
Peoples Choice C/Union	Term Deposit	2,000	2.93%	25/05/2016	189
Peoples Choice C/Union	Term Deposit	1,500	2.93%	18/05/2016	182
Family First Credit Union	Term Deposit	500	2.85%	20/04/2016	182
ING Bank		2,000	2.89%	4/05/2016	182
<b>Total Investments</b>		<b>54,837</b>			



## ATTACHMENT 2

**MWRC Policy Requirements:**

Investments by Institution	Long/Short Term Ratings	Amount \$'000	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA-/A-1+	13,437	25%	25%
Bankwest	AA-/A-1+	11,500	21%	25%
St George Bank	AA-/A-1+	7,000	13%	25%
ANZ	AA-/A-1+	3,500	6%	25%
AMP	A+/A-1	3,500	6%	15%
Bank of Queensland	A-/A-2	4,100	7%	10%
Bendigo & Adelaide Bank	A-/A-2	1,500	3%	10%
ING Bank	A-/A-2	2,000	4%	10%
Members Equity Bank	BBB+/A-2	4,300	8%	10%
Peoples Choice C/Union	BBB+/A-2	3,500	6%	10%
Family First Credit Union	Unrated	500	1%	10%
		<b>54,837</b>	<b>100%</b>	

Investments by S&P Rating	Short Term Rating	Amount \$'000	% of Portfolio	
			Actual	Limit
Direct Securities	A-1+	35,437	65%	100%
	A-1	3,500	6%	60%
	A-2	15,400	28%	30%
	A-3	-	0%	20%
	Unrated	500	1%	10%
		<b>\$ 54,837</b>	<b>100%</b>	

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

Term to Maturity	Amount \$'000	% of Portfolio		
		Actual	Minimum	Maximum
Less than 1 year	54,837	100%	40%	100%
Between 1 and 3 years	-	0%	0%	60%
Between 3 and 5 years	-	0%	0%	50%
More than 5 years	-	0%	0%	25%
	<b>54,837</b>	<b>100%</b>		

## ATTACHMENT 3

**Monthly Investment Portfolio Activity:**

The below table shows monthly investment activity within the portfolio including investments that have matured and have been redeemed or re-invested, and new investments placed.

<b>Bank Accounts</b>	<b>Opening Balance \$'000</b>	<b>Redeemed Balance \$'000</b>	<b>Re-invested Balance \$'000</b>	<b>Change in interest rate</b>	<b>Change in Term (days)</b>	<b>New Term Rate</b>
National Australia Bank	2,432		2,137	-0.08%	0	2.95%
St George Bank	1,000		1,000	0.19%	-21	3.02%
National Australia Bank			1,000	New Deposit		3.05%
Bank of Queensland	1,500	700	800	0.10%	-14	3.10%
National Australia Bank	1,000	1,000				
Bankwest	1,000		1,000	0.03%	-7	2.93%
ANZ	1,500	1,500		Redeemed		
ME Bank			1,500	New Deposit		3.09%
	<b>8,432</b>		<b>7,437</b>			

<b>Investment Portfolio Movement</b>	<b>(995)</b> Reduction
--------------------------------------	------------------------

## 9.6 Transfer of Closed Road at Merotherie to Crown - Allotment 9 DP 1083440

REPORT BY THE REVENUE & PROPERTY MANAGER TO 17 FEBRUARY 2016 COUNCIL MEETING  
Transfer of Closed Road at Merotherie to Crown  
GOV400054, R0790175

### RECOMMENDATION

#### That Council:

1. **receive the report by the Revenue & Property Manager on the Transfer of Closed Road at Merotherie to Crown – Allotment 9 DP 1083440;**
2. **approve the transfer of Allotment 9 DP 1083440 to the Crown and give consent to the Department of Primary Industries Lands to amend the vesting of the Allotment to the Crown by way of notice in the Government Gazette;**
3. **note that all costs in relation to the transfer of Allotment 9 DP 1083440 to the Crown are to be borne by the Crown;**
4. **authorise the General Manager to sign all documents necessary to transfer Allotment 9 DP 1083440 to the Crown;**
5. **authorises the affixing of the Common Seal to all documents necessary to transfer Allotment 9 DP 1083440 to the Crown.**

---

### Executive summary

The purpose of this report is to seek Council's approval to transfer Allotment 9 DP 1083440 (the Allotment) from Council to The State of New South Wales (the Crown).

### Disclosure of Interest

Nil.

### Detailed report

Road closing applications were lodged by private landholders and Council to close Crown and unformed Council roads at Merotherie in 2004 and 2008, respectively. The closures related to a road realignment and the Allotment was one of a number land parcels created from the Crown Road Reserve.

The 3,300m<sup>2</sup> Allotment was to vest in the Crown upon its closure and was to be sold by the Crown to the adjoining landholder.

However, Council has recently received advice from the Department of Primary Industries - Lands (DPI) that the title to the Allotment was incorrectly created by the DPI in the name of Mid-Western Regional Council and dedicated as Council Public Road. The Certificate of Title was never issued

to Council and Council was unaware of this situation until advised by the DPI. The DPI's advice is appended as Attachment 1 to this Report.

Effectively, due to this error, instead of being held as Freehold land, the Allotment's tenure is still of that of a Road, but an unformed Public Road owned by Council.

Consequently, Crown is unable to transfer the Allotment into the landholder's name as originally planned and requests Council's approval and consent to transfer the Allotment into the Crown's ownership by way of amending the vesting of the road to the Crown via Government Gazette. The Crown will then be able to facilitate the sale of the Allotment to the adjoining landholder.

Council's records confirm that at no point in time was the Allotment to be transferred into Council's ownership.

Given the circumstances, it is recommended that Council approve the transfer of the Allotment to the Crown.

### Community Plan implications

Theme	Connecting Our Region
Goal	Efficient connection of the region to major towns and cities
Strategy	Create a communication network that services the needs of our residents and businesses.

### Financial implications

All costs in relation to the transfer of Allotment 9 DP 1083440 to the Crown are to be borne by the Crown.

DIANE SAWYERS  
REVENUE AND PROPERTY MANAGER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

27 January 2016

*Attachments:* 1. Request from Department of Primary Industries - Lands, dated 12/10/2015

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER

## ATTACHMENT 1



Department of  
Primary Industries  
Lands

File Reference: 08/10417  
Account No: W410377

Property  
R079075

PO Box 2215, DANGAR NSW 2309  
Phone: 1300 886 235 (Option 2)  
Fax: (02) 4925 3517  
[roads.newcastle@crowmland.nsw.gov.au](mailto:roads.newcastle@crowmland.nsw.gov.au)  
[www.crowmland.nsw.gov.au](http://www.crowmland.nsw.gov.au)

12 October 2015

Manager Property Services  
Mid-Western Regional Council  
PO Box 156  
MUDGEE NSW 2850



Dear Sir/Madam

**RE: ROAD CLOSINGS W410377 IN MEROTHERIE**

Reference is made to a road closing application (W410377) lodged in August 2008 by Mid-Western Regional Council, Uarbrie Pty Limited and James Brydone Bowman to close Crown and unformed Council roads in Merotherie. Please see attached reference Diagram ("A") and a copy of the original application ("B").

A surveyed plan (DP1083440), creating the road lots, is also attached ("C").

The closures are related to a road re-alignment and were in 2 parts. As per the application, Lots 6 & 7 were to be vested in Council to then be given to the landholders in compensation (this has been completed, see Diagram "A"), while Lots 8, 9, 10, 11 & 12 were to vest in the Crown and were to be sold to the landholders (Uarbrie Pty Limited and James Brydone Bowman).

The landholders have paid for the roads (Lots 8, 9, 10, 11 & 12) and the next step is to transfer the roads into their names. However, the title for Lot 9 has been incorrectly created in the name of Mid-Western Regional Council rather than The State of New South Wales (see attachment "D"). While it remains under Council's name, we are unable to transfer the roads into the landholder's name.

The Department therefore requests Mid-Western Regional Council's consent to the Department amending the vesting of the road to Crown via Government Gazette, then proceeding with the sale to Mr Bowman.

Please provide Council's comments and/or consent in writing.

If you require further information, please contact me on 02 4920 5060 or via email at [jodie.tersteeg@crowmland.nsw.gov.au](mailto:jodie.tersteeg@crowmland.nsw.gov.au).




Yours faithfully

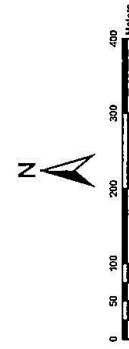
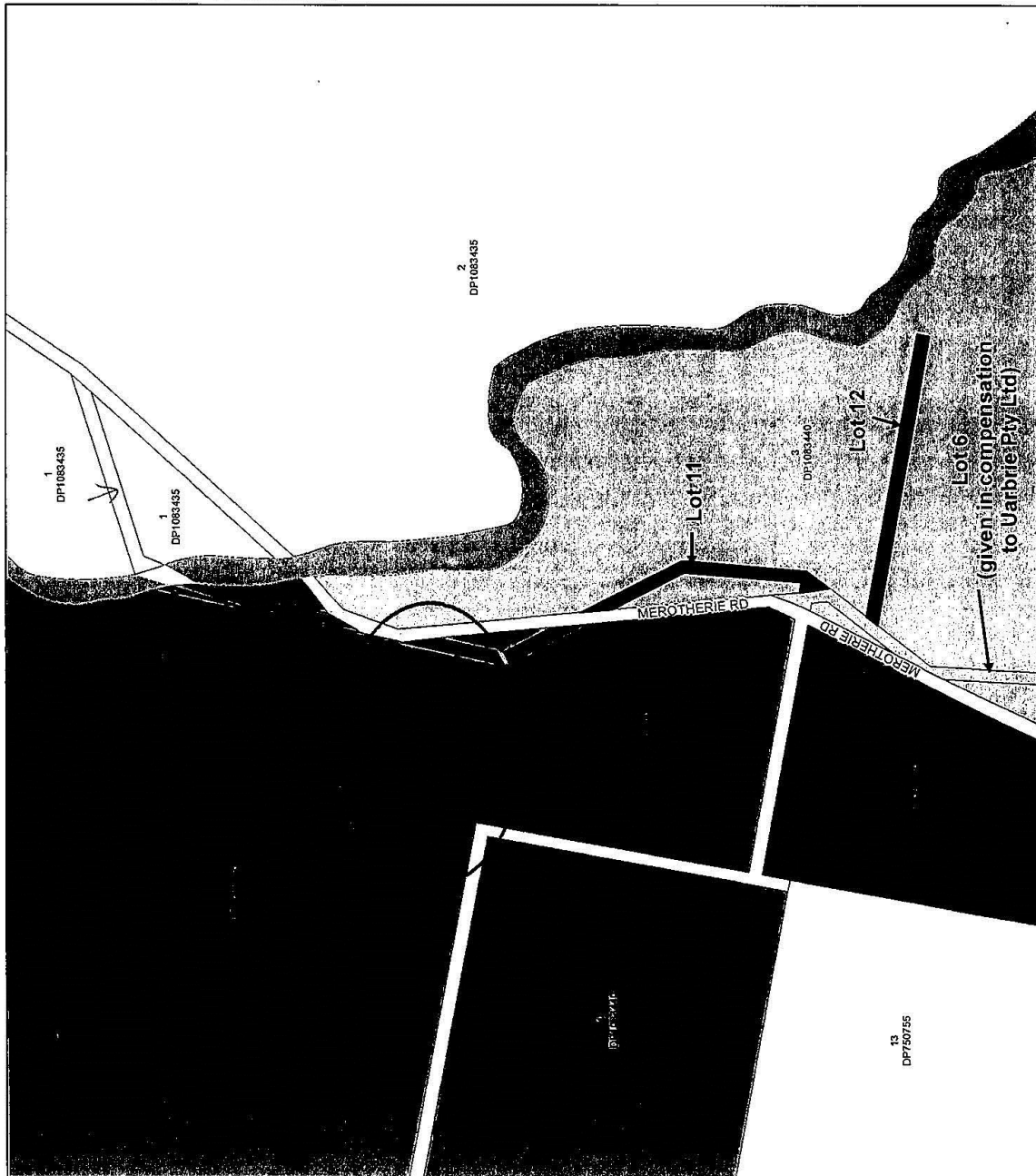
Jodie Tersteeg  
DPI - Lands Business Centre

A

# Proposed Closure of Public Roads

LGA: MID-WESTERN REGIONAL  
LOCALITY: MEROTHERIE  
PARISH: MEROTHERIE  
COUNTY: BLIGH

Legend	
	UARBRIE PTY LIMITED
	JAMES BRYDONE BOWMAN
	Roads yet to be closed



Department of  
Primary Industries  
Lands

Disclaimer:  
The information contained in this map has been provided in good faith.  
The Department of Primary Industries does not accept any liability for  
any loss or damage that may result from the use of this information.  
Copyright Crown Lands, 2014

User: SUTERSTEEG Date: 01/05/2015



B

W410377

CL31-30 page 1 of 4  
(08FEB2005)

<p align="center"><b>ROADS ACT 1993</b>  <b>APPLICATION TO CLOSE A PUBLIC ROAD</b>          Please read the attached information sheet prior to completing this application form.</p>
---

Department of Lands

APPLICANT(S) **MID - WESTERN REGIONAL COUNCIL - MUDGEE**  
 (insert full name(s) of applicant(s) in BLOCK LETTERS)

ADDRESS **PO BOX 156**  
 (insert postal address for receipt of correspondence)

**MUDGEE NSW 2850 0263782850 63782815**  
 Town / Suburb Postcode Phone number Fax number

hereby apply for the closing of the public road described in Section 1 below. The information required in Sections 1 to 4 is provided and an advance of \$767.30 towards application processing costs, is lodged with this application.

SECTION 1 - DESCRIPTION OF PUBLIC ROAD PROPOSED TO BE CLOSED			
Town / Locality	<b>MUDGEE</b>		
Local Govt Area	<b>MUDGEE</b>		
Parish	<b>MUDGEE</b>		
County	<b>BIRCH</b>		
General text description of road	<p><b>TWO PORTIONS OF MUDGEE ROAD SOUTH OF THE TALBRAGAR RIVER - SEE ATTACHED COPY OF SUBDIVISION PLAN REF: 2000-21A (RE LOTS 6 &amp; 7)</b></p>		
Supply Diagram	<p>road proposed to be closed shown by <b>BLUE</b> colour on attached diagram. Area : about <b>3.03</b> sq-m / ha. Include a copy of any relevant map or sketch to show clearly the locality, the boundaries &amp; dimensions of the road proposed to be closed plus the land title boundaries of adjoining properties. Also show the position and type of any fencing and buildings / structures adjoining the road and any reticulation services (eg. power or telephone lines, water, sewer or gas pipes, drains) within the road boundaries.</p>		
Objective	<p><input checked="" type="checkbox"/> To close an unnecessary public road.</p> <p><input type="checkbox"/> To purchase the whole or part of the road if closed and to offer a price of \$ _____ for the lot or \$ _____ per sq m / ha for the part of the land indicated on the attached diagram (see note below).</p> <p><input type="checkbox"/> Other purpose (please specify). <b>IT IS PROPOSED TO ACQUIRE LOTS 6 &amp; 7 AND OFFER THEM AS COMPENSATION FOR THE ROAD BEING OPENED (SEE PLAN REF 2000-21A)</b></p>		
<p><small>NOTE: This application is primarily for the closing of a public road and is not, in the initial stage, considered as an application for any subsequent actions such as purchase of the land if the road is closed. However, an applicant (other than a Council) should indicate whether purchase of the land is an objective and if so provide an offer of a purchase price (the Department would have regard to the current market price of the land). While the application will be considered on its merits, no guarantee can be given as to its success or otherwise. At this stage, an applicant should not make any future plans or commitments based on the successful closure of road and the purchase of land. Please note that any other adjoining landowners may express an interest in purchasing a fair proportion of a closed road.</small></p>			
SECTION 2 - DETAILS OF LAND HELD BY APPLICANT IN VICINITY OF ROAD			
Portion or Lot / DP	Title Reference	PARISH	COUNTY

Private applicant, please complete Sections 3 & 4 overleaf. Council applicant, please complete Sections 3, 4 and 5, Section 2 may be unnecessary.

I / we understand that the fee lodged with this application is only an advance towards costs and that further costs and information may be called for during the course of the application process.

Signature(s) of applicant(s)

RECEIVED

Date

<p>LOGDE WITH Department of Lands</p> <p>At the local District Office</p> <p><b>GRAND LANDS NSW</b></p> <p>An applicant may provide additional information in a covering letter to further explain and support the application.</p>	<p align="center"><b>OFFICE USE ONLY</b></p> <p>Basic fee paid \$ _____ Receipt No. _____</p> <p>Application received _____ Date _____</p>
---	--

If further advice, assistance or information is required please contact the local district office of the Department of Lands.

CL31-30 page 2 of 4

(08FEB2005)

## SECTION 3 – DETAILS OF ANY CONSTRUCTION &amp; USE OF THE ROAD

Use	(provide a general statement on whether or not any use has been made of the road for access by the public or landowners in the last 5 years, or whether the road is needed for access to properties, rivers, creeks, lakes, beaches, public reserves, railway lines etc) --
	NO USE HAS BEEN MADE OF THESE ROADS BY THE PUBLIC IN THE PAST 50 YEARS. THE OWNERS OF THE ADJOINING LAND ("MERO-THERIE") J.B. BOWMAN + R.B. BOWMAN HAVE USED THE LAND FOR ACCESS, CRAZING + CROPPING
Services	(provide a list of any public authorities or persons that have reticulation services or lines laid within the road boundaries - please provide their written consent to the proposed road closing to facilitate action on the application - some may require the creation of easements in connection with the registration of a deposited plan, which shows the road to be closed) --
	NO SERVICES
Construction	(provide a brief statement on whether or not any construction of the public road has ever taken place - If so provide any known details such as the type of roadworks & structures, the surface material, maintenance works, the last type & date of work & whether the existing surface retains evidence of any former road construction or use)
	LOT 6 NOT FORMED NOW AGRICULTURAL (CROPPING) LAND LOT 7 WAS FORMED NOW USED PARTLY FOR ACCESS TO J.B. + M. BOWMAN'S HOUSE AND PARTLY FOR CRAZING
Unnecessary road	(provide a general statement on why the road is considered unnecessary, particularly if the road is at present constructed or used, or if separate action has been or is being taken by the Roads Authority to relocate the road to another position), --
	ROADS HAVE NOT BEEN IN USE FOR 50 YRS AS NEW ROAD WAS FORMED AND PUT INTO USE IN THE 1950's (ROAD TINTED PINK ON PLAN)
Proposed use	(provide a general statement of how you envisage the land will be used if the road is closed), --
	LAND WILL CONTINUE TO BE USED BY ADJOINING OWNERS FOR ACCESS AND FARMING ACTIVITIES (NO CHANGE IN PRESENT USE)
Vegetation & topography	(provide a general statement on the vegetation within the road boundaries and the nature of the terrain, particularly for a rural road),
	AGRICULTURAL LAND (CROPPING + CRAZING)

If further advice, assistance or information is required please contact the local district office of the Department of Lands.

CL31-30 page 3 of 4  
(00/EB2005)

SECTION 4 – AFFECTED ADJOINING OWNERS / PUBLIC UTILITIES	
DETAILS OF OWNERSHIP OF LAND ADJOINING THE ROAD	
<p>1. Portion / lot ..... DP 750755</p> <p>Owner(s) JB BOWMAN</p> <p>Address MEROTHERIE DUNEDOO 2544</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>	<p>2. Portion / lot ..... DP .....</p> <p>Owner(s) .....</p> <p>Address .....</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>
<p>3. Portion / lot ..... DP 750755</p> <p>Owner(s) VABRIE PTY LTD (JB BOWMAN)</p> <p>Address MEROTHERIE DUNEDOO 2544</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>	<p>4. Portion / lot ..... DP .....</p> <p>Owner(s) .....</p> <p>Address .....</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>
<p>5. Portion / lot ..... DP .....</p> <p>Owner(s) .....</p> <p>Address .....</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>	<p>6. Portion / lot ..... DP .....</p> <p>Owner(s) .....</p> <p>Address .....</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>
PUBLIC AUTHORITIES WITH AFFECTED PUBLIC UTILITIES (e.g. power lines, water pipes, gas pipes, drainage pipes, telephone lines)	
<p>Utility type .....</p> <p>Public Authority .....</p> <p>The proposed road closing has been discussed with the authority who has indicated the following views:</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written agreement to creation of easement attached</p>	<p>Utility type .....</p> <p>Public Authority .....</p> <p>The proposed road closing has been discussed with the authority who has indicated the following views:</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written agreement to creation of easement attached</p>
<p>Utility type .....</p> <p>Public Authority .....</p> <p>The proposed road closing has been discussed with the authority who has indicated the following views:</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written agreement to creation of easement attached</p>	<p>Utility type .....</p> <p>Public Authority .....</p> <p>The proposed road closing has been discussed with the authority who has indicated the following views:</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written agreement to creation of easement attached</p>

If further advice, assistance or information is required please contact the local district office of the Department of Lands.



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(08/11/2005)

SECTION 5 – FOR COMPLETION ONLY BY COUNCIL - IF THE LOCAL COUNCIL IS THE APPLICANT	
Council contact: _____ Phone: _____ Reference: _____	
Classified Roads Is the road to be closed a classified road? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (The written consent of the RTA is attached)	
Roads created in private subdivisions prior to 1920 (see note in information sheet on page 3) The land was set aside for the purposes of road in plan of subdivision DP _____	
<input type="checkbox"/> Title to the land remains as a residue of the subdivided title in the name of the original subdivider. The reference to title is Volume _____ Folio _____ <input type="checkbox"/> Council has made all necessary enquiries and on the basis of evidence has determined that the land is a public road by way of common law dedication (please provide a statement regarding the evidence relied upon) or <input type="checkbox"/> Council, pursuant to Section 16 of the Roads Act, has published a notice to dedicate the land as public road in the Government Gazette dated _____ folio _____	
COUNCIL ROAD (land will remain vested in Council if road is closed – sec. 38(2)(b) Roads Act) (Please tick the appropriate boxes to indicate the manner of intended disposal, which may arise from the closure of the public road. Where the land is to remain vested in Council on closure, Council should indicate below whether the land is to be vested as operational land or community land, see sec. 43)	
General statement outlining intended disposal / land use	<input type="checkbox"/> operational land: <input checked="" type="checkbox"/> sale to adjoining land owners* <input type="checkbox"/> sale by public auction or tender <input type="checkbox"/> sale by private treaty <input type="checkbox"/> retention of land for Council operations <input checked="" type="checkbox"/> other <u>SUBJECT LAND (LOTS 6+7) TO BE OFFERED AS COMPENSATION TO ADJOINING OWNER</u>
	<input type="checkbox"/> community land (if so please indicate the intended use) _____
	_____
	_____
<p>*If it is intended that the land be sold to adjoining land owners listed in Section 4, the statement could refer to "owner 1 - half width, owner 2 - full width" etc</p> <p>Note – A deposited plan, registered at the Office of Land and Property Information, NSW, will be called for from the Council prior to final closing action, after any objections have been considered and if the proposal is to proceed. The DP may be either a plan of survey, or a plan compiled from existing surveys and may show the whole of the road as one lot, or as a number of lots (plus easements) in accordance with a proposed disposal</p>	
COUNCIL ROAD (land will vest in the Crown if the road is closed – sec. 38(2)(c) Roads Act)	
<input type="checkbox"/> Road closing proposal initiated by Council <input type="checkbox"/> Road closing proposal initiated with Council by third party <input type="checkbox"/> Application costs have been submitted through Council by the third party	
Name(s) _____ Phone No. _____	
Address _____	
Objective _____	
JOINT ROAD OPENING / ROAD CLOSING- Proposal to close road in conjunction with a Council road opening	
<input checked="" type="checkbox"/> Comment regarding need to synchronise timing of road closing to coincide with Council acquisition of other land for road or construction and opening of new road. ROAD (PINK ON PLAN) TO BE DEDICATED ON REGISTRATION IS ALREADY IN USE. IT IS INTENDED TO OFFER THE PROPOSED CLOSED ROADS (LOTS 6+7) AS <input checked="" type="checkbox"/> Request for land in closed road to be given in compensation (For other land acquired by Council for the purposes of the Roads Act 1993, eg. a road opening associated with this road closing to improve the public road network for the benefit of the public – see section 44. Please provide details.) <u>COMPENSATION FOR THE ROAD IN USE (SEE SECTION 3)</u>	

If further advice, assistance or information is required please contact the local district office of the Department of Lands.



W410377

CL31-30 page 1 of 4  
(03DEC2002)

## ROADS ACT 1993

## APPLICATION TO CLOSE A PUBLIC ROAD

Please read the attached information sheet prior to completing this application form.

APPLICANT(S) J.B. BOWMAN & UARBRIE PTY LTD (R.B. BOWMAN)  
(insert full name(s) of applicant(s) in BLOCK LETTERS)ADDRESS "MEROTHERIE" DUNEDOO  
(insert postal address for receipt of correspondence)DUNEDOO 2844 63758289  
Town ~~Address~~ Postcode Phone number Fax number

hereby apply for the closing of the public road described in Section 1 below. The information required in Sections 1 to 4 is provided and an advance of \$ \_\_\_\_\_, towards application processing costs, is lodged with this application.

## SECTION 1 - DESCRIPTION OF PUBLIC ROAD PROPOSED TO BE CLOSED

~~Town~~ / Locality MID-WESTERN REGIONAL COUNCIL Local Govt Area MUDGEE Parish MEROOTHERIE County BLIGH

General text description of road PARTS OF MEROOTHERIE ROAD SOUTH OF THE TALBRAGAR RIVER - see attached COPY OF SUBDIVISION PLAN REF: 2000-21A (RE LOTS 8, 9, 10, 11, 12)

Supply Diagram road proposed to be closed shown by YELLOW colour on attached diagram. Area : about 2.156 ~~sqm~~ / ha  
Include a copy of any relevant map or sketch to show clearly the locality, the boundaries & dimensions of the road proposed to be closed plus the land title boundaries of adjoining properties. Also show the position and type of any fencing and buildings / structures adjoining the road and any reticulation services (eg. power or telephone lines, water, sewer or gas pipes, drains) within the road boundaries.

Objective ☒ To close an unnecessary public road.  
☐ To purchase the whole or part of the road if closed and to offer a price of \$ \_\_\_\_\_ for the lot or \$ \_\_\_\_\_ per sq m / ha for the part of the land indicated on the attached diagram (see note below).  
☒ Other purpose (please specify). IT IS PROPOSED TO ACQUIRE LOTS 8, 9, 10, 11, 12 AS COMPENSATION FOR THE ROAD BEING OPENED SEE PLAN REF: 2000-21A

NOTE: This application is primarily for the closing of a public road and is not, in the initial stage, considered as an application for any subsequent actions such as purchase of the land if the road is closed. However, an applicant (other than a Council) should indicate whether purchase of the land is an objective and if so provide an offer of a purchase price (the Department would have regard to the current market price of the land). While the application will be considered on its merits, no guarantee can be given as to its success or otherwise. At this stage, an applicant should not make any future plans or commitments based on the successful closure of road and the purchase of land. Please note that any other adjoining landowners may express an interest in purchasing a fair proportion of a closed road.

## SECTION 2 - DETAILS OF LAND HELD BY APPLICANT IN VICINITY OF ROAD

Portion or Lot / DP	Title Reference	PARISH	COUNTY
<u>PORTION 2</u>	<u>DEED MSA 8K.2925</u>	<u>NARRAGAMBA</u>	<u>BLIGH</u>
<u>PORTIONS 1, 6, 21, 22, 23, 24, 25, 26, 27</u>	<u>AUTO CONSOL 4096-165</u>	<u>MEROOTHERIE</u>	<u>BLIGH</u>

Private applicant, please complete Sections 3 &amp; 4 overleaf. Council applicant, please complete Sections 3, 4 and 5, Section 2 may be unnecessary.

we understand that the fee lodged with this application is only an advance towards costs and that further costs and information may be called for during the course of the application process.

Signature(s) of J.B. Bowman  
applicant(s) J.B. BOWMAN

Rachel B Bowman  
R.B. BOWMAN

1.09.04Date 1.09.04

LODGE WITH Resource Access and Compliance (RAC) Branch

At the local District Office  
Dept of Land & Water Conservation

If any advice is needed in completing this form please contact the District Office  
An applicant may provide additional information in a covering letter to further explain and support the application.

RECEIVED

28 AUG 2008

CROWN LANDS NSW

DUBBO

OFFICE USE ONLY

Basic fee paid \$ \_\_\_\_\_ Receipt No. \_\_\_\_\_

Application received

Date

CL31-30 page 2 of 4  
(03DEC2002)

SECTION 3 - DETAILS OF ANY CONSTRUCTION & USE OF THE ROAD	
Use	<p>(provide a general statement on whether or not any use has been made of the road for access by the public or landowners in the last 5 years, or whether the road is needed for access to properties, rivers, creeks, lakes, beaches, public reserves, railway lines etc.) --</p> <p>NO USE HAS BEEN MADE OF THESE ROADS BY THE PUBLIC IN THE PAST ~ 50 YEARS. THE OWNERS OF THE ADJOINING LAND (MEROTHERE) J.B. BOWMAN &amp; UARBRIE PTY LTD (J.B. BOWMAN) HAVE USED THE LAND FOR GRAZING &amp; CROPPING</p>
Services	<p>(provide a list of any public authorities or persons that have reticulation services or lines laid within the road boundaries -- please provide their written consent to the proposed road closing to facilitate action on the application -- some may require the creation of easements in connection with the registration of a deposited plan, which shows the road to be closed) --</p> <p>NO SERVICES</p>
Construction	<p>(provide a brief statement on whether or not any construction of the public road has ever taken place - if so provide any known details such as the type of roadworks &amp; structures, the surface material, maintenance works, the last type &amp; date of work &amp; whether the existing surface retains evidence of any former road construction or use.)</p> <p>ROADS NOT FORMED, NOW CROPPING LAND</p>
Unnecessary road	<p>(provide a general statement on why the road is considered unnecessary, particularly if the road is at present constructed or used, or if separate action has been or is being taken by the Roads Authority to relocate the road to another position). --</p> <p>ROAD HAS NOT BEEN IN USE FOR ~ 50 YEARS AS NEW ROAD WAS FORMED AND PUT INTO USE IN THE 1950s (ROAD TINTED PINK ON PLAN)</p>
Proposed use	<p>(provide a general statement of how you envisage the land will be used if the road is closed). --</p> <p><del>ROAD</del> LAND WILL CONTINUE TO BE USED BY THE ADJOINING OWNERS FOR GRAZING &amp; CROPPING</p>
Vegetation & topography	<p>(provide a general statement on the vegetation within the road boundaries and the nature of the terrain, particularly for a rural road).</p> <p>AGRICULTURAL LAND (CROPPING &amp; GRAZING)</p>



CL31-30 page 3 of 4  
(03DEC2002)

SECTION 4 – AFFECTED ADJOINING OWNERS / PUBLIC UTILITIES	
DETAILS OF OWNERSHIP OF LAND ADJOINING THE ROAD	
<p>1. Portion / lot <sup>1,24</sup> ..... DP <u>750755</u></p> <p>Owner(s) <u>J.B. Bowman</u></p> <p>Address <u>"MEROTHERIE" DUNEDOO 2844</u></p> <p>The proposed road closing has been discussed with this owner who has indicated the following views:</p> <p><input checked="" type="checkbox"/> No objections to proposal</p> <p><input checked="" type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written response attached</p>	<p>2. Portion / lot ..... DP .....</p> <p>Owner(s) .....</p> <p>Address .....</p> <p>The proposed road closing has been discussed with this owner who has indicated the following views:</p> <p><input type="checkbox"/> No objections to proposal</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written response attached</p>
<p>3. Portion / lot <sup>25,26,27</sup> ..... DP <u>750755</u></p> <p>Owner(s) <u>UARBRIE PTY LTD (R.B. Bowman)</u></p> <p>Address <u>"MEROTHERIE" DUNEDOO 2844</u></p> <p>The proposed road closing has been discussed with this owner who has indicated the following views:</p> <p><input checked="" type="checkbox"/> No objections to proposal</p> <p><input checked="" type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written response attached</p>	<p>4. Portion / lot ..... DP .....</p> <p>Owner(s) .....</p> <p>Address .....</p> <p>The proposed road closing has been discussed with this owner who has indicated the following views:</p> <p><input type="checkbox"/> No objections to proposal</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written response attached</p>
<p>5. Portion / lot ..... DP .....</p> <p>Owner(s) .....</p> <p>Address .....</p> <p>The proposed road closing has been discussed with this owner who has indicated the following views:</p> <p><input type="checkbox"/> No objections to proposal</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written response attached</p>	<p>6. Portion / lot ..... DP .....</p> <p>Owner(s) .....</p> <p>Address .....</p> <p>The proposed road closing has been discussed with this owner who has indicated the following views:</p> <p><input type="checkbox"/> No objections to proposal</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written response attached</p>
PUBLIC AUTHORITIES WITH AFFECTED PUBLIC UTILITIES (e.g. power lines, water pipes, gas pipes, drainage pipes, telephone lines)	
<p>Utility type .....</p> <p>Public Authority .....</p> <p>The proposed road closing has been discussed with the authority who has indicated the following views:</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written agreement to creation of easement attached</p>	<p>Utility type .....</p> <p>Public Authority .....</p> <p>The proposed road closing has been discussed with the authority who has indicated the following views:</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written agreement to creation of easement attached</p>
<p>Utility type .....</p> <p>Public Authority .....</p> <p>The proposed road closing has been discussed with the authority who has indicated the following views:</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written agreement to creation of easement attached</p>	<p>Utility type .....</p> <p>Public Authority .....</p> <p>The proposed road closing has been discussed with the authority who has indicated the following views:</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written agreement to creation of easement attached</p>

CL31-30 page 4 of 4  
(03DEC2002)

SECTION 5 – FOR COMPLETION ONLY BY COUNCIL - IF THE LOCAL COUNCIL IS THE APPLICANT	
Council contact: _____	Phone: _____ Reference: _____
Classified Roads Is the road to be closed a classified road? <input type="checkbox"/> No <input type="checkbox"/> Yes (The written consent of the RTA is attached)	
Roads created in private subdivisions prior to 1920 (see note in information sheet on page 3) The land was set aside for the purposes of road in plan of subdivision DP _____	
<input type="checkbox"/> Title to the land remains as a residue of the subdivided title in the name of the original subdivider. The reference to title is Volume _____ Folio _____;	
<input type="checkbox"/> Council has made all necessary enquiries and on the basis of evidence has determined that the land is a public road by way of common law dedication; (please provide a statement regarding the evidence relied upon) or	
<input type="checkbox"/> Council, pursuant to Section 16 of the Roads Act, has published a notice to dedicate the land as public road in the Government Gazette dated _____ folio _____	
<b>COUNCIL ROAD (land will remain vested in Council if road is closed – sec. 38(2)(b) Roads Act)</b> (Please tick the appropriate boxes to indicate the manner of intended disposal, which may arise from the closure of the public road. Where the land is to remain vested in Council on closure, Council should indicate below whether the land is to be vested as operational land or community land, see sec.43)	
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> operational land:             </div> <div style="width: 35%;"> <input type="checkbox"/> sale to adjoining land owners*  <input type="checkbox"/> sale by private treaty  <input type="checkbox"/> other _____             </div> <div style="width: 35%;"> <input type="checkbox"/> sale by public auction or tender  <input type="checkbox"/> retention of land for Council operations             </div> </div>	
<input type="checkbox"/> community land (if so please indicate the intended use) _____ _____ _____ _____	
General statement of Council's intended disposal / land use	*If it is intended that the land be sold to adjoining land owners listed in Section 4, the statement could refer to "owner 1 - half width; owner 2 - full width" etc. Note – A deposited plan, registered at the Office of Land and Property Information, NSW, will be called for from the Council prior to final closing action, after any objections have been considered and if the proposal is to proceed. The DP may be either a plan of survey, or a plan compiled from existing surveys and may show the whole of the road as one lot, or as a number of lots (plus ensembles) in accordance with a proposed disposal.
<b>COUNCIL ROAD (land will vest in the Crown if the road is closed – sec. 38(2)(c) Roads Act)</b>	
<input type="checkbox"/> Road closing proposal initiated by Council	
Third party	
<input type="checkbox"/> Road closing proposal initiated with Council by third party	
<input type="checkbox"/> Application costs have been submitted through Council by the third party	
Name(s) _____ Phone No. _____	
Address _____	
Objective _____	
<b>JOINT ROAD OPENING / ROAD CLOSING</b> Proposal to close road in conjunction with a Council road opening	
<input type="checkbox"/> Comment regarding need to synchronise timing of road closing to coincide with Council acquisition of other land for road or construction and opening of new road. _____ _____	
<input type="checkbox"/> Request for land in closed road to be given in compensation (For other land acquired by Council for the purposes of the Roads Act 1993, eg. a road opening associated with this road closing to improve the public road network for the benefit of the public – see section 44. Please provide details.) _____ _____	

















LPI ITS Query

Page 1 of 1

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH  
-----FOLIO: 9/1083440  
-----

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
13/8/2015	11:05 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND  
-----

LOT 9 IN DEPOSITED PLAN 1083440  
AT MEROTHERIE  
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL  
PARISH OF MEROTHERIE COUNTY OF BLIGH  
TITLE DIAGRAM DP1083440

FIRST SCHEDULE  
-----

MID-WESTERN REGIONAL COUNCIL

SECOND SCHEDULE (2 NOTIFICATIONS)  
-----

- \* 1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)
- \* 2 LAND ABOVE DESCRIBED IS PUBLIC ROAD

NOTATIONS  
-----

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

CRV Enquiry System

PRINTED ON 13/8/2015

User ID : jtersteeg

Search : 9/1083440

## 9.7 Acquisition of Crown Land on Lue Road at Havilah Bridge

REPORT BY THE REVENUE & PROPERTY MANAGER TO 17 FEBRUARY 2016 COUNCIL MEETING  
Acquisition of Crown Land on Lue Road at Havilah Bridge  
GOV400054, R0790175, P1319311

### RECOMMENDATION

#### That Council:

1. receive the report by the Revenue and Property Manager on the Acquisition of Crown Land on Lue Road at Havilah Bridge;
2. Pursuant to Part 12, Division 1 of the Roads Act 1993 approve the compulsory acquisition, for public road purposes, that part of allotment 1 DP 1048544 having an area of 265 m<sup>2</sup> as shown on Attachment 1 to this Report;
3. Pursuant to Section 178 Roads Act 1993 makes application to the Minister for Local Government and the Governor of NSW for the compulsory acquisition, for public road purposes, that part of allotment 1 DP 1048544 having an area of 265 m<sup>2</sup> as shown on Attachment 1 to this Report;
4. make the application on the basis that Native Title has not been extinguished in relation to that part of allotment 1 DP 1048544 having an area of 265 m<sup>2</sup> as shown on Attachment 1 to this Report;
5. exempt all mines and minerals from the acquisition of that part of allotment 1 DP 1048544 having an area of 265 m<sup>2</sup> as shown on Attachment 1 to this Report;
6. authorise the General Manager to sign all documents necessary to formalise the acquisition of that part of allotment 1 DP 1048544 having an area of 265 m<sup>2</sup> as shown on Attachment 1 to this Report;
7. authorise the affixing of the Common Seal to all documents necessary to formalise the acquisition of that part of allotment 1 DP 1048544 having an area of 265 m<sup>2</sup> as shown on Attachment 1 to this Report;
8. dedicates that part of allotment 1 DP 1048544 having an area of 265 m<sup>2</sup> as shown on Attachment 1 to this Report, upon acquisition, as public road in accordance with Section 10 Roads Act 1993.

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### Executive summary

The purpose of this report is to seek Council's approval to reaffirm its intent to formalise and proceed with the acquisition of Crown land for road widening purposes on the Lue Road at Havilah Bridge, which was commenced in 2002 however, was never progressed.

### Disclosure of Interest

Nil.

## Detailed report

On 8 April 2002 Council resolved to acquire land along the Lue Road near Havilah Bridge for road widening purposes. All lands cited in the 8 April 2002 Council Report were acquired, except for that part of 1 DP 1048544, having an area of 265 m<sup>2</sup> and being part of the former Havilah School site, which is owned by the Crown. The report and minutes of 8 April 2002 and plan of the area are appended to this Report.

This section of Lue Road was subsequently realigned and the road surface constructed on this site by Council without Council acquiring the land as resolved in the 8 April 2002 Report.

Pursuant to its powers under Part 12, Division 1 of the Roads Act 1993 Council must now initiate action under the Land Acquisition (Just Terms Compensation) Act 1991 to acquire this site from the Crown.

The Crown has recently confirmed its in-principle consent for the acquisition to occur, however Council's Resolutions of 8 April 2002 are now considered to be deficient in relation to the specific Council directions and information which must be addressed in the application for acquisition. The recommendations to this Report will rectify the previous inadequacies.

To enable this acquisition to proceed, it is recommended that Council reaffirm its intent to acquire that part of 1 DP 1048544 Pursuant to its powers under Part 12, Division 1 of the Roads Act 1993.

## Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide traffic management solutions that promote safer local roads and minimise traffic congestion

## Financial implications

Under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, Council is responsible for all costs in this matter, including valuation, survey, investigation of Native Title and extinguishment if applicable, plan lodgement, legal costs and compensation to the Crown.

An estimate of the total costs is \$9,000.

There is no current budget for this expenditure. A Community Plan Proposal for this expenditure has been prepared for Council's consideration during the 2016/2017 Operational Plan and budgetary process.

**DIANE SAWYERS**  
**REVENUE AND PROPERTY MANAGER**

**LEONIE JOHNSON**  
**CHIEF FINANCIAL OFFICER**

21 January 2016

*Attachments:* 1. Council Report & Minute 8 April 2002 & Plan of Area

**APPROVED FOR SUBMISSION:**

**BRAD CAM**  
**GENERAL MANAGER**

**MUDGEES SHIRE COUNCIL****Council Meeting Extract****Council Meeting: 8 April 2002****ITEM 5: REPORTS FROM COMMITTEES****Works****69/02      MOTION:      Sweeney/Moore**

**That the report of the Works Committee Meeting held on 2 April 2002 be received and adopted with the exception of Minute Nos. W.28/02 and W.37/02.**

*The motion was put and carried.*

**ITEM 5: REPORTS TO WORKS COMMITTEE****5.6 Land Acquisition – Havilah Bridge, Lue Road, Havilah****R0790197****W.38/02      MOTION:      Sweeney/Connor**

**That:**

- 1. Council authorise the General Manager to negotiate the acquisition of land within Lots 2 and 3 DP 556656, and the former Havilah Public School site, as road widening to suit the proposed realignment of Lue Road and Hayes Gap Road, subject to a maximum purchase price up to 10% above the current market valuation provided by the State Valuation Office, and further that Council also pay any legal and associated costs incurred by the property owner.**
- 2. Any identified surplus land from the existing road reservation be set aside for the creation of a rest area at the appropriate time.**
- 3. All costs associated with the acquisition and transfer of land be funded from the Havilah Bridge project vote.**
- 4. Authority be granted for the General Manager to execute the agreement and all necessary documentation for the acquisition of the road and any disposal of land under the Common Seal of Council.**

*The motion was put and carried as a recommendation to Council.*

**LAND ACQUISITION – HAVILAH BRIDGE, LUE ROAD, HAVILAH**

<b>REPORT BY SENIOR ENGINEER, DESIGN &amp; PLANNING</b> Havilah Bridge R0790197
---

**RECOMMENDATION****That:**

- 1. Council authorise the General Manager to negotiate the acquisition of land within Lots 2 and 3 DP 556666, and the former Havilah Public School site, as road widening to suit the proposed realignment of Lue Road and Hayes Gap Road, subject to a maximum purchase price up to 10% above the current market valuation provided by the State Valuation Office, and further that Council also pay any legal and associated costs incurred by the property owner.**
- 2. Council authorise the General Manager to dispose of any Identified surplus land from the existing road reservation to the adjoining property owner, as compensation for any new land acquisitions necessitated by the bridge construction, and at the same land value as any acquisition.**
- 3. All costs associated with the acquisition and transfer of land be funded from the Havilah Bridge project vote.**
- 4. Authority be granted for the General Manager to execute the agreement and all necessary documentation for the acquisition of the road and any disposal of land under the Common Seal of Council.**

---

**INTRODUCTION**

This report is submitted to consider the acquisition of land for the realignment of Lue Road and Hayes Gap Road at the new Havilah Bridge over Lawsons Creek, located approximately 19km east of Mudgee.

**BACKGROUND**

The replacement of Havilah Bridge is identified in Council's detailed Management Plan for 2001/2002. After assessing a number of alignments for Lue Road, a road and bridge design has been finalised which will improve road geometry, and enable the existing bridge to be used during the construction period, which is scheduled for later this financial year.

To accommodate the design alignment shown on the plan in Attachment 1, some land must be acquired from adjacent landowners as follows:



Prop. No.	1	2	3
Description:	Lot 2, DP 556656	Lot 3, DP 556656	Pt Ms.1013 Oe. Public School Site
Zoning:	General Rural 1(a)	General Rural 1(a)	Rural 1(a)
Lot Area:	875.6 ha	773.4 ha	2.201 ha
Proposed Acquisition:	Approx. 4780m <sup>2</sup>	1410m <sup>2</sup>	265m <sup>2</sup>
Address:	Havilah North Pty Ltd 1763-1828 Lue Road HAVILAH NSW 2850	'Havilah South' 1738-1918 Lue Road HAVILAH NSW 2850	DLWC (Dubbo) 142 Brisbane Street DUBBO NSW

#### COMMENT

Lot 2 DP556656 is currently used for cattle grazing and the storage of hay bales. Lot 3 DP556656 is currently used for grazing. Advice from the State Valuation Office is that the excision of small parcels for road widening from each of these lots will not decrease the market value of the land.

Areas of surplus road reservation on the old Lue Road alignment may be identified after construction of the bridge, and used to offset any compensation payable to the owners.

The Department of Land and Water Conservation have no objections to Council acquiring part of the former Havilah Public School site (refer to correspondence in Attachment 2), subject to the payment of compensation and administration costs.

#### CONSIDERATIONS

##### STATUTORY

Any land valuation for determining compensation must have regard to the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Section 55(d) of the above act requires a payment of \$487.70 to the Department of Land Conservation to cover administration costs.

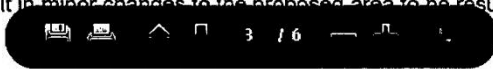
#### CONSULTATION

With the owners concurrence, the State Valuation Office have been consulted to obtain a valuation on the proposed resumption. The valuations are based on recent sales of comparable 1(a) zoned land in the area.

#### OPTIONS

Council could decide not to proceed with the proposed land acquisition. In this case, the bridge would have to be redesigned to suit the current road reserve, and would have a limited design speed.

Alterations to the proposed road and bridge works, and the correction of existing boundary irregularities could result in minor changes to the proposed area to be resumed.



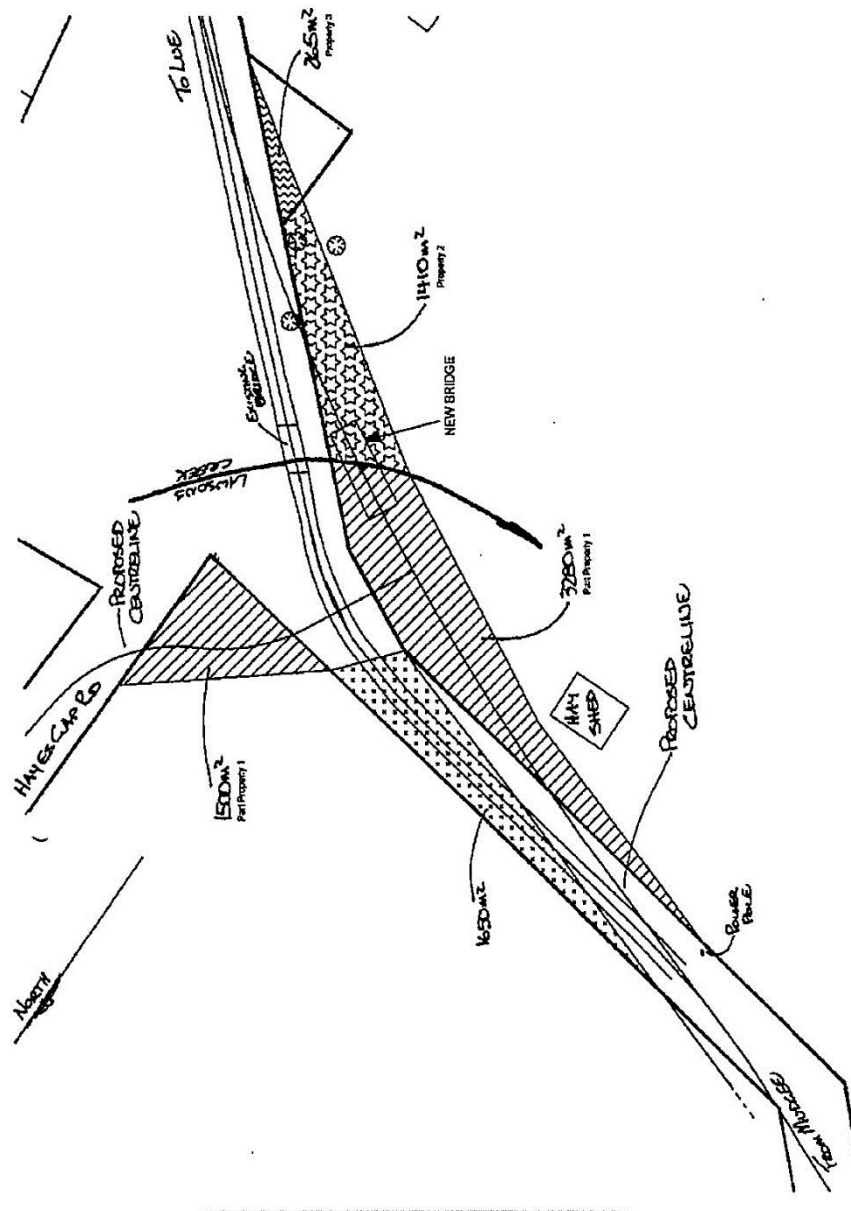
CONCLUSION

The proposed land acquisition for road widening will allow for the construction of a new bridge over Lawsons Creek, with a safe road alignment complying with current design requirements.

MALCOLM DONNELLY  
SENIOR ENGINEER, DESIGN & PLANNING  
18 MARCH 2002

Attachments:

1. Plan of realignment.
2. Advice from Department of Land & Water Conservation.



## Attachment 2 – Advice from DLWC

File Ref: DB97H93  
Contact Officer: Kevin Campbell  
Phone: (02) 6841 5235



14 February 2002

The General Manager  
Mudgee Shire Council  
PO Box 158  
MUDGEES NSW 2850



Dear Sir

**RE: Construction of Roads through Crown Reserves**

I refer to your Fax message of 29 January 2002 requesting advice as to the most practical method of formalising two areas as public road at Lue and Gulgong.

Your attention is drawn to a copy of this office's letter of 27 May 1997 advising status and confirming consent to acquisition under the Land Acquisition (Just Terms Compensation) Act 1991 of the extension of Anderson Street Gulgong.

This Office has no objection to Council acquiring part of the former Havilah Public School Site for road purposes under the Land Acquisition (Just Terms Compensation) Act 1991.

Compensation will have to be paid to this Department by Council and such compensation will need to be determined by the Valuer General's Office at Council's request.

In addition to compensation this Office's costs involved in each case is \$487.70 and should be forwarded to this office as soon as possible.

Should you have any further questions in this regard please contact Kevin Campbell on 68415235.

Yours faithfully

A handwritten signature in black ink, appearing to read "K. Campbell".

K Campbell  
Principal Lands Officer  
Dubbo Land NSW







## 9.8 Proposed Sale Lot 233 DP 1099677 1 Medley Street, Gulgong to Fire & Rescue NSW

REPORT BY THE REVENUE & PROPERTY MANAGER TO 17 FEBRUARY 2016 COUNCIL MEETING  
Proposed Sale Lot 233, 1 Medley St Gulgong to Fire & Rescue NSW  
GOV400054, P0506711

### RECOMMENDATION

#### That Council:

1. **receive the report by the Revenue & Property Manager on the Proposed Sale Lot 233 DP 1099677 1 Medley Street, Gulgong;**
2. **accept the offer made by Fire & Rescue NSW of \$120,000 (exclusive of GST) for the purchase of Allotment 233 DP 1099677, being 1 Medley Street Gulgong;**
3. **require that Fire & Rescue NSW be responsible for the payment of all costs in relation to the preparation and sale of Allotment 233 DP 1099677, including Council's reasonable legal costs and survey, fence realignment and relocation of entrance into Lot 234 DP 1099677, if necessary;**
4. **authorise the General Manager to exercise delegated authority to deal with matters arising out of the sale of Allotment 233 DP 1099677 to Fire & Rescue NSW so as to ensure continuous and smooth running of the sale process;**
5. **authorise the General Manager to sign all documentation necessary in relation to the sale of Allotment 233 DP 1099677 to Fire & Rescue NSW;**
6. **affix the Common Seal of Council to all necessary documentation for the sale of the sale of Allotment 233 DP 1099677 to Fire & Rescue NSW;**
7. **amend the Operational Plan for 2015/2016 to reflect the proposed sale proceeds of Allotment 233 DP 1099677; and**
8. **transfer the sale proceeds of Allotment 233 DP 1099677 to the Land Development Reserve with the Operational Plan 2015/2016 amended accordingly.**

---

### Executive summary

This report seeks to secure a resolution to accept a proposal from Fire & Rescue NSW (FRNSW) to purchase Council's land located at 1 Medley Street Gulgong for \$120,000 (exclusive of GST) as supported by Valuation No.3 which is appended as Attachment 3 to this Report.

### Disclosure of Interest

Nil.

## Detailed report

FRNSW has approached Council with a proposal to purchase Allotment 233 DP 1099677 (the Land) at 1 Medley Street Gulgong for the relocation of the Gulgong Fire Station. The proposal is appended as Attachment 1 to this Report.

The Land has a total area of 4,696 m<sup>2</sup> and is classified as Operational Land. The Land, which adjoins the Elcom Pumping site, is not required for operational or strategic purposes and is considered surplus to Council's needs.

The Land is zoned SP2 Infrastructure (Water Supply Systems) under the LEP2012. Development of the Land as proposed by FRNSW is permissible under SEPP (Infrastructure) 2007. The development will require a DA, with a time-frame of 8-12 weeks required for the completion of this process.

Council's Land Acquisition & Disposal Policy allows for direct negotiations to be conducted with FRNSW (other than to place the Land on the open market) as the Land is proposed to be sold to FRNSW for the purpose of provision of community infrastructure.

Three valuations of the Land were obtained. Two of these valuations were based upon the SP2 Infrastructure (Water Supply Systems) zoning and, Valuation No 3 was based upon a R1 General Residential zoning which is commensurate to the highest and best use of the Land; the valuation being \$120,000 (exclusive of GST).

It is recommended that Council consider the offer by FRNSW to purchase the Land for \$120,000 (exclusive of GST) as supported by Valuation No 3.

## Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community

## Financial and Operational Plan implications

All costs associated with the preparation of the Land (including survey, fence realignment and relocation of entrance into lot 234 DP 1099677, if necessary) and disposal of the Land, including Council's reasonable legal costs, will be borne by FRNSW, as required by Council's Land Acquisition & Disposal Policy (purchaser-initiated divestments).

The Operational Plan 2015/2016 would be amended to reflect the proposed sale proceeds of the Land and the net sale proceeds would be transferred to the Land Development Reserve.

DIANE SAWYERS  
REVENUE AND PROPERTY MANAGER

SIMON JONES  
DIRECTOR, COMMUNITY

5 February 2016

*Attachments:* (included at the end of the business paper):

1. Fire & Rescue NSW Proposal to Purchase Lot 233 DP 1099677
2. Plan Lot 233 1099677
3. Valuation Report on Lot 233 DP 1099677 R1 Zone \$120000
4. Valuation Report on Lot 233 DP 1099677 SP2 Zone \$40000
5. Valuation Report on Lot 233 DP 1099677 SP2 Zone \$35000

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 9.9 Additional Supplier - RFT 2013/16 Supply Chemical - Herbicide & Pesticide

REPORT BY THE PROCUREMENT MANAGER TO 17 FEBRUARY 2016 COUNCIL MEETING

Additional Supplier - Elders Mudgee

GOV400054, COR400051

### RECOMMENDATION

#### That Council:

1. **receive the report by the Procurement Manager on the Additional Supplier - RFT 2013/16 Supply Chemical - Herbicide & Pesticide;**
2. **accepts the additional supplier for Tender 2013/16 for the provision of Supplying Chemical – Herbicides and Pesticides;**

<b>Contractor:</b>	<b>Elders Mudgee</b>
<b>Services Provided:</b>	<b>Chemical Supply</b>

### Executive summary

Council resolved at meetings in 2013 that tenders for the provision of Chemical Supply – Herbicide and Pesticide was accepted. These initial requests for tenders were accepted for a term of three years. Part of the resolution allowed additional suppliers to be added to the prequalification list by resolution of Council.

This report is recommending that Elders Mudgee be included on the prequalification list after having received the required information from the service provider and Council having the capacity to source chemical quotes from additional suppliers.

### Detailed report

In 2013 Council completed a detailed, objective analysis for the evaluation of tenderers for the provision of creating a list for the supply of chemical particular herbicides and pesticides which in turn created a prequalified chemical supplier list (panel).

Since the establishment of these lists the above service provider has requested Council consider their application to be included on Council's prequalification list mentioned above.

As a result of Council's tendering processes and clauses therein, the additional supplier will be added to Council's relevant list. As the chemical supply tender was created as a prequalification list, Elders would be given the opportunity to quote along with others associated with this panel via our e-quoting system Vendor Panel immediately.

### Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Prudently manage risk associated with all Council activities

## Financial implications

No prices were requested during the 2013 Tender process due to the fluctuating nature of chemical prices (caused from overseas supply impacts). The current system allows for fair competition with current prices obtained by quote, as required.

KRISTIE WARD  
PROCUREMENT MANAGER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

9 December 2015

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## Item 10: Operations

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### 10.1 Pedestrian Access and Mobility Plan (PAMP)

REPORT BY THE MANAGER WORKS TO 17 FEBRUARY 2016 COUNCIL MEETING  
Council Report Pedestrian Access and Mobility Plan  
GOV400054, ROA100027

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Manager Works on the Pedestrian Access and Mobility Plan (PAMP);**
  2. **adopt the Pedestrian Access and Mobility Plan.**
- 

#### Executive summary

Council resolved at its 18 November 2015 meeting to place the draft PAMP on public exhibition for a period for 28 days to seek comment and input from the community. The document was placed on exhibition from 27 November 2015 to 4 January 2016 and ten responses were received to offer support to projects included in the PAMP and to suggest amendments.

Five additional projects have been included in the PAMP, evaluated and prioritised using the criteria described in the document.

The pedestrian footbridge over the Cudgegong River in Rylstone has been included in the PAMP. It is recognised that there is community support for this project although no submissions were received during the consultation phase or the exhibition period.

#### Disclosure of Interest

Nil.

#### Detailed report

Submissions were received from the community and RMS during the exhibition period and include:

- Inclusion of a footpath on Third Street (Gladstone Street to Market Street), Mudgee
- Inclusion of a footpath on Mortimer Street (Park Street to Bell Street), Mudgee
- Strong support for the crossing on Bylong Valley Way to service Rylstone Hospital, Rylstone
- Strong support for shared-use path extension to AREC/TAFE on Ulan Road, Mudgee
- Inclusion of a footpath on Mudgee Street (eastern side) from Dabee Street to Cudgegong Street, and kerb extensions on the southern and western arms of the Dabee Street / Mudgee Street intersection for improved school safety, Rylstone

- Inclusion of a footpath on Fleming Street (northern side) from the crossing to McDonald Street and relocation of the proposed refuge crossing in Jaques St, for improved school access, Kandos
- To highlighting changes required to priority calculations for the proposed pathway for Sydney Road, Mudgee

The responses also included requests for projects that were already included in the PAMP and requests for works that will be undertaken as maintenance. Other feedback that was not directly related to the PAMP included comments on Council policy regarding pathways in isolated areas, speed limits and support for one-way streets. This feedback will be forwarded to the appropriate Council departments and committees for consideration.

It should be noted that Council has included a pedestrian bridge for Rylstone (adjacent to the existing Cudgegong River road bridge). This project was not included in the Draft PAMP and this omission did not incur any response from the community. However, staff are aware that there has been some community support for this project external to the PAMP process and have included it in the final revision.

The final PAMP includes 190 projects within Gulgong, Kandos, Mudgee and Rylstone with an approximate cost of \$6.0M. While this figure is significantly higher than the annual budget, it will:

- Assist with choosing the most appropriate projects for inclusion in annual works programs and grant funding applications;
- Improve the likelihood of gaining government grants for active transport infrastructure projects for which Council can gain 50:50 funding, or even 100% external funding.

## Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient.
Strategy	Develop and enhance walking and cycling networks across the region.

## Financial implications

Future revisions of the Operational Plan should include pathways projects that have been identified in the PAMP.

SALLY MULLINGER  
MANAGER WORKS

DARYL COLWELL  
DIRECTOR, OPERATIONS

2 February 2016

*Attachments:* 1. Pedestrian Access and Mobility Plan (included at the end of the business paper)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 10.2 Caerleon Subdivision – Detail Design, Supply and Construct Sewer Pump Station

REPORT BY THE SENIOR WATER AND WASTE WATER ENGINEER TO 17 FEBRUARY 2016  
COUNCIL MEETING

Recommendation to Award - Caerleon Sewer Pump Station  
GOV400054, COR400111

### RECOMMENDATION

#### That Council:

1. **receive the report by the Senior Water and Waste Water Engineer for RFT 2015/16 “Caerleon Subdivision – Detailed Design, Supply and Construct Sewer Pump Station”;**
2. **accept the tender (as negotiated with final modifications submitted 2/2/16) of Poonindie Pty Ltd (trading as Ted Wilson and Sons) for the detailed design, supply and construction of sewer pump station to service the Caerleon Subdivision for the amount of \$582,249 (excluding GST) in accordance with clause 178 of the *Local Government (General) Regulation 2005*;**
3. **amend the 2015/16 Operational Plan to increase the Caerleon Sewer Pump Station budget by \$302,000 (excluding GST), funded from Sewer Reserves;**
4. **amend the 2015/16 Operational Plan to increase the Caerleon Sewer Pump Station budget by \$23,120.00 (excluding GST), funded from the Sewer Pump Station Flow Metering budget;**
5. **grant the General Manager delegated authority to approve contract variations up to a cumulative total of 10% of the original contract sum.**

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### Executive summary

Tenderers for RFT 2015/16 were issued seeking contractors capable of supplying and installing water and waste water infrastructure to service the Caerleon Subdivision. The Request for Tender identified infrastructure requirements to service initial stages of the subdivision together with options to service the fully developed catchment of 1200 lots.

The scope of work for the tender included separable portions of:

- A. Supply and installation of 3,268m of water trunk main and two 2,058m sewer rising mains.
- B. Design and construction of a sewer pump station with capacity to service the initial stages of Caerleon subdivision, with consideration of ease of upgrades to service the ultimate subdivision of 1200 lots.

At the November 2015 meeting, Council resolved to accept the tender of Ledonne Constructions Pty Ltd for separable portion A, being supply and installation of water and sewer mains. At the same meeting, Council resolved for the General Manager to enter into contract negotiations with Poonindie Pty Ltd for the detailed design and construction of the sewer pump station with the intention to reduce the scope and cost during the initial phase of subdivision development.

Contract negotiations have since been undertaken with Poonindie Pty Ltd, and this report recommends that the contract for detailed design and construction of the sewer pump station be awarded to Poonindie Pty Ltd. The budget estimate was developed prior to completing the engineering design and as a result the pump station budget requires additional funding to enable award of contract.

## Disclosure of Interest

Nil.

## Detailed report

Tenders for RFT 2015/16 were called on the 22<sup>nd</sup> of September 2015 for water and sewerage distribution infrastructure for the Caerleon development and closed 14<sup>th</sup> October 2015. The scope of works tendered included the separable portions consisting of;

- A. Supply and installation of a 3,268m, 300mm diameter water main and two 2,058m sewer rising mains of 150mm and 200mm diameter.
- B. Design and construction of a sewer pump station with capacity to service initial stages of Caerleon subdivision, but also have provision for ease of upgrades to service the ultimate subdivision capacity of 1200 lots.

Advertisements for the tender were placed in the Local Government section of the Sydney Morning Herald, the Mudgee Guardian and on Council's Website.

The tendering process was initiated and a procurement plan and tender evaluation plan were developed. A Tender Assessment Panel was formed comprising representatives from the most relevant departments within Council. Members of the Tender Assessment Panel used the Evaluation Plan and methodology to determine which tenderers offered the best value for money for both the pipeline installations and pump station design and construct.

The Caerleon sewer pump station budget has total remaining funds of \$315,207 after engineering and tendering. The budget estimate was developed prior to completing the engineering design and as a result the pump station budget was assembled against a concept scope of works.

In awarding contracts for the sewer rising main and pump station, together with engineering works, tendering and negotiations. The combined initial budget for sewer \$1,118,000 requires 11.7% in additional funding.

### *TENDER SUBMISSIONS*

Tenders were received from the following vendors to supply the following separable portions:

<b>No</b>	<b>Company</b>	<b>Scope</b>
1	Ted Wilsons & Sons (TWS)	Separable Portion B - Sewer Pump Station Only
2	A Plus Contracting Pty Ltd	Separable Portion pat A & B - Trunk Main, Rising Main & Sewer Pump Station
3	Ledonne Constructions Pty Ltd	Separable Portion pat A & B - Trunk Main, Rising Main & Sewer Pump Station
4	Precision Civil Infrastructure (PCI)	Separable Portion pat A & B - Trunk Main, Rising Main & Sewer Pump Station

No late tenders were received.

Tenders were assessed against predetermined price (40%) and non-price (60%) components of their submissions.

#### CONFORMING TENDERS

All four tenderers were requested to provide further clarification in order to conform. Three tenderers responded to the request for clarification. Subsequently the non-responding tenderer was excluded from further participating in the tender review.

#### EVALUATION METHODOLOGY

The objective of the evaluation was to select the tenderer whose submission demonstrated the best value when comparing price, quality, safety, delivery schedule and relevant experience. The evaluation criteria and weightings were identified in the Request for Tender documentation.

Tenders were evaluated strictly in accordance with the Tender Evaluation Plan and in Compliance with the provisions of *the Local Government Act 1993* and *Local Government (General) regulation 2005*.

#### EVALUATION PANEL

- Claire Cam – Manager Services
- Chris Urquhart – Senior Engineer – Water & Waste Water
- Richard Ivey – Financial Accountant

#### EVALUATION FINDINGS

All tenderers were assessed and scored against the evaluation criteria listed in the tender document and weightings in the Evaluation (Confidential Attachment), to determine the Total Weighted Score for each of the separable portions. The application of the local preference policy was applied in the evaluation and did not alter the rankings.

Evaluation of Separable Portion B against the specified evaluation criteria indicates that Poonindie Pty Ltd. have submitted the most superior tender, representing the best value to Council for the detailed design, supply and installation of the sewer pump station.

In accordance with the resolution of Council's November 2015 meeting (Minute 404/15), the following negotiations were subsequently undertaken with Poonindie Pty Ltd only.

The following scope elements were refined:

- Supply and install a prefabricated pump station rather than a cast-in-situ unit.
- Removal of the emergency storage tank which is required when the development reaches 455 lots.
- Removing the requirement for sealed road access within the pump station site and replaced with an all-weather unsealed road.
- Deletion of the effluent flushing line running from Mudgee treated effluent discharge main to the Caerleon pump station.

In addition to refining the scope it is recognised that operational savings have been incorporated into the design, including:

- Installing pumps and electrical controls capable of operating under initial and fully developed catchment capacities (up to 1200 lots developed on Caerleon site). Initial design was to replace sewer pumps as the development grew. Eliminating this requirement has provided an estimated saving of \$90,000 based solely on the supply of two new pumps.
- Inclusion of a self-contained wet well cleaner, reducing ongoing operational maintenance costs.



## Community Plan implications

Implementation of the recommendations in this report contribute towards achieving goals of providing total water cycle management via;

- A. Effective and efficient delivery of infrastructure through the provision of infrastructure and services to cater for the future needs of our community
- B. Maintain and manage waste water quality to meet Environmental Protection Agency (EPA) standards
- C. Maintain and manage water quantity and quality

## Financial implications

Existing available Budget – Sewer Pump Station Caerleon	\$315,207.31
Existing available Budget – Sewer Pump Station Flow Metering	\$92,771.00
Poonindie Contract Price	\$582,249.00
Project Contingency	\$56,078.31
<b>PROJECT BUDGET REQUIREMENT</b>	<b>\$638,327.31</b>
Funding Transfer from Sewer Pump Station Flow Metering to project budget	\$23,120.00
Fund Transfer from Sewer Fund to project budget	\$300,000
<b>Total Transfer</b>	<b>\$323,120</b>

CHRIS URQUHART  
SENIOR WATER AND WASTE WATER ENGINEER

DARYL COLWELL  
DIRECTOR, OPERATIONS

3 February 2016

*Attachments:* 1. 2015-16 Caerleon Sewer Pump Station weighted scoring assessment (included in the confidential section of the business paper)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 10.3 Landscaping of Winter St Detention Basin

REPORT BY THE DIRECTOR, OPERATIONS TO 17 FEBRUARY 2016 COUNCIL MEETING  
Landscaping of Winter St Detention Basin  
GOV400054, SEW200008

### RECOMMENDATION

#### That Council:

1. **receive the report by the Director, Operations on the Landscaping of Winter St Detention Basin;**
2. **amend the 2015/16 Operational Plan to re-allocate the budget at a total of \$150,255 from the Denison Street drainage project to landscaping of the Winter Street detention basin in Mudjee.**

---

### Executive summary

The Denison Street drainage project has a present budget allocation of \$150,225 this financial year. Due to staff shortages and complexity of the project it is unlikely that the project can be completed in this financial year. This report recommends amending the 2015/16 Operational Plan to re-allocate funds from the Denison Street drainage project to landscaping of the Winter Street detention basin in order to treat erosion issues and improve the visual amenity of the area.

### Disclosure of Interest

Nil.

### Detailed report

Council presently has \$150,225 budgeted for improvements to the stormwater trunk drainage system that extends between Denison and Mortimer Streets (Court-Cox Street area), Mudjee due to this area being a known drainage problem. This section of the stormwater network passes through numerous private properties, is relatively inaccessible and requires a significant amount of consultation and planning before physical works could commence. The vacating of the responsible officer's position in 2015 and inability to fill the position has resulted in limited preparation and planning for the project. It is therefore unlikely that this project could be brought to completion in the present financial year and it proposed that the budget be re-allocated to another stormwater project for this financial year.

The Winter Street detention basin was constructed in Mudjee in 2013, a particularly dry year. The landscaping treatment, which comprised of sown grass seeds, failed due to enough rainfall to initiate germination but no backup rainfall to facilitate establishment of a grass cover. The result is a largely bare and weedy site with no aesthetic appeal in the middle of a residential area. Erosion is now becoming prevalent in the basin and could be remediated with the implementation of landscaping works.

Mitigation of erosion by landscaping at this site has substantial implications for the water quality of run-off whilst also addressing visual amenity of the area. Erosion contributes to sediment load of stormwater entering our region's waterways and is unsightly. Landscaping with turf and reeds traps sediment and reduces the nutrient load that is discharged from the site, particularly during low flow

events. The addition of trees and shrubs would improve the aesthetics of the basin which is skirted by a cycle path along its northern bank and surrounded by residential areas elsewhere.

This basin is one of the largest in Mudgee being about 2ha in area and would require a significant investment of funds for landscaping. The approximate order landscaping is equivalent to the budget presently allocated to the Denison St drainage project. It is recommended that the Operational Plan for 2015/16 be adjusted with the funds originally allocated to the Denison St drainage project being re-allocated to landscaping the Winter St detention basin.

## Community Plan implications

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

## Financial implications

The re-allocations of funds from the Denison Street drainage project to landscaping of the Winter Street detention basin is cost neutral. The Operational Plan for 2015/16 simply requires amendment to reflect the re-allocation of funds.

DARYL COLWELL  
DIRECTOR, OPERATIONS

4 February 2016

*Attachments:* 1. Images of erosion presently occurring at the Winter St. detention basin site.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## ATTACHMENT 1



## 10.4 Rural Fire Service Precinct Development

REPORT BY THE MANAGER, PLANT & FACILITIES TO 17 FEBRUARY 2016 COUNCIL MEETING  
Rural Fire Service Heritage Museum  
GOV400054, EME900015

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Plant & Facilities on the Rural Fire Service Precinct Development;**
2. **reject the proposed NSW Rural Fire Service Precinct development proposal due to the high financial burden placed on Council;**
3. **support the development of the NSW Rural Fire Service Heritage Museum;**
4. **authorise the General Manager to enter into negotiations with NSW Rural Fire Service to develop a proposal for a NSW Rural Fire Service solution that substantially reduces the financial burden on Council;**
5. **receive any new proposals for a NSW Rural Fire Precinct, or Fire Control Centre, for in-principle support.**

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### Executive summary

The NSW Rural Fire Service (RFS) has presented to Council a development proposal for the parcel of land allocated on Ulan Road for the RFS Precinct.

This proposal is for Council to contribute additional funds to enable the construction of a new RFS Control Centre, State Mitigation Support Service building, Remote Area Training Facility and also includes the original proposal for the RFS Heritage Museum. The original proposal for the construction of a heritage museum that the land was originally allocated for has now expanded into a \$6.58M project that would require additional contributions from Council of \$896,543 if paid for over 3 years or \$765,235 if paid for over 5 years.

On the attached RFS development proposal, it is indicated on Page 4 that unless the total project can proceed then the whole project, including the original heritage building, may not be agreed to proceed by the RFS.

### Disclosure of Interest

Nil.

### Detailed report

The original discussion and proposal by the RFS to Council for a heritage museum was for a building to store antique fire fighting machinery and memorabilia that would be a tourist attraction, which then led Council to allocate land in a prominent position on the Ulan Road adjacent to the airport. This new proposal has ballooned from the original heritage museum only development, to a proposal to



the General Manager in mid-2015 that included a new control centre and now this latest proposal received is for a precinct development costing \$6.58M.

Part of the justification for the new RFS Control Centre is that the current building, which is owned by Council, also serves as the Local Emergency Management Emergency Operation Centre (EOC) and during large fire events, referred to as Section 44 fires, the building is too small as the EOC must also be operational when a Section 44 fire is running. The EOC has only been opened during Section 44 fires three times in the past ten years, in December 2006, November 2009 and January 2013. There are alternatives for the EOC, if deemed necessary by the Local Emergency Management Committee, to be operated from the Council owned SES/VRA building in Depot Road during Section 44 fires which would then partly reduce the justification for a new RFS control centre.

The funding of the precinct development explored in the RFS proposal postpones the replacement of firefighting equipment during the phased construction periods of three to five years (page 5) so it must be noted that the proposed costs to Council above the budgeted allocations do not include \$650K each year of tanker replacements that would then occur in following years.

The current RFS Control Centre in Depot Road is currently now utilised by six staff, this is an increase on one due to the State Mitigation Officer being located in Mudgee however this position covers a wider area than just the Mid-Western Regional area.

As the RFS proposal makes it clear that this precinct proposal must proceed for the heritage building to proceed, if Council determines not to support their precinct proposal, Council should reconsider its allocation of the land on the Ulan Road for the RFS heritage building and thus incorporate that land back into the proposed airport subdivision.

## Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community.

## Financial implications

The worst case scenario, with the financial contributions allocated over 3 years, requires a cash contribution of \$896,543 for the proposed NSW RFS Precinct. The impact to unrestricted cash based on the 2015/16 Delivery Program, for the 2017-2019 years is shown below:

Estimated movement to unrestricted cash	2017 Original Budget	2018 Original Budget	2019 Original Budget
General Fund– Deficit/(surplus)	(162,716)	(102,096)	(407,850)
Less additional RFS contributions	274,097	310,614	311,832
Estimated Unrestricted Cash movement	111,381	208,518	(96,018)
General Fund – Deficit/(Surplus)			

It can be seen that the additional contributions required by the RFS will create a deficit movement in unrestricted cash for 2017 and 2018. If the contributions are spread over 5 years, the impact to Councils unrestricted cash is not as severe, however it still reduces capacity of Council to contribute to alternate community programs and services which may have a higher level of urgency than the RFS Precinct, and also reduces Councils capacity to take up grant funding opportunities for other services.



It is recommended that the General Manager be authorised to enter into negotiations to minimise the financial impact to Council.

ANDREW DRUMMOND  
MANAGER, PLANT & FACILITIES

DARYL COLWELL  
DIRECTOR, OPERATIONS

18 January 2016

*Attachments:* 1. NSW RFS Proposal

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## ATTACHMENT 1



**Mid- Western Regional Council**

**&**

**NSW Rural Fire Service**

**Development of an NSW RFS Precinct**

**February 2016**





NSW RURAL FIRE SERVICE



## RFS Precinct Document

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### Executive Summary

#### Aim

To establish a central compound that houses the RFS Control Centre, Heritage Museum, State Mitigation Support Services, Remote Area Training Facility at Mudgee

#### Background

The RFS Heritage Museum was first mooted several years ago by the very active Heritage Brigade, who have accumulated numerous tankers and Equipment that they would like to be centrally stored (currently they are stored in Brigade, private and rented facilities). The RFS supports the concept of a museum to professionally display these items to the public and is a centre to collect, restore and display these historical items. They currently have 600k in funding (from the RFFF) for this item.

The RFS Control Centre was built some 10-12 years ago on the current site at Depot road. Since that time the RFS has developed a standard design FCC, of which the current facility does not meet the standard. Ideally the Museum and the FCC should be collocated to ensure that both facilities are manned during peak periods. The RFS has made it clear that the museum and the FCC must be collocated in order for both to proceed. Nil funding has been yet allocated for this facility.

THE SMSS facility currently operates out of a brigade station. The building of this facility would centralise this crew, ensure that a crew remains within the Mid Western area and also house one of four State Training facilities for Remote Area Fire fighting crews. The RFS would be responsible for the funding of this facility.

It is also anticipated that an upgrade to the existing training ground, currently located at the Water treatment Plant, into a hot fire training facility, would also be undertaken. Ideally it would be preferred if this could be at the airport site but in the event that this is not possible the current site will suffice. The funding for this is coming from a grant from the Rural Fire Service Association.

Land has been identified and preliminary action taken to survey and subdivide the area.

Currently Council contribute 11.7% of the funding into the RFFF.



**NSW RURAL FIRE SERVICE**



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**NSW RURAL FIRE SERVICE**

## RFS Precinct Document

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### Executive Summary

#### Aim

To establish a central compound that houses the RFS Control Centre, Heritage Museum, State Mitigation Support Services, Remote Area Training Facility at Mudgee

#### Background

The RFS Heritage Museum was first mooted several years ago by the very active Heritage Brigade, who have accumulated numerous tankers and Equipment that they would like to be centrally stored (currently they are stored in Brigade, private ad rented facilities). The RFS supports the concept of a museum to professional displays these items to the public and is a centre to collect restore and display these historical items. They currently have 600k in funding (from the RFFF) for this item.

The RFS Control Centre was built some 10-12 years ago on the current site at Depot road. Since that time the RFS has developed a standard design FCC, of which the current facility does not meet the standard. Ideally the Museum and the FCC should be collocated to ensure that both facilities are manned during peak periods. The RFS has made it clear that the museum and the FCC must be collocated in order for both to proceed. Nil funding has been yet allocated for this facility.

THE SMSS facility current operates out of a brigade station. The building of this facility would centralise this crew, ensure that a crew remains within the Mid Western area and also house one of four State Training facilities for Remote Area Fire fighting crews. The RFS would be responsible for the funding of this facility.

It is also anticipated that an upgrade to the existing training ground, currently located at the Water treatment Plant, into a hot fire training facility, would also be undertaken. Ideally it would be preferred if this could be at the airport site but in the event that this is not possible the current site will suffice. The funding for this is coming from a grant from the Rural Fire Service Association.

Land has been identified and preliminary action taken to survey and subdivide the area.

Currently Council contribute 11.7% of the funding into the RFFF.




**NSW RURAL FIRE SERVICE**


### Current Situation

The Council and the RFS have had preliminary discussions regarding the precinct plan. All agreed that more information needed to be provided.

The RFS have indicated that unless the total project can be proceeded with, not all at the one time, then the whole project may not be agreed to proceed.

It is proposed that stage one of the Cudgegong Fire Control Centre precinct will be the Heritage Building. Currently \$600,000 is already allocated in the 2016 Budget/Estimates but a further \$500,000 will be required, again through the Estimates process to complete stage one construction. The cost to Mid Western Regional Council would be \$58,500 (11.7% of \$500,000).

If Mid Western Regional Council agrees in principle to fund this additional cost, construction of the Heritage Building can commence, subject to agreement in principle to the other aspects of the precinct proposal. Further funding options for the remainder of the Fire Control Centre precinct can be explored in 2017 in discussion with Council and the NSW RFS. See recommendations

The Council has yet to be fully informed about the total concept and facility that is being proposed, despite several preliminary meetings between both the RFS and Council. The Council and a number of representatives met with the Commissioner and senior staff back in May 2015 to further discuss the concept.

It was agreed that the RFS would put together a total concept plan for what was needed at the airport site and present this to Council.

### Current Funding

	Allocated	Future Funding	Total Budget	*Raw 11.7% contribution.
Heritage Museum	600k	500k	1.1m	58.5k (based on 500 still to contribute)
RFS FCC	Nil	4.2m	4.2m	491.4k
Storage / Logistics	Nil	600k	600k	70.2k
Hot fire Training centre		80k	80k	Nil Cost to Council.
SMSS Facility		600k	600k	Nil Cost to Council
		Total Asset	6.58m	

\*Note that the 11.7% is the raw cost to Council and does not include the VASS charges that are part of every allocation to Council. It does not include any reimbursement of those charges.


**NSW RURAL FIRE SERVICE**


The funding spread sheet (refer annexure 1) have been prepared to show various models to spread these costs over various years and reduce or stop any tanker replacement during this time.

Years 16/17)	spread (from	Current allocation 15/16	base	Total cost to Council over 15/16 allocation
3yrs		\$353,963		\$896,543
4yrs		\$353,963		\$827,780
5yrs		\$353,963		\$765,235

Costs Includes 500k for Museum, 4.2m for FCC and 600k for storage/logistics.

### Recommendations

- 1) All parties agree to give 'Approval in Principle' for the total precinct plan
- 2) All parties agree to Approve Stage 1 – being Heritage Museum to be constructed. The \$500,000 for the rest of the Heritage Museum will come from the 16/17 estimates bid once approved. To counteract the cost the Rural Fire Service will not be purchasing any new appliances this year to cover the \$500,000 for the Heritage building.
- 3) All parties agree to 'In principle agreement' for other stages of development of the precinct – being the FCC, Logistics & training facility – subject to agreement by all on funding arrangements (Note that the impact from the introduction of the Emergency Services Levy will have to be considered, when known). We agree to meet with MWRC GM in 2017 to discuss a financial plan agreeable to all parties to undertake the other 2 stages of the project.
- 4) Project Board be established to progress the precinct plan.

**NSW RURAL FIRE SERVICE**

## Detailed Information

### Background

For some time, the NSW Rural Fire Service and Mid Western Regional Council have been in dialogue regarding the enhancement of the Cudgegong Fire Control Centre to include Infrastructure for the Region RFS Heritage Museum. These discussions have primarily revolved around suitability of the present FCC to function during a Level 3 incident.

Cudgegong Fire Control Centre is located 54 Depot Road Mudgee, which covers Mid-Western Regional Council area in the central west region of New South Wales. The Council also includes the towns of Gulgong, Rylstone and Kandos and the villages of Bylong and Ilford's. Most of the Local Government area is agricultural with strong presence from coal mining, but it includes several historical towns.

Covering an area of 9,595 sq kms, the predominant land in the north of the District is the open and lightly undulating livestock grazing and moderate cropping land. To the south and west of the Shire the land becomes steep and mountainous. The east of the District is open land that has been developed into large amounts of small acreages in heavily timbered country that is a mixture of open areas and rolling hills which extends into the wilderness of National Parks.

The Cudgegong District has a population of approximately 23,000 people, it comprises of Mudgee, Gulgong, Kandos and Rylstone with 10 other villages Hargraves, Windeyer, Lue, Wollar, Charbon, Clandulla, Bylong, Ilford, Running Stream and Goolma. Natural and tourist attractions include Frog Rock, The Drip, Hands on the Rock, Burrendong Dam, Munghorn Gap, Goulburn River National Park and Windermere Dam, Dunns Swamp, Wollemi National Park and Ferntree Gully

The existing RFS building, incorporating both the RFS Fire Control Centre and the Emergency Management Control Centre, was reviewed by RFS and considered deficient in space and configuration to meet both current operational needs as well as accommodate future growth of RFS and emergency services.

Significant fires have been run from the current FCC and it has proven to be less than adequate in terms of physical size, parking, meal /kitchen limitations, EOC functions, and operational layout for campaign fires



The proposed new facility will provide a hub for operational, logistical and training support for the 27 brigades and more than 1455 NSW Rural Fire Service members across Mid Western LGA

The Fire Control Centre presently accommodates:

- > 6 x permanent Staff
- > 1 x RFS Communications Brigade
- > Mid Western Regional Council EOC

Mid Western Regional Council is committed to the safety and wellbeing of the community and aims to ensure that a balance of emergency preparedness & community resilience exists, while being very mindful of the community propensity to pay for infrastructure and ongoing operational costs associated with these efforts.

Basically, Council aims to deliver responsible, strategically focused and affordable Rural Fire Service management for the community.

The proposal will become part of the Mid Western regional Council Assets Management Strategy Toward 2030 plan.

#### **The Rural Fire Service Precinct 'Vision'**

The value of the local RFS presence for the Mid Western Regional Council area lies in the volunteer base upon service have been built. The volunteers are dedicated, active and there is history of collaboration between volunteers and Council.

This willingness for the volunteers to work together is the cornerstone of the eventual success of Council's desire to develop a Rural Fire Services Precinct in the region.



**NSW RURAL FIRE SERVICE**

### **Fire Control Centre**

The RFS is envisaged to provide for the RFS Type B Fire Control Centre, Operational & logistics Support, local Communications Brigade, Regional RFS Heritage Museum, Regional Training Ground, relocation of the State Mitigation Support Services and 1 of 4 State Remote RFS Training Centre for Specialised Operations **RFS Type B Fire Control Centre**

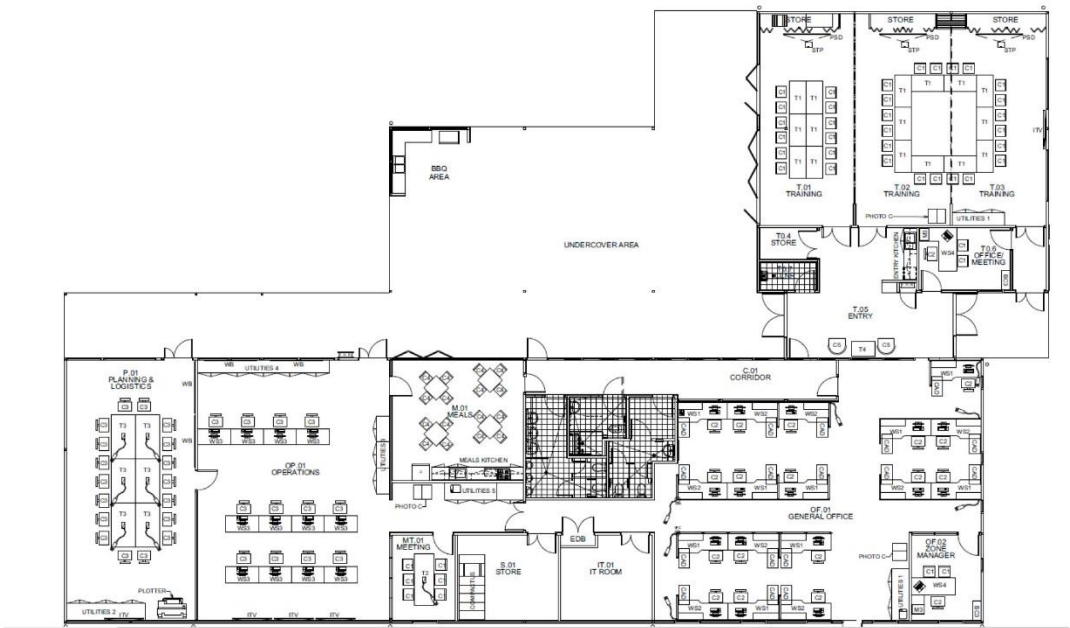
- > Type B FCC facility to accommodated 18 workstations
- > Meeting rooms
- > Operational communication room
- > Planning and Logistics Rooms
- > Training/ local Emergency Management Area
- > Kitchen and break out Facilities
- > IT and communication hardware and software







RFS Type B Fire Control Centre





NSW RURAL FIRE SERVICE



### Operational & logistics Support and local Communications Brigade

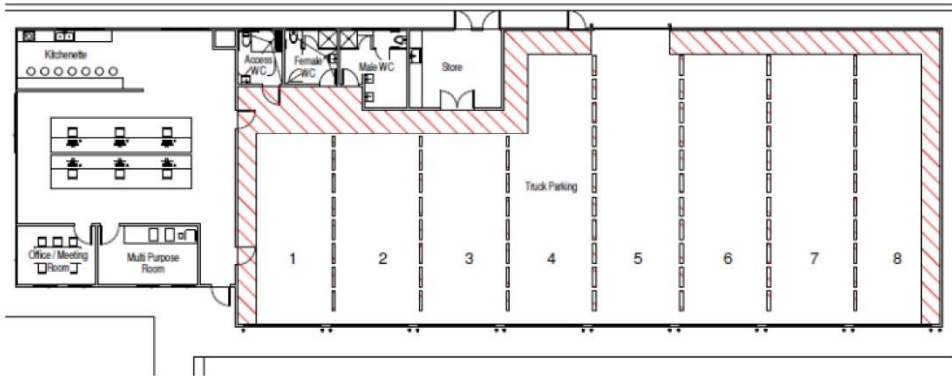
- Accommodate equipment to support volunteers, any other agencies during operational needs
- To house specialist equipment for security and weather
- Centralist shortage of equipment





Region RFS Heritage Museum

A group of local NSW RFS enthusiasts who over the last 10 or so years have amassed a collection of historical vehicles and other items suitable for display to capture the history of the NSW RFS.





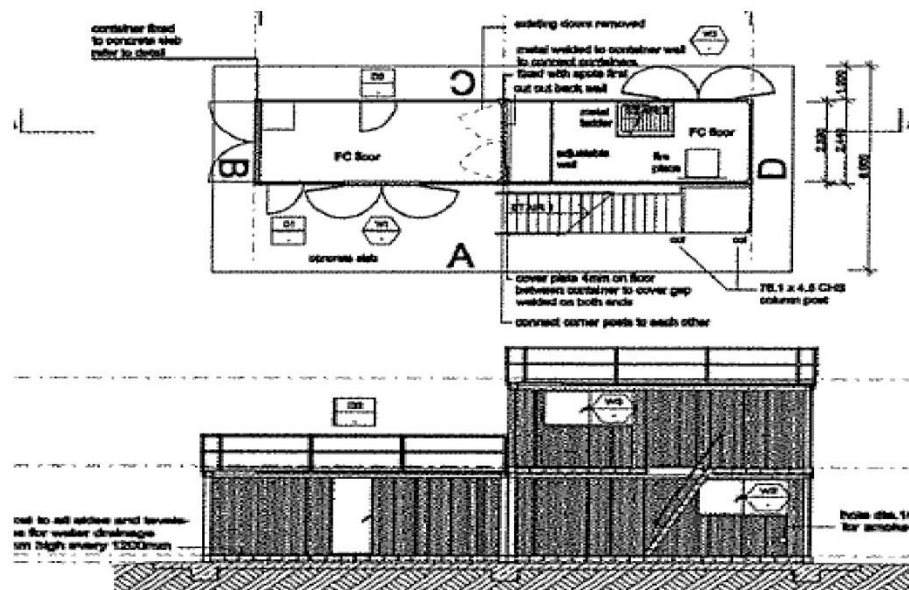
NSW RURAL FIRE SERVICE



### Regional Training Ground

This proposal will benefit all members, with a focus on village type training. Additional training and recertification facilities across area will provide opportunity to increase the numbers of qualified and current Fire Fighting members across various across the area.

By establishing the training facility the local area continually improves, maintaining its position as world class combat agency, whilst also enhancing the skills, competencies and safety of the members. The skills and knowledge gained from this training will enhance members through a better understanding of the hazards, strategies and tactics





### State Mitigation Support Services and State Remote RFS Training Centre for Specialised Operations

For several years the NSW RFS have located a Mitigation crew in Mudgee, firstly as a trial sharing a Brigade Station, more recently leasing an industrial shed. It is the intention of the NSW RFS Mitigation Crew to remain in Mudgee for its central location to other areas. It must be noted that this employs five fulltime staff. The Mitigation component of this facility would be built with no cost to Council as part of the RFS Precinct.



**Note:**

The last weeks Bays add other two bays on top to allow for the internal platform, no concept drawing prepared





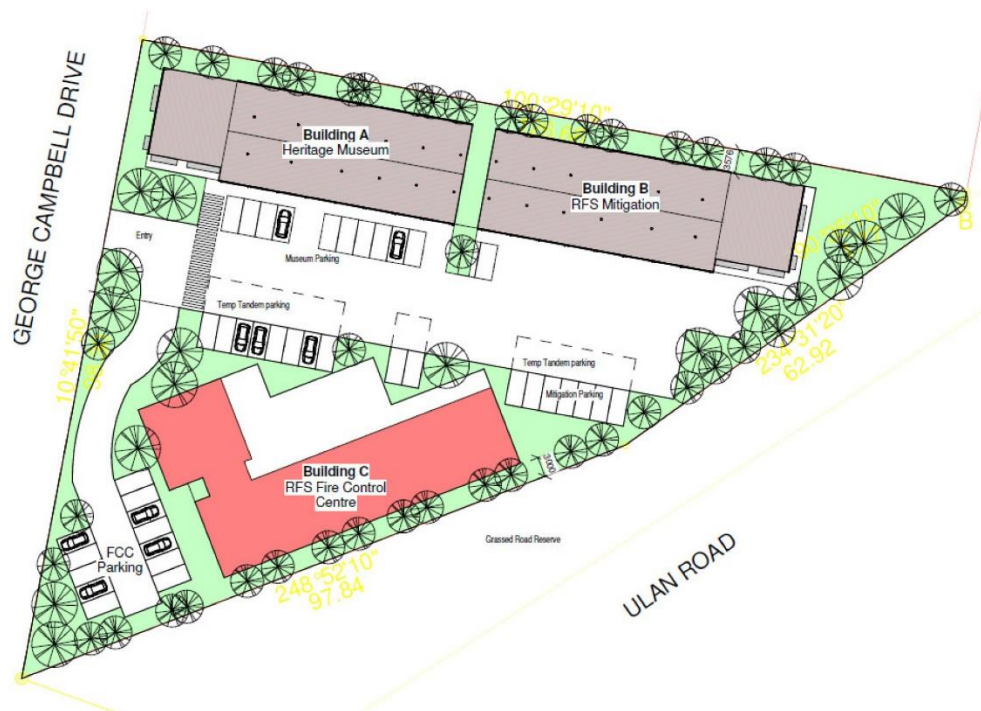
NSW RURAL FIRE SERVICE



### Site Identification

The initial methodology for the identification of sites has been to accommodate the RFS expressed desire for 2 hectares of land to be available for the RFS Precinct.

The site identification will require to access essential services (such as telecom copper & optic fibre, electricity, water, sewer etc), or in fact planning or development constraints.



**Draft Master plan**

**NSW RURAL FIRE SERVICE**

### Stakeholder Consultation

Should council elect to proceed with such project by conducting further investigation, it is anticipated that a project Committee would be formed. The overall structure of this committee and any associated Terms of Reference would ordinarily be established by the NSWRFSS and Council. It is recommended that the Committee be put in place early in the process to ensure that all appropriate stakeholders are engaged and the project is underpinned by an appropriate framework. Should Council elect to proceed with further investigations, it is anticipated that a potential structure and membership of such a Committee would be canvassed. This process may link to the Council's Assets Management Strategy Toward 2030 plan.

The advantages with Stakeholder Consultation may summarise as follows:

- > Retention of the FCC in current location;
- > Number sites for the RFS to met Objectives;
- > Treasury funding currently available for the project;
- > Significant opportunities for local procurement and economic development opportunities during both build and operational phases;
- > Establishment of an emergency services hub (precinct) meeting requirements of a range of emergency services providers (SES,VRA,RFNSW, Ambulance Service);
- > Further solidification of a collaborative partnership between Council and the NSW RFS;
- > Opportunities to consolidate existing Council assets (this will also provide an injection of working capital);
- > State of art facility that will meet a variety of stakeholder needs and create opportunities for sharing.

**NSW RURAL FIRE SERVICE**

### **Project Cost & Funding Options**

RFS is conscious that Council not in a position land purchase or acquisition is not funded thorough the RFFF infrastructure funding model and would therefore need to be met entirely by Council.

#### **Stage 1**

The first stage of the proposed project will be the construction of the Heritage Museum, the funding for the Museum has been accumulated over the past 4 years budget cycles.

#### **Stage 2**

The second stage of the project will be the construction of the fire control centre.

#### **Stage 3**

The Third stage of the project will be the construction of the 5 bay joint SMSS – Cudgegong store.

### **Funding Management Plan**

To enhance the viability of this proposal the Cudgegong Senior Management Team have held discussions about how we can manage the current fleet of appliances to enable funding be directed to the construction of the fire control centre.

The Senior Management team agreed that with the age of the current fleet of appliances we can afford to not have any new vehicles come into the Cudgegong district for a period of either 3 or 4 years. This will give the Cudgegong district an opportunity to conduct a review of the current fleet and look at a management plan for the future.



### Governance

The success of the project and ultimate path allowing development of a Precinct is therefore underpinned by an overarching need for all parties to work collaboratively and remain focused on what needs to occur to best serve the community. Therefore the following corporate governance framework is suggested;

#### Phases:

1. Draft Project Proposal developed and documented.
2. Project Initiation Document drafted.
3. Project Board establishment, with representatives from Council (GM, Other relevant Staff), RFS (District Staff, HQ Staff & Volunteers), and Project Manager (appointed by Council).
4. Project reporting structures & documents finalised and approved.
5. Project Board recommends and approves staged building program, with costing and agreement with Council.
6. Constant feedback and reporting to all stakeholders.

## 10.5 Rylstone Dam Wall Structural Assessment

REPORT BY THE MANAGER, WATER AND SEWER TO 17 FEBRUARY 2016 COUNCIL MEETING  
Rylstone Dam Wall Structural Assessment - 17 Feb 2016  
GOV400054, WAT500013

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Water and Sewer on the Rylstone Dam Wall Structural Assessment;**
2. **write to the NSW Minister for Lands and Water, seeking financial assistance for the concept structural works proposed for Rylstone Dam;**
3. **amend the 2015/16 Operational Plan to increase Water Management Studies by \$50,000 funded from Water Fund unrestricted cash.**

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### Executive summary

Rylstone Dam is a prescribed dam under the NSW Dams Safety Act 1978. The Dam Safety Committee can require owners of prescribed dams to do things to ensure the safety of their Dams.

Previous dam surveillance reports and structural assessments of Rylstone Dam have indicated the likely future requirement for strengthening of the dam wall.

Consultants are currently being procured to undertake a detailed risk assessment for the dam including structural assessment.

Structural works required as advised by the structural assessment may be eligible for funding assistance under the NSW Country Towns Water Supply and Sewerage Scheme.

This report recommends that Council request funding assistance based on concepts provided in a previous risk assessment for Rylstone Dam, acknowledging that the concept needs to be investigated and detailed to enable tendering of the works required by August 2016. After investigation is complete, a recommendation to Council to formally request approval to tender works will be raised, once a solution is ascertained and an approved budget is in place.

### Detailed report

The former Department of Land and Water Conservation's 2002 Portfolio Risk Assessment for 21 NSW Local Water Utility Dams included assessment of Rylstone Dam, then owned and operated by the former Rylstone Shire Council.

Recommendations of the report included preparation of a Dam Safety Emergency Plan, installation of flood monitoring system and removal of embankments to upgrade the spillway. Council subsequently undertook these recommendations.

Long term recommendations of the 2002 Portfolio Risk Assessment included provision of anchors to support the critical section of the wall arch. Consultants are currently being procured to undertake



a current structural assessment of the dam wall, however it is considered that the recommendation of 2002 is a concept suitable for utilisation in budgeting for the works.

The current concept estimate for the above works is \$8 million.

The NSW Country Towns Water Supply and Sewerage (CTWSS) Scheme ends in June 2017. The NSW Department of Primary Industries – Water (DPI Water) have advised that all projects funded under the NSW CTWSS Scheme must be completed by the end of June 2017.

It is recommended that Council write to the NSW Minister for Primary Industries and Minister for Lands and Water, the Hon Niall Blair MLC seeking funding assistance of fifty percent of the total project cost based on the concept estimate of \$8 Million.

## Community Plan implications

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

## Financial implications

The long term capital financial plan for Water Fund is currently being reviewed as part of the annual budgeting process. It is proposed that a number of capital projects scheduled for 2016/17 and 2017/18 will be deferred as a result of easing development/growth rates in the region, allowing a potential \$4 million for Rylstone Dam structural works to be budgeted in 2016/17 without significant impact to the short term cashflow, however, the long term impact of the additional expenditure will need to be assessed and balanced for capital works with competing priorities.

At this stage, staff are awaiting results of the new structural assessments in order to prioritise the necessity of this work, however it should be noted that without the \$4million in grant funding, these works would have a significant impact to Water Fund cash and fee structure. Further financial review and recommendations will be provided to Council, once the structural assessments are complete and during the 2016/17 Operational Plan and Long Term Financial Plan process. The recommendation at this stage is to try and secure grant funding before the NSW Country Towns Water Supply and Sewerage Scheme closes.

Council staff are currently procuring consultancy services for the structural investigations, and preliminary estimates are at \$50,000 to undertake the structural investigations, therefore a recommendation to amend the 2015/16 Operational Plan has been included to cover this required cost.

CLAIRE CAM  
MANAGER, WATER AND SEWER

DARYL COLWELL  
DIRECTOR, OPERATIONS

9 February 2016

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Item 11: Community

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### 11.1 Glen Willow Sporting Complex Master Plan

REPORT BY THE DIRECTOR, COMMUNITY TO 17 FEBRUARY 2016 COUNCIL MEETING  
Glen Willow Sporting Complex Master Plan  
GOV400054, F0650099

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Director, Community on the Glen Willow Sporting Complex Master Plan;**
  2. **place the Draft Glen Willow Sporting Complex Master Plan on public exhibition for 28 days;**
  3. **endorse the Glen Willow Sporting Complex Master Plan, if no public submissions are received.**
- 

#### Executive summary

An updated version of the Master Plan for Glen Willow has been produced. This has been developed with the assistance of a sub-Committee of the Mudgee Sports Council. The updated Master Plan will be a useful document as Council seeks to secure additional Federal and State funding to continue the works at Glen Willow and continue to build the premier sporting complex for the Region.

#### Disclosure of Interest

Nil.

#### Detailed report

A Master Plan was developed in 2005 to support the development of Glen Willow and the seeking of funding opportunities. The Master Plan is now out of date and it is necessary to update this to ensure that future funding applications and priorities are targeted effectively. The update has also provided an opportunity to accurately document the work that has been completed on the complex.

As part of the process of updating the Master Plan, a sub-Committee of the Sports Council was formed to review the future plans. This document is representative of the views of the Mudgee Sports Council.

Proposed future developments are segmented into the following areas so that Council can be adaptable in responding to the various opportunities for funding that may arise in the future. The areas can be summarised as follows:

Stage 2A – construction of two major playing surfaces in the style of the current main field, with a view to creating rugby union and rugby league fields. These fields would have lighting, spectator

mounds, scoreboards and fencing with supporting road and car park construction and all necessary infrastructure. A central amenities building between the two fields would also be constructed.

Stage 2B – construction of 2 multipurpose fields suitable for touch football, soccer, rugby league, rugby union, cricket and other sports. These fields would also have lighting and supporting infrastructure.

Stage 2C – construction of two playing surfaces suitable for junior rugby league. This would include lighting and supporting infrastructure as well as an amenities building.

Stage 3 – Future developments would also consider the construction of a major field capable of supporting cricket and AFL (including additional lighting, car parking, spectator seating and supporting infrastructure); two synthetic hockey fields; and additional hard courts and grass courts for netball.

There are a number of other recreation considerations at Glen Willow that are also included in the plan. These include continued development of the pathways, the arboretum and improvements and expansion of the off-leash dog area. The pedestrian and passive recreation linkages from Glen Willow back into the Mudgee township are also an important part of the Glen Willow operations.

This report seeks Council endorsement for this updated version of the Glen Willow Master Plan.

## Community Plan implications

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

## Financial implications

The Master Plan contains costing for various expansion options for the facility. Any actual expenditure related to new developments at Glen Willow will be sought through the regular budget processes.

SIMON JONES  
DIRECTOR, COMMUNITY

4 February 2016

*Attachments:* 1. Draft Glen Willow Master Plan (included at the end of the business paper)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 11.2 Code of Conduct Amendment

REPORT BY THE GOVERNANCE COORDINATOR TO 17 FEBRUARY 2016 COUNCIL MEETING  
Code of Conduct Amendment  
GOV400054, GOV400008

### RECOMMENDATION

#### That Council:

1. **receive the report by the Governance Coordinator on the Model Code of Conduct Amendment;**
2. **adopt the revised Model Code of Conduct produced by the Office of Local Government as per circular 15-41 dated 17<sup>th</sup> December 2015.**

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### Executive summary

Council adopted the Model Code of Conduct and the Procedures for the Administration of the Model Code of Conduct in February 2013.

On 13 November 2015 amendments to the Local Government Act 1993 made by the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015 commenced requiring Councils to amend the Model Code of Conduct.

### Disclosure of Interest

Nil.

### Detailed report

With the commencement of the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015 on 15 November 2015 there is a requirement for Council to adopt an amendment of the Model Code of Conduct.

The amendment affects clause 4.29 only which currently reads;

*4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:*

*a) the matter is a proposal relating to*

- i) the making of a principle environmental planning instrument applying to the whole or a significant part of the council's area, or*
- ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applied to the whole or a significant part of the council's area, and*

*b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.*

Clause 4.29 now reads;

4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:

- a) the matter is a proposal relating to
  - i) the making of a principle environmental planning instrument applying to the whole or a significant part of the council's area, or
  - iii) amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applied to the whole or a significant part of the council's area, and
- b) the non-pecuniary conflict of interests arises only because of an interest that a person has in that person's principle place of residence, and
- c) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

### Community Plan implications

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

### Financial implications

Not applicable.

**TIM JOHNSTON**  
**GOVERNANCE COORDINATOR**

**SIMON JONES**  
**DIRECTOR, COMMUNITY**

3 February 2016

*Attachments:* (included at the end of the business paper):

1. Model Code of Conduct November 2015
2. OLG circular 15-41 December 2015

**APPROVED FOR SUBMISSION:**

**BRAD CAM**  
**GENERAL MANAGER**



## 11.3 Business Use of Footpath Policy

REPORT BY THE DIRECTOR, COMMUNITY TO 17 FEBRUARY 2016 COUNCIL MEETING  
Business Use of Footpath Policy Service of Alcohol final report after public exhibition Feb 2016  
GOV400054, A0100021

### RECOMMENDATION

#### That Council:

1. **receive the report by the Director, Community on the Business Use of Footpath Policy;**
2. **adopt the Business Use of Footpath Policy including the amendments included to address NSW Police Force concerns;**
3. **review its approach to Alcohol Free Zones in light of the above changes;**
4. **review the Business Use of Footpath Policy by June 2017.**

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### Executive summary

Public exhibition of the Business Use of Footpath Policy closed on 15 January 2016. Based on a dissenting submission received from the Mudgee Police Local Area Command further amendments have been proposed.

This policy already covers a range of activities, dining, advertising and display of goods for sale. The matter necessitating this report (the service of alcohol), brings with it additional legislative and importantly, community safety considerations. The proposed amendments will require Council to review its adoption of Alcohol Free Zones if the extension of restaurants and cafes liquor licences onto designated footpath areas occurs.

It is being recommended that if these changes are adopted that the Policy be brought back to Council's consideration after a short period to ensure that it is operating effectively and is not compromising broader community expectations such as public safety and amenity of the public domain.

The further amendments to the policy exhibited are highlighted in red text in the attached document. Due to these amendments, Council may wish to consider placing the policy back on public exhibition for 14 days for any further comment from interested parties.

### Disclosure of Interest

Nil.

### Detailed report

The Business Use of Footpath Policy was first presented to Council in May 2014 to replace the 'old' Development Control Plan of Mudgee Council and provide direction for the business use of footpaths within the Mid-Western Region. At that time the sale and consumption of alcohol was not permitted under this policy.

In March 2015 Council resolved to review the policy. On 15 April 2015 Council placed the policy on exhibition for 14 days and considered the submissions at the 15 July 2015 meeting adopting the policy. At the time the policy prohibited the sale or consumption of alcohol in permitted footpath dining areas.

Late in May 2015, Council received correspondence from Mudgee Grape Growers, Mudgee Tourism and Mudgee Chamber of Commerce requesting Council to consider allowing the consumption of alcohol for footpath dining areas. Following this, Council commenced discussions with Mudgee Police while considering proposed amendments to the Business Use of Footpath Policy relating to the service of alcohol.

Policy amendments were presented to Council's November 2015 meeting. That report was withdrawn due to anomalies in the report relating to Liquor Licencing laws that required amendment. The amended report was presented to the 16 December 2015 meeting, the report was adopted and the policy was placed on public exhibition for 28 days.

Council has received 2 affirmative submissions during the public exhibition period, from Elton's Café and Mudgee Region Tourism Inc.

The only other submission was by Mudgee Local Area Command Police who submitted a dissenting view including proposed amendments as follows;

- clear definition of businesses who may apply for a permit for the extension of a liquor licence to include the footpath designated area is limited to restaurants and cafes only.
- Define how the policy works within the current Alcohol Free Zone Policy of Council.
- The need for "Plans of Management" for businesses applying to extend their liquor licence onto the footpath designated area.
- Hours of operation for the liquor licence extension to the footpath designated area being limited. It is proposed 12 midday to 4pm and 6pm to 10pm.
- Greater specification of barriers and signposting of designated permitted footpath areas.

Minor changes have been made to the Policy. Staff are recommending that Council agree to the Police request for a break in service of alcohol and so the operating times have been changed. It is also recommended that an application for service of alcohol be referred to the Police for any comment prior to Council approving the permit.

This is a difficult policy to develop given the concerns of the Police and the need to balance the importance of tourism and business development with community safety concerns and considerations. The extension of the policy to cover the serving of alcohol with a meal creates some issues with trying to combine all of these elements into the one document. For this reason, as well as concerns by the Police in regard to potential community impacts, it is recommended the the policy is reviewed in a relatively short period of time so that Council can make some assessments on its effectiveness and whether it is meeting the intent of the policy.

## Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Maintain and promote the aesthetic appeal of the towns and villages within the Region.

## Financial implications

There is no financial advantage to Council, in the management of this policy for regulation of business use of footpaths for commercial gain. Revenues generated by Council will not cover the costs of ongoing policy administration. Fees where they apply are calculated to achieve only partial cost recovery.

SIMON JONES  
DIRECTOR, COMMUNITY


5 February 2016

*Attachments:* 1. Business Use of the Footpath Policy Proposed Amendment

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## ATTACHMENT 1

	<b>POLICY</b>	C/M 15/07/2015 Minute No. 218 / 15
	<b>Business Use of the Footpath</b>	REVIEW: 07/2017 FILE No. A0100021

### 1. Purpose

The purpose of this policy is to facilitate business use of the footpath in areas adjacent to business premises to ensure a pleasant and safe environment for shoppers and patrons, without compromising the safety or amenity of the public domain for pedestrians using the public footpath or adjoining public spaces or for motorists parking or alighting from their vehicles.

The policy applies to a range of businesses including cafes, restaurants and sandwich shops which meet the definition of "restaurant" under the Roads Act, 1993 and other retailers. The policy covers business use of the public footpath for the purpose of dining, displaying goods, and advertising businesses.

This policy aims to permit the establishment of business opportunities and to enhance the vibrant atmosphere in the commercial centres of the Mid-Western Regional Council local government area (MWRC LGA). The policy will allow the approval of business use of footpath areas, which may include tables, chairs, display units, advertising structures, shade umbrellas, planter boxes and the like to be placed on footpaths within the MWRC LGA adjacent to businesses where there is adequate footpath width for pedestrian circulation and safe parking of vehicles.

The Policy details specific license requirements under NSW Liquor laws for the service of alcohol into approved footpath use areas.

### 2. What Legislative Provisions regulate the use of the footpath?

The Roads Act 1993 and the Local Government Act 1993 generally require that a person shall not carry out any activity on a public road or place without the approval of Council.

Sections 125, 126 and 127 and in some cases Sections 137A-139F of the Roads Act 1993 allow Council to approve the use of a footpath for restaurant purposes, as long as using the footpath for this purpose is not taken to constitute a public nuisance and does not give rise to an offence against the Roads Act or any other relevant legislation.

Section 68 of the Local Government Act 1993 allows Council to approve the placing of articles on or to overhang the footpath.

Sections 137A-139F of the Roads Act, 1993 address legislative requirements for Street Vending activities.

NSW Liquor Act 2007 and Liquor Regulation 2008 apply for the purpose of the service of alcohol with meals on approved business use of footpaths activities. *Refer section 8.9 of the policy.*

### 3. Areas to which this Policy applies

This policy applies to all footpath areas in the Mid-Western Regional Council area.

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**Business Use of the Footpath**

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**4. How can I make an application to use the footpath?**

Any businesses seeking to use a public footpath must obtain approval prior to occupation. Permission will only be granted where the objectives of this policy have been achieved.

Applications must be made on the Business Use of the Public Footpath Application form which is available on Council's website or is available at Council's offices. Applications must be accompanied by a diagram showing how the footpath is proposed to be used with particular reference to the area of the proposed use.

**5. What areas of the footpath can I use or not use?**

Business use of footpath areas is permitted, with the approval of Council, generally on footpaths immediately adjacent to the shop front, in locations that do not cause an impediment to other footpath users.

Business use of footpath areas may be either prohibited or restricted, in locations where they obstruct the clear view line of pedestrians or motorists. Clear view lines allow pedestrians to view on-coming traffic and motorists to observe pedestrian movements.

To ensure that access and equity objectives are met there will generally be a minimum width for pedestrian circulation of at least 1.8 metres continuously maintained, immediately adjacent to the property boundaries (generally the building line), for the clear passage of footpath users. Council may, on the merit of a particular situation and application, consider variation to this standard where the applicant can show that the proposal is consistent with the surrounding environment, adequate pedestrian circulation and parking safety is maintained or that agreement has been obtained from the relevant Access Committee.

Any commercial use of footpaths should be conditional upon the safety of potential users. Customers and their children must be protected from the possibility of contact with reversing cars as they park, or vehicle doors or tailgates as passengers alight. Barriers, markings or a setback from the kerb may be required in many locations.

Where deemed necessary, a 1.2 metre setback from the kerb edge may be required to ensure the safety of patrons dining at that boundary, from contact with moving motor vehicles.

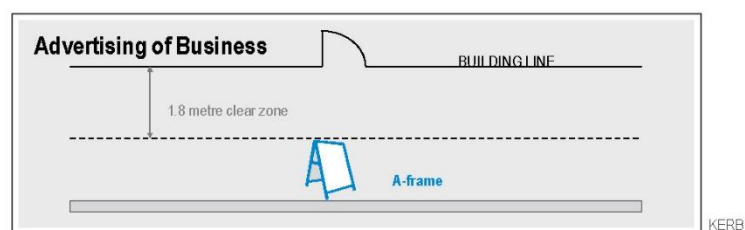
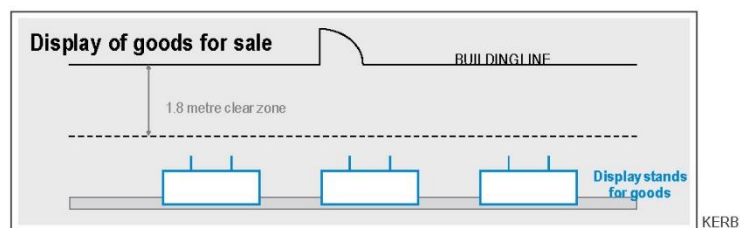
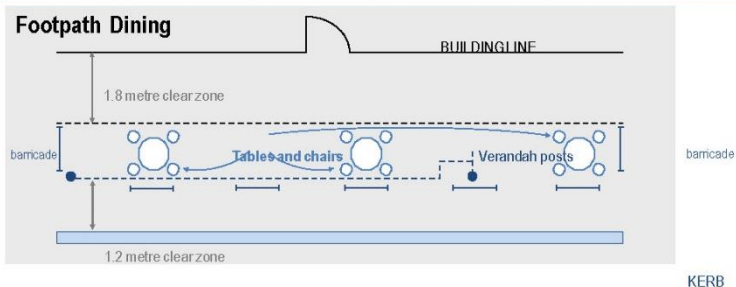
Council may apply the 1.8 metre standard for pedestrian circulation, together with the 1 metre setback from the kerb, with the result that there may only be room for one row of tables on the remaining footpath. Where this constraint is deemed necessary, it is applied in the interests of public safety and pedestrian traffic.

Council may apply a setback from the kerb, for the location of "A" frame and other signage, to reduce the risk of damage to vehicles and pedestrians, from reversing cars contacting these signs.



**Business Use of the Footpath**

Some examples of how footpaths may be used by businesses are set out diagrammatically below:



6. Do I need to provide evidence of my Public Liability insurance to use the footpath?

Permission for business use of the footpath will only be valid where adequate insurance cover is provided by the business. This compliance is required to ensure meeting the objective of the policy, i.e. protecting Council, the community and the public interest while permitting effective use of the public footpath for business purposes. To ensure Council and community protection from claims that may arise as a result of business use of the footpath area the business operator must:

- Take out a public liability insurance policy for the sum of not less than \$10,000,000 which is to be in force at all times during the term of the approval. In some cases where there is more extensive outdoor dining or use of the footpath, Council may require a public liability insurance policy of not less than \$20,000,000.

#### **Business Use of the Footpath**

- Extend the policy to indemnify Mid-Western Regional Council against any public liability claims arising from trading activities on the footpath.
- Provide proof of this current policy to Council with the application for approval or when requested to do so (This can be by way of a Certificate of Currency).
- Maintain this insurance policy during the term of the approval and provide updated Certificates of Currency each time the approval is renewed.

#### **7. What documentation will I get from Council to prove that I can use the footpath?**

Council will issue a Permit to those who receive approval to use the footpath for business purposes.

The issue of Permits to use the footpath for business purposes will be at the sole discretion of the General Manager.

This Permit must be prominently displayed in the front window of the business to which the Permit refers.

#### **8. What Conditions must I comply with to use the footpath?**

All persons being issued with a Permit shall be required to comply with the following general conditions:

##### **8.1 Term**

- Approvals shall be for a maximum period of 5 years.

##### **8.2 Fees**

- Council reserves the right to charge a fee for the administrative process of determining, approving and issuing permits.

##### **8.3 Hours of Operation**

- The hours of operation for any approved area must be the same as or less than the approved hours of operation of the associated business unless specified in the permit. The hours of operation for the approved area may be limited if it is considered that the amenity of the surrounding area or the safety of pedestrians or footpath diners may be adversely affected. Businesses seeking approval for the service of alcohol with meals will have hours of alcohol service defined, refer 8.9 below.

##### **8.4 Maintenance of Approved Area**

- The approved area and area between the shop premises shall be kept clean at all times and any spilt food, liquid or other material likely to cause injury or accident shall be removed immediately by the applicant/operator.

##### **8.5 Outdoor Furniture**

- Outdoor furniture includes umbrellas, tables, chairs, display stands, advertising structures, A-frames, heaters, planter boxes and perimeter and safety barricades.
- Outdoor furniture must not contain parts that are likely to cause damage to the pavement, or sharp edges, hinges and other moving parts that may present a hazard to patrons or pedestrians.

**Business Use of the Footpath**

- Each business should adopt a single colour and style for tables and chairs in its particular area to provide consistency and identity.
- Outdoor furniture should be strong, durable, waterproof and weather resistant designed for commercial outdoor use. Tables and chairs should fold or stack for storage.
- All outdoor furniture must be temporary and must be able to be removed in extreme weather conditions.
- Outdoor furniture may be powder coated or polished aluminium, powder coated, brushed or stainless steel, natural or painted timber, or canvass. Under no circumstances shall outdoor furniture consist of "cheap" bulk manufactured plastic chairs. Surfaces such as table tops should be non-reflective. All outdoor furniture will be subject to the approval of Council.
- Planters should be terra cotta, concrete or reconstituted stone in natural, sandstone or terra cotta colour, or powder coated, brushed stainless steel or timber.
- Outdoor furniture is not to be placed outside the approved area under any circumstances.
- Display stands must be stable or firmly secured. Display stands should be a minimum height of 1,000mm and a maximum height of 1,200mm and width of 750mm. All display stands should be of high quality design.
- No part of the footpath is to be used for storage.
- Where the use of a heating device is proposed, details of the type, location and design must be included in the application. Heating devices must be designed in a manner which minimises risk and as such shall turn off automatically if overturned to prevent injury to patrons and property. Heating devices must be removed when not in use and suitably screened from public view. All outdoor heaters must comply with the relevant Australian Standards.

**8.6 Perimeter Barricades**

- Outdoor dining areas must be easily accessible from the public footway and should as far as possible present an open and inviting image to entice participation. Planter boxes may be used in appropriate circumstances to physically define the side boundaries or perimeters of an outdoor dining area. ~~Other enclosures should be kept to a minimum.~~
- The use of framed fabric or any other style of low-height barriers, including planter boxes within public domain must be carefully designed and selected to ensure minimal impact on the use, enjoyment and safety of pedestrians and patrons. Barriers may be considered between adjoining cafe/areas to have clear demarcation between business activities. Barriers which are not fixed on site must be removed from the footpath when the business is not open. Barrier screens may be used for advertising in situations where the advertising is provided as an integral part of the barrier.
- Removable barriers could be used to prevent diners, their prams or property from any placement closer to the kerb than one metre from the kerb. This measure is essential to prevent accidental contact between people and reversing or parking cars, or opening doors or tailgates. Alternatively, narrow line marking may assist in delineating the area approved for outdoor dining.
- Pedestrians should not be forced onto the road carriageway by outdoor dining activities or other non-permanent items/structures on the footpath.
- Planter boxes may be considered in open areas, where there is sufficient room and pedestrian movement is not impeded. The planter boxes must be well-maintained by the applicant. Council reserves the right to order the removal of planter boxes that are not properly maintained including the consistent provision of approved high-quality flowers or vegetation. Permanent planter boxes will only be considered on footpath areas where the footpath has been widened for specific business use.
- The height of any solid barrier should be between 900 mm and 1,200 mm in height.

### Business Use of the Footpath

- Solid barriers may be in the form of planter boxes containing vegetation to a total height between 900 mm and 1,200 mm.
- Any proposed transparent solid barrier (such as Perspex) should comply with AS 1428.1 Access and Mobility, and should be clearly marked for the full width with a highly visible contrasting line.

#### 8.7 Food and Drink

- Food and drink must be served on non-disposable crockery and cutlery. Food and drink must not be prepared in the area approved for outdoor eating.
- Paper, foam or plastic plates, cups and cutlery shall not be used for footpath outdoor dining areas.
- Appropriate footpath service shall be provided which includes as a minimum the removal of any dirty plates, cups, cutlery, footpath staining, and rubbish on a regular basis during each operating day.

#### 8.8 Smoking

- Smoking is NOT permitted in any area used for dining or any other area as provided under the Smoke-free Environment Act 2000.

#### 8.9 Alcohol

- Businesses-Restaurants and cafes may include in their business use of footpaths application for their Liquor licence to apply to the designated footpath area. The business will be required to demonstrate that their liquor licence includes the designated footpath dining area. Council will only permit the service of alcohol on the footpath under the following conditions;
  - Applications from restaurants or cafes ~~to extend their liquor licence to cover the designated footpath area will be referred to the NSW Police LAC for comment~~
  - The footpath dining area will be clearly defined by barricades, line marking and signposting designating an area where alcohol is serviced and;
  - seated table service with meals by authorised staff of the licenced premises only and;
  - service of alcohol with meals is restricted to be undertaken between the hours 12 noon to 4 pm and 6 pm to 10 pm ~~noon and 10:00pm~~ only; and;
  - no more than one alcoholic drink may be supplied to any one person at any one time and;
  - the following drinks must not be sold or supplied;
    - any drink (commonly referred to as a 'shot') that contains ~~no~~ more than 30 ml of spirits or liqueur and that is designated to be consumed rapidly and;
    - any drink containing more than 50% spirits or liqueur and;
    - any ready to drink (RTD) beverage with an alcohol by volume content more than 5% and;
    - any drink prepared on the premises that contains more than one 30ml nil nip of spirits or liqueur

*In this condition, ready to drink (RTD) beverage means an alcoholic mixed beverage that is prepared by the manufacturer.*

  - Wine and beer sold by the glass cannot exceed the following individual serve quantities; wine not exceeding 150 mls and beer not exceeding 375mls
  - Liquor must only be sold or supplied in vessels opened by authorised staff of the licenced premises
  - No liquor may be taken out of the footpath defined licenced area
  - In the case of BYO the proprietor shall serve and store the alcohol provided within the premises.

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**Business Use of the Footpath**

**8.10 Noise**

- Amplified music is not permitted.



## **Business Use of the Footpath**

### 8.11 Business or Financial Transactions

- No business or financial transactions shall be carried out on the approved area. Such activities shall be carried out wholly within the confines of the premise. This does not include the giving and taking of bills, and associated tips and change.

### 8.12 Lighting

- Any proposed lighting must be included in the application for approval by Council and be in accordance with the relevant Australian Standards.

### 8.13 Signage/Advertising

- The following controls apply to all signage/advertising to be displayed on the approved area:
  - Signage/advertising is permitted only on A-frames, barriers and umbrellas.
  - Umbrellas must be of non-reflective material.
  - Signage on each umbrella must be consistent with all other umbrellas on the approved area.
  - No other signage will be permitted on any other structure on the footpath.

### 8.14 Safety

- The approved area shall not in any form reduce the safe egress of people from the business premises.

### 8.15 Access

- The applicant should provide access in accordance with AS1428 for people with disabilities.
- No business use of the footpath will be permitted where the use would create access problems for people with disabilities.
- In heritage areas with narrower footpaths, consideration will still be given to applications which take account of the needs of all persons who require clear lines of access past footpath obstacles.

### 8.16 Public Assets

- The removal/relocation of any Council assets, such as rubbish bins and existing street furniture, shall be subject to Council approval and will be at the applicant's cost.
- The removal/relocation of any public utilities/infrastructure shall not be permitted unless justification on public benefit can be made to Council and approvals have been obtained from the relevant authorities. Works will be carried out at the applicant's cost.

### 8.17 Breaches of Conditions

- If a Business permitted to use the footpath in accordance with this Policies conditions breach any of the conditions that apply to their permit will in the first instance be warned. The warning of the breach will be placed in writing.
- Businesses that have been warned of a breach and are found to have again breached will have the permit withdrawn. Notice of withdrawal of the permit will be in writing.
- Businesses who have the service of alcohol condition 8.9 contained in their permit and have been found to have breached condition 8.9 will have the notice of permit being withdrawn notified to the Liquor Licencing Authority.

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**Business Use of the Footpath****9. If I sell my business, can I transfer my approval to use the footpath to the new owner?**

No. The Permit cannot be transferred from one user to another. Should a business be sold the new business operator must make a new application to Council for permission to use the footpath.

**10. Under what circumstances will a Permit to use the footpath be terminated?**

A Permit can be terminated at any time by either party with one week's notice.

The Council may re-enter the approved area and terminate the approval, without notice, if:

- The operator breaches the approval and does not remedy the breach within 14 days of receipt of written notice from the Council;
- In the Council's opinion, the road safety or pedestrian circumstances in regard to the approved area substantially change; or
- Council's approval granted pursuant to section 68 of the Local Government Act 1993 and section 125 of the Roads Act 1993 is either revoked by Council, or lapses.

**11. What are the Objectives of this policy?**

The objectives of this policy are as follows:

**11.1 Access and Equity**

- To ensure safety and convenient passage of all pedestrians and customers when using public footpaths;
- To ensure the maintenance of clear view lines for both pedestrians and motorists, particularly near pedestrian crossings, street corners and key intersections; and
- To ensure adjoining premises are not adversely affected by any business use of footpath areas.

**11.2 Council and Community Protection**

- To protect Council, the community and the public interest from potential insurance and liability claims, while permitting effective use of public footpaths for business purposes;
- To effectively address risk management and insurance liability issues for Council;
- To ensure that business use of public footpaths will not cost the public purse; and
- To ensure that the amenity of the general public will not be compromised by the provision of business use of footpath areas.

**11.3 Economic**

- To enhance the economic viability of our local businesses by offering permits to use public footpaths for business purposes;
- To encourage trading and enhance our neighbourhood centres by providing a more vibrant and colourful atmosphere for shoppers;
- To provide for an active and integrated street front; and
- To maintain visibility and exposure of shopfronts.

**Business Use of the Footpath**

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12. What Enforcement and Compliance action can Council take against those who do not abide by this policy?

Enforcement can be taken under the Roads (General) Regulation 2000 in relation to the placement of obstructions on the footpath, or Section 125(1) and 121B of the Environmental Planning and Assessment Act 1979. Failure to comply with the conduct of business set out herein or with the enforcement order may result in receiving a fine or cancellation of the Permit. These offences incur set penalties set by State legislation.

## 11.4 Affordable Housing Policy

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 17 FEBRUARY 2016 COUNCIL MEETING  
Affordable Housing Policy  
GOV400054, A0402052

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Community Services on the Affordable Housing Policy;**
  2. **adopt the amended Affordable Housing Policy.**
- 

### Executive summary

The Affordable Housing Policy provides a structured approach for Council to respond to the fluctuating demands on affordable housing within the Mid-Western Region.

### Disclosure of Interest

Nil.

### Detailed report

The housing climate is one known to fluctuate between extremes and the existing policy was first drafted and presented to Council at a time when the Mid-Western Region was facing significant demands on the availability of rental accommodation (and affordable housing, in general). The amendments to the policy are more reflective of the current housing climate, including updated affordable housing opportunities.

Consultation and feedback in relation to the amended policy was sought from members of the Mid-Western Region Housing Network, which comprises stakeholders including Council, community service and housing providers, Housing NSW, Family and Community Services (FaCS) and Mudgee Local Area Command.

Housing Plus, a community services provider for housing, homelessness and domestic violence, suggested the following policy additions:

- Zoning for new developments be reviewed to including an allocation of affordable housing in all new developments, such as low cost one and two bedroom units in 30% of all new developments.
- Council consider a joint venture with community housing providers and/or developers to bring together key components such as land, funding, development expertise and skills. Community housing providers can manage affordable housing properties on behalf of organisations, individuals and consortiums.
- An additional measure be included that records the number of construction certificates approved for affordable housing dwellings in each town.

## Community Plan implications

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

## Financial implications

Council has already committed \$85,000.00 in its 2015/16 budget for the provision of crisis accommodation support. The amended policy updates funding opportunities that become available from time to time.

FIONA TURNER  
MANAGER, COMMUNITY SERVICES

SIMON JONES  
DIRECTOR, COMMUNITY

30 November 2015

*Attachments:*


1. Affordable Housing Policy (adopted August 2013).
2. Amended Affordable Housing Policy (with revisions indicated).
3. Submission from Karen Andrew, Chief Executive Officer of Housing Plus.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## ATTACHMENT 1

	<b>POLICY</b>	ADOPTED C/M 7/8/13 Minute No. 296/13
	<b>Affordable Housing</b>	REVIEW: Aug 15 FILE No A0100021

**OBJECTIVE**

- To commit Mid-Western Regional Council to the investigation and delivery of quality solutions to Affordable Housing in the region.
- To outline the demand for affordable housing
- To ensure that available funding opportunities are investigated for the provision of affordable housing in the Mid-Western Region.
- To reference best practice for the provision of affordable housing solutions
- To provide a policy framework that will focus on the establishment of partnerships with local stakeholders
- To outline a regime for the ongoing monitoring of housing and land supply.

**RELEVANT LEGISLATION**

State Environmental Planning Policy (SEPP) (Affordable Housing) 2009

**RELATED PLANS AND POLICIES**

Mid-Western Regional Council - Community Plan  
 Mid-Western Regional Council - Long Term Financial Plan  
 Mid-Western Regional Council - Asset Management Strategy  
 Mid-Western Regional Council - Delivery Program and Operational Plan  
 Mid-Western Regional Council – Development Control Plan 2013

**POLICY*****Demand for affordable housing***

The national definition of affordable housing agreed by Australian housing, planning and local government ministers is “Housing that is appropriate for the needs of a range of very low, low and moderate-income households, priced to ensure households are able to meet other essential basic living costs”

The significant growth in the property market in the Mid-Western Region is driven largely by the expansion of mining activities as well as other new developments. The increased number of new residents to town to take up mining positions and increase in short term contractors is placing significant demands on the availability of rental accommodation in the Region.

*Housing Affordability* – long term trends suggest capital growth across the region of 6 percent to 8 percent, which is not only higher than other regional centres but consistent with some metropolitan regions.

*Rental Affordability* – has proven volatile and has seen in a 12 month period extreme shortages and therefore high rental price increases, followed by an easing of those shortages and prices within a 3 month period. This has a direct correlation to the number of short term contractors in the region at any given time.

*Public Housing* - Housing Plus is the local public housing provider in the Mid-Western LGA. They are focused on long term accommodation but do provide crisis accommodation. In 2012 there were 350 Housing Plus properties in Mid-Western Region (including approx 30 in Gulgong and 40 in Kandos area).

*Crisis Accommodation* - is offered through a number of agencies in the Mid-Western LGA. One house operates in a partnership arrangement between Barnardos (assessment and case management) and Housing Plus (property management). Crisis housing is also provided through motels. Demand by far exceeds supply in this area of the housing market.

### ***Projects partnering with stakeholders***

Any project investigated by Mid-Western Regional Council will require the assistance and expertise that welfare organisations, housing suppliers and developers can provide. The focus when developing any project plan will be on drawing on the expertise of these organisations to deliver the most appropriate solutions for the region. Joint initiatives that may be delivered for the Mid-Western Region include:

- Domestic violence and crisis accommodation initiatives
- Flexibility in planning controls
- Development initiatives
- Use of Council land
- Community land trusts
- Lobbying

### ***Funding opportunities***

The funding opportunities provided below will be investigated as each funding round is opened, and a cost/risk/benefit analysis prepared for funding options considered to have merit.

*National Rental Affordability Scheme* - The National Rental Affordability Scheme (NRAS) commenced in 2008, and offers financial incentives to the business sector and community organisations to build and rent dwellings to low and moderate income households at a rate that is at least 20 per cent below the prevailing market rates.

*Boarding House Financial Assistance Program* - The Boarding House New Accommodation grant is administered by the Centre for Affordable Housing. The grant is available to support the construction of 'new generation' boarding house rooms which are self-contained with their own kitchenette and bathroom facilities. The characteristics of new generation boarding houses relate to their facilities, size, communal areas, space, management and being cycle friendly.

*Regional Development Australia Fund (RDAF)* - The (RDAF) supports the infrastructure needs of regional Australia. Almost \$1 billion has been allocated to the program. The program funds capital infrastructure projects which are identified as priorities by local communities.

*Mid-Western Regional Council* - Council may consider the funding of a preferred project under the review of the Community Plan, Delivery and Operational Plan. The consideration of any project will be assessed against the other competing priorities of Council.

### **Best Practice**

The NSW Centre for Affordable Housing (CAH) is a business division within Housing NSW which aims to achieve:

- affordability for residents
- financial viability for developers and managers
- responsiveness to community needs, and
- a more flexible approach to development and management without compromise on design or amenity.

The CAH's 'NSW Local Government Affordable Housing Kit' will be referenced when assessing any affordable housing measure being considered.

### **Monitoring**

The rental and housing supply market is very volatile. The supply of housing has a direct impact on housing affordability and rent levels. A quarterly report will be provided to Council, and published on Council's website, with will monitor land, housing and rental supply, and detail the following:

Measure	Source
Establish a baseline of the number of vacant residential lot per town.	Field Survey and Council records
The number of residential lots approved as development applications per town.	Council Records
The number of residential lots at linen release per town.	Council Records
The number of construction certificates approved for dwellings per town.	Council Records
Median rental rates for each town	3 <sup>rd</sup> Party Data Subscription (RP Data)
No. of rental properties available for each town	3 <sup>rd</sup> Party Data Subscription (RP Data)
Median property prices for each town	3 <sup>rd</sup> Party Data Subscription (RP Data)



## POLICY Affordable Housing



ADOPTED  
COUNCIL MEETING MIN NO  
DATE: 23 NOVEMBER, 201546

REFERENCE  
REVIEW DATE OCT-2017/DEC 2017  
FILE NUMBER A0420252

### Objective

- To commit Mid-Western Regional Council to the investigation and delivery of quality solutions to Affordable Housing in the region.
- To outline the demand for affordable housing
- To ensure that available funding opportunities are investigated for the provision of affordable housing in the Mid-Western Region.
- To reference best practice for the provision of affordable housing solutions
- To provide a policy framework that will focus on the establishment of partnerships with local stakeholders
- To outline a regime for the ongoing monitoring of housing and land supply.

### Legislative requirements

State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009

### Related policies and plans

- Mid-Western Regional Council - Community Plan
- Mid-Western Regional Council - Long Term Financial Plan
- Mid-Western Regional Council - Asset Management Strategy
- Mid-Western Regional Council - Delivery Program and Operational Plan
- Mid-Western Regional Council – Development Control Plan 2013

### Policy

#### Demand for affordable housing

The national definition of affordable housing agreed by Australian housing, planning and local government ministers is "Housing that is appropriate for the needs of a range of very low, low and moderate-income households, priced to ensure households are able to meet other essential basic living costs".

The significant growth in the property market in the Mid-Western Region is driven largely by the expansion of mining activities as well as other new developments. The increased number of new



POLICY: AFFORDABLE HOUSING | 23 NOVEMBER 2015/6 SEPTEMBER 2016

residents to town to take up mining positions and increase in short term contractors is placing can place significant demands on the availability of rental accommodation in the Region.

*Housing Affordability* – long term trends suggest capital growth across the region of 6 percent to 8 percent, which is not only higher than other regional centres but consistent with some metropolitan regions.

*Rental Affordability* – has, at times, proven volatile and has seen in a 12 month period extreme shortages and therefore high rental price increases, followed by an easing of those shortages and prices within a 3 month period. This has a direct correlation to the number of short term contractors in the region at any given time.

*Public Housing* - Housing Plus is the local social housing provider in the Mid-Western LGA. They are focused on providing affordable long-term accommodation options; in addition, Housing Plus provides crisis accommodation in partnership with Barnardos. In 2015 Housing Plus managed 347 properties in Mid-Western Region (including approx 35 in Gulqong and 40 in Kandos area).

Housing Plus is the local public housing provider in the Mid-Western LGA. They are focused on long-term accommodation but do provide crisis accommodation. In 2012 there were 350 Housing Plus properties in Mid-Western Region (including approx 30 in Gulqong and 40 in Kandos area).

*Crisis Accommodation* - is offered through a number of agencies in the Mid-Western LGA. One house/At least three properties operates in a partnership arrangement between Barnardos (assessment and case management) and Housing Plus (property management). Crisis housing is also provided through motels. Demand by far exceeds supply in this area of the housing market.

#### Projects partnering with stakeholders

Any project investigated by Mid-Western Regional Council will require the assistance and expertise that welfare organisations, housing suppliers and developers can provide. The focus when developing any project plan will be on drawing on the expertise of these organisations to deliver the most appropriate solutions for the region. Joint initiatives that may be delivered for the Mid-Western Region include:

- Domestic violence and crisis accommodation initiatives
- Flexibility in planning controls
- Development initiatives
- Use of Council land
- Community land trusts
- Lobbying

■ Mid-Western Regional Council may consider a Joint Venture with Community Housing Providers. Developers and/or other interested stakeholders to bring together key components such as land, funding, development expertise and skills. Community Housing Providers can also manage affordable housing properties on behalf of organisations, individuals and/or consortiums.

#### Funding opportunities

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POLICY: ~~AFFORDABLE HOUSING~~ ~~AFFORDABLE HOUSING~~ | ~~23 NOVEMBER, 2015~~ ~~16 SEPTEMBER, 2015~~

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The funding opportunities provided below will be investigated as each funding round is opened, and a cost/risk/benefit analysis prepared for funding options considered to have merit.

~~*National Rental Affordability Scheme*—The National Rental Affordability Scheme (NRAS) commenced in 2008, and offers financial incentives to the business sector and community organisations to build and rent dwellings to low and moderate income households at a rate that is at least 20 per cent below the prevailing market rates.~~

~~*Boarding House Financial Assistance Program*—The Boarding House New Accommodation grant is administered by the Centre for Affordable Housing. The grant is available to support the construction of 'new generation' boarding house rooms which are self-contained with their own kitchenette and bathroom facilities. The characteristics of new generation boarding houses relate to their facilities, size, communal areas, space, management and being cycle friendly.~~

*Regional Development Australia Fund (RDAF)* - The (RDAF) supports the infrastructure needs of regional Australia. Almost \$1 billion has been allocated to the program. The program funds capital infrastructure projects which are identified as priorities by local communities.

*Mid-Western Regional Council* - Council may consider the funding of a preferred project under the review of the Community Plan, Delivery and Operational Plan. The consideration of any project will be assessed against the other competing priorities of Council.

#### Best Practice

The NSW Centre for Affordable Housing (CAH) is a business division within Housing NSW which aims to achieve:

- affordability for residents
- financial viability for developers and managers
- responsiveness to community needs, and
- a more flexible approach to development and management without compromise on design or amenity.

The CAH's 'NSW Local Government Affordable Housing Kit' will be referenced when assessing any affordable housing measure being considered.

#### Monitoring

The rental and housing supply market ~~is very~~ *has potential to be very* volatile. The supply of housing has a direct impact on housing affordability and rent levels. A quarterly report will be provided to Council, and published on Council's website, ~~with which~~ will monitor land, housing and rental supply, and detail the following:

MEASURE	SOURCE
Establish a baseline of the number of vacant residential lot per town.	Field Survey and Council <del>records</del> <i>Records</i>

POLICY: AFFORDABLE HOUSING AFFORDABLE HOUSING | 23 NOVEMBER 2015 16 SEPTEMBER, 2016

The number of residential lots approved as development applications per town.	Council Records
The number of residential lots at linen release per town.	Council Records
The number of construction certificates approved for dwellings per town.	Council Records
Median rental rates for each town	3rd Party Data Subscription (RP Data)
No. of rental properties available for each town	3rd Party Data Subscription (RP Data)
Median property prices for each town	3rd Party Data Subscription (RP Data)
The number of construction certificates approved for affordable housing dwellings per town.	Council Records

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**Fiona Turner**

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**From:** Karen Andrew <karen@housingplus.com.au>  
**Sent:** Tuesday, 29 September 2015 10:23 AM  
**To:** Fiona Turner  
**Subject:** RE: Mid-Western Housing Network - June 2015 minutes

Hi Fiona

My Business Development Manager Justin Cantelo has reviewed the draft and makes the following comments.

*Delete as not currently available -*

Page 2 "National Rental Affordability Scheme - The National Rental Affordability Scheme (NRAS) commenced in 2008, and offers financial incentives to the business sector and community organisations to build and rent dwellings to low and moderate income households at a rate that is at least 20 per cent below the prevailing market rates".

*Suggested Additions -*

Review zoning for new developments so that affordable housing is included in all new developments. For example, 30% of new developments include affordable housing such as low cost 1 and 2 BR Units.

Mid-Western Regional Council may consider a Joint Venture with Community Housing Providers and/or Developers to bring together key components such as land, funding, development expertise and skills. Community Housing Providers can also manage affordable housing properties on behalf of organisations, individuals and consortiums.

*Add a Measure:*

The number of construction certificates approved for affordable housing dwellings per town.

If you would like to discuss these comments please contact Justin directly on Ph: 02 6360 3433 or M: 0497 072 915

Kind Regards

Karen Andrew  
Chief Executive Officer  
Housing Plus  
Suite 8, Level 2, 113 Byng Street ORANGE NSW 2800 | PO Box 968 ORANGE NSW 2800  
Ph: 02 6360 3433 | Fax: 02 6361 1609 | Mob: 0411157619  
Email: [karen@housingplus.com.au](mailto:karen@housingplus.com.au) | Web: [www.housingplus.com.au](http://www.housingplus.com.au)

## 11.5 Wilpinjong Coal Community Consultative Committee

REPORT BY THE DIRECTOR, COMMUNITY TO 17 FEBRUARY 2016 COUNCIL MEETING  
 Wilpinjong Coal Community Consultative Committee  
 GOV400054, A0420169

### RECOMMENDATION

#### That Council:

1. **receive the report by the Director, Community on the Wilpinjong Coal Community Consultative Committee;**
2. **nominate \_\_\_\_\_ as an alternate for the Wilpinjong Coal Community Consultative Committee.**

---

### Executive summary

Council is in receipt of a letter from the Wilpinjong Coal Community Consultative Committee requesting an alternate representative be appointed to ensure that Council can always be represented at their meetings.

### Disclosure of Interest

Nil.

### Detailed report

The Independent Chairperson of the Wilpinjong Coal Community Consultative Committee, Lisa Andrews, has written to Council expressing the importance of Council representation at their meetings and requesting that Council appoint an alternative representative so that attendance can be maintained for all meetings.

The delegated representative is Cr Walker. This reports seeks Council's endorsement for another Councillor as an alternate and endorsed representative if Cr Walker is unavailable for the meeting.

### Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Manage growth pressure driven by the increase in mining operations in the Region.

## Financial and Operational Plan implications

Not applicable.

SIMON JONES  
DIRECTOR, COMMUNITY

5 February 2016

*Attachments:* 1. Letter from Wilpinjong Coal Community Consultative Committee

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



ATTACHMENT 1

*Wilpinjong Community Consultative Committee**Correspondence to the Chair:**P O Box 6017  
LAKE MUNMORAH NSW 2259**[lisaandrews@midwesterncouncil.com.au](mailto:lisaandrews@midwesterncouncil.com.au)**Mobile: 0401 609 693*

11 December 2015

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

Dear Mr Cam

**Wilpinjong Coal Community Consultative Committee**

At its meeting of 7 December 2015, the Community Consultative Committee (CCC) of Wilpinjong Coal Mine resolved that I write to you seeking an alternate representative to be nominated to attend the quarterly meetings. Councillor Max Walker is the current Council delegate, however, has been an apology at all but one meeting since his appointment. Whilst it is respected that elected representatives often have competing priorities, not enabling them to attend; the Council is a key stakeholder and its involvement is valued.

It is therefore requested that an 'alternate' be nominated to replace Cr Walker in the event that he is unable to be present. In the past, Cr John Webb and Cr Esme Martens have been regular and regarded attendees.

The committee meets on a quarterly basis at the Wollar General Store Meeting Room. The 'alternate' does not need to be an elected representative or executive staff member; a senior employee of the Council would be welcome, thus ensuring feedback is provided to the Council on the business and outcome of the meetings.

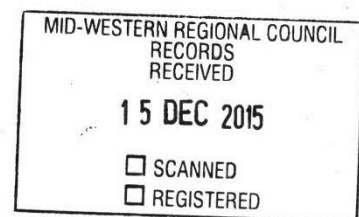
I would be pleased if you could consider this request and provide a response so that I may report back to the Committee at its next meeting on 22 February 2016.

Thank you for your consideration of this matter.

Yours faithfully



Lisa Andrews  
**Independent Chairperson**



## 11.6 Library Services – Quarterly Report Sep-Dec 2015

REPORT BY THE LIBRARY SERVICES COORDINATOR TO 17 FEBRUARY 2016 COUNCIL MEETING

LIBRARY SERVICES – QUARTERLY REPORT

GOV400054, F0620020

### RECOMMENDATION

**That Council receive and note the report by the Library Services Coordinator on the Library Services – Quarterly Report.**

### Executive summary

This report seeks to inform Council of the activities undertaken by the Mid-Western Regional Council Library Service, under the broad outlines of Customer Visits, Library Borrowings, Purchased items, and Sustainable Organisations. The report covers the period October to December 2015.

### Disclosure of Interest

Nil.

### Detailed report

#### *CUSTOMER VISITS, LIBRARY BORROWINGS, & PURCHASED ITEMS*

Visits to our Library branches during the 2015/2016 October to December period have increased by 1.6% compared to the same quarter of the previous year.

Year	Visits
Oct – Dec 2014	27,791
Oct – Dec 2015	28,234

Loans of Library items has increased by 7.11% on the same quarter of the previous year.

Year	Loans
Oct – Dec 2014	21,413
Oct – Dec 2015	22,937

Loans of Library items from the Mobile Library increased by 41% compared to the same quarter of the previous year.

Year	Loans
Oct – Dec 2014	1,194
Oct – Dec 2015	1,684

The Library continues to purchase new items in line with Collection Development Strategy. These items include audio books, magazines, fiction and nonfiction for adults and children in both print and electronic format, and CDs and DVDs.

Quarter	Purchases
Oct – Dec 2015	1117

*SUSTAINABLE ORGANISATION*

Mudgee Library has recently purchased a collection of eReaders for library use, with staff becoming more familiar with a variety of devices, with a view to being more comfortable assisting library customers access our eResources. A Training and Outreach Program is currently being put together, with an anticipated start date of February 2016.

## Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community

## Financial implications

Not applicable.

MICHELLE MAUNDER  
LIBRARY SERVICES COORDINATOR

SIMON JONES  
DIRECTOR, COMMUNITY

5 February 2016

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 11.7 Mudgee Town Hall Cinema 2015 Activity Report

REPORT BY THE LIBRARY SERVICES COORDINATOR TO 17 FEBRUARY 2016 COUNCIL MEETING

Mudgee Town Hall Cinema Report  
GOV400054, REC800016

### RECOMMENDATION

**That Council receive and note the report by the Library Services Coordinator on the Mudgee Town Hall Cinema 2015 Activity Report.**

---

### Executive summary

The Mudgee Town Hall Cinema began operation in July 2013, and continues to succeed as a partnership between Council and the two Mudgee based Rotary clubs. This report serves to outline the community patronage, fundraising activity and volunteer contribution of the cinema.

### Disclosure of Interest

Nil.

### Detailed report

The Mudgee Town Hall Cinema operates as a partnership between Mid-Western Regional Council, the Mudgee Rotary Club, and the Rotary Club of Mudgee Sunrise. The cinema operates eight movie sessions on the first weekend of every month.

Council provides the venue, management and distributor negotiation aspects of the project, while the Rotary clubs provide the voluntary staff for candy bar (including stock purchasing), ticket sales, ushering, projectioning and the like.

The success of the Mudgee Town Hall Cinema project is two-fold – it brings new release movies back to Mudgee on a regular basis, and has seen many happy adults and children enjoying cinema in their region. In the preceding 12 month period, a total of 7,058 tickets have been sold.

Added to its success is the candy bar fundraising opportunity provided to Rotary, which has seen many community organisations and projects benefit.

In the preceding 12 months, Rotary have raised a total of \$11,643.56 from the candy bar they operate. In addition to that, Council provide Rotary with a share of the ticket sales profit, and for the preceding 12 months this has added up to \$18,207.00. This means that the total amount of money contributed by Rotary back in to the community in the preceding 12 month period is \$29,850.56.

This is made possible by the many Rotary volunteers who each month serve as popcorn makers, ticket sellers and ushers at the movies. Rotary has estimated that each month, they provide the following amount of volunteer hours:

- 16 hours for candy bar purchasing, candy bar set up, rostering of volunteers and distribution of posters around the Mudgee township
- 10 hours of volunteer projectionist time to screen movies



- Between 98 and 102 hours of volunteer time spent on ticket sales, ushering, and candy bar sales over 8 weekend movie sessions
- A total of between 124 and 128 volunteer hours each month

This volunteer staffing has been roughly estimated to equate to \$3,380 of paid staff hours per month, or \$39,860 per annum.

### Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community

### Financial implications

Not applicable.

MICHELLE MAUNDER  
LIBRARY SERVICES COORDINATOR

SIMON JONES  
DIRECTOR, COMMUNITY

5 February 2016

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Item 12: Reports from Committees

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### 12.1 Local Traffic Committee Meeting Minutes

REPORT BY THE DIRECTOR, OPERATIONS TO 17 FEBRUARY 2016 COUNCIL MEETING  
 Local Traffic Committee Minutes of Meeting held 29 January 2016  
 GOV400054, A0100009

#### RECOMMENDATION

##### That Council:

1. receive the report by the Director, Operations on the Local Traffic Committee Minutes of Meeting held 29 January 2016;
2. note the minutes of the Local Traffic Committee meeting held 29<sup>th</sup> January 2016;
3. move the line marking to across the intersection of Cudgegong and Louee Streets the give way sign be moved forward and duplicated;
4. not install a footpath in Third Street and Council undertake a traffic survey to assess traffic movements in Third Street with a report referred back to LTC prior to going to Council;
5. implement the following changes outside St Matthew's School in Mudgee:
  - a. Council remove the existing two reverse parking bays and two reverse disabled bays between the existing bus zone and drop off zone;
  - b. Council remove the four reverse parking bays to the south of the existing bus zone;
  - c. Council relocate the Pick Up/Drop off zone to the south where the existing bus zone exists and extend from 33m to 50m;
  - d. Council relocate the Bus zone to the north where the existing Pick up/Drop off zone exists which will remain unchanged at 60m (note that at the start of the new bus zone concrete may be required over the grass verge);
  - e. Council install one disabled zone (one parallel parking space) between the new bus zone and drop off zone;
  - f. Council change the 12 reverse parking bays out the front of one life church from two hour parking Monday to Friday to all day parking.
6. install as an interim measure prior to Council Widening Lions Drive to provide 'no stopping' yellow line marking to cover the extent of the bend and entrance to the High Cube Café on either side of the road by at least 20m;
7. line mark Lions Drive to demarcate the road centreline for the extent of the bend;
8. receive a submission from the Director, Operations on the widening of Lions Drive at a cost of \$95,000 as a Community Plan Proposal during the budget process for 2016/17 Financial year; and

9. **provide written advice to Organiser of Small Farm Field Days, regarding points raised regarding proposed traffic management for the event.**
- 

## Executive summary

The purpose of this report is to advise Council and seek support of the considerations and recommendations of the Local Traffic Committee (LTC) meeting held on 29 January 2016.

## Disclosure of Interest

Nil.

## Detailed report

The minutes and discussion notes for the LTC meetings held 29 January 2016 are attached.

## Community Plan implications

Theme	Good Government
Goal	Good communications and engagement
Strategy	Encourage community access and participation in Council decision making

## Financial implications

Minimal with maintenance budgets.

DARYL COLWELL  
DIRECTOR, OPERATIONS

3 February 2016

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

*Attachments:* 1. Minutes and discussion notes of LTC meeting – 29 January 2016  
(full reports available upon request)

## ATTACHMENT 1

# **MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON FRIDAY, 29 JANUARY 2015**

**Present:** Daryl Colwell MWRC – (Chairperson), Cr John Weatherley (Councillor), Phillip Blackman (Community representative), William Hopcroft (MWRC), Prue Britt (RMS), Inspector Julie Boon (NSW Police), Jeff Boon (NSW Police).

**Apologies:** Nil.

The LTC meeting commenced at 9.30am.

## **16/01 MINUTES OF PREVIOUS MEETING**

The minutes of the previous meeting held 2 October 2015 accepted as correct.

Moved: Cr John Weatherly 2<sup>nd</sup> Phillip Blackman

## **16/02 MATTERS IN PROGRESS**

ITEM	ACTION
High Cube Café at 94 Lions Drive, Mudgee off street parking	<p><i>August Council meeting did not endorse LTC recommendation from July meeting as Councillors resolved, 'That staff prepare a report on the traffic and safety issues along Lions Drive', for council to decide on a preferred course of action..</i></p> <p>LTC to review report for November Council Meeting - TN/DC.</p> <p>Numerous complaints have been received by the Police and Council from the Community. Police noted that this is a serious safety hazard which needs to be addressed. Police are inclined to start issuing fines to people parking on Lions Drive using the café. 2/10</p> <p>Discussed in 29/1 meeting. See minutes for details</p>
Lower Piambong Road/Goolma Road Intersection – Completed	<p>Traffic Counts have been provided which show intersection upgrade not warranted - TN</p> <p>RMS and Police support unless there was sufficient accident statistics the upgrade is not required.</p> <p>TN to discuss options with the bus operator (Ogdens) e.g. If the bus route can be altered. RMS suggested that a communal bus drop off zone could be considered, as RMS funding is available. 2/10</p> <p>Council have spoken to RMS regarding the intersection and have approval for additional warning signage and removal of shrubs and vegetation. To be removed from action items for next agenda.</p>
St Matthew's School -Parking Drop off Zone	<p><i>This matter has been deferred until the report on the options discussed on 11 June meeting is received and reviewed.</i></p> <p>Awaiting safety around schools committee findings to review options – TN.</p>

	<p>Police raised importance of dealing with this matter urgently before someone is seriously hurt/deceased.</p> <p>RMS to pass safety around schools committee findings to Daryl. 2/10</p> <p>Discussed in 29/1 meeting. See minutes for details</p>
Reject Shop Access Ramp Obstruction	<p>Ramp constructed is not the approved complete design. TN advised the meeting that RMS - PB had suggested that refuge should be removed if cannot be constructed to be compliant with RMS standards.</p> <p>It was noted that line marking to delineate crossing at Gulgong was completed in the past, Daryl informed the meeting that line marking will be completed at the crossing at the Reject Shop.</p> <p>Council undertook line marking, matter now completed and to be removed from next agenda's action items.</p>

#### 16/03 GENERAL BUSINESS

Committee has been advised that Jeff Boon will be replacing Julie Boon as a member of the committee.

#### 16/04 CUDGEGONG STREET GIVEWAY SIGN, RYLSTONE

LTC received correspondence from Andrew Carson of Rylstone Hotel requesting the give way sign be moved at Cudgegong Street so drivers are no longer required to creep out into intersection to make a turn.

- Daryl suggest that moving give way sign would be common sense. Prue Britt suggested that give way line could continue from the turning line on opposite side (image 2)
- Phil Blackman made comment that it is currently confusing. Prue recommended duplication of give way signs both sides of the street.

**Recommendation:** Move the line marking to across the intersection and the give way sign be moved forward and duplicated.

#### 16/05 SPEED LIMIT PUTTA BUCCA ROAD

Council received an email from a resident requesting the speed limit at Putta Bucca Road between Tinja Lane and Henry Lawson Drive be a 50km zone to be consistent with the rest of Putta Bucca Road.

- Council not delegated the authority to adjust speed zones.
- The matter already referred to RMS and investigated and no change to the physical environment and therefore no speed zone reduction in necessary.
- The resident is to be notified.



**16/06 GULGONG HIGH SCHOOL DROP OFF/PICK UP ZONE**

Council received a letter from Gulgong High School requesting the LTC to consider designating a drop off/pick up zone to improve traffic flow for mornings and afternoons.

- Request is to be referred to Janine Pout- Safety around schools officer who will arrange consultation for review and recommendations.

**16/07 THIRD STREET PETITION**

Council received a Petition from local residents regarding their safety concerns relating to Third Street, Mudgee. The petition suggests consideration of installing a "One Way" sign for Third Street.

- Daryl advised that Third Street has low volume of pedestrians compared to other areas of town. This street was never raised during the consultation phase of the PAMP for entire duration of the project. Daryl suggests that footpath not viable in this location and Council has other priorities where there are higher pedestrian movements.
- Prue suggests that a traffic study be undertaken to determine the number of vehicles and direction they are travelling in.

**Recommendation: Council not install a footpath in Third Street and Council undertake a traffic survey to assess traffic movements in Third Street with a report referred back to LTC prior to going to Council.**

**Motion: Move all recommendations for General Business Items.**

Moved: Cr John Weatherly 2<sup>nd</sup> Prue Britt

**Motion Carried**

**16/08 PARKING DROP OFF ZONE AT ST MATTHEW'S SCHOOL – 4 LEWIS ST, MUDGEE**

Discussion

- Daryl suggested to put in place as a trial for term two and review at the end of term two. Line marking and change of parking to occur during April School Holidays

**RECOMMENDATION**

That;

- 1 Council remove the existing two reverse parking bays and two reverse disabled bays between the existing bus zone and drop off zone
- 2 Council remove the four reverse parking bays to the south of the existing bus zone
- 3 Council relocate the Pick Up/Drop off zone to the south where the existing bus zone exists and extend from 33m to 50m

- 
- 4 Council relocate the Bus zone to the north where the existing Pick up/Drop off zone exists which will remain unchanged at 60m. At the start of the new bus zone concrete may be required over the grass verge
  - 5 Council install one disabled zone (one parallel parking space) between the new bus zone and drop off zone
  - 6 Council change the 12 reverse parking bays out the front of one life church from two hour parking Monday to Friday to all day parking

Moved: Julie Boon 2<sup>nd</sup> Prue Britt

**Motion Carried**

#### 16/08 TRAFFIC AND SAFETY ISSUES ALONG LIONS DRIVE

##### Discussion:

- Daryl mentioned that no stopping signs won't please the business owner. Speed humps usually cost about \$20,000 for two sets. Previously the Mayor suggested that the business owner to clearly mark there is parking at the rear. This has been completed. Suggestion for widening very cost prohibitive at approximately \$95,000.
- Cr Weatherly of the opinion that something does need to be done and believes that it was not picked up by Council during the time of the development application, therefore Council should accept responsibility for the issues and suggested that the widening be included in the upcoming budget review.
- Phil Blackman asked if the line marking and no stopping signs be placed in the meantime. Jeff Boon agreed that the no stopping signs provide clear instruction to drivers of where they can and can't park.
- Prue Britt mentioned that Council can use bold yellow line adjacent to kerb in place of the signs. Council may need to put notice in the paper regarding the rules.
- It was questioned whether the business is still operating.

#### RECOMMENDATION

##### That:

- 1 Council install as an interim measure prior to Council Widening Lions Drive to provide 'no stopping' yellow line marking to cover the extent of the bend and entrance to the High Cube Café on either side of the road by at least 20m;
- 2 Council line mark Lions Drive to demarcate the road centreline for the extent of the bend; and
- 3 Director Operations submit the widening of Lions Drive at a cost of \$95,000 as a Community Plan Proposal during the budget process for 2016/17 Financial year

Moved: Phillip Blackman. 2<sup>nd</sup> Julie Boon  
**Motion Carried**

#### 16/09 LATE ITEM: SMALL FARM FIELD DAYS 2016 TMP

- Daryl discussed that Small farm field days has previously been approved quite close to event. Past issues included not showing sight distances in TCP.

- The plan 1830 show signs located at AREC, Moggs Lane, Ulan Road and Puttabucca Road does not show distances.
- Prue advised that the report document mentions detour in point 2.1.4 however a TCP with the detour hasn't been provided.
- Daryl advised that plan 1830 needs include distances for speed restriction signs for AREC, Moggs Lane, Ulan Road and Puttabucca Road.
- There are inconsistencies between plan 421 and plan 1830 that need to be addressed.
- Julie noted that the report has no contingencies detailed for getting people out of the event in the event of emergency or weather. The report needs to include a provision for a mass exit in event of emergency or weather. The organiser should consider having more emergency exits.

**Motion: Council to provide written advice to Organiser of Small Farm Field Days, regarding above points.**

Moved: Prue Britt 2<sup>nd</sup> Julie Boon

**Motion Carried**

#### 16/10 BUSINESS WITHOUT NOTICE

- Julie advised that it was decided a few months back that the month after the major event to meet as a committee and discuss the event and make note of issues. This is yet to occur. All committee members keen for it to occur. To be included in the agenda for discussion as required.
- Kandos Street Machine Event: Julie Boon asked who had given approval for the event, as it wasn't the Police. Daryl advised Kandos Street Machine made request regarding parades etc. in the past but have not made formal application to Council for event approval.
  - Jeff Boon advised he would like a joint approval between Council/Police/RMS for next event. **Council to write event organiser advising that event is classified as special event and therefore needs to go through appropriate approval channels**
- Julie Boon asked for update on Rocky Waterhole Road 80km speed zone. Prue Britt advised that approval for the change has been given however no further progress has been seen. **Council and RMS to follow up on progress.**
- Phillip Blackman mentioned that there needs to be railing to protecting the corner at Court Street at Northern End that has drop of 1.5 meter into stormwater.
- Prue Britt presented to Daryl Colwell the report from Janine Pout regarding Kandos Public School faded signs. **Council to check status on works requests and advise at next meeting.**
- John Weatherly suggest that Council consider a program to include the whole Shire with the yellow line markings. Committee recommend to Council to start a program to progress through. **Council convert no stopping zones to yellow line methodology.**

The meeting closed at 10.20am.

## 12.2 Mudgee Showground Management Committee Meeting Minutes

REPORT BY THE MANAGER PLANT & FACILITIES TO 17 FEBRUARY 2016 COUNCIL MEETING  
Report to Council - Mudgee Showgrounds - Minutes December 2015  
GOV400054, F0650007

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager Plant & Facilities on the Mudgee Showground Management Committee Meeting minutes from 1 December 2015;
2. reserve the area north of the Cudgegong Cruisers shed including the road area for future development;
3. note that the Committee categorically supports the erection of a building to replace the grandstand facility in the future;
4. note that the Dressage Group be permitted to take over the maintenance of their dressage arena and also be responsible for all bookings and receive the income;
5. note the Committee respectfully suggests Council financially supports the RDA to assist their cause.

---

### Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Showground Management Committee ordinary bi-monthly meeting held on 1 December 2015. The Showground Management Committee receives an updated Works Request and Matters in Progress report together with updated financial details bi-monthly. A copy of the Matters in Progress are attached for Council's information.

### Disclosure of Interest

Nil.

### Detailed report

Not applicable.

### Community Plan implications

Theme	Good Government
Goal	Good communications and engagement
Strategy	Encourage community access and participation in Council decision making

## Financial implications

Not applicable.

ANDREW DRUMMOND  
MANAGER PLANT & FACILITIES

DARYL COLWELL  
DIRECTOR, OPERATIONS

14 January 2016

*Attachments:* 1. Minutes of the Mudgee Showground Management Committee Meeting  
1 December 2015

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## ATTACHMENT 1

## MUDGEE SHOWGROUND MANAGEMENT COMMITTEE MEETING — 1 DECEMBER 2015



Meeting Opened: 6 pm

**Present:** Cr John Webb (Councillor), Daryl Colwell (Director Operations), Bill Robinson (Poultry Group), Helen Chisholm (Mudgee Dressage Group), Rick Field (Mid-Western Working Horse) and Russell Holden (Building Users)

**Observer:** Lesley Burgess (Minute secretary)

**Absent:** Dana Willmott (Mudgee Pony Club) and Barry Nott (Mudgee Show Society)

**Apologies:** Malcolm Swords (Livestock & Other Animal Groups)

Moved: Russell Holden, Seconded: Bill Robinson that the apology be accepted.

**Motion Carried**

Minutes of the October Meeting – Accepted,

Moved: Daryl Colwell  
2nd: Bill Robinson

**Motion Carried**

### Matters in Progress

- As per attached list.
- Russell expanded on what was minuted at the previous meeting by advising that the Cudgegong Cruisers would like to put an apron out the front of their new building and therefore requested that this area be retained for future improvements. A motion was made -  
"The area north of the Cudgegong Cruisers shed including the road area is not to be built on and to be reserved for future development."

Moved: Russell Holden  
2nd: Bill Robinson

**Motion Carried**

- Russell advised that grant money has been received to fit new toilets inside the kitchen and hall building. Russell added that this could accommodate future plans as a new toilet block could be position outside and connected into the existing plumbing.
- At Council's Meeting held on 18 November, this committees motion for the grandstand was amended to exclude the words "*with the intention of having the grandstand replaced,*" A motion by this committee was made –  
"That this committee categorically supports the erection of a building to replace the grandstand facility in the future"

Moved: Russell Holden  
2nd: Bill Robinson

**Motion Carried Unanimously**

- As a matter of urgency this committee needs to look into grant funding for a new grandstand. Helen advised that she will be meeting with Troy Grant and will advocate to him for a new grandstand.
- A rider fell off her horse at the showground this week and was air-lifted to Orange for medical treatment. The question as to whether Renee Bridger has adequate insurance for her *7 Smiles Riding School* was asked. Letter to Renee requesting she submits her insurance to Council.

### Correspondence

- Russell commended the Dressage Group for wanting to take over the maintenance of their dressage arena. However, if a time comes when the arena is not being maintained, Council will

take back ownership. The Dressage Group will be responsible for all bookings and will also receive the income from the hiring out of this arena. Council will have the final decision.

Moved: Helen Chisholm

2nd: Rick Field

**Motion Carried**

- Cr Webb requested that a letter in reply be forwarded to the Australian Red Cross Blood Services welcoming them to use the showground to park their van.
- The letter received from Kalya Mini was discussed. Daryl remarked that the reduction of stable fees had not been requested by RDA. Cr Webb advised that this was not for this committee and that an application must go through Council's grant scheme so that the showground still receives the requisite income. Daryl to write a letter advising that the RDA must make an application to Council's grant scheme if they require a reduction in fees. This Committee respectfully suggests Council supports the RDA to assist their cause.

Moved: Helen Chisholm

2nd: Russell Holden

**Motion Carried**

- Les Cook's letter re: the grandstand was noted. Helen suggested this committee looks into buying a second-hand grandstand. Cr Webb requested that budgetary costing for a new grandstand be conducted so as to ensure if and when a grant becomes available we have an understanding of funding requirements. Daryl suggested that we review someone else's to get a sense of costs. It was estimated \$500/600k to erect a new grandstand and when the amenities block is added increases the cost to \$900k.

## Financial Report

- We are now 42% into the year and our financial report shows 28% expenditure. Water usage in July and November down to \$400 and \$600 respectively, which could be attributed to the repair of leaking taps, etc. Sept, Oct and Nov income for camping was significantly up. Day on the Green camping accounted for \$3,500.
- The ceilings in the kitchen and hall building have been refurbished and look much improved.

## General Business

- Bill asked what the timeframe for the demolishing of the grandstand would be and whether it would encroach upon the Mudgee Show in March.
- Rick asked whether signage stating "no camping beyond this point" could be placed down at the water retention area as the water rose rapidly during the last storm.
- Helen advised that the Dressage Groups January competition had been postponed yet again due to a double booking being made. The Dressage Group had received a phone call from Council's Customer Service advising that the Machinery Antiques Swap Meet was on the same day and that their event would therefore have to be cancelled. Daryl to follow up with customer service to get more information.
- Cr Webb suggested looking at getting prices from other Councils to ascertain how they charge for the hire of their main pavilion building.

**Meeting closed at: 7:30 pm**

**Next meeting to be held 2 February 2016 at 6:00 pm**

**MATTERS ARISING**

#	SUBJECT	MEETING DATE	ACTION	WHOM	PROGRESS
1.	Parking area behind Pony Club to be laid with roadbase	3/6/14		Andrew Drummond	4/8/15 - No Landfill from saleyards Lane, Will need to source from elsewhere.
2.	Promote the Main Pavilion for Weddings	4/8/15		Cr Webb	7/4/15 Consider giving the next wedding a discount in order to use their photos. 6/10/2015 Cr Webb advised that he intends to help promote the Main Pavilion for functions.
3.	Drainage - Sheep pavilion flooding during rainfall. Water coming off gravel.	03/02/2015	Awaiting quotes	Andrew Drummond	BL0282/2015
4.	Drainage - amenity block drainage ineffective. Rainfall results in amenities being flooded.	03/02/2015		Andrew Drummond	BL0282/2015 Ground level on west side of amenities block (along women's toilets wall) water is seeping through the weep holes in brick
5.	Two Tier Fee system for profit and non-profit organisations.	6/10/2015		Daryl Colwell Andrew Drummond	
6.	The Cool-room in the old bar shelter to be removed/sold	6/10/2015		Andrew Drummond	Has been inspected and repaired. Brad Cam has requested that the cool-room be left in the bar shelter.
7.	Signage stating "no camping beyond this point" to be placed down at the water retention area	1/12/15	To order a sign	Lesley Burgess	
8.	Costing to have a grandstand erected	1/12/15		All	

## 12.3 Mudgee Saleyards Management Committee Meeting Minutes

REPORT BY THE DIRECTOR, OPERATIONS TO 17 FEBRUARY 2016 COUNCIL MEETING

Mudgee Saleyards Management Committee Meeting Minutes

GOV400054, F0720036

### RECOMMENDATION

#### That Council:

1. **receive the report by the Director, Operations on the Mudgee Saleyards Management Committee;**
2. **note the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held 10 December 2015.**

### 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 10 December 2015.

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.

### Disclosure of interest

Nil.

### Detailed report

Not applicable.

### Community Plan implications

Theme	Good Government
Goal	Good communications and engagement
Strategy	Encourage community access and participation in Council decision making

### Financial implications

Not applicable.

DARYL COLWELL  
DIRECTOR, OPERATIONS

4 January 2016

*Attachments:* 1. Mudgee Saleyards Committee Minutes 10 December 2015 Meeting

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## ATTACHMENT 1

**MINUTES****MINUTES OF THE MUDGEE REGIONAL SALEYARDS COMMITTEE MEETING HELD ON  
10<sup>th</sup> DECEMBER 2015 COMMENCING AT 9:04AM AND CONCLUDING AT 9:36AM**

**Present:** Jason Pearce, Terry MacDonald, Cr John Weatherly, John Little, Cr John Webb, Daryl Colwell

**Observer:** Gemma Wilkins (Minute Secretary)

**1. APOLOGIES**

Bob Kearins, Mitchell Clapham, Adam McDougall

*Moved: Terry MacDonald 2<sup>nd</sup>: John Little*

**2. MINUTES OF PREVIOUS MEETING****Recommendation:**

That the minutes of the meeting held on 8<sup>th</sup> October 2015 be accepted.

*Moved: John Little 2<sup>nd</sup>: John Weatherly*

**3. MATTERS ARISING FROM MINUTES OF MEETING**

- **Resting paddock maintenance:** steel has been ordered, remains in progress
- **Cattle Crush:** Landmark rep came to saleyards pulled the front off and cleaned, oiled and could find the area where it was slipping. Combination of dirt/grime. Serviced fully and seems to be working to 100% of capability. Overall seems to be that the crush may not be suitable for our volume. Remove from matters in progress
- **Step repairs:** Completed, remove from matters in progress
- **Vandalism action:** Daryl wants to get legal advice on what legislation to enact ban upon. Will receive professional advice before taking action.

**4. CORRESPONDANCE**

Mudgee Historical Society acknowledgement letter. Letter presented to committee.

**5. GENERAL BUSINESS**

**Saleyard Statistics** – Concerning that income is down and almost halfway through the year and only at 33%. Expenditure is also down and less than income. Daryl asked why sales are down. TM advised that sale this week was very big, though we are seeming to lose some sales to neighbouring saleyards such as Carcoar and Dubbo.

**6. BUSINESS WITHOUT NOTICE**

- **Jason Pearce:** Advised that local agent Stock and Rural are not going to be selling here after Christmas. This means that it results in less staff to run the saleyards sales and one



less agent paying Council Agent Fees. Committee discussed manning issues that may arise from the changes.

- **Terry MacDonald:** Maintenance for sheep yards, loading ramp and gate. A lot of pens are missing pen numbers. Water quality was raised in relation to sheep yards and cattle yards. Daryl to inspect with an agent.

***DATE OF NEXT MEETING – 11<sup>th</sup> February 2016 at 9:00am***

**MEETING CLOSED 9:36am**

## 12.4 Red Hill Committee Meeting – 13 January 2016

REPORT BY THE DIRECTOR, COMMUNITY TO 17 FEBRUARY 2016 COUNCIL MEETING  
Red Hill Committee Meeting  
GOV400054, P0860011

### RECOMMENDATION

#### That Council:

1. **receive the report by the Director, Community on the Red Hill Committee Meeting held on 13 January 2016;**
2. **note the minutes for the Red Hill Committee held on 13 January 2016.**

### Executive summary

The purpose of this report is to advise Council of the of the Red Hill Committee meeting held on 13 January 2016.

### Disclosure of Interest

Nil.

### Detailed report

There are no matters arising that require consideration by Council at this time. At the time of the meeting, the construction project was close to completion. The Committee expressed their gratitude to Council for the support provided.

The Committee planned to hold an open day on Australia Day following the Australia Day celebrations held at Anzac Park in Gulgong. The Committee has many exhibits collected for Red Hill and will be arranging their display over the next few months.

The operation of the facility, in conjunction with other tourist attractions in Gulgong, will be the subject of some discussions through the February and March period. The aim of the Committee is to have an official opening event as part of the June long weekend celebrations.

### Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Respect and enhance the historic character of our Region and heritage value of our towns

## Financial implications

Not applicable.

SIMON JONES  
DIRECTOR, COMMUNITY

3 February 2016

*Attachments:* 1. Minutes of the Red Hill Committee meeting held on 13 January 2016

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## ATTACHMENT 1

**MINUTES OF MEETING FOR THE RED HILL COMMITTEE HELD ON  
13 January 2016 COMMENCING AT 2pm AND CONCLUDING AT 2.35pm**

Present: Cr Paul Cavalier, Cr Percy Thompson, Maurice Gaudry, Tony Harrison, David Warner, Chris Pearson, Alan Rickwood, Diane Thompson, Joy Harrison, Simon Jones, Paul Blackwell, Adam Perkins (Hine Constructions).

**1. APOLOGIES**

Michele McFarlane

**2. GENERAL BUSINESS**

- Construction essentially completed with final clean up underway. Handover expected next week. Member of the Committee had a tour of the facility
- A couple of further emergency lights required
- Ceremonial handover of site from Hines to Committee and Council to take place next Wednesday
- Official opening to be planned for the June long weekend to coincide with Henry Lawson Festival
- “Sneak Preview” to be provided to the community on Australia Day from 12 noon to 2pm – volunteers required for this
- Discussion on displays. While there are some items, more funds are needed for audio-visuals displays, signage and interpretation. Suggestion to ask Council for funds for this at the December Quarterly Review (February Council meeting)
- Suggestion for Committee to approach mining union for financial assistance
- Discussion on the operation of the facility long term following the opening in June. There are plans for a meeting in February with other tourist sites in Gulgong (Pioneers Museum, Henry Lawson Centre, Opera House, Holtermann Museum, Tourist Office) to discuss the operation of Red Hill, including ticketing/volunteers etc.
- The Committee expressed their appreciation to Council for their support of the project.

**Meeting closed at 2.35pm.**

Next meeting: To be advised.

## Item 13: Urgent Business Without Notice

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### 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)